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Senate

The Senate met at 2 p.m. and was called to order by the Hon. RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God only wise, You are worthy to receive our adoration. Lord, establish the works of Your hands on Capitol Hill, strengthening our Senators and their staffs as they seek to honor You by serving others. Give them the wisdom to be agents of healing and hope, enabling our citizens to live in greater justice and peace. Make them eager to reverently submit to Your guidance and to obey Your precepts. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks the Senate will be in a period of morning business. The filing deadline for first-degree amendments to the surface transportation bill is 4 o'clock today. There will be no votes today. The first vote of the week will be noon tomorrow, a motion to invoke cloture on the surface transportation bill.

APPLYING THE COUNTERVAILING DUTY PROVISIONS OF THE TARIFF ACT OF 1930 TO NONMARKET ECONOMY COUNTRIES

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to S. 2153.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 2153) to apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times and passed; that when the Senate receives H.R. 4105 and, if it is identical to the text of S. 2153, the Senate proceed to the immediate consideration of H.R. 4105, the bill be read a third time and passed, with no amendment in order prior to passage; that the motion

to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 2153) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2153

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).

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1375

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.

Mr. REID. Mr. President, this is an extremely important piece of legislation we just adopted. It has had bipartisan support and we were able to do it quickly. We had hoped the House—and I am confident they will—would follow our example in passing this bill quickly.

MEASURE PLACED ON THE CALENDAR—H.R. 1837

Mr. REID. Mr. President, H.R. 1837 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1837) to address certain water-related concerns on the San Joaquin River, and for other purposes.

Mr. REID. I object to any further proceedings on the legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SURFACE TRANSPORTATION ACT

Mr. REID. Mr. President, 56 years ago it took President Eisenhower a year to convince Congress and the country to make an unprecedented investment in America's highway system. After all, building 47,000 miles of interstate highways across the Nation would require an unparalleled effort and unprecedented investment. The project required enough concrete to build six sidewalks to the Moon at a cost of \$50 billion or the equivalent of almost \$½ trillion today.

The project was hugely successful. It created jobs, it connected farms and factories, tiny towns and towering cities, and allowed manufacturers and merchants to ship goods across our country for the first time in our Nation's history. Looking back on this effort to pass the first highway bill, President Eisenhower considered it the crowning accomplishment of his Presidency.

“More than any single action by the government since the end of the war, this one would change the face of America,” President Eisenhower wrote in his memoir. “Its impact on the American economy—the jobs it would produce in manufacturing and construction, the rural areas it would open up—was beyond calculation.”

Fifty-six years after his initial work, Congress once again is considering transportation legislation, an investment in this country's crumbling roads, bridges, and train tracks. But we have the benefit of history on our side. We know from 56 years of experience that investing in America's highways and railways will create and sustain jobs, and we have no doubt that building a world-class transportation system will help us rebuild our world-class economy.

That is why the senior Senator from Oklahoma, Mr. INHOFE, and one of the most liberal Members of the Senate, the junior Senator from California, Mrs. BOXER, have joined hands to advance this bipartisan Transportation bill before this body. The bill is comprised of four measures reported out of the Environment and Public Works Committee and the Banking, Commerce and Finance Committees—all with bipartisan support. Both sides agreed to a package of 37 amendments in addition to this that is now part of the measure that is before the Senate.

This is the legislation, as I have indicated, that is in the Senate now. If the filibuster ended and we passed the bill before us, it would be a huge step forward. Pass what we have now, vote on it, and we could call it a good day for America, a real good day. But in today's political climate, bipartisan sup-

port is not enough to keep good legislation alive. In today's political climate, 85 votes to begin debate on a measure is not enough to guarantee the measure will become law.

The Transportation legislation under consideration is truly bipartisan. It will create or sustain 3 million badly needed construction jobs. Yet Republican leaders have wasted almost a month of the Senate's time obstructing this valuable measure—for political reasons, obviously.

Unfortunately, Democrats cannot keep construction crews working to repair 70,000 collapsing bridges across the country without Republican cooperation. Without Republican cooperation we cannot expand the Nation's mass transit system to accommodate tens of thousands of new riders every year. Without Republican cooperation we cannot create and save 3 million jobs repairing crumbling pavement and building safer sidewalks. It will take bipartisan effort to advance this bipartisan legislation.

Frank Turner, a former Federal Highway Administrator, said work on this country's transportation system “will never be finished because America will never be finished.” Although the work is never finished, it is up to Congress to sustain the effort to move it forward. Unless Congress acts this month work on highways, bridges, and train tracks will come to a grinding halt. Unless Congress acts, the American economy will pay the price for partisan bickering.

What we have before the body now is the measure reported out of the four committees I talked about plus 37 bipartisan amendments. We should pass that. We should invoke cloture on it and just pass that and wait for the House to pass whatever they do and go to conference. That would be a tremendous step forward for us.

I am hopeful my Republican colleagues will join Democrats to put American jobs ahead of these procedural games we are having so much trouble with and help us advance this vital transportation legislation.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FRIDAY'S TORNADOES

Mr. MCCONNELL. Mr. President, last Friday evening tornadoes hit several counties across Kentucky, including Magoffin, Menifee, Morgan, Laurel, Martin, Johnson, and Trimble. I might say these were not just tornadoes, these were very severe tornadoes all over the southern and midwestern part of our country leaving an incredible trail of devastation across many of our States.

In my State the storm caused at least 20 fatalities and more than 300