

108TH CONGRESS  
1ST SESSION

# H. R. 3364

To authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2003

Mrs. MYRICK (for herself and Mr. SPRATT) introduced the following bill;  
which was referred to the Committee on Ways and Means

---

## A BILL

To authorize appropriate action if the negotiations with the People's Republic of China regarding China's undervalued currency and currency manipulation are not successful.

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 currency of the People's Republic of  
6 China, the yuan, is artificially pegged at a level sig-  
7 nificantly below its market value. Economists esti-

1       mate the yuan to be undervalued by between 15 per-  
2       cent and 40 percent or an average of 27.5 percent.

3           (2) The undervaluation of the yuan makes ex-  
4       ports from the People's Republic of China less ex-  
5       pensive for foreign consumers and makes foreign  
6       products more expensive for Chinese consumers. The  
7       effective result is a significant subsidization of Chi-  
8       na's exports and a virtual tariff on foreign imports,  
9       leading the People's Republic of China to enjoy sig-  
10      nificant trade surpluses with its international trad-  
11      ing partners. The United States trade deficit with  
12      China has widened from \$57,000,000,000 in 1998  
13      to \$103,000,000,000 in 2002, resulting in an aggre-  
14      gate deficit with China of over \$396,000,000,000 for  
15      that 5-year period.

16           (3) China's undervalued currency and the  
17      United States trade deficit with the People's Repub-  
18      lic of China is contributing to significant United  
19      States job losses and harming United States busi-  
20      nesses. In particular, the United States manufac-  
21      turing sector has lost over 2,600,000 jobs since  
22      March 2001, which accounts for approximately 90  
23      percent of the total United States job losses.

24           (4) The Government of the People's Republic of  
25      China has intervened in the foreign exchange mar-

1       kets to hold the value of the yuan within an artificial  
2       trading range. China's foreign reserves are estimated  
3       to be over \$345,000,000,000 as of June 2003, and  
4       have increased at a level higher than that of any  
5       other country.

6               (5) China's undervalued currency and the Chi-  
7       nese Government's intervention in the value of its  
8       currency violates the spirit and letter of the world  
9       trading system of which the People's Republic of  
10       China is now a member.

11              (6) The Government of the People's Republic of  
12       China has failed to promptly address concerns raised  
13       by the United States and the international commu-  
14       nity regarding the value of its currency.

15              (7) Article XXI of the GATT 1994 (as defined  
16       in section 2(1)(B) of the Uruguay Round Agree-  
17       ments Act (19 U.S.C. 3501(1)(B)) allows a member  
18       of the World Trade Organization to take any action  
19       which it considers necessary for the protection of its  
20       essential security interests. Protecting the United  
21       States manufacturing sector is essential to the secu-  
22       rity interests of the United States.

1 **SEC. 2. NEGOTIATIONS AND CERTIFICATION REGARDING**  
2 **THE CURRENCY VALUATION POLICY OF THE**  
3 **PEOPLE'S REPUBLIC OF CHINA.**

4 (a) **IN GENERAL.**—Notwithstanding the provisions of  
5 title I of Public Law 106–286 (19 U.S.C. 2431 note), on  
6 and after the date that is 180 days after the date of enact-  
7 ment of this Act, unless a certification described in sub-  
8 section (b) has been made to Congress, there shall be im-  
9 posed a rate of duty of 27.5 percent ad valorem on any  
10 article that is the growth, product, or manufacture of the  
11 People's Republic of China and is imported directly or in-  
12 directly into the United States, in addition to any other  
13 duty that would otherwise apply to such article.

14 (b) **CERTIFICATION.**—The certification described in  
15 this subsection means a certification by the President to  
16 Congress that the People's Republic of China is no longer  
17 manipulating the rate of exchange between its currency  
18 and the United States dollar for purposes of preventing  
19 an effective balance of payments and gaining an unfair  
20 competitive advantage in international trade. The certifi-  
21 cation shall also include a determination that the currency  
22 of the People's Republic of China is valued in accordance  
23 with accepted market-based trading policies.

24 (c) **NEGOTIATIONS.**—Beginning on the date of enact-  
25 ment of this Act, the Secretary of the Treasury, in con-  
26 sultation with the United States Trade Representative,

1 shall begin negotiations with the People's Republic of  
2 China to ensure that the People's Republic of China  
3 adopts a process that leads to a market-based system of  
4 currency valuation.

○