

115TH CONGRESS
1ST SESSION

H. R. 3339

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require the publication of certain texts for trade agreements negotiated under that Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2017

Mrs. DINGELL (for herself, Ms. DELAURO, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. RASKIN, Mr. ELLISON, Mr. GRIJALVA, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. POCAN, Ms. SLAUGHTER, Mr. DESAULNIER, Mr. LIPINSKI, Ms. PINGREE, Mr. SHERMAN, Mr. MCGOVERN, and Mr. NOLAN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 to require the publication of certain texts for trade agreements negotiated under that Act, 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 “Promoting Trans-
5 parency in Trade Act”.

1 **SEC. 2. PUBLICATION OF TEXTS WITH RESPECT TO NEGO-**
2 **TIATING ROUNDS.**

3 (a) NEGOTIATIONS.—Section 105(a)(1) of the Bipar-
4 tisan Congressional Trade Priorities and Accountability
5 Act of 2015 (19 U.S.C. 4204(a)(1)) is amended—

6 (1) in subparagraph (C), by striking “and” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(E) with respect to each negotiating
12 round for the agreement, publish on a publicly
13 available Internet website—

14 “(i) the proposed United States text,
15 prior to the start of such negotiating
16 round; and

17 “(ii) the considered text, at the con-
18 clusion of such negotiating round.”.

19 (b) PROCEDURAL DISAPPROVAL RESOLUTION.—Sec-
20 tion 106(b) of the Bipartisan Congressional Trade Prior-
21 ities and Accountability Act of 2015 (19 U.S.C. 4205(b))
22 is amended—

23 (1) in paragraph (1)—

24 (A) in the heading, by striking “OR CON-
25 SULTATIONS” and inserting “, CONSULTATIONS,
26 OR PUBLICATION OF TEXTS”; and

1 (B) in subparagraph (B)—

2 (i) in clause (i)—

3 (I) by striking “to notify or con-
4 sult” and all that follows through “on
5 negotiations” and inserting “, in ac-
6 cordance with the Bipartisan Congres-
7 sional Trade Priorities and Account-
8 ability Act of 2015, to notify or con-
9 sult on, or publish texts with respect
10 to, negotiations”; and

11 (II) by striking “notify or con-
12 sult.” and inserting “notify, consult,
13 or publish texts.”; and

14 (ii) in clause (ii)—

15 (I) in the matter preceding sub-
16 clause (I), by striking “has ‘failed or
17 refused to notify or consult in accord-
18 ance with the Bipartisan Congres-
19 sional Trade Priorities and Account-
20 ability Act of 2015’ on negotiations”
21 and inserting “has ‘failed, in accord-
22 ance with the Bipartisan Congres-
23 sional Trade Priorities and Account-
24 ability Act of 2015, to notify or con-

1 sult on, or publish texts with respect
2 to,’ negotiations”;

3 (II) in subclause (III), by strik-
4 ing “or” at the end;

5 (III) in subclause (IV), by strik-
6 ing the period at the end and insert-
7 ing “; or”; and

8 (IV) by adding at the end the fol-
9 lowing:

10 “(V) the President has failed,
11 under section 105(a)(1)(E), to publish
12 texts with respect to each negotiating
13 round of the parties to the agree-
14 ment.”; and

15 (2) in paragraphs (3)(C) and (4)(C), by strik-
16 ing “to notify or consult” and all that follows
17 through “on negotiations” and inserting “, in ac-
18 cordance with the Bipartisan Congressional Trade
19 Priorities and Accountability Act of 2015, to notify
20 or consult on, or publish texts with respect to, nego-
21 tiations”.

22 (c) DEFINITIONS.—Section 111 of the Bipartisan
23 Congressional Trade Priorities and Accountability Act of
24 2015 (19 U.S.C. 4210) is amended—

1 (1) by redesignating paragraphs (7) through
2 (23) as paragraphs (8) through (24), respectively;

3 (2) by inserting after paragraph (6) the fol-
4 lowing new paragraph:

5 “(7) CONSIDERED TEXT.—The term ‘consid-
6 ered text’—

7 “(A) means, with respect to a negotiating
8 round, each proposal considered during such
9 negotiating round related to the text of the
10 agreement, tariff or service sector schedules, or
11 any other element of the agreement (referred to
12 as ‘the actual consolidated negotiating text doc-
13 ument’), whether proposed by the United States
14 or by another party to the negotiations and
15 without regard to any representation made by
16 the United States regarding the confidentiality
17 of such proposal; and

18 “(B) includes, with respect to each such
19 proposal, an identification of each party to the
20 negotiations that offered or supported the pro-
21 posal, if the proposal was agreed to by one or
22 more of the parties to such negotiating round.”;

23 (3) by redesignating paragraphs (20) through
24 (24), as so redesignated by paragraph (1), as para-
25 graphs (22) through (26), respectively; and

1 (4) by inserting after paragraph (19), as so re-
2 designated by paragraph (1), the following new
3 paragraphs:

4 “(20) NEGOTIATING ROUND.—The term ‘nego-
5 tiating round’ means, with respect to negotiations on
6 an agreement subject to the provisions of section
7 103(b), a meeting of one or more of the trade min-
8 isters (or designees) of any party to such negotia-
9 tions with a representative of the United States.

10 “(21) PROPOSED UNITED STATES TEXT.—The
11 term ‘proposed United States text’ means a docu-
12 ment that includes, with respect to a negotiating
13 round, each proposal drafted by the United States to
14 be submitted for consideration in such negotiating
15 round, including proposals related to the text of the
16 agreement, tariff or service sector schedules, or any
17 other element of the agreement.”.

18 **SEC. 3. USTR TRANSPARENCY OFFICER.**

19 Section 141(b)(3) of the Trade Act of 1974 is amend-
20 ed by adding at the end the following: “The Trade Rep-
21 resentative shall ensure that the individual who is ap-
22 pointed the Chief Transparency Officer does not, because
23 of any other position the individual holds or otherwise,
24 have, or appear to have, any conflict of interest in ensur-

- 1 ing the transparency of the activities of the Office of the
- 2 Trade Representative, including trade negotiations.”.

