

106TH CONGRESS
1ST SESSION

H. R. 1505

To amend United States trade laws to address more effectively import crises.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1999

Mr. ENGLISH (for himself, Mr. CARDIN, Mr. REGULA, Mr. COYNE, Mr. NEY, Mr. TRAFICANT, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend United States trade laws to address more effectively import crises.

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 “Fair Trade Law En-
5 hancement Act of 1999”.

1 **TITLE I—SAFEGUARD**
2 **AMENDMENTS**

3 **SEC. 101. CAUSATION STANDARD.**

4 (a) CHANGE IN CAUSATION STANDARD.—(1) Section
5 201(a) of the Trade Act of 1974 (19 U.S.C. 2251(a)) is
6 amended by striking “substantial”.

7 (2) Section 202 of the Trade Act of 1974 (19 U.S.C.
8 2252) is amended—

9 (A) in subsection (b)(1)(A), by striking “sub-
10 substantial”;

11 (B) by amending subsection (b)(1)(B) to read
12 as follows:

13 “(B) Imports are a cause of serious injury, or
14 the threat thereof, when a causal link can be estab-
15 lished between imports and the domestic industry’s
16 injury.”;

17 (C) in subsection (c)(1)(C), by striking “sub-
18 stantial cause” and inserting “the causal link”;

19 (D) in subsection (c)(3), by striking “substan-
20 tial”; and

21 (E) in subsection (d)(2)(A)(i), by striking “sub-
22 stantial”.

23 (b) CONFORMING AMENDMENT.—Section 264(c) of
24 the Trade Act of 1974 (19 U.S.C. 2354(c)) is amended
25 by striking “substantial”.

1 **SEC. 102. CAPTIVE PRODUCTION.**

2 Section 202(c)(4) of the Trade Act of 1974 (19
3 U.S.C. 2252(c)(4)) is amended—

4 (1) by striking “and” at the end of subpara-
5 graph (B);

6 (2) by striking the period at the end of sub-
7 paragraph (C) and inserting “; and”; and

8 (3) by adding after subparagraph (C) the fol-
9 lowing:

10 “(D) shall, in cases in which domestic pro-
11 ducers transfer internally, including to related
12 parties, significant production of the like or di-
13 rectly competitive article for the production of
14 a downstream article and sell significant pro-
15 duction of the like or directly competitive article
16 in the merchant market, focus on the merchant
17 market when determining the domestic indus-
18 try’s market share and other relevant factors.

19 For purposes of this section, a party is related to
20 another party if the first party controls, is controlled
21 by, or is under common control with, that other
22 party.”.

23 **SEC. 103. PRESUMPTION OF THREAT AND OF CRITICAL CIR-**
24 **CUMSTANCES.**

25 Section 202 of the Trade Act of 1974 (19 U.S.C.
26 2252) is amended—

1 (1) in subsection (e)(1), by inserting at the end
2 the following flush sentences:

3 “Notwithstanding subparagraph (B), if the Commis-
4 sion finds that, at any time during the 12-month pe-
5 riod preceding the initiation of an investigation,
6 there has been a rapid decline in domestic prices for
7 the like or directly competitive article and a rapid
8 increase in imports of the imported article, the Com-
9 mission shall apply a rebuttable presumption that
10 the domestic industry is threatened with serious in-
11 jury by reason of such imports. For purposes of the
12 preceding sentence, ‘rapid’ means a change of 10
13 percent or more from one calendar quarter to the
14 next, and the price decline and the increase in im-
15 ports need not be contemporaneous. In any case in
16 which this presumption does not apply, or in which
17 it applies but is rebutted, the Commission shall con-
18 duct a threat of serious injury analysis as if no such
19 presumption applied.”; and

20 (2) in subsection (d)(2)(A), by adding at the
21 end the following flush sentences:

22 “‘If the Commission finds that, at any time during
23 the 12-month period preceding the initiation of an
24 investigation, there has been a rapid decline in do-
25 mestic prices for the like or directly competitive arti-

1 cle and a rapid increase in imports of the imported
2 article, the Commission shall apply a rebuttable pre-
3 sumption that the criteria in clauses (i) and (ii) are
4 met. For purposes of this paragraph, ‘rapid’ means
5 a change of 10 percent or more from one calendar
6 quarter to the next, and the price decline and the in-
7 crease in imports need not be contemporaneous. In
8 any case in which this presumption does not apply,
9 or in which it applies but is rebutted, the Commis-
10 sion shall conduct a critical circumstances analysis
11 as if no such presumption applied.”.

12 **SEC. 104. INJURY FACTORS.**

13 Section 202(c)(1)(A) of the Trade Act of 1974 (19
14 U.S.C. 2252(c)(1)(A)) is amended to read as follows:

15 “(A) with respect to serious injury—

16 “(i) the rate and amount of the in-
17 crease in imports of the product concerned
18 in absolute and relative terms;

19 “(ii) the share of the domestic market
20 taken by increased imports;

21 “(iii) changes in the level of sales;

22 “(iv) production;

23 “(v) productivity;

24 “(vi) capacity utilization;

25 “(vii) profits and losses; and

1 “(viii) employment;”.

2 **TITLE II—AMENDMENTS TO**
 3 **TITLE VII OF THE TARIFF ACT**
 4 **OF 1930**

5 **SEC. 201. CAPTIVE PRODUCTION.**

6 Section 771(7)(C)(iv) of the Tariff Act of 1930 (19
 7 U.S.C. 1677(7)(C)(iv)) is amended to read as follows:

8 “(iv) CAPTIVE PRODUCTION.—If do-
 9 mestic producers transfer internally, in-
 10 cluding to affiliated persons as defined in
 11 section 771(33), significant production of
 12 the domestic like product for the produc-
 13 tion of a downstream article and sell sig-
 14 nificant production of the domestic like
 15 product in the merchant market, then the
 16 Commission, in determining market share
 17 and the factors affecting financial perform-
 18 ance set forth in clause (iii), shall focus on
 19 the merchant market.”.

20 **SEC. 202. CUMULATION.**

21 Section 771(7)(G)(i) of the Tariff Act of 1930 (19
 22 U.S.C. 1677(7)(G)(i)) is amended to read as follows:

23 “(i) IN GENERAL.—For purposes of
 24 clauses (i) and (ii) of subparagraph (C),
 25 and subject to clause (ii), the Commission

1 shall cumulatively assess the volume and
2 effect of imports of the subject merchan-
3 dise from all countries subject to petitions
4 filed under section 702(b) or 732(b), or
5 subject to investigations initiated under
6 702(a) or 732(a), if such petitions were
7 filed, or such investigations were initiated,
8 within 90 days before the date on which
9 the Commission is required to make its
10 final injury determination, and if such im-
11 ports compete with each other and with
12 the domestic like products in the United
13 States market.”.

14 **SEC. 203. CAUSAL RELATIONSHIP BETWEEN IMPORTS AND**
15 **INJURY.**

16 Section 771(7)(C) of the Tariff act of 1930 (19
17 U.S.C. 1677(7)(C)) is amended by adding at the end the
18 following new clause:

19 “(v) IMPORTS, BASIS FOR AFFIRMA-
20 TIVE DETERMINATION.—The Commission
21 shall not weigh against other factors the
22 injury caused by imports found by the ad-
23 ministering authority to be dumped or pro-
24 vided a countervailable subsidy. Rather, if
25 the imports are a contributing cause of in-

1 jury to the domestic industry, the Commis-
2 sion shall make an affirmative determina-
3 tion, unless the injury caused by the im-
4 ports is inconsequential, immaterial, or un-
5 important.”.

6 **SEC. 204. PRESUMPTION OF THREAT OF MATERIAL INJURY.**

7 Section 771(7)(F) of the Tariff Act of 1930 (19
8 U.S.C. 1677(7)(F)) is amended by redesignating clause
9 (iii) as clause (iv) and inserting after clause (ii) the fol-
10 lowing new clause:

11 “(iii) PRESUMPTION OF THREAT OF
12 MATERIAL INJURY.—Notwithstanding
13 clauses (i) and (ii), if the Commission
14 finds that, at any time during the 12-
15 month period preceding the initiation of an
16 investigation, there has been a rapid de-
17 cline in domestic prices for the domestic
18 like product and a rapid increase in im-
19 ports of the subject merchandise, the Com-
20 mission shall apply a rebuttable presump-
21 tion that the domestic industry is threat-
22 ened with material injury by reason of
23 such imports. For purposes of this clause,
24 ‘rapid’ means a change of 10 percent or
25 more from one calendar quarter to the

1 next, and the price decline and the increase
2 in imports need not be contemporaneous.
3 In any case in which this presumption does
4 not apply, or in which it applies but is re-
5 butted, the Commission shall conduct a
6 threat of injury analysis as if no such pre-
7 sumption applied.”.

8 **SEC. 205. PRESUMPTION OF CRITICAL CIRCUMSTANCES.**

9 (a) INITIAL FINDING BY COMMISSION.—

10 (1) COUNTERAVAILABLE SUBSIDY.—Section
11 703(a) of the Tariff Act of 1930 (19 U.S.C.
12 1671b(a)) is amended by adding at the end the fol-
13 lowing:

14 “(3) DETERMINATION OF RAPID DECLINE.—
15 Any preliminary determination by the Commission
16 under this subsection shall include a determination
17 of whether at any time during the 12-month period
18 preceding the initiation of the investigation there has
19 been a rapid decline in domestic prices for the do-
20 mestic like product. For purposes of this subsection,
21 ‘rapid’ means a change of 10 percent or more from
22 one calendar quarter to the next.”.

23 (2) DUMPING.—Section 733(a) of the Tariff
24 Act of 1930 (19 U.S.C. 1673b(a)) is amended by
25 adding at the end the following:

1 “(3) DETERMINATION OF RAPID DECLINE.—
2 Any preliminary determination by the Commission
3 under this subsection shall include a determination
4 of whether at any time during the 12-month period
5 preceding the initiation of the investigation there has
6 been a rapid decline in domestic prices for the do-
7 mestic like product. For purposes of this subsection,
8 ‘rapid’ means a change of 10 percent or more from
9 one calendar quarter to the next.”.

10 (b) COUNTERVAILING DUTY CASES.—

11 (1) PRELIMINARY DETERMINATIONS BY ADMIN-
12 ISTERING AUTHORITY.—Section 703(e) of the Tariff
13 Act of 1930 (19 U.S.C. 1671b(e)) is amended by
14 designating paragraph (2) as paragraph (3) and in-
15 serting the following after paragraph (1):

16 “(2) PRESUMPTION OF CRITICAL CIR-
17 CUMSTANCES.—Notwithstanding paragraph (1), if
18 the Commission has found under subsection (a)(3) a
19 rapid decline in domestic prices during a 12-month
20 period and the administering authority finds that a
21 rapid increase in imports of the subject merchandise
22 occurred during the same 12-month period, the ad-
23 ministering authority shall apply a rebuttable pre-
24 sumption that critical circumstances exist with re-
25 spect to such imports. For purposes of this para-

1 graph, ‘rapid’ means a change of 10 percent or more
2 from one calendar quarter to the next, and the price
3 decline and the increase in imports need not be con-
4 temporaneous. In any case in which this presump-
5 tion does not apply, or in which it applies but is
6 rebutted, the administering authority shall conduct
7 a critical circumstances analysis as if no such pre-
8 sumption applied.”.

9 (2) FINAL DETERMINATIONS BY ADMIN-
10 ISTERING AUTHORITY.—Section 705(a) of the Tariff
11 Act of 1930 (19 U.S.C. 1671d(a)) is amended by re-
12 designating paragraph (3) as paragraph (4) and in-
13 sserting after paragraph (2) the following new para-
14 graph:

15 “(3) CRITICAL CIRCUMSTANCES DETERMINA-
16 TIONS; SPECIAL RULE.—Notwithstanding paragraph
17 (2), if the Commission has found under section
18 703(a)(3) a rapid decline in domestic prices during
19 a 12-month period, and the administering authority
20 finds that a rapid increase in imports of the subject
21 merchandise occurred during the same 12-month pe-
22 riod, the administering authority shall apply a rebut-
23 table presumption that critical circumstances exist
24 with respect to such imports. For purposes of this
25 paragraph, ‘rapid’ means a change of 10 percent or

1 more from one calendar quarter to the next, and the
2 price decline and the increase in imports need not be
3 contemporaneous. In any case in which this pre-
4 sumption does not apply, or in which it applies but
5 is rebutted, the administering authority shall con-
6 duct a critical circumstances analysis as if no such
7 presumption applied.”.

8 (3) FINAL DETERMINATIONS BY COMMISSION.—
9 Section 705(b)(4)(A) of the Tariff Act of 1930 (19
10 U.S.C. 1671d(b)(4)(A)) is amended by inserting
11 after clause (ii) the following new clause:

12 “(iii) PRESUMPTION THAT STANDARD
13 FOR RETROACTIVE APPLICATION IS MET.—

14 Notwithstanding clause (ii), if the Commis-
15 sion determines that, at any time during
16 the 12-month period since the initiation of
17 the investigation, there has been a rapid
18 decline in domestic prices for the domestic
19 like product and a rapid increase in im-
20 ports of the subject merchandise, the Com-
21 mission shall apply a rebuttable presump-
22 tion that the imports subject to the affirm-
23 ative determination under subsection (a)(2)
24 are likely to undermine seriously the reme-
25 dial effect of the countervailing duty order

1 to be issued under section 706. For pur-
2 poses of this clause, ‘rapid’ means a
3 change of 10 percent or more from one cal-
4 endar quarter to the next, and the price
5 decline and the increase in imports need
6 not be contemporaneous. In any case in
7 which this presumption does not apply, or
8 in which it applies but is rebutted, the
9 Commission shall conduct a critical cir-
10 cumstances analysis as if no such pre-
11 sumption applied.”.

12 (c) ANTIDUMPING CASES.—

13 (1) PRELIMINARY DETERMINATIONS BY ADMIN-
14 ISTERING AUTHORITY.—Section 733(e) of the Tariff
15 Act of 1930 (19 U.S.C. 1673b(e)) is amended by re-
16 designating paragraph (2) as paragraph (3) and in-
17 serting after paragraph (1) the following new para-
18 graph:

19 “(2) PRESUMPTION OF CRITICAL CIR-
20 CUMSTANCES.—Notwithstanding paragraph (1), if
21 the Commission has found under subsection (a)(3) a
22 rapid decline in domestic prices during a 12-month
23 period and the administering authority finds that a
24 rapid increase in imports of the subject merchandise
25 occurred during the same 12-month period, the ad-

1 ministering authority shall apply a rebuttable pre-
2 sumption that critical circumstances exist with re-
3 spect to such imports. For purposes of this clause,
4 ‘rapid’ means a change of 10 percent or more from
5 one calendar quarter to the next, and the price de-
6 cline and the increase in imports need not be con-
7 temporaneous. In any case in which this presump-
8 tion does not apply, or in which it applies but is re-
9 butted, the administering authority shall conduct a
10 critical circumstances analysis as if no such pre-
11 sumption applied.”.

12 (2) FINAL DETERMINATIONS BY ADMIN-
13 ISTERING AUTHORITY.—Section 735(a) of the Tariff
14 Act of 1930 (19 U.S.C. 1673d(a)) is amended by re-
15 designating paragraph (4) as paragraph (5) and in-
16 serting the following after paragraph (3):

17 “(4) CRITICAL CIRCUMSTANCES DETERMINA-
18 TIONS; SPECIAL RULE.—Notwithstanding paragraph
19 (3), if the Commission has found under section
20 733(a)(3) a rapid decline in domestic prices during
21 a 12-month period, and the administering authority
22 finds that a rapid increase in imports of the subject
23 merchandise occurred during the same 12-month pe-
24 riod, the administering authority shall apply a rebut-
25 table presumption that critical circumstances exist

1 with respect to such imports. For purposes of this
2 paragraph, ‘rapid’ means a change of 10 percent or
3 more from one calendar quarter to the next, and the
4 price decline and the increase in imports need not be
5 contemporaneous. In any case in which this pre-
6 sumption does not apply, or in which it applies but
7 is rebutted, the administering authority shall con-
8 duct a critical circumstances analysis as if no such
9 presumption applied.”.

10 (3) FINAL DETERMINATIONS BY COMMISSION.—
11 Section 735(b)(4)(A) of the Tariff Act of 1930 (19
12 U.S.C. 1673d(b)(4)(A)) is amended by adding after
13 clause (ii) the following:

14 “(iii) PRESUMPTION THAT STANDARD
15 FOR RETROACTIVE APPLICATION IS MET.—

16 Notwithstanding clause (ii), if the Commis-
17 sion determines that, at any time during
18 the 12-month period since the initiation of
19 the investigation, there has been a rapid
20 decline in domestic prices for the domestic
21 like product and a rapid increase in im-
22 ports of the subject merchandise, the Com-
23 mission shall apply a rebuttable presump-
24 tion that the imports subject to the affirm-
25 ative determination under subsection (a)(3)

1 are likely to undermine seriously the reme-
2 dial effect of the antidumping duty order
3 to be issued under section 736. For pur-
4 poses of this clause, ‘rapid’ means a
5 change of 10 percent or more from one cal-
6 endar quarter to the next, and the price
7 decline and the increase in imports need
8 not be contemporaneous. In any case in
9 which this presumption does not apply, or
10 in which it applies but is rebutted, the
11 Commission shall conduct a critical cir-
12 cumstances analysis as if no such pre-
13 sumption applied.”.

14 **SEC. 206. PREVENTION OF CIRCUMVENTION.**

15 Section 781(c) of the Tariff Act of 1930 (19 U.S.C.
16 1677j(e)) is amended to read as follows:

17 “(c) MINOR ALTERATIONS OF MERCHANDISE.—The
18 class or kind of merchandise subject to—

19 “(1) an investigation under this subtitle,

20 “(2) an antidumping duty order issued under
21 section 736,

22 “(3) a finding issued under the Antidumping
23 Act, 1921, or

24 “(4) a countervailing duty order issued under
25 section 706 or section 303,

1 shall include articles whose form or appearance has been
2 altered in minor respects by changes in production process
3 (including raw agricultural products that have undergone
4 minor processing), regardless of any change in tariff clas-
5 sification and regardless of whether the merchandise de-
6 scription used in the investigation, order, or finding would
7 otherwise exclude the altered article.”.

8 **SEC. 207. DOMESTIC INDUSTRY SUPPORT FOR SUSPENSION**
9 **AGREEMENTS.**

10 (a) COUNTERVAILING DUTY CASES.—Section
11 704(d)(1) of the Tariff Act of 1930 (19 U.S.C.
12 1671c(d)(1)) is amended—

13 (1) by striking “and” at the end of subpara-
14 graph (A);

15 (2) in subparagraph (B) by striking the period
16 and inserting “, and”; and

17 (3) by inserting after subparagraph (B) the fol-
18 lowing new subparagraph:

19 “(C) domestic producers or workers ac-
20 counting for more than 50 percent of the total
21 production of the domestic like product support
22 the agreement.”.

23 (b) ANTIDUMPING DUTY CASES.—Section 734(d) of
24 the Tariff Act of 1930 (19 U.S.C. 1673c(d)) is amended—

1 (1) by striking “and” at the end of paragraph
2 (1);

3 (2) in paragraph (2), by striking the period and
4 inserting “, and”; and

5 (3) by inserting after paragraph (2) the fol-
6 lowing new paragraph:

7 “(3) domestic producers or workers accounting
8 for more than 50 percent of the total production of
9 the domestic like product support the agreement.”.

10 **SEC. 208. IMPACT OF SAFEGUARD DETERMINATIONS ON 5-**
11 **YEAR REVIEW DETERMINATIONS.**

12 Section 752(a) of the Tariff Act of 1930 (19 U.S.C.
13 1675a(a)) is amended by adding at the end the following
14 new paragraph:

15 “(9) IMPACT OF PRIOR SERIOUS INJURY DE-
16 TERMINATIONS.—

17 “(A) AFFIRMATIVE SERIOUS INJURY DE-
18 TERMINATIONS.—If the Commission has re-
19 cently determined, under chapter 1 of title II of
20 the Trade Act of 1974, that the domestic indus-
21 try producing particular merchandise suffers
22 from or is threatened with serious injury by
23 reason of increased imports, the Commission
24 shall apply a rebuttable presumption that mate-
25 rial injury is ongoing for purposes of any 5-year

1 review under section 751(c) involving the same
2 merchandise. The Commission shall not treat
3 the imposition of measures under chapter 1 of
4 title II of the Trade Act of 1974 resulting from
5 such an affirmative determination as reducing
6 the likelihood of continuation or recurrence of
7 material injury for purposes of the 5-year re-
8 view. For purposes of this subparagraph, ‘re-
9 cently’ means within the 48-month period end-
10 ing on the date on which the 5-year review is
11 initiated.

12 “(B) NEGATIVE SERIOUS INJURY DETER-
13 MINATIONS.—If the Commission has previously
14 determined, under chapter 1 of title II of the
15 Trade Act of 1974, that a domestic industry is
16 not suffering from or threatened with serious
17 injury by reason of increased imports, the Com-
18 mission shall treat that determination as having
19 no impact on the Commission’s determination
20 in a subsequent 5-year review under section
21 751(c) involving the same merchandise as to
22 whether material injury is likely to continue or
23 recur if an antidumping or countervailing duty
24 order is lifted.”.

1 **SEC. 209. REIMBURSEMENT OF DUTIES.**

2 Section 772(d) of the Tariff Act of 1930 (19 U.S.C.
3 1677a(d)) is amended—

4 (1) by striking “and” at the end of paragraph
5 (2);

6 (2) by striking the period at the end of para-
7 graph (3) and inserting a semicolon; and

8 (3) by adding at the end the following new
9 paragraphs:

10 “(4) if the importer is the producer or exporter,
11 or the importer and the producer or exporter are af-
12 filiated persons, an amount equal to the dumping
13 margin calculated under section 771(35)(A), unless
14 the producer or exporter is able to demonstrate that
15 the importer was in no way reimbursed for any anti-
16 dumping duties paid; and

17 “(5) if the importer is the producer or exporter,
18 or the importer and the producer or exporter are af-
19 filiated persons, an amount equal to the net
20 countervailable subsidy calculated under section
21 771(6), unless the producer or exporter is able to
22 demonstrate that the importer was in no way reim-
23 bursed for any antidumping duties paid.”.

24 **SEC. 210. TRANSACTIONS BETWEEN AFFILIATED PARTIES.**

25 Section 773(f) of the Tariff Act of 1930 (19 U.S.C.
26 1677b(f)) is amended—

1 (1) in paragraph (2), by striking “A trans-
2 action” and inserting “Regardless of whether the ad-
3 ministering authority determines to treat affiliated
4 persons as a single entity for other purposes, a
5 transaction”; and

6 (2) in paragraph (3), by striking “If” and in-
7 serting “Regardless of whether the administering
8 authority determines to treat affiliated persons as a
9 single entity for other purposes, if”.

10 **SEC. 211. PERISHABLE AGRICULTURAL PRODUCTS.**

11 (a) DEFINITION OF INDUSTRIES.—Section 771(4)(A)
12 of the Tariff Act of 1930 (19 U.S.C. 1677(4)(A)) is
13 amended by adding at the end the following: “If the Com-
14 mission determines that an agricultural product has a
15 short shelf life and is a perishable product, the Commis-
16 sion shall treat the producers of the product in a defined
17 period or season as the domestic industry. If the sub-
18 heading under the Harmonized Tariff Schedules of the
19 United States for an agricultural product has a 6- or 8-
20 digit classification based on the period of time during the
21 calendar year in which the product is harvested or im-
22 ported, such periods of time constitute a defined period
23 or season for purposes of this paragraph.”.

24 (b) DETERMINATION OF INJURY.—Section
25 771(7)(D) of the Tariff Act of 1930 (19 U.S.C.

1 1677(7)(D)) is amended by adding at the end the fol-
2 lowing new clauses:

3 “(iii) In the case of an agricultural in-
4 dustry involving a perishable product with
5 a short shelf life, if a request for seasonal
6 evaluation has been made by the peti-
7 tioners, the Commission shall consider the
8 factors in subparagraph (C) on a seasonal
9 basis during the period identified as rel-
10 evant.

11 “(iv) In the case of agricultural prod-
12 ucts, partially picked or unpicked crops
13 and abandoned acreage may be considered
14 in lieu of other measures of capacity and
15 capacity utilization.

16 “(v) The impact of other factors, such
17 as weather, on agricultural production and
18 producers shall not be weighed against the
19 contribution of the imported subject mer-
20 chandise to the condition of the domestic
21 industry.”.

1 **SEC. 212. FULL RECOGNITION OF SUBSIDY CONFERRED**
2 **THROUGH PROVISION OF GOODS AND SERV-**
3 **ICES AND PURCHASE OF GOODS.**

4 Section 771(5)(E) of the Tariff Act of 1930 (19
5 U.S.C. 1677(5)(E)) is amended by adding at the end the
6 following: “If transactions in the country which is the sub-
7 ject of the investigation or review do not reflect market
8 conditions due to government action associated with provi-
9 sion of the good or service or purchase of the goods, deter-
10 mination of the adequacy of remuneration shall be through
11 comparison with the most comparable market price else-
12 where in the world.”.

13 **TITLE III—STEEL IMPORT**
14 **NOTIFICATION**

15 **SEC. 301. STEEL IMPORT NOTIFICATION AND MONITORING**
16 **PROGRAM.**

17 (a) IN GENERAL.—Not later than 30 days after the
18 date of the enactment of this Act, the Secretary of Com-
19 merce, in consultation with the Secretary of the Treasury,
20 shall establish and implement a steel import notification
21 and monitoring program. The program shall include a re-
22 quirement that any person importing a product classified
23 under chapter 72 or 73 of the Harmonized Tariff Schedule
24 of the United States obtain an import notification certifi-
25 cate before such products are entered into the United
26 States.

1 (b) STEEL IMPORT NOTIFICATION CERTIFICATES.—

2 (1) IN GENERAL.—In order to obtain a steel
3 import notification certificate, an importer shall sub-
4 mit to the Secretary of Commerce an application
5 containing—

6 (A) the importer's name and address;

7 (B) the name and address of the supplier
8 of the goods to be imported;

9 (C) the name and address of the producer
10 of the goods to be imported;

11 (D) the country of origin of the goods;

12 (E) the country from which the goods are
13 to be imported;

14 (F) the United States Customs port of
15 entry where the goods will be entered;

16 (G) the expected date of entry of the goods
17 into the United States;

18 (H) a description of the goods, including
19 the classification of such goods under the Har-
20 monized Tariff Schedule of the United States;

21 (I) the quantity (in kilograms and net
22 tons) of the goods to be imported;

23 (J) the cost insurance freight (CIF) and
24 free alongside ship (FAS) values of the goods to
25 be entered;

1 (K) whether the goods are being entered
2 for consumption or for entry into a bonded
3 warehouse or foreign trade zone;

4 (L) a certification that the information
5 furnished in the certificate application is cor-
6 rect; and

7 (M) any other information the Secretary of
8 Commerce determines to be necessary and ap-
9 propriate.

10 (2) ENTRY INTO CUSTOMS TERRITORY.—In the
11 case of merchandise classified under chapter 72 or
12 73 of the Harmonized Tariff Schedule of the United
13 States that is initially entered into a bonded ware-
14 house or foreign trade zone, a steel import notifica-
15 tion certificate shall be required before the merchan-
16 dise is entered into the customs territory of the
17 United States.

18 (3) ISSUANCE OF STEEL IMPORT NOTIFICATION
19 CERTIFICATE.—The Secretary of Commerce shall
20 issue a steel import notification certificate to any
21 person who files an application that meets the re-
22 quirements of this section. Such certificate shall be
23 valid for a period of 30 days from the date of
24 issuance.

25 (c) STATISTICAL INFORMATION.—

1 (1) IN GENERAL.—The Secretary of Commerce
2 shall compile and publish on a weekly basis informa-
3 tion described in paragraph (2).

4 (2) INFORMATION DESCRIBED.—Information
5 described in this paragraph means information ob-
6 tained from steel import notification certificate ap-
7 plications concerning steel imported into the United
8 States and includes with respect to such imports the
9 Harmonized Tariff Schedule of the United States
10 classification (to the tenth digit), the country of ori-
11 gin, the port of entry, quantity, value of steel im-
12 ported, and whether the imports are entered for con-
13 sumption or are entered into a bonded warehouse or
14 foreign trade zone. Such information shall also be
15 compiled in aggregate form and made publicly avail-
16 able by the Secretary of Commerce on a weekly basis
17 by public posting through an Internet website. The
18 information provided under this section shall be in
19 addition to any information otherwise required by
20 law.

21 (d) FEES.—The Secretary of Commerce may pre-
22 scribe reasonable fees and charges to defray the costs of
23 carrying out the provisions of this section, including a fee
24 for issuing a certificate under this section.

1 (e) SINGLE PRODUCER AND EXPORTER COUN-
2 TRIES.—Notwithstanding any other provision of law, the
3 Secretary of Commerce shall make publicly available all
4 information required to be released pursuant to subsection
5 (c), including information obtained regarding imports
6 from a foreign producer or exporter that is the only pro-
7 ducer or exporter of goods subject to this section from a
8 foreign country.

9 (f) REGULATIONS.—The Secretary of Commerce may
10 prescribe such rules and regulations relating to the steel
11 import notification and monitoring program as may be
12 necessary to carry the provisions of this section.

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