| **Individual Action Plan Update for [the United States] for [2012]** |
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| ***Highlights of recent policy developments which indicate how [economy] is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.*** |
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| IAP Chapter (and Sub-Chapter and Section Heading, if any) | **Improvements made since [2009] IAP** | **Further Improvements Planned** |
| --- | --- | --- |
| Tariffs | The U.S. economy is among the most open in the world. In 2010, 70 percent of imports for consumption entered the United States duty-free. The U.S. trade-weighted applied tariff average in 2010, including preferences and FTAs, was 1.4 percent.  The United States has implemented Free Trade Agreements (FTAs) with 17 countries, including five agreements with six APEC economies, and secured Congressional approval for three others with Korea, Colombia, and Panama. | The United States is working to implement the Korea, Colombia and Panama FTAs.  The United States is engaged with eight others in the APEC region to negotiate a Trans-Pacific Partnership, which will include binding commitments to market access, including tariffs, across all sectors. At the APEC Leaders meeting in Honolulu in November 2010, the Leaders of the nine TPP partners announced the broad outlines of an agreement and instructed negotiating teams to conclude the agreement by the end of 2012. In response to the announcement, several other APEC member economies publicly expressed interest in participating in the TPP.  The United States will work with others in APEC to carry out Leaders instructions that APEC play a leadership role in launching negotiations to expand the product coverage and membership of the WTO Information Technology Agreement.  The United States also remains committed to making progress wherever possible on the Doha mandate, based on common efforts.  All major Members need to work together to craft credible, innovative approaches to the WTO’s work as an institution that liberalizes trade and creates and applies meaningful trade rules.  The United States has implemented WebTR, and will continue to make its tariff regime as transparent as possible, including keeping current its online tools and making them as user-friendly as possible. |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| ***Non-Tariff Measures*** | **Steel:** The Steel Import Monitoring and Analysis program published a final rule on 18 March 2009 to extend its import licensing system until 21 March, 2013; please see 74 FR 1147, 18 March 2009. There were no other changes made to the licensing program. A copy is also available on the steel licensing website, <http://ia/ita/doc.gov/steel/license>. Cement: This licensing system terminated in 2009. The system was put into place in connection with the Agreement Between the Office of the United States Trade Representative and the Department of Commerce of the United States of America and the Ministry of Economy of the United Mexican States (Secretaría de Economía) on Trade in Cement (U.S.-Mexico Cement Agreement), signed 6 March 2006. The licensing system took effect on 5 April 2007 and was in place for the duration of the U.S.-Mexico Cement Agreement, which expired on 31 March 2009. Licenses are no longer required. |  |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Ed Brzytwa ([Edward\_Brzytwa@ustr.eop.gov](mailto:Edward_Brzytwa@ustr.eop.gov)) |  |
| ***Services*** | **Accounting Services:** The American Institute of Certified Public Accountants (AICPA) and the National Association of State Boards of Accountancy (NASBA), in consultation with regulatory bodies and other stakeholders, spent two years studying a program for international administration of the Uniform CPA Examination (“CPA Exam,” the examination administered to individuals wishing to become CPAs in the United States). As a result of this process, beginning in August 2011, candidates who qualify will be allowed to schedule their CPA Exam at select international locations. The exam and licensure process will be the same for international examinees as it is for examinees within U.S. jurisdictions.  **Accounting Services:** Since 2009, “mobility” provisions were adopted in three more U.S. states, including New York, one of the most commercially significant U.S. states. Practice mobility is the ability of a licensee in one U.S. state to gain a practice privilege outside of his or her home jurisdiction without needing to obtain an additional license in another state where he or she will be serving a client or an employer. As of January 2012, 48 of the 50 U.S. states have mobility provisions. NASBA and AICPA have developed a mobility website, where mobility information can quickly be obtained, based on where one is licensed and where one seeks to perform services: <http://www.cpamobility.org/>.  **Accounting Services:** In 2011, accounting authorities in the United States and Hong Kong, China concluded a Mutual Recognition Agreement that establishes the basis for reciprocity between the United States and Hong Kong, China accounting professions. Six MRAs have now been concluded by U.S. accounting bodies, including five with APEC economy professional bodies (Australia; Canada; Hong Kong, China; Mexico; and New Zealand).  **Air Transport Services:**Since 2009, the United States has concluded 12 “Open Skies” aviation agreements liberalizing bilateral passenger and cargo transportation between the United States and partner countries. The United States now has Open Skies agreements with 105 partners, covering over 70 percent of U.S. international departures. U.S. Open Skies agreements promote increased travel and trade by eliminating government interference in commercial airline decisions about routes, capacity and pricing.  **Broadcast and Telecommunications:** In March 2010, the Federal Communications Commission (FCC) introduced a “Spectrum Dashboard” to provide more transparent access to information on spectrum allocation and assignment in the United States. The Dashboard provides information on how spectrum is being used, who owns spectrum licenses around the country, and what spectrum is available on a county-by-county basis. The Dashboard provides search and map functions for licenses. The dashboard is available online at: <http://reboot.fcc.gov/reform/systems/spectrum-dashboard>. | **Accounting Services:** The CPA Exam is currently being offered at select testing centers in Bahrain, Japan, Kuwait, Lebanon, and the United Arab Emirates (citizens, permanent residents, and long-term residents of Egypt, Qatar, Oman, Saudi Arabia, Jordan, and – from February 2012 – Yemen will also be able to sit for the Exam at the above identified Middle East testing centers). Beginning in February 2012, the Exam will also be offered at select centers in Brazil, at which citizens and long-term residents of Brazil, Argentina, Venezuela, and Colombia will be able to sit for the Exam. |
| *Website for further information:* | [www.ustr.gov](http://www.ustr.gov) |  |
| *Contact point for further details:* | Jai Motwane ([Jai\_Motwane@ustr.eop.gov](mailto:Jai_Motwane@ustr.eop.gov)) |  |
| ***Investment*** | In June 2011, the United States established the “SelectUSA” initiative to centralize the Federal Government’s investment promotion infrastructure and resources, and to facilitate business investment into the United States. The functions of the initiative include: (1) coordinating Federal Government investment promotion efforts; (2) serving as an ombudsman to facilitate resolution of issues involving Federal programs or activities relating to pending investments; and (3) providing information on the U.S. investment climate, on Federal programs and incentives available to investors, and on state and local economic development organizations. Information on the initiative, including a searchable guide of Federal programs, and links to individual state economic development agencies, is available at the Department of Commerce’s SelectUSA website: <http://selectusa.commerce.gov/>.  The United States promotes investment liberalization through the inclusion of high standards of investor protection in its free trade agreements (FTAs) and bilateral investment treaties (BITs). In 2011, the United States ratified FTAs with three Pacific Rim economies (Colombia, the Republic of Korea, and Panama) and a BIT with Rwanda. Each of these agreements increases bilateral investment opportunities by lowering barriers to each market, increasing investor protections, and providing a mechanism for the resolution of investment disputes. |  |
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| Contact point for further details: | Jai Motwane ([Jai\_Motwane@ustr.eop.gov](mailto:Jai_Motwane@ustr.eop.gov)) |  |
| ***Standards and Conformance*** | **December 2009**  The White House issued an unprecedented [Open Government Directive](http://www.whitehouse.gov/open/documents/open-government-directive) requiring federal agencies to take immediate, specific steps to achieve key milestones in transparency, participation, and collaboration.  Website:  <http://www.whitehouse.gov/open/documents/open-government-directive>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices.  **2010**  Consumer Product Safety Commission’s Acceptance of Third Party Testing based on the International Laboratory Accreditation Cooperation (ILAC) recognition laboratory accrediting bodies.  Website:  <http://www.cpsc.gov/about/cpsia/cpsiatestingreason.pdf>  Supports Bogor Goals, Osaka Action Agenda, Section, C Chapter 5,Objective D on achieving recognition of conformity assessment.  **April 2010**  The U.S. government launched the Open Government Initiative websites and dashboards.  Website:  <http://www.whitehouse.gov/open>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices.  **January 2011**  The President of the United States issued Executive Order 13563, titled "Improving Regulation and Regulatory Review." This executive order sets out general requirements directed to executive agencies concerning public participation, integration and innovation, flexible approaches, and science.  Website:  <http://www.whitehouse.gov/the-press-office/2011/07/11/executive-order-regulation-and-independent-regulatory-agencies>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices.  **February 2011**  The American National Standards Institute issues theThird Edition of the U.S. Standards Strategy.  Website:  <http://www.ansi.org/standards_activities/nss/usss.aspx?menuid>=  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective B to endeavor to actively participate in international standards activities and Objective F to ensure the transparency of the standards and conformity assessment of APEC Economies.  **March 2011**  Annual Publication of the United States Technical Barriers to Trade Report  Website:  <http://www.ustr.gov/sites/default/files/TBT%20Report%20Mar%2025%20Master%20Draft%20Final%20pdf%20-%20Adobe%20Acrobat%20Pro.pdf>  Supports Bogor Goals, Osaka Action Action Agenda, Section C, Chapter 5, Objective F to ensure the transparency of the standards and conformity assessment of APEC Economies.  **May 2011**  Mutual Recognition Agreement between the Government of the United States and the Government of the United Mexican States for Conformity Assessment of Telecommunications Equipment, Mexican regulatory authorities will accept tests performed by recognized U.S. laboratories to determine the conformity of telecommunications equipment with Mexican technical requirements, rather than requiring additional testing before the American products can be sold in Mexico. It is expected to be operational in 2012.  Website:  <http://www.ustr.gov/about-us/press-office/press-releases/2011/may/new-us-mexico-telecommunications-agreement-will-ease-b>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5,Objective D on achieving recognition of conformity assessment  **July 2011**  The President of the United States issued Executive Order 13579, titled, “Regulation and Regulatory Agencies.” This executive order requires each independent regulatory agency to develop and release to the public a plan, consistent with law and reflecting its resources and regulatory priorities and processes, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.  Website:  <http://www.whitehouse.gov/the-press-office/2011/07/11/executive-order-regulation-and-independent-regulatory-agencies>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices.  **August 2011**  U.S. Government regulatory agencies released [final regulatory reform plans](http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system), including hundreds of initiatives that will reduce costs, simplify the system, and eliminate redundancy and inconsistency.  Website: <http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices.  **October 2011**  The National Science and Technology Council issued the report, “Federal Engagement in Standards to Address National Priorities.” The report outlines policy recommendations to federal government agencies for their consideration when engaging in private sector standards activities to address national priorities specified by Congressional mandate or Administration policy. The report provides a high-level overview of the current legal and policy framework for government engagement in private sector standards activities and describes how the government engages in these activities. It summarizes stakeholder observations in response to the December 2010 Request For Information (RFI) issued by the National Institute of Standards and Technology on behalf of the Subcommittee on Standards of the National Science and Technology Council about government engagement in standardization generally and in specific technology areas.  Website:  <http://standards.gov/upload/Federal_Engagement_in_Standards_Activities_October12_final.pdf>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective B to endeavor to actively participate in international standards activities and Objective F to ensure the transparency of the standards and conformity assessment of APEC Economies.  **December 2011**  The Administrative Conference of the United States (ACUS). ACUS has released recommendations updating guidance on Federal Agency Cooperation with Foreign Government Regulators. The revised recommendations emphasize the importance of collaboration with foreign regulators in various ways in order to faciliate trade.  Website: <http://www.acus.gov/wp-content/uploads/downloads/2011/12/Recommendation-2011-6-International-Regulatory-Cooperation.pdf>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices. | **January 2012**  Guidance issued by the U.S. Office of Management and Budget on simplifying and standardizing executive summaries of U.S. regulations.  Website: <http://www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/clarifying-regulatory-requirements_executive-summaries.pdf>  Supports Bogor Goals, Osaka Action Agenda, Section C, Chapter 5, Objective C on promoting good regulatory practices. |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Julia Doherty ([Julia\_Doherty@ustr.eop.gov](mailto:Julia_Doherty@ustr.eop.gov)) |  |
| ***Customs Procedures*** | **Single Window:** The Automated Commercial Environment (ACE) is the commercial trade processing system being developed by the U.S. Customs and Border Protection (CBP) to facilitate trade while strengthening border security. The ACE Secure Data Portal, essentially a customized web page, connects CBP, the trade community, and participating government agencies by providing a single, centralized, online access point for communications and information related to cargo shipments. As of January 2012, there are more than 19,664 ACE portal accounts, including 3,000 importer accounts, more than 1,000 broker accounts, and more than 15,000 carrier accounts. More than $70 billion in duties and fees have been paid through the ACE monthly statement process since the first payment was made in July 2004.  The International Trade Data System (ITDS) is a program that is ensuring inter-agency participation in ACE. Through ITDS efforts, ACE will provide a “single window” for collecting and sharing trade data with agencies that are responsible for ensuring the compliance of imported and exported cargo with U.S. laws. To date, there are 49 Participating Government Agencies (PGAs) in ITDS with more than 500 PGA end-users who have access to the ACE portal.  Three key ITDS initiatives were proposed by CBP to automate and enhance interaction between Trade Partners, CBP, and PGAs by facilitating electronic collection, processing, sharing, and review of trade data and documents required by Federal Agencies during the cargo importation and release process. The initiatives are expected to significantly increase efficiency and reduce costs over the manual, paper-based interactions that have been in place. The initiatives are: (1) the Document Image System (DIS), which will allow trade members to electronically supply documentation needed during the cargo release process to CBP and other Federal agencies; (2) PGA Interoperability, which will introduce a comprehensive set of technical services that will enable CBP to share information, documents and events of interest in an automated manner with PGAs, and to significantly enhance interagency collaboration required during the cargo importation, review and release process; and (3) PGA Message Set, which will introduce support for a well-defined, harmonized set of data to be collected electronically from international traders by CBP on behalf of the PGAs. This process will replace the myriad of paper forms currently required by Federal Agencies during the cargo importation process.  Deployed in phases, ACE will be expanded to provide cargo processing capabilities across all modes of transportation and will replace existing systems with a single, multi-modal manifest system for land, air, rail, and sea cargo. In addition to the deployment of the ACE Secure Data Portal and capabilities related to the ACE monthly statement process, CBP has also deployed the following: (1) capabilities enabling CBP to pre-screen trucks and shipments to ensure the safety and security of incoming cargo; (2) ACE participants can now file specific entry types, which if filed, make up nearly 99 percent of all entry summaries, as ACE entry summaries; (3) an Anti-Dumping Countervailing Duty (AD/CVD) case management system that enhances the ability to track the life cycle of an AD/CVD case and facilitates trade compliance efforts via the centralizing of more information; and (4) capabilities that will provide a consolidated view of rail and sea shipment manifest and entry data at the bill of lading or container level to facilitate the identification of shipments that may pose a risk and expedite the pre-arrival processing of legitimate cargo. | Future Automated Commercial Environment (ACE) releases currently planned include: deployment of cargo release capabilities that will focus on the admissibility of imported articles and their release into the commerce of the United States in coordination with Participating Government Agencies (PGAs) and the trade community and Automated Export Processing- the establishment of ACE as the single processing platform for all export manifest, commodity, licensing, and export control transactions. This is in keeping with the President’s National Export Initiative (NEI) and the Export Control Reform Initiative. Current plans call for the development of an automated export manifest system for all modes. |
| Website for further information: | [www.cbp.gov](http://www.cbp.gov) [www.ustr.gov](http://www.ustr.gov) |  |
| *Contact point for further details:* | Jennifer McGill ([jennifer.mcgill@dhs.gov](mailto:jennifer.mcgill@dhs.gov))  Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| ***Intellectual Property Rights*** | The United States implements one of the highest levels of intellectual property (IP) protection in the world. Its grant of significant intellectual property rights (IPRs) and an effective mechanism by which to enforce those rights have been one of the fundamental components of its economic success and will continue to be critically important to its economic prospects. This high level of protection also has served to enrich greatly the standard of living and cultural life of American citizens.  The U.S. Patent and Trademark Office (USPTO), through the Global Intellectual Property Academy (GIPA) in the Office of Policy and External Affairs, provides IP educational opportunities to domestic small and medium-sized enterprises, universities, foreign officials, and the public. The GIPA provides expertise on administration, protection, and enforcement in all areas of domestic and international IP. In FY 2011, the GIPA conducted more than 120 training programs with more than 5,500 attendees from 138 different countries. The attendees included officials from foreign IP offices, law enforcement authorities (including prosecutors, police, and customs officials), and members of the judiciary.  Domestic opportunities include outreach to Native American tribes, educational programs on IP awareness, and China Road Shows providing IP information to small and medium-sized enterprises seeking to do business in China. Additionally, the GIPA partners to develop and deliver educational outreach programs with other areas of the United States Government (USG), in particular the Small Business Administration, bureaus of the Department of Commerce including the Minority Business Development Agency, and the U.S. Export Assistance Centers of the U.S. Commercial Service. The GIPA also worked with the Office of the White House Intellectual Property Enforcement Coordinator (IPEC) to coordinate all USG IP training including hosting a database of all training and capacity building activities. The efforts by the USPTO will facilitate the export capabilities of domestic industry and small and medium-sized enterprises, and ensure their competitiveness around the world.  For the past several years, the USPTO has worked with the Congress, other USG agencies, and its stakeholders to promote effective patent reform legislation. This has culminated in the passage of the American Invents Act (AIA). The AIA, as signed into law (Pub. L. No. 112-29) on September 16, 2011, supports USPTO’s efforts to improve patent quality, reduce the backlog of patent applications, reduce domestic and global patenting costs for U.S. companies, provide greater certainty in patent rights, and offer effective alternatives to costly and complex litigation. Information about the AIA and its implementation can be found at <http://www.uspto.gov/aia_implementation/index.jsp>  In cooperation with the USPTO, the International Trade Administration (ITA) added an SME Module to the [www.stopfakes.gov](http://www.stopfakes.gov) webpage, to provide an overview for U.S. SMEs on the basic concepts of patents, trademarks and copyrights; to explain how to acquire those rights and the benefits of doing so, and to help SMEs understand what IPR assets they may already have. The SME Module was translated in French and Spanish and takes about 90 minutes to complete. The ITA, in collaboration with U.S. embassies abroad, has also added new “IPR Toolkits” to its Stopfakes webpage. These are country-specific guides to assist U.S. SMEs with IPR information in other specific jurisdictions. The latest toolkits include Colombia and Ghana.  Theft of IP is a serious crime that places significant risks on economic vitality, safety, and global security. The U.S. Department of Homeland Security (DHS) has accomplished the following to combat IP theft:   * U.S. Customs and Border Protection (CBP) meets these threats with an aggressive IPR Strategy, which was submitted to Congress in 2010, that employs a risk based approach built upon three fundamental concepts: Facilitate, Enforce, and Deter. CBP facilitates the expedited release of legitimate trade by partnering with members of the trade community to identify low risk shipments prior to their arrival. This enables CBP to hone its targeting efforts to focus enforcement resources on shipments with a high risk or unknown risk for containing infringing goods. CBP is also modernizing authentication tools to expedite identification of genuine and counterfeit products. In 2011, CBP tested and acquired new portable scanners to enable officers to authenticate pharmaceuticals on-the-spot. * In October 2011, CBP established two Centers of Excellence and Expertise: the Electronics Center in Los Angeles and the Pharmaceuticals Center in New York. The Centers, which previously functioned as pilot programs, will continue CBP efforts to increase uniformity of practices across ports of entry, facilitate the timely resolution of trade compliance issues nationwide, and further strengthen critical agency knowledge on key industry practices. These Centers will serve as a resource to CBP, other federal agencies, and the private sector on enforcing IPR on an industry basis. * To enhance enforcement capabilities, CBP provides advanced training to all frontline enforcement personnel, and in 2011 CBP trained more than 550 frontline personnel in 30 training sessions. As a result, in Fiscal Year (FY) 2011 the number of seizures rose to 24,972, which is a 24 percent increase compared to FY 2010, with a domestic value of $178 million and a manufacturer’s suggested retail price of $1 billion. * The scope of counterfeiting and piracy is difficult to measure because of the illicit nature of this illegal trade. In 2011, CBP implemented an Admissibility Compliance Measurement program in international mail facilities to gain better understanding of growth of counterfeit imports, and inform strategy decisions by collecting statistically valid data on randomly sampled imports.   CBP also works with international partners to strengthen global enforcement efforts. In 2011, CBP led a year-long initiative with members from the Asia Pacific Economic Cooperation (APEC) Sub-Committee on Customs Procedures (SCCP) that led to enforcement actions against more than 1,200 shipments of counterfeit and illegal pharmaceuticals. This effort also led to the development of model practices for enforcing intellectual property in international postal and express courier facilities that will help guide future collaborative work within the SCCP.  CBP also works to deter future violations by administering audits of companies with a high-risk for importing counterfeit and pirated goods. In addition, CBP assesses penalties against violators to impose a financial deterrence from continuing to import infringing goods. CBP is implementing new procedures to issue IPR penalties concurrently with seizure and to expand the scope of parties against whom penalties are issued to the full extent of the law. In the last four years, the number of IPR penalties rose eight percent and collections rose three percent. In 2010, CBP assessed 514 IPR penalties and collected $2.1 million in fines.  CBP works closely with criminal investigators in the United States and within DHS, especially U.S. Immigration and Customs Enforcement (ICE). CBP is a partner agency of the National Intellectual Property Rights Coordination Center (IPR Center), and is a leading source of referrals to the IPR Center. For example, in 2008 CBP’s IPR National Targeting and Analysis Group targeted shipments of counterfeit Cisco components imported by a particular individual. CBP referred this case to the IPR Center and supported the investigation through targeting and auditing of the individual’s records. The individual was sentenced in September 2011 to 60 months in jail for conspiracy to import and sell fake Cisco computer networking equipment.  In FY 2011, ICE Homeland Security Investigations (HSI) achieved 574 arrests, 355 indictments, 291 convictions, and 8,556 seizure incidents with an estimated manufacturer’s suggested retail price (MSRP) of approximately $483 million. These enforcement results represent a 57 percent increase in arrests; a 64 percent increase in indictments; a 71 percent increase in convictions; and a 107 percent increase in seizure incidents from FY 2010. These figures include both federal and state enforcement results.  ICE HSI conducted 349 IPR and Commercial Fraud focused outreach and training events in FY 2011, a 55 percent increase over FY 2010. These included 108 international events. The outreach and training reached 16,999 people, a 15 percent increase over FY 2010.  ICE HSI created IP Theft Enforcement Teams (IPTETs) in each of the 26 Special Agent in Charge Offices in the United States.  DHS and the IPR Center stand at the forefront of the U.S. Government’s response to global IP theft. As a task force, the IPR Center uses the expertise of its member agencies to share information, develop initiatives, coordinate enforcement actions, and conduct investigations related to IP theft. Through this strategic interagency partnership, the IPR Center protects the public’s health and safety, the U.S. economy and the war fighters.  **New National Intellectual Property Rights Coordination Center Partners:** In 2011, the IPR Center expanded its membership from 15 to 19 partner agencies. The IPR Center expects to continue to increase its membership through continued efforts to explore new partnerships with other key U.S. agencies and international partners.  **Operation In Our Sites:** In June 2010, the IPR Center initiated Operation In Our Sites, an innovative approach to target the sale of illicit items distributed through the Internet. As of January 2012, 362 domain names and $435,579 in illicit profits have been seized under this operation. ICE HSI has also made 10 criminal arrests and has an INTERPOL Red Notice outstanding for the arrest of a Greek citizen.  Operation In Our Sites also serves as an educational tool for the online consumer. As part of the court-issued seizure order, an individual attempting to access a domain name that has been seized is redirected by ICE HSI to a seizure banner announcing that the website has been seized, and under what authority. To date, this banner has received over 80 million hits. Additionally, ICE HSI redirects forfeited sites to a public service announcement which aims to educate the consumer about the threat of IP theft to the U.S. economy. ICE HSI, the IPR Center and Operation In Our Sites have received recognition from various industry partners, trade associations and the International Association of Chiefs of Police.  Pursuant to the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (“PRO IP Act”), the Department of Justice provides an annual report to Congress explaining the efforts to combat intellectual property crime through grants to state and local law enforcement, hiring and training of Federal Bureau of Investigation agents focused on IP crime, statistics about federal criminal IP cases, an overview of policies implemented by the Department related to IP crime, and an assessment of the staff and resources dedicated to the issue. A link to the 2010 PRO-IP Report can be found at <http://www.justice.gov/dag/iptaskforce/proipact/pro-ip-report-fy2010.pdf>.  The U.S. Copyright Office administers the Copyright Act, including registering hundreds of thousands of copyrights a year and recording licenses and other transfers of copyright ownership. These systems play an important role in both commerce and enforcement involving American authorship and innovation. On the one hand, they provide the world’s largest database of copyright information for those seeking licenses to use copyrighted works, and on the other hand, provide copyright owners with certain protections and benefits under the law. The Copyright Office provides leadership and impartial expertise on questions of copyright law and policy, advises Congress on national and international issues relating to copyright, and provides information and assistance to Federal departments and agencies and the judiciary on national and international issues relating to copyright. Congress has directed the Office to participate in meetings of international intergovernmental organizations and meetings with foreign government officials on copyright matters.  In October 2011, the new Register of Copyrights and Director of the U.S. Copyright Office, Maria A. Pallante, announced her two-year work plan comprised of 17 priorities in the area of copyright policy (protections as well as exceptions) and administrative practice (including improvements to registration) as well as 10 new projects designed to improve the quality and efficiency of the U.S. Copyright Office’s services in the 21st century. A full discussion of the priorities and special projects is available at [www.copyright.gov/docs/priorities.pdf](http://www.copyright.gov/docs/priorities.pdf).  The Copyright Office also engages in training, education and outreach programs. For example, in September 2011, the Copyright Office and the U.S. Patent and Trademark Office jointly organized an international training program entitled “Copyright in the Digital Age.” The week-long program brought together 48 delegates from 19 countries to discuss numerous legal and business issues related to copyright law and enforcement. The Office also coordinated intensive training on the U.S. registration system for visiting government copyright officials from Peru, Korea and Malaysia. The Office regularly hosts numerous international officials and visitors discuss and exchange information on the U.S. copyright system and international copyright issues.  The Office of the White House Intellectual Property Enforcement Coordinator (IPEC) coordinates the work of the Federal agencies that are involved in intellectual property enforcement. These agencies include the Departments of Agriculture, Commerce, Health and Human Services, Homeland Security, Justice, State and Treasury, as well as the Office of Management and Budget, the Office of the U.S. Trade Representative, and the U.S. Copyright Office. The IPEC works with the federal agencies to develop a joint strategic plan against counterfeiting and infringement, to report to Congress on the implementation of the joint strategic plan, and to make recommendations to Congress for improvements in intellectual property laws and enforcement efforts. | Through the Global Intellectual Property Academy (GIPA), the U.S. Patent and Trademark Office (USPTO) will continue to offer educational programs focused on substantive intellectual property law and on enforcement of intellectual property laws.  Some of the proposed programs for 2012 include:   * Programs with China’s trademark and patent offices to promote efficient and effective examination of patents and trademark applications * Advanced Seminars with China’s Trademark Office focused on bad faith trademark filing. * Workshops with Chinese IP agencies to promote software legalization. * IP Management and Licensing program Malaysia. * Advanced work shop on Effective Practice Against Counterfeit Medicines in Indonesia. * Workshop on Patent Protection, Licensing and Enforcement from “A to Z” in Thailand. * Seminar on Digital Copyright and Effective Collective Management Organizations in Vietnam.   The GIPA will work closely with other Federal Government agencies to offer training on IPR issues to officials from developing countries including judges, prosecutors, patent, trademark and copyright officials, and foreign policy makers in effort to further raise awareness of IPR theft worldwide.   * The U.S. Customs and Border Protection (CBP) is conferring with the trade community to implement a distribution chain management program to enable CBP to increase the number of shipments segmented into a low risk category for expedited release, allowing CBP to focus inspection resources on high risk shipments. * CBP will continue to refine its IPR risk model, which is part of CBP’s automated targeting systems, to enhance targeting and interdiction of infringing shipments. * CBP will seek to expand training options for enforcement personnel by using alternative delivery methods such as webinars and other digital media. * Based on the results of the CBP-led operation in APEC in 2011, CBP will propose continued collaboration within the SCCP to fight the international trade in counterfeit and pirated goods. * International outreach efforts have resulted in tentative agreements to increase partnerships at the IPR Center. Greater participation further enhances the IPR Center’s connectivity and relationships with IP enforcement entities and will enable all parties to leverage each others’ resources and expertise in combating IP theft. The IPR Center will also continue to explore other avenues for expanded engagement on IP issues. * In June 2011, the IPR Center launched Operation Chain Reaction, a new comprehensive initiative targeting counterfeit and substandard items entering the supply chains of the Department of Defense and other U.S. Government agencies. |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) [www.stopfakes.gov](http://www.stopfakes.gov) |  |
| Contact point for further details: | Jared Ragland ([Jared\_Ragland@ustr.eop.gov](mailto:Jared_Ragland@ustr.eop.gov))  Paula Karol Pinha ([Paula\_C\_KarolPinha@ustr.eop.gov](mailto:Paula_C_KarolPinha@ustr.eop.gov)) |  |
| ***Competition Policy*** | On August 19, 2010, the Department of Justice (“Department”) and the Federal Trade Commission (“FTC”) (together, hereinafter, “The Agencies”) issued revised horizontal merger guidelines, which mark the first major revision of the U.S. guidelines in 18 years. The revised guidelines aim to provide a better understanding of how the Agencies evaluate proposed mergers to identify and challenge competitively harmful mergers while avoiding unnecessary interference with mergers that have no or beneficial competitive impact.  Key developments include: clarification that merger analysis does not rely on a single methodology; introduction of a new section on “Evidence of Adverse Competition Effects;” discussion of the appropriate use of market definition and market concentration tools; updated explanation of the hypothetical monopolist test; revised concentration thresholds; expanded discussion of unilateral competitive effects and an expanded section on coordinated effects; an updated discussion of entry analysis; and, new sections on powerful buyers, mergers between competing buyers, and partial acquisitions.  In drafting the revisions, the agencies considered a wide range of opinions from U.S. and non- U.S. sources, including, attorneys, academics, economists, consumer groups and businesses, which were gathered through a series of joint public workshops and discussion, and hundreds of public comments. The 2010 guidelines are available at <http://www.ftc.gov/os/2010/08/100819hmg.pdf> and <http://www.justice.gov/atr/public/guidelines/hmg-2010.html>.  In 2010, the Department and the U.S. Department of Agriculture (USDA) held five joint public workshops around the United States to explore competition issues affecting the agricultural sector in the 21st century and the appropriate role for antitrust and regulatory enforcement in that industry. These were the first joint Department of Justice/USDA workshops held to discuss competition and regulatory issues in the agriculture industry. The goals of the workshops were to promote dialogue among interested parties and foster learning with respect to the appropriate legal and economic analyses of these issues as well as to listen to and learn from parties with real-world experience in the agricultural sector. The workshops addressed the dynamics of competition in agriculture markets, including buyer power (monopsony) and vertical integration. They examined legal doctrines and jurisprudence, as well as current economic learning, and provided an opportunity for farmers, ranchers, consumer groups, processors, agribusiness, and other interested parties to provide examples of potentially anticompetitive conduct and to discuss any concerns about the application of the antitrust laws to the agricultural sectors.  The Department, in June 2011, released an updated version of the Antitrust Division’s Policy Guide to Merger Remedies. The policy guide is a tool for Antitrust Division staff to use in analysing proposed remedies in its merger matters. It also provides transparency concerning the Antitrust Division’s approach to merger remedies for the business community, the antitrust bar and the broader public. The updated policy guide highlights the role of the Antitrust Division’s recently created Office of the General Counsel, which will be principally responsible for enforcing Antitrust Division consent decrees. The updated policy guide also reflects the changes in the merger landscape and the lessons the Antitrust Divison has learned from the remedies it has entered into since the issuance of the original guide in 2004, ensuring that it accurately details the Antitrust Division’s merger remedy practices. See <http://www.justice.gov/atr/public/guidelines/272350.pdf>.  “Pay for delay” deals, in which drug makers have been able to sidestep competition by offering patent settlements that pay generic companies not to bring lower-cost alternatives to market, continue to be one of the FTC’s top priorities. Such “pay-for-delay” patent settlements effectively block all other generic drug competition for a growing number of branded drugs. A January 2010 FTC study found that patent settlements that include a payment or other compensation delay generic entry on average by 17 months longer than those that do not include a payment. The FTC continues to closely follow such deals, litigate against them, and call for legislative reform that will prohibit them. See <http://www.ftc.gov/opa/2011/10/mma.shtm>.  In July 2011, the Agencies announced changes to reduce the filing burden and streamline the form parties must file when seeking antitrust clearance of proposed mergers and acquisitions under the Hart-Scott-Rodino Act (HSR) and the Premerger Notification Rules. The revisions are part of ongoing efforts by the Agencies to review their regulations, ensure that the rules are necessary and up-to-date, and eliminate unnecessary or potentially overly burdensome reporting requirements for business. The changes will make the HSR form easier to complete, reduce the burden for most filers, and make the premerger notification review program more effective for both agencies. See <http://www.ftc.gov/opa/2011/07/hsrform.shtm>.  In September 2011, as part of its ongoing focus on competition in energy markets, the FTC issued a Bureau of Economics staff report examining trends in the petroleum industry and how they have affected U.S. gasoline prices between 2005 and early 2011.  The report concluded that while a broad range of factors influence the price of gasoline, worldwide crude oil prices continue to be the main driver of the price Americans pay at the pump. More information available at: <http://www.ftc.gov/opa/2011/09/gasprices.shtm>  In October 2011, after soliciting public comments, the Agencies issued a joint policy statement detaling how they will enforce U.S. antitrust laws with respect to new Accountable Care Organizations. (ACOs). An ACO is an organization of health care providers that jointly offer services to reduce costs and improve the quality of patient care. Under the Affordable Care Act, ACOs will serve Medicare fee-for-service beneficiaries under the Medicare Shared Savings Program. Some ACOs may also operate in the commercial market. The guidance will help health care providers form procompetitive ACOs that benefit both Medicare beneficiaries and patients with private health insurance while protecting health care consumers from higher prices and lower quality.  In October 2009, the Agencies issued a report on the findings from their 2008 public workshop on technical assistance. The workshop brought together panelists— including officials from the competition authorities of Hungary, Italy, Mexico, and Peru, leading academics, private practitioners, and international organizations such as the OECD and the World Bank—to discuss the FTC’s and the Antitrust Division’s technical assistance programs. The report is available at: <http://www.justice.gov/atr/public/reports/250908.htm>.  In November 2009, the Agencies signed a Memorandum of Understanding (MOU) on antitrust cooperation with the Russian Federal Antimonopoly Service (FAS). The purpose of the MOU is to promote greater cooperation and further strengthen the relationships between the U.S. antitrust Agencies and the FAS through technical cooperation and regular communication. While the United States has several cooperation agreements with other economies, this is the first antitrust cooperation MOU entered into directly between competition agencies, and the Agencies expect that it will become a model, as appropriate, for future MOUs.  In March 2011, the Agencies signed an antitrust cooperation agreement with Chile. The agreement will enable the antitrust agencies in the two economies to improve their law enforcement relationship. The new agreement contains provisions for antitrust enforcement cooperation and coordination, conflict avoidance and consultations with respect to enforcement actions, and technical cooperation and is subject to effective confidentiality protections. The agreement does not change existing law in either economy, and its text is available at <http://www.ftc.gov/os/2011/03/110331us-chile-agree.pdf>.  In July 2011, the Agencies signed a Memorandum of Understanding on antitrust cooperation with China’s three antitrust agencies, the Ministry of Commerce, the National Development and Reform Commission and the State Administration for Industry and Commerce. The MOU is intended to promote communication and cooperation among the antitrust agencies in the two economies. The MOU provides for periodic high-level consultations among all five agencies as well as separate communications between individual agencies. It also lists several specific avenues for cooperation. Further to the MOU, in November 2011 the Agencies and China’s Ministry of Commerce developed additional [guidance for cooperation](http://www.ftc.gov/os/2011/11/111129mofcom.pdf) on merger investigations.  In 2010, the FTC led the effort to establish the Inter-American Competition Alliance. Established in September 2010, the alliance answers a need for a regular channel for enforcement cooperation among the antitrust agencies in the Americas. Alliance members hold informal, monthly, web-based teleconferences to share experience and understanding. In addition to sharing best practices on approaches to antitrust enforcement, the Alliance allows agencies to establish contact regarding current enforcement issues in real time.  The FTC International Fellows Program continues to provide opportunities for counterparts from non-U.S. agencies to spend several months working directly with FTC staff on investigations, subject to appropriate confidentiality protections. The program is based on the FTC’s U.S. SAFE WEB Act authority, which also enables the FTC to send staff members to work in non-U.S. competition agencies. In fiscal year 2010, the FTC hosted 13 International Fellows and Interns from Canada, Egypt, France, Kazakhstan, South Africa, South Korea, Peru, Switzerland, the United Kingdom, and Vietnam. It also sent FTC staff to work in two non-U.S. competition agencies. These assignments provide valuable opportunities for participants to obtain a deep understanding of their international partners’ laws and challenges. This knowledge provides critical support for coordinated enforcement and promotes convergence toward sound policy. See more at <http://www.ftc.gov/oia/safeweb.shtm>.  In 2010, the Department hosted visiting antitrust delegations from Latin America, Egypt, and Panama for in-depth meetings with a range of litigating, policy, and economic sections.  The Department and the FTC have continued to participate actively in several intenational fora addressing competition policy issues, including:   * The APEC Competition Policy and Law Group within the Economic Committee; * The OECD’s Competition Committee, in which Acting Assistant Attorney General Pozen chairs the Committee’s Working Party on Cooperation and Coordination; * The UNCTAD Interagency Group of Experts on competition policy; and * The International Competition Network (ICN), in which the FTC co-chairs the Unilateral Conduct Working Group and leads the Curriculum Project, and the Department co-chairs the Merger Working Group and the Cartel Working Group’s subgroup on legal framework. | On January 13, 2012, the FTC issued proposed changes to its procedures that, if adopted, would expedite its investigatory processes, and updage its procedures to keep pace with electronic discovery. The proposed changes, which will be published in the Federal Register and are open for public comment until March 23, 2012, concern the procedures in Parts 2 and 4 of the FTC’s Rules of Practice. They are part of the FTC's effort to periodically review and update its rules to ensure that they are efficient and not unduly burdensome on outside parties.  The proposed changes to Part 2 are designed to expedite Commission investigations and make sure the FTC's investigatory processes continue to keep pace with electronic discovery. For example, the proposed changes require parties to meet and confer with Commission staff on an accelerated basis in order to resolve electronic discovery issues relating to subpoenas and civil investigative demands (CIDs), as well as any other issues.  Proposals also include changes to:   * streamline the process for resolving disputes over FTC subpoenas and CIDs, as well as petitions to limit or quash FTC subpoenas and CIDs; * expedite the FTC's pre-merger review process by giving the agency's General Counsel the authority to initiate enforcement proceedings when a party fails to comply with the Hart-Scott-Rodino second request process; and * relieve parties of their obligations to preserve documents related to an FTC investigation after a year passes with no written communication from the Commission or staff.   Additional information is available at <http://www.ftc.gov/opa/2012/01/part2rules.shtm>. |
| Website for further information: | [www.justice.gov](http://www.justice.gov) [www.ftc.gov](http://www.ftc.gov) |  |
| Contact point for further details: | Maureen Casey ([Maureen.Casey@usdoj.gov](mailto:Maureen.Casey@usdoj.gov))  Dina Kallay ([dkallay@ftc.gov](mailto:dkallay@ftc.gov)) |  |
| ***Government Procurement*** | The Federal Acquisition Regulation (FAR) has been amended:   * To enhance competition among multiple award contract holders for task and delivery orders over $5 million, limit the number of single award task and delivery orders and clarify the ability of contractors to protest the awarding of task and delivery orders. The rule implemented Section 843 of the Fiscal Year 2008 National Defense Authorization Act, ‘‘Enhanced Competition for Task and Delivery Order Contracts.’’ * To require contractors to report executive compensation and first-tier subcontract awards on contracts and orders expected to be $25,000 or more (including all options), except classified contracts and contracts with individuals. This interim rule implements section 2 of Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of the Government Funding Transparency Act of 2008 (Pub. L. 110-252) * To require contractors to support the goals of agency environmental management systems. Federal agencies are required to leverage acquisitions that foster markets for sustainable technologies, materials, products, and services. Federal agencies are additionally required to implement high-performance sustainable building design, construction, renovation, repair, commissioning, operation and maintenance, management, and deconstruction practices in applicable acquisitions. The interim rule implemented Executive Order (E.O.) 13514, Federal Leadership in Environmental, Energy, and Economic Performance, and E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management. * To add a new designated country, Armenia, upon its accession to the WTO Government Procurement Agreement on September 15, 2011. |  |
| Website for further information: | <https://www.acquisition.gov/far/> [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| ***Deregulation/Regulatory Review*** | On June 18, 2010, the Office of Information and Regulatory Affairs (OIRA) issued a Memorandum on “Disclosure and Simplification as Regulatory Tools,” which provided guidance on how to achieve regulatory objectives by (1) disclosing relevant information to the public at the right moment in time, usually when a decision is made and (2) reducing complexity, ambiguity, and paperwork burdens, or selecting appropriate starting points or “default rules.”  On October 28, 2010, OIRA issued a checklist to assist agencies in producing regulatory impact analyses (RIAs), as required for economically significant rules by Executive Order 12866 and Office of Management and Budget Circular A-4.  On January 18, 2011, President Obama issued Executive Order 13563, which:   * reaffirmed the principles, structures, and definitions of Executive Order 12866, stressing the need for predictability and certainty and for using the “least burdensome tools for achieving regulatory ends;” * directed agencies to promote an “open exchange” with the public, modernizing rulemaking by requiring the use of Regulations.gov – a one-stop website to view regulatory dockets and to submit comments electronically; * directed agencies to take steps to harmonize, simplify, and coordinate rules, recognizing that some sectors and industries face inconsistent or overlapping requirements; * directed agencies to consider flexible approaches that reduce burdens and maintain freedom of choice for the public; * asked each agency to ensure the scientific integrity of the information supporting its regulations; and * called for retrospective analysis of existing rules to identify “rules that may be outmoded, ineffective, insufficient, or excessively burdensome.” | In response to the direction in Executive Order 13563 to conduct retrospective review, agencies published their “lookback” plans in 2011. In 2012, agencies will regularly report on the status of their retrospective review efforts. Agency reports will describe past progress, anticipated accomplishments, and proposed timelines for relevant actions, with an emphasis on high-priority reforms. Agencies will issue these reports in January, May, and September of 2012, and January and July of each year thereafter. Agencies have been asked to publish their reports online on the agency's Open Government Webpage ([www.agency.gov/open](http://www.agency.gov/open)). |
| Website for further information: | <http://www.whitehouse.gov/omb/inforeg_default> http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system |  |
| Contact point for further details: | Alex Hunt ([ahunt@omb.eop.gov](mailto:ahunt@omb.eop.gov)) |  |
| ***Implementation of WTO Obligations/ROOs*** | No changes since 2009 IAP update. All are fully implemented. |  |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| ***Dispute Mediation*** | No changes since 2009 IAP update. |  |
| Website for further information: | [www.ustr.gov](http://www.ustr.gov) |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| Mobility of Business People | Visas. The United States has deployed the DS-160 online non-immigrant visa application worldwide. The Department of Homeland Security and the Department of State share biometric information for foreign travellers, and homeland security officials have electronic access to Department of State visa information.  **Trusted Traveler Programs.** The United States continues to expand its trusted traveller program – voluntary programs where travellers undergo an extensive background check to determine their elibigility as low-risk, trusted travellers. At airports, trusted travellers have access to the Global Entry kiosks to complete their immigration and customs processing. | **Trusted Traveler Programs.** The United States is working with other APEC Member Economies to allow participants in one economy’s trusted traveller program to apply to join the U.S. trusted program Global Entry.  **APEC Business Travel Card.** The United States continues to enhance its participation in the APEC Business Travel Card (ABTC) scheme. In November 2011, legislation passed that authorized the United States to issue the ABTC to eligibile U.S. citizens. The United States is currently working to implement the legislation. |
| *Website for further information:* | [www.uscis.gov](http://www.uscis.gov), [www.cpb.gov](http://www.cpb.gov), and [www.travel.state.gov](http://www.travel.state.gov) |  |
| *Contact point for further details:* | Stephanie Woods ([stephanie.wood@dhs.gov](mailto:stephanie.wood@dhs.gov))  Vincent Beirne ([BeirneVJ@state.gov](mailto:BeirneVJ@state.gov))  Jai Motwane ([Jai\_Motwane@ustr.eop.gov](mailto:Jai_Motwane@ustr.eop.gov)) |  |
| *Official websites that gather economies’ information* | **Office of the United States Trade Representative (USTR)**  In 2009, USTR released a newly designed website focused on providing more information to the public about the Administration’s trade policy initiatives. Since the re-design, USTR has engaged the public through a variety of online tools such as social media outlets, videos, web chats, etc. For more information visit [www.ustr.gov](http://www.ustr.gov).  USTR’s website is updated in real-time with multimedia features. The website serves as the public’s first interaction with USTR, providing current and understandable content regarding trade policy and USTR initiatives. The website also allows the public to share success stories, ask the Ambassador questions, and share comments with USTR staff.  **The U.S. Census Bureau**  The U.S. Census Bureau (Census) is the official source for the U.S. goods trade statistics. Each month Census and the Bureau of Economic Analysis jointly release the report on *U.S. International Trade in Goods and Services* and economic indicators for the United States. A variety of goods trade statistics can be found on the [Census Bureau Foreign Trade website](http://www.census.gov/foreign-trade/), including trade between the United States and APEC member economies. Census also has created an [interactive merchandise trade Web site](http://www.usatradeonline.gov) containing much more detailed U.S. goods trade statistics.  Census compiles export statistics using a general trade system, and both a general and special trade system for imports. Information on concepts, sources, definitions, limitations and methods is referenced in data products and releases, and is available on the Census website at [www.census.gov/trade](http://www.census.gov/trade). A quality profile document is also available that describes the quality of the merchandise trade statistics program, and is intended to aid data users in their understanding and appropriate use of the data.  In 2010, the Census Bureau’s Foreign Trade Division (FTD) began publishing an official blog, “[Global Reach](http://blogs.census.gov/globalreach/),” to enable better contact with individuals in the trade community. In line with the FTD’s mission to process and disseminate foreign trade data and maintain Foreign Trade Regulations related to export shipments, the blog features three categories: 1) Trade Data, 2) Foreign Trade Regulations, and 3) Export Filing via the Automated Export System (AES).  The Foreign Trade Division also began publication of freely available [Export Training Videos](http://www.census.gov/foreign-trade/aes/exporttraining/videos/index.html). The videos provide information and guidance on how to export, and the process and reporting involved. The videos may be accessed at: <http://www.census.gov/foreign-trade/aes/exporttraining/videos/index.html>  For access issues or questions concerning U.S. goods trade statistics, e-mail the Foreign Trade Division, U.S. Census Bureau at: [ftd.data.dissemination@census.gov](mailto:ftd.data.dissemination@census.gov)  **The U.S. Bureau of Economic Analysis (BEA)**  BEA is the official source for U.S. trade in services statistics. The BEA posts quarterly balance of payments statistics for a number of APEC countries on its [U.S. International Transactions Accounts interactive web site](http://www.bea.gov/international/bp_web/list.cfm?anon=71&registered=0). This allows data users to specify exactly what data for what time periods they wish to receive, and to download the data quickly.  The BEA has implemented a variety of new methodologies to better assist economic decision making in the post-crisis environment.  Several changes in definitions and classifications were made in the U.S. international transactions accounts (ITAs) with the release of statistics on June 16, 2011. Most of the changes result from a multiyear effort to modernize and enhance BEA's international economic accounts in order to more closely align the accounts with international guidelines. More information may be found at: <http://bea.gov/international/bp_web/ita_and_iip_changes_2011.htm>  Reclassification of certain disaster-related insurance settlements from the current account to the capitalaccount. This change was introduced in the June 2009 annual revision of the ITAs, and in July, a parallel change was introduced in the 2009 comprehensive revision of the national income and product accounts (NIPAs). Insurance settlements received in connection with major disasters, which are treated as transfers, were removed from the “private remittances and other transfers” line item in the current account and placed in the capital account. This new treatment, which corresponds with recommendations in the IMF Balance of Payments and International Investment Position Manual (BPM6) and the 2008 SNA, acknowledges the capital nature of disaster-related losses and removes volatility not related to current production and income from the current account. Periods with major disasters affected by this change include the third quarters of 1992, 2001, 2004, 2005, and 2008.  **The International Trade Administration (ITA)**  [SelectUSA](http://www.selectusa.gov) was established in June 2011 by [Executive Order](http://www.commerce.gov/sites/default/files/documents/2011/june/2011selectusa-eo.pdf) of the President and is housed within the U.S. Department of Commerce. SelectUSA is a U.S. government-wide effort to encourage, facilitate, and accelerate business investment in the United States by both domestic and foreign firms—a major engine of economic growth and job creation.  SelectUSA provides enhanced coordination to existing resources and functions within the U.S. Department of Commerce and across all Federal departments and agencies with operations relevant to business investment. It works in partnership with state, regional, and local economic development organizations to promote and facilitate overall U.S. business attraction, retention, and reshoring.  **The U.S. Bureau of Labor Statistics (BLS)**  The Department of Labor's [Bureau of Labor Statistics (BLS)](http://www.bls.gov/home.htm) produces some international data and provides training for professionals and managers from the statistical offices of foreign countries and international agencies.  [**Import/Export Prices**](http://www.bls.gov/mxp/home.htm) The International Price Program produces Import/Export Price Indexes containing data on changes in the prices of nonmilitary goods and services traded between the U.S. and the rest of the world.  [**International Labor Comparison (ILC)**](http://www.bls.gov/fls/) The International Labor Comparisons program provides international comparisons of hourly compensation costs; productivity and unit labor costs; labor force, employment and unemployment rates; and consumer prices.  [**International Technical Cooperation**](http://www.bls.gov/itc/home.htm) The Bureau of Labor Statistics conducts a comprehensive program of training in statistical methods and practices for people from other countries who wish to emulate BLS practices for survey sampling, data collection, aggregation, estimation, and dissemination  **The U.S. International Trade Commission (USITC)**  Electronic publications are available on the [USITC website](http://www.usitc.gov/) free of charge to any member of the public with internet access.  The USITC regularly provides objective, analytical studies, articles, and support for government policymakers' and public use and determines injury in unfair trade cases. USITC products are crafted to meet specific client information requests and in anticipation of emerging trade policy issues. The following materials are available at the URLs indicated:   * Industry/Economic Analysis: Includes reports of Presidential and Congressionally requested studies and USITC-initiated studies (general factfinding and impact analysis of free trade agreements on the U.S. economy and selected industry sectors): <http://www.usitc.gov/research_and_analysis/commission_publications_yearly.htm> * Import Injury: Antidumping and countervailing duty investigations reports: <http://www.usitc.gov/trade_remedy/publications/opinions_index.htm> * Intellectual property infringement and other unfair acts in import trade reports: <http://www.usitc.gov/intellectual_property/int_prop_publications.htm> * Global and special safeguards reports: <http://www.usitc.gov/trade_remedy/publications/safeguard_pubs.htm> * The Journal of International Commerce and Economics: <http://www.usitc.gov/journals/> | **Office of the United States Trade Representative (USTR)**  USTR’s website will continue to expand as a public source of information and engagement.  **The U.S. Census Bureau**  Effective with the release on March 9, January 2012 statistics, the U.S. Census Bureau will begin seasonally adjusting selected import and export prices that were not previously seasonally adjusted. These prices are used in calculating the chain-weighted dollar series. Chain-weighted dollar statistics for 2010 and 2011 will be revised to reflect this new procedure.  This change will improve the overall quality of the chain-weighted dollar series by removing identified seasonal patterns. This change also improves consistency between the Census chain-weighted dollar data and the chain-weighted dollar data published by the Bureau of Economic Analysis (BEA) in the National Income and Product Accounts. More information on the BEA's seasonal adjustment procedures may be found in “Annual Revision of the National Income and Product Accounts" in the August 2011 [*Survey of Current Business*](http://www.bea.gov/scb/toc/0811cont.htm), p. 27.  **The U.S. Bureau of Economic Analysis (BEA)**  BEA has adopted a phased approach to implementing new international standards that accounts for the feasibility of implementation due to factors such as source data availability, resource requirements, and consistency with BEA’s national, industry, and regional accounts. BEA is considering not only the economic and statistical significance of changes but also other factors such as information technology (IT) requirements, estimation needs, and implications for publication tables and data dissemination. The timetable also accounts for the impact of other important BEA initiatives on its resources, such as a major long-term effort currently underway to significantly upgrade and improve BEA’s IT systems.  As a result of these considerations, BEA has grouped the recommendations into three categories: (1) changes that do not require major new methodologies or resources, new data sources, or changes in presentation, (2) more complex changes and changes in presentation that will most likely be introduced by 2014, and (3) changes for which implementation either does not appear feasible or cannot be determined at this time. Further information is available at: <http://bea.gov/scb/pdf/2011/05%20May/0511_progress.pdf>  **U.S. International Trade Commission**  The USITC provides a number of recurring reports. The samples listed below are available at [USITC publications](http://www.usitc.gov/research_and_analysis/commission_publications_yearly.htm).  Recurring Reports:   * Year in Trade * Shifts in U. S. Merchandise Trade * Recent Trends in Services Trade * The Impact of the Caribbean Basin Economic Recovery Act (CBREA report) * The Impact of the Andean Trade Preference Act (ATPA report) * The Economic Effects of Significant U.S. Import Restraints |
| Website for further information: |  |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |
| ***Transparency***  ***Note: See APEC Transparency Standards for full list of general and specific transparency elements for completion of this section.*** | **APEC TRANSPARENCY STANDARDS – GENERAL PRINCIPLES**  **GENERAL PRINCIPLE 1**  Published by the [Office of the Federal Register](http://www.archives.gov/federal_register/index.html), [National Archives and Records Administration (NARA)](http://www.nara.gov), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents. It is updated daily by 6 a.m. and is published Monday through Friday, except Federal holidays.  Website: <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>  The U.S. Census Bureau (Census) is the official source for the U.S. goods trade statistics. Each month Census and the Bureau of Economic Analysis jointly release the report on U.S. International Trade in Goods and Services and economic indicators for the United States. A variety of goods trade statistics can be found on the [Census Bureau Foreign Trade website](http://www.census.gov/foreign-trade/), including trade between the United States and APEC member economies. Census also has created an [interactive merchandise trade Web site](http://www.usatradeonline.gov) containing much more detailed U.S. goods trade statistics.  Census compiles export statistics using a general trade system, and both a general and special trade system for imports. Information on concepts, sources, definitions, limitations and methods is referenced in data products and releases, and is available on the Census website at [www.census.gov/trade](http://www.census.gov/trade). A quality profile document is also available that describes the quality of the merchandise trade statistics program, and is intended to aid data users in their understanding and appropriate use of the data.  Information on state government regulation can be accessed through the U.S. TBT Enquiry Point and Notification Authority at the National Center for Standards and Certification Information (NCSCI), National Institute of Standards and Technology (NIST). This information is also available from the WTO.  Email: [ncsci@nist.gov](mailto:ncsci@nist.gov)  Websites:  <http://www.nist.gov/ncsci> and <http://www.nist.gov/notifyus>  Since 1997, every U.S. state has had a website providing the legislative calendar, bill text and status, voting information, the State constitution, and all statutes on the internet for free.  Website: <http://www.ncsl.org/issues-research/telecommunications-information-technology/the-transparency-effect.aspx>  **GENERAL PRINCIPLE 2**  Public notice and comment rulemaking resulting in a final rule based on the facts presented in the public record is the basis for the adoption of final regulations.  Executive Order No.12866, "Regulatory Planning and Review," issued by President Clinton on September 30, 1993, requires agencies, with the exception of the “independent” agencies (see 44 U.S.C. 3501(10) for definition of an independent agency), to submit to the Office of Management and Budget (OMB) for review, before publication in the Federal Register for notice and comment, and once again after notice and comment before it is published in final form, all “significant regulatory actions”. “Significant regulatory actions” are regulations that may: (1) have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles of this Executive Order.    OMB has the authority to designate which regulations are "significant". About 500-700 rules are determined to be significant per year. Agencies’ submissions of significant rules must be accompanied by reasonably complete assessments of the need for the rule, its statutory basis, and assessments of the potential cost and benefits.    For regulatory actions determined to be significant based on the economic criteria in (1) above, i.e., deemed economically significant, the agencies must submit along with the rule and the information listed above an “Economic Analysis” of the costs and benefits of the proposed rule and its reasonably feasible alternatives.    Executive Order 12866 establishes time limits for OMB review.  In general, OMB must complete review of a significant regulatory action within 90 days of submission of the rule and required supporting information.    The review period can be extended once for 30 days by a written approval from the Director of OMB or at the request of the agency head. The agency is not permitted to issue the regulation until OMB completes its review.    The development of proposed regulations by the agencies and review of them by OMB is based on the principles found in Executive Order 12866, which is discussed above.  Reginfo.gov displays regulatory actions and information collections currently at OMB for review. The Regulatory dashboard is a component of that site that provides an up-to-date and easy-to-read graphical representation of regulatory actions currently under review. The dashboard displays these regulatory actions by agency, length of review, economic significance, and stage of rulemaking.  Website: <http://www.reginfo.gov/public/jsp/Utilities/index.jsp>  On January 18, 2011, President Obama issued Executive Order 13563, which emphasizes the importance of protecting “public health, safety and our environment while promoting economic growth, innovation, competitiveness, and job creation.” E.O. 13563 called on agencies to conduct a retrospective analysis of existing rules, and to produce preliminary plans to engage in retrospective review of existing significant regulations to determine whether they should be modified, streamlined, expanded, or repealed. As a result of this review, more than two dozen agencies identified initiatives to reduce burdens and save money. The final plans reflect feedback that agencies received from industries, small businesses, and individuals.  Interested persons can obtain information on, and provide comments to the U.S. TBT Enquiry Point and Notification Authority at NIST and the U.S. SPS Enquiry Point and Notification Authority at the Foreign Agricultural Services (FAS), U.S. Department of Agriculture (USDA).  **U.S. TBT Enquiry Point and Notification Authority**  Email:  [ncsci@nist.gov](mailto:ncsci@nist.gov)  Websites:  <http://www.nist.gov/ncsci> and <http://www.nist.gov/notifyus>  **U.S. SPS Enquiry Point and Notification Authority**  E-mail:  [pptrd@fas.usda.gov](mailto:pptrd@fas.usda.gov)  Website: <http://www.fas.usda.gov/itp/OSTA_IRSD/WTO_SPS_Committee_Enquiry_Point.asp>  **GENERAL PRINCIPLE 3**  Regulations.gov is the U.S. government’s online platform for information about the development of Federal regulations and other related documents issued by the U.S. agencies. Through this site, any member of the public may find and read proposed and final regulations. The public can also use this site to send their comments electronically to agencies on Federal regulations published for comment in the Federal Register.  Website: <http://www.regulations.gov/#!home>  Interested persons can obtain information on, and provide comments to, the U.S. TBT Enquiry Point and Notification Authority at NIST and the U.S. SPS Enquiry Point and Notification Authority at the Foreign Agricultural Services (FAS), U.S. Department of Agriculture (USDA).  **U.S. TBT Enquiry Point and Notification Authority**  Email:  [ncsci@nist.gov](mailto:ncsci@nist.gov)  Websites:  <http://www.nist.gov/ncsci> and <http://www.nist.gov/notifyus>  **U.S. SPS Enquiry Point and Notification Authority**  E-mail:  [pptrd@fas.usda.gov](mailto:pptrd@fas.usda.gov)  Website: <http://www.fas.usda.gov/itp/OSTA_IRSD/WTO_SPS_Committee_Enquiry_Point.asp>  **GENERAL PRINCIPLE 4**  Pursuant to the World Trade Organization (WTO) Agreement on Technical Barriers to Trade (TBT Agreement), the United States notifies the WTO of certain draft technical regulations and conformity assessment procedures for comment by other WTO Members. To fulfill this requirement, the U.S. TBT Inquiry Point, which is housed in the National Institute of Standards and Technology, undertakes the day-to-day notification functions of the United States.  In addition, Executive Order 13563 states, "[E]ach agency … shall endeavor to provide the public with an opportunity to participate in the regulatory process. To the extent feasible and permitted by law, each agency shall afford the public a meaningful opportunity to comment through the Internet on any proposed regulation, with a comment period that should generally be at least 60 days. To the extent feasible and permitted by law, each agency shall also provide, for both proposed and final rules, timely online access to the rulemaking docket on regulations.gov, including relevant scientific and technical findings, in an open format that can be easily searched and downloaded. For proposed rules, such access shall include, to the extent feasible and permitted by law, an opportunity for public comment on all pertinent parts of the rulemaking docket, including relevant scientific and technical findings."  **GENERAL PRINCIPLE 5**  The Administrative Procedure Act (APA) governs the process by which Federal agencies propose and establish new regulations. The APA generally requires agencies to provide public notice and seek comment prior to enacting new regulations. The APA also lays out the process for judicial review of rules in federal court.  Congress may also use a variety of processes as part of its oversight of agency action, including holding hearings or informal meetings, issuing reports, or adopting legislation. In addition, Congress, through the Congressional Review Act (CRA), may review and choose to reject new regulations issued by federal agencies. The CRA requires federal agencies to submit all new final rules to both the House and Senate. After submission, Congress may begin a process to reconsider and vote to overturn the rule.  **TRANSPARENCY STANDARD 1: SERVICES**  Laws and regulations governing services in the United States vary from sector to sector. Because of the U.S. federal system of government, certain regulatory functions are performed at the Federal level, while others are performed at the state level. Private bodies and self-regulatory organizations can also have regulatory or licensing roles, depending on the sector. Laws and regulations applicable to various services sectors are laid out clearly in publications and websites of U.S. government agencies and state regulatory bodies. Commercial bodies and professional associations often also publish compilations of regulations applicable to a particular sector. A centralized listing of many of these public and private sources of regulatory and licensing information is available at the website of the Department of Commerce’s SelectUSA program: <http://selectusa.commerce.gov/other-resources>.  The United States commits itself to the highest standards of transparency regarding trade in services in its international agreements. As discussed below, the transparency chapters of U.S. FTAs contain broad obligations relating to notification and publication of measures affecting trade, each of which is applicable to the services sector. Among these is an obligation to publish proposed regulatory measures in advance and allow interested persons an opportunity to comment.  The Cross-Border Services chapters of U.S. FTAs contain further transparency obligations, requiring Parties, where possible, to address comments received on proposed measures, and to allow a reasonable period of time between the publication of final measures and their effective date. Additional transparency obligations are contained in the chapters on E-Commerce, Financial Services, and Telecommunications.    **TRANSPARENCY STANDARD 2: INVESTMENT**  The United States has one of the most open, transparent, and stable investment regimes in the world. It is one of the world’s largest hosts and sources of foreign portfolio and direct investment. Foreign investors generally receive nondiscriminatory treatment in the United States, with nondiscriminatory legal recourse in the event of a dispute, free transferability of capital and profits, and guarantees against uncompensated expropriation. Exceptions to the policy of nondiscrimination are few and limited in scope. These exceptions are described in detail in the most recent edition of the “Guide to the Investment Regimes of the APEC Member Economies”.  Each of the FTAs the United States negotiated or implemented in 2009 and 2010 contains a chapter on transparency. Similar provisions were included in FTAs concluded in previous years. The bilateral investment treaties (BITs) negotiated or implemented in 2009 and 2010 also contain transparency provisions similar to those included in the transparency chapters of U.S. FTAs. U.S. BITs and the investment chapters of U.S. FTAs also contain provisions designed to ensure the transparency of arbitral proceedings.  The U.S. investment regime is highly transparent. A vast array of information on U.S. investment laws, policies, and regulations is available to foreign investors from government offices and from private sector institutions, such as chambers of commerce, other business associations, and non-governmental organizations.  The United States makes available to the public all investment-related laws, regulations, procedures, and administrative rulings of general application. It also publishes in advance (with few exceptions) investment-related measures it proposes to adopt. The United States provides an open and transparent system for the resolution of investment disputes. Proceedings of federal and state courts are usually a matter of public record, and parties have the right to retain legal counsel.  Transparency is an important component of U.S. BITs. The transparency article of the U.S. model BIT requires each party to establish contact points; publish existing proposed laws and regulations; provide interested persons an opportunity to comment on proposed investment-related measures; conduct open and impartial administrative proceedings; and establish and maintain procedures for the prompt review and (where warranted) correction of administrative actions. U.S. BITs also contain provisions desgined to ensure maximum transparency in arbitral proceedings.  The United States has contributed to each of the editions of the “Guide to the Investment Regimes of the APEC Member Economies.” In addition to the investment data and other information published in the “Survey of Current Business,” a regularly updated U.S. government publication, government and private sector information on investment in the United States is widely available on the Internet.  **Settlement of Disputes:** Greater transparency is achieved through a requirement in the U.S. model BIT that all documents submitted to or issued by an arbitral tribunal be made publicly available, except for certain business proprietary and other confidential information. U.S. BITs further require that arbitration proceedings be open to the public. Tribunals are also expressly authorized to accept *amicus curiae* submissions from non-disputing parties.  **TRANSPARENCY STANDARD 3: COMPETITION LAW & REGULATORY CONFORMANCE**  **Competition Law**  The United States publishes, *inter alia* on websites [www.ftc.gov](http://www.ftc.gov) and [www.usdoj.gov](http://www.usdoj.gov) and/or in official federal publications (e.g., Federal Register, United States Code, Code of Federal Regulations, official court reporters) its federal competition laws and related regulations, enforcement policy guidelines, advisory opinions, business review letters, *amicus curiae* briefs, annual reports, federal competition agency officials’ public statements or testimony, administrative rules of practice and procedure, civil and criminal rules of procedure, administrative and Federal court decisions on federal competition law matters, and explanations for non-enforcement in certain high profile competition law investigations. The U.S. antitrust agencies, the Federal Trade Commission (FTC) and U.S. Department of Justice Antitrust Division, regularly solicit public comments upon consideration of changes to their rules and regulations.  The U.S. antitrust agencies also make use of social media and technological tools to increase transparency. The FTC has a primary Facebook account, and Twitter accounts in English and in Spanish (FTC and LAFTC). FTC staff also write in three blogs that are available at: <http://business.ftc.gov>; <http://onguardonline.gov>; and <http://www.ncpw.gov/blog>. The FTC’s website also offers interested readers the option of automatically receiving emails with any new press releases, at no cost.  The Department of Justice Antitrust Division also offers a free e-mail subscription service and maintains a Twitter account.  United States law ensures that a person has the right to be heard and present evidence before a sanction or remedy may be imposed for violation of United States federal competition laws, except that it may provide for the person to be heard and present evidence within a reasonable time after it imposes an interim sanction or remedy; and affords the right to independent judicial review in federal court of any sanction or remedy imposed. *See*, the U.S. Constitution, the Federal Rules of Criminal, Civil and Appellate Procedure and the Federal Rules of Evidence in titles 18 and 28 of the United States Code, as well as other federal statutes, including the Federal Trade Commission Act, 15 U.S.C. section 45(b) and (c) and Part 3 of the Federal Trade Commission Rules of Practice and Procedure ([www.ftc.gov/os/rules/index.hstm](http://www.ftc.gov/os/rules/index.hstm)).  **Regulatory Reform**  On January 21, 2009, President Obama issued a Memorandum on “Transparency and Open Government,” reaffirming his Administration’s commitment to open government. The Memorandum called for the development of recommendations by the Chief Technology Officer for an Open Government Directive to be issued by the Office of Management and Budget (OMB).  On December 8, 2009, OMB issued an Open Government Directive to advance the goals of transparency, participation, and collaboration by calling for:   * the dissemination of government information to the public online, using open, searchable formats; * improving the quality of information available to the public; * instilling the values of transparency, participation, and collaboration into the culture of every agency by requiring every agency to formulate an Open Government Plan and website; and * the review Government-wide information policies that may need updating or clarifying.   On April 7, 2010, agencies published Open Government Plans, describing their steps to improve transparency and ensure public participation and collaboration.  On September 20, 2011, President Obama hosted the formal launch of the Open Government Partnership (OGP) at an event with Leaders from 46 countries. The high-level meeting focused attention on the shared challenge of improving governance, and demonstrated a strong political commitment around the world to the kinds of reforms necessary to enhance transparency, fight corruption, and strengthen mechanisms of democratic accountability.  The eight founding governments presented national action plans with concrete commitments to put open government principles into practice. Highlights of the U.S. National Action Plan include   * joining the Extractive Industries Transparency Initiative (EITI) as an implementing country, forging a new partnership between government and industry to ensure that taxpayers receive every dollar they are due from the extraction of our natural resources; * launching the “We the People” petition platform to give Americans a direct line to voice their concerns to the Administration via online petitions; and launching a platform called ExpertNet that will enable government officials to better communicate with citizens who have expertise on specific topic.   For more information, visit <http://www.whitehouse.gov/open/> and <http://www.opengovpartnership.org/>  **TRANSPARENCY STANDARD 4: STANDARDS AND CONFORMANCE**  **December 2009**  The White House issued an unprecedented [Open Government Directive](http://www.whitehouse.gov/open/documents/open-government-directive)  requiring federal agencies to take immediate, specific steps to achieve key milestones in transparency, participation, and collaboration.  Website:  <http://www.whitehouse.gov/open/documents/open-government-directive>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices.  **April 2010**  The U.S. government launched the Open Government Initiative websites and dashboards.  Website:  <http://www.whitehouse.gov/open>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices.  **January 2011**  The President of the United States issued Executive Order 13563, titled "Improving Regulation and Regulatory Review." This executive order sets out general requirements directed to executive agencies concerning public participation, integration and innovation, flexible approaches, and science.  Website:  <http://www.whitehouse.gov/the-press-office/2011/07/11/executive-order-regulation-and-independent-regulatory-agencies>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices.  **July 2011**  The President of the United States issued Executive Order 13579, titled, “Regulation and Regulatory Agencies.” This executive order requires each independent regulatory agency to develop and release to the public a plan, consistent with law and reflecting its resources and regulatory priorities and processes, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.  Website:  <http://www.whitehouse.gov/the-press-office/2011/07/11/executive-order-regulation-and-independent-regulatory-agencies>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices.  **August 2011**  U.S. Government regulatory agencies released [final regulatory reform plans](http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system), including hundreds of initiatives that will reduce costs, simplify the system, and eliminate redundancy and inconsistency.  Website: <http://www.whitehouse.gov/21stcenturygov/actions/21st-century-regulatory-system>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices.  **TRANSPARENCY STANDARD 5: INTELLECTUAL PROPERTY RIGHTS**  The U.S. Patent and Trademark Office (USPTO) continues to propose new initiatives to make its operations more efficient. These new initiatives include new rule changes and procedures that will help streamline the application processes for both patents and trademarks. To ensure that the public has an opportunity to review and provide feedback on USPTO initiatives, proposed rules are documented in Federal Register Notices, which is the United States’ official daily publication for rules, proposed rules, and notices of U.S. Federal agencies and organizations, as well as executive orders and other presidential documents. The Federal Register is available on the internet at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.  Federal agencies are required to publish notices of proposed rulemaking in the Federal Register to enable citizens to participate in the decision making process of the Government. For each notice, the Federal Register gives detailed instructions on how, when, and where a viewpoint may be expressed. When agencies publish final regulations in the Federal Register, they must address the significant issues raised in comments and discuss any changes made in response to them. USPTO also uses the notice and comment process to stay in contact with its constituents and to solicit their views on various policy and program issues. USPTO publishes on its website a list of all patent-related notices (<http://www.uspto.gov/patents/law/notices/2011.jsp>) and trademark-related notices (<http://www.uspto.gov/trademarks/law/rules.jsp>), where the public can access information on proposed changes to rulemaking and submit comments in response to the proposed rule.  Also on its website, USPTO provides publicly available final decisions rendered by the Board of Patent Appeals and Interferences (BPAI), the administrative law body within the USPTO, which on written appeal of an applicant, reviews adverse decisions of examiners upon applications for patents and determines priority and patentability of invention in interferences. Decisions of the BPAI are delivered in the form of opinions, which are available at: <http://des.uspto.gov/Foia/BPAIReadingRoom.jsp>.  Similarly, USPTO also provides publicly available final decisions issued by the Trademark Trial and Appeal Board (TTAB), the administrative tribunal within USPTO which oversees [opposition](http://www.quizlaw.com/trademarks/what_is_an_opposition_proceedi.php) and [cancellation proceedings](http://www.quizlaw.com/trademarks/what_is_a_cancellation_proceed.php) relating to the federal registration of [trademarks](http://www.quizlaw.com/trademarks/what_is_a_trademark.php). TTAB decisions can be found here: <http://des.uspto.gov/Foia/TTABReadingRoom.jsp>  Another forum for ensuring transparency between the USPTO and the public is through the Public Advisory Committees for the USPTO, which were created by statute in the [American Inventors Protection Act of 1999](http://www.uspto.gov/patents/law/aipa/index.jsp) to advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on the management of the patent and the trademark operations. The Advisory Committees consist of citizens of the United States chosen to represent the interests of the diverse users of the USPTO. The Advisory Committees review the policies, goals, performance, budget, and user fees of the patent and trademark operations, respectively, and advise the Director on these matters.  In addition, the USPTO holds roundtables with the public on topics of interest to rights holders. For example, the USPTO held a series of industry roundtable discussions in 2011 on China’s administrative and civil judicial enforcement of patents. The discussion provided an opportunity for right holders to become better educated about how to use China’s intellectual property (IP) enforcement system, and to discuss how the system could be improved to the benefit of both US and Chinese companies.  The APEC Leaders’ Statement makes specific mention of provisions directed to small and medium-sized enterprises (SMEs). To this end, the United States deploys a range of tools, including an SME IP Training Tutorial (an online training tool for SMEs, as well as a “needs assessment” tool, to assist SMEs in educating themselves on a range of intellectual property issues. This tool is available at <http://www.stopfakes.gov/525/menu/index.htm>. Other tools include Experts’ Advice for Small Businesses Seeking Foreign Patents” (GAO Report), <http://www.gao.gov/new.items/d03910.pdf>; USPTO Inventors’ Assistance, <http://www.uspto.gov/inventors/iac/index.jsp>; FAQs, <http://www.uspto.gov/inventors/independent/index.jsp>; and computer-based training, “From Concept to Protection,” <http://www.uspto.gov/inventors/index.jsp>; USPTO’s “TMIN,” and the Trademark Information Network, which features news broadcast-style videos that cover important topics and critical application filing tips, <http://www.uspto.gov/trademarks/process/TMIN.jsp>.  Also available on the Stopfakes website is the International IP Advisory Program, through which U.S. SMEs can obtain one hour of free legal advice on their IP issues in various countries, including Brazil, China, Egypt, India, Russia and Thailand, <http://www.stopfakes.gov/int_ipr_ap.asp>; and individual country IPR toolkits, which provide both basic and detailed information on IPR regimes and formalities in different countries. The U.S. Copyright Office website also hosts a range of general information on, for example, registration and the benefits of copyright protection (including Circular 1, “Copyright Basics”), available through <http://www.copyright.gov>.  The Copyright Act of the United States is available online on the U.S. Copyright Office’s website, [www.copyright.gov](http://www.copyright.gov), and as a direct link, <http://www.copyright.gov/title17/>. The most recent update was published in December 2011 and is also available in other official publications, such as the U.S. Code.  The U.S. Copyright Office administers the Copyright Act, including registering hundreds of thousands of copyrights a year and recording licenses and other transfers of copyright ownership. In addition to a searchable database for many records deposited in the last few decades, information on how to register claims or record documents is available via Office publications (hard copy and online) as well as through our Public Information Office hotline (telephone service). Ongoing regulatory issues and public studies by the Office are posted on the copyright.gov website as well as in the Federal Register.  U.S. Customs and Border Protection (CBP) regulations are published in the Code of Federal Regulations and are publicly available. Changes or additions to those regulations and established Customs practices are published in the Federal Register and the Customs Bulletin. CBP regulations, decisions, rulings, notices, and abstracts are also posted on the CBP website. Changes and additions are posted on a regular basis.  CBP makes available a large variety of booklets, leaflets, pamphlets, and brochures to assist the trade community. This information is also available on the CBP website. In addition, CBP posts its annual seizure statistics for seizures of counterfeit and pirated goods on its website: [www.cbp.gov/ipr](http://www.cbp.gov/ipr).  CBP maintains an online recordation system where right holders can submit their registered trademark or copyright to ensure border enforcement of their intellectual property rights.  CBP welcomes public comments and posts on its website how to submit comments. In addition, CBP encourages anyone who suspects a trade violation, including the importation or exportation of infringing goods, to submit information about the alleged violation via its e-allegations website, which also serves as a place for right holders to make an application for specific enforcement actions.  CBP maintains a website, [www.cbp.gov](http://www.cbp.gov) that is updated daily, and also maintains a website dedicated specifically to intellectual property rights enforcement: [www.cbp.gov/ipr](http://www.cbp.gov/ipr).  Pursuant to the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (“PRO IP Act”), the Department of Justice (the Department) provides an annual report to Congress explaining the efforts to combat IP crime through grants to state and local law enforcement, hiring and training of Federal Bureau of Investigation agents focused on IP crime, statistics about federal criminal IP cases, an overview of policies implemented by the Department related to IP crime, and an assessment of the staff and resources dedicated to the issue. A link to the 2010 PRO-IP Report can be found at <http://www.justice.gov/dag/iptaskforce/proipact/pro-ip-report-fy2010.pdf>.  The Office of the White House Intellectual Property Enforcement Coordinator (IPEC) coordinates the work of the federal agencies that are involved in intellectual property enforcement. These agencies include the Departments of Agriculture, Commerce, Health and Human Services, Homeland Security, Justice, State and Treasury, as well as the Office of Management and Budget, the U.S. Trade Representative, and the U.S. Copyright Office. The IPEC works with the federal agencies to develop a joint strategic plan against counterfeiting and infringement, to report to Congress on the implementation of the joint strategic plan, and to make recommendations to Congress for improvements in intellectual property laws and enforcement efforts. The IPEC’s joint strategic plan includes, among other Administration-wide initiatives, a coordinated effort to “Improve Transparency in Intellectual Property Policymaking and International Negotiations,” including by holding frequent meetings with stakeholders and relevant agencies, having frequent consultations with Congress, making more effective use of the Internet and news media and issuing requests for public input on key activities in the form of Federal Register Notices. The IPEC issues a periodic report to the public, called the *Intellectual Property Spotlight*, which is available on the IPEC website (<http://www.whitehouse.gov/omb/intellectualproperty>).  Finally, the judgments in all federal intellectual property crime prosecutions are either published, reported electronically, or publicly available at the court house, unless they’re under seal for safety reasons or because it would jeopardize an ongoing investigation.  **TRANSPARENCY STANDARD 6: CUSTOMS PROCEDURES**  Customs and Border Protection (CBP) regulations are published in the Code of Federal Regulations and are publicly available. Changes or additions to those regulations and established Customs practices are published in the Federal Register and the Customs Bulletin. The Federal Register is available on the Internet at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>.  CBP regulations are posted on the CBP website. Changes and additions are posted on a regular basis.  CBP makes available a large variety of booklets, leaflets, pamphlets, and brochures to assist the trade community. This information is also available on the CBP website.  CBP welcomes public comments and posts on its website how to submit comments. CBP maintains a website, www.cbp.gov that is updated daily.  **TRANSPARENCY STANDARD 7: MARKET ACCESS**  **Tariffs**  The United States is committed to making its tariff regime as transparent as possible. The U.S. tariff schedule is published on the internet in several formats for ease of use and updated throughout the year as legislation or Presidential Proclamations make modifications. Products now available include the following:   * Full legal text of the  U.S. tariff schedule at   <http://www.usitc.gov/tata/hts/> * Full legal text of U.S. tariff schedule for viewing online by chapter at <http://www.usitc.gov/tata/hts/bychapter/index.htm> * A tariff database with brief (rather than full-legal) product descriptions for quick lookup of tariff rates, preferential rate, final bound rates, and binding status at <http://dataweb.usitc.gov/scripts/tariff.asp> * A trade database for retrieving import and export data by HTS items and product groups at <http://dataweb.usitc.gov/>   The United States also submits the U.S. tariff schedule to the World Trade Organization (WTO) on an annual basis for inclusion in the Intgrated Database (IDB). This information is made available to all WTO Members, and is also searchable by the public through the WTO Tariff Download Facility at <http://tariffdata.wto.org/>.  In the interest of transparency, the staging of Uruguay Round tariff concessions was published in the Federal Register on January 4, 1995 (Volume 60, No. 2).    The Federal Register is online at <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>  **Non-Tariff Measures**  Since 1996, the United States has maintained one of the most transparent and accessible trade policy regimes in the world. For example, the U.S. Trade Representative has a standing request with the independent U.S. International Trade Commission to report publicly every two years on the economic effects of remaining U.S. import restrictions. The transparency of the U.S. system reflects the high value that the United States places on public disclosure in matters of government policy. The U.S. Administrative Procedures Act of 1949 (5 U.S. C. 553) requires notice to the public and an opportunity to comment on proposed regulations prior to final rule making. Notices announcing proposed and final rules are published in the Federal Register, which can be accessed electronically via the website <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>, which is updated daily.  The United States has also fully complied with its obligation to notify non-tariff measures in the WTO.  **Trade Agreements**  **FTAs**  Bilateral and regional free trade agreements negotiated by the United States contain a number of provisions regarding transparency detailed below. The exact provisions listed below are not part of every FTA, but rather this section gives an overview of some aspects of FTAs.  “Transparency” chapters set out requirements designed to foster openness, transparency, and fairness in the adoption and application of measures covered by the agreements. For example, each party must promptly publish all laws, regulations, procedures, and administrative rulings of general application regarding any matter covered by the agreement, or otherwise make them available to interested persons and the other party. Various other chapters provide specific, detailed rules regarding transparency. Some transparency chapters contain provisions on combating bribery and corruption.  “Dispute Settlement” chapters set out procedures for settling disputes under the agreement through a three step process of consultations, consideration by a commission/committee, and a panel. Dispute panel procedures set high standards of openness and transparency. For example, hearings are open to the public; the parties’ legal submissions are released to the public; and there are procedures for non-governmental entities to submit their written views to the panel.  “Government Procurement” chapters provide comprehensive obligations requiring each party to apply fair and transparent procurement procedures and rules and prohibiting each government and its procuring entities from discriminating in purchasing practices against goods, services, and suppliers from the other country.  Agreements also include a number of important provisions on regulatory transparency. For example, each party must maintain or establish appropriate mechanisms to respond to inquiries from interested persons on regulations, must provide procedures allowing for advance notice and comment on draft regulations, and must publish final regulations.  “Financial Services” chapters include provisions on regulatory transparency, “new” financial services, self-regulatory organizations and expedited availability of insurance.  Chapters on “Technical Barriers to Trade” include provisions regarding acceptance of foreign technical regulations and conformity assessments, and provisions for transparency in the development of standards, technical regulations, and conformity assessment procedures.  In “Competition Policy” chapters parties agree to provisions to promote transparency in their competition policies, and their enforcement activities and decisions.  “Customs” chapters contain specific, concrete obligations to enhance transparency and efficiency of customs procedures. For example, all customs laws, regulations, and guidelines are required to be published on the Internet, and the private sector may request binding advance rulings on customs matters.  In agreements with “Labor” chapters parties commit to afford procedural guarantees that ensure workers and employers have access to fair, equitable, and transparent procedures for the enforcement of labor laws, and requires parties to allow for public input on labor matters.  All recent U.S. FTAs contain “Environment” chapters that include commitments to provide certain procedural guarantees that ensure fair, equitable, and transparent proceedings for the administration and enforcement of environmental laws.  In earlier FTAs such as the North American Free Trade Agreement (NAFTA), there are two supplemental agreements on environment and on labor. For example, through the North American Agreement on Environmental Cooperation (NAAEC), the partners are promoting effective enforcement of environmental laws in all three countries. The Commission for Environmental Cooperation (CEC), created by the NAAEC, has trilateral programs that facilitate the sharing of information, data, and best practices, promote transparency and public participation, and foster enhanced technical expertise and environmental policies among the three countries.  Some agreements require that federal health care programs apply transparent procedures in listing new pharmaceuticals for reimbursement.  **Trade Agreements Under Negotiation**  Transparency is an issue being covered in the Trans-Pacific Partnership (TPP) agreement.  **TRANSPARENCY STANDARD 8: BUSINESS MOBILITY**  **Publication and Access/Information Services**  The United States promptly publishes or otherwise makes available through readily accessible, widely available media information on its “immigration measures”. Various websites include: [www.uscis.gov](http://www.uscis.gov/), [www.cbp.gov](http://www.cbp.gov/), [www.travel.state.gov](http://www.travel.state.gov/), and <http://travel.state.gov/visa/>. Information can be obtained from the various U.S. Embassies and Consulates around the world. Information can also be located on the BMG website through the APEC Travel Handbook.  **Consultation**  Many laws enacted by Congress are interpreted and implemented by regulations issued by various U.S. Federal agencies. Regulations are first published in the Federal Register, which is a centralized means of publishing important government documents such as regulations, presidential documents and notices. Federal Register Publications contain proposed, interim and final rules, as well as notices. Most rules are published first as proposals and the public is invited to comment on them before they become final and have the force of law. Interim and final rules have the force of law. These materials provide valuable insight and commentary on the regulations contained in Title 8 of the Code of Federal Regulations.  After regulations are published in the [Federal Register](http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR), they are collected and published in the [Code of Federal Regulations](http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR), commonly referred to as the CFR. The CFR is arranged by subject title and generally parallels the structure of the [United States Code](http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE). Title 8 of the CFR deals with "Aliens and Nationality", as does Title 8 of the United States Code.  **Decision Making**  U.S. Customs and Border Protection (CBP) officers are trained in decision-making procedures and have access to current written guidelines and instructions relating to interpretation of regulations and laws.  The Department of State offices strive for reasonable processing times for decision-making in an effort to avoid unnecessary delay or uncertainty on the part of business travelers but the U.S. reserves the right for the application process to take longer than average for security purposes.  **Review**  The United States provides procedures that are consistent and easily accessible for review and appeal of immigration decisions. Should a petition or application be denied or revoked by the U.S. Citizenship and Immigration Service (USCIS), in most cases an individual may appeal that decision to a higher authority (the Administrative Appeals Unit-AAU). Information about the appeal process can be found on the USCIS website ([www.uscis.gov/](http://www.uscis.gov/)).  **TRANSPARENCY STANDARD 9: GOVERNMENT PROCUREMENT**  The U.S. procurement system is transparent and predictable. The United States supports and implements the APEC non-binding principles on government procurement and the transparency standards on government procurement.  “Acquisition Central,” which is accessible at <http://acquisition.gov/>, provides access to regulations, information technology (IT) systems, opportunities, and other resources related to the the U.S. Federal procurement. Various IT systems, which can be accessed through Acquisition Central, are used throughout the lifecycle of U.S. procurements, and most of the systems provide public access to information. The General Services Administratoin uses the Integrated Acquistiion Environment (IAE) to manage the information technology systems that bring transparency and visibility to the U.S. Government acquisition process and supports centralized data collection on U.S. procurement. Through the IAE, the U.S. Government is currently engaged in an effort to consolidate the various IT systems into a new environment called the System for Award Management (SAM)  Information and data in the IAE systems is used to verify contractor eligibility, determine business size, review performance, and manage contracts. For example, prior to doing business as a contractor with the Federal government, businesses need to be registered in the Central Contractor Registry and provide basic information to aid in determining business size, provide information on categories of goods or services that can be provided, and payment information.  Opportunities to bid on Federal procurements, valued over $25,000 (USD), can be found on the Federal Business Opportunities (FBO) system, which may be accessed through Acquisition Central. The Excluded Parties List System (EPLS) and the Federal Awardee Performance and Information Integrity System (FAPIIS) contain information that procuring entities can use to determine eligibility for an award. Section 3010 of the Supplemental Appropriations Act, 2010 (Pub. L. 111-212), enacted July 29, 2010, requires that the information in FAPIIS, excluding past performance reviews, must be made publicly available. The IAE manages systems that collect past performance information, representations and certifications, provide wage determinations, and also collect information on all U.S. Government awards over $3,000 through the Federal Procurement Data System (FPDS).  FPDS collects and displays information on the over 5million procurement transactions processed each fiscal year. FPDS data are publicly accessible through either FPDS or the central website for displaying U.S. Government spending information USASpending ([www.usaspending.gov](http://www.usaspending.gov)). [USASpending.gov](http://www.usaspending.gov/), which was implemented as part of the Federal Funding Accountability and Transparency Act (FFATA), provides information on U.S. government contracts, loans, grants, and subawards. The data in FPDS and on USASpending are the official source of information on Federal government procurement.  GAO’s Office of General Counsel publishes “Bid Protests: A Descriptive Guide” (<http://www.gao.gov/assets/210/203631.pdf>), and GAO’s Bid Protest website gives the public access to recent and historical decisions (<http://www.gao.gov/legal/bids/bidprotest.html>).  As a party to the WTO Agreement on Government Procurement (GPA) and FTAs with government procurement obligations, the United States has binding international commitments to provide transparent, non-discriminatory procurement opportunities to suppliers of many of its trading partners.    **Enquiry point:** Under the GPA, the U.S. Trade Representative is the U.S. enquiry point for other GPA signatories to obtain information on procurement covered by the U.S. commitments under the GPA.    **Laws and Regulations:** U.S. laws, regulations, judicial decisions, administrative rulings, policies, procedures, and practices are transparent and readily accessible. U.S. laws related to procurement listed in Attachment 1 of the United States APEC Government Procurement Survey can be found in the United States Code, which is available for purchase and in libraries around the country, and can be searched or downloaded over the Internet at no cost. The following site allows searches of the U.S. Code: <http://uscode.house.gov/search/criteria.shtml>.  Agency-specific regulations can be found in the Code of Federal Regulations at: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>. U.S. Code Titles 10 – Armed Forces (procurement laws for defense agencies), 31 – Money and Finance (procurement protest procedures), 40 – Public Buildings, Properties and Works (procurement laws for related to public buildings, property, and works), and 41 – Public Contracts (government-wide procurement laws) contain most of the laws related to U.S. federal procurement. The Competition in Contracting Act of 1984 (CICA), codified in U.S. Code Titles 10, 31, and 41, requires all acquisitions, with limited exceptions, to be made using full and open competition, which is the fundamental principle of the U.S. procurement system.  The Federal Acquisition Regulatory System (FAR) codifies and publishes uniform policies and procedures for acquisition by most federal government agencies. The FAR System consists of the FAR itself, which is the primary legal document, and agency-specific acquisition regulations that implement or supplement it. The FAR and other information on the Federal procurement system is available at <http://acquisition.gov/far/index.html>. Interested parties can subscribe to an e-mail based system to receive notifications of proposed revisions to the FAR, public meetings, the release of Federal Acquisition Circulars (FAC), as well as other FAR-related issues of interest. Anyone can subscribe to the "FAR News" system free of charge at: <http://acquisition.gov/far/mailframe.html>.    States and municipalities have independent procurement authority and conduct their procurement on the basis of their own laws and regulations. They generally follow procedural safeguards similar to those mandated by CICA and the FAR that ensure transparent and open procurement. Information about state procurement regulations, along with contact information for state procurement officials, can be obtained from the National Association of State Procurement Officials’swebsite: <http://www.naspo.org>.    **Bid Protests:** Unsuccessful bidders may submit protests of federal agencies' procurement actions to the Government Accountability Office (GAO). The GAO issues decisions on the bid protests, which can be accessed at: <http://www.gao.gov/>.    **Provision of Government Contract Information:** CICA and the FAR require that procurement opportunities over $25,000, with few exceptions, be published in the FedBizOpps (<http://www.fedbizopps.gov/>). FedBizOpps contains links to specific tender documentation, including technical specifications, which can be downloaded directly from the website. CICA and the FAR require certain information to be included in the synopses. The description of the supplies or services must include the following information: quantity; size, dimensions, or other form, fit or functional description; destination information; delivery schedule; qualification requirements; and duration of the contract period. For contracts over $25,000, contracting officers must include a description of the procedures to be used in awarding the contract. The CICA and FAR require that award of contracts be made by written notice, which may include electronic communications. Unsuccessful offerors must be notified of the award decision.  Under the GPA, NAFTA, and FTAs with Chile, Singapore, Australia, Bahrain, Dominican Republic-Central America, Morocco, Oman, Peru, the United States has committed to provide national treatment for procurement covered by those agreements and for federal agencies, specified sub-central entities and certain government enterprises to conduct the procurements based on transparent, non-discriminatory procurement practices.  Data on Federal government contracts are captured and reported publicly by the Office of Federal Procurement Policy in the Office of Management and Budget. The FAR requires that most procurement opportunities over $25,000 be published, evaluation criteria be made public, technical specifications be performance-based to the extent possible, and contracts be awarded strictly on the basis of evaluation criteria. Where the procurement is awarded using price and other factors, the unsuccessful offerors may request, in writing, debriefings from the contracting officer. Where price is the only factor, the unsuccessful offeror will be notified in writing of the number of bidders, the number of proposals and the total contract price of the items in the award.  The primary goal of U.S. procurement policy is to obtain the most advantageous goods and services for the government while promoting full and open competition through a fair and transparent process. The emphasis is on ensuring predictability and transparency throughout the process.  **TRANSPARENCY IN OTHER AREAS**  **Dispute Resolution**  The United States continues to pursue an approach to dispute mediation that is consistent with the Osaka Action Agenda, as well as its rights and obligations under the WTO, NAFTA and our other free trade agreements. The United States seeks the adoption of procedures to resolve disputes in an effective, timely, transparent, equitable and reasoned manner, requiring determinations based on facts and provisions of the relevant agreement with the goal of increasing compliance with such agreements.  The U.S. system for enacting laws and promulgating regulations and administrative procedures is highly transparent. Access to the process of formulating and enforcing laws is open and provided in a wide range of media and fora. All laws and regulations are published and made available to the public. A process of public notice and comment is provided for all major regulations and rules. Federal agencies must provide additional access to information pursuant to the provisions of the Freedom of Information Act. The Federal Advisory Committee Act also provides for increased transparency of federal government proceedings. The provisions of both Acts are widely replicated at state and local levels.  Administrative and judicial determinations made in accordance with U.S. laws, regulations and other rules are virtually always subject to appeal and independent review in a variety of manners and levels. Such appeal and review procedures are wide ranging, complex, rigorous and fair.  See update of dispute settlement activities at <http://www.ustr.gov>. The United States supports making the WTO dispute settlement process more transparent and giving parties to a WTO dispute more control of the process and greater flexibility to settle their disputes. Information on U.S. proposals to make the WTO dispute settlement process more transparent and give parties greater flexibility and control can be found at the [USTR website](http://www.ustr.gov/).  Numerous U.S. agencies, including USTR, have significantly improved their transparency by putting substantial information about their operations on Internet websites, and continuously updating these websites. Each of our FTAs includes extensive transparency requirements that improve upon those in the WTO.  **Trade Facilitation**  The United States has a transparent and open standards and regulatory system. Information on standards and technical regulations is publicly available, and participation in standards development bodies is open to both U.S. and non-residents. Proposed standards and technical regulations are published in advance and an opportunity for comment from interested parties -- whether domestic or foreign -- is provided. Comments received are taken into consideration when developing the final standard or technical regulation. Improvements continue to be made, such as the electronic provision of information available at [www.reginfo.gov](http://www.reginfo.gov) (information on regulations) and [www.regulations.gov](http://www.regulations.gov) (for online submission of comments on proposed regulations) and <http://standards.gov/> (information on standards). The United States has submitted its statement on implementation under the WTO TBT Agreement (G/TBT/2/Add. 2) and established its TBT and SPS inquiry points available on <http://www.wto.org/>). The U.S. inquiry points have developed and maintain directories with detailed information on U.S. standards organizations; federal, state, and private sector laboratory accreditation organizations; and federal and private sector certification programs.  The U.S. has upgraded its electronic system for disseminating WTO TBT notifications which has improved the TBT inquiry point’s ability to respond to inquiries and disseminate information (<https://tsapps.nist.gov/notifyus/data/index/index.cfm>).  The American National Standards Institute (ANSI) and the National Institute of Standards and Technology (NIST) have launched a standards portal which contains dual-language (Mandarin and English) educational materials on the structure, history and operation of the United States and Chinese standards systems and a database of 2,000 standards with links to information on other standards ([www.StandardsPortal.org](http://www.StandardsPortal.org)).  The United States Standards Strategy was updated to respond to critical domestic and international priorities in standardization and conformity assessment. Information is available at (<http://publicaa.ansi.org/sites/apdl/default.aspx>).  The United States has provided information on the alignment of standards in the priority areas identified by the Subcommittee on Standards and Conformance in the Voluntary Action Plan (published by the SCSC). | **TRANSPARENCY STANDARD 3: COMPETITION LAW & REGULATORY REFORM**  **Regulatory Reform**  In 2012, agencies will continue to update and implement their Open Government Plans. The United States will also work to implement the 26 Open Government initiatives in the National Action Plan. This work will involve collaboration with public stakeholders.  **TRANSPARENCY STANDARD 4: STANDARDS AND CONFORMANCE**  **January 2012**  Guidance issued by the U.S. Office of Management and Budget (OMB) on simplifying and standardizing executive summaries of U.S. regulations.  Website: <http://www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/clarifying-regulatory-requirements_executive-summaries.pdf>  Supports Bogor Goals, Osaka Action Agenda, Chapter 5, Objective C on promoting good regulatory practices. |
| Website for further information: |  |  |
| Contact point for further details: | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |  |

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| **RTAs/FTAs** | | | |
| ***-*** ***Description of current agreements*** | | United States – Korea Free Trade Agreement   * Date of entry into force: To Be Determined * Notification to the WTO: To Be Determined * For more information: <http://www.ustr.gov/trade-agreements/free-trade-agreements/korus-fta>   United States – Colombia Trade Agreement   * Date of entry into force: To Be Determined * Notification to the WTO: To Be Determined * For more information: <http://www.ustr.gov/uscolombiatpa>   United States – Panama Trade Promotion Agreement   * Date of entry into force: To Be Determined * Notification to the WTO: To Be Determined * For more information: <http://www.ustr.gov/trade-agreements/free-trade-agreements/panama-tpa> |
| ***- Agreements under negotiation*** | | Trans-Pacific Partnership  On November 12, 2011, the Leaders of the nine Trans-Pacific Partnership countries – Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States – announced the achievement of the broad outlines of an ambitious, 21st-century Trans-Pacific Partnership (TPP) agreement that will enhance trade and investment among the TPP partner countries, promote innovation, economic growth and development, and support the creation and retention of jobs. President Obama along with the other eight TPP leaders agreed to seek to finalize an agreement in the coming year.  The Trans-Pacific Partnership (TPP) Agreement will feature new cross-cutting issues not previously included in trade agreements, such as making the regulatory systems of TPP countries more compatible so U.S. companies can operate more seamlessly in TPP markets and helping small- and medium-sized enterprises , which are a key source of innovation and job creation, participate more actively in international trade.  For more information: <http://www.ustr.gov/tpp> |
|  | ***Agreement #1*** |  |
| ***Agreement #2*** |  |
| ***Agreement #3*** |  |
| ***Agreement #4*** |  |
| ***Agreement #5*** |  |
| ***Agreement #6*** |  |
| ***Agreement #7*** |  |
| ***Agreement #8*** |  |
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| ***Agreement #15*** |  |
| ***Agreement #16*** |  |
| ***Agreement #17*** |  |
| ***Agreement #18*** |  |
| ***Agreement #19*** |  |
| ***Agreement #20*** |  |
| ***-*** ***Future plans*** | |  |
| Website for further information: | | <http://www.ustr.gov/trade-agreements/free-trade-agreements> |
| Contact point for further details: | | Eric Holloway ([eric\_holloway@ustr.eop.gov](mailto:eric_holloway@ustr.eop.gov)) |

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| ***Other voluntary reporting areas:***  ***Environment*** | The United States is committed to environmental protection. U.S. environmental laws and regulations are available online and can be accessed by the public at <http://www.epa.gov/lawsregs/> . The Environmental Protection Agency (EPA) website also provides opportunities for the public to provide comments on laws and regulations, access environmental compliance reports, and report possible violations of U.S. environmental laws to the EPA. |  |
| Website for further information: | <http://www.ustr.gov/trade-topics/environment> |  |
| Contact point for further details: | Jennifer Prescott ([Jennifer\_Prescott@ustr.eop.gov](mailto:Jennifer_Prescott@ustr.eop.gov)) |  |
| ***Other voluntary reporting areas:***  ***Labor*** | The United States includes labor provisions in its trade agreements that commit parties to ensure that workers can exercise their fundamental labor rights and have access to decent working conditions. Adhering to these commitments helps to ensure that workers broadly share in the benefits of greater openness to trade and investment brought by the agreements. The most recent U.S. trade agreements include, among other obligations, commitments for parties to adopt and maintain the International Labor Organization (ILO) fundamental labor rights as stated in the ILO 1998 Declaration on Fundamental Principles and Rights at Work; to not waive or derogate from those rights in a manner affecting trade or investment between the parties; to not fail to effectively enforce their labor laws in a manner affecting trade or investment between the parties; and to ensure workers and employers have access to fair, equitable, and transparent procedures for the enforcement of labor laws. Under U.S. trade agreements, labor laws include those statutes and regulations covering freedom of association, collective bargaining, forced or compulsory labor, child labor, employment discrimination, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.  In the United States these labor rights are protected by various provisions of the U.S. Constitution, as well as the National Labor Relations Act, Railway Labor Act, Labor Management Reporting and Disclosure Act of 1959, Civil Service Reform Act of 1978, Fair Labor Standards Act of 1938, Trafficking Victims Protection Act, Civil Rights Act of 1964, Americans with Disability Act of 1990, Rehabilitation Act of 1973, Age Discrimination in Employment Act of 1967, Equal Pay Act of 1963, Uniformed Services Employment and Reemployment Rights Act, Genetic Information Nondiscrimination Act of 2008, and the U.S. Criminal Code. | The United States is currently negotiating the Trans-Pacific Partnership (TPP) trade agreement with eight other economies in the Asia-Pacific Region. As part of the TPP negotiations, labor provisions of the proposed agreement are currently under discussion. |
| Website for further information: | <http://www.ustr.gov/trade-topics/labor> |  |
| Contact point for further details: | Timothy Wedding ([Timothy\_J\_Wedding@ustr.eop.gov](mailto:Timothy_J_Wedding@ustr.eop.gov)) |  |