The statement received from the delegation of the United States in accordance with Article 15.7 of the Agreement was circulated in TBT/1/Add.1. Attached are the texts referred to in the second paragraph of the United States statement.
TITLE IV--TECHNICAL BARRIERS TO TRADE (Standards)

I. Introduction

Enactment of the proposed legislation on technical barriers to trade (standards) will implement the Agreement on Technical Barriers to Trade for the United States. When the Agreement is implemented by the United States' major trading partners, they will be required, to use open procedures in standards-related activities. Thus, U.S. exporters will have an opportunity to comment on foreign practices that may discriminate against U.S. products. U.S. exporters will also have the right of access to foreign national and regional certification systems. In addition, for the first time, the United States will have recourse to a dispute settlement procedure for the resolution of complaints involving standards-related activities of other signatory countries.

The legislation does not prohibit standards-related activities that do not create unnecessary obstacles to the international trade of the United States. No standards-related activity shall be deemed to constitute an unnecessary obstacle to the international trade of the United States if the demonstrable purpose of the standards-related activity is to achieve a legitimate domestic objective, including, but not limited to, the protection of legitimate health or safety, essential security, environmental or consumer interests, and if such activity does not operate to exclude imported products which fully meet the objectives of such activity. The United States' implementation of the Agreement will not weaken the right of federal agencies, states agencies, or private persons to engage in standards-related activities that are deemed appropriate and necessary for reasons that are established in U.S. law or practice.

In administering the new legislation, the Administration intends to avoid the establishment of new government offices, by specifying, wherever possible, the use of existing offices. Thus, a proposed "standards information center" is to be housed at the National Bureau of Standards (Department of Commerce), which already maintains such a facility. Similarly, current responsibilities of the Departments of Commerce and Agriculture and the Office of the Special Representative for Trade Negotiations (STR) are being used as the basis for the Administration's plan for implementing the legislation. These agencies have primary responsibility for handling issues that may arise out of the implementation of the Agreement. The Administration also intends to keep the paperwork as simple as possible, and the number of regulations as few as necessary. Finally, the Administration's implementation plan recognizes the contribution that the private sector has made, and will continue to make, in the field of standards-related activities.
Furthermore, the Administration recognizes that, particularly during the promulgation of standards-related activities, the responsibility for deciding whether a domestic standard-related activity creates an 'unnecessary' obstacle to the international trade of the United States rests with each appropriate entity, whether a federal, state or private sector body. The bill makes clear that it is each federal agency's responsibility to ensure that such obstacles are not created and encourages other bodies to do likewise. In this regard, it is important to note that the legislation is not self-policing. U.S. Federal Government consideration of a complaint against a domestic standard-related activity violates the Agreement would be initiated after receipt of a complaint from a foreign signatory government. In such a case, recommendations for possible action would be made with respect to a domestic standards-related activity after an adverse finding concerning the matter by the Committee on Technical Barriers to Trade established in the Agreement.

II. Administrative Action

A. Section 402

Each Department and agency of the United States shall ensure that its standards-related activities:

(1) are not prepared, adopted or applied with a view towards creating obstacles to international trade;

(2) do not have the effect of creating unnecessary obstacles to international trade;

(3) treat foreign products imported into the United States no less favorably than like domestic or other like imported products;

(4) accept, whenever possible, test results, certificates or marks of conformity issued in foreign signatory countries (provided each Department and agency is satisfied that such measures provide a sufficient means of determining product conformity with the relevant domestic standards).

In addition, each Department and agency should endeavor to ensure that standards-related activities are reviewed for their potential disincentive effect on the exportation of products from the United States.

B. Section 403

In fulfilling the provisions of section 403, the Administration intends to promote state agencies' and private persons' compliance with this Title through reasonable means, such as
the holding of conferences on the Agreement, dissemination of information on the Agreement and the preparation of voluntary guidelines on procedures that might be used in developing and promulgating standards-related activities. The Administration does not believe it is necessary to use measures more stringent than these to promote such compliance.

C. **Section 411**

1. The STR will:

(a) keep abreast of the activities of federal agencies with standards-related responsibilities that affect international trade to ensure consistency in the execution of U.S. international trade policy, and, in doing so, consult with:

(i) the technical offices in the Departments of Commerce and Agriculture;

(ii) the Departments of Commerce and Agriculture regarding international standards-related activities;

(iii) any Federal agency having expertise in the area of any mutual arrangement with a foreign country on standards-related activities; and

(iv) any Federal agency involved in issues that may arise out of the implementation of the Agreement.

2. The STR be responsible for coordinating the monitoring of foreign implementation of the Agreement, for use in determining whether a specific country affords U.S. interests reciprocal treatment and in drafting required reports to the Congress.

3. The STR will be responsible for coordinating the encouragement of state agencies and private persons to observe practices similar to the obligations in the Agreement, through means such as:

(a) meetings, conferences, study sessions and advisory discussions with appropriate representatives of state agencies and the private sector concerning the obligations of the Agreement and the provisions of this Title; and

(b) facilitating the work of the technical offices in the Departments of Commerce and Agriculture with regard to their promotion of state agencies' and private persons' compliance with the Agreement and this Title.
D. Section 412

1. The Departments of Commerce and Agriculture, for nonagricultural and agricultural products respectively, will assist United States' exporters to take full advantage of the opportunities provided by the Agreement, as specified below.

2. The technical offices in the Departments of Commerce and Agriculture, for nonagricultural and agricultural products respectively will:

(a) receive from the information center, titles from notices of proposed foreign signatory government and private standards-related activities;

(b) receive from the information center, one copy of each foreign signatory notification to the GATT Secretariat of proposed central government mandatory standards;

(c) publish in the Federal Register a notice that (i) titles from foreign public notices of proposed standards-related activities, and (ii) copies of foreign notifications to the GATT Secretariat of proposed standards-related activities will be disseminated by the U.S. Government to state agencies, and to private persons, through contacts with appropriate trade associations, as well as through contacts with private sector and state advisors (pursuant to section 417);

(d) follow through on Federal Register notice referred to in (c) above, when foreign notifications are received from the information center;

(e) transmit to the federal agencies having expertise or responsibility in the relevant subject matter one copy of the titles and notices referred to in (c) above;

(f) receive comments from private persons, state agencies, and federal agencies on proposed foreign signatory government mandatory standards or certification systems; and

(i) when comments from federal agencies, state agencies, and private persons are not in conflict, these will be transmitted directly to the foreign government concerned; or
(ii) when comments from federal agencies are in conflict, the agencies will be so apprised, and the Secretary concerned will encourage cooperation among the federal agencies commenting, with a view toward facilitating the development of a uniform U.S. Government position; and

(iii) when comments of state agencies and private persons are in conflict, the Secretary concerned will be prepared, upon request of one or more of those commenting, to promote the development of a uniform U.S. position to the extent appropriate;

(g) facilitate transmission of comments by private persons, state agencies and federal agencies on proposed foreign voluntary standards directly to the appropriate foreign body;

(h) arrange for bilateral discussions, as necessary, to discuss comments sent to foreign countries under (f) and (g) above;

(i) facilitate access for U.S. suppliers to national certification systems of foreign signatories and to regional certification systems in which foreign signatories are members;

(j) prepare and disseminate to state agencies, trade associations, and private standards and certification organizations, voluntary guidelines on procedures relating to the development and application of standards-related activities (pursuant to Section 403, of this Title and relevant provisions of the administrative action);

(k) disseminate to state agencies, federal agencies and private persons information on the benefits and opportunities of the Agreement for the United States, including, but not limited to:

(i) new possibilities for the U.S. Government to pursue complaints about foreign standards-related activities;

(ii) improved access for U.S. products to certification systems of foreign signatories or of which foreign signatories are members; and

(iii) new opportunities for private persons, state agencies and federal agencies to comment on proposed foreign standards-related activities;
(l) establish and operate a procedure for responding to domestic requests for administrative assistance necessary to comply with implementation of this Title. In this regard, no contracts will be entered into, nor shall any grants be made, for the benefit of a state agency or private person (pursuant to Section 415) when the Secretary concerned determines that such agency or person is, by its activities, violating U.S. international obligations under the Agreement;

(m) facilitate initiation and development of appropriate discussions and negotiations between the United States and other signatories to the Agreement concerning the reciprocal acceptance of test results and certificates or marks of conformity;

(n) inform, and consult and coordinate with the STR with respect to matters that arise as a result of implementation of the Agreement and this Title that affect the trade policy of the United States.

(o) carry out other responsibilities, as appropriate, in accordance with the objectives of this Title.

3. U.S. embassies will fulfill the following new responsibilities that arise as a result of U.S. implementation of the Agreement and this Title:

(a) facilitation of the acquisition by private persons, state agencies, or federal agencies of copies of foreign signatory private and governmental proposed and final standards and rules of certification systems, by responding to each request, by the information center, for a copy of such a document;

(b) provision routinely provides information center with titles from notices of all proposed foreign signatory private and governmental standards and rules of certification systems;

(c) pursue with agencies and private parties within foreign signatories their treatment of comments on proposed foreign standards-related activities made by private persons, federal agencies, or state agencies within the United States; and
(d) facilitation of access for U.S. suppliers to national certification systems of foreign signatories and to regional certification systems of which foreign signatories are members,

4. The U.S. Representative in Geneva will provide the information center with one copy of each foreign signatory notification to the GATT Secretariat of proposed central government mandatory standards and rules of certification systems.

E. Section 413

The Secretaries of Commerce and Agriculture, for non-agricultural and agricultural products respectively, shall fulfill the following responsibilities with regard to international standards-related activities:

1. to seek cooperation of private persons who currently hold membership in a private international standards organization in providing, to the information center, copies, at usual cost, of all new and revised standards and rules of certification systems promulgated by private international standards organizations; and

2. in making "appropriate arrangements" (under subsection (b)(5)), to provide guidance to promote the following principles:

(a) the negotiating position of any person or group representing the United States is not contrary to the public interest;

(b) any person or group representing the United States considers the future ramifications for the United States of any international standard promulgated with U.S. support or acceptance; and

(c) where appropriate, the federal agencies with expertise or responsibility in the standards-related activities under discussion are afforded adequate opportunity to provide technical input for consideration in developing negotiating positions for any person or group representing the United States.

F. Section 414

The standards information center to be established or designated in the National Bureau of Standards, within the Department of Commerce:
1. serve as the inquiry point for requests for information on standards-related activities within the United States; in doing so, it will:

   (a) be responsible for answering all inquiries on standards-related activities of federal agencies, except that the Department of Agriculture technical office will answer directly all questions regarding agricultural products;

   (b) answer all reasonable questions concerning standards-related activities of state agencies;

   (c) respond to questions concerning standards-related activities of private persons:

      (i) directly, when possible, by relying on contacts with such private persons and by reference to data housed in the standards information center; or

      (ii) indirectly, by referring the inquiry to private sector inquiry points, self-designated by private sector bodies; and

   (d) respond to all inquiries concerning the location of notices in the United States, whether governmental or private, regarding proposed and final standards-related activities.

2. have in its collection one copy of:

   (a) title and text of each existing international (including regional) standard;

   (b) rules for each existing international (including regional) certification system;

   (c) title and text of each existing U.S. federal agency, state agency, or private standard;

   (d) rules of each existing federal agency, state agency, or private certification system; and

   (e) titles of foreign signatory standards and rules of certification systems, whether private or governmental.

3. review regularly the Federal Register to obtain one copy of all notices of proposed federal agency standards-related activities;
4. transmit to the GATT Secretariat one copy of each such notice referred to in (2) above;

5. use its best efforts to have in its collection, one copy of each title and text of notices of proposed standards-related activities of private persons and state agencies;

6. receive from U.S. embassies, the titles of all notices of proposed foreign signatory government and private standards-related activities, and send a copy of these to:

(a) the technical office in the Department of Agriculture, with regard to agricultural products; and

(b) the technical office in the Department of Commerce, with regard to nonagricultural products;

7. receive from the U.S. Representative in Geneva one copy of each foreign signatory notification to the GATT Secretariat of proposed central government mandatory standards and rules of certification systems, and send a copy of this to:

(a) the technical office in the Department of Agriculture, with regard to agricultural products; and

(b) the technical office in the Department of Commerce, with regard to nonagricultural products;

8. respond to questions from private persons, state agencies, or federal agencies concerning standards-related activities of foreign signatories; and

(a) as appropriate, supply titles of foreign standards and rules of certification systems;

(b) forward requests for copies of specific foreign standards and rules of certification systems to the appropriate U.S. embassy or private person who is known to have such copies. It may require payment of a reasonable fee for provision of such copies to requesting private persons, federal agencies or state agencies; or

(c) inform the party making the inquiry of the location of foreign signatory inquiry points, where such questions may be directly answered;
9. upon request from private persons, state agencies, or federal agencies request and receive from the appropriate U.S. embassy one copy of a proposed foreign signatory standard or proposed set rules for a certification system, whether governmental or private. It may require payment of a reasonable fee for this service; and

10. carry out other responsibilities, as appropriate, in accordance with the objectives of this Title.

G. Section 417

For the purposes of obtaining technical advice on matters concerning the implementation of this Title, the Special Representative, in conjunction with the Secretaries of Commerce, Agriculture, and Labor will maintain a list of domestic parties interested in standards-related activities, including:

(1) state government officials; (2) local government officials; (3) private standards organizations officials; (4) private certification organizations officials; and (5) public interest groups.

H. Section 424

In the event that an appropriate international forum, such as the GATT Council or the Committee on Technical Barriers to Trade (acting on the recommendation of an appropriately constituted panel, and in accordance with established procedures for dispute settlement) makes an adverse finding with respect to a standards-related activity engaged in within the United States, the interagency Trade Policy Committee (TPC) or its subcommittees will review the matter and make any recommendations found to be warranted. This procedure is designed to provide a reasonable assurance of U.S. compliance with obligations of the Agreement, without adding to or subtracting from the enforcement authority that currently exists under the laws of the United States.

With respect to the method of review, this section is a codification of existing practice; the trade policy structure currently reviews GATT findings involving U.S. practices because the issues raised by such findings, and their resolution, are predominantly trade policy issues. In recommending appropriate action, the committees might, for example suggest that the U.S. person maintaining the activity found to violate U.S. obligations be inform of the finding and that the finding be discussed with that person, or seek ways to solve the problem consistent with existing law. In serious cases, where there is a significant interference with interstate or foreign commerce, the committees might ultimately
recommend that enforcement action be taken or, where appropriate, that corrective legislation be submitted in accordance with procedures established in section 3 of the new law.

Thus, this section, as well as the rest of Title IV, neither adds nor detracts from the currently existing enforcement authority of the Federal Government.

III. Explanation of How the Implementing Bill and Proposed Administrative Action Change or Affect Existing Law

This title of the new law will not amend, repeal, or replace any existing laws of the United States, any State or municipality.

It will permit the United States to take full advantage of the increased trade opportunities that the Agreement will create. It will ensure that adequate structures exist within the Federal Government to inform the U.S. private sector about the standards activities of other nations, to facilitate the ability of the United States to comment on foreign standards-making and certification, and to process expeditiously domestic complaints on foreign practices.

IV. How the Agreement Serves the Interests of United States Commerce

The Agreement should significantly ease U.S. exporters' difficulties in marketing certain products abroad. Standards-related are often used to prevent U.S. products from penetrating foreign markets. The obligations in the Agreement will inhibit foreign signatory countries from utilizing standards-related activities in a discriminatory fashion.

The principal benefits for the United States' commerce from the Agreement are:

1. increased information on prospective standards and certification systems, with a right to submit comments and a reasonable time between adoption and entry into force;

2. the provision of access to national and regional certification systems on a non-discriminatory basis, including receiving the mark of the system, if any;

3. the mitigation of the unnecessarily restrictive impact of certain standards-related activities on trade;

4. the acceptance of U.S. goods for testing on a non-discriminatory basis with domestic goods, and the possible increased foreign acceptance of U.S. certification; and
(5) the establishment of an effective dispute settlement mechanism to pursue problems areas.

For example, a review of certain advisory committee comments reveals that industrial standards are regarded as a major or important concern. In particular, benefits are envisaged for the following sectors:

- lumber and wood products
- office and computing equipment
- machine tools
- electrical machinery
- consumer electronic products
- chemical products
- scientific and controlling instruments
- communication equipment
- non-consumer electronic products
- non-electrical machinery
- automotive equipment
- aircraft
- boats
- pharmaceuticals
- animals and animal products
- beverages.

V. Why the Implementing Bill and Proposed Administrative Action Are Required to Carry Out the Agreement

This title implements the Agreement for the United States. Many of the practices covered by the Agreement, such as notification of proposed standards-related activities and the provision of an opportunity for public comment, are already widely followed in the United States. However, certain of the Agreement's provisions, while not marking a departure from U.S. practice, require implementation through legislation and regulations.
TITLE IV—TECHNICAL BARRIERS TO TRADE
(STANDARDS)

Subtitle A—Obligations of the United States

SEC. 401. CERTAIN STANDARDS-RELATED ACTIVITIES.

Nothing in this title may be construed as prohibiting any private person, Federal agency, or State agency from engaging in standards-related activities that do not create unnecessary obstacles to the foreign commerce of the United States. No standards-related activity of any private person, Federal agency, or State agency shall be deemed to constitute an unnecessary obstacle to the foreign commerce of the United States if the demonstrable purpose of the standards-related activity is to achieve a legitimate domestic objective including, but not limited to, the protection of legitimate health or safety, essential security, environmental, or consumer interests if such activity does not operate to exclude imported products and which fully meet the objectives of such activity.

SEC. 402. FEDERAL STANDARDS-RELATED ACTIVITIES.

No Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States, including, but not limited to, standards-related activities that violate any of the following requirements:

(1) NONDISCRIMINATORY TREATMENT.—Each Federal agency shall ensure, in applying standards-re-
lated activities with respect to any imported product, that such product is treated no less favorably than are like domestic or imported products, including, but not limited to, when applying tests or test methods, no less favorable treatment with respect to—

(A) the acceptance of the product for testing in comparable situations;

(B) the administration of the tests in comparable situations;

(C) the fees charged for tests;

(D) the release of test results to the exporter, importer, or agents;

(E) the siting of testing facilities and the selection of samples for testing; and

(F) the treatment of confidential information pertaining to the product.

(2) USE OF INTERNATIONAL STANDARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B)(ii), each Federal agency, in developing standards, shall take into consideration international standards and shall, if appropriate, base the standards on international standards.

(B) APPLICATION OF REQUIREMENT.—For purposes of this paragraph, the following apply:
(i) **INTERNATIONAL STANDARDS NOT APPROPRIATE.**—The reasons for which the basing of a standard on an international standard may not be appropriate include, but are not limited to, the following:

   (I) National security requirements.

   (II) The prevention of deceptive practices.

   (III) The protection of human health or safety, animal or plant life or health, or the environment.

   (IV) Fundamental climatic or other geographical factors.

   (V) Fundamental technological problems.

(ii) **REGIONAL STANDARDS.**—In developing standards, a Federal agency may, but is not required to, take into consideration any international standard promulgated by an international standards organization the membership of which is described in section 451(6)(A)(ii).

(3) **PERFORMANCE CRITERIA.**—Each Federal agency shall, if appropriate, develop standards based on performance criteria, such as those relating to the
intended use of a product and the level of performance that the product must achieve under defined conditions, rather than on design criteria, such as those relating to the physical form of the product or the types of material of which the product is made.

(4) Certification access for foreign suppliers.—Each Federal agency shall, with respect to any certification system used by it, permit access for obtaining certification under that system to foreign suppliers of a product on the same basis as access is permitted to suppliers of like products, whether of domestic or other foreign origin.

SEC. 403. STATE AND PRIVATE STANDARDS-RELATED ACTIVITIES.

(a) In General.—It is the sense of the Congress that no State agency and no private person should engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States.

(b) Presidential Action.—The President shall take such reasonable measures as may be available to promote the observance by State agencies and private persons, in carrying out standards-related activities, of requirements equivalent to those imposed on Federal agencies under section 402, and of procedures that provide for notification, participation, and publication with respect to such activities.
Subtitle B—Functions of Federal Agencies

SEC. 411. FUNCTIONS OF SPECIAL REPRESENTATIVE.

(a) In General.—The Special Representative shall co-ordinate the consideration of international trade policy issues that arise as a result of, and shall develop international trade policy as it relates to, the implementation of this title.

(b) Negotiating Functions.—The Special Representative has responsibility for coordinating United States discussions and negotiations with foreign countries for the purpose of establishing mutual arrangements with respect to standards-related activities. In carrying out this responsibility, the Special Representative shall inform and consult with any Federal agency having expertise in the matters under discussion and negotiation.

(c) Cross Reference.—

For provisions of law regarding general authority of the Special Representatives with respect to trade agreements, see section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

SEC. 412. ESTABLISHMENT AND OPERATION OF TECHNICAL OFFICES.

(a) Establishment.—

(1) For nonagricultural products.—The Secretary of Commerce shall establish and maintain within the Department of Commerce a technical office that shall carry out the functions prescribed under subsection (b) with respect to nonagricultural products.
(2) FOR AGRICULTURAL PRODUCTS.—The Secretary of Agriculture shall establish and maintain within the Department of Agriculture a technical office that shall carry out the functions prescribed under subsection (b) with respect to agricultural products.

(b) FUNCTIONS OF OFFICES.—The President shall prescribe for each technical office established under subsection (a) such functions as the President deems necessary or appropriate to implement this title.

SEC. 413. REPRESENTATION OF UNITED STATES INTERESTS BEFORE INTERNATIONAL STANDARDS ORGANIZATIONS.

(a) OVERSIGHT AND CONSULTATION.—The Secretary concerned shall—

(1) inform, and consult and coordinate with, the Special Representative with respect to international standards-related activities identified under paragraph (2);

(2) keep adequately informed regarding international standards-related activities and identify those that may substantially affect the commerce of the United States; and

(3) carry out such functions as are required under subsections (b) and (c).
(b) REPRESENTATION OF UNITED STATES INTERESTS
BY PRIVATE PERSONS.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) ORGANIZATION MEMBER.—The term "organization member" means the private person who holds membership in a private international standards organization.

(B) PRIVATE INTERNATIONAL STANDARDS ORGANIZATION.—The term "private international standards organization" means any international standards organization before which the interests of the United States are represented by a private person who is officially recognized by that organization for such purpose.

(2) IN GENERAL.—Except as otherwise provided for in this subsection, the representation of United States interests before any private international standards organization shall be carried out by the organization member.

(3) INADEQUATE REPRESENTATION.—If the Secretary concerned, after inquiry instituted on his own motion or at the request of any private person, Federal agency, or State agency having an interest therein, has reason to believe that the participation by the organi-
zation member in the proceedings of a private international standards organization will not result in the adequate representation of United States interests that are, or may be, affected by the activities of such organization (particularly with regard to the potential impact of any such activity on the international trade of the United States), the Secretary concerned shall immediately notify the organization member concerned. During any such inquiry, the Secretary concerned may solicit and consider the advice of the appropriate representatives referred to in section 417.

(4) ACTION BY ORGANIZATION MEMBER.—If within the 90-day period after the date on which notification is received under paragraph (3) (or such shorter period as the Secretary concerned determines to be necessary in extraordinary circumstances), the organization member demonstrates to the Secretary concerned its willingness and ability to represent adequately United States interests before the private international standards organization, the Secretary concerned shall take no further action under this subsection.

(5) ACTION BY SECRETARY CONCERNED.—If—

(A) within the appropriate period referred to in paragraph (4), the organization member does
not respond to the Secretary concerned with respect to the notification, or does respond but does not demonstrate to the Secretary concerned the requisite willingness and ability to represent adequately United States interests; or

(B) there is no organization member of the private international standards organization; the Secretary concerned shall make appropriate arrangements to provide for the adequate representation of United States interests. In cases where subparagraph (A) applies, such provision shall be made by the Secretary concerned through the appropriate organization member if the private international standards organization involved requires representation by that member.

(c) REPRESENTATION OF UNITED STATES INTERESTS BY FEDERAL AGENCIES.—With respect to any international standards organization before which the interests of the United States are represented by one or more Federal agencies that are officially recognized by that organization for such purpose, the Secretary concerned shall—

(1) encourage cooperation among interested Federal agencies with a view toward facilitating the development of a uniform position with respect to the
technical activities with which the organization is concerned;

(2) encourage such Federal agencies to seek information from, and to cooperate with, the affected domestic interests when undertaking such representation; and

(3) not preempt the responsibilities of any Federal agency that has jurisdiction with respect to the activities undertaken by such organization, unless requested to do so by such agency.

SEC. 414. STANDARDS INFORMATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Commerce shall maintain within the Department of Commerce a standards information center.

(b) FUNCTIONS.—The standards information center shall—

(1) serve as the central national collection facility for information relating to standards, certification systems, and standards-related activities, whether such standards, systems, or activities are public or private, domestic or foreign, or international, regional, national, or local;

(2) make available to the public at such reasonable fee as the Secretary shall prescribe, copies of in-
formation required to be collected under paragraph (1) other than information to which paragraph (3) applies;

(3) use its best efforts to make available to the public, at such reasonable fees as the Secretary shall prescribe, copies of information required to be collected under paragraph (1) that is of private origin, on a cooperative basis with the private individual or entity, foreign or domestic, who holds the copyright on the information;

(4) in case of such information that is of foreign origin, provide, at such reasonable fee as the Secretary shall prescribe, such translation services as may be necessary;

(5) serve as the inquiry point for requests for information regarding standards-related activities, whether adopted or proposed, within the United States, except that in carrying out this paragraph, the Secretary of Commerce shall refer all inquiries regarding agricultural products to the technical office established under section 412(a)(2) within the Department of Agriculture; and

(6) provide such other services as may be appropriate, including but not limited to, such services to the technical offices established under section 412 as may
be requested by those offices in carrying out their functions.

SEC. 415. CONTRACTS AND GRANTS.

(a) IN GENERAL.—For purposes of carrying out this title, and otherwise encouraging compliance with the Agreement, the Special Representative and the Secretary concerned may each, with respect to functions for which responsible under this title, make grants to, or enter into contracts with, any other Federal agency, any State agency, or any private person, to assist such agency or person to implement appropriate programs and activities, including, but not limited to, programs and activities—

(1) to increase awareness of proposed and adopted standards-related activities;

(2) to facilitate international trade through the appropriate international and domestic standards-related activities;

(3) to provide, if appropriate, and pursuant to section 413, adequate United States representation in international standards-related activities; and

(4) to encourage United States exports through increased awareness of foreign standards-related activities that may affect United States exports.
No contract entered into under this section shall be effective except to such extent, and in such amount, as is provided in advance in appropriation Acts.

(b) Terms and Conditions.—Any contract entered into, or any grant made, under subsection (a) shall be subject to such terms and conditions as the Special Representative or Secretary concerned shall by regulation prescribe as being necessary or appropriate to protect the interests of the United States.

(c) Limitations.—Financial assistance extended under this section shall not exceed 75 percent of the total costs (as established by the Special Representative or Secretary concerned, as the case may be) of the program or activity for which assistance is made available. The non-Federal share of such costs shall be made in cash or kind, consistent with the maintenance of the program or activity concerned.

(d) Audit.—Each recipient of a grant or contract under this section shall make available to the Special Representative or the Secretary concerned, as the case may be, and to the Comptroller General of the United States, for purposes of audit and examination, any book, document, paper, and record that is pertinent to the funds received under such grant or contract.
SEC. 416. TECHNICAL ASSISTANCE.

The Special Representative and the Secretary concerned may each, with respect to functions for which responsible under this title, make available, on a reimbursable basis or otherwise, to any other Federal agency, State agency, or private person such assistance, including, but not limited to, employees, services, and facilities, as may be appropriate to assist such agency or person in carrying out standards-related activities in a manner consistent with this title.

SEC. 417. CONSULTATIONS WITH REPRESENTATIVES OF DOMESTIC INTERESTS.

In carrying out the functions for which responsible under this title, the Special Representative and the Secretary concerned shall solicit technical and policy advice from the committees, established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155), that represent the interests concerned, and may solicit advice from appropriate State agencies and private persons.

Subtitle C—Administrative and Judicial Proceedings Regarding Standards-Related Activities

CHAPTER 1—REPRESENTATIONS ALLEGING UNITED STATES VIOLATIONS OF OBLIGATIONS

SEC. 421. RIGHT OF ACTION UNDER THIS CHAPTER.

Except as provided under this chapter, the provisions of this subtitle do not create any right of action under the laws of the United States with respect to allegations that any
standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement.

SEC. 422. REPRESENTATIONS.

Any—

(1) Party to the Agreement; or

(2) foreign country that is not a Party to the Agreement but is found by the Special Representative to extend rights and privileges to the United States that are substantially the same as those that would be so extended if that foreign country were a Party to the Agreement;

may make a representation to the Special Representative alleging that a standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement. Any such representation must be made in accordance with procedures that the Special Representative shall by regulation prescribe and must provide a reasonable indication that the standards-related activity concerned is having a significant trade effect. No person other than a Party to the Agreement or a foreign country described in paragraph (2) may make such a representation.
SEC. 423. ACTION AFTER RECEIPT OF REPRESENTATIONS.

(a) REVIEW.—Upon receipt of any representation made under section 422, the Special Representative shall review the issues concerned in consultation with—

(1) the agency or person alleged to be engaging in violations under the Agreement;

(2) the member agencies of the interagency trade organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a));

(3) other appropriate Federal agencies; and

(4) appropriate representatives referred to in section 417.

(b) RESOLUTION.—The Special Representative shall undertake to resolve, on a mutually satisfactory basis, the issues set forth in the representation through consultation with the parties concerned.

SEC. 424. PROCEDURE AFTER FINDING BY INTERNATIONAL FORUM.

(a) IN GENERAL.—If an appropriate international forum finds that a standards-related activity being engaged in within the United States conflicts with the obligations of the United States under the Agreement, the interagency trade organization established under section 242(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)) shall review the finding and the matters related thereto with a view to recommending appropriate action.
(b) CROSS REFERENCE.—

For provisions of law regarding remedies available to domestic persons alleging that standards activities engaged in by Parties to the Agreement (other than the United States) violate the obligations of the Agreement, see section 301 of the Trade Act of 1974 (19 U.S.C. 2411).

CHAPTER 2—OTHER PROCEEDINGS REGARDING CERTAIN STANDARDS-RELATED ACTIVITIES

SEC. 441. FINDINGS OF RECIPROCITY REQUIRED IN ADMINISTRATIVE PROCEEDINGS.

(a) IN GENERAL.—Except as provided under chapter 1, no Federal agency may consider a complaint or petition against any standards-related activity regarding an imported product, if that activity is engaged in within the United States and is covered by the Agreement, unless the Special Representative finds, and informs the agency concerned in writing, that—

(1) the country of origin of the imported product is a Party to the Agreement or a foreign country described in section 422(2); and

(2) the dispute settlement procedures provided under the Agreement are not appropriate.

(b) EXEMPTIONS.—This section does not apply with respect to causes of action arising under—

(1) the antitrust laws as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)); or
(2) statutes administered by the Secretary of Agriculture.

This section does not apply with respect to petitions and proceedings that are provided for under the practices of any Federal agency for the purpose of ensuring, in accordance with section 553 of title 5, United States Code, that interested persons are given an opportunity to participate in agency rulemaking or to seek the issuance, amendment, or repeal of a rule.

SEC. 442. NOT CAUSE FOR STAY IN CERTAIN CIRCUMSTANCES.

No standards-related activity being engaged in within the United States may be stayed in any judicial or administrative proceeding on the basis that such activity is currently being considered, pursuant to the Agreement, by an international forum.

Subtitle D—Definitions and Miscellaneous Provisions

SEC. 451. DEFINITIONS.

As used in this title—

(1) AGREEMENT.—The term "Agreement" means the Agreement on Technical Barriers to Trade approved under section 2(a) of this Act.

(2) CERTIFICATION SYSTEM.—The term "certification system" means a system—
(A) for determining whether a product conforms with product standards applicable to that product; and

(B) if a product so conforms, for attesting, by means of a document, mark, or other appropriate evidence of conformity, to that conformity.

Such term also includes any modification of, or change to, any such system.

(3) **Federal agency.**—The term "Federal agency" means any of the following within the meaning of chapter 2 of part I of title 5, United States Code:

(A) Any executive department.

(B) Any military department.

(C) Any Government corporation.

(D) Any Government-controlled corporation.

(E) Any independent establishment.

(4) **International certification system.**—The term "international certification system" means a certification system that is adopted by an international standards organization.

(5) **International standard.**—The term "international standard" means any standard that is promulgated by an international standards organization.
(6) **INTERNATIONAL STANDARDS ORGANIZATION.**—The term "international standards organization" means any organization—

(A) the membership of which is open to representatives, whether public or private, of the United States and—

(i) all Parties to the Agreement, or

(ii) some but not all Parties of the Agreement; and

(B) that is engaged in international standards-related activities.

(7) **INTERNATIONAL STANDARDS-RELATED ACTIVITY.**—The term "international standards-related activity" means the negotiation, development, or promulgation of, or any amendment or change to, an international standard, or an international certification system, or both.

(8) **PARTY TO THE AGREEMENT.**—The term "Party to the Agreement" means any foreign country or instrumentality determined by the President to have assumed, and to be applying, the obligations of the Agreement with respect to the United States.

(9) **PRIVATE PERSON.**—The term "private person" means—
(A) any individual who is a citizen or national of the United States; and

(B) any corporation, partnership, association, or other legal entity organized or existing under the law of any State, whether for profit or not for profit.

(10) **PRODUCT.**—The term "product" means any natural or manufactured item.

(11) **SECRETARY CONCERNED.**—The term "Secretary concerned" means the Secretary of Commerce with respect to functions under this title relating to nonagricultural products, and the Secretary of Agriculture with respect to functions under this title relating to agricultural products.

(12) **SPECIAL REPRESENTATIVE.**—The term "Special Representative" means the Special Representative for Trade Negotiations.

(13) **STANDARD.**—The term "standard" means any of the following, and any amendment or change to any of the following:

(A) The specification of the characteristics of a product, including, but not limited to, levels of quality, performance, safety, or dimensions.

(B) Specifications relating to the terminology, symbols, testing and test methods, packag-
ing, or marking or labeling requirements applicable to a product.

(C) Administrative procedures related to the application of any specification referred to in paragraph (A) or (B).

(14) STANDARDS-RELATED ACTIVITY.—The term "standards-related activity" means the development, adoption, or application of any standard or any certification system.

(15) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and any other Commonwealth, territory, or possession of the United States.

(16) STATE AGENCY.—The term "State agency" means any department, agency, or other instrumentality of the government of any State or of any political subdivision of any State.

(17) UNITED STATES.—The term "United States", when used in a geographical context, means all States.

SEC. 452. EXEMPTIONS UNDER TITLE.

This title does not apply to—

(1) any standards activity engaged in by any Federal agency or State agency for the use (including, but
not limited to, use with respect to research and development, production, or consumption) of that agency or the use of another such agency; or

(2) any standards activity engaged in by any private person solely for use in the production or consumption of products by that person.

SEC. 453. REPORTS TO CONGRESS ON OPERATION OF AGREEMENT.

As soon as practicable after the close of the 3-year period beginning on the date on which this title takes effect, and as soon as practicable after the close of each succeeding 3-year period, the Special Representative shall prepare and submit to Congress a report containing an evaluation of the operation of the Agreement, both domestically and internationally, during the period.

SEC. 454. EFFECTIVE DATE.

This title shall take effect on January 1, 1980, if the Agreement enters into force with respect to the United States by that date.