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
Member of Congress

Ron Kind
Member of Congress
TOM MACARTHUR  
Member of Congress

MARK SANFORD  
Member of Congress

SCOTT DESJARLAIS  
Member of Congress

KYRSTEN SINEMA  
Member of Congress

BARBARA COMSTOCK  
Member of Congress

TED POE  
Member of Congress

KEVIN CRAMER  
Member of Congress

LEE ZELDIN  
Member of Congress

LARRY BUCSHON, M.D.  
Member of Congress

GLENN GROTHMAN  
Member of Congress

CATHY MCMORRIS RODGERS  
Member of Congress

JEFF DUNCAN  
Member of Congress

DAVID YOUNG  
Member of Congress

MARK MEADOWS  
Member of Congress

DIANE BLACK  
Member of Congress

DON BACON  
Member of Congress
DAVID P. ROE, M.D.
Member of Congress

TOM MCCLINTOCK
Member of Congress

ERIK PAULSEN
Member of Congress

SAM JOHNSON
Member of Congress

ANNA G. ESHOO
Member of Congress

PAUL MITCHELL
Member of Congress

BRADLEY BYRNE
Member of Congress

JAMES P. MCGOVERN
Member of Congress

F. JAMES SENSENBRENNER, JR.
Member of Congress

PETE OLSON
Member of Congress

EDWARD R. ROYCE
Member of Congress

EARL L. "BUDDY" CARTER
Member of Congress

BILL HUIZENGA
Member of Congress

STEVE CHABOT
Member of Congress

JENNIFER GONZÁLEZ-COLÓN
Member of Congress

PETE AGUILAR
Member of Congress
JIM Himes
Member of Congress

BARRY LOUDERMILK
Member of Congress

ZOE LOFGREN
Member of Congress

KEVIN YODER
Member of Congress

ROD BLUM
Member of Congress

ADAM KINZINGER
Member of Congress

ERIC SWALWELL
Member of Congress

TOM REEMER
Member of Congress

DANIEL M. DONOVAN, JR.
Member of Congress

TERRI A. SEWELL
Member of Congress

GERALD E. CONNOLLY
Member of Congress

JAIME HERRERA BEUTLER
Member of Congress

DEREK KILMER
Member of Congress

HENRY CUellar
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BRIAN BABIN
Member of Congress

DEVIN NUNES
Member of Congress
ROBERT E. LATTA  
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BRENDAN F. BOYLE  
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TED W. LIEU  
Member of Congress

JACKY ROSEN  
Member of Congress

MIKE THOMPSON  
Member of Congress

JOHN YARMUTH  
Member of Congress

DORIS MATSUI  
Member of Congress