

106TH CONGRESS  
2D SESSION

# H. R. 4465

To provide for reciprocal trade in textile and apparel goods between the United States and other countries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2000

Mr. HAYES introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To provide for reciprocal trade in textile and apparel goods between the United States and other countries, 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 “Fairness in Textile  
5 Trade Act of 2000”.

6 **SEC. 2. EQUALIZATION OF TRADE IN TEXTILE AND AP-**  
7 **PAREL GOODS BETWEEN THE UNITED**  
8 **STATES AND WTO MEMBER COUNTRIES.**

9 (a) STATEMENT OF POLICY.—It shall be the policy  
10 of the United States to negotiate, within the WTO, recip-

1 rocal market access in trade in textile and apparel goods  
2 with no concessions in addition to those in effect on the  
3 date of the enactment of this Act, unless and until the  
4 United States has negotiated substantially similar market  
5 access with each WTO member country.

6 (b) PRESIDENTIAL DETERMINATIONS ON WTO  
7 MEMBERS.—Not later than December 31 of each year,  
8 with respect to each WTO member country—

9 (1) the President shall determine whether that  
10 country allows access in its markets to textile and  
11 apparel goods that are products of the United States  
12 that is substantially similar to the access provided in  
13 United States markets to textile and apparel goods  
14 that are products of that country;

15 (2) if the determination under paragraph (1) is  
16 that the access to a country's markets for textile and  
17 apparel goods that are products of the United States  
18 is less favorable than that provided by the United  
19 States to textile and apparel goods that are products  
20 of that country, the President shall impose quotas,  
21 tariffs, or other measures on the textile and apparel  
22 products of that country in order to make access in  
23 the markets of both countries substantially similar;

24 (3) the President shall seek to negotiate agree-  
25 ments with any country described in paragraph (2)

1 to remove the tariff and nontariff barriers to trade  
2 in textile and apparel goods that were the basis of  
3 the President's determination under paragraph (1);  
4 and

5 (4) if agreements under paragraph (3) are  
6 reached, the President shall adjust the measures im-  
7 posed under paragraph (2) so that the access in the  
8 markets of the country concerned to textile and ap-  
9 parel goods that are products of the United States  
10 and the access in United States markets to textile  
11 and apparel goods that are products of that country  
12 are substantially similar.

13 (c) REPORT TO CONGRESS.—Not later than June 30  
14 of each year, the President shall transmit to the Congress  
15 a report on actions taken under subsection (a),  
16 including—

17 (1) each determination made under subsection  
18 (a)(1);

19 (2) measures implemented under subsection  
20 (a)(2);

21 (3) negotiations undertaken and agreements  
22 reached under subsection (a)(3); and

23 (4) measures adjusted under subsection (a)(4).

24 The President shall include the rationale for each action  
25 addressed in the report.

1 (d) DEFINITIONS.—As used in this section, the terms  
2 “WTO” and “WTO member country” have the meanings  
3 given those terms in section 2 of the Uruguay Round  
4 Agreements Act (19 U.S.C. 3501).

5 **SEC. 3. CIVIL ACTIONS FOR DAMAGES ARISING FROM**  
6 **FRAUDULENT ACTS OF IMPORTERS.**

7 (a) RIGHT OF ACTION.—Any producer, distributor,  
8 or retailer of textile or apparel goods who is injured by  
9 any violation of the customs laws set forth in section  
10 592A(a)(2) of the Tariff Act of 1930 (19 U.S.C.  
11 1592a(a)(2) may bring a civil action in the appropriate  
12 Federal court against the person or persons committing  
13 the violation for damages incurred as a result of that viola-  
14 tion.

15 (b) BURDEN OF PROOF.—In any action brought  
16 under subsection (a), the violation of the customs laws  
17 concerned is established if the plaintiff proves the violation  
18 by a preponderance of the evidence.

19 (c) EXCLUSIVITY OF REMEDY.—The remedy pro-  
20 vided by this section is not available to a person to the  
21 extent that person has recovered damages under any other  
22 provision of law that were incurred as a result of a viola-  
23 tion of law referred to in subsection (a).

1 **SEC. 4. EXTENSION OF BENEFIT PERIOD FOR TRADE READ-**  
2 **JUSTMENT ALLOWANCES FOR ADVERSELY**  
3 **AFFECTED WORKERS ENROLLED IN TRAIN-**  
4 **ING PROGRAMS.**

5 (a) EXTENSION OF BENEFIT PERIOD.—Section  
6 233(a)(3) of the Trade Act of 1974 (19 U.S.C.  
7 2293(a)(3)) is amended by striking “26” each place it ap-  
8 pears and inserting “52”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) apply to any worker covered by a certifi-  
11 cation of eligibility issued under subchapter A or D of  
12 chapter 2 of title II of the Trade Act of 1974—

13 (1) if the certification is issued on or after the  
14 date of the enactment of this Act; or

15 (2) if the certification is issued before such date  
16 of enactment and the trade readjustment allowances  
17 payable with respect to the period covered by the  
18 certification to that worker have not exceeded the  
19 maximum allowable under section 233 of the Trade  
20 Act of 1974 on the day before such date of enact-  
21 ment.

22 **SEC. 5. CREDIT FOR HEALTH INSURANCE PREMIUMS PAID**  
23 **BY INDIVIDUALS RECEIVING TRADE ADJUST-**  
24 **MENT ASSISTANCE.**

25 (a) IN GENERAL.—Subpart A of part IV of sub-  
26 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to nonrefundable personal credits) is  
 2 amended by inserting after section 25A the following new  
 3 section:

4 **“SEC. 25B. HEALTH INSURANCE COSTS OF INDIVIDUALS RE-**  
 5 **CEIVING TRADE ADJUSTMENT ASSISTANCE.**

6 “(a) IN GENERAL.—In the case of an individual,  
 7 there shall be allowed as a credit against the tax imposed  
 8 by this chapter for the taxable year an amount equal to  
 9 50 percent of the amount paid during the taxable year  
 10 for coverage for the taxpayer and the taxpayer’s spouse  
 11 and dependents under qualified health insurance during  
 12 a period that the taxpayer or spouse is receiving trade ad-  
 13 justment assistance.

14 “(b) QUALIFIED HEALTH INSURANCE.—For pur-  
 15 poses of this section—

16 “(1) IN GENERAL.—The term ‘qualified health  
 17 insurance’ means insurance which constitutes med-  
 18 ical care, as defined in section 213(d) without regard  
 19 to—

20 “(A) paragraph (1)(C) thereof, and

21 “(B) so much of paragraph (1)(D) thereof  
 22 as relates to qualified long-term care insurance  
 23 contracts.

24 “(2) EXCLUSION OF COVERAGE PROVIDED  
 25 UNDER GROUP HEALTH PLANS, ETC.—Such term

1 shall not include insurance provided through any  
2 group health plan of an employer or any other enti-  
3 ty.

4 “(c) TRADE ADJUSTMENT ASSISTANCE.—For pur-  
5 poses of this section, the term ‘trade adjustment assist-  
6 ance’ means assistance provided under subchapter A or  
7 D of chapter 2 of title II of the Trade Act of 1974.

8 “(d) SPECIAL RULES.—

9 “(1) COORDINATION WITH OTHER DEDUC-  
10 TIONS.—No deduction shall be allowed under this  
11 chapter for any amount taken into account in deter-  
12 mining the credit under this section.

13 “(2) DENIAL OF CREDIT TO DEPENDENTS.—No  
14 credit shall be allowed under this section to any indi-  
15 vidual with respect to whom a deduction under sec-  
16 tion 151 is allowable to another taxpayer for a tax-  
17 able year beginning in the calendar year in which  
18 such individual’s taxable year begins.”

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 for subpart A part IV of subchapter A of chapter 1 of  
21 such Code is amended by inserting after the item relating  
22 to section 25A the following new item:

“Sec. 25B. Health insurance costs of individuals receiving trade  
adjustment assistance.”

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to taxable years beginning after  
3 December 31, 2000.

4 **SEC. 6. TRADE ADJUSTMENT ASSISTANCE FOR TEXTILE**  
5 **AND APPAREL WORKERS.**

6 Notwithstanding any other provision of law, workers  
7 in any firm producing textile or apparel goods whose em-  
8 ployment is terminated, or threatened with termination,  
9 as a result of either—

10 (1) a decrease in the firm's sales or production,

11 or

12 (2) a firm's plant or facility closure or reloca-  
13 tion,

14 shall be certified by the Secretary of Labor as eligible to  
15 receive adjustment assistance under chapter 2 of title II  
16 of the Trade Act of 1974 at the same level of benefits  
17 as workers certified under subchapter D of chapter 2 of  
18 such title. The Secretary of Labor shall make such certifi-  
19 cation not later than 30 days after the date a petition for  
20 certification of eligibility for such assistance is filed under  
21 such title II.

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