

107TH CONGRESS  
1ST SESSION

# S. 910

To provide certain safeguards with respect to the domestic steel industry.

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IN THE SENATE OF THE UNITED STATES

MAY 17, 2001

Mr. ROCKEFELLER (for himself, Mr. DAYTON, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To provide certain safeguards with respect to the domestic steel industry.

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 “Save the American  
5 Steel Industry Act of 2001”.

6 **SEC. 2. TABLE OF CONTENTS.**

7        The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

### TITLE I—LEGACY COST SHARING

- Sec. 101. Steelworker Retiree Health Care Board.
- Sec. 102. Steelworker Retiree Health Care Trust Fund.

Sec. 103. Health Care Benefit Costs Assistance Program.

Sec. 104. Excise tax on steel.

TITLE II—INCENTIVES FOR CONSOLIDATION

Sec. 201. Grant program for merged companies.

1 **TITLE I—LEGACY COST SHARING**

2 **SEC. 101. STEELWORKER RETIREE HEALTH CARE BOARD.**

3 (a) ESTABLISHMENT.—There is established in the  
4 Department of Labor a Steelworker Retiree Health Care  
5 Board.

6 (b) COMPOSITION.—The Board shall be composed of  
7 5 members appointed by the Secretary of Labor, of  
8 whom—

9 (1) one shall be designated by the Secretary as  
10 Chairman;

11 (2) one shall be appointed after taking into con-  
12 sideration the recommendations made by the Speak-  
13 er of the House of Representatives and the majority  
14 leader of the Senate;

15 (3) one shall be appointed after taking into con-  
16 sideration the recommendations made by the minor-  
17 ity leader of the House of Representatives and the  
18 minority leader of the Senate;

19 (4) one shall represent the interests of steel and  
20 iron ore workers; and

21 (5) one shall represent the interests of the steel  
22 and iron ore industry.

1 (c) MEMBERSHIP REQUIREMENTS.—Members of the  
2 Board shall have substantial experience, training, and ex-  
3 pertise in matters relating to retiree health benefits.

4 (d) LENGTH OF APPOINTMENTS.—

5 (1) TERMS.—A member of the Board shall be  
6 appointed for a term of 2 years.

7 (2) VACANCIES.—

8 (A) IN GENERAL.—A vacancy on the  
9 Board shall be filled in the manner in which the  
10 original appointment was made and shall be  
11 subject to any conditions that applied with re-  
12 spect to the original appointment.

13 (B) COMPLETION OF TERM.—An indi-  
14 vidual chosen to fill a vacancy shall be ap-  
15 pointed for the unexpired term of the member  
16 replaced.

17 (3) EXPIRATION.—The term of any member  
18 shall not expire before the date on which the mem-  
19 ber's successor takes office.

20 (e) DUTIES.—The Board shall—

21 (1) administer the Health Care Benefit Costs  
22 Assistance Program established under section 103;

23 (2) establish policies for the investment and  
24 management of the Steelworker Retiree Health Care  
25 Trust Fund established under section 102 that shall

1 provide for prudent investments and low administra-  
2 tive costs; and

3 (3) review and approve the budget of the  
4 Board.

5 (f) ADMINISTRATIVE PROVISIONS.—

6 (1) IN GENERAL.—The Board may—

7 (A) adopt, alter, and use a seal; and

8 (B) take such other actions as may be nec-  
9 essary to carry out the functions of the Board.

10 (2) MEETINGS.—The Board shall meet—

11 (A) at least semiannually; and

12 (B) at additional times at the call of the  
13 Chairman.

14 (3) EXERCISE OF POWERS.—

15 (A) IN GENERAL.—The Board shall per-  
16 form the functions and exercise the powers of  
17 the Board on a majority vote of a quorum of  
18 the Board. Three members of the Board shall  
19 constitute a quorum for the transaction of busi-  
20 ness.

21 (B) VACANCIES.—A vacancy on the Board  
22 shall not impair the authority of a quorum of  
23 the Board to perform the functions and exercise  
24 the powers of the Board.

25 (g) COMPENSATION.—

1           (1) IN GENERAL.—Each member of the Board  
2 who is not an officer or employee of the Federal  
3 Government shall be compensated at the daily rate  
4 of basic pay for level V of the Executive Schedule for  
5 each day during which such member is engaged in  
6 performing a function of the Board.

7           (2) EXPENSES.—A member of the Board shall  
8 be paid travel, per diem, and other necessary ex-  
9 penses under subchapter I of chapter 57 of title 5,  
10 United States Code, while traveling away from such  
11 member’s home or regular place of business in the  
12 performance of the duties of the Board.

13           (3) SOURCE OF FUNDS.—Payments authorized  
14 under this subsection shall be paid from the Steel-  
15 worker Retiree Health Care Trust Fund.

16 **SEC. 102. STEELWORKER RETIREE HEALTH CARE TRUST**  
17 **FUND.**

18           (a) CREATION OF TRUST FUND.—There is estab-  
19 lished in the Treasury of the United States a trust fund  
20 to be known as the “Steelworker Retiree Health Care  
21 Trust Fund”, consisting of such amounts as may be ap-  
22 propriated or credited to the Steelworker Retiree Health  
23 Care Trust Fund as provided in this section.

24           (b) TRANSFER OF DESIGNATED AMOUNTS TO TRUST  
25 FUND.—There is hereby appropriated to the Steelworker

1 Retiree Health Care Trust Fund amounts equivalent to  
2 the taxes received in the Treasury under section 4191 of  
3 the Internal Revenue Code of 1986 (relating to excise tax  
4 on steel).

5 (c) EXPENDITURES FROM TRUST FUND.—

6 (1) HEALTH CARE BENEFIT COST PAYMENTS.—

7 The Secretary of the Treasury shall make payments  
8 from the Trust Fund in accordance with section  
9 103.

10 (2) ADMINISTRATIVE EXPENSES.—Amounts in  
11 the Trust Fund shall be available to pay the admin-  
12 istrative expenses of the Secretary of the Treasury  
13 directly attributable to carrying out this section and  
14 section 103 with respect to such Trust Fund.

15 **SEC. 103. HEALTH CARE BENEFIT COSTS ASSISTANCE PRO-**  
16 **GRAM.**

17 (a) ESTABLISHMENT OF PROGRAM.—The Steel-  
18 worker Retiree Health Care Board shall establish by regu-  
19 lation a Health Care Benefit Costs Assistance Program  
20 under which the Board shall provide for payments under  
21 this section from the balance in the Steelworker Retiree  
22 Health Care Trust Fund to designated steelworker group  
23 health plans to assist in the funding of qualified retiree  
24 health benefits under such plans.

25 (b) DEFINITIONS.—For purposes of this section—

1           (1) DESIGNATED STEELWORKER GROUP  
2 HEALTH PLAN.—

3           (A) IN GENERAL.—The term “designated  
4 steelworker group health plan” means a group  
5 health plan—

6           (i) under which participants and bene-  
7 ficiaries include retired steelworker partici-  
8 pants or their beneficiaries, and

9           (ii) that is in effect on the date of the  
10 enactment of this Act or meets the require-  
11 ments of subparagraph (B).

12           (B) PLANS MAINTAINED IN CONNECTION  
13 WITH SUBSEQUENT ACQUISITIONS.—A group  
14 health plan meets the requirements of this sub-  
15 paragraph if—

16           (i) such plan is in effect as of the date  
17 of an affirmative determination under sec-  
18 tion 201(b)(1) with respect to an acquisi-  
19 tion, and

20           (ii) a person who was engaged in, or  
21 resulted from, such acquisition is obligated,  
22 under the terms of the plan as in effect  
23 immediately after such determination, to  
24 make contributions to the plan.

1           (C) SUCCESSOR PLANS.—Any group health  
2 plan described in clause (i) of subparagraph (A)  
3 that is a successor to a terminated designated  
4 steelworker group health plan (as defined in  
5 subparagraph (A)) shall be treated as such des-  
6 igned steelworker group health plan to the ex-  
7 tent that it provides benefits to individuals who  
8 were eligible steelworker participants or their  
9 beneficiaries under the terminated plan, if—

10           (i) such benefits are at least equiva-  
11 lent to the benefits provided by the termi-  
12 nated plan immediately before its termi-  
13 nation, or

14           (ii) in any case in which the benefits  
15 under the plan do not meet the require-  
16 ments of clause (i), any deviation from  
17 such requirements was adopted by agree-  
18 ment with an authorized representative of  
19 the individuals who were eligible steel-  
20 worker participants or their beneficiaries  
21 under the terminated plan.

22           (2) QUALIFIED RETIREE HEALTH BENEFIT.—

23           The term “qualified retiree health benefit” means  
24 medical care which is provided under a designated  
25 steelworker group health plan—



1 (A) to an eligible steelworker participant  
2 who retired under such plan prior to the date  
3 of the enactment of this Act (or to an eligible  
4 beneficiary of such a participant), or

5 (B) in the case of a plan described in para-  
6 graph (1)(B), to an eligible steelworker partici-  
7 pant who retires under such plan during the  
8 180-day period beginning with the applicable ef-  
9 fective date (or to an eligible beneficiary of such  
10 a participant).

11 (3) STEELWORKER PARTICIPANT.—

12 (A) IN GENERAL.—The term “steelworker  
13 participant” means a participant who was,  
14 while employed as a participant in the plan, ac-  
15 tively engaged in the production of any steel  
16 product specified in subparagraph (B).

17 (B) APPLICABILITY.—The categories of  
18 steel products specified in this subparagraph  
19 are as follows: semifinished steel, stainless steel,  
20 plates, sheets and strips, rods, wire and wire  
21 products, rail type products, bars, structural  
22 shapes and units, pipes and tubes, iron ore, pig  
23 iron, and coke and coke products.

24 (4) APPLICABLE EFFECTIVE DATE.—The term  
25 “applicable effective date” means the date of the en-

1 actment of this Act, except that, in the case of a  
2 plan meeting the requirements of paragraph (1)(B),  
3 such term means the date of the affirmative decision  
4 of the Secretary of Commerce referred to in para-  
5 graph (1)(B).

6 (5) ELIGIBILITY.—A steelworker participant  
7 under a designated steelworker group health plan  
8 (or such participant’s beneficiary) for any plan year  
9 is “eligible” for such plan year if such participant or  
10 beneficiary was a participant or beneficiary under  
11 such plan as of the applicable effective date and has  
12 remained a participant or beneficiary under such  
13 plan without an intervening break in coverage. For  
14 purposes of this paragraph, a suspension of benefits  
15 by reason of a case under chapter 11 of title 11,  
16 United States Code, or under any similar Federal  
17 law or law of a State or political subdivision of a  
18 State shall not be treated as a break in coverage.

19 (6) OTHER DEFINITIONS.—Terms used in this  
20 section which are defined in sections 3 and 733(a)  
21 of the Employee Retirement Income Security Act of  
22 1974 (29 U.S.C. 1002 and 1191b(a)) shall have the  
23 meanings provided such terms in such sections.

24 (c) APPLICATIONS.—During the 180-day period fol-  
25 lowing the applicable effective date, a plan sponsor of a

1 designated steelworker group health plan providing quali-  
2 fied retiree health care benefits may apply to the Board  
3 for contributions to the plan under the Health Care Ben-  
4 efit Costs Assistance Program as reimbursement for ben-  
5 efit costs as provided under this section. Such applications  
6 shall be accepted by the Board only if they are filed in  
7 such form and manner as shall be prescribed in regula-  
8 tions of the Board.

9 (d) PAYMENT OF CONTRIBUTIONS.—

10 (1) IN GENERAL.—Upon receipt of an applica-  
11 tion with respect to a designated steelworker group  
12 health plan filed with the Board in accordance with  
13 subsection (c), the Board shall pay contributions to  
14 the plan from the Trust Fund for each calendar year  
15 beginning after the 180-day period described in sub-  
16 section (c). Such contributions shall be allocated to  
17 plan years which do not coincide with calendar years  
18 as provided in regulations of the Board.

19 (2) AMOUNT OF CONTRIBUTIONS.—

20 (A) IN GENERAL.—Subject to subpara-  
21 graph (F), total contributions paid to a plan  
22 under this section for any calendar year shall be  
23 equal to 75 percent of the qualified expendi-  
24 tures of the plan made during such calendar  
25 year.

1 (B) QUALIFIED EXPENDITURES.—For pur-  
2 poses of subparagraph (A), the term “qualified  
3 expenditures” of a plan for any calendar year  
4 means the costs of items and services consti-  
5 tuting qualified retiree health benefits paid by  
6 the plan during such calendar year, employing  
7 the cost levels for such items and services that  
8 prevailed as of the applicable effective date.

9 (C) ACCOUNTING FOR QUALIFIED EXPEND-  
10 ITURES.—The Board shall provide by regula-  
11 tion for the payment of contributions under this  
12 section for any calendar year in periodic install-  
13 ments, determined on the basis of information  
14 currently received by the Board with respect to  
15 the qualified expenditures of the plan and such  
16 estimates as the Board considers appropriate.  
17 Adjustments shall be made in the amount of  
18 such installments to the extent necessary to  
19 compensate for payments of prior installments  
20 that were less than or greater than the correct  
21 amount.

22 (D) EFFECT OF SUBSEQUENT PLAN  
23 AMENDMENTS DISREGARDED.—

24 (i) IN GENERAL.—Subject to clause  
25 (ii), for purposes of determining qualified

1 expenditures under this paragraph, any  
2 amendment to the plan taking effect after  
3 the applicable effective date shall be dis-  
4 regarded to the extent that it increases  
5 benefit costs or adds new benefits.

6 (ii) REDUCTIONS AND RESTORA-  
7 TIONS.—Amendments to the plan taking  
8 effect after the applicable effective date  
9 shall be taken into account to the extent  
10 that such amendments—

11 (I) reduce benefit costs or elimi-  
12 nate existing benefits, or

13 (II) increase benefit costs or add  
14 new benefits with the effect of restor-  
15 ing levels of benefit costs to levels in  
16 effect prior to any reduction described  
17 in subclause (I), or restoring benefits  
18 that were eliminated as described in  
19 subclause (I).

20 (E) INCREASES IN CONSUMER PRICE  
21 INDEX TAKEN INTO ACCOUNT.—For purposes  
22 of determining qualified expenditures under this  
23 paragraph, increases since the applicable effec-  
24 tive date in the costs of items and services con-  
25 stituting qualified retiree health benefits under

1 a plan shall be allowed under this section to the  
2 extent that such increases do not exceed the an-  
3 nual rate of increase in the consumer price  
4 index for all urban consumers (U. S. city aver-  
5 age) issued by the Bureau of Labor Statistics.

6 (F) ADJUSTMENT TO CONTRIBUTIONS IN  
7 THE EVENT OF TRUST FUND INSUFFICIENCY.—

8 If the Board determines during any calendar  
9 year that, as of any date during the following  
10 calendar year, the balance in the Trust Fund  
11 will be insufficient to meet all contributions oth-  
12 erwise required under this section to be made  
13 from the Trust Fund for such following cal-  
14 endar year—

15 (i) the Board shall immediately pub-  
16 lish such determination in the Federal  
17 Register, and

18 (ii) the Board shall distribute the bal-  
19 ance in the Trust Fund available for con-  
20 tributions payable during such following  
21 calendar year among all plans required to  
22 receive contributions for such following cal-  
23 endar year in direct proportion to the  
24 number of eligible participants and eligible

1 beneficiaries under the plans as of the be-  
2 ginning of such following calendar year.

3 Such distribution to the plans shall be deemed  
4 payment in full of contributions required to be  
5 made to such plans under this section for such  
6 calendar year. Determinations under this sec-  
7 tion with respect to any calendar year shall be  
8 made irrespective of any distribution from the  
9 Trust Fund made pursuant to this subpara-  
10 graph for the prior calendar year.

11 (e) REDUCTION OF REQUIRED CONTRIBUTIONS.—If  
12 the Board determines during any calendar year that, as  
13 of any date during the following calendar year, the balance  
14 in the Trust Fund will be in excess of the amount nec-  
15 essary to meet all contributions required under this section  
16 to be made from the Trust Fund for such following cal-  
17 endar year—

18 (1) the Board shall immediately publish such  
19 determination in the Federal Register, and

20 (2) the Board shall certify to the Secretary of  
21 the Treasury the amount of such excess.

22 **SEC. 104. EXCISE TAX ON STEEL.**

23 (a) IN GENERAL.—Chapter 32 of the Internal Rev-  
24 enue Code of 1986 (relating to manufacturers excise

1 taxes) is amended by inserting after subchapter D the fol-  
 2 lowing new subchapter:

3 **“Subchapter E—Steel**

“Sec. 4191. Imposition of Tax.

4 **“SEC. 4191. IMPOSITION OF TAX.**

5 “(a) IMPOSITION OF TAX.—There is hereby imposed  
 6 a tax on steel sold by the manufacturer, producer, or im-  
 7 porter thereof.

8 “(b) DETERMINATION OF TAX.—

9 “(1) IN GENERAL.—The amount of tax imposed  
 10 by subsection (a) shall be the applicable percentage  
 11 of the price at which the steel is sold.

12 “(2) APPLICABLE PERCENTAGE.—For purposes  
 13 of paragraph (1), the applicable percentage for any  
 14 taxable year shall be 2 percent reduced (but not  
 15 below zero) by the excess contribution percentage.

16 “(3) EXCESS CONTRIBUTION PERCENTAGE.—  
 17 For purposes of paragraph (2), the excess contribu-  
 18 tion percentage for a calendar year is the number of  
 19 percentage points which the Secretary determines  
 20 will, as of the last day of such calendar year, reduce  
 21 to zero the excess (if any) of the amount necessary  
 22 to meet all contributions required under section 103  
 23 of the Save the American Steel Industry Act of 2001  
 24 to be made from the Steelworker Retiree Health



1 Care Trust Fund for such calendar year. The Sec-  
2 retary shall make such determination on the basis of  
3 the certification made by the Steelworker Retiree  
4 Health Care Board under section 103(e) of such  
5 Act.

6 “(c) LIABILITY FOR TAX.—The tax imposed by sub-  
7 section (a) shall be paid by the manufacturer, producer,  
8 or importer.

9 “(d) DEFINITIONS AND SPECIAL RULES.—For pur-  
10 poses of this subchapter—

11 “(1) STEEL.—The term ‘steel’ means steel in  
12 any of the following categories of steel products:  
13 semifinished steel, stainless steel, plates, sheets and  
14 strips, rods, wire and wire products, rail type prod-  
15 ucts, bars, structural shapes and units, pipes and  
16 tubes, iron ore, pig iron, and coke and coke prod-  
17 ucts.

18 “(2) IMPORTER.—The term ‘importer’ means  
19 the person entering the steel for consumption or use.

20 “(3) UNITED STATES.—The term ‘United  
21 States’ includes any foreign trade zone of the United  
22 States.”.

23 (b) EXEMPTIONS, ETC., NOT TO APPLY.—

1           (1) Subsection (a) of section 4218 of such Code  
2 is amended by inserting “and steel taxable under  
3 section 4191,” after “4121,”.

4           (2) Subsection (a) of section 4221 of such Code  
5 is amended by inserting “4191,” after “4121,”.

6           (3) The third sentence of section 6416(b)(2) of  
7 such Code is amended by striking “or 4121” and in-  
8 serting “, 4121, and 4191”.

9           (c) CLERICAL AMENDMENT.—The table of sub-  
10 chapters for chapter 32 of such Code is amended by in-  
11 serting after the item relating to subchapter D the fol-  
12 lowing new item:

“Subchapter E. Steel.”.

13           (d) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to sales occurring after 180 days  
15 after the date of the enactment of this Act.

16           **TITLE II—INCENTIVES FOR**  
17           **CONSOLIDATION**

18           **SEC. 201. GRANT PROGRAM FOR MERGED COMPANIES.**

19           (a) ELIGIBLE PERSONS.—Any person who acquires  
20 another person that produces any of the steel products  
21 specified in section 103(b)(3)(B) may, during the 1-year  
22 period beginning on the effective date of the acquisition,  
23 apply to the Secretary of Commerce for a grant under this  
24 section to defray the costs necessary—

1           (1) to bring the entity resulting from the acqui-  
2           sition into compliance with requirements imposed by  
3           laws to protect the environment; and

4           (2) to maintain such compliance.

5           (b) DETERMINATIONS BY THE SECRETARY OF COM-  
6           MERCE.—

7           (1) EMPLOYMENT AND PRODUCTION RETEN-  
8           TION.—Upon receipt of an application under sub-  
9           section (a), the Secretary of Commerce shall deter-  
10          mine whether or not the acquisition set out in the  
11          application will promote the retention of jobs and  
12          production capacity in the sector producing steel  
13          products specified in section 103(b)(3)(B). The Sec-  
14          retary may make an affirmative determination under  
15          the preceding sentence only if the Secretary deter-  
16          mines that after the acquisition—

17                 (A) the maximum number of workers of  
18                 the acquiring person and the person acquired  
19                 that are engaged in the production of steel  
20                 products specified in section 103(b)(3)(B) on  
21                 the day before the effective date of the acquisi-  
22                 tion will be retained, consistent with the long-  
23                 term viability of the combined entity, except  
24                 that such maximum number—

1 (i) must be at least 80 percent of the  
2 total number of such workers; and

3 (ii) must include at least 50 percent  
4 of the number of such workers of the ac-  
5 quired person; and

6 (B) at least 80 percent of the facilities of  
7 the acquiring person and the person acquired  
8 that are used for the production of those steel  
9 products on the day before the acquisition is  
10 completed will be retained.

11 (2) ENVIRONMENTAL COSTS.—If the Secretary  
12 of Commerce makes an affirmative determination  
13 under paragraph (1), the Secretary shall provide a  
14 grant to the applicant in an amount determined by  
15 the Secretary to cover the costs incurred or to be in-  
16 curred by the applicant—

17 (A) in complying with the requirements  
18 imposed by laws to protect the environment;  
19 and

20 (B) in maintaining such compliance.

21 (c) AUTHORIZATION; AMOUNT OF GRANTS.—

22 (1) AUTHORIZATION.—There is authorized to  
23 be appropriated to carry out this section  
24 \$500,000,000.

1           (2) AMOUNT OF GRANTS.—Not more than  
2           \$200,000,000 may be provided to any applicant  
3           under this section.

4           (d) PENALTIES.—

5           (1) FAILURE TO ACHIEVE RETENTION LEVELS  
6           IN FIRST 5 YEARS.—In any case in which a person  
7           receives a grant under this section and, at any time  
8           during the 5-year period after the grant is awarded,  
9           the number of workers, or the production capacity,  
10          described in paragraph (1) of subsection (b) with re-  
11          spect to that applicant falls below the 80 percent  
12          level described in subparagraph (A)(i) or (B) of that  
13          paragraph, the applicant shall forfeit to the Sec-  
14          retary the dollar amount of the grant, plus 20 per-  
15          cent of that amount.

16          (2) FAILURE TO ACHIEVE RETENTION LEVELS  
17          AFTER FIRST 5 YEARS.—In any case in which a per-  
18          son receives a grant under this section and the num-  
19          ber of workers, or the production capacity, described  
20          in paragraph (1) of subsection (b) with respect to  
21          that applicant falls below the 80 percent level de-  
22          scribed in subparagraph (A)(i) or (B) of that  
23          paragraph—

24                  (A) during the 6th year after the grant is  
25                  awarded, the applicant shall forfeit to the Sec-

1           retary 50 percent of the dollar amount of the  
2           grant, plus 20 percent of that forfeited amount;

3           (B) during the 7th year after the grant is  
4           awarded, the applicant shall forfeit to the Sec-  
5           retary 40 percent of the dollar amount of the  
6           grant, plus 20 percent of that forfeited amount;

7           (C) during the 8th year after the grant is  
8           awarded, the applicant shall forfeit to the Sec-  
9           retary 30 percent of the dollar amount of the  
10          grant, plus 20 percent of that forfeited amount;

11          (D) during the 9th year after the grant is  
12          awarded, the applicant shall forfeit to the Sec-  
13          retary 20 percent of the dollar amount of the  
14          grant, plus 20 percent of that forfeited amount;

15          and

16          (E) during the 10th year after the grant is  
17          awarded, the applicant shall forfeit to the Sec-  
18          retary 10 percent of the dollar amount of the  
19          grant, plus 20 percent of that forfeited amount.

20          (3) COURT ACTION.—In the event of the failure  
21          of a person to forfeit any amount under paragraph  
22          (1) or (2), the Secretary of Commerce may bring an  
23          action in the appropriate district court against that  
24          person to collect that amount.

○