

HR 1295

Trade Preferences Extension Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

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Sponsor

Name: Rep. Holding, George [R-NC-13]

Party: Republican • **State:** NC • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Roskam, Peter J. [R-IL-6]	R · IL		Mar 4, 2015
Rep. Reed, Tom [R-NY-23]	R · NY		Mar 26, 2015

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Reported By	Apr 14, 2015

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
114 HR 2029	Related bill	Dec 18, 2015: Became Public Law No: 114-113.
114 HRES 338	Procedurally related	Jun 25, 2015: Motion to reconsider laid on the table Agreed to without objection.
114 HR 2523	Related bill	Jun 3, 2015: Referred to the Subcommittee on Trade.
114 S 1267	Related bill	May 12, 2015: By Senator Hatch from Committee on Finance filed written report. Report No. 114-43.
114 S 1009	Related bill	Apr 20, 2015: Read twice and referred to the Committee on Finance.
114 S 505	Related bill	Feb 12, 2015: Read twice and referred to the Committee on Finance.

Trade Preferences Extension Act of 2015

TITLE I--EXTENSION OF AFRICAN GROWTH AND OPPORTUNITY ACT

AGOA Extension and Enhancement Act of 2015

(Sec. 103) This bill amends the Trade Act of 1974 and the African Growth and Opportunity Act (AGOA) to extend through FY2025 the duty-free treatment of the products of beneficiary sub-Saharan African countries under those Acts.

The extended period also applies to:

- the preferential treatment of apparel articles wholly assembled, or components knit-to-shape and wholly assembled, in one or more beneficiary sub-Saharan African countries from yarns originating in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both; and
- the third-country fabric program granting duty-free treatment of apparel articles wholly assembled, or knit-to-shape and wholly assembled, or both, in one or more lesser developed beneficiary sub-Saharan African countries, regardless of the country of origin of the fabric or the yarn used to make such articles.

(Sec. 104) This bill amends the Generalized System of Preferences (GSP) to revise rules of origin for duty-free treatment of articles of beneficiary sub-Saharan African countries.

(Sec. 105) The President must not terminate the designation of a country as a beneficiary sub-Saharan African country unless, at least 60 days before termination, the President notifies Congress and the country of that intention.

The President, instead of terminating the designation, may withdraw, suspend, or limit the duty-free treatment for any article that is the growth, product, or manufacture of a beneficiary sub-Saharan African country if that would be more effective in promoting the country's compliance with certain requirements, including a market-based economy and the rule of law, the protection of human rights and internationally-recognized worker rights, elimination of trade barriers to the United States, and non-engagement in activities that undermine U.S. national security or foreign policy interests or support acts of international terrorism.

The President may not withdraw, suspend, or limit the duty-free treatment before notifying Congress and the country in question of that intention at least 60 days in advance.

The President shall:

- publish annually in the Federal Register a notice of review and request for public comments on whether beneficiary sub-Saharan African countries are meeting the eligibility requirements for preferential treatment under AGOA and the Trade Act of 1974, and
- establish a process for interested persons to file a petition with the United States Trade Representative (USTR) regarding the compliance of sub-Saharan African countries with such requirements.

The President may also, at any time, initiate an out-of-cycle review of whether a beneficiary sub-Saharan African country is making continual progress in meeting preferential treatment eligibility requirements.

(Sec. 106) To be eligible for preferential treatment a sub-Saharan African country must make progress toward establishing a market-based economy that protects the private property rights of women as well as those of men.

(Sec. 107) It is the sense of Congress that beneficiary sub-Saharan African countries should develop strategies biennially for more effective utilization of AGOA trade benefits.

It is further the sense of Congress that the biennial AGOA utilization strategies should:

- review potential exports under AGOA and identify opportunities and obstacles to increased trade and investment and enhanced poverty reduction,
- set out a strategy to promote small business,
- eliminate obstacles to regional trade and promote greater utilization of AGOA trade benefits and establish a plan to fully implement the Agreement on Trade Facilitation of the World Trade Organization, and
- be published on the appropriate websites of each sub-Saharan African country and the USTR.

(Sec. 108) It is U.S. policy to continue to seek to deepen and expand trade and investment ties between sub-Saharan Africa and the United States through specified actions.

(Sec. 109) This bill amends the AGOA Acceleration Act of 2004 to direct the President, now through the Department of Agriculture, to identify any eligible sub-Saharan African country (currently only 10) having the greatest potential to increase marketable exports of agricultural products to the United States and the greatest need for agricultural technical assistance, particularly with respect to developing food safety standards. The President must also assign 30 (currently 20) full-time personnel to provide this assistance to these countries to ensure that their exports of agricultural products, particularly from businesses and sectors that engage women farmers and entrepreneurs, meet U.S. requirements.

The President shall take any measures necessary to ensure adequate coordination of federal agencies relating to agricultural technical assistance for sub-Saharan Africa.

(Sec. 110) The President shall report biennially to Congress, starting not later than one year after enactment of this Act, on trade and investment between the United States and sub-Saharan African countries and implementation of this Act.

The USTR shall report every five years to Congress, starting not later than one year after enactment of this Act, on sub-Saharan African countries that have expressed an interest in entering into a free trade agreement with the United States.

TITLE II--EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES

(Sec. 201) The duty-free treatment under the GSP is extended under the Trade Act of 1974 through December 31, 2017.

This bill requires the liquidation or reliquidation (refund of duties) on duty-free articles that entered into the United States after July 31, 2013, and before the 30th day after enactment of this Act.

(Sec. 202) The President may designate certain cotton articles as eligible for duty-free treatment only for least-developed beneficiary developing countries.

(Sec. 203) The competitive need limitation and waiver requirements under the GSP shall apply to certain import-sensitive articles exported (directly or indirectly) from beneficiary developing countries to the United States during calendar 2014.

(Sec. 204) The President may now designate certain luggage and travel articles as eligible articles from all beneficiary developing countries.

TITLE III--EXTENSION OF PREFERENTIAL DUTY TREATMENT PROGRAM FOR HAITI

(Sec. 301) This bill amends the Caribbean Basin Economic Recovery Act to extend through December 19, 2025, the duty-free entry of apparel articles, including woven articles and certain knit articles, assembled in Haiti and imported from Haiti or the Dominican Republic to the United States.

The special duty-free rules for Haiti shall now extend through September 30, 2025.

TITLE IV--EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

Trade Adjustment Assistance Reauthorization Act of 2015

(Sec. 402) This bill amends the Trade Adjustment Assistance Extension Act of 2011 to repeal the declaration that trade adjustment assistance (TAA) program requirements in effect as of February 13, 2011, under the Trade Act of 1974 shall apply to petitions for certification to apply for TAA for workers, firms, and farmers that are filed before January 1, 2014.

(Sec. 403) This bill amends the Trade Act of 1974 to extend through June 30, 2021:

- the TAA program, and
- the reemployment trade adjustment assistance (RTAA) program.

Funds are made available for FY2015-FY2021 for training of adversely affected workers as well as (through June 30, 2021) reemployment and case management services.

This bill reauthorizes appropriations:

- through June 30, 2021, for the TAA program for workers; and
- for FY2015-FY2021 for the TAA program for firms and farmers.

(Sec. 404) Primary indicators of performance replace core indicators of performance, and now include among other factors the percentage and number of workers receiving TAA benefits who are in:

- unsubsidized employment, and
- an education or training program that leads to a recognized postsecondary schooling credential or employment and who are achieving measurable gains in skills toward that credential or employment.

Mandatory reporting of data on training must now include:

- the average cost per workers of receiving training, and
- the percentage of workers who receive training as well as obtained unsubsidized employment related to it.

(Sec. 405) The Department of Labor must use specified criteria to determine the eligibility of workers to apply for TAA if no determination has been made, upon enactment of this Act, as to whether to certify a group of workers or firms as eligible pursuant to a petition filed between January 1, 2014, and enactment of this Act. The Department must reconsider any determination made before enactment of this Act not to certify such workers or firms, and to certify them as eligible if they meet the specified requirements.

(Sec. 406) This bill increases from 52 to 65 additional weeks of TAA payments in a 78-week period the length of additional time permissible to complete training.

(Sec. 407) This bill amends the Internal Revenue Code to extend the tax credit for health insurance costs of a taxpayer and qualifying family members through 2019. The tax credit for health insurance costs is a refundable tax credit equal to 72.5% of the cost of qualified health coverage paid by an eligible individual (defined as one who is receiving a trade adjustment allowance, is eligible for the alternative trade adjustment assistance program, or is over age 55 and receives pension benefits from the Pension Benefit Guaranty Corporation [PBGC]).

A taxpayer shall make an election to have the tax credit apply for any eligible coverage month during a taxable year. An eligible coverage month is one in which an eligible individual is covered by qualified health insurance, does not have other specified coverage, and is not imprisoned.

The Departments of the Treasury, of Health and Human Services (HHS), and of Labor and the PBGC shall conduct a public outreach, including on the Internet, to inform individuals eligible for the tax credit for health insurance costs on the extension of such credit and the availability of the election to claim such credit retroactively for coverage months beginning after December 31, 2013.

TITLE V--IMPROVEMENTS TO ANTIDUMPING AND COUNTERVAILING DUTY LAWS

American Trade Enforcement Effectiveness Act

(Sec. 502) This bill amends the Tariff Act of 1930 with respect to the administration and enforcement of antidumping (AD) and countervailing duty (CVD) orders.

Neither the administering authority (the Secretary of Commerce, or another U.S. officer given the responsibility by law) nor the U.S. International Trade Commission (USITC), as the case may be, is required to determine, or make any adjustments to, a countervailable subsidy rate or weighted average dumping margin based on any assumptions about information the interested party would have provided if it had complied with a request for information.

The administering authority and the USITC, when relying during an AD or CVD proceeding on secondary information rather than on information obtained in the course of an investigation or review, shall not be required to corroborate any dumping margin or CVD in a separate segment of the same proceeding.

The administering authority may use a countervailable subsidy rate or dumping margin meeting specified criteria, including the highest rate or margin, when making an inference adverse to a party's interests.

(Sec. 503) The USITC may not determine that there is no material injury or threat of material injury to a domestic industry from imports merely because that industry is profitable or its performance has recently improved.

This bill includes gross profits, operating profits, net profits, and ability to service debt among the relevant economic factors the USITC must evaluate in examining the impact of imports of merchandise on a domestic industry in material injury determinations.

The USITC, in determining market share and the factors affecting financial performance when domestic producers internally transfer significant production of the domestic like product for the production of a downstream article and sell significant production of the domestic like product in the merchant market, may no longer need to find that the production of the domestic like product sold in the merchant market is not generally used in the production of that downstream article.

(Sec. 504) The administering authority shall consider to be outside the ordinary course of trade any particular market

situation that prevents a proper comparison with the export price or constructed export price.

The administering authority may use another calculation methodology than the ordinary one in determining the constructed value of subject merchandise being imported at less than fair value if a particular market situation exists where the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost production in the ordinary course of trade.

(Sec. 505) This bill revises requirements regarding administering authority determinations as to whether there are reasonable grounds to believe or suspect that a foreign like product is being sold at less than cost of production in AD investigations or reviews. Information supplied by an interested party, based upon observed prices or constructed prices or costs, may no longer constitute a reasonable ground to believe or suspect such a sales condition. The administering authority in making its determinations, however, shall request information necessary to calculate the constructed value and cost of production of subject merchandise in such investigations or reviews.

The administering authority, in valuing the factors of production to determine the normal value of merchandise exported from a nonmarket economy country, may disregard price or cost values without further investigation if it determines that broadly available export subsidies existed or instances of subsidization occurred with respect to those price or cost values or if they were subject to an AD order.

(Sec. 506) Certain factors are specified for the administering authority to consider when deciding whether it would be unduly burdensome in CVD or AD investigations and reviews to examine voluntary responses from exporters or producers which are not the subjects of the investigation or review.

TITLE VI--TARIFF CLASSIFICATION OF CERTAIN ARTICLES

(Sec. 601) This bill amends the Harmonized Tariff Schedule of the United States to provide for the duty-free treatment of certain recreational performance outerwear as well as of certain protective active footwear.

TITLE VII--MISCELLANEOUS PROVISIONS

(Sec. 701) The President shall report to Congress on the contribution of U.S. trade preference programs to reducing poverty and eliminating hunger.

TITLE VIII--OFFSETS

(Sec. 801) This bill amends the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to extend customs user fees for the:

- processing of merchandise formally entered or released into the United States through July 7, 2025, and additionally for the period from July 29, 2025, through September 30, 2025; and
- charging of other specified customs user fees through FY2025.

The United States-Korea Free Trade Agreement Implementation Act is also amended to extend through June 30, 2025, and for the additional period between July 15, 2025, and September 30, 2025, the increase from 0.21% ad valorem to 0.3464% ad valorem in the customs user fees for the processing of merchandise formally entered or released into the United States which is scheduled to begin on December 1, 2015.

(Sec. 803) The required installment of corporate estimated tax payments for a corporation with assets of at least \$1 billion

which is otherwise due in the third quarter of 2020 shall be increased by 8%.

(Sec. 804) The Internal Revenue Code is amended to disallow the American Opportunity, the Hope Scholarship, and Lifetime Learning tax credits and the tax deduction for tuition and related expenses unless the taxpayer receives a payee statement containing the tax identification number (TIN) of the individual claiming such credits or deductions.

(Sec. 805) An educational institution shall be exempt from tax penalties for failure to provide the TIN of an individual who is claiming a tax credit for tuition and related expenses if the institution makes a sworn certification that it has complied with standards promulgated by the Internal Revenue Service for obtaining the TIN.

(Sec. 806) Tax penalties are increased for failure to file correct information returns and correct payee statements and for intentional disregard of filing requirements for them.

(Sec. 807) The requirement making a portion of the child care expense tax credit refundable shall not apply to a taxpayer that elects to exclude foreign earned income from gross income.

(Sec. 808) Title XVIII (Medicare) of the Social Security Act is amended to require Medicare payment of renal dialysis services furnished on or after January 1, 2017, by a renal dialysis facility or provider of services paid to an individual with an acute kidney injury. This payment must be adjusted by any applicable geographical adjustment factor, and HHS may also adjust it by any other adjustment factor.

Actions Timeline

- **Jun 29, 2015:** Signed by President.
- **Jun 29, 2015:** Became Public Law No: 114-27.
- **Jun 26, 2015:** Presented to President.
- **Jun 25, 2015:** Rule H. Res. 338 passed House.
- **Jun 25, 2015:** Mr. Ryan (WI) moved that the House agree to the Senate amendment to the House amendment to the Senate amendment. (consideration: CR H4666-4698; text as House agree to the Senate amendment to the House amendment to the Senate amendment: CR H4666-4689)
- **Jun 25, 2015:** DEBATE - Pursuant to the provisions of H. Res. 338, the House proceeded with 1 hour of debate on the Ryan (WI) motion to agree to the Senate amendment to the House amendment to the Senate amendment.
- **Jun 25, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H4697)
- **Jun 25, 2015:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment to the House amendment to the Senate amendment Agreed to by the Yeas and Nays: 286 - 138 (Roll no. 388). (consideration: CR H4689-4698; text: CR H4689)
- **Jun 25, 2015:** On motion that the House agree to the Senate amendment to the House amendment to the Senate amendment Agreed to by the Yeas and Nays: 286 - 138 (Roll no. 388). (consideration: CR H4689-4698; text: CR H4689)
- **Jun 25, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 24, 2015:** Cloture on the motion to concur in the House amendment to the Senate amendment with an amendment (SA 2065) invoked in Senate by Yea-Nay Vote. 76 - 22. Record Vote Number: 220. (consideration: CR S4583, S4583-4584)
- **Jun 24, 2015:** Considered by Senate. (consideration: CR S4583-4584)
- **Jun 24, 2015:** Motion by Senator McConnell to refer to Senate Committee on Finance with instructions to report back forthwith with amendment SA 2067 withdrawn in Senate by Unanimous Consent. (consideration: CR S4584)
- **Jun 24, 2015:** Resolving differences -- Senate actions: Senate concurred in the House amendment to the Senate amendment to the bill (H.R. 1295) with an amendment (SA 2065) by Voice Vote.
- **Jun 24, 2015:** Senate concurred in the House amendment to the Senate amendment to the bill (H.R. 1295) with an amendment (SA 2065) by Voice Vote.
- **Jun 24, 2015:** Message on Senate action sent to the House.
- **Jun 24, 2015:** Rules Committee Resolution H. Res. 338 Reported to House. Rule provides for consideration of H.R. 1295 with 1 hour of general debate. The resolution makes in order a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment.
- **Jun 18, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S4290-4292)
- **Jun 18, 2015:** Motion by Senator McConnell to concur in the House amendment to the Senate amendment with an amendment (SA 2065) made in Senate. (consideration: CR S4291)
- **Jun 18, 2015:** Motion by Senator McConnell to refer to Senate Committee on Finance with instructions to report back forthwith with amendment SA 2067 made in Senate. (consideration: CR S4291)
- **Jun 18, 2015:** Cloture motion on the motion to concur in the House amendment to the Senate amendment with an amendment (SA 2065) presented in Senate. (consideration: CR S4291; text: CR S4291)
- **Jun 15, 2015:** Message on House action received in Senate and at desk: House amendment to Senate amendment.
- **Jun 11, 2015:** UNANIMOUS CONSENT_REQUEST - Mr. Byrne asked unanimous consent that the order of the House of June 10, 2015, regarding consideration of the Senate amendments to H.R. 1295, be modified by striking "printed" and inserting "submitted for printing". Agreed to without objection.
- **Jun 11, 2015:** Pursuant to a previous special order Mr. Ryan(WI) moved to agree with an amendment to the Senate amendments. (consideration: CR H4172-4218; text of Senate amendment as received in House: CR H4172-4210)
- **Jun 11, 2015:** DEBATE - Pursuant to a previous special order, the House proceeded with one hour of debate on the Ryan(WI) motion to agree to the Senate amendment to the title and agree to the Senate amendment to the text with an amendment No. 1 printed in the Congressional Record.
- **Jun 11, 2015:** Pursuant to a previous order of the House the previous question was ordered without objection. (consideration: CR H4172-4218)
- **Jun 11, 2015:** Resolving differences -- House actions: On motion that the House agree with an amendment to the Senate amendments Agreed to by the Yeas and Nays: 397 - 32 (Roll no. 345). (consideration: CR H4217-4218)
- **Jun 11, 2015:** On motion that the House agree with an amendment to the Senate amendments Agreed to by the Yeas

and Nays: 397 - 32 (Roll no. 345). (consideration: CR H4217-4218)

- **Jun 11, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 10, 2015:** ORDER OF BUSINESS - Mr. Sessions asked unanimous consent that it be in order at any time to take from the Speaker's table H.R. 1295, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on Ways and Means or his designee that the House (1) concur in the Senate amendment to the title and (2) concur in the Senate amendment to the text with the amendment printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule 18 and numbered (1); that the Senate amendments and the motion be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and that the previous question be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question. Agreed to without objection.
- **May 14, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S2899-2908, S2946)
- **May 14, 2015:** Passed/agreed to in Senate: Passed Senate, under the order of 5/13/15, having achieved 60 votes in the affirmative, with an amendment and an amendment to the Title by Yea-Nay Vote. 97 - 1. Record Vote Number: 178.(consideration: CR S2907)
- **May 14, 2015:** Passed Senate, under the order of 5/13/15, having achieved 60 votes in the affirmative, with an amendment and an amendment to the Title by Yea-Nay Vote. 97 - 1. Record Vote Number: 178. (consideration: CR S2907)
- **May 14, 2015:** Message on Senate action sent to the House.
- **Apr 20, 2015:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 57.
- **Apr 16, 2015:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Apr 15, 2015:** Mr. Ryan (WI) moved to suspend the rules and pass the bill, as amended.
- **Apr 15, 2015:** Considered under suspension of the rules. (consideration: CR H2236-2238)
- **Apr 15, 2015:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1295.
- **Apr 15, 2015:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H2236-2237)
- **Apr 15, 2015:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H2236-2237)
- **Apr 15, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 13, 2015:** Reported (Amended) by the Committee on Ways and Means. H. Rept. 114-71.
- **Apr 13, 2015:** Placed on the Union Calendar, Calendar No. 51.
- **Mar 25, 2015:** Committee Consideration and Mark-up Session Held.
- **Mar 25, 2015:** Ordered to be Reported in the Nature of a Substitute (Amended) by Voice Vote.
- **Mar 4, 2015:** Introduced in House
- **Mar 4, 2015:** Referred to the House Committee on Ways and Means.