

and ranking minority member of the Committee on Appropriations and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5044.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate "(Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions 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.

Record votes on postponed questions will be taken later.

AMERICAN MANUFACTURING COMPETITIVENESS ACT OF 2016

Mr. BRADY of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4923) to establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4923

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Manufacturing Competitiveness Act of 2016".

SEC. 2. SENSE OF CONGRESS ON THE NEED FOR A MISCELLANEOUS TARIFF BILL.

(a) **FINDINGS.**—Congress makes the following findings:

(1) *As of the date of the enactment of this Act, the Harmonized Tariff Schedule of the United States imposes duties on imported goods for which there is no domestic availability or insufficient domestic availability.*

(2) *The imposition of duties on such goods creates artificial distortions in the economy of the*

United States that negatively affect United States manufacturers and consumers.

(3) *The manufacturing competitiveness of the United States around the world will be enhanced if Congress regularly and predictably updates the Harmonized Tariff Schedule to suspend or reduce duties on such goods.*

(4) *Creating and maintaining an open and transparent process for consideration of petitions for duty suspensions and reductions builds confidence that the process is fair, open to all, and free of abuse.*

(5) *Complying with the Rules of the House of Representatives and the Senate, in particular with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, is essential to fostering and maintaining confidence in the process for considering a miscellaneous tariff bill.*

(6) *A miscellaneous tariff bill developed under this process will not contain any—*

(A) *congressional earmarks or limited tax benefits within the meaning of clause 9 of rule XXI of the Rules of the House of Representatives; or*

(B) *congressionally directed spending items or limited tax benefits within the meaning of rule XLIV of the Standing Rules of the Senate.*

(7) *Because any limited tariff benefits contained in any miscellaneous tariff bill following the process set forth by this Act will not have been the subject of legislation introduced by an individual Member of Congress and will be fully vetted through a transparent and fair process free of abuse, it is appropriate for Congress to consider limited tariff benefits as part of that miscellaneous tariff bill as long as—*

(A) *in the case of a miscellaneous tariff bill considered in the House of Representatives, consistent with the Rules of the House of Representatives, a list of such limited tariff benefits is published in the reports of the Committee on Ways and Means of the House of Representatives accompanying the miscellaneous tariff bill, or in the Congressional Record; and*

(B) *in the case of a miscellaneous tariff bill considered in the Senate, consistent with the Standing Rules of the Senate—*

(i) *such limited tariff benefits have been identified through lists, charts, or other similar means; and*

(ii) *the information identified in clause (i) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before the vote on the motion to proceed to the miscellaneous tariff bill or the vote on the adoption of a report of a committee of conference in connection with the miscellaneous tariff bill, as the case may be.*

(8) *When the process set forth under paragraph (7) is followed, it is consistent with the letter and intent of the Rules of the House of Representatives and the Senate and other related guidance.*

(b) **SENSE OF CONGRESS.**—*It is the sense of Congress that, to remove the competitive disadvantage to United States manufacturers and consumers and to promote the competitiveness of United States manufacturers, Congress should, not later than 90 days after the United States International Trade Commission issues a final report on petitions for duty suspensions and reductions under section 3(b)(3)(E), consider a miscellaneous tariff bill.*

SEC. 3. PROCESS FOR CONSIDERATION OF PETITIONS FOR DUTY SUSPENSIONS AND REDUCTIONS.

(a) **PURPOSE.**—*It is the purpose of this section to establish a process for the submission and consideration of petitions for duty suspensions and reductions.*

(b) **REQUIREMENTS OF COMMISSION.**—

(1) **INITIATION.**—*Not later than October 15, 2016, and October 15, 2019, the Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public who can demonstrate that they are likely beneficiaries of duty suspensions or reductions to*

submit to the Commission during the 60-day period beginning on the date of such publication—

(A) petitions for duty suspensions and reductions; and

(B) Commission disclosure forms with respect to such duty suspensions and reductions.

(2) CONTENT OF PETITIONS.—Each petition for a duty suspension or reduction under paragraph (1)(A) shall include the following information:

(A) The name and address of the petitioner.

(B) A statement as to whether the petition provides for an extension of an existing duty suspension or reduction or provides for a new duty suspension or reduction.

(C) A certification that the petitioner is a likely beneficiary of the proposed duty suspension or reduction.

(D) An article description for the proposed duty suspension or reduction to be included in the amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States.

(E) To the extent available—

(i) a classification of the article for purposes of the amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States;

(ii) a classification ruling of U.S. Customs and Border Protection with respect to the article; and

(iii) a copy of a U.S. Customs and Border Protection entry summary indicating where the article is classified in the Harmonized Tariff Schedule of the United States.

(F) A brief and general description of the article.

(G) A brief description of the industry in the United States that uses the article.

(H) An estimate of the total value, in United States dollars, of imports of the article for each of the 5 calendar years after the calendar year in which the petition is filed, including an estimate of the total value of such imports by the person who submits the petition and by any other importers, if available.

(I) The name of each person that imports the article, if available.

(J) A description of any domestic production of the article, if available.

(K) Such other information as the Commission may require.

(3) REVIEW.—

(A) COMMISSION PUBLICATION AND PUBLIC AVAILABILITY.—As soon as practicable after the expiration of the 60-day period specified in paragraph (1), but in any case not later than 30 days after the expiration of such 60-day period, the Commission shall publish on a publicly available Internet website of the Commission—

(i) the petitions for duty suspensions and reductions submitted under paragraph (1)(A) that contain the information required under paragraph (2); and

(ii) the Commission disclosure forms with respect to such duty suspensions and reductions submitted under paragraph (1)(B).

(B) PUBLIC COMMENT.—

(i) IN GENERAL.—The Commission shall publish in the Federal Register and on a publicly available Internet website of the Commission a notice requesting members of the public to submit to the Commission during the 45-day period beginning on the date of publication described in subparagraph (A) comments on—

(I) the petitions for duty suspensions and reductions published by the Commission under subparagraph (A)(i); and

(II) the Commission disclosure forms with respect to such duty suspensions and reductions published by the Commission under subparagraph (A)(ii).

(ii) PUBLICATION OF COMMENTS.—The Commission shall publish a notice in the Federal Register directing members of the public to a publicly available Internet website of the Commission to view the comments of the members of the public received under clause (i).

(C) PRELIMINARY REPORT.—

(i) IN GENERAL.—As soon as practicable after the expiration of the 120-day period beginning on the date of publication described in subparagraph (A), but in any case not later than 30 days after the expiration of such 120-day period, the Commission shall submit to the appropriate congressional committees a preliminary report on the petitions for duty suspensions and reductions submitted under paragraph (1)(A). The preliminary report shall contain the following information with respect to each petition for a duty suspension or reduction:

(I) The heading or subheading of the Harmonized Tariff Schedule of the United States in which each article that is the subject of the petition for the duty suspension or reduction is classified, as identified by documentation supplied to the Commission, and any supporting information obtained by the Commission.

(II) A determination of whether or not domestic production of the article that is the subject of the petition for the duty suspension or reduction exists, taking into account the report of the Secretary of Commerce under subsection (c)(1), and, if such production exists, whether or not a domestic producer of the article objects to the duty suspension or reduction.

(III) Any technical changes to the article description of the article that is the subject of the petition for the duty suspension or reduction that are necessary for purposes of administration when the article is presented for importation, taking into account the report of the Secretary of Commerce under subsection (c)(2).

(IV) An estimate of the amount of loss in revenue to the United States that would no longer be collected if the duty suspension or reduction takes effect.

(V) A determination of whether or not the duty suspension or reduction is available to any person that imports the article that is the subject of the duty suspension or reduction.

(VI) The likely beneficiaries of each duty suspension or reduction, including whether the petitioner is a likely beneficiary.

(ii) CATEGORIES OF INFORMATION.—The preliminary report submitted under clause (i) shall also contain the following information:

(I) A list of petitions for duty suspensions and reductions that meet the requirements of this Act without modifications.

(II) A list of petitions for duty suspensions and reductions for which the Commission recommends technical corrections in order to meet the requirements of this Act, with the correction specified.

(III) A list of petitions for duty suspensions and reductions for which the Commission recommends modifications to the amount of the duty suspension or reduction that is the subject of the petition to comply with the requirements of this Act, with the modification specified.

(IV) A list of petitions for duty suspensions and reductions for which the Commission recommends modifications to the scope of the articles that are the subject of such petitions to address objections by domestic producers to such petitions, with the modifications specified.

(V) A list of the following:

(aa) Petitions for duty suspensions and reductions that the Commission has determined do not contain the information required under paragraph (2).

(bb) Petitions for duty suspensions and reductions with respect to which the Commission has determined the petitioner is not a likely beneficiary.

(VI) A list of petitions for duty suspensions and reductions that the Commission does not recommend for inclusion in a miscellaneous tariff bill, other than petitions specified in subclause (V).

(D) ADDITIONAL INFORMATION.—The Commission shall consider any information submitted by the appropriate congressional committees to the Commission relating to moving a petition that is contained in the list referred to in sub-

clause (VI) of subparagraph (C)(ii) of the preliminary report submitted under subparagraph (C) to a list referred to in subclause (I), (II), (III), or (IV) of subparagraph (C)(ii).

(E) FINAL REPORT.—Not later than 60 days after the date on which the preliminary report is submitted under subparagraph (C), the Commission shall submit to the appropriate congressional committees a final report on each petition for a duty suspension or reduction specified in the preliminary report. The final report shall contain with respect to each such petition—

(i) the information required under clauses (i) and (ii) of subparagraph (C) and updated as appropriate under subparagraph (D); and

(ii) a determination of the Commission whether—

(I) the duty suspension or reduction can likely be administered by U.S. Customs and Border Protection;

(II) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed \$500,000 in a calendar year during which the duty suspension or reduction would be in effect; and

(III) the duty suspension or reduction is available to any person importing the article that is the subject of the duty suspension or reduction.

(F) EXCLUSIONS.—The appropriate congressional committees may exclude from a miscellaneous tariff bill any petition for a duty suspension or reduction that—

(i) is contained in any list referred to in subclause (I), (II), (III), or (IV) of subparagraph (C)(ii), as updated as appropriate under subparagraph (E)(i);

(ii) is the subject of an objection from a Member of Congress; or

(iii) is for an article for which there is domestic production.

(G) ESTIMATES BY THE CONGRESSIONAL BUDGET OFFICE.—For purposes of reflecting the estimate of the Congressional Budget Office, the appropriate congressional committees shall adjust the amount of a duty suspension or reduction in a miscellaneous tariff bill only to assure that the estimated loss in revenue to the United States from that duty suspension or reduction, as estimated by the Congressional Budget Office, does not exceed \$500,000 in a calendar year during which the duty suspension or reduction would be in effect.

(H) PROHIBITIONS.—Any petitions for duty suspensions or reductions that are contained in any list referred to in subclause (V) or (VI) of subparagraph (C)(ii), as updated as appropriate under subparagraph (E)(i), or have not otherwise undergone the processes required by this Act shall not be included in a miscellaneous tariff bill.

(4) CONFIDENTIAL BUSINESS INFORMATION.—The procedures concerning the release of confidential business information set forth in section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) shall apply with respect to information received by the Commission in posting petitions on a publicly available website of the Commission and in preparing reports under this subsection.

(5) PROCEDURES.—The Commission shall prescribe and publish in the Federal Register and on a publicly available Internet website of the Commission procedures to be complied with by members of the public submitting petitions for duty suspensions and reductions under subsection (b)(1)(A).

(c) DEPARTMENT OF COMMERCE REPORT.—Not later than the end of the 90-day period beginning on the date of publication of the petitions for duty suspensions and reductions under subsection (b)(3)(A), the Secretary of Commerce, in consultation with U.S. Customs and Border Protection and other relevant Federal agencies, shall submit to the Commission and the appropriate congressional committees a report on each petition for a duty suspension or reduction submitted under subsection (b)(1)(A) that includes the following information:

(1) A determination of whether or not domestic production of the article that is the subject of the petition for the duty suspension or reduction exists and, if such production exists, whether or not a domestic producer of the article objects to the petition for the duty suspension or reduction.

(2) Any technical changes to the article description that are necessary for purposes of administration when articles are presented for importation.

SEC. 4. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND REDUCTIONS ON UNITED STATES ECONOMY.

(a) **IN GENERAL.**—Not later than 12 months after the date of the enactment of a miscellaneous tariff bill, the Commission shall submit to the appropriate congressional committees a report on the effects on the United States economy of duty suspensions and reductions enacted pursuant to this Act, including a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States, using case studies describing such effects on selected industries or by type of article as available data permit.

(b) **RECOMMENDATIONS.**—The Commission shall also solicit and append to the report required under subsection (a) recommendations with respect to those domestic industry sectors or specific domestic industries that might benefit from permanent duty suspensions and reductions, either through a unilateral action of the United States or through negotiations for reciprocal tariff agreements, with a particular focus on inequities created by tariff inversions.

(c) **FORM OF REPORT.**—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 5. PUBLICATION OF LIMITED TARIFF BENEFITS IN THE HOUSE OF REPRESENTATIVES AND THE SENATE.

(a) **HOUSE OF REPRESENTATIVES.**—

(1) **IN GENERAL.**—The chair of the Committee on Ways and Means of the House of Representatives shall include a list of limited tariff benefits contained in a miscellaneous tariff bill in the report to accompany such a bill or, in a case where a miscellaneous tariff bill is not reported by the committee, shall cause such a list to be printed in the appropriate section of the Congressional Record.

(2) **LIMITED TARIFF BENEFIT DEFINED.**—For purposes of this subsection and consistent with clause 9 of rule XXI of the Rules of the House of Representatives, as in effect during the One Hundred Fourteenth Congress, the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(b) **SENATE.**—

(1) **IN GENERAL.**—The chairman of the Committee on Finance of the Senate, the Majority Leader of the Senate, or the designee of the Majority Leader of the Senate, shall provide for the publication in the Congressional Record of a certification that—

(A) each limited tariff benefit contained in a miscellaneous tariff bill considered in the Senate has been identified through lists, charts, or other similar means; and

(B) the information identified in subparagraph (A) has been available on a publicly accessible congressional website in a searchable format at least 48 hours before the vote on the motion to proceed to the miscellaneous tariff bill or the vote on the adoption of a report of a committee of conference in connection with the miscellaneous tariff bill, as the case may be.

(2) **SATISFACTION OF SENATE RULES.**—Publication of a certification in the Congressional Record under paragraph (1) satisfies the certification requirements of paragraphs 1(a), 2(a), and 3(a) of rule XLIV of the Standing Rules of the Senate.

(3) **LIMITED TARIFF BENEFIT DEFINED.**—For purposes of this subsection and consistent with

rule XLIV of the Standing Rules of the Senate, as in effect during the One Hundred Fourteenth Congress, the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(c) **ENACTMENT AS EXERCISE OF RULEMAKING POWER OF HOUSE OF REPRESENTATIVES AND SENATE.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. JUDICIAL REVIEW PRECLUDED.

The exercise of functions under this Act shall not be subject to judicial review.

SEC. 7. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) **COMMISSION.**—The term “Commission” means the United States International Trade Commission.

(3) **COMMISSION DISCLOSURE FORM.**—The term “Commission disclosure form” means, with respect to a petition for a duty suspension or reduction, a document submitted by a petitioner to the Commission that contains the following:

(A) The contact information for any known importers of the article to which the proposed duty suspension or reduction would apply.

(B) A certification by the petitioner that the proposed duty suspension or reduction is available to any person importing the article to which the proposed duty suspension or reduction would apply.

(C) A certification that the petitioner is a likely beneficiary of the proposed duty suspension or reduction.

(4) **DOMESTIC PRODUCER.**—The term “domestic producer” means a person that demonstrates production, or imminent production, in the United States of an article that is identical to, or like or directly competitive with, an article to which a petition for a duty suspension or reduction would apply.

(5) **DOMESTIC PRODUCTION.**—The term “domestic production” means the production of an article that is identical to, or like or directly competitive with, an article to which a petition for a duty suspension or reduction would apply, for which a domestic producer has demonstrated production, or imminent production, in the United States.

(6) **DUTY SUSPENSION OR REDUCTION.**—The term “duty suspension or reduction” refers to an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States for a period not to exceed 3 years that—

(A) extends an existing temporary duty suspension or reduction on an article under that subchapter; or

(B) provides for a new temporary duty suspension or reduction on an article under that subchapter.

(7) **LIKELY BENEFICIARY.**—The term “likely beneficiary” means an individual or entity likely to utilize, or benefit directly from the utilization of, an article that is the subject of a petition for a duty suspension or reduction.

(8) **MEMBER OF CONGRESS.**—The term “Member of Congress” means a Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(9) **MISCELLANEOUS TARIFF BILL.**—The term “miscellaneous tariff bill” means a bill of either

House of Congress that contains only duty suspensions and reductions and related technical corrections that—

(A) are included in the final report of the Commission submitted to the appropriate congressional committees under section 3(b)(3)(E), except for—

(i) petitions for duty suspensions or reductions that the Commission has determined do not contain the information required under section 3(b)(2);

(ii) petitions for duty suspensions and reductions with respect to which the Commission has determined the petitioner is not a likely beneficiary; and

(iii) petitions for duty suspensions and reductions that the Commission does not recommend for inclusion in the miscellaneous tariff bill;

(B) are not excluded under section 3(b)(3)(F); and

(C) otherwise meet the applicable requirements of this Act.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4923, currently under consideration.

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

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am honored to be here today to speak about the American Manufacturing Competitiveness Act of 2016. This bipartisan bill will help our manufacturers of all sizes reduce costs, create jobs, and compete in the global market by creating a transparent process that is entirely consistent with House rules.

This legislation is formally called the Miscellaneous Tariff Bill, or MTB for short, but it makes more sense to think of this as an MTB of another kind: legislation providing manufacturing tax breaks, plain and simple.

Before I begin to speak more specifically about what this bill does, I would like to tell you why it is so essential for the success of our economy.

Since 2012, American manufacturers have had to pay full tariffs—border taxes, in essence—for certain imported products that aren't made in the United States, unnecessarily increasing their costs. These tariffs, or border taxes, have cost them \$748 million a year, and there has been no opportunity for them to get relief from these taxes. These border taxes, in turn, have made it harder for them to sell their products, grow their businesses, create jobs, and invest in their communities.

A coalition of American businesses of all sizes explained it best in their recent letter. They wrote:

“As a result, manufacturers, especially small- and medium-sized manufacturers, in industries ranging from

agriculture and electronics to textiles, chemicals and beyond, have seen their costs go up for inputs not produced in the United States, undermining American competitiveness and the ability of these companies to retain and create manufacturing jobs in the United States.”

The good news is that help is on the way. After working together for months, Trade Subcommittee Chairman DAVE REICHERT, Ranking Members LEVIN and RANGEL, and I led a bipartisan group of Members in both the House and the Senate who recently introduced the American Manufacturing Competitiveness Act of 2016. The bill is designed to solve this problem and deliver much-needed relief to manufacturers across our country. Here is how the new three-step process will work:

First, local businesses of all sizes throughout our districts will petition the independent, nonpartisan International Trade Commission. They will make their case for why they need manufacturing tax breaks. After the ITC receives these petitions, it will solicit comments from the American public and the administration. The ITC will conduct a thorough and transparent analysis.

Secondly, the ITC will then issue a public report to Congress with its analysis and recommendations regarding products that meet the MTB standards. In these reports, the ITC will confirm that no company in America makes these products and explain why it is important to offer these tax breaks to our local manufacturers.

The third and final step in the process is for Congress to consider the ITC’s recommendations. The Ways and Means Committee will examine the ITC’s recommendations and prepare a package of legislation providing tax breaks for American manufacturers. Consistent with our rules, we cannot add provisions that haven’t received a favorable recommendation from the ITC. Then, Congress will consider the entire package.

At the end of this process, American manufacturers of all sizes will be able to enjoy tax breaks that will make it easier for them to compete in the global market and create more jobs in our communities.

While this bill is a victory for manufacturers and consumers, it is really also a victory for openness and transparency. After all, our new MTB process upholds our strong earmark rules and also gives the American people the opportunity to offer their opinion throughout the entire process. By passing this bill today, we are taking a tremendous step to ensure that we finally have a system in place that helps our manufacturers here in America compete in the global market—and win.

I would like to take a quick moment to recognize my colleagues who have worked so hard on this legislation. Specifically, I would like to thank Ranking Member SANDER LEVIN along with Subcommittee Chairman DAVE

REICHERT and Ranking Member CHARLIE RANGEL for their help and leadership.

I am also grateful to committee members PAT TIBERI, TOM REED, JIM RENACCI, EARL BLUMENAUER, BILL PASCRELL, and DANNY DAVIS, who have been actively involved in developing this legislation.

We also got help throughout the conference. I would like to specifically thank Representatives MARK WALKER, TOM MCCLINTOCK, TODD ROKITA, MICK MULVANEY, and ROD BLUM for their considerable leadership throughout this process.

I urge my colleagues to join us in supporting this critical legislation to provide tax breaks for our local manufacturers.

Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 2016.

Hon. KEVIN BRADY,
Chair, Committee on Ways and Means,
Washington, DC.

DEAR CHAIRMAN BRADY: On April 19, 2016, the Committee on Ways and Means ordered reported H.R. 4923, the American Manufacturing Competitiveness Act of 2016. As you know, the Committee on Rules was granted an additional referral upon the bill’s introduction pursuant to the Committee’s jurisdiction under rule X of the Rules of the House of Representatives over the rules of the House and special orders of business.

Because of your willingness to consult with my committee regarding this matter, I will waive consideration of the bill by the Rules Committee. By agreeing to waive its consideration of the bill, the Rules Committee does not waive its jurisdiction over H.R. 4923. In addition, the Committee on Rules reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Rules for conferees on H.R. 4923 or related legislation.

I request that you include this letter and your response as part of your committee’s report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

PETE SESSIONS.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2016.

Hon. PETE SESSIONS,
Chairman, Committee on Rules,
Washington, DC.

DEAR CHAIRMAN SESSIONS, Thank you for your letter regarding H.R. 4923, the “American Manufacturing Competitiveness Act of 2016.” As you noted, the Committee on Rules was granted an additional referral of the bill.

I am most appreciative of your decision to waive consideration of H.R. 4923 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Rules is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any

House-Senate conference involving this legislation.

I will include a copy of our letters in our Committee’s report on H.R. 4923, as well as the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

KEVIN BRADY,
Chairman.

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

Mr. Speaker, I welcome the opportunity to join with the chairman today. We have welcomed the opportunity—indeed, the absolute necessity—to try to work together. So I want to place what we are doing today in some perspective.

It has been nearly 6 years since Congress last passed a miscellaneous tariff bill. We are just now establishing a process to consider a future MTB bill, which would not happen until the end of 2017. This years-long delay has hurt U.S. manufacturers and our manufacturing competitiveness. It is long past time for this House to finally take action and to move forward.

MTB legislation boils down to one thing, basically: supporting and growing manufacturing jobs right here in America. And very importantly, these jobs do not come at the expense of others.

In 2010, the bipartisan, thorough, and transparent process we established to consider MTB bills worked effectively. It included direct input from the public, the administration, and the International Trade Commission.

The committee then posted all of these comments from the public and the administration on a publicly available Web site. And perhaps most importantly, that input was crucial in making sure that domestic production was not competing with imported products in the bill.

At that time, Republican leaders in Congress publicly objected to the MTB bill, conflating it with earmarks. When Democrats brought the bill to the floor in 2010, Republicans bucked their leadership and almost en masse supported the bill because of its importance to U.S. manufacturers and American jobs. It ultimately passed the House 378–43.

Unfortunately, as the Republicans became the majority, action on MTB was frozen. For years, the result was injury to domestic manufacturing and the jobs it supports throughout our country.

This bill shifts the responsibility to formally propose to ITC. I support the bill today before us because it retains all of the uniquely strong provisions on transparency developed in 2010, ensuring that all potential MTBs are thoroughly vetted.

□ 1330

It provides a chance for valuable input from a variety of stakeholders. This input is the key to ensuring that MTB bills do not undermine domestic product or jobs.

The process makes sure that the benefits provided by the bill support and

create American jobs without hurting our domestic manufacturers.

Additionally, this bill allows a Member of Congress to object to and, essentially, remove an individual MTB from the final legislative package.

So it has been a frustrating 6 years, and I say this with some emotion because we have worked hard over these years to try to move, often hitting obstacles. So it has been a frustrating 6 years since this Congress passed an MTB.

It has been even more frustrating for manufacturing across the country, but I believe we have reached a sufficient path forward now that will ultimately be beneficial for American manufacturers and for American workers.

It is more than overdue. It is about time a solution has been found, not one that I initially favored. But it is important to move ahead. So, therefore, I strongly support this bill.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the honorable gentleman from Washington (Mr. REICHERT), chairman of the Subcommittee on Trade, who has played such a key role, again, in advancing free trade and the manufacturing tax breaks.

Mr. REICHERT. Mr. Speaker, I thank Chairman BRADY for yielding and for his leadership and, also, Ranking Member LEVIN for his leadership.

This is truly a bipartisan effort working its way through Congress today. It is finally a pleasure to see this come to fruition.

We talk about MTBs. We throw a lot of acronyms around here in Congress, and sometimes it is hard to keep track of what all those acronyms mean.

But the definition of miscellaneous tariff, really, simply put, is a tax. It is a tax on businesses here in America taxed on imports from other countries on products used in building other products here in the United States.

Those products that are imported, that our companies are being taxed on, are not made here in the United States. So it is an additional cost on our manufacturers, who then have to raise their prices and that, of course, is passed on to our consumers and they pay a higher cost for those goods.

Even sometimes, Mr. Speaker, these miscellaneous tariffs can result in jobs being moved overseas.

So the process is simple. Step one is businesses present their requests to an independent board, nonpartisan, called the ITC, International Trade Commission.

Step two is that it is an open and transparent process. They asked for input from all across the country, from the public, from businesses, from Congress, from the administration, an open, transparent process.

Step three is Congress takes action.

And step four is America wins. They become more competitive.

What are the benefits of MTB? It is clear and simple.

The benefits are: Cuts costs for manufacturers importing products not made in the U.S.; reduces prices for consumers; strengthens transparency; and it grows the economy, creating the opportunity to make more products, make more products, hire more people, obviously, more people back to work creating jobs.

So today I rise in strong support of this solution to the problem that we have been facing here for the last few years, as Mr. LEVIN described.

It fully complies with our House rules, has strong bipartisan support in both the House and the Senate. I urge my colleagues to join me in supporting this legislation.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. PAULSEN), one of our key, most effective leaders on trade in the Ways and Means Committee in the House.

Mr. PAULSEN. Mr. Speaker, I rise today in support of the American Competitiveness Act to help our domestic manufacturers.

Today there are American companies that must unfairly pay miscellaneous tariffs, or taxes, on the materials they need to make their products here in the United States simply because these materials are not available in the United States. Instead, they have to import these materials.

The bill before us creates a new, transparent process for miscellaneous tariff bills, or MTBs, to be enacted. And just how important are these MTBs?

Since the last MTB package expired in 2012, we have seen \$748 million in additional taxes at the border for American manufacturers every year.

That is a lot of money, Mr. Speaker. It is money that manufacturers could use to hire more employees, to grow their business or, of course, to lower prices for their customers.

And this isn't speculation. The last MTB initiative supported 90,000 manufacturing jobs here in the United States. In Minnesota, it is manufacturers like 3M and Knitcraft and Honeywell that will see the benefits.

I encourage my colleagues to join me today in supporting our manufacturers by voting in support of this legislation.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from New York (Mr. REED), one of our key members of the Ways and Means Committee with a business background.

Mr. REED. Mr. Speaker, I rise today to offer congratulations not only to our chairman on the Ways and Means Committee, KEVIN BRADY, as well as the chairman of the Trade Subcommittee, DAVID REICHERT, but also the ranking member, Mr. LEVIN.

We have come together on a bipartisan basis, Mr. Speaker, to stand for

this legislation that is going to help our U.S. domestic manufacturers.

This is a reduction of cost that potentially could go in the millions, if not billions, of dollars in the future and that is going to allow our U.S. manufacturers to compete on the world stage in a much better position than they find themselves today.

So I applaud the efforts of colleagues on both sides of the aisle to come together to find a solution that allows us to honor an open and transparent process, to stand with our U.S. manufacturers, to reduce the tax burden, and to reduce the costs on these manufacturers that are the heart and soul of our job creators across the country.

As I know companies in my district in western New York, the benefits that these companies will see impact not only large corporations, but also mom-and-pop domestic manufacturers, companies like Vere Sandals. It is a small mom-and-pop shop in my district that has to rely upon an import that it can only get outside of America.

They are now in a position, after this legislation is passed, to be able to build and manufacture those sandals in a competitive way. That means that that mom-and-pop operation is going to be able to employ not only their present employees, but potentially invest in expansion.

Why is that important, Mr. Speaker? Because those are the jobs that are being created today and tomorrow.

So I want to give, again, a congratulatory tip of the hat to my colleagues on the other side of the aisle as well as to the chairman on a job well done.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Iowa (Mr. BLUM), one of our key new leaders in trade, manufacturing, and agriculture, a new Member of Congress who played a key role, again, in this legislation.

Mr. BLUM. Mr. Speaker, first I want to thank Chairman BRADY, Ranking Member LEVIN, the rest of the House Committee on Ways and Means, and my colleagues on both sides of the aisle who join in cosponsoring this important legislation, H.R. 4923, the American Manufacturing Competitiveness Act of 2016.

I also want to thank my colleague from North Carolina (Mr. WALKER) for his leadership in educating our freshman class about this issue.

Mr. Speaker, this legislation creates an open and transparent process to consider reducing burdensome manufacturing tariffs through miscellaneous tariff bills while at the same time maintaining the commonsense House ban on earmarks.

Without this legislation, American manufacturers will continue to pay high tariffs on essential raw materials that have no domestic source. This undermines manufacturers' competitiveness with foreign manufacturers and damages their ability to create manufacturing jobs here in America.

Mr. Speaker, our economy has been limping along for quite some time now. This is the worst economic recovery following a recession since World War II. GDP growth is just 60 percent of our 70-year average. I will say that again: 60 percent of average. Because of this, wages for working families are stagnant.

American businesses are being stifled by red tape, high taxes, and a Federal Government that crowds out private investment through its addiction to deficit spending.

I am not willing to accept that this economy is the new normal. We can do far better, Mr. Speaker. We need to make America the best place in the world to do business.

I believe that, by instituting progrowth policies, we can get wages for Americans moving up again and encourage businesses to invest in growing here instead of going overseas.

This bipartisan legislation is a concrete, direct example of something Congress can do immediately to make American manufacturing more competitive. Helping our manufacturers create good-paying jobs for American workers instead of moving them overseas should not be a partisan issue.

I look forward to seeing this bill move through Congress and will continue to be a voice for workers and manufacturers in Iowa and across the country so we can reignite our economy, raise wages for working families and once again make America the best place in the world to do business.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time. I will be very brief.

We have welcomed the chance to work together, and I want to thank the staff on both sides for doing that.

There were obstacles, I think unfortunate ones, in terms of the interpretation of the rules of this House. Lots of jobs were lost. Tariffs were placed on goods when we could have avoided that.

I am proud that, in 2010, when we were in the majority and we worked together up to a point, we developed the most transparent procedures. They were given the gold seal.

Everything had to be out in the open. Everything had to be there for the public to see. If any one of us on either side of the aisle, Democratic or Republican, Senate or House, objected to a provision, saying, for example, that it would impact jobs in the United States, that provision was gone.

As a result of that effort in 2010, when it came up for a vote, only one Democrat of all of us voted against it.

So time has been lost. Jobs have been lost. We have lost some ground on manufacturing that never should have happened.

But the important thing today is that we are moving ahead and we are going to pass a bill that sets in motion a procedure that will go into effect the end of next year.

So I hope we learn from this experience that we should not be tied up by

procedures in this Congress. Instead, we should look at what is the real impact of what we do on jobs in this country. These are basically very middle-income jobs, and we have lost too many.

We are now trying to recapture some of that lost ground with this procedure. I think it is something that we now need to adopt.

So I urge all of my colleagues on this side of the aisle and, I hope, the vast majority of you on your side of the aisle, Mr. Chairman, that we will join together at long last to pass what we have come to know as MTB.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Think about the benefits of this bipartisan bill: tax cuts to American manufacturers; more jobs in our community, both retained and, in some cases, grown; lower costs for consumers and our businesses as well; Congress retains its strong constitutional powers over tariffs; and this bill complies fully with the current House earmark ban. That is a win-win for American consumers and our economy. It was achieved through bipartisan work.

I thank Ranking Member LEVIN and those who came together across the aisle and across the rotunda to make this process and this solution a reality.

□ 1345

This is good for America. This is good for our manufacturers, it is good for our local jobs, and I urge support for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today to support passage of H.R. 4923, the American Manufacturing Competitiveness Act of 2016. This bipartisan, bicameral legislation creates an open and transparent process for the House to consider manufacturing tax cuts through the Miscellaneous Tariff Bill (MTB). This new process corrects distortions in the U.S. tariff code that place an unnecessary and anti-competitive tax on manufacturers, retailers and other businesses across the country that rely on imported products not available domestically.

As an active promoter of free trade, I want to commend my good friend and fellow Texan, Congressman BRADY for steering this important legislation to the House floor. I thank him for consulting with me on the development of this legislation, and I am pleased to support his efforts to ensure swift passage of this critical bill. Our partnership was memorialized in the exchange of letters contained in the Ways and Means Committee's report on the measure.

Congress has not renewed MTBs since the U.S. Manufacturing Enhancement Act in 2010 expired at the end of 2012. Since then, U.S. businesses faced an annual \$748 million tax increase on manufacturing with an overall economic loss of \$1.875 billion for the U.S. economy.

The new MTB process will help American manufacturers compete in the global market while also ensuring a transparent and public

process for consideration of MTBs. U.S. businesses will be able to petition the independent, non-partisan International Trade Commission (ITC), explaining the need for a specific tariff reduction or suspension. The ITC will then be able to issue a public report to Congress analyzing the request and whether or not it meets MTB standards, including that there is no domestic production. Congress would then be able to consider the bill within existing House Rules.

Small businesses and manufacturers across the country have long voiced their support for this new process. I am proud to have worked with Congressman BRADY to ensure passage of this job creating legislation.

Mr. ROKITA. Mr. Speaker, I rise today in support of H.R. 4923, the American Manufacturing Competitiveness Act.

In today's competitive global economy, too often government hampers American businesses with onerous regulations and red tape. As other nations increase their own global competitiveness, we must provide a level playing field for our businesses in diverse fields that include textiles, pharmaceuticals, and manufacturing.

The American Manufacturing Competitiveness Act only allows for tariff waivers on materials that lack a domestic equivalent. Other countries are already regularly granting similar waivers. The National Association of Manufacturers estimates that these tariffs are costing the American economy \$748 million a year. The Indiana Manufacturers Association has said that "helping eliminate these miscellaneous tariffs will reduce costs and lower incentives to relocate manufacturing operations abroad, keeping good jobs here."

I thank Chairman BRADY, for bringing together our working group to get this vital legislation done. I urge passage of the bill.

The SPEAKER pro tempore (Mr. RICE of South Carolina). The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 4923, as amended.

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. BRADY of Texas. Mr. 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 motion will be postponed.

NO FLY FOR FOREIGN FIGHTERS ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4240) to require an independent review of the operation and administration of the Terrorist Screening Database (TSDB) maintained by the Federal Bureau of Investigation and subsets of the TSDB, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4240

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