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CSMS #19-000052[Back](#)**Title: Submitting Imports of Products Excluded from Section 301 Duties****Date: 2/8/2019 4:10:44 PM****To: Automated Broker Interface, ACE Portal Accounts, ACE Reports, New ACE Programming, Trade Policy Updates****Related: [18-000757](#), [18-000752](#), [18-000624](#)****BACKGROUND:**

On December 28, 2018, the U.S. Trade Representative published a Federal Register Notice (83 FR 67463) announcing the decision to grant certain exclusion requests from the 25 percent duty assessed under the Section 301 investigation related to goods from China (Tranche 1). The product exclusions announced in this notice will be retroactive as of the July 6, 2018 effective date (see 83 FR 28710). The exclusions will extend for one year after the December 28, 2018 Federal Register notice (83 FR 67463).

The exclusions are available for any product that meets the description in the Annex to 83 FR 67463, regardless of whether the importer filed an exclusion request. Further, the scope of each exclusion is governed by the scope of the 10-digit headings and product descriptions in the Annex to 83 FR 67463, and not by the product descriptions set out in any particular request for exclusion.

The functionality for the acceptance of products excluded from Section 301 duties will be available in the Automated Commercial Environment (ACE) on February 10, 2019.

INSTRUCTIONS FOR FILING ENTRIES SUBJECT TO PRODUCT EXCLUSIONS:

Instructions on submitting entries to CBP containing products granted exclusions by USTR from the Section 301 measures are as follows:

In addition to reporting the regular Chapters 84, 85 & 90 classification of the Harmonized Tariff Schedule of the United States (HTSUS) for the imported merchandise, importers shall report the HTSUS classification 9903.88.05 (Articles the product of China, as provided for in U.S. note 20(h) to this subchapter, each covered by an exclusion granted by the U.S. Trade Representative) for imported merchandise subject to the exclusion.

Do not submit the corresponding Chapter 99 HTS number for the Section 301 duties when HTS 9903.88.05 is submitted.

ADDITIONAL INFORMATION:

Duty exclusions granted by USTR are retroactive on imports to the initial effective date of July 6, 2018. To request an administrative refund for previous imports of duty-excluded products granted by USTR, importers may file a Post Summary Correction (PSC) following the same entry filing instructions above.

If the entry has already liquidated, importers may protest the liquidation.

Reminder: When submitting an entry summary in which a heading or subheading in Chapter 99 is claimed on imported merchandise, please refer to CSMS 18-000657 (Entry Summary Order of Reporting for Multiple HTS in ACE).

Imports which have been granted a product exclusion from the Section 301 measures, and which are not subject to the Section 301 duties, are not covered by the FTZ provisions of the Section 301 Federal Register notices, but instead are subject to the FTZ provisions in 19 CFR part 146.

For more information, please refer to the December 28, 2018 Federal Register notice (83 FR 67463).

Questions from the importing community concerning ACE entry rejections involving product exclusion numbers should be referred to their CBP Client Representative. Questions related to Section 301 entry filing requirements should be emailed to Traderemedy@cbp.dhs.gov.