



# Reciprocal Market Access Act

*Congresswoman Louise M. Slaughter*



## SEC. 1. SHORT TITLE

Reciprocal Market Access Act

## SEC. 2. FINDINGS AND PURPOSE

### (a) Findings [abridged]

The American people have a right to expect that promises of market access opportunities available to U.S. businesses and their employees if trade agreements are reached will, in fact, be realized. A results-oriented approach must form the basis of future trade negotiations that includes verification procedures to ensure that the promised market access is achieved and that reciprocal trade benefits result.

Currently, negotiations to reduce or eliminate tariff barriers and non-tariff barriers are separate and self-contained. As a result, a tariff can be reduced or eliminated without securing elimination of the real barrier or barriers that deny U.S. businesses access to a foreign market.

- (b) **Purpose:** To require that U.S. trade negotiations achieve measurable results for U.S. businesses by ensuring that trade agreements result in expanded market access for U.S. exports and not solely the elimination of tariffs on goods imported into the United States.

## SEC. 3. LIMITATION ON AUTHORITY TO REDUCE OR ELIMINATE RATES OF DUTY PURSUANT TO CERTAIN TRADE AGREEMENTS

- (a) **Limitation:** The President may not agree to a tariff reduction on any product in order to carry out a trade agreement with a foreign country until a certification is submitted to Congress.
- (b) **Certification:** The certification must certify that 1) the U.S. has obtained a tariff reduction for like products in the foreign country; and 2) a violation of the trade agreement related to those products is immediately enforceable.

## SEC. 4. ENFORCEMENT PROVISIONS

- (a) **Withdrawal of Tariff Concessions:** The United States Trade Representative (USTR) shall withdraw any tariff reduction upon a finding of the Interagency Trade Enforcement Center (ITEC) that 1) the tariff or non-tariff barrier in the foreign country has not been reduced; or 2) a tariff or non-tariff barrier has been imposed or discovered. The withdrawal is effective until a certification is made pursuant to Section 3(b).
- (b) **Investigation:** ITEC, in coordination with the Department of Labor, shall initiate an investigation if an interested party files a petition alleging elements necessary for a withdrawal pursuant to Section 4(a).

An interested party is defined as a U.S. manufacturer, producer, or wholesaler of a like



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product; union or group of workers engaged in the manufacture, production, or wholesale of a like product; trade or business association, the majority of whose members manufacture, produce, or wholesale a like product; or a member of the House Ways & Means or Senate Finance Committees.

- (c) **Determination by ITEC:** Within 45 days of when a petition is filed under Section 4(b), ITEC shall 1) determine whether the petition alleges the elements necessary for a withdrawal of the tariff modification; and 2) notify the petitioner of the determination and its reason.

### **SEC. 5. MARKET ACCESS ASSESSMENT BY UNITED STATES INTERNATIONAL TRADE COMMISSION**

- (a) **In General:** With respect to any proposed trade agreement in which the President seeks a reduction of an existing tariff, the International Trade Commission (ITC) shall initiate an investigation and report as to the possible market access opportunities of the modification or elimination of foreign tariff and non-tariff measures for U.S. industries producing and exporting similar products. In preparing its report, the ITC shall identify the tariff and non-tariff measures for such products and the expected opportunities for U.S. exports.
- (b) **Consultation:** In preparing its report, the ITC shall seek relevant information from domestic producers of similar products, industry associations, government representatives, and other interested organizations.
- (c) **Report:** The ITC shall submit its report to USTR, the Secretary of Commerce, and Congress no later than 240 days after the President notifies Congress of an intent to enter into trade negotiations or 45 days after the President notifies Congress of an intent to enter into a trade agreement, whichever comes first.