

104TH CONGRESS
1ST SESSION

S. 1148

To revitalize the American economy and improve enforcement of the trade laws of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. HOLLINGS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To revitalize the American economy and improve enforcement of the trade laws of the United States, 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 “Economic Revitaliza-
5 tion Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Economic Security Council.

TITLE I—ANTIDUMPING AND COUNTERVAILING DUTY LAWS

- Sec. 101. Proprietary information.
- Sec. 102. Downstream dumping.

- Sec. 103. Application of the countervailing duty law to nonmarket economies.
- Sec. 104. Determination of injury in antidumping and countervailing duty investigations.
- Sec. 105. Circumvention of antidumping and countervailing duty orders.
- Sec. 106. Private right of action.
- Sec. 107. Annual report on antidumping and countervailing duty program.

TITLE II—ADJUSTMENT TO IMPORT COMPETITION

- Sec. 201. Import relief.

TITLE III—INTERNATIONAL UNFAIR TRADE PRACTICES

- Sec. 301. Identification of trade liberalization priorities.
- Sec. 302. Annual review of trade agreements.
- Sec. 303. National Trade Estimate.

TITLE IV—PROVISIONS RELATING TO IMPORTS

- Sec. 401. Child labor.
- Sec. 402. Slave labor.

TITLE V—NEGOTIATING AUTHORITY

- Sec. 501. Negotiation of agreements regarding tariff barriers.
- Sec. 502. Repeal of fast track procedures.
- Sec. 503. Applicability of National Environmental Policy Act.
- Sec. 504. Representation on advisory committees.

TITLE VI—MISCELLANEOUS PROVISIONS

- Sec. 601. Scofflaw penalties for multiple customs law offenders.
- Sec. 602. Authority to establish manufacturing subzones.
- Sec. 603. Congressional disapproval resolution.
- Sec. 604. Representation or advising of foreign persons.
- Sec. 605. Payment of certain customs duties.
- Sec. 606. Application of antitrust laws.
- Sec. 607. Elimination of quarterly reports.
- Sec. 608. Secretary of Labor to publish quarterly reports of runaway plants.
- Sec. 609. Mandatory Exon-Florio review of sale of critical technology company.
- Sec. 610. Additional IRS agents for transfer pricing cases.
- Sec. 611. Transfer of ITC functions to Commerce Department; Termination of ITC.
- Sec. 612. Transfer of Overseas Private Investor Corporation and Export-Import Bank to Commerce Department.
- Sec. 613. Establishment of NOAA as Independent Agency.
- Sec. 614. Surcharge on imports; research and development tax credit.

1 **SEC. 3. ECONOMIC SECURITY COUNCIL.**

- 2 (a) ESTABLISHMENT.—There is established in the
- 3 Executive Office of the President a council to be known
- 4 as the Economic Security Council (hereafter in this section
- 5 referred to as the “Council”).

1 (b) MEMBERSHIP OF THE COUNCIL.—(1) The Coun-
2 cil shall be composed of—

3 (A) the President;

4 (B) the Vice President;

5 (C) the Secretary of State;

6 (D) the Secretary of the Treasury;

7 (E) the Secretary of Defense;

8 (F) the Secretary of Agriculture;

9 (G) the Secretary of Commerce;

10 (H) the Secretary of Labor;

11 (I) the United States Trade Representative;

12 and

13 (J) any other appropriate Federal official ap-
14 pointed by the President to serve on the Council.

15 (2) The President shall preside over meetings of the
16 Council. In the President's absence, the President may
17 designate a member of the Council to preside in the Presi-
18 dent's place.

19 (c) FUNCTIONS OF THE COUNCIL.—The Council shall
20 advise the President with respect to the integration of na-
21 tional and international policies relating to economics and
22 trade so as to enable the President and the departments
23 and agencies of the Federal Government to cooperate
24 more effectively.

1 (d) EMPLOYEES OF THE COUNCIL.—The Council
2 shall have a staff to be headed by an Executive Secretary
3 who shall be appointed by the President. The Executive
4 Secretary, subject to the direction of the Council and in
5 accordance with the provisions of title 5, United States
6 Code, may appoint and fix the compensation of such per-
7 sonnel as may be necessary to perform such duties as may
8 be prescribed by the Council in connection with the per-
9 formance of its functions.

10 (e) RECOMMENDATIONS AND REPORTS.—

11 (1) IN GENERAL.—The Council shall, from time
12 to time, make such recommendations and such other
13 reports to the President as the Council considers to
14 be appropriate or as the President may require.

15 (2) ANNUAL TESTIMONY BEFORE SENATE COM-
16 MITTEES.—The Executive Secretary shall present
17 testimony not less often than once each year before
18 the Committee on Banking, Housing, and Urban Af-
19 fairs, the Committee on Commerce, Science, and
20 Transportation, and the Committee on Finance of
21 the Senate, on a date and topic to be established by
22 the committees.

1 **TITLE I—ANTIDUMPING AND**
2 **COUNTERVAILING DUTY LAWS**

3 **SEC. 101. PROPRIETARY INFORMATION.**

4 Section 777 of the Tariff Act of 1930 (19 U.S.C.
5 1677f) is amended—

6 (1) by striking subsection (b)(1)(B)(ii) and in-
7 serting the following:

8 “(ii) a statement that the information
9 should not be released under administra-
10 tive protective order.”;

11 (2) by striking subparagraph (A) of subsection
12 (c)(1) and inserting the following:

13 “(A) IN GENERAL.—Upon receipt of an
14 application (before or after receipt of the infor-
15 mation requested), which describes with par-
16 ticularity the information requested and sets
17 forth the reasons for the request, the admin-
18 istering authority and the Commission may
19 make proprietary information submitted by any
20 other party to the investigation available under
21 a protective order described in subparagraph
22 (B).”;

23 (3) by striking subparagraphs (C), (D), and (E)
24 of subsection (c)(1);

1 (4) by inserting after “paragraph (1),” in sub-
2 section (c)(2) the following: “or the Commission de-
3 nies a request for proprietary information submitted
4 by the petitioner or an interested party in support
5 of the petitioner concerning the domestic price or
6 cost of production of the like product,”; and

7 (5) by striking subsections (d) and (e) and re-
8 designating subsections (f) through (i) as (d)
9 through (g), respectively.

10 **SEC. 102. DOWNSTREAM DUMPING.**

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 inserting immediately after section 771B the following:

14 **“SEC. 771C. DOWNSTREAM DUMPING.**

15 “(a) DEFINITIONS.—As used in this section:

16 “(1) DOWNSTREAM DUMPING.—The term
17 ‘downstream dumping’ means a course of conduct in
18 which a product is routinely used as a significant
19 part, component, assembly, subassembly, or material
20 in the manufacture or production of merchandise
21 subject to investigation under subtitle B, and such
22 product is purchased at a price that—

23 “(A) is lower than the generally available
24 price of the product in the country of manufac-
25 ture or production, or

1 “(B) is lower than the price at which the
2 product would be generally available in the
3 country of manufacture or production but for
4 the artificial depression of such general avail-
5 able price by reason of any subsidy or other
6 sales at below foreign market value.

7 “(2) SIGNIFICANT PART.—The term ‘significant
8 part’ means a part the cost of which constitutes not
9 less than 20 percent of the total cost of the product.

10 “(b) INCLUSION OF AMOUNT ATTRIBUTABLE TO
11 DOWNSTREAM DUMPING.—If the administering authority
12 determines, during the course of such an investigation,
13 that downstream dumping is occurring or has occurred
14 with respect to any such product, the administering au-
15 thority, in calculating the amount of any antidumping
16 duty on such merchandise, shall include an amount equal
17 to the difference between—

18 “(1) the price at which the product was pur-
19 chased, and

20 “(2) either—

21 “(A) the generally available price (referred
22 to in subsection (a)(1)) of the product, or

23 “(B) the price (referred to in subsection
24 (a)(2)) of the product that would pertain, but
25 for the artificial depression,

1 whichever is appropriate.

2 “(c) SCOPE OF INQUIRY OF ADMINISTERING AU-
3 THORITY.—The administering authority is not required,
4 in undertaking such an investigation, to consider the pres-
5 ence of downstream dumping, beyond that state in the
6 manufacture or production of the class or kind of mer-
7 chandise that immediately precedes the final manufactur-
8 ing or production state before export to the United States,
9 unless reasonably available information indicates that such
10 dumping has occurred or is occurring before such imme-
11 diately preceding stage and is having or has had a sub-
12 stantial effect on the price of the merchandise.”.

13 (b) IMPOSITION OF ANTIDUMPING DUTIES.—Section
14 731(2) of the Tariff Act of 1930 (19 U.S.C. 1673(2)) is
15 amended—

16 (1) by striking “or” at the end of subparagraph
17 (A)(ii);

18 (2) by inserting “or” at the end of subpara-
19 graph (B); and

20 (3) by inserting after subparagraph (B) the fol-
21 lowing:

22 “(C) an industry producing a product used
23 in the manufacture or production of the foreign
24 merchandise has been materially injured or
25 threatened with material injury, or the estab-

1 lishment of such an industry in the United
2 States has been materially retarded.”.

3 (c) DEFINITION OF INTERESTED PARTY.—Subpara-
4 graphs (C), (D), (E), and (F) of section 771(9) of the
5 Tariff Act of 1930 (19 U.S.C. 1677(9)(C), (D), (E), and
6 (F)) are each amended by inserting immediately after
7 “product” the following: “or a product that is used in the
8 manufacture or production of a like product”.

9 (d) CONFORMING AMENDMENT.—The table of con-
10 tents for title VII of the Tariff Act of 1930 is amended
11 by inserting immediately after the item relating to section
12 771B the following:

“Sec. 771C. Downstream dumping.”.

13 **SEC. 103. APPLICATION OF THE COUNTERVAILING DUTY**
14 **LAW TO NONMARKET ECONOMIES.**

15 Section 771(5) of the Tariff Act of 1930 (19 U.S.C.
16 1677(5)) is amended—

17 (1) by redesignating subparagraph (B) as sub-
18 paragraph (C);

19 (2) by striking “subparagraph (A)” in subpara-
20 graph (C), as so redesignated, and inserting “sub-
21 paragraphs (A) and (B)”;

22 (3) by inserting immediately after subpara-
23 graph (A) the following:

24 “(B) SUBSIDIES IN NONMARKET ECONOMY
25 COUNTRIES.—Benefits that would constitute a

1 countervailable subsidy under subparagraph (A)
2 shall be treated as a subsidy if provided to an
3 enterprise or industry, or group of enterprises
4 or industries, in a nonmarket economy country.
5 In such cases, the amount of the subsidy is
6 equal to the difference between the price at
7 which the merchandise under investigation is
8 sold in the United States, and the weighted av-
9 erage of the prices at which such or similar
10 merchandise, for market economy countries se-
11 lected by the administering authority as being
12 at a stage of economic development comparable
13 to that of the country under investigation, is
14 sold either—

15 “(i) for consumption in the home
16 market of those countries, or

17 “(ii) to other countries, including the
18 United States,

19 as such prices are established by public and pri-
20 vate statistical information, by information sup-
21 plies by cooperating industries in such selected
22 countries, and by price information submitted
23 by the petitioner and not rebutted by the for-
24 eign producer.”.

1 **SEC. 104. DETERMINATIONS OF INJURY IN ANTIDUMPING**
2 **AND COUNTERVAILING DUTY INVESTIGA-**
3 **TIONS.**

4 (a) **IMPACT ON AFFECTED DOMESTIC INDUSTRY.—**
5 Section 771(7)(C)(iii) of the Tariff Act of 1930 (19
6 U.S.C. 1677(7)(C)(iii)) is amended—

7 (1) by striking “(B)(iii)” and inserting in lieu
8 thereof “(B)(i)(III)”; and

9 (2) by striking the last sentence and inserting
10 in lieu thereof the following: “In evaluating such fac-
11 tors, the Commission shall consider what effect other
12 factors, including the existence of a national eco-
13 nomic recovery, have had upon such factors, and
14 whether an increase in the sale of imports compared
15 to sales of domestic products indicates that there is
16 a likelihood that such declines will occur.”.

17 (b) **STANDARD FOR MATERIAL INJURY DETERMINA-**
18 **TION.—**Section 771(7)(E)(ii) of the Tariff Act of 1930
19 (19 U.S.C. 1677(7)(E)(ii)) is amended by striking the pe-
20 riod at the end and inserting the following: “; except that
21 factors other than those enumerated in subparagraph
22 (B)(i) shall not alone be the basis for a determination of
23 the Commission that there is no material injury or threat
24 of material injury to United States producers.”.

1 (c) THREAT OF MATERIAL INJURY.—Section
2 771(7)(F)(i) of the Tariff Act of 1930 (19 U.S.C.
3 1677(7)(F)(i)) is amended—

4 (1) by striking “and” at the end of subclause
5 (VIII);

6 (2) by striking the period at the end of
7 subclause (IX); and

8 (3) by adding at the end thereof the following:

9 “(X) capital formation and cap-
10 ital market constraints that result
11 from dumping.”.

12 **SEC. 105. CIRCUMVENTION OF ANTIDUMPING AND COUN-**
13 **TERVAILING DUTY ORDERS.**

14 (a) MERCHANDISE COMPLETED OR ASSEMBLED IN
15 UNITED STATES.—Section 781(a) of the Tariff Act of
16 1930 (19 U.S.C. 1677j(a)) is amended—

17 (1) by adding “and” at the end of paragraph
18 (1)(A)(iii);

19 (2) by striking “and” at the end of paragraph
20 (1)(B);

21 (3) by striking paragraphs (1)(C) and (1)(D);

22 (4) by striking paragraph (2) and redesignating
23 paragraph (3) as paragraph (2);

1 (5) by redesignating subparagraphs (B) and
2 (C) of paragraph (2) as subparagraphs (C) and (D),
3 respectively; and

4 (6) by inserting immediately after paragraph
5 (2)(A), as redesignated, the following new subpara-
6 graph:

7 “(B) the value of the imported parts and
8 components referred to in paragraph (1)(B) or
9 the value of imported parts and components
10 from another country that were utilized in the
11 production or manufacture of the merchandise
12 which was the subject of such order or find-
13 ing.”.

14 (b) MERCHANDISE COMPLETED OR ASSEMBLED IN
15 OTHER FOREIGN COUNTRIES.—Section 781(b) of the
16 Tariff Act of 1930 (19 U.S.C. 1677j(b)) is amended—

17 (1) by adding “and” at the end of paragraph
18 (1)(B);

19 (2) by striking paragraphs (1)(C) and (1)(D);

20 (3) by redesignating subparagraph (E) as sub-
21 paragraph (C);

22 (4) by striking paragraph (2) and redesignating
23 paragraph (3) as paragraph (2);

1 (5) by redesignating subparagraphs (B) and
2 (C) of paragraph (2), as redesignated, as subpara-
3 graphs (C) and (D), respectively; and

4 (6) by inserting immediately after paragraph
5 (2)(A), as redesignated, the following new subpara-
6 graph:

7 “(B) the value of the imported parts and
8 components referred to in paragraph (1)(B) or
9 the value of imported parts and components
10 from another country that were utilized in the
11 production or manufacture of the merchandise
12 which was the subject of such order or find-
13 ing.”.

14 **SEC. 106. PRIVATE RIGHT OF ACTION.**

15 (a) UNFAIR COMPETITION.—(1) Section 801 of the
16 Act of September 8, 1916 (15 U.S.C. 72), is amended to
17 read as follows:

18 “SEC. 801. (a) No person shall import or sell within
19 the United States any article manufactured or produced
20 in a foreign country if—

21 “(1) such article is imported or sold within the
22 United States at a United States price which is less
23 than the foreign market value or constructed value
24 of such article; and

25 “(2) such importation or sale—

1 “(A) causes or threatens material injury to
2 industry or labor in the United States; or

3 “(B) prevents, in whole or in part, the es-
4 tablishment or modernization of any industry in
5 the United States.

6 “(b) Any interested party who shall be injured in his
7 business or property by reason of an importation or sale
8 in violation of this section may bring a civil action in the
9 district court of the District of Columbia or in the Court
10 of International Trade against any manufacturer or ex-
11 porter of such article or any importer of such article into
12 the United States who is related to such manufacturer or
13 exporter.

14 “(c) In any action brought under subsection (b), upon
15 a finding of liability on the part of the defendant, the
16 plaintiff shall—

17 “(1)(A) be granted such equitable relief as may
18 be appropriate, which may include an injunction
19 against further importation into, or sale or distribu-
20 tion within, the United States by such defendant of
21 the articles in question, or (B) if such injunctive re-
22 lief cannot be timely provided or is otherwise inad-
23 equate, recover damages for the injuries sustained;
24 and

1 “(2) recover the costs of the action, including
2 reasonable attorney’s fees.

3 “(d) The standard of proof in any action filed under
4 this section is a preponderance of the evidence. Upon a
5 prima facie showing of the elements set forth in subsection
6 (a), or upon a final determination adverse to the defendant
7 by the Department of Commerce or the United States
8 International Trade Commission under section 735 of the
9 Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports
10 of the article in question for the country in which the man-
11 ufacturer of the article is located, which final determina-
12 tion shall be considered a prima facie case for purposes
13 of this Act, the burden of rebutting such prima facie case
14 shall be upon the defendant.

15 “(e) Whenever it shall appear to the court that justice
16 requires that other parties be brought before the court,
17 the court may cause them to be summoned, without regard
18 to where they reside, and the subpoenas for such purpose
19 may be served and enforced in any district of the United
20 States.

21 “(f) The acceptance by any foreign manufacturer,
22 producer, or exporter of any right or privilege conferred
23 upon him to sell his products or have his products sold
24 by another party in the United States shall be deemed
25 equivalent to an appointment by the foreign manufacturer,

1 producer, or exporter of the District Director of the
2 United States Customs Service of the Department of the
3 Treasury for the port through which the article is com-
4 monly imported to be the true and lawful agent upon
5 whom may be served all lawful process in any action
6 brought under this section.

7 “(g)(1) An action may be brought under this section
8 only if such action is commenced within four years after
9 the date on which the cause of action accrued.

10 “(2) The running of the statute of limitations pro-
11 vided in paragraph (1) shall be suspended while any ad-
12 ministrative proceedings under section 731, 732, 733,
13 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673-
14 1673d) relating to the importations in question, or any
15 appeal of a final determination in such proceeding, is
16 pending and for one year thereafter.

17 “(h) If a defendant in any action brought under sub-
18 section (b) fails to comply with any discovery order or
19 other order or decree of the court, the court may—

20 “(1) enjoin the further importation into, or the
21 sale or distribution within, the United States by
22 such defendant of articles which are the same as, or
23 similar to, those articles which are alleged in such
24 action to have been sold or imported under the con-

1 ditions described in subsection (b) until such time as
2 the defendant complies with such order or decree; or

3 “(2) take any other action authorized by law or
4 by the Federal Rules of Civil Procedure, including
5 entering judgment for the plaintiff.

6 “(i)(1) Except as provided in paragraph (2), the con-
7 fidential or privileged status accorded by law to any docu-
8 ments, evidence, comments, or information shall be pre-
9 served in any action under this section.

10 “(2) The court in any action brought under this sec-
11 tion may—

12 “(A) examine, in camera, any confidential or
13 privileged material;

14 “(B) accept depositions, documents, affidavits,
15 or other evidence under sale; and

16 “(C) disclose such material under such terms
17 and conditions as the court may order.

18 “(j) Any action brought under this section shall be
19 advanced on the docket and expedited in every way pos-
20 sible.

21 “(k) For purposes of this section—

22 “(1) The terms ‘United States price’, ‘foreign
23 market value’, ‘constructed value’, ‘subsidy’, and
24 ‘material injury’, shall have the meaning given such
25 terms by title VII of the Tariff Act of 1930.

1 “(2) If—

2 “(A) a subsidy is provided to the manufac-
3 turer, producer, or exporter of any article, and

4 “(B) such subsidy is not included in the
5 foreign market value or constructed value of
6 such article (but for this paragraph), the for-
7 eign market value of such article or the con-
8 structed value of such article shall be increased
9 by the amount of such subsidy.

10 “(l) The court shall permit the United States to inter-
11 vene in any action, suit, or proceeding under this section,
12 as a matter of right. The United States shall have all the
13 rights of a party.

14 “(m) Any order by a court under this section is sub-
15 ject to nullification by the President pursuant to the Presi-
16 dent’s authority under section 203 of the International
17 Emergency Economic Powers Act (50 U.S.C. 1702).”.

18 (2) Section 1 of the Clayton Act (15 U.S.C. 12) is
19 amended by inserting immediately after “nineteen hun-
20 dred and thirteen;” the following: “section 801 of the Act
21 of September 8, 1916, entitled ‘An Act to raise revenue,
22 and for other purposes’ (15 U.S.C. 72);”.

23 (b) PRIVATE ENFORCEMENT ACTION.—(1) Chapter
24 95 of title 28, United States Code, is amended by adding
25 at the end the following:

1 **“§ 1586. Private enforcement action**

2 “(a) Any interested party who shall be injured in his
3 business or property by a fraudulent or grossly negligent
4 violation of section 592(a) of the Tariff Act of 1930 (19
5 U.S.C. 1592(a)) may bring a civil action in the district
6 court of the District of Columbia or in the Court of Inter-
7 national Trade, without respect to the amount in con-
8 troversy.

9 “(b) Upon proof by an interested party that he has
10 been damaged by a fraudulent or grossly negligent viola-
11 tion of section 592(a) of the Tariff Act of 1930 (19 U.S.C.
12 1592(a)), such interested party shall—

13 “(1) be granted such equitable relief as may be
14 appropriate, which may include an injunction
15 against further importation into the United States
16 of the articles or products in question; or

17 “(2) if such injunctive relief cannot be timely
18 provided or is otherwise inadequate, recover damages
19 for the injuries sustained; and

20 “(3) recover the costs of suit, including reason-
21 able attorney’s fees.

22 “(c) For purposes of this section—

23 “(1) The term ‘interested party’ means—

24 “(A) a manufacturer, producer, or whole-
25 saler in the United States of a like product or
26 competing product; or

1 “(B) a trade or business association a ma-
2 jority of whose members manufacture, produce,
3 or wholesale a like product or competing prod-
4 uct in the United States.

5 “(2) The term ‘like product’ means a product
6 which is like, or in the absence of like, most similar
7 in characteristics and uses to products being im-
8 ported into the United States in violation of section
9 592(a) of the Tariff Act of 1930 (19 U.S.C.
10 1592(a)).

11 “(3) The term ‘competing product’ means a
12 product which competes with or is a substitute for
13 products being imported into the United States in
14 violation of section 592(a) of the Tariff Act of 1930
15 (19 U.S.C. 1592(a)).

16 “(d) The court shall permit the United States to in-
17 tervene in any action, suit, or proceeding under this sec-
18 tion, as a matter of right. The United States shall have
19 all the rights of a party.”.

20 (2) The chapter analysis of chapter 95 of title 28,
21 United States Code, is amended by adding immediately
22 after the item relating to section 1585 the following:

“1586. Private enforcement action.”.

1 **SEC. 107. ANNUAL REPORT ON ANTIDUMPING AND COUN-**
2 **TERVAILING DUTY PROGRAM.**

3 (a) REPORT TO CONGRESS.—The Secretary of Com-
4 merce, with the assistance of the Commissioner of Cus-
5 toms, shall submit to Congress an annual report on the
6 antidumping and countervailing duty program.

7 (b) CONTENTS.—(1) The annual report submitted
8 under subsection (a) shall include—

9 (A) information based on Department of Com-
10 merce and United States Customs Service data, con-
11 cerning (i) the status of the antidumping and coun-
12 tervailing duty program, (ii) the status of individual
13 antidumping or countervailing duty orders, (iii) key
14 problems with the program, and (iv) agency plans
15 for improvement; and

16 (B) reports on progress toward achieving the
17 objectives listed in paragraph (2).

18 (2) The objectives referred to in paragraph (1)(B) are
19 as follows:

20 (A) The revamping of Department of Com-
21 merce and United States Customs Service program
22 goals and management controls to provide effective
23 means for measuring the performance of the anti-
24 dumping and countervailing duty program.

25 (B) The establishment by the Customs Service
26 of management controls to provide oversight of the

1 performance of Customs Service field offices with re-
2 spect to the antidumping and countervailing duty
3 program.

4 (C) The completion by the Customs Service of
5 planned software enhancements to provide auto-
6 mated antidumping and countervailing duty data on
7 final duty assessments, liquidations, billings, pay-
8 ments, and warehouse withdrawals.

9 (D) The standardization and improvement of
10 the creation, maintenance, and use of the paper files
11 at the Customs Service that pertain to the anti-
12 dumping and countervailing duty program.

13 (E) The elimination by the Customs Service
14 and Department of Commerce of their liquidation,
15 billing protest, and scope determination backlogs.

16 (F) With respect to the determination of the
17 scope of an antidumping and countervailing duty
18 order—

19 (i) the establishment of a 30-day deadline
20 for the Department of Commerce to issue pre-
21 liminary or final scope determinations;

22 (ii) the issuance of a national directive by
23 the Customs Service on handling imports sub-
24 ject to a pending scope determination at the
25 Department of Commerce; and

1 (iii) the establishment by the Customs
2 Service of a national policy of suspending liq-
3 uidation and assessing duties on imports appar-
4 ently within the scope of an antidumping or
5 countervailing duty order, unless otherwise in-
6 structed by the Department of Commerce.

7 (G) Improvement of procedures for Harmonized
8 Tariff Schedule classifications involving imports sub-
9 ject to an antidumping or countervailing duty order
10 or to a pending dispute regarding the scope of such
11 an order.

12 (H) Completion by the Customs Service of its
13 work to replace its accounting software, strengthen
14 its financial controls, and implement the debt collec-
15 tion reforms recommended in the 1990 Customs
16 Revenue Accounting Study.

17 (I) Correction of the Customs Service importer
18 identification database to eliminate multiple identi-
19 fication numbers for single importers.

20 (J) Institution of Customs Service procedures
21 to prevent importers from obtaining new or addi-
22 tional identification numbers where the importers, or
23 their affiliates or predecessors, have delinquent debts
24 to the Customs Service.

1 (K) Establishment of Customs Service manage-
2 ment controls to ensure that its field offices issue
3 timely bills for the collection of antidumping and
4 countervailing duties.

5 (L) Streamlining of Department of Commerce
6 procedures for handling billing protests in a timely
7 manner, together with establishment of effective
8 Customs Service procedures for monitoring such
9 protests.

10 (M) Establishment of policies and procedures
11 within the Department of Commerce and Customs
12 Service for prompt response by their personnel to
13 United States industry requests for information on
14 antidumping and countervailing duty activities.

15 (N) Implementation of policies and procedures
16 at the Department of Commerce and Customs Serv-
17 ice for the prompt investigation of complaints by
18 United States industry concerning antidumping and
19 countervailing duty enforcement.

20 **TITLE II—ADJUSTMENT TO IMPORT**

21 **COMPETITION**

22 **SEC. 201. IMPORT RELIEF.**

23 (a) SECRETARY OF COMMERCE TO ASSUME ITC
24 FUNCTIONS.—Section 202 of the Trade Act of 1974 (19
25 U.S.C. 2252) is amended by striking “the Commission”

1 each place it appears and inserting “the Secretary of Com-
2 merce”.

3 (b) PETITIONS AND ADJUSTMENTS PLANS.—Section
4 202(a) of the Trade Act of 1974 (19 U.S.C. 2252(a)) is
5 amended)

6 (1) by striking “the Office of the United States
7 Trade Representative and” in paragraph (3);

8 (2) by striking “and the United States Trade
9 Representative (hereafter in this chapter referred to
10 as the “Trade Representative”)” in paragraph (4);
11 and

12 (3) by striking “Trade Representative” the first
13 four times it appears in paragraph (5) and inserting
14 “the Secretary of Commerce”; and

15 (4) by striking “Trade Representative” the last
16 time it appears in that paragraph and inserting
17 “Secretary of Commerce”.

18 (c) SUBSTANTIAL CAUSE DETERMINATIONS.—Sec-
19 tion 202(c)(1)(C) of the Trade Act of 1974 (19 U.S.C.
20 2252(c)(1)(C)) is amended by inserting before the period
21 at the end the following: “, or a significant reduction in
22 market share, profits, employment, investment, or re-
23 search and development which would not have occurred
24 in the absence of increased quantities of imports, even

1 though similar reductions due to other causes might have
2 occurred”.

3 (d) DETERMINATIONS OF AFFECTED DOMESTIC IN-
4 DUSTRY.—Section 202(c)(4) of the Trade Act of 1974 (19
5 U.S.C. 2252(c)(4)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (B);

8 (2) by striking the period at the end of sub-
9 paragraph (C) and inserting “; and”; and

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

11 “(D) shall, in a case involving a broad range of
12 related products, many or all of which are produced
13 by the same domestic producers, treat as such do-
14 mestic industry the producers of such products, even
15 though the products may not be like or directly com-
16 petitive with one another.”.

17 (e) SECRETARY OF COMMERCE RECOMMENDA-
18 TIONS.—Section 202(e) of the Trade Act of 1974 (19
19 U.S.C. 2252(e)) is amended—

20 (1) by striking “203(e)” in paragraph (3) and
21 inserting “203(d)”;

22 (2) by striking clauses (ii) and (iii) of para-
23 graph (5) and inserting the following:

24 “(ii) the extent to which workers and
25 firms in the domestic industry are—

1 “(I) benefiting from adjustment
2 assistance and other manpower pro-
3 grams, and

4 “(II) engaged in worker retrain-
5 ing efforts,

6 “(iii) the efforts being made, or to be
7 implemented, by the domestic industry (in-
8 cluding the efforts included in any adjust-
9 ment plan or commitment submitted to the
10 Secretary of Commerce under section
11 201(b)) to make a positive adjustment to
12 import competition,”;

13 (3) by striking “and” at the end of paragraph
14 (5)(B)(iv);

15 (4) by striking the period at the end of para-
16 graph (5)(B)(v) and inserting in lieu thereof a
17 comma; and

18 (5) by adding at the end of paragraph (5)(B)
19 the following:

20 “(vi) the extent to which there is di-
21 version of foreign exports to the United
22 States market by reason of foreign re-
23 straints,

24 “(vii) the potential for circumvention
25 of any action taken under this section, and

1 “(viii) the national security interests
2 of the United States.”.

3 (f) LIMITATIONS ON INVESTIGATIONS.—Section
4 202(h) of the Trade Act of 1974 (19 U.S.C. 2252(h)) is
5 amended by striking “section 203(a)(3) (A), (B), (C), or
6 (E)” and inserting the following: “section 202(e)(2) (A),
7 (B), or (C), or section 202(e)(4)(A) with respect to orderly
8 marketing agreements,”.

9 **TITLE III—UNFAIR INTERNATIONAL**
10 **TRADE PRACTICES**

11 **SEC. 301. IDENTIFICATION OF TRADE LIBERALIZATION PRI-**
12 **ORITIES.**

13 (a) EXTENSION OF PERIOD FOR IDENTIFICATION.—
14 Section 310 of the Trade Act of 1974 (19 U.S.C. 2420)
15 is amended—

16 (1) by striking “By no later than the date that
17 is 30 days after the date in calendar year 1989, and
18 also the date in calendar year 1990, on which the
19 report required under section 181(b) is submitted to
20 the appropriate congressional committees,” in sub-
21 section (a)(1) and inserting “By no later than Sep-
22 tember 30 of each calendar year,”;

23 (2) by striking “such report” in subsection (B)
24 and inserting “the most recent report submitted
25 under section 181(b)”;

1 (3) by inserting “, Committee on Commerce,
2 Science, and Transportation, Committee on Bank-
3 ing, Housing, and Urban Affairs, and Committee on
4 Foreign Relations” in subsection (a)(1)(D) after
5 “Finance”;

6 (4) by inserting “, Committee on Commerce,
7 Committee on Banking and Financial Services, and
8 Committee on International Relations” in subsection
9 (a)(1)(D) after “Ways and Means”; and

10 (5) by adding at the end the following new sub-
11 section:

12 “(e) PETITIONS BY CONGRESSIONAL COMMITTEES.—
13 If the Committee on Finance, Committee on Commerce,
14 Science, and Transportation, Committee on Banking,
15 Housing, and Urban Affairs, or Committee on Foreign
16 Relations of the Senate, or the Committee on Ways and
17 Means, Committee on Commerce, Committee on Banking
18 and Financial Services, or Committee on International Re-
19 lations of the House of Representatives, determines (by
20 a resolution adopted by such committee) that an investiga-
21 tion under this chapter should be initiated with respect
22 to any barriers and market distorting practices of any for-
23 eign country that such Committee determines to be a
24 country that maintains a consistent pattern of import bar-
25 riers or market distorting practices, such Committee shall

1 be eligible to file a petition under section 302(a) and shall
2 file a petition under section 302(a) with respect to such
3 barriers and practices.”.

4 (b) MANDATORY ACTION.—(1) Section 301(a)(1) of
5 the Trade Act of 1974 (19 U.S.C. 2411(a)(1)) is amend-
6 ed—

7 (A) by striking “or” at the end of subpara-
8 graph (A);

9 (B) by inserting “or” at the end of subpara-
10 graph (B)(ii); and

11 (C) by inserting after subparagraph (B)(ii), the
12 following new subparagraph:

13 “(C) a priority practice—

14 “(i) identified under section 310, or

15 “(ii) with respect to a priority foreign
16 country identified under section 310,

17 constitutes an act, policy, or practice of a for-
18 eign country which is unreasonable or discrimi-
19 natory and burdens or restricts United States
20 commerce;”.

21 (2) Section 304(a)(1)(A)(ii) of the Trade Act of 1974
22 (19 U.S.C. 2414(a)(1)(A)(ii)) is amended by striking
23 “(a)(1)(B)” and inserting “(a)(1)(B), (a)(1)(C),”.

1 (c) ESTIMATION OF BARRIERS TO MARKET AC-
2 CESS.—Section 181(a)(1)(C) of the Trade Act of 1974 (19
3 U.S.C. 2241(a)(1)(C)) is amended—

4 (1) by striking “, if feasible,”; and

5 (2) by striking the period at the end and insert-
6 ing the following: “; and if it is not feasible to make
7 an estimate under this subparagraph, the Trade
8 Representative shall provide an explanation of why
9 such estimate is not feasible.”.

10 **SEC. 302. ANNUAL REVIEW OF TRADE AGREEMENTS.**

11 (A) IN GENERAL.—Chapter 1 of title III of the Trade
12 Act of 1974 (19 U.S.C. 2411 et seq.) is amended by in-
13 serting immediately after section 306 the following new
14 section:

15 **“SEC. 306A. ANNUAL REVIEW OF TRADE AGREEMENTS.**

16 **“(a) REQUEST FOR REVIEW.—**

17 **“(1)(A) An interested person may file with the**
18 **Trade Representative a written request for a review**
19 **to determine whether a foreign country is in compli-**
20 **ance with any trade agreement such country has**
21 **with the United States. Such request may be filed**
22 **at any time after the date which is within 30 days**
23 **after the anniversary of the effective date of such**
24 **agreement, but not later than 90 days before the**
25 **date of expiration of such agreement.**

1 “(B) A written request filed under subpara-
2 graph (A) shall—

3 “(i) identify the person filing the request
4 and the interest of that person which is affected
5 by the noncompliance of a foreign country with
6 a trade agreement with the United States;

7 “(ii) describe the rights of the United
8 States being denied under such trade agree-
9 ment; and

10 “(iii) include information reasonably avail-
11 able to the person regarding the failure of the
12 foreign country to comply with such trade
13 agreement.

14 “(C) For purposes of this subsection—

15 “(i) the term ‘interested person’ means a
16 person with a significant economic interest that
17 is affected by the failure of a foreign country to
18 comply with a trade agreement.

19 “(ii) The term ‘trade agreement’ means an
20 agreement with the United States and does not
21 include multilateral trade agreements such as
22 the General Agreement on Tariffs and Trade.

23 “(b) REVIEW AND DETERMINATION.—

24 “(1) Upon the filing of a request under sub-
25 section (a), the Trade Representative shall com-

1 mence the requested review. In conducting the re-
2 view, the Trade Representative may, as the Trade
3 Representative determines appropriate, consult with
4 the Secretary of Commerce, the Secretary of Agri-
5 culture, or the head of any other relevant Federal
6 agency.

7 “(2)(A) On the basis of the review conducted
8 under paragraph (1), the Trade Representative shall
9 determine whether any act, policy, or practice of the
10 foreign country that is the subject of the review is
11 in material noncompliance with the terms of the ap-
12 plicable trade agreement. Such determination shall
13 be made not later than 90 days after the request for
14 review was filed under subsection (a).

15 “(B) In making a determination under para-
16 graph (1) with respect to a foreign country’s compli-
17 ance with a trade agreement, the Trade Representa-
18 tive shall take into account, among other relevant
19 factors—

20 “(i) achievement of the objectives of the
21 agreement,

22 “(ii) adherence to commitments given, and

23 “(iii) any evidence of actual patterns of
24 trade that do not reflect patterns of trade which
25 would reasonably be anticipated to flow from

1 the concessions or commitments of such country
2 based on the international competitive position
3 and export potential of a United States indus-
4 try.

5 “(C) The Trade Representative may seek the
6 advice of the Commission when considering the fac-
7 tors described in subparagraph (B).

8 “(c) FURTHER ACTION.—

9 “(1) If the Trade Representative determines
10 under subsection (b) that an act, policy, or practice
11 of a foreign country is in material noncompliance
12 with the applicable trade agreement, the Trade Rep-
13 resentative shall determine what further action to
14 take under section 301(a).

15 “(2) For purposes of section 301, any deter-
16 mination made under subsection (b) shall be treated
17 as a determination made under section 304(a)(1).

18 “(3) In determining what further action (in-
19 cluding possible sanctions) to take under paragraph
20 (1), the Trade Representative shall seek to minimize
21 any adverse impact on existing business relations or
22 economic interests of United States persons, includ-
23 ing consideration of taking action with respect to fu-
24 ture products for which a significant volume of cur-
25 rent trade does not exist.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents of chapter 1 of title III of the Trade Act of 1974
3 is amended by inserting immediately after the item relat-
4 ing to section 306 the following new item:

“Sec. 306A. Annual review of trade agreements.”.

5 (c) INTERNATIONAL OBLIGATIONS.—The amend-
6 ments made by this section shall not be construed to re-
7 quire actions inconsistent with the international obliga-
8 tions of the United States, including the General Agree-
9 ment on Tariffs and Trade.

10 **SEC. 303. NATIONAL TRADE ESTIMATE.**

11 (a) REPORT TO APPROPRIATE COMMITTEES OF SEN-
12 ATE.—Section 181(b)(1) of the Trade Act of 1974 (19
13 U.S.C. 2241(b)(1)) is amended by striking the comma
14 after “President” and “the Committee on Finance of the
15 Senate, and appropriate committees of” and inserting
16 “and to the appropriate committees of the Senate and
17 the”.

18 (b) REPORT TO INCLUDE TOP 10 TRADE DEFICI-
19 CITS.—Section 181(b) of such Act (19 U.S.C. 2241(b))
20 is amended—

21 (1) by redesignating paragraph (3) as (4); and
22 (2) by inserting after paragraph (2) the follow-
23 ing:

24 “(3) The National Trade Estimate shall include
25 an enumeration of the 10 most significant trade

1 deficits between the United States and other coun-
2 tries on an industry-by-industry basis.”.

3 **TITLE IV—PROVISIONS RELATING TO**
4 **IMPORTS**

5 **SEC. 401. CHILD LABOR.**

6 (a) FINDINGS; PURPOSE; POLICY.—

7 (1) FINDINGS.—The Congress finds the follow-
8 ing:

9 (A) Principle 9 of the Declaration of the
10 Rights of the Child proclaimed by the General
11 Assembly of the United Nations on November
12 20, 1959, states that “. . . the child shall not
13 be admitted to employment before an appro-
14 priate minimum age; he shall in no case be
15 caused or permitted to engage in any occupa-
16 tion or employment which would prejudice his
17 health or education or interfere with his phys-
18 ical, mental, or moral developments . . .”.

19 (B) According to the International Labor
20 Organization, worldwide an estimated
21 200,000,000 children under age 15 are work-
22 ing, many of them in dangerous industries like
23 mining and fireworks.

24 (C) Children under age 15 constitute ap-
25 proximately 11 percent of the workforce in

1 some Asian countries, 17 percent in parts of
2 Africa, and a reported 12 to 26 percent in
3 many countries in Latin America.

4 (D) The number of children under age 15
5 who are working, and the scale of their suffer-
6 ing, increase every year, despite the existence of
7 more than 20 International Labor Organization
8 conventions on child labor and laws in many
9 countries which purportedly prohibit the em-
10 ployment of underage children.

11 (E) In many countries, children under age
12 15 lack either the legal standing or means to
13 protect themselves from exploitation in the
14 workplace.

15 (F) The employment of children under age
16 15 commonly deprives the children of the op-
17 portunity for basic education and also denies
18 gainful employment to millions of adults.

19 (G) The prevalence of child labor in many
20 developing countries is rooted in widespread
21 poverty that is attributable to unemployment
22 and underemployment, precarious incomes, low
23 living standards, and insufficient education and
24 training opportunities.

1 (H) The employment of children under age
2 15, often at pitifully low wages, undermines the
3 stability of families and ignores the importance
4 of increasing jobs, aggregate demand, and pur-
5 chasing power among adults as a catalyst to the
6 development of internal markets and the
7 achievement of broad-based, self-reliant eco-
8 nomic development in many developing coun-
9 tries.

10 (I) Adult workers in the United States and
11 other developed countries should not have their
12 jobs imperiled by imports produced by child
13 labor in developing countries.

14 (2) PURPOSE.—The purpose of this section is
15 to curtail worldwide employment of children under
16 age 15 by—

17 (A) eliminating the role of the United
18 States in providing a market for foreign prod-
19 ucts made by underage children; and

20 (B) encouraging other nations to join in a
21 ban on trade in such products.

22 (3) POLICY.—It is the policy of the United
23 States—

1 (A) to discourage actively the employment
2 of children under age 15 in the production of
3 goods for export or domestic consumption;

4 (B) to strengthen and supplement inter-
5 national trading rules with a view to renouncing
6 the use of underage children in production as a
7 means of competing in international trade;

8 (C) to amend United States law to prohibit
9 the entry into commerce of products resulting
10 from the labor of underage children; and

11 (D) to offer assistance to foreign countries
12 to improve the enforcement of national laws
13 prohibiting the employment of children under
14 age 15 and to alleviate the underlying poverty
15 that is often the cause of the commercial exploi-
16 tation of children under age 15.

17 (b) PROPOSAL FOR WORLDWIDE TRADE BAN.—In
18 pursuit of the policy set forth in this section, the President
19 is urged to propose, as soon as possible, to the United
20 Nations Economic and Social Rights Committee that the
21 Convention for the Rights of the Child, which is to be sub-
22 mitted to the General Assembly of the United Nations,
23 include a worldwide ban on trade in products of child
24 labor.

1 (c) IDENTIFICATION OF FOREIGN COUNTRIES PER-
2 MITTING USE OF CHILD LABOR.—

3 (1) PERIODIC REVIEWS.—The Secretary of
4 Labor shall undertake periodic reviews (and the first
5 such review shall be undertaken within 180 days
6 after the date of enactment of this Act) to identify
7 any foreign country that—

8 (A) has not adopted, or is not enforcing ef-
9 fectively, prohibitions against the use of child
10 labor in the production of products within the
11 country (including designated zones therein);
12 and

13 (B) has on a continuing basis exported
14 products of child labor of the country to the
15 United States.

16 (2) PETITION.—

17 (A) Any person may file a petition with the
18 Secretary of Labor requesting that a particular
19 foreign country be identified under paragraph
20 (1). The petition must set forth the allegations
21 in support of the request.

22 (B) Within 90 days after receiving a peti-
23 tion under subparagraph (A), the Secretary of
24 Labor shall—

1 (i) decide whether or not the allega-
2 tions in the petition warrant further action
3 by the Secretary of Labor under paragraph
4 (1) with regard to the foreign country; and

5 (ii) notify the petitioner of the deci-
6 sion under clause (i) and the facts and rea-
7 sons supporting the decision.

8 (3) PREIDENTIFICATION PROCEDURE.—Before
9 identifying a foreign country under paragraph (1),
10 the Secretary of Labor shall—

11 (A) consult with the United States Trade
12 Representative, the Secretary of State, and the
13 Secretary of the Treasury regarding such an ac-
14 tion;

15 (B) publish notice in the Federal Register
16 stating that such an identification is being con-
17 sidered and inviting the submission within a
18 reasonable time written comment from the pub-
19 lic; and

20 (C) take into account the information ob-
21 tained under subparagraphs (A) and (B).

22 (4) WITHDRAWAL OF IDENTIFICATION.—

23 (A) Subject to subparagraph (B), the Sec-
24 retary of Labor may withdraw the identification
25 of any foreign country under paragraph (1) if

1 information available to the Secretary indicates
2 that such action is appropriate.

3 (B) No withdrawal under subparagraph
4 (A) may take effect earlier than the 60th day
5 after the date on which the Secretary submits
6 to the Congress a written report—

7 (i) stating that in the opinion of the
8 Secretary of Labor the foreign country
9 concerned has adopted, and is effectively
10 enforcing, laws prohibiting the production
11 of products with child labor within the
12 country (including designated zones there-
13 in); and

14 (ii) stating the facts on which such
15 opinion is based and any other reason why
16 the Secretary of Labor considers the with-
17 drawal appropriate.

18 (C) No withdrawal under subparagraph
19 (A) may take effect unless the Secretary of
20 Labor—

21 (i) publishes notice in the Federal
22 Register that such a withdrawal is under
23 consideration and inviting the submission
24 within a reasonable time of written com-

1 ment from the public on such a with-
2 drawal; and

3 (ii) takes into account the information
4 received under clause (i) before preparing
5 the report required under subparagraph
6 (B).

7 (5) PUBLICATION OF DECISIONS; MAINTENANCE
8 OF LIST.—The Secretary of Labor shall—

9 (A) promptly following an identification de-
10 cision under paragraph (1) publish in the Fed-
11 eral Register—

12 (i) the name of each foreign country
13 so identified, and

14 (ii) the text of each decision made
15 under paragraph (2)(B)(i) and a statement
16 of the facts and reasons supporting the de-
17 cision;

18 (B) promptly following a withdrawal deci-
19 sion under paragraph (4) publish the name of
20 each foreign country regarding which an identi-
21 fication is so withdrawn; and

22 (C) maintain in the Federal Register a
23 current list of all foreign countries identified
24 under paragraph (1).

1 (6) REPORT.—In furtherance of paragraph (1),
2 the Secretary of Labor shall transmit to the Con-
3 gress, within 180 days after the date of enactment
4 of this Act, and not later than March 1 of each sub-
5 sequent year, a full and complete report with respect
6 to the national laws and practices of foreign coun-
7 tries pertaining to the commercial exploitation of
8 children. In preparing such a report, the Secretary
9 shall consult with those officials listed in paragraph
10 (3)(A). The Secretary shall use all available informa-
11 tion regarding the commercial exploitation of chil-
12 dren, including information made available by the
13 International Labor Organization, international
14 trade union secretariats, trade unions, children’s ad-
15 vocacy organizations, religious groups, and human
16 rights organizations. Each report shall include en-
17 tries on all foreign countries, shall describe which
18 countries condone the commercial exploitation of
19 children by law or in practice, and shall describe
20 which countries by law and in practice effectively
21 discourage the commercial exploitation of children,
22 including the domestic mechanisms for the enforce-
23 ment of laws and penalties intended to deter the
24 commercial exploitation of children. Wherever pos-
25 sible, each report shall also identify those industries

1 within particular foreign countries in which there is
2 demonstrable evidence of commercial exploitation of
3 children.

4 (d) RESTRICTIONS ON ENTRY OF CERTAIN ARTI-
5 CLES.—

6 (1) ENTRY PROHIBITED.—

7 (A) Except as provided in subparagraph
8 (B), during the effective identification period
9 for a foreign country the Secretary of the
10 Treasury may not permit the entry of any man-
11 ufactured article that is a product of that coun-
12 try.

13 (B) Subparagraph (A) does not apply to
14 the entry of a manufactured article—

15 (i) for which a certification that meets
16 the requirements of paragraph (2) is pro-
17 vided;

18 (ii) that is entered under any sub-
19 heading in subchapter IV or VI of chapter
20 98 (relating to personal exemptions) of the
21 Harmonized Tariff Schedule of the United
22 States; or

23 (iii) that was exported from the for-
24 eign country and was en route to the Unit-

1 ed States before the first day of the effec-
2 tive identification period for such country.

3 (2) DOCUMENTATION.—

4 (A) The Secretary of the Treasury shall
5 prescribe the form and content of documenta-
6 tion, for submission in connection with the
7 entry of a manufactured article, that satisfies
8 the Secretary of the Treasury that the importer
9 of the article had undertaken reasonable steps
10 to ensure, to the extent practicable, that the ar-
11 ticle is not a product of child labor.

12 (B) The documentation required by the
13 Secretary of the Treasury under subparagraph
14 (A) shall include written evidence that the
15 agreement setting forth the terms and condi-
16 tions of the acquisition or provision of the im-
17 ported article includes the condition that the ar-
18 ticle not be a product of child labor.

19 (e) PROHIBITIONS; PENALTIES—

20 (1) PROHIBITION.—It is unlawful—

21 (A) during the effective identification pe-
22 riod applicable to a foreign country, to attempt
23 to enter any manufactured article that is a
24 product of that country if the entry is prohib-
25 ited under subsection (d)(1)(A); or

1 (B) to violate any regulation prescribed
2 under subsection (f).

3 (2) CIVIL PENALTY.—Any person who commits
4 any unlawful act set forth in paragraph (1) is liable
5 for a civil penalty of not to exceed \$25,000.

6 (3) CRIMINAL PENALTY.—In addition to being
7 liable for a civil penalty under paragraph (2), any
8 person who intentionally commits any unlawful act
9 set forth in paragraph (1) is, upon conviction, liable
10 for a fine or not less than \$10,000 and not more
11 than \$35,000, or imprisonment for 1 year, or both.

12 (4) APPLICATION OF CUSTOMS LAW ENFORCE-
13 MENT PROVISIONS.—The violations set forth in
14 paragraph (1) shall be treated as violations of the
15 customs laws for purposes of applying the enforce-
16 ment provisions of the Tariff Act of 1930, includ-
17 ing—

18 (A) the search, seizure, and forfeiture pro-
19 visions;

20 (B) section 592 (relating to penalties for
21 entry by fraud, gross negligence, or negligence);
22 and

23 (C) section 619 (relating to compensation
24 to informers).

1 (f) REGULATIONS.—The Secretary shall prescribe
2 regulations that are necessary or appropriate to carry out
3 this section.

4 (g) SPECIAL RULES; DEFINITIONS.—For purposes of
5 this section—

6 (1) A manufactured article shall be treated as
7 being a product of child labor if the article—

8 (A) was fabricated, assembled, or proc-
9 essed, in whole or part;

10 (B) contains any part that was fabricated,
11 assembled, or processed, in whole or part; or

12 (C) was mined, quarried, pumped, or oth-
13 erwise extracted,

14 by one or more children who engaged in the fabrica-
15 tion, assembly, processing, or extraction—

16 (A) in exchange for remuneration (regard-
17 less to whom paid), subsistence, goods or serv-
18 ices, or any combination of the foregoing;

19 (B) under circumstances tantamount to in-
20 voluntary servitude; or

21 (C) under exposure to toxic substances or
22 working conditions otherwise posing serious
23 health hazards.

24 (2) The term “child” means an individual who
25 has not attained age 15.

1 (3) The term “effective identification period”
2 means, with respect to a foreign country, the period
3 that—

4 (A) begins on the date of that issue of the
5 Federal Register in which the identification of
6 the country is published under subsection
7 (c)(5)(A); and

8 (B) terminates on the date of that issue of
9 the Federal Register in which the withdrawal of
10 the identification referred to in clause (i) is
11 published under subsection (c)(5)(B).

12 (4) The term “entered” means entered, or with-
13 drawn from warehouse for consumption, in the cus-
14 toms territory of the United States.

15 (5) The term “foreign country” includes any
16 foreign instrumentality. Any possession or territory
17 of a foreign country that is administered separately
18 for customs purposes shall be treated as a separate
19 foreign country.

20 (6) The term “manufactured article” means
21 any good that is fabricated, assembled, or processed.
22 The term also includes any mineral resource (includ-
23 ing any mineral fuel) that is entered in a crude
24 state. Any mineral resource that at entry has been
25 subjected to only washing, crushing, grinding, pow-

1 dering, levigation, sifting, screening, or concentra-
2 tion by flotation, magnetic separation, or other me-
3 chanical or physical processes shall be treated as
4 having been processed for the purposes of this sec-
5 tion.

6 **SEC. 402. SLAVE LABOR.**

7 (a) IN GENERAL.—Section 307 of the Tariff Act of
8 1930 (19 U.S.C. 1307) is amended to read as follows:

9 **“SEC. 307. PROHIBITION ON IMPORTANT OR TRANSPOR-**
10 **TATION OF PROHIBITED PRODUCTS.**

11 “(a) FINDINGS AND POLICY.—

12 “(1) FINDINGS.—The Congress finds that—

13 “(A) some states in the international com-
14 munity employ various forms of convict labor,
15 forced labor, indentured labor, and involuntary
16 labor;

17 “(B) these forms of labor are used for sev-
18 eral purposes, including political coercion, edu-
19 cation or punishment, economic development,
20 labor discipline, or racial, social, national, or re-
21 ligious discrimination;

22 “(C) goods, wares, articles, and resources
23 produced or extracted by these forms of labor
24 are exported, directly or indirectly, to other

1 states in the international community, including
2 the United States;

3 “(D) the use of forced or compulsory labor
4 constitutes disrespect for basic human rights
5 and fundamental freedoms, as set forth in the
6 Universal Declaration of Human Rights, the
7 Charter of the United Nations, and other inter-
8 national covenants;

9 “(E) the Universal Declaration of Human
10 Rights recognizes the ‘right to work, to free
11 choice of employment, to just and favorable
12 conditions of work’ and prohibits slavery and
13 the slave trade ‘in all their forms’;

14 “(F) the United States, as a sovereign
15 state in the international community, has
16 pledged itself to protect and defend human
17 rights within its territory and to protect and
18 promote human rights, including the rights of
19 individuals, to be free from forced labor and in-
20 voluntary servitude, throughout the world; and

21 “(G) this commitment to human rights,
22 generally, and to the termination of forced labor
23 and involuntary servitude, specifically, is con-
24 sistent with the basic principles on which the
25 United States was founded, as embodied in

1 such documents as the Declaration of Independ-
2 ence and the Bill of Rights, with the prohibition
3 against slavery in the Thirteenth Amendment,
4 and with the historical traditions of the United
5 States as a humanitarian nation; and

6 “(H) the Senate demonstrated the commit-
7 ment of the United States to the termination of
8 forced labor and involuntary servitude on May
9 14, 1991, when the Senate gave its advice and
10 consent to the ratification of the Convention
11 Concerning the Abolition of Forced Labor
12 (Convention No. 105), adopted by the Inter-
13 national Labor Conference (40th session) at
14 Geneva, Switzerland, on June 25, 1957.

15 “(2) POLICY.—It is the policy of the United
16 States to—

17 “(A) take measures, to the maximum ex-
18 tent practicable, to protect the rights of individ-
19 uals to be free from force labor and involuntary
20 servitude;

21 “(B) enable the citizens of the United
22 States to be free from unknowingly supporting
23 or subsidizing the policies of states in the inter-
24 national community which employ forced labor
25 and involuntary servitude; and

1 “(C) deny United States economic support,
2 by consumer purchase, investment, lending, or
3 otherwise, to states in the international commu-
4 nity which use forced labor.

5 “(b) PROHIBITION ON IMPORTATION OR TRANSPOR-
6 TATION.—

7 “(1)(A) Except as provided in subparagraph
8 (B), no prohibited product may be imported into the
9 United States nor transported in interstate com-
10 merce.

11 “(B) The provisions of subparagraph (A) shall
12 not apply to items vital to national security.

13 “(2) No United States national or any other
14 person subject to the jurisdiction of the United
15 States may invest in, or make loans to, a foreign
16 joint venture involving the use of forced labor.

17 “(3) The Secretary of the Treasury shall pre-
18 scribe such regulations as may be necessary for the
19 enforcement of this subsection.

20 “(4) For purposes of this subsection—

21 “(A) the term ‘forced labor’ means all
22 work or service which is exacted from any per-
23 son under the menace of any penalty for its
24 nonperformance and for which the worker does
25 not offer himself voluntarily;

1 “(B) the term ‘prohibited product’ means
2 any goods, wares, articles, merchandise, natural
3 resources, and services produced, mined, ex-
4 tracted, manufactured, or provided wholly or in
5 part in any foreign country by forced labor; and

6 “(C) the term ‘United States national’
7 means—

8 “(i) a natural person who is a citizen
9 of the United States; and

10 “(ii) a corporation or other legal en-
11 tity which is organized under the laws of
12 the United States or of any State, the Dis-
13 trict of Columbia, the Commonwealth of
14 Puerto Rico, or the Commonwealth of the
15 Northern Mariana Islands, if natural per-
16 sons who are citizens of the United States
17 own, directly or indirectly, 50 percent or
18 more of the outstanding capital stock or
19 other beneficial interest of such corpora-
20 tion or entity.

21 “(c) PENALTIES.—(1) With respect to any violation
22 of subsection (b) (1) or (2), an order under this section
23 shall require the person or entity to pay a civil penalty
24 of—

25 “(A) \$10,000 for one violation;

1 “(B) \$100,000 in the case of a person or entity
2 previously subject to one order under this section; or

3 “(C) \$1,000,000 in the case of a person or en-
4 tity previously subject to more than one order under
5 this section.

6 “(2)(A) Before imposing an order described in para-
7 graph (1) against a person or entity for a violation of sub-
8 section (b)(2), the Secretary of the Treasury shall provide
9 the person or entity with notice and, upon request made
10 within a reasonable time (of not less than 30 days, as es-
11 tablished by the Secretary of the Treasury) of the date
12 of the notice, a hearing respecting the violation.

13 “(B) Any hearing so requested shall be conducted be-
14 fore an administrative law judge. The hearing shall be con-
15 ducted in accordance with the requirements of section 554
16 of title 5, United States Code. The hearing shall be held
17 at the nearest practicable place to the place where the per-
18 son or entity resides or of the place where the alleged vio-
19 lation occurred. If no hearing is so requested, the Sec-
20 retary of the Treasury’s imposition of the order shall con-
21 stitute a final and unappealable order.

22 “(C) If the administrative law judge determines, upon
23 the preponderance of the evidence received, that a person
24 or entity named in the complaint has violated subsection
25 (b) (1) or (2), the administrative law judge shall state his

1 findings of fact and issue and cause to be served on such
2 person or entity an order described in paragraph (1).

3 “(3) The decision and order of an administrative law
4 judge shall become the final agency decision and order of
5 the Secretary of the Treasury unless, within 30 days, the
6 Secretary of the Treasury modifies or vacates the decision
7 and order, in which case the decision and order of the Sec-
8 retary of the Treasury shall become a final order under
9 this subsection. The Secretary of the Treasury may not
10 delegate his authority under this paragraph.

11 “(4) A person or entity adversely affected by a final
12 order respecting an assessment may, within 45 days after
13 the date the final order is issued, file a petition in the
14 Court of Appeals for the appropriate circuit for review of
15 the order.

16 “(5) If a person or entity fails to comply with a final
17 order issued under this subsection against the person or
18 entity, the Attorney General shall file a suit to seek com-
19 pliance with the order in any appropriate circuit court of
20 the United States. In any such suit, the validity and ap-
21 propriateness of the final order shall not be subject to re-
22 view.

23 “(d) ENFORCEMENT BY PRIVATE PERSONS.—(1)
24 The prohibitions contained in subsection (b) (1) and (2)
25 may be enforced by civil actions in appropriate United

1 States district courts without regard to the amount in con-
2 troversy and in appropriate State or local courts of general
3 jurisdiction. A civil action shall be commenced within 1
4 year after plaintiff obtains knowledge of the alleged viola-
5 tion of subsection (b)(1) has occurred, or reasonably
6 should have obtained knowledge, except that the court
7 shall continue such civil case brought pursuant to this sec-
8 tion from time to time before bringing it to trial if an
9 administrative hearing pursuant to subsection (c)(2) has
10 commenced and is being diligently conducted so as to
11 reach an expeditious conclusion.

12 “(2)(A) Except as provided in paragraph (3)—

13 “(i) any person to whom any prohibited product
14 has been offered for purchase or in reasonable likeli-
15 hood will be offered for purchase, or

16 “(ii) any public interest group or human rights
17 organization, may commence a civil suit on behalf of
18 that person, group, or organization—

19 “(I) to enjoin any person, including the
20 United States and any other governmental in-
21 strumentality or agency (to the extent per-
22 mitted by the Eleventh Amendment to the Con-
23 stitution), who is alleged to be in violation of
24 any provision of this section or regulation is-
25 sued under the authority of this section;

1 “(II) to compel the Secretary of the Treas-
2 ury to enforce any prohibitions specified in sub-
3 section (b)(1) or (2) through an order for pen-
4 alties under subsection (c); or

5 “(III) to compel the Secretary of the
6 Treasury to perform any act or duty under sub-
7 section (b)(1) or (2) which is not discretionary
8 with the Secretary and which the Secretary has
9 failed to carry out.

10 “(B) The district court shall have jurisdiction, with-
11 out regard to the amount in controversy or the citizenship
12 of the parties, to enforce any such provision or regulation,
13 or to order the Secretary to perform such act or duty,
14 as the case may be.

15 “(3) No action may be commenced under paragraph
16 (2)(A)—

17 “(A) if 60 days have not elapsed after written
18 notice of the violation has been given to the Sec-
19 retary of the Treasury, and to any alleged violator
20 of this section or any regulation issued under this
21 section;

22 “(B) if the Secretary of the Treasury has com-
23 menced an action to impose a penalty pursuant to
24 subsection (c); or

1 promoted thereby, the President before June 1, 1993, may
2 enter into trade agreements with foreign countries.”.

3 (b) CONFORMING AMENDMENT.—Section 1105(a)(2)
4 of the Omnibus Trade and Competitiveness Act of 1988
5 (19 U.S.C. 2904(a)(2)) is amended by striking “proclama-
6 tion or” each place it appears.

7 **SEC. 502. REPEAL OF FAST TRACK PROCEDURES.**

8 (a) REPEAL OF PROCEDURES IN TRADE ACT OF
9 1974.—Sections 151 through 154 of the Trade Act of
10 1974 (19 U.S.C. 2191–2194) are repealed.

11 (b) REPEAL OF PROVISIONS IN OMNIBUS TRADE AND
12 COMPETITIVENESS ACT OF 1988.—

13 (1) Subsections (b), (c), (d), and (e) of section
14 1103 of the Omnibus Trade and Competitiveness
15 Act of 1988 (19 U.S.C. 2903) are repealed.

16 (2) Paragraph (4) of section 1102(c) of the
17 Omnibus Trade and Competitiveness Act of 1988
18 (19 U.S.C. 2902(c)) is repealed.

19 (3) Paragraph (4) of section 1107(a) of the
20 Omnibus Trade and Competitiveness Act of 1988
21 (19 U.S.C. 2906(a)) is repealed.

22 **SEC. 503. APPLICABILITY OF NATIONAL ENVIRONMENTAL**
23 **POLICY ACT.**

24 Section 102(2)(C) of the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended

1 by inserting “(including bilateral and multilateral negotia-
2 tions with other countries on trade or other matters)” im-
3 mediately after “human environment”.

4 **SEC. 504. REPRESENTATION ON ADVISORY COMMITTEES.**

5 (a) **ADVISORY COMMITTEE FOR TRADE POLICY AND**
6 **NEGOTIATIONS.**—Section 135(b)(1) of the Trade Act of
7 1974 (19 U.S.C. 2155(b)(1)) is amended by inserting “en-
8 vironmental interests, health and safety interests,” imme-
9 diately after “retailers,”.

10 (b) **GENERAL POLICY ADVISORY COMMITTEES.**—
11 Section 135(c)(1) of the Trade Act of 1974 (19 U.S.C.
12 2155(c)(1)) is amended by inserting “environmental,
13 consumer, health and safety,” immediately after “de-
14 fense,” each place it appears.

15 (c) **SECTORAL AND FUNCTIONAL ADVISORY COMMIT-**
16 **TEES.**—Section 135(c)(2) of the Trade Act of 1974 (19
17 U.S.C. 2155(c)(2)) is amended by inserting “environ-
18 mental, consumer, health and safety,” immediately after
19 “agricultural,”.

20 **TITLE VI—MISCELLANEOUS PROVISIONS**

21 **SEC. 601. SCOFFLAW PENALTIES FOR MULTIPLE CUSTOMS**

22 **LAW OFFENDERS.**

23 (a) **ORDER BY SECRETARY OF TREASURY.**—

1 (1) The Secretary of the Treasury shall by
2 order prohibit any person who is a multiple customs
3 law offender from—

4 (A) introducing, or attempting to intro-
5 duce, foreign goods into the customs territory
6 of the United States; and

7 (B) engaging, or attempting to engage,
8 any other person for the purpose of introducing,
9 on behalf of the multiple customs law offender,
10 foreign goods into such customs territory. If the
11 multiple customs law offender is a firm, cor-
12 poration, or other legal entity, the order shall
13 apply to all officers and principals of the entity.
14 The order shall also apply to any employee or
15 agent of the entity if that employee or agent
16 was directly involved in the violations of the
17 customs laws concerned.

18 (2) The prohibition contained in the order is-
19 sued under paragraph (1) shall apply during the pe-
20 riod which begins on the 60th day after the date on
21 which the order is issued and ends on the 3rd anni-
22 versary of such 60th day.

23 (b) NOTIFICATIONS BY AGENCIES.—Each Federal
24 agency shall notify the Secretary of the Treasury of all
25 final convictions and assessments made incident to the en-

1 enforcement of the customs laws under the jurisdiction of
2 such agency.

3 (c) PENALTIES.—Whoever violates, or knowingly aids
4 or abets the violation of, an order issued by the Secretary
5 of the Treasury under this section shall be fined not more
6 than \$250,000 or imprisoned not more than 10 years, or
7 both.

8 (d) RULEMAKING.—The Secretary of the Treasury
9 shall prescribe rules to carry out this section, including
10 rules governing the procedures to be used in issuance of
11 orders under subsection (a). Such rules shall also include
12 a list of the customs laws.

13 (e) DEFINITIONS.—For purposes of this section, the
14 term—

15 (1) “customs laws” means any Federal law pro-
16 viding a criminal or civil penalty for an act, or fail-
17 ure to act, regarding the introduction of, or the at-
18 tempt to introduce, foreign goods into the customs
19 territory of the United States, including sections 496
20 and 1001 (but only with respect to customs mat-
21 ters), and any section of chapter 17 of title 18,
22 United States Code, and section 592 of the Tariff
23 Act of 1930 (19 U.S.C. 1592); and

24 (2) “multiple customs law offender” means a
25 person that, during any period of seven consecutive

1 years after the date of enactment of this Act, was
2 either convicted of, or assessed a civil penalty for,
3 three separate violations of one or more customs
4 laws finally determined to involve fraud or criminal
5 culpability.

6 **SEC. 602. AUTHORITY TO ESTABLISH MANUFACTURING**
7 **SUBZONES.**

8 The Foreign Trade Zones Act (19 U.S.C. 81a et seq.)
9 is amended by adding at the end the following new section:

10 “SEC. 22.(a) After the date of enactment of this sec-
11 tion, the Board shall not authorize the establishment of
12 a subzone for manufacturing unless the Board finds,
13 based on clear and convincing evidence, that the establish-
14 ment of such a subzone will result in—

15 “(1) significant net public benefits, taking into
16 account significant adverse effects;

17 “(2) additional substantial exports from the
18 United States;

19 “(3) the encouragement of activity related to
20 import displacement or substitution;

21 “(4) the generation or sustaining of employ-
22 ment and investment in the United States;

23 “(5) no negative effect on a remedial action or
24 program instituted by the United States to counter
25 an international unfair trade practice; and

1 in major part if the foreign principal holds 50
2 percent or more equitable ownership in such
3 person.”.

4 (2) Section 1(j) of the Foreign Agents Registra-
5 tion Act of 1938 (22 U.S.C. 611(j)) is amended by
6 striking “propaganda” and inserting in lieu thereof
7 “promotional material”.

8 (3)(A) Section 1(d) of the Foreign Agents Reg-
9 istration Act of 1938 (22 U.S.C. 611(d)) is amended
10 by striking “agent” each place it appears and insert-
11 ing in lieu thereof “representative”.

12 (B) Section 1(o) of the Foreign Agents Reg-
13 istration Act of 1938 (22 U.S.C. 611(o)) is amended
14 by striking “propaganda” and inserting in lieu
15 thereof “promotional material”.

16 (C) Section (2)(a) and (f) of the Foreign
17 Agents Registration Act of 1938 (22 U.S.C. 612(a)
18 and (f)) is amended by striking “an agent” each
19 place it appears and inserting in lieu thereof “a rep-
20 resentative”.

21 (D) Section 2 of the Foreign Agents Registra-
22 tion Act of 1938 (22 U.S.C. 612), as amended by
23 subparagraph (C) of this paragraph, is further
24 amended by striking “agent” each place it appears
25 and inserting in lieu thereof “representative”.

1 (E) Section 3 of the Foreign Agents Registra-
2 tion Act of 1938 (22 U.S.C. 613) is amended—

3 (i) by striking “agents” and inserting in
4 lieu thereof “representatives”; and

5 (ii) in subsection (f)—

6 (I) by striking “an agent” and insert-
7 ing in lieu thereof “a representative”; and

8 (II) by striking “any agent” and in-
9 serting in lieu thereof “any representa-
10 tive”.

11 (F) Section 4 of the Foreign Agents Registra-
12 tion Act of 1938 (22 U.S.C. 614) is amended—

13 (i) by striking “an agent” each place it ap-
14 pears and inserting in lieu thereof “a represent-
15 ative”;

16 (ii) by striking “propaganda” each place it
17 appears and inserting in lieu thereof “pro-
18 motional material”;

19 (iii) by striking “such agent” each place it
20 appears and inserting in lieu thereof “such rep-
21 resentative”;

22 (iv) by striking “agents” and inserting in
23 lieu thereof “representatives”; and

24 (v) by striking “any agent” and inserting
25 in lieu thereof “any representative”.

1 (G) Section 5 of the Foreign Agents Registra-
2 tion Act of 1938 (22 U.S.C. 615) is amended—

3 (i) by striking “Every agent” and inserting
4 in lieu thereof “Every representative”;

5 (ii) by striking “an agent” and inserting in
6 lieu thereof “a representative”; and

7 (iii) by striking “every agent” and insert-
8 ing in lieu thereof “every representative”.

9 (H) Section 6 of the Foreign Agents Registra-
10 tion Act of 1938 (22 U.S.C. 616) is amended—

11 (i) by striking “propaganda” each place it
12 appears and inserting in lieu thereof “pro-
13 motional material”; and

14 (ii) by striking “agent” and inserting in
15 lieu thereof “representative”.

16 (I) Section 7 of the Foreign Agents Registra-
17 tion Act of 1938 (22 U.S.C. 617) is amended—

18 (i) by striking “an agent” each place it ap-
19 pears and inserting in lieu thereof “a represent-
20 ative”; and

21 (ii) by striking “such agent” each place it
22 appears and inserting in lieu thereof “such rep-
23 resentative”.

24 (J) Section 8 of the Foreign Agents Registra-
25 tion Act of 1938 (22 U.S.C. 618) is amended—

1 (i) by striking “propaganda” and inserting
2 in lieu thereof “promotional material”;

3 (ii) by striking “an agent” each place it
4 appears and inserting in lieu thereof “any rep-
5 resentative”;

6 (iii) by striking “any agent” each place it
7 appears and inserting in lieu thereof “any rep-
8 resentative”; and

9 (iv) by striking “such agent” and inserting
10 in lieu thereof “such representative”.

11 (K) Section 11 of the Foreign Agents Registra-
12 tion Act of 1938 (22 U.S.C. 621) is amended by
13 striking “propaganda” and inserting in lieu thereof
14 “promotional material”.

15 (b) EXEMPTIONS.—

16 (1) Section 3(d) of the Foreign Agents Reg-
17 istration Act of 1938 (22 U.S.C. 613(d)) is amended
18 by inserting immediately before the semicolon at the
19 end the following proviso: “: *Provided*, That any per-
20 son relying on this subsection shall notify the Attor-
21 ney General of such reliance in such manner and
22 form as the Attorney General may prescribe by regu-
23 lation”.

24 (2) Section 3(g) of the Foreign Agents Reg-
25 istration Act of 1938 (22 U.S.C. 613(g)) is amended

1 by striking “or any agency” and all that follows ex-
2 cept the period at the end.

3 (3) Section 1(q) of the Foreign Agents Reg-
4 istration Act of 1938 (22 U.S.C. 611(q)) is amend-
5 ed—

6 (A) by striking “and” at the end of clause
7 (ii) of the proviso; and

8 (B) by inserting immediately before the pe-
9 riod at the end the following: “, and (iv) such
10 activities do not involve the representation of
11 the interests of the foreign principal before any
12 agency or official of the Government of the
13 United States other than providing information
14 in response to requests by such agency or offi-
15 cial or as a necessary part of a formal judicial
16 or administrative proceeding, including the ini-
17 tiation of such a proceeding”.

18 (c) CIVIL PENALTIES; SUBPOENA POWER.—Section
19 8 of the Foreign Agents Registration Act of 1938 (22
20 U.S.C. 618 is amended by adding at the end of the follow-
21 ing new subsection:

22 “(i)(1) Any person who is determined, after notice
23 and opportunity for an administrative hearing—

1 “(A) to have failed to file when such filing is
2 required, a registration statement under section 2(a)
3 or a supplement thereto under section 2(b),

4 “(B) to have omitted a material fact required to
5 be stated therein, or

6 “(C) to have made a false statement with re-
7 spect to such a material fact,

8 shall be required to pay a civil penalty in an amount not
9 less than \$2,000 or more than \$5,000 for each violation
10 committed. In determining the amount of the penalty, the
11 Attorney General shall give due consideration to the na-
12 ture and duration of the violation.

13 “(2)(A) Whenever the Attorney General has reason
14 to believe that any person may be in possession, custody,
15 or control of any documentary material relevant to an in-
16 vestigation regarding any violation of paragraph (1) or of
17 section 5, the Attorney General may, before bringing any
18 civil or criminal proceeding thereon, issue in writing, and
19 cause to be served upon such person, a civil investigative
20 demand requiring such person to produce such material
21 for examination.

22 “(B) Civil investigative demands issued under this
23 paragraph shall be subject to the applicable provisions of
24 section 1968 of title 18, United States Code.”.

1 (d) ANNUAL REPORT.—Section 11 of the Foreign
2 Agents Registration Act of 1938 (22 U.S.C. 621) is
3 amended by striking “shall, from time to time, make a
4 report” and inserting in lieu thereof “shall report annu-
5 ally”.

6 (e) SEPARATE SECTION OF CRIMINAL DIVISION, DE-
7 PARTMENT OF JUSTICE.—There is established within the
8 Criminal Division of the Department of Justice a separate
9 section which shall enforce the provisions of the Foreign
10 Agents Registration Act of 1938 and chapter 11 of title
11 18, United States Code, as amended by this section, and
12 the provisions of all other laws relating to lobbying activi-
13 ties in the United States.

14 (f) AMENDMENTS TO CHAPTER 11 OF TITLE 18,
15 UNITED STATES CODE.—

16 (1)(A) Chapter 11 of title 18, United States
17 Code, is amended by inserting immediately after sec-
18 tion 207 the following new section:

19 **“§207a. Limitation on the representation or advising**
20 **of foreign persons by certain former Fed-**
21 **eral officers and employees and members**
22 **of the uniformed services**

23 “(a)(1) Except as provided in subsection (d), any per-
24 son who serves as an officer or employee, or a member
25 of a uniformed service, described in subsection (c), may

1 not, during the period specified in paragraph (2), know-
2 ingly act as an agent or attorney for or otherwise rep-
3 resent or advise, for compensation—

4 “(A) a government of a foreign country or a
5 foreign political party;

6 “(B) a person outside of the United States, un-
7 less such person is an individual who is a citizen of
8 the United States; or

9 “(C) a partnership, association, corporation, or-
10 ganization, or other combination of persons orga-
11 nized under the laws of or having its principal place
12 of business in a foreign country, if the representa-
13 tion or advice relates directly to a matter in which
14 the United States is a party or has a direct and sub-
15 stantial interest. For purposes of this paragraph, the
16 term ‘compensation’ means any payment, gift, bene-
17 fit, reward, favor, or gratuity which is provided, di-
18 rectly or indirectly, for services rendered.

19 “(2) The period referred to in paragraph (1)—

20 “(A) in the case of a person who is an officer
21 or employee described under subsection (c) (1), (2),
22 or (3), is the five-year period after that person’s
23 service as such officer or employee has ceased; and

24 “(B) in the case of a person who is an officer
25 or employee described under subsection (c) (4) or 5,

1 is the two-year period after that person's service as
2 such officer or employee has ceased.

3 “(b) Any person described in subsection (c) who vio-
4 lates subsection (a) shall be punished as provided in sec-
5 tion 216 of the title.

6 “(c) The prohibitions set forth in subsection (a) apply
7 to—

8 “(1) the President of the United States;

9 “(2) the Vice President of the United States;

10 “(3) an individual who serves in a position in
11 levels I and II of the Executive Schedule as listed
12 in section 5312 and 5313 of title 5, United States
13 Code;

14 “(4) an individual who—

15 “(A) is appointed by the President under
16 section 105(a)(2)(A) of title 3, United States
17 Code;

18 “(B) is appointed by the Vice President
19 under section 106(a)(1)(A) of such title 3;

20 “(C) is not described in paragraph (3) or
21 subparagraph (A) or (B) and serves in a posi-
22 tion in level I, level II, level III, level IV, or
23 level V of the Executive Schedule; or

1 “(D) is a member of a uniformed service
2 in a pay grade of 0–7 or higher and is serving
3 on active duty; and

4 “(5) each Member of Congress.

5 “(d) The prohibitions set forth in subsection (a) shall
6 not apply to a person described under subsection (c) to
7 the extent the person is engaging only in—

8 “(A) the soliciting or collecting of funds and
9 contributions within the United States to be used
10 only for medical aid and assistance, or for food and
11 clothing to relieve human suffering, if such solicita-
12 tion or collection of funds and contributions is in ac-
13 cordance with applicable law;

14 “(B) activities in furtherance of bona fide reli-
15 gious, charitable, scholastic, academic, or scientific
16 pursuits or of the fine arts; or

17 “(C) activities in furtherance of the purposes of
18 an international organization of which the United
19 States is a member.

20 “(e)(1) For purposes of subsection (c)(4)(D), the
21 term ‘uniformed services’ means the Army, Navy, Air
22 Force, Marine Corps, Coast Guard, National Oceanic and
23 Atmospheric Administration, and the Public Health Serv-
24 ice.

1 “(2) For purposes of this section, the service of a
2 member or former member of a uniformed service shall
3 be considered to have ceased upon such member’s dis-
4 charge or release from active duty.”.

5 (B) The table of sections at the beginning of
6 chapter 11 of title 18, United States Code, is
7 amended by inserting immediately after the item re-
8 lating to section 207 the following new item:

“207a. Limitation on the representation or advising of foreign persons by cer-
tain former Federal officers and employees and members of the
uniformed services.”.

9 (2) Section 216 of title 18, United States Code,
10 is amended by inserting “207a,” immediately after
11 “207,” each place it appears.

12 (3)(A) Subject to subparagraph (B), this sub-
13 section and the amendments made by this subsection
14 take effect January 1, 1996.

15 (B) The amendments made by this subsection
16 do not apply to a person whose service as an officer
17 or employee to which such amendments apply termi-
18 nated before the effective date of such amendments.

19 (C) Subparagraph (B) does not preclude the
20 application of the amendments made by this sub-
21 section to a person with respect to service as an offi-
22 cer or employee by that person on or after the effec-
23 tive date of such amendments.

1 **SEC. 605. PAYMENT OF CERTAIN CUSTOMS DUTIES.**

2 (a) TRANSACTION VALUE OF IMPORTED MERCHAN-
3 DISE.—

4 (1) Section 402(b)(1) of the Tariff Act of 1930
5 (19 U.S.C. 1401a(b)(1)) is amended—

6 (A) in subparagraph (D), by striking
7 “and”;

8 (B) in subparagraph (E), by striking the
9 period and inserting in lieu thereof a semicolon;

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

11 “(F) the cost of transporting the merchan-
12 dise to the port of entry in the United States;
13 and

14 “(G) the cost of insuring the merchandise
15 prior to entry into the United States.”; and

16 (D) by striking “(A) through (E)” and in-
17 serting in lieu thereof “(A) through (G)”.

18 (2) Section 402(b)(4)(A) of the Tariff Act of
19 1930 (19 U.S.C. 1401a(b)(4)(A)) is amended by
20 striking “exclusive of” and inserting in lieu thereof
21 “including”.

22 (b) DEDUCTIVE VALUE.—Section 402(d)(3)(A) of
23 the Tariff Act of 1930 (19 U.S.C. 1401a(d)(3)(A)) is
24 amended—

25 (1) by striking clause (ii); and

1 (2) by redesignating clauses (iii) through (v) as
2 clauses (ii) through (iv), respectively.

3 (c) COMPUTED VALUE.—Section 402(e)(1) of the
4 Tariff Act of 1930 (19 U.S.C. 1401a(e)(1)) is amended—

5 (1) by striking “and” in subparagraph (C);

6 (2) by striking the period in subparagraph (D)

7 and inserting in lieu thereof a semicolon; and

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

9 “(E) the costs of transporting the mer-
10 chandise to the port of entry in the United
11 States; and

12 “(F) the cost of insuring the merchandise
13 prior to entry into the United States.”.

14 **SEC. 606. APPLICATION OF ANTITRUST LAWS.**

15 (a) EXPORT FORECLOSURE.—

16 (1) IN GENERAL.—The Attorney General shall
17 take appropriate action to initiate export foreclosure
18 antitrust cases under section 7 of the Sherman Act
19 (15 U.S.C. 6a), and under any other appropriate
20 antitrust law. The Attorney General shall develop
21 and maintain a list of practices that are to be the
22 subject of such actions and the countries in which
23 those practices occur, organized in order of priority
24 based upon the economic impact of the practices.

1 (2) REPORT.—The Attorney General shall,
2 from time to time, publish the list developed and
3 maintained under paragraph (1).

4 (b) BEST EVIDENCE RULE WAIVED FOR UNREASON-
5 ABLE FAILURE OF FOREIGN DEFENDANTS TO COMPLY
6 WITH DISCOVERY ORDERS IN EXPORT FORECLOSURE
7 ANTITRUST CASES.—If the defendant in an export fore-
8 closure antitrust case unreasonably fails to respond to a
9 discovery request, then the application of rule 1002 of the
10 Federal Rules of Evidence shall be waived with respect
11 to proof of the contents of a writing, recording, or photo-
12 graph that is the subject of the request.

13 (c) UNRELATED HOME MARKET ARRANGEMENTS
14 MAY BE TAKEN IN ACCOUNT IN DETERMINING PREDA-
15 TORY PRICING.—In an export foreclosure antitrust case
16 brought under section 1 of the Sherman Act (15 U.S.C.
17 1) against a foreign defendant for predatory pricing, the
18 court may take into account the amount, reasonableness,
19 and relationship to fair-market-value of rents received by
20 the defendant in its home market for the purpose of deter-
21 mining whether the plaintiff has established the
22 recoupment element.

23 (d) DEFINITIONS.—For purposes of this section:

24 (1) EXPORT FORECLOSURE ANTITRUST CASE.—

25 The term “export foreclosure antitrust case” means

1 an action brought under the antitrust laws of the
2 United States against a person engaged in anti-
3 competitive acts or practices outside the United
4 States that cause harm to United States export
5 trade without regard to whether United States con-
6 sumers are directly injured by such acts or practices.

7 (2) ANTITRUST LAWS.—The term “antitrust
8 law” has the meaning given it in subsection (a) of
9 the first section of the Clayton Act (15 U.S.C.
10 12(a)).

11 (3) FOREIGN DEFENDANT.—The term “foreign
12 defendant” means a defendant not—

13 (A) a citizen or lawful resident of the
14 United States;

15 (B) a corporation organized under the laws
16 of the United States or of any State; or

17 (C) a proprietorship, partnership, joint
18 venture, or other form of business organization
19 not organized in the United States or of any
20 State.

21 **SEC. 607. ELIMINATION OF QUARTERLY REPORTS.**

22 (a) IN GENERAL.—

23 (1) Section 13(a)(2) of the Securities Exchange
24 Act of 1934 (15 U.S.C. 78m(a)(2)) is amended by

1 striking “and such quarterly reports (and such cop-
2 ies thereof),”.

3 (2) Notwithstanding any other provision of law
4 or regulation to the contrary, including section
5 240.13a–13 of title 17, Code of Federal Regulations,
6 neither the Securities Exchange Commission nor any
7 other agency or department of the United States
8 may require an issuer of securities required to file
9 an annual report under section 13 of the Securities
10 Exchange Act of 1934 (15 U.S.C. 78m) to file quar-
11 terly reports.

12 (b) EFFECTIVE DATE.—Subsection (a) takes effect
13 with respect to the first calendar quarter beginning more
14 than 45 days after the date of enactment of this Act.

15 **SEC. 608. SECRETARY OF LABOR TO PUBLISH QUARTERLY**
16 **REPORTS OF RUNAWAY PLANTS.**

17 Section 283 of the Trade Act of 1974 (19 U.S.C.
18 2394) is amended by adding at the end the following:

19 “(c) The Secretary of Labor shall publish a quarterly
20 report of notices received under subsection (a).”.

21 **SEC. 609. MANDATORY EXON-FLORIO REVIEW OF SALE OF**
22 **CRITICAL TECHNOLOGY COMPANY.**

23 Section 721(b) of the Defense Production Act of
24 1950 (50 U.S.C. App. 2170(b)) is amended—

1 (1) by inserting after “United States.” the fol-
2 lowing: “The President or the President’s designee
3 shall also make such an investigation in any instance
4 in which any person seeks to engage in a merger, ac-
5 quisition, or takeover which could result in control of
6 a person doing business in interstate commerce in
7 the United States engaged in critical technologies.”;
8 and

9 (2) by striking “Such investigation” and insert-
10 ing “An investigation under this subsection”.

11 **SEC. 610. ADDITIONAL IRS AGENTS FOR TRANSFER PRIC-**
12 **ING CASES.**

13 The Secretary of the Treasury shall increase the
14 number of officers and employees of the Internal Revenue
15 Service whose primary responsibility is the determination
16 of taxable income substantially affected by transfer pricing
17 between related entities.

18 **SEC. 611. TRANSFER OF ITC FUNCTIONS TO COMMERCE DE-**
19 **PARTMENT; TERMINATION OF ITC.**

20 (a) TRANSFER OF FUNCTIONS.—There are trans-
21 ferred from the International Trade Commission to the
22 Secretary of Commerce—

23 (1) the personnel employed in connection with
24 those functions transferred to the Secretary by this
25 Act; and

1 (2) the assets, liabilities, contracts, property,
2 records, and unexpended balance of appropriations,
3 authorizations, allocations, and other funds em-
4 ployed, held, or used in connection with the func-
5 tions transferred to the Secretary under this Act,
6 arising from such functions or available, or to be
7 made available, in connection with such functions.

8 Unexpended funds transferred pursuant to this subsection
9 shall be used only for the purpose for which the funds
10 were originally appropriated.

11 (b) TERMINATION.—

12 (1) IN GENERAL.—Upon the transfer of func-
13 tions, as specified herein, to the Secretary of Com-
14 merce, the International Trade Commission shall
15 terminate.

16 (2) SAVINGS PROVISIONS.—

17 (A) All orders, determinations, rules, regu-
18 lations, licenses, and privileges which are in ef-
19 fect at the time this section takes effect, shall
20 continue in effect according to their terms, in-
21 sofar as they involve regulatory functions to be
22 retained by this section, until modified, termi-
23 nated, superseded, set aside, or revoked in ac-
24 cordance with law by the Secretary or by a

1 court of competent jurisdiction, or by operation
2 of law.

3 (B) The provisions of this section shall not
4 affect any proceedings or any application for
5 any license pending before the International
6 Trade Commission at the time this section
7 takes effect, insofar as those functions are re-
8 tained and transferred by this section; but such
9 proceedings and applications, to the extent that
10 they relate to functions so transferred, shall be
11 continued. Orders shall be issued in such pro-
12 ceedings, appeals shall be taken therefrom, and
13 payments shall be made pursuant to such or-
14 ders, as if this section had not been enacted;
15 and orders issued in any such proceedings shall
16 continue in effect until modified, terminated,
17 superseded, or revoked by a duly authorized of-
18 ficial, by a court of competent jurisdiction, or
19 by operation of law. Nothing in this subsection
20 shall be deemed to prohibit the discontinuance
21 or modification of any such proceeding under
22 the same terms and conditions and to the same
23 extent that such proceeding could have been
24 discontinued or modified if this section had not
25 been enacted.

1 (3) TRANSITION REGULATIONS.—The Secretary
2 may promulgate regulations providing for the or-
3 derly transfer of pending proceedings from the
4 International Trade Commission.

5 (4) PENDING LITIGATION.—Except as provided
6 in paragraph (6)—

7 (A) the provisions of this section shall not
8 affect suits commenced prior to the date this
9 section takes effect, and,

10 (B) in all such suits, proceedings shall be
11 had, appeals taken, and judgments rendered in
12 the same manner and effect as if this section
13 had not been enacted.

14 (5) NO ABATEMENT.—No suit, action, or other
15 proceeding commenced by or against any officer in
16 his official capacity as an officer of the International
17 Trade Commission, insofar as those functions are
18 transferred by this section, shall abate by reason of
19 the enactment of this section. No cause of action by
20 or against the International Trade Commission, in-
21 sofar as functions are transferred by this section, or
22 by or against any officer thereof in his official capac-
23 ity, shall abate by reason of enactment of this sec-
24 tion.

1 (6) CONTINUATION.—Any suit by or against
2 the International Trade Commission begun before
3 the effective date of this section shall be continued,
4 with the Secretary substituted for the Commission.

5 (c) REFERENCE.—With respect to any functions
6 transferred by this section and exercised after the effective
7 date of this section, reference in any other Federal law
8 to the International Trade Commission shall be deemed
9 to refer to the Secretary of Commerce.

10 (d) EFFECTIVE DATE.—This section shall take effect
11 90 days after the date of enactment of this Act.

12 **SEC. 612. TRANSFER OF OVERSEAS PRIVATE INVESTOR**
13 **CORPORATION AND EXPORT-IMPORT BANK**
14 **TO COMMERCE DEPARTMENT.**

15 (a) OVERSEAS PRIVATE INVESTOR CORPORATION.—

16 (1) TRANSFER TO COMMERCE DEPARTMENT.—

17 The Overseas Private Investor Corporation is trans-
18 ferred to, and shall be deemed to be a part of, the
19 Department of Commerce, but shall retain its orga-
20 nization, management, and status as a corporation.

21 (2) SECRETARY OF COMMERCE TO BE CHAIR-
22 MAN OF BOARD OF DIRECTORS.—Section 233 of the
23 Foreign Assistance Act of 1961 (22 U.S.C. 2193(b))
24 is amended by striking “Administrator of the Agen-

1 cy for International Development” and inserting
2 “Secretary of Commerce”.

3 (3) CONFORMING AMENDMENTS.—Section 239
4 of that Act (22 U.S.C. 2199) is amended by striking
5 “Agency for International Development” in sub-
6 sections (e) and (h) and inserting “Department of
7 Commerce”.

8 (b) EXPORT-IMPORT BANK.—

9 (1) TRANSFER.—Notwithstanding section 3(a)
10 of the Act of July 31, 1945 (59 Stat. 517; 12
11 U.S.C. 635a(a)), the Export-Import Bank of the
12 United States shall constitute an independent agen-
13 cy of the United States within the Department of
14 Commerce.

15 (2) SECRETARY OF COMMERCE TO BE CHAIR-
16 MAN OF BOARD OF DIRECTORS.—Section 3(c) of
17 that Act (12 U.S.C. 635a(c)(1)) is amended—

18 (A) by striking “President of the Export-
19 Import Bank of the United States who shall
20 serve as Chairman, the First Vice-President
21 who shall serve as Vice Chairman,” in para-
22 graph (1) and inserting “the Secretary of Com-
23 merce who shall serve as Chairman, ex officio,
24 the President of the Export-Import Bank of the

1 United States who shall serve as Vice Chair-
2 man, and the First Vice-President,”;

3 (B) by inserting “other than the Secretary
4 of Commerce,” after “Board,” in paragraph
5 (2); and

6 (C) by inserting “other than the Secretary
7 of Commerce,” after “President,” in paragraph
8 (8)(B).

9 (c) TECHNICAL AND CONFORMING CHANGES.—The
10 Secretary of Commerce shall, within 30 days after the date
11 of enactment of this Act, submit to the appropriate com-
12 mittees of the Congress a draft of any technical, conform-
13 ing, or other changes in existing law necessary to effec-
14 tuate fully and effectively the transfers made by sub-
15 sections (a) and (b).

16 (d) EFFECTIVE DATE.—This section shall take effect
17 90 days after the date of enactment of this Act.

18 **SEC. 613. ESTABLISHMENT OF NOAA AS INDEPENDENT**
19 **AGENCY.**

20 (a) IN GENERAL.—The National Oceanic and Atmos-
21 pheric Agency is hereby established as an independent
22 agency of the United States. Neither the Agency nor any
23 of its functions, powers, or duties shall be transferred to
24 or consolidated with any other department, agency, or cor-

1 poration of the Government unless the Congress shall oth-
2 erwise by law provide.

3 (b) TRANSFER OF FUNCTIONS.—There are trans-
4 ferred from the Department of Commerce to the Agency—

5 (1) the personnel employed in connection with
6 those functions of the Agency on the date of enact-
7 ment of this Act; and

8 (2) the assets, liabilities, contracts, property,
9 records, and unexpended balance of appropriations,
10 authorizations, allocations, and other funds em-
11 ployed, held, or used in connection with the func-
12 tions transferred to the Agency under this Act, aris-
13 ing from such functions or available, or to be made
14 available, in connection with such functions.

15 Unexpended funds transferred pursuant to this subsection
16 shall be used only for the purpose for which the funds
17 were originally appropriated.

18 (3) SAVINGS PROVISIONS.—

19 (A) All orders, determinations, rules, regu-
20 lations, licenses, and privileges which are in ef-
21 fect at the time this section takes effect, shall
22 continue in effect according to their terms, in-
23 sofar as they involve regulatory functions to be
24 retained by this section, until modified, termi-
25 nated, superseded, set aside, or revoked in ac-

1 cordance with law by the Agency or by a court
2 of competent jurisdiction, or by operation of
3 law.

4 (B) The provisions of this section shall not
5 affect any proceedings or any application pend-
6 ing before the Agency at the time this section
7 takes effect, insofar as those functions are re-
8 tained and transferred by this section; but such
9 proceedings and applications, to the extent that
10 they relate to functions so transferred, shall be
11 continued. Orders shall be issued in such pro-
12 ceedings, appeals shall be taken therefrom, and
13 payments shall be made pursuant to such or-
14 ders, as if this section had not been enacted;
15 and orders issued in any such proceedings shall
16 continue in effect until modified, terminated,
17 superseded, or revoked by a duly authorized of-
18 ficial, by a court of competent jurisdiction or
19 by operation of law. Nothing in this subsection
20 shall be deemed to prohibit the discontinuance
21 or modification of any such proceeding under
22 the same terms and conditions and to the same
23 extent that such proceeding could have been
24 discontinued or modified if this section had not
25 been enacted.

1 (3) TRANSITION REGULATIONS.—The Agency
2 may promulgate regulations providing for the or-
3 derly transfer of pending proceedings from the De-
4 partment of Commerce.

5 (4) PENDING LITIGATION.—Except as provided
6 in paragraph (6)—

7 (A) the provisions of this section shall not
8 affect suits commenced prior to the date this
9 section takes effect, and,

10 (B) in all such suits, proceedings shall be
11 had, appeals taken, and judgments rendered in
12 the same manner and effect as if this section
13 had not been enacted.

14 (5) NO ABATEMENT.—No suit, action, or other
15 proceeding commenced by or against any officer in
16 his official capacity as an officer of the Department
17 of Commerce, insofar as those functions are trans-
18 ferred by this section, shall abate by reason of the
19 enactment of this section. No cause of action by or
20 against the Department of Commerce, insofar as
21 functions are transferred by this section, or by or
22 against any officer thereof in his official capacity,
23 shall abate by reason of enactment of this section.

24 (6) CONTINUATION.—Any suit by or against
25 the Department of Commerce begun before the ef-

1 fective date of this section shall be continued, with
2 the Agency substituted for the Secretary of Com-
3 merce.

4 (c) REFERENCE.—With respect to any functions
5 transferred by this section and exercised after the effective
6 date of this section, reference in any other Federal law
7 to the Agency as a part of the Department of Commerce
8 shall be deemed to refer to the Agency as an independent
9 agency.

10 (d) EFFECTIVE DATE.—This section shall take effect
11 90 days after the date of enactment of this Act.

12 **SEC. 614. SURCHARGE ON IMPORTS; RESEARCH AND DE-**
13 **VELOPMENT TAX CREDIT.**

14 (a) SURCHARGE ON IMPORTS.—

15 (1) SURCHARGE IMPOSED.—There is hereby im-
16 posed on the importation of any good that is the
17 product of another country an import surcharge of
18 10 percent of the duty otherwise chargeable under
19 the Harmonized Tariff Schedule.

20 (2) EFFECTIVE DATE.—The increase in duty
21 imposed by paragraph (1) applies to goods entered
22 or withdrawn from warehouse more than 30 days
23 after the date of enactment of this Act.

24 (b) RESEARCH AND DEVELOPMENT TAX CREDIT.—

1 (1) INCREASE IN PERCENTAGE.—Section
 2 41(a)(1) of the Internal Revenue Code of 1986 (re-
 3 lating to general rule for credit for increasing re-
 4 search activities) is amended by striking “20 per-
 5 cent” each place it appears and inserting “25 per-
 6 cent”.

7 (2) CREDIT MADE PERMANENT.—Section 41 of
 8 such Code (relating to credit for increasing research
 9 activities) is amended by striking subsection (h).

10 (3) EFFECTIVE DATE.—The amendments made
 11 by this subsection apply to any amount paid or in-
 12 curred after June 30, 1995.

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S 1148 IS—2

S 1148 IS—3

S 1148 IS—4

S 1148 IS—5

S 1148 IS—6

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