

106TH CONGRESS
1ST SESSION

S. 261

To amend the Trade Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 20, 1999

Mr. SPECTER (for himself, Mr. ROCKEFELLER, Mr. BYRD, Mr. DEWINE, Mr. HOLLINGS, Mr. SANTORUM, Ms. MIKULSKI, Mr. SARBANES, Mr. HUTCHINSON, Mr. DURBIN, Mr. KOHL, Mr. SESSIONS, and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Trade Act of 1974, 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 “Trade Fairness Act
5 of 1999”.

6 **SEC. 2. RELIEF FROM INJURY.**

7 (a) TEST FOR POSITIVE ADJUSTMENT TO IMPORT
8 COMPETITION.—Section 201(a) of the Trade Act of 1974
9 (19 U.S.C. 2251(a)) is amended by striking “substantial”.

1 (b) INVESTIGATIONS AND DETERMINATIONS.—Sec-
2 tion 202 of such Act (19 U.S.C. 2252) is amended—

3 (1) in subsection (b)(1)(A), by striking “sub-
4 stantial”;

5 (2) by amending subsection (b)(1)(B) to read
6 as follows:

7 “(B) Imports shall be considered to be a ‘cause
8 of serious injury, or the threat thereof,’ if a causal
9 link is established between imports and injury to the
10 domestic industry.”;

11 (3) by amending subsection (c)(1)(A) to read as
12 follows:

13 “(A) with respect to serious injury—

14 “(i) the rate and amount of the in-
15 crease in imports of the product concerned
16 in absolute and relative terms;

17 “(ii) the share of the domestic market
18 taken by increased imports;

19 “(iii) changes in the level of sales;

20 “(iv) production;

21 “(v) productivity;

22 “(vi) capacity utilization;

23 “(vii) profits and losses; and

24 “(viii) employment.”;

1 (4) in subsection (c)(1)(C), by striking “with
2 respect to substantial cause” and inserting “with re-
3 spect to whether there is a causal link between im-
4 ports and serious injury”; and

5 (5) in subsection (c)(3), by striking “substan-
6 tial”.

7 (c) ACTION REGARDING ITC INVESTIGATION OF IN-
8 JURY.—Section 264(c) of the Trade Act of 1974 (19
9 U.S.C. 2354(c)) is amended by striking “substantial”.

10 **SEC. 3. STEEL IMPORT PERMIT AND MONITORING PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Not later than 30 days after the
13 date of enactment of this Act, the Secretary of Commerce,
14 in consultation with the Secretary of the Treasury, shall
15 establish and implement a steel import permit and mon-
16 itoring program. The program shall include a requirement
17 that any person importing a product classified under chap-
18 ter 72 or 73 of the Harmonized Tariff Schedule of the
19 United States obtain an import permit before such prod-
20 ucts are entered into the United States.

21 (b) STEEL IMPORT PERMITS.—

22 (1) IN GENERAL.—In order to obtain a steel
23 import permit, an importer shall submit to the Sec-
24 retary of Commerce an application containing—

25 (A) the importer’s name and address;

1 (B) the name and address of the supplier
2 of the goods to be imported;

3 (C) the name and address of the producer
4 of the goods to be imported;

5 (D) the country of origin of the goods;

6 (E) the country from which the goods are
7 to be imported;

8 (F) the United States Customs port of
9 entry where the goods will be entered;

10 (G) the expected date of entry of the goods
11 into the United States;

12 (H) a description of the goods, including
13 the classification of such goods under the Har-
14 monized Tariff Schedule of the United States;

15 (I) the quantity (in kilograms and net
16 tons) of the goods to be imported;

17 (J) the cost insurance freight (CIF) and
18 free alongside ship (FAS) values of the goods to
19 be entered;

20 (K) whether the goods are being entered
21 for consumption or for entry into a bonded
22 warehouse or foreign trade zone;

23 (L) a certification that the information
24 furnished in the permit application is correct;

25 and

1 (M) any other information the Secretary of
2 Commerce determines to be necessary and ap-
3 propriate.

4 (2) ENTRY INTO CUSTOMS TERRITORY.—In the
5 case of merchandise classified under chapter 72 or
6 73 of the Harmonized Tariff Schedule of the United
7 States that is initially entered into a bonded ware-
8 house or foreign trade zone, a steel import permit
9 shall be required before the merchandise is entered
10 into the customs territory of the United States.

11 (3) ISSUANCE OF PERMIT.—The Secretary of
12 Commerce shall issue a steel import permit to any
13 person who files an application that meets the re-
14 quirements of this section. Such permit shall be
15 valid for a period of 30 days from the date of
16 issuance.

17 (c) STATISTICAL INFORMATION.—

18 (1) IN GENERAL.— The Secretary of Commerce
19 shall compile and publish on a weekly basis informa-
20 tion described in paragraph (2).

21 (2) INFORMATION DESCRIBED.—Information
22 described in this paragraph means information ob-
23 tained from steel import permit applications con-
24 cerning steel imported into the United States and
25 includes with respect to such imports the Har-

1 monized Tariff Schedule of the United States classi-
2 fication (to the tenth digit), the country of origin,
3 the port of entry, quantity, value of steel imported,
4 and whether the imports are entered for consump-
5 tion or are entered into a bonded warehouse or for-
6 eign trade zone. Such information shall also be com-
7 piled in aggregate form and made publicly available
8 by the Secretary of Commerce on a weekly basis by
9 public posting through an Internet website. The in-
10 formation provided under this section shall be in ad-
11 dition to any information otherwise required by law.

12 (d) FEES.—The Secretary of Commerce may pre-
13 scribe reasonable fees and charges to defray the costs of
14 carrying out the provisions of this section, including a fee
15 for issuing a permit under this section.

16 (e) SINGLE PRODUCER AND EXPORTER COUN-
17 TRIES.—Notwithstanding any other provision of law, the
18 Secretary of Commerce shall make publicly available all
19 information required to be released pursuant to subsection
20 (c), including information obtained regarding imports
21 from a foreign producer or exporter that is the only pro-
22 ducer or exporter of goods subject to this section from a
23 foreign country.

24 (f) REGULATIONS.—The Secretary of Commerce may
25 prescribe such rules and regulations relating to the steel

- 1 import permit and monitoring program as may be nec-
- 2 essary to carry out the provisions of this section.

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