

107TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To extend trade authorities procedures with respect to reciprocal trade agreements.

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 AND FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Bipartisan Trade Promotion Authority Act of 2001”.

6 (b) **FINDINGS.**—The Congress makes the following  
7 findings:

8 (1) The expansion of international trade is vital  
9 to the national security of the United States. Trade  
10 is critical to the economic growth and strength of  
11 the United States and to its leadership in the world.

1 Stable trading relationships promote security and  
2 prosperity. Trade agreements today serve the same  
3 purposes that security pacts played during the Cold  
4 War, binding nations together through a series of  
5 mutual rights and obligations. Leadership by the  
6 United States in international trade fosters open  
7 markets, democracy, and peace throughout the  
8 world.

9 (2) The national security of the United States  
10 depends on its economic security, which in turn is  
11 founded upon a vibrant and growing industrial base.  
12 Trade expansion has been the engine of economic  
13 growth. Trade agreements maximize opportunities  
14 for the critical sectors and building blocks of the  
15 economy of the United States, such as information  
16 technology, telecommunications and other leading  
17 technologies, basic industries, capital equipment,  
18 medical equipment, services, agriculture, environ-  
19 mental technology, and intellectual property. Trade  
20 will create new opportunities for the United States  
21 and preserve the unparalleled strength of the United  
22 States in economic, political, and military affairs.  
23 The United States, secured by expanding trade and  
24 economic opportunities, will meet the challenges of  
25 the twenty-first century.

1           (3) Support for continued trade expansion re-  
2           quires that dispute settlement procedures under  
3           international trade agreements not add to or dimin-  
4           ish the rights and obligations provided in such  
5           agreements. Nevertheless, in several cases, dispute  
6           settlement panels and the WTO Appellate Body have  
7           added to obligations and diminished rights of the  
8           United States under WTO Agreements. In par-  
9           ticular, dispute settlement panels and the Appellate  
10          Body have—

11                   (A) given insufficient deference to the ex-  
12                   pertise and fact-finding of the Department of  
13                   Commerce and the United States International  
14                   Trade Commission;

15                   (B) imposed an obligation concerning the  
16                   causal relationship between increased imports  
17                   into the United States and serious injury to do-  
18                   mestic industry necessary to support a safe-  
19                   guard measure that is different from the obliga-  
20                   tion set forth in the applicable WTO Agree-  
21                   ments;

22                   (C) imposed an obligation concerning the  
23                   exclusion from safeguards measures of products  
24                   imported from countries party to a free trade

1 agreement that is different from the obligation  
2 set forth in the applicable WTO Agreements;

3 (D) imposed obligations on the Depart-  
4 ment of Commerce with respect to the use of  
5 facts available in antidumping investigations  
6 that are different from the obligations set forth  
7 in the applicable WTO Agreements; and

8 (E) accorded insufficient deference to the  
9 Department of Commerce's methodology for ad-  
10 justing countervailing duties following the pri-  
11 vatization of a subsidized foreign producer.

12 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

13 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—  
14 The overall trade negotiating objectives of the United  
15 States for agreements subject to the provisions of section  
16 3 are—

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

19 (2) to obtain the reduction or elimination of  
20 barriers and distortions that are directly related to  
21 trade and that decrease market opportunities for  
22 United States exports or otherwise distort United  
23 States trade;

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

4           (4) to foster economic growth, raise living  
5           standards, and promote full employment in the  
6           United States and to enhance the global economy;

7           (5) to ensure that trade and environmental poli-  
8           cies are mutually supportive and to seek to protect  
9           and preserve the environment and enhance the inter-  
10          national means of doing so, while optimizing the use  
11          of the world's resources;

12          (6) to promote respect for worker rights and  
13          the rights of children consistent with core labor  
14          standards of the International Labor Organization  
15          (as defined in section 11(2)) and an understanding  
16          of the relationship between trade and worker rights;  
17          and

18          (7) to seek provisions in trade agreements  
19          under which parties to those agreements strive to  
20          ensure that they do not weaken or reduce the protec-  
21          tions afforded in domestic environmental and labor  
22          laws as an encouragement for trade.

23          (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

24                 (1) TRADE BARRIERS AND DISTORTIONS.—The  
25          principal negotiating objectives of the United States

1 regarding trade barriers and other trade distortions  
2 are—

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

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

16 (2) TRADE IN SERVICES.—The principal negoti-  
17 ating objective of the United States regarding trade  
18 in services is to reduce or eliminate barriers to inter-  
19 national trade in services, including regulatory and  
20 other barriers that deny national treatment and  
21 market access or unreasonably restrict the establish-  
22 ment or operations of service suppliers.

23 (3) FOREIGN INVESTMENT.—Recognizing that  
24 United States law on the whole provides a high level  
25 of protection for investment, consistent with or

1 greater than the level required by international law,  
2 the principal negotiating objectives of the United  
3 States regarding foreign investment are to reduce or  
4 eliminate artificial or trade-distorting barriers to  
5 trade-related foreign investment, while ensuring that  
6 United States investors in the United States are not  
7 accorded lesser rights than foreign investors in the  
8 United States, and to secure for investors important  
9 rights comparable to those that would be available  
10 under United States legal principles and practice,  
11 by—

12 (A) reducing or eliminating exceptions to  
13 the principle of national treatment;

14 (B) freeing the transfer of funds relating  
15 to investments;

16 (C) reducing or eliminating performance  
17 requirements, forced technology transfers, and  
18 other unreasonable barriers to the establish-  
19 ment and operation of investments;

20 (D) seeking to establish standards for ex-  
21 propriation and compensation for expropriation,  
22 consistent with United States legal principles  
23 and practice;

24 (E) seeking to establish standards for fair  
25 and equitable treatment consistent with United

1 States legal principles and practice, including  
2 the principle of due process;

3 (F) providing meaningful procedures for  
4 resolving investment disputes;

5 (G) seeking to improve mechanisms used  
6 to resolve disputes between an investor and a  
7 government through—

8 (i) mechanisms to eliminate frivolous  
9 claims and to deter the filing of frivolous  
10 claims;

11 (ii) procedures to ensure the efficient  
12 selection of arbitrators and the expeditious  
13 disposition of claims;

14 (iii) procedures to enhance opportuni-  
15 ties for public input into the formulation of  
16 government positions; and

17 (iv) establishment of a single appellate  
18 body to review decisions in investor-to-gov-  
19 ernment disputes and thereby provide co-  
20 herence to the interpretations of invest-  
21 ment provisions in trade agreements; and

22 (H) ensuring the fullest measure of trans-  
23 parency in the dispute settlement mechanism,  
24 to the extent consistent with the need to protect

1 information that is classified or business con-  
2 fidential, by—

3 (i) ensuring that all requests for dis-  
4 pute settlement are promptly made public;

5 (ii) ensuring that—

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

9 (II) all hearings are open to the  
10 public; and

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

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 meeting enforce-  
3           ment obligations under that agreement;  
4           and

5           (II) ensuring that the provisions of  
6           any multilateral or bilateral trade agree-  
7           ment governing intellectual property rights  
8           that is entered into by the United States  
9           reflect a standard of protection similar to  
10          that found in United States law;

11          (ii) providing strong protection for  
12          new and emerging technologies and new  
13          methods of transmitting and distributing  
14          products embodying intellectual property;

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

20          (iv) ensuring that standards of protec-  
21          tion and enforcement keep pace with tech-  
22          nological developments, and in particular  
23          ensuring that rightholders have the legal  
24          and technological means to control the use  
25          of their works through the Internet and

1 other global communication media, and to  
2 prevent the unauthorized use of their  
3 works; and

4 (v) providing strong enforcement of  
5 intellectual property rights, including  
6 through accessible, expeditious, and effec-  
7 tive civil, administrative, and criminal en-  
8 forcement mechanisms; and

9 (B) to secure fair, equitable, and non-  
10 discriminatory market access opportunities for  
11 United States persons that rely upon intellec-  
12 tual property protection.

13 (5) TRANSPARENCY.—The principal negotiating  
14 objective of the United States with respect to trans-  
15 parency is to obtain wider and broader application  
16 of the principle of transparency through—

17 (A) increased and more timely public ac-  
18 cess to information regarding trade issues and  
19 the activities of international trade institutions;

20 (B) increased openness at the WTO and  
21 other international trade fora by increasing  
22 public access to appropriate meetings, pro-  
23 ceedings, and submissions, including with re-  
24 gard to dispute settlement and investment; and

1 (C) increased and more timely public ac-  
2 cess to all notifications and supporting docu-  
3 mentation submitted by parties to the WTO.

4 (6) ANTI-CORRUPTION.—The principal negoti-  
5 ating objectives of the United States with respect to  
6 the use of money or other things of value to influ-  
7 ence acts, decisions, or omissions of foreign govern-  
8 ments or officials or to secure any improper advan-  
9 tage in a manner affecting trade are—

10 (A) to obtain high standards and appro-  
11 priate domestic enforcement mechanisms appli-  
12 cable to persons from all countries participating  
13 in the applicable trade agreement that prohibit  
14 such attempts to influence acts, decisions, or  
15 omissions of foreign governments; and

16 (B) to ensure that such standards do not  
17 place United States persons at a competitive  
18 disadvantage in international trade.

19 (7) IMPROVEMENT OF THE WTO AND MULTI-  
20 LATERAL TRADE AGREEMENTS.—The principal ne-  
21 gotiating objectives of the United States regarding  
22 the improvement of the World Trade Organization,  
23 the Uruguay Round Agreements, and other multilat-  
24 eral and bilateral trade agreements are—

1 (A) to achieve full implementation and ex-  
2 tend the coverage of the World Trade Organiza-  
3 tion and such agreements to products, sectors,  
4 and conditions of trade not adequately covered;  
5 and

6 (B) to expand country participation in and  
7 enhancement of the Information Technology  
8 Agreement and other trade agreements.

9 (8) REGULATORY PRACTICES.—The principal  
10 negotiating objectives of the United States regarding  
11 the use of government regulation or other practices  
12 by foreign governments to provide a competitive ad-  
13 vantage to their domestic producers, service pro-  
14 viders, or investors and thereby reduce market ac-  
15 cess for United States goods, services, and invest-  
16 ments are—

17 (A) to achieve increased transparency and  
18 opportunity for the participation of affected  
19 parties in the development of regulations;

20 (B) to require that proposed regulations be  
21 based on sound science, cost-benefit analysis,  
22 risk assessment, or other objective evidence;

23 (C) to establish consultative mechanisms  
24 among parties to trade agreements to promote  
25 increased transparency in developing guidelines,

1 rules, regulations, and laws for government pro-  
2 curement and other regulatory regimes; and

3 (D) to achieve the elimination of govern-  
4 ment measures such as price controls and ref-  
5 erence pricing which deny full market access for  
6 United States products.

7 (9) ELECTRONIC COMMERCE.—The principal  
8 negotiating objectives of the United States with re-  
9 spect to electronic commerce are—

10 (A) to ensure that current obligations,  
11 rules, disciplines, and commitments under the  
12 World Trade Organization apply to electronic  
13 commerce;

14 (B) to ensure that—

15 (i) electronically delivered goods and  
16 services receive no less favorable treatment  
17 under trade rules and commitments than  
18 like products delivered in physical form;  
19 and

20 (ii) the classification of such goods  
21 and services ensures the most liberal trade  
22 treatment possible;

23 (C) to ensure that governments refrain  
24 from implementing trade-related measures that  
25 impede electronic commerce;

1 (D) where legitimate policy objectives re-  
2 quire domestic regulations that affect electronic  
3 commerce, to obtain commitments that any  
4 such regulations are the least restrictive on  
5 trade, nondiscriminatory, and transparent, and  
6 promote an open market environment; and

7 (E) to extend the moratorium of the World  
8 Trade Organization on duties on electronic  
9 transmissions.

10 (10) RECIPROCAL TRADE IN AGRICULTURE.—

11 (A) The principal negotiating objective of the United  
12 States with respect to agriculture is to obtain com-  
13 petitive opportunities for United States exports of  
14 agricultural commodities in foreign markets substan-  
15 tially equivalent to the competitive opportunities af-  
16 farded foreign exports in United States markets and  
17 to achieve fairer and more open conditions of trade  
18 in bulk, specialty crop, and value-added commodities  
19 by—

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

23 (I) giving priority to those products  
24 that are subject to significantly higher tar-

1                   iffs or subsidy regimes of major producing  
2                   countries; and

3                   (II) providing reasonable adjustment  
4                   periods for United States import-sensitive  
5                   products, in close consultation with the  
6                   Congress on such products before initiating  
7                   tariff reduction negotiations;

8                   (ii) reducing tariffs to levels that are the  
9                   same as or lower than those in the United  
10                  States;

11                  (iii) reducing or eliminating subsidies that  
12                  decrease market opportunities for United States  
13                  exports or unfairly distort agriculture markets  
14                  to the detriment of the United States;

15                  (iv) allowing the preservation of programs  
16                  that support family farms and rural commu-  
17                  nities but do not distort trade;

18                  (v) developing disciplines for domestic sup-  
19                  port programs, so that production that is in ex-  
20                  cess of domestic food security needs is sold at  
21                  world prices;

22                  (vi) eliminating Government policies that  
23                  create price-depressing surpluses;

24                  (vii) eliminating state trading enterprises  
25                  whenever possible;

1 (viii) developing, strengthening, and clari-  
2 fying rules and effective dispute settlement  
3 mechanisms to eliminate practices that unfairly  
4 decrease United States market access opportu-  
5 nities or distort agricultural markets to the det-  
6 riment of the United States, particularly with  
7 respect to import-sensitive products,  
8 including—

9 (I) unfair or trade-distorting activities  
10 of state trading enterprises and other ad-  
11 ministrative mechanisms, with emphasis on  
12 requiring price transparency in the oper-  
13 ation of state trading enterprises and such  
14 other mechanisms in order to end cross  
15 subsidization, price discrimination, and  
16 price undercutting;

17 (II) unjustified trade restrictions or  
18 commercial requirements, such as labeling,  
19 that affect new technologies, including bio-  
20 technology;

21 (III) unjustified sanitary or  
22 phytosanitary restrictions, including those  
23 not based on scientific principles in con-  
24 travention of the Uruguay Round Agree-  
25 ments;

1 (IV) other unjustified technical bar-  
2 riers to trade; and

3 (V) restrictive rules in the administra-  
4 tion of tariff rate quotas;

5 (ix) eliminating practices that adversely af-  
6 fect trade in perishable or cyclical products,  
7 while improving import relief mechanisms to  
8 recognize the unique characteristics of perish-  
9 able and cyclical agriculture;

10 (x) ensuring that the use of import relief  
11 mechanisms for perishable and cyclical agri-  
12 culture are as accessible and timely to growers  
13 in the United States as those mechanisms that  
14 are used by other countries;

15 (xi) taking into account whether a party to  
16 the negotiations has failed to adhere to the pro-  
17 visions of already existing trade agreements  
18 with the United States or has circumvented ob-  
19 ligations under those agreements;

20 (xii) taking into account whether a product  
21 is subject to market distortions by reason of a  
22 failure of a major producing country to adhere  
23 to the provisions of already existing trade  
24 agreements with the United States or by the

1 circumvention by that country of its obligations  
2 under those agreements;

3 (xiii) otherwise ensuring that countries  
4 that accede to the World Trade Organization  
5 have made meaningful market liberalization  
6 commitments in agriculture;

7 (xiv) taking into account the impact that  
8 agreements covering agriculture to which the  
9 United States is a party, including the North  
10 American Free Trade Agreement, have on the  
11 United States agricultural industry; and

12 (xv) maintaining bona fide food assistance  
13 programs and preserving United States market  
14 development and export credit programs.

15 (B)(i) Before commencing negotiations with re-  
16 spect to agriculture, the United States Trade Rep-  
17 resentative, in consultation with the Congress, shall  
18 seek to develop a position on the treatment of sea-  
19 sonal and perishable agricultural products to be em-  
20 ployed in the negotiations in order to develop an  
21 international consensus on the treatment of seasonal  
22 or perishable agricultural products in investigations  
23 relating to dumping and safeguards and in any other  
24 relevant area.

1           (ii) During any negotiations on agricultural  
2           subsidies, the United States Trade Representative  
3           shall seek to establish the common base year for cal-  
4           culating the Aggregated Measurement of Support  
5           (as defined in the Agreement on Agriculture) as the  
6           end of each country's Uruguay Round implementa-  
7           tion period, as reported in each country's Uruguay  
8           Round market access schedule.

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

18          (11) LABOR AND THE ENVIRONMENT.—The  
19          principal negotiating objectives of the United States  
20          with respect to labor and the environment are—

21                (A) to ensure that a party to a trade  
22                agreement with the United States does not fail  
23                to effectively enforce its environmental or labor  
24                laws, through a sustained or recurring course of  
25                action or inaction, in a manner affecting trade

1           between the United States and that party after  
2           entry into force of a trade agreement between  
3           those countries;

4           (B) to recognize that parties to a trade  
5           agreement retain the right to exercise discretion  
6           with respect to investigatory, prosecutorial, reg-  
7           ulatory, and compliance matters and to make  
8           decisions regarding the allocation of resources  
9           to enforcement with respect to other labor or  
10          environmental matters determined to have high-  
11          er priorities, and to recognize that a country is  
12          effectively enforcing its laws if a course of ac-  
13          tion or inaction reflects a reasonable exercise of  
14          such discretion, or results from a bona fide de-  
15          cision regarding the allocation of resources and  
16          no retaliation may be authorized based on the  
17          exercise of these rights or the right to establish  
18          domestic labor standards and levels of environ-  
19          mental protection;

20          (C) to strengthen the capacity of United  
21          States trading partners to promote respect for  
22          core labor standards (as defined in section  
23          11(2));

24          (D) to strengthen the capacity of United  
25          States trading partners to protect the environ-

1           ment through the promotion of sustainable de-  
2           velopment;

3           (E) to reduce or eliminate government  
4           practices or policies that unduly threaten sus-  
5           tainable development;

6           (F) to seek market access, through the  
7           elimination of tariffs and nontariff barriers, for  
8           United States environmental technologies,  
9           goods, and services; and

10          (G) to ensure that labor, environmental,  
11          health, or safety policies and practices of the  
12          parties to trade agreements with the United  
13          States do not arbitrarily or unjustifiably dis-  
14          criminate against United States exports or  
15          serve as disguised barriers to trade.

16          (12) DISPUTE SETTLEMENT AND ENFORCE-  
17          MENT.—The principal negotiating objectives of the  
18          United States with respect to dispute settlement and  
19          enforcement of trade agreements are—

20                 (A) to seek provisions in trade agreements  
21                 providing for resolution of disputes between  
22                 governments under those trade agreements in  
23                 an effective, timely, transparent, equitable, and  
24                 reasoned manner, requiring determinations  
25                 based on facts and the principles of the agree-

1           ments, with the goal of increasing compliance  
2           with the agreements;

3           (B) to seek to strengthen the capacity of  
4           the Trade Policy Review Mechanism of the  
5           World Trade Organization to review compliance  
6           with commitments;

7           (C) to seek improved adherence by panels  
8           convened under the WTO Understanding on  
9           Rules and Procedures Governing the Settlement  
10          of Disputes and by the WTO Appellate Body to  
11          the standard of review applicable under the  
12          WTO Agreement involved in the dispute, in-  
13          cluding greater deference, where appropriate, to  
14          the fact finding and technical expertise of na-  
15          tional investigating authorities;

16          (D) to seek provisions encouraging the  
17          early identification and settlement of disputes  
18          through consultation;

19          (E) to seek provisions to encourage the  
20          provision of trade-expanding compensation if a  
21          party to a dispute under the agreement does  
22          not come into compliance with its obligations  
23          under the agreement;

1 (F) to seek provisions to impose a penalty  
2 upon a party to a dispute under the agreement  
3 that—

4 (i) encourages compliance with the ob-  
5 ligations of the agreement;

6 (ii) is appropriate to the parties, na-  
7 ture, subject matter, and scope of the vio-  
8 lation; and

9 (iii) has the aim of not adversely af-  
10 fecting parties or interests not party to the  
11 dispute while maintaining the effectiveness  
12 of the enforcement mechanism; and

13 (G) to seek provisions that treat United  
14 States principal negotiating objectives equally  
15 with respect to—

16 (i) the ability to resort to dispute set-  
17 tlement under the applicable agreement;

18 (ii) the availability of equivalent dis-  
19 pute settlement procedures; and

20 (iii) the availability of equivalent rem-  
21 edies.

22 (13) BORDER TAXES.—The principal negoti-  
23 ating objective of the United States regarding border  
24 taxes is to obtain a revision of the WTO rules with  
25 respect to the treatment of border adjustments for

1 internal taxes to redress the disadvantage to coun-  
2 tries relying primarily on direct taxes for revenue  
3 rather than indirect taxes.

4 (14) WTO EXTENDED NEGOTIATIONS.—The  
5 principal negotiating objectives of the United States  
6 regarding trade in civil aircraft are those set forth  
7 in section 135(c) of the Uruguay Round Agreements  
8 Act (19 U.S.C. 3355(c)) and regarding rules of ori-  
9 gin are the conclusion of an agreement described in  
10 section 132 of that Act (19 U.S.C. 3552).

11 (c) PROMOTION OF CERTAIN PRIORITIES.—In order  
12 to address and maintain United States competitiveness in  
13 the global economy, the President shall—

14 (1) seek greater cooperation between the WTO  
15 and the ILO;

16 (2) seek to establish consultative mechanisms  
17 among parties to trade agreements to strengthen the  
18 capacity of United States trading partners to pro-  
19 mote respect for core labor standards (as defined in  
20 section 11(2)), and report to the Committee on  
21 Ways and Means of the House of Representatives  
22 and the Committee on Finance of the Senate on the  
23 content and operation of such mechanisms;

24 (3) seek to establish consultative mechanisms  
25 among parties to trade agreements to strengthen the

1 capacity of United States trading partners to de-  
2 velop and implement standards for the protection of  
3 the environment and human health based on sound  
4 science, and report to the Committee on Ways and  
5 Means of the House of Representatives and the  
6 Committee on Finance of the Senate on the content  
7 and operation of such mechanisms;

8 (4) conduct environmental reviews of future  
9 trade and investment agreements, consistent with  
10 Executive Order 13141 of November 16, 1999 and  
11 the relevant guidelines, and report to the Committee  
12 on Ways and Means of the House of Representatives  
13 and the Committee on Finance of the Senate on  
14 such reviews;

15 (5) review the impact of future trade agree-  
16 ments on United States employment, modeled after  
17 Executive Order 13141, and report to the Com-  
18 mittee on Ways and Means of the House of Rep-  
19 resentatives and the Committee on Finance of the  
20 Senate on such review;

21 (6) take into account other legitimate United  
22 States domestic objectives including, but not limited  
23 to, the protection of legitimate health or safety, es-  
24 sential security, and consumer interests and the law  
25 and regulations related thereto;

1           (7) have the Secretary of Labor consult with  
2 any country seeking a trade agreement with the  
3 United States concerning that country's labor laws  
4 and provide technical assistance to that country if  
5 needed;

6           (8) in connection with any trade negotiations  
7 entered into under this Act, the President shall sub-  
8 mit to the Committee on Ways and Means of the  
9 House of Representatives and the Committee on Fi-  
10 nance of the Senate a meaningful labor rights report  
11 of the country, or countries, with respect to which  
12 the President is negotiating, on a time frame deter-  
13 mined in accordance with section 7(b)(2)(E);

14           (9)(A) preserve the ability of the United States  
15 to enforce rigorously its trade laws, including the  
16 antidumping, countervailing duty, and safeguard  
17 laws, and avoid agreements that lessen the effective-  
18 ness of domestic and international disciplines on un-  
19 fair trade, especially dumping and subsidies, or that  
20 lessen the effectiveness of domestic and international  
21 safeguard provisions, in order to ensure that United  
22 States workers, agricultural producers, and firms  
23 can compete fully on fair terms and enjoy the bene-  
24 fits of reciprocal trade concessions; and

1           (B) address and remedy market distortions that  
2           lead to dumping and subsidization, including over-  
3           capacity, cartelization, and market-access barriers.

4           (10) continue to promote consideration of mul-  
5           tilateral environmental agreements and consult with  
6           parties to such agreements regarding the consistency  
7           of any such agreement that includes trade measures  
8           with existing environmental exceptions under Article  
9           XX of the GATT 1994;

10          (11) report to the Committee on Ways and  
11          Means of the House of Representatives and the  
12          Committee on Finance of the Senate, not later than  
13          12 months after the imposition of a penalty or rem-  
14          edy by the United States permitted by a trade agree-  
15          ment to which this Act applies, on the effectiveness  
16          of the penalty or remedy applied under United  
17          States law in enforcing United States rights under  
18          the trade agreement; and

19          (12) seek to establish consultative mechanisms  
20          among parties to trade agreements to examine the  
21          trade consequences of significant and unanticipated  
22          currency movements and to scrutinize whether a for-  
23          eign government engaged in a pattern of manipu-  
24          lating its currency to promote a competitive advan-  
25          tage in international trade.

1 The report required under paragraph (11) shall address  
2 whether the penalty or remedy was effective in changing  
3 the behavior of the targeted party and whether the penalty  
4 or remedy had any adverse impact on parties or interests  
5 not party to the dispute.

6 (d) CONSULTATIONS.—

7 (1) CONSULTATIONS WITH CONGRESSIONAL AD-  
8 VISERS.—In the course of negotiations conducted  
9 under this Act, the United States Trade Representa-  
10 tive shall consult closely and on a timely basis with,  
11 and keep fully apprised of the negotiations, the Con-  
12 gressional Oversight Group convened under section  
13 7 and all committees of the House of Representa-  
14 tives and the Senate with jurisdiction over laws that  
15 would be affected by a trade agreement resulting  
16 from the negotiations.

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

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

1 section 161 of the Trade Act of 1974 (19  
2 U.S.C. 2211), the Committee on Ways and  
3 Means of the House of Representatives, the  
4 Committee on Finance of the Senate, and the  
5 Congressional Oversight Group convened under  
6 section 7; and

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

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

22 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

23 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

24 (1) IN GENERAL.—Whenever the President de-  
25 termines that one or more existing duties or other

1 import restrictions of any foreign country or the  
2 United States are unduly burdening and restricting  
3 the foreign trade of the United States and that the  
4 purposes, policies, priorities, and objectives of this  
5 Act will be promoted thereby, the President—

6 (A) may enter into trade agreements with  
7 foreign countries before—

8 (i) June 1, 2005; or

9 (ii) June 1, 2007, if trade authorities  
10 procedures are extended under subsection  
11 (c); and

12 (B) may, subject to paragraphs (2) and  
13 (3), proclaim—

14 (i) such modification or continuance  
15 of any existing duty,

16 (ii) such continuance of existing duty-  
17 free or excise treatment, or

18 (iii) such additional duties,

19 as the President determines to be required or  
20 appropriate to carry out any such trade agree-  
21 ment.

22 The President shall notify the Congress of the Presi-  
23 dent's intention to enter into an agreement under  
24 this subsection.

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

3           (A) reduces any rate of duty (other than a  
4 rate of duty that does not exceed 5 percent ad  
5 valorem on the date of the enactment of this  
6 Act) to a rate of duty which is less than 50 per-  
7 cent of the rate of such duty that applies on  
8 such date of enactment;

9           (B) reduces the rate of duty below that ap-  
10 plicable under the Uruguay Round Agreements,  
11 on any agricultural product which was the sub-  
12 ject of tariff reductions by the United States as  
13 a result of the Uruguay Round Agreements, for  
14 which the rate of duty, pursuant to such Agree-  
15 ments, was reduced on January 1, 1995, to a  
16 rate which was not less than 97.5 percent of  
17 the rate of duty that applied to such article on  
18 December 31, 1994; or

19           (C) increases any rate of duty above the  
20 rate that applied on the date of the enactment  
21 of this Act.

22           (3) AGGREGATE REDUCTION; EXEMPTION FROM  
23 STAGING.—

24           (A) AGGREGATE REDUCTION.—Except as  
25 provided in subparagraph (B), the aggregate re-

1           duction in the rate of duty on any article which  
2           is in effect on any day pursuant to a trade  
3           agreement entered into under paragraph (1)  
4           shall not exceed the aggregate reduction which  
5           would have been in effect on such day if—

6                   (i) a reduction of 3 percent ad valo-  
7                   rem or a reduction of one-tenth of the total  
8                   reduction, whichever is greater, had taken  
9                   effect on the effective date of the first re-  
10                  duction proclaimed under paragraph (1) to  
11                  carry out such agreement with respect to  
12                  such article; and

13                   (ii) a reduction equal to the amount  
14                   applicable under clause (i) had taken effect  
15                   at 1-year intervals after the effective date  
16                   of such first reduction.

17           (B) EXEMPTION FROM STAGING.—No  
18           staging is required under subparagraph (A)  
19           with respect to a duty reduction that is pro-  
20           claimed under paragraph (1) for an article of a  
21           kind that is not produced in the United States.  
22           The United States International Trade Com-  
23           mission shall advise the President of the iden-  
24           tity of articles that may be exempted from stag-  
25           ing under this subparagraph.

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

6                   (A) the difference between the reduction  
7 without regard to this paragraph and the next  
8 lower whole number; or

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

10           (5) OTHER LIMITATIONS.—A rate of duty re-  
11 duction that may not be proclaimed by reason of  
12 paragraph (2) may take effect only if a provision au-  
13 thORIZING such reduction is included within an imple-  
14 menting bill provided for under section 5 and that  
15 bill is enacted into law.

16           (6) OTHER TARIFF MODIFICATIONS.—Notwith-  
17 standing paragraphs (1)(B), (2)(A), (2)(C), and (3)  
18 through (5), and subject to the consultation and lay-  
19 over requirements of section 115 of the Uruguay  
20 Round Agreements Act, the President may proclaim  
21 the modification of any duty or staged rate reduc-  
22 tion of any duty set forth in Schedule XX, as de-  
23 fined in section 2(5) of that Act, if the United  
24 States agrees to such modification or staged rate re-  
25 duction in a negotiation for the reciprocal elimi-

1 nation or harmonization of duties under the auspices  
2 of the World Trade Organization.

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

8 (b) AGREEMENTS REGARDING TARIFF AND NON-  
9 TARIFF BARRIERS.—

10 (1) IN GENERAL.—(A) Whenever the President  
11 determines that—

12 (i) one or more existing duties or any other  
13 import restriction of any foreign country or the  
14 United States or any other barrier to, or other  
15 distortion of, international trade unduly bur-  
16 dens or restricts the foreign trade of the United  
17 States or adversely affects the United States  
18 economy; or

19 (ii) the imposition of any such barrier or  
20 distortion is likely to result in such a burden,  
21 restriction, or effect;

22 and that the purposes, policies, priorities, and objec-  
23 tives of this Act will be promoted thereby, the Presi-  
24 dent may enter into a trade agreement described in

1 subparagraph (B) during the period described in  
2 subparagraph (C).

3 (B) The President may enter into a trade  
4 agreement under subparagraph (A) with foreign  
5 countries providing for—

6 (i) the reduction or elimination of a duty,  
7 restriction, barrier, or other distortion described  
8 in subparagraph (A), or

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

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

13 (i) June 1, 2005; or

14 (ii) June 1, 2007, if trade authorities pro-  
15 cedures are extended under subsection (c).

16 (2) CONDITIONS.—A trade agreement may be  
17 entered into under this subsection only if such  
18 agreement makes progress in meeting the applicable  
19 objectives described in section 2(a) and (b) and the  
20 President satisfies the conditions set forth in section  
21 4.

22 (3) BILLS QUALIFYING FOR TRADE AUTHORI-  
23 TIES PROCEDURES.—(A) The provisions of section  
24 151 of the Trade Act of 1974 (in this Act referred  
25 to as “trade authorities procedures”) apply to a bill

1 of either House of Congress which contains provi-  
2 sions described in subparagraph (B) to the same ex-  
3 tent as such section 151 applies to implementing  
4 bills under that section. A bill to which this para-  
5 graph applies shall hereafter in this Act be referred  
6 to as an “implementing bill”.

7 (B) The provisions referred to in subparagraph  
8 (A) are—

9 (i) a provision approving a trade agree-  
10 ment entered into under this subsection and ap-  
11 proving the statement of administrative action,  
12 if any, proposed to implement such trade agree-  
13 ment; and

14 (ii) if changes in existing laws or new statu-  
15 tory authority are required to implement such  
16 trade agreement or agreements, provisions, nec-  
17 essary or appropriate to implement such trade  
18 agreement or agreements, either repealing or  
19 amending existing laws or providing new statu-  
20 tory authority.

21 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-  
22 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

23 (1) IN GENERAL.—Except as provided in sec-  
24 tion 5(b)—

1 (A) the trade authorities procedures apply  
2 to implementing bills submitted with respect to  
3 trade agreements entered into under subsection  
4 (b) before July 1, 2005; and

5 (B) the trade authorities procedures shall  
6 be extended to implementing bills submitted  
7 with respect to trade agreements entered into  
8 under subsection (b) after June 30, 2005, and  
9 before July 1, 2007, if (and only if)—

10 (i) the President requests such exten-  
11 sion under paragraph (2); and

12 (ii) neither House of the Congress  
13 adopts an extension disapproval resolution  
14 under paragraph (5) before June 1, 2005.

15 (2) REPORT TO CONGRESS BY THE PRESI-  
16 DENT.—If the President is of the opinion that the  
17 trade authorities procedures should be extended to  
18 implementing bills described in paragraph (1)(B),  
19 the President shall submit to the Congress, not later  
20 than March 1, 2005, a written report that contains  
21 a request for such extension, together with—

22 (A) a description of all trade agreements  
23 that have been negotiated under subsection (b)  
24 and the anticipated schedule for submitting  
25 such agreements to the Congress for approval;

1           (B) a description of the progress that has  
2           been made in negotiations to achieve the pur-  
3           poses, policies, priorities, and objectives of this  
4           Act, and a statement that such progress justi-  
5           fies the continuation of negotiations; and

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

8           (3) REPORT TO CONGRESS BY THE ADVISORY  
9           COMMITTEE.—The President shall promptly inform  
10          the Advisory Committee for Trade Policy and Nego-  
11          tiations established under section 135 of the Trade  
12          Act of 1974 (19 U.S.C. 2155) of the President’s de-  
13          cision to submit a report to the Congress under  
14          paragraph (2). The Advisory Committee shall submit  
15          to the Congress as soon as practicable, but not later  
16          than May 1, 2005, a written report that contains—

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

21                (B) a statement of its views, and the rea-  
22                sons therefor, regarding whether the extension  
23                requested under paragraph (2) should be ap-  
24                proved or disapproved.

1           (4) STATUS OF REPORTS.—The reports sub-  
2           mitted to the Congress under paragraphs (2) and  
3           (3), or any portion of such reports, may be classified  
4           to the extent the President determines appropriate.

5           (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

6           (A) For purposes of paragraph (1), the term “exten-  
7           sion disapproval resolution” means a resolution of  
8           either House of the Congress, the sole matter after  
9           the resolving clause of which is as follows: “That the  
10          \_\_\_\_\_ disapproves the request of the President for  
11          the extension, under section 3(c)(1)(B)(i) of the Bi-  
12          partisan Trade Promotion Authority Act of 2001, of  
13          the trade authorities procedures under that Act to  
14          any implementing bill submitted with respect to any  
15          trade agreement entered into under section 3(b) of  
16          that Act after June 30, 2005.”, with the blank space  
17          being filled with the name of the resolving House of  
18          the Congress.

19          (B) Extension disapproval resolutions—

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

23                  (ii) shall be referred, in the House of Rep-  
24                  resentatives, to the Committee on Ways and

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

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

8 (D) It is not in order for—

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

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

16 (iii) either House of the Congress to con-  
17 sider an extension disapproval resolution after  
18 June 30, 2005.

19 (d) COMMENCEMENT OF NEGOTIATIONS.—In order  
20 to contribute to the continued economic expansion of the  
21 United States, the President shall commence negotiations  
22 covering tariff and nontariff barriers affecting any indus-  
23 try, product, or service sector, and expand existing sec-  
24 toral agreements to countries that are not parties to those  
25 agreements, in cases where the President determines that

1 such negotiations are feasible and timely and would ben-  
2 efit the United States. Such sectors include agriculture,  
3 commercial services, intellectual property rights, industrial  
4 and capital goods, government procurement, information  
5 technology products, environmental technology and serv-  
6 ices, medical equipment and services, civil aircraft, and in-  
7 frastructure products. In so doing, the President shall  
8 take into account all of the principal negotiating objectives  
9 set forth in section 2(b).

10 **SEC. 4. CONSULTATIONS AND ASSESSMENT.**

11 (a) NOTICE AND CONSULTATION BEFORE NEGOTIA-  
12 TION.—The President, with respect to any agreement that  
13 is subject to the provisions of section 3(b), shall—

14 (1) provide, at least 90 calendar days before  
15 initiating negotiations, written notice to the Con-  
16 gress of the President's intention to enter into the  
17 negotiations and set forth therein the date the Presi-  
18 dent intends to initiate such negotiations, the spe-  
19 cific United States objectives for the negotiations,  
20 and whether the President intends to seek an agree-  
21 ment, or changes to an existing agreement;

22 (2) before and after submission of the notice,  
23 consult regarding the negotiations with the Com-  
24 mittee on Finance of the Senate and the Committee  
25 on Ways and Means of the House of Representa-

1       tives, such other committees of the House and Sen-  
2       ate as the President deems appropriate, and the  
3       Congressional Oversight group convened under sec-  
4       tion 7; and

5               (3) upon the request of a majority of the mem-  
6       bers of the Congressional Oversight Group under  
7       section 7(e), meet with the Congressional Oversight  
8       Group before initiating the negotiations or at any  
9       other time concerning the negotiations.

10       (b) NEGOTIATIONS REGARDING AGRICULTURE.—

11               (1) IN GENERAL.—Before initiating or con-  
12       tinuing negotiations the subject matter of which is  
13       directly related to the subject matter under section  
14       2(b)(10)(A)(i) with any country, the President shall  
15       assess whether United States tariffs on agricultural  
16       products that were bound under the Uruguay Round  
17       Agreements are lower than the tariffs bound by that  
18       country. In addition, the President shall consider  
19       whether the tariff levels bound and applied through-  
20       out the world with respect to imports from the  
21       United States are higher than United States tariffs  
22       and whether the negotiation provides an opportunity  
23       to address any such disparity. The President shall  
24       consult with the Committee on Ways and Means and  
25       the Committee on Agriculture of the House of Rep-

1        representatives and the Committee on Finance and the  
2        Committee on Agriculture, Nutrition, and Forestry  
3        of the Senate concerning the results of the assess-  
4        ment, whether it is appropriate for the United  
5        States to agree to further tariff reductions based on  
6        the conclusions reached in the assessment, and how  
7        all applicable negotiating objectives will be met.

8                (2) SPECIAL CONSULTATIONS ON IMPORT SEN-  
9        SITIVE PRODUCTS.—(A) Before initiating negotia-  
10        tions with regard to agriculture, and, with respect to  
11        the Free Trade Area for the Americas and negotia-  
12        tions with regard to agriculture under the auspices  
13        of the World Trade Organization, as soon as prac-  
14        ticable after the enactment of this Act, the United  
15        States Trade Representative shall—

16                (i) identify those agricultural products sub-  
17        ject to tariff reductions by the United States as  
18        a result of the Uruguay Round Agreements, for  
19        which the rate of duty was reduced on January  
20        1, 1995, to a rate which was not less than 97.5  
21        percent of the rate of duty that applied to such  
22        article on December 31, 1994;

23                (ii) consult with the Committee on Ways  
24        and Means and the Committee on Agriculture  
25        of the House of Representatives and the Com-

1           committee on Finance and the Committee on Agri-  
2           culture, Nutrition, and Forestry of the Senate  
3           concerning—

4                   (I) whether any further tariff reduc-  
5                   tions on the products identified under  
6                   clause (i) should be appropriate, taking  
7                   into account the impact of any such tariff  
8                   reduction on the United States industry  
9                   producing the product concerned; and

10                   (II) whether the products so identified  
11                   face unjustified sanitary or phytosanitary  
12                   restrictions, including those not based on  
13                   scientific principles in contravention of the  
14                   Uruguay Round Agreements;

15                   (iii) request that the International Trade  
16                   Commission prepare an assessment of the prob-  
17                   able economic effects of any such tariff reduc-  
18                   tion on the United States industry producing  
19                   the product concerned and on the United States  
20                   economy as a whole; and

21                   (iv) upon complying with clauses (i), (ii),  
22                   and (iii), notify the Committee on Ways and  
23                   Means and the Committee on Agriculture of the  
24                   House of Representatives and the Committee  
25                   on Finance and the Committee on Agriculture,

1 Nutrition, and Forestry of the Senate of those  
2 products identified under clause (i) for which  
3 the Trade Representative intends to seek tariff  
4 liberalization in the negotiations and the rea-  
5 sons for seeking such tariff liberalization.

6 (B) If, after negotiations described in subpara-  
7 graph (A) are commenced—

8 (i) the United States Trade Representative  
9 identifies any additional agricultural product  
10 described in subparagraph (A)(i) for tariff re-  
11 ductions which were not the subject of a notifi-  
12 cation under subparagraph (A)(iv), or

13 (ii) any additional agricultural product de-  
14 scribed in subparagraph (A)(i) is the subject of  
15 a request for tariff reductions by a party to the  
16 negotiations,

17 the Trade Representative shall, as soon as prac-  
18 ticable, notify the committees referred to in subpara-  
19 graph (A)(iv) of those products and the reasons for  
20 seeking such tariff reductions.

21 (c) NEGOTIATIONS REGARDING TEXTILES.—Before  
22 initiating or continuing negotiations the subject matter of  
23 which is directly related to textiles and apparel products  
24 with any country, the President shall assess whether  
25 United States tariffs on textile and apparel products that

1 were bound under the Uruguay Round Agreements are  
2 lower than the tariffs bound by that country and whether  
3 the negotiation provides an opportunity to address any  
4 such disparity. The President shall consult with the Com-  
5 mittee on Ways and Means of the House of Representa-  
6 tives and the Committee on Finance of the Senate con-  
7 cerning the results of the assessment, whether it is appro-  
8 priate for the United States to agree to further tariff re-  
9 ductions based on the conclusions reached in the assess-  
10 ment, and how all applicable negotiating objectives will be  
11 met.

12 (d) CONSULTATION WITH CONGRESS BEFORE  
13 AGREEMENTS ENTERED INTO.—

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

17 (A) the Committee on Ways and Means of  
18 the House of Representatives and the Com-  
19 mittee on Finance of the Senate;

20 (B) each other committee of the House  
21 and the Senate, and each joint committee of the  
22 Congress, which has jurisdiction over legislation  
23 involving subject matters which would be af-  
24 fected by the trade agreement; and

1 (C) the Congressional Oversight Group  
2 convened under section 7.

3 (2) SCOPE.—The consultation described in  
4 paragraph (1) shall include consultation with respect  
5 to—

6 (A) the nature of the agreement;

7 (B) how and to what extent the agreement  
8 will achieve the applicable purposes, policies,  
9 priorities, and objectives of this Act; and

10 (C) the implementation of the agreement  
11 under section 5, including the general effect of  
12 the agreement on existing laws.

13 (3) REPORT REGARDING UNITED STATES  
14 TRADE REMEDY LAWS.—

15 (A) CHANGES IN CERTAIN TRADE LAWS.—

16 The President, at least 90 calendar days before  
17 the day on which the President enters into a  
18 trade agreement, shall notify the Committee on  
19 Ways and Means of the House of Representa-  
20 tives and the Committee on Finance of the Sen-  
21 ate in writing of any amendments to title VII  
22 of the Tariff Act of 1930 or chapter 1 of title  
23 II of the Trade Act of 1974 that the President  
24 proposes to include in a bill implementing such  
25 trade agreement.

1 (B) EXPLANATION.—On the date that the  
2 President transmits the notification, the Presi-  
3 dent also shall transmit to the Committees a re-  
4 port explaining—

5 (i) the President’s reasons for believ-  
6 ing that amendments to title VII of the  
7 Tariff Act of 1930 or to chapter 1 of title  
8 II of the Trade Act of 1974 are necessary  
9 to implement the trade agreement; and

10 (ii) the President’s reasons for believ-  
11 ing that such amendments are consistent  
12 with the purposes, policies, and objectives  
13 described in section 2(c)(9).

14 (C) REPORT TO HOUSE.—Not later than  
15 60 calendar days after the date on which the  
16 President transmits the notification described in  
17 subparagraph (A), the Chairman and ranking  
18 member of the Ways and Means Committee of  
19 the House of Representatives, based on con-  
20 sultations with the members of that Committee,  
21 shall issue to the House of Representatives a  
22 report stating whether the proposed amend-  
23 ments described in the President’s notification  
24 are consistent with the purposes, policies, and  
25 objectives described in section 2(c)(9). In the

1 event that the Chairman and ranking member  
2 disagree with respect to one or more conclu-  
3 sions, the report shall contain the separate  
4 views of the Chairman and ranking member.

5 (D) REPORT TO SENATE.—Not later than  
6 60 calendar days after the date on which the  
7 President transmits the notification described in  
8 subparagraph (A), the Chairman and ranking  
9 member of the Finance Committee of the Sen-  
10 ate, based on consultations with the members of  
11 that Committee, shall issue to the Senate a re-  
12 port stating whether the proposed amendments  
13 described in the President's report are con-  
14 sistent with the purposes, policies, and objec-  
15 tives described in section 2(c)(9). In the event  
16 that the Chairman and ranking member dis-  
17 agree with respect to one or more conclusions,  
18 the report shall contain the separate views of  
19 the Chairman and ranking member.

20 (e) ADVISORY COMMITTEE REPORTS.—The report  
21 required under section 135(e)(1) of the Trade Act of 1974  
22 regarding any trade agreement entered into under section  
23 3(a) or (b) of this Act shall be provided to the President,  
24 the Congress, and the United States Trade Representative  
25 not later than 30 days after the date on which the Presi-

1 dent notifies the Congress under section 3(a)(1) or  
2 5(a)(1)(A) of the President's intention to enter into the  
3 agreement.

4 (f) ITC ASSESSMENT.—

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

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

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

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

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

18 (a) IN GENERAL.—

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

23 (A) the President, at least 90 calendar  
24 days before the day on which the President en-  
25 ters into an agreement—

1 (i) notifies the House of Representa-  
2 tives and the Senate of the President's in-  
3 tention to enter into the agreement, and  
4 promptly thereafter publishes notice of  
5 such intention in the Federal Register; and  
6 (ii) transmits to the Committee on  
7 Ways and Means of the House of Rep-  
8 resentatives and the Committee on Finance  
9 of the Senate the notification and report  
10 described in section 4(d)(3) (A) and (B);  
11 (B) within 60 days after entering into the  
12 agreement, the President submits to the Con-  
13 gress a description of those changes to existing  
14 laws that the President considers would be re-  
15 quired in order to bring the United States into  
16 compliance with the agreement;  
17 (C) after entering into the agreement, the  
18 President submits to the Congress, on a day on  
19 which both Houses of Congress are in session,  
20 a copy of the final legal text of the agreement,  
21 together with—  
22 (i) a draft of an implementing bill de-  
23 scribed in section 3(b)(3);

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 (2); and

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

8                   (2) SUPPORTING INFORMATION.—The sup-  
9                   porting information required under paragraph  
10                  (1)(C)(iii) consists of—

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

14                  (B) a statement—

15                   (i) asserting that the agreement  
16                   makes progress in achieving the applicable  
17                   purposes, policies, priorities, and objectives  
18                   of this Act; and

19                   (ii) setting forth the reasons of the  
20                   President regarding—

21                   (I) how and to what extent the  
22                   agreement makes progress in achiev-  
23                   ing the applicable purposes, policies,  
24                   and objectives referred to in clause (i);

1 (II) whether and how the agree-  
2 ment changes provisions of an agree-  
3 ment previously negotiated;

4 (III) how the agreement serves  
5 the interests of United States com-  
6 merce;

7 (IV) how the implementing bill  
8 meets the standards set forth in sec-  
9 tion 3(b)(3);

10 (V) how and to what extent the  
11 agreement makes progress in achiev-  
12 ing the applicable purposes, policies,  
13 and objectives referred to in section  
14 2(c) regarding the promotion of cer-  
15 tain priorities; and

16 (VI) in the event that the reports  
17 described in section 4(b)(3) (C) and  
18 (D) contain any findings that the pro-  
19 posed amendments are inconsistent  
20 with the purposes, policies, and objec-  
21 tives described in section 2(c)(9), an  
22 explanation as to why the President  
23 believes such findings to be incorrect.

24 (3) RECIPROCAL BENEFITS.—In order to en-  
25 sure that a foreign country that is not a party to a

1 trade agreement entered into under section 3(b)  
2 does not receive benefits under the agreement unless  
3 the country is also subject to the obligations under  
4 the agreement, the implementing bill submitted with  
5 respect to the agreement shall provide that the bene-  
6 fits and obligations under the agreement apply only  
7 to the parties to the agreement, if such application  
8 is consistent with the terms of the agreement. The  
9 implementing bill may also provide that the benefits  
10 and obligations under the agreement do not apply  
11 uniformly to all parties to the agreement, if such ap-  
12 plication is consistent with the terms of the agree-  
13 ment.

14 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-  
15 DURES.—

16 (1) FOR LACK OF NOTICE OR CONSULTA-  
17 TIONS.—

18 (A) IN GENERAL.—The trade authorities  
19 procedures shall not apply to any implementing  
20 bill submitted with respect to a trade agreement  
21 or trade agreements entered into under section  
22 3(b) if during the 60-day period beginning on  
23 the date that one House of Congress agrees to  
24 a procedural disapproval resolution for lack of  
25 notice or consultations with respect to such

1 trade agreement or agreements, the other  
2 House separately agrees to a procedural dis-  
3 approval resolution with respect to such trade  
4 agreement or agreements.

5 (B) PROCEDURAL DISAPPROVAL RESOLU-  
6 TION.—(i) For purposes of this paragraph, the  
7 term “procedural disapproval resolution” means  
8 a resolution of either House of Congress, the  
9 sole matter after the resolving clause of which  
10 is as follows: “That the President has failed or  
11 refused to notify or consult in accordance with  
12 the Bipartisan Trade Promotion Authority Act  
13 of 2001 on negotiations with respect to  
14 \_\_\_\_\_ and, therefore, the trade au-  
15 thorities procedures under that Act shall not  
16 apply to any implementing bill submitted with  
17 respect to such trade agreement or agree-  
18 ments.”, with the blank space being filled with  
19 a description of the trade agreement or agree-  
20 ments with respect to which the President is  
21 considered to have failed or refused to notify or  
22 consult.

23 (ii) For purposes of clause (i), the Presi-  
24 dent has “failed or refused to notify or consult  
25 in accordance with the Bipartisan Trade Pro-

1 motion Authority Act of 2001” on negotiations  
2 with respect to a trade agreement or trade  
3 agreements if—

4 (I) the President has failed or refused  
5 to consult (as the case may be) in accord-  
6 ance with section 4 or 5 with respect to the  
7 negotiations, agreement, or agreements;

8 (II) guidelines under section 7(b) have  
9 not been developed or met with respect to  
10 the negotiations, agreement, or agree-  
11 ments;

12 (III) the President has not met with  
13 the Congressional Oversight Group pursu-  
14 ant to a request made under section 7(c)  
15 with respect to the negotiations, agree-  
16 ment, or agreements; or

17 (IV) the agreement or agreements fail  
18 to make progress in achieving the pur-  
19 poses, policies, priorities, and objectives of  
20 this Act.

21 (C) PROCEDURES FOR CONSIDERING RESO-  
22 LUTIONS.—(i) Procedural disapproval  
23 resolutions—

24 (I) in the House of Representatives—

1 (aa) may be introduced by any  
2 Member of the House;

3 (bb) shall be referred to the  
4 Committee on Ways and Means and,  
5 in addition, to the Committee on  
6 Rules; and

7 (cc) may not be amended by ei-  
8 ther Committee; and

9 (II) in the Senate—

10 (aa) may be introduced by any  
11 Member of the Senate.

12 (bb) shall be referred to the  
13 Committee on Finance; and

14 (cc) may not be amended.

15 (ii) The provisions of section 152(d) and  
16 (e) of the Trade Act of 1974 (19 U.S.C.  
17 2192(d) and (e)) (relating to the floor consider-  
18 ation of certain resolutions in the House and  
19 Senate) apply to a procedural disapproval reso-  
20 lution introduced with respect to a trade agree-  
21 ment if no other procedural disapproval resolu-  
22 tion with respect to that trade agreement has  
23 previously been considered under such provi-  
24 sions of section 152 of the Trade Act of 1974

1 in that House of Congress during that Con-  
2 gress.

3 (iii) It is not in order for the House of  
4 Representatives to consider any procedural dis-  
5 approval resolution not reported by the Com-  
6 mittee on Ways and Means and, in addition, by  
7 the Committee on Rules.

8 (iv) It is not in order for the Senate to  
9 consider any procedural disapproval resolution  
10 not reported by the Committee on Finance.

11 (2) FOR FAILURE TO MEET OTHER REQUIRE-  
12 MENTS.—Prior to December 31, 2002, the Secretary  
13 of Commerce shall transmit to Congress a report  
14 setting forth the strategy of the United States for  
15 correcting instances in which dispute settlement pan-  
16 els and the Appellate Body of the WTO have added  
17 to obligations or diminished rights of the United  
18 States, as described in section 1(b)(3). Trade au-  
19 thorities procedures shall not apply to any imple-  
20 menting bill with respect to an agreement negotiated  
21 under the auspices of the WTO, unless the Secretary  
22 of Commerce has issued such report in a timely  
23 manner.

1 (c) RULES OF HOUSE OF REPRESENTATIVES AND  
2 SENATE.—Subsection (b) of this section and section 3(c)  
3 are enacted by the Congress—

4 (1) as an exercise of the rulemaking power of  
5 the House of Representatives and the Senate, re-  
6 spectively, and as such are deemed a part of the  
7 rules of each House, respectively, and such proce-  
8 dures supersede other rules only to the extent that  
9 they are inconsistent with such other rules; and

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

15 **SEC. 6. TREATMENT OF CERTAIN TRADE AGREEMENTS FOR**  
16 **WHICH NEGOTIATIONS HAVE ALREADY**  
17 **BEGUN.**

18 (a) CERTAIN AGREEMENTS.—Notwithstanding the  
19 prenegotiation notification and consultation requirement  
20 described in section 4(a), if an agreement to which section  
21 3(b) applies—

22 (1) is entered into under the auspices of the  
23 World Trade Organization,

24 (2) is entered into with Chile,

25 (3) is entered into with Singapore, or

1           (4) establishes a Free Trade Area for the  
2       Americas,  
3 and results from negotiations that were commenced before  
4 the date of the enactment of this Act, subsection (b) shall  
5 apply.

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

8           (1) the applicability of the trade authorities  
9       procedures to implementing bills shall be determined  
10       without regard to the requirements of section 4(a)  
11       (relating only to 90 days notice prior to initiating  
12       negotiations), and any procedural disapproval resolu-  
13       tion under section 5(b)(1)(B) shall not be in order  
14       on the basis of a failure or refusal to comply with  
15       the provisions of section 4(a); and

16           (2) the President shall, as soon as feasible after  
17       the enactment of this Act—

18               (A) notify the Congress of the negotiations  
19       described in subsection (a), the specific United  
20       States objectives in the negotiations, and  
21       whether the President is seeking a new agree-  
22       ment or changes to an existing agreement; and

23               (B) before and after submission of the no-  
24       tice, consult regarding the negotiations with the

1           committees referred to in section 4(a)(2) and  
2           the Congressional Oversight Group.

3 **SEC. 7. CONGRESSIONAL OVERSIGHT GROUP.**

4       (a) MEMBERS AND FUNCTIONS.—

5           (1) IN GENERAL.—By not later than 60 days  
6           after the date of the enactment of this Act, and not  
7           later than 30 days after the convening of each Con-  
8           gress, the chairman of the Committee on Ways and  
9           Means of the House of Representatives and the  
10          chairman of the Committee on Finance of the Sen-  
11          ate shall convene the Congressional Oversight  
12          Group.

13          (2) MEMBERSHIP FROM THE HOUSE.—In each  
14          Congress, the Congressional Oversight Group shall  
15          be comprised of the following Members of the House  
16          of Representatives:

17               (A) The chairman and ranking member of  
18               the Committee on Ways and Means, and 3 ad-  
19               ditional members of such Committee (not more  
20               than 2 of whom are members of the same polit-  
21               ical party).

22               (B) The chairman and ranking member, or  
23               their designees, of the committees of the House  
24               of Representatives which would have, under the  
25               Rules of the House of Representatives, jurisdic-

1           tion over provisions of law affected by a trade  
2           agreement negotiations for which are conducted  
3           at any time during that Congress and to which  
4           this Act would apply.

5           (3) MEMBERSHIP FROM THE SENATE.—In each  
6           Congress, the Congressional Oversight Group shall  
7           also be comprised of the following members of the  
8           Senate:

9                   (A) The chairman and ranking Member of  
10           the Committee on Finance and 3 additional  
11           members of such Committee (not more than 2  
12           of whom are members of the same political  
13           party).

14                   (B) The chairman and ranking member, or  
15           their designees, of the committees of the Senate  
16           which would have, under the Rules of the Sen-  
17           ate, jurisdiction over provisions of law affected  
18           by a trade agreement negotiations for which are  
19           conducted at any time during that Congress  
20           and to which this Act would apply.

21           (4) ACCREDITATION.—Each member of the  
22           Congressional Oversight Group described in para-  
23           graph (2)(A) and (3)(A) shall be accredited by the  
24           United States Trade Representative on behalf of the  
25           President as official advisers to the United States

1 delegation in negotiations for any trade agreement  
2 to which this Act applies. Each member of the Con-  
3 gressional Oversight Group described in paragraph  
4 (2)(B) and (3)(B) shall be accredited by the United  
5 States Trade Representative on behalf of the Presi-  
6 dent as official advisers to the United States delega-  
7 tion in the negotiations by reason of which the mem-  
8 ber is in the Congressional Oversight Group. The  
9 Congressional Oversight Group shall consult with  
10 and provide advice to the Trade Representative re-  
11 garding the formulation of specific objectives, negoti-  
12 ating strategies and positions, the development of  
13 the applicable trade agreement, and compliance and  
14 enforcement of the negotiated commitments under  
15 the trade agreement.

16 (5) CHAIR.—The Congressional Oversight  
17 Group shall be chaired by the Chairman of the Com-  
18 mittee on Ways and Means of the House of Rep-  
19 resentatives and the Chairman of the Committee on  
20 Finance of the Senate.

21 (b) GUIDELINES.—

22 (1) PURPOSE AND REVISION.—The United  
23 States Trade Representative, in consultation with  
24 the chairmen and ranking minority members of the  
25 Committee on Ways and Means of the House of

1 Representatives and the Committee on Finance of  
2 the Senate—

3 (A) shall, within 120 days after the date of  
4 the enactment of this Act, develop written  
5 guidelines to facilitate the useful and timely ex-  
6 change of information between the Trade Rep-  
7 resentative and the Congressional Oversight  
8 Group established under this section; and

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

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

14 (A) regular, detailed briefings of the Con-  
15 gressional Oversight Group regarding negoti-  
16 ating objectives, including the promotion of cer-  
17 tain priorities referred to in section 2(c), and  
18 positions and the status of the applicable nego-  
19 tiations, beginning as soon as practicable after  
20 the Congressional Oversight Group is convened,  
21 with more frequent briefings as trade negotia-  
22 tions enter the final stage;

23 (B) access by members of the Congres-  
24 sional Oversight Group, and staff with proper  
25 security clearances, to pertinent documents re-

1           lating to the negotiations, including classified  
2           materials;

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

8           (D) after the applicable trade agreement is  
9           concluded, consultation regarding ongoing com-  
10          pliance and enforcement of negotiated commit-  
11          ments under the trade agreement; and

12          (E) the time frame for submitting the re-  
13          port required under section 2(c)(8).

14          (c) REQUEST FOR MEETING.—Upon the request of  
15          a majority of the Congressional Oversight Group, the  
16          President shall meet with the Congressional Oversight  
17          Group before initiating negotiations with respect to a  
18          trade agreement, or at any other time concerning the ne-  
19          gotiations.

20          **SEC. 8. ADDITIONAL IMPLEMENTATION AND ENFORCE-**  
21          **MENT REQUIREMENTS.**

22          (a) IN GENERAL.—At the time the President submits  
23          to the Congress the final text of an agreement pursuant  
24          to section 5(a)(1)(C), the President shall also submit a  
25          plan for implementing and enforcing the agreement. The

1 implementation and enforcement plan shall include the fol-  
2 lowing:

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

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

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

23 (4) IMPACT ON STATE AND LOCAL GOVERN-  
24 MENTS.—A description of the impact the trade

1 agreement will have on State and local governments  
2 as a result of increases in trade.

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

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

11 **SEC. 9. COMMITTEE STAFF.**

12 The grant of trade promotion authority under this  
13 Act is likely to increase the activities of the primary com-  
14 mittees of jurisdiction in the area of international trade.  
15 In addition, the creation of the Congressional Oversight  
16 Group under section 7 will increase the participation of  
17 a broader number of Members of Congress in the formula-  
18 tion of United States trade policy and oversight of the  
19 international trade agenda for the United States. The pri-  
20 mary committees of jurisdiction should have adequate  
21 staff to accommodate these increases in activities.

22 **SEC. 10. CONFORMING AMENDMENTS.**

23 (a) IN GENERAL.—Title I of the Trade Act of 1974  
24 (19 U.S.C. 2111 et seq.) is amended as follows:

25 (1) IMPLEMENTING BILL.—

1           (A) Section 151(b)(1) (19 U.S.C.  
2           2191(b)(1)) is amended by striking “section  
3           1103(a)(1) of the Omnibus Trade and Competi-  
4           tiveness Act of 1988, or section 282 of the Uru-  
5           guay Round Agreements Act” and inserting  
6           “section 282 of the Uruguay Round Agree-  
7           ments Act, or section 5(a)(1) of the Bipartisan  
8           Trade Promotion Authority Act of 2001”.

9           (B) Section 151(c)(1) (19 U.S.C.  
10          2191(c)(1)) is amended by striking “or section  
11          282 of the Uruguay Round Agreements Act”  
12          and inserting “, section 282 of the Uruguay  
13          Round Agreements Act, or section 5(a)(1) of  
14          the Bipartisan Trade Promotion Authority Act  
15          of 2001”.

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

19                 (A) in subsection (a)—

20                         (i) in paragraph (1), by striking “sec-  
21                         tion 123 of this Act or section 1102 (a) or  
22                         (c) of the Omnibus Trade and Competitive-  
23                         ness Act of 1988,” and inserting “section  
24                         123 of this Act or section 3(a) or (b) of

1 the Bipartisan Trade Promotion Authority  
2 Act of 2001,”; and

3 (ii) in paragraph (2), by striking “sec-  
4 tion 1102 (b) or (c) of the Omnibus Trade  
5 and Competitiveness Act of 1988” and in-  
6 serting “section 3(b) of the Bipartisan  
7 Trade Promotion Authority Act of 2001”;  
8 (B) in subsection (b), by striking “section  
9 1102(a)(3)(A)” and inserting “section  
10 3(a)(3)(A) of the Bipartisan Trade Promotion  
11 Authority Act of 2001”; and

12 (C) in subsection (c), by striking “section  
13 1102 of the Omnibus Trade and Competitive-  
14 ness Act of 1988,” and inserting “section 3 of  
15 the Bipartisan Trade Promotion Authority Act  
16 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 Bipartisan Trade Promotion Au-  
23 thority Act 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 Bipartisan Trade Promotion Authority Act of  
4 2001”.

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

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

12 (B) in subsection (e)(1)—

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

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

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

1 of the Bipartisan Trade Promotion Authority  
2 Act of 2001”.

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

9 (b) APPLICATION OF CERTAIN PROVISIONS.—For  
10 purposes of applying sections 125, 126, and 127 of the  
11 Trade Act of 1974 (19 U.S.C. 2135, 2136(a), and  
12 2137)—

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

17 (2) any proclamation or Executive order issued  
18 pursuant to a trade agreement entered into under  
19 section 3 shall be treated as a proclamation or Exec-  
20 utive order issued pursuant to a trade agreement en-  
21 tered into under section 102 of the Trade Act of  
22 1974.

23 **SEC. 11. DEFINITIONS.**

24 In this Act:

1           (1) AGREEMENT ON AGRICULTURE.—The term  
2           “Agreement on Agriculture” means the agreement  
3           referred to in section 101(d)(2) of the Uruguay  
4           Round Agreements Act (19 U.S.C. 3511(d)(2)).

5           (2) CORE LABOR STANDARDS.—The term “core  
6           labor standards” means—

7                   (A) the right of association;

8                   (B) the right to organize and bargain col-  
9                   lectively;

10                  (C) a prohibition on the use of any form  
11                  of forced or compulsory labor;

12                  (D) a minimum age for the employment of  
13                  children; and

14                  (E) acceptable conditions of work with re-  
15                  spect to minimum wages, hours of work, and  
16                  occupational safety and health.

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

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

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

24                   (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           (6) 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          (7) WORLD TRADE ORGANIZATION; WTO.—The  
14          terms “World Trade Organization” and “WTO”  
15          mean the organization established pursuant to the  
16          WTO Agreement.

17          (8) WTO AGREEMENT.—The term “WTO  
18          Agreement” means the Agreement Establishing the  
19          World Trade Organization entered into on April 15,  
20          1994.