

Union Calendar No. 126

108TH CONGRESS
1ST SESSION

H. R. 2739

[Report No. 108–225, Part I and II]

To implement the United States-Singapore Free Trade Agreement.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2003

Mr. DELAY (for himself and Mr. RANGEL) (both by request) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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

JULY 21, 2003

Reported from the Committee on Ways and Means

JULY 21, 2003

Referral to the Committee on the Judiciary extended for a period ending not later than July 22, 2003

JULY 22, 2003

Reported from the Committee on the Judiciary, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

A BILL

To implement the United States-Singapore Free Trade Agreement.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “United States-Singapore Free Trade Agreement Imple-
 6 mentation Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Purposes.
 Sec. 3. Definitions.

**TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING
 TO, THE AGREEMENT**

Sec. 101. Approval and entry into force of the agreement.
 Sec. 102. Relationship of the agreement to United States and State law.
 Sec. 103. Consultation and layover provisions for, and effective date of, pro-
 claimed actions.
 Sec. 104. Implementing actions in anticipation of entry into force and initial
 regulations.
 Sec. 105. Administration of dispute settlement proceedings.
 Sec. 106. Arbitration of certain claims.
 Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
 Sec. 202. Rules of origin.
 Sec. 203. Customs user fees.
 Sec. 204. Disclosure of incorrect information.
 Sec. 205. Enforcement relating to trade in textile and apparel goods.
 Sec. 206. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
 Sec. 312. Commission action on petition.
 Sec. 313. Provision of relief.
 Sec. 314. Termination of relief authority.
 Sec. 315. Compensation authority.
 Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
 Sec. 322. Determination and provision of relief.
 Sec. 323. Period of relief.
 Sec. 324. Articles exempt from relief.
 Sec. 325. Rate after termination of import relief.
 Sec. 326. Termination of relief authority.
 Sec. 327. Compensation authority.
 Sec. 328. Business confidential information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods from Singapore.

TITLE IV—TEMPORARY ENTRY OF BUSINESS PERSONS

Sec. 401. Nonimmigrant traders and investors.
 Sec. 402. Nonimmigrant professionals.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to approve and implement the Free Trade
 4 Agreement between the United States and the Re-
 5 public of Singapore entered into under the authority
 6 of section 2103(b) of the Bipartisan Trade Pro-
 7 motion Authority Act of 2002;

8 (2) to strengthen and develop economic rela-
 9 tions between the United States and Singapore for
 10 their mutual benefit;

11 (3) to establish free trade between the 2 nations
 12 through the reduction and elimination of barriers to
 13 trade in goods and services and to investment; and

14 (4) to lay the foundation for further coopera-
 15 tion to expand and enhance the benefits of such
 16 Agreement.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

1 (1) AGREEMENT.—The term “Agreement”
2 means the United States-Singapore Free Trade
3 Agreement approved by Congress under section
4 101(a).

5 (2) HTS.—The term “HTS” means the Har-
6 monized Tariff Schedule of the United States.

7 **TITLE I—APPROVAL OF, AND**
8 **GENERAL PROVISIONS RE-**
9 **LATING TO, THE AGREEMENT**

10 **SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE**
11 **AGREEMENT.**

12 (a) APPROVAL OF AGREEMENT AND STATEMENT OF
13 ADMINISTRATIVE ACTION.—Pursuant to section 2105 of
14 the Bipartisan Trade Promotion Authority Act of 2002
15 (19 U.S.C. 3805) and section 151 of the Trade Act of
16 1974 (19 U.S.C. 2191), Congress approves—

17 (1) the United States-Singapore Free Trade
18 Agreement entered into on May 6, 2003, with the
19 Government of Singapore and submitted to Congress
20 on July 15, 2003; and

21 (2) the statement of administrative action pro-
22 posed to implement the Agreement that was sub-
23 mitted to Congress on July 15, 2003.

24 (b) CONDITIONS FOR ENTRY INTO FORCE OF THE
25 AGREEMENT.—At such time as the President determines

1 that Singapore has taken measures necessary to bring it
2 into compliance with those provisions of the Agreement
3 that take effect on the date on which the Agreement enters
4 into force, the President is authorized to exchange notes
5 with the Government of Singapore providing for the entry
6 into force, on or after January 1, 2004, of the Agreement
7 for the United States.

8 **SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED**
9 **STATES AND STATE LAW.**

10 (a) RELATIONSHIP OF AGREEMENT TO UNITED
11 STATES LAW.—

12 (1) UNITED STATES LAW TO PREVAIL IN CON-
13 Flict.—No provision of the Agreement, nor the ap-
14 plication of any such provision to any person or cir-
15 cumstance, which is inconsistent with any law of the
16 United States shall have effect.

17 (2) CONSTRUCTION.—Nothing in this Act shall
18 be construed—

19 (A) to amend or modify any law of the
20 United States, or

21 (B) to limit any authority conferred under
22 any law of the United States,
23 unless specifically provided for in this Act.

24 (b) RELATIONSHIP OF AGREEMENT TO STATE
25 LAW.—

1 (1) LEGAL CHALLENGE.—No State law, or the
2 application thereof, may be declared invalid as to
3 any person or circumstance on the ground that the
4 provision or application is inconsistent with the
5 Agreement, except in an action brought by the
6 United States for the purpose of declaring such law
7 or application invalid.

8 (2) DEFINITION OF STATE LAW.—For purposes
9 of this subsection, the term “State law” includes—

10 (A) any law of a political subdivision of a
11 State; and

12 (B) any State law regulating or taxing the
13 business of insurance.

14 (c) EFFECT OF AGREEMENT WITH RESPECT TO PRI-
15 VATE REMEDIES.—No person other than the United
16 States—

17 (1) shall have any cause of action or defense
18 under the Agreement or by virtue of congressional
19 approval thereof; or

20 (2) may challenge, in any action brought under
21 any provision of law, any action or inaction by any
22 department, agency, or other instrumentality of the
23 United States, any State, or any political subdivision
24 of a State on the ground that such action or inaction
25 is inconsistent with the Agreement.

1 **SEC. 103. CONSULTATION AND LAYOVER PROVISIONS FOR,**
2 **AND EFFECTIVE DATE OF, PROCLAIMED AC-**
3 **TIONS.**

4 (a) CONSULTATION AND LAYOVER REQUIRE-
5 MENTS.—If a provision of this Act provides that the imple-
6 mentation of an action by the President by proclamation
7 is subject to the consultation and layover requirements of
8 this section, such action may be proclaimed only if—

9 (1) the President has obtained advice regarding
10 the proposed action from—

11 (A) the appropriate advisory committees
12 established under section 135 of the Trade Act
13 of 1974; and

14 (B) the United States International Trade
15 Commission;

16 (2) the President has submitted a report to the
17 Committee on Finance of the Senate and the Com-
18 mittee on Ways and Means of the House of Rep-
19 resentatives that sets forth—

20 (A) the action proposed to be proclaimed
21 and the reasons therefor; and

22 (B) the advice obtained under paragraph
23 (1);

24 (3) a period of 60 calendar days beginning on
25 the first day on which the requirements of para-
26 graphs (1) and (2) have been met has expired; and

1 (4) the President has consulted with such Com-
2 mittees regarding the proposed action during the pe-
3 riod referred to in paragraph (3).

4 (b) EFFECTIVE DATE OF CERTAIN PROCLAIMED AC-
5 TIONS.—Any action proclaimed by the President under the
6 authority of this Act that is not subject to the consultation
7 and layover provisions under subsection (a) may not take
8 effect before the 15th day after the date on which the text
9 of the proclamation is published in the Federal Register.

10 **SEC. 104. IMPLEMENTING ACTIONS IN ANTICIPATION OF**
11 **ENTRY INTO FORCE AND INITIAL REGULA-**
12 **TIONS.**

13 (a) IMPLEMENTING ACTIONS.—

14 (1) PROCLAMATION AUTHORITY.—After the
15 date of enactment of this Act—

16 (A) the President may proclaim such ac-
17 tions, and

18 (B) other appropriate officers of the
19 United States Government may issue such reg-
20 ulations—

21 as may be necessary to ensure that any provision of
22 this Act, or amendment made by this Act, that takes
23 effect on the date the Agreement enters into force
24 is appropriately implemented on such date, but no

1 such proclamation or regulation may have an effective date earlier than the date of entry into force.

3 (2) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction in section 103(b) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

9 (b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date of entry into force of the Agreement. In the case of any implementing action that takes effect on a date after the date of entry into force of the Agreement, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

21 **SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.**

23 (a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—
24 The President is authorized to establish or designate within the Department of Commerce an office that shall be

1 responsible for providing administrative assistance to pan-
2 els established under chapter 20 of the Agreement. Such
3 office may not be considered to be an agency for purposes
4 of section 552 of title 5, United States Code.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated for each fiscal year after
7 fiscal year 2003 to the Department of Commerce such
8 sums as may be necessary for the establishment and oper-
9 ations of the office under subsection (a) and for the pay-
10 ment of the United States share of the expenses of panels
11 established under chapter 20 of the Agreement.

12 **SEC. 106. ARBITRATION OF CERTAIN CLAIMS.**

13 (a) SUBMISSION OF CERTAIN CLAIMS.—The United
14 States is authorized to resolve any claim against the
15 United States covered by article 15.15.1(a)(i)(C) or article
16 15.15.1(b)(i)(C) of the Agreement, pursuant to the Inves-
17 tor-State Dispute Settlement procedures set forth in sec-
18 tion C of chapter 15 of the Agreement.

19 (b) CONTRACT CLAUSES.—All contracts executed by
20 any agency of the United States on or after the date of
21 entry into force of the Agreement shall contain a clause
22 specifying the law that will apply to resolve any breach
23 of contract claim.

1 **SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.**

2 (a) EFFECTIVE DATES.—Except as provided in sub-
3 section (b), the provisions of this Act and the amendments
4 made by this Act take effect on the date the Agreement
5 enters into force.

6 (b) EXCEPTIONS.—

7 (1) Sections 1 through 3 and this title take ef-
8 fect on the date of enactment of this Act.

9 (2) Section 205 takes effect on the date on
10 which the textile and apparel provisions of the
11 Agreement take effect pursuant to article 5.10 of
12 the Agreement.

13 (c) TERMINATION OF THE AGREEMENT.—On the
14 date on which the Agreement ceases to be in force, the
15 provisions of this Act (other than this subsection) and the
16 amendments made by this Act shall cease to be effective.

17 **TITLE II—CUSTOMS PROVISIONS**

18 **SEC. 201. TARIFF MODIFICATIONS.**

19 (a) TARIFF MODIFICATIONS PROVIDED FOR IN THE
20 AGREEMENT.—The President may proclaim—

21 (1) such modifications or continuation of any
22 duty,

23 (2) such continuation of duty-free or excise
24 treatment, or

25 (3) such additional duties—

1 as the President determines to be necessary or appropriate
2 to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 and
3 Annex 2B of the Agreement.

4 (b) OTHER TARIFF MODIFICATIONS.—Subject to the
5 consultation and layover provisions of section 103(a), the
6 President may proclaim—

7 (1) such modifications or continuation of any
8 duty,

9 (2) such modifications as the United States
10 may agree to with Singapore regarding the staging
11 of any duty treatment set forth in Annex 2B of the
12 Agreement,

13 (3) such continuation of duty-free or excise
14 treatment, or

15 (4) such additional duties—

16 as the President determines to be necessary or appropriate
17 to maintain the general level of reciprocal and mutually
18 advantageous concessions with respect to Singapore pro-
19 vided for by the Agreement.

20 (c) CONVERSION TO AD VALOREM RATES.—For pur-
21 poses of subsections (a) and (b), with respect to any good
22 for which the base rate in the Schedule of the United
23 States set forth in Annex 2B of the Agreement is a spe-
24 cific or compound rate of duty, the President may sub-

1 stitute for the base rate an ad valorem rate that the Presi-
2 dent determines to be equivalent to the base rate.

3 **SEC. 202. RULES OF ORIGIN.**

4 (a) ORIGINATING GOODS.—For purposes of this Act
5 and for purposes of implementing the tariff treatment pro-
6 vided for under the Agreement, except as otherwise pro-
7 vided in this section, a good is an originating good if—

8 (1) the good is wholly obtained or produced en-
9 tirely in the territory of Singapore, the United
10 States, or both;

11 (2) each nonoriginating material used in the
12 production of the good—

13 (A) undergoes an applicable change in tar-
14 iff classification set out in Annex 3A of the
15 Agreement as a result of production occurring
16 entirely in the territory of Singapore, the
17 United States, or both; or

18 (B) if no change in tariff classification is
19 required, the good otherwise satisfies the appli-
20 cable requirements of such Annex; or

21 (3) the good itself, as imported, is listed in
22 Annex 3B of the Agreement and is imported into the
23 territory of the United States from the territory of
24 Singapore.

1 (b) DE MINIMIS AMOUNTS OF NONORIGINATING MA-
2 TERIALS.—

3 (1) IN GENERAL.—Except as provided for in
4 paragraphs (2) and (3), a good shall be considered
5 to be an originating good if—

6 (A) the value of all nonoriginating mate-
7 rials used in the production of the good that do
8 not undergo the required change in tariff classi-
9 fication under Annex 3A of the Agreement does
10 not exceed 10 percent of the adjusted value of
11 the good;

12 (B) if the good is subject to a regional
13 value-content requirement, the value of such
14 nonoriginating materials is taken into account
15 in calculating the regional value-content of the
16 good; and

17 (C) the good satisfies all other applicable
18 requirements of this section.

19 (2) EXCEPTIONS.—Paragraph (1) does not
20 apply to the following:

21 (A) A nonoriginating material provided for
22 in chapter 4 of the HTS or in subheading
23 1901.90 of the HTS that is used in the produc-
24 tion of a good provided for in chapter 4 of the
25 HTS.

1 (B) A nonoriginating material provided for
2 in chapter 4 of the HTS or in subheading
3 1901.90 of the HTS that is used in the produc-
4 tion of a good provided for in heading 2105 or
5 in any of subheadings 1901.10, 1901.20,
6 1901.90, 2106.90, 2202.90, and 2309.90 of the
7 HTS.

8 (C) A nonoriginating material provided for
9 in heading 0805, or any of subheadings
10 2009.11.00 through 2009.39, of the HTS, that
11 is used in the production of a good provided for
12 in any of subheadings 2009.11.00 through
13 2009.39 or in subheading 2106.90 or 2202.90
14 of the HTS.

15 (D) A nonoriginating material provided for
16 in chapter 15 of the HTS that is used in the
17 production of a good provided for in any of
18 headings 1501.00.00 through 1508, 1512,
19 1514, and 1515 of the HTS.

20 (E) A nonoriginating material provided for
21 in heading 1701 of the HTS that is used in the
22 production of a good provided for in any of
23 headings 1701 through 1703 of the HTS.

24 (F) A nonoriginating material provided for
25 in chapter 17 of the HTS or heading

1 1805.00.00 of the HTS that is used in the pro-
2 duction of a good provided for in subheading
3 1806.10 of the HTS.

4 (G) A nonoriginating material provided for
5 in any of headings 2203 through 2208 of the
6 HTS that is used in the production of a good
7 provided for in heading 2207 or 2208 of the
8 HTS.

9 (H) A nonoriginating material used in the
10 production of a good provided for in any of
11 chapters 1 through 21 of the HTS, unless the
12 nonoriginating material is provided for in a dif-
13 ferent subheading than the good for which ori-
14 gin is being determined under this section.

15 (3) GOODS PROVIDED FOR IN CHAPTERS 50
16 THROUGH 63 OF THE HTS.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B), a good provided for in any
19 of chapters 50 through 63 of the HTS that is
20 not an originating good because certain fibers
21 or yarns used in the production of the compo-
22 nent of the good that determines the tariff clas-
23 sification of the good do not undergo an appli-
24 cable change in tariff classification set out in
25 Annex 3A of the Agreement shall be considered

1 to be an originating good if the total weight of
 2 all such fibers or yarns in that component is
 3 not more than 7 percent of the total weight of
 4 that component.

5 (B) CERTAIN TEXTILE OR APPAREL
 6 GOODS.—

7 (i) TREATMENT AS ORIGINATING
 8 GOOD.—A textile or apparel good con-
 9 taining elastomeric yarns in the component
 10 of the good that determines the tariff clas-
 11 sification of the good shall be considered to
 12 be an originating good only if such yarns
 13 are wholly formed in the territory of Singa-
 14 pore or the United States.

15 (ii) DEFINITION OF TEXTILE OR AP-
 16 PAREL GOOD.—For purposes of this sub-
 17 paragraph, the term “textile or apparel
 18 good” means a product listed in the Annex
 19 to the Agreement on Textiles and Clothing
 20 referred to in section 101(d)(4) of the
 21 Uruguay Round Agreements Act (19
 22 U.S.C. 3511(d)(4)).

23 (c) ACCUMULATION.—

24 (1) ORIGINATING GOODS INCORPORATED IN
 25 GOODS OF OTHER COUNTRY.—Originating materials

1 from the territory of either Singapore or the United
 2 States that are used in the production of a good in
 3 the territory of the other country shall be considered
 4 to originate in the territory of the other country.

5 (2) MULTIPLE PROCEDURES.—A good that is
 6 produced in the territory of Singapore, the United
 7 States, or both, by 1 or more producers is an origi-
 8 nating good if the good satisfies the requirements of
 9 subsection (a) and all other applicable requirements
 10 of this section.

11 (d) REGIONAL VALUE-CONTENT.—

12 (1) IN GENERAL.—For purposes of subsection
 13 (a)(2), the regional value-content of a good referred
 14 to in Annex 3A of the Agreement shall be calculated,
 15 at the choice of the person claiming preferential tar-
 16 iff treatment for the good, on the basis of the build-
 17 down method described in paragraph (2) or the
 18 build-up method described in paragraph (3), unless
 19 otherwise provided in Annex 3A of the Agreement.

20 (2) BUILD-DOWN METHOD.—

21 (A) IN GENERAL.—The regional value-con-
 22 tent of a good may be calculated on the basis
 23 of the following build-down method:

$$\text{RVC} = \frac{\text{AV}-\text{VNM}}{\text{AV}} \times 100$$

1 (B) DEFINITIONS.—For purposes of sub-
 2 paragraph (A):

3 (i) The term “RVC” means the re-
 4 gional value-content, expressed as a per-
 5 centage.

6 (ii) The term “AV” means the ad-
 7 justed value.

8 (iii) The term “VNM” means the
 9 value of nonoriginating materials that are
 10 acquired and used by the producer in the
 11 production of the good.

12 (3) BUILD-UP METHOD.—

13 (A) IN GENERAL.—The regional value-con-
 14 tent of a good may be calculated on the basis
 15 of the following build-up method:

$$\text{RVC} = \frac{\text{VOM}}{\text{AV}} \times 100$$

16 (B) DEFINITIONS.—For purposes of sub-
 17 paragraph (A):

18 (i) The term “RVC” means the re-
 19 gional value-content, expressed as a per-
 20 centage.

21 (ii) The term “AV” means the ad-
 22 justed value.

1 (iii) The term “VOM” means the
2 value of originating materials that are ac-
3 quired or self-produced and are used by
4 the producer in the production of the good.

5 (e) VALUE OF MATERIALS.—

6 (1) IN GENERAL.—For purposes of calculating
7 the regional value-content of a good under sub-
8 section (d), and for purposes of applying the de
9 minimis rules under subsection (b), the value of a
10 material is—

11 (A) in the case of a material imported by
12 the producer of the good, the adjusted value of
13 the material;

14 (B) in the case of a material acquired in
15 the territory in which the good is produced, ex-
16 cept for a material to which subparagraph (C)
17 applies, the adjusted value of the material; or

18 (C) in the case of a material that is self-
19 produced, or in a case in which the relationship
20 between the producer of the good and the seller
21 of the material influenced the price actually
22 paid or payable for the material, including a
23 material obtained without charge, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIALS.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of Singapore, the United States, or both, other than duties and taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the

1 production of the good, less the value of
2 renewable scrap or by-product.

3 (B) NONORIGINATING MATERIALS.—The
4 following expenses, if included in the value of a
5 nonoriginating material calculated under para-
6 graph (1), may be deducted from the value of
7 the nonoriginating material:

8 (i) The costs of freight, insurance,
9 packing, and all other costs incurred in
10 transporting the material to the location of
11 the producer.

12 (ii) Duties, taxes, and customs broker-
13 age fees on the material paid in the terri-
14 tory of Singapore, the United States, or
15 both, other than duties and taxes that are
16 waived, refunded, refundable, or otherwise
17 recoverable, including credit against duty
18 or tax paid or payable.

19 (iii) The cost of waste and spoilage re-
20 sulting from the use of the material in the
21 production of the good, less the value of
22 renewable scrap or by-product.

23 (iv) The cost of processing incurred in
24 the territory of Singapore or the United

1 States in the production of the nonorigi-
2 nating material.

3 (v) The cost of originating materials
4 used in the production of the nonorigi-
5 nating material in the territory of Singa-
6 pore or the United States.

7 (f) ACCESSORIES, SPARE PARTS, OR TOOLS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 accessories, spare parts, or tools delivered with the
10 good that form part of the good’s standard acces-
11 sories, spare parts, or tools shall—

12 (A) be treated as originating goods if the
13 good is an originating good; and

14 (B) be disregarded in determining whether
15 all the nonoriginating materials used in the pro-
16 duction of the good undergo an applicable
17 change in tariff classification set out in Annex
18 3A of the Agreement.

19 (2) CONDITIONS.—Paragraph (1) shall apply
20 only if—

21 (A) the accessories, spare parts, or tools
22 are not invoiced separately from the good;

23 (B) the quantities and value of the acces-
24 sories, spare parts, or tools are customary for
25 the good; and

1 (C) if the good is subject to a regional
 2 value-content requirement, the value of the ac-
 3 cessories, spare parts, or tools is taken into ac-
 4 count as originating or nonoriginating mate-
 5 rials, as the case may be, in calculating the re-
 6 gional value-content of the good.

7 (g) FUNGIBLE GOODS AND MATERIALS.—

8 (1) IN GENERAL.—

9 (A) CLAIM FOR PREFERENTIAL TREAT-
 10 MENT.—A person claiming preferential tariff
 11 treatment for a good may claim that a fungible
 12 good or material is originating either based on
 13 the physical segregation of each fungible good
 14 or material or by using an inventory manage-
 15 ment method.

16 (B) INVENTORY MANAGEMENT METHOD.—
 17 In this subsection, the term “inventory manage-
 18 ment method” means—

- 19 (i) averaging;
- 20 (ii) “last-in, first-out”;
- 21 (iii) “first-in, first-out”; or
- 22 (iv) any other method—

23 (I) recognized in the generally
 24 accepted accounting principles of the
 25 country in which the production is

1 performed (whether Singapore or the
2 United States); or

3 (II) otherwise accepted by that
4 country.

5 (2) ELECTION OF INVENTORY METHOD.—A
6 person selecting an inventory management method
7 under paragraph (1) for particular fungible goods or
8 materials shall continue to use that method for those
9 fungible goods or materials throughout the fiscal
10 year of that person.

11 (h) PACKAGING MATERIALS AND CONTAINERS FOR
12 RETAIL SALE.—Packaging materials and containers in
13 which a good is packaged for retail sale, if classified with
14 the good, shall be disregarded in determining whether all
15 the nonoriginating materials used in the production of the
16 good undergo the applicable change in tariff classification
17 set out in Annex 3A of the Agreement and, if the good
18 is subject to a regional value-content requirement, the
19 value of such packaging materials and containers shall be
20 taken into account as originating or nonoriginating mate-
21 rials, as the case may be, in calculating the regional value-
22 content of the good.

23 (i) PACKING MATERIALS AND CONTAINERS FOR
24 SHIPMENT.—Packing materials and containers in which

1 a good is packed for shipment shall be disregarded in de-
2 termining whether—

3 (1) the nonoriginating materials used in the
4 production of a good undergo an applicable change
5 in tariff classification set out in Annex 3A of the
6 Agreement; and

7 (2) the good satisfies a regional value-content
8 requirement.

9 (j) INDIRECT MATERIALS.—An indirect material
10 shall be considered to be an originating material without
11 regard to where it is produced, and its value shall be the
12 cost registered in the accounting records of the producer
13 of the good.

14 (k) THIRD COUNTRY OPERATIONS.—A good shall not
15 be considered to be an originating good by reason of hav-
16 ing undergone production that satisfies the requirements
17 of subsection (a) if, subsequent to that production, the
18 good undergoes further production or any other operation
19 outside the territories of Singapore and the United States,
20 other than unloading, reloading, or any other operation
21 necessary to preserve it in good condition or to transport
22 the good to the territory of Singapore or the United
23 States.

24 (l) SPECIAL RULE FOR APPAREL GOODS LISTED IN
25 CHAPTER 61 OR 62 OF THE HTS.—

1 (1) IN GENERAL.—An apparel good listed in
2 chapter 61 or 62 of the HTS shall be considered to
3 be an originating good if it is both cut (or knit to
4 shape) and sewn or otherwise assembled in the terri-
5 tory of Singapore, the United States, or both, from
6 fabric or yarn, regardless of origin, designated in the
7 manner described in paragraph (2) as fabric or yarn
8 not available in commercial quantities in a timely
9 manner in the United States.

10 (2) DESIGNATION OF CERTAIN FABRIC AND
11 YARN.—The designation referred to in paragraph
12 (1) means a designation made in a notice published
13 in the Federal Register on or before November 15,
14 2002, identifying apparel goods made from fabric or
15 yarn eligible for entry into the United States under
16 subheading 9819.11.24 or 9820.11.27 of the HTS.
17 For purposes of this subsection, a reference in the
18 notice to fabric or yarn formed in the United States
19 is deemed to include fabric or yarn formed in Singa-
20 pore.

21 (m) APPLICATION AND INTERPRETATION.—In this
22 section:

23 (1) The basis for any tariff classification is the
24 HTS.

1 (2) Any cost or value referred to in this section
2 shall be recorded and maintained in accordance with
3 the generally accepted accounting principles applica-
4 ble in the territory of the country in which the good
5 is produced (whether Singapore or the United
6 States).

7 (n) DEFINITIONS.—In this section:

8 (1) ADJUSTED VALUE.—The term “adjusted
9 value” means the value of a good determined under
10 articles 1 through 8, article 15, and the cor-
11 responding interpretative notes of the Agreement on
12 Implementation of Article VII of the General Agree-
13 ment on Tariffs and Trade 1994 referred to in sec-
14 tion 101(d)(8) of the Uruguay Round Agreements
15 Act, except that such value may be adjusted to ex-
16 clude any costs, charges, or expenses incurred for
17 transportation, insurance, and related services inci-
18 dent to the international shipment of the good from
19 the country of exportation to the place of importa-
20 tion.

21 (2) FUNGIBLE GOODS AND FUNGIBLE MATE-
22 RIALS.—The terms “fungible goods” and “fungible
23 materials” mean goods or materials, as the case may
24 be, that are interchangeable for commercial purposes
25 and the properties of which are essentially identical.

1 (3) GENERALLY ACCEPTED ACCOUNTING PRIN-
2 CIPLES.—The term “generally accepted accounting
3 principles” means the recognized consensus or sub-
4 stantial authoritative support in the territory of
5 Singapore or the United States, as the case may be,
6 with respect to the recording of revenues, expenses,
7 costs, and assets and liabilities, the disclosure of in-
8 formation, and the preparation of financial state-
9 ments. The standards may encompass broad guide-
10 lines of general application as well as detailed stand-
11 ards, practices, and procedures.

12 (4) GOODS WHOLLY OBTAINED OR PRODUCED
13 ENTIRELY IN THE TERRITORY OF SINGAPORE, THE
14 UNITED STATES, OR BOTH.—The term “goods whol-
15 ly obtained or produced entirely in the territory of
16 Singapore, the United States, or both” means—

17 (A) mineral goods extracted in the terri-
18 tory of Singapore, the United States, or both;

19 (B) vegetable goods, as such goods are de-
20 fined in the Harmonized System, harvested in
21 the territory of Singapore, the United States, or
22 both;

23 (C) live animals born and raised in the ter-
24 ritory of Singapore, the United States, or both;

1 (D) goods obtained from hunting, trap-
2 ping, fishing, or aquaculture conducted in the
3 territory of Singapore, the United States, or
4 both;

5 (E) goods (fish, shellfish, and other marine
6 life) taken from the sea by vessels registered or
7 recorded with Singapore or the United States
8 and flying the flag of that country;

9 (F) goods produced exclusively from prod-
10 ucts referred to in subparagraph (E) on board
11 factory ships registered or recorded with Singa-
12 pore or the United States and flying the flag of
13 that country;

14 (G) goods taken by Singapore or the
15 United States, or a person of Singapore or the
16 United States, from the seabed or beneath the
17 seabed outside territorial waters, if Singapore
18 or the United States has rights to exploit such
19 seabed;

20 (H) goods taken from outer space, if the
21 goods are obtained by Singapore or the United
22 States or a person of Singapore or the United
23 States and not processed in the territory of a
24 country other than Singapore or the United
25 States;

1 (I) waste and scrap derived from—

2 (i) production in the territory of
3 Singapore, the United States, or both; or

4 (ii) used goods collected in the terri-
5 tory of Singapore, the United States, or
6 both, if such goods are fit only for the re-
7 covery of raw materials;

8 (J) recovered goods derived in the territory
9 of Singapore, the United States, or both, from
10 used goods; or

11 (K) goods produced in the territory of
12 Singapore, the United States, or both, exclu-
13 sively—

14 (i) from goods referred to in any of
15 subparagraphs (A) through (I); or

16 (ii) from the derivatives of goods re-
17 ferred to in clause (i).

18 (5) HARMONIZED SYSTEM.—The term “Har-
19 monized System” means the Harmonized Com-
20 modity Description and Coding System.

21 (6) INDIRECT MATERIAL.—The term “indirect
22 material” means a good used in the production, test-
23 ing, or inspection of a good but not physically incor-
24 porated into the good, or a good used in the mainte-

1 nance of buildings or the operation of equipment as-
2 sociated with the production of a good, including—

3 (A) fuel and energy;

4 (B) tools, dies, and molds;

5 (C) spare parts and materials used in the
6 maintenance of equipment or buildings;

7 (D) lubricants, greases, compounding ma-
8 terials, and other materials used in production
9 or used to operate equipment or buildings;

10 (E) gloves, glasses, footwear, clothing,
11 safety equipment, and supplies;

12 (F) equipment, devices, and supplies used
13 for testing or inspecting the good;

14 (G) catalysts and solvents; and

15 (H) any other goods that are not incor-
16 porated into the good but the use of which in
17 the production of the good can reasonably be
18 demonstrated to be a part of that production.

19 (7) MATERIAL.—The term “material” means a
20 good that is used in the production of another good.

21 (8) MATERIAL THAT IS SELF-PRODUCED.—The
22 term “material that is self-produced” means a mate-
23 rial, such as a part or ingredient, produced by a pro-
24 ducer of a good and used by the producer in the pro-
25 duction of another good.

1 (9) NONORIGINATING MATERIAL.—The term
2 “nonoriginating material” means a material that
3 does not qualify as an originating good under the
4 rules set out in this section.

5 (10) PREFERENTIAL TARIFF TREATMENT.—
6 The term “preferential tariff treatment” means the
7 customs duty rate that is applicable to an origi-
8 nating good pursuant to chapter 2 of the Agree-
9 ment.

10 (11) PRODUCER.—The term “producer” means
11 a person who grows, raises, mines, harvests, fishes,
12 traps, hunts, manufactures, processes, assembles, or
13 disassembles a good.

14 (12) PRODUCTION.—The term “production”
15 means growing, mining, harvesting, fishing, raising,
16 trapping, hunting, manufacturing, processing, as-
17 sembling, or disassembling a good.

18 (13) RECOVERED GOODS.—

19 (A) IN GENERAL.—The term “recovered
20 goods” means materials in the form of indi-
21 vidual parts that are the result of—

22 (i) the complete disassembly of used
23 goods into individual parts; and

24 (ii) the cleaning, inspecting, testing,
25 or other processing of those parts as nec-

1 necessary for improvement to sound working
2 condition by one or more of the processes
3 described in subparagraph (B), in order
4 for such parts to be assembled with other
5 parts, including other parts that have un-
6 dergone the processes described in this
7 paragraph, in the production of a remanu-
8 factured good described in Annex 3C of
9 the Agreement.

10 (B) PROCESSES.—The processes referred
11 to in subparagraph (A)(ii) are welding, flame
12 spraying, surface machining, knurling, plating,
13 sleeving, and rewinding.

14 (14) REMANUFACTURED GOOD.—The term “re-
15 manufactured good” means an industrial good as-
16 sembled in the territory of Singapore or the United
17 States, that is listed in Annex 3C of the Agreement,
18 and—

19 (A) is entirely or partially comprised of re-
20 covered goods;

21 (B) has the same life expectancy and
22 meets the same performance standards as a
23 new good; and

24 (C) enjoys the same factory warranty as
25 such a new good.

1 (15) TERRITORY.—The term “territory” has
2 the meaning given that term in Annex 1A of the
3 Agreement.

4 (16) USED.—The term “used” means used or
5 consumed in the production of goods.

6 (o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

7 (1) IN GENERAL.—The President is authorized
8 to proclaim, as part of the HTS—

9 (A) the provisions set out in Annexes 3A,
10 3B, and 3C of the Agreement; and

11 (B) any additional subordinate category
12 necessary to carry out this title consistent with
13 the Agreement.

14 (2) MODIFICATIONS.—

15 (A) IN GENERAL.—Subject to the consulta-
16 tion and layover provisions of section 103(a),
17 the President may proclaim modifications to the
18 provisions proclaimed under the authority of
19 paragraph (1)(A), other than—

20 (i) the provisions of Annex 3B of the
21 Agreement; and

22 (ii) provisions of chapters 50 through
23 63 of the HTS, as included in Annex 3A
24 of the Agreement.

1 (B) ADDITIONAL PROCLAMATIONS.—Not-
2 withstanding subparagraph (A), and subject to
3 the consultation and layover provisions of sec-
4 tion 103(a), the President may proclaim—

5 (i) modifications to the provisions pro-
6 claimed under the authority of paragraph
7 (1)(A) that are necessary to implement an
8 agreement with Singapore pursuant to ar-
9 ticle 3.18.4(c) of the Agreement; and

10 (ii) before the 1st anniversary of the
11 date of enactment of this Act, modifica-
12 tions to correct any typographical, clerical,
13 or other nonsubstantive technical error re-
14 garding the provisions of chapters 50
15 through 63 of the HTS, as included in
16 Annex 3A of the Agreement.

17 **SEC. 203. CUSTOMS USER FEES.**

18 Section 13031(b) of the Consolidated Omnibus Budg-
19 et Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is
20 amended by inserting after paragraph (12) the following:

21 “(13) No fee may be charged under subsection
22 (a) (9) or (10) with respect to goods that qualify as
23 originating goods under section 202 of the United
24 States-Singapore Free Trade Agreement Implemen-
25 tation Act. Any service for which an exemption from

1 such fee is provided by reason of this paragraph may
 2 not be funded with money contained in the Customs
 3 User Fee Account.”.

4 **SEC. 204. DISCLOSURE OF INCORRECT INFORMATION.**

5 Section 592(c) of the Tariff Act of 1930 (19 U.S.C.
 6 1592(c)) is amended—

7 (1) by redesignating paragraph (7) as para-
 8 graph (8); and

9 (2) by inserting after paragraph (6) the fol-
 10 lowing new paragraph:

11 “(7) PRIOR DISCLOSURE REGARDING CLAIMS
 12 UNDER THE UNITED STATES-SINGAPORE FREE
 13 TRADE AGREEMENT.—

14 “(A) An importer shall not be subject to
 15 penalties under subsection (a) for making an
 16 incorrect claim that a good qualifies as an origi-
 17 nating good under section 202 of the United
 18 States-Singapore Free Trade Agreement Imple-
 19 mentation Act if the importer, in accordance
 20 with regulations issued by the Secretary of the
 21 Treasury, voluntarily and promptly makes a
 22 corrected declaration and pays any duties
 23 owing.

24 “(B) In the regulations referred to in sub-
 25 paragraph (A), the Secretary of the Treasury is

1 authorized to prescribe time periods for making
2 a corrected declaration and paying duties owing
3 under subparagraph (A), if such periods are not
4 shorter than 1 year following the date on which
5 the importer makes the incorrect claim that a
6 good qualifies as an originating good.”.

7 **SEC. 205. ENFORCEMENT RELATING TO TRADE IN TEXTILE**
8 **AND APPAREL GOODS.**

9 (a) DENIAL OF PERMISSION TO CONDUCT SITE VIS-
10 ITS.—

11 (1) IN GENERAL.—Subject to paragraph (2), if
12 the Secretary of the Treasury proposes to conduct a
13 site visit at an enterprise registered under article 5.3
14 of the Agreement, and responsible officials of the en-
15 terprise do not consent to the proposed visit, the
16 President may exclude from the customs territory of
17 the United States textile and apparel goods pro-
18 duced or exported by that enterprise.

19 (2) TERMINATION OF EXCLUSION.—An exclu-
20 sion of textile and apparel goods produced or ex-
21 ported by an enterprise under paragraph (1) shall
22 terminate when the President determines that the
23 enterprise’s production of, and capability to produce,
24 the goods are consistent with statements by the en-
25 terprise that textile or apparel goods the enterprise

1 produces or has produced are originating goods or
2 products of Singapore, as the case may be.

3 (b) KNOWING OR WILLFUL CIRCUMVENTION.—

4 (1) IN GENERAL.—If the President finds that
5 an enterprise of Singapore has knowingly or willfully
6 engaged in circumvention, the President may exclude
7 from the customs territory of the United States tex-
8 tile and apparel goods produced or exported by the
9 enterprise. An exclusion under this paragraph may
10 be imposed on the date beginning on the date a find-
11 ing of knowing or willful circumvention is made and
12 shall be in effect for a period not longer than the ap-
13 plicable period described in paragraph (2).

14 (2) TIME PERIODS.—

15 (A) FIRST FINDING.—With respect to a
16 first finding under paragraph (1), the applica-
17 ble period is 6 months.

18 (B) SECOND FINDING.—With respect to a
19 second finding under paragraph (1), the appli-
20 cable period is 2 years.

21 (C) THIRD AND SUBSEQUENT FINDING.—

22 With respect to a third or subsequent finding
23 under paragraph (1), the applicable period is 2
24 years. If, at the time of a third or subsequent
25 finding, an exclusion is in effect as a result of

1 a previous finding, the 2-year period applicable
2 to the third or subsequent finding shall begin
3 on the day after the day on which the previous
4 exclusion terminates.

5 (c) CERTAIN OTHER INSTANCES OF CIRCUMVEN-
6 TION.—If the President consults with Singapore pursuant
7 to article 5.8 of the Agreement, the consultations fail to
8 result in a mutually satisfactory solution to the matters
9 at issue, and the President presents to Singapore clear
10 evidence of circumvention under the Agreement, the Presi-
11 dent may—

12 (1) deny preferential tariff treatment to the
13 goods involved in the circumvention; and

14 (2) deny preferential tariff treatment, for a pe-
15 riod not to exceed 4 years from the date on which
16 consultations pursuant to article 5.8 of the Agree-
17 ment conclude, to—

18 (A) textile and apparel goods produced by
19 the enterprise found to have engaged in the cir-
20 cumvention, including any successor of such en-
21 terprise; and

22 (B) textile and apparel goods produced by
23 any other entity owned or operated by a prin-
24 cipal of the enterprise, if the principal also is a
25 principal of the other entity.

1 (d) DEFINITIONS.—In this section:

2 (1) GENERAL DEFINITIONS.—The terms “cir-
3 cumvention”, “preferential tariff treatment”, “prin-
4 cipal”, and “textile and apparel goods” have the
5 meanings given such terms in chapter 5 of the
6 Agreement.

7 (2) ENTERPRISE.—The term “enterprise” has
8 the meaning given that term in article 1.2.3 of the
9 Agreement.

10 **SEC. 206. REGULATIONS.**

11 The Secretary of the Treasury shall prescribe such
12 regulations as may be necessary to carry out—

13 (1) subsections (a) through (n) of section 202,
14 and section 203;

15 (2) amendments made by the sections referred
16 to in paragraph (1); and

17 (3) proclamations issued under section 202(o).

18 **TITLE III—RELIEF FROM**
19 **IMPORTS**

20 **SEC. 301. DEFINITIONS.**

21 In this title:

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

1 (2) SINGAPOREAN ARTICLE.—The term “Singa-
 2 porean article” means an article that qualifies as an
 3 originating good under section 202(a) of this Act.

4 (3) SINGAPOREAN TEXTILE OR APPAREL ARTI-
 5 CLE.—The term “Singaporean textile or apparel ar-
 6 ticle” means an article—

7 (A) that is listed in the Annex to the
 8 Agreement on Textiles and Clothing referred to
 9 in section 101(d)(4) of the Uruguay Round
 10 Agreements Act (19 U.S.C. 3511(d)(4)); and

11 (B) that is a Singaporean article.

12 **Subtitle A—Relief From Imports** 13 **Benefiting From the Agreement**

14 **SEC. 311. COMMENCING OF ACTION FOR RELIEF.**

15 (a) FILING OF PETITION.—

16 (1) IN GENERAL.—A petition requesting action
 17 under this subtitle for the purpose of adjusting to
 18 the obligations of the United States under the
 19 Agreement may be filed with the Commission by an
 20 entity, including a trade association, firm, certified
 21 or recognized union, or group of workers, that is
 22 representative of an industry. The Commission shall
 23 transmit a copy of any petition filed under this sub-
 24 section to the United States Trade Representative.

1 (2) PROVISIONAL RELIEF.—An entity filing a
2 petition under this subsection may request that pro-
3 visional relief be provided as if the petition had been
4 filed under section 202(a) of the Trade Act of 1974
5 (19 U.S.C. 2252(a)).

6 (3) CRITICAL CIRCUMSTANCES.—Any allegation
7 that critical circumstances exist shall be included in
8 the petition.

9 (b) INVESTIGATION AND DETERMINATION.—Upon
10 the filing of a petition under subsection (a), the Commis-
11 sion, unless subsection (d) applies, shall promptly initiate
12 an investigation to determine whether, as a result of the
13 reduction or elimination of a duty provided for under the
14 Agreement, a Singaporean article is being imported into
15 the United States in such increased quantities, in absolute
16 terms or relative to domestic production, and under such
17 conditions that imports of the Singaporean article con-
18 stitute a substantial cause of serious injury or threat
19 thereof to the domestic industry producing an article that
20 is like, or directly competitive with, the imported article.

21 (c) APPLICABLE PROVISIONS.—The following provi-
22 sions of section 202 of the Trade Act of 1974 (19 U.S.C.
23 2252) apply with respect to any investigation initiated
24 under subsection (b):

1 (1) Paragraphs (1)(B) and (3) of subsection
2 (b).

3 (2) Subsection (c).

4 (3) Subsection (d).

5 (4) Subsection (i).

6 (d) ARTICLES EXEMPT FROM INVESTIGATION.—No
7 investigation may be initiated under this section with re-
8 spect to any Singaporean article if, after the date that the
9 Agreement enters into force, import relief has been pro-
10 vided with respect to that Singaporean article under—

11 (1) this subtitle;

12 (2) subtitle B;

13 (3) chapter 1 of title II of the Trade Act of
14 1974;

15 (4) article 6 of the Agreement on Textiles and
16 Clothing referred to in section 101(d)(4) of the Uru-
17 guay Round Agreements Act (19 U.S.C.
18 3511(d)(4)); or

19 (5) article 5 of the Agreement on Agriculture
20 referred to in section 101(d)(2) of the Uruguay
21 Round Agreements Act (19 U.S.C. 3511(d)(2)).

22 **SEC. 312. COMMISSION ACTION ON PETITION.**

23 (a) DETERMINATION.—Not later than 120 days (180
24 days if critical circumstances have been alleged) after the
25 date on which an investigation is initiated under section

1 311(b) with respect to a petition, the Commission shall
2 make the determination required under that section.

3 (b) APPLICABLE PROVISIONS.—For purposes of this
4 subtitle, the provisions of paragraphs (1), (2), and (3) of
5 section 330(d) of the Tariff Act of 1930 (19 U.S.C.
6 1330(d) (1), (2), and (3)) shall be applied with respect
7 to determinations and findings made under this section
8 as if such determinations and findings were made under
9 section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

10 (c) ADDITIONAL FINDING AND RECOMMENDATION IF
11 DETERMINATION AFFIRMATIVE.—If the determination
12 made by the Commission under subsection (a) with respect
13 to imports of an article is affirmative, or if the President
14 may consider a determination of the Commission to be an
15 affirmative determination as provided for under paragraph
16 (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C.
17 1330(d)), the Commission shall find, and recommend to
18 the President in the report required under subsection (d),
19 the amount of import relief that is necessary to remedy
20 or prevent the injury found by the Commission in the de-
21 termination and to facilitate the efforts of the domestic
22 industry to make a positive adjustment to import competi-
23 tion. The import relief recommended by the Commission
24 under this subsection shall be limited to the relief de-
25 scribed in section 313(c). Only those members of the Com-

1 mission who voted in the affirmative under subsection (a)
2 are eligible to vote on the proposed action to remedy or
3 prevent the injury found by the Commission. Members of
4 the Commission who did not vote in the affirmative may
5 submit, in the report required under subsection (d), sepa-
6 rate views regarding what action, if any, should be taken
7 to remedy or prevent the injury.

8 (d) REPORT TO PRESIDENT.—Not later than the
9 date that is 30 days after the date on which a determina-
10 tion is made under subsection (a) with respect to an inves-
11 tigation, the Commission shall submit to the President a
12 report that includes—

13 (1) the determination made under subsection
14 (a) and an explanation of the basis for the deter-
15 mination;

16 (2) if the determination under subsection (a) is
17 affirmative, any findings and recommendations for
18 import relief made under subsection (c) and an ex-
19 planation of the basis for each recommendation; and

20 (3) any dissenting or separate views by mem-
21 bers of the Commission regarding the determination
22 and recommendation referred to in paragraphs (1)
23 and (2).

24 (e) PUBLIC NOTICE.—Upon submitting a report to
25 the President under subsection (d), the Commission shall

1 promptly make public such report (with the exception of
2 information which the Commission determines to be con-
3 fidential) and shall cause a summary thereof to be pub-
4 lished in the Federal Register.

5 **SEC. 313. PROVISION OF RELIEF.**

6 (a) IN GENERAL.—Not later than the date that is
7 30 days after the date on which the President receives the
8 report of the Commission in which the Commission’s de-
9 termination under section 312(a) is affirmative, or which
10 contains a determination under section 312(a) that the
11 President considers to be affirmative under paragraph (1)
12 of section 330(d) of the Tariff Act of 1930 (19 U.S.C.
13 1330(d)(1)), the President, subject to subsection (b), shall
14 provide relief from imports of the article that is the subject
15 of such determination to the extent that the President de-
16 termines necessary to remedy or prevent the injury found
17 by the Commission and to facilitate the efforts of the do-
18 mestic industry to make a positive adjustment to import
19 competition.

20 (b) EXCEPTION.—The President is not required to
21 provide import relief under this section if the President
22 determines that the provision of the import relief will not
23 provide greater economic and social benefits than costs.

24 (c) NATURE OF RELIEF.—

1 (1) IN GENERAL.—The import relief (including
2 provisional relief) that the President is authorized to
3 provide under this section with respect to imports of
4 an article is as follows:

5 (A) The suspension of any further reduc-
6 tion provided for under Annex 2B of the Agree-
7 ment in the duty imposed on such article.

8 (B) An increase in the rate of duty im-
9 posed on such article to a level that does not
10 exceed the lesser of—

11 (i) the column 1 general rate of duty
12 imposed under the HTS on like articles at
13 the time the import relief is provided; or

14 (ii) the column 1 general rate of duty
15 imposed under the HTS on like articles on
16 the day before the date on which the
17 Agreement enters into force.

18 (C) In the case of a duty applied on a sea-
19 sonal basis to such article, an increase in the
20 rate of duty imposed on the article to a level
21 that does not exceed the lesser of—

22 (i) the column 1 general rate of duty
23 imposed under the HTS on like articles for
24 the immediately preceding corresponding
25 season; or

1 (ii) the column 1 general rate of duty
2 imposed under the HTS on like articles on
3 the day before the date on which the
4 Agreement enters into force.

5 (2) PROGRESSIVE LIBERALIZATION.—If the pe-
6 riod for which import relief is provided under this
7 section is greater than 1 year, the President shall
8 provide for the progressive liberalization (described
9 in article 7.28 of the Agreement) of such relief at
10 regular intervals during the period of its application.

11 (d) PERIOD OF RELIEF.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 the import relief that the President is authorized to
14 provide under this section may not exceed 2 years.

15 (2) EXTENSION.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (C), the President, after receiving an af-
18 firmative determination from the Commission
19 under subparagraph (B), may extend the effec-
20 tive period of any import relief provided under
21 this section if the President determines that—

22 (i) the import relief continues to be
23 necessary to prevent or remedy serious in-
24 jury and to facilitate adjustment; and

1 (ii) there is evidence that the industry
2 is making a positive adjustment to import
3 competition.

4 (B) ACTION BY COMMISSION.—

5 (i) Upon a petition on behalf of the
6 industry concerned, filed with the Commis-
7 sion not earlier than the date which is 9
8 months, and not later than the date which
9 is 6 months, before the date on which any
10 action taken under subsection (a) is to ter-
11 minate, the Commission shall conduct an
12 investigation to determine whether action
13 under this section continues to be nec-
14 essary to remedy or prevent serious injury
15 and whether there is evidence that the in-
16 dustry is making a positive adjustment to
17 import competition.

18 (ii) The Commission shall publish no-
19 tice of the commencement of any pro-
20 ceeding under this subparagraph in the
21 Federal Register and shall, within a rea-
22 sonable time thereafter, hold a public hear-
23 ing at which the Commission shall afford
24 interested parties and consumers an oppor-
25 tunity to be present, to present evidence,

1 and to respond to the presentations of
2 other parties and consumers, and other-
3 wise to be heard.

4 (iii) The Commission shall transmit to
5 the President a report on its investigation
6 and determination under this subpara-
7 graph not later than 60 days before the ac-
8 tion under subsection (a) is to terminate,
9 unless the President specifies a different
10 date.

11 (C) PERIOD OF IMPORT RELIEF.—The ef-
12 fective period of any import relief imposed
13 under this section, including any extensions
14 thereof, may not, in the aggregate, exceed 4
15 years.

16 (e) RATE AFTER TERMINATION OF IMPORT RE-
17 LIEF.—When import relief under this section is termi-
18 nated with respect to an article, the rate of duty on that
19 article shall be the rate that would have been in effect,
20 but for the provision of such relief, on the date the relief
21 terminates.

22 (f) ARTICLES EXEMPT FROM RELIEF.—No import
23 relief may be provided under this section on any article
24 that has been subject to import relief, after the entry into
25 force of the Agreement, under—

1 (1) this subtitle;

2 (2) subtitle B;

3 (3) chapter 1 of title II of the Trade Act of
4 1974;

5 (4) article 6 of the Agreement on Textiles and
6 Clothing referred to in section 101(d)(4) of the Uru-
7 guay Round Agreements Act (19 U.S.C.
8 3511(d)(4)); or

9 (5) article 5 of the Agreement on Agriculture
10 referred to in section 101(d)(2) of the Uruguay
11 Round Agreements Act (19 U.S.C. 3511(d)(2)).

12 **SEC. 314. TERMINATION OF RELIEF AUTHORITY.**

13 (a) GENERAL RULE.—No import relief may be pro-
14 vided under this subtitle after the date that is 10 years
15 after the date on which the Agreement enters into force.

16 (b) EXCEPTION.—Import relief may be provided
17 under this subtitle in the case of a Singaporean article
18 after the date on which such relief would, but for this sub-
19 section, terminate under subsection (a), if the President
20 determines that Singapore has consented to such relief.

21 **SEC. 315. COMPENSATION AUTHORITY.**

22 For purposes of section 123 of the Trade Act of 1974
23 (19 U.S.C. 2133), any import relief provided by the Presi-
24 dent under section 313 shall be treated as action taken
25 under chapter 1 of title II of such Act.

1 **SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.**

2 Section 202(a)(8) of the Trade Act of 1974 (19
3 U.S.C. 2252(a)(8)) is amended in the first sentence—

4 (1) by striking “and”; and

5 (2) by inserting before the period at the end “,
6 and title III of the United States-Singapore Free
7 Trade Agreement Implementation Act”.

8 **Subtitle B—Textile and Apparel**
9 **Safeguard Measures**

10 **SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.**

11 (a) IN GENERAL.—A request under this subtitle for
12 the purpose of adjusting to the obligations of the United
13 States under the Agreement may be filed with the Presi-
14 dent by an interested party. Upon the filing of a request,
15 the President shall review the request to determine, from
16 information presented in the request, whether to com-
17 mence consideration of the request.

18 (b) PUBLICATION OF REQUEST.—If the President de-
19 termines that the request under subsection (a) provides
20 the information necessary for the request to be considered,
21 the President shall cause to be published in the Federal
22 Register a notice of commencement of consideration of the
23 request, and notice seeking public comments regarding the
24 request. The notice shall include the request and the dates
25 by which comments and rebuttals must be received.

1 **SEC. 322. DETERMINATION AND PROVISION OF RELIEF.**

2 (a) DETERMINATION.—

3 (1) IN GENERAL.—Pursuant to a request made
4 by an interested party, the President shall determine
5 whether, as a result of the reduction or elimination
6 of a duty under the Agreement, a Singaporean tex-
7 tile or apparel article is being imported into the
8 United States in such increased quantities, in abso-
9 lute terms or relative to the domestic market for
10 that article, and under such conditions that imports
11 of the article constitute a substantial cause of seri-
12 ous damage, or actual threat thereof, to a domestic
13 industry producing an article that is like, or directly
14 competitive with, the imported article.

15 (2) SERIOUS DAMAGE.—In making a deter-
16 mination under paragraph (1), the President—

17 (A) shall examine the effect of increased
18 imports on the domestic industry, as reflected
19 in changes in such relevant economic factors as
20 output, productivity, utilization of capacity, in-
21 ventories, market share, exports, wages, em-
22 ployment, domestic prices, profits, and invest-
23 ment, none of which is necessarily decisive; and

24 (B) shall not consider changes in tech-
25 nology or consumer preference as factors sup-

1 porting a determination of serious damage or
2 actual threat thereof.

3 (3) SUBSTANTIAL CAUSE.—For purposes of this
4 subsection, the term “substantial cause” means a
5 cause that is important and not less than any other
6 cause.

7 (b) PROVISION OF RELIEF.—

8 (1) IN GENERAL.—If a determination under
9 subsection (a) is affirmative, the President may pro-
10 vide relief from imports of the article that is the
11 subject of such determination, as described in para-
12 graph (2), to the extent that the President deter-
13 mines necessary to remedy or prevent the serious
14 damage and to facilitate adjustment by the domestic
15 industry.

16 (2) NATURE OF RELIEF.—The relief that the
17 President is authorized to provide under this sub-
18 section with respect to imports of an article is—

19 (A) the suspension of any further reduc-
20 tion provided for under Annex 2B of the Agree-
21 ment in the duty imposed on the article; or

22 (B) an increase in the rate of duty im-
23 posed on the article to a level that does not ex-
24 ceed the lesser of—

- 1 (i) the column 1 general rate of duty
2 imposed under the HTS on like articles at
3 the time the import relief is provided; or
4 (ii) the column 1 general rate of duty
5 imposed under the HTS on like articles on
6 the day before the date on which the
7 Agreement enters into force.

8 **SEC. 323. PERIOD OF RELIEF.**

9 (a) IN GENERAL.—Subject to subsection (b), the im-
10 port relief that the President is authorized to provide
11 under section 322 may not exceed 2 years.

12 (b) EXTENSION.—

13 (1) IN GENERAL.—Subject to paragraph (2),
14 the President may extend the effective period of any
15 import relief provided under this subtitle if the
16 President determines that—

17 (A) the import relief continues to be nec-
18 essary to remedy or prevent serious damage
19 and to facilitate adjustment; and

20 (B) there is evidence that the industry is
21 making a positive adjustment to import com-
22 petition.

23 (2) LIMITATION.—The effective period of any
24 action under this subtitle, including any extensions
25 thereof, may not, in the aggregate, exceed 4 years.

1 **SEC. 324. ARTICLES EXEMPT FROM RELIEF.**

2 The President may not provide import relief under
3 this subtitle with respect to any article if import relief pre-
4 viously has been provided under this subtitle with respect
5 to that article.

6 **SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.**

7 When import relief under this subtitle is terminated
8 with respect to an article, the rate of duty on that article
9 shall be the rate that would have been in effect, but for
10 the provision of such relief, on the date the relief termi-
11 nates.

12 **SEC. 326. TERMINATION OF RELIEF AUTHORITY.**

13 No import relief may be provided under this subtitle
14 with respect to an article after the date that is 10 years
15 after the date on which the provisions of the Agreement
16 relating to trade in textile and apparel goods take effect
17 pursuant to article 5.10 of the Agreement.

18 **SEC. 327. COMPENSATION AUTHORITY.**

19 For purposes of section 123 of the Trade Act of 1974
20 (19 U.S.C. 2133), any import relief provided by the Presi-
21 dent under this subtitle shall be treated as action taken
22 under chapter 1 of title II of such Act.

23 **SEC. 328. BUSINESS CONFIDENTIAL INFORMATION.**

24 The President may not release information which the
25 President considers to be confidential business informa-
26 tion unless the party submitting the confidential business

1 information had notice, at the time of submission, that
 2 such information would be released by the President, or
 3 such party subsequently consents to the release of the in-
 4 formation. To the extent business confidential information
 5 is provided, a nonconfidential version of the information
 6 shall also be provided, in which the business confidential
 7 information is summarized or, if necessary, deleted.

8 **Subtitle C—Cases Under Title II of** 9 **the Trade Act of 1974**

10 **SEC. 331. FINDINGS AND ACTION ON GOODS FROM SINGA-** 11 **PORE.**

12 (a) EFFECT OF IMPORTS.—If, in any investigation
 13 initiated under chapter 1 of title II of the Trade Act of
 14 1974, the Commission makes an affirmative determination
 15 (or a determination which the President may treat as an
 16 affirmative determination under such chapter by reason
 17 of section 330(d) of the Tariff Act of 1930), the Commis-
 18 sion shall also find (and report to the President at the
 19 time such injury determination is submitted to the Presi-
 20 dent) whether imports of the article from Singapore are
 21 a substantial cause of serious injury or threat thereof.

22 (b) PRESIDENTIAL DETERMINATION REGARDING
 23 SINGAPOREAN IMPORTS.—In determining the nature and
 24 extent of action to be taken under chapter 1 of title II
 25 of the Trade Act of 1974, the President shall determine

1 whether imports from Singapore are a substantial cause
 2 of the serious injury or threat thereof found by the Com-
 3 mission and, if such determination is in the negative, may
 4 exclude from such action imports from Singapore.

5 **TITLE IV—TEMPORARY ENTRY** 6 **OF BUSINESS PERSONS**

7 **SEC. 401. NONIMMIGRANT TRADERS AND INVESTORS.**

8 Upon a basis of reciprocity secured by the Agree-
 9 ment, an alien who is a national of Singapore (and any
 10 spouse or child (as defined in section 101(b)(1) of the Im-
 11 migration and Nationality Act (8 U.S.C. 1101(b)(1)) of
 12 such alien, if accompanying or following to join the alien)
 13 may, if otherwise eligible for a visa and if otherwise admis-
 14 sible into the United States under the Immigration and
 15 Nationality Act (8 U.S.C. 1101 et seq.), be considered to
 16 be classifiable as a nonimmigrant under section
 17 101(a)(15)(E) of such Act (8 U.S.C. 1101(a)(15)(E)) if
 18 entering solely for a purpose specified in clause (i) or (ii)
 19 of such section 101(a)(15)(E). For purposes of this sec-
 20 tion, the term “national” has the meaning given such term
 21 in Annex 1A of the Agreement.

22 **SEC. 402. NONIMMIGRANT PROFESSIONALS.**

23 Section 214(g)(8) of the Immigration and Nationality
 24 Act (8 U.S.C. 1184(g)(8)) is amended—

1 (1) by amending subparagraph (A) to read as
2 follows:

3 “(8)(A) The agreements referred to in section
4 101(a)(15)(H)(i)(b1) are—

5 “(i) the United States-Chile Free Trade Agree-
6 ment; and

7 “(ii) the United States-Singapore Free Trade
8 Agreement.”; and

9 (2) by amending subparagraph (B)(ii) to read
10 as follows:

11 “(ii) The annual numerical limitations described in
12 clause (i) shall not exceed—

13 “(I) 1,400 for nationals of Chile (as defined in
14 article 14.9 of the United States-Chile Free Trade
15 Agreement) for any fiscal year; and

16 “(II) 5,400 for nationals of Singapore (as de-
17 fined in Annex 1A of the United States-Singapore
18 Free Trade Agreement) for any fiscal year.”.

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A BILL

To implement the United States-Singapore Free
Trade Agreement.

JULY 22, 2003

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed