

HR 2189

Trade Protection Not Troll Protection Act

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: Apr 27, 2017

Current Status: Referred to the Subcommittee on Trade.

Latest Action: Referred to the Subcommittee on Trade. (May 3, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/2189>

Sponsor

Name: Rep. Cárdenas, Tony [D-CA-29]

Party: Democratic • **State:** CA • **Chamber:** House

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Farenthold, Blake [R-TX-27]	R · TX		Apr 27, 2017
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Apr 27, 2017
Rep. Swalwell, Eric [D-CA-15]	D · CA		Apr 27, 2017
Rep. Polis, Jared [D-CO-2]	D · CO		May 25, 2017
Rep. Smith, Lamar [R-TX-21]	R · TX		May 25, 2017

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Referred to	May 3, 2017

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

No related bills are listed.

Trade Protection Not Troll Protection Act

This bill amends the Tariff Act of 1930, with respect to unfair practices in the import trade, to consider an industry in the United States to exist if there is in the United States substantial investment in licensing activities that leads to the adoption and development of articles that incorporate the patent, copyright, trademark, mask work, or design.

If the U.S. International Trade Commission (ITC), at the beginning of an investigation of an alleged unfair practice, identifies a domestic industry as the dispositive issue in question, it shall direct the assigned administrative law judge (ALJ) to:

- expedite fact finding on the domestic industry requirement, and
- issue an initial determination on this matter within 100 days after the investigation begins.

Any initial determination by the assigned ALJ shall stay the investigation pending ITC action.

The ITC may determine during an investigation that exclusion of the articles concerned from entry into the United States would not be in the public interest, and terminate the investigation, in whole or in part, without any further determination, after considering the nature of the articles concerned and the effect of exclusion upon:

- the public health and welfare,
- the U.S. economy (including competitive conditions),
- the production of like or directly competitive articles by the complainant and its licensees, and
- U.S. consumers.

Any person adversely affected by an ITC ruling that identifies a domestic industry as the dispositive issue in question may appeal that ruling, within 60 days after all administrative remedies are exhausted, to the U.S. Court of Appeals for the Federal Circuit.

ITC discretion not to exclude any articles concerned, even though an importer has violated the ban on unfair competition, is repealed. If the ITC also determines that exclusion would be in the public interest, it shall direct exclusion of the articles.

During an investigation, if the ITC determines there is reason to believe that an unfair import practice has occurred, and exclusion of the articles concerned would be in the public interest, the ITC may direct the exclusion the articles concerned, after considering the factors mentioned above. (Currently the ITC may not direct an exclusion until an investigation concludes and it determines, as a result of the investigation, that an unfair import trade practice has occurred.)

Actions Timeline

- **May 3, 2017:** Referred to the Subcommittee on Trade.
- **Apr 27, 2017:** Introduced in House
- **Apr 27, 2017:** Referred to the House Committee on Ways and Means.