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H. R. 2149

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. CRANE (for himself, Mr. THOMAS, Mr. DREIER, Mr. HASTERT, Mr. ARMEY, Mr. DELAY, Mr. COMBEST, Mr. KOLBE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN of Washington, Mr. COLLINS, Mr. PORTMAN, Mr. WATKINS of Oklahoma, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. LEWIS of Kentucky, Mr. BRADY of Texas, Mr. RYAN of Wisconsin, Mr. BASS, Mr. BEREUTER, Mrs. BIGGERT, Mr. BLUNT, Mr. CANTOR, Mr. CALVERT, Mr. COX, Mr. CUNNINGHAM, Mr. DICKS, Mr. FLAKE, Mr. FRELINGHUYSEN, Mr. GOSS, Mr. HASTINGS of Washington, Mr. HYDE, Mr. ISSA, Mr. JOHNSON of Illinois, Mr. KELLER, Mr. KIRK, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LINDER, Mr. MCINNIS, Mr. MANZULLO, Mr. OSBORNE, Mr. OTTER, Mr. OXLEY, Mr. PENCE, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. SCHROCK, Mr. SESSIONS, Mr. SHAYS, Mr. SIMPSON, Mr. TOOMEY, Mr. WATTS of Oklahoma, and Mrs. WILSON) 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 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,*

1 **SECTION 1. SHORT TITLE AND FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Trade Promotion Authority Act of 2001”.

4 (b) FINDINGS.—The Congress makes the following
5 findings:

6 (1) The expansion of international trade is vital
7 to the national security of the United States. Trade
8 is critical to the economic growth and strength of
9 the United States and to its leadership in the world.
10 Stable trading relationships promote security and
11 prosperity. Trade agreements today serve the same
12 purposes that security pacts played during the Cold
13 War, binding nations together through a series of
14 mutual rights and obligations. Leadership by the
15 United States in international trade fosters open
16 markets, democracy, and peace throughout the
17 world.

18 (2) The national security of the United States
19 depends on its economic security, which in turn is
20 founded upon a vibrant and growing industrial base.
21 Trade expansion has been the engine of economic
22 growth. Trade agreements maximize opportunities
23 for the critical sectors and building blocks of the
24 economy of the United States, such as information
25 technology, telecommunications and other leading
26 technologies, basic industries, capital equipment,

1 medical equipment, services, agriculture, environ-
2 mental technology, and intellectual property. Trade
3 will create new opportunities for the United States
4 and preserve the unparalleled strength of the United
5 States in economic, political, and military affairs.
6 The United States, secured by expanding trade and
7 economic opportunities, will meet the challenges of
8 the twenty-first century.

9 **SEC. 2. TRADE NEGOTIATING OBJECTIVES.**

10 (a) OVERALL TRADE NEGOTIATING OBJECTIVES.—

11 The overall trade negotiating objectives of the United
12 States for agreements subject to the provisions of section
13 3 are—

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

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

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

1 (4) to foster economic growth, raise living
2 standards, and promote full employment in the
3 United States and to enhance the global economy.

4 (b) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—

5 (1) TRADE BARRIERS AND DISTORTIONS.—The
6 principal negotiating objectives of the United States
7 regarding trade barriers and other trade distortions
8 are—

9 (A) to expand competitive market opportu-
10 nities for United States exports and to obtain
11 fairer and more open conditions of trade by re-
12 ducing or eliminating tariff and nontariff bar-
13 riers and policies and practices of foreign gov-
14 ernments directly related to trade that decrease
15 market opportunities for United States exports
16 or otherwise distort United States trade; and

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

22 (2) TRADE IN SERVICES.—The principal negoti-
23 ating objective of the United States regarding trade
24 in services is to reduce or eliminate barriers to inter-
25 national trade in services, including regulatory and

1 other barriers that deny national treatment or un-
2 reasonably restrict the establishment or operations
3 of service suppliers.

4 (3) FOREIGN INVESTMENT.—The principal ne-
5 gotiating objective of the United States regarding
6 foreign investment is to reduce or eliminate artificial
7 or trade-distorting barriers to trade-related foreign
8 investment by—

9 (A) reducing or eliminating exceptions to
10 the principle of national treatment;

11 (B) freeing the transfer of funds relating
12 to investments;

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

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

21 (E) providing meaningful procedures for
22 resolving investment disputes.

23 (4) INTELLECTUAL PROPERTY.—The principal
24 negotiating objectives of the United States regarding
25 trade-related intellectual property are—

1 (A) to further promote adequate and effective
2 protection of intellectual property rights,
3 including through—

4 (i)(I) ensuring accelerated and full
5 implementation of the Agreement on
6 Trade-Related Aspects of Intellectual
7 Property Rights referred to in section
8 101(d)(15) of the Uruguay Round Agree-
9 ments Act (19 U.S.C. 3511(d)(15)), par-
10 ticularly with respect to meeting enforce-
11 ment obligations under that agreement;
12 and

13 (II) ensuring that the provisions of
14 any multilateral or bilateral trade agree-
15 ment governing intellectual property rights
16 that is entered into by the United States
17 reflect a standard of protection similar to
18 that found in United States law;

19 (ii) providing strong protection for
20 new and emerging technologies and new
21 methods of transmitting and distributing
22 products embodying intellectual property;

23 (iii) preventing or eliminating dis-
24 crimination with respect to matters affect-
25 ing the availability, acquisition, scope,

1 maintenance, use, and enforcement of in-
2 tellectual property rights;

3 (iv) ensuring that standards of protec-
4 tion and enforcement keep pace with tech-
5 nological developments, and in particular
6 ensuring that rightholders have the legal
7 and technological means to control the use
8 of their works through the internet and
9 other global communication media, and to
10 prevent the unauthorized use of their
11 works; and

12 (v) providing strong enforcement of
13 intellectual property rights, including
14 through accessible, expeditious, and effec-
15 tive civil, administrative, and criminal en-
16 forcement mechanisms; and

17 (B) to secure fair, equitable, and non-
18 discriminatory market access opportunities for
19 United States persons that rely upon intellec-
20 tual property protection.

21 (5) TRANSPARENCY.—The principal negotiating
22 objective of the United States with respect to trans-
23 parency is to obtain broader application of the prin-
24 ciple of transparency through—

1 (A) increased and more timely public ac-
2 cess to information regarding trade issues and
3 the activities of international trade institutions;
4 and

5 (B) increased openness of dispute settle-
6 ment proceedings, including under the World
7 Trade Organization.

8 (6) IMPROVEMENT OF THE WTO AND MULTI-
9 LATERAL TRADE AGREEMENTS.—The principal ne-
10 gotiating objectives of the United States regarding
11 the improvement of the World Trade Organization,
12 the Uruguay Round Agreements, and other multilat-
13 eral and bilateral trade agreements are—

14 (A) to achieve full implementation and ex-
15 tend the coverage of the World Trade Organiza-
16 tion and such agreements to products, sectors,
17 and conditions of trade not adequately covered;
18 and

19 (B) to expand country participation in and
20 enhancement of the Information Technology
21 Agreement and other trade agreements.

22 (7) REGULATORY PRACTICES.—The principal
23 negotiating objectives of the United States regarding
24 the use of government regulation or other practices
25 by foreign governments to provide a competitive ad-

1 vantage to their domestic producers, service pro-
2 viders, or investors and thereby reduce market ac-
3 cess for United States goods, services, and invest-
4 ments are—

5 (A) to achieve increased transparency and
6 opportunity for the participation of affected
7 parties in the development of regulations;

8 (B) to require that proposed regulations be
9 based on sound science, cost-benefit analysis,
10 risk assessment, or other objective evidence;
11 and

12 (C) to achieve the elimination of govern-
13 ment measures such as price controls and ref-
14 erence pricing which deny full market access for
15 United States products.

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

19 (A) to ensure that current obligations,
20 rules, disciplines, and commitments under the
21 World Trade Organization apply to electronic
22 commerce;

23 (B) to ensure that—

24 (i) electronically delivered goods and
25 services receive no less favorable treatment

1 under trade rules and commitments than
2 like products delivered in physical form;
3 and

4 (ii) the classification of such goods
5 and services ensures the most liberal trade
6 treatment possible;

7 (C) to ensure that governments refrain
8 from implementing trade-related measures that
9 impede electronic commerce;

10 (D) where legitimate policy objectives re-
11 quire domestic regulations that affect electronic
12 commerce, to obtain commitments that any
13 such regulations are the least restrictive on
14 trade, nondiscriminatory, and transparent, and
15 promote an open market environment; and

16 (E) to extend the moratorium of the World
17 Trade Organization on duties on electronic
18 transmissions.

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

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

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

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

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

16 (ii) reducing tariffs to levels that are the
17 same as or lower than those in the United
18 States;

19 (iii) reducing or eliminating subsidies that
20 decrease market opportunities for United States
21 exports or unfairly distort agriculture markets
22 to the detriment of the United States;

23 (iv) allowing the preservation of programs
24 that support family farms and rural commu-
25 nities but do not distort trade;

1 (v) developing disciplines for domestic sup-
2 port programs, so that production that is in ex-
3 cess of domestic food security needs is sold at
4 world prices;

5 (vi) eliminating Government policies that
6 create price-depressing surpluses;

7 (vii) eliminating state trading enterprises
8 whenever possible;

9 (viii) developing, strengthening, and clari-
10 fying rules and effective dispute settlement
11 mechanisms to eliminate practices that unfairly
12 decrease United States market access opportu-
13 nities or distort agricultural markets to the det-
14 riment of the United States, particularly with
15 respect to import-sensitive products,
16 including—

17 (I) unfair or trade-distorting activities
18 of state trading enterprises and other ad-
19 ministrative mechanisms, with emphasis on
20 requiring price transparency in the oper-
21 ation of state trading enterprises and such
22 other mechanisms in order to end cross
23 subsidization, price discrimination, and
24 price undercutting;

1 (II) unjustified trade restrictions or
2 commercial requirements, such as labeling,
3 that affect new technologies, including bio-
4 technology;

5 (III) unjustified sanitary or
6 phytosanitary restrictions, including those
7 not based on scientific principles in con-
8 travention of the Uruguay Round Agree-
9 ments;

10 (IV) other unjustified technical bar-
11 riers to trade; and

12 (V) restrictive rules in the administra-
13 tion of tariff rate quotas;

14 (ix) eliminating practices that adversely af-
15 fect trade in perishable or cyclical products,
16 while improving import relief mechanisms to
17 recognize the unique characteristics of perish-
18 able and cyclical agriculture;

19 (x) taking into account whether a party to
20 the negotiations has failed to adhere to the pro-
21 visions of already existing trade agreements
22 with the United States or has circumvented ob-
23 ligations under those agreements;

24 (xi) taking into account whether a product
25 is subject to market distortions by reason of a

1 failure of a major producing country to adhere
2 to the provisions of already existing trade
3 agreements with the United States or by the
4 circumvention by that country of its obligations
5 under those agreements;

6 (xii) otherwise ensuring that countries that
7 accede to the World Trade Organization have
8 made meaningful market liberalization commit-
9 ments in agriculture;

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

15 (xiv) maintaining bona fide food assistance
16 programs and preserving United States market
17 development and export credit programs.

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

1 relating to dumping and safeguards and in any other
2 relevant area.

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

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

19 (c) OTHER PRESIDENTIAL OBJECTIVES.—If the
20 President determines that an issue not described in sub-
21 section (b) would be appropriate for trade negotiations,
22 provisions relating to that issue may be included in a trade
23 agreement or agreements entered into under section 3, if
24 those provisions—

25 (1) are directly related to trade;

1 (2) are consistent with the sovereignty of the
2 United States;

3 (3) are trade expanding and not protectionist;
4 and

5 (4) do not affect a country's ability to make
6 changes to its laws that are consistent with sound
7 macroeconomic development.

8 (d) CONSULTATIONS.—

9 (1) CONSULTATIONS WITH CONGRESSIONAL AD-
10 VISERS AND ENFORCEMENT OF THE TRADE LAWS.—

11 In the course of negotiations conducted under this
12 Act, the United States Trade Representative shall—

13 (A) consult closely and on a timely basis
14 with, and keep fully apprised of the negotia-
15 tions, the Congressional Oversight Group ap-
16 pointed under section 7 with respect to the ne-
17 gotiations; and

18 (B) preserve the ability of the United
19 States to enforce rigorously its trade laws, in-
20 cluding the antidumping and countervailing
21 duty laws, and avoid agreements which lessen
22 the effectiveness of domestic and international
23 disciplines on unfair trade, especially dumping
24 and subsidies, in order to ensure that United
25 States workers, agricultural producers, and

1 firms can compete fully on fair terms and enjoy
2 the benefits of reciprocal trade concessions.

3 (2) CONSULTATION BEFORE AGREEMENT INI-
4 TIALED.—In the course of negotiations conducted
5 under this Act, the United States Trade Representa-
6 tive shall—

7 (A) consult closely and on a timely basis
8 (including immediately before initialing an
9 agreement) with, and keep fully apprised of the
10 negotiations, the congressional advisers for
11 trade policy and negotiations appointed under
12 section 161 of the Trade Act of 1974 (19
13 U.S.C. 2211), the Committee on Ways and
14 Means of the House of Representatives, and the
15 Committee on Finance of the Senate; and

16 (B) with regard to any negotiations and
17 agreement relating to agricultural trade, also
18 consult closely and on a timely basis (including
19 immediately before initialing an agreement)
20 with, and keep fully apprised of the negotia-
21 tions, the Committee on Agriculture of the
22 House of Representatives and the Committee
23 on Agriculture, Nutrition, and Forestry of the
24 Senate.

1 (e) ADHERENCE TO OBLIGATIONS UNDER URUGUAY
 2 ROUND AGREEMENTS.—In determining whether to enter
 3 into negotiations with a particular country, the President
 4 shall take into account the extent to which that country
 5 has implemented, or has accelerated the implementation
 6 of, its obligations under the Uruguay Round Agreements.

7 **SEC. 3. TRADE AGREEMENTS AUTHORITY.**

8 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

9 (1) IN GENERAL.—Whenever the President de-
 10 termines that one or more existing duties or other
 11 import restrictions of any foreign country or the
 12 United States are unduly burdening and restricting
 13 the foreign trade of the United States and that the
 14 purposes, policies, and objectives of this Act will be
 15 promoted thereby, the President—

16 (A) may enter into trade agreements with
 17 foreign countries before—

18 (i) June 1, 2005; or

19 (ii) June 1, 2007, if trade authorities
 20 procedures are extended under subsection

21 (c); and

22 (B) may, subject to paragraphs (2) and
 23 (3), proclaim—

24 (i) such modification or continuance
 25 of any existing duty,

- 1 (ii) such continuance of existing duty-
2 free or excise treatment, or
3 (iii) such additional duties,
4 as the President determines to be required or
5 appropriate to carry out any such trade agree-
6 ment.

7 The President shall notify the Congress of the Presi-
8 dent's intention to enter into an agreement under
9 this subsection.

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

12 (A) reduces any rate of duty (other than a
13 rate of duty that does not exceed 5 percent ad
14 valorem on the date of the enactment of this
15 Act) to a rate of duty which is less than 50 per-
16 cent of the rate of such duty that applies on
17 such date of enactment; or

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

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

23 (A) AGGREGATE REDUCTION.—Except as
24 provided in subparagraph (B), the aggregate re-
25 duction in the rate of duty on any article which

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

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

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

16 (B) EXEMPTION FROM STAGING.—No
17 staging is required under subparagraph (A)
18 with respect to a duty reduction that is pro-
19 claimed under paragraph (1) for an article of a
20 kind that is not produced in the United States.
21 The United States International Trade Com-
22 mission shall advise the President of the iden-
23 tity of articles that may be exempted from stag-
24 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) and (2) through (5),
18 and subject to the consultation and layover require-
19 ments of section 115 of the Uruguay Round Agree-
20 ments Act, the President may proclaim the modifica-
21 tion of any duty or staged rate reduction of any duty
22 set forth in Schedule XX, as defined in section 2(5)
23 of that Act, if the United States agrees to such
24 modification or staged rate reduction in a negotia-
25 tion for the reciprocal elimination or harmonization

1 of duties under the auspices of the World Trade Or-
2 ganization.

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, and objectives of this
23 Act will be promoted thereby, the President may
24 enter into a trade agreement described in subpara-

1 graph (B) during the period described in subpara-
2 graph (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, except that an implementing bill
21 may include provisions to implement provisions
22 in a trade agreement to which section 2(c) ap-
23 plies only if those provisions meet the criteria
24 set forth in paragraphs (1) through (4) of that
25 section.

1 (c) EXTENSION DISAPPROVAL PROCESS FOR CON-
2 GRESSIONAL TRADE AUTHORITIES PROCEDURES.—

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

5 (A) the trade authorities procedures apply
6 to implementing bills submitted with respect to
7 trade agreements entered into under subsection
8 (b) before July 1, 2005; and

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

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

16 (ii) neither House of the Congress
17 adopts an extension disapproval resolution
18 under paragraph (5) before June 1, 2005.

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

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

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

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

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

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

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

5 (4) REPORTS MAY BE CLASSIFIED.—The re-
6 ports submitted to the Congress under paragraphs
7 (2) and (3), or any portion of such reports, may be
8 classified to the extent the President determines ap-
9 propriate.

10 (5) EXTENSION DISAPPROVAL RESOLUTIONS.—

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

24 (B) Extension disapproval resolutions—

1 (i) may be introduced in either House of
2 the Congress by any member of such House;
3 and

4 (ii) shall be referred, in the House of Rep-
5 resentatives, to the Committee on Ways and
6 Means and, in addition, to the Committee on
7 Rules.

8 (C) The provisions of sections 152(d) and (e) of
9 the Trade Act of 1974 (19 U.S.C. 2192(d) and (e))
10 (relating to the floor consideration of certain resolu-
11 tions in the House and Senate) apply to extension
12 disapproval resolutions.

13 (D) It is not in order for—

14 (i) the Senate to consider any extension
15 disapproval resolution not reported by the Com-
16 mittee on Finance;

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

21 (iii) either House of the Congress to con-
22 sider an extension disapproval resolution after
23 June 30, 2005.

24 (d) COMMENCEMENT OF NEGOTIATIONS.—In order
25 to contribute to the continued economic expansion of the

1 United States, the President shall commence negotiations
2 covering tariff and nontariff barriers affecting any indus-
3 try, product, or service sector, and to expand existing sec-
4 toral agreements to countries that are not parties to those
5 agreements, in cases where the President determines that
6 such negotiations are feasible and timely and would ben-
7 efit the United States. Such sectors include agriculture,
8 commercial services, intellectual property rights, industrial
9 and capital goods, government procurement, information
10 technology products, environmental technology and serv-
11 ices, medical equipment and services, civil aircraft, and in-
12 frastructure products.

13 **SEC. 4. CONSULTATIONS AND ASSESSMENT.**

14 (a) NOTICE AND CONSULTATION BEFORE NEGOTIA-
15 TION.—

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

19 (A) provide, at least 90 calendar days be-
20 fore initiating negotiations, written notice to the
21 Congress of the President's intention to enter
22 into the negotiations and set forth therein the
23 date the President intends to initiate such nego-
24 tiations, the specific United States objectives
25 for the negotiations, and whether the President

1 intends to seek an agreement, or changes to an
2 existing agreement; and

3 (B) before and after submission of the no-
4 tice, consult regarding the negotiations with the
5 Committee on Finance of the Senate and the
6 Committee on Ways and Means of the House
7 of Representatives and such other committees
8 of the House and Senate as the President
9 deems appropriate.

10 (2) CONSULTATIONS REGARDING NEGOTIA-
11 TIONS ON CERTAIN OBJECTIVES.—

12 (A) CONSULTATION.—In addition to the
13 requirements set forth in paragraph (1), before
14 initiating negotiations with respect to a trade
15 agreement subject to section 3(b) where the
16 subject matter of such negotiations includes any
17 issue to which section 2(c) applies, the Presi-
18 dent shall consult with the Committee on Ways
19 and Means of the House of Representatives and
20 the Committee on Finance of the Senate and
21 with the appropriate advisory groups estab-
22 lished under section 135 of the Trade Act of
23 1974 with respect to such negotiations.

24 (B) SCOPE.—The consultations described
25 in subparagraph (A) shall concern how the ne-

1 gotiation will address the issue identified in a
2 manner that is directly related to trade, is con-
3 sistent with the sovereignty of the United
4 States, is trade expanding and not protectionist,
5 and does not affect any country's ability to
6 make changes to its laws that are consistent
7 with sound macroeconomic development.

8 (3) NEGOTIATIONS REGARDING AGRI-
9 CULTURE.—Before initiating negotiations the sub-
10 ject matter of which is directly related to the subject
11 matter under section 2(b)(6)(A)(i) with any country,
12 the President shall assess whether United States
13 tariffs on agricultural products that were bound
14 under the Uruguay Round Agreements are lower
15 than the tariffs bound by that country. In addition,
16 the President shall consider whether the tariff levels
17 bound and applied throughout the world with respect
18 to imports from the United States are higher than
19 United States tariffs and whether the negotiation
20 provides an opportunity to address any such dis-
21 parity. The President shall consult with the Com-
22 mittee on Ways and Means and the Committee on
23 Agriculture of the House of Representatives and the
24 Committee on Finance and the Committee on Agri-
25 culture, Nutrition, and Forestry of the Senate con-

cerning the results of the assessment, whether it is appropriate for the United States to agree to further tariff reductions based on the conclusions reached in the assessment, and how all applicable negotiating objectives will be met.

(b) CONSULTATION WITH CONGRESS BEFORE AGREEMENTS ENTERED INTO.—

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

(A) the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate; and

(B) each other committee of the House and the Senate, and each joint committee of the Congress, which has jurisdiction over legislation involving subject matters which would be affected by the trade agreement.

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

(A) the nature of the agreement;

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

1 (C) the implementation of the agreement
2 under section 5, including the general effect of
3 the agreement on existing laws.

4 (c) ADVISORY COMMITTEE REPORTS.—The report
5 required under section 135(e)(1) of the Trade Act of 1974
6 regarding any trade agreement entered into under section
7 3(a) or (b) of this Act shall be provided to the President,
8 the Congress, and the United States Trade Representative
9 not later than 30 days after the date on which the Presi-
10 dent notifies the Congress under section 3(a)(1) or
11 5(a)(1)(A) of the President’s intention to enter into the
12 agreement.

13 (d) ITC ASSESSMENT.—

14 (1) IN GENERAL.—The President, at least 90
15 calendar days before the day on which the President
16 enters into a trade agreement under section 103(b),
17 shall provide the International Trade Commission
18 (referred to in this subsection as “the Commission”)
19 with the details of the agreement as it exists at that
20 time and request the Commission to prepare and
21 submit an assessment of the agreement as described
22 in paragraph (2). Between the time the President
23 makes the request under this paragraph and the
24 time the Commission submits the assessment, the

1 President shall keep the Commission current with
2 respect to the details of the agreement.

3 (2) ITC ASSESSMENT.—Not later than 90 cal-
4 endar days after the President enters into the agree-
5 ment, the Commission shall submit to the President
6 and the Congress a report assessing the likely im-
7 pact of the agreement on the United States economy
8 as a whole and on specific industry sectors, includ-
9 ing the impact the agreement will have on the gross
10 domestic product, exports and imports, aggregate
11 employment and employment opportunities, the pro-
12 duction, employment, and competitive position of in-
13 dustries likely to be significantly affected by the
14 agreement, and the interests of United States con-
15 sumers.

16 (3) REVIEW OF EMPIRICAL LITERATURE.—In
17 preparing the assessment, the Commission shall re-
18 view available economic assessments regarding the
19 agreement, including literature regarding any sub-
20 stantially equivalent proposed agreement, and shall
21 provide in its assessment a description of the anal-
22 yses used and conclusions drawn in such literature,
23 and a discussion of areas of consensus and diver-
24 gence between the various analyses and conclusions,

1 including those of the Commission regarding the
2 agreement.

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

4 (a) IN GENERAL.—

5 (1) NOTIFICATION AND SUBMISSION.—Any
6 agreement entered into under section 3(b) shall
7 enter into force with respect to the United States
8 if (and only if)—

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

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

22 (C) after entering into the agreement, the
23 President submits to the Congress a copy of the
24 final legal text of the agreement, together
25 with—

1 (i) a draft of an implementing bill de-
2 scribed in section 3(b)(3);

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

6 (iii) the supporting information de-
7 scribed in paragraph (2); and

8 (D) the implementing bill is enacted into
9 law.

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

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

16 (B) a statement—

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

21 (ii) setting forth the reasons of the
22 President regarding—

23 (I) how and to what extent the
24 agreement makes progress in achiev-

1 ing the applicable purposes, policies,
2 and objectives referred to in clause (i);
3 (II) whether and how the agree-
4 ment changes provisions of an agree-
5 ment previously negotiated;
6 (III) how the agreement serves
7 the interests of United States com-
8 merce; and
9 (IV) how the implementing bill
10 meets the standards set forth in sec-
11 tion 3(b)(3).

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

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

3 (b) LIMITATIONS ON TRADE AUTHORITIES PROCE-
4 DURES.—

5 (1) FOR LACK OF NOTICE OR CONSULTA-
6 TIONS.—

7 (A) IN GENERAL.—The trade authorities
8 procedures shall not apply to any implementing
9 bill submitted with respect to a trade agreement
10 entered into under section 3(b) if during the
11 60-day period beginning on the date that one
12 House of Congress agrees to a procedural dis-
13 approval resolution for lack of notice or con-
14 sultations with respect to that trade agreement,
15 the other House separately agrees to a proce-
16 dural disapproval resolution with respect to that
17 agreement.

18 (B) PROCEDURAL DISAPPROVAL RESOLU-
19 TION.—For purposes of this paragraph, the
20 term “procedural disapproval resolution” means
21 a resolution of either House of Congress, the
22 sole matter after the resolving clause of which
23 is as follows: “That the President has failed or
24 refused to notify or consult (as the case may
25 be) with Congress in accordance with section 4

or 5 of the Trade Promotion Authority Act of 2001 on negotiations with respect to _____ and, therefore, the trade authorities procedures under that Act shall not apply to any implementing bill submitted with respect to that trade agreement.”, with the blank space being filled with a description of the trade agreement with respect to which the President is considered to have failed or refused to notify or consult.

(2) PROCEDURES FOR CONSIDERING RESOLUTIONS.—(A) Procedural disapproval resolutions—

(i) in the House of Representatives—

(I) shall be introduced by the chairman or ranking minority member of the Committee on Ways and Means or the chairman or ranking minority member of the Committee on Rules;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

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

(ii) in the Senate shall be original resolutions of the Committee on Finance.

1 (B) The provisions of section 152(d) and (e) of
2 the Trade Act of 1974 (19 U.S.C. 2192(d) and (e))
3 (relating to the floor consideration of certain resolu-
4 tions in the House and Senate) apply to procedural
5 disapproval resolutions.

6 (C) It is not in order for the House of Rep-
7 resentatives to consider any procedural disapproval
8 resolution not reported by the Committee on Ways
9 and Means and, in addition, by the Committee on
10 Rules.

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

14 (1) as an exercise of the rulemaking power of
15 the House of Representatives and the Senate, re-
16 spectively, and as such are deemed a part of the
17 rules of each House, respectively, and such proce-
18 dures supersede other rules only to the extent that
19 they are inconsistent with such other rules; and

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

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

2 (a) CERTAIN AGREEMENTS.—Notwithstanding sec-
3 tion 3(b)(2), if an agreement to which section 3(b)
4 applies—

5 (1) is entered into under the auspices of the
6 World Trade Organization regarding the rules of ori-
7 gin work program described in Article 9 of the
8 Agreement on Rules of Origin referred to in section
9 101(d)(10) of the Uruguay Round Agreements Act
10 (19 U.S.C. 3511(d)(10)),

11 (2) is entered into with Chile,

12 (3) is entered into with Singapore, or

13 (4) establishes a Free Trade Area for the
14 Americas,

15 and results from negotiations that were commenced before
16 the date of the enactment of this Act, subsection (b) shall
17 apply.

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

20 (1) the applicability of the trade authorities
21 procedures to implementing bills shall be determined
22 without regard to the requirements of section 4(a),
23 and any procedural disapproval resolution under sec-
24 tion 5(b)(1)(B) shall not be in order on the basis of
25 a failure or refusal to comply with the provisions of
26 section 4(a); and

1 (2) the President shall consult regarding the
2 negotiations described in subsection (a) with the
3 committees described in section 4(a)(1)(B) as soon
4 as feasible after the enactment of this Act.

5 **SEC. 7. CONGRESSIONAL OVERSIGHT GROUPS.**

6 (a) APPOINTMENT AND FUNCTIONS.—Not later than
7 30 days after the date on which the President provides
8 notice under section 4(a)(1) of the President’s intention
9 to enter into negotiations with respect to a trade
10 agreement—

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

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

21 to serve as members of a Congressional Oversight Group
22 for the negotiations. Each such member shall be accred-
23 ited by the United States Trade Representative on behalf
24 of the President as official advisers to the United States
25 delegation in the negotiations. Members of the Congres-

1 sional Oversight Group shall consult with and provide ad-
 2 vice to the Trade Representative regarding the formula-
 3 tion of specific objectives, negotiating strategies and posi-
 4 tions, and the development of the trade agreement.

5 (b) ADDITIONAL MEMBERS.—

6 (1) AUTHORITY TO APPOINT.—In addition to
 7 the members appointed under subsection (a) for a
 8 Congressional Oversight Group—

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

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

20 Members of the House and Senate appointed under
 21 this paragraph shall be accredited by the United
 22 States Trade Representative in the same manner as
 23 the members designated under subsection (a).

24 (2) CONSULTATIONS.—Before appointing any
 25 member under paragraph (1), the Speaker or the

1 President pro tempore (as the case may be) shall
2 consult with—

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

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

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

21 (c) GUIDELINES.—

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

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

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

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

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

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

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

8 (a) IN GENERAL.—At the time the President submits
9 to the Congress the final text of an agreement pursuant
10 to section 5(a)(1)(C), the President shall also submit a
11 plan for implementing and enforcing the agreement. The
12 implementation and enforcement plan shall include the fol-
13 lowing:

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

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

1 phytosanitary measures in order to obtain market
2 access for United States exports), the Department of
3 the Treasury, and such other agencies as may be
4 necessary.

5 (3) CUSTOMS INFRASTRUCTURE REQUIRE-
6 MENTS.—A description of the additional equipment
7 and facilities needed by the United States Customs
8 Service.

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

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

16 (b) BUDGET SUBMISSION.—The President shall in-
17 clude a request for the resources necessary to support the
18 plan described in subsection (a) in the first budget that
19 the President submits to the Congress after the submis-
20 sion of the plan.

21 **SEC. 9. CONFORMING AMENDMENTS.**

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

24 (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 Trade Pro-
 8 motion 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 Trade Promotion Authority Act of 2001”.

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

18 (A) in subsection (a)—

19 (i) in paragraph (1), by striking “sec-
 20 tion 123 of this Act or section 1102 (a) or
 21 (c) of the Omnibus Trade and Competitive-
 22 ness Act of 1988,” and inserting “section
 23 123 of this Act or section 3(a) or (b) of
 24 the Trade Promotion Authority Act of
 25 2001,”; and

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

6 (B) in subsection (b), by striking “section
 7 1102(a)(3)(A)” and inserting “section
 8 3(a)(3)(A) of the Trade Promotion Authority
 9 Act of 2001” before the end period; and

10 (C) in subsection (c), by striking “section
 11 1102 of the Omnibus Trade and Competitive-
 12 ness Act of 1988,” and inserting “section 3 of
 13 the Trade Promotion Authority Act of 2001,”.

14 (3) HEARINGS AND ADVICE.—Sections 132,
 15 133(a), and 134(a) (19 U.S.C. 2152, 2153(a), and
 16 2154(a)) are each amended by striking “section
 17 1102 of the Omnibus Trade and Competitiveness
 18 Act of 1988,” each place it appears and inserting
 19 “section 3 of the Trade Promotion Authority Act of
 20 2001,”.

21 (4) PREREQUISITES FOR OFFERS.—Section
 22 134(b) (19 U.S.C. 2154(b)) is amended by striking
 23 “section 1102 of the Omnibus Trade and Competi-
 24 tiveness Act of 1988” and inserting “section 3 of the
 25 Trade Promotion Authority Act of 2001”.

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

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

8 (B) in subsection (e)(1)—

9 (i) by striking “section 1102 of the
10 Omnibus Trade and Competitiveness Act
11 of 1988” each place it appears and insert-
12 ing “section 3 of the Trade Promotion Au-
13 thority Act of 2001”; and

14 (ii) by striking “section 1103(a)(1)(A)
15 of such Act of 1988” and inserting “sec-
16 tion 5(a)(1)(A) of the Trade Promotion
17 Authority Act of 2001”; and

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

23 (6) TRANSMISSION OF AGREEMENTS TO CON-
24 GRESS.—Section 162(a) (19 U.S.C. 2212(a)) is
25 amended by striking “or under section 1102 of the

1 Omnibus Trade and Competitiveness Act of 1988”
2 and inserting “or under section 3 of the Trade Pro-
3 motion Authority Act of 2001”.

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

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

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

18 **SEC. 10. DEFINITIONS.**

19 In this Act:

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

22 (A) a United States citizen;

23 (B) a partnership, corporation, or other
24 legal entity organized under the laws of the
25 United States; and

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

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

10 (3) WORLD TRADE ORGANIZATION.—The term
11 “World Trade Organization” means the organization
12 established pursuant to the WTO Agreement.

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

○