

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

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

13 (a) *CONSULTATIONS WITH MEMBERS OF CONGRESS.—*

14 (1) *CONSULTATIONS DURING NEGOTIATIONS.—In*
15 *the course of negotiations conducted under this title,*
16 *the United States Trade Representative shall—*

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

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

5 (C) consult closely and on a timely basis
6 with, and keep fully apprised of the negotiations,
7 the Committee on Ways and Means of the House
8 of Representatives and the Committee on Fi-
9 nance of the Senate;

10 (D) consult closely and on a timely basis
11 with, and keep fully apprised of the negotiations,
12 the House Advisory Group on Negotiations and
13 the Senate Advisory Group on Negotiations con-
14 vened under subsection (c) and all committees of
15 the House of Representatives and the Senate
16 with jurisdiction over laws that could be affected
17 by a trade agreement resulting from the negotia-
18 tions; and

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

1 *Representatives and the Committee on Agri-*
2 *culture, Nutrition, and Forestry of the Senate.*

3 (2) *CONSULTATIONS PRIOR TO ENTRY INTO*
4 *FORCE.—Prior to exchanging notes providing for the*
5 *entry into force of a trade agreement, the United*
6 *States Trade Representative shall consult closely and*
7 *on a timely basis with Members of Congress and com-*
8 *mittees as specified in paragraph (1), and keep them*
9 *fully apprised of the measures a trading partner has*
10 *taken to comply with those provisions of the agree-*
11 *ment that are to take effect on the date that the agree-*
12 *ment enters into force.*

13 (3) *ENHANCED COORDINATION WITH CON-*
14 *GRESS.—*

15 (A) *WRITTEN GUIDELINES.—The United*
16 *States Trade Representative, in consultation*
17 *with the chairmen and the ranking members of*
18 *the Committee on Ways and Means of the House*
19 *of Representatives and the Committee on Fi-*
20 *nance of the Senate, respectively—*

21 *(i) shall, not later than 120 days after*
22 *the date of the enactment of this Act, de-*
23 *velop written guidelines on enhanced coordi-*
24 *nation with Congress, including coordina-*
25 *tion with designated congressional advisers*

1 under subsection (b), regarding negotiations
2 conducted under this title; and

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

6 (B) *CONTENT OF GUIDELINES.*—The guide-
7 lines developed under subparagraph (A) shall en-
8 hance coordination with Congress through proce-
9 dures to ensure—

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

20 (ii) the sharing of detailed and timely
21 information with Members of Congress, and
22 their staff with proper security clearances
23 as appropriate, regarding those negotiations
24 and pertinent documents related to those ne-
25 gotiations (including classified informa-

1 tion), and with committee staff with proper
2 security clearances as would be appropriate
3 in the light of the responsibilities of that
4 committee over the trade agreements pro-
5 grams affected by those negotiations.

6 (C) *DISSEMINATION.*—The United States
7 Trade Representative shall disseminate the
8 guidelines developed under subparagraph (A) to
9 all Federal agencies that could have jurisdiction
10 over laws affected by trade negotiations.

11 (b) *DESIGNATED CONGRESSIONAL ADVISERS.*—

12 (1) *DESIGNATION.*—

13 (A) *HOUSE OF REPRESENTATIVES.*—In
14 each Congress, any Member of the House of Rep-
15 resentatives may be designated as a congres-
16 sional adviser on trade policy and negotiations
17 by the Speaker of the House of Representatives,
18 after consulting with the chairman and ranking
19 member of the Committee on Ways and Means
20 and the chairman and ranking member of the
21 committee from which the Member will be se-
22 lected.

23 (B) *SENATE.*—In each Congress, any Mem-
24 ber of the Senate may be designated as a con-
25 gressional adviser on trade policy and negotia-

1 *tions by the President pro tempore of the Senate,*
2 *after consultation with the chairman and rank-*
3 *ing member of the Committee on Finance and*
4 *the chairman and ranking member of the com-*
5 *mittee from which the Member will be selected.*

6 (2) *CONSULTATIONS WITH DESIGNATED CON-*
7 *GRESSIONAL ADVISERS.*—*In the course of negotiations*
8 *conducted under this title, the United States Trade*
9 *Representative shall consult closely and on a timely*
10 *basis (including immediately before initialing an*
11 *agreement) with, and keep fully apprised of the nego-*
12 *tiations, the congressional advisers for trade policy*
13 *and negotiations designated under paragraph (1).*

14 (3) *ACCREDITATION.*—*Each Member of Congress*
15 *designated as a congressional adviser under para-*
16 *graph (1) shall be accredited by the United States*
17 *Trade Representative on behalf of the President as an*
18 *official adviser to the United States delegations to*
19 *international conferences, meetings, and negotiating*
20 *sessions relating to trade agreements.*

21 (c) *CONGRESSIONAL ADVISORY GROUPS ON NEGOTIA-*
22 *TIONS.*—

23 (1) *IN GENERAL.*—*By not later than 60 days*
24 *after the date of the enactment of this Act, and not*
25 *later than 30 days after the convening of each Con-*

1 *gress, the chairman of the Committee on Ways and*
2 *Means of the House of Representatives shall convene*
3 *the House Advisory Group on Negotiations and the*
4 *chairman of the Committee on Finance of the Senate*
5 *shall convene the Senate Advisory Group on Negotia-*
6 *tions (in this subsection referred to collectively as the*
7 *“congressional advisory groups”).*

8 (2) MEMBERS AND FUNCTIONS.—

9 (A) MEMBERSHIP OF THE HOUSE ADVISORY
10 GROUP ON NEGOTIATIONS.—*In each Congress,*
11 *the House Advisory Group on Negotiations shall*
12 *be comprised of the following Members of the*
13 *House of Representatives:*

14 (i) *The chairman and ranking member*
15 *of the Committee on Ways and Means, and*
16 *3 additional members of such Committee*
17 *(not more than 2 of whom are members of*
18 *the same political party).*

19 (ii) *The chairman and ranking mem-*
20 *ber, or their designees, of the committees of*
21 *the House of Representatives that would*
22 *have, under the Rules of the House of Rep-*
23 *resentatives, jurisdiction over provisions of*
24 *law affected by a trade agreement negotia-*
25 *tion conducted at any time during that*

1 *Congress and to which this title would*
2 *apply.*

3 *(B) MEMBERSHIP OF THE SENATE ADVI-*
4 *SORY GROUP ON NEGOTIATIONS.—In each Con-*
5 *gress, the Senate Advisory Group on Negotia-*
6 *tions shall be comprised of the following Members*
7 *of the Senate:*

8 *(i) The chairman and ranking member*
9 *of the Committee on Finance and 3 addi-*
10 *tional members of such Committee (not*
11 *more than 2 of whom are members of the*
12 *same political party).*

13 *(ii) The chairman and ranking mem-*
14 *ber, or their designees, of the committees of*
15 *the Senate that would have, under the Rules*
16 *of the Senate, jurisdiction over provisions of*
17 *law affected by a trade agreement negotia-*
18 *tion conducted at any time during that*
19 *Congress and to which this title would*
20 *apply.*

21 *(C) ACCREDITATION.—Each member of the*
22 *congressional advisory groups described in sub-*
23 *paragraphs (A)(i) and (B)(i) shall be accredited*
24 *by the United States Trade Representative on be-*
25 *half of the President as an official adviser to the*

1 *United States delegation in negotiations for any*
2 *trade agreement to which this title applies. Each*
3 *member of the congressional advisory groups de-*
4 *scribed in subparagraphs (A)(ii) and (B)(ii)*
5 *shall be accredited by the United States Trade*
6 *Representative on behalf of the President as an*
7 *official adviser to the United States delegation in*
8 *the negotiations by reason of which the member*
9 *is in one of the congressional advisory groups.*

10 (D) *CONSULTATION AND ADVICE.—The con-*
11 *gressional advisory groups shall consult with*
12 *and provide advice to the Trade Representative*
13 *regarding the formulation of specific objectives,*
14 *negotiating strategies and positions, the develop-*
15 *ment of the applicable trade agreement, and*
16 *compliance and enforcement of the negotiated*
17 *commitments under the trade agreement.*

18 (E) *CHAIR.—The House Advisory Group on*
19 *Negotiations shall be chaired by the Chairman of*
20 *the Committee on Ways and Means of the House*
21 *of Representatives and the Senate Advisory*
22 *Group on Negotiations shall be chaired by the*
23 *Chairman of the Committee on Finance of the*
24 *Senate.*

1 (F) *COORDINATION WITH OTHER COMMIT-*
2 *TEES.*—Members of any committee represented
3 on one of the congressional advisory groups may
4 submit comments to the member of the appro-
5 priate congressional advisory group from that
6 committee regarding any matter related to a ne-
7 gotiation for any trade agreement to which this
8 title applies.

9 (3) *GUIDELINES.*—

10 (A) *PURPOSE AND REVISION.*—The United
11 States Trade Representative, in consultation
12 with the chairmen and the ranking members of
13 the Committee on Ways and Means of the House
14 of Representatives and the Committee on Fi-
15 nance of the Senate, respectively—

16 (i) shall, not later than 120 days after
17 the date of the enactment of this Act, de-
18 velop written guidelines to facilitate the use-
19 ful and timely exchange of information be-
20 tween the Trade Representative and the con-
21 gressional advisory groups; and

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

1 (B) *CONTENT.*—*The guidelines developed*
2 *under subparagraph (A) shall provide for,*
3 *among other things—*

4 (i) *detailed briefings on a fixed time-*
5 *table to be specified in the guidelines of the*
6 *congressional advisory groups regarding ne-*
7 *gotiating objectives and positions and the*
8 *status of the applicable negotiations, begin-*
9 *ning as soon as practicable after the con-*
10 *gressional advisory groups are convened,*
11 *with more frequent briefings as trade nego-*
12 *tiations enter the final stage;*

13 (ii) *access by members of the congres-*
14 *sional advisory groups, and staff with prop-*
15 *er security clearances, to pertinent docu-*
16 *ments relating to the negotiations, including*
17 *classified materials;*

18 (iii) *the closest practicable coordina-*
19 *tion between the Trade Representative and*
20 *the congressional advisory groups at all*
21 *critical periods during the negotiations, in-*
22 *cluding at negotiation sites;*

23 (iv) *after the applicable trade agree-*
24 *ment is concluded, consultation regarding*
25 *ongoing compliance and enforcement of ne-*

1 *gotiated commitments under the trade*
2 *agreement; and*

3 *(v) the timeframe for submitting the*
4 *report required under section 105(d)(3).*

5 (4) *REQUEST FOR MEETING.—Upon the request*
6 *of a majority of either of the congressional advisory*
7 *groups, the President shall meet with that congress-*
8 *sional advisory group before initiating negotiations*
9 *with respect to a trade agreement, or at any other*
10 *time concerning the negotiations.*

11 (d) *CONSULTATIONS WITH THE PUBLIC.—*

12 (1) *GUIDELINES FOR PUBLIC ENGAGEMENT.—*
13 *The United States Trade Representative, in consulta-*
14 *tion with the chairmen and the ranking members of*
15 *the Committee on Ways and Means of the House of*
16 *Representatives and the Committee on Finance of the*
17 *Senate, respectively—*

18 (A) *shall, not later than 120 days after the*
19 *date of the enactment of this Act, develop written*
20 *guidelines on public access to information re-*
21 *garding negotiations conducted under this title;*
22 *and*

23 (B) *may make such revisions to the guide-*
24 *lines as may be necessary from time to time.*