

**TEXT OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT**

**AMENDMENT TO SENATE AMENDMENT TO H.R.**

**2146**

**OFFERED BY MR. RYAN OF WISCONSIN**

At the end of the Senate amendment, add the following:

1     **TITLE I—TRADE PROMOTION**  
2                     **AUTHORITY**

3     **SEC. 101. SHORT TITLE.**

4         This title may be cited as the “Bipartisan Congressional Trade Priorities and Accountability Act of 2015”.

6     **SEC. 102. TRADE NEGOTIATING OBJECTIVES.**

7         (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

8     The overall trade negotiating objectives of the United  
9     States for agreements subject to the provisions of section  
10  103 are—

11             (1) to obtain more open, equitable, and reciprocal  
12     market access;

13             (2) to obtain the reduction or elimination of  
14     barriers and distortions that are directly related to  
15     trade and investment and that decrease market opportunities  
16     for United States exports or otherwise  
17     distort United States trade;

1           (3) to further strengthen the system of inter-  
2           national trade and investment disciplines and proce-  
3           dures, including dispute settlement;

4           (4) to foster economic growth, raise living  
5           standards, enhance the competitiveness of the  
6           United States, promote full employment in the  
7           United States, and enhance the global economy;

8           (5) to ensure that trade and environmental poli-  
9           cies are mutually supportive and to seek to protect  
10          and preserve the environment and enhance the inter-  
11          national means of doing so, while optimizing the use  
12          of the world's resources;

13          (6) to promote respect for worker rights and  
14          the rights of children consistent with core labor  
15          standards of the ILO (as set out in section 111(7))  
16          and an understanding of the relationship between  
17          trade and worker rights;

18          (7) to seek provisions in trade agreements  
19          under which parties to those agreements ensure that  
20          they do not weaken or reduce the protections af-  
21          forded in domestic environmental and labor laws as  
22          an encouragement for trade;

23          (8) to ensure that trade agreements afford  
24          small businesses equal access to international mar-  
25          kets, equitable trade benefits, and expanded export

1 market opportunities, and provide for the reduction  
2 or elimination of trade and investment barriers that  
3 disproportionately impact small businesses;

4 (9) to promote universal ratification and full  
5 compliance with ILO Convention No. 182 Con-  
6 cerning the Prohibition and Immediate Action for  
7 the Elimination of the Worst Forms of Child Labor;

8 (10) to ensure that trade agreements reflect  
9 and facilitate the increasingly interrelated, multi-sec-  
10 toral nature of trade and investment activity;

11 (11) to recognize the growing significance of  
12 the Internet as a trading platform in international  
13 commerce;

14 (12) to take into account other legitimate  
15 United States domestic objectives, including, but not  
16 limited to, the protection of legitimate health or  
17 safety, essential security, and consumer interests  
18 and the law and regulations related thereto; and

19 (13) to take into account conditions relating to  
20 religious freedom of any party to negotiations for a  
21 trade agreement with the United States.

22 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

23 (1) TRADE IN GOODS.—The principal negoti-  
24 ating objectives of the United States regarding trade  
25 in goods are—

1           (A) to expand competitive market opportu-  
2           nities for exports of goods from the United  
3           States and to obtain fairer and more open con-  
4           ditions of trade, including through the utiliza-  
5           tion of global value chains, by reducing or elimi-  
6           nating tariff and nontariff barriers and policies  
7           and practices of foreign governments directly  
8           related to trade that decrease market opportu-  
9           nities for United States exports or otherwise  
10          distort United States trade; and

11          (B) to obtain reciprocal tariff and non-  
12          tariff barrier elimination agreements, including  
13          with respect to those tariff categories covered in  
14          section 111(b) of the Uruguay Round Agree-  
15          ments Act (19 U.S.C. 3521(b)).

16          (2) TRADE IN SERVICES.—(A) The principal  
17          negotiating objective of the United States regarding  
18          trade in services is to expand competitive market op-  
19          portunities for United States services and to obtain  
20          fairer and more open conditions of trade, including  
21          through utilization of global value chains, by reduc-  
22          ing or eliminating barriers to international trade in  
23          services, such as regulatory and other barriers that  
24          deny national treatment and market access or un-

1 reasonably restrict the establishment or operations  
2 of service suppliers.

3 (B) Recognizing that expansion of trade in  
4 services generates benefits for all sectors of the  
5 economy and facilitates trade, the objective described  
6 in subparagraph (A) should be pursued through all  
7 means, including through a plurilateral agreement  
8 with those countries willing and able to undertake  
9 high standard services commitments for both exist-  
10 ing and new services.

11 (3) TRADE IN AGRICULTURE.—The principal  
12 negotiating objective of the United States with re-  
13 spect to agriculture is to obtain competitive opportu-  
14 nities for United States exports of agricultural com-  
15 modities in foreign markets substantially equivalent  
16 to the competitive opportunities afforded foreign ex-  
17 ports in United States markets and to achieve fairer  
18 and more open conditions of trade in bulk, specialty  
19 crop, and value added commodities by—

20 (A) securing more open and equitable mar-  
21 ket access through robust rules on sanitary and  
22 phytosanitary measures that—

23 (i) encourage the adoption of inter-  
24 national standards and require a science-  
25 based justification be provided for a sani-

1           tary or phytosanitary measure if the meas-  
2           ure is more restrictive than the applicable  
3           international standard;

4           (ii) improve regulatory coherence, pro-  
5           mote the use of systems-based approaches,  
6           and appropriately recognize the equivalence  
7           of health and safety protection systems of  
8           exporting countries;

9           (iii) require that measures are trans-  
10          parently developed and implemented, are  
11          based on risk assessments that take into  
12          account relevant international guidelines  
13          and scientific data, and are not more re-  
14          strictive on trade than necessary to meet  
15          the intended purpose; and

16          (iv) improve import check processes,  
17          including testing methodologies and proce-  
18          dures, and certification requirements,

19          while recognizing that countries may put in  
20          place measures to protect human, animal, or  
21          plant life or health in a manner consistent with  
22          their international obligations, including the  
23          WTO Agreement on the Application of Sanitary  
24          and Phytosanitary Measures (referred to in sec-

1           tion 101(d)(3) of the Uruguay Round Agree-  
2           ments Act (19 U.S.C. 3511(d)(3));

3           (B) reducing or eliminating, by a date cer-  
4           tain, tariffs or other charges that decrease mar-  
5           ket opportunities for United States exports—

6           (i) giving priority to those products  
7           that are subject to significantly higher tar-  
8           iffs or subsidy regimes of major producing  
9           countries; and

10          (ii) providing reasonable adjustment  
11          periods for United States import sensitive  
12          products, in close consultation with Con-  
13          gress on such products before initiating  
14          tariff reduction negotiations;

15          (C) reducing tariffs to levels that are the  
16          same as or lower than those in the United  
17          States;

18          (D) reducing or eliminating subsidies that  
19          decrease market opportunities for United States  
20          exports or unfairly distort agriculture markets  
21          to the detriment of the United States;

22          (E) allowing the preservation of programs  
23          that support family farms and rural commu-  
24          nities but do not distort trade;



1 (F) developing disciplines for domestic sup-  
2 port programs, so that production that is in ex-  
3 cess of domestic food security needs is sold at  
4 world prices;

5 (G) eliminating government policies that  
6 create price depressing surpluses;

7 (H) eliminating state trading enterprises  
8 whenever possible;

9 (I) developing, strengthening, and clari-  
10 fying rules to eliminate practices that unfairly  
11 decrease United States market access opportu-  
12 nities or distort agricultural markets to the det-  
13 riment of the United States, and ensuring that  
14 such rules are subject to efficient, timely, and  
15 effective dispute settlement, including—

16 (i) unfair or trade distorting activities  
17 of state trading enterprises and other ad-  
18 ministrative mechanisms, with emphasis on  
19 requiring price transparency in the oper-  
20 ation of state trading enterprises and such  
21 other mechanisms in order to end cross  
22 subsidization, price discrimination, and  
23 price undercutting;

24 (ii) unjustified trade restrictions or  
25 commercial requirements, such as labeling,

1 that affect new technologies, including bio-  
2 technology;

3 (iii) unjustified sanitary or  
4 phytosanitary restrictions, including re-  
5 strictions not based on scientific principles  
6 in contravention of obligations in the Uru-  
7 guay Round Agreements or bilateral or re-  
8 gional trade agreements;

9 (iv) other unjustified technical bar-  
10 riers to trade; and

11 (v) restrictive rules in the administra-  
12 tion of tariff rate quotas;

13 (J) eliminating practices that adversely af-  
14 fect trade in perishable or cyclical products,  
15 while improving import relief mechanisms to  
16 recognize the unique characteristics of perish-  
17 able and cyclical agriculture;

18 (K) ensuring that import relief mecha-  
19 nisms for perishable and cyclical agriculture are  
20 as accessible and timely to growers in the  
21 United States as those mechanisms that are  
22 used by other countries;

23 (L) taking into account whether a party to  
24 the negotiations has failed to adhere to the pro-  
25 visions of already existing trade agreements

1 with the United States or has circumvented ob-  
2 ligations under those agreements;

3 (M) taking into account whether a product  
4 is subject to market distortions by reason of a  
5 failure of a major producing country to adhere  
6 to the provisions of already existing trade  
7 agreements with the United States or by the  
8 circumvention by that country of its obligations  
9 under those agreements;

10 (N) otherwise ensuring that countries that  
11 accede to the World Trade Organization have  
12 made meaningful market liberalization commit-  
13 ments in agriculture;

14 (O) taking into account the impact that  
15 agreements covering agriculture to which the  
16 United States is a party have on the United  
17 States agricultural industry;

18 (P) maintaining bona fide food assistance  
19 programs, market development programs, and  
20 export credit programs;

21 (Q) seeking to secure the broadest market  
22 access possible in multilateral, regional, and bi-  
23 lateral negotiations, recognizing the effect that  
24 simultaneous sets of negotiations may have on

1 United States import sensitive commodities (in-  
2 cluding those subject to tariff rate quotas);

3 (R) seeking to develop an international  
4 consensus on the treatment of seasonal or per-  
5 ishable agricultural products in investigations  
6 relating to dumping and safeguards and in any  
7 other relevant area;

8 (S) seeking to establish the common base  
9 year for calculating the Aggregated Measure-  
10 ment of Support (as defined in the Agreement  
11 on Agriculture) as the end of each country's  
12 Uruguay Round implementation period, as re-  
13 ported in each country's Uruguay Round mar-  
14 ket access schedule;

15 (T) ensuring transparency in the adminis-  
16 tration of tariff rate quotas through multilat-  
17 eral, plurilateral, and bilateral negotiations; and

18 (U) eliminating and preventing the under-  
19 mining of market access for United States  
20 products through improper use of a country's  
21 system for protecting or recognizing geo-  
22 graphical indications, including failing to ensure  
23 transparency and procedural fairness and pro-  
24 tecting generic terms.

1           (4) FOREIGN INVESTMENT.—Recognizing that  
2           United States law on the whole provides a high level  
3           of protection for investment, consistent with or  
4           greater than the level required by international law,  
5           the principal negotiating objectives of the United  
6           States regarding foreign investment are to reduce or  
7           eliminate artificial or trade distorting barriers to for-  
8           eign investment, while ensuring that foreign inves-  
9           tors in the United States are not accorded greater  
10          substantive rights with respect to investment protec-  
11          tions than United States investors in the United  
12          States, and to secure for investors important rights  
13          comparable to those that would be available under  
14          United States legal principles and practice, by—

15                 (A) reducing or eliminating exceptions to  
16                 the principle of national treatment;

17                 (B) freeing the transfer of funds relating  
18                 to investments;

19                 (C) reducing or eliminating performance  
20                 requirements, forced technology transfers, and  
21                 other unreasonable barriers to the establish-  
22                 ment and operation of investments;

23                 (D) seeking to establish standards for ex-  
24                 propriation and compensation for expropriation,

1 consistent with United States legal principles  
2 and practice;

3 (E) seeking to establish standards for fair  
4 and equitable treatment, consistent with United  
5 States legal principles and practice, including  
6 the principle of due process;

7 (F) providing meaningful procedures for  
8 resolving investment disputes;

9 (G) seeking to improve mechanisms used  
10 to resolve disputes between an investor and a  
11 government through—

12 (i) mechanisms to eliminate frivolous  
13 claims and to deter the filing of frivolous  
14 claims;

15 (ii) procedures to ensure the efficient  
16 selection of arbitrators and the expeditious  
17 disposition of claims;

18 (iii) procedures to enhance opportuni-  
19 ties for public input into the formulation of  
20 government positions; and

21 (iv) providing for an appellate body or  
22 similar mechanism to provide coherence to  
23 the interpretations of investment provisions  
24 in trade agreements; and

1 (H) ensuring the fullest measure of trans-  
2 parency in the dispute settlement mechanism,  
3 to the extent consistent with the need to protect  
4 information that is classified or business con-  
5 fidential, by—

6 (i) ensuring that all requests for dis-  
7 pute settlement are promptly made public;

8 (ii) ensuring that—

9 (I) all proceedings, submissions,  
10 findings, and decisions are promptly  
11 made public; and

12 (II) all hearings are open to the  
13 public; and

14 (iii) establishing a mechanism for ac-  
15 ceptance of amicus curiae submissions  
16 from businesses, unions, and nongovern-  
17 mental organizations.

18 (5) INTELLECTUAL PROPERTY.—The principal  
19 negotiating objectives of the United States regarding  
20 trade-related intellectual property are—

21 (A) to further promote adequate and effec-  
22 tive protection of intellectual property rights,  
23 including through—

24 (i)(I) ensuring accelerated and full  
25 implementation of the Agreement on

1 Trade-Related Aspects of Intellectual  
2 Property Rights referred to in section  
3 101(d)(15) of the Uruguay Round Agree-  
4 ments Act (19 U.S.C. 3511(d)(15)), par-  
5 ticularly with respect to meeting enforce-  
6 ment obligations under that agreement;  
7 and

8 (II) ensuring that the provisions of  
9 any trade agreement governing intellectual  
10 property rights that is entered into by the  
11 United States reflect a standard of protec-  
12 tion similar to that found in United States  
13 law;

14 (ii) providing strong protection for  
15 new and emerging technologies and new  
16 methods of transmitting and distributing  
17 products embodying intellectual property,  
18 including in a manner that facilitates le-  
19 gitimate digital trade;

20 (iii) preventing or eliminating dis-  
21 crimination with respect to matters affect-  
22 ing the availability, acquisition, scope,  
23 maintenance, use, and enforcement of in-  
24 tellectual property rights;



1 (iv) ensuring that standards of protec-  
2 tion and enforcement keep pace with tech-  
3 nological developments, and in particular  
4 ensuring that rightholders have the legal  
5 and technological means to control the use  
6 of their works through the Internet and  
7 other global communication media, and to  
8 prevent the unauthorized use of their  
9 works;

10 (v) providing strong enforcement of  
11 intellectual property rights, including  
12 through accessible, expeditious, and effec-  
13 tive civil, administrative, and criminal en-  
14 forcement mechanisms; and

15 (vi) preventing or eliminating govern-  
16 ment involvement in the violation of intel-  
17 lectual property rights, including cyber  
18 theft and piracy;

19 (B) to secure fair, equitable, and non-  
20 discriminatory market access opportunities for  
21 United States persons that rely upon intellec-  
22 tual property protection; and

23 (C) to respect the Declaration on the  
24 TRIPS Agreement and Public Health, adopted  
25 by the World Trade Organization at the Fourth

1 Ministerial Conference at Doha, Qatar on No-  
2 vember 14, 2001, and to ensure that trade  
3 agreements foster innovation and promote ac-  
4 cess to medicines.

5 (6) DIGITAL TRADE IN GOODS AND SERVICES  
6 AND CROSS-BORDER DATA FLOWS.—The principal  
7 negotiating objectives of the United States with re-  
8 spect to digital trade in goods and services, as well  
9 as cross-border data flows, are—

10 (A) to ensure that current obligations,  
11 rules, disciplines, and commitments under the  
12 World Trade Organization and bilateral and re-  
13 gional trade agreements apply to digital trade  
14 in goods and services and to cross-border data  
15 flows;

16 (B) to ensure that—

17 (i) electronically delivered goods and  
18 services receive no less favorable treatment  
19 under trade rules and commitments than  
20 like products delivered in physical form;  
21 and

22 (ii) the classification of such goods  
23 and services ensures the most liberal trade  
24 treatment possible, fully encompassing  
25 both existing and new trade;

1 (C) to ensure that governments refrain  
2 from implementing trade-related measures that  
3 impede digital trade in goods and services, re-  
4 strict cross-border data flows, or require local  
5 storage or processing of data;

6 (D) with respect to subparagraphs (A)  
7 through (C), where legitimate policy objectives  
8 require domestic regulations that affect digital  
9 trade in goods and services or cross-border data  
10 flows, to obtain commitments that any such  
11 regulations are the least restrictive on trade,  
12 nondiscriminatory, and transparent, and pro-  
13 mote an open market environment; and

14 (E) to extend the moratorium of the World  
15 Trade Organization on duties on electronic  
16 transmissions.

17 (7) REGULATORY PRACTICES.—The principal  
18 negotiating objectives of the United States regarding  
19 the use of government regulation or other practices  
20 to reduce market access for United States goods,  
21 services, and investments are—

22 (A) to achieve increased transparency and  
23 opportunity for the participation of affected  
24 parties in the development of regulations;

1 (B) to require that proposed regulations be  
2 based on sound science, cost benefit analysis,  
3 risk assessment, or other objective evidence;

4 (C) to establish consultative mechanisms  
5 and seek other commitments, as appropriate, to  
6 improve regulatory practices and promote in-  
7 creased regulatory coherence, including  
8 through—

9 (i) transparency in developing guide-  
10 lines, rules, regulations, and laws for gov-  
11 ernment procurement and other regulatory  
12 regimes;

13 (ii) the elimination of redundancies in  
14 testing and certification;

15 (iii) early consultations on significant  
16 regulations;

17 (iv) the use of impact assessments;

18 (v) the periodic review of existing reg-  
19 ulatory measures; and

20 (vi) the application of good regulatory  
21 practices;

22 (D) to seek greater openness, trans-  
23 parency, and convergence of standards develop-  
24 ment processes, and enhance cooperation on  
25 standards issues globally;

1 (E) to promote regulatory compatibility  
2 through harmonization, equivalence, or mutual  
3 recognition of different regulations and stand-  
4 ards and to encourage the use of international  
5 and interoperable standards, as appropriate;

6 (F) to achieve the elimination of govern-  
7 ment measures such as price controls and ref-  
8 erence pricing which deny full market access for  
9 United States products;

10 (G) to ensure that government regulatory  
11 reimbursement regimes are transparent, provide  
12 procedural fairness, are nondiscriminatory, and  
13 provide full market access for United States  
14 products; and

15 (H) to ensure that foreign governments—  
16 (i) demonstrate that the collection of  
17 undisclosed proprietary information is lim-  
18 ited to that necessary to satisfy a legiti-  
19 mate and justifiable regulatory interest;  
20 and

21 (ii) protect such information against  
22 disclosure, except in exceptional cir-  
23 cumstances to protect the public, or where  
24 such information is effectively protected  
25 against unfair competition.

1           (8) STATE-OWNED AND STATE-CONTROLLED  
2           ENTERPRISES.—The principal negotiating objective  
3           of the United States regarding competition by state-  
4           owned and state-controlled enterprises is to seek  
5           commitments that—

6                   (A) eliminate or prevent trade distortions  
7                   and unfair competition favoring state-owned  
8                   and state-controlled enterprises to the extent of  
9                   their engagement in commercial activity, and

10                   (B) ensure that such engagement is based  
11                   solely on commercial considerations,  
12           in particular through disciplines that eliminate or  
13           prevent discrimination and market-distorting sub-  
14           sidies and that promote transparency.

15           (9) LOCALIZATION BARRIERS TO TRADE.—The  
16           principal negotiating objective of the United States  
17           with respect to localization barriers is to eliminate  
18           and prevent measures that require United States  
19           producers and service providers to locate facilities,  
20           intellectual property, or other assets in a country as  
21           a market access or investment condition, including  
22           indigenous innovation measures.

23           (10) LABOR AND THE ENVIRONMENT.—The  
24           principal negotiating objectives of the United States  
25           with respect to labor and the environment are—

1 (A) to ensure that a party to a trade  
2 agreement with the United States—

3 (i) adopts and maintains measures  
4 implementing internationally recognized  
5 core labor standards (as defined in section  
6 111(17)) and its obligations under com-  
7 mon multilateral environmental agreements  
8 (as defined in section 111(6)),

9 (ii) does not waive or otherwise dero-  
10 gate from, or offer to waive or otherwise  
11 derogate from—

12 (I) its statutes or regulations im-  
13 plementing internationally recognized  
14 core labor standards (as defined in  
15 section 111(17)), in a manner affect-  
16 ing trade or investment between the  
17 United States and that party, where  
18 the waiver or derogation would be in-  
19 consistent with one or more such  
20 standards, or

21 (II) its environmental laws in a  
22 manner that weakens or reduces the  
23 protections afforded in those laws and  
24 in a manner affecting trade or invest-  
25 ment between the United States and

1           that party, except as provided in its  
2           law and provided not inconsistent with  
3           its obligations under common multi-  
4           lateral environmental agreements (as  
5           defined in section 111(6)) or other  
6           provisions of the trade agreement spe-  
7           cifically agreed upon, and

8           (iii) does not fail to effectively enforce  
9           its environmental or labor laws, through a  
10          sustained or recurring course of action or  
11          inaction,

12          in a manner affecting trade or investment be-  
13          tween the United States and that party after  
14          entry into force of a trade agreement between  
15          those countries;

16          (B) to recognize that—

17                 (i) with respect to environment, par-  
18                 ties to a trade agreement retain the right  
19                 to exercise prosecutorial discretion and to  
20                 make decisions regarding the allocation of  
21                 enforcement resources with respect to  
22                 other environmental laws determined to  
23                 have higher priorities, and a party is effec-  
24                 tively enforcing its laws if a course of ac-  
25                 tion or inaction reflects a reasonable, bona



1 fide exercise of such discretion, or results  
2 from a reasonable, bona fide decision re-  
3 garding the allocation of resources; and

4 (ii) with respect to labor, decisions re-  
5 garding the distribution of enforcement re-  
6 sources are not a reason for not complying  
7 with a party's labor obligations; a party to  
8 a trade agreement retains the right to rea-  
9 sonable exercise of discretion and to make  
10 bona fide decisions regarding the allocation  
11 of resources between labor enforcement ac-  
12 tivities among core labor standards, pro-  
13 vided the exercise of such discretion and  
14 such decisions are not inconsistent with its  
15 obligations;

16 (C) to strengthen the capacity of United  
17 States trading partners to promote respect for  
18 core labor standards (as defined in section  
19 111(7));

20 (D) to strengthen the capacity of United  
21 States trading partners to protect the environ-  
22 ment through the promotion of sustainable de-  
23 velopment;

1           (E) to reduce or eliminate government  
2 practices or policies that unduly threaten sus-  
3 tainable development;

4           (F) to seek market access, through the  
5 elimination of tariffs and nontariff barriers, for  
6 United States environmental technologies,  
7 goods, and services;

8           (G) to ensure that labor, environmental,  
9 health, or safety policies and practices of the  
10 parties to trade agreements with the United  
11 States do not arbitrarily or unjustifiably dis-  
12 criminate against United States exports or  
13 serve as disguised barriers to trade;

14           (H) to ensure that enforceable labor and  
15 environment obligations are subject to the same  
16 dispute settlement and remedies as other en-  
17 forceable obligations under the agreement; and

18           (I) to ensure that a trade agreement is not  
19 construed to empower a party's authorities to  
20 undertake labor or environmental law enforce-  
21 ment activities in the territory of the United  
22 States.

23           (11) CURRENCY.—The principal negotiating ob-  
24 jective of the United States with respect to currency  
25 practices is that parties to a trade agreement with

1 the United States avoid manipulating exchange rates  
2 in order to prevent effective balance of payments ad-  
3 justment or to gain an unfair competitive advantage  
4 over other parties to the agreement, such as through  
5 cooperative mechanisms, enforceable rules, reporting,  
6 monitoring, transparency, or other means, as appro-  
7 priate.

8 (12) FOREIGN CURRENCY MANIPULATION.—  
9 The principal negotiating objective of the United  
10 States with respect to unfair currency practices is to  
11 seek to establish accountability through enforceable  
12 rules, transparency, reporting, monitoring, coopera-  
13 tive mechanisms, or other means to address ex-  
14 change rate manipulation involving protracted large  
15 scale intervention in one direction in the exchange  
16 markets and a persistently undervalued foreign ex-  
17 change rate to gain an unfair competitive advantage  
18 in trade over other parties to a trade agreement,  
19 consistent with existing obligations of the United  
20 States as a member of the International Monetary  
21 Fund and the World Trade Organization.

22 (13) WTO AND MULTILATERAL TRADE AGREE-  
23 MENTS.—Recognizing that the World Trade Organi-  
24 zation is the foundation of the global trading system,  
25 the principal negotiating objectives of the United

1 States regarding the World Trade Organization, the  
2 Uruguay Round Agreements, and other multilateral  
3 and plurilateral trade agreements are—

4 (A) to achieve full implementation and ex-  
5 tend the coverage of the World Trade Organiza-  
6 tion and multilateral and plurilateral agree-  
7 ments to products, sectors, and conditions of  
8 trade not adequately covered;

9 (B) to expand country participation in and  
10 enhancement of the Information Technology  
11 Agreement, the Government Procurement  
12 Agreement, and other plurilateral trade agree-  
13 ments of the World Trade Organization;

14 (C) to expand competitive market opportu-  
15 nities for United States exports and to obtain  
16 fairer and more open conditions of trade, in-  
17 cluding through utilization of global value  
18 chains, through the negotiation of new WTO  
19 multilateral and plurilateral trade agreements,  
20 such as an agreement on trade facilitation;

21 (D) to ensure that regional trade agree-  
22 ments to which the United States is not a party  
23 fully achieve the high standards of, and comply  
24 with, WTO disciplines, including Article XXIV  
25 of GATT 1994, Article V and V bis of the Gen-

1           eral Agreement on Trade in Services, and the  
2           Enabling Clause, including through meaningful  
3           WTO review of such regional trade agreements;

4           (E) to enhance compliance by WTO mem-  
5           bers with their obligations as WTO members  
6           through active participation in the bodies of the  
7           World Trade Organization by the United States  
8           and all other WTO members, including in the  
9           trade policy review mechanism and the com-  
10          mittee system of the World Trade Organization,  
11          and by working to increase the effectiveness of  
12          such bodies; and

13          (F) to encourage greater cooperation be-  
14          tween the World Trade Organization and other  
15          international organizations.

16          (14) TRADE INSTITUTION TRANSPARENCY.—

17          The principal negotiating objective of the United  
18          States with respect to transparency is to obtain  
19          wider and broader application of the principle of  
20          transparency in the World Trade Organization, enti-  
21          ties established under bilateral and regional trade  
22          agreements, and other international trade fora  
23          through seeking—

1 (A) timely public access to information re-  
2 garding trade issues and the activities of such  
3 institutions;

4 (B) openness by ensuring public access to  
5 appropriate meetings, proceedings, and submis-  
6 sions, including with regard to trade and invest-  
7 ment dispute settlement; and

8 (C) public access to all notifications and  
9 supporting documentation submitted by WTO  
10 members.

11 (15) ANTI-CORRUPTION.—The principal negoti-  
12 ating objectives of the United States with respect to  
13 the use of money or other things of value to influ-  
14 ence acts, decisions, or omissions of foreign govern-  
15 ments or officials or to secure any improper advan-  
16 tage in a manner affecting trade are—

17 (A) to obtain high standards and effective  
18 domestic enforcement mechanisms applicable to  
19 persons from all countries participating in the  
20 applicable trade agreement that prohibit such  
21 attempts to influence acts, decisions, or omis-  
22 sions of foreign governments or officials or to  
23 secure any such improper advantage;

1 (B) to ensure that such standards level the  
2 playing field for United States persons in inter-  
3 national trade and investment; and

4 (C) to seek commitments to work jointly to  
5 encourage and support anti-corruption and  
6 anti-bribery initiatives in international trade  
7 fora, including through the Convention on Com-  
8 bating Bribery of Foreign Public Officials in  
9 International Business Transactions of the Or-  
10 ganization for Economic Cooperation and De-  
11 velopment, done at Paris December 17, 1997  
12 (commonly known as the “OECD Anti-Bribery  
13 Convention”).

14 (16) DISPUTE SETTLEMENT AND ENFORCE-  
15 MENT.—The principal negotiating objectives of the  
16 United States with respect to dispute settlement and  
17 enforcement of trade agreements are—

18 (A) to seek provisions in trade agreements  
19 providing for resolution of disputes between  
20 governments under those trade agreements in  
21 an effective, timely, transparent, equitable, and  
22 reasoned manner, requiring determinations  
23 based on facts and the principles of the agree-  
24 ments, with the goal of increasing compliance  
25 with the agreements;

1 (B) to seek to strengthen the capacity of  
2 the Trade Policy Review Mechanism of the  
3 World Trade Organization to review compliance  
4 with commitments;

5 (C) to seek adherence by panels convened  
6 under the Dispute Settlement Understanding  
7 and by the Appellate Body to—

8 (i) the mandate of those panels and  
9 the Appellate Body to apply the WTO  
10 Agreement as written, without adding to or  
11 diminishing rights and obligations under  
12 the Agreement; and

13 (ii) the standard of review applicable  
14 under the Uruguay Round Agreement in-  
15 volved in the dispute, including greater  
16 deference, where appropriate, to the fact  
17 finding and technical expertise of national  
18 investigating authorities;

19 (D) to seek provisions encouraging the  
20 early identification and settlement of disputes  
21 through consultation;

22 (E) to seek provisions to encourage the  
23 provision of trade-expanding compensation if a  
24 party to a dispute under the agreement does



1 not come into compliance with its obligations  
2 under the agreement;

3 (F) to seek provisions to impose a penalty  
4 upon a party to a dispute under the agreement  
5 that—

6 (i) encourages compliance with the ob-  
7 ligations of the agreement;

8 (ii) is appropriate to the parties, na-  
9 ture, subject matter, and scope of the vio-  
10 lation; and

11 (iii) has the aim of not adversely af-  
12 fecting parties or interests not party to the  
13 dispute while maintaining the effectiveness  
14 of the enforcement mechanism; and

15 (G) to seek provisions that treat United  
16 States principal negotiating objectives equally  
17 with respect to—

18 (i) the ability to resort to dispute set-  
19 tlement under the applicable agreement;

20 (ii) the availability of equivalent dis-  
21 pute settlement procedures; and

22 (iii) the availability of equivalent rem-  
23 edies.

1           (17) TRADE REMEDY LAWS.—The principal ne-  
2           gotiating objectives of the United States with respect  
3           to trade remedy laws are—

4                   (A) to preserve the ability of the United  
5                   States to enforce rigorously its trade laws, in-  
6                   cluding the antidumping, countervailing duty,  
7                   and safeguard laws, and avoid agreements that  
8                   lessen the effectiveness of domestic and inter-  
9                   national disciplines on unfair trade, especially  
10                  dumping and subsidies, or that lessen the effec-  
11                  tiveness of domestic and international safeguard  
12                  provisions, in order to ensure that United  
13                  States workers, agricultural producers, and  
14                  firms can compete fully on fair terms and enjoy  
15                  the benefits of reciprocal trade concessions; and

16                   (B) to address and remedy market distor-  
17                  tions that lead to dumping and subsidization,  
18                  including overcapacity, cartelization, and mar-  
19                  ket access barriers.

20           (18) BORDER TAXES.—The principal negoti-  
21           ating objective of the United States regarding border  
22           taxes is to obtain a revision of the rules of the World  
23           Trade Organization with respect to the treatment of  
24           border adjustments for internal taxes to redress the

1       disadvantage to countries relying primarily on direct  
2       taxes for revenue rather than indirect taxes.

3           (19) TEXTILE NEGOTIATIONS.—The principal  
4       negotiating objectives of the United States with re-  
5       spect to trade in textiles and apparel articles are to  
6       obtain competitive opportunities for United States  
7       exports of textiles and apparel in foreign markets  
8       substantially equivalent to the competitive opportu-  
9       nities afforded foreign exports in United States mar-  
10      kets and to achieve fairer and more open conditions  
11      of trade in textiles and apparel.

12           (20) COMMERCIAL PARTNERSHIPS.—

13           (A) IN GENERAL.—With respect to an  
14      agreement that is proposed to be entered into  
15      with the Transatlantic Trade and Investment  
16      Partnership countries and to which section  
17      103(b) will apply, the principal negotiating ob-  
18      jectives of the United States regarding commer-  
19      cial partnerships are the following:

20           (i) To discourage actions by potential  
21      trading partners that directly or indirectly  
22      prejudice or otherwise discourage commer-  
23      cial activity solely between the United  
24      States and Israel.

1                   (ii) To discourage politically motivated  
2                   actions to boycott, divest from, or sanction  
3                   Israel and to seek the elimination of politi-  
4                   cally motivated nontariff barriers on Israeli  
5                   goods, services, or other commerce imposed  
6                   on the State of Israel.

7                   (iii) To seek the elimination of state-  
8                   sponsored unsanctioned foreign boycotts  
9                   against Israel or compliance with the Arab  
10                  League Boycott of Israel by prospective  
11                  trading partners.

12                 (B) DEFINITION.—In this paragraph, the  
13                 term “actions to boycott, divest from, or sanc-  
14                 tion Israel” means actions by states, non-mem-  
15                 ber states of the United Nations, international  
16                 organizations, or affiliated agencies of inter-  
17                 national organizations that are politically moti-  
18                 vated and are intended to penalize or otherwise  
19                 limit commercial relations specifically with  
20                 Israel or persons doing business in Israel or in  
21                 Israeli-controlled territories.

22                 (21) GOOD GOVERNANCE, TRANSPARENCY, THE  
23                 EFFECTIVE OPERATION OF LEGAL REGIMES, AND  
24                 THE RULE OF LAW OF TRADING PARTNERS.—The  
25                 principal negotiating objectives of the United States

1 with respect to ensuring implementation of trade  
2 commitments and obligations by strengthening good  
3 governance, transparency, the effective operation of  
4 legal regimes and the rule of law of trading partners  
5 of the United States is through capacity building  
6 and other appropriate means, which are important  
7 parts of the broader effort to create more open  
8 democratic societies and to promote respect for  
9 internationally recognized human rights.

10 (c) CAPACITY BUILDING AND OTHER PRIORITIES.—

11 In order to address and maintain United States competi-  
12 tiveness in the global economy, the President shall—

13 (1) direct the heads of relevant Federal agen-  
14 cies—

15 (A) to work to strengthen the capacity of  
16 United States trading partners to carry out ob-  
17 ligations under trade agreements by consulting  
18 with any country seeking a trade agreement  
19 with the United States concerning that coun-  
20 try's laws relating to customs and trade facilita-  
21 tion, sanitary and phytosanitary measures,  
22 technical barriers to trade, intellectual property  
23 rights, labor, and the environment; and

24 (B) to provide technical assistance to that  
25 country if needed;

1           (2) seek to establish consultative mechanisms  
2           among parties to trade agreements to strengthen the  
3           capacity of United States trading partners to de-  
4           velop and implement standards for the protection of  
5           the environment and human health based on sound  
6           science;

7           (3) promote consideration of multilateral envi-  
8           ronmental agreements and consult with parties to  
9           such agreements regarding the consistency of any  
10          such agreement that includes trade measures with  
11          existing environmental exceptions under Article XX  
12          of GATT 1994; and

13          (4) submit to the Committee on Ways and  
14          Means of the House of Representatives and the  
15          Committee on Finance of the Senate an annual re-  
16          port on capacity-building activities undertaken in  
17          connection with trade agreements negotiated or  
18          being negotiated pursuant to this title.

19 **SEC. 103. TRADE AGREEMENTS AUTHORITY.**

20          (a) **AGREEMENTS REGARDING TARIFF BARRIERS.—**

21           (1) **IN GENERAL.—**Whenever the President de-  
22          termines that one or more existing duties or other  
23          import restrictions of any foreign country or the  
24          United States are unduly burdening and restricting  
25          the foreign trade of the United States and that the

1 purposes, policies, priorities, and objectives of this  
2 title will be promoted thereby, the President—

3 (A) may enter into trade agreements with  
4 foreign countries before—

5 (i) July 1, 2018; or

6 (ii) July 1, 2021, if trade authorities  
7 procedures are extended under subsection  
8 (c); and

9 (B) may, subject to paragraphs (2) and  
10 (3), proclaim—

11 (i) such modification or continuance  
12 of any existing duty,

13 (ii) such continuance of existing duty  
14 free or excise treatment, or

15 (iii) such additional duties,

16 as the President determines to be required or  
17 appropriate to carry out any such trade agree-  
18 ment.

19 Substantial modifications to, or substantial addi-  
20 tional provisions of, a trade agreement entered into  
21 after July 1, 2018, or July 1, 2021, if trade authori-  
22 ties procedures are extended under subsection (c),  
23 shall not be eligible for approval under this title.

1           (2) NOTIFICATION.—The President shall notify  
2 Congress of the President’s intention to enter into  
3 an agreement under this subsection.

4           (3) LIMITATIONS.—No proclamation may be  
5 made under paragraph (1) that—

6                   (A) reduces any rate of duty (other than a  
7 rate of duty that does not exceed 5 percent ad  
8 valorem on the date of the enactment of this  
9 Act) to a rate of duty which is less than 50 per-  
10 cent of the rate of such duty that applies on  
11 such date of enactment;

12                   (B) reduces the rate of duty below that ap-  
13 plicable under the Uruguay Round Agreements  
14 or a successor agreement, on any import sen-  
15 sitive agricultural product; or

16                   (C) increases any rate of duty above the  
17 rate that applied on the date of the enactment  
18 of this Act.

19           (4) AGGREGATE REDUCTION; EXEMPTION FROM  
20 STAGING.—

21                   (A) AGGREGATE REDUCTION.—Except as  
22 provided in subparagraph (B), the aggregate re-  
23 duction in the rate of duty on any article which  
24 is in effect on any day pursuant to a trade  
25 agreement entered into under paragraph (1)



1 shall not exceed the aggregate reduction which  
2 would have been in effect on such day if—

3 (i) a reduction of 3 percent ad valo-  
4 rem or a reduction of  $\frac{1}{10}$  of the total re-  
5 duction, whichever is greater, had taken ef-  
6 fect on the effective date of the first reduc-  
7 tion proclaimed under paragraph (1) to  
8 carry out such agreement with respect to  
9 such article; and

10 (ii) a reduction equal to the amount  
11 applicable under clause (i) had taken effect  
12 at 1-year intervals after the effective date  
13 of such first reduction.

14 (B) EXEMPTION FROM STAGING.—No  
15 staging is required under subparagraph (A)  
16 with respect to a duty reduction that is pro-  
17 claimed under paragraph (1) for an article of a  
18 kind that is not produced in the United States.  
19 The United States International Trade Com-  
20 mission shall advise the President of the iden-  
21 tity of articles that may be exempted from stag-  
22 ing under this subparagraph.

23 (5) ROUNDING.—If the President determines  
24 that such action will simplify the computation of re-  
25 ductions under paragraph (4), the President may

1 round an annual reduction by an amount equal to  
2 the lesser of—

3 (A) the difference between the reduction  
4 without regard to this paragraph and the next  
5 lower whole number; or

6 (B)  $\frac{1}{2}$  of 1 percent ad valorem.

7 (6) OTHER LIMITATIONS.—A rate of duty re-  
8 duction that may not be proclaimed by reason of  
9 paragraph (3) may take effect only if a provision au-  
10 thorizing such reduction is included within an imple-  
11 menting bill provided for under section 106 and that  
12 bill is enacted into law.

13 (7) OTHER TARIFF MODIFICATIONS.—Notwith-  
14 standing paragraphs (1)(B), (3)(A), (3)(C), and (4)  
15 through (6), and subject to the consultation and lay-  
16 over requirements of section 115 of the Uruguay  
17 Round Agreements Act (19 U.S.C. 3524), the Presi-  
18 dent may proclaim the modification of any duty or  
19 staged rate reduction of any duty set forth in Sched-  
20 ule XX, as defined in section 2(5) of that Act (19  
21 U.S.C. 3501(5)), if the United States agrees to such  
22 modification or staged rate reduction in a negotia-  
23 tion for the reciprocal elimination or harmonization  
24 of duties under the auspices of the World Trade Or-  
25 ganization.

1           (8) AUTHORITY UNDER URUGUAY ROUND  
2           AGREEMENTS ACT NOT AFFECTED.—Nothing in this  
3           subsection shall limit the authority provided to the  
4           President under section 111(b) of the Uruguay  
5           Round Agreements Act (19 U.S.C. 3521(b)).

6           (b) AGREEMENTS REGARDING TARIFF AND NON-  
7           TARIFF BARRIERS.—

8           (1) IN GENERAL.—(A) Whenever the President  
9           determines that—

10                   (i) 1 or more existing duties or any other  
11                   import restriction of any foreign country or the  
12                   United States or any other barrier to, or other  
13                   distortion of, international trade unduly bur-  
14                   dens or restricts the foreign trade of the United  
15                   States or adversely affects the United States  
16                   economy, or

17                   (ii) the imposition of any such barrier or  
18                   distortion is likely to result in such a burden,  
19                   restriction, or effect,

20           and that the purposes, policies, priorities, and objec-  
21           tives of this title will be promoted thereby, the Presi-  
22           dent may enter into a trade agreement described in  
23           subparagraph (B) during the period described in  
24           subparagraph (C).

1           (B) The President may enter into a trade  
2 agreement under subparagraph (A) with foreign  
3 countries providing for—

4           (i) the reduction or elimination of a duty,  
5 restriction, barrier, or other distortion described  
6 in subparagraph (A); or

7           (ii) the prohibition of, or limitation on the  
8 imposition of, such barrier or other distortion.

9           (C) The President may enter into a trade  
10 agreement under this paragraph before—

11           (i) July 1, 2018; or

12           (ii) July 1, 2021, if trade authorities pro-  
13 cedures are extended under subsection (c).

14 Substantial modifications to, or substantial addi-  
15 tional provisions of, a trade agreement entered into  
16 after July 1, 2018, or July 1, 2021, if trade authori-  
17 ties procedures are extended under subsection (c),  
18 shall not be eligible for approval under this title.

19           (2) CONDITIONS.—A trade agreement may be  
20 entered into under this subsection only if such  
21 agreement makes progress in meeting the applicable  
22 objectives described in subsections (a) and (b) of  
23 section 102 and the President satisfies the condi-  
24 tions set forth in sections 104 and 105.

1           (3) BILLS QUALIFYING FOR TRADE AUTHORI-  
2           TIES PROCEDURES.—(A) The provisions of section  
3           151 of the Trade Act of 1974 (in this title referred  
4           to as “trade authorities procedures”) apply to a bill  
5           of either House of Congress which contains provi-  
6           sions described in subparagraph (B) to the same ex-  
7           tent as such section 151 applies to implementing  
8           bills under that section. A bill to which this para-  
9           graph applies shall hereafter in this title be referred  
10          to as an “implementing bill”.

11           (B) The provisions referred to in subparagraph  
12          (A) are—

13           (i) a provision approving a trade agree-  
14           ment entered into under this subsection and ap-  
15           proving the statement of administrative action,  
16           if any, proposed to implement such trade agree-  
17           ment; and

18           (ii) if changes in existing laws or new stat-  
19           utory authority are required to implement such  
20           trade agreement or agreements, only such pro-  
21           visions as are strictly necessary or appropriate  
22           to implement such trade agreement or agree-  
23           ments, either repealing or amending existing  
24           laws or providing new statutory authority.

1 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-  
2 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

3 (1) IN GENERAL.—Except as provided in sec-  
4 tion 106(b)—

5 (A) the trade authorities procedures apply  
6 to implementing bills submitted with respect to  
7 trade agreements entered into under subsection  
8 (b) before July 1, 2018; and

9 (B) the trade authorities procedures shall  
10 be extended to implementing bills submitted  
11 with respect to trade agreements entered into  
12 under subsection (b) after June 30, 2018, and  
13 before July 1, 2021, if (and only if)—

14 (i) the President requests such exten-  
15 sion under paragraph (2); and

16 (ii) neither House of Congress adopts  
17 an extension disapproval resolution under  
18 paragraph (5) before July 1, 2018.

19 (2) REPORT TO CONGRESS BY THE PRESI-  
20 DENT.—If the President is of the opinion that the  
21 trade authorities procedures should be extended to  
22 implementing bills described in paragraph (1)(B),  
23 the President shall submit to Congress, not later  
24 than April 1, 2018, a written report that contains a  
25 request for such extension, together with—

1 (A) a description of all trade agreements  
2 that have been negotiated under subsection (b)  
3 and the anticipated schedule for submitting  
4 such agreements to Congress for approval;

5 (B) a description of the progress that has  
6 been made in negotiations to achieve the pur-  
7 poses, policies, priorities, and objectives of this  
8 title, and a statement that such progress justi-  
9 fies the continuation of negotiations; and

10 (C) a statement of the reasons why the ex-  
11 tension is needed to complete the negotiations.

12 (3) OTHER REPORTS TO CONGRESS.—

13 (A) REPORT BY THE ADVISORY COM-  
14 MITTEE.—The President shall promptly inform  
15 the Advisory Committee for Trade Policy and  
16 Negotiations established under section 135 of  
17 the Trade Act of 1974 (19 U.S.C. 2155) of the  
18 decision of the President to submit a report to  
19 Congress under paragraph (2). The Advisory  
20 Committee shall submit to Congress as soon as  
21 practicable, but not later than June 1, 2018, a  
22 written report that contains—

23 (i) its views regarding the progress  
24 that has been made in negotiations to

1           achieve the purposes, policies, priorities,  
2           and objectives of this title; and

3                   (ii) a statement of its views, and the  
4           reasons therefor, regarding whether the ex-  
5           tension requested under paragraph (2)  
6           should be approved or disapproved.

7           (B) REPORT BY INTERNATIONAL TRADE  
8           COMMISSION.—The President shall promptly in-  
9           form the United States International Trade  
10          Commission of the decision of the President to  
11          submit a report to Congress under paragraph  
12          (2). The International Trade Commission shall  
13          submit to Congress as soon as practicable, but  
14          not later than June 1, 2018, a written report  
15          that contains a review and analysis of the eco-  
16          nomic impact on the United States of all trade  
17          agreements implemented between the date of  
18          the enactment of this Act and the date on  
19          which the President decides to seek an exten-  
20          sion requested under paragraph (2).

21          (4) STATUS OF REPORTS.—The reports sub-  
22          mitted to Congress under paragraphs (2) and (3), or  
23          any portion of such reports, may be classified to the  
24          extent the President determines appropriate.



1 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

2 (A) For purposes of paragraph (1), the term “exten-  
3 sion disapproval resolution” means a resolution of  
4 either House of Congress, the sole matter after the  
5 resolving clause of which is as follows: “That the  
6 \_\_\_\_\_ disapproves the request of the President  
7 for the extension, under section 103(c)(1)(B)(i) of  
8 the Bipartisan Congressional Trade Priorities and  
9 Accountability Act of 2015, of the trade authorities  
10 procedures under that Act to any implementing bill  
11 submitted with respect to any trade agreement en-  
12 tered into under section 103(b) of that Act after  
13 June 30, 2018.”, with the blank space being filled  
14 with the name of the resolving House of Congress.

15 (B) Extension disapproval resolutions—

16 (i) may be introduced in either House of  
17 Congress by any member of such House; and

18 (ii) shall be referred, in the House of Rep-  
19 resentatives, to the Committee on Ways and  
20 Means and, in addition, to the Committee on  
21 Rules.

22 (C) The provisions of subsections (d) and (e) of  
23 section 152 of the Trade Act of 1974 (19 U.S.C.  
24 2192) (relating to the floor consideration of certain

1 resolutions in the House and Senate) apply to extension disapproval resolutions.

2 (D) It is not in order for—

3 (i) the House of Representatives to consider any extension disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules;

4 (ii) the Senate to consider any extension disapproval resolution not reported by the Committee on Finance; or

5 (iii) either House of Congress to consider an extension disapproval resolution after June 30, 2018.

6 (d) COMMENCEMENT OF NEGOTIATIONS.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and serv-

1 ices, medical equipment and services, civil aircraft, and in-  
2 frastructure products. In so doing, the President shall  
3 take into account all of the negotiating objectives set forth  
4 in section 102.

5 **SEC. 104. CONGRESSIONAL OVERSIGHT, CONSULTATIONS,**  
6 **AND ACCESS TO INFORMATION.**

7 (a) CONSULTATIONS WITH MEMBERS OF CON-  
8 GRESS.—

9 (1) CONSULTATIONS DURING NEGOTIATIONS.—

10 In the course of negotiations conducted under this  
11 title, the United States Trade Representative shall—

12 (A) meet upon request with any Member of  
13 Congress regarding negotiating objectives, the  
14 status of negotiations in progress, and the na-  
15 ture of any changes in the laws of the United  
16 States or the administration of those laws that  
17 may be recommended to Congress to carry out  
18 any trade agreement or any requirement of,  
19 amendment to, or recommendation under, that  
20 agreement;

21 (B) upon request of any Member of Con-  
22 gress, provide access to pertinent documents re-  
23 lating to the negotiations, including classified  
24 materials;

1           (C) consult closely and on a timely basis  
2           with, and keep fully apprised of the negotia-  
3           tions, the Committee on Ways and Means of  
4           the House of Representatives and the Com-  
5           mittee on Finance of the Senate;

6           (D) consult closely and on a timely basis  
7           with, and keep fully apprised of the negotia-  
8           tions, the House Advisory Group on Negotia-  
9           tions and the Senate Advisory Group on Nego-  
10          tiations convened under subsection (c) and all  
11          committees of the House of Representatives and  
12          the Senate with jurisdiction over laws that  
13          could be affected by a trade agreement result-  
14          ing from the negotiations; and

15          (E) with regard to any negotiations and  
16          agreement relating to agricultural trade, also  
17          consult closely and on a timely basis (including  
18          immediately before initialing an agreement)  
19          with, and keep fully apprised of the negotia-  
20          tions, the Committee on Agriculture of the  
21          House of Representatives and the Committee  
22          on Agriculture, Nutrition, and Forestry of the  
23          Senate.

24          (2) CONSULTATIONS PRIOR TO ENTRY INTO  
25          FORCE.—Prior to exchanging notes providing for the

1 entry into force of a trade agreement, the United  
2 States Trade Representative shall consult closely  
3 and on a timely basis with Members of Congress and  
4 committees as specified in paragraph (1), and keep  
5 them fully apprised of the measures a trading part-  
6 ner has taken to comply with those provisions of the  
7 agreement that are to take effect on the date that  
8 the agreement enters into force.

9 (3) ENHANCED COORDINATION WITH CON-  
10 GRESS.—

11 (A) WRITTEN GUIDELINES.—The United  
12 States Trade Representative, in consultation  
13 with the chairmen and the ranking members of  
14 the Committee on Ways and Means of the  
15 House of Representatives and the Committee  
16 on Finance of the Senate, respectively—

17 (i) shall, not later than 120 days after  
18 the date of the enactment of this Act, de-  
19 velop written guidelines on enhanced co-  
20 ordination with Congress, including coordi-  
21 nation with designated congressional advis-  
22 ers under subsection (b), regarding nego-  
23 tiations conducted under this title; and

1 (ii) may make such revisions to the  
2 guidelines as may be necessary from time  
3 to time.

4 (B) CONTENT OF GUIDELINES.—The  
5 guidelines developed under subparagraph (A)  
6 shall enhance coordination with Congress  
7 through procedures to ensure—

8 (i) timely briefings upon request of  
9 any Member of Congress regarding negoti-  
10 ating objectives, the status of negotiations  
11 in progress conducted under this title, and  
12 the nature of any changes in the laws of  
13 the United States or the administration of  
14 those laws that may be recommended to  
15 Congress to carry out any trade agreement  
16 or any requirement of, amendment to, or  
17 recommendation under, that agreement;  
18 and

19 (ii) the sharing of detailed and timely  
20 information with Members of Congress,  
21 and their staff with proper security clear-  
22 ances as appropriate, regarding those ne-  
23 gotiations and pertinent documents related  
24 to those negotiations (including classified  
25 information), and with committee staff

1 with proper security clearances as would be  
2 appropriate in the light of the responsibil-  
3 ities of that committee over the trade  
4 agreements programs affected by those ne-  
5 gotiations.

6 (C) DISSEMINATION.—The United States  
7 Trade Representative shall disseminate the  
8 guidelines developed under subparagraph (A) to  
9 all Federal agencies that could have jurisdiction  
10 over laws affected by trade negotiations.

11 (b) DESIGNATED CONGRESSIONAL ADVISERS.—

12 (1) DESIGNATION.—

13 (A) HOUSE OF REPRESENTATIVES.—In  
14 each Congress, any Member of the House of  
15 Representatives may be designated as a con-  
16 gressional adviser on trade policy and negotia-  
17 tions by the Speaker of the House of Rep-  
18 resentatives, after consulting with the chairman  
19 and ranking member of the Committee on Ways  
20 and Means and the chairman and ranking  
21 member of the committee from which the Mem-  
22 ber will be selected.

23 (B) SENATE.—In each Congress, any  
24 Member of the Senate may be designated as a  
25 congressional adviser on trade policy and nego-

1           tiations by the President pro tempore of the  
2           Senate, after consultation with the chairman  
3           and ranking member of the Committee on Fi-  
4           nance and the chairman and ranking member  
5           of the committee from which the Member will  
6           be selected.

7           (2) CONSULTATIONS WITH DESIGNATED CON-  
8           GRESSIONAL ADVISERS.—In the course of negotia-  
9           tions conducted under this title, the United States  
10          Trade Representative shall consult closely and on a  
11          timely basis (including immediately before initialing  
12          an agreement) with, and keep fully apprised of the  
13          negotiations, the congressional advisers for trade  
14          policy and negotiations designated under paragraph  
15          (1).

16          (3) ACCREDITATION.—Each Member of Con-  
17          gress designated as a congressional adviser under  
18          paragraph (1) shall be accredited by the United  
19          States Trade Representative on behalf of the Presi-  
20          dent as an official adviser to the United States dele-  
21          gations to international conferences, meetings, and  
22          negotiating sessions relating to trade agreements.

23          (c) CONGRESSIONAL ADVISORY GROUPS ON NEGO-  
24          TIATIONS.—



1           (1) IN GENERAL.—By not later than 60 days  
2           after the date of the enactment of this Act, and not  
3           later than 30 days after the convening of each Con-  
4           gress, the chairman of the Committee on Ways and  
5           Means of the House of Representatives shall convene  
6           the House Advisory Group on Negotiations and the  
7           chairman of the Committee on Finance of the Sen-  
8           ate shall convene the Senate Advisory Group on Ne-  
9           gotiations (in this subsection referred to collectively  
10          as the “congressional advisory groups”).

11          (2) MEMBERS AND FUNCTIONS.—

12                 (A) MEMBERSHIP OF THE HOUSE ADVI-  
13                 SORY GROUP ON NEGOTIATIONS.—In each Con-  
14                 gress, the House Advisory Group on Negotia-  
15                 tions shall be comprised of the following Mem-  
16                 bers of the House of Representatives:

17                         (i) The chairman and ranking mem-  
18                         ber of the Committee on Ways and Means,  
19                         and 3 additional members of such Com-  
20                         mittee (not more than 2 of whom are  
21                         members of the same political party).

22                         (ii) The chairman and ranking mem-  
23                         ber, or their designees, of the committees  
24                         of the House of Representatives that would  
25                         have, under the Rules of the House of

1           Representatives, jurisdiction over provi-  
2           sions of law affected by a trade agreement  
3           negotiation conducted at any time during  
4           that Congress and to which this title would  
5           apply.

6           (B) MEMBERSHIP OF THE SENATE ADVI-  
7           SORY GROUP ON NEGOTIATIONS.—In each Con-  
8           gress, the Senate Advisory Group on Negotia-  
9           tions shall be comprised of the following Mem-  
10          bers of the Senate:

11                   (i) The chairman and ranking mem-  
12                   ber of the Committee on Finance and 3  
13                   additional members of such Committee  
14                   (not more than 2 of whom are members of  
15                   the same political party).

16                   (ii) The chairman and ranking mem-  
17                   ber, or their designees, of the committees  
18                   of the Senate that would have, under the  
19                   Rules of the Senate, jurisdiction over pro-  
20                   visions of law affected by a trade agree-  
21                   ment negotiation conducted at any time  
22                   during that Congress and to which this  
23                   title would apply.

24           (C) ACCREDITATION.—Each member of  
25           the congressional advisory groups described in

1           subparagraphs (A)(i) and (B)(i) shall be ac-  
2           credited by the United States Trade Represent-  
3           ative on behalf of the President as an official  
4           adviser to the United States delegation in nego-  
5           tiations for any trade agreement to which this  
6           title applies. Each member of the congressional  
7           advisory groups described in subparagraphs  
8           (A)(ii) and (B)(ii) shall be accredited by the  
9           United States Trade Representative on behalf  
10          of the President as an official adviser to the  
11          United States delegation in the negotiations by  
12          reason of which the member is in one of the  
13          congressional advisory groups.

14                 (D) CONSULTATION AND ADVICE.—The  
15                 congressional advisory groups shall consult with  
16                 and provide advice to the Trade Representative  
17                 regarding the formulation of specific objectives,  
18                 negotiating strategies and positions, the devel-  
19                 opment of the applicable trade agreement, and  
20                 compliance and enforcement of the negotiated  
21                 commitments under the trade agreement.

22                 (E) CHAIR.—The House Advisory Group  
23                 on Negotiations shall be chaired by the Chair-  
24                 man of the Committee on Ways and Means of  
25                 the House of Representatives and the Senate

1           Advisory Group on Negotiations shall be  
2           chaired by the Chairman of the Committee on  
3           Finance of the Senate.

4           (F) COORDINATION WITH OTHER COMMIT-  
5           TEES.—Members of any committee represented  
6           on one of the congressional advisory groups  
7           may submit comments to the member of the ap-  
8           propriate congressional advisory group from  
9           that committee regarding any matter related to  
10          a negotiation for any trade agreement to which  
11          this title applies.

12          (3) GUIDELINES.—

13           (A) PURPOSE AND REVISION.—The United  
14           States Trade Representative, in consultation  
15           with the chairmen and the ranking members of  
16           the Committee on Ways and Means of the  
17           House of Representatives and the Committee  
18           on Finance of the Senate, respectively—

19                   (i) shall, not later than 120 days after  
20                   the date of the enactment of this Act, de-  
21                   velop written guidelines to facilitate the  
22                   useful and timely exchange of information  
23                   between the Trade Representative and the  
24                   congressional advisory groups; and

1 (ii) may make such revisions to the  
2 guidelines as may be necessary from time  
3 to time.

4 (B) CONTENT.—The guidelines developed  
5 under subparagraph (A) shall provide for,  
6 among other things—

7 (i) detailed briefings on a fixed time-  
8 table to be specified in the guidelines of  
9 the congressional advisory groups regard-  
10 ing negotiating objectives and positions  
11 and the status of the applicable negotia-  
12 tions, beginning as soon as practicable  
13 after the congressional advisory groups are  
14 convened, with more frequent briefings as  
15 trade negotiations enter the final stage;

16 (ii) access by members of the congress-  
17 sional advisory groups, and staff with  
18 proper security clearances, to pertinent  
19 documents relating to the negotiations, in-  
20 cluding classified materials;

21 (iii) the closest practicable coordina-  
22 tion between the Trade Representative and  
23 the congressional advisory groups at all  
24 critical periods during the negotiations, in-  
25 cluding at negotiation sites;

1 (iv) after the applicable trade agree-  
2 ment is concluded, consultation regarding  
3 ongoing compliance and enforcement of ne-  
4 gotiated commitments under the trade  
5 agreement; and

6 (v) the timeframe for submitting the  
7 report required under section 105(d)(3).

8 (4) REQUEST FOR MEETING.—Upon the re-  
9 quest of a majority of either of the congressional ad-  
10 visory groups, the President shall meet with that  
11 congressional advisory group before initiating nego-  
12 tiations with respect to a trade agreement, or at any  
13 other time concerning the negotiations.

14 (d) CONSULTATIONS WITH THE PUBLIC.—

15 (1) GUIDELINES FOR PUBLIC ENGAGEMENT.—  
16 The United States Trade Representative, in con-  
17 sultation with the chairmen and the ranking mem-  
18 bers of the Committee on Ways and Means of the  
19 House of Representatives and the Committee on Fi-  
20 nance of the Senate, respectively—

21 (A) shall, not later than 120 days after the  
22 date of the enactment of this Act, develop writ-  
23 ten guidelines on public access to information  
24 regarding negotiations conducted under this  
25 title; and

1 (B) may make such revisions to the guide-  
2 lines as may be necessary from time to time.

3 (2) PURPOSES.—The guidelines developed  
4 under paragraph (1) shall—

5 (A) facilitate transparency;

6 (B) encourage public participation; and

7 (C) promote collaboration in the negotia-  
8 tion process.

9 (3) CONTENT.—The guidelines developed under  
10 paragraph (1) shall include procedures that—

11 (A) provide for rapid disclosure of informa-  
12 tion in forms that the public can readily find  
13 and use; and

14 (B) provide frequent opportunities for pub-  
15 lic input through Federal Register requests for  
16 comment and other means.

17 (4) DISSEMINATION.—The United States Trade  
18 Representative shall disseminate the guidelines de-  
19 veloped under paragraph (1) to all Federal agencies  
20 that could have jurisdiction over laws affected by  
21 trade negotiations.

22 (e) CONSULTATIONS WITH ADVISORY COMMIT-  
23 TEES.—

24 (1) GUIDELINES FOR ENGAGEMENT WITH ADVI-  
25 SORY COMMITTEES.—The United States Trade Rep-

1       representative, in consultation with the chairmen and  
2       the ranking members of the Committee on Ways and  
3       Means of the House of Representatives and the  
4       Committee on Finance of the Senate, respectively—

5               (A) shall, not later than 120 days after the  
6               date of the enactment of this Act, develop writ-  
7               ten guidelines on enhanced coordination with  
8               advisory committees established pursuant to  
9               section 135 of the Trade Act of 1974 (19  
10              U.S.C. 2155) regarding negotiations conducted  
11              under this title; and

12             (B) may make such revisions to the guide-  
13             lines as may be necessary from time to time.

14             (2) CONTENT.—The guidelines developed under  
15             paragraph (1) shall enhance coordination with advi-  
16             sory committees described in that paragraph  
17             through procedures to ensure—

18               (A) timely briefings of advisory committees  
19               and regular opportunities for advisory commit-  
20               tees to provide input throughout the negotiation  
21               process on matters relevant to the sectors or  
22               functional areas represented by those commit-  
23               tees; and

24               (B) the sharing of detailed and timely in-  
25               formation with each member of an advisory



1           committee regarding negotiations and pertinent  
2           documents related to the negotiation (including  
3           classified information) on matters relevant to  
4           the sectors or functional areas the member rep-  
5           resents, and with a designee with proper secu-  
6           rity clearances of each such member as appro-  
7           priate.

8           (3) DISSEMINATION.—The United States Trade  
9           Representative shall disseminate the guidelines de-  
10          veloped under paragraph (1) to all Federal agencies  
11          that could have jurisdiction over laws affected by  
12          trade negotiations.

13          (f) ESTABLISHMENT OF POSITION OF CHIEF TRANS-  
14          PARENCY OFFICER IN THE OFFICE OF THE UNITED  
15          STATES TRADE REPRESENTATIVE.—Section 141(b) of the  
16          Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

17                 (1) by redesignating paragraph (3) as para-  
18                 graph (4); and

19                 (2) by inserting after paragraph (2) the fol-  
20                 lowing:

21                 “(3) There shall be in the Office one Chief Trans-  
22                 parency Officer. The Chief Transparency Officer shall  
23                 consult with Congress on transparency policy, coordinate  
24                 transparency in trade negotiations, engage and assist the

1 public, and advise the United States Trade Representative  
2 on transparency policy.”.

3 **SEC. 105. NOTICE, CONSULTATIONS, AND REPORTS.**

4 (a) NOTICE, CONSULTATIONS, AND REPORTS BE-  
5 FORE NEGOTIATION.—

6 (1) NOTICE.—The President, with respect to  
7 any agreement that is subject to the provisions of  
8 section 103(b), shall—

9 (A) provide, at least 90 calendar days be-  
10 fore initiating negotiations with a country, writ-  
11 ten notice to Congress of the President’s inten-  
12 tion to enter into the negotiations with that  
13 country and set forth in the notice the date on  
14 which the President intends to initiate those ne-  
15 gotiations, the specific United States objectives  
16 for the negotiations with that country, and  
17 whether the President intends to seek an agree-  
18 ment, or changes to an existing agreement;

19 (B) before and after submission of the no-  
20 tice, consult regarding the negotiations with the  
21 Committee on Ways and Means of the House of  
22 Representatives and the Committee on Finance  
23 of the Senate, such other committees of the  
24 House and Senate as the President deems ap-  
25 propriate, and the House Advisory Group on

1 Negotiations and the Senate Advisory Group on  
2 Negotiations convened under section 104(c);

3 (C) upon the request of a majority of the  
4 members of either the House Advisory Group  
5 on Negotiations or the Senate Advisory Group  
6 on Negotiations convened under section 104(c),  
7 meet with the requesting congressional advisory  
8 group before initiating the negotiations or at  
9 any other time concerning the negotiations; and

10 (D) after consulting with the Committee  
11 on Ways and Means and the Committee on Fi-  
12 nance, and at least 30 calendar days before ini-  
13 tiating negotiations with a country, publish on  
14 a publicly available Internet website of the Of-  
15 fice of the United States Trade Representative,  
16 and regularly update thereafter, a detailed and  
17 comprehensive summary of the specific objec-  
18 tives with respect to the negotiations, and a de-  
19 scription of how the agreement, if successfully  
20 concluded, will further those objectives and ben-  
21 efit the United States.

22 (2) NEGOTIATIONS REGARDING AGRICULTURE.—  
23

24 (A) ASSESSMENT AND CONSULTATIONS  
25 FOLLOWING ASSESSMENT.—Before initiating or

1 continuing negotiations the subject matter of  
2 which is directly related to the subject matter  
3 under section 102(b)(3)(B) with any country,  
4 the President shall—

5 (i) assess whether United States tar-  
6iffs on agricultural products that were  
7 bound under the Uruguay Round Agree-  
8ments are lower than the tariffs bound by  
9 that country;

10 (ii) consider whether the tariff levels  
11 bound and applied throughout the world  
12 with respect to imports from the United  
13 States are higher than United States tar-  
14iffs and whether the negotiation provides  
15 an opportunity to address any such dis-  
16parity; and

17 (iii) consult with the Committee on  
18 Ways and Means and the Committee on  
19 Agriculture of the House of Representa-  
20tives and the Committee on Finance and  
21 the Committee on Agriculture, Nutrition,  
22 and Forestry of the Senate concerning the  
23 results of the assessment, whether it is ap-  
24propriate for the United States to agree to  
25 further tariff reductions based on the con-

1           clusions reached in the assessment, and  
2           how all applicable negotiating objectives  
3           will be met.

4           (B) SPECIAL CONSULTATIONS ON IMPORT  
5           SENSITIVE PRODUCTS.—(i) Before initiating ne-  
6           gotiations with regard to agriculture and, with  
7           respect to agreements described in paragraphs  
8           (2) and (3) of section 107(a), as soon as prac-  
9           ticable after the date of the enactment of this  
10          Act, the United States Trade Representative  
11          shall—

12                 (I) identify those agricultural products  
13                 subject to tariff rate quotas on the date of  
14                 enactment of this Act, and agricultural  
15                 products subject to tariff reductions by the  
16                 United States as a result of the Uruguay  
17                 Round Agreements, for which the rate of  
18                 duty was reduced on January 1, 1995, to  
19                 a rate which was not less than 97.5 per-  
20                 cent of the rate of duty that applied to  
21                 such article on December 31, 1994;

22                 (II) consult with the Committee on  
23                 Ways and Means and the Committee on  
24                 Agriculture of the House of Representa-  
25                 tives and the Committee on Finance and

1 the Committee on Agriculture, Nutrition,  
2 and Forestry of the Senate concerning—

3 (aa) whether any further tariff  
4 reductions on the products identified  
5 under subclause (I) should be appro-  
6 priate, taking into account the impact  
7 of any such tariff reduction on the  
8 United States industry producing the  
9 product concerned;

10 (bb) whether the products so  
11 identified face unjustified sanitary or  
12 phytosanitary restrictions, including  
13 those not based on scientific principles  
14 in contravention of the Uruguay  
15 Round Agreements; and

16 (cc) whether the countries par-  
17 ticipating in the negotiations maintain  
18 export subsidies or other programs,  
19 policies, or practices that distort world  
20 trade in such products and the impact  
21 of such programs, policies, and prac-  
22 tices on United States producers of  
23 the products;

24 (III) request that the International  
25 Trade Commission prepare an assessment

1 of the probable economic effects of any  
2 such tariff reduction on the United States  
3 industry producing the product concerned  
4 and on the United States economy as a  
5 whole; and

6 (IV) upon complying with subclauses  
7 (I), (II), and (III), notify the Committee  
8 on Ways and Means and the Committee on  
9 Agriculture of the House of Representa-  
10 tives and the Committee on Finance and  
11 the Committee on Agriculture, Nutrition,  
12 and Forestry of the Senate of those prod-  
13 ucts identified under subclause (I) for  
14 which the Trade Representative intends to  
15 seek tariff liberalization in the negotiations  
16 and the reasons for seeking such tariff lib-  
17 eralization.

18 (ii) If, after negotiations described in  
19 clause (i) are commenced—

20 (I) the United States Trade Rep-  
21 resentative identifies any additional agri-  
22 cultural product described in clause (i)(I)  
23 for tariff reductions which were not the  
24 subject of a notification under clause  
25 (i)(IV), or

1                   (II) any additional agricultural prod-  
2                   uct described in clause (i)(I) is the subject  
3                   of a request for tariff reductions by a  
4                   party to the negotiations,  
5                   the Trade Representative shall, as soon as prac-  
6                   ticable, notify the committees referred to in  
7                   clause (i)(IV) of those products and the reasons  
8                   for seeking such tariff reductions.

9                   (3) NEGOTIATIONS REGARDING THE FISHING  
10                  INDUSTRY.—Before initiating, or continuing, nego-  
11                  tiations that directly relate to fish or shellfish trade  
12                  with any country, the President shall consult with  
13                  the Committee on Ways and Means and the Com-  
14                  mittee on Natural Resources of the House of Rep-  
15                  resentatives, and the Committee on Finance and the  
16                  Committee on Commerce, Science, and Transpor-  
17                  tation of the Senate, and shall keep the Committees  
18                  apprised of the negotiations on an ongoing and time-  
19                  ly basis.

20                  (4) NEGOTIATIONS REGARDING TEXTILES.—Be-  
21                  fore initiating or continuing negotiations the subject  
22                  matter of which is directly related to textiles and ap-  
23                  parel products with any country, the President  
24                  shall—



1 (A) assess whether United States tariffs on  
2 textile and apparel products that were bound  
3 under the Uruguay Round Agreements are  
4 lower than the tariffs bound by that country  
5 and whether the negotiation provides an oppor-  
6 tunity to address any such disparity; and

7 (B) consult with the Committee on Ways  
8 and Means of the House of Representatives and  
9 the Committee on Finance of the Senate con-  
10 cerning the results of the assessment, whether  
11 it is appropriate for the United States to agree  
12 to further tariff reductions based on the conclu-  
13 sions reached in the assessment, and how all  
14 applicable negotiating objectives will be met.

15 (5) ADHERENCE TO EXISTING INTERNATIONAL  
16 TRADE AND INVESTMENT AGREEMENT OBLIGA-  
17 TIONS.—In determining whether to enter into nego-  
18 tiations with a particular country, the President  
19 shall take into account the extent to which that  
20 country has implemented, or has accelerated the im-  
21 plementation of, its international trade and invest-  
22 ment commitments to the United States, including  
23 pursuant to the WTO Agreement.

24 (b) CONSULTATION WITH CONGRESS BEFORE  
25 ENTRY INTO AGREEMENT.—

1           (1) CONSULTATION.—Before entering into any  
2 trade agreement under section 103(b), the President  
3 shall consult with—

4           (A) the Committee on Ways and Means of  
5 the House of Representatives and the Com-  
6 mittee on Finance of the Senate;

7           (B) each other committee of the House  
8 and the Senate, and each joint committee of  
9 Congress, which has jurisdiction over legislation  
10 involving subject matters which would be af-  
11 fected by the trade agreement; and

12           (C) the House Advisory Group on Negotia-  
13 tions and the Senate Advisory Group on Nego-  
14 tiations convened under section 104(c).

15           (2) SCOPE.—The consultation described in  
16 paragraph (1) shall include consultation with respect  
17 to—

18           (A) the nature of the agreement;

19           (B) how and to what extent the agreement  
20 will achieve the applicable purposes, policies,  
21 priorities, and objectives of this title; and

22           (C) the implementation of the agreement  
23 under section 106, including the general effect  
24 of the agreement on existing laws.

1           (3) REPORT REGARDING UNITED STATES  
2 TRADE REMEDY LAWS.—

3           (A) CHANGES IN CERTAIN TRADE LAWS.—

4           The President, not less than 180 calendar days  
5 before the day on which the President enters  
6 into a trade agreement under section 103(b),  
7 shall report to the Committee on Ways and  
8 Means of the House of Representatives and the  
9 Committee on Finance of the Senate—

10           (i) the range of proposals advanced in  
11 the negotiations with respect to that agree-  
12 ment, that may be in the final agreement,  
13 and that could require amendments to title  
14 VII of the Tariff Act of 1930 (19 U.S.C.  
15 1671 et seq.) or to chapter 1 of title II of  
16 the Trade Act of 1974 (19 U.S.C. 2251 et  
17 seq.); and

18           (ii) how these proposals relate to the  
19 objectives described in section 102(b)(16).

20           (B) RESOLUTIONS.—(i) At any time after  
21 the transmission of the report under subpara-  
22 graph (A), if a resolution is introduced with re-  
23 spect to that report in either House of Con-  
24 gress, the procedures set forth in clauses (iii)  
25 through (vii) shall apply to that resolution if—

1 (I) no other resolution with respect to  
2 that report has previously been reported in  
3 that House of Congress by the Committee  
4 on Ways and Means or the Committee on  
5 Finance, as the case may be, pursuant to  
6 those procedures; and

7 (II) no procedural disapproval resolu-  
8 tion under section 106(b) introduced with  
9 respect to a trade agreement entered into  
10 pursuant to the negotiations to which the  
11 report under subparagraph (A) relates has  
12 previously been reported in that House of  
13 Congress by the Committee on Ways and  
14 Means or the Committee on Finance, as  
15 the case may be.

16 (ii) For purposes of this subparagraph, the  
17 term “resolution” means only a resolution of ei-  
18 ther House of Congress, the matter after the  
19 resolving clause of which is as follows: “That  
20 the \_\_\_\_\_ finds that the proposed changes  
21 to United States trade remedy laws contained  
22 in the report of the President transmitted to  
23 Congress on \_\_\_\_\_ under section 105(b)(3)  
24 of the Bipartisan Congressional Trade Prior-  
25 ities and Accountability Act of 2015 with re-

1           spect to \_\_\_\_\_, are inconsistent with the ne-  
2           gotiating objectives described in section  
3           102(b)(16) of that Act.”, with the first blank  
4           space being filled with the name of the resolving  
5           House of Congress, the second blank space  
6           being filled with the appropriate date of the re-  
7           port, and the third blank space being filled with  
8           the name of the country or countries involved.

9           (iii) Resolutions in the House of Rep-  
10          resentatives—

11                   (I) may be introduced by any Member  
12                   of the House;

13                   (II) shall be referred to the Com-  
14                   mittee on Ways and Means and, in addi-  
15                   tion, to the Committee on Rules; and

16                   (III) may not be amended by either  
17                   Committee.

18          (iv) Resolutions in the Senate—

19                   (I) may be introduced by any Member  
20                   of the Senate;

21                   (II) shall be referred to the Com-  
22                   mittee on Finance; and

23                   (III) may not be amended.

24                   (v) It is not in order for the House of Rep-  
25                   resentatives to consider any resolution that is

1 not reported by the Committee on Ways and  
2 Means and, in addition, by the Committee on  
3 Rules.

4 (vi) It is not in order for the Senate to  
5 consider any resolution that is not reported by  
6 the Committee on Finance.

7 (vii) The provisions of subsections (d) and  
8 (e) of section 152 of the Trade Act of 1974 (19  
9 U.S.C. 2192) (relating to floor consideration of  
10 certain resolutions in the House and Senate)  
11 shall apply to resolutions.

12 (4) ADVISORY COMMITTEE REPORTS.—The re-  
13 port required under section 135(e)(1) of the Trade  
14 Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any  
15 trade agreement entered into under subsection (a) or  
16 (b) of section 103 shall be provided to the President,  
17 Congress, and the United States Trade Representa-  
18 tive not later than 30 days after the date on which  
19 the President notifies Congress under section  
20 103(a)(2) or 106(a)(1)(A) of the intention of the  
21 President to enter into the agreement.

22 (c) INTERNATIONAL TRADE COMMISSION ASSESS-  
23 MENT.—

24 (1) SUBMISSION OF INFORMATION TO COMMIS-  
25 SION.—The President, not later than 90 calendar

1 days before the day on which the President enters  
2 into a trade agreement under section 103(b), shall  
3 provide the International Trade Commission (re-  
4 ferred to in this subsection as the “Commission”)  
5 with the details of the agreement as it exists at that  
6 time and request the Commission to prepare and  
7 submit an assessment of the agreement as described  
8 in paragraph (2). Between the time the President  
9 makes the request under this paragraph and the  
10 time the Commission submits the assessment, the  
11 President shall keep the Commission current with  
12 respect to the details of the agreement.

13 (2) ASSESSMENT.—Not later than 105 calendar  
14 days after the President enters into a trade agree-  
15 ment under section 103(b), the Commission shall  
16 submit to the President and Congress a report as-  
17 sessing the likely impact of the agreement on the  
18 United States economy as a whole and on specific  
19 industry sectors, including the impact the agreement  
20 will have on the gross domestic product, exports and  
21 imports, aggregate employment and employment op-  
22 portunities, the production, employment, and com-  
23 petitive position of industries likely to be signifi-  
24 cantly affected by the agreement, and the interests  
25 of United States consumers.

1           (3) REVIEW OF EMPIRICAL LITERATURE.—In  
2           preparing the assessment under paragraph (2), the  
3           Commission shall review available economic assess-  
4           ments regarding the agreement, including literature  
5           regarding any substantially equivalent proposed  
6           agreement, and shall provide in its assessment a de-  
7           scription of the analyses used and conclusions drawn  
8           in such literature, and a discussion of areas of con-  
9           sensus and divergence between the various analyses  
10          and conclusions, including those of the Commission  
11          regarding the agreement.

12          (4) PUBLIC AVAILABILITY.—The President  
13          shall make each assessment under paragraph (2)  
14          available to the public.

15          (d) REPORTS SUBMITTED TO COMMITTEES WITH  
16          AGREEMENT.—

17               (1) ENVIRONMENTAL REVIEWS AND RE-  
18               PORTS.—The President shall—

19                   (A) conduct environmental reviews of fu-  
20                   ture trade and investment agreements, con-  
21                   sistent with Executive Order 13141 (64 Fed.  
22                   Reg. 63169), dated November 16, 1999, and its  
23                   relevant guidelines; and

24                   (B) submit a report on those reviews and  
25                   on the content and operation of consultative



1 mechanisms established pursuant to section  
2 102(e) to the Committee on Ways and Means  
3 of the House of Representatives and the Com-  
4 mittee on Finance of the Senate at the time the  
5 President submits to Congress a copy of the  
6 final legal text of an agreement pursuant to  
7 section 106(a)(1)(E).

8 (2) EMPLOYMENT IMPACT REVIEWS AND RE-  
9 PORTS.—The President shall—

10 (A) review the impact of future trade  
11 agreements on United States employment, in-  
12 cluding labor markets, modeled after Executive  
13 Order 13141 (64 Fed. Reg. 63169) to the ex-  
14 tent appropriate in establishing procedures and  
15 criteria; and

16 (B) submit a report on such reviews to the  
17 Committee on Ways and Means of the House of  
18 Representatives and the Committee on Finance  
19 of the Senate at the time the President submits  
20 to Congress a copy of the final legal text of an  
21 agreement pursuant to section 106(a)(1)(E).

22 (3) REPORT ON LABOR RIGHTS.—The President  
23 shall submit to the Committee on Ways and Means  
24 of the House of Representatives and the Committee

1 on Finance of the Senate, on a timeframe deter-  
2 mined in accordance with section 104(c)(3)(B)(v)—

3 (A) a meaningful labor rights report of the  
4 country, or countries, with respect to which the  
5 President is negotiating; and

6 (B) a description of any provisions that  
7 would require changes to the labor laws and  
8 labor practices of the United States.

9 (4) PUBLIC AVAILABILITY.—The President  
10 shall make all reports required under this subsection  
11 available to the public.

12 (e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

13 (1) IN GENERAL.—At the time the President  
14 submits to Congress a copy of the final legal text of  
15 an agreement pursuant to section 106(a)(1)(E), the  
16 President shall also submit to Congress a plan for  
17 implementing and enforcing the agreement.

18 (2) ELEMENTS.—The implementation and en-  
19 forcement plan required by paragraph (1) shall in-  
20 clude the following:

21 (A) BORDER PERSONNEL REQUIRE-  
22 MENTS.—A description of additional personnel  
23 required at border entry points, including a list  
24 of additional customs and agricultural inspec-  
25 tors.

1 (B) AGENCY STAFFING REQUIREMENTS.—

2 A description of additional personnel required  
3 by Federal agencies responsible for monitoring  
4 and implementing the trade agreement, includ-  
5 ing personnel required by the Office of the  
6 United States Trade Representative, the De-  
7 partment of Commerce, the Department of Ag-  
8 riculture (including additional personnel re-  
9 quired to implement sanitary and phytosanitary  
10 measures in order to obtain market access for  
11 United States exports), the Department of  
12 Homeland Security, the Department of the  
13 Treasury, and such other agencies as may be  
14 necessary.

15 (C) CUSTOMS INFRASTRUCTURE REQUIRE-  
16 MENTS.—A description of the additional equip-  
17 ment and facilities needed by U.S. Customs and  
18 Border Protection.

19 (D) IMPACT ON STATE AND LOCAL GOV-  
20 ERNMENTS.—A description of the impact the  
21 trade agreement will have on State and local  
22 governments as a result of increases in trade.

23 (E) COST ANALYSIS.—An analysis of the  
24 costs associated with each of the items listed in  
25 subparagraphs (A) through (D).

1           (3) BUDGET SUBMISSION.—The President shall  
2           include a request for the resources necessary to sup-  
3           port the plan required by paragraph (1) in the first  
4           budget of the President submitted to Congress  
5           under section 1105(a) of title 31, United States  
6           Code, after the date of the submission of the plan.

7           (4) PUBLIC AVAILABILITY.—The President  
8           shall make the plan required under this subsection  
9           available to the public.

10          (f) OTHER REPORTS.—

11           (1) REPORT ON PENALTIES.—Not later than  
12           one year after the imposition by the United States  
13           of a penalty or remedy permitted by a trade agree-  
14           ment to which this title applies, the President shall  
15           submit to the Committee on Ways and Means of the  
16           House of Representatives and the Committee on Fi-  
17           nance of the Senate a report on the effectiveness of  
18           the penalty or remedy applied under United States  
19           law in enforcing United States rights under the  
20           trade agreement, which shall address whether the  
21           penalty or remedy was effective in changing the be-  
22           havior of the targeted party and whether the penalty  
23           or remedy had any adverse impact on parties or in-  
24           terests not party to the dispute.

1           (2) REPORT ON IMPACT OF TRADE PROMOTION  
2           AUTHORITY.—Not later than one year after the date  
3           of the enactment of this Act, and not later than 5  
4           years thereafter, the United States International  
5           Trade Commission shall submit to the Committee on  
6           Ways and Means of the House of Representatives  
7           and the Committee on Finance of the Senate a re-  
8           port on the economic impact on the United States  
9           of all trade agreements with respect to which Con-  
10          gress has enacted an implementing bill under trade  
11          authorities procedures since January 1, 1984.

12          (3) ENFORCEMENT CONSULTATIONS AND RE-  
13          PORTS.—(A) The United States Trade Representa-  
14          tive shall consult with the Committee on Ways and  
15          Means of the House of Representatives and the  
16          Committee on Finance of the Senate after accept-  
17          ance of a petition for review or taking an enforce-  
18          ment action in regard to an obligation under a trade  
19          agreement, including a labor or environmental obli-  
20          gation. During such consultations, the United States  
21          Trade Representative shall describe the matter, in-  
22          cluding the basis for such action and the application  
23          of any relevant legal obligations.

24          (B) As part of the report required pursuant to  
25          section 163 of the Trade Act of 1974 (19 U.S.C.

1 2213), the President shall report annually to Con-  
2 gress on enforcement actions taken pursuant to a  
3 trade agreement to which the United States is a  
4 party, as well as on any public reports issued by  
5 Federal agencies on enforcement matters relating to  
6 a trade agreement.

7 (g) **ADDITIONAL COORDINATION WITH MEMBERS.**—  
8 Any Member of the House of Representatives may submit  
9 to the Committee on Ways and Means of the House of  
10 Representatives and any Member of the Senate may sub-  
11 mit to the Committee on Finance of the Senate the views  
12 of that Member on any matter relevant to a proposed  
13 trade agreement, and the relevant Committee shall receive  
14 those views for consideration.

15 **SEC. 106. IMPLEMENTATION OF TRADE AGREEMENTS.**

16 (a) **IN GENERAL.**—

17 (1) **NOTIFICATION AND SUBMISSION.**—Any  
18 agreement entered into under section 103(b) shall  
19 enter into force with respect to the United States if  
20 (and only if)—

21 (A) the President, at least 90 calendar  
22 days before the day on which the President en-  
23 ters into the trade agreement, notifies the  
24 House of Representatives and the Senate of the  
25 President's intention to enter into the agree-

1           ment, and promptly thereafter publishes notice  
2           of such intention in the Federal Register;

3           (B) the President, at least 60 days before  
4           the day on which the President enters into the  
5           agreement, publishes the text of the agreement  
6           on a publicly available Internet website of the  
7           Office of the United States Trade Representa-  
8           tive;

9           (C) within 60 days after entering into the  
10          agreement, the President submits to Congress a  
11          description of those changes to existing laws  
12          that the President considers would be required  
13          in order to bring the United States into compli-  
14          ance with the agreement;

15          (D) the President, at least 30 days before  
16          submitting to Congress the materials under  
17          subparagraph (E), submits to Congress—

18                 (i) a draft statement of any adminis-  
19                 trative action proposed to implement the  
20                 agreement; and

21                 (ii) a copy of the final legal text of the  
22                 agreement;

23          (E) after entering into the agreement, the  
24          President submits to Congress, on a day on  
25          which both Houses of Congress are in session,

1 a copy of the final legal text of the agreement,  
2 together with—

3 (i) a draft of an implementing bill de-  
4 scribed in section 103(b)(3);

5 (ii) a statement of any administrative  
6 action proposed to implement the trade  
7 agreement; and

8 (iii) the supporting information de-  
9 scribed in paragraph (2)(A);

10 (F) the implementing bill is enacted into  
11 law; and

12 (G) the President, not later than 30 days  
13 before the date on which the agreement enters  
14 into force with respect to a party to the agree-  
15 ment, submits written notice to Congress that  
16 the President has determined that the party  
17 has taken measures necessary to comply with  
18 those provisions of the agreement that are to  
19 take effect on the date on which the agreement  
20 enters into force.

21 (2) SUPPORTING INFORMATION.—

22 (A) IN GENERAL.—The supporting infor-  
23 mation required under paragraph (1)(E)(iii)  
24 consists of—



- 1 (i) an explanation as to how the im-  
2 plementing bill and proposed administra-  
3 tive action will change or affect existing  
4 law; and
- 5 (ii) a statement—
- 6 (I) asserting that the agreement  
7 makes progress in achieving the appli-  
8 cable purposes, policies, priorities, and  
9 objectives of this title; and
- 10 (II) setting forth the reasons of  
11 the President regarding—
- 12 (aa) how and to what extent  
13 the agreement makes progress in  
14 achieving the applicable purposes,  
15 policies, and objectives referred  
16 to in subclause (I);
- 17 (bb) whether and how the  
18 agreement changes provisions of  
19 an agreement previously nego-  
20 tiated;
- 21 (cc) how the agreement  
22 serves the interests of United  
23 States commerce; and

1 (dd) how the implementing  
2 bill meets the standards set forth  
3 in section 103(b)(3).

4 (B) PUBLIC AVAILABILITY.—The Presi-  
5 dent shall make the supporting information de-  
6 scribed in subparagraph (A) available to the  
7 public.

8 (3) RECIPROCAL BENEFITS.—In order to en-  
9 sure that a foreign country that is not a party to a  
10 trade agreement entered into under section 103(b)  
11 does not receive benefits under the agreement unless  
12 the country is also subject to the obligations under  
13 the agreement, the implementing bill submitted with  
14 respect to the agreement shall provide that the bene-  
15 fits and obligations under the agreement apply only  
16 to the parties to the agreement, if such application  
17 is consistent with the terms of the agreement. The  
18 implementing bill may also provide that the benefits  
19 and obligations under the agreement do not apply  
20 uniformly to all parties to the agreement, if such ap-  
21 plication is consistent with the terms of the agree-  
22 ment.

23 (4) DISCLOSURE OF COMMITMENTS.—Any  
24 agreement or other understanding with a foreign

1 government or governments (whether oral or in writ-  
2 ing) that—

3 (A) relates to a trade agreement with re-  
4 spect to which Congress enacts an imple-  
5 menting bill under trade authorities procedures;  
6 and

7 (B) is not disclosed to Congress before an  
8 implementing bill with respect to that agree-  
9 ment is introduced in either House of Congress,  
10 shall not be considered to be part of the agreement  
11 approved by Congress and shall have no force and  
12 effect under United States law or in any dispute set-  
13 tlement body.

14 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-  
15 DURES.—

16 (1) FOR LACK OF NOTICE OR CONSULTA-  
17 TIONS.—

18 (A) IN GENERAL.—The trade authorities  
19 procedures shall not apply to any implementing  
20 bill submitted with respect to a trade agreement  
21 or trade agreements entered into under section  
22 103(b) if during the 60-day period beginning on  
23 the date that one House of Congress agrees to  
24 a procedural disapproval resolution for lack of  
25 notice or consultations with respect to such

1 trade agreement or agreements, the other  
2 House separately agrees to a procedural dis-  
3 approval resolution with respect to such trade  
4 agreement or agreements.

5 (B) PROCEDURAL DISAPPROVAL RESOLU-  
6 TION.—(i) For purposes of this paragraph, the  
7 term “procedural disapproval resolution” means  
8 a resolution of either House of Congress, the  
9 sole matter after the resolving clause of which  
10 is as follows: “That the President has failed or  
11 refused to notify or consult in accordance with  
12 the Bipartisan Congressional Trade Priorities  
13 and Accountability Act of 2015 on negotiations  
14 with respect to \_\_\_\_\_ and, there-  
15 fore, the trade authorities procedures under  
16 that Act shall not apply to any implementing  
17 bill submitted with respect to such trade agree-  
18 ment or agreements.”, with the blank space  
19 being filled with a description of the trade  
20 agreement or agreements with respect to which  
21 the President is considered to have failed or re-  
22 fused to notify or consult.

23 (ii) For purposes of clause (i) and para-  
24 graphs (3)(C) and (4)(C), the President has  
25 “failed or refused to notify or consult in accord-

1           ance with the Bipartisan Congressional Trade  
2           Priorities and Accountability Act of 2015” on  
3           negotiations with respect to a trade agreement  
4           or trade agreements if—

5                   (I) the President has failed or refused  
6                   to consult (as the case may be) in accord-  
7                   ance with sections 104 and 105 and this  
8                   section with respect to the negotiations,  
9                   agreement, or agreements;

10                   (II) guidelines under section 104 have  
11                   not been developed or met with respect to  
12                   the negotiations, agreement, or agree-  
13                   ments;

14                   (III) the President has not met with  
15                   the House Advisory Group on Negotiations  
16                   or the Senate Advisory Group on Negotia-  
17                   tions pursuant to a request made under  
18                   section 104(c)(4) with respect to the nego-  
19                   tiations, agreement, or agreements; or

20                   (IV) the agreement or agreements fail  
21                   to make progress in achieving the pur-  
22                   poses, policies, priorities, and objectives of  
23                   this title.

24                   (2) PROCEDURES FOR CONSIDERING RESOLU-  
25                   TIONS.—(A) Procedural disapproval resolutions—

1 (i) in the House of Representatives—

2 (I) may be introduced by any Member  
3 of the House;

4 (II) shall be referred to the Com-  
5 mittee on Ways and Means and, in addi-  
6 tion, to the Committee on Rules; and

7 (III) may not be amended by either  
8 Committee; and

9 (ii) in the Senate—

10 (I) may be introduced by any Member  
11 of the Senate;

12 (II) shall be referred to the Com-  
13 mittee on Finance; and

14 (III) may not be amended.

15 (B) The provisions of subsections (d) and (e) of  
16 section 152 of the Trade Act of 1974 (19 U.S.C.  
17 2192) (relating to the floor consideration of certain  
18 resolutions in the House and Senate) apply to a pro-  
19 cedural disapproval resolution introduced with re-  
20 spect to a trade agreement if no other procedural  
21 disapproval resolution with respect to that trade  
22 agreement has previously been reported in that  
23 House of Congress by the Committee on Ways and  
24 Means or the Committee on Finance, as the case  
25 may be, and if no resolution described in clause (ii)

1 of section 105(b)(3)(B) with respect to that trade  
2 agreement has been reported in that House of Con-  
3 gress by the Committee on Ways and Means or the  
4 Committee on Finance, as the case may be, pursu-  
5 ant to the procedures set forth in clauses (iii)  
6 through (vii) of such section.

7 (C) It is not in order for the House of Rep-  
8 resentatives to consider any procedural disapproval  
9 resolution not reported by the Committee on Ways  
10 and Means and, in addition, by the Committee on  
11 Rules.

12 (D) It is not in order for the Senate to consider  
13 any procedural disapproval resolution not reported  
14 by the Committee on Finance.

15 (3) CONSIDERATION IN SENATE OF CONSULTA-  
16 TION AND COMPLIANCE RESOLUTION TO REMOVE  
17 TRADE AUTHORITIES PROCEDURES.—

18 (A) REPORTING OF RESOLUTION.—If,  
19 when the Committee on Finance of the Senate  
20 meets on whether to report an implementing  
21 bill with respect to a trade agreement or agree-  
22 ments entered into under section 103(b), the  
23 committee fails to favorably report the bill, the  
24 committee shall report a resolution described in  
25 subparagraph (C).

1           (B) APPLICABILITY OF TRADE AUTHORI-  
2           TIES PROCEDURES.—The trade authorities pro-  
3           cedures shall not apply in the Senate to any im-  
4           plementing bill submitted with respect to a  
5           trade agreement or agreements described in  
6           subparagraph (A) if the Committee on Finance  
7           reports a resolution described in subparagraph  
8           (C) and such resolution is agreed to by the Sen-  
9           ate.

10           (C) RESOLUTION DESCRIBED.—A resolu-  
11           tion described in this subparagraph is a resolu-  
12           tion of the Senate originating from the Com-  
13           mittee on Finance the sole matter after the re-  
14           solving clause of which is as follows: “That the  
15           President has failed or refused to notify or con-  
16           sult in accordance with the Bipartisan Congres-  
17           sional Trade Priorities and Accountability Act  
18           of 2015 on negotiations with respect to  
19           \_\_\_\_\_ and, therefore, the trade authori-  
20           ties procedures under that Act shall not apply  
21           in the Senate to any implementing bill sub-  
22           mitted with respect to such trade agreement or  
23           agreements.”, with the blank space being filled  
24           with a description of the trade agreement or  
25           agreements described in subparagraph (A).



1 (D) PROCEDURES.—If the Senate does not  
2 agree to a motion to invoke cloture on the mo-  
3 tion to proceed to a resolution described in sub-  
4 paragraph (C), the resolution shall be com-  
5 mitted to the Committee on Finance.

6 (4) CONSIDERATION IN THE HOUSE OF REP-  
7 RESENTATIVES OF A CONSULTATION AND COMPLI-  
8 ANCE RESOLUTION.—

9 (A) QUALIFICATIONS FOR REPORTING RES-  
10 OLUTION.—If—

11 (i) the Committee on Ways and  
12 Means of the House of Representatives re-  
13 ports an implementing bill with respect to  
14 a trade agreement or agreements entered  
15 into under section 103(b) with other than  
16 a favorable recommendation; and

17 (ii) a Member of the House of Rep-  
18 resentatives has introduced a consultation  
19 and compliance resolution on the legislative  
20 day following the filing of a report to ac-  
21 company the implementing bill with other  
22 than a favorable recommendation,  
23 then the Committee on Ways and Means shall  
24 consider a consultation and compliance resolu-  
25 tion pursuant to subparagraph (B).

1 (B) COMMITTEE CONSIDERATION OF A  
2 QUALIFYING RESOLUTION.—(i) Not later than  
3 the fourth legislative day after the date of intro-  
4 duction of the resolution, the Committee on  
5 Ways and Means shall meet to consider a reso-  
6 lution meeting the qualifications set forth in  
7 subparagraph (A).

8 (ii) After consideration of one such resolu-  
9 tion by the Committee on Ways and Means,  
10 this subparagraph shall not apply to any other  
11 such resolution.

12 (iii) If the Committee on Ways and Means  
13 has not reported the resolution by the sixth leg-  
14 islative day after the date of its introduction,  
15 that committee shall be discharged from further  
16 consideration of the resolution.

17 (C) CONSULTATION AND COMPLIANCE RES-  
18 OLUTION DESCRIBED.—A consultation and  
19 compliance resolution—

20 (i) is a resolution of the House of  
21 Representatives, the sole matter after the  
22 resolving clause of which is as follows:  
23 “That the President has failed or refused  
24 to notify or consult in accordance with the  
25 Bipartisan Congressional Trade Priorities

1           and Accountability Act of 2015 on negotia-  
2           tions with respect to \_\_\_\_\_ and,  
3           therefore, the trade authorities procedures  
4           under that Act shall not apply in the  
5           House of Representatives to any imple-  
6           menting bill submitted with respect to such  
7           trade agreement or agreements.”, with the  
8           blank space being filled with a description  
9           of the trade agreement or agreements de-  
10          scribed in subparagraph (A); and

11                       (ii) shall be referred to the Committee  
12                       on Ways and Means.

13                       (D) APPLICABILITY OF TRADE AUTHORI-  
14                       TIES PROCEDURES.—The trade authorities pro-  
15                       cedures shall not apply in the House of Rep-  
16                       resentatives to any implementing bill submitted  
17                       with respect to a trade agreement or agree-  
18                       ments which are the object of a consultation  
19                       and compliance resolution if such resolution is  
20                       adopted by the House.

21                       (5) FOR FAILURE TO MEET OTHER REQUIRE-  
22                       MENTS.—Not later than December 15, 2015, the  
23                       Secretary of Commerce, in consultation with the  
24                       Secretary of State, the Secretary of the Treasury,  
25                       the Attorney General, and the United States Trade

1 Representative, shall transmit to Congress a report  
2 setting forth the strategy of the executive branch to  
3 address concerns of Congress regarding whether dis-  
4 pute settlement panels and the Appellate Body of  
5 the World Trade Organization have added to obliga-  
6 tions, or diminished rights, of the United States, as  
7 described in section 102(b)(15)(C). Trade authori-  
8 ties procedures shall not apply to any implementing  
9 bill with respect to an agreement negotiated under  
10 the auspices of the World Trade Organization unless  
11 the Secretary of Commerce has issued such report  
12 by the deadline specified in this paragraph.

13 (6) LIMITATIONS ON PROCEDURES WITH RE-  
14 SPECT TO AGREEMENTS WITH COUNTRIES NOT IN  
15 COMPLIANCE WITH TRAFFICKING VICTIMS PROTEC-  
16 TION ACT OF 2000.—

17 (A) IN GENERAL.—The trade authorities  
18 procedures shall not apply to any implementing  
19 bill submitted with respect to a trade agreement  
20 or trade agreements entered into under section  
21 103(b) with a country to which the minimum  
22 standards for the elimination of trafficking are  
23 applicable and the government of which does  
24 not fully comply with such standards and is not  
25 making significant efforts to bring the country

1           into compliance (commonly referred to as a  
2           “tier 3” country), as determined in the most re-  
3           cent annual report on trafficking in persons  
4           submitted under section 110(b)(1) of the Traf-  
5           ficking Victims Protection Act of 2000 (22  
6           U.S.C. 7107(b)(1)).

7                   (B) MINIMUM STANDARDS FOR THE ELIMI-  
8           NATION OF TRAFFICKING DEFINED.—In this  
9           paragraph, the term “minimum standards for  
10          the elimination of trafficking” means the stand-  
11          ards set forth in section 108 of the Trafficking  
12          Victims Protection Act of 2000 (22 U.S.C.  
13          7106).

14          (c) RULES OF HOUSE OF REPRESENTATIVES AND  
15          SENATE.—Subsection (b) of this section, section 103(c),  
16          and section 105(b)(3) are enacted by Congress—

17                 (1) as an exercise of the rulemaking power of  
18          the House of Representatives and the Senate, re-  
19          spectively, and as such are deemed a part of the  
20          rules of each House, respectively, and such proce-  
21          dures supersede other rules only to the extent that  
22          they are inconsistent with such other rules; and

23                 (2) with the full recognition of the constitu-  
24          tional right of either House to change the rules (so  
25          far as relating to the procedures of that House) at

1 any time, in the same manner, and to the same ex-  
2 tent as any other rule of that House.

3 **SEC. 107. TREATMENT OF CERTAIN TRADE AGREEMENTS**  
4 **FOR WHICH NEGOTIATIONS HAVE ALREADY**  
5 **BEGUN.**

6 (a) CERTAIN AGREEMENTS.—Notwithstanding the  
7 prenegotiation notification and consultation requirement  
8 described in section 105(a), if an agreement to which sec-  
9 tion 103(b) applies—

10 (1) is entered into under the auspices of the  
11 World Trade Organization,

12 (2) is entered into with the Trans-Pacific Part-  
13 nership countries with respect to which notifications  
14 have been made in a manner consistent with section  
15 105(a)(1)(A) as of the date of the enactment of this  
16 Act,

17 (3) is entered into with the European Union,

18 (4) is an agreement with respect to inter-  
19 national trade in services entered into with WTO  
20 members with respect to which a notification has  
21 been made in a manner consistent with section  
22 105(a)(1)(A) as of the date of the enactment of this  
23 Act, or

24 (5) is an agreement with respect to environ-  
25 mental goods entered into with WTO members with

1       respect to which a notification has been made in a  
2       manner consistent with section 105(a)(1)(A) as of  
3       the date of the enactment of this Act,  
4       and results from negotiations that were commenced before  
5       the date of the enactment of this Act, subsection (b) shall  
6       apply.

7       (b) TREATMENT OF AGREEMENTS.—In the case of  
8       any agreement to which subsection (a) applies, the appli-  
9       cability of the trade authorities procedures to imple-  
10      menting bills shall be determined without regard to the  
11      requirements of section 105(a) (relating only to notice  
12      prior to initiating negotiations), and any resolution under  
13      paragraph (1)(B), (3)(C), or (4)(C) of section 106(b) shall  
14      not be in order on the basis of a failure or refusal to com-  
15      ply with the provisions of section 105(a), if (and only if)  
16      the President, as soon as feasible after the date of the  
17      enactment of this Act—

18           (1) notifies Congress of the negotiations de-  
19           scribed in subsection (a), the specific United States  
20           objectives in the negotiations, and whether the Presi-  
21           dent is seeking a new agreement or changes to an  
22           existing agreement; and

23           (2) before and after submission of the notice,  
24           consults regarding the negotiations with the commit-  
25           tees referred to in section 105(a)(1)(B) and the

1 House and Senate Advisory Groups on Negotiations  
2 convened under section 104(c).

3 **SEC. 108. SOVEREIGNTY.**

4 (a) UNITED STATES LAW TO PREVAIL IN EVENT OF  
5 CONFLICT.—No provision of any trade agreement entered  
6 into under section 103(b), nor the application of any such  
7 provision to any person or circumstance, that is incon-  
8 sistent with any law of the United States, any State of  
9 the United States, or any locality of the United States  
10 shall have effect.

11 (b) AMENDMENTS OR MODIFICATIONS OF UNITED  
12 STATES LAW.—No provision of any trade agreement en-  
13 tered into under section 103(b) shall prevent the United  
14 States, any State of the United States, or any locality of  
15 the United States from amending or modifying any law  
16 of the United States, that State, or that locality (as the  
17 case may be).

18 (c) DISPUTE SETTLEMENT REPORTS.—Reports, in-  
19 cluding findings and recommendations, issued by dispute  
20 settlement panels convened pursuant to any trade agree-  
21 ment entered into under section 103(b) shall have no bind-  
22 ing effect on the law of the United States, the Government  
23 of the United States, or the law or government of any  
24 State or locality of the United States.



1 **SEC. 109. INTERESTS OF SMALL BUSINESSES.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-  
3 gress that—

4 (1) the United States Trade Representative  
5 should facilitate participation by small businesses in  
6 the trade negotiation process; and

7 (2) the functions of the Office of the United  
8 States Trade Representative relating to small busi-  
9 nesses should continue to be reflected in the title of  
10 the Assistant United States Trade Representative  
11 assigned the responsibility for small businesses.

12 (b) CONSIDERATION OF SMALL BUSINESS INTER-  
13 ESTS.—The Assistant United States Trade Representative  
14 for Small Business, Market Access, and Industrial Com-  
15 petitiveness shall be responsible for ensuring that the in-  
16 terests of small businesses are considered in all trade ne-  
17 gotiations in accordance with the objective described in  
18 section 102(a)(8).

19 **SEC. 110. CONFORMING AMENDMENTS; APPLICATION OF**  
20 **CERTAIN PROVISIONS.**

21 (a) CONFORMING AMENDMENTS.—

22 (1) ADVICE FROM UNITED STATES INTER-  
23 NATIONAL TRADE COMMISSION.—Section 131 of the  
24 Trade Act of 1974 (19 U.S.C. 2151) is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (1), by striking “sec-  
2 tion 2103(a) or (b) of the Bipartisan  
3 Trade Promotion Authority Act of 2002”  
4 and inserting “subsection (a) or (b) of sec-  
5 tion 103 of the Bipartisan Congressional  
6 Trade Priorities and Accountability Act of  
7 2015”; and

8 (ii) in paragraph (2), by striking “sec-  
9 tion 2103(b) of the Bipartisan Trade Pro-  
10 motion Authority Act of 2002” and insert-  
11 ing “section 103(b) of the Bipartisan Con-  
12 gressional Trade Priorities and Account-  
13 ability Act of 2015”;

14 (B) in subsection (b), by striking “section  
15 2103(a)(3)(A) of the Bipartisan Trade Pro-  
16 motion Authority Act of 2002” and inserting  
17 “section 103(a)(4)(A) of the Bipartisan Con-  
18 gressional Trade Priorities and Accountability  
19 Act of 2015”; and

20 (C) in subsection (c), by striking “section  
21 2103 of the Bipartisan Trade Promotion Au-  
22 thority Act of 2002” and inserting “section  
23 103(a) of the Bipartisan Congressional Trade  
24 Priorities and Accountability Act of 2015”.

1           (2) HEARINGS.—Section 132 of the Trade Act  
2 of 1974 (19 U.S.C. 2152) is amended by striking  
3 “section 2103 of the Bipartisan Trade Promotion  
4 Authority Act of 2002” and inserting “section 103  
5 of the Bipartisan Congressional Trade Priorities and  
6 Accountability Act of 2015”.

7           (3) PUBLIC HEARINGS.—Section 133(a) of the  
8 Trade Act of 1974 (19 U.S.C. 2153(a)) is amended  
9 by striking “section 2103 of the Bipartisan Trade  
10 Promotion Authority Act of 2002” and inserting  
11 “section 103 of the Bipartisan Congressional Trade  
12 Priorities and Accountability Act of 2015”.

13           (4) PREREQUISITES FOR OFFERS.—Section 134  
14 of the Trade Act of 1974 (19 U.S.C. 2154) is  
15 amended by striking “section 2103 of the Bipartisan  
16 Trade Promotion Authority Act of 2002” each place  
17 it appears and inserting “section 103 of the Bipar-  
18 tisan Congressional Trade Priorities and Account-  
19 ability Act of 2015”.

20           (5) INFORMATION AND ADVICE FROM PRIVATE  
21 AND PUBLIC SECTORS.—Section 135 of the Trade  
22 Act of 1974 (19 U.S.C. 2155) is amended—

23           (A) in subsection (a)(1)(A), by striking  
24 “section 2103 of the Bipartisan Trade Pro-  
25 motion Authority Act of 2002” and inserting

1 “section 103 of the Bipartisan Congressional  
2 Trade Priorities and Accountability Act of  
3 2015”; and

4 (B) in subsection (e)—

5 (i) in paragraph (1)—

6 (I) by striking “section 2103 of  
7 the Bipartisan Trade Promotion Au-  
8 thority Act of 2002” each place it ap-  
9 pears and inserting “section 103 of  
10 the Bipartisan Congressional Trade  
11 Priorities and Accountability Act of  
12 2015”; and

13 (II) by striking “not later than  
14 the date on which the President noti-  
15 fies the Congress under section  
16 2105(a)(1)(A) of the Bipartisan  
17 Trade Promotion Authority Act of  
18 2002” and inserting “not later than  
19 the date that is 30 days after the date  
20 on which the President notifies Con-  
21 gress under section 106(a)(1)(A) of  
22 the Bipartisan Congressional Trade  
23 Priorities and Accountability Act of  
24 2015”; and

1 (ii) in paragraph (2), by striking “sec-  
2 tion 2102 of the Bipartisan Trade Pro-  
3 motion Authority Act of 2002” and insert-  
4 ing “section 102 of the Bipartisan Con-  
5 gressional Trade Priorities and Account-  
6 ability Act of 2015”.

7 (6) PROCEDURES RELATING TO IMPLEMENTING  
8 BILLS.—Section 151 of the Trade Act of 1974 (19  
9 U.S.C. 2191) is amended—

10 (A) in subsection (b)(1), in the matter pre-  
11 ceding subparagraph (A), by striking “section  
12 2105(a)(1) of the Bipartisan Trade Promotion  
13 Authority Act of 2002” and inserting “section  
14 106(a)(1) of the Bipartisan Congressional  
15 Trade Priorities and Accountability Act of  
16 2015”; and

17 (B) in subsection (c)(1), by striking “sec-  
18 tion 2105(a)(1) of the Bipartisan Trade Pro-  
19 motion Authority Act of 2002” and inserting  
20 “section 106(a)(1) of the Bipartisan Congres-  
21 sional Trade Priorities and Accountability Act  
22 of 2015”.

23 (7) TRANSMISSION OF AGREEMENTS TO CON-  
24 GRESS.—Section 162(a) of the Trade Act of 1974  
25 (19 U.S.C. 2212(a)) is amended by striking “section

1 2103 of the Bipartisan Trade Promotion Authority  
2 Act of 2002” and inserting “section 103 of the Bi-  
3 partisan Congressional Trade Priorities and Ac-  
4 countability Act of 2015”.

5 (b) APPLICATION OF CERTAIN PROVISIONS.—For  
6 purposes of applying sections 125, 126, and 127 of the  
7 Trade Act of 1974 (19 U.S.C. 2135, 2136, and 2137)—

8 (1) any trade agreement entered into under sec-  
9 tion 103 shall be treated as an agreement entered  
10 into under section 101 or 102 of the Trade Act of  
11 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

12 (2) any proclamation or Executive order issued  
13 pursuant to a trade agreement entered into under  
14 section 103 shall be treated as a proclamation or  
15 Executive order issued pursuant to a trade agree-  
16 ment entered into under section 102 of the Trade  
17 Act of 1974 (19 U.S.C. 2112).

18 **SEC. 111. DEFINITIONS.**

19 In this title:

20 (1) AGREEMENT ON AGRICULTURE.—The term  
21 “Agreement on Agriculture” means the agreement  
22 referred to in section 101(d)(2) of the Uruguay  
23 Round Agreements Act (19 U.S.C. 3511(d)(2)).

24 (2) AGREEMENT ON SAFEGUARDS.—The term  
25 “Agreement on Safeguards” means the agreement

1 referred to in section 101(d)(13) of the Uruguay  
2 Round Agreements Act (19 U.S.C. 3511(d)(13)).

3 (3) AGREEMENT ON SUBSIDIES AND COUNTER-  
4 VAILING MEASURES.—The term “Agreement on Sub-  
5 sidies and Countervailing Measures” means the  
6 agreement referred to in section 101(d)(12) of the  
7 Uruguay Round Agreements Act (19 U.S.C.  
8 3511(d)(12)).

9 (4) ANTIDUMPING AGREEMENT.—The term  
10 “Antidumping Agreement” means the Agreement on  
11 Implementation of Article VI of the General Agree-  
12 ment on Tariffs and Trade 1994 referred to in sec-  
13 tion 101(d)(7) of the Uruguay Round Agreements  
14 Act (19 U.S.C. 3511(d)(7)).

15 (5) APPELLATE BODY.—The term “Appellate  
16 Body” means the Appellate Body established under  
17 Article 17.1 of the Dispute Settlement Under-  
18 standing.

19 (6) COMMON MULTILATERAL ENVIRONMENTAL  
20 AGREEMENT.—

21 (A) IN GENERAL.—The term “common  
22 multilateral environmental agreement” means  
23 any agreement specified in subparagraph (B) or  
24 included under subparagraph (C) to which both  
25 the United States and one or more other par-

1           ties to the negotiations are full parties, includ-  
2           ing any current or future mutually agreed upon  
3           protocols, amendments, annexes, or adjust-  
4           ments to such an agreement.

5                   (B) AGREEMENTS SPECIFIED.—The agree-  
6           ments specified in this subparagraph are the  
7           following:

8                   (i) The Convention on International  
9           Trade in Endangered Species of Wild  
10          Fauna and Flora, done at Washington  
11          March 3, 1973 (27 UST 1087; TIAS  
12          8249).

13                   (ii) The Montreal Protocol on Sub-  
14          stances that Deplete the Ozone Layer,  
15          done at Montreal September 16, 1987.

16                   (iii) The Protocol of 1978 Relating to  
17          the International Convention for the Pre-  
18          vention of Pollution from Ships, 1973,  
19          done at London February 17, 1978.

20                   (iv) The Convention on Wetlands of  
21          International Importance Especially as  
22          Waterfowl Habitat, done at Ramsar Feb-  
23          ruary 2, 1971 (TIAS 11084).

24                   (v) The Convention on the Conserva-  
25          tion of Antarctic Marine Living Resources,



1 done at Canberra May 20, 1980 (33 UST  
2 3476).

3 (vi) The International Convention for  
4 the Regulation of Whaling, done at Wash-  
5 ington December 2, 1946 (62 Stat. 1716).

6 (vii) The Convention for the Estab-  
7 lishment of an Inter-American Tropical  
8 Tuna Commission, done at Washington  
9 May 31, 1949 (1 UST 230).

10 (C) ADDITIONAL AGREEMENTS.—Both the  
11 United States and one or more other parties to  
12 the negotiations may agree to include any other  
13 multilateral environmental or conservation  
14 agreement to which they are full parties as a  
15 common multilateral environmental agreement  
16 under this paragraph.

17 (7) CORE LABOR STANDARDS.—The term “core  
18 labor standards” means—

19 (A) freedom of association;

20 (B) the effective recognition of the right to  
21 collective bargaining;

22 (C) the elimination of all forms of forced  
23 or compulsory labor;

1 (D) the effective abolition of child labor  
2 and a prohibition on the worst forms of child  
3 labor; and

4 (E) the elimination of discrimination in re-  
5 spect of employment and occupation.

6 (8) DISPUTE SETTLEMENT UNDERSTANDING.—  
7 The term “Dispute Settlement Understanding”  
8 means the Understanding on Rules and Procedures  
9 Governing the Settlement of Disputes referred to in  
10 section 101(d)(16) of the Uruguay Round Agree-  
11 ments Act (19 U.S.C. 3511(d)(16)).

12 (9) ENABLING CLAUSE.—The term “Enabling  
13 Clause” means the Decision on Differential and  
14 More Favourable Treatment, Reciprocity and Fuller  
15 Participation of Developing Countries (L/4903),  
16 adopted November 28, 1979, under GATT 1947 (as  
17 defined in section 2 of the Uruguay Round Agree-  
18 ments Act (19 U.S.C. 3501)).

19 (10) ENVIRONMENTAL LAWS.—The term “envi-  
20 ronmental laws”, with respect to the laws of the  
21 United States, means environmental statutes and  
22 regulations enforceable by action of the Federal Gov-  
23 ernment.

1           (11) GATT 1994.—The term “GATT 1994”  
2           has the meaning given that term in section 2 of the  
3           Uruguay Round Agreements Act (19 U.S.C. 3501).

4           (12) GENERAL AGREEMENT ON TRADE IN  
5           SERVICES.—The term “General Agreement on Trade  
6           in Services” means the General Agreement on Trade  
7           in Services (referred to in section 101(d)(14) of the  
8           Uruguay Round Agreements Act (19 U.S.C.  
9           3511(d)(14))).

10          (13) GOVERNMENT PROCUREMENT AGREE-  
11          MENT.—The term “Government Procurement Agree-  
12          ment” means the Agreement on Government Pro-  
13          curement referred to in section 101(d)(17) of the  
14          Uruguay Round Agreements Act (19 U.S.C.  
15          3511(d)(17)).

16          (14) ILO.—The term “ILO” means the Inter-  
17          national Labor Organization.

18          (15) IMPORT SENSITIVE AGRICULTURAL PROD-  
19          UCT.—The term “import sensitive agricultural prod-  
20          uct” means an agricultural product—

21                (A) with respect to which, as a result of  
22                the Uruguay Round Agreements, the rate of  
23                duty was the subject of tariff reductions by the  
24                United States and, pursuant to such Agree-  
25                ments, was reduced on January 1, 1995, to a

1 rate that was not less than 97.5 percent of the  
2 rate of duty that applied to such article on De-  
3 cember 31, 1994; or

4 (B) which was subject to a tariff rate  
5 quota on the date of the enactment of this Act.

6 (16) INFORMATION TECHNOLOGY AGREE-  
7 MENT.—The term “Information Technology Agree-  
8 ment” means the Ministerial Declaration on Trade  
9 in Information Technology Products of the World  
10 Trade Organization, agreed to at Singapore Decem-  
11 ber 13, 1996.

12 (17) INTERNATIONALLY RECOGNIZED CORE  
13 LABOR STANDARDS.—The term “internationally rec-  
14 ognized core labor standards” means the core labor  
15 standards only as stated in the ILO Declaration on  
16 Fundamental Principles and Rights at Work and its  
17 Follow-Up (1998).

18 (18) LABOR LAWS.—The term “labor laws”  
19 means the statutes and regulations, or provisions  
20 thereof, of a party to the negotiations that are di-  
21 rectly related to core labor standards as well as  
22 other labor protections for children and minors and  
23 acceptable conditions of work with respect to min-  
24 imum wages, hours of work, and occupational safety  
25 and health, and for the United States, includes Fed-

1       eral statutes and regulations addressing those stand-  
2       ards, protections, or conditions, but does not include  
3       State or local labor laws.

4           (19) UNITED STATES PERSON.—The term  
5       “United States person” means—

6           (A) a United States citizen;

7           (B) a partnership, corporation, or other  
8       legal entity that is organized under the laws of  
9       the United States; and

10          (C) a partnership, corporation, or other  
11       legal entity that is organized under the laws of  
12       a foreign country and is controlled by entities  
13       described in subparagraph (B) or United States  
14       citizens, or both.

15          (20) URUGUAY ROUND AGREEMENTS.—The  
16       term “Uruguay Round Agreements” has the mean-  
17       ing given that term in section 2(7) of the Uruguay  
18       Round Agreements Act (19 U.S.C. 3501(7)).

19          (21) WORLD TRADE ORGANIZATION; WTO.—The  
20       terms “World Trade Organization” and “WTO”  
21       mean the organization established pursuant to the  
22       WTO Agreement.

23          (22) WTO AGREEMENT.—The term “WTO  
24       Agreement” means the Agreement Establishing the

1 World Trade Organization entered into on April 15,  
2 1994.

3 (23) WTO MEMBER.—The term “WTO mem-  
4 ber” has the meaning given that term in section  
5 2(10) of the Uruguay Round Agreements Act (19  
6 U.S.C. 3501(10)).

