

106TH CONGRESS  
1ST SESSION

# S. 528

To provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 1999

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

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## A BILL

To provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise.

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 “Unfair Foreign Com-  
5       petition Act of 1999”.

6       **SEC. 2. PRIVATE ACTIONS FOR RELIEF FROM UNFAIR FOR-**  
7       **EIGN COMPETITION.**

8       (a) CLAYTON ACT.—Section 1(a) of the Clayton Act  
9       (15 U.S.C. 12) is amended by inserting “section 801 of  
10      the Act of September 8, 1916, entitled ‘An Act to raise

1 revenue, and for other purposes' (39 Stat. 798; 15 U.S.C.  
2 72);" after "nineteen hundred and thirteen;"

3 (b) ACTION FOR DUMPING VIOLATIONS.—Section  
4 801 of the Act of September 8, 1916 (39 Stat. 798; 15  
5 U.S.C. 72) is amended to read as follows:

6 **"SEC. 801. IMPORTATION OR SALE OF ARTICLES AT LESS**  
7 **THAN FOREIGN MARKET VALUE OR CON-**  
8 **STRUCTED VALUE.**

9 "(a) PROHIBITION.—No person shall import into, or  
10 sell within, the United States an article manufactured or  
11 produced in a foreign country if—

12 "(1) the article is imported or sold within the  
13 United States at a United States price that is less  
14 than the foreign market value or constructed value  
15 of the article; and

16 "(2) the importation or sale—

17 "(A) causes or threatens to cause material  
18 injury to industry or labor in the United States;  
19 or

20 "(B) prevents, in whole or in part, the es-  
21 tablishment or modernization of any industry in  
22 the United States.

23 "(b) CIVIL ACTION.—An interested party whose busi-  
24 ness or property is injured by reason of an importation  
25 or sale of an article in violation of this section may bring

1 a civil action in the United States District Court for the  
2 District of Columbia or in the Court of International  
3 Trade against any person who—

4 “(1) manufactures, produces, or exports the ar-  
5 ticle; or

6 “(2) imports the article into the United States  
7 if the person is related to the manufacturer or ex-  
8 porter of the article.

9 “(c) RELIEF.—

10 “(1) IN GENERAL.—Upon an affirmative deter-  
11 mination by the United States District Court or the  
12 Court of International Trade in an action brought  
13 under subsection (b), the court shall issue an order  
14 that includes a description of the subject article in  
15 such detail as the court deems necessary and shall—

16 “(A) direct the Customs Service to assess  
17 an antidumping duty on the article covered by  
18 the determination in accordance with section  
19 736(a) of the Tariff Act of 1930 (19 U.S.C.  
20 1673e); and

21 “(B) require the deposit of estimated anti-  
22 dumping duties pending liquidation of entries of  
23 the article at the same time as estimated nor-  
24 mal customs duties on that article are depos-  
25 ited.

1 “(d) STANDARD OF PROOF.—

2 “(1) PREPONDERANCE OF EVIDENCE.—The  
3 standard of proof in an action brought under sub-  
4 section (b) is a preponderance of the evidence.

5 “(2) SHIFT OF BURDEN OF PROOF.—Upon—

6 “(A) a prima facie showing of the elements  
7 set forth in subsection (a), or

8 “(B) affirmative final determinations ad-  
9 verse to the defendant that are made by the ad-  
10 ministering authority and the United States  
11 International Trade Commission under section  
12 735 of the Tariff Act of 1930 (19 U.S.C.  
13 1673d) relating to imports of the article in  
14 question for the country in which the manufac-  
15 turer of the article is located,

16 the burden of proof in an action brought under sub-  
17 section (b) shall be upon the defendant.

18 “(e) OTHER PARTIES.—

19 “(1) IN GENERAL.—Whenever, in an action  
20 brought under subsection (b), it appears to the court  
21 that justice requires that other parties be brought  
22 before the court, the court may cause them to be  
23 summoned, without regard to where they reside, and  
24 the subpoenas to that end may be served and en-  
25 forced in any judicial district of the United States.

1           “(2) SERVICE ON DISTRICT DIRECTOR OF CUS-  
 2           TOMS SERVICE.—A foreign manufacturer, producer,  
 3           or exporter that sells articles, or for whom articles  
 4           are sold by another party in the United States, shall  
 5           be treated as having appointed the District Director  
 6           of the United States Customs Service for the port  
 7           through which the article that is the subject of the  
 8           action is commonly imported as the true and lawful  
 9           agent of the manufacturer, producer, or exporter,  
 10          and all lawful process may be served on the District  
 11          Director in any action brought under subsection (b)  
 12          against the manufacturer, producer, or exporter.

13          “(f) LIMITATION.—

14                 “(1) STATUTE OF LIMITATION.—An action  
 15                 under subsection (b) shall be commenced not later  
 16                 than 4 years after the date on which the cause of  
 17                 action accrues.

18                 “(2) SUSPENSION.—The 4-year period provided  
 19                 for in paragraph (1) shall be suspended—

20                         “(A) while there is pending an administra-  
 21                         tive proceeding under subtitle B of title VII of  
 22                         the Tariff Act of 1930 (19 U.S.C. 1673 et seq.)  
 23                         relating to the article that is the subject of the  
 24                         action or an appeal of a final determination in  
 25                         such a proceeding; and

1 “(B) for 1 year thereafter.

2 “(g) NONCOMPLIANCE WITH COURT ORDER.—If a  
3 defendant in an action brought under subsection (b) fails  
4 to comply with any discovery order or other order or de-  
5 cree of the court, the court may—

6 “(1) enjoin the further importation into, or the  
7 sale or distribution within, the United States by the  
8 defendant of articles that are the same as, or similar  
9 to, the articles that are alleged in the action to have  
10 been sold or imported under the conditions described  
11 in subsection (a) until such time as the defendant  
12 complies with the order or decree; or

13 “(2) take any other action authorized by law or  
14 by the Federal Rules of Civil Procedure, including  
15 entering judgment for the plaintiff.

16 “(h) CONFIDENTIALITY AND PRIVILEGED STATUS.—

17 “(1) IN GENERAL.—Except as provided in para-  
18 graph (2), the confidential or privileged status ac-  
19 corded by law to any documents, evidence, com-  
20 ments, or information shall be maintained in any ac-  
21 tion brought under subsection (b).

22 “(2) EXCEPTION.—In an action brought under  
23 subsection (b) the court may—

24 “(A) examine, in camera, any confidential  
25 or privileged material;

1                   “(B) accept depositions, documents, affida-  
2                   vits, or other evidence under seal; and

3                   “(C) disclose such material under such  
4                   terms and conditions as the court may order.

5           “(i) EXPEDITION OF ACTION.—An action brought  
6 under subsection (b) shall be advanced on the docket and  
7 expedited in every way possible.

8           “(j) DEFINITIONS.—In this section, the terms  
9 ‘United States price’, ‘foreign market value’, ‘constructed  
10 value’, ‘subsidy’, ‘interested party’, and ‘material injury’,  
11 have the meanings given those terms under title VII of  
12 the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

13           “(k) INTERVENTION BY THE UNITED STATES.—The  
14 court shall permit the United States to intervene in any  
15 action brought under subsection (b) as a matter of right.  
16 The United States shall have all the rights of a party to  
17 such action.

18           “(l) NULLIFICATION OF ORDER.—An order by a  
19 court under this section may be set aside by the President  
20 pursuant to section 203 of the International Emergency  
21 Economic Powers Act (50 U.S.C. 1702).”.

22           (c) ACTION FOR SUBSIDIES VIOLATIONS.—Title VIII  
23 of the Act of September 8, 1916 (39 U.S.C. 798; 15  
24 U.S.C. 71 et seq.) is amended by adding at the end the  
25 following new section:

1 **“SEC. 807. IMPORTATION OR SALE OF SUBSIDIZED ARTI-**  
 2 **CLES.**

3 “(a) PROHIBITION.—No person shall import into, or  
 4 sell within, the United States an article manufactured or  
 5 produced in a foreign country if—

6 “(1) the foreign country, any person who is a  
 7 citizen or national of the foreign country, or a cor-  
 8 poration, association, or other organization orga-  
 9 nized in the foreign country, is providing (directly or  
 10 indirectly) a subsidy with respect to the manufac-  
 11 ture, production, or exportation of the article; and

12 “(2) the importation or sale—

13 “(A) causes or threatens to cause material  
 14 injury to industry or labor in the United States;  
 15 or

16 “(B) prevents, in whole or in part, the es-  
 17 tablishment or modernization of any industry in  
 18 the United States.

19 “(b) CIVIL ACTION.—An interested party whose busi-  
 20 ness or property is injured by reason of the importation  
 21 or sale of an article in violation of this section may bring  
 22 a civil action in the United States District Court for the  
 23 District of Columbia or in the Court of International  
 24 Trade against any person who—

25 “(1) manufactures, produces, or exports the ar-  
 26 ticle; or



1 “(2) imports the article into the United States  
 2 if the person is related to the manufacturer, pro-  
 3 ducer, or exporter of the article.

4 “(c) RELIEF.—

5 “(1) IN GENERAL.—Upon an affirmative deter-  
 6 mination by the United States District Court or the  
 7 Court of International Trade in an action brought  
 8 under subsection (b), the court shall issue an order  
 9 that includes a description of the subject article in  
 10 such detail as the court deems necessary and shall—

11 “(A) direct the Customs Service to assess  
 12 a countervailing duty on the article covered by  
 13 the determination in accordance with section  
 14 706(a) of the Tariff Act of 1930 (19 U.S.C.  
 15 1671e); and

16 “(B) require the deposit of estimated coun-  
 17 tervailing duties pending liquidation of entries  
 18 of the article at the same time as estimated  
 19 normal customs duties on that article are de-  
 20 posited.

21 “(d) STANDARD OF PROOF.—

22 “(1) PREPONDERANCE OF EVIDENCE.—The  
 23 standard of proof in an action filed under subsection  
 24 (b) is a preponderance of the evidence.

25 “(2) SHIFT OF BURDEN OF PROOF.—Upon—

1           “(A) a prima facie showing of the elements  
2           set forth in subsection (a), or

3           “(B) affirmative final determinations ad-  
4           verse to the defendant that are made by the ad-  
5           ministering authority and the United States  
6           International Trade Commission under section  
7           705 of the Tariff Act of 1930 (19 U.S.C.  
8           1671d) relating to imports of the article in  
9           question from the country in which the manu-  
10          facturer of the article is located,

11          the burden of proof in an action brought under sub-  
12          section (b) shall be upon the defendant.

13          “(e) OTHER PARTIES.—

14                 “(1) IN GENERAL.—Whenever, in an action  
15                 brought under subsection (b), it appears to the court  
16                 that justice requires that other parties be brought  
17                 before the court, the court may cause them to be  
18                 summoned, without regard to where they reside, and  
19                 the subpoenas to that end may be served and en-  
20                 forced in any judicial district of the United States.

21                 “(2) SERVICE ON DISTRICT DIRECTOR OF CUS-  
22                 TOMS SERVICE.—A foreign manufacturer, producer,  
23                 or exporter that sells articles, or for which articles  
24                 are sold by another party in the United States, shall  
25                 be treated as having appointed the District Director

1 of the United States Customs Service for the port  
 2 through which the article that is the subject of the  
 3 action is commonly imported as the true and lawful  
 4 agent of the manufacturer, producer, or exporter,  
 5 and all lawful process may be served on the District  
 6 Director in any action brought under subsection (b)  
 7 against the manufacturer, producer, or exporter.

8 “(f) LIMITATION.—

9 “(1) STATUTE OF LIMITATIONS.—An action  
 10 under subsection (b) shall be commenced not later  
 11 than 4 years after the date on which the cause of  
 12 action accrues.

13 “(2) SUSPENSION.—The 4-year period provided  
 14 for in paragraph (1) shall be suspended—

15 “(A) while there is pending an administra-  
 16 tive proceeding under subtitle A of title VII of  
 17 the Tariff Act of 1930 (19 U.S.C. 1671 et seq.)  
 18 relating to the article that is the subject of the  
 19 action or an appeal of a final determination in  
 20 such a proceeding; and

21 “(B) for 1 year thereafter.

22 “(g) NONCOMPLIANCE WITH COURT ORDER.—If a  
 23 defendant in an action brought under subsection (b) fails  
 24 to comply with any discovery order or other order or de-  
 25 cree of the court, the court may—

1           “(1) enjoin the further importation into, or the  
 2           sale or distribution within, the United States by the  
 3           defendant of articles that are the same as, or similar  
 4           to, the articles that are alleged in the action to have  
 5           been sold or imported under the conditions described  
 6           in subsection (a) until such time as the defendant  
 7           complies with the order or decree; or

8           “(2) take any other action authorized by law or  
 9           by the Federal Rules of Civil Procedure, including  
 10          entering judgment for the plaintiff.

11          “(h) CONFIDENTIALITY AND PRIVILEGED STATUS.—

12           “(1) IN GENERAL.—Except as provided in para-  
 13          graph (2), the confidential or privileged status ac-  
 14          corded by law to any documents, evidence, com-  
 15          ments, or information shall be maintained in any ac-  
 16          tion brought under subsection (b).

17           “(2) EXCEPTION.—In an action brought under  
 18          subsection (b) the court may—

19           “(A) examine, in camera, any confidential  
 20          or privileged material;

21           “(B) accept depositions, documents, affida-  
 22          vits, or other evidence under seal; and

23           “(C) disclose such material under such  
 24          terms and conditions as the court may order.

1       “(i) EXPEDITION OF ACTION.—An action brought  
2 under subsection (b) shall be advanced on the docket and  
3 expedited in every way possible.

4       “(j) DEFINITIONS.—In this section, the terms ‘sub-  
5 sidy’, ‘material injury’, and ‘interested party’ have the  
6 meanings given those terms under title VII of the Tariff  
7 Act of 1930 (19 U.S.C. 1671 et seq.).

8       “(k) INTERVENTION BY THE UNITED STATES.—The  
9 court shall permit the United States to intervene in any  
10 action brought under subsection (b) as a matter of right.  
11 The United States shall have all the rights of a party to  
12 such action.

13       “(l) NULLIFICATION OF ORDER.—An order by a  
14 court under this section may be set aside by the President  
15 pursuant to section 203 of the International Emergency  
16 Economic Powers Act (50 U.S.C. 1702).”.

17       (d) ACTION FOR CUSTOMS FRAUD.—

18               (1) AMENDMENT OF TITLE 28, UNITED STATES  
19 CODE.—Chapter 95 of title 28, United States Code,  
20 is amended by adding at the end the following new  
21 section:

22       **“§ 1586. Private enforcement action for customs**  
23               **fraud**

24       “(a) CIVIL ACTION.—An interested party whose busi-  
25 ness or property is injured by a fraudulent, grossly neg-

1 ligent, or negligent violation of section 592(a) of the Tariff  
 2 Act of 1930 (19 U.S.C. 1592(a)) may bring a civil action  
 3 in the United States District Court for the District of Co-  
 4 lumbia or in the Court of International Trade, without re-  
 5 spect to the amount in controversy.

6 “(b) RELIEF.—Upon proof by an interested party  
 7 that the business or property of such interested party has  
 8 been injured by a fraudulent, grossly negligent, or neg-  
 9 ligent violation of section 592(a) of the Tariff Act of 1930,  
 10 the interested party shall—

11 “(1)(A) be granted such equitable relief as may  
 12 be appropriate, which may include an injunction  
 13 against further importation into the United States  
 14 of the merchandise in question; or

15 “(B) if injunctive relief cannot be timely pro-  
 16 vided or is otherwise inadequate, recover damages  
 17 for the injuries sustained; and

18 “(2) recover the costs of suit, including reason-  
 19 able attorney’s fees.

20 “(c) DEFINITIONS.—For purposes of this section:

21 “(1) INTERESTED PARTY.—The term ‘inter-  
 22 ested party’ means—

23 “(A) a manufacturer, producer, or whole-  
 24 saler in the United States of like or competing  
 25 merchandise; or

1           “(B) a trade or business association a ma-  
2           jority of whose members manufacture, produce,  
3           or wholesale like merchandise or competing  
4           merchandise in the United States.

5           “(2) LIKE MERCHANDISE.—The term ‘like mer-  
6           chandise’ means merchandise that is like, or in the  
7           absence of like, most similar in characteristics and  
8           users with, merchandise being imported into the  
9           United States in violation of section 592(a) of the  
10          Tariff Act of 1930 (19 U.S.C. 1592(a)).

11          “(3) COMPETING MERCHANDISE.—The term  
12          ‘competing merchandise’ means merchandise that  
13          competes with or is a substitute for merchandise  
14          being imported into the United States in violation of  
15          section 592(a) of the Tariff Act of 1930 (19 U.S.C.  
16          1592(a)).

17          “(d) INTERVENTION BY THE UNITED STATES.—The  
18          court shall permit the United States to intervene in an  
19          action brought under this section, as a matter of right.  
20          The United States shall have all the rights of a party.

21          “(e) NULLIFICATION OF ORDER.—An order by a  
22          court under this section may be set aside by the President  
23          pursuant to section 203 of the International Emergency  
24          Economic Powers Act (50 U.S.C. 1702).”.

1           (2) TECHNICAL AMENDMENT.—The chapter  
 2           analysis for chapter 95 of title 28, United States  
 3           Code, is amended by adding at the end the following  
 4           new item:

“1586. Private enforcement action for customs fraud.”.

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

6           (a) IN GENERAL.—Title VII of the Tariff Act of  
 7           1930 (19 U.S.C. 1671 et seq.) is amended by inserting  
 8           after section 753 the following new section:

9 **“SEC. 754. CONTINUED DUMPING AND SUBSIDY OFFSET.**

10          “(a) IN GENERAL.—Duties assessed pursuant to a  
 11          countervailing duty order, an antidumping duty order, or  
 12          a finding under the Antidumping Act of 1921 shall be dis-  
 13          tributed on an annual basis under this section to workers  
 14          for damages sustained for loss of wages resulting from the  
 15          loss of jobs, and to the affected domestic producers for  
 16          qualifying expenditures. Such distribution shall be known  
 17          as the ‘continued dumping and subsidy offset’.

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

19                 “(1) AFFECTED DOMESTIC PRODUCER.—The  
 20                 term ‘affected domestic producer’ means any manu-  
 21                 facturer, producer, farmer, rancher, or worker rep-  
 22                 resentative (including associations of such persons)  
 23                 that—

24                         “(A) was a petitioner or interested party in  
 25                         support of the petition with respect to which an



1           antidumping duty order, a finding under the  
2           Antidumping Act of 1921, or a countervailing  
3           duty order has been entered, and

4           “(B) remains in operation.

5           Companies, businesses, or persons that have ceased  
6           the production of the product covered by the order  
7           or finding or who have been acquired by a company  
8           or business that is related to a company that op-  
9           posed the investigation shall not be an affected do-  
10          mestic producer.

11          “(2) COMMISSIONER.—The term ‘Commis-  
12          sioner’ means the Commissioner of Customs.

13          “(3) COMMISSION.—The term ‘Commission’  
14          means the United States International Trade Com-  
15          mission.

16          “(4) QUALIFYING EXPENDITURE.—The term  
17          ‘qualifying expenditure’ means an expenditure in-  
18          curred after the issuance of the antidumping duty  
19          finding or order or countervailing duty order in any  
20          of the following categories:

21                 “(A) Plant.

22                 “(B) Equipment.

23                 “(C) Research and development.

24                 “(D) Personnel training.

25                 “(E) Acquisition of technology.

1           “(F) Health care benefits to employees  
2           paid for by the employer.

3           “(G) Pension benefits to employees paid  
4           for by the employer.

5           “(H) Environmental equipment, training,  
6           or technology.

7           “(I) Acquisition of raw materials and other  
8           inputs.

9           “(J) Borrowed working capital or other  
10          funds needed to maintain production.

11          “(5) RELATED TO.—A company, business, or  
12          person shall be considered to be ‘related to’ another  
13          company, business, or person if—

14               “(A) the company, business, or person di-  
15               rectly or indirectly controls or is controlled by  
16               the other company, business, or person,

17               “(B) a third party directly or indirectly  
18               controls both companies, businesses, or persons,

19               “(C) both companies, businesses, or per-  
20               sons directly or indirectly control a third party  
21               and there is reason to believe that the relation-  
22               ship causes the first company, business, or per-  
23               sons to act differently than a nonrelated party.

24          For purposes of this paragraph, a party shall be  
25          considered to directly or indirectly control another

1 party if the party is legally or operationally in a po-  
 2 sition to exercise restraint or direction over the other  
 3 party.

4 “(6) WORKERS.—The term ‘workers’ refers to  
 5 persons who sustained damages for loss of wages re-  
 6 sulting from loss of jobs. The Secretary of Labor  
 7 shall determine eligibility for purposes of this sec-  
 8 tion.

9 “(c) DISTRIBUTION PROCEDURES.—The Commis-  
 10 sioner in consultation with the Secretary of Labor shall  
 11 prescribe procedures for distribution of the continued  
 12 dumping or subsidies offset required by this section. Such  
 13 distribution shall be made not later than 60 days after  
 14 the first day of a fiscal year from duties assessed during  
 15 the preceding fiscal year.

16 “(d) PARTIES ELIGIBLE FOR DISTRIBUTION OF  
 17 ANTIDUMPING AND COUNTERVAILING DUTIES AS-  
 18 SESSED.—

19 “(1) LIST OF WORKERS AND AFFECTED DOMES-  
 20 TIC PRODUCERS.—The Commission shall forward to  
 21 the Commissioner within 60 days after the effective  
 22 date of this section in the case of orders or findings  
 23 in effect on such effective date, or in any other case,  
 24 within 60 days after the date an antidumping or  
 25 countervailing duty order or finding is issued, a list

1 of petitioners and persons with respect to each order  
2 and finding and a list of persons that indicate sup-  
3 port of the petition by letter or through question-  
4 naire response. In those cases in which a determina-  
5 tion of injury was not required or the Commission's  
6 records do not permit an identification of those in  
7 support of a petition, the Commission shall consult  
8 with the administering authority to determine the  
9 identity of the petitioner and those domestic parties  
10 who have entered appearances during administrative  
11 reviews conducted by the administering authority  
12 under section 751.

13 “(2) PUBLICATION OF LIST; CERTIFICATION.—  
14 The Commissioner shall publish in the Federal Reg-  
15 ister at least 30 days before the distribution of a  
16 continued dumping and subsidy offset, a notice of  
17 intention to distribute the offset and the list of  
18 workers and affected domestic producers potentially  
19 eligible for the distribution based on the list obtained  
20 from the Commission under paragraph (1). The  
21 Commissioner shall request a certification from each  
22 potentially eligible affected domestic producer—

23 “(A) that the producer desires to receive a  
24 distribution;

1           “(B) that the producer is eligible to receive  
2           the distribution as an affected domestic pro-  
3           ducer; and

4           “(C) the qualifying expenditures incurred  
5           by the producer since the issuance of the order  
6           or finding for which distribution under this sec-  
7           tion has not previously been made.

8           “(3) DISTRIBUTION OF FUNDS.—The Commis-  
9           sioner in consultation with the Secretary of Labor  
10          shall distribute all funds (including all interest  
11          earned on the funds) from assessed duties received  
12          in the preceding fiscal year to workers and to the af-  
13          fected domestic producers based on the certifications  
14          described in paragraph (2). The distributions shall  
15          be made on a pro rata basis based on new and re-  
16          maining qualifying expenditures.

17          “(e) SPECIAL ACCOUNTS.—

18          “(1) ESTABLISHMENTS.—Within 14 days after  
19          the effective date of this section, with respect to  
20          antidumping duty orders and findings and counter-  
21          vailing duty orders in effect on the effective date of  
22          this section, and within 14 days after the date an  
23          antidumping duty order or finding or countervailing  
24          duty order issued after the effective date takes ef-  
25          fect, the Commissioner shall establish in the Treas-

1       ury of the United States a special account with re-  
2       spect to each such order or finding.

3               “(2) DEPOSITS INTO ACCOUNTS.—The Commis-  
4       sioner shall deposit into the special accounts, all  
5       antidumping or countervailing duties (including in-  
6       terest earned on such duties) that are assessed after  
7       the effective date of this section under the anti-  
8       dumping order or finding or the countervailing duty  
9       order with respect to which the account was estab-  
10      lished.

11              “(3) TIME AND MANNER OF DISTRIBUTIONS.—  
12      Consistent with the requirements of subsections (c)  
13      and (d), the Commissioner shall by regulation pre-  
14      scribe the time and manner in which distribution of  
15      the funds in a special account shall made.

16              “(4) TERMINATION.—A special account shall  
17      terminate after—

18                      “(A) the order or finding with respect to  
19                      which the account was established has termi-  
20                      nated;

21                      “(B) all entries relating to the order or  
22                      finding are liquidated and duties assessed col-  
23                      lected;

1           “(C) the Commissioner has provided notice  
 2           and a final opportunity to obtain distribution  
 3           pursuant to subsection (c); and

4           “(D) 90 days has elapsed from the date of  
 5           the notice described in subparagraph (C).

6           Amounts not claimed within 90 days of the date of  
 7           the notice described in subparagraph (C), shall be  
 8           deposited into the general fund of the Treasury.”.

9           (b) CONFORMING AMENDMENT.—The table of con-  
 10          tents for title VII of the Tariff Act of 1930 is amended  
 11          by inserting the following new item after the item relating  
 12          to section 753:

“Sec. 754. Continued dumping and subsidy offset.”.

13          (c) EFFECTIVE DATE.—The amendments made by  
 14          this section shall apply with respect to all antidumping  
 15          and countervailing duty assessments made on or after  
 16          October 1, 1996.

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