

**Executive Office of the President  
Office of the U.S. Trade Representative**



**Strategic Plan  
FY 2013 – FY 2016**

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# I. Introduction

This document is the fourth strategic plan of the Office of the United States Trade Representative (USTR). This strategic plan has been developed in accordance with the USTR's obligations under the Government Performance and Results Act (GPRA) Modernization Act of 2010 to help USTR plan for the next four years following FY 2012. Assistant United States Trade Representatives (AUSTRs) and other senior USTR officials collaborated in developing the plan. While non-government parties did not contribute to the preparation of this plan, the report takes into account the advice received from USTR's statutorily mandated Advisory Committees. The report also takes into account advice from Trade Policy Staff Committee (TPSC) agencies, the Government Accountability Office, and the Congress.

The plan consists of eight main components:

- (1) Mission statement;
- (2) General goals and objectives;
- (3) How any goals and objectives contribute to the Federal Government priority goals;
- (4) How the goals and objectives are to be achieved, including:
  - (a) Operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and
  - (b) How the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;
- (5) How the goals and objectives incorporate views and suggestions obtained through congressional consultations;
- (6) How the performance goals provided in the plan contribute to the general goals and objectives in the strategic plan;
- (7) Key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and
- (8) Program evaluations used in preparing the strategic plan with a schedule for future program evaluations to be conducted.

## II. Mission Statement

The Office of the U.S. Trade Representative (USTR) is responsible for developing and coordinating U.S. international trade, commodity, and direct investment policy, and overseeing negotiations with other countries. The head of USTR is the U.S. Trade Representative, a Cabinet member who serves as the president's principal trade advisor, negotiator, and spokesperson on trade issues. USTR has its headquarters in Washington, DC and overseas offices in Beijing, China, and Geneva, Switzerland. The latter represents the United States at the World Trade Organization (WTO).

USTR is part of the Executive Office of the President. Through an interagency structure, USTR coordinates trade policy, resolves disagreements, and frames issues for decision. The USTR also serves as vice chairman of the Overseas Private Investment Corporation (OPIC), is a non-voting member of the Export-Import Bank, a member of the Committee on Foreign Investment in the United States (CFIUS), and a member of the National Advisory Council on International Monetary and Financial Policies.

USTR provides trade policy leadership and negotiating expertise in its major areas of responsibility, including:

- Expansion of market access for American goods and services;
- Bilateral, regional and multilateral trade and investment issues;
- International commodity agreements;
- Negotiations affecting U.S. import policies;
- Oversight of the Generalized System of Preferences (GSP), the Haitian Hemispheric Opportunity Act of 2008 (HOPE II), the Caribbean Basin Initiative (CBI), the Andean Trade Preference Program, and the African Growth and Opportunity Act;
- Oversight of Section 301 complaints against foreign unfair trade practices, as well as Section 1377, Section 337 and import relief cases under Section 201;
- Trade, commodity, and direct investment matters managed by international institutions such as the Organization for Economic Cooperation and Development (OECD) and the United Nations Conference on Trade and Development (UNCTAD);
- Trade-related intellectual property protection issues; and
- World Trade Organization (WTO) issues, including dispute litigation and resolution, multilateral, plurilateral and sectoral negotiations, and WTO accession negotiations.

USTR consults with other government agencies on trade policy matters through the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC). These groups, administered and chaired by USTR and composed of 19 Federal agencies and offices, make up

the sub-cabinet level mechanism for developing and coordinating U.S. Government positions on international trade and trade-related investment issues.

The U.S. Congress established the private sector advisory committee system in 1974 to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. The advisory committees provide information and advice with respect to U.S. negotiating objectives and bargaining positions before entering into trade agreements, on the operation of any trade agreement once entered into, and on other matters arising in connection with the development, implementation, and administration of U.S. trade policy.

Since its creation, USTR has maintained close consultation with Congress, and that consultation has increased during the Obama Administration. Liaison activities between the agency and Congress are extensive. The principal oversight Committees are the House Ways and Means and Senate Finance Committees. Other committees routinely are briefed and interested in areas in their jurisdiction where USTR plays a role.

## **II. Goals and Objectives**

### **Goal 1 Create and Sustain U.S. Jobs by Opening Foreign Markets**

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR will seek to support the President's National Export Initiative by opening export markets around the world and reducing trade and investment barriers and distortions by negotiating, concluding and implementing multilateral, regional and bilateral trade agreements, as well as by effectively representing U.S. interests in international bodies, including those established under those agreements.

### **Goal 2 Create and Sustain U.S. Jobs by Monitoring and Enforcing U.S. Rights**

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR will closely monitor and vigorously enforce U.S. rights under trade agreements to maximize their benefits for American workers, farmers, ranchers, producers, and businesses, addressing foreign unfair trade practices, including through U.S. trade laws that USTR administers.

### **Goal 3 Develop Strategic and Transparent Policy**

Consistent with the President's trade policy agenda, USTR will consult with the Congress, communicate with a wide range of stakeholders including state and local government officials, and lead interagency trade and investment policy coordination on trade negotiations and initiatives to obtain broad-ranging input, provide accountability, and develop sound, strategic U.S. trade policies.

### **Goal 4 Effectively Communicate Trade's Benefits**

To ensure the advancement of the President's trade policy agenda, USTR will communicate the benefits of international trade and international investment to domestic and foreign audiences, thereby building public understanding of trade's job-creating potential and support for opening markets around the world to trade and foreign investment.

### **Goal 5 Achieve Organizational Excellence**

Consistent with the President's goals for his entire Administration, USTR will provide the administrative processes and infrastructure that will strengthen USTR's ability to perform its core functions at the highest level of excellence, with the most qualified individuals possible, establishing a workplace that promotes diversity, initiative, creativity and productivity through the enhancement of human capital through recruitment, promotion and retention initiatives, and professional development and training opportunities.

## ***Goal 1: Create and Sustain U.S. Jobs by Opening Foreign Markets***

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR will seek to support the President's National Export Initiative by opening export markets around the world and reducing trade and investment barriers and distortions by negotiating, concluding and implementing multilateral, regional and bilateral trade agreements, as well as by effectively representing U.S. interests in international bodies, including those established under those agreements.

### **Strategy:**

USTR's team of trade negotiators will help to create well-paying jobs for American workers, farmers, ranchers, and service providers by securing high-standard, binding commitments from our trading partners to open their markets to U.S. goods and services exports. These market-opening efforts have been made increasingly important by the establishment of the National Export Initiative (NEI), which aims to create two million additional American jobs through the doubling of American exports by 2014. USTR negotiators are simultaneously pursuing five kinds of market-opening trade agreements: 153-economy negotiations in the World Trade Organization (WTO); bilateral and multilateral Free Trade Agreements (FTAs) such as the Trans-Pacific Partnership agreement currently under negotiation; Bilateral Investment Treaties (BITs) such as those currently in progress with China, Vietnam, India, and Mauritius, as well other types of investment agreements; plurilateral or bilateral agreements targeted at particular issues or sectors; and WTO accession negotiations for prospective new WTO members.

USTR defends and advances the Administration's overall international policy goals through robust engagement in bilateral and regional economic fora. Work in these fora strengthens our overall relationships with China, Japan, India, Brazil, the European Union (EU), and other key trading partners through vigorous dialogue on strengthening trade and investment cooperation.

USTR directly supports many of the Administration's broader policy priorities, including the encouragement of job creation by small businesses. USTR works through trade preference and trade capacity building programs to support international development priorities. USTR will help build the foundation for a clean energy economy, tackle the issue of climate change, protect our environment through green goods and services negotiations, and encourage strong labor rights world-wide.

### **Objectives:**

#### **1.1. Negotiate and implement agreements that create and sustain well-paying American jobs, advance the overall trade and economic interests of the United States, and further the intent and objectives of U.S. trade legislation.**

**1.1.1.** Revitalize the trade negotiations dimension of the WTO, including, where possible, through conclusion of trade-liberalizing elements of the Doha

Development Agenda (DDA), as well as proposing a new services plurilateral as well as other liberalization and rule-making initiatives that may lie outside the scope of the DDA.

**1.1.2.** Conclude WTO accession agreements with candidates, including developing countries and emerging market economies that undertake trade commitments that meet Administration priorities and are supported by the Congress.

**1.1.3.** Launch new FTA negotiations with appropriate trading partners, consistent with pertinent Congressional procedures and Administration criteria.

**1.1.4.** Conclude Trans-Pacific Partnership (TPP) negotiations, obtain Congressional approval for the agreement, and implement it.

**1.1.5.** Conduct consultations with domestic stakeholders and the Congress regarding expressions of interest in joining the TPP from Japan, Canada, Mexico, and possible other countries to ensure they can meet the TPP's high standards for liberalizing trade and address specific issues of concern to the United States.

**1.1.6.** Facilitate the timely entry into force of FTAs with Colombia, Korea, and Panama.

**1.1.7.** Launch, negotiate and conclude Trade and Investment Framework Agreements (TIFAs) with strategically important areas, such as Central Asia and Arabian Gulf regions, and other appropriate countries that expand opportunities for U.S. exports.

**1.1.8.** Advance negotiation of the new U.S.-East African regional trade and investment partnership, including a regional investment treaty, trade facilitation and other trade-enhancing agreements, a U.S.-EAC commercial dialogue, and trade capacity building to enable effective implementation of this new initiative.

**1.1.9.** Achieve on an annual basis through the Asia-Pacific Economic Cooperation forum (APEC) concrete and meaningful outcomes to address key trade and investment barriers in the Asia-Pacific region.

**1.1.10.** Complete the Model Bilateral Investment Treaty (BIT) Review. Launch negotiations and successfully conclude BITs with appropriate partners consistent with Administration criteria.

**1.1.11.** Initiate negotiations and conclude agreements to reduce or eliminate specific trade barriers and distortions.

**1.1.12.** Ensure full implementation of the WTO obligations of recently-acceded Members of the WTO.



**1.1.13.** In partnership with other agencies, such as the Small Business Administration, encourage small- and medium-sized enterprises (SME) to export through new initiatives.

**1.1.14.** Implement the African Competitiveness and Trade Enhancement (ACTE) initiative.

**1.1.15.** Pursue negotiations and other efforts to implement the Trade and Investment Partnership Initiative for the Middle East and North Africa (MENA), to include agreements or other arrangements covering investment, trade facilitation, services and other areas, and trade capacity building to enable effective implementation of this new initiative.

**1.1.16.** Negotiate a new agreement on agriculture with Israel that provides for long term, increased market access for U.S. food and agriculture exports.

**1.1.17.** Advance protection and enforcement of intellectual property rights (IPR) through the negotiation and implementation of relevant trade agreements. Seek timely entry into force of the plurilateral Anti-Counterfeiting Trade Agreement, and use it to further effective IPR enforcement.

**1.1.18.** Pursuant to the mandate issued by U.S. and EU leaders during their November 28, 2011 summit meeting, identify, develop, and implement economically promising and politically feasible new initiatives for increasing U.S.-EU trade and investment, with the aim of generating new jobs and growth on both sides of the Atlantic.

**1.1.19.** Develop and implement with the EU joint principles and advocacy and outreach strategies for addressing trade-related challenges of common concern in key emerging economies.

**1.1.20.** Further strengthen U.S.-Japan trade initiatives and engagement.

**1.1.21.** Negotiate equivalency agreements with countries that are key markets for U.S. organic exports, promoting increased exports of U.S. organic food and agriculture products.

**1.1.22.** Negotiate mutual recognition agreements (MRAs) with select countries to facilitate U.S. exports of telecommunications equipment.

**1.2. Integrate developing economies, economies in transition, and emerging economies into the global rules-based trading system, encouraging key emerging economies to take trade and investment actions consistent with their growing roles in the global economy, while helping other economies build their capacity to realize the full benefits of trade liberalization and protect the environment and worker rights.**

**1.2.1.** Utilize the Trade and Investment Partnership Initiative with the Middle East and North Africa and the U.S.-Turkey Strategic Framework to encourage U.S. trade and investment with this critical region and to foster convergence of these countries' trade and investment regimes with the requirements of the global trading system.

**1.2.2.** Work with U.S. Government agencies that provide or fund trade capacity building assistance to ensure that their assistance programs assist developing countries to integrate more fully into the global trading system and, in cooperation with other relevant agencies, work with other donor countries and international institutions to make the most coherent and effective use of scarce resources.

**1.2.3.** Apply U.S. trade preference programs in a manner that contributes to economic development in beneficiary countries while addressing U.S. bilateral trade and other policy concerns through annual reviews of GSP product and country practice petitions, and the annual AGOA eligibility review process

**1.2.4.** Work with Congress to extend AGOA's third country fabric provision and add South Sudan to list of potentially eligible sub-Saharan African countries when it meets AGOA eligibility criteria. Also, work with Congress on renewal of AGOA beyond 2015 and changes that may be needed to maximize AGOA's effectiveness as well as take account of evolving global trade relations and supply chain dynamics.

**1.2.5.** Review the operation of preference programs in light of existing and future negotiations to determine how these programs may reduce incentives for beneficiary countries to enter into reciprocal market-opening agreements and to ensure that these programs advance the integration of those countries into the global trading system. Work with Congress to improve utilization of these programs, i.e. Generalized System of Preferences (GSP) program.

**1.2.6.** In cooperation with other relevant agencies, design and implement environmental cooperation mechanisms with FTA partners and negotiate and conclude trade-related environmental agreements that increase the capacity of developing countries to protect the environment.

**1.2.7.** Improve worker rights and the enforcement of labor laws by U.S. trade partners by negotiating strong labor provisions in the TPP and other relevant trade agreements and building the capacity of our trading partners to *fully implement those commitments*.

**1.3. Effectively represent U.S. interests in international bodies that have been established under multilateral and other international agreements to achieve the Administration's international trade policy goals.**

**1.3.1.** Ensure that actions by WTO bodies support U.S. policies and objectives and are consistent with Congressional requirements.

**1.3.2.** In cooperation with other relevant agencies, as appropriate, work to ensure that the WTO's work on Aid for Trade and other activities for assisting developing countries is aimed at mainstreaming trade into the development plans of these countries and supports their effective participation in the trading system while not exceeding the institutional mandate of the WTO as a trade organization.

**1.3.3.** Work to ensure that other institutions that may engage on issues related to trade (WIPO, UNCTAD, OECD, WHO, OAS and IDB) promote Congressional and Administration U.S. policies and objectives.

**1.3.4.** Work in the World Bank, IMF, OECD, and other international institutions to further Aid for Trade initiatives and promote U.S. trade objectives in the WTO.

**1.3.5.** Advance U.S. interests in the development and adoption of standards in the Codex Alimentarius Commission that facilitate trade in U.S. food and agricultural products.

## ***Goal 2: Create and Sustain U.S. Jobs by Monitoring and Enforcing U.S. Rights***

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR will closely monitor and vigorously enforce U.S. rights under trade agreements to maximize their benefits for American workers, farmers, ranchers, producers, service providers, and businesses, addressing foreign unfair trade practices, including through U.S. trade laws that USTR administers.

### **Strategy:**

The President's Trade Agenda sets as a priority for USTR to enhance economic growth, job creation, and innovation by vindicating and defending U.S. trading rights. Once the United States has entered into an international trade agreement, the task of implementing that agreement and realizing its promised benefits begins, including new export opportunities, American job creation, increased wages, and economic growth. USTR's vigilant and constant enforcement of trade agreements and of Americans' trading rights around the world is essential to securing and creating well-paying jobs for American workers, farmers, ranchers, and service providers. Pursuing and defending WTO disputes specifically addresses a priority item of enforcing U.S. trading rights in the rules-based trading system. USTR's annual Report to Congress on China's WTO Compliance reflects that the enforcement of China's international trade obligations is a top priority.

In the 2012 State of the Union Address, the President called for the creation of a new trade enforcement unit. This Interagency Trade Enforcement Center (ITEC) will significantly enhance the Administration's capabilities to aggressively challenge unfair trade practices around the world, including in China. The ITEC will represent a more aggressive "whole-of-government" approach to addressing unfair trade practices, and will serve as the primary forum within the federal government for executive departments and agencies to coordinate enforcement of international and domestic trade rules.

### **Objectives:**

#### **2.1. Effectively utilize USTR resources to monitor unfair foreign trade barriers and practices, as well as compliance by trading partners with U.S. trade agreements.**

**2.1.1.** Use WTO bodies to help ensure other members' compliance with obligations by pressing for timely compliance with notification requirements in the agreements to identify possible problems and by using meetings of these bodies to raise questions about the practices of Members and create pressure to comply.

**2.1.2.** Employ monitoring mechanisms for trade agreements to identify potential issues and areas of concern, including by reviewing notifications that trading partners provide.

**2.1.3.** Consult regularly with other agencies, interested stakeholders, Congress and foreign officials to obtain information on foreign trade barriers and practices.

**2.1.4.** Annually review implementation of WTO, regional, and bilateral trade agreements, particularly through the preparation of the Annual Report of the President on the Trade Agreements Program and the National Trade Estimate Report, and identify strategies for resolving implementation problems.

**2.1.5.** Ensure that Colombia, Korea and Panama implement all the relevant FTA and related commitments as those agreements enter into force, and take action as necessary to ensure compliance after entry into force.

**2.1.6.** Secure China's participation in the GPA to support rebalancing of the U.S.-China trade relationship by expanding U.S. sales into China's large government procurement market.

**2.1.7.** Complete the annual Report to Congress on China's WTO Compliance.

**2.1.8.** When Russia joins the WTO, monitor Russia's compliance with its WTO obligations and take action as necessary to ensure U.S. exports are treated consistently with WTO commitments.

**2.1.9.** Complete annual reports and reviews regarding U.S. trade policy, identifying the chief trade barriers to U.S. exports maintained by our key trading partners, as well as efforts to reduce or eliminate them through negotiation, consultation, and dispute settlement.

**2.2. Vigorously deploy all available tools to enforce U.S. rights under trade agreements, to ensure that these agreements meet their potential to create and sustain well-paying American jobs.**

**2.2.1.** Standup the Interagency Trade Enforcement Center (ITEC) to reach full operating capability in FY 2013.

**2.2.2.** Promptly analyze issues identified through monitoring to determine if there is a breach of a U.S. trade agreement.

**2.2.3.** Employ WTO and other trade agreement committees, bilateral engagement, and dispute settlement as appropriate to resolve identified breaches of U.S. trade agreements.

**2.2.4.** Solicit public comment on WTO dispute settlement panel proceedings to ensure that USTR officials can develop U.S. positions and arguments based on all relevant available information.

**2.2.5.** Provide public access to U.S. submissions to WTO adjudicatory bodies so that stakeholders and interested members of the public may provide relevant input.

**2.2.6.** Identify new cases to be pursued under WTO and/or FTA dispute settlement procedures or under U.S. trade statutes, including barriers to U.S. exports due to lack of transparency and lack of science-based rule-making processes.

**2.2.7.** Continually work to resolve pending dispute settlement proceedings on a basis favorable to the United States.

**2.2.8.** Analyze and respond appropriately to petitions filed for action against perceived unfair trade barriers.

**2.2.9.** Ensure compliance with high labor and environment standards and the protection and enforcement of U.S. intellectual property rights in foreign markets by deploying all available tools in U.S. trade agreements and programs, including, as relevant, enforcement mechanisms, technical assistance, and engagement.

**2.2.10.** Utilize high-level bilateral discussions, including through strategic dialogues and at TIFA Council meetings, to address trade barriers identified with various bilateral and regional partners.

### ***Goal 3: Develop Strategic and Transparent Policy***

Consistent with the President's trade policy agenda, USTR will consult with the Congress, communicate with a wide range of stakeholders, including state and local government officials, and lead interagency trade and investment policy coordination on trade negotiations and initiatives to obtain broad-ranging input, provide accountability, and develop sound, strategic U.S. trade policies.

#### **Strategy:**

USTR's strong partnership with Congress and stakeholders is essential to achieving the President's trade agenda. Given Congress's Constitutional authority over matters of international trade, USTR will be in regular and intensive coordination with Congress to shape trade negotiating objectives, pursue legislative priorities, shape and advise on trade related legislation, and fulfill other statutory requirements. This robust Congressional partnership is important not only for forming new trade policies and negotiations, but also for monitoring and implementing existing policies. Strong relationships with USTR's committees of jurisdiction – the Senate Finance Committee and the House Ways and Means Committee – are essential to a successful Administration trade policy. To the same effect, outreach to various stakeholders, including local elected officials, labor, non-governmental organizations, and business helps ensure that USTR benefits from diverse perspectives and input in developing the Administration's trade agenda. Engaging stakeholders allows the USTR to further develop strategic and transparent policies that work on behalf of Americans.

#### **Objectives:**

**3.1. Expand and broaden the existing coalition with Congress, interested stakeholders, state and local governments, and the public to inform and strengthen the U.S. trade agenda, develop Administration trade policies and initiatives, advance key trade legislation, including Congressional approval of trade agreement implementing bills.**

**3.1.1.** Work with other trade agencies, Congressional trade committees, and interested stakeholders to communicate the benefits of free trade and other agreements to the Congress, interested stakeholders, state and local governments, and the public.

**3.1.2.** Work with U.S. development agencies and other government agencies so that appropriate assistance programs are in place to support trade agreements and key trade legislation.

**3.1.3.** Consult broadly and intensively with Congressional committees of jurisdiction and the Congressional Oversight Group (COG) on pending trade policy issues and initiatives. Keep committees abreast of key issues, opportunities, and constraints in trade negotiations. Keep committees updated on the positions of our negotiating partners.

**3.1.4.** Build support for trade agreements through existing pro-trade congressional coalitions and caucuses.

**3.1.5.** Continue to consult regularly with interested stakeholders on trade negotiations, trade agreement implementation, and other issues.

**3.1.6.** Strategically select cities and organizations for pro-trade speeches to demonstrate the importance of trade to the local economy.

**3.1.7.** Engage Members interested in foreign policy generally.

**3.1.8.** Consult broadly with Congress and other stakeholders to develop U.S.-sub-Saharan Africa trade partnership beyond African Growth and Opportunity Act (AGOA) preferences, including exploring possible new models for agreements with African regional economic communities (RECs) or with the proposed Continental Free Trade Area of Africa. In that context, work with Congress to amend and ultimately extend AGOA to enhance the U.S.-Africa economic relationship and support Africa's development in line with the Presidential Directive on Development.

**3.2. Foster a robust advisory committee system by appointing and consulting an active group of advisors.**

**3.2.1.** Convene regular advisory committee meetings and briefings as needed in coordination with other relevant agencies.

**3.2.2.** Ensure timely re-chartering and appointment of committees and ensure that committees meet statutory reporting requirements.

**3.2.3.** Expand the membership and strengthen the effectiveness of the Trade Advisory Committee on Africa (TACA) to provide relevant advice on enhancing the U.S.-Africa trade and investment relationship.

**3.2.4.** Ensure that the advisory committee system meets the needs of the 21st century economy and the U.S. national economic interest, by seeking advisory input on an ongoing basis as issues arise and posting documents for comment to the Secured Advisory Committee Website.

**3.2.5.** Engage the committees to assist in supporting the trade agenda and provide them with regular informative updates on USTR issues and activities.

**3.3. Employ constructive, consensus-building interagency coordination in the Trade Policy Staff Committee (TPSC) and the Trade Policy Review Group (TPRG).**

**3.3.1.** Seek to resolve inter-agency trade policy issues at the TPSC level whenever possible, and in a timely manner, reserving only complex or sensitive decisions for resolution in the TPRG (deputy head of agency level).



**3.3.2.** Contribute to informed policy making by means of a thorough and up-to-date understanding of the positions of other countries/entities based on direct contacts, input from U.S. diplomatic posts, and other sources.

**3.3.3.** Effectively utilize the NSS Deputies and sub-Deputies process to ensure USTR leadership on key Administration trade policy goals and initiatives.

## **Goal 4: Effectively Communicate Trade's Benefits**

To ensure the advancement of the President's trade policy agenda, USTR will communicate the benefits of international trade and international investment to domestic and foreign audiences, thereby building public understanding of trade's job-creating potential and support for opening markets around the world to trade and foreign investment.

### **Strategy:**

A key element of USTR's responsibility for developing and coordinating U.S. trade policy is outreach and communication to key stakeholders and the public, both for purposes of developing policy in an open and transparent manner and of ensuring sufficient public support for Administration trade policy goals. USTR supports the Administration's goals for a more open and transparent government through these activities as well as in its statutory role of interagency policy coordination. USTR also supports transparency and openness through timely responses to priority Freedom of Information Act (FOIA) requests and Government Accountability Office (GAO) investigations. In particular, the IT collaboration necessary to implement new media outreach efforts helps to fulfill the key Administration goal of transparency to the public regarding USTR activities and policy initiatives.

### **Objectives:**

#### **4.1 Create and implement a USTR-wide, proactive communications strategy to explain the job-creating, economy-enhancing benefits of trade to domestic constituencies and stakeholders.**

**4.1.1** Develop talking points, fact sheets, press releases, electronic newsletters and internet strategy to explain the advantages of trade.

**4.1.2** Organize press events around high profile trade liberalization achievements.

**4.1.3** Build network of private and non-governmental organizations and coordinate messaging on the benefits of trade.

**4.1.4** Survey external research to gauge baseline of current public perceptions of trade and adjust USTR's messaging strategy and develop trade education materials.

#### **4.2 Enhance outreach to state and local governments on the benefits of trade, particularly those benefits that flow from Free Trade Agreements (FTAs) and membership in the WTO.**

**4.2.1** Establish a stronger state-level network of interested stakeholders and work with this network to offer opportunities for information exchange and trade education through USTR participation in conferences and external speaking engagements.

**4.2.2** Develop and distribute educational materials based on available state and local trade export data to interested stakeholders, state representatives and local networks, and seek improved state-level data.

**4.3 Work with the White House and with agency partners to implement an Administration-wide message on the benefits of international trade.**

**4.3.1** Coordinate press statements with interested agencies and the White House in order to present coherent and mutually reinforcing trade information to the public.

**4.3.2** Create an informal trade communications working group that meets periodically to examine trade messaging and opportunities for interagency and White House coordination.

**4.3.2** Through cooperation with agencies at the U.S. Export Assistance Centers (USEACs), other key agencies and stakeholders, work to advance the goals of the National Export Initiative (NEI) to increase U.S. exports, including through efforts to educate U.S. businesses – especially SMEs – about global trade opportunities.

**4.4 Communicate, in consultation with other agencies, the Congress and interested stakeholders, a common message to foreign countries and their citizens explaining the benefits of trade with the United States, in order to build support for U.S. trade policies and initiatives.**

**4.4.1** Plan and organize press events hosted by USTR officials and Members of Congress during trade negotiations in Washington as well as at other negotiating sites in the United States and abroad that Congressional delegations visit.

**4.4.2** Work with the House Ways and Means and Senate Finance Committees to develop a strategy focusing on communicating the benefits of trade.

**4.4.3** Anticipate and prepare press statements and press events to counter attacks on a liberalized trade policy.

**4.4.4** Identify foreign constituencies that may be receptive to information regarding the benefits, including environmental and social benefits, of free and fair trade.

**4.4.5** Build relationships with foreign media and place press statements and attend press events that build support for free and fair trade in key foreign countries.

**4.4.6** Work with USTR's public affairs counterparts in foreign governments to coordinate a communications strategy to advance trade negotiations and to explain trade disputes.

**4.5 Provide an open government environment to increase participation, collaboration and transparency of trade policies, processes and information.**

**4.5.1** Continue to update and implement USTR's Open Government Plan.

**4.5.2** Respond appropriately and timely to all statutory requests, such as Freedom of Information Act (FOIA) inquiries and Government Accountability Office (GAO) investigations/reports.

## **Goal 5: Achieve Organizational Excellence**

Consistent with the President's goals for his entire Administration, USTR will provide the administrative processes and infrastructure that will strengthen USTR's ability to perform its core functions at the highest level of excellence, with the most qualified individuals possible, establishing a workplace that promotes diversity, initiative, creativity and productivity through the enhancement of human capital through recruitment, promotion and retention initiatives, and professional development and training opportunities.

### **Strategy:**

Provide the administrative and management support and services that support proper functioning of USTR. These include finance, budget and travel, human resources, facilities management, security (personal protection, physical, and information), continuity of operations, emergency preparedness, information technology and communications systems, and general administrative services. By ensuring the efficient and effective use of resources, the initiative directly supports every aspect of USTR's efforts to advance the Trade Policy Agenda. Support the Administration's goals for management excellence, improved government operations, and provision of a productive (and satisfying) working environment. Aggressive budget management fulfills the goal of fiscal responsibility at a time when resource expenditures must be minimized. Pursue the mandated government-wide initiatives of improving employee engagement and wellness in close consultation with OMB and OPM.

### **Objectives:**

#### **5.1 Implement a human capital management program designed to help USTR accomplish its mission.**

**5.1.1** Implement the USTR strategic human capital management and succession plans and develop strategies that ensure human capital is well-managed and employee personal and career development opportunities are maximized.

**5.1.2** Perform operational responsibilities to ensure high quality administrative and human resources support.

#### **5.2 Manage USTR more efficiently and effectively.**

**5.2.1** Adopt administrative services procedures that provide responsive and timely support to USTR staff.

**5.2.2** Foster a high-performing administrative staff that provides efficient and effective support to USTR offices and employees

**5.2.3** Implement knowledge management roadmap.

**5.3 Provide facilities that help USTR staff become more productive.**

**5.3.1** Implement the long-range master plan for USTR space utilization and allocation that provides the quality and quantity of office and meeting facilities appropriate for USTR's business requirements.

**5.3.2** Complete USTR office complex upgrades to provide attractive and functional offices and meeting space.

**5.3.3** Implement maintenance plan that facilitates mission accomplishment and promotes employee health and well-being by providing clean and well-functioning facilities.

**5.4 Install information technology and communications systems that increase USTR's productivity.**

**5.4.1** Acquire and install information technology (IT) and communications equipment that facilitates mission accomplishment.

**5.4.2** Ensure that field offices' IT and communications systems provide robust connectivity and continuity of operations.

**5.4.3** Employ just-in-time training, instructional seminars and job aids to ensure highest possible use of IT capabilities.

**5.5 Manage resources to maximize USTR future capabilities.**

**5.5.1** Employ zero-based program budgeting in developing multi-year business plans.

**5.5.2** Manage spend plan to maximize USTR's productivity and efficiency.

**5.5.3** Coordinate with other agencies in resource planning for trade-related negotiations and events.

**5.6 Implement a security program that provides a high-degree of protection for USTR personnel, facilities and sensitive information.**

**5.6.1** Implement a comprehensive information security program that meets E.O. 13526 and ISOO Directive One.

**5.6.2** Implement a physical security program that meets HSPD-12.

**5.6.3** Develop procedures to protect USTR personnel in high threat situations and environments and provide appropriate level of protection for the USTR office complex.

**5.6.4** Implement the USTR Continuity of Operations Plan (COOP) and exercise occupant emergency plans.

### **III. Contribution to Federal Government Priority Goals**

USTR contributes to the cross-agency priority goal: Exports.

In January 2010, the President launched the National Export Initiative (NEI) with the goal of doubling U.S. exports over five years. While exporting is fundamentally a decision driven by the private sector, the Federal Government has an important role to play in helping U.S. exporters, especially small- and medium-sized exporters, overcome the obstacles that make it more difficult to sell their goods and services abroad. These challenges include lack of sufficient information about exporting and foreign markets, challenges to obtaining adequate export financing, and unfair competition from foreign trade partners. Through implementation of this goal, the Administration will continue to make progress on its commitment to improving advocacy and trade promotion efforts on behalf of U.S. exporters, increasing access to export financing, removing barriers to trade, enforcing our trade rules, and promoting strong, sustainable, and balanced growth in the global economy.

USTR's role in the National Export Initiative (NEI) that mirrors our core mission. USTR is negotiating the opening of new and expanding markets around the world, working in the Trans-Pacific Partnership of dynamic economies in the Asia-Pacific, advancing the World Trade Organization's Doha Round negotiations, and implementing Free Trade Agreements with Korea, Colombia, and Panama. We have renewed efforts to remove trade barriers for American exporters and vigorously enforce existing trade agreements. USTR is utilizing all tools at our disposal to ensure that our trading partners play by the rules and get concrete results for America's farmers, workers, families and firms both small and large. And as a key member of the President's Export Promotion Cabinet, USTR's leadership has been traveling throughout the United States, listening to American businesses and workers' ideas and concerns.

USTR goals that directly relate to the NEI:

#### **Goal 1: Create and Sustain U.S. Jobs by Opening Foreign Markets**

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR supports the President's National Export Initiative by opening export markets around the world and reducing trade and investment barriers and distortions by negotiating, concluding and implementing multilateral, regional and bilateral trade agreements, as well as by effectively representing U.S. interests in international bodies, including those established under those agreements.

#### **Goal 2: Create and Sustain U.S. Jobs by Monitoring and Enforcing U.S. Rights**

Consistent with the President's trade policy agenda and with the primary goal of creating and sustaining well-paying American jobs, USTR supports the President's National Export Initiative by closely monitoring and vigorously enforcing U.S. rights under trade agreements to maximize their benefits for American workers, farmers, ranchers, producers, and businesses, addressing foreign unfair trade practices, including through U.S. trade laws that USTR administers.



## IV. How Goals and Objects are to be Achieved

USTR is part of the Executive Office of the President. With a fiscal year 2012 budget of \$51.2M and 237 Full Time Equivalent (FTE) employees, USTR operates a headquarters in Washington, D.C. and a Mission in Geneva, Switzerland (located within the State Department Mission) and a field office in Beijing, China (located within the State Department Embassy). USTR has a representative to the United States Mission in Brussels, Belgium.

USTR is a matrix organization, organized primarily on the basis of geographic and sectoral offices that work together in developing and coordinating trade policy, negotiating trade agreements, and enforcing those agreements.<sup>1</sup> The U.S. Trade Representative, the three Deputy United States Trade Representatives, the Chief Agricultural Negotiator and other senior leadership supervise and coordinate the work of USTR's twenty-two Assistant United States Trade Representatives who each supervise their respective regional or functional office. Currently, these offices are: Administration; African Affairs; Agricultural Affairs; China Affairs; Congressional Affairs; Environment and Natural Resources; Europe and the Middle East; Small Business, Industry, Market Access and Telecommunications; Intellectual Property and Innovation; Intergovernmental Affairs and Public Liaison; Japan, Korea and APEC Affairs; Labor; General Counsel; Monitoring and Enforcement; Trade Policy and Economics; Public Affairs and Media; Services and Investment; South Asian Affairs; Southeast Asia and the Pacific; Western Hemisphere; WTO and Multilateral Affairs; and the Special Textile Negotiator. USTR also depends on direct and indirect support of other agencies, the Congress and interested stakeholders to carry out its responsibilities.

USTR professional employees include trade policy, economic, development and legal experts empowered to negotiate with officials of other governments, to work closely with interested stakeholders, and to provide leadership and direction to other agencies on trade-related issues by coordinating the formulation and execution of trade policy through the interagency Trade Policy Staff Committee (TPSC) and Trade Policy Review Group (TPRG). The TPSC and the TPRG, which USTR chairs, include staff from more than 20 other federal agencies and departments. The TPSC is the first line operating group, with representation at the senior civil servant level. Supporting the TPSC are more than 80 subcommittees responsible for specialized issues. The TPSC regularly seeks advice from the public on its policy decisions and negotiations through Federal Register Notices and public hearings. If agreement is not reached in the TPSC, or if particularly significant policy questions are being considered, issues are referred to the TPRG (Deputy USTR/Under Secretary level).

Following support initiatives are necessary to achieve the goals and objectives:

- Information Technology and Communications:

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<sup>1</sup> Trade agreements, policies, and initiatives should be understood to include foreign investment agreements, policies, and initiatives.

- Expand the use of video teleconferencing to allow enhanced participation in interagency meetings by personnel from U.S. embassies and other agencies and conduct meetings with foreign trade negotiators.
- Refine and computerize USTR's document archiving system to preserve negotiating histories for completed FTAs and other agreements. USTR will consult this system in the course of monitoring and enforcing compliance with U.S. trade agreements.
- Initiate a system through which USTR negotiators can assess the work of personnel participating on interagency teams based in part on feedback from their agencies.
- Improve information technology (IT) capabilities and training to enhance communications with other trade agencies on trade policy issues and initiatives and facilitate secure circulation of sensitive and classified documents within USTR and to and from other agencies.
- Maintain secure encrypted website for cleared advisors to review confidential negotiating documents.
- Implement IT training for USTR employees, especially those who maintain records of document clearances, to use electronic document databases and decrease use of paper records.
- Use the newest communications technologies, including a user-friendly public website, electronic newsletters, fact sheets, web casts of "real time" information and teleconferences as needed to give other agencies, interested stakeholders and the public a clear understanding of the benefits of free and fair trade.
- Leverage technology and office automation for high productivity of OA processes.
- Human Capital:
  - Develop and maintain a highly-trained corps of litigators who are expert at brief writing and oral argument and who have highly-developed advocacy skills specifically tailored to WTO and FTA dispute settlement proceedings.
  - Improve Employee Viewpoint Survey results. Develop plan of action based on an in-depth analysis of the 2011 survey.
  - Develop and maintain an exceptional Office of Administrative (OA) staff with professional expertise, dedication and ability to innovate.
  - Initiate a program for providing recognition and awards to personnel from other agencies that participate in USTR negotiating teams.
- Trade Information Management:

- Build internal capacity to analyze and present tariff and trade data used in making strategic decisions for negotiations.
  - Survey economic research tools available to USTR staff, including trade and related data bases, library resources and appropriate software and reduce USTR's dependence on other agencies for these tools.
  - Support USTR dispute resolution efforts with well-developed economic analysis.
  - Ensure that U.S. trade agreement negotiating records are accurate, complete and accessible.
- Resources:
    - Assess USTR's negotiating capabilities in key technical subject areas, such as intellectual property protection, standards, and sanitary and phytosanitary measures with a view to adjusting resources where warranted.
    - Draw on resources of all trade agencies to support the trade agreements monitoring program and continue to work with these agencies to assess current and future workloads in this area and ensure they are seeking and allocating adequate resources to address that workload.
    - Develop a well-managed spending plan to use resources efficiently and effectively.
    - Develop multi-year budget strategy for success in the EOP/OMB/Congressional budgetary process.
- Facilities:
    - Seek continued assistance from General Services Administration (GSA) and Office of Administration (OA) facilities management office to appropriately fund and move capital improvement projects to completion.
- Systems, Networks and Response:
    - Employ human resource, financial management, and IT systems to provide timely, accurate, relevant and responsive information for decision-making.
    - Build and leverage state and local and other stakeholder networks to communicate the benefits of free and fair trade to the public.
    - Respond in a timely and cogent manner to correspondence and other inquiries from the public on trade issues.

## V. Congressional Consultation

USTR's strong partnership with Congress is essential to achieving the President's trade agenda. Given Congress's Constitutional authority over matters of international trade, USTR is in regular and intensive coordination with Congress to shape trade negotiating objectives, pursue legislative priorities, shape and advise on trade related legislation, and fulfill other statutory requirements. This robust Congressional partnership is important not only for forming new trade policies and negotiations, but also for monitoring and implementing existing policies. Strong relationships with USTR's committees of jurisdiction – the Senate Finance Committee and the Ways and Means Committee – are essential to a successful Administration trade policy.

USTR works with Congress, partner agencies, stakeholders and trading partners to secure legislation necessary to implement pending free trade agreements (FTAs) and other trade-related initiatives of importance to the President. USTR drafts the relevant provisions of FTA implementing legislation and the extensive accompanying documentation that the President submits to Congress. For these and other trade initiatives, USTR staff testifies at committee hearings, appears at formal and informal committee mark-ups, and advises Members of Congress, staff, and the public regarding FTAs and other trade initiatives. The importance of USTR's work with Congress was exemplified by the President's call for USTR to submit bills approving and implementing the U.S. FTAs with-Korea, Panama, and Colombia to Congress; to work with Congress to enact legislation ending application of the Jackson-Vanik amendment and applying permanent normal trade relations to Russia as it joins the World Trade Organization (WTO); and to work with Congress on developing proposals to advance negotiations on the Trans-Pacific Partnership (TPP) agreement. During the latest annual AGOA Forum, the Administration committed to work with Congress to undertake two "fixes" to existing AGOA legislation – first to extend its third country fabric provisions (which end on September 30, 2012) and second to add South Sudan as an additional sub-Saharan African country that would be eligible for AGOA benefits once it meets the eligibility criteria. The Administration also committed to work with Congress towards a seamless renewal of AGOA beyond its current expiration date of 2015.

USTR reviews and provides agency views to relevant Congressional committee staff, as well as to the Office of Management and Budget (OMB), on proposed legislation ranging from food safety and chemical regulation to trade sanctions that may implicate Administration trade policy or U.S. commitments under international trade agreements. In addition, USTR reviews, and provides comments and suggestions, to OMB addressing the trade law and policy implications of proposed federal agency regulations. USTR works with the Congress and with relevant agencies to ensure that new legislative and regulatory measures serve the interests of American agriculture, business, labor, environment, and intellectual property stakeholders, and are consistent with U.S. international trade rights and obligations. Trade preference legislation is a critical part of this initiative. USTR staff review draft Congressional testimony by officials of other agencies regarding pending legislation for consistency with Administration trade policy, and develop testimony for USTR officials in connection with legislation that Congress is considering.

USTR is required by statute to produce multiple, annual reports and reviews to Congress regarding U.S. trade policy. Together, these identify the chief trade barriers to U.S. exports maintained by our key trading partners, as well as the Administration's efforts to reduce or eliminate them through negotiation, consultation, and dispute settlement. These reports include:

- The National Trade Estimate (NTE), including Sanitary and Phytosanitary (SPS) Barriers and Technical Barriers to Trade,
- Protection and enforcement of intellectual property rights/Special 301 report,
- China WTO Compliance,
- Section 1377 Review,
- Annual Report,
- Government Performance and Results Act (GPRA), and others (e.g., Subsidies, China WTO, CBI, ATPA, greenhouse gas reduction technologies).

The reports build Congressional support for the Administration's trade agenda by helping Congress gain a comprehensive understanding of the substantial work the Administration is undertaking to dismantle existing trade barriers. These reports are also an important component in discharging USTR's commitment to transparency and accountability to Congress and stakeholders.

## **VI. Performance Goals Contribution to General Goals and Objectives**

### ***Goal 1: Create and Sustain U.S. Jobs by Opening Foreign Markets***

Creating new opportunities for U.S. commerce involves the identification and dismantling of barriers to trade and investment. This objective is addressed through annual performance goals that describe numerous multilateral, bilateral and sectoral trade agreements, in various stages of completion. USTR also participates in the negotiation of non-trade agreements, e.g. multilateral environmental agreements.

A feature of this strategic goal is the integration of emerging economies into the global rules-based trading system, while helping to build their capacity to realize the full benefits of trade liberalization and protecting the environment and worker rights. These trade capacity building initiatives are addressed through technical assistance designed and executed in conjunction with other U.S. Government agencies. Other applications of this strategic goal affect the annual performance goals of the preference systems. Other annual goals address efforts to protect worker rights and the environment through the use of cooperative activities linked to Free Trade Areas.

The third major feature of this strategic goal is to effectively represent U.S. interests in international bodies established under multilateral and other administrative agreements. Annual performance goals will measure the Agency's work with the WTO, the World Bank and many other organizations. The accomplishment of all annual performance goals will be published in the Trade Policy Agenda and the Annual Report of the President on the Trade Agreements Program.

### ***Goal 2: Create and Sustain U.S. Jobs by Monitoring and Enforcing U.S. Rights***

A critical factor in attaining this goal is the annual review of trade agreements. USTR identifies strategies for resolving implementation problems wherever they exist. It is important to note that annual monitoring of compliance extends to FTA labor and environment provisions. Other annual goals speak to the identification of cases where WTO or FTA dispute settlement procedures and/or U.S. trade statutes are the most effective means to address a dispute. Annually, USTR also analyzes dispute settlement procedures and works to clarify and improve the rules. Since the establishment of the WTO in 1994, the U.S. has filed 87 disputes at the WTO, thus far successfully concluding 69 of them by settling 28 cases favorably and prevailing on 37 others through litigation in WTO panels and the Appellate Body. The National Trade Estimate (NTE), including Sanitary and Phytosanitary (SPS) Barriers and Technical Barriers to Trade, describe significant barriers to U.S. trade and investment faced in the previous year as well as the actions being taken by the USTR to address those barriers. USTR's annual "Special

301 Report” entails year-round monitoring and follow-up on identified intellectual property rights violations to combat IPR theft, counterfeiting, and internet piracy.

### ***Goal 3: Develop Strategic and Transparent Policy***

This strategic goal covers the core of USTR’s important coordinating and consultative functions. By statute, USTR is the principal advisor to the President on trade policy and the principal coordinator of trade policy development within the Executive Branch. Under the Trade Expansion Act of 1962, the President established an interagency trade policy mechanism to assist with the implementation of these responsibilities. This organization, as it has evolved, consists of three tiers of committees: the Trade Policy Staff Committee (TPSC), the Trade Policy Review Group (TPRG) and the National Security Staff (NSS). The formulation of trade policy requires extensive consultation with twenty other Executive Branch agencies, the Congress, the Advisory Committee System, sub-federal governments, the public and our trading partners.

The Advisory Committee System, established by Congress under the Trade Act of 1974, as amended, was created to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. The trade policy advisory committee system currently consists of 27 advisory committees. The system is arranged in three tiers: the President’s Advisory Committee for Trade Policy and Negotiations (ACTPN); four policy advisory committees; and 22 technical and sectoral advisory committees. The President directly appoints up to 45 ACTPN members for two-year renewable terms to provide overall policy advice on trade matters. The ACTPN is administered by USTR. The four policy advisory committees are managed by USTR alone, or in conjunction with the Department of Agriculture, the Department of Labor or the Environmental Protection Agency. The 22 sectoral and technical advisory committees are organized in two areas: industry and agriculture, and are managed jointly by USTR and the Departments of Commerce or Agriculture, respectively.

The annual goals related to this strategic goal include a commitment to ensure that only the most sensitive and/or important decisions are sent to Deputies/Undersecretaries at the TPRG; a commitment to consult with Congressional Committees and staffs on the U.S. trade agenda; and a commitment to respond to Congressional correspondence in a complete and timely manner. For the advisory committees, the annual performance goals related to this goal include regularly convening meetings of the advisory committees; and communicating by regular conference calls with the advisory committee chairpersons to inform them of current developments. Another important commitment related to this goal is to ensure greater public comment for trade policy initiatives.

### ***Goal 4: Effectively Communicate Trade’s Benefits***

The USTR is the President’s primary advisor and spokesperson on trade policy, and is frequently called upon to provide advice to the President, testify before the Congress, and assist state and local governmental and non-governmental interests to achieve their trade and investment goals.

Additionally, an increase in national interest in the U.S. trade agenda has brought an increase in inquiries and requests from the press and public for USTR to provide information about U.S. trade policy. As trade plays an increasingly significant role in our nation's economic growth, USTR has become increasingly aware of its responsibility to communicate effectively a trade policy that is designed to create jobs, improve the standard of living for all Americans, and further sustainable development. Several specific objectives work to support this goal. They include: the creation of a USTR-wide proactive communications strategy to explain the benefits of trade to domestic constituents and interest groups; the enhancement of state and local government outreach and education efforts on the benefits of trade; an Administration-wide message on the benefits of free and fair trade; and the development, in consultation with other agencies, the Congress and interested stakeholders of a common message to foreign countries on the benefits of free and fair trade.

### ***Goal 5: Achieve Organizational Excellence***

Effective communication and effective implementation of the goals presented in the Strategic Plan require a workforce that is competent, motivated and representative of the diversity of the American population. It also requires a supportive work setting for USTR's employees, which is safe, secure, and which provides office automation tools needed for the efficient conduct of agency business. USTR's employees are its most valuable asset. USTR, through its annual performance goals, will implement multi-year goals in human capital planning, including succession planning, career and leadership development, space modernization and expansion, continuity of operations and physical security, training and IT improvements. The Employee Viewpoint Survey will inform USTR's efforts to focus on those areas of greatest need.



## VII. Key External Factors

USTR's key functions are cross-cutting in nature, requiring coordination with, and support by, other agencies and interested stakeholders. Such cross-cutting functions can pose unique challenges to timely, effective and efficient performance. The following factors will have varying effects on the ability of USTR to achieve its goals and objectives:

- Congressional enactment of Trade Promotion Authority (TPA) renewal.
- Extent of USTR/other trade agency appropriations.
- Unpredictable external resource requirements that must be given priority attention/funding.
- Support of other agencies and interested stakeholders for USTR trade priorities and initiatives.
- Change in Congressional trade policies or negotiating objectives.
- Support abroad for multilateral, regional and bilateral negotiations, including the ability of less advanced countries to participate effectively in a broad set of negotiations.
- Support of U.S. government aid and other trade-capacity building agencies through the budgeting and programming of trade-related development assistance. This assistance is critical to ensure appropriate technical assistance is provided to emerging and transitional economies to assist in the effective implementation of international trade obligations and ensure they understand the benefits of integration into regional and global trading systems.
- Readiness of other WTO members to support U.S. efforts in WTO bodies to hold other WTO members to account and to support U.S. policies and objectives.
- Readiness of individual accession applicants to accept and implement WTO provisions and the requests of other WTO members in developing terms of accession.
- Congressional action on a farm bill. Provisions of the bill and the debate surrounding the legislation may influence U.S. negotiating positions and trade policies of other countries.
- Rulings by WTO and free trade agreement adjudicatory bodies and U.S. domestic courts.
- Support of other agencies, Congress and interested stakeholders for specific monitoring and enforcement initiatives.
- Cooperation from trading partners in enforcement initiatives.

- Changes in USTR/other trade agency appropriations, space limitations, and competitiveness with other employment opportunities.
- Overall litigation workload, including cases brought by other governments against U.S. trade measures.
- Willingness of industry to provide data and evidence to support bringing or defending cases.
- Availability of secure systems to transmit sensitive and classified documents to or from other agencies.
- Support of other agencies, Congress and interested stakeholders for USTR trade communications initiatives.
- Availability of external meetings and venues to communicate the benefits of free and fair trade to interested stakeholders and the public.
- Support from GSA and EOP Office of Administration for USTR initiatives.

## VIII. Program Evaluations

USTR uses OPM's Human Capital Assessment and Accountability Framework. This accountability system provides a consistent means to monitor and analyze USTR performance on all aspects of human capital management policies, programs and activities, which must themselves support mission accomplishment and be effective, efficient and in compliance with merit system principles. As part of the accountability system, the Employee Viewpoint Survey measures our employees' perceptions of whether, and to what extent, conditions characterizing successful organizations are present at USTR. Results of the USTR accountability system inform the development of the human capital goals and objectives, in conjunction with our strategic planning and performance budgets.

Specific evaluations:

- Annual performance plan report.
- Member feedback from the interagency process to ensure that fair procedures are equitably implemented.
- U.S. International Trade Commission evaluation of trade barriers in other countries and import sensitivities in our own country.
- Assessment of the work of personnel participating on interagency teams based in part on feedback from their agencies.
- Assessment of USTR's negotiating capabilities in key technical subject areas, such as intellectual property protection, standards, and sanitary and phytosanitary measures with a view to adjusting resources where warranted.
- Annual reviews of trade policy and monitoring of trade agreements in the Annual Report of the President on the Trade Agreements Program and the National Trade Estimate Report.
- Employee Viewpoint Survey.
- Human Capital Management Evaluation.
- Human Capital Management Report.
- Competency assessment survey of mission critical occupations.
- Federal Competency Assessment Tool—Management (FCAT-M).
- SES Performance Management System certification.

Evaluators such as the Office of Management and Budget, the Office of Personnel Management and the Government Accountability Office periodically review USTR's activities and operations. USTR works with these groups to continue to improve its administrative and substantive work.

## Accountability

The Office of the U.S. Trade Representative (USTR) uses the Office of Personnel Management's (OPM) "Results-Oriented Performance Culture System" as its process for assigning accountability to managers and staff for goal achievement.

"By aligning employee performance appraisal plans with executive performance agreements and directly communicating agreement goals to employees, supervisors can drive home to employees just how their performance impacts organizational goals." *Office of Personnel Management*

The Results-Oriented Performance Culture System focuses on having a diverse, results-oriented, high-performing workforce, as well as a performance management system that effectively plans, monitors, develops, rates, and rewards employee performance. This process begins with members of the Senior Executive Service (SES) who serve in the positions of Assistant U.S. Trade Representatives (AUSTR)—leaders of the geographic, sectoral and other offices that work together in developing and coordinating trade policy, negotiating trade agreements and enforcing those agreements.

The U.S. Trade Representative/Deputy U.S. Trade Representatives and the AUSTRs jointly develop written performance plans appropriate to the individual offices. This task is completed prior to the start of the appraisal period. These plans reflect the Agency's strategic goals and objectives and recognize the specific responsibilities assigned to the executives for these goals and objectives. Each performance plan gives due consideration to the methods used by the executive in achieving his or her goals including leadership provided to subordinate employees so that their performance is linked to agency goals and consideration of customer/stakeholder and employee concerns. All performance requirements are considered critical elements and reflect individual and organizational performance expectations.

The performance of each AUSTR is appraised at least annually. The performance appraisal process is used to rate USTR leaders' achievement of the Agency's strategic goals and objectives.

This process uses the following methods to strengthen the linkage between strategic planning, performance management, and pay:

- a. Communicating and clarifying organizational goals and objectives;
- b. Identifying individual accountability for the accomplishment of USTR goals and objectives;
- c. Evaluating and improving individual and organizational accomplishments using measures that balance organizational results with customer and employee perspectives; and

- d. Using the results of performance appraisals as the basis for decisions on pay adjustments, awards and development of senior executives and senior professional employees.

In supervising, reviewing, and rating the work of subordinate employees, AUSTRs link the performance expectations of subordinates to their office's initiatives that derive from USTR's strategic goals and objectives.

### **Management-Related Initiatives**

*Achieving Organizational Excellence.* As noted by the Government Accountability Office (GAO), the Federal government is being transformed by significant challenges and trends. USTR, similar to other agencies, must build its capability to ensure it remains a high-performing organization. This will require it to be highly adaptable to increasing demands on its people and resources by focusing on outcomes (results) versus activities and using a performance-based approach. Business as usual will not suffice; each business process must be reevaluated in light of new demands for faster, cheaper and better response. In the past, USTR's aggressive trade agreement negotiation, implementation and monitoring and enforcement agenda strained the Agency's capacity to provide the necessary support. GAO reports cited needed improvements at USTR to meet the growing demands of the U.S. trade agenda.

In keeping with this need for transformation, USTR included a goal specifically addressing management-related initiatives. *Achieving Organizational Excellence* (Goal 5) establishes the objectives and priorities USTR is pursuing for critical human capital, administrative and infrastructure upgrades.

*Budget Risks.* Personnel costs comprise 69% of USTR's budget, travel 11% and all other services 20% (primarily fixed costs of operating). With 80% of the dollars in areas where there are large and immediate "built in" cost increases year to year, such as pay raises and cost of international travel and per diem, relatively modest changes in budget levels have a major and direct impact on USTR's program. Importantly, USTR does not operate on a "fixed size" program. In fact, the program keeps growing year to year with substantial "out-year budgetary tails" driven by negotiation and implementation successes. USTR operates on an extensive negotiation, implementation, monitoring, and enforcement cycle. For every bilateral or multilateral initiative, first there is the upfront effort to negotiate an agreement followed by full implementation according to the terms of the agreement. Once negotiated and implemented, USTR, working with other agencies, monitors U.S. trading partners' compliance with our agreements. When our partners do not live up to their commitments, USTR will enforce the agreements through litigation and others tools available in the agreement to ensure compliance. USTR also must be ready to respond to any of the allegations brought against the United States. Monitoring and enforcement of agreements will require constant vigilance and commitment of resources as long as the agreements remain in effect. As the United States and our trading partners assume more obligations through both bilateral and multilateral agreements, the potential for litigation and for other forms of dispute resolution increases. Without a steady and appropriate increase beyond what is necessary to adjust for Cost of Living Allowance (COLA) and other similar changes, it may be necessary to limit or reduce USTR initiatives.

*Other Resource Risks.* Accomplishing the strategic goals requires continuous coordination with other Federal agencies through many mechanisms and forms. USTR will continue to benefit from professionals joining the USTR team who are detailed from other Federal agencies on a non-reimbursable basis to perform a range of negotiation, enforcement and economic functions. Throughout the plan's timeframe, USTR will need to maintain a level of at least 35 trade professionals detailed from other agencies; this number is expected to grow beyond 40. In addition, USTR relies on other Federal agencies to assist in conducting negotiations and compliance activities, where those agencies share responsibility for these functions. Where USTR incurs expenses for logistics and support costs in serving as the lead agency in negotiations, USTR will seek appropriate financial support from the other participating agencies. USTR is committed to working with its interagency partners to allocate and deploy sufficient resources to achieve the trade policy objectives it has been tasked to lead and accomplish.

## APPENDIX: List of Frequently Used Acronyms

AD.....	Antidumping
AGOA.....	African Growth and Opportunity Act
APEC.....	Asia Pacific Economic Cooperation
ASEAN.....	Association of Southeast Asian Nations
ATC.....	Agreement on Textiles and Clothing
ATPA.....	Andean Trade Preferences Act
ATPDEA.....	Andean Trade Promotion & Drug Eradication Act
BIA.....	Built-In Agenda
BIT.....	Bilateral Investment Treaty
BOP.....	Balance of Payments
CACM.....	Central American Common Market
CAFTA.....	Central American Free Trade Area
CARICOM.....	Caribbean Common Market
CBERA.....	Caribbean Basin Economic Recovery Act
CBI.....	Caribbean Basin Initiative
CFTA.....	Canada Free Trade Agreement
CITEL.....	Telecommunications Division of the OAS
COMESA.....	Common Market for Eastern & Southern Africa
CTE.....	Committee on Trade and the Environment
CTG.....	Council for Trade in Goods
CVD.....	Countervailing Duty
DSB.....	Dispute Settlement Body
DSU.....	Dispute Settlement Understanding
EU.....	European Union
EFTA.....	European Free Trade Association
FTAA.....	Free Trade Area of the Americas
FOIA.....	Freedom of Information Act
GATT.....	General Agreement on Tariffs and Trade
GATS.....	General Agreements on Trade in Services
GDP.....	Gross Domestic Product
GEC.....	Global Electronic Commerce
GSP.....	Generalized System of Preferences
GPA.....	Government Procurement Agreement
IDB.....	Inter-American Development Bank
IFI.....	International Financial Institution
IMF.....	International Monetary Fund
IPR.....	Intellectual Property Rights
ITA.....	Information Technology Agreement
LDBDC.....	Least Developed Beneficiary Developing Country
MAI.....	Multilateral Agreement on Investment
MERCOSUL/MERCOSUR.....	Southern Common Market
MFA.....	Multi-fiber Arrangement

MFN .....	Most Favored Nation
MOSS .....	Market-Oriented, Sector-Selective
MOU .....	Memorandum of Understanding
MRA .....	Mutual Recognition Agreement
NAFTA .....	North American Free Trade Agreement
NEC.....	National Economic Council
NEI.....	National Export Initiative
MENA.....	Middle East and North Africa
MEPI.....	Middle East Partnership Initiative
NIS .....	Newly Independent States
NSS .....	National Security Staff
NTR.....	Normal Trade Relations
OAS .....	Organization of American States
OECD.....	Organization for Economic Cooperation and Development
OMB.....	Office of Management and Budget
OPIC .....	Overseas Private Investment Corporation
OPM.....	Office of Personnel Management
PNTR .....	Permanent Normal Trade Relations
ROU .....	Record of Understanding
SACU.....	Southern African Customs Union
SADC.....	Southern African Development Community
SME.....	Small- and Medium-sized Enterprises
SPS.....	Sanitary and Phytosanitary Measures
SRM .....	Specified Risk Material
TAA .....	Trade Adjustment Assistance
TABD .....	Trans-Atlantic Business Dialogue
TACD.....	Trans-Atlantic Consumer Dialogue
TAEVD.....	Trans-Atlantic Environment Dialogue
TALD .....	Trans-Atlantic Labor Dialogue
TBT.....	Technical Barriers to Trade
TEP .....	Transatlantic Economic Partnership
TIFA.....	Trade & Investment Framework Agreement
TPP.....	Trans-Pacific Partnership
TPRG .....	Trade Policy Review Group
TPSC.....	Trade Policy Staff Committee
TRIMS .....	Trade Related Investment Measures
TRIPS.....	Trade Related Intellectual Property Rights
UNCTAD .....	United Nations Conference on Trade & Development
URAA .....	Uruguay Round Agreements Act
USDA.....	U.S. Department of Agriculture
USITC.....	U.S. International Trade Commission
USTR .....	United States Trade Representative
VRA .....	Voluntary Restraint Agreement
WAEMU.....	West African Economic & Monetary Union
WHO.....	World Health Organization
WIPO.....	World Intellectual Property Organization



WTO ..... World Trade Organization