

106TH CONGRESS  
1ST SESSION

# S. 1619

To amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 1999

Mr. DEWINE (for himself, Mr. LOTT, Mr. AKAKA, Mr. INOUE, Mr. ROBERTS, Mr. HAGEL, Mr. BUNNING, Mr. VOINOVICH, Mr. DORGAN, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

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. REVISION OF RETALIATION LIST OR OTHER RE-**  
4 **MEDIAL ACTION.**

5 Section 306(b)(2) of the Trade Act of 1974 (19  
6 U.S.C. 2416(b)(2)) is amended—

7 (1) by striking “If the” and inserting the fol-  
8 lowing:

“(A) FAILURE TO IMPLEMENT RECOMMENDATION.—If the”; and

(2) by adding at the end the following:

“(B) REVISION OF RETALIATION LIST AND ACTION.—

“(i) IN GENERAL.—Except as provided in clause (ii), in the event that the United States initiates a retaliation list or takes any other action described in section 301(c)(1) (A) or (B) against the goods of a foreign country or countries because of the failure of such country or countries to implement the recommendation made pursuant to a dispute settlement proceeding under the World Trade Organization, the Trade Representative shall periodically revise the list or action to affect other goods of the country or countries that have failed to implement the recommendation.

“(ii) EXCEPTION.—The Trade Representative is not required to revise the retaliation list or the action described in clause (i) with respect to a country, if—

“(I) the Trade Representative determines that implementation of a rec-

1 ommendation made pursuant to a dis-  
2 pute settlement proceeding described  
3 in clause (i) by the country is immi-  
4 nent; or

5 “(II) the Trade Representative  
6 together with the petitioner involved  
7 in the initial investigation under this  
8 chapter (or if no petition was filed,  
9 the affected United States industry)  
10 agree that it is unnecessary to revise  
11 the retaliation list.

12 “(C) SCHEDULE FOR REVISING LIST OR  
13 ACTION.—The Trade Representative shall, 120  
14 days after the date the retaliation list or other  
15 section 301(a) action is first taken, and every  
16 180 days thereafter, review the list or action  
17 taken and revise, in whole or in part, the list  
18 or action to affect other goods of the subject  
19 country or countries.

20 “(D) STANDARDS FOR REVISING LIST OR  
21 ACTION.—In revising any list or action against  
22 a country or countries under this subsection,  
23 the Trade Representative shall act in a manner  
24 that is most likely to result in the country or  
25 countries implementing the recommendations

1           adopted in the dispute settlement proceeding or  
2           in achieving a mutually satisfactory solution to  
3           the issue that gave rise to the dispute settle-  
4           ment proceeding. The Trade Representative  
5           shall consult with the petitioner, if any, involved  
6           in the initial investigation under this chapter.

7           “(E) RETALIATION LIST.—The term ‘retal-  
8           iation list’ means the list of products of a for-  
9           eign country or countries that have failed to  
10          comply with the report of the panel or Appellate  
11          Body of the WTO and with respect to which the  
12          Trade Representative is imposing duties above  
13          the level that would otherwise be imposed under  
14          the Harmonized Tariff Schedule of the United  
15          States.”.

○