

Office of USTR Issues Notice to Request Public Comments on Section 301 Tariffs

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Many US manufacturers have been plagued with the Section 301 tariffs on China since their imposition. In certain cases, the cost of the tariffs on inputs and raw material feedstock has made US manufacturers and producers, and thus US workers, less competitive in both the US and foreign markets. Upon request from certain sectors of US industry, the tariffs were continued earlier this year rather than being allowed to expire.

On Oct. 12, the Office of the US Trade Representative (USTR) issued notice of a request for public comments on the use of the Section 301 tariffs and their impact on US manufacturers and workers. (See [Request for Comments in Four-Year Review](#).) While there is no promise of exclusions, we should expect that any comments submitted will be relevant to the Section 301 tariff exclusion process for goods to which these tariffs currently apply. It is anticipated that Congress will pass legislation this year to modify the Section 301 tariff exclusion process in conjunction with the Miscellaneous Tariff (Duty Suspension) Bill and modifications to the Generalized System of Preferences program; once such legislation is enacted, the USTR is expected to move forward with a new round of exclusions for the Section 301 tariffs. Therefore, any comments submitted during this process will lay a foundation for exclusion filings for a company's imports. The new approach or standard for exclusions may weigh heavily in favor of the needs of small and midsized businesses, with a focus on hardship cases. One should also expect the lack of US production or supply to continue to be a factor for exclusions.

The trade compliance team at Jones Walker works with clients to manage global supply chain issues that include tariff and customs matters. We have successfully advocated for and obtained exclusions from the Section 301 tariffs.

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