

113TH CONGRESS
1ST SESSION

H. R. 3733

To amend the Trade Act of 1974 to authorize the United States Trade Representative to take discretionary action if a foreign country is engaging in unreasonable acts, policies, or practices relating to the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. BLUMENAUER (for himself, Mr. THOMPSON of California, Mr. LEWIS, Mr. RANGEL, Mr. MCDERMOTT, and Mr. PASCRELL) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Trade Act of 1974 to authorize the United States Trade Representative to take discretionary action if a foreign country is engaging in unreasonable acts, policies, or practices relating to the environment, 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 “Trade and Environ-
5 ment Enforcement Act” or “Green 301 Act”.

1 **SEC. 2. ENVIRONMENTAL PROTECTION IN TRADE RELA-**
2 **TIONS.**

3 Section 301(d)(3)(B) of the Trade Act of 1974 (19
4 U.S.C. 2411(d)(3)(B)) is amended—

5 (1) in clause (ii), by striking “or” at the end;

6 (2) in clause (iii)(V), by striking the period at
7 the end and inserting “, or”; and

8 (3) by adding at the end the following new
9 clause:

10 “(iv) constitutes a persistent pattern
11 of conduct that—

12 “(I) fails to effectively enforce
13 the environmental laws of a foreign
14 country;

15 “(II) waives or otherwise dero-
16 gates from the environmental laws of
17 a foreign country or weakens the pro-
18 tections afforded by such laws;

19 “(III) fails to provide for judicial
20 or administrative proceedings giving
21 access to remedies for violations of the
22 environmental laws of a foreign coun-
23 try;

24 “(IV) fails to provide appropriate
25 and effective sanctions or remedies for

1 violations of the environmental laws of
2 a foreign country; or

3 “(V) fails to effectively enforce
4 environmental commitments in agree-
5 ments to which a foreign country and
6 the United States are a party.”.

7 **SEC. 3. IDENTIFICATION OF FOREIGN COUNTRY TRADE**
8 **PRACTICES THAT NEGATIVELY AFFECT THE**
9 **ENVIRONMENT.**

10 (a) IN GENERAL.—Chapter 1 of title III of the Trade
11 Act of 1974 (19 U.S.C. 2411 et seq.) is amended by add-
12 ing at the end the following:

13 **“SEC. 311. IDENTIFICATION OF FOREIGN COUNTRY TRADE**
14 **PRACTICES THAT NEGATIVELY AFFECT THE**
15 **ENVIRONMENT.**

16 “(a) IDENTIFICATION.—

17 “(1) IN GENERAL.—The Trade Representative
18 shall identify those foreign country trade practices
19 that cause negative environmental impacts on the
20 protection of human, animal, or plant life or health,
21 or the conservation of exhaustible natural resources
22 in the United States, the foreign country, a third
23 country, or internationally.

24 “(2) FACTORS.—In identifying foreign country
25 trade practices under paragraph (1), the Trade Rep-

1 representative shall take into account all relevant fac-
2 tors, including—

3 “(A) the strength of the connection be-
4 tween trade and the negative environmental im-
5 pact;

6 “(B) the significance of the negative envi-
7 ronmental impact on the protection of human,
8 animal or plant life or health, or the conserva-
9 tion of exhaustible natural resources; and

10 “(C) the costs and benefits of mitigating
11 the negative environmental impact through the
12 remedies described in this section.

13 “(3) CONSULTATION.—In identifying foreign
14 country trade practices under paragraph (1), the
15 Trade Representative shall provide the opportunity
16 for input by and consultation with interested per-
17 sons, including private or nongovernmental organiza-
18 tions working towards environmental protection or
19 conservation, domestic industrial users of any goods
20 that may be affected by this section, and appropriate
21 Federal departments and agencies.

22 “(b) REPORT.—

23 “(1) IN GENERAL.—Not later than 270 days
24 after the date of submission of a report under sec-
25 tion 181(b) of this Act, and every 2 years thereafter,

1 the Trade Representative shall submit to the Com-
2 mittee on Ways and Means of the House of Rep-
3 resentatives and the Committee on Finance of the
4 Senate and publish in the Federal Register a report
5 on the foreign country trade practices identified
6 under subsection (a).

7 “(2) MATTERS TO BE INCLUDED.—The Trade
8 Representative may include in the report, if appro-
9 priate—

10 “(A) a description of other foreign country
11 trade practices that may in the future warrant
12 inclusion in the report as foreign country trade
13 practices that negatively affect the environment;
14 and

15 “(B) a statement regarding other foreign
16 country trade practices that negatively affect
17 the environment that have not been identified
18 because they are subject to other provisions of
19 United States trade law, existing bilateral trade
20 agreements, or trade negotiations, and progress
21 is being made toward the mitigation, reduction,
22 or elimination of the negative environmental im-
23 pacts of such foreign country trade practices.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for the Trade Act of 1974 is amended by inserting after
3 the item relating to section 310 the following new item:

“Sec. 311. Identification of foreign country trade practices that negatively affect the environment.”.

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