

# **Sens. Brown, Stabenow, Casey Introduce Bill to Give Feds More Authority to Crack Down on Trade Practices that Undermine American Workers and Businesses**

## **By Reinstating “Super 301” Authority, Bill Would Allow U.S. Trade Rep. to Enforce Trade Laws That Promote Domestic Manufacturing, Jobs**

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WASHINGTON, D.C. – U.S. Sens. Sherrod Brown (D-OH), Debbie Stabenow (D-MI), and Robert P. Casey, Jr. (D-PA) this week introduced the *Trade Enforcement Priorities Act of 2011*, legislation that would give the federal government more authority to address trade barriers that undermine American workers and domestic manufacturing by reinstating “Super 301” authority.

“Our trade laws were written for a reason: to protect American jobs and manufacturers. But without proper enforcement, these laws are rendered virtually meaningless,” Brown said. “We need to revive Super 301 to fix the unfair trade practices that have cost American jobs and shuttered factory doors in Ohio. The bottom line is, this Administration—including the U.S. Trade Representative—needs to be more aggressive when it comes to enforcing trade laws, cracking down on China’s currency manipulation, and stopping the flow of cheap, often unsafe imports that undermine workers and manufacturers in my state.”

“This bill will hold countries accountable for violating trade rules, supporting American businesses and saving jobs,” Stabenow said. “We know our workforce can compete with anyone if we have a level playing field. Unfortunately, other countries have put our manufacturers and other businesses at a competitive disadvantage through unfair trade practices. I have been working on trade enforcement since my start in the Senate and this legislation complements my Trade Prosecutor bill by identifying and prosecuting countries that cheat and opening up foreign markets for our American-made products. I am pleased to join my colleague Senator Brown to cosponsor this important legislation.”

“Pennsylvania workers have been put at a disadvantage because of unfair trade and lax enforcement of trade laws designed to level the playing field,” Casey said. “We need strong tools to fight unfair trade practices and those tools must be utilized for the benefit of workers and the U.S. economy.”

Sections 301-310 of the Trade Act of 1974 address trade barriers that violate U.S. rights under a trade agreement or represent discriminatory practices that undermine U.S. Commerce. Section 310 of the act, also known as “Super 301,” requires the U.S. Trade Representative (USTR) to examine and report on the most egregious trade barriers that adversely affect American exports. If the USTR identifies a measure as a “priority foreign country practice,” it is required to initiate a full Section 301 investigation. Super 301 is intended to promote U.S. exports and to signal to our trading partners that certain actions which adversely affect U.S. commerce will warrant immediate action.

Despite these laws, the USTR has largely ignored its enforcement responsibilities over the past eight years, failing to issue a Super 301 since 2001. The *Trade Enforcement Priorities Act of 2011* would require the USTR to analyze trade barriers in the National Trade Estimates Report to determine which have the most adverse effect on U.S. exports and employment. Under the bill, the USTR – in

consultation with other relevant agencies and Congress – would be required to prioritize its enforcement strategy and work with those countries that have a pattern of unfair trade practices. If the USTR identifies a practice occurring in a country that has signed a trade agreement with the U.S., previously agreed-to methods of addressing disputes would be used. For example, if an unfair practice is addressed under the WTO Agreement, USTR would be required to seek consultation under the dispute settlement process. If the practice is occurring in a country that does not have an agreement with the U.S., bilateral consultations would be required until an appropriate remedy is identified.