

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

H. R. 1314

To amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Trade Act of 2015”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TRADE PROMOTION AUTHORITY

Sec. 101. Short title.

Sec. 102. Trade negotiating objectives.

Sec. 103. Trade agreements authority.

Sec. 104. Congressional oversight, consultations, and access to information.

Sec. 105. Notice, consultations, and reports.

- Sec. 106. Implementation of trade agreements.
- Sec. 107. Treatment of certain trade agreements for which negotiations have already begun.
- Sec. 108. Sovereignty.
- Sec. 109. Interests of small businesses.
- Sec. 110. Conforming amendments; application of certain provisions.
- Sec. 111. Definitions.

TITLE II—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE

- Sec. 202. Application of provisions relating to trade adjustment assistance.
- Sec. 203. Extension of trade adjustment assistance program.
- Sec. 204. Performance measurement and reporting.
- Sec. 205. Applicability of trade adjustment assistance provisions.
- Sec. 206. Sunset provisions.
- Sec. 207. Extension and modification of Health Coverage Tax Credit.
- Sec. 208. Customs user fees.
- Sec. 209. Child tax credit not refundable for taxpayers electing to exclude foreign earned income from tax.
- Sec. 210. Time for payment of corporate estimated taxes.
- Sec. 211. Coverage and payment for renal dialysis services for individuals with acute kidney injury.
- Sec. 212. Modification of the Medicare sequester for fiscal year 2024.

1 **TITLE I—TRADE PROMOTION**

2 **AUTHORITY**

3 **SEC. 101. SHORT TITLE.**

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

6 **SEC. 102. TRADE NEGOTIATING OBJECTIVES.**

7 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

8 The overall trade negotiating objectives of the United
9 States for agreements subject to the provisions of section
10 103 are—

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

13 (2) to obtain the reduction or elimination of
14 barriers and distortions that are directly related to
15 trade and investment and that decrease market op-

1 portunities for United States exports or otherwise
2 distort United States trade;

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

6 (4) to foster economic growth, raise living
7 standards, enhance the competitiveness of the
8 United States, promote full employment in the
9 United States, and enhance the global economy;

10 (5) to ensure that trade and environmental poli-
11 cies are mutually supportive and to seek to protect
12 and preserve the environment and enhance the inter-
13 national means of doing so, while optimizing the use
14 of the world's resources;

15 (6) to promote respect for worker rights and
16 the rights of children consistent with core labor
17 standards of the ILO (as set out in section 111(7))
18 and an understanding of the relationship between
19 trade and worker rights;

20 (7) to seek provisions in trade agreements
21 under which parties to those agreements ensure that
22 they do not weaken or reduce the protections af-
23 forded in domestic environmental and labor laws as
24 an encouragement for trade;

1 (8) to ensure that trade agreements afford
2 small businesses equal access to international mar-
3 kets, equitable trade benefits, and expanded export
4 market opportunities, and provide for the reduction
5 or elimination of trade and investment barriers that
6 disproportionately impact small businesses;

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

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

14 (11) to recognize the growing significance of
15 the Internet as a trading platform in international
16 commerce; and

17 (12) to take into account other legitimate
18 United States domestic objectives, including, but not
19 limited to, the protection of legitimate health or
20 safety, essential security, and consumer interests
21 and the law and regulations related thereto.

22 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

23 (1) TRADE IN GOODS.—The principal negoti-
24 ating objectives of the United States regarding trade
25 in goods are—

1 (A) to expand competitive market opportu-
2 nities for exports of goods from the United
3 States and to obtain fairer and more open con-
4 ditions of trade, including through the utiliza-
5 tion of global value chains, by reducing or elimi-
6 nating tariff and nontariff barriers and policies
7 and practices of foreign governments directly
8 related to trade that decrease market opportu-
9 nities for United States exports or otherwise
10 distort United States trade; and

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

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

1 reasonably restrict the establishment or operations
2 of service suppliers.

3 (B) Recognizing that expansion of trade in
4 services generates benefits for all sectors of the
5 economy and facilitates trade, the objective described
6 in subparagraph (A) should be pursued through all
7 means, including through a plurilateral agreement
8 with those countries willing and able to undertake
9 high standard services commitments for both exist-
10 ing and new services.

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

20 (A) securing more open and equitable mar-
21 ket access through robust rules on sanitary and
22 phytosanitary measures that—

23 (i) encourage the adoption of inter-
24 national standards and require a science-
25 based justification be provided for a sani-

1 tary or phytosanitary measure if the meas-
2 ure is more restrictive than the applicable
3 international standard;

4 (ii) improve regulatory coherence, pro-
5 mote the use of systems-based approaches,
6 and appropriately recognize the equivalence
7 of health and safety protection systems of
8 exporting countries;

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

16 (iv) improve import check processes,
17 including testing methodologies and proce-
18 dures, and certification requirements,

19 while recognizing that countries may put in
20 place measures to protect human, animal, or
21 plant life or health in a manner consistent with
22 their international obligations, including the
23 WTO Agreement on the Application of Sanitary
24 and Phytosanitary Measures (referred to in sec-

1 tion 101(d)(3) of the Uruguay Round Agree-
2 ments Act (19 U.S.C. 3511(d)(3));

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

6 (i) giving priority to those products
7 that are subject to significantly higher tar-
8 iffs or subsidy regimes of major producing
9 countries; and

10 (ii) providing reasonable adjustment
11 periods for United States import sensitive
12 products, in close consultation with Con-
13 gress on such products before initiating
14 tariff reduction negotiations;

15 (C) reducing tariffs to levels that are the
16 same as or lower than those in the United
17 States;

18 (D) reducing or eliminating subsidies that
19 decrease market opportunities for United States
20 exports or unfairly distort agriculture markets
21 to the detriment of the United States;

22 (E) allowing the preservation of programs
23 that support family farms and rural commu-
24 nities but do not distort trade;

1 (F) developing disciplines for domestic sup-
2 port programs, so that production that is in ex-
3 cess of domestic food security needs is sold at
4 world prices;

5 (G) eliminating government policies that
6 create price depressing surpluses;

7 (H) eliminating state trading enterprises
8 whenever possible;

9 (I) developing, strengthening, and clari-
10 fying rules to eliminate practices that unfairly
11 decrease United States market access opportu-
12 nities or distort agricultural markets to the det-
13 riment of the United States, and ensuring that
14 such rules are subject to efficient, timely, and
15 effective dispute settlement, including—

16 (i) unfair or trade distorting activities
17 of state trading enterprises and other ad-
18 ministrative mechanisms, with emphasis on
19 requiring price transparency in the oper-
20 ation of state trading enterprises and such
21 other mechanisms in order to end cross
22 subsidization, price discrimination, and
23 price undercutting;

24 (ii) unjustified trade restrictions or
25 commercial requirements, such as labeling,

1 that affect new technologies, including bio-
2 technology;

3 (iii) unjustified sanitary or
4 phytosanitary restrictions, including re-
5 strictions not based on scientific principles
6 in contravention of obligations in the Uru-
7 guay Round Agreements or bilateral or re-
8 gional trade agreements;

9 (iv) other unjustified technical bar-
10 riers to trade; and

11 (v) restrictive rules in the administra-
12 tion of tariff rate quotas;

13 (J) eliminating practices that adversely af-
14 fect trade in perishable or cyclical products,
15 while improving import relief mechanisms to
16 recognize the unique characteristics of perish-
17 able and cyclical agriculture;

18 (K) ensuring that import relief mecha-
19 nisms for perishable and cyclical agriculture are
20 as accessible and timely to growers in the
21 United States as those mechanisms that are
22 used by other countries;

23 (L) taking into account whether a party to
24 the negotiations has failed to adhere to the pro-
25 visions of already existing trade agreements

1 with the United States or has circumvented ob-
2 ligations under those agreements;

3 (M) taking into account whether a product
4 is subject to market distortions by reason of a
5 failure of a major producing country to adhere
6 to the provisions of already existing trade
7 agreements with the United States or by the
8 circumvention by that country of its obligations
9 under those agreements;

10 (N) otherwise ensuring that countries that
11 accede to the World Trade Organization have
12 made meaningful market liberalization commit-
13 ments in agriculture;

14 (O) taking into account the impact that
15 agreements covering agriculture to which the
16 United States is a party have on the United
17 States agricultural industry;

18 (P) maintaining bona fide food assistance
19 programs, market development programs, and
20 export credit programs;

21 (Q) seeking to secure the broadest market
22 access possible in multilateral, regional, and bi-
23 lateral negotiations, recognizing the effect that
24 simultaneous sets of negotiations may have on

1 United States import sensitive commodities (in-
2 cluding those subject to tariff rate quotas);

3 (R) seeking to develop an international
4 consensus on the treatment of seasonal or per-
5 ishable agricultural products in investigations
6 relating to dumping and safeguards and in any
7 other relevant area;

8 (S) seeking to establish the common base
9 year for calculating the Aggregated Measure-
10 ment of Support (as defined in the Agreement
11 on Agriculture) as the end of each country's
12 Uruguay Round implementation period, as re-
13 ported in each country's Uruguay Round mar-
14 ket access schedule;

15 (T) ensuring transparency in the adminis-
16 tration of tariff rate quotas through multilat-
17 eral, plurilateral, and bilateral negotiations; and

18 (U) eliminating and preventing the under-
19 mining of market access for United States
20 products through improper use of a country's
21 system for protecting or recognizing geo-
22 graphical indications, including failing to ensure
23 transparency and procedural fairness and pro-
24 tecting generic terms.

1 (4) FOREIGN INVESTMENT.—Recognizing that
2 United States law on the whole provides a high level
3 of protection for investment, consistent with or
4 greater than the level required by international law,
5 the principal negotiating objectives of the United
6 States regarding foreign investment are to reduce or
7 eliminate artificial or trade distorting barriers to for-
8 eign investment, while ensuring that foreign inves-
9 tors in the United States are not accorded greater
10 substantive rights with respect to investment protec-
11 tions than United States investors in the United
12 States, and to secure for investors important rights
13 comparable to those that would be available under
14 United States legal principles and practice, by—

15 (A) reducing or eliminating exceptions to
16 the principle of national treatment;

17 (B) freeing the transfer of funds relating
18 to investments;

19 (C) reducing or eliminating performance
20 requirements, forced technology transfers, and
21 other unreasonable barriers to the establish-
22 ment and operation of investments;

23 (D) seeking to establish standards for ex-
24 propriation and compensation for expropriation,

1 consistent with United States legal principles
2 and practice;

3 (E) seeking to establish standards for fair
4 and equitable treatment, consistent with United
5 States legal principles and practice, including
6 the principle of due process;

7 (F) providing meaningful procedures for
8 resolving investment disputes;

9 (G) seeking to improve mechanisms used
10 to resolve disputes between an investor and a
11 government through—

12 (i) mechanisms to eliminate frivolous
13 claims and to deter the filing of frivolous
14 claims;

15 (ii) procedures to ensure the efficient
16 selection of arbitrators and the expeditious
17 disposition of claims;

18 (iii) procedures to enhance opportuni-
19 ties for public input into the formulation of
20 government positions; and

21 (iv) providing for an appellate body or
22 similar mechanism to provide coherence to
23 the interpretations of investment provisions
24 in trade agreements; and

1 (H) ensuring the fullest measure of trans-
2 parency in the dispute settlement mechanism,
3 to the extent consistent with the need to protect
4 information that is classified or business con-
5 fidential, by—

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

8 (ii) ensuring that—

9 (I) all proceedings, submissions,
10 findings, and decisions are promptly
11 made public; and

12 (II) all hearings are open to the
13 public; and

14 (iii) establishing a mechanism for ac-
15 ceptance of amicus curiae submissions
16 from businesses, unions, and nongovern-
17 mental organizations.

18 (5) INTELLECTUAL PROPERTY.—The principal
19 negotiating objectives of the United States regarding
20 trade-related intellectual property are—

21 (A) to further promote adequate and effec-
22 tive protection of intellectual property rights,
23 including through—

24 (i)(I) ensuring accelerated and full
25 implementation of the Agreement on

1 Trade-Related Aspects of Intellectual
2 Property Rights referred to in section
3 101(d)(15) of the Uruguay Round Agree-
4 ments Act (19 U.S.C. 3511(d)(15)), par-
5 ticularly with respect to meeting enforce-
6 ment obligations under that agreement;
7 and

8 (II) ensuring that the provisions of
9 any trade agreement governing intellectual
10 property rights that is entered into by the
11 United States reflect a standard of protec-
12 tion similar to that found in United States
13 law;

14 (ii) providing strong protection for
15 new and emerging technologies and new
16 methods of transmitting and distributing
17 products embodying intellectual property,
18 including in a manner that facilitates le-
19 gitimate digital trade;

20 (iii) preventing or eliminating dis-
21 crimination with respect to matters affect-
22 ing the availability, acquisition, scope,
23 maintenance, use, and enforcement of in-
24 tellectual property rights;

1 (iv) ensuring that standards of protec-
2 tion and enforcement keep pace with tech-
3 nological developments, and in particular
4 ensuring that rightholders have the legal
5 and technological means to control the use
6 of their works through the Internet and
7 other global communication media, and to
8 prevent the unauthorized use of their
9 works;

10 (v) providing strong enforcement of
11 intellectual property rights, including
12 through accessible, expeditious, and effec-
13 tive civil, administrative, and criminal en-
14 forcement mechanisms; and

15 (vi) preventing or eliminating govern-
16 ment involvement in the violation of intel-
17 lectual property rights, including cyber
18 theft and piracy;

19 (B) to secure fair, equitable, and non-
20 discriminatory market access opportunities for
21 United States persons that rely upon intellec-
22 tual property protection; and

23 (C) to respect the Declaration on the
24 TRIPS Agreement and Public Health, adopted
25 by the World Trade Organization at the Fourth

1 Ministerial Conference at Doha, Qatar on No-
2 vember 14, 2001, and to ensure that trade
3 agreements foster innovation and promote ac-
4 cess to medicines.

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

10 (A) to ensure that current obligations,
11 rules, disciplines, and commitments under the
12 World Trade Organization and bilateral and re-
13 gional trade agreements apply to digital trade
14 in goods and services and to cross-border data
15 flows;

16 (B) to ensure that—

17 (i) electronically delivered goods and
18 services receive no less favorable treatment
19 under trade rules and commitments than
20 like products delivered in physical form;
21 and

22 (ii) the classification of such goods
23 and services ensures the most liberal trade
24 treatment possible, fully encompassing
25 both existing and new trade;

1 (C) to ensure that governments refrain
2 from implementing trade-related measures that
3 impede digital trade in goods and services, re-
4 strict cross-border data flows, or require local
5 storage or processing of data;

6 (D) with respect to subparagraphs (A)
7 through (C), where legitimate policy objectives
8 require domestic regulations that affect digital
9 trade in goods and services or cross-border data
10 flows, to obtain commitments that any such
11 regulations are the least restrictive on trade,
12 nondiscriminatory, and transparent, and pro-
13 mote an open market environment; and

14 (E) to extend the moratorium of the World
15 Trade Organization on duties on electronic
16 transmissions.

17 (7) REGULATORY PRACTICES.—The principal
18 negotiating objectives of the United States regarding
19 the use of government regulation or other practices
20 to reduce market access for United States goods,
21 services, and investments are—

22 (A) to achieve increased transparency and
23 opportunity for the participation of affected
24 parties in the development of regulations;

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

4 (C) to establish consultative mechanisms
5 and seek other commitments, as appropriate, to
6 improve regulatory practices and promote in-
7 creased regulatory coherence, including
8 through—

9 (i) transparency in developing guide-
10 lines, rules, regulations, and laws for gov-
11 ernment procurement and other regulatory
12 regimes;

13 (ii) the elimination of redundancies in
14 testing and certification;

15 (iii) early consultations on significant
16 regulations;

17 (iv) the use of impact assessments;

18 (v) the periodic review of existing reg-
19 ulatory measures; and

20 (vi) the application of good regulatory
21 practices;

22 (D) to seek greater openness, trans-
23 parency, and convergence of standards develop-
24 ment processes, and enhance cooperation on
25 standards issues globally;

1 (E) to promote regulatory compatibility
2 through harmonization, equivalence, or mutual
3 recognition of different regulations and stand-
4 ards and to encourage the use of international
5 and interoperable standards, as appropriate;

6 (F) to achieve the elimination of govern-
7 ment measures such as price controls and ref-
8 erence pricing which deny full market access for
9 United States products;

10 (G) to ensure that government regulatory
11 reimbursement regimes are transparent, provide
12 procedural fairness, are nondiscriminatory, and
13 provide full market access for United States
14 products; and

15 (H) to ensure that foreign governments—

16 (i) demonstrate that the collection of
17 undisclosed proprietary information is lim-
18 ited to that necessary to satisfy a legiti-
19 mate and justifiable regulatory interest;
20 and

21 (ii) protect such information against
22 disclosure, except in exceptional cir-
23 cumstances to protect the public, or where
24 such information is effectively protected
25 against unfair competition.

1 (8) STATE-OWNED AND STATE-CONTROLLED
2 ENTERPRISES.—The principal negotiating objective
3 of the United States regarding competition by state-
4 owned and state-controlled enterprises is to seek
5 commitments that—

6 (A) eliminate or prevent trade distortions
7 and unfair competition favoring state-owned
8 and state-controlled enterprises to the extent of
9 their engagement in commercial activity, and

10 (B) ensure that such engagement is based
11 solely on commercial considerations,
12 in particular through disciplines that eliminate or
13 prevent discrimination and market-distorting sub-
14 sidies and that promote transparency.

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

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

1 (A) to ensure that a party to a trade
2 agreement with the United States—

3 (i) adopts and maintains measures
4 implementing internationally recognized
5 core labor standards (as defined in section
6 111(17)) and its obligations under com-
7 mon multilateral environmental agreements
8 (as defined in section 111(6)),

9 (ii) does not waive or otherwise der-
10 gate from, or offer to waive or otherwise
11 derogate from—

12 (I) its statutes or regulations im-
13 plementing internationally recognized
14 core labor standards (as defined in
15 section 111(17)), in a manner affect-
16 ing trade or investment between the
17 United States and that party, where
18 the waiver or derogation would be in-
19 consistent with one or more such
20 standards, or

21 (II) its environmental laws in a
22 manner that weakens or reduces the
23 protections afforded in those laws and
24 in a manner affecting trade or invest-
25 ment between the United States and

1 that party, except as provided in its
2 law and provided not inconsistent with
3 its obligations under common multi-
4 lateral environmental agreements (as
5 defined in section 111(6)) or other
6 provisions of the trade agreement spe-
7 cifically agreed upon, and

8 (iii) does not fail to effectively enforce
9 its environmental or labor laws, through a
10 sustained or recurring course of action or
11 inaction,

12 in a manner affecting trade or investment be-
13 tween the United States and that party after
14 entry into force of a trade agreement between
15 those countries;

16 (B) to recognize that—

17 (i) with respect to environment, par-
18 ties to a trade agreement retain the right
19 to exercise prosecutorial discretion and to
20 make decisions regarding the allocation of
21 enforcement resources with respect to
22 other environmental laws determined to
23 have higher priorities, and a party is effec-
24 tively enforcing its laws if a course of ac-
25 tion or inaction reflects a reasonable, bona

1 fide exercise of such discretion, or results
2 from a reasonable, bona fide decision re-
3 garding the allocation of resources; and

4 (ii) with respect to labor, decisions re-
5 garding the distribution of enforcement re-
6 sources are not a reason for not complying
7 with a party's labor obligations; a party to
8 a trade agreement retains the right to rea-
9 sonable exercise of discretion and to make
10 bona fide decisions regarding the allocation
11 of resources between labor enforcement ac-
12 tivities among core labor standards, pro-
13 vided the exercise of such discretion and
14 such decisions are not inconsistent with its
15 obligations;

16 (C) to strengthen the capacity of United
17 States trading partners to promote respect for
18 core labor standards (as defined in section
19 111(7));

20 (D) to strengthen the capacity of United
21 States trading partners to protect the environ-
22 ment through the promotion of sustainable de-
23 velopment;

1 (E) to reduce or eliminate government
2 practices or policies that unduly threaten sus-
3 tainable development;

4 (F) to seek market access, through the
5 elimination of tariffs and nontariff barriers, for
6 United States environmental technologies,
7 goods, and services;

8 (G) to ensure that labor, environmental,
9 health, or safety policies and practices of the
10 parties to trade agreements with the United
11 States do not arbitrarily or unjustifiably dis-
12 criminate against United States exports or
13 serve as disguised barriers to trade;

14 (H) to ensure that enforceable labor and
15 environment obligations are subject to the same
16 dispute settlement and remedies as other en-
17 forceable obligations under the agreement; and

18 (I) to ensure that a trade agreement is not
19 construed to empower a party's authorities to
20 undertake labor or environmental law enforce-
21 ment activities in the territory of the United
22 States.

23 (11) CURRENCY.—The principal negotiating ob-
24 jective of the United States with respect to currency
25 practices is that parties to a trade agreement with

1 the United States avoid manipulating exchange rates
2 in order to prevent effective balance of payments ad-
3 justment or to gain an unfair competitive advantage
4 over other parties to the agreement, such as through
5 cooperative mechanisms, enforceable rules, reporting,
6 monitoring, transparency, or other means, as appro-
7 priate.

8 (12) WTO AND MULTILATERAL TRADE AGREE-
9 MENTS.—Recognizing that the World Trade Organi-
10 zation is the foundation of the global trading system,
11 the principal negotiating objectives of the United
12 States regarding the World Trade Organization, the
13 Uruguay Round Agreements, and other multilateral
14 and plurilateral trade agreements are—

15 (A) to achieve full implementation and ex-
16 tend the coverage of the World Trade Organi-
17 zation and multilateral and plurilateral agree-
18 ments to products, sectors, and conditions of
19 trade not adequately covered;

20 (B) to expand country participation in and
21 enhancement of the Information Technology
22 Agreement, the Government Procurement
23 Agreement, and other plurilateral trade agree-
24 ments of the World Trade Organization;

1 (C) to expand competitive market opportu-
2 nities for United States exports and to obtain
3 fairer and more open conditions of trade, in-
4 cluding through utilization of global value
5 chains, through the negotiation of new WTO
6 multilateral and plurilateral trade agreements,
7 such as an agreement on trade facilitation;

8 (D) to ensure that regional trade agree-
9 ments to which the United States is not a party
10 fully achieve the high standards of, and comply
11 with, WTO disciplines, including Article XXIV
12 of GATT 1994, Article V and V bis of the Gen-
13 eral Agreement on Trade in Services, and the
14 Enabling Clause, including through meaningful
15 WTO review of such regional trade agreements;

16 (E) to enhance compliance by WTO mem-
17 bers with their obligations as WTO members
18 through active participation in the bodies of the
19 World Trade Organization by the United States
20 and all other WTO members, including in the
21 trade policy review mechanism and the com-
22 mittee system of the World Trade Organization,
23 and by working to increase the effectiveness of
24 such bodies; and

1 (F) to encourage greater cooperation be-
2 tween the World Trade Organization and other
3 international organizations.

4 (13) TRADE INSTITUTION TRANSPARENCY.—
5 The principal negotiating objective of the United
6 States with respect to transparency is to obtain
7 wider and broader application of the principle of
8 transparency in the World Trade Organization, enti-
9 ties established under bilateral and regional trade
10 agreements, and other international trade fora
11 through seeking—

12 (A) timely public access to information re-
13 garding trade issues and the activities of such
14 institutions;

15 (B) openness by ensuring public access to
16 appropriate meetings, proceedings, and submis-
17 sions, including with regard to trade and invest-
18 ment dispute settlement; and

19 (C) public access to all notifications and
20 supporting documentation submitted by WTO
21 members.

22 (14) ANTI-CORRUPTION.—The principal negoti-
23 ating objectives of the United States with respect to
24 the use of money or other things of value to influ-
25 ence acts, decisions, or omissions of foreign govern-

1 ments or officials or to secure any improper advan-
2 tage in a manner affecting trade are—

3 (A) to obtain high standards and effective
4 domestic enforcement mechanisms applicable to
5 persons from all countries participating in the
6 applicable trade agreement that prohibit such
7 attempts to influence acts, decisions, or omis-
8 sions of foreign governments or officials or to
9 secure any such improper advantage;

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

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

23 (15) DISPUTE SETTLEMENT AND ENFORCE-
24 MENT.—The principal negotiating objectives of the

1 United States with respect to dispute settlement and
2 enforcement of trade agreements are—

3 (A) to seek provisions in trade agreements
4 providing for resolution of disputes between
5 governments under those trade agreements in
6 an effective, timely, transparent, equitable, and
7 reasoned manner, requiring determinations
8 based on facts and the principles of the agree-
9 ments, with the goal of increasing compliance
10 with the agreements;

11 (B) to seek to strengthen the capacity of
12 the Trade Policy Review Mechanism of the
13 World Trade Organization to review compliance
14 with commitments;

15 (C) to seek adherence by panels convened
16 under the Dispute Settlement Understanding
17 and by the Appellate Body to—

18 (i) the mandate of those panels and
19 the Appellate Body to apply the WTO
20 Agreement as written, without adding to or
21 diminishing rights and obligations under
22 the Agreement; and

23 (ii) the standard of review applicable
24 under the Uruguay Round Agreement in-
25 volved in the dispute, including greater

1 (G) to seek provisions that treat United
2 States principal negotiating objectives equally
3 with respect to—

4 (i) the ability to resort to dispute set-
5 tlement under the applicable agreement;

6 (ii) the availability of equivalent dis-
7 pute settlement procedures; and

8 (iii) the availability of equivalent rem-
9 edies.

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

13 (A) to preserve the ability of the United
14 States to enforce rigorously its trade laws, in-
15 cluding the antidumping, countervailing duty,
16 and safeguard laws, and avoid agreements that
17 lessen the effectiveness of domestic and inter-
18 national disciplines on unfair trade, especially
19 dumping and subsidies, or that lessen the effec-
20 tiveness of domestic and international safeguard
21 provisions, in order to ensure that United
22 States workers, agricultural producers, and
23 firms can compete fully on fair terms and enjoy
24 the benefits of reciprocal trade concessions; and

1 (B) to address and remedy market distor-
2 tions that lead to dumping and subsidization,
3 including overcapacity, cartelization, and mar-
4 ket access barriers.

5 (17) BORDER TAXES.—The principal negoti-
6 ating objective of the United States regarding border
7 taxes is to obtain a revision of the rules of the World
8 Trade Organization with respect to the treatment of
9 border adjustments for internal taxes to redress the
10 disadvantage to countries relying primarily on direct
11 taxes for revenue rather than indirect taxes.

12 (18) TEXTILE NEGOTIATIONS.—The principal
13 negotiating objectives of the United States with re-
14 spect to trade in textiles and apparel articles are to
15 obtain competitive opportunities for United States
16 exports of textiles and apparel in foreign markets
17 substantially equivalent to the competitive opportu-
18 nities afforded foreign exports in United States mar-
19 kets and to achieve fairer and more open conditions
20 of trade in textiles and apparel.

21 (19) COMMERCIAL PARTNERSHIPS.—

22 (A) IN GENERAL.—With respect to an
23 agreement that is proposed to be entered into
24 with the Transatlantic Trade and Investment
25 Partnership countries and to which section

1 103(b) will apply, the principal negotiating ob-
2 jectives of the United States regarding commer-
3 cial partnerships are the following:

4 (i) To discourage actions by potential
5 trading partners that directly or indirectly
6 prejudice or otherwise discourage commer-
7 cial activity solely between the United
8 States and Israel.

9 (ii) To discourage politically motivated
10 actions to boycott, divest from, or sanction
11 Israel and to seek the elimination of politi-
12 cally motivated nontariff barriers on Israeli
13 goods, services, or other commerce imposed
14 on the State of Israel.

15 (iii) To seek the elimination of state-
16 sponsored unsanctioned foreign boycotts
17 against Israel or compliance with the Arab
18 League Boycott of Israel by prospective
19 trading partners.

20 (B) DEFINITION.—In this paragraph, the
21 term “actions to boycott, divest from, or sanc-
22 tion Israel” means actions by states, non-mem-
23 ber states of the United Nations, international
24 organizations, or affiliated agencies of inter-
25 national organizations that are politically moti-

1 vated and are intended to penalize or otherwise
2 limit commercial relations specifically with
3 Israel or persons doing business in Israel or in
4 Israeli-controlled territories.

5 (20) GOOD GOVERNANCE, TRANSPARENCY, THE
6 EFFECTIVE OPERATION OF LEGAL REGIMES, AND
7 THE RULE OF LAW OF TRADING PARTNERS.—The
8 principal negotiating objectives of the United States
9 with respect to ensuring implementation of trade
10 commitments and obligations by strengthening good
11 governance, transparency, the effective operation of
12 legal regimes and the rule of law of trading partners
13 of the United States is through capacity building
14 and other appropriate means, which are important
15 parts of the broader effort to create more open
16 democratic societies and to promote respect for
17 internationally recognized human rights.

18 (c) CAPACITY BUILDING AND OTHER PRIORITIES.—
19 In order to address and maintain United States competi-
20 tiveness in the global economy, the President shall—

21 (1) direct the heads of relevant Federal agen-
22 cies—

23 (A) to work to strengthen the capacity of
24 United States trading partners to carry out ob-
25 ligations under trade agreements by consulting

1 with any country seeking a trade agreement
2 with the United States concerning that coun-
3 try's laws relating to customs and trade facilita-
4 tion, sanitary and phytosanitary measures,
5 technical barriers to trade, intellectual property
6 rights, labor, and the environment; and

7 (B) to provide technical assistance to that
8 country if needed;

9 (2) seek to establish consultative mechanisms
10 among parties to trade agreements to strengthen the
11 capacity of United States trading partners to de-
12 velop and implement standards for the protection of
13 the environment and human health based on sound
14 science;

15 (3) promote consideration of multilateral envi-
16 ronmental agreements and consult with parties to
17 such agreements regarding the consistency of any
18 such agreement that includes trade measures with
19 existing environmental exceptions under Article XX
20 of GATT 1994; and

21 (4) submit to the Committee on Ways and
22 Means of the House of Representatives and the
23 Committee on Finance of the Senate an annual re-
24 port on capacity-building activities undertaken in

1 connection with trade agreements negotiated or
2 being negotiated pursuant to this title.

3 **SEC. 103. TRADE AGREEMENTS AUTHORITY.**

4 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

5 (1) IN GENERAL.—Whenever the President de-
6 termines that one or more existing duties or other
7 import restrictions of any foreign country or the
8 United States are unduly burdening and restricting
9 the foreign trade of the United States and that the
10 purposes, policies, priorities, and objectives of this
11 title will be promoted thereby, the President—

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

14 (i) July 1, 2018; or

15 (ii) July 1, 2021, if trade authorities
16 procedures are extended under subsection
17 (c); and

18 (B) may, subject to paragraphs (2) and
19 (3), proclaim—

20 (i) such modification or continuance
21 of any existing duty,

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

24 (iii) such additional duties,

1 as the President determines to be required or
2 appropriate to carry out any such trade agree-
3 ment.

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

9 (2) NOTIFICATION.—The President shall notify
10 Congress of the President’s intention to enter into
11 an agreement under this subsection.

12 (3) LIMITATIONS.—No proclamation may be
13 made under paragraph (1) that—

14 (A) reduces any rate of duty (other than a
15 rate of duty that does not exceed 5 percent ad
16 valorem on the date of the enactment of this
17 Act) to a rate of duty which is less than 50 per-
18 cent of the rate of such duty that applies on
19 such date of enactment;

20 (B) reduces the rate of duty below that ap-
21 plicable under the Uruguay Round Agreements
22 or a successor agreement, on any import sen-
23 sitive agricultural product; or

1 (C) increases any rate of duty above the
2 rate that applied on the date of the enactment
3 of this Act.

4 (4) AGGREGATE REDUCTION; EXEMPTION FROM
5 STAGING.—

6 (A) AGGREGATE REDUCTION.—Except as
7 provided in subparagraph (B), the aggregate re-
8 duction in the rate of duty on any article which
9 is in effect on any day pursuant to a trade
10 agreement entered into under paragraph (1)
11 shall not exceed the aggregate reduction which
12 would have been in effect on such day if—

13 (i) a reduction of 3 percent ad valo-
14 rem or a reduction of $\frac{1}{10}$ of the total re-
15 duction, whichever is greater, had taken ef-
16 fect on the effective date of the first reduc-
17 tion proclaimed under paragraph (1) to
18 carry out such agreement with respect to
19 such article; and

20 (ii) a reduction equal to the amount
21 applicable under clause (i) had taken effect
22 at 1-year intervals after the effective date
23 of such first reduction.

24 (B) EXEMPTION FROM STAGING.—No
25 staging is required under subparagraph (A)

1 with respect to a duty reduction that is pro-
2 claimed under paragraph (1) for an article of a
3 kind that is not produced in the United States.
4 The United States International Trade Com-
5 mission shall advise the President of the iden-
6 tity of articles that may be exempted from stag-
7 ging under this subparagraph.

8 (5) ROUNDING.—If the President determines
9 that such action will simplify the computation of re-
10 ductions under paragraph (4), the President may
11 round an annual reduction by an amount equal to
12 the lesser of—

13 (A) the difference between the reduction
14 without regard to this paragraph and the next
15 lower whole number; or

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

17 (6) OTHER LIMITATIONS.—A rate of duty re-
18 duction that may not be proclaimed by reason of
19 paragraph (3) may take effect only if a provision au-
20 thORIZING such reduction is included within an imple-
21 menting bill provided for under section 106 and that
22 bill is enacted into law.

23 (7) OTHER TARIFF MODIFICATIONS.—Notwith-
24 standing paragraphs (1)(B), (3)(A), (3)(C), and (4)
25 through (6), and subject to the consultation and lay-

1 over requirements of section 115 of the Uruguay
2 Round Agreements Act (19 U.S.C. 3524), the Presi-
3 dent may proclaim the modification of any duty or
4 staged rate reduction of any duty set forth in Sched-
5 ule XX, as defined in section 2(5) of that Act (19
6 U.S.C. 3501(5)), if the United States agrees to such
7 modification or staged rate reduction in a negotia-
8 tion for the reciprocal elimination or harmonization
9 of duties under the auspices of the World Trade Or-
10 ganization.

11 (8) AUTHORITY UNDER URUGUAY ROUND
12 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
13 subsection shall limit the authority provided to the
14 President under section 111(b) of the Uruguay
15 Round Agreements Act (19 U.S.C. 3521(b)).

16 (b) AGREEMENTS REGARDING TARIFF AND NON-
17 TARIFF BARRIERS.—

18 (1) IN GENERAL.—(A) Whenever the President
19 determines that—

20 (i) 1 or more existing duties or any other
21 import restriction of any foreign country or the
22 United States or any other barrier to, or other
23 distortion of, international trade unduly bur-
24 dens or restricts the foreign trade of the United

1 States or adversely affects the United States
2 economy, or

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

6 and that the purposes, policies, priorities, and objec-
7 tives of this title will be promoted thereby, the Presi-
8 dent may enter into a trade agreement described in
9 subparagraph (B) during the period described in
10 subparagraph (C).

11 (B) The President may enter into a trade
12 agreement under subparagraph (A) with foreign
13 countries providing for—

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

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

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

21 (i) July 1, 2018; or

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

24 Substantial modifications to, or substantial addi-
25 tional provisions of, a trade agreement entered into

1 after July 1, 2018, or July 1, 2021, if trade authori-
2 ties procedures are extended under subsection (c),
3 shall not be eligible for approval under this title.

4 (2) CONDITIONS.—A trade agreement may be
5 entered into under this subsection only if such
6 agreement makes progress in meeting the applicable
7 objectives described in subsections (a) and (b) of
8 section 102 and the President satisfies the condi-
9 tions set forth in sections 104 and 105.

10 (3) BILLS QUALIFYING FOR TRADE AUTHORI-
11 TIES PROCEDURES.—(A) The provisions of section
12 151 of the Trade Act of 1974 (in this title referred
13 to as “trade authorities procedures”) apply to a bill
14 of either House of Congress which contains provi-
15 sions described in subparagraph (B) to the same ex-
16 tent as such section 151 applies to implementing
17 bills under that section. A bill to which this para-
18 graph applies shall hereafter in this title be referred
19 to as an “implementing bill”.

20 (B) The provisions referred to in subparagraph
21 (A) are—

22 (i) a provision approving a trade agree-
23 ment entered into under this subsection and ap-
24 proving the statement of administrative action,

1 if any, proposed to implement such trade agree-
2 ment; and

3 (ii) if changes in existing laws or new stat-
4 utory authority are required to implement such
5 trade agreement or agreements, only such pro-
6 visions as are strictly necessary or appropriate
7 to implement such trade agreement or agree-
8 ments, either repealing or amending existing
9 laws or providing new statutory authority.

10 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
11 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

12 (1) IN GENERAL.—Except as provided in sec-
13 tion 106(b)—

14 (A) the trade authorities procedures apply
15 to implementing bills submitted with respect to
16 trade agreements entered into under subsection
17 (b) before July 1, 2018; and

18 (B) the trade authorities procedures shall
19 be extended to implementing bills submitted
20 with respect to trade agreements entered into
21 under subsection (b) after June 30, 2018, and
22 before July 1, 2021, if (and only if)—

23 (i) the President requests such exten-
24 sion under paragraph (2); and

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

4 (2) REPORT TO CONGRESS BY THE PRESI-
5 DENT.—If the President is of the opinion that the
6 trade authorities procedures should be extended to
7 implementing bills described in paragraph (1)(B),
8 the President shall submit to Congress, not later
9 than April 1, 2018, a written report that contains a
10 request for such extension, together with—

11 (A) a description of all trade agreements
12 that have been negotiated under subsection (b)
13 and the anticipated schedule for submitting
14 such agreements to Congress for approval;

15 (B) a description of the progress that has
16 been made in negotiations to achieve the pur-
17 poses, policies, priorities, and objectives of this
18 title, and a statement that such progress justi-
19 fies the continuation of negotiations; and

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

22 (3) OTHER REPORTS TO CONGRESS.—

23 (A) REPORT BY THE ADVISORY COM-
24 MITTEE.—The President shall promptly inform
25 the Advisory Committee for Trade Policy and

1 Negotiations established under section 135 of
2 the Trade Act of 1974 (19 U.S.C. 2155) of the
3 decision of the President to submit a report to
4 Congress under paragraph (2). The Advisory
5 Committee shall submit to Congress as soon as
6 practicable, but not later than June 1, 2018, a
7 written report that contains—

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

12 (ii) a statement of its views, and the
13 reasons therefor, regarding whether the ex-
14 tension requested under paragraph (2)
15 should be approved or disapproved.

16 (B) REPORT BY INTERNATIONAL TRADE
17 COMMISSION.—The President shall promptly in-
18 form the United States International Trade
19 Commission of the decision of the President to
20 submit a report to Congress under paragraph
21 (2). The International Trade Commission shall
22 submit to Congress as soon as practicable, but
23 not later than June 1, 2018, a written report
24 that contains a review and analysis of the eco-
25 nomic impact on the United States of all trade

1 agreements implemented between the date of
2 the enactment of this Act and the date on
3 which the President decides to seek an exten-
4 sion requested under paragraph (2).

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

9 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—
10 (A) For purposes of paragraph (1), the term “exten-
11 sion disapproval resolution” means a resolution of
12 either House of Congress, the sole matter after the
13 resolving clause of which is as follows: “That the
14 _____ disapproves the request of the President
15 for the extension, under section 103(c)(1)(B)(i) of
16 the Bipartisan Congressional Trade Priorities and
17 Accountability Act of 2015, of the trade authorities
18 procedures under that Act to any implementing bill
19 submitted with respect to any trade agreement en-
20 tered into under section 103(b) of that Act after
21 June 30, 2018.”, with the blank space being filled
22 with the name of the resolving House of Congress.

23 (B) Extension disapproval resolutions—

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

1 (ii) shall be referred, in the House of Rep-
2 representatives, to the Committee on Ways and
3 Means and, in addition, to the Committee on
4 Rules.

5 (C) The provisions of subsections (d) and (e) of
6 section 152 of the Trade Act of 1974 (19 U.S.C.
7 2192) (relating to the floor consideration of certain
8 resolutions in the House and Senate) apply to exten-
9 sion disapproval resolutions.

10 (D) It is not in order for—

11 (i) the House of Representatives to con-
12 sider any extension disapproval resolution not
13 reported by the Committee on Ways and Means
14 and, in addition, by the Committee on Rules;

15 (ii) the Senate to consider any extension
16 disapproval resolution not reported by the Com-
17 mittee on Finance; or

18 (iii) either House of Congress to consider
19 an extension disapproval resolution after June
20 30, 2018.

21 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
22 to contribute to the continued economic expansion of the
23 United States, the President shall commence negotiations
24 covering tariff and nontariff barriers affecting any indus-
25 try, product, or service sector, and expand existing sec-

1 toral agreements to countries that are not parties to those
2 agreements, in cases where the President determines that
3 such negotiations are feasible and timely and would ben-
4 efit the United States. Such sectors include agriculture,
5 commercial services, intellectual property rights, industrial
6 and capital goods, government procurement, information
7 technology products, environmental technology and serv-
8 ices, medical equipment and services, civil aircraft, and in-
9 frastructure products. In so doing, the President shall
10 take into account all of the negotiating objectives set forth
11 in section 102.

12 **SEC. 104. CONGRESSIONAL OVERSIGHT, CONSULTATIONS,**
13 **AND ACCESS TO INFORMATION.**

14 (a) CONSULTATIONS WITH MEMBERS OF CON-
15 GRESS.—

16 (1) CONSULTATIONS DURING NEGOTIATIONS.—

17 In the course of negotiations conducted under this
18 title, the United States Trade Representative shall—

19 (A) meet upon request with any Member of
20 Congress regarding negotiating objectives, the
21 status of negotiations in progress, and the na-
22 ture of any changes in the laws of the United
23 States or the administration of those laws that
24 may be recommended to Congress to carry out
25 any trade agreement or any requirement of,

1 amendment to, or recommendation under, that
2 agreement;

3 (B) upon request of any Member of Con-
4 gress, provide access to pertinent documents re-
5 lating to the negotiations, including classified
6 materials;

7 (C) consult closely and on a timely basis
8 with, and keep fully apprised of the negotia-
9 tions, the Committee on Ways and Means of
10 the House of Representatives and the Com-
11 mittee on Finance of the Senate;

12 (D) consult closely and on a timely basis
13 with, and keep fully apprised of the negotia-
14 tions, the House Advisory Group on Negotia-
15 tions and the Senate Advisory Group on Nego-
16 tiations convened under subsection (c) and all
17 committees of the House of Representatives and
18 the Senate with jurisdiction over laws that
19 could be affected by a trade agreement result-
20 ing from the negotiations; and

21 (E) with regard to any negotiations and
22 agreement relating to agricultural trade, also
23 consult closely and on a timely basis (including
24 immediately before initialing an agreement)
25 with, and keep fully apprised of the negotia-

1 ordination with Congress, including coordi-
2 nation with designated congressional advis-
3 ers under subsection (b), regarding nego-
4 tiations conducted under this title; and

5 (ii) may make such revisions to the
6 guidelines as may be necessary from time
7 to time.

8 (B) CONTENT OF GUIDELINES.—The
9 guidelines developed under subparagraph (A)
10 shall enhance coordination with Congress
11 through procedures to ensure—

12 (i) timely briefings upon request of
13 any Member of Congress regarding negoti-
14 ating objectives, the status of negotiations
15 in progress conducted under this title, and
16 the nature of any changes in the laws of
17 the United States or the administration of
18 those laws that may be recommended to
19 Congress to carry out any trade agreement
20 or any requirement of, amendment to, or
21 recommendation under, that agreement;
22 and

23 (ii) the sharing of detailed and timely
24 information with Members of Congress,
25 and their staff with proper security clear-

1 ances as appropriate, regarding those ne-
2 gotiations and pertinent documents related
3 to those negotiations (including classified
4 information), and with committee staff
5 with proper security clearances as would be
6 appropriate in the light of the responsibil-
7 ities of that committee over the trade
8 agreements programs affected by those ne-
9 gotiations.

10 (C) DISSEMINATION.—The United States
11 Trade Representative shall disseminate the
12 guidelines developed under subparagraph (A) to
13 all Federal agencies that could have jurisdiction
14 over laws affected by trade negotiations.

15 (b) DESIGNATED CONGRESSIONAL ADVISERS.—

16 (1) DESIGNATION.—

17 (A) HOUSE OF REPRESENTATIVES.—In
18 each Congress, any Member of the House of
19 Representatives may be designated as a con-
20 gressional adviser on trade policy and negotia-
21 tions by the Speaker of the House of Rep-
22 resentatives, after consulting with the chairman
23 and ranking member of the Committee on Ways
24 and Means and the chairman and ranking

1 member of the committee from which the Mem-
2 ber will be selected.

3 (B) SENATE.—In each Congress, any
4 Member of the Senate may be designated as a
5 congressional adviser on trade policy and nego-
6 tiations by the President pro tempore of the
7 Senate, after consultation with the chairman
8 and ranking member of the Committee on Fi-
9 nance and the chairman and ranking member
10 of the committee from which the Member will
11 be selected.

12 (2) CONSULTATIONS WITH DESIGNATED CON-
13 GRESSIONAL ADVISERS.—In the course of negotia-
14 tions conducted under this title, the United States
15 Trade Representative shall consult closely and on a
16 timely basis (including immediately before initialing
17 an agreement) with, and keep fully apprised of the
18 negotiations, the congressional advisers for trade
19 policy and negotiations designated under paragraph
20 (1).

21 (3) ACCREDITATION.—Each Member of Con-
22 gress designated as a congressional adviser under
23 paragraph (1) shall be accredited by the United
24 States Trade Representative on behalf of the Presi-
25 dent as an official adviser to the United States dele-

1 gations to international conferences, meetings, and
2 negotiating sessions relating to trade agreements.

3 (c) CONGRESSIONAL ADVISORY GROUPS ON NEGO-
4 TIATIONS.—

5 (1) IN GENERAL.—By not later than 60 days
6 after the date of the enactment of this Act, and not
7 later than 30 days after the convening of each Con-
8 gress, the chairman of the Committee on Ways and
9 Means of the House of Representatives shall convene
10 the House Advisory Group on Negotiations and the
11 chairman of the Committee on Finance of the Sen-
12 ate shall convene the Senate Advisory Group on Ne-
13 gotiations (in this subsection referred to collectively
14 as the “congressional advisory groups”).

15 (2) MEMBERS AND FUNCTIONS.—

16 (A) MEMBERSHIP OF THE HOUSE ADVI-
17 SORY GROUP ON NEGOTIATIONS.—In each Con-
18 gress, the House Advisory Group on Negotia-
19 tions shall be comprised of the following Mem-
20 bers of the House of Representatives:

21 (i) The chairman and ranking mem-
22 ber of the Committee on Ways and Means,
23 and 3 additional members of such Com-
24 mittee (not more than 2 of whom are
25 members of the same political party).

1 (ii) The chairman and ranking mem-
2 ber, or their designees, of the committees
3 of the House of Representatives that would
4 have, under the Rules of the House of
5 Representatives, jurisdiction over provi-
6 sions of law affected by a trade agreement
7 negotiation conducted at any time during
8 that Congress and to which this title would
9 apply.

10 (B) MEMBERSHIP OF THE SENATE ADVI-
11 SORY GROUP ON NEGOTIATIONS.—In each Con-
12 gress, the Senate Advisory Group on Negotia-
13 tions shall be comprised of the following Mem-
14 bers of the Senate:

15 (i) The chairman and ranking mem-
16 ber of the Committee on Finance and 3
17 additional members of such Committee
18 (not more than 2 of whom are members of
19 the same political party).

20 (ii) The chairman and ranking mem-
21 ber, or their designees, of the committees
22 of the Senate that would have, under the
23 Rules of the Senate, jurisdiction over pro-
24 visions of law affected by a trade agree-
25 ment negotiation conducted at any time

1 during that Congress and to which this
2 title would apply.

3 (C) ACCREDITATION.—Each member of
4 the congressional advisory groups described in
5 subparagraphs (A)(i) and (B)(i) shall be ac-
6 credited by the United States Trade Represent-
7 ative on behalf of the President as an official
8 adviser to the United States delegation in nego-
9 tiations for any trade agreement to which this
10 title applies. Each member of the congressional
11 advisory groups described in subparagraphs
12 (A)(ii) and (B)(ii) shall be accredited by the
13 United States Trade Representative on behalf
14 of the President as an official adviser to the
15 United States delegation in the negotiations by
16 reason of which the member is in one of the
17 congressional advisory groups.

18 (D) CONSULTATION AND ADVICE.—The
19 congressional advisory groups shall consult with
20 and provide advice to the Trade Representative
21 regarding the formulation of specific objectives,
22 negotiating strategies and positions, the devel-
23 opment of the applicable trade agreement, and
24 compliance and enforcement of the negotiated
25 commitments under the trade agreement.

1 (E) CHAIR.—The House Advisory Group
2 on Negotiations shall be chaired by the Chair-
3 man of the Committee on Ways and Means of
4 the House of Representatives and the Senate
5 Advisory Group on Negotiations shall be
6 chaired by the Chairman of the Committee on
7 Finance of the Senate.

8 (F) COORDINATION WITH OTHER COMMIT-
9 TEES.—Members of any committee represented
10 on one of the congressional advisory groups
11 may submit comments to the member of the ap-
12 propriate congressional advisory group from
13 that committee regarding any matter related to
14 a negotiation for any trade agreement to which
15 this title applies.

16 (3) GUIDELINES.—

17 (A) PURPOSE AND REVISION.—The United
18 States Trade Representative, in consultation
19 with the chairmen and the ranking members of
20 the Committee on Ways and Means of the
21 House of Representatives and the Committee
22 on Finance of the Senate, respectively—

23 (i) shall, not later than 120 days after
24 the date of the enactment of this Act, de-
25 velop written guidelines to facilitate the

1 useful and timely exchange of information
2 between the Trade Representative and the
3 congressional advisory groups; and

4 (ii) may make such revisions to the
5 guidelines as may be necessary from time
6 to time.

7 (B) CONTENT.—The guidelines developed
8 under subparagraph (A) shall provide for,
9 among other things—

10 (i) detailed briefings on a fixed time-
11 table to be specified in the guidelines of
12 the congressional advisory groups regard-
13 ing negotiating objectives and positions
14 and the status of the applicable negotia-
15 tions, beginning as soon as practicable
16 after the congressional advisory groups are
17 convened, with more frequent briefings as
18 trade negotiations enter the final stage;

19 (ii) access by members of the congres-
20 sional advisory groups, and staff with
21 proper security clearances, to pertinent
22 documents relating to the negotiations, in-
23 cluding classified materials;

24 (iii) the closest practicable coordina-
25 tion between the Trade Representative and

1 the congressional advisory groups at all
2 critical periods during the negotiations, in-
3 cluding at negotiation sites;

4 (iv) after the applicable trade agree-
5 ment is concluded, consultation regarding
6 ongoing compliance and enforcement of ne-
7 gotiated commitments under the trade
8 agreement; and

9 (v) the timeframe for submitting the
10 report required under section 105(d)(3).

11 (4) REQUEST FOR MEETING.—Upon the re-
12 quest of a majority of either of the congressional ad-
13 visory groups, the President shall meet with that
14 congressional advisory group before initiating nego-
15 tiations with respect to a trade agreement, or at any
16 other time concerning the negotiations.

17 (d) CONSULTATIONS WITH THE PUBLIC.—

18 (1) GUIDELINES FOR PUBLIC ENGAGEMENT.—
19 The United States Trade Representative, in con-
20 sultation with the chairmen and the ranking mem-
21 bers of the Committee on Ways and Means of the
22 House of Representatives and the Committee on Fi-
23 nance of the Senate, respectively—

24 (A) shall, not later than 120 days after the
25 date of the enactment of this Act, develop writ-

1 ten guidelines on public access to information
2 regarding negotiations conducted under this
3 title; and

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

6 (2) PURPOSES.—The guidelines developed
7 under paragraph (1) shall—

8 (A) facilitate transparency;

9 (B) encourage public participation; and

10 (C) promote collaboration in the negotia-
11 tion process.

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

14 (A) provide for rapid disclosure of informa-
15 tion in forms that the public can readily find
16 and use; and

17 (B) provide frequent opportunities for pub-
18 lic input through Federal Register requests for
19 comment and other means.

20 (4) DISSEMINATION.—The United States Trade
21 Representative shall disseminate the guidelines de-
22 veloped under paragraph (1) to all Federal agencies
23 that could have jurisdiction over laws affected by
24 trade negotiations.

1 (e) CONSULTATIONS WITH ADVISORY COMMIT-
2 TEES.—

3 (1) GUIDELINES FOR ENGAGEMENT WITH ADVI-
4 SORY COMMITTEES.—The United States Trade Rep-
5 resentative, in consultation with the chairmen and
6 the ranking members of the Committee on Ways and
7 Means of the House of Representatives and the
8 Committee on Finance of the Senate, respectively—

9 (A) shall, not later than 120 days after the
10 date of the enactment of this Act, develop writ-
11 ten guidelines on enhanced coordination with
12 advisory committees established pursuant to
13 section 135 of the Trade Act of 1974 (19
14 U.S.C. 2155) regarding negotiations conducted
15 under this title; and

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

18 (2) CONTENT.—The guidelines developed under
19 paragraph (1) shall enhance coordination with advi-
20 sory committees described in that paragraph
21 through procedures to ensure—

22 (A) timely briefings of advisory committees
23 and regular opportunities for advisory commit-
24 tees to provide input throughout the negotiation
25 process on matters relevant to the sectors or

1 functional areas represented by those commit-
2 tees; and

3 (B) the sharing of detailed and timely in-
4 formation with each member of an advisory
5 committee regarding negotiations and pertinent
6 documents related to the negotiation (including
7 classified information) on matters relevant to
8 the sectors or functional areas the member rep-
9 resents, and with a designee with proper secu-
10 rity clearances of each such member as appro-
11 priate.

12 (3) DISSEMINATION.—The United States Trade
13 Representative shall disseminate the guidelines de-
14 veloped under paragraph (1) to all Federal agencies
15 that could have jurisdiction over laws affected by
16 trade negotiations.

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

21 (1) by redesignating paragraph (3) as para-
22 graph (4); and

23 (2) by inserting after paragraph (2) the fol-
24 lowing:

1 “(3) There shall be in the Office one Chief Trans-
2 parency Officer. The Chief Transparency Officer shall
3 consult with Congress on transparency policy, coordinate
4 transparency in trade negotiations, engage and assist the
5 public, and advise the United States Trade Representative
6 on transparency policy.”.

7 **SEC. 105. NOTICE, CONSULTATIONS, AND REPORTS.**

8 (a) NOTICE, CONSULTATIONS, AND REPORTS BE-
9 FORE NEGOTIATION.—

10 (1) NOTICE.—The President, with respect to
11 any agreement that is subject to the provisions of
12 section 103(b), shall—

13 (A) provide, at least 90 calendar days be-
14 fore initiating negotiations with a country, writ-
15 ten notice to Congress of the President’s inten-
16 tion to enter into the negotiations with that
17 country and set forth in the notice the date on
18 which the President intends to initiate those ne-
19 gotiations, the specific United States objectives
20 for the negotiations with that country, and
21 whether the President intends to seek an agree-
22 ment, or changes to an existing agreement;

23 (B) before and after submission of the no-
24 tice, consult regarding the negotiations with the
25 Committee on Ways and Means of the House of

1 Representatives and the Committee on Finance
2 of the Senate, such other committees of the
3 House and Senate as the President deems ap-
4 propriate, and the House Advisory Group on
5 Negotiations and the Senate Advisory Group on
6 Negotiations convened under section 104(c);

7 (C) upon the request of a majority of the
8 members of either the House Advisory Group
9 on Negotiations or the Senate Advisory Group
10 on Negotiations convened under section 104(c),
11 meet with the requesting congressional advisory
12 group before initiating the negotiations or at
13 any other time concerning the negotiations; and

14 (D) after consulting with the Committee
15 on Ways and Means and the Committee on Fi-
16 nance, and at least 30 calendar days before ini-
17 tiating negotiations with a country, publish on
18 a publicly available Internet website of the Of-
19 fice of the United States Trade Representative,
20 and regularly update thereafter, a detailed and
21 comprehensive summary of the specific objec-
22 tives with respect to the negotiations, and a de-
23 scription of how the agreement, if successfully
24 concluded, will further those objectives and ben-
25 efit the United States.

1 (2) NEGOTIATIONS REGARDING AGRI-
2 CULTURE.—

3 (A) ASSESSMENT AND CONSULTATIONS
4 FOLLOWING ASSESSMENT.—Before initiating or
5 continuing negotiations the subject matter of
6 which is directly related to the subject matter
7 under section 102(b)(3)(B) with any country,
8 the President shall—

9 (i) assess whether United States tar-
10 iffs on agricultural products that were
11 bound under the Uruguay Round Agree-
12 ments are lower than the tariffs bound by
13 that country;

14 (ii) consider whether the tariff levels
15 bound and applied throughout the world
16 with respect to imports from the United
17 States are higher than United States tar-
18 iffs and whether the negotiation provides
19 an opportunity to address any such dis-
20 parity; and

21 (iii) consult with the Committee on
22 Ways and Means and the Committee on
23 Agriculture of the House of Representa-
24 tives and the Committee on Finance and
25 the Committee on Agriculture, Nutrition,

1 and Forestry of the Senate concerning the
2 results of the assessment, whether it is ap-
3 propriate for the United States to agree to
4 further tariff reductions based on the con-
5 clusions reached in the assessment, and
6 how all applicable negotiating objectives
7 will be met.

8 (B) SPECIAL CONSULTATIONS ON IMPORT
9 SENSITIVE PRODUCTS.—(i) Before initiating ne-
10 gotiations with regard to agriculture and, with
11 respect to agreements described in paragraphs
12 (2) and (3) of section 107(a), as soon as prac-
13 ticable after the date of the enactment of this
14 Act, the United States Trade Representative
15 shall—

16 (I) identify those agricultural products
17 subject to tariff rate quotas on the date of
18 enactment of this Act, and agricultural
19 products subject to tariff reductions by the
20 United States as a result of the Uruguay
21 Round Agreements, for which the rate of
22 duty was reduced on January 1, 1995, to
23 a rate which was not less than 97.5 per-
24 cent of the rate of duty that applied to
25 such article on December 31, 1994;

1 (II) consult with the Committee on
2 Ways and Means and the Committee on
3 Agriculture of the House of Representa-
4 tives and the Committee on Finance and
5 the Committee on Agriculture, Nutrition,
6 and Forestry of the Senate concerning—

7 (aa) whether any further tariff
8 reductions on the products identified
9 under subclause (I) should be appro-
10 priate, taking into account the impact
11 of any such tariff reduction on the
12 United States industry producing the
13 product concerned;

14 (bb) whether the products so
15 identified face unjustified sanitary or
16 phytosanitary restrictions, including
17 those not based on scientific principles
18 in contravention of the Uruguay
19 Round Agreements; and

20 (cc) whether the countries par-
21 ticipating in the negotiations maintain
22 export subsidies or other programs,
23 policies, or practices that distort world
24 trade in such products and the impact
25 of such programs, policies, and prac-

1 tices on United States producers of
2 the products;

3 (III) request that the International
4 Trade Commission prepare an assessment
5 of the probable economic effects of any
6 such tariff reduction on the United States
7 industry producing the product concerned
8 and on the United States economy as a
9 whole; and

10 (IV) upon complying with subclauses
11 (I), (II), and (III), notify the Committee
12 on Ways and Means and the Committee on
13 Agriculture of the House of Representa-
14 tives and the Committee on Finance and
15 the Committee on Agriculture, Nutrition,
16 and Forestry of the Senate of those prod-
17 ucts identified under subclause (I) for
18 which the Trade Representative intends to
19 seek tariff liberalization in the negotiations
20 and the reasons for seeking such tariff lib-
21 eralization.

22 (ii) If, after negotiations described in
23 clause (i) are commenced—

24 (I) the United States Trade Rep-
25 resentative identifies any additional agri-

1 cultural product described in clause (i)(I)
2 for tariff reductions which were not the
3 subject of a notification under clause
4 (i)(IV), or

5 (II) any additional agricultural prod-
6 uct described in clause (i)(I) is the subject
7 of a request for tariff reductions by a
8 party to the negotiations,

9 the Trade Representative shall, as soon as prac-
10 ticable, notify the committees referred to in
11 clause (i)(IV) of those products and the reasons
12 for seeking such tariff reductions.

13 (3) NEGOTIATIONS REGARDING THE FISHING
14 INDUSTRY.—Before initiating, or continuing, nego-
15 tiations that directly relate to fish or shellfish trade
16 with any country, the President shall consult with
17 the Committee on Ways and Means and the Com-
18 mittee on Natural Resources of the House of Rep-
19 resentatives, and the Committee on Finance and the
20 Committee on Commerce, Science, and Transpor-
21 tation of the Senate, and shall keep the Committees
22 apprised of the negotiations on an ongoing and time-
23 ly basis.

24 (4) NEGOTIATIONS REGARDING TEXTILES.—Be-
25 fore initiating or continuing negotiations the subject

1 matter of which is directly related to textiles and ap-
2 parel products with any country, the President
3 shall—

4 (A) assess whether United States tariffs on
5 textile and apparel products that were bound
6 under the Uruguay Round Agreements are
7 lower than the tariffs bound by that country
8 and whether the negotiation provides an oppor-
9 tunity to address any such disparity; and

10 (B) consult with the Committee on Ways
11 and Means of the House of Representatives and
12 the Committee on Finance of the Senate con-
13 cerning the results of the assessment, whether
14 it is appropriate for the United States to agree
15 to further tariff reductions based on the conclu-
16 sions reached in the assessment, and how all
17 applicable negotiating objectives will be met.

18 (5) ADHERENCE TO EXISTING INTERNATIONAL
19 TRADE AND INVESTMENT AGREEMENT OBLIGA-
20 TIONS.—In determining whether to enter into nego-
21 tiations with a particular country, the President
22 shall take into account the extent to which that
23 country has implemented, or has accelerated the im-
24 plementation of, its international trade and invest-

1 ment commitments to the United States, including
2 pursuant to the WTO Agreement.

3 (b) CONSULTATION WITH CONGRESS BEFORE
4 ENTRY INTO AGREEMENT.—

5 (1) CONSULTATION.—Before entering into any
6 trade agreement under section 103(b), the President
7 shall consult with—

8 (A) the Committee on Ways and Means of
9 the House of Representatives and the Com-
10 mittee on Finance of the Senate;

11 (B) each other committee of the House
12 and the Senate, and each joint committee of
13 Congress, which has jurisdiction over legislation
14 involving subject matters which would be af-
15 fected by the trade agreement; and

16 (C) the House Advisory Group on Negotia-
17 tions and the Senate Advisory Group on Nego-
18 tiations convened under section 104(c).

19 (2) SCOPE.—The consultation described in
20 paragraph (1) shall include consultation with respect
21 to—

22 (A) the nature of the agreement;

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

1 (C) the implementation of the agreement
2 under section 106, including the general effect
3 of the agreement on existing laws.

4 (3) REPORT REGARDING UNITED STATES
5 TRADE REMEDY LAWS.—

6 (A) CHANGES IN CERTAIN TRADE LAWS.—

7 The President, not less than 180 calendar days
8 before the day on which the President enters
9 into a trade agreement under section 103(b),
10 shall report to the Committee on Ways and
11 Means of the House of Representatives and the
12 Committee on Finance of the Senate—

13 (i) the range of proposals advanced in
14 the negotiations with respect to that agree-
15 ment, that may be in the final agreement,
16 and that could require amendments to title
17 VII of the Tariff Act of 1930 (19 U.S.C.
18 1671 et seq.) or to chapter 1 of title II of
19 the Trade Act of 1974 (19 U.S.C. 2251 et
20 seq.); and

21 (ii) how these proposals relate to the
22 objectives described in section 102(b)(16).

23 (B) RESOLUTIONS.—(i) At any time after
24 the transmission of the report under subpara-
25 graph (A), if a resolution is introduced with re-

1 spect to that report in either House of Con-
2 gress, the procedures set forth in clauses (iii)
3 through (vii) shall apply to that resolution if—

4 (I) no other resolution with respect to
5 that report has previously been reported in
6 that House of Congress by the Committee
7 on Ways and Means or the Committee on
8 Finance, as the case may be, pursuant to
9 those procedures; and

10 (II) no procedural disapproval resolu-
11 tion under section 106(b) introduced with
12 respect to a trade agreement entered into
13 pursuant to the negotiations to which the
14 report under subparagraph (A) relates has
15 previously been reported in that House of
16 Congress by the Committee on Ways and
17 Means or the Committee on Finance, as
18 the case may be.

19 (ii) For purposes of this subparagraph, the
20 term “resolution” means only a resolution of ei-
21 ther House of Congress, the matter after the
22 resolving clause of which is as follows: “That
23 the _____ finds that the proposed changes
24 to United States trade remedy laws contained
25 in the report of the President transmitted to

1 Congress on _____ under section 105(b)(3)
2 of the Bipartisan Congressional Trade Prior-
3 ities and Accountability Act of 2015 with re-
4 spect to _____, are inconsistent with the ne-
5 gotiating objectives described in section
6 102(b)(16) of that Act.”, with the first blank
7 space being filled with the name of the resolving
8 House of Congress, the second blank space
9 being filled with the appropriate date of the re-
10 port, and the third blank space being filled with
11 the name of the country or countries involved.

12 (iii) Resolutions in the House of Rep-
13 resentatives—

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

16 (II) shall be referred to the Com-
17 mittee on Ways and Means and, in addi-
18 tion, to the Committee on Rules; and

19 (III) may not be amended by either
20 Committee.

21 (iv) Resolutions in the Senate—

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

24 (II) shall be referred to the Com-
25 mittee on Finance; and

1 (III) may not be amended.

2 (v) It is not in order for the House of Rep-
3 resentatives to consider any resolution that is
4 not reported by the Committee on Ways and
5 Means and, in addition, by the Committee on
6 Rules.

7 (vi) It is not in order for the Senate to
8 consider any resolution that is not reported by
9 the Committee on Finance.

10 (vii) The provisions of subsections (d) and
11 (e) of section 152 of the Trade Act of 1974 (19
12 U.S.C. 2192) (relating to floor consideration of
13 certain resolutions in the House and Senate)
14 shall apply to resolutions.

15 (4) ADVISORY COMMITTEE REPORTS.—The re-
16 port required under section 135(e)(1) of the Trade
17 Act of 1974 (19 U.S.C. 2155(e)(1)) regarding any
18 trade agreement entered into under subsection (a) or
19 (b) of section 103 shall be provided to the President,
20 Congress, and the United States Trade Representa-
21 tive not later than 30 days after the date on which
22 the President notifies Congress under section
23 103(a)(2) or 106(a)(1)(A) of the intention of the
24 President to enter into the agreement.

1 (c) INTERNATIONAL TRADE COMMISSION ASSESS-
2 MENT.—

3 (1) SUBMISSION OF INFORMATION TO COMMIS-
4 SION.—The President, not later than 90 calendar
5 days before the day on which the President enters
6 into a trade agreement under section 103(b), shall
7 provide the International Trade Commission (re-
8 ferred to in this subsection as the “Commission”)
9 with the details of the agreement as it exists at that
10 time and request the Commission to prepare and
11 submit an assessment of the agreement as described
12 in paragraph (2). Between the time the President
13 makes the request under this paragraph and the
14 time the Commission submits the assessment, the
15 President shall keep the Commission current with
16 respect to the details of the agreement.

17 (2) ASSESSMENT.—Not later than 105 calendar
18 days after the President enters into a trade agree-
19 ment under section 103(b), the Commission shall
20 submit to the President and Congress a report as-
21 sessing the likely impact of the agreement on the
22 United States economy as a whole and on specific
23 industry sectors, including the impact the agreement
24 will have on the gross domestic product, exports and
25 imports, aggregate employment and employment op-

1 portunities, the production, employment, and com-
2 petitive position of industries likely to be signifi-
3 cantly affected by the agreement, and the interests
4 of United States consumers.

5 (3) REVIEW OF EMPIRICAL LITERATURE.—In
6 preparing the assessment under paragraph (2), the
7 Commission shall review available economic assess-
8 ments regarding the agreement, including literature
9 regarding any substantially equivalent proposed
10 agreement, and shall provide in its assessment a de-
11 scription of the analyses used and conclusions drawn
12 in such literature, and a discussion of areas of con-
13 sensus and divergence between the various analyses
14 and conclusions, including those of the Commission
15 regarding the agreement.

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

19 (d) REPORTS SUBMITTED TO COMMITTEES WITH
20 AGREEMENT.—

21 (1) ENVIRONMENTAL REVIEWS AND RE-
22 PORTS.—The President shall—

23 (A) conduct environmental reviews of fu-
24 ture trade and investment agreements, con-
25 sistent with Executive Order 13141 (64 Fed.

1 Reg. 63169), dated November 16, 1999, and its
2 relevant guidelines; and

3 (B) submit a report on those reviews and
4 on the content and operation of consultative
5 mechanisms established pursuant to section
6 102(c) to the Committee on Ways and Means
7 of the House of Representatives and the Com-
8 mittee on Finance of the Senate at the time the
9 President submits to Congress a copy of the
10 final legal text of an agreement pursuant to
11 section 106(a)(1)(E).

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

14 (A) review the impact of future trade
15 agreements on United States employment, in-
16 cluding labor markets, modeled after Executive
17 Order 13141 (64 Fed. Reg. 63169) to the ex-
18 tent appropriate in establishing procedures and
19 criteria; and

20 (B) submit a report on such reviews to the
21 Committee on Ways and Means of the House of
22 Representatives and the Committee on Finance
23 of the Senate at the time the President submits
24 to Congress a copy of the final legal text of an
25 agreement pursuant to section 106(a)(1)(E).

1 (3) REPORT ON LABOR RIGHTS.—The President
2 shall submit to the Committee on Ways and Means
3 of the House of Representatives and the Committee
4 on Finance of the Senate, on a timeframe deter-
5 mined in accordance with section 104(c)(3)(B)(v)—

6 (A) a meaningful labor rights report of the
7 country, or countries, with respect to which the
8 President is negotiating; and

9 (B) a description of any provisions that
10 would require changes to the labor laws and
11 labor practices of the United States.

12 (4) PUBLIC AVAILABILITY.—The President
13 shall make all reports required under this subsection
14 available to the public.

15 (e) IMPLEMENTATION AND ENFORCEMENT PLAN.—

16 (1) IN GENERAL.—At the time the President
17 submits to Congress a copy of the final legal text of
18 an agreement pursuant to section 106(a)(1)(E), the
19 President shall also submit to Congress a plan for
20 implementing and enforcing the agreement.

21 (2) ELEMENTS.—The implementation and en-
22 forcement plan required by paragraph (1) shall in-
23 clude the following:

24 (A) BORDER PERSONNEL REQUIRE-
25 MENTS.—A description of additional personnel

1 required at border entry points, including a list
2 of additional customs and agricultural inspec-
3 tors.

4 (B) AGENCY STAFFING REQUIREMENTS.—
5 A description of additional personnel required
6 by Federal agencies responsible for monitoring
7 and implementing the trade agreement, includ-
8 ing personnel required by the Office of the
9 United States Trade Representative, the De-
10 partment of Commerce, the Department of Ag-
11 riculture (including additional personnel re-
12 quired to implement sanitary and phytosanitary
13 measures in order to obtain market access for
14 United States exports), the Department of
15 Homeland Security, the Department of the
16 Treasury, and such other agencies as may be
17 necessary.

18 (C) CUSTOMS INFRASTRUCTURE REQUIRE-
19 MENTS.—A description of the additional equip-
20 ment and facilities needed by U.S. Customs and
21 Border Protection.

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

1 (E) COST ANALYSIS.—An analysis of the
2 costs associated with each of the items listed in
3 subparagraphs (A) through (D).

4 (3) BUDGET SUBMISSION.—The President shall
5 include a request for the resources necessary to sup-
6 port the plan required by paragraph (1) in the first
7 budget of the President submitted to Congress
8 under section 1105(a) of title 31, United States
9 Code, after the date of the submission of the plan.

10 (4) PUBLIC AVAILABILITY.—The President
11 shall make the plan required under this subsection
12 available to the public.

13 (f) OTHER REPORTS.—

14 (1) REPORT ON PENALTIES.—Not later than
15 one year after the imposition by the United States
16 of a penalty or remedy permitted by a trade agree-
17 ment to which this title applies, the President shall
18 submit to the Committee on Ways and Means of the
19 House of Representatives and the Committee on Fi-
20 nance of the Senate a report on the effectiveness of
21 the penalty or remedy applied under United States
22 law in enforcing United States rights under the
23 trade agreement, which shall address whether the
24 penalty or remedy was effective in changing the be-
25 havior of the targeted party and whether the penalty

1 or remedy had any adverse impact on parties or in-
2 terests not party to the dispute.

3 (2) REPORT ON IMPACT OF TRADE PROMOTION
4 AUTHORITY.—Not later than one year after the date
5 of the enactment of this Act, and not later than 5
6 years thereafter, the United States International
7 Trade Commission shall submit to the Committee on
8 Ways and Means of the House of Representatives
9 and the Committee on Finance of the Senate a re-
10 port on the economic impact on the United States
11 of all trade agreements with respect to which Con-
12 gress has enacted an implementing bill under trade
13 authorities procedures since January 1, 1984.

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

1 (B) As part of the report required pursuant to
2 section 163 of the Trade Act of 1974 (19 U.S.C.
3 2213), the President shall report annually to Con-
4 gress on enforcement actions taken pursuant to a
5 trade agreement to which the United States is a
6 party, as well as on any public reports issued by
7 Federal agencies on enforcement matters relating to
8 a trade agreement.

9 (g) **ADDITIONAL COORDINATION WITH MEMBERS.**—
10 Any Member of the House of Representatives may submit
11 to the Committee on Ways and Means of the House of
12 Representatives and any Member of the Senate may sub-
13 mit to the Committee on Finance of the Senate the views
14 of that Member on any matter relevant to a proposed
15 trade agreement, and the relevant Committee shall receive
16 those views for consideration.

17 **SEC. 106. IMPLEMENTATION OF TRADE AGREEMENTS.**

18 (a) **IN GENERAL.**—

19 (1) **NOTIFICATION AND SUBMISSION.**—Any
20 agreement entered into under section 103(b) shall
21 enter into force with respect to the United States if
22 (and only if)—

23 (A) the President, at least 90 calendar
24 days before the day on which the President en-
25 ters into the trade agreement, notifies the

1 House of Representatives and the Senate of the
2 President's intention to enter into the agree-
3 ment, and promptly thereafter publishes notice
4 of such intention in the Federal Register;

5 (B) the President, at least 60 days before
6 the day on which the President enters into the
7 agreement, publishes the text of the agreement
8 on a publicly available Internet website of the
9 Office of the United States Trade Representa-
10 tive;

11 (C) within 60 days after entering into the
12 agreement, the President submits to Congress a
13 description of those changes to existing laws
14 that the President considers would be required
15 in order to bring the United States into compli-
16 ance with the agreement;

17 (D) the President, at least 30 days before
18 submitting to Congress the materials under
19 subparagraph (E), submits to Congress—

20 (i) a draft statement of any adminis-
21 trative action proposed to implement the
22 agreement; and

23 (ii) a copy of the final legal text of the
24 agreement;

1 (E) after entering into the agreement, the
2 President submits to Congress, on a day on
3 which both Houses of Congress are in session,
4 a copy of the final legal text of the agreement,
5 together with—

6 (i) a draft of an implementing bill de-
7 scribed in section 103(b)(3);

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

11 (iii) the supporting information de-
12 scribed in paragraph (2)(A);

13 (F) the implementing bill is enacted into
14 law; and

15 (G) the President, not later than 30 days
16 before the date on which the agreement enters
17 into force with respect to a party to the agree-
18 ment, submits written notice to Congress that
19 the President has determined that the party
20 has taken measures necessary to comply with
21 those provisions of the agreement that are to
22 take effect on the date on which the agreement
23 enters into force.

24 (2) SUPPORTING INFORMATION.—

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

4 (i) an explanation as to how the im-
5 plementing bill and proposed administra-
6 tive action will change or affect existing
7 law; and

8 (ii) a statement—

9 (I) asserting that the agreement
10 makes progress in achieving the appli-
11 cable purposes, policies, priorities, and
12 objectives of this title; and

13 (II) setting forth the reasons of
14 the President regarding—

15 (aa) how and to what extent
16 the agreement makes progress in
17 achieving the applicable purposes,
18 policies, and objectives referred
19 to in subclause (I);

20 (bb) whether and how the
21 agreement changes provisions of
22 an agreement previously nego-
23 tiated;

1 (cc) how the agreement
2 serves the interests of United
3 States commerce; and

4 (dd) how the implementing
5 bill meets the standards set forth
6 in section 103(b)(3).

7 (B) PUBLIC AVAILABILITY.—The Presi-
8 dent shall make the supporting information de-
9 scribed in subparagraph (A) available to the
10 public.

11 (3) RECIPROCAL BENEFITS.—In order to en-
12 sure that a foreign country that is not a party to a
13 trade agreement entered into under section 103(b)
14 does not receive benefits under the agreement unless
15 the country is also subject to the obligations under
16 the agreement, the implementing bill submitted with
17 respect to the agreement shall provide that the bene-
18 fits and obligations under the agreement apply only
19 to the parties to the agreement, if such application
20 is consistent with the terms of the agreement. The
21 implementing bill may also provide that the benefits
22 and obligations under the agreement do not apply
23 uniformly to all parties to the agreement, if such ap-
24 plication is consistent with the terms of the agree-
25 ment.

1 (4) DISCLOSURE OF COMMITMENTS.—Any
2 agreement or other understanding with a foreign
3 government or governments (whether oral or in writ-
4 ing) that—

5 (A) relates to a trade agreement with re-
6 spect to which Congress enacts an imple-
7 menting bill under trade authorities procedures;
8 and

9 (B) is not disclosed to Congress before an
10 implementing bill with respect to that agree-
11 ment is introduced in either House of Congress,
12 shall not be considered to be part of the agreement
13 approved by Congress and shall have no force and
14 effect under United States law or in any dispute set-
15 tlement body.

16 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-
17 DURES.—

18 (1) FOR LACK OF NOTICE OR CONSULTA-
19 TIONS.—

20 (A) IN GENERAL.—The trade authorities
21 procedures shall not apply to any implementing
22 bill submitted with respect to a trade agreement
23 or trade agreements entered into under section
24 103(b) if during the 60-day period beginning on
25 the date that one House of Congress agrees to

1 a procedural disapproval resolution for lack of
2 notice or consultations with respect to such
3 trade agreement or agreements, the other
4 House separately agrees to a procedural dis-
5 approval resolution with respect to such trade
6 agreement or agreements.

7 (B) PROCEDURAL DISAPPROVAL RESOLU-
8 TION.—(i) For purposes of this paragraph, the
9 term “procedural disapproval resolution” means
10 a resolution of either House of Congress, the
11 sole matter after the resolving clause of which
12 is as follows: “That the President has failed or
13 refused to notify or consult in accordance with
14 the Bipartisan Congressional Trade Priorities
15 and Accountability Act of 2015 on negotiations
16 with respect to _____ and, there-
17 fore, the trade authorities procedures under
18 that Act shall not apply to any implementing
19 bill submitted with respect to such trade agree-
20 ment or agreements.”, with the blank space
21 being filled with a description of the trade
22 agreement or agreements with respect to which
23 the President is considered to have failed or re-
24 fused to notify or consult.

1 (ii) For purposes of clause (i) and para-
2 graphs (3)(C) and (4)(C), the President has
3 “failed or refused to notify or consult in accord-
4 ance with the Bipartisan Congressional Trade
5 Priorities and Accountability Act of 2015” on
6 negotiations with respect to a trade agreement
7 or trade agreements if—

8 (I) the President has failed or refused
9 to consult (as the case may be) in accord-
10 ance with sections 104 and 105 and this
11 section with respect to the negotiations,
12 agreement, or agreements;

13 (II) guidelines under section 104 have
14 not been developed or met with respect to
15 the negotiations, agreement, or agree-
16 ments;

17 (III) the President has not met with
18 the House Advisory Group on Negotiations
19 or the Senate Advisory Group on Negotia-
20 tions pursuant to a request made under
21 section 104(c)(4) with respect to the nego-
22 tiations, agreement, or agreements; or

23 (IV) the agreement or agreements fail
24 to make progress in achieving the pur-

1 poses, policies, priorities, and objectives of
2 this title.

3 (2) PROCEDURES FOR CONSIDERING RESOLU-
4 TIONS.—(A) Procedural disapproval resolutions—

5 (i) in the House of Representatives—

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

8 (II) shall be referred to the Com-
9 mittee on Ways and Means and, in addi-
10 tion, to the Committee on Rules; and

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

13 (ii) in the Senate—

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

16 (II) shall be referred to the Com-
17 mittee on Finance; and

18 (III) may not be amended.

19 (B) The provisions of subsections (d) and (e) of
20 section 152 of the Trade Act of 1974 (19 U.S.C.
21 2192) (relating to the floor consideration of certain
22 resolutions in the House and Senate) apply to a pro-
23 cedural disapproval resolution introduced with re-
24 spect to a trade agreement if no other procedural
25 disapproval resolution with respect to that trade

1 agreement has previously been reported in that
2 House of Congress by the Committee on Ways and
3 Means or the Committee on Finance, as the case
4 may be, and if no resolution described in clause (ii)
5 of section 105(b)(3)(B) with respect to that trade
6 agreement has been reported in that House of Con-
7 gress by the Committee on Ways and Means or the
8 Committee on Finance, as the case may be, pursu-
9 ant to the procedures set forth in clauses (iii)
10 through (vii) of such section.

11 (C) It is not in order for the House of Rep-
12 resentatives to consider any procedural disapproval
13 resolution not reported by the Committee on Ways
14 and Means and, in addition, by the Committee on
15 Rules.

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

19 (3) CONSIDERATION IN SENATE OF CONSULTA-
20 TION AND COMPLIANCE RESOLUTION TO REMOVE
21 TRADE AUTHORITIES PROCEDURES.—

22 (A) REPORTING OF RESOLUTION.—If,
23 when the Committee on Finance of the Senate
24 meets on whether to report an implementing
25 bill with respect to a trade agreement or agree-

1 ments entered into under section 103(b), the
2 committee fails to favorably report the bill, the
3 committee shall report a resolution described in
4 subparagraph (C).

5 (B) APPLICABILITY OF TRADE AUTHORI-
6 TIES PROCEDURES.—The trade authorities pro-
7 cedures shall not apply in the Senate to any im-
8 plementing bill submitted with respect to a
9 trade agreement or agreements described in
10 subparagraph (A) if the Committee on Finance
11 reports a resolution described in subparagraph
12 (C) and such resolution is agreed to by the Sen-
13 ate.

14 (C) RESOLUTION DESCRIBED.—A resolu-
15 tion described in this subparagraph is a resolu-
16 tion of the Senate originating from the Com-
17 mittee on Finance the sole matter after the re-
18 solving clause of which is as follows: “That the
19 President has failed or refused to notify or con-
20 sult in accordance with the Bipartisan Congres-
21 sional Trade Priorities and Accountability Act
22 of 2015 on negotiations with respect to
23 _____ and, therefore, the trade authori-
24 ties procedures under that Act shall not apply
25 in the Senate to any implementing bill sub-

1 mitted with respect to such trade agreement or
2 agreements.”, with the blank space being filled
3 with a description of the trade agreement or
4 agreements described in subparagraph (A).

5 (D) PROCEDURES.—If the Senate does not
6 agree to a motion to invoke cloture on the mo-
7 tion to proceed to a resolution described in sub-
8 paragraph (C), the resolution shall be com-
9 mitted to the Committee on Finance.

10 (4) CONSIDERATION IN THE HOUSE OF REP-
11 RESENTATIVES OF A CONSULTATION AND COMPLI-
12 ANCE RESOLUTION.—

13 (A) QUALIFICATIONS FOR REPORTING RES-
14 OLUTION.—If—

15 (i) the Committee on Ways and
16 Means of the House of Representatives re-
17 ports an implementing bill with respect to
18 a trade agreement or agreements entered
19 into under section 103(b) with other than
20 a favorable recommendation; and

21 (ii) a Member of the House of Rep-
22 resentatives has introduced a consultation
23 and compliance resolution on the legislative
24 day following the filing of a report to ac-

1 company the implementing bill with other
2 than a favorable recommendation,
3 then the Committee on Ways and Means shall
4 consider a consultation and compliance resolu-
5 tion pursuant to subparagraph (B).

6 (B) COMMITTEE CONSIDERATION OF A
7 QUALIFYING RESOLUTION.—(i) Not later than
8 the fourth legislative day after the date of intro-
9 duction of the resolution, the Committee on
10 Ways and Means shall meet to consider a reso-
11 lution meeting the qualifications set forth in
12 subparagraph (A).

13 (ii) After consideration of one such resolu-
14 tion by the Committee on Ways and Means,
15 this subparagraph shall not apply to any other
16 such resolution.

17 (iii) If the Committee on Ways and Means
18 has not reported the resolution by the sixth leg-
19 islative day after the date of its introduction,
20 that committee shall be discharged from further
21 consideration of the resolution.

22 (C) CONSULTATION AND COMPLIANCE RES-
23 OLUTION DESCRIBED.—A consultation and
24 compliance resolution—

1 (i) is a resolution of the House of
2 Representatives, the sole matter after the
3 resolving clause of which is as follows:
4 “That the President has failed or refused
5 to notify or consult in accordance with the
6 Bipartisan Congressional Trade Priorities
7 and Accountability Act of 2015 on negotia-
8 tions with respect to _____ and,
9 therefore, the trade authorities procedures
10 under that Act shall not apply in the
11 House of Representatives to any imple-
12 menting bill submitted with respect to such
13 trade agreement or agreements.”, with the
14 blank space being filled with a description
15 of the trade agreement or agreements de-
16 scribed in subparagraph (A); and

17 (ii) shall be referred to the Committee
18 on Ways and Means.

19 (D) APPLICABILITY OF TRADE AUTHORI-
20 TIES PROCEDURES.—The trade authorities pro-
21 cedures shall not apply in the House of Rep-
22 resentatives to any implementing bill submitted
23 with respect to a trade agreement or agree-
24 ments which are the object of a consultation

1 and compliance resolution if such resolution is
2 adopted by the House.

3 (5) FOR FAILURE TO MEET OTHER REQUIRE-
4 MENTS.—Not later than December 15, 2015, the
5 Secretary of Commerce, in consultation with the
6 Secretary of State, the Secretary of the Treasury,
7 the Attorney General, and the United States Trade
8 Representative, shall transmit to Congress a report
9 setting forth the strategy of the executive branch to
10 address concerns of Congress regarding whether dis-
11 pute settlement panels and the Appellate Body of
12 the World Trade Organization have added to obliga-
13 tions, or diminished rights, of the United States, as
14 described in section 102(b)(15)(C). Trade authori-
15 ties procedures shall not apply to any implementing
16 bill with respect to an agreement negotiated under
17 the auspices of the World Trade Organization unless
18 the Secretary of Commerce has issued such report
19 by the deadline specified in this paragraph.

20 (6) LIMITATIONS ON PROCEDURES WITH RE-
21 SPECT TO AGREEMENTS WITH COUNTRIES NOT IN
22 COMPLIANCE WITH TRAFFICKING VICTIMS PROTEC-
23 TION ACT OF 2000.—

24 (A) IN GENERAL.—The trade authorities
25 procedures shall not apply to any implementing

1 bill submitted with respect to a trade agreement
2 or trade agreements entered into under section
3 103(b) with a country to which the minimum
4 standards for the elimination of trafficking are
5 applicable and the government of which does
6 not fully comply with such standards and is not
7 making significant efforts to bring the country
8 into compliance (commonly referred to as a
9 “tier 3” country), as determined in the most re-
10 cent annual report on trafficking in persons
11 submitted under section 110(b)(1) of the Traf-
12 ficking Victims Protection Act of 2000 (22
13 U.S.C. 7107(b)(1)).

14 (B) MINIMUM STANDARDS FOR THE ELIMI-
15 NATION OF TRAFFICKING DEFINED.—In this
16 paragraph, the term “minimum standards for
17 the elimination of trafficking” means the stand-
18 ards set forth in section 108 of the Trafficking
19 Victims Protection Act of 2000 (22 U.S.C.
20 7106).

21 (c) RULES OF HOUSE OF REPRESENTATIVES AND
22 SENATE.—Subsection (b) of this section, section 103(c),
23 and section 105(b)(3) are enacted by Congress—

24 (1) as an exercise of the rulemaking power of
25 the House of Representatives and the Senate, re-

1 spectively, and as such are deemed a part of the
2 rules of each House, respectively, and such proce-
3 dures supersede other rules only to the extent that
4 they are inconsistent with such other rules; and

5 (2) with the full recognition of the constitu-
6 tional right of either House to change the rules (so
7 far as relating to the procedures of that House) at
8 any time, in the same manner, and to the same ex-
9 tent as any other rule of that House.

10 **SEC. 107. TREATMENT OF CERTAIN TRADE AGREEMENTS**

11 **FOR WHICH NEGOTIATIONS HAVE ALREADY**

12 **BEGUN.**

13 (a) **CERTAIN AGREEMENTS.**—Notwithstanding the
14 prenegotiation notification and consultation requirement
15 described in section 105(a), if an agreement to which sec-
16 tion 103(b) applies—

17 (1) is entered into under the auspices of the
18 World Trade Organization,

19 (2) is entered into with the Trans-Pacific Part-
20 nership countries with respect to which notifications
21 have been made in a manner consistent with section
22 105(a)(1)(A) as of the date of the enactment of this
23 Act,

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

1 (4) is an agreement with respect to inter-
2 national trade in services entered into with WTO
3 members with respect to which a notification has
4 been made in a manner consistent with section
5 105(a)(1)(A) as of the date of the enactment of this
6 Act, or

7 (5) is an agreement with respect to environ-
8 mental goods entered into with WTO members with
9 respect to which a notification has been made in a
10 manner consistent with section 105(a)(1)(A) as of
11 the date of the enactment of this Act,

12 and results from negotiations that were commenced before
13 the date of the enactment of this Act, subsection (b) shall
14 apply.

15 (b) TREATMENT OF AGREEMENTS.—In the case of
16 any agreement to which subsection (a) applies, the appli-
17 cability of the trade authorities procedures to imple-
18 menting bills shall be determined without regard to the
19 requirements of section 105(a) (relating only to notice
20 prior to initiating negotiations), and any resolution under
21 paragraph (1)(B), (3)(C), or (4)(C) of section 106(b) shall
22 not be in order on the basis of a failure or refusal to com-
23 ply with the provisions of section 105(a), if (and only if)
24 the President, as soon as feasible after the date of the
25 enactment of this Act—

1 (1) notifies Congress of the negotiations de-
2 scribed in subsection (a), the specific United States
3 objectives in the negotiations, and whether the Presi-
4 dent is seeking a new agreement or changes to an
5 existing agreement; and

6 (2) before and after submission of the notice,
7 consults regarding the negotiations with the commit-
8 tees referred to in section 105(a)(1)(B) and the
9 House and Senate Advisory Groups on Negotiations
10 convened under section 104(c).

11 **SEC. 108. SOVEREIGNTY.**

12 (a) UNITED STATES LAW TO PREVAIL IN EVENT OF
13 CONFLICT.—No provision of any trade agreement entered
14 into under section 103(b), nor the application of any such
15 provision to any person or circumstance, that is incon-
16 sistent with any law of the United States, any State of
17 the United States, or any locality of the United States
18 shall have effect.

19 (b) AMENDMENTS OR MODIFICATIONS OF UNITED
20 STATES LAW.—No provision of any trade agreement en-
21 tered into under section 103(b) shall prevent the United
22 States, any State of the United States, or any locality of
23 the United States from amending or modifying any law
24 of the United States, that State, or that locality (as the
25 case may be).

1 (c) DISPUTE SETTLEMENT REPORTS.—Reports, in-
2 cluding findings and recommendations, issued by dispute
3 settlement panels convened pursuant to any trade agree-
4 ment entered into under section 103(b) shall have no bind-
5 ing effect on the law of the United States, the Government
6 of the United States, or the law or government of any
7 State or locality of the United States.

8 **SEC. 109. INTERESTS OF SMALL BUSINESSES.**

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

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

14 (2) the functions of the Office of the United
15 States Trade Representative relating to small busi-
16 nesses should continue to be reflected in the title of
17 the Assistant United States Trade Representative
18 assigned the responsibility for small businesses.

19 (b) CONSIDERATION OF SMALL BUSINESS INTER-
20 ESTS.—The Assistant United States Trade Representative
21 for Small Business, Market Access, and Industrial Com-
22 petitiveness shall be responsible for ensuring that the in-
23 terests of small businesses are considered in all trade ne-
24 gotiations in accordance with the objective described in
25 section 102(a)(8).

1 **SEC. 110. CONFORMING AMENDMENTS; APPLICATION OF**
2 **CERTAIN PROVISIONS.**

3 (a) CONFORMING AMENDMENTS.—

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

7 (A) in subsection (a)—

8 (i) in paragraph (1), by striking “sec-
9 tion 2103(a) or (b) of the Bipartisan
10 Trade Promotion Authority Act of 2002”
11 and inserting “subsection (a) or (b) of sec-
12 tion 103 of the Bipartisan Congressional
13 Trade Priorities and Accountability Act of
14 2015”; and

15 (ii) in paragraph (2), by striking “sec-
16 tion 2103(b) of the Bipartisan Trade Pro-
17 motion Authority Act of 2002” and insert-
18 ing “section 103(b) of the Bipartisan Con-
19 gressional Trade Priorities and Account-
20 ability Act of 2015”;

21 (B) in subsection (b), by striking “section
22 2103(a)(3)(A) of the Bipartisan Trade Pro-
23 motion Authority Act of 2002” and inserting
24 “section 103(a)(4)(A) of the Bipartisan Con-
25 gressional Trade Priorities and Accountability
26 Act of 2015”; and

1 (C) in subsection (c), by striking “section
2 2103 of the Bipartisan Trade Promotion Au-
3 thority Act of 2002” and inserting “section
4 103(a) of the Bipartisan Congressional Trade
5 Priorities and Accountability Act of 2015”.

6 (2) HEARINGS.—Section 132 of the Trade Act
7 of 1974 (19 U.S.C. 2152) is amended by striking
8 “section 2103 of the Bipartisan Trade Promotion
9 Authority Act of 2002” and inserting “section 103
10 of the Bipartisan Congressional Trade Priorities and
11 Accountability Act of 2015”.

12 (3) PUBLIC HEARINGS.—Section 133(a) of the
13 Trade Act of 1974 (19 U.S.C. 2153(a)) is amended
14 by striking “section 2103 of the Bipartisan Trade
15 Promotion Authority Act of 2002” and inserting
16 “section 103 of the Bipartisan Congressional Trade
17 Priorities and Accountability Act of 2015”.

18 (4) PREREQUISITES FOR OFFERS.—Section 134
19 of the Trade Act of 1974 (19 U.S.C. 2154) is
20 amended by striking “section 2103 of the Bipartisan
21 Trade Promotion Authority Act of 2002” each place
22 it appears and inserting “section 103 of the Bipar-
23 tisan Congressional Trade Priorities and Account-
24 ability Act of 2015”.

1 on which the President notifies Con-
2 gress under section 106(a)(1)(A) of
3 the Bipartisan Congressional Trade
4 Priorities and Accountability Act of
5 2015”; and

6 (ii) in paragraph (2), by striking “sec-
7 tion 2102 of the Bipartisan Trade Pro-
8 motion Authority Act of 2002” and insert-
9 ing “section 102 of the Bipartisan Con-
10 gressional Trade Priorities and Account-
11 ability Act of 2015”.

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

15 (A) in subsection (b)(1), in the matter pre-
16 ceding subparagraph (A), by striking “section
17 2105(a)(1) of the Bipartisan Trade Promotion
18 Authority Act of 2002” and inserting “section
19 106(a)(1) of the Bipartisan Congressional
20 Trade Priorities and Accountability Act of
21 2015”; and

22 (B) in subsection (c)(1), by striking “sec-
23 tion 2105(a)(1) of the Bipartisan Trade Pro-
24 motion Authority Act of 2002” and inserting
25 “section 106(a)(1) of the Bipartisan Congres-

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

3 (7) TRANSMISSION OF AGREEMENTS TO CON-
4 GRESS.—Section 162(a) of the Trade Act of 1974
5 (19 U.S.C. 2212(a)) is amended by striking “section
6 2103 of the Bipartisan Trade Promotion Authority
7 Act of 2002” and inserting “section 103 of the Bi-
8 partisan Congressional Trade Priorities and Ac-
9 countability Act of 2015”.

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

13 (1) any trade agreement entered into under sec-
14 tion 103 shall be treated as an agreement entered
15 into under section 101 or 102 of the Trade Act of
16 1974 (19 U.S.C. 2111 or 2112), as appropriate; and

17 (2) any proclamation or Executive order issued
18 pursuant to a trade agreement entered into under
19 section 103 shall be treated as a proclamation or
20 Executive order issued pursuant to a trade agree-
21 ment entered into under section 102 of the Trade
22 Act of 1974 (19 U.S.C. 2112).

23 **SEC. 111. DEFINITIONS.**

24 In this title:

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

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

9 (3) AGREEMENT ON SUBSIDIES AND COUNTER-
10 VAILING MEASURES.—The term “Agreement on Sub-
11 sidies and Countervailing Measures” means the
12 agreement referred to in section 101(d)(12) of the
13 Uruguay Round Agreements Act (19 U.S.C.
14 3511(d)(12)).

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

21 (5) APPELLATE BODY.—The term “Appellate
22 Body” means the Appellate Body established under
23 Article 17.1 of the Dispute Settlement Under-
24 standing.

1 (6) COMMON MULTILATERAL ENVIRONMENTAL
2 AGREEMENT.—

3 (A) IN GENERAL.—The term “common
4 multilateral environmental agreement” means
5 any agreement specified in subparagraph (B) or
6 included under subparagraph (C) to which both
7 the United States and one or more other par-
8 ties to the negotiations are full parties, includ-
9 ing any current or future mutually agreed upon
10 protocols, amendments, annexes, or adjust-
11 ments to such an agreement.

12 (B) AGREEMENTS SPECIFIED.—The agree-
13 ments specified in this subparagraph are the
14 following:

15 (i) The Convention on International
16 Trade in Endangered Species of Wild
17 Fauna and Flora, done at Washington
18 March 3, 1973 (27 UST 1087; TIAS
19 8249).

20 (ii) The Montreal Protocol on Sub-
21 stances that Deplete the Ozone Layer,
22 done at Montreal September 16, 1987.

23 (iii) The Protocol of 1978 Relating to
24 the International Convention for the Pre-

1 vention of Pollution from Ships, 1973,
2 done at London February 17, 1978.

3 (iv) The Convention on Wetlands of
4 International Importance Especially as
5 Waterfowl Habitat, done at Ramsar Feb-
6 ruary 2, 1971 (TIAS 11084).

7 (v) The Convention on the Conserva-
8 tion of Antarctic Marine Living Resources,
9 done at Canberra May 20, 1980 (33 UST
10 3476).

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

14 (vii) The Convention for the Estab-
15 lishment of an Inter-American Tropical
16 Tuna Commission, done at Washington
17 May 31, 1949 (1 UST 230).

18 (C) ADDITIONAL AGREEMENTS.—Both the
19 United States and one or more other parties to
20 the negotiations may agree to include any other
21 multilateral environmental or conservation
22 agreement to which they are full parties as a
23 common multilateral environmental agreement
24 under this paragraph.

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

3 (A) freedom of association;

4 (B) the effective recognition of the right to
5 collective bargaining;

6 (C) the elimination of all forms of forced
7 or compulsory labor;

8 (D) the effective abolition of child labor
9 and a prohibition on the worst forms of child
10 labor; and

11 (E) the elimination of discrimination in re-
12 spect of employment and occupation.

13 (8) DISPUTE SETTLEMENT UNDERSTANDING.—
14 The term “Dispute Settlement Understanding”
15 means the Understanding on Rules and Procedures
16 Governing the Settlement of Disputes referred to in
17 section 101(d)(16) of the Uruguay Round Agree-
18 ments Act (19 U.S.C. 3511(d)(16)).

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

1 (10) ENVIRONMENTAL LAWS.—The term “envi-
2 ronmental laws”, with respect to the laws of the
3 United States, means environmental statutes and
4 regulations enforceable by action of the Federal Gov-
5 ernment.

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

9 (12) GENERAL AGREEMENT ON TRADE IN
10 SERVICES.—The term “General Agreement on Trade
11 in Services” means the General Agreement on Trade
12 in Services (referred to in section 101(d)(14) of the
13 Uruguay Round Agreements Act (19 U.S.C.
14 3511(d)(14))).

15 (13) GOVERNMENT PROCUREMENT AGREE-
16 MENT.—The term “Government Procurement Agree-
17 ment” means the Agreement on Government Pro-
18 curement referred to in section 101(d)(17) of the
19 Uruguay Round Agreements Act (19 U.S.C.
20 3511(d)(17)).

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

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

1 (A) with respect to which, as a result of
2 the Uruguay Round Agreements, the rate of
3 duty was the subject of tariff reductions by the
4 United States and, pursuant to such Agree-
5 ments, was reduced on January 1, 1995, to a
6 rate that was not less than 97.5 percent of the
7 rate of duty that applied to such article on De-
8 cember 31, 1994; or

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

11 (16) INFORMATION TECHNOLOGY AGREE-
12 MENT.—The term “Information Technology Agree-
13 ment” means the Ministerial Declaration on Trade
14 in Information Technology Products of the World
15 Trade Organization, agreed to at Singapore Decem-
16 ber 13, 1996.

17 (17) INTERNATIONALLY RECOGNIZED CORE
18 LABOR STANDARDS.—The term “internationally rec-
19 ognized core labor standards” means the core labor
20 standards only as stated in the ILO Declaration on
21 Fundamental Principles and Rights at Work and its
22 Follow-Up (1998).

23 (18) LABOR LAWS.—The term “labor laws”
24 means the statutes and regulations, or provisions
25 thereof, of a party to the negotiations that are di-

1 rectly related to core labor standards as well as
2 other labor protections for children and minors and
3 acceptable conditions of work with respect to min-
4 imum wages, hours of work, and occupational safety
5 and health, and for the United States, includes Fed-
6 eral statutes and regulations addressing those stand-
7 ards, protections, or conditions, but does not include
8 State or local labor laws.

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

11 (A) a United States citizen;

12 (B) a partnership, corporation, or other
13 legal entity that is organized under the laws of
14 the United States; and

15 (C) a partnership, corporation, or other
16 legal entity that is organized under the laws of
17 a foreign country and is controlled by entities
18 described in subparagraph (B) or United States
19 citizens, or both.

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

24 (21) WORLD TRADE ORGANIZATION; WTO.—The
25 terms “World Trade Organization” and “WTO”

1 mean the organization established pursuant to the
2 WTO Agreement.

3 (22) WTO AGREEMENT.—The term “WTO
4 Agreement” means the Agreement Establishing the
5 World Trade Organization entered into on April 15,
6 1994.

7 (23) WTO MEMBER.—The term “WTO mem-
8 ber” has the meaning given that term in section
9 2(10) of the Uruguay Round Agreements Act (19
10 U.S.C. 3501(10)).

11 **TITLE II—EXTENSION OF TRADE** 12 **ADJUSTMENT ASSISTANCE**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Trade Adjustment As-
15 sistance Reauthorization Act of 2015”.

16 **SEC. 202. APPLICATION OF PROVISIONS RELATING TO** 17 **TRADE ADJUSTMENT ASSISTANCE.**

18 (a) REPEAL OF SNAPBACK.—Section 233 of the
19 Trade Adjustment Assistance Extension Act of 2011
20 (Public Law 112–40; 125 Stat. 416) is repealed.

21 (b) APPLICABILITY OF CERTAIN PROVISIONS.—Ex-
22 cept as otherwise provided in this title, the provisions of
23 chapters 2 through 6 of title II of the Trade Act of 1974,
24 as in effect on December 31, 2013, and as amended by
25 this title, shall—

1 (1) take effect on the date of the enactment of
2 this Act; and

3 (2) apply to petitions for certification filed
4 under chapter 2, 3, or 6 of title II of the Trade Act
5 of 1974 on or after such date of enactment.

6 (c) REFERENCES.—Except as otherwise provided in
7 this title, whenever in this title an amendment or repeal
8 is expressed in terms of an amendment to, or repeal of,
9 a provision of chapters 2 through 6 of title II of the Trade
10 Act of 1974, the reference shall be considered to be made
11 to a provision of any such chapter, as in effect on Decem-
12 ber 31, 2013.

13 **SEC. 203. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**
14 **PROGRAM.**

15 (a) EXTENSION OF TERMINATION PROVISIONS.—
16 Section 285 of the Trade Act of 1974 (19 U.S.C. 2271
17 note) is amended by striking “December 31, 2013” each
18 place it appears and inserting “June 30, 2021”.

19 (b) TRAINING FUNDS.—Section 236(a)(2)(A) of the
20 Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended
21 by striking “shall not exceed” and all that follows and in-
22 serting “shall not exceed \$450,000,000 for each of fiscal
23 years 2015 through 2021.”.

24 (c) REEMPLOYMENT TRADE ADJUSTMENT ASSIST-
25 ANCE.—Section 246(b)(1) of the Trade Act of 1974 (19

1 U.S.C. 2318(b)(1)) is amended by striking “December 31,
2 2013” and inserting “June 30, 2021”.

3 (d) AUTHORIZATIONS OF APPROPRIATIONS.—

4 (1) TRADE ADJUSTMENT ASSISTANCE FOR
5 WORKERS.—Section 245(a) of the Trade Act of
6 1974 (19 U.S.C. 2317(a)) is amended by striking
7 “December 31, 2013” and inserting “June 30,
8 2021”.

9 (2) TRADE ADJUSTMENT ASSISTANCE FOR
10 FIRMS.—Section 255(a) of the Trade Act of 1974
11 (19 U.S.C. 2345(a)) is amended by striking “fiscal
12 years 2012 and 2013” and all that follows through
13 “December 31, 2013” and inserting “fiscal years
14 2015 through 2021”.

15 (3) TRADE ADJUSTMENT ASSISTANCE FOR
16 FARMERS.—Section 298(a) of the Trade Act of 1974
17 (19 U.S.C. 2401g(a)) is amended by striking “fiscal
18 years 2012 and 2013” and all that follows through
19 “December 31, 2013” and inserting “fiscal years
20 2015 through 2021”.

21 **SEC. 204. PERFORMANCE MEASUREMENT AND REPORTING.**

22 (a) PERFORMANCE MEASURES.—Section 239(j) of
23 the Trade Act of 1974 (19 U.S.C. 2311(j)) is amended—

1 (1) in the subsection heading, by striking
2 “DATA REPORTING” and inserting “PERFORMANCE
3 MEASURES”;

4 (2) in paragraph (1)—

5 (A) in the matter preceding subparagraph
6 (A)—

7 (i) by striking “a quarterly” and in-
8 serting “an annual”; and

9 (ii) by striking “data” and inserting
10 “measures”;

11 (B) in subparagraph (A), by striking
12 “core” and inserting “primary”; and

13 (C) in subparagraph (C), by inserting
14 “that promote efficiency and effectiveness”
15 after “assistance program”;

16 (3) in paragraph (2)—

17 (A) in the paragraph heading, by striking
18 “CORE INDICATORS DESCRIBED” and inserting
19 “INDICATORS OF PERFORMANCE”; and

20 (B) by striking subparagraph (A) and in-
21 serting the following:

22 “(A) PRIMARY INDICATORS OF PERFORM-
23 ANCE DESCRIBED.—

1 “(i) IN GENERAL.—The primary indi-
2 cators of performance referred to in para-
3 graph (1)(A) shall consist of—

4 “ (I) the percentage and number
5 of workers who received benefits
6 under the trade adjustment assistance
7 program who are in unsubsidized em-
8 ployment during the second calendar
9 quarter after exit from the program;

10 “(II) the percentage and number
11 of workers who received benefits
12 under the trade adjustment assistance
13 program and who are in unsubsidized
14 employment during the fourth cal-
15 endar quarter after exit from the pro-
16 gram;

17 “(III) the median earnings of
18 workers described in subclause (I);

19 “(IV) the percentage and number
20 of workers who received benefits
21 under the trade adjustment assistance
22 program who, subject to clause (ii),
23 obtain a recognized postsecondary cre-
24 dential or a secondary school diploma
25 or its recognized equivalent, during

1 participation in the program or within
2 one year after exit from the program;
3 and

4 “(V) the percentage and number
5 of workers who received benefits
6 under the trade adjustment assistance
7 program who, during a year while re-
8 ceiving such benefits, are in an edu-
9 cation or training program that leads
10 to a recognized postsecondary creden-
11 tial or employment and who are
12 achieving measurable gains in skills
13 toward such a credential or employ-
14 ment.

15 “(ii) INDICATOR RELATING TO CRE-
16 DENTIAL.—For purposes of clause (i)(IV),
17 a worker who received benefits under the
18 trade adjustment assistance program who
19 obtained a secondary school diploma or its
20 recognized equivalent shall be included in
21 the percentage counted for purposes of
22 that clause only if the worker, in addition
23 to obtaining such a diploma or its recog-
24 nized equivalent, has obtained or retained
25 employment or is in an education or train-

1 ing program leading to a recognized post-
2 secondary credential within one year after
3 exit from the program.”;

4 (4) in paragraph (3)—

5 (A) in the paragraph heading, by striking
6 “DATA” and inserting “MEASURES”;

7 (B) by striking “quarterly” and inserting
8 “annual”; and

9 (C) by striking “data” and inserting
10 “measures”; and

11 (5) by adding at the end the following:

12 “(4) ACCESSIBILITY OF STATE PERFORMANCE
13 REPORTS.—The Secretary shall, on an annual basis,
14 make available (including by electronic means), in an
15 easily understandable format, the reports of cooper-
16 ating States or cooperating State agencies required
17 by paragraph (1) and the information contained in
18 those reports.”.

19 (b) COLLECTION AND PUBLICATION OF DATA.—Sec-
20 tion 249B of the Trade Act of 1974 (19 U.S.C. 2323)
21 is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (3)—

24 (i) in subparagraph (A), by striking
25 “enrolled in” and inserting “who received”;

1 (ii) in subparagraph (B)—

2 (I) by striking “complete” and
3 inserting “exited”; and

4 (II) by striking “who were en-
5 rolled in” and inserting “, including
6 who received”;

7 (iii) in subparagraph (E), by striking
8 “complete” and inserting “exited”;

9 (iv) in subparagraph (F), by striking
10 “complete” and inserting “exit”; and

11 (v) by adding at the end the following:

12 “(G) The average cost per worker of re-
13 ceiving training approved under section 236.

14 “(H) The percentage of workers who re-
15 ceived training approved under section 236 and
16 obtained unsubsidized employment in a field re-
17 lated to that training.”; and

18 (B) in paragraph (4)—

19 (i) in subparagraphs (A) and (B), by
20 striking “quarterly” each place it appears
21 and inserting “annual”; and

22 (ii) by striking subparagraph (C) and
23 inserting the following:

24 “(C) The median earnings of workers de-
25 scribed in section 239(j)(2)(A)(i)(III) during

1 the second calendar quarter after exit from the
2 program, expressed as a percentage of the me-
3 dian earnings of such workers before the cal-
4 endar quarter in which such workers began re-
5 ceiving benefits under this chapter.”; and

6 (2) in subsection (e)—

7 (A) in paragraph (1)—

8 (i) by redesignating subparagraphs

9 (B) and (C) as subparagraphs (C) and
10 (D), respectively; and

11 (ii) by inserting after subparagraph

12 (A) the following:

13 “(B) the reports required under section
14 239(j);”; and

15 (B) in paragraph (2), by striking “a quar-
16 terly” and inserting “an annual”.

17 (c) RECOGNIZED POSTSECONDARY CREDENTIAL DE-
18 FINED.—Section 247 of the Trade Act of 1974 (19 U.S.C.
19 2319) is amended by adding at the end the following:

20 “(19) The term ‘recognized postsecondary cre-
21 dential’ means a credential consisting of an indus-
22 try-recognized certificate or certification, a certifi-
23 cate of completion of an apprenticeship, a license
24 recognized by a State or the Federal Government, or
25 an associate or baccalaureate degree.”.

1 **SEC. 205. APPLICABILITY OF TRADE ADJUSTMENT ASSIST-**
2 **ANCE PROVISIONS.**

3 (a) TRADE ADJUSTMENT ASSISTANCE FOR WORK-
4 ERS.—

5 (1) PETITIONS FILED ON OR AFTER JANUARY 1,
6 2014, AND BEFORE DATE OF ENACTMENT.—

7 (A) CERTIFICATIONS OF WORKERS NOT
8 CERTIFIED BEFORE DATE OF ENACTMENT.—

9 (i) CRITERIA IF A DETERMINATION
10 HAS NOT BEEN MADE.—If, as of the date
11 of the enactment of this Act, the Secretary
12 of Labor has not made a determination
13 with respect to whether to certify a group
14 of workers as eligible to apply for adjust-
15 ment assistance under section 222 of the
16 Trade Act of 1974 pursuant to a petition
17 described in clause (iii), the Secretary shall
18 make that determination based on the re-
19 quirements of section 222 of the Trade Act
20 of 1974, as in effect on such date of enact-
21 ment.

22 (ii) RECONSIDERATION OF DENIALS
23 OF CERTIFICATIONS.—If, before the date
24 of the enactment of this Act, the Secretary
25 made a determination not to certify a
26 group of workers as eligible to apply for

1 adjustment assistance under section 222 of
2 the Trade Act of 1974 pursuant to a peti-
3 tion described in clause (iii), the Secretary
4 shall—

5 (I) reconsider that determination;

6 and

7 (II) if the group of workers
8 meets the requirements of section 222
9 of the Trade Act of 1974, as in effect
10 on such date of enactment, certify the
11 group of workers as eligible to apply
12 for adjustment assistance.

13 (iii) PETITION DESCRIBED.—A peti-
14 tion described in this clause is a petition
15 for a certification of eligibility for a group
16 of workers filed under section 221 of the
17 Trade Act of 1974 on or after January 1,
18 2014, and before the date of the enactment
19 of this Act.

20 (B) ELIGIBILITY FOR BENEFITS.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), a worker certified as eligible
23 to apply for adjustment assistance under
24 section 222 of the Trade Act of 1974 pur-
25 suant to a petition described in subpara-

1 graph (A)(iii) shall be eligible, on and after
2 the date that is 90 days after the date of
3 the enactment of this Act, to receive bene-
4 fits only under the provisions of chapter 2
5 of title II of the Trade Act of 1974, as in
6 effect on such date of enactment.

7 (ii) COMPUTATION OF MAXIMUM BEN-
8 EFITS.—Benefits received by a worker de-
9 scribed in clause (i) under chapter 2 of
10 title II of the Trade Act of 1974 before the
11 date of the enactment of this Act shall be
12 included in any determination of the max-
13 imum benefits for which the worker is eli-
14 gible under the provisions of chapter 2 of
15 title II of the Trade Act of 1974, as in ef-
16 fect on the date of the enactment of this
17 Act.

18 (2) PETITIONS FILED BEFORE JANUARY 1,
19 2014.—A worker certified as eligible to apply for ad-
20 justment assistance pursuant to a petition filed
21 under section 221 of the Trade Act of 1974 on or
22 before December 31, 2013, shall continue to be eligi-
23 ble to apply for and receive benefits under the provi-
24 sions of chapter 2 of title II of such Act, as in effect
25 on December 31, 2013.

1 (3) QUALIFYING SEPARATIONS WITH RESPECT
2 TO PETITIONS FILED WITHIN 90 DAYS OF DATE OF
3 ENACTMENT.—Section 223(b) of the Trade Act of
4 1974, as in effect on the date of the enactment of
5 this Act, shall be applied and administered by sub-
6 stituting “before January 1, 2014” for “more than
7 one year before the date of the petition on which
8 such certification was granted” for purposes of de-
9 termining whether a worker is eligible to apply for
10 adjustment assistance pursuant to a petition filed
11 under section 221 of the Trade Act of 1974 on or
12 after the date of the enactment of this Act and on
13 or before the date that is 90 days after such date
14 of enactment.

15 (b) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

16 (1) CERTIFICATION OF FIRMS NOT CERTIFIED
17 BEFORE DATE OF ENACTMENT.—

18 (A) CRITERIA IF A DETERMINATION HAS
19 NOT BEEN MADE.—If, as of the date of the en-
20 actment of this Act, the Secretary of Commerce
21 has not made a determination with respect to
22 whether to certify a firm as eligible to apply for
23 adjustment assistance under section 251 of the
24 Trade Act of 1974 pursuant to a petition de-
25 scribed in subparagraph (C), the Secretary shall

1 make that determination based on the require-
2 ments of section 251 of the Trade Act of 1974,
3 as in effect on such date of enactment.

4 (B) RECONSIDERATION OF DENIAL OF
5 CERTAIN PETITIONS.—If, before the date of the
6 enactment of this Act, the Secretary made a de-
7 termination not to certify a firm as eligible to
8 apply for adjustment assistance under section
9 251 of the Trade Act of 1974 pursuant to a pe-
10 tition described in subparagraph (C), the Sec-
11 retary shall—

12 (i) reconsider that determination; and
13 (ii) if the firm meets the requirements
14 of section 251 of the Trade Act of 1974,
15 as in effect on such date of enactment, cer-
16 tify the firm as eligible to apply for adjust-
17 ment assistance.

18 (C) PETITION DESCRIBED.—A petition de-
19 scribed in this subparagraph is a petition for a
20 certification of eligibility filed by a firm or its
21 representative under section 251 of the Trade
22 Act of 1974 on or after January 1, 2014, and
23 before the date of the enactment of this Act.

1 (2) CERTIFICATION OF FIRMS THAT DID NOT
2 SUBMIT PETITIONS BETWEEN JANUARY 1, 2014, AND
3 DATE OF ENACTMENT.—

4 (A) IN GENERAL.—The Secretary of Com-
5 merce shall certify a firm described in subpara-
6 graph (B) as eligible to apply for adjustment
7 assistance under section 251 of the Trade Act
8 of 1974, as in effect on the date of the enact-
9 ment of this Act, if the firm or its representa-
10 tive files a petition for a certification of eligi-
11 bility under section 251 of the Trade Act of
12 1974 not later than 90 days after such date of
13 enactment.

14 (B) FIRM DESCRIBED.—A firm described
15 in this subparagraph is a firm that the Sec-
16 retary determines would have been certified as
17 eligible to apply for adjustment assistance if—

18 (i) the firm or its representative had
19 filed a petition for a certification of eligi-
20 bility under section 251 of the Trade Act
21 of 1974 on a date during the period begin-
22 ning on January 1, 2014, and ending on
23 the day before the date of the enactment
24 of this Act; and

1 (ii) the provisions of chapter 3 of title
2 II of the Trade Act of 1974, as in effect
3 on such date of enactment, had been in ef-
4 fect on that date during the period de-
5 scribed in clause (i).

6 **SEC. 206. SUNSET PROVISIONS.**

7 (a) APPLICATION OF PRIOR LAW.—Subject to sub-
8 section (b), beginning on July 1, 2021, the provisions of
9 chapters 2, 3, 5, and 6 of title II of the Trade Act of
10 1974 (19 U.S.C. 2271 et seq.), as in effect on January
11 1, 2014, shall be in effect and apply, except that in apply-
12 ing and administering such chapters—

13 (1) paragraph (1) of section 231(c) of that Act
14 shall be applied and administered as if subpara-
15 graphs (A), (B), and (C) of that paragraph were not
16 in effect;

17 (2) section 233 of that Act shall be applied and
18 administered—

19 (A) in subsection (a)—

20 (i) in paragraph (2), by substituting
21 “104-week period” for “104-week period”
22 and all that follows through “130-week pe-
23 riod)”; and

24 (ii) in paragraph (3)—

1 (I) in the matter preceding sub-
2 paragraph (A), by substituting “65”
3 for “52”; and

4 (II) by substituting “78-week pe-
5 riod” for “52-week period” each place
6 it appears; and

7 (B) by applying and administering sub-
8 section (g) as if it read as follows:

9 “(g) PAYMENT OF TRADE READJUSTMENT ALLOW-
10 ANCES TO COMPLETE TRAINING.—Notwithstanding any
11 other provision of this section, in order to assist an ad-
12 versely affected worker to complete training approved for
13 the worker under section 236 that leads to the completion
14 of a degree or industry-recognized credential, payments
15 may be made as trade readjustment allowances for not
16 more than 13 weeks within such period of eligibility as
17 the Secretary may prescribe to account for a break in
18 training or for justifiable cause that follows the last week
19 for which the worker is otherwise entitled to a trade read-
20 justment allowance under this chapter if—

21 “(1) payment of the trade readjustment allow-
22 ance for not more than 13 weeks is necessary for the
23 worker to complete the training;

24 “(2) the worker participates in training in each
25 such week; and

1 “(3) the worker—

2 “(A) has substantially met the perform-
3 ance benchmarks established as part of the
4 training approved for the worker;

5 “(B) is expected to continue to make
6 progress toward the completion of the training;
7 and

8 “(C) will complete the training during that
9 period of eligibility.”;

10 (3) section 245(a) of that Act shall be applied
11 and administered by substituting “June 30, 2022”
12 for “December 31, 2007”;

13 (4) section 246(b)(1) of that Act shall be ap-
14 plied and administered by substituting “June 30,
15 2022” for “the date that is 5 years” and all that fol-
16 lows through “State”;

17 (5) section 256(b) of that Act shall be applied
18 and administered by substituting “the 1-year period
19 beginning on July 1, 2021” for “each of fiscal years
20 2003 through 2007, and \$4,000,000 for the 3-
21 month period beginning on October 1, 2007”;

22 (6) section 298(a) of that Act shall be applied
23 and administered by substituting “the 1-year period
24 beginning on July 1, 2021” for “each of the fiscal

1 years” and all that follows through “October 1,
2 2007”; and

3 (7) section 285 of that Act shall be applied and
4 administered—

5 (A) in subsection (a), by substituting
6 “June 30, 2022” for “December 31, 2007”
7 each place it appears; and

8 (B) by applying and administering sub-
9 section (b) as if it read as follows:

10 “(b) OTHER ASSISTANCE.—

11 “(1) ASSISTANCE FOR FIRMS.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), assistance may not be pro-
14 vided under chapter 3 after June 30, 2022.

15 “(B) EXCEPTION.—Notwithstanding sub-
16 paragraph (A), any assistance approved under
17 chapter 3 pursuant to a petition filed under sec-
18 tion 251 on or before June 30, 2022, may be
19 provided—

20 “(i) to the extent funds are available
21 pursuant to such chapter for such purpose;
22 and

23 “(ii) to the extent the recipient of the
24 assistance is otherwise eligible to receive
25 such assistance.

1 “(2) FARMERS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), assistance may not be pro-
4 vided under chapter 6 after June 30, 2022.

5 “(B) EXCEPTION.—Notwithstanding sub-
6 paragraph (A), any assistance approved under
7 chapter 6 on or before June 30, 2022, may be
8 provided—

9 “(i) to the extent funds are available
10 pursuant to such chapter for such purpose;
11 and

12 “(ii) to the extent the recipient of the
13 assistance is otherwise eligible to receive
14 such assistance.”.

15 (b) EXCEPTIONS.—The provisions of chapters 2, 3,
16 5, and 6 of title II of the Trade Act of 1974, as in effect
17 on the date of the enactment of this Act, shall continue
18 to apply on and after July 1, 2021, with respect to—

19 (1) workers certified as eligible for trade adjust-
20 ment assistance benefits under chapter 2 of title II
21 of that Act pursuant to petitions filed under section
22 221 of that Act before July 1, 2021;

23 (2) firms certified as eligible for technical as-
24 sistance or grants under chapter 3 of title II of that

1 Act pursuant to petitions filed under section 251 of
2 that Act before July 1, 2021; and

3 (3) agricultural commodity producers certified
4 as eligible for technical or financial assistance under
5 chapter 6 of title II of that Act pursuant to petitions
6 filed under section 292 of that Act before July 1,
7 2021.

8 **SEC. 207. EXTENSION AND MODIFICATION OF HEALTH COV-**
9 **ERAGE TAX CREDIT.**

10 (a) EXTENSION.—Subparagraph (B) of section
11 35(b)(1) of the Internal Revenue Code of 1986 is amended
12 by striking “before January 1, 2014” and inserting “be-
13 fore January 1, 2020”.

14 (b) COORDINATION WITH CREDIT FOR COVERAGE
15 UNDER A QUALIFIED HEALTH PLAN.—Subsection (g) of
16 section 35 of the Internal Revenue Code of 1986 is amend-
17 ed—

18 (1) by redesignating paragraph (11) as para-
19 graph (13), and

20 (2) by inserting after paragraph (10) the fol-
21 lowing new paragraphs:

22 “(11) ELECTION.—

23 “(A) IN GENERAL.—This section shall not
24 apply to any taxpayer for any eligible coverage

1 month unless such taxpayer elects the applica-
2 tion of this section for such month.

3 “(B) TIMING AND APPLICABILITY OF
4 ELECTION.—Except as the Secretary may pro-
5 vide—

6 “(i) an election to have this section
7 apply for any eligible coverage month in a
8 taxable year shall be made not later than
9 the due date (including extensions) for the
10 return of tax for the taxable year, and

11 “(ii) any election for this section to
12 apply for an eligible coverage month shall
13 apply for all subsequent eligible coverage
14 months in the taxable year and, once
15 made, shall be irrevocable with respect to
16 such months.

17 “(12) COORDINATION WITH PREMIUM TAX
18 CREDIT.—

19 “(A) IN GENERAL.—An eligible coverage
20 month to which the election under paragraph
21 (11) applies shall not be treated as a coverage
22 month (as defined in section 36B(c)(2)) for
23 purposes of section 36B with respect to the tax-
24 payer.

1 “(B) COORDINATION WITH ADVANCE PAY-
2 MENTS OF PREMIUM TAX CREDIT.—In the case
3 of a taxpayer who makes the election under
4 paragraph (11) with respect to any eligible cov-
5 erage month in a taxable year or on behalf of
6 whom any advance payment is made under sec-
7 tion 7527 with respect to any month in such
8 taxable year—

9 “(i) the tax imposed by this chapter
10 for the taxable year shall be increased by
11 the excess, if any, of—

12 “(I) the sum of any advance pay-
13 ments made on behalf of the taxpayer
14 under section 1412 of the Patient
15 Protection and Affordable Care Act
16 and section 7527 for months during
17 such taxable year, over

18 “(II) the sum of the credits al-
19 lowed under this section (determined
20 without regard to paragraph (1)) and
21 section 36B (determined without re-
22 gard to subsection (f)(1) thereof) for
23 such taxable year, and

24 “(ii) section 36B(f)(2) shall not apply
25 with respect to such taxpayer for such tax-

1 able year, except that if such taxpayer re-
2 ceived any advance payments under section
3 7527 for any month in such taxable year
4 and is later allowed a credit under section
5 36B for such taxable year, then section
6 36B(f)(2)(B) shall be applied by sub-
7 stituting the amount determined under
8 clause (i) for the amount determined under
9 section 36B(f)(2)(A).”.

10 (c) EXTENSION OF ADVANCE PAYMENT PROGRAM.—

11 (1) IN GENERAL.—Subsection (a) of section
12 7527 of the Internal Revenue Code of 1986 is
13 amended by striking “August 1, 2003” and insert-
14 ing “the date that is 1 year after the date of the en-
15 actment of the Trade Adjustment Assistance Reau-
16 thorization Act of 2015”.

17 (2) CONFORMING AMENDMENT.—Paragraph (1)
18 of section 7527(e) of such Code is amended by strik-
19 ing “occurring” and all that follows and inserting
20 “occurring—

21 “(A) after the date that is 1 year after the
22 date of the enactment of the Trade Adjustment
23 Assistance Reauthorization Act of 2015, and

1 “(B) prior to the first month for which an
2 advance payment is made on behalf of such in-
3 dividual under subsection (a).”.

4 (d) INDIVIDUAL INSURANCE TREATED AS QUALIFIED
5 HEALTH INSURANCE WITHOUT REGARD TO ENROLL-
6 MENT DATE.—

7 (1) IN GENERAL.—Subparagraph (J) of section
8 35(e)(1) of the Internal Revenue Code of 1986 is
9 amended by striking “insurance if the eligible indi-
10 vidual” and all that follows through “For purposes
11 of” and inserting “insurance. For purposes of”.

12 (2) SPECIAL RULE.—Subparagraph (J) of sec-
13 tion 35(e)(1) of such Code, as amended by para-
14 graph (1), is amended by striking “insurance.” and
15 inserting “insurance (other than coverage enrolled in
16 through an Exchange established under the Patient
17 Protection and Affordable Care Act).”.

18 (e) CONFORMING AMENDMENT.—Subsection (m) of
19 section 6501 of the Internal Revenue Code of 1986 is
20 amended by inserting “, 35(g)(11)” after “30D(e)(4)”.

21 (f) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the amendments made by this section
24 shall apply to coverage months in taxable years be-
25 ginning after December 31, 2013.

1 (2) PLANS AVAILABLE ON INDIVIDUAL MARKET
2 FOR USE OF TAX CREDIT.—The amendment made
3 by subsection (d)(2) shall apply to coverage months
4 in taxable years beginning after December 31, 2015.

5 (3) TRANSITION RULE.—Notwithstanding sec-
6 tion 35(g)(11)(B)(i) of the Internal Revenue Code of
7 1986 (as added by this title), an election to apply
8 section 35 of such Code to an eligible coverage
9 month (as defined in section 35(b) of such Code)
10 (and not to claim the credit under section 36B of
11 such Code with respect to such month) in a taxable
12 year beginning after December 31, 2013, and before
13 the date of the enactment of this Act—

14 (A) may be made at any time on or after
15 such date of enactment and before the expira-
16 tion of the 3-year period of limitation pre-
17 scribed in section 6511(a) with respect to such
18 taxable year; and

19 (B) may be made on an amended return.

20 (g) AGENCY OUTREACH.—As soon as possible after
21 the date of the enactment of this Act, the Secretaries of
22 the Treasury, Health and Human Services, and Labor (or
23 such Secretaries' delegates) and the Director of the Pen-
24 sion Benefit Guaranty Corporation (or the Director's dele-
25 gate) shall carry out programs of public outreach, includ-

1 ing on the Internet, to inform potential eligible individuals
2 (as defined in section 35(c)(1) of the Internal Revenue
3 Code of 1986) of the extension of the credit under section
4 35 of the Internal Revenue Code of 1986 and the avail-
5 ability of the election to claim such credit retroactively for
6 coverage months beginning after December 31, 2013.

7 **SEC. 208. CUSTOMS USER FEES.**

8 (a) IN GENERAL.—Section 13031(j)(3) of the Con-
9 solidated Omnibus Budget Reconciliation Act of 1985 (19
10 U.S.C. 58c(j)(3)) is amended—

11 (1) in subparagraph (B)(i), by striking “Sep-
12 tember 30, 2024” and inserting “September 30,
13 2025”; and

14 (2) by adding at the end the following:

15 “(D) Fees may be charged under paragraphs (9) and
16 (10) of subsection (a) during the period beginning on July
17 29, 2025, and ending on September 30, 2025.”.

18 (b) RATE FOR MERCHANDISE PROCESSING FEES.—
19 Section 503 of the United States–Korea Free Trade
20 Agreement Implementation Act (Public Law 112–41; 125
21 Stat. 460) is amended by adding at the end the following:

22 “(c) FURTHER ADDITIONAL PERIOD.—For the pe-
23 riod beginning on July 15, 2025, and ending on Sep-
24 tember 30, 2025, section 13031(a)(9) of the Consolidated

1 Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.
2 58c(a)(9)) shall be applied and administered—

3 “(1) in subparagraph (A), by substituting
4 ‘0.3464’ for ‘0.21’; and

5 “(2) in subparagraph (B)(i), by substituting
6 ‘0.3464’ for ‘0.21’.”.

7 **SEC. 209. CHILD TAX CREDIT NOT REFUNDABLE FOR TAX-**
8 **PAYERS ELECTING TO EXCLUDE FOREIGN**
9 **EARNED INCOME FROM TAX.**

10 (a) IN GENERAL.—Section 24(d) of the Internal Rev-
11 enue Code of 1986 is amended by adding at the end the
12 following new paragraph:

13 “(5) EXCEPTION FOR TAXPAYERS EXCLUDING
14 FOREIGN EARNED INCOME.—Paragraph (1) shall not
15 apply to any taxpayer for any taxable year if such
16 taxpayer elects to exclude any amount from gross in-
17 come under section 911 for such taxable year.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 December 31, 2014.

21 **SEC. 210. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
22 **TAXES.**

23 Notwithstanding section 6655 of the Internal Rev-
24 enue Code of 1986, in the case of a corporation with assets

1 of not less than \$1,000,000,000 (determined as of the end
2 of the preceding taxable year)—

3 (1) the amount of any required installment of
4 corporate estimated tax which is otherwise due in
5 July, August, or September of 2020 shall be in-
6 creased by 2.75 percent of such amount (determined
7 without regard to any increase in such amount not
8 contained in such Code); and

9 (2) the amount of the next required installment
10 after an installment referred to in paragraph (1)
11 shall be appropriately reduced to reflect the amount
12 of the increase by reason of such paragraph.

13 **SEC. 211. COVERAGE AND PAYMENT FOR RENAL DIALYSIS**

14 **SERVICES FOR INDIVIDUALS WITH ACUTE**

15 **KIDNEY INJURY.**

16 (a) **COVERAGE.**—Section 1861(s)(2)(F) of the Social
17 Security Act (42 U.S.C. 1395x(s)(2)(F)) is amended by
18 inserting before the semicolon the following: “, including
19 such renal dialysis services furnished on or after January
20 1, 2017, by a renal dialysis facility or provider of services
21 paid under section 1881(b)(14) to an individual with acute
22 kidney injury (as defined in section 1834(r)(2))”.

23 (b) **PAYMENT.**—Section 1834 of the Social Security
24 Act (42 U.S.C. 1395m) is amended by adding at the end
25 the following new subsection:

1 “(r) PAYMENT FOR RENAL DIALYSIS SERVICES FOR
2 INDIVIDUALS WITH ACUTE KIDNEY INJURY.—

3 “(1) PAYMENT RATE.—In the case of renal di-
4 alysis services (as defined in subparagraph (B) of
5 section 1881(b)(14)) furnished under this part by a
6 renal dialysis facility or provider of services paid
7 under such section during a year (beginning with
8 2017) to an individual with acute kidney injury (as
9 defined in paragraph (2)), the amount of payment
10 under this part for such services shall be the base
11 rate for renal dialysis services determined for such
12 year under such section, as adjusted by any applica-
13 ble geographic adjustment factor applied under sub-
14 paragraph (D)(iv)(II) of such section and may be
15 adjusted by the Secretary (on a budget neutral basis
16 for payments under this paragraph) by any other
17 adjustment factor under subparagraph (D) of such
18 section.

19 “(2) INDIVIDUAL WITH ACUTE KIDNEY INJURY
20 DEFINED.—In this subsection, the term ‘individual
21 with acute kidney injury’ means an individual who
22 has acute loss of renal function and does not receive
23 renal dialysis services for which payment is made
24 under section 1881(b)(14).”.

1 **SEC. 212. MODIFICATION OF THE MEDICARE SEQUESTER**
2 **FOR FISCAL YEAR 2024.**

3 Section 251A(6)(D)(ii) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985 (2 U.S.C.
5 901a(6)(D)(ii)) is amended by striking “0.0 percent” and
6 inserting “0.25 percent”.