

113TH CONGRESS
2D SESSION

S. 1900

To establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2014

Mr. BAUCUS (for himself and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements, and for other purposes.

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 “Bipartisan Congres-
5 sional Trade Priorities Act of 2014”.

6 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

7 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

8 The overall trade negotiating objectives of the United

1 States for agreements subject to the provisions of section
2 3 are—

3 (1) to obtain more open, equitable, and recip-
4 rocal market access;

5 (2) to obtain the reduction or elimination of
6 barriers and distortions that are directly related to
7 trade and investment and that decrease market op-
8 portunities for United States exports or otherwise
9 distort United States trade;

10 (3) to further strengthen the system of inter-
11 national trade and investment disciplines and proce-
12 dures, including dispute settlement;

13 (4) to foster economic growth, raise living
14 standards, enhance the competitiveness of the
15 United States, promote full employment in the
16 United States, and enhance the global economy;

17 (5) to ensure that trade and environmental poli-
18 cies are mutually supportive and to seek to protect
19 and preserve the environment and enhance the inter-
20 national means of doing so, while optimizing the use
21 of the world's resources;

22 (6) to promote respect for worker rights and
23 the rights of children consistent with core labor
24 standards of the ILO (as set out in section 11(7))

1 and an understanding of the relationship between
2 trade and worker rights;

3 (7) to seek provisions in trade agreements
4 under which parties to those agreements ensure that
5 they do not weaken or reduce the protections af-
6 farded in domestic environmental and labor laws as
7 an encouragement for trade;

8 (8) to ensure that trade agreements afford
9 small businesses equal access to international mar-
10 kets, equitable trade benefits, and expanded export
11 market opportunities, and provide for the reduction
12 or elimination of trade and investment barriers that
13 disproportionately impact small businesses;

14 (9) to promote universal ratification and full
15 compliance with ILO Convention No. 182 Con-
16 cerning the Prohibition and Immediate Action for
17 the Elimination of the Worst Forms of Child Labor;

18 (10) to ensure that trade agreements reflect
19 and facilitate the increasingly interrelated, multi-sec-
20 toral nature of trade and investment activity;

21 (11) to ensure implementation of trade commit-
22 ments and obligations by strengthening the effective
23 operation of legal regimes and the rule of law by
24 trading partners of the United States through ca-
25 pacity building and other appropriate means;

1 (12) to recognize the growing significance of
2 the Internet as a trading platform in international
3 commerce; and

4 (13) to take into account other legitimate
5 United States domestic objectives, including, but not
6 limited to, the protection of legitimate health or
7 safety, essential security, and consumer interests
8 and the law and regulations related thereto.

9 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

10 (1) TRADE IN GOODS.—The principal negoti-
11 ating objectives of the United States regarding trade
12 in goods are—

13 (A) to expand competitive market opportu-
14 nities for exports of goods from the United
15 States and to obtain fairer and more open con-
16 ditions of trade, including through the utiliza-
17 tion of global value chains, by reducing or elimi-
18 nating tariff and nontariff barriers and policies
19 and practices of foreign governments directly
20 related to trade that decrease market opportu-
21 nities for United States exports or otherwise
22 distort United States trade; and

23 (B) to obtain reciprocal tariff and non-
24 tariff barrier elimination agreements, including
25 with respect to those tariff categories covered in

1 section 111(b) of the Uruguay Round Agree-
2 ments Act (19 U.S.C. 3521(b)).

3 (2) TRADE IN SERVICES.—(A) The principal
4 negotiating objective of the United States regarding
5 trade in services is to expand competitive market op-
6 portunities for United States services and to obtain
7 fairer and more open conditions of trade, including
8 through utilization of global value chains, by reduc-
9 ing or eliminating barriers to international trade in
10 services, such as regulatory and other barriers that
11 deny national treatment and market access or un-
12 reasonably restrict the establishment or operations
13 of service suppliers.

14 (B) Recognizing that expansion of trade in
15 services generates benefits for all sectors of the
16 economy and facilitates trade, the objective described
17 in subparagraph (A) should be pursued through all
18 means, including through a plurilateral agreement
19 with those countries willing and able to undertake
20 high standard services commitments for both exist-
21 ing and new services.

22 (3) TRADE IN AGRICULTURE.—The principal
23 negotiating objective of the United States with re-
24 spect to agriculture is to obtain competitive opportu-
25 nities for United States exports of agricultural com-

1 commodities in foreign markets substantially equivalent
2 to the competitive opportunities afforded foreign ex-
3 ports in United States markets and to achieve fairer
4 and more open conditions of trade in bulk, specialty
5 crop, and value added commodities by—

6 (A) securing more open and equitable mar-
7 ket access through robust rules on sanitary and
8 phytosanitary measures that—

9 (i) encourage the adoption of inter-
10 national standards and require a science-
11 based justification be provided for a sani-
12 tary or phytosanitary measure if the meas-
13 ure is more restrictive than the applicable
14 international standard;

15 (ii) improve regulatory coherence, pro-
16 mote the use of systems-based approaches,
17 and appropriately recognize the equivalence
18 of health and safety protection systems of
19 exporting countries;

20 (iii) require that measures are trans-
21 parently developed and implemented, are
22 based on risk assessments that take into
23 account relevant international guidelines
24 and scientific data, and are not more re-

1 strictive on trade than necessary to meet
2 the intended purpose; and

3 (iv) improve import check processes,
4 including testing methodologies and proce-
5 dures, and certification requirements,

6 while recognizing that countries may put in
7 place measures to protect human, animal or
8 plant life or health in a manner consistent with
9 their international obligations, including the
10 WTO Agreement on the Application of Sanitary
11 and Phytosanitary Measures (referred to in sec-
12 tion 101(d)(3) of the Uruguay Round Agree-
13 ments Act (19 U.S.C. 3511(d)(3)));

14 (B) reducing or eliminating, by a date cer-
15 tain, tariffs or other charges that decrease mar-
16 ket opportunities for United States exports—

17 (i) giving priority to those products
18 that are subject to significantly higher tar-
19 iffs or subsidy regimes of major producing
20 countries; and

21 (ii) providing reasonable adjustment
22 periods for United States import sensitive
23 products, in close consultation with Con-
24 gress on such products before initiating
25 tariff reduction negotiations;

1 (C) reducing tariffs to levels that are the
2 same as or lower than those in the United
3 States;

4 (D) reducing or eliminating subsidies that
5 decrease market opportunities for United States
6 exports or unfairly distort agriculture markets
7 to the detriment of the United States;

8 (E) allowing the preservation of programs
9 that support family farms and rural commu-
10 nities but do not distort trade;

11 (F) developing disciplines for domestic sup-
12 port programs, so that production that is in ex-
13 cess of domestic food security needs is sold at
14 world prices;

15 (G) eliminating government policies that
16 create price depressing surpluses;

17 (H) eliminating state trading enterprises
18 whenever possible;

19 (I) developing, strengthening, and clari-
20 fying rules to eliminate practices that unfairly
21 decrease United States market access opportu-
22 nities or distort agricultural markets to the det-
23 riment of the United States, and ensuring that
24 such rules are subject to efficient, timely, and
25 effective dispute settlement, including—

1 (i) unfair or trade distorting activities
2 of state trading enterprises and other ad-
3 ministrative mechanisms, with emphasis on
4 requiring price transparency in the oper-
5 ation of state trading enterprises and such
6 other mechanisms in order to end cross
7 subsidization, price discrimination, and
8 price undercutting;

9 (ii) unjustified trade restrictions or
10 commercial requirements, such as labeling,
11 that affect new technologies, including bio-
12 technology;

13 (iii) unjustified sanitary or
14 phytosanitary restrictions, including re-
15 strictions not based on scientific principles
16 in contravention of obligations in the Uru-
17 guay Round Agreements or bilateral or re-
18 gional trade agreements;

19 (iv) other unjustified technical bar-
20 riers to trade; and

21 (v) restrictive rules in the administra-
22 tion of tariff rate quotas;

23 (J) eliminating practices that adversely af-
24 fect trade in perishable or cyclical products,
25 while improving import relief mechanisms to

1 recognize the unique characteristics of perish-
2 able and cyclical agriculture;

3 (K) ensuring that import relief mecha-
4 nisms for perishable and cyclical agriculture are
5 as accessible and timely to growers in the
6 United States as those mechanisms that are
7 used by other countries;

8 (L) taking into account whether a party to
9 the negotiations has failed to adhere to the pro-
10 visions of already existing trade agreements
11 with the United States or has circumvented ob-
12 ligations under those agreements;

13 (M) taking into account whether a product
14 is subject to market distortions by reason of a
15 failure of a major producing country to adhere
16 to the provisions of already existing trade
17 agreements with the United States or by the
18 circumvention by that country of its obligations
19 under those agreements;

20 (N) otherwise ensuring that countries that
21 accede to the World Trade Organization have
22 made meaningful market liberalization commit-
23 ments in agriculture;

24 (O) taking into account the impact that
25 agreements covering agriculture to which the

1 United States is a party have on the United
2 States agricultural industry;

3 (P) maintaining bona fide food assistance
4 programs, market development programs, and
5 export credit programs;

6 (Q) seeking to secure the broadest market
7 access possible in multilateral, regional, and bi-
8 lateral negotiations, recognizing the effect that
9 simultaneous sets of negotiations may have on
10 United States import sensitive commodities (in-
11 cluding those subject to tariff rate quotas);

12 (R) seeking to develop an international
13 consensus on the treatment of seasonal or per-
14 ishable agricultural products in investigations
15 relating to dumping and safeguards and in any
16 other relevant area;

17 (S) seeking to establish the common base
18 year for calculating the Aggregated Measure-
19 ment of Support (as defined in the Agreement
20 on Agriculture) as the end of each country's
21 Uruguay Round implementation period, as re-
22 ported in each country's Uruguay Round mar-
23 ket access schedule;

1 (T) ensuring transparency in the adminis-
2 tration of tariff rate quotas through multilat-
3 eral, plurilateral, and bilateral negotiations; and

4 (U) eliminating and preventing the under-
5 mining of market access for United States
6 products through improper use of a country's
7 system for protecting or recognizing geo-
8 graphical indications, including failing to ensure
9 transparency and procedural fairness and pro-
10 tecting generic terms.

11 (4) FOREIGN INVESTMENT.—Recognizing that
12 United States law on the whole provides a high level
13 of protection for investment, consistent with or
14 greater than the level required by international law,
15 the principal negotiating objectives of the United
16 States regarding foreign investment are to reduce or
17 eliminate artificial or trade distorting barriers to for-
18 eign investment, while ensuring that foreign inves-
19 tors in the United States are not accorded greater
20 substantive rights with respect to investment protec-
21 tions than United States investors in the United
22 States, and to secure for investors important rights
23 comparable to those that would be available under
24 United States legal principles and practice, by—

1 (A) reducing or eliminating exceptions to
2 the principle of national treatment;

3 (B) freeing the transfer of funds relating
4 to investments;

5 (C) reducing or eliminating performance
6 requirements, forced technology transfers, and
7 other unreasonable barriers to the establish-
8 ment and operation of investments;

9 (D) seeking to establish standards for ex-
10 propriation and compensation for expropriation,
11 consistent with United States legal principles
12 and practice;

13 (E) seeking to establish standards for fair
14 and equitable treatment consistent with United
15 States legal principles and practice, including
16 the principle of due process;

17 (F) providing meaningful procedures for
18 resolving investment disputes;

19 (G) seeking to improve mechanisms used
20 to resolve disputes between an investor and a
21 government through—

22 (i) mechanisms to eliminate frivolous
23 claims and to deter the filing of frivolous
24 claims;

1 (ii) procedures to ensure the efficient
2 selection of arbitrators and the expeditious
3 disposition of claims;

4 (iii) procedures to enhance opportuni-
5 ties for public input into the formulation of
6 government positions; and

7 (iv) providing for an appellate body or
8 similar mechanism to provide coherence to
9 the interpretations of investment provisions
10 in trade agreements; and

11 (H) ensuring the fullest measure of trans-
12 parency in the dispute settlement mechanism,
13 to the extent consistent with the need to protect
14 information that is classified or business con-
15 fidential, by—

16 (i) ensuring that all requests for dis-
17 pute settlement are promptly made public;

18 (ii) ensuring that—

19 (I) all proceedings, submissions,
20 findings, and decisions are promptly
21 made public; and

22 (II) all hearings are open to the
23 public; and

24 (iii) establishing a mechanism for ac-
25 ceptance of amicus curiae submissions

1 from businesses, unions, and nongovern-
2 mental organizations.

3 (5) INTELLECTUAL PROPERTY.—The principal
4 negotiating objectives of the United States regarding
5 trade related intellectual property are—

6 (A) to further promote adequate and effec-
7 tive protection of intellectual property rights,
8 including through—

9 (i)(I) ensuring accelerated and full
10 implementation of the Agreement on Trade
11 Related Aspects of Intellectual Property
12 Rights referred to in section 101(d)(15) of
13 the Uruguay Round Agreements Act (19
14 U.S.C. 3511(d)(15)), particularly with re-
15 spect to meeting enforcement obligations
16 under that agreement; and

17 (II) ensuring that the provisions of
18 any trade agreement governing intellectual
19 property rights that is entered into by the
20 United States reflect a standard of protec-
21 tion similar to that found in United States
22 law;

23 (ii) providing strong protection for
24 new and emerging technologies and new
25 methods of transmitting and distributing

1 products embodying intellectual property,
2 including in a manner that facilitates le-
3 gitimate digital trade;

4 (iii) preventing or eliminating dis-
5 crimination with respect to matters affect-
6 ing the availability, acquisition, scope,
7 maintenance, use, and enforcement of in-
8 tellectual property rights;

9 (iv) ensuring that standards of protec-
10 tion and enforcement keep pace with tech-
11 nological developments, and in particular
12 ensuring that rightholders have the legal
13 and technological means to control the use
14 of their works through the Internet and
15 other global communication media, and to
16 prevent the unauthorized use of their
17 works;

18 (v) providing strong enforcement of
19 intellectual property rights, including
20 through accessible, expeditious, and effec-
21 tive civil, administrative, and criminal en-
22 forcement mechanisms; and

23 (vi) preventing or eliminating govern-
24 ment involvement in the violation of intel-

1 intellectual property rights, including cyber
2 theft and piracy;

3 (B) to secure fair, equitable, and non-
4 discriminatory market access opportunities for
5 United States persons that rely upon intellec-
6 tual property protection; and

7 (C) to respect the Declaration on the
8 TRIPS Agreement and Public Health, adopted
9 by the World Trade Organization at the Fourth
10 Ministerial Conference at Doha, Qatar on No-
11 vember 14, 2001, and to ensure that trade
12 agreements foster innovation and promote ac-
13 cess to medicines.

14 (6) DIGITAL TRADE IN GOODS AND SERVICES
15 AND CROSS-BORDER DATA FLOWS.—The principal
16 negotiating objectives of the United States with re-
17 spect to digital trade in goods and services, as well
18 as cross-border data flows, are—

19 (A) to ensure that current obligations,
20 rules, disciplines, and commitments under the
21 World Trade Organization and bilateral and re-
22 gional trade agreements apply to digital trade
23 in goods and services and to cross-border data
24 flows;

25 (B) to ensure that—

1 (i) electronically delivered goods and
2 services receive no less favorable treatment
3 under trade rules and commitments than
4 like products delivered in physical form;
5 and

6 (ii) the classification of such goods
7 and services ensures the most liberal trade
8 treatment possible, fully encompassing
9 both existing and new trade;

10 (C) to ensure that governments refrain
11 from implementing trade related measures that
12 impede digital trade in goods and services, re-
13 strict cross-border data flows, or require local
14 storage or processing of data;

15 (D) with respect to subparagraphs (A)
16 through (C), where legitimate policy objectives
17 require domestic regulations that affect digital
18 trade in goods and services or cross-border data
19 flows, to obtain commitments that any such
20 regulations are the least restrictive on trade,
21 nondiscriminatory, and transparent, and pro-
22 mote an open market environment; and

23 (E) to extend the moratorium of the World
24 Trade Organization on duties on electronic
25 transmissions.

1 (7) REGULATORY PRACTICES.—The principal
2 negotiating objectives of the United States regarding
3 the use of government regulation or other practices
4 to reduce market access for United States goods,
5 services, and investments are—

6 (A) to achieve increased transparency and
7 opportunity for the participation of affected
8 parties in the development of regulations;

9 (B) to require that proposed regulations be
10 based on sound science, cost benefit analysis,
11 risk assessment, or other objective evidence;

12 (C) to establish consultative mechanisms
13 and seek other commitments, as appropriate, to
14 improve regulatory practices and promote in-
15 creased regulatory coherence, including
16 through—

17 (i) transparency in developing guide-
18 lines, rules, regulations, and laws for gov-
19 ernment procurement and other regulatory
20 regimes;

21 (ii) the elimination of redundancies in
22 testing and certification;

23 (iii) early consultations on significant
24 regulations;

25 (iv) the use of impact assessments;

1 (v) the periodic review of existing reg-
2 ulatory measures; and

3 (vi) the application of good regulatory
4 practices;

5 (D) to seek greater openness, trans-
6 parency, and convergence of standards-develop-
7 ment processes, and enhance cooperation on
8 standards issues globally;

9 (E) to promote regulatory compatibility
10 through harmonization, equivalence, or mutual
11 recognition of different regulations and stand-
12 ards and to encourage the use of international
13 and interoperable standards, as appropriate;

14 (F) to achieve the elimination of govern-
15 ment measures such as price controls and ref-
16 erence pricing which deny full market access for
17 United States products;

18 (G) to ensure that government regulatory
19 reimbursement regimes are transparent, provide
20 procedural fairness, are non-discriminatory, and
21 provide full market access for United States
22 products; and

23 (H) to ensure that foreign governments—
24 (i) demonstrate that the collection of
25 undisclosed proprietary information is lim-

1 ited to that necessary to satisfy a legiti-
2 mate and justifiable regulatory interest;
3 and

4 (ii) protect such information against
5 disclosure, except in exceptional cir-
6 cumstances to protect the public, or where
7 such information is effectively protected
8 against unfair competition.

9 (8) STATE-OWNED AND STATE-CONTROLLED
10 ENTERPRISES.—The principal negotiating objective
11 of the United States regarding competition by state-
12 owned and state-controlled enterprises is to seek
13 commitments that—

14 (A) eliminate or prevent trade distortions
15 and unfair competition favoring state-owned
16 and state-controlled enterprises to the extent of
17 their engagement in commercial activity, and

18 (B) ensure that such engagement is based
19 solely on commercial considerations,
20 in particular through disciplines that eliminate or
21 prevent discrimination and market-distorting sub-
22 sidies and that promote transparency.

23 (9) LOCALIZATION BARRIERS TO TRADE.—The
24 principal negotiating objective of the United States
25 with respect to localization barriers is to eliminate

1 and prevent measures that require United States
2 producers and service providers to locate facilities,
3 intellectual property, or other assets in a country as
4 a market access or investment condition, including
5 indigenous innovation measures.

6 (10) LABOR AND THE ENVIRONMENT.—The
7 principal negotiating objectives of the United States
8 with respect to labor and the environment are—

9 (A) to ensure that a party to a trade
10 agreement with the United States—

11 (i) adopts and maintains measures
12 implementing internationally recognized
13 core labor standards (as defined in section
14 11(17)) and its obligations under common
15 multilateral environmental agreements (as
16 defined in section 11(6)),

17 (ii) does not waive or otherwise dero-
18 gate from, or offer to waive or otherwise
19 derogate from—

20 (I) its statutes or regulations im-
21 plementing internationally recognized
22 core labor standards (as defined in
23 section 11(17)), in a manner affecting
24 trade or investment between the
25 United States and that party, where

1 the waiver or derogation would be in-
2 consistent with one or more such
3 standards, or

4 (II) its environmental laws in a
5 manner that weakens or reduces the
6 protections afforded in those laws and
7 in a manner affecting trade or invest-
8 ment between the United States and
9 that party, except as provided in its
10 law and provided not inconsistent with
11 its obligations under common multi-
12 lateral environmental agreements (as
13 defined in section 11(6)) or other pro-
14 visions of the trade agreement specifi-
15 cally agreed upon, and

16 (iii) does not fail to effectively enforce
17 its environmental or labor laws, through a
18 sustained or recurring course of action or
19 inaction,

20 in a manner affecting trade or investment be-
21 tween the United States and that party after
22 entry into force of a trade agreement between
23 those countries;

24 (B) to recognize that—

1 (i) with respect to environment, par-
2 ties to a trade agreement retain the right
3 to exercise prosecutorial discretion and to
4 make decisions regarding the allocation of
5 enforcement resources with respect to
6 other environmental laws determined to
7 have higher priorities, and a party is effec-
8 tively enforcing its laws if a course of ac-
9 tion or inaction reflects a reasonable, bona
10 fide exercise of such discretion, or results
11 from a reasonable, bona fide decision re-
12 garding the allocation of resources; and

13 (ii) with respect to labor, decisions re-
14 garding the distribution of enforcement re-
15 sources are not a reason for not complying
16 with a party's labor obligations; a party to
17 a trade agreement retains the right to rea-
18 sonable exercise of discretion and to make
19 bona fide decisions regarding the allocation
20 of resources between labor enforcement ac-
21 tivities among core labor standards, pro-
22 vided the exercise of such discretion and
23 such decisions are not inconsistent with its
24 obligations;

1 (C) to strengthen the capacity of United
2 States trading partners to promote respect for
3 core labor standards (as defined in section
4 11(17));

5 (D) to strengthen the capacity of United
6 States trading partners to protect the environ-
7 ment through the promotion of sustainable de-
8 velopment;

9 (E) to reduce or eliminate government
10 practices or policies that unduly threaten sus-
11 tainable development;

12 (F) to seek market access, through the
13 elimination of tariffs and nontariff barriers, for
14 United States environmental technologies,
15 goods, and services;

16 (G) to ensure that labor, environmental,
17 health, or safety policies and practices of the
18 parties to trade agreements with the United
19 States do not arbitrarily or unjustifiably dis-
20 criminate against United States exports or
21 serve as disguised barriers to trade;

22 (H) to ensure that enforceable labor and
23 environment obligations are subject to the same
24 dispute settlement and remedies as other en-
25 forceable obligations under the agreement; and

1 (I) to ensure that a trade agreement is not
2 construed to empower a party's authorities to
3 undertake labor or environmental law enforce-
4 ment activities in the territory of the United
5 States.

6 (11) CURRENCY.—The principal negotiating ob-
7 jective of the United States with respect to currency
8 practices is that parties to a trade agreement with
9 the United States avoid manipulating exchange rates
10 in order to prevent effective balance of payments ad-
11 justment or to gain an unfair competitive advantage
12 over other parties to the agreement, such as through
13 cooperative mechanisms, enforceable rules, reporting,
14 monitoring, transparency, or other means, as appro-
15 priate.

16 (12) WTO AND MULTILATERAL TRADE AGREE-
17 MENTS.—Recognizing that the World Trade Organi-
18 zation is the foundation of the global trading system,
19 the principal negotiating objectives of the United
20 States regarding the World Trade Organization, the
21 Uruguay Round Agreements, and other multilateral
22 and plurilateral trade agreements are—

23 (A) to achieve full implementation and ex-
24 tend the coverage of the World Trade Organiza-
25 tion and multilateral and plurilateral agree-

1 ments to products, sectors, and conditions of
2 trade not adequately covered;

3 (B) to expand country participation in and
4 enhancement of the Information Technology
5 Agreement, the Government Procurement
6 Agreement, and other plurilateral trade agree-
7 ments of the World Trade Organization;

8 (C) to expand competitive market opportu-
9 nities for United States exports and to obtain
10 fairer and more open conditions of trade, in-
11 cluding through utilization of global value
12 chains, through the negotiation of new WTO
13 multilateral and plurilateral trade agreements,
14 such as an agreement on trade facilitation;

15 (D) to ensure that regional trade agree-
16 ments to which the United States is not a party
17 fully achieve the high standards of, and comply
18 with, WTO disciplines including Article XXIV
19 of GATT 1994, Article V and V bis of the Gen-
20 eral Agreement on Trade in Services, and the
21 Enabling Clause, including through meaningful
22 WTO review of such regional trade agreements;

23 (E) to enhance compliance by WTO mem-
24 bers with their obligations as WTO members
25 through active participation in the bodies of the

1 World Trade Organization by the United States
2 and all other WTO members, including in the
3 trade policy review mechanism and the com-
4 mittee system of the World Trade Organization,
5 and by working to increase the effectiveness of
6 such bodies; and

7 (F) to encourage greater cooperation be-
8 tween the World Trade Organization and other
9 international organizations.

10 (13) TRADE INSTITUTION TRANSPARENCY.—

11 The principal negotiating objective of the United
12 States with respect to transparency is to obtain
13 wider and broader application of the principle of
14 transparency in the World Trade Organization, enti-
15 ties established under bilateral and regional trade
16 agreements, and other international trade fora
17 through seeking—

18 (A) timely public access to information re-
19 garding trade issues and the activities of such
20 institutions;

21 (B) openness by ensuring public access to
22 appropriate meetings, proceedings, and submis-
23 sions, including with regard to trade and invest-
24 ment dispute settlement; and

1 (C) public access to all notifications and
2 supporting documentation submitted by WTO
3 members.

4 (14) ANTI-CORRUPTION.—The principal negoti-
5 ating objectives of the United States with respect to
6 the use of money or other things of value to influ-
7 ence acts, decisions, or omissions of foreign govern-
8 ments or officials or to secure any improper advan-
9 tage in a manner affecting trade are—

10 (A) to obtain high standards and effective
11 domestic enforcement mechanisms applicable to
12 persons from all countries participating in the
13 applicable trade agreement that prohibit such
14 attempts to influence acts, decisions, or omis-
15 sions of foreign governments;

16 (B) to ensure that such standards level the
17 playing field for United States persons in inter-
18 national trade and investment; and

19 (C) to seek commitments to work jointly to
20 encourage and support anti-corruption and
21 anti-bribery initiatives in international trade
22 fora, including through the Convention on Com-
23 bating Bribery of Foreign Public Officials in
24 International Business Transactions of the Or-
25 ganization for Economic Cooperation and De-

1 velopment, done at Paris December 17, 1997
2 (commonly known as the “OECD Anti-Bribery
3 Convention”).

4 (15) DISPUTE SETTLEMENT AND ENFORCE-
5 MENT.—The principal negotiating objectives of the
6 United States with respect to dispute settlement and
7 enforcement of trade agreements are—

8 (A) to seek provisions in trade agreements
9 providing for resolution of disputes between
10 governments under those trade agreements in
11 an effective, timely, transparent, equitable, and
12 reasoned manner, requiring determinations
13 based on facts and the principles of the agree-
14 ments, with the goal of increasing compliance
15 with the agreements;

16 (B) to seek to strengthen the capacity of
17 the Trade Policy Review Mechanism of the
18 World Trade Organization to review compliance
19 with commitments;

20 (C) to seek adherence by panels convened
21 under the Dispute Settlement Understanding
22 and by the Appellate Body to—

23 (i) the mandate of those panels and
24 the Appellate Body to apply the WTO
25 Agreement as written, without adding to or

1 diminishing rights and obligations under
2 the Agreement; and

3 (ii) the standard of review applicable
4 under the Uruguay Round Agreement in-
5 volved in the dispute, including greater
6 deference, where appropriate, to the fact
7 finding and technical expertise of national
8 investigating authorities;

9 (D) to seek provisions encouraging the
10 early identification and settlement of disputes
11 through consultation;

12 (E) to seek provisions to encourage the
13 provision of trade expanding compensation if a
14 party to a dispute under the agreement does
15 not come into compliance with its obligations
16 under the agreement;

17 (F) to seek provisions to impose a penalty
18 upon a party to a dispute under the agreement
19 that—

20 (i) encourages compliance with the ob-
21 ligations of the agreement;

22 (ii) is appropriate to the parties, na-
23 ture, subject matter, and scope of the vio-
24 lation; and

1 (iii) has the aim of not adversely af-
2 fecting parties or interests not party to the
3 dispute while maintaining the effectiveness
4 of the enforcement mechanism; and

5 (G) to seek provisions that treat United
6 States principal negotiating objectives equally
7 with respect to—

8 (i) the ability to resort to dispute set-
9 tlement under the applicable agreement;

10 (ii) the availability of equivalent dis-
11 pute settlement procedures; and

12 (iii) the availability of equivalent rem-
13 edies.

14 (16) TRADE REMEDY LAWS.—The principal ne-
15 gotiating objectives of the United States with respect
16 to trade remedy laws are—

17 (A) to preserve the ability of the United
18 States to enforce rigorously its trade laws, in-
19 cluding the antidumping, countervailing duty,
20 and safeguard laws, and avoid agreements that
21 lessen the effectiveness of domestic and inter-
22 national disciplines on unfair trade, especially
23 dumping and subsidies, or that lessen the effec-
24 tiveness of domestic and international safeguard
25 provisions, in order to ensure that United

1 States workers, agricultural producers, and
2 firms can compete fully on fair terms and enjoy
3 the benefits of reciprocal trade concessions; and

4 (B) to address and remedy market distor-
5 tions that lead to dumping and subsidization,
6 including overcapacity, cartelization, and mar-
7 ket access barriers.

8 (17) BORDER TAXES.—The principal negoti-
9 ating objective of the United States regarding border
10 taxes is to obtain a revision of the rules of the World
11 Trade Organization with respect to the treatment of
12 border adjustments for internal taxes to redress the
13 disadvantage to countries relying primarily on direct
14 taxes for revenue rather than indirect taxes.

15 (18) TEXTILE NEGOTIATIONS.—The principal
16 negotiating objectives of the United States with re-
17 spect to trade in textiles and apparel articles are to
18 obtain competitive opportunities for United States
19 exports of textiles and apparel in foreign markets
20 substantially equivalent to the competitive opportu-
21 nities afforded foreign exports in United States mar-
22 kets and to achieve fairer and more open conditions
23 of trade in textiles and apparel.

1 (c) CAPACITY BUILDING AND OTHER PRIORITIES.—

2 In order to address and maintain United States competi-
3 tiveness in the global economy, the President shall—

4 (1) direct the heads of relevant Federal agen-
5 cies—

6 (A) to work to strengthen the capacity of
7 United States trading partners to carry out ob-
8 ligations under trade agreements by consulting
9 with any country seeking a trade agreement
10 with the United States concerning that coun-
11 try's laws relating to customs and trade facilita-
12 tion, sanitary and phytosanitary measures,
13 technical barriers to trade, intellectual property
14 rights, labor, and the environment; and

15 (B) to provide technical assistance to that
16 country if needed;

17 (2) seek to establish consultative mechanisms
18 among parties to trade agreements to strengthen the
19 capacity of United States trading partners to de-
20 velop and implement standards for the protection of
21 the environment and human health based on sound
22 science; and

23 (3) promote consideration of multilateral envi-
24 ronmental agreements and consult with parties to
25 such agreements regarding the consistency of any

1 such agreement that includes trade measures with
2 existing environmental exceptions under Article XX
3 of GATT 1994.

4 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

5 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

6 (1) IN GENERAL.—Whenever the President de-
7 termines that one or more existing duties or other
8 import restrictions of any foreign country or the
9 United States are unduly burdening and restricting
10 the foreign trade of the United States and that the
11 purposes, policies, priorities, and objectives of this
12 Act will be promoted thereby, the President—

13 (A) may enter into trade agreements with
14 foreign countries before—

15 (i) July 1, 2018; or

16 (ii) July 1, 2021, if trade authorities
17 procedures are extended under subsection
18 (c); and

19 (B) may, subject to paragraphs (2) and
20 (3), proclaim—

21 (i) such modification or continuance
22 of any existing duty,

23 (ii) such continuance of existing duty
24 free or excise treatment, or

25 (iii) such additional duties,

1 as the President determines to be required or
2 appropriate to carry out any such trade agree-
3 ment.

4 Substantial modifications to, or substantial addi-
5 tional provisions of, a trade agreement entered into
6 after July 1, 2018, or July 1, 2021, if trade authori-
7 ties procedures are extended under subsection (c),
8 shall not be eligible for approval under this Act.

9 (2) NOTIFICATION.—The President shall notify
10 Congress of the President’s intention to enter into
11 an agreement under this subsection.

12 (3) LIMITATIONS.—No proclamation may be
13 made under paragraph (1) that—

14 (A) reduces any rate of duty (other than a
15 rate of duty that does not exceed 5 percent ad
16 valorem on the date of the enactment of this
17 Act) to a rate of duty which is less than 50 per-
18 cent of the rate of such duty that applies on
19 such date of enactment;

20 (B) reduces the rate of duty below that ap-
21 plicable under the Uruguay Round Agreements
22 or a successor agreement, on any import sen-
23 sitive agricultural product; or

1 (C) increases any rate of duty above the
2 rate that applied on the date of the enactment
3 of this Act.

4 (4) AGGREGATE REDUCTION; EXEMPTION FROM
5 STAGING.—

6 (A) AGGREGATE REDUCTION.—Except as
7 provided in subparagraph (B), the aggregate re-
8 duction in the rate of duty on any article which
9 is in effect on any day pursuant to a trade
10 agreement entered into under paragraph (1)
11 shall not exceed the aggregate reduction which
12 would have been in effect on such day if—

13 (i) a reduction of 3 percent ad valo-
14 rem or a reduction of $\frac{1}{10}$ of the total re-
15 duction, whichever is greater, had taken ef-
16 fect on the effective date of the first reduc-
17 tion proclaimed under paragraph (1) to
18 carry out such agreement with respect to
19 such article; and

20 (ii) a reduction equal to the amount
21 applicable under clause (i) had taken effect
22 at 1-year intervals after the effective date
23 of such first reduction.

24 (B) EXEMPTION FROM STAGING.—No
25 staging is required under subparagraph (A)

1 with respect to a duty reduction that is pro-
2 claimed under paragraph (1) for an article of a
3 kind that is not produced in the United States.
4 The United States International Trade Com-
5 mission shall advise the President of the iden-
6 tity of articles that may be exempted from stag-
7 ging under this subparagraph.

8 (5) ROUNDING.—If the President determines
9 that such action will simplify the computation of re-
10 ductions under paragraph (4), the President may
11 round an annual reduction by an amount equal to
12 the lesser of—

13 (A) the difference between the reduction
14 without regard to this paragraph and the next
15 lower whole number; or

16 (B) $\frac{1}{2}$ of 1 percent ad valorem.

17 (6) OTHER LIMITATIONS.—A rate of duty re-
18 duction that may not be proclaimed by reason of
19 paragraph (3) may take effect only if a provision au-
20 thORIZING such reduction is included within an imple-
21 menting bill provided for under section 6 and that
22 bill is enacted into law.

23 (7) OTHER TARIFF MODIFICATIONS.—Notwith-
24 standing paragraphs (1)(B), (3)(A), (3)(C), and (4)
25 through (6), and subject to the consultation and lay-

1 over requirements of section 115 of the Uruguay
2 Round Agreements Act (19 U.S.C. 3524), the Presi-
3 dent may proclaim the modification of any duty or
4 staged rate reduction of any duty set forth in Sched-
5 ule XX, as defined in section 2(5) of that Act (19
6 U.S.C. 3501(5)), if the United States agrees to such
7 modification or staged rate reduction in a negotia-
8 tion for the reciprocal elimination or harmonization
9 of duties under the auspices of the World Trade Or-
10 ganization.

11 (8) AUTHORITY UNDER URUGUAY ROUND
12 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
13 subsection shall limit the authority provided to the
14 President under section 111(b) of the Uruguay
15 Round Agreements Act (19 U.S.C. 3521(b)).

16 (b) AGREEMENTS REGARDING TARIFF AND NON-
17 TARIFF BARRIERS.—

18 (1) IN GENERAL.—(A) Whenever the President
19 determines that—

20 (i) 1 or more existing duties or any other
21 import restriction of any foreign country or the
22 United States or any other barrier to, or other
23 distortion of, international trade unduly bur-
24 dens or restricts the foreign trade of the United

1 States or adversely affects the United States
2 economy, or

3 (ii) the imposition of any such barrier or
4 distortion is likely to result in such a burden,
5 restriction, or effect,

6 and that the purposes, policies, priorities, and objec-
7 tives of this Act will be promoted thereby, the Presi-
8 dent may enter into a trade agreement described in
9 subparagraph (B) during the period described in
10 subparagraph (C).

11 (B) The President may enter into a trade
12 agreement under subparagraph (A) with foreign
13 countries providing for—

14 (i) the reduction or elimination of a duty,
15 restriction, barrier, or other distortion described
16 in subparagraph (A); or

17 (ii) the prohibition of, or limitation on the
18 imposition of, such barrier or other distortion.

19 (C) The President may enter into a trade
20 agreement under this paragraph before—

21 (i) July 1, 2018; or

22 (ii) July 1, 2021, if trade authorities pro-
23 cedures are extended under subsection (c).

24 Substantial modifications to, or substantial additional pro-
25 visions of, a trade agreement entered into after July 1,

1 2018, or July 1, 2021, if trade authorities procedures are
2 extended under subsection (c), shall not be eligible for ap-
3 proval under this Act.

4 (2) CONDITIONS.—A trade agreement may be
5 entered into under this subsection only if such
6 agreement makes progress in meeting the applicable
7 objectives described in subsections (a) and (b) of
8 section 2 and the President satisfies the conditions
9 set forth in sections 4 and 5.

10 (3) BILLS QUALIFYING FOR TRADE AUTHORI-
11 TIES PROCEDURES.—(A) The provisions of section
12 151 of the Trade Act of 1974 (in this Act referred
13 to as “trade authorities procedures”) apply to a bill
14 of either House of Congress which contains provi-
15 sions described in subparagraph (B) to the same ex-
16 tent as such section 151 applies to implementing
17 bills under that section. A bill to which this para-
18 graph applies shall hereafter in this Act be referred
19 to as an “implementing bill”.

20 (B) The provisions referred to in subparagraph
21 (A) are—

22 (i) a provision approving a trade agree-
23 ment entered into under this subsection and ap-
24 proving the statement of administrative action,

1 if any, proposed to implement such trade agree-
2 ment; and

3 (ii) if changes in existing laws or new stat-
4 utory authority are required to implement such
5 trade agreement or agreements, only such pro-
6 visions as are strictly necessary or appropriate
7 to implement such trade agreement or agree-
8 ments, either repealing or amending existing
9 laws or providing new statutory authority.

10 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
11 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

12 (1) IN GENERAL.—Except as provided in sec-
13 tion 6(b)—

14 (A) the trade authorities procedures apply
15 to implementing bills submitted with respect to
16 trade agreements entered into under subsection
17 (b) before July 1, 2018; and

18 (B) the trade authorities procedures shall
19 be extended to implementing bills submitted
20 with respect to trade agreements entered into
21 under subsection (b) after June 30, 2018, and
22 before July 1, 2021, if (and only if)—

23 (i) the President requests such exten-
24 sion under paragraph (2); and

1 (ii) neither House of Congress adopts
2 an extension disapproval resolution under
3 paragraph (5) before July 1, 2018.

4 (2) REPORT TO CONGRESS BY THE PRESI-
5 DENT.—If the President is of the opinion that the
6 trade authorities procedures should be extended to
7 implementing bills described in paragraph (1)(B),
8 the President shall submit to Congress, not later
9 than April 1, 2018, a written report that contains a
10 request for such extension, together with—

11 (A) a description of all trade agreements
12 that have been negotiated under subsection (b)
13 and the anticipated schedule for submitting
14 such agreements to Congress for approval;

15 (B) a description of the progress that has
16 been made in negotiations to achieve the pur-
17 poses, policies, priorities, and objectives of this
18 Act, and a statement that such progress justi-
19 fies the continuation of negotiations; and

20 (C) a statement of the reasons why the ex-
21 tension is needed to complete the negotiations.

22 (3) OTHER REPORTS TO CONGRESS.—

23 (A) REPORT BY THE ADVISORY COM-
24 MITTEE.—The President shall promptly inform
25 the Advisory Committee for Trade Policy and

1 Negotiations established under section 135 of
2 the Trade Act of 1974 (19 U.S.C. 2155) of the
3 decision of the President to submit a report to
4 Congress under paragraph (2). The Advisory
5 Committee shall submit to Congress as soon as
6 practicable, but not later than June 1, 2018, a
7 written report that contains—

8 (i) its views regarding the progress
9 that has been made in negotiations to
10 achieve the purposes, policies, priorities,
11 and objectives of this Act; and

12 (ii) a statement of its views, and the
13 reasons therefor, regarding whether the ex-
14 tension requested under paragraph (2)
15 should be approved or disapproved.

16 (B) REPORT BY INTERNATIONAL TRADE
17 COMMISSION.—The President shall promptly in-
18 form the United States International Trade
19 Commission of the decision of the President to
20 submit a report to Congress under paragraph
21 (2). The International Trade Commission shall
22 submit to Congress as soon as practicable, but
23 not later than June 1, 2018, a written report
24 that contains a review and analysis of the eco-
25 nomic impact on the United States of all trade

1 agreements implemented between the date of
2 the enactment of this Act and the date on
3 which the President decides to seek an exten-
4 sion requested under paragraph (2).

5 (4) STATUS OF REPORTS.—The reports sub-
6 mitted to Congress under paragraphs (2) and (3), or
7 any portion of such reports, may be classified to the
8 extent the President determines appropriate.

9 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—
10 (A) For purposes of paragraph (1), the term “exten-
11 sion disapproval resolution” means a resolution of
12 either House of Congress, the sole matter after the
13 resolving clause of which is as follows: “That the
14 _____ disapproves the request of the President
15 for the extension, under section 3(c)(1)(B)(i) of the
16 Bipartisan Congressional Trade Priorities Act of
17 2014, of the trade authorities procedures under that
18 Act to any implementing bill submitted with respect
19 to any trade agreement entered into under section
20 3(b) of that Act after June 30, 2018.”, with the
21 blank space being filled with the name of the resolv-
22 ing House of Congress.

23 (B) Extension disapproval resolutions—

24 (i) may be introduced in either House of
25 Congress by any member of such House; and

1 (ii) shall be referred, in the House of Rep-
2 representatives, to the Committee on Ways and
3 Means and, in addition, to the Committee on
4 Rules.

5 (C) The provisions of subsections (d) and (e) of
6 section 152 of the Trade Act of 1974 (19 U.S.C.
7 2192) (relating to the floor consideration of certain
8 resolutions in the House and Senate) apply to exten-
9 sion disapproval resolutions.

10 (D) It is not in order for—

11 (i) the House of Representatives to con-
12 sider any extension disapproval resolution not
13 reported by the Committee on Ways and Means
14 and, in addition, by the Committee on Rules;

15 (ii) the Senate to consider any extension
16 disapproval resolution not reported by the Com-
17 mittee on Finance; or

18 (iii) either House of Congress to consider
19 an extension disapproval resolution after June
20 30, 2018.

21 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
22 to contribute to the continued economic expansion of the
23 United States, the President shall commence negotiations
24 covering tariff and nontariff barriers affecting any indus-
25 try, product, or service sector, and expand existing sec-

1 toral agreements to countries that are not parties to those
2 agreements, in cases where the President determines that
3 such negotiations are feasible and timely and would ben-
4 efit the United States. Such sectors include agriculture,
5 commercial services, intellectual property rights, industrial
6 and capital goods, government procurement, information
7 technology products, environmental technology and serv-
8 ices, medical equipment and services, civil aircraft, and in-
9 frastructure products. In so doing, the President shall
10 take into account all of the principal negotiating objectives
11 set forth in section 2(b).

12 **SEC. 4. CONGRESSIONAL OVERSIGHT, CONSULTATIONS,**
13 **AND ACCESS TO INFORMATION.**

14 (a) CONSULTATIONS WITH MEMBERS OF CON-
15 GRESS.—

16 (1) CONSULTATIONS DURING NEGOTIATIONS.—

17 In the course of negotiations conducted under this
18 Act, the United States Trade Representative shall—

19 (A) meet upon request with any Member of
20 Congress regarding negotiating objectives, the
21 status of negotiations in progress, and the na-
22 ture of any changes in the laws of the United
23 States or the administration of those laws that
24 may be recommended to Congress to carry out
25 any trade agreement or any requirement of,

1 amendment to, or recommendation under, that
2 agreement;

3 (B) upon request of any Member of Con-
4 gress, provide access to pertinent documents re-
5 lating to the negotiations, including classified
6 materials;

7 (C) consult closely and on a timely basis
8 with, and keep fully apprised of the negotia-
9 tions, the Committee on Ways and Means of
10 the House of Representatives and the Com-
11 mittee on Finance of the Senate;

12 (D) consult closely and on a timely basis
13 with, and keep fully apprised of the negotia-
14 tions, the House Advisory Group on Negotia-
15 tions and the Senate Advisory Group on Nego-
16 tiations convened under subsection (c) and all
17 committees of the House of Representatives and
18 the Senate with jurisdiction over laws that
19 could be affected by a trade agreement result-
20 ing from the negotiations; and

21 (E) with regard to any negotiations and
22 agreement relating to agricultural trade, also
23 consult closely and on a timely basis (including
24 immediately before initialing an agreement)
25 with, and keep fully apprised of the negotia-

1 tions, the Committee on Agriculture of the
2 House of Representatives and the Committee
3 on Agriculture, Nutrition, and Forestry of the
4 Senate.

5 (2) CONSULTATIONS PRIOR TO ENTRY INTO
6 FORCE.—Prior to exchanging notes providing for the
7 entry into force of a trade agreement, the United
8 States Trade Representative shall consult closely
9 and on a timely basis with Members of Congress and
10 committees as specified in paragraph (1), and keep
11 them fully apprised of the measures a trading part-
12 ner has taken to comply with those provisions of the
13 agreement that are to take effect on the date that
14 the agreement enters into force.

15 (3) ENHANCED COORDINATION WITH CON-
16 GRESS.—

17 (A) WRITTEN GUIDELINES.—The United
18 States Trade Representative, in consultation
19 with the chairmen and the ranking members of
20 the Committee on Ways and Means of the
21 House of Representatives and the Committee
22 on Finance of the Senate, respectively—

23 (i) shall, not later than 120 days after
24 the date of the enactment of this Act, de-
25 velop written guidelines on enhanced co-

1 ordination with Congress, including coordi-
2 nation with designated congressional advis-
3 ers under subsection (b), regarding nego-
4 tiations conducted under this Act; and

5 (ii) may make such revisions to the
6 guidelines as may be necessary from time
7 to time.

8 (B) CONTENT OF GUIDELINES.—The
9 guidelines developed under subparagraph (A)
10 shall enhance coordination with Congress
11 through procedures to ensure—

12 (i) timely briefings upon request of
13 any Member of Congress regarding negoti-
14 ating objectives, the status of negotiations
15 in progress conducted under this Act, and
16 the nature of any changes in the laws of
17 the United States or the administration of
18 those laws that may be recommended to
19 Congress to carry out any trade agreement
20 or any requirement of, amendment to, or
21 recommendation under, that agreement;
22 and

23 (ii) the sharing of detailed and timely
24 information to Members of Congress re-
25 garding those negotiations and pertinent

1 documents related to those negotiations
2 (including classified information), and to
3 committee staff with proper security clear-
4 ances as would be appropriate in the light
5 of the responsibilities of that committee
6 over the trade agreements programs af-
7 fected by those negotiations.

8 (C) DISSEMINATION.—The United States
9 Trade Representative shall disseminate the
10 guidelines developed under subparagraph (A) to
11 all Federal agencies that could have jurisdiction
12 over laws affected by trade negotiations.

13 (b) DESIGNATED CONGRESSIONAL ADVISERS.—

14 (1) DESIGNATION.—

15 (A) HOUSE OF REPRESENTATIVES.—In
16 each Congress, any Member of the House of
17 Representatives may be designated as a con-
18 gressional adviser on trade policy and negotia-
19 tions by the Speaker of the House of Rep-
20 resentatives, after consulting with the chairman
21 and ranking member of the Committee on Ways
22 and Means and the chairman and ranking
23 member of the committee from which the Mem-
24 ber will be selected.

1 (B) SENATE.—In each Congress, any
2 Member of the Senate may be designated as a
3 congressional adviser on trade policy and nego-
4 tiations by the President pro tempore of the
5 Senate, after consultation with the chairman
6 and ranking member of the Committee on Fi-
7 nance and the chairman and ranking member
8 of the committee from which the Member will
9 be selected.

10 (2) CONSULTATIONS WITH DESIGNATED CON-
11 GRESSIONAL ADVISERS.—In the course of negotia-
12 tions conducted under this Act, the United States
13 Trade Representative shall consult closely and on a
14 timely basis (including immediately before initialing
15 an agreement) with, and keep fully apprised of the
16 negotiations, the congressional advisers for trade
17 policy and negotiations designated under paragraph
18 (1).

19 (3) ACCREDITATION.—Each Member of Con-
20 gress designated as a congressional adviser under
21 paragraph (1) shall be accredited by the United
22 States Trade Representative on behalf of the Presi-
23 dent as an official adviser to the United States dele-
24 gations to international conferences, meetings, and
25 negotiating sessions relating to trade agreements.

1 (c) CONGRESSIONAL ADVISORY GROUPS ON NEGO-
2 TIATIONS.—

3 (1) IN GENERAL.—By not later than 60 days
4 after the date of the enactment of this Act, and not
5 later than 30 days after the convening of each Con-
6 gress, the chairman of the Committee on Ways and
7 Means of the House of Representatives shall convene
8 the House Advisory Group on Negotiations and the
9 chairman of the Committee on Finance of the Sen-
10 ate shall convene the Senate Advisory Group on Ne-
11 gotiations (in this subsection referred to collectively
12 as the “congressional advisory groups”).

13 (2) MEMBERS AND FUNCTIONS.—

14 (A) MEMBERSHIP OF THE HOUSE ADVI-
15 SORY GROUP ON NEGOTIATIONS.—In each Con-
16 gress, the House Advisory Group on Negotia-
17 tions shall be comprised of the following Mem-
18 bers of the House of Representatives:

19 (i) The chairman and ranking mem-
20 ber of the Committee on Ways and Means,
21 and 3 additional members of such Com-
22 mittee (not more than 2 of whom are
23 members of the same political party).

24 (ii) The chairman and ranking mem-
25 ber, or their designees, of the committees

1 of the House of Representatives that would
2 have, under the Rules of the House of
3 Representatives, jurisdiction over provi-
4 sions of law affected by a trade agreement
5 negotiation conducted at any time during
6 that Congress and to which this Act would
7 apply.

8 (B) MEMBERSHIP OF THE SENATE ADVI-
9 SORY GROUP ON NEGOTIATIONS.—In each Con-
10 gress, the Senate Advisory Group on Negotia-
11 tions shall be comprised of the following Mem-
12 bers of the Senate:

13 (i) The chairman and ranking mem-
14 ber of the Committee on Finance and 3
15 additional members of such Committee
16 (not more than 2 of whom are members of
17 the same political party).

18 (ii) The chairman and ranking mem-
19 ber, or their designees, of the committees
20 of the Senate that would have, under the
21 Rules of the Senate, jurisdiction over pro-
22 visions of law affected by a trade agree-
23 ment negotiation conducted at any time
24 during that Congress and to which this Act
25 would apply.

1 (C) ACCREDITATION.—Each member of
2 the congressional advisory groups described in
3 subparagraphs (A)(i) and (B)(i) shall be ac-
4 credited by the United States Trade Represent-
5 ative on behalf of the President as an official
6 adviser to the United States delegation in nego-
7 tiations for any trade agreement to which this
8 Act applies. Each member of the congressional
9 advisory groups described in subparagraphs
10 (A)(ii) and (B)(ii) shall be accredited by the
11 United States Trade Representative on behalf
12 of the President as an official adviser to the
13 United States delegation in the negotiations by
14 reason of which the member is in one of the
15 congressional advisory groups.

16 (D) CONSULTATION AND ADVICE.—The
17 congressional advisory groups shall consult with
18 and provide advice to the Trade Representative
19 regarding the formulation of specific objectives,
20 negotiating strategies and positions, the devel-
21 opment of the applicable trade agreement, and
22 compliance and enforcement of the negotiated
23 commitments under the trade agreement.

24 (E) CHAIR.—The House Advisory Group
25 on Negotiations shall be chaired by the Chair-

1 man of the Committee on Ways and Means of
2 the House of Representatives and the Senate
3 Advisory Group on Negotiations shall be
4 chaired by the Chairman of the Committee on
5 Finance of the Senate.

6 (F) COORDINATION WITH OTHER COMMIT-
7 TEES.—Members of any committee represented
8 on one of the congressional advisory groups
9 may submit comments to the member of the ap-
10 propriate congressional advisory group from
11 that committee regarding any matter related to
12 a negotiation for any trade agreement to which
13 this Act applies.

14 (3) GUIDELINES.—

15 (A) PURPOSE AND REVISION.—The United
16 States Trade Representative, in consultation
17 with the chairmen and the ranking members of
18 the Committee on Ways and Means of the
19 House of Representatives and the Committee
20 on Finance of the Senate, respectively—

21 (i) shall, not later than 120 days after
22 the date of the enactment of this Act, de-
23 velop written guidelines to facilitate the
24 useful and timely exchange of information

1 between the Trade Representative and the
2 congressional advisory groups; and

3 (ii) may make such revisions to the
4 guidelines as may be necessary from time
5 to time.

6 (B) CONTENT.—The guidelines developed
7 under subparagraph (A) shall provide for,
8 among other things—

9 (i) detailed briefings on a fixed time-
10 table to be specified in the guidelines of
11 the congressional advisory groups regard-
12 ing negotiating objectives and positions
13 and the status of the applicable negotia-
14 tions, beginning as soon as practicable
15 after the congressional advisory groups are
16 convened, with more frequent briefings as
17 trade negotiations enter the final stage;

18 (ii) access by members of the congres-
19 sional advisory groups, and staff with
20 proper security clearances, to pertinent
21 documents relating to the negotiations, in-
22 cluding classified materials;

23 (iii) the closest practicable coordina-
24 tion between the Trade Representative and
25 the congressional advisory groups at all

1 critical periods during the negotiations, in-
2 cluding at negotiation sites;

3 (iv) after the applicable trade agree-
4 ment is concluded, consultation regarding
5 ongoing compliance and enforcement of ne-
6 gotiated commitments under the trade
7 agreement; and

8 (v) the timeframe for submitting the
9 report required under section 5(d)(3).

10 (4) REQUEST FOR MEETING.—Upon the re-
11 quest of a majority of either of the congressional ad-
12 visory groups, the President shall meet with that
13 congressional advisory group before initiating nego-
14 tiations with respect to a trade agreement, or at any
15 other time concerning the negotiations.

16 (d) CONSULTATIONS WITH THE PUBLIC.—

17 (1) GUIDELINES FOR PUBLIC ENGAGEMENT.—

18 The United States Trade Representative, in con-
19 sultation with the chairmen and the ranking mem-
20 bers of the Committee on Ways and Means of the
21 House of Representatives and the Committee on Fi-
22 nance of the Senate, respectively—

23 (A) shall, not later than 120 days after the
24 date of the enactment of this Act, develop writ-
25 ten guidelines on public access to information

1 regarding negotiations conducted under this
2 Act; and

3 (B) may make such revisions to the guide-
4 lines as may be necessary from time to time.

5 (2) PURPOSES.—The guidelines developed
6 under paragraph (1) shall—

7 (A) facilitate transparency;

8 (B) encourage public participation; and

9 (C) promote collaboration in the negotia-
10 tion process.

11 (3) CONTENT.—The guidelines developed under
12 paragraph (1) shall include procedures that—

13 (A) provide for rapid disclosure of informa-
14 tion in forms that the public can readily find
15 and use; and

16 (B) provide frequent opportunities for pub-
17 lic input through Federal Register requests for
18 comment and other means.

19 (4) DISSEMINATION.—The United States Trade
20 Representative shall disseminate the guidelines de-
21 veloped under paragraph (1) to all Federal agencies
22 that could have jurisdiction over laws affected by
23 trade negotiations.

24 (e) CONSULTATIONS WITH ADVISORY COMMIT-
25 TEES.—

1 (1) GUIDELINES FOR ENGAGEMENT WITH ADVI-
2 SORY COMMITTEES.—The United States Trade Rep-
3 resentative, in consultation with the chairmen and
4 the ranking members of the Committee on Ways and
5 Means of the House of Representatives and the
6 Committee on Finance of the Senate, respectively—

7 (A) shall, not later than 120 days after the
8 date of the enactment of this Act, develop writ-
9 ten guidelines on enhanced coordination with
10 advisory committees established pursuant to
11 section 135 of the Trade Act of 1974 (19
12 U.S.C. 2155) regarding negotiations conducted
13 under this Act; and

14 (B) may make such revisions to the guide-
15 lines as may be necessary from time to time.

16 (2) CONTENT.—The guidelines developed under
17 paragraph (1) shall enhance coordination with advi-
18 sory committees described in that paragraph
19 through procedures to ensure—

20 (A) timely briefings of advisory committees
21 and regular opportunities for advisory commit-
22 tees to provide input throughout the negotiation
23 process on matters relevant to the sectors or
24 functional areas represented by those commit-
25 tees; and

1 (B) the sharing of detailed and timely in-
2 formation with each member of an advisory
3 committee regarding negotiations and pertinent
4 documents related to the negotiation (including
5 classified information) on matters relevant to
6 the sectors or functional areas the member rep-
7 represents, and with a designee with proper secu-
8 rity clearances of each such member as appro-
9 priate.

10 (3) DISSEMINATION.—The United States Trade
11 Representative shall disseminate the guidelines de-
12 veloped under paragraph (1) to all Federal agencies
13 that could have jurisdiction over laws affected by
14 trade negotiations.

15 **SEC. 5. NOTICE, CONSULTATIONS, AND REPORTS.**

16 (a) NOTICE, CONSULTATIONS, AND REPORTS BE-
17 FORE NEGOTIATION.—

18 (1) NOTICE.—The President, with respect to
19 any agreement that is subject to the provisions of
20 section 3(b), shall—

21 (A) provide, at least 90 calendar days be-
22 fore initiating negotiations with a country, writ-
23 ten notice to Congress of the President's inten-
24 tion to enter into the negotiations with that
25 country and set forth in the notice the date on

1 which the President intends to initiate those ne-
2 gotiations, the specific United States objectives
3 for the negotiations with that country, and
4 whether the President intends to seek an agree-
5 ment, or changes to an existing agreement;

6 (B) before and after submission of the no-
7 tice, consult regarding the negotiations with the
8 Committee on Ways and Means of the House of
9 Representatives and the Committee on Finance
10 of the Senate, such other committees of the
11 House and Senate as the President deems ap-
12 propriate, and the House Advisory Group on
13 Negotiations and the Senate Advisory Group on
14 Negotiations convened under section 4(e); and

15 (C) upon the request of a majority of the
16 members of either the House Advisory Group
17 on Negotiations or the Senate Advisory Group
18 on Negotiations convened under section 4(e),
19 meet with the requesting congressional advisory
20 group before initiating the negotiations or at
21 any other time concerning the negotiations.

22 (2) SPECIAL RULE FOR NOTICE AND CON-
23 SULTATION ON DOHA-RELATED AGREEMENTS.—In
24 the case of any plurilateral agreement between the
25 United States and one or more WTO members relat-

1 ing to a matter described in the Ministerial Declara-
2 tion of the World Trade Organization adopted at
3 Doha November 14, 2001—

4 (A) the President shall provide the written
5 notice described in subparagraph (A) of para-
6 graph (1) to Congress at least 90 calendar days
7 before initiating negotiations for the agreement
8 and comply with subparagraphs (B) and (C) of
9 that paragraph with respect to the agreement;
10 and

11 (B) if another WTO member seeks to join
12 the negotiations after notice is provided under
13 subparagraph (A) and the President determines
14 that the WTO member is willing and able to
15 meet the standard of the agreement and the
16 participation of the WTO member would fur-
17 ther the objectives of the United States for the
18 agreement, the President shall—

19 (i) provide advance written notice to
20 Congress before the WTO member joins
21 the negotiations with respect to whether
22 the United States intends to support the
23 entry of the WTO member into the nego-
24 tiations; and

1 (ii) consult with Congress as provided
2 in subparagraphs (B) and (C) of para-
3 graph (1).

4 (3) NEGOTIATIONS REGARDING AGRI-
5 CULTURE.—

6 (A) ASSESSMENT AND CONSULTATIONS
7 FOLLOWING ASSESSMENT.—Before initiating or
8 continuing negotiations the subject matter of
9 which is directly related to the subject matter
10 under section 2(b)(3)(B) with any country, the
11 President shall—

12 (i) assess whether United States tar-
13 iffs on agricultural products that were
14 bound under the Uruguay Round Agree-
15 ments are lower than the tariffs bound by
16 that country;

17 (ii) consider whether the tariff levels
18 bound and applied throughout the world
19 with respect to imports from the United
20 States are higher than United States tar-
21 iffs and whether the negotiation provides
22 an opportunity to address any such dis-
23 parity; and

24 (iii) consult with the Committee on
25 Ways and Means and the Committee on

1 Agriculture of the House of Representa-
2 tives and the Committee on Finance and
3 the Committee on Agriculture, Nutrition,
4 and Forestry of the Senate concerning the
5 results of the assessment, whether it is ap-
6 propriate for the United States to agree to
7 further tariff reductions based on the con-
8 clusions reached in the assessment, and
9 how all applicable negotiating objectives
10 will be met.

11 (B) SPECIAL CONSULTATIONS ON IMPORT
12 SENSITIVE PRODUCTS.—(i) Before initiating ne-
13 gotiations with regard to agriculture and, with
14 respect to agreements described in paragraphs
15 (2) and (3) of section 7(a), as soon as prac-
16 ticable after the date of the enactment of this
17 Act, the United States Trade Representative
18 shall—

19 (I) identify those agricultural products
20 subject to tariff rate quotas on the date of
21 enactment of this Act, and agricultural
22 products subject to tariff reductions by the
23 United States as a result of the Uruguay
24 Round Agreements, for which the rate of
25 duty was reduced on January 1, 1995, to

1 a rate which was not less than 97.5 per-
2 cent of the rate of duty that applied to
3 such article on December 31, 1994;

4 (II) consult with the Committee on
5 Ways and Means and the Committee on
6 Agriculture of the House of Representa-
7 tives and the Committee on Finance and
8 the Committee on Agriculture, Nutrition,
9 and Forestry of the Senate concerning—

10 (aa) whether any further tariff
11 reductions on the products identified
12 under subclause (I) should be appro-
13 priate, taking into account the impact
14 of any such tariff reduction on the
15 United States industry producing the
16 product concerned;

17 (bb) whether the products so
18 identified face unjustified sanitary or
19 phytosanitary restrictions, including
20 those not based on scientific principles
21 in contravention of the Uruguay
22 Round Agreements; and

23 (cc) whether the countries par-
24 ticipating in the negotiations maintain
25 export subsidies or other programs,

1 policies, or practices that distort world
2 trade in such products and the impact
3 of such programs, policies, and prac-
4 tices on United States producers of
5 the products;

6 (III) request that the International
7 Trade Commission prepare an assessment
8 of the probable economic effects of any
9 such tariff reduction on the United States
10 industry producing the product concerned
11 and on the United States economy as a
12 whole; and

13 (IV) upon complying with subclauses
14 (I), (II), and (III), notify the Committee
15 on Ways and Means and the Committee on
16 Agriculture of the House of Representa-
17 tives and the Committee on Finance and
18 the Committee on Agriculture, Nutrition,
19 and Forestry of the Senate of those prod-
20 ucts identified under subclause (I) for
21 which the Trade Representative intends to
22 seek tariff liberalization in the negotiations
23 and the reasons for seeking such tariff lib-
24 eralization.

1 (ii) If, after negotiations described in
2 clause (i) are commenced—

3 (I) the United States Trade Rep-
4 resentative identifies any additional agri-
5 cultural product described in clause (i)(I)
6 for tariff reductions which were not the
7 subject of a notification under clause
8 (i)(IV), or

9 (II) any additional agricultural prod-
10 uct described in clause (i)(I) is the subject
11 of a request for tariff reductions by a
12 party to the negotiations,

13 the Trade Representative shall, as soon as prac-
14 ticable, notify the committees referred to in
15 clause (i)(IV) of those products and the reasons
16 for seeking such tariff reductions.

17 (4) NEGOTIATIONS REGARDING THE FISHING
18 INDUSTRY.—Before initiating, or continuing, nego-
19 tiations that directly relate to fish or shellfish trade
20 with any country, the President shall consult with
21 the Committee on Ways and Means and the Com-
22 mittee on Natural Resources of the House of Rep-
23 resentatives, and the Committee on Finance and the
24 Committee on Commerce, Science, and Transpor-
25 tation of the Senate, and shall keep the Committees

1 apprised of the negotiations on an ongoing and time-
2 ly basis.

3 (5) NEGOTIATIONS REGARDING TEXTILES.—Be-
4 fore initiating or continuing negotiations the subject
5 matter of which is directly related to textiles and ap-
6 parel products with any country, the President
7 shall—

8 (A) assess whether United States tariffs on
9 textile and apparel products that were bound
10 under the Uruguay Round Agreements are
11 lower than the tariffs bound by that country
12 and whether the negotiation provides an oppor-
13 tunity to address any such disparity; and

14 (B) consult with the Committee on Ways
15 and Means of the House of Representatives and
16 the Committee on Finance of the Senate con-
17 cerning the results of the assessment, whether
18 it is appropriate for the United States to agree
19 to further tariff reductions based on the conclu-
20 sions reached in the assessment, and how all
21 applicable negotiating objectives will be met.

22 (6) ADHERENCE TO EXISTING INTERNATIONAL
23 TRADE AND INVESTMENT AGREEMENT OBLIGA-
24 TIONS.—In determining whether to enter into nego-
25 tiations with a particular country, the President

1 shall take into account the extent to which that
2 country has implemented, or has accelerated the im-
3 plementation of, its international trade and invest-
4 ment commitments to the United States, including
5 pursuant to the WTO Agreement.

6 (b) CONSULTATION WITH CONGRESS BEFORE
7 ENTRY INTO AGREEMENT.—

8 (1) CONSULTATION.—Before entering into any
9 trade agreement under section 3(b), the President
10 shall consult with—

11 (A) the Committee on Ways and Means of
12 the House of Representatives and the Com-
13 mittee on Finance of the Senate;

14 (B) each other committee of the House
15 and the Senate, and each joint committee of
16 Congress, which has jurisdiction over legislation
17 involving subject matters which would be af-
18 fected by the trade agreement; and

19 (C) the House Advisory Group on Negotia-
20 tions and the Senate Advisory Group on Nego-
21 tiations convened under section 4(c).

22 (2) SCOPE.—The consultation described in
23 paragraph (1) shall include consultation with respect
24 to—

25 (A) the nature of the agreement;

1 (B) how and to what extent the agreement
2 will achieve the applicable purposes, policies,
3 priorities, and objectives of this Act; and

4 (C) the implementation of the agreement
5 under section 6, including the general effect of
6 the agreement on existing laws.

7 (3) REPORT REGARDING UNITED STATES
8 TRADE REMEDY LAWS.—

9 (A) CHANGES IN CERTAIN TRADE LAWS.—

10 The President, not less than 180 calendar days
11 before the day on which the President enters
12 into a trade agreement under section 3(b), shall
13 report to the Committee on Ways and Means of
14 the House of Representatives and the Com-
15 mittee on Finance of the Senate—

16 (i) the range of proposals advanced in
17 the negotiations with respect to that agree-
18 ment, that may be in the final agreement,
19 and that could require amendments to title
20 VII of the Tariff Act of 1930 (19 U.S.C.
21 1671 et seq.) or to chapter 1 of title II of
22 the Trade Act of 1974 (19 U.S.C. 2251 et
23 seq.); and

24 (ii) how these proposals relate to the
25 objectives described in section 2(b)(16).

1 (B) RESOLUTIONS.—(i) At any time after
2 the transmission of the report under subpara-
3 graph (A), if a resolution is introduced with re-
4 spect to that report in either House of Con-
5 gress, the procedures set forth in clauses (iii)
6 through (vii) shall apply to that resolution if—

7 (I) no other resolution with respect to
8 that report has previously been reported in
9 that House of Congress by the Committee
10 on Ways and Means or the Committee on
11 Finance, as the case may be, pursuant to
12 those procedures; and

13 (II) no procedural disapproval resolu-
14 tion under section 6(b) introduced with re-
15 spect to a trade agreement entered into
16 pursuant to the negotiations to which the
17 report under subparagraph (A) relates has
18 previously been reported in that House of
19 Congress by the Committee on Ways and
20 Means or the Committee on Finance, as
21 the case may be.

22 (ii) For purposes of this subparagraph, the
23 term “resolution” means only a resolution of ei-
24 ther House of Congress, the matter after the
25 resolving clause of which is as follows: “That

1 the _____ finds that the proposed changes
2 to United States trade remedy laws contained
3 in the report of the President transmitted to
4 Congress on _____ under section 5(b)(3) of
5 the Bipartisan Congressional Trade Priorities
6 Act of 2014 with respect to _____, are in-
7 consistent with the negotiating objectives de-
8 scribed in section 2(b)(16) of that Act.”, with
9 the first blank space being filled with the name
10 of the resolving House of Congress, the second
11 blank space being filled with the appropriate
12 date of the report, and the third blank space
13 being filled with the name of the country or
14 countries involved.

15 (iii) Resolutions in the House of Rep-
16 resentatives—

17 (I) may be introduced by any Member
18 of the House;

19 (II) shall be referred to the Com-
20 mittee on Ways and Means and, in addi-
21 tion, to the Committee on Rules; and

22 (III) may not be amended by either
23 Committee.

24 (iv) Resolutions in the Senate—

1 (I) may be introduced by any Member
2 of the Senate;

3 (II) shall be referred to the Com-
4 mittee on Finance; and

5 (III) may not be amended.

6 (v) It is not in order for the House of Rep-
7 resentatives to consider any resolution that is
8 not reported by the Committee on Ways and
9 Means and, in addition, by the Committee on
10 Rules.

11 (vi) It is not in order for the Senate to
12 consider any resolution that is not reported by
13 the Committee on Finance.

14 (vii) The provisions of subsections (d) and
15 (e) of section 152 of the Trade Act of 1974 (19
16 U.S.C. 2192) (relating to floor consideration of
17 certain resolutions in the House and Senate)
18 shall apply to resolutions.

19 (4) **ADVISORY COMMITTEE REPORTS.**—The re-
20 port required under section 135(e)(1) of the Trade
21 Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any
22 trade agreement entered into under subsection (a) or
23 (b) of section 3 shall be provided to the President,
24 Congress, and the United States Trade Representa-
25 tive not later than 30 days after the date on which

1 the President notifies Congress under section
2 3(a)(2) or 6(a)(1)(A) of the intention of the Presi-
3 dent to enter into the agreement.

4 (c) INTERNATIONAL TRADE COMMISSION ASSESS-
5 MENT.—

6 (1) SUBMISSION OF INFORMATION TO COMMIS-
7 SION.—The President, not later than 90 calendar
8 days before the day on which the President enters
9 into a trade agreement under section 3(b), shall pro-
10 vide the International Trade Commission (referred
11 to in this subsection as the “Commission”) with the
12 details of the agreement as it exists at that time and
13 request the Commission to prepare and submit an
14 assessment of the agreement as described in para-
15 graph (2). Between the time the President makes
16 the request under this paragraph and the time the
17 Commission submits the assessment, the President
18 shall keep the Commission current with respect to
19 the details of the agreement.

20 (2) ASSESSMENT.—Not later than 105 calendar
21 days after the President enters into a trade agree-
22 ment under section 3(b), the Commission shall sub-
23 mit to the President and Congress a report assessing
24 the likely impact of the agreement on the United
25 States economy as a whole and on specific industry

1 sectors, including the impact the agreement will have
2 on the gross domestic product, exports and imports,
3 aggregate employment and employment opportuni-
4 ties, the production, employment, and competitive
5 position of industries likely to be significantly af-
6 fected by the agreement, and the interests of United
7 States consumers.

8 (3) REVIEW OF EMPIRICAL LITERATURE.—In
9 preparing the assessment under paragraph (2), the
10 Commission shall review available economic assess-
11 ments regarding the agreement, including literature
12 regarding any substantially equivalent proposed
13 agreement, and shall provide in its assessment a de-
14 scription of the analyses used and conclusions drawn
15 in such literature, and a discussion of areas of con-
16 sensus and divergence between the various analyses
17 and conclusions, including those of the Commission
18 regarding the agreement.

19 (4) PUBLIC AVAILABILITY.—The President
20 shall make each assessment under paragraph (2)
21 available to the public.

22 (d) REPORTS SUBMITTED TO COMMITTEES WITH
23 AGREEMENT.—

24 (1) ENVIRONMENTAL REVIEWS AND RE-
25 PORTS.—The President shall—

1 (A) conduct environmental reviews of fu-
2 ture trade and investment agreements, con-
3 sistent with Executive Order 13141 (64 Fed.
4 Reg. 63169), dated November 16, 1999, and its
5 relevant guidelines; and

6 (B) submit a report on those reviews and
7 on the content and operation of consultative
8 mechanisms established pursuant to section
9 2(c) to the Committee on Ways and Means of
10 the House of Representatives and the Com-
11 mittee on Finance of the Senate at the time the
12 President submits to Congress a copy of the
13 final text of an agreement pursuant to section
14 6(a)(1)(C).

15 (2) EMPLOYMENT IMPACT REVIEWS AND RE-
16 PORTS.—The President shall—

17 (A) review the impact of future trade
18 agreements on United States employment, in-
19 cluding labor markets, modeled after Executive
20 Order 13141 (64 Fed. Reg. 63169) to the ex-
21 tent appropriate in establishing procedures and
22 criteria; and

23 (B) submit a report on such reviews to the
24 Committee on Ways and Means of the House of
25 Representatives and the Committee on Finance

1 of the Senate at the time the President submits
2 to Congress a copy of the final text of an agree-
3 ment pursuant to section 6(a)(1)(C).

4 (3) REPORT ON LABOR RIGHTS.—The President
5 shall submit to the Committee on Ways and Means
6 of the House of Representatives and the Committee
7 on Finance of the Senate, on a timeframe deter-
8 mined in accordance with section 4(e)(3)(B)—

9 (A) a meaningful labor rights report of the
10 country, or countries, with respect to which the
11 President is negotiating; and

12 (B) a description of any provisions that
13 would require changes to the labor laws and
14 labor practices of the United States.

15 (4) PUBLIC AVAILABILITY.—The President
16 shall make all reports required under this subsection
17 available to the public.

18 (e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

19 (1) IN GENERAL.—At the time the President
20 submits to Congress a copy of the final text of an
21 agreement pursuant to section 6(a)(1)(C), the Presi-
22 dent shall also submit to Congress a plan for imple-
23 menting and enforcing the agreement.

1 (2) ELEMENTS.—The implementation and en-
2 forcement plan required by paragraph (1) shall in-
3 clude the following:

4 (A) BORDER PERSONNEL REQUIRE-
5 MENTS.—A description of additional personnel
6 required at border entry points, including a list
7 of additional customs and agricultural inspec-
8 tors.

9 (B) AGENCY STAFFING REQUIREMENTS.—
10 A description of additional personnel required
11 by Federal agencies responsible for monitoring
12 and implementing the trade agreement, includ-
13 ing personnel required by the Office of the
14 United States Trade Representative, the De-
15 partment of Commerce, the Department of Ag-
16 riculture (including additional personnel re-
17 quired to implement sanitary and phytosanitary
18 measures in order to obtain market access for
19 United States exports), the Department of
20 Homeland Security, the Department of the
21 Treasury, and such other agencies as may be
22 necessary.

23 (C) CUSTOMS INFRASTRUCTURE REQUIRE-
24 MENTS.—A description of the additional equip-

1 ment and facilities needed by U.S. Customs and
2 Border Protection.

3 (D) IMPACT ON STATE AND LOCAL GOV-
4 ERNMENTS.—A description of the impact the
5 trade agreement will have on State and local
6 governments as a result of increases in trade.

7 (E) COST ANALYSIS.—An analysis of the
8 costs associated with each of the items listed in
9 subparagraphs (A) through (D).

10 (3) BUDGET SUBMISSION.—The President shall
11 include a request for the resources necessary to sup-
12 port the plan required by paragraph (1) in the first
13 budget of the President submitted to Congress
14 under section 1105(a) of title 31, United States
15 Code, after the date of the submission of the plan.

16 (4) PUBLIC AVAILABILITY.—The President
17 shall make the plan required under this subsection
18 available to the public.

19 (f) OTHER REPORTS.—

20 (1) REPORT ON PENALTIES.—Not later than
21 one year after the imposition of a penalty or remedy
22 by the United States permitted by a trade agree-
23 ment to which this Act applies, the President shall
24 submit to the Committee on Ways and Means of the
25 House of Representatives and the Committee on Fi-

1 nance of the Senate a report on the effectiveness of
2 the penalty or remedy applied under United States
3 law in enforcing United States rights under the
4 trade agreement, which shall address whether the
5 penalty or remedy was effective in changing the be-
6 havior of the targeted party and whether the penalty
7 or remedy had any adverse impact on parties or in-
8 terests not party to the dispute.

9 (2) REPORT ON IMPACT OF TRADE PROMOTION
10 AUTHORITY.—Not later than one year after the date
11 of the enactment of this Act, the United States
12 International Trade Commission shall submit to the
13 Committee on Ways and Means of the House of
14 Representatives and the Committee on Finance of
15 the Senate a report on the economic impact on the
16 United States of all trade agreements with respect
17 to which Congress has enacted an implementing bill
18 under trade authorities procedures since January 1,
19 1984.

20 (3) ENFORCEMENT CONSULTATIONS AND RE-
21 PORTS.—(A) The United States Trade Representa-
22 tive shall consult with the Committee on Ways and
23 Means of the House of Representatives and the
24 Committee on Finance of the Senate after accept-
25 ance of a petition for review or taking an enforce-

1 ment action in regard to an obligation under a trade
2 agreement, including a labor or environmental obli-
3 gation. During such consultations, the United States
4 Trade Representative shall describe the matter, in-
5 cluding the basis for such action and the application
6 of any relevant legal obligations.

7 (B) As part of the report required pursuant to
8 section 163 of the Trade Act of 1974 (19 U.S.C.
9 2213), the President shall report annually to Con-
10 gress on enforcement actions taken pursuant to a
11 United States trade agreement, as well as on any
12 public reports issued by Federal agencies on enforce-
13 ment matters relating to a trade agreement.

14 (g) **ADDITIONAL COORDINATION WITH MEMBERS.**—
15 Any Member of the House of Representatives may submit
16 to the Committee on Ways and Means of the House of
17 Representatives and any Member of the Senate may sub-
18 mit to the Committee on Finance of the Senate the views
19 of that Member on any matter relevant to a proposed
20 trade agreement, and the relevant Committee shall receive
21 those views for consideration.

22 **SEC. 6. IMPLEMENTATION OF TRADE AGREEMENTS.**

23 (a) **IN GENERAL.**—

24 (1) **NOTIFICATION AND SUBMISSION.**—Any
25 agreement entered into under section 3(b) shall

1 enter into force with respect to the United States if
2 (and only if)—

3 (A) the President, at least 90 calendar
4 days before the day on which the President en-
5 ters into the trade agreement, notifies the
6 House of Representatives and the Senate of the
7 President's intention to enter into the agree-
8 ment, and promptly thereafter publishes notice
9 of such intention in the Federal Register;

10 (B) within 60 days after entering into the
11 agreement, the President submits to Congress a
12 description of those changes to existing laws
13 that the President considers would be required
14 in order to bring the United States into compli-
15 ance with the agreement;

16 (C) after entering into the agreement, the
17 President submits to Congress, on a day on
18 which both Houses of Congress are in session,
19 a copy of the final legal text of the agreement,
20 together with—

21 (i) a draft of an implementing bill de-
22 scribed in section 3(b)(3);

23 (ii) a statement of any administrative
24 action proposed to implement the trade
25 agreement; and

1 (iii) the supporting information de-
2 scribed in paragraph (2)(A);

3 (D) the implementing bill is enacted into
4 law; and

5 (E) the President, not later than 30 days
6 before the date on which the agreement enters
7 into force with respect to a party to the agree-
8 ment, submits written notice to Congress that
9 the President has determined that the party
10 has taken measures necessary to comply with
11 those provisions of the agreement that are to
12 take effect on the date on which the agreement
13 enters into force.

14 (2) SUPPORTING INFORMATION.—

15 (A) IN GENERAL.—The supporting infor-
16 mation required under paragraph (1)(C)(iii)
17 consists of—

18 (i) an explanation as to how the im-
19 plementing bill and proposed administra-
20 tive action will change or affect existing
21 law; and

22 (ii) a statement—

23 (I) asserting that the agreement
24 makes progress in achieving the appli-

1 cable purposes, policies, priorities, and
2 objectives of this Act; and

3 (II) setting forth the reasons of
4 the President regarding—

5 (aa) how and to what extent
6 the agreement makes progress in
7 achieving the applicable purposes,
8 policies, and objectives referred
9 to in subclause (I);

10 (bb) whether and how the
11 agreement changes provisions of
12 an agreement previously nego-
13 tiated;

14 (cc) how the agreement
15 serves the interests of United
16 States commerce; and

17 (dd) how the implementing
18 bill meets the standards set forth
19 in section 3(b)(3).

20 (B) PUBLIC AVAILABILITY.—The Presi-
21 dent shall make the supporting information de-
22 scribed in subparagraph (A) available to the
23 public.

24 (3) RECIPROCAL BENEFITS.—In order to en-
25 sure that a foreign country that is not a party to a

1 trade agreement entered into under section 3(b)
2 does not receive benefits under the agreement unless
3 the country is also subject to the obligations under
4 the agreement, the implementing bill submitted with
5 respect to the agreement shall provide that the bene-
6 fits and obligations under the agreement apply only
7 to the parties to the agreement, if such application
8 is consistent with the terms of the agreement. The
9 implementing bill may also provide that the benefits
10 and obligations under the agreement do not apply
11 uniformly to all parties to the agreement, if such ap-
12 plication is consistent with the terms of the agree-
13 ment.

14 (4) DISCLOSURE OF COMMITMENTS.—Any
15 agreement or other understanding with a foreign
16 government or governments (whether oral or in writ-
17 ing) that—

18 (A) relates to a trade agreement with re-
19 spect to which Congress enacts an imple-
20 menting bill under trade authorities procedures;
21 and

22 (B) is not disclosed to Congress before an
23 implementing bill with respect to that agree-
24 ment is introduced in either House of Congress,

1 shall not be considered to be part of the agreement
2 approved by Congress and shall have no force and
3 effect under United States law or in any dispute set-
4 tlement body.

5 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-
6 DURES.—

7 (1) FOR LACK OF NOTICE OR CONSULTA-
8 TIONS.—

9 (A) IN GENERAL.—The trade authorities
10 procedures shall not apply to any implementing
11 bill submitted with respect to a trade agreement
12 or trade agreements entered into under section
13 3(b) if during the 60-day period beginning on
14 the date that one House of Congress agrees to
15 a procedural disapproval resolution for lack of
16 notice or consultations with respect to such
17 trade agreement or agreements, the other
18 House separately agrees to a procedural dis-
19 approval resolution with respect to such trade
20 agreement or agreements.

21 (B) PROCEDURAL DISAPPROVAL RESOLU-
22 TION.—(i) For purposes of this paragraph, the
23 term “procedural disapproval resolution” means
24 a resolution of either House of Congress, the
25 sole matter after the resolving clause of which

1 is as follows: “That the President has failed or
2 refused to notify or consult in accordance with
3 the Bipartisan Congressional Trade Priorities
4 Act of 2014 on negotiations with respect to
5 _____ and, therefore, the trade
6 authorities procedures under that Act shall not
7 apply to any implementing bill submitted with
8 respect to such trade agreement or agree-
9 ments.”, with the blank space being filled with
10 a description of the trade agreement or agree-
11 ments with respect to which the President is
12 considered to have failed or refused to notify or
13 consult.

14 (ii) For purposes of clause (i), the Presi-
15 dent has “failed or refused to notify or consult
16 in accordance with the Bipartisan Congres-
17 sional Trade Priorities Act of 2014” on nego-
18 tiations with respect to a trade agreement or
19 trade agreements if—

20 (I) the President has failed or refused
21 to consult (as the case may be) in accord-
22 ance with sections 4 and 5 and this section
23 with respect to the negotiations, agree-
24 ment, or agreements;

1 (II) guidelines under section 4 have
2 not been developed or met with respect to
3 the negotiations, agreement, or agree-
4 ments;

5 (III) the President has not met with
6 the House Advisory Group on Negotiations
7 or the Senate Advisory Group on Negotia-
8 tions pursuant to a request made under
9 section 4(c)(4) with respect to the negotia-
10 tions, agreement, or agreements; or

11 (IV) the agreement or agreements fail
12 to make progress in achieving the pur-
13 poses, policies, priorities, and objectives of
14 this Act.

15 (2) PROCEDURES FOR CONSIDERING RESOLU-
16 TIONS.—(A) Procedural disapproval resolutions—

17 (i) in the House of Representatives—

18 (I) may be introduced by any Member
19 of the House;

20 (II) shall be referred to the Com-
21 mittee on Ways and Means and, in addi-
22 tion, to the Committee on Rules; and

23 (III) may not be amended by either
24 Committee; and

25 (ii) in the Senate—

1 (I) may be introduced by any Member
2 of the Senate;

3 (II) shall be referred to the Com-
4 mittee on Finance; and

5 (III) may not be amended.

6 (B) The provisions of subsections (d) and (e) of
7 section 152 of the Trade Act of 1974 (19 U.S.C.
8 2192) (relating to the floor consideration of certain
9 resolutions in the House and Senate) apply to a pro-
10 cedural disapproval resolution introduced with re-
11 spect to a trade agreement if no other procedural
12 disapproval resolution with respect to that trade
13 agreement has previously been reported in that
14 House of Congress by the Committee on Ways and
15 Means or the Committee on Finance, as the case
16 may be, and if no resolution described in clause (ii)
17 of section 5(b)(3)(B) with respect to that trade
18 agreement has been reported in that House of Con-
19 gress by the Committee on Ways and Means or the
20 Committee on Finance, as the case may be, pursu-
21 ant to the procedures set forth in clauses (iii)
22 through (vii) of such section.

23 (C) It is not in order for the House of Rep-
24 resentatives to consider any procedural disapproval
25 resolution not reported by the Committee on Ways

1 and Means and, in addition, by the Committee on
2 Rules.

3 (D) It is not in order for the Senate to consider
4 any procedural disapproval resolution not reported
5 by the Committee on Finance.

6 (3) FOR FAILURE TO MEET OTHER REQUIRE-
7 MENTS.—Not later than December 15, 2014, the
8 Secretary of Commerce, in consultation with the
9 Secretary of State, the Secretary of the Treasury,
10 the Attorney General, and the United States Trade
11 Representative, shall transmit to Congress a report
12 setting forth the strategy of the executive branch to
13 address concerns of Congress regarding whether dis-
14 pute settlement panels and the Appellate Body of
15 the World Trade Organization have added to obliga-
16 tions, or diminished rights, of the United States, as
17 described in section 2(b)(15)(C). Trade authorities
18 procedures shall not apply to any implementing bill
19 with respect to an agreement negotiated under the
20 auspices of the World Trade Organization unless the
21 Secretary of Commerce has issued such report by
22 the deadline specified in this paragraph.

23 (c) RULES OF HOUSE OF REPRESENTATIVES AND
24 SENATE.—Subsection (b) of this section, section 3(c), and
25 section 5(b)(3) are enacted by Congress—

1 (1) as an exercise of the rulemaking power of
2 the House of Representatives and the Senate, re-
3 spectively, and as such are deemed a part of the
4 rules of each House, respectively, and such proce-
5 dures supersede other rules only to the extent that
6 they are inconsistent with such other rules; and

7 (2) with the full recognition of the constitu-
8 tional right of either House to change the rules (so
9 far as relating to the procedures of that House) at
10 any time, in the same manner, and to the same ex-
11 tent as any other rule of that House.

12 **SEC. 7. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR**
13 **WHICH NEGOTIATIONS HAVE ALREADY**
14 **BEGUN.**

15 (a) CERTAIN AGREEMENTS.—Notwithstanding the
16 prenegotiation notification and consultation requirement
17 described in section 5(a), if an agreement to which section
18 3(b) applies—

19 (1) is entered into under the auspices of the
20 World Trade Organization,

21 (2) is entered into with the Trans-Pacific Part-
22 nership countries with respect to which notifications
23 have been made in a manner consistent with section
24 5(a)(1) as of the date of the enactment of this Act,

25 (3) is entered into with the European Union, or

1 (4) is an agreement with respect to inter-
2 national trade in services entered into with WTO
3 members with respect to which notifications have
4 been made in a manner consistent with section
5 5(a)(2) as of the date of the enactment of this Act,
6 and results from negotiations that were commenced before
7 the date of the enactment of this Act, subsection (b) shall
8 apply.

9 (b) TREATMENT OF AGREEMENTS.—In the case of
10 any agreement to which subsection (a) applies—

11 (1) the applicability of the trade authorities
12 procedures to implementing bills shall be determined
13 without regard to the requirements of section 5(a)
14 (relating only to notice prior to initiating negotia-
15 tions), and any procedural disapproval resolution
16 under section 6(b)(1)(B) shall not be in order on the
17 basis of a failure or refusal to comply with the provi-
18 sions of section 5(a); provided that

19 (2) the President as soon as feasible after the
20 date of the enactment of this Act—

21 (A) notifies the Congress of the negotia-
22 tions described in subsection (a), the specific
23 United States objectives in the negotiations,
24 and whether the President is seeking a new

1 agreement or changes to an existing agreement;
2 and

3 (B) before and after submission of the no-
4 tice, consults regarding the negotiations with
5 the committees referred to in section 5(a)(1)(B)
6 and the House and Senate Advisory Groups on
7 Negotiations convened under section 4(c).

8 **SEC. 8. SOVEREIGNTY.**

9 (a) UNITED STATES LAW TO PREVAIL IN EVENT OF
10 CONFLICT.—No provision of any trade agreement entered
11 into under section 3(b), nor the application of any such
12 provision to any person or circumstance, that is incon-
13 sistent with any law of the United States, any State of
14 the United States, or any locality of the United States
15 shall have effect.

16 (b) AMENDMENTS OR MODIFICATIONS OF UNITED
17 STATES LAW.—No provision of any trade agreement en-
18 tered into under section 3(b) shall prevent the United
19 States, any State of the United States, or any locality of
20 the United States from amending or modifying any law
21 of the United States, that State, or that locality (as the
22 case may be).

23 (c) DISPUTE SETTLEMENT REPORTS.—Reports, in-
24 cluding findings and recommendations, issued by dispute
25 settlement panels convened pursuant to any trade agree-

1 ment entered into under section 3(b) shall have no binding
2 effect on the law of the United States, the Government
3 of the United States, or the law or government of any
4 State or locality of the United States.

5 **SEC. 9. INTERESTS OF SMALL BUSINESSES.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the United States Trade Representative
9 should facilitate participation by small businesses in
10 the trade negotiation process; and

11 (2) the functions of the Office of the United
12 States Trade Representative relating to small busi-
13 nesses should continue to be reflected in the title of
14 the Assistant United States Trade Representative
15 assigned the responsibility for small businesses.

16 (b) CONSIDERATION OF SMALL BUSINESS INTER-
17 ESTS.—The Assistant United States Trade Representative
18 for Small Business, Market Access, and Industrial Com-
19 petitiveness shall be responsible for ensuring that the in-
20 terests of small businesses are considered in all trade ne-
21 gotiations in accordance with the objective described in
22 section 2(a)(8).

23 **SEC. 10. CONFORMING AMENDMENTS; APPLICATION OF**
24 **CERTAIN PROVISIONS.**

25 (a) CONFORMING AMENDMENTS.—

1 (1) ADVICE FROM UNITED STATES INTER-
2 NATIONAL TRADE COMMISSION.—Section 131 of the
3 Trade Act of 1974 (19 U.S.C. 2151) is amended—

4 (A) in subsection (a)—

5 (i) in paragraph (1), by striking “sec-
6 tion 2103(a) or (b) of the Bipartisan
7 Trade Promotion Authority Act of 2002”
8 and inserting “subsection (a) or (b) of sec-
9 tion 3 of the Bipartisan Congressional
10 Trade Priorities Act of 2014”; and

11 (ii) in paragraph (2), by striking “sec-
12 tion 2103(b) of the Bipartisan Trade Pro-
13 motion Authority Act of 2002” and insert-
14 ing “section 3(b) of the Bipartisan Con-
15 gressional Trade Priorities Act of 2014”;

16 (B) in subsection (b), by striking “section
17 2103(a)(3)(A) of the Bipartisan Trade Pro-
18 motion Authority Act of 2002” and inserting
19 “section 3(a)(4)(A) of the Bipartisan Congres-
20 sional Trade Priorities Act of 2014”; and

21 (C) in subsection (c), by striking “section
22 2103 of the Bipartisan Trade Promotion Au-
23 thority Act of 2002” and inserting “section
24 3(a) of the Bipartisan Congressional Trade Pri-
25 orities Act of 2014”.

1 (2) HEARINGS.—Section 132 of the Trade Act
2 of 1974 (19 U.S.C. 2152) is amended by striking
3 “section 2103 of the Bipartisan Trade Promotion
4 Authority Act of 2002” and inserting “section 3 of
5 the Bipartisan Congressional Trade Priorities Act of
6 2014”.

7 (3) PUBLIC HEARINGS.—Section 133(a) of the
8 Trade Act of 1974 (19 U.S.C. 2153(a)) is amended
9 by striking “section 2103 of the Bipartisan Trade
10 Promotion Authority Act of 2002” and inserting
11 “section 3 of the Bipartisan Congressional Trade
12 Priorities Act of 2014”.

13 (4) PREREQUISITES FOR OFFERS.—Section 134
14 of the Trade Act of 1974 (19 U.S.C. 2154) is
15 amended by striking “section 2103 of the Bipartisan
16 Trade Promotion Authority Act of 2002” each place
17 it appears and inserting “section 3 of the Bipartisan
18 Congressional Trade Priorities Act of 2014”.

19 (5) INFORMATION AND ADVICE FROM PRIVATE
20 AND PUBLIC SECTORS.—Section 135 of the Trade
21 Act of 1974 (19 U.S.C. 2155) is amended—

22 (A) in subsection (a)(1)(A), by striking
23 “section 2103 of the Bipartisan Trade Pro-
24 motion Authority Act of 2002” and inserting

1 “section 3 of the Bipartisan Congressional
2 Trade Priorities Act of 2014”; and

3 (B) in subsection (e)—

4 (i) in paragraph (1)—

5 (I) by striking “section 2103 of
6 the Bipartisan Trade Promotion Au-
7 thority Act of 2002” each place it ap-
8 pears and inserting “section 3 of the
9 Bipartisan Congressional Trade Prior-
10 ities Act of 2014”; and

11 (II) by striking “not later than
12 the date on which the President noti-
13 fies the Congress under section
14 2105(a)(1)(A) of the Bipartisan
15 Trade Promotion Authority Act of
16 2002” and inserting “not later than
17 the date that is 30 days after the date
18 on which the President notifies Con-
19 gress under section 6(a)(1)(A) of the
20 Bipartisan Congressional Trade Prior-
21 ities Act of 2014”; and

22 (ii) in paragraph (2), by striking “sec-
23 tion 2102 of the Bipartisan Trade Pro-
24 motion Authority Act of 2002” and insert-

1 ing “section 2 of the Bipartisan Congress-
2 sional Trade Priorities Act of 2014”.

3 (6) PROCEDURES RELATING TO IMPLEMENTING
4 BILLS.—Section 151 of the Trade Act of 1974 (19
5 U.S.C. 2191) is amended—

6 (A) in subsection (b)(1), in the matter pre-
7 ceding subparagraph (A), by striking “section
8 2105(a)(1) of the Bipartisan Trade Promotion
9 Authority Act of 2002” and inserting “section
10 6(a)(1) of the Bipartisan Congressional Trade
11 Priorities Act of 2014”; and

12 (B) in subsection (c)(1), by striking “sec-
13 tion 2105(a)(1) of the Bipartisan Trade Pro-
14 motion Authority Act of 2002” and inserting
15 “section 6(a)(1) of the Bipartisan Congress-
16 sional Trade Priorities Act of 2014”.

17 (7) TRANSMISSION OF AGREEMENTS TO CON-
18 GRESS.—Section 162(a) of the Trade Act of 1974
19 (19 U.S.C. 2212(a)) is amended by striking “section
20 2103 of the Bipartisan Trade Promotion Authority
21 Act of 2002” and inserting “section 3 of the Bipar-
22 tisan Congressional Trade Priorities Act of 2014”.

23 (b) APPLICATION OF CERTAIN PROVISIONS.—For
24 purposes of applying sections 125, 126, and 127 of the
25 Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

1 (1) any trade agreement entered into under sec-
2 tion 3 shall be treated as an agreement entered into
3 under section 101 or 102 of the Trade Act of 1974
4 (19 U.S.C. 2111 or 2112), as appropriate; and

5 (2) any proclamation or Executive order issued
6 pursuant to a trade agreement entered into under
7 section 3 shall be treated as a proclamation or Exec-
8 utive order issued pursuant to a trade agreement en-
9 tered into under section 102 of the Trade Act of
10 1974 (19 U.S.C. 2112).

11 **SEC. 11. DEFINITIONS.**

12 In this Act:

13 (1) AGREEMENT ON AGRICULTURE.—The term
14 “Agreement on Agriculture” means the agreement
15 referred to in section 101(d)(2) of the Uruguay
16 Round Agreements Act (19 U.S.C. 3511(d)(2)).

17 (2) AGREEMENT ON SAFEGUARDS.—The term
18 “Agreement on Safeguards” means the agreement
19 referred to in section 101(d)(13) of the Uruguay
20 Round Agreements Act (19 U.S.C. 3511(d)(13)).

21 (3) AGREEMENT ON SUBSIDIES AND COUNTER-
22 VAILING MEASURES.—The term “Agreement on Sub-
23 sidies and Countervailing Measures” means the
24 agreement referred to in section 101(d)(12) of the

1 Uruguay Round Agreements Act (19 U.S.C.
2 3511(d)(12)).

3 (4) ANTIDUMPING AGREEMENT.—The term
4 “Antidumping Agreement” means the Agreement on
5 Implementation of Article VI of the General Agree-
6 ment on Tariffs and Trade 1994 referred to in sec-
7 tion 101(d)(7) of the Uruguay Round Agreements
8 Act (19 U.S.C. 3511(d)(7)).

9 (5) APPELLATE BODY.—The term “Appellate
10 Body” means the Appellate Body established under
11 Article 17.1 of the Dispute Settlement Under-
12 standing.

13 (6) COMMON MULTILATERAL ENVIRONMENTAL
14 AGREEMENT.—

15 (A) IN GENERAL.—The term “common
16 multilateral environmental agreement” means
17 any agreement specified in subparagraph (B) or
18 included under subparagraph (C) to which both
19 the United States and one or more other par-
20 ties to the negotiations are full parties, includ-
21 ing any current or future mutually agreed upon
22 protocols, amendments, annexes, or adjust-
23 ments to such an agreement.

1 (B) AGREEMENTS SPECIFIED.—The agree-
2 ments specified in this subparagraph are the
3 following:

4 (i) The Convention on International
5 Trade in Endangered Species of Wild
6 Fauna and Flora, done at Washington
7 March 3, 1973 (27 UST 1087; TIAS
8 8249).

9 (ii) The Montreal Protocol on Sub-
10 stances that Deplete the Ozone Layer,
11 done at Montreal September 16, 1987.

12 (iii) The Protocol of 1978 Relating to
13 the International Convention for the Pre-
14 vention of Pollution from Ships, 1973,
15 done at London February 17, 1978.

16 (iv) The Convention on Wetlands of
17 International Importance Especially as
18 Waterfowl Habitat, done at Ramsar Feb-
19 ruary 2, 1971 (TIAS 11084).

20 (v) The Convention on the Conserva-
21 tion of Antarctic Marine Living Resources,
22 done at Canberra May 20, 1980 (33 UST
23 3476).

1 (vi) The International Convention for
2 the Regulation of Whaling, done at Wash-
3 ington December 2, 1946 (62 Stat. 1716).

4 (vii) The Convention for the Estab-
5 lishment of an Inter-American Tropical
6 Tuna Commission, done at Washington
7 May 31, 1949 (1 UST 230).

8 (C) ADDITIONAL AGREEMENTS.—Both the
9 United States and one or more other parties to
10 the negotiations may agree to include any other
11 multilateral environmental or conservation
12 agreement to which they are full parties as a
13 common multilateral environmental agreement
14 under this paragraph.

15 (7) CORE LABOR STANDARDS.—The term “core
16 labor standards” means—

17 (A) freedom of association;

18 (B) the effective recognition of the right to
19 collective bargaining;

20 (C) the elimination of all forms of forced
21 or compulsory labor;

22 (D) the effective abolition of child labor
23 and a prohibition on the worst forms of child
24 labor; and

1 (E) the elimination of discrimination in re-
2 spect of employment and occupation.

3 (8) DISPUTE SETTLEMENT UNDERSTANDING.—

4 The term “Dispute Settlement Understanding”
5 means the Understanding on Rules and Procedures
6 Governing the Settlement of Disputes referred to in
7 section 101(d)(16) of the Uruguay Round Agree-
8 ments Act (19 U.S.C. 3511(d)(16)).

9 (9) ENABLING CLAUSE.—The term “Enabling
10 Clause” means the Decision on Differential and
11 More Favourable Treatment, Reciprocity and Fuller
12 Participation of Developing Countries (L/4903),
13 adopted November 28, 1979, under GATT 1947 (as
14 defined in section 2 of the Uruguay Round Agree-
15 ments Act (19 U.S.C. 3501)).

16 (10) ENVIRONMENTAL LAWS.—The term “envi-
17 ronmental laws”, with respect to the laws of the
18 United States, means environmental statutes and
19 regulations enforceable by action of the Federal Gov-
20 ernment.

21 (11) GATT 1994.—The term “GATT 1994”
22 has the meaning given that term in section 2 of the
23 Uruguay Round Agreements Act (19 U.S.C. 3501).

24 (12) GENERAL AGREEMENT ON TRADE IN
25 SERVICES.—The term “General Agreement on Trade

1 in Services” means the General Agreement on Trade
2 in Services (referred to in section 101(d)(14) of the
3 Uruguay Round Agreements Act (19 U.S.C.
4 3511(d)(14))).

5 (13) GOVERNMENT PROCUREMENT AGREEMENT.—The term “Government Procurement Agree-
6 MENT.—The term “Government Procurement Agree-
7 ment” means the Agreement on Government Pro-
8 curement referred to in section 101(d)(17) of the
9 Uruguay Round Agreements Act (19 U.S.C.
10 3511(d)(17)).

11 (14) ILO.—The term “ILO” means the Inter-
12 national Labor Organization.

13 (15) IMPORT SENSITIVE AGRICULTURAL PROD-
14 UCT.—The term “import sensitive agricultural prod-
15 uct” means an agricultural product—

16 (A) with respect to which, as a result of
17 the Uruguay Round Agreements the rate of
18 duty was the subject of tariff reductions by the
19 United States and, pursuant to such Agree-
20 ments, was reduced on January 1, 1995, to a
21 rate that was not less than 97.5 percent of the
22 rate of duty that applied to such article on De-
23 cember 31, 1994; or

24 (B) which was subject to a tariff rate
25 quota on the date of the enactment of this Act.

1 (16) INFORMATION TECHNOLOGY AGREE-
2 MENT.—The term “Information Technology Agree-
3 ment” means the Ministerial Declaration on Trade
4 in Information Technology Products of the World
5 Trade Organization, agreed to at Singapore Decem-
6 ber 13, 1996.

7 (17) INTERNATIONALLY RECOGNIZED CORE
8 LABOR STANDARDS.—The term “internationally rec-
9 ognized core labor standards” means the core labor
10 standards only as stated in the ILO Declaration on
11 Fundamental Principles and Rights at Work and its
12 Follow-Up (1998).

13 (18) LABOR LAWS.—The term “labor laws”
14 means the statutes and regulations, or provisions
15 thereof, of a party to the negotiations that are di-
16 rectly related to core labor standards as well as
17 other labor protections for children and minors and
18 acceptable conditions of work with respect to min-
19 imum wages, hours of work, and occupational safety
20 and health, and for the United States, includes Fed-
21 eral statutes and regulations addressing those stand-
22 ards, protections, or conditions but does not include
23 State or local labor laws.

24 (19) UNITED STATES PERSON.—The term
25 “United States person” means—

1 (A) a United States citizen;

2 (B) a partnership, corporation, or other
3 legal entity that is organized under the laws of
4 the United States; and

5 (C) a partnership, corporation, or other
6 legal entity that is organized under the laws of
7 a foreign country and is controlled by entities
8 described in subparagraph (B) or United States
9 citizens, or both.

10 (20) URUGUAY ROUND AGREEMENTS.—The
11 term “Uruguay Round Agreements” has the mean-
12 ing given that term in section 2(7) of the Uruguay
13 Round Agreements Act (19 U.S.C. 3501(7)).

14 (21) WORLD TRADE ORGANIZATION; WTO.—The
15 terms “World Trade Organization” and “WTO”
16 mean the organization established pursuant to the
17 WTO Agreement.

18 (22) WTO AGREEMENT.—The term “WTO
19 Agreement” means the Agreement Establishing the
20 World Trade Organization entered into on April 15,
21 1994.

22 (23) WTO MEMBER.—The term “WTO mem-
23 ber” has the meaning given that term in section

- 1 2(10) of the Uruguay Round Agreements Act (19
- 2 U.S.C. 3501(10)).

○