

112TH CONGRESS
1ST SESSION

S. 1711

To enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements.

IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 2011

Mr. BROWN of Ohio introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements.

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 “Reciprocal Market Ac-
5 cess Act of 2011”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to require that United
8 States trade negotiations achieve measurable results for
9 United States businesses by ensuring that trade agree-

1 ments result in expanded market access for United States
2 exports and not solely the elimination of tariffs on goods
3 imported into the United States.

4 **SEC. 3. LIMITATION ON AUTHORITY TO REDUCE OR ELIMI-**
5 **NATE RATES OF DUTY PURSUANT TO CER-**
6 **TAIN TRADE AGREEMENTS.**

7 (a) LIMITATION.—Notwithstanding any other provi-
8 sion of law, on or after the date of the enactment of this
9 Act, the President may not agree to a modification of an
10 existing duty that would reduce or eliminate the bound
11 or applied rate of such duty on any product in order to
12 carry out a trade agreement entered into between the
13 United States and a foreign country until the President
14 transmits to Congress a certification described in sub-
15 section (b).

16 (b) CERTIFICATION.—A certification referred to in
17 subsection (a) is a certification by the President that—

18 (1) the United States has obtained the reduc-
19 tion or elimination of tariff and nontariff barriers
20 and policies and practices of the government of a
21 foreign country described in subsection (a) with re-
22 spect to United States exports of any product identi-
23 fied by United States domestic producers as having
24 the same physical characteristics and uses as the
25 product for which a modification of an existing duty

1 is sought by the President as described in subsection
2 (a); and

3 (2) a violation of any provision of the trade
4 agreement described in subsection (a) relating to the
5 matters described in paragraph (1) is immediately
6 enforceable in accordance with the provisions of sec-
7 tion 4.

8 **SEC. 4. ENFORCEMENT PROVISIONS.**

9 (a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the
10 President does agree to a modification described in section
11 3(a), and the United States Trade Representative deter-
12 mines pursuant to subsection (c) that—

13 (1) a tariff or nontariff barrier or policy or
14 practice of the government of a foreign country de-
15 scribed in section 3(a) has not been reduced or
16 eliminated, or

17 (2) a tariff or nontariff barrier or policy or
18 practice of such government has been imposed or
19 discovered,

20 the modification shall be withdrawn until such time as the
21 United States Trade Representative submits to Congress
22 a certification described in section 3(b)(1).

23 (b) INVESTIGATION.—

24 (1) IN GENERAL.—The United States Trade
25 Representative shall initiate an investigation if an

1 interested party files a petition with the United
2 States Trade Representative which alleges the ele-
3 ments necessary for the withdrawal of the modifica-
4 tion of an existing duty under subsection (a), and
5 which is accompanied by information reasonably
6 available to the petitioner supporting such allega-
7 tions.

8 (2) INTERESTED PARTY DEFINED.—For pur-
9 poses of paragraph (1), the term “interested party”
10 means—

11 (A) a manufacturer, producer, or whole-
12 saler in the United States of a domestic product
13 that has the same physical characteristics and
14 uses as the product for which a modification of
15 an existing duty is sought;

16 (B) a certified union or recognized union
17 or group of workers engaged in the manufac-
18 ture, production, or wholesale in the United
19 States of a domestic product that has the same
20 physical characteristics and uses as the product
21 for which a modification of an existing duty is
22 sought;

23 (C) a trade or business association a ma-
24 jority of whose members manufacture, produce,
25 or wholesale in the United States a domestic

1 product that has the same physical characteris-
2 tics and uses as the product for which a modi-
3 fication of an existing duty is sought; and

4 (D) a member of the Committee on Ways
5 and Means of the House of Representatives or
6 a member of the Committee on Finance of the
7 Senate.

8 (c) DETERMINATION BY USTR.—Not later than 45
9 days after the date on which a petition is filed under sub-
10 section (b), the United States Trade Representative
11 shall—

12 (1) determine whether the petition alleges the
13 elements necessary for the withdrawal of the modi-
14 fication of an existing duty under subsection (a);
15 and

16 (2) notify the petitioner of the determination
17 under paragraph (1) and the reasons for the deter-
18 mination.

19 **SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL**
20 **TRADE COMMISSION.**

21 (a) IN GENERAL.—The International Trade Commis-
22 sion shall conduct an assessment of the impact of each
23 proposed trade agreement between the United States and
24 a foreign country on tariff and nontariff barriers and poli-
25 cies and practices of the government of the foreign country

1 with respect to United States exports of any product iden-
2 tified by United States domestic producers as having the
3 same physical characteristics and uses as the product for
4 which a modification of an existing duty is sought by the
5 President as described in section 4(a).

6 (b) IDENTIFICATION.—In conducting the assessment
7 under subsection (a), the International Trade Commission
8 shall identify the tariff and nontariff barriers and policies
9 and practices for such products that exist in the foreign
10 country and the expected opportunities for exports from
11 the United States to the foreign country if existing tariff
12 and nontariff barriers and policies and practices are elimi-
13 nated.

14 (c) CONSULTATION.—In conducting the assessment
15 under subsection (a), the International Trade Commission
16 shall, as appropriate, consult with and seek to obtain rel-
17 evant documentation from United States domestic pro-
18 ducers of products having the same physical characteris-
19 ties and uses as the product for which a modification of
20 an existing duty is sought by the President as described
21 in section 4(a).

22 (d) REPORT.—Not later than 45 days before the date
23 on which negotiations for a proposed trade agreement de-
24 scribed in subsection (a) are initiated, the International
25 Trade Commission shall submit to the United States

1 Trade Representative, the Secretary of Commerce, and
2 Congress a report on the proposed trade agreement that
3 contains the assessment under subsection (a) conducted
4 with respect to such proposed trade agreement. The report
5 shall be submitted in unclassified form, but may contain
6 a classified annex if necessary.

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