

106TH CONGRESS
1ST SESSION

S. 120

To amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

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

A BILL

To amend title II of the Trade Act of 1974 to clarify the definition of domestic industry and to include certain agricultural products for purposes of providing relief from injury caused by import competition, 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 “Agricultural Trade Re-
5 form Act of 1999”.

6 **SEC. 2. DEFINITION OF DOMESTIC INDUSTRY, ETC.**

7 (a) DOMESTIC INDUSTRY.—

1 (1) IN GENERAL.—Section 202(c)(6)(A)(i) of
2 the Trade Act of 1974 (19 U.S.C. 2252(c)(6)(A)(i)
3 is amended to read as follows:

4 “(A)(i) The term ‘domestic industry’
5 means, with respect to an article—

6 “(I) the producers as a whole of the
7 like or directly competitive article or those
8 producers whose collective production of
9 the like or directly competitive article con-
10 stitutes a major proportion of the total do-
11 mestic production of such article, or

12 “(II) the producers of a like or di-
13 rectly competitive perishable agricultural
14 product, citrus product, or potato product
15 in a specific geographic area of the United
16 States whose collective production in such
17 area of such article constitutes a signifi-
18 cant proportion of the total domestic pro-
19 duction of such article.”.

20 (2) DETERMINATION BY COMMISSION.—Section
21 202(c)(4) of such Act (19 U.S.C. 2252(c)(4)) is
22 amended—

23 (A) by striking “and” at the end of sub-
24 paragraph (B),

1 (B) by striking the period at the end of
2 subparagraph (C) and inserting “; and”, and

3 (C) by adding at the end the following new
4 subparagraph:

5 “(D) may—

6 “(i) in the case of one or more domes-
7 tic producers—

8 “(I) who produce a like or di-
9 rectly competitive perishable agricul-
10 tural product, citrus product, or po-
11 tato product in a specific geographic
12 area of the United States,

13 “(II) whose production of the
14 product in such area constitutes a sig-
15 nificant portion of the domestic indus-
16 try in the United States, and

17 “(III) who primarily serve the
18 market in such area, and

19 “(ii) if there are substantial imports
20 of a like or directly competitive product in
21 such area,

22 treat as the domestic industry only that portion
23 of the production of the product located in such
24 area.”.

1 (b) SPECIFIC GEOGRAPHIC AREA OF THE UNITED
 2 STATES, ETC.—Section 202(c)(6) of such Act (19 U.S.C.
 3 2252(c)(6)) is amended by adding at the end the following
 4 new subparagraphs:

5 “(E) The term ‘specific geographic area of
 6 the United States’ means a discrete and distin-
 7 guishable geographic area in the United States
 8 in which a perishable agricultural product, cit-
 9 rus product, or potato product is produced.

10 “(F) The term ‘significant portion of the
 11 domestic industry in the United States’ means
 12 an important, recognizable part of the domestic
 13 industry, including a part of the industry char-
 14 acterized by production in the same growing
 15 season.”.

16 **SEC. 3. PROVISIONAL RELIEF.**

17 (a) IN GENERAL.—Section 202(d)(1)(C) of the Trade
 18 Act of 1974 (19 U.S.C. 2252(d)(1)(C)) is amended to
 19 read as follows:

20 “(C)(i) If—

21 “(I) a petition filed under subsection (a)—

22 “(aa) alleges injury from imports of a
 23 perishable agricultural product, citrus
 24 product, or potato product that has been,
 25 on the date the allegation is included in

1 the petition, subject to monitoring by the
2 Commission under subparagraph (B) for
3 not less than 90 days; and

4 (bb) requests that provisional relief be
5 provided under this subsection with respect
6 to such imports; or

7 “(II) a request made by the President or
8 the Trade Representative, or a resolution adopt-
9 ed by either the Committee on Ways and Means
10 or the Committee on Finance, under subsection
11 (b), states that provisional relief provided under
12 this subsection with respect to such imports
13 may be necessary to prevent or remedy serious
14 injury, or the threat thereof, to the domestic in-
15 dustry

16 the Commission shall, not later than the 21st day
17 after the day on which the request is filed, make a
18 determination described in clause (ii), on the basis
19 of available information.

20 “(ii) The determination described in this clause
21 is a determination by the Commission whether in-
22 creased imports (either actual or relative to domestic
23 production) of the perishable agricultural product,
24 citrus product, or potato product are a substantial
25 cause of serious injury, or the threat thereof, to the

1 domestic industry producing a like or directly com-
 2 petitive perishable agricultural product, citrus prod-
 3 uct, or potato product and whether either—

4 “(I) the serious injury is likely to be dif-
 5 ficult to repair by reason of perishability of the
 6 like or directly competitive agricultural product;
 7 or

8 “(II) the serious injury cannot be timely
 9 prevented through investigation under sub-
 10 section (b) and action under section 203.”.

11 (b) SPECIAL RULES FOR CONSIDERING CERTAIN RE-
 12 QUESTS.—Section 202(d)(1) of such Act (19 U.S.C.
 13 2252(d)(1)) is amended by adding at the end the following
 14 new subparagraph:

15 “(H) In considering a petition filed under
 16 subsection (a) or a request or resolution de-
 17 scribed in subsection (b), the Commission may
 18 waive the 90-day monitoring requirement in
 19 subparagraph (C)(i)(I)(aa), if—

20 “(i) there is a reasonable expectation,
 21 based on all available evidence, including
 22 significant increases in production or pro-
 23 duction capacity for the product occurring
 24 in the country from which the like or di-
 25 rectly competitive product is imported in

the year preceding such petition, request, or resolution, that the product will be imported from that country in the current year in such quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive product; and

“(ii) the quantities of imports of the like or directly competitive product from that country reported for the 1-month period preceding the date of such petition, request, or resolution are consistent with such expectation.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2)(B)(i) of such Act (19 U.S.C. 2252(a)(2)(B)(i)) is amended by striking “subsection (d)(1)(C)(i)” and inserting “subsection (d)(1)(C)(i)(I)(aa)”.

(2) Section 202(d)(1)(A) of such Act (19 U.S.C. 2252(d)(1)(A)) is amended by striking “perishable agricultural product or citrus product” each place it appears and inserting “perishable agricultural product, citrus product, or potato product”.

1 (3) Section 202(d)(5) of such Act (19 U.S.C.
2 2252(d)(5)) is amended by adding at the end the
3 following new subparagraph:

4 “(D) The term ‘potato product’ means any
5 potato product including any processed potato
6 product.”.

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