

Alert | International Trade



April 2018

USTR Publishes List of Section 301 Tariffs on Certain Goods from China

On April 3, 2018, the U.S. Trade Representative (USTR) published a list of products imported from China on which it recommended imposing 25 percent tariffs, in addition to any other existing tariffs on those goods. USTR issued this list in the context of an investigation conducted under section 301 of the Trade Act of 1974, which authorizes the president to unilaterally take any appropriate action to remove any practices of countries that violate an international trade agreement or that engage in acts, policies, or practices that are “unreasonable or discriminatory and burden or restrict” U.S. commerce.

These proposed tariffs follow USTR’s finding that China has required U.S. companies to transfer their technology to Chinese competitors and has otherwise harmed U.S. intellectual property rights holders and U.S. companies seeking to invest in China. China has responded by threatening to impose a 25 percent tariff on similar exports from the United States to match the \$50 billion worth of goods the United States has so far targeted with these tariffs.

Covered Products

The preliminary product [list](#) prepared by USTR covers approximately 1,300 Harmonized Tariff Schedule (HTS) codes in the following product categories:

- Aluminum and steel products;
- Machinery equipment and parts;
- Motor vehicles and parts;

- Medicines containing ephedrine, alkaloids, insulin, or artificial mixtures of natural hormones, among other pharmaceuticals;
- Home appliances;
- Weapons; and
- Agricultural equipment, among others.

The list, which also provides exceptions for certain products and categories, may be expanded, as President Trump has threatened additional tariffs on \$100 billion worth of imports from China, in response to China's threat to impose additional import duties on \$50 million of U.S. goods.

Public Comments and Hearing Opportunity

USTR is providing an opportunity to submit comments on the contents of the list, potential economic harm to U.S. interests, the potential effectiveness of these measures, and other related topics. Anyone interested in appearing at the hearing scheduled for May 15, 2018, should submit a request to appear by April 23, 2018, and at that time must also submit a summary of their proposed testimony. Any rebuttal comments must be submitted by May 22, 2018. Persons wishing to submit only written comments must do so by May 11, 2018.

Once the public comment and hearing process is concluded, USTR is required to consult with other federal agencies, such as the U.S. Department of Commerce, before publishing a final list of products and tariffs. It is still unclear when USTR will publish its final list, as there are no statutory timeframes to guide this process. USTR is expected to act as expeditiously as possible, but given the hearing schedule, and the need for USTR to review all comments received, it is unlikely that it will be able to act until mid-to-late June or July at the earliest.

Greenberg Traurig's International Trade group is ready to answer questions regarding these tariffs and to assist companies that wish to participate in the comment and hearing process.

About Greenberg Traurig's International Trade Practice

Greenberg Traurig's [International Trade Group](#) provides continual consultation and advice to clients on expanding trade opportunities and the impact of U.S. governmental action on global trade.

Authors

This GT Alert was prepared by **Irwin P. Altschuler**, **Donald S. Stein**, and **Daniel E. Parga**. Questions about submitting comments to USTR or other information in this GT Alert can be directed to:

- [Irwin P. Altschuler](#) | +1 202.530.8501 | altschuleri@gtlaw.com
- [Donald S. Stein](#) | +1 202.530.8502 | steind@gtlaw.com
- [Daniel E. Parga](#) | +1 202.533.2355 | pargad@gtlaw.com

Additional Greenberg Traurig International Trade Group Contacts

- Kara M. Bombach | +1 202.533.2334 | bombachk@gtlaw.com
- Cyril T. Brennan | +1 202.533.2342 | brennanct@gtlaw.com
- Sandra D. Gonzalez | +1 512.320.7234 | gonzalezsd@gtlaw.com
- Rosa S. Jeong | +1 202.533.2328 | jeongr@gtlaw.com
- Renee A. Latour[‡] | +1 202.533.2358 | latourr@gtlaw.com
- Michael X. Marinelli[‡] | +1 512.320.7236 | marinellimx@gtlaw.com
- Alan Slomowitz | +1 202.533.2318 | slomowitza@gtlaw.com
- Sonali Dohale | +1 202.533.2381 | dohales@gtlaw.com
- Arturo Jessel[~] | +1 202.530.8506 | jessela@gtlaw.com
- Or your Greenberg Traurig attorney

[‡]Admitted in Virginia. Practice in the District of Columbia limited to matters and proceedings before Federal courts and Agencies.

[¥]Admitted in the District of Columbia. Not admitted in Texas.

[~] Not admitted to the practice of law.

Albany. Amsterdam. Atlanta. Austin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Germany.[¬]
Houston. Las Vegas. London.* Los Angeles. Mexico City.+ Miami. New Jersey. New York. Northern Virginia. Orange County.
Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul.[∞] Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv.[^]
Tokyo.[¤] Warsaw.⁻ Washington, D.C.. West Palm Beach. Westchester County.

*This Greenberg Traurig Alert is issued for informational purposes only and is not intended to be construed or used as general legal advice nor as a solicitation of any type. Please contact the author(s) or your Greenberg Traurig contact if you have questions regarding the currency of this information. The hiring of a lawyer is an important decision. Before you decide, ask for written information about the lawyer's legal qualifications and experience. Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLP and Greenberg Traurig, P.A. ¬Greenberg Traurig's Berlin office is operated by Greenberg Traurig Germany, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. *Operates as a separate UK registered legal entity. +Greenberg Traurig's Mexico City office is operated by Greenberg Traurig, S.C., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ∞Operates as Greenberg Traurig LLP Foreign Legal Consultant Office. ^Greenberg Traurig's Tel Aviv office is a branch of Greenberg Traurig, P.A., Florida, USA. ¤Greenberg Traurig Tokyo Law Offices are operated by GT Tokyo Horitsu Jimusho, an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. ~Greenberg Traurig's Warsaw office is operated by Greenberg Traurig Grzesiak sp.k., an affiliate of Greenberg Traurig, P.A. and Greenberg Traurig, LLP. Certain partners in Greenberg Traurig Grzesiak sp.k. are also shareholders in Greenberg Traurig, P.A. Images in this advertisement do not depict Greenberg Traurig attorneys, clients, staff or facilities. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. ©2018 Greenberg Traurig, LLP. All rights reserved.*