

PUBLICATION

What Companies Should Consider Doing in Response to President Trump's America First Trade Policy

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President Trump announced his America First Trade Policy on his first day in office. This Policy directed federal agencies to conduct investigations on a wide spectrum of trade policies including Addressing Unfair and Unbalanced Trade, Relations with China, and Economic Security Matters. Reports detailing the findings of these broad investigations are due to the President beginning on April 1, 2025. President Trump has already taken implementing action, including trade investigations, which has brought this trade policy into focus.

Companies should consider:

- Taking the upcoming opportunities for comments to raise issues with the administration; and
- How to capitalize on these opportunities, including filing a trade action, to promote and protect interests.

America First Trade Policy Memorandum

President Trump's January 20, 2025, America First Trade Policy (the Trade Policy) Memorandum was addressed to the Secretaries of State, Treasury, Defense, Commerce, and Homeland Security, the Director of the Office of Management and Budget, the United States Trade Representative (USTR), the Assistant to the President for Economic Policy, and the Senior Counselor for Trade and Manufacturing.

The Memorandum directs these cabinet members and advisors to conduct cooperative investigations into a broad spectrum of issues related to international trade and submit reports to the President beginning on April 1, 2025. The reports likely will call for investigations to be pursued under existing authorities.

Specifically, the Trade Policy Memorandum calls for investigations related to:

- antidumping and countervailing duty (AD/CVD) policies;
- the United States' industrial and manufacturing base and certain import's threats to national security;
- the effectiveness of the exclusions, exemptions, and other import adjustment measures on steel and aluminum;
- the United States export control system and the transfer of strategic goods, software, services, and technology;
- the loss of tariff revenue and the risks caused by the duty-free *de minimis* exemption;
- whether any foreign country subjects United States citizens or corporations to discriminatory or extraterritorial taxes;
- unfair trade practices by other countries and the appropriate actions to remedy such practices, which are partly addressed in the Reciprocal Trade Memorandum;
- the United States-Mexico-Canada Agreement (USMCA);
- existing United States trade agreements and sectoral trade agreements and any revisions necessary to achieve reciprocity and to obtain export market access for American companies;

- the impact of all trade agreements on the volume of federal procurement; and
- the economic and trade agreement between the U.S. and China, and other policies and practices by China that may unreasonably burden U.S. commerce.

The Trade Policy specifically calls on the cabinet members and advisors to evaluate the methods and tools that President Trump can use to enact these trade goals. The identified tools include Section 232 national security actions, antidumping and countervailing duty (AD/CVD) actions against unfairly priced or subsidized imports, and Section 301 actions against unfair foreign trade practices.

Actions Already Taken

Section 232 Investigations

Despite calling for the investigation reports to be submitted on April 1, 2025, President Trump has already taken significant action to implement his Trade Policy. For example, two section 232 investigations have already been launched. Section 232 investigations determine the effect of imports on national security. The first, announced on February 25, 2025, is to determine the effects on national security of imports of copper in all forms and copper derivative products. The second, announced on March 1, 2025, is to determine the effects on the national security of imports of timber, lumber, and their derivative products. Beyond these two actions, President Trump has also foreshadowed imposing tariffs on pharmaceutical, automotive, and semiconductor imports. The nature and scope of these tariffs are currently unknown, but we anticipate that implementation may come through a Section 232 investigation.

Antidumping and Countervailing Duty Investigations

AD/CVD investigations result in company and product-specific duties on foreign competitors typically based on petitions brought by U.S. companies. The America First Trade Policy signals to manufacturers in the United States that petitions will be welcomed. It calls for changes to the AD/CVD policy and regulations that will lead to decisions that are more favorable to manufacturers in the United States. As such, AD/CVD petitions have already been filed on methylene diphenyl diisocyanate from China, and chassis and their related subassemblies from Mexico, Thailand, and Vietnam. Anticipating a welcome reception, petitions on float glass products from China and Malaysia, sol-gel alumina-based ceramic abrasive grains from China, erythritol from China, slag pots from China, active anode material from China, and temporary steel fencing from China were also filed between the election and inauguration, which will be decided under the new administration.

Section 301 Investigations

The use of Section 301 against China was a hallmark of President Trump's first term. Section 301 petitions can be brought by companies to address potential violations of U.S. trade agreements or acts that unjustifiably or unreasonably burden U.S. commerce. President Trump specifically requested that trade agreements and the utility of potential Section 301 investigations be evaluated by his cabinet members and advisors. USTR is expected to use Section 301 during the second term, and opportunities currently exist to do so.

USTR recently published proposed actions related to an existing Section 301 investigation of China's targeting of the maritime, logistics, and shipbuilding sectors on February 27, 2025. USTR is specifically proposing fees on certain Chinese maritime transport operators (MTO), MTOs with fleets comprised of Chinese-built vessels, MTOs with prospective orders for Chinese vessels, and fee remission for maritime transport via U.S.-built vessels. USTR also proposes certain restrictions to promote the transport of U.S. goods on U.S. vessels. Interested parties may submit comments to USTR by March 24, 2025. USTR is also expected to review the Biden administration's continuation of the Section 301 duties on China and consider how to amend the decisions made at that time.

Our International Trade and National Security team will continue to monitor developments and provide updates as warranted. If you have any questions or would like to discuss this in further detail, please reach out to [P. Lee Smith](#), [Matthew "Matty" McGee](#), or any member of Baker Donelson's [International Trade and National Security](#) team.