

112TH CONGRESS  
1ST SESSION

# H. R. 1518

To amend section 310 of the Trade Act of 1974 to strengthen provisions relating to the identification of United States trade expansion priorities.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2011

Mr. CRITZ (for himself and Ms. LINDA T. SÁNCHEZ of California) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend section 310 of the Trade Act of 1974 to strengthen provisions relating to the identification of United States trade expansion priorities.

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 Enforcement  
5       Priorities Act”.

6       **SEC. 2. IDENTIFICATION OF TRADE EXPANSION PRIOR-**  
7       **ITIES.**

8       (a) IDENTIFICATION OF TRADE EXPANSION PRIOR-  
9       ITIES.—Section 310 of the Trade Act of 1974 (19 U.S.C.  
10      2420) is amended to read as follows:

1 **“SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIOR-**  
2 **ITIES.**

3 “(a) IDENTIFICATION.—

4 “(1) IDENTIFICATION AND REPORT.—Within 30  
5 days after the submission in each calendar year of  
6 the report required by section 181(b), the United  
7 States Trade Representative shall—

8 “(A) review United States trade expansion  
9 priorities;

10 “(B) identify priority foreign country prac-  
11 tices the elimination of which is likely to have  
12 the most significant potential to increase  
13 United States exports, either directly or  
14 through the establishment of a beneficial prece-  
15 dent; and

16 “(C) submit to the Committee on Finance  
17 of the Senate and the Committee on Ways and  
18 Means of the House of Representatives and  
19 publish in the Federal Register a report on the  
20 priority foreign country practices so identified.

21 “(2) FACTORS.—In identifying priority foreign  
22 country practices under paragraph (1), the Trade  
23 Representative shall take into account all relevant  
24 factors, including—

25 “(A) the major barriers and trade dis-  
26 torting practices described in the National

1 Trade Estimate Report required under section  
2 181(b);

3 “(B) the trade agreements to which a for-  
4 eign country is a party and its compliance with  
5 those agreements;

6 “(C) the medium- and long-term implica-  
7 tions of foreign government procurement plans;  
8 and

9 “(D) the international competitive position  
10 and export potential of United States products  
11 and services.

12 “(3) CONTENTS OF REPORT.—The Trade Rep-  
13 resentative may include in the report, if appro-  
14 priate—

15 “(A) a description of foreign country prac-  
16 tices that may in the future warrant identifica-  
17 tion as priority foreign country practices; and

18 “(B) a statement about other foreign coun-  
19 try practices that were not identified because  
20 they are already being addressed by provisions  
21 of United States trade law, by existing bilateral  
22 trade agreements, or as part of trade negotia-  
23 tions with other countries, and because progress  
24 is being made toward the elimination of such  
25 practices.

1       “(b) INITIATION OF CONSULTATIONS.—By no later  
2 than the date that is 21 days after the date on which a  
3 report is submitted to the appropriate congressional com-  
4 mittees under subsection (a)(1)(C), the Trade Representa-  
5 tive should seek consultations with each foreign country  
6 identified in the report as engaging in priority foreign  
7 country practices for the purpose of reaching a satisfac-  
8 tory resolution of such priority practices.

9       “(c) INITIATION OF INVESTIGATION.—If the Trade  
10 Representative seeks consultations under subsection (b)  
11 and a satisfactory resolution of the priority foreign coun-  
12 try practices involved has not been reached within 90 days  
13 after the date on which a report is submitted to the appro-  
14 priate congressional committees under subsection  
15 (a)(1)(C), the Trade Representative shall initiate under  
16 section 302(b)(1) an investigation under this chapter with  
17 respect to such priority foreign country practices.

18       “(d) AGREEMENTS FOR THE ELIMINATION OF BAR-  
19 RRIERS.—In the consultations with a foreign country that  
20 the Trade Representative is required to request under sec-  
21 tion 303(a) with respect to an investigation initiated by  
22 reason of subsection (c), the Trade Representative shall  
23 seek to negotiate an agreement that provides for the elimi-  
24 nation of the practices that are the subject of the inves-  
25 tigation as quickly as possible or, if elimination of the

1 practices is not feasible, an agreement that provides for  
2 compensatory trade benefits.

3 “(e) REPORTS.—The Trade Representative shall in-  
4 clude in the semiannual report required by section 309(3)  
5 a report on the status of any investigations initiated pur-  
6 suant to subsection (c) and, where appropriate, the extent  
7 to which such investigations have led to increased opportu-  
8 nities for the export of products and services of the United  
9 States.”.

10 (b) CONFORMING AMENDMENT.—The item relating  
11 to section 310 in the table of contents of the Trade Act  
12 of 1974 is amended to read as follows:

“Sec. 310. Identification of trade expansion priorities.”.

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