

# United States Senate

WASHINGTON, DC 20510

July 31, 2019

The Honorable Robert E. Lighthizer  
United States Trade Representative  
600 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20508

Dear Ambassador Lighthizer,

We write to you regarding your proposed supplemental \$300 billion trade action pursuant to Section 301 of the Trade Act of 1974 (List 4). We support your efforts to address the inequities and imbalances in the United States' trade relationship with China, and welcome the delay in the implementation of the proposed supplemental trade action. We believe that such a delay will help ensure negotiations remain on track.

While we support your efforts to reach an agreement with China that addresses the discriminatory and unreasonable acts, policies, and practices that you identified in your Section 301 investigation, we propose a minor amendment to the composition of the proposed supplemental trade action that will mitigate the harm that the proposed supplemental trade action will have on certain American businesses. Last year during the deliberations over whether to impose \$200 billion in addition tariffs on China (List 3), you removed from the list certain tariffs on 96 products because of those tariff's harmful economic impact on these importers and our economy. Yet during the consideration of the proposed supplemental \$300 billion trade action (List 4), these products were again included on the list of proposed tariffs. We ask that you consider removing from the proposed supplemental trade action any good that was previously removed from the supplemental \$200 billion trade action (List 3) before that action went into effect.

At 96 Harmonized Tariff Schedule (HTS) codes out of a total of 3,805 codes, the amount of the trade in goods removed from the supplemental trade action and added to the proposed supplemental trade action is small. And yet the impact that it has on our constituents is large. We have all heard from constituents who are among those businesses who are in this narrow, affected class, and believe that future uses of tactical tariffs should minimize damage to U.S. workers and businesses, particularly those engaged in domestic manufacturing. These affected businesses are finding it impossible to engage in required business planning given the uncertainty created by removing goods from the supplemental trade action and then putting these same goods back on the proposed supplemental trade action only months later. Many of these businesses have made business and investment decisions in reliance on the Administration's prior actions and it would be unfair to penalize these companies now. Given that you and your staff have already determined that these goods merit removal from the supplemental trade action, we believe it sensible to remove them from the proposed supplemental trade action as well.

We thank you for your tireless efforts to secure a high-quality, enforceable agreement as part of the talks with China, and appreciate your consideration of our proposal.

Sincerely,



Rob Portman  
United States Senator



Tim Scott  
United States Senator



Johnny Isakson  
United States Senator