

(d) Commencement of negotiations

In order to contribute to the continued economic expansion of the United States, the President shall commence negotiations covering tariff and nontariff barriers affecting any industry, product, or service sector, and expand existing sectoral agreements to countries that are not parties to those agreements, in cases where the President determines that such negotiations are feasible and timely and would benefit the United States. Such sectors include agriculture, commercial services, intellectual property rights, industrial and capital goods, government procurement, information technology products, environmental technology and services, medical equipment and services, civil aircraft, and infrastructure products. In so doing, the President shall take into account all of the negotiating objectives set forth in section 4201 of this title. (Pub. L. 114-26, title I, §103, June 29, 2015, 129 Stat. 333.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 114-26, June 29, 2015, 129 Stat. 320, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 4201 of this title and Tables.

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015, referred to in subsec. (c)(5)(A), is title I of Pub. L. 114-26, June 29, 2015, 129 Stat. 320, which is classified principally to this chapter. Section 103 of the Act is classified to this section. For complete classification of title I to the Code, see Short Title note set out under section 4201 of this title and Tables.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 13701, July 17, 2015, 80 F.R. 43903, set out as a note under section 4201 of this title, and Memorandum of President of the United States, Jan. 29, 2016, 81 F.R. 5571, set out below.

DELEGATION OF CERTAIN AUTHORITY AND ASSIGNMENT OF CERTAIN FUNCTIONS UNDER SECTION 103(a)(1)(A) AND SECTION 103(b)(1) OF THE BIPARTISAN CONGRESSIONAL TRADE PRIORITIES AND ACCOUNTABILITY ACT OF 2015

Memorandum of President of the United States, Jan. 29, 2016, 81 F.R. 5571, provided:

Memorandum for the United States Trade Representative

In addition to the authorities and functions delegated and assigned to you by Executive Order 13701 of July 17, 2015, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the authority to enter into trade agreements, reserved to the President in Executive Order 13701, under section 103(a)(1)(A) and section 103(b)(1) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114-26, title I), and assign to you that function.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 4203. Congressional oversight, consultations, and access to information**(a) Consultations with Members of Congress****(1) Consultations during negotiations**

In the course of negotiations conducted under this chapter, the United States Trade Representative shall—

(A) meet upon request with any Member of Congress regarding negotiating objectives, the status of negotiations in progress, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement;

(B) upon request of any Member of Congress, provide access to pertinent documents relating to the negotiations, including classified materials;

(C) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate;

(D) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under subsection (c) and all committees of the House of Representatives and the Senate with jurisdiction over laws that could be affected by a trade agreement resulting from the negotiations; and

(E) with regard to any negotiations and agreement relating to agricultural trade, also consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) Consultations prior to entry into force

Prior to exchanging notes providing for the entry into force of a trade agreement, the United States Trade Representative shall consult closely and on a timely basis with Members of Congress and committees as specified in paragraph (1), and keep them fully apprised of the measures a trading partner has taken to comply with those provisions of the agreement that are to take effect on the date that the agreement enters into force.

(3) Enhanced coordination with Congress**(A) Written guidelines**

The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after June 29, 2015, develop written guidelines on enhanced coordination with Congress, including coordination with designated congressional advisers under subsection (b), regarding negotiations conducted under this chapter; and

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

(B) Content of guidelines

The guidelines developed under subparagraph (A) shall enhance coordination with Congress through procedures to ensure—

(i) timely briefings upon request of any Member of Congress regarding negotiating objectives, the status of negotiations in progress conducted under this chapter, and the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under, that agreement; and

(ii) the sharing of detailed and timely information with Members of Congress, and their staff with proper security clearances as appropriate, regarding those negotiations and pertinent documents related to those negotiations (including classified information), and with committee staff with proper security clearances as would be appropriate in the light of the responsibilities of that committee over the trade agreements programs affected by those negotiations.

(C) Dissemination

The United States Trade Representative shall disseminate the guidelines developed under subparagraph (A) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(b) Designated congressional advisers

(1) Designation

(A) House of Representatives

In each Congress, any Member of the House of Representatives may be designated as a congressional adviser on trade policy and negotiations by the Speaker of the House of Representatives, after consulting with the chairman and ranking member of the Committee on Ways and Means and the chairman and ranking member of the committee from which the Member will be selected.

(B) Senate

In each Congress, any Member of the Senate may be designated as a congressional adviser on trade policy and negotiations by the President pro tempore of the Senate, after consultation with the chairman and ranking member of the Committee on Finance and the chairman and ranking member of the committee from which the Member will be selected.

(2) Consultations with designated congressional advisers

In the course of negotiations conducted under this chapter, the United States Trade Representative shall consult closely and on a timely basis (including immediately before initialing an agreement) with, and keep fully apprised of the negotiations, the congressional

advisers for trade policy and negotiations designated under paragraph (1).

(3) Accreditation

Each Member of Congress designated as a congressional adviser under paragraph (1) shall be accredited by the United States Trade Representative on behalf of the President as a delegate and official adviser to the United States delegations to international conferences, meetings, and negotiating sessions relating to trade agreements.

(c) Congressional advisory groups on negotiations

(1) In general

By not later than 60 days after June 29, 2015, and not later than 30 days after the convening of each Congress, the chairman of the Committee on Ways and Means of the House of Representatives shall convene the House Advisory Group on Negotiations and the chairman of the Committee on Finance of the Senate shall convene the Senate Advisory Group on Negotiations (in this subsection referred to collectively as the “congressional advisory groups”).

(2) Members and functions

(A) Membership of the House Advisory Group on Negotiations

In each Congress, the House Advisory Group on Negotiations shall be comprised of the following Members of the House of Representatives:

(i) The chairman and ranking member of the Committee on Ways and Means, and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the House of Representatives that would have, under the Rules of the House of Representatives, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this chapter would apply.

(B) Membership of the Senate Advisory Group on Negotiations

In each Congress, the Senate Advisory Group on Negotiations shall be comprised of the following Members of the Senate:

(i) The chairman and ranking member of the Committee on Finance and 3 additional members of such Committee (not more than 2 of whom are members of the same political party).

(ii) The chairman and ranking member, or their designees, of the committees of the Senate that would have, under the Rules of the Senate, jurisdiction over provisions of law affected by a trade agreement negotiation conducted at any time during that Congress and to which this chapter would apply.

(C) Accreditation

Each member of the congressional advisory groups described in subparagraphs

(A)(i) and (B)(i) shall be accredited by the United States Trade Representative on behalf of the President as a delegate and official adviser to the United States delegation in negotiations for any trade agreement to which this chapter applies. In addition, the chairmen and ranking members described in subparagraphs (A)(i) and (B)(i) shall each be permitted to designate up to 3 personnel with proper security clearances to serve as delegates and official advisers to the United States delegation in negotiations for any trade agreement to which this chapter applies. Each member of the congressional advisory groups described in subparagraphs (A)(ii) and (B)(ii) shall be accredited by the United States Trade Representative on behalf of the President as a delegate and official adviser to the United States delegation in the negotiations by reason of which the member is in one of the congressional advisory groups.

(D) Consultation and advice

The congressional advisory groups shall consult with and provide advice to the Trade Representative regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance and enforcement of the negotiated commitments under the trade agreement.

(E) Chair

The House Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Ways and Means of the House of Representatives and the Senate Advisory Group on Negotiations shall be chaired by the Chairman of the Committee on Finance of the Senate.

(F) Coordination with other committees

Members of any committee represented on one of the congressional advisory groups may submit comments to the member of the appropriate congressional advisory group from that committee regarding any matter related to a negotiation for any trade agreement to which this chapter applies.

(3) Guidelines

(A) Purpose and revision

The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(i) shall, not later than 120 days after June 29, 2015, develop written guidelines to facilitate the useful and timely exchange of information between the Trade Representative and the congressional advisory groups; and

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

(B) Content

The guidelines developed under subparagraph (A) shall provide for, among other things—

(i) detailed briefings on a fixed timetable to be specified in the guidelines of the congressional advisory groups regarding negotiating objectives and positions and the status of the applicable negotiations, beginning as soon as practicable after the congressional advisory groups are convened, with more frequent briefings as trade negotiations enter the final stage;

(ii) access by members of the congressional advisory groups, and staff with proper security clearances, to pertinent documents relating to the negotiations, including classified materials;

(iii) the closest practicable coordination between the Trade Representative and the congressional advisory groups at all critical periods during the negotiations, including at negotiation sites;

(iv) after the applicable trade agreement is concluded, consultation regarding ongoing compliance and enforcement of negotiated commitments under the trade agreement; and

(v) the timeframe for submitting the report required under section 4204(d)(3) of this title.

(4) Request for meeting

Upon the request of a majority of either of the congressional advisory groups, the President shall meet with that congressional advisory group before initiating negotiations with respect to a trade agreement, or at any other time concerning the negotiations.

(d) Consultations with the public

(1) Guidelines for public engagement

The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after June 29, 2015, develop written guidelines on public access to information regarding negotiations conducted under this chapter; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) Purposes

The guidelines developed under paragraph (1) shall—

(A) facilitate transparency;

(B) encourage public participation; and

(C) promote collaboration in the negotiation process.

(3) Content

The guidelines developed under paragraph (1) shall include procedures that—

(A) provide for rapid disclosure of information in forms that the public can readily find and use; and

(B) provide frequent opportunities for public input through Federal Register requests for comment and other means.

(4) Dissemination

The United States Trade Representative shall disseminate the guidelines developed

under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(e) Consultations with advisory committees

(1) Guidelines for engagement with advisory committees

The United States Trade Representative, in consultation with the chairmen and the ranking members of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, respectively—

(A) shall, not later than 120 days after June 29, 2015, develop written guidelines on enhanced coordination with advisory committees established pursuant to section 2155 of this title regarding negotiations conducted under this chapter; and

(B) may make such revisions to the guidelines as may be necessary from time to time.

(2) Content

The guidelines developed under paragraph (1) shall enhance coordination with advisory committees described in that paragraph through procedures to ensure—

(A) timely briefings of advisory committees and regular opportunities for advisory committees to provide input throughout the negotiation process on matters relevant to the sectors or functional areas represented by those committees; and

(B) the sharing of detailed and timely information with each member of an advisory committee regarding negotiations and pertinent documents related to the negotiation (including classified information) on matters relevant to the sectors or functional areas the member represents, and with a designee with proper security clearances of each such member as appropriate.

(3) Dissemination

The United States Trade Representative shall disseminate the guidelines developed under paragraph (1) to all Federal agencies that could have jurisdiction over laws affected by trade negotiations.

(f) Omitted

(Pub. L. 114-26, title I, §104, June 29, 2015, 129 Stat. 337; Pub. L. 114-125, title IX, §914(d), Feb. 24, 2016, 130 Stat. 274.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 114-26, June 29, 2015, 129 Stat. 320, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 4201 of this title and Tables.

CODIFICATION

Section is comprised of section 104 of Pub. L. 114-26. Subsec. (f) of section 104 of Pub. L. 114-26 amended section 2171 of this title.

AMENDMENTS

2016—Subsec. (b)(3). Pub. L. 114-125, §914(d)(1), substituted “a delegate and official” for “an official”.

Subsec. (c)(2)(C). Pub. L. 114-125, §914(d)(2), substituted “a delegate and official” for “an official” in two places and inserted after first sentence “In addition, the chairmen and ranking members described in subparagraphs (A)(i) and (B)(i) shall each be permitted to designate up to 3 personnel with proper security clearances to serve as delegates and official advisers to the United States delegation in negotiations for any trade agreement to which this chapter applies.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-125 effective as if included in the enactment of title I of Pub. L. 114-26, see section 914(g) of Pub. L. 114-125, set out as a note under section 4201 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 13701, July 17, 2015, 80 F.R. 43903, set out as a note under section 4201 of this title.

§ 4204. Notice, consultations, and reports

(a) Notice, consultations, and reports before negotiation

(1) Notice

The President, with respect to any agreement that is subject to the provisions of section 4202(b) of this title, shall—

(A) provide, at least 90 calendar days before initiating negotiations with a country, written notice to Congress of the President’s intention to enter into the negotiations with that country and set forth in the notice the date on which the President intends to initiate those negotiations, the specific United States objectives for the negotiations with that country, and whether the President intends to seek an agreement, or changes to an existing agreement;

(B) before and after submission of the notice, consult regarding the negotiations with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, such other committees of the House and Senate as the President deems appropriate, and the House Advisory Group on Negotiations and the Senate Advisory Group on Negotiations convened under section 4203(c) of this title;

(C) upon the request of a majority of the members of either the House Advisory Group on Negotiations or the Senate Advisory Group on Negotiations convened under section 4203(c) of this title, meet with the requesting congressional advisory group before initiating the negotiations or at any other time concerning the negotiations; and

(D) after consulting with the Committee on Ways and Means and the Committee on Finance, and at least 30 calendar days before initiating negotiations with a country, publish on a publicly available Internet website of the Office of the United States Trade Representative, and regularly update thereafter, a detailed and comprehensive summary of the specific objectives with respect to the negotiations, and a description of how the agreement, if successfully concluded, will