

111TH CONGRESS
1ST SESSION

S. 1644

To amend the Trade Act of 1974 to require a Public Health Advisory Committee on Trade to be included in the trade advisory committee system, to require public health organizations to be included on the Advisory Committee for Trade Policy and Negotiations and other relevant sectoral or functional advisory committees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2009

Ms. STABENOW (for herself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend the Trade Act of 1974 to require a Public Health Advisory Committee on Trade to be included in the trade advisory committee system, to require public health organizations to be included on the Advisory Committee for Trade Policy and Negotiations and other relevant sectoral or functional advisory committees, 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,*

1 **SECTION 1. PUBLIC HEALTH ADVISORY COMMITTEE ON**
2 **TRADE.**

3 (a) ESTABLISHMENT.—Section 135(c)(1) of the
4 Trade Act of 1974 (19 U.S.C. 2155(c)(1)) is amended by
5 adding at the end the following: “The President shall es-
6 tablish, among the committees established under this
7 paragraph, a Public Health Advisory Committee on Trade
8 composed of members appointed pursuant to paragraph
9 (5).”.

10 (b) MEMBERSHIP.—Section 135(c) of the Trade Act
11 of 1974 (19 U.S.C. 2155(c)) is amended by adding at the
12 end the following:

13 “(5)(A) Members of the Public Health Advisory
14 Committee on Trade established under paragraph
15 (1) shall be appointed from among individuals—

16 “(i) nominated by and representing organi-
17 zations in the United States with an interest in
18 improving and protecting the public health; and

19 “(ii) who have expertise in—

20 “(I) the relationship of trade to sus-
21 tainable economic development;

22 “(II) public health regulations and the
23 authority of the Government to regulate in
24 the interest of public health, including by
25 adopting sanitary and phytosanitary rules,
26 technical standards, regulations with re-

13 “(IV) occupational safety and health;

14 or

15 “(V) matters relating to access to af-
16 fordable pharmaceuticals.

17 “(B) The President shall ensure that member-
18 ship of the Public Health Advisory Committee on
19 Trade is of sufficient size to be reasonably rep-
20 resentative of the range of organizations and persons
21 in the United States interested in public health.

22 “(C)(i) No individual may be appointed to the
23 Public Health Advisory Committee on Trade who
24 represents a commercial or for-profit entity with an
25 interest in health services or regulations.

1 “(ii) No individual appointed to the Public
2 Health Advisory Committee on Trade may continue
3 to serve on the Committee if the individual, or the
4 individual’s employer, receives or contracts to receive
5 a significant payment or other financial support
6 from a commercial or for-profit entity represented
7 on any trade advisory committee established under
8 this section.

9 “(D) The members of the Public Health Advi-
10 sory Committee on Trade shall elect a Chairperson
11 from among the members of the Committee.”.

12 **SEC. 2. INCLUSION OF PUBLIC HEALTH ORGANIZATIONS
13 ON ADVISORY COMMITTEE FOR TRADE POL-
14 ICY AND NEGOTIATIONS.**

15 (a) IN GENERAL.—Section 135(b)(1) of the Trade
16 Act of 1974 (19 U.S.C. 2155(b)(1)) is amended by insert-
17 ing “nongovernmental public health organizations,” after
18 “conservation organizations,”.

19 (b) NONGOVERNMENTAL PUBLIC HEALTH ORGANI-
20 ZATIONS DEFINED.—Section 135(m) of the Trade Act of
21 1974 (19 U.S.C. 2155(m)) is amended—

22 (1) by redesignating paragraphs (1) and (2) as
23 subparagraphs (A) and (B), respectively;

24 (2) by striking “(m) NON-FEDERAL GOVERN-
25 MENT DEFINED.—As used in this section, the term

1 ‘non-Federal government’ means—” and inserting
2 the following:

3 “(m) DEFINITIONS.—In this section:

4 “(1) NON-FEDERAL GOVERNMENT.—The term
5 ‘non-Federal government’ means—”; and

6 (3) by adding at the end the following:

7 “(2) NONGOVERNMENTAL PUBLIC HEALTH OR-
8 GANIZATIONS.—

9 “(A) IN GENERAL.—The term ‘nongovern-
10 mental public health organization’ includes any
11 nonprofit organization or coalition that works
12 to promote the public health, increase access to
13 affordable health-related services or products,
14 or to prevent and reduce any major disease, ill-
15 ness, or public health problem.

16 “(B) EXCLUSION.—The term ‘nongovern-
17 mental public health organization’ does not in-
18 clude any organization that receives—

19 “(i) 20 percent or more of its total
20 funding from a single commercial, for-profit
21 entity; or

22 “(ii) 30 percent or more of its total
23 funding from commercial, for-profit enti-
24 ties.”.

1 SEC. 3. MODIFICATION OF REQUIRED CONSULTATIONS
2 WITH ADVISORY COMMITTEES DURING
3 TRADE NEGOTIATIONS.

4 (a) EXTENSION OF CONSULTATIONS.—Section
5 135(a)(1) of the Trade Act of 1974 (19 U.S.C.
6 2155(a)(1)) is amended in the flush text by inserting “and
7 throughout negotiations” before the end period.

8 (b) POLICY, TECHNICAL, AND OTHER ADVICE AND
9 INFORMATION.—Section 135(d) of the Trade Act of 1974
10 (19 U.S.C. 2155(d)) is amended—

11 (1) by striking “Committees established” and
12 inserting the following:

13 “(1) COMMITTEE MEETINGS.—Committees es-
14 tablished”;

15 (2) in paragraph (1), as redesignated, by insert-
16 ing “Health and Human Services,” after “Com-
17 merce,”; and

18 (3) by adding at the end the following:

19 (2) REQUESTS FOR ADVICE AND INFORMA-
20 TION.—The United States Trade Representative and
21 the Secretaries of Agriculture, Commerce, Health
22 and Human Services, Labor, Defense, or other exec-
23 utive departments, as appropriate, shall—

24 (A) seek and consider advice and infor-
25 mation described in paragraph (1) with respect
26 to the negotiating objectives and the terms of a

1 trade agreement being negotiated by the United
2 States and the impact of those terms on the
3 United States before the commencement of ne-
4 gotiations, throughout the negotiating process,
5 and before a final agreement is reached; and

6 “(B) to the maximum extent practicable,
7 seek written advisory opinions from each com-
8 mittee established under this section and from
9 any dissenting members of such a committee
10 before a final agreement is reached with respect
11 to the terms of a trade agreement.

12 “(3) WRITTEN RESPONSES TO COMMITTEE
13 COMMENTS.—The United States Trade Representa-
14 tive and the Secretaries of Agriculture, Commerce,
15 Health and Human Services, Labor, Defense, or
16 other executive departments, as appropriate, shall
17 respond in writing to the advice or information sub-
18 mitted under this subsection by a committee estab-
19 lished under this section or by a member of such a
20 committee.”.

21 SEC. 4. ADVISORY COMMITTEE REPORTS ON TRADE
22 AGREEMENTS.

23 Section 135(e) of the Trade Act of 1974 (19 U.S.C.
24 2155(e)) is amended to read as follows:

1 “(e) ADVISORY COMMITTEE REPORTS ON TRADE
2 AGREEMENTS.—

3 “(1) REPORT OF ADVISORY COMMITTEES.—Not
4 later than date on which the President notifies Con-
5 gress of the President’s intention to enter into a
6 trade agreement, the Advisory Committee for Trade
7 Policy and Negotiations, the Public Health Advisory
8 Committee on Trade, each appropriate policy com-
9 mittee, and each appropriate sectoral or functional
10 committee shall submit to the President, Congress,
11 and the United States Trade Representative a report
12 on the effects of the trade agreement.

13 “(2) CONTENTS OF REPORT.—The report re-
14 quired under paragraph (1) shall include an advisory
15 opinion assessing—

16 “(A) the extent to which the trade agree-
17 ment promotes the economic interests of the
18 United States;

19 “(B) the extent to which the trade agree-
20 ment promotes public health and promotes the
21 goal of protecting the environment in the
22 United States and in any other country affected
23 by the agreement;

24 “(C) for each appropriate sectoral or func-
25 tional committee, the extent to which the trade

1 agreement provides for equity and reciprocity
2 within the sector or functional area with respect
3 to which the committee has responsibility; and

4 “(D) a summary of any dissenting opinion
5 written by a member of a committee involved in
6 developing the report.

7 “(3) PUBLIC AVAILABILITY.—The report re-
8 quired under paragraph (1) shall be made publicly
9 available on the Web site of the United States Trade
10 Representative unless the President determines that
11 making the report publicly available would result in
12 the disclosure of confidential or privileged trade se-
13 crets or commercial or financial information, inter-
14 fere with diplomatic relations, or endanger the na-
15 tional security of the United States.

16 “(4) APPROPRIATE COMMITTEES DEFINED.—In
17 this subsection, the term ‘appropriate’ means, with
18 respect to a committee, that the committee was es-
19 tablished under subsection (c) to provide advice on
20 matters affected by the trade agreement with respect
21 to which a report is submitted under paragraph
22 (1).”.

