

**OCTOBER 23, 2019**

For more information,  
contact:

Bradford Ward

+1 202 626 2382

[bward@kslaw.com](mailto:bward@kslaw.com)

Stephen J. Orava

+1 202 661 7937

[sorava@kslaw.com](mailto:sorava@kslaw.com)

Christine E. Savage

+1 202 626 5541

[csavage@kslaw.com](mailto:csavage@kslaw.com)

Jeffrey M. Telep

+1 202 626 2390

[jtelep@kslaw.com](mailto:jtelep@kslaw.com)

J. Michael Taylor

+1 202 626 2385

[jmtaylor@kslaw.com](mailto:jmtaylor@kslaw.com)

Antoinette Bedros

+1 202 626 2928

[abedros@kslaw.com](mailto:abedros@kslaw.com)

**King & Spalding**

Washington, D.C.

1700 Pennsylvania Avenue,  
NW

Washington, D.C. 20006-  
4707

Tel: +1 202 737 0500

## USTR Announces Section 301 List 4A Exclusion Process

The Office of the U.S. Trade Representative (“USTR”) has announced an exclusion process for the additional duties imposed September 1, 2019 on a list of products (“List 4A”) pursuant to the U.S. Section 301 action against China. Similar to the exclusion process developed for the List 3 duties, USTR will administer an exclusion process whereby parties may request that products covered by List 4A be excluded from the additional 15 percent duties. The exclusion process will be administered online through a specially created portal. The deadline for submitting exclusion requests is January 31, 2020.

### BACKGROUND

On August 20, 2019, USTR announced that it had determined to impose an additional 10 percent tariff on approximately \$300 billion in imports from China. The 10 percent additional tariff would be applied to List 4A products beginning on September 1, 2019, and additional duties at a rate of 10 percent would also be applied to a second list (“List 4B”) of products beginning on December 15, 2019. USTR then announced on August 30, 2019 that it would increase the rate of duty from 10 percent to 15 percent for the List 4A and 4B products. On September 1, 2019, the additional duties of 15 percent were imposed on List 4A products.

### LIST 4A EXCLUSION PROCESS

USTR will administer an exclusion process for parties to obtain relief from the additional tariffs assessed against products classified within the Harmonized Tariff Schedule (“HTS”) categories on List 4A. USTR previously has administered exclusion processes for Chinese-origin products classified within the HTS categories covered by Section 301 Lists 1, 2, and 3, which are now closed. Exclusion requests may be filed on the List 4A exclusion portal available at <https://exclusions.ustr.gov>. Interested parties may submit exclusion requests through the exclusion portal beginning October 31, 2019 at 12:00 pm EDT. The deadline for submitting List 4A exclusion requests is January 31, 2020 at 11:59 pm EDT.



Each party submitting an exclusion request is to provide information describing the product for which an exclusion is sought, the rationale for the requested exclusion, and other information to help USTR evaluate how the additional duties may impact the requester.

Interested parties may file responses or objections to any exclusion request submitted to USTR. To that end, interested parties will have 14 days to respond or object to an exclusion request once posted on the List 4A exclusion portal. All responses or objections will be publicly viewable. Finally, the party that filed the initial exclusion request will have an opportunity to reply to any responses or objections filed against an exclusion request. Any reply comments must be submitted on the List 4A exclusion portal no later than 7 days after the close of the 14-day response or objection period.

Any granted exclusion will be effective starting from the September 1, 2019 effective date of the List 4A action.

The notice announcing this exclusion process will be published in the Federal Register on October 24, 2019.

### TARIFF TRACKER

The King & Spalding Tariff Tracker presents a snapshot of the current status of tariff developments using a map with hyperlinks to lists of specific products affected. To view the map, click [here](#).

---

### ABOUT KING & SPALDING

Celebrating more than 130 years of service, King & Spalding is an international law firm that represents a broad array of clients, including half of the Fortune Global 100, with 1,100 lawyers in 21 offices in the United States, Europe, the Middle East and Asia. The firm has handled matters in over 160 countries on six continents and is consistently recognized for the results it obtains, uncompromising commitment to quality, and dedication to understanding the business and culture of its clients.

This alert provides a general summary of recent legal developments. It is not intended to be and should not be relied upon as legal advice. In some jurisdictions, this may be considered "Attorney Advertising."

|           |           |           |             |          |                |                  |
|-----------|-----------|-----------|-------------|----------|----------------|------------------|
| ABU DHABI | BRUSSELS  | DUBAI     | HOUSTON     | MOSCOW   | RIYADH         | SINGAPORE        |
| ATLANTA   | CHARLOTTE | FRANKFURT | LONDON      | NEW YORK | SAN FRANCISCO  | TOKYO            |
| AUSTIN    | CHICAGO   | GENEVA    | LOS ANGELES | PARIS    | SILICON VALLEY | WASHINGTON, D.C. |

---