

115TH CONGRESS
1ST SESSION

H. R. 1172

To require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to Presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. NEAL (for himself, Mr. PASCRELL, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Ms. SÁNCHEZ, Mr. HIGGINS of New York, Ms. DELBENE, Ms. SEWELL of Alabama, Ms. JUDY CHU of California, Ms. BONAMICI, Mr. CICILLINE, Mrs. DAVIS of California, Ms. DELAURO, Mr. DESAULNIER, Mr. ELLISON, Mr. HIMES, Ms. KAPTUR, Mr. NADLER, Mr. POCAN, Mr. POLIS, Mr. SCOTT of Virginia, Ms. SLAUGHTER, Ms. TSONGAS, and Ms. MAXINE WATERS of California) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the President to disclose income, assets, and liabilities associated with countries with which the United States is negotiating a trade or investment agreement, countries subject to Presidential determinations in trade enforcement actions, and countries eligible for trade preference programs, 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. SHORT TITLE.**

4 This Act may be cited as the “Presidential Trade
5 Transparency Act of 2017”.

6 **SEC. 2. DISCLOSURE BY PRESIDENT OF INCOME, ASSETS,**
7 **AND LIABILITIES ASSOCIATED WITH COUN-**
8 **TRIES WITH WHICH THE UNITED STATES IS**
9 **NEGOTIATING A TRADE OR INVESTMENT**
10 **AGREEMENT.**

11 (a) IN GENERAL.—Before initiating or continuing ne-
12 gotiations with a country for a trade or investment agree-
13 ment, the President shall submit to Congress a report, in
14 accordance with subsection (b) or (c), containing a full
15 and complete statement of income earned, assets held, and
16 liabilities owed by the President and associated with the
17 country in the 12-month period preceding the submission
18 of the report.

19 (b) TIMING OF REPORT FOR NEW NEGOTIATIONS.—
20 In the case of negotiations for a trade or investment agree-
21 ment with a country initiated on or after the date of the
22 enactment of this Act, the President shall submit the re-
23 port required by subsection (a)—

24 (1) in the case of negotiations subject to the Bi-
25 partisan Congressional Trade Priorities and Ac-

1 countability Act of 2015 (19 U.S.C. 4201 et seq.)
2 with respect to which the President is required to
3 submit a notification under section 103(a)(2) or
4 105(a)(1)(A) of that Act (19 U.S.C. 4202(a)(2) and
5 4204(a)(1)(A)), not later than the date on which the
6 President submits the notification;

7 (2) in the case of negotiations subject to the
8 Uruguay Round Agreements Act (19 U.S.C. 3501 et
9 seq.), not later than the date on which the President
10 submits the report required by section 115(2) of
11 that Act (19 U.S.C. 3524(2));

12 (3) in the case of negotiations subject to the
13 North American Free Trade Agreement Implemen-
14 tation Act (19 U.S.C. 3301 et seq.), not later than
15 the date on which the President submits the report
16 required by section 103(a)(2) of that Act (19 U.S.C.
17 3313(a)(2)); or

18 (4) in the case of negotiations for a trade or in-
19 vestment agreement not covered by paragraph (1),
20 (2), or (3), not less than 60 days before initiating
21 the negotiations.

22 (c) **TIMING OF REPORT FOR PENDING NEGOTIA-**
23 **TIONS.**—In the case of negotiations for a trade or invest-
24 ment agreement with a country initiated before the date
25 of the enactment of this Act, the President shall submit

1 the report required by subsection (a) with respect to that
2 country not later than 90 days after such date of enact-
3 ment.

4 **SEC. 3. DISCLOSURE BY PRESIDENT OF INCOME, ASSETS,**
5 **AND LIABILITIES ASSOCIATED WITH COUN-**
6 **TRIES SUBJECT TO PRESIDENTIAL DETER-**
7 **MINATIONS IN TRADE ENFORCEMENT AC-**
8 **TIONS.**

9 (a) IN GENERAL.—Before taking a covered action
10 under a trade enforcement law with respect to a country,
11 the President shall submit to Congress, in accordance with
12 subsection (b), a report containing a full and complete
13 statement of income earned, assets held, and liabilities
14 owed by the President and associated with the country in
15 the 12-month period preceding the submission of the re-
16 port.

17 (b) TIMING OF REPORT.—The President shall submit
18 the report required by subsection (a)—

19 (1) in the case of a covered action under section
20 201 of the Trade Act of 1974 (19 U.S.C. 2251) with
21 respect to which a document is required to be trans-
22 mitted to Congress under section 203(b) of that Act
23 (19 U.S.C. 2253(b)), not less than 30 days before
24 the President transmits the document;

1 (2) in the case of a covered action under section
2 301 of the Trade Act of 1974 (19 U.S.C. 2411) that
3 is the subject of a direction of the President as de-
4 scribed in subsection (a)(1) or (b)(2) of that section,
5 not less than 30 days before making that direction;

6 (3) in the case of a covered action under section
7 337 of the Tariff Act of 1930 (19 U.S.C. 1337), not
8 later than 30 days after the date on which a copy
9 of the determination of the United States Inter-
10 national Trade Commission is transmitted to the
11 President under subsection (j) of that section;

12 (4) in the case of a covered action under section
13 701(b)(2) of the Trade Facilitation and Trade En-
14 forcement Act of 2015 (19 U.S.C. 4421(b)(2)), not
15 later than the date on which the report required
16 under subparagraph (B) of that section is submitted
17 to Congress; or

18 (5) in the case of a covered action not covered
19 by paragraph (1), (2), (3), or (4), not less than 30
20 days before taking such action.

21 (c) DEFINITIONS.—In this section:

22 (1) COVERED ACTION.—The term “covered ac-
23 tion” means—

1 (A) the modification under a trade enforce-
2 ment law of a duty imposed with respect to ar-
3 ticles imported from a country; or

4 (B) waiving action, or declining to exercise
5 authority to take action, under a trade enforce-
6 ment law in a trade enforcement matter with
7 respect to a country.

8 (2) TRADE ENFORCEMENT LAW.—The term
9 “trade enforcement law” means—

10 (A) chapter I of title II of the Trade Act
11 of 1974 (19 U.S.C. 2251 et seq.);

12 (B) title III of that Act (19 U.S.C. 2411
13 et seq.);

14 (C) section 122 of that Act (19 U.S.C.
15 2132);

16 (D) section 406, 421, or 422 of that Act
17 (19 U.S.C. 2436, 2451, and 2451a);

18 (E) sections 337 and 338(a) of the Tariff
19 Act of 1930 (19 U.S.C. 1337 and 1338(a));

20 (F) section 232 of the Trade Expansion
21 Act of 1962 (19 U.S.C. 1862);

22 (G) section 701 of the Trade Facilitation
23 and Trade Enforcement Act of 2015 (19 U.S.C.
24 4421);

1 (H) the International Emergency Eco-
2 nomic Powers Act (50 U.S.C. 1701 et seq.); or

3 (I) any other provision of law providing the
4 President with authority to restrict trade with
5 a foreign country through modification of a
6 duty on imports.

7 **SEC. 4. DISCLOSURE BY PRESIDENT OF INCOME, ASSETS,**
8 **AND LIABILITIES ASSOCIATED WITH COUN-**
9 **TRIES ELIGIBLE FOR TRADE PREFERENCE**
10 **PROGRAMS.**

11 (a) IN GENERAL.—Before taking a covered action
12 under a trade preference program with respect to a coun-
13 try or an article imported from a country, the President
14 shall submit to Congress, in accordance with subsection
15 (b), a report containing a full and complete statement of
16 income earned, assets held, and liabilities owed by the
17 President and associated with the country in the 12-month
18 period preceding the submission of the report.

19 (b) TIMING OF REPORT.—The President shall submit
20 the report required by subsection (a)—

21 (1) in the case of a covered action under title
22 V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.)
23 with respect to which the President is required to
24 submit a notification under section 502(f) of the
25 Trade Act of 1974 (19 U.S.C. 2462(f)) or a report

1 under section 506A(a)(2) of that Act (19 U.S.C.
2 2466a(a)(2)), at the time the President submits the
3 notification or report;

4 (2) in the case of a covered action under the
5 Caribbean Basin Economic Recovery Act (19 U.S.C.
6 2701 et seq.) with respect to which the President is
7 required to submit a notification under paragraph
8 (1) or (2) of section 212(a) of that Act (19 U.S.C.
9 2702(a)) or a report under section
10 213(b)(2)(A)(v)(II)(cc) of that Act (19 U.S.C.
11 2703(b)(2)(A)(v)(II)(cc)), at the time the President
12 submits the notification or report; or

13 (3) in the case of a covered action not covered
14 by paragraph (1) or (2), not later than 60 days be-
15 fore taking the action.

16 (c) DEFINITIONS.—In this section:

17 (1) COVERED ACTION.—The term “covered ac-
18 tion” means—

19 (A) the designation of a country as eligible
20 for preferential treatment under a trade pref-
21 erence program;

22 (B) the termination of such a designation;

23 (C) any determination with respect to the
24 eligibility of an article for preferential treat-
25 ment under a trade preference program;

1 (D) the withdrawal, suspension, or limita-
2 tion of preferential treatment under a trade
3 preference program with respect to a country or
4 an article; or

5 (E) the exercise of the authority to waive
6 the competitive need limitation with respect to
7 an article under section 503(d) of the Trade
8 Act of 1974 (19 U.S.C. 2463(d)).

9 (2) TRADE PREFERENCE PROGRAM.—The term
10 “trade preference program” means—

11 (A) the Generalized System of Preferences
12 under title V of the Trade Act of 1974 (19
13 U.S.C. 2461 et seq.);

14 (B) the African Growth and Opportunity
15 Act (19 U.S.C. 3701 et seq.);

16 (C) the Caribbean Basin Economic Recov-
17 ery Act (19 U.S.C. 2701 et seq.); or

18 (D) section 915 of the Trade Facilitation
19 and Trade Enforcement Act of 2015 (19 U.S.C.
20 4454).

21 **SEC. 5. CONTENTS OF DISCLOSURE REPORTS.**

22 The President shall include in a report required
23 under section 2, 3, or 4 with respect to a country—

24 (1) the information specified in section 102(a)
25 of the Ethics in Government Act of 1978 (5 U.S.C.

1 App. 102(a)), with respect to each source of income,
2 each asset, and each liability associated with the
3 country; and

4 (2) a detailed description of the nature of the
5 association of each such source of income, asset, or
6 liability with the country.

7 **SEC. 6. EFFECT OF FAILURE TO TIMELY DISCLOSE.**

8 (a) **TARIFF MODIFICATIONS.**—If the President fails
9 to submit a report required by this Act with respect to
10 an action modifying tariff treatment with respect to arti-
11 cles imported from a country by the time required by this
12 Act, any instrument providing for the modification of such
13 tariff treatment shall have no force or effect.

14 (b) **TRADE AND INVESTMENT AGREEMENTS.**—If the
15 President fails to submit a report required by section 2
16 with respect to negotiations for a trade or investment
17 agreement with a country by the time required by that
18 section, the implementing bill submitted to Congress with
19 respect to that agreement shall not be eligible for the trade
20 authorities procedures under section 103 of the Bipartisan
21 Congressional Trade Priorities and Accountability Act of
22 2015 (19 U.S.C. 4202).

23 **SEC. 7. DEFINITIONS.**

24 In this Act:

1 (1) ASSOCIATED WITH A COUNTRY.—The term
2 “associated with a country” or “associated with the
3 country”—

4 (A) with respect to an asset, means—

5 (i) any financial account maintained
6 by a financial institution that is a person
7 of the country;

8 (ii) any stock or security issued by a
9 person of the country;

10 (iii) any financial instrument or con-
11 tract held for investment that has an
12 issuer or counterparty that is a person of
13 the country;

14 (iv) any interest in a person of the
15 country; or

16 (v) any real property located in the
17 country or in which a person of the coun-
18 try, including any representative or agent
19 of the government of the country, has a fi-
20 nancial interest;

21 (B) with respect to income, includes divi-
22 dends, rents, interest, or capital gains or any
23 other income (as defined in section 61 of the
24 Internal Revenue Code of 1986) received di-
25 rectly or indirectly from an asset associated

1 with the country or any gift or reimbursement
2 received from a person of the country, including
3 any representative or agent of the government
4 of the country; and

5 (C) with respect to a liability, refers to any
6 liability owed to any creditor that is a person of
7 the country, including an enterprise owned or
8 controlled by the government of the country.

9 (2) PERSON OF THE COUNTRY.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), with respect to a country,
12 the term “person of the country” means—

13 (i) an individual who is a citizen of
14 the country; or

15 (ii) a branch, partnership, group or
16 subgroup, association, estate, trust, cor-
17 poration or division of a corporation, or
18 other organization if—

19 (I) it is organized under the laws
20 of the country;

21 (II) its principal place of business
22 is in the country; or

23 (III) its equity securities are pri-
24 marily traded on one or more ex-
25 changes of the country.

1 (B) EXCEPTION.—The term “person of the
2 country” does not include any branch, partner-
3 ship, group or subgroup, association, estate,
4 trust, corporation or division of a corporation,
5 or other organization for which it is dem-
6 onstrated that a majority of the equity interest
7 in the organization is ultimately owned by na-
8 tionals of the United States.

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