

**Guide to Researching U.S. Trade Policy**

**Part 1: Selected E-Resources**

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This Library of Congress Business & Economics Research Advisor (BERA) Guide is intended to serve as a guide to researching U.S. trade policy. The intended audience ranges from trade policy practitioners, scholars, analysts, business professionals, students and general researchers.

This guide is in three parts:

1. Selected E-Resources,

2. Library of Congress Print Resources and Subject Headings for U.S. Trade Policy, and

3. Indexes of Articles & Working Papers and Trade Related Journals.

Part 1: Selected E-Resources, has the following sections:

Section 1: Primary Comprehensive Documents on U.S. Trade Policy and Investment,

Section 2: Selected Current News Resources on U.S. Trade Policy,

Section 3: Selected Elements of U.S. Trade Policy and Investment Regime,

Section 4: Participants in Development, Creation and Implementation of U.S. Trade Policy, and

Section 5: U.S. in the World Trade Organization.

**Section 1: Primary Comprehensive Resources on U.S. Trade Policy and Investment**

1.1 Legislative, Regulatory, and Judicial Framework for U.S. Trade Policy

Each branch of the U.S. government contributes to U.S. trade policy. The U.S. legislature - the U.S. Congress - advises (e.g. sets trade negotiation objectives), monitors and legislates U.S. trade policy. The Executive Branch sets an agenda for trade policy, negotiates U.S. trade agreements (directly with foreign governments with input from Congress, business groups, and public interest groups), provides guidance on the implementation of the laws with the issue of regulations, makes decisions on import relief cases, and works to resolve trade disputes at the World Trade Organization (WTO). The judicial branch - the U.S. courts - makes decisions on specific cases, which provides case law. Table 1 helps explain the framework of U.S. trade policy.

Table 1. Framework of U.S. Trade Policy

|  |  |  |  |
| --- | --- | --- | --- |
| Branch of Government: | Legislature | Executive | Judicial |
| Participant: | U.S. Congress | U.S.T.R, Customs, State…. | Courts |
| Format of  U.S. Trade  Policy: | * Creates U.S. Statutes at Large (chronologi-cally), U.S. Code (by topic) * Sets trade negotiation objectives * Monitors & advises | * Negotiates trade agreements * Issues Federal Regulations:   C.F.R. (compiled)   * Publishes the Federal Register (proposed, recent regulations) * Issues policy documents | * Decides cases, creates case law |

1.2 U.S. Law – Various Titles U.S. laws are compiled chronologically as the U.S. Statues at Large, and subsequently by topic in the U.S. Code. A bulk of trade policy related law is included in six titles,

Title 19: Customs Duties,

Title 7: Agriculture,

Title 12: Banks and Banking,

Title 15: Commerce and Trade,

Title 18: Crimes and Criminal Procedure, and

Title 22: Foreign Relations and Intercourse,

although more than half of the titles have some trade policy related law. A detailed table of contents is provided for Title 19, and chapter names of other selected titles.

1.3 Chapters of U.S. Code Title 19, Customs Duties (i.e. 19 U.S.C.)

|  |
| --- |
| [CHAPTER 1—COLLECTION DISTRICTS, PORTS, AND OFFICERS](http://uscode.house.gov/browse/prelim@title19/chapter1&edition=prelim" \t "_top) (sections 1 to 70)  [CHAPTER 1A—FOREIGN TRADE ZONES](http://uscode.house.gov/browse/prelim@title19/chapter1A&edition=prelim" \t "_top) (sections 81a to 81u)  [CHAPTER 2—THE TARIFF COMMISSION](http://uscode.house.gov/browse/prelim@title19/chapter2&edition=prelim" \t "_top) (sections 91 to 107)  [CHAPTER 3—THE TARIFF AND RELATED PROVISIONS](http://uscode.house.gov/browse/prelim@title19/chapter3&edition=prelim" \t "_top) (sections 123 to 580)  [CHAPTER 4—TARIFF ACT OF 1930](http://uscode.house.gov/browse/prelim@title19/chapter4&edition=prelim" \t "_top) (sections 1301 to 1683g)  [CHAPTER 5—SMUGGLING](http://uscode.house.gov/browse/prelim@title19/chapter5&edition=prelim" \t "_top) (sections 1701 to 1711)  [CHAPTER 6—TRADE FAIR PROGRAM](http://uscode.house.gov/browse/prelim@title19/chapter6&edition=prelim" \t "_top) (sections 1751 to 1756)  [CHAPTER 7—TRADE EXPANSION PROGRAM](http://uscode.house.gov/browse/prelim@title19/chapter7&edition=prelim" \t "_top) (sections 1801 to 1982)  [CHAPTER 8—AUTOMOTIVE PRODUCTS](http://uscode.house.gov/browse/prelim@title19/chapter8&edition=prelim" \t "_top) (sections 2011 to 2033)  [CHAPTER 9—VISUAL AND AUDITORY MATERIALS OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL CHARACTER](http://uscode.house.gov/browse/prelim@title19/chapter9&edition=prelim" \t "_top) (sections 2051 to 2052)  [CHAPTER 10—CUSTOMS SERVICE](http://uscode.house.gov/browse/prelim@title19/chapter10&edition=prelim" \t "_top) (sections 2071 to 2083)  [CHAPTER 11—IMPORTATION OF PRE-COLUMBIAN MONUMENTAL OR ARCHITECTURAL SCULPTURE OR MURALS](http://uscode.house.gov/browse/prelim@title19/chapter11&edition=prelim" \t "_top) (sections 2091 to 2095)  [CHAPTER 12—TRADE ACT OF 1974](http://uscode.house.gov/browse/prelim@title19/chapter12&edition=prelim" \t "_top)  [CHAPTER 13—TRADE AGREEMENTS ACT OF 1979](http://uscode.house.gov/browse/prelim@title19/chapter13&edition=prelim" \t "_top) (sections 2501 to 2582)  [CHAPTER 14—CONVENTION ON CULTURAL PROPERTY](http://uscode.house.gov/browse/prelim@title19/chapter14&edition=prelim" \t "_top) (sections 2601 to 2613)  [CHAPTER 15—CARIBBEAN BASIN ECONOMIC RECOVERY](http://uscode.house.gov/browse/prelim@title19/chapter15&edition=prelim" \t "_top) (sections 2701 to 2707)  [CHAPTER 16—WINE TRADE](http://uscode.house.gov/browse/prelim@title19/chapter16&edition=prelim" \t "_top) (sections 2801 to 2806)  [CHAPTER 17—NEGOTIATION AND IMPLEMENTATION OF TRADE AGREEMENTS](http://uscode.house.gov/browse/prelim@title19/chapter17&edition=prelim" \t "_top) (sections 2901 to 2906)  [CHAPTER 18—IMPLEMENTATION OF HARMONIZED TARIFF SCHEDULE](http://uscode.house.gov/browse/prelim@title19/chapter18&edition=prelim" \t "_top) (sections 3001 to 3012)  [CHAPTER 19—TELECOMMUNICATIONS TRADE](http://uscode.house.gov/browse/prelim@title19/chapter19&edition=prelim" \t "_top) (sections 3101 to 3111)  [CHAPTER 20—ANDEAN TRADE PREFERENCE](http://uscode.house.gov/browse/prelim@title19/chapter20&edition=prelim" \t "_top) (sections 3201 to 3206)  [CHAPTER 21—NORTH AMERICAN FREE TRADE](http://uscode.house.gov/browse/prelim@title19/chapter21&edition=prelim" \t "_top) (sections 3301 to 3473)  [CHAPTER 22—URUGUAY ROUND TRADE AGREEMENTS](http://uscode.house.gov/browse/prelim@title19/chapter22&edition=prelim" \t "_top) (sections 3501 to 3624)  [CHAPTER 23—EXTENSION OF CERTAIN TRADE BENEFITS TO SUB-SAHARAN AFRICA](http://uscode.house.gov/browse/prelim@title19/chapter23&edition=prelim" \t "_top) (sections 3701 to 3741)  [CHAPTER 24—BIPARTISAN TRADE PROMOTION AUTHORITY](http://uscode.house.gov/browse/prelim@title19/chapter24&edition=prelim" \t "_top) (sections 3801 to 3813)  [CHAPTER 25—CLEAN DIAMOND TRADE](http://uscode.house.gov/browse/prelim@title19/chapter25&edition=prelim" \t "_top) (sections 3901 to 3913)  [CHAPTER 26—DOMINICAN REPUBLIC-CENTRAL AMERICA FREE TRADE](http://uscode.house.gov/browse/prelim@title19/chapter26&edition=prelim" \t "_top) (sections 4001 to 4112) |

http://uscode.house.gov/browse/prelim@title19&edition=prelim

U.S. Statutes at Large can be searched by public law number, date of enactment, bill number, popular name, statutes at large citation, and U.S. code citation. Legislative histories are also available.

http://uscode.house.gov/table3/table3years.htm

1.4 Chapters of Other Titles of U.S. Code Related to U.S. Trade Policy

Selected chapter headings of other titles of the U.S. Code are provided below. (Often a more narrow part of the code – a section is referenced within a chapter, which is within a title.) For reference to other topics, use the easily accessible search function at:

<http://uscode.house.gov/browse.xhtml>

7 U.S.C 7: Agriculture

|  |
| --- |
| Chapter 1 Commodity Exchanges (including foreign exchange swaps, regulation of foreign  transactions)  Chapter 25 Export Standards for Apples  Chapter 15a Export Standards for Grapes and Plums  Chapter 26 Agriculture Adjustment (inclusive of import prohibitions of specified foreign  produce)  Chapter 66 Agriculture Foreign Investment Disclosure  Chapter 83 Agriculture Competitiveness and Trade  Chapter 87 Export Promotion |

12 U.S.C. Banks and Banking

|  |
| --- |
| Chapter 6 Foreign Banking  Chapter 6a Export-Import Bank of the United States  Chapter 32 Foreign Bank Participation in Domestic Markets  Chapter 40 International Lending Supervision |

15 U.S.C. Commerce and Trade

|  |
| --- |
| Chapter 2 Federal Trade Commission; Promotion of Export Trade and the and Prevention  of Unfair Methods of Competition (including investigation of foreign trade conditions)  Chapter 4 China Trade  Chapter 22 Trademarks  Chapter 66 Promotion of Export Trade  Chapter 73 Export Enhancement  Chapter 74 Competitiveness Policy Council  Chapter 75 National Trade Data Bank  Chapter 88 International Antitrust Enforcement Assistance  Chapter 107 Protection of Intellectual Property Rights |

18 U.S.C. Crimes and Criminal Procedure

|  |
| --- |
| Chapter 27 Customs |

22 U.S.C. Foreign Relations and Intercourse

|  |
| --- |
| Chapter 21 Settlement of International Claims  Chapter 21A Settlement of Investment Disputes |



**Photo credit: https://ustr.gov/about-us/trade-toolbox/trade-lawsU.S. Trade Law**

1.5 Compilation of U.S. Trade Statues. A compilation of key U.S. trade law that includes all amendments as of the end of the 112th Congress, December 2012 is prepared by the U.S. House Ways and Means Committee. In two volumes, this document is currently 1,471 pages and is updated every few years. The url provides the most current version (2013) as of July 2015.

http://waysandmeans.house.gov/UploadedFiles/2013\_Blue\_Book\_.pdf

1.6 Codified Federal Regulations (CFR). CFR “is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government”, sometimes referred to as administrative law. CFR titles are similar to those in the U.S.C. referenced above. Title 19 regulations provides information about customs procedures, as well as the International Trade Administration of the Department of Commerce, the International Trade Commission, U.S. trade agreements, preferential trade agreements, former negotiating authorities and objectives, quotas, tariff rate quotas, and many other aspects of US trade policy. Almost half of the titles (25 of the 54 titles) refer to international trade or trade policy, so it is advised to search by specific topics.

Three internet sources are sited for searching CFR. The first has a text search function and is the official source. The second source is updated daily, but is not official. The third link is a valuable reference tool.

<http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+19&oldPath=Title+19&isCollapsed=true&selectedYearFrom=2014&ycord=513>

http://www.ecfr.gov/cgi-bin/text-idx?SID=64b251c61ce658c56cb526886966e754&node=pt19.1.132&rgn=div5

https://www.law.cornell.edu/cfr/text

* 1. Trade Policy Agenda & Annual Report of the President. The annual report of the President to Congress and the trade policy agenda are produced annually. The 2015 Trade Policy Agenda, a stand alone report, is contained in the combined agenda and annual report, but has additional explanatory material with graphs, tables and pictures. Both documents can be found at:

https://ustr.gov/about-us/policy-offices/press-office/reports-and-publications/2015/2015-Trade-Policy-Agenda-and-2014-Annual-Report

* 1. WTO Trade Policy Review of the United States . The World Trade Organization (WTO) reviews members’ trade policy on a schedule based on the ranking in the world of a country’s trade flows. The world’s largest four traders are reviewed every two years, which includes the United States. A set of documents, one document by the WTO secretariat and another by the government being reviewed, are prepared for the trade policy review meeting at the WTO. A number of documents are created by the review (e.g., minutes of the meeting, chairperson’s closing remarks, and answers to questions not addressed at the meeting.)

<https://www.wto.org/english/tratop_e/tpr_e/tp407_e.htm>

* 1. WTO Trade Profile for the United States. ­The WTO trade profile uses a standardized one page format to enable cross country comparisons. The profile for the United States is found at:

http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Language=E&Country=US

1.10 World Bank Doing Business – Trading Across Boarders. Data in this resource include the identification of the number of documents to export and import, time to export and import, and cost to export and import using a standardized methodology for comparison cross countries. The data for the United States is found at:

<http://www.doingbusiness.org/data/exploreeconomies/united-states#trading-across-borders>

1.11 International Trade Centre (Geneva) . The ITC (Geneva) has a set of market analysis tools which provide trade statistics, tariffs and market requirements, foreign direct investment data, voluntary standards, and market analysis studies. The tools include: Trade Map, Market Access Map, Investment Map, Trade Competitiveness Map, and Standards Map. Of particular interest is the “Market Access Map” which provides information in the following categories: Import regulations, export regulations, trade support institutions, and international links.

<http://legacy.intracen.org/marketanalysis/loc/Default.aspx> or

http://www.macmap.org/CountryAnalysis/NTM/LinksResults.aspx?country=SCC842

1.12 Case Law. Legal research is not the focus here, but one source to locate cases is ‘case law’. One can use the pre-set category, “International Trade”, or use specific topics.

<http://caselaw.findlaw.com/>

**Section 2: Selected Current News Resources on U.S. Trade Policy**

In June 2015, two trade laws were signed into law. For an overview see:

https://www.whitehouse.gov/blog/2015/06/29/trade-here-s-what-president-signed-law

There may be hundreds of non-governmental organizations that try to inform and influence U.S. trade policy. Here are is a selection of news organizations and advocacy organizations.

* 1. Predominately News Organizations

2.1.1 World Trade Oneline - Inside US Trade. Information can be obtained article by article, or by the full weekly publication.

To obtain information by article, follow these steps at the Library of Congress (LC):

1. Use the url address: Eresources.loc.gov
2. Click on: Other search tools (top tab)
3. Click on: serials
4. Enter in the Keyword search: Inside US Trade
5. Scroll down the list to: Inside Washington Publishers
6. Select: Trade: World Trade Online

To obtain information in a weekly publication at LC:

1. www. Insideustrade.com
2. upper right corner: PDF
   * 1. Politico – Trade. **POLITICO** covers political news with a focus on national politics, Congress, Capitol Hill, lobbying, advocacy, and more. **POLITICO’s** has in-depth coverage of trade issues.

<http://www.politico.com/trade/?ml=na>

* + 1. Congressional Quarterly – Trade Policy. Congressional Quarterly (CQ) reports on activities and politics of Congress; articles can be found under ‘trade policy’.

<http://www.cq.com/topic/trade_policy?7>

* + 1. America’s Trade Policy – Washington International Trade Association. The Washington International Trade Association (WITA) is a non-profit, non-partisan organization dedicated to providing a neutral forum in the nation’s capital for the open and robust discussion of international trade policy and related issues. Part of WITA’s web site is devoted to a stream of information on U.S. trade policy.

<http://americastradepolicy.com/>

* + 1. Journal of Commerce – Trade Policy. A maritime and business journal, this resource reports on maritime issues and often covers U.S. trade policy.

http://www.joc.com/regulation-policy/trade-policy/united-states-trade-policy

2.1.6 Bridges. A weekly publication covering global trade issues including U.S. trade policy.

http://www.ictsd.org/bridges-news/bridges/overview

2.1.7 Factivia. Factiva is a full text archive of publications that draws from over 35,000 business and news sources from the Dow Jones Interactive and Reuters Business Briefing.

<https://global.factiva.com/sb/default.aspx?lnep=hp>

2.1.8 International Trade Daily. A daily publication covering trade policy issues.

<http://news.bna.com/tdln/>

2.1.9 International Trade Weekly. A weekly report providing coverage of trade policy issues.

http://news.bna.com/itln/

* 1. Research Institutions

2.2.1 Peterson institute for International Economics (PIIE). PIIE is a private research organization devoted to the study of international economic policy. With policy briefs, articles and other publications on trade promotion authority, trade and labor, U.S. – Cuba economic relations, currency manipulation, free trade agreement with China, PIIE provides

2.2.2 CATO Institute. CATA research is guided by the principles of limited government intervention, individual liberty, and free markets. Topics include agriculture trade, antidumping, globalization, immigration, manufacturing trade, trade agreements and the WTO, trade and foreign policy, trade policies and U.S.-China trade.

[www.cato.org](http://www.cato.org)

* + 1. Center for Economic Policy and Research (CEPR). CEPR conducts research and public education to enable informed public debate on “the most important economic and social issues that affect people's lives”, often covering trade policy issues.

www.cepr.Net

* + 1. Economic Policy Institute. Includes trade and globalization

EPI’s mission is “inform and empower individuals to seek solutions that ensure broadly shared prosperity and opportunity”, and includes trade and globalization issues.

[www.epi.org](http://www.epi.org)

* + 1. Institute for Agriculture and Trade Policy (IATP), IATP works “locally and globally at the intersection of policy and practice to ensure fair and sustainable food, farm and trade systems.” Often critical of trade agreements, IATP does not support Congress providing Trade Promotion Authority to the Executive Branch. IATP IATP advocates for “fair trade policies that promote strong health standards, labor and human rights, the environment and, most fundamentally, democratic institutions.”

[www.iatp.org](http://www.iatp.org)

* 1. Advocacy Organizations

2.3.1 National Foreign Trade Council (NFTC) . NFTC Mission Statement is to be a “pre-eminent business association dedicated solely to international trade and investment issues. Our mission is to advance global commerce through: 1. Advocating public policies that foster an open international trade and investment regime; 2. Mobilizing and disseminating expertise and information on key issues, such as: the world trading system, taxation, trade finance, economic sanctions and international human resources. 3. Influencing public debate through interaction with policy makers and opinion leaders and by convening government/private sector discussions of important issues. Many large U.S. multinationals compose NFTC’s membership.

[www.nftc.org](http://www.nftc.org)

2.3.2 U.S. Chamber of Commerce – International Trade and Investment. The U.S. Chamber of Commerce represents more than 3 million business organizations in advocacy with the U.S. government.

https://www.uschamber.com/international-trade-and-investment

https://www.uschamber.com/blog?tid=21

https://www.uschamber.com/international-policy

The following organizations often contribute to trade policy debates.

2.3.3 Alliance for American Manufacturing: [www.americanmanufacturing.org](http://www.americanmanufacturing.org)

2.3.4 American Federation of Labor-Congress of Industrial Organizations

www.aflcio.org

2.3.5 Business Roundtable (BR): [www.businessroundtable.org](http://www.businessroundtable.org)

2.3.6 Business Software Alliance (BSA): [www.bsa.org](http://www.bsa.org)

2.3.7 Coalition of Service Industries (CSI): <http://servicescoalition.org>

2.3.8 Emergency Committee for American Trade (ECAT): [www.ecattrade.com](http://www.ecattrade.com)

2.3.9 International Chamber of Commerce: <http://www.iccwbo.org/about-icc/policy-commissions/trade-and-investment-policy/>

2.3.10 National Association of Manufacturers: <http://www.nam.org/Issues/Trade/>

2.3.11 Public Citizen’s Global Trade Watch (CTW): <http://www.citizen.org/trade>

2.3.12 Recording Industry Association of America (RIAA): <http://www.riaa.com/>

2.3.13 Sierra Club: <http://www.sierraclub.org/trade>

2.3.14 Third World Network: [www.twn.my](http://www.twn.my) (Not accessible in the Library of Congress on LC machines.)

**3. Selected Elements of U.S. Trade Policy and Investment Regime[[2]](#endnote-1)**

The U.S. trade policy and investment regime includes the World Trade Organization (WTO) agreements which form the “multilateral bedrock of U.S. trade policy” [[3]](#footnote-2), its tariff, tariff rate quotas, 14 reciprocal free trade agreements, 5 preferential trade programs, 51 trade and investment framework agreements, 48 bilateral investment treaties, trade remedies, a trade agreement enforcement program, trade and development programs, measures which affect imports (e.g. Customs regulations), measures that affect exports (e.g., export promotion), and sector programs (e.g., subsidies to agriculture). This section provides links to information on many of these aspects of the U.S. trade and investment regime, and identifies more than 60 elements of U.S. trade policy that can be researched by using other sources noted in this guide.

3.1World Trade Organization Agreements. The implementation legislation for the 16 multilateral and two plurilateral[[4]](#footnote-3) WTO agreements agreed upon by WTO membership in the so-called Uruguay Round of Negotiations in Marrakesh in 1994 are included in U.S. by Pl-103-465 (108 Stat.4809) (Dec. 8, 1994). The agreements as included in U.S. law are reflected in the compilation noted in Section 1.5 above. The actual agreements, ministerial decisions and declarations, are found at this url address:

https://www.wto.org/english/docs\_e/legal\_e/legal\_e.htm

3.2U.S. Tariff. The U.S. tariff is one of the lowest in the world. The Harmonized Tariff Schedule of the United States (HTS), effective as of 29th January 2015, is found on the U.S. International Trade Commission (U.S. ITC) web site. One is able to search any of the 99 chapters for applied rates. U.S. ITC maintains and publishes the tariff, U.S. Customs and Border Protection (US CBP) interprets and enforces it.

The site includes access to a number of resources– ask a tariff question, recent changes, proposed changes, and a learning module to understand the basics of the U.S. tariff schedule.

<http://www.usitc.gov/2015_htsa_basic_edition.htm>

Non-tariff duties put in place as anti-dumping and countervailing duties are found at the U.S. Customs and Border Protection website.

http://adcvd.cbp.dhs.gov/adcvdweb/

The bound tariff rate, the rate at which the US has agreed not to acced, of the United States can be found on the WTO web site.

https://www.wto.org/english/tratop\_e/schedules\_e/goods\_schedules\_table\_e.htm

3.3 U.S. Tariff Rate Quotas (TRQs). The United States maintains tariff-rate quotas on 200 tariff lines of agriculture products, about half in the dairy sector. [[5]](#footnote-4) U.S. law is found in 19 U.S. Code § 3601 - Administration of tariff-rate quotas, and federal regulations are found in Title 19, Chapter 1, Section 132. Information of TRQs are included in the Federal Registry. WTO members are required to notify the WTO on all TRQs, 30 days after the end of the year, and information is available in WTO staff documents. This information is also found in a country’s WTO market access schedules. Customs and Border Protection publishes a weekly summary of ‘fill list’, identifying how much of a quota has been used.

Law:

http://uscode.house.gov/browse/prelim@title19/chapter22&edition=prelim

Regulation:

http://www.ecfr.gov/cgi-bin/text-idx?SID=64b251c61ce658c56cb526886966e754&node=pt19.1.132&rgn=div5

WTO schedule of concessions:

https://www.wto.org/english/tratop\_e/schedules\_e/goods\_schedules\_table\_e.htm

CBP ‘fill list’:

http://www.cbp.gov/trade/quota/tariff-rate-quotas

3.4 Reciprocal Free Trade Agreements. The United States is party to fourteen free trade agreements that cover twenty countries. There are 12 bilateral agreements and two agreements with a group of countries:

Asia:

* Australia,
* Bahrain,
* Korea, and
* Singapore.

Middle East/Africa:

* Israel,
* Jordan,
* Oman, and
* Morocco.

Americas:

* Columbia,
* Peru,
* Chile and
* Panama
* NAFTA: North American Free Trade Agreement: with Mexico and Canada
* CAFTA-DR: Dominican Republic-Central America – United States Free Trade Agreement: Guatemala, Honduras, El Salvador, Nicaragua, and Costa Rica.)

Links for reciprocal trade agreements are provided for U.S.T.R, U.S. Customs and Border Protection, Department of Commerce, U.S. Department of Commerce, and U.S. Department of Labor. Links to other sources are provided by using the example of the U.S. trade agreement with Australia.

U.S. Government commentaries and link to other resources:

* 1. U.S. Trade Representative: <https://ustr.gov/trade-agreements/free-trade-agreements>
  2. U.S. Customs and Border Protection: <http://www.cbp.gov/trade/free-trade-agreements>
  3. Department of Commerce: <http://export.gov/FTA>
  4. U.S. Department of State, Investment Climate Report:

<http://www.state.gov/e/eb/rls/othr/ics/2014/index.htm>

* 1. U.S. Department of Labor regards to labor provisions on FTAs: <http://www.dol.gov/ilab/reports/search/?q=fta-report>

**Australia**

1. Text of the statue: <http://www.gpo.gov/fdsys/pkg/FR-2004-12-23/pdf/04-28242.pdf>
2. Official version of U.S. law: http://www.gpo.gov/fdsys/pkg/STATUTE-118/pdf/STATUTE-118-Pg919.pdf
3. U.S. government regulations: http://www.gpo.gov/fdsys/pkg/FR-2015-02-10/pdf/2015-02720.pdf
4. U.S. Government commentaries and link to other resources:
   1. <http://export.gov/australia/build/groups/public/@eg_au/documents/webcontent/eg_au_050735.pdf>;
   2. Department of Commerce: <http://export.gov/FTA/>australia/index.asp; <http://export.gov/australia/build/groups/public/@eg_au/documents/webcontent/eg_au_050735.pdf>;
   3. c. U.S. Department of State (see investment climate reports above); U.S. Embassy, Canberra:

[http://usrsaustralia.state.gov/us-oz/2004/03/16/ustr1.html](http://usrsaustralia.state.gov/us-oz/2004/03/16/ustr1.html 5)

* + 1. [5](http://usrsaustralia.state.gov/us-oz/2004/03/16/ustr1.html 5) [=?; tried to edit; next should be d]
  1. International Trade Commission: <http://www.usitc.gov/publications/332/pub3697.pdf>

1. Advisory Committee reports: https://ustr.gov/trade-agreements/free-trade-agreements/australian-fta/advisory-committee-reports-us-australia-fta
2. Australian sources on the FTA: <http://www.dfat.gov.au/trade/agreements/ausfta/Pages/australia-united-states-fta.aspx>
3. History of negotiations: <http://www.sice.oas.org/TPD/USA_AUS/USA_AUS_e.asp>

3.5 Unilateral Preferential Trade Agreements. The United States has six main preferential agreements (or five programs). (Review the information with regards to which are fully or partially in force.)

3.5.1 Andean Trade Preference Act

https://ustr.gov/issue-areas/trade-development/preference-programs/andean-trade-preference-act-atpa

3.5.2 Caribbean Basin Initiative

https://ustr.gov/issue-areas/trade-development/preference-programs/caribbean-basin-initiative-cbi

3.5.3 General System of Preferences

<https://ustr.gov/issue-areas/trade-development/preference-programs/generalized-system-preference-gsp>

3.5.4 HOPE – Haitian Hemispheric Opportunity Through Partnership

http://web.ita.doc.gov/tacgi/eamain.nsf/d511529a12d016de852573930057380b/51db5734b1f807a8852573940047e916?OpenDocument

World Bank –

In addition there is the World Bank Global Preferential Trade Database- WITS: World Integrated Trade Solution

<http://wits.worldbank.org/GPTAD/trade_database.html>

3.6 U.S. Trade Policies and Practices Affecting Imports

These are various aspects of U.S. trade policy that affect imports, and are identified in boxes.

Much information can be found at:

<http://www.cbp.gov/>

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| **3.6.1** **Customs procedures and requirements: Trade Facilitation Measures** |
| Single window:  http://www.cbp.gov/trade/automated |
| Simplified entry pilot/ACE cargo release:  http://www.customsnow.com/blog/category/simplified-entry/ |
| Importer self-assessment program (ISA):  http://www.cbp.gov/trade/isa/importer-self-assessment |
| Border Interagency Executive council:  http://www.cbp.gov/trade/trade-community/border-interagency-executive-council-biec |
| Trusted trader programs:  http://www.cbp.gov/border-security/ports-entry/cargo-security/trusted-trader |
| Free and Secure trade system (FAST):  http://www.cbp.gov/travel/trusted-traveler-programs/fast |
| Advance rulings, general:  http://www.cbp.gov/trade/rulings |
| Advance rulings, NAFTA:  http://www.cbp.gov/trade/nafta/guide-customs-procedures/advance-ruling-procedures |
| Customs-trade partnership against terrorism (C-TPAT):  http://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism |
| **3.6.2** **Customs procedures and requirements: Import Security Measures** |
| Container Security Initiative (CSI):  http://www.cbp.gov/border-security/ports-entry/cargo-security/csi/csi-brief |
| Foreign Trade Zones (FTZs):  http://www.cbp.gov/border-security/ports-entry/cargo-security/cargo-control/foreign-trade-zones/about  http://enforcement.trade.gov/ftzpage/index.html |
| **3.6.3 Customs procedures and requirements: Customs valuation** |
| http://www.cbp.gov/sites/default/files/documents/icp001r2\_3.pdf |
| **3.6.4 Customs procedures and requirements: Rules of origin** |
| Non-preferential: (As noted in “U.S. Rules of Origin”, Department of Homeland Security, 2004)  Legislation and implementing regulations governing rules of origin in U.S. non-preferential schemes may be found in the following U.S.C. and CFR:  • Government Procurement  ƒ 19 U.S.C. § 2511 et seq. (Specifically § 2518(4)(B).)  19 CFR §177.21  • Marking Rules of Origin  19 U.S.C. §1304 for marking requirement  19 CFR Part 134  19 CFR §102.0  • Most-Favored-Nation or Normal-Trade-Relations Duty Assessment  No rules of origin are set forth in legislation, but see General Note 3 to the HTSUS (19 U.S.C. §1202) for  a discussion of duty rates and columns.  • Textiles and Textile Products  7 U.S.C. §1854  19 U.S.C. § 3592  19 CFR §§ 12.130, 102.21  Preferential rules or origin, NAFTA:  http://www.cbp.gov/trade/nafta/guide-customs-procedures/rules-origin |
| Country-of-origin marking:  http://www.cbp.gov/trade/nafta/country-origin-marking |
| Certificate of origin, general:  http://export.gov/logistics/eg\_main\_018121.asp#P42\_5223  <http://www.cbp.gov/document/guides/certification-origin-template>  http://export.gov/faq/eg\_main\_017506.asp  Certificate of origin, insular possession:  http://www.cbp.gov/document/forms/form-3229-certificate-origin  Certification of origin, NAFTA:  <http://www.cbp.gov/trade/nafta/certificate-origin> |
| **3.6.5 Other charges affecting imports:** Customs user fees:  http://www.cbp.gov/trade/basic-import-export/uftd-info |
| Merchandise processing fee:  http://www.cbp.gov/trade/priority-issues/trade-agreements/merchandise-processing-fee |
| User fee, transponder and decal information:  <http://www.cbp.gov/trade/basic-import-export/uftd-info>  List of COBRA fees (2007):  http://www.cbp.gov/sites/default/files/documents/userfee0407\_3.pdf |
| Harbor Maintenance Tax  http://www.cbp.gov/trade/priority-issues/trade-agreements/merchandise-processing-fee |
| Excise taxes, general:  26 U.S.C. 4001-5891 (Subtitles D and E of Internal Revenue Service U.S. code)  http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Excise-Tax  https://www.jct.gov/publications.html?func=startdown&id=3721  Excise taxes, on petroleum products:  <http://www.cbp.gov/trade/entry-summary/drawback/petroleum/excise-tax> |
| **3.6.6 Import prohibitions, restrictions, and licenses** |
| **Prohibitions and restrictions**:  There are hundreds of regulations from 40 agencies which are administered by the Customs and Border Protection. Information may be found at:  http://www.cbp.gov/travel/international-visitors/kbyg/prohibited-and-restricted-items |
| **Import licensing.**  The product categories for which an import license is required are noted below along with the U.S. department requiring it.  1.Plant, plant products, animals, and animal products (Department of Agriculture)  <http://www.aphis.usda.gov/wps/portal/aphis/resources/permits>  2. Sugar (Department of Agriculture)  <http://www.fas.usda.gov/programs/sugar-import-program>   1. Dairy (Department of Agriculture)   http://www.fas.usda.gov/programs/dairy-import-licensing-program   1. Steel (Department of Commerce)   http://hq-web03.ita.doc.gov/Steel/SteelLogin.nsf   1. Natural gas (Department of Energy)   http://energy.gov/fe/services/natural-gas-regulation/how-obtain-authorization-import-andor-export-natural-gas-and-lng   1. Fish and wildlife (Department of Interior)   http://www.fws.gov/permits/ImportExport/ImportExport.html   1. Firearms, ammunition, explosives (Department of Justice)   https://www.atf.gov/firearms/firearms-guides-importation-verification-firearms-ammunition-firearms-verification-overview…   1. Controlled substances and listed chemicals   http://www.deadiversion.usdoj.gov/chem\_prog/34chems.htm   1. Distilled spirits, wine and malt beverages   http://www.ttb.gov/itd/importing\_alcohol.shtml   1. Tobacco   http://www.ttb.gov/tobacco/tobacco-im-ex.shtml   1. Nuclear facilities and material   <http://www.nrc.gov/about-nrc/ip/export-import.html> |
| **Sanctions, controls & special procedures.** The United States has sanctions regarding a number of countries, regions and a regimes (Balkans, Belarus, Burma, Central African Republic, Cote d’Ivoire-related, Cuba, D.R. Congo, Iraqi-related, Iran, Former Liberian Regime of Charles Taylor, Libya, North Korea, Somalia, South Sudan-related, Sudan, Syria, Ukraine-Russia-related, Venezuela, Zimbabwe, Yemen) and topics/issues (e.g., rough cut diamonds, counter-narcotic trafficking, counter terrorism, transnational criminal organizations, cyber related, non-proliferation, human right violations in Russia - Magnitsky), and individual people (i.e., specially designated nationals: SDN). For information about U.S. law and regulations about Cuba see forthcoming BERA Guide “U.S. Economic Relations with Cuba”.  http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx |
| **3.6.7** **Anti-dumping (AD), countervailing (CVD), and safeguard measures (i.e., trade remedies)** |
| The U.S. Department of Commerce (DOC) investigates if there is unfair trade (i.e., dumped or subsidized traded goods) or a surge of imports (i.e., when safe guards could remedy a harm caused to the U.S. industry) and the International Trade Commissions (ITC) investigates whether injury has occurred and undertakes sunset reviews. As of 13 July 2015 the US had 266 AD orders and 60 CVD orders (for a total of 326 orders) in place against imports from 41 countries.  Re: DOC: <http://enforcement.trade.gov/intro/>  Re: ITC: http://www.usitc.gov/trade\_remedy.htm |
| **3.6.8 Sanitary and phytosanitary (SPS)** |
| Sanitary and phytosanitary (SPS) requirements. A number of departments and agencies have responsibility regarding human, animal and plant life and health related to the potential import of pests, diseases, disease carrying organisms, disease causing organisms and the risks from additives, contaminants, toxins, disease causing organisms in food, beverages and feedstuff.  The **U.S. Department of Agriculture (USDA),** Animal and Plant Inspection Service (APHIS) regulations cover food and agriculture, animal and animal products, organism and vectors, organisms and soil, plant and plant products.  <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport>  USDA Food Safety and Inspection Service (FSIS) is responsible for ensuring that the nation's commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labelled and packaged. FSIS also determines the compliance of other nations’ food safety system equivalency with the United States.  <http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/importing-products>  FSIS certifies the establishment which can import into the United States:  http://www.fsis.usda.gov/wps/portal/fsis/topics/international-affairs/importing-products/eligible-countries-products-foreign-establishments/eligible-foreign-establishments  **Food and Drug Administration (FDA).** The FDA is charged with protecting consumers against impure, unsafe, and fraudulently labelled products other than the meat, poultry, and egg products regulated by FSIS. FDA is also responsible for the safety of drugs, medical devices, biologics, food additives, dietary supplements, animal feed and drugs, cosmetics, and radiation emitting devices.  http://www.fda.gov/default.htm  Food:  http://www.fda.gov/Food/IngredientsPackagingLabeling/default.htm  Food additives:  http://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/default.htm  Dietary supplements:  http://www.fda.gov/food/dietarysupplements/default.htm  **Environmental Protection Agency (EPA).** EPA writes regulations implementing Congressionally passed legislation. A SPS import related topic is pesticide residual levels.  http://www.epa.gov/  Pesticide regulations and residual levels:  <http://www.epa.gov/pesticides/regulating/index.htm>  http://www.epa.gov/pesticides/regulating/tolerances.htm  **SPS Measures and the WTO**  The US Enquiry Point (re: the WTO Agreement on Sanitary and Phytosantiary Measures) is responsible for answering relevant questions in the area of SPS**.** The contact is: USDA/FAS/OSTA/IRSD, Room 5932 Agriculture South Building, International Regulations and Standards Division, USDA Foreign Agricultural Service, 1400 Independence Avenue, SW, Washington, D.C. 20250; Telephone: +(1 202) 720 1301; Telefax: +(1 202) 720 0433  E-mail/Internet: us.spsenquirypoint@fas.usda.gov  WTO Disputes regarding SPS Measures. The United States has been the **respondent** (i.e., cases have been brought against the US) in eight dispute cases at the World Trade Organization brought under the WTO Sanitary and Phytosanitary Agreement. The cases have been about fresh lemons (Argentina complained, WTO Dispute Settlement (DS) Case No. 448), animals (Argentina, DS 447), clove cigarettes (Indonesia, DS 406), poultry (China, DS 392), certain country of origin labelling (Mexico, DS 386; Canada DS 384), cattle, swine and grains (Canada, DS 144), poultry (EC, DS 100).  The United States has been the **complainant** (i.e. brought ten cases against other nations) about SPS measures: regarding agriculture products (India, DS 430), biotech products (EC, DS 291), apples (Japan, DS 245), live swine (Mexico, DS 203), agriculture products (Japan, DS 76), inspection of agriculture products (Korea, D 41), meat and meat products (EC, DS 26), salmonids (Australia, DS 21), shelf life (Korea, DS 5), testing and inspection of agriculture products (Korea, DS 3).  [https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_agreements\_index\_e.htm?id=A19#](https://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A19)  US Notifications to WTO on SPS Measures  In 2014, the United States submitted 156 notifications about SPS measures including addendum, many on pesticide residues. The US Notification Point is the same as its Enquire Point (see above.)  https://www.wto.org/english/tratop\_e/sps\_e/work\_and\_doc\_e.htm |
| **3.6.9 Technical regulations and standards re: WTO Technical Barrier to Trade Agreement (TBT)** |
| * The national standards body, the WTO Technical Barrier to Trade (TBT) Enquiry and Notification authority, is the National Institute for Technology and Science (NITS). National policy is for government agencies to use “voluntary consensus standard” . NITS maintains a database of voluntary consensus standards, along with government unique standards, private industry standards and international standards referred to in the Code of Federal Regulations.   <https://standards.gov/sibr/query/index.cfm>   * The national standards policy:   https://www.whitehouse.gov/omb/inforeg\_infopoltech#standards\_policy   * Office of Information and Regulatory Affairs (OIRA) within the OMB re: the rule-making process, inclusive of rules under review:   https://www.whitehouse.gov/omb/oira   * The American National Standards Institute (ANSI) is a private sector organization that oversees the creation, promulgation and use of thousands of norms and guidelines that directly impact businesses. ANSI also provides technical assistance to developing countries to meet their obligations under the World Trade Organization Technical Barriers to Trade (TBT) Agreement.   http://ansi.org   * The US has Mutual Recognition Agreements (MRA) agreements with the EU, Japan, Mexico, Israel and European Free Trade Association (EFTA) , e.g.,with the EU re: Telecommunications Equipment, Electromagnetic Compatibility, Electrical Safety, Recreational Craft, Pharmaceutical GMP Inspections, and Medical Devices   http://mac.doc.gov/mra/mra.htm   * WTO disputes   **TBT Measures and the WTO**  The US Enquiry Point per the World Trade Organization on Technical Barriers to Trade is the National Center for Standards and Certification Information (NCSCI); National Institute of Standards and Technology (NIST), 100 Bureau Drive MS 2100; Gaithersburg, MD 20899; Telephone (301) 975-40 40 ; Telefax: (301) 926 15 59; Email: [ncsci@nist.gov](mailto:ncsci@nist.gov); website: [www.nist.gov/ncsci](http://www.nist.gov/ncsci); www.nist.gov/nitifyus  WTO Disputes regarding US TBT Measures  **US as respondent.** During the last WTO trade policy review period (i.e., the previous two years prior to the review in December 2014) of the United States, the US had been the respondent to three TBT related cases: regulations regarding tuna (WTO Dispute Case No. 381), certain country of origin labelling (COOL, DS 386 & 384), and clove cigarettes (DS 406). Since the WTO was founded in 1995, the US has been the respondent to nine WTO TBT related disputes: textile and apparel products (DS 151), cattle, wine and grain from Canada (DS 144), poultry (DS 100), textile and apparel (DS 85), shrimp and shrimp products (DS 61), reformulated and conventional gasoline (DS 2 and 4).  **US as complainant.** To protect US interests, the US has brought cases at the WTO against other countries. These cases have involved biotech products (EC as the respondent, DS 291), custom duties for rice (Belgium, DS 210), live swine (Mexico, DS 203), footwear, textile, apparel (Argentina, DS 56), agriculture products (Korea, 41), meat and meat products (EC, DS 26), shelf life of products (Korea, DS 5) and testing and inspection of agriculture products (Korea, DS 3).  [https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_agreements\_index\_e.htm?id=A22#](https://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm?id=A22)  US Notifications to WTO on TBT Measures. As of 27 July 2015, the United States had notified the WTO Committee on Technical Barriers to Trade 1,014 times about its technical regulations and standards.  https://docs.wto.org/dol2fe/Pages/FE\_Browse/FE\_B\_S006.aspx |
| **Environmental Protection Agency (EPA).** EPA ‘technical regulations’ include rules regarding vehicle and engine emissions, asbestos, lead and hazardous waste.  http://www.epa.gov/  Hazardous waste:  http://www.epa.gov/epawaste/hazard/international/imp-exp.htm |

3.7 U.S. Trade Policies and Practices Affecting Exports

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| **3.7.1 Export procedures and requirements** |
| At the border, the US Customs and Border Protection is responsible to administer laws and regulations.  <http://www.cbp.gov/trade/basic-import-export> |
| **3.7.2 Export taxes, charges & levies** |
| The US Constitution (Article 1, Section 9) prohibits export taxes. There are fees associated with services performed e.g., inspection, certification of agriculture products. |
| **3.7.3 Export prohibitions, restrictions & licensing** |
| The United States restricts exports for national security and foreign policy objectives. Many restrictions cover munitions. Products categories covered by restrictions include natural gas, electric power, fish and wildlife, dual use munitions and military items, nuclear material and equipment, nuclear technology, controlled substances and precursor chemicals, food, drugs, cosmetics, meal, poultry, eggs, high value agriculture products, agriculture risk products.  http://export.gov/regulation/eg\_main\_018219.asp  Export Restriction: Commerce Control List (CCL):  <http://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl/>  CCL is governed by the Export Administrative Regulations (EAR):  15 CFR 730-774  Department of State maintains the U.S. Munitions List (USML), as governed by the International Traffic in Arms Regulation (ITAR):  <http://www.pmddtc.state.gov/index.html> |
| Export Control Reform (ECR) Initiative:  http://export.gov/ecr/ |
| **3.7.4 Export support and promotion: Structures** |
| National Export Initiative (NEI):  <https://www.whitehouse.gov/the-press-office/executive-order-national-export-initiative> |
| Export Promotion Cabinet (see section 2 of the NEI executive order):  <https://www.whitehouse.gov/the-press-office/executive-order-national-export-initiative> |
| Trade Promotion Coordination Committee (TPCC):  <http://export.gov/faq/eg_main_017489.asp> |
| President’s Export Council (PEC):  http://www.trade.gov/pec/ |
| NEI/NEXT (information resources to export):  <http://www.trade.gov/neinext/> |
| US Trade and Development Agency:  http://www.ustda.gov/ |
| **3.7.5 Export Finance, insurance, guarantees** |
| Export-Import Bank:  http://www.exim.gov/authority-has-lapsed/ |
| Overseas Private Investment Corporation:  https://www.opic.gov/ |

3.8 U.S. Trade Policies and Practices Affecting Production and Trade

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| **3.8.1 Incentives** |
| World Bank Doing Business. The United States is ranked 7th in the world re: its incentive regime.  <http://www.doingbusiness.org/~/media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB15-Full-Report.pdf> (Data for the U.S. in on page 238.) |
| **3.8.2 Subsidies** |
| The US reported to the World Trade Organization subsidies in agriculture, energy and fuels, fisheries, lumber, medical, steel, non-fuel exploration, shipyards, watch and jewellery sectors.  Information is available at the following url. Click on “Search Documents”, and note “G/SCM/N/253/USA” in the “Document Symbol” box.  Major legislation providing for other subsidies include the American Recovery and Re-Investment Act, Trade Adjustment Assistance, and the Troubled Asset Relief Program (TARP). |
| **3.8.3 Competition policy** |
| Competition policy in the US is known as ‘anti-trust’ law. Major legislation includes: Sherman Act (1890; 15 U.S.C. 52-53), Clay, Clayton Act (1914; 29 U.S.C. 52-53), Trade Commission Act (1914), Antitrust Modernization Commission Act (2002).  US guidelines and policy documents:  http://www.justice.gov/atr/guidelines-and-policy-statements-0  A comparative analysis can be found at http://www.legco.gov.hk/yr09-10/english/sec/library/0910rp02-e.pdf . Information for the US starts on p. 50.  The US has competition cooperation agreements or memorandum of understanding with the following countries: Australia, Brazil, Canada, Chile, China, Columbia, European Union, Germany, India, Israel, Japan, Mexico, Russia, as well as agreements within free trade agreements (i.e., Australia, Chile, Columbia, Korea, NAFTA, Peru, Singapore).  http://www.justice.gov/atr/antitrust-cooperation-agreements |
| **3.8.4 State trading, state-owned enterprises (SOE), government sponsored enterprises (GSE)** |
| The US reported to the WTO the following SOEs: Commodity Credit Corporation (CCC), Strategic Petroleum Reserve (SPR), Isotope Production and Distribution Program Fund (IPD). GSEs identified are Federal National Mortgage Association (known as Fannie Mae), Federal Home Loan Mortgage Corporation (known as Freddie Mac), Federal Home Loan Bank System, and Farm Credit System.  https://www.whitehouse.gov/sites/default/files/omb/budget/fy2015/assets/gov.pdf |
| **3.8.5 Government procurement** |
| Providing preference to domestic suppliers of goods and services is considered by some a trade barrier. WTO rules exclude government procurement from application of these disciplines. There is a pluralateral Agreement on Government Procurement (GPA), of which the United States is a member. In addition to federal government coverage, 37 US states have agreed to participate. The agreement covers 44 WTO members.  The US also includes government procurement provisions in its free trade agreements. The US schedule of commitments to WTO GPA members is found at:  Docs.wto.org  Click on search documents, and enter “GPA/113”. The US schedule of commitments starts on page 411, or go to:  <https://e-gpa.wto.org/en/Agreement/Latest>  Federal Acquisition Regulations (FAR):  https://www.acquisition.gov |
| **3.8.6 Intellectual property rights** |
| Patent. US Patent and Trademark Office:  http://www.uspto.gov/patent |
| Registered design:  http://www.uspto.gov/web/offices/pac/mpep/s1504.html |
| Trade secret:  <https://www.law.cornell.edu/wex/trade_secret> 18 U.S. Code Chapter 90 - PROTECTION OF TRADE SECRETS: https://www.law.cornell.edu/uscode/text/18/part-I/chapter-90 |
| Copyright:  http://www.copyright.gov/ |
| Enforcement IPR:  <https://www.iprcenter.gov/>  https://ustr.gov/issue-areas/enforcement |

3.9 U.S. Trade Policies and Practices Affecting Sectors

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| **3.9.1 Agriculture** |
| <http://webarchives.cdlib.org/sw1s17tt5t/http://www.ers.usda.gov/briefing/farmpolicy/usnotify.htm>  <http://agims.wto.org/Pages/ANMS/MemberSiteReport.aspx>  Search for the following documents at: <https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S001.aspx> using the document symbol (which is in quotes) regarding US commitments to WTO members:   * market access MA1 re: tariff and quota commitments: “G/AG/N/USA/96” re marketing year 2014, dated 21 July 2014 * market access MA2 re: imports under tariff quotas: “G/AG/N/USA/94” re 2012, dated 5 Feb 2014 * market access MA5 re: special safeguard actions taken “G/AG/N/USA/95” re 2012, dated 5 Feb 2014 * export subsidies ES1 re: export subsidy commitments “G/AG/N/USA/99” re: 2011 and 2012, dated 5 Nov 2014 * domestic support commitments DS1: “G/AG/N/USA/93” re: 2011, dated 9 Jan 2014 * new domestic support commitments exempt from reduction DS2: “G/AG/N/USA/91” dated 24 Oct 2012 * concerning the possible negative effects of the reform programme on least developed and net food importing developing countries NF1 “G/AG/N/USA/98” re 2012 reported in 2014   Current agriculture policy is based on the Agriculture Act of 2014:  http://www.ag.senate.gov/issues/farm-bill |
| **3.9.2 Financial services** |
| * Market Access: foreign owned bank data in the US   <http://www.federalreserve.gov/releases/iba/fboshr.htm>  Search for the following documents at: <https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S001.aspx> using the document symbol (which is in quotes) regarding US commitments to WTO members:   * US service sector commitments “GATS/SC/90” dated 1994 with the following updates on financial services: “GATS/SC/90 Suppl. 3” dated 1998 |
| **3.9.3 Telecom** |
| Commitments annexed to the Fourth Protocol on **Basic Telecommunications** (from 1997 onwards):  <https://www.wto.org/english/tratop_e/serv_e/telecom_e/telecom_commit_exempt_list_e.htm>  For other sectors see GATS schedule of commitments “GATS/SC/90” |

3.10 U.S. Investment Regime

Bilateral investment treaties:

<https://ustr.gov/trade-agreements/bilateral-investment-treaties>

Trade and Investment Framework Agreements:

<https://ustr.gov/trade-agreements/trade-investment-framework-agreements>

**4. Participants In Development, Creation And Implementation Of U.S. Trade Policy**

**4.1 Executive and Independent Offices Involved with U.S. Trade**

**The Constitution, Article 2, Section 2 provides that the President** “shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;”.

US Trade Representative (USTR) notes that here are 20 agencies involved with the development of U.S. trade policy, and U.S. Customs and Border Protection note 48 agencies involved with providing permissions for trade into and out of the United States. (For the later group see [www.cbp.gov](http://www.cbp.gov) ). Here are some of the key agencies involved with U.S. trade policy.

[Department of Agriculture](http://www.usda.gov/" \t "_blank) - [Foreign Agricultural Service](http://www.fas.usda.gov/" \t "_blank) http://www.fas.usda.gov/

[Department of Commerce](http://www.commerce.gov/" \t "_blank) - [Bureau of Industry and Security](http://www.bis.doc.gov/" \t "_blank) http://www.bis.doc.gov/

[Department of Commerce](http://www.commerce.gov/" \t "_blank) - [International Trade Administration](http://trade.gov/index.asp" \t "_blank) http://trade.gov/index.asp

[Department of Commerce](http://www.commerce.gov/" \t "_blank) - U.S. Commercial Service http://trade.gov/cs

[Department of Energy](http://www.energy.gov/index.htm" \t "_blank) - Policy and International Affairs http://energy.gov/ia/office-international-affairs

[Department of Homeland Security](http://www.dhs.gov/" \t "_blank) - [Customs and Border Protection](http://www.cbp.gov/" \t "_blank) http://www.cbp.gov/

[Department of Labor](http://www.dol.gov/" \t "_blank) - [Trade Adjustment Assistance](http://www.doleta.gov/tradeact/" \t "_blank) <http://www.doleta.gov/tradeact/>

Department of State - [Office of Agricultural Policy](http://www.state.gov/e/eb/tpp/abt/index.htm) http://www.state.gov/e/eb/tpp/abt/index.htm

Department of State - [Office of Bilateral Trade Affairs](http://www.state.gov/e/eb/tpp/bta) http://www.state.gov/e/eb/tpp/bta/

Department of State - [Office of Intellectual Property Enforcement](http://www.state.gov/e/eb/tpp/ipe) http://www.state.gov/e/eb/tpp/ipe/

Department of State - [Office of Multilateral Trade Affairs](http://www.state.gov/e/eb/tpp/mta) <http://www.state.gov/e/eb/tpp/mta/>

Department of State – Export Control Reform <http://pmddtc.state.gov/ECR/index.html>

Department of State – Defense Trade Cooperation Treaties http://pmddtc.state.gov/treaties/index.html

[Department of the Treasury](http://www.treasury.gov/" \t "_blank) - [International](http://www.treas.gov/topics/international/" \t "_blank) http://www.treasury.gov/resource-center/international/Pages/default.aspx

Department of the Treasury – Office of Foreign Asset Controls: <http://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>

Environment Protection Agency – International Cooperation http://www2.epa.gov/international-cooperation

[Export-Import Bank](http://www.exim.gov/" \t "_blank)

[Food and Drug Administration - Office of International Programs](http://www.fda.gov/oia/homepage.htm" \t "_blank)

[Overseas Private Investment Corporation](http://www.opic.gov/" \t "_blank)

[Small Business Administration - International Trade](http://www.sba.gov/aboutsba/sbaprograms/internationaltrade/index.html" \t "_blank)

[U.S. Agency for International Development (USAID)](http://www.info.usaid.gov/" \t "_blank)

[U.S. International Trade Commission](http://www.usitc.gov/" \t "_blank)

[U.S. Trade and Development Agency (USTDA)](http://www.ustda.gov/" \t "_blank)

**4.2 Congressional Role In U.S Trade Policy**

The U.S. Constitution, Article 1, Section 8 provides the mandate of Congress in the area of U.S. trade policy: “The Congress shall have Power To lay and collect Taxes, Duties, [Imposts](http://www.usconstitution.net/glossary.html#IMPOST) and [Excises](http://www.usconstitution.net/glossary.html#EXCISE),… all Duties, [Imposts](http://www.usconstitution.net/glossary.html#IMPOST) and [Excises](http://www.usconstitution.net/glossary.html#EXCISE) shall be uniform throughout the United States;…To regulate Commerce with foreign Nations”. In practice, Congress has the role to advise, monitor and legislate on U.S. trade policy issues.

Two committees, the House Ways and Means and the Senate Finance Committee have primary responsibility for trade policy issues. Each of these committees have a sub-committee on trade:

House Ways and Means Trade Subcommittee

<http://waysandmeans.house.gov/subcommittees/subcommittee/?IssueID=4921>

Senate Finance Subcommittee on International Trade, Customs and Global Competitiveness

[Senate Finance Committee](http://finance.senate.gov/" \t "_blank)

<http://www.finance.senate.gov/>

Current bills/legislation, Congressional Record, Other committees and information on members can be found at:

Congress.gov

A one hour Library of Congress tutorial is available live on line monthly about this site.

Other committees and sub-committees have input to U.S. trade policy. Some examples include: House Committee on Foreign Relations - Subcommittee on Terrorism, Non-proliferation and Trade; House Committee on Financial Services - Subcommittee on Monetary Policy and Trade; House Committee on Small Business - Subcomittee on Agriculture, Energy and Trade; Senate Committee on Agriculture, Nutrition, Forestry – Subcomitte on General Farm Commodities, Risk Management and Trade; Senate Banking Committee on Banking, Housing and Urban Affairs – Sucomittee on National Security and International Trade and Finance.

* 1. **Role Of the Private Sector In U.S. Trade Policy**

The U.S. Congress established a formal advisory system for the development of U.S. trade policy. It currently has 28 committees. USTR notes that it has about 700 participants.

**USTR notes the following Advisory Committees:**

[Advisory Committee for Trade Policy and Negotiations (ACTPN)](https://ustr.gov/about-us/advisory-committees/advisory-committee-trade-policy-and-negotiations-actpn)

[Agricultural Policy Advisory Committee (APAC)](https://ustr.gov/about-us/advisory-committees/agricultural-policy-advisory-committee-apac)

[Agricultural Technical Advisory Committee for Trade (ATAC)](https://ustr.gov/about-us/advisory-committees/agricultural-policy-advisory-committee-atac)

[Industry Trade Advisory Committees (ITAC)](https://ustr.gov/about-us/advisory-committees/industry-trade-advisory-committees-itac)

[Intergovernmental Policy Advisory Committee (IGPAC)](https://ustr.gov/about-us/advisory-committees/intergovernmental-policy-advisory-committee-igpac)

[Labor Advisory Committee (LAC)](https://ustr.gov/about-us/advisory-committees/labor-advisory-committee-lac)

[Trade Advisory Committee on Africa (TACA)](https://ustr.gov/about-us/advisory-committees/trade-advisory-committee-africa-taca)

[Trade and Environment Policy Advisory Committee (TEPAC)](https://ustr.gov/about-us/advisory-committees/trade-and-environment-policy-advisory-committee-tepac)

The Department of Commerce notes the following advisory committes:

* [President’s Export Council](http://www.trade.gov/pec) (PEC),
* [Industry Trade Advisory Center](http://www.trade.gov/itac/index.asp) (ITAC),
* [The Manufacturing Council](http://www.trade.gov/manufacturingcouncil/index.asp) (MC),
* [Travel and Tourism Advisory Board](http://trade.gov/ttab/) (TTAB)

The Industry Trade Advisory Center has the following sector committees:

* [Committee of Chairs of the Industry Trade Advisory Committees](http://www.ita.doc.gov/itac/committees/chairs.asp)
* [ITAC 01 - Aerospace Equipment](http://www.ita.doc.gov/itac/committees/itac01.asp)
* [ITAC 02 - Automotive Equipment and Capital Goods](http://www.ita.doc.gov/itac/committees/itac02.asp)
* [ITAC 03 - Chemicals, Pharmaceuticals, Health Science Products and Services](http://www.ita.doc.gov/itac/committees/itac03.asp)
* [ITAC 04 - Consumer Goods](http://www.ita.doc.gov/itac/committees/itac04.asp)
* [ITAC 05 - Distribution Services](http://www.ita.doc.gov/itac/committees/itac05.asp)
* [ITAC 06 - Energy and Energy Services](http://www.ita.doc.gov/itac/committees/itac06.asp)
* [ITAC 07 - Forest Products](http://www.ita.doc.gov/itac/committees/itac07.asp)
* [ITAC 08 - Information and Communications Technologies, Services, and Electronic Commerce](http://www.ita.doc.gov/itac/committees/itac08.asp)
* [ITAC 09 - Building Materials, Construction, and Nonferrous Metals](http://www.ita.doc.gov/itac/committees/itac09.asp)
* [ITAC 10 - Services and Finance Industries](http://www.ita.doc.gov/itac/committees/itac10.asp)
* [ITAC 11 - Small and Minority Business](http://www.ita.doc.gov/itac/committees/itac11.asp)
* [ITAC 12 - Steel](http://www.ita.doc.gov/itac/committees/itac12.asp)
* [ITAC 13 - Textiles and Clothing](http://www.ita.doc.gov/itac/committees/itac13.asp)
* [ITAC 14 - Customs Matters and Trade Facilitation](http://www.ita.doc.gov/itac/committees/itac14.asp)
* [ITAC 15 - Intellectual Property Rights](http://www.ita.doc.gov/itac/committees/itac15.asp)
* [ITAC 16 - Standards and Technical Trade Barriers](http://www.ita.doc.gov/itac/committees/itac16.asp)

The Department of Agriculture notes the following trade policy advisory committees:

### Agricultural Technical Advisory Committees (ATACs)

The ATACs offer technical advice and information about specific agricultural commodities and products.

* [ATAC for Trade in Animals and Animal Products](http://www.fas.usda.gov/atac-trade-animals-and-animal-products)
* [ATAC for Trade in Fruits and Vegetables](http://www.fas.usda.gov/atac-trade-fruits-and-vegetables)
* [ATAC for Trade in Grains, Feed, Oilseeds, and Planting Seeds](http://www.fas.usda.gov/atac-trade-grains-feed-oilseeds-and-planting-seeds)
* ​[ATAC for Trade in Processed Foods](http://www.fas.usda.gov/atac-trade-processed-foods)
* [​](http://www.fas.usda.gov/atac-trade-processed-foods)[ATAC for Trade in Sweeteners and Sweetener Products](http://www.fas.usda.gov/atac-trade-sweeteners-and-sweetener-products#overlay-context=atac-trade-sweeteners-and-sweetener-products)
* [ATAC for Trade in Tobacco, Cotton, and Peanuts](http://www.fas.usda.gov/atac-trade-tobacco-cotton-and-peanuts)
  1. **U.S. Government Judicial and Adjudicative Involvement With U.S. Trade Policy**

The United States International Trade Commission “makes determinations in proceedings involving imports claimed to injure a domestic industry or violate U.S. intellectual property rights; provides independent tariff, trade and competitiveness-related analysis and in­formation; and maintains the U.S. tariff schedule.”

http://www.usitc.gov/

The U.S. Department of Commerce determines the rate of margin to be charged on dumped and subsidized goods that have been determined by U.S. ITC to be causing injury (or threat of injury).

**http://trade.gov/**

The U.S. Court of International Trade “has nationwide jurisdiction over civil actions arising out of the customs and international trade laws of the United States.”

[**http://www.cit.uscourts.gov/**](http://www.cit.uscourts.gov/)

A guide to find information about cases in district court is obtained at:

http://www.loc.gov/law/help/guide/federal/usjudic.php

[U.S. Court of Appeals for the Federal Circuit](http://www.cafc.uscourts.gov/" \t "_blank)

[U.S. Supreme Court](http://www.supremecourtus.gov/" \t "_blank)

**5. U.S. in the World Trade Organization (WTO)**

**Negotiations:** A list of negotiation proposals that the United States has submitted to the WTO during the last round of negotiations, the Doha Round, and the U.S. participation in the various WTO committees is provided in U.S.T.R.’s annual report to Congress (noted in Section 1.7 above).

**Disputes:** Information about cases brought by the United States, and cases that United States has brought against other countries is found at the following links:

|  |  |
| --- | --- |
|  | [Dispute settlement](https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm)https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_e.htm [Disputes chronologically](https://www.wto.org/english/tratop_e/dispu_e/dispu_status_e.htm):  https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_status\_e.htm  [Disputes by country/territory](https://www.wto.org/english/tratop_e/dispu_e/dispu_by_country_e.htm):  https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_by\_country\_e.htm  [Disputes by agreement](https://www.wto.org/english/tratop_e/dispu_e/dispu_agreements_index_e.htm):  https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_agreements\_index\_e.htm#  [Disputes by subject](https://www.wto.org/english/tratop_e/dispu_e/dispu_subjects_index_e.htm):  https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_subjects\_index\_e.htm  [Find disputes cases](https://www.wto.org/english/tratop_e/dispu_e/find_dispu_cases_e.htm):  https://www.wto.org/english/tratop\_e/dispu\_e/find\_dispu\_cases\_e.htm#results  [Dispute Settlement Body](https://www.wto.org/english/tratop_e/dispu_e/dispu_e.htm#dsb):  https://www.wto.org/english/tratop\_e/dispu\_e/dispu\_e.htm#dsb  [Appellate Body](https://www.wto.org/english/tratop_e/dispu_e/appellate_body_e.htm) |
|  |  |

**Trade Policy Review:** The United States participates in trade policy reviews (TPR) of other countries. Specific U.S. interests can be found by reviewing the summary of TPR meetings which are found at:

<https://www.wto.org/english/tratop_e/tpr_e/tpr_e.htm>

**Trade policy capacity building:** USTR works “closely with the U.S. Department of State, USAID, MCC [Millennium Challenge Account], U.S. Department of Agriculture, and other U.S. Government agencies to support countries in their capacity to trade” and with *inter alia.* the World Bank, regional development banks, the International Monetary Fund, and the United Nations to support trade policy capacity building in other nations.[[6]](#footnote-5). For more information on specific trade policy capacity building at the WTO see the 2015 Trade Policy Agenda and 2014 Annual Report of the President of the United States on the Trade Agreements Program (noted in section 1 above.)

For resources on other aspects of U.S. trade, e.g., statistics, products, trade flows, please refer to other BERA guides.



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<http://www.loc.gov/rr/business>

1. For follow-on questions please contact Dr. Blarcom at [bobl@loc.gov](mailto:bobl@loc.gov) or drblarcom@yahoo.com [↑](#footnote-ref-1)
2. The sources listed are sources with which the author is familiar. Please contact the author if you would like other sources to be considered. [↑](#endnote-ref-1)
3. 2014 Annual Report of the President of the United States on the Trade Agreement Program, page 2, March 2015. [↑](#footnote-ref-2)
4. “Multilateral” is generally understood to be applying to all WTO members, while the WTO uses the term “plurilateral” to refer to agreements that are applicable to only those members that agree to the agreements. [↑](#footnote-ref-3)
5. WT/TPR/S/307/Rev.1 p. 52 [↑](#footnote-ref-4)
6. 2015 Trade Policy Agenda and 2014 Annual Report of the President of the United States on the Trade Agreements Program,p. 197 [↑](#footnote-ref-5)