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and,

Gregory B. Smith, Director, Office of
Civil Rights, Department of State;

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Liaison, Office of the White House
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Carrie B. Cabelka, Assistant Secretary
for Administration, Bureau of
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Secretary, Bureau of Democracy, Human
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Carol Z. Perez,

*Director General of the Foreign Service and
Director of Human Resources, Department
of State.*

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Modification of Section 301 Action: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

AGENCY: Office of the United States
Trade Representative.

ACTION: Notice of modification of action.

SUMMARY: In accordance with the
direction of the President, the U.S.
Trade Representative has determined to
modify the action being taken in this
Section 301 investigation by
suspending, until further notice, the
additional duty of 15 percent on certain
products of China, scheduled to take
effect December 15, 2019.

DATES: Effective 12:01 a.m. eastern
standard time on December 15, 2019,
the additional duties scheduled to go
into effect at that time, as set out in
Annex C of the notice published at 84
FR 43304, are suspended until further
notice.

FOR FURTHER INFORMATION CONTACT: For
questions about this notice, contact
Associate General Counsel Arthur Tsao,
Assistant General Counsel Philip Butler,
or Director of Industrial Goods Justin
Hoffmann at (202) 395-5725. For
questions on customs classification or

implementation of additional duties,
contact traderemedy@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

A. Prior Determinations in the Investigation

For background on the proceedings in
this investigation, please see the prior
notices issued in this investigation,
including 82 FR 40213 (August 24,
2017), 83 FR 14906 (April 6, 2018), 83
FR 28710 (June 20, 2018), 83 FR 33608
(July 17, 2018), 83 FR 38760 (August 7,
2018), and 83 FR 40823 (August 16,
2018), 83 FR 47974 (September 21,
2018), 83 FR 49153 (September 28,
2018), 84 FR 20459 (May 9, 2019), 84 FR
43304 (August 20, 2019), and 84 FR
45821 (August 30, 2019).

On August 20, 2019, the U.S. Trade
Representative, at the direction of the
President, determined to modify the
action being taken in the investigation
by imposing an additional 10 percent *ad
valorem* duty on products of China with
an annual aggregate trade value of
approximately \$300 billion. See 84 FR
43304 (August 20, 2019) (the August 20
notice). The tariff subheadings subject to
the 10 percent additional duties were
separated into two lists with different
effective dates. The list in Annex A had
an effective date of September 1, 2019.
The list in Annex C had an effective
date of December 15, 2019.

Subsequently, at the direction of the
President, the U.S. Trade Representative
determined to increase the rate of the
additional duty applicable to the tariff
subheadings covered by the action
announced in the August 20 notice from
10 percent to 15 percent. See 84 FR
45821 (August 30, 2019).

B. Determination To Modify Action

The Section 301 statute (set out in
Sections 301 to 308 of the Trade Act)
(19 U.S.C. 2411-2418) includes
authority for the U.S. Trade
Representative to modify the action
being taken in an investigation. In
particular, Section 307(a)(1) authorizes
the U.S. Trade Representative to modify
or terminate any action taken under
Section 301, subject to the specific
direction, if any, of the President, if the
burden or restriction on United States
commerce of the acts, policies, and
practices that are the subject of the
action has increased or decreased, or the
action is being taken under Section
301(b) and is no longer appropriate.

The United States is engaging with
China with the goal of obtaining the
elimination of the acts, policies, and
practices covered in the investigation.
On December 13, 2019, following
months of negotiations, the United
States and China reached a historic and

enforceable agreement on a Phase One
trade deal that requires structural
reforms and other changes to China's
economic and trade regime, including
with respect to certain issues covered in
this Section 301 investigation.

In light of progress in the negotiations
with China, and at the direction of the
President, the U.S. Trade Representative
has determined that the action
announced on August 20, as modified
by the August 30 notice, is no longer
appropriate. Specifically, and in
accordance with the President's
direction, the U.S. Trade Representative
has determined to suspend indefinitely
the imposition of additional duties of 15
percent on products of China covered by
Annex C of the August 20 notice, which
otherwise would have been effective on
December 15, 2019.

Furthermore, in light of the progress
in the negotiations, the U.S. Trade
Representative expects to issue in the
near future a notice reducing the rate of
additional duty applicable to the
products of China covered by Annex A
of the August 20 notice.

The U.S. Trade Representative's
decision to modify the action being
taken in this investigation takes into
account the extensive comments and
testimony previously provided in
connection with the August 20
modification.

To give effect to the U.S. Trade
Representative's decision, the additional
duties set out in Annex C of the August
20 notice, as modified by the August 30
notice, are suspended indefinitely, as of
the planned effective date of 12:01 a.m.
eastern standard time on December 15,
2019. The additional duties that were
provided for in heading 9903.88.16 of
the Harmonized Tariff Schedule of the
United States (HTSUS) and U.S. notes
20(t) and 20(u) to subchapter III of
chapter 99 of the HTSUS and that were
scheduled to take effect on December
15, 2019 are hereby suspended
indefinitely.

The U.S. Trade Representative will
continue to consider the actions being
taken in this investigation. In the event
that further modifications are
appropriate, the U.S. Trade
Representative intends to take into
account the extensive comments and
testimony previously provided.

Joseph Barloon,

*General Counsel, Office of the U.S. Trade
Representative.*

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