

106TH CONGRESS  
1ST SESSION

# H. R. 2991

To amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 1999

Mr. COMBEST (for himself, Mr. STENHOLM, Mr. DELAY, Mr. PORTMAN, Mr. EWING, Mr. WATKINS, Mr. HOLDEN, Mr. BOEHNER, Mr. BERRY, Mr. CHAMBLISS, Mr. THOMAS, Mr. CAMP, and Mr. BLUNT) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

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. REVISION OF RETALIATION LIST OR OTHER RE-**  
4 **MEDIAL ACTION.**

5 Section 306(b)(2) of the Trade Act of 1974 (19  
6 U.S.C. 2416(b)(2)) is amended—

7 (1) by striking “If the” and inserting the fol-  
8 lowing:

1           “(A) FAILURE TO IMPLEMENT REC-  
2           COMMENDATION.—If the”;

3           (2) by adding at the end the following:

4           “(B) REVISION OF RETALIATION LIST AND  
5           ACTION.—

6                   “(i) IN GENERAL.—Except as pro-  
7                   vided in clause (ii), in the event that the  
8                   United States initiates a retaliation list or  
9                   takes any other action described in section  
10                  301(c)(1) (A) or (B) against the goods of  
11                  a foreign country or countries because of  
12                  the failure of such country or countries to  
13                  implement the recommendation made pur-  
14                  suant to a dispute settlement proceeding  
15                  under the World Trade Organization, the  
16                  Trade Representative shall periodically re-  
17                  vise the list or action to affect other goods  
18                  of the country or countries that have failed  
19                  to implement the recommendation.

20                   “(ii) EXCEPTION.—The Trade Rep-  
21                   resentative is not required to revise the re-  
22                   taliation list or the action described in  
23                   clause (i) with respect to a country, if—

24                           “(I) the Trade Representative de-  
25                           termines that implementation of a rec-

1                   ommendation made pursuant to a dis-  
2                   pute settlement proceeding described  
3                   in clause (i) by the country is immi-  
4                   nent; or

5                   “(II) the Trade Representative  
6                   together with the petitioner involved  
7                   in the initial investigation under this  
8                   chapter (or if no petition was filed,  
9                   the affected United States industry)  
10                  agree that it is unnecessary to revise  
11                  the retaliation list.

12                  “(C) SCHEDULE FOR REVISING LIST OR  
13                  ACTION.—The Trade Representative shall, 120  
14                  days after the date the retaliation list or other  
15                  section 301(a) action is first taken, and every  
16                  180 days thereafter, review the list or action  
17                  taken and revise, in whole or in part, the list  
18                  or action to affect other goods of the subject  
19                  country or countries.

20                  “(D) STANDARDS FOR REVISING LIST OR  
21                  ACTION.—In revising any list or action against  
22                  a country or countries under this subsection,  
23                  the Trade Representative shall act in a manner  
24                  that is most likely to result in the country or  
25                  countries implementing the recommendations

1           adopted in the dispute settlement proceeding or  
2           in achieving a mutually satisfactory solution to  
3           the issue that gave rise to the dispute settle-  
4           ment proceeding. The Trade Representative  
5           shall consult with the petitioner, if any, involved  
6           in the initial investigation under this chapter.

7           “(E) RETALIATION LIST.—The term ‘retal-  
8           iation list’ means the list of products of a for-  
9           eign country or countries that have failed to  
10          comply with the report of the panel or Appellate  
11          Body of the WTO and with respect to which the  
12          Trade Representative is imposing duties above  
13          the level that would otherwise be imposed under  
14          the Harmonized Tariff Schedule of the United  
15          States.”.

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