

**§ 3524. Consultation and layover requirements for, and effective date of, proclaimed actions**

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 2155 of this title, and

(B) the International Trade Commission;

(2) the President has submitted a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that sets forth—

(A) the action proposed to be proclaimed and the reasons for such actions, and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning with the first day on which the President has met the requirements of paragraphs (1) and (2) with respect to such action, has expired; and

(4) the President has consulted with such committees regarding the proposed action during the period referred to in paragraph (3).

(Pub. L. 103-465, title I, §115, Dec. 8, 1994, 108 Stat. 4828.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-465, Dec. 8, 1994, 108 Stat. 4809, known as the Uruguay Round Agreements Act. For complete classification of this Act to the Code, see Short Title note set out under section 3501 of this title and Tables.

**Executive Documents**

DELEGATION OF AUTHORITY

Functions of President under this section delegated to the United States Trade Representative by par. (4) of Proc. No. 6969, Jan. 27, 1997, 62 F.R. 4417.

Authority of President to perform certain functions in order to fulfill consultation and layover requirements set forth in this section delegated to United States Trade Representative by Memorandum of President of the United States, Sept. 29, 1995, 60 F.R. 52061, set out as a note under section 3311 of this title.

PART C—URUGUAY ROUND IMPLEMENTATION AND DISPUTE SETTLEMENT

**§ 3531. Definitions**

For purposes of this part:

**(1) Administering authority**

The term “administering authority” has the meaning given that term in section 1677(1) of this title.

**(2) Appellate Body**

The term “Appellate Body” means the Appellate Body established under Article 17.1 of the Dispute Settlement Understanding.

**(3) Appropriate congressional committees; congressional committees**

**(A) Appropriate congressional committees**

The term “appropriate congressional committees” means the committees referred to

in subparagraph (B) and any other committees of the Congress that have jurisdiction involving the matter with respect to which consultations are to be held.

**(B) Congressional committees**

The term “congressional committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

**(4) Dispute settlement panel; panel**

The terms “dispute settlement panel” and “panel” mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

**(5) Dispute Settlement Body**

The term “Dispute Settlement Body” means the Dispute Settlement Body administering the rules and procedures set forth in the Dispute Settlement Understanding.

**(6) Dispute Settlement Understanding**

The term “Dispute Settlement Understanding” means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 3511(d)(16) of this title.

**(7) General Council**

The term “General Council” means the General Council established under paragraph 2 of Article IV of the WTO Agreement.

**(8) Ministerial Conference**

The term “Ministerial Conference” means the Ministerial Conference established under paragraph 1 of Article IV of the WTO Agreement.

**(9) Other terms**

The terms “Antidumping Agreement”, “Agreement on Subsidies and Countervailing Measures”, and “Safeguards Agreement” mean the agreements referred to in section 3511(d)(7), (12), and (13) of this title, respectively.

(Pub. L. 103-465, title I, §121, Dec. 8, 1994, 108 Stat. 4828.)

**Editorial Notes**

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§121 to 130) of title I of Pub. L. 103-465, which enacted this part, amended sections 1516a, 2155, and 2254 of this title, and enacted provisions set out below. For complete classification of subtitle C to the Code, see Tables.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 103-465, title I, §130, Dec. 8, 1994, 108 Stat. 4839, provided that: “This subtitle [subtitle C (§§121-130) of title I of Pub. L. 103-465, enacting this part and amending sections 1516a, 2155, and 2254 of this title] and the amendments made by this subtitle take effect on the date on which the WTO Agreement enters into force with respect to the United States (Jan. 1, 1995).”

**§ 3532. Implementation of Uruguay Round Agreements**

**(a) Decisionmaking**

In the implementation of the Uruguay Round Agreements and the functioning of the World

Trade Organization, it is the objective of the United States to ensure that the Ministerial Conference and the General Council continue the practice of decisionmaking by consensus followed under the GATT 1947, as required by paragraph 1 of article IX of the WTO Agreement.

**(b) Consultations with congressional committees**

In furtherance of the objective set forth in subsection (a), the Trade Representative shall consult with the appropriate congressional committees before any vote is taken by the Ministerial Conference or the General Council relating to—

- (1) the adoption of an interpretation of the WTO Agreement or another multilateral trade agreement,
- (2) the amendment of any such agreement,
- (3) the granting of a waiver of any obligation under any such agreement,
- (4) the adoption of any amendment to the rules or procedures of the Ministerial Conference or the General Council,
- (5) the accession of a state or separate customs territory to the WTO Agreement, or
- (6) the adoption of any other decision,

if the action described in paragraph (1), (2), (3), (4), (5), or (6) would substantially affect the rights or obligations of the United States under the WTO Agreement or another multilateral trade agreement or potentially entails a change in Federal or State law.

**(c) Report on decisions**

**(1) In general**

Not later than 30 days after the end of any calendar year in which the Ministerial Conference or the General Council adopts by vote any decision to take any action described in paragraph (1), (2), (4), or (6) of subsection (b), the Trade Representative shall submit a report to the appropriate congressional committees describing—

- (A) the nature of the decision;
- (B) the efforts made by the United States to have the matter decided by consensus pursuant to paragraph 1 of article IX of the WTO Agreement, and the results of those efforts;
- (C) which countries voted for, and which countries voted against, the decision;
- (D) the rights or obligations of the United States affected by the decision and any Federal or State law that would be amended or repealed, if the President after consultation with the Congress determined that such amendment or repeal was an appropriate response; and
- (E) the action the President intends to take in response to the decision or, if the President does not intend to take any action, the reasons therefor.

**(2) Additional reporting requirements**

**(A) Grant of waiver**

In the case of a decision to grant a waiver described in subsection (b)(3), the report under paragraph (1) shall describe the terms and conditions of the waiver and the rights and obligations of the United States that are affected by the waiver.

**(B) Accession**

In the case of a decision on accession described in subsection (b)(5), the report under paragraph (1) shall state whether the United States intends to invoke Article XIII of the WTO Agreement.

**(d) Consultation on report**

Promptly after the submission of a report under subsection (c), the Trade Representative shall consult with the appropriate congressional committees with respect to the report.

(Pub. L. 103-465, title I, §122, Dec. 8, 1994, 108 Stat. 4829.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Section effective on the date on which the WTO Agreement enters into force with respect to the United States (Jan. 1, 1995), see section 130 of Pub. L. 103-465, set out as a note under section 3531 of this title.

**§ 3533. Dispute settlement panels and procedures**

**(a) Review by President**

The President shall review annually the WTO panel roster and shall include the panel roster and the list of persons serving on the Appellate Body in the annual report submitted by the President under section 2213(a) of this title.

**(b) Qualifications of appointees to panels**

The Trade Representative shall—

- (1) seek to ensure that persons appointed to the WTO panel roster are well-qualified, and that the roster includes persons with expertise in the subject areas covered by the Uruguay Round Agreements; and
- (2) inform the President of persons nominated to the roster by other WTO member countries.

**(c) Rules governing conflicts of interest**

The Trade Representative shall seek the establishment by the General Council and the Dispute Settlement Body of rules governing conflicts of interest by persons serving on panels and members of the Appellate Body and shall describe, in the annual report submitted under section 3534 of this title, any progress made in establishing such rules.

**(d) Notification of disputes**

Promptly after a dispute settlement panel is established to consider the consistency of Federal or State law with any of the Uruguay Round Agreements, the Trade Representative shall notify the appropriate congressional committees of—

- (1) the nature of the dispute, including the matters set forth in the request for the establishment of the panel, the legal basis of the complaint, and the specific measures, in particular any State or Federal law cited in the request for establishment of the panel;
- (2) the identity of the persons serving on the panel; and
- (3) whether there was any departure from the rule of consensus with respect to the selection of persons to serve on the panel.

**(e) Notice of appeals of panel reports**

If an appeal is taken of a report of a panel in a proceeding described in subsection (d), the