

# AMERICANS FOR FREE ★ TRADE

December 16, 2021

The Honorable Earl Blumenauer  
Chairman  
House Ways & Means Subcommittee  
On Trade  
Washington, DC 20515

The Honorable Vern Buchanan  
Ranking Member  
House Ways & Means Subcommittee  
On Trade  
Washington, DC 20515

**RE: Trade Subcommittee Hearing on Supporting U.S. Workers, Businesses, and the Environment in the Face of Unfair Chinese Trade Practices**

Dear Chairman Blumenauer and Ranking Member Buchanan:

On behalf of the undersigned members of Americans for Free Trade, we thank the Subcommittee on Trade for holding an important hearing on U.S. competitiveness issues with China. We believe it is critical that Congress not only examine how our trade tools can help improve U.S. economic competitiveness, but also act to relieve the burden the trade war has placed on American businesses, workers, manufacturers, farmers, and families.

By way of background, [Americans for Free Trade](#) represents every part of the U.S. economy including manufacturers, farmers and agribusinesses, retailers, technology companies, service suppliers, natural gas and oil companies, importers, exporters, and other supply chain stakeholders. Collectively, we employ tens of millions of Americans through our vast supply chains.

In advance of the Subcommittee's hearing, our coalition sent a [letter](#) signed by more than 175 organizations urging Congress to pass legislation that would help make the U.S. more competitive, ease financial burdens on American businesses and consumers, and help address rising concerns over inflation. Specifically, we called upon Congress to pass legislation: (1) requiring the Office of the U.S. Trade Representative (USTR) to establish a Section 301 China tariffs exclusion process that is broadly available for all products subject to the tariffs, not just those products that received an exclusion expiring in December 2020; and (2) providing retroactivity for exclusions that expired, as well as retroactivity for all COVID-19-response product exclusions dating back to the start of the pandemic. We reiterate our strong support for such legislative action and urge Congress to move quickly.

Additionally, we urge Congress to request that the Administration conduct an economic analysis of all positive and negative effects on the United States economy of the Section 301 China tariffs. This should include the effects on United States workers, businesses, and consumers and an analysis of the benefits of such tariffs providing sufficient trade leverage on

the PRC, in comparison to these tariffs' harm to the United States economy.<sup>1</sup> This analysis should require the Administration to meaningfully engage with all stakeholders – especially those paying the tariffs, and the results should be made public.

Finally, we continue to call for negotiated solutions to end to the trade war and elimination of the additional punitive tariffs on U.S. companies as well as China's retaliatory tariffs. These tariffs have cost U.S. companies [\\$113 billion](#) and [hit American businesses and consumers](#) – not the Chinese – hardest. And as the Subcommittee heard clearly from the testimony given by Clete Willems – a former Trump Administration official intimately acquainted with the Section 301 China tariffs – these harmful tariffs were never meant to be permanent as a matter of policy or legally under the statute.<sup>2</sup> We agree with Mr. Willems that the Biden Administration must ask itself whether the tariffs have achieved their stated goal. We believe that in asking this question honestly, the Administration will discover that the answer is a resounding “no”. It is past time to rethink the U.S. approach to addressing China's unfair trade practices and deploy tools that do not disproportionately harm American businesses, workers, and consumers.

We look forward to working with Congress and the Administration to address the ongoing negative impact that these tariffs continue to have on American businesses, American workers, and American consumers. Until the tariffs are fully removed, reinstating a broadly-available, fair and transparent exclusion process will provide a targeted relief mechanism that will help U.S. businesses recover from the economic recession and continue to invest in their businesses and workers here at home.

Thank you for your consideration.

Sincerely,

Accessories Council

ACT | The App Association

Agriculture Transportation Coalition (AgTC)

ALMA, International (Association of Loudspeaker Manufacturing and Acoustics)

American Apparel & Footwear Association (AAFA)

American Association of Exporters and Importers (AAEI)

American Association of Port Authorities

American Bakers Association

American Bridal & Prom Industry Association (ABPIA)

American Chemistry Council

American Coatings Association, Inc. (ACA)

American Down and Feather Council

American Fly Fishing Trade Association

American Home Furnishings Alliance

American Lighting Association

American Petroleum Institute

American Pyrotechnics Association

American Rental Association

American Seed Trade Association

American Specialty Toy Retailing Association

American Trucking Associations

American Wind Energy Association

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<sup>1</sup> See, e.g., Section 202(3) of H.R. 6114, the "U.S. Trade Leadership in the Indo-Pacific and China Act"; Explanatory Statement for Senate Appropriations Subcommittee on Commerce Justice, Science, and Related Agencies Appropriations Bill, 2022 at p. 176.

<sup>2</sup> Written Testimony of Clete R. Willems before the Ways & Means Trade Subcommittee, December 2, 2021 (“However, per the statute, Section 301 tariffs are not meant to be permanent and should be revisited over time to assess whether they are still helping the U.S. Government achieve its goals.”)

Arizona Technology Council  
 Arkansas Grocers and Retail Merchants Association  
 Association For Creative Industries  
 Association for PRINT Technologies  
 Association of American Publishers  
 Association of Equipment Manufacturers (AEM)  
 Association of Home Appliance Manufacturers  
 Auto Care Association  
 Beer Institute  
 Business Alliance for Customs Modernization  
 California Bottled Water Association  
 California Retailers Association  
 Carolina Loggers Association  
 Central States Bottled Water Association  
 Chemical Industry Council of Delaware (CICD)  
 Coalition of New England Companies for Trade (CONNECT)  
 Coalition of Services Industries (CSI)  
 Colorado Retail Council  
 Columbia River Customs Brokers and Forwarders Assn.  
 Computer & Communications Industry Association (CCIA)  
 Computing Technology Industry Association (CompTIA)  
 Consumer Brands Association  
 Consumer Technology Association  
 Council of Fashion Designers of America (CFDA)  
 CropLife America  
 Customs Brokers & Freight Forwarders Assn. of Washington State  
 Customs Brokers & Freight Forwarders of Northern California  
 Distilled Spirits Council of the United States  
 Electronic Transactions Association  
 Energy Workforce & Technology Council  
 Experiential Designers and Producers Association  
 Fashion Accessories Shippers Association (FASA)  
 Fashion Jewelry & Accessories Trade Association  
 Flexible Packaging Association  
 Florida Ports Council  
 Florida Retail Federation  
 Footwear Distributors and Retailers of America (FDRA)  
 Fragrance Creators Association  
 Game Manufacturers Association  
 Gemini Shippers Association  
 Georgia Retailers  
 Global Business Alliance  
 Global Chamber®  
 Global Cold Chain Alliance  
 Greeting Card Association  
 Halloween Industry Association  
 Home Fashion Products Association  
 Home Furnishings Association  
 Household and Commercial Products Association  
 Idaho Retailers Association  
 Illinois Retail Merchants Association  
 Independent Office Products & Furniture Dealers Association (IOPFDA)  
 Indiana Retail Council  
 Information Technology Industry Council (ITI)  
 International Association of Amusement Parks and Attractions (IAAPA)  
 International Bottled Water Association (IBWA)  
 International Foodservice Distributors Association  
 International Housewares Association  
 International Warehouse and Logistics Association  
 International Wood Products Association  
 ISSA - The Worldwide Cleaning Industry Association  
 Jeweler's Vigilance Committee  
 Juice Products Association (JPA)  
 Juvenile Products Manufacturers Association  
 Leather and Hide Council of America  
 Licensing Industry Merchandisers' Association  
 Los Angeles Customs Brokers and Freight Forwarders Assn.  
 Louisiana Retailers Association  
 Maine Grocers & Food Producers Association  
 Maine Lobster Dealers' Association  
 Maritime Exchange for the Delaware River and Bay  
 Maryland Retailers Association  
 Methanol Institute  
 Michigan Chemistry Council  
 Michigan Retailers Association  
 Minnesota Retailers Association

Missouri Retailers Association  
 Motor & Equipment Manufacturers Association  
 Motorcycle Industry Council  
 NAPIM (National Association of Printing Ink Manufacturers)  
 National Association of Chain Drug Stores (NACDS)  
 National Association of Chemical Distributors (NACD)  
 National Association of Foreign-Trade Zones (NAFTZ)  
 National Association of Home Builders  
 National Association of Music Merchants  
 National Association of Printing Ink Manufacturers  
 National Association of Trailer Manufacturers (NATM)  
 National Confectioners Association  
 National Council of Chain Restaurants  
 National Customs Brokers and Freight Forwarders Association of America  
 National Electrical Manufacturers Association (NEMA)  
 National Fisheries Institute  
 National Foreign Trade Council  
 National Grocers Association  
 National Lumber and Building Material Dealers Association  
 National Marine Manufacturers Association  
 National Restaurant Association  
 National Retail Federation  
 National Ski & Snowboard Retailers Association  
 National Sporting Goods Association  
 Natural Products Association  
 New Jersey Retail Merchants Association  
 North American Association of Uniform Manufacturers and Distributors (NAUMD)  
 North Carolina Retail Merchants Association  
 Ohio Council of Retail Merchants  
 Outdoor Industry Association  
 Pacific Coast Council of Customs Brokers and Freight Forwarders Assns. Inc.

Pennsylvania Retailers' Association  
 PeopleforBikes  
 Personal Care Products Council  
 Pet Industry Joint Advisory Council  
 Plumbing Manufacturers International  
 Power Tool Institute (PTI)  
 Promotional Products Association International  
 Recreational Off-Highway Vehicle Association  
 Retail Association of Maine  
 Retail Council of New York State  
 Retail Industry Leaders Association  
 Retailers Association of Massachusetts  
 RISE (Responsible Industry for a Sound Environment)  
 RV Industry Association  
 San Diego Customs Brokers and Forwarders Assn.  
 SEMI  
 Semiconductor Industry Association (SIA)  
 Snowsports Industries America  
 Software & Information Industry Association (SIIA)  
 South Atlantic Bottled Water Association  
 South Dakota Retailers Association  
 Specialty Equipment Market Association  
 Specialty Vehicle Institute of America  
 Sports & Fitness Industry Association  
 TechNet  
 Telecommunications Industry Association (TIA)  
 Texas Retailers Association  
 Texas Water Infrastructure Network  
 The Airforwarders Association  
 The Fertilizer Institute  
 The Hardwood Federation  
 The Toy Association  
 The Vinyl Institute  
 Travel Goods Association  
 Truck & Engine Manufacturers Association (EMA)  
 United States Council for International Business  
 United States Fashion Industry Association  
 US Global Value Chain Coalition  
 US-China Business Council  
 Virginia Retail Merchants Association  
 Virginia-DC District Export Council (VA-DC DEC)  
 Washington Retail Association  
 Window and Door Manufacturers Association  
 World Pet Association, Inc. (WPA)

CC: Members of the House Ways & Means Committee