

TRADE PROMOTION AUTHORITY ACT OF 2013

Section 1. Short title, findings and purpose

(a) Short title.—This Act may be cited as the "Trade Promotion Authority Act of 2013".

(b) Findings.—The Congress makes the following findings:

(1) The primary objectives of United States participation in international trade negotiations are to foster the security, standard of living, and health and safety of the people of the United States. These American objectives are fully consistent with and support the establishment of a world of greater peace, freedom and prosperity for all peoples.

(2) The expansion of international trade and investment is vital to the national security and foreign policy interests of the United States, in significant part because expanding trade contributes to economic development, job growth and prosperity and thereby political stability throughout the world. Trade is also critical to the economic growth and strength of the United States and to its global leadership.

(3) Trade agreements should maximize opportunities for the United States economy, providing the economic and technological base to advance its objectives in world affairs through a strong economy and military, with assured support of the American people.

(4) America's leadership role is critical to the world trading system and requires a national strategy.

(5) Benefits from an open world trading system require not only access to foreign markets for American goods, services and technology, and access to the goods, services and technology produced by other countries, but most importantly a highly competitive, advanced U.S. economy.

(6) Trade policy does not exist in a vacuum. To maximize the benefits for the United States from participation in an open international trading environment, America's domestic policies must assure that the United States is the foremost attractive location for global investment in productive facilities and people as well as in research and development, particularly of advanced technologies and innovative industries, with an education system second to none, a high quality, accessible health care system, a highly skilled workforce, a secure and competitive energy supply, a modern infrastructure, and a clean and attractive environment.

(7) The 21st century will be characterized by rapid economic change fueled by increasing global economic integration.

(8) It is in the interest of the United States that as many countries as possible, including the developing nations, participate fully in the trading system and realize its benefits.

(9) The nature of global competition has changed from a focus exclusively on exporting finished products to foreign markets to utilizing assets – capital, investment and human talent – globally to maximize participation in growing markets in all parts of the world. Open markets and a rules-based trading system are essential to the United States being able to take better advantage of its status as a high-wage, high-productivity nation in an era of heightened global competition.

(10) Maintaining competitiveness is no longer a matter simply of exports and imports across national borders but rather the construction of complex chains of supply and distribution that operate in multiple jurisdictions and include many enterprises, small and large, working together to produce products and services that are sold in the global marketplace dependent upon rules and disciplines that are enforceable and adaptable as technology progresses.

(11) It is in the United States' interest to create a global economic environment that allows the U.S. to fully participate and take advantage of those supply chains and markets, and by doing so to promote growth of the U.S. economy and job creation.

(12) An integral part of creating high quality jobs that enhance economic opportunities for working families is ensuring that our work force is well prepared for the challenge. A 21st century trade policy, therefore, must be complemented by education and training programs that prepare current and future generations of workers for the rapidly changing economy.

(13) An integral element of a globally integrated economy is a workforce talent pool that is mobile and has the skill sets to adapt to and benefit from the changing economic realities of a globally integrated economy.

(14) In a global economy, any country to prosper must, consistent with its national objectives of the security and welfare of its people, provide an opportunity for the private sector's objectives of maximizing economic return consistent with social responsibilities to be met. It is in the interest of the United States to be the most attractive place in the world to innovate, produce, work and live.

(c) Purpose.—The purpose of this Act is to provide authority and guidance to the President for dealing with global economic integration in ways that will enhance the economic position of American enterprises, workers and farmers and help them promote economic growth and job creation in the United States and around the globe.

Section 2. Fundamental Negotiating Objectives

Fundamental to achieving the purpose of section 1(c) is reaching international agreement on institutions, rules, and policies that will—

(1) MARKET ACCESS.—Continue to make markets for exports of U.S. manufactured goods, services (including digital goods and services) and agriculture more open and freely contestable.

(2) TRADE INFRASTRUCTURE.—Develop the physical, financial, and services infrastructure, which together with the rule of law, are necessary to permit goods and services to move both freely and securely across borders and within countries.

(3) INTELLECTUAL PROPERTY.—Improve the framework of intellectual property rules and further promote the effective global protection of intellectual property rights, which provide essential incentives for investment and economic development and growth in all countries, recognizing the importance of crafting rules in a way that address new challenges to the protection of IP rights while permitting the digital economy to function; including through ensuring that the provisions of any multilateral or bilateral trade agreement governing intellectual property rights that is entered into by the United States reflect a standard of protection and enforcement similar to that found in United States law.

(4) INVESTMENT.—Work to reduce or eliminate artificial or trade-distorting barriers to foreign investment in all countries and to protect U.S. investment abroad.

(5) TRADE IN ENVIRONMENTAL GOODS AND SERVICES.—Increase market access to and reduce the cost of technologies, goods and services that aid efforts to reduce climate change by enhancing energy efficiency and reducing carbon emissions in all countries.

(6) GLOBAL SUPPLY CHAINS.—Ensure that U.S. suppliers of goods, services, and technology can gain access to and take full advantage of global supply and distribution chains that have become a competitive necessity for U.S. firms serving U.S. and world markets.

(7) TRADE FACILITATION.—Promote trade facilitation through simplification and harmonization of customs, security and other border measures that impact the flow of trade.

(8) REGULATORY PROCESSES.—Ensure that regulatory processes, both at home and abroad, are coherent, science-based, transparent and accessible and remove or limit the resort to regulations and barriers (including in particular the imposition of discriminatory standards) that prevent enterprises from focusing on what they do best, which is to lay the foundation for economic growth and job creation.

(9) EXCHANGE RATES.—Ensure that participants in the global trading system refrain from exchange rate policies to achieve competitive advantage by either weakening their currency value contrary to market conditions or preventing appreciation of an undervalued currency, and provide for measures that alleviate the distortion of trade caused by such policies.

(10) CAPACITY BUILDING.—Encourage other participants in the global trading system to enhance their investment in and commitment to domestic institutions that facilitate participation in the international trading system and ensure the protection of the health and safety of consumers and workers at home and abroad. This includes customs services, border control forces, and health, safety and environmental regulatory bodies.

(11) STATE-OWNED ENTERPRISES.—Eliminate the practices of governments and state-owned enterprises that create market distortions, including the creation of productive capacity unwarranted by market forces.

(12) LABOR.—Consistent with existing U.S. law, ensure that parties to a trade agreement adopt and maintain fundamental labor rights and effectively enforce their respective labor laws with respect to trade or investment between the United States and those parties.

(13) BUSINESS FACILITATION.—Ensure opportunities for high-skilled individuals through measures such as temporary entry and business facilitation so as to maximize U.S. competitiveness in the United States and in global markets.

(14) TRANSPARENCY.—Ensure transparency in the development of laws, regulations, and other rules, including through prior notice and opportunity for public comment.

(15) ENVIRONMENT.—Ensure that a party to a trade agreement with the United States strives to ensure that its environmental laws and policies provide for and encourage high levels of environmental protection, adopts and maintains laws and regulations to fulfill its obligations under designated multilateral environmental agreements, and does not fail to effectively enforce its environmental laws in a manner affecting trade or investment between the parties.

(16) FORCED LOCALIZATION.—Strengthen rules against trade, investment practices and regulatory laws and administrative procedures and practices for goods and services which have the effect of forcing companies to source goods or services or to invest in, to transfer technology to, or to change their form or legal organization in a country in order to compete for business in that country.

(17) TRADE REMEDY LAWS.—Strengthen the rules against trade distorting practices and maintain strong and effective multilateral, bilateral and domestic remedies, including antidumping and countervailing duties, that permit offsets against such practices.

(18) DISPUTE SETTLEMENT AND ENFORCEMENT.—Strengthen dispute settlement procedures in the WTO and free trade agreements to ensure strong enforcement of all rights and obligations under those agreements.

(19) BORDER TAXES.—Ensure that the rules of the multilateral trading system do not create a disparity in the treatment of international transactions regarding goods, services, technology or investment based solely on the form of tax or method of taxation adopted by individual parties to such arrangements, creating an advantage for some countries at the expense of others.

(20) GOVERNMENT PROCUREMENT.—Broaden access to procurement at all levels of government and provide national treatment and process transparency for all manufacturers and service providers consistent with the Government Procurement Agreement, including through expansion of the membership and scope of the Government Procurement Agreement.

(21) SCIENCE-BASED STANDARDS.—Pursue the development of science-based food and product safety standards and compliance procedures that provide for improved international obligations to reduce and where possible eliminate threats to human and animal health and safety.

(22) HEALTH. —Improve health outcomes by creating competitive opportunities for a full range of U.S. products (innovative and generic) and services, specifically by expanding access to quality healthcare through eliminating tariff and non-tariff barriers to trade, ensuring that current and future commitments under the World Trade Organization and bilateral and plurilateral agreements apply to health care-related products and services, and providing that government decision-making recognizes the value of innovation and allows transparent and non-discriminatory access to government procurement systems.

(23) EXPORT RESTRICTIONS—Strengthen WTO and free trade agreement rules on export restrictions (whether through taxes, tariffs, quantitative limitations or other means) to provide that such restrictions not be applied to food or natural resources in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries or a disguised restriction on international trade

or constitute unjustifiable discrimination against a new or advanced technological innovation.

(24) **CROSS-BORDER INFORMATION FLOWS.**— Modernize and improve rules, standards and practices governing the flow of data and information across borders (with the aim of promoting the global benefits of the Internet and preserving and advancing the successful multistakeholder model that governs it), including by expressly prohibiting restrictions on legitimate cross-border data and information flows, allowing lawful access by companies and individuals to their own or publicly available data and information wherever that information is located; and, where appropriate, prohibiting location-based mandates on digital goods, services and technologies.

Section 3. Multilateral and Plurilateral Negotiations

(a) **Policy.**—The United States has a vital stake in the multilateral trading system and in improving its rules and functioning and expanding its scope. Fully realizing the promise and benefits of global economic integration requires multilateral institutions and international rules that will be honored by all.

(b) **Objectives.**—

(1) **NEW MULTILATERAL INITIATIVES.**—Lead major multilateral initiatives to liberalize world trade in goods and services and investment, protection of intellectual property, and otherwise fulfill the objectives of this Act.

(2) **PLURILATERAL NEGOTIATIONS.**— Recognizing that WTO members differ in their willingness and/or political ability to embrace fully and implement new rules and disciplines of the global trading system, encourage WTO Members to pursue alternatives that will enable further trade liberalization through the development of a two-track structure that allows nations willing to agree to greater liberalization, rules, and disciplines, including on a sectoral basis, to do so and to apply such benefits on a reciprocal basis rather than as part of a “single undertaking” while leaving open the possibility for other WTO Members to join in the initial agreements later through a transparent accession process.

(3) **CUSTOMS UNIONS AND FREE-TRADE AREAS.**—

(A) Seek greater enforcement of WTO rules regarding the coverage and depth of obligations assumed as part of a free trade agreement before it qualifies as an exception to the most-favored-nation obligations of the WTO.

(B) Seek to harmonize the rules contained in the numerous free trade agreements negotiated by many WTO members

Section 4. Regional and Bilateral Negotiations

(a) Policy.—While the United States remains fully committed to the multilateral trading system and believes it must be the basis for fully realizing the benefits of the 21st century economy, it also recognizes that regional or bilateral trade agreements of the United States can reinforce the multilateral system if undertaken consistent with the objectives in sections (2) and (3) and subsection (b) of this section.

(b) Objectives.—

(1) PRIORITY NEGOTIATIONS.—

(A) Give priority attention to those countries with the greatest economic and commercial significance and potential for expanding trade with the United States and promoting employment opportunities within the United States, and which have the capacity to effectively implement such agreements; and in particular to explore deeper economic interrelationships with trading partners at comparable levels of economic development.

(B) Give priority to those bilateral or regional agreements with the greatest capacity to reinforce the goals of liberalizing trade in goods and services and strengthening international rules which would establish effective precedents consistent with United States objectives in new areas of negotiation such as investment, regulatory policy designed to ensure due process, expansion of competition and enhance consumer choice and welfare, protection of the environment, fostering the improved conditions of labor, promotion of energy efficiency, and enhancing the safety of food and other products.

(2) HARMONIZATION. Launch negotiations among existing free trade agreement partners to integrate and harmonize existing bilateral and regional free trade arrangements in order to provide a baseline from which new agreements can be negotiated and over which new agreements offer a material advance.

(3) PRESERVATION OF BENEFITS – Seek to ensure that anticipated benefits accorded to U.S. trade and investment by other Parties to Agreements entered into under this Act are not eroded by subsequent agreements concluded by such Parties by providing in each Agreement entered into under this Act that each such Party shall --

(a) give notice of any advantage, favor, privilege or immunity granted to the trade or investment of any other country in preference to that accorded to like trade or investment of the United States; and

(b) agree to enter into negotiations with the United States which may result in according to such U.S. trade or investment treatment no less favorable than that accorded to the like trade or investment of such other country.

Section 5. Trade agreements authority

(a) Agreements regarding tariff barriers.—

(1) In general.—Whenever the President determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of this chapter will be promoted thereby, the President –

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

(i) June 1, 2018; or

(ii) for subsequent five year periods beginning June 1, 2018, if trade authorities procedures are extended under subsection (e) of this section for an additional five year period prior to the expiration of a period in which such trade authorities procedures apply; and

(B) may, subject to paragraphs (2) and (3), proclaim –

(i) such modification or continuance of any existing duty;

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

(iii) such additional duties,

as the President determines to be required or appropriate to carry out any such trade agreement. The President shall notify the Congress of the President's intention to enter into an agreement under this subsection.

(2) Limitations.—No proclamation may be made under paragraph (1) that-

(A) reduces the rate of duty below that applicable under the Uruguay Round Agreements, or any subsequent multilateral trade agreement on any import sensitive agricultural product; or

(B) increases any rate of duty above the rate that applied on January 1, 2013.

(3) Other Limitations.—A rate of duty reduction that may not be proclaimed by reason of paragraph (2) may take effect only if a provision authorizing such reduction is included within an implementing bill provided for under this chapter and that bill is enacted into law.

(4) Authority under Uruguay Round Agreements Act not affected.— Nothing in this subsection shall limit the authority provided to the President under section 111(b) of the Uruguay Round Agreements Act (19 U.S.C. 3521(b)).

(b) Agreements regarding tariff and nontariff barriers

(1) In general.—

(A) Whenever the President determines that –

(i) one or more existing duties or any other import restriction of any foreign country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy, or

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

and that the purposes, policies, priorities, and objectives of this chapter will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B) during the period described in subparagraph (C).

(B) The President may enter into a trade agreement under subparagraph (A) with foreign countries providing for –

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

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

(C) The President may enter into a trade agreement under this paragraph before–

(i) June 1, 2018; or

(ii) for subsequent five year periods beginning June 1, 2018, if trade authorities procedures are extended under subsection (e) of this section for an additional five year period prior to the expiration of a period in which such trade authorities procedures apply.

(c) Conditions.—A trade agreement may be entered into under this section only if such agreement makes progress in meeting the applicable objectives described in sections 2-5 of this Act.

(d) Bills qualifying for trade authorities procedures.—

(1) The provisions of section 2191 of this title (in this Act referred to as "trade authorities procedures") apply to a bill of either House of Congress which contains provisions described in subparagraph (2) to the same extent as such section 2191 of this title applies to implementing bills under that section. A bill to which this paragraph applies shall hereafter in this chapter be referred to as an "implementing bill".

(2) The provisions referred to in subparagraph (1) are -

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

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

(e) Extension of disapproval process for Congressional trade authorities procedures.—

(1) In general.—

(A) the trade authorities procedures apply to implementing bills submitted with respect to trade agreements entered into under subsection (b) of this section before July 1, 2018; and

(B) the trade authorities procedures shall be extended to implementing bills submitted with respect to trade agreements entered into under subsection (b) of this section after June 30, 2013, if (and only if) –

(i) prior to March 1 of each fifth year following 2013 the President requests such extension under paragraph (2); and

(ii) neither House of the Congress adopts an extension disapproval resolution under paragraph (5) before June 1 of that year.

(2) Report to Congress by the President.—If the President is of the opinion that the trade authorities procedures should be extended to implementing bills described in paragraph (1)(B), the President shall submit to the Congress, not later

than March 1, 2018, and at five year intervals following that date, a written report that contains a request for such extension, together with -

(A) a description of all trade agreements that have been negotiated under subsection (b) of this section since the last such report and the anticipated schedule for submitting such agreements to the Congress for approval;

(B) a description of the progress that has been made in negotiations to achieve the purposes, policies, priorities, and objectives of this chapter together with an explanation of areas where progress has not been made and the reasons therefor, and a statement that such progress justifies the continuation of negotiations; and

(C) a statement of the reasons why the extension is needed to complete the negotiations.

(3) Certain agreements.—

(A) In general.—Notwithstanding the extension procedures described in paragraph (1)(B), if an agreement to which subsection (b) applies results from negotiations that were commenced while the trade authorities procedures were in effect, subparagraph (B) shall apply.

(B) Treatment of agreements.—In the case of any agreement to which subparagraph (A) applies, the trade authorities procedures shall apply to an implementing bill that meets the criteria in subsections (c) and (d) unless—

(i) the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives disapproved of the negotiation of such agreement before the close of the 90-day period which begins on the date notice is provided under section 6(a)(1) with respect to the negotiation of such agreement; or

(ii) both Houses of Congress agree to procedural disapproval resolutions as described in section 7(b).

(4) Other reports to Congress

(A) Report by the Advisory Committee.—The President shall promptly inform the Advisory Committee for Trade Policy and Negotiations established under section 2155 of this title of the President's decision to submit a report to the Congress under paragraph (2). The Advisory Committee shall submit to the Congress as soon as practicable, but not later than May 1, 2018, and at five year intervals following that date, a written report that contains:

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

(ii) a statement of its views, and the reasons therefor, regarding whether the extension requested under paragraph (2) should be approved or disapproved.

(B) Report by ITC.—The President shall promptly inform the International Trade Commission of the President's decision to submit a report to the Congress under paragraph (2). The International Trade Commission shall submit to the Congress as soon as practicable, but not later than May 1, 2018, and at five year intervals following that date, a written report that contains a review and analysis of the economic impact on the United States of all trade agreements implemented between the date of enactment of this Act and the date on which the President decides to seek an extension requested under paragraph (2).

(5) Status of reports.—The reports submitted to the Congress under paragraphs (2) and (4), or any portion of such reports, may be classified to the extent the President determines appropriate.

(6) Extension disapproval resolutions

(A) For purposes of paragraph (1), the term "extension disapproval resolution" means a resolution of either House of the Congress, the sole matter after the resolving clause of which is as follows: "That the ___ disapproves the request of the President for the extension of the trade authorities procedures under the Trade Negotiating Authority Act of 2013 to any implementing bill submitted with respect to any trade agreement entered into under section 6 of that Act after June 30, ____.", with the first blank space being filled with the name of the resolving House of the Congress and the second blank space being filled with the year that is five years after the last such extension of trade authorities procedures.

(B) Extension disapproval resolutions –

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

(ii) shall be referred, in the House of Representatives, to the Committee on Ways and Means and, in addition, to the Committee on Rules.

(C) The provisions of section 2192(d) and (e) of this title (relating to the floor consideration of certain resolutions in the House and Senate) apply to extension disapproval resolutions.

(D) It is not in order for –

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

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

(iii) either House of the Congress to consider an extension disapproval resolution after June 30, 2018, or June 30 of each subsequent fifth year if trade authorities procedures have been extended for that period.

(f) Commencement of negotiations.—In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are consistent with the objectives of this Act, feasible and timely and would benefit the United States. In so doing, the President shall take into account all of the fundamental negotiating objectives set forth in section 2 of this Act.

Section 6. Consultations and assessment

(a) Notice and consultation before negotiation.—The President, with respect to any agreement that is subject to the provisions of section 6(a) or 6(b) of this title, shall –

(1) provide, at least 90 calendar days before initiating negotiations, written notice to the Congress of the President's intention to enter into the negotiations and set forth therein the date the President intends to initiate such negotiations, the specific United States objectives for the negotiations, and whether the President intends to seek an agreement, or changes to an existing agreement;

(2) before and after submission of the notice, consult regarding the negotiations with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and such other committees of the House and Senate as the President deems appropriate.

(b) Consultations during the course of negotiations

(1) Consultations with congressional advisers.—In the course of negotiations conducted under this chapter, the President shall consult closely and on a timely basis with, and keep fully apprised of the negotiations, all committees of the House of Representatives and the Senate with jurisdiction over laws that would be affected by a trade agreement resulting from the negotiations.

(2) Consultation before agreement initialed.—In the course of negotiations conducted under this chapter, the United States Trade Representative shall –

(A) consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional advisers for trade policy and negotiations appointed under section 10(a)(4) of this Act, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(c) Consultation with Congress before agreements entered into

(1) Consultation.—Before entering into any trade agreement under section 6 of this title, the President shall consult with –

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

(2) Scope.—The consultation described in paragraph (1) shall include consultation with respect to –

(A) the nature of the agreement;

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

(C) the implementation of the agreement under section 7 of this title, including the general effect of the agreement on existing laws.

(d) Advisory Committee reports.—The report required under section 135(e)(1) of the Trade Act of 1974 [19 U.S.C. 2155(e)(1)] regarding any trade agreement entered into under section 3803(a) or (b) of this title shall be provided to the President, the Congress, and the United States Trade Representative not later than 30 days after the date on which the President notifies the Congress under section 6 of this Act of the President's intention to enter into the agreement.

(e) ITC assessment

(1) In general.—The President, at least 90 calendar days before the day on which the President enters into a trade agreement under section 6 of this Act, shall provide the International Trade Commission (referred to in this subsection as "the Commission") with the details of the agreement as it exists at that time and request the Commission to prepare and submit an assessment of the agreement as described in paragraph (2). Between the time the President makes the request under this paragraph and the time the Commission submits the assessment, the President shall keep the Commission current with respect to the details of the agreement.

(2) ITC assessment.—Not later than 90 calendar days after the President enters into the agreement, the Commission shall submit to the President and the Congress a report assessing the likely impact of the agreement on the United States economy as a whole and on specific industry sectors, including the impact the agreement will have on the gross domestic product, exports and imports, aggregate employment and employment opportunities, the production, employment, and competitive position of industries likely to be significantly affected by the agreement, and the interests of United States consumers.

(3) Review of empirical literature.—In preparing the assessment, the Commission shall review available economic assessments regarding the agreement, including literature regarding any substantially equivalent proposed agreement, and shall provide in its assessment a description of the analyses used and conclusions drawn in such literature, and a discussion of areas of consensus and divergence between the various analyses and conclusions, including those of the Commission regarding the agreement.

Section 7. Implementation of trade agreements

(a) In general.—

(1) Notification and submission.—Any agreement entered into under section 6(b) of this Act shall enter into force with respect to the United States if (and only if) –

(A) the President, at least 90 calendar days before the day on which the President enters into the trade agreement, notifies the House of Representatives and the Senate of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(B) within 60 days after entering into the agreement, the President submits to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the agreement;

(C) after entering into the agreement, the President submits to the Congress, on a day on which both Houses of Congress are in session, a copy of the final legal text of the agreement, together with –

(i) a draft of an implementing bill described in section 3803(b)(3) of this title;

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

(iii) the supporting information described in paragraph (2); and

(D) the implementing bill is enacted into law.

(2) Supporting information.—The supporting information required under paragraph (1)(C)(iii) consists of –

(A) an explanation as to how the implementing bill and proposed administrative action will change or affect existing law; and

(B) a statement –

(i) asserting that the agreement makes progress in achieving the applicable purposes, policies, priorities, and objectives of this chapter; and

(ii) setting forth the reasons of the President regarding –

(I) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in clause (i);

(II) whether and how the agreement changes provisions of an agreement previously negotiated;

(III) how the agreement serves the interests of United States commerce; and

(IV) how and to what extent the agreement makes progress in achieving the applicable purposes, policies, and objectives referred to in sections 2-5 of this Act.

(3) Reciprocal benefits.—In order to ensure that a foreign country that is not a party to a trade agreement entered into under section 3803(b) of this title does not receive benefits under the agreement unless the country is also subject to

the obligations under the agreement, the implementing bill submitted with respect to the agreement shall provide that the benefits and obligations under the agreement apply only to the parties to the agreement, if such application is consistent with the terms of the agreement. The implementing bill may also provide that the benefits and obligations under the agreement do not apply uniformly to all parties to the agreement, if such application is consistent with the terms of the agreement.

(4) Disclosure of commitments.—Any agreement or other understanding with a foreign government or governments (whether oral or in writing) that –

(A) relates to a trade agreement with respect to which the Congress enacts an implementing bill under trade authorities procedures, and

(B) is not disclosed to the Congress before an implementing bill with respect to that agreement is introduced in either House of Congress, shall not be considered to be part of the agreement approved by the Congress and shall have no force and effect under United States law or in any dispute settlement body.

(b) Limitations on trade authorities procedures

(1) For lack of notice or consultations

(A) In general.—The trade authorities procedures shall not apply to any implementing bill submitted with respect to a trade agreement or trade agreements entered into under section 3803(b) of this title if during the 60-day period beginning on the date that one House of Congress agrees to a procedural disapproval resolution for lack of notice or consultations with respect to such trade agreement or agreements, the other House separately agrees to a procedural disapproval resolution with respect to such trade agreement or agreements.

(B) Procedural disapproval resolution.—

(i) For purposes of this paragraph, the term "procedural disapproval resolution" means a resolution of either House of Congress, the sole matter after the resolving clause of which is as follows: "That the President has failed or refused to notify or consult in accordance with the Trade Negotiating Authority Act of 2013 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to such trade agreement or agreements.", with the blank space being filled with a description of the trade agreement or agreements with respect to which the President is considered to have failed or refused to notify or consult.

(ii) For purposes of clause (i), the President has "failed or refused to notify or consult in accordance with the Trade Negotiating Authority Act of 2013" on negotiations with respect to a trade agreement or trade agreements if -

(I) the President has failed or refused to consult (as the case may be) in accordance with section 7 of this Act or this section with respect to the negotiations, agreement, or agreements; or

(II) the agreement or agreements fail to make progress in achieving the purposes, policies, priorities, and objectives of this Act.

(2) Procedures for considering resolutions

(A) Procedural disapproval resolutions -

(i) in the House of Representatives -

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

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

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

(ii) in the Senate -

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

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) The provisions of section 2192(d) and (e) of this title (relating to the floor consideration of certain resolutions in the House and Senate) apply to a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been reported in that House of Congress by the Committee on Ways and Means or the Committee on Finance, as the case may be.

(C) It is not in order for the House of Representatives to consider any procedural disapproval resolution not reported by the Committee on Ways and Means and, in addition, by the Committee on Rules.

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

(c) Rules of House of Representatives and Senate.—Subsection (b) of this section is enacted by the Congress -

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(d) Special Rule for Transpacific Partnership negotiations.—The procedures of this section shall only apply to a bill implementing an agreement reached as a result of the Transpacific Partnership negotiations if the President makes the appropriate determination under section 6 of this Act and so notifies the Congress within one year of the date of enactment of this Act.

Section 8. Congressional Oversight of Trade Policy

(a) In order to ensure broad and deep consultation between the Executive Branch and the Congress, including with those Members of Congress who do not serve on the House Committee on Ways and Means or the Senate Committee on Finance, the Committee on Ways and Means and the Committee on Finance shall jointly develop a plan that provides for such consultation.

(b) Such plan shall affirm the leadership of the Committee on Ways and Means and the Committee on Finance in the consultation process.

(c) The plan, upon its completion, shall be submitted to the House of Representatives and the Senate for consideration and, if approved, it shall become part of the rules of each body.

Section 9. Additional implementation and enforcement requirements

(a) In general.—At the time the President submits to the Congress the final text of an agreement pursuant to section 6 of this title, the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements.—A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements.—A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs infrastructure requirements.—A description of the additional equipment and facilities needed by United States Customs and Border Protection.

(4) Impact on State and local governments.—A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Trade Adjustment Assistance.—A description of the likely additional resource demands on the Trade Adjustment Assistance program resulting from increased trade and commerce brought about by the trade agreement.

(6) Cost analysis.—An analysis of the costs associated with each of the items listed in paragraphs (1) through (5).

(b) Budget submission.—The President shall include a request for the resources necessary to support the plan described in subsection (a) of this section in the first budget that the President submits to the Congress after the submission of the plan.

Section 10. Application of certain provisions.—For purposes of applying sections 2135, 2136, and 2137 of this title—

(1) any trade agreement entered into pursuant to this Act shall be treated as an agreement entered into under section 2111 or 2112 of this title, as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into pursuant to this Act shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 2112 of this title.

Section 11. Establishment of Office of Trade Analysis

- (1) There is established within the office of the United States Trade Representative the Office of Trade Analysis , to be led by a Director of Competitive Analysis , at the level of an Assistant U.S. Trade Representative.(hereinafter, the “ AUSTR/DCA”).
- (2) The Duties of the Office shall be:
 - (a) collect information and data regarding policies and practices of foreign nations that may provide them with competitive advantages; create market access barriers for foreign goods, services, or agricultural products; impair intellectual property rights; or discriminate against or distort patterns of trade or investment.
 - (b) provide in-depth analysis and assessments of the foreign practices identified in paragraph (a) for U.S. policy-makers and negotiators including their impact on the U.S. economy;
 - (c) develop information that will facilitate the enforcement activities of the United States Trade Representative’s office and other federal agencies;
 - (d) develop data collection methods that take into account the growing importance of global supply chains in the economy, accurately reflect US value-added in exports and imports, and the impact of foreign measures on trade, investment and innovation in the U.S. economy;
 - (e) conduct independent assessments of U.S. trade policy interests and make recommendations on how to advance such interests;
 - (f) Prepare on behalf of the U.S. Trade Representative an Assessment of the Standing of the U.S. in the Global Economy which shall be made available to the President and the Chairmen and Ranking Members of the Senate Finance Committee and House Ways and Means Committee in January 2013 and in January of every second year thereafter. A public version of the report shall be published within 30 days of submission of each Assessment.
- (3) Relations with other agencies. The AUSTR/DCA shall chair an interagency committee on Competitive Intelligence and Analysis comprised of senior representatives of the Departments of State, Defense, Commerce, Agriculture, Interior, Justice, the Central Intelligence Agency, and such other departments and agencies as the USTR may from time to time designate. The AUSTR/DCA shall also serve as a senior staff member of the National Security Council. In performing its duties, the Office may utilize information and data compiled and maintained by other agencies of the U.S. government. Such agencies shall provide such information on request unless otherwise prohibited by law from doing so.

- (4) The Office may accept detailees from other federal agencies on a reimbursable or non-reimbursable basis.
- (5) There is authorized \$2,000,000 specifically for the Office for each of the four fiscal years beginning with 2013.

Section 12. Trade Liberalization Petition Process

- (1) Private parties may petition the U.S. Trade Representative for removal or modification of a U.S. restriction on imports or barrier to market access other than a tariff, subject to the following conditions:
 - (a) Petitions may not seek the removal or adjustment of import duties or other barriers that have been imposed administratively pursuant to other provisions of law, such as antidumping or countervailing duty orders;
 - (b) Petitioners must have a substantial domestic economic interest in the result of an investigation under this section that is consonant with the national economic interest
 - (c) Petitions must provide information that demonstrates a reasonable likelihood that the barrier constitutes a burden on U.S. commerce and that the benefits of its removal or adjustment to the economy as a whole would be substantial.
- (2) Once a petition is submitted, the U.S. Trade Representative shall have 30 days to accept it or reject it for consideration. Such acceptance or rejection shall be based on whether or not the petition meets the criteria established in paragraph (1) of this section. The decision of the U.S. Trade Representative is final and not subject to further review.
- (3) If a petition is accepted, it shall be considered subject to the following procedures:
 - (a) Notice of acceptance of the petition shall be published in the Federal Register, and interested parties shall be invited to submit comments;
 - (b) The U.S. Trade Representative shall seek the advice of the International Trade Commission on the probable economic effects of granting the petition;

- (c) The U.S. Trade Representative shall seek the advice of its private sector advisory committees and other relevant agencies and;
 - (d) The U.S. Trade Representative shall consult with relevant committees of the Congress.
- (4) A recommendation by the U.S. Trade Representative to approve the petition in whole or in part shall be based on:
 - (a) The economic effects on the domestic producers of the product or suppliers of the service subject to the petition;
 - (b) The economic effects on consumers of the product or service subject to the petition;
 - (c) The effects on current and future trade negotiations;
 - (d) The effects on the overall national interest.
- (5) Not later than 180 days after accepting the petition, the U.S. Trade Representative shall recommend to the President what action to take with respect to it. Upon receipt of the U.S. Trade Representative's recommendation, the President may:
 - (a) Take no action;
 - (b) Negotiate and implement reciprocal trade agreements to eliminate or modify the access barrier;
 - (c) Modify, suspend, or eliminate the barrier to the extent permitted by law;
 - (d) Seek authority from the Congress to modify or eliminate the barrier, pursuant to the procedures provided in section 2192 of this title;
- (6) Within 60 days of receiving the U.S. Trade Representative's recommendation, the President shall publish his decision and the reasons for the decision in the Federal Register.

Section 13. Miscellaneous provisions

Section 135 of the Trade Act of 1974 as amended (19 U.S.C. 2155), is amended as follows:

- (1) In paragraph (1) of subsection (b) by adding at the end of the paragraph the following new material:

“Persons appointed under this subsection shall be selected for their familiarity with the interests they represent and to the maximum extent practicable for their ability to relate these interests to trade policy formulation and trade negotiation strategy in furtherance of the negotiating objectives of this Act. Persons selected shall make full disclosure of their financial interests – including compensation, consulting fees, and ownership interests – that may be affected by any advice they offer. Having a financial interest of any kind shall not in itself be a bar to participation in any advisory committee established under this section, nor shall disclosure of an interest pursuant to the Lobbying Disclosure Act of 1995 render ineligible any person for service on these committees, provided that such participation is not adverse to the national interest of the United States.”

- (2) in paragraph (4) of subsection (c) by deleting “paragraph (1), (2), or (3)” and inserting in lieu thereof, “this subsection”, and by adding at the end of the paragraph the following new material:

“Persons appointed pursuant to this subsection shall be selected for their familiarity with the interests they represent and to the maximum extent practicable for their ability to relate these interests to trade policy formulation and trade negotiation strategy in furtherance of the negotiating objectives of this Act. Persons selected shall make full disclosure of their financial interests – including compensation, consulting fees, and ownership interests – that may be affected by any advice they offer. Having a financial interest of any kind shall not in itself be a bar to participation in any advisory committee established under this section, nor shall disclosure of an interest pursuant to the Lobbying Disclosure Act of 1995 render ineligible any person for service on these committees, provided that such participation is not adverse to the national interest of the United States.”

Section 14. Definitions

In this chapter:

(1) Uruguay Round Agreements.—The term "Uruguay Round Agreements" has the meaning given that term in section 3501(7) of this title.

(2) World Trade Organization; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(3) WTO Agreement.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(4) WTO member.—The term "WTO member" has the meaning given that term in section 3501(10) of this title.

ADDITIONAL AUTHORITIES TO BE ADDED

Provide authority for “fast track” approval of changes in existing bilateral/regional agreements that are made solely for purposes of harmonization.