

§ 2152. Advice from executive departments and other sources

Before any trade agreement is entered into under section 2133 of this title or section 4202 of this title, the President shall seek information and advice with respect to such agreement from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the United States Trade Representative, and from such other sources as he may deem appropriate. Such advice shall be prepared and presented consistent with the provisions of Reorganization Plan Number 3 of 1979, Executive Order Number 12188 and section 2171(c) of this title.

(Pub. L. 93-618, title I, §132, Jan. 3, 1975, 88 Stat. 1995; Pub. L. 100-418, title I, §1111(a), Aug. 23, 1988, 102 Stat. 1137; Pub. L. 107-210, div. B, title XXI, §2110(a)(3), Aug. 6, 2002, 116 Stat. 1020; Pub. L. 114-26, title I, §110(a)(2), June 29, 2015, 129 Stat. 357.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Number 3 of 1979, referred to in text, is set out as a note under section 2171 of this title.

Executive Order Number 12188, referred to in text, is set out as a note under section 2171 of this title.

AMENDMENTS

2015—Pub. L. 114-26 substituted “section 4202 of this title” for “section 3803 of this title”.

2002—Pub. L. 107-210 substituted “section 3803 of this title,” for “section 2902 of this title.”

1988—Pub. L. 100-418 amended section generally. Prior to amendment, section read as follows: “Before any trade agreement is entered into under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall seek information and advice with respect to such agreement from the Departments of Agriculture, Commerce, Defense, Interior, Labor, State and the Treasury, from the United States Trade Representative, and from such other sources as he may deem appropriate.”

Executive Documents

DELEGATION OF AUTHORITY

For delegation of functions of President under div. B of Pub. L. 107-210, amending this section, see section 1 of Ex. Ord. No. 13277, Nov. 19, 2002, 67 F.R. 70305, set out as a note under section 3801 of this title.

§ 2153. Public hearings

(a) Opportunity for presentation of views

In connection with any proposed trade agreement under section 2133 of this title or section 4202 of this title, the President shall afford an opportunity for any interested person to present his views concerning any article on a list published under section 2151 of this title, any matter or article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement. For this purpose, the President shall designate an agency or an interagency committee which shall, after reasonable notice, hold public hearings and prescribe regulations governing the conduct of such hearings. When appropriate, such procedures shall apply to the development of trade policy and priorities.

(b) Summary of hearings

The organization holding such hearing shall furnish the President with a summary thereof.

(Pub. L. 93-618, title I, §133, Jan. 3, 1975, 88 Stat. 1995; Pub. L. 100-418, title I, §1111(a), Aug. 23, 1988, 102 Stat. 1137; Pub. L. 107-210, div. B, title XXI, §2110(a)(3), Aug. 6, 2002, 116 Stat. 1020; Pub. L. 114-26, title I, §110(a)(3), June 29, 2015, 129 Stat. 357.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-26 substituted “section 4202 of this title” for “section 3803 of this title”.

2002—Subsec. (a). Pub. L. 107-210 substituted “section 3803 of this title,” for “section 2902 of this title.”

1988—Pub. L. 100-418 amended section generally. Prior to amendment, section read as follows:

“(a) In connection with any proposed trade agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President shall afford an opportunity for any interested person to present his views concerning any article on a list published pursuant to section 2151 of this title, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement. For this purpose, the President shall designate an agency or an interagency committee which shall, after reasonable notice, hold public hearings and prescribe regulations governing the conduct of such hearings.

“(b) The organization holding such hearings shall furnish the President with a summary thereof.”

Executive Documents

DELEGATION OF AUTHORITY

For delegation of functions of President under div. B of Pub. L. 107-210, amending this section, see section 1 of Ex. Ord. No. 13277, Nov. 19, 2002, 67 F.R. 70305, set out as a note under section 3801 of this title.

§ 2154. Prerequisites for offers

(a) In any negotiation seeking an agreement under section 2133 of this title or section 4202 of this title, the President may make a formal offer for the modification or continuance of any United States duty, import restrictions, or barriers to (or other distortions of) international trade, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, import restrictions, or other barrier to (or other distortion of) international trade including trade in services, foreign direct investment and intellectual property as covered by this subchapter, with respect to any article or matter only after he has received a summary of the hearings at which an opportunity to be heard with respect to such article has been afforded under section 2153 of this title. In addition, the President may make an offer for the modification or continuance of any United States duty, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, with respect to any article included in a list published and furnished under section 2151(a) of this title, only after he has received advice concerning such article from the Commission under section 2151(b) of this title, or after the expiration of the 6-month or 90-day period provided for in that section, as appropriate, whichever first occurs.

(b) In determining whether to make offers described in subsection (a) in the course of negotiating any trade agreement under section 4202 of this title, and in determining the nature and scope of such offers, the President shall take into account any advice or information provided, or reports submitted, by—

- (1) the Commission;
- (2) any advisory committee established under section 2155 of this title; or
- (3) any organization that holds public hearings under section 2153 of this title;

with respect to any article, or domestic industry, that is sensitive, or potentially sensitive, to imports.

(Pub. L. 93–618, title I, § 134, Jan. 3, 1975, 88 Stat. 1995; Pub. L. 100–418, title I, § 1111(a), Aug. 23, 1988, 102 Stat. 1137; Pub. L. 107–210, div. B, title XXI, § 2110(a)(3), (4), Aug. 6, 2002, 116 Stat. 1020; Pub. L. 114–26, title I, § 110(a)(4), June 29, 2015, 129 Stat. 357.)

Editorial Notes

AMENDMENTS

2015—Pub. L. 114–26 substituted “section 4202 of this title” for “section 3803 of this title” in two places.

2002—Subsec. (a). Pub. L. 107–210, § 2110(a)(3), substituted “section 3803 of this title,” for “section 2902 of this title.”

Subsec. (b). Pub. L. 107–210, § 2110(a)(4), substituted “section 3803 of this title” for “section 2902 of this title” in introductory provisions.

1988—Pub. L. 100–418 amended section generally. Prior to amendment, section read as follows: “In any negotiations seeking an agreement under part 1 of this subchapter or section 2133 or 2134 of this title, the President may make an offer for the modification or continuance of any United States duty, import restrictions, or barriers to (or other distortions of) international trade, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, import restriction, or other barrier to (or other distortion of) international trade, with respect to any article only after he has received a summary of the hearings at which an opportunity to be heard with respect to such article has been afforded under section 2153 of this title. In addition, the President may make an offer for the modification or continuance of any United States duty, the continuance of United States duty-free or excise treatment, or the imposition of additional duties, with respect to any article included in a list published and furnished under section 2151(a) of this title, only after he has received advice concerning such article from the International Trade Commission under section 2151(b) of this title, or after the expiration of the 6-month or 90-day period provided for in that section, as appropriate, whichever first occurs.”

Executive Documents

DELEGATION OF AUTHORITY

For delegation of functions of President under div. B of Pub. L. 107–210, amending this section, see section 1 of Ex. Ord. No. 13277, Nov. 19, 2002, 67 F.R. 70305, set out as a note under section 3801 of this title.

§ 2155. Information and advice from private and public sectors

(a) In general

(1) The President shall seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to—

(A) negotiating objectives and bargaining positions before entering into a trade agreement under this subchapter or section 4202 of this title;

(B) the operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States, including those matters referred to in Reorganization Plan Number 3 of 1979 and Executive Order Numbered 12188, and the priorities for actions thereunder.

To the maximum extent feasible, such information and advice on negotiating objectives shall be sought and considered before the commencement of negotiations.

(2) The President shall consult with representative elements of the private sector and the non-Federal governmental sector on the overall current trade policy of the United States. The consultations shall include, but are not limited to, the following elements of such policy:

(A) The principal multilateral and bilateral trade negotiating objectives and the progress being made toward their achievement.

(B) The implementation, operation, and effectiveness of recently concluded multilateral and bilateral trade agreements and resolution of trade disputes.

(C) The actions taken under the trade laws of the United States and the effectiveness of such actions in achieving trade policy objectives.

(D) Important developments in other areas of trade for which there must be developed a proper policy response.

(3) The President shall take the advice received through consultation under paragraph (2) into account in determining the importance which should be placed on each major objective and negotiating position that should be adopted in order to achieve the overall trade policy of the United States.

(b) Advisory Committee for Trade Policy and Negotiations

(1) The President shall establish an Advisory Committee for Trade Policy and Negotiations to provide overall policy advice on matters referred to in subsection (a). The committee shall be composed of not more than 45 individuals and shall include representatives of non-Federal governments, labor, industry, agriculture, small business, service industries, retailers, non-governmental environmental and conservation organizations, and consumer interests. The committee shall be broadly representative of the key sectors and groups of the economy, particularly with respect to those sectors and groups which are affected by trade. Members of the committee shall be recommended by the United States Trade Representative and appointed by the President for a term of 4 years or until the committee is scheduled to expire. An individual may be reappointed to committee for any number of terms. Appointments to the Committee¹

¹ So in original. Probably should not be capitalized.