THE UNITED STATES TRADE REPRESENTATIVE
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON

January 9, 2020

The Honorable David Perdue
United States Senate
Washington, DC 20510

The Honorable Kelly Loeffler
United States Senate
Washington, DC 20510

The Honorable Austin Scott
United States House of Representatives
Washington, DC 20515

Dear Senator Perdue, Senator Loeffler, and Congressman Scott:

The Administration notes your continuing concern that certain unfair, non-market trade practices have increased the production and exportation of seasonal and perishable products to the United States and caused unfair pricing in a manner that has harmed U.S. seasonal and perishable products sold in U.S. commerce. As you know, the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, directs USTR to address this issue, and I remain fully committed to that objective.

In furtherance of that commitment, USTR will review remedies available under the Trade Act of 1974 and other trade laws and, within 60 days after entry-into-force of the USMCA, release a plan pursuant to those authorities to implement effective and timely remedies necessary to address any trade distorting policies that may be contributing to unfair pricing in the U.S. market and harming U.S. producers of seasonal and perishable products. To support the development of such plan, the Administration will undertake the following actions:

First, USTR will begin working immediately with the relevant U.S. Government and State agencies, and U.S. seasonal and perishable sectors to identify and compile documentation on trade distorting policies that may be contributing to unfair pricing in the U.S. market for seasonal and perishable products and to assess the impact of those policies on U.S. producers of those seasonal and perishable products.

Second, within 90 days of the U.S. Congress passing the USMCA implementing legislation, USTR, the Department of Commerce, and the Department of Agriculture will hold field hearings in Florida and Georgia to hear firsthand from U.S. seasonal and perishable producers on trade distorting policies that may be contributing to unfair pricing in the U.S. market and causing harm

to U.S. seasonal and perishable producers in U.S. commerce, and to solicit feedback on how the Administration can better support these producers and redress unfair harm.

Third, as appropriate, USTR may also request that the International Trade Commission help monitor imports of seasonal and perishable goods, recognizing that similar monitoring initiatives that were delinked from viable enforcement actions under NAFTA were ineffective in remedying harm to the U.S. seasonal and perishable products covered by that monitoring.

Fourth, the Department of Commerce, through its designated experts within the International Trade Administration, will continue working with U.S. producers of seasonal and perishable products on potential trade cases pursuant to sections 702 and 732 of the Tariff Act of 1930, as amended, and will, in the appropriate circumstances, self-initiate such cases.

We look forward to working actively with your offices going forward to ensure a timely, effective U.S. Government response to these concerns.

Sincerely yours,

Robert E. Lighthizer

CC: Representative Buddy Carter (GA-01)
Representative Sanford Bishop Jr. (GA-02)
Representative Drew Ferguson IV (GA-03)
Representative Henry Johnson Jr. (GA-04)
Representative John Lewis (GA-05)
Representative Lucy McBath (GA-06)
Representative Rob Woodall (GA-07)
Representative Doug Collins (GA-09)
Representative Jody Hice (GA-10)
Representative Barry Loudermilk (GA-11)
Representative Rick Allen (GA-12)
Representative David Scott (GA-13)
Representative Tom Graves (GA-14)