

106TH CONGRESS
1ST SESSION

H. R. 2612

To expand United States exports of goods and services by requiring the development of objective criteria to achieve market access in foreign countries, to provide the President with reciprocal trade authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 1999

Mr. TRAFICANT (for himself and Mr. VISCLOSKY) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To expand United States exports of goods and services by requiring the development of objective criteria to achieve market access in foreign countries, to provide the President with reciprocal trade authority, 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 Policy Reform
5 Act”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—OPEN MARKETS AND FAIR TRADE PROVISIONS

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- Sec. 1102. Reports on market access.
- Sec. 1103. Negotiations to achieve market access.
- Sec. 1104. Monitoring of agreements and understandings.
- Sec. 1105. Triggering of section 301 actions.
- Sec. 1106. Expedited procedures for certain presidential actions.
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- Sec. 1108. Inclusion of certain additional information in National Trade Estimate report.
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- Sec. 2101. Actions by United States Trade Representative under section 301.
- Sec. 2102. Initiation of investigations.
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TITLE III—ABOLISHMENT OF UNITED STATES INTERNATIONAL TRADE COMMISSION AND TRANSFER OF FUNCTIONS TO DEPARTMENT OF COMMERCE

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- Sec. 3001. Abolishment of Commission.

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1 **TITLE I—OPEN MARKETS AND** 2 **FAIR TRADE PROVISIONS**

3 **SEC. 1101. SHORT TITLE.**

4 This title may be cited as the “Open Markets and
 5 Fair Trade Act of 1999”.

1 **SEC. 1102. REPORTS ON MARKET ACCESS.**

2 (a) ANNUAL REPORTS.—Not later than 90 days after
3 the date of the enactment of this Act, and annually there-
4 after, the Secretary shall submit to the Congress a report
5 with respect to those countries selected by the Secretary
6 in which goods or services produced or originating in the
7 United States, that would otherwise be competitive in
8 those countries, do not have market access. Each report
9 shall contain the following with respect to each such coun-
10 try:

11 (1) ASSESSMENT OF POTENTIAL MARKET AC-
12 CESS.—An assessment of the opportunities that
13 would, but for the lack of market access, be available
14 in the market in that country, for goods and services
15 produced or originating in the United States in
16 those sectors selected by the Secretary. In making
17 such assessment, the Secretary shall consider the
18 competitive position of such goods and services in
19 similarly developed markets in other countries. Such
20 assessment shall specify the time periods within
21 which such market access opportunities should rea-
22 sonably be expected to be obtained.

23 (2) CRITERIA FOR MEASURING MARKET AC-
24 CESS.—Objective criteria for measuring the extent to
25 which those market access opportunities described in
26 paragraph (1) have been obtained. The development

1 of such objective criteria may include the use of in-
2 terim objective criteria to measure results on a peri-
3 odic basis, as appropriate.

4 (3) COMPLIANCE WITH TRADE AGREEMENTS.—
5 An assessment of whether, and to what extent, the
6 country concerned has materially complied with—

7 (A) agreements and understandings
8 reached between the United States and that
9 country pursuant to section 1103, and

10 (B) existing trade agreements between the
11 United States and that country.

12 Such assessment shall include specific information
13 on the extent to which United States suppliers have
14 achieved additional access to the market in the coun-
15 try concerned and the extent to which that country
16 has complied with other commitments under such
17 agreements and understandings.

18 (b) SELECTION OF COUNTRIES AND SECTORS.—

19 (1) IN GENERAL.—In selecting countries and
20 sectors that are to be the subject of a report under
21 subsection (a), the Secretary shall give priority to—

22 (A) any country with which the United
23 States has a trade deficit if access to the mar-
24 kets in that country is likely to have significant

1 potential to increase exports of United States
2 goods and services; and

3 (B) any country, and sectors therein, in
4 which access to the markets will result in sig-
5 nificant employment benefits for producers of
6 United States goods and services.

7 The Secretary shall also give priority to sectors
8 which represent critical technologies, including those
9 identified by the National Critical Technologies
10 Panel under section 603 of the National Science and
11 Technology Policy, Organization, and Priorities Act
12 of 1976 (42 U.S.C. 6683).

13 (2) FIRST REPORT.—The first report submitted
14 under subsection (a) shall include those countries
15 with which the United States has a substantial por-
16 tion of its trade deficit.

17 (3) TRADE SURPLUS COUNTRIES.—The Sec-
18 retary may include in reports after the first report
19 such countries as the Secretary considers appro-
20 priate with which the United States has a trade sur-
21 plus but which are otherwise described in subsection
22 (a) and paragraph (1) of this subsection.

23 (c) OTHER SECTORS.—The Secretary shall include
24 an assessment under subsection (a) of any country or sec-
25 tor for which the Trade Representative requests such as-

1 assessment be made. In preparing any such request, the
2 Trade Representative shall give priority to those barriers
3 identified in the reports required by section 181(b) of the
4 Trade Act of 1974 (19 U.S.C. 2241(b)).

5 (d) INFORMATION ON ACCESS BY FOREIGN SUP-
6 PLIERS.—The Secretary shall consult with the govern-
7 ments of foreign countries concerning access to the mar-
8 kets of any other country of goods and services produced
9 or originating in those countries. At the request of the
10 government of any such country so consulted, the Sec-
11 retary may include in the reports required by subsection
12 (a) information, with respect to that country, on such ac-
13 cess.

14 **SEC. 1103. NEGOTIATIONS TO ACHIEVE MARKET ACCESS.**

15 (a) NEGOTIATING AUTHORITY.—The President is au-
16 thorized to enter into agreements or other understandings
17 with the government of any country for the purpose of
18 obtaining the market access opportunities described in the
19 reports of the Secretary under section 1102.

20 (b) DETERMINATION OF PRIORITY OF NEGOTIA-
21 TIONS.—Upon the submission by the Secretary of each re-
22 port under section 1102, the Trade Representative shall
23 determine—

24 (1) for which countries and sectors identified in
25 the report the Trade Representative will pursue ne-

1 negotiations, during the 6-month period following sub-
2 mission of the report, for the purpose of concluding
3 agreements or other understandings described in
4 subsection (a), and the timeframe for pursuing nego-
5 tiations on any other country or sector identified in
6 the report; and

7 (2) for which countries and sectors identified in
8 any previous report of the Secretary under section
9 1102 the Trade Representative will pursue negotia-
10 tions, during the 6-month period described in para-
11 graph (1), in cases in which—

12 (A) negotiations were not previously pur-
13 sued by the Trade Representative, or

14 (B) negotiations that were pursued by the
15 Trade Representative did not result in the con-
16 clusion of an agreement or understanding de-
17 scribed in subsection (a) during the preceding
18 6-month period, but are expected to result in
19 such an agreement or understanding during the
20 6-month period described in paragraph (1).

21 For purposes of this title, negotiations by the Trade Rep-
22 resentative with respect to a particular sector shall be for
23 a period of not more than 12 months.

24 (c) SEMIANNUAL REPORTS.—At the end of the 6-
25 month period beginning on the date on which the Sec-

1 retary's first report is submitted under section 1102(a),
2 and every 6 months thereafter, the Trade Representative
3 shall submit to the Congress a report containing the fol-
4 lowing:

5 (1) REPORT WHERE NEGOTIATIONS PURSUED
6 IN PREVIOUS 6-MONTH PERIOD.—With respect to
7 each country and sector on which negotiations de-
8 scribed in subsection (b) were pursued during that
9 6-month period—

10 (A) a determination of whether such nego-
11 tiations have resulted in the conclusion of an
12 agreement or understanding intended to obtain
13 the market access opportunities described in the
14 most recent applicable report of the Secretary,
15 and if not—

16 (i) whether such negotiations are con-
17 tinuing because they are expected to result
18 in such an agreement or understanding
19 during the succeeding 6-month period; or

20 (ii) whether such negotiations have
21 terminated;

22 (B) in the case of a positive determination
23 made under subparagraph (A)(i) in the pre-
24 ceding report submitted under this subsection,
25 a determination of whether the continuing ne-

1 negotiations have resulted in the conclusion of an
2 agreement or understanding described in sub-
3 paragraph (A) during that 6-month period.

4 (2) REPORT WHERE NEGOTIATIONS NOT PUR-
5 SUED.—With respect to each country and sector on
6 which negotiations described in subsection (b) were
7 not pursued during that 6-month period, a deter-
8 mination of when such negotiations will be pursued.

9 **SEC. 1104. MONITORING OF AGREEMENTS AND UNDER-**
10 **STANDINGS.**

11 (a) IN GENERAL.—For the purpose of making the
12 assessments required by section 1102(a)(3), the Secretary
13 shall monitor the compliance with each agreement or un-
14 derstanding reached between the United States and any
15 country pursuant to section 1103, and with each existing
16 trade agreement between the United States and any coun-
17 try that is the subject of a report under section 1102(a).
18 In making each such assessment, the Secretary shall
19 describe—

20 (1) the extent to which market access for the
21 country and sectors covered by the agreement or un-
22 derstanding has been achieved; and

23 (2) the bilateral trade relationship with that
24 country in that sector.

1 In the case of agreements or understandings reached pur-
2 suant to section 1103, the description under paragraph
3 (1) shall be done on the basis of the objective criteria set
4 forth in the applicable report under section 1102(a)(2).

5 (b) TREATMENT OF AGREEMENTS AND UNDER-
6 STANDINGS.—Any agreement or understanding reached
7 pursuant to negotiations conducted under this title, and
8 each existing trade agreement between the United States
9 and a country that is the subject of a report under section
10 1102(a), shall be considered to be a trade agreement for
11 purposes of section 301 of the Trade Act of 1974.

12 **SEC. 1105. TRIGGERING OF SECTION 301 ACTIONS.**

13 (a) FAILURE TO CONCLUDE AGREEMENTS.—In any
14 case in which the Trade Representative determines under
15 subparagraph (A)(ii) or (B) of section 1103(c)(1) that ne-
16 gotiations have not resulted in the conclusion of an agree-
17 ment or understanding described in section 1103(a), each
18 restriction on, or barrier or impediment to, access to the
19 markets of the country concerned that was the subject of
20 such negotiations shall, for purposes of title III of the
21 Trade Act of 1974, be considered to be an act, policy, or
22 practice determined under section 304 of that Act to be
23 an act, policy, or practice that is unreasonable and dis-
24 criminatory and burdens or restricts United States com-
25 merce. The Trade Representative shall determine what ac-

1 tion to take under section 301(b) of that Act in response
2 to such act, policy, or practice.

3 (b) NONCOMPLIANCE WITH AGREEMENTS OR UN-
4 DERSTANDINGS.—In any case in which the Secretary de-
5 termines, in a report submitted under section 1102(a),
6 that a foreign country is not in material compliance
7 with—

8 (1) any agreement or understanding concluded
9 pursuant to negotiations conducted under section
10 1103, or

11 (2) any existing trade agreement between the
12 United States and that country,

13 the Trade Representative shall determine what action to
14 take under section 301(a) of the Trade Act of 1974. For
15 purposes of section 301 of that Act, a determination of
16 noncompliance described in the preceding sentence shall
17 be treated as a determination made under section 304 of
18 that Act.

19 **SEC. 1106. EXPEDITED PROCEDURES FOR CERTAIN PRESI-**
20 **DENTIAL ACTIONS.**

21 (a) AUTHORITY FOR RECIPROCAL ACTIONS.—In any
22 case in which—

23 (1) section 1105 applies,

1 (2) the President determines that reciprocal ac-
2 tion should be taken by the United States in re-
3 sponse to—

4 (A) a restriction, barrier, or impediment
5 referred to in section 1105(a) with respect to
6 access to the market of a country, or

7 (B) noncompliance with an agreement, un-
8 derstanding, or trade agreement referred to in
9 section 1105(b),

10 as the case may be,

11 (3) changes in existing law or new statutory au-
12 thority is necessary for such reciprocal action to be
13 taken, and

14 (4) the President, within 30 days (excluding
15 any day described in section 154(b) of the Trade Act
16 of 1974) after—

17 (A) the determination of the Trade Rep-
18 resentative under subparagraph (A)(ii) or (B)
19 of section 1103(c)(1), or

20 (B) the determination of the Secretary in
21 the applicable report under section 1102(a),

22 as the case may be, submits to the Congress a draft
23 of implementing legislation with respect to the
24 changes or authority described in paragraph (3),

25 then subsection (c) applies.

1 (b) DEFINITIONS.—For purposes of this section—

2 (1) the term “reciprocal action” means action
3 that is taken in direct response to a restriction on,
4 or barrier or impediment to, access to the market in
5 another country and is comparable or of equivalent
6 effect to such restriction, barrier, or impediment;
7 and

8 (2) the term “implementing legislation” means
9 a bill of either House of Congress which is intro-
10 duced as provided in subsection (c) and which con-
11 tains provisions necessary to make the changes or
12 provide the authority described in subsection (a)(3).

13 (c) PROCEDURES FOR IMPLEMENTING LEGISLA-
14 TION.—On the day on which implementing legislation is
15 submitted to the House of Representatives and the Senate
16 under subsection (a), the implementing legislation shall be
17 introduced and referred as provided in section 151(e)(1)
18 of the Trade Act of 1974 for implementing bills under
19 such section. The provisions of subsections (d), (e), (f),
20 and (g) of section 151 of such Act shall apply to imple-
21 menting legislation to the same extent as such subsections
22 apply to implementing bills.

23 (d) RULES OF HOUSE OF REPRESENTATIVES AND
24 SENATE.—This section is enacted by the Congress—

1 (1) as an exercise of the rulemaking power of
2 the House of Representatives and the Senate, re-
3 spectively, and as such is deemed a part of the rules
4 of each House, respectively, and such procedures su-
5 percede other rules only to the extent that they are
6 inconsistent with such other rules; and

7 (2) with the full recognition of the constitu-
8 tional right of either House to change the rules (so
9 far as relating to the procedures of that House) at
10 any time, in the same manner, and to the same ex-
11 tent as any other rule of that House.

12 **SEC. 1107. URUGUAY ROUND AGREEMENTS NOT AFFECTED.**

13 Nothing in this title shall be construed to violate any
14 provision of the agreements approved by the Congress in
15 section 101(a)(1) of the Uruguay Round Agreements Act
16 (19 U.S.C. 3511(a)(1)).

17 **SEC. 1108. INCLUSION OF CERTAIN ADDITIONAL INFORMA-**

18 **TION IN NATIONAL TRADE ESTIMATE RE-**

19 **PORT.**

20 (a) NATIONAL TRADE ESTIMATES.—Section
21 181(a)(1) of the Trade Act of 1974 (19 U.S.C.
22 2241(a)(1)) is amended—

23 (1) in subparagraph (B), by striking “and” at
24 the end;

1 (2) in subparagraph (C), by striking the period
2 at the end and inserting a semicolon; and

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

4 “(D) further identify those acts, policies,
5 or practices identified under subparagraph (A)
6 that violate treaties or other international
7 agreements, including international labor agree-
8 ments or international labor standards (such as
9 standards established by the International
10 Labor Organization) of the foreign country;

11 “(E) identify remedial actions, if any,
12 taken by the United States Government with
13 respect to acts, policies, or practices identified
14 under subparagraph (A); and

15 “(F) further identify those acts, policies,
16 or practices identified under subparagraph (A)
17 that need further classification and documenta-
18 tion from the foreign government involved.”.

19 (b) CERTAIN FACTORS TAKEN INTO ACCOUNT IN
20 MAKING ANALYSIS AND ESTIMATE.—Section 181(a)(2) of
21 the Trade Act of 1974 (19 U.S.C. 2241(a)(2)) is
22 amended—

23 (1) in subparagraph (D), by striking “and” at
24 the end;

1 (2) in subparagraph (E), by striking the period
2 at the end and inserting “; and”; and

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

4 “(F) any advice given by representatives of
5 affected United States industries, including rep-
6 resentatives of labor unions.”.

7 **SEC. 1109. DEFINITIONS.**

8 As used in this title:

9 (1) **EXISTING TRADE AGREEMENT BETWEEN**
10 **THE UNITED STATES AND A COUNTRY.**—An “exist-
11 ing trade agreement” between the United States and
12 another country means any trade agreement or un-
13 derstanding that was entered into between the
14 United States and that country before the date of
15 the enactment of this Act and is in effect on such
16 date. Such term includes, but is not limited to—

17 (A) with respect to Japan—

18 (i) the Arrangement Between the Gov-
19 ernment of Japan and the Government of
20 the United States of America Concerning
21 Trade in Semiconductor Products, signed
22 in 1986;

23 (ii) the Arrangement Between the
24 Government of Japan and the Government
25 of the United States of America Con-

1 cerning Trade in Semiconductor Products,
2 signed in 1991;

3 (iii) the United States-Japan Wood
4 Products Agreement, signed on June 5,
5 1990;

6 (iv) Measures Related to Japanese
7 Public Sector Procurements of Computer
8 Products and Services, signed on January
9 10, 1992;

10 (v) the Tokyo Declaration on the
11 U.S.-Japan Global Partnership, signed on
12 January 9, 1992; and

13 (vi) the Cellular Telephone and Third-
14 Party Radio Agreement, signed in 1989;

15 (B) with respect to the European Union—

16 (i) the Agreement Concerning the Ap-
17 plication of the GATT Agreement on
18 Trade in Civil Aircraft Between the Euro-
19 pean Economic Community and the Gov-
20 ernment of the United States of America
21 on trade in large civil aircraft, with an-
22 nexes, entered into force on July 17, 1992;

23 (ii) the Agreement Concerning Pro-
24 curement Between the United States and

1 the European Union, signed April 15,
2 1994; and

3 (iii) the Memorandum of Under-
4 standing (MOU) on Procurement Between
5 the United States and the European
6 Union, signed May 25, 1993; and

7 (C) with respect to the People’s Republic
8 of China—

9 (i) the Memorandum of Under-
10 standing (MOU) on the Protection of In-
11 tellectual Property Rights Between the
12 United States and the People’s Republic of
13 China, signed January 17, 1992;

14 (ii) the Memorandum of Under-
15 standing (MOU) on Market Access Be-
16 tween the United States and the People’s
17 Republic of China, signed October 10,
18 1992;

19 (iii) the Bilateral Textile Agreement
20 Between the United States and the Peo-
21 ple’s Republic of China, signed January
22 17, 1994; and

23 (iv) an exchange of letters with an at-
24 tached action plan between the United
25 States and the People’s Republic of China,

1 signed February 26, 1995, relating to in-
2 tellectual property rights.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Commerce.

5 (3) TRADE REPRESENTATIVE.—The term
6 “Trade Representative” means the United States
7 Trade Representative.

8 **TITLE II—RELIEF FROM UNFAIR**
9 **TRADE PRACTICES UNDER**
10 **THE TRADE ACT OF 1974**

11 **SEC. 2101. ACTIONS BY UNITED STATES TRADE REP-**
12 **RESENTATIVE UNDER SECTION 301.**

13 Section 301(d) of the Trade Act of 1974 (19 U.S.C.
14 2411(d)) is amended—

15 (1) by redesignating paragraphs (6) through
16 (9) as paragraphs (7) through (10), respectively;
17 and

18 (2) by inserting after paragraph (5) the fol-
19 lowing:

20 “(6) An act, policy, or practice of a foreign
21 country is unreasonable and burdens or restricts
22 United States commerce if the act, policy, or prac-
23 tice provides for an agreement, understanding, or in-
24 formal arrangement between the foreign government
25 and a foreign business enterprise that has the effect

1 of restricting market access in the country for
2 United States goods or services or diverting goods or
3 services of that country or any other country to the
4 United States.”.

5 **SEC. 2102. INITIATION OF INVESTIGATIONS.**

6 Section 302(a)(3) of the Trade Act of 1974 (19
7 U.S.C. 2412(a)(3)) is amended by striking “and shall pub-
8 lish” and all that follows and inserting the following: “and
9 shall submit to the Committee on Ways and Means of the
10 House of Representatives and the Committee on Finance
11 of the Senate a report, and shall publish a notice in the
12 Federal Register, containing the determination, a sum-
13 mary of the reasons therefor, and a list of the specific ac-
14 tions (such as notice provided to, or negotiations entered
15 into with, the foreign country involved) the Trade Rep-
16 resentative has taken to address the concerns of the peti-
17 tioner.”.

18 **SEC. 2103. MONITORING OF FOREIGN COMPLIANCE.**

19 Section 306 of the Trade Act of 1974 (19 U.S.C.
20 2416) is amended by adding at the end the following:

21 “(d) REPORT.—The Trade Representative shall pre-
22 pare and submit to the Congress an annual report that
23 contains a description of all actions taken under this sec-
24 tion for the preceding calendar year.”.

1 **SEC. 2104. REQUESTS FOR REVIEW OF FOREIGN COMPLI-**
2 **ANCE.**

3 (a) IN GENERAL.—Chapter 1 of title III of the Trade
4 Act of 1974 (19 U.S.C. 2411 et seq.) is amended by in-
5 serting after section 306 the following new section:

6 **“SEC. 306A. REQUESTS FOR REVIEW OF FOREIGN COMPLI-**
7 **ANCE.**

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

9 “(1) INTERESTED PERSON.—The term ‘inter-
10 ested person’ means any person that has a signifi-
11 cant economic interest that is being, or has been, ad-
12 versely affected by the failure of a foreign country
13 to comply materially with the terms of a trade
14 agreement.

15 “(2) TRADE AGREEMENT.—The term ‘trade
16 agreement’ means any bilateral trade agreement to
17 which the United States is a party.

18 “(3) WTO AGREEMENT.—The term ‘WTO
19 Agreement’ means the Agreement Establishing the
20 World Trade Organization entered into on April 15,
21 1994.

22 “(b) REQUEST FOR REVIEW.—

23 “(1) IN GENERAL.—An interested person may
24 request the Trade Representative to undertake a re-
25 view under this section to determine whether a for-

1 eign country is in material compliance with the
2 terms of a trade agreement.

3 “(2) TIME PERIOD.—A request for the review
4 of a trade agreement under this section may be
5 made only during—

6 “(A) the 30-day period beginning on each
7 anniversary of the effective date of the trade
8 agreement; and

9 “(B) the 30-day period ending on the 90th
10 day before the termination date of the trade
11 agreement, if the first day of such 30-day pe-
12 riod occurs not less than 180 days after the last
13 occurring 30-day period referred to in subpara-
14 graph (A).

15 “(3) REQUIREMENTS OF REQUEST.—The Trade
16 Representative shall commence a review under this
17 section if the request—

18 “(A) is in writing;

19 “(B) includes information reasonably avail-
20 able to the petitioner regarding the failure of
21 the foreign country to comply with the trade
22 agreement;

23 “(C) identifies the economic interest of the
24 petitioner that is being adversely affected by the
25 failure referred to in subparagraph (B); and

1 “(D) describes the extent of the adverse ef-
2 fect.

3 “(4) TWO OR MORE REQUESTS.—If 2 or more
4 requests are filed during any period described in
5 paragraph (2) regarding the same trade agreement,
6 all of such requests shall be joined in a single review
7 of the trade agreement.

8 “(c) REVIEW.—

9 “(1) IN GENERAL.—If 1 or more requests re-
10 garding any trade agreement are received during
11 any period described in subsection (b)(2), then with-
12 in 90 days after the last day of such period the
13 Trade Representative shall determine whether the
14 foreign country is in material compliance with the
15 terms of the trade agreement.

16 “(2) FACTORS.—In making a determination
17 under paragraph (1), the Trade Representative shall
18 take into account—

19 “(A) the extent to which the foreign coun-
20 try has adhered to the commitments it made to
21 the United States;

22 “(B) the extent to which that degree of ad-
23 herence has achieved the objectives of the
24 agreement; and

1 “(C) any act, policy, or practice of the for-
2 foreign country, or other relevant factor, that may
3 have contributed directly or indirectly to mate-
4 rial noncompliance with the terms of the agree-
5 ment.

6 The acts, policies, or practices referred to in sub-
7 paragraph (C) may include structural policies, tariff
8 or nontariff barriers, or other actions which affect
9 compliance with the terms of the agreement.

10 “(3) CONSULTATION; PRESENTATION OF PUB-
11 LIC VIEWS.—In conducting any review under para-
12 graph (1), the Trade Representative may, if the
13 Trade Representative considers such action nec-
14 essary or appropriate—

15 “(A) consult with the Secretary of Com-
16 merce and the Secretary of Agriculture; and

17 “(B) provide opportunity for the presen-
18 tation of views by the public.

19 “(d) ACTION AFTER AFFIRMATIVE DETERMINA-
20 TION.—

21 “(1) ACTION.—If, on the basis of the review
22 carried out under subsection (c), the Trade Rep-
23 resentative determines that a foreign country is not
24 in material compliance with the terms of a trade

1 agreement, the Trade Representative shall determine
2 what action to take under section 301(a).

3 “(2) RULE OF CONSTRUCTION.—For purposes
4 of section 301, any determination made under sub-
5 section (c) shall be treated as a determination made
6 under section 304.

7 “(3) ADDITIONAL REQUIREMENT.—In deter-
8 mining what action to take under section 301(a), the
9 Trade Representative shall seek to minimize the ad-
10 verse impact on existing business relations or eco-
11 nomic interests of United States persons, including
12 products for which a significant volume of trade
13 does not currently exist.

14 “(e) INTERNATIONAL OBLIGATIONS.—Nothing in
15 this section may be construed as requiring actions that
16 are inconsistent with the international obligations of the
17 United States, including obligations under the WTO
18 Agreement.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) CONGRESSIONAL NOTIFICATION.—Section
21 309(3)(A) of the Trade Act of 1974 (19 U.S.C.
22 2419(3)(A)) is amended by striking “section 302”
23 and inserting “sections 302 and 306A(e)”.

24 (2) TABLE OF CONTENTS.—The table of con-
25 tents of the Trade Act of 1974 relating to chapter

1 1 of title III is amended by inserting after the item
2 relating to section 306 the following:

“Sec. 306A. Requests for review of foreign compliance.”.

3 **SEC. 2105. RENEWAL OF ANNUAL REPORT ON DISCRIMINA-**
4 **TION OF UNITED STATES PRODUCTS OR**
5 **SERVICES IN FOREIGN GOVERNMENT PRO-**
6 **CUREMENTS.**

7 (a) RENEWAL.—Notwithstanding section 7004 of the
8 Omnibus Trade and Competitiveness Act of 1988 (Public
9 Law 100–418; 102 Stat. 1548), subsections (d) through
10 (k) of section 305 of the Trade Agreements Act of 1979
11 (19 U.S.C. 2515) shall be effective beginning on and after
12 the date of the enactment of this Act.

13 (b) GENERAL REPORT ON ACTIONS.—Section
14 305(k)(1) of the Trade Agreements Act of 1979 (19
15 U.S.C. 2515(k)(1)) is amended by striking “by no later
16 than April 30, 1994” and inserting “by no later than 6
17 years after the date of the enactment of this Act, and by
18 no later than April 30 of the last year of each subsequent
19 6-year period”.

20 **SEC. 2106. WITHDRAWAL FROM SUSPENSION AGREEMENTS**
21 **FOR CERTAIN STEEL PRODUCTS.**

22 (a) WITHDRAWAL.—Notwithstanding any other pro-
23 vision of law, the Secretary of Commerce shall—

24 (1) withdraw from, and discontinue participa-
25 tion in, any suspension agreement under section 734

1 of the Tariff Act of 1930, with respect to any of the
2 following categories of steel products: semifinished,
3 plates, sheets and strips, wire rods, wire and wire
4 products, rail type products, bars, structural shapes
5 and units, pipes and tubes, iron ore, and coke prod-
6 ucts; and

7 (2) notify all parties to such agreement of the
8 termination of that agreement.

9 (b) PROHIBITION ON USE OF FUNDS.—No funds ap-
10 propriated by any Act may be used to implement or con-
11 tinue in effect any suspension agreement under section
12 734 of the Tariff Act of 1930, or to negotiate or otherwise
13 enter into any suspension agreement under section 734
14 of the Tariff Act of 1930, with respect to any of the fol-
15 lowing categories of steel products: semifinished, plates,
16 sheets and strips, wire rods, wire and wire products, rail
17 type products, bars, structural shapes and units, pipes and
18 tubes, iron ore, and coke products.

19 (c) EXPIRATION DATE.—This section shall expire on
20 January 20, 2001.

1 **TITLE III—ABOLISHMENT OF**
2 **UNITED STATES INTER-**
3 **NATIONAL TRADE COMMIS-**
4 **SION AND TRANSFER OF**
5 **FUNCTIONS TO DEPARTMENT**
6 **OF COMMERCE**

7 **Subtitle A—Abolishment of United**
8 **States International Trade Com-**
9 **mission**

10 **SEC. 3001. ABOLISHMENT OF COMMISSION.**

11 The United States International Trade Commission
12 (hereinafter in this title referred to as the “Commission”)
13 is hereby abolished.

14 **Subtitle B—Transfer of Functions**
15 **of Commission to Department of**
16 **Commerce**

17 **CHAPTER 1—FUNCTIONS UNDER THE**
18 **TARIFF ACT OF 1930**

19 **Subchapter A—Part II of Title III of the**
20 **Tariff Act of 1930**

21 **SEC. 3101. INVESTIGATIONS.**

22 Section 332 of the Tariff Act of 1930 (19 U.S.C.
23 1332) is amended—

1 (1) in subsections (a) through (d), by striking
2 “commission” each place it appears and inserting
3 “Secretary of Commerce”; and

4 (2) in subsection (g)—

5 (A) by striking “commission” and “Com-
6 mission” each place such terms appear and in-
7 serting “Secretary of Commerce”; and

8 (B) in the third sentence—

9 (i) by striking “all expenses incurred,
10 a summary of all reports” and inserting
11 “all expenses incurred and a summary of
12 all reports”; and

13 (ii) by striking “, and a list” and all
14 that follows and inserting a period.

15 **SEC. 3102. TESTIMONY AND PRODUCTION OF PAPERS.**

16 Section 333 of the Tariff Act of 1930 (19 U.S.C.
17 1333) is amended—

18 (1) in subsection (a)—

19 (A) in the first sentence—

20 (i) by striking “commission” and in-
21 serting “Secretary of Commerce”; and

22 (ii) by striking “or its duly authorized
23 agent or agents”; and

24 (B) by striking the last sentence;

1 (2) in subsections (b) through (f), by striking
2 “commission” each place it appears and inserting
3 “Secretary of Commerce”; and

4 (3) in subsection (g)—

5 (A) by striking “Commission” and insert-
6 ing “Secretary of Commerce”;

7 (B) by striking “employees of the commis-
8 sion” and inserting “employees of the Depart-
9 ment of Commerce”; and

10 (C) by striking “at the request of the com-
11 mission” and inserting “at the request of the
12 Secretary of Commerce”.

13 **SEC. 3103. COOPERATION WITH OTHER AGENCIES.**

14 Section 334 of the Tariff Act of 1930 (19 U.S.C.
15 1334) is amended—

16 (1) by striking “commission” each place it ap-
17 pears and inserting “Secretary of Commerce”;

18 (2) by striking “, the Department of Com-
19 merce”;

20 (3) by striking “its work” and inserting “the
21 work of the Secretary”;

22 (4) by striking “its request” and inserting “the
23 request of the Secretary”; and

24 (5) by striking “said” and inserting “the”.

1 **SEC. 3104. RULES AND REGULATIONS.**

2 Section 335 of the Tariff Act of 1930 (19 U.S.C.
3 1335) is amended—

4 (1) by striking “commission” and inserting
5 “Secretary of Commerce”;

6 (2) by striking “it deems necessary” and insert-
7 ing “the Secretary deems necessary”; and

8 (3) by striking “its functions and duties” and
9 inserting “the functions and duties of the Sec-
10 retary”.

11 **SEC. 3105. EQUALIZATION OF COSTS OF PRODUCTION.**

12 Section 336 of the Tariff Act of 1930 (19 U.S.C.
13 1336) is amended—

14 (1) in subsection (a)—

15 (A) in the first sentence—

16 (i) by striking “commission” each
17 place it appears and inserting “Secretary
18 of Commerce”; and

19 (ii) by striking “its own motion” and
20 inserting “the motion of the Secretary”;

21 (B) in the second sentence, by striking
22 “commission” and inserting “Secretary of Com-
23 merce”;

24 (C) in the third sentence—

25 (i) striking “commission” and insert-
26 ing “Secretary of Commerce”; and

1 (ii) by striking “its findings” and in-
2 serting “the findings of the Secretary”;
3 and

4 (D) in the fourth sentence—

5 (i) by striking “commission” each
6 place it appears and inserting “Secretary
7 of Commerce”;

8 (ii) by striking “its report” and in-
9 serting “the report of the Secretary”; and

10 (iii) by striking “it finds” and insert-
11 ing “the Secretary finds”; and

12 (2) in subsections (c), (d), (e), and (k), by
13 striking “commission” each place it appears and in-
14 serting “Secretary of Commerce”.

15 **SEC. 3106. UNFAIR PRACTICES IN IMPORT TRADE.**

16 Section 337 of the Tariff Act of 1930 (19 U.S.C.
17 1337) is amended—

18 (1) in subsection (a), by striking “Commission”
19 and inserting “Secretary of Commerce”;

20 (2) in subsection (b)—

21 (A) in the heading, by striking “BY COM-
22 MISSION”;

23 (B) in paragraph (1), by striking “Com-
24 mission” and “Commissioner” each place such

1 terms appears and inserting “Secretary of Com-
2 merce”;

3 (C) in paragraph (2), by striking “Com-
4 mission” the first place it appears and inserting
5 “Secretary of Commerce”; and

6 (D) by striking paragraph (3);

7 (3) in subsection (c)—

8 (A) in the first through eighth sentences,
9 by striking “Commission” each place it appears
10 and inserting “Secretary of Commerce”;

11 (B) in the ninth sentence, by striking
12 “Commission determinations” and inserting
13 “determinations of the Secretary of Com-
14 merce”; and

15 (C) in the tenth sentence, by striking
16 “Commission” and inserting “Secretary of
17 Commerce”;

18 (4) in subsection (d), by striking “Commission”
19 each place it appears and inserting “Secretary of
20 Commerce”;

21 (5) in subsection (e)—

22 (A) by striking “Commission” each place it
23 appears and inserting “Secretary of Com-
24 merce”; and

1 (B) in paragraph (2), by striking “Com-
2 mission’s notice” and inserting “notice of the
3 Secretary of Commerce”;

4 (6) in subsections (f) through (l), by striking
5 “Commission” each place it appears and inserting
6 “Secretary of Commerce”; and

7 (7) in subsection (n)—

8 (A) in paragraph (1), by striking “Com-
9 mission” each place it appears and inserting
10 “Secretary of Commerce”; and

11 (B) in paragraph (2), by striking “Com-
12 mission” and inserting “Department of Com-
13 merce”.

14 **SEC. 3107. DISCRIMINATION BY FOREIGN COUNTRIES.**

15 Section 338(g) of the Tariff Act of 1930 (19 U.S.C.
16 1338) is amended—

17 (1) in the heading, by striking “BY COMMIS-
18 SION OR” and inserting “OF”; and

19 (2) by striking “commission” each place it ap-
20 pears and inserting “Secretary of Commerce”.

21 **SEC. 3108. TRADE REMEDY ASSISTANCE.**

22 Section 339 of the Tariff Act of 1930 (19 U.S.C.
23 1339) is amended—

24 (1) in the heading, by striking “**OFFICE**”;

1 (2) in subsection (a), by striking “There is es-
2 tablished in the Commission a separate office to be
3 known as the Trade Remedy Assistance Office
4 which” and inserting “The Secretary of Commerce”;
5 and

6 (3) in subsection (b)—

7 (A) by striking “Trade Remedy Assistance
8 Office” and inserting “Secretary of Commerce”;
9 and

10 (B) in paragraph (1), by striking “Office”
11 and inserting “Secretary”.

12 **SEC. 3109. INTERFERENCE WITH FUNCTIONS.**

13 Section 341 of the Tariff Act of 1930 (19 U.S.C.
14 1341) is amended—

15 (1) in the heading, by striking “**OF COMMIS-**
16 **SION**”; and

17 (2) in subsection (a)—

18 (A) in the heading, by striking “**THE COM-**
19 **MISSION OR ITS EMPLOYEES**” and inserting
20 “**SECRETARY OF COMMERCE OR EMPLOYEES**
21 **OF THE DEPARTMENT OF COMMERCE**”;

22 (B) by striking “commission” the first
23 place it appears and inserting “Department of
24 Commerce”; and

1 (C) by striking “commission” the second
2 and third places it appears and inserting “Sec-
3 retary of Commerce”.

4 **Subchapter B—Title VII of the Tariff Act of**
5 **1930**

6 **PART I—IMPOSITION OF COUNTERVAILING**
7 **DUTIES**

8 **SEC. 3111. COUNTERVAILING DUTIES IMPOSED.**

9 Section 701 of the Tariff Act of 1930 (19 U.S.C.
10 1671) is amended—

11 (1) in subsection (a)(2), by striking “Commis-
12 sion” and inserting “administering authority”; and

13 (2) in subsection (c)(1), by striking “Commis-
14 sion” and inserting “administering authority”.

15 **SEC. 3112. PROCEDURES FOR INITIATING A COUNTER-**
16 **VAILING DUTY INVESTIGATION.**

17 Section 702 of the Tariff Act of 1930 (19 U.S.C.
18 1671a) is amended—

19 (1) in subsection (b)—

20 (A) in the last sentence of paragraph (1),
21 by striking “and the Commission”;

22 (B) by striking paragraph (2);

23 (C) by redesignating paragraphs (3) and
24 (4) as paragraphs (2) and (3), respectively; and

- 1 (D) in paragraph (3)(C) (as redesignated),
2 by striking “and the Commission”;
3 (2) in subsection (c)(1)(C), by striking “and the
4 Commission”;
5 (3) by striking subsection (d); and
6 (4) by redesignating subsection (e) as sub-
7 section (d).

8 **SEC. 3113. PRELIMINARY DETERMINATIONS.**

9 Section 703 of the Tariff Act of 1930 (19 U.S.C.
10 1671b) is amended—

11 (1) in subsection (a)—

12 (A) in the heading, by striking “BY COM-
13 MISSION”;

14 (B) in paragraph (1), by striking “Com-
15 mission” each place it appears and inserting
16 “administering authority”; and

17 (C) in paragraph (2)—

18 (i) in the heading, by striking “COM-
19 MISSION”;

20 (ii) in the matter preceding subpara-
21 graph (A) and in subparagraph (A), by
22 striking “Commission” each place it ap-
23 pears and inserting “administering author-
24 ity”; and

1 (iii) in subparagraph (B), by striking
2 “after the date” and all that follows and
3 inserting “after the date on which the ad-
4 ministering authority has initiated an in-
5 vestigation under such section.”;

6 (2) in subsection (b)(1), by striking “Commis-
7 sion” and inserting “administering authority”;

8 (3) in subsection (d)—

9 (A) by inserting “and” at the end of para-
10 graph (1)(B);

11 (B) by striking “, and” at the end of para-
12 graph (2) and inserting a period; and

13 (C) by striking paragraph (3); and

14 (4) in subsection (f)—

15 (A) by striking “the Commission or” the
16 first place it appears;

17 (B) by striking “the Commission or the
18 administering authority, as the case may be,”;

19 (C) by striking “the Commission or”;

20 (D) by striking “(whichever is appro-
21 priate)”; and

22 (E) by striking the last sentence.

1 **SEC. 3114. TERMINATION OR SUSPENSION OF INVESTIGA-**
2 **TION.**

3 Section 704 of the Tariff Act of 1930 (19 U.S.C.
4 1671c) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking
8 “either the administering authority or the
9 Commission” and inserting “the admin-
10 istering authority”; and

11 (ii) in subparagraph (B), by striking
12 “and the Commission”; and

13 (B) by striking paragraph (3);

14 (2) in subsection (e)(1), by striking “and the
15 Commission”;

16 (3) in subsection (f)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A), by adding
19 “and” at the end;

20 (ii) by striking subparagraph (B); and

21 (iii) by redesignating subparagraph
22 (C) as subparagraph (B); and

23 (B) in paragraph (3)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “and the Commis-
26 sion”;

- 1 (ii) in subparagraph (A), by striking
2 “or the Commission”; and
- 3 (iii) in subparagraph (B), by striking
4 “and the Commission”;
- 5 (4) in subsection (g), by striking “and the Com-
6 mission”;
- 7 (5) in subsection (h)—
- 8 (A) in paragraph (1), by striking “the
9 Commission and with notice to”;
- 10 (B) in paragraph (2)—
- 11 (i) in the heading, by striking “COM-
12 MISSION INVESTIGATION” and inserting
13 “INVESTIGATION”;
- 14 (ii) in the first sentence, by striking
15 “Commission” and inserting “admin-
16 istering authority”; and
- 17 (iii) in the second sentence, by strik-
18 ing “Commission’s determination” and in-
19 serting “determination of the admin-
20 istering authority”; and
- 21 (C) in paragraph (3), by striking “Com-
22 mission” each place it appears and inserting
23 “administering authority”;
- 24 (6) in subsection (i)(1)(E)—

1 (A) by striking “, interested parties” and
2 inserting “and interested parties”; and

3 (B) by striking “, and the Commission”;

4 (7) in subsection (j), by striking “the Commis-
5 sion and”; and

6 (8) in subsection (l), by striking “Commission”
7 each place it appears and inserting “administering
8 authority”.

9 **SEC. 3115. FINAL DETERMINATIONS.**

10 Section 705 of the Tariff Act of 1930 (19 U.S.C.
11 1671d) is amended—

12 (1) in subsection (b)—

13 (A) in the heading, by striking “FINAL
14 DETERMINATION BY COMMISSION” and insert-
15 ing “ADDITIONAL FINAL DETERMINATION BY
16 ADMINISTERING AUTHORITY”;

17 (B) in paragraph (1), by striking “Com-
18 mission” each place it appears and inserting
19 “administering authority”;

20 (C) in paragraphs (2) and (3), by striking
21 “Commission” and inserting “administering au-
22 thority”;

23 (D) in paragraph (4)—

24 (i) in subparagraph (A)—

1 (I) in the heading, by striking
2 “COMMISSION STANDARD” and insert-
3 ing “STANDARD”; and

4 (II) by striking “Commission”
5 each place it appears and inserting
6 “administering authority”; and

7 (ii) in subparagraph (B), by striking
8 “Commission” and inserting “admin-
9 istering authority”;

10 (2) in subsection (c)—

11 (A) in paragraph (1)—

12 (i) by striking subparagraph (A); and

13 (ii) by redesignating subparagraphs
14 (B) and (C) as subparagraphs (A) and
15 (B), respectively;

16 (B) in paragraph (2), by striking “and the
17 Commission”; and

18 (C) in paragraph (3), by striking “or the
19 Commission”; and

20 (3) in subsection (d)—

21 (A) by striking “or the Commission”; and

22 (B) by striking “, other parties” and in-
23 serting “and other parties”; and

24 (C) by striking “, and the other agency”.

1 **SEC. 3116. ASSESSMENT OF DUTY.**

2 Section 706 of the Tariff Act of 1930 (19 U.S.C.
3 1671e) is amended—

4 (1) in subsection (a), by striking “Within 7
5 days after being notified by the Commission of” and
6 inserting “Not later than 7 days after”; and

7 (2) in subsections (b) and (c), by striking
8 “Commission” each place it appears and inserting
9 “administering authority”.

10 **SEC. 3117. TREATMENT OF DIFFERENCE BETWEEN DE-**
11 **POSIT OF ESTIMATED COUNTERVAILING**
12 **DUTY AND FINAL ASSESSED DUTY UNDER**
13 **COUNTERVAILING DUTY ORDER.**

14 Section 707 of the Tariff Act of 1930 (19 U.S.C.
15 1671f) is amended by striking “Commission” each place
16 it appears and inserting “administering authority”.

17 **PART II—IMPOSITION OF ANTIDUMPING DUTIES**

18 **SEC. 3121. ANTIDUMPING DUTIES IMPOSED.**

19 Section 731(2) of the Tariff Act of 1930 (19 U.S.C.
20 1673(2)) is amended by striking “Commission” and in-
21 serting “administering authority”.

22 **SEC. 3122. PROCEDURES FOR INITIATING AN ANTIDUMPING**
23 **DUTY INVESTIGATION.**

24 Section 732 of the Tariff Act of 1930 (19 U.S.C.
25 1673a) is amended—

1 (1) in subsection (a)(2)(D), by striking “and
2 the Commission”;

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “and the
5 Commission”;

6 (B) by striking paragraph (2);

7 (C) by redesignating paragraph (3) as
8 paragraph (2); and

9 (D) in subparagraph (C) of paragraph (2)
10 (as redesignated), by striking “and the Com-
11 mission”;

12 (3) in subsection (c)(1)(C), by striking “and the
13 Commission”;

14 (4) by striking subsection (d); and

15 (5) by redesignating subsection (e) as sub-
16 section (d).

17 **SEC. 3123. PRELIMINARY DETERMINATIONS.**

18 Section 733 of the Tariff Act of 1930 (19 U.S.C.
19 1673b) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by striking “Com-
22 mission” each place it appears and inserting
23 “administering authority”; and

24 (B) in paragraph (2)—

1 (i) by striking “Commission” the first
2 time it appears and inserting “admin-
3 istering authority”;

4 (ii) in subparagraph (A)(ii), by strik-
5 ing “the Commission” and all that follows
6 and inserting “the administering authority
7 has initiated the investigation, and”;

8 (iii) in subparagraph (B), by striking
9 “the Commission” and all that follows and
10 inserting “the administering authority has
11 initiated an investigation under such sec-
12 tion.”;

13 (2) in subsection (b)(1)(A), by striking “Com-
14 mission” and inserting “administering authority”;

15 (3) in subsection (d)—

16 (A) by adding “and” at the end of para-
17 graph (1);

18 (B) in paragraph (2), by striking “, and”
19 at the end and inserting a period; and

20 (C) by striking paragraph (3); and

21 (4) in subsection (f)—

22 (A) by striking “the Commission or” each
23 place it appears;

24 (B) by striking “, as the case may be,”;

1 (C) by striking “(whichever is appro-
2 priate)”; and

3 (D) by striking the last sentence.

4 **SEC. 3124. TERMINATION OR SUSPENSION OF INVESTIGA-**
5 **TION.**

6 Section 734 of the Tariff Act of 1930 (19 U.S.C.
7 1673c) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking
11 “either the administering authority or the
12 Commission” and inserting “the admin-
13 istering authority”; and

14 (ii) in subparagraph (B), by striking
15 “and the Commission”; and

16 (B) by striking paragraph (3);

17 (2) in subsection (e)(1), by striking “and the
18 Commission”;

19 (3) in subsection (f)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by inserting
22 “and” at the end;

23 (ii) by striking subparagraph (B); and

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (B); and

1 (B) in paragraph (3)—

2 (i) by striking “and the Commission”
3 each place it appears; and

4 (ii) in subparagraph (A), by striking
5 “or the Commission”;

6 (4) in subsection (g), by striking “and the Com-
7 mission”;

8 (5) in subsection (h)—

9 (A) in paragraph (1), by striking “the
10 Commission and with notice to”;

11 (B) in paragraph (2)—

12 (i) in the heading, by striking “COM-
13 MISSION INVESTIGATION” and inserting
14 “INVESTIGATION”;

15 (ii) by striking “Commission” and in-
16 serting “administering authority”; and

17 (iii) by striking “Commission’s deter-
18 mination” and inserting “determination of
19 the administering authority”; and

20 (C) in paragraph (3), by striking “Com-
21 mission” each place it appears and inserting
22 “administering authority”;

23 (6) in subsection (j), by striking “the Commis-
24 sion and”; and

1 (7) in subsection (m), by striking “Commis-
2 sion” each place it appears and inserting “admin-
3 istering authority”.

4 **SEC. 3125. FINAL DETERMINATIONS.**

5 Section 735 of the Tariff Act of 1930 (19 U.S.C.
6 1673d) is amended—

7 (1) in subsection (b)—

8 (A) in the heading, by striking “FINAL
9 DETERMINATION BY COMMISSION” and insert-
10 ing “ADDITIONAL FINAL DETERMINATION BY
11 ADMINISTERING AUTHORITY”;

12 (B) by striking “Commission” each place it
13 appears and inserting “administering author-
14 ity”; and

15 (C) in the heading of paragraph (4)(A), by
16 striking “COMMISSION STANDARD” and insert-
17 ing “STANDARD”;

18 (2) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking subparagraph (A); and

21 (ii) by redesignating subparagraph

22 (C) as subparagraph (B);

23 (B) in paragraph (2), by striking “and the
24 Commission”; and

1 (C) in paragraph (3), by striking “or the
2 Commission”; and

3 (3) in subsection (d)—

4 (A) by striking “or the Commission”;

5 (B) by striking “, other parties” and in-
6 serting “and other parties”; and

7 (C) by striking “, and the other agency”.

8 **SEC. 3126. ASSESSMENT OF DUTY.**

9 Section 736 of the Tariff Act of 1930 (19 U.S.C.
10 1673e) is amended—

11 (1) in subsection (a), by striking “Within 7
12 days after being notified by the Commission of” and
13 inserting “Not later than 7 days after”; and

14 (2) in subsections (b), (c) and (d), by striking
15 “Commission” each place it appears and inserting
16 “administering authority”.

17 **SEC. 3127. TREATMENT OF DIFFERENCE BETWEEN DE-**
18 **POSIT OF ESTIMATED ANTIDUMPING DUTY**
19 **AND FINAL ASSESSED DUTY UNDER ANTI-**
20 **DUMPING DUTY ORDER.**

21 Section 737 of the Tariff Act of 1930 (19 U.S.C.
22 1673f) is amended by striking “Commission” each place
23 it appears and inserting “administering authority”.

1 **SEC. 3128. ESTABLISHMENT OF PRODUCT CATEGORIES FOR**
2 **SHORT LIFE CYCLE MERCHANDISE.**

3 Section 739 of the Tariff Act of 1930 (19 U.S.C.
4 1673h) is amended by striking “Commission” each place
5 it appears and inserting “administering authority”.

6 **PART III—REVIEWS; OTHER ACTIONS**
7 **REGARDING AGREEMENTS**

8 **SEC. 3131. ADMINISTRATIVE REVIEW OF DETERMINATIONS.**

9 Section 751 of the Tariff Act of 1930 (19 U.S.C.
10 1675) is amended—

11 (1) in subsection (a)(4), by striking the last
12 sentence;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “or the Commis-
17 sion”; and

18 (ii) by striking “or the Commission
19 (as the case may be)”;

20 (B) in paragraph (2)—

21 (i) in the heading, by striking “COM-
22 MISSION REVIEW” and inserting “RE-
23 VIEW”; and

24 (ii) in the matter preceding subpara-
25 graph (A), by striking “Commission” and
26 inserting “administering authority”; and

1 (C) in paragraphs (3) and (4), by striking
2 “Commission” each place it appears and insert-
3 ing “administering authority”;

4 (3) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A), by striking
7 “Commission” and inserting “admin-
8 istering authority”; and

9 (ii) in the matter following subpara-
10 graph (C), by striking “and the Commis-
11 sion”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A), by striking
14 “and the Commission”; and

15 (ii) in subparagraph (C), by striking
16 “or the Commission”;

17 (C) in paragraph (3)(B), by striking “, or
18 the Commission, within 150 days after such ini-
19 tiation”;

20 (D) in paragraph (4)(A), by striking “and
21 to participate only in the review conducted by
22 the Commission under this subsection”;

23 (E) in paragraph (5)—

24 (i) in subparagraph (A), by striking
25 the second sentence;

1 (ii) in subparagraph (B)—

2 (I) by striking “or the Commis-
3 sion (as the case may be)” each place
4 it appears”;

5 (II) by striking “their respective
6 determinations” and inserting “its de-
7 termination”; and

8 (III) by striking the second sen-
9 tence;

10 (iii) in subparagraph (C), by striking
11 “or the Commission (as the case may be)”;
12 and

13 (iv) in subparagraph (D)—

14 (I) by striking “The Commission,
15 in consultation with the administering
16 authority,” and inserting “The admin-
17 istering authority”; and

18 (II) by striking the second sen-
19 tence; and

20 (F) in paragraph (6)(B), by striking “, in
21 consultation with the Commission,”;

22 (4) in subsection (d)(2)(B), by striking “Com-
23 mission” and inserting “administering authority”;

24 (5) in subsection (e), by striking “or the Com-
25 mission”; and

1 (6) in subsection (f)—

2 (A) by striking “Commission” the first
3 place it appears and inserting “administering
4 authority”;

5 (B) by striking “Commission’s determina-
6 tion” and inserting “determination of the ad-
7 ministering authority”; and

8 (C) by striking “and the Commission”.

9 **SEC. 3132. SPECIAL RULES FOR SECTION 751(b) AND 751(c)**

10 **REVIEWS.**

11 Section 752 of the Tariff Act of 1930 (19 U.S.C.
12 1675a) is amended—

13 (1) in subsection (a)—

14 (A) by striking “Commission” each place it
15 appears and inserting “administering author-
16 ity”; and

17 (B) in paragraph (5), by striking “Com-
18 mission’s determination” and inserting “deter-
19 mination of the administering authority”;

20 (2) in subsection (b)(3), by striking the first
21 sentence; and

22 (3) in subsection (c)(3), by striking the first
23 sentence.

1 **SEC. 3133. SPECIAL RULES FOR INJURY INVESTIGATIONS**
2 **FOR CERTAIN SECTION 303 OR SECTION 701(c)**
3 **COUNTERVAILING DUTY ORDERS AND INVES-**
4 **TIGATIONS.**

5 Section 753 of the Tariff Act of 1930 (19 U.S.C.
6 1675b) is amended—

7 (1) in subsection (a)(1), by striking “Commis-
8 sion” and inserting “administering authority”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)—

11 (i) in the heading, by striking “COM-
12 MISSION PROCEDURE” and inserting “PRO-
13 CEDURE”;

14 (ii) by striking “Commission” each
15 place it appears and inserting “admin-
16 istering authority”; and

17 (iii) in the heading of subparagraph
18 (B), by striking “COMMISSION”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A)—

21 (I) by striking the first sentence;

22 (II) by striking “Commission”
23 each place it appears; and

24 (III) by striking “provided by the
25 administering authority”; and

1 (ii) in subparagraph (B), by striking
2 “shall inform the Commission of, and the
3 Commission”;

4 (C) in paragraph (3)—

5 (i) in the heading, by striking “COM-
6 MISSION”;

7 (ii) in subparagraph (A)—

8 (I) by striking “Upon being noti-
9 fied by the Commission that it has
10 made” and inserting “Upon making”;
11 and

12 (II) by striking “Commission’s
13 determination” and inserting “deter-
14 mination of the administering author-
15 ity”; and

16 (iii) in subparagraph (B)—

17 (I) by striking “Upon being noti-
18 fied by the Commission that it has
19 made” and inserting “Upon making”;
20 and

21 (II) by striking “Commission”
22 and inserting “administering author-
23 ity”; and

24 (D) in paragraph (4), by striking “the
25 Commission shall notify the administering au-

1 thority that a negative determination has been
2 made under subsection (a) and”;

3 (3) in subsection (c), in the matter preceding
4 paragraph (1), by striking “Commission” and insert-
5 ing “administering authority”;

6 (4) in subsection (d), by striking “or the Com-
7 mission, as the case may be,”; and

8 (5) in subsection (e)—

9 (A) in paragraph (1)(A), by striking “,
10 after consulting with the Commission,”;

11 (B) in paragraph (2), by striking “Com-
12 mission” and inserting “administering author-
13 ity”; and

14 (C) in paragraph (3)—

15 (i) by striking “Commission” each
16 place it appears and inserting “admin-
17 istering authority”; and

18 (ii) by striking “Commission’s deter-
19 mination” and inserting “determination of
20 the administering authority”.

21 **SEC. 3134. REQUIRED DETERMINATIONS.**

22 Section 762 of the Tariff Act of 1930 (19 U.S.C.
23 1676a) is amended—

24 (1) in subsection (a), by striking “Commission”
25 and inserting “administering authority”;

1 (2) in subsection (b)—

2 (A) by striking “and the Commission”
3 each place it appears; and

4 (B) by striking “, respectively,”; and

5 (3) in subsection (c), by striking “and the Com-
6 mission”.

7 **PART IV—GENERAL PROVISIONS**

8 **SEC. 3141. DEFINITIONS; SPECIAL RULES.**

9 Section 771 of the Tariff Act of 1930 (19 U.S.C.
10 1677) is amended—

11 (1) by striking paragraph (2);

12 (2) in paragraph (4)(E), by striking “Commis-
13 sion” each place it appears and inserting “admin-
14 istering authority”;

15 (3) in paragraph (7)—

16 (A) by striking “Commission” each place it
17 appears and inserting “administering author-
18 ity”; and

19 (B) in subparagraph (G)(ii)(I), by striking
20 “Commission’s final determination” and insert-
21 ing “final determination of the administering
22 authority”;

23 (4) in paragraph (9), by striking “and the
24 Commission”;

25 (5) by striking paragraph (11);

1 (6) in paragraph (24), by striking “Commis-
2 sion” each place it appears and inserting “admin-
3 istering authority”; and

4 (7) in paragraph (35)—

5 (A) by striking “Commission” each place it
6 appears and inserting “administering author-
7 ity”; and

8 (B) in subparagraph (C)(ii), by striking
9 “Commission’s administrative record” and in-
10 serting “the administrative record of the admin-
11 istering authority”.

12 **SEC. 3142. HEARINGS.**

13 Section 774 of the Tariff Act of 1930 (19 U.S.C.
14 1677c) is amended—

15 (1) in subsection (a)(1), by striking “and the
16 Commission shall each” and inserting “shall”; and

17 (2) by striking “Commission” each place it ap-
18 pears and inserting “administering authority”.

19 **SEC. 3143. DETERMINATIONS ON THE BASIS OF THE FACTS**
20 **AVAILABLE.**

21 Section 776 of the Tariff Act of 1930 (19 U.S.C.
22 1677e) is amended—

23 (1) in subsection (a)—

24 (A) by striking “or the Commission” and

25 (B) by striking “and the Commission”;

1 (2) in subsection (b), by striking “or the Com-
2 mission (as the case may be)” each place it appears;
3 and

4 (3) in subsection (c)—

5 (A) by striking “or the Commission” each
6 place it appears; and

7 (B) by striking “, as the case may be,”.

8 **SEC. 3144. ACCESS TO INFORMATION.**

9 Section 777 of the Tariff Act of 1930 (19 U.S.C.
10 1677f) is amended—

11 (1) in subsection (a), by striking “and the Com-
12 mission” each place it appears;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A), by striking
16 “or the Commission” each place it ap-
17 pears; and

18 (ii) in subparagraph (B)—

19 (I) by striking “and the Commis-
20 sion”; and

21 (II) by striking “or the Commis-
22 sion” each place it appears;

23 (B) in paragraph (2)—

24 (i) by striking “or the Commission”
25 each place it appears; and

- 1 (ii) by striking “, as the case may
2 be,”; and
- 3 (C) in paragraph (3), by striking “or the
4 Commission”;
- 5 (3) in subsection (c)—
- 6 (A) in paragraph (1)—
- 7 (i) in subparagraph (A)—
- 8 (I) by striking “or the Commis-
9 sion”; and
- 10 (II) by striking “Commission”
11 and inserting “administering author-
12 ity”;
- 13 (ii) in subparagraph (B)—
- 14 (I) by striking “or the Commis-
15 sion”;
- 16 (II) by striking “and the Com-
17 mission” each place it appears; and
- 18 (III) by striking “determine to be
19 appropriate” and inserting “deter-
20 mines to be appropriate”;
- 21 (iii) in subparagraph (C), by striking
22 “or the Commission, as the case may be,”;
23 and

1 (iv) in subparagraph (D), by striking
2 “or the Commission” each place it ap-
3 pears; and

4 (B) in paragraph (2), by striking “or the
5 Commission” each place it appears;

6 (4) in subsection (d), by striking “or the Com-
7 mission” each place it appears;

8 (5) in subsection (f)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A)—

11 (I) by striking “or the Commis-
12 sion, as appropriate,” each place it
13 appears; and

14 (II) by striking “or the Commis-
15 sion”;

16 (ii) in subparagraph (B)(iii), by strik-
17 ing “or the Commission, as appropriate,”;
18 and

19 (iii) in subparagraph (C), by striking
20 “or the Commission”;

21 (B) in paragraph (2)—

22 (i) by striking “or the Commission”
23 each place it appears; and

24 (ii) by striking “and the Commission”

1 (C) in paragraph (4), by striking “or the
2 Commission” each place it appears;

3 (D) in paragraph (5)—

4 (i) by striking “or the Commission, as
5 appropriate”; and

6 (ii) by striking “or the Commission”
7 each place it appears;

8 (E) in paragraph (6), by striking “or the
9 Commission”; and

10 (F) in paragraph (7)—

11 (i) in subparagraph (A)—

12 (I) by striking “and the Commis-
13 sion, or their” and inserting “or its”;

14 (II) by striking “Any member of
15 the Commission, and any” and insert-
16 ing “Any”;

17 (III) by striking “administering
18 authority,” and inserting “admin-
19 istering authority”;

20 (IV) by striking “and members”;

21 (V) by striking “and the Com-
22 mission”; and

23 (VI) by striking “or the Commis-
24 sion, as appropriate,”

- 1 (ii) in subparagraph (B), by striking
2 “or the Commission”; and
3 (iii) in subparagraph (D)—
4 (I) by striking “or the Commis-
5 sion”; and
6 (II) by striking “or Commission”
7 each place it appears;
8 (6) in subsection (g), by striking “and the Com-
9 mission”;
10 (7) in subsection (h)—
11 (A) by striking “and the Commission”;
12 and
13 (B) by striking “, and to the Commission”
14 and inserting “and”; and
15 (8) in subsection (i)
16 (A) in paragraph (1)—
17 (i) by striking “or the Commission”;
18 and
19 (ii) by striking “or the Commission,
20 as the case may be”;
21 (B) in paragraph (2)(B), by striking “a
22 determination of the Commission” and insert-
23 ing “an additional separate determination of
24 the administering authority”; and

1 (C) in paragraph (3)(B), by striking
2 “Commission” and inserting “administering au-
3 thority”.

4 **SEC. 3145. DOWNSTREAM PRODUCT MONITORING.**

5 Section 780 of the Tariff Act of 1930 (19 U.S.C.
6 1677i) is amended—

7 (1) in subsection (b)—

8 (A) in the heading, by striking “BY THE
9 COMMISSION”;

10 (B) in paragraph (1), by striking “Com-
11 mission” each place it appears and inserting
12 “administering authority”; and

13 (C) in paragraph (2)—

14 (i) by striking “to the administering
15 authority”; and

16 (ii) by striking “Commission” and in-
17 serting “administering authority”; and

18 (2) in subsection (c)—

19 (A) by striking “shall review the informa-
20 tion in the reports submitted by the Commis-
21 sion under subsection (b)(2) and”;

22 (B) in paragraph (1), by inserting after
23 “information” the following “in the reports de-
24 scribed in subsection (b)(2)”;

1 (C) in paragraph (2), by striking “request
2 the Commission to”.

3 **SEC. 3146. PREVENTION OF CIRCUMVENTION OF ANTI-**
4 **DUMPING AND COUNTERVAILING DUTY OR-**
5 **DERS.**

6 Section 781 of the Tariff Act of 1930 (19 U.S.C.
7 1677j) is amended—

8 (1) in subsections (a)(1) and (b), by striking “,
9 after taking into account any advice provided by the
10 Commission under subsection (e),” each place it ap-
11 pears;

12 (2) in subsection (d)(1), by striking the last
13 sentence; and

14 (3) by striking subsection (e).

15 **SEC. 3147. CONDUCT OF INVESTIGATIONS AND ADMINIS-**
16 **TRATIVE REVIEWS.**

17 Section 782 of the Tariff Act of 1930 (19 U.S.C.
18 1677m) is amended—

19 (1) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) by striking “or the Commission”
22 each place it appears; and

23 (ii) by striking “(as the case may be)”
24 each place it appears;

25 (B) in paragraph (2)—

1 (i) by striking “and the Commission”;

2 and

3 (ii) by striking “or the Commission”;

4 (2) in subsection (d)—

5 (A) by striking “or the Commission” each
6 place it appears; and

7 (B) by striking “(as the case may be)”
8 each place it appears;

9 (3) in subsection (e)—

10 (A) by striking “and the Commission”;

11 and

12 (B) by striking “or the Commission” each
13 place it appears;

14 (4) in subsection (f), by striking “or the Com-
15 mission”; and

16 (5) in subsection (g)—

17 (A) by striking “or the Commission” each
18 place it appears;

19 (B) by striking “and the Commission”;

20 and

21 (C) by striking “(as the case may be)”.

22 **SEC. 3148. ANTIDUMPING PETITIONS BY THIRD COUN-**
23 **TRIES.**

24 Section 783 of the Tariff Act of 1930 (19 U.S.C.
25 1677n) is amended—

1 (1) in subsection (b), by striking “and the Com-
2 mission”;

3 (2) in subsection (c)(2), by striking “Commis-
4 sion” and inserting “administering authority”;

5 (3) in subsection (d)(2), by striking “and the
6 Commission”;

7 (4) in subsection (e), by striking “Commission”
8 and inserting “administering authority”; and

9 (5) in subsections (f) and (g), by striking “and
10 the Commission” each place it appears.

11 **CHAPTER 2—FUNCTIONS UNDER THE**
12 **TRADE ACT OF 1974**

13 **SEC. 3201. ADVICE FROM SECRETARY OF COMMERCE.**

14 Section 131 of the Trade Act of 1974 (19 U.S.C.
15 2151) is amended—

16 (1) in the heading, by striking “**INTER-**
17 **NATIONAL TRADE COMMISSION**” and inserting
18 “**SECRETARY OF COMMERCE**”;

19 (2) in subsection (a)—

20 (A) in paragraph (1), by striking “Inter-
21 national Trade Commission (hereafter in this
22 section referred to as the ‘Commission’)” and
23 inserting “Secretary of Commerce”; and

1 (B) in paragraph (2), by striking “Com-
2 mission” and inserting “Secretary of Com-
3 merce”;

4 (3) in subsection (b)—

5 (A) in the heading, by striking “BY COM-
6 MISSION”; and

7 (B) by striking “Commission” each place it
8 appears and inserting “Secretary of Com-
9 merce”;

10 (4) in subsection (c), by striking “Commission”
11 and inserting “Secretary of Commerce”;

12 (5) in subsection (d)—

13 (A) in the heading, by striking “COMMIS-
14 SION”; and

15 (B) by striking “Commission” and insert-
16 ing “Secretary of Commerce”; and

17 (6) in subsection (e), by striking “Commission”
18 and inserting “Secretary of Commerce”.

19 **SEC. 3202. PREREQUISITES FOR OFFERS.**

20 Section 134 of the Trade Act of 1974 (19 U.S.C.
21 2154) is amended by striking “Commission” each place
22 it appears and inserting “Secretary of Commerce”.

1 **SEC. 3203. TRANSMISSION OF AGREEMENTS TO CONGRESS.**

2 Section 162(a) of the Trade Act of 1974 (19 U.S.C.
3 2212(a)) is amended by striking “International Trade
4 Commission” and inserting “Secretary of Commerce”.

5 **SEC. 3204. ACTION TO FACILITATE POSITIVE ADJUSTMENT**
6 **TO IMPORT COMPETITION.**

7 Section 201(a) of the Trade Act of 1974 (19 U.S.C.
8 2251(a)) is amended by striking “United States Inter-
9 national Trade Commission (hereinafter referred to in this
10 chapter as the ‘Commission’)” and inserting “Secretary
11 of Commerce”.

12 **SEC. 3205. INVESTIGATIONS, DETERMINATIONS, AND REC-**
13 **COMMENDATIONS.**

14 Section 202 of the Trade Act of 1974 (19 U.S.C.
15 2252) is amended—

16 (1) in the heading, by striking “**COMMISSION**”
17 and inserting “**SECRETARY OF COMMERCE**;

18 (2) in subsection (a), by striking “Commission”
19 each place it appears and inserting “Secretary of
20 Commerce”;

21 (3) in subsection (b)—

22 (A) in the heading, by striking “**BY COM-**
23 **MISSION**”; and

24 (B) by striking “Commission” each place it
25 appears and inserting “Secretary of Com-
26 merce”;

1 (4) in subsection (c), by striking “Commission”
2 each place it appears and inserting “Secretary of
3 Commerce”;

4 (5) in subsection (d), by striking “Commission”
5 each place it appears and inserting “Secretary of
6 Commerce”;

7 (6) in subsection (e)—

8 (A) in the heading, by striking “COMMIS-
9 SION”;

10 (B) in paragraphs (1) through (5), by
11 striking “Commission” each place it appears
12 and inserting “Secretary of Commerce”; and

13 (C) by striking paragraph (6);

14 (7) in subsection (f)—

15 (A) in the heading, by striking “COMMIS-
16 SION”;

17 (B) in paragraph (1), by striking “Com-
18 mission” and inserting “Secretary of Com-
19 merce”;

20 (C) in paragraph (2)—

21 (i) by striking “Commission” and in-
22 sserting “Secretary of Commerce” each
23 place it appears;

24 (ii) by striking subparagraph (C); and

1 (iii) by redesignating subparagraphs
2 (D) through (G) as subparagraphs (C)
3 through (F), respectively; and

4 (D) in paragraph (3), by striking “Com-
5 mission” and inserting “Secretary of Com-
6 merce”;

7 (8) in subsection (g)—

8 (A) by striking “Commission” each place it
9 appears and inserting “Secretary of Com-
10 merce”;

11 (B) by striking “and the Secretary of
12 Commerce”;

13 (C) by striking “such notification—” and
14 all that follows through “(1) the Secretary of
15 Labor” and inserting “such notification the
16 Secretary of Labor”; and

17 (D) by striking “chapter 2; and” and all
18 that follows through “(2) the Secretary of Com-
19 merce” and inserting “chapter 2. The Secretary
20 of Commerce”; and

21 (9) in subsections (h) and (i), by striking
22 “Commission” each place it appears and inserting
23 “Secretary of Commerce”.

1 **SEC. 3206. ACTION BY PRESIDENT AFTER DETERMINATION**
2 **OF IMPORT INJURY.**

3 Section 203 of the Trade Act of 1974 (19 U.S.C.
4 2253) is amended—

5 (1) in subsection (a) by striking “Commission”
6 each place it appears and inserting “Secretary of
7 Commerce”;

8 (2) in subsection (b)(1), by striking “Commis-
9 sion” and inserting “Secretary of Commerce”;

10 (3) in subsection (c)—

11 (A) in the heading, by striking “COMMIS-
12 SION” and inserting “SECRETARY OF COM-
13 MERCE”; and

14 (B) by striking “Commission” each place it
15 appears and inserting “Secretary of Com-
16 merce”;

17 (4) in subsection (d)(2), by striking “Commis-
18 sion” and inserting “Secretary of Commerce”; and

19 (5) in subsection (e)—

20 (A) in subparagraph (B)(i), by striking
21 “(or, if the Commission” and all that follows
22 through “Commission),”; and

23 (B) by striking “Commission” each place it
24 appears and inserting “Secretary of Com-
25 merce”.

1 **SEC. 3207. MONITORING, MODIFICATION, AND DETERMINA-**
2 **TION OF ACTION.**

3 Section 204 of the Trade Act of 1974 (19 U.S.C.
4 2254) is amended—

5 (1) in subsection (a), by striking “Commission”
6 each place it appears and inserting “Secretary of
7 Commerce”;

8 (2) in subsection (b)—

9 (A) in paragraph (1)(A), by striking “the
10 Secretary of Commerce and”; and

11 (B) by striking “Commission” each place it
12 appears and inserting “Secretary of Com-
13 merce”; and

14 (3) in subsections (c) through (e), by striking
15 “Commission” each place it appears and inserting
16 “Secretary of Commerce”.

17 **SEC. 3208. STUDY BY SECRETARY OF LABOR WHEN SEC-**
18 **RETARY OF COMMERCE BEGINS INVESTIGA-**
19 **TION.**

20 Section 224 of the Trade Act of 1974 (19 U.S.C.
21 2274) is amended—

22 (1) in the heading, by striking “**INTER-**
23 **NATIONAL TRADE COMMISSION**” and inserting
24 “**SECRETARY OF COMMERCE**”;

25 (2) in subsection (a)—

1 (A) by striking “International Trade Com-
2 mission (hereafter referred to in this chapter as
3 the ‘Commission’)” and inserting “Secretary of
4 Commerce”; and

5 (B) by striking “Commission” and insert-
6 ing “Secretary of Commerce”; and

7 (3) in subsection (b), by striking “Commission”
8 and inserting “Secretary of Commerce”.

9 **SEC. 3209. STUDY BY SECRETARY OF COMMERCE; ACTION**

10 **WHERE THERE IS AFFIRMATIVE FINDING.**

11 Section 264 of the Trade Act of 1974 (19 U.S.C.
12 2354) is amended—

13 (1) in subsection (a)—

14 (A) by striking “Commission” the first
15 place it appears and inserting “Secretary of
16 Commerce”; and

17 (B) by striking “the Commission shall im-
18 mediately notify the Secretary of such investiga-
19 tion, and”; and

20 (2) in subsections (b) and (c), by striking
21 “Commission” each place it appears and inserting
22 “Secretary of Commerce”.

1 **SEC. 3210. DETERMINATIONS BY THE TRADE REPRESENTA-**
2 **TIVE.**

3 Section 304(b)(1)(C) of the Trade Act of 1974 (19
4 U.S.C. 2414(b)(1)(C)) is amended by striking “United
5 States International Trade Commission” and inserting
6 “Secretary of Commerce”.

7 **SEC. 3211. MARKET DISRUPTION.**

8 Section 406 of the Trade Act of 1974 (19 U.S.C.
9 2436) is amended—

10 (1) in subsection (a)—

11 (A) by striking “International Trade Com-
12 mission (hereafter in this section referred to as
13 the ‘Commission’)” and inserting “Secretary of
14 Commerce”; and

15 (B) by striking “Commission” each place it
16 appears and inserting “Secretary of Com-
17 merce”;

18 (2) in subsection (b), by striking “Commission”
19 and inserting “Secretary of Commerce”;

20 (3) in subsection (c)—

21 (A) by striking “Commission” each place it
22 appears and inserting “Secretary of Com-
23 merce”; and

24 (B) by striking “Commission’s report” and
25 inserting “report of the Secretary of Com-
26 merce”; and

1 (4) in subsection (e)(2)(C), by striking “Com-
2 mission” and inserting “Secretary of Commerce”.

3 **SEC. 3212. DESIGNATION OF ELIGIBLE ARTICLES.**

4 Section 503 of the Trade Act of 1974 (19 U.S.C.
5 2463) is amended—

6 (1) in subsection (a), by striking “International
7 Trade Commission” each place it appears and in-
8 serting “Secretary of Commerce”;

9 (2) in subsection (d)(1)(A), by striking “Inter-
10 national Trade Commission” and inserting “Sec-
11 retary of Commerce”; and

12 (3) in subsection (e)—

13 (A) in the heading, by striking “INTER-
14 NATIONAL TRADE COMMISSION ADVICE” and
15 inserting “PUBLICATION OF LISTS OF ELIGI-
16 BLE ARTICLES; PROVISION OF LISTS TO SEC-
17 RETARY OF COMMERCE”; and

18 (B) by striking “International Trade Com-
19 mission” and inserting “Secretary of Com-
20 merce”.

21 **SEC. 3213. ADDITIONAL FUNCTIONS OF THE SECRETARY OF**
22 **COMMERCE.**

23 Section 603 of the Trade Act of 1974 (19 U.S.C.
24 2482) is amended—

1 (1) in the heading, by striking “**INTER-**
2 **NATIONAL TRADE COMMISSION**” and inserting
3 “**ADDITIONAL FUNCTIONS OF THE SECRETARY**
4 **OF COMMERCE**”;

5 (2) in subsection (a), by striking “International
6 Trade Commission” and inserting “Secretary of
7 Commerce”; and

8 (3) in subsections (b) and (c), by striking
9 “Commission” each place it appears and inserting
10 “Secretary of Commerce”.

11 **CHAPTER 3—FUNCTIONS UNDER OTHER**
12 **PROVISIONS OF LAW**

13 **SEC. 3301. ACT OF JUNE 12, 1934.**

14 Section 4 of the Act of June 12, 1934 (Chapter 474;
15 48 Stat. 945; 19 U.S.C. 1354) is amended by striking
16 “International Trade Commission” and inserting “Sec-
17 retary of Commerce”.

18 **SEC. 3302. TRADE AGREEMENTS EXTENSION ACT OF 1951.**

19 (a) FURNISHING OF LIST BY PRESIDENT.—Section
20 3 of the Trade Agreements Extension Act of 1951 (19
21 U.S.C. 1360) is amended—

22 (1) in subsection (a)—

23 (A) by striking “United States Inter-
24 national Trade Commission” and inserting
25 “Secretary of Commerce”;

1 (B) by striking “(hereinafter” and all that
2 follows through “referred to as the ‘Commis-
3 sion’)”; and

4 (C) by striking “Commission” each place it
5 appears and inserting “Secretary of Com-
6 merce”; and

7 (2) in subsection (b), by striking “Commission”
8 each place it appears and inserting “Secretary of
9 Commerce”.

10 (b) COPY OF AGREEMENT TO CONGRESS.—Section
11 4(a) of the Trade Agreements Extension Act of 1951 (19
12 U.S.C. 1361(a)) is amended by striking “United States
13 International Trade Commission” and inserting “Sec-
14 retary of Commerce”.

15 **SEC. 3303. OMNIBUS TRADE AND COMPETITIVENESS ACT**
16 **OF 1988.**

17 Section 1102(a)(3)(B) of the Omnibus Trade and
18 Competitiveness Act of 1988 (19 U.S.C. 2902(a)(3)(B))
19 is amended by striking “United States International
20 Trade Commission” and inserting “Secretary of Com-
21 merce”.

22 **SEC. 3304. ANDEAN TRADE PREFERENCE ACT.**

23 (a) ELIGIBLE ARTICLES.—Section 204 of the Andean
24 Trade Preference Act (19 U.S.C. 3203) is amended—

25 (1) in subsection (d)—

1 (A) by striking “United States Inter-
2 national Trade Commission” each place it ap-
3 pears and inserting “Secretary of Commerce;
4 and

5 (B) in paragraph (2), by striking “Com-
6 mission” and inserting “Secretary of Com-
7 merce”; and

8 (2) in subsection (e)—

9 (A) in paragraph (1), by striking “United
10 States International Trade Commission” and
11 inserting “Secretary of Commerce; and

12 (B) in paragraph (4)(C)—

13 (i) by striking “United States Inter-
14 national Trade Commission” and inserting
15 “Secretary of Commerce; and

16 (ii) by striking “Commission’s report”
17 and inserting “report of the Commission”.

18 (b) REPORTS ON IMPACT OF THE ANDEAN TRADE
19 PREFERENCE ACT.—Section 206 of the Andean Trade
20 Preference Act (19 U.S.C. 3204) is amended—

21 (1) in the heading, by striking “**INTER-**
22 **NATIONAL TRADE COMMISSION**”;

23 (2) in subsection (a), by striking “United
24 States International Trade Commission (hereinafter

1 in this section referred to as the ‘Commission’)” and
2 inserting “Secretary of Commerce”; and

3 (3) in subsections (b) and (c), by striking
4 “Commission” each place it appears and inserting
5 “Secretary of Commerce”.

6 **SEC. 3305. URUGUAY ROUND AGREEMENTS ACT.**

7 (a) CONSULTATION AND LAYOVER REQUIREMENTS
8 FOR, AND EFFECTIVE DATE OF, PROCLAIMED AC-
9 TIONS.—Section 115(1)(B) of the Uruguay Round Agree-
10 ments Act (19 U.S.C. 3524(1)(B)) is amended by striking
11 “International Trade Commission” and inserting “Sec-
12 retary of Commerce”.

13 (b) DISPUTE SETTLEMENT PANELS AND PROCE-
14 DURES.—Section 123(g)(4) of the Uruguay Round Agree-
15 ments Act (19 U.S.C. 3533(g)(4)) is amended—

16 (1) in the heading, by striking “ITC” and in-
17 serting “DEPARTMENT OF COMMERCE”; and

18 (2) by striking “International Trade Commis-
19 sion” and inserting “Department of Commerce that
20 were in effect with respect to, or exercised by, the
21 International Trade Commission on the day before
22 the date of the enactment of the Trade Policy Re-
23 form Act”.

1 (c) ADMINISTRATIVE ACTION FOLLOWING WTO
2 PANEL REPORTS.—Section 129 of the Uruguay Round
3 Agreements Act (19 U.S.C. 3538) is amended—

4 (1) by striking subsection (a);

5 (2) by redesignating subsections (b) through (e)
6 as subsections (a) through (d), respectively;

7 (3) in subsection (a)(1) (as redesignated)—

8 (A) by inserting before “in a proceeding”
9 the following: “in connection with a particular
10 proceeding or”; and

11 (B) by striking “the Antidumping Agree-
12 ment or the Agreement on Subsidies and Coun-
13 tervailing Measures” and inserting “the Anti-
14 dumping Agreement, the Safeguards Agree-
15 ment, or the Agreement on Subsidies and Coun-
16 tervailing Measures (as the case may be)”;

17 (4) in subsection (b) (as redesignated), by strik-
18 ing “on or after—” and all that follows through
19 “(B) in the case of” and inserting “on or after, in
20 the case of”; and

21 (5) in subsection (c) (as redesignated), by strik-
22 ing “or the Commission, as the case may be,”.

23 **SEC. 3306. ATOMIC ENERGY ACT OF 1954.**

24 Subsection d. of section 170B of the Atomic Energy
25 Act of 1954 (42 U.S.C. 2210b(d)) is amended by striking

1 “United States International Trade Commission” and in-
2 serting “Secretary of Commerce”.

3 **CHAPTER 4—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 3401. TRANSFER OF OTHER FUNCTIONS.**

6 In addition to the functions of the Commission trans-
7 ferred to the Department of Commerce by reason of the
8 amendments made by this subtitle, there are hereby trans-
9 ferred to the Department of Commerce all other functions
10 that the Commission exercised on the day before the effec-
11 tive date specified in section 3601, including all related
12 functions of any employee of the Commission.

13 **SEC. 3402. TRANSFER OF ASSETS AND FUNDS.**

14 Consistent with section 1531 of title 31, United
15 States Code, the personnel, assets, liabilities, contracts,
16 property, records, and unexpended balances of appropria-
17 tions, authorizations, allocations, and other funds of the
18 Commission shall be transferred to the Department of
19 Commerce. Unexpended funds transferred pursuant to
20 this section shall be used by the Department of Commerce
21 only for the purposes for which the funds were originally
22 authorized and appropriated.

23 **SEC. 3403. SAVINGS PROVISIONS.**

24 The transfer of functions from the Commission by
25 reason of the amendments made by chapters 1 through

1 3 of this subtitle, and under section 3401, shall not
2 affect—

3 (1) an order, determination, rule, regulation,
4 permit, agreement, grant, contract, certificate, li-
5 cense, registration, privilege, or other administrative
6 action issued, made, granted, or otherwise in effect
7 or final with respect to the Commission on the day
8 before the transfer date with respect to the trans-
9 ferred functions; or

10 (2) any suit commenced with regard to the
11 Commission, and any other proceeding (including a
12 notice of proposed rulemaking), or any application
13 for any license, permit, certificate, or financial as-
14 sistance pending before the Commission on the day
15 before the transfer date with respect to the trans-
16 ferred functions.

17 **Subtitle C—Technical and** 18 **Conforming Amendments**

19 **SEC. 3501. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) TITLE 5, U.S.C.—(1) Section 5314 of title 5,
21 United States Code, is amended by striking the following:

22 “Chairman, United States International Trade
23 Commission.”.

24 (2) Section 5315 of title 5, United States Code, is
25 amended by striking the following:

1 (ii) by redesignating subsection (g) as sub-
2 section (f); and

3 (iii) in the last sentence of subsection (f)
4 (as redesignated), by striking “section 337”
5 and inserting “section 335”;

6 (D) in section 331(f) (as redesignated), by
7 striking “section 332” and inserting “section 330”;
8 and

9 (E) in section 337(c)(2)(F) (as redesignated),
10 by striking “section 337 of the Tariff Act of 1930”
11 and inserting “section 335”.

12 (3) Section 516A of the Tariff Act of 1930 (19
13 U.S.C. 1516a) is amended—

14 (A) in subsection (a)—

15 (i) in paragraph (1)—

16 (I) in subparagraphs (A) and (B), by
17 striking “Commission” each place it ap-
18 pears and inserting “administering author-
19 ity”; and

20 (II) in subparagraph (D), by striking
21 “or the Commission”;

22 (ii) in paragraph (2)(B)—

23 (I) in clause (i), by striking “and by
24 the Commission”;

1 (II) in clauses (ii) and (iii), by strik-
2 ing “or the Commission”;

3 (III) in clause (v), by striking “Com-
4 mission” and inserting “administering au-
5 thority”;

6 (IV) in clause (vii), by striking “or
7 the Commission”; and

8 (V) in clause (viii), by striking “Com-
9 mission” and inserting “administering au-
10 thority”; and

11 (iii) in paragraph (3), by striking “Com-
12 mission” and inserting “administering author-
13 ity”;

14 (B) in subsection (b)(2)(A)(i), by striking “the
15 Secretary, the administering authority, or the Com-
16 mission” and inserting “the Secretary or the admin-
17 istering authority”;

18 (C) in subsection (e), by striking “the Sec-
19 retary, the administering authority, or the Commis-
20 sion” each place it appears and inserting “the Sec-
21 retary or the administering authority”;

22 (D) in subsection (e), by striking “the Sec-
23 retary, the administering authority, or the Commis-
24 sion” and inserting “the Secretary or the admin-
25 istering authority”;

1 (E) by striking paragraph (2) of subsection (f);

2 and

3 (F) in subsection (g)—

4 (i) in paragraph (3)(B)—

5 (I) in clause (iii), by striking “or the
6 Commission, as appropriate”; and

7 (II) in the last sentence, by striking “,
8 in consultation with the Commission,”;

9 (ii) in paragraph (5)(B), by striking “or
10 the Commission”;

11 (iii) in paragraph (7)—

12 (I) in subparagraph (A), by striking
13 “or the Commission” each place it ap-
14 pears; and

15 (II) in subparagraph (B)—

16 (aa) in the second and third sen-
17 tences, by striking “or the Commis-
18 sion” each place it appears; and

19 (bb) in the fourth sentence, by
20 striking “the President, the admin-
21 istering authority, or the Commis-
22 sion” and inserting “the President or
23 the administering authority”;

24 (iv) in paragraph (8)—

1 (I) in subparagraph (A)(i), by striking
2 “, in consultation with the Commission,”;
3 and

4 (II) in subparagraph (B), by striking
5 “or the Commission, as appropriate”; and
6 (v) in paragraph (9)—

7 (I) by striking “and the Commission”;
8 and

9 (II) by striking “or the Commission,
10 respectively”.

11 (d) TRADE ACT OF 1974.—(1) Section 141(d)(2) of
12 the Trade Act of 1974 (19 U.S.C. 2171(d)(2)) is amended
13 by striking the last sentence.

14 (2) Section 163 of the Trade Act of 1974 (19 U.S.C.
15 2213) is amended by striking subsection (c).

16 (3) Section 171 of the Trade Act of 1974 (19 U.S.C.
17 2231) is hereby repealed.

18 (4) Section 175 of the Trade Act of 1974 (19 U.S.C.
19 2232) is amended by striking subsection (a)(1).

20 (5) Section 282 of the Trade Act of 1974 (19 U.S.C.
21 2393) is amended by striking “, the International Trade
22 Commission,”.

23 (6) Section 608 of the Trade Act of 1974 (19 U.S.C.
24 1484 note) is amended by striking subsections (b) through
25 (e).

1 (7) The table of contents of the Trade Act of 1974
2 (19 U.S.C. 2101) is amended—

3 (A) by striking the items relating to chapter 7
4 of title I;

5 (B) in the item relating to section 202, by
6 striking “Commission” and inserting “Secretary of
7 Commerce”;

8 (C) in the item relating to section 224, by strik-
9 ing “International Trade Commission” and inserting
10 “Secretary of Commerce”; and

11 (D) in the item relating to section 603, by
12 striking “International Trade Commission” and in-
13 sserting “Additional functions of the Secretary of
14 Commerce”.

15 (e) TRADE AGREEMENTS ACT OF 1979.—(1) Title I
16 of the Trade Agreements Act of 1979 (19 U.S.C. 1671
17 note) is hereby repealed.

18 (2) The table of contents of the Trade Agreements
19 Act of 1979 (19 U.S.C. 2501) is amended by striking the
20 items relating to title I.

21 (f) TRADE EXPANSION ACT OF 1962.—(1) Section
22 242 of the Trade Expansion Act of 1962 (19 U.S.C. 1872)
23 is amended—

1 (A) in subsection (b)(2), by striking “United
2 States International Trade Commission” and insert-
3 ing “Secretary of Commerce”; and

4 (B) in subsection (c), by striking “, including
5 the United States International Trade Commission”.

6 (2) Sections 351 and 352 of the Trade Expansion
7 Act of 1962 (19 U.S.C. 1981 and 1982) are hereby re-
8 pealed.

9 (g) URUGUAY ROUND AGREEMENTS ACT.—Section 2
10 of the Uruguay Round Agreements Act (19 U.S.C. 3501)
11 is amended by striking paragraph (3).

12 (h) EDUCATION AMENDMENTS OF 1976.—Section
13 335(a)(2) of the Education Amendments of 1976 (20
14 U.S.C. 2505(a)(2)) is amended by striking “, the United
15 States International Trade Commission”.

16 (i) TITLE 28, U.S.C.—(1) Section 1446(f) of title 28,
17 United States Code, is amended by striking “International
18 Trade Commission” and inserting “Secretary of Com-
19 merce”.

20 (2) Section 2631(f) of title 28, United States Code,
21 is amended by striking “or the International Trade Com-
22 mission”.

23 (3) Section 2639 of title 28, United States Code, is
24 amended by striking “, the administering authority, or the

1 International Trade Commission” and inserting “or the
2 administering authority”.

3 (j) TITLE 31, U.S.C.—(1) Section 1513 of title 31,
4 United States Code, is amended—

5 (A) in subsection (a), by striking “, the United
6 States International Trade Commission”; and

7 (B) in subsection (b), by striking “(except the
8 Commission)”.

9 (2) Section 1514 of title 31, United States Code, is
10 amended—

11 (A) in subsection (a)—

12 (i) by striking “, the United States Inter-
13 national Trade Commission”; and

14 (ii) by striking “(except the Commission)”;

15 and

16 (B) in subsection (b), by striking “(except the
17 Commission)”.

18 **SEC. 3502. OTHER REFERENCES.**

19 After the transfer of functions from the Commission
20 to the Secretary of Commerce by reason of the amend-
21 ments made by chapters 1 through 3 of subtitle B, and
22 under section 3401, any reference in any other Federal
23 law, Executive order, rule, regulation, document, or other
24 material to the Commission shall be deemed to be a ref-
25 erence to the Department of Commerce.

1 **Subtitle D—Effective Date**

2 **SEC. 3601. EFFECTIVE DATE.**

3 This title, and the amendments made by this title,
4 shall take effect on the earlier of—

5 (1) the date that is 180 days after the date of
6 the enactment of this Act; and

7 (2) such date during that 180-day period as the
8 President may direct in an Executive order.

9 **TITLE IV—WTO DISPUTE SET-**
10 **TLEMENT REVIEW COMMIS-**
11 **SION**

12 **SEC. 4101. SHORT TITLE.**

13 This title may be cited as the “WTO Dispute Settle-
14 ment Review Commission Act”.

15 **SEC. 4102. CONGRESSIONAL FINDINGS AND PURPOSE.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) The United States joined the World Trade
18 Organization as a founding member with the goal of
19 creating an improved global trading system.

20 (2) The American people must receive assur-
21 ances that United States sovereignty will be pro-
22 tected, and United States interests will be advanced,
23 within the global trading system which the WTO will
24 oversee.

1 (3) The survival of the new WTO requires the
2 continuation of both trade liberalization and the
3 ability to respond effectively to unfair or otherwise
4 harmful trade practices.

5 (4) United States support for the WTO de-
6 pends upon obtaining mutual trade benefits through
7 the openness of foreign markets and the mainte-
8 nance of effective United States and WTO remedies
9 against unfair or otherwise harmful trade practices.

10 (5) Congress passed the Uruguay Round Agree-
11 ments Act based upon its understanding that effec-
12 tive trade remedies would not be eroded. These rem-
13 edies are essential to continue the process of opening
14 foreign markets to imports of goods and services and
15 to prevent harm to American industry and agri-
16 culture, particularly through foreign dumping and
17 subsidization.

18 (6) The continued support of the Congress for
19 the WTO is dependent upon a WTO dispute settle-
20 ment system that—

21 (A) operates in a fair and impartial man-
22 ner;

23 (B) does not add to the obligations of or
24 diminish the rights of the United States under
25 the Uruguay Round Agreements; and

1 (C) does not exceed its authority, scope, or
2 established standard of review.

3 (b) PURPOSE.—It is the purpose of this title to pro-
4 vide for the establishment of the WTO Dispute Settlement
5 Review Commission to achieve the goals described in sub-
6 section (a)(6).

7 **SEC. 4103. ESTABLISHMENT OF COMMISSION.**

8 (a) ESTABLISHMENT.—There is established a com-
9 mission to be known as the WTO Dispute Settlement Re-
10 view Commission (hereafter in this title referred to as the
11 “Commission”).

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—The Commission shall be
14 composed of 5 members all of whom shall be judges
15 of the Federal judicial circuits and shall be ap-
16 pointed by the President, after consultation with the
17 Majority Leader and Minority Leader of the House
18 of Representatives, the Majority Leader and Minor-
19 ity Leader of the Senate, the chairman and ranking
20 member of the Committee on Ways and Means of
21 the House of Representatives, and the chairman and
22 ranking member of the Committee on Finance of the
23 Senate.

1 (2) DATE.—The appointments of the members
2 of the Commission shall be made no later than 60
3 days after the date of the enactment of this Act.

4 (c) PERIOD OF APPOINTMENT; VACANCIES.—

5 (1) IN GENERAL.—Members of the Commission
6 first appointed shall each be appointed for a term of
7 5 years. After the initial 5-year term, 3 members of
8 the Commission shall be appointed for terms of 3
9 years and the remaining 2 members shall be ap-
10 pointed for terms of 2 years.

11 (2) VACANCIES.—

12 (A) IN GENERAL.—Any vacancy on the
13 Commission shall not affect its powers, but
14 shall be filled in the same manner as the origi-
15 nal appointment and shall be subject to the
16 same conditions as the original appointment.

17 (B) UNEXPIRED TERM.—An individual
18 chosen to fill a vacancy shall be appointed for
19 the unexpired term of the member replaced.

20 (d) INITIAL MEETING.—No later than 30 days after
21 the date on which all members of the Commission have
22 been appointed, the Commission shall hold its first meet-
23 ing.

24 (e) MEETINGS.—The Commission shall meet at the
25 call of the Chairman.

1 (f) QUORUM.—A majority of the members of the
2 Commission shall constitute a quorum, but a lesser num-
3 ber of members may hold hearings.

4 (g) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
5 sion shall select a Chairman and Vice Chairman from
6 among its members.

7 **SEC. 4104. DUTIES OF THE COMMISSION.**

8 (a) REVIEW OF WTO DISPUTE SETTLEMENT RE-
9 PORTS.—

10 (1) IN GENERAL.—The Commission shall
11 review—

12 (A) all reports of dispute settlement panels
13 or the Appellate Body of the World Trade Or-
14 ganization in proceedings initiated by other par-
15 ties to the WTO which are adverse to the
16 United States and which are adopted by the
17 Dispute Settlement Body, and

18 (B) upon request of the United States
19 Trade Representative, any other report of a dis-
20 pute settlement panel or the Appellate Body
21 which is adopted by the Dispute Settlement
22 Body.

23 (2) SCOPE OF REVIEW.—In the case of any re-
24 port described in paragraph (1), the Commission
25 shall review the report and determine whether—

1 (A) the panel or the Appellate Body, as the
2 case may be, exceeded its authority or its terms
3 of reference;

4 (B) the panel or the Appellate Body, as
5 the case may be, added to the obligations of or
6 diminished the rights of the United States
7 under the Uruguay Round Agreement which is
8 the subject of the report;

9 (C) the panel or the Appellate Body, as the
10 case may be, acted arbitrarily or capriciously,
11 engaged in misconduct, or demonstrably de-
12 parted from the procedures specified for panels
13 and the Appellate Body in the applicable Uru-
14 guay Round Agreement; and

15 (D) the report of the panel or the Appel-
16 late Body, as the case may be, deviated from
17 the applicable standard of review, including in
18 antidumping, countervailing duty, and other un-
19 fair trade remedy cases, including the standard
20 of review set forth in Article 17.6 of the Agree-
21 ment on Implementation of Article VI of the
22 General Agreement on Tariffs and Trade 1994.

23 (3) AFFIRMATIVE DETERMINATION.—If the
24 Commission makes an affirmative determination
25 with respect to the action of a panel or the Appellate

1 Body under subparagraph (A), (B), (C), or (D) of
2 paragraph (2), the Commission shall determine
3 whether the action of the panel or Appellate Body
4 materially affected the outcome of the report of the
5 panel or Appellate Body.

6 (b) DETERMINATION; REPORT.—

7 (1) DETERMINATION.—No later than 120 days
8 after the date on which a report of a panel or the
9 Appellate Body described in subsection (a)(1) is
10 adopted by the Dispute Settlement Body, the Com-
11 mission shall make a written determination with re-
12 spect to matters described in subsections (a)(2) and
13 (a)(3).

14 (2) REPORTS.—The Commission shall report
15 the determinations described in paragraph (1) to the
16 Committee on Ways and Means of the House of
17 Representatives and the Committee on Finance of
18 the Senate.

19 **SEC. 4105. POWERS OF THE COMMISSION.**

20 (a) HEARINGS.—The Commission may hold such
21 hearings, sit and act at such times and places, take such
22 testimony, and receive such evidence as the Commission
23 considers advisable to carry out the purposes of this title.

24 (b) INFORMATION FROM INTERESTED PARTIES AND
25 FEDERAL AGENCIES.—

1 (1) NOTICE OF PANEL OR APPELLATE BODY
2 REPORT.—The United States Trade Representative
3 shall advise the Commission no later than 5 days
4 after the date the Dispute Settlement Body adopts
5 the report of a panel or the Appellate Body that is
6 adverse to the United States and shall immediately
7 publish notice of such advice in the Federal Reg-
8 ister, along with notice of an opportunity for inter-
9 ested parties to submit comments to the Commis-
10 sion.

11 (2) SUBMISSIONS AND REQUESTS FOR INFOR-
12 MATION.—Any interested party may submit com-
13 ments to the Commission regarding the panel or Ap-
14 pellate Body report. The Commission may also se-
15 cure directly from any Federal department or agency
16 such information as the Commission considers nec-
17 essary to carry out the provisions of this title. Upon
18 request of the Chairman of the Commission, the
19 head of such department or agency shall furnish
20 such information to the Commission.

21 (3) ACCESS TO PANEL AND APPELLATE BODY
22 DOCUMENTS.—The United States Trade Representa-
23 tive shall make available to the Commission all sub-
24 missions and relevant documents relating to the
25 panel or Appellate Body report, including any infor-

1 mation contained in such submissions identified by
2 the provider of the information as proprietary infor-
3 mation or information treated as confidential by a
4 foreign government.

5 **SEC. 4106. REVIEW OF DISPUTE SETTLEMENT PROCE-**
6 **DURES AND PARTICIPATION IN THE WTO.**

7 (a) **AFFIRMATIVE REPORT BY COMMISSION.—**

8 (1) **IN GENERAL.—**If a joint resolution de-
9 scribed in subsection (b)(1) is enacted into law pur-
10 suant to the provisions of subsection (c), the United
11 States Trade Representative shall undertake nego-
12 tiations to amend or modify the rules and proce-
13 dures of the Dispute Settlement Understanding to
14 which such joint resolution relates.

15 (2) **3 AFFIRMATIVE REPORTS BY COMMIS-**
16 **SION.—**If a joint resolution described in subsection
17 (b)(2) is enacted into law pursuant to the provisions
18 of subsection (c), the approval of the Congress, pro-
19 vided under section 101(a) of the Uruguay Round
20 Agreements Act, of the WTO Agreement shall cease
21 to be effective in accordance with the provisions of
22 the joint resolution and the United States shall
23 cease to be a member of the WTO.

24 (b) **JOINT RESOLUTIONS DESCRIBED.—**

1 (1) IN GENERAL.—For purposes of subsection
2 (a)(1), a joint resolution is described in this para-
3 graph if it is a joint resolution of the 2 Houses of
4 Congress and the matter after the resolving clause
5 of such joint resolution is as follows: “That the Con-
6 gress authorizes and directs the United States Trade
7 Representative to undertake negotiations to amend
8 or modify the rules and procedures of the Under-
9 standing on Rules and Procedures Governing the
10 Settlement of Disputes relating to ____ with respect
11 to the affirmative determination submitted to the
12 Congress by the WTO Dispute Settlement Review
13 Commission on _____”, the first blank space being
14 filled with the specific rules and procedures with re-
15 spect to which the Trade Representative is to under-
16 take negotiations and the second blank space being
17 filled with the date of the affirmative determination
18 submitted to the Congress by the Commission pursu-
19 ant to section 4104(b) which has given rise to the
20 joint resolution.

21 (2) WITHDRAWAL RESOLUTION.—For purposes
22 of subsection (a)(2), a joint resolution is described
23 in this paragraph if it is a joint resolution of the 2
24 Houses of Congress and the matter after the resolv-
25 ing clause of such joint resolution is as follows:

1 “That the Congress authorizes and directs the
2 United States Trade Representative to undertake
3 negotiations to amend or modify the rules and proce-
4 dures of the Understanding on Rules and Proce-
5 dures Governing the Settlement of Disputes relating
6 to ____ with respect to the affirmative report sub-
7 mitted to the Congress by the WTO Dispute Settle-
8 ment Review Commission on ____ and if such nego-
9 tiations do not result in a solution that the Trade
10 Representative, by ____, certifies to the Congress is
11 satisfactory, the Congress withdraws its approval,
12 provided under section 101(a) of the Uruguay
13 Round Agreements Act, of the WTO Agreement as
14 defined in section 2(9) of that Act”, the first blank
15 space being filled with the specific rules and proce-
16 dures with respect to which the Trade Representa-
17 tive is to undertake negotiations, the second blank
18 space being filled with the date of the affirmative
19 determination submitted to the Congress by the
20 Commission pursuant to section 4104(b) which has
21 given rise to the joint resolution, and the third blank
22 space being filled with the date the Congress with-
23 draws its approval of the WTO Agreement.

24 (c) PROCEDURAL PROVISIONS.—

1 (1) IN GENERAL.—The requirements of this
2 subsection are met if the joint resolution is enacted
3 in accordance with this subsection, and—

4 (A) in the case of a joint resolution de-
5 scribed in subsection (b)(1), the Congress
6 adopts and transmits the joint resolution to the
7 President before the end of the 90-day period
8 (excluding any day described in section 154(b)
9 of the Trade Act of 1974) beginning on the
10 date on which the Congress receives an affirma-
11 tive determination from the Commission de-
12 scribed in section 4104(b), or

13 (B) in the case of a joint resolution de-
14 scribed in subsection (b)(2), the Commission
15 has made 3 affirmative determinations de-
16 scribed in section 4104(b) during a 5-year pe-
17 riod, and the Congress adopts and transmits
18 the joint resolution to the President before the
19 end of the 90-day period (excluding any day de-
20 scribed in section 154(b) of the Trade Act of
21 1974) beginning on the date on which the Con-
22 gress receives the third such affirmative deter-
23 mination.

24 (2) PRESIDENTIAL VETO.—In any case in
25 which the President vetoes the joint resolution, the

1 requirements of this subsection are met if each
2 House of Congress votes to override that veto on or
3 before the later of the last day of the 90-day period
4 referred to in subparagraph (A) or (B) of paragraph
5 (1), whichever is applicable, or the last day of the
6 15-day period (excluding any day described in sec-
7 tion 154(b) of the Trade Act of 1974) beginning on
8 the date on which the Congress receives the veto
9 message from the President.

10 (3) INTRODUCTION.—

11 (A) TIME.—A joint resolution to which
12 this section applies may be introduced at any
13 time on or after the date on which the Commis-
14 sion transmits to the Congress an affirmative
15 determination described in section 4104(b), and
16 before the end of the 90-day period referred to
17 in subparagraph (A) or (B) of paragraph (1),
18 as the case may be.

19 (B) ANY MEMBER MAY INTRODUCE.—A
20 joint resolution described in subsection (b) may
21 be introduced in either House of the Congress
22 by any Member of such House.

23 (4) EXPEDITED PROCEDURES.—

24 (A) GENERAL RULE.—Subject to the pro-
25 visions of this subsection, the provisions of sub-

1 sections (b), (d), (e), and (f) of section 152 of
2 the Trade Act of 1974 (19 U.S.C. 2192(b), (d),
3 (e), and (f)) apply to joint resolutions described
4 in subsection (b) to the same extent as such
5 provisions apply to resolutions under such sec-
6 tion.

7 (B) REPORT OR DISCHARGE OF COM-
8 MITTEE.—If the committee of either House to
9 which a joint resolution has been referred has
10 not reported it by the close of the 45th day
11 after its introduction (excluding any day de-
12 scribed in section 154(b) of the Trade Act of
13 1974), such committee shall be automatically
14 discharged from further consideration of the
15 joint resolution and it shall be placed on the ap-
16 propriate calendar.

17 (C) FINANCE AND WAYS AND MEANS COM-
18 MITTEES.—It is not in order for—

19 (i) the Senate to consider any joint
20 resolution unless it has been reported by
21 the Committee on Finance or the com-
22 mittee has been discharged under subpara-
23 graph (B); or

24 (ii) the House of Representatives to
25 consider any joint resolution unless it has

1 been reported by the Committee on Ways
2 and Means or the committee has been dis-
3 charged under subparagraph (B).

4 (D) SPECIAL RULE FOR HOUSE.—A mo-
5 tion in the House of Representatives to proceed
6 to the consideration of a joint resolution may
7 only be made on the second legislative day after
8 the calendar day on which the Member making
9 the motion announces to the House his or her
10 intention to do so.

11 (5) CONSIDERATION OF SECOND RESOLUTION
12 NOT IN ORDER.—It shall not be in order in either
13 the House of Representatives or the Senate to con-
14 sider a joint resolution (other than a joint resolution
15 received from the other House), if that House has
16 previously adopted a joint resolution under this sec-
17 tion relating to the same matter.

18 (d) RULES OF HOUSE OF REPRESENTATIVES AND
19 SENATE.—This section is enacted by the Congress—

20 (1) as an exercise of the rulemaking power of
21 the House of Representatives and the Senate, re-
22 spectively, and as such is deemed a part of the rules
23 of each House, respectively, and such procedures su-
24 persede other rules only to the extent that they are
25 inconsistent with such other rules; and

1 (2) with the full recognition of the constitu-
2 tional right of either House to change the rules (so
3 far as relating to the procedures of that House) at
4 any time, in the same manner, and to the same ex-
5 tent as any other rule of that House.

6 **SEC. 4107. PARTICIPATION IN WTO PANEL PROCEEDINGS.**

7 (a) **IN GENERAL.**—If the United States Trade Rep-
8 resentative, in proceedings before a dispute settlement
9 panel or the Appellate Body of the WTO, seeks—

10 (1) to enforce United States rights under a
11 multilateral trade agreement, or

12 (2) to defend a challenged action or determina-
13 tion of the United States Government,

14 a private United States person that is supportive of the
15 United States Government’s position before the panel or
16 Appellate Body and that has a direct economic interest
17 in the panel’s or Appellate Body’s resolution of the mat-
18 ters in dispute shall be permitted to participate in con-
19 sultations and panel proceedings. The Trade Representa-
20 tive shall issue regulations, consistent with subsections (b)
21 and (c), ensuring full and effective participation by any
22 such private person.

23 (b) **ACCESS TO INFORMATION.**—The United States
24 Trade Representative shall make available to persons de-
25 scribed in subsection (a) all information presented to or

1 otherwise obtained by the Trade Representative in connec-
2 tion with a WTO dispute settlement proceeding. The
3 United States Trade Representative shall promulgate reg-
4 ulations implementing a protective order system to protect
5 information designated by the submitting member as con-
6 fidential.

7 (c) PARTICIPATION IN PANEL PROCESS.—Upon re-
8 quest from a person described in subsection (a), the
9 United States Trade Representative shall—

10 (1) consult in advance with such person regard-
11 ing the content of written submissions from the
12 United States to the WTO panel concerned or to the
13 other member countries involved;

14 (2) include, where appropriate, such person or
15 its appropriate representative as an advisory mem-
16 ber of the delegation in sessions of the dispute set-
17 tlement panel;

18 (3) allow such special delegation member, where
19 such member would bring special knowledge to the
20 proceeding, to appear before the panel, directly or
21 through counsel, under the supervision of responsible
22 United States Government officials; and

23 (4) in proceedings involving confidential infor-
24 mation, allow appearance of such person only

1 through counsel as a member of the special delega-
2 tion.

3 **SEC. 4108. DEFINITIONS.**

4 For purposes of this title:

5 (1) APPELLATE BODY.—The term “Appellate
6 Body” means the Appellate Body established under
7 Article 17.1 of the Dispute Settlement Under-
8 standing.

9 (2) ADVERSE TO THE UNITED STATES.—The
10 term “adverse to the United States” includes any re-
11 port which holds any law, regulation, or application
12 thereof by a government agency to be inconsistent
13 with international obligations under a Uruguay
14 Round Agreement (or a nullification or impairment
15 thereof), whether or not there are other elements of
16 the decision which favor arguments made by the
17 United States.

18 (3) DISPUTE SETTLEMENT PANEL; PANEL.—
19 The terms “dispute settlement panel” and “panel”
20 mean a panel established pursuant to Article 6 of
21 the Dispute Settlement Understanding.

22 (4) DISPUTE SETTLEMENT BODY.—The term
23 “Dispute Settlement Body” means the Dispute Set-
24 tlement Body administering the rules and proce-

1 dures set forth in the Dispute Settlement Under-
2 standing.

3 (5) DISPUTE SETTLEMENT UNDERSTANDING.—

4 The term “Dispute Settlement Understanding”
5 means the Understanding on Rules and Procedures
6 Governing the Settlement of Disputes referred to in
7 section 101(d)(16) of the Uruguay Round Agree-
8 ments Act.

9 (6) URUGUAY ROUND AGREEMENT.—The term

10 “Uruguay Round Agreement” means any of the
11 agreements described in section 101(d) of the Uru-
12 guay Round Agreements Act.

13 (7) WORLD TRADE ORGANIZATION; WTO.—The

14 terms “World Trade Organization” and “WTO”
15 mean the organization established pursuant to the
16 WTO Agreement.

17 (8) WTO AGREEMENT.—The term “WTO

18 Agreement” means the Agreement Establishing the
19 World Trade Organization entered into on April 15,
20 1994.

21 **SEC. 4109. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to carry out
23 this title such sums as may be necessary for fiscal year
24 2000 and each subsequent fiscal year.

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