

117TH CONGRESS
1ST SESSION

H. R. 6121

To improve the administration of antidumping and countervailing duty laws.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2021

Ms. SEWELL (for herself and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To improve the administration of antidumping and
countervailing duty laws.

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 “Eliminating Global Market Distortions to Protect Amer-
6 ican Jobs Act of 2021”.

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

Sec. 1. Short title; table of contents.

TITLE I—SUCCESSIVE INVESTIGATIONS

- Sec. 101. Establishment of special rules for determination of material injury in the case of successive antidumping and countervailing duty investigations.
- Sec. 102. Initiation of successive antidumping and countervailing duty investigations.
- Sec. 103. Issuance of determinations with respect to successive antidumping and countervailing duty investigations.

TITLE II—RESPONDING TO MARKET DISTORTIONS

- Sec. 201. Addressing cross-border subsidies in countervailing duty investigations.
- Sec. 202. Modification of definition of ordinary course of trade to specify that an insufficient quantity of foreign like products constitutes a situation outside the ordinary course of trade.
- Sec. 203. Modification of adjustments to export price and constructed export price with respect to duty drawback.
- Sec. 204. Modification of determination of constructed value to include distortions of costs that occur in foreign countries.
- Sec. 205. Special rules for calculation of cost of production and constructed value to address distorted costs.

TITLE III—PREVENTING CIRCUMVENTION

- Sec. 301. Modification of requirements in circumvention inquiries.
- Sec. 302. Requirement of provision by importer of certification by importer or other party.
- Sec. 303. Clarification of authority for Department of Commerce regarding determinations of class or kind of merchandise.
- Sec. 304. Asset requirements applicable to nonresident importers.

TITLE IV—COUNTERING CURRENCY UNDERVALUATION

- Sec. 401. Investigation or review of currency undervaluation under countervailing duty law.
- Sec. 402. Determination of benefit with respect to currency undervaluation.

TITLE V—PREVENTING DUTY EVASION

- Sec. 501. Limitation on protest against decisions of U.S. Customs and Border Protection of claims of evasion of antidumping and countervailing duty orders.
- Sec. 502. Procedures for investigating claims of evasion of safeguard actions.
- Sec. 503. Application of provisions relating to certain proprietary information.

TITLE VI—GENERAL PROVISIONS

- Sec. 601. Application to Canada and Mexico.
- Sec. 602. Repeal of the Softwood Lumber Act of 2008.
- Sec. 603. Effective date.

1 **TITLE I—SUCCESSIVE**
2 **INVESTIGATIONS**

3 **SEC. 101. ESTABLISHMENT OF SPECIAL RULES FOR DETER-**
4 **MINATION OF MATERIAL INJURY IN THE**
5 **CASE OF SUCCESSIVE ANTIDUMPING AND**
6 **COUNTERVAILING DUTY INVESTIGATIONS.**

7 (a) IN GENERAL.—Section 771(7) of the Tariff Act
8 of 1930 (19 U.S.C. 1677(7)) is amended—

9 (1) by redesignating subparagraphs (E)
10 through (J) as subparagraphs (F) through (K), re-
11 spectively;

12 (2) in subparagraph (I), as redesignated by
13 paragraph (1)—

14 (A) by striking “subparagraph (G)(ii)” and
15 inserting “subparagraph (H)(ii)”; and

16 (B) by striking “subparagraph (F)” and
17 inserting “subparagraph (G)”; and

18 (3) by inserting after subparagraph (D) the fol-
19 lowing:

20 “(E) SPECIAL RULES FOR SUCCESSIVE IN-
21 VESTIGATIONS.—

22 “(i) IN GENERAL.—

23 “(I) EVALUATION OF IMPACT ON
24 DOMESTIC INDUSTRY.—In evaluating
25 the impact of imports of the merchan-

1 dise on producers of domestic like
2 products under subparagraph (C)(iii),
3 the Commission shall—

4 “(aa) consider the condition
5 of the domestic industry as found
6 in a recently completed investiga-
7 tion;

8 “(bb) consider the effect of
9 a concurrent investigation or re-
10 cently completed investigation on
11 trade and the financial perform-
12 ance of the domestic industry;
13 and

14 “(cc) take into account the
15 considerations described in items
16 (aa) and (bb), include in the
17 record any prior injury deter-
18 minations by the Commission
19 with respect to imports of the
20 merchandise.

21 “(II) EFFECT OF RECENT IM-
22 PROVEMENT ON MATERIAL INJURY
23 DETERMINATION.—For the purposes
24 of this subparagraph, the Commission
25 may not find that there is no material

1 injury or threat of material injury to
2 a domestic industry solely based on
3 recent improvements in the industry's
4 performance, such as an increase in
5 sales, market share, or profitability of
6 domestic producers, that are related
7 to relief granted pursuant to a con-
8 current investigation or recently com-
9 pleted investigation.

10 “(ii) RETROACTIVE APPLICATION OF
11 FINAL DETERMINATION.—In making any
12 finding under section 705(b)(4)(A) or
13 735(b)(4)(A) in a successive investigation,
14 the Commission shall determine that a
15 concurrent investigation or recently com-
16 pleted investigation contributes to the like-
17 lihood that the remedial effect of the coun-
18 tervailing duty order to be issued under
19 section 706 or the antidumping duty order
20 to be issued under section 736 will be seri-
21 ously undermined.”.

22 (b) DEFINITIONS.—Section 771 of the Tariff Act of
23 1930 (19 U.S.C. 1677) is amended by adding at the end
24 the following:

1 “(37) TREATMENT OF SUCCESSIVE INVESTIGA-
2 TIONS.—For purposes of sections 702(f), 732(f),
3 and 784, as well as paragraph (7)(E) of this section:

4 “(A) CONCURRENT INVESTIGATION.—The
5 term ‘concurrent investigation’ means an ongoing
6 investigation in which an affirmative deter-
7 mination under section 703(a) or 733(a) has
8 been made by the Commission with respect to
9 imports of a same class or kind of merchandise
10 that are the same or similar to imports of a
11 same class or kind of merchandise from another
12 country that are the subject of a successive in-
13 vestigation.

14 “(B) RECENTLY COMPLETED INVESTIGA-
15 TION.—The term ‘recently completed investiga-
16 tion’ means a completed investigation in which
17 an affirmative determination under section
18 705(b) or 735(b) was issued by the Commission
19 with respect to imports of a class or kind of
20 merchandise that are the same or similar to im-
21 ports of a class or kind of merchandise from
22 another country that are the subject of a suc-
23 cessive investigation not more than 2 years be-
24 fore the date of initiation of the successive in-
25 vestigation.

1 “(C) SUCCESSIVE INVESTIGATION.—The
2 term ‘successive investigation’ means an inves-
3 tigation that has been initiated by the admin-
4 istering authority following a petition filed pur-
5 suant to section 702(f) or 732(f).”.

6 **SEC. 102. INITIATION OF SUCCESSIVE ANTIDUMPING AND**
7 **COUNTERVAILING DUTY INVESTIGATIONS.**

8 (a) COUNTERVAILING DUTY INVESTIGATION.—Sec-
9 tion 702 of the Tariff Act of 1930 (19 U.S.C. 1671a) is
10 amended by adding at the end the following:

11 “(f) INITIATION BY ADMINISTERING AUTHORITY OF
12 SUCCESSIVE COUNTERVAILING DUTY INVESTIGATION.—

13 A successive investigation shall be initiated—

14 “(1) under subsection (a), if—

15 “(A) the requirements under that sub-
16 section are met with respect to imports of a
17 class or kind of merchandise; and

18 “(B) imports of the same or similar class
19 or kind of merchandise from another country
20 are or have been the subject of a concurrent in-
21 vestigation or recently completed investigation;

22 or

23 “(2) under subsection (b), if—

24 “(A) the determinations under clauses (i)
25 and (ii) of subsection (c)(1)(A) are affirmative

1 with respect to imports of a class or kind of
2 merchandise; and

3 “(B) imports of the same or similar class
4 or kind of merchandise from another country
5 are or have been the subject of a concurrent in-
6 vestigation or recently completed investiga-
7 tion.”.

8 (b) ANTIDUMPING DUTY INVESTIGATION.—Section
9 732 of the Tariff Act of 1930 (19 U.S.C. 1673a) is
10 amended by adding at the end the following:

11 “(f) INITIATION BY ADMINISTERING AUTHORITY OF
12 SUCCESSIVE ANTIDUMPING DUTY INVESTIGATION.—A
13 successive investigation shall be initiated—

14 “(1) under subsection (a), if—

15 “(A) the requirements under that sub-
16 section are met with respect to imports of a
17 class or kind of merchandise; and

18 “(B) imports of the same or similar class
19 or kind of merchandise from another country
20 are or have been the subject of a concurrent in-
21 vestigation or recently completed investigation;
22 or

23 “(2) under subsection (b), if—

24 “(A) the determinations under clauses (i)
25 and (ii) of subsection (c)(1)(A) are affirmative

1 with respect to imports of a class or kind of
2 merchandise; and

3 “(B) imports of the same or similar class
4 or kind of merchandise from another country
5 are or have been the subject of a concurrent in-
6 vestigation or recently completed investiga-
7 tion.”.

8 **SEC. 103. ISSUANCE OF DETERMINATIONS WITH RESPECT**
9 **TO SUCCESSIVE ANTIDUMPING AND COUN-**
10 **TERVAILING DUTY INVESTIGATIONS.**

11 (a) IN GENERAL.—Subtitle D of title VII of the Tar-
12 iff Act of 1930 (19 U.S.C. 1677 et seq.) is amended by
13 adding at the end the following:

14 **“SEC. 784. DETERMINATIONS RELATING TO SUCCESSIVE IN-**
15 **VESTIGATIONS.**

16 “(a) IN GENERAL.—Notwithstanding any other pro-
17 vision of this title, the administering authority—

18 “(1) with respect to a successive investigation
19 under section 702(f)—

20 “(A) shall issue a preliminary determina-
21 tion under section 703(b) not later than 85
22 days after initiating the investigation;

23 “(B) may not postpone under section
24 703(c) such deadline for the issuance of a pre-

1 liminary determination unless requested by the
2 petitioner;

3 “(C) shall obtain the information required
4 for a determination under section 703(e);

5 “(D) shall make a determination under
6 section 703(e) with respect to the investigation;

7 “(E) shall issue a final determination
8 under section 705(a) not later than 75 days
9 after issuing the preliminary determination
10 under subparagraph (A); and

11 “(F) shall extend the date of the final de-
12 termination under section 705(a) if requested
13 by the petitioner; and

14 “(2) with respect to a successive investigation
15 under section 732(f)—

16 “(A) shall issue a preliminary determina-
17 tion under section 733(b) not later than 140
18 days after initiating the investigation;

19 “(B) may not postpone under section
20 733(c) such deadline for the issuance of a pre-
21 liminary determination unless requested by the
22 petitioner;

23 “(C) shall obtain the information required
24 for a determination under section 733(e);

1 “(D) shall make a determination under
2 section 733(e) with respect to the investigation;

3 “(E) shall issue a final determination
4 under section 735(a) not later than 75 days
5 after issuing the preliminary determination
6 under subparagraph (A); and

7 “(F) may extend the date of the final de-
8 termination under section 735(a)(2).”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 for the Tariff Act of 1930 is amended by inserting after
11 the item relating to section 783 the following:

 “Sec. 784. Determinations relating to successive investigations.”.

12 **TITLE II—RESPONDING TO**
13 **MARKET DISTORTIONS**

14 **SEC. 201. ADDRESSING CROSS-BORDER SUBSIDIES IN**
15 **COUNTERVAILING DUTY INVESTIGATIONS.**

16 (a) IN GENERAL.—Section 701(d) of the Tariff Act
17 of 1930 (19 U.S.C. 1671(d)) is amended—

18 (1) in the subsection heading, by striking
19 “INTERNATIONAL CONSORTIA” and inserting “SPE-
20 CIAL RULES”;

21 (2) by striking “For purposes” and inserting
22 the following:

23 “(1) INTERNATIONAL CONSORTIA AND MULTI-
24 NATIONAL CORPORATIONS.—For purposes”;

1 (3) in paragraph (1), as so designated, by in-
2 serting after “in their respective home countries,”
3 the following: “or multinational corporations that
4 are engaged in the production of subject merchan-
5 dise receive countervailable subsidies to assist, per-
6 mit, or otherwise enable their production or manu-
7 facturing operations in the country in which the
8 class or kind of merchandise is produced, exported,
9 or sold (or likely to be sold) for importation into the
10 United States,”; and

11 (4) by adding at the end the following:

12 “(2) TRANSNATIONAL SUBSIDIES.—

13 “(A) IN GENERAL.—For purposes of this
14 subtitle, if there is a countervailable subsidy
15 conferred by a government of a country or any
16 public entity within the territory of a country
17 that is not the country in which the class or
18 kind of merchandise is produced, exported, or
19 sold (or likely to be sold) for importation into
20 the United States and the government of the
21 country or any public entity within the territory
22 of the country in which the class or kind of
23 merchandise is produced, exported, or sold (or
24 likely to be sold) for importation into the
25 United States (hereafter in this subparagraph

1 referred to as the ‘subject merchandise coun-
2 try’) facilitates the provision of such subsidy,
3 then the administering authority shall treat the
4 subsidy as having been provided by the govern-
5 ment of the subject merchandise country or a
6 public entity within the territory of the subject
7 merchandise country and shall cumulate all
8 such countervailable subsidies, as well as
9 countervailable subsidies provided directly or in-
10 directly by the government or any public entity
11 within the territory of the subject merchandise
12 country.

13 “(B) APPLICATION.—This paragraph shall
14 be applied in a manner consistent with the
15 international obligations of the United States.”.

16 (b) DEFINITIONS.—Subtitle D of title VII of the Tar-
17 iff Act of 1930 is amended as follows:

18 (1) In section 771 (19 U.S.C. 1677)—

19 (A) in paragraph (5A)—

20 (i) in subparagraph (A), by striking
21 “pursuant to subparagraph (D)” and in-
22 serting “pursuant to subparagraph (E)”;

23 (ii) by redesignating subparagraph
24 (D) as subparagraph (E); and

1 (iii) by inserting after subparagraph
2 (C) the following:

3 “(D) TRANSNATIONAL SUBSIDY.—In de-
4 termining whether a transnational subsidy, in-
5 cluding subsidies described in subparagraph (B)
6 or (C) is a specific subsidy, in law or in fact,
7 the administering authority shall examine the
8 subsidy practice of the government or public en-
9 tity that conferred the subsidy.”;

10 (B) in paragraph (9)—

11 (i) in subparagraph (F), by striking
12 “and” at the end;

13 (ii) in subparagraph (G), by striking
14 the period at the end and inserting “and”;
15 and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(H) in any investigation under subtitle A
19 involving a transnational subsidy, the govern-
20 ment of the country that confers the
21 transnational subsidy.”; and

22 (C) by adding at the end the following:

23 “(37) TRANSNATIONAL SUBSIDY.—The term
24 ‘transnational subsidy’, with respect to subject mer-
25 chandise, means a subsidy conferred by a country

1 that is not the country in which the class or kind of
2 merchandise is produced, exported, or sold (or likely
3 to be sold) for importation into the United States to
4 the producer, exporter, or supplier of the producer
5 or exporter, of the subject merchandise.

6 “(38) MULTINATIONAL CORPORATION.—The
7 term ‘multinational corporation’ means a person,
8 firm, or corporation which owns or controls, directly
9 or indirectly, facilities for the production of subject
10 merchandise in two or more foreign countries.”.

11 (2) In section 771A(a)(1), by striking “in the
12 same country as the authority”.

13 **SEC. 202. MODIFICATION OF DEFINITION OF ORDINARY**
14 **COURSE OF TRADE TO SPECIFY THAT AN IN-**
15 **SUFFICIENT QUANTITY OF FOREIGN LIKE**
16 **PRODUCTS CONSTITUTES A SITUATION OUT-**
17 **SIDE THE ORDINARY COURSE OF TRADE.**

18 Section 771(15) of the Tariff Act of 1930 (19 U.S.C.
19 1677(15)) is amended by adding at the end the following:

20 “(D) Situations in which the quantity of a
21 foreign like product selected for comparison
22 under paragraph (16) is insufficient to establish
23 that the conditions and practices associated
24 with such sales have been normal in the trade
25 under consideration for a reasonable period of

1 time prior to the exportation of the subject
2 merchandise, and permit a proper comparison
3 to the export price or constructed export
4 price.”.

5 **SEC. 203. MODIFICATION OF ADJUSTMENTS TO EXPORT**
6 **PRICE AND CONSTRUCTED EXPORT PRICE**
7 **WITH RESPECT TO DUTY DRAWBACK.**

8 Section 772(c)(1)(B) of the Tariff Act of 1930 (19
9 U.S.C. 1677a(c)(1)(B)) is amended—

10 (1) by striking “any”; and

11 (2) by inserting after “United States” the fol-
12 lowing: “, but that amount shall not exceed the per
13 unit amount of such duties contained in the weight-
14 ed average cost of production”.

15 **SEC. 204. MODIFICATION OF DETERMINATION OF CON-**
16 **STRUCTED VALUE TO INCLUDE DISTORTIONS**
17 **OF COSTS THAT OCCUR IN FOREIGN COUN-**
18 **TRIES.**

19 (a) IN GENERAL.—Section 773(b)(3) of the Tariff
20 Act of 1930 (19 U.S.C. 1677b(b)(3)) is amended—

21 (1) in subparagraph (A), by striking “business”
22 and inserting “trade”; and

23 (2) in the matter following subparagraph (C),
24 by inserting before “For purposes” the following:
25 “For purposes of subparagraph (A), if a particular

1 market situation exists such that the cost of mate-
2 rials and fabrication or other processing of any kind
3 does not accurately reflect the cost of production in
4 the ordinary course of trade, the administering au-
5 thority may use another calculation methodology
6 under this subtitle or any other calculation method-
7 ology.”.

8 (b) MODIFICATION OF DEFINITION OF ORDINARY
9 COURSE OF TRADE TO INCLUDE ADJUSTED COSTS.—
10 Section 771(15)(C) of the Tariff Act of 1930 (19 U.S.C.
11 1677(15)(C)) is amended—

12 (1) by striking “that the particular market situ-
13 ation prevents” and inserting “that a particular
14 market situation exists that—

15 “(i) prevents”;

16 (2) in clause (i), as designated by paragraph
17 (1), by striking the period at the end and inserting
18 “, relating to normal value determined under sub-
19 section (a) of section 773; or”; and

20 (3) by adding at the end the following:

21 “(ii) distorts certain costs of produc-
22 tion, relating to normal value determined
23 under subsections (b) and (e) of section
24 773.”.

1 **SEC. 205. SPECIAL RULES FOR CALCULATION OF COST OF**
2 **PRODUCTION AND CONSTRUCTED VALUE TO**
3 **ADDRESS DISTORTED COSTS.**

4 (a) IN GENERAL.—Section 773(f)(3) of the Tariff
5 Act of 1930 (19 U.S.C. 1677b(f)(3)) is amended—

6 (1) by striking “(3) MAJOR INPUT RULE.—If”
7 inserting the following:

8 “(3) MAJOR INPUT RULE.—

9 “(A) IN GENERAL.—If”; and

10 (2) by adding at the end of the following:

11 “(B) MAJOR INPUTS FROM CERTAIN UNAF-
12 FILIATED PERSONS.—

13 “(i) IN GENERAL.—In the case of a
14 transaction between the exporter or pro-
15 ducer of the merchandise and any unaffili-
16 ated persons described in clause (ii) involv-
17 ing a major input to the merchandise, the
18 administering authority may value such
19 major input based on the information
20 available as to what the amount would
21 have been if the transaction had occurred
22 between the exporter or producer of the
23 merchandise and any unaffiliated persons
24 other than unaffiliated persons described
25 in clause (ii), if such amount is greater

1 than that reflected in the records of the ex-
2 porter or producer of the merchandise.

3 “(ii) UNAFFILIATED PERSONS DE-
4 SCRIBED.—Unaffiliated persons described
5 in this clause include—

6 “(I) any person in a nonmarket
7 economy country;

8 “(II) any producer, exporter, or
9 supplier of the input described in
10 clause (i) found by the administering
11 authority, or by any investigating au-
12 thority of a third country, to be re-
13 ceiving a subsidy pertaining to an
14 identical or comparable input in the
15 respective country;

16 “(III) any producer, exporter, or
17 supplier of the input described in
18 clause (i) found by the administering
19 authority, or by any investigating au-
20 thority of a third country, to be sell-
21 ing an identical or comparable input
22 for less than fair market value in the
23 respective country;

24 “(IV) a government or public
25 body operating within the territory of

1 the exporting country or in any other
2 country; or

3 “(V) a group of governments or
4 public bodies that collectively account
5 for a meaningful share of the produc-
6 tion of the input in the exporting
7 country or in any other country.”.

8 **TITLE III—PREVENTING**
9 **CIRCUMVENTION**

10 **SEC. 301. MODIFICATION OF REQUIREMENTS IN CIR-**
11 **CUMVENTION INQUIRIES.**

12 (a) IN GENERAL.—Section 781 of the Tariff Act of
13 1930 (19 U.S.C. 1677j) is amended by striking subsection
14 (f) and inserting the following:

15 “(f) PROCEDURES FOR CONDUCTING CIRCUMVEN-
16 TION INQUIRIES.—

17 “(1) INITIATION BY ADMINISTERING AUTHOR-
18 ITY.—A circumvention inquiry shall be initiated
19 whenever the administering authority determines,
20 from information available to it, that a formal in-
21 quiry is warranted into the question of whether the
22 elements necessary for a determination under this
23 section exist.

24 “(2) INITIATION BY INQUIRY REQUEST.—

1 “(A) IN GENERAL.—A circumvention in-
2 quiry shall be initiated whenever an interested
3 party files an inquiry request that alleges the
4 elements necessary for a determination under
5 this section, accompanied by information rea-
6 sonably available to the requestor supporting
7 those allegations.

8 “(B) RULES.—The administering author-
9 ity shall specify requirements for the contents
10 and service of an inquiry request under sub-
11 paragraph (A).

12 “(3) ACTION WITH RESPECT TO INQUIRY RE-
13 QUEST.—

14 “(A) IN GENERAL.—Not later than 30
15 days after the filing of an inquiry request under
16 paragraph (2)(A), the administering authority
17 shall—

18 “(i) initiate a circumvention inquiry;

19 “(ii) dismiss the inquiry request as in-
20 adequate and notify the requestor in writ-
21 ing of the reasons for the dismissal; or

22 “(iii) notify all interested parties that
23 the inquiry request will be addressed
24 through a determination (other than a de-
25 termination under this section) by the ad-

1 ministering authority as to whether a par-
2 ticular type of merchandise is within the
3 class or kind of merchandise described in
4 an existing finding of dumping or an anti-
5 dumping or countervailing duty order.

6 “(B) EXTENSION.—The administering au-
7 thority may extend the deadline under subpara-
8 graph (A) by a period not to exceed 15 days.

9 “(4) DETERMINATIONS.—

10 “(A) PRELIMINARY DETERMINATIONS.—

11 “(i) IN GENERAL.—Except as pro-
12 vided in clause (ii), not later than 90 days
13 after the date on which the initiation of a
14 circumvention inquiry under paragraph (1)
15 or (3)(A) is published, the administering
16 authority shall make a preliminary deter-
17 mination, based on the information avail-
18 able to it at the time of the determination,
19 of whether there is a reasonable basis to
20 believe or suspect that the merchandise
21 subject to the inquiry is circumventing an
22 existing finding of dumping or an anti-
23 dumping or countervailing duty order.

24 “(ii) EXTENSION.—The administering
25 authority may extend the deadline under

1 clause (i) by a period not to exceed 45
2 days.

3 “(B) FINAL DETERMINATIONS.—

4 “(i) IN GENERAL.—Except as pro-
5 vided in clause (ii), not later than 120
6 days after the date on which the prelimi-
7 nary determination is published under sub-
8 paragraph (A) with respect to a circumven-
9 tion inquiry, the administering authority
10 shall make a final determination of wheth-
11 er the merchandise subject to the inquiry
12 is circumventing an existing finding of
13 dumping or an antidumping or counter-
14 vailing duty order.

15 “(ii) EXTENSION.—The administering
16 authority may extend the deadline under
17 clause (i) by a period not to exceed 60
18 days.

19 “(C) OTHER CLASS OR KIND DETERMINA-
20 TIONS.—If an inquiry request under paragraph
21 (2)(A) is addressed through a class or kind de-
22 termination described in paragraph (3)(C), the
23 administering authority shall make such deter-
24 mination not later than 335 days after the fil-
25 ing of the inquiry request.

1 “(5) RULE OF CONSTRUCTION.—The admin-
2 istering authority may simultaneously initiate a cir-
3 cumvention inquiry under paragraph (1) or (3)(A)
4 and issue a preliminary determination under para-
5 graph (4)(A) if the pattern of circumvention alleged
6 is similar to that of a prior final determination by
7 the administering authority.”.

8 (b) SUSPENSION OF LIQUIDATION AND COLLECTION
9 OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION
10 INQUIRY; APPLICATION OF CIRCUMVENTION DETERMINA-
11 TION.—Section 781 of the Tariff Act of 1930 (19 U.S.C.
12 1677j) is further amended by adding at the end the fol-
13 lowing:

14 “(g) SUSPENSION OF LIQUIDATION AND COLLECTION
15 OF DEPOSITS OF ENTRIES SUBJECT TO CIRCUMVENTION
16 INQUIRY.—

17 “(1) IN GENERAL.—If the administering au-
18 thority initiates a circumvention inquiry under para-
19 graph (1) or (3)(A) of subsection (f), for each unliq-
20 uidated entry of merchandise subject to the cir-
21 cumvention inquiry entered or withdrawn from ware-
22 house, that is already suspended, the administering
23 authority shall order—

24 “(A) the continued suspension of liquida-
25 tion of such entries; and

1 “(B) the continued posting of a cash de-
2 posit in an amount equal to the antidumping
3 duty or countervailing duty applicable for such
4 entries.

5 “(2) PRELIMINARY DETERMINATION.—If the
6 administering authority issues a preliminary affirm-
7 ative determination under paragraph (4)(A) of sub-
8 section (f), the administering authority shall order—

9 “(A) the suspension, or continued suspen-
10 sion, of liquidation of all entries of merchandise
11 subject to the circumvention inquiry entered, or
12 withdrawn from warehouse, for consumption on
13 or after the date of publication of the notice of
14 initiation of circumvention inquiry under para-
15 graph (1) or (3)(A) of subsection (f);

16 “(B) the suspension, or continued suspen-
17 sion, of liquidation of all entries of merchandise
18 subject to the circumvention inquiry entered, or
19 withdrawn from warehouse, for consumption
20 prior to the date of publication of the notice of
21 initiation of circumvention inquiry under para-
22 graph (1) or (3)(A) of subsection (f) if the ad-
23 ministering authority determines, in light of the
24 circumstances, that such suspension under this
25 paragraph is warranted; and

1 “(C) the posting, or continued posting, of
2 a cash deposit in an amount equal to the anti-
3 dumping duty or countervailing duty applicable,
4 for each entry of merchandise described in sub-
5 paragraphs (A) and (B).

6 “(3) FINAL DETERMINATION.—If the admin-
7 istering authority issues a final affirmative deter-
8 mination under paragraph (4)(B) of subsection (f),
9 the administering authority shall order—

10 “(A) the suspension, or continued suspen-
11 sion, of liquidation of all entries of merchandise
12 subject to the circumvention inquiry entered, or
13 withdrawn from warehouse, for consumption on
14 or after the date of publication of the notice of
15 initiation of circumvention inquiry under para-
16 graph (1) or (3)(A) of subsection (f);

17 “(B) the suspension, or continued suspen-
18 sion, of liquidation of all entries of merchandise
19 subject to the circumvention inquiry entered, or
20 withdrawn from warehouse, for consumption
21 prior to the date of publication of the notice of
22 initiation of circumvention inquiry under para-
23 graph (1) or (3)(A) of subsection (f) if the ad-
24 ministering authority determines, in light of the

1 circumstances, that such suspension under this
2 paragraph is warranted; and

3 “(C) the posting, or continued posting, of
4 a cash deposit in an amount equal to the anti-
5 dumping duty or countervailing duty applicable,
6 for each entry of merchandise described in sub-
7 paragraphs (A) and (B).

8 “(4) RULE OF CONSTRUCTION.—Nothing in
9 this section shall be construed to prevent the admin-
10 istering authority from applying the requirements
11 under this subsection in a class or kind determina-
12 tion described in subsection (f)(3)(C).

13 “(h) APPLICATION OF CIRCUMVENTION DETERMINA-
14 TION.—

15 “(1) IN GENERAL.—The administering author-
16 ity shall consider the appropriate remedy to address
17 circumvention and to prevent evasion of the order
18 pursuant to a determination described in subsections
19 (4)(f)(A) and (B). Such remedies may include the
20 following:

21 “(A) The application of the determination
22 on a producer-specific, exporter-specific, im-
23 porter-specific basis, or some combination
24 thereof, and, as appropriate, the implementa-

1 tion of a certification requirement under section
2 785.

3 “(B) The application of the determination
4 on a countrywide basis to all products from the
5 same country, regardless of producer, exporter,
6 or importer of those products, and, as appro-
7 priate, the implementation of a certification re-
8 quirement under section 785.

9 “(2) EXEMPTION FOR CERTIFICATION.—When
10 a certification requirement is implemented under
11 this paragraph and the eligible importer or other
12 party complies with that requirement, antidumping
13 and countervailing duties under this title may not be
14 applied to the merchandise under certification.”.

15 (c) PUBLICATION IN THE FEDERAL REGISTER.—Sec-
16 tion 777(i) of the Tariff Act of 1930 is amended by adding
17 at the end the following:

18 “(4) CIRCUMVENTION INQUIRIES.—Whenever
19 the administering authority makes a determination
20 under section 781 whether to initiate a circumven-
21 tion inquiry, or makes a preliminary or final deter-
22 mination under subsection (f)(4) of that section, the
23 administering authority shall publish the facts and
24 conclusions supporting that determination and shall

1 publish notice of that determination in the Federal
2 Register.”.

3 (d) ADDING VERIFICATION RESPONSES IN CIR-
4 CUMVENTION INQUIRIES.—Section 782(i) of the Tariff
5 Act of 1930 (19 U.S.C. 1677m(i)) is amended—

6 (1) in paragraph (2), by striking “and” at the
7 end;

8 (2) in paragraph (3)(B), by striking the period
9 at the end and inserting “, and”; and

10 (3) by adding at the end the following:

11 “(4) a final determination in a circumvention
12 inquiry conducted pursuant to section 781 if good
13 cause for verification is shown.”.

14 **SEC. 302. REQUIREMENT OF PROVISION BY IMPORTER OF**
15 **CERTIFICATION BY IMPORTER OR OTHER**
16 **PARTY.**

17 (a) IN GENERAL.—Subtitle D of title VII of the Tar-
18 iff Act of 1930 (19 U.S.C. 1677 et seq.), as amended by
19 section 103(a), is further amended by adding at the end
20 the following:

21 **“SEC. 785. REQUIREMENT FOR CERTIFICATION BY IM-**
22 **PORTER OR OTHER PARTY.**

23 “(a) REQUIREMENT.—

24 “(1) IN GENERAL.—For imports of merchan-
25 dise into the customs territory of the United States,

1 the administering authority may require an importer
2 or other party—

3 “(A) to provide by electronic means, at the
4 time of entry or with the entry summary, a cer-
5 tification described in paragraph (2);

6 “(B) to maintain that certification; or

7 “(C) to otherwise demonstrate compliance
8 with the requirements for that certification.

9 “(2) CERTIFICATION DESCRIBED.—A certifi-
10 cation described in this paragraph is a certification
11 by the importer of the merchandise or other party,
12 as required by the administering authority, that
13 among other things—

14 “(A) the merchandise is not subject to an
15 antidumping or countervailing duty proceeding
16 under this title; and

17 “(B) the inputs used in production, trans-
18 formation, or processing of the merchandise are
19 not subject to an antidumping or countervailing
20 duty under this title.

21 “(3) AVAILABLE UPON REQUEST.—A certifi-
22 cation required by the administering authority under
23 paragraph (1), if not already provided, shall be made
24 available upon request to the administering author-
25 ity or the Commissioner of U.S. Customs and Bor-

1 der Protection (in this section referred to as the
2 ‘Commissioner’).

3 “(b) AUTHORITY TO COLLECT CASH DEPOSITS AND
4 TO ASSESS DUTIES.—

5 “(1) IN GENERAL.—If the administering au-
6 thority requires an importer or other party to pro-
7 vide a certification described in paragraph (2) of
8 subsection (a) for merchandise imported into the
9 customs territory of the United States pursuant to
10 paragraph (1) of that subsection, and the importer
11 or other party does not provide that certification or
12 that certification contains any false, misleading, or
13 fraudulent statement or representation or any mate-
14 rial omission, the administering authority shall in-
15 struct the Commissioner—

16 “(A) to suspend liquidation of the entry;

17 “(B) to require that the importer or other
18 party post a cash deposit in an amount equal
19 to the antidumping duty or countervailing duty
20 applicable to the merchandise; and

21 “(C) to assess the appropriate rate of duty
22 upon liquidation or reliquidation of the entry.

23 “(2) ASSESSMENT RATE.—If no rate of duty
24 for an entry is available at the time of assessment
25 under paragraph (1)(C), the administering authority

1 shall identify the applicable cash deposit rate to be
2 applied to the entry, with the applicable duty rate to
3 be provided as soon as the duty rate becomes avail-
4 able.

5 “(c) PENALTIES.—If the administering authority re-
6 quires an importer or other party to provide a certification
7 described in paragraph (2) of subsection (a) for merchan-
8 dise imported into the customs territory of the United
9 States pursuant to paragraph (1) of that subsection, and
10 the importer or other party does not provide that certifi-
11 cation or that certification contains any false, misleading,
12 or fraudulent statement or representation or any material
13 omission, the importer of the merchandise may be subject
14 to a penalty pursuant to section 592 of this Act, section
15 1001 of title 18, United States Code, or any other applica-
16 ble provision of law.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 for the Tariff Act of 1930, as amended by section 103(b),
19 is further amended by inserting after the item relating to
20 section 784 the following:

“Sec. 785. Requirement for certification by importer or other party.”.

1 **SEC. 303. CLARIFICATION OF AUTHORITY FOR DEPART-**
2 **MENT OF COMMERCE REGARDING DETER-**
3 **MINATIONS OF CLASS OR KIND OF MERCHAN-**
4 **DISE.**

5 (a) DETERMINATIONS OF CLASS OR KIND OF MER-
6 CHANDISE.—To determine whether merchandise imported
7 into the United States is within the class or kind of mer-
8 chandise covered by an antidumping or countervailing
9 duty proceeding under title VII of the Tariff Act of 1930
10 (19 U.S.C. 1671 et seq.), the administering authority may
11 use any reasonable method and is not bound by the deter-
12 minations of any other Federal department or agency, in-
13 cluding tariff classification and country of origin marking
14 rulings issued by the Commissioner of U.S. Customs and
15 Border Protection. Class or kind determinations may be
16 made under this section or under section 781 in accord-
17 ance with the criteria set forth in this section or in section
18 781.

19 (b) ORIGIN OF MERCHANDISE.—To determine the or-
20 igin of merchandise for purposes of an antidumping or
21 countervailing duty proceeding under title VII of the Tar-
22 iff Act of 1930 (19 U.S.C. 1671 et seq.), the administering
23 authority may apply any reasonable method and may con-
24 sider relevant factors, including—

1 (1) whether the upstream and downstream
2 products are within the same class or kind of mer-
3 chandise;

4 (2) whether an essential characteristic of the
5 merchandise, or an essential component thereof, is
6 substantially transformed in the country of expor-
7 tation;

8 (3) the physical characteristics of the merchan-
9 dise;

10 (4) the value added, nature, and sophistication
11 of processing in the third country or countries;

12 (5) the level of investment in the third country
13 or countries; and

14 (6) any other factors that the administering au-
15 thority considers appropriate.

16 (c) REVIEWABLE DETERMINATIONS.—Section
17 516A(a)(2)(A)(ii) of the Tariff Act of 1930 (19 U.S.C.
18 1516a(a)(2)(A)(ii)) is amended to read as follows:

19 “(ii) the date of publication in the
20 Federal Register of notice of a determina-
21 tion described in clause (iv) of subpara-
22 graph (B), or, if no such notice is pub-
23 lished, the date on which the administering
24 authority conveys a copy of such deter-

1 mination to an interested party who is a
2 party to the proceeding.”.

3 **SEC. 304. ASSET REQUIREMENTS APPLICABLE TO NON-**
4 **RESIDENT IMPORTERS.**

5 (a) IN GENERAL.—Part III of title IV of the Tariff
6 Act of 1930 (19 U.S.C. 1481 et seq.) is amended by in-
7 serting after section 484b the following:

8 **“SEC. 484c. ASSET REQUIREMENTS APPLICABLE TO NON-**
9 **RESIDENT IMPORTERS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) IMPORTER; NONRESIDENT IMPORTER.—
12 The terms ‘importer’ and ‘nonresident importer’
13 have the meanings given those terms in section
14 641(i).

15 “(2) RESIDENT IMPORTER.—The term ‘resident
16 importer’ means any importer other than a non-
17 resident importer.

18 “(b) REQUIREMENTS FOR NONRESIDENT IMPORT-
19 ERS.—Except as provided in subsection (c), the Commis-
20 sioner of U.S. Customs and Border Protection shall—

21 “(1) require a nonresident importer that im-
22 ports merchandise into the United States to main-
23 tain assets in the United States sufficient to pay all
24 duties that may potentially be applied to the mer-
25 chandise; and

1 “(2) require a bond with respect to the mer-
2 chandise in an amount sufficient to ensure full liabil-
3 ity on the part of a nonresident importer and the
4 surety of the importer based on the amount of assets
5 the Commissioner determines to be sufficient under
6 subsection (c).

7 “(c) DETERMINATION OF AMOUNT OF ASSETS RE-
8 QUIRED TO BE MAINTAINED.—For purposes of sub-
9 section (b)(1), the Commissioner shall calculate the
10 amount of assets sufficient to pay all duties that may po-
11 tentially be applied to merchandise imported by a non-
12 resident importer, calculated using the declared customs
13 value of the merchandise, of all duties, fees, interest,
14 taxes, or other charges, and all deposits for duties, fees,
15 interest, taxes, or other charges, that would apply with
16 respect to the merchandise if the merchandise were subject
17 to the highest rate of all duties applicable to such imported
18 merchandise.

19 “(d) MAINTENANCE OF ASSETS IN THE UNITED
20 STATES.—

21 “(1) IN GENERAL.—For purposes of subsection
22 (b)(1), a nonresident importer of merchandise meets
23 the requirement to maintain assets in the United
24 States if the importer has clear title, at all times be-
25 tween the entry of the merchandise and the liquida-

1 tion of the entry and payment in full of all cor-
2 responding bills issued as a result of the liquidation,
3 to assets described in paragraph (2) with a value
4 equal to the amount determined under subsection
5 (c).

6 “(2) ASSETS DESCRIBED.—An asset described
7 in this paragraph is—

8 “(A) an asset held by a United States fi-
9 nancial institution;

10 “(B) an interest in an entity organized
11 under the laws of the United States or any ju-
12 risdiction within the United States; or

13 “(C) an interest in real or personal prop-
14 erty located in the United States or any terri-
15 tory or possession of the United States.

16 “(e) EXCEPTIONS.—The requirements of this section
17 shall not apply with respect to a nonresident importer—

18 “(1) that is a validated Tier 2 or Tier 3 partici-
19 pant in the Customs-Trade Partnership Against
20 Terrorism program established under subtitle B of
21 title II of the Security and Accountability For Every
22 Port Act of 2006 (6 U.S.C. 961 et seq.); or

23 “(2) if the Commissioner is satisfied, based on
24 certified information supplied by the importer and
25 any other relevant evidence, that the Commissioner

1 has the same or equivalent ability to collect all du-
2 ties that may potentially be applied to merchandise
3 imported by the importer as the Commissioner
4 would have if the importer were a resident importer.

5 “(f) PROCEDURES.—

6 “(1) IN GENERAL.—The Commissioner shall
7 prescribe procedures for assuring that nonresident
8 importers maintain the assets required by subsection
9 (b).

10 “(2) DEADLINE.—The Commissioner shall en-
11 sure the procedures required by paragraph (1) are
12 prescribed and in effect not later than 90 days after
13 the date of the enactment of this Act.

14 “(g) PENALTIES.—

15 “(1) IN GENERAL.—It shall be unlawful for any
16 person to import into the United States any mer-
17 chandise in violation of this section.

18 “(2) CIVIL PENALTIES.—Any person who vio-
19 lates paragraph (1) shall—

20 “(A) in the case of merchandise described
21 in such paragraph with a domestic value that is
22 equal to or greater than \$50,000, be liable for
23 a civil penalty of \$50,000 for each such viola-
24 tion; or

1 “(B) in the case of merchandise described
2 in such paragraph with a domestic value that is
3 less than \$50,000, be liable for a civil penalty
4 equal to 50 percent of the amount of such do-
5 mestic value for each such violation.

6 “(3) OTHER PENALTIES.—In addition to the
7 penalties specified in paragraph (2), any violation of
8 this section that violates any other provision of the
9 customs and trade laws of the United States (as de-
10 fined in section 2 of the Trade Facilitation and
11 Trade Enforcement Act of 2015 (19 U.S.C. 4301))
12 shall be subject to any applicable civil or criminal
13 penalty, including seizure and forfeiture, that may
14 be imposed under that provision or title 18, United
15 States Code.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for the Tariff Act of 1930 is amended by inserting after
18 the item relating to section 484b the following:

 “Sec. 484c. Asset requirements applicable to nonresident importers.”.

19 (c) EFFECTIVE DATE.—Section 484c of the Tariff
20 Act of 1930, as added by subsection (a)—

21 (1) takes effect on the date of the enactment of
22 this Act; and

23 (2) applies with respect to merchandise entered,
24 or withdrawn from warehouse for consumption, on

1 or after the date that is 180 days after such date
2 of enactment.

3 **TITLE IV—COUNTERING**
4 **CURRENCY UNDERVALUATION**

5 **SEC. 401. INVESTIGATION OR REVIEW OF CURRENCY**
6 **UNDERVALUATION UNDER COUNTERVAILING**
7 **DUTY LAW.**

8 Section 702(c) of the Tariff Act of 1930 (19 U.S.C.
9 1671a(c)) is amended by adding at the end the following:

10 “(6) CURRENCY UNDERVALUATION.—For pur-
11 poses of a countervailing duty investigation under
12 this subtitle in which the determinations under
13 clauses (i) and (ii) of paragraph (1)(A) are affirma-
14 tive and the petition includes an allegation of cur-
15 rency undervaluation by the government of a coun-
16 try or any public entity within the territory of a
17 country that meets the requirements of clause (i) of
18 that paragraph, or for purposes of a review under
19 subtitle C with respect to a countervailing duty
20 order involving such an allegation, the administering
21 authority shall examine in its investigation or review
22 whether currency undervaluation by the government
23 of a country or any public entity within the territory
24 of a country is providing, directly or indirectly, a
25 countervailable subsidy.”.

1 **SEC. 402. DETERMINATION OF BENEFIT WITH RESPECT TO**
2 **CURRENCY UNDERVALUATION.**

3 Section 771(5)(E) of the Tariff Act of 1930 (19
4 U.S.C. 1677(5)(E)) is amended—

5 (1) in clause (iii), by striking “, and” and in-
6 serting a comma;

7 (2) in clause (iv), by striking the period at the
8 end and inserting “, and”;

9 (3) by inserting after clause (iv) the following:
10 “(v) in the case of a transaction involving currency,
11 if there is a difference between the amount of currency
12 received in exchange for United States dollars and the
13 amount of currency that the recipient would have received
14 absent an undervalued currency.”; and

15 (4) in the flush text following clause (v), as
16 added by paragraph (3), by adding at the end the
17 following: “For purposes of clause (v), a determina-
18 tion of the existence and amount of a benefit from
19 the exchange of an undervalued currency shall take
20 into account a comparison of the exchange rates de-
21 rived from a methodology determined by the admin-
22 istering authority to be appropriate in light of the
23 facts and circumstances to the relevant actual ex-
24 change rates. That determination shall rely on au-
25 thoritative information that is on the administrative
26 record.”.

1 **TITLE V—PREVENTING DUTY**
2 **EVASION**

3 **SEC. 501. LIMITATION ON PROTEST AGAINST DECISIONS OF**
4 **U.S. CUSTOMS AND BORDER PROTECTION OF**
5 **CLAIMS OF EVASION OF ANTIDUMPING AND**
6 **COUNTERVAILING DUTY ORDERS.**

7 The Tariff Act of 1930 is amended—

8 (1) in section 514(b) (19 U.S.C. 1514(b))—

9 (A) by striking “title, determinations” and
10 inserting “title, or with respect to determina-
11 tions made under section 517 of this title which
12 are reviewable under subsection (g) of such sec-
13 tion, determinations”; and

14 (B) by inserting after “a determination
15 listed in section 516A of this title” the fol-
16 lowing: “or a determination listed in section
17 517 of this title, as the case may be,”; and

18 (2) in section 517(h) (19 U.S.C. 1517(h)), by
19 adding at the end before the period the following: “,
20 except that any decision as to the liquidation or re-
21 liquidation of an entry of covered merchandise in ac-
22 cordance with a determination under subsection (c)
23 and review under subsection (f), if applicable, shall
24 not be subject to a protest of such decision filed in
25 accordance with section 514”.

1 **SEC. 502. PROCEDURES FOR INVESTIGATING CLAIMS OF**
2 **EVASION OF SAFEGUARD ACTIONS.**

3 (a) TARIFF ACT OF 1930.—Section 517 of the Tariff
4 Act of 1930 (19 U.S.C. 1517) is amended—

5 (1) in the section heading, by adding at the end
6 before the period the following: “**AND SAFEGUARD**
7 **ACTIONS**”;

8 (2) in subsection (a)—

9 (A) in paragraph (3)—

10 (i) in subparagraph (A), by striking
11 “or” at the end;

12 (ii) in subparagraph (B), by striking
13 the period at the end and inserting “; or”;
14 and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(C) an action taken under section 203 of
18 the Trade Act of 1974 (19 U.S.C. 2253).”; and

19 (B) in paragraph (5)(A), by inserting after
20 “applicable antidumping or countervailing du-
21 ties” the following: “or any applicable safe-
22 guard action”;

23 (3) in subparagraphs (A) and (B) of subsection
24 (b)(4), by inserting after “covered merchandise”
25 each place it appears the following: “under subpara-
26 graph (A) or (B) of subsection (a)(3)”; and

1 (4) in subsection (d)(1)—

2 (A) in subparagraph (C)—

3 (i) in the matter preceding clause (i),
4 by inserting after “(C)” the following: “if
5 the determination relates to covered mer-
6 chandise under subparagraph (A) or (B) of
7 subsection (a)(3),”; and

8 (ii) in clause (i), by inserting after
9 “subparagraphs (A) and (B)” the fol-
10 lowing: “of this paragraph”; and

11 (B) in subparagraph (D)—

12 (i) by inserting after “(D)” the fol-
13 lowing: “if the determination relates to
14 covered merchandise under subparagraph
15 (A) or (B) of subsection (a)(3),”; and

16 (ii) by inserting after “subparagraphs
17 (A) and (B)” the following: “of this para-
18 graph”.

19 (b) TRADE FACILITATION AND TRADE ENFORCE-
20 MENT ACT OF 2015.—The Trade Facilitation and Trade
21 Enforcement Act of 2015 is amended—

22 (1) in section 402 (19 U.S.C. 4361)—

23 (A) in paragraph (2)—

24 (i) in subparagraph (A), by striking
25 “or” at the end;

1 (ii) in subparagraph (B), by striking
2 the period at the end and inserting “; or”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(C) an action taken under section 203 of
7 the Trade Act of 1974 (19 U.S.C. 2253).”;

8 (B) in paragraph (5), by inserting after
9 “applicable antidumping or countervailing du-
10 ties” the following: “or any applicable safe-
11 guard action”; and

12 (C) in paragraph (7), by adding at the end
13 before the period the following: “and chapter 1
14 of title II of the Trade Act of 1974 (19 U.S.C.
15 2251 et seq.)”; and

16 (2) in section 412 (19 U.S.C. 4372)—

17 (A) in subsection (a)(2)—

18 (i) by redesignating subparagraphs
19 (A), (B), and (C) as subparagraphs (B),
20 (C), and (D), respectively; and

21 (ii) by inserting before subparagraph
22 (B), as redesignated, the following:

23 “(A) a person reasonably suspected of en-
24 tering covered merchandise into the customs

1 territory of the United States through eva-
 2 sion””; and

3 (B) in subsection (b)(1)—

4 (i) in subparagraph (B)—

5 (I) by redesignating clauses (i),
 6 (ii), and (iii) as clauses (ii), (iii), and
 7 (iv), respectively; and

8 (II) by inserting before clause
 9 (ii), as redesignated, the following:

10 “(i) a person from whom information
 11 was requested pursuant to subsection
 12 (a)(2)(A);” and

13 (ii) in subparagraph (C), by striking
 14 “clause (ii) or (iii)” and inserting “clause
 15 (i), (iii), or (iv)”.

16 **SEC. 503. APPLICATION OF PROVISIONS RELATING TO CER-**
 17 **TAIN PROPRIETARY INFORMATION.**

18 (a) IN GENERAL.—Section 517 of the Tariff Act of
 19 1930 (19 U.S.C. 1517), as amended by section 502(a),
 20 is further amended by adding at the end the following:

21 “(i) APPLICATION OF PROVISIONS RELATING TO
 22 CERTAIN PROPRIETARY INFORMATION.—

23 “(1) IN GENERAL.—Except as provided in para-
 24 graph (2), the provisions of subsections (b), (c), and
 25 (d) of section 777, relating to information submitted

1 in connection with proceedings under title VII of
2 this Act, shall apply with respect to information sub-
3 mitted in connection with proceedings under this
4 section to the same extent and in the same manner
5 as such provisions apply to information submitted in
6 connection with proceedings under such title VII.

7 “(2) EXCEPTIONS.—In carrying out paragraph
8 (1), the provisions of subsections (b), (c), and (d) of
9 section 777 shall be applied and administered as fol-
10 lows:

11 “(A) By substituting ‘the Commissioner’
12 for ‘the administering authority or the Commis-
13 sion’ and ‘the administering authority and the
14 Commission’ each place either such term ap-
15 pears.

16 “(B) Paragraphs (1)(A)(ii) and (3) of such
17 subsection (b) shall not apply.

18 “(C) The second and third sentences of
19 such subsection (c)(1)(A) shall not apply.

20 “(D) In such subsection (c)—

21 “(i) in paragraph (1)—

22 “(I) in subparagraph (B), by
23 substituting ‘determine to be appro-
24 piate’ for ‘determine to be appro-

1 priate, including disbarment from
2 practice before the agency'; and

3 “(II) in subparagraph (C)—

4 “(aa) in clause (i), by sub-
5 stituting ‘14 days’ for ‘14 days
6 (7 days if the submission per-
7 tains to a proceeding under sec-
8 tion 703(a) or 733(a))’; and

9 “(bb) in the text following
10 clause (ii)(II), by substituting ‘30
11 days’ for ‘30 days (10 days if the
12 submission pertains to a pro-
13 ceeding under section 703(a) or
14 733(a))’; and

15 “(ii) in paragraph (2), by substituting
16 ‘United States Court of International
17 Trade’ for ‘United States Customs
18 Court’.”.

19 (b) REGULATIONS.—The Commissioner of U.S. Cus-
20 toms and Border Protection shall prescribe such regula-
21 tions as may be necessary to implement subsection (i) of
22 section 517 of the Tariff Act of 1930 (19 U.S.C. 1517),
23 as added by subsection (a).

1 (c) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is 180
3 days after the date of the enactment of this Act.

4 **TITLE VI—GENERAL** 5 **PROVISIONS**

6 **SEC. 601. APPLICATION TO CANADA AND MEXICO.**

7 Pursuant to section 418 of the United States-Mexico-
8 Canada Agreement Implementation Act (19 U.S.C. 4588),
9 the amendments made by this Act apply with respect to
10 goods from Canada and Mexico.

11 **SEC. 602. REPEAL OF THE SOFTWOOD LUMBER ACT OF** 12 **2008.**

13 The second title VIII of the Tariff Act of 1930 (19
14 U.S.C. 1683 et seq.; relating to softwood lumber), as
15 added by section 3301 of the Food, Conservation, and En-
16 ergy Act of 2008 (Public Law 110–246; 122 Stat. 1844),
17 is repealed.

18 **SEC. 603. EFFECTIVE DATE.**

19 (a) IN GENERAL.—Except as otherwise provided and
20 except as provided by subsection (b) or (c), the amend-
21 ments made by this Act apply to countervailing duty inves-
22 tigation initiated under subtitle A of title VII of the Tar-
23 iff Act of 1930 (19 U.S.C. 1671 et seq.), antidumping
24 duty investigations initiated under subtitle B of title VII
25 of such Act (19 U.S.C. 1673 et seq.), reviews initiated

1 under subtitle C of title VII of such Act (19 U.S.C. 1675
2 et seq.), circumvention inquiries requested under section
3 781 of such Act (19 U.S.C. 1677j), class or kind deter-
4 minations under section 303 of this Act, claims of evasion
5 of antidumping and countervailing duty orders initiated
6 under the Tariff Act of 1930, and claims of evasion of
7 safeguard actions initiated under the Tariff Act of 1930
8 on or after the date of the enactment of this Act.

9 (b) APPLICABILITY.—

10 (1) IN GENERAL.—The amendments made by
11 this Act apply to—

12 (A) investigations or reviews under title
13 VII of the Tariff Act of 1930 pending on the
14 date of the enactment of this Act if the date on
15 which the fully extended preliminary determina-
16 tion is scheduled is not earlier than 45 days
17 after such date of enactment, except that sec-
18 tion 784 of the Tariff Act of 1930, as added by
19 section 103 of this Act, shall not apply to inves-
20 tigation under title VII of the Tariff Act of
21 1930 that are pending on such date of enact-
22 ment;

23 (B) circumvention inquiries under section
24 781 of the Tariff Act of 1930 pending on such
25 date of enactment, if the date of publication of

1 the initiation of the inquiry is not earlier than
2 45 days before such date of enactment; and

3 (C) circumvention inquiries requested
4 under such section 781 but not initiated before
5 such date of enactment.

6 (2) DEADLINES FOR CIRCUMVENTION INQUIR-
7 IES.—

8 (A) DETERMINATIONS.—In the case of a
9 circumvention inquiry described in paragraph
10 (1)(B), subsection (f)(4) of section 781 of the
11 Tariff Act of 1930, as amended by section
12 301(a), shall be applied and administered—

13 (i) in subparagraph (A)(i), by sub-
14 stituting “the date of the enactment of the
15 Eliminating Global Market Distortions to
16 Protect American Jobs Act of 2021” for
17 “the date on which the initiation of a cir-
18 cumvention inquiry under paragraph (1) or
19 (3)(A) is published”; and

20 (ii) in subparagraph (C), by sub-
21 stituting “the date of the enactment of the
22 Eliminating Global Market Distortions to
23 Protect American Jobs Act of 2021” for
24 “the filing of the inquiry request”.

1 (B) ACTIONS WITH RESPECT TO INQUIRY
2 REQUESTS.—In this case of a circumvention in-
3 quiry described in paragraph (1)(C), the admin-
4 istering authority (as defined in section 771(1)
5 of the Tariff Act of 1930 (19 U.S.C. 1677(1)))
6 shall, not later than 45 days after the date of
7 the enactment of this Act, take an action de-
8 scribed in subsection (f)(3) of section 781 of
9 the Tariff Act of 1930, as amended by section
10 301, with respect to the inquiry.

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