

105TH CONGRESS
1ST SESSION

H. R. 78

To assess the impact of the NAFTA, to require further negotiations of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. REGULA 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 assess the impact of the NAFTA, to require further negotiations of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

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 “NAFTA Renegotiation
5 and WTO Dispute Settlement Review Commission Act”.

1 **TITLE I—NAFTA RENEGOTIATION ACT**

2 **SEC. 101. FINDINGS.**

3 The Congress makes the following findings:

4 (1) EXPANDED MARKETS.—One of the purposes
5 of the NAFTA, as stated in the preamble, is to “cre-
6 ate an expanded and secure market” for goods and
7 services. Instead, the NAFTA has resulted in a spi-
8 raling trade deficit with Mexico and Canada that ex-
9 ceeded \$30,000,000,000 in 1995; and that had
10 reached \$30,000,000,000 at the end of the third
11 quarter of 1996.

12 (2) CURRENCY STABILITY.—One of the pur-
13 poses of the NAFTA is to “ensure a predictable
14 commercial framework for business planning and in-
15 vestment”. However, the NAFTA contains no safe-
16 guards to minimize the negative economic impacts of
17 severe shifts in currency exchange rates among the
18 NAFTA parties. To protect its own economy the
19 United States has sought to bolster the Mexican
20 peso which has been supported by \$30,000,000,000
21 in loans.

22 (3) NAFTA TO BE RENEGOTIATED.—Based on
23 the experience with the NAFTA since its implemen-
24 tation, it has become evident that further negotia-
25 tion is required to resolve fundamental inadequacies

1 within the NAFTA with respect to trade balances
2 and currency differentials.

3 **SEC. 102. RENEGOTIATION OF THE NAFTA.**

4 (a) IN GENERAL.—The President is authorized and
5 directed to confer with the Governments of Canada and
6 Mexico and to renegotiate the terms of the NAFTA as
7 described in this subsection by July 31, 1998:

8 (1) RENEGOTIATION OF NAFTA TO CORRECT
9 TRADE DEFICITS.—The President is authorized and
10 directed to confer with the Governments of Canada
11 and Mexico and to renegotiate the terms of the
12 NAFTA to provide for implementation of emergency
13 adjustments of tariffs, quotas, and other measures
14 to stabilize the flow of trade among the NAFTA
15 parties when the United States has an annual deficit
16 in trade of goods and services with another NAFTA
17 party that exceeds 10 percent of the United States
18 exports to that party.

19 (2) RENEGOTIATE THE NAFTA TO CORRECT
20 CURRENCY DISTORTIONS.—The President is author-
21 ized and directed to confer with the Governments of
22 Canada and Mexico and to renegotiate the terms of
23 the NAFTA to provide for the implementation of
24 emergency adjustments of tariffs, quotas, and other
25 measures to mitigate the adverse effects of rapid or

1 substantial changes in exchange rates between the
2 United States dollar and the currency of another
3 NAFTA party.

4 **SEC. 103. REPORTS ASSESSING THE IMPACT OF NAFTA ON**
5 **JOBS AND THE ENVIRONMENT.**

6 (a) IN GENERAL.—The Secretary of Commerce and
7 the Administrator of the Environmental Protection Agen-
8 cy are authorized and directed to conduct the studies as
9 described in this subsection and submit them to the Con-
10 gress by December 31, 1997.

11 (1) REPORT ON DOMESTIC MANUFACTURING
12 AND JOBS.—The Secretary of Commerce, after con-
13 sultation with the appropriate government agencies,
14 shall determine the levels of exports of United States
15 manufactured goods to the NAFTA parties and im-
16 ports of manufactured goods from NAFTA parties,
17 and the number of jobs that have resulted from in-
18 creased exports of manufactured goods to NAFTA
19 parties and the loss of jobs that have resulted from
20 increased imports of manufactured goods from
21 NAFTA parties since January 1, 1994.

22 (2) REPORT RELATING TO HEALTH AND ENVI-
23 RONMENTAL IMPACTS OF NAFTA.—The Adminis-
24 trator of the Environmental Protection Agency, in
25 consultation with the Secretarial for the NAFTA

1 Commission on Environmental Cooperation, shall
2 conduct investigations on whether pollution and
3 health hazards have worsened since January 1, 1994
4 and report to the Congress on the outcomes of the
5 Administration's investigations on pollution and
6 health hazards in and around the United States-
7 Mexico border zone since the implementation of the
8 NAFTA. The report shall include—

9 (A) a description and status report of all
10 industrial site cleanup and environmental im-
11 provement projects begun in the border zone
12 since January 1, 1994; and

13 (B) information on the incidence of air and
14 water pollution since January 1, 1990, and the
15 causes, levels, and types of pollution which have
16 occurred.

17 **SEC. 104. CONSULTATION WITH CONGRESS.**

18 The President shall consult regularly with the Con-
19 gress regarding the negotiations described in section 102.
20 The United States Trade Representative shall consult with
21 the appropriate committees of Congress in the develop-
22 ment of any technical and conforming amendments that
23 may be required to carry out the provisions of this Act.

24 **SEC. 105. DEFINITIONS.**

25 As used in this Act:

1 (1) NAFTA.—The term “NAFTA” means the
2 North American Free Trade Agreement entered into
3 the United States, Canada, and Mexico on December
4 17, 1992.

5 (2) NAFTA PARTY.—The term “NAFTA
6 party” means the United States, Canada, or Mexico.

7 (3) UNITED STATES-MEXICO BORDER ZONE.—
8 The term “United States-Mexico border zone”
9 means the area that comprises the 12-mile zone on
10 the Mexican side of the United States-Mexico border
11 and the counties within any State of the United
12 States that are contiguous with Mexico.

13 **TITLE II—WTO DISPUTE SETTLEMENT**
14 **REVIEW COMMISSION ACT**

15 **SEC. 201. CONGRESSIONAL FINDINGS AND PURPOSE.**

16 (a) FINDINGS.—The Congress finds the following:

17 (1) The United States joined the World Trade
18 Organization as a founding member with the goal of
19 creating an improved global trading system.

20 (2) The American people must receive assur-
21 ances that United States sovereignty will be pro-
22 tected, and United States interests will be advanced,
23 within the global trading system which the WTO will
24 oversee.

1 (3) The survival of the new WTO requires the
2 continuation of both trade liberalization and the
3 ability to respond effectively to unfair or otherwise
4 harmful trade practices.

5 (4) United States support for the WTO de-
6 pends upon obtaining mutual trade benefits through
7 the openness of foreign markets and the mainte-
8 nance of effective United States and WTO remedies
9 against unfair or otherwise harmful trade practices.

10 (5) Congress passed the Uruguay Round Agree-
11 ments Act based upon its understanding that effec-
12 tive trade remedies would not be eroded. These rem-
13 edies are essential to continue the process of opening
14 foreign markets to imports of goods and services and
15 to prevent harm to American industry and agri-
16 culture, particularly through foreign dumping and
17 subsidization.

18 (6) The continued support of the Congress for
19 the WTO is dependent upon a WTO dispute settle-
20 ment system that—

21 (A) operates in a fair and impartial man-
22 ner;

23 (B) does not add to the obligations of or
24 diminish the rights of the United States under
25 the Uruguay Round Agreements; and

1 (C) does not exceed its authority, scope, or
2 established standard of review.

3 (b) PURPOSE.—It is the purpose of this title to pro-
4 vide for the establishment of the WTO Dispute Settlement
5 Review Commission to achieve the goals described in sub-
6 section (a)(6).

7 **SEC. 202. ESTABLISHMENT OF COMMISSION.**

8 (a) ESTABLISHMENT.—There is established a com-
9 mission to be known as the WTO Dispute Settlement Re-
10 view Commission (hereafter in this Act referred to as the
11 “Commission”).

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—The Commission shall be
14 composed of five members all of whom shall be
15 judges of the Federal judicial circuits and shall be
16 appointed by the President, after consultation with
17 the majority leader and minority leader of the House
18 of Representatives, the majority leader and minority
19 leader of the Senate, the chairman and ranking
20 member of the Committee on Ways and Means of
21 the House of Representatives, and the chairman and
22 ranking member of the Committee on Finance of the
23 Senate.

1 (2) DATE.—The appointments of the members
2 of the Commission shall be made no later than 60
3 days after the date of the enactment of this Act.

4 (c) PERIOD OF APPOINTMENT; VACANCIES.—

5 (1) IN GENERAL.—Members of the Commission
6 first appointed shall each be appointed for a term of
7 5 years. After the initial 5-year term, three members
8 of the Commission shall be appointed for terms of
9 3 years and the remaining two members shall be ap-
10 pointed for terms of 2 years.

11 (2) VACANCIES.—

12 (A) IN GENERAL.—Any vacancy on the
13 Commission shall not affect its powers, but
14 shall be filled in the same manner as the origi-
15 nal appointment and shall be subject to the
16 same conditions as the original appointment.

17 (B) UNEXPIRED TERM.—An individual
18 chosen to fill a vacancy shall be appointed for
19 the unexpired term of the member replaced.

20 (d) INITIAL MEETING.—No later than 30 days after
21 the date on which all members of the Commission have
22 been appointed, the Commission shall hold its first meet-
23 ing.

24 (e) MEETINGS.—The Commission shall meet at the
25 call of the Chairman.

1 (f) QUORUM.—A majority of the members of the
2 Commission shall constitute a quorum, but a lesser num-
3 ber of members may hold hearings.

4 (g) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
5 sion shall select a Chairman and Vice Chairman from
6 among its members.

7 **SEC. 203. DUTIES OF THE COMMISSION.**

8 (a) REVIEW OF WTO DISPUTE SETTLEMENT RE-
9 PORTS.—

10 (1) IN GENERAL.—The Commission shall re-
11 view—

12 (A) all reports of dispute settlement panels
13 or the Appellate Body of the World Trade Or-
14 ganization in proceedings initiated by other par-
15 ties to the WTO which are adverse to the Unit-
16 ed States and which are adopted by the Dispute
17 Settlement Body, and

18 (B) upon request of the United States
19 Trade Representative, and any other report of
20 a dispute settlement panel or the Appellate
21 Body which is adopted by the Dispute Settle-
22 ment Body.

23 (2) SCOPE OF REVIEW.—In the case of any re-
24 port described in paragraph (1), the Commission
25 shall review the report and determine whether—

1 (A) the panel or the Appellate Body, as the
2 case may be, exceeded its authority or its terms
3 of reference;

4 (B) the panel or the Appellate Body, as
5 the case may be, added to the obligations of or
6 diminished the rights of the United States
7 under the Uruguay Round Agreement which is
8 the subject of the report;

9 (C) the panel or the Appellate Body, as the
10 case may be, acted arbitrarily or capriciously,
11 engaged in misconduct, or demonstrably de-
12 parted from the procedures specified for panels
13 and the Appellate Body in the applicable Uru-
14 guay Round Agreement; and

15 (D) the report of the panel or the Appel-
16 late Body, as the case may be, deviated from
17 the applicable standard of review, including in
18 antidumping, countervailing duty, and other un-
19 fair trade remedy cases, including the standard
20 of review set forth in article 17.6 of the Agree-
21 ment on Implementation of article VI of the
22 General Agreement on Tariffs and Trade 1994.

23 (3) AFFIRMATIVE DETERMINATION.—If the
24 Commission makes an affirmative determination
25 with respect to the action of a panel or the Appellate

1 Body under subparagraph (A), (B), (C), or (D) of
2 paragraph (2), the Commission shall determine
3 whether the action of the panel or Appellate Body
4 materially affected the outcome of the report of the
5 panel or Appellate Body.

6 (b) DETERMINATION; REPORT.—

7 (1) DETERMINATION.—No later than 120 days
8 after the date on which a report of a panel or the
9 Appellate Body described in subsection (a)(1) is
10 adopted by the Dispute Settlement Body, the Com-
11 mission shall make a written determination with re-
12 spect to matters described in subsections (a)(2) and
13 (a)(3).

14 (2) REPORTS.—The Commission shall report
15 the determinations described in paragraph (1) to the
16 Committee on Ways and Means of the House of
17 Representatives and the Committee on Finance of
18 the Senate.

19 **SEC. 204. POWERS OF THE COMMISSION.**

20 (a) HEARINGS.—The Commission may hold such
21 hearings, sit and act at such times and places, take such
22 testimony, and receive such evidence as the Commission
23 considers advisable to carry out the purposes of this Act.

24 (b) INFORMATION FROM INTERESTED PARTIES AND
25 FEDERAL AGENCIES.—

1 (1) NOTICE OF PANEL OR APPELLATE BODY
2 REPORT.—The United States Trade Representative
3 shall advise the Commission no later than 5 days
4 after the date the Dispute Settlement Body adopts
5 the report of a panel or the Appellate Body that is
6 adverse to the United States and shall immediately
7 publish notice of such advice in the Federal Reg-
8 ister, along with notice of an opportunity for inter-
9 ested parties to submit.

10 (2) SUBMISSIONS AND REQUESTS FOR INFOR-
11 MATION.—Any interested party may submit com-
12 ments to the Commission regarding the panel or Ap-
13 pellate Body report. The Commission may also se-
14 cure directly from any Federal department or agency
15 such information as the Commission considers nec-
16 essary to carry out the provisions of this Act. Upon
17 request of the Chairman of the Commission, the
18 head of such department or agency shall furnish
19 such information to the Commission.

20 (3) ACCESS TO PANEL AND APPELLATE BODY
21 DOCUMENTS.—The United States Trade Representa-
22 tive shall make available to the Commission all sub-
23 missions and relevant documents relating to the
24 panel or Appellate Body report, including any infor-
25 mation contained in such submissions identified by

1 the provider of the information as proprietary infor-
2 mation or information treated as confidential by a
3 foreign government.

4 **SEC. 205. REVIEW OF DISPUTE SETTLEMENT PROCEDURES**
5 **AND PARTICIPATION IN THE WTO.**

6 (a) AFFIRMATIVE REPORT BY COMMISSION.—

7 (1) IN GENERAL.—If a joint resolution de-
8 scribed in subsection (b)(1) is enacted into law pur-
9 suant to the provisions of subsection (c), the United
10 States Trade Representative shall undertake nego-
11 tiations to amend or modify the rules and proce-
12 dures of the dispute settlement understanding to
13 which such joint resolution relates.

14 (2) THREE AFFIRMATIVE REPORTS BY COMMIS-
15 SION.—If a joint resolution described in subsection
16 (b)(2) is enacted into law pursuant to the provisions
17 of subsection (c), the approval of the Congress, pro-
18 vided under section 101(a) of the Uruguay Round
19 Agreements Act, of the WTO Agreement shall cease
20 to be effective in accordance with the provisions of
21 the joint resolution and the United States shall
22 cease to be a member of the WTO.

23 (b) JOINT RESOLUTION DESCRIBED.—

1 (1) IN GENERAL.—For purposes of subsection
2 (a)(1), a joint resolution is described in this para-
3 graph if it is a joint resolution of the two Houses
4 of Congress and the matter after the resolving
5 clause of such a joint resolution is as follows: “That
6 the Congress authorizes and directs the United
7 States Trade Representative to undertake negotia-
8 tions to amend or modify the rules and procedures
9 of the Understanding on Rules and Procedures Gov-
10 erning the Settlement of Disputes relating to XX
11 with respect to the affirmative determination sub-
12 mitted to the Congress by the WTO Dispute Settle-
13 ment Review Commission on XX,” the first blank
14 space being filled with the specific rules and proce-
15 dures with respect to which Trade Representative is
16 to undertake negotiations and the second blank
17 space being filled with the date of the affirmative de-
18 termination submitted to the Congress by the Com-
19 mission pursuant to section 4(b) which has given
20 rise to the joint resolution.

21 (2) WITHDRAWAL RESOLUTION.—For purposes
22 of subsection (a)(2), a joint resolution is described
23 in this paragraph if it is a joint resolution of the two
24 Houses of Congress and the matter after the resolv-
25 ing clause of such joint resolution is as follows:

1 “That the Congress authorizes and directs the Unit-
2 ed States Trade Representative to undertake nego-
3 tiations to amend or modify the rules and proce-
4 dures of the Understanding on Rules and Proce-
5 dures Governing the Settlement of Disputes relating
6 to XX with respect to the affirmative report submit-
7 ted to the Congress by the WTO Dispute Settlement
8 Review Commission on XX and if such negotiations
9 do not result in a solution that the Trade Represent-
10 ative, by XX, certifies to the Congress is satisfac-
11 tory, the Congress withdraws its approval, provided
12 under section 101(a) of the Uruguay Round Agree-
13 ments Act, of the WTO Agreement as defined in
14 section 2(9) of the Act”, the first blank space being
15 filled with the specific rules and procedures with re-
16 spect to which the Trade Representative is to under-
17 take negotiations, the second blank space being filled
18 with the date of the affirmative determination sub-
19 mitted to the Congress by the Commission pursuant
20 to section 4(b) which has given rise to the joint reso-
21 lution, and the third blank space being filled with
22 the date the Congress withdraws its approval of the
23 WTO Agreement.
24 (c) PROCEDURAL PROVISIONS.—

1 (1) IN GENERAL.—The requirements of this
2 subsection are met if the joint resolution is enacted
3 in accordance with this subsection, and—

4 (A) in the case of a joint resolution de-
5 scribed in subsection (b)(1), the Congress
6 adopts and transmits the joint resolution to the
7 President before the end of the 90-day period
8 (excluding any day described in section 154(b)
9 of the Trade Act of 1974) beginning on the
10 date on which the Congress receives an affirma-
11 tive determination from the Commission de-
12 scribed in section 4(b), or

13 (B) in the case of a joint resolution de-
14 scribed in subsection (b)(2), the Commission
15 has made 3 affirmative determinations de-
16 scribed in section 4(b) during a 5-year period,
17 and the Congress adopts and transmits the
18 joint resolution to the President before the end
19 of the 90-day period (excluding any day de-
20 scribed in section 154(b) of the Trade Act of
21 1974) beginning on the date on which the Con-
22 gress receives the third such affirmative deter-
23 mination.

24 (2) PRESIDENTIAL VETO.—In any case in
25 which the President vetoes the joint resolution, the

1 requirements of this subsection are met if each
2 House of Congress votes to override that veto on or
3 before the later of the last day of the 90-day period
4 referred to in subparagraph (A) or (B) of paragraph
5 (1), whichever is applicable, or the last day of the
6 15-day period (excluding any day described in sec-
7 tion 154(b) of the Trade Act of 1974) beginning on
8 the date on which the Congress receives the veto
9 message from the President.

10 (3) INTRODUCTION.—

11 (A) TIME.—A joint resolution to which
12 this section applies may be introduced at any
13 time on or after the date on which the Commis-
14 sion transmits to the Congress an affirmative
15 determination described in section 4(b), and be-
16 fore the end of the 90-day period referred to in
17 subparagraph (A) or (B) of paragraph (1), as
18 the case may be.

19 (B) ANY MEMBER MAY INTRODUCE.—A
20 joint resolution described in subsection (b) may
21 be introduced in either House of the Congress
22 by any Member of such House.

23 (4) EXPEDITED PROCEDURES.—

1 (A) GENERAL RULE.—Subject to the pro-
2 visions of this subsection, the provisions of sub-
3 sections (b), (d), (e), and (f) of section 152 of
4 the Trade Act of 1974 (19 U.S.C. 2192 (b),
5 (d), (e), and (f)) apply to joint resolutions de-
6 scribed in subsection (b) to the same extent as
7 such provisions apply to resolutions under such
8 section.

9 (B) REPORT OF DISCHARGE OF COMMIT-
10 TEE.—If the committee of either House to
11 which a joint resolution has been referred has
12 not reported it by the close of the 45th day
13 after its introduction (excluding any day de-
14 scribed in section 154(d) of the Trade Act of
15 1974), such committee shall be automatically
16 discharged from further consideration of the
17 joint resolution and it shall be placed on the ap-
18 propriate calendar.

19 (C) FINANCE AND WAYS AND MEANS COM-
20 MITTEES.—It is not in order for—

21 (i) the Senate to consider any joint
22 resolution unless it has been reported by
23 the Committee on Finance or the commit-
24 tee has been discharged under subpara-
25 graph (B); or

1 (ii) the House of Representatives to
 2 consider any joint resolution unless it has
 3 been reported by the Committee on Ways
 4 and Means or the committee has been dis-
 5 charged under subparagraph (B).

6 (D) SPECIAL RULES FOR HOUSE.—A mo-
 7 tion in the House of Representatives to proceed
 8 to the consideration of a joint resolution may
 9 only be made on the second legislative day after
 10 the calendar day on which the Member making
 11 the motion announces to the House his or her
 12 intention to do so.

13 (5) CONSIDERATION OF SECOND RESOLUTION
 14 NOT IN ORDER.—It shall not be in order in either
 15 the House of Representatives or the Senate to con-
 16 sider a joint resolution (other than a joint resolution
 17 received from the other House), if that House has
 18 previously adopted a joint resolution under this sec-
 19 tion relating to the same matter.

20 (d) RULES OF HOUSE OF REPRESENTATIVES AND
 21 SENATE.—This section is enacted by the Congress—

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

1 of each House, respectively, and such procedures su-
2 persede other rules only to the extent that they are
3 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. 206. PARTICIPATION IN WTO PANEL PROCEEDINGS.**

10 (a) IN GENERAL.—If the United States Trade Rep-
11 resentative, in proceedings before a dispute settlement
12 panel or the Appellate Body of the WTO, seeks—

13 (1) to enforce United States rights under a
14 multilateral trade agreement; or

15 (2) to defend a challenged action or determina-
16 tion of the United States Government;

17 a private United States person that is supportive of the
18 United States Government's position before the panel or
19 Appellate Body and that has a direct economic interest
20 in the panel's or Appellate Body's resolution of the mat-
21 ters in dispute shall be permitted to participate in con-
22 sultations and panel proceedings. The Trade Representa-
23 tive shall issue regulations, consistent with subsections (b)
24 and (c), ensuring full and effective participation by any
25 such private person.

1 (b) ACCESS TO INFORMATION.—The United States
2 Trade Representative shall make available to persons de-
3 scribed in subsection (a) all information presented to or
4 otherwise obtained by the Trade Representative in connec-
5 tion with a WTO dispute settlement proceeding. The Unit-
6 ed States Trade Representative shall promulgate regula-
7 tions implementing a protective order system to protect
8 information designated by the submitting member as con-
9 fidential.

10 (c) PARTICIPATION IN PANEL PROCESS.—Upon re-
11 quest from a person described in subsection (a), the Unit-
12 ed States Trade Representative shall—

13 (1) consult in advance with such person regard-
14 ing the content of written submissions from the
15 United States to the WTO panel concerned or to the
16 other member countries involved;

17 (2) include, where appropriate, such person or
18 its appropriate representative as an advisory mem-
19 ber of the delegation in sessions of the dispute set-
20 tlement panel;

21 (3) allow such special delegation member, where
22 such member would bring special knowledge to the
23 proceeding, to appear before the panel, directly or
24 through counsel, under the supervision of respon-
25 sibility United States Government officials; and

1 (4) in proceedings involving confidential infor-
2 mation, allow appearance of such person only
3 through counsel as a member of the special delega-
4 tion.

5 **SEC. 207. DEFINITIONS.**

6 For purposes of this Act:

7 (1) APPELLATE BODY.—The term “Appellate
8 Body” means the Appellate Body established under
9 article 17.1 of the Dispute Settlement Understand-
10 ing.

11 (2) ADVERSE TO THE UNITED STATES.—The
12 term “adverse to the United States” includes any re-
13 port which holds any law, regulation, or application
14 thereof by a government agency to be inconsistent
15 with international obligations under a Uruguay
16 Round Agreement (or a nullification or impairment
17 thereof), whether or not there are other elements of
18 the decision which favor arguments made by the
19 United States.

20 (3) DISPUTE SETTLEMENT PANEL; PANEL.—
21 The terms “dispute settlement panel” and “panel”
22 mean a panel established pursuant to article 6 of the
23 Dispute Settlement Understanding.

1 (4) DISPUTE SETTLEMENT BODY.—The term
2 “Dispute Settlement Body” means the Dispute Set-
3 tlement Body administering the rules and proce-
4 dures set forth in the Dispute Settlement Under-
5 standing.

6 (5) DISPUTE SETTLEMENT UNDERSTANDING.—
7 The term “Dispute Settlement Understanding”
8 means the understanding on rules and procedures
9 governing the settlement of disputes referred to in
10 section 101(d)(16) of the Uruguay Round Agree-
11 ments Act.

12 (6) URUGUAY ROUND AGREEMENT.—The term
13 “Uruguay Round Agreement” means any of the
14 agreements described in section 101(d) of the Uru-
15 guay Round Agreements Act.

16 (7) WORLD TRADE ORGANIZATION; WTO.—The
17 term “World Trade Organization” and “WTO”
18 mean the organization established pursuant to the
19 WTO Agreement.

20 (8) WTO AGREEMENT.—The term “WTO
21 Agreement” means the Agreement Establishing the
22 World Trade Organization entered into on April 15,
23 1994.

