June 6, 2013

The President
The White House
Washington, DC 20500

Dear Mr. President,

The Government of India (“GOI”) is discriminating against a wide range of U.S. exports, jeopardizing domestic jobs, and putting at risk a growing bilateral trading relationship worth more than $60 billion last year. Our associations, which collectively represent small, medium, and large U.S. companies throughout every major sector of the U.S. economy – from manufacturing to agriculture to services – believe the United States must push for fair trade with India.

Over the last year, the courts and policymakers in India have engaged in a persistent pattern of discrimination designed to benefit India’s business community at the expense of American jobs. The GOI recently demanded that as much as 100 percent of its market for certain information technology and clean energy equipment must be satisfied by firms based domestically. Administrative and court rulings have repeatedly ignored internationally recognized rights – imposing arbitrary marketing restrictions on medical devices and denying, breaking, or revoking patents for nearly a dozen lifesaving medications.

These actions and others constitute a disturbing trend that may continue and even expand to other products, sectors, and countries. Already there are indications that other countries are considering similar measures. Such actions are completely at odds with recognized global norms and raise troubling questions about India’s compliance with its international obligations to protect ideas, brands, and inventions and to treat imported goods no less favorably than domestic products.

These actions are unacceptable for a responsible middle-income country and rising global power to treat its second-largest export trading partner. They are counterproductive to India’s stated goals to attract capital and to develop its own innovative economy. Forcing local production and seeking to profit and create jobs through the rejection of basic property rights undermines India’s ability to achieve the type of long-term foreign investment that is so essential for sustainable economic growth and job creation.

It is time the GOI ended discrimination against our nation’s exporters and took steps to ensure it is not repeated in the future. To achieve this result, we urge the U.S. government immediately to initiate bilateral engagement at the highest levels and to coordinate closely with the European Union and other like-minded economies. If this engagement is not fruitful, we ask the U.S. government to respond purposefully, using all available trade tools and diplomatic engagement.
Reversing discrimination and restoring trust would be a win-win – enabling domestic exporters to further invest in India’s future and helping India grow its economy and create opportunities for its people. We look forward to working with you toward that end.

Sincerely,

Jay Timmons
President and CEO
National Association of Manufacturers

Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

Jay Vroom
President and CEO
CropLife America

Jim Greenwood
President and CEO
BIO

Grant Seiffert
President
Telecommunications Industry Association

John Castellani
President and CEO
PhRMA

Peter Robinson
President and CEO
United States Council for International Business

Calman Cohen
President
Emergency Committee for American Trade
John Endean  
President  
American Business Conference

Evan Gaddis  
President & CEO  
National Electrical Manufacturers Association

Stephen Yurek  
President and CEO  
Air-Conditioning, Heating, and Refrigeration Institute

Kevin Messner  
Vice President, Policy & Government Relations  
Association of Home Appliance Manufacturers

Jerry Call  
Executive Vice President  
American Foundry Society

Brian C. Toohey  
President & CEO  
Semiconductor Industry Association
Gary W. Price  
Chief Executive Officer  
Dental Trade Alliance

Rhone Resch  
President & CEO  
Solar Energy Industries Association

William A. Reinsch  
President  
National Foreign Trade Council

Cc:  The Honorable John Kerry  
The Honorable Jacob Lew  
The Honorable Cameron Kerry  
The Honorable Miriam Sapiro  
The Honorable Mike Froman