

Wiley Rein Attorneys Discuss Federal Circuit Ruling Upholding Constitutionality of Trade Law

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Wiley Rein International Trade chair Alan H. Price and partner Timothy C. Brightbill were quoted in an article published March 16 in *Law360* about how Chinese solar manufacturers' dumping threatens the vitality of the domestic solar industry.

According to the article, the U.S. Court of Appeals for the Federal Circuit dismissed a challenge to the constitutionality of a 2012 law that allows the U.S. Department of Commerce to apply countervailing duties on imports from nonmarket economies retroactively.

"I think this just shows that the courts understand that subsidies distort markets and that the United States needs to have a remedy to address those market distortions," Mr. Brightbill said. "I think the courts are properly taking an expansive view of the power of Congress and the agencies to address these unfair trade practices."

Mr. Price told *Law360* that there was careful consideration that went into crafting the law.

"We checked with a number of constitutional scholars as did folks on Capitol Hill before pursuing the retroactive fix," Mr. Price said. "The respondents bar is grasping at straws on this one."

To read the entire article, [click here](#).

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