

# Congress of the United States

Washington, DC 20515

November 20, 2015

Chairman Kevin Brady  
House Ways and Means Committee  
1102 Longworth HOB  
Washington, DC 20515

Ranking Member Sander Levin  
House Ways and Means Committee  
1106 Longworth HOB  
Washington, DC 20515

Dear Chairman Brady and Ranking Member Levin:

We write today as members of the Congressional Steel Caucus to thank you for your support of the domestic steel industry, and for your partnership over the past year that resulted in legislative language, critically important to the domestic steel industry, being included in the Trade Preferences Extension Act (H.R.1295) that was signed into law on June 29th. Thanks to your leadership, the domestic steel industry is better able to compete on a level playing field with foreign competitors who are determined to evade our trade laws. We encourage you to continue your commitment to these producers and workers by making the bicameral conference and completion of the Trade Facilitation and Trade Enforcement Act one of your first priorities under the new House Ways and Means Leadership.

One of the critical elements to ensuring that trade remedy laws are ultimately effective is to ensure that the antidumping (AD) and countervailing (CVD) duties that result from trade cases are accurately assessed and collected at the border. Solicitations from firms trying to evade U.S. AD/CVD orders continue to surface at increasing and alarming levels, and yet there is no transparent process at U.S. Customs and Border Protection (CBP) whereby the domestic industry can seek timely relief from this activity. Provisions in Title IV of the Senate Trade Facilitation and Trade Enforcement Act (H.R. 644) will provide for such a process at CBP and ensure that the laws against unfair trade are being enforced and the correct amount of duties are being collected. These reforms, collectively known as the ENFORCE Act, are essential to ensure that U.S. producers, who have been injured by unfairly traded imports, receive the benefit of the remedy provided by law.

Specifically, we support including the following key elements to address the circumvention and evasion of AD/CVD orders in the final conference report:

**Enhancing CBP Tools** - CBP needs to be identified as the lead agency to conduct evasion investigations. CBP is the entity charged with collecting AD and CVD duties at the border and enforcing all other tariff and border issues.

**Time-Limited Investigations** -Congress must require CBP to initiate, investigate, and make determinations on allegations of evasion within one year so that the problem of evasion can be reviewed carefully and in a timely manner. Already, domestic industries often spend more than a year bringing the original AD or CVD case through the U.S. Department of Commerce and U.S. International Trade Commission.

**Judicial Review** - CBP's decisions on evasion allegations must also be appealable to the Court of International Trade. Judicial review is a common feature in customs trade classifications and trade remedy actions, and it aims to ensure that U.S. government agencies are accountable and that processes are consistent with statutory requirements. If judicial review is not provided with respect to evasion determinations, domestic manufacturing industries are denied any opportunity to ensure that CBP acted appropriately and in accordance with law. Yet importers, who would have existing rights to judicial review if they disagree with CBP's classification of imports, would be provided greater legal rights than our own domestic manufacturers that have already been found to be injured by unfairly traded imports.

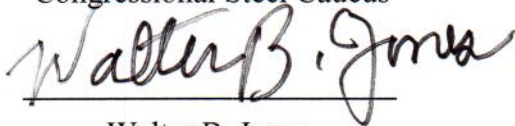
**No Opt-Out** - The relief for U.S. producers must be prescriptive. Recent reports that negotiators are considering "opt-out" provisions, such as allowing CBP to suspend the ENFORCE procedure while other agencies investigate criminal or civil claims related to the same illegal merchandise, are alarming because they are effectively a loophole for CBP to continue failing to enforce the law. ENFORCE simply creates an administrative review process, which should occur independent of other investigations. Should CBP be given a new legal justification for opting out of its responsibilities, it would be a step back from current law.

Maintaining strong trade laws and the vigorous enforcement of those laws are critical elements for a strong domestic steel industry. Steelworkers are under attack every day by illegal imports, and we must not delay to strengthen the range of available tools to combat the evasion of our trade remedy laws. Therefore, we strongly encourage you to conference and complete the enactment of the Trade Facilitation and Trade Enforcement Act as soon as possible.

Sincerely,



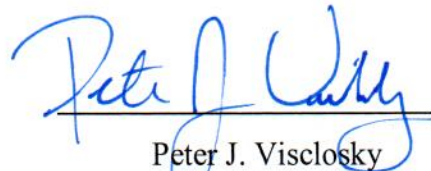
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Chairman  
Congressional Steel Caucus



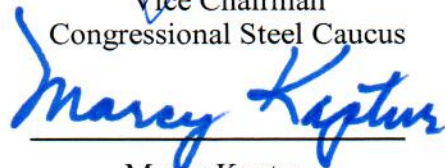
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Member of Congress



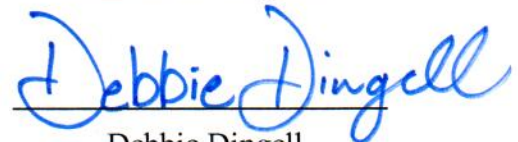
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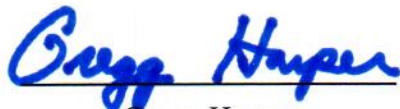
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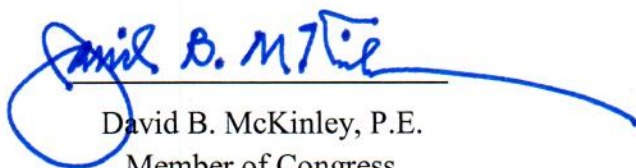
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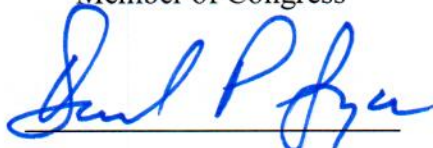
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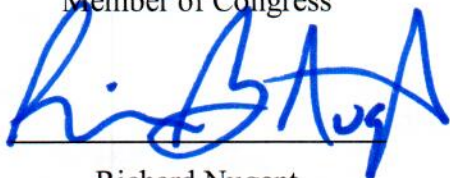
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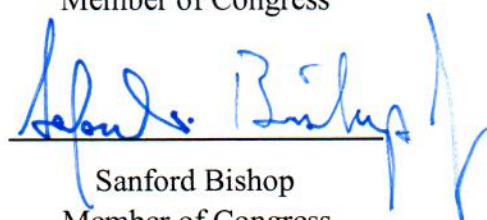
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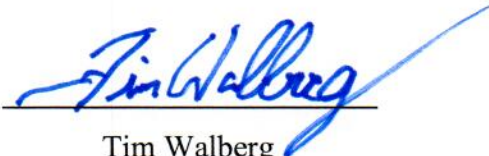
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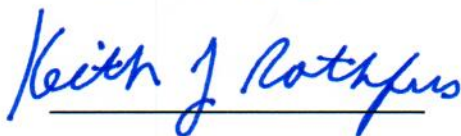
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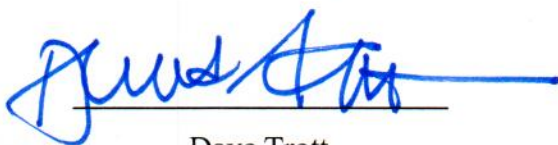
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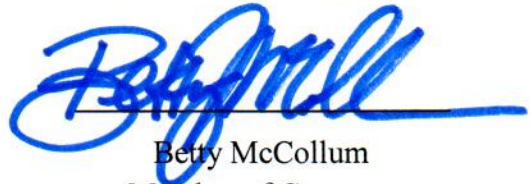
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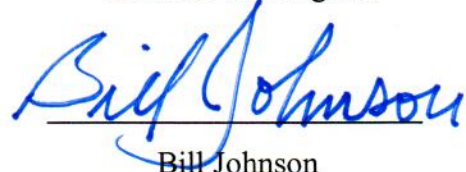
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