

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4734

To require consultations, assessments, and monitoring of the effects of major trade actions on the environment generally, including fish, wildlife, endangered species, and other natural resources.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 1994

Mr. STUDDS (for himself, Mrs. UNSOELD, and Mr. WYDEN) introduced the following bill; which was referred jointly to the Committees on Ways and Means and Merchant Marine and Fisheries

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## A BILL

To require consultations, assessments, and monitoring of the effects of major trade actions on the environment generally, including fish, wildlife, endangered species, and other natural resources.

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 “Trade and Environ-  
5        ment Reporting Act of 1994”.

6        **SEC. 2. FINDINGS.**

7        The Congress finds the following:

1           (1) The United States promotes efforts to pre-  
2 vent harm to the environment generally, including  
3 fish, wildlife, endangered species, and other natural  
4 resources, and to encourage sustainable develop-  
5 ment.

6           (2) Free trade agreements and other major  
7 trade actions may have significant effects, positive  
8 and negative, on environmental resources.

9           (3) Those effects may be within or outside of  
10 the territorial jurisdiction of the United States.

11           (4) The interaction between increased liberal-  
12 ized trade and the environment is a complex and lit-  
13 tle understood issue.

14           (5) Free trade agreements and other major  
15 trade actions have traditionally been excluded from  
16 any environmental assessment or monitoring re-  
17 quirements.

18           (6) As part of its responsibilities under the  
19 Constitution to regulate commerce with foreign na-  
20 tions, the Congress considers legislation to grant ne-  
21 gotiating authority to the President for free trade  
22 agreements, and legislation to implement those  
23 agreements.

1           (7) The Congress and the public should be ap-  
2           prised of the environmental effects of free trade  
3           agreements and other major trade actions.

4           (8) The environmental effects of free trade  
5           agreements and other major trade actions should be  
6           identified and considered by the President before en-  
7           tering into such actions.

8 **SEC. 3. DEFINITIONS.**

9           For purposes of this Act:

10           (1) ENVIRONMENTAL RESOURCES.—The term  
11           “environmental resources” means the environment  
12           generally, including fish, wildlife, endangered spe-  
13           cies, and other natural resources.

14           (2) FREE TRADE AGREEMENT.—The term “free  
15           trade agreement” means an agreement between the  
16           United States and another nation or nations—

17                   (A) the purpose of which is to regulate or  
18                   liberalize trade between the United States and  
19                   such nation or nations;

20                   (B) which has been signed by the Presi-  
21                   dent; and

22                   (C) which requires implementing legisla-  
23                   tion.

24           (3) MAJOR TRADE ACTION.—

1 (A) GENERALLY.—The term “major trade  
2 action”—

3 (i) means any trade action which may  
4 have effects on an environmental resource;  
5 and

6 (ii) includes any free trade agreement.

7 (B) REGULATIONS.—The United States  
8 Trade Representative, in consultation with the  
9 Administrator of the Environmental Protection  
10 Agency, the Administrator of the National Oce-  
11 anic and Atmospheric Administration, and the  
12 Secretary of the Interior, shall issue regulations  
13 which describe trade actions which are major  
14 trade actions under this paragraph.

15 **SEC. 4. CONSULTATION ON MAJOR TRADE ACTIONS; ENVI-**  
16 **RONMENTAL ASSESSMENTS OF FREE TRADE**  
17 **AGREEMENTS.**

18 (a) CONSULTATION.—

19 (1) REQUIREMENT.—Before entering into nego-  
20 tiations for any free trade agreement or other major  
21 trade action, the United States Trade Representa-  
22 tive shall consult, in accordance with the procedures  
23 established under paragraph (2), with the Congress,  
24 appropriate advisory committees established under  
25 the Trade Act of 1974, including the Trade and En-

1 vironment Policy Advisory Committee, Federal agen-  
2 cies, environmental organizations, and other inter-  
3 ested persons, for the purpose of—

4 (A) identifying environmental resources  
5 that may be affected by the free trade agree-  
6 ment or other major trade action; and

7 (B) in the case of a negotiation for a free  
8 trade agreement, determining the scope of the  
9 environmental assessment required under sub-  
10 section (b).

11 (2) PROCEDURES.—Not later than 90 days  
12 after the date of the enactment of this Act, the  
13 United States Trade Representative, in consultation  
14 with the Council on Environmental Quality and after  
15 publication of notice and an opportunity for public  
16 comment, shall issue regulations which establish pro-  
17 cedures for consultations under this subsection, in-  
18 cluding a requirement for publication of notice and  
19 an opportunity for public comment on the subject  
20 matter of the consultations.

21 (b) ENVIRONMENTAL ASSESSMENTS.—

22 (1) IN GENERAL.—The United States Trade  
23 Representative, in consultation with the Adminis-  
24 trator of the Environmental Protection Agency, the  
25 Administrator of the National Oceanic and Atmos-

1 pheric Administration, the Secretary of the Interior,  
2 and the Council on Environmental Quality, shall  
3 prepare an environmental assessment for each free  
4 trade agreement.

5 (2) CONTENTS OF ASSESSMENTS.—Each envi-  
6 ronmental assessment shall include—

7 (A) identification of the potential effects of  
8 the free trade agreement on environmental re-  
9 sources;

10 (B) the environmental resources protection  
11 laws of the United States that may be affected  
12 by the free trade agreement;

13 (C) measures to supplement the free trade  
14 agreement that would minimize adverse effects  
15 identified under subparagraph (A); and

16 (D) a detailed summary of the manner in  
17 which the results of consultations under sub-  
18 section (a) with respect to the free trade agree-  
19 ment were taken into consideration in accord-  
20 ance with section 5.

21 (3) SUBMISSION TO CONGRESS.—The United  
22 States Trade Representative shall submit to the  
23 Congress the environmental assessment prepared for  
24 a free trade agreement—

1 (A) after the free trade agreement is  
2 signed by the President; and

3 (B) at least 60 days before the President  
4 transmits legislation to implement the free  
5 trade agreement to the Congress.

6 (4) PUBLIC AVAILABILITY.—The United States  
7 Trade Representative shall—

8 (A) make each environmental assessment  
9 under this subsection publicly available on and  
10 after the date it is submitted to the Congress  
11 under paragraph (3); and

12 (B) publish notice of that availability in  
13 the Federal Register.

14 **SEC. 5. REQUIREMENT TO CONSIDER ENVIRONMENTAL**  
15 **EFFECTS.**

16 The United States Trade Representative shall—

17 (1) consider the results of all consultations  
18 under section 4(a) with respect to a major trade ac-  
19 tion before formulating any negotiating position for  
20 the major trade action; and

21 (2) review each such negotiating position and  
22 determine its compatibility with the laws of the  
23 United States that protect environmental resources  
24 or encourage sustainable development.

1 **SEC. 6. MONITORING AND REPORTING.**

2 (a) MONITORING.—

3 (1) EFFECTS ON UNITED STATES.—The Coun-  
4 cil on Environmental Quality, in consultation with  
5 the Administrator of the Environmental Protection  
6 Agency, the Secretary of the Interior, the Adminis-  
7 trator of the National Oceanic and Atmospheric Ad-  
8 ministration, and the United States Trade Rep-  
9 resentative, shall monitor the effects of major trade  
10 actions on environmental resources within the terri-  
11 torial jurisdiction of the United States.

12 (2) EFFECTS ON OTHER NATIONS.—The Coun-  
13 cil on Environmental Quality, in consideration with  
14 the officials referred to in paragraph (1) and the  
15 Secretary of State, shall cooperate with other na-  
16 tions to monitor and determine, to the extent prac-  
17 ticable, the effects of major trade actions on environ-  
18 mental resources outside the territorial jurisdiction  
19 of the United States.

20 (3) REPORT.—The Council on Environmental  
21 Quality shall report to the Congress every 3 years on  
22 the results of the monitoring required under this  
23 section.

24 (b) OBLIGATIONS UNDER SECTION 5.—The United  
25 States Trade Representative shall report to the Congress



- 1 each year on the manner in which he or she has complied
- 2 with section 5.

