CLIENT ALERTS & INSIGHTS

Opportunity for Comment on Section 301 Duties for China Imports

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The public will soon have an opportunity to offer comment on the Section 301 duties that were imposed on imports from China under the prior Administration. Recently the Office of the U.S. Trade Representative ("USTR") issued a Request for Comments regarding its ongoing four-year statutory review of the Section 301 investigation of "China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation."

The impacts of Section 301 duties are wide ranging and, particularly early in their launch, were felt as hard hitting to the supply chain. Your lived experience as domestic importers and domestic industry alike will be valuable to the federal government as it looks to determine the future of this program. The USTR's stated objective for seeking public comments is to determine the effectiveness of the tariff actions in achieving the investigation objectives, other actions, and the effects of such actions on the economy.

Specifically, the USTR is interested in comments addressing:

- The effectiveness of the actions in obtaining the elimination of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation.
- The effectiveness of the actions in counteracting China's acts, policies, and practices related to technology transfer, intellectual property, and innovation.
- Other actions or modifications that would be more effective in obtaining the elimination of or in counteracting China's acts, policies, and practices related to technology transfer, intellectual property, and innovation.
- The effects of the actions on the U.S. economy, including U.S. consumers.
- The effects of the actions on domestic manufacturing, including in terms of capital investments, domestic capacity and production levels, industry concentrations, and profits.
- The effects of the actions on U.S. technology, including in terms of U.S. technological leadership and U.S. technological development.
- The effects of the actions on U.S. workers, including with respect to employment and wages.
- The effects of the actions on U.S. small businesses.
- The effects of the actions on U.S. supply chain resilience.

- The effects of the actions on the goals of U.S. critical supply chains.
- Whether the actions have resulted in higher additional duties on inputs used for additional manufacturing in the United States than the additional duties on particular downstream product(s) or finished good(s) incorporating those inputs.

The window to provide comment will begin on November 15, 2022, when the USTR will open a public docket. All comments must be submitted at https://comments.USTR.gov on Docket No. USTR-2022-0014. The deadline for submitting comments is January 17, 2023.

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