

.....  
(Original Signature of Member)

112TH CONGRESS  
2D SESSION

# H. R.

---

To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

Mr. CAMP (for himself, Mr. LEVIN, Mr. BRADY of Texas, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

---

# A BILL

To apply the countervailing duty provisions of the Tariff Act of 1930 to nonmarket economy countries, and for other purposes.

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. APPLICATION OF COUNTERVAILING DUTY PRO-**  
4 **VISIONS TO NONMARKET ECONOMY COUN-**  
5 **TRIES.**

6 (a) IN GENERAL.—Section 701 of the Tariff Act of  
7 1930 (19 U.S.C. 1671) is amended by adding at the end  
8 the following:

1       “(f) APPLICABILITY TO PROCEEDINGS INVOLVING  
2 NONMARKET ECONOMY COUNTRIES.—

3           “(1) IN GENERAL.—Except as provided in para-  
4 graph (2), the merchandise on which countervailing  
5 duties shall be imposed under subsection (a) includes  
6 a class or kind of merchandise imported, or sold (or  
7 likely to be sold) for importation, into the United  
8 States from a nonmarket economy country.

9           “(2) EXCEPTION.—A countervailing duty is not  
10 required to be imposed under subsection (a) on a  
11 class or kind of merchandise imported, or sold (or  
12 likely to be sold) for importation, into the United  
13 States from a nonmarket economy country if the ad-  
14 ministering authority is unable to identify and meas-  
15 ure subsidies provided by the government of the non-  
16 market economy country or a public entity within  
17 the territory of the nonmarket economy country be-  
18 cause the economy of that country is essentially  
19 comprised of a single entity.”.

20       (b) EFFECTIVE DATE.—Subsection (f) of section 701  
21 of the Tariff Act of 1930, as added by subsection (a) of  
22 this section, applies to—

23           (1) all proceedings initiated under subtitle A of  
24 title VII of that Act (19 U.S.C. 1671 et seq.) on or  
25 after November 20, 2006;

1           (2) all resulting actions by U.S. Customs and  
2           Border Protection; and

3           (3) all civil actions, criminal proceedings, and  
4           other proceedings before a Federal court relating to  
5           proceedings referred to in paragraph (1) or actions  
6           referred to in paragraph (2).

7   **SEC. 2. ADJUSTMENT OF ANTIDUMPING DUTY IN CERTAIN**  
8                           **PROCEEDINGS RELATING TO IMPORTS FROM**  
9                           **NONMARKET ECONOMY COUNTRIES.**

10          (a) IN GENERAL.—Section 777A of the Tariff Act  
11          of 1930 (19 U.S.C. 1677f–1) is amended by adding at  
12          the end the following:

13               “(f) ADJUSTMENT OF ANTIDUMPING DUTY IN CER-  
14          TAIN PROCEEDINGS RELATING TO IMPORTS FROM NON-  
15          MARKET ECONOMY COUNTRIES.—

16               “(1) IN GENERAL.—If the administering au-  
17          thority determines, with respect to a class or kind of  
18          merchandise from a nonmarket economy country for  
19          which an antidumping duty is determined using nor-  
20          mal value pursuant to section 773(c), that—

21                       “(A) pursuant to section 701(a)(1), a  
22                       countervailable subsidy (other than an export  
23                       subsidy referred to in section 772(c)(1)(C)) has  
24                       been provided with respect to the class or kind  
25                       of merchandise,

1           “(B) such countervailable subsidy has been  
2           demonstrated to have reduced the average price  
3           of imports of the class or kind of merchandise  
4           during the relevant period, and

5           “(C) the administering authority can rea-  
6           sonably estimate the extent to which the  
7           countervailable subsidy referred to in subpara-  
8           graph (B), in combination with the use of nor-  
9           mal value determined pursuant to section  
10          773(c), has increased the weighted average  
11          dumping margin for the class or kind of mer-  
12          chandise,

13          the administering authority shall, except as provided  
14          in paragraph (2), reduce the antidumping duty by  
15          the amount of the increase in the weighted average  
16          dumping margin estimated by the administering au-  
17          thority under subparagraph (C).

18          “(2) MAXIMUM REDUCTION IN ANTIDUMPING  
19          DUTY.—The administering authority may not reduce  
20          the antidumping duty applicable to a class or kind  
21          of merchandise from a nonmarket economy country  
22          under this subsection by more than the portion of  
23          the countervailing duty rate attributable to a  
24          countervailable subsidy that is provided with respect  
25          to the class or kind of merchandise and that meets

1 the conditions described in subparagraphs (A), (B),  
2 and (C) of paragraph (1).”.

3 (b) **EFFECTIVE DATE.**—Subsection (f) of section  
4 777A of the Tariff Act of 1930, as added by subsection  
5 (a) of this section, applies to—

6 (1) all investigations and reviews initiated pur-  
7 suant to title VII of that Act (19 U.S.C. 1671 et  
8 seq.) on or after the date of the enactment of this  
9 Act; and

10 (2) subject to subsection (c) of section 129 of  
11 the Uruguay Round Agreements Act (19 U.S.C.  
12 3538), all determinations issued under subsection  
13 (b)(2) of that section on or after the date of the en-  
14 actment of this Act.