

An hourglass-shaped graphic with a globe in the top bulb and a smaller globe in the bottom bulb. The hourglass is light blue and has a dark blue top cap and bottom base. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass shape.

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*Trade Agreements: Requirements for Presidential  
Consultations, Notices, and Reports to Congress Regarding  
Negotiations*

Vladimir N. Pregelj, Foreign Affairs, Defense, and Trade Division

Updated June 30, 2003

**Abstract.** Congress has established two specialized bodies, which in addition to various committees of jurisdiction over the matters involved in trade agreements are to receive such communications as well as, in their turn, are to provide advice on the negotiations and in the formulation of the U.S. trade policy: the Congressional advisers for trade policy and negotiations, and the Congressional Oversight Group. This report provides a detailed list of such communication together with their statutory references.

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## **Trade Agreements: Requirements for Presidential Consultations, Notices, and Reports to Congress Regarding Negotiations**

**June 30, 2003**

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# Trade Agreements: Requirements for Presidential Consultations, Notices, and Reports to Congress Regarding Negotiations

## Summary

The Congress, which has exclusive constitutional power to regulate foreign trade, has authorized the President to negotiate and enter into certain trade agreements with foreign countries and have them implemented by legislation considered under a mandatory expedited procedure and without amendments. Because of this nonamendability requirement on one hand and, on the other, the Congress's intent to exercise its constitutional function of fashioning foreign trade policy so as to assure that such agreements reflect the objectives set for them by the legislation authorizing their negotiation and its own diverse interests and goals, the Congress requires the President to keep it currently informed regarding the negotiations through frequent consultations, notices, and reports before, during, and after the negotiations. For this purpose, Congress has established two specialized bodies, which – in addition to various committees of jurisdiction over the matters involved in the agreements – are to receive such communications as well as, in their turn, are to provide advice on the negotiations and in the formulation of the U.S. trade policy: the Congressional advisers for trade policy and negotiations, and the Congressional Oversight Group.

This report provides a detailed list of such communications – together with their statutory references – in the approximate time sequence in which they are to take place.

This report will not be updated

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# Trade Agreements: Requirements for Presidential Consultations, Notices, and Reports to Congress Regarding Negotiations

## Reasons for Mandatory Consultation

Apart from providing, from time to time since the enactment of the Reciprocal Trade Agreements Act of 1934, the President with statutory authority to negotiate and implement tariff-reducing trade agreements with foreign countries, Congress itself has, since 1974, become also directly involved in the trade-agreement negotiation process. This involvement, initially of minimal scope, has over the years evolved into a comprehensive and complex system of President's (and other U.S. government agencies' involved, particularly the U.S. Trade Representative's) notifications of, consultations with and reports to the Congress before, during, and after the process of Executive negotiations of trade agreements.

Congressional involvement in the trade-agreement negotiating process is a reflection of the Congress's constitutional power "to regulate Commerce with foreign Nations", which it has from time to time delegated under specified conditions to the Executive. It is even more a practical concomitant of trade-agreement legislation which has given the President the authority to negotiate bilateral and multilateral agreements dealing with nontariff (in addition to tariff) matters, including free trade-area agreements. Legislation to implement such agreements is enacted by Congress under an expedited ("fast-track") procedure, recently renamed "trade promotion authority" procedure, which, in addition to mandating specific deadlines for each stage of the consideration of the implementing legislation, prohibits amendments to it.

Since the nontariff elements of trade agreement-implementing legislation to be enacted by the expedited procedure more than likely consist of provisions that require changes in existing U.S. trade legislation – a constitutional legislative power of the Congress – and the procedure precludes any amendments, the Congress has required, beginning with the Trade Act of 1974, that the President (including any other agency involved) notify, consult with and/or report to it at various stages before and during the negotiations of such agreements. With this requirement, which has over the years called for ever more numerous and comprehensive notices, consultations, and reports, Congress has – particularly recently – reemphasized its constitutional power to regulate foreign commerce. Thereby it has unequivocally retained for itself an ever more intensive means whereby it can be currently informed on – and thus enabled to play an active role in – the formulation of the provisions of the agreement (otherwise an element of the constitutional Executive power to conduct foreign relations) and

of its implementing legislation. The role of Congress in this procedure is to assure that the agreement reflects the statutory objectives set for such agreement by the legislation authorizing its negotiation and “fast track” legislative implementation, as well as the Congress’s own diverse interests and goals. In a few instances, consultations of a more general nature are required also in connection with tariff-concession agreements, which historically have not required subsequent enactment but have been implemented by the Executive based on advance statutory approval, provided their concessions remained within the parameters of the authorizing legislation.

Since the language of the legislation implementing such agreements cannot be amended once introduced, congressional committees with jurisdiction over and interest in the proposed provisions hold hearings in the form of “mock mark-ups” to help formulate the legislative language which would be responsive to the concerns of the Congress before it is finalized and introduced.

## **Congressional Specialized Bodies to be Provided Trade-Agreement Communications**

In addition to congressional committees with specific jurisdiction over foreign trade (i.e., the revenue committees: House Ways and Means, and Senate Finance) and those dealing with subject matters contained in the agreements that need to be implemented by legislation, who normally would obtain information relevant to the subject matter of the implementing legislation under their consideration through hearings, Congress has established two bodies whose focus is on trade agreement negotiations as such and which would provide – since their membership is drawn from members of the relevant committees – direct and current liaison between their committees and the negotiations. Because of this function, the law requires that they be currently and closely involved in the negotiation process as advisers and, as such, mandatory recipients of relevant information, primarily from the President – and his principal foreign trade adviser, the U.S. Trade Representative – but, as appropriate, also from other U.S. agencies. These two bodies are the Congressional advisers for trade policy and negotiations, and the Congressional Oversight Group.

**Congressional advisers for trade policy and negotiations.** The earliest specific statutory requirement that the President (or, in this specific case, the then-Special Representative for Trade Negotiations, later renamed the U.S. Trade Representative) provide advice and information regarding trade negotiations to a specialized congressional body was enacted as Section 161 of the Trade Act of 1974 (19 U.S.C. 2211).<sup>1</sup> That statute provides for the designation – at the beginning of

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<sup>1</sup> A similar, earlier congressional group was provided already by Section 243 of the Trade Expansion Act of 1962 (P.L. 87-794; 76 Stat. 878). The group was to consist of four members of Congress – two each (not of the same political party) from the House Ways and Means Committee and the Senate Finance Committee – selected *ad hoc* before each negotiation to be members of the U.S. negotiating delegation, for the purpose of observing such negotiations. The four were to be selected and accredited by the President upon the recommendation of, respectively, the Speaker of the House and the President of the Senate.

(continued...)

each regular session – of congressional advisers for trade policy and negotiations to act, among their other functions, as congressional delegates to trade negotiations to assure greater congressional oversight over the negotiations. The provision has since been amended and, at present, requires the Speaker of the House and the President pro tempore of the Senate to select, upon the recommendation of the chairmen of, respectively, the House Ways and Means, and the Senate Finance committees, five members of either committee (not more than three members of the same party) and designate them as congressional advisers for trade policy and negotiations. Their statutory function is to “provide advice on the development of trade policy and priorities for the implementation thereof.” The Speaker and the President pro tem also may select for designation as congressional advisers not more than three members of any committee (not more than two of whom are of the same party) having jurisdiction over matters to be negotiated. All such designated members are to be accredited by the U.S. Trade Representative (USTR) as official advisers to the U.S. delegations to negotiations of trade agreements.

**Congressional Oversight Group.** The Bipartisan Trade Promotion Authority Act of 2002 (Title XXI of the Trade Act of 2002, P.L. 107-210, August 6, 2002; hereinafter, BTPA2002, or “the Act”) provides, in Section 2107 (19 U.S.C. 3807) for the establishment of the Congressional Oversight Group (COG), a new, formally constituted congressional body to facilitate timely exchange, with the USTR, of information related to the negotiation of trade agreements, including regular briefings, access to pertinent documents, and coordination at all critical periods during the negotiations, including at negotiation sites. The Group is to consult with and provide advice to the USTR regarding the formulation of specific objectives, negotiating strategies and positions, the development of the applicable trade agreement, and compliance with and enforcement of the commitments negotiated under the agreement.

On its side, the COG is to be provided with regular, detailed briefings on negotiating objectives, including certain priorities specifically spelled out in the legislation, and the status of the negotiations; with access by members and properly security-cleared staff of the COG to pertinent documents; closest practicable coordination with the USTR at all critical periods during the negotiations (including at negotiation sites); and, after the agreement is concluded, with consultation on compliance with and enforcement of negotiated commitments. This exchange of information between the COG and the USTR is to take place under guidelines developed – within 120 days after the enactment of the Act – by the USTR in consultation with the chairmen and ranking minority members of the House Ways and Means and the Senate Finance committees and revised as necessary from time to time.<sup>2</sup>

The Group is to be convened, initially within 60 days after the enactment date of the BTPAA2002 (August 6, 2002) and subsequently within 30 days after the

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<sup>1</sup> (...continued)

This provision was repealed by Section 602(d) of the Trade Act of 1974 (88 Stat. 2872) and replaced by the provision under discussion.

<sup>2</sup> See footnote 6.

convening of each Congress, by the chairmen of the House Ways and Means, and the Senate Finance committees, and is to consist of the chairmen and ranking minority members of those two committees, or their designees, and three additional members of either of those committees (not more than two of whom may be members of the same political party). Moreover, in the negotiations of a trade agreement concerning matters within the jurisdiction of any other House or Senate committee, the chairmen and ranking minority members of such committees, or their designees, are to be included in the membership of the Group. The Group is to be chaired by the chairmen of the House Ways and Means, and the Senate Finance committees. Members of the Group are to be accredited by the USTR on behalf of the President as official advisers to the U.S. delegation in the negotiations of trade agreements to which the Act applies.

The COG's functions do not replace but rather complement, with respect to agreements negotiated and implemented under the authority of the Act, the similar, but more general functions of the Congressional advisers for trade policy and negotiations discussed in the preceding section.

## **Presidential Consultations with Congress**

Since the mandatory legislation for implementing bilateral or multilateral trade agreements dealing with matters other than solely tariff concessions (e.g., nontariff-barriers and/or free-trade areas), and qualifying for the expedited ("fast track") legislative consideration, may not be amended, the Congress has, since the original authorization of such procedure by the Trade Act of 1974, required that the President notify, consult with and/or report to Congress at various stages before and during the negotiation of such agreements. With this requirement, which has over the years provided for ever more numerous and comprehensive notices, consultations, and reports, Congress has reemphasized its constitutional power "to regulate Commerce with foreign Nations". Thereby it has unequivocally retained for itself an ever more intensive means whereby it can be currently informed on – and thus enabled to play an active role in – the formulation of the provisions of the agreement (otherwise an element of the constitutional Executive power to conduct foreign relations) and of its implementing legislation. The role of Congress in this procedure is to assure that an agreement reflects the statutory objectives set for such agreement by the legislation authorizing its negotiation and "fast track" legislative implementation, as well as the Congress's own diverse interests and goals. In a few instances, consultations of a more general nature are required also in connection with tariff-concession agreements, which historically have not required subsequent enactment but have been implemented by the Executive based on advance statutory approval, provided their concessions remained within the parameters of the authorizing legislation.

The present – and at the same time most comprehensive – statutory requirements for Presidential consultations with and notices and reports to Congress in the context of negotiating and "fast track" implementation of trade agreements have been enacted – after several unsuccessful attempts in earlier years – as part of Title XXI - Trade Promotion Authority of the Trade Act of 2002 (P.L. 107-210; August 6, 2002). These requirements (in this report encompassing also those applicable to the USTR as the President's principal foreign-trade-policy advisor and operative as well as other government agencies) are arranged below in the



approximate time framework in which they are to take place. While the summary description of each requirement strives to be as accurate as possible, consultation of the relevant statute, cited at the end of each description and designated in terms of the respective section of the Trade Act of 2002 (unless otherwise indicated), as well as the U.S. Code, is advised if the precise legislative language is required.

### **In General.**

(1) The USTR is required to keep congressional advisers appointed under the Trade Act of 1974 informed about possible trade agreements, including negotiating objectives and status of current negotiations (Section 161(b) of Trade Act of 1974; 19 U.S.C. 2211(b)).

(2) The USTR is required to consult with House Ways and Means, Senate Finance, and other appropriate committees on principal multilateral and bilateral negotiating objectives, and progress toward their achievement (Section 161(c) of Trade Act of 1974; 19 U.S.C. 2211(c)).

(3) The President is required to meet with the Congressional Oversight Group (COG) at any time concerning the negotiation of a tariff-and-nontariff agreement, if requested by the majority of its members (Section 2104(a)(3); 19 U.S.C. 3804(a)(3)).

(4) The President's failure or refusal to notify or consult with the Congress regarding the negotiation of a tariff-and-nontariff agreement as required in various relevant provisions of the Act, may result in the denial of the "fast-track" consideration of its implementing bill if both Houses of Congress adopt, within 60 days from each other, under a specific expedited procedure, separate but identical (one-House) "procedural disapproval resolutions" (Section 2105(b)(1) and (2); 19 U.S.C. 3805(b)(1) and (2)).<sup>3</sup>

### **Before initiation of negotiations.**

(5) In the preliminary stage of setting the comprehensive trade negotiating objectives in agricultural trade (i.e., to obtain competitive opportunities for the United States exports of agricultural commodities in foreign markets substantially equivalent to those afforded foreign exports in the United States), the USTR is required to seek to develop before commencing negotiations, in consultation with the Congress, a negotiating position with respect to the treatment of seasonal or perishable agricultural products, particularly in dumping and safeguards investigations (Section 2102(b)(10)(B)(i); 19 U.S.C. 3802(b)(10)(B)(i)).

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<sup>3</sup> Trade promotion authority ("fast-track") procedures are also denied to any bill implementing an agreement negotiated under WTO auspices unless the Secretary of Commerce has transmitted, by December 31, 2002, to the Congress a report, prepared jointly with the Secretaries of State, and the Treasury, the Attorney General, and the USTR, setting forth the executive branch's strategy with respect to the Congress's concerns regarding the WTO dispute settlement procedures (Section 2105(b)(3); 19 U.S.C. 3805(b)(3)).

(6) With respect to agreements dealing with both tariff and nontariff barriers, the President is required to submit to Congress, at least 90 calendar days before initiating the negotiations, a written notice of his intention to enter the negotiations, together with sundry other relevant information (including the date the negotiations are to be initiated) and, before and after its submission, consult regarding the negotiations with the Senate Finance Committee, House Ways and Means Committee, such other House and Senate committees as the President deems appropriate, and with the Congressional Oversight Group (COG) (Section 2104(a)(1) and (2); 19 U.S.C. 3804(a)(1) and (2)).<sup>4</sup>

(7) The President is also required to meet with the COG upon the request of the majority of its members before initiating the negotiations (Section 2104(a)(3); 19 U.S.C. 3804(a)(3)).

(8) In developing the strategies for pursuing the negotiating objective of providing “level playing field” for American agriculture (one of the negotiating objectives, stated in Section 2102(b)(10)(A)(i); 19 U.S.C. 3802(b)(10)(A)(i), i.e., reducing or eliminating foreign tariffs on U.S. agricultural exports) in tariff-and-nontariff-barrier agreements (including free-trade agreements), i.e., agreements that would be enacted by the fast-track implementing procedure, the President is required, before initiating, or continuing, negotiations, to assess whether U.S. tariffs on agricultural products bound in the Uruguay Round are lower than those of the countries with which negotiations will be conducted, and whether world-wide tariffs on U.S. products are higher than U.S. tariffs, and consult concerning the assessment with House Ways and Means, and Agriculture Committees, and with Senate Finance, and Agriculture, Nutrition, and Forestry Committees as to whether it is appropriate to further reduce such U.S. tariffs, and how all applicable negotiating objectives will be met (Section 2104(b)(1); 19 U.S.C. 3804(b)(1)).

(9) Before initiating negotiations on agriculture<sup>5</sup>, the USTR is to (1) identify agricultural products subject to tariff-rate quotas on the date of enactment of the BTPAA 2002, and those for which the Uruguay Round-reduced duty on January 1, 1995, was not less than 97.5% of the duty in effect on December 31, 1994, (2) consult with the House Ways and Means, and Agriculture Committees and with the Senate Finance, and Agriculture, Nutrition, and Forestry Committees as to whether further tariff reductions on such products are appropriate, whether such products face unjustified sanitary or phytosanitary restrictions, and whether the countries

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<sup>4</sup> Failure only to provide the 90-day advance notice does not affect the authority to apply the expedited procedure to bills implementing agreements entered into under the auspices of the WTO, or with Chile or Singapore, or establishing a Free Trade Area for the Americas (Section 2106(a) and (b)(1); 19 U.S.C. 3806(a) and (b)(1)). The President, however, is required to submit to Congress a detailed notice of the specific objectives of such negotiations to Congress and consult before and after the submission of the notice with the listed entities.

<sup>5</sup> For negotiations already in progress regarding the Free Trade Area for the Americas, and agricultural negotiations under the auspices of the World Trade Organization, this requirement is to be complied with as soon as practicable after the enactment of the Trade Act of 2002 (August 6, 2002) (Section 2104(b)(2)(A); 19 U.S.C. 3804(b)(2)(A)).

participating in the negotiations maintain trade distorting practices on such products; and (3) after requesting the U.S. International Trade Commission (USITC) to assess the probable overall economic effects of such reductions, notify such committees of such products for which the USTR intends to seek tariff liberalization. and the reasons for it (Section 2104(b)(2)(A); 19 U.S.C. 3804(b)(2)(A)) (See also item (14)).

(10) Before initiating, or continuing, negotiations directly relating to fish or shellfish trade with any country, the President is to consult with the House Ways and Means, and Resources Committees and the Senate Finance, and Commerce, Science, and Transportation Committees, and keep such committees apprised of negotiations on an ongoing and timely basis (Section 2104(b)(3); 19 U.S.C. 3804(b)(3)).

(11) Before initiating, or continuing, negotiations directly relating to textiles and apparel products with any country, the President must assess whether U.S. tariffs on textiles and apparel products bound in the Uruguay Round are lower than the tariffs bound by that country and whether the negotiation provides an opportunity to address such disparity, and consult concerning the assessment with House Ways and Means, and the Senate Finance Committees as to whether it is appropriate to further reduce such U.S. tariffs and how all applicable negotiating objectives will be met (Section 2104(c); 19 U.S.C. 3804(c)).

### **During negotiations.**

(12) In the course of any (including tariff) negotiations conducted under the authority of the Act, the USTR must consult “closely and on a timely basis” with and keep fully informed the Congressional Oversight Group and all committees of both Houses with jurisdiction over laws that would be affected by the agreement being negotiated (Section 2102(d)(1); 19 U.S.C. 3802(d)(1)).

(13) Under guidelines that were to be developed (see p. 3)<sup>6</sup> by the USTR in consultation with the two revenue committees of Congress within 120 days after the enactment of the BTPAA2002, and revised as necessary, to facilitate exchange of information between the USTR and the COG, there is to take place, among several other actions, the closest practicable coordination between the USTR and the COG at all critical periods during the negotiations (Section 3107(b); 19 U.S.C. 3807(b)).

(14) If, after the negotiations are commenced, the USTR identifies additional import-sensitive agricultural products, or a party to the negotiations requests tariff reductions on any additional such products, the USTR is to notify, as soon as practicable, the four committees (see item 9) of those products (Section 2104(b)(2)(B); 19 U.S.C. 3804(b)(2)(B)).

(15) If in the President’s opinion the authority for the expedited procedure (trade authorities procedures enacted by the BTPAA 2002) for enacting bills implementing

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<sup>6</sup> Final version of the guidelines (required by Section 2107(b); 19 U.S.C. 3807(b)) is contained in a letter, dated December 4, 2002, from the USTR Robert B. Zoellick to Senator Max Baucus, then Chairman (now ranking minority member) of the Senate Finance Committee. *Inside U.S. Trade* [<http://www.INSIDETRADE.com>], January 10, 2003. p. 19.

tariff-and-nontariff agreements entered into after June 30, 2005, and before July 1, 2007, needs to be extended (under Section 2103(c)(1); 19 U.S.C. 3803(c)(1)), he must submit to the Congress, three months before the expiration of the authority (i.e., by March 1, 2005), a report requesting such extension, containing specific information required by the statute (Section 2103(c)(2); 19 U.S.C. 3803(c)(2)).<sup>7</sup>

### **Before initialing, or entering into, an agreement.**

(16) Subject to no specified timing – but obviously well before the expiration of his authority to enter into such an agreement – the President is required to notify Congress of his intent to enter into a tariff-concession agreement (Section 2103(a)(1); 19 U.S.C. 3803(a)(1)).<sup>8</sup>

(17) The USTR must consult (including immediately before initialing an agreement) with the congressional advisers for trade policy and negotiations (appointed under Section 161 of the Trade Act of 1974; see p. 2), the House Committee on Ways and Means, the Senate Committee on Finance, and the Congressional Oversight Group. In addition, such consultations must be held with the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry with regard to negotiations and agreements relating to agricultural trade (Section 2102(d)(2)(A) and (B); 19 U.S.C. 3802(d)(2)(A)).

(18) At least 180 calendar days before the President enters into a tariff-and-nontariff agreement<sup>9</sup>, he must transmit to the House Ways and Means Committee and the Senate Finance Committee a report on the proposals that may be in the agreement that would require changes in the U.S. trade remedy laws (antidumping, countervailing, and safeguard) and how these proposals relate to the principal trade negotiating objectives regarding trade remedies stated in 2102(b)(14) (Section 2104(d)(3)(A); 19 U.S.C. 3804(d)(3)(A)).<sup>10</sup>

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<sup>7</sup> The request for extension can be disapproved by an “extension disapproval resolution”, a simple resolution of either House, adopted before June 1, 2005, under its specific expedited procedure (Section 2103(c)(5); 19 U.S.C. 3803(c)(5)).

<sup>8</sup> Not later than 30 days after this notification, the Advisory Committee for Trade Negotiations (nongovernmental, but established by the President) is to provide to Congress (and the President and the USTR) an advisory report (as required by Section 135(e)(1) of the Trade Act of 1974; 19 U.S.C. 2155(e)(1)) as to whether the tariff or tariff-and-nontariff agreement in question promotes the economic interest of the United States, achieves the negotiating objectives set by the Act, and provides equity and reciprocity (Section 2104(e); 19 U.S.C. 3804(e)).

<sup>9</sup> For agreements with Chile or Singapore, the timing of this advance report has been shortened to 90 days (Section 2104(d)(3)(B)).

<sup>10</sup> After its transmission to Congress, the report may be found inconsistent with the trade-remedy negotiating objectives by means of a simple resolution of either House, adopted under a specific expedited procedure. Such a resolution may not be introduced if any other resolution with respect to that report, or a relevant procedural disapproval resolution (see item (4)), has previously been reported in that House.

(19) At least 90 calendar days before the President enters into a tariff-and-nontariff agreement, he must notify both Houses of his intention to enter into the agreement; failure to do so would prevent the agreement from entering into force for the United States (Section 2105(a)(1)(A); 19 U.S.C. 3805(a)(1)(A)).<sup>11</sup>

(20) Before entering into an agreement dealing with tariff and nontariff matters, the President is required to consult with the House Ways and Means Committee and the Senate Finance Committee, with any other committee of either House and any joint committee with jurisdiction over legislation in matters affected by the trade agreement, and with the Congressional Oversight Group, with respect to the nature of the agreement, how and to what extent the agreement will achieve applicable purposes policies and objectives of the Act, and the implementation of the agreement (Section 2104(d)(1) and (2); 19 U.S.C. 3804(d)(1) and (2)).

(21) The President may enter into an agreement dealing with tariff and nontariff barriers if he satisfies the conditions set out in Section 2104 of the Act (including consultation and reporting requirements listed at items (3), (5), (7)-(11), (14), and (19)) (Section 2103(b)(2); 19 U.S.C. 3803(b)(2)).

(22) As soon as feasible after the enactment of the Trade Act of 2002, the President is required to notify and consult with the House Ways and Means and the Senate Finance Committees and other committees the President deems appropriate and with the Congressional Oversight Group, regarding tariff-and-nontariff agreements for which negotiations had begun, or which would be entered into, prior to the enactment of the Trade Act of 2002<sup>12</sup> (and regarding which the President would, technically, have failed to comply with the 90-day prenegotiation-notice requirement (see item (4)), and some other early notification or consultation requirements, which would otherwise make them subject to a procedural disapproval resolution (see item (4)) (Section 2106(b); 19 U.S.C. 3806(b)).<sup>13</sup>

### **After agreement is entered into.**

(23) After entering into an agreement, the President must submit to the Congress (within no specific deadline, but on a day when both Houses are in session) the final text of the agreement, its implementing bill, and comprehensive supporting information (Section 2105(a)(1)(C) and (2)-(4); 19 U.S.C. 3805(a)(1)(C) and (2)-(4)).<sup>14</sup>

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<sup>11</sup> Reporting requirement described in footnote 8 applies *mutatis mutandis* also to this notification.

<sup>12</sup> That is, those under the WTO auspices, or with Chile or Singapore, or establishing the Free Trade Area for the Americas (Section 2106(a); 19 U.S.C. 3806(a)).

<sup>13</sup> For these cases, any procedural disapproval resolution has been declared out of order.

<sup>14</sup> At the time the President submits these documents, he also must submit to the Congress a plan for implementing and enforcing the agreement (Section 2108(a); 19 U.S.C. 3808(a)), and a request for funds to support this plan must be included in the first budget submitted after the submission of the plan (Section 2108(b); 19 U.S.C. 3808(b)). In addition, because

(continued...)

(24) After a trade agreement is concluded, the USTR is to consult, under the consultation guidelines (see item (13) and footnote 6) with the COG regarding ongoing compliance and enforcement of commitments under the agreement (Section 2107(b)(2)(D); 19U.S.C. 3807(b)(2)(D)).

(25) Within 60 days after entering into an agreement, the President must submit to the Congress a description of current laws, needed to bring the United States into compliance with the agreement. Failure to do so would prevent the agreement from entering into force for the United States (Section 2105(a)(1)(B); 19 U.S.C. 3805(a)(1)(B)).<sup>15</sup>

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<sup>14</sup> (...continued)

the close relationship of these issues with those required to be reported without specific date under Section 2102(c) (19 U.S.C. 3802(c)) (relating to labor rights, specifically including child labor, and environment), the USTR intends to submit the latter reports to Congress on the same date.

<sup>15</sup> In addition, not later than 90 calendar days after a tariff-and-nontariff agreement is entered into, the USITC is required to submit to the President and the Congress a detailed report assessing the likely impact of the agreement on various aspects of the U.S. economy as a whole and of its specific sectors. The assessment must be requested by the President at least 90 calendar days before he enters into the agreement and is to be made on the basis of the details of the agreement as it exists at the time, provided by the President, and subsequently kept current (Section 2104(f); 19 U.S.C. 3804(f)).