

Editorial Notes

AMENDMENTS

2006—Subsec. (a)(4). Pub. L. 109-280 substituted “paragraphs” for “paragraph” in two places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-280 applicable with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after Aug. 17, 2006, see section 1641 of Pub. L. 109-280, set out as a note under section 58c of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under 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.

§ 3808. Additional implementation and enforcement requirements**(a) In general**

At the time the President submits to the Congress the final text of an agreement pursuant to section 3805(a)(1)(C) of this title, the President shall also submit a plan for implementing and enforcing the agreement. The implementation and enforcement plan shall include the following:

(1) Border personnel requirements

A description of additional personnel required at border entry points, including a list of additional customs and agricultural inspectors.

(2) Agency staffing requirements

A description of additional personnel required by Federal agencies responsible for monitoring and implementing the trade agreement, including personnel required by the Office of the United States Trade Representative, the Department of Commerce, the Department of Agriculture (including additional personnel required to implement sanitary and phytosanitary measures in order to obtain market access for United States exports), the Department of the Treasury, and such other agencies as may be necessary.

(3) Customs infrastructure requirements

A description of the additional equipment and facilities needed by the United States Customs Service.

(4) Impact on State and local governments

A description of the impact the trade agreement will have on State and local governments as a result of increases in trade.

(5) Cost analysis

An analysis of the costs associated with each of the items listed in paragraphs (1) through (4).

(b) Budget submission

The President shall include a request for the resources necessary to support the plan described in subsection (a) in the first budget that the President submits to the Congress after the submission of the plan.

(Pub. L. 107-210, div. B, title XXI, §2108, Aug. 6, 2002, 116 Stat. 1018.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under 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.

§ 3809. Committee staff

The grant of trade promotion authority under this chapter is likely to increase the activities of the primary committees of jurisdiction in the area of international trade. In addition, the creation of the Congressional Oversight Group under section 3807 of this title will increase the participation of a broader number of Members of Congress in the formulation of United States trade policy and oversight of the international trade agenda for the United States. The primary committees of jurisdiction should have adequate staff to accommodate these increases in activities.

(Pub. L. 107-210, div. B, title XXI, §2109, Aug. 6, 2002, 116 Stat. 1019.)

§ 3810. Application of certain provisions

For purposes of applying sections 2135, 2136, and 2137 of this title—

(1) any trade agreement entered into under section 3803 of this title shall be treated as an agreement entered into under section 2111 or 2112 of this title, as appropriate; and

(2) any proclamation or Executive order issued pursuant to a trade agreement entered into under section 3803 of this title shall be treated as a proclamation or Executive order issued pursuant to a trade agreement entered into under section 2112 of this title.

(Pub. L. 107-210, div. B, title XXI, §2110(b), Aug. 6, 2002, 116 Stat. 1020.)

Editorial Notes

REFERENCES IN TEXT

Section 2137 of this title, referred to in text, was in the original a reference to section 127 of the Trade Act of 1974, Pub. L. 93-618, which enacted section 2137 of this title and amended section 1862 of this title.

§ 3811. Report on impact of trade promotion authority

(a) In general

Not later than 1 year after August 6, 2002, the International Trade Commission shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the economic impact on the United States of the trade agreements described in subsection (b).

(b) Agreements

The trade agreements described in this subsection are the following:

- (1) The United States-Israel Free Trade Agreement.
- (2) The United States-Canada Free Trade Agreement.
- (3) The North American Free Trade Agreement.
- (4) The Uruguay Round Agreements.
- (5) The Tokyo Round of Multilateral Trade Negotiations.

(Pub. L. 107-210, div. B, title XXI, §2111, Aug. 6, 2002, 116 Stat. 1021.)

§ 3812. Interests of small business

The Assistant United States Trade Representative for Industry and Telecommunications shall be responsible for ensuring that the interests of small business are considered in all trade negotiations in accordance with the objective described in section 3802(a)(8) of this title. It is the sense of the Congress that the small business functions should be reflected in the title of the Assistant United States Trade Representative assigned the responsibility for small business.

(Pub. L. 107-210, div. B, title XXI, §2112, Aug. 6, 2002, 116 Stat. 1021.)

§ 3813. Definitions

In this chapter:

(1) Agreement on Agriculture

The term “Agreement on Agriculture” means the agreement referred to in section 3511(d)(2) of this title.

(2) Agreement on Safeguards

The term “Agreement on Safeguards”¹ means the agreement referred to in section 3511(d)(13) of this title.

(3) Agreement on Subsidies and Countervailing Measures

The term “Agreement on Subsidies and Countervailing Measures” means the agreement referred to in section 3511(d)(12) of this title.

(4) Antidumping Agreement

The term “Antidumping Agreement”² means the Agreement on Implementation of Article VI of the General Agreement on Tar-

iffs and Trade 1994 referred to in section 3511(d)(7) of this title.

(5) Appellate Body

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

(6) Core labor standards

The term “core labor standards” means—

- (A) the right of association;
- (B) the right to organize and bargain collectively;
- (C) a prohibition on the use of any form of forced or compulsory labor;
- (D) a minimum age for the employment of children; and
- (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

(7) 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.

(8) GATT 1994

The term “GATT 1994” has the meaning given that term in section 3501 of this title.

(9) ILO

The term “ILO” means the International Labor Organization.

(10) Import sensitive agricultural product

The term “import sensitive agricultural product” means an agricultural product—

- (A) with respect to which, as a result of the Uruguay Round Agreements the rate of duty was the subject of tariff reductions by the United States and, pursuant to such Agreements, was reduced on January 1, 1995, to a rate that was not less than 97.5 percent of the rate of duty that applied to such article on December 31, 1994; or
- (B) which was subject to a tariff-rate quota on August 6, 2002.

(B) which was subject to a tariff-rate quota on August 6, 2002.

(11) United States person

The term “United States person” means—

- (A) a United States citizen;
- (B) a partnership, corporation, or other legal entity organized under the laws of the United States; and
- (C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(12) Uruguay Round Agreements

The term “Uruguay Round Agreements” has the meaning given that term in section 3501(7) of this title.

(13) World Trade Organization; WTO

The terms “World Trade Organization” and “WTO” mean the organization established pursuant to the WTO Agreement.

(14) WTO Agreement

The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

¹So in original. Probably should be followed by closing quotation marks.

²So in original. Probably should be closing quotation marks.