

104TH CONGRESS
2D SESSION

H. R. 4053

To impose temporarily a 25 percent duty on imports of wheat gluten and to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to wheat gluten.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1996

Mr. LAHOOD introduced the following bill; which was referred to the
Committee on Ways and Means

A BILL

To impose temporarily a 25 percent duty on imports of wheat gluten and to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to wheat gluten.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Wheat Glu-
5 ten Act of 1996”.

1 **SEC. 2. TEMPORARY IMPOSITION OF DUTIES PENDING**
2 **FINAL DETERMINATION.**

3 (a) **IN GENERAL.**—In addition to any other duty that
4 may apply, there is imposed a duty of 25 percent ad valo-
5 rem on wheat gluten described in subsection (b).

6 (b) **WHEAT GLUTEN DESCRIBED.**—Wheat gluten de-
7 scribed in this subsection is wheat gluten, whether or not
8 dried, described in heading 1109.00 of the Harmonized
9 Tariff Schedule of the United States, that is imported di-
10 rectly or indirectly from any member country of the Euro-
11 pean Union.

12 (c) **APPLICABILITY.**—The rate of duty imposed under
13 subsection (a) shall apply to goods described in subsection
14 (b) that are entered, or withdrawn from warehouse for
15 consumption, during the period beginning on the date that
16 is 15 days after the date of the enactment of this Act and
17 ending on whichever of the following dates occurs first
18 with respect to an investigation initiated under section 3:

19 (1) The date the investigation is suspended pur-
20 suant to section 3(b)(2).

21 (2) The date on which a final negative deter-
22 mination is made by the Commission pursuant to
23 section 705 of the Tariff Act of 1930.

24 (3) The date on which an order is issued pursu-
25 ant to section 706 of such Act.

1 (d) REFUNDS; COLLECTIONS.—If the amount of the
2 duty imposed under this section is different from the
3 amount of the cash deposit, bond, or other security re-
4 quired for the countervailing duty imposed under a coun-
5 tervailing duty order issued under section 706 of the Tar-
6 iff Act of 1930 (19 U.S.C. 1671e) as a result of the inves-
7 tigation initiated under section 3, such difference shall be
8 refunded, released, or collected, as the case may be, in ac-
9 cordance with section 707 of the Tariff Act of 1930 (19
10 U.S.C. 1671f).

11 **SEC. 3. INITIATION OF INVESTIGATION.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
13 sion of law, not later than 30 days after the date of the
14 enactment of this Act, the administering authority shall
15 initiate an investigation pursuant to section 702(a) of the
16 Tariff Act of 1930 (19 U.S.C. 1671a(a)) with respect to
17 the importation and sales for importation into the United
18 States of wheat gluten described in section 2(b).

19 (b) APPLICATION OF TITLE VII OF THE TARIFF ACT
20 OF 1930.—

21 (1) IN GENERAL.—Except as otherwise pro-
22 vided in this Act, the provisions of title VII of the
23 Tariff Act of 1930 (19 U.S.C. 1671 et seq.) shall
24 apply to the countervailing duty investigation initi-
25 ated under subsection (a).

1 (2) TERMINATION OR SUSPENSION OF INVES-
2 TIGATION.—

3 (A) TERMINATION.—Subsections (a) and
4 (k) of section 704 of the Tariff Act of 1930 (19
5 U.S.C. 1671e (a) and (k)) shall not apply to the
6 investigation initiated pursuant to subsection
7 (a).

8 (B) SUSPENSION.—The investigation initi-
9 ated pursuant to subsection (a) may be sus-
10 pended pursuant to subsection (b) or (c) of sec-
11 tion 704 of such Act, if the requirements of
12 such section 704 and subparagraph (C) are sat-
13 isfied.

14 (C) SUSPENSION OF INVESTIGATION PRO-
15 CEDURE.—The requirements of this subpara-
16 graph are satisfied if, not less than 30 days be-
17 fore suspending the investigation, the admin-
18 istering authority—

19 (i) notifies the Committee on Finance
20 of the Senate, the Committee on Ways and
21 Means of the House of Representatives,
22 the Commission, and other parties to the
23 investigation, of the administering
24 authority's intention to suspend the inves-
25 tigation;

1 (ii) consults with such committees re-
2 garding such suspension;

3 (iii) provides to such committees a
4 copy of the proposed agreement pursuant
5 to which the investigation is to be sus-
6 pended, together with an explanation of—

7 (I) how the agreement will be
8 carried out and enforced;

9 (II) how the agreement meets the
10 requirements of subsections (b), (c),
11 (d), and (e) of section 704 of the Tar-
12 iff Act of 1930; and

13 (III) any action required of the
14 European Union; and

15 (iv) permits all interested parties to
16 submit comments and information for the
17 record before the date on which notice of
18 suspension of the investigation is pub-
19 lished.

20 **SEC. 4. DEFINITIONS.**

21 For purposes of this Act:

22 (1) ADMINISTERING AUTHORITY.—The term
23 “administering authority” has the meaning given
24 such term by section 771(1) of the Tariff Act of
25 1930 (19 U.S.C. 1677(1)).

1 (2) COMMISSION.—The term “Commission”
2 means the United States International Trade Com-
3 mission.

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