

110TH CONGRESS
1ST SESSION

H. R. 3684

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

SEPTEMBER 27, 2007

Mr. McINTYRE (for himself, Mr. HAYES, Ms. SLAUGHTER, and Mr. KUHL of New York) 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 2007”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

8 (1) A principal negotiating objective of the
9 United States regarding trade barriers and other

1 trade distortions must be to expand competitive
2 market opportunities for United States exports and
3 to obtain fairer and more open conditions of trade
4 by reducing or eliminating tariff and nontariff bar-
5 riers and policies and practices of foreign govern-
6 ments directly related to trade that hinders market
7 opportunities for United States exports or otherwise
8 distorts United States trade.

9 (2) One of the fundamental tenets of the World
10 Trade Organization (WTO) is reciprocal market ac-
11 cess and, in fact, this principle is underscored in the
12 Marrakesh Agreement Establishing the World Trade
13 Organization which called for “entering into recip-
14 rocal and mutually advantageous arrangements di-
15 rected to the substantial reduction of tariffs and
16 other barriers to trade and to the elimination of dis-
17 criminatory treatment in international trade rela-
18 tions”.

19 (3) If negotiations between the United States
20 and a foreign country do not provide meaningful
21 market access for products of United States domes-
22 tic producers who have sought market access assist-
23 ance from the United States Government, then the
24 United States must not reduce or eliminate tariffs
25 for products of the foreign country, having the same

1 physical characteristics and uses pursuant to any
2 trade agreement entered into between the United
3 States and the foreign country.

4 (4) With each subsequent round of bilateral, re-
5 gional, and multilateral trade negotiations, tariffs
6 have been significantly reduced or eliminated for
7 many manufactured goods, leaving nontariff barriers
8 as the most pervasive, significant, and challenging
9 barriers to United States exports and market oppor-
10 tunities.

11 (5) The United States market is widely recog-
12 nized as one of the most open markets in the world:
13 average United States tariff rates are very low and
14 the United States has limited, if any, nontariff bar-
15 riers.

16 (6) Consequently, the leverage the United
17 States has to obtain removal of nontariff barriers of
18 foreign countries is often tariffs on imports from
19 foreign countries into the United States.

20 (7) Under the current negotiating process, ne-
21 gotiations to reduce or eliminate tariff barriers and
22 nontariff barriers are separate and self-contained,
23 meaning that tradeoffs are tariff-for-tariff and non-
24 tariff-for-nontariff. As a result, a tariff can be re-
25 duced or eliminated without securing elimination of

1 the real barrier or barriers that deny United States
2 industry access to a foreign market.

3 (8) The United States should not engage in
4 trade negotiations in such a compartmentalized
5 manner thereby effectively and unilaterally dis-
6 arming itself by leveraging its limited tariff barriers
7 without securing elimination of nontariff barriers of
8 foreign countries and ensuring that new barriers are
9 not created or discovered.

10 (9) The United States should seek to ensure
11 market access results are obtained before reducing
12 or eliminating domestic tariffs. Specifically, the
13 United States Trade Representative should seek to
14 ensure market access for products of United States
15 domestic producers who have sought market access
16 assistance from the United States Government and
17 have provided a reasonable indication of the denial
18 of meaningful market access.

19 (b) PURPOSE.—The purpose of this Act is to ensure
20 that United States trade negotiations achieve real and
21 meaningful results for United States industry by ensuring
22 that trade agreements result in meaningful market access
23 for the exports of United States domestic producers and
24 not just the elimination of tariffs on imports into the
25 United States.

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

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

13 (b) **CERTIFICATION.**—A certification referred to in
14 subsection (a) is a certification of the President that—

15 (1) the United States has obtained the reduc-
16 tion or elimination of tariff and nontariff barriers
17 and policies and practices of the government of the
18 foreign country described in subsection (a) with re-
19 spect to United States exports of any product identi-
20 fied by United States domestic producers that has
21 the same physical characteristics and uses as the
22 product for which a modification of any existing
23 duty is sought by the President to carry out the
24 trade agreement described in subsection (a); and

25 (2) a violation of any provision of the trade
26 agreement described in subsection (a) relating to the

1 matters described in paragraph (1) is immediately
2 enforceable in accordance with the provisions of sec-
3 tion 4.

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

5 (a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the
6 United States Trade Representative determines pursuant
7 to subsection (c) that any tariff or nontariff barrier or
8 policy or practice of the government of a foreign country
9 described in section 3(a) has not been reduced or elimi-
10 nated, or that a tariff or nontariff barrier or policy or
11 practice of such government has been imposed or discov-
12 ered, with respect to United States exports of any product
13 identified by United States domestic producers that has
14 the same physical characteristics and uses as the product
15 for which a modification of any existing duty has been
16 sought by the President to carry out the trade agreement
17 described in section 3(a), then, notwithstanding any other
18 provision of law, the modification of the existing duty shall
19 be withdrawn until such time as the United States Trade
20 Representative submits to Congress a certification that
21 the United States has obtained the reduction or elimi-
22 nation of the tariff or nontariff barrier or policy or prac-
23 tice of such government.

24 (b) INVESTIGATION.—

1 (1) IN GENERAL.—An investigation shall be ini-
2 tiated by the United States Trade Representative
3 whenever an interested party files a petition with the
4 United States Trade Representative which alleges
5 the elements necessary for the withdrawal of the
6 modification of an existing duty under subsection
7 (a), and which is accompanied by information rea-
8 sonably available to the petitioner supporting such
9 allegations.

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

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

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

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

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

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

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

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