



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON DC 20508

**Supporting Statement: 301 Exclusion Requests**  
**OMB Control Number 0350-XXXX**

**A. JUSTIFICATION**

**1. Explain the circumstances that make the collection of information necessary.**

Following a comprehensive investigation, the U.S. Trade Representative determined that the government of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation were actionable under section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)). The U.S. Trade Representative determined that appropriate action to obtain the elimination of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation included the imposition of additional *ad valorem* duties on products from China classified in certain enumerated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS). For background on the proceedings in this investigation, please see the prior notices issued in the investigation, including 82 FR 40213 (August 23, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (June 20, 2018), 83 FR 33608 (July 17, 2018), 83 FR 38760 (August 7, 2018), 83 FR 40823 (August 16, 2018), 83 FR 47974 (September 21, 2018), and 83 FR 49152 (September 28, 2018), 83 FR 65198 (December 19, 2018), 84 FR 7966 (March 5, 2019), 84 FR 20459 (May 9, 2019), and 84 FR 21389 (May 9, 2019).

The Office of the United States Trade Representative (USTR) is establishing a process by which U.S. stakeholders can request the exclusion of particular products classified within a covered tariff subheading from the additional duties that went into effect on September 21, 2018, and May 10, 2019. USTR anticipates that the window for submitting exclusion requests will open on or around June 30, 2019. Requests for exclusion will have to identify a particular product and provide supporting data and the rationale for the requested exclusion. Within 14 days after USTR posts a request for exclusion, interested persons can provide a response with the reasons they support or oppose the request. Interested persons can reply to the response within 7 days after it is posted.

To assist in timely and comprehensive review of requests for exclusion, USTR will require respondents to use the 301 Exclusion Request/Response/Reply Form attached to this Statement. The purpose of this request is to allow OMB to review and approve the information collection in advance of the June 30, 2019 anticipated implementation date of the exclusion process.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

On or about June 30, 2019, USTR will invite U.S. stakeholders to submit requests for exclusion for a particular product from the increased rate of additional duties that went into effect on September 21, 2018, and May 10, 2019. Each request specifically must identify a particular product and provide supporting data and the rationale for the requested exclusion using the 301 Exclusion Request/Response/Reply Form, which will be available on the USTR website. The website will provide a link to a docket where USTR will post submissions for public inspection.

After USTR posts a request for exclusion of a particular product, interested persons will have 14 days to respond to the request, indicating support or opposition and providing reasons for their view. After USTR posts a response, interested persons may post a reply within 7 days after the close of the response period.

USTR will evaluate each request on a case-by-case basis, taking into account whether the exclusion would undermine the objective of the Section 301 investigation.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Respondents make all submissions via an electronic docket. USTR will post submissions on the docket for public inspection.

**4. Describe efforts to identify duplication.**

There is no duplication. There must be a separate request for exclusion for each product.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

All interested U.S. stakeholders can submit requests or comment on requests, for exclusion for a particular product from the increased rate of additional duties. The submission requirements are the same for all respondents.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

Without the information collection, USTR will be unable to administer an effective, timely process for consideration of requests to exclude particular products from the additional duties. This likely would cause harm to interested U.S. stakeholders, and negatively effect trade and investment.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

The collection of information is consistent with OMB guidelines.

**8. Provide information on the PRA Federal Register Notice that solicited public comments**

**on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

USTR is transmitting an emergency clearance request notice to the *Federal Register* for publication at the same time it is submitting this statement to OMB. It asks interested persons to submit comments to OMB no later than June 7, 2019.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees. N/A.**

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

USTR will post all submissions for public inspection other than information the submitter certifies is business confidential.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. N/A.**

**12. Provide an estimate in hours of the burden of the collection of information.**

Exclusion Request	Processing Time	Number of Requests	Total Hours
prepare and submit an exclusion request	60 minutes	60,000	60,000

Response to a Request	Processing Time	Number of Responses	Total Hours
prepare and submit a response to an exclusion request	30 minutes	7,000	3,500

Reply to a Response	Processing Time	Number of Replies	Total Hours
prepare and submit a reply to a response to an exclusion request	30 minutes	3,000	1,500

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in Question 12 above).**

The estimated annual cost burden to respondents excluding the value of the burden hours in Question 12 is \$0.

**14. Provide estimates of annualized cost to the Federal government.**

Exclusion Request	Processing Time	Number of Requests	Total Hours	Total Cost
evaluate each request, and response or reply, if any, on a case-by-case basis	2.5	70,000	175,000	\$9.7M

The \$9.7 million total cost estimate includes the average annual salary plus benefits, for the federal employees and contractors expected to work on the exclusion process. USTR estimates that it will take approximately one year to complete the process.

**15. Explain the reasons for any program changes or adjustments.**

This is a new information collection.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

USTR’s website will provide a link to an electronic docket for the exclusion process. The site will allow users to file exclusion requests, comments in response to exclusion requests, and replies. USTR will post the submissions on the regulations.gov website. USTR will update and post the status of exclusion requests. USTR will notify requesters of final determinations and post the determinations for public examination.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate. N/A.**

**18. Explain each exception to the certification statement. N/A.**

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.