

is immediately enforceable in accordance with the provisions of section 4.

#### SEC. 4. ENFORCEMENT PROVISIONS.

(a) WITHDRAWAL OF TARIFF CONCESSIONS.—If the President does agree to a modification described in section 3(a), and the United States Trade Representative determines pursuant to subsection (c) that—

(1) a tariff or nontariff barrier or policy or practice of the government of a foreign country described in section 3(a) has not been reduced or eliminated, or

(2) a tariff or nontariff barrier or policy or practice of such government has been imposed or discovered,

the modification shall be withdrawn until such time as the United States Trade Representative submits to Congress a certification described in section 3(b)(1).

(b) INVESTIGATION.—

(1) IN GENERAL.—The United States Trade Representative shall initiate an investigation if an interested party files a petition with the United States Trade Representative which alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a), and which is accompanied by information reasonably available to the petitioner supporting such allegations.

(2) INTERESTED PARTY DEFINED.—For purposes of paragraph (1), the term “interested party” means—

(A) a manufacturer, producer, or wholesaler in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(B) a certified union or recognized union or group of workers engaged in the manufacture, production, or wholesale in the United States of a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought;

(C) a trade or business association a majority of whose members manufacture, produce, or wholesale in the United States a domestic product that has the same physical characteristics and uses as the product for which a modification of an existing duty is sought; and

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

(c) DETERMINATION BY USTR.—Not later than 45 days after the date on which a petition is filed under subsection (b), the United States Trade Representative shall—

(1) determine whether the petition alleges the elements necessary for the withdrawal of the modification of an existing duty under subsection (a); and

(2) notify the petitioner of the determination under paragraph (1) and the reasons for the determination.

#### SEC. 5. MARKET ACCESS ASSESSMENT BY INTERNATIONAL TRADE COMMISSION.

(a) IN GENERAL.—The International Trade Commission shall conduct an assessment of the impact of each proposed trade agreement between the United States and a foreign country on tariff and nontariff barriers and policies and practices of the government of the foreign country with respect to United States exports of any product identified by United States domestic producers as having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(b) IDENTIFICATION.—In conducting the assessment under subsection (a), the International Trade Commission shall identify the tariff and nontariff barriers and policies and practices for such products that exist in

the foreign country and the expected opportunities for exports from the United States to the foreign country if existing tariff and nontariff barriers and policies and practices are eliminated.

(c) CONSULTATION.—In conducting the assessment under subsection (a), the International Trade Commission shall, as appropriate, consult with and seek to obtain relevant documentation from United States domestic producers of products having the same physical characteristics and uses as the product for which a modification of an existing duty is sought by the President as described in section 4(a).

(d) REPORT.—Not later than 45 days before the date on which negotiations for a proposed trade agreement described in subsection (a) are initiated, the International Trade Commission shall submit to the United States Trade Representative, the Secretary of Commerce, and Congress a report on the proposed trade agreement that contains the assessment under subsection (a) conducted with respect to such proposed trade agreement. The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 293—CELEBRATING THE 10-YEAR COMMEMORATION OF THE UNDERGROUND RAILROAD MEMORIAL, COMPRISED OF THE GATEWAY TO FREEDOM MONUMENT IN DETROIT, MICHIGAN AND THE TOWER OF FREEDOM MONUMENT IN WINDSOR, ONTARIO, CANADA

Mr. LEVIN (for himself, Ms. STABENOW, Mr. BROWN of Ohio, Mr. CASEY, and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas millions of Africans and their descendants were enslaved in the United States and the American colonies from 1619 through 1865;

Whereas Africans forced into slavery were unspeakably debased, humiliated, dehumanized, brutally torn from their families and loved ones, and subjected to the indignity of being stripped of their names and heritage;

Whereas tens of thousands of people of African descent silently escaped their chains to follow the perilous Underground Railroad northward towards freedom in Canada;

Whereas the Detroit River played a central role for these passengers of the Underground Railroad on their way to freedom;

Whereas, in October 2001, the City of Detroit, Michigan joined with Windsor and Essex County in Ontario, Canada to memorialize the courage of these freedom seekers with an international memorial to the Underground Railroad, comprising the Tower of Freedom Monument in Windsor and the Gateway to Freedom Monument in Detroit;

Whereas the deep roots that slaves, refugees, and immigrants who reached Canada from the United States created in Canadian society remain as tributes to the determination of their descendants to safeguard the history of the struggles and endurance of their forebears;

Whereas the observance of the 10-year commemoration of the Underground Railroad Memorial will be celebrated from October 19 through October 22, 2011;

Whereas the International Underground Railroad Monument Tenth Anniversary

Planning Committee is pursuing the designation of an International Freedom Corridor and the nomination of the historic Detroit River as an International World Heritage Site;

Whereas the International Underground Railroad Monument Tenth Anniversary Planning Committee recognizes that a National Park Service special resources study may establish the national significance, suitability, and feasibility of an International Freedom Corridor;

Whereas the designation of an International Freedom Corridor would include the States of Michigan, Illinois, Ohio, Wisconsin, Missouri, Indiana, and Kentucky, the Detroit, Mississippi, and Ohio Rivers, which traverse portions of these States, and any other sites associated within this International Freedom Corridor;

Whereas a cooperative international partnership project is dedicated to education and research with the goal of promoting cross-border understanding as well as economic development and cultural heritage tourism;

Whereas, over the course of history, the United States has become a symbol of democracy and freedom around the world; and

Whereas the legacy of African Americans is interwoven with the fabric of democracy and freedom in the United States: Now, therefore, be it

*Resolved*, That the Senate celebrates the 10-year commemoration of the Underground Railroad Memorial, comprised of the Gateway to Freedom Monument in Detroit, Michigan and the Tower of Freedom Monument in Windsor, Ontario, Canada.

#### SENATE CONCURRENT RESOLUTION 30—SUPPORTING THE GOALS AND IDEALS OF SPINA BIFIDA AWARENESS MONTH

Mr. WICKER submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 30

Whereas according to the Centers for Disease Control and Prevention, there are approximately 166,000 individuals living in the United States with a form of spina bifida, the United States most common permanent birth defect;

Whereas the risk of spina bifida can be reduced by up to 70 percent if women consume 400 micrograms of folic acid daily, before and during pregnancy;

Whereas there are 65,000,000 women of childbearing age in the United States, all of whom are potentially at risk of having a child with spina bifida;

Whereas 1,500 children are born each year with spina bifida;

Whereas, according to the Spina Bifida Association, spina bifida is a complicated condition, adversely impacting virtually every organ system and requiring multiple clinical specialists to provide lifelong comprehensive, quality medical and psychosocial care;

Whereas the National Spina Bifida Program, administered by the Centers for Disease Control and Prevention, exists to improve the health, well-being, and quality of life for the individuals and families affected by spina bifida through numerous programmatic components, including the National Spina Bifida Patient Registry and critical quality of life research in spina bifida.

Whereas the National Spina Bifida Patient Registry helps to improve the quality of care, reduce morbidity and mortality from spina bifida, and increase the efficiency and decrease the cost of care by supporting the