

118TH CONGRESS  
1ST SESSION

# H. R. 3653

To provide the President with authority to enter into a comprehensive trade agreement with the United Kingdom, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2023

Mr. SMITH of Nebraska (for himself and Mr. HIMES) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide the President with authority to enter into a comprehensive trade agreement with the United Kingdom, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Undertaking Negotia-  
5 tions on Investment and Trade for Economic Dynamism  
6 Act” or the “UNITED Act”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

1           (1) the United States should pursue more open  
2 trade and investment relationships with its allies to  
3 strengthen the economy of the United States, im-  
4 prove the standard of living of the people of the  
5 United States, and advance the strategic interests of  
6 the United States;

7           (2) agreements to reduce or eliminate barriers  
8 to trade and investment between the United States  
9 and its allies will foster mutually beneficial economic  
10 relationships that advance the economic interests of  
11 workers, farmers, ranchers, and businesses of all  
12 sizes in the United States;

13           (3) the shared values and long history of the  
14 “special relationship” between the United States and  
15 the United Kingdom present a unique opportunity to  
16 deepen the mutually beneficial economic and stra-  
17 tegic relationship between those countries and fur-  
18 ther expand prosperity for the citizens of those coun-  
19 tries;

20           (4) a high-standard, comprehensive trade agree-  
21 ment between the United States and the United  
22 Kingdom would help strengthen that relationship,  
23 improve the economic prospects of people in both  
24 countries, increase the resilience of critical supply

1 chains, and create export opportunities for busi-  
2 nesses of all sizes;

3 (5) the efforts of the United States-United  
4 Kingdom Trade and Investment Working Group and  
5 the bilateral negotiations initiated by President Don-  
6 ald Trump have laid groundwork toward a com-  
7 prehensive trade agreement;

8 (6) the United States-United Kingdom Dia-  
9 logue on the Future of Atlantic Trade initiated by  
10 President Joe Biden continues longstanding efforts  
11 to improve economic cooperation between the United  
12 States and the United Kingdom;

13 (7) the robust labor and environmental protec-  
14 tions in the United Kingdom reduce the risk of regu-  
15 latory arbitrage that undercuts workers and busi-  
16 nesses in the United States;

17 (8) Congress passed the USMCA with over-  
18 whelming bipartisan support, setting high standards  
19 in North America with respect to labor rights, the  
20 environment, intellectual property, non-market prac-  
21 tices, and services, and those standards should in-  
22 form future negotiations;

23 (9) trade agreements with foreign trading part-  
24 ners that share the values and ambition of the  
25 United States offer an opportunity to build on the

1 USMCA and set high international standards across  
2 many important policy areas;

3 (10) any trade negotiations between the United  
4 States and the United Kingdom must honor the  
5 agreement between the Government of Ireland and  
6 the Government of the United Kingdom signed on  
7 April 10, 1998 (commonly known as the “Good Fri-  
8 day Agreement”), and any trade agreement between  
9 those countries must advance peace, stability, and  
10 prosperity in Ireland and Northern Ireland;

11 (11) the United Kingdom, like many key trad-  
12 ing partners of the United States, is actively negoti-  
13 ating for expanded access to foreign markets, includ-  
14 ing through both new bilateral agreements and exist-  
15 ing regional agreements such as the Comprehensive  
16 and Progressive Agreement for Trans-Pacific Part-  
17 nership, and the United States must likewise seek to  
18 advance its access to foreign markets to ensure that  
19 businesses, consumers, farmers, ranchers, and work-  
20 ers in the United States are not left behind; and

21 (12) to effectively pursue comprehensive trade  
22 negotiations with the United Kingdom for purposes  
23 of a trade agreement between the United States and  
24 the United Kingdom, Congress must grant new ne-  
25 gotiating authority to the President, which should—

1 (A) enable the swift negotiation and pas-  
2 sage through Congress of such an agreement;  
3 and

4 (B) be narrowly tailored to provide clear  
5 direction to the executive branch of the United  
6 States Government.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) USMCA.—The term “USMCA” means the  
10 Agreement between the United States of America,  
11 the United Mexican States, and Canada, which is—

12 (A) attached as an Annex to the Protocol  
13 Replacing the North American Free Trade  
14 Agreement with the Agreement between the  
15 United States of America, the United Mexican  
16 States, and Canada, done at Buenos Aires on  
17 November 30, 2018, as amended by the Pro-  
18 tocol of Amendment to the Agreement Between  
19 the United States of America, the United Mexi-  
20 can States, and Canada, done at Mexico City  
21 on December 10, 2019; and

22 (B) approved by Congress under section  
23 101(a)(1) of the United States-Mexico-Canada  
24 Agreement Implementation Act (19 U.S.C.  
25 4511(a)).

1           (2) UNITED KINGDOM.—The term “United  
2           Kingdom” means the United Kingdom of Great  
3           Britain and Northern Ireland.

4 **SEC. 4. NEGOTIATING AND TRADE AGREEMENTS AUTHOR-**  
5 **ITY FOR COMPREHENSIVE AGREEMENT WITH**  
6 **THE UNITED KINGDOM.**

7           (a) INITIATION OF NEGOTIATIONS.—Not later than  
8           180 days after the date of the enactment of this Act, in  
9           order to enhance the economic well-being of the United  
10          States, the President shall seek to initiate negotiations  
11          with the United Kingdom regarding tariff and nontariff  
12          barriers affecting any industry, product, or service sector.

13          (b) AUTHORITY FOR COMPREHENSIVE TRADE  
14          AGREEMENT WITH THE UNITED KINGDOM.—

15                 (1) IN GENERAL.—To strengthen the economic  
16                 competitiveness of the United States, the President  
17                 may enter into a comprehensive trade agreement  
18                 with the United Kingdom regarding tariff and non-  
19                 tariff barriers affecting trade between the United  
20                 States and United Kingdom.

21                 (2) TERMINATION OF AUTHORITY.—The au-  
22                 thority under paragraph (1) terminates on March 1,  
23                 2025.

24                 (c) MODIFICATIONS PERMITTED.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the President may proclaim such modification or  
3           continuance of any existing duty, continuance of ex-  
4           isting duty-free or excise treatment, or such addi-  
5           tional duties as the President determines to be re-  
6           quired or appropriate to carry out an agreement en-  
7           tered into under subsection (b).

8           (2) LIMITATIONS.—

9           (A) MODIFICATIONS OR ADDITIONS TO  
10          AGREEMENT.—Substantial modifications to, or  
11          substantial additional provisions of, an agree-  
12          ment entered into after March 1, 2025, are not  
13          covered by the authority under paragraph (1).

14          (B) AMOUNT OF DUTY MODIFICATION.—  
15          No proclamation may be made under paragraph  
16          (1) that—

17                 (i) reduces any rate of duty (other  
18                 than a rate of duty that does not exceed 5  
19                 percent ad valorem on the date of the en-  
20                 actment of this Act) to a rate of duty that  
21                 is less than 50 percent of the rate of such  
22                 duty that applies on such date of enact-  
23                 ment;

24                 (ii) reduces the rate of duty below  
25                 that applicable under the Uruguay Round

1           Agreements (as defined in section 2(7) of  
2           the Uruguay Round Agreements Act (19  
3           U.S.C. 3501)) or a successor agreement,  
4           on any import sensitive agricultural prod-  
5           uct; or

6                   (iii) increases any rate of duty above  
7           the rate that applied on the date of the en-  
8           actment of this Act.

9           (d) CONSULTATION WITH AND NOTIFICATION TO  
10          CONGRESS.—To ensure the alignment of the trade policy  
11          priorities of Congress with the content of any agreement  
12          under this section, the President shall consult with Con-  
13          gress before and throughout negotiations initiated under  
14          subsection (a) and shall notify Congress of the intention  
15          of the President to enter into an agreement under sub-  
16          section (b) or to make a proclamation under subsection  
17          (c).

18          (e) BILLS QUALIFYING FOR TRADE AUTHORITIES  
19          PROCEDURES.—

20                  (1) IMPLEMENTING BILLS.—

21                          (A) IN GENERAL.—The provisions of sec-  
22                          tion 151 of the Trade Act of 1974 (19 U.S.C.  
23                          2191) apply to a bill of either House of Con-  
24                          gress that contains provisions described in sub-  
25                          paragraph (B) to the same extent as such sec-



1           tion 151 applies to implementing bills under  
2           that section. A bill to which this paragraph ap-  
3           plies shall hereafter in this section be referred  
4           to as an “implementing bill”.

5           (B) PROVISIONS SPECIFIED.—The provi-  
6           sions described in this subparagraph are—

7                   (i) a provision approving a trade  
8                   agreement entered into under this section  
9                   and approving the statement of adminis-  
10                  trative action, if any, proposed to imple-  
11                  ment such trade agreement; and

12                  (ii) if changes in existing laws or new  
13                  statutory authority are required to imple-  
14                  ment such trade agreement, only such pro-  
15                  visions as are strictly necessary or appro-  
16                  priate to implement such trade agreement,  
17                  either repealing or amending existing laws  
18                  or providing new statutory authority.

19           (2) DEADLINE FOR SUBMISSION OF BILL.—The  
20           procedures under paragraph (1) apply to imple-  
21           menting bills submitted with respect to a trade  
22           agreement entered into under this section before  
23           March 1, 2025.

24           (f) LIMITATION ON WAIVER, SUSPENSION, OR TER-  
25           MINATION.—An agreement entered into under this section

1 shall not be waived, suspended, or terminated, in whole  
2 or in part, with respect to the United States without the  
3 express approval by Congress of such termination.

4 (g) RELATIONSHIP TO BIPARTISAN CONGRESSIONAL  
5 TRADE PRIORITIES AND ACCOUNTABILITY ACT OF  
6 2015.—An agreement under this section shall not enter  
7 into force with respect to the United States and an imple-  
8 menting bill shall not qualify for trade authorities proce-  
9 dures under subsection (e), including an agreement that  
10 does not require changes to United States law or an imple-  
11 menting bill in connection therewith, unless the following  
12 requirements under the Bipartisan Congressional Trade  
13 Priorities and Accountability Act of 2015 (19 U.S.C. 4201  
14 et seq.) are carried out with respect to that agreement  
15 or implementing bill to the same extent as would be re-  
16 quired of an agreement entered into under section 103(b)  
17 of that Act (19 U.S.C. 4202(b)), notwithstanding the expi-  
18 ration of authority to enter into an agreement under such  
19 section 103(b):

20 (1) The trade negotiating objectives under sec-  
21 tion 102 of that Act (19 U.S.C. 4201).

22 (2) The congressional oversight and consulta-  
23 tion requirements under section 104 of that Act (19  
24 U.S.C. 4203).

1           (3) The notification, consultation, and reporting  
2 requirements under section 105 of that Act (19  
3 U.S.C. 4204).

4           (4) The implementation procedures under sec-  
5 tion 106 of that Act (19 U.S.C. 4205).

6           (5) The provisions related to sovereignty under  
7 section 108 of that Act (19 U.S.C. 4207).

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