

118TH CONGRESS  
2D SESSION

# H. R. 9876

To authorize the appropriate administrative authorities to impose certain restrictions with respect to the Republic of Korea, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2024

Mrs. MILLER of West Virginia introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To authorize the appropriate administrative authorities to impose certain restrictions with respect to the Republic of Korea, 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 “United States-Republic  
5       of Korea Digital Trade Enforcement Act”.

6       **SEC. 2. SENSE OF CONGRESS.**

7       It is the sense of Congress that—

8               (1) The United States and the Republic of  
9       Korea have a longstanding, strategically important  
10      economic and security partnership and are com-

1       mitted to furthering their leadership in the Indo-Pa-  
2       cific region.

3           (2) Nearly 30,000 United States soldiers, sail-  
4       ors, airmen, guardians, and marines are stationed in  
5       South Korea as part of United States Forces Korea,  
6       a deterring force against North Korea and China  
7       and ensuring the security of all Koreans.

8           (3) The economic relationship between the  
9       United States and South Korea is underpinned by  
10      the United States-Korea Free Trade Agreement,  
11      which promotes reciprocal trade ties between the  
12      countries.

13          (4) South Korean companies have substantially  
14      increased investment into the United States due to  
15      the open investment climate maintained by the  
16      United States Government. However, the policies of  
17      the Government of South Korea often make it dif-  
18      ficult for United States companies to invest and ex-  
19      pand their business footprint in South Korea.

20          (5) In 2023, the United States trade deficit  
21      with South Korea was \$51,100,000,000, increasing  
22      by 16 percent from 2022, due in part to South Ko-  
23      rea's discriminatory economic policies.

24          (6) South Korea is considering additional dis-  
25      criminatory digital regulations that would unduly

1       burden United States businesses while benefitting  
2       Chinese technology companies.

3           (7) The United States must ensure a fair and  
4       nondiscriminatory regulatory environment and strict-  
5       ly enforce obligations to not establish discriminatory  
6       digital trade policies around the world.

7   **SEC. 3. STATEMENT OF POLICY.**

8       It is the policy of the United States that—

9           (1) as the Chinese Communist Party seeks to  
10      extend its economic and military influence in the  
11      Indo-Pacific region, fair trade and economic policies  
12      in the Indo-Pacific are vitally important to United  
13      States leadership;

14          (2) the United States Government should fully  
15      enforce the terms set forth in the United States-  
16      Korea Free Trade Agreement (as such term is de-  
17      fined in the United States-Korea Free Trade Agree-  
18      ment Act; 19 U.S.C. 3805 note); and

19          (3) the United States Government should also  
20      use enforcement tools such as the authorities pro-  
21      vided by section 301 of the Trade Act of 1974 (19  
22      U.S.C. 2411; relating to actions by the United  
23      States Trade Representative) where necessary to en-  
24      sure that foreign countries do not impose discrimi-

1 natory digital policies that disfavor United States  
2 companies.

3 **SEC. 4. DETERMINATION OF DISCRIMINATORY ECONOMIC**  
4 **ACTIONS AGAINST UNITED STATES PRIVATE**  
5 **ENTITIES.**

6 Not later than 30 days after the enactment of any  
7 law or promulgation of any regulation by a government  
8 entity of the Republic of Korea that predesignates or post-  
9 estimates a United States online or digital platform oper-  
10 ator and imposes discriminatory business restrictions, the  
11 United States Trade Representative shall submit a report  
12 to Congress that, includes—

13 (1) a determination whether a United States  
14 private entity was negatively impacted by an action  
15 of any government entity of South Korea that pre-  
16 designates or post-estimates a United States online  
17 or digital platform operator and imposes business re-  
18 strictions;

19 (2) a determination whether South Korea, by  
20 adopting the law or regulation that is the subject of  
21 the report, violates any obligations or denies any  
22 rights under bilateral or multilateral trade agree-  
23 ments with respect to the United States; and

24 (3) a determination whether the law or regula-  
25 tion that is the subject of the report is either—

1 (A) an unjustifiable action that burdens or  
2 restricts United States commerce, as such term  
3 is defined for purposes of section 301(a) of the  
4 Trade Act of 1974 (19 U.S.C. 2411(a)); or

5 (B) an unreasonable or discriminatory ac-  
6 tion that burdens or restricts United States  
7 commerce, as such term is defined for purposes  
8 of section 301(b) of such Act (19 U.S.C.  
9 2411(b)).

10 **SEC. 5. IMPOSITION OF TRADE RESTRICTIONS.**

11 Upon the submission of a report to Congress pursu-  
12 ant to section 4 that includes an affirmative determination  
13 described in any of paragraphs (1) through (3) of that  
14 section, the United States Trade Representative shall un-  
15 dertake measures to protect United States commerce  
16 abroad that may include the following:

17 (1) A dispute initiated under the terms of the  
18 World Trade Organization's Dispute Settlement Un-  
19 derstanding.

20 (2) An investigation under the authorities of  
21 section 301 of the Trade Act of 1974 (19 U.S.C.  
22 2411).

23 (3) A dispute under the provisions of the  
24 United States-Korea Free Trade Agreement.

1           (4) Entering into an agreement with South  
2       Korea to mitigate all impacts of the law or regula-  
3       tion with respect to which the report was submitted  
4       on United States private entities.

○