

108TH CONGRESS  
2D SESSION

# S. 2992

To liquidate and distribute duties collected on certain softwood lumber from  
Canada.

---

## IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2004

Mr. BAUCUS (for himself and Mr. CRAIG) introduced the following bill; which  
was read twice and referred to the Committee on Finance

---

## A BILL

To liquidate and distribute duties collected on certain  
softwood lumber from Canada.

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 “Softwood Lumber Du-  
5       ties Liquidation Act of 2004”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8               (1) On March 21, 2002, the Department of  
9       Commerce issued final affirmative determinations in  
10      the antidumping investigation, Case Number A–

1 122–838, and countervailing duty investigation,  
2 Case Number C–122–839, regarding softwood lum-  
3 ber from Canada.

4 (2) On May 16, 2002, the United States Inter-  
5 national Trade Commission issued final determina-  
6 tions in Investigation Numbers 701–TA–414 and  
7 731–TA–928 that imports of softwood lumber from  
8 Canada threatened material injury to an industry in  
9 the United States.

10 (3) Estimated duties have been collected on en-  
11 tries of softwood lumber from Canada by the Bureau  
12 of Customs and Border Protection, pursuant to the  
13 issuance on May 22, 2002, of antidumping duty and  
14 countervailing duty orders by the Department of  
15 Commerce in the case numbers referred to in para-  
16 graph (1).

17 (4) The Government of Canada requested bina-  
18 tional panel reviews of these final determinations  
19 pursuant to chapter 19 of the North American Free  
20 Trade Agreement.

21 (5) Dispute settlement under chapter 19 of the  
22 North American Free Trade Agreement offers relief  
23 that is prospective only.

24 (6) Section 516A(g)(5)(B) of the Tariff Act of  
25 1930 provides that entries of merchandise, entered

1 into the customs territory of the United States prior  
2 to publication in the Federal Register of a final bi-  
3 national panel decision or extraordinary challenge  
4 committee decision, are to be liquidated in accord-  
5 ance with the administrative determination that is  
6 the subject of the binational panel review if the final  
7 panel or extraordinary challenge committee decision  
8 is not in harmony with the original administrative  
9 determination. The final binational panel decision or  
10 extraordinary challenge committee decision is pro-  
11 spective and applies to merchandise entered after  
12 the publication of binational panel or extraordinary  
13 challenge committee decision.

14 (7) Entries of softwood lumber described in  
15 paragraph (3) have not yet been liquidated and the  
16 duties have not been distributed to eligible compa-  
17 nies pursuant to section 754 of the Tariff Act of  
18 1930.

19 **SEC. 3. LIQUIDATION AND DISTRIBUTION OF DUTIES.**

20 (a) **ENTRIES TO BE LIQUIDATED.**—Notwithstanding  
21 any provision of the Tariff Act of 1930, the Department  
22 of Commerce shall issue instructions to the Bureau of  
23 Customs and Border Protection to liquidate all unliqui-  
24 dated entries of softwood lumber from Canada that—

1           (1) are the subject of antidumping and counter-  
2       vailing duty orders described in section 2(3) issued  
3       by the Department of Commerce on May 22, 2004;  
4       and

5           (2) entered the customs territory of the United  
6       States prior to the publication in the Federal Reg-  
7       ister of a final binational panel decision or extraor-  
8       dinary challenge committee decision under section  
9       516A(g) of the Tariff Act of 1930, to the extent the  
10      decision is not in harmony with the final determina-  
11      tions issued by the Department of Commerce and  
12      the International Trade Commission described in  
13      paragraphs (1) and (2) of section 2.

14      (b) DUTY RATES FOR LIQUIDATION.—

15           (1) IN GENERAL.—The entries described in  
16      subsection (a) shall be liquidated at the cash deposit  
17      rate in effect at the time of the entries.

18           (2) DEADLINE FOR ISSUANCE OF INSTRUCTIONS.—The Department of Commerce shall liq-  
19      uidate the entries in accordance with this section not  
20      later than 15 days after the date of enactment of  
21      this Act.

22           (c) DISTRIBUTION OF DUTIES.—The duties liq-  
23      uidated under this section shall be distributed to eligible  
24

- 1 companies in accordance with section 754 of the Tariff
- 2 Act of 1930.

