

111TH CONGRESS  
2D SESSION

# S. 4003

To authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 2, 2010

Mr. DEMINT (for himself and Mrs. MCCASKILL) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Duty Suspension Fa-  
5       cilitation Act of 2010”.

6       **SEC. 2. PURPOSE.**

7       The purpose of this Act is to provide a procedure for  
8       the development and submission of legislation by the  
9       International Trade Commission regarding amendments  
10      to the Harmonized Tariff Schedule of the United States

1 in connection with the temporary suspension or reduction  
2 of duty.

3 **SEC. 3. PROCEDURES FOR RECOMMENDATIONS AND PRO-**  
4 **POSED LEGISLATION RELATING TO TEM-**  
5 **PORARY DUTY SUSPENSIONS.**

6 (a) IN GENERAL.—Not later than January 1, 2012,  
7 and every 2 years thereafter, the International Trade  
8 Commission shall submit to the Committee on Finance of  
9 the Senate and the Committee on Ways and Means of the  
10 House of Representatives proposed legislation which in-  
11 cludes recommendations regarding the following:

12 (1) Amendments to the Harmonized Tariff  
13 Schedule of the United States extending existing  
14 temporary duty suspensions or existing duty reduc-  
15 tions.

16 (2) Amendments to the Harmonized Tariff  
17 Schedule of the United States providing for new  
18 temporary duty suspensions or new duty reductions.

19 (3) Modifications to the Harmonized Tariff  
20 Schedule of the United States to make technical cor-  
21 rections with respect to—

22 (A) errors in spelling, numbering, or punc-  
23 tuation;

24 (B) errors in indentation;

1 (C) errors in cross references to headings,  
2 subheadings, or notes;

3 (D) errors in article descriptions; and

4 (E) other clerical or typographical errors.

5 (b) AGENCY AND PUBLIC VIEWS REGARDING REC-  
6 OMMENDATIONS.—In formulating recommendations and  
7 proposed legislation under subsection (a), the Inter-  
8 national Trade Commission shall solicit, and give consider-  
9 ation to, the views of interested Federal agencies and the  
10 public. The Commission shall—

11 (1) give notice of the proposed recommenda-  
12 tions, afford reasonable opportunity for interested  
13 parties to present their views in writing; and

14 (2) provide for a public hearing.

15 (c) REQUIREMENTS FOR DUTY SUSPENSION AND RE-  
16 Duction.—The Commission may not recommend in the  
17 proposed legislation under subsection (a) any suspension  
18 or reduction in duty, if—

19 (1) an interested Federal agency determines  
20 such suspension or reduction is not in the interest  
21 of United States and that determination is included  
22 in the record of the public hearing required under  
23 subsection (b);

24 (2) such suspension or reduction is objected to  
25 by a domestic producer who demonstrates that there

1 is domestic production of the article for which sus-  
2 pension or reduction of duty is recommended in  
3 commercially available quantities;

4 (3) the loss in revenue to the United States  
5 from such suspension or reduction of duty exceeds  
6 \$500,000 annually (as adjusted under subsection  
7 (f)); or

8 (4) the suspension or reduction in duty is to be  
9 effective for a period that exceeds 3 years.

10 (d) SUBMISSION OF PROPOSED LEGISLATION AND  
11 RECOMMENDATIONS.—

12 (1) LEGISLATION.—Any proposed legislation  
13 submitted under subsection (a), shall include the fol-  
14 lowing information, if appropriate—

15 (A) the heading or subheading number of  
16 the Harmonized Tariff Schedule of the United  
17 States to be added or amended;

18 (B) the Chemical Abstract Service or CAS  
19 number;

20 (C) the article description and duty rates  
21 for each of the headings or subheadings de-  
22 scribed in subparagraph (A); and

23 (D) any other information that is nec-  
24 essary to carry out the proposed legislation, in-

1 including the requirements described in sub-  
2 section (c).

3 (2) RECOMMENDATIONS.—Along with the pro-  
4 posed legislation submitted under subsection (a), the  
5 International Trade Commission shall submit—

6 (A) a summary of the information on  
7 which the recommendation is based; and

8 (B) a summary of the views submitted by  
9 interested Federal agencies, the public, and  
10 other interested parties.

11 (e) PUBLICATION IN THE FEDERAL REGISTER.—Not  
12 later than 60 days before the Commission submits the pro-  
13 posed legislation under subsection (a), the Commission  
14 shall publish the proposed legislation in the Federal Reg-  
15 ister.

16 (f) INDEXING FOR INFLATION.—

17 (1) IN GENERAL.—Beginning in calendar year  
18 2013, the dollar amount described in subsection  
19 (c)(3) shall be increased by an amount equal to—

20 (A) \$500,000, multiplied by

21 (B) the percentage (if any) by which the  
22 CPI for the preceding calendar year exceeds the  
23 CPI for calendar year 2011.

24 (2) ROUNDING.—Any increase under paragraph  
25 (1)(B) shall be rounded to the nearest dollar.

1 (3) DEFINITIONS.—In this subsection:

2 (A) CPI FOR THE PRECEDING CALENDAR  
3 YEAR.—The term “CPI for the preceding cal-  
4 endar year” means the average of the Con-  
5 sumer Price Index as of the close of the 12-  
6 month period ending on August 31 of such cal-  
7 endar year.

8 (B) CONSUMER PRICE INDEX.—The term  
9 “Consumer Price Index” means the last Con-  
10 sumer Price Index for all-urban consumers pub-  
11 lished by the Department of Labor.

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