

108TH CONGRESS
2D SESSION

S. 2372

To amend the Trade Act of 1974 regarding identifying trade expansion priorities.

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2004

Mr. CORZINE (for himself, Mr. BAUCUS, Mr. DASCHLE, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Trade Act of 1974 regarding identifying trade expansion priorities.

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. IDENTIFICATION OF TRADE EXPANSION PRIOR-**
4 **ITIES.**

5 Section 310 of the Trade Act of 1974 is amended
6 to read as follows:

7 **“SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIOR-**
8 **ITIES.**

9 “(a) IDENTIFICATION.—

1 “(1) IDENTIFICATION AND REPORT.—Within 30
2 days after the submission in each of calendar year
3 2005 through 2009 of the report required by section
4 181(b), the Trade Representative shall—

5 “(A) review United States trade expansion
6 priorities;

7 “(B) identify priority foreign country prac-
8 tices, the elimination of which is likely to have
9 the most significant potential to increase
10 United States exports, either directly or
11 through the establishment of a beneficial prece-
12 dent; and

13 “(C) submit to the Committee on Finance
14 of the Senate and the Committee on Ways and
15 Means of the House of Representatives and
16 publish in the Federal Register a report on the
17 priority foreign country practices identified.

18 “(2) FACTORS.—In identifying priority foreign
19 country practices under paragraph (1), the Trade
20 Representative shall take into account all relevant
21 factors, including—

22 “(A) the major barriers and trade dis-
23 torting practices described in the National
24 Trade Estimate Report required under section
25 181(b);

1 “(B) the trade agreements to which a for-
2 foreign country is a party and its compliance with
3 those agreements;

4 “(C) the medium- and long-term implica-
5 tions of foreign government procurement plans;
6 and

7 “(D) the international competitive position
8 and export potential of United States products
9 and services.

10 “(3) CONTENTS OF REPORT.—The Trade Rep-
11 resentative may include in the report, if appro-
12 priate—

13 “(A) a description of foreign country prac-
14 tices that may in the future warrant identifica-
15 tion as priority foreign country practices; and

16 “(B) a statement about other foreign coun-
17 try practices that were not identified because
18 they are already being addressed by provisions
19 of United States trade law, by existing bilateral
20 trade agreements, or as part of trade negotia-
21 tions with other countries and progress is being
22 made toward the elimination of such practices.

23 “(b) INITIATION OF CONSULTATIONS.—By no later
24 than the date that is 21 days after the date on which a
25 report is submitted to the appropriate congressional com-

1 mittees under subsection (a)(1), the Trade Representative
2 shall seek consultations with each foreign country identi-
3 fied in the report as engaging in priority foreign country
4 practices for the purpose of reaching a satisfactory resolu-
5 tion of such priority practices.

6 “(c) INITIATION OF INVESTIGATION.—If a satisfac-
7 tory resolution of priority foreign country practices has
8 not been reached under subsection (b) within 90 days after
9 the date on which a report is submitted to the appropriate
10 congressional committees under subsection (a)(1), the
11 Trade Representative shall initiate under section
12 302(b)(1) an investigation under this chapter with respect
13 to such priority foreign country practices.

14 “(d) AGREEMENTS FOR THE ELIMINATION OF BAR-
15 RIERS.—In the consultations with a foreign country that
16 the Trade Representative is required to request under sec-
17 tion 303(a) with respect to an investigation initiated by
18 reason of subsection (c), the Trade Representative shall
19 seek to negotiate an agreement that provides for the elimi-
20 nation of the practices that are the subject of the inves-
21 tigation as quickly as possible or, if elimination of the
22 practices is not feasible, an agreement that provides for
23 compensatory trade benefits.

24 “(e) REPORTS.—The Trade Representative shall in-
25 clude in the semiannual report required by section 309

1 a report on the status of any investigations initiated pur-
2 suant to subsection (c) and, where appropriate, the extent
3 to which such investigations have led to increased opportu-
4 nities for the export of products and services of the United
5 States.”.

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