

HR 5684

United States-Oman Free Trade Agreement Implementation Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Jun 26, 2006

Current Status: Became Public Law No: 109-283.

Latest Action: Became Public Law No: 109-283. (Sep 26, 2006)

Law: 109-283 (Enacted Sep 26, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/5684>

Sponsor

Name: Rep. Boehner, John A. [R-OH-8]

Party: Republican • State: OH • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Moran, James P. [D-VA-8]	D · VA		Jun 26, 2006

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Reported By	Jul 17, 2006

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
109 S 3569	Identical bill	<b>Dec 5, 2006:</b> By Senator Grassley from Committee on Finance filed written report. Report No. 109-364. Additional views filed.
109 HRES 925	Procedurally related	<b>Jul 20, 2006:</b> 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-Oman Free Trade Agreement Implementation Act - **Title I: Approval of, and General Provisions Relating to, the Agreement** - (Sec. 101) Approves the United States-Oman Free Trade Agreement (Agreement) entered into on January 19, 2006, with the government of Oman, and the statement of administrative action proposed to implement the Agreement, both submitted to Congress on June 26, 2006.

Authorizes the entry into force of the Agreement on or after January 1, 2007, if the President determines that the government of Oman has complied with certain provisions of the Agreement.

(Sec. 102) Declares as void any provision of the Agreement which is inconsistent with U.S. law. Prohibits the invalidation of any state law, or the application thereof, on the ground of inconsistency with the Agreement, except as determined in a legal proceeding brought by the United States.

(Sec. 103) Authorizes the President to proclaim actions and issue regulations to implement the Agreement on or after the date such Agreement enters into force. Requires the issuance of initial regulations for the statement of administrative action to implement the Agreement within one year after the Agreement enters into force.

(Sec. 104) Grants the President proclamation authority under the Agreement subject to specified consultation requirements with the appropriate advisory committees established under the Trade Act of 1974 and the U.S. International Trade Commission (ITC). Requires the President to submit a report to the House Ways and Means Committee and the Senate Finance Committee on any action proposed to be proclaimed. Requires the expiration of a 60-day period before any action proposed to be proclaimed takes effect (layover).

(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.

(Sec. 106) Authorizes the United States to resolve any claim against it covered by the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in the Agreement.

**Title II: Customs Provisions** - (Sec. 201) Authorizes the President to: (1) proclaim tariff modifications necessary or appropriate to carry out the Agreement; (2) proclaim tariff modifications, subject to consultation and layover, necessary or appropriate to maintain concessions granted to Oman by the Agreement; and (3) substitute an ad valorem rate for goods under the Agreement for which the base rate is a specific or compound rate of duty, for purposes of carrying out tariff modifications.

Requires the President to terminate the designation of Oman as a beneficiary developing country for purposes of the Generalized System of Preferences program under the Trade Act of 1974 on the date the Agreement enters into force.

(Sec. 202) Prescribes rules of origin with respect to the reduction and elimination of duties imposed by the United States and Oman on goods imported directly from Oman or the United States into the other country's territory. Specifies content requirements allowing certain textile and apparel goods to be considered originating goods.

Authorizes the President to proclaim, as part of the Harmonized Tariff Schedule (HTS) of the United States, certain provisions in the Agreement (including modifications) and any additional subordinate category that is necessary to carry

out this title, consistent with the Agreement.

(Sec. 203) Amends the Consolidated Omnibus Budget Reconciliation Act of 1985 to prohibit the charging of a fee for certain customs services for goods imported from, and originating in, Oman. Prohibits any service exempted from such fees from being funded with money from the Customs User Fee Account.

(Sec. 204) Authorizes the President to direct the Secretary of the Treasury, pending the verification process under the Agreement to confirm the authenticity and claims of origin of Omani textiles and apparel goods, to take certain actions, including: (1) suspension of liquidation of the entry of any Omani textile or apparel good linked to unlawful activity; (2) publication of the name and address of any person subject to verification; (3) denial of preferential tariff treatment for such textiles or goods; and (4) denial of entry into the United States of such textiles or goods.

(Sec. 205) Amends the Tariff Act of 1930 to permit the refund of excess duties (including any merchandise processing fees) for Omani goods qualifying under the rules of origin of the Agreement.

(Sec. 206) Requires the Secretary of the Treasury to prescribe regulations to carry out provisions of this title relating to rules of origin, customs user fees, and presidential proclamation authority under the HTS.

### **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 ITC for an adjustment to U.S. obligations (import relief) under the Agreement. Requires the ITC, upon the filing of a petition, to: (1) transmit a copy of the petition to the U.S. Trade Representative; (2) investigate whether an Omani article is being imported into the United States in such increased quantities that it constitutes a substantial cause of serious injury or threat to a domestic industry producing a similar article; (3) make a determination on a petition within 120 days after the start of an investigation; (4) report to the President on its determination with a recommendation on the amount of import relief necessary to remedy or prevent an injury to a domestic industry and to help the affected domestic industry to make a positive adjustment to import competition; and (5) make its report public and publish a summary in the Federal Register.

(Sec. 313) Requires the President, not later than 30 days after receiving an ITC report affirming serious injury to a domestic industry, to provide import relief as recommended by the ITC.

Exempts the President from providing import relief if the President determines that the cost of providing such relief outweighs its economic and social benefits.

Sets forth the types of import relief which the President may grant, including suspension of any further reduction in the duty imposed on an imported article and an increase in the duty on such article.

Limits the aggregate period during which import relief may be granted to three years.

(Sec. 314) Prohibits any import relief under this title 10 years after the Agreement enters into force, unless the President determines that the government of Oman has consented to such relief.

(Sec. 315) Authorizes the President to compensate Oman for reductions or eliminations of duties under the 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 any interested party to petition the President to adjust U.S. obligations under the Agreement to reflect serious damage or actual threat to a domestic industry from the reduction or elimination of a duty on an Omani textile or apparel article (Omani article) which is in competition with articles produced by a domestic industry (safeguard relief).

(Sec. 322) Authorizes the President, if an affirmative serious damage determination is made, to provide safeguard relief to remedy or prevent the damage and to facilitate adjustment by the domestic industry to import competition, including to increase the rate of duty imposed on the article.

(Sec. 323) Limits the aggregate period during which safeguard relief may be granted to three years.

(Sec. 324) Authorizes the President to exempt certain articles from safeguard relief.

(Sec. 326) Terminates the authority to provide safeguard relief 10 years after the date on which certain duties are eliminated under the Agreement.

(Sec. 327) Authorizes the President to compensate Oman if safeguard relief is ordered under this title.

(Sec. 328) Restricts the authority of the President to release confidential business information provided in a safeguard review proceeding.

**Title IV: Procurement** - (Sec. 401) Amends the Trade Agreements Act of 1979 to make products or services of any foreign country or instrumentality that is a party to the Agreement eligible for U.S. government procurement.

## Actions Timeline

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- **Sep 26, 2006:** Signed by President.
- **Sep 26, 2006:** Signed by President.
- **Sep 26, 2006:** Became Public Law No: 109-283.
- **Sep 26, 2006:** Became Public Law No: 109-283.
- **Sep 21, 2006:** Presented to President.
- **Sep 21, 2006:** Presented to President.
- **Sep 19, 2006:** Considered by Senate. (consideration: CR S9694-9699)
- **Sep 19, 2006:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 62 - 32. Record Vote Number: 250.
- **Sep 19, 2006:** Passed Senate without amendment by Yea-Nay Vote. 62 - 32. Record Vote Number: 250.
- **Sep 19, 2006:** Message on Senate action sent to the House.
- **Sep 15, 2006:** Measure laid before Senate by unanimous consent. (consideration: CR S9654-9657)
- **Aug 1, 2006:** Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 565.
- **Jul 21, 2006:** Received in the Senate.
- **Jul 20, 2006:** Rule H. Res. 925 passed House.
- **Jul 20, 2006:** Considered under the provisions of rule H. Res. 925. (consideration: CR H5506-5530)
- **Jul 20, 2006:** Rule provides for consideration of H.R. 5684 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. 5684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.
- **Jul 20, 2006:** DEBATE - The House proceeded with two hours of debate on H.R. 5684.
- **Jul 20, 2006:** The previous question was ordered pursuant to the rule. (consideration: CR H5529)
- **Jul 20, 2006:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 221 - 205 (Roll no. 392).(text: CR H5506-5511)
- **Jul 20, 2006:** On passage Passed by the Yeas and Nays: 221 - 205 (Roll no. 392). (text: CR H5506-5511)
- **Jul 20, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 19, 2006:** Rules Committee Resolution H. Res. 925 Reported to House. Rule provides for consideration of H.R. 5684 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. 5684 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.
- **Jul 17, 2006:** Reported by the Committee on Ways and Means. H. Rept. 109-574.
- **Jul 17, 2006:** Reported by the Committee on Ways and Means. H. Rept. 109-574.
- **Jul 17, 2006:** Placed on the Union Calendar, Calendar No. 328.
- **Jun 26, 2006:** Introduced in House
- **Jun 26, 2006:** Introduced in House
- **Jun 26, 2006:** Referred to the House Committee on Ways and Means.