

104TH CONGRESS
1ST SESSION

H. R. 2802

To impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 18 (legislative day, DECEMBER 15), 1995

Mr. LONGLEY (for himself, Mr. ENGLISH of Pennsylvania, Mrs. CHENOWETH, Mr. NETHERCUTT, Mr. METCALF, and Mr. COOLEY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To impose temporarily a 25-percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Lumber
5 Act of 1995”.

1 **SEC. 2. TEMPORARY IMPOSITION OF DUTIES PENDING**
2 **FINAL DETERMINATION.**

3 (a) IN GENERAL.—In addition to any other duty that
4 may apply, there is imposed a duty of 25 percent ad valo-
5 rem on wood and lumber products described in subsection
6 (b).

7 (b) WOOD AND LUMBER PRODUCTS DESCRIBED.—
8 Wood and lumber products described in this subsection
9 are wood or lumber products described in subheading
10 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of
11 the Harmonized Tariff Schedule of the United States that
12 are imported directly or indirectly from Canada.

13 (c) APPLICABILITY.—The rate of duty imposed under
14 subsection (a) shall apply to goods described in subsection
15 (b) that are entered, or withdrawn from warehouse for
16 consumption, during the period beginning on the date that
17 is 15 days after the date of the enactment of this Act and
18 ending on whichever of the following dates occurs first
19 with respect to an investigation initiated under section 3:

20 (1) The date the investigation is suspended pur-
21 suant to section 3(b)(2).

22 (2) The date on which a final negative deter-
23 mination is made by the Commission pursuant to
24 section 705 of the Tariff Act of 1930.

25 (3) The date on which an order is issued pursu-
26 ant to section 706 of such Act.

1 (d) REFUNDS; COLLECTIONS.—If the amount of the
2 duty imposed under this section is different from the
3 amount of the cash deposit, bond, or other security re-
4 quired for the countervailing duty imposed under a coun-
5 tervailing duty order issued under section 706 of the Tar-
6 iff Act of 1930 (19 U.S.C. 1671e) as a result of the inves-
7 tigation initiated under section 3, such difference shall be
8 refunded, released, or collected, as the case may be, in ac-
9 cordance with section 707 of the Tariff Act of 1930 (19
10 U.S.C. 1671f).

11 **SEC. 3. INITIATION OF INVESTIGATION.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, not later than 30 days after the date of the
14 enactment of this Act, the administering authority shall
15 initiate an investigation pursuant to section 702(a) of the
16 Tariff Act of 1930 (19 U.S.C. 1671a(a)) with respect to
17 the importation and sales for importation into the United
18 States of wood and lumber products described in section
19 2(b).

20 (b) APPLICATION OF TITLE VII OF THE TARIFF ACT
21 OF 1930.—

22 (1) IN GENERAL.—Except as otherwise pro-
23 vided in this Act, the provisions of title VII of the
24 Tariff Act of 1930 (19 U.S.C. 1671 et seq.) shall

1 apply to the countervailing duty investigation initi-
2 ated under subsection (a).

3 (2) TERMINATION OR SUSPENSION OF INVES-
4 TIGATION.—

5 (A) TERMINATION.—Subsections (a) and
6 (k) of section 704 of the Tariff Act of 1930 (19
7 U.S.C. 1671c (a) and (k)) shall not apply to the
8 investigation initiated pursuant to subsection
9 (a).

10 (B) SUSPENSION.—The investigation initi-
11 ated pursuant to subsection (a) may be sus-
12 pended pursuant to subsection (b) or (c) of sec-
13 tion 704 of such Act, if the requirements of
14 such section 704 and subparagraph (C) are sat-
15 isfied.

16 (C) SUSPENSION OF INVESTIGATION PRO-
17 CEDURE.—The requirements of this subpara-
18 graph are satisfied if, not less than 30 days be-
19 fore suspending the investigation, the admin-
20 istering authority—

21 (i) notifies the Committee on Finance
22 of the Senate, the Committee on Ways and
23 Means of the House of Representatives,
24 the Commission, and other parties to the
25 investigation, of the administering

1 authority's intention to suspend the inves-
2 tigation;

3 (ii) consults with such committees re-
4 garding such suspension;

5 (iii) provides to such committees a
6 copy of the proposed agreement pursuant
7 to which the investigation is to be sus-
8 pended, together with an explanation of—

9 (I) how the agreement will be
10 carried out and enforced;

11 (II) how the agreement meets the
12 requirements of subsections (b), (c),
13 (d), and (e) of section 704 of the Tar-
14 iff Act of 1930; and

15 (III) any action required of Can-
16 ada; and

17 (iv) permits all interested parties to
18 submit comments and information for the
19 record before the date on which notice of
20 suspension of the investigation is pub-
21 lished.

1 **SEC. 4. RENEGOTIATION OF CHAPTER 19 OF NAFTA AND**
2 **THE UNITED STATES-CANADA FREE-TRADE**
3 **AGREEMENT.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law—

6 (1) the President is authorized and directed to
7 negotiate with the governments of free trade area
8 countries for the purpose of entering into an agree-
9 ment to modify the terms of chapter 19 of the
10 NAFTA and chapter 19 of the United States-Can-
11 ada Free-Trade Agreement to provide that—

12 (A) the exclusive review by binational pan-
13 els shall not apply to antidumping and counter-
14 vailing duty determinations involving the mer-
15 chandise of a free trade area country; and

16 (B) such determinations shall be subject to
17 judicial review in the same manner as deter-
18 minations made with respect to countries that
19 are not free trade area countries;

20 (2) the negotiations described in paragraph (1)
21 shall not in any way affect the rights of the United
22 States or a free trade area country to apply its do-
23 mestic antidumping and countervailing duty laws to
24 the imports of another country; and

25 (3) not later than 150 days after the date of
26 the enactment of this Act, if an agreement described

1 in paragraph (1) has been entered into, the Presi-
2 dent shall submit to the Congress—

3 (A) a draft implementing bill (as defined in
4 section 151 of the Trade Act of 1974 (19
5 U.S.C. 2191)) which contains provisions—

6 (i) approving the agreement; and

7 (ii) modifying the provisions of United
8 States law that are necessary to implement
9 the agreement; and

10 (B) a statement of any administrative ac-
11 tion proposed to implement the agreement.

12 (b) IMPLEMENTATION OF MODIFICATIONS.—

13 (1) IN GENERAL.—Any agreement entered into
14 under subsection (a)(1) shall enter into force with
15 respect to the United States if (and only if) the im-
16 plementing bill described in subsection (a)(3)(A) is
17 enacted into law.

18 (2) EXTENSION OF FAST TRACK PROCEDURES
19 TO IMPLEMENTING BILL.—

20 (A) Section 151(b)(1) of the Trade Act of
21 1974 (19 U.S.C. 2191(b)(1)) is amended by in-
22 sserting “section 4 of the Emergency Lumber
23 Act of 1995,” after “the Omnibus Trade and
24 Competitiveness Act of 1988,”.

1 (B) Section 151(c)(1) of such Act (19
2 U.S.C. 2191(c)(1)) is amended by striking “or
3 section 282 of the Uruguay Round Agreements
4 Act,” and inserting “, section 282 of the Uru-
5 guay Round Agreements Act, or section 4 of
6 the Emergency Lumber Act of 1995,”.

7 (c) MODIFICATION OF REVIEW PROCESS.—

8 (1) IN GENERAL.—If a draft implementing bill
9 is not submitted in accordance with subsection (a)
10 within 150 days after the date of the enactment of
11 this Act—

12 (A) the provisions of article 1904 of the
13 NAFTA and article 1904 of the United States-
14 Canada Free-Trade Agreement relating to re-
15 view of determinations shall cease to apply to
16 determinations involving the merchandise of a
17 free trade area country;

18 (B) the provisions of section 516A of the
19 Tariff Act of 1930 (19 U.S.C 1516A) shall
20 apply to the review of such determinations with-
21 out regard to subsection (g) of such section;
22 and

23 (C) any such determination with respect to
24 which a binational panel review or an extraor-
25 dinary challenge committee review is pending

1 on the day after such 150th day shall be trans-
2 ferred to the United States Court of Inter-
3 national Trade (in accordance with rules issued
4 the Court) for review under section 516A(a) of
5 such Act.

6 (2) NOTICE OF MODIFICATIONS.—If a draft im-
7 plementing bill is not submitted in accordance with
8 subsection (a) within 150 days after the date of the
9 enactment of this Act—

10 (A) the President shall immediately notify
11 the government of each free trade area country
12 of the modifications described in paragraph (1)
13 and shall publish notice of such modifications in
14 the Federal Register; and

15 (B) the United States Secretary shall im-
16 mediately notify the relevant FTA Secretaries
17 that article 1904 of the NAFTA and article
18 1904 of the United States-Canada Free-Trade
19 Agreement no longer apply to determinations
20 described in paragraph (1).

21 (3) DEFINITIONS.—For purposes of this sec-
22 tion:

23 (A) DETERMINATION; ANTIDUMPING AND
24 COUNTERVAILING DUTY DETERMINATION.—The
25 terms “determination” and “antidumping and

1 countervailing duty determination” mean a de-
2 termination as defined in section 516A(g)(1) of
3 the Tariff Act of 1930 (19 U.S.C.
4 1516A(g)(1)).

5 (B) FREE TRADE AREA COUNTRY; REL-
6 EVANT FTA SECRETARY; AND UNITED STATES
7 SECRETARY.—The terms “free trade area coun-
8 try”, “relevant FTA Secretary”, and “United
9 States Secretary” have the meanings given such
10 terms by section 516A(f) of the Tariff Act of
11 1930 (19 U.S.C. 1516A(f)).

12 **SEC. 5. APPLICATION TO CANADA AND MEXICO.**

13 Pursuant to article 1902 of the NAFTA, section 408
14 of the North American Free Trade Agreement Implemen-
15 tation Act (19 U.S.C. 3301), and article 1902 of the
16 United States-Canada Free-Trade Agreement, the provi-
17 sions of this Act shall apply with respect to goods from
18 Canada or Mexico.

19 **SEC. 6. DEFINITIONS.**

20 For purposes of this Act:

21 (1) ADMINISTERING AUTHORITY.—The term
22 “administering authority” has the meaning given
23 such term by section 771(1) of the Tariff Act of
24 1930 (19 U.S.C. 1677(1)).

1 (2) COMMISSION.—The term “Commission”
2 means the United States International Trade Com-
3 mission.

4 (3) NAFTA.—The term “NAFTA” means the
5 North American Free Trade Agreement entered into
6 between the United States, Mexico, and Canada on
7 December 17, 1992.

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