

119TH CONGRESS
1ST SESSION

S. CON. RES. 5

Expressing the sense of Congress that the proposed “joint interpretation” of Annex 14-C of the United States-Mexico-Canada Agreement prepared by United States Trade Representative Katherine Tai is of no legal effect with respect to the United States or any United States person unless it is approved by Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2025

Mrs. BRITT (for herself and Mr. TUBERVILLE) submitted the following concurrent resolution; which was referred to the Committee on Finance

CONCURRENT RESOLUTION

Expressing the sense of Congress that the proposed “joint interpretation” of Annex 14-C of the United States-Mexico-Canada Agreement prepared by United States Trade Representative Katherine Tai is of no legal effect with respect to the United States or any United States person unless it is approved by Congress.

Whereas section 8 of article I of the Constitution of the United States vests Congress with authority over international trade and Congress has accordingly and unanimously found that the executive branch lacks authority to enter into binding trade agreements absent the approval of Congress;

Whereas Congress has delegated some of its authority to negotiate international trade matters to the executive branch provided the executive branch consults closely with Congress and Congress has final authority over the United States entering any binding international trade agreements;

Whereas the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)) is an international trade agreement that was approved by Congress with significant bipartisan support and replaced the North American Free Trade Agreement (commonly known as “NAFTA”);

Whereas Annex 14-C of the USMCA ensures that United States persons who make investments in Canada or Mexico have appropriate recourse for arbitrary or discriminatory treatment or expropriation of certain investments made when NAFTA was in force and for 3 years thereafter;

Whereas the United States Trade Representative, Ambassador Katherine Tai, is attempting to secure a “joint interpretation” with the governments of Canada and Mexico that could limit and curtail the rights of certain United States persons under Annex 14-C of the USMCA;

Whereas Ambassador Katherine Tai has failed to consult with Congress appropriately regarding the proposed “joint interpretation” of Annex 14-C, including by applying unreasonable procedures that have inhibited Members of Congress from viewing the text of the proposed “joint interpretation”; and

Whereas the approval of Congress is a necessary prerequisite for Ambassador Katherine Tai to agree to a “joint inter-

pretation” with the governments of Canada and Mexico under the USMCA: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
 2 *concurring)*, That it is the sense of Congress that—

3 (1) the proposed “joint interpretation” of
 4 Annex 14-C of the USMCA (as defined in section 3
 5 of the United States-Mexico-Canada Agreement Im-
 6 plementation Act (19 U.S.C. 4502)) prepared by
 7 Ambassador Katherine Tai is of no legal effect with
 8 respect to the United States or any United States
 9 person, unless it is approved by Congress; and

10 (2) the Office of the United States Trade Rep-
 11 resentative, the Department of State, or any other
 12 agency of the United States cannot invoke the “joint
 13 interpretation” in any legal proceeding or assert that
 14 it has any legal consequence for any claims made by
 15 a United States person, unless and until the “joint
 16 interpretation” is formally approved by Congress.

○