II

117TH CONGRESS
2D SESSION

S. 4450

To provide the President with authority to enter into a comprehensive trade agreement with the United Kingdom, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2022

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

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A BILL

To provide the President with authority to enter into a comprehensive trade agreement with the United Kingdom, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Privileged Economic, Commercial, Investment, And Legal Rights to Ensure Longstanding Atlantic Trade and Investment Opportunities and Nurture Security, Happiness, Innovation, and Prosperity Act" or the "SPECIAL RELATIONSHIP Act".

SEC. 2. SENSE OF CONGRESS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) more open trade and investment relationships with allies of the United States serve to strengthen the economy of the United States, improve the well-being of the people of the United States, and advance the strategic interests of the United States;

(2) agreements to reduce or eliminate barriers to trade and investment between the United States and its allies will foster mutually beneficial economic relationships that advance the economic interests of workers, farmers, ranchers, and businesses of all sizes in the United States;

(3) the shared values and long history of the ‘‘special relationship’’ between the United States and the United Kingdom present an opportunity to deepen the mutually beneficial economic relationship between those countries and further expand prosperity for the citizens of those countries;

(4) a high-standard, comprehensive trade agreement between the United States and the United Kingdom would help achieve those aims and be in the national interest of the United States;

(5) the efforts of the United States–United Kingdom Trade and Investment Working Group and

the bilateral negotiations initiated by President Donald Trump have laid groundwork toward a comprehensive trade agreement;

(6) The United States–United Kingdom Dialogue on the Future of Atlantic Trade initiated by President Joe Biden continues longstanding efforts to improve economic cooperation between the United States and the United Kingdom;

(7) the robust labor and environmental protections in the United Kingdom reduce the risk of regulatory arbitrage that undercuts workers and businesses in the United States;

(8) the USMCA, which was passed with overwhelming bipartisan support, set high standards in North America with respect to labor rights, the environment, intellectual property, non-market practices, and services, and those standards should inform future negotiations;

(9) trade agreements with foreign trading partners that share the values and ambition of the United States offer an opportunity to build on the USMCA and set high international standards across many important policy areas;

(10) any trade agreement between the United States and the United Kingdom must uphold the

agreement between the Government of Ireland and the Government of the United Kingdom signed on April 10, 1998 (commonly known as the ''Good Friday Agreement''), and support continued peace and stability in Ireland and Northern Ireland; and

(11) to effectively pursue comprehensive trade negotiations with the United Kingdom for purposes of a trade agreement between the United States and the United Kingdom, Congress must grant new negotiating authority to the President, which should—

(A) enable the swift negotiation and passage through Congress of such an agreement; and

(B) be narrowly tailored to provide clear direction to the executive branch of the United States Government.

(b) USMCA DEFINED.—In this section, the term ''USMCA'' means the Agreement between the United States of America, the United Mexican States, and Canada, which is—

(1) attached as an Annex to the Protocol Replacing the North American Free Trade Agreement with the Agreement between the United States of America, the United Mexican States, and Canada, done at Buenos Aires on November 30, 2018, as

amended by the Protocol of Amendment to the Agreement Between the United States of America, the United Mexican States, and Canada, done at Mexico City on December 10, 2019; and

(2) approved by Congress under section 101(a)(1) of the United States–Mexico–Canada Agreement Implementation Act (19 U.S.C. 4511(a)).

SEC. 3. NEGOTIATING AND TRADE AGREEMENTS AUTHORITY FOR COMPREHENSIVE AGREEMENT WITH THE UNITED KINGDOM.

(a) INITIATION OF NEGOTIATIONS.—In order to enhance the economic well-being of the United States, the President shall initiate negotiations with the United Kingdom regarding tariff and nontariff barriers affecting any industry, product, or service sector.

(b) AUTHORITY FOR AGREEMENT.—

(1) IN GENERAL.—To strengthen the economic competitiveness of the United States, the President may enter into a comprehensive trade agreement with the United Kingdom regarding tariff and nontariff barriers affecting any industry, product, or service sector.

(2) TERMINATION OF AUTHORITY.—The authority under paragraph (1) terminates on July 1, 2027.

(c) MODIFICATIONS PERMITTED.—

(1) IN GENERAL.—Subject to paragraph (2), the President may proclaim such modification or continuance of any existing duty, continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out an agreement entered into under subsection (b).

(2) LIMITATIONS.—

(A) MODIFICATIONS OR ADDITIONS TO AGREEMENT.—Substantial modifications to, or substantial additional provisions of, an agreement entered into after July 1, 2027, are not covered by the authority under paragraph (1).

(B) AMOUNT OF DUTY MODIFICATION.—No proclamation may be made under paragraph (1) that—

(i) reduces any rate of duty (other than a rate of duty that does not exceed 5 percent ad valorem on the date of the enactment of this Act) to a rate of duty that is less than 50 percent of the rate of such duty that applies on such date of enactment;

(ii) reduces the rate of duty below that applicable under the Uruguay Round Agreements (as defined in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501)) or a successor agreement, on any import sensitive agricultural product; or

(iii) increases any rate of duty above the rate that applied on the date of the enactment of this Act.

(d) CONSULTATION WITH AND NOTIFICATION TO CONGRESS.—The President shall consult with Congress regarding, and notify Congress of, the intention of the President to enter into an agreement under subsection (b) or to make a proclamation under subsection (c).

(e) BILLS QUALIFYING FOR TRADE AUTHORITIES PROCEDURES.—

(1) IMPLEMENTING BILLS.—

(A) IN GENERAL.—The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) apply to a bill of either House of Congress that contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this section be referred to as an "implementing bill".

(B) PROVISIONS SPECIFIED.—The provisions described in this subparagraph are—

(i) a provision approving a trade agreement entered into under this section and approving the statement of administrative action, if any, proposed to implement such trade agreement; and

(ii) if changes in existing laws or new statutory authority are required to implement such trade agreement, only such provisions as are strictly necessary or appropriate to implement such trade agreement, either repealing or amending existing laws or providing new statutory authority.

(2) DEADLINE FOR SUBMISSION OF BILL.—The procedures under paragraph (1) apply to implementing bills submitted with respect to a trade agreement entered into under this section before July 1, 2027.

(f) LIMITATION ON TERMINATION.—An agreement entered into under this section shall not terminate with respect to the United States without the express approval by Congress of such termination.

(g) RELATIONSHIP TO BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015.—An agreement under this section shall not enter into force with respect to the United States and an implementing bill shall not qualify for trade authorities procedures under subsection (e), including an agreement that does not require changes to United States law or an implementing bill in connection therewith, unless the following requirements under the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201 et seq.) are carried out with respect to that agreement or implementing bill to the same extent as would be required of an agreement entered into under section 103(b) of that Act (19 U.S.C. 4202(b)), notwithstanding the expiration of authority to enter into an agreement under such section 103(b):

(1) The trade negotiating objectives under section 102 of that Act (19 U.S.C. 4201).

(2) The congressional oversight and consultation requirements under section 104 of that Act (19 U.S.C. 4203).

(3) The notification, consultation, and reporting requirements under section 105 of that Act (19 U.S.C. 4204).

(4) The implementation procedures under section 106 of that Act (19 U.S.C. 4205).

(5) The provisions related to sovereignty under section 108 of that Act (19 U.S.C. 4207).

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