

consideration any international standard promulgated by an international standards organization the membership of which is described in section 2571(6)(A)(ii)¹ of this title.

(3) Performance criteria

Each Federal agency shall, if appropriate, develop standards based on performance criteria, such as those relating to the intended use of a product and the level of performance that the product must achieve under defined conditions, rather than on design criteria, such as those relating to the physical form of the product or the types of material of which the product is made.

(4) Access for foreign suppliers

Each Federal agency shall, with respect to any conformity assessment procedure used by it, permit access for obtaining an assessment of conformity and the mark of the system, if any, to foreign suppliers of a product on the same basis as access is permitted to suppliers of like products, whether of domestic or other foreign origin.

(Pub. L. 96-39, title IV, § 402, July 26, 1979, 93 Stat. 242; Pub. L. 103-465, title III, § 351(c), Dec. 8, 1994, 108 Stat. 4956; Pub. L. 104-295, § 20(c)(14), Oct. 11, 1996, 110 Stat. 3529.)

REFERENCES IN TEXT

Section 2571(6)(A) of this title, referred to in par. (2)(B)(ii), was amended generally by Pub. L. 103-465, title III, § 351(e)(4), Dec. 8, 1994, 108 Stat. 4956, and, as so amended, no longer contains clauses.

AMENDMENTS

1996—Par. (4). Pub. L. 104-295 inserted comma after “system, if any”.

1994—Par. (4). Pub. L. 103-465 substituted “Access” for “Certification access” in heading, and, in text, substituted “conformity assessment procedure” for “certification system” and “an assessment of conformity and the mark of the system, if any” for “certification under that system”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date on which the WTO Agreement enters into force with respect to the United States [Jan. 1, 1995], see section 352 of Pub. L. 103-465, set out as a note under section 2531 of this title.

§ 2533. State and private standards-related activities

(a) In general

It is the sense of the Congress that no State agency and no private person should engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States.

(b) Presidential action

The President shall take such reasonable measures as may be available to promote the observance by State agencies and private persons, in carrying out standards-related activities, of requirements equivalent to those imposed on Federal agencies under section 2532 of this title, and of procedures that provide for notification,

and participation, and publication with respect to such activities.

(Pub. L. 96-39, title IV, § 403, July 26, 1979, 93 Stat. 243.)

PART B—FUNCTIONS OF FEDERAL AGENCIES

§ 2541. Functions of Trade Representative

(a) In general

The Trade Representative shall coordinate the consideration of international trade policy issues that arise as a result of, and shall develop international trade policy as it relates to, the implementation of this subchapter.

(b) Negotiating functions

The Trade Representative has responsibility for coordinating United States discussions and negotiations with foreign countries for the purpose of establishing mutual arrangements with respect to standards-related activities. In carrying out this responsibility, the Trade Representative shall inform and consult with any Federal agency having expertise in the matters under discussion and negotiation.

(c) Cross reference

For provisions of law regarding general authority of the Trade Representative with respect to trade agreements, see section 2171 of this title.

(Pub. L. 96-39, title IV, § 411, July 26, 1979, 93 Stat. 243; Pub. L. 103-182, title III, § 351(b)(2), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 104-295, § 21(b)(1), (2), Oct. 11, 1996, 110 Stat. 3529, 3530.)

AMENDMENTS

1996—Pub. L. 104-295, § 21(b)(1), amended directory language of Pub. L. 103-182, § 351(b)(2). See 1993 Amendment notes below.

Subsec. (c). Pub. L. 104-295, § 21(b)(2), substituted “Trade Representative” for “Special Representatives”.

1993—Pub. L. 103-182, § 351(b)(2)(B), as amended by Pub. L. 104-295, § 21(b)(1), substituted “Trade Representative” for “Special Representative” in section catchline.

Subsecs. (a), (b). Pub. L. 103-182, § 351(b)(2)(A), as amended by Pub. L. 104-295, § 21(b)(1), substituted “Trade Representative” for “Special Representative” wherever appearing.

§ 2542. Establishment and operation of technical offices

(a) Establishment

(1) For nonagricultural products

The Secretary of Commerce shall establish and maintain within the Department of Commerce a technical office that shall carry out the functions prescribed under subsection (b) of this section with respect to nonagricultural products.

(2) For agricultural products

The Secretary of Agriculture shall establish and maintain within the Department of Agriculture a technical office that shall carry out the functions prescribed under subsection (b) of this section with respect to agricultural products.

(b) Functions of offices

The President shall prescribe for each technical office established under subsection (a) of

¹ See References in Text note below.