

Calendar No. 73114TH 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 regional 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 *mercial 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 tiations 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 advisory
3 committees described in that paragraph
4 through procedures to ensure—

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

11 (B) the sharing of detailed and timely information
12 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 represents,
17 and with a designee with proper security clearances
18 of each such member as appropriate.
19

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

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)).

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114TH CONGRESS
1ST 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