

## **H. R. 2293 – The Public Health Trade Advisory Committee Act** **Bill Summary**

### **Background**

Introduced by Reps. Chris Van Hollen (D-MD) and Lloyd Doggett (D-TX) on May 6, 2009, **H.R. 2293 – The Public Health Trade Advisory Committee Act** – amends the Trade Act of 1974 to include formal and effective public health representation in the Federal Trade Advisory Committee System, and to improve transparency and accountability in the System generally.

The Trade Advisory Committee System was created to help the President develop U.S. trade policy. The system has three tiers with the Advisory Committee for Trade Policy and Negotiations (ACTPN) on the top tier and Industry Trade Advisory Committees (ITACs) on the lowest tier. Tier 2 represents constituencies with cross-cutting interests in specific issues addressed by a range of Tier 3 committees.

### **Why the Legislation Is Needed:**

The Government Accountability Office and public health advocates have noted that trade agreement provisions can affect health-related laws and regulations both in the U.S. and abroad. Yet the U.S. does not receive advice from the public health community in establishing trade policy and in negotiating trade agreements. Health-related industries that are represented on trade advisory committees include pharmaceuticals, tobacco, health insurance, processed foods, alcohol beverages, and hospitals.

Committee members are “cleared” advisors and are required to keep committee information confidential. A Tier 2 Committee offers the opportunity for “cleared” advisors who share a common public health perspective to consult with each other.

The bill addresses concerns that advisory committees should publish its reports, including minority views, and that the Administration respond to committee comments.

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

Establishes a Public Health Advisory Committee on Trade (PHACT) as a Tier 2 committee. It states that members shall be appointed from nominations submitted by organizations with an interest in improving and protecting public health. They should have expertise in one or more of 5 areas: trade and sustainable development; public health’s right to regulate in areas including tobacco control, alcohol control, and standards to ensure safe food, air and water; vital human services; occupational safety and health; or access to affordable prescription drugs. Members cannot represent for-profit entities, or receive significant financial support for a for-profit entity represented on any other trade advisory committee.

**SEC. 2. INCLUSION OF PUBLIC HEALTH ORGANIZATIONS ON ADVISORY COMMITTEE FOR TRADE POLICY AND NEGOTIATIONS.**

Requires the appointment of a public health NGO representative to the Tier 1 ACTPN. An eligible NGO cannot receive 20% or more of its total funding from a single commercial, for-profit entity, or 30% of its total funding from commercial for-profit entities.

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

Includes Health and Human Services as an Agency to receive information from trade advisory committees. Requires Agencies including USTR, Secretaries of Agriculture, Commerce, HHS, Labor and Defense, to consult with the advisory committees before, during and after negotiations, and to respond in writing to their concerns. Written advisory committee opinions should include any dissenting views.

**SEC. 4. ADVISORY COMMITTEE REPORTS ON TRADE AGREEMENTS.**

Advisory committees shall submit a report on the expected effects of proposed trade agreements no later than the date that the President notifies Congress of the intent to negotiate. Reports shall include the extent to which the trade agreement promotes: the economic interests of the U.S.; public health and the environment; and equity and reciprocity in particular sectors. It shall also include a summary of any dissenting opinions by committee members. The reports shall be available on the USTR's website unless the President determines a particular report should not, according to specified criteria.