
Bipartisan Congressional Trade Priorities and Accountability Act of 2015

Regulatory Barriers to Trade

Prepared by the staffs of the Ways and Means Committee and Senate Finance Committee

Cross-Border Data Flows and Digital Trade: New provisions direct trade negotiators to ensure that governments allow cross-border data flows, do not require local storage or processing of data, and refrain from instituting other trade-related impediments to digital trade.

Sanitary and Phytosanitary Barriers: Updated provisions seek robust and enforceable rules on sanitary and phytosanitary measures and address improper use of geographical indications.

Regulatory Practices: New and expanded provisions require:

- Increasing transparency and opportunity for participation in the development of regulations.
- Basing proposed regulations on objective evidence.
- Improving regulatory practices and promoting regulatory coherence.
- Promoting regulatory compatibility through harmonization, equivalence, or mutual recognition.
- Seeking greater openness, transparency, and convergence of standards-development processes and encouraging the use of international and interoperable standards.
- Achieving the elimination of price controls and reference pricing which deny full market access for United States products.
- Ensuring regulatory reimbursement regimes are transparent, provide procedural fairness, are non-discriminatory, and provide full market access for U.S. products.
- Directing that governments protect undisclosed proprietary information against disclosure, including by limiting unnecessary collection.

State-Owned Enterprises: A new negotiating objective seeks to eliminate trade distortions and unfair competition by SOEs and to ensure that SOEs act solely on the basis of commercial considerations.

Localization Barriers to Trade: A new negotiating objective calls for eliminating forced localization of facilities and technology and related barriers to U.S. goods and services exports.

Preserving U.S. Prerogatives: TPA 2014 establishes an overall negotiating objective that ensures that the President continues to take into account legitimate United States domestic objectives, including, but not limited to, the protection of legitimate health or safety, essential security, and consumer interests. New provisions affirm that trade agreements cannot change U.S. law without Congressional action, nor prevent the United States from changing its law in the future; and confirm that U.S. law prevails in the event of a conflict.