

**Remarks for the Commerce, Justice, Science, and Related Agencies
Appropriations Subcommittee Members' Day**

Representative Frank J. Mrvan (IN-01)

May 18, 2022

I would like to thank Chairman Cartwright, Ranking Member Aderholt, and all the members of the Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee for holding today's hearing and the opportunity to provide testimony.

Earlier this month, I along with 36 of my colleagues on the Congressional Steel Caucus sent a letter to this Subcommittee advocating for robust funding for the Department of Commerce's International Trade Administration (ITA) and the U.S. International Trade Commission (ITC). For your awareness, I have included a copy of this letter as part of my testimony.

My district in Northwest Indiana is home to a tremendous presence of organized labor and domestic steel capabilities, whose survival is dependent upon the full enforcement of our U.S. trade laws. As you are aware, the ITC and the ITA work to defend American workers and their jobs from foreign countries that harm our domestic industries through illegal trading practices. These illegal trading practices – such as dumping and subsidizing – by foreign countries leave our domestic industries struggling to compete. To remedy this problem, these federal agencies work tirelessly to ensure that each case claiming material injury to a U.S. industry is properly investigated and judiciously determined. We must continue to do all that we can to help guarantee that our domestic industries are able to compete on a level playing field, which requires adequate funding for the ITC and the ITA.

As noted in the Steel Caucus letter, specific to the ITC, for Fiscal Year (FY) 2023, this agency requested \$122.4 million in order to execute its mandated functions. According to the ITC, the agency has experienced a surge in the number of antidumping and countervailing duty (AD/CVD) petitions filed by domestic industry. Only eight such petitions were filed in 2014. Since then, however, more than 100 new petitions have been filed, and there is no sign of abatement. Meanwhile, the ITC must now review the AD and CVD orders put in place over the last several years, with the ITC anticipating it will institute 40 and 35 reviews in FY2022 and FY2023, respectively.

Further, recent trade actions have increased requests for fact-finding investigations and trade policy support, another major component of the ITC's mission. These

requests come from the House Committee on Ways and Means, the Senate Committee on Finance, and the U.S. Trade Representative (USTR).

In conclusion, I thank the Subcommittee for your dedicated work and the opportunity to testify today, and would encourage you to continue to do everything possible to support the ITC and the ITA, which are critical for the livelihoods and success of all workers, including the steelworkers and domestic manufacturers in Northwest Indiana and across our nation. We must continue to do all we can to ensure that they can compete on a level playing field in our global economy and ensure that our federal agencies have every resource they need to fully enforce our trade laws.

Thank you.

Congress of the United States
Washington, DC 20515

April 29, 2022

The Honorable Matt Cartwright
Chairman
Subcommittee on Commerce, Justice,
Science and Related Agencies
House Committee on Appropriations
H-310
Washington, DC 20515

The Honorable Robert Aderholt
Ranking Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
House Committee on Appropriations
1016 LHOB
Washington, DC 20515

Dear Chairman Cartwright and Ranking Member Aderholt:

As the Subcommittee begins to draft its Fiscal Year 2023 Departments of Commerce, Justice, Science and Related Agencies Appropriations bill, we are writing to encourage the Subcommittee to ensure adequate funding for the United States Department of Commerce (DOC)'s International Trade Administration (ITA) and the United States International Trade Commission (ITC) to prioritize and carry out the application of United States trade remedy laws. Your attention to this matter is greatly appreciated.

American industry and workers can more than compete and succeed in a fair market that responds to supply and demand principles. Unfortunately, our manufacturers must increasingly operate in a global market dominated by state-owned and subsidized firms. These firms operate irrespective of market conditions, often permitting them to operate at an economic loss and sell products at less than fair market value.

Anti-Dumping (AD) and Countervailing Duty (CVD) laws exist to protect United States producers and workers from economic injury resulting from unfairly traded imports. According to the ITA, in recent years, the agency has experienced a surge in the number of AD and CVD petitions filed by domestic industry. Even during 2020 and 2021, amid the challenges of the COVID-19 pandemic, such petitions increased nearly 50 percent compared to the prior two years, leading ITA to initiate 154 new AD and CVD investigations—more than any other two-year period this decade. The first quarter of 2022 has already seen an additional 17 cases initiated.

As ITA undertakes these labor-intensive and time-sensitive investigations, which require thorough analysis and evaluation/verification of evidence submitted by foreign respondents, it must also vigilantly review and enforce 664 existing AD and CVD orders through annual administrative reviews—which can be as demanding as original investigations—and circumvention inquiries, as well as five-year “sunset” reviews. It should be noted that ITA and ITC have found merit to claims of economic injury resulting from unfairly traded import investigations. ITA has consistently seen a rise in the number of calculated AD/CVD rates in each of the last three fiscal years including 772 in FY 2021.

We strongly encourage the Committee to consider these factors when establishing funding levels for Enforcement and Compliance activities at ITA to ensure the agency has adequate resources and personnel to protect American firms and workers from economic injury from unfairly traded exports.

The ITC is an independent, quasi-judicial commission responsible for investigating and making timely and objective determinations involving imports that cause injury to a domestic industry in violation of United States trade laws. Its status as an independent agency whose commissioners are equally split between the parties provides confidence to affected stakeholders that decisions and remedy recommendations made by the Commission are solely based on the facts and relevant law and are free of political interference. Among the ITC's mission priorities are conducting AD/CVD investigations and reviews and trade involving United States intellectual property rights under Section 337 of the Tariff Act of 1930.

The ITC continues to experience similar numbers to ITA for trade remedy investigation caseloads, as well as concomitant reviews of existing orders. According to the ITC, the agency has experienced a surge in the number of AD and CVD petitions filed by domestic industry. Only eight such petitions were filed in 2014. Since then, however, more than 100 new petitions have been filed, and there is no sign of abatement. Meanwhile, the ITC must now review the AD and CVD orders put in place over the last several years, with the ITC anticipating it will institute 40 and 35 reviews in FY2022 and FY2023, respectively. Additionally, cases investigated by ITC are increasingly complex and include petitions involving multiple countries. The increased funding request will also allow the ITC to address its growing portfolio of mandates in the trade enforcement area, including additional responsibilities under recent trade deals. Without the proper funding to handle the increased and more complex workload, as reflected in the ITC's Congressional Budget Justification, it will not have the capacity to meet the tight statutory deadlines associated with trade enforcement.

We strongly encourage the Committee to build on its previous efforts to protect domestic workers and businesses from unfair trade by providing adequate resources to the ITA and ITC to best ensure timely and objective responses to trade remedy complaints and investigations.

Sincerely,



Mike Bost
Member of Congress



Conor Lamb
Member of Congress



Eric A. "Rick" Crawford
Member of Congress



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Member of Congress



Brian Fitzpatrick
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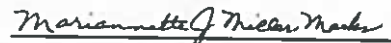
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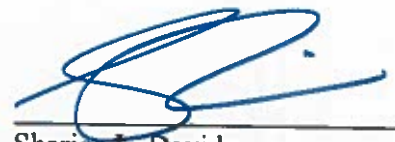
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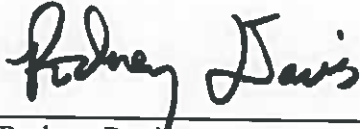

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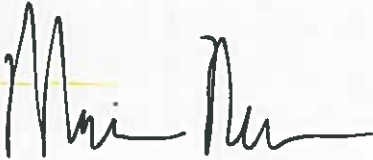
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