

108TH CONGRESS
1ST SESSION

H. R. 2092

To amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2003

Mr. BERRY (for himself, Mr. BROWN of South Carolina, Mr. ENGLISH, Mr. HAYES, Mr. GRIJALVA, Mr. EVANS, Mr. CRAMER, Mr. STUPAK, Mrs. MYRICK, Mr. SPRATT, Mr. TURNER of Texas, Ms. KAPTUR, Mr. WILSON of South Carolina, Mr. BACHUS, Mr. PICKERING, Mr. BEREUTER, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

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 “Expedited Remedy for
5 Persistent Dumping Act of 2003”.

1 **SEC. 2. EXPEDITED REMEDY WHERE PERSISTENT DUMP-**
2 **ING IS PRESENT.**

3 Section 732(a)(2) of the Tariff Act of 1930 (19
4 U.S.C. 1673a(a)(2)) is amended—

5 (1) by striking subparagraph (A) and inserting
6 the following:

7 “(A) INITIATION OF EXPEDITED INVES-
8 TIGATION.—An expedited antidumping duty in-
9 vestigation shall be initiated with respect to a
10 particular class or kind of merchandise that is
11 subject to an existing antidumping order within
12 20 days of the request of an interested party
13 described in subparagraph (C), (D), (E), (F),
14 or (G) of section 771(9), if the administering
15 authority determines, from information avail-
16 able to it, that imports of such class or kind of
17 merchandise have increased materially from an
18 additional supplier country, as defined in sub-
19 paragraph (C), during a period of 90 days or
20 during a longer period as determined by the ad-
21 ministering authority to be appropriate. The re-
22 quest shall allege and present supporting infor-
23 mation that such imports are occurring. The
24 administering authority, in making a deter-
25 mination under this subparagraph, shall con-
26 sider the public record of its investigation of

1 imports of merchandise subject to the existing
2 antidumping order.”;

3 (2) by striking subparagraph (B) and inserting
4 the following:

5 “(B) INCREASED MATERIALLY.—The ad-
6 ministering authority shall consider imports of
7 merchandise from an additional supplier coun-
8 try to have increased materially if such imports
9 have increased by 15 percent or more over the
10 amount of such imports during a period of com-
11 parable duration preceding initiation of the
12 antidumping investigation of imports of mer-
13 chandise subject to the existing antidumping
14 order.”; and

15 (3) by striking subparagraph (D) and inserting
16 the following:

17 “(D) PROCEDURES AND INJURY DETER-
18 MINATIONS FOR EXPEDITED INVESTIGA-
19 TIONS.—

20 “(i) The provisions of subsections
21 (b)(3), (c)(4), (d), and (e) of this section,
22 section 733 (b), (d), and (e), section 734
23 (a), (b), (c), (d), (e), (f), (i), (k), and (l),
24 and section 735 (a), (c), (d), and (e) shall
25 apply to expedited investigations under this

1 paragraph, except that the administering
2 authority shall issue a preliminary deter-
3 mination within 90 days of receiving a re-
4 quest for an investigation under subpara-
5 graph (A).

6 “(ii) Not later than 45 days after the
7 date on which the request under subpara-
8 graph (A) is received by the administering
9 authority, the Commission shall determine
10 if there is a reasonable indication of mate-
11 rial injury or threat of material injury as
12 prescribed in section 733(a)(1).

13 “(iii) If the Commission makes an af-
14 firmative determination that there is a rea-
15 sonable indication of material injury and
16 the administering authority makes an af-
17 firmative final determination, the Commis-
18 sion shall make a final determination as
19 prescribed in section 735(b)(1) before the
20 later of—

21 “(I) the 120th day after the day
22 on which the administering authority
23 makes its affirmative preliminary de-
24 termination under this subparagraph,
25 or

1 “(II) the 45th day after the day
2 on which the administering authority
3 makes its affirmative final determina-
4 tion under section 735(a).

5 “(iv) The Commission shall make a
6 determination under this subparagraph
7 from reasonably available information (in-
8 cluding public information on the adminis-
9 trative record of its investigation of im-
10 ports of merchandise subject to the exist-
11 ing antidumping order).

12 “(v) An affirmative final determina-
13 tion shall not be made unless the Commis-
14 sion determines pursuant to the factors de-
15 scribed in sections 735(b)(1) and 771(7)
16 that an industry in the United States is
17 materially injured, or threatened with ma-
18 terial injury, by reason of imports of the
19 subject merchandise and that imports of
20 the subject merchandise are not neg-
21 ligible.”.

22 **SEC. 3. REIMBURSEMENT OF DUTIES.**

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

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

3 (2) by striking the period at the end of sub-
4 paragraph (B) and inserting a comma; and

5 (3) by adding at the end the following new sub-
6 paragraphs:

7 “(C) an amount equal to the dumping
8 margin calculated under section 771(35)(A),
9 unless the producer or exporter is able to dem-
10 onstrate that the importer was in no way reim-
11 bursed for any antidumping duties paid, and

12 “(D) an amount equal to the net
13 countervailable subsidy calculated under section
14 771(6), unless the producer or exporter is able
15 to demonstrate that the importer was in no way
16 reimbursed for any countervailing duties paid.”.

17 **SEC. 4. APPLICATION TO CANADA AND MEXICO.**

18 Pursuant to article 1902 of the North American Free
19 Trade Agreement and section 408 of the North American
20 Free Trade Agreement Implementation Act, the amend-
21 ments made by this Act shall apply with respect to goods
22 from Canada and Mexico.

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