

107TH CONGRESS
2^D SESSION

S. 2062

To provide fast-track trade negotiating authority to the President.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Mr. DURBIN introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To provide fast-track trade negotiating authority to the
President.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Comprehensive Trade Negotiating Authority Act of
6 2002”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is the following:

- Sec. 1. Short title; table of contents.
- Sec. 2. Negotiating objectives.
- Sec. 3. Congressional trade advisers.
- Sec. 4. Trade agreements authority.
- Sec. 5. Commencement of negotiations.
- Sec. 6. Congressional participation during negotiations.

- Sec. 7. Implementation of trade agreements.
- Sec. 8. Treatment of certain trade agreements.
- Sec. 9. Additional report and studies.
- Sec. 10. Additional implementation and enforcement requirements.
- Sec. 11. Technical and conforming amendments.
- Sec. 12. Definitions.

1 **SEC. 2. NEGOTIATING OBJECTIVES.**

2 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

3 The overall trade negotiating objectives of the United
4 States for agreements subject to the provisions of section
5 4 are the following:

6 (1) To obtain clear and specific commitments
7 from trading partners of the United States to fulfill
8 existing international trade obligations according to
9 existing schedules.

10 (2) To obtain more open, equitable, and recip-
11 rocal market access for United States agricultural
12 products, manufactured and other nonagricultural
13 products, and services.

14 (3) To obtain the reduction or elimination of
15 barriers to trade, including barriers that result from
16 failure of governments to publish laws, rules, poli-
17 cies, practices, and administrative and judicial deci-
18 sions.

19 (4) To ensure effective implementation of trade
20 commitments and obligations by strengthening the
21 effective operation of the rule of law by trading part-
22 ners of the United States.

1 (5) To oppose any attempts to weaken in any
2 respect the trade remedy laws of the United States.

3 (6) To increase public access to international,
4 regional, and bilateral trade organizations in which
5 the United States is a member by developing such
6 organizations and their underlying agreements in
7 ways that make the resources of such organizations
8 more accessible to, and their decisionmaking proc-
9 esses more open to participation by, workers, farm-
10 ers, businesses, and nongovernmental organizations.

11 (7) To ensure that the dispute settlement mech-
12 anisms in multilateral, regional, and bilateral agree-
13 ments lead to prompt and full compliance.

14 (8) To ensure that the benefits of trade extend
15 broadly and fully to all segments of society.

16 (9) To pursue market access initiatives that
17 benefit the world's least-developed countries.

18 (10) To ensure that trade rules take into ac-
19 count the special needs of least-developed countries.

20 (11) To promote enforcement of internationally
21 recognized core labor standards by trading partners
22 of the United States.

23 (12) To promote the ongoing improvement of
24 environmental protections.

1 (13) To promote the compatibility of trade
2 rules with national environmental, health, and safety
3 standards and with multilateral environmental
4 agreements.

5 (14) To identify and pursue those areas of
6 trade liberalization, such as trade in environmental
7 technologies, that also promote protection of the en-
8 vironment.

9 (15) To ensure that existing and new rules of
10 the WTO and of regional and bilateral trade agree-
11 ments support sustainable development, protection
12 of endangered species, and reduction of air and
13 water pollution.

14 (16) To ensure that existing and new rules of
15 the WTO and of regional and bilateral agreements
16 are written, interpreted, and applied in such a way
17 as to facilitate the growth of electronic commerce.

18 (b) PRINCIPAL NEGOTIATING OBJECTIVES UNDER
19 THE WTO.—The principal negotiating objectives of the
20 United States under the auspices of the WTO are the fol-
21 lowing:

22 (1) RECIPROCAL TRADE IN AGRICULTURE.—
23 The principal negotiating objective of the United
24 States with respect to agriculture is to obtain com-
25 petitive opportunities for United States exports of

1 agricultural commodities in foreign markets equal to
2 the competitive opportunities afforded foreign ex-
3 ports in United States markets and to achieve fairer
4 and more open conditions of trade in bulk, specialty
5 crop, and value-added commodities by doing the fol-
6 lowing:

7 (A) Reducing or eliminating, by a date cer-
8 tain, tariffs or other charges that decrease mar-
9 ket opportunities for United States exports, giv-
10 ing priority to those products that are subject
11 to significantly higher tariffs or subsidy regimes
12 of major producing countries and providing rea-
13 sonable adjustment periods for import sensitive
14 products of the United States, in close consulta-
15 tion with the Congress.

16 (B) Eliminating disparities between ap-
17 plied and bound tariffs by reducing bound tariff
18 levels.

19 (C) Enhancing the transparency of tariff
20 regimes.

21 (D) Tightening disciplines governing the
22 administration of tariff rate quotas.

23 (E) Eliminating export subsidies.

24 (F) Eliminating or reducing trade dis-
25 torting domestic subsidies.

1 (G) When negotiating reduction or elimi-
2 nation of export subsidies or trade distorting
3 domestic subsidies with countries that maintain
4 higher levels of such subsidies than the United
5 States, obtaining reductions from other coun-
6 tries to United States subsidy levels before
7 agreeing to reduce or eliminate United States
8 subsidies.

9 (H) Preserving United States market de-
10 velopment programs, including agriculture ex-
11 port credit programs that allow the United
12 States to compete with other foreign export
13 promotion efforts.

14 (I) Maintaining bona fide food aid pro-
15 grams.

16 (J) Allowing the preservation of programs
17 that support family farms and rural commu-
18 nities but do not distort trade.

19 (K) Eliminating state trading enterprises,
20 or, at a minimum, adopting rigorous disciplines
21 that ensure transparency in the operations of
22 such enterprises, including price transparency,
23 competition, and the end of discriminatory poli-
24 cies and practices, including policies and prac-
25 tices supporting cross-subsidization, price dis-

1 crimination, and price undercutting in export
2 markets.

3 (L) Eliminating practices that adversely
4 affect trade in perishable or seasonal products,
5 while improving import relief mechanisms to
6 recognize the unique characteristics of perish-
7 able and seasonal agriculture. Before com-
8 mencing negotiations with respect to agri-
9 culture, the Trade Representative, in consulta-
10 tion with the Congress, shall seek to develop a
11 position on the treatment of perishable and sea-
12 sonal food products to be employed in the nego-
13 tiations in order to develop an international
14 consensus on the treatment of such products in
15 antidumping, countervailing duty, and safe-
16 guard actions and in any other relevant area.

17 (M) Taking into account whether a party
18 to the negotiations has failed to adhere to the
19 provisions of already existing trade agreements
20 with the United States or has circumvented ob-
21 ligations under those agreements.

22 (N) Taking into account whether a product
23 is subject to market distortions by reason of a
24 failure of a major producing country to adhere
25 to the provisions of already existing trade

1 agreements with the United States or by the
2 circumvention by that country of its obligations
3 under those agreements.

4 (O) Taking into account the impact that
5 agreements covering agriculture to which the
6 United States is a party, including NAFTA,
7 have had on the agricultural sector in the
8 United States.

9 (P) Ensuring that countries that accede to
10 the WTO have made meaningful market liberal-
11 ization commitments in agriculture.

12 (Q) Treating the negotiation of all issues
13 as a single undertaking, with implementation of
14 early agreements in particular sectors contin-
15 gent on an acceptable final package of agree-
16 ments on all issues.

17 (2) TRADE IN SERVICES.—The principal negoti-
18 ating objective of the United States with respect to
19 trade in services is to further reduce or eliminate
20 barriers to, or other distortions of, international
21 trade in services by doing the following:

22 (A) Pursuing agreement by WTO members
23 to extend their commitments under the General
24 Agreement on Trade in Services (in this section
25 also referred to as “GATS”) to—

1 (i) achieve maximum liberalization of
2 market access in all modes of supply, in-
3 cluding by removing restrictions on the
4 legal form of an investment or on the right
5 to own all or a majority share of a service
6 supplier, subject to national security excep-
7 tions;

8 (ii) remove regulatory and other bar-
9 riers that deny national treatment, or un-
10 reasonably restrict the establishment or op-
11 erations of service suppliers in foreign
12 markets;

13 (iii) reduce or eliminate any adverse
14 effects of existing government measures on
15 trade in services;

16 (iv) eliminate additional barriers to
17 trade in services, including restrictions on
18 access to services distribution networks
19 and information systems, unreasonable or
20 discriminatory licensing requirements, the
21 administration of cartels or toleration of
22 anticompetitive activity, unreasonable dele-
23 gation of regulatory powers to private enti-
24 ties, and similar government acts, meas-
25 ures, or policies affecting the sale, offering

1 for sale, purchase, distribution, or use of
2 services that have the effect of restricting
3 access of services and service suppliers to
4 a foreign market; and

5 (v) grandfather existing concessions
6 and liberalization commitments.

7 (B) Strengthening requirements under
8 GATS to ensure that regulation of services and
9 service suppliers in all respects, including by
10 rulemaking, license-granting, standards-setting,
11 and through judicial, administrative, and arbitral
12 proceedings, is conducted in a transparent,
13 reasonable, objective, and impartial manner and
14 is otherwise consistent with principles of due
15 process.

16 (C) Continuing to oppose strongly cultural
17 exceptions to obligations under GATS, espe-
18 cially relating to audiovisual services and serv-
19 ice providers.

20 (D) Preventing discrimination against a
21 like service when delivered through electronic
22 means.

23 (E) Pursuing full market access and na-
24 tional treatment commitments for services sec-

1 tors essential to supporting electronic com-
2 merce.

3 (F) Broadening and deepening commit-
4 ments of other countries relating to basic and
5 value added telecommunications, including by—

6 (i) strengthening obligations and the
7 implementation of obligations to ensure
8 competitive, nondiscriminatory access to
9 public telecommunication networks and
10 services for Internet service providers and
11 other value-added service providers; and

12 (ii) preventing anticompetitive behav-
13 ior by major suppliers, including service
14 suppliers that are either government owned
15 or controlled or recently government owned
16 or controlled.

17 (G) Broadening and deepening commit-
18 ments of other countries relating to financial
19 services.

20 (3) TRADE IN MANUFACTURED AND NON-
21 AGRICULTURAL GOODS.—The principal negotiating
22 objectives of the United States with respect to trade
23 in manufactured and nonagricultural goods are the
24 following:

1 (A) To eliminate disparities between ap-
2 plied and bound tariffs by reducing bound tariff
3 levels.

4 (B) To negotiate an agreement that in-
5 cludes reciprocal commitments to eliminate du-
6 ties in sectors in which tariffs are currently ap-
7 proaching zero.

8 (C) To eliminate tariff and nontariff dis-
9 parities remaining from previous rounds of mul-
10 tilateral trade negotiations that have put
11 United States exports at a competitive dis-
12 advantage in world markets, especially tariff
13 and nontariff barriers in foreign countries in
14 those sectors where the United States imposes
15 no significant barriers to imports and where
16 foreign tariff and nontariff barriers are sub-
17 stantial.

18 (D) To obtain the reduction or elimination
19 of tariffs on value-added products that provide
20 a disproportionate level of protection compared
21 to that provided to raw materials.

22 (E) To eliminate additional nontariff bar-
23 riers to trade, including—

1 (i) anticompetitive restrictions on ac-
2 cess to product distribution networks and
3 information systems;

4 (ii) unreasonable or discriminatory in-
5 spection processes;

6 (iii) the administration of cartels, or
7 the promotion, enabling, or toleration of
8 anticompetitive activity;

9 (iv) unreasonable delegation of regu-
10 latory powers to private entities;

11 (v) unreasonable or discriminatory li-
12 censing requirements; and

13 (vi) similar government acts, meas-
14 ures, or policies affecting the sale, offering
15 for sale, purchase, transportation, distribu-
16 tion, or use of goods that have the effect
17 of restricting access of goods to a foreign
18 market.

19 (4) TRADE IN CIVIL AIRCRAFT.—The principal
20 negotiating objectives of the United States with re-
21 spect to civil aircraft are those contained in section
22 135(c) of the Uruguay Round Agreements Act (19
23 U.S.C. 3555(c)).

24 (5) RULES OF ORIGIN.—The principal negoti-
25 ating objective of the United States with respect to

1 rules of origin is to conclude the work program on
2 rules of origin described in Article 9 of the Agree-
3 ment on Rules of Origin.

4 (6) DISPUTE SETTLEMENT.—The principal ne-
5 gotiating objectives of the United States with respect
6 to dispute settlement are the following:

7 (A) To improve enforcement of decisions of
8 dispute settlement panels to ensure prompt
9 compliance by foreign governments with their
10 obligations under the WTO.

11 (B) To strengthen rules that promote co-
12 operation by the governments of WTO members
13 in producing evidence in connection with dis-
14 pute settlement proceedings, including copies of
15 laws, regulations, and other measures that are
16 the subject of or are directly relevant to the dis-
17 pute, other than evidence that is classified on
18 the basis of national security, and evidence that
19 is business confidential.

20 (C) To pursue rules for the management of
21 translation-related issues.

22 (D) To require that all submissions by gov-
23 ernments to dispute settlement panels and the
24 Appellate Body be made available to the public
25 upon submission, providing appropriate excep-

1 tions for only that information included in a
2 submission that is classified on the basis of na-
3 tional security or that is business confidential.

4 (E) To require that meetings of dispute
5 settlement panels and the Appellate Body with
6 parties to a dispute are open to other WTO
7 members and the public and provide for in cam-
8 era treatment of only those portions of a pro-
9 ceeding dealing with evidence that is classified
10 on the basis of national security or that is busi-
11 ness confidential.

12 (F) To require that transcripts of pro-
13 ceedings of dispute settlement panels and the
14 Appellate Body be made available to the public
15 promptly, providing appropriate exceptions for
16 only that information included in the tran-
17 scripts that is classified on the basis of national
18 security or that is business confidential.

19 (G) To establish rules allowing for the sub-
20 mission of amicus curiae briefs to dispute set-
21 tlement panels and the Appellate Body, and to
22 require that such briefs be made available to
23 the public, providing appropriate exceptions for
24 only that information included in the briefs

1 which is classified on the basis of national secu-
2 rity or that is business confidential.

3 (H) To strengthen rules protecting against
4 conflicts of interest by members of dispute set-
5 tlement panels and the Appellate Body, and
6 promoting the selection of such members with
7 the skills and time necessary to decide increas-
8 ingly complex cases.

9 (I) To pursue the establishment of formal
10 procedures under which dispute settlement pan-
11 els, the Appellate Body, and the Dispute Settle-
12 ment Body seek advice from other fora of com-
13 petent jurisdiction, such as the International
14 Court of Justice, the ILO, representative bodies
15 established under international environmental
16 agreements, and scientific experts.

17 (J) To ensure application of the require-
18 ment that dispute settlement panels and the
19 Appellate Body apply the standard of review es-
20 tablished in Article 17.6 of the Antidumping
21 Agreement and clarify that this standard of re-
22 view should apply to cases under the Agreement
23 on Subsidies and Countervailing Measures and
24 the Agreement on Safeguards.

1 (7) SANITARY AND PHYTOSANITARY MEAS-
2 URES.—The principal negotiating objectives of the
3 United States with respect to sanitary and
4 phytosanitary measures are the following:

5 (A) To oppose reopening of the Agreement
6 on the Application of Sanitary and
7 Phytosanitary Measures.

8 (B) To affirm the compatibility of trade
9 rules with measures to protect human health,
10 animal health, and the phytosanitary situation
11 of each WTO member by doing the following:

12 (i) Reaffirming that a decision of a
13 WTO member not to adopt an inter-
14 national standard for the basis of a sani-
15 tary or phytosanitary measure does not in
16 itself create a presumption of inconsistency
17 with the Agreement on the Application of
18 Sanitary and Phytosanitary Measures, and
19 that the initial burden of proof rests with
20 the complaining party, as set forth in the
21 determination of the Appellate Body in
22 EC Measures Concerning Meat and
23 Meat Products (Hormones), AB-1997-4,
24 WT/DS26/AB/R, January 16, 1998.

1 (ii) Reaffirming that WTO members
2 may take provisional sanitary or
3 phytosanitary measures where the relevant
4 scientific evidence is insufficient, so long as
5 such measures are based on available perti-
6 nent information, and members taking
7 such provisional measures seek to obtain
8 the additional information necessary to
9 complete a risk assessment within a rea-
10 sonable period of time. For purposes of
11 this clause, a reasonable period of time in-
12 cludes sufficient time to evaluate the po-
13 tential for adverse effects on human or
14 animal health arising from the presence of
15 additives, contaminants, toxins, or disease-
16 causing organisms in food, beverages, or
17 feedstuffs.

18 (8) TECHNICAL BARRIERS TO TRADE.—The
19 principal negotiating objectives of the United States
20 with respect to technical barriers to trade are the
21 following:

22 (A) To oppose reopening of the Agreement
23 on Technical Barriers to Trade.

24 (B) Recognizing the legitimate role of la-
25 beling that provides relevant information to

1 consumers, to ensure that labeling regulations
2 and standards do not have the effect of creating
3 an unnecessary obstacle to trade or are used as
4 a disguised barrier to trade by increasing trans-
5 parency in the preparation, adoption, and appli-
6 cation of labeling regulations and standards.

7 (9) TRADE-RELATED ASPECTS OF INTELLEC-
8 TUAL PROPERTY RIGHTS.—The principal negotiating
9 objectives of the United States with respect to trade-
10 related aspects of intellectual property rights are the
11 following:

12 (A) To oppose extension of the date by
13 which WTO members that are developing coun-
14 tries must implement their obligations under
15 the Agreement on Trade Related Aspects of In-
16 tellectual Property Rights (in this section also
17 referred to as the “TRIPs Agreement”), pursu-
18 ant to paragraph 2 of Article 65 of that agree-
19 ment.

20 (B) To oppose extension of the moratorium
21 on the application of subparagraphs 1(b) and
22 1(c) of Article XXIII of the GATT 1994 to the
23 settlement of disputes under the TRIPs Agree-
24 ment, pursuant to paragraph 2 of Article 64 of
25 the TRIPs Agreement.

1 (C) To oppose any weakening of existing
2 obligations of WTO members under the TRIPs
3 Agreement.

4 (D) To ensure that standards of protection
5 and enforcement keep pace with technological
6 developments, including ensuring that
7 rightholders have the legal and technological
8 means to control the use of their works through
9 the Internet and other global communication
10 media, and to prevent the unauthorized use of
11 their works.

12 (E) To prevent misuse of reference pricing
13 classification systems by developed countries as
14 a way to discriminate against innovative phar-
15 maceutical products and innovative medical de-
16 vices, without challenging legitimate reference
17 pricing systems not used as a disguised restric-
18 tion on trade.

19 (F)(i) To clarify that under Article 31 of
20 the TRIPs Agreement WTO members are able
21 to adopt measures necessary to protect the pub-
22 lic health and to respond to situations of na-
23 tional emergency or extreme urgency, including
24 by taking actions that have the effect of in-

1 creasing access to essential medicines and med-
2 ical technologies.

3 (ii) In situations involving infectious dis-
4 eases, to encourage WTO members that take
5 actions described under clause (i) to also imple-
6 ment policies—

7 (I) to address the underlying causes
8 necessitating the actions, including, in the
9 case of infectious diseases, encouraging
10 practices that will prevent further trans-
11 mission and infection;

12 (II) to take steps to stimulate the de-
13 velopment of the infrastructure necessary
14 to deliver adequate health care services, in-
15 cluding the essential medicines and medical
16 technologies at issue;

17 (III) to ensure the safety and efficacy
18 of the essential medicines and medical
19 technologies involved; and

20 (IV) to make reasonable efforts to ad-
21 dress the problems of supply of the essen-
22 tial medicines and medical technologies in-
23 volved (other than by compulsory licens-
24 ing), consistent with the obligation set

1 forth in Article 31 of the TRIPs Agree-
2 ment.

3 (iii) To encourage members of the Organi-
4 zation for Economic Cooperation and Develop-
5 ment and the private sectors in their countries
6 to work with the United Nations, the World
7 Health Organization, and other relevant inter-
8 national organizations, including humanitarian
9 relief organizations, to assist least-developed
10 and developing countries, in all possible ways,
11 in increasing access to essential medicines and
12 medical technologies including through dona-
13 tions, sales at cost, funding of global medicines
14 trust funds, and developing and implementing
15 prevention efforts and health care infrastruc-
16 ture projects.

17 (10) TRANSPARENCY.—The principal negoti-
18 ating objectives of the United States with respect to
19 transparency are the following:

20 (A) To pursue the negotiation of an
21 agreement—

22 (i) requiring that government laws,
23 rules, and administrative and judicial deci-
24 sions be published and made available to
25 the public so that governments, businesses,

1 and the public have adequate notice of
2 them;

3 (ii) requiring adequate notice before
4 new rules are promulgated or existing rules
5 amended;

6 (iii) encouraging governments to open
7 rulemaking to public comment;

8 (iv) establishing that any administra-
9 tive proceeding conducted by the govern-
10 ment of any WTO member relating to any
11 of the WTO Agreements and applied to the
12 persons, goods, or services of any other
13 WTO member shall be conducted in a
14 manner that—

15 (I) gives persons of any other
16 WTO member affected by the pro-
17 ceeding reasonable notice, in accord-
18 ance with domestic procedures, of
19 when the proceeding is initiated, in-
20 cluding a description of the nature of
21 the proceeding, a statement of the
22 legal authority under which the pro-
23 ceeding is initiated, and a general de-
24 scription of any issues in controversy;

1 (II) gives such persons a reason-
2 able opportunity to present facts and
3 arguments in support of their posi-
4 tions prior to any final administrative
5 action, when time, the nature of the
6 proceeding, and the public interest
7 permit; and

8 (III) is in accordance with do-
9 mestic law; and

10 (v) requiring each WTO member—

11 (I) to establish or maintain judi-
12 cial, quasi-judicial, or administrative
13 tribunals (impartial and independent
14 of the office or authority entrusted
15 with administrative enforcement) or
16 procedures for the purpose of the
17 prompt review and, where warranted,
18 correction of final administrative ac-
19 tions regarding matters covered by
20 any of the WTO Agreements;

21 (II) to ensure that, in such tribu-
22 nals or procedures, parties to the pro-
23 ceeding are afforded a reasonable op-
24 portunity to support or defend their
25 respective positions; and

1 (III) to ensure that such tribu-
2 nals or procedures issue decisions
3 based on the evidence and submissions
4 of record or, where required by do-
5 mestic law, the record compiled by the
6 office or authority entrusted with ad-
7 ministrative enforcement.

8 (B) To pursue a commitment by all WTO
9 members to improve the public's understanding
10 of and access to the WTO and its related agree-
11 ments by—

12 (i) encouraging the Secretariat of the
13 WTO to enhance the WTO website by pro-
14 viding improved access to a wider array of
15 WTO documents and information on the
16 trade regimes of, and other relevant infor-
17 mation on, WTO members;

18 (ii) promoting public access to council
19 and committee meetings by ensuring that
20 agendas and meeting minutes continue to
21 be made available to the public;

22 (iii) ensuring that WTO documents
23 that are most informative of WTO activi-
24 ties are circulated on an unrestricted basis

1 or, if classified, are made available to the
2 public more quickly;

3 (iv) seeking the institution of regular
4 meetings between WTO officials and rep-
5 resentatives of nongovernmental organiza-
6 tions, businesses and business groups,
7 labor unions, consumer groups, and other
8 representatives of civil society; and

9 (v) supporting the creation of a com-
10 mittee within the WTO to oversee imple-
11 mentation of the agreement reached under
12 this paragraph.

13 (11) GOVERNMENT PROCUREMENT.—The prin-
14 cipal negotiating objectives of the United States with
15 respect to government procurement are the fol-
16 lowing:

17 (A) To seek to expand the membership of
18 the Agreement on Government Procurement.

19 (B) To seek conclusion of a WTO agree-
20 ment on transparency in government procure-
21 ment.

22 (C) To promote global use of electronic
23 publication of procurement information, includ-
24 ing notices of procurement opportunities.

1 (12) TRADE REMEDY LAWS.—The principal ne-
2 gotiating objectives of the United States with respect
3 to trade remedy laws are the following:

4 (A) To preserve the ability of the United
5 States to enforce vigorously its trade laws, in-
6 cluding the antidumping, countervailing duty,
7 and safeguard laws, and not enter into agree-
8 ments that lessen in any respect the effective-
9 ness of domestic and international disciplines—

10 (i) on unfair trade, especially dumping
11 and subsidies, or

12 (ii) that address import increases or
13 surges, such as under the safeguard rem-
14 edy,

15 in order to ensure that United States workers,
16 farmers and agricultural producers, and firms
17 can compete fully on fair terms and enjoy the
18 benefits of reciprocal trade concessions.

19 (B) To eliminate the underlying causes of
20 unfair trade practices and import surges, in-
21 cluding closed markets, subsidization, govern-
22 ment practices promoting, enabling, or toler-
23 ating anticompetitive practices, and other forms
24 of government intervention that generate or
25 sustain excess, uneconomic capacity.

1 (13) TRADE AND LABOR MARKET STAND-
2 ARDS.—The principal negotiating objectives of the
3 United States with respect to trade and labor mar-
4 ket standards are the following:

5 (A) To achieve a framework of enforceable
6 multilateral rules as soon as practicable that
7 leads to the adoption and enforcement of core,
8 internationally recognized labor standards, in-
9 cluding in the WTO and, as appropriate, other
10 international organizations, including the ILO.

11 (B) To update Article XX of the GATT
12 1994, and Article XIV of the GATS in relation
13 to core internationally recognized worker rights,
14 including in regard to actions of WTO members
15 taken consistent with and in furtherance of rec-
16 ommendations made by the ILO under Article
17 33 of the Constitution of the ILO.

18 (C) To establish promptly a working group
19 on trade and labor issues—

20 (i) to explore the linkage between
21 international trade and investment and
22 internationally recognized worker rights
23 (as defined in section 502(a)(4) of the
24 Trade Act of 1974), taking into account

1 differences in the level of development
2 among countries;

3 (ii) to examine the effects on inter-
4 national trade and investment of the sys-
5 tematic denial of those worker rights;

6 (iii) to consider ways to address such
7 effects; and

8 (iv) to develop methods to coordinate
9 the work program of the working group
10 with the ILO.

11 (D) To provide for regular review of adher-
12 ence to core labor standards in the Trade Policy
13 Review Mechanism established in Annex 3 to
14 the WTO Agreement.

15 (E) To establish a working relationship be-
16 tween the WTO and the ILO—

17 (i) to identify opportunities in trade-
18 affected sectors of the economies of WTO
19 members to improve enforcement of inter-
20 nationally recognized core labor standards;

21 (ii) to provide WTO members with
22 technical and legal assistance in developing
23 and enforcing internationally recognized
24 core labor standards; and

1 (iii) to provide technical assistance to
2 the WTO to assist with the Trade Policy
3 Review Mechanism.

4 (14) TRADE AND THE ENVIRONMENT.—The
5 principal negotiating objectives of the United States
6 with respect to trade and the environment are the
7 following:

8 (A) To strengthen the role of the Com-
9 mittee on Trade and Environment of the WTO,
10 including providing that the Committee
11 would—

12 (i) review and comment on negotia-
13 tions; and

14 (ii) review potential effects on the en-
15 vironment of WTO Agreements and future
16 agreements of the WTO on liberalizing
17 trade in natural resource products.

18 (B) To provide for regular review of adher-
19 ence to environmental standards in the Trade
20 Policy Review Mechanism of the WTO.

21 (C) To clarify exceptions under Article XX
22 (b) and (g) of the GATT 1994 to ensure effec-
23 tive protection of human, animal, or plant life
24 or health, and conservation of exhaustible nat-
25 ural resources.

1 (D) To amend Article XX of the GATT
2 1994 and Article XIV of the GATS to include
3 an explicit exception for actions taken that are
4 in accordance with those obligations under any
5 multilateral environmental agreement accepted
6 by both parties to a dispute.

7 (E) To amend Article XIV of the GATS to
8 include an exception for measures relating to
9 the conservation of exhaustible natural re-
10 sources if such measures are made effective in
11 conjunction with restrictions on domestic pro-
12 duction or consumption.

13 (F) To give priority to trade liberalization
14 measures that promote sustainable develop-
15 ment, including eliminating duties on environ-
16 mental goods, and obtaining commitments on
17 environmental services.

18 (G) To reduce subsidies in natural re-
19 source sectors (including fisheries and forest
20 products) and export subsidies in agriculture.

21 (H) To improve coordination between the
22 WTO and relevant international environmental
23 organizations in the development of multilater-
24 ally accepted principles for sustainable develop-

1 ment, including sustainable forestry and fishery
2 practices.

3 (15) INSTITUTION BUILDING.—The principal
4 negotiating objectives of the United States with re-
5 spect to institution building are the following:

6 (A) To strengthen institutional mecha-
7 nisms within the WTO that facilitate dialogue
8 and coordinate activities between nongovern-
9 mental organizations and the WTO.

10 (B) To seek greater transparency of WTO
11 processes and procedures for all WTO members
12 by—

13 (i) promoting the improvement of in-
14 ternal communication between the Secre-
15 tariat and all WTO members; and

16 (ii) establishing points of contact to
17 facilitate communication between WTO
18 members on any matter covered by the
19 WTO Agreements.

20 (C) To improve coordination between the
21 WTO and other international organizations
22 such as the International Bank for Reconstruc-
23 tion and Development, the International Mone-
24 tary Fund, the ILO, the Organization for Eco-
25 nomic Cooperation and Development, the

1 United Nations Conference on Trade and De-
2 velopment, and the United Nations Environ-
3 ment Program to increase the effectiveness of
4 technical assistance programs.

5 (D) To increase the efforts of the WTO,
6 both on its own and through partnerships with
7 other institutions, to provide technical assist-
8 ance to developing countries, particularly least-
9 developed countries, to promote the rule of law,
10 to assist those countries in complying with their
11 obligations under the World Trade Organization
12 agreements, and to address the full range of
13 challenges arising from implementation of such
14 obligations.

15 (E) To improve the Trade Policy Review
16 Mechanism of the WTO to cover a wider array
17 of trade-related issues.

18 (16) TRADE AND INVESTMENT.—The principal
19 negotiating objectives of the United States with re-
20 spect to trade and investment are the following:

21 (A) To pursue further reduction of trade-
22 distorting investment measures, including—

23 (i) by pursuing agreement to ensure
24 the free transfer of funds related to invest-
25 ments;

1 (ii) by pursuing reduction or elimi-
2 nation of the exceptions to the principle of
3 national treatment; and

4 (iii) by pursuing amendment of the il-
5 lustrative list annexed to the WTO Agree-
6 ment on Trade-Related Investment Meas-
7 ures (in this section also referred to as the
8 “TRIMs Agreement”) to include forced
9 technology transfers, performance require-
10 ments, minimum investment levels, forced
11 licensing of intellectual property, or other
12 unreasonable barriers to the establishment
13 or operation of investments as measures
14 that are inconsistent with the obligation of
15 national treatment provided for in para-
16 graph 4 of Article III of the GATT 1994
17 or the obligation of general elimination of
18 quantitative restrictions provided for in
19 paragraph 1 of Article XI of the GATT
20 1994.

21 (B) To seek to strengthen the enforce-
22 ability of and compliance with the TRIMs
23 Agreement.

1 (17) ELECTRONIC COMMERCE.—The principal
2 negotiating objectives of the United States with re-
3 spect to electronic commerce are the following:

4 (A) Make permanent and binding the mor-
5 atorium on customs duties on electronic trans-
6 missions declared in the WTO Ministerial Dec-
7 laration of May 20, 1998.

8 (B) Ensure that current obligations, rules,
9 disciplines, and commitments under the WTO
10 apply to electronically delivered goods and serv-
11 ices.

12 (C) Ensure that the classification of elec-
13 tronically delivered goods and services ensures
14 the most liberal trade treatment possible.

15 (D) Ensure that electronically delivered
16 goods and services receive no less favorable
17 treatment under WTO trade rules and commit-
18 ments than like products delivered in physical
19 form.

20 (E) Ensure that governments refrain from
21 implementing trade-related measures that im-
22 pede electronic commerce.

23 (F) Where legitimate policy objectives re-
24 quire domestic regulations that affect electronic
25 commerce, to obtain commitments that any

1 such regulations are nondiscriminatory, trans-
2 parent, and promote an open market environ-
3 ment.

4 (G) Pursue a procompetitive regulatory en-
5 vironment for basic and value-added tele-
6 communications services abroad, so as to facili-
7 tate the conduct of electronic commerce.

8 (H) Focus any future WTO work program
9 on electronic commerce on educating WTO
10 members regarding the benefits of electronic
11 commerce and on facilitating the liberalization
12 of trade barriers in areas that directly impede
13 the conduct of electronic commerce.

14 (18) DEVELOPING COUNTRIES.—The principal
15 negotiating objectives of the United States with re-
16 spect to developing countries are the following:

17 (A) To enter into trade agreements that
18 promote the economic growth of both devel-
19 oping countries and the United States and the
20 mutual expansion of market opportunities.

21 (B) To ensure appropriate phase-in periods
22 with respect to the obligations of least-devel-
23 oped countries.

24 (C) To coordinate with the World Bank,
25 the International Monetary Fund, and other

1 international institutions to provide debt relief
2 and other assistance to promote the rule of law
3 and sound and sustainable development.

4 (D) To accelerate tariff reductions that
5 benefit least-developed countries.

6 (19) CURRENT ACCOUNT SURPLUSES.—The
7 principal negotiating objective of the United States
8 with respect to current account surpluses is to de-
9 velop rules to address large and persistent global
10 current account imbalances of countries, including
11 imbalances that threaten the stability of the inter-
12 national trading system, by imposing greater respon-
13 sibility on such countries to undertake policy
14 changes aimed at restoring current account equi-
15 librium, including expedited implementation of trade
16 agreements where feasible and appropriate or by of-
17 fering debt repayment on concessional terms.

18 (20) TRADE AND MONETARY COORDINATION.—
19 The principal negotiating objective of the United
20 States with respect to trade and monetary coordina-
21 tion is to foster stability in international currency
22 markets and develop mechanisms to assure greater
23 coordination, consistency, and cooperation between
24 international trade and monetary systems and insti-
25 tutions in order to protect against the trade con-

1 sequences of significant and unanticipated currency
2 movements.

3 (21) ACCESS TO HIGH TECHNOLOGY.—The
4 principal negotiating objectives of the United States
5 with respect to access to high technology are the fol-
6 lowing:

7 (A) To obtain the elimination or reduction
8 of foreign barriers to, and of acts, policies, or
9 practices by foreign governments which limit,
10 equitable access by United States persons to
11 foreign-developed technology.

12 (B) To seek the elimination of tariffs on
13 all information technology products, infrastruc-
14 ture equipment, scientific instruments, and
15 medical equipment.

16 (C) To pursue the reduction of foreign bar-
17 riers to high technology products of the United
18 States.

19 (D) To enforce and promote the Agree-
20 ment on Technical Barriers to Trade, and en-
21 sure that standards, conformity assessments,
22 and technical regulations are not used as obsta-
23 cles to trade in information technology and
24 communications products.

1 (E) To require all WTO members to sign
2 the Information Technology Agreement of the
3 WTO, and to expand and update product cov-
4 erage under that agreement.

5 (22) CORRUPTION.—The principal negotiating
6 objectives of the United States with respect to the
7 use of money or other things of value to influence
8 acts, decisions, or omissions of foreign governments
9 or officials or to secure any improper advantage in
10 a manner affecting trade are the following:

11 (A) To obtain standards applicable to per-
12 sons from all countries participating in the ap-
13 plicable trade agreement that are equivalent to,
14 or more restrictive than, the prohibitions appli-
15 cable to issuers, domestic concerns, and other
16 persons under section 30A of the Securities and
17 Exchange Act of 1934 and sections 104 and
18 104A of the Foreign Corrupt Practices Act of
19 1977.

20 (B) To implement mechanisms to ensure
21 effective enforcement of the standards described
22 in subparagraph (A).

23 (23) IMPLEMENTATION OF EXISTING COMMIT-
24 MENTS AND IMPROVEMENT OF THE WTO AND THE
25 WTO AGREEMENTS.—The principal negotiating ob-

1 jectives of the United States with respect to imple-
2 mentation of existing commitments under the WTO
3 are the following:

4 (A) To ensure that all WTO members
5 comply fully with existing obligations under the
6 WTO according to existing commitments and
7 timetables.

8 (B) To strengthen the ability of the Trade
9 Policy Review Mechanism within the WTO to
10 review implementation by WTO members of
11 commitments under the WTO.

12 (C) To undertake diplomatic and, as ap-
13 propriate, dispute settlement efforts to promote
14 compliance with commitments under the WTO.

15 (D) To extend the coverage of the WTO
16 Agreements to products, sectors, and conditions
17 of trade not adequately covered.

18 (c) NEGOTIATING OBJECTIVES FOR THE FTAA.—

19 The principal negotiating objectives of the United States
20 in seeking a trade agreement establishing a Free Trade
21 Area for the Americas are the following:

22 (1) RECIPROCAL TRADE IN AGRICULTURE.—

23 The principal negotiating objective of the United
24 States with respect to agriculture is to obtain com-
25 petitive opportunities for United States exports of

1 agricultural commodities in foreign markets equal to
2 the competitive opportunities afforded foreign ex-
3 ports in United States markets and to achieve fairer
4 and more open conditions of trade in bulk, specialty
5 crop, and value-added commodities by doing the fol-
6 lowing:

7 (A) Reducing or eliminating, by a date cer-
8 tain, tariffs or other charges that decrease mar-
9 ket opportunities for United States exports, giv-
10 ing priority to those products that are subject
11 to significantly higher tariffs or subsidy regimes
12 of major producing countries and providing rea-
13 sonable adjustment periods for import sensitive
14 products of the United States, in close consulta-
15 tion with Congress.

16 (B) Eliminating disparities between ap-
17 plied and bound tariffs by reducing bound tariff
18 levels.

19 (C) Enhancing the transparency of tariff
20 regimes.

21 (D) Tightening disciplines governing the
22 administration of tariff rate quotas.

23 (E) Establishing mechanisms to prevent
24 agricultural products from being exported to
25 FTAA members by countries that are not

1 FTAA members with the aid of export sub-
2 sidies.

3 (F) Maintaining bona fide food aid pro-
4 grams.

5 (G) Allowing the preservation of programs
6 that support family farms and rural commu-
7 nities but do not distort trade.

8 (H) Eliminating state trading enterprises
9 or, at a minimum, adopting rigorous disciplines
10 that ensure transparency in the operations of
11 such enterprises, including price transparency,
12 competition, and the end of discriminatory
13 practices, including policies supporting cross-
14 subsidization, price discrimination, and price
15 undercutting in export markets.

16 (I) Eliminating technology-based discrimi-
17 nation against agricultural commodities, and
18 ensuring that the rules negotiated do not weak-
19 en rights and obligations under the Agreement
20 on the Application of Sanitary and
21 Phytosanitary Measures.

22 (J) Eliminating practices that adversely af-
23 fect trade in perishable or seasonal products,
24 while improving import relief mechanisms to
25 recognize the unique characteristics of perish-

1 able and seasonal agriculture. Before pro-
2 ceeding with negotiations with respect to agri-
3 culture, the Trade Representative, in consulta-
4 tion with the Congress, shall seek to develop a
5 position on the treatment of perishable and sea-
6 sonal food products to be employed in the nego-
7 tiations in order to develop a consensus on the
8 treatment of such products in dumping or safe-
9 guard actions and in any other relevant area.

10 (K) Taking into account whether a party
11 to the negotiations has failed to adhere to the
12 provisions of already existing trade agreements
13 with the United States or has circumvented ob-
14 ligations under those agreements.

15 (L) Taking into account whether a product
16 is subject to market distortions by reason of a
17 failure of a major producing country to adhere
18 to the provisions of already existing trade
19 agreements with the United States or by the
20 circumvention by that country of its obligations
21 under those agreements.

22 (M) Taking into account the impact that
23 agreements covering agriculture to which the
24 United States is a party, including NAFTA,
25 have on the United States agricultural industry.

1 (2) TRADE IN SERVICES.—The principal negoti-
2 ating objective of the United States with respect to
3 trade in services is to achieve, to the maximum ex-
4 tent possible, the elimination of barriers to, or other
5 distortions of, trade in services in all modes of sup-
6 ply and across the broadest range of service sectors
7 by doing the following:

8 (A) Pursuing agreement to treat negotia-
9 tion of trade in services in a negative list man-
10 ner whereby commitments will cover all services
11 and all modes of supply unless particular serv-
12 ices or modes of supply are expressly excluded.

13 (B) Achieving maximum liberalization of
14 market access in all modes of supply, including
15 by removing restrictions on the legal form of an
16 investment or on the right to own all or a ma-
17 jority share of a service supplier, subject to na-
18 tional security exceptions.

19 (C) Removing regulatory and other bar-
20 riers that deny national treatment, or unreason-
21 ably restrict the establishment or operations of
22 service suppliers in foreign markets.

23 (D) Eliminating additional barriers to
24 trade in services, including restrictions on ac-
25 cess to services distribution networks and infor-

1 mation systems, unreasonable or discriminatory
2 licensing requirements, administration of cartels
3 or toleration of anticompetitive activity, unrea-
4 sonable delegation of regulatory powers to pri-
5 vate entities, and similar government acts,
6 measures, or policies affecting the sale, offering
7 for sale, purchase, distribution, or use of serv-
8 ices that have the effect of restricting access of
9 services and service suppliers to a foreign mar-
10 ket.

11 (E) Grandfathering existing concessions
12 and liberalization commitments.

13 (F) Pursuing the strongest possible obliga-
14 tions to ensure that regulation of services and
15 service suppliers in all respects, including by
16 rulemaking, license-granting, standards-setting,
17 and through judicial, administrative, and arbi-
18 trary proceedings, is conducted in a transparent,
19 reasonable, objective, and impartial manner and
20 is otherwise consistent with principles of due
21 process.

22 (G) Strongly opposing cultural exceptions
23 to services obligations, especially relating to
24 audiovisual services and service providers.

1 (H) Preventing discrimination against a
2 like service when delivered through electronic
3 means.

4 (I) Pursuing full market access and na-
5 tional treatment commitments for services sec-
6 tors essential to supporting electronic com-
7 merce.

8 (J) Broadening and deepening existing
9 commitments by other countries relating to
10 basic and value-added telecommunications, in-
11 cluding by—

12 (i) strengthening obligations and the
13 implementation of obligations to ensure
14 competitive, nondiscriminatory access to
15 public telecommunication networks and
16 services for Internet service providers and
17 other value-added service providers; and

18 (ii) preventing anticompetitive behav-
19 ior by major suppliers, including service
20 suppliers that are either government owned
21 or controlled or recently government owned
22 or controlled.

23 (K) Broadening and deepening existing
24 commitments of other countries relating to fi-
25 nancial services.

1 (3) TRADE IN MANUFACTURED AND NON-
2 AGRICULTURAL GOODS.—The principal negotiating
3 objectives of the United States with respect to trade
4 in manufactured and nonagricultural goods are the
5 following:

6 (A) To eliminate disparities between ap-
7 plied and bound tariffs by reducing bound tariff
8 levels.

9 (B) To negotiate an agreement that in-
10 cludes reciprocal commitments to eliminate du-
11 ties in sectors in which tariffs are currently ap-
12 proaching zero.

13 (C) To eliminate tariff and nontariff dis-
14 parities remaining from previous rounds of mul-
15 tilateral trade negotiations that have put
16 United States exports at a competitive dis-
17 advantage in world markets, especially tariff
18 and nontariff barriers in foreign countries in
19 those sectors where the United States imposes
20 no significant barriers to imports and where
21 foreign tariff and nontariff barriers are sub-
22 stantial.

23 (D) To obtain the reduction or elimination
24 of tariffs on value-added products that provide

1 a disproportionate level of protection compared
2 to that provided to raw materials.

3 (E) To eliminate additional nontariff bar-
4 riers to trade, including—

5 (i) anticompetitive restrictions on ac-
6 cess to product distribution networks and
7 information systems;

8 (ii) unreasonable or discriminatory in-
9 spection processes;

10 (iii) the administration of cartels, or
11 the promotion, enabling, or toleration of
12 anticompetitive activity;

13 (iv) unreasonable delegation of regu-
14 latory powers to private entities;

15 (v) unreasonable or discriminatory li-
16 censing requirements; and

17 (vi) similar government acts, meas-
18 ures, or policies affecting the sale, offering
19 for sale, purchase, transportation, distribu-
20 tion, or use of goods that have the effect
21 of restricting access of goods to a foreign
22 market.

23 (4) DISPUTE SETTLEMENT.—The principal ne-
24 gotiating objectives of the United States with respect
25 to dispute settlement are the following:

1 (A) To provide for a single effective and
2 expeditious dispute settlement mechanism and
3 set of procedures that applies to all FTAA
4 agreements.

5 (B) To ensure that dispute settlement
6 mechanisms enable effective enforcement of the
7 rights of the United States, including by pro-
8 viding, in all contexts, for the use of all rem-
9 edies that are demonstrably effective to promote
10 prompt and full compliance with the decision of
11 a dispute settlement panel.

12 (C) To provide rules that promote coopera-
13 tion by the governments of FTAA members in
14 producing evidence in connection with dispute
15 settlement proceedings, including copies of laws,
16 regulations, and other measures that are the
17 subject of or are directly relevant to the dis-
18 pute, other than evidence that is classified on
19 the basis of national security, and evidence that
20 is business confidential.

21 (D) To require that all submissions by gov-
22 ernments to FTAA dispute panels and any ap-
23 pellate body be made available to the public
24 upon submission, providing appropriate excep-
25 tions for only that information included in a

1 submission that is classified on the basis of na-
2 tional security or that is business confidential.

3 (E) To require that meetings of FTAA dis-
4 pute panels and any appellate body with the
5 parties to a dispute are open to other FTAA
6 members and the public and provide for in cam-
7 era treatment of only those portions of a pro-
8 ceeding dealing with evidence that is classified
9 on the basis of national security or that is busi-
10 ness confidential.

11 (F) To require that transcripts of pro-
12 ceedings of FTAA dispute panels and any ap-
13 pellate body be made available to the public
14 promptly, providing appropriate exceptions for
15 only that information included in the tran-
16 scripts that is classified on the basis of national
17 security or that is business confidential.

18 (G) To establish rules allowing for the sub-
19 mission of amicus curiae briefs to FTAA dis-
20 pute panels and any appellate body, and to re-
21 quire that such briefs be made available to the
22 public, providing appropriate exceptions for only
23 that information included in the briefs that is
24 classified on the basis of national security or
25 that is business confidential.

1 (H) To pursue rules protecting against
2 conflicts of interest by members of FTAA dis-
3 pute panels and any appellate body, and pro-
4 moting the selection of members for such panels
5 and appellate body with the skills and time nec-
6 essary to decide increasingly complex cases.

7 (I) To pursue the establishment of formal
8 procedures under which the FTAA dispute pan-
9 els and any appellate body seek advice from
10 other fora of competent jurisdiction, such as the
11 International Court of Justice, ILO, representa-
12 tive bodies established under international envi-
13 ronmental agreements, and scientific experts.

14 (5) TRADE-RELATED ASPECTS OF INTELLEC-
15 TUAL PROPERTY RIGHTS.—The principal negotiating
16 objectives of the United States with respect to trade-
17 related aspects of intellectual property rights are the
18 following:

19 (A) To ensure that the provisions of a re-
20 gional trade agreement governing intellectual
21 property rights that is entered into by the
22 United States reflects a standard of protection
23 similar to that found in United States law.

24 (B) To provide strong protection for new
25 and emerging technologies and new methods of

1 transmitting and distributing products embody-
2 ing intellectual property.

3 (C) To prevent or eliminate discrimination
4 with respect to matters affecting the avail-
5 ability, acquisition, scope, maintenance, use,
6 and enforcement of intellectual property rights.

7 (D) To ensure that standards of protection
8 and enforcement keep pace with technological
9 developments, including ensuring that
10 rightholders have the legal and technological
11 means to control the use of their works through
12 the Internet and other global communication
13 media, and to prevent the unauthorized use of
14 their works.

15 (E) To provide strong enforcement of intel-
16 lectual property rights, including through acces-
17 sible, expeditious, and effective civil, adminis-
18 trative, and criminal enforcement mechanisms.

19 (F) To secure fair, equitable and non-
20 discriminatory market access opportunities for
21 United States persons that rely upon intellec-
22 tual property protection.

23 (G) To prevent misuse of reference pricing
24 classification systems by developed countries as
25 a way to discriminate against innovative phar-

1 maceutical products and innovative medical de-
2 vices, without challenging valid reference pric-
3 ing systems not used as a disguised restriction
4 on trade.

5 (H)(i) To ensure that FTAA members are
6 able to adopt measures necessary to protect the
7 public health and to respond to situations of
8 national emergency or extreme urgency, includ-
9 ing taking actions that have the effect of in-
10 creasing access to essential medicines and med-
11 ical technologies, where such actions are con-
12 sistent with obligations set forth in Article 31
13 of the TRIPs Agreement.

14 (ii) In situations involving infectious dis-
15 eases, to encourage FTAA members that take
16 actions described under clause (i) to also imple-
17 ment policies—

18 (I) to address the underlying causes
19 necessitating the actions, including, in the
20 case of infectious diseases, encouraging
21 practices that will prevent further trans-
22 mission and infection;

23 (II) to take steps to stimulate the de-
24 velopment of the infrastructure necessary
25 to deliver adequate health care services, in-

1 cluding the essential medicines and medical
2 technologies at issue;

3 (III) to ensure the safety and efficacy
4 of the essential medicines and medical
5 technologies involved; and

6 (IV) to make reasonable efforts to ad-
7 dress the problems of supply of the essen-
8 tial medicines and medical technologies in-
9 volved (other than by compulsory licens-
10 ing).

11 (iii) To encourage FTAA members and the
12 private sectors in their countries to work with
13 the United Nations, the World Health Organi-
14 zation, the Inter-American Development Bank,
15 the Organization of American States, and other
16 relevant international organizations, including
17 humanitarian relief organizations, to assist
18 least-developed and developing countries in the
19 region in increasing access to essential medi-
20 cines and medical technologies through dona-
21 tions, sales at cost, funding or global medicines
22 trust funds, and developing and implementing
23 prevention efforts and health care infrastruc-
24 ture projects.

1 (6) TRANSPARENCY.—The principal negotiating
2 objectives of the United States with respect to trans-
3 parency are the following:

4 (A) To pursue the negotiation of an
5 agreement—

6 (i) requiring that government laws,
7 rules, and administrative and judicial deci-
8 sions be published and made available to
9 the public so that governments, businesses
10 and the public have adequate notice of
11 them;

12 (ii) requiring adequate notice before
13 new rules are promulgated or existing rules
14 amended;

15 (iii) encouraging governments to open
16 rulemaking to public comment;

17 (iv) establishing that any administra-
18 tive proceeding by any FTAA member re-
19 lating to any of the FTAA agreements and
20 applied to the persons, goods, or services of
21 any other FTAA member shall be con-
22 ducted in a manner that—

23 (I) gives persons of any other
24 FTAA member affected by the pro-
25 ceeding reasonable notice, in accord-

1 ance with domestic procedures, of
2 when the proceeding is initiated, in-
3 cluding a description of the nature of
4 the proceeding, a statement of the
5 legal authority under which the pro-
6 ceeding is initiated, and a general de-
7 scription of any issues in controversy;

8 (II) gives such persons a reason-
9 able opportunity to present facts and
10 arguments in support of their posi-
11 tions prior to any final administrative
12 action, when time, the nature of the
13 proceeding, and the public interest
14 permit; and

15 (III) is in accordance with do-
16 mestic law; and

17 (v) requiring each FTAA member—

18 (I) to establish or maintain judi-
19 cial, quasi-judicial, or administrative
20 tribunals (impartial and independent
21 of the office or authority entrusted
22 with administrative enforcement) or
23 procedures for the purpose of the
24 prompt review and, where warranted,
25 correction of final administrative ac-

1 tions regarding matters covered by
2 any of the FTAA agreements;

3 (II) to ensure that, in such tribu-
4 nals or procedures, parties to the pro-
5 ceeding are afforded a reasonable op-
6 portunity to support or defend their
7 respective positions; and

8 (III) to ensure that such tribu-
9 nals or procedures issue decisions
10 based on the evidence and submissions
11 of record or, where required by do-
12 mestic law, the record compiled by the
13 office or authority entrusted with ad-
14 ministrative enforcement.

15 (B) To require the institution of regular
16 meetings between officials of an FTAA secre-
17 tariat, if established, and representatives of
18 nongovernmental organizations, businesses and
19 business groups, labor unions, consumer
20 groups, and other representatives of civil soci-
21 ety.

22 (C) To continue to maintain, expand, and
23 update an official FTAA website in order to
24 disseminate a wide range of information on the
25 FTAA, including the draft texts of the agree-

1 ments negotiated pursuant to the FTAA, the
2 final text of such agreements, tariff informa-
3 tion, regional trade statistics, and links to
4 websites of FTAA member countries that pro-
5 vide further information on government regula-
6 tions, procedures, and related matters.

7 (7) GOVERNMENT PROCUREMENT.—The prin-
8 cipal negotiating objectives for the United States
9 with respect to government procurement are the fol-
10 lowing:

11 (A) To seek the acceptance by all FTAA
12 members of the Agreement on Government Pro-
13 curement.

14 (B) To seek conclusion of an agreement on
15 transparency in government procurement.

16 (C) To promote global use of electronic
17 publication of procurement information, includ-
18 ing notices of procurement opportunities.

19 (8) TRADE REMEDY LAWS.—The principal ne-
20 gotiating objectives for the United States with re-
21 spect to trade remedy laws are the following:

22 (A) To preserve the ability of the United
23 States to enforce vigorously its trade laws, in-
24 cluding the antidumping, countervailing duty,
25 and safeguard laws, and not enter into agree-

1 ments that lessen in any respect the effective-
2 ness of domestic and international disciplines—

3 (i) on unfair trade, especially dumping
4 and subsidies, or

5 (ii) that address import increases or
6 surges, such as under the safeguard rem-
7 edy,

8 in order to ensure that United States workers,
9 farmers and agricultural producers, and firms
10 can compete fully on fair terms and enjoy the
11 benefits of reciprocal trade concessions.

12 (B) To eliminate the underlying causes of
13 unfair trade practices and import surges, in-
14 cluding closed markets, subsidization, pro-
15 moting, enabling, or tolerating anticompetitive
16 practices, and other forms of government inter-
17 vention that generate or sustain excess, uneco-
18 nomic capacity.

19 (9) TRADE AND LABOR MARKET STANDARDS.—

20 The principal negotiating objectives of the United
21 States with respect to trade and labor market stand-
22 ards are the following:

23 (A) To include enforceable rules that pro-
24 vide for the adoption and enforcement of the
25 following core labor standards: the right of as-

1 sociation, the right to bargain collectively, and
2 prohibitions on employment discrimination,
3 child labor, and slave labor.

4 (B) To establish as the trigger for invoking
5 the dispute settlement process with respect to
6 the obligations under subparagraph (A)—

7 (i) an FTAA member's failure to ef-
8 fectively enforce its domestic labor stand-
9 ards through a sustained or recurring
10 course of action or inaction, in a manner
11 affecting trade or investment; or

12 (ii) an FTAA member's waiver or
13 other derogation from its domestic labor
14 standards for the purpose of attracting in-
15 vestment, inhibiting exports by other
16 FTAA members, or otherwise gaining a
17 competitive advantage,

18 recognizing that—

19 (I) FTAA members retain the right to
20 exercise discretion with respect to inves-
21 tigatory, prosecutorial, regulatory, and
22 compliance matters and to make decisions
23 regarding the allocation of resources to en-
24 forcement with respect to other labor mat-

1 ters determined to have higher priorities;
2 and

3 (II) FTAA members retain the right
4 to establish their own domestic labor
5 standards, and to adopt or modify accord-
6 ingly labor policies, laws, and regulations,
7 in a manner consistent with the core labor
8 standards identified in subparagraph (A).

9 (C) To provide for phased-in compliance
10 for least-developed countries comparable to
11 mechanisms utilized in other FTAA agree-
12 ments.

13 (D) To create an FTAA work program
14 that—

15 (i) will provide guidance and technical
16 assistance to FTAA members in
17 supplementing and strengthening their
18 labor laws and regulations, including, in
19 particular, laws and regulations relating to
20 the core labor standards identified in sub-
21 paragraph (A); and

22 (ii) includes commitments by FTAA
23 members to provide market access incen-
24 tives for the least-developed FTAA mem-
25 bers to improve adherence to and enforce-

1 ment of the core labor standards identified
2 in subparagraph (A), and to meet their
3 schedule for phased-in compliance on or
4 ahead of schedule.

5 (E) To provide for regular review of adher-
6 ence to core labor standards.

7 (F) To create exceptions from the obliga-
8 tions under the FTAA agreements for—

9 (i) products produced by prison labor
10 or slave labor, and products produced by
11 child labor proscribed by Convention 182
12 of the ILO; and

13 (ii) actions taken consistent with, and
14 in furtherance of, recommendations made
15 by the ILO.

16 (10) TRADE AND THE ENVIRONMENT.—The
17 principal negotiating objectives of the United States
18 with respect to trade and the environment are the
19 following:

20 (A) To obtain rules that provide for the
21 enforcement of environmental laws and regula-
22 tions relating to—

23 (i) the prevention, abatement, or con-
24 trol of the release, discharge, or emission

1 of pollutants or environmental contami-
2 nants;

3 (ii) the control of environmentally
4 hazardous or toxic chemicals, substances,
5 materials and wastes, and the dissemina-
6 tion of information related thereto; and

7 (iii) the protection of wild flora or
8 fauna, including endangered species, their
9 habitats, and specially protected natural
10 areas, in the territory of FTAA member
11 countries.

12 (B) To establish as the trigger for invoking
13 the dispute settlement process—

14 (i) an FTAA member's failure to ef-
15 fectively enforce such laws and regulations
16 through a sustained or recurring course of
17 action or inaction, in a manner affecting
18 trade or investment, or

19 (ii) an FTAA member's waiver or
20 other derogation from its domestic environ-
21 mental laws and regulations, for the pur-
22 pose of attracting investment, inhibiting
23 exports by other FTAA members, or other-
24 wise gaining a competitive advantage,

25 recognizing that—

1 (I) FTAA members retain the right to
2 exercise discretion with respect to inves-
3 tigatory, prosecutorial, regulatory, and
4 compliance matters and to make decisions
5 regarding the allocation of resources to en-
6 forcement with respect to other environ-
7 mental matters determined to have higher
8 priorities; and

9 (II) FTAA members retain the right
10 to establish their own levels of domestic
11 environmental protection and environ-
12 mental development policies and priorities,
13 and to adopt or modify accordingly envi-
14 ronmental policies, laws, and regulations.

15 (C) To provide for phased-in compliance
16 for least-developed countries, comparable to
17 mechanisms utilized in other FTAA agree-
18 ments.

19 (D) To create an FTAA work program
20 that—

21 (i) will provide guidance and technical
22 assistance to FTAA members in
23 supplementing and strengthening their en-
24 vironmental laws and regulations based
25 on—

1 (I) the standards in existing
2 international agreements that provide
3 adequate protection; or

4 (II) the standards in the laws of
5 other FTAA members if the standards
6 in international agreements standards
7 are inadequate or do not exist; and

8 (ii) includes commitments by FTAA
9 members to provide market access incen-
10 tives for the least-developed FTAA mem-
11 bers to strengthen environmental laws and
12 regulations.

13 (E) To provide for regular review of adher-
14 ence to environmental laws and regulations.

15 (F) To create exceptions from obligations
16 under the FTAA agreements for—

17 (i) measures taken to provide effective
18 protection of human, animal, or plant life
19 or health;

20 (ii) measures taken to conserve ex-
21 haustible natural resources if such meas-
22 ures are made effective in conjunction with
23 restrictions on domestic production or con-
24 sumption; and

1 (iii) measures taken that are in ac-
2 cordance with obligations under any multi-
3 lateral environmental agreement accepted
4 by both parties to a dispute.

5 (G) To give priority to trade liberalization
6 measures that promote sustainable develop-
7 ment, including eliminating duties on environ-
8 mental goods, and obtaining commitments on
9 environmental services.

10 (11) INSTITUTION BUILDING.—The principal
11 negotiating objectives of the United States with re-
12 spect to institution building are the following:

13 (A) To improve coordination between the
14 FTAA and other international organizations
15 such as the Organization of American States,
16 the ILO, the United Nations Environment Pro-
17 gram, and the Inter-American Development
18 Bank to increase the effectiveness of technical
19 assistance programs.

20 (B) To ensure that the agreements entered
21 into under the FTAA provide for technical as-
22 sistance to developing and, in particular, least-
23 developed countries that are members of the
24 FTAA to promote the rule of law, enable them
25 to comply with their obligations under the

1 FTAA agreements, and minimize disruptions
2 associated with trade liberalization.

3 (12) TRADE AND INVESTMENT.—The principal
4 negotiating objectives of the United States with re-
5 spect to trade and investment are the following:

6 (A) To reduce or eliminate artificial or
7 trade-distorting barriers to foreign investment
8 by United States persons and, recognizing that
9 United States law on the whole provides a high
10 level of protection for investments, consistent
11 with or greater than the level required by inter-
12 national law, to secure for investors the rights
13 that would be available under United States
14 law, but no greater rights, by—

15 (i) ensuring national and most-favored
16 nation treatment for United States inves-
17 tors and investments;

18 (ii) freeing the transfer of funds relat-
19 ing to investments;

20 (iii) reducing or eliminating perform-
21 ance requirements, forced technology
22 transfers, and other unreasonable barriers
23 to the establishment and operation of in-
24 vestments;

1 (iv) establishing standards for expro-
2 priation and compensation for expropria-
3 tion, consistent with United States legal
4 principles and practice, including by clari-
5 fying that expropriation does not arise in
6 cases of mere diminution in value;

7 (v) codifying the clarifications made
8 on July 31, 2001, by the Free Trade Com-
9 mission established under Article 2001 of
10 the NAFTA with respect to the minimum
11 standard of treatment under Article 1105
12 of the NAFTA such that—

13 (I) any provisions included in an
14 investment agreement setting forth a
15 minimum standard of treatment pre-
16 scribe only that level of treatment re-
17 quired by customary international law;
18 and

19 (II) a determination that there
20 has been a breach of another provi-
21 sion of the FTAA, or of a separate
22 international agreement, does not es-
23 tablish that there has been a breach
24 of the minimum standard of treat-
25 ment;

1 (vi) ensuring, through clarifications,
2 presumptions, exceptions, or other means
3 in the text of the agreement, that the in-
4 vestor protections do not interfere with an
5 FTAA member's exercise of its police pow-
6 ers under its local, State, and national
7 laws (for example legitimate health, safety,
8 environmental, consumer, and employment
9 opportunity laws and regulations), includ-
10 ing by a clarification that the standards in
11 an agreement do not require use of the
12 least trade restrictive regulatory alter-
13 native;

14 (vii) providing an exception for ac-
15 tions taken in accordance with obligations
16 under a multilateral environmental agree-
17 ment agreed to by both countries involved
18 in the dispute;

19 (viii) providing meaningful procedures
20 for resolving investment disputes;

21 (ix) ensuring that—

22 (I) no claim by an investor di-
23 rectly against a state may be brought
24 unless the investor first submits the

1 claim for approval to the home gov-
2 ernment of the investor;

3 (II) such approval is granted for
4 each claim which the investor dem-
5 onstrates is meritorious;

6 (III) such approval is considered
7 granted if the investor's home govern-
8 ment has not acted upon the submis-
9 sion within a defined reasonable pe-
10 riod of time; and

11 (IV) each FTAA member estab-
12 lishes or designates an independent
13 decisionmaker to determine whether
14 the standard for approval has been
15 satisfied; and

16 (x) providing a standing appellate
17 mechanism to correct erroneous interpreta-
18 tions of law.

19 (B) To ensure the fullest measure of trans-
20 parency in the dispute settlement mechanism
21 established, by—

22 (i) ensuring that all requests for dis-
23 pute settlement are promptly made public,
24 to the extent consistent with the need to

1 protect information that is classified or
2 business confidential;

3 (ii) ensuring that—

4 (I) all proceedings, submissions,
5 findings, and decisions, are promptly
6 made public; and

7 (II) all hearings are open to the
8 public, to the extent consistent with
9 need to protect information that is
10 classified or business confidential; and

11 (iii) establishing a mechanism for ac-
12 ceptance of amicus curiae submissions
13 from businesses, unions, and nongovern-
14 mental organizations.

15 (13) ELECTRONIC COMMERCE.—The principal
16 negotiating objectives of the United States with re-
17 spect to electronic commerce are the following:

18 (A) To make permanent and binding on
19 FTAA members the moratorium on customs
20 duties on electronic transmissions declared in
21 the WTO Ministerial Declaration of May 20,
22 1998.

23 (B) To ensure that governments refrain
24 from implementing trade-related measures that
25 impede electronic commerce.

1 (C) To ensure that electronically delivered
2 goods and services receive no less favorable
3 treatment under trade rules and commitments
4 than like products delivered in physical form.

5 (D) To ensure that the classification of
6 electronically delivered goods and services en-
7 sures the most liberal trade treatment possible.

8 (E) Where legitimate policy objectives re-
9 quire domestic regulations that affect electronic
10 commerce, to obtain commitments that any
11 such regulations are nondiscriminatory, trans-
12 parent, and promote an open market environ-
13 ment.

14 (F) To pursue a regulatory environment
15 that encourages competition in basic tele-
16 communications services abroad, so as to facili-
17 tate the conduct of electronic commerce.

18 (14) DEVELOPING COUNTRIES.—The principal
19 negotiating objectives of the United States with re-
20 spect to developing countries are the following:

21 (A) To enter into trade agreements that
22 promote the economic growth of both devel-
23 oping countries and the United States and the
24 mutual expansion of market opportunities.

1 (B) To ensure appropriate phase-in periods
2 with respect to the obligations of least-devel-
3 oped countries.

4 (C) To coordinate with the Organization of
5 American States, the Inter-American Develop-
6 ment Bank, and other regional and inter-
7 national institutions to provide debt relief and
8 other assistance to promote the rule of law and
9 sound and sustainable development.

10 (D) To accelerate tariff reductions that
11 benefit least-developed countries.

12 (15) TRADE AND MONETARY COORDINATION.—
13 The principal negotiating objective of the United
14 States with respect to trade and monetary coordina-
15 tion is to foster stability in international currency
16 markets and develop mechanisms to assure greater
17 coordination, consistency, and cooperation between
18 international trade and monetary systems and insti-
19 tutions in order to protect against the trade con-
20 sequences of significant and unanticipated currency
21 movements.

22 (16) ACCESS TO HIGH TECHNOLOGY.—The
23 principal negotiating objectives of the United States
24 with respect to access to high technology are the fol-
25 lowing:

1 (A) To obtain the elimination or reduction
2 of foreign barriers to, and of acts, policies, or
3 practices by foreign governments that limit, eq-
4 uitable access by United States persons to for-
5 eign-developed technology.

6 (B) To seek the elimination of tariffs on
7 all information technology products, infrastruc-
8 ture equipment, scientific instruments, and
9 medical equipment.

10 (C) To pursue the reduction of foreign bar-
11 riers to high technology products of the United
12 States.

13 (D) To enforce and promote the Agree-
14 ment on Technical Barriers to Trade, and en-
15 sure that standards, conformity assessment,
16 and technical regulations are not used as obsta-
17 cles to trade in information technology and
18 communications products.

19 (E) To require all parties to sign the In-
20 formation Technology Agreement of the WTO
21 and to expand and update product coverage
22 under such agreement.

23 (17) CORRUPTION.—The principal negotiating
24 objectives of the United States with respect to the
25 use of money or other things of value to influence

1 acts, decisions, or omissions of foreign governments
2 or officials or to secure any improper advantage
3 are—

4 (A) to obtain standards applicable to per-
5 sons from all FTAA member countries that are
6 equivalent to, or more restrictive than, the pro-
7 hibitions applicable to issuers, domestic con-
8 cerns, and other persons under section 30A of
9 the Securities and Exchange Act of 1934 and
10 sections 104 and 104A of the Foreign Corrupt
11 Practices Act of 1977; and

12 (B) to implement mechanisms to ensure ef-
13 fective enforcement of the standards described
14 in subparagraph (A).

15 (d) BILATERAL AGREEMENTS.—

16 (1) PRINCIPAL NEGOTIATING OBJECTIVES.—

17 The principal negotiating objectives of the United
18 States in seeking bilateral trade agreements are
19 those objectives set forth in subsection (c), except
20 that in applying such subsection, any references to
21 the FTAA or FTAA member countries shall be
22 deemed to refer to the bilateral agreement, or party
23 to the bilateral agreement, respectively.

24 (2) ADHERENCE TO OBLIGATIONS UNDER URU-
25 GUAY ROUND AGREEMENTS.—In determining wheth-

1 er to enter into negotiations with a particular coun-
2 try, the President shall take into account the extent
3 to which that country has implemented, or has accel-
4 erated the implementation of, its obligations under
5 the Uruguay Round Agreements.

6 (e) DOMESTIC OBJECTIVES.—In pursuing the negoti-
7 ating objectives under subsections (a) through (d), United
8 States negotiators shall take into account legitimate
9 United States domestic (including State and local) objec-
10 tives, including, but not limited to, the protection of health
11 and safety, essential security, environmental, consumer,
12 and employment opportunity interests and the laws and
13 regulations related thereto.

14 **SEC. 3. CONGRESSIONAL TRADE ADVISERS.**

15 Section 161(a)(1) of the Trade Act of 1974 (19
16 U.S.C. 2211(a)(1)) is amended to read as follows:

17 “(1) At the beginning of each regular session of
18 Congress—

19 “(A) the Speaker of the House of Rep-
20 resentatives shall—

21 “(i) upon the recommendation of the
22 chairman and ranking member of the Com-
23 mittee on Ways and Means, select 5 mem-
24 bers (not more than 3 of whom are mem-

1 bers of the same political party) of such
2 committee,

3 “(ii) upon the recommendation of the
4 chairman and ranking member of the Com-
5 mittee on Agriculture, select 2 members
6 (from different political parties) of such
7 committee, and

8 “(iii) upon the recommendation of the
9 majority leader and minority leader of the
10 House of Representatives, select 2 mem-
11 bers of the House of Representatives (from
12 different political parties), and

13 “(B) the President pro tempore of the
14 Senate shall—

15 “(i) upon the recommendation of the
16 chairman and ranking member of the Com-
17 mittee on Finance, select 5 members (not
18 more than 3 of whom are members of the
19 same political party) of such committee,

20 “(ii) upon the recommendation of the
21 chairman and ranking member of the Com-
22 mittee on Agriculture, Nutrition, and For-
23 estry, select 2 members (from different po-
24 litical parties) of such committee, and

1 “(iii) upon the recommendation of the
2 majority leader and minority leader of the
3 Senate, select 2 members of the Senate
4 (from different political parties),
5 who shall be designated congressional advisers on
6 trade policy and negotiations. They shall provide ad-
7 vice on the development of trade policy and priorities
8 for the implementation thereof. They shall also be
9 accredited by the United States Trade Representa-
10 tive on behalf of the President as official advisers to
11 the United States delegations to international con-
12 ferences, meetings, dispute settlement proceedings,
13 and negotiating sessions relating to trade agree-
14 ments.”.

15 **SEC. 4. TRADE AGREEMENTS AUTHORITY.**

16 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

17 (1) IN GENERAL.—Whenever the President de-
18 termines that one or more existing duties or other
19 import restrictions of any foreign country or the
20 United States are unduly burdening and restricting
21 the foreign trade of the United States and that the
22 purposes, policies, and objectives of this Act will be
23 promoted thereby, the President—

24 (A) may enter into trade agreements with
25 foreign countries before—

1 (i) the date that is 5 years after the
2 date of the enactment of this Act, or

3 (ii) the date that is 7 years after such
4 date of enactment, if fast track procedures
5 are extended under subsection (c), and

6 (B) may, subject to paragraphs (2) and
7 (3), proclaim—

8 (i) such modification or continuance
9 of any existing duty,

10 (ii) such continuance of existing duty-
11 free or excise treatment, or

12 (iii) such additional duties,

13 as the President determines to be required or
14 appropriate to carry out any such trade agree-
15 ment.

16 The President shall notify the Congress of the Presi-
17 dent's intention to enter into an agreement under
18 this subsection.

19 (2) LIMITATIONS.—No proclamation may be
20 made under paragraph (1) that—

21 (A) reduces any rate of duty (other than a
22 rate of duty that does not exceed 5 percent ad
23 valorem on the date of the enactment of this
24 Act) to a rate of duty which is less than 50 per-

1 cent of the rate of such duty that applies on
2 such date of enactment; or

3 (B) increases any rate of duty above the
4 rate that applied on such date of enactment.

5 (3) AGGREGATE REDUCTION; EXEMPTION FROM
6 STAGING.—

7 (A) AGGREGATE REDUCTION.—Except as
8 provided in subparagraph (B), the aggregate re-
9 duction in the rate of duty on any article which
10 is in effect on any day pursuant to a trade
11 agreement entered into under paragraph (1)
12 shall not exceed the aggregate reduction which
13 would have been in effect on such day if—

14 (i) a reduction of 3 percent ad valo-
15 rem or a reduction of one-tenth of the total
16 reduction, whichever is greater, had taken
17 effect on the effective date of the first re-
18 duction proclaimed under paragraph (1) to
19 carry out such agreement with respect to
20 such article; and

21 (ii) a reduction equal to the amount
22 applicable under clause (i) had taken effect
23 at 1-year intervals after the effective date
24 of such first reduction.

1 (B) EXEMPTION FROM STAGING.—No
2 staging is required under subparagraph (A)
3 with respect to a duty reduction that is pro-
4 claimed under paragraph (1) for an article of a
5 kind that is not produced in the United States.
6 The United States International Trade Com-
7 mission shall advise the President of the iden-
8 tity of articles that may be exempted from stag-
9 ing under this subparagraph.

10 (4) ROUNDING.—If the President determines
11 that such action will simplify the computation of re-
12 ductions under paragraph (3), the President may
13 round an annual reduction by an amount equal to
14 the lesser of—

15 (A) the difference between the reduction
16 without regard to this paragraph and the next
17 lower whole number; or

18 (B) one-half of 1 percent ad valorem.

19 (5) OTHER LIMITATIONS.—A rate of duty re-
20 duction that may not be proclaimed by reason of
21 paragraph (2) may take effect only if a provision au-
22 thorizing such reduction is included within an imple-
23 menting bill provided for under section 7 and that
24 bill is enacted into law.

1 (6) OTHER TARIFF MODIFICATIONS.—Notwith-
2 standing paragraphs (1)(B) and (2) through (5),
3 and subject to the consultation and layover require-
4 ments of section 115 of the Uruguay Round Agree-
5 ments Act, the President may proclaim the modifica-
6 tion of any duty or staged rate reduction of any duty
7 set forth in Schedule XX, as defined in section 2(5)
8 of that Act, if the United States agrees to such
9 modification or staged rate reduction in a negotia-
10 tion for the reciprocal elimination or harmonization
11 of duties under the auspices of the World Trade Or-
12 ganization or as part of an interim agreement lead-
13 ing to the formation of a regional free-trade area.

14 (7) AUTHORITY UNDER URUGUAY ROUND
15 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
16 subsection shall limit the authority provided to the
17 President under section 111(b) of the Uruguay
18 Round Agreements Act (19 U.S.C. 3521(b)).

19 (b) AGREEMENTS REGARDING TARIFF AND NON-
20 TARIFF BARRIERS.—

21 (1) IN GENERAL.—(A) Whenever the President
22 determines that—

23 (i) one or more existing duties or any other
24 import restriction of any foreign country or the
25 United States or any other barrier to, or other

1 distortion of, international trade unduly bur-
2 dens or restricts the foreign trade of the United
3 States or adversely affects the United States
4 economy, or

5 (ii) the imposition of any such barrier or
6 distortion is likely to result in such a burden,
7 restriction, or effect,

8 and that the purposes, policies, and objectives of this
9 Act will be promoted thereby, the President may
10 enter into a trade agreement described in subpara-
11 graph (B) during the period described in subpara-
12 graph (C).

13 (B) The President may enter into a trade
14 agreement under subparagraph (A) with foreign
15 countries providing for—

16 (i) the reduction or elimination of a duty,
17 restriction, barrier, or other distortion described
18 in subparagraph (A), or

19 (ii) the prohibition of, or limitation on the
20 imposition of, such barrier or other distortion.

21 (C) The President may enter into a trade
22 agreement under this paragraph before—

23 (i) the date that is 5 years after the date
24 of the enactment of this Act, or

1 (ii) the date that is 7 years after such date
2 of enactment, if fast track procedures are ex-
3 tended under subsection (c).

4 (2) CONDITIONS.—A trade agreement may be
5 entered into under this subsection only if such
6 agreement substantially achieves the applicable ob-
7 jectives described in section 2 and the conditions set
8 forth in sections 5, 6, and 7 are met.

9 (3) BILLS QUALIFYING FOR FAST TRACK PRO-
10 CEDURES.—(A) The provisions of section 151 of the
11 Trade Act of 1974 (in this Act referred to as “fast
12 track procedures”) apply to a bill of either House of
13 Congress which contains provisions described in sub-
14 paragraph (B) to the same extent as such section
15 151 applies to implementing bills under that section.
16 A bill to which this paragraph applies shall hereafter
17 in this Act be referred to as an “implementing bill”.

18 (B) The provisions referred to in subparagraph
19 (A) are—

20 (i) a provision approving a trade agree-
21 ment entered into under this subsection and ap-
22 proving the statement of administrative action,
23 if any, proposed to implement such trade agree-
24 ment;

1 (ii) if changes in existing laws or new stat-
2 utory authority are required to implement such
3 trade agreement, provisions, necessary or ap-
4 propriate to implement such trade agreement or
5 agreements, either repealing or amending exist-
6 ing laws or providing new statutory authority;
7 and

8 (iii) provisions to provide trade adjustment
9 assistance to workers, firms, and communities.

10 (4) LIMITATIONS ON FAST TRACK PROCE-
11 DURES.—Notwithstanding any other provision of
12 law, the provisions of section 151 of the Trade Act
13 of 1974 (fast track procedures) shall not apply to
14 any provision in an implementing bill that modifies
15 or amends, or requires a modification of, or an
16 amendment to, any law of the United States relating
17 to title VII of the Tariff Act of 1930, title II of the
18 Trade Act of 1974, or any law that provides safe-
19 guards from unfair foreign trade practices to United
20 States businesses or workers.

21 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
22 GRESSIONAL FAST TRACK PROCEDURES.—

23 (1) IN GENERAL.—Except as provided in sub-
24 section (b)(4) and section 5(c), 6(c), and 7(b)—

1 (A) the fast track procedures apply to im-
2 plementing bills submitted with respect to trade
3 agreements entered into under subsection (b)
4 before the date that is 5 years after the date of
5 the enactment of this Act; and

6 (B) the fast track procedures shall be ex-
7 tended to implementing bills submitted with re-
8 spect to trade agreements entered into under
9 subsection (b) on or after the date specified in
10 subparagraph (A) and before the date that is 7
11 years after the date of such enactment if (and
12 only if)—

13 (i) the President requests such exten-
14 sion under paragraph (2); and

15 (ii) neither House of the Congress
16 adopts an extension disapproval resolution
17 under paragraph (6) before the date speci-
18 fied in subparagraph (A).

19 (2) REPORT TO CONGRESS BY THE PRESI-
20 DENT.—If the President is of the opinion that the
21 fast track procedures should be extended to imple-
22 menting bills to carry out trade agreements under
23 subsection (b), the President shall submit to the
24 Congress, not later than 3 months before the expira-
25 tion of the 5-year period specified in paragraph

1 (1)(A), a written report that contains a request for
2 such extension, together with—

3 (A) a description of all trade agreements
4 that have been negotiated under subsection (b)
5 and the anticipated schedule for submitting
6 such agreements to the Congress for approval;

7 (B) a description of the progress that has
8 been made in negotiations to achieve the pur-
9 poses, policies, and objectives of this Act, and
10 a statement that such progress justifies the
11 continuation of negotiations; and

12 (C) a statement of the reasons why the ex-
13 tension is needed to complete the negotiations.

14 (3) REPORT TO CONGRESS BY THE ADVISORY
15 COMMITTEE.—The President shall promptly inform
16 the Advisory Committee for Trade Policy and Nego-
17 tiations established under section 135 of the Trade
18 Act of 1974 (19 U.S.C. 2155) of the President’s de-
19 cision to submit a report to the Congress under
20 paragraph (2). The Advisory Committee shall submit
21 to the Congress as soon as practicable, but not later
22 than 2 months before the expiration of the 5-year
23 period specified in paragraph (1)(A), a written re-
24 port that contains—

1 (A) its views regarding the progress that
2 has been made in negotiations to achieve the
3 purposes, policies, and objectives of this Act;
4 and

5 (B) a statement of its views, and the rea-
6 sons therefor, regarding whether the extension
7 requested under paragraph (2) should be ap-
8 proved or disapproved.

9 (4) REPORT TO CONGRESS BY CONGRESSIONAL
10 TRADE ADVISERS.—The President shall promptly in-
11 form the congressional trade advisers of the Presi-
12 dent’s decision to submit a report to the Congress
13 under paragraph (2). The congressional trade advis-
14 ers shall submit to the Congress as soon as prac-
15 ticable, but not later than 2 months before the expi-
16 ration of the 5-year period specified in paragraph
17 (1)(A), a written report that contains—

18 (A) its views regarding the progress that
19 has been made in negotiations to achieve the
20 purposes, policies, and objectives of this Act;
21 and

22 (B) a statement of their views, and the
23 reasons therefor, regarding whether the exten-
24 sion requested under paragraph (2) should be
25 approved or disapproved.

1 (5) REPORTS MAY BE CLASSIFIED.—The re-
2 ports under paragraphs (2) and (3), or any portion
3 of such reports, may be classified to the extent the
4 President determines appropriate, and the report
5 under paragraph (4), or any portion thereof, may be
6 classified.

7 (6) EXTENSION DISAPPROVAL RESOLUTIONS.—
8 (A) For purposes of paragraph (1), the term “exten-
9 sion disapproval resolution” means a resolution of
10 either House of the Congress, the sole matter after
11 the resolving clause of which is as follows: “That the
12 _____ disapproves the request of the President for
13 the extension, under section 4(c)(1)(B)(i) of the
14 Comprehensive Trade Negotiating Authority Act of
15 2002, of the fast track procedures under that Act to
16 any implementing bill submitted with respect to any
17 trade agreement entered into under section 4(b) of
18 that Act after the date that is 5 years after the date
19 of the enactment of that Act.”, with the blank space
20 being filled with the name of the resolving House of
21 the Congress.

22 (B) Extension disapproval resolutions—
23 (i) may be introduced in either House of
24 the Congress by any member of such House;
25 and

1 (ii) shall be referred, in the House of Rep-
2 representatives, to the Committee on Ways and
3 Means and, in addition, to the Committee on
4 Rules.

5 (C) The provisions of section 152 (d) and (e)
6 of the Trade Act of 1974 (19 U.S.C. 2192 (d) and
7 (e)) (relating to the floor consideration of certain
8 resolutions in the House and Senate) apply to exten-
9 sion disapproval resolutions.

10 (D) It is not in order for—

11 (i) the Senate to consider any extension
12 disapproval resolution not reported by the Com-
13 mittee on Finance;

14 (ii) the House of Representatives to con-
15 sider any extension disapproval resolution not
16 reported by the Committee on Ways and Means
17 and, in addition, by the Committee on Rules; or

18 (iii) either House of the Congress to con-
19 sider an extension disapproval resolution after
20 the date that is 5 years after the date of the
21 enactment of this Act.

22 **SEC. 5. COMMENCEMENT OF NEGOTIATIONS.**

23 (a) **IN GENERAL.**—In order to contribute to the con-
24 tinued economic expansion of the United States and to
25 benefit United States workers, farmers, and businesses,

1 the President shall commence negotiations covering tariff
2 and nontariff barriers affecting any industry, product, or
3 service sector, in cases where the President determines
4 that such negotiations are feasible and timely and would
5 benefit the United States. The President shall commence
6 negotiations—

7 (1) to expand existing sectoral agreements to
8 countries that are not parties to those agreements;
9 and

10 (2) to promote growth, open global markets,
11 and raise standards of living in the United States
12 and other countries and promote sustainable devel-
13 opment.

14 Such sectors include agriculture, commercial services, in-
15 tellectual property rights, industrial and capital goods,
16 government procurement, information technology prod-
17 ucts, environmental technology and services, medical
18 equipment and services, civil aircraft, and infrastructure
19 products.

20 (b) CONSULTATION REGARDING NEGOTIATING OB-
21 JECTIVES.—With respect to any negotiations for a trade
22 agreement under section 4(b), the following shall apply:

23 (1) The President shall, in developing strategies
24 for pursuing negotiating objectives set forth in sec-

1 tion 2 and other relevant negotiating objectives to be
2 pursued in negotiations, consult with—

3 (A) the Committee on Ways and Means of
4 the House of Representatives and the Com-
5 mittee on Finance of the Senate;

6 (B) the congressional trade advisers; and

7 (C) other appropriate committees of Con-
8 gress.

9 (2) The President shall assess whether United
10 States tariffs on agricultural products that were
11 bound under the Uruguay Round Agreements are
12 lower than the tariffs bound by the country or coun-
13 tries with which the negotiations will be conducted.
14 In addition, the President shall consider whether the
15 tariff levels bound and applied throughout the world
16 with respect to imports from the United States are
17 higher than United States tariffs and whether the
18 negotiation provides an opportunity to address any
19 such disparity. The President shall consult with the
20 Committee on Ways and Means and the Committee
21 on Agriculture of the House of Representatives and
22 the Committee on Finance and the Committee on
23 Agriculture, Nutrition, and Forestry of the Senate
24 concerning the results of the assessment, whether it
25 is appropriate for the United States to agree to fur-

1 ther tariff reductions based on the conclusions
2 reached in the assessment, and how all applicable
3 negotiating objectives will be met.

4 (c) NOTICE OF INITIATION; DISAPPROVAL RESOLU-
5 TIONS.—

6 (1) NOTICE.—The President shall—

7 (A) provide, at least 90 calendar days be-
8 fore initiating the proposed negotiations, writ-
9 ten notice to the Congress of the President's in-
10 tention to enter into the negotiations and set
11 forth therein the date the President intends to
12 initiate such negotiations, the specific negoti-
13 ating objectives to be pursued in the negotia-
14 tions, and whether the President intends to
15 seek an agreement or changes to an existing
16 agreement; and

17 (B) before and after submission of the no-
18 tice, consult regarding the negotiations with the
19 Committee on Finance of the Senate and the
20 Committee on Ways and Means of the House of
21 Representatives, the congressional trade advis-
22 ers, and such other committees of the House of
23 Representatives and the Senate as the Presi-
24 dent deems appropriate.

1 (2) RESOLUTIONS DISAPPROVING INITIATION
2 OF NEGOTIATIONS.—

3 (A) INAPPLICABILITY OF FAST TRACK PRO-
4 CEDURES TO AGREEMENTS OF WHICH CERTAIN
5 NOTICE GIVEN.—Fast track procedures shall
6 not apply to any implementing bill submitted
7 with respect to a trade agreement entered into
8 under section 4(b) pursuant to negotiations
9 with 2 or more countries of which notice is
10 given under paragraph (1)(A) if, during the 90-
11 day period referred to in that subsection, each
12 House of Congress agrees to a disapproval reso-
13 lution described in subparagraph (B) with re-
14 spect to the negotiations.

15 (B) DISAPPROVAL RESOLUTIONS.—For
16 purposes of this paragraph, the term “dis-
17 approval resolution” means a resolution of ei-
18 ther House of Congress, the sole matter after
19 the resolving clause of which is as follows:
20 “That the ____ disapproves the negotiations of
21 which the President notified the Congress on
22 ____, under section 5(c)(1) of the Comprehen-
23 sive Trade Negotiating Authority Act of 2002
24 and, therefore, the fast track procedures under
25 that Act shall not apply to any implementing

1 bill submitted with respect to any trade agree-
2 ment entered into pursuant to those negotia-
3 tions.”, with the first blank space being filled
4 with the name of the resolving House of Con-
5 gress, and the second blank space being filled
6 with the appropriate date.

7 (3) PROCEDURES FOR CONSIDERING RESOLU-
8 TIONS.—(A) Disapproval resolutions to which para-
9 graph (2) applies—

10 (i) in the House of Representatives—

11 (I) shall be referred to the Committee
12 on Ways and Means and, in addition, to
13 the Committee on Rules; and

14 (II) may not be amended by either
15 Committee; and

16 (ii) in the Senate shall be referred to the
17 Committee on Finance.

18 (B) The provisions of section 152 (c), (d), and
19 (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c),
20 (d), and (e)) (relating to the consideration of certain
21 resolutions in the House and Senate) apply to any
22 disapproval resolution to which paragraph (2) ap-
23 plies. In applying section 152(c)(1) of the Trade Act
24 of 1974, all calendar days shall be counted.

25 (C) It is not in order for—

1 (i) the Senate to consider any joint
2 resolution unless it has been reported by
3 the Committee on Finance or the com-
4 mittee has been discharged pursuant to
5 subparagraph (B); or

6 (ii) the House of Representatives to
7 consider any joint resolution unless it has
8 been reported by the Committee on Ways
9 and Means or the committee has been dis-
10 charged pursuant to subparagraph (B).

11 **SEC. 6. CONGRESSIONAL PARTICIPATION DURING NEGO-**
12 **TATIONS.**

13 (a) CONSULTATIONS WITH CONGRESSIONAL TRADE
14 ADVISERS AND COMMITTEES OF JURISDICTION.—In the
15 course of negotiations conducted under this Act, the Trade
16 Representative shall—

17 (1) consult closely and on a timely basis with,
18 and keep fully apprised of the negotiations, the con-
19 gressional trade advisers, the Committee on Ways
20 and Means of the House of Representatives, and the
21 Committee on Finance of the Senate;

22 (2) with respect to any negotiations and agree-
23 ment relating to agriculture, also consult closely and
24 on a timely basis with, and keep fully apprised of
25 the negotiations, the Committee on Agriculture of

1 the House of Representatives and the Committee on
2 Agriculture, Nutrition, and Forestry of the Senate;
3 and

4 (3) consult closely and on a timely basis with
5 other appropriate committees of Congress.

6 (b) GUIDELINES FOR CONSULTATIONS.—

7 (1) GUIDELINES.—The Trade Representative,
8 in consultation with the chairmen and ranking mi-
9 nority members of the Committee on Ways and
10 Means of the House of Representatives, the Com-
11 mittee on Finance of the Senate, and the congress-
12 sional trade advisers—

13 (A) shall, within 120 days after the date of
14 the enactment of this Act, develop written
15 guidelines to facilitate the useful and timely ex-
16 change of information between the Trade Rep-
17 resentative, the committees referred to in sub-
18 section (a), and the congressional trade advis-
19 ers; and

20 (B) may make such revisions to the guide-
21 lines as may be necessary from time to time.

22 (2) CONTENT.—The guidelines developed under
23 paragraph (1) shall provide for, among other
24 things—

1 (A) regular, detailed briefings of each com-
2 mittee referred to in subsection (a) and the con-
3 gressional trade advisers regarding negotiating
4 objectives and positions and the status of nego-
5 tiations, with more frequent briefings as trade
6 negotiations enter the final stages;

7 (B) access by members of each such com-
8 mittee, the congressional trade advisers, and
9 staff with proper security clearances, to perti-
10 nent documents relating to negotiations, includ-
11 ing classified materials; and

12 (C) the closest practicable coordination be-
13 tween the Trade Representative, each such
14 committee, and the congressional trade advisers
15 at all critical periods during negotiations, in-
16 cluding at negotiation sites.

17 (c) DISAPPROVAL RESOLUTIONS WITH RESPECT TO
18 ONGOING NEGOTIATIONS.—

19 (1) NEGOTIATIONS OF WHICH NOTICE GIVEN.—

20 Fast track procedures shall not apply to any imple-
21 menting bill submitted with respect to a trade agree-
22 ment entered into under section 4(b) pursuant to ne-
23 gotiations of which notice is given under section
24 5(c)(1) if, at any time after the end of the 90-day
25 period referred to in section 5(c)((1), during the

1 120-day period beginning on the date that one
2 House of Congress agrees to a disapproval resolution
3 described in paragraph (3)(A) disapproving the ne-
4 gotiations, the other House separately agrees to a
5 disapproval resolution described in paragraph (3)(A)
6 disapproving those negotiations. The disapproval
7 resolutions of the two Houses need not be in agree-
8 ment with respect to disapproving any other negotia-
9 tions.

10 (2) PRIOR NEGOTIATIONS.—Fast track proce-
11 dures shall not apply to any implementing bill sub-
12 mitted with respect to a trade agreement to which
13 section 8(a) applies if, during the 120-day period be-
14 ginning on the date that one House of Congress
15 agrees to a disapproval resolution described in para-
16 graph (3)(B) disapproving the negotiations for that
17 agreement, the other House separately agrees to a
18 disapproval resolution described in paragraph (3)(B)
19 disapproving those negotiations. The disapproval
20 resolutions of the two Houses need not be in agree-
21 ment with respect to disapproving any other negotia-
22 tions.

23 (3) DISAPPROVAL RESOLUTIONS.—(A) For pur-
24 poses of paragraph (1), the term “disapproval reso-
25 lution” means a resolution of either House of Con-

1 gress, the sole matter after the resolving clause of
2 which is as follows: “That the ____ disapproves the
3 negotiations of which the President notified the Con-
4 gress on ____, under section 5(c)(1) of the Com-
5 prehensive Trade Negotiating Authority Act of 2002
6 and, therefore, the fast track procedures under that
7 Act shall not apply to any implementing bill sub-
8 mitted with respect to any trade agreement entered
9 into pursuant to those negotiations.”, with the first
10 blank space being filled with the name of the resolv-
11 ing House of Congress, and the second blank space
12 being filled with the appropriate date or dates (in
13 the case of more than 1 set of negotiations being
14 conducted).

15 (B) For purposes of paragraph (2), the term
16 “disapproval resolution” means a resolution of either
17 House of Congress, the sole matter after the resolv-
18 ing clause of which is as follows: “That the ____
19 disapproves the negotiations with respect to ____,
20 and, therefore, the fast track procedures under the
21 Comprehensive Trade Negotiating Authority Act of
22 2002 shall not apply to any implementing bill sub-
23 mitted with respect to any trade agreement entered
24 into pursuant to those negotiations.”, with the first
25 blank space being filled with the name of the resolv-

1 ing House of Congress, and the second blank space
2 being filled with a description of the applicable trade
3 agreement or agreements.

4 (4) PROCEDURES FOR CONSIDERING RESOLU-
5 TIONS.—(A) Any disapproval resolution to which
6 paragraph (1) or (2) applies—

7 (i) in the House of Representatives—

8 (I) shall be referred to the Committee
9 on Ways and Means and, in addition, to
10 the Committee on Rules; and

11 (II) may not be amended by either
12 Committee; and

13 (ii) in the Senate shall be referred to the
14 Committee on Finance.

15 (B) The provisions of section 152 (c), (d), and
16 (e) of the Trade Act of 1974 (19 U.S.C. 2192 (c),
17 (d), and (e)) (relating to the consideration of certain
18 resolutions in the House and Senate) apply to any
19 disapproval resolution to which paragraph (1) or (2)
20 applies if—

21 (i) there are at least 145 cosponsors of the
22 resolution, in the case of a resolution of the
23 House of Representatives, and at least 34 co-
24 sponsors of the resolution, in the case of a reso-
25 lution of the Senate; and

1 (ii) no resolution that meets the require-
 2 ments of clause (i) has previously been consid-
 3 ered under such provisions of section 152 of the
 4 Trade Act of 1974 in that House of Congress
 5 during that Congress.

6 In applying section 152(c)(1) of the Trade Act of
 7 1974, all calendar days shall be counted.

8 (C) It is not in order for—

9 (i) the Senate to consider any joint resolu-
 10 tion unless it has been reported by the Com-
 11 mittee on Finance or the committee has been
 12 discharged pursuant to subparagraph (B); or

13 (ii) the House of Representatives to con-
 14 sider any joint resolution unless it has been re-
 15 ported by the Committee on Ways and Means
 16 or the committee has been discharged pursuant
 17 to subparagraph (B).

18 (5) COMPUTATION OF CERTAIN TIME PERI-
 19 ODS.—Each period of time referred to in paragraphs
 20 (1) and (2) shall be computed without regard to—

21 (A) the days on which either House of
 22 Congress is not in session because of an ad-
 23 journment of more than 3 days to a day certain
 24 or an adjournment of the Congress sine die;
 25 and

1 (B) any Saturday and Sunday, not ex-
2 cluded under subparagraph (A), when either
3 House of Congress is not in session.

4 (d) ENVIRONMENTAL ASSESSMENT.—

5 (1) INITIATION OF ASSESSMENT.—Upon the
6 commencement of negotiations for a trade agree-
7 ment under section 4(b), the Trade Representative,
8 jointly with the Chair of the Council on Environ-
9 mental Quality, and in consultation with other ap-
10 propriate Federal agencies, shall commence an as-
11 sessment of the effects on the environment of the
12 proposed trade agreement.

13 (2) CONTENT.—The assessment under para-
14 graph (1) shall include an examination of—

15 (A) the potential effects of the proposed
16 trade agreement on the environment, natural
17 resources, and public health;

18 (B) the extent to which the proposed trade
19 agreement may affect the laws, regulations,
20 policies, and international agreements of the
21 United States, including State and local laws,
22 regulations, and policies, relating to the envi-
23 ronment, natural resources, and public health;

24 (C) measures to implement, and alter-
25 native approaches to, the proposed trade agree-

1 ment that would minimize adverse effects and
2 maximize benefits identified under subpara-
3 graph (A); and

4 (D) a detailed summary of the manner in
5 which the results of the assessment were taken
6 into consideration in negotiation of the pro-
7 posed trade agreement, and in development of
8 measures and alternative means identified
9 under subparagraph (C).

10 (3) PROCEDURES.—The Trade Representative
11 shall commence the assessment under paragraph (1)
12 by publishing notice thereof, and a request for com-
13 ments thereon, in the Federal Register and trans-
14 mitting notice thereof to the Congress. The notice
15 shall be given as soon as possible after sufficient in-
16 formation exists concerning the scope of the pro-
17 posed trade agreement, but in no case later than 30
18 calendar days before the applicable negotiations
19 begin. The notice shall contain—

20 (A) the principal negotiating objectives of
21 the United States to be pursued in the negotia-
22 tions;

23 (B) the elements and topics expected to be
24 under consideration for coverage by the pro-
25 posed trade agreement;

1 (C) the countries expected to participate in
2 the agreement; and

3 (D) the sectors of the United States econ-
4 omy likely to be affected by the agreement.

5 (4) CONSULTATIONS WITH CONGRESS.—The
6 Trade Representative shall submit to the Congress—

7 (A) within 6 months after the onset of ne-
8 gotiations, a preliminary draft of the environ-
9 mental assessment conducted under this sub-
10 section; and

11 (B) not later than 90 calendar days before
12 the agreement is signed by the President, the
13 final version of the environmental assessment.

14 (5) PARTICIPATION OF OTHER FEDERAL AGEN-
15 CIES AND DEPARTMENTS.—(A) In conducting the
16 assessment required under paragraph (1), the Trade
17 Representative and the Chair of the Council on En-
18 vironmental Quality shall draw upon the knowledge
19 of the departments and agencies with relevant exper-
20 tise in the subject matter under consideration, in-
21 cluding, but not limited to, the Environmental Pro-
22 tection Agency, the Departments of the Interior, Ag-
23 riculture, Commerce, Energy, State, the Treasury,
24 and Justice, the Agency for International Develop-

1 ment, the Council of Economic Advisors, and the
2 International Trade Commission.

3 (B)(i) The heads of the departments and agen-
4 cies identified in subparagraph (A), and the heads of
5 other departments and agencies with relevant exper-
6 tise shall provide such resources as are necessary to
7 conduct the assessment required under this sub-
8 section.

9 (ii) The President, in preparing the budget for
10 the United States Government each year for submis-
11 sion to the Congress, shall include adequate funds
12 for the departments and agencies identified in sub-
13 paragraph (A), and other departments and agencies
14 with relevant expertise referred to in that subpara-
15 graph, to carry out their responsibilities under this
16 subsection.

17 (6) CONSULTATIONS WITH THE ADVISORY COM-
18 MITTEE.—(A) Section 135(c)(1) of the Trade Act of
19 1974 (19 U.S.C. 2155(c)(1)) is amended in the first
20 sentence—

21 (i) by striking “may establish” and insert-
22 ing “shall establish”; and

23 (ii) by inserting “environmental issues,”
24 after “defense”.

1 (B) In developing measures and alternatives
2 means identified under paragraph (2)(C), the Trade
3 Representative and the Chair of the Council on En-
4 vironmental Quality shall consult with the environ-
5 mental general policy advisory committee established
6 pursuant to section 135(c)(1) of the Trade Act of
7 1974 (19 U.S.C. 2155(c)(1)), as amended by sub-
8 paragraph (A) of this paragraph.

9 (7) PUBLIC PARTICIPATION.—The Trade Rep-
10 resentative shall publish the preliminary and final
11 environmental assessments in the Federal Register.
12 The Trade Representative shall take into account
13 comments received from the public pursuant to no-
14 tices published under this subsection and shall in-
15 clude in the final assessment a discussion of the
16 public comments reflected in the assessment.

17 (e) LABOR REVIEW.—

18 (1) INITIATION OF REVIEW.—Upon the com-
19 mencement of negotiations for a trade agreement
20 under section 4(b), the Trade Representative, jointly
21 with the Secretary of Labor and the Commissioners
22 of the International Trade Commission, and in con-
23 sultation with other appropriate Federal agencies,
24 shall commence a review of the effects on workers in
25 the United States of the proposed trade agreement.

1 (2) CONTENT.—The review under paragraph
2 (1) shall include an examination of—

3 (A) the extent to which the proposed trade
4 agreement may affect job creation, worker dis-
5 placement, wages, and the standard of living for
6 workers in the United States;

7 (B) the scope and magnitude of the effect
8 of the proposed trade agreement on the flow of
9 workers to and from the United States;

10 (C) the extent to which the proposed
11 agreement may affect the laws, regulations,
12 policies, and international agreements of the
13 United States relating to labor; and

14 (D) proposals to mitigate any negative ef-
15 fects of the proposed trade agreement on work-
16 ers, firms, and communities in the United
17 States, including proposals relating to trade ad-
18 justment assistance.

19 (3) PROCEDURES.—The Trade Representative
20 shall commence the review under paragraph (1) by
21 publishing notice thereof, and a request for com-
22 ments thereon, in the Federal Register and trans-
23 mitting notice thereof to the Congress. The notice
24 shall be given not later than 30 calendar days before

1 the applicable negotiations begin. The notice shall
2 contain—

3 (A) the principal negotiating objectives of
4 the United States to be pursued in the negotia-
5 tions;

6 (B) the elements and topics expected to be
7 under consideration for coverage by the pro-
8 posed trade agreement;

9 (C) the countries expected to participate in
10 the agreement; and

11 (D) the sectors of the United States econ-
12 omy likely to be affected by the agreement.

13 (4) CONSULTATIONS WITH CONGRESS.—The
14 Trade Representative shall submit to the Congress—

15 (A) within 6 months after the onset of ne-
16 gotiations, a preliminary draft of the labor re-
17 view conducted under this subsection; and

18 (B) not later than 90 calendar days before
19 the agreement is signed by the President, the
20 final version of the labor review.

21 (5) PARTICIPATION OF OTHER DEPARTMENTS
22 AND AGENCIES.—(A) In conducting the review re-
23 quired under paragraph (1), the Trade Representa-
24 tive, the Secretary of Labor, and the International
25 Trade Commission shall draw upon the knowledge of

1 the departments and agencies with relevant expertise
2 in the subject matter under consideration.

3 (B)(i) The heads of the departments and
4 agencies referred to in subparagraph (A) shall
5 provide such resources as are necessary to con-
6 duct the review required under this subsection.

7 (ii) The President, in preparing the budget
8 of the United States Government each year for
9 submission to the Congress, shall include ade-
10 quate funds for the departments and agencies
11 referred to in subparagraph (A) to carry out
12 their responsibilities under this subsection.

13 (6) CONSULTATION WITH THE ADVISORY COM-
14 MITTEE.—In developing proposals under paragraph
15 (2)(D), the Trade Representative and the Secretary
16 of Labor shall consult with the labor general policy
17 advisory committee established pursuant to section
18 135(c)(1) of the Trade Act of 1974 (19 U.S.C.
19 2155(c)(1)), as amended by subsection (d)(6)(A) of
20 this section.

21 (7) PUBLIC PARTICIPATION.—The Trade Rep-
22 resentative shall publish the preliminary and final
23 labor reviews in the Federal Register. The Trade
24 Representative shall take into account comments re-
25 ceived from the public pursuant to notices published

1 under this subsection and shall include in the final
2 review a discussion of the public comments reflected
3 in the review.

4 (f) NOTICE OF EFFECT ON UNITED STATES TRADE
5 REMEDIES.—

6 (1) NOTICE.—In any case in which negotiations
7 being conducted to conclude a trade agreement
8 under section 4(b) could affect the trade remedy
9 laws of the United States or the rights or obligations
10 of the United States under the Antidumping Agree-
11 ment, the Agreement on Subsidies and Counter-
12 vailing Measures, or the Agreement on Safeguards,
13 except insofar as such negotiations are directly and
14 exclusively related to perishable and seasonal agri-
15 cultural products, the Trade Representative shall, at
16 least 90 calendar days before the President signs the
17 agreement, notify the Congress of the specific lan-
18 guage that is the subject of the negotiations and the
19 specific possible impact on existing United States
20 laws and existing United States rights and obliga-
21 tions under those WTO Agreements.

22 (2) DEFINITION.—In this subsection, the term
23 “trade remedy laws of the United States” means
24 section 337 of the Tariff Act of 1930 (19 U.S.C.
25 1337), title VII of the Tariff Act of 1930 (19 U.S.C.

1 1671 et seq.), chapter 1 of title II of the Trade Act
2 of 1974 (19 U.S.C. 2251 et seq.), title III of the
3 Trade Act of 1974 (19 U.S.C. 2411 et seq.), section
4 406 of the Trade Act of 1974 (19 U.S.C. 2436), and
5 chapter 2 of title IV of the Trade Act of 1974 (19
6 U.S.C. 2451 et seq.).

7 (g) REPORT ON INVESTMENT DISPUTE SETTLEMENT
8 MECHANISM.—If any agreement concluded under section
9 4(b) with respect to trade and investment includes a dis-
10 pute settlement mechanism allowing an investor to bring
11 a claim directly against a country, the President shall sub-
12 mit a report to the Congress, not later than 90 calendar
13 days before the President signs the agreement, explaining
14 in detail the meaning of each standard included in the dis-
15 pute settlement mechanism, and explaining how the agree-
16 ment does not interfere with the exercise by a signatory
17 to the agreement of its police powers under its national
18 (including State and local) laws, including legitimate
19 health, safety, environmental, consumer, and employment
20 opportunity laws and regulations.

21 (h) CONSULTATION WITH CONGRESS BEFORE
22 AGREEMENTS ENTERED INTO.—

23 (1) CONSULTATION.—Before entering into any
24 trade agreement under section 4(b), the President
25 shall consult with—

1 (A) the Committee on Ways and Means of
2 the House of Representatives and the Com-
3 mittee on Finance of the Senate;

4 (B) the congressional trade advisers; and

5 (C) each other committee of the House and
6 the Senate, and each joint committee of the
7 Congress, which has jurisdiction over legislation
8 involving subject matters which would be af-
9 fected by the trade agreement.

10 (2) SCOPE.—The consultation described in
11 paragraph (1) shall include consultation with respect
12 to—

13 (A) the nature of the agreement;

14 (B) how and to what extent the agreement
15 will achieve the applicable purposes, policies,
16 and objectives of this Act; and

17 (C) the implementation of the agreement
18 under section 7, including the general effect of
19 the agreement on existing laws.

20 (i) ADVISORY COMMITTEE REPORTS.—The report re-
21 quired under section 135(e)(1) of the Trade Act of 1974
22 regarding any trade agreement entered into under section
23 4(a) or (b) of this Act shall be provided to the President,
24 the Congress, and the Trade Representative not later than
25 30 calendar days after the date on which the President

1 notifies the Congress under section 7(a)(1)(A) of the
2 President's intention to enter into the agreement.

3 (j) ITC ASSESSMENT.—

4 (1) IN GENERAL.—The President, at least 90
5 calendar days before the day on which the President
6 enters into a trade agreement under section 4(b),
7 shall provide the International Trade Commission
8 (referred to in this subsection as “the Commission”)
9 with the details of the agreement as it exists at that
10 time and request the Commission to prepare and
11 submit an assessment of the agreement as described
12 in paragraph (2). Between the time the President
13 makes the request under this paragraph and the
14 time the Commission submits the assessment, the
15 President shall keep the Commission current with
16 respect to the details of the agreement.

17 (2) ITC ASSESSMENT.—Not later than 90 cal-
18 endar days after the President enters into the agree-
19 ment, the Commission shall submit to the President
20 and the Congress a report assessing the likely im-
21 pact of the agreement on the United States economy
22 as a whole and on specific industry sectors, includ-
23 ing the impact the agreement will have on the gross
24 domestic product, exports and imports, aggregate
25 employment and employment opportunities, the pro-

1 duction, employment, and competitive position of in-
2 dustries likely to be significantly affected by the
3 agreement, and the interests of United States con-
4 sumers.

5 (3) REVIEW OF EMPIRICAL LITERATURE.—In
6 preparing the assessment, the Commission shall re-
7 view available economic assessments regarding the
8 agreement, including literature regarding any sub-
9 stantially equivalent proposed agreement, and shall
10 provide in its assessment a description of the anal-
11 yses used and conclusions drawn in such literature,
12 and a discussion of areas of consensus and diver-
13 gence between the various analyses and conclusions,
14 including those of the Commission regarding the
15 agreement.

16 (k) RULES OF HOUSE OF REPRESENTATIVES AND
17 SENATE.—Section 4(c), section 5(c), and subsection (c)
18 of this section are enacted by the Congress—

19 (1) as an exercise of the rulemaking power of
20 the House of Representatives and the Senate, re-
21 spectively, and as such are deemed a part of the
22 rules of each House, respectively, and such proce-
23 dures supersede other rules only to the extent that
24 they are inconsistent with such other rules; and

1 (2) with the full recognition of the constitu-
2 tional right of either House to change the rules (so
3 far as relating to the procedures of that House) at
4 any time, in the same manner, and to the same ex-
5 tent as any other rule of that House.

6 **SEC. 7. IMPLEMENTATION OF TRADE AGREEMENTS.**

7 (a) IN GENERAL.—

8 (1) NOTIFICATION, SUBMISSION, AND ENACT-
9 MENT.—Any agreement entered into under section
10 4(b) shall enter into force with respect to the United
11 States if (and only if)—

12 (A) the President, at least 120 calendar
13 days before the day on which the President en-
14 ters into the trade agreement, notifies the
15 House of Representatives and the Senate of the
16 President's intention to enter into the agree-
17 ment, and promptly thereafter publishes notice
18 of such intention in the Federal Register;

19 (B) the President, at least 90 calendar
20 days before the day on which the President en-
21 ters into the trade agreement, certifies to the
22 Congress the trade agreement substantially
23 achieves the principal negotiating objectives set
24 forth in section 2 and those developed under
25 section 5(b)(1);

1 (C) within 60 calendar days after entering
2 into the agreement, the President submits to
3 the Congress a description of those changes to
4 existing laws that the President considers would
5 be required in order to bring the United States
6 into compliance with the agreement;

7 (D) after entering into the agreement, the
8 President submits to the Congress a copy of the
9 final legal text of the agreement, together
10 with—

11 (i) a draft of an implementing bill;

12 (ii) a statement of any administrative
13 action proposed to implement the trade
14 agreement; and

15 (iii) the supporting information de-
16 scribed in paragraph (2); and

17 (E) the implementing bill is enacted into
18 law.

19 (2) SUPPORTING INFORMATION.—The sup-
20 porting information required under paragraph
21 (1)(D)(iii) consists of—

22 (A) an explanation as to how the imple-
23 menting bill and proposed administrative action
24 will change or affect existing law; and

25 (B) a statement—

1 (i) asserting that the agreement sub-
2 stantially achieves the applicable purposes,
3 policies, and objectives of this Act; and

4 (ii) setting forth the reasons of the
5 President regarding—

6 (I) how and to what extent the
7 agreement substantially achieves the
8 applicable purposes, policies, and ob-
9 jectives referred to in clause (i), and
10 why and to what extent the agreement
11 does not achieve other applicable pur-
12 poses, policies, and objectives;

13 (II) how the agreement serves
14 the interests of United States com-
15 merce; and

16 (III) why the implementing bill
17 and proposed administrative action is
18 required or appropriate to carry out
19 the agreement;

20 (iii) describing the efforts made by the
21 President to obtain international exchange
22 rate equilibrium and any effect the agree-
23 ment may have regarding increased inter-
24 national monetary stability; and

1 (iv) describing the extent, if any, to
2 which—

3 (I) each foreign country that is a
4 party to the agreement maintains
5 non-commercial state trading enter-
6 prises that may adversely affect, nul-
7 lify, or impair the benefits to the
8 United States under the agreement;
9 and

10 (II) the agreement applies to or
11 affects purchases and sales by such
12 enterprises.

13 (3) RECIPROCAL BENEFITS.—In order to en-
14 sure that a foreign country that is not a party to a
15 trade agreement entered into under section 4(b)
16 does not receive benefits under the agreement unless
17 the country is also subject to the obligations under
18 the agreement, the implementing bill submitted with
19 respect to the agreement shall provide that the bene-
20 fits and obligations under the agreement apply only
21 to the parties to the agreement, if such application
22 is consistent with the terms of the agreement. The
23 implementing bill may also provide that the benefits
24 and obligations under the agreement do not apply
25 uniformly to all parties to the agreement, if such ap-

1 plication is consistent with the terms of the agree-
2 ment.

3 (b) LIMITATIONS ON FAST TRACK PROCEDURES;
4 CONCURRENCE BY CONGRESSIONAL TRADE ADVISERS IN
5 PRESIDENT'S CERTIFICATION.—

6 (1) CONCURRENCE BY CONGRESSIONAL TRADE
7 ADVISERS.—The fast track procedures shall not
8 apply to any implementing bill submitted with re-
9 spect to a trade agreement of which notice was pro-
10 vided under subsection (a)(1)(A) unless a majority
11 of the congressional trade advisers, by a vote held
12 not later than 30 days after the President submits
13 the certification to Congress under subsection
14 (a)(1)(B) with respect to the trade agreement, con-
15 cur in the President's certification. The failure of
16 the congressional trade advisers to hold a vote with-
17 in that 30-day period shall be considered to be con-
18 currence in the President's certification.

19 (2) COMPUTATION OF TIME PERIOD.—The 30-
20 day period referred to in paragraph (1) shall be
21 computed without regard to—

22 (A) the days on which either House of
23 Congress is not in session because of an ad-
24 journment of more than 3 days to a day certain

1 or an adjournment of the Congress sine die;
2 and

3 (B) any Saturday and Sunday, not ex-
4 cluded under subparagraph (A), when either
5 House of Congress is not in session.

6 **SEC. 8. TREATMENT OF CERTAIN TRADE AGREEMENTS.**

7 (a) CERTAIN AGREEMENTS.—Notwithstanding sec-
8 tion 4(b)(2), if an agreement to which section 4(b)
9 applies—

10 (1) is entered into under the auspices of the
11 World Trade Organization regarding the rules of ori-
12 gin work program described in article 9 of the
13 Agreement on Rules of Origin,

14 (2) is entered into otherwise under the auspices
15 of the World Trade Organization,

16 (3) is entered into with Chile,

17 (4) is entered into with Singapore, or

18 (5) establishes a Free Trade Area for the
19 Americas,

20 and results from negotiations that were commenced before
21 the date of the enactment of this Act, subsection (b) shall
22 apply.

23 (b) TREATMENT OF AGREEMENTS.—In the case of
24 any agreement to which subsection (a) applies—

1 (1) the applicability of the fast track procedures
2 to implementing bills shall be determined without re-
3 gard to the requirements of section 5; and

4 (2) the President shall consult regarding the
5 negotiations described in subsection (a) with the
6 committees described in section 5(b)(1) and the con-
7 gressional trade advisers as soon as feasible after
8 the enactment of this Act.

9 (c) APPLICABILITY OF ENVIRONMENTAL ASSESS-
10 MENT.—

11 (1) URUGUAY ROUND AGREEMENTS AND
12 FTAA.—With respect to agreements identified in
13 paragraphs (2) and (5) of subsection (a)—

14 (A) the notice required under section
15 6(d)(3) shall be given not later than 30 days
16 after the date of the enactment of this Act; and

17 (B) the preliminary draft of the environ-
18 mental assessment required under section
19 6(d)(4) shall be submitted to the Congress not
20 later than 18 months after such date of enact-
21 ment.

22 (2) CHILE AND SINGAPORE.—With respect to
23 agreements identified in paragraphs (3) and (4) of
24 subsection (a), the Trade Representative shall con-
25 sult with the Committee on Ways and Means of the

1 House of Representatives and the Committee on Fi-
2 nance of the Senate to determine the appropriate
3 time frame for submission to the Congress of an en-
4 vironmental assessment meeting the requirements of
5 section 6(d)(2).

6 (3) RULES OF ORIGIN.—The requirements of
7 section 6(d)(1) shall not apply to an agreement iden-
8 tified in subsection (a)(1).

9 (d) APPLICABILITY OF LABOR REVIEW.—

10 (1) URUGUAY ROUND AGREEMENTS AND
11 FTAA.—With respect to agreements identified in
12 paragraphs (2) and (5) of subsection (a)—

13 (A) the notice required under section
14 6(e)(3) shall be given not later than 30 days
15 after the date of the enactment of this Act; and

16 (B) the preliminary draft of the labor re-
17 view required under section 6(e)(4) shall be
18 submitted to the Congress not later than 18
19 months after such date of enactment.

20 (2) CHILE AND SINGAPORE.—With respect to
21 agreements identified in paragraphs (3) and (4) of
22 subsection (a), the Trade Representative shall con-
23 sult with the Committee on Ways and Means of the
24 House of Representatives and the Committee on Fi-
25 nance of the Senate to determine the appropriate

1 time frame for submission to the Congress of an en-
2 vironmental assessment meeting the requirements of
3 section 6(e)(2).

4 (3) RULES OF ORIGIN.—The requirements of
5 section 6(e)(1) shall not apply to an agreement iden-
6 tified in subsection (a)(1).

7 **SEC. 9. ADDITIONAL REPORT AND STUDIES.**

8 (a) REPORT ON TRADE-RESTRICTIVE PRACTICES.—
9 Not later than 1 year after the date of the enactment of
10 this Act, the President shall transmit to the Congress a
11 report on trade-restrictive practices of foreign countries
12 that are promoted, enabled, or facilitated by governmental
13 or private entities in those countries, or that involve the
14 delegation of regulatory powers to private entities.

15 (b) ANNUAL STUDY ON FLUCTUATIONS IN EX-
16 CHANGE RATE.—The Trade Representative shall prepare
17 and submit to the Congress, not later than ____ of each
18 year, a study of how fluctuations in the exchange rate
19 caused by the monetary policies of the trading partners
20 of the United States affect trade.

21 **SEC. 10. ADDITIONAL IMPLEMENTATION AND ENFORCE-**
22 **MENT REQUIREMENTS.**

23 (a) IN GENERAL.—At the time the President submits
24 to the Congress the final text of an agreement pursuant
25 to section 7(a)(1)(C), the President shall also submit a

1 plan for implementing and enforcing the agreement. The
2 implementation and enforcement plan shall include the fol-
3 lowing:

4 (1) BORDER PERSONNEL REQUIREMENTS.—A
5 description of additional personnel required at bor-
6 der entry points, including a list of additional cus-
7 toms and agricultural inspectors.

8 (2) AGENCY STAFFING REQUIREMENTS.—A de-
9 scription of additional personnel required by Federal
10 agencies responsible for monitoring, implementing,
11 and enforcing the trade agreement, including per-
12 sonnel required by the Office of the United States
13 Trade Representative, the Department of Commerce,
14 the Department of Agriculture (including additional
15 personnel required to evaluate sanitary and
16 phytosanitary measures in order to obtain market
17 access for United States exports), the Department of
18 the Treasury, the Environmental Protection Agency,
19 the Department of the Interior, the Department of
20 Labor, and such other departments and agencies as
21 may be necessary.

22 (3) CUSTOMS INFRASTRUCTURE REQUIRE-
23 MENTS.—A description of the additional equipment
24 and facilities needed by the United States Customs
25 Service.

1 (4) IMPACT ON STATE AND LOCAL GOVERN-
2 MENTS.—A description of the impact the trade
3 agreement will have on State and local governments
4 as a result of increases in trade.

5 (5) COST ANALYSIS.—An analysis of the costs
6 associated with each of the items listed in para-
7 graphs (1) through (4).

8 (b) BUDGET SUBMISSION.—The President shall in-
9 clude a request for the resources necessary to support the
10 plan described in subsection (a) in the first budget that
11 the President submits to the Congress after the submis-
12 sion of the plan.

13 **SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.**

14 (a) IN GENERAL.—Title I of the Trade Act of 1974
15 (19 U.S.C. 2111 et seq.) is amended as follows:

16 (1) IMPLEMENTING BILL.—

17 (A) Section 151(b)(1) (19 U.S.C.
18 2191(b)(1)) is amended by striking “section
19 1103(a)(1) of the Omnibus Trade and Competi-
20 tiveness Act of 1988, or section 282 of the Uru-
21 guay Round Agreements Act” and inserting
22 “section 282 of the Uruguay Round Agree-
23 ments Act, or section 7(a)(1) of the Com-
24 prehensive Trade Negotiating Authority Act of
25 2002”.

1 (B) Section 151(c)(1) (19 U.S.C.
2 2191(c)(1)) is amended by striking “or section
3 282 of the Uruguay Round Agreements Act”
4 and inserting “, section 282 of the Uruguay
5 Round Agreements Act, or section 7(a)(1) of
6 the Comprehensive Trade Negotiating Authority
7 Act of 2002”.

8 (2) ADVICE FROM INTERNATIONAL TRADE COM-
9 MISSION.—Section 131 (19 U.S.C. 2151) is
10 amended—

11 (A) in subsection (a)—

12 (i) in paragraph (1), by striking “sec-
13 tion 123 of this Act or section 1102 (a) or
14 (c) of the Omnibus Trade and Competitive-
15 ness Act of 1988,” and inserting “section
16 123 of this Act or section 4(a) or (b) of
17 the Comprehensive Trade Negotiating Au-
18 thority Act of 2002,”; and

19 (ii) in paragraph (2), by striking “sec-
20 tion 1102 (b) or (c) of the Omnibus Trade
21 and Competitiveness Act of 1988” and in-
22 serting “section 4(b) of the Comprehensive
23 Trade Negotiating Authority Act of 2002”;

24 (B) in subsection (b), by striking “section
25 1102(a)(3)(A)” and inserting “section

1 4(a)(3)(A) of the Comprehensive Trade Negoti-
2 ating Authority Act of 2002” before the end pe-
3 riod; and

4 (C) in subsection (c), by striking “section
5 1102 of the Omnibus Trade and Competitive-
6 ness Act of 1988,” and inserting “section 4 of
7 the Comprehensive Trade Negotiating Authority
8 Act of 2002,”.

9 (3) HEARINGS AND ADVICE.—Sections 132,
10 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and
11 2154(a)) are each amended by striking “section
12 1102 of the Omnibus Trade and Competitiveness
13 Act of 1988,” each place it appears and inserting
14 “section 4 of the Comprehensive Trade Negotiating
15 Authority Act of 2002,”.

16 (4) PREREQUISITES FOR OFFERS.—Section
17 134(b) (19 U.S.C. 2154(b)) is amended by striking
18 “section 1102 of the Omnibus Trade and Competi-
19 tiveness Act of 1988” and inserting “section 4 of the
20 Comprehensive Trade Negotiating Authority Act of
21 2002”.

22 (5) ADVICE FROM PRIVATE AND PUBLIC SEC-
23 TORS.—Section 135 (19 U.S.C. 2155) is amended—

24 (A) in subsection (a)(1)(A), by striking
25 “section 1102 of the Omnibus Trade and Com-

1 petitiveness Act of 1988” and inserting “section
2 4 of the Comprehensive Trade Negotiating Au-
3 thority Act of 2002”;

4 (B) in subsection (e)(1)—

5 (i) by striking “section 1102 of the
6 Omnibus Trade and Competitiveness Act
7 of 1988” each place it appears and insert-
8 ing “section 4 of the Comprehensive Trade
9 Negotiating Authority Act of 2002”; and

10 (ii) by striking “section 1103(a)(1)(A)
11 of such Act of 1988” and inserting “sec-
12 tion 7(a)(1)(A) of the Comprehensive
13 Trade Negotiating Authority Act of 2002”;
14 and

15 (C) in subsection (e)(2), by striking “sec-
16 tion 1101 of the Omnibus Trade and Competi-
17 tiveness Act of 1988” and inserting “section 2
18 of the Comprehensive Trade Negotiating Au-
19 thority Act of 2002”.

20 (6) TRANSMISSION OF AGREEMENTS TO CON-
21 GRESS.—Section 162(a) (19 U.S.C. 2212(a)) is
22 amended by striking “or under section 1102 of the
23 Omnibus Trade and Competitiveness Act of 1988”
24 and inserting “or under section 4 of the Comprehen-
25 sive Trade Negotiating Authority Act of 2002”.

1 (b) APPLICATION OF CERTAIN PROVISIONS.—For
2 purposes of applying sections 125, 126, and 127 of the
3 Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and
4 2137)—

5 (1) any trade agreement entered into under sec-
6 tion 4 shall be treated as an agreement entered into
7 under section 101 or 102, as appropriate, of the
8 Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

9 (2) any proclamation or Executive order issued
10 pursuant to a trade agreement entered into under
11 section 4 shall be treated as a proclamation or Exec-
12 utive order issued pursuant to a trade agreement en-
13 tered into under section 102 of the Trade Act of
14 1974.

15 **SEC. 12. DEFINITIONS.**

16 In this Act:

17 (1) AGREEMENTS.—Any reference to any of the
18 following agreements is a reference to that same
19 agreement referred to in section 101(d) of the Uru-
20 guay Round Agreements Act (19 U.S.C. 3511(d)):

21 (A) The Agreement on Agriculture.

22 (B) The Agreement on the Application of
23 Sanitary and Phytosanitary Measures.

24 (C) The Agreement on Technical Barriers
25 to Trade.

1 (D) The Agreement on Trade-Related In-
2 vestment Measures.

3 (E) The Agreement on Implementation of
4 Article VI of the General Agreement on Tariffs
5 and Trade 1994.

6 (F) The Agreement on Rules of Origin.

7 (G) The Agreement on Subsidies and
8 Countervailing Measures.

9 (H) The Agreement on Safeguards.

10 (I) The General Agreement on Trade in
11 Services.

12 (J) The Agreement on Trade-Related As-
13 pects of Intellectual Property Rights.

14 (K) The Agreement on Government Pro-
15 curement.

16 (2) ANTIDUMPING AGREEMENT.—The term
17 “Antidumping Agreement” means the Agreement on
18 Implementation of Article VI of the General Agree-
19 ment on Tariffs and Trade 1994.

20 (3) APPELLATE BODY; DISPUTE SETTLEMENT
21 BODY; DISPUTE SETTLEMENT PANEL; DISPUTE SET-
22 TLEMENT UNDERSTANDING.—The terms “Appellate
23 Body”, “Dispute Settlement Body”, “dispute settle-
24 ment panel”, and “Dispute Settlement Under-
25 standing” have the meanings given those terms in

1 section 121 of the Uruguay Round Agreements Act
2 (35 U.S.C. 3531).

3 (4) BUSINESS CONFIDENTIAL.—Information or
4 evidence is “business confidential” if disclosure of
5 the information or evidence is likely to cause sub-
6 stantial harm to the competitive position of the enti-
7 ty from which the information or evidence would be
8 obtained.

9 (5) CONGRESSIONAL TRADE ADVISERS.—The
10 term “congressional trade advisers” means the con-
11 gressional advisers for trade policy and negotiations
12 designated under section 161(a)(1) of the Trade Act
13 of 1974 (19 U.S.C. 2211(a)(1)).

14 (6) FTAA.—The term “FTAA” means the
15 Free Trade Area of the Americas or comparable
16 agreement reached between the United States and
17 the countries in the Western Hemisphere.

18 (7) FTAA AGREEMENT.—The term “FTAA
19 agreements” means any agreements entered into to
20 establish or carry out the FTAA.

21 (8) FTAA MEMBER; FTAA MEMBER COUN-
22 TRY.—The terms “FTAA member” and “FTAA
23 member country” mean a country that is a member
24 of the FTAA.

1 (9) GATT 1994.—The term “GATT 1994” has
2 the meaning given that term in section 2 of the Uru-
3 guay Round Agreements Act (19 U.S.C. 3501).

4 (10) ILO.—The term “ILO” means the Inter-
5 national Labor Organization.

6 (11) IMPLEMENTING BILL.—The term “imple-
7 menting bill” has the meaning given that term in
8 section 151(b)(1) of the Trade Act of 1974 (19
9 U.S.C. 2191(b)(1)).

10 (12) NAFTA.—The term “NAFTA” means the
11 North American Free Trade Agreement.

12 (13) TRADE REPRESENTATIVE.—The term
13 “Trade Representative” means the United States
14 Trade Representative.

15 (14) UNITED STATES PERSON.—The term
16 “United States person” means—

17 (A) a United States citizen;

18 (B) a partnership, corporation, or other
19 legal entity organized under the laws of the
20 United States; and

21 (C) a partnership, corporation, or other
22 legal entity that is organized under the laws of
23 a foreign country and is controlled by entities
24 described in subparagraph (B) or United States
25 citizens, or both.

1 (15) URUGUAY ROUND AGREEMENTS.—The
2 term “Uruguay Round Agreements” has the mean-
3 ing given that term in section 2(7) of the Uruguay
4 Round Agreements Act (19 U.S.C. 3501(7)).

5 (16) WTO.—The term “WTO” means the or-
6 ganization established pursuant to the WTO Agree-
7 ment.

8 (17) WTO AGREEMENT.—The term “WTO
9 Agreement” means the Agreement Establishing the
10 World Trade Organization entered into on April 15,
11 1994.

