March 18, 2019

Dear Chairman Grassley and Ranking Member Wyden:

As the Senate Finance Committee begins its important work of considering legislation related to tariffs, we write to urge you to include important priorities in any proposal put forth by the Committee.

Article I, Section 8 of the Constitution provides Congress with “the power to lay and collect taxes, duties, imposts and excises.” Over the years, however, some authority related to tariffs has been delegated to the executive branch. As a result, the president has unilaterally imposed tariffs—which are taxes on Americans—on more than $300 billion in imports last year without the explicit approval of the peoples’ elected representatives in Congress.

Congress now has an opportunity to reclaim some of this tariff authority, with the Senate Finance Committee leading the way. As the committee considers legislation related to tariffs, we recommend that you prioritize the following important principles:

1. Congress must affirmatively approve any tariff increases proposed by the president before that tax is allowed to take effect. Moreover, efforts to further delegate authority of the Congress’ power to impose tariffs to the executive branch, including “reciprocal” or “retaliatory” tariffs, should be rejected.

2. The scope of legislation should apply to all instances where the president has been delegated authority to impose tariffs, including Sec. 232, Sec. 301, and others. Tariffs on a particular type of import should not be specifically excluded from a congressional approval process.

3. The International Trade Commission should submit to Congress and make publicly available a comprehensive assessment of a proposed tariff on the U.S. economy, including consumers and producers, not simply the industry covered by the tariff.

4. The term “national security” should be specifically defined in law to guide investigations for proposing tariffs under Sec. 232, and proposed barriers to trade under this authority should only be implemented for narrowly tailored, well-defined national security interests.

5. The secretary of Defense, in consultation with other agencies, should conduct any national security investigation and determination under Sec. 232. A determination by the secretary and any relevant information should be made available to Congress.

6. The committee should consider transition rules to provide for congressional consideration of tariffs that have been unilaterally imposed prior to enactment of the legislation.

As the committee continues to review and craft legislative proposals, we stand ready to assist and support you in this endeavor.

Thank you for your consideration.

Sincerely,

Americans for Prosperity
ALEC Action
Campaign for Liberty
Consumer Choice Center
Digital Liberty
Hands-On Science Partnership
The LIBRE Initiative
National Tooling and Machining Association
Precision Machined Products Association
R Street Institute
Taxpayers Protection Alliance

Freedom Partners Chamber of Commerce
American Bakers Association
Coalition of American Metal Manufacturers and Users
Center for Freedom and Prosperity
Farmers for Free Trade
Hispanic Leadership Fund
National Marine Manufacturers Association
North American Association of Food Equipment Manufacturers
Precision Metalforming Association
Republicans Fighting Tariffs
Specialty Equipment Market Association

Americans for Tax Reform
Competitive Enterprise Institute
Club for Growth
FreedomWorks
Institute for Policy Innovation
National Taxpayers Union
North American Die Casting Association
Property Rights Alliance
Specialty Equipment Market Association