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COVID-19 and Access to Medical Products: Implications of Section 301 Tariffs

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Overview

On October 8, 2021, the Office of the U.S. Trade Representative (USTR) published a *Federal Register* notice seeking comments on whether to reopen the process by which U.S. stakeholders could apply for exclusions from Section 301 tariffs on U.S. imports from China.[1] Specifically, the agency requested comments on whether to reinstate 549 exclusions that were previously extended and had expired or were set to expire soon.[2] Some of these exclusions cover products with known or potential medical uses related to the U.S. response to the Coronavirus Disease 2019 (COVID-19) pandemic. The USTR collected comments through its portal until December 1, 2021.

Separately, in light of the spread of the COVID-19 Delta variant last summer and developments in the production capacity of U.S.-based manufacturers to satisfy various national needs, the USTR concluded a review of public comments on whether 99 exclusions on medical-care and/or COVID-19 response products needed to be further extended for six months ("COVID-19 Review").[3] In response to these comments and the advice from advisory committees, the interagency Section 301 Committee, and the White House COVID-19 Response Team, the USTR determined on November 9, 2021, to provide a transition period for all COVID-19 exclusions set to expire on November 14 (through November 30) and to extend 81 of the 99 COVID-19 exclusions through May 31, 2022.[4] Eighty of the 99 exclusions also could potentially be reinstated or further extended beyond May 2022 under the ongoing review process announced in October ("General Review").[5] The agency clarified that the criteria used for granting exclusions under the general review will be different than that applied under the COVID-19 review, and that it may result in different effective dates for any exclusions granted.[6]

Some Members of Congress have raised concerns about the exclusion process.[7] They have questioned USTR's ability to "pick winners and losers" through granting or denying requests or have pushed for broad tariff relief amid concerns about the negative impact of tariffs on the U.S. economy. This has been the case particularly in the aftermath of the COVID-19 pandemic, which

[1] Office of the U.S. Trade Representative, "Request for Comments on the Possible Reinstatement of Certain Exclusions in the Section 301 Investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 56345, October 8, 2021.

[2] For more detail, see Office of the U.S. Trade Representative, "Index of 549 Previously Extended Exclusions."

[3] The time window to submit comments on particular COVID-19 exclusions ("COVID-19 Review") opened on August 27 and closed on September 27, 2021. Office of the U.S. Trade Representative, "Request for Comments on Certain Products Exclusions Related to COVID-19: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 48280, August 27, 2021. The 99 COVID-19 exclusions were originally scheduled to expire on September 30 but were temporarily extended through November 14, 2021, as the review continued. Office of the U.S. Trade Representative, "Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 54011, September 29, 2021.

[4] Office of the U.S. Trade Representative, "Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 63438, November 16, 2021.

[5] The time window to submit comments on the reinstatement of exclusions ("General Review") opened on October 12 and is set to close on December 1, 2021.

[6] Office of the U.S. Trade Representative, "Guidance Regarding Products Covered Both in the COVID Exclusion Notices and the Notices Concerning Possible Reinstatement of Previously Extended Exclusions."

[7] For example, Senators Ron Wyden and Thomas R. Carper, from the U.S. Senate Committee on Finance, and Senator Tim Kaine asked the U.S. Government Accountability Office (GAO) to review how the USTR decided to exclude products from China from tariffs under Section 301. For more detail, see GAO's report, "U.S.-China Trade: USTR Should Fully Document Internal Procedures for Making Tariff Exclusion and Extension Decisions," GAO-21-506, July 28, 2021.

has affected the United States' ability to obtain certain products domestically or from countries other than China. Other Members oppose granting any exclusions on the ground that doing so may undermine Section 301's effectiveness at addressing China's unfair trade practices or hinder U.S. efforts to incentivize domestic manufacturing of certain critical goods. The USTR's 2021 actions were not aimed at providing broader tariff relief. They were limited to extending unexpired exclusions on medical supplies relevant to combatting the COVID-19 pandemic and requesting comments on whether to reinstate exclusions that were previously extended.[8]

This report provides a brief overview of the "General Review" as it pertains to medical products. It also includes a list of relevant exclusions categorized by: Harmonized Tariff Schedule of the United States (HTS) subheading, type (entire subheading or product specific), round/action (Lists 1 through 4A), expiration date, and review process (COVID-19, General, or both). For more detail about Section 301, see CRS Report R46604, *Section 301 of the Trade Act of 1974: Origin, Evolution, and Use*.

Background on Section 301 Tariffs

In 2018, the USTR determined, pursuant to an investigation under "Section 301" (Title III of the Trade Act of 1974, 19 U.S.C. §§2411-2420), that China's acts, policies, and practices related to technology transfer, intellectual property (IP), and innovation were unreasonable or discriminatory and burdened or restricted U.S. commerce. In an effort to counter these policies and obtain their elimination, the Trump Administration imposed, under Section 301, four rounds (Lists 1 through 4A) of increased tariffs on about two-thirds of U.S. imports from China. However, in an effort to mitigate harm to U.S. interests, the USTR created a process whereby interested parties could request that a particular product be excluded from the tariffs, subject to certain criteria. Title III of the Trade Act of 1974 does not outline a formal process for exclusions or require the USTR to establish one. The determination to do so appears to be solely at the USTR's discretion.

Overview of Section 301

Title III of the Trade Act of 1974 (Sections 301-310, codified at 19 U.S.C. §§2411-2420), titled "Relief from Unfair Trade Practices," is collectively referred to as "Section 301." It grants the USTR a range of responsibilities and authorities to impose trade sanctions on foreign countries that violate U.S. trade agreements or engage in acts that are "unjustifiable," "unreasonable," or "discriminatory" and burden U.S. commerce. Prior to 1995, the United States used Section 301 to unilaterally pressure other countries to eliminate trade barriers and open their markets to U.S. exports. The creation of an enforceable dispute settlement mechanism in the World Trade Organization (WTO), strongly supported by the United States at the time, significantly reduced the use of Section 301. While the United States retains the flexibility to seek recourse for foreign unfair trade practices in the WTO or under Section 301, a determination to bypass WTO dispute settlement and impose retaliatory measures in response to a Section 301 investigation may be challenged at the WTO.

Since 2017, the USTR has launched Section 301 investigations against China, the European Union (EU), France, a group of 10 trading partners, and Vietnam. Two investigations have resulted in the USTR imposing tariffs to date: on U.S. imports from China and the EU. The U.S. action against the EU—unlike that against China—was based on a WTO dispute in which the USTR anticipated being allowed to retaliate.

[8] In March 2021, the USTR extended—through September 2021—the 99 exclusions granted or extended in December 2020. To provide time to review comments received between August and September 2021, the USTR adopted an interim 45-day extension of the exclusions that were set to expire on September 30 through November 14, 2021. Office of the U.S. Trade Representative, "Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 13785, March 10, 2021, and "Notice of Product Exclusion Extensions: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 54011, September 29, 2021.

For more detail, see CRS In Focus IF11346, *Section 301 of the Trade Act of 1974* and CRS Report R46604, *Section 301 of the Trade Act of 1974: Origin, Evolution, and Use*.

Reinstating Previously Extended Tariff Exclusions

Under the comment period and review announced in October 2021, importers and interested parties—including law firms and trade associations—could submit comments through December 1, supporting (or opposing) the reinstatement of a specific exclusion extension, including for how long it should be reinstated. The 549 exclusions eligible for reinstatement are reflected in 563 specially prepared product descriptions ("specific products") or 10-digit HTS subheading ("product categories"). Parties were not able to petition the USTR for new exclusions or extensions to expired exclusions that were not previously extended.

The USTR indicated that it will evaluate each extension request on a case-by-case basis, taking into account the following: (1) availability of the product in question from non-Chinese sources; (2) attempts by the importer to source the product from the United States or third countries; (3) the potential impact that further extensions could have in countering or eliminating China's trade practices covered in the Section 301 investigation; and (4) the extent to which the imposition of Section 301 tariffs on the particular product will cause severe economic harm to the commenter or other U.S. interests, including small businesses, employment, manufacturing output, and critical supply chains in the United States.[9]

The USTR did not announce a timetable for providing responses to filed comments. However, the agency indicated that it will publish decisions on reinstated exclusions through *Federal Register* notices and that the exclusions will be retroactive to October 12, 2021. Exclusions apply generally to specified products, so any party importing a product covered by a reinstated exclusion may file a claim. Importers whose goods entered or were withdrawn from warehouse for consumption on or after October 12, 2021, may request tariff refunds from U.S. Customs and Border Protection (CBP), provided that CBP has not already calculated the final duties owed by the time the importers file the refund claim (see **text box**).

Retroactive Section 301 Tariff Exclusions

Section 301 product exclusions granted by the U.S. Trade Representative (USTR) "may be retroactive for unliquidated entries and for entries that are liquidated but where the liquidation is not final and the protest period has not expired.

If a product exclusion has been granted, an importer of record (IOR) may request a refund by filing a corrective action with CBP by filing a post summary correction (PSC) for unliquidated entries or file a protest for entries that have liquidated but where the liquidation is not final and the protest period has not expired.

When a product exclusion is granted, an importer may submit a PSC to request a refund on unliquidated entries up to 15 days prior to the scheduled liquidation date (generally within 300 days from the date of entry summary filing). If an entry summary is set to liquidate in less than 15 days or has already liquidated, the entry summary is beyond the PSC filing period. However, the importer may file a protest so long as the protest is filed within the 180-day period following liquidation of the impacted entry summary(ies)."

Source: U.S. Customs and Border Protection, "CSMS #42566154: Section 232 and Section 301–Extensions Requests, PSCs, and Protests," May 1, 2020.

[9] Office of the U.S. Trade Representative, "Request for Comments on the Possible Reinstatement of Certain Exclusions in the Section 301 Investigation of China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 86 FR 56345, October 8, 2021.

Medical-Care and COVID-19 Response Products

Of the 549 exclusion extensions eligible for reinstatement, CRS was able to identify 23 product categories and 64 specific products with known medical uses (**Table 1**). Other exclusions eligible for reinstatement—but not formally identified by the USTR as medical or COVID-related—may apply to products that have potential medical uses, can serve as inputs for the manufacture of medical products, or can be used in pandemic response efforts (see, for example, **Table 2**). However, their ultimate purpose may not always be easily ascertained from HTS subheadings or product descriptions (e.g., organic chemicals or textiles for the manufacture of pharmaceuticals or personal protective equipment).

Outlook

In recent years, some Members have introduced legislation to amend Title III of the Trade Act of 1974, while also raising the issue of establishing or streamlining an exclusion process during hearings and in letters to the USTR. For example, the United States Innovation and Competition Act of 2021 (S. 1260), if enacted, would suspend tariffs—including those imposed under Section 301—on certain goods needed to combat the COVID-19 pandemic and would set out a process for excluding imports from Section 301 tariffs in statute, rather than allow USTR to create its own process.

The Biden Administration continues to review its trade strategy for China, thus far announcing potential renewal of the Section 301 tariff exclusion process and focusing on enforcement of the U.S.-China "Phase One" trade agreement.[10] It is possible that the Biden Administration could use Section 301 authorities to counter or obtain the elimination of other Chinese practices that may disadvantage or discriminate against U.S. exports, firms, and workers in the future.

Congress may wish to engage with the Administration to develop and implement specific guidelines for when and how to grant and extend exclusions. This has the potential to promote transparency, consistency, and proper application of standards in reviewing exclusion requests, thereby helping to ensure that the USTR carries out Section 301 objectives as prescribed by Congress.

Table 1. Section 301 Tariff Exclusion Extensions Granted and Under Review: Medical-Care and COVID-19 Response Products

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
2805.11.0000	Product Specific	Sodium metal (CAS No. 7440-23-5), in bulk solid form	3	05/31/2022	COVID-19 & General
3401.19.0000	Entire Subheading	Soap & other organic surface-active products, not for toilet use, in bars, cakes, molded pieces, and paper, etc. impregnated or coated with soap or detergent	4A	05/31/2022	COVID-19 & General

[10] Office of the U.S. Trade Representative, "Fact Sheet: The Biden-Harris Administration's New Approach to the U.S.-China Trade Relationship," Press Release, October 4, 2021.

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
3401.30.5000	Product Specific	Hand soaps and hand sanitizers in the form of liquid or cream put up for retail sale, other than hand sanitizers of heading 3808	3	11/30/2021	COVID-19
3401.30.5000	Product Specific	Disposable cloths of nonwoven textile materials impregnated, coated or covered with organic surface-active preparations for washing the skin, put up for retail sale	3	05/31/2022	COVID-19 & General
3401.30.5000	Product Specific	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	3	11/30/2021	COVID-19 & General
3808.94.1000	Entire Subheading	Disinfectants containing any aromatic or modified aromatic disinfectant	3	05/31/2022	COVID-19
3808.94.5010	Entire Subheading	Wipes impregnated with alcohol or other disinfectants, other than paper wipes or nonwoven wipes	3	05/31/2022	COVID-19
3808.94.5050	Entire Subheading	Hydrogen peroxide put up in disinfectant preparations for sanitizing or disinfecting surfaces	3	11/30/2021	COVID-19
3808.94.5080	Entire Subheading	Alcohol-based hand sanitizer containing 60% or more by weight of ethanol, of a kind described in statistical note 1 to Chapter 38	3	11/30/2021	COVID-19
3808.94.5095	Entire Subheading	Disinfectants, NESOI (described in statistical reporting number 3808.94.5090 prior to July 1, 2021)	3	11/30/2021	COVID-19
3824.99.9297	Product Specific	Silicon monoxide in powder form	3	05/31/2022	COVID-19 & General
3824.99.9297	Product Specific	Mixtures containing N,Ndimethyldodecan-1-amine (CAS No. 112-18-5) and N,N-dimethyltetradecan-1-amine (CAS No. 112-75-4) [*]	3	05/31/2022	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
3917.29.0090	Product Specific	Molded acrylonitrile-butadiene-styrene 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 near the spike end and removable polyethylene caps on each end, put up in sterile packing	2	05/31/2022	COVID-19 & General
3917.33.0000	Product Specific	Flexible oxygen tubes, pipes and hoses presented with integrated molded connectors, of polyvinyl chloride	3	05/31/2022	COVID-19
3917.33.0000	Product Specific	Flexible gas sampling tubes, pipes and hoses, of polyvinyl chloride, with lock connectors at each end	3	05/31/2022	COVID-19
3919.90.5060	Product Specific	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	2	11/30/2021	COVID-19 & General
3920.10.0000	Product Specific	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	2	05/31/2022	COVID-19 & General
3921.19.0000	Product Specific	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	2	05/31/2022	COVID-19 & General
3921.90.1500	Product Specific	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	2	05/31/2022	COVID-19 & General
3923.10.9000	Product Specific	Container units of plastics, each comprising a tub and lid therefore, configured or fitted for the conveyance, packing, or dispensing of wet wipes	3	05/31/2022	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
3923.21.0030	Product Specific	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	3	05/31/2022	COVID-19
3923.21.0095	Entire Subheading	Sacks and bags of polymers of ethylene, NESOI	3	05/31/2022	COVID-19 & General
3923.50.0000	Product Specific	Injection molded polypropylene plastic caps or lids each weighing not over 24 grams designed for dispensing wet wipes	3	05/31/2022	COVID-19 & General
3926.20.9010	Product Specific	Aprons, of plastic, of a kind used as personal protective equipment	3	11/30/2021	COVID-19
3926.20.9050	Entire Subheading	Articles of apparel & clothing accessories, of plastic, NESOI	3	05/31/2022	COVID-19 & General
3926.90.9910	Entire Subheading	Laboratory ware	4A	05/31/2022	COVID-19 & General
3926.90.9950	Product Specific	Face shields of transparent plastics, whether or not assembled	4A	05/31/2022	COVID-19
3926.90.9985	Product Specific	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)	4A	05/31/2022	COVID-19 & General
3926.90.9985	Product Specific	Disposable graduated medicine dispensing cups of plastics (described in statistical reporting number 3926.90.9990 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General
3926.90.9985	Product Specific	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)	4A	05/31/2022	COVID-19 & General
3926.90.9985	Product Specific	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)	4A	05/31/2022	COVID-19 & General
3926.90.9985	Product Specific	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)	4A	05/31/2022	COVID-19 & General
4015.19.0510	Entire Subheading	Medical gloves, mittens and mitts of natural rubber, other than hard rubber	4A	11/30/2021	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
4015.19.0550	Entire Subheading	Medical gloves, of vulcanized rubber other than hard rubber, NESOI	4A	11/30/2021	COVID-19 & General
4015.19.1010	Entire Subheading	Seamless, disposable gloves, of vulcanized rubber other than hard rubber	3	11/30/2021	COVID-19 & General
4015.19.1010	Product Specific	Seamless disposable gloves of acrylonitrile butadiene rubber, other than for surgical or medical use	3	11/30/2021	COVID-19 & General
4015.19.1010	Product Specific	Seamless disposable gloves of natural rubber latex, other than for surgical or medical use	3	11/30/2021	COVID-19 & General
4818.90.0020	Entire Subheading	Face masks of paper pulp, paper cellulose wadding or webs of cellulose fibers	4A	05/31/2022	COVID-19 & General
4818.90.0080	Entire Subheading	Bed sheets and similar household or hospital articles of paper pulp, paper cellulose wadding or webs of cellulose fibers, NESOI	4A	05/31/2022	COVID-19 & General
4819.50.4060	Entire Subheading	Packing containers, NESOI, of paper, paperboard, cellulose wadding or webs of cellulose fibers	3	05/31/2022	COVID-19 & General
5210.11.4040	Entire Subheading	Woven fabrics of cotton, containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibers, weighing not more than 200 g/m2, unbleached, Plain Weave, of number 42 or lower number, sheeting	4A	05/31/2022	COVID-19 & General
5210.11.6020	Entire Subheading	Woven fabrics of cotton, containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibers, weighing not more than 200 g/m2, unbleached, plain weave, of numbers 43 to 68, poplin or broadcloth	4A	05/31/2022	COVID-19 & General
5504.10.0000	Entire Subheading	Artificial staple fibers, not carded, combed or otherwise processed for spinning: of viscose rayon	3	05/31/2022	COVID-19 & General
5603.12.0090	Entire Subheading	Nonwovens, whether or not impregnated, coated, covered or laminated, of man-made filaments, weighing more than 25 g/m2 but not more than 70 g/m2, other	3	05/31/2022	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
5603.12.0090	Product Specific	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	3	11/30/2021	COVID-19 & General
5603.14.9090	Entire Subheading	Other nonwovens, whether or not impregnated, coated, covered or laminated, of man-made filaments, weighing more than 150 g/m2, other than laminated fabrics, not impregnated, coated or covered with material other than or in addition to rubber, plastics, wood pulp or glass fibers	3	05/31/2022	COVID-19 & General
5603.92.0090	Entire Subheading	Other non-woven fabrics, not man-made, other than floor covering underlays & laminated fabrics, not impregnated, coated, or covered, weighing more than 25 g/m2 and less than 70 g/m2	3	05/31/2022	COVID-19 & General
5603.93.0090	Entire Subheading	Other non-woven fabrics, not man-made, other than floor covering underlays & laminated fabrics, not impregnated, covered, weighing more than 70 g/m2 and less than 150 g/m2	3	05/31/2022	COVID-19 & General
6116.10.6500	Product Specific	Gloves, containing less than 50% by weight of textile fibers, coated with rubber or plastics designed for enhanced grip	3	11/30/2021	COVID-19 & General
6210.10.5010	Entire Subheading	Surgical or isolation gowns, disposable, of nonwoven fabrics of heading 5602 or 5603	4A	05/31/2022	COVID-19 & General
6210.10.5090	Entire Subheading	Disposable apparel designed for use in hospitals, clinics, laboratories and other areas, of nonwoven fabrics of heading 5602 or 5603, NESOI	4A	05/31/2022	COVID-19 & General
6307.90.6090	Entire Subheading	Other made up articles, including dress patterns: surgical drapes, of fabric formed on a base of paper or covered with paper, other	4A	11/30/2021	COVID-19 & General
6307.90.6800	Entire Subheading	Other made up articles, including dress patterns: surgical drapes of spun laced or bonded fiber fabric disposable surgical drapes of man-made fibers	4A	11/30/2021	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
6307.90.7200	Entire Subheading	Other made up articles, including dress patterns: surgical drapes, NESOI, not spun laced or bonded fiber fabric.	4A	05/31/2022	COVID-19
6307.90.9845	Product Specific	Face masks and particulate facepiece respirators, of textile fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9845	Product Specific	Single-use medical masks of textile material (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9850	Product Specific	Face masks and particulate facepiece respirators, of textile fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9850	Product Specific	Single-use medical masks of textile material (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9870	Product Specific	Face masks and particulate facepiece respirators, of textile fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9870	Product Specific	Single-use medical masks of textile material (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9875	Product Specific	Face masks and particulate facepiece respirators, of textile fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9891	Product Specific	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)	4A	05/31/2022	COVID-19 & General
6307.90.9891	Product Specific	Disposable shoe and boot covers of man-made fiber fabrics (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	11/30/2021	COVID-19 & General
6307.90.9891	Product Specific	Hot packs of textile material, single-use (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
6307.90.9891	Product Specific	Laparotomy sponges of cotton (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General
6307.90.9891	Product Specific	Single-use blood pressure cuff sleeves of textile materials (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General
6307.90.9891	Product Specific	Single-use stethoscope covers (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General
6307.90.9891	Product Specific	Woven gauze sponges of cotton in square or rectangular sizes (described in statistical reporting number 6307.90.9889 prior to July 1, 2020)	4A	05/31/2022	COVID-19 & General
6505.00.8015	Entire Subheading	Nonwoven disposable headgear without peaks or visors of manmade fibers	3	05/31/2022	COVID-19 & General
8413.20.0000	Product Specific	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	3	05/31/2022	COVID-19 & General
8413.20.0000	Product Specific	Hand pumps for liquids of acrylonitrile butadiene styrene plastics	3	05/31/2022	COVID-19 & General
8421.39.8090	Product Specific	Disposable plastic filters of a kind suitable for filtering and dehumidifying a patient's breath in a medical device such as a gas analyzer	1	05/31/2022	COVID-19 & General
8424.89.9000	Product Specific	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	2	05/31/2022	COVID-19 & General
8424.90.9080	Entire Subheading	Parts of mechanical appliances for projecting, dispersing, spraying liquid/powder; spray guns and similar appliances, NESOI	3	05/31/2022	COVID-19 & General
8531.20.0040	Product Specific	Indicator panels incorporating LEDs, designed for use in medical infusion equipment	3	05/31/2022	COVID-19 & General
8537.10.9170	Product Specific	Data input devices each with display capabilities of a kind used for magnetic resonance imaging equipment, computed tomography equipment, intraoperative X-ray equipment or patient monitors	3	05/31/2022	COVID-19

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
8543.10.0000	Product Specific	S-band and X-band linear accelerators designed for use in radiation surgery or radiation therapy equipment	1	05/31/2022	COVID-19 & General
9004.90.0010	Product Specific	Protective articles (described in statistical reporting number 9004.90.0000 prior to January 1, 2021)	4A	05/31/2022	COVID-19 & General
9004.90.0090	Product Specific	Protective articles (described in statistical reporting number 9004.90.0000 prior to January 1, 2021)	4A	05/31/2022	COVID-19 & General
9011.80.0000	Product Specific	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	3	05/31/2022	COVID-19 & General
9011.80.0000	Product Specific	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	3	05/31/2022	COVID-19 & General
9018.11.9000	Product Specific	Disposable electrocardiograph electrodes	1	05/31/2022	COVID-19 & General
9018.12.0000	Product Specific	Ultrasonic scanning apparatus, each having dimensions not exceeding 122 cm by 77 cm by 127 cm, whether or not presented with transducer	1	05/31/2022	COVID-19
9018.19.9530	Product Specific	Blood pressure monitors suitable for use by medical professionals	1	05/31/2022	COVID-19
9018.19.9550	Product Specific	Digital peak flow meters suitable for use by medical professionals	1	05/31/2022	COVID-19 & General
9018.19.9550	Product Specific	Fingertip pulse oximeters suitable for use by medical professionals	1	05/31/2022	COVID-19 & General
9018.19.9560	Product Specific	Disposable surface electrodes for Intra-operative neuromonitoring systems, each composed of a surface electrode pad, an insulated wire, and a standard DIN 42802 connector	1	05/31/2022	COVID-19 & General
9018.19.9560	Product Specific	Bismuth germanate crystals with set dimensional and surface finish requirements and used as a detection element in Positron Emission Tomography detectors	1	05/31/2022	COVID-19 & General
9018.19.9560	Product Specific	Magnetic resonance imaging patient enclosure devices, each incorporating radio frequency and gradient coils	1	05/31/2022	COVID-19 & General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
9018.19.9560	Product Specific	Parts and accessories of capnography monitors	1	05/31/2022	COVID-19 & General
9018.90.2000	Product Specific	Otoscopes	1	05/31/2022	COVID-19 & General
9018.90.3000	Product Specific	Anesthetic instruments and appliances suitable for use in medical or surgical sciences, and parts and accessories of the foregoing	1	05/31/2022	COVID-19
9018.90.3000	Product Specific	Anesthesia masks	1	05/31/2022	COVID-19 & General
9018.90.6000	Product Specific	Electrosurgical cautery pencils with electrical connectors	1	05/31/2022	COVID-19 & General
9018.90.7580	Product Specific	Printed circuit board assemblies designed for use in displaying operational performance of medical infusion equipment	1	05/31/2022	COVID-19 & General
9022.12.0000	Product Specific	Combined positron emission tomography/computed tomography scanners which utilize multiple PET gantries on a common base	1	05/31/2022	COVID-19 & General
9022.90.2500	Product Specific	X-ray tables	1	05/31/2022	COVID-19 & General
9022.90.4000	Product Specific	X-ray tube housings and parts thereof	1	05/31/2022	COVID-19 & General
9022.90.6000	Product Specific	Multi-leaf collimators of radiotherapy systems based on the use of X-ray	1	05/31/2022	COVID-19 & General
9022.90.6000	Product Specific	Parts and accessories, of metal, for mobile X-ray apparatus	1	05/31/2022	COVID-19 & General
9022.90.6000	Product Specific	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	1	05/31/2022	COVID-19 & General
9022.90.9500	Product Specific	Thermoplastic masks of polycaprolactone for the use of immobilizing patients, during the use of alpha, beta or gamma radiations, for radiography or radiotherapy	1	05/31/2022	COVID-19 & General
9025.19.8010	Entire Subheading	Clinical infrared thermometers of a kind described in statistical note 2, not combined with other instruments	2	05/31/2022	COVID-19
9025.19.8020	Entire Subheading	Clinical thermometers, other than infrared, not combined with other instruments, NESOI	2	05/31/2022	COVID-19
9025.19.8060	Entire Subheading	Infrared thermometers, other than clinical, not combined with other instruments, NESOI	2	05/31/2022	COVID-19

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
9025.19.8085	Entire Subheading	Thermometers, not combined with other instruments, NESOI	2	05/31/2022	COVID-19
9027.90.5650	Product Specific	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	1	05/31/2022	COVID-19 & General

Source: Congressional Research Service and the Office of the U.S. Trade Representative.

Notes: NESOI: not elsewhere specified or included. Products covered by Lists 1 through 3 are subject to additional Section 301 tariffs (*ad valorem*) of 25%, while those under List 4A are subject to a 7.5% additional tariff. The time window to submit comments as part of the "COVID-19 Review" opened on August 27 and closed on September 27, 2021, while the comment window for the "General Review" opened on October 12 and is to close on December 1, 2021. The 99 exclusions expiring on November 30, 2021, are reflected in 84 specially prepared product descriptions and 33 10-digit Harmonized Tariff Schedule of the United States (HTS) subheadings. [*] In October 2020, the USTR made a technical amendment to this product specific exclusion. Its original description was "'Mixtures containing 2-(dimethylamino) ethanol (CAS No. 108–01–0)." For more detail, see Office of the U.S. Trade Representative, "Notice of Product Exclusion Extension Amendments: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation," 85 FR 63332, October 7, 2020.

Table 2. Section 301 Tariff Exclusion Extensions Under Review: Other Products With Potential Uses For COVID-19 Response Efforts

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
8409.91.9990	Product Specific	Hydraulic valve lifters of steel with rollers, suitable for use solely or principally with spark-ignition internal combustion piston engines (other than for aircraft engines, marine propulsion engines or for vehicles of subheading 8701.20, or headings 8702, 8703 or 8704), each measuring 5 cm or more but not over 13 cm in length and 2.5 cm or more but not over 3.9 cm in diameter and weighing 135 g or more but not over 410 g [e.g., for ambulances]	3	Expired (12/31/2020)	General
8409.91.9990	Product Specific	Solid valve lifters of steel, suitable for use solely or principally with spark-ignition internal combustion piston engines (other than for aircraft engines, marine propulsion engines or for vehicles of subheading 8701.20, or headings 8702, 8703 or 8704), each measuring 19 mm or more but not over 114 mm in length and 6 mm or more but not over 26 mm in diameter and weighing 20 g or more but not over 250 g [e.g., for ambulances]	3	Expired (12/31/2020)	General

HTS Code	Type of Exclusion	Subheading or Product Description	List	Expiration Date	Review
8413.30.9090	Product Specific	Cooling medium pumps for internal combustion piston engines of the motor vehicles of headings 8703 or 8704 [e.g., for ambulances]	3	Expired (12/31/2020)	General
8421.39.8015	Product Specific	Air purification equipment, electrically powered, weighing less than 36 kg	1	Expired (12/31/2020)	General
9011.10.8000	Product Specific	Stereoscopic microscopes, not provided with a means for photographing the image, valued not over $500 per unit	1	Expired (12/31/2020)	General
9011.90.0000	Product Specific	Adapter rings, tubes and extension sleeves, stands and arm assemblies, stages and gliding tables, eye guards and focusing racks, all the foregoing designed for use with compound optical microscopes	1	Expired (12/31/2020)	General
9018.12.0000	Product Specific	Portable ultrasonic scanner consoles, each weighing less than 4 kg, presented with or without transducer	1	Expired (12/31/2020)	General
9022.14.0000	Product Specific	Radiation therapy systems, each encased by steel-based structural shell with gantry cover comprising three pairs of plastics-based panels	1	Expired (12/27/2020)	General
9022.90.6000	Product Specific	Printed circuit board assemblies, of a kind designed for use in X-ray apparatus	1	Expired (12/31/2020)	General
9025.19.8010	Product Specific	Digital clinical thermometers (described in statistical reporting number 9025.19.8040 prior to July 1, 2020)	2	Expired (12/31/2020)	General
9025.19.8010	Product Specific	Digital clinical thermometers, valued not over $11 each (described in statistical reporting number 9025.19.8040 prior to July 1, 2020)	2	Expired (12/31/2020)	General
9025.19.8020	Product Specific	Digital clinical thermometers (described in statistical reporting number 9025.19.8040 prior to July 1, 2020)	2	Expired (12/31/2020)	General
9025.19.8020	Product Specific	Digital clinical thermometers, valued not over $11 each (described in statistical reporting number 9025.19.8040 prior to July 1, 2020)	2	Expired (12/31/2020)	General
9403.90.8041	Product Specific	Bed rails, each of which attaches to the side of a bed to prevent the occupant of the bed from rolling out, with a nylon mesh fabric cover	3	Expired (12/31/2020)	General

Source: Congressional Research Service and the Office of the U.S. Trade Representative.

Notes: Products covered by Lists 1 through 3 are subject to additional Section 301 tariffs (*ad valorem*) of 25%. The time window to submit comments as part of the "General Review" opened on October 12 and is to close on December 1, 2021.

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