

**Calendar No. 73**114TH CONGRESS  
1ST SESSION**S. 995**

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**

APRIL 16, 2015

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

MAY 11, 2015

Reported by Mr. HATCH, with amendments

[Omit the part struck through and insert the part printed in *italic*]

---

**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 and Accountability Act of 2015”.

1 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

2 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

3 The overall trade negotiating objectives of the United  
4 States for agreements subject to the provisions of section  
5 3 are—

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

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

13 (3) to further strengthen the system of inter-  
14 national trade and investment disciplines and proce-  
15 dures, including dispute settlement;

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

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

25 (6) to promote respect for worker rights and  
26 the rights of children consistent with core labor

1 standards of the ILO (as set out in section 11(7))  
2 and an understanding of the relationship between  
3 trade and worker rights;

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

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

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

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

22 ~~(11) to ensure implementation of trade commit-~~  
23 ~~ments and obligations by strengthening good govern-~~  
24 ~~ance, transparency, the effective operation of legal~~  
25 ~~regimes and the rule of law of trading partners of~~

1 the United States through capacity building and  
2 other appropriate means, which are important parts  
3 of the broader effort to create more open democratic  
4 societies and to promote respect for internationally  
5 recognized human rights;

6 (1211) to recognize the growing significance of  
7 the Internet as a trading platform in international  
8 commerce; and

9 (1312) to take into account other legitimate  
10 United States domestic objectives, including, but not  
11 limited to, the protection of legitimate health or  
12 safety, essential security, and consumer interests  
13 and the law and regulations related thereto.

14 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

15 (1) TRADE IN GOODS.—The principal negoti-  
16 ating objectives of the United States regarding trade  
17 in goods are—

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

1           nities for United States exports or otherwise  
2           distort United States trade; and

3                   (B) to obtain reciprocal tariff and non-  
4           tariff barrier elimination agreements, including  
5           with respect to those tariff categories covered in  
6           section 111(b) of the Uruguay Round Agree-  
7           ments Act (19 U.S.C. 3521(b)).

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

19                   (B) Recognizing that expansion of trade in  
20          services generates benefits for all sectors of the  
21          economy and facilitates trade, the objective described  
22          in subparagraph (A) should be pursued through all  
23          means, including through a plurilateral agreement  
24          with those countries willing and able to undertake

1 high standard services commitments for both exist-  
2 ing and new services.

3 (3) TRADE IN AGRICULTURE.—The principal  
4 negotiating objective of the United States with re-  
5 spect to agriculture is to obtain competitive opportu-  
6 nities for United States exports of agricultural com-  
7 modities in foreign markets substantially equivalent  
8 to the competitive opportunities afforded foreign ex-  
9 ports in United States markets and to achieve fairer  
10 and more open conditions of trade in bulk, specialty  
11 crop, and value added commodities by—

12 (A) securing more open and equitable mar-  
13 ket access through robust rules on sanitary and  
14 phytosanitary measures that—

15 (i) encourage the adoption of inter-  
16 national standards and require a science-  
17 based justification be provided for a sani-  
18 tary or phytosanitary measure if the meas-  
19 ure is more restrictive than the applicable  
20 international standard;

21 (ii) improve regulatory coherence, pro-  
22 mote the use of systems-based approaches,  
23 and appropriately recognize the equivalence  
24 of health and safety protection systems of  
25 exporting countries;

1 (iii) require that measures are trans-  
2 parently developed and implemented, are  
3 based on risk assessments that take into  
4 account relevant international guidelines  
5 and scientific data, and are not more re-  
6 strictive on trade than necessary to meet  
7 the intended purpose; and

8 (iv) improve import check processes,  
9 including testing methodologies and proce-  
10 dures, and certification requirements,

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

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

22 (i) giving priority to those products  
23 that are subject to significantly higher tar-  
24iffs or subsidy regimes of major producing  
25 countries; and

1                   (ii) providing reasonable adjustment  
2                   periods for United States import sensitive  
3                   products, in close consultation with Con-  
4                   gress on such products before initiating  
5                   tariff reduction negotiations;

6                   (C) reducing tariffs to levels that are the  
7                   same as or lower than those in the United  
8                   States;

9                   (D) reducing or eliminating subsidies that  
10                  decrease market opportunities for United States  
11                  exports or unfairly distort agriculture markets  
12                  to the detriment of the United States;

13                  (E) allowing the preservation of programs  
14                  that support family farms and rural commu-  
15                  nities but do not distort trade;

16                  (F) developing disciplines for domestic sup-  
17                  port programs, so that production that is in ex-  
18                  cess of domestic food security needs is sold at  
19                  world prices;

20                  (G) eliminating government policies that  
21                  create price depressing surpluses;

22                  (H) eliminating state trading enterprises  
23                  whenever possible;

24                  (I) developing, strengthening, and clari-  
25                  fying rules to eliminate practices that unfairly



1 decrease United States market access opportu-  
2 nities or distort agricultural markets to the det-  
3 riment of the United States, and ensuring that  
4 such rules are subject to efficient, timely, and  
5 effective dispute settlement, including—

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

14 (ii) unjustified trade restrictions or  
15 commercial requirements, such as labeling,  
16 that affect new technologies, including bio-  
17 technology;

18 (iii) unjustified sanitary or  
19 phytosanitary restrictions, including re-  
20 strictions not based on scientific principles  
21 in contravention of obligations in the Uru-  
22 guay Round Agreements or bilateral or re-  
23 gional trade agreements;

24 (iv) other unjustified technical bar-  
25 riers to trade; and

1 (v) restrictive rules in the administra-  
2 tion of tariff rate quotas;

3 (J) eliminating practices that adversely af-  
4 fect trade in perishable or cyclical products,  
5 while improving import relief mechanisms to  
6 recognize the unique characteristics of perish-  
7 able and cyclical agriculture;

8 (K) ensuring that import relief mecha-  
9 nisms for perishable and cyclical agriculture are  
10 as accessible and timely to growers in the  
11 United States as those mechanisms that are  
12 used by other countries;

13 (L) taking into account whether a party to  
14 the negotiations has failed to adhere to the pro-  
15 visions of already existing trade agreements  
16 with the United States or has circumvented ob-  
17 ligations under those agreements;

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

1 (N) otherwise ensuring that countries that  
2 accede to the World Trade Organization have  
3 made meaningful market liberalization commit-  
4 ments in agriculture;

5 (O) taking into account the impact that  
6 agreements covering agriculture to which the  
7 United States is a party have on the United  
8 States agricultural industry;

9 (P) maintaining bona fide food assistance  
10 programs, market development programs, and  
11 export credit programs;

12 (Q) seeking to secure the broadest market  
13 access possible in multilateral, regional, and bi-  
14 lateral negotiations, recognizing the effect that  
15 simultaneous sets of negotiations may have on  
16 United States import sensitive commodities (in-  
17 cluding those subject to tariff rate quotas);

18 (R) seeking to develop an international  
19 consensus on the treatment of seasonal or per-  
20 ishable agricultural products in investigations  
21 relating to dumping and safeguards and in any  
22 other relevant area;

23 (S) seeking to establish the common base  
24 year for calculating the Aggregated Measure-  
25 ment of Support (as defined in the Agreement

1 on Agriculture) as the end of each country's  
2 Uruguay Round implementation period, as re-  
3 ported in each country's Uruguay Round mar-  
4 ket access schedule;

5 (T) ensuring transparency in the adminis-  
6 tration of tariff rate quotas through multilat-  
7 eral, plurilateral, and bilateral negotiations; and

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

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

1 States, and to secure for investors important rights  
2 comparable to those that would be available under  
3 United States legal principles and practice, by—

4 (A) reducing or eliminating exceptions to  
5 the principle of national treatment;

6 (B) freeing the transfer of funds relating  
7 to investments;

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

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

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

20 (F) providing meaningful procedures for  
21 resolving investment disputes;

22 (G) seeking to improve mechanisms used  
23 to resolve disputes between an investor and a  
24 government through—

1 (i) mechanisms to eliminate frivolous  
2 claims and to deter the filing of frivolous  
3 claims;

4 (ii) procedures to ensure the efficient  
5 selection of arbitrators and the expeditious  
6 disposition of claims;

7 (iii) procedures to enhance opportuni-  
8 ties for public input into the formulation of  
9 government positions; and

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

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

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

21 (ii) ensuring that—

22 (I) all proceedings, submissions,  
23 findings, and decisions are promptly  
24 made public; and

1 (II) all hearings are open to the  
2 public; and

3 (iii) establishing a mechanism for ac-  
4 ceptance of amicus curiae submissions  
5 from businesses, unions, and nongovern-  
6 mental organizations.

7 (5) INTELLECTUAL PROPERTY.—The principal  
8 negotiating objectives of the United States regarding  
9 trade-related intellectual property are—

10 (A) to further promote adequate and effec-  
11 tive protection of intellectual property rights,  
12 including through—

13 (i)(I) ensuring accelerated and full  
14 implementation of the Agreement on  
15 Trade-Related Aspects of Intellectual  
16 Property Rights referred to in section  
17 101(d)(15) of the Uruguay Round Agree-  
18 ments Act (19 U.S.C. 3511(d)(15)), par-  
19 ticularly with respect to meeting enforce-  
20 ment obligations under that agreement;  
21 and

22 (II) ensuring that the provisions of  
23 any trade agreement governing intellectual  
24 property rights that is entered into by the  
25 United States reflect a standard of protec-

1 tion similar to that found in United States  
2 law;

3 (ii) providing strong protection for  
4 new and emerging technologies and new  
5 methods of transmitting and distributing  
6 products embodying intellectual property,  
7 including in a manner that facilitates le-  
8 gitimate digital trade;

9 (iii) preventing or eliminating dis-  
10 crimination with respect to matters affect-  
11 ing the availability, acquisition, scope,  
12 maintenance, use, and enforcement of in-  
13 tellectual property rights;

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

23 (v) providing strong enforcement of  
24 intellectual property rights, including  
25 through accessible, expeditious, and effec-



1           tive civil, administrative, and criminal en-  
2           forcement mechanisms; and

3                   (vi) preventing or eliminating govern-  
4           ment involvement in the violation of intel-  
5           lectual property rights, including cyber  
6           theft and piracy;

7           (B) to secure fair, equitable, and non-  
8           discriminatory market access opportunities for  
9           United States persons that rely upon intellec-  
10          tual property protection; and

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

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

23                   (A) to ensure that current obligations,  
24           rules, disciplines, and commitments under the  
25           World Trade Organization and bilateral and re-

1 gional trade agreements apply to digital trade  
2 in goods and services and to cross-border data  
3 flows;

4 (B) to ensure that—

5 (i) electronically delivered goods and  
6 services receive no less favorable treatment  
7 under trade rules and commitments than  
8 like products delivered in physical form;  
9 and

10 (ii) the classification of such goods  
11 and services ensures the most liberal trade  
12 treatment possible, fully encompassing  
13 both existing and new trade;

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

19 (D) with respect to subparagraphs (A)  
20 through (C), where legitimate policy objectives  
21 require domestic regulations that affect digital  
22 trade in goods and services or cross-border data  
23 flows, to obtain commitments that any such  
24 regulations are the least restrictive on trade,

1 nondiscriminatory, and transparent, and pro-  
2 mote an open market environment; and

3 (E) to extend the moratorium of the World  
4 Trade Organization on duties on electronic  
5 transmissions.

6 (7) REGULATORY PRACTICES.—The principal  
7 negotiating objectives of the United States regarding  
8 the use of government regulation or other practices  
9 to reduce market access for United States goods,  
10 services, and investments are—

11 (A) to achieve increased transparency and  
12 opportunity for the participation of affected  
13 parties in the development of regulations;

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

17 (C) to establish consultative mechanisms  
18 and seek other commitments, as appropriate, to  
19 improve regulatory practices and promote in-  
20 creased regulatory coherence, including  
21 through—

22 (i) transparency in developing guide-  
23 lines, rules, regulations, and laws for gov-  
24 ernment procurement and other regulatory  
25 regimes;

1 (ii) the elimination of redundancies in  
2 testing and certification;

3 (iii) early consultations on significant  
4 regulations;

5 (iv) the use of impact assessments;

6 (v) the periodic review of existing reg-  
7 ulatory measures; and

8 (vi) the application of good regulatory  
9 practices;

10 (D) to seek greater openness, trans-  
11 parency, and convergence of standards develop-  
12 ment processes, and enhance cooperation on  
13 standards issues globally;

14 (E) to promote regulatory compatibility  
15 through harmonization, equivalence, or mutual  
16 recognition of different regulations and stand-  
17 ards and to encourage the use of international  
18 and interoperable standards, as appropriate;

19 (F) to achieve the elimination of govern-  
20 ment measures such as price controls and ref-  
21 erence pricing which deny full market access for  
22 United States products;

23 (G) to ensure that government regulatory  
24 reimbursement regimes are transparent, provide  
25 procedural fairness, are nondiscriminatory, and

1 provide full market access for United States  
2 products; and

3 (H) to ensure that foreign governments—

4 (i) demonstrate that the collection of  
5 undisclosed proprietary information is lim-  
6 ited to that necessary to satisfy a legiti-  
7 mate and justifiable regulatory interest;  
8 and

9 (ii) protect such information against  
10 disclosure, except in exceptional cir-  
11 cumstances to protect the public, or where  
12 such information is effectively protected  
13 against unfair competition.

14 (8) STATE-OWNED AND STATE-CONTROLLED  
15 ENTERPRISES.—The principal negotiating objective  
16 of the United States regarding competition by state-  
17 owned and state-controlled enterprises is to seek  
18 commitments that—

19 (A) eliminate or prevent trade distortions  
20 and unfair competition favoring state-owned  
21 and state-controlled enterprises to the extent of  
22 their engagement in commercial activity, and

23 (B) ensure that such engagement is based  
24 solely on commercial considerations,

1 in particular through disciplines that eliminate or  
2 prevent discrimination and market-distorting sub-  
3 sidies and that promote transparency.

4 (9) LOCALIZATION BARRIERS TO TRADE.—The  
5 principal negotiating objective of the United States  
6 with respect to localization barriers is to eliminate  
7 and prevent measures that require United States  
8 producers and service providers to locate facilities,  
9 intellectual property, or other assets in a country as  
10 a market access or investment condition, including  
11 indigenous innovation measures.

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

15 (A) to ensure that a party to a trade  
16 agreement with the United States—

17 (i) adopts and maintains measures  
18 implementing internationally recognized  
19 core labor standards (as defined in section  
20 11(17)) and its obligations under common  
21 multilateral environmental agreements (as  
22 defined in section 11(6)),

23 (ii) does not waive or otherwise dero-  
24 gate from, or offer to waive or otherwise  
25 derogate from—

1 (I) its statutes or regulations im-  
2 plementing internationally recognized  
3 core labor standards (as defined in  
4 section 11(17)), in a manner affecting  
5 trade or investment between the  
6 United States and that party, where  
7 the waiver or derogation would be in-  
8 consistent with one or more such  
9 standards, or

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

22 (iii) does not fail to effectively enforce  
23 its environmental or labor laws, through a  
24 sustained or recurring course of action or  
25 inaction,

1 in a manner affecting trade or investment be-  
2 tween the United States and that party after  
3 entry into force of a trade agreement between  
4 those countries;

5 (B) to recognize that—

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

18 (ii) with respect to labor, decisions re-  
19 garding the distribution of enforcement re-  
20 sources are not a reason for not complying  
21 with a party's labor obligations; a party to  
22 a trade agreement retains the right to rea-  
23 sonable exercise of discretion and to make  
24 bona fide decisions regarding the allocation  
25 of resources between labor enforcement ac-



1           activities among core labor standards, pro-  
2           vided the exercise of such discretion and  
3           such decisions are not inconsistent with its  
4           obligations;

5           (C) to strengthen the capacity of United  
6           States trading partners to promote respect for  
7           core labor standards (as defined in section  
8           11(7));

9           (D) to strengthen the capacity of United  
10          States trading partners to protect the environ-  
11          ment through the promotion of sustainable de-  
12          velopment;

13          (E) to reduce or eliminate government  
14          practices or policies that unduly threaten sus-  
15          tainable development;

16          (F) to seek market access, through the  
17          elimination of tariffs and nontariff barriers, for  
18          United States environmental technologies,  
19          goods, and services;

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

1 (H) to ensure that enforceable labor and  
2 environment obligations are subject to the same  
3 dispute settlement and remedies as other en-  
4 forceable obligations under the agreement; and

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

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

20 (12) WTO AND MULTILATERAL TRADE AGREE-  
21 MENTS.—Recognizing that the World Trade Organi-  
22 zation is the foundation of the global trading system,  
23 the principal negotiating objectives of the United  
24 States regarding the World Trade Organization, the

1 Uruguay Round Agreements, and other multilateral  
2 and plurilateral trade agreements are—

3 (A) to achieve full implementation and ex-  
4 tend the coverage of the World Trade Organiza-  
5 tion and multilateral and plurilateral agree-  
6 ments to products, sectors, and conditions of  
7 trade not adequately covered;

8 (B) to expand country participation in and  
9 enhancement of the Information Technology  
10 Agreement, the Government Procurement  
11 Agreement, and other plurilateral trade agree-  
12 ments of the World Trade Organization;

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

20 (D) to ensure that regional trade agree-  
21 ments to which the United States is not a party  
22 fully achieve the high standards of, and comply  
23 with, WTO disciplines, including Article XXIV  
24 of GATT 1994, Article V and V bis of the Gen-  
25 eral Agreement on Trade in Services, and the

1           Enabling Clause, including through meaningful  
2           WTO review of such regional trade agreements;

3           (E) to enhance compliance by WTO mem-  
4           bers with their obligations as WTO members  
5           through active participation in the bodies of the  
6           World Trade Organization by the United States  
7           and all other WTO members, including in the  
8           trade policy review mechanism and the com-  
9           mittee system of the World Trade Organization,  
10          and by working to increase the effectiveness of  
11          such bodies; and

12          (F) to encourage greater cooperation be-  
13          tween the World Trade Organization and other  
14          international organizations.

15          (13) TRADE INSTITUTION TRANSPARENCY.—

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

23                  (A) timely public access to information re-  
24                  garding trade issues and the activities of such  
25                  institutions;

1 (B) openness by ensuring public access to  
2 appropriate meetings, proceedings, and submis-  
3 sions, including with regard to trade and invest-  
4 ment dispute settlement; and

5 (C) public access to all notifications and  
6 supporting documentation submitted by WTO  
7 members.

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

14 (A) to obtain high standards and effective  
15 domestic enforcement mechanisms applicable to  
16 persons from all countries participating in the  
17 applicable trade agreement that prohibit such  
18 attempts to influence acts, decisions, or omis-  
19 sions of foreign governments or officials or to  
20 secure any such improper advantage;

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

24 (C) to seek commitments to work jointly to  
25 encourage and support anti-corruption and

1 anti-bribery initiatives in international trade  
2 fora, including through the Convention on Com-  
3 bating Bribery of Foreign Public Officials in  
4 International Business Transactions of the Or-  
5 ganization for Economic Cooperation and De-  
6 velopment, done at Paris December 17, 1997  
7 (commonly known as the “OECD Anti-Bribery  
8 Convention”).

9 (15) DISPUTE SETTLEMENT AND ENFORCE-  
10 MENT.—The principal negotiating objectives of the  
11 United States with respect to dispute settlement and  
12 enforcement of trade agreements are—

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

21 (B) to seek to strengthen the capacity of  
22 the Trade Policy Review Mechanism of the  
23 World Trade Organization to review compliance  
24 with commitments;

1 (C) to seek adherence by panels convened  
2 under the Dispute Settlement Understanding  
3 and by the Appellate Body to—

4 (i) the mandate of those panels and  
5 the Appellate Body to apply the WTO  
6 Agreement as written, without adding to or  
7 diminishing rights and obligations under  
8 the Agreement; and

9 (ii) the standard of review applicable  
10 under the Uruguay Round Agreement in-  
11 volved in the dispute, including greater  
12 deference, where appropriate, to the fact  
13 finding and technical expertise of national  
14 investigating authorities;

15 (D) to seek provisions encouraging the  
16 early identification and settlement of disputes  
17 through consultation;

18 (E) to seek provisions to encourage the  
19 provision of trade-expanding compensation if a  
20 party to a dispute under the agreement does  
21 not come into compliance with its obligations  
22 under the agreement;

23 (F) to seek provisions to impose a penalty  
24 upon a party to a dispute under the agreement  
25 that—

1 (i) encourages compliance with the ob-  
2 ligations of the agreement;

3 (ii) is appropriate to the parties, na-  
4 ture, subject matter, and scope of the vio-  
5 lation; and

6 (iii) has the aim of not adversely af-  
7 fecting parties or interests not party to the  
8 dispute while maintaining the effectiveness  
9 of the enforcement mechanism; and

10 (G) to seek provisions that treat United  
11 States principal negotiating objectives equally  
12 with respect to—

13 (i) the ability to resort to dispute set-  
14 tlement under the applicable agreement;

15 (ii) the availability of equivalent dis-  
16 pute settlement procedures; and

17 (iii) the availability of equivalent rem-  
18 edies.

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

22 (A) to preserve the ability of the United  
23 States to enforce rigorously its trade laws, in-  
24 cluding the antidumping, countervailing duty,  
25 and safeguard laws, and avoid agreements that



1           lessen the effectiveness of domestic and inter-  
2           national disciplines on unfair trade, especially  
3           dumping and subsidies, or that lessen the effec-  
4           tiveness of domestic and international safeguard  
5           provisions, in order to ensure that United  
6           States workers, agricultural producers, and  
7           firms can compete fully on fair terms and enjoy  
8           the benefits of reciprocal trade concessions; and

9           (B) to address and remedy market distor-  
10          tions that lead to dumping and subsidization,  
11          including overcapacity, cartelization, and mar-  
12          ket access barriers.

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

20          (18) TEXTILE NEGOTIATIONS.—The principal  
21          negotiating objectives of the United States with re-  
22          spect to trade in textiles and apparel articles are to  
23          obtain competitive opportunities for United States  
24          exports of textiles and apparel in foreign markets  
25          substantially equivalent to the competitive opportu-

1 nities afforded foreign exports in United States mar-  
2 kets and to achieve fairer and more open conditions  
3 of trade in textiles and apparel.

4 (19) *COMMERCIAL PARTNERSHIPS.*—

5 (A) *IN GENERAL.*—*With respect to an agree-*  
6 *ment that is proposed to be entered into with the*  
7 *Transatlantic Trade and Investment Partnership*  
8 *countries and to which section 3(b) will apply,*  
9 *the principal negotiating objectives of the United*  
10 *States regarding commercial partnerships are*  
11 *the following:*

12 (i) *To discourage actions by potential*  
13 *trading partners that directly or indirectly*  
14 *prejudice or otherwise discourage commer-*  
15 *cial activity solely between the United*  
16 *States and Israel.*

17 (ii) *To discourage politically motivated*  
18 *actions to boycott, divest from, or sanction*  
19 *Israel and to seek the elimination of politi-*  
20 *cally motivated nontariff barriers on Israeli*  
21 *goods, services, or other commerce imposed*  
22 *on the State of Israel.*

23 (iii) *To seek the elimination of state-*  
24 *sponsored unsanctioned foreign boycotts*  
25 *against Israel or compliance with the Arab*

1            *League Boycott of Israel by prospective*  
2            *trading partners.*

3            (B) *DEFINITION.*—*In this paragraph, the*  
4            *term “actions to boycott, divest from, or sanction*  
5            *Israel” means actions by states, non-member*  
6            *states of the United Nations, international orga-*  
7            *nizations, or affiliated agencies of international*  
8            *organizations that are politically motivated and*  
9            *are intended to penalize or otherwise limit com-*  
10           *mmercial relations specifically with Israel or per-*  
11           *sons doing business in Israel or in Israeli-con-*  
12           *trolled territories.*

13           (20) *GOOD GOVERNANCE, TRANSPARENCY, THE*  
14           *EFFECTIVE OPERATION OF LEGAL REGIMES, AND THE*  
15           *RULE OF LAW OF TRADING PARTNERS.*—*The principal*  
16           *negotiating objectives of the United States with re-*  
17           *spect to ensuring implementation of trade commit-*  
18           *ments and obligations by strengthening good govern-*  
19           *ance, transparency, the effective operation of legal re-*  
20           *gimes and the rule of law of trading partners of the*  
21           *United States is through capacity building and other*  
22           *appropriate means, which are important parts of the*  
23           *broader effort to create more open democratic societies*  
24           *and to promote respect for internationally recognized*  
25           *human rights.*

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;

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; and

4 (4) submit to the Committee on Ways and  
5 Means of the House of Representatives and the  
6 Committee on Finance of the Senate an annual re-  
7 port on capacity-building activities undertaken in  
8 connection with trade agreements negotiated or  
9 being negotiated pursuant to this Act.

10 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

11 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

12 (1) IN GENERAL.—Whenever the President de-  
13 termines that one or more existing duties or other  
14 import restrictions of any foreign country or the  
15 United States are unduly burdening and restricting  
16 the foreign trade of the United States and that the  
17 purposes, policies, priorities, and objectives of this  
18 Act will be promoted thereby, the President—

19 (A) may enter into trade agreements with  
20 foreign countries before—

21 (i) July 1, 2018; or

22 (ii) July 1, 2021, if trade authorities  
23 procedures are extended under subsection  
24 (c); and

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

3 (i) such modification or continuance  
4 of any existing duty,

5 (ii) such continuance of existing duty  
6 free or excise treatment, or

7 (iii) such additional duties,

8 as the President determines to be required or  
9 appropriate to carry out any such trade agree-  
10 ment.

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

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

19 (3) LIMITATIONS.—No proclamation may be  
20 made under paragraph (1) that—

21 (A) reduces any rate of duty (other than a  
22 rate of duty that does not exceed 5 percent ad  
23 valorem on the date of the enactment of this  
24 Act) to a rate of duty which is less than 50 per-

1 cent of the rate of such duty that applies on  
2 such date of enactment;

3 (B) reduces the rate of duty below that ap-  
4 plicable under the Uruguay Round Agreements  
5 or a successor agreement, on any import sen-  
6 sitive agricultural product; or

7 (C) increases any rate of duty above the  
8 rate that applied on the date of the enactment  
9 of this Act.

10 (4) AGGREGATE REDUCTION; EXEMPTION FROM  
11 STAGING.—

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

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

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

5                   (B) EXEMPTION FROM STAGING.—No  
6                   staging is required under subparagraph (A)  
7                   with respect to a duty reduction that is pro-  
8                   claimed under paragraph (1) for an article of a  
9                   kind that is not produced in the United States.  
10                  The United States International Trade Com-  
11                  mission shall advise the President of the iden-  
12                  tity of articles that may be exempted from stag-  
13                  ing under this subparagraph.

14                  (5) ROUNDING.—If the President determines  
15                  that such action will simplify the computation of re-  
16                  ductions under paragraph (4), the President may  
17                  round an annual reduction by an amount equal to  
18                  the lesser of—

19                         (A) the difference between the reduction  
20                         without regard to this paragraph and the next  
21                         lower whole number; or

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

23                  (6) OTHER LIMITATIONS.—A rate of duty re-  
24                  duction that may not be proclaimed by reason of  
25                  paragraph (3) may take effect only if a provision au-



1       thorizing such reduction is included within an imple-  
2       menting bill provided for under section 6 and that  
3       bill is enacted into law.

4           (7) OTHER TARIFF MODIFICATIONS.—Notwith-  
5       standing paragraphs (1)(B), (3)(A), (3)(C), and (4)  
6       through (6), and subject to the consultation and lay-  
7       over requirements of section 115 of the Uruguay  
8       Round Agreements Act (19 U.S.C. 3524), the Presi-  
9       dent may proclaim the modification of any duty or  
10      staged rate reduction of any duty set forth in Sched-  
11      ule XX, as defined in section 2(5) of that Act (19  
12      U.S.C. 3501(5)), if the United States agrees to such  
13      modification or staged rate reduction in a negotia-  
14      tion for the reciprocal elimination or harmonization  
15      of duties under the auspices of the World Trade Or-  
16      ganization.

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

22           (b) AGREEMENTS REGARDING TARIFF AND NON-  
23      TARIFF BARRIERS.—

24           (1) IN GENERAL.—(A) Whenever the President  
25      determines that—

1           (i) 1 or more existing duties or any other  
2 import restriction of any foreign country or the  
3 United States or any other barrier to, or other  
4 distortion of, international trade unduly bur-  
5 dens or restricts the foreign trade of the United  
6 States or adversely affects the United States  
7 economy, or

8           (ii) the imposition of any such barrier or  
9 distortion is likely to result in such a burden,  
10 restriction, or effect,

11 and that the purposes, policies, priorities, and objec-  
12 tives of this Act will be promoted thereby, the Presi-  
13 dent may enter into a trade agreement described in  
14 subparagraph (B) during the period described in  
15 subparagraph (C).

16           (B) The President may enter into a trade  
17 agreement under subparagraph (A) with foreign  
18 countries providing for—

19           (i) the reduction or elimination of a duty,  
20 restriction, barrier, or other distortion described  
21 in subparagraph (A); or

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

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

- 1 (i) July 1, 2018; or  
2 (ii) July 1, 2021, if trade authorities pro-  
3 cedures are extended under subsection (c).

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

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

1 (B) The provisions referred to in subparagraph

2 (A) are—

3 (i) a provision approving a trade agree-  
4 ment entered into under this subsection and ap-  
5 proving the statement of administrative action,  
6 if any, proposed to implement such trade agree-  
7 ment; and

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

15 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-  
16 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

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

19 (A) the trade authorities procedures apply  
20 to implementing bills submitted with respect to  
21 trade agreements entered into under subsection  
22 (b) before July 1, 2018; and

23 (B) the trade authorities procedures shall  
24 be extended to implementing bills submitted  
25 with respect to trade agreements entered into

1 under subsection (b) after June 30, 2018, and  
2 before July 1, 2021, if (and only if)—

3 (i) the President requests such exten-  
4 sion under paragraph (2); and

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

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

15 (A) a description of all trade agreements  
16 that have been negotiated under subsection (b)  
17 and the anticipated schedule for submitting  
18 such agreements to Congress for approval;

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

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

1 (3) OTHER REPORTS TO CONGRESS.—

2 (A) REPORT BY THE ADVISORY COM-  
3 MITTEE.—The President shall promptly inform  
4 the Advisory Committee for Trade Policy and  
5 Negotiations established under section 135 of  
6 the Trade Act of 1974 (19 U.S.C. 2155) of the  
7 decision of the President to submit a report to  
8 Congress under paragraph (2). The Advisory  
9 Committee shall submit to Congress as soon as  
10 practicable, but not later than June 1, 2018, a  
11 written report that contains—

12 (i) its views regarding the progress  
13 that has been made in negotiations to  
14 achieve the purposes, policies, priorities,  
15 and objectives of this Act; and

16 (ii) a statement of its views, and the  
17 reasons therefor, regarding whether the ex-  
18 tension requested under paragraph (2)  
19 should be approved or disapproved.

20 (B) REPORT BY INTERNATIONAL TRADE  
21 COMMISSION.—The President shall promptly in-  
22 form the United States International Trade  
23 Commission of the decision of the President to  
24 submit a report to Congress under paragraph  
25 (2). The International Trade Commission shall

1 submit to Congress as soon as practicable, but  
2 not later than June 1, 2018, a written report  
3 that contains a review and analysis of the eco-  
4 nomic impact on the United States of all trade  
5 agreements implemented between the date of  
6 the enactment of this Act and the date on  
7 which the President decides to seek an exten-  
8 sion requested under paragraph (2).

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

13 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

14 (A) For purposes of paragraph (1), the term “exten-  
15 sion disapproval resolution” means a resolution of  
16 either House of Congress, the sole matter after the  
17 resolving clause of which is as follows: “That the  
18 \_\_\_\_\_ disapproves the request of the President  
19 for the extension, under section 3(c)(1)(B)(i) of the  
20 Bipartisan Congressional Trade Priorities and Ac-  
21 countability Act of 2015, of the trade authorities  
22 procedures under that Act to any implementing bill  
23 submitted with respect to any trade agreement en-  
24 tered into under section 3(b) of that Act after June

1 30, 2018.”, with the blank space being filled with  
2 the name of the resolving House of Congress.

3 (B) Extension disapproval resolutions—

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

6 (ii) shall be referred, in the House of Rep-  
7 resentatives, to the Committee on Ways and  
8 Means and, in addition, to the Committee on  
9 Rules.

10 (C) The provisions of subsections (d) and (e) of  
11 section 152 of the Trade Act of 1974 (19 U.S.C.  
12 2192) (relating to the floor consideration of certain  
13 resolutions in the House and Senate) apply to exten-  
14 sion disapproval resolutions.

15 (D) It is not in order for—

16 (i) the House of Representatives to con-  
17 sider any extension disapproval resolution not  
18 reported by the Committee on Ways and Means  
19 and, in addition, by the Committee on Rules;

20 (ii) the Senate to consider any extension  
21 disapproval resolution not reported by the Com-  
22 mittee on Finance; or

23 (iii) either House of Congress to consider  
24 an extension disapproval resolution after June  
25 30, 2018.



1 (d) COMMENCEMENT OF NEGOTIATIONS.—In order  
2 to contribute to the continued economic expansion of the  
3 United States, the President shall commence negotiations  
4 covering tariff and nontariff barriers affecting any indus-  
5 try, product, or service sector, and expand existing sec-  
6 toral agreements to countries that are not parties to those  
7 agreements, in cases where the President determines that  
8 such negotiations are feasible and timely and would ben-  
9 efit the United States. Such sectors include agriculture,  
10 commercial services, intellectual property rights, industrial  
11 and capital goods, government procurement, information  
12 technology products, environmental technology and serv-  
13 ices, medical equipment and services, civil aircraft, and in-  
14 frastructure products. In so doing, the President shall  
15 take into account all of the negotiating objectives set forth  
16 in section 2.

17 **SEC. 4. CONGRESSIONAL OVERSIGHT, CONSULTATIONS,**  
18 **AND ACCESS TO INFORMATION.**

19 (a) CONSULTATIONS WITH MEMBERS OF CON-  
20 GRESS.—

21 (1) CONSULTATIONS DURING NEGOTIATIONS.—

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

24 (A) meet upon request with any Member of  
25 Congress regarding negotiating objectives, the

1 status of negotiations in progress, and the na-  
2 ture of any changes in the laws of the United  
3 States or the administration of those laws that  
4 may be recommended to Congress to carry out  
5 any trade agreement or any requirement of,  
6 amendment to, or recommendation under, that  
7 agreement;

8 (B) upon request of any Member of Con-  
9 gress, provide access to pertinent documents re-  
10 lating to the negotiations, including classified  
11 materials;

12 (C) consult closely and on a timely basis  
13 with, and keep fully apprised of the negotia-  
14 tions, the Committee on Ways and Means of  
15 the House of Representatives and the Com-  
16 mittee on Finance of the Senate;

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

1           (E) with regard to any negotiations and  
2           agreement relating to agricultural trade, also  
3           consult closely and on a timely basis (including  
4           immediately before initialing an agreement)  
5           with, and keep fully apprised of the negotia-  
6           tions, the Committee on Agriculture of the  
7           House of Representatives and the Committee  
8           on Agriculture, Nutrition, and Forestry of the  
9           Senate.

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

20           (3) ENHANCED COORDINATION WITH CON-  
21           GRESS.—

22           (A) WRITTEN GUIDELINES.—The United  
23           States Trade Representative, in consultation  
24           with the chairmen and the ranking members of  
25           the Committee on Ways and Means of the

1 House of Representatives and the Committee  
2 on Finance of the Senate, respectively—

3 (i) shall, not later than 120 days after  
4 the date of the enactment of this Act, de-  
5 velop written guidelines on enhanced co-  
6 ordination with Congress, including coordi-  
7 nation with designated congressional advis-  
8 ers under subsection (b), regarding nego-  
9 tiations conducted under this Act; and

10 (ii) may make such revisions to the  
11 guidelines as may be necessary from time  
12 to time.

13 (B) CONTENT OF GUIDELINES.—The  
14 guidelines developed under subparagraph (A)  
15 shall enhance coordination with Congress  
16 through procedures to ensure—

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

1 recommendation under, that agreement;  
2 and

3 (ii) the sharing of detailed and timely  
4 information with Members of Congress,  
5 and their staff with proper security clear-  
6 ances as appropriate, regarding those ne-  
7 gotiations and pertinent documents related  
8 to those negotiations (including classified  
9 information), and with committee staff  
10 with proper security clearances as would be  
11 appropriate in the light of the responsibil-  
12 ities of that committee over the trade  
13 agreements programs affected by those ne-  
14 gotiations.

15 (C) DISSEMINATION.—The United States  
16 Trade Representative shall disseminate the  
17 guidelines developed under subparagraph (A) to  
18 all Federal agencies that could have jurisdiction  
19 over laws affected by trade negotiations.

20 (b) DESIGNATED CONGRESSIONAL ADVISERS.—

21 (1) DESIGNATION.—

22 (A) HOUSE OF REPRESENTATIVES.—In  
23 each Congress, any Member of the House of  
24 Representatives may be designated as a con-  
25 gressional adviser on trade policy and negotia-

1           tions by the Speaker of the House of Rep-  
2           representatives, after consulting with the chairman  
3           and ranking member of the Committee on Ways  
4           and Means and the chairman and ranking  
5           member of the committee from which the Mem-  
6           ber will be selected.

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

16          (2) CONSULTATIONS WITH DESIGNATED CON-  
17          GRESSIONAL ADVISERS.—In the course of negotia-  
18          tions conducted under this Act, the United States  
19          Trade Representative shall consult closely and on a  
20          timely basis (including immediately before initialing  
21          an agreement) with, and keep fully apprised of the  
22          negotiations, the congressional advisers for trade  
23          policy and negotiations designated under paragraph  
24          (1).

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

8           (c) CONGRESSIONAL ADVISORY GROUPS ON NEGO-  
9           TIATIONS.—

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

20           (2) MEMBERS AND FUNCTIONS.—

21           (A) MEMBERSHIP OF THE HOUSE ADVI-  
22           SORY GROUP ON NEGOTIATIONS.—In each Con-  
23           gress, the House Advisory Group on Negotia-  
24           tions shall be comprised of the following Mem-  
25           bers of the House of Representatives:

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

6 (ii) The chairman and ranking mem-  
7 ber, or their designees, of the committees  
8 of the House of Representatives that would  
9 have, under the Rules of the House of  
10 Representatives, jurisdiction over provi-  
11 sions of law affected by a trade agreement  
12 negotiation conducted at any time during  
13 that Congress and to which this Act would  
14 apply.

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

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



1           (ii) The chairman and ranking mem-  
2           ber, or their designees, of the committees  
3           of the Senate that would have, under the  
4           Rules of the Senate, jurisdiction over pro-  
5           visions of law affected by a trade agree-  
6           ment negotiation conducted at any time  
7           during that Congress and to which this Act  
8           would apply.

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

24          (D) CONSULTATION AND ADVICE.—The  
25          congressional advisory groups shall consult with

1 and provide advice to the Trade Representative  
2 regarding the formulation of specific objectives,  
3 negotiating strategies and positions, the devel-  
4 opment of the applicable trade agreement, and  
5 compliance and enforcement of the negotiated  
6 commitments under the trade agreement.

7 (E) CHAIR.—The House Advisory Group  
8 on Negotiations shall be chaired by the Chair-  
9 man of the Committee on Ways and Means of  
10 the House of Representatives and the Senate  
11 Advisory Group on Negotiations shall be  
12 chaired by the Chairman of the Committee on  
13 Finance of the Senate.

14 (F) COORDINATION WITH OTHER COMMIT-  
15 TEES.—Members of any committee represented  
16 on one of the congressional advisory groups  
17 may submit comments to the member of the ap-  
18 propriate congressional advisory group from  
19 that committee regarding any matter related to  
20 a negotiation for any trade agreement to which  
21 this Act applies.

22 (3) GUIDELINES.—

23 (A) PURPOSE AND REVISION.—The United  
24 States Trade Representative, in consultation  
25 with the chairmen and the ranking members of

1 the Committee on Ways and Means of the  
2 House of Representatives and the Committee  
3 on Finance of the Senate, respectively—

4 (i) shall, not later than 120 days after  
5 the date of the enactment of this Act, de-  
6 velop written guidelines to facilitate the  
7 useful and timely exchange of information  
8 between the Trade Representative and the  
9 congressional advisory groups; and

10 (ii) may make such revisions to the  
11 guidelines as may be necessary from time  
12 to time.

13 (B) CONTENT.—The guidelines developed  
14 under subparagraph (A) shall provide for,  
15 among other things—

16 (i) detailed briefings on a fixed time-  
17 table to be specified in the guidelines of  
18 the congressional advisory groups regard-  
19 ing negotiating objectives and positions  
20 and the status of the applicable negotia-  
21 tions, beginning as soon as practicable  
22 after the congressional advisory groups are  
23 convened, with more frequent briefings as  
24 trade negotiations enter the final stage;

1           (ii) access by members of the congres-  
2           sional advisory groups, and staff with  
3           proper security clearances, to pertinent  
4           documents relating to the negotiations, in-  
5           cluding classified materials;

6           (iii) the closest practicable coordina-  
7           tion between the Trade Representative and  
8           the congressional advisory groups at all  
9           critical periods during the negotiations, in-  
10          cluding at negotiation sites;

11          (iv) after the applicable trade agree-  
12          ment is concluded, consultation regarding  
13          ongoing compliance and enforcement of ne-  
14          gotiated commitments under the trade  
15          agreement; and

16          (v) the timeframe for submitting the  
17          report required under section 5(d)(3).

18          (4) REQUEST FOR MEETING.—Upon the re-  
19          quest of a majority of either of the congressional ad-  
20          visory groups, the President shall meet with that  
21          congressional advisory group before initiating nego-  
22          tiations with respect to a trade agreement, or at any  
23          other time concerning the negotiations.

24          (d) CONSULTATIONS WITH THE PUBLIC.—

1           (1) GUIDELINES FOR PUBLIC ENGAGEMENT.—  
2           The United States Trade Representative, in con-  
3           sultation with the chairmen and the ranking mem-  
4           bers of the Committee on Ways and Means of the  
5           House of Representatives and the Committee on Fi-  
6           nance 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 public access to information  
10                  regarding negotiations conducted under this  
11                  Act; and

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

14           (2) PURPOSES.—The guidelines developed  
15           under paragraph (1) shall—

16                   (A) facilitate transparency;

17                   (B) encourage public participation; and

18                   (C) promote collaboration in the negotia-  
19                  tion process.

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

22                   (A) provide for rapid disclosure of informa-  
23                  tion in forms that the public can readily find  
24                  and use; and

1           (B) provide frequent opportunities for pub-  
2           lic input through Federal Register requests for  
3           comment and other means.

4           (4) DISSEMINATION.—The United States Trade  
5           Representative shall disseminate the guidelines de-  
6           veloped under paragraph (1) to all Federal agencies  
7           that could have jurisdiction over laws affected by  
8           trade negotiations.

9           (e) CONSULTATIONS WITH ADVISORY COMMIT-  
10          TEES.—

11           (1) GUIDELINES FOR ENGAGEMENT WITH ADVI-  
12          SORY COMMITTEES.—The United States Trade Rep-  
13          resentative, in consultation with the chairmen and  
14          the ranking members of the Committee on Ways and  
15          Means of the House of Representatives and the  
16          Committee on Finance of the Senate, respectively—

17           (A) shall, not later than 120 days after the  
18           date of the enactment of this Act, develop writ-  
19           ten guidelines on enhanced coordination with  
20           advisory committees established pursuant to  
21           section 135 of the Trade Act of 1974 (19  
22           U.S.C. 2155) regarding negotiations conducted  
23           under this Act; and

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

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

5           (A) timely briefings of advisory committees  
6 and regular opportunities for advisory commit-  
7 tees to provide input throughout the negotiation  
8 process on matters relevant to the sectors or  
9 functional areas represented by those commit-  
10 tees; and

11           (B) the sharing of detailed and timely in-  
12 formation with each member of an advisory  
13 committee regarding negotiations and pertinent  
14 documents related to the negotiation (including  
15 classified information) on matters relevant to  
16 the sectors or functional areas the member rep-  
17 resents, and with a designee with proper secu-  
18 rity clearances of each such member as appro-  
19 priate.

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

1 (f) ESTABLISHMENT OF POSITION OF CHIEF TRANS-  
2 PARENCY OFFICER IN THE OFFICE OF THE UNITED  
3 STATES TRADE REPRESENTATIVE.—Section 141(b) of the  
4 Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

5 (1) by redesignating paragraph (3) as para-  
6 graph (4); and

7 (2) by inserting after paragraph (2) the fol-  
8 lowing:

9 “(3) There shall be in the Office one Chief Trans-  
10 parency Officer. The Chief Transparency Officer shall  
11 consult with Congress on transparency policy, coordinate  
12 transparency in trade negotiations, engage and assist the  
13 public, and advise the United States Trade Representative  
14 on transparency policy.”.

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);

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; and

22 (D) after consulting with the Committee  
23 on Ways and Means and the Committee on Fi-  
24 nance, and at least 30 calendar days before ini-  
25 tiating negotiations with a country, publish on

1 a publicly available Internet website of the Of-  
2 fice of the United States Trade Representative,  
3 and regularly update thereafter, a detailed and  
4 comprehensive summary of the specific objec-  
5 tives with respect to the negotiations, and a de-  
6 scription of how the agreement, if successfully  
7 concluded, will further those objectives and ben-  
8 efit the United States.

9 (2) NEGOTIATIONS REGARDING AGRICULTURE.—  
10

11 (A) ASSESSMENT AND CONSULTATIONS  
12 FOLLOWING ASSESSMENT.—Before initiating or  
13 continuing negotiations the subject matter of  
14 which is directly related to the subject matter  
15 under section 2(b)(3)(B) with any country, the  
16 President shall—

17 (i) assess whether United States tar-  
18 iffs on agricultural products that were  
19 bound under the Uruguay Round Agree-  
20 ments are lower than the tariffs bound by  
21 that country;

22 (ii) consider whether the tariff levels  
23 bound and applied throughout the world  
24 with respect to imports from the United  
25 States are higher than United States tar-

1           iffs and whether the negotiation provides  
2           an opportunity to address any such dis-  
3           parity; and

4           (iii) 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 the  
10          results of the assessment, whether it is ap-  
11          propriate for the United States to agree to  
12          further tariff reductions based on the con-  
13          clusions reached in the assessment, and  
14          how all applicable negotiating objectives  
15          will be met.

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

24                 (I) identify those agricultural products  
25                 subject to tariff rate quotas on the date of

1 enactment of this Act, and agricultural  
2 products subject to tariff reductions by the  
3 United States as a result of the Uruguay  
4 Round Agreements, for which the rate of  
5 duty was reduced on January 1, 1995, to  
6 a rate which was not less than 97.5 per-  
7 cent of the rate of duty that applied to  
8 such article on December 31, 1994;

9 (II) consult with the Committee on  
10 Ways and Means and the Committee on  
11 Agriculture of the House of Representa-  
12 tives and the Committee on Finance and  
13 the Committee on Agriculture, Nutrition,  
14 and Forestry of the Senate concerning—

15 (aa) whether any further tariff  
16 reductions on the products identified  
17 under subclause (I) should be appro-  
18 priate, taking into account the impact  
19 of any such tariff reduction on the  
20 United States industry producing the  
21 product concerned;

22 (bb) whether the products so  
23 identified face unjustified sanitary or  
24 phytosanitary restrictions, including  
25 those not based on scientific principles

1 in contravention of the Uruguay  
2 Round Agreements; and

3 (cc) whether the countries par-  
4 ticipating in the negotiations maintain  
5 export subsidies or other programs,  
6 policies, or practices that distort world  
7 trade in such products and the impact  
8 of such programs, policies, and prac-  
9 tices on United States producers of  
10 the products;

11 (III) request that the International  
12 Trade Commission prepare an assessment  
13 of the probable economic effects of any  
14 such tariff reduction on the United States  
15 industry producing the product concerned  
16 and on the United States economy as a  
17 whole; and

18 (IV) upon complying with subclauses  
19 (I), (II), and (III), notify the Committee  
20 on Ways and Means and the Committee on  
21 Agriculture of the House of Representa-  
22 tives and the Committee on Finance and  
23 the Committee on Agriculture, Nutrition,  
24 and Forestry of the Senate of those prod-  
25 ucts identified under subclause (I) for

1           which the Trade Representative intends to  
2           seek tariff liberalization in the negotiations  
3           and the reasons for seeking such tariff lib-  
4           eralization.

5           (ii) If, after negotiations described in  
6           clause (i) are commenced—

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

13                   (II) any additional agricultural prod-  
14                   uct described in clause (i)(I) is the subject  
15                   of a request for tariff reductions by a  
16                   party to the negotiations,

17           the Trade Representative shall, as soon as prac-  
18           ticable, notify the committees referred to in  
19           clause (i)(IV) of those products and the reasons  
20           for seeking such tariff reductions.

21           (3) NEGOTIATIONS REGARDING THE FISHING  
22           INDUSTRY.—Before initiating, or continuing, nego-  
23           tiations that directly relate to fish or shellfish trade  
24           with any country, the President shall consult with  
25           the Committee on Ways and Means and the Com-

1       committee on Natural Resources of the House of Rep-  
2       representatives, and the Committee on Finance and the  
3       Committee on Commerce, Science, and Transpor-  
4       tation of the Senate, and shall keep the Committees  
5       apprised of the negotiations on an ongoing and time-  
6       ly basis.

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

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

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

1           (5) ADHERENCE TO EXISTING INTERNATIONAL  
2           TRADE AND INVESTMENT AGREEMENT OBLIGA-  
3           TIONS.—In determining whether to enter into nego-  
4           tiations with a particular country, the President  
5           shall take into account the extent to which that  
6           country has implemented, or has accelerated the im-  
7           plementation of, its international trade and invest-  
8           ment commitments to the United States, including  
9           pursuant to the WTO Agreement.

10          (b) CONSULTATION WITH CONGRESS BEFORE  
11          ENTRY INTO AGREEMENT.—

12           (1) CONSULTATION.—Before entering into any  
13           trade agreement under section 3(b), the President  
14           shall consult with—

15                   (A) the Committee on Ways and Means of  
16                   the House of Representatives and the Com-  
17                   mittee on Finance of the Senate;

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

23                   (C) the House Advisory Group on Negotia-  
24                   tions and the Senate Advisory Group on Nego-  
25                   tiations convened under section 4(e).



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

4           (A) the nature of the agreement;

5           (B) how and to what extent the agreement  
6 will achieve the applicable purposes, policies,  
7 priorities, and objectives of this Act; and

8           (C) the implementation of the agreement  
9 under section 6, including the general effect of  
10 the agreement on existing laws.

11           (3) REPORT REGARDING UNITED STATES  
12 TRADE REMEDY LAWS.—

13           (A) CHANGES IN CERTAIN TRADE LAWS.—

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

20           (i) the range of proposals advanced in  
21 the negotiations with respect to that agree-  
22 ment, that may be in the final agreement,  
23 and that could require amendments to title  
24 VII of the Tariff Act of 1930 (19 U.S.C.  
25 1671 et seq.) or to chapter 1 of title II of

1 the Trade Act of 1974 (19 U.S.C. 2251 et  
2 seq.); and

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

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

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

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

1           (ii) For purposes of this subparagraph, the  
2 term “resolution” means only a resolution of ei-  
3 ther House of Congress, the matter after the  
4 resolving clause of which is as follows: “That  
5 the \_\_\_\_\_ finds that the proposed changes  
6 to United States trade remedy laws contained  
7 in the report of the President transmitted to  
8 Congress on \_\_\_\_\_ under section 5(b)(3) of  
9 the Bipartisan Congressional Trade Priorities  
10 and Accountability Act of 2015 with respect to  
11 \_\_\_\_\_, are inconsistent with the negotiating  
12 objectives described in section 2(b)(16) of that  
13 Act.”, with the first blank space being filled  
14 with the name of the resolving House of Con-  
15 gress, the second blank space being filled with  
16 the appropriate date of the report, and the  
17 third blank space being filled with the name of  
18 the country or countries involved.

19           (iii) Resolutions in the House of Rep-  
20 resentatives—

21                   (I) may be introduced by any Member  
22 of the House;

23                   (II) shall be referred to the Com-  
24 mittee on Ways and Means and, in addi-  
25 tion, to the Committee on Rules; and

1 (III) may not be amended by either  
2 Committee.

3 (iv) Resolutions in the Senate—

4 (I) may be introduced by any Member  
5 of the Senate;

6 (II) shall be referred to the Com-  
7 mittee on Finance; and

8 (III) may not be amended.

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

14 (vi) It is not in order for the Senate to  
15 consider any resolution that is not reported by  
16 the Committee on Finance.

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

22 (4) ADVISORY COMMITTEE REPORTS.—The re-  
23 port required under section 135(e)(1) of the Trade  
24 Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any  
25 trade agreement entered into under subsection (a) or

1 (b) of section 3 shall be provided to the President,  
2 Congress, and the United States Trade Representa-  
3 tive not later than 30 days after the date on which  
4 the President notifies Congress under section  
5 3(a)(2) or 6(a)(1)(A) of the intention of the Presi-  
6 dent to enter into the agreement.

7 (c) INTERNATIONAL TRADE COMMISSION ASSESS-  
8 MENT.—

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

23 (2) ASSESSMENT.—Not later than 105 calendar  
24 days after the President enters into a trade agree-  
25 ment under section 3(b), the Commission shall sub-

1       mit to the President and Congress a report assessing  
2       the likely impact of the agreement on the United  
3       States economy as a whole and on specific industry  
4       sectors, including the impact the agreement will have  
5       on the gross domestic product, exports and imports,  
6       aggregate employment and employment opportuni-  
7       ties, the production, employment, and competitive  
8       position of industries likely to be significantly af-  
9       fected by the agreement, and the interests of United  
10      States consumers.

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

22           (4) PUBLIC AVAILABILITY.—The President  
23      shall make each assessment under paragraph (2)  
24      available to the public.

1 (d) REPORTS SUBMITTED TO COMMITTEES WITH  
2 AGREEMENT.—

3 (1) ENVIRONMENTAL REVIEWS AND RE-  
4 PORTS.—The President shall—

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

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

19 (2) EMPLOYMENT IMPACT REVIEWS AND RE-  
20 PORTS.—The President shall—

21 (A) review the impact of future trade  
22 agreements on United States employment, in-  
23 cluding labor markets, modeled after Executive  
24 Order 13141 (64 Fed. Reg. 63169) to the ex-

1           tent appropriate in establishing procedures and  
2           criteria; and

3           (B) submit a report on such reviews to the  
4           Committee on Ways and Means of the House of  
5           Representatives and the Committee on Finance  
6           of the Senate at the time the President submits  
7           to Congress a copy of the final legal text of an  
8           agreement pursuant to section 6(a)(1)(E).

9           (3) REPORT ON LABOR RIGHTS.—The President  
10          shall submit to the Committee on Ways and Means  
11          of the House of Representatives and the Committee  
12          on Finance of the Senate, on a timeframe deter-  
13          mined in accordance with section 4(e)(3)(B)(v)—

14                (A) a meaningful labor rights report of the  
15                country, or countries, with respect to which the  
16                President is negotiating; and

17                (B) a description of any provisions that  
18                would require changes to the labor laws and  
19                labor practices of the United States.

20          (4) PUBLIC AVAILABILITY.—The President  
21          shall make all reports required under this subsection  
22          available to the public.

23          (e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

24                (1) IN GENERAL.—At the time the President  
25                submits to Congress a copy of the final legal text of



1 an agreement pursuant to section 6(a)(1)(E), the  
2 President shall also submit to Congress a plan for  
3 implementing and enforcing the agreement.

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

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

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

1           (C) CUSTOMS INFRASTRUCTURE REQUIRE-  
2           MENTS.—A description of the additional equip-  
3           ment and facilities needed by U.S. Customs and  
4           Border Protection.

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

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

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

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

21          (f) OTHER REPORTS.—

22               (1) REPORT ON PENALTIES.—Not later than  
23               one year after the imposition by the United States  
24               of a penalty or remedy permitted by a trade agree-  
25               ment to which this Act applies, the President shall

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

11 (2) REPORT ON IMPACT OF TRADE PROMOTION  
12 AUTHORITY.—Not later than one year after the date  
13 of the enactment of this Act, and not later than 5  
14 years thereafter, the United States International  
15 Trade Commission shall submit to the Committee on  
16 Ways and Means of the House of Representatives  
17 and the Committee on Finance of the Senate a re-  
18 port on the economic impact on the United States  
19 of all trade agreements with respect to which Con-  
20 gress has enacted an implementing bill under trade  
21 authorities procedures since January 1, 1984.

22 (3) ENFORCEMENT CONSULTATIONS AND RE-  
23 PORTS.—(A) The United States Trade Representa-  
24 tive shall consult with the Committee on Ways and  
25 Means of the House of Representatives and the

1 Committee on Finance of the Senate after accept-  
2 ance of a petition for review or taking an enforce-  
3 ment action in regard to an obligation under a trade  
4 agreement, including a labor or environmental obli-  
5 gation. During such consultations, the United States  
6 Trade Representative shall describe the matter, in-  
7 cluding the basis for such action and the application  
8 of any relevant legal obligations.

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

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

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

2 (a) IN GENERAL.—

3 (1) NOTIFICATION AND SUBMISSION.—Any  
4 agreement entered into under section 3(b) shall  
5 enter into force with respect to the United States if  
6 (and only if)—

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

14 (B) the President, at least 60 days before  
15 the day on which the President enters into the  
16 agreement, publishes the text of the agreement  
17 on a publicly available Internet website of the  
18 Office of the United States Trade Representa-  
19 tive;

20 (C) within 60 days after entering into the  
21 agreement, the President submits to Congress a  
22 description of those changes to existing laws  
23 that the President considers would be required  
24 in order to bring the United States into compli-  
25 ance with the agreement;

1 (D) the President, at least 30 days before  
2 submitting to Congress the materials under  
3 subparagraph (E), submits to Congress—

4 (i) a draft statement of any adminis-  
5 trative action proposed to implement the  
6 agreement; and

7 (ii) a copy of the final legal text of the  
8 agreement;

9 (E) after entering into the agreement, the  
10 President submits to Congress, on a day on  
11 which both Houses of Congress are in session,  
12 a copy of the final legal text of the agreement,  
13 together with—

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

16 (ii) a statement of any administrative  
17 action proposed to implement the trade  
18 agreement; and

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

21 (F) the implementing bill is enacted into  
22 law; and

23 (G) the President, not later than 30 days  
24 before the date on which the agreement enters  
25 into force with respect to a party to the agree-

1           ment, submits written notice to Congress that  
2           the President has determined that the party  
3           has taken measures necessary to comply with  
4           those provisions of the agreement that are to  
5           take effect on the date on which the agreement  
6           enters into force.

7           (2) SUPPORTING INFORMATION.—

8           (A) IN GENERAL.—The supporting infor-  
9           mation required under paragraph (1)(E)(iii)  
10          consists of—

11           (i) an explanation as to how the im-  
12           plementing bill and proposed administra-  
13           tive action will change or affect existing  
14           law; and

15           (ii) a statement—

16           (I) asserting that the agreement  
17           makes progress in achieving the appli-  
18           cable purposes, policies, priorities, and  
19           objectives of this Act; and

20           (II) setting forth the reasons of  
21           the President regarding—

22           (aa) how and to what extent  
23           the agreement makes progress in  
24           achieving the applicable purposes,

1 policies, and objectives referred  
2 to in subclause (I);

3 (bb) whether and how the  
4 agreement changes provisions of  
5 an agreement previously nego-  
6 tiated;

7 (cc) how the agreement  
8 serves the interests of United  
9 States commerce; and

10 (dd) how the implementing  
11 bill meets the standards set forth  
12 in section 3(b)(3).

13 (B) PUBLIC AVAILABILITY.—The Presi-  
14 dent shall make the supporting information de-  
15 scribed in subparagraph (A) available to the  
16 public.

17 (3) RECIPROCAL BENEFITS.—In order to en-  
18 sure that a foreign country that is not a party to a  
19 trade agreement entered into under section 3(b)  
20 does not receive benefits under the agreement unless  
21 the country is also subject to the obligations under  
22 the agreement, the implementing bill submitted with  
23 respect to the agreement shall provide that the bene-  
24 fits and obligations under the agreement apply only  
25 to the parties to the agreement, if such application



1 is consistent with the terms of the agreement. The  
2 implementing bill may also provide that the benefits  
3 and obligations under the agreement do not apply  
4 uniformly to all parties to the agreement, if such ap-  
5 plication is consistent with the terms of the agree-  
6 ment.

7 (4) DISCLOSURE OF COMMITMENTS.—Any  
8 agreement or other understanding with a foreign  
9 government or governments (whether oral or in writ-  
10 ing) that—

11 (A) relates to a trade agreement with re-  
12 spect to which Congress enacts an imple-  
13 menting bill under trade authorities procedures;  
14 and

15 (B) is not disclosed to Congress before an  
16 implementing bill with respect to that agree-  
17 ment is introduced in either House of Congress,  
18 shall not be considered to be part of the agreement  
19 approved by Congress and shall have no force and  
20 effect under United States law or in any dispute set-  
21 tlement body.

22 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-  
23 DURES.—

24 (1) FOR LACK OF NOTICE OR CONSULTA-  
25 TIONS.—

1           (A) IN GENERAL.—The trade authorities  
2 procedures shall not apply to any implementing  
3 bill submitted with respect to a trade agreement  
4 or trade agreements entered into under section  
5 3(b) if during the 60-day period beginning on  
6 the date that one House of Congress agrees to  
7 a procedural disapproval resolution for lack of  
8 notice or consultations with respect to such  
9 trade agreement or agreements, the other  
10 House separately agrees to a procedural dis-  
11 approval resolution with respect to such trade  
12 agreement or agreements.

13           (B) PROCEDURAL DISAPPROVAL RESOLU-  
14 TION.—(i) For purposes of this paragraph, the  
15 term “procedural disapproval resolution” means  
16 a resolution of either House of Congress, the  
17 sole matter after the resolving clause of which  
18 is as follows: “That the President has failed or  
19 refused to notify or consult in accordance with  
20 the Bipartisan Congressional Trade Priorities  
21 and Accountability Act of 2015 on negotiations  
22 with respect to \_\_\_\_\_ and, there-  
23 fore, the trade authorities procedures under  
24 that Act shall not apply to any implementing  
25 bill submitted with respect to such trade agree-

1           ment or agreements.”, with the blank space  
2           being filled with a description of the trade  
3           agreement or agreements with respect to which  
4           the President is considered to have failed or re-  
5           fused to notify or consult.

6           (ii) For purposes of clause (i) and para-  
7           graphs (3)(C) and (4)(C), the President has  
8           “failed or refused to notify or consult in accord-  
9           ance with the Bipartisan Congressional Trade  
10          Priorities and Accountability Act of 2015” on  
11          negotiations with respect to a trade agreement  
12          or trade agreements if—

13               (I) the President has failed or refused  
14               to consult (as the case may be) in accord-  
15               ance with sections 4 and 5 and this section  
16               with respect to the negotiations, agree-  
17               ment, or agreements;

18               (II) guidelines under section 4 have  
19               not been developed or met with respect to  
20               the negotiations, agreement, or agree-  
21               ments;

22               (III) the President has not met with  
23               the House Advisory Group on Negotiations  
24               or the Senate Advisory Group on Negotia-  
25               tions pursuant to a request made under

1 section 4(c)(4) with respect to the negotia-  
2 tions, agreement, or agreements; or

3 (IV) the agreement or agreements fail  
4 to make progress in achieving the pur-  
5 poses, policies, priorities, and objectives of  
6 this Act.

7 (2) PROCEDURES FOR CONSIDERING RESOLU-  
8 TIONS.—(A) Procedural disapproval resolutions—

9 (i) in the House of Representatives—

10 (I) may be introduced by any Member  
11 of the House;

12 (II) shall be referred to the Com-  
13 mittee on Ways and Means and, in addi-  
14 tion, to the Committee on Rules; and

15 (III) may not be amended by either  
16 Committee; and

17 (ii) in the Senate—

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

20 (II) shall be referred to the Com-  
21 mittee on Finance; and

22 (III) may not be amended.

23 (B) The provisions of subsections (d) and (e) of  
24 section 152 of the Trade Act of 1974 (19 U.S.C.  
25 2192) (relating to the floor consideration of certain

1 resolutions in the House and Senate) apply to a pro-  
2 cedural disapproval resolution introduced with re-  
3 spect to a trade agreement if no other procedural  
4 disapproval resolution with respect to that trade  
5 agreement has previously been reported in that  
6 House of Congress by the Committee on Ways and  
7 Means or the Committee on Finance, as the case  
8 may be, and if no resolution described in clause (ii)  
9 of section 5(b)(3)(B) with respect to that trade  
10 agreement has been reported in that House of Con-  
11 gress by the Committee on Ways and Means or the  
12 Committee on Finance, as the case may be, pursu-  
13 ant to the procedures set forth in clauses (iii)  
14 through (vii) of such section.

15 (C) It is not in order for the House of Rep-  
16 resentatives to consider any procedural disapproval  
17 resolution not reported by the Committee on Ways  
18 and Means and, in addition, by the Committee on  
19 Rules.

20 (D) It is not in order for the Senate to consider  
21 any procedural disapproval resolution not reported  
22 by the Committee on Finance.

23 (3) CONSIDERATION IN SENATE OF CONSULTA-  
24 TION AND COMPLIANCE RESOLUTION TO REMOVE  
25 TRADE AUTHORITIES PROCEDURES.—

1 (A) REPORTING OF RESOLUTION.—If,  
2 when the Committee on Finance of the Senate  
3 meets on whether to report an implementing  
4 bill with respect to a trade agreement or agree-  
5 ments entered into under section 3(b), the com-  
6 mittee fails to favorably report the bill, the  
7 committee shall report a resolution described in  
8 subparagraph (C).

9 (B) APPLICABILITY OF TRADE AUTHORI-  
10 TIES PROCEDURES.—The trade authorities pro-  
11 cedures shall not apply in the Senate to any im-  
12 plementing bill submitted with respect to a  
13 trade agreement or agreements described in  
14 subparagraph (A) if the Committee on Finance  
15 reports a resolution described in subparagraph  
16 (C) and such resolution is agreed to by the Sen-  
17 ate.

18 (C) RESOLUTION DESCRIBED.—A resolu-  
19 tion described in this subparagraph is a resolu-  
20 tion of the Senate originating from the Com-  
21 mittee on Finance the sole matter after the re-  
22 solving clause of which is as follows: “That the  
23 President has failed or refused to notify or con-  
24 sult in accordance with the Bipartisan Congres-  
25 sional Trade Priorities and Accountability Act

1 of 2015 on negotiations with respect to  
2 \_\_\_\_\_ and, therefore, the trade authori-  
3 ties procedures under that Act shall not apply  
4 in the Senate to any implementing bill sub-  
5 mitted with respect to such trade agreement or  
6 agreements.”, with the blank space being filled  
7 with a description of the trade agreement or  
8 agreements described in subparagraph (A).

9 (D) PROCEDURES.—If the Senate does not  
10 agree to a motion to invoke cloture on the mo-  
11 tion to proceed to a resolution described in sub-  
12 paragraph (C), the resolution shall be com-  
13 mitted to the Committee on Finance.

14 (4) CONSIDERATION IN THE HOUSE OF REP-  
15 RESENTATIVES OF A CONSULTATION AND COMPLI-  
16 ANCE RESOLUTION.—

17 (A) QUALIFICATIONS FOR REPORTING RES-  
18 OLUTION.—If—

19 (i) the Committee on Ways and  
20 Means of the House of Representatives re-  
21 ports an implementing bill with respect to  
22 a trade agreement or agreements entered  
23 into under section 3(b) with other than a  
24 favorable recommendation; and

1                   (ii) a Member of the House of Rep-  
2                   representatives has introduced a consultation  
3                   and compliance resolution on the legislative  
4                   day following the filing of a report to ac-  
5                   company the implementing bill with other  
6                   than a favorable recommendation,  
7                   then the Committee on Ways and Means shall  
8                   consider a consultation and compliance resolu-  
9                   tion pursuant to subparagraph (B).

10                   (B) COMMITTEE CONSIDERATION OF A  
11                   QUALIFYING RESOLUTION.—(i) Not later than  
12                   the fourth legislative day after the date of intro-  
13                   duction of the resolution, the Committee on  
14                   Ways and Means shall meet to consider a reso-  
15                   lution meeting the qualifications set forth in  
16                   subparagraph (A).

17                   (ii) After consideration of one such resolu-  
18                   tion by the Committee on Ways and Means,  
19                   this subparagraph shall not apply to any other  
20                   such resolution.

21                   (iii) If the Committee on Ways and Means  
22                   has not reported the resolution by the sixth leg-  
23                   islative day after the date of its introduction,  
24                   that committee shall be discharged from further  
25                   consideration of the resolution.



1 (C) CONSULTATION AND COMPLIANCE RES-  
2 OLUTION DESCRIBED.—A consultation and  
3 compliance resolution—

4 (i) is a resolution of the House of  
5 Representatives, the sole matter after the  
6 resolving clause of which is as follows:  
7 “That the President has failed or refused  
8 to notify or consult in accordance with the  
9 Bipartisan Congressional Trade Priorities  
10 and Accountability Act of 2015 on negotia-  
11 tions with respect to \_\_\_\_\_ and,  
12 therefore, the trade authorities procedures  
13 under that Act shall not apply in the  
14 House of Representatives to any imple-  
15 menting bill submitted with respect to such  
16 trade agreement or agreements.”, with the  
17 blank space being filled with a description  
18 of the trade agreement or agreements de-  
19 scribed in subparagraph (A); and

20 (ii) shall be referred to the Committee  
21 on Ways and Means.

22 (D) APPLICABILITY OF TRADE AUTHORI-  
23 TIES PROCEDURES.—The trade authorities pro-  
24 cedures shall not apply in the House of Rep-  
25 resentatives to any implementing bill submitted

1 with respect to a trade agreement or agree-  
2 ments which are the object of a consultation  
3 and compliance resolution if such resolution is  
4 adopted by the House.

5 (5) FOR FAILURE TO MEET OTHER REQUIRE-  
6 MENTS.—Not later than December 15, 2015, the  
7 Secretary of Commerce, in consultation with the  
8 Secretary of State, the Secretary of the Treasury,  
9 the Attorney General, and the United States Trade  
10 Representative, shall transmit to Congress a report  
11 setting forth the strategy of the executive branch to  
12 address concerns of Congress regarding whether dis-  
13 pute settlement panels and the Appellate Body of  
14 the World Trade Organization have added to obliga-  
15 tions, or diminished rights, of the United States, as  
16 described in section 2(b)(15)(C). Trade authorities  
17 procedures shall not apply to any implementing bill  
18 with respect to an agreement negotiated under the  
19 auspices of the World Trade Organization unless the  
20 Secretary of Commerce has issued such report by  
21 the deadline specified in this paragraph.

22 (6) *LIMITATIONS ON PROCEDURES WITH RE-*  
23 *SPECT TO AGREEMENTS WITH COUNTRIES NOT IN*  
24 *COMPLIANCE WITH TRAFFICKING VICTIMS PROTECTION*  
25 *ACT OF 2000.*—

1           (A) *IN GENERAL.*—*The trade authorities*  
2           *procedures shall not apply to any implementing*  
3           *bill submitted with respect to a trade agreement*  
4           *or trade agreements entered into under section*  
5           *3(b) with a country to which the minimum*  
6           *standards for the elimination of trafficking are*  
7           *applicable and the government of which does not*  
8           *fully comply with such standards and is not*  
9           *making significant efforts to bring the country*  
10           *into compliance (commonly referred to as a “tier*  
11           *3” country), as determined in the most recent*  
12           *annual report on trafficking in persons sub-*  
13           *mitted under section 110(b)(1) of the Trafficking*  
14           *Victims Protection Act of 2000 (22 U.S.C.*  
15           *7107(b)(1)).*

16           (B) *MINIMUM STANDARDS FOR THE ELIMI-*  
17           *NATION OF TRAFFICKING DEFINED.*—*In this*  
18           *paragraph, the term “minimum standards for*  
19           *the elimination of trafficking” means the stand-*  
20           *ards set forth in section 108 of the Trafficking*  
21           *Victims Protection Act of 2000 (22 U.S.C. 7106).*

22           (c) *RULES OF HOUSE OF REPRESENTATIVES AND*  
23           *SENATE.*—*Subsection (b) of this section, section 3(e), and*  
24           *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)(A) as of the date of the enactment of this  
25 Act,

1           (3) is entered into with the European Union,

2           (4) is an agreement with respect to inter-  
3           national trade in services entered into with WTO  
4           members with respect to which a notification has  
5           been made in a manner consistent with section  
6           5(a)(1)(A) as of the date of the enactment of this  
7           Act, or

8           (5) is an agreement with respect to environ-  
9           mental goods entered into with WTO members with  
10          respect to which a notification has been made in a  
11          manner consistent with section 5(a)(1)(A) as of the  
12          date of the enactment of this Act,

13 and results from negotiations that were commenced before  
14 the date of the enactment of this Act, subsection (b) shall  
15 apply.

16          (b) TREATMENT OF AGREEMENTS.—In the case of  
17 any agreement to which subsection (a) applies, the appli-  
18 cability of the trade authorities procedures to imple-  
19 menting bills shall be determined without regard to the  
20 requirements of section 5(a) (relating only to notice prior  
21 to initiating negotiations), and any resolution under para-  
22 graph (1)(B), (3)(C), or (4)(C) of section 6(b) shall not  
23 be in order on the basis of a failure or refusal to comply  
24 with the provisions of section 5(a), if (and only if) the

1 President, as soon as feasible after the date of the enact-  
2 ment of this Act—

3 (1) notifies Congress of the negotiations de-  
4 scribed in subsection (a), the specific United States  
5 objectives in the negotiations, and whether the Presi-  
6 dent is seeking a new agreement or changes to an  
7 existing agreement; and

8 (2) before and after submission of the notice,  
9 consults regarding the negotiations with the commit-  
10 tees referred to in section 5(a)(1)(B) and the House  
11 and Senate Advisory Groups on Negotiations con-  
12 vened under section 4(c).

13 **SEC. 8. SOVEREIGNTY.**

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

21 (b) AMENDMENTS OR MODIFICATIONS OF UNITED  
22 STATES LAW.—No provision of any trade agreement en-  
23 tered into under section 3(b) shall prevent the United  
24 States, any State of the United States, or any locality of  
25 the United States from amending or modifying any law

1 of the United States, that State, or that locality (as the  
2 case may be).

3 (c) DISPUTE SETTLEMENT REPORTS.—Reports, in-  
4 cluding findings and recommendations, issued by dispute  
5 settlement panels convened pursuant to any trade agree-  
6 ment entered into under section 3(b) shall have no binding  
7 effect on the law of the United States, the Government  
8 of the United States, or the law or government of any  
9 State or locality of the United States.

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

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

13 (1) the United States Trade Representative  
14 should facilitate participation by small businesses in  
15 the trade negotiation process; and

16 (2) the functions of the Office of the United  
17 States Trade Representative relating to small busi-  
18 nesses should continue to be reflected in the title of  
19 the Assistant United States Trade Representative  
20 assigned the responsibility for small businesses.

21 (b) CONSIDERATION OF SMALL BUSINESS INTER-  
22 ESTS.—The Assistant United States Trade Representative  
23 for Small Business, Market Access, and Industrial Com-  
24 petitiveness shall be responsible for ensuring that the in-  
25 terests of small businesses are considered in all trade ne-

1 negotiations in accordance with the objective described in  
2 section 2(a)(8).

3 **SEC. 10. CONFORMING AMENDMENTS; APPLICATION OF**  
4 **CERTAIN PROVISIONS.**

5 (a) CONFORMING AMENDMENTS.—

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

9 (A) in subsection (a)—

10 (i) in paragraph (1), by striking “sec-  
11 tion 2103(a) or (b) of the Bipartisan  
12 Trade Promotion Authority Act of 2002”  
13 and inserting “subsection (a) or (b) of sec-  
14 tion 3 of the Bipartisan Congressional  
15 Trade Priorities and Accountability Act of  
16 2015”; and

17 (ii) in paragraph (2), by striking “sec-  
18 tion 2103(b) of the Bipartisan Trade Pro-  
19 motion Authority Act of 2002” and insert-  
20 ing “section 3(b) of the Bipartisan Con-  
21 gressional Trade Priorities and Account-  
22 ability Act of 2015”;

23 (B) in subsection (b), by striking “section  
24 2103(a)(3)(A) of the Bipartisan Trade Pro-  
25 motion Authority Act of 2002” and inserting



1 “section 3(a)(4)(A) of the Bipartisan Congress-  
2 sional Trade Priorities and Accountability Act  
3 of 2015”; and

4 (C) in subsection (c), by striking “section  
5 2103 of the Bipartisan Trade Promotion Au-  
6 thority Act of 2002” and inserting “section  
7 3(a) of the Bipartisan Congressional Trade Pri-  
8 orities and Accountability Act of 2015”.

9 (2) HEARINGS.—Section 132 of the Trade Act  
10 of 1974 (19 U.S.C. 2152) is amended by striking  
11 “section 2103 of the Bipartisan Trade Promotion  
12 Authority Act of 2002” and inserting “section 3 of  
13 the Bipartisan Congressional Trade Priorities and  
14 Accountability Act of 2015”.

15 (3) PUBLIC HEARINGS.—Section 133(a) of the  
16 Trade Act of 1974 (19 U.S.C. 2153(a)) is amended  
17 by striking “section 2103 of the Bipartisan Trade  
18 Promotion Authority Act of 2002” and inserting  
19 “section 3 of the Bipartisan Congressional Trade  
20 Priorities and Accountability Act of 2015”.

21 (4) PREREQUISITES FOR OFFERS.—Section 134  
22 of the Trade Act of 1974 (19 U.S.C. 2154) is  
23 amended by striking “section 2103 of the Bipartisan  
24 Trade Promotion Authority Act of 2002” each place  
25 it appears and inserting “section 3 of the Bipartisan

1 Congressional Trade Priorities and Accountability  
2 Act of 2015”.

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

6 (A) in subsection (a)(1)(A), by striking  
7 “section 2103 of the Bipartisan Trade Pro-  
8 motion Authority Act of 2002” and inserting  
9 “section 3 of the Bipartisan Congressional  
10 Trade Priorities and Accountability Act of  
11 2015”; and

12 (B) in subsection (e)—

13 (i) in paragraph (1)—

14 (I) by striking “section 2103 of  
15 the Bipartisan Trade Promotion Au-  
16 thority Act of 2002” each place it ap-  
17 pears and inserting “section 3 of the  
18 Bipartisan Congressional Trade Prior-  
19 ities and Accountability Act of 2015”;  
20 and

21 (II) by striking “not later than  
22 the date on which the President noti-  
23 fies the Congress under section  
24 2105(a)(1)(A) of the Bipartisan  
25 Trade Promotion Authority Act of

1           2002” and inserting “not later than  
2           the date that is 30 days after the date  
3           on which the President notifies Con-  
4           gress under section 6(a)(1)(A) of the  
5           Bipartisan Congressional Trade Prior-  
6           ities and Accountability Act of 2015”;  
7           and

8           (ii) in paragraph (2), by striking “sec-  
9           tion 2102 of the Bipartisan Trade Pro-  
10          motion Authority Act of 2002” and insert-  
11          ing “section 2 of the Bipartisan Congres-  
12          sional Trade Priorities and Accountability  
13          Act of 2015”.

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

17           (A) in subsection (b)(1), in the matter pre-  
18          ceding subparagraph (A), by striking “section  
19          2105(a)(1) of the Bipartisan Trade Promotion  
20          Authority Act of 2002” and inserting “section  
21          6(a)(1) of the Bipartisan Congressional Trade  
22          Priorities and Accountability Act of 2015”; and

23           (B) in subsection (c)(1), by striking “sec-  
24          tion 2105(a)(1) of the Bipartisan Trade Pro-  
25          motion Authority Act of 2002” and inserting

1 “section 6(a)(1) of the Bipartisan Congress-  
2 sional Trade Priorities and Accountability Act  
3 of 2015”.

4 (7) TRANSMISSION OF AGREEMENTS TO CON-  
5 GRESS.—Section 162(a) of the Trade Act of 1974  
6 (19 U.S.C. 2212(a)) is amended by striking “section  
7 2103 of the Bipartisan Trade Promotion Authority  
8 Act of 2002” and inserting “section 3 of the Bipar-  
9 tisan Congressional Trade Priorities and Account-  
10 ability Act of 2015”.

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

14 (1) any trade agreement entered into under sec-  
15 tion 3 shall be treated as an agreement entered into  
16 under section 101 or 102 of the Trade Act of 1974  
17 (19 U.S.C. 2111 or 2112), as appropriate; and

18 (2) any proclamation or Executive order issued  
19 pursuant to a trade agreement entered into under  
20 section 3 shall be treated as a proclamation or Exec-  
21 utive order issued pursuant to a trade agreement en-  
22 tered into under section 102 of the Trade Act of  
23 1974 (19 U.S.C. 2112).

24 **SEC. 11. DEFINITIONS.**

25 In this Act:

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

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

9           (3) AGREEMENT ON SUBSIDIES AND COUNTER-  
10          VAILING MEASURES.—The term “Agreement on Sub-  
11          sidies and Countervailing Measures” means the  
12          agreement referred to in section 101(d)(12) of the  
13          Uruguay Round Agreements Act (19 U.S.C.  
14          3511(d)(12)).

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

21          (5) APPELLATE BODY.—The term “Appellate  
22          Body” means the Appellate Body established under  
23          Article 17.1 of the Dispute Settlement Under-  
24          standing.

1 (6) COMMON MULTILATERAL ENVIRONMENTAL  
2 AGREEMENT.—

3 (A) IN GENERAL.—The term “common  
4 multilateral environmental agreement” means  
5 any agreement specified in subparagraph (B) or  
6 included under subparagraph (C) to which both  
7 the United States and one or more other par-  
8 ties to the negotiations are full parties, includ-  
9 ing any current or future mutually agreed upon  
10 protocols, amendments, annexes, or adjust-  
11 ments to such an agreement.

12 (B) AGREEMENTS SPECIFIED.—The agree-  
13 ments specified in this subparagraph are the  
14 following:

15 (i) The Convention on International  
16 Trade in Endangered Species of Wild  
17 Fauna and Flora, done at Washington  
18 March 3, 1973 (27 UST 1087; TIAS  
19 8249).

20 (ii) The Montreal Protocol on Sub-  
21 stances that Deplete the Ozone Layer,  
22 done at Montreal September 16, 1987.

23 (iii) The Protocol of 1978 Relating to  
24 the International Convention for the Pre-

1                   vention of Pollution from Ships, 1973,  
2                   done at London February 17, 1978.

3                   (iv) The Convention on Wetlands of  
4                   International Importance Especially as  
5                   Waterfowl Habitat, done at Ramsar Feb-  
6                   ruary 2, 1971 (TIAS 11084).

7                   (v) The Convention on the Conserva-  
8                   tion of Antarctic Marine Living Resources,  
9                   done at Canberra May 20, 1980 (33 UST  
10                  3476).

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

14                  (vii) The Convention for the Estab-  
15                  lishment of an Inter-American Tropical  
16                  Tuna Commission, done at Washington  
17                  May 31, 1949 (1 UST 230).

18                  (C) ADDITIONAL AGREEMENTS.—Both the  
19                  United States and one or more other parties to  
20                  the negotiations may agree to include any other  
21                  multilateral environmental or conservation  
22                  agreement to which they are full parties as a  
23                  common multilateral environmental agreement  
24                  under this paragraph.

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

3                   (A) freedom of association;

4                   (B) the effective recognition of the right to  
5 collective bargaining;

6                   (C) the elimination of all forms of forced  
7 or compulsory labor;

8                   (D) the effective abolition of child labor  
9 and a prohibition on the worst forms of child  
10 labor; and

11                   (E) the elimination of discrimination in re-  
12 spect of employment and occupation.

13           (8) DISPUTE SETTLEMENT UNDERSTANDING.—  
14 The term “Dispute Settlement Understanding”  
15 means the Understanding on Rules and Procedures  
16 Governing the Settlement of Disputes referred to in  
17 section 101(d)(16) of the Uruguay Round Agree-  
18 ments Act (19 U.S.C. 3511(d)(16)).

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



1           (10) ENVIRONMENTAL LAWS.—The term “envi-  
2           ronmental laws”, with respect to the laws of the  
3           United States, means environmental statutes and  
4           regulations enforceable by action of the Federal Gov-  
5           ernment.

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

9           (12) GENERAL AGREEMENT ON TRADE IN  
10          SERVICES.—The term “General Agreement on Trade  
11          in Services” means the General Agreement on Trade  
12          in Services (referred to in section 101(d)(14) of the  
13          Uruguay Round Agreements Act (19 U.S.C.  
14          3511(d)(14))).

15          (13) GOVERNMENT PROCUREMENT AGREE-  
16          MENT.—The term “Government Procurement Agree-  
17          ment” means the Agreement on Government Pro-  
18          curement referred to in section 101(d)(17) of the  
19          Uruguay Round Agreements Act (19 U.S.C.  
20          3511(d)(17)).

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

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

1 (A) with respect to which, as a result of  
2 the Uruguay Round Agreements, the rate of  
3 duty was the subject of tariff reductions by the  
4 United States and, pursuant to such Agree-  
5 ments, was reduced on January 1, 1995, to a  
6 rate that was not less than 97.5 percent of the  
7 rate of duty that applied to such article on De-  
8 cember 31, 1994; or

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

11 (16) INFORMATION TECHNOLOGY AGREE-  
12 MENT.—The term “Information Technology Agree-  
13 ment” means the Ministerial Declaration on Trade  
14 in Information Technology Products of the World  
15 Trade Organization, agreed to at Singapore Decem-  
16 ber 13, 1996.

17 (17) INTERNATIONALLY RECOGNIZED CORE  
18 LABOR STANDARDS.—The term “internationally rec-  
19 ognized core labor standards” means the core labor  
20 standards only as stated in the ILO Declaration on  
21 Fundamental Principles and Rights at Work and its  
22 Follow-Up (1998).

23 (18) LABOR LAWS.—The term “labor laws”  
24 means the statutes and regulations, or provisions  
25 thereof, of a party to the negotiations that are di-

1 rectly related to core labor standards as well as  
2 other labor protections for children and minors and  
3 acceptable conditions of work with respect to min-  
4 imum wages, hours of work, and occupational safety  
5 and health, and for the United States, includes Fed-  
6 eral statutes and regulations addressing those stand-  
7 ards, protections, or conditions, but does not include  
8 State or local labor laws.

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

11 (A) a United States citizen;

12 (B) a partnership, corporation, or other  
13 legal entity that is organized under the laws of  
14 the United States; and

15 (C) a partnership, corporation, or other  
16 legal entity that is organized under the laws of  
17 a foreign country and is controlled by entities  
18 described in subparagraph (B) or United States  
19 citizens, or both.

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

24 (21) WORLD TRADE ORGANIZATION; WTO.—The  
25 terms “World Trade Organization” and “WTO”

1 mean the organization established pursuant to the  
2 WTO Agreement.

3 (22) WTO AGREEMENT.—The term “WTO  
4 Agreement” means the Agreement Establishing the  
5 World Trade Organization entered into on April 15,  
6 1994.

7 (23) WTO MEMBER.—The term “WTO mem-  
8 ber” has the meaning given that term in section  
9 2(10) of the Uruguay Round Agreements Act (19  
10 U.S.C. 3501(10)).



**Calendar No. 73**

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 995**

---

---

**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.

---

---

MAY 11, 2015

Reported with amendments