

## S 891

### Leveling the Playing Field Act

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Foreign Trade and International Finance

**Introduced:** Mar 26, 2015

**Current Status:** Read twice and referred to the Committee on Finance.

**Latest Action:** Read twice and referred to the Committee on Finance. (Mar 26, 2015)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/891>

## Sponsor

**Name:** Sen. Brown, Sherrod [D-OH]

**Party:** Democratic • **State:** OH • **Chamber:** Senate

## Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Franken, Al [D-MN]	D · MN		Mar 26, 2015
Sen. Graham, Lindsey [R-SC]	R · SC		Mar 26, 2015
Sen. McCaskill, Claire [D-MO]	D · MO		Mar 26, 2015
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 27, 2015
Sen. Portman, Rob [R-OH]	R · OH		Jun 23, 2015
Sen. Stabenow, Debbie [D-MI]	D · MI		Jun 23, 2015
Sen. Donnelly, Joe [D-IN]	D · IN		Jun 24, 2015

## Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Mar 27, 2015

## Subjects & Policy Tags

### Policy Area:

Foreign Trade and International Finance

## Related Bills

No related bills are listed.

## **Leveling the Playing Field Act**

Amends the Tariff Act of 1930 with respect to the administration and enforcement of antidumping (AD) and countervailing duty (CVD) orders.

Declares that neither the administering authority (the Secretary of Commerce, or another U.S. officer given the responsibility by law) nor the U.S. International Trade Commission (USITC), as the case may be, is required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if it had complied with a request for information.

Prohibits the judicial review of any administering authority or USITC determination made in selecting facts or using an inference that is adverse to an interested party in AD and CVD proceedings.

Prescribes additional economic factors for the USITC to evaluate when determining whether imports have caused or threatened material injury to a domestic industry. Requires such factors to be evaluated within the context of the business cycle and conditions of competition that are distinct to the affected industry.

Repeals the requirement that, in the course of a review of an AD or CVD order for merchandise a new exporter or producer claims it did not export to the United States, the administering authority direct U.S. Customs and Border Protection to allow the importer to post a bond or security in lieu of a cash deposit for each entry of the subject merchandise.

Declares that an exporter or producer may be eligible for an individual weighted average dumping margin or individual countervailing duty rate in such a review only if the exporter or producer: (1) is not affiliated with an exporter or producer who exported subject merchandise during the review period or any period; and (2) demonstrates that sales of subject merchandise in the United States, or for exportation to the United States, during the period in question are bona fide and the buyer is not affiliated with that exporter or producer.

Authorizes the administering authority to require an importer of merchandise into the U.S. customs territory to provide a certification that such merchandise is not subject to an AD or CVD duty. Prescribes civil and criminal penalties for failure to comply with the requirement.

Specifies factors for the administering authority to consider when deciding, in CVD or AD investigations and reviews, whether it would be unduly burdensome to: (1) accept voluntary responses from exporters or producers not initially selected for examination, and so (2) determine not to establish an individual countervailable subsidy rate or an individual weighted average dumping margin for them.

Authorizes the administering authority, in valuing the factors of production to determine the normal value of merchandise exported from a nonmarket economy country, to disregard price or cost values if there is reason to believe or suspect that an input for the subject merchandise is subsidized or dumped.

Requires the administering authority to take into account, when determining whether a foreign country has a nonmarket economy, to consider the extent to which the country's government enforces and administers its laws, legal and administrative procedures, and other policies in an open and transparent manner that affords all parties, whether foreign

or domestic, due process and equal and non-discriminatory treatment.

Applies the requirements of this Act to goods from Canada and Mexico.

### **Actions Timeline**

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- **Mar 26, 2015:** Introduced in Senate
- **Mar 26, 2015:** Read twice and referred to the Committee on Finance.