

**AMENDMENTS TO H.R. 3005, AS REPORTED
OFFERED BY MR. THOMAS OF CALIFORNIA, MR.
JEFFERSON OF LOUISIANA, MR. TANNER OF
TENNESSEE, AND MR. DOOLEY OF CALI-
FORNIA**

Page 4, line 13, strike “and”.

Page 4, line 18, strike the period and insert “; and”.

Page 4, insert the following after line 18:

1 (7) to seek provisions in trade agreements
2 under which parties to those agreements strive to
3 ensure that they do not weaken or reduce the protec-
4 tions afforded in domestic environmental and labor
5 laws as an encouragement for trade.

Page 5, line 23, strike “by” and insert “and, recog-
nizing that United States law on the whole provides a
high level of protection for investment, consistent with or
greater than the level required by international law, to
secure for investors important rights comparable to those
that would be available under United States legal prin-
ciples and practice, by”.

Page 6, line 12, strike “and”.

Page 6, line 17, add “and” after the semicolon.



Page 6, line 20, strike “and”.

Page 6, strike lines 21 and 22.

Page 6, insert the following after line 22:

1 (G) providing an appellate or similar re-
 2 view mechanism to correct manifestly erroneous
 3 interpretations of law; and

4 (H) ensuring the fullest measure of trans-
 5 parency in the dispute settlement mechanism,
 6 to the extent consistent with the need to protect
 7 information that is classified or business con-
 8 fidential, by—

9 (i) ensuring that all requests for dis-
 10 pute settlement are promptly made public;

11 (ii) ensuring that—

12 (I) all proceedings, submissions,
 13 findings, and decisions are promptly
 14 made public;

15 (II) all hearings are open to the
 16 public; and

17 (iii) establishing a mechanism for ac-
 18 ceptance of amicus curiae submissions
 19 from businesses, unions, and nongovern-
 20 mental organizations.



Page 18, line 23, insert after “resources” the following: “and no retaliation may be authorized based on the exercise of these rights or the right to establish domestic labor standards and levels of environmental protection”.

Page 24, line 15, strike “and”.

Page 24, line 24, strike the period and insert “; and”.

Page 24, add the following after line 24:

1 (12) seek to establish consultative mechanisms
2 among parties to trade agreements to examine the
3 trade consequences of significant and unanticipated
4 currency movements and to scrutinize whether a for-
5 eign government engaged in a pattern of manipu-
6 lating its currency to promote a competitive advan-
7 tage in international trade.

Page 28, line 4, strike “or”.

Page 28, insert the following after line 4:



8 (B) notwithstanding paragraph (6), re-
9 duces the rate of duty below that applicable
10 under the Uruguay Round Agreements, on any
11 agricultural product which was the subject of
12 tariff reductions by the United States as a re-

1 sult of the Uruguay Round Agreements, for
 2 which the rate of duty, pursuant to such Agree-
 3 ments, was reduced on January 1, 1995, to a
 4 rate which was not less than 97.5 percent of
 5 the rate of duty that applied to such article on
 6 December 31, 1994; or

Page 28, line 5, strike “(B)” and insert “(C)”.

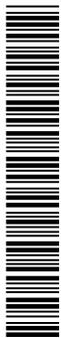
Page 30, line 4, strike “(1)(B) and (2) through (5)”
and insert “(1)(B), (2)(A), (2)(C), and (3) through (5)”.

Page 38, lines 11 and 12, strike “(b) NEGOTIATIONS
REGARDING AGRICULTURE.—Before initiating” and in-
sert

7 (b) NEGOTIATIONS REGARDING AGRICULTURE.—
 8 (1) IN GENERAL.—Before initiating

Page 39, insert the following after line 5 and redesi-
gnate the succeeding subsections accordingly:

9 (2) SPECIAL CONSULTATIONS ON IMPORT SEN-
 10 SITIVE PRODUCTS.—(A) Before initiating negotia-
 11 tions with regard to agriculture, and, with respect to
 12 the Free Trade Area for the Americas and negotia-
 13 tions with regard to agriculture under the auspices
 14 of the World Trade Organization, as soon as prac-



1 ticable after the enactment of this Act, the United
2 States Trade Representative shall—

3 (i) identify those agricultural products sub-
4 ject to tariff reductions by the United States as
5 a result of the Uruguay Round Agreements, for
6 which the rate of duty was reduced on January
7 1, 1995, to a rate which was not less than 97.5
8 percent of the rate of duty that applied to such
9 article on December 31, 1994;

10 (ii) consult with the Committee on Ways
11 and Means and the Committee on Agriculture
12 of the House of Representatives and the Com-
13 mittee on Finance and the Committee on Agri-
14 culture, Nutrition, and Forestry of the Senate
15 concerning—

16 (I) whether any further tariff reduc-
17 tions on the products identified under
18 clause (i) should be appropriate, taking
19 into account the impact of any such tariff
20 reduction on the United States industry
21 producing the product concerned; and

22 (II) whether the products so identified
23 face unjustified sanitary or phytosanitary
24 restrictions, including those not based on



1 scientific principles in contravention of the
2 Uruguay Round Agreements;

3 (iii) request that the International Trade
4 Commission prepare an assessment of the prob-
5 able economic effects of any such tariff reduc-
6 tion on the United States industry producing
7 the product concerned and on the United States
8 economy as a whole; and

9 (iv) upon complying with clauses (i), (ii),
10 and (iii), notify the Committee on Ways and
11 Means and the Committee on Agriculture of the
12 House of Representatives and the Committee
13 on Finance and the Committee on Agriculture,
14 Nutrition, and Forestry of the Senate of those
15 products identified under clause (i) for which
16 the Trade Representative intends to seek tariff
17 liberalization in the negotiations and the rea-
18 sons for seeking such tariff liberalization.

19 (B) If, after negotiations described in subpara-
20 graph (A) are commenced—

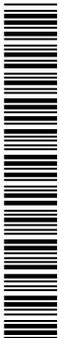
21 (i) the United States Trade Representative
22 identifies any additional agricultural product
23 described in subparagraph (A)(i) for tariff re-
24 ductions which were not the subject of a notifi-
25 cation under subparagraph (A)(iv), or



1 (ii) any additional agricultural product de-
2 scribed in subparagraph (A)(i) is the subject of
3 a request for tariff reductions by a party to the
4 negotiations,

5 the Trade Representative shall, as soon as prac-
6 ticable, notify the committees referred to in subpara-
7 graph (A)(iv) of those products and the reasons for
8 seeking such tariff reductions.

9 (c) NEGOTIATIONS REGARDING TEXTILES.—Before
10 initiating or continuing negotiations the subject matter of
11 which is directly related to textiles and apparel products
12 with any country, the President shall assess whether
13 United States tariffs on textile and apparel products that
14 were bound under the Uruguay Round Agreements are
15 lower than the tariffs bound by that country and whether
16 the negotiation provides an opportunity to address any
17 such disparity. The President shall consult with the Com-
18 mittee on Ways and Means of the House of Representa-
19 tives and the Committee on Finance of the Senate con-
20 cerning the results of the assessment, whether it is appro-
21 priate for the United States to agree to further tariff re-
22 ductions based on the conclusions reached in the assess-
23 ment, and how all applicable negotiating objectives will be
24 met.



Page 42, line 21, insert after “Congress” the following: “, on a day on which both Houses of Congress are in session,”.

Page 45, line 9, insert “or trade agreements” after “agreement”.

Page 45, lines 14 and 16, strike “that trade agreement” and insert “such trade agreement or agreements”.

Page 45, strike line 17 and all that follows through page 46, line 9 and insert the following:

1 (B) PROCEDURAL DISAPPROVAL RESOLU-
2 TION.—(i) For purposes of this paragraph, the
3 term “procedural disapproval resolution” means
4 a resolution of either House of Congress, the
5 sole matter after the resolving clause of which
6 is as follows: “That the President has failed or
7 refused to notify or consult in accordance with
8 the Bipartisan Trade Promotion Authority Act
9 of 2001 on negotiations with respect to
10 _____ and, therefore, the trade au-
11 thorities procedures under that Act shall not
12 apply to any implementing bill submitted with
13 respect to such trade agreement or agree-
14 ments.”, with the blank space being filled with
15 a description of the trade agreement or agree-



1 ments with respect to which the President is
2 considered to have failed or refused to notify or
3 consult.

4 (ii) For purposes of clause (i), the Presi-
5 dent has “failed or refused to notify or consult
6 in accordance with the Bipartisan Trade Pro-
7 motion Authority Act of 2001” on negotiations
8 with respect to a trade agreement or trade
9 agreements if—

10 (I) the President has failed or refused
11 to consult (as the case may be) in accord-
12 ance with section 4 or 5 with respect to the
13 negotiations, agreement, or agreements;

14 (II) guidelines under section 7(b) have
15 not been developed or met with respect to
16 the negotiations, agreement, or agree-
17 ments;

18 (III) the President has not met with
19 the Congressional Oversight Group pursu-
20 ant to a request made under section 7(c)
21 with respect to the negotiations, agree-
22 ment, or agreements; or

23 (IV) the agreement or agreements fail
24 to make progress in achieving the pur-



1 poses, policies, priorities, and objectives of
2 this Act.

Page 46, strike lines 13 through 17 and insert the following:

3 (I) may be introduced by any Member
4 of the House;

Page 46, strike lines 23 and 24 and insert the following:

5 (ii) in the Senate may be introduced by
6 any Member of the Senate.

Page 47, lines 4 and 5, strike “procedural disapproval resolutions” and insert the following: “a procedural disapproval resolution introduced with respect to a trade agreement if no other procedural disapproval resolution with respect to that trade agreement has previously been considered under such provisions of section 152 of the Trade Act of 1974 in that House of Congress during that Congress”.

Page 38, line 3, strike “and”.

Page 38, line 10, strike the period and insert “; and”.

Page 38, insert the following after line 10:



1 (3) upon the request of a majority of the mem-
2 bers of the Congressional Oversight Group under
3 section 7(c), meet with the Congressional Oversight
4 Group before initiating the negotiations or at any
5 other time concerning the negotiations.

Page 53, insert the following after line 13:

6 (c) REQUEST FOR MEETING.—Upon the request of
7 a majority of the Congressional Oversight Group, the
8 President shall meet with the Congressional Oversight
9 Group before initiating negotiations with respect to a
10 trade agreement, or at any other time concerning the ne-
11 gotiations.

Page 55, insert the following after line 2 and redese-
ignate succeeding sections accordingly:

12 **SEC. 9. COMMITTEE STAFF.**

13 The grant of trade promotion authority under this
14 Act is likely to increase the activities of the primary com-
15 mittees of jurisdiction in the area of international trade.
16 In addition, the creation of the Congressional Oversight
17 Group under section 7 will increase the participation of
18 a broader number of Members of Congress in the formula-
19 tion of United States trade policy and oversight of the
20 international trade agenda for the United States. The pri-



1 mary committees of jurisdiction should have adequate
2 staff to accommodate these increases in activities.

Page 4, line 17, strike “10(2)” and insert “11(2)”.

Page 19, line 2, strike “10(2)” and insert “11(2)”.

Page 22, line 10, strike “10(2)” and insert “11(2)”.

Page 36, line 10, strike “sections” and insert “sec-
tion”.

