

114TH CONGRESS
2D SESSION

H. R. 5436

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require any trade agreement to which the United States is a party to stipulate the ability of the United States to deny the benefits of any dispute settlement claim that challenges any measure relating to human health that is adopted, maintained, or enforced by the United States in its territory, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2016

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require any trade agreement to which the United States is a party to stipulate the ability of the United States to deny the benefits of any dispute settlement claim that challenges any measure relating to human health that is adopted, maintained, or enforced by the United States in its territory, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting America’s
3 Health Measures Act”.

4 **SEC. 2. TRADE NEGOTIATING OBJECTIVES REGARDING**
5 **HUMAN HEALTH.**

6 Section 102(b)(4) of the Bipartisan Congressional
7 Trade Priorities and Accountability Act of 2015 (Public
8 Law 114–26; 19 U.S.C. 4201(b)(4)) is amended—

9 (1) by redesignating subparagraphs (G) and
10 (H) as subparagraphs (H) and (I), respectively; and

11 (2) by inserting after subparagraph (F) the fol-
12 lowing:

13 “(G)(i) recognizing the right of the United
14 States to elect to deny the benefits of any dis-
15 pute settlement claim that is made under the
16 provisions of any trade agreement to which the
17 United States is a party and that challenges
18 any law or other measure relating to human
19 health that is adopted, maintained, or enforced
20 by the United States; and

21 “(ii) providing in each such trade agree-
22 ment that, if the United States elects to deny
23 a claim relating to a law or other measure that
24 the United States considers appropriate to en-
25 sure that investment activity in its territory is
26 undertaken in a manner sensitive to the human

1 health objectives of the United States, then that
2 claim shall be dismissible in any arbitration
3 proceeding;”.

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