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S. 995

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

7 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

8 The overall trade negotiating objectives of the United

1 States for agreements subject to the provisions of section
2 3 are—

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

5 (2) to obtain the reduction or elimination of
6 barriers and distortions that are directly related to
7 trade and investment and that decrease market op-
8 portunities for United States exports or otherwise
9 distort United States trade;

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

13 (4) to foster economic growth, raise living
14 standards, enhance the competitiveness of the
15 United States, promote full employment in the
16 United States, and enhance the global economy;

17 (5) to ensure that trade and environmental poli-
18 cies are mutually supportive and to seek to protect
19 and preserve the environment and enhance the inter-
20 national means of doing so, while optimizing the use
21 of the world's resources;

22 (6) to promote respect for worker rights and
23 the rights of children consistent with core labor
24 standards of the ILO (as set out in section 11(7))

1 and an understanding of the relationship between
2 trade and worker rights;

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

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

14 (9) to promote universal ratification and full
15 compliance with ILO Convention No. 182 Con-
16 cerning the Prohibition and Immediate Action for
17 the Elimination of the Worst Forms of Child Labor;

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

21 (11) to ensure implementation of trade commit-
22 ments and obligations by strengthening good govern-
23 ance, transparency, the effective operation of legal
24 regimes and the rule of law of trading partners of
25 the United States through capacity building and

1 other appropriate means, which are important parts
2 of the broader effort to create more open democratic
3 societies and to promote respect for internationally
4 recognized human rights;

5 (12) to recognize the growing significance of
6 the Internet as a trading platform in international
7 commerce; and

8 (13) to take into account other legitimate
9 United States domestic objectives, including, but not
10 limited to, the protection of legitimate health or
11 safety, essential security, and consumer interests
12 and the law and regulations related thereto.

13 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

14 (1) TRADE IN GOODS.—The principal negoti-
15 ating objectives of the United States regarding trade
16 in goods are—

17 (A) to expand competitive market opportu-
18 nities for exports of goods from the United
19 States and to obtain fairer and more open con-
20 ditions of trade, including through the utiliza-
21 tion of global value chains, by reducing or elimi-
22 nating tariff and nontariff barriers and policies
23 and practices of foreign governments directly
24 related to trade that decrease market opportu-

1 nities for United States exports or otherwise
2 distort United States trade; and

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

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

19 (B) Recognizing that expansion of trade in
20 services generates benefits for all sectors of the
21 economy and facilitates trade, the objective described
22 in subparagraph (A) should be pursued through all
23 means, including through a plurilateral agreement
24 with those countries willing and able to undertake

1 high standard services commitments for both exist-
2 ing and new services.

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

12 (A) securing more open and equitable mar-
13 ket access through robust rules on sanitary and
14 phytosanitary measures that—

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

21 (ii) improve regulatory coherence, pro-
22 mote the use of systems-based approaches,
23 and appropriately recognize the equivalence
24 of health and safety protection systems of
25 exporting countries;

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

8 (iv) improve import check processes,
9 including testing methodologies and proce-
10 dures, and certification requirements,

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

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

22 (i) giving priority to those products
23 that are subject to significantly higher tar-
24iffs or subsidy regimes of major producing
25 countries; and

1 (ii) providing reasonable adjustment
2 periods for United States import sensitive
3 products, in close consultation with Con-
4 gress on such products before initiating
5 tariff reduction negotiations;

6 (C) reducing tariffs to levels that are the
7 same as or lower than those in the United
8 States;

9 (D) reducing or eliminating subsidies that
10 decrease market opportunities for United States
11 exports or unfairly distort agriculture markets
12 to the detriment of the United States;

13 (E) allowing the preservation of programs
14 that support family farms and rural commu-
15 nities but do not distort trade;

16 (F) developing disciplines for domestic sup-
17 port programs, so that production that is in ex-
18 cess of domestic food security needs is sold at
19 world prices;

20 (G) eliminating government policies that
21 create price depressing surpluses;

22 (H) eliminating state trading enterprises
23 whenever possible;

24 (I) developing, strengthening, and clari-
25 fying rules to eliminate practices that unfairly

1 decrease United States market access opportu-
2 nities or distort agricultural markets to the det-
3 riment of the United States, and ensuring that
4 such rules are subject to efficient, timely, and
5 effective dispute settlement, including—

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

14 (ii) unjustified trade restrictions or
15 commercial requirements, such as labeling,
16 that affect new technologies, including bio-
17 technology;

18 (iii) unjustified sanitary or
19 phytosanitary restrictions, including re-
20 strictions not based on scientific principles
21 in contravention of obligations in the Uru-
22 guay Round Agreements or bilateral or re-
23 gional trade agreements;

24 (iv) other unjustified technical bar-
25 riers to trade; and

1 (v) restrictive rules in the administra-
2 tion of tariff rate quotas;

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

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

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

18 (M) taking into account whether a product
19 is subject to market distortions by reason of a
20 failure of a major producing country to adhere
21 to the provisions of already existing trade
22 agreements with the United States or by the
23 circumvention by that country of its obligations
24 under those agreements;

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

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

9 (P) maintaining bona fide food assistance
10 programs, market development programs, and
11 export credit programs;

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

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

23 (S) seeking to establish the common base
24 year for calculating the Aggregated Measure-
25 ment of Support (as defined in the Agreement

1 on Agriculture) as the end of each country's
2 Uruguay Round implementation period, as re-
3 ported in each country's Uruguay Round mar-
4 ket access schedule;

5 (T) ensuring transparency in the adminis-
6 tration of tariff rate quotas through multilat-
7 eral, plurilateral, and bilateral negotiations; and

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

15 (4) FOREIGN INVESTMENT.—Recognizing that
16 United States law on the whole provides a high level
17 of protection for investment, consistent with or
18 greater than the level required by international law,
19 the principal negotiating objectives of the United
20 States regarding foreign investment are to reduce or
21 eliminate artificial or trade distorting barriers to for-
22 eign investment, while ensuring that foreign inves-
23 tors in the United States are not accorded greater
24 substantive rights with respect to investment protec-
25 tions than United States investors in the United

1 States, and to secure for investors important rights
2 comparable to those that would be available under
3 United States legal principles and practice, by—

4 (A) reducing or eliminating exceptions to
5 the principle of national treatment;

6 (B) freeing the transfer of funds relating
7 to investments;

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

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

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

20 (F) providing meaningful procedures for
21 resolving investment disputes;

22 (G) seeking to improve mechanisms used
23 to resolve disputes between an investor and a
24 government through—

1 (i) mechanisms to eliminate frivolous
2 claims and to deter the filing of frivolous
3 claims;

4 (ii) procedures to ensure the efficient
5 selection of arbitrators and the expeditious
6 disposition of claims;

7 (iii) procedures to enhance opportuni-
8 ties for public input into the formulation of
9 government positions; and

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

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

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

21 (ii) ensuring that—

22 (I) all proceedings, submissions,
23 findings, and decisions are promptly
24 made public; and

1 (II) all hearings are open to the
2 public; and

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

7 (5) INTELLECTUAL PROPERTY.—The principal
8 negotiating objectives of the United States regarding
9 trade-related intellectual property are—

10 (A) to further promote adequate and effec-
11 tive protection of intellectual property rights,
12 including through—

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

22 (II) ensuring that the provisions of
23 any trade agreement governing intellectual
24 property rights that is entered into by the
25 United States reflect a standard of protec-

1 tion similar to that found in United States
2 law;

3 (ii) providing strong protection for
4 new and emerging technologies and new
5 methods of transmitting and distributing
6 products embodying intellectual property,
7 including in a manner that facilitates le-
8 gitimate digital trade;

9 (iii) preventing or eliminating dis-
10 crimination with respect to matters affect-
11 ing the availability, acquisition, scope,
12 maintenance, use, and enforcement of in-
13 tellectual property rights;

14 (iv) ensuring that standards of protec-
15 tion and enforcement keep pace with tech-
16 nological developments, and in particular
17 ensuring that rightholders have the legal
18 and technological means to control the use
19 of their works through the Internet and
20 other global communication media, and to
21 prevent the unauthorized use of their
22 works;

23 (v) providing strong enforcement of
24 intellectual property rights, including
25 through accessible, expeditious, and effec-

1 tive civil, administrative, and criminal en-
2 forcement mechanisms; and

3 (vi) preventing or eliminating govern-
4 ment involvement in the violation of intel-
5 lectual property rights, including cyber
6 theft and piracy;

7 (B) to secure fair, equitable, and non-
8 discriminatory market access opportunities for
9 United States persons that rely upon intellec-
10 tual property protection; and

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

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

23 (A) to ensure that current obligations,
24 rules, disciplines, and commitments under the
25 World Trade Organization and bilateral and re-

1 gional trade agreements apply to digital trade
2 in goods and services and to cross-border data
3 flows;

4 (B) to ensure that—

5 (i) electronically delivered goods and
6 services receive no less favorable treatment
7 under trade rules and commitments than
8 like products delivered in physical form;
9 and

10 (ii) the classification of such goods
11 and services ensures the most liberal trade
12 treatment possible, fully encompassing
13 both existing and new trade;

14 (C) to ensure that governments refrain
15 from implementing trade-related measures that
16 impede digital trade in goods and services, re-
17 strict cross-border data flows, or require local
18 storage or processing of data;

19 (D) with respect to subparagraphs (A)
20 through (C), where legitimate policy objectives
21 require domestic regulations that affect digital
22 trade in goods and services or cross-border data
23 flows, to obtain commitments that any such
24 regulations are the least restrictive on trade,

1 nondiscriminatory, and transparent, and pro-
2 mote an open market environment; and

3 (E) to extend the moratorium of the World
4 Trade Organization on duties on electronic
5 transmissions.

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

11 (A) to achieve increased transparency and
12 opportunity for the participation of affected
13 parties in the development of regulations;

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

17 (C) to establish consultative mechanisms
18 and seek other commitments, as appropriate, to
19 improve regulatory practices and promote in-
20 creased regulatory coherence, including
21 through—

22 (i) transparency in developing guide-
23 lines, rules, regulations, and laws for gov-
24 ernment procurement and other regulatory
25 regimes;

1 (ii) the elimination of redundancies in
2 testing and certification;

3 (iii) early consultations on significant
4 regulations;

5 (iv) the use of impact assessments;

6 (v) the periodic review of existing reg-
7 ulatory measures; and

8 (vi) the application of good regulatory
9 practices;

10 (D) to seek greater openness, trans-
11 parency, and convergence of standards develop-
12 ment processes, and enhance cooperation on
13 standards issues globally;

14 (E) to promote regulatory compatibility
15 through harmonization, equivalence, or mutual
16 recognition of different regulations and stand-
17 ards and to encourage the use of international
18 and interoperable standards, as appropriate;

19 (F) to achieve the elimination of govern-
20 ment measures such as price controls and ref-
21 erence pricing which deny full market access for
22 United States products;

23 (G) to ensure that government regulatory
24 reimbursement regimes are transparent, provide
25 procedural fairness, are nondiscriminatory, and

1 provide full market access for United States
2 products; and

3 (H) to ensure that foreign governments—

4 (i) demonstrate that the collection of
5 undisclosed proprietary information is lim-
6 ited to that necessary to satisfy a legiti-
7 mate and justifiable regulatory interest;
8 and

9 (ii) protect such information against
10 disclosure, except in exceptional cir-
11 cumstances to protect the public, or where
12 such information is effectively protected
13 against unfair competition.

14 (8) STATE-OWNED AND STATE-CONTROLLED
15 ENTERPRISES.—The principal negotiating objective
16 of the United States regarding competition by state-
17 owned and state-controlled enterprises is to seek
18 commitments that—

19 (A) eliminate or prevent trade distortions
20 and unfair competition favoring state-owned
21 and state-controlled enterprises to the extent of
22 their engagement in commercial activity, and

23 (B) ensure that such engagement is based
24 solely on commercial considerations,

1 in particular through disciplines that eliminate or
2 prevent discrimination and market-distorting sub-
3 sidies and that promote transparency.

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

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

15 (A) to ensure that a party to a trade
16 agreement with the United States—

17 (i) adopts and maintains measures
18 implementing internationally recognized
19 core labor standards (as defined in section
20 11(17)) and its obligations under common
21 multilateral environmental agreements (as
22 defined in section 11(6)),

23 (ii) does not waive or otherwise dero-
24 gate from, or offer to waive or otherwise
25 derogate from—

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

10 (II) its environmental laws in a
11 manner that weakens or reduces the
12 protections afforded in those laws and
13 in a manner affecting trade or invest-
14 ment between the United States and
15 that party, except as provided in its
16 law and provided not inconsistent with
17 its obligations under common multi-
18 lateral environmental agreements (as
19 defined in section 11(6)) or other pro-
20 visions of the trade agreement specifi-
21 cally agreed upon, and

22 (iii) does not fail to effectively enforce
23 its environmental or labor laws, through a
24 sustained or recurring course of action or
25 inaction,

1 in a manner affecting trade or investment be-
2 tween the United States and that party after
3 entry into force of a trade agreement between
4 those countries;

5 (B) to recognize that—

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

18 (ii) with respect to labor, decisions re-
19 garding the distribution of enforcement re-
20 sources are not a reason for not complying
21 with a party's labor obligations; a party to
22 a trade agreement retains the right to rea-
23 sonable exercise of discretion and to make
24 bona fide decisions regarding the allocation
25 of resources between labor enforcement ac-

1 activities among core labor standards, pro-
2 vided the exercise of such discretion and
3 such decisions are not inconsistent with its
4 obligations;

5 (C) to strengthen the capacity of United
6 States trading partners to promote respect for
7 core labor standards (as defined in section
8 11(7));

9 (D) to strengthen the capacity of United
10 States trading partners to protect the environ-
11 ment through the promotion of sustainable de-
12 velopment;

13 (E) to reduce or eliminate government
14 practices or policies that unduly threaten sus-
15 tainable development;

16 (F) to seek market access, through the
17 elimination of tariffs and nontariff barriers, for
18 United States environmental technologies,
19 goods, and services;

20 (G) to ensure that labor, environmental,
21 health, or safety policies and practices of the
22 parties to trade agreements with the United
23 States do not arbitrarily or unjustifiably dis-
24 criminate against United States exports or
25 serve as disguised barriers to trade;

1 (H) to ensure that enforceable labor and
2 environment obligations are subject to the same
3 dispute settlement and remedies as other en-
4 forceable obligations under the agreement; and

5 (I) to ensure that a trade agreement is not
6 construed to empower a party's authorities to
7 undertake labor or environmental law enforce-
8 ment activities in the territory of the United
9 States.

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

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

1 Uruguay Round Agreements, and other multilateral
2 and plurilateral trade agreements are—

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

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

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

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

1 Enabling Clause, including through meaningful
2 WTO review of such regional trade agreements;

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

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

15 (13) TRADE INSTITUTION TRANSPARENCY.—

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

23 (A) timely public access to information re-
24 garding trade issues and the activities of such
25 institutions;

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

5 (C) public access to all notifications and
6 supporting documentation submitted by WTO
7 members.

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

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

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

24 (C) to seek commitments to work jointly to
25 encourage and support anti-corruption and

1 anti-bribery initiatives in international trade
2 fora, including through the Convention on Com-
3 bating Bribery of Foreign Public Officials in
4 International Business Transactions of the Or-
5 ganization for Economic Cooperation and De-
6 velopment, done at Paris December 17, 1997
7 (commonly known as the “OECD Anti-Bribery
8 Convention”).

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

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

21 (B) to seek to strengthen the capacity of
22 the Trade Policy Review Mechanism of the
23 World Trade Organization to review compliance
24 with commitments;

1 (C) to seek adherence by panels convened
2 under the Dispute Settlement Understanding
3 and by the Appellate Body to—

4 (i) the mandate of those panels and
5 the Appellate Body to apply the WTO
6 Agreement as written, without adding to or
7 diminishing rights and obligations under
8 the Agreement; and

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

15 (D) to seek provisions encouraging the
16 early identification and settlement of disputes
17 through consultation;

18 (E) to seek provisions to encourage the
19 provision of trade-expanding compensation if a
20 party to a dispute under the agreement does
21 not come into compliance with its obligations
22 under the agreement;

23 (F) to seek provisions to impose a penalty
24 upon a party to a dispute under the agreement
25 that—

1 (i) encourages compliance with the ob-
2 ligations of the agreement;

3 (ii) is appropriate to the parties, na-
4 ture, subject matter, and scope of the vio-
5 lation; and

6 (iii) has the aim of not adversely af-
7 fecting parties or interests not party to the
8 dispute while maintaining the effectiveness
9 of the enforcement mechanism; and

10 (G) to seek provisions that treat United
11 States principal negotiating objectives equally
12 with respect to—

13 (i) the ability to resort to dispute set-
14 tlement under the applicable agreement;

15 (ii) the availability of equivalent dis-
16 pute settlement procedures; and

17 (iii) the availability of equivalent rem-
18 edies.

19 (16) TRADE REMEDY LAWS.—The principal ne-
20 gotiating objectives of the United States with respect
21 to trade remedy laws are—

22 (A) to preserve the ability of the United
23 States to enforce rigorously its trade laws, in-
24 cluding the antidumping, countervailing duty,
25 and safeguard laws, and avoid agreements that

1 lessen the effectiveness of domestic and inter-
2 national disciplines on unfair trade, especially
3 dumping and subsidies, or that lessen the effec-
4 tiveness of domestic and international safeguard
5 provisions, in order to ensure that United
6 States workers, agricultural producers, and
7 firms can compete fully on fair terms and enjoy
8 the benefits of reciprocal trade concessions; and

9 (B) to address and remedy market distor-
10 tions that lead to dumping and subsidization,
11 including overcapacity, cartelization, and mar-
12 ket access barriers.

13 (17) BORDER TAXES.—The principal negoti-
14 ating objective of the United States regarding border
15 taxes is to obtain a revision of the rules of the World
16 Trade Organization with respect to the treatment of
17 border adjustments for internal taxes to redress the
18 disadvantage to countries relying primarily on direct
19 taxes for revenue rather than indirect taxes.

20 (18) TEXTILE NEGOTIATIONS.—The principal
21 negotiating objectives of the United States with re-
22 spect to trade in textiles and apparel articles are to
23 obtain competitive opportunities for United States
24 exports of textiles and apparel in foreign markets
25 substantially equivalent to the competitive opportu-

1 nities afforded foreign exports in United States mar-
2 kets and to achieve fairer and more open conditions
3 of trade in textiles and apparel.

4 (c) CAPACITY BUILDING AND OTHER PRIORITIES.—

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

7 (1) direct the heads of relevant Federal agen-
8 cies—

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

18 (B) to provide technical assistance to that
19 country if needed;

20 (2) seek to establish consultative mechanisms
21 among parties to trade agreements to strengthen the
22 capacity of United States trading partners to de-
23 velop and implement standards for the protection of
24 the environment and human health based on sound
25 science;

1 (3) promote consideration of multilateral envi-
2 ronmental agreements and consult with parties to
3 such agreements regarding the consistency of any
4 such agreement that includes trade measures with
5 existing environmental exceptions under Article XX
6 of GATT 1994; and

7 (4) submit to the Committee on Ways and
8 Means of the House of Representatives and the
9 Committee on Finance of the Senate an annual re-
10 port on capacity-building activities undertaken in
11 connection with trade agreements negotiated or
12 being negotiated pursuant to this Act.

13 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

14 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

15 (1) IN GENERAL.—Whenever the President de-
16 termines that one or more existing duties or other
17 import restrictions of any foreign country or the
18 United States are unduly burdening and restricting
19 the foreign trade of the United States and that the
20 purposes, policies, priorities, and objectives of this
21 Act will be promoted thereby, the President—

22 (A) may enter into trade agreements with
23 foreign countries before—

24 (i) July 1, 2018; or

1 (ii) July 1, 2021, if trade authorities
2 procedures are extended under subsection
3 (c); and

4 (B) may, subject to paragraphs (2) and
5 (3), proclaim—

6 (i) such modification or continuance
7 of any existing duty,

8 (ii) such continuance of existing duty
9 free or excise treatment, or

10 (iii) such additional duties,

11 as the President determines to be required or
12 appropriate to carry out any such trade agree-
13 ment.

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) NOTIFICATION.—The President shall notify
20 Congress of the President’s intention to enter into
21 an agreement under this subsection.

22 (3) LIMITATIONS.—No proclamation may be
23 made under paragraph (1) that—

24 (A) reduces any rate of duty (other than a
25 rate of duty that does not exceed 5 percent ad

1 valorem on the date of the enactment of this
2 Act) to a rate of duty which is less than 50 per-
3 cent of the rate of such duty that applies on
4 such date of enactment;

5 (B) reduces the rate of duty below that ap-
6 plicable under the Uruguay Round Agreements
7 or a successor agreement, on any import sen-
8 sitive agricultural product; or

9 (C) increases any rate of duty above the
10 rate that applied on the date of the enactment
11 of this Act.

12 (4) AGGREGATE REDUCTION; EXEMPTION FROM
13 STAGING.—

14 (A) AGGREGATE REDUCTION.—Except as
15 provided in subparagraph (B), the aggregate re-
16 duction in the rate of duty on any article which
17 is in effect on any day pursuant to a trade
18 agreement entered into under paragraph (1)
19 shall not exceed the aggregate reduction which
20 would have been in effect on such day if—

21 (i) a reduction of 3 percent ad valo-
22 rem or a reduction of $\frac{1}{10}$ of the total re-
23 duction, whichever is greater, had taken ef-
24 fect on the effective date of the first reduc-
25 tion proclaimed under paragraph (1) to

1 carry out such agreement with respect to
2 such article; and

3 (ii) a reduction equal to the amount
4 applicable under clause (i) had taken effect
5 at 1-year intervals after the effective date
6 of such first reduction.

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

16 (5) ROUNDING.—If the President determines
17 that such action will simplify the computation of re-
18 ductions under paragraph (4), the President may
19 round an annual reduction by an amount equal to
20 the lesser of—

21 (A) the difference between the reduction
22 without regard to this paragraph and the next
23 lower whole number; or

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

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

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

20 (8) AUTHORITY UNDER URUGUAY ROUND
21 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
22 subsection shall limit the authority provided to the
23 President under section 111(b) of the Uruguay
24 Round Agreements Act (19 U.S.C. 3521(b)).

1 (b) AGREEMENTS REGARDING TARIFF AND NON-
2 TARIFF BARRIERS.—

3 (1) IN GENERAL.—(A) Whenever the President
4 determines that—

5 (i) 1 or more existing duties or any other
6 import restriction of any foreign country or the
7 United States or any other barrier to, or other
8 distortion of, international trade unduly bur-
9 dens or restricts the foreign trade of the United
10 States or adversely affects the United States
11 economy, or

12 (ii) the imposition of any such barrier or
13 distortion is likely to result in such a burden,
14 restriction, or effect,

15 and that the purposes, policies, priorities, and objec-
16 tives of this Act will be promoted thereby, the Presi-
17 dent may enter into a trade agreement described in
18 subparagraph (B) during the period described in
19 subparagraph (C).

20 (B) The President may enter into a trade
21 agreement under subparagraph (A) with foreign
22 countries providing for—

23 (i) the reduction or elimination of a duty,
24 restriction, barrier, or other distortion described
25 in subparagraph (A); or

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

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

5 (i) July 1, 2018; or

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

8 Substantial modifications to, or substantial addi-
9 tional provisions of, a trade agreement entered into
10 after July 1, 2018, or July 1, 2021, if trade authori-
11 ties procedures are extended under subsection (c),
12 shall not be eligible for approval under this Act.

13 (2) CONDITIONS.—A trade agreement may be
14 entered into under this subsection only if such
15 agreement makes progress in meeting the applicable
16 objectives described in subsections (a) and (b) of
17 section 2 and the President satisfies the conditions
18 set forth in sections 4 and 5.

19 (3) BILLS QUALIFYING FOR TRADE AUTHORI-
20 TIES PROCEDURES.—(A) The provisions of section
21 151 of the Trade Act of 1974 (in this Act referred
22 to as “trade authorities procedures”) apply to a bill
23 of either House of Congress which contains provi-
24 sions described in subparagraph (B) to the same ex-
25 tent as such section 151 applies to implementing

1 bills under that section. A bill to which this para-
2 graph applies shall hereafter in this Act be referred
3 to as an “implementing bill”.

4 (B) The provisions referred to in subparagraph
5 (A) are—

6 (i) a provision approving a trade agree-
7 ment entered into under this subsection and ap-
8 proving the statement of administrative action,
9 if any, proposed to implement such trade agree-
10 ment; and

11 (ii) if changes in existing laws or new stat-
12 utory authority are required to implement such
13 trade agreement or agreements, only such pro-
14 visions as are strictly necessary or appropriate
15 to implement such trade agreement or agree-
16 ments, either repealing or amending existing
17 laws or providing new statutory authority.

18 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
19 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

20 (1) IN GENERAL.—Except as provided in sec-
21 tion 6(b)—

22 (A) the trade authorities procedures apply
23 to implementing bills submitted with respect to
24 trade agreements entered into under subsection

25 (b) before July 1, 2018; and

1 (B) the trade authorities procedures shall
2 be extended to implementing bills submitted
3 with respect to trade agreements entered into
4 under subsection (b) after June 30, 2018, and
5 before July 1, 2021, if (and only if)—

6 (i) the President requests such exten-
7 sion under paragraph (2); and

8 (ii) neither House of Congress adopts
9 an extension disapproval resolution under
10 paragraph (5) before July 1, 2018.

11 (2) REPORT TO CONGRESS BY THE PRESI-
12 DENT.—If the President is of the opinion that the
13 trade authorities procedures should be extended to
14 implementing bills described in paragraph (1)(B),
15 the President shall submit to Congress, not later
16 than April 1, 2018, a written report that contains a
17 request for such extension, together with—

18 (A) a description of all trade agreements
19 that have been negotiated under subsection (b)
20 and the anticipated schedule for submitting
21 such agreements to Congress for approval;

22 (B) a description of the progress that has
23 been made in negotiations to achieve the pur-
24 poses, policies, priorities, and objectives of this

1 Act, and a statement that such progress justi-
2 fies the continuation of negotiations; and

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

5 (3) OTHER REPORTS TO CONGRESS.—

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

16 (i) its views regarding the progress
17 that has been made in negotiations to
18 achieve the purposes, policies, priorities,
19 and objectives of this Act; and

20 (ii) a statement of its views, and the
21 reasons therefor, regarding whether the ex-
22 tension requested under paragraph (2)
23 should be approved or disapproved.

24 (B) REPORT BY INTERNATIONAL TRADE
25 COMMISSION.—The President shall promptly in-

1 form the United States International Trade
2 Commission of the decision of the President to
3 submit a report to Congress under paragraph
4 (2). The International Trade Commission shall
5 submit to Congress as soon as practicable, but
6 not later than June 1, 2018, a written report
7 that contains a review and analysis of the eco-
8 nomic impact on the United States of all trade
9 agreements implemented between the date of
10 the enactment of this Act and the date on
11 which the President decides to seek an exten-
12 sion requested under paragraph (2).

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

17 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

18 (A) For purposes of paragraph (1), the term “exten-
19 sion disapproval resolution” means a resolution of
20 either House of Congress, the sole matter after the
21 resolving clause of which is as follows: “That the
22 _____ disapproves the request of the President
23 for the extension, under section 3(c)(1)(B)(i) of the
24 Bipartisan Congressional Trade Priorities and Ac-
25 countability Act of 2015, of the trade authorities

1 procedures under that Act to any implementing bill
2 submitted with respect to any trade agreement en-
3 tered into under section 3(b) of that Act after June
4 30, 2018.”, with the blank space being filled with
5 the name of the resolving House of Congress.

6 (B) Extension disapproval resolutions—

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

9 (ii) shall be referred, in the House of Rep-
10 resentatives, to the Committee on Ways and
11 Means and, in addition, to the Committee on
12 Rules.

13 (C) The provisions of subsections (d) and (e) of
14 section 152 of the Trade Act of 1974 (19 U.S.C.
15 2192) (relating to the floor consideration of certain
16 resolutions in the House and Senate) apply to exten-
17 sion disapproval resolutions.

18 (D) It is not in order for—

19 (i) the House of Representatives to con-
20 sider any extension disapproval resolution not
21 reported by the Committee on Ways and Means
22 and, in addition, by the Committee on Rules;

23 (ii) the Senate to consider any extension
24 disapproval resolution not reported by the Com-
25 mittee on Finance; or

1 (iii) either House of Congress to consider
2 an extension disapproval resolution after June
3 30, 2018.

4 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
5 to contribute to the continued economic expansion of the
6 United States, the President shall commence negotiations
7 covering tariff and nontariff barriers affecting any indus-
8 try, product, or service sector, and expand existing sec-
9 toral agreements to countries that are not parties to those
10 agreements, in cases where the President determines that
11 such negotiations are feasible and timely and would ben-
12 efit the United States. Such sectors include agriculture,
13 commercial services, intellectual property rights, industrial
14 and capital goods, government procurement, information
15 technology products, environmental technology and serv-
16 ices, medical equipment and services, civil aircraft, and in-
17 frastructure products. In so doing, the President shall
18 take into account all of the negotiating objectives set forth
19 in section 2.

20 **SEC. 4. CONGRESSIONAL OVERSIGHT, CONSULTATIONS,**
21 **AND ACCESS TO INFORMATION.**

22 (a) CONSULTATIONS WITH MEMBERS OF CON-
23 GRESS.—

1 (1) CONSULTATIONS DURING NEGOTIATIONS.—

2 In the course of negotiations conducted under this
3 Act, the United States Trade Representative shall—

4 (A) meet upon request with any Member of
5 Congress regarding negotiating objectives, the
6 status of negotiations in progress, and the na-
7 ture of any changes in the laws of the United
8 States or the administration of those laws that
9 may be recommended to Congress to carry out
10 any trade agreement or any requirement of,
11 amendment to, or recommendation under, that
12 agreement;

13 (B) upon request of any Member of Con-
14 gress, provide access to pertinent documents re-
15 lating to the negotiations, including classified
16 materials;

17 (C) consult closely and on a timely basis
18 with, and keep fully apprised of the negotia-
19 tions, the Committee on Ways and Means of
20 the House of Representatives and the Com-
21 mittee on Finance of the Senate;

22 (D) consult closely and on a timely basis
23 with, and keep fully apprised of the negotia-
24 tions, the House Advisory Group on Negotia-
25 tions and the Senate Advisory Group on Nego-

1 tiations convened under subsection (c) and all
2 committees of the House of Representatives and
3 the Senate with jurisdiction over laws that
4 could be affected by a trade agreement result-
5 ing from the negotiations; and

6 (E) with regard to any negotiations and
7 agreement relating to agricultural trade, also
8 consult closely and on a timely basis (including
9 immediately before initialing an agreement)
10 with, and keep fully apprised of the negotia-
11 tions, the Committee on Agriculture of the
12 House of Representatives and the Committee
13 on Agriculture, Nutrition, and Forestry of the
14 Senate.

15 (2) CONSULTATIONS PRIOR TO ENTRY INTO
16 FORCE.—Prior to exchanging notes providing for the
17 entry into force of a trade agreement, the United
18 States Trade Representative shall consult closely
19 and on a timely basis with Members of Congress and
20 committees as specified in paragraph (1), and keep
21 them fully apprised of the measures a trading part-
22 ner has taken to comply with those provisions of the
23 agreement that are to take effect on the date that
24 the agreement enters into force.

1 (3) ENHANCED COORDINATION WITH CON-
2 GRESS.—

3 (A) WRITTEN GUIDELINES.—The United
4 States Trade Representative, in consultation
5 with the chairmen and the ranking members of
6 the Committee on Ways and Means of the
7 House of Representatives and the Committee
8 on Finance of the Senate, respectively—

9 (i) shall, not later than 120 days after
10 the date of the enactment of this Act, de-
11 velop written guidelines on enhanced co-
12 ordination with Congress, including coordi-
13 nation with designated congressional advis-
14 ers under subsection (b), regarding nego-
15 tiations conducted under this Act; and

16 (ii) may make such revisions to the
17 guidelines as may be necessary from time
18 to time.

19 (B) CONTENT OF GUIDELINES.—The
20 guidelines developed under subparagraph (A)
21 shall enhance coordination with Congress
22 through procedures to ensure—

23 (i) timely briefings upon request of
24 any Member of Congress regarding negoti-
25 ating objectives, the status of negotiations

1 in progress conducted under this Act, and
2 the nature of any changes in the laws of
3 the United States or the administration of
4 those laws that may be recommended to
5 Congress to carry out any trade agreement
6 or any requirement of, amendment to, or
7 recommendation under, that agreement;
8 and

9 (ii) the sharing of detailed and timely
10 information with Members of Congress,
11 and their staff with proper security clear-
12 ances as appropriate, regarding those ne-
13 gotiations and pertinent documents related
14 to those negotiations (including classified
15 information), and with committee staff
16 with proper security clearances as would be
17 appropriate in the light of the responsibil-
18 ities of that committee over the trade
19 agreements programs affected by those ne-
20 gotiations.

21 (C) DISSEMINATION.—The United States
22 Trade Representative shall disseminate the
23 guidelines developed under subparagraph (A) to
24 all Federal agencies that could have jurisdiction
25 over laws affected by trade negotiations.

1 (b) DESIGNATED CONGRESSIONAL ADVISERS.—

2 (1) DESIGNATION.—

3 (A) HOUSE OF REPRESENTATIVES.—In
4 each Congress, any Member of the House of
5 Representatives may be designated as a con-
6 gressional adviser on trade policy and negotia-
7 tions by the Speaker of the House of Rep-
8 resentatives, after consulting with the chairman
9 and ranking member of the Committee on Ways
10 and Means and the chairman and ranking
11 member of the committee from which the Mem-
12 ber will be selected.

13 (B) SENATE.—In each Congress, any
14 Member of the Senate may be designated as a
15 congressional adviser on trade policy and nego-
16 tiations by the President pro tempore of the
17 Senate, after consultation with the chairman
18 and ranking member of the Committee on Fi-
19 nance and the chairman and ranking member
20 of the committee from which the Member will
21 be selected.

22 (2) CONSULTATIONS WITH DESIGNATED CON-
23 GRESSIONAL ADVISERS.—In the course of negotia-
24 tions conducted under this Act, the United States
25 Trade Representative shall consult closely and on a

1 timely basis (including immediately before initialing
2 an agreement) with, and keep fully apprised of the
3 negotiations, the congressional advisers for trade
4 policy and negotiations designated under paragraph
5 (1).

6 (3) ACCREDITATION.—Each Member of Con-
7 gress designated as a congressional adviser under
8 paragraph (1) shall be accredited by the United
9 States Trade Representative on behalf of the Presi-
10 dent as an official adviser to the United States dele-
11 gations to international conferences, meetings, and
12 negotiating sessions relating to trade agreements.

13 (c) CONGRESSIONAL ADVISORY GROUPS ON NEGO-
14 TIATIONS.—

15 (1) IN GENERAL.—By not later than 60 days
16 after the date of the enactment of this Act, and not
17 later than 30 days after the convening of each Con-
18 gress, the chairman of the Committee on Ways and
19 Means of the House of Representatives shall convene
20 the House Advisory Group on Negotiations and the
21 chairman of the Committee on Finance of the Sen-
22 ate shall convene the Senate Advisory Group on Ne-
23 gotiations (in this subsection referred to collectively
24 as the “congressional advisory groups”).

25 (2) MEMBERS AND FUNCTIONS.—

1 (A) MEMBERSHIP OF THE HOUSE ADVI-
2 SORY GROUP ON NEGOTIATIONS.—In each Con-
3 gress, the House Advisory Group on Negotia-
4 tions shall be comprised of the following Mem-
5 bers of the House of Representatives:

6 (i) The chairman and ranking mem-
7 ber of the Committee on Ways and Means,
8 and 3 additional members of such Com-
9 mittee (not more than 2 of whom are
10 members of the same political party).

11 (ii) The chairman and ranking mem-
12 ber, or their designees, of the committees
13 of the House of Representatives that would
14 have, under the Rules of the House of
15 Representatives, jurisdiction over provi-
16 sions of law affected by a trade agreement
17 negotiation conducted at any time during
18 that Congress and to which this Act would
19 apply.

20 (B) MEMBERSHIP OF THE SENATE ADVI-
21 SORY GROUP ON NEGOTIATIONS.—In each Con-
22 gress, the Senate Advisory Group on Negotia-
23 tions shall be comprised of the following Mem-
24 bers of the Senate:

1 (i) The chairman and ranking mem-
2 ber of the Committee on Finance and 3
3 additional members of such Committee
4 (not more than 2 of whom are members of
5 the same political party).

6 (ii) The chairman and ranking mem-
7 ber, or their designees, of the committees
8 of the Senate that would have, under the
9 Rules of the Senate, jurisdiction over pro-
10 visions of law affected by a trade agree-
11 ment negotiation conducted at any time
12 during that Congress and to which this Act
13 would apply.

14 (C) ACCREDITATION.—Each member of
15 the congressional advisory groups described in
16 subparagraphs (A)(i) and (B)(i) shall be ac-
17 credited by the United States Trade Represent-
18 ative on behalf of the President as an official
19 adviser to the United States delegation in nego-
20 tiations for any trade agreement to which this
21 Act applies. Each member of the congressional
22 advisory groups described in subparagraphs
23 (A)(ii) and (B)(ii) shall be accredited by the
24 United States Trade Representative on behalf
25 of the President as an official adviser to the

1 United States delegation in the negotiations by
2 reason of which the member is in one of the
3 congressional advisory groups.

4 (D) CONSULTATION AND ADVICE.—The
5 congressional advisory groups shall consult with
6 and provide advice to the Trade Representative
7 regarding the formulation of specific objectives,
8 negotiating strategies and positions, the devel-
9 opment of the applicable trade agreement, and
10 compliance and enforcement of the negotiated
11 commitments under the trade agreement.

12 (E) CHAIR.—The House Advisory Group
13 on Negotiations shall be chaired by the Chair-
14 man of the Committee on Ways and Means of
15 the House of Representatives and the Senate
16 Advisory Group on Negotiations shall be
17 chaired by the Chairman of the Committee on
18 Finance of the Senate.

19 (F) COORDINATION WITH OTHER COMMIT-
20 TEES.—Members of any committee represented
21 on one of the congressional advisory groups
22 may submit comments to the member of the ap-
23 propriate congressional advisory group from
24 that committee regarding any matter related to

1 a negotiation for any trade agreement to which
2 this Act applies.

3 (3) GUIDELINES.—

4 (A) PURPOSE AND REVISION.—The United
5 States Trade Representative, in consultation
6 with the chairmen and the ranking members of
7 the Committee on Ways and Means of the
8 House of Representatives and the Committee
9 on Finance of the Senate, respectively—

10 (i) shall, not later than 120 days after
11 the date of the enactment of this Act, de-
12 velop written guidelines to facilitate the
13 useful and timely exchange of information
14 between the Trade Representative and the
15 congressional advisory groups; and

16 (ii) may make such revisions to the
17 guidelines as may be necessary from time
18 to time.

19 (B) CONTENT.—The guidelines developed
20 under subparagraph (A) shall provide for,
21 among other things—

22 (i) detailed briefings on a fixed time-
23 table to be specified in the guidelines of
24 the congressional advisory groups regard-
25 ing negotiating objectives and positions

1 and the status of the applicable negotia-
2 tions, beginning as soon as practicable
3 after the congressional advisory groups are
4 convened, with more frequent briefings as
5 trade negotiations enter the final stage;

6 (ii) access by members of the congres-
7 sional advisory groups, and staff with
8 proper security clearances, to pertinent
9 documents relating to the negotiations, in-
10 cluding classified materials;

11 (iii) the closest practicable coordina-
12 tion between the Trade Representative and
13 the congressional advisory groups at all
14 critical periods during the negotiations, in-
15 cluding at negotiation sites;

16 (iv) after the applicable trade agree-
17 ment is concluded, consultation regarding
18 ongoing compliance and enforcement of ne-
19 gotiated commitments under the trade
20 agreement; and

21 (v) the timeframe for submitting the
22 report required under section 5(d)(3).

23 (4) REQUEST FOR MEETING.—Upon the re-
24 quest of a majority of either of the congressional ad-
25 visory groups, the President shall meet with that

1 congressional advisory group before initiating nego-
2 tiations with respect to a trade agreement, or at any
3 other time concerning the negotiations.

4 (d) CONSULTATIONS WITH THE PUBLIC.—

5 (1) GUIDELINES FOR PUBLIC ENGAGEMENT.—

6 The United States Trade Representative, in con-
7 sultation with the chairmen and the ranking mem-
8 bers of the Committee on Ways and Means of the
9 House of Representatives and the Committee on Fi-
10 nance of the Senate, respectively—

11 (A) shall, not later than 120 days after the
12 date of the enactment of this Act, develop writ-
13 ten guidelines on public access to information
14 regarding negotiations conducted under this
15 Act; and

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

18 (2) PURPOSES.—The guidelines developed
19 under paragraph (1) shall—

20 (A) facilitate transparency;

21 (B) encourage public participation; and

22 (C) promote collaboration in the negotia-
23 tion process.

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

1 (A) provide for rapid disclosure of informa-
2 tion in forms that the public can readily find
3 and use; and

4 (B) provide frequent opportunities for pub-
5 lic input through Federal Register requests for
6 comment and other means.

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

12 (e) CONSULTATIONS WITH ADVISORY COMMIT-
13 TEES.—

14 (1) GUIDELINES FOR ENGAGEMENT WITH ADVI-
15 SORY COMMITTEES.—The United States Trade Rep-
16 resentative, in consultation with the chairmen and
17 the ranking members of the Committee on Ways and
18 Means of the House of Representatives and the
19 Committee on Finance of the Senate, respectively—

20 (A) shall, not later than 120 days after the
21 date of the enactment of this Act, develop writ-
22 ten guidelines on enhanced coordination with
23 advisory committees established pursuant to
24 section 135 of the Trade Act of 1974 (19

1 U.S.C. 2155) regarding negotiations conducted
2 under this Act; and

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

5 (2) CONTENT.—The guidelines developed under
6 paragraph (1) shall enhance coordination with advi-
7 sory committees described in that paragraph
8 through procedures to ensure—

9 (A) timely briefings of advisory committees
10 and regular opportunities for advisory commit-
11 tees to provide input throughout the negotiation
12 process on matters relevant to the sectors or
13 functional areas represented by those commit-
14 tees; and

15 (B) the sharing of detailed and timely in-
16 formation with each member of an advisory
17 committee regarding negotiations and pertinent
18 documents related to the negotiation (including
19 classified information) on matters relevant to
20 the sectors or functional areas the member rep-
21 resents, and with a designee with proper secu-
22 rity clearances of each such member as appro-
23 priate.

24 (3) DISSEMINATION.—The United States Trade
25 Representative shall disseminate the guidelines de-

1 veloped under paragraph (1) to all Federal agencies
2 that could have jurisdiction over laws affected by
3 trade negotiations.

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

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) There shall be in the Office one Chief Trans-
13 parency Officer. The Chief Transparency Officer shall
14 consult with Congress on transparency policy, coordinate
15 transparency in trade negotiations, engage and assist the
16 public, and advise the United States Trade Representative
17 on transparency policy.”.

18 **SEC. 5. NOTICE, CONSULTATIONS, AND REPORTS.**

19 (a) NOTICE, CONSULTATIONS, AND REPORTS BE-
20 FORE NEGOTIATION.—

21 (1) NOTICE.—The President, with respect to
22 any agreement that is subject to the provisions of
23 section 3(b), shall—

24 (A) provide, at least 90 calendar days be-
25 fore initiating negotiations with a country, writ-

1 ten notice to Congress of the President's inten-
2 tion to enter into the negotiations with that
3 country and set forth in the notice the date on
4 which the President intends to initiate those ne-
5 gotiations, the specific United States objectives
6 for the negotiations with that country, and
7 whether the President intends to seek an agree-
8 ment, or changes to an existing agreement;

9 (B) before and after submission of the no-
10 tice, consult regarding the negotiations with the
11 Committee on Ways and Means of the House of
12 Representatives and the Committee on Finance
13 of the Senate, such other committees of the
14 House and Senate as the President deems ap-
15 propriate, and the House Advisory Group on
16 Negotiations and the Senate Advisory Group on
17 Negotiations convened under section 4(e);

18 (C) upon the request of a majority of the
19 members of either the House Advisory Group
20 on Negotiations or the Senate Advisory Group
21 on Negotiations convened under section 4(e),
22 meet with the requesting congressional advisory
23 group before initiating the negotiations or at
24 any other time concerning the negotiations; and

1 (D) after consulting with the Committee
2 on Ways and Means and the Committee on Fi-
3 nance, and at least 30 calendar days before ini-
4 tiating negotiations with a country, publish on
5 a publicly available Internet website of the Of-
6 fice of the United States Trade Representative,
7 and regularly update thereafter, a detailed and
8 comprehensive summary of the specific objec-
9 tives with respect to the negotiations, and a de-
10 scription of how the agreement, if successfully
11 concluded, will further those objectives and ben-
12 efit the United States.

13 (2) NEGOTIATIONS REGARDING AGRI-
14 CULTURE.—

15 (A) ASSESSMENT AND CONSULTATIONS
16 FOLLOWING ASSESSMENT.—Before initiating or
17 continuing negotiations the subject matter of
18 which is directly related to the subject matter
19 under section 2(b)(3)(B) with any country, the
20 President shall—

21 (i) assess whether United States tar-
22 iffs on agricultural products that were
23 bound under the Uruguay Round Agree-
24 ments are lower than the tariffs bound by
25 that country;

1 (ii) consider whether the tariff levels
2 bound and applied throughout the world
3 with respect to imports from the United
4 States are higher than United States tar-
5 iffs and whether the negotiation provides
6 an opportunity to address any such dis-
7 parity; and

8 (iii) consult with the Committee on
9 Ways and Means and the Committee on
10 Agriculture of the House of Representa-
11 tives and the Committee on Finance and
12 the Committee on Agriculture, Nutrition,
13 and Forestry of the Senate concerning the
14 results of the assessment, whether it is ap-
15 propriate for the United States to agree to
16 further tariff reductions based on the con-
17 clusions reached in the assessment, and
18 how all applicable negotiating objectives
19 will be met.

20 (B) SPECIAL CONSULTATIONS ON IMPORT
21 SENSITIVE PRODUCTS.—(i) Before initiating ne-
22 gotiations with regard to agriculture and, with
23 respect to agreements described in paragraphs
24 (2) and (3) of section 7(a), as soon as prac-
25 ticable after the date of the enactment of this

1 Act, the United States Trade Representative
2 shall—

3 (I) identify those agricultural products
4 subject to tariff rate quotas on the date of
5 enactment of this Act, and agricultural
6 products subject to tariff reductions by the
7 United States as a result of the Uruguay
8 Round Agreements, for which the rate of
9 duty was reduced on January 1, 1995, to
10 a rate which was not less than 97.5 per-
11 cent of the rate of duty that applied to
12 such article on December 31, 1994;

13 (II) consult with the Committee on
14 Ways and Means and the Committee on
15 Agriculture of the House of Representa-
16 tives and the Committee on Finance and
17 the Committee on Agriculture, Nutrition,
18 and Forestry of the Senate concerning—

19 (aa) whether any further tariff
20 reductions on the products identified
21 under subclause (I) should be appro-
22 priate, taking into account the impact
23 of any such tariff reduction on the
24 United States industry producing the
25 product concerned;

1 (bb) whether the products so
2 identified face unjustified sanitary or
3 phytosanitary restrictions, including
4 those not based on scientific principles
5 in contravention of the Uruguay
6 Round Agreements; and

7 (cc) whether the countries par-
8 ticipating in the negotiations maintain
9 export subsidies or other programs,
10 policies, or practices that distort world
11 trade in such products and the impact
12 of such programs, policies, and prac-
13 tices on United States producers of
14 the products;

15 (III) request that the International
16 Trade Commission prepare an assessment
17 of the probable economic effects of any
18 such tariff reduction on the United States
19 industry producing the product concerned
20 and on the United States economy as a
21 whole; and

22 (IV) upon complying with subclauses
23 (I), (II), and (III), notify the Committee
24 on Ways and Means and the Committee on
25 Agriculture of the House of Representa-

1 tives and the Committee on Finance and
2 the Committee on Agriculture, Nutrition,
3 and Forestry of the Senate of those prod-
4 ucts identified under subclause (I) for
5 which the Trade Representative intends to
6 seek tariff liberalization in the negotiations
7 and the reasons for seeking such tariff lib-
8 eralization.

9 (ii) If, after negotiations described in
10 clause (i) are commenced—

11 (I) the United States Trade Rep-
12 resentative identifies any additional agri-
13 cultural product described in clause (i)(I)
14 for tariff reductions which were not the
15 subject of a notification under clause
16 (i)(IV), or

17 (II) any additional agricultural prod-
18 uct described in clause (i)(I) is the subject
19 of a request for tariff reductions by a
20 party to the negotiations,

21 the Trade Representative shall, as soon as prac-
22 ticable, notify the committees referred to in
23 clause (i)(IV) of those products and the reasons
24 for seeking such tariff reductions.

1 (3) NEGOTIATIONS REGARDING THE FISHING
2 INDUSTRY.—Before initiating, or continuing, nego-
3 tiations that directly relate to fish or shellfish trade
4 with any country, the President shall consult with
5 the Committee on Ways and Means and the Com-
6 mittee on Natural Resources of the House of Rep-
7 representatives, and the Committee on Finance and the
8 Committee on Commerce, Science, and Transpor-
9 tation of the Senate, and shall keep the Committees
10 apprised of the negotiations on an ongoing and time-
11 ly basis.

12 (4) NEGOTIATIONS REGARDING TEXTILES.—Be-
13 fore initiating or continuing negotiations the subject
14 matter of which is directly related to textiles and ap-
15 parel products with any country, the President
16 shall—

17 (A) assess whether United States tariffs on
18 textile and apparel products that were bound
19 under the Uruguay Round Agreements are
20 lower than the tariffs bound by that country
21 and whether the negotiation provides an oppor-
22 tunity to address any such disparity; and

23 (B) consult with the Committee on Ways
24 and Means of the House of Representatives and
25 the Committee on Finance of the Senate con-

1 cerning the results of the assessment, whether
2 it is appropriate for the United States to agree
3 to further tariff reductions based on the conclu-
4 sions reached in the assessment, and how all
5 applicable negotiating objectives will be met.

6 (5) ADHERENCE TO EXISTING INTERNATIONAL
7 TRADE AND INVESTMENT AGREEMENT OBLIGA-
8 TIONS.—In determining whether to enter into nego-
9 tiations with a particular country, the President
10 shall take into account the extent to which that
11 country has implemented, or has accelerated the im-
12 plementation of, its international trade and invest-
13 ment commitments to the United States, including
14 pursuant to the WTO Agreement.

15 (b) CONSULTATION WITH CONGRESS BEFORE
16 ENTRY INTO AGREEMENT.—

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

20 (A) the Committee on Ways and Means of
21 the House of Representatives and the Com-
22 mittee on Finance of the Senate;

23 (B) each other committee of the House
24 and the Senate, and each joint committee of
25 Congress, which has jurisdiction over legislation

1 involving subject matters which would be af-
2 fected by the trade agreement; and

3 (C) the House Advisory Group on Negotia-
4 tions and the Senate Advisory Group on Nego-
5 tiations convened under section 4(e).

6 (2) SCOPE.—The consultation described in
7 paragraph (1) shall include consultation with respect
8 to—

9 (A) the nature of the agreement;

10 (B) how and to what extent the agreement
11 will achieve the applicable purposes, policies,
12 priorities, and objectives of this Act; and

13 (C) the implementation of the agreement
14 under section 6, including the general effect of
15 the agreement on existing laws.

16 (3) REPORT REGARDING UNITED STATES
17 TRADE REMEDY LAWS.—

18 (A) CHANGES IN CERTAIN TRADE LAWS.—

19 The President, not less than 180 calendar days
20 before the day on which the President enters
21 into a trade agreement under section 3(b), shall
22 report to the Committee on Ways and Means of
23 the House of Representatives and the Com-
24 mittee on Finance of the Senate—

1 (i) the range of proposals advanced in
2 the negotiations with respect to that agree-
3 ment, that may be in the final agreement,
4 and that could require amendments to title
5 VII of the Tariff Act of 1930 (19 U.S.C.
6 1671 et seq.) or to chapter 1 of title II of
7 the Trade Act of 1974 (19 U.S.C. 2251 et
8 seq.); and

9 (ii) how these proposals relate to the
10 objectives described in section 2(b)(16).

11 (B) RESOLUTIONS.—(i) At any time after
12 the transmission of the report under subpara-
13 graph (A), if a resolution is introduced with re-
14 spect to that report in either House of Con-
15 gress, the procedures set forth in clauses (iii)
16 through (vii) shall apply to that resolution if—

17 (I) no other resolution with respect to
18 that report has previously been reported in
19 that House of Congress by the Committee
20 on Ways and Means or the Committee on
21 Finance, as the case may be, pursuant to
22 those procedures; and

23 (II) no procedural disapproval resolu-
24 tion under section 6(b) introduced with re-
25 spect to a trade agreement entered into

1 pursuant to the negotiations to which the
2 report under subparagraph (A) relates has
3 previously been reported in that House of
4 Congress by the Committee on Ways and
5 Means or the Committee on Finance, as
6 the case may be.

7 (ii) For purposes of this subparagraph, the
8 term “resolution” means only a resolution of ei-
9 ther House of Congress, the matter after the
10 resolving clause of which is as follows: “That
11 the _____ finds that the proposed changes
12 to United States trade remedy laws contained
13 in the report of the President transmitted to
14 Congress on _____ under section 5(b)(3) of
15 the Bipartisan Congressional Trade Priorities
16 and Accountability Act of 2015 with respect to
17 _____, are inconsistent with the negotiating
18 objectives described in section 2(b)(16) of that
19 Act.”, with the first blank space being filled
20 with the name of the resolving House of Con-
21 gress, the second blank space being filled with
22 the appropriate date of the report, and the
23 third blank space being filled with the name of
24 the country or countries involved.

1 (iii) Resolutions in the House of Rep-
2 resentatives—

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

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

8 (III) may not be amended by either
9 Committee.

10 (iv) Resolutions in the Senate—

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

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

15 (III) may not be amended.

16 (v) It is not in order for the House of Rep-
17 resentatives to consider any resolution that is
18 not reported by the Committee on Ways and
19 Means and, in addition, by the Committee on
20 Rules.

21 (vi) It is not in order for the Senate to
22 consider any resolution that is not reported by
23 the Committee on Finance.

24 (vii) The provisions of subsections (d) and
25 (e) of section 152 of the Trade Act of 1974 (19

1 U.S.C. 2192) (relating to floor consideration of
2 certain resolutions in the House and Senate)
3 shall apply to resolutions.

4 (4) ADVISORY COMMITTEE REPORTS.—The re-
5 port required under section 135(e)(1) of the Trade
6 Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any
7 trade agreement entered into under subsection (a) or
8 (b) of section 3 shall be provided to the President,
9 Congress, and the United States Trade Representa-
10 tive not later than 30 days after the date on which
11 the President notifies Congress under section
12 3(a)(2) or 6(a)(1)(A) of the intention of the Presi-
13 dent to enter into the agreement.

14 (c) INTERNATIONAL TRADE COMMISSION ASSESS-
15 MENT.—

16 (1) SUBMISSION OF INFORMATION TO COMMIS-
17 SION.—The President, not later than 90 calendar
18 days before the day on which the President enters
19 into a trade agreement under section 3(b), shall pro-
20 vide the International Trade Commission (referred
21 to in this subsection as the “Commission”) with the
22 details of the agreement as it exists at that time and
23 request the Commission to prepare and submit an
24 assessment of the agreement as described in para-
25 graph (2). Between the time the President makes

1 the request under this paragraph and the time the
2 Commission submits the assessment, the President
3 shall keep the Commission current with respect to
4 the details of the agreement.

5 (2) ASSESSMENT.—Not later than 105 calendar
6 days after the President enters into a trade agree-
7 ment under section 3(b), the Commission shall sub-
8 mit to the President and Congress a report assessing
9 the likely impact of the agreement on the United
10 States economy as a whole and on specific industry
11 sectors, including the impact the agreement will have
12 on the gross domestic product, exports and imports,
13 aggregate employment and employment opportuni-
14 ties, the production, employment, and competitive
15 position of industries likely to be significantly af-
16 fected by the agreement, and the interests of United
17 States consumers.

18 (3) REVIEW OF EMPIRICAL LITERATURE.—In
19 preparing the assessment under paragraph (2), the
20 Commission shall review available economic assess-
21 ments regarding the agreement, including literature
22 regarding any substantially equivalent proposed
23 agreement, and shall provide in its assessment a de-
24 scription of the analyses used and conclusions drawn
25 in such literature, and a discussion of areas of con-

1 sensus and divergence between the various analyses
2 and conclusions, including those of the Commission
3 regarding the agreement.

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

7 (d) REPORTS SUBMITTED TO COMMITTEES WITH
8 AGREEMENT.—

9 (1) ENVIRONMENTAL REVIEWS AND RE-
10 PORTS.—The President shall—

11 (A) conduct environmental reviews of fu-
12 ture trade and investment agreements, con-
13 sistent with Executive Order 13141 (64 Fed.
14 Reg. 63169), dated November 16, 1999, and its
15 relevant guidelines; and

16 (B) submit a report on those reviews and
17 on the content and operation of consultative
18 mechanisms established pursuant to section
19 2(c) to the Committee on Ways and Means of
20 the House of Representatives and the Com-
21 mittee on Finance of the Senate at the time the
22 President submits to Congress a copy of the
23 final legal text of an agreement pursuant to
24 section 6(a)(1)(E).

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

3 (A) review the impact of future trade
4 agreements on United States employment, in-
5 cluding labor markets, modeled after Executive
6 Order 13141 (64 Fed. Reg. 63169) to the ex-
7 tent appropriate in establishing procedures and
8 criteria; and

9 (B) submit a report on such reviews to the
10 Committee on Ways and Means of the House of
11 Representatives and the Committee on Finance
12 of the Senate at the time the President submits
13 to Congress a copy of the final legal text of an
14 agreement pursuant to section 6(a)(1)(E).

15 (3) REPORT ON LABOR RIGHTS.—The President
16 shall submit to the Committee on Ways and Means
17 of the House of Representatives and the Committee
18 on Finance of the Senate, on a timeframe deter-
19 mined in accordance with section 4(e)(3)(B)(v)—

20 (A) a meaningful labor rights report of the
21 country, or countries, with respect to which the
22 President is negotiating; and

23 (B) a description of any provisions that
24 would require changes to the labor laws and
25 labor practices of the United States.

1 (4) PUBLIC AVAILABILITY.—The President
2 shall make all reports required under this subsection
3 available to the public.

4 (e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

5 (1) IN GENERAL.—At the time the President
6 submits to Congress a copy of the final legal text of
7 an agreement pursuant to section 6(a)(1)(E), the
8 President shall also submit to Congress a plan for
9 implementing and enforcing the agreement.

10 (2) ELEMENTS.—The implementation and en-
11 forcement plan required by paragraph (1) shall in-
12 clude the following:

13 (A) BORDER PERSONNEL REQUIRE-
14 MENTS.—A description of additional personnel
15 required at border entry points, including a list
16 of additional customs and agricultural inspec-
17 tors.

18 (B) AGENCY STAFFING REQUIREMENTS.—
19 A description of additional personnel required
20 by Federal agencies responsible for monitoring
21 and implementing the trade agreement, includ-
22 ing personnel required by the Office of the
23 United States Trade Representative, the De-
24 partment of Commerce, the Department of Ag-
25 riculture (including additional personnel re-

1 required to implement sanitary and phytosanitary
2 measures in order to obtain market access for
3 United States exports), the Department of
4 Homeland Security, the Department of the
5 Treasury, and such other agencies as may be
6 necessary.

7 (C) CUSTOMS INFRASTRUCTURE REQUIRE-
8 MENTS.—A description of the additional equip-
9 ment and facilities needed by U.S. Customs and
10 Border Protection.

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

15 (E) COST ANALYSIS.—An analysis of the
16 costs associated with each of the items listed in
17 subparagraphs (A) through (D).

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

1 (4) PUBLIC AVAILABILITY.—The President
2 shall make the plan required under this subsection
3 available to the public.

4 (f) OTHER REPORTS.—

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

19 (2) REPORT ON IMPACT OF TRADE PROMOTION
20 AUTHORITY.—Not later than one year after the date
21 of the enactment of this Act, and not later than 5
22 years thereafter, the United States International
23 Trade Commission shall submit to the Committee on
24 Ways and Means of the House of Representatives
25 and the Committee on Finance of the Senate a re-

1 port on the economic impact on the United States
2 of all trade agreements with respect to which Con-
3 gress has enacted an implementing bill under trade
4 authorities procedures since January 1, 1984.

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

17 (B) As part of the report required pursuant to
18 section 163 of the Trade Act of 1974 (19 U.S.C.
19 2213), the President shall report annually to Con-
20 gress on enforcement actions taken pursuant to a
21 trade agreement to which the United States is a
22 party, as well as on any public reports issued by
23 Federal agencies on enforcement matters relating to
24 a trade agreement.

1 (g) ADDITIONAL COORDINATION WITH MEMBERS.—
2 Any Member of the House of Representatives may submit
3 to the Committee on Ways and Means of the House of
4 Representatives and any Member of the Senate may sub-
5 mit to the Committee on Finance of the Senate the views
6 of that Member on any matter relevant to a proposed
7 trade agreement, and the relevant Committee shall receive
8 those views for consideration.

9 **SEC. 6. IMPLEMENTATION OF TRADE AGREEMENTS.**

10 (a) IN GENERAL.—

11 (1) NOTIFICATION AND SUBMISSION.—Any
12 agreement entered into under section 3(b) shall
13 enter into force with respect to the United States if
14 (and only if)—

15 (A) the President, at least 90 calendar
16 days before the day on which the President en-
17 ters into the trade agreement, notifies the
18 House of Representatives and the Senate of the
19 President's intention to enter into the agree-
20 ment, and promptly thereafter publishes notice
21 of such intention in the Federal Register;

22 (B) the President, at least 60 days before
23 the day on which the President enters into the
24 agreement, publishes the text of the agreement
25 on a publicly available Internet website of the

1 Office of the United States Trade Representa-
2 tive;

3 (C) within 60 days after entering into the
4 agreement, the President submits to Congress a
5 description of those changes to existing laws
6 that the President considers would be required
7 in order to bring the United States into compli-
8 ance with the agreement;

9 (D) the President, at least 30 days before
10 submitting to Congress the materials under
11 subparagraph (E), submits to Congress—

12 (i) a draft statement of any adminis-
13 trative action proposed to implement the
14 agreement; and

15 (ii) a copy of the final legal text of the
16 agreement;

17 (E) after entering into the agreement, the
18 President submits to Congress, on a day on
19 which both Houses of Congress are in session,
20 a copy of the final legal text of the agreement,
21 together with—

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

1 (ii) a statement of any administrative
2 action proposed to implement the trade
3 agreement; and

4 (iii) the supporting information de-
5 scribed in paragraph (2)(A);

6 (F) the implementing bill is enacted into
7 law; and

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

17 (2) SUPPORTING INFORMATION.—

18 (A) IN GENERAL.—The supporting infor-
19 mation required under paragraph (1)(E)(iii)
20 consists of—

21 (i) an explanation as to how the im-
22 plementing bill and proposed administra-
23 tive action will change or affect existing
24 law; and

25 (ii) a statement—

1 (I) asserting that the agreement
2 makes progress in achieving the appli-
3 cable purposes, policies, priorities, and
4 objectives of this Act; and

5 (II) setting forth the reasons of
6 the President regarding—

7 (aa) how and to what extent
8 the agreement makes progress in
9 achieving the applicable purposes,
10 policies, and objectives referred
11 to in subclause (I);

12 (bb) whether and how the
13 agreement changes provisions of
14 an agreement previously nego-
15 tiated;

16 (cc) how the agreement
17 serves the interests of United
18 States commerce; and

19 (dd) how the implementing
20 bill meets the standards set forth
21 in section 3(b)(3).

22 (B) PUBLIC AVAILABILITY.—The Presi-
23 dent shall make the supporting information de-
24 scribed in subparagraph (A) available to the
25 public.

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

16 (4) DISCLOSURE OF COMMITMENTS.—Any
17 agreement or other understanding with a foreign
18 government or governments (whether oral or in writ-
19 ing) that—

20 (A) relates to a trade agreement with re-
21 spect to which Congress enacts an imple-
22 menting bill under trade authorities procedures;
23 and

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

8 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-
9 DURES.—

10 (1) FOR LACK OF NOTICE OR CONSULTA-
11 TIONS.—

12 (A) IN GENERAL.—The trade authorities
13 procedures shall not apply to any implementing
14 bill submitted with respect to a trade agreement
15 or trade agreements entered into under section
16 3(b) if during the 60-day period beginning on
17 the date that one House of Congress agrees to
18 a procedural disapproval resolution for lack of
19 notice or consultations with respect to such
20 trade agreement or agreements, the other
21 House separately agrees to a procedural dis-
22 approval resolution with respect to such trade
23 agreement or agreements.

24 (B) PROCEDURAL DISAPPROVAL RESOLU-
25 TION.—(i) For purposes of this paragraph, the

1 term “procedural disapproval resolution” means
2 a resolution of either House of Congress, the
3 sole matter after the resolving clause of which
4 is as follows: “That the President has failed or
5 refused to notify or consult in accordance with
6 the Bipartisan Congressional Trade Priorities
7 and Accountability Act of 2015 on negotiations
8 with respect to _____ and, there-
9 fore, the trade authorities procedures under
10 that Act shall not apply to any implementing
11 bill submitted with respect to such trade agree-
12 ment or agreements.”, with the blank space
13 being filled with a description of the trade
14 agreement or agreements with respect to which
15 the President is considered to have failed or re-
16 fused to notify or consult.

17 (ii) For purposes of clause (i) and para-
18 graphs (3)(C) and (4)(C), the President has
19 “failed or refused to notify or consult in accord-
20 ance with the Bipartisan Congressional Trade
21 Priorities and Accountability Act of 2015” on
22 negotiations with respect to a trade agreement
23 or trade agreements if—

24 (I) the President has failed or refused
25 to consult (as the case may be) in accord-

1 ance with sections 4 and 5 and this section
2 with respect to the negotiations, agree-
3 ment, or agreements;

4 (II) guidelines under section 4 have
5 not been developed or met with respect to
6 the negotiations, agreement, or agree-
7 ments;

8 (III) the President has not met with
9 the House Advisory Group on Negotiations
10 or the Senate Advisory Group on Negotia-
11 tions pursuant to a request made under
12 section 4(c)(4) with respect to the negotia-
13 tions, agreement, or agreements; or

14 (IV) the agreement or agreements fail
15 to make progress in achieving the pur-
16 poses, policies, priorities, and objectives of
17 this Act.

18 (2) PROCEDURES FOR CONSIDERING RESOLU-
19 TIONS.—(A) Procedural disapproval resolutions—

20 (i) in the House of Representatives—

21 (I) may be introduced by any Member
22 of the House;

23 (II) shall be referred to the Com-
24 mittee on Ways and Means and, in addi-
25 tion, to the Committee on Rules; and

1 (III) may not be amended by either
2 Committee; and

3 (ii) in the Senate—

4 (I) may be introduced by any Member
5 of the Senate;

6 (II) shall be referred to the Com-
7 mittee on Finance; and

8 (III) may not be amended.

9 (B) The provisions of subsections (d) and (e) of
10 section 152 of the Trade Act of 1974 (19 U.S.C.
11 2192) (relating to the floor consideration of certain
12 resolutions in the House and Senate) apply to a pro-
13 cedural disapproval resolution introduced with re-
14 spect to a trade agreement if no other procedural
15 disapproval resolution with respect to that trade
16 agreement has previously been reported in that
17 House of Congress by the Committee on Ways and
18 Means or the Committee on Finance, as the case
19 may be, and if no resolution described in clause (ii)
20 of section 5(b)(3)(B) with respect to that trade
21 agreement has been reported in that House of Con-
22 gress by the Committee on Ways and Means or the
23 Committee on Finance, as the case may be, pursu-
24 ant to the procedures set forth in clauses (iii)
25 through (vii) of such section.

1 (C) It is not in order for the House of Rep-
2 representatives to consider any procedural disapproval
3 resolution not reported by the Committee on Ways
4 and Means and, in addition, by the Committee on
5 Rules.

6 (D) It is not in order for the Senate to consider
7 any procedural disapproval resolution not reported
8 by the Committee on Finance.

9 (3) CONSIDERATION IN SENATE OF CONSULTA-
10 TION AND COMPLIANCE RESOLUTION TO REMOVE
11 TRADE AUTHORITIES PROCEDURES.—

12 (A) REPORTING OF RESOLUTION.—If,
13 when the Committee on Finance of the Senate
14 meets on whether to report an implementing
15 bill with respect to a trade agreement or agree-
16 ments entered into under section 3(b), the com-
17 mittee fails to favorably report the bill, the
18 committee shall report a resolution described in
19 subparagraph (C).

20 (B) APPLICABILITY OF TRADE AUTHORI-
21 TIES PROCEDURES.—The trade authorities pro-
22 cedures shall not apply in the Senate to any im-
23 plementing bill submitted with respect to a
24 trade agreement or agreements described in
25 subparagraph (A) if the Committee on Finance

1 reports a resolution described in subparagraph
2 (C) and such resolution is agreed to by the Sen-
3 ate.

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

20 (D) PROCEDURES.—If the Senate does not
21 agree to a motion to invoke cloture on the mo-
22 tion to proceed to a resolution described in sub-
23 paragraph (C), the resolution shall be com-
24 mitted to the Committee on Finance.

1 (4) CONSIDERATION IN THE HOUSE OF REP-
2 REPRESENTATIVES OF A CONSULTATION AND COMPLI-
3 ANCE RESOLUTION.—

4 (A) QUALIFICATIONS FOR REPORTING RES-
5 OLUTION.—If—

6 (i) the Committee on Ways and
7 Means of the House of Representatives re-
8 ports an implementing bill with respect to
9 a trade agreement or agreements entered
10 into under section 3(b) with other than a
11 favorable recommendation; and

12 (ii) a Member of the House of Rep-
13 resentatives has introduced a consultation
14 and compliance resolution on the legislative
15 day following the filing of a report to ac-
16 company the implementing bill with other
17 than a favorable recommendation,

18 then the Committee on Ways and Means shall
19 consider a consultation and compliance resolu-
20 tion pursuant to subparagraph (B).

21 (B) COMMITTEE CONSIDERATION OF A
22 QUALIFYING RESOLUTION.—(i) Not later than
23 the fourth legislative day after the date of intro-
24 duction of the resolution, the Committee on
25 Ways and Means shall meet to consider a reso-

1 lution meeting the qualifications set forth in
2 subparagraph (A).

3 (ii) After consideration of one such resolu-
4 tion by the Committee on Ways and Means,
5 this subparagraph shall not apply to any other
6 such resolution.

7 (iii) If the Committee on Ways and Means
8 has not reported the resolution by the sixth leg-
9 islative day after the date of its introduction,
10 that committee shall be discharged from further
11 consideration of the resolution.

12 (C) CONSULTATION AND COMPLIANCE RES-
13 OLUTION DESCRIBED.—A consultation and
14 compliance resolution—

15 (i) is a resolution of the House of
16 Representatives, the sole matter after the
17 resolving clause of which is as follows:
18 “That the President has failed or refused
19 to notify or consult in accordance with the
20 Bipartisan Congressional Trade Priorities
21 and Accountability Act of 2015 on negotia-
22 tions with respect to _____ and,
23 therefore, the trade authorities procedures
24 under that Act shall not apply in the
25 House of Representatives to any imple-

1 menting bill submitted with respect to such
2 trade agreement or agreements.”, with the
3 blank space being filled with a description
4 of the trade agreement or agreements de-
5 scribed in subparagraph (A); and

6 (ii) shall be referred to the Committee
7 on Ways and Means.

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

16 (5) FOR FAILURE TO MEET OTHER REQUIRE-
17 MENTS.—Not later than December 15, 2015, the
18 Secretary of Commerce, in consultation with the
19 Secretary of State, the Secretary of the Treasury,
20 the Attorney General, and the United States Trade
21 Representative, shall transmit to Congress a report
22 setting forth the strategy of the executive branch to
23 address concerns of Congress regarding whether dis-
24 pute settlement panels and the Appellate Body of
25 the World Trade Organization have added to obliga-

1 tions, or diminished rights, of the United States, as
2 described in section 2(b)(15)(C). Trade authorities
3 procedures shall not apply to any implementing bill
4 with respect to an agreement negotiated under the
5 auspices of the World Trade Organization unless the
6 Secretary of Commerce has issued such report by
7 the deadline specified in this paragraph.

8 (c) RULES OF HOUSE OF REPRESENTATIVES AND
9 SENATE.—Subsection (b) of this section, section 3(c), and
10 section 5(b)(3) are enacted by Congress—

11 (1) as an exercise of the rulemaking power of
12 the House of Representatives and the Senate, re-
13 spectively, and as such are deemed a part of the
14 rules of each House, respectively, and such proce-
15 dures supersede other rules only to the extent that
16 they are inconsistent with such other rules; and

17 (2) with the full recognition of the constitu-
18 tional right of either House to change the rules (so
19 far as relating to the procedures of that House) at
20 any time, in the same manner, and to the same ex-
21 tent as any other rule of that House.

1 **SEC. 7. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR**
2 **WHICH NEGOTIATIONS HAVE ALREADY**
3 **BEGUN.**

4 (a) CERTAIN AGREEMENTS.—Notwithstanding the
5 prenegotiation notification and consultation requirement
6 described in section 5(a), if an agreement to which section
7 3(b) applies—

8 (1) is entered into under the auspices of the
9 World Trade Organization,

10 (2) is entered into with the Trans-Pacific Part-
11 nership countries with respect to which notifications
12 have been made in a manner consistent with section
13 5(a)(1)(A) as of the date of the enactment of this
14 Act,

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

16 (4) is an agreement with respect to inter-
17 national trade in services entered into with WTO
18 members with respect to which a notification has
19 been made in a manner consistent with section
20 5(a)(1)(A) as of the date of the enactment of this
21 Act, or

22 (5) is an agreement with respect to environ-
23 mental goods entered into with WTO members with
24 respect to which a notification has been made in a
25 manner consistent with section 5(a)(1)(A) as of the
26 date of the enactment of this Act,

1 and results from negotiations that were commenced before
2 the date of the enactment of this Act, subsection (b) shall
3 apply.

4 (b) TREATMENT OF AGREEMENTS.—In the case of
5 any agreement to which subsection (a) applies, the appli-
6 cability of the trade authorities procedures to imple-
7 menting bills shall be determined without regard to the
8 requirements of section 5(a) (relating only to notice prior
9 to initiating negotiations), and any resolution under para-
10 graph (1)(B), (3)(C), or (4)(C) of section 6(b) shall not
11 be in order on the basis of a failure or refusal to comply
12 with the provisions of section 5(a), if (and only if) the
13 President, as soon as feasible after the date of the enact-
14 ment of this Act—

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

20 (2) before and after submission of the notice,
21 consults regarding the negotiations with the commit-
22 tees referred to in section 5(a)(1)(B) and the House
23 and Senate Advisory Groups on Negotiations con-
24 vened under section 4(c).

1 **SEC. 8. SOVEREIGNTY.**

2 (a) UNITED STATES LAW TO PREVAIL IN EVENT OF
3 CONFLICT.—No provision of any trade agreement entered
4 into under section 3(b), nor the application of any such
5 provision to any person or circumstance, that is incon-
6 sistent with any law of the United States, any State of
7 the United States, or any locality of the United States
8 shall have effect.

9 (b) AMENDMENTS OR MODIFICATIONS OF UNITED
10 STATES LAW.—No provision of any trade agreement en-
11 tered into under section 3(b) shall prevent the United
12 States, any State of the United States, or any locality of
13 the United States from amending or modifying any law
14 of the United States, that State, or that locality (as the
15 case may be).

16 (c) DISPUTE SETTLEMENT REPORTS.—Reports, in-
17 cluding findings and recommendations, issued by dispute
18 settlement panels convened pursuant to any trade agree-
19 ment entered into under section 3(b) shall have no binding
20 effect on the law of the United States, the Government
21 of the United States, or the law or government of any
22 State or locality of the United States.

23 **SEC. 9. INTERESTS OF SMALL BUSINESSES.**

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

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

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

9 (b) **CONSIDERATION OF SMALL BUSINESS INTER-**
10 **ESTS.**—The Assistant United States Trade Representative
11 for Small Business, Market Access, and Industrial Com-
12 petitiveness shall be responsible for ensuring that the in-
13 terests of small businesses are considered in all trade ne-
14 gotiations in accordance with the objective described in
15 section 2(a)(8).

16 **SEC. 10. CONFORMING AMENDMENTS; APPLICATION OF**
17 **CERTAIN PROVISIONS.**

18 (a) **CONFORMING AMENDMENTS.**—

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

22 (A) in subsection (a)—

23 (i) in paragraph (1), by striking “sec-
24 tion 2103(a) or (b) of the Bipartisan
25 Trade Promotion Authority Act of 2002”

1 and inserting “subsection (a) or (b) of sec-
2 tion 3 of the Bipartisan Congressional
3 Trade Priorities and Accountability Act of
4 2015”; and

5 (ii) in paragraph (2), by striking “sec-
6 tion 2103(b) of the Bipartisan Trade Pro-
7 motion Authority Act of 2002” and insert-
8 ing “section 3(b) of the Bipartisan Con-
9 gressional Trade Priorities and Account-
10 ability Act of 2015”;

11 (B) in subsection (b), by striking “section
12 2103(a)(3)(A) of the Bipartisan Trade Pro-
13 motion Authority Act of 2002” and inserting
14 “section 3(a)(4)(A) of the Bipartisan Congres-
15 sional Trade Priorities and Accountability Act
16 of 2015”; and

17 (C) in subsection (c), by striking “section
18 2103 of the Bipartisan Trade Promotion Au-
19 thority Act of 2002” and inserting “section
20 3(a) of the Bipartisan Congressional Trade Pri-
21 orities and Accountability Act of 2015”.

22 (2) HEARINGS.—Section 132 of the Trade Act
23 of 1974 (19 U.S.C. 2152) is amended by striking
24 “section 2103 of the Bipartisan Trade Promotion
25 Authority Act of 2002” and inserting “section 3 of

1 the Bipartisan Congressional Trade Priorities and
2 Accountability Act of 2015”.

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

9 (4) PREREQUISITES FOR OFFERS.—Section 134
10 of the Trade Act of 1974 (19 U.S.C. 2154) is
11 amended by striking “section 2103 of the Bipartisan
12 Trade Promotion Authority Act of 2002” each place
13 it appears and inserting “section 3 of the Bipartisan
14 Congressional Trade Priorities and Accountability
15 Act of 2015”.

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

19 (A) in subsection (a)(1)(A), by striking
20 “section 2103 of the Bipartisan Trade Pro-
21 motion Authority Act of 2002” and inserting
22 “section 3 of the Bipartisan Congressional
23 Trade Priorities and Accountability Act of
24 2015”; and

25 (B) in subsection (e)—

1 (i) in paragraph (1)—

2 (I) by striking “section 2103 of
3 the Bipartisan Trade Promotion Au-
4 thority Act of 2002” each place it ap-
5 pears and inserting “section 3 of the
6 Bipartisan Congressional Trade Prior-
7 ities and Accountability Act of 2015”;
8 and

9 (II) by striking “not later than
10 the date on which the President noti-
11 fies the Congress under section
12 2105(a)(1)(A) of the Bipartisan
13 Trade Promotion Authority Act of
14 2002” and inserting “not later than
15 the date that is 30 days after the date
16 on which the President notifies Con-
17 gress under section 6(a)(1)(A) of the
18 Bipartisan Congressional Trade Prior-
19 ities and Accountability Act of 2015”;
20 and

21 (ii) in paragraph (2), by striking “sec-
22 tion 2102 of the Bipartisan Trade Pro-
23 motion Authority Act of 2002” and insert-
24 ing “section 2 of the Bipartisan Congres-

1 sional Trade Priorities and Accountability
2 Act of 2015”.

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

6 (A) in subsection (b)(1), in the matter pre-
7 ceding subparagraph (A), by striking “section
8 2105(a)(1) of the Bipartisan Trade Promotion
9 Authority Act of 2002” and inserting “section
10 6(a)(1) of the Bipartisan Congressional Trade
11 Priorities and Accountability Act of 2015”; and

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

18 (7) TRANSMISSION OF AGREEMENTS TO CON-
19 GRESS.—Section 162(a) of the Trade Act of 1974
20 (19 U.S.C. 2212(a)) is amended by striking “section
21 2103 of the Bipartisan Trade Promotion Authority
22 Act of 2002” and inserting “section 3 of the Bipar-
23 tisan Congressional Trade Priorities and Account-
24 ability Act of 2015”.

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

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

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

14 **SEC. 11. DEFINITIONS.**

15 In this Act:

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

20 (2) AGREEMENT ON SAFEGUARDS.—The term
21 “Agreement on Safeguards” means the agreement
22 referred to in section 101(d)(13) of the Uruguay
23 Round Agreements Act (19 U.S.C. 3511(d)(13)).

24 (3) AGREEMENT ON SUBSIDIES AND COUNTER-
25 VAILING MEASURES.—The term “Agreement on Sub-

1 subsidies and Countervailing Measures” means the
2 agreement referred to in section 101(d)(12) of the
3 Uruguay Round Agreements Act (19 U.S.C.
4 3511(d)(12)).

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

11 (5) APPELLATE BODY.—The term “Appellate
12 Body” means the Appellate Body established under
13 Article 17.1 of the Dispute Settlement Under-
14 standing.

15 (6) COMMON MULTILATERAL ENVIRONMENTAL
16 AGREEMENT.—

17 (A) IN GENERAL.—The term “common
18 multilateral environmental agreement” means
19 any agreement specified in subparagraph (B) or
20 included under subparagraph (C) to which both
21 the United States and one or more other par-
22 ties to the negotiations are full parties, includ-
23 ing any current or future mutually agreed upon
24 protocols, amendments, annexes, or adjust-
25 ments to such an agreement.

1 (B) AGREEMENTS SPECIFIED.—The agree-
2 ments specified in this subparagraph are the
3 following:

4 (i) The Convention on International
5 Trade in Endangered Species of Wild
6 Fauna and Flora, done at Washington
7 March 3, 1973 (27 UST 1087; TIAS
8 8249).

9 (ii) The Montreal Protocol on Sub-
10 stances that Deplete the Ozone Layer,
11 done at Montreal September 16, 1987.

12 (iii) The Protocol of 1978 Relating to
13 the International Convention for the Pre-
14 vention of Pollution from Ships, 1973,
15 done at London February 17, 1978.

16 (iv) The Convention on Wetlands of
17 International Importance Especially as
18 Waterfowl Habitat, done at Ramsar Feb-
19 ruary 2, 1971 (TIAS 11084).

20 (v) The Convention on the Conserva-
21 tion of Antarctic Marine Living Resources,
22 done at Canberra May 20, 1980 (33 UST
23 3476).

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

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

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

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

17 (A) freedom of association;

18 (B) the effective recognition of the right to
19 collective bargaining;

20 (C) the elimination of all forms of forced
21 or compulsory labor;

22 (D) the effective abolition of child labor
23 and a prohibition on the worst forms of child
24 labor; and

1 (E) the elimination of discrimination in re-
2 spect of employment and occupation.

3 (8) DISPUTE SETTLEMENT UNDERSTANDING.—

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

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

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

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

24 (12) GENERAL AGREEMENT ON TRADE IN
25 SERVICES.—The term “General Agreement on Trade

1 in Services” means the General Agreement on Trade
2 in Services (referred to in section 101(d)(14) of the
3 Uruguay Round Agreements Act (19 U.S.C.
4 3511(d)(14))).

5 (13) GOVERNMENT PROCUREMENT AGREEMENT.—The term “Government Procurement Agree-
6 MENT.—The term “Government Procurement Agree-
7 ment” means the Agreement on Government Pro-
8 curement referred to in section 101(d)(17) of the
9 Uruguay Round Agreements Act (19 U.S.C.
10 3511(d)(17)).

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

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

16 (A) with respect to which, as a result of
17 the Uruguay Round Agreements, the rate of
18 duty was the subject of tariff reductions by the
19 United States and, pursuant to such Agree-
20 ments, was reduced on January 1, 1995, to a
21 rate that was not less than 97.5 percent of the
22 rate of duty that applied to such article on De-
23 cember 31, 1994; or

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

1 (16) INFORMATION TECHNOLOGY AGREE-
2 MENT.—The term “Information Technology Agree-
3 ment” means the Ministerial Declaration on Trade
4 in Information Technology Products of the World
5 Trade Organization, agreed to at Singapore Decem-
6 ber 13, 1996.

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

13 (18) LABOR LAWS.—The term “labor laws”
14 means the statutes and regulations, or provisions
15 thereof, of a party to the negotiations that are di-
16 rectly related to core labor standards as well as
17 other labor protections for children and minors and
18 acceptable conditions of work with respect to min-
19 imum wages, hours of work, and occupational safety
20 and health, and for the United States, includes Fed-
21 eral statutes and regulations addressing those stand-
22 ards, protections, or conditions, but does not include
23 State or local labor laws.

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

1 (A) a United States citizen;

2 (B) a partnership, corporation, or other
3 legal entity that is organized under the laws of
4 the United States; and

5 (C) a partnership, corporation, or other
6 legal entity that is organized under the laws of
7 a foreign country and is controlled by entities
8 described in subparagraph (B) or United States
9 citizens, or both.

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

14 (21) WORLD TRADE ORGANIZATION; WTO.—The
15 terms “World Trade Organization” and “WTO”
16 mean the organization established pursuant to the
17 WTO Agreement.

18 (22) WTO AGREEMENT.—The term “WTO
19 Agreement” means the Agreement Establishing the
20 World Trade Organization entered into on April 15,
21 1994.

22 (23) WTO MEMBER.—The term “WTO mem-
23 ber” has the meaning given that term in section

1 2(10) of the Uruguay Round Agreements Act (19
2 U.S.C. 3501(10)).

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