

## **Section 301 Tariffs: Thousands of Exclusion Requests from US Firms**

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### **About the data**

Under Section 301(B) of the Trade Act of 1974, the United States Trade Representative (USTR) conducted an investigation into certain acts, policies, and procedures of the Chinese government related to technology transfer, intellectual property, and innovation. Following the investigation, the USTR invited public comment on a proposed list of tariffs. USTR then modified the list and on July 6, 2018, the first tranche of tariffs went into effect. To date, there have been three tranches of tariffs, accounting for approximately \$250 billion of US imports from China (nearly half of the value of US imports from China in 2018). The fourth tranche, if implemented, would cover nearly the remaining amount of trade.

A tariff is a tax levied on imported goods and paid by the importer. Consumers generally bear the burden of the tax when the import is a final consumer good, and manufacturers generally bear the burden when the import is an intermediate good although it depends on market conditions and numerous other factors.

In response to these increased costs, US firms and individuals had the opportunity to file a request for a specific product to be excluded from tranche one, two or three. Once an exclusion request is approved, the product is removed from the list and is no longer subject to the Section 301 tariff. An approval is then valid for one year. The exclusion request process is conducted by the USTR, and all requests for tranche one and two are made publically available on regulations.gov. For tranche three, all the requests are made publically available on <https://exclusions.ustr.gov/s/PublicDocket>.

The data are created using the information provided on the exclusion requests and decisions. The data will be regularly updated as the USTR releases more decisions on the pending requests. When using the datasets, please refer to the variable descriptions below.

### **Citation**

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### **Variable descriptions**

#### **2015 Imports for Consumption**

The 2015 import numbers are in terms of customs value for imports for consumption. Using the import numbers at the 10-digit Harmonized Tariff Schedule Code of the United States (HTSUS) level, the data are aggregated to the 8-digit HTSUS level. The data were pulled on June 24, 2019, from the US Census Bureau's Economic Indicators Division of the USA Trade Online database.

#### **2016 Imports for Consumption**

The 2016 import numbers are in terms of customs value for imports for consumption. Using the import numbers at the 10-digit Harmonized Tariff Schedule Code of the United States (HTSUS) level, the data are aggregated to the 8-digit HTSUS level. The data were pulled on June 24, 2019, from the US Census Bureau's Economic Indicators Division of the USA Trade Online database.

#### **2017 Imports for Consumption**

The 2017 import numbers are in terms of customs value for imports for consumption. Using the import numbers at the 10-digit Harmonized Tariff Schedule Code of the United States (HTSUS) level, the data are aggregated to the 8-digit HTSUS level. The data were pulled on June 24, 2019, from the US Census Bureau's Economic Indicators Division of the USA Trade Online database.

### **2018 Imports for Consumption**

The 2018 import numbers are in terms of customs value for imports for consumption. Using the import numbers at the 10-digit Harmonized Tariff Schedule Code of the United States (HTSUS) level, the data are aggregated to the 8-digit HTSUS level. The data were pulled on June 24, 2019, from the US Census Bureau's Economic Indicators Division of the USA Trade Online database.

### **Approved**

If the exclusion request has been approved, then it is "1". If the exclusion request has been denied or undecided, then it is "0"

### **Average Imports for 2015, 2016, and 2017**

The average of the values for 2015, 2016, and 2017 imports for consumption.

### **BEC Code**

The Broad Economic Categories (BEC) are based on the United Nations harmonized tariff schedule (HTS) concordance table. Revision four of the BEC code and the 2017 revision of the HTS at the 6-digit level are used.

### **BEC Description**

The United Nations' description of the Broad Economic Categories (BEC). Intermediate inputs are those with BEC codes 111, 121, 21, 22, 31, 322, 42, and 53. Consumption goods are those with BEC codes 112, 122, 522, 61, 62, and 63. Capital goods are those with BEC codes 41 and 521. Unspecified goods are those with BEC codes 321, 51, and 7. Multiple means that an 6-digit harmonized tariff schedule (HTS) code matches with multiple BEC codes.

### **Company Name**

The name of the company listed in response to question 4 of the exclusion request, "organization name."

### **Denied**

If the exclusion request has been denied, then it is "1". If the exclusion request has been approved or undecided, then it is "0"

### **HTS**

When referring to the exclusion request data, it is the response to question 3 on the exclusion request form, "10-Digit Harmonized Tariff Schedule Code of the United States (HTSUS) item number for product you wish to address in this product exclusion request." For the final list of product codes included in the tranches, this refers to the 8-digit HTSUS code that is published in the USTR press releases.

### **HTS Six-Digit**

When referring to the exclusion request data, it is the first six-digits of the 10-digit harmonized tariff schedule code that was provided in response to question 3 on the exclusion request form, "10-Digit Harmonized Tariff Schedule Code of the United States (HTSUS) item number for product you wish to address in this product exclusion request." For the final list of product codes included in the tranches, this refers to the first 6-digits of the HTSUS code that is published in the USTR press releases.

### **ID**

The identification number assigned by the United States Trade Representative. It is unique for each exclusion request. The beginning of the code is used to identify the docket that the item is listed under. “USTR-2018-0025” corresponds to exclusion requests filed for the first tranche and “BIS-2018-0032” corresponds to exclusion requests filed for the second tranche.

**January through April 2019 Imports for Consumption**

The 2019 import numbers are in terms of customs value for imports for consumption. Using the import numbers at the 10-digit Harmonized Tariff Schedule Code of the United States (HTSUS) level, the data are aggregated to the 8-digit HTSUS level. The data were pulled on June 24, 2019, from the US Census Bureau’s Economic Indicators Division of the USA Trade Online database. Data are only available for the first four months of the year, i.e., January, February, March, and April.

**Pending**

If the exclusion request is still pending a decision, then it is “1”. If the exclusion request has been denied or approved, then it is “0”.

**Posted Date**

The date the exclusion request was publically posted on regulations.gov. The posted data for Tranche 3 corresponds to the date that the company submitted its request through USTR’s online portal.

**Product Title**

The description of the product that is referred to in the product exclusion request.

**Received Date**

The date the exclusion request was received by the Commerce Department. Due to the changes in the portal, the received date is not given for Tranche 3 because it corresponds to the posted date.

**Response Closed**

The date that is 14 days after the posted date. This variable only appears for Tranche 3.

**Stage**

The stage of the product exclusion request as reported by USTR on the date that the data were retrieved.

**Submitter First Name**

The response to question 4 on the exclusion request form, “requestor first name.” This variable does not appear for Tranche 3.

**Submitter Last Name**

The response to question 4 on the exclusion request. This variable does not appear for Tranche 3.