

105TH CONGRESS
1ST SESSION

H. R. 2509

To amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 1997

Mr. REGULA of Ohio (for himself, Mr. NEY, Mrs. THURMAN, Mrs. EMERSON, and Mr. ENGLISH) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

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 “Continued Dumping
5 or Subsidy Offset Act of 1997”.

6 **SEC. 2. FINDINGS OF CONGRESS.**

7 The Congress finds that:

8 (a) Consistent with our WTO rights, injurious
9 dumping is to be condemned and that actionable

1 subsidies which cause injury to domestic industries
2 must be effectively neutralized.

3 (b) United States unfair trade laws have as
4 their purpose the restoration of conditions of fair
5 trade so that jobs and investment that should be in
6 the United States are not lost through false market
7 signals.

8 (c) The continued dumping or subsidization of
9 imported product after the issuance of antidumping
10 orders or findings or countervailing duty orders can
11 frustrate the remedial purpose of the laws by pre-
12 venting market prices from returning to fair levels.

13 (d) Where dumping or subsidization continues,
14 domestic producers will be reluctant to reinvest or
15 rehire and may be unable to maintain pension and
16 health care benefits that conditions of fair trade
17 would permit.

18 (e) United States trade laws should be
19 strengthened to see that the remedial purpose is
20 achieved in fact.

21 **SEC. 3. AMENDMENTS TO THE TARIFF ACT OF 1930.**

22 (a) IN GENERAL.—Title VII of the Tariff Act of
23 1930 is amended by adding section 752:

1 **“SEC. 752. CONTINUED DUMPING OR SUBSIDY OFFSET.**

2 “(a) IN GENERAL.—Whenever continued dumping or
3 subsidization is found to exist by the administering au-
4 thority under section 751(a) of this Act or by operation
5 of law, any duties assessed shall be distributed to the af-
6 fected domestic producers for qualifying expenditures on
7 an annual basis. Such disbursement shall be known as the
8 ‘continued dumping or subsidy offset’.

9 “(b) DEFINITIONS.—As used in this section:

10 “(1) The term ‘affected domestic producer’
11 means any manufacturer, producer, or worker rep-
12 resentative that was a petitioner or interested party
13 in support of the petition with respect to which an
14 antidumping duty finding or order or countervailing
15 duty order has been entered and remains in oper-
16 ation. Companies or businesses that have ceased the
17 production of the product covered by the order or
18 finding or who have been acquired by a company or
19 business that is related to a company that opposed
20 the investigation shall not be an affected domestic
21 producer.

22 “(2) The term ‘Commissioner’ means the Com-
23 missioner of the United States Customs Service.

24 “(3) The term ‘Commission’ means the United
25 States International Trade Commission.

1 “(4) The term ‘qualifying expenditure’ means
2 expenditures incurred since the issuance of the anti-
3 dumping duty finding or order or countervailing
4 duty order in any or all of the following categories:

5 “(i) plant;

6 “(ii) equipment;

7 “(iii) R&D;

8 “(iv) personnel training;

9 “(v) acquisition of technology;

10 “(vi) health care benefits to employees paid

11 for by the employer;

12 “(vii) pension benefits to employees paid

13 for by the employer;

14 “(viii) environmental equipment, training

15 and/or technology.

16 “(c) DISBURSEMENT PROCEDURES.—The Commis-

17 sioner shall prescribe procedures for disbursement of the

18 continued dumping or subsidies offset required by this sec-

19 tion provided that disbursement shall occur for monies as-

20 sessed during one fiscal year of the United States at the

21 latest within sixty days after the beginning of the next

22 fiscal year.

23 “(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF

24 ANTIDUMPING AND/OR COUNTERVAILING DUTIES AS-

25 SESSED.—

1 “(1) The Commission shall forward to the Com-
2 missioner within sixty days of the effective date of
3 this section or within sixty days of the issuance of
4 an antidumping or countervailing duty order after
5 the effective date of this section a list of petitioners
6 and those companies that indicate support of the pe-
7 tition by letter or through questionnaire response.
8 Where no injury test was required or where the
9 Commission’s records do not permit an identification
10 of those in support of a petition the Commission
11 shall consult with the Department of Commerce to
12 determine the identity of the petitioner and those
13 domestic parties who have entered appearances dur-
14 ing administrative reviews conducted by Commerce
15 and sought vigorous enforcement of United States
16 law.

17 “(2) The Commissioner shall publish in the
18 Federal Register at least thirty days prior to the is-
19 suanace of payments a notice of intention to distrib-
20 ute duty assessments, the list of companies eligible
21 based on the list obtained from the Commission and
22 shall request a certification from each recipient as to
23 (a) desire to receive distribution, (b) continued eligi-
24 bility as an affected domestic producer, and (c) the
25 qualifying expenditures incurred since the issuance

1 of the order for which distribution under this section
2 has not previously been made.

3 “(3) The Commissioner shall distribute all
4 funds (including all interest earned) from assess-
5 ments received in the completed fiscal year to af-
6 fected domestic producers based on the affirmative
7 responses to subparagraph (2) on a pro rata basis
8 based on new and remaining qualifying expenditures.

9 “(e) SPECIAL ACCOUNTS.—

10 “(1) Within fourteen days of the effective date
11 of this provision for outstanding antidumping orders
12 and findings or for outstanding countervailing duty
13 orders or within fourteen days of the date an anti-
14 dumping or countervailing duty order takes effect,
15 the Commissioner shall establish in the Treasury of
16 the United States a special account with respect to
17 that order or finding.

18 “(2) The Commissioner shall have deposited
19 into the special accounts all antidumping or counter-
20 vailing duties, including interest on such duties, that
21 are assessed under the antidumping order or finding
22 or the countervailing duty order with respect to
23 which the account was established since the effective
24 date of this section.

1 “(3) The monies in a special account shall be
2 available for distribution to the extent of actual as-
3 sessment (including interest).

4 “(4) Consistent with the requirements of para-
5 graph (c), the Commissioner shall by regulation pre-
6 scribe the time and manner in which distribution of
7 funds from special accounts will be made.

8 “(5) The special accounts will remain in exist-
9 ence until all entries relating to an order which has
10 been terminated are liquidated and duties assessed
11 collected and the Commissioner has provided one
12 last notice of opportunity to obtain distribution pur-
13 suant to paragraph (c). Amounts unclaimed within
14 90 days of the time of such final distribution shall
15 be turned over to the general Treasury.”

16 (b) EFFECTIVE DATE.—The continued antidumping
17 or subsidy offset will apply with regard to all assessments
18 made on or after October 1, 1996, on outstanding anti-
19 dumping findings or orders or countervailing duty orders.

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