

114TH CONGRESS
1ST SESSION

H. R. 764

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Ms. SLAUGHTER (for herself, Mr. JONES, Ms. DELAURO, Mr. NADLER, Mr. LIPINSKI, Mr. TONKO, Ms. PINGREE, Ms. KAPTUR, Ms. BROWNLEY of California, Mr. HIGGINS, Mr. NOLAN, Mr. GALLEGO, Mrs. DINGELL, Ms. LEE, Mr. DEFazio, Mr. CONYERS, Mr. GENE GREEN of Texas, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. HASTINGS, Mr. COHEN, Mr. KILDEE, Mr. LIEU of California, Mr. RYAN of Ohio, Mr. POCAN, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Ways and Means

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 2015”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) One of the fundamental tenets of the World
4 Trade Organization (WTO) is reciprocal market ac-
5 cess. This principle is underscored in the Marrakesh
6 Agreement Establishing the World Trade Organiza-
7 tion which called for “entering into reciprocal and
8 mutually advantageous arrangements directed to the
9 substantial reduction of tariffs and other barriers to
10 trade and to the elimination of discriminatory treat-
11 ment in international trade relations”.

12 (2) The American people have a right to expect
13 that the promises that trade negotiators and policy
14 makers offer in terms of the market access opportu-
15 nities that will be available to United States busi-
16 nesses and their employees if trade agreements are
17 reached, will, in fact, be realized. A results-oriented
18 approach must form the basis of future trade nego-
19 tiations that includes verification procedures to en-
20 sure that the promised market access is achieved
21 and that reciprocal trade benefits result.

22 (3) With each subsequent round of bilateral, re-
23 gional, and multilateral trade negotiations, tariffs
24 have been significantly reduced or eliminated for
25 many manufactured goods, leaving nontariff barriers
26 as the most pervasive, significant, and challenging

1 barriers to United States exports and market oppor-
2 tunities.

3 (4) The United States market is widely recog-
4 nized as one of the most open markets in the world.
5 Average United States tariff rates are very low and
6 the United States has limited, if any, nontariff bar-
7 riers.

8 (5) Often the only leverage the United States
9 has to obtain the reduction or elimination of non-
10 tariff barriers imposed by foreign countries is to ne-
11 gotiate the amount of tariffs the United States im-
12 poses on imports from those foreign countries.

13 (6) Under the current negotiating process, ne-
14 gotiations to reduce or eliminate tariff barriers and
15 nontariff barriers are separate and self-contained,
16 meaning that tradeoffs are tariff-for-tariff and non-
17 tariff-for-nontariff. As a result, a tariff can be re-
18 duced or eliminated without securing elimination of
19 the real barrier or barriers that deny United States
20 businesses access to a foreign market.

21 (b) PURPOSE.—The purpose of this Act is to require
22 that United States trade negotiations achieve measurable
23 results for United States businesses by ensuring that
24 trade agreements result in expanded market access for

1 United States exports and not solely the elimination of
2 tariffs on goods imported into the United States.

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

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

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

17 (1) the United States has obtained the reduc-
18 tion or elimination of tariff and nontariff barriers
19 and policies and practices of the government of a
20 foreign country described in subsection (a) with re-
21 spect to United States exports of any product identi-
22 fied by United States domestic producers as having
23 the same physical characteristics and uses as the
24 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 Interagency Trade Enforcement Center de-
12 termines 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 United States Trade Representative shall withdraw
21 the modification until such time as the President trans-
22 mits to Congress a certification described in section
23 3(b)(1).

24 (b) INVESTIGATION.—

1 (1) IN GENERAL.—The Interagency Trade En-
2 forcement Center, in coordination with the Depart-
3 ment of Labor, shall initiate an investigation if an
4 interested party files a petition with the Interagency
5 Trade Enforcement Center which alleges the ele-
6 ments necessary for the withdrawal of the modifica-
7 tion of an existing duty under subsection (a), and
8 which is accompanied by information reasonably
9 available to the petitioner supporting such allega-
10 tions.

11 (2) INTERESTED PARTY DEFINED.—For pur-
12 poses of paragraph (1), the term “interested party”
13 means—

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

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

1 (C) a trade or business association a ma-
2 jority of whose members manufacture, produce,
3 or wholesale in the United States a domestic
4 product that has the same physical characteris-
5 tics and uses as the product for which a modi-
6 fication of an existing duty is sought; or

7 (D) a member of the Committee on Ways
8 and Means of the House of Representatives or
9 a member of the Committee on Finance of the
10 Senate.

11 (c) DETERMINATION BY ITEC.—Not later than 45
12 days after the date on which a petition is filed under sub-
13 section (b), the Interagency Trade Enforcement Center
14 shall—

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

19 (2) notify the petitioner of the determination
20 under paragraph (1) and the reasons for the deter-
21 mination.

22 (d) DEFINITION.—In this section, the term “Inter-
23 agency Trade Enforcement Center” means the Inter-
24 agency Trade Enforcement Center established under sec-

1 tion 2 of Executive Order 13601 (77 Fed. Reg. 12981;
2 February 28, 2012).

3 **SEC. 5. MARKET ACCESS ASSESSMENT BY UNITED STATES**

4 **INTERNATIONAL TRADE COMMISSION.**

5 (a) IN GENERAL.—With respect to any proposed
6 trade agreement in which the President seeks a modifica-
7 tion of an existing duty that would reduce or eliminate
8 the bound or applied rate of such duty on any product
9 in order to carry out a trade agreement entered into be-
10 tween the United States and a foreign country, the United
11 States International Trade Commission shall initiate an
12 investigation and report as to the possible market access
13 opportunities of the modification or elimination of foreign
14 tariff and nontariff measures for United States industries
15 producing and exporting similar products. In preparing its
16 report, the International Trade Commission shall identify
17 the tariff and nontariff measures for such products and
18 the expected opportunities for United States exports.

19 (b) CONSULTATION.—In preparing its report under
20 subsection (a), the United States International Trade
21 Commission shall, as appropriate, seek to obtain relevant
22 information from domestic producers of similar products,
23 industry associations, government representatives, and
24 other interested organizations.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than 240 days
2 after the President notifies Congress of his intent to
3 enter into negotiations for a proposed trade agree-
4 ment described in subsection (a), or not later than
5 45 days after the President notifies Congress of his
6 intent to enter into a trade agreement, whichever oc-
7 curs first, the United States International Trade
8 Commission shall submit to the United States Trade
9 Representative, the Secretary of Commerce, and
10 Congress the report required under subsection (a).

11 (2) FORM.—Such report shall be submitted in
12 unclassified form, but may contain a classified
13 annex, if necessary.

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