

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or obligations of the United States affected by the decision and any Federal or State law that would be amended or repealed, if the President after consultation with the Congress determined that such amendment or repeal was an appropriate response; and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

Trade Representative shall, promptly after the notice of appeal is filed, notify the appropriate congressional committees of—

- (1) the issues under appeal; and
- (2) the identity of the persons serving on the Appellate Body who are reviewing the report of the panel.

**(f) Actions upon circulation of reports**

Promptly after the circulation of a report of a panel or of the Appellate Body to WTO members in a proceeding described in subsection (d), the Trade Representative shall—

- (1) notify the appropriate congressional committees of the report;
- (2) in the case of a report of a panel, consult with the appropriate congressional committees concerning the nature of any appeal that may be taken of the report; and
- (3) if the report is adverse to the United States, consult with the appropriate congressional committees concerning whether to implement the report's recommendation and, if so, the manner of such implementation and the period of time needed for such implementation.

**(g) Requirements for agency action**

**(1) Changes in agency regulations or practice**

In any case in which a dispute settlement panel or the Appellate Body finds in its report that a regulation or practice of a department or agency of the United States is inconsistent with any of the Uruguay Round Agreements, that regulation or practice may not be amended, rescinded, or otherwise modified in the implementation of such report unless and until—

- (A) the appropriate congressional committees have been consulted under subsection (f);
- (B) the Trade Representative has sought advice regarding the modification from relevant private sector advisory committees established under section 2155 of this title;
- (C) the head of the relevant department or agency has provided an opportunity for public comment by publishing in the Federal Register the proposed modification and the explanation for the modification;
- (D) the Trade Representative has submitted to the appropriate congressional committees a report describing the proposed modification, the reasons for the modification, and a summary of the advice obtained under subparagraph (B) with respect to the modification;
- (E) the Trade Representative and the head of the relevant department or agency have consulted with the appropriate congressional committees on the proposed contents of the final rule or other modification; and
- (F) the final rule or other modification has been published in the Federal Register.

**(2) Effective date of modification**

A final rule or other modification to which paragraph (1) applies may not go into effect before the end of the 60-day period beginning on the date on which consultations under paragraph (1)(E) begin, unless the President determines that an earlier effective date is in the national interest.

**(3) Vote by congressional committees**

During the 60-day period described in paragraph (2), the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate may vote to indicate the agreement or disagreement of the committee with the proposed contents of the final rule or other modification. Any such vote shall not be binding on the department or agency which is implementing the rule or other modification.

**(4) Inapplicability to ITC**

This subsection does not apply to any regulation or practice of the International Trade Commission.

**(h) Consultations regarding review of WTO rules and procedures**

Before the review is conducted of the dispute settlement rules and procedures of the WTO that is provided for in the Decision on the Application of the Understanding on Rules and Procedures Governing the Settlement of Disputes, as such decision is set forth in the Ministerial Declarations and Decisions adopted on April 15, 1994, together with the Uruguay Round Agreements, the Trade Representative shall consult with the congressional committees regarding the policy of the United States concerning the review.

(Pub. L. 103-465, title I, §123, Dec. 8, 1994, 108 Stat. 4830.)

**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.

**§ 3534. Annual report on WTO**

Not later than March 1 of each year beginning in 1996, the Trade Representative shall submit to the Congress a report describing, for the preceding fiscal year of the WTO—

- (1) the major activities and work programs of the WTO, including the functions and activities of the committees established under article IV of the WTO Agreement, and the expenditures made by the WTO in connection with those activities and programs;
- (2) the percentage of budgetary assessments by the WTO that were accounted for by each WTO member country, including the United States;
- (3) the total number of personnel employed or retained by the Secretariat of the WTO, and the number of professional, administrative, and support staff of the WTO;
- (4) for each personnel category described in paragraph (3), the number of citizens of each country, and the average salary of the personnel, in that category;
- (5) each report issued by a panel or the Appellate Body in a dispute settlement proceeding regarding Federal or State law, and any efforts by the Trade Representative to provide for implementation of the recommendations contained in a report that is adverse to the United States;