

# **Overview of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015**

*Prepared by the staffs of the Ways and Means Committee and Senate Finance Committee*

**Sets the Direction for a Robust Trade Agenda:** Working in consultation with Congress, the Administration is pursuing a robust trade negotiating agenda.

- The United States is negotiating agreements with 11 Asia-Pacific economies, 28 Member countries of the European Union, 22 other countries for a trade in services agreement (TISA), and 161 Members of the World Trade Organization.
- Combined, if successful, U.S. negotiations with the Asia-Pacific and the EU presents an opportunity to set high standards and open markets with nearly 1 billion consumers, covering nearly two-thirds of global GDP, and 65% of global trade. Services negotiations cover about 50% of global GDP, as well, and over 70% of global services trade.
- Renewing TPA, which expired in 2007, is necessary to get the best result in these negotiations for American workers, farmers, and businesses, consistent with Congressional priorities.

**Strengthens and Modernizes Existing Law:** TPA-2015 includes three main components.

- Directs the Administration to pursue Congressional prerogatives through Congressionally-mandated negotiating objectives;
- Establishes robust consultation and access to information requirements before, during, and after negotiations that ensure an open and transparent process for Members and the public;
- Preserves Congressional prerogatives and gives Congress the final say in approving trade agreements, allowing removal of TPA procedures if the Administration fails to meet TPA requirements.

**Updates Negotiating Objectives for the 21<sup>st</sup> Century:** Through TPA, Congress sets clear and ambitious negotiating objectives for the Administration and puts U.S. trading partners on notice about Congressional expectations. TPA-2015 updates and modernizes existing negotiating objectives to ensure that U.S. trade agreements open markets to U.S. goods, services, and investment and deliver for American workers.

- **Establishes New Goods and Services Objectives for the Digital Age:** New and expanded provisions recognize the role of services in generating benefits across all sectors of the economy and facilitating trade, and encourage the negotiation of an ambitious TISA. Updates objectives to facilitate digital trade, including through protections for cross-border data flows, and to recognize the significance of the Internet in international trade.
- **Strengthens Rules for Agriculture:** Updated provisions seek robust and enforceable rules on sanitary and phytosanitary measures and address improper use of geographical indications.
- **Maintains Balanced Objectives for Investment:** TPA-2015 maintains strong objectives to eliminate barriers to cross-border investment and protect U.S. investors from unfair treatment, while ensuring that trade agreements provide no greater substantive rights than U.S. investors have under U.S. law and have strong transparency and procedural protections.
- **Protects Intellectual Property (IP):** Updated provisions to address government involvement in cyber theft, protect trade secrets, and facilitate legitimate digital trade, and the negotiating objectives continue to call for trade agreements to provide a high standard of IP protection, and to ensure that trade agreements foster innovation and promote access to medicine.
- **Updates Labor and Environment:** Updated provisions reflect the United States' most recent trade agreements, to require trading partners to adopt, maintain, and not waive or derogate from measures implementing internationally recognized core labor standards in a manner affecting trade and investment and multilateral environmental agreements to which the United States is a party, with the same dispute settlement and remedies as for other enforceable obligations.
- **Promotes Human Rights:** New negotiating objective recognizes the importance of trade agreements in advancing internationally recognized human rights aimed to ensure implementation of trade agreement commitments to strengthen good governance, transparency, the effective operation of legal regimes, and the rule of law, which promote respect for internationally recognized human rights and more open and democratic societies.

- **Addresses Currency Manipulation:** New negotiating objective for the first time directs that trade partners avoid manipulating exchange rates, such as through cooperative mechanisms, enforceable rules, reporting, monitoring, transparency, or other means, as appropriate.
- **Addresses Impact of State-Owned Enterprises (SOEs):** A new negotiating objective calls for eliminating trade distortions and unfair competition from SOEs and ensuring that they act solely on commercial considerations.
- **Seeks Strong Enforcement:** Directs the President to secure strong dispute settlement mechanisms in agreements.
- **Seeks Improved Regulatory Practices:** New and updated provisions aim at improved regulatory practices, regulatory coherence and compatibility, stronger transparency, and ensure that government regulatory reimbursement regimes are transparent, provide procedural fairness, and are not discriminatory.
- **Takes on Localization Barriers to Trade:** A new negotiating objective addresses forced localization of facilities and related barriers to U.S. goods and services exports.
- **Promotes Global Value Chains:** New provisions encourage U.S. participation in global value chains and ensure trade agreements reflect the increasingly interrelated and multi-sectoral nature of trade and investment activity.
- **Preserves Trade Remedies:** Preserves the ability of the United States to enforce rigorously its trade laws.

**Strengthens Consultations with Congress and the Public:** New and expanded provisions empower Congress and ensure it plays a meaningful role in negotiations.

- **Ensures Access to Text:** Statutorily ensures that every Member of Congress has access to negotiating text, and also provides for staff access to text.
- **Greater Transparency During Negotiations and Before Signing:** Requires USTR to publish trade agreements 60 days before signing them, and to publish detailed summaries of U.S. proposals throughout.
- **Creates a Transparency Officer:** Creates new position at USTR to consult with Congress and advise the USTR on transparency policies and engage and assist the public.
- **Strengthens Congressional Consultations:** Requires USTR to meet and consult with any interested Member of Congress, at any time. Expands scope of consultation requirements before, during, and after negotiations.
- **Allows All Members to Participate in Negotiating Process:** Allows any Member of Congress to be designated as a Congressional Adviser and accredited to attend negotiating rounds.
- **Establishes House and Senate Advisory Groups on Negotiations:** Creates House and Senate Advisory Groups on Negotiations to oversee ongoing trade talks and requires regular, scheduled meetings. Provides for any Member of Congress to submit views.

**Keeps Congress in Control of Implementing Bills:** New and expanded provisions ensure that Congress retains control over implementing legislation and provides rules for consideration without amendment.

- **Meaningfully Extends TPA:** Extends TPA three years, with an option to renew an additional three years – allowing authority for the next Administration.
- **Provides Robust Reporting Requirements:** Expands reporting requirements on the effects of trade agreements. Requires that all reports be made public.
- **Protects U.S. Sovereignty:** New provisions affirm that trade agreements cannot change U.S. law without Congressional action.
- **Clarifies Scope of Implementing Bills:** Clarifies that implementing bills include “only such provisions as are strictly necessary or appropriate to implement” trade agreements.
- **Tightens Congressional Oversight:** Ensures TPA procedures apply only to agreements concluded within a specified time frame and tightens entry-into-force procedures.
- **Ensures Oversight for Ongoing Negotiations:** Ensures that TPA applies to ongoing negotiations, including oversight and consultation requirements.
- **Provides Strong, Comprehensive Disapproval Process:** TPA can be disallowed if agreement makes inadequate progress in meeting objectives, and new language extends disapproval to all notice and consultation requirements.
- **Provides New Consultation and Compliance Resolution:** Creates a new mechanism to remove expedited procedures for a trade agreement if, in the judgment of either the House or Senate, that agreement does not meet the requirements of TPA.