

117TH CONGRESS
2D SESSION

H. R. 7430

To establish limitations on modifications to trade agreements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2022

Mr. SMITH of Nebraska (for himself, Mr. BUCHANAN, Mr. FERGUSON, Mrs. WALORSKI, Mr. LAHOOD, Mr. WENSTRUP, Mr. MURPHY of North Carolina, Mr. ESTES, Mrs. MILLER of West Virginia, Mr. SMUCKER, and Mr. HERN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish limitations on modifications to trade agreements, 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 “Protecting American
5 Innovation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Section 8 of article I of the United States
2 Constitution provides Congress with authority over
3 international trade. Congress has used that author-
4 ity to approve a number of trade agreements, includ-
5 ing the WTO Agreement.

6 (2) Section 8 of article I of the United States
7 Constitution provides Congress with authority to
8 provide intellectual property protections in order to
9 “promote the progress of science and useful arts”.
10 People in the United States rely on those protections
11 to support jobs and continue the highly successful
12 leadership of the United States with respect to inno-
13 vation.

14 (3) The United States may not withdraw or
15 otherwise alter the rights and obligations for the
16 United States arising from a congressionally ap-
17 proved trade agreement without the consent of Con-
18 gress.

19 (4) The United States is a global leader in con-
20 taining and ending the COVID–19 pandemic.

21 (5) Innovators in the United States successfully
22 and rapidly brought to fruition vaccines that provide
23 highly effective protection against COVID–19. At fa-
24 cilities across the United States, thousands of
25 United States workers are working around the clock

1 to manufacture COVID–19 vaccines, contributing to
2 the rapid, global scale up of manufacturing that is
3 expected to reach at least 10,000,000,000 doses by
4 the end of 2021.

5 (6) The United States is a founding member of
6 the World Trade Organization. The United States
7 has secured and supported critical commitments in
8 the WTO for protection of intellectual property of
9 United States persons and globally, including under
10 the Trade-Related Aspects of Intellectual Property
11 Rights Agreement or the TRIPS Agreement.

12 (7) In implementing the Uruguay Round, Con-
13 gress established under section 315 of the Uruguay
14 Round Agreements Act (19 U.S.C. 3581) that it is
15 the objective of the United States to “accelerate the
16 implementation” of the TRIPS Agreement and to
17 “seek enactment and effective implementation by
18 foreign countries of laws to protect and enforce in-
19 tellectual property rights that supplement and
20 strengthen the standards” of the TRIPS Agreement.

21 (8) Longstanding intellectual property protec-
22 tions are critical to efforts by the United States and
23 the biopharmaceutical industry to develop and man-
24 ufacture vaccines for both people in the United
25 States and around the world.

1 (9) The United States is committed to pro-
2 viding global access to COVID–19 vaccines.

3 (10) In order to accelerate production and dis-
4 tribution of COVID–19 vaccines, biopharmaceutical
5 manufacturers in the United States are collaborating
6 at a scale that previously was unimaginable, includ-
7 ing by entering into hundreds of voluntary manufac-
8 turing, production, and other partnerships around
9 the world.

10 (11) Manufacturing each of the COVID–19
11 vaccines involves highly specialized and unique infra-
12 structure and equipment, as well as highly trained
13 and experienced personnel. Manufacturing and dis-
14 tributing safe and effective COVID–19 vaccines on
15 a global scale is incredibly challenging. Many experts
16 on vaccine production and distribution are warning
17 that waiving intellectual property protections will un-
18 dermine the global response to the COVID–19 pan-
19 demic and compromise vaccine safety, including by
20 disrupting the distribution of scarce raw materials
21 for vaccines that existing vaccine makers with prov-
22 en track records for delivering high-quality, safe,
23 and effective vaccines need to continue their own
24 production.

1 (12) The United States Trade Representative
2 announced without any consultation with Congress
3 that the United States will support a waiver of intel-
4 lectual property protections under the TRIPS Agree-
5 ment for COVID–19 vaccines. That decision is not
6 consistent with the intellectual property negotiating
7 objectives of the United States set forth in section
8 315 of the Uruguay Round Agreements Act (19
9 U.S.C. 3581).

10 (13) That waiver announcement created confu-
11 sion, and raised concerns that a successful effort to
12 suspend protections will weaken already strained
13 supply chains and foster the proliferation of ineffec-
14 tive and potentially dangerous vaccines.

15 (14) The Trade Representative has not ex-
16 plained how a waiver of the TRIPS Agreement will
17 expand vaccine production and access, particularly
18 considering that the major impediments to vaccina-
19 tion efforts include the following:

20 (A) The difficulty in meeting the technical
21 specifications of production and appropriately
22 ensuring that finished vaccines are high-quality,
23 safe, and effective.

24 (B) The scarcity of raw materials for the
25 vaccines.

1 (C) Last-mile distribution and cold-chain
2 storage.

3 (D) Trade barriers to the free flow of in-
4 puts and finished products.

5 (15) The Government of the People’s Republic
6 of China and the Government of the Russian Fed-
7 eration are engaged in large scale industrial espio-
8 nage and technology theft of intellectual property of
9 United States persons. The Department of Justice
10 has issued indictments in connection with attempts
11 sponsored by the Government of the People’s Repub-
12 lic of China to steal United States vaccine research
13 with respect to COVID–19.

14 (16) The Government of the People’s Republic
15 of China and the Government of the Russian Fed-
16 eration are using their vaccines as part of diplomatic
17 efforts that may be contrary to the national security
18 interests of the United States. Vaccines for COVID–
19 19 manufactured by persons in the People’s Repub-
20 lic of China and the Russian Federation appear to
21 be less efficacious than those manufactured by pro-
22 ducers in the United States. The Academy of Mili-
23 tary Science, the scientific arm of the military of the
24 People’s Republic of China, is sponsoring the prin-

1 cial effort by the People’s Republic of China to de-
2 velop its own mRNA vaccine.

3 (17) At a hearing before the Committee on Fi-
4 nance of the Senate on May 12, 2021, the Trade
5 Representative would not commit either—

6 (A) to ensure that any waiver of the
7 TRIPS Agreement would exclude the People’s
8 Republic of China and the Russian Federation;
9 or

10 (B) to ensure that Congress has advance
11 access to the negotiating proposals of the
12 United States for any such waiver.

13 (18) The innovative biopharmaceutical compa-
14 nies in the United States contribute more than
15 \$1,100,000,000,000 annually to the United States
16 economy, and employ more than 500,000 workers
17 making 1.4 times the average earnings in the United
18 States, including 153,000 workers who do not have
19 a college degree.

20 (19) Waiving intellectual property protections,
21 particularly of the mRNA technology platform in
22 which the Defense Advanced Research Project Agen-
23 cy invested not less than \$250,000,000, raises seri-
24 ous economic and national security concerns.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the United States should continue to act as
4 a global leader to help contain and end the COVID–
5 19 pandemic at home and abroad;

6 (2) innovators in the United States are already
7 heroes for their breakthrough work in developing
8 and producing COVID–19 vaccines;

9 (3) it should be a priority of the global commu-
10 nity, with the assistance of the United States, to ef-
11 ficiently and quickly manufacture and distribute
12 COVID–19 vaccines around the world, and in par-
13 ticular to those countries that are most vulnerable;

14 (4) current impediments to further vaccination
15 efforts are due to—

16 (A) the technically difficult manufacturing
17 requirements for vaccines;

18 (B) the need to appropriately ensure that
19 vaccines are high-quality, safe, and effective;

20 (C) raw material constraints; and

21 (D) difficulties in distribution;

22 (5) intellectual property protections for
23 COVID–19 vaccines have not impeded vaccination
24 efforts for COVID–19;

1 (6) intellectual property protections in fact help
2 ensure the safe and efficient manufacturing of
3 COVID–19 vaccines;

4 (7) waiving intellectual property protections
5 could lead to the production of substandard, ineffec-
6 tive, and potentially unsafe COVID–19 vaccines;

7 (8) the Trade Representative must consult with
8 Congress before taking a position on the current
9 TRIPS Agreement waiver proposal before the WTO
10 and any further proposals to waive or weaken intel-
11 lectual property obligations under the TRIPS Agree-
12 ment;

13 (9) Congress and the people of the United
14 States are entitled to comprehensive expert analysis
15 regarding the implications of a waiver to the TRIPS
16 Agreement for jobs, economic growth, public health,
17 and national security in the United States; and

18 (10) the United States must oppose any waiver
19 to intellectual property obligations under the TRIPS
20 Agreement for the response to the COVID–19 pan-
21 demic until those implications are fully analyzed.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
25 **TEES.**—The term “appropriate congressional com-

1 mittees” means the Committee on Finance of the
2 Senate and the Committee on Ways and Means of
3 the House of Representatives.

4 (2) COMMISSION.—The term “Commission”
5 means the United States International Trade Com-
6 mission.

7 (3) MINISTERIAL CHANGE.—The term “min-
8 isterial change”, with respect to a trade agreement,
9 means a change to address a clerical, typographical,
10 or grammatical error and does not include any
11 change that would change the intended rights or ob-
12 ligations of a party to the trade agreement.

13 (4) OFFICIAL ADVISOR.—The term “official ad-
14 visor” means a person accredited by the Trade Rep-
15 resentative on behalf of the President as an official
16 adviser to the United States delegations to inter-
17 national conferences, meetings, and negotiating ses-
18 sions relating to international trade negotiations,
19 and who may attend any portion of those negotia-
20 tions.

21 (5) COVID-19 PANDEMIC.—The term
22 “COVID-19 pandemic” means the outbreak of novel
23 coronavirus (COVID-19) that was declared by the
24 World Health Organization on March 11, 2020, to
25 be a pandemic.

1 (6) STATE SPONSOR OF TERRORISM.—The term
2 “state sponsor of terrorism” means a country the
3 government of which the Secretary of State has de-
4 termined is a government that has repeatedly pro-
5 vided support for acts of international terrorism, for
6 purposes of—

7 (A) section 1754(c)(1)(A)(i) of the Export
8 Control Reform Act of 2018 (50 U.S.C.
9 4813(c)(1)(A)(i));

10 (B) section 620A of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2371);

12 (C) section 40(d) of the Arms Export Con-
13 trol Act (22 U.S.C. 2780(d)); or

14 (D) any other provision of law.

15 (7) TRADE AGREEMENT.—The term “trade
16 agreement” means any trade agreement to which the
17 United States is a party that has been approved by
18 Congress, including the TRIPS Agreement.

19 (8) TRADE REPRESENTATIVE.—The term
20 “Trade Representative” means the United States
21 Trade Representative.

22 (9) TRIPS AGREEMENT.—The term “TRIPS
23 Agreement” means the Agreement on Trade-Related
24 Aspects of Intellectual Property Rights referred to in

1 section 101(d)(15) of the Uruguay Round Agree-
2 ments Act (19 U.S.C. 3511(d)(15)).

3 (10) TRIPS WAIVER.—The term “TRIPS waiv-
4 er” means any waiver of an obligation imposed on
5 members of the World Trade Organization under the
6 TRIPS Agreement.

7 (11) WORLD TRADE ORGANIZATION; WTO; WTO
8 AGREEMENT.—The terms “World Trade Organiza-
9 tion”, “WTO”, and “WTO Agreement” have the
10 meanings given those terms in section 2 of the Uru-
11 guay Round Agreements Act (19 U.S.C. 3501).

12 **SEC. 5. PROHIBITION ON COMPROMISING UNITED STATES**
13 **TRADING RIGHTS TO CHINA AND RUSSIA.**

14 (a) PROHIBITION ON WITHDRAWAL, SUSPENSION, OR
15 MODIFICATION.—

16 (1) IN GENERAL.—The President, and any offi-
17 cial, employee, or agent of the United States, may
18 not negotiate or conclude any withdrawal, suspen-
19 sion, or modification to a trade agreement that ad-
20 versely affects, nullifies, or impairs the rights of the
21 United States or United States persons under a
22 trade agreement with respect to the People’s Repub-
23 lic of China or the Russian Federation.

24 (2) DISCIPLINE.—Any official, employee, or
25 agent of the United States who violates subsection

1 (a) shall be subject to appropriate discipline, as de-
2 termined by the President, including suspension
3 from duty without pay or removal from office.

4 (3) REPORT ON VIOLATIONS.—Immediately fol-
5 lowing any violation of subsection (a) by an official,
6 employee, or agent of the United States, the Presi-
7 dent shall submit to the appropriate congressional
8 committees a report setting forth a statement re-
9 garding the violation and a description of the actions
10 taken with respect to the official, employee, or
11 agent, as the case may be, including all relevant
12 facts.

13 (b) NO EFFECT OF AMENDMENT OR MODIFICATION
14 TO AGREEMENT.—No amendment or other modification
15 to a trade agreement, including a waiver of one or more
16 provisions of the agreement, shall take effect with respect
17 to the United States—

18 (1) if the amendment or modification adversely
19 affects, nullifies, or impairs the benefits to the
20 United States under the agreement with respect to
21 the People’s Republic of China or the Russian Fed-
22 eration, including with respect to intellectual prop-
23 erty rights; or

1 (2) if the President failed or refused to consult
2 on the amendment or modification pursuant to sec-
3 tions 6 and 7.

4 **SEC. 6. LIMITATIONS AND ANALYSIS OF WAIVER OF OBLI-**
5 **GATIONS UNDER AGREEMENT ON TRADE-RE-**
6 **LATED ASPECTS OF INTELLECTUAL PROP-**
7 **ERTY RIGHTS WITH RESPECT TO ADDRESS-**
8 **ING THE COVID-19 PANDEMIC.**

9 (a) TRIPS WAIVER.—A TRIPS waiver with respect
10 to addressing the COVID-19 pandemic shall not take ef-
11 fect with respect to the United States if—

12 (1) the President fails to submit the reports re-
13 quired under subsections (b) and (c)(2) pursuant to
14 the requirements of those subsections;

15 (2) the report required under subsection (b)
16 concludes that the TRIPS waiver will not result in
17 an increase in global vaccine access; or

18 (3) the report required under subsection (c)(2)
19 concludes that the TRIPS waiver would adversely
20 impact the national security of the United States.

21 (b) INTERAGENCY PUBLIC HEALTH REPORT.—

22 (1) IN GENERAL.—Before any official, em-
23 ployee, or agent of the United States enters into ne-
24 gotiations concerning a TRIPS waiver with respect
25 to addressing the COVID-19 pandemic after the

1 date of the enactment of this Act, and not later than
2 60 days after such date of enactment, the Secretary
3 of Commerce, in consultation with the Trade Rep-
4 resentative, the Secretary of Health and Human
5 Services, the Commissioner of the Food and Drug
6 Administration, and the Director of the Centers for
7 Disease Control and Prevention shall submit to Con-
8 gress a report assessing—

9 (A) how the TRIPS waiver would impact,
10 during the period beginning on the date of the
11 enactment of this Act and ending on December
12 31, 2022—

13 (i) access to vaccines in the United
14 States;

15 (ii) access to vaccines globally;

16 (iii) global supply chains of COVID-
17 19 vaccines and related technologies and
18 the inputs needed to produce those vac-
19 cines and related technologies;

20 (iv) the gross domestic product of the
21 United States;

22 (v) exports and imports by the United
23 States of COVID-19 vaccines and related
24 technologies and the inputs needed to

1 produce those vaccines and related tech-
2 nologies;

3 (vi) manufacturing in the United
4 States of COVID–19 vaccines and related
5 technologies and the inputs needed to
6 produce those vaccines and related tech-
7 nologies; and

8 (vii) investment in vaccine production
9 in the United States and in research and
10 development for future vaccines;

11 (B) what existing flexibilities within the
12 TRIPS Agreement can be used to expedite vac-
13 cine access during the one-year period begin-
14 ning on the date of the enactment of this Act
15 and how those flexibilities may be effectively
16 used; and

17 (C) other reasonably feasible alternatives
18 to the TRIPS waiver that might expedite global
19 vaccine production during that one-year period
20 and the effectiveness of those alternatives rel-
21 ative to a TRIPS waiver, including distribution
22 from the United States or from other countries.

23 (2) PUBLICATION OF REPORT.—The Secretary
24 of Commerce shall publish the report required under
25 paragraph (1) on a publicly available website of the

1 Department of Commerce, which shall include a con-
2 clusion of whether a TRIPS waiver with respect to
3 addressing the COVID–19 pandemic will increase
4 global vaccine access during the one-year period be-
5 ginning on the date of the enactment of this Act.

6 (c) NATIONAL SECURITY INVESTIGATION.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall conduct an investigation, in consultation with
9 the Secretary of Commerce, the Secretary of Health
10 and Human Services, and the Trade Representative,
11 to determine the effects of a TRIPS waiver with re-
12 spect to addressing the COVID–19 pandemic on the
13 national security of the United States, in particular
14 whether such a waiver that extends to mRNA tech-
15 nology could contribute to future deployment of that
16 technology by the People’s Republic of China, the
17 Russian Federation, or countries designated as state
18 sponsors of terrorism.

19 (2) REPORT.—

20 (A) IN GENERAL.—Before any official, em-
21 ployee, or agent of the United States enters
22 into negotiations concerning a TRIPS waiver
23 with respect to addressing the COVID–19 pan-
24 demic after the date of the enactment of this
25 Act, and not later than 60 days after such date

1 of enactment, the Secretary of Defense shall
2 submit to the President and the appropriate
3 congressional committees a report on the find-
4 ings of the investigation under paragraph (1),
5 including the recommendations of the Secretary
6 for action or inaction regarding the TRIPS
7 waiver.

8 (B) ADVICE.—If the Secretary of Defense
9 determines that a TRIPS waiver with respect to
10 addressing the COVID–19 pandemic threatens
11 to impair national security, the Secretary shall
12 so advise the President and the appropriate
13 congressional committees in the report required
14 under subparagraph (A).

15 **SEC. 7. TRADE AGREEMENTS: SUSPENSIONS AND OTHER**
16 **MODIFICATIONS, CONSULTATIONS, AND SUB-**
17 **MISSION TO CONGRESS.**

18 (a) TRADE REPRESENTATIVE ENGAGEMENT WITH
19 THE PUBLIC.—

20 (1) IN GENERAL.—Before entering into any ne-
21 gotiation with a trading partner concerning a sus-
22 pension of or modification to a trade agreement, in-
23 cluding a waiver of obligations, the Trade Represent-
24 ative shall publish in the Federal Register a notice
25 identifying—

1 (A) the objectives of the United States for
2 that negotiation;

3 (B) the rationale for why the trade agree-
4 ment does not presently allow the United States
5 to meet those objectives; and

6 (C) the provision or provisions of the trade
7 agreement that the United States proposes to
8 suspend or modify.

9 (2) COMMENTS.—The Trade Representative
10 shall allow the public an opportunity to submit com-
11 ments concerning the notice required under para-
12 graph (1) for a period of not less than 30 days, and
13 shall hold a hearing to hear testimony from mem-
14 bers of the public.

15 (b) INITIAL EVALUATION BY THE COMMISSION.—

16 (1) IN GENERAL.—After the end of the com-
17 ment period under subsection (a)(2), and after an
18 evaluation by the Trade Representative of those
19 comments, if the Trade Representative determines to
20 pursue a suspension of or modification to a trade
21 agreement, the Trade Representative shall submit to
22 the Commission a plan for the negotiation of the
23 suspension or modification, as the case may be,
24 which shall include—

1 (A) the objectives of the United States for
2 the negotiation;

3 (B) a description of the inadequacies of the
4 trade agreement, including by reference to spe-
5 cific provisions that preclude the United States
6 from meeting its objectives;

7 (C) a description of how the Trade Rep-
8 resentative plans to remedy those inadequacies;

9 (D) evidence supporting those inadequa-
10 cies; and

11 (E) a justification for why the suspension
12 or modification would remedy those inadequa-
13 cies.

14 (2) HEARING AND REPORT.—

15 (A) PUBLICATION OF REPORT.—For each
16 suspension of or modification to a trade agree-
17 ment for which a plan was submitted to the
18 Commission under paragraph (1), the Commis-
19 sion shall publish on an internet website of the
20 Commission a report evaluating—

21 (i) the existence and extent of the
22 purported inadequacies in the trade agree-
23 ment;

1 (ii) what progress, if any, the plan
2 might make in remedying those inadequa-
3 cies; and

4 (iii) the likely impact of the suspen-
5 sion or modification on the economy of the
6 United States as a whole and on specific
7 industry sectors, including any impact on
8 gross domestic product, exports and im-
9 ports, aggregate employment and employ-
10 ment opportunities, production, employ-
11 ment, and competitive position of indus-
12 tries likely to be significantly affected by
13 the suspension or modification, and the in-
14 terests of consumers.

15 (B) PUBLIC HEARING.—The Commission
16 shall conduct a public hearing for each suspen-
17 sion of or modification to a trade agreement for
18 which a plan was submitted to the Commission
19 under paragraph (1) before publishing a report
20 with respect to that suspension or modification
21 under subparagraph (A).

22 (C) TIMING.—The Commission shall pub-
23 lish the report required under subparagraph (A)
24 with respect to a suspension of or modification
25 to a trade agreement for which a plan was sub-

1 mitted to the Commission under paragraph (1)
2 not earlier than 30 days and not later than 120
3 days after the plan was submitted.

4 (D) CONFIDENTIAL REPORT.—If the Com-
5 mission determines that certain aspects of a re-
6 port required to be published under subpara-
7 graph (A) must be kept confidential to protect
8 proprietary data or to protect the interests of
9 the United States with respect to a potential
10 negotiation, the Commission shall—

11 (i) publish a redacted report under
12 subparagraph (A); and

13 (ii) submit to the appropriate congress-
14 sional committees an unredacted report.

15 (E) NEGOTIATION.—The Trade Represent-
16 ative may proceed to enter into negotiations
17 with a trading partner with respect to a suspen-
18 sion of or modification to a trade agreement for
19 which a plan was submitted to the Commission
20 under paragraph (1) not earlier than 5 business
21 days following the publication under subpara-
22 graph (A) of the report regarding that suspen-
23 sion or modification.

24 (c) CONGRESSIONAL CONSULTATION DURING THE
25 COURSE OF NEGOTIATIONS.—

1 (1) NOTICE.—Not later than 60 days before en-
2 tering into any negotiations with a trading partner
3 concerning a suspension of or modification to a
4 trade agreement, including a waiver of one or more
5 provisions or obligations of the agreement, the Presi-
6 dent shall provide written notice to Congress of the
7 intention of the President to enter into the negotia-
8 tions, which shall include—

9 (A) the date on which the President in-
10 tends to initiate the negotiations;

11 (B) the specific objectives of the United
12 States for the negotiations; and

13 (C) an assessment of why it is necessary to
14 suspend or modify the trade agreement in order
15 to meet those objectives.

16 (2) CONSULTATION.—

17 (A) PRESIDENT.—Following the notice re-
18 quired under paragraph (1) with respect to ne-
19 gotiations concerning a suspension of or modi-
20 fication to a trade agreement, the President
21 shall consult with Congress with respect to
22 those negotiations as set forth in section 105 of
23 the Bipartisan Congressional Trade Priorities
24 and Accountability Act of 2015 (19 U.S.C.
25 4204) in the same manner as if the suspension

1 or modification was an agreement subject to the
2 provisions of that section.

3 (B) TRADE REPRESENTATIVE.—With re-
4 spect to negotiations described in paragraph
5 (1), the Trade Representative shall consult
6 closely and on a timely basis with the appro-
7 priate congressional committees, keeping those
8 committees fully apprised of those negotiations,
9 and provide to those committees, including staff
10 with appropriate security clearance, access to
11 the text of any negotiating proposal or any
12 other document presented by the United States
13 that presents concepts or considerations for the
14 negotiations not later than 5 business days be-
15 fore tabling it in the negotiation.

16 (3) DESIGNATION OF ADVISORS.—The chair
17 and ranking member of each of the appropriate con-
18 gressional committees may each designate not more
19 than 4 members of their committee and not more
20 than 3 staffers as official advisors to negotiations
21 described in paragraph (1).

22 (4) BRIEFING.—

23 (A) IN GENERAL.—The Trade Representa-
24 tive shall brief the appropriate congressional
25 committees before and after every session with

1 respect to negotiations described in paragraph
2 (1).

3 (B) TIMING OF FOLLOW-UP BRIEFING.—A
4 briefing required under subparagraph (A) fol-
5 lowing a negotiating session shall take place not
6 later than 5 business days following the session.

7 (d) TIMING OF EXISTING REPORT.—Notwith-
8 standing the timing requirements under section 135(e)(1)
9 of the Trade Act of 1974 (19 U.S.C. 2155(e)(1)), the re-
10 port required under that section regarding any trade
11 agreement entered into under subsection (a) or (b) of sec-
12 tion 103 of the Bipartisan Congressional Trade Priorities
13 and Accountability Act of 2015 (19 U.S.C. 4202) shall
14 be provided to the President, Congress, and the Trade
15 Representative not later than 30 days after the date on
16 which the President notifies Congress of the intention of
17 the President to enter into a suspension of or modification
18 to the trade agreement.

19 (e) AUTHORITY FOR SUSPENSION OR MODIFICATION
20 OF A TRADE AGREEMENT.—The President shall not enter
21 into any suspension of or modification to a trade agree-
22 ment, unless—

23 (1) the President has complied with all con-
24 sultation requirements set forth in subsection (c);
25 and

1 (2) an Act of Congress is enacted approving the
2 suspension or modification or a joint resolution is
3 adopted under subsection (f) approving the suspen-
4 sion or modification.

5 (f) JOINT RESOLUTION.—

6 (1) IN GENERAL.—The President may seek a
7 joint resolution from Congress granting the Presi-
8 dent authority to enter into a suspension of or modi-
9 fication to a trade agreement as follows:

10 (A) The President shall post the text con-
11 cerning the relevant changes to the trade agree-
12 ment on a publicly available website of the Of-
13 fice of the United States Trade Representative
14 for not less than 5 business days.

15 (B) The President shall submit the text
16 concerning the relevant changes to the trade
17 agreement to the Commission, which shall pub-
18 lish on a publicly available website of the Com-
19 mission a report on how the changes to the
20 trade agreement will impact employment, eco-
21 nomic growth, and consumers in the United
22 States. The Commission shall publish that re-
23 port not earlier than 30 days and not later than
24 120 days after receiving from the President the

1 text concerning the relevant changes to the
2 trade agreement.

3 (C) The President shall submit to Con-
4 gress on a day on which both Houses of Con-
5 gress are in session a copy of the final legal
6 text with respect to which the President seeks
7 authority to commit the United States, together
8 with—

9 (i) the report prepared by the Com-
10 mission under subparagraph (B);

11 (ii) an identification of any United
12 States laws that may be inconsistent with
13 the text; and

14 (iii) a statement of any administrative
15 action proposed to implement any changes
16 to the trade agreement.

17 (2) INTRODUCTION.—A joint resolution approv-
18 ing a suspension of or modification to a trade agree-
19 ment may be introduced in either House of Congress
20 by the chair or ranking member of one of the appro-
21 priate congressional committees.

22 (3) PROCEDURES IN HOUSE AND SENATE.—The
23 provisions of subsections (b) through (f) of section
24 152 of the Trade Act of 1974 (19 U.S.C. 2192)
25 shall apply with respect to a joint resolution intro-

1 duced under paragraph (2) to the same extent and
2 in the same manner as such provisions apply with
3 respect to a resolution described in subsection (a) of
4 that section.

5 (4) HEARING AND BRIEFINGS.—Following in-
6 troduction of a joint resolution under paragraph (2),
7 the appropriate congressional committees shall, as
8 appropriate, hold hearings and briefings and other-
9 wise obtain information in order to fully review the
10 proposed suspension of or modification to a trade
11 agreement.

12 (5) DISCHARGE.—If the committee of either
13 House to which a joint resolution introduced under
14 paragraph (2) has been referred has not reported it
15 by the close of the 40th day after its introduction
16 (excluding any day described in section 154(b) of the
17 Trade Act of 1974 (19 U.S.C. 2194(b))), that com-
18 mittee shall be automatically discharged from fur-
19 ther consideration of the joint resolution and it shall
20 be placed on the appropriate calendar.

21 (6) CONSIDERATION.—

22 (A) IN GENERAL.—It is not in order for—

23 (i) the Senate to consider any joint
24 resolution introduced under paragraph (2)
25 unless it has been reported by the Com-

1 committee on Finance or the committee has
2 been discharged under paragraph (5); or

3 (ii) the House of Representatives to
4 consider any joint resolution introduced
5 under paragraph (2) unless it has been re-
6 ported by the Committee on Ways and
7 Means or the committee has been dis-
8 charged under paragraph (5).

9 (B) MOTION TO PROCEED IN HOUSE OF
10 REPRESENTATIVES.—A motion in the House of
11 Representatives to proceed to the consideration
12 of a joint resolution may only be made on the
13 second legislative day after the calendar day on
14 which the Member making the motion an-
15 nounces to the House his or her intention to do
16 so.

17 (7) RULES OF SENATE AND HOUSE OF REP-
18 RESENTATIVES.—This subsection is enacted by Con-
19 gress—

20 (A) as an exercise of the rulemaking power
21 of the Senate and the House of Representa-
22 tives, respectively, and as such is deemed a part
23 of the rules of each House, respectively, and
24 such procedures supersede other rules only to

1 the extent that they are inconsistent with such
2 other rules; and

3 (B) with the full recognition of the con-
4 stitutional right of either House to change the
5 rules (so far as relating to the procedures of
6 that House) at any time, in the same manner,
7 and to the same extent as any other rule of that
8 House.

9 (g) APPLICATION TO MINISTERIAL CHANGES.—This
10 section shall not apply with respect to any ministerial
11 changes to a trade agreement.

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