

**FAQs FOR PRODUCT EXCLUSION PROCESS ON TEMPORARY EXCLUSIONS FOR MACHINERY USED IN DOMESTIC MANUFACTURING**

**Docket ID Number: USTR-2024-0020**

**Comments.USTR.gov**

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**Q: What products are eligible for exclusion?**

**A:** Machinery used in domestic manufacturing classified within 317 eligible subheadings under chapters 84 and 85 of the Harmonized Tariff Schedule of the United States (HTSUS). A list of eligible subheadings is available in Annex E of the September 18, 2024 *Federal Register* notice. See [89 FR 76581](#).

**Q: When can individuals begin submitting exclusion requests for products under the 317 eligible subheadings?**

**A:** Individuals can begin submitting exclusion requests on October 15, 2024.

**Q: What is the deadline to submit requests for product exclusions?**

**A:** Interested persons must submit requests for exclusions by March 31, 2025, at 11:59 p.m. EST.

**Q: Who may request a product exclusion?**

**A:** Any interested parties, including trade associations and other persons, may submit requests.

**Q: How can an interested person file an exclusion request?**

**A:** All exclusion requests, must be submitted through the online portal: <https://comments.ustr.gov>. Requests received by other means will not be considered.

**Q: What information is required in a request for product exclusion?**

**A:** Information required in a request includes:

- Contact information, including the full legal name of the organization making the request, whether the requester is a third party (law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the primary point of contact.
- The 10-digit code under the eligible HTSUS subheading applicable to the manufacturing equipment requested for exclusion.
- A complete and detailed description of the manufacturing equipment.
- Whether the manufacturing equipment of concern is subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.
- Whether the manufacturing equipment will be used for domestic manufacturing, how the equipment will be used, and the manufacturing sector.

- If applicable, documents showing grant funding from, or grant application to, a federal investment program related to the domestic manufacturing at issue, such as the Inflation Reduction Act (IRA), CHIPS and Science Act, Build America, Buy America (BABA), and Rural Energy for America Program (REAP).
- Whether the manufacturing equipment of concern, or comparable manufacturing equipment, is available from sources in the United States or third countries and any attempts of the requesting organization to source the manufacturing equipment from the United States or third countries.
- Whether the requesting organization has purchased the manufacturing equipment of concern from a source in the United States or in a third country in the past five years and why the manufacturing equipment is no longer available from this source.
- Whether the manufacturing equipment of concern is strategically important or related to “Made in China 2025” or other Chinese industrial programs.

In addressing each factor, the requester should provide support for their assertions. Requesters also may provide any other information or data that they consider relevant to an evaluation of the request.

Additional procedures are available in the October 17, 2024 *Federal Register* notice. (See [89 FR 83755](#))

**Q: What if the 8-digit HTSUS subheading for a product does not contain 10-digit breakouts?**

**A:** If no 10-digit breakout is available, requesters should use the 8-digit HTSUS subheading and add “00”.

**Q: What does a detailed description of the manufacturing equipment include?**

**A:** A detailed description of the manufacturing equipment includes, but is not limited to, its physical characteristics (e.g., dimensions, weight, material composition, etc.), whether the manufacturing equipment is designed to function in or with a particular machine (application), the manufacturing equipment’s principal use, the unit value of the manufacturing equipment (please provide a range if necessary), and any unique physical features that distinguish it from other manufacturing equipment within the covered 10-digit HTSUS code. Requesters may attach images and specification sheets, CBP rulings, court decisions, and previous import documentation.

Interested persons may also visit [www.cbp.gov/trade/rulings](http://www.cbp.gov/trade/rulings) for instructions on filing a ruling letter and guidance on product identification.

**Q: Can interested persons request exclusion for multiple products in a single exclusion request?**

**A:** No. Interested persons seeking to exclude two or more products must submit a separate request for each product, *i.e.*, one product per request.

**Q: Will there be another hearing?**

**A:** USTR does not plan to hold hearings in connection with the exclusion process.

**Q: After submitting a request for a product exclusion, will interested persons have an opportunity to comment on the request?**

**A:** Yes. After a request for exclusion of a particular product is posted on USTR's online portal, interested persons will have 30 days to respond to the request, indicating support or opposition and providing reasons for their view. For each exclusion request filed, the portal will indicate the date on which the response period closes. A response to a product exclusion request must be submitted using USTR's online portal at <http://comments.USTR.gov>.

**Q: How can an interested person submit a response in support of an exclusion request that has already been filed?**

**A:** In order to submit a response in support of an exclusion request, a submitter will need to select the exclusion request they wish to respond to on the [public docket](#). After selecting the exclusion request of interest, the submitter will need to select the "Submit a New Public Response" button that appears on top right-hand side of the screen. After filling out the required fields, the submitter should use the text box at the bottom of the screen to enter the rationale underlying support for the exclusion request.

**Q: How can an interested person file a response in opposition to an exclusion request that has already been filed?**

**A:** In order to submit a response in opposition to an exclusion request, a submitter will need to select the exclusion request they wish to respond to on the [public docket](#). After selecting the exclusion request of interest, the submitter will need to select the "Submit a New Public Response" button that appears on the top right-hand side of the screen. After filling out the required fields, the submitter should select the "[form](#)" link at the bottom of the response page on the portal. The link will take the user to a document that contains information the responding party should address when opposing an exclusion request. The information requested should be provided in a separate word document that will be uploaded to the portal. After providing the requested information on the portal's response page, the submitter will need to select "save" and then upload their opposing response document and any supporting information on the page that follows, and then select "submit."

**Q: What information should be included in a response to an exclusion request?**

**A:** If the response is in support of the request, the rationale should be provided in the applicable field on the portal.

If opposing the exclusion request, interested parties must address the following in a supplemental attachment available on [USTR's website](#):

- Their relationship to the manufacturing equipment identified (manufacturer, industry association, other).
- Reasons for objecting to the exclusion request.
- Whether the manufacturing equipment is currently manufactured in the United States or third countries, and the substitutability of equipment from the United States or third country sources as compared to the Chineseorigin manufacturing equipment identified in the exclusion request.
- A description of the manufacturing equipment from the United States or third country sources relative to the description cited in the exclusion request.
- Whether the objecting organization within the last two years attempted to sell, or successfully sold, the manufacturing equipment described in the exclusion request, or comparable manufacturing equipment, to the organization requesting the exclusion.

**Q: Will interested parties have to create an account to submit a response to a product exclusion request?**

**A:** No. To file a response, an interested party does not have to create an account.

**Q: Will responses to comments be made publicly available?**

**A:** Yes. Responses to exclusion requests, supporting or opposing, will be publicly available on USTR’s online portal at <http://comments.USTR.gov>.

**Q: Will the original requester have an opportunity to reply to responses?**

**A:** Yes. After a response is posted on USTR’s online portal, the original requester will be notified by the system that a response has been filed and have the opportunity to reply to the response using the same portal. Any reply by the original requester must be submitted within the later of 15 days after the posting of a response, or 15 days after the closing of the 30-day response period.

**Q: Will interested persons have an opportunity to provide a surrebuttal?**

**A:** No.

**Q: How soon will exclusion determinations be made after I submit my request through the USTR Exclusions Portal?**

**A:** USTR will evaluate each request on a case-by-case basis and will periodically announce decisions on pending requests.

**Q: How do I track the status of my exclusion request?**

**A:** The index on the USTR Exclusions Portal will indicate the status of each request in the review process.

**Q: How will USTR announce its decision on which exclusion requests to grant or deny?**

**A:** USTR will be reviewing all requests for exclusion as they are received. USTR will notify

requesters by email when a decision has been made, and the decision letters will be posted on the USTR Exclusions Portal.

**Q: If my exclusion request is granted, when and for how long will the exclusion be effective? Will granted exclusion requests apply retroactively?**

**A:** Any exclusion will be effective starting from the date of publication of the exclusion determination in the Federal Register and will extend through May 31, 2025. Exclusions granted will not apply retroactively to goods imported prior to the date of publication.

**Q: Will exclusions apply only to the company that submitted the request, or more broadly to the product?**

**A:** An exclusion, if granted, will apply to the particular product covered by the exclusion, and will not be tied to particular producers or exporters.

**Q: If an interested person has already submitted an exclusion request for a product that my company imports, can I still submit another exclusion request for the same product on behalf of my company?**

**A:** Yes. Interested persons may submit an exclusion request for any product before March 31, 2025, regardless of whether a similar request has been made by another interested person. If the interested person understands, however, that a request is already pending on what appears to be the same product, the interested person is encouraged to file a timely comment on the pending request.

**Q: How can an interested person know which products are being reviewed for exclusion?**

**A:** Interested persons can view all exclusion requests on the Public Docket of the USTR Exclusions Portal. Interested persons can search by the product's 8-digit HTSUS subheading, the organization name, or Submission ID. Interested persons can also view the status of all submitted exclusion requests on the USTR Exclusions Portal.

**Q: Does USTR have an appeals or reconsideration process for its determinations on product exclusions?**

**A:** No. USTR does not have an appeals or reconsideration process for its determinations on product exclusions.

**Q: If we identify errors or mistakes, how do we bring them to USTR's attention?**

**A:** Please call our Section 301 hotline. Our Section 301 hotline remains open during normal business hours (Monday - Friday, 9:00 AM - 5:00 PM ET) to answer questions from interested persons: (202) 395-5725.

**\*\*This Q&A is for informational purposes only. It does not replace, modify, or supplement the official Federal Register Notice.**

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