

[Billing Code 3290-F0]

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Product Exclusion Extensions and Additional Modifications: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Notice of product exclusion extensions and additional modifications.

SUMMARY: In prior notices, the U.S. Trade Representative modified the action in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation by excluding from additional duties certain medical-care products needed to address the COVID-19 outbreak. On March 25, 2020, the U.S. Trade Representative sought public comment on additional modifications in this investigation in order to address COVID-19. This notice announces the U.S. Trade Representative's determination to extend certain product exclusions and to make further modifications to remove Section 301 duties from additional medical-care products to address COVID-19.

DATES: The product exclusion extensions announced in this notice will extend the exclusions through March 31, 2021. The modifications to exclude additional products will apply as of January 1, 2021 until March 31, 2021. U.S. Customs and Border Protection will issue instructions on entry guidance and implementation.

FOR FURTHER INFORMATION CONTACT: For general questions about this notice, contact Associate General Counsel Philip Butler, Assistant General Counsels Benjamin Allen or Susie Park Hodge, or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For

specific questions on customs classification or implementation of the product exclusions identified in the Annexes to this notice, contact traderemedym@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Background

At the direction of the President, the U.S. Trade Representative imposed additional duties on products of China in order to obtain the elimination of the unfair and damaging acts, policies, and practices identified in this investigation. These additional duties were imposed in four tranches. *See* 83 FR 28719 (June 20, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), as modified by 83 FR 49153 (September 28, 2018), and 84 FR 43304 (August 20, 2019), as modified by 84 FR 69447 and 85 FR 3741.

For each tranche, the U.S. Trade Representative established a process by which U.S. stakeholders could request the exclusion of particular products subject to the action. Additionally, the U.S. Trade Representative later established a process by which U.S. stakeholders could request the extension of particular exclusions.

Throughout the exclusion process, USTR assessed medical necessity in granting exclusions, consistent with its published criteria. In addition, the U.S. Trade Representative, in consultation with the Department of Health and Human Services (HHS), prioritized the review and exclusion of requests addressing medical-care products related to the U.S. response to COVID-19. *See* 85 FR 13970 (March 10, 2020), 85 FR 15015 (March 16, 2020), and 85 FR 15244 (March 17, 2020). These exclusions covered personal protective equipment products and other medical-care related products.

On March 25, 2020, in order to reflect developments in the efforts to respond to COVID-19, the U.S. Trade Representative requested public comments on possible further modifications

to remove Section 301 duties from additional medical-care products to address the COVID-19 outbreak. 85 FR 16987 (March 25, 2020). This docket was open from March 25 - June 25, 2020, and each commenter was required to identify the particular product of concern and explain how it relates to the response to COVID-19. USTR accepted comments regarding any product covered by the action in the investigation, regardless of whether the product was subject to a pending or denied exclusion request.

B. Determination to Extend Certain Exclusions and Make Additional Modifications

In light of the rising spread and ongoing efforts to combat COVID-19, the U.S. Trade Representative has determined that maintaining or re-imposing additional duties on certain products subject to the action no longer is appropriate and that the application of additional duties to these products could impact U.S. preparedness to address COVID-19.

Pursuant to sections 301(b), 301(c), and 307(a) of the Trade Act of 1974, as amended, and in accordance with the advice of the interagency Section 301 Committee, the U.S. Trade Representative has determined to extend certain product exclusions on medical-care products and to remove the duties from additional medical-care products. The medical-care products covered by this determination are set out in the annexes to this notice. In light of the evolving nature of the battle against COVID-19, the U.S. Trade Representative has determined to extend the exclusions in the annexes until March 31, 2021, and the modifications will be effective from January 1, 2021, to March 31, 2021. The U.S. Trade Representative may consider further extensions and/or additional modifications as appropriate. The U.S. Trade Representative's determination also takes into account advice from advisory committees and any public comments.

The exclusions and modifications are available for any product that meets the description in the Annexes. Further, the scope of each exclusion and modification is governed by the scope of the ten-digit Harmonized Tariff Schedule of the United States (HTSUS) subheadings and product descriptions in the annexes to this notice.

Joseph Barloon
General Counsel
Office of the United States Trade Representative.

ANNEX A

A. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on January 1, 2021 and before 11:59 p.m. eastern daylight time on March 31, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.62 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.62	Effective with respect to entries on or after January 1, 2021, and through March 31, 2021, articles the product of China, as provided for in U.S. note 20(ooo) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(ooo) to subchapter III of chapter 99 in numerical sequence:

“(ooo) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.01 and provided for in U.S. notes 20(a) and 20(b) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.01. See 83 Fed. Reg. 28710 (June 20, 2018) and 83 Fed. Reg. 32181 (July 11, 2018). Subsequently, the U.S. Trade Representative sought public comment on additional modifications in this investigation in order to address COVID-19. See 85 FR 16987 (March 25, 2020). The U.S. Trade Representative has determined that, as provided in heading 9903.88.62, the additional duties provided for in heading 9903.88.01 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- 1) Disposable plastic filters of a kind suitable for filtering and dehumidifying a patient's breath in a medical device such as a gas analyzer (described in statistical reporting number 8421.39.8090)
- 2) S-band and X-band linear accelerators designed for use in radiation surgery or radiation therapy equipment (described in statistical reporting number 8543.10.0000)

- 3) Disposable electrocardiograph (ECG) electrodes (described in statistical reporting number 9018.11.9000)
- 4) Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer (described in statistical reporting number 9018.12.0000)
- 5) Blood pressure monitors suitable for use by medical professionals (described in statistical reporting number 9018.19.9530)
- 6) Digital peak flow meters suitable for use by medical professionals (described in statistical reporting number 9018.19.9550)
- 7) Fingertip pulse oximeters suitable for use by medical professionals (described in statistical reporting number 9018.19.9550)
- 8) Bismuth germanate crystals with set dimensional and surface finish requirements and used as a detection element in Positron Emission Tomography (PET) detectors (described in statistical reporting number 9018.19.9560)
- 9) Magnetic resonance imaging ("MRI") patient enclosure devices, each incorporating radio frequency and gradient coils (described in statistical reporting number 9018.19.9560)
- 10) Parts and accessories of capnography monitors (described in statistical reporting number 9018.19.9560)
- 11) Disposable surface electrodes for Intra-operative neuromonitoring ("IONM") systems, each composed of a surface electrode pad, an insulated wire, and a standard DIN 42802 connector (described in statistical reporting number 9018.19.9560)
- 12) Otoscopes (described in statistical reporting number 9018.90.2000)
- 13) Anesthesia masks (described in statistical reporting number 9018.90.3000)
- 14) Anesthetic instruments and appliances suitable for use in medical or surgical sciences, and parts and accessories of the foregoing (described in statistical reporting number 9018.90.3000)
- 15) Electrosurgical cautery pencils with electrical connectors (described in statistical reporting number 9018.90.6000)
- 16) Printed circuit board assemblies designed for use in displaying operational performance of medical infusion equipment (described in statistical reporting number 9018.90.7580)
- 17) Combined positron emission tomography/computed tomography (PET/CT) scanners which utilize multiple PET gantries (frames) on a common base (described in statistical reporting number 9022.12.0000)
- 18) X-ray tables (described in statistical reporting number 9022.90.2500)
- 19) X-ray tube housings and parts thereof (described in statistical reporting number 9022.90.4000)
- 20) Multi-leaf collimators of radiotherapy systems based on the use of X-ray (described in statistical reporting number 9022.90.6000)
- 21) Parts and accessories, of metal, for mobile X-ray apparatus (described in statistical reporting number 9022.90.6000)
- 22) Vertical stands specially designed to support, contain or adjust the movement of X-ray digital detectors, or the X-ray tube and collimator in complete X-ray diagnostic systems (described in statistical reporting number 9022.90.6000)
- 23) Thermoplastic masks of polycaprolactone for the use of immobilizing patients, during the use of alpha, beta or gamma radiations, for radiography or radiotherapy (described in statistical reporting number 9022.90.9500)

- 24) Inoculator sets of plastics, each consisting of a plate with multiple wells, a display tray, and a lid; when assembled, the set measuring 105 mm or more but not exceeding 108 mm in width, 138 mm or more but not exceeding 140 mm in depth, and 6.5 mm or less in thickness (described in statistical reporting number 9027.90.5650)".
3. by amending the last sentence of the first paragraph of U.S. note 20(a) to subchapter III of chapter 99 by:
 - a. by deleting "or (12)" and by inserting "(12)" in lieu thereof; and
 - b. by inserting "; or (13) heading 9903.88.62 and U.S. note 20(ooo) to subchapter III of chapter 99" after the phrase "U.S. note 20(mmm) to subchapter III of chapter 99", where it appears at the end of the sentence.
4. by amending U.S. note 20(b) to subchapter III of chapter 99 by:
 - a. by deleting "or (12)" and by inserting "(12)" in lieu thereof; and
 - b. by inserting "; or (13) heading 9903.88.62 and U.S. note 20(ooo) to subchapter III of chapter 99" after the phrase "U.S. note 20(mmm) to subchapter III of chapter 99", where it appears at the end of the sentence.
5. by amending the Article Description of heading 9903.88.01:
 - a. by deleting "9903.88.58 or";
 - b. by inserting in lieu thereof "9903.88.58,"; and
 - c. by inserting "or 9903.88.62," after "9903.88.60,".
- B. Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on January 1, 2021, the exclusion for certain inoculator sets of plastics that is provided for in heading 9903.88.06 and U.S. note 20(i)(32) to subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is deleted.

ANNEX B

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on January 1, 2021 and before 11:59 p.m. eastern daylight time on March 31, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

- a. by inserting the following new heading 9903.88.63 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled

“Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.63	Effective with respect to entries on or after January 1, 2021, and through March 31, 2021, articles the product of China, as provided for in U.S. note 20(ppp) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading”		

b. by inserting the following new U.S. note 20(ppp) to subchapter III of chapter 99 in numerical sequence:

“(ppp) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.02 and provided for in U.S. notes 20(c) and 20(d) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.02. See 83 Fed. Reg. 40823 (August 16, 2018) and 83 Fed. Reg. 47326 (September 18, 2018). Subsequently, the U.S. Trade Representative sought public comment on additional modifications in this investigation in order to address COVID-19. See 85 FR 16987 (March 25, 2020). The U.S. Trade Representative has determined that, as provided in heading 9903.88.63, the additional duties provided for in heading 9903.88.02 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- 1) 9025.19.8010
- 2) 9025.19.8020
- 3) 9025.19.8060
- 4) 9025.19.8085
- 5) Molded acrylonitrile-butadiene-styrene (ABS) tubes, of a kind used to effect the sterile transfer of fluid from a bag or vial to another container, each tube measuring 7.5 cm or more but not exceeding 23 cm in length, with an inner diameter of less than 0.65 cm and an outer diameter of less than 9 cm, one end having been angle-cut to form a spike, and having an integrated flange, less than 3 cm in diameter (splash guard) near the spike end and removable polyethylene caps on each end, put up in sterile packing (described in statistical reporting number 3917.29.0090)
- 6) Polyethylene film, 20.32 to 198.12 cm in width, and 30.5 to 2000.5 m in length, coated on one side with solvent acrylic adhesive, clear or in transparent colors, whether or not printed, in rolls (described in statistical reporting number 3919.90.5060)
- 7) Rectangular sheets of high-density or low-density polyethylene, 111.75 cm to 215.9 cm in width, and 152.4 cm to 304.8 cm in length, with a sticker attached to mark the center

- of each sheet, of a kind used in hospital or surgery center operating rooms (described in statistical reporting number 3920.10.0000)
- 8) Sheets and strips consisting of both cross-linked polyethylene and ethylene vinyl acetate, of a width greater than 1 m but not greater than 1.5 m, and a length greater than 1.75 m but not greater than 2.6 m (described in statistical reporting number 3921.19.0000)
 - 9) Polyethylene sheet and film laminated with spunbond-spunbond-spunbond nonwoven polypropylene fabric, measuring 1.12 m or more but not over 1.52 m in width and 1.93 m or more but not over 2.29 m in length, and weighing 55 g/m² or more but not exceeding 88 g/m² (described in statistical reporting number 3921.90.1500)
 - 10) Dispensers of hand-cleaning or hand-sanitizing solutions, whether employing a manual pump or a proximity-detecting battery-operated pump, each article weighing not more than 3 kg (described in statistical reporting number 8424.89.9000)”.
 - c. by amending the last sentence of the first paragraph of U.S. note 20(c) to subchapter III of chapter 99 by:
 1. by deleting “or (6)” and by inserting “(6)” in lieu thereof; and
 2. by inserting “; or (7) heading 9903.88.63 and U.S. note 20(ppp) to subchapter III of chapter 99” after the phrase “U.S. note 20(nnn) to subchapter III of chapter 99”, where it appears at the end of the sentence.
 - d. by amending U.S. note 20(d) to subchapter III of chapter 99 by:
 1. by deleting “or (6)” and by inserting “(6)” in lieu thereof; and
 2. by inserting “; or (7) heading 9903.88.63 and U.S. note 20(ppp) to subchapter III of chapter 99” after the phrase “U.S. note 20(nnn) to subchapter III of chapter 99”, where it appears at the end of the sentence.
 - e. by amending the Article Description of heading 9903.88.02:
 1. by deleting “9903.88.59 or”;
 2. by inserting in lieu thereof “9903.88.59,”; and
 3. by inserting “or 9903.88.63,” after “9903.88.61,”.

ANNEX C

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on January 1, 2021 and before 11:59 p.m. eastern daylight time on March 31, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.64 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.64	Effective with respect to entries on or after January 1, 2021, and through March 31, 2021, articles the product of China, as provided for in U.S. note 20(qqq) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative	The duty provided in the applicable subheading”		

2. by inserting the following new U.S. note 20(qqq) to subchapter III of chapter 99 in numerical sequence:

“(qqq) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.03 and provided for in U.S. notes 20(e) and 20(f) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.03, and by which particular products classified in heading 9903.88.04 and provided for in U.S. note 20(g) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.04. See 83 Fed. Reg. 47974 (September 21, 2018) and 84 Fed. Reg. 29576 (June 24, 2019). Subsequently, the U.S. Trade Representative sought public comment on additional modifications in this investigation in order to address COVID-19. See 85 FR 16987 (March 25, 2020). The U.S. Trade Representative has determined that, as provided in heading 9903.88.64, the additional duties provided for in heading 9903.88.03 or in heading 9903.88.04 shall not apply to the following particular products, which are provided for in the enumerated statistical reporting numbers:

- 1) 3808.94.1000
- 2) 3808.94.5010
- 3) 3808.94.5050
- 4) 3808.94.5090
- 5) 3923.21.0095
- 6) 3926.20.9050
- 7) 4015.19.1010
- 8) 4819.50.4060
- 9) 5603.12.0090
- 10) 5603.14.9090
- 11) 5603.92.0090
- 12) 5603.93.0090

- 13) 6505.00.8015
- 14) 8424.90.9080
- 15) Sodium metal (CAS No. 7440-23-5), in bulk solid form (described in statistical reporting number 2805.11.0000)
- 16) Disposable cloths of nonwoven textile materials impregnated, coated or covered with organic surface-active preparations for washing the skin, put up for retail sale (described in statistical reporting number 3401.30.5000)
- 17) Hand soaps and hand sanitizers in the form of liquid or cream put up for retail sale, other than hand sanitizers of heading 3808 (described in statistical reporting number 3401.30.5000)
- 18) Organic surface-active liquid for washing the skin, not containing any aromatic or modified aromatic surface-active agent, put up for retail sale in a bottle of plastics with pump-action top, each bottle measuring not more than 17 cm in width, not more than 27 cm in height and not more than 6.5 cm in length and with a net weight of not more than 0.5 kg (described in statistical reporting number 3401.30.5000)
- 19) Mixtures containing 2-(dimethylamino)ethanol (CAS No. 108-01-0) (described in statistical reporting number 3824.99.9297)
- 20) Silicon monoxide (SiO) (CAS No. 10097-28-6) in powder form (described in statistical reporting number 3824.99.9297)
- 21) Flexible gas sampling tubes, pipes and hoses, of polyvinyl chloride, with lock connectors at each end (described in statistical reporting number 3917.33.0000)
- 22) Flexible oxygen tubes, pipes and hoses presented with integrated molded connectors, of polyvinyl chloride (described in statistical reporting number 3917.33.0000)
- 23) Container units of plastics, each comprising a tub and lid therefore, configured or fitted for the conveyance, packing, or dispensing of wet wipes (described in statistical reporting number 3923.10.9000)
- 24) Sacks and bags of polymers of ethylene, reclosable, qualifying as Class 1 medical devices by the U.S. Food and Drug Administration under product code NNI (described in statistical reporting number 3923.21.0030)
- 25) Injection molded polypropylene plastic caps or lids each weighing not over 24 grams designed for dispensing wet wipes (described in statistical reporting number 3923.50.0000)
- 26) Aprons, of plastics, of a kind used as personal protection equipment (described in statistical reporting number 3926.20.9010)
- 27) Seamless disposable gloves of acrylonitrile butadiene rubber, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- 28) Seamless disposable gloves of natural rubber latex, other than for surgical or medical use (described in statistical reporting number 4015.19.1010)
- 29) Nonwoven fabrics of man-made fibers, weighing more than 25 g/m² but not more than 70 g/m², with a smooth or embossed texture (not impregnated, coated or covered with material other than or in addition to rubber, plastics, wood pulp or glass fibers), in rolls that are pre-slitted in lengths of not less than 15 cm to not more than 107 cm, for use in the manufacture of personal care wipes (described in statistical reporting number 5603.12.0090)

- 30) Hand pumps (other than for fuel or lubricants, not fitted or designed to be fitted with a metering device), each used to dispense a metered quantity of liquid soap or sanitizer (described in statistical reporting number 8413.20.0000)
- 31) Hand pumps for liquids (other than those of subheading 8413.11 or 8413.19) of acrylonitrile butadiene styrene (ABS) plastics (described in statistical reporting number 8413.20.0000)
- 32) Indicator panels incorporating LEDs, designed for use in medical infusion equipment (described in statistical reporting number 8531.20.0040)
- 33) Data input devices each with display capabilities of a kind used for magnetic resonance imaging (“MRI”) equipment, computed tomography (“CT”) equipment, intraoperative X-ray (“IXR”) equipment or patient monitors (described in statistical reporting number 8537.10.9170)
- 34) Compound binocular optical microscopes (other than stereoscopic microscopes and microscopes for photomicrography, cinemicrography or microprojection), each with magnification of 40X or more but not exceeding 1,000X, weighing not more than 3 kg (described in statistical reporting number 9011.80.0000)
- 35) Compound optical microscopes (other than stereoscopic microscopes and microscopes for photomicrography, cinemicrography or microprojection), each with magnification of 40X or more but not exceeding 400X, weighing not more than 15 kg (described in statistical reporting number 9011.80.0000)”.
 3. by amending the last sentence of the first paragraph of U.S. note 20(e) to subchapter III of chapter 99 by:
 - a. by deleting “or (15)” and by inserting “(15)” in lieu thereof; and
 - b. by inserting “; or (16) heading 9903.88.64 and U.S. note 20(qqq) to subchapter III of chapter 99” after the phrase “U.S. note 20(iii) to subchapter III of chapter 99”, where it appears at the end of the sentence.
 4. by amending U.S. note 20(f) to subchapter III of chapter 99 by:
 - a. by deleting “or (15)” and by inserting “(15)” in lieu thereof; and
 - b. by inserting “; or (16) heading 9903.88.64 and U.S. note 20(qqq) to subchapter III of chapter 99” after the phrase “U.S. note 20(iii) to subchapter III of chapter 99”, where it appears at the end of the sentence.
 5. by amending the first sentence of U.S. note 20(g) to subchapter III of chapter 99:
 - a. by deleting “or (8)” and by inserting “(8)” in lieu thereof; and
 - b. by inserting “; or (9) heading 9903.88.64 and U.S. note 20(qqq) to subchapter III of chapter 99” after the phrase “U.S. note 20(aaa) to subchapter III of chapter 99”, where it appears at the end of the sentence.

6. by amending the Article Description of heading 9903.88.03:
 - a. by deleting “9903.88.48 or”;
 - b. by inserting in lieu thereof “9903.88.48,”; and
 - c. by inserting “or 9903.88.64,” after “9903.88.56,”.
7. by amending the Article Description of heading 9903.88.04:
 - a. by deleting “9903.88.48 or”;
 - b. by inserting in lieu thereof “9903.88.48, “; and
 - c. by inserting “or 9903.88.64” after “9903.88.56”.

ANNEX D

Effective with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on January 1, 2021, and before 11:59 p.m. eastern daylight time on March 31, 2021, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTSUS) is modified:

1. by inserting the following new heading 9903.88.65 in numerical sequence, with the material in the new heading inserted in the columns of the HTSUS labeled “Heading/Subheading”, “Article Description”, and “Rates of Duty 1-General”, respectively:

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
“9903.88.65	Effective with respect to entries on or after January 1, 2021, and through March 31, 2021, articles the product of China, as provided for in U.S. note 20(rrr) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative.	The duty provided in the applicable subheading ”		

2. by inserting the following new U.S. note 20(rrr) to subchapter III of chapter 99 in numerical sequence:

“(rrr) The U.S. Trade Representative determined to establish a process by which particular products classified in heading 9903.88.15 and provided for in U.S. notes 20(r) and (s) to this subchapter could be excluded from the additional duties imposed by heading 9903.88.15. See 84 Fed. Reg. 43304 (August 20, 2019), 84 Fed. Reg. 45821 (August 30, 2019), 84 Fed. Reg. 57144 (October 24, 2019) and 85 Fed. Reg. 3741 (January 22, 2020). Subsequently, the U.S. Trade Representative sought public comment on additional modifications in this investigation in order to address COVID-19. See 85 FR 16987 (March 25, 2020). The U.S. Trade Representative has determined that, as provided in heading 9903.88.65, the additional duties provided for in heading 9903.88.15 shall not apply to the following particular products, which are provided for in the following enumerated statistical reporting numbers:

- 1) 3401.19.0000
- 2) 3926.90.9910
- 3) 4015.19.0510
- 4) 4015.19.0550
- 5) 4818.90.0000 prior to July 1, 2020; 4818.90.0020 or 4818.90.0080 effective July 1, 2020
- 6) 5210.11.4040
- 7) 5210.11.6020
- 8) 5504.10.0000
- 9) 6210.10.5010
- 10) 6210.10.5090
- 11) 6307.90.6090
- 12) 6307.90.6800
- 13) 6307.90.7200
- 14) Face shields of transparent plastics, whether or not assembled (described in statistical reporting number 3926.90.9950)
- 15) Bowls of molded plastics, with clips for retaining guide wires during surgical procedures (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
- 16) Coverings, of plastics, designed to fit over wound sites or casts thereby forming a protective seal for keeping the covered area dry and debris free while showering or bathing (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
- 17) Disposable graduated medicine dispensing cups of plastics (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
- 18) Single-use sterile drapes and covers of plastics, of a kind used to protect the sterile field in surgical operating rooms (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)
- 19) Sterile decanters of polystyrene plastics, each of a kind used to transfer aseptic fluids or medication to and from sterile bags, vials or glass containers (described in statistical reporting number 3926.90.9990 prior to July 1, 2020; described in statistical reporting number 3926.90.9985 effective July 1, 2020)

- 20) Gloves, containing less than 50 percent by weight of textile fibers, coated with rubber or plastics designed for enhanced grip (described in statistical reporting number 6116.10.6500)
- 21) Cold packs consisting of a single-use, instant, endothermic chemical reaction cold pack combined with a textile exterior lining (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 22) Disposable shoe and boot covers of man-made fiber fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 23) Face masks and particulate facepiece respirators, of textile fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9845, 6307.90.9850, 6307.90.9870, or 6307.90.9875 effective July 1, 2020)
- 24) Hot packs of textile material, single-use (exothermic chemical reaction) (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 25) Laparotomy sponges of cotton (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 26) Single-use blood pressure cuff sleeves of textile materials (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 27) Single-use medical masks of textile material (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9845, 6307.90.9850, or 6307.90.9870 effective July 1, 2020)
- 28) Single-use stethoscope covers (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 29) Woven gauze sponges of cotton in square or rectangular sizes (described in statistical reporting number 6307.90.9889 prior to July 1, 2020; described in statistical reporting number 6307.90.9891 effective July 1, 2020)
- 30) Protective Articles (described in statistical reporting number 9004.90.0000 prior to January 1, 2021; described in statistical reporting number 9004.90.0010 or 9004.90.0090 effective January 1, 2021)".

3. by amending the last sentence of the first paragraph of U.S. note 20(r):

- a. by deleting "or (9)" and by inserting "(9)" in lieu thereof; and
- b. by inserting ", or (10) heading 9903.88.65 and U.S. note 20(rrr) to subchapter III of chapter 99" after "U.S. note 20(jjj) to subchapter III of chapter 99".

4. by amending the article description of heading 9903.88.15:

- a. by deleting “9903.88.55 or” and by inserting “9903.88.55,” in lieu thereof; and
- b. by inserting “or 9903.88.65,” after “9903.88.57,”.

ANNEX E

The following tables are provided for informational purposes only. Table A contains a list of the original exclusions and corresponding Chapter 99 Heading and Note 20 Subdivision for the first extension and the current extension. Additionally, the table indicates which Annex to this notice the extension appears. Table B contains a list of new products excluded from Section 301 duties.

Table A. Extensions of Exclusions

Original Exclusion		First Extension		Current Extension		
Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Annex
9903.88.14	20(q)(61)	9903.88.58	20(kkk)(7)	9903.88.62	20(ooo)(1)	Annex A
9903.88.14	20(q)(254)	9903.88.58	20(kkk)(39)	9903.88.62	20(ooo)(2)	Annex A
9903.88.14	20(q)(274)	9903.88.58	20(kkk)(43)	9903.88.62	20(ooo)(3)	Annex A
9903.88.14	20(q)(276)	9903.88.58	20(kkk)(45)	9903.88.62	20(ooo)(6)	Annex A
9903.88.14	20(q)(277)	9903.88.58	20(kkk)(46)	9903.88.62	20(ooo)(7)	Annex A
9903.88.14	20(q)(278)	9903.88.58	20(kkk)(47)	9903.88.62	20(ooo)(8)	Annex A
9903.88.14	20(q)(279)	9903.88.58	20(kkk)(48)	9903.88.62	20(ooo)(9)	Annex A
9903.88.14	20(q)(280)	9903.88.58	20(kkk)(49)	9903.88.62	20(ooo)(10)	Annex A
9903.88.10	20(m)(88)	9903.88.50	20(ccc)(16)	9903.88.62	20(ooo)(11)	Annex A
9903.88.14	20(q)(281)	9903.88.58	20(kkk)(50)	9903.88.62	20(ooo)(12)	Annex A
9903.88.14	20(q)(282)	9903.88.58	20(kkk)(51)	9903.88.62	20(ooo)(13)	Annex A
9903.88.14	20(q)(283)	9903.88.58	20(kkk)(52)	9903.88.62	20(ooo)(15)	Annex A
9903.88.14	20(q)(284)	9903.88.58	20(kkk)(53)	9903.88.62	20(ooo)(16)	Annex A
9903.88.19	20(x)(89)	9903.88.60	20(mmm)(9)	9903.88.62	20(ooo)(17)	Annex A
9903.88.14	20(q)(285)	9903.88.58	20(kkk)(54)	9903.88.62	20(ooo)(18)	Annex A
9903.88.14	20(q)(286)	9903.88.58	20(kkk)(55)	9903.88.62	20(ooo)(19)	Annex A
9903.88.11	20(n)(106)	9903.88.52	20(eee)(12)	9903.88.62	20(ooo)(20)	Annex A
9903.88.14	20(q)(287)	9903.88.58	20(kkk)(56)	9903.88.62	20(ooo)(21)	Annex A
9903.88.14	20(q)(290)	9903.88.58	20(kkk)(58)	9903.88.62	20(ooo)(22)	Annex A
9903.88.14	20(q)(291)	9903.88.58	20(kkk)(59)	9903.88.62	20(ooo)(23)	Annex A
9903.88.06	20(i)(32)	9903.88.06	20(i)(32)	9903.88.62	20(ooo)(24)	Annex A
9903.88.17	20(v)(6)	9903.88.59	20(III)(2)	9903.88.63	20(ppp)(5)	Annex B
9903.88.12	20(o)(6)	9903.88.54	20(ggg)(2)	9903.88.63	20(ppp)(6)	Annex B
9903.88.12	20(o)(12)	9903.88.54	20(ggg)(3)	9903.88.63	20(ppp)(7)	Annex B
9903.88.17	20(v)(34)	9903.88.59	20(III)(9)	9903.88.63	20(ppp)(8)	Annex B
9903.88.17	20(v)(36)	9903.88.59	20(III)(10)	9903.88.63	20(ppp)(9)	Annex B
9903.88.12	20(o)(24)	9903.88.54	20(ggg)(5)	9903.88.63	20(ppp)(10)	Annex B
9903.88.41	20(tt)(2)	9903.88.56	20(iii)(7)	9903.88.64	20(qqq)(5)	Annex C

Original Exclusion		First Extension		Current Extension		
Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Annex
9903.88.41	20(tt)(3)	9903.88.56	20(iii)(8)	9903.88.64	20(qqq)(6)	Annex C
9903.88.41	20(tt)(4)	9903.88.56	20(iii)(9)	9903.88.64	20(qqq)(7)	Annex C
9903.88.46	20(yy)(1)	9903.88.56	20(iii)(10)	9903.88.64	20(qqq)(8)	Annex C
9903.88.41	20(tt)(5)	9903.88.56	20(iii)(11)	9903.88.64	20(qqq)(9)	Annex C
9903.88.48	20(aaa)(14)	9903.88.56	20(iii)(12)	9903.88.64	20(qqq)(10)	Annex C
9903.88.48	20(aaa)(15)	9903.88.56	20(iii)(13)	9903.88.64	20(qqq)(11)	Annex C
9903.88.48	20(aaa)(16)	9903.88.56	20(iii)(14)	9903.88.64	20(qqq)(12)	Annex C
9903.88.40	20(ss)(1)	9903.88.56	20(iii)(15)	9903.88.64	20(qqq)(13)	Annex C
9903.88.45	20(xx)(1)	9903.88.56	20(iii)(16)	9903.88.64	20(qqq)(14)	Annex C
9903.88.35	20(nn)(2)	9903.88.56	20(iii)(32)	9903.88.64	20(qqq)(15)	Annex C
9903.88.46	20(yy)(15)	9903.88.56	20(iii)(37)	9903.88.64	20(qqq)(16)	Annex C
9903.88.48	20(aaa)(28)	9903.88.56	20(iii)(38)	9903.88.64	20(qqq)(18)	Annex C
9903.88.45	20(xx)(13)	9903.88.56	20(iii)(57)	9903.88.64	20(qqq)(20)	Annex C
9903.88.48	20(aaa)(33)	9903.88.56	20(iii)(58)	9903.88.64	20(qqq)(21)	Annex C
9903.88.13	20(p)(1)	9903.88.56	20(iii)(59)	9903.88.64	20(qqq)(24)	Annex C
9903.88.13	20(p)(2)	9903.88.56	20(iii)(60)	9903.88.64	20(qqq)(26)	Annex C
9903.88.38	20(qq)(29)	9903.88.56	20(iii)(63)	9903.88.64	20(qqq)(28)	Annex C
9903.88.38	20(qq)(30)	9903.88.56	20(iii)(64)	9903.88.64	20(qqq)(29)	Annex C
9903.88.33	20(ll)(15)	9903.88.56	20(iii)(97)	9903.88.64	20(qqq)(30)	Annex C
9903.88.37	20(pp)(34)	9903.88.56	20(iii)(134)	9903.88.64	20(qqq)(31)	Annex C
9903.88.38	20(qq)(56)	9903.88.56	20(iii)(135)	9903.88.64	20(qqq)(32)	Annex C
9903.88.43	20(vv)(128)	9903.88.56	20(iii)(197)	9903.88.64	20(qqq)(33)	Annex C
9903.88.37	20(pp)(58)	9903.88.56	20(iii)(231)	9903.88.64	20(qqq)(35)	Annex C
9903.88.37	20(pp)(59)	9903.88.56	20(iii)(232)	9903.88.64	20(qqq)(36)	Annex C
9903.88.39	20(rr)(1)	9903.88.57	20(jjj)((3)	9903.88.65	20(rrr)(1)	Annex D
9903.88.39	20(rr)(2)	9903.88.57	20(jjj)((4)	9903.88.65	20(rrr)(2)	Annex D
9903.88.39	20(rr)(3)	9903.88.57	20(jjj)((5)	9903.88.65	20(rrr)(3)	Annex D
9903.88.39	20(rr)(4)	9903.88.57	20(jjj)((6)	9903.88.65	20(rrr)(4)	Annex D
9903.88.39	20(rr)(5)	9903.88.57	20(jjj)((7)	9903.88.65	20(rrr)(5)	Annex D
9903.88.49	20(bbb)(1)	9903.88.57	20(jjj)(8)	9903.88.65	20(rrr)(6)	Annex D
9903.88.49	20(bbb)(2)	9903.88.57	20(jjj)((9)	9903.88.65	20(rrr)(7)	Annex D
9903.88.53	20(fff)(2)	9903.88.57	20(jjj)(10)	9903.88.65	20(rrr)(8)	Annex D
9903.88.39	20(rr)(6)	9903.88.57	20(jjj)((11)	9903.88.65	20(rrr)(9) 20(rrr)(10)	Annex D
9903.88.39	20(rr)(7)	9903.88.57	20(jjj)((12)	9903.88.65	20(rrr)(11)	Annex D
9903.88.39	20(rr)(8)	9903.88.57	20(jjj)((13)	9903.88.65	20(rrr)(12)	Annex D
9903.88.42	20(uu)(1)	9903.88.57	20(jjj)((20)	9903.88.65	20(rrr)(15)	Annex D
9903.88.44	20(ww)(6)	9903.88.57	20(jjj)((21)	9903.88.65	20(rrr)(16)	Annex D

Original Exclusion		First Extension		Current Extension		
Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Chapter 99 Heading	Note 20 Subdivision	Annex
9903.88.42	20(uu)(2)	9903.88.57	20(jjj)((22)	9903.88.65	20(rrr)(17)	Annex D
9903.88.42	20(uu)(4)	9903.88.57	20(jjj)((23)	9903.88.65	20(rrr)(18)	Annex D
9903.88.42	20(uu)(5)	9903.88.57	20(jjj)((24)	9903.88.65	20(rrr)(19)	Annex D
9903.88.49	20(bbb)(10)	9903.88.57	20(jjj)((33)	9903.88.65	20(rrr)(20)	Annex D
9903.88.42	20(uu)(6)	9903.88.57	20(jjj)((43)	9903.88.65	20(rrr)(21)	Annex D
9903.88.42	20(uu)(7)	9903.88.57	20(jjj)((44)	9903.88.65	20(rrr)(22)	Annex D
9903.88.42	20(uu)(9)	9903.88.57	20(jjj)((45)	9903.88.65	20(rrr)(23)	Annex D
9903.88.42	20(uu)(11)	9903.88.57	20(jjj)((46)	9903.88.65	20(rrr)(24)	Annex D
9903.88.42	20(uu)(12)	9903.88.57	20(jjj)((47)	9903.88.65	20(rrr)(25)	Annex D
9903.88.42	20(uu)(14)	9903.88.57	20(jjj)((48)	9903.88.65	20(rrr)(26)	Annex D
9903.88.42	20(uu)(15)	9903.88.57	20(jjj)((49)	9903.88.65	20(rrr)(27)	Annex D
9903.88.42	20(uu)(16)	9903.88.57	20(jjj)((50)	9903.88.65	20(rrr)(28)	Annex D
9903.88.42	20(uu)(17)	9903.88.57	20(jjj)((51)	9903.88.65	20(rrr)(29)	Annex D
9903.88.42	20(uu)(19)	9903.88.57	20(jjj)((62)	9903.88.65	20(rrr)(30)	Annex D

Table B. Additional Products Excluded from Section 301 Duties

Chapter 99 Heading	Note 20 Subdivision	Annex	Product Description
9903.88.62	20(ooo)(4)	Annex A	Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer (described in statistical reporting number 9018.12.0000)
9903.88.62	20(ooo)(5)	Annex A	Blood pressure monitors suitable for use by medical professionals (described in statistical reporting number 9018.19.9530)
9903.88.62	20(ooo)(14)	Annex A	Anesthetic instruments and appliances suitable for use in medical or surgical sciences, and parts and accessories of the foregoing (described in statistical reporting number 9018.90.3000)
9903.88.63	20(ppp)(1)	Annex B	9025.19.8010
9903.88.63	20(ppp)(2)	Annex B	9025.19.8020
9903.88.63	20(ppp)(3)	Annex B	9025.19.8060
9903.88.63	20(ppp)(4)	Annex B	9025.19.8085
9903.88.64	20(qqq)(1)	Annex C	3808.94.1000
9903.88.64	20(qqq)(2)	Annex C	3808.94.5010
9903.88.64	20(qqq)(3)	Annex C	3808.94.5050
9903.88.64	20(qqq)(4)	Annex C	3808.94.5090
9903.88.64	20(qqq)(17)	Annex C	Hand soaps and hand sanitizers in the form of liquid or cream put up for retail sale, other than hand sanitizers of

Chapter 99 Heading	Note 20 Subdivision	Annex	Product Description
			heading 3808 (described in statistical reporting number 3401.30.5000)
9903.88.64	20(qqq)(22)	Annex C	Flexible oxygen tubes, pipes and hoses presented with integrated molded connectors, of polyvinyl chloride (described in statistical reporting number 3917.33.0000)
9903.88.64	20(qqq)(24)	Annex C	Sacks and bags of polymers of ethylene, reclosable, qualifying as Class 1 medical devices by the U.S. Food and Drug Administration under product code NNI (described in statistical reporting number 3923.21.0030)
9903.88.64	20(qqq)(26)	Annex C	Aprons, of plastics, of a kind used as personal protection equipment (described in statistical reporting number 3926.20.9010)
9903.88.64	20(qqq)(33)	Annex C	Data input devices each with display capabilities of a kind used for magnetic resonance imaging ("MRI") equipment, computed tomography ("CT") equipment, intraoperative X-ray ("IXR") equipment or patient monitors (described in statistical reporting number 8537.10.9170)
9903.88.65	20(rrr)(13)	Annex D	6307.90.7200
9903.88.65	20(rrr)(14)	Annex D	Face shields of transparent plastics, whether or not assembled (described in statistical reporting number 3926.90.9950)
9903.88.62	20(ooo)(4)	Annex A	Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer (described in statistical reporting number 9018.12.0000)