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[Report No. 114-_____]]

To establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2015

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

_____ (legislative day, _____), _____

Reported by Mr. HATCH, with amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To establish congressional trade negotiating objectives and enhanced consultation requirements for trade negotiations, to provide for consideration of trade agreements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bipartisan Congres-
3 sional Trade Priorities and Accountability Act of 2015”.

4 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

5 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

6 The overall trade negotiating objectives of the United
7 States for agreements subject to the provisions of section
8 3 are—

9 (1) to obtain more open, equitable, and recip-
10 rocal market access;

11 (2) to obtain the reduction or elimination of
12 barriers and distortions that are directly related to
13 trade and investment and that decrease market op-
14 portunities for United States exports or otherwise
15 distort United States trade;

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

19 (4) to foster economic growth, raise living
20 standards, enhance the competitiveness of the
21 United States, promote full employment in the
22 United States, and enhance the global economy;

23 (5) to ensure that trade and environmental poli-
24 cies are mutually supportive and to seek to protect
25 and preserve the environment and enhance the inter-

1 national means of doing so, while optimizing the use
2 of the world's resources;

3 (6) to promote respect for worker rights and
4 the rights of children consistent with core labor
5 standards of the ILO (as set out in section 11(7))
6 and an understanding of the relationship between
7 trade and worker rights;

8 (7) to seek provisions in trade agreements
9 under which parties to those agreements ensure that
10 they do not weaken or reduce the protections af-
11 farded in domestic environmental and labor laws as
12 an encouragement for trade;

13 (8) to ensure that trade agreements afford
14 small businesses equal access to international mar-
15 kets, equitable trade benefits, and expanded export
16 market opportunities, and provide for the reduction
17 or elimination of trade and investment barriers that
18 disproportionately impact small businesses;

19 (9) to promote universal ratification and full
20 compliance with ILO Convention No. 182 Con-
21 cerning the Prohibition and Immediate Action for
22 the Elimination of the Worst Forms of Child Labor;

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

1 ~~(11)~~ to ensure implementation of trade commit-
2 ments and obligations by strengthening good govern-
3 ance, transparency, the effective operation of legal
4 regimes and the rule of law of trading partners of
5 the United States through capacity building and
6 other appropriate means, which are important parts
7 of the broader effort to create more open democratic
8 societies and to promote respect for internationally
9 recognized human rights;

10 ~~(1211)~~ to recognize the growing significance of
11 the Internet as a trading platform in international
12 commerce; and

13 ~~(1312)~~ to take into account other legitimate
14 United States domestic objectives, including, but not
15 limited to, the protection of legitimate health or
16 safety, essential security, and consumer interests
17 and the law and regulations related thereto.

18 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

19 (1) TRADE IN GOODS.—The principal negoti-
20 ating objectives of the United States regarding trade
21 in goods are—

22 (A) to expand competitive market opportu-
23 nities for exports of goods from the United
24 States and to obtain fairer and more open con-
25 ditions of trade, including through the utiliza-

1 tion of global value chains, by reducing or elimi-
2 nating tariff and nontariff barriers and policies
3 and practices of foreign governments directly
4 related to trade that decrease market opportu-
5 nities for United States exports or otherwise
6 distort United States trade; and

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

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

23 (B) Recognizing that expansion of trade in
24 services generates benefits for all sectors of the
25 economy and facilitates trade, the objective described

1 in subparagraph (A) should be pursued through all
2 means, including through a plurilateral agreement
3 with those countries willing and able to undertake
4 high standard services commitments for both exist-
5 ing and new services.

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

15 (A) securing more open and equitable mar-
16 ket access through robust rules on sanitary and
17 phytosanitary measures that—

18 (i) encourage the adoption of inter-
19 national standards and require a science-
20 based justification be provided for a sani-
21 tary or phytosanitary measure if the meas-
22 ure is more restrictive than the applicable
23 international standard;

24 (ii) improve regulatory coherence, pro-
25 mote the use of systems-based approaches,

1 and appropriately recognize the equivalence
2 of health and safety protection systems of
3 exporting countries;

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

11 (iv) improve import check processes,
12 including testing methodologies and proce-
13 dures, and certification requirements,

14 while recognizing that countries may put in
15 place measures to protect human, animal, or
16 plant life or health in a manner consistent with
17 their international obligations, including the
18 WTO Agreement on the Application of Sanitary
19 and Phytosanitary Measures (referred to in sec-
20 tion 101(d)(3) of the Uruguay Round Agree-
21 ments Act (19 U.S.C. 3511(d)(3)));

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

1 (i) giving priority to those products
2 that are subject to significantly higher tar-
3 iffs or subsidy regimes of major producing
4 countries; and

5 (ii) providing reasonable adjustment
6 periods for United States import sensitive
7 products, in close consultation with Con-
8 gress on such products before initiating
9 tariff reduction negotiations;

10 (C) reducing tariffs to levels that are the
11 same as or lower than those in the United
12 States;

13 (D) reducing or eliminating subsidies that
14 decrease market opportunities for United States
15 exports or unfairly distort agriculture markets
16 to the detriment of the United States;

17 (E) allowing the preservation of programs
18 that support family farms and rural commu-
19 nities but do not distort trade;

20 (F) developing disciplines for domestic sup-
21 port programs, so that production that is in ex-
22 cess of domestic food security needs is sold at
23 world prices;

24 (G) eliminating government policies that
25 create price depressing surpluses;

1 (H) eliminating state trading enterprises
2 whenever possible;

3 (I) developing, strengthening, and clari-
4 fying rules to eliminate practices that unfairly
5 decrease United States market access opportu-
6 nities or distort agricultural markets to the det-
7 riment of the United States, and ensuring that
8 such rules are subject to efficient, timely, and
9 effective dispute settlement, including—

10 (i) unfair or trade distorting activities
11 of state trading enterprises and other ad-
12 ministrative mechanisms, with emphasis on
13 requiring price transparency in the oper-
14 ation of state trading enterprises and such
15 other mechanisms in order to end cross
16 subsidization, price discrimination, and
17 price undercutting;

18 (ii) unjustified trade restrictions or
19 commercial requirements, such as labeling,
20 that affect new technologies, including bio-
21 technology;

22 (iii) unjustified sanitary or
23 phytosanitary restrictions, including re-
24 strictions not based on scientific principles
25 in contravention of obligations in the Uru-

1 guay Round Agreements or bilateral or re-
2 gional trade agreements;

3 (iv) other unjustified technical bar-
4 riers to trade; and

5 (v) restrictive rules in the administra-
6 tion of tariff rate quotas;

7 (J) eliminating practices that adversely af-
8 fect trade in perishable or cyclical products,
9 while improving import relief mechanisms to
10 recognize the unique characteristics of perish-
11 able and cyclical agriculture;

12 (K) ensuring that import relief mecha-
13 nisms for perishable and cyclical agriculture are
14 as accessible and timely to growers in the
15 United States as those mechanisms that are
16 used by other countries;

17 (L) taking into account whether a party to
18 the negotiations has failed to adhere to the pro-
19 visions of already existing trade agreements
20 with the United States or has circumvented ob-
21 ligations under those agreements;

22 (M) taking into account whether a product
23 is subject to market distortions by reason of a
24 failure of a major producing country to adhere
25 to the provisions of already existing trade

1 agreements with the United States or by the
2 circumvention by that country of its obligations
3 under those agreements;

4 (N) otherwise ensuring that countries that
5 accede to the World Trade Organization have
6 made meaningful market liberalization commit-
7 ments in agriculture;

8 (O) taking into account the impact that
9 agreements covering agriculture to which the
10 United States is a party have on the United
11 States agricultural industry;

12 (P) maintaining bona fide food assistance
13 programs, market development programs, and
14 export credit programs;

15 (Q) seeking to secure the broadest market
16 access possible in multilateral, regional, and bi-
17 lateral negotiations, recognizing the effect that
18 simultaneous sets of negotiations may have on
19 United States import sensitive commodities (in-
20 cluding those subject to tariff rate quotas);

21 (R) seeking to develop an international
22 consensus on the treatment of seasonal or per-
23 ishable agricultural products in investigations
24 relating to dumping and safeguards and in any
25 other relevant area;

1 (S) seeking to establish the common base
2 year for calculating the Aggregated Measure-
3 ment of Support (as defined in the Agreement
4 on Agriculture) as the end of each country's
5 Uruguay Round implementation period, as re-
6 ported in each country's Uruguay Round mar-
7 ket access schedule;

8 (T) ensuring transparency in the adminis-
9 tration of tariff rate quotas through multilat-
10 eral, plurilateral, and bilateral negotiations; and

11 (U) eliminating and preventing the under-
12 mining of market access for United States
13 products through improper use of a country's
14 system for protecting or recognizing geo-
15 graphical indications, including failing to ensure
16 transparency and procedural fairness and pro-
17 tecting generic terms.

18 (4) FOREIGN INVESTMENT.—Recognizing that
19 United States law on the whole provides a high level
20 of protection for investment, consistent with or
21 greater than the level required by international law,
22 the principal negotiating objectives of the United
23 States regarding foreign investment are to reduce or
24 eliminate artificial or trade distorting barriers to for-
25 eign investment, while ensuring that foreign inves-

1 tors in the United States are not accorded greater
2 substantive rights with respect to investment protec-
3 tions than United States investors in the United
4 States, and to secure for investors important rights
5 comparable to those that would be available under
6 United States legal principles and practice, by—

7 (A) reducing or eliminating exceptions to
8 the principle of national treatment;

9 (B) freeing the transfer of funds relating
10 to investments;

11 (C) reducing or eliminating performance
12 requirements, forced technology transfers, and
13 other unreasonable barriers to the establish-
14 ment and operation of investments;

15 (D) seeking to establish standards for ex-
16 propriation and compensation for expropriation,
17 consistent with United States legal principles
18 and practice;

19 (E) seeking to establish standards for fair
20 and equitable treatment, consistent with United
21 States legal principles and practice, including
22 the principle of due process;

23 (F) providing meaningful procedures for
24 resolving investment disputes;

1 (G) seeking to improve mechanisms used
2 to resolve disputes between an investor and a
3 government through—

4 (i) mechanisms to eliminate frivolous
5 claims and to deter the filing of frivolous
6 claims;

7 (ii) procedures to ensure the efficient
8 selection of arbitrators and the expeditious
9 disposition of claims;

10 (iii) procedures to enhance opportuni-
11 ties for public input into the formulation of
12 government positions; and

13 (iv) providing for an appellate body or
14 similar mechanism to provide coherence to
15 the interpretations of investment provisions
16 in trade agreements; and

17 (H) ensuring the fullest measure of trans-
18 parency in the dispute settlement mechanism,
19 to the extent consistent with the need to protect
20 information that is classified or business con-
21 fidential, by—

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

24 (ii) ensuring that—

1 (I) all proceedings, submissions,
2 findings, and decisions are promptly
3 made public; and

4 (II) all hearings are open to the
5 public; and

6 (iii) establishing a mechanism for ac-
7 ceptance of amicus curiae submissions
8 from businesses, unions, and nongovern-
9 mental organizations.

10 (5) INTELLECTUAL PROPERTY.—The principal
11 negotiating objectives of the United States regarding
12 trade-related intellectual property are—

13 (A) to further promote adequate and effec-
14 tive protection of intellectual property rights,
15 including through—

16 (i)(I) ensuring accelerated and full
17 implementation of the Agreement on
18 Trade-Related Aspects of Intellectual
19 Property Rights referred to in section
20 101(d)(15) of the Uruguay Round Agree-
21 ments Act (19 U.S.C. 3511(d)(15)), par-
22 ticularly with respect to meeting enforce-
23 ment obligations under that agreement;
24 and

1 prevent the unauthorized use of their
2 works;

3 (v) providing strong enforcement of
4 intellectual property rights, including
5 through accessible, expeditious, and effec-
6 tive civil, administrative, and criminal en-
7 forcement mechanisms; and

8 (vi) preventing or eliminating govern-
9 ment involvement in the violation of intel-
10 lectual property rights, including cyber
11 theft and piracy;

12 (B) to secure fair, equitable, and non-
13 discriminatory market access opportunities for
14 United States persons that rely upon intellec-
15 tual property protection; and

16 (C) to respect the Declaration on the
17 TRIPS Agreement and Public Health, adopted
18 by the World Trade Organization at the Fourth
19 Ministerial Conference at Doha, Qatar on No-
20 vember 14, 2001, and to ensure that trade
21 agreements foster innovation and promote ac-
22 cess to medicines.

23 (6) DIGITAL TRADE IN GOODS AND SERVICES
24 AND CROSS-BORDER DATA FLOWS.—The principal
25 negotiating objectives of the United States with re-

1 spect to digital trade in goods and services, as well
2 as cross-border data flows, are—

3 (A) to ensure that current obligations,
4 rules, disciplines, and commitments under the
5 World Trade Organization and bilateral and re-
6 gional trade agreements apply to digital trade
7 in goods and services and to cross-border data
8 flows;

9 (B) to ensure that—

10 (i) electronically delivered goods and
11 services receive no less favorable treatment
12 under trade rules and commitments than
13 like products delivered in physical form;
14 and

15 (ii) the classification of such goods
16 and services ensures the most liberal trade
17 treatment possible, fully encompassing
18 both existing and new trade;

19 (C) to ensure that governments refrain
20 from implementing trade-related measures that
21 impede digital trade in goods and services, re-
22 strict cross-border data flows, or require local
23 storage or processing of data;

24 (D) with respect to subparagraphs (A)
25 through (C), where legitimate policy objectives

1 require domestic regulations that affect digital
2 trade in goods and services or cross-border data
3 flows, to obtain commitments that any such
4 regulations are the least restrictive on trade,
5 nondiscriminatory, and transparent, and pro-
6 mote an open market environment; and

7 (E) to extend the moratorium of the World
8 Trade Organization on duties on electronic
9 transmissions.

10 (7) REGULATORY PRACTICES.—The principal
11 negotiating objectives of the United States regarding
12 the use of government regulation or other practices
13 to reduce market access for United States goods,
14 services, and investments are—

15 (A) to achieve increased transparency and
16 opportunity for the participation of affected
17 parties in the development of regulations;

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

21 (C) to establish consultative mechanisms
22 and seek other commitments, as appropriate, to
23 improve regulatory practices and promote in-
24 creased regulatory coherence, including
25 through—

- 1 (i) transparency in developing guide-
2 lines, rules, regulations, and laws for gov-
3 ernment procurement and other regulatory
4 regimes;
- 5 (ii) the elimination of redundancies in
6 testing and certification;
- 7 (iii) early consultations on significant
8 regulations;
- 9 (iv) the use of impact assessments;
- 10 (v) the periodic review of existing reg-
11 ulatory measures; and
- 12 (vi) the application of good regulatory
13 practices;
- 14 (D) to seek greater openness, trans-
15 parency, and convergence of standards develop-
16 ment processes, and enhance cooperation on
17 standards issues globally;
- 18 (E) to promote regulatory compatibility
19 through harmonization, equivalence, or mutual
20 recognition of different regulations and stand-
21 ards and to encourage the use of international
22 and interoperable standards, as appropriate;
- 23 (F) to achieve the elimination of govern-
24 ment measures such as price controls and ref-

1 erence pricing which deny full market access for
2 United States products;

3 (G) to ensure that government regulatory
4 reimbursement regimes are transparent, provide
5 procedural fairness, are nondiscriminatory, and
6 provide full market access for United States
7 products; and

8 (H) to ensure that foreign governments—

9 (i) demonstrate that the collection of
10 undisclosed proprietary information is lim-
11 ited to that necessary to satisfy a legiti-
12 mate and justifiable regulatory interest;
13 and

14 (ii) protect such information against
15 disclosure, except in exceptional cir-
16 cumstances to protect the public, or where
17 such information is effectively protected
18 against unfair competition.

19 (8) STATE-OWNED AND STATE-CONTROLLED
20 ENTERPRISES.—The principal negotiating objective
21 of the United States regarding competition by state-
22 owned and state-controlled enterprises is to seek
23 commitments that—

24 (A) eliminate or prevent trade distortions
25 and unfair competition favoring state-owned

1 and state-controlled enterprises to the extent of
2 their engagement in commercial activity, and

3 (B) ensure that such engagement is based
4 solely on commercial considerations,
5 in particular through disciplines that eliminate or
6 prevent discrimination and market-distorting sub-
7 sidies and that promote transparency.

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

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

19 (A) to ensure that a party to a trade
20 agreement with the United States—

21 (i) adopts and maintains measures
22 implementing internationally recognized
23 core labor standards (as defined in section
24 11(17)) and its obligations under common

1 multilateral environmental agreements (as
2 defined in section 11(6)),

3 (ii) does not waive or otherwise deroga-
4 te from, or offer to waive or otherwise
5 derogate from—

6 (I) its statutes or regulations im-
7 plementing internationally recognized
8 core labor standards (as defined in
9 section 11(17)), in a manner affecting
10 trade or investment between the
11 United States and that party, where
12 the waiver or derogation would be in-
13 consistent with one or more such
14 standards, or

15 (II) its environmental laws in a
16 manner that weakens or reduces the
17 protections afforded in those laws and
18 in a manner affecting trade or invest-
19 ment between the United States and
20 that party, except as provided in its
21 law and provided not inconsistent with
22 its obligations under common multi-
23 lateral environmental agreements (as
24 defined in section 11(6)) or other pro-

1 visions of the trade agreement specifi-
2 cally agreed upon, and

3 (iii) does not fail to effectively enforce
4 its environmental or labor laws, through a
5 sustained or recurring course of action or
6 inaction,

7 in a manner affecting trade or investment be-
8 tween the United States and that party after
9 entry into force of a trade agreement between
10 those countries;

11 (B) to recognize that—

12 (i) with respect to environment, par-
13 ties to a trade agreement retain the right
14 to exercise prosecutorial discretion and to
15 make decisions regarding the allocation of
16 enforcement resources with respect to
17 other environmental laws determined to
18 have higher priorities, and a party is effec-
19 tively enforcing its laws if a course of ac-
20 tion or inaction reflects a reasonable, bona
21 fide exercise of such discretion, or results
22 from a reasonable, bona fide decision re-
23 garding the allocation of resources; and

24 (ii) with respect to labor, decisions re-
25 garding the distribution of enforcement re-

1 sources are not a reason for not complying
2 with a party's labor obligations; a party to
3 a trade agreement retains the right to rea-
4 sonable exercise of discretion and to make
5 bona fide decisions regarding the allocation
6 of resources between labor enforcement ac-
7 tivities among core labor standards, pro-
8 vided the exercise of such discretion and
9 such decisions are not inconsistent with its
10 obligations;

11 (C) to strengthen the capacity of United
12 States trading partners to promote respect for
13 core labor standards (as defined in section
14 11(7));

15 (D) to strengthen the capacity of United
16 States trading partners to protect the environ-
17 ment through the promotion of sustainable de-
18 velopment;

19 (E) to reduce or eliminate government
20 practices or policies that unduly threaten sus-
21 tainable development;

22 (F) to seek market access, through the
23 elimination of tariffs and nontariff barriers, for
24 United States environmental technologies,
25 goods, and services;

1 (G) to ensure that labor, environmental,
2 health, or safety policies and practices of the
3 parties to trade agreements with the United
4 States do not arbitrarily or unjustifiably dis-
5 criminate against United States exports or
6 serve as disguised barriers to trade;

7 (H) to ensure that enforceable labor and
8 environment obligations are subject to the same
9 dispute settlement and remedies as other en-
10 forceable obligations under the agreement; and

11 (I) to ensure that a trade agreement is not
12 construed to empower a party's authorities to
13 undertake labor or environmental law enforce-
14 ment activities in the territory of the United
15 States.

16 (11) CURRENCY.—The principal negotiating ob-
17 jective of the United States with respect to currency
18 practices is that parties to a trade agreement with
19 the United States avoid manipulating exchange rates
20 in order to prevent effective balance of payments ad-
21 justment or to gain an unfair competitive advantage
22 over other parties to the agreement, such as through
23 cooperative mechanisms, enforceable rules, reporting,
24 monitoring, transparency, or other means, as appro-
25 priate.

1 (12) WTO AND MULTILATERAL TRADE AGREE-
2 MENTS.—Recognizing that the World Trade Organi-
3 zation is the foundation of the global trading system,
4 the principal negotiating objectives of the United
5 States regarding the World Trade Organization, the
6 Uruguay Round Agreements, and other multilateral
7 and plurilateral trade agreements are—

8 (A) to achieve full implementation and ex-
9 tend the coverage of the World Trade Organi-
10 zation and multilateral and plurilateral agree-
11 ments to products, sectors, and conditions of
12 trade not adequately covered;

13 (B) to expand country participation in and
14 enhancement of the Information Technology
15 Agreement, the Government Procurement
16 Agreement, and other plurilateral trade agree-
17 ments of the World Trade Organization;

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

1 (D) to ensure that regional trade agree-
2 ments to which the United States is not a party
3 fully achieve the high standards of, and comply
4 with, WTO disciplines, including Article XXIV
5 of GATT 1994, Article V and V bis of the Gen-
6 eral Agreement on Trade in Services, and the
7 Enabling Clause, including through meaningful
8 WTO review of such regional trade agreements;

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

18 (F) to encourage greater cooperation be-
19 tween the World Trade Organization and other
20 international organizations.

21 (13) TRADE INSTITUTION TRANSPARENCY.—

22 The principal negotiating objective of the United
23 States with respect to transparency is to obtain
24 wider and broader application of the principle of
25 transparency in the World Trade Organization, enti-

1 ties established under bilateral and regional trade
2 agreements, and other international trade fora
3 through seeking—

4 (A) timely public access to information re-
5 garding trade issues and the activities of such
6 institutions;

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

11 (C) public access to all notifications and
12 supporting documentation submitted by WTO
13 members.

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

20 (A) to obtain high standards and effective
21 domestic enforcement mechanisms applicable to
22 persons from all countries participating in the
23 applicable trade agreement that prohibit such
24 attempts to influence acts, decisions, or omis-

1 sions of foreign governments or officials or to
2 secure any such improper advantage;

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

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

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

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

1 ments, with the goal of increasing compliance
2 with the agreements;

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

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

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

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

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

24 (E) to seek provisions to encourage the
25 provision of trade-expanding compensation if a

1 party to a dispute under the agreement does
2 not come into compliance with its obligations
3 under the agreement;

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

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

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

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

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

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

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

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

1 (16) 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 (17) 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 (18) 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 (19) COMMERCIAL PARTNERSHIPS.—

13 (A) IN GENERAL.—*With respect to an agree-*
14 *ment that is proposed to be entered into with the*
15 *Transatlantic Trade and Investment Partnership*
16 *countries and to which section 3(b) will apply,*
17 *the principal negotiating objectives of the United*
18 *States regarding commercial partnerships are*
19 *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 sanction*
14 *Israel” means actions by states, non-member*
15 *states of the United Nations, international orga-*
16 *nizations, or affiliated agencies of international*
17 *organizations that are politically motivated and*
18 *are intended to penalize or otherwise limit com-*
19 *mercial relations specifically with Israel or per-*
20 *sons doing business in Israel or in Israeli-con-*
21 *trolled territories.*

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

1 *spect to ensuring implementation of trade commit-*
2 *ments and obligations by strengthening good govern-*
3 *ance, transparency, the effective operation of legal re-*
4 *gimes and the rule of law of trading partners of the*
5 *United States is through capacity building and other*
6 *appropriate means, which are important parts of the*
7 *broader effort to create more open democratic societies*
8 *and to promote respect for internationally recognized*
9 *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 Act.

19 **SEC. 3. 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 Act 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 Act.

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 6 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 Act 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 Act.

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 2 and the President satisfies the conditions
24 set forth in sections 4 and 5.

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 Act 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 Act 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 6(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 Act, 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 Act; 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 3(c)(1)(B)(i) of the
8 Bipartisan Congressional Trade Priorities and Ac-
9 countability 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 3(b) of that Act after June
13 30, 2018.”, with the blank space being filled with
14 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 exten-
2 sion disapproval resolutions.

3 (D) It is not in order for—

4 (i) the House of Representatives to con-
5 sider any extension disapproval resolution not
6 reported by the Committee on Ways and Means
7 and, in addition, by the Committee on Rules;

8 (ii) the Senate to consider any extension
9 disapproval resolution not reported by the Com-
10 mittee on Finance; or

11 (iii) either House of Congress to consider
12 an extension disapproval resolution after June
13 30, 2018.

14 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
15 to contribute to the continued economic expansion of the
16 United States, the President shall commence negotiations
17 covering tariff and nontariff barriers affecting any indus-
18 try, product, or service sector, and expand existing sec-
19 toral agreements to countries that are not parties to those
20 agreements, in cases where the President determines that
21 such negotiations are feasible and timely and would ben-
22 efit the United States. Such sectors include agriculture,
23 commercial services, intellectual property rights, industrial
24 and capital goods, government procurement, information
25 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 2.

5 **SEC. 4. 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 Act, 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 Act; 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 Act, 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 Act, 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 Act 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 Act
23 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 Act 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 Act 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 5(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 Act; 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 Act; 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. 5. 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 3(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 4(e);

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 4(e),
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 2(b)(3)(B) with any country, the
4 President shall—

5 (i) assess whether United States tar-
6 iffs on agricultural products that were
7 bound under the Uruguay Round Agree-
8 ments 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-
14 iffs and whether the negotiation provides
15 an opportunity to address any such dis-
16 parity; and

17 (iii) consult with the Committee on
18 Ways and Means and the Committee on
19 Agriculture of the House of Representa-
20 tives 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-
24 propriate 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 7(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 3(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 4(e).

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 Act; and

22 (C) the implementation of the agreement
23 under section 6, including the general effect of
24 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 3(b), shall
7 report to the Committee on Ways and Means of
8 the House of Representatives and the Com-
9 mittee 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 2(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 6(b) introduced with re-
9 spect 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 5(b)(3) of
24 the Bipartisan Congressional Trade Priorities
25 and Accountability Act of 2015 with respect to

1 _____, are inconsistent with the negotiating
2 objectives described in section 2(b)(16) of that
3 Act.”, with the first blank space being filled
4 with the name of the resolving House of Con-
5 gress, the second blank space being filled with
6 the appropriate date of the report, and the
7 third blank space being filled with the name of
8 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 3 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 3(a)(2) or 6(a)(1)(A) of the intention of the Presi-
21 dent 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 3(b), shall pro-
3 vide the International Trade Commission (referred
4 to in this subsection as the “Commission”) with the
5 details of the agreement as it exists at that time and
6 request the Commission to prepare and submit an
7 assessment of the agreement as described in para-
8 graph (2). Between the time the President makes
9 the request under this paragraph and the time the
10 Commission submits the assessment, the President
11 shall keep the Commission current with respect to
12 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 3(b), the Commission shall sub-
16 mit to the President and Congress a report assessing
17 the likely impact of the agreement on the United
18 States economy as a whole and on specific industry
19 sectors, including the impact the agreement will have
20 on the gross domestic product, exports and imports,
21 aggregate employment and employment opportuni-
22 ties, the production, employment, and competitive
23 position of industries likely to be significantly af-
24 fected by the agreement, and the interests of United
25 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 2(e) to the Committee on Ways and Means of
3 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 6(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 6(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 4(e)(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 6(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 Act 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. 6. IMPLEMENTATION OF TRADE AGREEMENTS.**

16 (a) **IN GENERAL.**—

17 (1) **NOTIFICATION AND SUBMISSION.**—Any
18 agreement entered into under section 3(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 3(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 Act; 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 3(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 3(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 3(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 4 and 5 and this section
8 with respect to the negotiations, agree-
9 ment, or agreements;

10 (II) guidelines under section 4 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 4(c)(4) with respect to the negotia-
19 tions, 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 Act.

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 5(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 3(b), the com-
23 mittee 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 3(b) with other than a
16 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 2(b)(15)(C). Trade authorities
8 procedures shall not apply to any implementing bill
9 with respect to an agreement negotiated under the
10 auspices of the World Trade Organization unless the
11 Secretary of Commerce has issued such report by
12 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 PROTECTION*
16 *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 *3(b) with a country to which the minimum*
22 *standards for the elimination of trafficking are*
23 *applicable and the government of which does not*
24 *fully comply with such standards and is not*
25 *making significant efforts to bring the country*

1 *into compliance (commonly referred to as a “tier*
2 *3” country), as determined in the most recent*
3 *annual report on trafficking in persons sub-*
4 *mitted under section 110(b)(1) of the Trafficking*
5 *Victims Protection Act of 2000 (22 U.S.C.*
6 *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. 7106).*

13 (c) RULES OF HOUSE OF REPRESENTATIVES AND
14 SENATE.—Subsection (b) of this section, section 3(e), and
15 section 5(b)(3) are enacted by Congress—

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

22 (2) with the full recognition of the constitu-
23 tional right of either House to change the rules (so
24 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. 7. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR**
4 **WHICH NEGOTIATIONS HAVE ALREADY**
5 **BEGUN.**

6 (a) CERTAIN AGREEMENTS.—Notwithstanding the
7 prenegotiation notification and consultation requirement
8 described in section 5(a), if an agreement to which section
9 3(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 5(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 5(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 5(a)(1)(A) as of the
3 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 5(a) (relating only to notice prior
12 to initiating negotiations), and any resolution under para-
13 graph (1)(B), (3)(C), or (4)(C) of section 6(b) shall not
14 be in order on the basis of a failure or refusal to comply
15 with the provisions of section 5(a), if (and only if) the
16 President, as soon as feasible after the date of the enact-
17 ment 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 5(a)(1)(B) and the House

1 and Senate Advisory Groups on Negotiations con-
2 vened under section 4(c).

3 **SEC. 8. SOVEREIGNTY.**

4 (a) UNITED STATES LAW TO PREVAIL IN EVENT OF
5 CONFLICT.—No provision of any trade agreement entered
6 into under section 3(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 3(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 3(b) shall have no binding
22 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. 9. 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 2(a)(8).

19 **SEC. 10. 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 3 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 3(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 3(a)(4)(A) of the Bipartisan Congres-
18 sional Trade Priorities and Accountability Act
19 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 3(a) of the Bipartisan Congressional Trade Pri-
24 orities 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 3 of
5 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 3 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 3 of the Bipartisan
18 Congressional Trade Priorities and Accountability
19 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 3 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 3 of the
10 Bipartisan Congressional Trade Prior-
11 ities and Accountability Act of 2015”;
12 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 6(a)(1)(A) of the
22 Bipartisan Congressional Trade Prior-
23 ities and Accountability Act of 2015”;
24 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 2 of the Bipartisan Congres-
5 sional Trade Priorities and Accountability
6 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 6(a)(1) of the Bipartisan Congressional Trade
15 Priorities and Accountability Act of 2015”; and

16 (B) in subsection (c)(1), by striking “sec-
17 tion 2105(a)(1) of the Bipartisan Trade Pro-
18 motion Authority Act of 2002” and inserting
19 “section 6(a)(1) of the Bipartisan Congres-
20 sional Trade Priorities and Accountability Act
21 of 2015”.

22 (7) TRANSMISSION OF AGREEMENTS TO CON-
23 GRESS.—Section 162(a) of the Trade Act of 1974
24 (19 U.S.C. 2212(a)) is amended by striking “section
25 2103 of the Bipartisan Trade Promotion Authority

1 Act of 2002” and inserting “section 3 of the Bipar-
2 tisan Congressional Trade Priorities and Account-
3 ability Act of 2015”.

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

7 (1) any trade agreement entered into under sec-
8 tion 3 shall be treated as an agreement entered into
9 under section 101 or 102 of the Trade Act of 1974
10 (19 U.S.C. 2111 or 2112), as appropriate; and

11 (2) any proclamation or Executive order issued
12 pursuant to a trade agreement entered into under
13 section 3 shall be treated as a proclamation or Exec-
14 utive order issued pursuant to a trade agreement en-
15 tered into under section 102 of the Trade Act of
16 1974 (19 U.S.C. 2112).

17 **SEC. 11. DEFINITIONS.**

18 In this Act:

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

23 (2) AGREEMENT ON SAFEGUARDS.—The term
24 “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)).