

In the Senate, a top Republican and Democrat agree: Trump administration is fumbling steel tariffs

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President Trump speaks at a union and apprentice training center in Richfield, Ohio. (Jeff Swensen/Getty Images).

In a rare bipartisan rebuke of the Trump administration, Sens. Orrin G. Hatch (R-Utah) and Ron Wyden (D-Ore.) accused President Trump's team of harming U.S. companies by failing to provide a clear and rapid process to get relief from new tariffs on imported steel and aluminum.

"We are concerned that, to date, the product-exclusion process has lacked basic due process and procedural fairness for stakeholders, especially American small businesses," the senators wrote in a [letter](#) to Commerce Secretary Wilbur Ross.

More than 3,800 applications requesting waivers from Trump's steel and aluminum tariffs have been submitted to the Commerce Department, the letter said, but "fewer than 100" have been posted online, the next step in the application process. It's a critical step because if a company does get a waiver from Trump's tariffs, it will be retroactive to the date the application is posted online.

"The significant delays in publicly posting product-exclusion requests risk serious and permanent financial harm to many petitioners," Hatch and Wyden wrote.

[There's a 'tsunami' of companies applying for relief from Trump's steel and aluminum tariffs]

The severe backlog is one of many red flags the senators raised and asked Ross to address quickly. The Commerce Department is trying to hire additional staff to review applications, but there's widespread concern among business leaders and senators that companies have to wait days, if not weeks, for Commerce to post their applications.

The entire exclusion process is supposed to take 90 days, but the senators are concerned that companies won't have a fair chance to make their case. Once an application goes online, there is supposed to be a 30-day period for U.S. steel and aluminum producers to object to the waiver and argue that the item can be made domestically. Then Ross, a former steel company executive, is supposed to make the final determination.

Ross has said the process is "fair and transparent," but the senators are worried Ross and his team won't "issue consistent determinations."

The letter is the latest protest from lawmakers, especially senior Republicans, who think the steel and aluminum tariffs were a mistake. In 2002, President George W. Bush imposed steel tariffs that economists say cost more jobs than they saved. Bush's former chief of staff, Andrew H. Card Jr., warned Trump not to do the tariffs, saying "the results were not what we anticipated."

In March, Trump put 25 percent tariffs on foreign steel coming in the United States and 10 percent tariffs on aluminum imports. Hours before the tariffs went into effect, the president exempted several countries from the levies, including Canada, Mexico, South Korea and the European Union. But U.S. companies that import these metals from other places, such as Taiwan, Turkey, Japan and Switzerland, still have to pay the border tax.

Trump wants to help U.S. steel and aluminum producers become stronger and more profitable, but many American manufacturers that use steel and aluminum to build airplanes, cars and pipelines are concerned their prices will jump, hurting their profits and potentially forcing layoffs.

Ross and his team have a lot of leeway to decide which companies get relief from the tariffs. A waiver is supposed to be granted only if a U.S. company can't get the steel or aluminum product it needs from any domestic supplier.

The senators and many trade associations representing manufacturers that use steel and aluminum say the application process is onerous. Initially, many companies listed all of the products they import on one form, but the Commerce Department rejected those applications and said U.S. businesses must fill out a separate application for each part or product for which they wanted a tariff waiver.

"By our count the forms collect information on more than 70 attributes of each steel and aluminum product, with an additional form apparently required in every instance in which a single attribute differs between products," Hatch and Wyden wrote.

But Ross said the details are key to a fair process.

"The exemption request must necessarily specify the precise product. Otherwise it would be impossible to determine whether or not to grant it," Ross said, adding that the need for specificity is also why individual companies need to respond as opposed to submitting one application from a trade association that represents multiple companies.

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