

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 08/06/2002 [H.R. 3009] [771371] [3]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;
002	Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;
003	Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;
004	Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;
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08/06/2002 [H.R. 3009] [771371] [3]

FRC ID:

6360

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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WHITE HOUSE STAFFING MEMORANDUM

Date: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PMSubject: ENROLLED BILL MEMO H.R. 3009 -- TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
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GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, X 53458, OR FAX 56148, BY 7:00 P.M., TODAY, AUGUST 5, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

August 6, 2002

RESPONSE: The NSC clears.

for Condoleezza Rice

Assistant to the President for
National Security Affairs

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

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OA Num.:

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NARA Num.:

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Other Significant Provisions of H.R. 3009

Trade Promotion Authority (TPA)

Negotiating Objectives. The enrolled bill stipulates nine "overall" U.S. trade negotiating objectives for trade agreements. These objectives are generally similar to the objectives of the Omnibus Trade and Competitiveness Act of 1988, with additional objectives regarding economic growth, worker rights, and environmental protection. H.R. 3009 also includes seventeen "principal" U.S. negotiating objectives regarding trade barriers and other trade distortions, trade remedy laws, trade in services, foreign investment, intellectual property, transparency, anti-corruption, border tax, improvement of the World Trade Organization (WTO) and other multilateral and bilateral trade agreements, foreign regulatory practices, electronic commerce, trade in agriculture and textiles and apparel, dispute settlement and enforcement of trade agreements, WTO extended negotiations, and enforcement of labor and environmental laws. The enrolled bill also requires the President to promote certain priorities, including (1) greater cooperation with the International Labor Organization (ILO), and (2) establishing consultative mechanisms to promote respect for core labor standards, to prohibit the worst forms of child labor, and to develop and implement standards for protecting the environment and human health based on sound science. The bill includes requirements for reviews and reports related to environment, labor, and employment issues.

Congressional Consultation and Notification Requirements. H.R. 3009 establishes a number of requirements that the President consult with Congress. Specifically, it would require the President to provide written notice at least 90 calendar days before entering into negotiations and to consult with the relevant committees and a new Congressional Oversight Group (described below) before and after providing notice. This is separate from the 180-day notice required for any negotiating proposal that may alter U.S. trade remedy laws (discussed in the Memorandum). The bill would establish special consultation requirements for negotiations concerning tariff reductions for agriculture products and several additional requirements, including advice from the U.S. International Trade Commission (USITC), on negotiations relating to import sensitive agricultural products and on trade remedy provisions on seasonal and perishable agricultural products. Additional consultation requirements also apply to textiles and apparel, and fish and shellfish products.

Before entering into any trade agreement, the President would be required to consult with the relevant Committees and the Oversight Group concerning: (1) the nature of the agreement, (2) how and to what extent the agreement would achieve the applicable purposes, policies, and objectives set forth in H.R. 3009; and (3) matters relating to implementation, including the general effect of the agreement on U.S. laws. In addition, at least 90 days before entering into a trade agreement, the President would be required to ask the USITC to assess the agreement, including the likely impact of the agreement on the U.S. economy as a whole, specific industry sectors, and U.S. consumers. That report would be due 90 days after the President enters into the agreement.

At least 60 days before signing an agreement, the bill requires the President to submit to Congress a preliminary list of existing laws that would have to be amended in order to bring the United States into compliance with agreement.

H.R. 3009 exempts from the requirement to consult prior to initiating negotiations, agreements that: (1) are entered into under the auspices of the WTO; (2) are entered into with Chile or Singapore; or (3) establish a Free Trade Area for the Americas. The President is required to provide notification of these ongoing negotiations as soon as feasible after enactment of this bill and to consult before and after providing these notifications.

Expedited Procedures. In order to invoke the expedited trade authority legislative procedures, the President is required to submit the final text of the agreement, the implementing legislation, a statement of administrative action, and certain supporting information to Congress. The procedures of section 151 of the Trade Act of 1974 (explained as follows) would then apply. Specifically, on the same day as the President formally submits the legislation, the bill would be introduced (by request) by the Majority Leaders of the House and the Senate. After formal introduction of the legislation, the House Committees would have 45 legislative days to report the bill. The House would be required to vote on the bill within 15 legislative days after the measure was reported or discharged from the Committees. Fifteen additional days would be provided for Senate Committee consideration (assuming the implementing bill was a revenue bill), and Senate floor action would be required within 15 additional days. Accordingly, the maximum period for Congressional consideration of the implementing bill from the date of introduction would be 90 legislative days. Once the bill has been formally introduced, no amendments would be permitted either in Committee or floor action, and a straight "up or down" vote would be required.

H.R. 3009 includes procedures for the President to request an extension of the time that TPA procedures are available until June 1, 2007, for use in implementing agreements entered into before that date. These requirements include a written request and report to Congress by March 1, 2005, and several other reports, including a report from the USITC to Congress by May 1, 2005, analyzing the economic impact on the United States of all trade agreements implemented between enactment and the extension request. An extension until June 1, 2007, would be authorized unless either the House or Senate passed by June 1, 2005, a disapproval resolution. (This resolution would also be subject to the discretionary action of the House Ways and Means or Senate Finance Committees to report it out of committee.)

Congressional Oversight Group. The enrolled bill establishes a Congressional Oversight Group, comprised of the chairmen and ranking members of the Ways & Means and Finance Committees, together with three additional members of those Committees, and the chairmen and ranking members of committees with jurisdiction over laws affected by specific trade agreements. The members of the Oversight Group are to be accredited as official advisers to the U.S. delegations negotiating agreements.

H.R. 3009 requires USTR to develop written guidelines to facilitate the exchange of information between USTR and the Oversight Group. The guidelines are to provide for: regular detailed briefings; access to documents concerning the negotiations; closest practicable coordination including at negotiation sites; and consultations regarding compliance and enforcement after an agreement is concluded.

Additional Implementation and Enforcement Requirements. H.R. 3009 requires the President to submit to Congress a plan for implementing and enforcing any trade agreement negotiated under the bill's authority. The plan, which is to be submitted simultaneously with the text of the agreement, is to include a description of Executive Branch personnel to enforce the agreement; Customs Service infrastructure requirements; the impact on State and local governments; and the costs associated with these requirements. The bill would also require that the President include a request for these resources in the first budget submitted after this plan is submitted.

Proclamation Authority. H.R. 3009 authorizes the President to proclaim, without Congressional approval, duty modifications subject to certain limitations. These limitations generally relate to the percentage of the duty reduction and phase-in period and are not applicable to reciprocal agreements to eliminate or harmonize duties negotiated under WTO auspices, such as so-called "zero-for-zero" negotiations. This authority could not be used for import-sensitive agriculture products.

Customs Service Provisions

Appropriations Authorization. H.R. 3009 would authorize for the Customs Service \$3.0 billion in FY 2003 and \$3.1 billion in FY 2004, including \$308 million in each year for development of the Automated Commercial Environment, the upgrade to the current import processing system, and \$171 million in FY 2003 and \$175 million in FY 2004 for air and marine interdiction operations. The enrolled bill would require that, of the FY 2003 and FY 2004 appropriations, \$28 million be available until expended to hire 285 new Customs staff for the U.S.-Canada border, \$90 million in FY 2003 for border inspection and detection equipment, and \$9 million in FY 2004 for maintenance of that equipment.

The enrolled bill would also authorize appropriations of: \$10 million in FY 2003 to combat on-line child sex predators; \$9.5 million in FY 2003 to combat textile transshipment, including the hiring of new staff; \$1.3 million to implement the African Growth and Opportunity Act; and such sums as may be necessary to reestablish Customs Service operations formerly located at the World Trade Center in New York.

Warrantless Mail Search Authority. The enrolled bill would allow Customs officers to open, but not read, all outbound mail, including the one class that is currently sealed from inspection, based on "reasonable cause" and without a search warrant, *if the mail weighs in excess of one pound*, if there is reasonable cause to suspect that the mail contains weapons, unreported monetary instruments, or other contraband. In order for this provision to go into effect, the Secretary of State would have to determine that the practice conforms with international law and treaty obligations.

Electronic Manifests. H.R. 3009 would require the Secretary of the Treasury, within a year of the enrolled bill's enactment, to promulgate regulations requiring air, land, and sea commercial carriers to provide advance electronic manifests of passengers and cargo before entering or leaving the country.

Customs Officer Searches. H.R. 3009 would give Customs officers immunity from lawsuits stemming from personal searches of people entering the country as long as the searches were reasonable and done in good faith. Customs' policy and procedures prohibiting "profiling" of passengers must be conspicuously posted at each Customs border facility.

Fees. The enrolled bill would require the General Accounting Office to study and report to the House Ways and Means and Senate Finance Committees on whether current user fees are appropriately set at a level commensurate with the service provided for the fee. H.R. 3009 would establish a per item fee of 66 cents to cover Customs expenses incurred by Customs inspections at courier facilities and authorize the Secretary of the Treasury to adjust the fee within a certain range.

Pay Provisions. H.R. 3009 would authorize appropriations as may be necessary to increase the annual pay of GS-9 journeyman Customs inspectors and Canine Enforcement Officers, who have completed at least one year of service, to GS-11 and the annual pay of associated support staff "at the appropriate level." The enrolled bill would also eliminate some of the caps on overtime pay for Customs staff.

Personal Duty Exemption. The enrolled bill also increases the personal exemption allowances for merchandise purchased abroad by returning residents from \$400 to \$800.

Miscellaneous Provisions

H.R. 3009 requires the Secretary of Agriculture and the Commissioner of Customs to monitor imports of sugar and sugar-containing products (such as "stuffed molasses") for potential circumvention, and provide a report to Congress and the President every six months that will include import data and discuss whether the imports or articles not subject to the tariff-rate quotas are being used for commercial extraction of sugar in the United States.

The enrolled bill amends the African Growth and Opportunity Act to: increase the current cap for apparel made of regional fabric; increase benefits for Botswana and Namibia by permitting them to use non-U.S. or AGOA fabric for a limited period of time; and allow benefits for merino wool sweaters.

In addition, H.R. 3009 would extend preferential treatment to apparel articles formed from components knit-to-shape imported from beneficiary countries under the Caribbean Basin Economic Recovery Act.

H.R. 3009 includes authorization of appropriations for USTR and the USITC. For USTR, the bill authorizes \$32 million for FY 2003 and \$33 million for FY 2004; for ITC, \$54 million for FY 2003 and \$57 million for FY 2004 are authorized. The enrolled bill also establishes and authorizes appropriations of \$50 million for a WTO Dispute Settlement Fund.

SS/ RM NO. _____

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02 AUG 6 AM 11:13

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CONNAUGHTON	☐	☐	RIDGE	☐	☐
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OK - Phillip Swartz CEA

RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702

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Proclamation Authority. H.R. 3009 authorizes the President to proclaim, without Congressional approval, duty modifications subject to certain limitations. These limitations generally relate to the percentage of the duty reduction and phase-in period and are not applicable to reciprocal agreements to eliminate or harmonize duties negotiated under WTO auspices, such as so-called "zero-for-zero" negotiations. This authority could not be used for import-sensitive agriculture products.

Customs Service Provisions

Appropriations Authorization. H.R. 3009 would authorize for the Customs Service \$3.0 billion in FY 2003 and \$3.1 billion in FY 2004, including \$308 million in each year for development of the Automated Commercial Environment, the upgrade to the current import processing system, and \$171 million in FY 2003 and \$175 million in FY 2004 for air and marine interdiction operations. The enrolled bill would require that, of the FY 2003 and FY 2004 appropriations, \$28 million be available until expended to hire 285 new Customs staff for the U.S.-Canada border, \$90 million in FY 2003 for border inspection and detection equipment, and \$9 million in FY 2004 for maintenance of that equipment.

The enrolled bill would also authorize appropriations of: \$10 million in FY 2003 to combat on-line child sex predators; \$9.5 million in FY 2003 to combat textile transshipment, including the hiring of new staff; \$1.3 million to implement the African Growth and Opportunity Act; and such sums as may be necessary to reestablish Customs Service operations formerly located at the World Trade Center in New York.

Warrantless Mail Search Authority. The enrolled bill would allow Customs officers to open, but not read, all outbound mail, including the one class that is currently sealed from inspection, based on "reasonable cause" and without a search warrant, *if the mail weighs in excess of one pound*, if there is reasonable cause to suspect that the mail contains weapons, unreported monetary instruments, or other contraband. In order for this provision to go into effect, the Secretary of State would have to determine that the practice conforms with international law and treaty obligations.

Electronic Manifests. H.R. 3009 would require the Secretary of the Treasury, within a year of the enrolled bill's enactment, to promulgate regulations requiring air, land, and sea commercial carriers to provide advance electronic manifests of passengers and cargo before entering or leaving the country.

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Fees. The enrolled bill would require the General Accounting Office to study and report to the House Ways and Means and Senate Finance Committees on whether current user fees are appropriately set at a level commensurate with the service provided for the fee. H.R. 3009 would establish a per item fee of 66 cents to cover Customs expenses incurred by Customs inspections at courier facilities and authorize the Secretary of the Treasury to adjust the fee within a certain range.

Pay Provisions. H.R. 3009 would authorize appropriations as may be necessary to increase the annual pay of GS-9 journeyman Customs inspectors and Canine Enforcement Officers, who have completed at least one year of service, to GS-11 and the annual pay of associated support staff "at the appropriate level." The enrolled bill would also eliminate some of the caps on overtime pay for Customs staff.

Personal Duty Exemption. The enrolled bill also increases the personal exemption allowances for merchandise purchased abroad by returning residents from \$400 to \$800.

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In addition, H.R. 3009 would extend preferential treatment to apparel articles formed from components knit-to-shape imported from beneficiary countries under the Caribbean Basin Economic Recovery Act.

H.R. 3009 includes authorization of appropriations for USTR and the USITC. For USTR, the bill authorizes \$32 million for FY 2003 and \$33 million for FY 2004; for ITC, \$54 million for FY 2003 and \$57 million for FY 2004 are authorized. The enrolled bill also establishes and authorizes appropriations of \$50 million for a WTO Dispute Settlement Fund.

WHITE HOUSE STAFFING MEMORANDUM

Date: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PMSubject: ENROLLED BILL MEMO H.R. 3009 -- TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>ok</i>	☒	☐	HUBBARD <i>ok</i>	☒	☐
CARD <i>ok</i>	☒	☐	IRASTORZA	☐	☐
BARTLETT <i>Mc</i>	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE <i>clears</i>	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE <i>n/c</i>	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES <i>DIC</i>	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, X 53458, OR FAX 56148, BY 7:00 P.M., TODAY, AUGUST 5, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 3009] [771371] [3]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Trade Promotion Authority (TPA)

Negotiating Objectives. The enrolled bill stipulates nine "overall" U.S. trade negotiating objectives for trade agreements. These objectives are generally similar to the objectives of the Omnibus Trade and Competitiveness Act of 1988, with additional objectives regarding economic growth, worker rights, and environmental protection. H.R. 3009 also includes seventeen "principal" U.S. negotiating objectives regarding trade barriers and other trade distortions, trade remedy laws, trade in services, foreign investment, intellectual property, transparency, anti-corruption, border tax, improvement of the World Trade Organization (WTO) and other multilateral and bilateral trade agreements, foreign regulatory practices, electronic commerce, trade in agriculture and textiles and apparel, dispute settlement and enforcement of trade agreements, WTO extended negotiations, and enforcement of labor and environmental laws. The enrolled bill also requires the President to promote certain priorities, including (1) greater cooperation with the International Labor Organization (ILO), and (2) establishing consultative mechanisms to promote respect for core labor standards, to prohibit the worst forms of child labor, and to develop and implement standards for protecting the environment and human health based on sound science. The bill includes requirements for reviews and reports related to environment, labor, and employment issues.

Congressional Consultation and Notification Requirements. H.R. 3009 establishes a number of requirements that the President consult with Congress. Specifically, it would require the President to provide written notice at least 90 calendar days before entering into negotiations and to consult with the relevant committees and a new Congressional Oversight Group (described below) before and after providing notice. This is separate from the 180-day notice required for any negotiating proposal that may alter U.S. trade remedy laws (discussed in the Memorandum). The bill would establish special consultation requirements for negotiations concerning tariff reductions for agriculture products and several additional requirements, including advice from the U.S. International Trade Commission (USITC), on negotiations relating to import sensitive agricultural products and on trade remedy provisions on seasonal and perishable agricultural products. Additional consultation requirements also apply to textiles and apparel, and fish and shellfish products.

Before entering into any trade agreement, the President would be required to consult with the relevant Committees and the Oversight Group concerning: (1) the nature of the agreement, (2) how and to what extent the agreement would achieve the applicable purposes, policies, and objectives set forth in H.R. 3009; and (3) matters relating to implementation, including the general effect of the agreement on U.S. laws. In addition, at least 90 days before entering into a trade agreement, the President would be required to ask the USITC to assess the agreement, including the likely impact of the agreement on the U.S. economy as a whole, specific industry sectors, and U.S. consumers. That report would be due 90 days after the President enters into the agreement.

At least 60 days before signing an agreement, the bill requires the President to submit to Congress a preliminary list of existing laws that would have to be amended in order to bring the United States into compliance with agreement.

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WHITE HOUSE STAFFING MEMORANDUMDate: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PMSubject: ENROLLED BILL MEMO H.R. 3009 -- TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE	☒	☐
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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 3009] [771371] [3]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

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 *** TX REPORT ***

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TX/RX NO 0455
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 CONNECTION ID
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 RESULT OK

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WHITE HOUSE STAFFING MEMORANDUM

Date: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PM

Subject: ENROLLED BILL MEMO H.R. 3009 -- TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☒	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, X 53458, OR FAX 56148, BY 7:00 P.M.,
 TODAY AUGUST 5 2002 WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

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RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0454
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 CONNECTION ID
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 RESULT OK

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Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 3009] [771371] [3]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Other Significant Provisions of H.R. 3009

Trade Promotion Authority (TPA)

Negotiating Objectives. The enrolled bill stipulates nine "overall" U.S. trade negotiating objectives for trade agreements. These objectives are generally similar to the objectives of the Omnibus Trade and Competitiveness Act of 1988, with additional objectives regarding economic growth, worker rights, and environmental protection. H.R. 3009 also includes seventeen "principal" U.S. negotiating objectives regarding trade barriers and other trade distortions, trade remedy laws, trade in services, foreign investment, intellectual property, transparency, anti-corruption, border tax, improvement of the World Trade Organization (WTO) and other multilateral and bilateral trade agreements, foreign regulatory practices, electronic commerce, trade in agriculture and textiles and apparel, dispute settlement and enforcement of trade agreements, WTO extended negotiations, and enforcement of labor and environmental laws. The enrolled bill also requires the President to promote certain priorities, including (1) greater cooperation with the International Labor Organization (ILO), and (2) establishing consultative mechanisms to promote respect for core labor standards, to prohibit the worst forms of child labor, and to develop and implement standards for protecting the environment and human health based on sound science. The bill includes requirements for reviews and reports related to environment, labor, and employment issues.

Congressional Consultation and Notification Requirements. H.R. 3009 establishes a number of requirements that the President consult with Congress. Specifically, it would require the President to provide written notice at least 90 calendar days before entering into negotiations and to consult with the relevant committees and a new Congressional Oversight Group (described below) before and after providing notice. This is separate from the 180-day notice required for any negotiating proposal that may alter U.S. trade remedy laws (discussed in the Memorandum). The bill would establish special consultation requirements for negotiations concerning tariff reductions for agriculture products and several additional requirements, including advice from the U.S. International Trade Commission (USITC), on negotiations relating to import sensitive agricultural products and on trade remedy provisions on seasonal and perishable agricultural products. Additional consultation requirements also apply to textiles and apparel, and fish and shellfish products.

Before entering into any trade agreement, the President would be required to consult with the relevant Committees and the Oversight Group concerning: (1) the nature of the agreement, (2) how and to what extent the agreement would achieve the applicable purposes, policies, and objectives set forth in H.R. 3009; and (3) matters relating to implementation, including the general effect of the agreement on U.S. laws. In addition, at least 90 days before entering into a trade agreement, the President would be required to ask the USITC to assess the agreement, including the likely impact of the agreement on the U.S. economy as a whole, specific industry sectors, and U.S. consumers. That report would be due 90 days after the President enters into the agreement.

At least 60 days before signing an agreement, the bill requires the President to submit to Congress a preliminary list of existing laws that would have to be amended in order to bring the United States into compliance with agreement.

H.R. 3009 exempts from the requirement to consult prior to initiating negotiations, agreements that: (1) are entered into under the auspices of the WTO; (2) are entered into with Chile or Singapore; or (3) establish a Free Trade Area for the Americas. The President is required to provide notification of these ongoing negotiations as soon as feasible after enactment of this bill and to consult before and after providing these notifications.

Expedited Procedures. In order to invoke the expedited trade authority legislative procedures, the President is required to submit the final text of the agreement, the implementing legislation, a statement of administrative action, and certain supporting information to Congress. The procedures of section 151 of the Trade Act of 1974 (explained as follows) would then apply. Specifically, on the same day as the President formally submits the legislation, the bill would be introduced (by request) by the Majority Leaders of the House and the Senate. After formal introduction of the legislation, the House Committees would have 45 legislative days to report the bill. The House would be required to vote on the bill within 15 legislative days after the measure was reported or discharged from the Committees. Fifteen additional days would be provided for Senate Committee consideration (assuming the implementing bill was a revenue bill), and Senate floor action would be required within 15 additional days. Accordingly, the maximum period for Congressional consideration of the implementing bill from the date of introduction would be 90 legislative days. Once the bill has been formally introduced, no amendments would be permitted either in Committee or floor action, and a straight "up or down" vote would be required.

H.R. 3009 includes procedures for the President to request an extension of the time that TPA procedures are available until June 1, 2007, for use in implementing agreements entered into before that date. These requirements include a written request and report to Congress by March 1, 2005, and several other reports, including a report from the USITC to Congress by May 1, 2005, analyzing the economic impact on the United States of all trade agreements implemented between enactment and the extension request. An extension until June 1, 2007, would be authorized unless either the House or Senate passed by June 1, 2005, a disapproval resolution. (This resolution would also be subject to the discretionary action of the House Ways and Means or Senate Finance Committees to report it out of committee.)

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OK-No Comment

RESPONSE:

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Memorandum	Trade Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	7	08/05/2002	P5;

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Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 3009] [771371] [3]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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Negotiating Objectives. The enrolled bill stipulates nine "overall" U.S. trade negotiating objectives for trade agreements. These objectives are generally similar to the objectives of the Omnibus Trade and Competitiveness Act of 1988, with additional objectives regarding economic growth, worker rights, and environmental protection. H.R. 3009 also includes seventeen "principal" U.S. negotiating objectives regarding trade barriers and other trade distortions, trade remedy laws, trade in services, foreign investment, intellectual property, transparency, anti-corruption, border tax, improvement of the World Trade Organization (WTO) and other multilateral and bilateral trade agreements, foreign regulatory practices, electronic commerce, trade in agriculture and textiles and apparel, dispute settlement and enforcement of trade agreements, WTO extended negotiations, and enforcement of labor and environmental laws. The enrolled bill also requires the President to promote certain priorities, including (1) greater cooperation with the International Labor Organization (ILO), and (2) establishing consultative mechanisms to promote respect for core labor standards, to prohibit the worst forms of child labor, and to develop and implement standards for protecting the environment and human health based on sound science. The bill includes requirements for reviews and reports related to environment, labor, and employment issues.

Congressional Consultation and Notification Requirements. H.R. 3009 establishes a number of requirements that the President consult with Congress. Specifically, it would require the President to provide written notice at least 90 calendar days before entering into negotiations and to consult with the relevant committees and a new Congressional Oversight Group (described below) before and after providing notice. This is separate from the 180-day notice required for any negotiating proposal that may alter U.S. trade remedy laws (discussed in the Memorandum). The bill would establish special consultation requirements for negotiations concerning tariff reductions for agriculture products and several additional requirements, including advice from the U.S. International Trade Commission (USITC), on negotiations relating to import sensitive agricultural products and on trade remedy provisions on seasonal and perishable agricultural products. Additional consultation requirements also apply to textiles and apparel, and fish and shellfish products.

Before entering into any trade agreement, the President would be required to consult with the relevant Committees and the Oversight Group concerning: (1) the nature of the agreement, (2) how and to what extent the agreement would achieve the applicable purposes, policies, and objectives set forth in H.R. 3009; and (3) matters relating to implementation, including the general effect of the agreement on U.S. laws. In addition, at least 90 days before entering into a trade agreement, the President would be required to ask the USITC to assess the agreement, including the likely impact of the agreement on the U.S. economy as a whole, specific industry sectors, and U.S. consumers. That report would be due 90 days after the President enters into the agreement.

At least 60 days before signing an agreement, the bill requires the President to submit to Congress a preliminary list of existing laws that would have to be amended in order to bring the United States into compliance with agreement.

H.R. 3009 exempts from the requirement to consult prior to initiating negotiations, agreements that: (1) are entered into under the auspices of the WTO; (2) are entered into with Chile or Singapore; or (3) establish a Free Trade Area for the Americas. The President is required to provide notification of these ongoing negotiations as soon as feasible after enactment of this bill and to consult before and after providing these notifications.

Expedited Procedures. In order to invoke the expedited trade authority legislative procedures, the President is required to submit the final text of the agreement, the implementing legislation, a statement of administrative action, and certain supporting information to Congress. The procedures of section 151 of the Trade Act of 1974 (explained as follows) would then apply. Specifically, on the same day as the President formally submits the legislation, the bill would be introduced (by request) by the Majority Leaders of the House and the Senate. After formal introduction of the legislation, the House Committees would have 45 legislative days to report the bill. The House would be required to vote on the bill within 15 legislative days after the measure was reported or discharged from the Committees. Fifteen additional days would be provided for Senate Committee consideration (assuming the implementing bill was a revenue bill), and Senate floor action would be required within 15 additional days. Accordingly, the maximum period for Congressional consideration of the implementing bill from the date of introduction would be 90 legislative days. Once the bill has been formally introduced, no amendments would be permitted either in Committee or floor action, and a straight "up or down" vote would be required.

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SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUMDate: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PMSubject: ENROLLED BILL MEMO H.R. 3009 – TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☐	☐
DANIELS	☐	☒	ROVE →	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, X 53458, OR FAX 56148, BY 7:00 P.M., TODAY, AUGUST 5, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

No COMMENT**RESPONSE:**

2002 AUG -5 PM 5:23
 SENIOR ADVISOR
 STAFF SECRETARY

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

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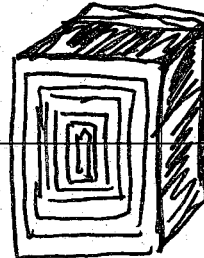
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OK
ALL
8/5
6:50 PM



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Withdrawal Marker

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FRC ID:

6360

OA Num.:

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NARA Num.:

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OFFICE OF THE VICE PRESIDENT
WASHINGTON

August 5, 2002

MEMORANDUM FOR JIM JUKES

ASSISTANT DIRECTOR, OMB

FROM:

JONATHAN BURKS

DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT:

Enrolled Bill Memo H.R. 3009 – Trade Act of 2002

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: Harriet Miers
Staff Secretary

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 6, 2002

REMARKS BY THE PRESIDENT
AT SIGNING OF THE TRADE ACT OF 2002

The East Room

12:00 P.M. EDT

THE PRESIDENT: Well, thank you all very much for that warm welcome. Welcome to the people's house, as we celebrate a victory for the American economy. Last week, the United States Congress passed trade promotion authority and renewed an expanded the Andean Trade Preference Act.

Trade is an important source of good jobs for our workers and a source of higher growth for our economy. Trade is an important source of earnings for our farmers and for our factories. It creates new opportunities for our entrepreneurs. Trade expands choices for America's consumers and raises living standards for our families. And now, after eight years, America is back in the business of promoting open trade to build our prosperity and to spur economic growth.

I appreciate so very much Vice President Cheney's hard work on this issue. I appreciate Colin Powell and Ann Veneman, who ably serve in my Cabinet. I want to particularly thank Don Evans, who's not with us, and Bob Zoellick, members of my Cabinet who both worked tirelessly to get the vote in the House and then in the Senate. And I appreciate Elaine Chao as well. These Cabinet secretaries worked hard for trade. They understand the promise of trade, and I appreciate their hard work on behalf of American workers and farmers.

I particularly want to thank the members of Congress who are here with us, starting with the Chairman of the Senate Finance Committee, the senator from Montana, Max Baucus. Max did fantastic work to get this trade bill through the Senate. And was then able to work with Chairman Thomas. (Laughter and applause.)

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With trade promotion authority, the trade agreements I negotiate will have an up-or-down vote in Congress, giving other countries the confidence to negotiate with us. Five Presidents before me had this advantage, but since the authority elapsed in 1994, other nations and regions have pursued new trade agreements while America's trade policy was stuck in park.

With each passing day, America has lost trading opportunities, and the jobs and earnings that go with them. Starting now, America is back at the bargaining table in full force. (Applause.)

I will use trade promotion authority aggressively to create more good jobs for American workers, more exports for American farmers, and higher living standards for American families. Free trade has a proven track record for spurring growth and advancing opportunity for our working families.

Exports accounted for roughly one-quarter of all U.S. economic growth in the 1990s. Jobs in exporting plants pay wages that are up to 18 percent higher than jobs in non-exporting plants. And our two major trade agreements, NAFTA and the Uruguay Round, have created more choices and lower prices for consumers, while raising standards of living for the typical American family of four by \$2,000 a year.

America will build on this record of success. A completely free global market for agricultural products, for example, would result in gains of as much as \$13 billion a year for American farmers and consumers. Lowering global trade barriers on all products and services by even one-third could boost the U.S. economy by \$177 billion a year, and raise living standards for the average family by \$2,500 annually.

In other words, trade is good for the American people. And I'm going to use the trade promotion authority to bring these benefits to the American people.

Free trade is also a proven strategy for building global prosperity and adding to the momentum of political freedom. Trade is an engine of economic growth. It uses the power of markets to meet the needs of the poor. In our lifetime, trade has helped lift millions of people, and whole nations, and entire regions, out of poverty and put them on the path to prosperity.

History shows that as nations become more prosperous, their citizens will demand, and can afford, a cleaner environment. And greater freedom for commerce across the borders eventually leads to greater freedom for citizens within the borders.

The members of the diplomatic corps with us today understand the importance of free trade to their nations' success. They understand that trade is an enemy of poverty, and a friend of liberty. I want to thank the ambassadors for their role in getting this bill passed, especially the Andean ambassadors who are such strong advocates for the Andean Trade Preference Act. By providing trade preference for products from four Andean democracies, we will build prosperity, reduce

poverty, strengthen democracy, and fight illegal drugs with expanding economic opportunity.

Trade promotion authority gives the United States an important tool to break down trade barriers with all countries. We'll move quickly to build free trade relationships with individual nations, such as Chile and Singapore and Morocco. We'll explore free trade relationships with others, such as Australia. The United States will negotiate a Free Trade Area of the Americas, and pursue regional agreements with the nations of Central America and the Southern Africa Customs Union.

We'll move forward globally, working with all nations to make the negotiations begun last year in Doha a success. A little more than a week ago, the United States put forward a far-reaching proposal to lower worldwide agricultural trade barriers. These innovative set of ideas can lead to real progress in this challenging area.

Trade gives all nations the hope of sharing in the great economic, and social, and political progress of our age. And trade will give American workers the hope that comes from better and higher-paying jobs.

America's committed to building a world that trades in freedom and grows in prosperity and liberty. Today, we have the tools to pursue that vision, and I look forward to the work ahead.

And now it's my honor and pleasure to sign into law the Trade Act of 2002. (Applause.)

(The bill is signed.) (Applause.)

END

12:11 P.M. EDT

Bills Received at the White House

✓
8.6

Date received and
notification to OMB: 8/2/2002
Last day for action: 8/14/2002

H.R.3009

Official Title

An Act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

OMB ENROLLED
BILL MEMO
IS HERE

499766

2 AUG 2 2002

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

NOEL

Date: 08-05-02 5:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 08-05-02 7:00 PM

Subject: ENROLLED BILL MEMO H.R. 3009 -- TRADE ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☒	CLERK	☐	☒
GONZALES →	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO JIM JUKES, X 53458, OR FAX 56148, BY 7:00 P.M.,
TODAY, AUGUST 5, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE. THANK YOU.

No comments

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

● Rachael L. Sunbarger

08/06/2002 12:50:54 PM

Record Type: Record

To:

cc:

Subject: REMARKS BY THE PRESIDENT AT SIGNING OF THE TRADE ACT OF 2002

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

August 6, 2002

REMARKS BY THE PRESIDENT
AT SIGNING OF THE TRADE ACT OF 2002

The East Room

12:00 P.M. EDT

THE PRESIDENT: Well, thank you all very much for that warm welcome. Welcome to the people's house, as we celebrate a victory for the American economy. Last week, the United States Congress passed trade promotion authority and renewed an expanded the Andean Trade Preference Act.

Trade is an important source of good jobs for our workers and a source of higher growth for our economy. Trade is an important source of earnings for our farmers and for our factories. It creates new opportunities for our entrepreneurs. Trade expands choices for America's consumers and raises living standards for our families. And now, after eight years, America is back in the business of promoting open trade to build our prosperity and to spur economic growth.

I appreciate so very much Vice President Cheney's hard work on this issue. I appreciate Colin Powell and Ann Veneman, who ably serve in my Cabinet. I want to particularly thank Don Evans, who's not with us, and Bob Zoellick, members of my Cabinet who both worked tirelessly to get the vote in the House and then in the Senate. And I appreciate Elaine Chao as well. These Cabinet secretaries worked hard for trade. They understand the

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