

HR 4759

United States-Australia Free Trade Agreement Implementation Act

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Jul 6, 2004

Current Status: Became Public Law No: 108-286.

Latest Action: Became Public Law No: 108-286. (Aug 3, 2004)

Law: 108-286 (Enacted Aug 3, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4759>

Sponsor

Name: Rep. DeLay, Tom [R-TX-22]

Party: Republican • State: TX • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jul 6, 2004

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Reported By	Jul 13, 2004

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
108 S 2610	Companion bill	Aug 25, 2004: By Senator Grassley from Committee on Finance filed written report under authority of the order of the Senate of 07/22/04. Report No. 108-316. Additional views filed.
108 HRES 712	Procedurally related	Jul 14, 2004: Motion to reconsider laid on the table Agreed to without objection.

(This measure has not been amended since it was introduced. The expanded summary of the House reported version is repeated here.)

United States-Australia Free Trade Agreement Implementation Act - **Title I: Approval of, and General Provisions Relating to, the Agreement** - (Sec. 101) Approves the United States-Australia Free Trade Agreement entered into on May 18, 2004, with the Government of Australia, and the statement of administrative action proposed to implement the Agreement, both submitted to Congress on July 6, 2004.

(Sec. 103) Authorizes the President to proclaim such actions, and other appropriate officers of the U.S. Government to issue such regulations, as may be necessary to ensure that any provision of this Act that takes effect on the date the Agreement enters into force is appropriately implemented. Declares that proclaimed actions that are not subject to consultation and layover requirements under this Act shall not take effect before the 15th day after the text of the proclamation is published in the Federal Register. Provides that presidential proclamations calling for action under this Act may be proclaimed only if: (1) the President has obtained advice regarding the proposed action from the appropriate advisory committees and the U.S. International Trade Commission; (2) the President has reported to specified congressional committees with respect to such action; (3) a period of 60 days has expired; and (4) the President has consulted with the appropriate congressional committees during such 60-day period.

(Sec. 105) Authorizes the President to establish or designate within the Department of Commerce an office to provide administrative assistance to dispute settlement panels established under the Agreement. Authorizes appropriations.

Title II: Customs Provisions - (Sec. 201) Authorizes the President to proclaim such modifications or continuation of duty, continuation of duty-free or excise treatment, or additional duties as are deemed necessary or appropriate to carry out the Agreement.

(Sec. 202) Provides for additional duties, under specified conditions, and until scheduled duty-free treatment must be provided, on: (1) certain horticulture goods specified in the Agreement; (2) certain beef safeguard goods imported into the United States above specified quantities; and (2) beginning on January 1, 2023, beef safeguard goods based on specified circumstances when the monthly average price index falls below a 24-month trigger price.

(Sec. 203) Prescribes certain rules of origin with respect to the reduction and elimination of duties imposed by the United States and Australia on certain goods wholly obtained or produced entirely in the territory of the other country. Specifies content requirements allowing certain textile and apparel goods to be considered originating goods. Prescribes a special rule for certain automotive goods.

(Sec. 204) Amends the Consolidated Omnibus Budget Reconciliation Act of 1985 to prohibit the charging of a fee for certain customs services with respect to goods imported from, and originating in, Australia. Prohibits any service which is exempted from such fees from being funded with money from the Customs User Fee Account.

(Sec. 205) Amends the Tariff Act of 1930 to exempt an importer from penalties for making an incorrect claim that a good qualifies as an originating good under the Agreement if the importer voluntarily and promptly makes a corrected declaration and pays any duties owing.

(Sec. 206) Authorizes the President to direct the Secretary of the Treasury, during the period of a verification procedure by the Government of Australia, to suspend liquidation of the entry of any textile or apparel good exported or produced by

any person who is subject of a verification under the Agreement that: (1) an exporter or producer in Australia is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in such good; or (2) a claim is accurate that such good exported or produced by the exporter or producer qualifies as an originating good or is a good of Australia.

Authorizes the President, if the Secretary determines that the information obtained from verification is insufficient to make a determination, to: (1) publish the name and address of the person subject to the verification; and (2) deny preferential treatment and entry into the United States to such textile and apparel goods.

Title III: Relief From Imports - Subtitle A: Relief From Imports Benefiting From the Agreement - (Sec. 311)

Authorizes an entity (including a trade association, firm, certified or recognized union, or group of workers) to petition the U.S. International Trade Commission (ITC) for an adjustment to U.S. obligations under the Agreement. Requires the ITC, upon the filing of a petition, to investigate promptly whether, as a result of the reduction or elimination of a duty provided for under the Agreement, an Australian article is being imported into the United States in such increased quantities as to be a substantial cause or threat of serious injury to the domestic industry producing an article like, or directly competitive with, the imported article. Exempts from such an investigation any Australian articles receiving import relief under the Agreement.

(Sec. 313) Requires the President, after receiving an affirmative injury determination from the ITC, to provide certain two-to four-year import relief to remedy or prevent such injury and to facilitate efforts of the domestic industry to make a positive adjustment to import competition. Includes among such relief measures: (1) suspension of any further reduction provided by the Agreement in the duty imposed on such article; and (2) an increase in the rate of duty imposed on such article to a level that does not exceed an amount determined according to a specified formula.

(Sec. 314) Prohibits any import relief ten years after the Agreement enters into force, except for articles whose period for tariff elimination exceeds ten years.

(Sec. 315) Applies to any import relief provided by the President under this subtitle the compensation authority of the Trade Act of 1974, which authorizes the President, whenever he or she takes any action to facilitate positive industry adjustment to import competition which increases or imposes a duty or other import restriction, to: (1) enter into trade agreements with foreign countries or instrumentalities for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and (2) proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as he or she determines to be required or appropriate to carry out any such agreement.

(Sec. 316) Amends the Trade Act of 1974 to apply to ITC investigations conducted under this Act the procedural requirements of the Tariff Act of 1930 concerning release of confidential business information.

Subtitle B: Textile and Apparel Safeguard Measures - (Sec. 321) Authorizes an interested party to file a request with the President to adjust U.S. obligations under the Agreement. Requires the President, pursuant to such a request, to determine whether, as a result of the elimination of a duty under the Agreement, an Australian textile or apparel article is being imported into the United States in such increased quantities as to constitute a substantial cause or threat of serious damage to a domestic industry producing an article like, or directly competitive with, the imported article.

(Sec. 322) Authorizes the President, if an affirmative serious damage determination is made, to provide certain import relief to remedy or prevent the damage and to facilitate adjustment by the domestic industry, including to increase the rate of duty imposed on the article to a level that does not exceed an amount determined according to a specified

formula. Authorizes the President, if a request for adjustment alleges critical circumstances, to make such a determination within 60 days and provide, if necessary, provisional relief within another 30 days by suspending the liquidation of all imported articles subject to the affirmative determination. Provides for termination of relief measures.

(Sec. 323) Limits such relief to no more than two years, with a possible extension of another two years.

(Sec. 326) Prohibits any import relief under this subtitle with respect to any article ten years after duties are eliminated on it under the Agreement.

(Sec. 327) Applies to any import relief provided by the President under this subtitle the compensation authority of the Trade Act of 1974, which authorizes the President, whenever he or she takes any action to facilitate positive industry adjustment to import competition which increases or imposes a duty or other import restriction, to: (1) enter into trade agreements with foreign countries or instrumentalities for the purpose of granting new concessions as compensation in order to maintain the general level of reciprocal and mutually advantageous concessions; and (2) proclaim such modification or continuance of any existing duty, or such continuance of existing duty-free or excise treatment, as he or she determines to be required or appropriate to carry out any such agreement.

(Sec. 328) Prohibits the President from releasing confidential business information submitted in a proceeding under this subtitle unless the submitting party had notice, at the time of submission, that such information would be released, or the party subsequently consents to such release. Requires any party submitting confidential business information to the President in such a proceeding also to submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C: Cases Under Title II of the Trade Act of 1974 - (Sec. 331) Requires the ITC, whenever it makes an affirmative determination that an imported article constitutes a substantial cause or threat of serious injury to a domestic industry producing an article like or directly competitive with it, also to find (and report to the President) whether imports from Australia are a substantial cause or threat of serious injury to such industry. Authorizes the President to exclude Australian imports from any import relief action if they are not a substantial cause or threat of serious injury to the domestic industry.

Title IV: Procurement - Amends the Trade Agreements Act of 1979 to include among eligible products for U.S. Government procurement a covered product or service of a foreign country or instrumentality that is a party to a free trade agreement that entered into force with respect to the United States between December 31, 2003, and January 2, 2005.

Actions Timeline

- **Aug 3, 2004:** Signed by President.
- **Aug 3, 2004:** Signed by President.
- **Aug 3, 2004:** Became Public Law No: 108-286.
- **Aug 3, 2004:** Became Public Law No: 108-286.
- **Jul 28, 2004:** Presented to President.
- **Jul 28, 2004:** Presented to President.
- **Jul 19, 2004:** Message on Senate action sent to the House.
- **Jul 15, 2004:** Motion to proceed to consideration of measure agreed to in Senate. (consideration: CR S8178-8179)
- **Jul 15, 2004:** Measure laid before Senate by motion. (consideration: CR S8178-8199, S8200-8217)
- **Jul 15, 2004:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 80 - 16. Record Vote Number: 156.
- **Jul 15, 2004:** Passed Senate without amendment by Yea-Nay Vote. 80 - 16. Record Vote Number: 156.
- **Jul 14, 2004:** Rule H. Res. 712 passed House.
- **Jul 14, 2004:** Considered under the provisions of rule H. Res. 712. (consideration: CR H5690-5720)
- **Jul 14, 2004:** Rule provides for consideration of H.R. 4759 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions. Measure will be considered read. Bill is closed to amendments. During consideration of H.R. 4759 pursuant to H. Res. 712, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.
- **Jul 14, 2004:** DEBATE - Pursuant to the provisions of H. Res. 712 the House proceeded with 2 hours of debate on H.R. 4759.
- **Jul 14, 2004:** DEBATE - The House resumed debate on H.R. 4759.
- **Jul 14, 2004:** The previous question was ordered pursuant to the rule. (consideration: CR H5720)
- **Jul 14, 2004:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 314 - 109, 1 Present (Roll no. 375).(text: CR H5690-5698)
- **Jul 14, 2004:** On passage Passed by the Yeas and Nays: 314 - 109, 1 Present (Roll no. 375). (text: CR H5690-5698)
- **Jul 14, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 14, 2004:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 631.
- **Jul 13, 2004:** Rules Committee Resolution H. Res. 712 Reported to House. Rule provides for consideration of H.R. 4759 with 2 hours of general debate. Previous question shall be considered as ordered without intervening motions. Measure will be considered read. Bill is closed to amendments. During consideration of H.R. 4759 pursuant to H. Res. 712, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.
- **Jul 12, 2004:** Reported by the Committee on Ways and Means. H. Rept. 108-597.
- **Jul 12, 2004:** Reported by the Committee on Ways and Means. H. Rept. 108-597.
- **Jul 12, 2004:** Placed on the Union Calendar, Calendar No. 357.
- **Jul 8, 2004:** Committee Consideration and Mark-up Session Held.
- **Jul 8, 2004:** Ordered to be Reported by Voice Vote.
- **Jul 6, 2004:** Introduced in House
- **Jul 6, 2004:** Introduced in House
- **Jul 6, 2004:** Referred to the House Committee on Ways and Means.