H.R. 1

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

Mrs. Dingell introduced the following bill; which was referred to the Committee on __________________________

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”.

February 28, 2017 (12:44 p.m.)
SEC. 2. PUBLICATION OF TEXTS WITH RESPECT TO NEGOTIATING ROUNDS.

(a) Negotiations.—Section 105(a)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4204(a)(1)) is amended—

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

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

(3) by adding at the end the following:

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

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

“(ii) the considered text, at the conclusion of such negotiating round.”.

(b) Procedural Disapproval Resolution.—Section 106(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4205(b)) is amended—

(1) in paragraph (1)—

(A) in the heading, by striking “OR CONSULTATIONS” and inserting “, CONSULTATIONS, OR PUBLICATION OF TEXTS”; and
(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking “to notify or consult” and all that follows through “on negotiations” and inserting “, in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, to notify or consult on, or publish texts with respect to, negotiations”; and

(II) by striking “notify or consult.” and inserting “notify, consult, or publish texts.”; and

(ii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking “has ‘failed or refused to notify or consult in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015’ on negotiations” and inserting “has ‘failed, in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, to notify or con-
sult on, or publish texts with respect to, negotiations’’;

(II) in subclause (III), by striking “or” at the end;

(III) in subclause (IV), by striking the period at the end and inserting “; or”; and

(IV) by adding at the end the following:

“(V) the President has failed, under section 105(a)(1)(E), to publish texts with respect to each negotiating round of the parties to the agreement.”; and

(2) in paragraphs (3)(C) and (4)(C), by striking “to notify or consult” and all that follows through “on negotiations” and inserting “, in accordance with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, to notify or consult on, or publish texts with respect to, negotiations”.

(c) DEFINITIONS.—Section 111 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4210) is amended—
(1) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) CONSIDERED TEXT.—The term ‘considered text’—

“(A) means, with respect to a negotiating round, each proposal considered during such negotiating round related to the text of the agreement, tariff or service sector schedules, or any other element of the agreement (referred to as ‘the actual consolidated negotiating text document’), whether proposed by the United States or by another party to the negotiations and without regard to any representation made by the United States regarding the confidentiality of such proposal; and

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

(3) by redesignating paragraphs (20) through (24), as so redesignated by paragraph (1), as paragraphs (22) through (26), respectively; and
(4) by inserting after paragraph (19), as so redesignated by paragraph (1), the following new paragraphs:

“(20) NEGOTIATING ROUND.—The term ‘negotiating round’ means, with respect to negotiations on an agreement subject to the provisions of section 103(b), a meeting of one or more of the trade ministers (or designees) of any party to such negotiations with a representative of the United States.

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

SEC. 3. USTR TRANSPARENCY OFFICER.

Section 141(b)(3) of the Trade Act of 1974 is amended by adding at the end the following: “The Trade Representative shall ensure that the individual who is appointed the Chief Transparency Officer does not, because of any other position the individual holds or otherwise, have, or appear to have, any conflict of interest in ensur-
1 improving the transparency of the activities of the Office of the Trade Representative, including trade negotiations.”.