

NATIONAL BREAKFAST WEEK

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. This week is National Breakfast Week, which offers an opportunity to talk about the importance of a healthy breakfast for America's children. Breakfast, as we've all heard, is the most important meal of the day. Studies have shown that breakfast can help boost a child's academic performance and can also improve classroom behavior, reduce absences and tardiness, as well as increase mental focus and physical performance. However, according to the U.S. Department of Agriculture, one in five children live in homes where food is not always available, making breakfast often hard to come by.

I want to commend Kellogg's, which has a cereal plant in my district, and Action for Healthy Kids for starting the Share Your Breakfast program which provides grants directly to school or school districts to help them increase participation in school breakfast programs. Our children need to receive a holistic, well-rounded education, one that includes staying active and fit and, most importantly, starts off with a healthy breakfast.

I'm off to lunch.

JUMPSTART OUR BUSINESS
STARTUPS

(Mr. SCHWEIKERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHWEIKERT. Madam Speaker, this is going to be one of those weeks where I believe we can be proud here in the House. We're going to be moving forward with a jobs bill we've monikered Jumpstart Our Business Startups. I just had in my office a coalition from high-tech companies from Arizona, and they unanimously had a story to tell, and that was a story of the difficulty in finding capital for moving small companies, small organizations, these organizations that are creating jobs.

I'm particularly blessed this week to have multiple bills in the package. One is the Small Company Capital Formation bill, a Private Company Flexibility and Growth Act of the six bills that are coming.

I'm proud of the House. I look forward to these bills moving forward.

REMEMBERING THE HON. DONALD
PAYNE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, I would like to speak about my dear friend and colleague, DONALD PAYNE, who passed away this morning. I saw him on Saturday for the last time, and I can't think of anybody who in this

House has been closer to me and someone who made it so much better for us to be in Congress, not only for all of us as colleagues but also for the rest of the world.

DONALD always made me smile. DONALD was a very serious person who cared so much about his constituents in Norwich and the rest of the towns that he represented in New Jersey and really reached out to the rest of the world. He was always looking out for the concerns of the poor and the disadvantaged and the people in need, whether it was their health care or whether they had adequate food or housing.

But I think more than anything else, I remember his smile. He would always be happy. He would always have a joke to say; and, frankly, in dealing with all the serious issues that he dealt with and he cared so much about, both here at home, as well as overseas, it was always nice to have someone that you could call a friend, that you could confide in, that you could talk to about your own problems as well, but always with that smile, always with that joke, always with the ability to say, FRANK, you know, let's not take ourselves too seriously, even though we have a lot of serious work to do.

I will sorely miss him. I don't think there will be anybody who can replace him, and I just want to reach out to his family and his friends back at home today and express my sympathy to all of them for such a wonderful person that you were able to share some time with here.

Ms. JACKSON LEE of Texas. Would the gentleman yield for just a moment?

Mr. PALLONE. I yield to the gentlewoman.

Ms. JACKSON LEE of Texas. Just one simple statement. I couldn't leave the floor.

Just to express our love and affection for DON PAYNE and just to say that he saved lives because he intruded in places like Africa and Sudan, in Africa and many other places. He saved lives because of his compassion for people, his fight for human rights, and his fight for peace.

Mr. PALLONE. Thank you.

□ 1230

REMEMBERING THE ALAMO

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, 176 years ago, the Alamo fell. Every Texan fighting for independence was either killed or executed. I would like to read a portion of the last letter sent from the Alamo by its commander:

Fellow citizens and compatriots, I am besieged by 1,000 or more of the Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion. Otherwise, the garrison are to be put to the sword . . .

I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat . . . Victory or death.

Signed, William Barret Travis, Lieutenant Colonel Commander at the Alamo.

Remember the Alamo. God bless Texas.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

APPLYING COUNTERVAILING DUTY
PROVISIONS TO NONMARKET
ECONOMY COUNTRIES

Mr. CAMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4105) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF COUNTERVAILING
DUTY PROVISIONS TO NONMARKET
ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 701 of the Tariff Act of 1930 (19 U.S.C. 1671) is amended by adding at the end the following:

“(f) APPLICABILITY TO PROCEEDINGS INVOLVING NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the merchandise on which countervailing duties shall be imposed under subsection (a) includes a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country.

“(2) EXCEPTION.—A countervailing duty is not required to be imposed under subsection (a) on a class or kind of merchandise imported, or sold (or likely to be sold) for importation, into the United States from a nonmarket economy country if the administering authority is unable to identify and measure subsidies provided by the government of the nonmarket economy country or a public entity within the territory of the nonmarket economy country because the economy of that country is essentially comprised of a single entity.”.

(b) EFFECTIVE DATE.—Subsection (f) of section 701 of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all proceedings initiated under subtitle A of title VII of that Act (19 U.S.C. 1671 et seq.) on or after November 20, 2006;

(2) all resulting actions by U.S. Customs and Border Protection; and

(3) all civil actions, criminal proceedings, and other proceedings before a Federal court relating to proceedings referred to in paragraph (1) or actions referred to in paragraph (2).

SEC. 2. ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.

(a) IN GENERAL.—Section 777A of the Tariff Act of 1930 (19 U.S.C. 1677f-1) is amended by adding at the end the following:

“(f) ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN PROCEEDINGS RELATING TO IMPORTS FROM NONMARKET ECONOMY COUNTRIES.—

“(1) IN GENERAL.—If the administering authority determines, with respect to a class or kind of merchandise from a nonmarket economy country for which an antidumping duty is determined using normal value pursuant to section 773(c), that—

“(A) pursuant to section 701(a)(1), a countervailable subsidy (other than an export subsidy referred to in section 772(c)(1)(C)) has been provided with respect to the class or kind of merchandise,

“(B) such countervailable subsidy has been demonstrated to have reduced the average price of imports of the class or kind of merchandise during the relevant period, and

“(C) the administering authority can reasonably estimate the extent to which the countervailable subsidy referred to in subparagraph (B), in combination with the use of normal value determined pursuant to section 773(c), has increased the weighted average dumping margin for the class or kind of merchandise,

the administering authority shall, except as provided in paragraph (2), reduce the antidumping duty by the amount of the increase in the weighted average dumping margin estimated by the administering authority under subparagraph (C).

“(2) MAXIMUM REDUCTION IN ANTIDUMPING DUTY.—The administering authority may not reduce the antidumping duty applicable to a class or kind of merchandise from a nonmarket economy country under this subsection by more than the portion of the countervailing duty rate attributable to a countervailable subsidy that is provided with respect to the class or kind of merchandise and that meets the conditions described in subparagraphs (A), (B), and (C) of paragraph (1).”.

(b) EFFECTIVE DATE.—Subsection (f) of section 777A of the Tariff Act of 1930, as added by subsection (a) of this section, applies to—

(1) all investigations and reviews initiated pursuant to title VII of that Act (19 U.S.C. 1671 et seq.) on or after the date of the enactment of this Act; and

(2) subject to subsection (c) of section 129 of the Uruguay Round Agreements Act (19 U.S.C. 3538), all determinations issued under subsection (b)(2) of that section on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I urge the passage of this legislation to ensure that we can continue to fight un-

fair subsidies from countries like China that violate the WTO, injure our industries, and cost U.S. jobs. This legislation reaffirms that our antisubsidy laws, or countervailing duty laws, apply to subsidies from China and other nonmarket countries, and it overturns an erroneous decision by the Federal circuit that the Department of Commerce does not have the authority to apply these countervailing duty rules to nonmarket economies.

China distorts the free market by giving enormous subsidies to its producers and exporters, and our companies and our workers should not be expected to compete against the deep pockets of the Chinese Government. That is why it is vital that we preserve this important tool and ensure that current countervailing duty orders and investigations from nonmarket economies remain in place and that this important tool is available in the future.

In addition, this legislation fully complies with our WTO obligations. China agreed to be subject to countervailing duty laws when it joined the WTO in 2001, and the WTO has reaffirmed our right to apply these laws to China. Failing to enact this legislation would mean that we're unilaterally giving away a right that allows us to protect American workers. This legislation also brings the United States into compliance with its obligations by requiring the Department of Commerce to make an adjustment when there is evidence of a double remedy.

Finally, I am pleased that this legislation, which has already passed the Senate, is bipartisan and has administration support.

For all of these reasons, we urgently need to pass this important legislation. I urge all of my colleagues to support this bipartisan bill.

Madam Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

This bill will send a clear signal, especially with an overwhelming vote, that there are clear consequences when a nation violates the rules. China is, indeed, tilting the field of competition by not playing by the rules. This bill restores a key instrument for our Nation to hold China and other nations accountable. The failure to pass it would be an enormous step backwards at a time when, indeed, we need to fast-forward our efforts to rein in China's abusive trade practices that, in part, have led to our record \$295 billion trade deficit with China. This legislation ensures that tools remain available under U.S. trade law so that manufacturers can fight back against China's unfair trade subsidies.

Countervailing duties have been a part of U.S. trade law for nearly 120 years, and today, almost one-half—23 of 50—of all countervailing duty orders in place involve China. This is not surprising. A central element of Chinese industrial policy has been to provide massive subsidies to its producers to

help them knock out competitors and to dominate the market. These include loans at below-market interest rates, cheap or sometimes free land, extensive tax breaks, and other subsidies designed to advantage domestic industry.

To date, countervailing duties have been the singular form of relief available to American workers and companies devastated by these mercantilist policies. Over the last 6 years, Commerce has put in place 23 countervailing duty orders against China—23—and five other investigations are currently underway. More than \$4 billion in subsidized imports have been covered by these measures, shielding an estimated 80,000 American jobs from unfair competition.

Yet, in December, based on a deeply flawed assessment of congressional intent, the court of appeals for the Federal circuit ruled that Commerce, which administers our countervailing duty laws, does not have the authority to apply those laws to nonmarket economy countries like China. That decision threatens to eviscerate the U.S. right to apply countervailing duties to China, a right protected under WTO rules; and it threatens to cripple Commerce in its efforts to combat Chinese subsidies that harm our industries.

With this bill, we are making clear that the Federal circuit's decision was wrong and that it cannot stand. Commerce has always had the authority to apply countervailing duties to nonmarket economies such as China, and now it shall continue to have and exercise this vitally important authority in the future.

Because of this bill—and I urge the strongest possible support—tens of thousands of American workers and scores of American companies in 38 States across this country that have shown that they are entitled to relief from unfair subsidization by nonmarket economies will continue to get that relief. This bill ensures all of the existing orders and investigations remain in place.

For these reasons, I support the passage of H.R. 4105, and I urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I strongly support the passage of this bill.

When China repeatedly undermines the free market by subsidizing its exports to the United States, we can't just give them a pass, especially when the businesses China subsidizes are often government-owned businesses that compete unfairly against our American companies and workers.

□ 1240

If you don't believe the American Government should pick winners and losers in the marketplace, you certainly don't support the Chinese Government doing the same. There is an

important distinction between the duties that seek to protect companies that are afraid to compete in the marketplace—those I oppose—and in this case duties assessed against those who try to distort the free market through unfair government subsidies.

It's a distinction between the price of legal software and illegal software. We would shoot ourselves in the foot if we denied this important tool to protect the free market for American workers.

It's important, as Chairman CAMP noted today, that this legislation is WTO consistent and fully within America's rights when dealing with China and other nonmarket economies. It's also important that this bill addresses the double-remedies laws in the right way to ensure that America applies these laws in accordance with our WTO obligations.

In conclusion, this legislation ensures the freedom of U.S. companies and workers to compete in a market that is not distorted by the Chinese Government. It restores free market principles by allowing us to address China's unfair subsidies. It has no different impact on consumers than enforcing our intellectual property laws.

We owe it to America's job creators and our workers to make sure we have the tools at our disposal to offset such unfair trade practices and allow the free market to work properly. That's why I urge strong support for this vital legislation.

Mr. LEVIN. I yield 1½ minutes to a distinguished member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. I thank the gentleman.

Madam Speaker, I certainly rise in support of this legislation, which confirms that the Commerce Department can continue to apply countervailing duties on subsidized imports from countries with nonmarket economies such as China and Vietnam.

In fact, this legislation strengthens the opportunity to use an international forum for the prescribed purpose of resolving disputes. If our trading partners are not playing by the rules, it's imperative that the United States have the tools to challenge these unfair practices. Countervailing duties level the playing field for U.S. employers and workers and allow them to compete against imports that are subsidized through unfair trade practices, emphasis on the word "unfair."

Since the Commerce Department started applying these duties in 2007, it is estimated that countervailing duties have protected an estimated 80,000 jobs in the United States. At the same time, it's important to point out this is not a protectionist measure. It strengthens our hand in dealing with negotiations. Let's pass this commonsense legislation and keep American jobs defended against unfair trade practices.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. I rise in favor of H.R. 4105 because we need to have

every tool we can muster to fight China's unfair trade practices, which not only steal markets and jobs from American producers, but also provides Beijing with a means to finance its military buildup and expanding influence around the world.

This bill should not have been necessary. It overturns a faulty court decision that claimed U.S. law prohibits the Department of Commerce from applying countervailing duties to nonmarket economies. Yet nonmarket economies, where the government directs business through trade subsidies, national planning and state ownership of firms, this is where the greatest abuses occur that distort the market.

Unfortunately, our system to combat trade abuses and unfair foreign practices does not work. We have had a massive transfer, which is evident, when we see that we have had a massive historic transfer of wealth from the American people to China over these last few decades. That policy should have been corrected long ago to prevent this deprivation of the American people.

Furthermore, this bill allows the Commerce Department to adjust actions to avoid future negative findings by the World Trade Organization. Again, this should not be necessary because China should not be part of the World Trade Organization. It is not a market economy and thus should have been denied membership. It has not lived up to its obligations of WTO membership, and thus Beijing should not be made a stakeholder in world affairs.

It remains an aggressive, communist dictatorship that supports every rogue enemy of the United States. It is the world's number one proliferator of nuclear technology and the number one abuser of human rights. It is a land of cronyism, corruption, and repression. We should not be helping a country ruled by this kind of government grow while we stagnate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. ROHRBACHER. We ran a record \$295 billion trade deficit in goods with China last year at a time when the U.S. economy was trying to struggle from a recession and we had high unemployment. This bill would be a small step in the right direction; but we need to do much more to restore growth and balance to our international, economic and strategic relations with other countries, especially China. We should end this massive transfer of wealth from our people to China. It's a sin against our own people.

Mr. LEVIN. I yield 2 minutes to another distinguished member of our committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Thank you, Mr. LEVIN. I appreciate the fact that our chairman, Mr. CAMP, and our ranking

member, Mr. LEVIN, are here today advancing H.R. 4105.

We are not going to unring the bell. The Chinese Government is an important part of the world economy. We are interrelated and interdependent. American people buy things from China every day. I was happy to have them be part of the WTO so there would be rules of the road.

It's not about protectionism for the United States. It is making sure that our competitors in China play by the rules. Too often we have seen that they don't. We've seen their massive unjustified subsidies. We've found cheating in the international arena in terms of stealing intellectual products, stealing Web sites. The Chinese Government needs to be encouraged directly to play by the same sorts of rules.

If America is on a level playing field, our manufacturers can work and compete against the best the world has to offer. But, unfortunately, related to China right now, it is too often not a level playing field. This is an important step going forward to make sure that we can rebalance the equation.

I hope that the administration will be aggressive in using the tools that it has to make sure the rules of the road are observed. This has been a frustration I have had since I have been in Congress with both Republican and Democratic administrations. I don't think we have done all, in fact, that we could. I hope that we will.

I think this bill is a step in the right direction, and I appreciate the bipartisan show of support from our committee to move it forward. I hope that the House passes it overwhelmingly, and that it is something that the other body moves on, so that we can have this tool back in our tool kit.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Oversight Subcommittee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. Madam Speaker, I rise in strong, vigorous support of H.R. 4105, and I want to commend Chairman CAMP for his leadership in bringing this appropriate bill to the floor today.

As a supporter of free and fair trade, I believe that U.S. companies and workers deserve a level playing field in order to successfully compete around the world. This bill restores Commerce's ability to protect American jobs and companies from unfair, WTO-inconsistent practices, inconsistent trade practices perpetrated by nonmarket economies, mainly China and Vietnam.

This is an important tool being used by several industries in my home State of Louisiana, the ability to use countervailing duties, companies that produce steel pipe, aluminum extrusion, woven sack industries, just to name a few. More importantly, many key industries such as shrimp processors want to make sure that this tool remains in place in case they need to use it in the future to deal with unfair trade practices.

As our industries expand and compete for businesses around the world, it's irresponsible to not have these types of measures, enforcement measures, in place and to take this vital tool away from the Department of Commerce.

□ 1250

This has been a practice that is WTO compliant. We have used it for years, and now because of a recent Federal court ruling, it has been taken away.

The bill simply amends the 1930 Tariff Act to allow this WTO-compliant technique to be used to impose countervailing duties on nonmarket economies when they use unfair subsidies. It's fully consistent with our international trade obligations, it restores current practices, and it is the right thing to do for American businesses and workers. I strongly encourage our colleagues in this House to support this important bill.

AMERICAN SHRIMP
PROCESSORS ASSOCIATION,
Biloxi, MS, March 5, 2012.

Hon. DAVE CAMP,
Chairman, Ways and Means Committee, Cannon House Office Building, Washington, DC.

Hon. SANDER M. LEVIN,
Ranking Member, Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP AND RANKING MEMBER LEVIN: The American Shrimp Processors Association (ASPA) strongly supports, H.R. 4105, the bill you introduced on February 29, "to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries." We appreciate that you took the lead on this measure and are working hard to quickly pass this critical bipartisan legislation that allows the Commerce Department to continue to apply countervailing duty laws to non-market economies. We believe passage of this measure is critical to the continued ability of domestic industries like ASPA to fight unfair Chinese and Vietnamese trade practices. Additionally, we salute the strong support offered to this measure by our Gulf coast Ways and Means Committee Member Charles Boustany, Jr.

This bipartisan and bicameral legislation aims to correct a problematic decision by the Court of Appeals for the Federal Circuit that found that U.S. law prohibits the Department of Commerce from applying countervailing duties to non-market economies like China and Vietnam. We understand that Congress must act by March 15th to ensure that the law is changed prior to final action in the courts.

As a domestic industry that has struggled to survive amidst a barrage of subsidized imports from Asian non-market and market economies alike, ASPA has a strong interest in seeing U.S. countervailing duty law enforced. If the Congress were to do nothing, important trade orders already in place on subsidized imports from China and Vietnam would disappear. These orders have corrected Chinese and Vietnamese practices that have injured a broad range of domestic industries and threatened the jobs of tens of thousands of American workers.

Additionally, and more importantly to ASPA members, the recent Court decision would prohibit the U.S. shrimp industry from ever using the U.S. trade laws designed to correct unfair government subsidies on shrimp exported from non-market economies

like China and Vietnam, which have been flooding the U.S. market for years.

While the U.S. shrimp industry has repeatedly demonstrated its resilience in the past, the failure to pass this important legislation leaves the domestic shrimp industry, and all U.S. industries, at a permanent disadvantage, as they will be unable to take any action to redress the harm that subsidized imports from non-market economies cause. All our major trading partners have trade laws that allow them to go after government subsidies from non-market economies. Why would the United States want to unilaterally disarm?

Without this legislative fix, ASPA members' ability to go after egregious trade practices in China and Vietnam would be severely limited. ASPA urges you to maintain a level playing field for all domestic industries by passing this legislation this week.

Sincerely,

C. DAVID VEAL,
Executive Director.

Mr. LEVIN. Madam Speaker, I now yield 2 minutes to Mr. PASCRELL from the great State of New Jersey, another very active member of our committee.

Mr. PASCRELL. Madam Speaker, as cosponsor of this legislation, I rise in strong support of the bill. I want to thank Chairman CAMP and Ranking Member LEVIN for working together in a bipartisan way to address this issue, and I hope this is the beginning of more bipartisan trade negotiations amongst ourselves. I think it's healthy.

We all know that China uses a variety of mercantilist measures to distort trade with the United States. Illegal subsidies—we must admit we are not playing on a level playing field when they are allowed to subsidize their industry, and we don't choose to do that. Second, forced technology transfers. And, third, currency manipulation.

It is important that our government have every tool at its disposal in order to combat these abuses and others. This legislation will once again allow the application of our countervailing duty laws and the enforcement of existing orders to nonmarket economies like China.

But we must go further if we are going to level this playing field with China in a way that truly benefits American workers and businesses. We need to extend our trade remedy laws to cover currency manipulation, an approach embraced by a large bipartisan majority of this body that could create over a million jobs.

Also, I believe we must embrace and fully fund the President's new Interagency Trade Enforcement Center to focus our resources on leveling the playing field with China. We can't continue to sit on our hands while Chinese businesses undercut American workers and our manufacturing base continues to drift overseas. Let's not stop with the passage of this bill, but continue to move forward on a fair trade policy that places American workers and businesses first.

Mr. CAMP. Madam Speaker, at this time I yield 1 minute to the distinguished gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Madam Speaker, I would like to thank the chairman for bringing this very, very important piece of legislation to the floor for a vote. I'm here to join my colleagues in support of H.R. 4105, which will protect the free market and prevent American businesses from unfair dumping practices by countries such as China.

Madam Speaker, I hear from businesses in North Carolina every day who are telling me that in order to compete in the global market, action must be taken to prevent nonmarket countries like China from distorting the market and costing American jobs.

Since 2007, the Department of Commerce has applied countervailing duties to Chinese products where it determines that China has provided unfair subsidies that violate its WTO obligations. These duties are not punitive; they merely serve as a correction to unfair Chinese subsidies. They restore the level playing field that U.S. industries and small businesses—such as wire producers and textile companies in North Carolina—provide.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 15 seconds.

Mrs. ELLMERS. I thank the gentleman.

H.R. 4105 will ensure that the Department of Commerce can continue to apply countervailing duty and anti-subsidy laws to nonmarket economies that are violating current law. At the same time, we need robust trade policies that will strengthen our economy and build upon the partnerships we have made with countries around the world.

Mr. LEVIN. Madam Speaker, I now yield 2 minutes to the gentleman from Maine (Mr. MICHAUD) who is very active in trade matters.

Mr. MICHAUD. Madam Speaker, I rise today in strong support of H.R. 4105. I want to thank the chairman and the ranking member for their efforts in bringing this bill before this body. Passing this bill will ensure that the Commerce Department has the authority to apply tariffs on illegally subsidized goods from China and other nonmarket economies.

For the State of Maine, passing this bill will protect the countervailing and anti-dumping duties in place on coated paper imports from China. From 2002 to 2009, China provided more than \$33 billion in subsidies, many of them illegal, to the paper sector. As a result, China overtook the United States as the world's largest producer of paper and paper products. This growth in Beijing's paper sector hits Maine's mills hard.

Since 2008, Maine workers from both Sappi Fine and NewPage companies have become eligible for trade adjustment assistance after they were laid off as a result of increased foreign imports. But after countervailing and anti-dumping duties were applied to paper imports from China, one mill

hired 100 employees. This is just one example of how much of a difference countervailing duties can make for an American company having to compete against illegally subsidized Chinese goods.

H.R. 4105 will ensure that countervailing duties can continue to be applied to illegally subsidized goods from all countries, including China. This bill is critical to ensuring that our American businesses compete on a level playing field, and I urge all my colleagues to vote for it. And I want to once again thank the chairman and the ranking member for their efforts in bringing this bill forward. It's always good to be on the same side as the chair and the ranking member.

Mr. CAMP. Madam Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Madam Speaker, I thank the chairman. I rise today in strong support of H.R. 4105.

Where I'm from in northwest Pennsylvania, western Pennsylvania, we relish competition. In fact, we can't wait to go head-to-head and toe-to-toe with anybody, anytime, anyplace in the world. The only thing we ask for is a level playing field, something that's fair for everyone.

And when you look at markets in Vietnam and China and other non-market economies that are able to game us, we don't like it. So places like Sharon Tube and Wheatland Tube, those are the workers I'm talking about. And those are workers who I will tell you today would stand here with us, arm-in-arm, in saying, Bring it on. Bring it on. We want the competition. We can prove to the competition that we are the best and always will be the best, but keep it a level playing field, keep the rules where they should be, and enforce them.

Mr. LEVIN. I now yield 1 minute to Mr. CRITZ from the great State of Pennsylvania, a gentleman who is most active on these issues.

Mr. CRITZ. Madam Speaker, I thank Mr. LEVIN. As a cosponsor of this bill, I rise in strong support of H.R. 4105.

In 2011, the U.S. Court of Appeals ruled that the Department of Commerce did not have the authority to impose countervailing duties on goods from nonmarket economies. Of the 24 countervailing duties currently in place against goods from nonmarket economies, 23 are for China. Without the legislative action we are proposing today to overturn this ruling, it is very likely that these current countervailing duties would be negated.

This is unacceptable, and we cannot stand by when over 80,000 American manufacturing jobs are at stake. Almost every State is impacted by this decision, and almost every congressional district in Pennsylvania has companies that would be affected if this legislation does not pass.

We must take action today and pass H.R. 4105 to overturn a flawed court ruling and to ensure that the Depart-

ment of Commerce can continue to fight unfair subsidies that hurt American manufacturers and American workers. We must level the playing field, and I strongly urge my colleagues to stand with American workers and pass this bill.

□ 1300

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. Madam Speaker, I rise today to join in what appears to be a bipartisan sentiment that's developing on the floor of the House today, and I'm pleased to be part of it. I'm pleased to stand with my colleagues on the other side of the aisle and members of the Ways and Means Committee in support of a bill that will go a long way to protecting American job creators and American employees from coast to coast.

What we are talking about is allowing the imposition of countervailing duties in order to protect the American market to make sure that the American market is in a competitive position when it comes to our competitors in China and making sure that when we go to the battlefield of the marketplace that that marketplace is put on an even, level playing field so that we can compete squarely.

As my colleague from Pennsylvania (Mr. KELLY) just articulated, I bet on the American worker every single time when we have a marketplace that is level, that is fair, and that is even. And that's why I ask all my colleagues—all of my colleagues—to join us in sending a message today by passing the subject bill and sending a message to the world, to the world economy and to the world markets that America will compete on an even playing field and allow the imposition of countervailing duties to make sure that we have free marketplace principles in place that protect our American workers and protect our American job creators.

For that, I wholeheartedly support and stand with hardworking taxpayers across this country. I ask all colleagues to join in support of this resolution and legislation.

Mr. LEVIN. I now yield 2 minutes to our ranking member on the Rules Committee, the gentlelady from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding. This is very important legislation we're doing here today because in December the Federal Court of Appeals wrongly determined that the Commerce Department does not have the authority to respond to illegal Chinese subsidies with countervailing duties. The court said that despite illegal action from the Chinese, we, as a Nation, are unable to respond as we wish to stop the loss of thousands of American jobs.

This court decision would have immediately reversed 23 import duties that protect 80,000 American workers

from subsidized goods entering our market. In addition, it would have halted six pending U.S. investigations into unfair trade practices while costing the taxpayers billions of dollars each year.

Quite simply, allowing this decision to stand would unilaterally disarm our Nation of one of the most important weapons we have in combating subsidized Chinese exports. In the world of global trade, our Nation can ill afford to let any country assume an unfair and illegal advantage. Countless American companies, from Rochester, New York, to Detroit, Michigan, rely upon a level playing field to compete and win.

From the day of this court ruling, I've been working closely with my colleagues on Ways and Means to reverse this decision, and I'm so happy to support today's bipartisan legislation. Tens of thousands of working Americans are counting on Congress today to reverse the court decision and preserve the ability of our country to respond to illegal trade.

I want to thank Chairman CAMP and Ranking Member LEVIN for the good work that they have done in working together to reach an agreement that stands up for American manufacturers. I urge all of my colleagues to support this critical legislation.

Mr. LEVIN. I yield myself the balance of our time.

The need is clear, the answer is clear, and I hope the vote will be clear. I yield back the balance of my time.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

In summary, I'd like to say that an identical bill to this passed the Senate with unanimous consent. The ability of the U.S. to impose countervailing duties on nonmarket economies, specifically on China, was something China agreed to when it entered the WTO. There are massive subsidies that distort the free market and cost us jobs here in the United States. This is an important tool, as so many have said, as speakers today have said, for us to have to address unfair subsidies from China that hurt our U.S. workers.

I think this is an important bill. It has bipartisan support, and I urge the passage of this legislation.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker I rise today in order to debate H.R. 4105, "To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries," would ensure that the Department of Commerce can continue to apply countervailing duty law (CDV) to nonmarket economies (NME), such as China and Vietnam. Countervailing duties aim to offset the benefits of government subsidies to industries. Anti-dumping (AD) duties apply to goods sold overseas at or below the price in the home country.

As we enter the first full week of spring and trees are regaining their leaves. We are once again faced with finding ways to help strengthen our economy. After years of witnessing a decline in manufacturing, before us this year there has been a revival. This legislation that

would further enhance the economic viability of our manufacturing industries against unfair competition is welcome news.

The measure before us would enable U.S. manufactures to fairly compete with goods which enter our stream of commerce. Goods supplied to the United States from nonmarket economies have a significant market advantage. Those goods receive multiple subsidies from their governments that allow them to be sold at a steeply discounted price in the United States and thereby gain a competitive advantage against products that are unsubsidized and manufactured in the United States.

Just think of a main street which employs hundreds of local workers. The main manufacturing plant on main street supplies both goods and services to the community. When outside goods and manufacturers, from non-market economies, compete with main street manufacturers by undercutting prices the result will be that manufacturers on main street will close. American workers will lose jobs and it will cause the death of main streets all over the country.

We must continue to support measures that will establish and ensure a level playing field for American workers and American companies. The issue before us is how to address goods from countries like China and Vietnam that have entered our stream of commerce, and compete with our business but have a significant market advantage because they are heavily subsidized.

I firmly believe in the importance of continuing a balanced trade relationship with China. Trade between the United States and China has expanded dramatically in the years since China acceded to the World Trade Organization in December 2001. In 2009, bilateral trade in goods totaled \$366 billion, with U.S. imports from China totaling \$296 billion and U.S. exports to China totaling \$70 billion.

In my home State of Texas we have also increased our exports of goods to China. In the District I represent, the 18th Congressional District of Texas, we export chemicals, machinery, computers & electronics, fabricated metal products, and primary metal manufacturing. Yet, I can attest that more can be done to ensure that our trading relationship must improve.

Experts agree that the disparity in imports and exports has resulted in a U.S. goods trade deficit with China. In 2009, there was a trade deficit with China for \$227 billion in which accounts for 45.3 percent of the overall U.S. goods trade deficit.

In trade in services, the United States runs a surplus with China, with exports to China of \$16 billion in 2008 (the latest year for which numbers are available) and imports from China valued at \$10 billion.

The United States' bilateral goods trade imbalance with China may be attributed to a variety of factors such as alleged unfair trade practices and their undervalued currency and their impact on the U.S. economy.

Chinese officials, who cite different figures for the bilateral trade deficit provided by the United States, routinely seek to shift some of the blame for the trade deficit to the United States by criticizing U.S. controls on exports of advanced technology. They further argue that the sharp increase in exports to the United States reflects the shifting of production from other countries to China and many "made-in-

China" products contain components from other countries.

Since 2006, the U.S. government has repeatedly raised concerns about alleged backsliding in China's implementation of commitments it made as part of its 2001 accession to the World Trade Organization. Most prominently the problem of "excessive trade-distorting government intervention intended to promote or protect China's domestic industries and state-owned enterprises." China's inadequate protection of intellectual property rights has also been a major concern. Under the Obama Administration, there have been four cases filed against China with the World Trade Organization, including three in 2010.

Those four cases relate to China's import substitution subsidies in the wind energy sector, its anti-dumping and countervailing duties on grain-oriented electrical steel from the United States, its restrictions on foreign suppliers of electronic payment services, and its restraints on exports of raw materials used in the steel, aluminum, and chemical sectors.

The White House reports, however, that it made progress on some long-standing trade issues with China at the December 2010 meeting of the U.S.-China Joint Commission on Commerce and Trade in Washington, D.C.

Currently, there are more than 300 anti-dumping and countervailing duty orders to shield American-made goods, from honey to bedroom furniture, against global competition it deems unfair and damaging to U.S. companies. About half the orders target iron and steel products.

China accounts for a third of all U.S. unfair trade cases, the most of any country, including about 100 anti-dumping and two dozen countervailing duty orders, according to the U.S. International Trade Commission.

The U.S. Commerce Department would be allowed to apply duties to offset government subsidies in nations such as China and Vietnam under this bipartisan bill.

H.R. 4105, overturns the decision of the Court of Appeals for the Federal Circuit and preserves the validity of the countervailing duty proceedings against imports from China and Vietnam, beginning in 2006. This would ensure that the Department of Commerce can continue to apply countervailing duty law (CDV) to non-market economies (NME), such as China and Vietnam. Countervailing duties aim to offset the benefits of government subsidies to industries. Anti-dumping (AD) duties apply to goods sold overseas at or below the price in the home country.

The legislation also addresses an adverse World Trade Organization (WTO) finding that there may be "double remedies" in situations where countervailing duties are applied to NME exports at the same time that anti-dumping duties calculated using the so-called "surrogate value" methodology are applied to the exports.

As a senior Member of the Judiciary Committee it is not without hesitation that I join my colleagues in overturning a court ruling. I believe in the deliberative process from the judiciary and I was pleased that the court entrusted Congress to act.

In 2007, the Department of Commerce began applying countervailing duty laws (CVD). This was after nearly 20 years of not applying CVD laws to import from NME countries. In 2007, Commerce began to impose CVDs to imports from China, a country which

it has long been considered to be a NME for the purposes of Anti-dumping /CVD laws.

The legality of applying both CVD/and AD laws to Chinese goods was first tested in the U.S. Court of International Trade (CIT) in 2009, when the CIT found that Commerce's approach unreasonable. *GPX Int'l Tire Corp. v. United States*, 645 F. Supp. 2d 1231, 1242–1243 (Ct. Int'l Trade 2009).

The CIT ruled that the prospect of a double remedy is likely when CVD duties are imposed at the same time as the NME AD duties. As the CIT explained, "the NME AD statute was designed to remedy the inability to apply the CVD law to NME countries, so that subsidization of a foreign producer or exporter in a NME country was addressed through the NME AD methodology."

The CIT instructed Commerce ". . . to forego the imposition of CVDs on the merchandise at issue or for Commerce to adopt additional policies and procedures to adapt its NME AD and CVD methodologies to account for the imposition of CVD remedies on merchandise from the PRC." *GPX Int'l Tire Corp. v. United States*.

Commerce was unable to find a reasonable methodology to prevent the likely double-counting outcome and, under protest, it complied with the CIT's order not to apply CVDs on imports of tires from China, but appealed the CIT decision.

The Federal Circuit affirmed the holding of the Court of International Trade that such countervailing duties could not be collected but did so on different grounds. Without this legislation the Department of Commerce will be required to stop imposing countervailing duties on goods imported from nonmarket economies (NME).

Rather, in affirming the CIT's judgment, the CAFC held more broadly that the legislative history of the U.S. CVD laws, Commerce's longtime practice up to 2007 of not applying CVD law to NMEs, and the CAFC's 1986 opinion in *Georgetown Steel Corp. v. United States*, compel the interpretation that the CVD statute cannot be applied to NME countries. The CAFC reasoned that the earlier interpretation was considered and adopted by Congress, when Congress amended the Trade Act of 1930 in the 1988 Trade Act, and again in 1994 when it reenacted most of CVD law while making changes to conform U.S. law to its international obligations as part of the Uruguay Round Agreements Act. The Federal Circuit stated:

We thus find that in amending and re-enacting the trade laws in 1988 and 1994, Congress adopted the position that countervailing duty law does not apply to NME countries. Although Commerce has wide discretion in administering countervailing duty and antidumping law, it cannot exercise this discretion contrary to congressional intent.

It is a broader ruling from several points of view, which, in practice, may succeed in providing more clarity on the issues than if the CAFC had affirmed GPX by adopting the CIT's rationale. First, the CAFC did not distinguish between NME countries, as Commerce did in 2007 when it found that CVD law can be applied to China. In essence the CAFC's opinion tells Commerce that it cannot have it both ways: where the agency makes a determination that a country is a NME, it does not have authority to assess CVDs on imports from that country. Second, GPX involved an

alleged “domestic subsidy,” which generally benefits both domestic and exported goods, as opposed to an “export subsidy” which applies only to exports. The CIT’s opinion in GPX may have not prevented Commerce from countervailing export subsidies in other cases. However, the CAFC’s language does not distinguish between subsidies and holds that “countervailing duty law does not apply to NME countries.” Third, as noted supra, the CAFC did not adopt the CIT’s reasoning of double-counting of remedies. The CIT’s reasoning left open the possibility that Commerce may come up with a methodology that somehow eliminates double-counting, while imposing both ADs and CVDs on imports from a NME. The CAFC’s decision in GPX closed that possibility by explicitly stating that one cannot apply CVD law to a NME country. In short, had the CAFC adopted the CIT’s reasoning in GPX, it is possible that some of Commerce’s authority to proceed with CVD investigations—albeit on a much more restricted scale—would have survived. However, the CAFC’s decision, once final, will compel Commerce to cease its current CVD practice with respect to countries designated as NMEs.

The problems raised by this decision have been addressed by this legislation. As H.R. 4105 amends the Tariff Act of 1930 regarding the imposition of countervailing duties on imports into the United States from a country subsidizing, directly or indirectly, the manufacture, production, or export of merchandise which materially injures a U.S. industry or threatens to.

Declares that merchandise on which countervailing duties must be imposed includes merchandise from a nonmarket country, unless the administering authority cannot identify and measure subsidies provided by the government of the nonmarket economy country (or a public entity within its territory) because the economy of that country is essentially composed of a single entity.

Requires the administering authority to reduce the antidumping duty on a class or kind of merchandise from a nonmarket economy country in cases where: (1) such country (or a public entity within its territory) has provided the merchandise with a countervailable subsidy (other than an export subsidy), (2) the subsidy has reduced the average price of imports of that class or kind of merchandise during the relevant period, and (3) the extent to which the subsidy, in combination with the use of normal value, has increased the weighted average dumping margin for such merchandise can be reasonably estimated.

Requires the administering authority, in such cases, to reduce the antidumping duty by the amount of the increase in the weighted average dumping margin estimated (but not by more than the portion of the countervailing duty rate attributable to the countervailable subsidy).

FACTS

Antidumping and countervailing duty laws are administered jointly by the U.S. International Trade Commission and the U.S. Department of Commerce.

Currently, the U.S. International Trade Commission (USITC) determines whether articles from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

If the Commission makes an affirmative determination, it proposes a remedy. The Commission sends its report to the President and the U.S. Trade Representative. The President makes the final remedy decision.

When China entered the WTO in 2001, it agreed to allow the United States to continue to treat it as a non-market economy for 12 years (codified in U.S. law under Sections 421 of the 1974 Trade Act, as amended) for the purpose of U.S. safeguards. This provision enables the United States (and other WTO members) to impose restrictions (such as quotas and/or increased tariffs) on Chinese products when imports of those products have sharply increased and have caused, or threaten to cause, market disruption to U.S. domestic producers.

Under the Bush Administration on six different occasions chose not to extend relief to various industries under the China-specific safeguard, even though in four cases the U.S. International Trade Commission (USITC) recommended relief. A number of U.S. industries and labor groups have called on the Obama Administration to utilize the China safeguard provision, especially in the face of the current U.S. recession and because of “unfair” Chinese trade practices.

Countervailing duty (CVD) laws give a similar kind of relief to domestic industries that have been, or are threatened with, the adverse impact of imported goods that have been subsidized by a foreign government or public entity, and can therefore be sold at lower prices than similar goods produced in the United States. The relief provided is an additional import duty placed on the subsidized imports.

Currently, there are more than 300 anti-dumping and countervailing duty orders to shield American-made goods, from honey to bedroom furniture, against global competition it deems unfair and damaging to U.S. companies. About half the orders target iron and steel products.

China accounts for a third of all U.S. unfair trade cases, the most of any country, including about 100 anti-dumping and two dozen countervailing duty orders, according to the U.S. International Trade Commission.

STORY OF SOLAR CELL AND PANEL INDUSTRY

China exports the vast majority of its solar products, and has a small domestic market. Chinese exports of crystalline silicon solar cells and panels to the United States rose more than 350 percent from 2008 to 2010. Exports in July 2011 alone exceeded those from all of 2010.

The continued push of massive volumes of dumped Chinese cells and panels, along with growing margins of underselling at artificially and illegally low prices, ultimately caused market pricing in the United States to collapse in 2011—with an average worldwide price decline of 40 percent—despite a growing market for these goods.

Chinese subsidies caused the price collapse and has had a devastating impact on the U.S. solar cell and panel industry, resulting in shut-downs, layoffs, and bankruptcies throughout the country. Over the past 18 months, seven solar plants have shut down or downsized, eliminating thousands of U.S. solar manufacturing jobs in Arizona, California, Massachusetts, Maryland, New York, and Pennsylvania.

China does not have a production cost advantage—labor accounts for only 10 percent

of solar panel production costs, and China actually imports U.S. raw materials and equipment. Further, China’s extra shipping costs and comparatively lower labor productivity make its pricing impossible without illegal subsidization and dumping.

OVERVIEW H.R. 4105

H.R. 4105 is a direct response to a December 19, 2011, decision by the United States Court of Appeals for the Federal Circuit. The Court found that certain countervailing duties levied by the Department of Commerce on tires imported from China should not have been assessed because countervailing duty law does not apply to the context of a non-market economy (NME) such as China’s. The United States Court of International Trade originally ruled that the prospect of a double remedy is likely when CVD duties are imposed in parallel with NMEAD duties.

The Federal Circuit affirmed the holding of the Court of International Trade that such countervailing duties could not be collected, but did so on different grounds. If this ruling is allowed to stand then U.S. manufacturers would be adversely affected, thousands of American workers could lose their jobs, and the Commerce Department would not be able to affectively address unfair trade practices.

HUMAN RIGHTS VIOLATIONS

I would be remiss if I did not mention today the importance of not only establishing a fair and positive trade relationship with China, but also ensuring that our trade partner continues to address human rights issues.

In the past several years, the People’s Republic of China had enacted some laws aimed at reducing human rights abuses, including those related to the use of torture, the death penalty, and labor conditions. It also has promulgated legislation protecting property rights and promoting government transparency, and developed mechanisms for soliciting public input in the policy-making process.

However, the enforcement of human rights protections remains weak and arbitrary. The People’s Republic of China’s leadership has instituted few real checks on its power and remains extremely sensitive to social instability, autonomous political activity, and potential challenges to its authority.

In the past two years, the government has cracked down upon human rights lawyers, social organizations, and Internet use. Major ongoing problems include the following: excessive use of violence by security forces and their proxies; unlawful detention; torture; arbitrary use of state security laws against political dissidents; coercive family planning policies; state control of information; and harassment and persecution of people involved in unsanctioned religious activities, including worship in unregistered Protestant “house churches” and Catholic churches that express loyalty to the Pope. Many Tibetans, ethnic Uighur (Uygur) Muslims, and Falun Gong adherents have been singled out for especially harsh treatment. The Congressional-Executive Commission on China has documented 1,452 cases of political and religious prisoners known or believed to be under detention.

As we move forward in addressing the needs of American workers and American business, we must continue by leveling the playing field against highly subsidized non-market economy good through the application of countervailing duty and antidumping as laws. And, as we build trade relationships with

China, Vietnam, and other Global partners they must be balanced relationships. We must also remember to ask of our partners to strongly advocate for fair trade, fair labor practices, and stress the importance of human rights. The advancement of human rights is an important American value. Today, marks the opportunity for American workers to breathe a sigh of relief, that their jobs are not going to be jeopardized by goods manufactured outside of the United States that have an unfair competitive advantage.

Mr. DINGELL. Madam Speaker, I rise in very strong support of H.R. 4105. I am an original co-sponsor of this wonderfully common-sense bill, which will permit the Department of Commerce to apply countervailing duty orders to non-market economies like China. While the term, "countervailing duty order," is not one on the tip of every American's tongue, it is an extraordinarily important trade enforcement tool. In times like these, we need to be able to use our trade laws to the fullest extent, so we can protect jobs at home and ensure our trading partners play by the rules.

H.R. 4105 is a bipartisan, bicameral bill that will be signed into law by President Obama. It is another step in the right direction for American trade, and it is one that is fully consistent with our World Trade Organization obligations. A flawed decision by the Court of Appeals for the Federal Circuit weakened our country's ability to protect itself from unfair trade practices, and H.R. 4105 will fix it. Most importantly, the bill will help workers and businesses in my home State of Michigan compete fairly on a level playing field.

I commend my good friends, Messrs. CAMP, LEVIN, BRADY, and McDERMOTT for introducing H.R. 4105, and I congratulate House leadership for bringing it to a vote so expeditiously. I urge my colleagues in the Senate to act swiftly, so we can send this measure to President Obama for his signature.

Vote "yes" on H.R. 4105.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to ask my colleagues to join me in support of domestic manufacturing, middle class jobs, and American in-sourcing by voting in favor of H.R. 4105.

Last December, the U.S. Court of Appeals for the Federal Circuit ruled that the Commerce Department could not apply countervailing duties (CVDs) on imports from non-market economies. If this ruling were allowed to stand, it would terminate 23 existing CVD orders on certain imports from China and one from Vietnam.

H.R. 4105 would reverse the court's ruling and make clear the intent of Congress to allow CVDs to be applied to non-market economies.

Several of the endangered CVD orders provide relief to steel and pipe manufacturers, many of which, including VAM Drilling, V&M Star, and TMK IPSCO, are located in or near the 29th District of Texas.

These manufacturers, and the dozens like them throughout the country, have witnessed unfair competition on a mass scale in recent years due to the large subsidies provided by the Chinese government towards their domestic industries.

Without these countervailing duties, tens of thousands of well-paying, middle class jobs would be threatened around the country, including several thousand in the 29th District alone.

As our Nation's economy continues to recover from the Great Recession, and American industry rebounds from a decade of outsourcing and unfair competition, it is important that this Congress support domestic manufacturing and good paying jobs by voting in favor of H.R. 4105.

Mr. TURNER of Ohio. Madam Speaker, the December 2011 ruling by the U.S. Court of Appeals for the Federal Circuit bars the Department of Commerce from applying countervailing duties (CVDs) on goods produced by heavily subsidized foreign companies from non-market economy countries like China and Vietnam.

This ruling is a significant blow to U.S. manufacturers and workers. If action is not taken to remedy the situation, the Department of Commerce could likely be forced to terminate 24 existing CVD orders against unfairly subsidized products from China and Vietnam, including a CVD order to help companies and families in southwest Ohio.

In my community, paper manufacturers New Page, SMART Papers and Appleton Papers, petitioned the International Trade Commission to levy CVDs on subsidized imports of coated fresh-sheet paper from China and Indonesia. In 2008, NewPage was forced to close its sheeting facility for coated paper due to these unfair trade practices, resulting in a loss of 175 Ohio jobs. Just recently, Appleton Papers announced it would cut 330 jobs from the West Carrollton plant in my Dayton community as it struggles against unfair competition.

I strongly backed the application of CVDs against this unfair trade practice and testified before the ITC in support of the petition, which was unanimously approved in 2010. However, the court's recent ruling could negate the ITC's unanimous action and threaten more jobs in my community.

Madam Speaker, we must move swiftly to ensure U.S. manufacturers and workers can compete on a level playing field in the global marketplace. That is why I am an original co-sponsor of H.R. 4105, bipartisan legislation that confirms the Department of Commerce may continue to apply CVDs against unfairly subsidized imports from nonmarket economies like China.

At the same time, with 95 percent of consumers overseas, it is essential that U.S. companies have the opportunity to export their products. U.S. exporters face many non-tariff barriers that violate existing trade agreements, hampering the ability of U.S. companies to access foreign markets and create jobs. My bill, H.R. 3112, the Trade Law Enforcement Act, provides an affordable way for U.S. companies to have their market access complaints investigated and resolved in a manner consistent with U.S. international obligations.

Madam Speaker, I strongly support H.R. 4105 and urge my colleagues to vote yes on this important legislation. I also urge my colleagues to support and co-sponsor my bill, H.R. 3112, to help U.S. manufacturers reach new consumers abroad and spur job creation right here at home.

Mr. VISCLOSKEY. Madam Speaker, I rise in support of H.R. 4105, a measure that will apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries.

Steelworkers and manufacturers in Northwest Indiana need every tool available to them to combat duplicitous trade practices, and this

legislation is critical to preserving their ability to combat such practices by countries such as China.

I applaud the expeditiousness of the House Ways and Means Committee and the House leadership in bringing this important legislation to the floor, and I urge my colleagues to vote "aye."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 4105.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2842, BUREAU OF RECLAMATION SMALL CONDUIT HYDROPOWER DEVELOPMENT AND RURAL JOBS ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 570 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 570

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2842) to authorize all Bureau of Reclamation conduit facilities for hydropower development under Federal Reclamation law, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except: (1) those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII dated at least one day before the day of consideration of the amendment; and (2) pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the