Dear Ambassador Lighthizer:

As you know, close consultations between Congress and the Executive Branch are necessary for the successful passage of a trade agreement and are a key requirement of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015. To that end, we write today regarding one of the elements included in your submission to Congress of the draft Statement of Administrative Action (SAA) outlining steps that the Executive Branch proposes to implement the U.S.-Mexico-Canada Agreement (USMCA).

We have serious bipartisan concern over the draft SAA’s language related to the implementation of Chapter 7 (Customs Administration and Trade Facilitation), specifically Article 7.8.1, which states:

**FOR DISCUSSION**

Between the submission of the draft SAA and the submission of the final implementation package, USTR intends to continue consultations with Congress on potential changes to section 901 of the Trade Facilitation and Trade Enforcement Act (19 U.S.C. 1321) to implement Article 7.8.1 (Express Shipments).

We strongly oppose any effort by the Executive Branch to lower the current $800 de minimis threshold through the USMCA implementing bill, including any amendment to 19 U.S.C. 1321 that would grant the Executive Branch additional authority to decrease or eliminate the threshold.

The U.S. de minimis threshold is a policy recently set by Congress, which raised the threshold from $200 in 2016. The current de minimis threshold still enjoys wide bipartisan support in Congress and throughout the manufacturing, retail, logistics, and e-commerce landscapes. In our view, it is neither necessary, appropriate, nor desirable to change this policy in U.S. law as part of the implementation of the USMCA’s requirements. In fact, we consider that such an effort would amount to an override of Congressional authority by the Executive Branch, and thus would be entirely inappropriate.

The draft SAA indicates that you may seek authority for the Executive Branch to change the U.S. de minimis level and intend to continue consultations with Congress on this potential change. We would welcome meaningful consultations described in the draft SAA; such consultations have not occurred to date.
We wish to be unequivocal about our view on this matter:

The threshold set by Congress in 2016 continues to represent our position on de minimis. To the extent the Administration feels strongly about revisiting this policy with Congress, it is free to do so through the process of public debate and deliberation that regular order provides. We do not welcome a derogation from the current U.S. de minimis threshold, either directly or through the provision of authority, through the forthcoming implementing legislation for USMCA.

We look forward to working with you to address this and other Member concerns as we consider the implementation of the USMCA.

Sincerely,

Earl Blumenauer
Member of Congress

Vern Buchanan
Member of Congress

Ron Kind
Member of Congress

David Schweikert
Member of Congress

David P. Roe, M.D.
Member of Congress

Mark Amodei
Member of Congress

Pete Aguilar
Member of Congress

Vicente Gonzalez
Member of Congress

Lloyd Smucker
Member of Congress

Ben McAdams
Member of Congress
Anna G. Eshoo
Member of Congress

Paul Mitchell
Member of Congress

Charlie Crist
Member of Congress

Ross Spano
Member of Congress

John Lewis
Member of Congress

Ann Kirkpatrick
Member of Congress

Tom Emmer
Member of Congress

Daniel T. Kildee
Member of Congress

Jimmy Panetta
Member of Congress

Scott R. Tipton
Member of Congress

David Scott
Member of Congress

Filemon Vela
Member of Congress

Roger Marshall, M.D.
Member of Congress

Will Hurd
Member of Congress
Susan A. Davis
Member of Congress

Troy Balderson
Member of Congress

Jim Himes
Member of Congress

Abigail D. Spanberger
Member of Congress

Anthony G. Brown
Member of Congress

Zoe Lofgren
Member of Congress

Darin LaHood
Member of Congress

Jennifer Wexton
Member of Congress

Ed Perlmutter
Member of Congress

Cheri Bustos
Member of Congress

Andy Biggs
Member of Congress

Steven Horsford
Member of Congress

Derek Kilmer
Member of Congress

Glenn Grothman
Member of Congress
Bill Huizenga  
Member of Congress

Henry C. “Hank”  
Johnson, Jr.  
Member of Congress

Julia Brownley  
Member of Congress

Adam Smith  
Member of Congress

Jerry McNerney  
Member of Congress

Albio Sires  
Member of Congress

Scott DesJarlais  
Member of Congress

Nydia Velazquez  
Member of Congress

Joyce Beatty  
Member of Congress

Kenny Marchant  
Member of Congress

Eddie Bernice Johnson  
Member of Congress

Gregory Meeks  
Member of Congress

Suzan K. DelBene  
Member of Congress

Sean Patrick Maloney  
Member of Congress
Scott Peters  
Member of Congress

Raul Ruiz, M.D.  
Member of Congress

Marcia L. Fudge  
Member of Congress

Marc Veasey  
Member of Congress

Nita Lowey  
Member of Congress

Steve Chabot  
Member of Congress

Steve Womack  
Member of Congress

Brad Wenstrup  
Member of Congress

Judy Chu  
Member of Congress

Kurt Schrader  
Member of Congress

Earl L. “Buddy” Carter  
Member of Congress

Brett Guthrie  
Member of Congress

Kathleen M. Rice  
Member of Congress

Tony Cardenas  
Member of Congress
Ed Case
Member of Congress

Bob Gibbs
Member of Congress

Thomas Massie
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Mike Quigley
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Norma J. Torres
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Denny Heck
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Billy Long
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Brenda L. Lawrence
Member of Congress