

HR 3283

United States Trade Rights Enforcement Act

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Jul 14, 2005

Current Status: Received in the Senate and Read twice and referred to the Committee on Finance.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Finance. (Jul 28, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/3283>

Sponsor

Name: Rep. English, Phil [R-PA-3]

Party: Republican • State: PA • Chamber: House

Cosponsors (14 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Foxx, Virginia [R-NC-5]	R · NC		Jul 19, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Jul 19, 2005
Rep. Murphy, Tim [R-PA-18]	R · PA		Jul 19, 2005
Rep. Reynolds, Thomas M. [R-NY-26]	R · NY		Jul 19, 2005
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Jul 19, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Jul 19, 2005
Rep. Bachus, Spencer [R-AL-6]	R · AL		Jul 26, 2005
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Jul 26, 2005
Rep. Davis, Jo Ann [R-VA-1]	R · VA		Jul 26, 2005
Rep. Green, Mark [R-WI-8]	R · WI		Jul 26, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Jul 26, 2005
Rep. Sodrel, Michael E. [R-IN-9]	R · IN		Jul 26, 2005
Rep. Weller, Jerry [R-IL-11]	R · IL		Jul 26, 2005
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Jul 26, 2005

Committee Activity

Committee	Chamber	Activity	Date
Finance Committee	Senate	Referred To	Jul 28, 2005
Ways and Means Committee	House	Referred To	Jul 14, 2005

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

Bill	Relationship	Last Action
109 HRES 387	Procedurally related	<b>Jul 27, 2005:</b> Motion to reconsider laid on the table Agreed to without objection.
109 S 1421	Identical bill	<b>Jul 19, 2005:</b> Read twice and referred to the Committee on Finance.

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

United States Trade Rights Enforcement Act - (Sec. 2) Expresses the sense of Congress about making the countervailing duty law under the Tariff Act of 1930 applicable to actions by nonmarket economy countries, and the impact on the U.S. economy of the huge growth in trade with the People's Republic of China (PRC).

(Sec. 3) Amends the Tariff Act of 1930 to impose countervailing duties on certain merchandise from nonmarket economy countries.

Revises the definition of countervailable subsidy regarding countervailing duty investigations to provide that with respect to the PRC, if the Secretary of Commerce encounters special difficulties in calculating the amount of subsidy benefits to be conferred, the Secretary may use methodologies for identifying and measuring such subsidy benefits which take into account the possibility that prevailing terms and conditions in China may not always be available as appropriate benchmarks. Requires the administering authority, when applying such methodologies, where practicable, to adjust such prevailing terms and conditions before considering the use of those prevailing outside China.

Requires the Secretary of Commerce, in imposing countervailable duties and subsidies on a class or kind of merchandise of a nonmarket economy country, to ensure that: (1) no countervailable subsidy is double counted in an antidumping order on the same class or kind of merchandise of the country; and (2) the imposition of countervailable duties is consistent with U.S. international obligations.

(Sec. 4) Suspends for three years the requirement that the administering authority direct the Customs Service to allow, at the option of the importer of such merchandise, the posting, until completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise (bonding privileges).

Requires the Secretary of the Treasury to report to specified congressional committees: (1) recommendations on whether such suspension should be extended; and (2) assessments of the effectiveness of any administrative measures that have been implemented to address the difficulties giving rise to the suspension.

Requires the Secretary of the Treasury to report to specified congressional committees, with recommendations for additional action, on the major problems experienced in the collection of duties, including fraudulent activities intended to avoid their payment.

(Sec. 5) Requires the U.S. Trade Representative (USTR) and, as appropriate, the Secretary of Commerce or the Secretary of Agriculture, to ensure that specified steps are taken by the PRC to ensure its compliance with its international trade obligations regarding: (1) intellectual property rights; (2) access for exports of U.S. goods, services, and agriculture; and (3) a required detailed accounting of its subsidies to the World Trade Organization (WTO) by the end of 2005.

Requires the President to report biannually and, as appropriate, monthly to specified congressional committees a description of: (1) the specific steps taken by the PRC to meet such obligations; (2) an analysis of the extent to which PRC officials are attempting in good faith to meet them; and (3) the actions, if any, the President will take to obtain PRC compliance.

Directs the President, if he determines that the PRC has not met each of its specified intellectual property obligations or made significant improvements in protection of intellectual property rights in accordance with its trade obligations, to assign resources necessary to collect evidence of such trade agreement violations for use in dispute settlement proceedings against the PRC in the WTO.

(Sec. 6) Requires the Secretary of the Treasury to report to specified congressional committees on: (1) the definition of currency manipulation; (2) actions of foreign countries that will be considered to be such; (3) how statutory provisions addressing it by U.S. trading partners contained in, and relating to, the Bretton Woods Agreements Act and the Exchange Rates and International Economic Policy Coordination Act of 1988 can be better clarified administratively to provide for improved and more predictable evaluation; and (4) the mechanism adopted by the PRC government to relate its currency to a basket of foreign currencies and the degree to which such application moves the currency closer to a market-based representation of its value.

(Sec. 7) Authorizes appropriations for FY2006-FY2007 for the Office of the USTR.

Expresses the sense of Congress that the enforcement of U.S. rights and of the obligations of U.S. trading partners under trade agreements has gained such significance that the Office of USTR should: (1) determine which of its current positions is most responsible for carrying out these important enforcement duties; and (2) assign that position, in addition to any other title, the title of Chief Enforcement Officer.

(Sec. 8) Authorizes appropriations for FY2006-FY2007 for the U.S. International Trade Commission.

Requires the Commission to study and report to specified congressional committees on trade and economic relations between the United States and the PRC, addressing the PRC's economic policies, including its exchange rate policy, the competitiveness of its industries, the composition and nature of its trade patterns, and other elements impacting U.S. trade account, industry, competitiveness, and employment.

(Sec. 9) Expresses the sense of Congress that the United States should: (1) strive to expand membership in the Agreement on Government Procurement of the WTO; (2) ensure that the PRC meets its WTO obligations; (3) seek a commitment from the PRC to maintain its suspension of the implementation of its law on government procurement, pending the conclusion of negotiations to accede to the Agreement; and (4) seek commitments from the PRC and other countries that are not yet members of the Agreement to implement the principles of openness, transparency, fair competition based on merit, nondiscrimination, and accountability in their government procurement as embodied in that Agreement. Urges the President to direct all appropriate U.S. officials to raise these concerns with appropriate PRC officials and other trading partners.

## Actions Timeline

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- **Jul 28, 2005:** Received in the Senate and Read twice and referred to the Committee on Finance.
- **Jul 27, 2005:** Rule H. Res. 387 passed House.
- **Jul 27, 2005:** Considered under the provisions of rule H. Res. 387. (consideration: CR H6842-6858)
- **Jul 27, 2005:** Rule provides for consideration of H.R. 3283 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Measure will be considered read. Bill is closed to amendments.
- **Jul 27, 2005:** DEBATE - The House proceeded with one hour of debate on H.R. 3283.
- **Jul 27, 2005:** The previous question was ordered pursuant to the rule. (consideration: CR H6855)
- **Jul 27, 2005:** Mr. Cardin moved to recommit with instructions to Ways and Means. (consideration: CR H6855-6857; text: CR H6856)
- **Jul 27, 2005:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Cardin motion to recommit with instructions.
- **Jul 27, 2005:** The previous question on the motion to recommit with instructions was ordered pursuant to the rule. (consideration: CR H6855-6857)
- **Jul 27, 2005:** On motion to recommit with instructions Failed by the Yeas and Nays: 195 - 232 (Roll no. 436).
- **Jul 27, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 255 - 168 (Roll no. 437).(text: CR H6842-6848)
- **Jul 27, 2005:** On passage Passed by the Yeas and Nays: 255 - 168 (Roll no. 437). (text: CR H6842-6848)
- **Jul 27, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 26, 2005:** Mr. Thomas moved to suspend the rules and pass the bill, as amended.
- **Jul 26, 2005:** Considered under suspension of the rules. (consideration: CR H6440-6452; text of measure as introduced: CR H6440-6444)
- **Jul 26, 2005:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3283.
- **Jul 26, 2005:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Jul 26, 2005:** Considered as unfinished business. (consideration: CR H6464-6465)
- **Jul 26, 2005:** Failed of passage/not agreed to in House: On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 240 - 186 (Roll no. 421).
- **Jul 26, 2005:** On motion to suspend the rules and pass the bill, as amended Failed by the Yeas and Nays: (2/3 required): 240 - 186 (Roll no. 421).
- **Jul 26, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 26, 2005:** Rules Committee Resolution H. Res. 387 Reported to House. Rule provides for consideration of H.R. 3283 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. Measure will be considered read. Bill is closed to amendments.
- **Jul 14, 2005:** Introduced in House
- **Jul 14, 2005:** Introduced in House
- **Jul 14, 2005:** Referred to the House Committee on Ways and Means.