Congress of the United States
Washington, DC 20515

October 15, 2018

The Honorable Robert E. Lighthizer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Lighthizer:

We write today to urge you to establish a process that allows U.S. companies to request an exclusion from the recent tariffs imposed on $200 billion of Chinese imports pursuant to the investigation into China's unfair trade practices under Section 301, consistent with those for the previous two Section 301 tariff lists. Such a process would afford U.S. companies the opportunity to seek relief if tariffs harm their global competitiveness and would help target the effects of the tariffs on China rather than on U.S. companies and their customers.

There can be no doubt that China has engaged in unfair trade practices, particularly when it comes to technology transfer, intellectual property, and innovation, as your March 2018 report made clear. We were encouraged that your office took a transparent and deliberative approach in developing the three lists of tariffs, including a notice and comment period and public hearings. We also appreciated that an exclusion process was set up to further refine the first two lists. However, the lack of such a process for this most recent list is a glaring omission, particularly given its size in relation to the first two lists.

An exclusion process is vital to ensuring that U.S. companies can seek relief in the event that there are no alternative suppliers or if other special circumstances exist that could harm their ability to compete in the global marketplace. The process should be fact-based, with criteria specified in the Federal Register for companies to meet to qualify for an exclusion. Such a meaningful process would allow U.S. companies to evaluate whether they meet the criteria and should devote resources to seeking exclusions.

We thank you for your thoughtful approach as you have refined the three lists of tariffs on Chinese imports under Section 301. An exclusion process has been an integral part of that approach for the first two lists and must be a part of the recently-announced third list as well.

Thank you for your consideration of this request.

Sincerely,

Jackie Walorski

JACKIE WALORSKI
Member of Congress

Ron Kind

RON KIND
Member of Congress

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