108TH CONGRESS
1ST SESSION
H. R. 1494

To provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. OTTER (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Ways and Means

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A BILL

To provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930.

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. FINDINGS.**

4 Congress makes the following findings:

5 (1) The Government of Korea and the banks

6 that it owns and controls have provided over

1 $16,000,000,000 in financial assistance to Hynix
2 Semiconductor.

3   (2) Hynix Semiconductor is essentially a bank-
4 rupt entity that would not be able to obtain loans
5 from commercial sources.

6   (3) Hynix Semiconductor has recently been im-
7 plicated in the illegal transfer of funds to North
8 Korea in 2000.

9   (4) The subsidies provided by the Government
10 of Korea to Hynix Semiconductor are special and
11 deferential and are provided specifically for the ben-
12 efit of that company.

13   (5) The financial contributions made by the
14 Government of Korea provide a substantial benefit
15 to Hynix.

16   (6) The imports of these subsidized products
17 have caused material injury to the United States in-
18 dustry producing dynamic random access memory
19 (DRAM) semiconductors, including substantial oper-
20 ating losses and significant layoffs of employees.

21 **SEC. 2. IMPOSITION OF COUNTERVAILING DUTIES ON**
22   **HYNIX.**

23   If, in conducting an investigation under subtitle A of
24 title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et
25 seq.) to determine whether to impose countervailing duties

1 on entries of dynamic random access memory (DRAM)

2 semiconductors produced by Hynix Semiconductor—

3   (1) the administering authority makes an af-

4   firmative determination under section 703(d) of that

5   Act with respect to such semiconductors, then the

6   amount of a cash deposit, bond, or other security or-

7   dered under section 703(d)(1)(B) of that Act shall

8   be 80 percent ad valorem for each entry of the sub-

9   ject merchandise, in lieu of any amount that would

10   otherwise be ordered;

11   (2) the administering authority makes an af-

12   firmative determination under section 705(c) of that

13   Act with respect to such semiconductors, then the

14   amount of a cash deposit, bond, or other security or-

15   dered under section 705(c)(1)(B)(ii) of that Act

16   shall be 80 percent ad valorem for each entry of the

17   subject merchandise, in lieu of any amount that

18   would otherwise be ordered; and

19   (3) the administering authority issues a coun-

20   tervailing duty order under section 706 of that Act

21   with respect to such semiconductors, then the

22   amount of the countervailing duty required under

23   section 706(a)(1) of that Act and the amount of the

24   deposit of estimated countervailing duties required

25   under section 706(a)(3) of that Act shall be 80 per-

1 cent ad valorem for each entry of the subject mer-

2 chandise, in lieu of any amount that would otherwise

3 be ordered.

SEC. 3. ADMINISTRATIVE REVIEWS.

5 If, pursuant to a review under subtitle C of title VII

6 of the Tariff Act of 1930 (19 U.S.C. 1675 et seq.) of a

7 countervailing duty order described in section 2(3), the

8 countervailing duty order is continued, then the amount

9 of the countervailing duty required under the order, and

10 the amount of the deposit of estimated countervailing du-

11 ties required for entries of the subject merchandise, shall

12 be 80 percent ad valorem for each entry of the subject

13 merchandise, in lieu of any amount that would otherwise

14 be ordered.

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