

**Jeffrey I. Kessler**

**Statement before the U.S. Senate Committee on Finance**

**June 12, 2018**

Mr. Chairman, Ranking Member Wyden, members of the Committee. I am honored to appear before you today as the President's nominee to serve as Assistant Secretary of Commerce for Enforcement and Compliance. I would like to express my gratitude to President Trump for nominating me for this important position. I would like to thank Secretary Ross and Under Secretary Kaplan for their support, as well as many other outstanding professionals at the Department of Commerce who have helped with my nomination.

I would like to take a moment to acknowledge some family members in the audience: my wife Bethany, and my two young daughters Lucy and Diana.

Mr. Chairman, the Assistant Secretary of Commerce for Enforcement and Compliance is charged with administering the antidumping and countervailing duty laws. Congress enacted these laws to give U.S. companies and workers an effective remedy against foreign countries' unfair trade practices.

As an international trade lawyer, I work to combat such practices on a daily basis. I have represented U.S. manufacturers in the chemical products and aerospace industries facing foreign subsidies and injurious dumping. I have worked to stop government policies that prop up favored enterprises and skew the competitive landscape to the detriment of U.S. companies and workers. I have helped U.S. companies decipher and navigate market access barriers imposed by China and other countries. The scope and scale of unfair trade practices used by foreign governments and companies is truly breathtaking.

Unfair trade has serious, real-world consequences—including lost jobs, lower wages, and plant closures. It puts U.S. workers' livelihoods at risk, and undermines the U.S. manufacturing and agricultural base.

This Administration has identified aggressive enforcement of U.S. trade laws as a top policy priority. With respect to the antidumping and countervailing duty laws, this means that investigations and other proceedings should be conducted rigorously. U.S. companies and workers should receive the relief to which they are legally entitled. The duties imposed should

truly correct for the distortive impact of unfair trade. Circumvention should not be tolerated. If confirmed, I will uphold these principles.

If confirmed, I will also seriously consider self-initiating antidumping and countervailing duty investigations. Last November, the Department of Commerce self-initiated for the first time in more than a quarter century. Continuing this practice has the potential to further strengthen enforcement of the trade remedy laws.

The Enforcement and Compliance unit of the Department of Commerce also has an important role to play in ensuring that foreign governments uphold their commitments under existing trade agreements. Opening up foreign markets to U.S. exports of goods and services is a critical element of the Administration's trade strategy, and if confirmed I plan to pursue this objective aggressively as well.

Mr. Chairman, I believe that when the playing field is level, U.S. companies, workers, and products can out-compete anyone in the world. As the Administration has stated, true market-based competition should be welcomed. But American workers, farmers, ranchers, service providers, and businesses large and small should not have to endure injurious dumping, subsidies, and other unfair trade practices. That is why we need strict and effective enforcement of the trade remedy laws.

With that, Chairman Hatch, Ranking Member Wyden, and members of the Committee, thank you again for your consideration and I would be happy to answer any questions.