

[106H450]

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(Original Signature of Member)

108TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. CAMP introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend the Trade Act of 1974 to establish procedures
for identifying countries that deny market access for
agricultural products of the United States.

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 “United States Agricul-
5 tural Products Market Access Act of 2003”.



1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The export of agricultural products is of
5 vital importance to the economy of the United
6 States.

7 (2) In 2002, agriculture was a large positive
8 contributor to the United States merchandise trade
9 balance with a trade surplus of \$12,300,000,000.

10 (3) The growth of United States agricultural
11 exports should continue to be an important factor in
12 improving the United States merchandise trade bal-
13 ance.

14 (4) Increasing the volume of agricultural ex-
15 ports will increase farm income in the United States,
16 thereby protecting family farms and contributing to
17 the economic well-being of rural communities in the
18 United States.

19 (5) Although the United States efficiently pro-
20 duces high-quality agricultural products, United
21 States producers cannot realize their full export po-
22 tential because many foreign countries deny fair and
23 equitable market access to United States agricul-
24 tural products.

25 (6) The Foreign Agricultural Service estimates
26 that United States agricultural exports are reduced



1 by \$4,700,000,000 annually due to unjustifiable im-
2 position of sanitary and phytosanitary measures that
3 deny or limit market access to United States prod-
4 ucts.

5 (7) The denial of fair and equitable market ac-
6 cess for United States agricultural products impedes
7 the ability of United States farmers to export their
8 products, thereby harming the economic interests of
9 the United States.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to reduce or eliminate foreign unfair trade
12 practices and to remove constraints on fair and open
13 trade in agricultural products;

14 (2) to ensure fair and equitable market access
15 for exports of United States agricultural products;
16 and

17 (3) to promote free and fair trade in agricul-
18 tural products.

19 **SEC. 3. IDENTIFICATION OF COUNTRIES THAT DENY MAR-**
20 **KET ACCESS.**

21 (a) IDENTIFICATION REQUIRED.—Chapter 8 of title
22 I of the Trade Act of 1974 is amended by adding at the
23 end the following:



1 **“SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY**
2 **MARKET ACCESS FOR AGRICULTURAL PROD-**
3 **UCTS.**

4 “(a) IN GENERAL.—Not later than the date that is
5 30 days after the date on which the annual report is re-
6 quired to be submitted to Congressional committees under
7 section 181(b), the United States Trade Representative
8 (hereafter in this section referred to as the ‘Trade Rep-
9 resentative’) shall identify—

10 “(1) those foreign countries that—

11 “(A) deny fair and equitable market access
12 to United States agricultural products, or

13 “(B) apply standards for the importation
14 of agricultural products from the United States
15 that are not related to public health concerns or
16 cannot be substantiated by reliable analytical
17 methods; and

18 “(2) those foreign countries identified under
19 paragraph (1) that are determined by the Trade
20 Representative to be priority foreign countries.

21 “(b) SPECIAL RULES FOR IDENTIFICATIONS.—

22 “(1) CRITERIA.—In identifying priority foreign
23 countries under subsection (a)(2), the Trade Rep-
24 resentative shall only identify those foreign
25 countries—



1 “(A) that engage in or have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States agricultural products,

2 “(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

3 “(C) that are not—

4 “(i) entering into good faith negotiations, or

5 “(ii) making significant progress in bilateral or multilateral negotiations,

6 to provide fair and equitable market access to United States agricultural products.

7 “(2) CONSULTATION AND CONSIDERATION REQUIREMENTS.—In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall—

8 “(A) consult with the Secretary of Agriculture and other appropriate officers of the Federal Government, and

9 “(B) take into account information from such sources as may be available to the Trade Representative and such information as may be



1 submitted to the Trade Representative by inter-
2 ested persons, including information contained
3 in reports submitted under section 181(b) and
4 petitions submitted under section 302.

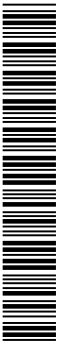
5 “(3) FACTUAL BASIS REQUIREMENT.—The
6 Trade Representative may identify a foreign country
7 under subsection (a)(1) only if the Trade Represent-
8 ative finds that there is a factual basis for the denial
9 of fair and equitable market access as a result of the
10 violation of international law or agreement, or the
11 existence of barriers, referred to in subsection (d).

12 “(4) CONSIDERATION OF HISTORICAL FAC-
13 TORS.—In identifying foreign countries under para-
14 graphs (1) and (2) of subsection (a), the Trade Rep-
15 resentative shall take into account—

16 “(A) the history of agricultural trade rela-
17 tions with the foreign country, including any
18 previous identification under subsection (a)(2),
19 and

20 “(B) the history of efforts of the United
21 States, and the response of the foreign country,
22 to achieve fair and equitable market access for
23 United States agricultural products.

24 “(c) REVOCATIONS AND ADDITIONAL IDENTIFICA-
25 TIONS.—



1 “(1) AUTHORITY TO ACT AT ANY TIME.—If in-
2 formation available to the Trade Representative indi-
3 cates that such action is appropriate, the Trade
4 Representative may at any time—

5 “(A) revoke the identification of any for-
6 eign country as a priority foreign country under
7 this section, or

8 “(B) identify any foreign country as a pri-
9 ority foreign country under this section.

10 “(2) REVOCATION REPORTS.—The Trade Rep-
11 resentative shall include in the semiannual report
12 submitted to the Congress under section 309(3) a
13 detailed explanation of the reasons for the revocation
14 under paragraph (1) of the identification of any for-
15 eign country as a priority foreign country under this
16 section.

17 “(d) DEFINITIONS.—For purposes of this section, a
18 foreign country denies fair and equitable market access
19 if the foreign country effectively denies access to a market
20 for a product through the use of laws, procedures, prac-
21 tices, or regulations which—

22 “(1) violate provisions of international law or
23 international agreements to which both the United
24 States and the foreign country are parties, or



1 in order to carry out section 183 of the Trade Act of 1974
2 (as added by subsection (a)).

3 **SEC. 4. INVESTIGATIONS.**

4 (a) INVESTIGATION REQUIRED.—Subparagraph (A)
5 of section 302(b)(2) of the Trade Act of 1974 (19 U.S.C.
6 2412(b)(2)) is amended by inserting “or 183(a)(2)” after
7 “section 182(a)(2)” in the matter preceding clause (i).

8 (b) CONFORMING AMENDMENT.—Subparagraph (D)
9 of section 302(b)(2) of such Act is amended by inserting
10 “concerning intellectual property rights that is” after
11 “any investigation”.

12 **SEC. 5. AUTHORIZED ACTIONS BY UNITED STATES TRADE**
13 **REPRESENTATIVE.**

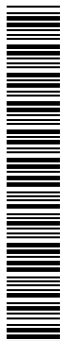
14 Section 301(c)(1) of the Trade Act of 1974 (19
15 U.S.C. 2411(c)(1)) is amended—

16 (1) by striking “or” at the end of subparagraph
17 (C);

18 (2) by striking the period at the end of sub-
19 paragraph (D)(iii)(II) and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(E) with respect to an investigation of a
22 country identified under section 183(a)(1), to
23 request that the Secretary of Agriculture (who,
24 upon receipt of such a request, shall) direct the
25 Food Safety and Inspection Service of the De-



1 partment of Agriculture to review certifications
2 for the facilities of such country that export
3 meat and other agricultural products to the
4 United States.”.

