

103^D CONGRESS
2^D SESSION

S. 2293

To modify the negotiating objectives of the United States for future trade agreements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 18 (legislative day, JULY 11), 1994

Mr. KERRY introduced the following bill; which was referred to the Committee on Finance

A BILL

To modify the negotiating objectives of the United States for future 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. TRADE NEGOTIATING OBJECTIVES.**

4 Section 1101 of the Omnibus Trade and Competitive-
5 ness Act of 1988 (19 U.S.C. 2901) is amended as follows:

6 (1) OVERALL TRADE NEGOTIATING OBJEC-
7 TIVES.—Subsection (a) is amended—

8 (A) in paragraph (2) by striking “and”
9 after the semicolon;

1 (B) in paragraph (3) by striking the period
2 and inserting “; and”; and

3 (C) by adding after paragraph (3) the fol-
4 lowing:

5 “(4) increased compatibility of trade agree-
6 ments with environmental protection, conservation,
7 and sustainable development.”.

8 (2) PRINCIPAL TRADE NEGOTIATING OBJEC-
9 TIVES.—Subsection (b) is amended as follows:

10 (A) DISPUTE SETTLEMENT.—Paragraph
11 (1)(B) is amended to read as follows:

12 “(B) to ensure that such mechanisms with-
13 in trade agreements to which the United States
14 is a party provide for more effective and expedi-
15 tious resolution of disputes, improve trans-
16 parency and public participation, and enable
17 better enforcement of United States rights, in-
18 cluding those relating to environment and con-
19 servation.”.

20 (B) TRANSPARENCY.—Paragraph (3) is
21 amended by inserting “, including those related
22 to environment and conservation,” after “trade
23 matters”.

24 (C) DEVELOPING COUNTRIES.—Paragraph
25 (4) is amended—

1 (i) in subparagraph (A) by striking
2 “and” after the semicolon;

3 (ii) in subparagraph (B) by striking
4 the period and inserting “; and”; and

5 (iii) by adding after subparagraph (B)
6 the following:

7 “(C) to take into account the particular
8 needs of developing countries in trade matters
9 relating to environment and conservation.”.

10 (D) UNFAIR TRADE PRACTICES.—Para-
11 graph (8)(A) is amended—

12 (i) by striking “the GATT and non-
13 tariff measure” and inserting “trade”; and

14 (ii) by inserting “and other practices
15 potentially harmful to the environment”
16 after “resource input subsidies”.

17 (E) INTELLECTUAL PROPERTY.—Para-
18 graph (10) is amended—

19 (i) in subparagraph (C) by striking
20 “and” after the semicolon;

21 (ii) in subparagraph (D) by striking
22 the period and inserting “; and”; and

23 (iii) by adding at the end the follow-
24 ing:

1 “(E) to promote compatibility of estab-
2 lished standards of the World Trade Organiza-
3 tion relating to intellectual property with exist-
4 ing international biological diversity conven-
5 tions.”.

6 (F) FOREIGN INVESTMENT.—Paragraph
7 (11) is amended—

8 (i) by striking “direct” in the para-
9 graph heading and each place it appears in
10 the text; and

11 (ii) in subparagraph (A)(ii)—

12 (I) by striking “and” at the end
13 of subclause (I);

14 (II) by striking the period at the
15 end of subclause (II) and inserting “,
16 and”; and

17 (III) by adding at the end the
18 following:

19 “(III) will promote environ-
20 mentally sensitive foreign investment
21 and discourage countries from attract-
22 ing or maintaining foreign investment
23 by relaxing domestic health, safety, or
24 environmental measures.”.

1 (G) ADDITIONAL OBJECTIVES.—Subsection
2 (b) is amended by adding at the end the follow-
3 ing:

4 “(17) ENVIRONMENT AND CONSERVATION.—
5 The principal negotiating objectives of the United
6 States regarding environment and conservation is-
7 sues related to trade and foreign investment are
8 to—

9 “(A) promote compatibility between trade
10 agreements and sustainable development, and
11 foster the continual protection and improvement
12 of the environment, while recognizing national
13 sovereignty;

14 “(B) increase cooperation on trade-related
15 environmental policies to better conserve, pro-
16 tect, and enhance the environment;

17 “(C) avoid trade distortions or barriers
18 that undermine environmental protection and
19 conservation or that constitute disguised protec-
20 tionism;

21 “(D) promote transparency and public par-
22 ticipation, and increase consumer information
23 in the development of environmental laws, regu-
24 lations, and policies; and

1 “(E) promote compatibility of trade agree-
 2 ments with international environmental agree-
 3 ments to protect shared global resources.

4 “(18) WOOD AND WOOD PRODUCTS.—The prin-
 5 cipal negotiating objectives of the United States re-
 6 garding trade in wood and wood products are to—

7 “(A) promote sustainable forestry prac-
 8 tices; and

9 “(B) increase market access for value-
 10 added wood products and wood products that
 11 are produced from timber that is sustainably
 12 harvested.”.

13 **SEC. 2. CITIZEN PARTICIPATION.**

14 Section 135 of the Trade Act of 1974 (19 U.S.C.
 15 2155) is amended as follows:

16 (1) ADVISORY COMMITTEE FOR TRADE POLICY
 17 AND NEGOTIATIONS.—Subsection (b)(1) is amended
 18 by inserting “nongovernmental environmental and
 19 conservation organizations,” after “governments,”.

20 (2) GENERAL POLICY, SECTORAL, OR FUNC-
 21 TIONAL COMMITTEES.—Subsection (c) is amended—

22 (A) in paragraph (1)—

23 (i) by inserting “environment and con-
 24 servation,” after “general policy advisory
 25 committees for”;

1 (ii) by inserting “environment and
2 conservation,” after “representative of all”;

3 (iii) by striking “and the Secretaries”
4 and all that follows through “or other ex-
5 ecutive” and inserting “, the Secretaries of
6 the Interior, Commerce, Defense, Labor,
7 Agriculture, and the Treasury, and the Ad-
8 ministrators of the Environmental Protec-
9 tion Agency and the National Oceanic and
10 Atmospheric Administration, or the heads
11 of other executive”; and

12 (iv) by inserting “and Administra-
13 tors” after “such Secretaries”;

14 (B) in paragraph (2)—

15 (i) by inserting “environment and con-
16 servation,” after “representative of all”;

17 (ii) by striking “and the Secretaries”
18 and all that follows through “or other ex-
19 ecutive” and inserting “, the Secretaries of
20 the Interior, Commerce, Labor, Agri-
21 culture, and the Treasury, and the Admin-
22 istrators of the Environmental Protection
23 Agency and the National Oceanic and At-
24 mospheric Administration, or the heads of
25 other executive”; and

1 (iii) in subparagraph (B)—

2 (I) by redesignating clauses (iii)
3 through (v) as clauses (iv) through
4 (vi), respectively; and

5 (II) by inserting after clause (ii)
6 the following:

7 “(iii) environmental impacts of
8 liberalized trade and investment,”.

9 (3) ADVICE AND INFORMATION.—Subsection
10 (d) is amended by striking “and the Secretaries”
11 and all that follows through “or other executive”
12 and inserting “, the Secretaries of the Interior, Agri-
13 culture, Commerce, Labor, and Defense, and the Ad-
14 ministrators of the Environmental Protection Agen-
15 cy and the National Oceanic and Atmospheric Ad-
16 ministration, or the heads of other executive”.

17 (4) MEETINGS AT CLOSE OF NEGOTIATIONS.—
18 Subsection (e) is amended by adding at the end the
19 following:

20 “(4) The report of the appropriate sectoral or
21 functional committee or committees under para-
22 graph (1) shall include an advisory opinion as to the
23 significant environmental effects of trade conducted
24 within the sector or within the functional area.”.

1 (5) TRADE SECRETS AND CONFIDENTIAL IN-
2 FORMATION.—Subsection (g)(3) is amended by
3 striking “and the Secretaries” and all that follows
4 through “or other executive” and inserting “, the
5 Secretaries of the Interior, Commerce, Labor, De-
6 fense, and Agriculture, and the Administrators of
7 the Environmental Protection Agency and the Na-
8 tional Oceanic and Atmospheric Administration, or
9 the heads of other executive”.

10 (6) ADVISORY COMMITTEE SUPPORT.—Sub-
11 section (h) is amended by striking “and the Sec-
12 retaries” and all that follows through “or other exec-
13 utive” and inserting “, the Secretaries of the Inte-
14 rior, Commerce, Labor, Defense, Agriculture, and
15 the Treasury, and the Administrators of the Envi-
16 ronmental Protection Agency and the National Oce-
17 anic and Atmospheric Administration, or the heads
18 of other executive”.

19 (7) CONSULTATION WITH ADVISORY COMMIT-
20 TEES.—Subsection (i) is amended—

21 (A) by inserting “the Interior,” after “Sec-
22 retaries of”; and

23 (B) by striking “the Treasury, or other ex-
24 ecutive” and inserting “and the Treasury and
25 the Administrator of the Environmental Protec-

1 tion Agency and the National Oceanic and At-
 2 mospheric Administration, or the heads of other
 3 executive”.

4 (8) PRIVATE ORGANIZATIONS OR GROUPS.—
 5 Subsection (j) is amended by inserting “environment
 6 and conservation,” after “government”.

7 **SEC. 3. ADDITIONAL NEGOTIATING OBJECTIVES.**

8 Section 1101 of the Omnibus Trade and Competitive-
 9 ness Act of 1988 is amended by adding at the end the
 10 following:

11 “(C) SPECIFIC OBJECTIVES FOR PARTICULAR FO-
 12 RUMS.—

13 “(1) WTO.—The principal negotiating objec-
 14 tives of the United States regarding environment
 15 and conservation in the World Trade Organization
 16 and the Committee on Trade and Environment of
 17 the World Trade Organization are—

18 “(A) to develop guidelines for the use of
 19 national trade and investment measures de-
 20 signed to protect the environment, including
 21 those related to the product life cycle;

22 “(B) to increase transparency, openness,
 23 and public participation in dispute settlement
 24 procedures;

1 “(C) to improve the rules and agreements
2 of the World Trade Organization regarding
3 measures to protect domestic environmental
4 standards and conservation measures;

5 “(D) to promote greater compatibility of
6 the rules and agreements of the World Trade
7 Organization with international environmental
8 agreements that rely upon trade sanctions for
9 enforcement;

10 “(E) to consider incentives, including im-
11 proved market access, that might promote reso-
12 lution of environmental issues relating to inter-
13 national trade;

14 “(F) to consider intellectual property rules
15 that may promote greater protection of
16 biodiversity;

17 “(G) to develop guidelines with respect to
18 trade in domestically prohibited or severely re-
19 stricted goods;

20 “(H) to achieve progress toward eliminat-
21 ing agricultural subsidies that distort trade and
22 harm the environment; and

23 “(I) to create an open process to consider
24 continually new trade-related initiatives to pro-
25 mote sustainable development, internalize envi-

1 ronmental costs, and enhance environmental
2 protection and the effectiveness of conservation
3 measures.

4 “(2) BILATERAL TRADE OR NAFTA ACCES-
5 SION.—The principal negotiating objectives of the
6 United States with respect to bilateral trade acces-
7 sion to the North American Free Trade Agreement
8 shall include—

9 “(A) to establish, where relevant for the
10 country seeking accession, minimum environ-
11 mental safeguards that are not less than those
12 contained in the North American Free Trade
13 Agreement and the North American Agreement
14 on Environmental Cooperation; and

15 “(B) to implement such additional meas-
16 ures as may be needed to address country-spe-
17 cific trade and environment issues.

18 “(3) ASIA-PACIFIC ECONOMIC COOPERATION
19 FORUM.—The principal negotiating objectives of the
20 United States in the Asia-Pacific Economic Coopera-
21 tion forum (APEC) shall include—

22 “(A) to develop a program relating to envi-
23 ronment and conservation measures of rel-
24 evance to member countries of APEC; and

1 “(B) to establish a permanent institutional
2 mechanism or secretariat and a timetable for
3 implementing the program developed under sub-
4 paragraph (A).”.

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