

July 30, 2019

Members of Senate Finance Committee  
U.S. Senate  
Washington, DC 20510

Dear Senator,

On behalf of millions of taxpayers and consumers across the country, we, the undersigned, write to urge members of the Senate Finance Committee to continue their efforts to create bipartisan legislation to restore congressional authority over the levying of tariffs by amending the Trade Expansion Act of 1962.

These much-needed reforms are vital to protect businesses and jobs, to add transparency and accountability to the administrative process, and to restore Constitutional Article I powers to Congress.

When originally enacted, section 232 of the Trade Expansion Act statute was intended to be used sparingly in response to national security emergencies, and Section 232 has only been invoked six times in history. In recent years, however, the act has been interpreted to apply much more broadly. As a result of this newly established precedent, and absent meaningful reform, future presidents could use this power to circumvent the will of Congress and enact harmful tariff policies under the guise of national security with no opportunity for legislative deliberation. As such, it is imperative that the power to levy tariffs – which are a tax on American consumers – be returned to the legislative branch as intended.

It is vital, however, that any such effort requires Congress to first approve such measures, such as is included in the bipartisan Bicameral Congressional Trade Authority Act introduced by Sen. Pat Toomey (R-Pa.) and Sen. Mark Warner (D-Va.).

By contrast, proposals that simply allow Congress to overturn an executive imposition would make such a reform essentially meaningless, by being subject to a Presidential veto requiring 67 Senate votes to overturn. Meaningful reform legislation should be based upon the model provided by Sen. Toomey and Sen. Warner, where Congress has 60 days to approve any actions, and if Congress does not pass an approval resolution the President's proposed trade actions shall have no force or effect.

The imposition of new taxes on American consumers due to a national security emergency, if ever undertaken, should only be done after the utmost scrutiny and debate. These taxes are economically disruptive, hurt consumers, workers, and businesses, and damage our relationships with our allies; as such, they should only be imposed in the most extreme situations and be subjected to rigorous and public hearings and investigations as well as the approval of Congress.

As such, we strongly urge you to stand up for American businesses, workers, and consumers by ensuring meaningful reform of Section 232 by creating a mechanism of affirmative approval for tariffs imposed under national security authorities.

Sincerely,

Tim Andrews  
Executive Director  
Taxpayers Protection Alliance

Lisa B. Nelson  
CEO  
ALEC Action

Grover Norquist  
President  
Americans for Tax Reform

Norm Singleton  
President  
Campaign for Liberty

Andrew F. Quinlan  
President  
Center for Freedom and Prosperity

Jason Pye  
Vice President of Legislative Affairs  
FreedomWorks

Paul Gessing  
President  
Rio Grande Foundation

Phil Kerpen  
President  
American Commitment

Michael Bowman  
Vice President, Policy  
ALEC

Brent Wm. Gardner  
Chief Government Affairs Officer  
Americans for Prosperity

Daniel Mitchell  
Chairman  
Center for Freedom and Prosperity

Iain Murray  
Vice President  
Competitive Enterprise Institute

Pete Sepp  
President  
National Taxpayers Union