

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

Freedom Partners Chamber of Commerce

ALEC Action

American Bakers Association

Americans for Tax Reform

Campaign for Liberty

**Coalition of American Metal
Manufacturers and Users**

Competitive Enterprise Institute

Consumer Choice Center

Center for Freedom and Prosperity

Club for Growth

Digital Liberty

Farmers for Free Trade

FreedomWorks

Hands-On Science Partnership

Hispanic Leadership Fund

Institute for Policy Innovation

The LIBRE Initiative

**National Marine Manufacturers
Association**

National Taxpayers Union

**National Tooling and Machining
Association**

**North American Association of
Food Equipment Manufacturers**

**North American Die Casting
Association**

**Precision Machined Products
Association**

Precision Metalforming Association

Property Rights Alliance

R Street Institute

Republicans Fighting Tariffs

**Specialty Equipment Market
Association**

Taxpayers Protection Alliance

