WASHINGTON, D.C. – U.S. Sen. Sherrod Brown (D-OH) introduced legislation today that would improve the ability of the U.S. to crack down on unfair foreign competition resulting from violations of trade law.

The Leveling the Playing Field Act would restore strength to antidumping and countervailing laws used by American companies – like Allied Tube in Hebron, Byer Steel in Cincinnati, JMC in Warren, New Page in Miamisburg, and TMK Ipsco in Brookfield – by codifying existing Commerce Department practices and overturning erroneous court decisions that curtail the agency’s authority.

“There are encouraging signs of a comeback in American manufacturing, but that progress could be lost if we don’t have strong trade laws to level the playing field,” said Brown. “Foreign companies who don’t play by the rules are actively trying to undermine the effectiveness of our trade laws. This bill would restore strength to our trade laws and ensure that American companies can compete in a fair marketplace.”

Antidumping (AD) and countervailing duty (CVD) statutes allow U.S. businesses and workers to petition the Commerce Department (Commerce) and the International Trade Commission (ITC) to investigate and provide remedies against foreign producers found to be selling in the U.S. below market price or receiving illegal subsidies.

In recent years, foreign producers have weakened the process through court challenges and utilized loopholes in the law to avoid duties levied against unfair trade practices. The recent economic downturn also made it more difficult for U.S. companies to demonstrate that unfair trade practices were harming them, a requirement for a successful petition. As a result of the court cases, loopholes, and the economic downturn, it has been harder for American businesses to get the relief they deserve from the AD/CVD process.

The Leveling the Playing Field Act restores strength to the AD/CVD statutes. Specifically, the bill:

• Maintains Commerce’s discretion to use adverse facts available when a mandatory respondent does not cooperate with an investigation and clarifies that the agency is not obligated to determine what a margin would be if the respondent had participated;

• Increases the number of factors and the length of time the ITC should use to evaluate injury or the threat of injury to U.S. producers to ensure a determination is based on a comprehensive assessment of a sector’s situation;

• Closes the “new shipper” loophole used by companies to circumvent AD/CVD duties;

• Increases penalties for failure to provide a country of origin certificate for merchandise covered under AD/CVD orders or for falsifying the information on the certificate;

• Clarifies that Commerce has the authority to determine whether to include voluntary respondents in an investigation;

• Clarifies that Commerce does not have to conduct an additional investigation to prove that disregarded product values used in non-market economy investigations are subsidized or dumped if the record already shows the product values to be distorted; and

• Clarifies existing statutory provisions used to assess whether a country’s non-market economy status should be maintained.
The bill is supported by the Committee to Support U.S. Trade Laws, the Committee on Pipe and Tube Imports, and the American Iron and Steel Institute.

Brown is also the author of the *Currency Exchange and Oversight Reform Act of 2013,* legislation that would reform and enhance oversight of currency exchange rates. Specifically, the bill would use U.S. trade law to counter the economic harm to U.S. manufacturers caused by currency manipulation, and provide consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment. A complete summary of the bill is available here.