

# VI. TRADE POLICY DEVELOPMENT

## A. Trade Capacity Building (TCB)

Trade capacity building (TCB) is a critical part of the United States' strategy to enable developing countries to negotiate and implement market-opening and reform-oriented trade agreements and to improve their capacity to benefit from increased trade. Providing developing countries with the tools to maximize the benefits of trade opportunities and improve the linkage between trade and sustainable development is critical to securing broad-based reforms. Absolute poverty rates for globalizing countries have fallen sharply over the last 20 years and the World Bank reports that per capita real income grew nearly three times faster for developing countries that lowered trade barriers relative to other developing countries. A recent study published by the Institute for International Economics found that trade barrier elimination in conjunction with related development policies would accelerate the decline in the number of people living in poverty over the next 15 years by an additional 500 million – greater than the entire population of the United States.

U.S. aid for trade is about giving countries, particularly the least trade-active, the training and technical assistance needed to: make decisions about the benefits of trade arrangements and reforms; implement their obligations to bring certainty to their trade regimes; and enhance such countries' ability to compete in a global economy. Accordingly, U.S. assistance addresses a broad range of issues, so rural areas and small businesses, including female entrepreneurs, benefit from ambitious reforms in trade rules that are being negotiated in the World Trade Organization (WTO) and in other trade agreements. The United States increased its annual TCB spending to almost \$2.3 billion in 2008, an increase of about 60 percent from the 2007 fiscal year. Total U.S. funding for TCB activities from 2000 to 2008 surpassed \$9.7 billion. In 2008, TCB funding was distributed as follows:

- Asia: \$266 million, for a total of \$1.14 billion since 2001
- Central and Eastern Europe: \$32 million, for a total of \$438 million since 2001
- Former Soviet Republics: \$49 million, for a total of \$848 million since 2001
- Latin America and Caribbean: \$174 million, for a total of \$2.1 billion since 2001
- Middle East and North Africa: \$602 million, for a total of \$1.6 billion since 2001
- Sub-Saharan Africa: \$1 billion, for a total of \$2.6 billion since 2001

The United States has and will continue to support the WTO's catalytic role in aid for trade as well as the Enhanced Integrated Framework that aims to help the least trade-active countries participate in the global trading system.

*Coherence:* An important element of this work involves coordination with regard to technical assistance activities among international institutions in order to identify and take advantage of donor complementarities in programming and to avoid duplication. Such institutions include the WTO, the World Bank, the International Monetary Fund (IMF), the regional development banks, and other donors. The United States works in partnership with these institutions and with other donors to ensure that international financial institutions offer trade-related assistance as an integral component of development programs tailored to the circumstances within each developing country, including by increasing awareness of existing mechanisms and programs.

The United States' efforts build on its long-standing commitment to help all countries benefit from the global trading system, including through mechanisms such as the Enhanced Integrated Framework (EIF); contributions to the WTO's Global Trust Fund for Trade-Related Technical Assistance; assistance to

countries acceding to the WTO; targeted assistance for developing countries participating in U.S. preference programs, such as the \$200 million African Global Competitiveness Initiative helping sub-Saharan African countries benefit from AGOA; coordination of assistance through Trade and Investment Framework Agreements (TIFAs); TCB working groups that are integral elements of free trade negotiations; and Committees on TCB created to aid in the implementation of a number of FTAs, including the FTAs with the Dominican Republic and Central America, and Peru. Similar committees will also aid in the implementation of FTAs with Colombia and Panama as those enter into force. Other TCB assistance is helping developing countries to work with the private sector and non-governmental organizations to transition to a more open economy, to prepare for FTA and WTO negotiations and to implement their trade obligations.

## **1. Millennium Challenge Corporation**

The Millennium Challenge Corporation (MCC), established by the United States in 2004, provides a significant source of bilateral assistance for trade capacity building efforts for eligible countries. The purpose of the MCC is to ensure that its programs – development compacts – are implemented in a manner in which “greater contributions from developed countries [are] linked to greater responsibility from developing nations.” By giving eligible countries the opportunity to identify their own priorities and develop their own proposals for reducing poverty and spurring economic growth, the MCC enables countries to address long-term development obstacles, including in the area of trade. The U.S. Trade Representative is a member of the MCC’s Board of Directors.

Since 2004, MCC programs have been a significant component of U.S. contributions to TCB, channeling funds to low and lower middle income countries that demonstrate a strong commitment to investing in their people, ensuring political justice, encouraging economic freedom, and promoting sustainable natural resource management policies. The primary vehicle for delivering this assistance is through a “compact” – a multi-year agreement between the MCC and an eligible country to fund specific programs targeted at reducing poverty and stimulating economic growth. To provide further incentive for reform and help additional countries qualify for compacts, the MCC provides “threshold” assistance to countries that fall just short of compact eligibility to help them address specific areas of policy weakness. The MCC has 18 compacts and 20 threshold agreements with 34 countries totaling more than \$6.8 billion of which more than \$3.7 billion is trade-related. In March 2008, the MCC Board decided to invite the Philippines to negotiate a compact. In December 2008, the MCC Board announced that, in FY2009, Colombia, Indonesia, and Zambia will be eligible to negotiate a compact for development assistance with the MCC and Liberia and Timor-Leste will be invited to propose Threshold programs.

## **2. The Integrated Framework**

The Integrated Framework for Trade-Related Assistance to Least-developed Countries (IF) is a multi-organization (including the WTO, World Bank, IMF, UNCTAD, UNDP, and the International Trade Centre), multi-donor program that operates as a coordination mechanism for trade-related assistance to least developed countries (LDCs) with the overall objective of integrating trade into national development plans. The mechanism incorporates a country-specific diagnostic assessment and action plan formulated by one of the international organizations in cooperation with the subject LDC. The action plan, consisting of needs identified by the diagnostic assessment, is offered to multilateral and bilateral donors. Project design and implementation can be accomplished through the resources of the IF Trust Fund or multilateral or bilateral donor programs in the field (as the United States does through its development assistance programs). The IF is exclusively for the LDCs, with the goal of getting the least trade-active more involved. Of the 50 LDCs, 48 have joined the IF.

Following discussions in the World Bank's Development Committee and the WTO, a process to enhance the IF was launched in early 2006. The United States was an active member of the Task Force created to guide this process and is an active participant in the implementation phase of this effort. The process focused on three elements to accelerate and improve the IF process: (1) increasing resources for follow-up; (2) building the in-country capacity of countries to benefit from the IF; and (3) improving IF governance, including monitoring and dissemination of best practices. The Task Force concluded its work in May 2007 with a recommendation that an Enhanced Integrated Framework (EIF) program be established. The new EIF was formally launched in May 2008, an executive director was named to lead the EIF Secretariat, and the United Nations Office for Project Services began work as the new manager of the EIF Trust Fund in October 2008. The EIF is expected to be fully operational by early 2009.

The United States Agency for International Development's (USAID) bilateral assistance to LDC participants supports initiatives both to integrate trade into national economic and development strategies and to address high priority "behind the border" capacity building needs designed to accelerate integration into the global trading system. Total U.S. Government TCB support to IF countries was \$993 million in 2008, which is predominantly bilateral assistance. The MCC is substantially engaged with 19 IF participants through compacts or threshold programs totaling about \$3.3 billion of which about \$1.7 billion is trade-related. Many IF countries also benefit from part of the \$47 million in regional assistance provided by USAID.

### **3. World Trade Organization-Related U.S. TCB**

International trade can play a major role in the promotion of economic growth and the alleviation of poverty. The WTO's Doha Development Agenda (DDA) recognizes that TCB can facilitate the more effective integration of developing countries into the international trading system and enable them to benefit further from global trade. The United States provides leadership in promoting trade and economic growth in developing countries through comprehensive TCB programs. The United States also directly supports the WTO's trade-related technical assistance.

*Global Trust Fund:* The United States supports the trade-related assistance activities of the WTO Secretariat through contributions to the Doha Development Agenda Global Trust Fund. With an additional contribution of nearly \$1 million in 2008, total U.S. contributions to the WTO amount to almost \$8 million since the launch of DDA negotiations.

*Aid for Trade:* The WTO's Hong Kong Declaration created a new WTO framework in which to discuss and prioritize aid for trade. In 2006, this framework created an Aid for Trade Task Force to operationalize aid for trade efforts and offer recommendations as to how to improve the efficacy and efficiency of these efforts among WTO Members and other international organizations. The United States continues to be an active partner in the aid for trade discussion.

The year 2008 saw an active agenda to implement many of the Task Force's recommendations. Significant work occurred during 2008 on the development of the monitoring framework envisioned in the Task Force report. The monitoring framework includes global monitoring of aid flows using the data resources of the OECD's Development Assistance Committee, country-level monitoring of progress in mainstreaming/integrating trade in national development plans, and case studies of best practices.

*WTO and Trade Facilitation:* The United States committed over \$300 million in FY2008, for a total of over \$2 billion since 2000, to trade facilitation activities. In doing so, the United States has supported the WTO Doha discussions by providing assistance to developing countries that seek help in responding to the regulatory proposals made by members in the Negotiating Group on Trade Facilitation.

*WTO Accession:* The United States provides technical support to countries that are in the process of acceding to the WTO. For example, in 2007, USAID and the U.S. Department of Agriculture (USDA) provided WTO accession and implementation services to Ukraine and Cape Verde, which became the 152<sup>nd</sup> and 153<sup>rd</sup> Members of the WTO in 2008. In 2008, the United States completed its accession assistance to Montenegro, which finished its accession negotiations at the end of the year. WTO accession support was provided to Iraq, Lebanon, Yemen, Afghanistan, Ethiopia, Bosnia and Herzegovina, Serbia, Kazakhstan, Tajikistan, Azerbaijan, Liberia, Comoros, Seychelles, and Sao Tome in 2008.

#### **4. TCB Initiatives for Africa**

The United States has aggressively funded programs and developed several new initiatives at the multilateral and bilateral levels to address the specific needs of sub-Saharan African countries with respect to reducing poverty and spurring economic growth. U.S. assistance more than doubled in FY2008 relative to the previous year, increasing to over \$1 billion in FY2008, for a total of nearly \$2.6 billion since 2001.

*African Global Competitiveness Initiative:* In July 2005, the United States announced the African Global Competitiveness Initiative (AGCI) to help build sub-Saharan Africa's capacity for trade. The five-year, \$200 million AGCI was designed to help expand African trade and investment with the United States, with other international trading partners, and regionally within Africa through improving the competitiveness of sub-Saharan African enterprises. AGCI's objectives are: (1) to improve the business climate for private sector-led trade and investment; (2) to strengthen the knowledge and skills of sub-Saharan African private sector enterprises to take advantage of market opportunities; (3) to increase access to financial services for trade and investment; and (4) to facilitate investments in infrastructure.

One major focus of AGCI programs is to help African countries make the most of the trade opportunities available under the African Growth and Opportunity Act (AGOA) preference program. (See the Africa section in Chapter III for more information on AGOA). AGCI supports AGOA through programs carried out by four USAID-funded Regional Hubs for Global Competitiveness – in Botswana, Kenya, Ghana, and Senegal – as well as via programs carried out by USAID bilateral missions. The Hubs have helped African countries to expand and diversify their exports to the United States. For example, the two trade hubs in West Africa have created and expanded export markets for Senegalese seafood and markets have expanded for shea butter from Ghana as well. In East Africa, the trade hub is helping to find and expand export markets for cut flowers from Kenya, Ethiopia, Burundi and Uganda. In Southern Africa, the trade hub is harmonizing and speeding up customs procedures within the region. Under an agreement with USAID, USDA continues to address sanitary and phytosanitary issues under AGCI, specifically in the areas of food safety and plant and animal health and the U.S. Department of Commerce's Commercial Law Development Program is working to improve protection of intellectual property rights.

*Assistance to West African Cotton Producers:* During 2008, the United States continued to fully mobilize its development agencies to address the obstacles faced by West African countries – particularly Benin, Burkina Faso, Chad, Mali and Senegal – in the cotton sector. The MCC, USAID, USDA, and the United States Trade and Development Agency all continued work on a coherent long-term development program based on the priorities of the West Africans. The United States will continue to coordinate with the WTO, World Bank, the African Development Bank, and others as part of the multilateral effort to address the development aspects of cotton. This includes active participation in the WTO Secretariat's periodic meetings with donors and recipient countries to discuss the development and reform aspects of cotton.

The centerpiece of U.S. assistance to the cotton sector in West Africa is USAID's West Africa Cotton Improvement Program (WACIP). The WACIP was launched in November 2005 with initial funding of \$7 million. In June 2006, total funding was increased \$27 million over the three year life of the program. The program is aimed at helping to improve the production and marketing of cotton in five countries: Benin, Burkina Faso, Chad, Mali, and Senegal. The WACIP is designed to help achieve the following objectives: (1) reduce soil degradation and expand the use of good agricultural practices; (2) strengthen private agricultural organizations; (3) establish a West African regional training program for ginners; (4) improve the quality of West African cotton through better classification of seed cotton and lint; (5) improve linkages between U.S. and West African research organizations involved with cotton; (6) improve the enabling environment for agricultural biotechnology; and (7) assist with policy/institutional reform.

In early 2007, implementation of the main component of WACIP began in earnest in the field. Through extensive consultation with stakeholders – government, farmers, and other involved parties – in the country, three main intervention areas were identified to fulfill the objectives outlined above:

- Creating momentum for longer term policy and institutional changes that will encourage investment and value-addition;
- Improving value addition by exploiting niche processing and marketing opportunities for cotton-based products; and
- Increasing productivity of cotton, the quality of cotton lint, and farmers' income from cotton and other crops in the cotton rotation.

A key element of the WACIP program is the identification of specific policy priorities through National Advisory Committees. Composed of stakeholders in each country, these committees undertook work to identify the specific projects that would yield the assistance and results sought by participants.

During 2008, a number of such projects were identified in the stakeholder consultations. Projects include those that focus on: improving producer incomes through training on integrated pest and soil fertility management; helping farmers control spiraling input costs and debt load through training and pilot programs testing alternative systems of input supply; developing organic cotton; and enhancing the capacity of the national agricultural research institutes to generate a steady stream of new cotton technologies through support for research,

The U.S. Government also provides complementary support to the cotton sector through other programs. During 2007, the MCC began implementation of compacts with Benin and Mali representing over \$750 million in development assistance to be distributed in coming years, much of which is allocated to agriculture and infrastructure investment. In July 2008, the MCC signed a \$481 million compact with Burkina Faso. The program will promote economic growth in the rural agriculture sector.

## **5. Free Trade Agreement (FTA) Negotiations**

Although the WTO programs and the IF are high priorities, they are only part of the U.S. TCB effort. In order to help U.S. FTA partners participate in negotiations, implement rules, and benefit over the long-term, USTR has created TCB working groups in free trade negotiations with developing countries and Committees on TCB to prioritize and coordinate TCB activities during the transition and implementation periods. USAID and USDA, their field missions, and a number of other U.S. Government assistance providers actively participate in these working groups and committees so that the TCB needs identified can be quickly and efficiently incorporated into ongoing regional and country assistance programs. The Committees on TCB also invite non-government organizations, representatives from the private sector,

and international institutions to join in building the trade capacity of the countries in each region. Trade capacity building is a fundamental feature of bilateral cooperation in support of the completed Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), and the signed free trade agreements with Colombia, Peru and Panama. USTR also works closely with the U.S. Department of State and other agencies to track the delivery of TCB assistance to Jordan, Morocco, Bahrain, and Oman.

#### **a. Dominican Republic-Central America Free Trade Agreement**

During the CAFTA-DR negotiations, the United States and other international institutions worked with the Central American countries and the Dominican Republic through a TCB working group to address trade capacity issues, such as rural diversification programs for agricultural products (*e.g.*, coffee), strengthening of food and agriculture regulatory systems, market linkages for goods and services, food industry development, strengthening of labor and customs systems, and combating exploitive child labor.

In order to build on the progress made during the negotiations, the CAFTA-DR established a Committee on TCB. The CAFTA-DR was signed in 2004 and went into force for all countries except Costa Rica during 2006 and 2007. The Committee on TCB has convened three times: in Guatemala City, Guatemala in February 2007; in Washington, D.C. in November 2007; and in Santa Domingo of the Dominican Republic in November 2008. These meetings were attended by representatives of each of the member countries and by the Inter-American Development Bank (IDB), the World Bank, the Organization of American States (OAS), and the Economic Commission for Latin America and the Caribbean (ECLAC), providing the opportunity for the Committee to review updates of recipient members' trade capacity building strategies and priorities as well as U.S. donor agencies' and the international institutions' trade capacity building activities. They additionally provided the opportunity for in-depth discussions of particular assistance areas, such as rural development and sanitary and phytosanitary assistance. The United States provided over \$80 million in TCB assistance through bilateral and regional assistance programs to the CAFTA-DR countries in FY2008 from a broad spectrum of U.S. donor agencies, such as the MCC, USDA, USAID, the U.S. Department of State, and the U.S. Trade and Development Agency.

#### **b. Peru Trade Promotion Agreement**

In April 2006, the United States and Peru signed the United States-Peru Trade Promotion Agreement (PTPA). The PTPA includes a provision that creates a Committee on TCB to build on work done during the negotiations by the TCB working group. The working group included the IDB, World Bank, OAS, and ECLAC. The working group addressed a broad range of economic assistance issues, including programs to aid small and medium enterprises, rural farmers, food safety inspectors, and customs officials. These programs are intended to help Peru implement the obligations of the PTPA and to more broadly benefit from the opportunities created by the free trade agreement. The Agreement calls for the Committee to further refine and implement Peru's national TCB strategy as well as foster assistance to promote economic growth, reduce poverty, and adjust to liberalized trade.

#### **c. Colombia Trade Promotion Agreement**

In November 2006, the United States and Colombia signed a comprehensive free trade agreement – The United States-Colombia Trade Promotion Agreement (CTPA). As with the United States-Peru Trade Promotion Agreement, the CTPA includes the creation of a Committee on TCB to build upon the progress made by the preceding TCB working group on economic assistance and poverty alleviation.

#### **d. Panama Trade Promotion Agreement**

The United States and Panama signed the United States-Panama Trade Promotion Agreement on June 28, 2007. The Agreement also establishes a trade capacity building committee, which will aid Panama to implement its obligations and allow it to more broadly benefit from the opportunities that the free trade agreement will create.

## **B. Private Sector Advisory System and Intergovernmental Affairs**

USTR's Office of Intergovernmental Affairs and Public Liaison (IAPL) administers the federal trade advisory committee system and provides outreach to, and facilitates dialogue with, state and local governments, the business and agricultural communities, labor, environmental, consumer, and other domestic groups on trade policy issues.

The trade advisory committee system, established by the U.S. Congress in 1974, operates under the auspices of IAPL. The trade advisory committee system was created to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The trade advisory committee system consists of 28 advisory committees, with a total membership of approximately 700 advisors. IAPL manages the system, in cooperation with other agencies, including the Departments of Agriculture, Commerce, Labor, and the Environmental Protection Agency.

IAPL also has been designated as the NAFTA and WTO State Coordinator. As such, the office serves as the liaison to state points of contact, and state and local government officials, on information regarding the U.S. trade agenda, the implementation of the NAFTA and the WTO, bilateral free trade agreements, and other trade issues of interest.

Finally, IAPL coordinates USTR's outreach to the public and private sector through public briefings, USTR notices in the *Federal Register* soliciting written comments from the public and publicizing Trade Policy Staff Committee (TPSC) public hearings, consulting with and briefing interested constituencies, speaking at conferences and meetings around the country, and meeting frequently with a broad spectrum of groups at their request.

### **1. The Trade Advisory Committee System**

The trade advisory committees provide information and advice with respect to U.S. negotiating objectives and bargaining positions before entering into trade agreements, on the operation of any trade agreement once entered into, and on other matters arising in connection with the development, implementation, and administration of U.S. trade policy.

The system consists of 28 trade advisory committees. Recommendations for candidates for committee membership are collected from a number of sources, including Members of Congress, associations and organizations, publications, other federal agencies, response to *Federal Register* notices, and self-nomination by individuals who have demonstrated an interest in and knowledge of U.S. trade policy. Membership selection is based on qualifications, geography, and the needs of the specific committee. Members pay for their own travel and other related expenses. In 2004, the number of industry committees at the technical level was streamlined and consolidated to better reflect the composition of the U.S. economy, in response to recommendations from the U.S. Government Accountability Office (GAO).

The system is arranged in three tiers: the President's Advisory Committee for Trade Policy and Negotiations (ACTPN); 5 policy advisory committees dealing with environment, labor, agriculture,

Africa, and intergovernmental issues; and 22 technical advisory committees in the areas of industry and agriculture. Additional information on the advisory committees can be found on the USTR website [http://www.ustr.gov/Who\\_We\\_Are/Mission\\_of\\_the\\_USTR.html](http://www.ustr.gov/Who_We_Are/Mission_of_the_USTR.html).

Private sector advice is both a critical and integral part of the trade policy process. USTR maintains an ongoing dialogue with interested private sector parties on trade agenda issues. The trade advisory committee system is unique since the committees meet on a regular basis and receive sensitive information about ongoing trade negotiations and other trade policy issues and developments. Committee members are required to have a security clearance and an ethics briefing.

In response to GAO recommendations and advisor requests for improved access to documents, USTR introduced a significant improvement to facilitate the work of the trade advisory committees, by creating a secure encrypted advisors' website with password protection. Confidential draft texts of FTA agreements are posted to the secure website on an ongoing basis to allow advisors to provide comments to U.S. officials in a timely fashion during the course of negotiations. This has enhanced the quality and quantity of input from cleared advisors, especially from those advisors who reside outside of Washington, DC.

USTR has introduced additional procedural innovations to improve the operation of the trade advisory committee system. This includes a single monthly advisory committee teleconference call with the "Chairs" for all 28 committees. This keeps "Chairs" apprised of ongoing developments and important dates on the trade negotiations calendar, which, in turn, facilitates greater transparency for all advisors.

Additionally, USTR and the Departments of Commerce and Agriculture convene periodic plenary sessions of the industry trade advisory committees, and the agricultural technical committees, respectively, in order to make more efficient use of negotiators' time with the committees and allow the further exchange of ideas among committees.

In November 2007, the GAO recommended further steps that USTR could take to provide greater transparency and accountability to the composition of the trade advisory committees, including reporting annually on how the committees meet the representation requirements of the relevant legislation and clarifying which interests members represent. Pursuant to these recommendations, a further description of committee representation is provided below, and the membership rosters of the committees with the organizations and interests represented are available online at <http://www.ustr.gov> under the heading "Who We Are."

#### **a. President's Advisory Committee on Trade Policy and Negotiations**

The ACTPN consists of not more than 45 members who are broadly representative of the key economic sectors affected by trade. The President appoints ACTPN members for terms not to exceed the duration of the charter (up to four years). The ACTPN is the highest-tier committee in the system that examines U.S. trade policy and agreements from the broad context of the overall national interest.

Members of ACTPN are appointed to represent a variety of interests including non-federal governments, labor, industry, agriculture, small business, service industries, retailers, and consumer interests. A current roster of members and the interests they represent is available on the USTR website.

#### **b. Policy Advisory Committees**

At the second tier, the members of the five policy advisory committees are appointed by the USTR alone or in conjunction with other Cabinet officers. The Intergovernmental Policy Advisory Committee



(IGPAC) and the Trade Advisory Committee for Africa (TACA) are appointed and managed solely by USTR. Those policy advisory committees managed jointly with the Departments of Agriculture, Labor, and the Environmental Protection Agency are, respectively, the Agricultural Policy Advisory Committee (APAC), Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC), and the Trade and Environment Policy Advisory Committee (TEPAC). Each committee provides advice based upon the perspective of its specific area. A list of all the members of the Committees and the diverse interests they represent is available on the USTR website.

*APAC:* The Secretary of Agriculture and the U.S. Trade Representative appoint members jointly, and the Committee must be of sufficient size to be reasonably representative of U.S. organizations and persons interested in the respective agricultural commodities, approximately 35 members. The APAC are appointed to represent a broad spectrum of agricultural interests including the interests of farmers, processors, renderers, and retailers from diverse sectors of agriculture, including Fruits and Vegetables, Livestock, Dairy, and Wine. Members serve at the discretion of the Secretary of Agriculture and the U.S. Trade Representative.

*IGPAC:* The IGPAC consists of approximately 35 members appointed from, and representative of, the various states and other non-federal governmental entities within the jurisdiction of the United States. These entities include, but are not limited to, the executive and legislative branches of state, county, and municipal governments. Members may hold elective or appointive office. Members are appointed by and serve at the discretion of the U.S. Trade Representative.

*LAC:* By charter, the LAC consists of not more than 30 members from the U.S. labor community, appointed by the U.S. Trade Representative and the Secretary of Labor, acting jointly. Members represent unions from all sectors of the economy. Members are appointed by and serve at the discretion of the Secretary of Labor and the U.S. Trade Representative.

*TACA:* TACA consists of not more than 30 members, including, but not limited to, representatives from industry, labor, investment, agriculture, services, non-profit development organizations, and other interests. The members of the Committee are appointed to be broadly representative of key sectors and groups with an interest in trade and development in sub-Saharan Africa, including non-profit organizations, producers, and retailers. Members of the committee are appointed by and serve at the discretion of the U.S. Trade Representative.

*TEPAC:* TEPAC consists of not more than 35 members, including, but not limited to, representatives from environmental interest groups, industry (including the environmental technology and environmental services industries), agriculture, services, non-federal governments, and other interests. The Committee shall be broadly representative of key sectors and groups of the economy with an interest in trade and environmental policy issues. Members of the committee are appointed by and serve at the discretion of the U.S. Trade Representative.

### **c. Technical and Sectoral Committees**

At the third tier, the 22 technical and sectoral advisory committees are organized into two areas: industry and agriculture. Representatives are appointed jointly by the USTR and the Secretaries of Agriculture and Commerce, respectively. Each sectoral or technical committee represents a specific sector or commodity group and provides specific technical advice concerning the effect that trade policy decisions may have on its sector or issue.

*Agricultural Technical Committees (ATACs):* There are six ATACs that focus on the following products: Animals and Animal Products; Fruits and Vegetables; Grains, Feed and Oilseeds; Processed Foods;

Sweeteners and Sweetener Products; and Tobacco, Cotton, Peanuts, and Planting Seeds. Members of each Committee are appointed by and serve at the pleasure of the Secretary of Agriculture and the U.S. Trade Representative. Members must represent a U.S. entity with an interest in agricultural trade and should have expertise and knowledge of agricultural trade as it relates to policy and commodity specific products. In appointing members to the Committees, balance is achieved and maintained by assuring the members appointed represent industries and other entities across the range of interests which will be directly affected by the trade policies of concern to the Committee (for example, farm producers, farm and commodity organizations, processors, traders, and consumers). Geographical balance on each committee will also be sought. A list of all the members of the Committees and the diverse interests they represent is available on the USTR website.

*Industry Trade Advisory Committees (ITACs):* There are sixteen industry trade advisory committees (ITACs). These committees are: Aerospace Equipment (ITAC 1); Automotive Equipment and Capital Goods (ITAC 2); Chemicals, Pharmaceuticals, Health Science Products and Services (ITAC 3), Consumer Goods (ITAC 4); Distribution Services (ITAC 5); Energy and Energy Services (ITAC 6); Forest Products (ITAC 7); Information and Communication Technology Services and Electronic Commerce (ITAC 8); Non-Ferrous Metals and Building Products (ITAC 9); Services and Finance Industries (ITAC 10); Small and Minority Business (ITAC 11); Steel (ITAC 12); Textiles and Clothing (ITAC 13); Customs Matters and Trade Facilitation (ITAC 14); Intellectual Property Rights (ITAC 15); Standards and Technical Trade Barriers (ITAC 16). The ITAC Committee of Chairs was established to advise the Secretary of Commerce and the U.S. Trade Representative concerning the trade matters of common interest to the sixteen ITACs. In addition, the Committee performs such functions and duties as required by section 135 of the Trade Act of 1974, as amended, affecting the ITACs. The Committee also performs such other advisory functions relevant to trade policy matters as may be requested by the Secretary of Commerce and the U.S. Trade Representative, or their designees. Members of this Committee are the elected chairs from each of the sixteen ITACs.

Members of the ITACs are appointed jointly by the Secretary of Commerce and the U.S. Trade Representative and serve at their discretion. Committee members should have knowledge and experience in their industry and represent a U.S. entity that has an interest in trade matters related to the sectors or subject matters of concern to the individual committees. In appointing members to the Committees, balance is achieved and maintained by assuring the members appointed represent industries and other U.S. entities across the range of interests which will be directly affected by the trade policies of concern to the Committee. A list of all the members of the Committees and the diverse interests they represent is available on the USTR website (for example committees include exporters, importers, producers, and both small and large businesses).

## **2. State and Local Government Relations**

With the passage of the NAFTA Implementation Act in 1993 and the Uruguay Round Agreements Act in 1994, the United States created expanded consultative procedures between federal trade officials and state and local governments. Under both agreements, USTR's Office of IAPL is designated as the "Coordinator for State Matters." IAPL carries out the functions of informing the states, on an ongoing basis, of trade-related matters that directly relate to, or that may have a direct effect on, them. U.S. territories may also participate in this process. IAPL also serves as a liaison point in the Executive Branch for state and local government and federal agencies to transmit information to interested state and local governments, and relay advice and information from the states on trade-related matters. This is accomplished through a number of mechanisms.

#### **a. State Point of Contact System and IGPAC**

For day-to-day communications, pursuant to the NAFTA and Uruguay Round implementing legislation and Statements of Administrative Action, USTR created a State Single Point of Contact (SPOC) system. The Governor's office in each state designates a single contact point to disseminate information received from USTR to relevant state and local offices and assist in relaying specific information and advice from the states to USTR on trade-related matters.

The SPOC network ensures that state governments are promptly informed of Administration trade initiatives so their companies and workers may take full advantage of increased foreign market access and reduced trade barriers. It also enables USTR to consult with states and localities directly on trade matters which may affect them. SPOCs regularly receive USTR press releases, *Federal Register* notices, and other pertinent information. In 2006, USTR introduced a regular monthly conference call for SPOCs and members of the Intergovernmental Policy Advisory Committee (see description above) to keep state and local governments apprised of timely trade developments of interest.

IGPAC makes recommendations to the USTR and the Administration on trade policy matters from the perspective of state and local governments. USTR has sought to augment IGPAC's membership and expertise in order to receive timely advice on technical aspects of trade agreements. In 2008, IGPAC was briefed and consulted on trade priorities of interest to states and localities, including: ongoing negotiations in the WTO Doha Development Agenda with respect to the General Agreement on Trade in Services (GATS) and other matters, and bilateral and regional FTA negotiations. IGPAC members were also invited to participate in monthly teleconference call briefings along with State Points of Contact. Specific issues of interest to IGPAC and SPOCs included WTO Technical Barriers to Trade negotiations, China Bilateral Investment Treaty negotiations, and European Union (EU) challenges to state subsidies.

#### **b. Meetings of State and Local Associations and Local Chambers of Commerce**

USTR officials participate frequently in meetings of state and local government associations to apprise them of relevant trade policy issues and solicit their views. For example, USTR officials have met with the National Governors' Association, Council of State Governments, National Conference of State Legislatures, Conference of Chief Justices of state supreme courts and others. USTR officials also addressed gatherings of state and local officials, as well as local and regional chambers of commerce around the country.

#### **c. Consultations Regarding Specific Trade Issues**

USTR initiates consultations with particular states and localities on issues arising under the WTO and other U.S. trade agreements and frequently responds to requests for information from state and local governments. Topics of interest included the WTO Government Procurement Agreement (GPA), General Agreement on Trade and Services issues, FTA negotiations, NAFTA investment issues and others. On the issue of voluntary coverage of state government procurement under the GPA and FTAs, USTR consults extensively with governors' offices and other state officials. USTR also prepares periodic facts sheets to explain the benefits and specific provisions of trade agreements, for example, state by state benefits from pending FTAs with Colombia, Panama, and Korea.

### **3. 2008 Outreach Efforts**

It is important to recognize that the advisory committee system is but one of a variety of mechanisms through which the Administration obtains advice from interested groups and organizations on the

development of U.S. trade policy. In formulating specific U.S. objectives in major trade negotiations, USTR also routinely solicits written comments from the public via notices in the *Federal Register*, consults with and briefs interested constituencies, holds public hearings, and meets with a broad spectrum of private sector and non-governmental groups.

The 2008 trade agenda provided many opportunities for USTR to conduct outreach to, and consultations with, diverse trade policy stakeholders including the advisory committees, state and local governments, private sector and non-governmental groups, think tanks and universities.

#### **a. World Trade Organization**

Throughout 2008, USTR continued to solicit advice from cleared advisors, business and agriculture sectors, state governments, and other domestic stakeholders and the general public regarding U.S. objectives for Doha in areas such as agriculture, non-agriculture market access, and services. USTR briefed advisors and stakeholders on revised Doha agriculture and Non-Agricultural Market Access texts, and developed timely WTO Fact Sheets for the July 2008 Geneva meetings for posting to the public website and disseminated these broadly to interested parties.

#### **b. Bilateral and Regional Trade Agreements**

In 2008, USTR briefed and facilitated consultations with advisory committees and other stakeholders on free trade agreement negotiations, such as Colombia, Panama, and Korea. This included holding advisory committee meetings and teleconference briefings on the progress of negotiations, issuing public fact sheets, and making materials widely available on the USTR website. For example, fact sheets on the benefits of specific FTA provisions to the manufacturing, automotive, services, financial services, agriculture sectors, and to states more broadly were widely disseminated. USTR also briefed and facilitated consultations with advisors and other stakeholders on the Transpacific Partnership Agreement and issued public fact sheets.

#### **c. Monitoring and Compliance Activities**

USTR briefed and facilitated consultations with advisors, state officials and other stakeholders on trade disputes including China enforcement of WTO obligations concerning issues such as taxation of auto parts, subsidies and Intellectual Property Rights enforcement; U.S.-China Joint Commission on Commerce and Trade outcomes; EU Duty Treatment of high technology products; and other issues.

#### **d. Public Trade Education**

USTR continues its efforts to promote and educate the public on trade issues. USTR has participated in educational efforts regarding U.S. trade activities and their benefits through speeches, publications, and briefings. In 2008, USTR continued its fact sheet service, called Trade Facts, to update interested parties on important U.S. trade initiatives and explain the benefits and provisions of trade agreements. This service provides USTR press releases, fact sheets, and background information to advisors and to the general public. USTR's Internet homepage also serves as a vehicle to communicate to the public.

### **C. Policy Coordination**

The U.S. Trade Representative has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy, including on commodity matters (for example coffee and rubber) and, to the extent they are related to trade, direct

investment matters. Under the Trade Expansion Act of 1962, Congress established an interagency trade policy mechanism to assist with the implementation of these responsibilities. This organization, as it has evolved, consists of three tiers of committees that constitute the principal mechanism for developing and coordinating U.S. Government positions on international trade and trade-related investment issues.

The Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), administered and chaired by USTR, are the subcabinet interagency trade policy coordination groups that are central to this process. The TPSC is the first line operating group, with representation at the senior civil servant level. Supporting the TPSC are more than 80 subcommittees responsible for specialized issues. The TPSC regularly seeks advice from the public on its policy decisions and negotiations through *Federal Register* notices and public hearings. In 2008, the TPSC held public hearings on China's Compliance with WTO Commitments (October 2, 2008) and the Andean Trade Preference Act, as amended: Notice Regarding Eligibility of Bolivia (October 23, 2008). The transcripts of these hearings are available in USTR's Reading Room.

Through the interagency process, USTR requests input and analysis from members of the appropriate TPSC subcommittee or task force. The conclusions and recommendations of this group are then presented to the full TPSC and serve as the basis for reaching interagency consensus. If agreement is not reached in the TPSC, or if particularly significant policy questions are being considered, issues are referred to the TPRG (Deputy USTR/Under Secretary level).

Member agencies of the TPSC and the TPRG consist of the Departments of Commerce, Agriculture, State, Treasury, Labor, Justice, Defense, Interior, Transportation, Energy, Health and Human Services, Homeland Security, the Environmental Protection Agency, the Office of Management and Budget, the Council of Economic Advisers, the Council on Environmental Quality, the International Development Cooperation Agency, the National Economic Council, and the National Security Council. The U.S. International Trade Commission is a non-voting member of the TPSC and an observer at TPRG meetings. Representatives of other agencies also may be invited to attend meetings depending on the specific issues discussed.