

112TH CONGRESS  
1ST SESSION

# H. R. 3112

To require that certain actions be taken with respect to complaints received by the Department of Commerce of nontariff barriers imposed by other countries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2011

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

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## A BILL

To require that certain actions be taken with respect to complaints received by the Department of Commerce of nontariff barriers imposed by other countries, and for other purposes.

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 “Trade Law Enforce-  
5 ment Act of 2011”.

1 **SEC. 2. ACTIONS ON COMPLAINTS ON NONTARIFF BAR-**  
2 **RIERS IMPOSED BY OTHER COUNTRIES.**

3 (a) ACTIONS BY SECRETARY OF COMMERCE.—In any  
4 case in which the Secretary of Commerce receives a com-  
5 plaint from an interested person that a foreign country  
6 is engaging in an act, policy, or practice that acts as a  
7 nontariff barrier to United States commerce, and the Sec-  
8 retary is unable to resolve the complaint within the 180-  
9 day period beginning on the date on which the complaint  
10 is received, the Secretary, in consultation with the United  
11 States International Trade Commission, as appropriate,  
12 shall, within 45 days after the end of that 180-day period,  
13 issue an opinion as to whether, under section 301 of the  
14 Trade Act of 1974—

15 (1) the rights of the United States under any  
16 trade agreement are being denied because of such  
17 act, policy, or practice; or

18 (2) the act, policy, or practice—

19 (A) violates, or is inconsistent with, the  
20 provisions of, or otherwise denies benefits to the  
21 United States under, any trade agreement; or

22 (B) is unjustifiable and burdens or re-  
23 stricts United States commerce.

24 (b) REFERRAL TO USTR.—

25 (1) REFERRAL.—If the Secretary of Commerce,  
26 in an opinion issued under subsection (a), makes an

1 affirmative determination with respect to the rights  
2 of the United States under subsection (a)(1), or with  
3 respect to an act, policy, or practice under sub-  
4 section (a)(2), the Secretary shall refer the matter  
5 to the United States Trade Representative.

6 (2) INITIATION OF INVESTIGATION.—The  
7 United States Trade Representative shall, within 45  
8 days after the date on which the opinion of the Sec-  
9 retary is issued, initiate an investigation under sec-  
10 tion 302(b) of the Trade Act of 1974 (19 U.S.C.  
11 2412(b)) with respect to the matter that is the sub-  
12 ject of the opinion of the Secretary. In conducting  
13 such investigation—

14 (A) subsections (b)(2)(B) and (c) of sec-  
15 tion 302 of the Trade Act of 1974 (19 U.S.C.  
16 2412(b)(2)(B) and (c)) shall not apply; and

17 (B) the Trade Representative shall publish  
18 in the Federal Register a summary of the issues  
19 involved in the investigation and shall, as soon  
20 as possible, provide opportunity for the presen-  
21 tation of views concerning the issues, including  
22 a public hearing—

23 (i) within the 30-day period beginning  
24 on the date on which the opinion of the  
25 Secretary is issued, if a public hearing

1 within such period is requested by an in-  
2 terested person; or

3 (ii) at such other time if a timely re-  
4 quest therefor is made by an interested  
5 person.

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