

104TH CONGRESS  
2D SESSION

# H. R. 3314

To assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1996

Mr. REGULA introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To assess the impact of the NAFTA, to require further negotiation of certain provisions of the NAFTA, to establish a commission to review the dispute settlement reports of the World Trade Organization, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NAFTA Renegotiation  
5 and WTO Dispute Settlement Review Commission Act”.

**1 TITLE I—NAFTA RENEGOTIATION ACT****2 SEC. 101. FINDINGS.**

3 The Congress makes the following findings:

4 (1) EXPANDED MARKETS.—One of the purposes  
5 of the NAFTA, as stated in the preamble, is to “cre-  
6 ate an expanded and secure market” for goods and  
7 services. Instead, the NAFTA has resulted in a spi-  
8 raling trade deficit with Mexico and Canada that  
9 will exceed \$30,000,000,000 in 1995.

10 (2) CURRENCY STABILITY.—One of the pur-  
11 poses of the NAFTA is to “ensure a predictable  
12 commercial framework for business planning and in-  
13 vestment”. However, the NAFTA contains no safe-  
14 guards to minimize the negative economic impacts of  
15 severe shifts in currency exchange rates among the  
16 NAFTA parties. To protect its own economy the  
17 United States has sought to bolster the Mexican  
18 peso which is now being supported by  
19 \$30,000,000,000 in loans.

20 (3) NAFTA TO BE RENEGOTIATED.—Based on  
21 the experience with the NAFTA since its implemen-  
22 tation, it has become evident that further negotia-  
23 tion is required to resolve fundamental inadequacies  
24 within the NAFTA with respect to trade balances  
25 and currency differentials.

1 **SEC. 102. RENEGOTIATION OF THE NAFTA.**

2 (a) IN GENERAL.—The President is authorized and  
3 directed to confer with the Governments of Canada and  
4 Mexico and to renegotiate the terms of the NAFTA as  
5 described in this subsection by December 31, 1997:

6 (1) RENEGOTIATION OF NAFTA TO CORRECT  
7 TRADE DEFICITS.—The President is authorized and  
8 directed to confer with the Governments of Canada  
9 and Mexico and to renegotiate the terms of the  
10 NAFTA to provide for implementation of emergency  
11 adjustments of tariffs, quotas, and other measures  
12 to stabilize the flow of trade among the NAFTA  
13 parties when the United States has an annual deficit  
14 in trade of goods and services with another NAFTA  
15 party that exceeds 10 percent of the United States  
16 exports to that party.

17 (2) RENEGOTIATE THE NAFTA TO CORRECT  
18 CURRENCY DISTORTIONS.—The President is author-  
19 ized and directed to confer with the Governments of  
20 Canada and Mexico and to renegotiate the terms of  
21 the NAFTA to provide for the implementation of  
22 emergency adjustments of tariffs, quotas, and other  
23 measures to mitigate the adverse effects of rapid or  
24 substantial changes in exchange rates between the  
25 United States dollar and the currency of another  
26 NAFTA party.

1 **SEC. 103. REPORTS ASSESSING THE IMPACT OF NAFTA ON**  
2 **JOBS AND THE ENVIRONMENT.**

3 (a) IN GENERAL.—The Secretary of Commerce and  
4 the Administrator of the Environmental Protection Agen-  
5 cy are authorized and directed to conduct the studies as  
6 described in this subsection and submit them to the Con-  
7 gress by December 31, 1996:

8 (1) REPORT ON DOMESTIC MANUFACTURING  
9 AND JOBS.—The Secretary of Commerce, after con-  
10 sultation with the appropriate government agencies,  
11 shall determine the levels of exports of United States  
12 manufactured goods to the NAFTA parties and im-  
13 ports of manufactured goods from NAFTA parties,  
14 and the number of jobs that have resulted from in-  
15 creased exports of manufactured goods to NAFTA  
16 parties and the loss of jobs that have resulted from  
17 increased imports of manufactured goods from  
18 NAFTA parties since January 1, 1994.

19 (2) REPORT RELATING TO HEALTH AND ENVI-  
20 RONMENTAL IMPACTS OF NAFTA.—The Adminis-  
21 trator of the Environmental Protection Agency, in  
22 consultation with the Secretariat for the NAFTA  
23 Commission on Environmental Cooperation, shall  
24 conduct investigations on whether pollution and  
25 health hazards have worsened since January 1, 1994  
26 and report to the Congress on the outcomes of the

1 Administration's investigations on pollution and  
2 health hazards in and around the United States-  
3 Mexico border zone since the implementation of the  
4 NAFTA. The report shall include—

5 (A) a description and status report of all  
6 industrial site cleanup and environmental im-  
7 provement projects begun in the border zone  
8 since January 1, 1994; and

9 (B) information on the incidence of air and  
10 water pollution since January 1, 1990, and the  
11 causes, levels, and types of pollution which have  
12 occurred.

13 **SEC. 104. CONSULTATION WITH CONGRESS.**

14 The President shall consult regularly with the Con-  
15 gress regarding the negotiations described in section 102.  
16 The United States Trade Representative shall consult with  
17 the appropriate committees of Congress in the develop-  
18 ment of any technical and conforming amendments that  
19 may be required to carry out the provisions of this Act.

20 **SEC. 106. DEFINITIONS.**

21 As used in this Act:

22 (1) NAFTA.—The term “NAFTA” means the  
23 North American Free Trade Agreement entered into  
24 between the United States, Canada, and Mexico on  
25 December 17, 1992.

1           (2) NAFTA PARTY.—The term “NAFTA  
2 party” means the United States, Canada, or Mexico.

3           (3) UNITED STATES-MEXICO BORDER ZONE.—  
4 The term “United States-Mexico border zone”  
5 means the area that comprises the 12-mile zone on  
6 the Mexican side of the United States-Mexico border  
7 and the counties within any State of the United  
8 States that are contiguous with Mexico.

## 9           **TITLE II—WTO DISPUTE SETTLEMENT**

### 10           **REVIEW COMMISSION ACT**

#### 11           **SEC. 201. CONGRESSIONAL FINDINGS AND PURPOSE.**

12           (a) FINDINGS.—The Congress finds the following:

13                 (1) The United States joined the World Trade  
14 Organization as a founding member with the goal of  
15 creating an improved global trading system.

16                 (2) The American people must receive assur-  
17 ances that United States sovereignty will be pro-  
18 tected, and United States interests will be advanced,  
19 within the global trading system which the WTO will  
20 oversee.

21                 (3) The survival of the new WTO requires the  
22 continuation of both trade liberalization and the  
23 ability to respond effectively to unfair or otherwise  
24 harmful trade practices.

1           (4) United States support for the WTO de-  
2           pends upon obtaining mutual trade benefits through  
3           the openness of foreign markets and the mainte-  
4           nance of effective United States and WTO remedies  
5           against unfair or otherwise harmful trade practices.

6           (5) Congress passed the Uruguay Round Agree-  
7           ments Act based upon its understanding that effec-  
8           tive trade remedies would not be eroded. These rem-  
9           edies are essential to continue the process of opening  
10          foreign markets to imports of goods and services and  
11          to prevent harm to American industry and agri-  
12          culture, particularly through foreign dumping and  
13          subsidization.

14          (6) The continued support of the Congress for  
15          the WTO is dependent upon a WTO dispute settle-  
16          ment system that—

17                 (A) operates in a fair and impartial man-  
18                 ner;

19                 (B) does not add to the obligations of or  
20                 diminish the rights of the United States under  
21                 the Uruguay Round Agreements; and

22                 (C) does not exceed its authority, scope, or  
23                 established standard of review.

24          (b) PURPOSE.—It is the purpose of this title to pro-  
25          vide for the establishment of the WTO Dispute Settlement

1 Review Commission to achieve the goals described in sub-  
2 section (a)(6).

3 **SEC. 202. ESTABLISHMENT OF COMMISSION.**

4 (a) ESTABLISHMENT.—There is established a com-  
5 mission to be known as the WTO Dispute Settlement Re-  
6 view Commission (hereafter in this Act referred to as the  
7 “Commission”).

8 (b) MEMBERSHIP.—

9 (1) COMPOSITION.—The Commission shall be  
10 composed of five members all of whom shall be  
11 judges of the Federal judicial circuits and shall be  
12 appointed by the President, after consultation with  
13 the majority leader and minority leader of the House  
14 of Representatives, the majority leader and minority  
15 leader of the Senate, the chairman and ranking  
16 member of the Committee on Ways and Means of  
17 the House of Representatives, and the chairman and  
18 ranking member of the Committee on Finance of the  
19 Senate.

20 (2) DATE.—The appointments of the members  
21 of the Commission shall be made no later than 60  
22 days after the date of the enactment of this Act.

23 (c) PERIOD OF APPOINTMENT; VACANCIES.—

24 (1) IN GENERAL.—Members of the Commission  
25 first appointed shall each be appointed for a term of

1       5 years. After the initial 5-year term, three members  
2       of the Commission shall be appointed for terms of  
3       3 years and the remaining two members shall be ap-  
4       pointed for terms of 2 years.

5               (2) VACANCIES.—

6                   (A) IN GENERAL.—Any vacancy on the  
7                   Commission shall not affect its powers, but  
8                   shall be filled in the same manner as the origi-  
9                   nal appointment and shall be subject to the  
10                  same conditions as the original appointment.

11                  (B) UNEXPIRED TERM.—An individual  
12                  chosen to fill a vacancy shall be appointed for  
13                  the unexpired term of the member replaced.

14               (d) INITIAL MEETING.—No later than 30 days after  
15               the date on which all members of the Commission have  
16               been appointed, the Commission shall hold its first meet-  
17               ing.

18               (e) MEETINGS.—The Commission shall meet at the  
19               call of the Chairman.

20               (f) QUORUM.—A majority of the members of the  
21               Commission shall constitute a quorum, but a lesser num-  
22               ber of members may hold hearings.

23               (g) CHAIRMAN AND VICE CHAIRMAN.—The Commis-  
24               sion shall select a Chairman and Vice Chairman from  
25               among its members.

1 **SEC. 203. DUTIES OF THE COMMISSION.**

2 (a) REVIEW OF WTO DISPUTE SETTLEMENT RE-  
3 PORTS.—

4 (1) IN GENERAL.—The Commission shall re-  
5 view—

6 (A) all reports of dispute settlement panels  
7 or the Appellate Body of the World Trade Or-  
8 ganization in proceedings initiated by other par-  
9 ties to the WTO which are adverse to the  
10 United States and which are adopted by the  
11 Dispute Settlement Body, and

12 (B) upon request of the United States  
13 Trade Representative, any other report of a dis-  
14 pute settlement panel or the Appellate Body  
15 which is adopted by the Dispute Settlement  
16 Body.

17 (2) SCOPE OF REVIEW.—In the case of any re-  
18 port described in paragraph (1), the Commission  
19 shall review the report and determine whether—

20 (A) the panel or the Appellate Body, as the  
21 case may be, exceeded its authority or its terms  
22 of reference;

23 (B) the panel or the Appellate Body, as  
24 the case may be, added to the obligations of or  
25 diminished the rights of the United States

1 under the Uruguay Round Agreement which is  
2 the subject of the report;

3 (C) the panel or the Appellate Body, as the  
4 case may be, acted arbitrarily or capriciously,  
5 engaged in misconduct, or demonstrably de-  
6 parted from the procedures specified for panels  
7 and the Appellate Body in the applicable Uru-  
8 guay Round Agreement; and

9 (D) the report of the panel or the Appel-  
10 late Body, as the case may be, deviated from  
11 the applicable standard of review, including in  
12 antidumping, countervailing duty, and other un-  
13 fair trade remedy cases, including the standard  
14 of review set forth in article 17.6 of the Agree-  
15 ment on Implementation of article VI of the  
16 General Agreement on Tariffs and Trade 1994.

17 (3) AFFIRMATIVE DETERMINATION.—If the  
18 Commission makes an affirmative determination  
19 with respect to the action of a panel or the Appellate  
20 Body under subparagraph (A), (B), (C), or (D) of  
21 paragraph (2), the Commission shall determine  
22 whether the action of the panel or Appellate Body  
23 materially affected the outcome of the report of the  
24 panel or Appellate Body.

25 (b) DETERMINATION; REPORT.—

1           (1) DETERMINATION.—No later than 120 days  
2 after the date on which a report of a panel or the  
3 Appellate Body described in subsection (a)(1) is  
4 adopted by the Dispute Settlement Body, the Com-  
5 mission shall make a written determination with re-  
6 spect to matters described in subsections (a)(2) and  
7 (a)(3).

8           (2) REPORTS.—The Commission shall report  
9 the determinations described in paragraph (1) to the  
10 Committee on Ways and Means of the House of  
11 Representatives and the Committee on Finance of  
12 the Senate.

13 **SEC. 204. POWERS OF THE COMMISSION.**

14       (a) HEARINGS.—The Commission may hold such  
15 hearings, sit and act at such times and places, take such  
16 testimony, and receive such evidence as the Commission  
17 considers advisable to carry out the purposes of this Act.

18       (b) INFORMATION FROM INTERESTED PARTIES AND  
19 FEDERAL AGENCIES.—

20           (1) NOTICE OF PANEL OR APPELLATE BODY  
21 REPORT.—The United States Trade Representative  
22 shall advise the Commission no later than 5 days  
23 after the date the Dispute Settlement Body adopts  
24 the report of a panel or the Appellate Body that is  
25 adverse to the United States and shall immediately

1 publish notice of such advice in the Federal Reg-  
2 ister, along with notice of an opportunity for inter-  
3 ested parties to submit comments to the Commis-  
4 sion.

5 (2) SUBMISSIONS AND REQUESTS FOR INFOR-  
6 MATION.—Any interested party may submit com-  
7 ments to the Commission regarding the panel or Ap-  
8 pellate Body report. The Commission may also se-  
9 cure directly from any Federal department or agency  
10 such information as the Commission considers nec-  
11 essary to carry out the provisions of this Act. Upon  
12 request of the Chairman of the Commission, the  
13 head of such department or agency shall furnish  
14 such information to the Commission.

15 (3) ACCESS TO PANEL AND APPELLATE BODY  
16 DOCUMENTS.—The United States Trade Representa-  
17 tive shall make available to the Commission all sub-  
18 missions and relevant documents relating to the  
19 panel or Appellate Body report, including any infor-  
20 mation contained in such submissions identified by  
21 the provider of the information as proprietary infor-  
22 mation or information treated as confidential by a  
23 foreign government.

1 **SEC. 205. REVIEW OF DISPUTE SETTLEMENT PROCEDURES**  
2 **AND PARTICIPATION IN THE WTO.**

3 (a) **AFFIRMATIVE REPORT BY COMMISSION.—**

4 (1) **IN GENERAL.—**If a joint resolution de-  
5 scribed in subsection (b)(1) is enacted into law pur-  
6 suant to the provisions of subsection (c), the United  
7 States Trade Representative shall undertake nego-  
8 tiations to amend or modify the rules and proce-  
9 dures of the dispute settlement understanding to  
10 which such joint resolution relates.

11 (2) **THREE AFFIRMATIVE REPORTS BY COMMISS-**  
12 **SION.—**If a joint resolution described in subsection  
13 (b)(2) is enacted into law pursuant to the provisions  
14 of subsection (c), the approval of the Congress, pro-  
15 vided under section 101(a) of the Uruguay Round  
16 Agreements Act, of the WTO Agreement shall cease  
17 to be effective in accordance with the provisions of  
18 the joint resolution and the United States shall  
19 cease to be a member of the WTO.

20 (b) **JOINT RESOLUTIONS DESCRIBED.—**

21 (1) **IN GENERAL.—**For purposes of subsection  
22 (a)(1), a joint resolution is described in this para-  
23 graph if it is a joint resolution of the two Houses  
24 of Congress and the matter after the resolving  
25 clause of such joint resolution is as follows: “That  
26 the Congress authorizes and directs the United

1 States Trade Representative to undertake negotia-  
2 tions to amend or modify the rules and procedures  
3 of the Understanding on Rules and Procedures Gov-  
4 erning the Settlement of Disputes relating to XX  
5 with respect to the affirmative determination sub-  
6 mitted to the Congress by the WTO Dispute Settle-  
7 ment Review Commission on XX”, the first blank  
8 space being filled with the specific rules and proce-  
9 dures with respect to which the Trade Representa-  
10 tive is to undertake negotiations and the second  
11 blank space being filled with the date of the affirma-  
12 tive determination submitted to the Congress by the  
13 Commission pursuant to section 4(b) which has  
14 given rise to the joint resolution.

15 (2) WITHDRAWAL RESOLUTION.—For purposes  
16 of subsection (a)(2), a joint resolution is described  
17 in this paragraph if it is a joint resolution of the two  
18 Houses of Congress and the matter after the resolv-  
19 ing clause of such joint resolution is as follows:  
20 “That the Congress authorizes and directs the Unit-  
21 ed States Trade Representative to undertake nego-  
22 tiations to amend or modify the rules and proce-  
23 dures of the Understanding on Rules and Proce-  
24 dures Governing the Settlement of Disputes relating  
25 to XX with respect to the affirmative report submit-

1       ted to the Congress by the WTO Dispute Settlement  
2       Review Commission on XX and if such negotiations  
3       do not result in a solution that the Trade Represent-  
4       ative, by XX, certifies to the Congress is satisfac-  
5       tory, the Congress withdraws its approval, provided  
6       under section 101(a) of the Uruguay Round Agree-  
7       ments Act, of the WTO Agreement as defined in  
8       section 2(9) of that Act”, the first blank space being  
9       filled with the specific rules and procedures with re-  
10      spect to which the Trade Representative is to under-  
11      take negotiations, the second blank space being filled  
12      with the date of the affirmative determination sub-  
13      mitted to the Congress by the Commission pursuant  
14      to section 4(b) which has given rise to the joint reso-  
15      lution, and the third blank space being filled with  
16      the date the Congress withdraws its approval of the  
17      WTO Agreement.

18      (c) PROCEDURAL PROVISIONS.—

19           (1) IN GENERAL.—The requirements of this  
20      subsection are met if the joint resolution is enacted  
21      in accordance with this subsection, and—

22           (A) in the case of a joint resolution de-  
23      scribed in subsection (b)(1), the Congress  
24      adopts and transmits the joint resolution to the  
25      President before the end of the 90-day period

1 (excluding any day described in section 154(b)  
2 of the Trade Act of 1974) beginning on the  
3 date on which the Congress receives an affirma-  
4 tive determination from the Commission de-  
5 scribed in section 4(b), or

6 (B) in the case of a joint resolution de-  
7 scribed in subsection (b)(2), the Commission  
8 has made 3 affirmative determinations de-  
9 scribed in section 4(b) during a 5-year period,  
10 and the Congress adopts and transmits the  
11 joint resolution to the President before the end  
12 of the 90-day period (excluding any day de-  
13 scribed in section 154(b) of the Trade Act of  
14 1974) beginning on the date on which the Con-  
15 gress receives the third such affirmative deter-  
16 mination.

17 (2) PRESIDENTIAL VETO.—In any case in  
18 which the President vetoes the joint resolution, the  
19 requirements of this subsection are met if each  
20 House of Congress votes to override that veto on or  
21 before the later of the last day of the 90-day period  
22 referred to in subparagraph (A) or (B) of paragraph  
23 (1), whichever is applicable, or the last day of the  
24 15-day period (excluding any day described in sec-  
25 tion 154(b) of the Trade Act of 1974) beginning on

1 the date on which the Congress receives the veto  
2 message from the President.

3 (3) INTRODUCTION.—

4 (A) TIME.—A joint resolution to which  
5 this section applies may be introduced at any  
6 time on or after the date on which the Commis-  
7 sion transmits to the Congress an affirmative  
8 determination described in section 4(b), and be-  
9 fore the end of the 90-day period referred to in  
10 subparagraph (A) or (B) of paragraph (1), as  
11 the case may be.

12 (B) ANY MEMBER MAY INTRODUCE.—A  
13 joint resolution described in subsection (b) may  
14 be introduced in either House of the Congress  
15 by any Member of such House.

16 (4) EXPEDITED PROCEDURES.—

17 (A) GENERAL RULE.—Subject to the pro-  
18 visions of this subsection, the provisions of sub-  
19 sections (b), (d), (e), and (f) of section 152 of  
20 the Trade Act of 1974 (19 U.S.C. 2192 (b),  
21 (d), (e), and (f)) apply to joint resolutions de-  
22 scribed in subsection (b) to the same extent as  
23 such provisions apply to resolutions under such  
24 section.

1           (B) REPORT OR DISCHARGE OF COMMIT-  
2           TEE.—If the committee of either House to  
3           which a joint resolution has been referred has  
4           not reported it by the close of the 45th day  
5           after its introduction (excluding any day de-  
6           scribed in section 154(d) of the Trade Act of  
7           1974), such committee shall be automatically  
8           discharged from further consideration of the  
9           joint resolution and it shall be placed on the  
10          appropriate calendar.

11          (C) FINANCE AND WAYS AND MEANS COM-  
12          MITTEES.—It is not in order for—

13                 (i) the Senate to consider any joint  
14                 resolution unless it has been reported by  
15                 the Committee on Finance or the commit-  
16                 tee has been discharged under subpara-  
17                 graph (B); or

18                 (ii) the House of Representatives to  
19                 consider any joint resolution unless it has  
20                 been reported by the Committee on Ways  
21                 and Means or the committee has been dis-  
22                 charged under subparagraph (B).

23          (D) SPECIAL RULES FOR HOUSE.—A mo-  
24          tion in the House of Representatives to proceed  
25          to the consideration of a joint resolution may

1           only be made on the second legislative day after  
2           the calendar day on which the Member making  
3           the motion announces to the House his or her  
4           intention to do so.

5           (5) CONSIDERATION OF SECOND RESOLUTION  
6           NOT IN ORDER.—It shall not be in order in either  
7           the House of Representatives or the Senate to con-  
8           sider a joint resolution (other than a joint resolution  
9           received from the other House), if that House has  
10          previously adopted a joint resolution under this sec-  
11          tion relating to the same matter.

12          (d) RULES OF HOUSE OF REPRESENTATIVES AND  
13          SENATE.—This section is enacted by the Congress—

14               (1) as an exercise of the rulemaking power of  
15               the House of Representatives and the Senate, re-  
16               spectively, and as such is deemed a part of the rules  
17               of each House, respectively, and such procedures su-  
18               persede other rules only to the extent that they are  
19               inconsistent with such other rules; and

20               (2) with the full recognition of the constitu-  
21               tional right of either House to change the rules (so  
22               far as relating to the procedures of that House) at  
23               any time, in the same manner, and to the same ex-  
24               tent as any other rule of that House.

1 **SEC. 206. PARTICIPATION IN WTO PANEL PROCEEDINGS.**

2 (a) IN GENERAL.—If the United States Trade Rep-  
3 resentative, in proceedings before a dispute settlement  
4 panel or the Appellate Body of the WTO, seeks—

5 (1) to enforce United States rights under a  
6 multilateral trade agreement; or

7 (2) to defend a challenged action or determina-  
8 tion of the United States Government;

9 a private United States person that is supportive of the  
10 United States Government’s position before the panel or  
11 Appellate Body and that has a direct economic interest  
12 in the panel’s or Appellate Body’s resolution of the mat-  
13 ters in dispute shall be permitted to participate in con-  
14 sultations and panel proceedings. The Trade Representa-  
15 tive shall issue regulations, consistent with subsections (b)  
16 and (c), ensuring full and effective participation by any  
17 such private person.

18 (b) ACCESS TO INFORMATION.—The United States  
19 Trade Representative shall make available to persons de-  
20 scribed in subsection (a) all information presented to or  
21 otherwise obtained by the Trade Representative in connec-  
22 tion with a WTO dispute settlement proceeding. The  
23 United States Trade Representative shall promulgate reg-  
24 ulations implementing a protective order system to protect  
25 information designated by the submitting member as con-  
26 fidential.

1 (c) PARTICIPATION IN PANEL PROCESS.—Upon re-  
2 quest from a person described in subsection (a), the  
3 United States Trade Representative shall—

4 (1) consult in advance with such person regard-  
5 ing the content of written submissions from the  
6 United States to the WTO panel concerned or to the  
7 other member countries involved;

8 (2) include, where appropriate, such person or  
9 its appropriate representative as an advisory mem-  
10 ber of the delegation in sessions of the dispute set-  
11 tlement panel;

12 (3) allow such special delegation member, where  
13 such member would bring special knowledge to the  
14 proceeding, to appear before the panel, directly or  
15 through counsel, under the supervision of responsible  
16 United States Government officials; and

17 (4) in proceedings involving confidential infor-  
18 mation, allow appearance of such person only  
19 through counsel as a member of the special delega-  
20 tion.

21 **SEC. 207. DEFINITIONS.**

22 For purposes of this Act:

23 (1) APPELLATE BODY.—The term “Appellate  
24 Body” means the Appellate Body established under

1 article 17.1 of the Dispute Settlement Understand-  
2 ing.

3 (2) ADVERSE TO THE UNITED STATES.—The  
4 term “adverse to the United States” includes any re-  
5 port which holds any law, regulation, or application  
6 thereof by a government agency to be inconsistent  
7 with international obligations under a Uruguay  
8 Round Agreement (or a nullification or impairment  
9 thereof), whether or not there are other elements of  
10 the decision which favor arguments made by the  
11 United States.

12 (3) DISPUTE SETTLEMENT PANEL; PANEL.—  
13 The terms “dispute settlement panel” and “panel”  
14 mean a panel established pursuant to article 6 of the  
15 Dispute Settlement Understanding.

16 (4) DISPUTE SETTLEMENT BODY.—The term  
17 “Dispute Settlement Body” means the Dispute Set-  
18 tlement Body administering the rules and proce-  
19 dures set forth in the Dispute Settlement Under-  
20 standing.

21 (5) DISPUTE SETTLEMENT UNDERSTANDING.—  
22 The term “Dispute Settlement Understanding”  
23 means the understanding on rules and procedures  
24 governing the settlement of disputes referred to in

1 section 101(d)(16) of the Uruguay Round Agree-  
2 ments Act.

3 (6) URUGUAY ROUND AGREEMENT.—The term  
4 “Uruguay Round Agreement” means any of the  
5 agreements described in section 101(d) of the Uru-  
6 guay Round Agreements Act.

7 (7) WORLD TRADE ORGANIZATION; WTO.—The  
8 term “World Trade Organization” and “WTO”  
9 mean the organization established pursuant to the  
10 WTO Agreement.

11 (8) WTO AGREEMENT.—The term “WTO  
12 Agreement” means the Agreement Establishing the  
13 World Trade Organization entered into on April 15,  
14 1994.

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