

# Union Calendar No. 399

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4923

[Report No. 114–519, Part I]

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2016

Mr. BRADY of Texas (for himself, Mr. LEVIN, Mr. REICHERT, Mr. RANGEL, Mr. TIBERI, Mr. BLUMENAUER, Mr. REED, Mr. PASCRELL, Mr. RENACCI, Mr. DANNY K. DAVIS of Illinois, Mr. WALKER, Mr. CLYBURN, Mr. MULVANEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. MCCLINTOCK, Mr. BISHOP of Georgia, Mr. ROKITA, Mr. COURTNEY, and Mr. BLUM) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, 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

APRIL 25, 2016

Additional sponsors: Mr. DUFFY, Mrs. LOVE, Mr. NUNES, Mr. PAULSEN, Mr. MEEHAN, Mr. KELLY of Pennsylvania, Mr. DOLD, Mr. ROSKAM, Mr. SMITH of Nebraska, Mr. NEWHOUSE, Mr. CURBELO of Florida, Mr. DENT, Mr. LUETKEMEYER, Mr. HOLDING, Mr. BISHOP of Michigan, Mr. EMMER of Minnesota, Mr. MESSER, Mr. RODNEY DAVIS of Illinois, Mrs. NOEM, Mr. KING of New York, Ms. ADAMS, Mr. KIND, Ms. BROWNLEY of California, Mr. LEWIS, Mr. THOMPSON of California, Mr. JOHNSON of Georgia, Mr. POLIS, Mr. GARAMENDI, Mr. BOUSTANY, Mr. WEBER of Texas, Mr. MOOLENAAR, Mr. ROUZER, Mr. CUELLAR, Mr. ROE of Tennessee, Mrs. WALORSKI, Ms. MCSALLY, Mrs. COMSTOCK, Mrs. ELLMERS of North Carolina, Mr. ADERHOLT, Mr. CALVERT, Mr. CRAWFORD, Mr. GOSAR, and Mr. GRAVES of Missouri

APRIL 25, 2016

Reported from the Committee on Ways and Means with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

APRIL 25, 2016

The Committee on Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 13, 2016]

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## **A BILL**

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, 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 “American Manufac-*  
5 *turing Competitiveness Act of 2016”.*

6 **SEC. 2. SENSE OF CONGRESS ON THE NEED FOR A MIS-**  
7 **CELLANEOUS TARIFF BILL.**

8        *(a) FINDINGS.—Congress makes the following findings:*

9            *(1) As of the date of the enactment of this Act,*  
10 *the Harmonized Tariff Schedule of the United States*  
11 *imposes duties on imported goods for which there is*  
12 *no domestic availability or insufficient domestic*  
13 *availability.*

14            *(2) The imposition of duties on such goods cre-*  
15 *ates artificial distortions in the economy of the*  
16 *United States that negatively affect United States*  
17 *manufacturers and consumers.*

18            *(3) The manufacturing competitiveness of the*  
19 *United States around the world will be enhanced if*  
20 *Congress regularly and predictably updates the Har-*  
21 *monized Tariff Schedule to suspend or reduce duties*  
22 *on such goods.*

23            *(4) Creating and maintaining an open and*  
24 *transparent process for consideration of petitions for*

1 *duty suspensions and reductions builds confidence*  
2 *that the process is fair, open to all, and free of abuse.*

3 *(5) Complying with the Rules of the House of*  
4 *Representatives and the Senate, in particular with*  
5 *clause 9 of rule XXI of the Rules of the House of Rep-*  
6 *resentatives and rule XLIV of the Standing Rules of*  
7 *the Senate, is essential to fostering and maintaining*  
8 *confidence in the process for considering a miscella-*  
9 *neous tariff bill.*

10 *(6) A miscellaneous tariff bill developed under*  
11 *this process will not contain any—*

12 *(A) congressional earmarks or limited tax*  
13 *benefits within the meaning of clause 9 of rule*  
14 *XXI of the Rules of the House of Representatives;*  
15 *or*

16 *(B) congressionally directed spending items*  
17 *or limited tax benefits within the meaning of*  
18 *rule XLIV of the Standing Rules of the Senate.*

19 *(7) Because any limited tariff benefits contained*  
20 *in any miscellaneous tariff bill following the process*  
21 *set forth by this Act will not have been the subject of*  
22 *legislation introduced by an individual Member of*  
23 *Congress and will be fully vetted through a trans-*  
24 *parent and fair process free of abuse, it is appro-*

1        *appropriate for Congress to consider limited tariff benefits*  
2        *as part of that miscellaneous tariff bill as long as—*

3                *(A) in the case of a miscellaneous tariff bill*  
4                *considered in the House of Representatives, con-*  
5                *sistent with the Rules of the House of Represent-*  
6                *atives, a list of such limited tariff benefits is*  
7                *published in the reports of the Committee on*  
8                *Ways and Means of the House of Representatives*  
9                *accompanying the miscellaneous tariff bill, or in*  
10               *the Congressional Record; and*

11               *(B) in the case of a miscellaneous tariff bill*  
12               *considered in the Senate, consistent with the*  
13               *Standing Rules of the Senate—*

14                        *(i) such limited tariff benefits have*  
15                        *been identified through lists, charts, or other*  
16                        *similar means; and*

17                        *(ii) the information identified in*  
18                        *clause (i) has been available on a publicly*  
19                        *accessible congressional website in a search-*  
20                        *able format at least 48 hours before the vote*  
21                        *on the motion to proceed to the miscella-*  
22                        *neous tariff bill or the vote on the adoption*  
23                        *of a report of a committee of conference in*  
24                        *connection with the miscellaneous tariff bill,*  
25                        *as the case may be.*

1           (8) *When the process set forth under paragraph*  
2           *(7) is followed, it is consistent with the letter and in-*  
3           *tent of the Rules of the House of Representatives and*  
4           *the Senate and other related guidance.*

5           (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
6           *that, to remove the competitive disadvantage to United*  
7           *States manufacturers and consumers and to promote the*  
8           *competitiveness of United States manufacturers, Congress*  
9           *should, not later than 90 days after the United States Inter-*  
10          *national Trade Commission issues a final report on peti-*  
11          *tions for duty suspensions and reductions under section*  
12          *3(b)(3)(E), consider a miscellaneous tariff bill.*

13       **SEC. 3. PROCESS FOR CONSIDERATION OF PETITIONS FOR**  
14                               **DUTY SUSPENSIONS AND REDUCTIONS.**

15          (a) *PURPOSE.—It is the purpose of this section to es-*  
16          *tablish a process for the submission and consideration of*  
17          *petitions for duty suspensions and reductions.*

18          (b) *REQUIREMENTS OF COMMISSION.—*

19               (1) *INITIATION.—Not later than October 15,*  
20               *2016, and October 15, 2019, the Commission shall*  
21               *publish in the Federal Register and on a publicly*  
22               *available Internet website of the Commission a notice*  
23               *requesting members of the public who can dem-*  
24               *onstrate that they are likely beneficiaries of duty sus-*  
25               *pensions or reductions to submit to the Commission*

1       *during the 60-day period beginning on the date of*  
2       *such publication—*

3               *(A) petitions for duty suspensions and re-*  
4               *ductions; and*

5               *(B) Commission disclosure forms with re-*  
6               *spect to such duty suspensions and reductions.*

7               (2) *CONTENT OF PETITIONS.—Each petition for*  
8       *a duty suspension or reduction under paragraph*  
9       *(1)(A) shall include the following information:*

10              *(A) The name and address of the petitioner.*

11              *(B) A statement as to whether the petition*  
12              *provides for an extension of an existing duty sus-*  
13              *pension or reduction or provides for a new duty*  
14              *suspension or reduction.*

15              *(C) A certification that the petitioner is a*  
16              *likely beneficiary of the proposed duty suspen-*  
17              *sion or reduction.*

18              *(D) An article description for the proposed*  
19              *duty suspension or reduction to be included in*  
20              *the amendment to subchapter II of chapter 99 of*  
21              *the Harmonized Tariff Schedule of the United*  
22              *States.*

23              *(E) To the extent available—*

24                      *(i) a classification of the article for*  
25                      *purposes of the amendment to subchapter II*

1                   of chapter 99 of the Harmonized Tariff  
2                   Schedule of the United States;

3                   (ii) a classification ruling of U.S. Customs and Border Protection with respect to  
4                   the article; and

5                   (iii) a copy of a U.S. Customs and  
6                   Border Protection entry summary indicating where the article is classified in the  
7                   Harmonized Tariff Schedule of the United  
8                   States.  
9

10                  (F) A brief and general description of the  
11                  article.  
12

13                  (G) A brief description of the industry in  
14                  the United States that uses the article.

15                  (H) An estimate of the total value, in  
16                  United States dollars, of imports of the article  
17                  for each of the 5 calendar years after the calendar year in which the petition is filed, including an estimate of the total value of such imports  
18                  by the person who submits the petition and by  
19                  any other importers, if available.  
20

21                  (I) The name of each person that imports  
22                  the article, if available.  
23

24                  (J) A description of any domestic production of the article, if available.  
25



1           (K) *Such other information as the Commis-*  
2           *sion may require.*

3           (3) *REVIEW.—*

4           (A) *COMMISSION PUBLICATION AND PUBLIC*  
5           *AVAILABILITY.—As soon as practicable after the*  
6           *expiration of the 60-day period specified in*  
7           *paragraph (1), but in any case not later than 30*  
8           *days after the expiration of such 60-day period,*  
9           *the Commission shall publish on a publicly*  
10           *available Internet website of the Commission—*

11           (i) *the petitions for duty suspensions*  
12           *and reductions submitted under paragraph*  
13           *(1)(A) that contain the information re-*  
14           *quired under paragraph (2); and*

15           (ii) *the Commission disclosure forms*  
16           *with respect to such duty suspensions and*  
17           *reductions submitted under paragraph*  
18           *(1)(B).*

19           (B) *PUBLIC COMMENT.—*

20           (i) *IN GENERAL.—The Commission*  
21           *shall publish in the Federal Register and on*  
22           *a publicly available Internet website of the*  
23           *Commission a notice requesting members of*  
24           *the public to submit to the Commission dur-*  
25           *ing the 45-day period beginning on the date*

1 of publication described in subparagraph  
2 (A) comments on—

3 (I) the petitions for duty suspen-  
4 sions and reductions published by the  
5 Commission under subparagraph  
6 (A)(i); and

7 (II) the Commission disclosure  
8 forms with respect to such duty suspen-  
9 sions and reductions published by the  
10 Commission under subparagraph  
11 (A)(ii).

12 (ii) *PUBLICATION OF COMMENTS.*—The  
13 Commission shall publish a notice in the  
14 Federal Register directing members of the  
15 public to a publicly available Internet  
16 website of the Commission to view the com-  
17 ments of the members of the public received  
18 under clause (i).

19 (C) *PRELIMINARY REPORT.*—

20 (i) *IN GENERAL.*—As soon as prac-  
21 ticable after the expiration of the 120-day  
22 period beginning on the date of publication  
23 described in subparagraph (A), but in any  
24 case not later than 30 days after the expira-  
25 tion of such 120-day period, the Commis-

1            *sion shall submit to the appropriate con-*  
2            *gressional committees a preliminary report*  
3            *on the petitions for duty suspensions and*  
4            *reductions submitted under paragraph*  
5            *(1)(A). The preliminary report shall con-*  
6            *tain the following information with respect*  
7            *to each petition for a duty suspension or re-*  
8            *duction:*

9                            *(I) The heading or subheading of*  
10                           *the Harmonized Tariff Schedule of the*  
11                           *United States in which each article*  
12                           *that is the subject of the petition for*  
13                           *the duty suspension or reduction is*  
14                           *classified, as identified by documenta-*  
15                           *tion supplied to the Commission, and*  
16                           *any supporting information obtained*  
17                           *by the Commission.*

18                           *(II) A determination of whether*  
19                           *or not domestic production of the arti-*  
20                           *cle that is the subject of the petition for*  
21                           *the duty suspension or reduction exists,*  
22                           *taking into account the report of the*  
23                           *Secretary of Commerce under sub-*  
24                           *section (c)(1), and, if such production*  
25                           *exists, whether or not a domestic pro-*

1                    *ducer of the article objects to the duty*  
2                    *suspension or reduction.*

3                    *(III) Any technical changes to the*  
4                    *article description of the article that is*  
5                    *the subject of the petition for the duty*  
6                    *suspension or reduction that are nec-*  
7                    *essary for purposes of administration*  
8                    *when the article is presented for im-*  
9                    *portation, taking into account the re-*  
10                   *port of the Secretary of Commerce*  
11                   *under subsection (c)(2).*

12                   *(IV) An estimate of the amount of*  
13                   *loss in revenue to the United States*  
14                   *that would no longer be collected if the*  
15                   *duty suspension or reduction takes ef-*  
16                   *fect.*

17                   *(V) A determination of whether or*  
18                   *not the duty suspension or reduction is*  
19                   *available to any person that imports*  
20                   *the article that is the subject of the*  
21                   *duty suspension or reduction.*

22                   *(VI) The likely beneficiaries of*  
23                   *each duty suspension or reduction, in-*  
24                   *cluding whether the petitioner is a like-*  
25                   *ly beneficiary.*

1                   (ii) *CATEGORIES OF INFORMATION.*—

2                   *The preliminary report submitted under*  
3                   *clause (i) shall also contain the following*  
4                   *information:*

5                               (I) *A list of petitions for duty sus-*  
6                               *pensions and reductions that meet the*  
7                               *requirements of this Act without modi-*  
8                               *fications.*

9                               (II) *A list of petitions for duty*  
10                              *suspensions and reductions for which*  
11                              *the Commission recommends technical*  
12                              *corrections in order to meet the re-*  
13                              *quirements of this Act, with the correc-*  
14                              *tion specified.*

15                              (III) *A list of petitions for duty*  
16                              *suspensions and reductions for which*  
17                              *the Commission recommends modifica-*  
18                              *tions to the amount of the duty suspen-*  
19                              *sion or reduction that is the subject of*  
20                              *the petition to comply with the require-*  
21                              *ments of this Act, with the modifica-*  
22                              *tion specified.*

23                              (IV) *A list of petitions for duty*  
24                              *suspensions and reductions for which*  
25                              *the Commission recommends modifica-*

1            *tions to the scope of the articles that*  
2            *are the subject of such petitions to ad-*  
3            *dress objections by domestic producers*  
4            *to such petitions, with the modifica-*  
5            *tions specified.*

6            *(V) A list of the following:*

7                    *(aa) Petitions for duty sus-*  
8                    *pensions and reductions that the*  
9                    *Commission has determined do*  
10                   *not contain the information re-*  
11                   *quired under paragraph (2).*

12                   *(bb) Petitions for duty sus-*  
13                   *pensions and reductions with re-*  
14                   *spect to which the Commission*  
15                   *has determined the petitioner is*  
16                   *not a likely beneficiary.*

17            *(VI) A list of petitions for duty*  
18            *suspensions and reductions that the*  
19            *Commission does not recommend for*  
20            *inclusion in a miscellaneous tariff bill,*  
21            *other than petitions specified in sub-*  
22            *clause (V).*

23            *(D) ADDITIONAL INFORMATION.—The Com-*  
24            *mission shall consider any information sub-*  
25            *mitted by the appropriate congressional commit-*

1            *tees to the Commission relating to moving a pe-*  
2            *tition that is contained in the list referred to in*  
3            *subclause (VI) of subparagraph (C)(ii) of the*  
4            *preliminary report submitted under subpara-*  
5            *graph (C) to a list referred to in subclause (I),*  
6            *(II), (III), or (IV) of subparagraph (C)(ii).*

7            *(E) FINAL REPORT.—Not later than 60*  
8            *days after the date on which the preliminary re-*  
9            *port is submitted under subparagraph (C), the*  
10           *Commission shall submit to the appropriate con-*  
11           *gressional committees a final report on each pe-*  
12           *tition for a duty suspension or reduction speci-*  
13           *fied in the preliminary report. The final report*  
14           *shall contain with respect to each such peti-*  
15           *tion—*

16                    *(i) the information required under*  
17                    *clauses (i) and (ii) of subparagraph (C)*  
18                    *and updated as appropriate under subpara-*  
19                    *graph (D); and*

20                    *(ii) a determination of the Commission*  
21                    *whether—*

22                            *(I) the duty suspension or reduc-*  
23                            *tion can likely be administered by U.S.*  
24                            *Customs and Border Protection;*

1           (II) *the estimated loss in revenue*  
2           *to the United States from the duty sus-*  
3           *pension or reduction does not exceed*  
4           *\$500,000 in a calendar year during*  
5           *which the duty suspension or reduction*  
6           *would be in effect; and*

7           (III) *the duty suspension or re-*  
8           *duction is available to any person im-*  
9           *porting the article that is the subject of*  
10          *the duty suspension or reduction.*

11          (F) *EXCLUSIONS.—The appropriate con-*  
12          *gressional committees may exclude from a mis-*  
13          *cellaneous tariff bill any petition for a duty sus-*  
14          *pension or reduction that—*

15               (i) *is contained in any list referred to*  
16               *in subclause (I), (II), (III), or (IV) of sub-*  
17               *paragraph (C)(ii), as updated as appro-*  
18               *priate under subparagraph (E)(i);*

19               (ii) *is the subject of an objection from*  
20               *a Member of Congress; or*

21               (iii) *is for an article for which there is*  
22               *domestic production.*

23          (G) *ESTIMATES BY THE CONGRESSIONAL*  
24          *BUDGET OFFICE.—For purposes of reflecting the*  
25          *estimate of the Congressional Budget Office, the*



1           *appropriate congressional committees shall ad-*  
2           *just the amount of a duty suspension or reduc-*  
3           *tion in a miscellaneous tariff bill only to assure*  
4           *that the estimated loss in revenue to the United*  
5           *States from that duty suspension or reduction,*  
6           *as estimated by the Congressional Budget Office,*  
7           *does not exceed \$500,000 in a calendar year dur-*  
8           *ing which the duty suspension or reduction*  
9           *would be in effect.*

10           *(H) PROHIBITIONS.—Any petitions for duty*  
11           *suspensions or reductions that are contained in*  
12           *any list referred to in subclause (V) or (VI) of*  
13           *subparagraph (C)(ii), as updated as appropriate*  
14           *under subparagraph (E)(i), or have not other-*  
15           *wise undergone the processes required by this Act*  
16           *shall not be included in a miscellaneous tariff*  
17           *bill.*

18           *(4) CONFIDENTIAL BUSINESS INFORMATION.—*  
19           *The procedures concerning the release of confidential*  
20           *business information set forth in section 332(g) of the*  
21           *Tariff Act of 1930 (19 U.S.C. 1332(g)) shall apply*  
22           *with respect to information received by the Commis-*  
23           *sion in posting petitions on a publicly available*  
24           *website of the Commission and in preparing reports*  
25           *under this subsection.*

1           (5) *PROCEDURES.*—*The Commission shall pre-*  
2           *scribe and publish in the Federal Register and on a*  
3           *publicly available Internet website of the Commission*  
4           *procedures to be complied with by members of the*  
5           *public submitting petitions for duty suspensions and*  
6           *reductions under subsection (b)(1)(A).*

7           (c) *DEPARTMENT OF COMMERCE REPORT.*—*Not later*  
8           *than the end of the 90-day period beginning on the date*  
9           *of publication of the petitions for duty suspensions and re-*  
10           *ductions under subsection (b)(3)(A), the Secretary of Com-*  
11           *merce, in consultation with U.S. Customs and Border Pro-*  
12           *tection and other relevant Federal agencies, shall submit to*  
13           *the Commission and the appropriate congressional commit-*  
14           *tees a report on each petition for a duty suspension or re-*  
15           *duction submitted under subsection (b)(1)(A) that includes*  
16           *the following information:*

17           (1) *A determination of whether or not domestic*  
18           *production of the article that is the subject of the peti-*  
19           *tion for the duty suspension or reduction exists and,*  
20           *if such production exists, whether or not a domestic*  
21           *producer of the article objects to the petition for the*  
22           *duty suspension or reduction.*

23           (2) *Any technical changes to the article descrip-*  
24           *tion that are necessary for purposes of administration*  
25           *when articles are presented for importation.*

1 **SEC. 4. REPORT ON EFFECTS OF DUTY SUSPENSIONS AND**  
2 **REDUCTIONS ON UNITED STATES ECONOMY.**

3 (a) *IN GENERAL.*—Not later than 12 months after the  
4 date of the enactment of a miscellaneous tariff bill, the Com-  
5 mission shall submit to the appropriate congressional com-  
6 mittees a report on the effects on the United States economy  
7 of duty suspensions and reductions enacted pursuant to this  
8 Act, including a broad assessment of the economic effects  
9 of such duty suspensions and reductions on producers, pur-  
10 chasers, and consumers in the United States, using case  
11 studies describing such effects on selected industries or by  
12 type of article as available data permit.

13 (b) *RECOMMENDATIONS.*—The Commission shall also  
14 solicit and append to the report required under subsection  
15 (a) recommendations with respect to those domestic indus-  
16 try sectors or specific domestic industries that might benefit  
17 from permanent duty suspensions and reductions, either  
18 through a unilateral action of the United States or through  
19 negotiations for reciprocal tariff agreements, with a par-  
20 ticular focus on inequities created by tariff inversions.

21 (c) *FORM OF REPORT.*—Each report required by this  
22 section shall be submitted in unclassified form, but may in-  
23 clude a classified annex.

1 **SEC. 5. PUBLICATION OF LIMITED TARIFF BENEFITS IN THE**  
2 **HOUSE OF REPRESENTATIVES AND THE SEN-**  
3 **ATE.**

4 (a) *HOUSE OF REPRESENTATIVES.—*

5 (1) *IN GENERAL.—The chair of the Committee*  
6 *on Ways and Means of the House of Representatives*  
7 *shall include a list of limited tariff benefits contained*  
8 *in a miscellaneous tariff bill in the report to accom-*  
9 *pany such a bill or, in a case where a miscellaneous*  
10 *tariff bill is not reported by the committee, shall cause*  
11 *such a list to be printed in the appropriate section of*  
12 *the Congressional Record.*

13 (2) *LIMITED TARIFF BENEFIT DEFINED.—For*  
14 *purposes of this subsection and consistent with clause*  
15 *9 of rule XXI of the Rules of the House of Representa-*  
16 *tives, as in effect during the One Hundred Fourteenth*  
17 *Congress, the term “limited tariff benefit” means a*  
18 *provision modifying the Harmonized Tariff Schedule*  
19 *of the United States in a manner that benefits 10 or*  
20 *fewer entities.*

21 (b) *SENATE.—*

22 (1) *IN GENERAL.—The chairman of the Com-*  
23 *mittee on Finance of the Senate, the Majority Leader*  
24 *of the Senate, or the designee of the Majority Leader*  
25 *of the Senate, shall provide for the publication in the*  
26 *Congressional Record of a certification that—*

1           (A) each limited tariff benefit contained in  
2           a miscellaneous tariff bill considered in the Sen-  
3           ate has been identified through lists, charts, or  
4           other similar means; and

5           (B) the information identified in subpara-  
6           graph (A) has been available on a publicly acces-  
7           sible congressional website in a searchable format  
8           at least 48 hours before the vote on the motion  
9           to proceed to the miscellaneous tariff bill or the  
10          vote on the adoption of a report of a committee  
11          of conference in connection with the miscella-  
12          neous tariff bill, as the case may be.

13          (2) *SATISFACTION OF SENATE RULES.*—Publica-  
14          tion of a certification in the Congressional Record  
15          under paragraph (1) satisfies the certification re-  
16          quirements of paragraphs 1(a), 2(a), and 3(a) of rule  
17          XLIV of the Standing Rules of the Senate.

18          (3) *LIMITED TARIFF BENEFIT DEFINED.*—For  
19          purposes of this subsection and consistent with rule  
20          XLIV of the Standing Rules of the Senate, as in effect  
21          during the One Hundred Fourteenth Congress, the  
22          term “limited tariff benefit” means a provision modi-  
23          fying the Harmonized Tariff Schedule of the United  
24          States in a manner that benefits 10 or fewer entities.

1       (c) *ENACTMENT AS EXERCISE OF RULEMAKING*  
2 *POWER OF HOUSE OF REPRESENTATIVES AND SENATE.—*

3 *This section is enacted by Congress—*

4           (1) *as an exercise of the rulemaking power of the*  
5 *House of Representatives and the Senate, respectively,*  
6 *and as such are deemed a part of the rules of each*  
7 *House, respectively, and such procedures supersede*  
8 *other rules only to the extent that they are incon-*  
9 *sistent with such other rules; and*

10          (2) *with full recognition of the constitutional*  
11 *right of either House to change the rules (so far as re-*  
12 *lating to the procedure of that House) at any time,*  
13 *in the same manner, and to the same extent as in the*  
14 *case of any other rule of that House.*

15 **SEC. 6. JUDICIAL REVIEW PRECLUDED.**

16       *The exercise of functions under this Act shall not be*  
17 *subject to judicial review.*

18 **SEC. 7. DEFINITIONS.**

19       *In this Act:*

20           (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
21 *TEES.—The term “appropriate congressional commit-*  
22 *tees” means the Committee on Ways and Means of the*  
23 *House of Representatives and the Committee on Fi-*  
24 *nance of the Senate.*

1           (2) *COMMISSION.*—*The term “Commission”*  
2           *means the United States International Trade Com-*  
3           *mission.*

4           (3) *COMMISSION DISCLOSURE FORM.*—*The term*  
5           *“Commission disclosure form” means, with respect to*  
6           *a petition for a duty suspension or reduction, a docu-*  
7           *ment submitted by a petitioner to the Commission*  
8           *that contains the following:*

9                   (A) *The contact information for any known*  
10                  *importers of the article to which the proposed*  
11                  *duty suspension or reduction would apply.*

12                  (B) *A certification by the petitioner that the*  
13                  *proposed duty suspension or reduction is avail-*  
14                  *able to any person importing the article to which*  
15                  *the proposed duty suspension or reduction would*  
16                  *apply.*

17                  (C) *A certification that the petitioner is a*  
18                  *likely beneficiary of the proposed duty suspen-*  
19                  *sion or reduction.*

20           (4) *DOMESTIC PRODUCER.*—*The term “domestic*  
21           *producer” means a person that demonstrates produc-*  
22           *tion, or imminent production, in the United States of*  
23           *an article that is identical to, or like or directly com-*  
24           *petitive with, an article to which a petition for a*  
25           *duty suspension or reduction would apply.*

1           (5) *DOMESTIC PRODUCTION*.—The term “domes-  
2           tic production” means the production of an article  
3           that is identical to, or like or directly competitive  
4           with, an article to which a petition for a duty sus-  
5           pension or reduction would apply, for which a domes-  
6           tic producer has demonstrated production, or immi-  
7           nent production, in the United States.

8           (6) *DUTY SUSPENSION OR REDUCTION*.—The  
9           term “duty suspension or reduction” refers to an  
10          amendment to subchapter II of chapter 99 of the Har-  
11          monized Tariff Schedule of the United States for a pe-  
12          riod not to exceed 3 years that—

13                 (A) extends an existing temporary duty sus-  
14                 pension or reduction on an article under that  
15                 subchapter; or

16                 (B) provides for a new temporary duty sus-  
17                 pension or reduction on an article under that  
18                 subchapter.

19          (7) *LIKELY BENEFICIARY*.—The term “likely ben-  
20          eficiary” means an individual or entity likely to uti-  
21          lize, or benefit directly from the utilization of, an ar-  
22          ticle that is the subject of a petition for a duty sus-  
23          pension or reduction.



1           (8) *MEMBER OF CONGRESS.*—The term “Member  
2 of Congress” means a Senator or Representative in,  
3 or Delegate or Resident Commissioner to, Congress.

4           (9) *MISCELLANEOUS TARIFF BILL.*—The term  
5 “miscellaneous tariff bill” means a bill of either  
6 House of Congress that contains only duty suspen-  
7 sions and reductions and related technical corrections  
8 that—

9           (A) are included in the final report of the  
10 Commission submitted to the appropriate con-  
11 gressional committees under section 3(b)(3)(E),  
12 except for—

13           (i) petitions for duty suspensions or re-  
14 ductions that the Commission has deter-  
15 mined do not contain the information re-  
16 quired under section 3(b)(2);

17           (ii) petitions for duty suspensions and  
18 reductions with respect to which the Com-  
19 mission has determined the petitioner is not  
20 a likely beneficiary; and

21           (iii) petitions for duty suspensions and  
22 reductions that the Commission does not  
23 recommend for inclusion in the miscella-  
24 neous tariff bill;

1                    (B) are not excluded under section  
2                    3(b)(3)(F); and  
3                    (C) otherwise meet the applicable require-  
4                    ments of this Act.



Union Calendar No. 399

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4923**

[Report No. 114-519, Part I]

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## **A BILL**

To establish a process for the submission and consideration of petitions for temporary duty suspensions and reductions, and for other purposes.

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APRIL 25, 2016

Reported from the Committee on Ways and Means with  
an amendment

APRIL 25, 2016

The Committee on Rules discharged; committed to the  
Committee of the Whole House on the State of the  
Union and ordered to be printed