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Summary of Senate Amendments to

H.R. 10710

TRADE ACT OF 1974

Prepared for the Use of the Conferées
by the Staffs of the

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WAYS AND MEANS

and the

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SUMMARY OF SENATE AMENDMENTS TO H.R. 10710, TRADE ACT OF 1974

[NOTE.—Amendments are Committee Amendments unless otherwise noted.]

Amend- ment	Bill page No.	Description of amendment
1		Change in short title of bill deleting "Reform."
2		Revised table of contents.
3		Replaces the two general purposes for the House bill with 15 more specific purposes, essentially summarizing provisions of the bill.

TITLE I.—NEGOTIATING AND OTHER AUTHORITY

CHAPTER 1.—RATES OF DUTY AND OTHER TRADE AGREEMENTS

4-6	<p><i>House bill:</i></p> <p>If duty on July 1, 1973, was—</p> <p style="padding-left: 40px;">5 percent ad valorem or less.</p> <p style="padding-left: 40px;">Between 6 and 25 percent ad valorem.</p> <p style="padding-left: 40px;">More than 25 percent ad valorem.</p>	<p>Tariff may be up to—</p> <p style="padding-left: 40px;">100 percent.</p> <p style="padding-left: 40px;">60 percent.</p> <p style="padding-left: 40px;">75 percent (but not below 10 percent ad valorem).</p>
	<p><i>Senate bill:</i></p> <p>If existing duty on January 1, 1975, is—</p> <p style="padding-left: 40px;">10 percent ad valorem or less.</p> <p style="padding-left: 40px;">Over 10 percent ad valorem.</p>	<p>Tariff may be cut up to—</p> <p style="padding-left: 40px;">100 percent.</p> <p style="padding-left: 40px;">50 percent.</p>

Under the House bill, a tariff increase may not exceed the higher of 50 percent above the July 1, 1934 rate or 20 percentage points above the July 1, 1973 rate. Under the Senate bill, tariff increases may not exceed the higher of 50 percent above the January 1, 1975 Column 2 rate or 20 percentage points above the January 1, 1975 rate.

Also, the Senate bill deletes the exception to the tariff increase limits for NTB conversions since the authority to convert under the MTN provision is also deleted.

Amendment	Bill page No.	Description of amendment
7		Senate amendment states that trade barriers adversely affect the U.S. economy and prevent fair and equitable access to supplies.
8-9		Senate amendment urges President to take steps to harmonize (as well as reduce or eliminate) trade barriers.
10		<p data-bbox="514 525 776 556">Senate amendment:</p> <p data-bbox="539 556 1135 684">(1) Provides authority to negotiate NTB agreements on subsidies adversely affecting the U.S. economy as well as NTB's affecting U.S. exports;</p> <p data-bbox="539 684 1135 781">(2) Authorizes agreements to prohibit or limit imposition of NTB's where they do not currently exist;</p> <p data-bbox="539 781 1135 999">(3) Deletes the authority to convert NTB's to duties affording substantially equivalent protection, for purposes of negotiating reductions without limit, on the grounds that the authority was tied to the Congressional veto implementation procedure, which is also deleted;</p> <p data-bbox="539 999 1135 1276">(4) Expands the notification and consultation requirement prior to submission of NTB agreements to the Congress to include the desirability and feasibility of "packaging" two or more NTB agreements for implementation by a single bill. It also provides for consultation with each committee of jurisdiction on all matters related to the bill.</p> <p data-bbox="539 1276 1135 1474">(5) Replaces the House congressional veto procedure for implementation of NTB agreements and, as provided in title IV, bilateral agreements extending MFN to Communist countries with a "fast track" positive approval system.</p> <p data-bbox="539 1474 1135 1692"><i>House bill:</i> Where no change in U.S. law is required (as determined by President), President could negotiate and implement NTB agreements. Where change in U.S. law is required (as determined by President), change would become law unless vetoed by either House within 90 days.</p> <p data-bbox="539 1692 1135 1879"><i>Senate bill:</i> All NTB agreements to be submitted to Congress, and enter into effect only after enactment of necessary implementing legislation by both Houses under expedited procedures (including time limits on consideration, prohibition of amend-</p>

Amend- ment	Bill page No.	Description of amendment
10— Con.		<p>ments, and automatic discharge of committee from consideration).</p> <p>(Rules and procedures for positive approval are provided in Chapter 5.)</p> <p>(6) Defines the term "distortion" to include a subsidy, and the term "international trade" to include "services" as well as "goods."</p> <p>(7) Provides that the benefits and obligations of agreements can be limited to the signatories and may differ as among classes of signatories, in order to afford developing countries an opportunity to participate in NTB agreements.</p> <p>Requires the President to submit along with each implementing bill an employee impact statement setting forth in detail, and substantiated with factual information, job losses and gains which may be expected as a result of any trade agreement. (Church floor amendment 2028 adopted by voice vote.)</p> <p>Requires the President to notify Congress in advance when U.S. negotiators intend to consider any modifications or reductions in existing U.S. laws or regulations regarding consumer protection, employee health and safety, labor standards or environmental requirements. President is prohibited from negotiating with respect to any of the subject areas unless negotiations with respect to each subject matter is specifically approved by both houses of Congress. (Schweiker floor amendment 2038 adopted by voice vote.)</p>
11		<p>Replaces the House principal negotiating objective to obtain equivalent competitive opportunities for agriculture and industry product sectors and to the extent feasible to negotiate on a product sector basis, with a more definitive objective which extends to negotiations on tariffs as well as NTB's.</p> <p>Overall negotiating objectives are defined with the stipulation that, to the maximum extent feasible, agriculture negotiations are to be in conjunction with negotiations on industrial products.</p>

Amendment	Bill page No.	Description of amendment
12		<p>Equivalent competitive opportunities will be sought and sector negotiations conducted for "appropriate" rather than "each" product sector; negotiations apply only to manufacturing, not agriculture, and must be consistent with broader objectives than equivalent competitive opportunities; and reports must be made to the Congress on agreements the President determines significantly affect competitive opportunities in one or more sectors.</p> <p>Amends section 104 to require that negotiations shall be conducted on the basis of appropriate product sectors of manufacturing to the extent consistent with the overall negotiating objectives in section 103 of the committee bill. Section 103 requires that the negotiation of agricultural trade barriers shall be undertaken in conjunction with the negotiation of industrial barriers. (Dole floor amendment 2060 adopted by voice vote.)</p>
13-16		<p>Expands principal objectives in the negotiation of NTB's to include:</p>
13		<p>(1) Bilateral agreements where such would better serve U.S. economic interests; and</p>
14		<p>(2) Agreements with developing countries;</p>
15		<p>(3) Agreements on international safeguards procedures; and</p>
16		<p>(4) Agreements to provide availability of essential articles at reasonable prices.</p>
17-19 20-23		<p>Staging requirement for tariff reductions. The House annual reduction limit is changed from 3 percentage points of $\frac{1}{2}$ of the total reduction to $\frac{1}{10}$ of the total; the House time limit for total reduction is reduced from 15 to 10 years. Senate bill adds the requirements that where reductions are not greater than 20 percent ad valorem, annual reductions shall not exceed 2 percent ad valorem. It also deletes any requirements for interrupted staging when a duty is reduced (e.g., compensation agreement) rather than temporarily increased (e.g., import relief action).</p>

Amendment	Bill page No.	Description of amendment
CHAPTER 2.—OTHER AUTHORITY		
24-37		Expands the directive to the President to revise GATT articles or negotiate new codes on trade principles to include:
30		(1) Access to supplies, including rules governing export controls, denial of supplies and consultations on supply shortages;
31		(2) Extension of GATT to deal with countries which deny goods and thereby injure the international community;
32		(3) Any revisions necessary to establish regular consultations respecting commercial disputes;
33		(4) Elimination of special reverse preferences and other exceptions to nondiscrimination;
34		(5) Flexible monetary mechanisms;
35		(6) Code on subsidies and foreign investment incentives; and
36		(7) Agreements on extraterritorial application of national laws.
35-37		Requires the President to negotiate revisions necessary to establish an international agreement on footwear, which would include the creation of a mechanism for the settlement of disputes and of a surveillance body to monitor all international footwear shipments. Amendments 35 and 36 are clerical amendments. (McIntyre floor amendment 2071 adopted by voice vote.)
38-39		Requires President, to the extent possible, to enter into agreements with other countries to establish above principles.
40		Agreements covering the above which require modification of Federal laws and for which authority has not been delegated would be subject to congressional approval.
41		Qualifies House GATT appropriations authorization to extent that authorization does not imply approval or disapproval by the Congress of all articles of the GATT.

Amendment	Bill page No.	Description of amendment
42-43		Makes the House bill authority to deal with deficit balance-of-payments situations <i>mandatory</i> , rather than <i>discretionary</i> , unless the President determines and informs the Congress that imposing import restrictions would be contrary to the national interest. The time limit on duration of restrictions is increased from 150 to 180 days. Quotas will be set only for an article, not groups of articles.
44-45		Authority to deal with surplus situations is changed from BOP surplus to <i>trade</i> surplus measured on a c.i.f. basis.
46-50		Conforming or clerical.
51-52		Import liberalizing actions must be of broad and uniform application.
53-54		Selective imposition of quota as well as surcharge is permitted against one or more countries.
55-68		Conforming or clerical.
69		Deletes the authority to suspend import barriers to restrain inflation on the grounds that the criteria are too vague, Congress deals with short supply situations by passing duty suspension bills, and the tariff suspension authority could make 85 percent of U.S. imports duty-free.
70-77		Compensation reductions on products also subject to duty reductions under section 101 in process of being staged, will be made in each subsequent stage as well as in the final rate of duty after staging is completed; and authority is provided to exceed the 30 percent limit on duty reductions by not more than one-half of 1 percent for rounding purposes.
78		Compensation is to be phased out when import relief measures terminate.
79		Technical—deletes use of general authority for compensation.
80		Restricts the compensation authority to countries where the United States has obtained adequate compensation for past trade agreement violations.
81		Directs use of general authority for compensation until such authority terminates.

Amendment	Bill page No.	Description of amendment
82-87		Enables duty reductions under the 2-year residual negotiation authority to be fully reflected in the subsequent and final staged rate proclaimed under the general tariff reduction authority and provides rounding authority identical to that in the compensation authority. Amendments are comparable to amendments numbered 70-77 above, subject to reduction limitation of section 101.
88-90		Termination, in whole or in part, and withdrawal authority applied to increase duties to U.S. modification as well as withdrawal or suspension of concessions; expands the authority to increase import restrictions as well as duties; and changes the date of existing duties from July 1, 1973, to July 1, 1975.
91-98		The President is directed to suspend trade agreement obligations and increase duties whenever any foreign country modifies its concessions to the United States without providing adequate compensation. An automatic "springback" to statutory rates would no longer be required in cases of U.S. withdrawal from a trade agreement, as well as when the United States or a foreign country terminates an agreement.
99-101		Requirement to hold public hearings prior to action may be waived if President decides expeditious action is in the national interest.
102-104		Determines after the end of all trade negotiations or after 5 years, whichever is earlier, whether any major industrial country (Canada, Japan, EC, each EC member or any other designated by the President) has failed to make concessions to the United States providing substantially equivalent competitive opportunities as made by the United States to that country.
105		Determines the action necessary against any such country to restore equivalence of competitive opportunity with the United States.
106		Restores equivalence with that country by generally (or by article): (1) terminating or not proclaiming U.S. concessions under any trade agreement; and (2) recommending to Congress that any NTB agreement not apply to that country.

Amendment	Bill page No.	Description of amendment
107-108		Adds a provision to the national security reservation that articles would not be reserved from negotiations for national security or other reasons if the particular agreement did not affect the duty or other import restriction on the article.
109		Also amends section 232 of the Trade Expansion Act of 1962 to substitute the Secretary of the Treasury for the Director of OEP; requires consultations by Treasury with other agencies and opportunity for presentation of information and advice during investigation; and imposes 1-year time limit from petition to Treasury recommendation to President.
CHAPTER 3.—HEARINGS AND ADVICE CONCERNING NEGOTIATIONS		
110-120		Changes the title of the Tariff Commission to United States International Trade Commission and adds a requirement for advice of the Commission to the President on articles which may be subject to tariff negotiations within 90 days, rather than 6 months in the case of compensation agreements.
121-122		Conforming or clerical.
123-124		Technical.
125		Adds as a prerequisite for offers in negotiations the requirement that offers on NTB's, as well as on traiffs, cannot be made until the public hearing summary and advice from the International Trade Commission have been received.
126-127		Extends membership on the Advisory Committee for Trade Negotiations to include service industries as well as government, labor, industry, and agriculture; and changes Committee termination date from 5 years from enactment to submission date of final report.
	126	Directs the President to include representatives of the retailing industry in the overall Advisory Committee for Trade Negotiations. (Ribicoff floor amendment 2063 adopted by voice vote.)
	127	Includes representatives of small business in the overall Advisory Committee for Trade Negotiations. (Taft floor amendment 2066 adopted by voice vote.)

Amendment	Bill page No.	Description of amendment
126-127 Con.	128	Requires that the general policy advisory committees shall be representative of small business interests. (Taft floor amendment 2066 adopted by voice vote.)
128		Expands the House comprehensive advisory committee structure to provide expressly for industry, agriculture, and labor policy advisory committees.
129		Conforming or clerical.
130-131		Technical, conforming or clerical.
132		Requires that the sector advisory committees be representatives of small business interests. (Taft floor amendment 2066 adopted by voice vote.)
133-134		Conforming or clerical.
135		Requires that representatives of each advisory committee involved in any negotiating session in Geneva during the multilateral trade negotiations be represented at the bargaining table to the same extent as their foreign counterparts. (Schweiker floor amendment 2036 adopted by voice vote.)
136		Adds a requirement that the overall Advisory Committee and each appropriate policy and sector advisory committee provide an opinion to the President, Congress, and STR after conclusion of each trade agreement and on the agreements as a whole at the end of 5 years on whether and to what extent the agreements promote U.S. economic interests and provides equity and reciprocity within the sector.
137		Technical, conforming, or clerical.
138.		Specifically exempts the advisory committees from The Federal Advisory Committee Act requirement for transcripts of meetings to be made public.
139		Strengthens the confidentiality of information provisions. Prohibits disclosure of business confidential information except to personnel designated by the STR, congressional advisers, designated committee staff, and appropriate advisory committees (if not trade secrets or privileged commercial or financial information), and requires rules to be issued on public disclosure by the advisory committees.

Amendment	Bill page No.	Description of amendment
140-143		Technical, conforming, or clerical.
144		Provides that small business interests shall have the opportunity to submit information on an informal basis. (Taft floor amendment 2066 adopted by voice vote.)
145		Deletes language disclaiming authorization or permission to any individual to participate directly in the negotiations. (Schweiker floor amendment 2036 adopted by voice vote.) Expands provisions on submission of informal views to information submitted in confidence informally.
CHAPTER 4.—OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS		
146		Provides technical amendments to the House bill that establishes STR within the Executive Office of the President.
147-149		Refers nominations for the STR and Deputies to the Senate Finance Committee.
150		Provides for compensation of the Special Representative for Trade Negotiations at the Cabinet level. The compensation of the two Deputy Special Trade Representatives would be raised to level III of the Executive Schedule. (Long floor amendment 2048 adopted by voice vote.)
151		Requires the STR to report directly, as well as be responsible, to the President and Congress for administration of the trade agreements program.
152		Technical, conforming, or clerical.
153		Adds authorization of appropriations and transfers property, unexpended appropriations, etc., from the old to the new office.
154		Abolishment and reassignment.
155-157		Technical, conforming, or clerical.
CHAPTER 5.—CONGRESSIONAL PROCEDURES WITH RESPECT TO PRESIDENTIAL ACTION		
158		Technical, conforming, or clerical.
159		Establishes House and Senate rules and procedures for positive congressional approval required to implement NTB agreements which change U.S. laws, and for concurrent resolutions of both Houses necessary to

Amendment	Bill page No.	Description of amendment
159— Con.		<p>implement bilateral trade agreements entered into after TA enactment extending MFN treatment to Communist countries under title IV. Specifically:</p> <p>(1) Implementing bills on NTB agreements are referred to committees of jurisdiction; approval resolutions of title IV agreements are referred to Ways and Means and Finance Committees;</p> <p>(2) Automatic discharge of bill or resolution from committees is required if not reported out within 45 legislative days;</p> <p>(3) Floor debate is limited to no more than 20 hours in the House and in the Senate;</p> <p>(4) Vote on final passage of bill or resolution is required on or before 15 legislative days after it is reported or discharged;</p> <p>(5) No amendments to bills or resolutions are allowed, nor motions to recommit; and</p> <p>(6) Legislation does not enter into force unless enacted.</p>
159-160		<p>Subjects negotiations-approval resolution to two-House congressional approval procedure. See amendment No. 10. (Schweiker floor amendment 2038 approved by voice vote.)</p> <p>Subjects East-West Foreign Trade Board determinations to a two-House export disapproval resolution. See amendment 401. (Long floor amendment 2049 adopted by voice vote.)</p> <p>Deletes "Reform" from short title. (Long floor amendment 2047 adopted by voice vote.)</p>
161		<p>Expands rules for one-House disapproval resolutions and two-House concurrent disapproval resolutions:</p> <p>(1) All disapproval resolutions are referred to Ways and Means and Senate Finance Committees;</p> <p>(2) Committee can be discharged if it has not reported resolution in 30 legislative days;</p> <p>(3) Floor debate is limited to no more than 20 hours in the House and in the Senate; and</p> <p>(4) No amendments to nor motions to recommit the resolutions are in order.</p>

Amendment	Bill page No.	Description of amendment
161— Con.		<p>This is similar to the House procedure for disapproval of certain Presidential actions except:</p> <p>The committee has 30 days to consider a disapproval resolution; and</p> <p>Provision is made for both two-House and one-House disapprovals.</p> <p>Subjects Presidential report concerning extent to which a nonmarket economy is providing agricultural information to a one-House veto. See amendment No. 398. (Domenici floor amendment 2012 adopted by voice vote.)</p> <p><i>Note:</i> Senate adopted modified Helms floor amendment 2022 relating to emigration to join close relatives. Presidential determinations under the Helms amendment (section 411 of the Act) were to be made subject to the one-House congressional veto procedure. However, due to clerical error, the veto does not apply to Presidential determinations under the modified Helms amendment.</p>
162		<p>Provides for the two-House approval procedure and one-House disapproval procedure to be used in connection with the Jackson waiver amendment to the Jackson-Vanik provisions. See amendment 375. (Jackson floor amendment No. 2000 adopted by a vote of 88 yeas and no nays.)</p> <p>Restricts the congressional veto procedure by either House to apply only to extension of MFN under bilateral agreements entered into prior to TA enactment and annually to continuation of MFN (must act within 90 days), plus use of discretionary countervailing duty authority (can act at any time). Vetoes by both Houses must be within 90 days. Specifically:</p> <p>(1) Positive approval is required of both Houses by concurrent resolution under section 151 procedures to implement NTB agreements that change U.S. laws;</p> <p>(2) Disapproval applies to Presidential import relief where different from the Commission's recommendation (60-day time limit);</p>

Amendment	Bill page No.	Description of amendment
162— Con.		<p>(3) Disapproval of both Houses by concurrent resolution of retaliation on an MFN basis changes the application to a selective basis;</p> <p>(4) Disapproval of one House by resolution of the Secretary of the Treasury's use of discretionary authority not to impose CVD's under section 331 will require their application; and</p> <p>(5) Positive approval of both Houses by concurrent resolution under section 151 procedure is required to implement bilateral agreements and proclamations extending MFN treatment entered into after TA enactment and one-House veto continues to apply annually to continuation of MFN treatment.</p>
163-166		Conforming or clerical.
CHAPTER 6.—CONGRESSIONAL LIAISON AND REPORTS		
167		<p>Adds requirement that appointment of congressional advisers would be by the President of the Senate and Speaker of the House upon recommendations by the Ways and Means and Finance Committees. The STR will keep each adviser currently informed of the objectives and status of the negotiations and the nature of any changes in domestic law which may be recommended to Congress to carry out trade agreements. Chairmen of Ways and Means and Finance can designate Members and staff to have access to the same information as advisers.</p>
168-169		Conforming or clerical.
171		Technical—adding “workers, firms, and communities.”
172		<p>Extends Presidential reports to Congress to include adjustment assistance to communities and requires information about numbers of applications filed for adjustment assistance, the number approved, and the extent to which assistance has been applied under approved applications.</p>

Amendment	Bill page No.	Description of amendment
172— Con.		<p>Requires the President to include in his annual trade agreements report to the Congress an employee impact statement setting forth in detail, and substantiated with factual information, job losses and gains which may be expected as a result of any trade agreement. (Church floor amendment 2028 adopted by voice vote.)</p> <p>Directs the President to include in his annual trade agreements report to the Congress a list of import relief measures in effect and the estimated effect of such measure on employment and on consumers (including costs, taking into account the price and availability of the imported article and the competitive domestic article). (Modified Taft amendment 2067 adopted by voice vote.)</p>
173		Conforming or clerical.

CHAPTER 7.—UNITED STATES INTERNATIONAL TRADE COMMISSION

174		<p>Amends the Tariff Act of 1930 by changing the name of the Tariff Commission to the United States International Trade Commission with the following organization:</p> <p>(1) Commission will be increased from 6 to 7 Commissioners appointed by the President, by and with the advice and consent of the Senate, for 14-year terms rather than 6, without reappointment and phased in so one term would expire every 2 years; and</p> <p>(2) No more than 4 Commissioners can be of the same political party and each will serve as Chairman for the last 2 years of his term;</p> <p>(3) Commissioners' pay is upgraded;</p> <p>(4) Voting records of Commissioners will be published including reasons for not voting;</p> <p>(5) Commission is authorized to represent itself in all judicial proceedings (rather than Justice Department representation); and</p> <p>(6) Beginning in 1976, the Commission's budget would be submitted directly to Congress, rather than through OMB.</p>
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Amendment	Bill page No.	Description of amendment
TITLE II.—RELIEF FROM INJURY CAUSED BY IMPORT COMPETITION		
CHAPTER 1.—IMPORT RELIEF		
175-181		Requires that there be an absolute increase in imports, rather than an increase relative to domestic production, as required in the House bill, as one of the factors the Commission is to consider in determining whether increased imports are a substantial cause of serious injury.
182		Technical, conforming, or clerical.
183-185		For determining the affected domestic industry, the Commission may treat as a part of such domestic industry only that segment of the producer located in and serving a market in a major geographic area.
186-190		Conforming or clerical.
191		Permits the Commission when finding injury, as an alternative to finding the amount of import restraint necessary to prevent or remedy the injury, to recommend the provision of adjustment assistance to workers, firms, and communities if it finds that such assistance can effectively remedy the injury. This alternative finding is related to the following amendment requiring the President to implement the remedy recommended by the Commission.
192-97		Conforming or clerical.
198		Reduces considerably the President's discretion in face of an affirmative Commission injury finding by providing that the President shall, after receiving such affirmative finding: (1) provide import relief; and (2) evaluate the adjustment assistance situation. If the Commission has recommended adjustment assistance as an alternative to import relief, the President may not grant import relief. The President must within 60 days determine what method and amount of import relief he will provide along with his evaluation on adjustment assistance, or if recommended by the Commission, solely recommend expeditious action on adjustment assistance. Also, the time period is shortened by providing no extra time for consideration of a supplemental Commission report.

Amendment	Bill page No.	Description of amendment
198		Requires the House bill factors of consideration of whether to provide import relief to become factors to be considered in the President's determination of method and amount of relief to provide, in conformance with the above amendment requiring the President to act on an affirmative Commission injury finding. Also, the President is required to request supplementary information from the Commission 15 days after receiving the affirmative finding, with the Commission only 30 days to provide a report. The President would have no more time to reach a determination in the case of a supplemental report, but must make his determination 60 days after receiving the affirmative finding (instead of 30 days after receiving the supplemental report).
199-200		Conforming or clerical.
201		Technical, conforming, or clerical.
202		See amendment 198.
203-205		Conforming or clerical.
206		See amendment 198.
207		Deletes the House bill preferred order of import relief measures. Since the Senate provisions require the President to act, it is also required that when he proclaims a form of import relief or announces his intention to negotiate orderly marketing agreements, he must transmit a notice of such action to the Congress. If the action proclaimed differs from the action recommended by the Commission, he must state his reason for such difference.
208		Technical, conforming, or clerical.
209-210		This requires that the President carry out the import relief recommended by the Commission or if he takes different action, his notice and explanation for the action for the Congress could be subject to a disapproval resolution in the Congress. Should such a concurrent resolution disapproving the President's import relief action be adopted by a majority of the Members of each House present and voting (within 90 days after the notice is received), then the President must within 30 days of the adoption of such resolution proclaim the import relief recommended by the Commission.

Amendment	Bill page No.	Description of amendment
211-213 214		Conforming or clerical. Tightens the House time-limits for imposition of relief. Import relief must take effect within 15 days of the import relief determination, but an orderly marketing agreement must take effect within 90 days. However, if the President takes import restraint action, he may afterwards negotiate orderly marketing agreements and suspend or terminate, in whole or in part, the import relief earlier proclaimed. In addition, if the orderly marketing agreement becomes ineffective, the President may provide import restraints. "Import relief determination date" means the date of the President's determination as to what method and amount of import relief he will provide.
215-219 220		Conforming or clerical. Specifies that serious injury determined by the Commission must be "substantially caused by imports".
221 222		Technical, conforming, or clerical. Requires that import relief limited to the suspension of eligibility of a article under title V can take place only if the Commission determines that serious injury to domestic industry results from the designation of an article as eligible under title V.
223		Deletes the House subsection prohibiting import relief being imposed unless due diligence has been exercised in notifying persons who may be affected and unless a public hearing was held on the import relief proposal for interested parties.
224-226 227-228		Conforming or clerical. In authority to implement orderly marketing agreement and control imports from countries not parties to such agreement, the imports to be so limited may be imports into a major geographic area of the United States.
229 230		Conforming or clerical. Import relief actions under sections 351 and 352 of the Trade Expansion Act of 1962 to be extended under the provision and subject to the limitation of this Act.
231		Increases the extension period from one 2-year to one 3-year period.

Amendment	Bill page No.	Description of amendment
232-233 234		Conforming or clerical. Deletes the provision allowing an import relief measure to be reduced or terminated by the President after he received Commission advice on probable economic effects and after seeking advice of the Secretaries of Commerce and Labor that such action is in the national interest.
235-248 249		Conforming or clerical. Action under import relief provisions may be discriminatory, with consideration of international obligation. (Floor amendment, No. 2064.)
250		Deletes House provision for congressional override if President utilizes quotas or orderly marketing agreements as import relief.

CHAPTER 2.—ADJUSTMENT ASSISTANCE FOR WORKERS

Subchapter A. Petitions and Determinations

The House bill establishes as the criteria for determining whether or not workers are eligible for adjustment assistance the question of whether increased imports have contributed importantly to their unemployment or threatened unemployment. The amendment revises the House criteria for determining whether workers are eligible for assistance by requiring that increased imports be an *absolute* increase and defines the term "contributed importantly" as "a cause which is important but not necessarily more important than any other cause."

253-254	Requires that the Secretary of Labor's summary in the <i>Federal Register</i> must also include the reasons for determinations of eligibility.
255-261	Conforming or clerical.

Subchapter B. Trade Readjustment Allowances

262-265	The House bill provides adjustment benefits equal to 70 percent of the worker's average weekly wage for the first 26 weeks of entitlement or 65 percent for the second 26 weeks subject to a maximum limit of 100 percent of the national average weekly manufacturing wage. The amendment increases the House benefit levels for the entire period up to 52
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Amendment	Bill page No.	Description of amendment
262-265— Con.		<p>weeks to 75 percent of the worker's weekly wage, not to exceed the national average weekly manufacturing wage. Provides for Federal supplemental financing, i.e., deletes the State reimbursement provision, making States responsible for meeting the costs of benefits to workers under existing State laws with supplemental benefits above State levels paid for by the Federal Government.</p> <p>Provides benefits for unemployed persons (whose unemployment is trade-related) equal to 75 percent of their former wages (rather than 70 percent, as in the committee bill). (Modified Mondale amendment 2072 adopted by voice vote.)</p>
266-267		<p>Changes the limit on extension of benefit payments to older workers over 60 from 13 to 26 additional weeks; makes explicit that in no case can a worker receive benefits for more than 78 weeks; workers exhausting benefits while still in approved training programs could receive benefits for an additional 26 weeks, provided they applied for training within 26 weeks after unemployment or, if later, after the date on which the Secretary certifies their eligibility.</p>
268		<p>The House bill provides that adjustment assistance benefits may not be paid more than 2 years after the worker became unemployed except that this may be extended to 3 years in the case of a worker getting additional benefits as an older worker or a worker in training. The amendment provides that additional benefits workers in training may not be paid unless the worker made a bona fide application for training within 180 days after he became unemployed (or, if later, after the certification of his eligibility to apply for assistance).</p>
PART II. TRAINING AND RELATED SERVICES		
269		<p>Deletes House provision with respect to training programs for workers which requires Secretary of Labor to give priority to using "manpower programs established by law" and requires instead that he give priority to providing such training "on-the-job".</p>

Amendment	Bill page No.	Description of amendment
270-271		Increases subsistence expenses from \$5 to \$15 per day and mileage expenses from 10 to 12 cents per mile.
272		The House bill allows a displaced worker to apply for a job search allowance for up to 1 year after he becomes unemployed. The amendment would allow an extension of this deadline for a "reasonable period of time" in the case of workers in training programs.
273		The House bill would require that displaced workers seeking the relocation allowances provided by the bill apply for those allowances prior to the time of actually moving. The amendment would permit applications to be made within a reasonable period after the move had taken place.
274		The House bill provides that State determinations with respect to payments to workers under this bill be subject to the same review procedures as determinations under the State's own unemployment insurance program. The amendment makes this review requirement applicable to all types of program benefits rather than only payments.
Subchapter C. General Provisions		
275		Adds a provision whereby States would be penalized through a 15-percent reduction of the Federal tax credit allowed employers if it does not have an agreement in force before July 1, 1975, to administer Federal supplementation of regular State unemployment benefits.
276		Amendment provides for review procedures for all program benefits and not only payments in cases where the program is federally administered because of inability to obtain an agreement for State administration. See amendment 274.
277-278		Technical, conforming or clerical.
279-281		Authorizes an appropriation of \$50 million for fiscal year 1975 and such amounts as necessary for the following 5 years for on-the-job and other training.
282-283		Conforming or clerical.

Amend- ment	Bill page No.	Description of amendment
284		Adds an exception to the entitlement to rights under Chapter 2 for workers affected during the transitional period; <i>viz.</i> , the total number of weeks of unemployment, as defined in the TEA of 1962, for which trade adjustment allowances were payable under that Act shall be deducted from the total number of weeks of unemployment for which an adversely affected worker is eligible for trade readjustment allowances under this chapter.
285-287		Conforming or clerical.
288		Adds an authorization to the Labor Secretary to subpoena witnesses and evidence necessary for his determinations, and provides for court-ordered compliance.
289		Explicitly provides for judicial review by U.S. Appeals Courts of determinations by the Secretary of Labor with respect to the eligibility of workers to apply for benefits.
290		Deletes the effective date for the chapter. Amended effective date for chapters 2, 3, and 4 of title II is the 90th day following enactment and termination is September 30, 1980.
291		Deletes provision establishing the Adjustment Assistance Coordinating Committee. Coordination provision replaced in chapter 5.
CHAPTER 3.—ADJUSTMENT ASSISTANCE FOR FIRMS		
292-294		Provides the same eligibility requirements as the House bill, except that <i>absolute increases</i> in imports are required. Also, the term "contributed importantly" is defined as a cause which is important, but not necessarily more important than any other cause.
295-300		Conforming or clerical.
301		Adds a requirement that the Secretary of Commerce make his determination on the economic adjustment proposal within 60 days after the firm's application, in order to facilitate administration of the program.
302		Clarifies conditions for financial assistance to the extent that the interest rate on direct loans will be a formula rate applied in cases analogous to trade adjustment assistance,

Amendment	Bill page No.	Description of amendment
302— Con.		rather than another of the several rates the SBA has for direct loans. These also cite the basis for the SBA's interest rates on loan guarantees. Further, the 90-percent limit on loan guarantees in the House bill will be based on the loan outstanding at the time of disbursement; i.e., the Government will be responsible for no more than 90 percent of the loss under a guaranteed loan.
303		Conforming or clerical.
304		Technical, conforming or clerical.
305		A provision is added that the Secretary of Commerce may charge a fee to a level to cover administrative expenses for guaranteeing loans.
306		Conforming or clerical.
307-308		Permits delegation of all, but not any part of, functions to SBA other than issuing and terminating certification and the study of firms when there is an import relief investigation. These technical changes clarify the nature of delegations, if any, which are made, and assure appropriations for the delegated program function. Unexpended balance of appropriations authorized by section 312(d) of the Trade Expansion Act of 1962 transferred to Secretary to carry out functions of chapter.
309		Adds to the standard administrative and protective provisions, definitions of terms and regulations, a provision that all loan and interest payments and other receipts will be available to make new loans and for administrative expenses. Also these extend the application of penalty provisions to the influencing of determinations by the Secretary of Commerce or when delegated to the SBA, instead of any actions of the Secretary.
310-319		Conforming or clerical.
CHAPTER 4.—ADJUSTMENT ASSISTANCE FOR COMMUNITIES		
320		Extends adjustment assistance coverage to communities, specifically: A community, group of communities, or Governor of a State on behalf of a community may file a petition with the Secretary of Commerce for certification of eligibility to

Amendment	Bill page No.	Description of amendment
320— Con.		<p>apply for community adjustment assistance. The Secretary must publish prompt notice in the <i>Federal Register</i> of receipt of the petition and initiation of an investigation, and must provide for public hearings if requested by an interested party within 10 days of the notice.</p> <p>The Secretary must certify a community eligible to apply if he determines: (a) a significant number or proportion of workers in the trade impacted area where the community is located are or are threatened to become totally or partially unemployed; (b) sales and/or production of firms in the trade impacted area have decreased absolutely; and (c) increased imports of articles like or directly competitive with those produced by the firms or the transfer of firms from the trade impacted area to foreign countries have contributed importantly to (a) and (b). The determination and certification must be made within 60 days after the petition is filed. The certification covers any community located in the same trade impacted area as the certified petitioner. The Secretary of Commerce, after consultation with the Secretary of Labor, will establish the size and boundaries of each trade impacted area. The Secretary will terminate the certification of a community if he determines it no longer requires assistance; notice of the termination must be published in the <i>Federal Register</i>.</p> <p>Within 60 days after a certification, the Secretary of Commerce must send representatives to the trade impacted area to inform community officials and residents of available benefits and to assist in establishing a Trade Impacted Area Council for Adjustment Assistance. The Council will (1) develop a proposal for implementing a plan to rejuvenate certified communities in the area; and (2) coordinate community action under the plan. The Council will include representatives of the community, industry, labor and the general public in the area. An existing entity appropriate for these purposes may be designated as the Council for the area.</p> <p>The Secretary may make grants during the 2 years after a Council is established for</p>

Amendment	Bill page No.	Description of amendment
320— Con.		<p data-bbox="501 338 1099 520">maintaining its staff. A Council can apply for adjustment assistance during this 2-year period; the application must include a proposed adjustment assistance plan for economic rejuvenation of the communities in the area.</p> <p data-bbox="501 527 1099 621">Benefits can be extended only if the Secretary approves the adjustment assistance plan. Adjustment assistance consists of:</p> <p data-bbox="526 627 1099 961">All forms of assistance provided a re-development area under the Public Works and Economic Development Act of 1965, other than loan guarantees, and with a termination date of June 30, 1980, on the making of a loan or grant. Under that Act the Secretary of Commerce is authorized to provide assistance to attract new investment and to create additional long-term employment opportunities in the area in the form of:</p> <ol style="list-style-type: none"> <li data-bbox="551 968 1099 1150">(1) direct grants for acquisition and development of land and improvements for public works, public service, or development facilities, including authority for additional grants to areas of substantial unemployment; <li data-bbox="551 1157 1099 1251">(2) loans to purchase land and facilities to construct, modernize and expand plant facilities, etc.; and <li data-bbox="551 1257 1099 1377">(3) technical assistance which would be useful in alleviating or preventing excessive unemployment or underemployment. <p data-bbox="507 1383 1099 1566">Loans guaranteed by the Secretary for working capital made to private borrowers by private lending institutions, subject to the same terms and conditions as under the Public Works and Economic Development Act of 1965, except:</p> <ol style="list-style-type: none"> <li data-bbox="532 1572 1099 1881">(1) no loan guarantee may be made unless a joint liability requirement is met whereby the Governor of the State and/or an authorized community representative where the applicant is located sign a commitment to the Secretary pledging the portion of the State and/or local government's general revenue entitlement for one period necessary to cover 50 percent of any liability

Amendment	Bill page No.	Description of amendment
320— Con.		<p>arising in the preceding period, or if the State has established a program approved by the Secretary to pay 50 percent of any liability (conforming amendments are made in sections 107 and 198 of the State and Local Fiscal Assistance Act of 1972, whereby the Secretary of Commerce would notify the Secretary of the Treasury of the amount of default, who would reduce the State and/or local entitlement for the next year by 50 percent of the deficiency and pay the other 50 percent from Treasury general revenues).</p> <p>(2) No loan to a corporation may be guaranteed unless:</p> <p>(a) 25 percent of the principal of the loan is paid by the lender to a trust which is part of a qualified employee stock ownership plan established and maintained solely by the corporation;</p> <p>(b) the employee stock ownership requirements are met whereby: (i) the amount of the loan paid to the qualified trust will be used to purchase qualified employer securities (i.e., common stock not previously issued); (ii) the qualified trust will repay to the lender the amount of the loan paid to the trust plus interest out of contributions to the trust by the corporation; and (iii) at the end of each plan year, as the qualified trust repays the amount paid into the trust, a portion of the qualified employer securities (substantially in the same ratio to total securities as the amount of loan and interest repaid by the plan during that year is to the total amount of the loan and interest payable by the plan) are distributed to participants and their beneficiaries substantially in proportion to the annual rate of wages or salary paid the participant at this retirement or death during that year; and</p> <p>(c) the loan agreement among the recipient corporation, lender, employee stock ownership, and the quali-</p>

Amend- ment	Bill page No.	Description of amendment
320— Con.		<p> fied trust meets the requirements of: (i) being unconditionally enforceable by any party against the others, jointly and severally; (ii) providing that the liability of the qualified trust to repay loan amounts paid into the trust does not at any time exceed the market value of the employer securities it holds purchased out of such loans; (iii) providing that amounts received by the recipient corporation from the trust for employer securities will be used exclusively for the purposes for which it may use the portion of the loan paid directly to it by the lender; and (iv) providing that the recipient corporation will contribute amounts not less than needed for the plan to repay a portion of the loan received by the trust plus interest, regardless of whether they are tax deductible and regardless of any other amounts the corporation is obligated under law to contribute. </p> <p> (3) no new loan guarantee may be made after September 30, 1980; and </p> <p> (4) a loan guarantee may be made for the entire amount of outstanding unpaid balance of such loans. </p> <p> The Federal Government share of a loan guarantee is 50 percent and cannot exceed \$1 billion (50 percent from Federal Funds and 50 percent from State and local funds) on loans outstanding at any time. </p> <p> This authorizes a \$100 million appropriation for fiscal year 1975 and such sums as necessary for the following 5 fiscal years for the Trade Impacted Area Councils and for loans and grants; authorizes such sums as necessary for the loan guarantee program. A revolving Community Adjustment Assistance Fund is established in the Treasury, consisting of the authorizations and any collections or repayments of loans received to carry out the program, including administrative costs. Any balances remaining after June 30, 1980, will be transferred to the Treasury general fund. </p>

Amendment	Bill page No.	Description of amendment
320— Con.		Authorizes the Secretary of Commerce to guarantee loans for "the acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery" (as well as for use as working capital, as provided in the Committee bill). These loan guarantees would be made to eligible applicants within geographic areas certified as trade-impacted in order to attract new investment which is likely to contribute over the long term to employment opportunities within the affected communities. (Long floor amendment 2050 adopted by voice vote.)
321 322		Technical, conforming, or clerical. This requires the Comptroller General to conduct a study, assisted by the Departments of Labor and Commerce, of the worker, firm, and community adjustment assistance programs and submit a report to the Congress by January 30, 1979, evaluating: (1) the effectiveness of the programs in aiding adjustment; and (2) coordination of the administration of these with other Government programs providing unemployment compensation and relief to depressed areas (Note: The report deadline provides 6 months before the adjustment assistance programs expire for Congress to have information on which to base whatever further action might be needed.)
323		This replaces the coordination provision in Chapter 2. It expands the functions of the Adjustment Assistance Coordinating Committee to include coordination of studies, as well as the policies and programs of agencies involved, in order to promote the efficient and effective delivery of adjustment assistance benefits.
324		This directs the Secretaries of Commerce and Labor to establish and maintain a joint program to monitor imports for any abrupt changes in the volume sold in specified geographic regions. A summary of the information will be made available to the public and the Adjustment Assistance Coordinating Committee.

Amendment	Bill page No.	Description of amendment
324— Con.		Amends the import monitoring provision of the Committee bill to require the Secretaries of Commerce and Labor to gather additional information concerning the international operations of multinational corporations doing business in the United States. The information would cover direct investment by any such corporation in each foreign affiliate, gross sales, employment data, etc. (Church floor amendment 2029 adopted by voice vote.)
325		Provides that every firm, prior to moving production facilities abroad, should: (1) give at least 60 days advance notice to its employees who are likely to become totally or partially unemployed; (2) at the same time give the Secretaries of Labor and Commerce notice of the move; (3) apply for and use all adjustment assistance for which it is eligible; (4) offer employment opportunities, if any exist, to its affected employees; and (5) assist in relocating employees where employment opportunities exist.
326		Makes the effective date for worker, firm and community adjustment assistance program 90 days after enactment, and terminates such program September 30, 1980.
TITLE III.—RELIEF FROM UNFAIR TRADE PRACTICES		
CHAPTER 1.—FOREIGN IMPORT RESTRICTIONS AND EXPORT SUBSIDIES		
327-328		Conforming or clerical.
329		Adds provision to causes for retaliation: explicitly applying the discretionary retaliation authority to unjustifiable or unreasonable restrictions on access to supplies which burden or restrict U.S. commerce.
330		Extends retaliatory measures to include imposition of fees or restrictions on foreign services, as well as imposition of duties or other import restrictions on foreign goods.
331		Explicitly defines "commerce" to include services for purposes of the retaliation authority.
332		Deletes the House requirement to consider international obligations when determining action, and removes the distinction between unreasonable and unjustifiable practices and authorizes action on an MFN or selective basis in all cases, but subject to Congressional veto by a concurrent resolution of disap-

Amendment	Bill page No.	Description of amendment
332— Con.		proval under Section 302 if the action is MFN rather than only against the country involved.
333		Technical, conforming or clerical.
334		Adds requirement, in addition to House provision for an opportunity for interested parties to present views, that the STR review complaints, publish them in the <i>Federal Register</i> , and hold public hearings upon request of the complainant on the alleged foreign restrictions. Also, STR must submit a semiannual report to Congress summarizing the reviews and hearings it has conducted.
335		Adds provision permitting presentation of views and public hearings to take place promptly after the action if the President determines that holding them prior would be contrary to the national interest because expeditious action is needed.
336		Conforming or clerical.
337		Allows President to retaliate selectively in all cases, not just unjustifiable cases, subject to disapproval by a concurrent resolution in both Houses within a 90-day period, rather than override by one House.
338		Requires preliminary determination with 6 months, extended to 9 months only if the Secretary of the Treasury concludes it cannot reasonably be made in 6 months and published a <i>Federal Register</i> notice with a statement of reasons. A final determination must be made within 3 months after publication of an affirmative determination. A determination to proceed with an investigation must be published within 30 days after information alleging dumping is received in accord with regulations, as provided in House bill.
(Subsec. b(1)(c))		Deletes specific authority to withholding appraisalment in negative determination cases.
(Subsec. c)(2))		Requires that if, during the initial stages investigation the Secretary of the Treasury concludes there is substantial doubt of injury to the domestic industry, he must give his reasons and preliminary information to the Tariff Commission. If the Commission determines within 30 days there is no reasonable indication of injury, it will advise the Secretary and any investigation will terminate.

Amendment	Bill page No.	Description of amendment
(Subsec. (d)(1))		Extends the House hearing rights to include U.S. manufacturers, producers or wholesalers—as well as foreign manufacturers, exporters and domestic importers. All parties would have an equal and automatic right to appear and hearings would be held only at the request of an interested party.
(Subsec. (d)(3))		Adds the explicit qualification to the determination procedure that preserves any confidential treatment granted by the Secretary or the Commission during the course of the determination.
339-342 343		<p>Conforming or clerical.</p> <p>Adds a provision authorizing the Secretary of the Treasury to impose dumping duties when a multi-national corporation operating in several foreign countries supports low-priced exports to the United States through high-priced sales by other subsidiaries located in protected markets. Specifically, when the Secretary determines that:</p> <ol style="list-style-type: none"> (1) merchandise exported to the United States is produced in facilities owned or controlled by a person, firm or corporation which also owns or controls similar facilities in other countries; (2) there are little or no sales in the home market of the exporting country; and (3) sales of like or similar merchandise made in other countries are at prices substantially higher than the prices charged for goods produced in the exporting country and such price differentials are not justified by cost differences; <p>the Secretary <i>may</i> determine the foreign market value by looking at the higher prices (adjusted for differences in cost of production and costs incident to packing) at which similar goods are sold by other foreign facilities located outside the exporting country. The dumping duty could then be assessed in the amount equal to the difference between the purchase price in the United States (or the exporter's sale price) and the higher market value of the goods not actually exported to the United States.</p>

Amend- ment	Bill page No.	Description of amendment
344-345 346		<p>Technical, conforming, or clerical.</p> <p>Adds an amendment to Section 481 of the Tariff Act to direct the Secretary of the Treasury to require that certified import invoices, other than for special transactions, include data on: (1) all rebates, drawbacks, and bounties and grants on the merchandise; and (2) the unit price of the same or similar merchandise in the home market of the country of export. The information is not required if the customs officer determines it is currently available. Provision will apply to goods exported 90 days after enactment of the Act.</p>
347		<p>Adds an amendment to Section 516 of the Tariff Act to provide domestic producers or wholesalers the right of judicial review in the U.S. Customs Court of negative dumping determinations. The written notice of desire to contest must be filed with the Secretary of the Treasury within 30 days after the determination. Provision will apply to dumping complaints made on or after TRA enactment. (Codifies existing practice; importers and foreign producers are entitled to judicial review under current law.) Further, upon summons, the Secretary is required to furnish the Customs Court with certified copies of all hearings, transcripts and all notices, determinations or other matters published in the <i>Federal Register</i> in connection with the particular antidumping proceeding.</p>
347		<p>Permits U.S. manufacturers to obtain judicial review, on an identical basis of negative countervailing duty and antidumping determinations of the Secretary of Treasury. Amends new section 516(d) of the 1930 Tariff Act as reported in the Committee bill. (Floor amendment 2051.)</p>
348-350 351		<p>Conforming or clerical.</p> <p>The new requirement with respect to invoice data is to be effective 90 days after enactment.</p>
352		<p>The amendments relating to manufacturers protest are to become effective with respect to antidumping determinations resulting from questions raised on or after the date of enactment.</p>

Amendment	Bill page No.	Description of amendment
CHAPTER 3.—COUNTERVAILING DUTIES		
353		Strikes House CVD procedures.
354		Adds the requirement for an investigation to be initiated by the filing of a petition setting forth the reasons for believing a bounty or grant exists, as well as when the Secretary believes it warranted, as required in the House bill. In both cases, there must be <i>Federal Register</i> notice of the initiation of the investigation.
		Adds a 6-month time limit for a preliminary determination to the House 12-month limit for a final determination. In both cases, the time limit begins on the date the petition is filed or the initiation notice is published, rather than from the date the question is presented. Requires CVD's to apply as of the publication date of the final determination.
		Adds to the House extension of the injury test to duty-free imports a change in the suspension of liquidation provision, i.e., provides for suspension in the event the Secretary determines a bounty or grant exists with respect to nondutiable imports so as to require the same effective date for imposition of CVD's regardless of whether the merchandise in question is dutiable. Liquidation would be suspended immediately rather than 30 days after publication of the determination.
		Deletes provision that imposition of a CVD shall not be required on any article subject to quantitative limitations where such limitations are determined to be an adequate substitute for a CVD.
		Replaces temporary provision while negotiations are in progress with new discretionary provision adding an explicit Congressional mandate for the President to negotiate internationally-agreed rules and procedures governing the use of subsidies and other export incentives and the application of CVD's. Deletes one-year carve-out in cases where an article is produced in developed country facilities which are subsidized. Discretion in the imposition of CVD's is

Amendment	Bill page No.	Description of amendment
354— Con.		<p>permitted during the <i>two</i> year, rather than <i>four</i>, following enactment if the Secretary determines, after seeking advice from appropriate agencies that:</p> <ol style="list-style-type: none"> (1) adequate steps have been taken to eliminate or substantially reduce the adverse effect of the bounty or grant; (2) there is a reasonable prospect of successful trade agreements under Section 102 will be entered into; and (3) imposition of CVD's would be likely to seriously jeopardize negotiations.
		<p>Prohibits the waiver of otherwise mandated CVD's in cases involving import sensitive items such as footwear. (Floor amendment 2054.)</p>
		<p>The House bill requires only the third condition whereas the Senate version requires the suspension to be ended <i>if any</i> of the three conditions no longer exist. The Secretary may revoke his determination at any time and the CVD applied from the date of publication must be published in the <i>Federal Register</i>.</p>
		<p>Adds that the Secretary of the Treasury must promptly report his determination and reasons therefor to both Houses of Congress. The CVD will be imposed if a majority of those present and voting of either House adopts at any time a disapproval resolution under Section 152 procedures.</p>
355-367 368		<p>Conforming or clerical. Amends Section 515(d) of the Tariff Act of 1930 by inserting before the period at the end thereof "or the imposition of countervailing duties under Section 303".</p>
369		<p>Adds provision that for purposes of applying the provisions of Section 303(a)(4) of the Tariff Act of 1930 (as amended) with respect to any investigation initiated before the date of enactment of this Act, such investigation shall be considered initiated on the day after such date of enactment. Requires final determination on all countervailing complaints filed more than 6 months before enactment within 6 months after enactment. (Floor amendment 2055).</p>

Amendment	Bill page No.	Description of amendment
CHAPTER 4. UNFAIR IMPORT PRACTICES		
370		<p data-bbox="488 354 1120 540">Deletes House amendment of Tariff Act of 1930 to vest in Tariff Commission (rather than President) final authority to exclude articles concerned in unfair methods of import competition involving patent infringement.</p> <p data-bbox="488 540 1021 571">Revises House bill to provide following:</p> <p data-bbox="514 571 1120 913">(1) One-year time limit to conclude Section 337 investigation 18 months in more complicated cases following publication of the notice commencing investigation, not counting time investigation is suspended due to court or agency proceedings in case. Reasons for designating case "complicated" must be published in <i>Federal Register</i>. President must determine what action to take, if any, within 3 months of receiving findings and record from the Commission.</p> <p data-bbox="514 913 1120 1038">(2) Commission required to hear legal and equitable defense in all cases and to consider claims based on price grouping in patent cases.</p> <p data-bbox="514 1038 1120 1131">(3) Commission is required to consult with other government agencies during investigations.</p> <p data-bbox="514 1131 1120 1224">(4) Commission hearings are required to comply with the provisions of the Administrative Procedures Act.</p> <p data-bbox="539 1224 1120 1255">(5) Judicial review is required in all cases.</p> <p data-bbox="488 1255 1120 1421">(6) In determining whether to provide relief, Commission is to consider the effect on: (a) general health and welfare; (b) competition; (c) consumer interests; and (d) effect on domestic production.</p> <p data-bbox="488 1421 1120 1732">(7) Commission is authorized to issue cease and desist orders and/or to exclude articles from entering in all unfair import cases. Presidential intervention is allowed to overrule Commission decision within 60 days for policy reasons. Cease and desist orders will remain in effect until the President finds, and instructs the Secretary of the Treasury in the case of exclusions, that the conditions no longer exist.</p> <p data-bbox="488 1732 1120 1829">(8) Provides that U.S. Government imports are not subject to Commission order in patent based cases.</p>

Amend- ment	Bill page No.	Description of amendment
370— Con.		(9) Amends Section 337(c) of the Tariff Act to require the Commission to notify the Secretary of the Treasury promptly whenever it has reason to believe during its investigation that there may be a violation of the countervailing duty law or antidumping act. (10) Amends the Tariff Act to require that each annual report by the Commission to the Congress include a list of all Section 337 complaints filed during the year, their dates, action taken and the status of investigations and the dates they began.
TITLE IV.—TRADE RELATIONS WITH COUNTRIES NOT CURRENTLY RECEIVING NONDISCRIMINATORY TREATMENT		
371-374		Replaces "Enjoying" in title with "Currently Receiving."
375		Authorizes the President to waive, under certain circumstances, the freedom of emigration requirements of Section 402 for Communist countries not currently receiving MFN treatment. The President could waive the freedom of emigration requirements for 18 months from the date of enactment of the bill for any such country after receiving assurances that the emigration practices of that country will lead substantially to the achievement of the objectives of Section 402. The President may extend the waiver at the end of the 18-month period and every year thereafter, subject to a Congressional veto by a majority of either House. (Jackson floor amendment 2000 adopted by a vote of 88 to 0.)
376-377		Technical, conforming, or clerical.
378		Adds a condition to the extension of nondiscriminatory treatment, participation in U.S. Government credit or credit or investment guarantee programs, and implementation of a bilateral commercial agreement on the President submitting a report to the Congress indicating that the country is cooperating with the United States to account for all U.S. personnel missing in action in Southeast Asia, to repatriate alive personnel, and to return the remains of the dead. The report must include information on the nature

Amendment	Bill page No.	Description of amendment
378— Con.		of the cooperation. Semiannual reports are required with current information as long as the nondiscriminatory treatment, credit or guarantees, or agreement are in effect. The amendment does not apply to countries currently eligible for Column 1 tariff treatment.
379 380		Technical, conforming, or clerical. Deletes the authority for the President to extend nondiscriminatory treatment to a country which is party to a multilateral trade agreement to which the United States is also a party. The President can only extend nondiscriminatory treatment to a country which has entered into a bilateral commercial agreement with the United States.
381-384 385		Technical, conforming, or clerical. Adds that a satisfactory balance of concessions must be maintained in services as well as in trade for a bilateral commercial agreement to be renewable.
386 387		Technical, conforming, or clerical. Amends the provisions of bilateral commercial agreements: <ol style="list-style-type: none"> <li data-bbox="506 1100 1113 1321">(1) Specifies that safeguard arrangements provide for prompt consultations whenever actual or prospective imports cause, threaten, or significantly contribute to market disruption and authorize the imposition of import restrictions as appropriate to prevent market disruption; <li data-bbox="486 1321 1113 1508">(2) Requires that arrangements to protect rights for U.S. nationals on trademarks be mandatory rather than discretionary, and not less than those specified under the Paris Connection for the Protection of Industrial Property; <li data-bbox="481 1508 1113 1670">(3) Requires that arrangements to protect rights of U.S. nationals on copyrights be mandatory rather than discretionary, and not less than those under the Universal Copyright Convention; <li data-bbox="478 1670 1113 1823">(4) Requires that arrangements to protect industrial rights and processes be mandatory rather than discretionary and apply to agreements entered into or renewed after enactment of the Act;

Amend- ment	Bill page No.	Description of amendment
387— Con.		(5) Requires that arrangements for trade promotion be mandatory rather than discretionary and apply to agreements entered into or renewed after enactment of the Act; and
		(6) Requires that other commercial arrangements as will promote the purposes of the Act be mandatory rather than discretionary.
		Requires a concurrent resolution of Congressional approval within 90 days to implement a bilateral commercial agreement and proclamation extending nondiscriminatory treatment. Implementation subject to a one-House veto would still apply in the case of an agreement entered into prior to enactment of the Act.
388		Technical, conforming, or clerical.
389		Changes the criteria for a market disruption investigation by the International Trade Commission:
		(1) Determination is with respect to imports of an article the product of a Communist country whether "market disruption exists with respect to an article produced by a domestic industry," rather than whether imports of an article produced in a Communist country are "causing or likely to cause market disruption and material injury to a domestic industry producing like or directly competitive articles;"
		(2) Criteria are changed to provide that "market disruption exists within a domestic industry whenever an article is being or is likely to be imported into the United States in such increased quantities as to be a significant cause of material injury or threat thereof, to such domestic industry," instead of whenever imports of a like or directly competitive article are substantial, are increasing rapidly both absolutely and relative to total domestic consumption, and are offered at prices substantially below those of comparable domestic articles;
		(3) Broadens the country coverage of market disruption criteria and determinations from only countries extended nondiscriminatory treatment under Title IV to "any country

Amendment	Bill page No.	Description of amendment
389— Con.		<p>dominated or controlled by communism," whether or not it now or ever receives non-discriminatory treatment.</p> <p>Applies Section 201(a)(2) (copies of petitions), 201(b)(3) (segmentation of domestic production), and 201(c) (public hearing requirement) to market disruption investigations; deletes the application of Section 201(a)(5) (report on efforts by the domestic industry to compete with imports), 209(a)(6) (requirement to notify appropriate agencies if dumping or bounties or grants are suspected), and 201(c) (minimum of 1 year between investigations of the same subject matter).</p> <p>Reduces the time limit for market disruption investigations from 6 months to 3 months.</p> <p>Senate amendments of Sections 202 and 203 apply except that:</p> <p>(1) The Commission cannot recommend adjustment assistance and the President is required to impose import relief after an affirmative finding of market disruption;</p> <p>(2) President cannot apply import relief measures on imports other than from the particular country or country involved in the affirmative determination; and</p> <p>(3) Any orderly marketing agreements must be entered into within 60 days rather than 90 days after the import relief determination date.</p> <p>Adds a provision for expedited relief whereby:</p> <p>(1) The President must request the Commission to initiate an investigation if he finds reasonable grounds to believe market disruption exists; and</p> <p>(2) The President may also take emergency relief action under Sections 201 and 203 if he finds it necessary, which will terminate upon a negative determination or when import relief action takes effect after an affirmative determination by the Commission.</p> <p>Adds a consultation procedure whereby:</p> <p>(1) A petition may be filed with the Special Representative for Trade Negotiations (STR) by an entity under Section 201(a)(1) requesting consultations provided under the safeguard arrangements of a bi-</p>

Amendment	Bill page No.	Description of amendment
389— Con.		<p>lateral commercial agreement under Section 405 with respect to imports of an article from the Communist country; and</p> <p>(2) The STR must initiate such consultations if he determines there are reasonable grounds to believe market disruption exists.</p>
390-392 393-394		<p>Technical, conforming, or clerical.</p> <p>Requires the President to submit to the Congress the initial as well as the semiannual reports required under Sections 402 and 403. Applies the initial and annual one-House Congressional veto procedure to the extension and continuation of U.S. Government credits or credit and investment guarantees as well as to the extension or continuation of nondiscriminatory treatment; no commercial agreement may be concluded thereafter under Title IV with the country once it has been subject to such a disapproval resolution.</p> <p>Amends the provisions of Title IV, relating to Presidential reports, and resolutions of disapproval by Congress, to conform with the amendment regarding information relating to agricultural commodities. See amendment No. 398. (Domenici floor amendment 2012 adopted by a voice vote.)</p> <p><i>Note:</i> Senate adopted modified Helms amendment 2022 relating to emigration to join close relatives. Reports of the Presidential determinations under the Helms amendment were to be made subject to the Congressional review and veto provisions described above. However, owing to clerical error, the Presidential report under the modified Helms amendment is not made subject to the Congressional review provisions.</p>
395 396		<p>Technical, conforming, or clerical.</p> <p>Adds a prohibition on extending nondiscriminatory treatment, or U.S. Government credits or guarantees or consent to release of gold belonging to Czechoslovakia and controlled by the United States until the Czechoslovakia Government first pays all principal amounts it owes to U.S. citizens or nationals on awards by the Foreign Claims Settlement Commission.</p>

Amendment	Bill page No.	Description of amendment
397		Grants jurisdiction to U.S. courts—if Czechoslovakia continues to fail to pay the principal amount it owes on awards to U.S. citizens—to take legal actions to attach such gold for payment to U.S. citizens holding outstanding claims against Czechoslovakia. Any remaining balance would be returned to the Government of Czechoslovakia. (Gravel floor amendment 2076 adopted by a voice vote.)
398		Prohibits the extension of most-favored-nation treatment, government credits and the conclusion of any commercial agreement with any nonmarket country (except Poland and Yugoslavia) during any period in which the President determines that the country has not entered into or fulfilled an agreement with the United States which provides for the exchange of information on the production, consumption, demand and trade of major agricultural commodities. (Domenici floor amendment 2012, adopted by a voice vote.)
399		Amends Title IV to apply the waiver provision to Section 409 of the Act. <i>Note:</i> At the time this amendment was offered, Section 409 contained the Helms modified amendment (see amendment 411) relating to emigration to join a close relative, and the intent of the Senate also to waive that provision is clear from the debate. However, renumeration in the process of engrossing resulted in Section 409 becoming the provision relating to agricultural commodities and the Helms modified amendment became section 411. (Nelson floor amendment.)
400		Amends Title IV to prohibit the extension of most-favored-nation treatment, government credits and the conclusion of any commercial agreement with any nonmarket country during any period in which the President determines that the country denies its citizens freedom to emigrate to join a very close relative in the United States. (Helms modified amendment 2022, adopted by a voice vote.)

Amendment	Bill page No.	Description of amendment
401-402		<p>Establishes within the Executive Branch an East-West Foreign Trade Board to coordinate and oversee the orderly development of trade with nonmarket countries. The Board would be empowered to review East-West transactions involving U.S. Government credits or investment guarantees in excess of \$5 million or involving the transfer of technology deemed vital to the U.S. national interest. Persons contemplating such transactions would be required to file reports with the Board not less than 90 days before entering into the agreement; the Board would be required to make a determination that the transaction was in the national interest. Transactions involving more than \$50 million which are determined by the Board to be in the national interest would be made subject to a legislative (two-House) veto. The Board generally would be charged with oversight and review of U.S. relations with Communist countries. In addition, the International Trade Commission would be directed to establish a program to monitor imports and exports between the United States and nonmarket countries. (Long floor amendment 2049 adopted by a voice vote.)</p>

TITLE V.—GENERALIZED SYSTEM OF PREFERENCES

403	Technical, conforming, or clerical.
404-405	<p>Extends the advance notice period prior to termination of the designation of a country as beneficiary of generalized tariff preferences (GSP) from 30 days to 60 days; requires notification of the country involved in addition to both Houses of Congress.</p>
406	<p>Changes the definition of an "association of countries" which may be treated as one country for purposes of GSP to a free trade area or customs union excluding any member countries ineligible individually, instead of any association for trade purposes if no member country is barred from designation individually.</p>

Amendment	Bill page No.	Description of amendment
407		Adds to and amends the mandatory criteria for designating developing countries as beneficiaries of GSP:
		(1) Broadens the mandatory exclusion of Communist countries from those which do not receive nondiscriminatory treatment to all Communist countries;
		Makes eligible for the generalized system of preferences Communist countries (a) which are parties to the General Agreement on Tariffs and Trade and to the International Monetary Fund; (b) whose products receive most-favored-nation treatment in the United States; and (c) which are also not dominated or controlled by international communism. This amendment would make Romania and Yugoslavia eligible for GSP. (Mondale floor amendment 2052 adopted by a voice vote).
407-410		(2) Adds mandatory exclusion of all member countries of OPEC unless the country is party to a trade agreement fulfilling the objectives of Section 108, and is not in violation of that agreement;
		(3) Adds mandatory exclusion of all countries which are members of a cartel-like arrangement which has the effect of withholding supplies of vital commodities from the world market or of raising prices to unreasonable levels which seriously disrupt the world economy, unless the country is party to a trade agreement fulfilling the objectives of Section 108 and is not in violation of that agreement;
407		(4) Limits the mandatory exclusion of countries granting "reverse" preferences to countries whose preferences have a significant adverse effect on U.S. commerce; permits the condition to be met by satisfactory assurances reported to the Congress that action will be taken before January 1, 1976, to assure no significant adverse effect, or by satisfactory assurances to eliminate such preferences by January 1, 1976;
		(5) Requires mandatory rather than discretionary exclusion of any country which has nationalized or expropriated U.S. property or taken action with the same effect, unless a Presidential determination is pro-

Amend- ment	Bill page No.	Description of amendment
407— Con.		<p>vided Congress that the country is arranging prompt, adequate, and effective compensation, or is entering negotiations to provide such compensation, or is submitting a dispute over compensation to arbitration;</p> <p>(6) Adds mandatory exclusion of any country which does not take adequate steps to prevent illegal entry of narcotics and other controlled substances into the United States.</p> <p>Prohibits the President from recognizing as eligible to receive generalized preferences any country which fails to accept as binding, arbitral awards in favor of U.S. citizens which have been made to permanent arbitral bodies to which the parties involved have submitted their disputes. (Taft floor amendment 2070 adopted by a voice vote.)</p>
408		<p>Adds to the factors the President must take into account in designating beneficiary countries the extent the country has assured the United States it will provide equitable and reasonable access to its market and basic commodities.</p>
409		<p>Replaces the inclusion of insular possessions in the definition of "country" for GSP by an amendment to general headnote 3(a) of the TSUS to assure duty treatment for U.S. insular possessions no less favorable than that on imports from GSP beneficiary countries.</p>
411		<p>Changes the rules of origin to require that value-added in an individual beneficiary developing country be a minimum of 35 percent of the appraised value of the imported article upon entry, or a minimum of 50 percent if two or more eligible countries of an association are treated as a single country, instead of a minimum percentage of value-added ranging between 35-50 percent in all cases as prescribed by the Secretary of the Treasury.</p> <p>Broadens the coverage of articles ineligible for GSP to include articles subject to national security actions under Section 232 of the Trade Expansion Act in addition to those subject to import relief actions.</p> <p>Prohibits the President from designating as eligible to receive duty-free treatment</p>

Amendment	Bill page No.	Description of amendment
411— Con.		under Title V of the following categories of import sensitive articles: (A) textile agreements, (B) watches, (C) import-sensitive electronic articles, (D) import-sensitive steel articles, (E) leather and rubber footwear articles, (F) semimanufactured and manufactured glass products, and (G) any other articles which the President determines to be import-sensitive in the context of the generalized system of preferences. (Pastore-Humphrey floor amendment 2044, adopted by a voice vote.)
412		<p>Changes the \$25 million limitation on annual imports under GSP of a particular article from a particular beneficiary country by the same proportion as the change in the ratio of total GNP for the preceding year is to GNP in 1974.</p> <p>Exempts imports of eligible articles for which there is not a like or directly competitive article produced in the United States from the limitation that imports under GSP from a particular beneficiary country cannot exceed 50 percent of total U.S. imports of the particular article.</p> <p>Replaces the Presidential national interest waiver to withdrawal or suspension of GSP on a particular article from a particular country when "competitive need" limitations are exceeded by a Presidential waiver authority only when a country has a historical preferential trade relationship with the United States, there is an economic treaty or trade agreement in force between the country and the United States, and the country does not discriminate against or impose unjustifiable or unreasonable barriers to United States commerce.</p> <p>Specifies that a country may be redesignated a GSP beneficiary with respect to a particular article, subject to Section 502 provisions, once it has exceeded the competitive need "ceilings" if it does not exceed the limitations in a subsequent year.</p> <p>Technical, conforming, or clerical.</p>

Amendment	Bill page No.	Description of amendment
TITLE VI.—GENERAL PROVISIONS		
414-417		Changes the base period for determining ad valorem equivalents to the most recent period, rather than the most recent period before entry into a trade agreement so that the Commission can provide its advice under Section 131 prior to the offers of concessions. Adds to the nine House definitions a definition of "commerce" to include services associated with international trade. With respect to changes in rates of duty, defines "existing" as a rate of duty in schedules 1-7 of the Tariff Schedules.
418-42 422		Changes "1973" to "1974" in the title. Amends Section 351(c)(1)(B) of the Trade Expansion Act of 1962 by striking out "unless extended under paragraph (2)," and inserting in lieu of the following: "unless extended under Section 203 of the Trade Act of 1974."
423-427 428		Technical, conforming, or clerical. Deletes House direction to President to embargo trade and investment with countries that do not try to prevent illegal entry of narcotics into the United States. Replaces House provision with requirement that the President submit a report to the Congress at least annually listing countries in which narcotics are produced, processed, or transported for unlawful entry into the United States, including a description of preventive measures the countries are taking. <i>Note:</i> GSP extension to a particular country is made conditional under Section 502(b) on its taking adequate steps to prevent unlawful entry of narcotics into the United States.
429		Adds provision to immunize from Federal and State antitrust penalties the U.S. negotiators and other participants in the voluntary export restraint agreement on steel or its modifications or renewal undertaken prior to enactment of the Trade Act, at the request of the Secretary of State.
430		Adds requirement for Secretaries of Treasury, Commerce, and International Trade Commission to collect and compile comparable statistics on imports, exports, and domestic production.

Amend- ment	Bill page No.	Description of amendment
431		Executive Branch required to submit certain trade data monthly to the Finance and Ways and Means Committees.
432		Amends Section 321 of the Tariff Act of 1930 to increase the duty-free tourist exemption for mail gift items to the United States from American Samoa, Guam, or the Virgin Islands from \$10 to \$20 retail value.
433		Adds extension of time limit for review of protests of the August 1971 import surcharge from 2 years to 5 years.
434		Expresses sense of the Congress that the President should negotiate a trade agreement with Canada to establish a free trade area covering the United States and Canada.
435		Limits credit to Russia to \$300 million in the aggregate without prior Congressional approval. (Floor amendment by Senator Byrd of Virginia.)
