

114TH CONGRESS
1ST SESSION

S. 2201

To promote international trade, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2015

Mr. CORKER (for himself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote international trade, 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 “Global Gateways Trade
5 Capacity Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The expansion of international trade is vital
9 to the economic growth and national security of the
10 United States.

11 (2) Stable trading relationships promote secu-
12 rity and prosperity, and leadership by the United

1 States in international trade fosters the expansion of
2 open markets and democracy.

3 (3) United States aid to developing countries
4 for trade capacity building can have other positive
5 side effects such as promoting best practices, pro-
6 moting good governance, combating corruption, and
7 reforming legal regimes.

8 (4) Private sector-led trade and investment are
9 fundamental components of sustainable economic de-
10 velopment and growth. United States trade capacity
11 assistance should facilitate the reduction or elimi-
12 nation of non-tariff trade barriers that inhibit the
13 ability of developing countries to implement trade
14 agreements and participate in the global economy.

15 (5) Reducing trade transaction costs through
16 trade capacity improvements and trade facilitation
17 reforms will assist United States exporters and small
18 and medium-size enterprises reach new customers in
19 the developing world. Reducing these costs through
20 trade facilitation reforms will assist developing coun-
21 try businesses to trade and invest with each other
22 and enter into and take advantage of global supply
23 and value chains.

24 (6) According to the United States Trade Rep-
25 resentative, “the United States is the largest single-

1 country provider of trade-related assistance” (also
2 called trade capacity building assistance or “Aid for
3 Trade”).

4 (7) At the 9th Ministerial of the World Trade
5 Organization in Bali, Indonesia, in December 2013,
6 the 159 members of the World Trade Organization
7 (WTO) concluded the Trade Facilitation Agreement
8 (TFA), the first global World Trade Organization
9 trade agreement in 20 years. The Members of the
10 WTO amended the WTO agreement to include the
11 Trade Facilitation Agreement on November 27,
12 2014, and opened it for acceptance by members.

13 (8) The Trade Facilitation Agreement includes
14 measures and obligations designed to streamline cus-
15 toms procedures, increase customs transparency,
16 and speed the flow of goods across borders.

17 (9) According to the Organization for Economic
18 Cooperation and Development, full implementation
19 of the Trade Facilitation Agreement could reduce
20 trade costs by as much as an estimated 16.5 percent
21 of low income countries, 17 percent for lower-middle
22 income countries, 14.6 percent for upper-middle in-
23 come countries, and 11.8 percent for OECD coun-
24 tries.

1 (10) The Trade Facilitation Agreement con-
2 tains commitments by all World Trade Organization
3 members to implement commitments on trade facili-
4 tation under a timetable. The TFA includes commit-
5 ments by developed countries to assist developing
6 countries come into compliance with the obligations
7 of the TFA.

8 (11) According to the Government Account-
9 ability Office, in 2012, the United States Govern-
10 ment spent nearly \$1,000,000,000 in trade capacity
11 building efforts in 120 countries, which were imple-
12 mented by 20 United States Government depart-
13 ments and agencies.

14 (12) According to testimony provided by the
15 Administrator of the United States Agency for
16 International Development, there is no single coordi-
17 nating agency for trade capacity building activities
18 in the United States Government. Each agency has
19 its own processes for ensuring proper and effective
20 programming of its appropriated funds.

21 (13) To enhance the effort to eliminate non-tar-
22 iff barriers, a clear, whole-of-government strategy
23 with appropriate coordination is needed to leverage
24 limited trade capacity funds to achieve the ambitious
25 goals laid out in the Trade Facilitation Agreement.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations,
7 the Committee on Finance, and the Committee
8 on Appropriations of the Senate; and

9 (B) the Committee on Foreign Affairs, the
10 Committee on Ways and Means, and the Com-
11 mittee on Appropriations of the House of Rep-
12 resentatives.

13 (2) **PRIVATE SECTOR.**—The term “private sec-
14 tor” means for-profit United States businesses.

15 (3) **TRADE FACILITATION.**—The term “trade
16 facilitation” means United States bilateral, regional,
17 or multilateral assistance, the primary purpose of
18 which is to support the following activities:

19 (A) Implementation by developing coun-
20 tries of the World Trade Organization Trade
21 Facilitation Agreement agreed to at the 9th
22 Ministerial of the World Trade Organization
23 held in Bali in December 2013, including the
24 establishment or maintenance of a national
25 committee on trade facilitation.

1 (B) Assistance to reduce non-tariff barriers
2 to trade at national borders in developing coun-
3 tries, including technical assistance to reform
4 and modernize customs operations and proce-
5 dures and to expedite the movement, release,
6 and clearance of goods, including goods in tran-
7 sit.

8 (4) TRADE CAPACITY BUILDING ASSISTANCE.—
9 The term “trade capacity building assistance”
10 means United States bilateral, regional, or multilat-
11 eral assistance, the primary purpose of which is to
12 support the following activities:

13 (A) Technical assistance to assist devel-
14 oping countries in acceding, implementing, and
15 adhering to international trade agreements, in-
16 cluding trade policy development, trade negotia-
17 tions assistance, administrative management of
18 trade obligations, regulatory reform related to
19 trade agreements, and trade-related education.

20 (B) Technical assistance to improve gov-
21 ernance and transparency in developing coun-
22 tries with respect to imports, exports, and inter-
23 national investment, including improvement of
24 the investment climate and investor protections.

1 (C) Technical assistance to establish and
2 implement internationally recognized standards
3 in developing countries.

4 (D) Assistance that will contribute directly
5 and substantially to facilitating trade flows in a
6 recipient country.

7 **SEC. 4. STATEMENT OF POLICY.**

8 It is the policy of the United States—

9 (1) to identify developing country and regional
10 barriers to international trade and investment, set
11 priorities for the efficient use of limited United
12 States trade-related assistance, and focus on build-
13 ing local self-sustaining institutional capacity for ex-
14 panding international trade in developing countries;
15 and

16 (2) to further the national interests of the
17 United States by—

18 (A) expanding prosperity through the
19 elimination of foreign barriers to trade and in-
20 vestment;

21 (B) assisting developing country trading
22 partners to identify and reduce barriers to the
23 movement of goods in international commerce
24 and to investment; and

1 (C) assisting developing country trading
2 partners in undertaking reforms that will en-
3 courage economic engagement and sustainable
4 development.

5 **SEC. 5. TRADE CAPACITY ASSISTANCE, WHOLE-OF-GOVERN-**
6 **MENT COORDINATION AND CONSULTATION.**

7 (a) IN GENERAL.—The Secretary of State shall have
8 primary responsibility for coordinating a whole-of-govern-
9 ment effort to expand the United States efforts in trade
10 capacity building. The Secretary may delegate responsibil-
11 ities under this Act to a senior Senate confirmed State
12 Department official.

13 (b) RESPONSIBILITIES.—The Secretary shall—

14 (1) chair the interagency coordinating com-
15 mittee established under subsection (c);

16 (2) develop and implement the joint strategic
17 plan required under subsection (c)(4) for all United
18 States trade-related and trade capacity building and
19 related technical assistance programs;

20 (3) advise the departments and agencies des-
21 ignated by the President to participate in the inter-
22 agency coordinating committee under this section in
23 identifying trade capacity needs and in the imple-
24 mentation of the joint strategic plan required under
25 subsection (c)(4);

1 (4) consult with the private sector in the devel-
2 opment of governmentwide trade capacity building
3 plans, including establishing a point of contact and
4 lead office within the Department of State to receive
5 private sector recommendations and comments con-
6 cerning trade capacity assistance, coordination, con-
7 sultations, and country-specific issues;

8 (5) consult with the Office of Management and
9 Budget regarding the administrative and human re-
10 sources needs that may be required to implement the
11 provisions of this Act; and

12 (6) report to Congress on trade capacity build-
13 ing programs and make recommendations, as appro-
14 priate, to Congress for improvements in trade capac-
15 ity building efforts.

16 (c) INTERAGENCY COORDINATING COMMITTEE.—

17 (1) ESTABLISHMENT.—The President shall es-
18 tablish an interagency coordinating committee to co-
19 ordinate and carry out the purposes of this Act.

20 (2) LEADERSHIP.—The interagency coordi-
21 nating committee shall be chaired by the Secretary
22 of State and the vice-chairs shall be the United
23 States Trade Representative and the Administrator
24 of the United States Agency for International Devel-
25 opment. The Secretary, United States Trade Rep-

1 representative, and the Administrator may delegate re-
2 sponsibilities under this Act to an appropriate senior
3 Senate-confirmed official.

4 (3) MEMBERSHIP.—The President may appoint
5 to the interagency coordinating committee senior of-
6 ficials from the Department of Commerce, the De-
7 partment of Agriculture, the Department of the
8 Treasury, the Department of Homeland Security, in-
9 cluding at least one such senior official from U.S.
10 Customs and Border Protection, and any such other
11 relevant executive branch department or agency as
12 the President determines to be substantially involved
13 in trade capacity building and related assistance ef-
14 forts in developing countries.

15 (4) DEVELOPMENT OF JOINT STRATEGIC
16 PLAN.—The interagency coordinating committee
17 shall develop the joint strategic plan for all United
18 States capacity building and technical assistance
19 programs described under section 6.

20 (5) BUDGET REVIEW AND RECOMMENDATION
21 AUTHORITY.—The interagency coordinating com-
22 mittee, under the leadership of the Secretary of
23 State, shall, in coordination with the Director of the
24 Office of Management and Budget—

1 (A) review the expenditures of each of the
2 relevant executive branch departments and
3 agencies with respect to trade capacity building
4 assistance and trade facilitation assistance, in
5 consultation with the head each such depart-
6 ment or agency;

7 (B) evaluate the consistency of such ex-
8 penditures with the policies and plans set forth
9 by the Secretary and the interagency coordi-
10 nating committee under this Act; and

11 (C) report and make recommendations to
12 the President, through the Director of the Of-
13 fice of Management and Budget, on appropriate
14 budget allocations to each such agency with re-
15 spect to trade capacity building assistance and
16 trade facilitation assistance.

17 (6) REPORT TO CONGRESS ON TRADE CAPACITY
18 DEFINITION.—Not later than 180 days after the
19 date of the enactment of this Act, the interagency
20 coordinating committee shall recommend to Con-
21 gress a common definition of trade capacity building
22 assistance for the purpose of prioritizing, coordi-
23 nating, and categorizing United States Government-
24 wide trade capacity building assistance programs
25 and funding. Based upon the trade capacity building

1 definition required by this paragraph, not later than
2 one year after the date of the enactment of this Act,
3 the interagency coordinating committee shall provide
4 Congress recommendations as to prioritizing trade
5 capacity building foreign assistance programs based
6 on their respective measurable effectiveness to facili-
7 tate trade in recipient countries.

8 (d) TRADE CAPACITY ADVISORY COMMITTEE.—

9 (1) ESTABLISHMENT OF TCAC.—The Secretary
10 of State shall establish a trade capacity advisory
11 committee with selected representatives of the pri-
12 vate sector and other organizations with direct and
13 relevant operational experience in importing from
14 and exporting into developing countries, as appro-
15 priate, to provide comment and advice on priorities
16 for trade capacity initiatives. The Secretary may
17 also appoint representatives from select nonprofit or-
18 ganizations to the advisory committee if those rep-
19 resentatives can demonstrate both a presence in and
20 relevant operational or programmatic experience
21 with trade capacity building efforts in developing
22 countries.

23 (2) MEETINGS.—The trade capacity advisory
24 committee shall convene at least twice annually or
25 more often as necessary at the call of the Secretary.

1 (3) STRATEGIC PLANNING ADVICE.—The trade
2 capacity advisory committee shall advise the Sec-
3 retary of State on the trade capacity building prior-
4 ities of the private sector, including assisting the
5 Secretary in soliciting private sector advice, includ-
6 ing in support of the development of the trade ca-
7 pacity component of country plans, the selection of
8 developing countries for the trade facilitation pilot
9 program described in section 7, implementation of
10 strategic planning, and advancing the overall mission
11 and goals of United States trade capacity assistance.

12 (4) APPLICABILITY OF THE FEDERAL ADVISORY
13 COMMITTEE ACT TO THE TRADE CAPACITY ADVISORY
14 COMMITTEE.—The provisions of the Federal Advi-
15 sory Committee Act (5 U.S.C. App.) shall apply to
16 the trade capacity advisory committee, except as fol-
17 lows:

18 (A) Subsections (a) and (b) of section 10
19 of such Act (relating to open meetings and
20 availability of information) shall not apply.

21 (B) Section 11 of such Act (relating to the
22 availability of transcripts of meetings) shall not
23 apply.

24 (C) Section 14(a)(2) of such Act (relating
25 to termination) shall be applied by striking

1 “two-year period” and inserting “four-year pe-
2 riod”.

3 **SEC. 6. BIENNIAL JOINT STRATEGIC PLAN FOR TRADE CA-
4 PACITY BUILDING.**

5 (a) **JOINT STRATEGIC PLAN.**—The interagency co-
6 ordinating committee created under section 5(a)(3), tak-
7 ing into account the embassy mission strategic plan re-
8 ports and recommendations on trade capacity building as-
9 sistance and trade facilitation assistance, as appropriate,
10 shall develop a biennial governmentwide joint strategic
11 plan for trade capacity building in developing countries
12 that establishes detailed and clear objectives, common
13 metrics, and specific goals for the efficient delivery of
14 United States trade-related assistance, including—

15 (1) improving the effectiveness and efficiency of
16 capacity building and related technical assistance by
17 improving coordination among—

18 (A) the various United States Government
19 agencies providing assistance, including em-
20 bassy teams; and

21 (B) international trade capacity building
22 and technical assistance donors, including ef-
23 forts to promote the best use of resources and
24 avoid duplication, to share best practices, and

1 to pursue regional solutions and common ap-
2 proaches, as appropriate;

3 (2) improving consultation with the private sec-
4 tor to incorporate its operational expertise and expe-
5 rience navigating the full range of trade barriers in
6 recipient foreign countries and with respect to set-
7 ting priorities and target particular barriers for re-
8 form;

9 (3) identifying and addressing structural weak-
10 nesses, systemic flaws, or other impediments to the
11 effectiveness of United States capacity building and
12 related technical assistance across the Federal agen-
13 cies and departments with recommendations for ac-
14 tion;

15 (4) setting priorities for trade capacity building
16 to focus resources on developing countries where as-
17 sistance can deliver the best value in identifying and
18 eliminating barriers to trade and investment in par-
19 ticipating foreign countries;

20 (5) developing appropriate performance meas-
21 ures and establishing yearly targets to monitor and
22 assess progress towards such targets, including
23 measures to terminate unsuccessful programs; and

1 (6) providing estimates of the resources nec-
2 essary to fulfill the priorities identified by the com-
3 mittee.

4 (b) SUBMISSION OF PLAN.—Not later than one year
5 after the date of the enactment of this Act, and biennially
6 thereafter, the interagency coordinating committee shall
7 submit the joint strategic plan to the President, the appro-
8 priate congressional committees, and cleared advisors on
9 the Trade Capacity Advisory Committee.

10 (c) REPORT TO CONGRESS.—The Secretary shall
11 submit the joint strategic plan required under this section
12 to the appropriate congressional committees and to cleared
13 advisors on the trade capacity advisory committee with
14 any appropriate recommendations on changes to trade ca-
15 pacity assistance priorities or funding.

16 **SEC. 7. TRADE FACILITATION PILOT PROGRAM.**

17 (a) IN GENERAL.—The Secretary of State shall es-
18 tablish a pilot program—

19 (1) to coordinate a whole-of-government effort
20 to expand United States efforts in trade facilitation
21 assistance for developing countries, consistent with
22 the policies set forth in section 4; and

23 (2) to direct the expenditure of funding author-
24 ized to be appropriated under this section to trade
25 facilitation assistance programs in countries des-

1 ignated under this section. In determining which re-
2 recipient countries should receive trade facilitation
3 funding, the Secretary shall take into account the
4 recommendations of the United States Trade Rep-
5 resentative with respect to recipient country progress
6 in, and commitment to, implementing the commit-
7 ments under the World Trade Organization Trade
8 Facilitation Agreement, including the establishment
9 and maintenance of a national committee on trade
10 facilitation and other relevant trade obligations and
11 commitments.

12 (b) MISSION TRADE FACILITATION ASSISTANCE
13 PLANNING.—

14 (1) IN GENERAL.—United States embassies in
15 trade facilitation pilot countries, as designated by
16 the Secretary of State pursuant to subsection (c),
17 shall, on a biennial basis, develop a specific trade fa-
18 cilitation assistance component for their mission
19 plan and shall provide such component to the chair
20 of the interagency coordinating committee as estab-
21 lished under section 5(c).

22 (2) SPECIFIC REQUIREMENTS.—The trade fa-
23 cilitation component of mission plans required by
24 this subsection shall include recommendations for
25 priority areas for trade capacity assistance to be

1 provided based on, among other things, an assess-
2 ment of the relative costs of addressing barriers to
3 trade and the anticipated benefits of assistance to
4 remove such barriers.

5 (c) ELIGIBLE COUNTRIES.—

6 (1) IN GENERAL.—The Secretary of State is
7 authorized to designate trade facilitation pilot devel-
8 oping countries to participate in the trade facilita-
9 tion assistance pilot program established under this
10 section.

11 (2) SELECTION CRITERIA.—In designating
12 countries pursuant to paragraph (1), the Secretary
13 shall prioritize countries recommended by chiefs of
14 mission and determined by the Secretary, taking
15 into account comments from the Trade Capacity Ad-
16 visory Committee and recommendations from the
17 interagency coordinating committee, to be able to
18 substantially benefit from expanded United States
19 trade capacity assistance and to have demonstrated
20 the political will to effectively and sustainably imple-
21 ment such assistance.

22 (3) MINIMUM NUMBER.—

23 (A) IN GENERAL.—The Secretary shall
24 designate not fewer than five eligible developing
25 countries to participate in the trade facilitation

1 pilot program established under this section
2 within the first year after the date of the enact-
3 ment of this Act and not fewer than 15 pilot
4 countries within the five-year term of the pro-
5 gram.

6 (B) CONSULTATION.—The Secretary shall
7 consult with the interagency coordinating com-
8 mittee and the trade capacity advisory com-
9 mittee to inform the designation of trade facili-
10 tation pilot developing countries to participate
11 in the priority trade capacity building pilot pro-
12 gram established under this section.

13 (d) TRADE FACILITATION ASSISTANCE.—

14 (1) USE OF FUNDS.—Funds authorized to be
15 appropriated under this section may be used to ex-
16 pand and improve trade facilitation measures related
17 to import, export, or transit formalities and proce-
18 dures, including increasing the throughput rate of
19 imports and exports and reforming and modernizing
20 customs operations and procedures, as well as imple-
21 menting commitments made under the World Trade
22 Organization Trade Facilitation Agreement in pilot
23 countries, as determined by the the Secretary of
24 State.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary of State \$50,000,000 for each of fiscal years
4 2016 through 2021 to carry out activities under this
5 section.

6 (3) AVAILABILITY.—Amounts appropriated pur-
7 suant to the authorization of appropriations in para-
8 graph (2) are authorized to remain available until
9 expended.

10 (4) REPORT.—Not later than halfway through
11 the five-year term of the pilot program established
12 under this section, the Secretary shall submit to the
13 appropriate congressional committees a report to
14 summarize how funding has been prioritized, sum-
15 marize the trade facilitation projects in each of the
16 designated countries, provide metrics of the progress
17 made to date, and highlight additional trade facilita-
18 tion assistance programs that will be funded in addi-
19 tional countries through the remainder of the pilot
20 program. The Secretary shall prepare a similar re-
21 port six months before the expiration of the pilot
22 program and provide Congress with recommenda-
23 tions as to whether the pilot program should be con-
24 tinued and how it could be improved.

1 (5) TERMINATION OF PILOT PROGRAM.—The
2 pilot program under subsection (a) shall terminate
3 on the date that is five years after the date of the
4 enactment of this Act.

5 **SEC. 8. MISSION RESPONSIBILITIES FOR TRADE CAPACITY**
6 **BUILDING.**

7 Section 207 of the Foreign Service Act of 1980 (22
8 U.S.C. 3927) is amended by adding at the end the fol-
9 lowing new section:

10 “(d) TRADE CAPACITY ASSISTANCE.—

11 “(1) COORDINATION AND SUPERVISION RE-
12 SPONSIBILITY.—The chief of mission shall have re-
13 sponsibility for coordinating and supervising the im-
14 plementation of all United States trade-related and
15 trade capacity assistance among all United States
16 Government departments and agencies present in
17 that country (except for assistance under the control
18 of a United States area military commander).

19 “(2) AUTHORITY OVER SPENDING.—Consistent
20 with the purposes of the Global Gateways Trade Ca-
21 pacity Act of 2014 and except as provided in para-
22 graph (4), no funds appropriated or otherwise made
23 available to any department or agency of the United
24 States Government for trade capacity building as-
25 sistance, as defined by section 3 of such Act, may

1 be spent outside the United States without author-
2 ization from the relevant chief of mission (except for
3 assistance under the control of a United States area
4 military commander).

5 “(3) DELEGATION.—The chief of mission may
6 delegate express authorization under this subsection
7 to senior mission staff, as appropriate and nec-
8 essary, to achieve the purposes of the Global Gate-
9 ways Trade Capacity Act of 2015.

10 “(4) DE MINIMIS EXCEPTION.—The chief of
11 mission is authorized to set a de minimis level, not
12 to exceed \$25,000, for expenditures not requiring
13 the approval of the chief of mission.

14 “(5) TRADE CAPACITY MISSION TEAM.—The
15 chief of mission shall form a trade capacity mission
16 team made up of appropriate embassy staff with re-
17 sponsibility for developing—

18 “(A) a country trade capacity building as-
19 sistance survey of local country barriers to
20 trade and investment; and

21 “(B) recommendations for prioritizing and
22 coordinating effective use of trade capacity as-
23 sistance within that country.”.

1 **SEC. 9. PRIVATE SECTOR CONSULTATION AND COORDINA-**
2 **TION.**

3 (a) **CONSULTATION WITH PRIVATE SECTOR BY EM-**
4 **BASSY.**—In developing the trade capacity embassy mission
5 plans on trade capacity, the trade capacity mission team
6 shall convene local representatives of the United States
7 private sector to consult on issues affecting trade capacity
8 at the borders of participating countries and take into ac-
9 count the private sector’s operational expertise and experi-
10 ence confronting the trade barriers in each country as well
11 as its recommendations for reform and best practices.

12 (b) **INCLUSION OF PRIVATE SECTOR COMMENTS IN**
13 **MISSION PLANS.**—Written comments from local United
14 States private sector representatives shall be included in
15 the trade capacity component of mission plans submitted
16 by the chief of mission to the Secretary of State, with rec-
17 ommendations and comments from the capacity mission
18 team for the purpose of informing the development of the
19 joint strategic plan on trade capacity priorities and rec-
20 ommended funding.

21 (c) **DESIGNATED EMBASSY POINT OF CONTACT FOR**
22 **PRIVATE SECTOR CONSULTATION.**—The chief of mission
23 shall designate an appropriate point of contact within the
24 embassy who shall receive recommendations from appro-
25 priate private sector representatives regarding the imple-
26 mentation of the strategic plan required under section 6

1 and ongoing trade barriers negatively impacting priority
2 trade capacity assistance programs. The chief of mission
3 shall ensure that the designated point of contact shall be
4 made reasonably available for consultations with and to
5 receive complaints from appropriate private sector rep-
6 resentatives and to receive recommendations with respect
7 to country-specific issues that may arise that will
8 foreseeably disrupt trade.

9 (d) PUBLIC HEARINGS WITH INTERESTED PAR-
10 TIES.—For the purposes of developing the joint strategic
11 plan, the Secretary of State shall hold public meetings
12 from time to time for the purpose of obtaining input from
13 interested parties.

14 (e) REQUIREMENT TO PROTECT BUSINESS CON-
15 FIDENTIAL INFORMATION.—

16 (1) IN GENERAL.—The Secretary of State shall
17 protect from disclosure any proprietary information
18 submitted by the private sector representative and
19 marked as business confidential information unless
20 the party submitting the confidential business infor-
21 mation had notice, at the time of submission, that
22 such information would be released by the Secretary,
23 or such party subsequently consents to the release of
24 the information. To the extent business confidential
25 information is provided, a nonconfidential version of

1 the information shall also be provided, in which the
2 business confidential information is summarized or,
3 if necessary, deleted.

4 (2) TREATMENT AS TRADE SECRETS.—Propri-
5 etary information submitted by a private party in
6 accordance with this Act shall be considered to be a
7 matter falling within the meaning of trade secrets
8 and commercial or financial information exemption
9 under section 552(b)(4) of title 5, United States
10 Code, and shall be exempt from disclosure without
11 the express approval of the private party.

12 **SEC. 10. LIMITATIONS AND CONFORMING MEASURES.**

13 (a) RULE OF CONSTRUCTION.—The President shall
14 implement this Act in a manner consistent with the duties
15 and responsibilities of the Office of the United States
16 Trade Representative as the agency with primary respon-
17 sibility for developing, and for coordinating the implemen-
18 tation of, United States international trade policy under
19 section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

20 (b) EXCEPTION, QUALIFICATION.—Section 660(b) of
21 the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b))
22 is amended—

23 (1) in paragraph (7), by striking the period at
24 the end and inserting “; or”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(8) with respect to trade facilitation assist-
4 ance, including training and technical assistance,
5 provided under section 7 of the Global Gateways
6 Trade Capacity Act of 2015 to customs and trans-
7 portation authorities and personnel in recipient
8 countries to implement priority trade capacity build-
9 ing assistance as defined by the Global Gateways
10 Trade Capacity Act of 2015.”.

11 **SEC. 11. PROGRESS REPORT.**

12 Not later than 2 years and 4 years after the date
13 of the enactment of this Act, the President shall submit
14 to the appropriate committees and cleared advisors of the
15 trade capacity advisory committee a report on progress
16 made in implementing the provisions of this Act that in-
17 cludes the following:

18 (1) A description of implementation of the stra-
19 tegic plans required under section 6.

20 (2) A description of progress by recipient coun-
21 tries receiving priority trade building assistance in
22 implementing the World Trade Organization Trade
23 Facilitation Agreement.

24 (3) A description of progress made in working
25 with foreign countries to coordinate trade capacity

1 building donor activities to ensure the effectiveness
2 and reduce duplication of capacity building and tech-
3 nical assistance.

4 (4) Recommendations for statutory, regulatory,
5 and funding changes to improve the effectiveness of
6 the whole-of-government approach to prioritizing
7 and delivering trade capacity building assistance.

8 (5) An analysis of efforts made to improve co-
9 ordination among the relevant departments and
10 agencies with respect to sharing information and to
11 improve performance metrics on planning and deliv-
12 ering trade capacity and trade facilitation assistance.

13 (6) A description of efforts to improve consulta-
14 tion, coordination, and information sharing between
15 the relevant departments and agencies and the pri-
16 vate sector on improving performance metrics, co-
17 ordination, and effectiveness of trade capacity and
18 trade facilitation assistance.

19 (7) An assessment of the successes and short-
20 comings of the efforts of the Federal Government to
21 focus resources and programming with respect to
22 trade capacity and facilitation assistance.

23 (8) Recommendations, if any and as appro-
24 priate, for any changes in statutes, regulations, or
25 funding levels that the interagency advisory com-

1 mittee considers would significantly improve the per-
2 formance metrics, coordination, effectiveness, or effi-
3 ciency of the efforts of the Federal Government to
4 deliver trade capacity building and trade facilitation
5 assistance, including through the elimination or con-
6 solidation of duplicative programs or initiatives.

7 (9) A description of the progress made in
8 strengthening the rule of law, including the capacity
9 of recipient countries to implement, comply with,
10 and enforce trade agreements.

11 (10) A description of the successes and chal-
12 lenges in sharing with donor and recipient countries
13 information and best practices relating to trade ca-
14 pacity building and trade facilitation assistance.

15 (11) A description of the progress made in
16 minimizing duplicative efforts, materials, facilities,
17 and procedures of the Federal agencies and depart-
18 ments responsible for the delivery of trade capacity
19 building and trade facilitation assistance.

20 (12) Recommendations, if any and as appro-
21 priate, on how to enhance the efficiency and consist-
22 ency with which Federal funds and resources are ex-
23 pended to deliver trade capacity building and trade
24 facilitation assistance, including the extent to which

1 agencies and departments have utilized existing per-
2 sonnel, materials, technologies, and facilities.

3 (13) An explanation of methods developed to
4 measure performance, results, coordination, duplica-
5 tion, and sustainability of trade capacity and trade
6 facilitation assistance programs across agencies and
7 how best practices are shared across agencies.

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