

**Office of the
United States Trade Representative
Open Government Plan
September 15, 2016**



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Introduction

The Office of the U.S. Trade Representative (USTR) is one of five components that make up the Executive Office of the President (EOP). With about 250 employees, USTR is the second largest EOP agency. Offices at USTR are named for the regional and functional areas they represent. 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's mission is to ensure that trade continues to move the country forward toward the President's goal of an economy that will sustain and grow a thriving American middle class in the 21st Century. President Obama's Trade Policy Agenda for 2016 outlines an ambitious scope of work to meet these goals. Across the global stage, USTR works to level the playing field for American workers, producers, and entrepreneurs while advancing market-opening negotiations with our trading partners and bolster existing ties. U.S. producers and exporters are now selling more goods and services around the world than ever before. USTR continues to actively monitor and enforce U.S. rights under our trade agreements. USTR conducts these efforts based on high standards that reflect American values on labor and on the environment, and on public engagement and transparency. The 2016 Trade Policy Agenda and 2015 Annual Report to Congress provides a roadmap of the key trade policy priorities and the accomplishments made by the Agency. This plan focuses on how USTR is expanding the conversation with all of our varied stakeholders. The 2016 Trade Policy Agenda and 2015 Annual Report can be found here: <https://ustr.gov/about-us/policy-offices/press-office/reports-and-publications/2016/2016-trade-policy-agenda-and-2015-Annual-Report>.

Transparency and the Obama Trade Agenda

Through our trade policy, we are focused on expanding opportunities to export more Made-in-America products, support jobs at home, and create economic growth by opening overseas markets and leveling the playing field for American workers and businesses. As we work to open markets to support more American jobs, an important part is keeping the public, Congress, and a diverse array of stakeholders engaged and informed. We believe that public participation, Congressional input, and an open national debate enhance trade policy.

The Obama Administration has taken unprecedented steps to increase transparency and diversify the voices involved in America's trade policy. Those steps have resulted in more public dialogue and outreach on trade agreements like the Trans-Pacific Partnership (TPP) and the Transatlantic

Trade and Investment Partnership (T-TIP) than on any other free trade agreements in history. To date, those steps have included:

A More Robust Public Conversation

The Administration is working to cast a wide net to draw in the views of the public and to share information at every step of the negotiating process. To that end, for the negotiations currently ongoing, the Administration has:

- Solicited public comments on negotiation aims, priorities and concerns, including through the Federal Register.
- Held public hearings inviting input on the negotiations.
- Organized first-of-a-kind stakeholder events where the negotiations are suspended so that a diverse group of stakeholders can meet with negotiators. These sessions are open to the public and provide a valuable opportunity for U.S. negotiators to hear and respond to critiques and suggestions.
- Shared information on the current status of negotiations through blog posts, trade policy updates, press releases, statements, conference calls with stakeholders and the press, and tweets.

Putting our Objectives Front and Center

The USTR website includes information – in plain English – that will help the public understand our core objectives and priorities in trade negotiations, including:

- Detailed summaries of negotiation priorities on TPP and T-TIP.
- Fact sheets on key negotiation topics.
- Press conferences following negotiating rounds.
- Recaps of negotiating rounds.

Working Hand-in-Hand with Congress, the People’s Representatives

The Administration has worked closely with the people’s representatives in Congress as we pursue our ambitious trade agenda. This has included:

- Providing access to the full TPP negotiating texts for any Member of Congress, including for Members to view at their convenience in the Capitol, accompanied by staff members with appropriate security clearance.
- Holding over 2,000 briefings to Members of Congress and their staff on the Trans-Pacific

Partnership (TPP) agreement, and many more on the Transatlantic Partnership Agreement (T-TIP), the Trade in Services Agreement (TISA), the Environmental Goods Agreement (EGA), and other initiatives.

- Providing Members of Congress with plain English summaries of TPP chapters to assist Members in navigating the negotiating text.
- Previewing U.S. proposals with Congressional committees before taking them to the negotiations.
- Working with Congress to update them on the state of the negotiations and get feedback every step of the way.

Hearing from more Diverse Interests

Congress established a system of Advisory Committees to get input from affected industries. The Obama Administration has grown the size and membership of our trade advisory committees to add voices that were initially left out of the process. In doing so we have worked to ensure strong representation from:

- Labor unions,
- Environmental groups,
- Faith organizations,
- Public health and consumer advocates,
- Consumer organizations,
- Local and state officials,
- Farmers, ranchers, small business, and many more diverse interests.

These advisors receive full and equal access to U.S. negotiating proposals and work with our negotiators in an interactive process that includes regular updates on the negotiations, the opportunity to review U.S. proposals before they are tabled, and the chance to provide meaningful input into negotiating proposals and decisions. Over the past year, USTR has been soliciting additional nominations for candidates to further represent labor and non-industry interests, as well as further representatives of agriculture, services, and other sectors of the economy. We welcome additional participants and are open to new ideas on how we can expand input.

Explaining Negotiation Transparency

Daniel R. Pearson, a senior fellow at the Cato Institute and former chairman of the U.S. International Trade Commission, addressed the criticisms of trade agreements that they are negotiated in secret. <http://www.cato.org/publications/commentary/transparency-trade-talks-just-smoke-screen>. In the commentary, he asks the question, “How transparent can the negotiating

process be and still have any chance of success?” Pearson explains that the U.S. trade negotiating process consists of three phases. In the first phase, Congress provides negotiating authority to the President. This was done most recently in June 2015 when Congress passed the Bipartisan Congressional Trade Priorities and Accountability Act. In this phase of drafting and considering legislation, there is considerable opportunity for the public and other stakeholders, such as private-sector and nongovernmental organizations (NGOs), to weigh in. The result is publically available negotiating objectives.

The second phase is the actual government to government negotiations. Understandably these take place in private, as do the multitude of foreign treaty negotiations, as well as government agencies’ labor negotiations with their unions. Unless confidentially is provided, no country or party would entertain challenging negotiating positions and trade-offs that are necessary to get each of the participants to a yes. Otherwise, making all positions available as soon as they are tabled opens up each one for criticism and potential opposition. Such public debate while the negotiations are taking place defies the ability to make the necessary tradeoffs and deliver a comprehensive agreement that provides overall benefits for the U.S. Importantly, as explained in this Plan, the negotiators are intensely guided by the Bipartisan Congressional Trade Priorities and Accountability Act, about 700 members of the advisory committees, and Members of Congress.

In phase three, the President sends Congress the enacting legislation. The text is made public for all to view and weigh in. There is ample time for criticism and debate before Congress is expected to take up a law to implement the agreement. When the entire text is available, the tradeoffs between chapters will be made apparent and up for consideration in the ensuing debate.

As Pearson concludes, “So two of the three steps required for the U.S. to enter into a new trade agreement are highly transparent, but the actual negotiation with other governments is mostly private. Does this represent a reasonable compromise between a desire for openness in government and a desire to talk seriously with other nations about trade liberalization? If not, how could the negotiation be made more transparent without undermining prospects for actually achieving an agreement?”

We are always looking for new ways to engage the public and to seek views that will help inform and guide our trade policy, and enhancing transparency will remain a priority, consistent with the ability to deliver on our ultimate mission, which is to deliver agreements that achieve the maximum possible benefit for the American people. That’s our focus.

Further information on transparency and TPP can be found here: <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2012/june/transparency-and-the-tpp>.

Purpose

The Office of Management and Budget (OMB) first issued the Open Government Directive (OGD) in 2009, requiring all federal agencies to produce an Open Government Plan describing how they will address transparency, participation, and collaboration in their mission. Since that time, USTR has released its Open Government Plan in 2010, 2012 and 2014 (“the Plan”). The biennial updates of the Plan describe agency-wide efforts and new methods initiated to increase openness in our activities. This document builds upon USTR’s last Open Government Plan released in June 2014 and highlights the Agency’s ongoing efforts to be accountable and more transparent to the American public. This includes initiatives to seek participation from all interested stakeholders, and increase collaboration with Congress and other federal agencies.

The Plan is developed in accordance with OMB memo M-10-06, Open Government Directive:

“To create an unprecedented and sustained level of openness and accountability in every agency, senior leaders should strive to incorporate the values of transparency, participation, and collaboration into the ongoing work of their agency. Achieving a more open government will require the various professional disciplines within the Government – such as policy, legal, procurement, finance, and technology operations – to work together to define and to develop open government solutions. Integration of various disciplines facilitates organization-wide and lasting change in the way that Government works.”

Assistant United States Trade Representatives (AUSTRs) and other senior USTR officials collaborated in developing the plan as did members of USTR’s Open Government Steering Committee. USTR’s cross-agency Open Government Steering Committee includes core membership from USTR’s Offices of Administration, Intergovernmental Affairs and Public Engagement, Public and Media Affairs, Congressional Affairs, Trade Policy and Economics, FOIA, and Office of the General Counsel. In drafting the 2016 Plan, individuals representing USTR’s Open Government Steering Committee received ideas from civil society stakeholders on how USTR can increase transparency, participation, and collaboration.

The Plan addresses how: (1) USTR is addressing transparency, participation, and collaboration; (2) the Flagship Initiative is incorporating the Open Government values and objectives into its trade agreement negotiations; and (3) USTR is addressing recommendations from interested stakeholders.

Open Data

Since 2010, USTR has been publishing a list of our publicly available data sets (tariff schedules) at <https://ustr.gov/trade-agreements/free-trade-agreements> and on Data.Gov (for example, <https://catalog.data.gov/dataset/australia-fta-tariff-schedule>). In addition to publishing the individual data sets, USTR, as a member of the Export Promotion Cabinet (EPC), has engaged with the Department of Commerce BusinessUSA.gov project team to develop Application Programming Interfaces (API) for integrating this content into the Export.gov portal and create the “FTA Tariff Tool.” The FTA Tariff Data Tool is a database and virtual “One-Stop Shop” for finding all of the rates the U.S. Free Trade Agreement (FTA) partners have committed to implementing and maintaining. The tool, available at <http://www.export.gov/fta/ftatarifftool/> shows the tariff applied on the date the FTA enters into force and the rates each subsequent year as the tariffs are eliminated under the agreement.

As part of TPPs agreement’s conclusion in October 2015, the USTR.gov website launched a redesigned TPP homepage at www.ustr.gov/tp. This page represents a significant update at communicating information according to modern web design and usability standards, bringing our outreach efforts on the web up to date with comparable non-governmental websites. It contains numerous features that make it easy for users to get quick summaries of TPP issue areas, as well as pathways to dive deeper into each area with detailed fact sheets. The homepage was also updated with access to the full TPP text and all tariff schedules in November, 2015. The full TPP text was published on the blogging platform “Medium” in a user-friendly and readable format. The “Medium” platform allows the public to highlight specific portions of the text and provide comment / recommendations, similar to “likes” on Facebook. Medium allowed USTR to quickly identify / pinpoint areas of most interest within the voluminous text of the agreement.

USTR identifies and prioritizes high-value data sets in conjunction with the annual review cycle for Open Government reporting. Each year, the list of existing datasets is reviewed and updated. This year, the FTA Tariff Tool was updated in March 2016 to include the latest information on tariffs on U.S. products exported to TPP partner markets. When in force, the TPP will eliminate more than 18,000 foreign import taxes that various countries place on Made-In-America exports.

Proactive Disclosure

A well-informed and engaged American public is critical to the formulation and implementation of a high-standards trade policy that unlocks economic opportunity for the American people,

supports well-paying jobs, advances key economic priorities, and strengthens our national security. USTR's objective is to provide for timely disclosure of information in forms that the public can readily find and use and to provide timely opportunities for public input. At the same time, the United States must maintain an appropriate level of confidentiality during negotiations to create the conditions necessary for negotiators to communicate with a high degree of candor and creativity and to execute on the most effective negotiating strategies. To create a sustained level of openness, the Administration strives to incorporate the values of transparency, participation, and collaboration into the work of trade negotiations.

The guidelines for public engagement are established to assure useful and timely exchange of information as required by sections 104(d)(1) of the Trade Priorities Act, which established new and expanded requirements for openness and transparency of U.S. trade negotiations.

Consultations with the public are intended to:

- Expand the public consultation process throughout the trade negotiating process,
- Facilitate transparency,
- Encourage public participation and
- Promote collaboration in the negotiation process.

Facilitating Public Transparency

USTR actively works to disclose information of interest regarding its trade policy priorities and daily activities with stakeholders and the public. Stakeholder input is critical to USTR's trade policy development. USTR continues to build on practices put in place as a direct result of the 2014 Open Government plan and previous consultations with civil society stakeholders. USTR uses a variety of methods to proactively inform and share timely updates with the media, inquiring Members of Congress, cleared advisors, interested stakeholders, and the public.

Informational Releases. The Office of Public Affairs manages the release of timely information directly to the public and the media regarding developments in trade policy and makes the information available to the public on the Agency's website. This release of information happens in the form of press releases, fact sheets, blogs, reports, press events, in-person briefings and via teleconferences (www.ustr.gov). Each of USTR's press releases was transmitted to foreign media in addition to domestic press. USTR held interviews and press events with U.S. Trade Representative Michael Froman on all foreign trips from 2011 to the present, as well as numerous

additional press events and foreign media interviews around the world with Deputy U.S. Trade Representatives Punke, Holleyman, Vetter, and other USTR senior staff.

Upcoming Events. The daily activities of USTR's senior officials are made available to the public weekly by the Office of Public Affairs. The dates of trade negotiations, official travel dates, press announcements and events are other types of information shared for public awareness and increased transparency in meeting the goals of the trade agenda.

Reports. USTR produces a number of reports on an annual basis, including a detailed year-in-review annual report, as well as a comprehensive, forward-looking report laying out the President's Trade Agenda. USTR also releases on a regular basis a detailed strategic plan on USTR's overall mission, goals, and objectives. In addition, USTR prepares a wide variety of substantive reports on topics ranging from cataloging barriers to U.S. exports to intellectual property rights enforcement.

USTR also prepares and submits to Congress reports regarding environmental, employment, and labor aspects of trade agreements conducted under the Trade Priorities Act. These reports are submitted to Congress no later than at the time the President submits to Congress a copy of the final legal text of an agreement pursuant to section 106(a)(1)(E). To the maximum extent possible, these reports are promptly be made available to the public.

Timeline for Publishing Trade Agreements. Consistent with the timeline established in the Trade Priorities Act, no fewer than 60 days before the President signs a trade agreement, USTR will make the text of the agreement available online to ensure that the American people have ample opportunity to review it.

Summaries of Negotiating Objectives. At least 30 days before initiating negotiations for a trade agreement, USTR publishes a detailed and comprehensive summary of the specific objectives with respect to the negotiations and a description of how the agreement, if successfully concluded, will further those objectives and benefit the United States. To the extent possible, USTR seeks to publish the initial summary prior to the public hearing concerning initiation of a trade agreement, to provide the public with an adequate opportunity to address the summary in statements provided during the hearing. USTR regularly updates these summaries.

Press Availabilities. USTR holds press availabilities to answer questions and provide updates regarding the status of trade negotiations.

Encouraging Public Participation & Promoting Collaboration in the Negotiating Process

Public Views Taken Into Account. Providing interested persons the chance to present their views on ongoing and future trade negotiations is an important opportunity to receive public input and shape U.S. negotiating positions to reflect that input. USTR issues *Federal Register* notices for every trade agreement under negotiation encouraging interested members of the public to submit comments, recommendations, or concerns they may have to inform U.S. positions and strategies in that negotiation. USTR also solicits comments from the public in connection with a proposed trade agreement through the *Federal Register*, and both the notice and all non-confidential comments received are made available electronically on the Federal eRulemaking Portal: <http://www.regulations.gov>.

USTR solicits additional public comment as needed if significant new issues arise in connection with a trade negotiation. In the event that a party later seeks to join the negotiations, USTR separately solicits comment from the public and holds a public hearing on whether to initiate negotiations with that trading partner.

Public Hearings on Negotiations and Other Trade Priorities. To maximize public input and exchange, USTR arranges and hosts public hearings. These hearings serve as a forum for receipt of public comments by senior USTR officials and for meaningful exchanges of views.

Public Stakeholder Events. USTR holds public stakeholder briefing events that create a forum for diverse groups of stakeholders and the public to meet directly with the USTR negotiators responsible for the agreement under negotiation. During these meetings stakeholders can make proposals, give critiques, and hear responses from U.S. negotiators. These stakeholder engagement events increase opportunities for senior USTR officials to hear stakeholder views.

Enhanced Digital Media Outreach. USTR provides a content-rich website that is enhanced and updated to ensure flexible site growth and expansion, enabling users to follow trade policy news and updates, as well as to share their questions and stories. Going forward, USTR will conduct enhanced online engagement through an increased social media presence, new website platforms for engagement and dialogue with the public about specific trade agreements and initiatives, and other activities. USTR supplements its public engagement on trade negotiations in Washington, DC with opportunities for public comment in states and localities outside Washington making use of the tools available on the Internet for social media, multimedia, and interactive engagement.

Schedules of Upcoming Events. Information about events in which USTR senior officials are participating are released to the public by USTR. This information include dates, locations, media coverage details, and points of contact within USTR to answer questions about each event.

Freedom of Information Act (FOIA). The USTR FOIA Office is working on a number of initiatives to enhance responsiveness to FOIA requests. As part of a comprehensive review of agency practices related to the disclosure of records and information, USTR is updating and modernizing its FOIA implementing rule using an easy to understand plain language format. The FOIA Office is rewriting and expanding the electronic FOIA Reference Guide, which will explain how to find a wealth of information about USTR operations, programs, and history on its website. The FOIA office also plans to increase proactive disclosures to include FOIA logs, congressional correspondence, and a list of current purchase card holders. The FOIA Office will continue to post its annual reports to the Attorney General. The reports contain detailed descriptions of the steps USTR has taken or plans to take to improve FOIA compliance and transparency, and comprehensive statistics on administration of the FOIA program.

Engagement with Congress

Both the executive and legislative branches of government have important constitutional roles in matters affecting trade with other nations. Article I of the Constitution grants to Congress the power to regulate commerce with foreign nations. Article II grants to the President the power to conduct relations with other nations and to execute the laws of the United States. Though their roles are distinct, the Administration and Congress share the goal of concluding trade agreements that support the creation of jobs and economic opportunities for American workers, businesses, farmers, and ranchers by creating and expanding markets for U.S. goods and services overseas, leveling the playing field, and enhancing access to goods and services for the American consumer. To achieve this goal, the executive and legislative branches consult regularly and coordinate closely regarding trade policy.

In the Trade Priorities Act, Congress provided guidance to the Administration for the negotiation of trade agreements covered by the Trade Priorities Act. Congress and the Administration consult before and during the course of trade negotiations. The Administration provides detailed briefings, including classified briefings, to Congress, and engages in consultations with Congress regarding trade negotiations. These steps help confirm that the Administration is on track to achieve the negotiating objectives established by the Trade Priorities Act to ensure that trade agreements being negotiated by the executive branch will receive the support of Congress when submitted for approval in implementing legislation under the Trade Priorities Act.

The guidelines for engagement with Congress are established to assure useful and timely exchange of information as required by sections 104(a)(3)(A) and 104(c)(3)(A) of the Trade Priorities Act. These guidelines are not intended to replace USTR's direct consultations with the Committees on Finance and Ways and Means. Rather, the guidelines supplement the committee-

based consultative process and facilitate the closest practicable coordination with Congress.

Providing a number of annual reports to Congress. These reports are available on USTR's website and give in depth knowledge of the Agency's accomplishments, enforcement and compliance efforts for existing trade agreements, foreign barriers to trade, and insight to the President's priorities for the trade agenda for the upcoming year.

Congressional views taken into account. The Administration gives great weight to the views of Congress in developing approaches to negotiations and strives to incorporate these views to the greatest extent possible. Understanding that perspectives within the Congress may vary significantly, the Administration takes into account all views received from Members of Congress.

Consultations with Congress are intended to enable:

- USTR, in conjunction with other relevant agencies, to convey detailed information about the status of pending and future negotiations, such as explanations of U.S. negotiating positions, how those positions reflect congressional negotiating objectives set out in the Trade Priorities Act, approaches to the negotiations and expectations for how the iterative process of negotiations might develop;
- Members of Congress to comment and provide input on U.S. negotiating positions and efforts to achieve negotiating objectives set out in the Trade Priorities Act;
- USTR to adjust U.S. negotiating positions and strategies, as appropriate, in light of congressional input; and
- USTR to provide detailed information to Congress about measures taken or to be taken by trading partners to comply with provisions of a trade agreement and for Members of Congress to share their views regarding those measures.

Briefings for Members of Congress. USTR provides, upon request from any Member of Congress, timely, detailed briefings responsive to their concerns regarding negotiating objectives, the status of ongoing trade negotiations, or the nature of any changes in the laws of the United States or the administration of those laws that may be recommended to Congress to carry out any trade agreement or any requirement of, amendment to, or recommendation under that agreement. USTR conducts briefings in the offices of Members of Congress or other mutually agreed location, subject to House or Senate security protocols established by the respective Sergeant at Arms of the House and Senate, and the executive branch, regarding the

handling of classified information.

Prior to entry into force of a trade agreement with a trading partner, USTR consults with Members of Congress regarding measures taken or to be taken by that trading partner to implement provisions of the trade agreement. USTR also consults regularly on trading partner compliance with provisions of a trade agreement after entry into force.

Consultations with Congressional Committees. In formulating and adjusting U.S. negotiating positions with respect to the negotiating objectives found in the Trade Priorities Act, USTR consults with relevant congressional committees. USTR seeks input from the Committees on Finance and Ways and Means on U.S. text proposals before sharing them with other parties outside the executive branch, including stakeholders and negotiating partners. During key negotiating meetings, USTR consults intensively with the Committees on Finance and Ways and Means. USTR will consult with other committees whose jurisdiction is affected by pending or future negotiations on the status of the particular matter over which the committee has legislative jurisdiction.

Prior to entry into force of a trade agreement with a trading partner, USTR consults with the Committees on Finance and Ways and Means regarding measures taken or to be taken by that trading partner to implement provisions of the trade agreement. In addition, USTR also consults regularly on trading partner compliance with provisions of a trade agreement after entry into force.

Consultations with the House and Senate Advisory Groups on Negotiations and Designated Congressional Advisers. USTR consults with the Committees on Finance and Ways and Means and the House and Senate Advisory Groups on Negotiations in connection with providing statutorily required notices of intent to initiate negotiations for a trade agreement or enter into a trade agreement. USTR provides regular briefings throughout negotiations to Members of Congress who have been designated congressional advisors in accordance with section 104(b)(1)(A) or (B) of the Trade Priorities Act as well as additional briefings, upon the request of the House and Senate Advisory Groups or a majority of their respective members, on pending and future trade agreement negotiations and major compliance and enforcement issues. USTR also meets upon request with Members of the House and Senate Advisory Groups in periods between meetings.

Prior to entry into force of a trade agreement with a trading partner, USTR consults with the House and Senate Advisory Groups on Negotiations regarding measures taken or to be taken by that trading partner to implement provisions of the trade agreement. In addition, USTR consults regularly on trading partner compliance with provisions of a trade agreement after entry into

force.

U.S. Proposals and Consolidated Text. USTR makes U.S. text proposals and consolidated text available to:

- All Members of Congress,
- Relevant professional staff of the Committees on Finance and Ways and Means with an appropriate security clearance,
- Professional committee staff with an appropriate security clearance from other committees interested in reviewing text relevant to that committee's jurisdiction,
- Any personal office staffer with an appropriate clearance of a Member of the Committees on Finance and Ways and Means, and
- Any personal office staffer with an appropriate security clearance accompanying his or her Member of Congress.

Congressional Accreditation at Negotiating Rounds. Members of Congress can play an important role during negotiating rounds in providing advice to negotiators to ensure that outcomes reflect congressional negotiating objectives; as well as in reinforcing U.S. negotiating positions and priorities with our trading partners. To facilitate this work, USTR accredits the following individuals:

- Members of the House Advisory Group on Negotiations;
- Members of the Senate Advisory Group on Negotiations;
- Any Member of Congress who has been designated a congressional adviser on trade policy and negotiations by the Speaker of the House (after consultation with the chairman and ranking member of the Ways and Means Committee and the chairman and ranking member of the committee from which the Member will be selected) or the President pro tempore of the Senate (after consultation with chairman and ranking member of the Finance Committee and the chairman and ranking member of the committee from which the Member will be selected); and

- Up to three professional committee staff members with an appropriate security clearance as designated by each of the full committee chairs and ranking members of the Senate Committee on Finance and House Committee on Ways and Means.

Electronic Reading Room

USTR's website provides the public with a plethora of information. In particular, the Electronic Reading Room includes USTR's records of public interest that include: policy statements, Congressional budget submissions, Open Government Plans, and USTR data sets: <https://ustr.gov/about-us/reading-room/freedom-information-act-foia/electronic-reading-room>.

Content not readily displayed on the website (older than the current website launch of 2010) is available on the [USTR Archives](#).

The Trade Advisory Committee System.

The Office of Intergovernmental Affairs and Public Engagement is responsible for administering USTR's statutory advisory committee system. Congress established the trade advisory committee system in 1974 to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. Substantially broadened and reformed, the system now consists of 28 advisory committees, with a total membership of up to approximately 700 advisors. Advisory committee members represent the full span of interests including manufacturing; agriculture; digital trade; intellectual property; services; small businesses; labor; environmental, consumer and public health organizations; and state and local government.

USTR manages the advisory committee system, in collaboration with the Departments of Agriculture, Commerce, and Labor. The advisory committee system includes the President's Advisory Committee for Trade Policy and Negotiations (ACTPN), five policy advisory committees, and 22 technical advisory committees in the areas of industry (ITACs) and agriculture (ATACs). The policy advisory committees focus on the environment (Trade and Environment Policy Advisory Committee), labor (Labor Advisory Committee for Trade Negotiations and Trade Policy), agriculture (Agricultural Policy Advisory Committee), Africa (Trade Advisory Committee for Africa), and state and local issues (Intergovernmental Policy Advisory Committee). Each technical advisory committee represents a specific sector, commodity group, or functional area and provides technical advice concerning the effect that trade policy decisions may have on its respective sector or set of issues.

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development,

implementation, and administration of U.S. trade policy. To facilitate input from trade advisory committee members, USTR makes U.S. proposals available to all trade advisory committee members to solicit their feedback. Additional information on the advisory committees can be found on the USTR website at <https://ustr.gov/about-us/advisory-committees>.

Further Efforts

USTR is always looking for new ways to engage the public and seek views to help inform and guide trade policy, consistent with our ability to deliver the maximum possible benefits of trade to the American people. We seek to put our objectives front and center, work hand-in-hand with Congress, participate in a robust public conversation, and engage with a more diverse array of stakeholders than ever before. The Obama Administration has taken unprecedented steps to increase transparency and diversify the voices involved in America's trade policy.

OpenTheGovernment.org provided recommendations on May 23, 2016 for USTR's 2016 Open Government Plan, and along with Public Citizen, highlighted them at the Open Government and Civil Society engagement session on August 23, 2016. They made three requests:

- USTR should immediately make available on its website the textual proposals related to rules that it has already tabled to its negotiating partners in the context of all bilateral, regional, or multilateral trade negotiation it undertakes;
- USTR should impose as a prerequisite to any new or continuing trade negotiations that all parties agree to publish consolidated draft texts on rules after each negotiating round; and
- USTR should immediately appoint a transparency officer who does not have any structural conflicts of interest in promoting transparency at the agency.

At this point, USTR makes U.S. text proposals and consolidated text available to Members of Congress and their staffs as described in the *Guidelines for Consultation and Engagement Office of the United States Trade Representative*:

<https://ustr.gov/sites/default/files/USTR%20Guidelines%20for%20Consultation%20and%20Engagement.pdf>

USTR provides to the public on its website the Administration's specific goals and objectives, and outlines how a particular agreement, if successfully concluded, will benefit American workers, businesses of all sizes, and consumers. For example, the T-TIP Issue-by-Issue Information Center:

<https://ustr.gov/trade-agreements/free-trade-agreements/transatlantic-trade-and-investment-partnership-t-tip/t-tip>

USTR will include the three requests from civil society in its transition preparations briefing book for consideration by the new Administration.

Further information on transparency and TPP can be found here: <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2012/june/transparency-and-the-tpp>.

Privacy

As part of a comprehensive review of agency practices related to the disclosure of records and information, USTR is updating both its systems of records and implementing rule under the Privacy Act of 1974 (Privacy Act). The rule describes how individuals can find out if a USTR system of records contains information about them and, if so, how to access or amend a record. Because USTR is a component of the Executive Office of the President (EOP), it maintains only a handful of record systems that contain information about individuals such as correspondence files, dispute settlement panelist rosters, and trade advisory committee members and applicants. USTR information technology and records systems are owned and operated by government staff and contractors under the purview of the EOP Office of Administration, Office of the Chief Information Officer who is responsible for privacy reporting associated with these systems. The EOP recently promulgated a comprehensive policy related to sensitive personally identifiable information (PII). This policy covers the processing, and methods of collection, dissemination and storage of sensitive PII.

Whistleblower Protection

Certification

The head of each agency is required by 5 U.S.C. § 2302(c) to ensure, in consultation with the U.S. Office of Special Counsel (OSC), that employees are informed of their rights and remedies under the prohibited personnel practices and whistleblower retaliation protection provisions of Title 5. USTR completed the five requirements for OSC's 2302(c) certification and was certified effective June 30, 2015.

No FEAR Act

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) became effective on October 1, 2003. The Act imposes additional duties upon Federal agency employers intended to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation. USTR provides No FEAR Act training for all employees annually. New employees receive a handout on the No FEAR Act at new employee orientation, which is read and signed by the employee.

Website and Public Notice

The official public web site of USTR is www.ustr.gov. The site is the primary resource for all information on trade issues, policy, and agreements conducted by the United States government. USTR seeks the public's input on the information on this content-rich website (more than 20,000 documents, primarily pdf OCR capable). USTR continuously enhances its website to ensure flexible site growth and expansion, effectively communicates USTR's brand, and is inviting for user interaction. The website enables users to follow trade policy news and updates, and USTR uses social media outreach including Twitter feeds and YouTube videos, where Americans across the country and people around the globe can get the most up-to-date information about USTR's actions.

The Office of Public and Media Affairs manages www.ustr.gov as an interactive website that allows USTR to create and maintain an open dialogue on trade policy. The website features all [press releases](#), [fact sheets](#), [reports](#), and [speeches](#) sent to press and made available to all members of the public. The website also includes an official [TradeWinds blog](#), which features content written by [Ambassador Michael Froman](#) and other prominent USTR ambassadors and officials, as well as content cross posted from other government agencies. In addition, the website features a "[Press Office Week Ahead](#)" to inform members of the public of USTR's upcoming events.

The USTR home page features dedicated news section which organize all current and upcoming press releases, fact sheets, speeches, reports and other newsworthy items. The home page also features a prominent featured content splash, featuring graphics and introductory content on key initiatives like TPP, T-TIP, and trade enforcement actions, and can be updated to direct visitors to information on current events.

The USTR official blog is also home to our 'Social Hub' which aggregates content from USTR's public social media channels and displays them prominently on the blog front page, encouraging visitors to view and engage on those channels.

Throughout 2015-16, USTR released several reports and [dedicated pages](#) within the USTR website that have focused on the state-by-state benefits of trade, and include testimonials from small businesses in each state. An updated “[Countries & Regions](#)” section was also added to the main navigation which includes an interactive map that allows each country page to aggregate trade data, information on trade agreements, and available data on labor, environment, intellectual property rights, etc.

USTR uses the following social media tools to stay engaged with the public: Twitter, Facebook, YouTube, and Flickr. USTR tracks the metrics of engagement on social media using analytics including the number of mentions in tweets, retweets of our official content, and the use of key hashtags. USTR also collaborates with other Administration agencies to ensure that relevant content is amplified for the audiences of other key departments in government.

In addition to significant updates and continued improvements to the USTR site, a comprehensive companion site was created focusing solely on TPP. This site was designed to educate the public on the broad and complex topics that the TPP covers, and includes fact sheets on all issue areas, chapter summaries, testimonials, shareable social media graphics, and links to supplementary material (blog posts, reports, other USG agency websites).

As of fall 2016, USTR’s main Twitter account (@USTRadeRep) has 62.8K followers, followed by Ambassador Michael Froman’s official Twitter account (@MikeFroman) with 42.6K followers. USTR’s official Facebook page (facebook.com/USTRadeRep) has 39K likes, and 595 subscribers on its official YouTube channel.

On May 23, 2012, President Obama issued the Digital Government Strategy Initiative aimed at creating a 21st Century digital platform that better serves the American people. USTR is working diligently to use the Digital Government Strategy as a framework to improve digital services for our customers. As a member of the Export Promotion Cabinet (EPC), USTR has participated in developing digital strategies to maximize the effectiveness of federal programs supporting trade and investment under the National Export Initiative (NEI).

USTR maintains over 20 thousand content items in digital form on its website that is indexed and searchable. Adapting this content to the standards established through the EPC will make the content further accessible via other trade portal sites and mobile devices.

A comprehensive redesign of the site was completed in 2014. The site has performed well since the redesign and is meeting USTR Mission needs. The redesigned website better displays key

content, better integrates and encourages use of our social media content, and better utilizes pictures, and graphics that enhance our written content, and while providing an easy-to-navigate platform for visitors to receive comprehensive information on our trade agreements and initiatives.

Participation in Transparency Initiatives

USTR participates in selected government-wide transparency initiatives due to its limited programs and budget. USTR uses Data.gov and eRulemaking, respectively, in posting its limited data sets and requesting public participation in rulemaking and non-rulemaking trade initiatives.

Records Management

USTR is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of USTR. USTR's records management policy establishes specific requirements under which USTR records are effectively and efficiently managed throughout their lifecycle to facilitate the accomplishment of USTR's programmatic and administrative missions; to preserve official USTR records in accordance with applicable statutory and regulatory requirements; and to promote access to information by USTR staff, USTR partners, and the public, as appropriate. This responsibility is delegated to the Assistant U.S. Trade Representative (AUSTR) for Administration, Fred L. Ames, as the Senior Agency Official (SAO). He is assisted by the designated Records Officer, Shelia M. Edwards.

The SAO is responsible for leadership, planning, overall policy, guidance, and general oversight of records management, and its incorporation into the broader information resources management framework. The Office of General Counsel assists with determining what records are needed to provide adequate and proper documentation of USTR activities and in specifying appropriate disposition for USTR records. The Office of General Counsel also assists in determining the retention of USTR records that may be needed for internal investigation and audit purposes.

The vital records program is one element of USTR's emergency management and disaster preparedness and records management functions. USTR must identify and protect those mission essential records that specify how USTR will operate in case of an emergency, disaster, or threat of disruption, and those records essential to the continued operations. Supporting documents include USTR's Continuity of Operations Plan (COOP). The Executive Office of the President's central file servers and email system are designed to remain available in case of an emergency, disaster, or threat of disruption. All USTR vital records are stored on these systems.

USTR addressed more recent records management requirements, including the President's November 28, 2011, Memorandum on Managing Government Records and the accompanying August 24, 2012, Managing Government Records Directive.

- Completed required agency actions in the Memorandum;
- Submitted Records Management Self Assessments for 2015;
- Transferred records for Annual Move 2015 and 2016 via the ERA systems;
- Identified permanent records 30 years or older; and
- Identified unscheduled records.

Records management plans for 2016 forward:

- Inventory departmental needs for records management and prepare new records schedules to meet current needs,
- Transfer records for Annual Move 2017 via the ERA system,
- Submit records schedules to address electronic records management by 2016, and
- Update records management directive.

Further information on USTR's record management system and vital records can be found at: <http://www.ustr.gov/about-us/reading-room/freedom-information-act-foia/electronic-reading-room>.

Freedom of Information Act (FOIA)

The USTR FOIA Program is managed by a FOIA Office consisting of a Chief FOIA Officer, two FOIA Program Managers/Attorneys, and one FOIA Specialist who also acts as the FOIA Public Liaison. Together the FOIA team provides guidance to USTR's nearly 250 employees on FOIA policy. FOIA requests submitted to USTR vary in size and complexity from narrow requests for a single or a few documents to voluminous and complex requests that require broad searches and line-by-line review of thousands of pages of text and emails. Many of USTR's documents contain sensitive national security information that is classified pursuant to Executive Order 13526. Before making a release determination, the FOIA Office often coordinates with other Federal agencies, foreign governments, and commercial entities whose information may be contained in USTR records. If a request involves a voluminous amount of material or searches in multiple locations, USTR may provide interim responses, releasing the records on a rolling basis. The number of FOIA requests USTR receives each year has steadily risen over the last several years from an average of 50 per year to a record high exceeding 105 requests in fiscal year 2016.

Requests generally fall into one of four categories: trade agreement negotiating documents, correspondence with members of Congress, correspondence with interest groups, and dispute documents. Upon receipt of a perfected FOIA request, the FOIA Specialist tasks the appropriate USTR office with collecting the responsive documents. At a weekly status meeting, the FOIA Office staff reviews all FOIA requests that are in process. At the end of fiscal year 2015, USTR had a backlog of 32 FOIA requests and by the end of fiscal year 2016, the FOIA Office expects to reduce that number, including closure of most of the oldest requests.

USTR's Goals to Further Integrate a Presumption of Openness

The FOIA Office is working on four key initiatives to enhance FOIA compliance and overall transparency: decreasing the backlog of FOIA requests; increasing the number and quality of discretionary releases; improving communications with FOIA requesters; and ensuring USTR staff are properly trained and informed of their FOIA obligations.

Reduce Backlog. USTR has added new professional staff to help manage the increasing number and complexity of FOIA requests and improve the timeliness and quality of responses. Along with the unprecedented growth in the number of requests received, the FOIA Office also has to work around the demanding travel schedules of USTR program staff necessary to assist in relevance and sensitivity determinations before records can be disclosed. The FOIA Office will work to close the remaining oldest requests and consultations during fiscal year 2017 by dedicating additional staffing resources to eliminate the backlog and engaging with requesters to clarify and narrow backlogged requests.

Discretionary Releases of Information. The FOIA authorizes USTR to withhold information of a sensitive nature. USTR withholds predecisional, deliberative documents (Exemption 5), classified trade negotiating and policy documents (Exemption 1), confidential business information (Exemption 4), communications involving our cleared advisors (Exemption 3), and privacy-protected information (Exemption 6). When the FOIA Office withholds information, the response ordinarily will specify the exemption that staff applied. USTR administers the FOIA with a presumption of openness. This means that as a matter of policy, USTR makes discretionary disclosures of records or information exempt from disclosure under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption. The FOIA Office works with subject matter experts to carefully review deliberative and/or privileged information to determine if it can be released. For example, in connection with a referral from the State Department, USTR agreed to the release of more than 100 pages of internal email discussing USTR strategy on several trade initiatives, including the Korean and Columbian Free Trade Agreements that could have been withheld under Exemption 5. Another example is the proactive release of the actual correspondence rather than just an index of correspondence.

The FOIA Office is rewriting and expanding the electronic FOIA Reference Guide, which will explain how to find a wealth of information about USTR operations, programs, and history on its website. The FOIA office also plans to increase proactive disclosures to include FOIA logs, congressional correspondence, and a list of current purchase card holders. The FOIA Office will continue to post its annual reports to the Attorney General. The reports contain detailed descriptions of the steps USTR has taken or plans to take to improve FOIA compliance and transparency, and comprehensive statistics on administration of the FOIA program. The FOIA Office is open to suggestions from the public and Civil Society groups on additional ways to increase transparency.

Enhanced Communications with Requesters. As part of a comprehensive review of USTR practices related to the disclosure of records and information, USTR is updating and modernizing its FOIA implementing rule using an easy to understand plain language format. The revised rule will implement the changes made by the FOIA Improvement Act of 2016. The rule will include descriptions of the kinds of information the FOIA Office needs in order to process a request and explain how staff processes requests and applies exemptions. The updated FOIA Reference Guide will include tips and examples for crafting a FOIA request with sufficient detail to enable USTR personnel to locate the records the requestor seeks. In order to respond to FOIA requests with the precise records sought in a timelier manner, the FOIA Office intends to engage with requestors early on along with the relevant USTR policy staff to ensure that all parties have a clear understanding of the scope of the request. This will provide an interactive opportunity to tailor a request to enable USTR to provide available records in a reasonable time period or to refer the requestor to the appropriate agency.

Develop Engaging FOIA Training and Ensure USTR Staff are Well-Informed of their Obligations. USTR views compliance with the FOIA as a central part of its commitment to Open Government and a well-trained staff is critical to meeting this commitment. The FOIA Staff is developing a FOIA training program for all USTR employees that uses in-person and interactive virtual resources to train employees on their responsibilities under the FOIA. The training will provide practical advice on how to effectively search for records and how to apply FOIA exemptions in a careful manner that balances the presumption of openness against the foreseeable risks of disclosing exempt information.

For More Information on FOIA at USTR: <https://ustr.gov/about-us/reading-room/freedom-information-act-foia>. FOIA@ustr.eop.gov.

Congressional Requests

USTR maintains a strong relationship with Congress. The Office of Congressional Affairs manages relations with the United States Congress for USTR. The Office of Congressional Affairs plays a pivotal role in the development of U.S. trade policy through communication with Congress and serves as a point of contact for Members of Congress and their staffs to ensure that our trade policy is responsive to their needs and interests.

The Office of Congressional Affairs provides briefings to Members of Congress, responds to Congressional inquiries, provides advice to Congressional constituents, and coordinates with other offices within USTR to consult with Congress during trade negotiations and trade disputes. The Office of Congressional Affairs works to ensure all Members of Congress have access to texts of ongoing trade negotiations with U.S. trading partners. Transcripts of all past hearings and notices of upcoming hearings are posted on the USTR website.

The Office is staffed with an Assistant U.S. Trade Representative for Congressional Affairs, a Deputy Assistant U.S. Trade Representative for Congressional Affairs, and normally two or three Congressional Affairs Directors.

Responding to Congressional Requests for Information

The Office of Congressional Affairs also oversees all Congressional correspondence and requests for information. When USTR receives a Congressional letter or request for information is received by USTR, Office staff it is enter the correspondence into our tracking system and draft a response is drafted. USTR's Executive Secretariat Office follows up and works with USTR offices, as appropriate, to ensure a timely items are responded to in a timely manner.

Along with the Executive Office of the President (EOP), in late 2013, USTR implemented a new correspondence tracking system. This system gives USTR several new capabilities that provides for more efficient management of correspondence. The system allows our small staff to quickly and efficiently respond to a large number of correspondence received on a daily basis.

USTR's process provides high-level visibility of all Congressional correspondence. Our goal is to guarantee that all Senators, Congressmen, and in particular Committee leadership have been afforded the benefit of written USTR responses before the Ambassador is scheduled to meet with them.

Further information is available at: <https://ustr.gov/about-us/policy-offices/congressional-affairs>.

Declassification

Executive Order 13526, as amended, *Classified National Security Information*, establishes a uniform system for classifying, safeguarding, and declassifying national security information. USTR is committed to both protecting information critical to our Nation's security and to Open Government through proper application of classification standards and effective declassification processes.

The Office of Security, within the Office of Administration, USTR serves as the central point for providing policy guidance and operational oversight for classification and declassification activities throughout USTR, and actively coordinates systematic declassification review efforts required under Executive Order 13526.

USTR addresses declassification requirements through collaboration with our functional and geographical offices to perform periodic reviews of classified holdings of national security information. The following describes our various programs.

Automatic Declassification

The Automatic Declassification Program pertains to our original classification determinations. Classified information identified as having permanent historical value is automatically declassified once it reaches 25 years of age unless our Agency Head determines that it falls within a narrow exemption that permits continued classification and it has been appropriately approved.

Records that contain other agencies' classified information are referred back to those agencies for action. Though USTR may consider our interests as de-classifiable, documents will not be fully declassified until other agencies' equities are cleared.

Systematic Declassification

The Systematic Declassification Program is USTR's complementary program to automatic declassification. USTR requires all of its functional and geographical offices that created classified records of permanent historical value exempted from automatic declassification to conduct a systematic declassification review.

Mandatory Declassification Review

The Mandatory Declassification Review Program requires USTR to review specific classified national security information for purposes of seeking declassification. This program allows historians, researchers, and other members of the public to identify documents and or information pertinent to their research, and request USTR to perform a declassification review.

Interagency Security Classification Appeals Panel

Mandatory declassification review decisions that have been denied by USTR may be appealed to the Interagency Security Classification Appeals Panel. This panel provides the necessary checks and balances for the mandatory declassification review program and a venue for presenting appeals to a neutral body.

To file a Mandatory Declassification Review Request, please contact:

Director, Office of Security
Office of the United States Trade Representative
1724 F Street, NW
Washington, DC 20508

Public Participation and Collaboration

Reflecting President Obama's commitment to an open policy system drawing from the widest array of stakeholders in business, civil society, academia, and other groups, USTR has broadened opportunities for public input, created new institutional guarantees of public access including the appointment of a Chief Transparency Officer and the formalization of comprehensive Guidelines for Consultation and Engagement, and increased the transparency of trade policy through initiatives carried out by the Office of Intergovernmental Affairs and Public Engagement (IAPE).

IAPE works with the Office of Public and Media Affairs and with regional and functional offices across USTR to ensure that timely trade information is available to the public and disseminated widely to stakeholders. This is accomplished in part via USTR's interactive website; online postings of Federal Register Notices soliciting public comment and input and publicizing Trade Policy Staff Committee (TPSC) public hearings; increasing transparency in all trade negotiations; managing outreach and engagement to a diverse set of stakeholder sectors including small and medium-sized businesses, agriculture groups, environmental organizations, industry groups, labor unions, consumer advocacy groups, non-governmental organizations,

academia, think tanks, trade associations, and State and local Governments; and advocating the President's robust trade agenda to audiences at major domestic trade events and conferences. In addition to public outreach, IAPE is responsible for administering USTR's statutory advisory committee system created by Congress under the Trade Act of 1974 as amended, as well as facilitating consultations with State and local Governments regarding the President's trade priorities and the status of current trade negotiations which may impact them. Each of these elements is discussed in turn below.

Transparency Guidelines and Chief Transparency Officer

The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 marked a watershed not only in the ambitious negotiating objectives it set for the United States, but in the reforms it brings to the American trade policymaking process. The Act set a goal of improving Congressional oversight of negotiations and enforcement, encouraging public participation in policymaking, broadening stakeholder access and input, and ensuring senior-level institutional attention to transparency across the range of USTR work. After its passage in June 2015, USTR formalized guidelines ensuring that policymaking reflects these priorities. These included:

- *Chief Transparency Officer:* The Act directed USTR to appoint a senior agency official to serve as Chief Transparency Officer, charged with taking concrete steps to increase transparency in trade negotiations, engage with the public, and consult with Congress on transparency policy. In September 2015, Ambassador Froman appointed USTR General Counsel Timothy Reif to this position, drawing on his unique depth of experience in legislation, work with Congress, and enforcement to ensure that the new position would be represented at a senior level at a critical time in trade policy, as negotiations on TPP moved toward completion and negotiations continue on TTIP, the Trade in Services Agreement (TiSA), and the Environmental Goods Agreement (EGA), among others, and the implementation of the Information Technology Agreement (ITA).
- *Consultation with Congress:* Under the new transparency guidelines, USTR has formalized procedures to broaden access to negotiating texts and further encourage Congressional participation. For example, USTR has made U.S. text proposals and consolidated text of agreements under negotiation available to professional staff of the Committees on Finance and Ways and Means with an appropriate security clearance, professional staff from other committees interested in reviewing text relevant to that committee's jurisdiction, personal office staffers with appropriate clearance of a member of the Committees on Finance and Ways and Means, and personal office staff with appropriate clearance accompanying his or her Member of Congress. USTR accredits to negotiating rounds any member of the House or Senate Advisory Group on Negotiations,

or any member designated a congressional advisor on trade policy and negotiations by the Speaker of the House or the President pro tempore of the Senate (in both cases after consultation with the chairman and ranking member of the appropriate committees of jurisdiction.

- *Public Engagement:* The new transparency guidelines also formalize existing and new means of access for the public and interested stakeholders to policymaking. These new means of access include regular information releases including the schedules of negotiating rounds, published summaries of negotiating objectives issued at least 30 days before initiating negotiations for a trade agreement, publication of Federal Register Notices for each agreement under consideration, public hearings on negotiations and other trade priorities (e.g. the hearing held in January 2016 on the future of U.S.-Africa trade relations); regular public events during negotiations in which stakeholders and the public can meet directly with USTR negotiators directly involved in particular agreements; and other means.

For more information on transparency and the Obama Administration trade agenda visit: <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2015/january/fact-sheet-transparency-and-obama>.

Federal Register Notices Seeking Public Input/Comments and Public Hearings

Throughout 2015, USTR published no fewer than 11 Federal Register notices to solicit public comment on negotiations and policy decisions, on a wide range of issues including renewal of the African Growth and Opportunity Act and the review of South African (AGOA) eligibility, implementation of the WTO's Government Procurement Agreement, public input on the National Trade Estimate report for 2015, the functioning of the Generalized System of Preferences and the Caribbean Basin trade preference program. Public comments received in response to Federal Register notices are available for inspection online at <http://www.regulations.gov>.

USTR also held public hearings regarding a variety of trade policy initiatives, including renewal of AGOA, additions of products to the Generalized System of Preferences, and implementation of the Russian and Chinese WTO accession agreements. These hearings were web-cast live, and the submissions of all parties posted online.

Public Input on Negotiations

With the newly established guidelines in place, USTR continues to take steps in specific issue

areas to increase transparency and augment opportunities for public input into policymaking and implementation of agreements. For example:

- *TPP Negotiations:* USTR worked with each TPP partner to plan events as part of negotiating rounds that were open to registered stakeholder participation. These events, including during the final round of negotiations in Atlanta in September-October 2015, provided briefings from chief negotiators and multiple opportunities to provide input into the negotiations, including those with respect to chapters addressing agriculture, market access for industrial goods, environment, tobacco, investment, intellectual property and related issues. USTR also created opportunities for the public and other interested stakeholders to receive real-time, detailed briefings from senior USTR officials and technical leads of the TPP negotiations at the conclusion of negotiating rounds. After negotiating rounds, USTR offered briefings on an ongoing basis to state and local elected officials and other stakeholder groups, to provide in-depth reviews of the status of the negotiations and the contents of particular chapters.

USTR published the full text of the TPP Agreement on November 5, 2015, well in advance of the legal requirement, accompanied by extensive and detailed chapter summaries and fact sheets explaining the Agreement's contents and benefits for workers, manufacturers, ranchers, farmers, services providers, and others, and explaining their achievements in issues such as maintaining a free and open Internet, raising labor and environmental standards, and helping American small and medium-sized businesses export. The publication of the text was preceded by an extensive review of U.S. negotiating goals in the TPP published on-line before the final set of negotiations, and comprehensive examinations of TPP's environment, labor, and tariff-reduction provisions in both hard-copy and digital form.

- *T-TIP Negotiations:* Stakeholder engagement events are an important opportunity for USTR and its trade negotiators to receive feedback on the ongoing talks, with the aim of ensuring the strongest possible outcomes for trade negotiations. USTR hosted a stakeholder forum at every U.S. hosted round of the T-TIP. These events included over 350 global stakeholders at each forum. Stakeholders were invited to give presentations, engage with negotiators, and attend briefings hosted by the U.S. and European Union (EU) chief negotiators. This was in addition to telephone calls USTR has hosted with large public participation from across the country on key trade issues on a regular basis. USTR held additional stakeholder meetings specifically on issues related to the T-TIP on a regular basis. Stakeholder engagement for the latest round hosted by USTR (13th): <https://ustr.gov/ttip/ttip-round-information>.

Open Door Policy. USTR officials, including Ambassador Froman, meet frequently with a broad array of stakeholders, including agricultural commodity groups and farm associations, labor unions, environmental organizations, consumer groups, large and small businesses, faith groups, development and poverty relief organizations, other public interest groups, State and local governments, NGOs, think tanks, and academics to discuss specific trade policy issues, subject to negotiator availability and scheduling.

The Trade Advisory Committee System

Congress created the trade advisory committee system in 1974 to ensure that U.S. trade policy and trade negotiating objectives adequately reflect U.S. public and private sector interests. The system has been substantially broadened and reformed over the subsequent four decades, and remains in the 21st century a central means of ensuring that USTR's senior officers and line negotiators receive ideas, input, and critiques from a wide range of public interests. The system now consists of 28 advisory committees, with a total membership of up to approximately 700 advisors. USTR manages the advisory committee system, in collaboration with the Departments of Agriculture, Commerce, and Labor. The advisory committee system includes the President's Advisory Committee for Trade Policy and Negotiations (ACTPN), five policy advisory committees, and 22 technical advisory committees in the areas of industry (ITACs) and agriculture (ATACs).

The trade advisory committees provide information and advice on U.S. negotiating objectives, the operation of trade agreements, and other matters arising in connection with the development, implementation, and administration of U.S. trade policy. Additional information on the advisory committees, including membership and charters can be found on the USTR website at <https://ustr.gov/about-us/advisory-committees>. Advisory committee reports on the TPP can be found here: <https://ustr.gov/trade-agreements/free-trade-agreements/trans-pacific-partnership/advisory-group-reports-TPP>.

Membership. In cooperation with the other agencies served by the advisory committees, USTR continues to look for ways to broaden the participation on committees to include a more diverse group of stakeholders, represent new interests, and fresh perspectives, and continues exploring ways to expand representation while ensuring the committees remain effective. Candidate recommendations for committee membership are collected from a number of sources, including members of Congress, associations and organizations, publications, other Federal agencies, responses to Federal Register notices, and self-nominated individuals who have demonstrated an interest in, and knowledge of, U.S. trade policy. Membership selection is based on qualifications, diversity of sectors represented and geography, and the needs of the specific committee to maintain a balance of the perspectives represented.

Committee members are required to have a security clearance in order to serve and have access to confidential trade documents on a secure encrypted website. Committees meet regularly in Washington, D.C. to provide input and advice to USTR and other agencies. Members pay for their own travel and related expenses.

Any citizen who may be interested in serving on a committee or would like more information, contact iape@ustr.eop.gov.

President's Advisory Committee on Trade Policy and Negotiations (ACTPN)

The ACTPN consists of up to 45 members who are broadly representative of the key economic sectors of the economy, particularly those most affected by trade. The President appoints ACTPN members to four year terms not to exceed the duration of the charter. The ACTPN is the highest level committee in the system that examines U.S. trade policy and agreements from the broad context of the overall national interest.

Members of ACTPN are appointed to represent a broad variety of entities, including non-Federal governments, environmental organizations, labor unions, agricultural interests, technology, small business, service industries, and retailers. A current roster of ACTPN members and the interests they represent is available on the USTR website.

Policy Advisory Committees

Members of the five policy advisory committees are appointed by the U. S. Trade Representative or in conjunction with other Cabinet officers. The Intergovernmental Policy Advisory Committee on Trade (IGPAC), the Trade and Environment Policy Advisory Committee (TEPAC), and the Trade Advisory Committee on Africa (TACA) are appointed and managed solely by USTR. Those policy advisory committees managed jointly with the U.S. Departments of Agriculture, and Labor are, respectively, the Agricultural Policy Advisory Committee (APAC), and the Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC). Each committee provides advice in its specific area and its members are chosen to represent the diversity of interests in those areas. A list of all the members of the committees and the diverse interests they represent is available on the USTR website.

Agricultural Policy Advisory Committee (APAC). The Secretary of Agriculture and the U.S. Trade Representative appoint members jointly. APAC members are appointed to represent a broad spectrum of agricultural interests including the interests of farmers, ranchers, processors, renderers, retailers, and public advocacy from diverse sectors of agriculture, including

commodities, fruits and vegetables, livestock, dairy, sweeteners, wine and tobacco. Members serve at the discretion of the Secretary of Agriculture and the U.S. Trade Representative. The Committee consists of not more than 40 members.

Intergovernmental Policy Advisory Committee on Trade (IGPAC). The IGPAC consists of not more than 35 members appointed from, and representative of, the various States and other non-Federal governmental entities within the jurisdiction of the United States. These entities include, but are not limited to, the executive and legislative branches of state, county, and municipal Governments. Members may hold elective or appointive office. Members are appointed by, and serve at the discretion of, the U.S. Trade Representative.

Labor Advisory Committee (LAC). The LAC consists of not more than 30 members from the U.S. labor community, appointed by the U.S. Trade Representative and the Secretary of Labor, acting jointly. Members represent unions from all sectors of the economy including steel, automotive, aerospace, farmworkers, teachers, pilots, artists, machinists, service workers, and food and commercial workers. Members are appointed by, and serve at the discretion of, the Secretary of Labor and the U.S. Trade Representative.

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

Trade and Environment Policy Advisory Committee (TEPAC). TEPAC consists of not more than 35 members, including, but not limited to, representatives from environmental interest groups, industry, services, academia, and non-Federal governments. The Committee is designed to be broadly representative of key sectors and groups of the economy with an interest in trade and environmental policy issues. Members of the Committee are appointed by, and serve at the discretion of, the U.S. Trade Representative.

Technical and Sectoral Committees

The 22 technical and sectoral advisory committees are organized into two areas: agriculture and industry. Representatives are appointed jointly by the U.S. Trade Representative and the Secretaries of Agriculture or Commerce, respectively. Each sectoral or technical committee represents a specific sector, commodity group, or functional area and provides specific technical

advice concerning the effect that trade policy decisions may have on its sector or issue.

Agricultural Technical Advisory Committees (ATACs). There are six ATACs, focusing on the following products: (1) Animals and Animal Products; (2) Fruits and Vegetables; (3) Grains, Feed, Oilseeds, and Planting Seeds; (4) Processed Foods; (5) Sweeteners and Sweetener Products; and, (6) Tobacco, Cotton, and Peanuts. Members of each Committee are appointed by, and serve at the pleasure of, the Secretary of Agriculture and the U.S. Trade Representative. Members must represent a U.S. entity with an interest in agricultural trade and should have expertise and knowledge of agricultural trade as it relates to policy and commodity-specific products. In appointing members to the committees, balance is achieved and maintained by assuring that the members appointed represent entities across the range of agricultural interests that will be directly affected by the trade policies of concern to the committee (for example, farm producers, farm and commodity organizations, processors, traders, and consumers). Geographical balance on each committee is also sought. A list of all the members of the committees and the diverse interests they represent is available on the Department of Agriculture website: <http://www.fas.usda.gov/topics/trade-policy/trade-advisory-committees>.

Industry Trade Advisory Committees (ITACs). There are 16 industry trade advisory committees (ITACs). These committees are: Aerospace Equipment (ITAC 1); Automotive Equipment and Capital Goods (ITAC 2); Chemicals, Pharmaceuticals, Health/Science Products and Services (ITAC 3); Consumer Goods (ITAC 4); Distribution Services (ITAC 5); Energy and Energy Services (ITAC 6); Forest Products (ITAC 7); Information and Communication Technologies Services and Electronic Commerce (ITAC 8); Building Materials, Construction and NonFerrous Metals (ITAC 9); Services and Finance Industries (ITAC 10); Small and Minority Business (ITAC 11); Steel (ITAC 12); Textiles and Clothing (ITAC 13); Customs Matters and Trade Facilitation (ITAC 14); Intellectual Property Rights (ITAC 15); and Standards and Technical Trade Barriers (ITAC 16).

The ITAC Committee of Chairs was established to coordinate the work of the 16 ITAC committees and advise the Secretary of Commerce and the U.S. Trade Representative concerning the trade matters of common interest to the 16 ITACs. Members of this committee are the elected chairs from each of the 16 ITACs. Members of the ITACs are appointed jointly by the Secretary of Commerce and the U.S. Trade Representative and serve at their discretion. Each of the ITACs consists of not more than 50 members representing diverse interests and perspectives including, but not limited to, labor unions, manufacturers, exporters, importers, service providers, producers, and representatives of small and large business. Committee members should have knowledge and experience in their industry or interest area, and represent a U.S. entity that has an interest in trade matters related to the sectors or subject matters of concern to the individual committees. In appointing ITAC members, balance is achieved and maintained by

assuring that the members represent private businesses, labor unions, and other U.S. entities across the range of interests in a particular sector, commodity group, or functional area that will be directly affected by the trade policies of concern to the ITAC. A list of all ITAC members and the diverse interests the Committees and their respective memberships represent is available on the Department of Commerce website: <http://ita.doc.gov/itac/>.

State and Local Government Relations

USTR's consultative procedures between federal trade officials and State and local Governments informs the states, on an ongoing basis, of trade-related matters that directly relate to or may indirectly affect them. IAPE accomplishes this through a number of mechanisms, detailed below.

State Points of Contact. For day-to-day communications, pursuant to the NAFTA and Uruguay Round implementing legislation and Statements of Administrative Action, USTR created a State Single Point of Contact (SPOC) system. The Governor's office in each state designates a single contact point to disseminate information received from USTR to relevant state and local offices and assist in relaying specific information and advice from states and localities to USTR on trade-related matters. USTR has worked with this point of contact, as well as the Governors' representatives in Washington, DC, and state organizations and associations, to update state and local offices through formalized briefings, calls and other forms of communication. Governors' staffs and SPOCs receive USTR press releases, Federal Register notices, and other pertinent information. The SPOC network ensures that State governments are promptly informed of Administration trade initiatives and it also enables USTR to consult with, and receive views and other input from, states and localities directly on trade matters that may affect those states and localities. USTR convenes a regular monthly conference call for SPOCs and members of the Intergovernmental Policy Advisory Committee (IGPAC) to keep State and local governments apprised of timely trade developments of interest.

Intergovernmental Policy Advisory Committee on Trade. IGPAC makes recommendations to USTR and the Administration on trade policy matters from the perspective of State and local Governments. In 2015, IGPAC was briefed and consulted on trade priorities of interest to states and localities, including TPP, T-TIP, TiSA and other matters.

Meetings of State and Local Associations. USTR officials frequently participate in meetings of State and local government associations to apprise them of relevant trade policy issues and solicit their views. USTR senior officials have met with the National Governors' Association, regional governors' associations such as the Council of Great Lakes Governors, the National Conference of State Legislatures, and other state commissions and organizations. Engaging with the National Association of Attorneys General is critical for understanding concerns and addressing

legal issues from the states, especially issues related to state and local legislation. Further, the U.S. Conference of Mayors is an invaluable partner to maintain points of contact with major metropolitan areas, especially as mayors develop initiatives to make their cities more global and take advantage of the resources from which they benefit. Additionally, USTR officials have addressed gatherings of state and local officials and port authorities around the country.

Consultations Regarding Specific Trade Issues.

USTR initiates consultations with particular states and localities on issues arising under the WTO and other U.S. trade agreements and frequently responds to requests for information from State and local governments. Topics of interest included negotiations of the TPP, T-TIP, and TiSA, implementation of approved trade agreements with Colombia and South Korea, application of the WTO Government Procurement Agreement, General Agreement on Trade in Services issues, enforcement of trade agreements, and consultations with individual states regarding applicable trade remedy investigations.

Policy Coordination and Public Advice

Interagency Coordination and Advice. The U.S. Trade Representative has primary responsibility, with the advice of the interagency trade policy organization, for developing and coordinating the implementation of U.S. trade policy, including on commodity matters (e.g., coffee and rubber) and, to the extent they are related to trade, direct investment matters. Under the Trade Expansion Act of 1962, Congress established an interagency trade policy mechanism to assist with the implementation of these responsibilities. This organization, as it has evolved, consists of three tiers of committees that constitute the principal mechanism for developing and coordinating U.S. Government positions on international trade and trade-related investment issues.

The Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), administered and chaired by USTR, are the subcabinet interagency trade policy coordination groups that are central to this process. The TPSC is the first-line operating group, with representation at the senior civil servant level. Supporting the TPSC are more than 80 subcommittees responsible for specialized issues. The TPSC regularly seeks advice from the public on its policy decisions and negotiations through Federal Register notices and public hearings. In 2015, the TPSC held public hearings regarding China's Compliance with its WTO Commitments and Russia's Implementation of the WTO Commitments.

Further Public Engagement Channels

Stakeholder engagement ensures that differing viewpoints are heard during trade negotiations. In

addition to meetings of our advisory committees, USTR encourages stakeholders, on and off these advisory panels, to provide input at any time and on any issue. No individual stakeholder has an assurance that their viewpoint will dominate others or prevail in the negotiations. However, all stakeholders are heard as USTR seeks to craft the strongest agreements with the overall interests of the U.S. economy and American workers across the board in mind. Ultimately, the judgment of whether the national interest is served is made by Congress, which votes on whether to implement any agreement USTR negotiates.

USTR views engagement with Congress, stakeholders, and the public to be a central component for ensuring that our trade policy is consistent with both our economic interests and our values. USTR has taken an approach of extensive consultation in developing U.S. proposals regarding investment in our negotiations. For example, see USTR's March 2014 blog entitled 'Stakeholder Consultations, Investment and the T-TIP'. View the blog here: <https://ustr.gov/about-us/policy-offices/press-office/blog>. The posting describes some of the elements from our public consultative process. USTR continues to solicit feedback on the investment issue, and other issues, to ensure that the United States – and our trading partners – can regulate in the public interest while creating stable frameworks for protecting investments.

The following is a description of and links to appropriate websites where the public, advisors, and other interested stakeholders can engage in existing participatory processes of USTR:

www.regulations.gov. The public may provide/review comments regarding USTR's proposed rulemaking and non-rulemaking trade initiatives.

<https://ustr.gov/about-us/contact-us>. The public may send questions, comments, or concerns about trade issues to USTR.

In developing the 2014 update, civil society stakeholders offered a number of recommendations to the Agency to improve transparency and participation that focused primarily on the Trade Advisory Committee System and FOIA. Taking into consideration these recommendations, USTR took actions to update and formalize procedures related to advisory committees and stakeholders which will enhance openness and transparency in our core mission.

Improvements for increased participation:

- Diversify representation on USTR's advisory committees,
- Make available an inventory of committee members and include a point of contact on USTR's website for public awareness; and

- Include a section on USTR's website on how to apply to become a cleared advisor.

Since its creation in February 2012, the Interagency Trade Enforcement Center (ITEC) has conducted and expanded outreach regarding its mission and activities. For example, ITEC leadership has provided numerous briefings for a variety of ITACs. ITEC leadership also have spoken to leaders and members of a variety of industry, trade, and bar associations including the National Alliance of Manufacturers, the U.S.-China Business Council, the U.S.-Russia Business Council, the International Intellectual Property Alliance, the Northern Virginia Technology Council, the North American Steel Trade Committee, the American Association of Exporters and Importers, and the Court of International Trade Bar Association. In addition, ITEC has met with numerous representatives of companies and organizations regarding particular issues and how ITEC could be of assistance. ITEC has also met with a number of offices within various government agencies to explain ITEC's mission and to encourage collaborative efforts. Finally, ITEC has launched a web site to inform the public of its enforcement activities: <https://ustr.gov/issue-areas/enforcement/itec>.

In addition, in response to a request from the Senate Appropriations Committee, ITEC has published the *Trade Enforcement: Issues, Remedies, and Roles*, a reference guide to the types of trade violations that occur, the available remedies, and the roles that the different agencies play in the trade enforcement process: https://ustr.gov/sites/default/files/Trade-Enforcement_Issues-Remedies-and-Roles.pdf.

Flagship Initiatives – Review and Progress

USTR uses every available policy tool to pursue the most efficient and productive pathways to unlock opportunity for America's workers, farmers, ranchers, and businesses. The TPP and T-TIP negotiations were USTR's previous Flagship Initiatives in 2012 and 2014 respectively. USTR also secured the first major multilateral agreement – the World Trade Organization Trade Facilitation Agreement -- in two decades.

USTR began 2016 with a heightened level of ambition and an opportunity to deliver new opportunity for Made-in-American and Grown-in-America products. USTR concluded negotiations in 2015 with TPP countries to secure a next-generation, high-standard trade agreement in the world's fastest growing region that will support jobs in the United States and enable our workers to compete more fairly throughout the Pacific Rim. USTR also expects to make significant progress this year with the EU toward a T-TIP agreement that further strengthens

the world's largest economic relationship. It is clearer now than ever why strengthening our bonds build a more stable world. Finally, USTR will advance negotiations on TiSA, to open services markets throughout the globe to help this sector meet its export potential.

Increased Inclusiveness in Trade Negotiations – Achievements

During this Administration, USTR broke ground to increase transparency, participation, and collaboration in the process of trade negotiations. In particular:

More Seats at the Table, More Voices in the Process

Since early in the President's first term, USTR has worked to diversify membership in the advisory committee system that Congress established to provide official recommendations on trade policy, negotiations, and enforcement. USTR has conducted unprecedented outreach through public sessions at negotiations.

Strong Consultation and New Transparency Measures

USTR has strengthened our partnership with Congress, working with expert staff and interested Members through nearly every decision and challenge. This included briefing Congress on TPP alone more than 2,000 times from the time USTR announced the negotiations.

During U.S. hosted negotiation rounds, USTR has hosted stakeholder forums during the round with hundreds of public stakeholders invited to engage with negotiators and share their perspectives. The forums ensure that multiple perspectives and a balance of views inform U.S. negotiating positions. Stakeholder engagement events are an important opportunity for USTR and its trade negotiators to receive feedback on the ongoing talks, with the aim of ensuring the strongest possible outcomes for trade negotiations.

- During Trans-Pacific Partnership negotiations, USTR worked with each TPP partner to plan events as part of negotiating rounds that were open to registered stakeholder participation. These events, including during the final round of negotiations in Atlanta in September-October 2015, included briefings from chief negotiators and provided multiple opportunities to provide input into the negotiations, including those with respect to chapters addressing agriculture, market access for industrial goods, environment, tobacco, investment, intellectual property and related issues. At the conclusion of negotiating rounds, senior USTR officials and technical leads offered detailed briefings on an ongoing basis to interested stakeholder groups to provide in-depth reviews of the status of the negotiations and the contents of particular chapters.

- Additionally, USTR hosted a stakeholder forum at every 2015 U.S. hosted round of the Transatlantic Trade and Investment Partnership (T-TIP) negotiations. Stakeholders were invited to give presentations, engage with negotiators, and attend briefings hosted by the U.S. and EU Chief Negotiators.

The Obama Administration has expanded representation on advisory committees to include more voices from academia, NGOs, labor and environmental organizations, consumer and business groups, and others in an effort to have all views represented. Some are large employers, but they also include a small manufacturer in Ohio, a family-owned food company in Oregon and similar local business from around the country. They include representatives of every major labor union; public health groups such as the Campaign for Tobacco Free Kids; environmental groups such as Oceana, the World Wildlife Fund, and the Environmental Defense Fund; and development NGOs such as Bread for the World. Generic drug companies and ISP are represented, and USTR is in the process of expanding our public health representation.

USTR continues a process of broad consultations to expand beyond the advisory system. More importantly, these cleared advisors represent only a small fraction of the input USTR receives on trade negotiations, including directly from stakeholders through a variety of mechanisms including public calls, meetings, and our website and newsletter. During this Administration, our door has been open to the broadest range of stakeholders possible.

USTR published the full text of the TPP Agreement on November 5, 2015, after the completion of legal scrub and well in advance of the legal requirement, accompanied by extensive and detailed chapter summaries and fact sheets explaining the agreement's contents and benefits for workers, manufacturers, ranchers, farmers, services providers, and others, and explaining their achievements in issues such as maintaining a free and open Internet, raising labor and environmental standards, and helping American small and medium-sized businesses export.

Further information on transparency and TPP can be found here: <https://ustr.gov/about-us/policy-offices/press-office/fact-sheets/2012/june/transparency-and-the-tpp>.

Increased Inclusiveness in Trade Negotiations – Going Forward

The U.S. Trade Representative, Ambassador Michael Froman, announced new transparency, participation and collaboration initiatives in February 2014: “We believe there is always room to do better. So I am pleased to announce some new steps we are taking to improve public understanding of our work.”

More Seats at the Table, More Voices in the Process

Seeking more diversity in Advisory Committee membership: As USTR re-charters our existing advisory committees, USTR will publish Federal Register notices to broadly reach individuals interested in becoming a cleared advisor. USTR invites representatives from all relevant constituencies to apply to further diversify the committees' membership.

Strong Consultation and New Transparency Measures

In June 2013, President Obama and European Council President Van Rompuy, European Commission President Barroso, and Prime Minister Cameron announced that the United States and the EU would launch negotiations on a T-TIP agreement. T-TIP is an ambitious, comprehensive, and high-standard trade and investment agreement offering significant benefits in terms of promoting U.S. international competitiveness, jobs, and growth. The aim of T-TIP is to boost economic growth in the United States and the EU and add to the more than 13 million American and EU jobs already supported by transatlantic trade and investment. Formal negotiations for T-TIP began three years ago hosted by the United States in Washington, DC. In this agreement, the U.S. and the EU seeks to obtain improved transparency in the administration of EU and member state trade and investment regimes, and rules that ensure trade- and investment-related measures are adopted and applied in an open and transparent manner that provides meaningful opportunities for public comment, notice, and review: <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2014/March/US-Objectives-US-Benefits-In-the-TTIP-a-Detailed-View>.

In April 2016, the United States and the EU concluded its 13th round of negotiations in Washington, DC. As in other trade negotiations, each T-TIP round includes a day where [stakeholders are included in the negotiation activities](#). EU officials agreed to host similar participatory processes for stakeholders. Dates for negotiating rounds and registration for stakeholders interested in participating in events are announced on USTR's website. Negotiations are halted for the more than 300 stakeholders including NGOs, academics, other members of civil society, farmers, ranchers, small business representatives, and cleared advisors registered for events during each round hosted by the United States to allow stakeholders to make presentations, talk with U.S. and EU negotiators, and receive an high level update from the T-TIP chief negotiators on the status of the negotiations: <https://ustr.gov/about-us/policy-offices/press-office/speechestranscripts/2016/april/opening-remarks-us-and-eu-chief>.

In conjunction with this trade initiative, USTR continues efforts to broaden public outreach on the progress of negotiations, including:

- Providing a [public update](#) on the status of negotiations in the T-TIP;
- At the start of the March 2014 T-TIP negotiating round, USTR issued a public document that describes U.S. negotiating objectives in ‘plain English’ terms, and committed to providing written updates after each round of negotiations;

<https://ustr.gov/trade-agreements/free-trade-agreements/transatlantic-trade-and-investment-partnership-t-tip/t-tip>

- Chief U.S. negotiator and other negotiators periodically visiting EU member states to explain to stakeholders U.S. positions on a range of issues, including competition, services, investment, small and medium-sized enterprises, and regulatory coherence and transparency;
- Senior USTR officials, including Ambassador Froman, host broad stakeholder calls on the T-TIP negotiations with the public and cleared advisors;
- At the conclusion of each negotiation round, the chief negotiators from the U.S. and EU hold a press conference with a complete transcript posted on USTR’s website, for example the statement at the conclusion of the 14th round in July:

<https://ustr.gov/about-us/policy-offices/press-office/speechetranscripts/2016/july/statement-assistant-ustr-dan>;

- A [blog](#) posted on USTR’s website entitled “Stakeholder Consultations, Investment and the T-TIP” describes our engagement approach with Congress, stakeholders, and the public as a central component for ensuring that our trade policy is consistent with both our economic interests and values; and
- USTR has an extensive consultation process to develop U.S. proposals regarding investment in its negotiations. In line with the commitment to expand on increased transparency, USTR released and sought comments on an unprecedented, detailed [document](#) giving a subject by subject view of the T-TIP negotiating objectives for the U.S. USTR will continue to solicit feedback on these, and other issues.

Flagship Initiative – Trade Promotion Authority (TPA)

Overview

[Trade Promotion Authority](#)—or TPA—is a partnership between Congress and the Administration to ensure that the United States secures the most effective trade agreements possible. TPA brings greater transparency to the negotiating process by empowering Congress to conduct vigorous oversight and hold the Administration accountable. The Bipartisan Trade Priorities and Accountability Act of 2015 implemented TPA in June 2015.

TPA legislation defines U.S. negotiating objectives and priorities for trade agreements and establishes consultation and notification requirements for the President to follow throughout the negotiation process. At the end of the negotiation and consultation process, Congress gives the agreement an up or down vote, without amendment. TPA reaffirms Congress’s overall constitutional role in the development and oversight of U.S. trade policy.

Key elements of TPA—

- (1) TPA outlines Congressional guidance to the President on trade policy priorities and negotiating objectives.
- (2) TPA establishes Congressional requirements for the Administration to notify and consult with Congress, with the private sector and other stakeholders and with the public during the negotiations of trade agreements.
- (3) TPA defines the terms, conditions and procedures under which Congress allows the Administration to enter into trade agreements, and sets the procedures for Congressional consideration of bills to implement the agreements.

TPA ensures transparency and public engagement in trade. TPA establishes consultation and notification requirements for the President to follow throughout the trade agreement negotiation process – ensuring that Congress, stakeholders and the public are closely involved before, during and after the conclusion of trade agreement negotiations.

Initiative Engagement

In particular, TPA guarantees Congress a meaningful role in all trade negotiations through both transparency and accountability. Under TPA, every member of Congress is able to:

- Read Negotiating Text: Allows every member of Congress to read the negotiating text.
- Receive Detailed Briefings: Requires USTR to brief any interested member on the status of negotiations at any time.
- Attend Negotiating Rounds: Allows any member to become a “congressional adviser” and as a result eligible to attend negotiating rounds.
- Provide Guidance: Creates House and Senate Advisory Groups to oversee negotiations and receive regular briefings. Any member can submit views.
- Coordinate with Public and Advisory Committees: Lays down guidelines on public engagement and sharing information with advisory committees.
- Receive adequate time to review deal: Requires the President to publish the text of a completed trade agreement 60 days before signing it.
- Consult with the new Transparency Officer: Created a chief transparency officer at USTR who consults with Congress and advise USTR on transparency policies.

Since the Administration notified Congress of our intent to enter TPP negotiations in 2009, USTR has closely followed Congressional objectives and notification and consultation provisions required under TPA. USTR has consulted hundreds of times with Congressional committees with jurisdiction over international trade negotiations, consistently requesting input on the direction, focus and content of TPP negotiations. And USTR continually meets with Members and staff from other committees regarding particular issues of interest.

In addition to our congressionally mandated committees of industry and public sector advisers, the United States consults with all interested stakeholders at each trade agreement negotiating round and in between. We do this to share information and get views that make the negotiated product better. For TPP, these stakeholders have included representatives from academia, labor unions, the private sector, and non-governmental organizations. Under TPA, this activity continues and is strengthened.

USTR guidelines for consultation and engagement can be found here:

<https://ustr.gov/sites/default/files/USTR%20Guidelines%20for%20Consultation%20and%20Eng>

[agement.pdf](#).

Public and Agency Ideas

USTR's Open Government Plan is intended to be responsive to the President's initial guidance and the Open Government Directive. In preparing the Plan from the beginning in 2010, individuals representing the USTR Open Government Steering Committee consulted with a number of civil society organizations with interest in increasing transparency and openness in the EOP agencies' activities. Organizations included the Government Accountability Project (GAP), Center for Effective Government, OpenTheGovernment.org, the Sunlight Foundation, and Citizens for Responsibility and Ethics in Washington (CREW).

These stakeholders provided suggestions on areas where USTR could expand its efforts to proactively inform stakeholders and the public on USTR's trade mission activities.

Recently, OpenTheGovernment.org provided recommendations on May 23, 2016 for USTR's 2016 Open Government Plan, and along with Public Citizen, highlighted them at the Open Government and Civil Society engagement session on August 23, 2016. They made three requests:

- USTR should immediately make available on its website the textual proposals related to rules that it has already tabled to its negotiating partners in the context of all bilateral, regional, or multilateral trade negotiation it undertakes;
- USTR should impose as a prerequisite to any new or continuing trade negotiations that all parties agree to publish consolidated draft texts on rules after each negotiating round; and
- USTR should immediately appoint a transparency officer who does not have any structural conflicts of interest in promoting transparency at the agency.

These recommendations were shared internally for further consideration and inclusion by the appropriate staffs. These recommendations require further discussions and collaboration with responsible offices and Agency leadership. They will be included in USTR's transition preparations briefing book for consideration by the new Administration.

Agency staff provided significant input into the updated plan on areas where transparency, collaboration and participation with the public has increased and provided suggestions for future goals in these areas.

In addition to planned stakeholder activities and other in-person events at its major negotiating rounds, USTR provides user-friendly feedback mechanisms on its website, *Tradewinds*, the official blog of the U.S. Trade representative: <https://ustr.gov/tradewinds> and through the IAPE@ustr.gov inbox.

USTR is committed to openness and transparency and has taken major strides to integrate these principles into its core mission. With each update of the President’s Open Government Directive, USTR has built upon previous practices to increase innovative approaches to participation and collaboration with its stakeholders and the public.

In the public statement at the conclusion of the fifth round of T-TIP negotiations, U.S. Trade Representative Ambassador Froman stated:

“Like previous rounds, U.S. and EU negotiators paused mid-round to interact directly with several hundred individuals at an open public forum during which a record number of stakeholders, including consumer, labor, and environmental representatives and members of the academic and agriculture community, made formal presentations. These conversations contribute to the development of our policies and help steer our approach to these negotiations.”

Points of Contact

For questions or comments on this Plan:

Electronic feedback email: contactUSTR@ustr.gov

Open Government Senior Agency Official: Fred Ames, fames@ustr.eop.gov

Open Government Administrative Officer: Tiffany Enoch, tenoch@ustr.eop.gov