

107TH CONGRESS
1ST SESSION

H. R. 1446

To provide trade negotiating authority.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. ENGLISH introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide trade negotiating authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Standard Trade Nego-
5 tiating Authority Act of 2001”.

6 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

7 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

8 The overall trade negotiating objectives of the United
9 States for agreements subject to the provisions of section

10 3 are—

1 (1) to obtain more open, equitable, and recip-
2 rocal market access;

3 (2) to obtain the reduction or elimination of
4 barriers and distortions that are directly related to
5 trade and that decrease market opportunities for
6 United States exports or otherwise distort United
7 States trade;

8 (3) to further strengthen the system of inter-
9 national trading disciplines and procedures, includ-
10 ing dispute settlement;

11 (4) to foster economic growth, raise living
12 standards, and promote full employment in the
13 United States and to enhance the global economy;
14 and

15 (5) to ensure that domestic producers have ac-
16 cess to a full range of appropriate legal remedies
17 against unfair trade practices, including adequate
18 and accessible antidumping and antisurge protec-
19 tions.

20 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

21 (1) TRADE BARRIERS AND DISTORTIONS.—The
22 principal negotiating objectives of the United States
23 regarding trade barriers and other trade distortions
24 are—

1 (A) to expand competitive market opportu-
2 nities for United States exports and to obtain
3 fairer and more open conditions of trade by re-
4 ducing or eliminating tariff and nontariff bar-
5 riers and policies and practices of foreign gov-
6 ernments directly related to trade that decrease
7 market opportunities for United States exports
8 or otherwise distort United States trade; and

9 (B) to obtain reciprocal tariff and non-
10 tariff barrier elimination agreements, with par-
11 ticular attention to those tariff categories cov-
12 ered in section 111(b) of the Uruguay Round
13 Agreements Act (19 U.S.C. 3521(b)).

14 (2) TRADE IN SERVICES.—The principal negoti-
15 ating objective of the United States regarding trade
16 in services is to reduce or eliminate barriers to inter-
17 national trade in services, including regulatory and
18 other barriers that deny national treatment or un-
19 reasonably restrict the establishment or operations
20 of service suppliers.

21 (3) FOREIGN INVESTMENT.—The principal ne-
22 gotiating objective of the United States regarding
23 foreign investment is to reduce or eliminate artificial
24 or trade-distorting barriers to trade-related foreign
25 investment by—

1 (A) reducing or eliminating exceptions to
2 the principle of national treatment;

3 (B) freeing the transfer of funds relating
4 to investments;

5 (C) reducing or eliminating performance
6 requirements and other unreasonable barriers
7 to the establishment and operation of invest-
8 ments;

9 (D) seeking to establish standards for ex-
10 propriation and compensation for expropriation,
11 consistent with United States legal principles
12 and practice; and

13 (E) providing meaningful procedures for
14 resolving investment disputes.

15 (4) INTELLECTUAL PROPERTY.—The principal
16 negotiating objectives of the United States regarding
17 trade-related intellectual property are—

18 (A) to further promote adequate and effec-
19 tive protection of intellectual property rights,
20 including through—

21 (i)(I) ensuring accelerated and full
22 implementation of the Agreement on
23 Trade-Related Aspects of Intellectual
24 Property Rights referred to in section
25 101(d)(15) of the Uruguay Round Agree-

1 ments Act (19 U.S.C. 3511(d)(15)), par-
2 ticularly with respect to United States in-
3 dustries whose products are subject to the
4 lengthiest transition periods for full com-
5 pliance by developing countries with that
6 Agreement, and

7 (II) ensuring that the provisions of
8 any multilateral or bilateral trade agree-
9 ment entered into by the United States
10 provide protection at least as strong as the
11 protection afforded by chapter 17 of the
12 North American Free Trade Agreement
13 and the annexes thereto;

14 (ii) providing strong protection for
15 new and emerging technologies and new
16 methods of transmitting and distributing
17 products embodying intellectual property;

18 (iii) preventing or eliminating dis-
19 crimination with respect to matters affect-
20 ing the availability, acquisition, scope,
21 maintenance, use, and enforcement of in-
22 tellectual property rights; and

23 (iv) providing strong enforcement of
24 intellectual property rights, including
25 through accessible, expeditious, and effec-

1 tive civil, administrative, and criminal en-
2 forcement mechanisms; and

3 (B) to secure fair, equitable, and non-
4 discriminatory market access opportunities for
5 United States persons that rely upon intellec-
6 tual property protection.

7 (5) TRANSPARENCY.—The principal negotiating
8 objective of the United States with respect to trans-
9 parency is to obtain broader application of the prin-
10 ciple of transparency through—

11 (A) increased and more timely public ac-
12 cess to information regarding trade issues and
13 the activities of international trade institutions;
14 and

15 (B) increased openness of dispute settle-
16 ment proceedings, including under the World
17 Trade Organization.

18 (6) RECIPROCAL TRADE IN AGRICULTURE.—(A)
19 The principal negotiating objective of the United
20 States with respect to agriculture is to obtain com-
21 petitive opportunities for United States exports of
22 agricultural commodities in foreign markets substan-
23 tially equivalent to the competitive opportunities af-
24 forded foreign exports in United States markets and

1 to achieve fairer and more open conditions of trade
2 in bulk and value-added commodities by—

3 (i) reducing or eliminating, by a date cer-
4 tain, tariffs or other charges that decrease mar-
5 ket opportunities for United States exports—

6 (I) giving priority to those products
7 that are subject to significantly higher tar-
8 iffs or subsidy regimes of major producing
9 countries; and

10 (II) providing reasonable adjustment
11 periods for United States import-sensitive
12 products, in close consultation with the
13 Congress on such products before initiating
14 tariff reduction negotiations;

15 (ii) reducing or eliminating subsidies that
16 decrease market opportunities for United States
17 exports or unfairly distort agriculture markets
18 to the detriment of the United States;

19 (iii) developing, strengthening, and clari-
20 fying rules and effective dispute settlement
21 mechanisms to eliminate practices that unfairly
22 decrease United States market access opportu-
23 nities or distort agricultural markets to the det-
24 riment of the United States, particularly with

1 respect to import-sensitive products,
2 including—

3 (I) unfair or trade-distorting activities
4 of state trading enterprises and other ad-
5 ministrative mechanisms, with emphasis on
6 requiring price transparency in the oper-
7 ation of state trading enterprises and such
8 other mechanisms;

9 (II) unjustified trade restrictions or
10 commercial requirements affecting new
11 technologies, including biotechnology;

12 (III) unjustified sanitary or
13 phytosanitary restrictions, including those
14 not based on scientific principles in con-
15 travention of the Uruguay Round Agree-
16 ments;

17 (IV) other unjustified technical bar-
18 riers to trade; and

19 (V) restrictive rules in the administra-
20 tion of tariff rate quotas;

21 (iv) improving import relief mechanisms to
22 recognize the unique characteristics of perish-
23 able agriculture;

24 (v) taking into account whether a party to
25 the negotiations has failed to adhere to the pro-

1 visions of already existing trade agreements
2 with the United States or has circumvented ob-
3 ligations under those agreements;

4 (vi) taking into account whether a product
5 is subject to market distortions by reason of a
6 failure of a major producing country to adhere
7 to the provisions of already existing trade
8 agreements with the United States or by the
9 circumvention by that country of its obligations
10 under those agreements;

11 (vii) otherwise ensuring that countries that
12 accede to the World Trade Organization have
13 made meaningful market liberalization commit-
14 ments in agriculture; and

15 (viii) taking into account the impact that
16 agreements covering agriculture to which the
17 United States is a party, including the North
18 American Free Trade Agreement, have on the
19 United States agricultural industry.

20 (B)(i) Before commencing negotiations with re-
21 spect to agriculture, the United States Trade Rep-
22 resentative, in consultation with the Congress, shall
23 seek to develop a position on the treatment of sea-
24 sonal and perishable agricultural products to be em-
25 ployed in the negotiations in order to develop an

1 international consensus on the treatment of seasonal
2 or perishable agricultural products in investigations
3 relating to dumping and safeguards and in any other
4 relevant area.

5 (ii) The negotiating objective provided in sub-
6 paragraph (A) applies with respect to agricultural
7 matters to be addressed in any trade agreement en-
8 tered into under section 3 (a) or (b), including any
9 trade agreement entered into under section 3 (a) or
10 (b) that provides for accession to a trade agreement
11 to which the United States is already a party, such
12 as the North American Free Trade Agreement and
13 the United States-Canada Free Trade Agreement.

14 (7) LABOR, THE ENVIRONMENT, AND OTHER
15 MATTERS.—The principal negotiating objective of
16 the United States regarding labor, the environment,
17 and other matters is to address the following aspects
18 of foreign government policies and practices regard-
19 ing labor, the environment, and other matters that
20 are directly related to trade:

21 (A) To ensure that foreign labor, environ-
22 mental, health, or safety policies and practices
23 do not arbitrarily or unjustifiably discriminate
24 or serve as disguised barriers to trade.

1 (B) To ensure that foreign governments do
2 not derogate from or waive existing domestic
3 environmental, health, safety, or labor meas-
4 ures, including measures that deter exploitative
5 child labor, as an encouragement to gain com-
6 petitive advantage in international trade or in-
7 vestment. Nothing in this subparagraph is in-
8 tended to address changes to a country's laws
9 that are consistent with sound macroeconomic
10 development. Nothing in this subparagraph
11 shall be construed to authorize inclusion in an
12 implementing bill under this Act or in an agree-
13 ment subject to an implementing bill under this
14 Act provisions that would restrict the autonomy
15 of the United States in these areas.

16 (8) WTO EXTENDED NEGOTIATIONS.—The
17 principal negotiating objectives of the United States
18 regarding trade in financial services are those set
19 forth in section 135(a) of the Uruguay Round
20 Agreements Act (19 U.S.C. 3555(a)), regarding
21 trade in civil aircraft are those set forth in section
22 135(c) of that Act, and regarding rules of origin are
23 the conclusion of an agreement described in section
24 132 of that Act (19 U.S.C. 3552).

1 (c) INTERNATIONAL ECONOMIC POLICY OBJEC-
2 TIVES.—

3 (1) IN GENERAL.—The President should take
4 into account the relationship between trade agree-
5 ments and other important priorities of the United
6 States and seek to ensure that the trade agreements
7 entered into by the United States complement and
8 reinforce other policy goals. The United States prior-
9 ities in this area include—

10 (A) seeking to ensure that trade and envi-
11 ronmental policies are mutually supportive;

12 (B) seeking to protect and preserve the en-
13 vironment and enhance the international means
14 for doing so, while optimizing the use of the
15 world's resources;

16 (C) promoting respect for worker rights
17 and the rights of children and an understanding
18 of the relationship between trade and worker
19 rights, particularly by working with the Inter-
20 national Labor Organization to encourage the
21 observance and enforcement of core labor
22 standards, including the prohibition on exploita-
23 tive child labor; and

24 (D) supplementing and strengthening
25 standards for protection of intellectual property

1 under conventions administered by international
2 organizations other than the World Trade Or-
3 ganization, expanding these conventions to
4 cover new and emerging technologies, and elimi-
5 nating discrimination and unreasonable excep-
6 tions or preconditions to such protection.

7 (2) APPLICABILITY OF TRADE PROMOTION PRO-
8 CEDURES.—Nothing in this subsection shall be con-
9 strued to authorize the use of the trade promotion
10 procedures described in section 3 to modify United
11 States law.

12 (d) GUIDANCE FOR NEGOTIATORS.—

13 (1) DOMESTIC OBJECTIVES.—In pursuing the
14 negotiating objectives described in subsection (b),
15 the negotiators on behalf of the United States shall
16 take into account United States domestic objectives,
17 including the protection of health and safety, essen-
18 tial security, environmental, consumer, and employ-
19 ment opportunity interests, and the law and regula-
20 tions related thereto.

21 (2) CONSULTATIONS WITH CONGRESSIONAL AD-
22 VISERS AND ENFORCEMENT OF THE TRADE LAWS.—
23 In the course of negotiations conducted under this
24 Act, the United States Trade Representative shall—

1 (A) consult closely and on a timely basis
2 with, and keep fully apprised of the negotia-
3 tions, the Congressional Oversight Group ap-
4 pointed under section 7 with respect to the ne-
5 gotiations; and

6 (B) preserve the ability of the United
7 States to enforce rigorously its trade laws, in-
8 cluding the antidumping and countervailing
9 duty laws, and avoid agreements which lessen
10 the effectiveness of domestic and international
11 disciplines on unfair trade, especially dumping
12 and subsidies, in order to ensure that United
13 States workers, agricultural producers, and
14 firms can compete fully on fair terms and enjoy
15 the benefits of reciprocal trade concessions.

16 (3) CONSULTATION BEFORE AGREEMENT INI-
17 TIALED.—In the course of negotiations conducted
18 under this Act, the United States Trade Representa-
19 tive shall—

20 (A) consult closely and on a timely basis
21 (including immediately before initialing an
22 agreement) with, and keep fully apprised of the
23 negotiations, the congressional advisers for
24 trade policy and negotiations appointed under
25 section 161 of the Trade Act of 1974 (19

1 U.S.C. 2211), the Committee on Ways and
2 Means of the House of Representatives, and the
3 Committee on Finance of the Senate; and

4 (B) with regard to any negotiations and
5 agreement relating to agricultural trade, also
6 consult closely and on a timely basis (including
7 immediately before initialing an agreement)
8 with, and keep fully apprised of the negotia-
9 tions, the Committee on Agriculture of the
10 House of Representatives and the Committee
11 on Agriculture, Nutrition, and Forestry of the
12 Senate.

13 (e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY
14 ROUND AGREEMENTS.—In determining whether to enter
15 into negotiations with a particular country, the President
16 shall take into account the extent to which that country
17 has implemented, or has accelerated the implementation
18 of, its obligations under the Uruguay Round Agreements.

19 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

20 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

21 (1) IN GENERAL.—Whenever the President de-
22 termines that one or more existing duties or other
23 import restrictions of any foreign country or the
24 United States are unduly burdening and restricting
25 the foreign trade of the United States and that the

1 purposes, policies, and objectives of this Act will be
2 promoted thereby, the President—

3 (A) may enter into trade agreements with
4 foreign countries, and

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

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

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

11 (iii) such additional duties,

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

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

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

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

1 (B) notwithstanding any other provision of
2 this Act, reduces the rate of duty below that ap-
3 plicable under the Uruguay Round Agreements,
4 on any agricultural product which was the sub-
5 ject of tariff reductions by the United States as
6 a result of the Uruguay Round Agreements, for
7 which the rate of duty, pursuant to such Agree-
8 ments, was reduced on January 1, 1995, to a
9 rate which was not less than 97.5 percent of
10 the rate of duty that applied to such article on
11 December 31, 1994; or

12 (C) increases any rate of duty above the
13 rate that applied on January 1, 2001.

14 (3) AGGREGATE REDUCTION; EXEMPTION FROM
15 STAGING.—

16 (A) AGGREGATE REDUCTION.—Except as
17 provided in subparagraph (B), the aggregate re-
18 duction in the rate of duty on any article which
19 is in effect on any day pursuant to a trade
20 agreement entered into under paragraph (1)
21 shall not exceed the aggregate reduction which
22 would have been in effect on such day if—

23 (i) a reduction of 3 percent ad valo-
24 rem or a reduction of one-tenth of the total
25 reduction, whichever is greater, had taken

1 effect on the effective date of the first re-
2 duction proclaimed under paragraph (1) to
3 carry out such agreement with respect to
4 such article; and

5 (ii) a reduction equal to the amount
6 applicable under clause (i) had taken effect
7 at 1-year intervals after the effective date
8 of such first reduction.

9 (B) EXEMPTION FROM STAGING.—No
10 staging is required under subparagraph (A)
11 with respect to a duty reduction that is pro-
12 claimed under paragraph (1) for an article of a
13 kind that is not produced in the United States.
14 The United States International Trade Com-
15 mission shall advise the President of the iden-
16 tity of articles that may be exempted from stag-
17 ing under this subparagraph.

18 (4) ROUNDING.—If the President determines
19 that such action will simplify the computation of re-
20 ductions under paragraph (3), the President may
21 round an annual reduction by an amount equal to
22 the lesser of—

23 (A) the difference between the reduction
24 without regard to this paragraph and the next
25 lower whole number; or

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

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

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

21 (7) AUTHORITY UNDER URUGUAY ROUND
22 AGREEMENTS ACT NOT AFFECTED.—Nothing in this
23 subsection shall limit the authority provided to the
24 President under section 111(b) of the Uruguay
25 Round Agreements Act (19 U.S.C. 3521(b)).

1 (b) AGREEMENTS REGARDING TARIFF AND NON-
2 TARIFF BARRIERS.—

3 (1) IN GENERAL.—(A) Whenever the President
4 determines that—

5 (i) one or more existing duties or any other
6 import restriction of any foreign country or the
7 United States or any other barrier to, or other
8 distortion of, international trade unduly bur-
9 dens or restricts the foreign trade of the United
10 States or adversely affects the United States
11 economy, or

12 (ii) the imposition of any such barrier or
13 distortion is likely to result in such a burden,
14 restriction, or effect,

15 and that the purposes, policies, and objectives of this
16 Act will be promoted thereby, the President may,
17 subject to section 4, enter into a trade agreement
18 described in subparagraph (B).

19 (B) The President may enter into a trade
20 agreement under subparagraph (A) with foreign
21 countries providing for—

22 (i) the reduction or elimination of a duty,
23 restriction, barrier, or other distortion described
24 in subparagraph (A), or

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

3 (2) CONDITIONS.—A trade agreement may be
4 entered into under this subsection only if such
5 agreement makes progress in meeting the applicable
6 objectives described in section 2 and the President
7 satisfies the conditions set forth in sections 4 and 5.

8 (c) COMMENCEMENT OF NEGOTIATIONS.—In order
9 to contribute to the continued economic expansion of the
10 United States, the President shall, subject to section 4,
11 commence negotiations covering tariff and nontariff bar-
12 riers affecting any industry, product, or service sector, in-
13 cluding negotiations to protect against monopolies and
14 similar restraints on trade, and to expand existing sectoral
15 agreements to countries that are not parties to those
16 agreements, in cases where the President determines that
17 such negotiations are feasible and timely and would ben-
18 efit the United States. Such sectors include agriculture,
19 commercial services, intellectual property rights, industrial
20 and capital goods, government procurement, information
21 technology products, environmental technology and serv-
22 ices, medical equipment and services, civil aircraft, and in-
23 frastructure products.

1 **SEC. 4. PRIOR AUTHORIZATION, CONSULTATIONS, AND AS-**
2 **SESSMENT.**

3 (a) **PRIOR AUTHORIZATION FOR SPECIFIC AGREE-**
4 **MENTS.—**

5 (1) **NOTIFICATION OF COMMISSION.—**Except in
6 the case of negotiations with respect to a trade
7 agreement entered into under the auspices of the
8 World Trade Organization, the President, at least
9 180 calendar days before negotiations are proposed
10 to be initiated with respect to a trade agreement
11 under section 3(b), shall notify the Commission on
12 Labor and the Environment established under sec-
13 tion 9 of the country or countries with which the ne-
14 gotiations are proposed to be conducted.

15 (2) **REPORT OF THE COMMISSION.—**The Com-
16 mission on Labor and the Environment—

17 (A) shall—

18 (i) assess those laws of the country or
19 countries referred to in paragraph (1) that
20 relate to worker rights and protection of
21 the environment;

22 (ii) assess the enforcement of those
23 laws by local authorities in the country or
24 countries; and

25 (iii) make any recommendations on
26 modifications to those laws that should be

1 pursued in the negotiations in order to
2 achieve the negotiating objectives set forth
3 in section 2(b)(7); and

4 (B) not later than 90 calendar days after
5 receiving the President's notice under para-
6 graph (1), submit to the President and the
7 Congress a report on the Commission's assess-
8 ments and recommendations under subpara-
9 graph (A).

10 (3) AUTHORIZING LEGISLATION.—The Presi-
11 dent may enter into the negotiations with respect to
12 a trade agreement to which paragraph (1) applies if
13 and only if—

14 (A) after the submission of the Commis-
15 sion's report on the negotiations under para-
16 graph (2), the President submits to the Con-
17 gress the draft of a preauthorization bill con-
18 sisting only of—

19 (i) a provision authorizing the nego-
20 tiations;

21 (ii) a provision specifying the country
22 or countries with which the negotiations
23 will be conducted;

24 (iii) provisions specifying the negoti-
25 ating objectives to be sought in the nego-

1 tiations, taking into account the report of
2 the Commission submitted with respect to
3 the negotiations; and

4 (iv) a provision stating the date by
5 which the trade agreement will be con-
6 cluded; and

7 (B) the preauthorization bill is enacted
8 into law.

9 (4) APPLICABILITY OF TRADE PROMOTION PRO-
10 CEDURES.—The provisions of section 151 of the
11 Trade Act of 1974 (in this Act referred to as “trade
12 promotion procedures”) apply to a preauthorization
13 bill of either House of Congress described in para-
14 graph (23)(A).

15 (5) EXTENSION DISAPPROVAL PROCESS FOR
16 CONGRESSIONAL TRADE PROMOTION PROCE-
17 DURES.—

18 (A) REPORT TO CONGRESS BY THE PRESI-
19 DENT.—If the President is of the opinion that
20 the date specified in a preauthorization bill
21 under paragraph (3) for conclusion of a trade
22 agreement should be extended, the President
23 shall submit to the Congress, not later than
24 _____ days before the date specified in the
25 preauthorization bill, a written report that con-

1 tains a request for such extension, together
2 with—

3 (i) a description of the trade agree-
4 ment being negotiated and the date by
5 which negotiations to conclude such agree-
6 ment will be completed;

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

13 (iii) a statement of the reasons why
14 the extension is needed to complete the ne-
15 gotiations.

16 (B) REPORT TO CONGRESS BY THE ADVI-
17 SORY COMMITTEE.—The President shall
18 promptly inform the Advisory Committee for
19 Trade Policy and Negotiations established
20 under section 135 of the Trade Act of 1974 (19
21 U.S.C. 2155) of the President's decision to sub-
22 mit a report to the Congress under subpara-
23 graph (A). The Advisory Committee shall sub-
24 mit to the Congress as soon as practicable, but
25 not later than 1 month after being informed of

1 the President's decision, a written report that
2 contains—

3 (i) its views regarding the progress
4 that has been made in negotiations to
5 achieve the negotiating objectives set forth
6 in the preauthorization bill enacted that
7 authorized the negotiations; and

8 (ii) a statement of its views, and the
9 reasons therefor, regarding whether the ex-
10 tension requested under subparagraph (A)
11 should be approved or disapproved.

12 (C) REPORTS MAY BE CLASSIFIED.—The
13 reports submitted to the Congress under sub-
14 paragraphs (A) and (B), or any portion of such
15 reports, may be classified to the extent the
16 President determines appropriate.

17 (D) EXTENSION OF NEGOTIATING AU-
18 THORITY.—The date specified in a
19 preauthorization bill under paragraph (3) for
20 conclusion of a trade agreement shall be ex-
21 tended as specified in the President's report to
22 Congress under subparagraph (A)(i) if neither
23 House of the Congress adopts an extension dis-
24 approval resolution before the date specified in

1 the preauthorization bill referred to in subpara-
2 graph (A).

3 (E) EXTENSION DISAPPROVAL RESOLU-
4 TIONS.—(i) For purposes of subparagraph (D),
5 the term “extension disapproval resolution”
6 means a resolution of either House of the Con-
7 gress, the sole matter after the resolving clause
8 of which is as follows: “That the ____ dis-
9 approves the request of the President for the
10 extension, under section 4(a)(5)(A) of the
11 Trade Negotiating Authority Act of 2001, to
12 ____, 2____, of the negotiating authority with
13 respect to the trade agreement described in the
14 request submitted to the Congress on ____,
15 2____.”, with the first blank space being filled
16 with the name of the resolving House of the
17 Congress, and the second and third blank
18 spaces being filled with the appropriate dates.

19 (F) PROCEDURES.—(i) Extension dis-
20 approval resolutions—

21 (I) may be introduced in either House
22 of the Congress by any member of such
23 House; and

24 (II) shall be referred, in the House of
25 Representatives, to the Committee on

1 Ways and Means and, in addition, to the
2 Committee on Rules.

3 (ii) The provisions of sections 152 (d) and
4 (e) of the Trade Act of 1974 (19 U.S.C. 2192
5 (d) and (e)) (relating to the floor consideration
6 of certain resolutions in the House and Senate)
7 apply to extension disapproval resolutions.

8 (iii) It is not in order for—

9 (I) the Senate to consider any exten-
10 sion disapproval resolution not reported by
11 the Committee on Finance; or

12 (II) the House of Representatives to
13 consider any extension disapproval resolu-
14 tion not reported by the Committee on
15 Ways and Means and, in addition, by the
16 Committee on Rules.

17 (b) NOTICE AND CONSULTATION BEFORE NEGOTIA-
18 TION.—

19 (1) IN GENERAL.—The President, with respect
20 to any agreement that is subject to the provisions of
21 section 3(b), shall—

22 (A) in the case of any agreement not sub-
23 ject to subsection (a) of this section, provide, at
24 least 90 calendar days before initiating negotia-
25 tions, written notice to the Congress of the

1 President's intention to enter into the negotia-
2 tions and set forth therein the date the Presi-
3 dent intends to initiate such negotiations, the
4 specific United States objectives for the nego-
5 tiations, and whether the President intends to
6 seek an agreement, or changes to an existing
7 agreement; and

8 (B) consult regarding the negotiations, be-
9 fore and after the date that is 90 calendar days
10 before initiating negotiations, with the Com-
11 mittee on Finance of the Senate and the Com-
12 mittee on Ways and Means of the House of
13 Representatives and such other committees of
14 the House and Senate as the President deems
15 appropriate.

16 (2) CONSULTATIONS REGARDING NEGOTIA-
17 TIONS ON CERTAIN OBJECTIVES.—

18 (A) CONSULTATION.—In addition to the
19 requirements set forth in subsection (a) and
20 paragraph (1), before initiating negotiations
21 with respect to a trade agreement subject to
22 section 3(b), where the subject matter of such
23 negotiations is directly related to the principal
24 trade negotiating objectives set forth in section
25 2(b)(1) or section 2(b)(7), the President shall

1 consult with the Committee on Ways and
2 Means of the House of Representatives and the
3 Committee on Finance of the Senate and with
4 the appropriate advisory groups established
5 under section 135 of the Trade Act of 1974
6 with respect to such negotiations.

7 (B) SCOPE.—The consultations described
8 in subparagraph (A) shall concern the manner
9 in which the negotiation will address the objec-
10 tive of reducing or eliminating a specific tariff
11 or nontariff barrier or foreign government pol-
12 icy or practice directly related to trade that de-
13 creases market opportunities for United States
14 exports or otherwise distorts United States
15 trade.

16 (3) NEGOTIATIONS REGARDING AGRICULTURE.—(A) Before initiating negotiations the
17 subject matter of which is directly related to the
18 subject matter under section 2(b)(6)(A)(i) with any
19 country, the President shall assess whether United
20 States tariffs on agricultural products that were
21 bound under the Uruguay Round Agreements are
22 lower than the tariffs bound by that country. In ad-
23 dition, the President shall consider whether the tar-
24 iff levels bound and applied throughout the world
25

1 with respect to imports from the United States are
2 higher than United States tariffs and whether the
3 negotiation provides an opportunity to address any
4 such disparity. The President shall consult with the
5 Committee on Ways and Means and the Committee
6 on Agriculture of the House of Representatives and
7 the Committee on Finance and the Committee on
8 Agriculture, Nutrition, and Forestry of the Senate
9 concerning the results of the assessment, whether it
10 is appropriate for the United States to agree to fur-
11 ther tariff reductions based on the conclusions
12 reached in the assessment, and how all applicable
13 negotiating objectives will be met.

14 (B) Before initiating negotiations to reduce
15 United States tariffs on agricultural products which
16 the President determines to be import sensitive, the
17 President shall consult with the Committee on Ways
18 and Means and the Committee on Agriculture of the
19 House of Representatives and the Committee on Fi-
20 nance and the Committee on Agriculture, Nutrition,
21 and Forestry of the Senate concerning such tariff
22 reductions. The consultations shall include an as-
23 sessment of the impact of any tariff reduction on the
24 United States industry producing the product and
25 whether adjustment periods should be provided to

1 the industry. The President, with the advice of the
2 International Trade Commission, shall determine
3 which agricultural products are import sensitive.

4 (C) Before initiating negotiations with regard
5 to agriculture, the United States Trade Representa-
6 tive shall—

7 (i) identify those agricultural products sub-
8 ject to tariff reductions by the United States as
9 a result of the Uruguay Round Agreements, for
10 which the rate of duty was reduced on January
11 1, 1995, to a rate which was not less than 97.5
12 percent of the rate of duty that applied to such
13 article on December 31, 1994;

14 (ii) consult with the Committee on Ways
15 and Means of the House of Representatives and
16 the Committee on Finance of the Senate con-
17 cerning whether any further tariff reductions on
18 the products identified under clause (i) should
19 be appropriate, taking into account the impact
20 of any such tariff reduction on the United
21 States industry producing the product;

22 (iii) request that the International Trade
23 Commission prepare an assessment of the prob-
24 able economic effects of the tariff reduction on
25 the United States industry producing the prod-

1 uct and on the United States economy as a
2 whole; and

3 (iv) upon complying with clauses (i), (ii),
4 and (iii), notify the Committee on Ways and
5 Means of the House of Representatives and the
6 Committee on Finance of the Senate those
7 products identified in clause (i) for which the
8 Trade Representative intends to seek further
9 tariff liberalization in the negotiations.

10 (D) If, after negotiations described in subpara-
11 graph (C) are commenced—

12 (i) the United States Trade Representative
13 identifies any additional agricultural product
14 described in subparagraph (C)(i) for tariff re-
15 ductions which were not the subject of a notifi-
16 cation under subparagraph (C)(iv), or

17 (ii) any additional agricultural product de-
18 scribed in subparagraph (C)(i) is the subject of
19 a request for tariff reductions by a party to the
20 negotiations,

21 the Trade Representative shall notify the committees
22 referred to in subparagraph (C)(iv) as soon as prac-
23 ticable of those products.

24 (c) CONSULTATION WITH CONGRESS BEFORE
25 AGREEMENTS ENTERED INTO.—

1 (1) CONSULTATION.—Before entering into any
2 trade agreement under section 3(b), the President
3 shall consult with—

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

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

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

15 (A) the nature of the agreement;

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

19 (C) the implementation of the agreement
20 under section 5, including the general effect of
21 the agreement on existing laws.

22 (d) ADVISORY COMMITTEE REPORTS.—The report
23 required under section 135(e)(1) of the Trade Act of 1974
24 regarding any trade agreement entered into under section
25 3 (a) or (b) of this Act shall be provided to the President,

1 the Congress, and the United States Trade Representative
2 not later than 30 days after the date on which the Presi-
3 dent notifies the Congress under section 3(a)(1) or
4 5(a)(1)(A) of the President’s intention to enter into the
5 agreement.

6 (e) ITC ASSESSMENT.—

7 (1) IN GENERAL.—The President, at least 90
8 calendar days before the day on which the President
9 enters into a trade agreement under section 3(b),
10 shall provide the International Trade Commission
11 (referred to in this subsection as “the Commission”)
12 with the details of the agreement as it exists at that
13 time and request the Commission to prepare and
14 submit an assessment of the agreement as described
15 in paragraph (2). Between the time the President
16 makes the request under this paragraph and the
17 time the Commission submits the assessment, the
18 President shall keep the Commission current with
19 respect to the details of the agreement.

20 (2) ITC ASSESSMENT.—Not later than 90 cal-
21 endar days after the President enters into the agree-
22 ment, the Commission shall submit to the President
23 and Congress a report assessing the likely impact of
24 the agreement on the United States economy as a
25 whole and on specific industry sectors, including the

1 impact the agreement will have on the gross domes-
2 tic product, exports and imports, aggregate employ-
3 ment and employment opportunities, the production,
4 employment, and competitive position of industries
5 likely to be significantly affected by the agreement,
6 and the interests of United States consumers.

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

18 **SEC. 5. IMPLEMENTATION OF TRADE AGREEMENTS.**

19 (a) IN GENERAL.—

20 (1) NOTIFICATION AND SUBMISSION.—Any
21 agreement entered into under section 3(b) shall
22 enter into force with respect to the United States if
23 (and only if)—

24 (A) in the case of a trade agreement en-
25 tered into other than under the auspices of the

1 World Trade Organization, a preauthorization
2 bill was enacted into law under section 4(a) and
3 any extension requested under section
4 4(a)(5)(A) became effective under section
5 4(a)(5)(E);

6 (B) the President, at least 90 calendar
7 days before the day on which the President en-
8 ters into the trade agreement, notifies the
9 House of Representatives and the Senate of the
10 President's intention to enter into the agree-
11 ment, and promptly thereafter publishes notice
12 of such intention in the Federal Register;

13 (C) within 60 days after entering into the
14 agreement, the President submits to the Con-
15 gress a description of those changes to existing
16 laws that the President considers would be re-
17 quired in order to bring the United States into
18 compliance with the agreement;

19 (D) after entering into the agreement, the
20 President submits to the Congress a copy of the
21 final legal text of the agreement, together
22 with—

23 (i) a draft of an implementing bill de-
24 scribed in section paragraph (2);

1 (ii) a statement of any administrative
2 action proposed to implement the trade
3 agreement; and

4 (iii) the supporting information de-
5 scribed in paragraph (3); and

6 (E) the implementing bill is enacted into
7 law.

8 (2) BILLS QUALIFYING FOR TRADE AUTHORI-
9 TIES PROCEDURES.—The implementing bill referred
10 to in paragraph (1)(D)(i) is a bill of either House
11 of Congress consisting only of—

12 (A) a provision approving a trade agree-
13 ment entered into under section 3(b) and ap-
14 proving the statement of administrative action,
15 if any, proposed to implement such trade agree-
16 ment,

17 (B) provisions directly related to the prin-
18 cipal trade negotiating objectives set forth in
19 section 2(b) and the negotiating objectives set
20 forth in any preauthorization bill enacted under
21 section 4(a)(3) achieved in such trade agree-
22 ment, if those provisions are necessary for the
23 operation or implementation of United States
24 rights or obligations under such trade agree-
25 ment,

1 (C) provisions that define and clarify, or
2 provisions that are related to, the operation or
3 effect of the provisions of the trade agreement,

4 (D) provisions to provide adjustment as-
5 sistance to workers and firms adversely affected
6 by trade, and

7 (E) provisions necessary for purposes of
8 complying with section 252 of the Balanced
9 Budget and Emergency Deficit Control Act of
10 1985 in implementing the trade agreement,

11 The provisions of section 151 of the Trade Act of
12 1974 (in this Act referred to as “trade promotion
13 procedures”) apply to implementing bills under this
14 paragraph to the same extent as such section 151
15 applies to implementing bills under that section. A
16 bill to which this paragraph applies shall hereafter
17 in this Act be referred to as an “implementing bill”.

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

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

24 (B) a statement—

1 (i) asserting that the agreement
2 makes progress in achieving the applicable
3 purposes, policies, and objectives of this
4 Act; and

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

7 (I) how and to what extent the
8 agreement makes progress in achiev-
9 ing the applicable purposes, policies,
10 and objectives referred to in clause (i);

11 (II) whether and how the agree-
12 ment changes provisions of an agree-
13 ment previously negotiated;

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

17 (IV) how the implementing bill
18 meets the standards set forth in para-
19 graph (2).

20 (4) RECIPROCAL BENEFITS.—In order to en-
21 sure that a foreign country that is not a party to a
22 trade agreement entered into under section 3(b)
23 does not receive benefits under the agreement unless
24 the country is also subject to the obligations under
25 the agreement, the implementing bill submitted with

1 respect to the agreement shall provide that the bene-
2 fits and obligations under the agreement apply only
3 to the parties to the agreement, if such application
4 is consistent with the terms of the agreement. The
5 implementing bill may also provide that the benefits
6 and obligations under the agreement do not apply
7 uniformly to all parties to the agreement, if such ap-
8 plication is consistent with the terms of the agree-
9 ment.

10 (b) LIMITATIONS ON TRADE PROMOTION PROCE-
11 DURES.—

12 (1) FOR LACK OF NOTICE OR CONSULTA-
13 TIONS.—

14 (A) IN GENERAL.—The trade promotion
15 procedures shall not apply to any implementing
16 bill submitted with respect to a trade agreement
17 entered into under section 3(b) if during the
18 60-day period beginning on the date that one
19 House of Congress agrees to a procedural dis-
20 approval resolution for lack of notice or con-
21 sultations with respect to that trade agreement,
22 the other House separately agrees to a proce-
23 dural disapproval resolution with respect to that
24 agreement.

1 (B) PROCEDURAL DISAPPROVAL RESOLU-
2 TION.—For purposes of this paragraph, the
3 term “procedural disapproval resolution” means
4 a resolution of either House of Congress, the
5 sole matter after the resolving clause of which
6 is as follows: “That the President has failed or
7 refused to notify or consult (as the case may
8 be) with Congress in accordance with section 4
9 (b) or (c) or section 5 of the Trade Negotiating
10 Authority Act of 2001 on negotiations with re-
11 spect to _____ and, therefore, the trade
12 promotion procedures under that Act shall not
13 apply to any implementing bill submitted with
14 respect to that trade agreement.”, with the
15 blank space being filled with a description of
16 the trade agreement with respect to which the
17 President is considered to have failed or refused
18 to notify or consult.

19 (2) PROCEDURES FOR CONSIDERING RESOLU-
20 TIONS.—(A) Procedural disapproval resolutions—

21 (i) in the House of Representatives—

22 (I) shall be introduced by the chair-
23 man or ranking minority member of the
24 Committee on Ways and Means or the

1 chairman or ranking minority member of
2 the Committee on Rules;

3 (II) shall be referred to the Com-
4 mittee on Ways and Means and, in addi-
5 tion, to the Committee on Rules; and

6 (III) may not be amended by either
7 Committee; and

8 (ii) in the Senate shall be original resolu-
9 tions of the Committee on Finance.

10 (B) The provisions of section 152 (d) and (e)
11 of the Trade Act of 1974 (19 U.S.C. 2192 (d) and
12 (e)) (relating to the floor consideration of certain
13 resolutions in the House and Senate) apply to proce-
14 dural disapproval resolutions.

15 (C) It is not in order for the House of Rep-
16 resentatives to consider any procedural disapproval
17 resolution not reported by the Committee on Ways
18 and Means and, in addition, by the Committee on
19 Rules.

20 (c) RULES OF HOUSE OF REPRESENTATIVES AND
21 SENATE.—Subsection (b) of this section and section
22 4(a)(5) are enacted by the Congress—

23 (1) as an exercise of the rulemaking power of
24 the House of Representatives and the Senate, re-
25 spectively, and as such are deemed a part of the

1 rules of each House, respectively, and such proce-
2 dures supersede other rules only to the extent that
3 they are inconsistent with such other rules; and

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

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

10 (a) CERTAIN AGREEMENTS.—Notwithstanding sec-
11 tion 3(b)(2), if an agreement to which section 3(b) applies
12 is entered into with Jordan or Vietnam, and results from
13 negotiations that were commenced before the date of the
14 enactment of this Act, subsection (b) shall apply.

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

17 (1) the applicability of the trade promotion pro-
18 cedures to implementing bills shall be determined
19 without regard to the requirements of section 4 (a)
20 or (b), and any procedural disapproval resolution
21 under section 5(b)(1)(B) shall not be in order on the
22 basis of a failure or refusal to comply with the provi-
23 sions of section 4 (a) or (b); and

24 (2) the President shall consult regarding the
25 negotiations described in subsection (a) with the

1 committees described in section 4(b)(1)(B) as soon
2 as feasible after the enactment of this Act.

3 (c) MULTILATERAL AGREEMENT ON INVESTMENT.—

4 Notwithstanding any other provision of this Act, the trade
5 promotion procedures shall not apply to the Multilateral
6 Agreement on Investment concluded under the auspices
7 of the Organization for Economic Cooperation and Devel-
8 opment.

9 **SEC. 7. CONGRESSIONAL OVERSIGHT GROUPS.**

10 (a) APPOINTMENT AND FUNCTIONS.—Not later than
11 60 days before initiating negotiations with respect to any
12 agreement that is subject to the provisions of section
13 3(b)—

14 (1) the Speaker of the House of Representa-
15 tives, upon the recommendation of the chairman of
16 the Committee on Ways and Means, shall appoint 5
17 members (not more than 3 of whom are members
18 of the same political party) of such committee, and

19 (2) the President pro tempore of the Senate,
20 upon the recommendation of the chairman of the
21 Committee on Finance, shall appoint 5 members
22 (not more than 3 of whom are members of the same
23 political party) of such committee,

24 to serve as members of a Congressional Oversight Group
25 for the negotiations. Each such member shall be accred-

1 ited by the United States Trade Representative on behalf
2 of the President as official advisers to the United States
3 delegation in the negotiations. Members of the Congres-
4 sional Oversight Group shall consult with and provide ad-
5 vice to the Trade Representative regarding the formula-
6 tion of specific objectives, negotiating strategies and posi-
7 tions, and the development of the trade agreement.

8 (b) ADDITIONAL MEMBERS.—

9 (1) AUTHORITY TO APPOINT.—In addition to
10 the members designated under subsection (a) for a
11 Congressional Oversight Group—

12 (A) the Speaker of the House of Rep-
13 resentatives may appoint additional members of
14 the House from any other committee of the
15 House or joint committee of Congress to serve
16 as members of the Congressional Oversight
17 Group; and

18 (B) the President pro tempore of the Sen-
19 ate may appoint additional members of the Sen-
20 ate from any other committee of the Senate or
21 joint committee of Congress to serve as mem-
22 bers of the Congressional Oversight Group.

23 Members of the House and Senate appointed under
24 this paragraph shall be accredited by the United
25 States Trade Representative.

1 (2) CONSULTATIONS.—Before designating any
2 member under paragraph (1), the Speaker or the
3 President pro tempore shall consult with—

4 (A) the chairman and ranking minority
5 member of the Committee on Ways and Means
6 and the Committee on Finance, as appropriate;
7 and

8 (B) the chairman and ranking minority
9 member of the committee from which the mem-
10 ber will be appointed.

11 (3) AFFILIATION.—Not more than 2 members
12 may be appointed under this subsection as members
13 of any Congressional Oversight Group from any 1
14 committee of Congress. If 2 members are appointed
15 from 1 committee, they must be from different polit-
16 ical parties, and the total members from any polit-
17 ical party appointed under this subsection for any
18 Congressional Oversight Group may not exceed the
19 total number of members from any other political
20 party.

21 (c) GUIDELINES.—

22 (1) PURPOSE AND REVISION.—Within 120 days
23 after the date of the enactment of this Act, the
24 United States Trade Representative shall develop
25 written guidelines, in consultation with the chairmen

1 and ranking minority members of the Committee on
2 Ways and Means of the House of Representatives
3 and the Committee on Finance of the Senate, to fa-
4 cilitate the useful and timely exchange of informa-
5 tion between the Trade Representative and the Con-
6 gressional Oversight Groups established under this
7 section. The Trade Representative may revise the
8 guidelines from time to time as needed following fur-
9 ther such consultation.

10 (2) CONTENT.—The guidelines developed under
11 paragraph (1) shall provide for, among other
12 things—

13 (A) regular, detailed briefings of each Con-
14 gressional Oversight Group regarding negoti-
15 ating objectives and positions and status of the
16 negotiations with respect to which the group
17 was appointed, beginning as soon as practicable
18 after the appointment of the members of the
19 group, with more frequent briefings as trade
20 negotiations enter the final stage;

21 (B) access by members of each Congres-
22 sional Oversight Group, and staff with proper
23 security clearances, to pertinent documents re-
24 lating to the negotiations, including classified
25 materials; and

1 (C) the closest practicable coordination be-
2 tween the Trade Representative and each Con-
3 gressional Oversight Group at all critical peri-
4 ods during the negotiations, including at nego-
5 tiation sites.

6 **SEC. 8. ADDITIONAL IMPLEMENTATION AND ENFORCE-**
7 **MENT REQUIREMENTS.**

8 (a) IN GENERAL.—At the time the President submits
9 the final text of an agreement pursuant to section
10 5(a)(1)(D), the President shall also submit a plan for im-
11 plementing and enforcing the agreement. The implementa-
12 tion and enforcement plan shall include the following:

13 (1) BORDER PERSONNEL REQUIREMENTS.—A
14 description of additional personnel required at bor-
15 der entry points, including a list of additional cus-
16 toms and agricultural inspectors.

17 (2) AGENCY STAFFING REQUIREMENTS.—A de-
18 scription of additional personnel required by Federal
19 agencies responsible for monitoring and imple-
20 menting the trade agreement, including personnel
21 required by the Office of the United States Trade
22 Representative, the Department of Commerce, the
23 Department of Agriculture, and the Department of
24 the Treasury.

1 (3) CUSTOMS INFRASTRUCTURE REQUIRE-
2 MENTS.—A description of the additional equipment
3 and facilities needed by the United States Customs
4 Service.

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

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

12 (b) BUDGET SUBMISSION.—The President shall in-
13 clude a request for the resources necessary to support the
14 plan described in subsection (a) in the first budget the
15 President submits to Congress after the submission of the
16 plan.

17 **SEC. 9. COMMISSION ON LABOR AND THE ENVIRONMENT**

18 (a) ESTABLISHMENT.—There is established the Com-
19 mission on Labor and the Environment (in this section
20 referred to as the “Commission”).

21 (b) DUTIES OF COMMISSION.—The Commission
22 shall—

23 (1) carry out section 4(a)(2) of this Act fol-
24 lowing the notification of the President under sec-
25 tion 4(a)(1); and

1 (2) prepare reports on the laws of any country
2 that relate to worker rights or protection of the envi-
3 ronment, pursuant to resolution of either the Com-
4 mittee on Ways and Means of the House of Rep-
5 resentatives or the Committee on Finance of the
6 Senate.

7 (c) MEMBERSHIP.—

8 (1) NUMBER AND APPOINTMENT.—The Com-
9 mission shall be composed of 12 members appointed
10 by the President as follows:

11 (A) 3 members who shall be appointed
12 from among officers and employees of the Of-
13 fice of the United States Trade Representative
14 who have expertise in labor and environmental
15 issues.

16 (B) 3 members who shall be appointed
17 from among officers and employees of the Envi-
18 ronmental Protection Agency.

19 (C) 3 members who shall be appointed
20 from among officers and employees of the De-
21 partment of Labor.

22 (D) 1 member who shall be a representa-
23 tive of the business community.

24 (E) 1 member who shall be a representa-
25 tive of labor organizations.

1 (F) 1 member who shall be a representa-
2 tive of nongovernmental organizations with ex-
3 pertise in environmental issues.

4 (2) CONTINUATION OF MEMBERSHIP.—If a
5 member was appointed to the Commission as an of-
6 ficer or employee of an agency and the member
7 ceases to be such an officer or employee, or was ap-
8 pointed under subparagraph (D), (E), or (F) of
9 paragraph (1) and ceases to be representative of the
10 group he or she was chosen to represent, that mem-
11 ber may continue as a member for not longer than
12 the 30-day period beginning on the date that mem-
13 ber ceases to be such an officer or employee or such
14 a representative, as the case may be.

15 (3) TERMS.—

16 (A) IN GENERAL.—Each member shall be
17 appointed for a term of 4 years, except as pro-
18 vided in subparagraphs (B) and (C).

19 (B) TERMS OF INITIAL APPOINTEES.—As
20 designated by the President at the time of ap-
21 pointment, of the members first appointed—

22 (i) 3 shall be appointed for terms of
23 1 year;

24 (ii) 3 shall be appointed for terms of
25 2 years; and

1 (iii) 3 shall be appointed for terms of
2 3 years.

3 (C) VACANCIES.—Any member appointed
4 to fill a vacancy occurring before the expiration
5 of the term for which the member's predecessor
6 was appointed shall be appointed only for the
7 remainder of that term. A member may serve
8 after the expiration of that member's term until
9 a successor has taken office. A vacancy in the
10 Commission shall be filled in the manner in
11 which the original appointment was made.

12 (4) BASIC PAY.—

13 (A) RATES OF PAY.—Except as provided
14 in subparagraph (B), members shall each be
15 paid the daily equivalent of the annual rate of
16 basic pay for level V of the Executive Schedule
17 for each day (including travel time) during
18 which they are engaged in the actual perform-
19 ance of duties vested in the Commission.

20 (B) PROHIBITION OF COMPENSATION OF
21 FEDERAL EMPLOYEES.—Members of the Com-
22 mission who are full-time officers or employees
23 of the United States may not receive additional
24 pay, allowances, or benefits by reason of their
25 service on the Commission.

1 (C) TRAVEL EXPENSES.—Each member
2 shall receive travel expenses, including per diem
3 in lieu of subsistence, in accordance with appli-
4 cable provisions under subchapter I of chapter
5 57 of title 5, United States Code.

6 (5) QUORUM.—7 members of the Commission
7 shall constitute a quorum but a lesser number may
8 hold hearings.

9 (6) CHAIRPERSON.—The Chairperson of the
10 Commission shall be designated by the President at
11 the time of the appointment. The term of office of
12 the Chairperson shall be 2 years.

13 (7) MEETINGS.—The Commission shall meet at
14 the call of the Chairperson or a majority of its mem-
15 bers.

16 (d) COMMISSION PERSONNEL MATTERS.—

17 (1) IN GENERAL.—The Commission may, with-
18 out regard to the civil service laws and regulations,
19 appoint and terminate an Executive Director and
20 such other additional personnel as may be necessary
21 to enable the Commission to perform its duties.

22 (2) COMPENSATION.—The Commission may fix
23 the compensation of the Executive Director and
24 other personnel without regard to the provisions of
25 chapter 51 and subchapter III of chapter 53 of title

1 5, United States Code, relating to classification of
2 positions and General Schedule pay rates, except
3 that the rate of pay for the Executive Director and
4 other personnel may not exceed the rate payable for
5 level V of the Executive Schedule under section 5316
6 of such title.

7 (3) STAFF AND SERVICES OF OTHER FEDERAL
8 AGENCIES.—Upon the request of the Commission,
9 the head of any Federal department or agency may
10 detail, on a reimbursable or nonreimbursable basis,
11 any of the personnel of that department or agency
12 to the Commission to assist it in carrying out its
13 functions. The detail of any such personnel shall be
14 without interruption or loss of civil service or For-
15 eign Service status or privilege.

16 (4) EXPERTS AND CONSULTANTS.—The Com-
17 mission may procure temporary and intermittent
18 services under section 3109(b) of title 5, United
19 States Code, but at rates for individuals not to ex-
20 ceed the daily equivalent of the annual rate of pay
21 payable level V of the Executive Schedule under sec-
22 tion 5316 of such title.

23 (e) POWERS OF COMMISSION.—

24 (1) HEARINGS AND SESSIONS.—The Commis-
25 sion may, for the purpose of carrying out its func-

1 tions, hold hearings, sit and act at times and places,
2 take testimony, and receive evidence as the Commis-
3 sion considers appropriate.

4 (2) INFORMATION FROM FEDERAL AGENCIES.—
5 The Commission may secure directly from any Fed-
6 eral department or agency such information as the
7 Commission considers necessary to carry out the
8 provisions of this section. Upon request of the Chair-
9 person of the Commission, the head of such depart-
10 ment or agency shall furnish such information to the
11 Commission, subject to applicable law.

12 (3) POSTAL SERVICES.—The Commission may
13 use the United States mails in the same manner and
14 under the same conditions as other departments and
15 agencies of the Federal Government.

16 (4) ADMINISTRATIVE PROCEDURES.—The Com-
17 mission may adopt such rules and regulations, relat-
18 ing to administrative procedure, as may be reason-
19 ably necessary to enable it to carry out its functions.

20 (5) POWERS OF MEMBERS AND AGENTS.—Any
21 member or agent of the Commission may, if author-
22 ized by the Commission, take any action which the
23 Commission is authorized to take by this subsection.

24 (6) GIFTS, BEQUESTS, AND DEVISES.—The
25 Commission may accept, use, and dispose of gifts,

1 bequests, or devises of services or property, both real
2 and personal, for the purpose of aiding or facili-
3 tating the work of the Commission. Gifts, bequests,
4 or devises of money and proceeds from sales of other
5 property received as gifts, bequests, or devises shall
6 be deposited in the Treasury and shall be available
7 for disbursement upon order of the Commission. For
8 purposes of Federal income, estate, and gift taxes,
9 property accepted under this subsection shall be con-
10 sidered as a gift, bequest, or devise to the United
11 States.

12 (7) ADMINISTRATIVE SUPPORT SERVICES.—
13 Upon the request of the Commission, the Adminis-
14 trator of General Services shall provide to the Com-
15 mission, on a reimbursable basis, the administrative
16 support services necessary for the Commission to
17 carry out its functions.

18 (8) CONTRACT AUTHORITY.—To the extent or
19 in the amounts provided in advance in appropriation
20 Acts, the Commission may contract with and com-
21 pensate government and private agencies or persons
22 for the conduct of activities necessary to the dis-
23 charge of its functions.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section.

4 **SEC. 10. CONFORMING AMENDMENTS.**

5 (a) IN GENERAL.—Title I of the Trade Act of 1974
6 (19 U.S.C. 2111 et seq.) is amended as follows:

7 (1) IMPLEMENTING BILL.—

8 (A) Section 151(b)(1) (19 U.S.C.
9 2191(b)(1)) is amended by striking “, section
10 1103(a)(1) of the Omnibus Trade and Competi-
11 tiveness Act of 1988,”.

12 (B) Section 151(c)(1) (19 U.S.C.
13 2191(c)(1)) is amended by striking “or section
14 282 of the Uruguay Round Agreements Act”
15 and inserting “, section 282 of the Uruguay
16 Round Agreements Act, or section 5(a)(1) of
17 the Trade Negotiating Authority Act of 2001”.

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

21 (A) in subsection (a)—

22 (i) in paragraph (1), by striking “sec-
23 tion 123 of this Act or section 1102 (a) or
24 (c) of the Omnibus Trade and Competitive-
25 ness Act of 1988,” and inserting “section

1 123 of this Act or section 3 (a) or (b) of
2 the Trade Negotiating Authority Act of
3 2001,”; and

4 (ii) in paragraph (2), by striking “sec-
5 tion 1102 (b) or (c) of the Omnibus Trade
6 and Competitiveness Act of 1988” and in-
7 serting “section 3(b) of the Trade Negoti-
8 ating Authority Act of 2001”;

9 (B) in subsection (b), by striking “section
10 1102(a)(3)(A)” and inserting “section
11 3(a)(3)(A) of the Trade Negotiating Authority
12 Act of 2001” before the end period; and

13 (C) in subsection (c), by striking “section
14 1102 of the Omnibus Trade and Competitive-
15 ness Act of 1988,” and inserting “section 3 of
16 the Trade Negotiating Authority Act of 2001,”.

17 (3) HEARINGS AND ADVICE.—Sections 132,
18 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and
19 2154(a)) are each amended by striking “section
20 1102 of the Omnibus Trade and Competitiveness
21 Act of 1988,” each place it appears and inserting
22 “section 3 of the Trade Negotiating Authority Act
23 of 2001,”.

24 (4) PREREQUISITES FOR OFFERS.—Section
25 134(b) (19 U.S.C. 2154(b)) is amended by striking

1 “section 1102 of the Omnibus Trade and Competi-
2 tiveness Act of 1988” and inserting “section 3 of the
3 Trade Negotiating Authority Act of 2001”.

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

6 (A) in subsection (a)(1)(A), by striking
7 “section 1102 of the Omnibus Trade and Com-
8 petitiveness Act of 1988” and inserting “section
9 3 of the Trade Negotiating Authority Act of
10 2001”;

11 (B) in subsection (e)(1)—

12 (i) by striking “section 1102 of the
13 Omnibus Trade and Competitiveness Act
14 of 1988” each place it appears and insert-
15 ing “section 3 of the Trade Negotiating
16 Authority Act of 2001”; and

17 (ii) by striking “section 1103(a)(1)(A)
18 of such Act of 1988” and inserting “sec-
19 tion 5(a)(1)(B) of the Trade Negotiating
20 Authority Act of 2001”; and

21 (C) in subsection (e)(2), by striking “sec-
22 tion 1101 of the Omnibus Trade and Competi-
23 tiveness Act of 1988” and inserting “section 2
24 of the Trade Negotiating Authority Act of
25 2001”.

1 (6) TRANSMISSION OF AGREEMENTS TO CON-
2 GRESS.—Section 162(a) (19 U.S.C. 2212(a)) is
3 amended by striking “or under section 1102 of the
4 Omnibus Trade and Competitiveness Act of 1988”
5 and inserting “or under section 3 of the Trade Ne-
6 gotiating Authority Act of 2001”.

7 (b) APPLICATION OF CERTAIN PROVISIONS.—For
8 purposes of applying sections 125, 126, and 127 of the
9 Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and
10 2137)—

11 (1) any trade agreement entered into under sec-
12 tion 3 shall be treated as an agreement entered into
13 under section 101 or 102, as appropriate, of the
14 Trade Act of 1974 (19 U.S.C. 2111 or 2112); and

15 (2) any proclamation or Executive order issued
16 pursuant to a trade agreement entered into under
17 section 3 shall be treated as a proclamation or Exec-
18 utive order issued pursuant to a trade agreement en-
19 tered into under section 102 of the Trade Act of
20 1974.

21 **SEC. 11. DEFINITIONS.**

22 In this Act:

23 (1) UNITED STATES PERSON.—The term
24 “United States person” means—

25 (A) a United States citizen;

1 (B) a partnership, corporation, or other
2 legal entity organized under the laws of the
3 United States; and

4 (C) a partnership, corporation, or other
5 legal entity that is organized under the laws of
6 a foreign country and is controlled by entities
7 described in subparagraph (B) or United States
8 citizens, or both.

9 (2) URUGUAY ROUND AGREEMENTS.—The term
10 “Uruguay Round Agreements” has the meaning
11 given that term in section 2(7) of the Uruguay
12 Round Agreements Act (19 U.S.C. 3501(7)).

13 (3) WORLD TRADE ORGANIZATION.—The term
14 “World Trade Organization” means the organization
15 established pursuant to the WTO Agreement.

16 (4) WTO AGREEMENT.—The term “WTO
17 Agreement” means the Agreement Establishing the
18 World Trade Organization entered into on April 15,
19 1994.

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