

110TH CONGRESS
1ST SESSION

H. R. 2714

To require the President to delay or reverse the implementation of a decision of a World Trade Organization dispute settlement panel or the Appellate Body that is adverse to the United States involving the calculation of dumping margins and weighted average dumping margins, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2007

Mr. BARRETT of South Carolina (for himself, Mr. REGULA, Mr. SPRATT, and Mr. NEAL of Massachusetts) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To require the President to delay or reverse the implementation of a decision of a World Trade Organization dispute settlement panel or the Appellate Body that is adverse to the United States involving the calculation of dumping margins and weighted average dumping margins, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AMENDMENTS TO THE URUGUAY ROUND**
2 **AGREEMENTS ACT.**

3 (a) **DISPUTE SETTLEMENT PANELS AND PROCE-**
4 **DURES.**—Section 123 of the Uruguay Round Agreements
5 Act (19 U.S.C. 3533) is amended by adding at the end
6 the following new subsection:

7 “(i) **DELAY OR REVERSAL OF IMPLEMENTATION OF**
8 **ADVERSE DECISIONS.**—Notwithstanding any other provi-
9 sion of this section, the President shall delay or reverse
10 the implementation of a decision of a dispute settlement
11 panel or the Appellate Body that is adverse to the United
12 States involving the calculation of dumping margins and
13 weighted average dumping margins (commonly known as
14 ‘zeroing’ decisions) until the United States has obtained
15 clarification of rights and obligations within WTO multi-
16 lateral negotiations such that historic practices of the
17 United States are permitted in investigations under sec-
18 tion 731 of the Tariff Act of 1930 (19 U.S.C. 1673), re-
19 views under section 751 of such Act (19 U.S.C. 1675),
20 and under any other phase of an antidumping pro-
21 ceeding.”.

22 (b) **ADMINISTRATIVE ACTION FOLLOWING WTO**
23 **PANEL REPORTS.**—Section 129(b) of the Uruguay Round
24 Agreements Act (19 U.S.C. 3538(b)) is amended by add-
25 ing at the end the following new paragraph:

1 “(5) DELAY OR REVERSAL OF IMPLEMENTA-
2 TION OF ADVERSE DECISIONS.—Notwithstanding
3 any other provision of this section, the President
4 shall delay or reverse the implementation of a deci-
5 sion of a dispute settlement panel or the Appellate
6 Body that is adverse to the United States involving
7 the calculation of dumping margins and weighted av-
8 erage dumping margins (commonly known as ‘zero-
9 ing’ decisions) until the United States has obtained
10 clarification of rights and obligations within WTO
11 multilateral negotiations such that historic practices
12 of the United States are permitted in investigations
13 under section 731 of the Tariff Act of 1930 (19
14 U.S.C. 1673), reviews under section 751 of such Act
15 (19 U.S.C. 1675), and under any other phase of an
16 antidumping proceeding.”.

17 **SEC. 2. AMENDMENT TO THE TARIFF ACT OF 1930.**

18 Paragraph (7) of section 771 of the Tariff Act of
19 1930 (19 U.S.C. 1677) is amended by adding at the end
20 the following new subparagraph:

21 “(J) ADDITIONAL REQUIREMENTS.—In
22 evaluating whether there is material injury, or
23 threat thereof, by reason of imports of the sub-
24 ject merchandise, the Commission shall make
25 its determination without regard to—

1 “(i) whether other imports are likely
2 to replace subject imports; or

3 “(ii) the effect of a potential order on
4 the domestic industry.”.

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