

Farmers, Senators Vie For Biden's Ear On China Tariffs

By **Nicole Rosenthal**

Law360 (May 26, 2022, 8:46 PM EDT) -- The Biden administration has been sent dueling letters regarding the future of strict Trump-era China tariffs, from farm groups that want the tariffs lifted and from U.S. senators pressuring the White House to hold firm.

In their letter to President Joe Biden dated Wednesday, lawmakers from both parties, including Sens. Mitt Romney, R-Utah, and Elizabeth Warren, D-Mass., cited the potential negative trade impacts for the U.S. of lifting tariffs and the need for continued punitive measures. Meanwhile, Thursday's letter from Farmers for Free Trade implored U.S. Trade Representative Katherine Tai to kill the tariffs, "which currently hinder our food and agriculture exports."

The farm group's letter, joined by the likes of the U.S. Dairy Export Council, National Council of Farmer Cooperatives and American Farm Bureau Federation, noted the urgency of lifting tariffs, citing lingering impacts from the COVID-19 pandemic, supply chain disruptions, inflation, and the effects of Russia's war on Ukraine on the U.S. farming industry.

"Our businesses are faced with surging fuel prices, skyrocketing fertilizer and other input costs, and continued uncertainty in the global market," the letter said. "With so many challenges threatening our livelihood, removal of tariffs on food and agriculture inputs and removal of burdensome retaliatory tariffs would provide immediate relief to America's food producers."

The senators stressed the political importance of maintaining the tariffs, noting that lifting them would compromise the U.S.' position in negotiations and expose more workers to a flood of imports. The lawmakers also demanded that tariffs remain for punitive reasons, relating to "genocide" against the Uyghurs and other ethnic minorities in the Xinjiang Autonomous Region and other parts of China.

The tariffs, applied under Section 301 of the Trade Act of 1974, cover an array of retail, agricultural, health care and technology goods and have remained a divisive topic in Washington since their first appearance under former President Donald Trump.

Biden has since maintained the levies and defended them against **challenges in court**.

"We believe it counterproductive to lift or erode the Section 301 tariffs, especially in the hopes that China will somehow become more cooperative on other issues," the lawmakers said. "At present, China remains wedded to a techno-nationalism at odds with American values — something hardly to be rewarded."

In 2018, Trump initiated a series of tariffs on Chinese goods after the Office of the U.S. Trade Representative rebuked Beijing for its rules on intellectual property and forced technology transfer. The U.S. has imposed tariffs on more than \$300 billion worth of goods from China.

Biden said this month that the U.S. would begin talks to develop a **new deal for trade** in the Indo-Pacific arena, in the hopes of creating a multinational early warning system for supply chain issues and strengthen Asia-U.S. business opportunities outside China. The proposed 13-member union, the Indo-Pacific Economic Framework for Prosperity, would also look into clean energy, tax and anti-corruption commitments.

Representatives from the U.S. Senate and Farmers for Free Trade were not immediately available for

comment late Thursday.

--Additional reporting by Alex Lawson. Editing by Robert Rudinger.

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