



ASA Guide for Providing Public Comments to USTR

Companies may provide comments to USTR on the proposed new tariffs on Chinese imports. To be assured of consideration, you must submit written comments by June 17, 2019. Post-hearing rebuttal comments, which should be limited to rebutting or supplementing testimony at the hearing, must be submitted within seven days after the last day of the public hearing.

What You Can Do

In commenting on the inclusion or removal of particular tariff subheadings, USTR requests that commenters address specifically whether imposing increased duties on a particular product would be practicable or effective to obtain the elimination of China's acts, policies, and practices, and whether imposing additional duties on a particular product would cause disproportionate economic harm to U.S. interests, including small- or medium-size businesses and consumers.

Because sportfishing equipment is already subject to a 10 percent excise tax, ASA believes the proposed new tariffs would cause disproportionate economic harm, and therefore should be exempt.

Below are instructions for:

- [June 17 USTR Hearing Participation](#)
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June 17 USTR Hearing Participation

The Section 301 Committee will convene a public hearing in the main hearing room of the U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, beginning at 9:30 a.m. on June 17, 2019. *You must submit requests to appear at the hearing by June 10, 2019.* The request to appear must include a summary of testimony, and may be accompanied by a pre-hearing submission. Remarks at the hearing may be no longer than five minutes to allow for possible questions from the Section 301 Committee. It is expected that the hearing will last several days, beginning on June 17. Approximately one week prior to the hearing, you should be notified of which date and time you are scheduled to testify.

All requests to appear at the hearing must be in English and sent electronically. To submit a request to appear at the hearing, visit this link: <https://www.regulations.gov/comment?D=USTR-2019-0004-0001> In the "comment" field, include the name, address, email address, and telephone number of the person presenting the testimony. Attach a summary of the proposed testimony, and a pre-hearing submission if

provided, by using the “upload file” field. The file name should include both the name of the person who will be presenting testimony and the entity they represent.

In addition, please submit a request to appear and a PDF of the summary of proposed testimony by email to 301investigation@ustr.eop.gov. In the subject line of the email, please include the name of the person who will be presenting testimony, followed by “request to appear.” Please also include the name, address, email address, and telephone number of the person presenting testimony in the body of the email message.

Procedures for Written Submissions

All submissions requesting exemptions from the proposed new tariffs must be in English and sent electronically. To submit comments, visit this link: <https://www.regulations.gov/comment?D=USTR-2019-0004-0001>

The website allows users to submit comments by filling in a “comment” field or by attaching a document using an “upload file” field. USTR prefers that you submit comments in an attached document. If you attach a document, it is sufficient to type “see attached” in the “comment” field. USTR prefers submissions in Microsoft Word (.doc) or searchable Adobe Acrobat (.pdf).

File names should reflect the name of the person or entity submitting the comments. Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any comments submitted electronically that contain business confidential information, the file name of the business confidential version should begin with the characters “BC”. Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character “P”. The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these procedures are not sufficient to protect business confidential information or otherwise protect business interests, please contact the USTR Tech Transfer Section 301 line at (202) 395-5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except business confidential information. You can view submissions on the www.regulations.gov website by entering docket number USTR-2019-0004 in the search field on the home page.

Suggested Talking Points for Submissions

ASA believes the most likely argument that may result in an exemption for sportfishing equipment companies is the disproportionate burden that these tariffs would pose on the industry because of the federal excise tax on sportfishing equipment. Very few other industries have a similar excise tax, and USTR may be receptive to the argument that increased tariffs would be excessively burdensome on an industry already paying a significant excise tax.

Another argument that has prompted exemptions by USTR in the past that may be relevant to some ASA members is a lack of non-Chinese alternatives. If your product, and all comparable products made by you or competitors, are sourced from China, you should make USTR aware. Your argument may be bolstered by explaining why sourcing your product(s) from outside of China is not feasible.

The following talking points may be useful in preparing your comments to USTR in focusing on the federal excise tax argument:

- *Remember to read “Procedures for Written Submissions” above and ensure your comments are prepared and submitted in the appropriate format.*
- While the recreational fishing industry shares the same concerns as other industries impacted by these proposed tariffs – namely higher costs that will be passed onto the U.S. consumer – the sportfishing industry would be uniquely burdened by these tariffs given the existing excise tax paid by the industry. Unlike most other industries, the recreational fishing industry is already subject to a 10 percent excise tax for most fishing equipment, which is collected at the first point of sale in the U.S. For an industry with relatively low margins to begin with, this tax is significant for the companies who pay it. However, they do so willingly because of a broad recognition that the taxes are put to good use.
- The sportfishing industry excise tax goes into the Sport Fish Restoration and Boating Trust Fund (SFRBTF), which provides funds to the state fish and wildlife agencies for fishery conservation and management projects, boating access and aquatic education. Import duties on fishing equipment are also collected into SFRBTF, but we understand the proposed new tariffs would go into the general treasury. Between the excise tax and import duties on fishing equipment, the sportfishing industry contributes over \$150 million annually to this program, with the knowledge that the improved fisheries conservation and fishing access provided by the program is good for fishing participation and therefore the industry.
- There is a high likelihood that the new proposed tariffs will substantially reduce consumer spending. This likely reduction would more than offset proportional increases in excise tax contributions that may come from resulting higher product costs. Fewer fishing equipment purchases means less revenue into SFRBTF, which ultimately means less funding for programs important to the Trump Administration’s priorities to improve public access to the outdoors.
- Recreational fishermen are historically a price-sensitive group. One analysis, for example, showed that a 15 percent increase in Tennessee’s one-day fishing license price will result in a 28 percent decrease in the number of people buying this license annually (24,370 fewer people). When prices go up, many anglers simply look for other, lower cost ways to enjoy their day.
- Given the negative impacts these proposed additional tariffs on fishing equipment would have on U.S. jobs and businesses, fishing participation and conservation funding, the recreational fishing industry requests that sport fishing equipment, including products under heading 9507 of the Harmonized Tariff Schedule of the United States and any other products subject to the federal excise tax on fishing equipment, be excluded from the Section 301 Tariff List.