

# Presidential Documents

Title 3—

Memorandum of August 14, 2017

The President

## Addressing China's Laws, Policies, Practices, and Actions Related to Intellectual Property, Innovation, and Technology

### Memorandum for the United States Trade Representative

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby directed as follows:

**Section 1. Policy.** It is the policy of the United States for our trade relations to enhance our economic growth, contribute favorably to our balance of trade, promote reciprocal treatment of American goods and investment, and strengthen the American manufacturing base.

The United States is a world leader in research-and-development-intensive, high-technology goods. Violations of intellectual property rights and other unfair technology transfers potentially threaten United States firms by undermining their ability to compete fairly in the global market. China has implemented laws, policies, and practices and has taken actions related to intellectual property, innovation, and technology that may encourage or require the transfer of American technology and intellectual property to enterprises in China or that may otherwise negatively affect American economic interests. These laws, policies, practices, and actions may inhibit United States exports, deprive United States citizens of fair remuneration for their innovations, divert American jobs to workers in China, contribute to our trade deficit with China, and otherwise undermine American manufacturing, services, and innovation.

**Sec. 2. Determination of Whether to Conduct Investigation.** The United States Trade Representative shall determine, consistent with section 302(b) of the Trade Act of 1974 (19 U.S.C. 2412(b)), whether to investigate any of China's laws, policies, practices, or actions that may be unreasonable or discriminatory and that may be harming American intellectual property rights, innovation, or technology development.

**Sec. 3. General Provisions.** (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) You are hereby authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
*Washington, August 14, 2017.*