

Calendar No. 163

106TH CONGRESS  
1ST Session

**S. 1254**

**A BILL**

To establish a comprehensive strategy for the elimination of market-distorting practices affecting the global steel industry, and for other purposes.

JUNE 21, 1999

Read twice and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

JUNE 21, 1999

Mr. ROTH, from the Committee on Finance, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To establish a comprehensive strategy for the elimination of market-distorting practices affecting the global steel industry, 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; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Steel Trade Enforcement Act of 1999”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings; purpose.

Sec. 3. Definitions.

**TITLE I—COMPREHENSIVE STRATEGY FOR THE ELIMINATION OF  
MARKET-DISTORTING FACTORS AFFECTING THE GLOBAL  
STEEL INDUSTRY**

Sec. 101. Directive to the Trade Representative.

Sec. 102. Appointment of coordinator and establishment of interagency working  
group.

Sec. 103. Consultation and reporting requirements.

Sec. 104. Investigations by International Trade Commission.

**TITLE II—SAFEGUARD AMENDMENTS**

Sec. 201. Amendments to chapter 1 of title II of the Trade Act of 1974.

**TITLE III—TIMELY RELEASE OF IMPORT DATA**

Sec. 301. Amendments to section 332 of the Tariff Act of 1930.

Sec. 302. Early release of import data.

Sec. 303. Amendment to Tariff Act of 1930.

Sec. 304. Product monitoring.

**TITLE IV—INTERNATIONAL FINANCIAL INSTITUTIONS**

Sec. 401. International financial institution lending.

**TITLE V—SUSPENSION AGREEMENTS**

Sec. 501. Industry or worker support for suspension agreements.

**1 SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) The steel industry worldwide faces a con-  
5 tinuing glut of steelmaking capacity.

6 (2) The glut of steelmaking capacity is the re-  
7 sult of foreign government intervention in the mar-  
8 ket that encouraged investment in steel production  
9 that would not have been warranted under competi-  
10 tive market conditions.

11 (3) Foreign governments continue to intervene  
12 in the steel market—

1 (A) by imposing tariffs and quotas on im-  
2 ported steel;

3 (B) by providing government subsidies for  
4 steel production and for the export of steel  
5 products;

6 (C) by maintaining government ownership  
7 of steelmaking capacity;

8 (D) by providing, at below market rates,  
9 input materials used to produce steel;

10 (E) by steering investment toward  
11 steelmaking capacity on terms inconsistent with  
12 competitive market conditions; and

13 (F) by tolerating private anticompetitive  
14 practices that have the effect of insulating for-  
15 eign steel manufacturers from the capital mar-  
16 ket pressures faced by the United States indus-  
17 try.

18 (4) Over the last decade, the United States  
19 steel industry has undergone a significant restruc-  
20 turing that has made the industry among the most  
21 productive in the world.

22 (5) The United States steel industry is a glob-  
23 ally competitive producer of all steel products.

24 (6) The United States steel industry faces a  
25 significant challenge due to the economic fallout

1 from financial instability and economic mismanage-  
2 ment abroad.

3 (7) The collapse of the demand for steel in for-  
4 eign markets led foreign producers, that benefit  
5 from many of the government practices identified in  
6 paragraph (3), to shift their sales to the United  
7 States market, resulting in a dramatic surge in steel  
8 imports in the past 2 years at dumped or subsidized  
9 prices.

10 (8) The surge in imports is the most recent of  
11 several challenges that have confronted the United  
12 States steel industry since the 1960s, causing severe  
13 dislocations.

14 (9) In the absence of United States action to  
15 eliminate the market-distorting practices that led to  
16 the current glut of steelmaking capacity worldwide,  
17 the United States industry is likely to face similar  
18 surges in the future despite the sharp improvements  
19 in the competitiveness of the United States steel in-  
20 dustry.

21 (10) Congressional action is required to provide  
22 impetus to the creation of a comprehensive strategy  
23 to eliminate the market-distorting practices that are  
24 the underlying source of the challenges facing the  
25 United States steel industry today.

1 (b) PURPOSES.—The purpose of this Act is to facili-  
 2 tate the elimination of practices that have led to global  
 3 overcapacity in steel production on terms inconsistent with  
 4 competitive market conditions.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) TRADE REPRESENTATIVE.—The term  
 8 “Trade Representative” means the United States  
 9 Trade Representative.

10 (2) COMPREHENSIVE STRATEGY.—The term  
 11 “comprehensive strategy” means the comprehensive  
 12 strategy for the elimination of market-distorting  
 13 practices described in section 101(c) and includes  
 14 the findings that led to the development of the strat-  
 15 egy.

16 **TITLE I—COMPREHENSIVE**  
 17 **STRATEGY FOR THE ELIMI-**  
 18 **NATION OF MARKET-DIS-**  
 19 **TORTING PRACTICES AF-**  
 20 **FECTING THE GLOBAL STEEL**  
 21 **INDUSTRY**

22 **SEC. 101. DIRECTIVE TO THE TRADE REPRESENTATIVE.**

23 (a) INITIATION OF INVESTIGATION.—Not later than  
 24 45 days after the date of enactment of this Act, the Trade  
 25 Representative shall initiate an investigation under section

1 302(b) of the Trade Act of 1974 of market-distorting  
2 practices of foreign governments that have insulated for-  
3 eign steel producers from competitive pressures and have  
4 contributed to the investment in, and development of, steel  
5 manufacturing capacity on terms inconsistent with com-  
6 petitive market conditions. The provisions of sections  
7 302(b)(1)(B), 303, and 304 of the Trade Act of 1974 shall  
8 not apply to the investigation conducted pursuant to this  
9 subsection.

10 (b) IDENTIFICATION OF PRIORITY FOREIGN MAR-  
11 KET-DISTORTING PRACTICES.—

12 (1) IN GENERAL.—In the course of the inves-  
13 tigation described in subsection (a), the Trade Rep-  
14 resentative shall identify the priority foreign market-  
15 distorting practices that have the greatest impact on  
16 the United States steel industry as targets for fur-  
17 ther action under subsection (d).

18 (2) ANNUAL IDENTIFICATION.—The Trade  
19 Representative shall annually update and publish in  
20 the Federal Register a list of the priority foreign  
21 market-distorting practices that have the greatest  
22 impact on the United States steel industry as tar-  
23 gets for further action under title III of the Trade  
24 Act of 1974 (19 U.S.C. 2411 et seq.) or any other  
25 provision of law.

1 (3) INITIATION OF INVESTIGATION.—

2 (A) IN GENERAL.—By no later than the  
3 date that is 30 days after the date on which a  
4 practice is identified under paragraph (2), ini-  
5 tiate an investigation under section 302(b) of  
6 the Trade Act of 1974 with respect to such  
7 practice if—

8 (i) at that time the practice is not the  
9 subject of any other investigation or action  
10 under this title or under title III of the  
11 Trade Act of 1974; and

12 (ii) the foreign government, with re-  
13 spect to which a priority foreign market-  
14 distorting practice has been identified, fails  
15 to take steps to eliminate the practice.

16 (B) EXCEPTION.—The Trade Representa-  
17 tive shall not be required to initiate an inves-  
18 tigation under subparagraph (A) with respect to  
19 any practice of a foreign country if the Trade  
20 Representative determines that the initiation of  
21 the investigation would be detrimental to the  
22 economic interest of the United States and so  
23 certifies to Congress.

24 (c) COMPREHENSIVE STRATEGY.—



1           (1) IN GENERAL.—The Trade Representative  
2       shall, as a result of the investigation required under  
3       subsection (a)—

4           (A) develop a comprehensive strategy for  
5       the elimination of the market-distorting prac-  
6       tices identified under subsection (b)(1); and

7           (B) not later than 6 months after the date  
8       of enactment of this Act, submit to the Presi-  
9       dent the comprehensive strategy including the  
10      findings that led to the development of the  
11      strategy.

12          (2) FACTORS TO BE CONSIDERED.—In devel-  
13      oping the comprehensive strategy under this sub-  
14      section, the Trade Representative shall consider all  
15      relevant factors, including—

16           (A) the market-distorting practices de-  
17      scribed in subsection (a);

18           (B) the impact of foreign market-distorting  
19      practices on the United States economy gen-  
20      erally and on the United States steel industry  
21      and its workers, and steel-using industry and  
22      its workers specifically;

23           (C) the extent to which a foreign country's  
24      market-distorting practices are prohibited under

1 the trade agreements to which that foreign  
2 country is a party;

3 (D) the extent to which a foreign country's  
4 market-distorting practices are prohibited under  
5 existing commitments made by that foreign  
6 country to an international financial institution  
7 (as defined in section 401(b));

8 (E) the extent to which a foreign govern-  
9 ment's failure to enforce its antimonopoly law  
10 leads to market-distorting practices; and

11 (F) the views of the public, the United  
12 States steel industry and its workers, and steel-  
13 using industries.

14 (3) NOTICE; PUBLIC HEARING.—The Trade  
15 Representative shall hold at least one public hearing  
16 on the comprehensive strategy to consider all rel-  
17 evant factors. Not later than 45 days after the date  
18 of enactment of this Act, the Trade Representative  
19 shall publish in the Federal Register notice of the  
20 investigation and the public hearing to be conducted  
21 under this section.

22 (d) RECOMMENDATIONS FOR ACTION.—The Trade  
23 Representative shall include within the strategy described  
24 in subsection (c), recommendations for action to address  
25 the foreign market-distorting practices identified in sub-

1 section (b)(1) and a schedule for implementing any action  
2 recommended. The recommendations shall include, where  
3 appropriate, one or more of the following actions:

4 (1) Negotiations on a multilateral or bilateral  
5 basis to liberalize trade in steel products worldwide,  
6 including—

7 (A) the elimination of tariffs, quantitative  
8 restraints, licensing requirements, or any other  
9 barrier to imports of steel products that have  
10 the effect of insulating foreign steel producers  
11 from competition;

12 (B) the elimination of any export or pro-  
13 duction subsidies provided by foreign govern-  
14 ments to steel producers, including the elimi-  
15 nation of the practice of providing capital or  
16 input materials at below-market rates or other  
17 practices that have the effect of distorting the  
18 terms of trade or encouraging investment in  
19 steel manufacturing capacity on terms incon-  
20 sistent with competitive market conditions;

21 (C) the elimination of restrictions on cap-  
22 ital movement or investment that—

23 (i) allow foreign governments to insu-  
24 late manufacturers from the competitive

1 effects of a functioning global capital mar-  
2 ket; or

3 (ii) otherwise permit foreign govern-  
4 ments to direct financing to steel manufac-  
5 turers regardless of market conditions;

6 (D) the privatization of any state-owned  
7 steel manufacturing capacity where government  
8 ownership permits the manufacturer to operate  
9 on terms inconsistent with competitive market  
10 conditions; and

11 (E) the elimination of administrative guid-  
12 ance by a foreign government to its steel pro-  
13 ducers that leads to market-distorting practices  
14 or prevents the removal of market-distorting  
15 practices.

16 (2) Initiation of action under section 201 of the  
17 Trade Act of 1974 (19 U.S.C. 2251).

18 (3) Use of the authority available to the Presi-  
19 dent under section 122 of the Trade Act of 1974  
20 (19 U.S.C. 2132).

21 (4) Initiation of a countervailing duty investiga-  
22 tion under title VII of the Tariff Act of 1930 (19  
23 U.S.C. 1671 et seq.).

24 (5) Initiation of an antidumping duty investiga-  
25 tion under title VII of the Tariff Act of 1930.

1           (6) Initiation of an action under section 302 of  
2           the Trade Act of 1974 (19 U.S.C. 2412).

3           (7) Consideration by the Attorney General or  
4           the Chairman of the Federal Trade Commission of  
5           evidence of anticompetitive behavior in foreign mar-  
6           kets that has the effect of insulating foreign steel  
7           producers from competitive pressures of the market-  
8           place and leads to adverse impacts in the United  
9           States market, including—

10                 (A) private anticompetitive behavior, such  
11                 as cartelization;

12                 (B) governmental toleration of anti-  
13                 competitive behavior; and

14                 (C) governmental action that encourages,  
15                 requires or prevents the elimination of anti-  
16                 competitive behavior.

17           (8) Any other action the Trade Representative  
18           deems appropriate.

19           (e) IDENTIFICATION OF RESOURCES.—The Trade  
20           Representative shall, as part of the comprehensive strat-  
21           egy, identify and report to Congress regarding the re-  
22           sources necessary to implement actions recommended in  
23           the comprehensive strategy.

1 **SEC. 102. APPOINTMENT OF COORDINATOR AND ESTAB-**  
2 **LISHMENT OF INTERAGENCY WORKING**  
3 **GROUP.**

4 (a) APPOINTMENT OF COORDINATOR.—The Trade  
5 Representative shall appoint one Deputy Trade Represent-  
6 ative to serve as the coordinator of the development and  
7 implementation of the comprehensive strategy required by  
8 section 101(c).

9 (b) ESTABLISHMENT OF WORKING GROUP.—Not  
10 later than 30 days after the date of enactment of this Act,  
11 the President shall establish an interagency working group  
12 composed of representatives from the Departments of  
13 Commerce, Justice, State, Treasury, and Labor, the Na-  
14 tional Economic Council, the National Security Council,  
15 and such other departments and agencies as the President  
16 deems appropriate, to assist the Trade Representative in  
17 the development and the implementation of the com-  
18 prehensive strategy required by section 101(c).

19 **SEC. 103. CONSULTATION AND REPORTING REQUIRE-**  
20 **MENTS.**

21 (a) CONSULTATION.—The Trade Representative shall  
22 consult with the Committee on Finance of the Senate and  
23 the Committee on Ways and Means of the House of Rep-  
24 resentatives at least once every 60 days during the course  
25 of the investigation required under section 101(a), and

1 regularly thereafter, regarding the implementation of the  
2 comprehensive strategy required by section 101(c).

3 (b) REPORT TO CONGRESS.—Not later than 6  
4 months after the date of enactment of this Act, the Trade  
5 Representative shall submit the comprehensive strategy  
6 report required by section 101(c)(1) to the Committee on  
7 Finance of the Senate and the Committee on Ways and  
8 Means of the House of Representatives.

9 **SEC. 104. INVESTIGATIONS BY INTERNATIONAL TRADE**  
10 **COMMISSION.**

11 (a) INITIATION BY THE TRADE REPRESENTATIVE.—  
12 The Trade Representative shall request that the Inter-  
13 national Trade Commission initiate an investigation pur-  
14 suant to section 332 of the Tariff Act of 1930 (19 U.S.C.  
15 1332), and subject to such deadlines as the Trade Rep-  
16 resentative may establish, request any economic analyses  
17 and reports as the Trade Representative deems necessary  
18 to carry out the investigation required by section 101(a)  
19 and to develop the comprehensive strategy required by sec-  
20 tion 101(c).

21 (b) DIRECTION TO THE PRESIDENT REGARDING RE-  
22 SOURCES OF OTHER AGENCIES.—The President shall di-  
23 rect the heads of various departments and offices of the  
24 United States Government to make available to the Trade  
25 Representative such resources as the President may deem

1 necessary to carry out the provisions of this title and assist  
 2 in the development of the strategy required under section  
 3 101(c), including the overseas reporting capabilities of the  
 4 Foreign Service, the United States and Foreign Commer-  
 5 cial Service, and the attaches of the Department of the  
 6 Treasury.

## 7 **TITLE II—SAFEGUARD** 8 **AMENDMENTS**

### 9 **SEC. 201. AMENDMENTS TO CHAPTER 1 OF TITLE II OF THE** 10 **TRADE ACT OF 1974.**

11 (a) TEST FOR POSITIVE ADJUSTMENTS TO IMPORT  
 12 COMPETITION.—Section 201(a) of the Trade Act of 1974  
 13 (19 U.S.C. 2251(a)) is amended by striking “as to be a  
 14 substantial cause of serious injury, or the threat thereof,”  
 15 and inserting “, absolute or relative to domestic produc-  
 16 tion, and under such conditions, as to cause or threaten  
 17 to cause serious injury”.

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

20 (1) in subsection (b)(1)(A), by striking “as to  
 21 be a substantial cause of serious injury, or the  
 22 threat thereof,” and inserting “, absolute or relative  
 23 to domestic production, and under such conditions,  
 24 as to cause or threaten to cause serious injury”;



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

3           “(B) In this section, the term ‘cause’ means a  
4 cause that is important and contributes significantly  
5 to the serious injury to the domestic industry, but  
6 is not necessarily the most important cause.”;

7           (3) in subsection (c)—

8           (A) by amending paragraph (1)(A) to read  
9 as follows:

10           “(A) with respect to serious injury, change  
11 in the level of sales, production, productivity,  
12 capacity utilization, profits and losses, and em-  
13 ployment, including—

14           “(i) the significant idling of produc-  
15 tive facilities in the domestic industry,

16           “(ii) the inability of a significant  
17 number of firms to carry out domestic pro-  
18 duction operations at a reasonable level of  
19 profit, and

20           “(iii) significant unemployment or  
21 underemployment within the domestic in-  
22 dustry;”;

23           (B) in paragraph (1)(B)—

24           (i) in clause (iii), by striking “; and”  
25 and inserting “, and”; and

1 (ii) by inserting after clause (iii) the  
 2 following:

3 “(iv) foreign production capacity, for-  
 4 eign inventories, the level of demand in  
 5 third country markets, and the availability  
 6 of other export markets to absorb any ad-  
 7 ditional exports; and”;

8 (C) by amending paragraph (1)(C) to read  
 9 as follows:

10 “(C) with respect to cause—

11 “(i) the rate, amount, and timing of  
 12 the increase in imports of the product con-  
 13 cerned in absolute and relative terms, in-  
 14 cluding whether there has been a substan-  
 15 tial increase in imports over a short period  
 16 of time, and

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

19 (D) by redesignating paragraphs (3)  
 20 through (6) as paragraphs (4) through (7), re-  
 21 spectively;

22 (E) by striking paragraph (2) and insert-  
 23 ing the following:

24 “(2) In making determinations under sub-  
 25 section (b), the Commission shall—

1           “(A) consider the condition of the domestic  
2           industry over the course of the relevant busi-  
3           ness cycle, but may not aggregate the causes of  
4           declining demand associated with a recession or  
5           economic downturn in the United States econ-  
6           omy into a single cause of serious injury or  
7           threat of injury; and

8           “(B) examine factors other than imports  
9           which may cause or threaten to cause serious  
10          injury to the domestic industry.

11       The Commission shall include the results of its ex-  
12       amination under subparagraph (B) in the report  
13       submitted by the Commission to the President under  
14       subsection (e).

15       “(3) In making determinations under sub-  
16       section (b), the Commission shall consider whether  
17       any change in the volume of imports that has oc-  
18       curred since a petition under subsection (a) was filed  
19       or a request under subsection (b) was made is re-  
20       lated to the pendency of the investigation and, if so,  
21       the Commission may reduce the weight accorded to  
22       the data for the period after the petition under sub-  
23       section (a) was filed or the request under subsection  
24       (b) was made in making its determination of serious  
25       injury, or the threat thereof.”; and

1 (F) in paragraph (4), as so redesignated—

2 (i) by striking “and (B)” and insert-  
3 ing “, (B), and (C)”; and

4 (ii) by striking “be a substantial cause  
5 of serious injury, or the threat thereof,”  
6 and inserting “cause or threaten to cause  
7 serious injury”;

8 (4) in subsection (d)—

9 (A) in paragraph (1)(A)(ii), by striking  
10 “be, or likely to be a substantial cause of seri-  
11 ous injury, or the threat thereof,” and inserting  
12 “cause, or be likely to cause, or threaten to  
13 cause, or be likely to threaten to cause, serious  
14 injury”;

15 (B) in paragraph (1)(C), in the matter fol-  
16 lowing clause (ii), by striking “a substantial  
17 cause of serious injury, or the threat thereof,”  
18 and inserting “causing or threatening to cause  
19 serious injury”;

20 (C) by amending paragraph (2)(A) to read  
21 as follows:

22 “(2)(A) Whenever a petition filed under sub-  
23 section (a) or a request filed under subsection (b) al-  
24 leges that critical circumstances exist and requests  
25 that provisional relief be provided under this sub-

section with respect to imports of the article identified in the petition or request, the Commission shall, not later than 45 days after the petition or request is filed, determine, on the basis of available information, whether—

“(i) there is clear evidence that increased imports (either actual or relative to domestic production) of the article are causing or threatening to cause serious injury to the domestic industry producing an article like or directly competitive with the imported article; and

“(ii) delay in taking action under this chapter would cause damage to that industry that would be difficult to repair.

In making the evaluation under clause (ii), the Commission should consider, among other factors that it considers relevant, the timing and volume of the imports, including whether there has been a substantial increase in imports over a short period of time, and any other circumstances indicating that delay in taking action under this chapter would cause damage to the industry that would be difficult to repair.”; and

(D) in paragraph (2)(D), by striking “30” and inserting “20”.

(c) PRESIDENTIAL DETERMINATIONS.—

1           (1) ACTION BY PRESIDENT.—Section 203(a) of  
2     the Trade Act of 1974 (19 U.S.C. 2253(a)) is  
3     amended—

4           (A) in paragraph (1)(A), by striking “and  
5     provide greater economic and social benefits  
6     than costs” and inserting “and will not have an  
7     adverse impact on the United States substan-  
8     tially out of proportion to the benefits of such  
9     action”;

10          (B) in paragraph (2)(F), by striking the  
11     semicolon at the end of clause (iii) and insert-  
12     ing a comma; and

13          (C) by adding at the end of paragraph  
14     (2)(F) the following flush material:

15     “except that the President shall give substan-  
16     tially greater weight to the factors set out in  
17     clause (i) than to those set out in clauses (ii)  
18     and (iii), unless doing so would be inconsistent  
19     with the overall economic interest of the United  
20     States;”.

21          (2) IMPLEMENTATION OF ACTION REC-  
22     OMMENDED BY COMMISSION.—Section 203(c) of the  
23     Trade Act of 1974 (19 U.S.C. 2253(c)) is amended  
24     by striking “90” and inserting “60”.

25          (d) CONFORMING AMENDMENTS.—

1           (1) Section 203(e)(6)(B) of the Trade Act of  
2           1974 (19 U.S.C. 2253(e)(6)(B)) is amended by  
3           striking “substantially”.

4           (2) Section 264(c) of the Trade Act of 1974  
5           (19 U.S.C. 2354(c)) is amended by striking “a sub-  
6           stantial cause of serious injury or threat thereof”  
7           and inserting “causing or threatening to cause seri-  
8           ous injury”.

## 9       **TITLE III—TIMELY RELEASE OF** 10       **IMPORT DATA**

### 11   **SEC. 301. AMENDMENTS TO SECTION 332 OF THE TARIFF** 12       **ACT OF 1930.**

13       Section 332 of the Tariff Act of 1930 (19 U.S.C.  
14   1332) is amended by adding at the end the following:

15       “(h)(1) Any entity, including any trade association,  
16   firm, certified or recognized union, or group of workers,  
17   which is representative of a domestic industry that pro-  
18   duces an article that is like or directly competitive with  
19   an imported article, may file a request with the President  
20   pursuant to paragraph (2) for the monitoring of imports  
21   of such article under subsection (g).

22       “(2) If the request filed under paragraph (1) alleges  
23   that an article is being imported into the United States  
24   in such increased quantities as to cause serious injury, or  
25   threat thereof, to a domestic industry, the President, with-

1 in 45 days after receiving the request, shall determine if  
2 monitoring is appropriate.

3 “(3) If the determination under paragraph (2) is af-  
4 firmative, the President shall request, under subsection  
5 (g), the Commission to monitor and investigate the im-  
6 ports concerned for a period not to exceed 2 years.”.

7 **SEC. 302. EARLY RELEASE OF IMPORT DATA.**

8 In order to facilitate the early identification of poten-  
9 tially disruptive import surges, the Director of the Office  
10 of Management and Budget may grant an exception to  
11 the publication dates established for the release of data  
12 on United States international trade in goods and services  
13 in order to permit public access to preliminary inter-  
14 national trade import data, if the Director notifies Con-  
15 gress of the early release of the data.

16 **SEC. 303. AMENDMENT TO TARIFF ACT OF 1930.**

17 Section 484(f) of the Tariff Act of 1930 (19 U.S.C.  
18 1484(f)) is amended—

19 (1) by striking “The Secretary” and inserting

20 “(1) The Secretary”; and

21 (2) by adding at the end the following:

22 “(2) The Secretary of the Treasury, the Secretary of  
23 Commerce, and the International Trade Commission shall  
24 establish a suffix or other indicator to the Harmonized  
25 Tariff Schedule of the United States for merchandise that



1 is subject to countervailing duty orders or antidumping  
2 duty orders under title VII of this Act, or subject to ac-  
3 tions by the President under chapter 1 of title II, or sec-  
4 tion 406, of the Trade Act of 1974.”.

5 **SEC. 304. PRODUCT MONITORING.**

6 (a) IN GENERAL.—The Secretary of Commerce shall  
7 monitor imports on a monthly basis for import surges and  
8 potential unfair trade through the year 2000. Products to  
9 be monitored shall be determined by the Secretary of Com-  
10 merce based on the import surge data compiled by the  
11 Secretary, but shall include, at a minimum, steel mill  
12 products and other import-sensitive products identified by  
13 United States industries or entities representative of a  
14 United States industry that meet the necessary criteria  
15 established by the Secretary. In determining whether to  
16 monitor imports of a specific product, the Secretary shall  
17 consider the percentage increase in imports, the volume  
18 or value of imports, as appropriate, the level of import  
19 penetration, and any other factors the Secretary considers  
20 necessary.

21 (b) REPORTING REQUIREMENTS.—Not later than 30  
22 days after the release of the official December import sta-  
23 tistics for calendar year 1999 and for calendar year 2000,  
24 the Secretary of Commerce shall submit a report to Con-  
25 gress summarizing the monitoring activities under this

1 section for that calendar year and identifying products to  
 2 be monitored in the next calendar year. In addition, in  
 3 the report to Congress covering calendar year 1999, the  
 4 Secretary of Commerce shall determine whether trade con-  
 5 ditions during the calendar year 1999 merit extending the  
 6 import monitoring program beyond the program's sched-  
 7 uled expiration at the end of calendar year 2000.

8 (c) STEEL IMPORT MONITORING AND ENFORCEMENT  
 9 CENTER.—The Secretary of Commerce shall establish a  
 10 Steel Import Monitoring and Enforcement Center for the  
 11 purpose of monitoring imports of steel mill products under  
 12 this section and for monitoring and investigating imports  
 13 of steel mill products as may be required pursuant to sec-  
 14 tion 301 of this Act.

## 15 **TITLE IV—INTERNATIONAL** 16 **FINANCIAL INSTITUTIONS**

### 17 **SEC. 401. INTERNATIONAL FINANCIAL INSTITUTION LEND-** 18 **ING.**

19 (a) IN GENERAL.—The Secretary of the Treasury  
 20 shall instruct the United States Executive Director of each  
 21 international financial institution to use aggressively the  
 22 voice and vote of the United States to—

23 (1) vigorously oppose any disbursements of  
 24 funds of the institution to any recipient that would  
 25 be used to provide financial assistance to the steel

1 industry in any manner that would encourage the  
 2 expansion of existing steelmaking capacity;

3 (2) vigorously promote policies to encourage the  
 4 privatization of steel mills that remain in state own-  
 5 ership; and

6 (3) vigorously promote policies that encourage  
 7 immediate economic growth and the resumption and  
 8 increase in the domestic demand for steel,  
 9 including—

10 (A) currency and exchange rate stability;

11 (B) encouraging capital inflows;

12 (C) productive cuts in marginal tax rates  
 13 on wages, income, and capital; and

14 (D) the liberalization of trade in goods,  
 15 services, and investment.

16 (b) INTERNATIONAL FINANCIAL INSTITUTION DE-  
 17 FINED.—In this section, the term “international financial  
 18 institution” includes “international financial institutions”,  
 19 “multilateral development institutions”, and “multilateral  
 20 development banks” as those terms are defined in section  
 21 1701(c) of the International Financial Institutions Act  
 22 (22 U.S.C. 262r(c)).

# TITLE V—SUSPENSION AGREEMENTS

## SEC. 501. DOMESTIC INDUSTRY SUPPORT FOR SUSPENSION AGREEMENTS.

(a) COUNTERVAILING DUTY CASES.—Section 704(d) of the Tariff Act of 1930 (19 U.S.C. 1671c(d)(1)) is amended—

(1) in paragraph 1—

(A) by striking “and” at the end of subparagraph (A);

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

(C) by inserting after subparagraph (B) the following new subparagraph:

“(C) the domestic producers or workers who support the agreement account for more than 50 percent of the production of the domestic like product produced by those expressing an opinion on the agreement.”; and

(2) by adding at the end the following new paragraph:

“(4) SPECIAL RULES RELATING TO DOMESTIC PRODUCER AND WORKER SUPPORT.—

“(A) DETERMINATION OF INDUSTRY SUPPORT.—

1                   “(i) CERTAIN POSITIONS DIS-  
2 REGARDED.—

3                   “(I) PRODUCERS RELATED TO  
4 FOREIGN PRODUCERS.—In deter-  
5 mining industry support under para-  
6 graph(1)(C), the administering au-  
7 thority shall disregard the position of  
8 domestic producers who support the  
9 agreement, if such producers are re-  
10 lated to foreign producers, as defined  
11 in section 771(4)(B)(ii), unless such  
12 domestic producers demonstrate that  
13 their interests as domestic producers  
14 would be adversely affected if the  
15 agreement is not accepted.

16                   “(II) PRODUCERS WHO ARE IM-  
17 PORTERS.—The administering author-  
18 ity may disregard the position of do-  
19 mestic producers of a domestic like  
20 product who are importers of the sub-  
21 ject merchandise.

22                   “(ii) SPECIAL RULE FOR REGIONAL  
23 INDUSTRIES.—If the petition which led to  
24 the proposed suspension agreement alleges  
25 that the industry is a regional industry,

1 the administering authority shall determine  
2 whether the agreement is supported by or  
3 on behalf of the industry by applying para-  
4 graph (1)(C) on the basis of production in  
5 the region.

6 “(B) NATIONAL SECURITY EXCEPTION.—

7 In any case in which the administering author-  
8 ity determines that the domestic producers or  
9 workers who support the agreement do not ac-  
10 count for more than 50 percent of the produc-  
11 tion of the domestic like product produced by  
12 those expressing an opinion on the agreement,  
13 the administering authority may accept the  
14 agreement, notwithstanding the provisions of  
15 paragraph (1)(C), if the President determines  
16 and certifies to the administering authority that  
17 failure to accept the agreement would under-  
18 mine the national security interests of the  
19 United States or pose an extraordinary threat  
20 to the economy of the United States.”.

21 (b) ANTIDUMPING DUTY CASES.—Section 734(d) of  
22 the Tariff Act of 1930 (19 U.S.C. 1673c(d)) is amended—

23 (1) by redesignating paragraphs (1) and (2) as  
24 subparagraphs (A) and (B), respectively;

1           (2) by striking “The administering authority”  
2           and inserting:

3           “(1) IN GENERAL.—The administering author-  
4           ity”;

5           (3) by striking “and” at the end of subpara-  
6           graph (A), as redesignated;

7           (4) by striking the period at the end of sub-  
8           paragraph (B), as redesignated, and inserting “,  
9           and”;

10          (5) by inserting after subparagraph (B), as re-  
11          designated, the following new subparagraph:

12                 “(C) the domestic producers or workers  
13                 who support the agreement account for more  
14                 than 50 percent of the production of the domes-  
15                 tic like product produced by those expressing an  
16                 opinion on the agreement.”; and

17          (6) by adding at the end the following new  
18          paragraph:

19                 “(2) SPECIAL RULES RELATING TO DOMESTIC  
20                 PRODUCER AND WORKER SUPPORT.—

21                         “(A) DETERMINATION OF INDUSTRY SUP-  
22                         PORT.—

23                                 “(i) CERTAIN POSITIONS DIS-  
24                                 REGARDED.—

1                   “(I) PRODUCERS RELATED TO  
2 FOREIGN PRODUCERS.—In deter-  
3 mining domestic producer or worker  
4 support for purposes of paragraph  
5 (1)(C), the administering authority  
6 shall disregard the position of domes-  
7 tic producers who support the agree-  
8 ment, if such producers are related to  
9 foreign producers, as defined in sec-  
10 tion 771(4)(B)(ii), unless such domes-  
11 tic producers demonstrate that their  
12 interests as domestic producers would  
13 be adversely affected if the agreement  
14 is not accepted.

15                   “(II) PRODUCERS WHO ARE IM-  
16 PORTERS.—The administering author-  
17 ity may disregard the position of do-  
18 mestic producers of a domestic like  
19 product who are importers of the sub-  
20 ject merchandise.

21                   “(ii) SPECIAL RULE FOR REGIONAL  
22 INDUSTRIES.—If the petition which led to  
23 the proposed suspension agreement alleges  
24 the industry is a regional industry, the ad-  
25 ministering authority shall determine



1           whether the agreement is supported by or  
2           on behalf of the industry by applying para-  
3           graph (1)(C) on the basis of production in  
4           the region.

5           “(B) NATIONAL SECURITY EXCEPTION.—

6           In any case in which the administering author-  
7           ity determines that the domestic producers or  
8           workers who support the agreement do not ac-  
9           count for more than 50 percent of the produc-  
10          tion of the domestic like product produced by  
11          those expressing an opinion on the agreement,  
12          the administering authority may accept the  
13          agreement, notwithstanding the provisions of  
14          paragraph (1)(C), if the President determines  
15          and certifies to the administering authority that  
16          failure to accept the agreement would under-  
17          mine the national security interests of the  
18          United States or pose an extraordinary threat  
19          to the economy of the United States.”.