

Biden Trade Agenda Targets China

President Biden's trade policy agenda released yesterday specifically targets China, promising to use all tools available to combat Beijing's unfair trade practices.

Winning against Beijing will require "a comprehensive strategy and more systematic approach than the piecemeal approach of the recent past," according to the agenda released by the US Trade Representative's Office.

The Administration is conducting a comprehensive review of US trade policy toward China in order to come up with this strategy, according to the report.

"The Biden Administration is committed to using all available tools to take on the range of China's unfair trade practices that continue to harm US workers and businesses," USTR said.

"These detrimental actions include China's tariffs and non-tariff barriers to restrict market access, government-sanctioned forced labor programs, overcapacity in numerous sectors, industrial policies utilizing unfair subsidies and favoring import substitution, and export subsidies (including through export financing)," according to the report.

"They also include coercive technology transfers, illicit acquisition and infringement of American intellectual property, censorship and other restrictions on the internet and digital economy, and a failure to provide treatment to American firms in numerous sectors comparable to the treatment Chinese firms receive in those sectors in the United States," it continued.

Human Rights

The Administration also will make it a top priority to deal with China's human rights abuses of forced labor program that targets the Uyghurs and other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region and elsewhere in the country.

"The trade agenda will consider all options to combat forced labor and enhance corporate accountability in the global market," USTR said.

In addition to enforcement of China's existing trade commitments, the Administration will take action to close gaps in international trade rules that allow Beijing to pursue unfair trade practices.

President Biden's trade agenda includes issues that have not been on the US trade radar in the past, including climate change, opportunities for women and racial inequality.

As part of its agenda to fight climate change, the Administration is considering a carbon border tax, according to USTR.

Fact Sheet

Following is USTR's fact sheet on the 2021 President's Trade Agenda:

FACT SHEET: 2021 PRESIDENT'S TRADE AGENDA AND 2020 ANNUAL REPORT

The President's trade agenda is a key part of the Biden-Harris Administration's effort to defeat COVID-19, help the economy recover, and build back better. President Biden will pursue a fair international trading system that promotes inclusive economic growth and reflects America's universal values. The President knows that trade policy must respect the dignity of work and value Americans as workers and wage-earners, not only as consumers.

President Biden's trade priorities outlined in the report are:

- Tackling the COVID-19 Pandemic and Restoring the Economy: The Biden

Administration is focused on increasing vaccine production and distribution so that every American can be vaccinated as soon as possible. The trade agenda will support long-term investments to strengthen domestic production of essential medical equipment, expand industrial capacity and bolster preparation to tackle future public health crises. The trade agenda will also support the goal of ensuring that

frontline workers have immediate access to necessary personal protective equipment and promote long-term supply chain resiliency for equipment and supplies critical to protecting public health in the United States.

Trade policy will also support the broader economic recovery by helping companies, including small businesses and entrepreneurs, put Americans to work by building world class products for export to foreign markets.

- **A Worker Centric Trade Policy:** Trade policy is an essential part of the Build Back Better agenda. Trade must protect and empower workers, drive wage growth, and lead to better economic outcomes for all Americans. The Biden Administration will review past trade policies for their impacts on, and unintended consequences for, workers.

Workers will have a seat at the table as the Biden Administration develops new trade policies that promote equitable economic growth by including strong, enforceable labor standards in trade agreements that protect workers' rights and increase economic security. The Administration will engage allies to secure commitments to fight forced labor and exploitative labor conditions, and increase transparency and accountability in global supply chains.

- **Putting the World on a Sustainable Environment and Climate Path:** The United States will work with other countries, both bilaterally and multilaterally, towards environmental sustainability and raising global climate ambition. As part of the whole-of-government effort, the trade agenda will include the negotiation and implementation of strong environmental standards that are critical to a sustainable climate pathway.

The trade agenda will support the Biden Administration's comprehensive vision of reducing greenhouse gas emissions and achieving net-zero global emissions by 2050, or before, by fostering U.S. innovation and production of climate-related technology and promoting resilient renewable energy supply chains.

- **Advancing Racial Equity and Supporting Underserved Communities:** The Biden Administration is committed to a trade agenda that ensures that the concerns and perspectives of Black, Latino, Asian American and Pacific Islander (AAPI), and Native American workers, their families, and businesses are a cornerstone of proposed policies.

Through thoughtful, sustained, engagement and innovative data collection and sharing, the Biden Administration will seek to better understand the projected impact of proposed trade policies on communities of color and will consider those impacts before pursuing such policies.

- **Addressing China's Coercive and Unfair Economic Trade Practices Through a Comprehensive Strategy:** The Biden Administration recognizes that China's coercive and unfair trade practices harm American workers, threaten our technological edge, weaken our supply chain resiliency, and undermine our national interests. The ongoing comprehensive review of U.S. trade policy toward China is integral to the development of the Administration's overall China strategy.

The Biden Administration is committed to using all available tools to take on the range of China's unfair trade practices that continue to harm U.S. workers and businesses. It will also make it a top priority to address the widespread human rights abuses of the Chinese government's forced labor program that targets the Uyghurs and other ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region and elsewhere in the country.

Along with pursuing strong enforcement to ensure that China lives up to its existing trade obligations, the Biden Administration will also seek to collaborate with allies to address global market distortions created by industrial overcapacity. Key sectors range from steel and aluminum to fiber optics, solar, and other sectors where the Chinese Government has been a key contributor.

- **Partnering with Friends and Allies:** Restoring U.S. leadership around the world and repairing partnerships and alliances are Biden Administration priorities. The United States will work with World Trade Organization's Director-General Okonjo-Iweala and like-minded trading partners to implement necessary reforms to the WTO's substantive rules and procedures to address the challenges facing the global trading system, including growing inequality, digital transformation, and impediments to small business trade.

The Administration will work with allies and like-minded trading partners to establish high-standard global rules to govern the digital economy, in line with our shared democratic values. Where gaps exist in international trade rules, the United States will work to address them, including

through enhanced cooperation with our partners and allies.

- **Standing Up for American Farmers, Ranchers, Food Manufacturers, and Fishers:** Erratic trade actions in recent years taken without a broader strategy burdened America's agricultural communities. The Biden Administration will stand up for American farmers, ranchers, food manufacturers, and fishers by pursuing smarter trade policies that are inclusive and work for all producers. The trade agenda will seek to expand global market opportunities for American farmers, ranchers, food manufacturers, and fishers and will defend our producers by enforcing global agricultural trade rules.

- **Promoting Equitable Economic Growth Around the World:** Policies that promote equitable global economic growth and increase global demand benefit American workers, manufacturers, farmers, ranchers, fishers and service providers by expanding the customer base. The trade agenda will include a review of existing trade programs to evaluate their contribution to equitable economic development, including whether they reduce wage gaps, increase worker unionization, promote safe workplaces, tackle forced labor and exploitative labor conditions, and lead to the economic empowerment of women and underrepresented communities. As part of this review, the Biden Administration will seek to incorporate corporate accountability and sustainability into trade policies.

Making the Rules Count: Strong trade enforcement is essential to making sure our trading partners live up to their commitments and that U.S. trade policy benefits American workers, manufacturers, farmers, businesses, families, and communities. The trade agenda will include comprehensive enforcement of trade agreements, including their labor and environmental standards.

The Administration will also consider new ways to address the suppression of wages and workers' rights in other countries to the detriment of U.S. workers. Although unilateral action may be necessary in some instances, President Biden will prioritize working on trade enforcement with friends and allies and pursue meaningful change for U.S. workers and businesses in the global trading landscape.

The Biden Administration will pursue a trade policy that helps the U.S. economy recover from the COVID-19 pandemic and reinforces investments our country is making in the domestic economy. Through a review of existing policies, negotiations of new standards, enforcement of our trade agreements, and partnership with our allies, President Biden's trade agenda will support all workers, combat climate change, advance racial equity, increase supply chain resiliency, and expand market opportunities for American manufacturers, producers, farmers, fishers and businesses of all sizes.

Raimondo, Tai Nominations Advancing

The Senate this afternoon will vote on the nomination of Gina Raimondo to be Commerce Secretary after clearing the path for her approval yesterday.

A majority of senators agreed yesterday to allow her nomination to move forward, voting 84 to 15 to invoke cloture, cutting off debate.

Ms. Raimondo's nomination drew opposition from some Republicans who objected to her failure to promise to retain export controls on China's Huawei telecommunication company during her confirmation hearing.

Meanwhile, Katherine Tai's nomination as President Biden's US Trade Representative is moving forward. The Senate Finance Committee has scheduled a vote on her nomination for Wednesday. Finance also will vote on Wally Adeyemo as Deputy Treasury Secretary.

Bill Promotes Domestic PPE

Reps. Bill Pascrell (D-NJ) and Patrick McHenry (R-NC) re-introduced legislation yesterday that aims at promoting domestic production of personal protective equipment and medical supplies needed to fight the COVID-19 pandemic.

The American PPE Supply Chain Integrity Act is intended to end US over-reliance on imports

from China and other countries, the lawmakers said.

“The pandemic has fully exposed America’s over-reliance on personal protective equipment made in other countries. We are especially dependent on medical supplies made in China, where COVID-19 originated and whose totalitarian secrecy deepened the world crisis,” said Rep. Pascrell, a member of the House Ways and Means Committee.

“Our reliance on non-American-made PPE crippled our response to COVID from the start. We must use this painful lesson to change our behavior now,” he continued. “Our bipartisan American PPE Supply Chain Integrity Act will ensure we are investing in the best tools at our disposal by making our own PPE right here in America.”

The bill implements the Berry Amendment standard of “100 percent of a product that is grown, reprocessed, reused or produced in the United States” for the purchase of PPE by Department of Defense, Department of Health and Human Services, Department of Homeland Security, and the Department of Veterans Affairs. It also resets the contract level for the Berry Amendment from \$250,000 to \$150,000 to ensure more PPE is made in America.

New WTO DG’s Priorities for MC12

Geneva – New World Trade Organization Director General Ngozi Okonjo-Iweala warned members yesterday not to be overly-ambitious about the twelfth ministerial meeting slated to take place at the end of November, in order to avoid failure.

Speaking at the first meeting of the WTO’s General Council for the year, Ms. Okonjo-Iweala cautioned against “loading too many expectations into MC12,” saying that “we want a recipe for success not failure.”

The new DG wants members to work on a “few deliverables before MC12 so that Ministers can focus on ratifying agreements and agreeing best methods for implementation.”

“Permit me to speak frankly,” she said at the meeting, suggesting that if things don’t change, trade ministers might not attend the WTO’s 12th ministerial conference.

“But there is hope,” Ms. Okonjo-Iweala maintained, saying she heard that the 66 statements made by the delegations at the informal Doha Trade Negotiations Committee meeting on February 25 “were virtually identical to the priorities listed in my acceptance speech” made at a special GC meeting on February 15. At the informal TNC meeting, Ms. Okonjo-Iweala said members talked past each other instead of directly to each other.

At yesterday’s GC meeting, members also agreed on hosting the WTO’s ministerial conference the week of November 29 in Geneva. That meeting will be hosted by Kazakhstan with the assistance from the Secretariat. It is not clear yet who will bear the expenses for hosting the meeting – whether Kazakhstan or Switzerland, which is the home country for the WTO, said a person who asked not to be quoted.

Crowded Agenda

In her first official remarks as DG, Ms. Okonjo-Iweala delivered a trade agenda for the 12th ministerial conference that promotes the some of the same priorities as the United States, the European Union and Japan on issues like industrial subsidies, state-owned enterprises and special and differential treatment among others, WTD was told.

Ms. Okonjo-Iweala want members to “prioritize action on COVID-19 both for the immediate and longer term and focus on completing fisheries subsidies negotiations before the middle of the year.” The new DG said she wants to meet delegations individually, arguing that she wants to “listen and brainstorm” with delegations to finalize the “deliverables” at MC12.

Ms. Okonjo-Iweala said “delegations want the WTO to contribute more meaningfully and faster to a resolution of the COVID-19 pandemic both the public health crisis as well as economic recovery.”

Without naming specific countries, the new DG said that “they want action on industrial subsidies, SOEs (state-owned enterprises) and SDT (special and differential treatment)” – three issues that have been pushed by the United States, EU and Japan. She went on to say that “delegations want the fisheries subsidies negotiations concluded, they want reform of the Dispute Settlement System including restoration of the Appellate Body.”

Members also “want action on agriculture, on market access, domestic support, existing mandates such as PSH [public stockholding programs for food security], SSM [special safeguard mechanism for developing countries] and cotton.”

Without neglecting the questions raised on the legal status of plurilateral Joint Statement Initiatives, Ms. Okonjo-Iweala said delegations want forward movement on the JSIs, especially e-commerce; services domestic regulation; investment facilitation and micro-, small- and medium-sized enterprises.

Delegations also are interested in enhancing dialogue and action on women in trade and trade and environmental sustainability.

Least developed countries emphasized their interests that would “lead to enhancing growth and development including the need for special and differential treatment , a services waiver, preferential rules of origin and also a review of issues related to graduation. The DG also mentioned the needs of small and vulnerable economies including their special status.

Surprisingly, she did not mention the 1998 work program on electronic commerce involving the moratorium on customs duties on electronic transmissions and other multilateral issues, said a person who asked not to be quoted.

Call for TRIPS Waiver Negotiations

Geneva – Around two dozen countries yesterday called for starting text-based negotiations to conclude an agreement for temporarily suspending certain provisions of the World Trade Organization’s TRIPS agreement to ramp up the production of diagnostic tools, therapeutics and vaccines across developing countries, WTD has learned.

The temporary TRIPS waiver seeks to suspend certain provisions of the WTO’s Trade Related Intellectual Property Agreement such as copyright, industrial designs, patents and undisclosed information for the treatment, containment and prevention of the COVID-19 pandemic.

During a discussion on the proposed waiver at a General Council meeting yesterday, the developing countries rallied around the joint proposal sponsored by 57 countries with support from more than 61 developing countries, said a person who asked not to be quoted.

The United States and the European Union, two major opponents of the waiver, remained mum at the meeting. The other major opponents such as Japan and Switzerland made mild statements without challenging the waiver. New Zealand welcomed the chair’s report, while saying it wants construction discussions on the scope of the waiver.

TRIPS Chair’s Report

In her statement made at the meeting, TRIPS Council Chair Ambassador Xolelwa Mlumbi-Peter said that at a number of meetings beginning last year, “delegations highlighted the common goal of providing timely and secure access to high-quality, safe, efficacious and affordable vaccines and medicines for all.”

The chair said “delegations exchanged views, asked questions, sought clarifications and provided replies, clarifications, and information, including through documents IP/C/W/670, IP/C/W/671, IP/C/W/672, IP/C/W/673 and IP/C/W/674, on the waiver request but could not reach consensus, including on whether it is appropriate to move to text-based negotiations.”

Further, “delegations indicated a need for further discussions on the waiver request and views exchanged by delegations,” Ambassador Xolelwa said.

“This means that the TRIPS Council has not yet completed its consideration of the waiver request. The TRIPS Council will therefore continue its consideration of the waiver request and report back to the General Council as stipulated in Article IX:3 of the Marrakesh Agreement,” the chair explained.

Speaking on the COVID-19 pandemic at the GC meeting, new WTO Director General Ngozi Okonjo-Iweala said “we have a demand for a TRIPS waiver by a growing number of developing countries and the dialogue is intensifying.”

“Whilst this is happening, I propose that we ‘walk and chew gum’ by also focusing on the immediate needs of dozens of poor countries that have yet to vaccinate a single person,” she said,

suggesting that “people are dying in poor countries.”

She said the “first COVAX shipment to Ghana last week and others will follow but it will not be enough.” Ms. Okonjo-Iweala acknowledged a problem raised by the TRIPs waiver proponents that “there is serious supply scarcity and some countries are out bidding COVAX and diverting supplies.”

Ms. Okonjo-Iweala said “the world has a normal capacity of production of 3.5 billion doses of vaccines and we now seek to manufacture 10 billion doses,” adding that “this is just very difficult, so we must focus on working with companies to open up and license more viable manufacturing sites now in emerging markets and developing countries.”

She wants the companies “to work with us on know-how and technology transfer now,” suggesting that there will “soon be a world manufacturing convention where we can seek to build this partnership.”

The new DG said she hopes that “we can initiate a dialogue and information exchange between us and representatives of manufacturers associations from developing and developed countries.”

“This should happen soon so we can save lives,” she argued, adding that “as I said at the beginning, this will be an interim solution whilst we continue the dialogue on the TRIPs waiver.”

The interim solution suggested by Ms. Okonjo-Iweala, who was the chair for the GAVI (the Geneva-based global alliance for vaccines and influenza), is as good as dead on the arrival because she fails to recognize that for Big Pharma, profits and patents come before saving human lives, said a participant who asked not to be quoted.

In a sharp statement, South Africa’s trade negotiator Mustaqeem De Gama said, as apparent from the chair’s oral report, “co-sponsors provided various clarifications and written replies to address issued and questions raised by other WTO Members in various formats, including in formal and informal meeting of the TRIPs Council, small group and bilateral meetings.”

He argued that members “have not yet reached consensus on this matter, therefore the cosponsors, which now include both the African Group and the LDC Group, are in favor of moving to text-based discussions based on Article IX:3 of the Marrakesh Agreement.”

Citing the DG’s remarks that members “do not have time, in order to save lives this issue must be addressed in the shortest possible timeframe,” Mr. De Gama said “it is unlikely that enough vaccines will be manufactured in 2021 or even 2022 to meet the global demand or to achieve global population immunity.”

He said while the “DG emphasized that the normal capacity of production stands at 2.5 billion doses,” the proponents “now seek to manufacture at least 10 billion, the global need is likely to be greater than 10 billion doses, given that the world population is 8 billion, and generally 2 doses are required, and with mutations emerging, populations will require to be revaccinated.”

The South African negotiator said that “unused capacity exists in the developing world which should be accessed in order to ramp up production in the shortest possible time.”

He maintained that “attempts must be made to engage and allow all possible producers across the world to scale up production,” suggesting that “up to this point voluntary approaches have not worked.”

“What we are proposing is a limited scope and a temporary Waiver that would provide countries with the policy space needed to collaborate in research and development (R&D), manufacturing, scaling up, and supplying COVID-19 tools which are currently in short-supply,” Mr. De Gama argued.

The South African negotiator emphasized that “the Waiver is an instrument that is provided for in the WTO legal framework in exceptional circumstances,” adding that “no one can dispute that COVID-19 is an unprecedented crisis facing the global economy today.”

The proponents are ready to demonstrate their flexibility “to engage on the scope and timeframe for the application of the Waiver and we are ready to engage in constructive text-based discussions with Members towards a solution,” Mr. De Gama said.

He warned that the world cannot afford any more delays and it should be the most urgent priority for the WTO. “History will judge us harshly should we fail to provide a credible response to this crisis. The time to act is now,” he maintained. Mr. De Gama praised the countries that made “generous financial contributions to international collaborative mechanisms such as COVAX, with 180 countries including 90 self-financing upper middle-and-high income countries and 92 low- and-middle income countries participating in COVAX.”

“However, it is quite evident that COVAX has not yet secured sufficient funding for an adequate number of vaccines to reach its goal of 20% coverage for all participating countries in 2021,” he said, suggesting that “this poses a challenge for many countries who primarily rely entirely or largely on COVAX to secure access to vaccines.”

“Only truly global and inclusive solutions will save lives; the Waiver is the only possible way to address universal, equitable and timely access to live-saving medical products, including vaccines, diagnostics and therapeutics,” he concluded.

India’s trade envoy Ambassador Brajendra Navnit issued a strong statement at the meeting saying the TRIPS waiver proposal is now being sponsored by 57 members and supporters have answered all questions and provided evidence about how IPRs remain a main hindrance for ramping up production of COVID-19 diagnostics, therapeutics and vaccines.

Citing a recent study issued on the likely impacts of COVID-19 on the world economy, he said the international economy could suffer a loss of \$ 9.2 trillion if countries fail to provide vaccines.

The Indian envoy said advanced economies will suffer economically if the Sars-COV-2 virus continues to persist. Global vaccination and supply of vaccines looks grim because of the escalating supply side bottlenecks.

According to the Indian envoy, if the Sars-COV-2 virus is allowed to spread like wild fire, the global economic recovery will be halted. He said “pro-vaccination internationalism” is the need of the hour, emphasizing that it could be addressed only with the proposed TRIPS waiver.

India maintained that the waiver is a proportional response to the pandemic, which has hit almost all services sectors like travel and tourism. He said the waiver does not mean that the proponents are opposed to the IPRs. He said the time has come for entering into text-based negotiations, as there is little point in engaging in endless discussions.

The African Caribbean and Pacific group thanked the “co-sponsors for their hard work and take this opportunity to invite other members to engage constructively with a view to finding a landing zone.”

“In order to move to such a landing zone, the ACP Group said it would support a move to text-based discussions,” emphasizing that “this seems to be the most effective way to tailor the waiver to a consensus approach without being tied up in a continuous evidentiary loop.”

The African Group said that “the positive calls from many quarters that opposition to the TRIPS waiver may further exacerbates a dangerous North-South divide when it comes to COVID vaccines and therapeutics towards the suppressing the pandemic on a global scale, with the goal that no-one is safe until everyone is safe.”

It maintained that “encouraged by such calls and as the TRIPS Council continues the consideration of the waiver proposal, the African Group supports that we shift to text-based negotiations.”

Current DDGs Given Notice

Geneva – New World Trade Organization Director General Ngozi Okonjo-Iweala yesterday apparently conveyed to her four existing deputy director generals that their tenure will not be continued beyond the end of this month, WTD has learned.

The four DDGs – Yonov Agah from Nigeria, Karl Bruner from Germany, Alan Wolff from the United States and Yi Xiaozhun from China were appointed by former DG Roberto Azevedo.

Asked about the marching orders being delivered to the four DDGs after the GC meeting, a WTO official said he was to confirm it.

It remains to be seen who will be selected as the new DDGs. There is considerable lobbying happening behind the scenes for the positions, said a person who asked not to be quoted.

It also is unclear whether the new DG – who seems prepared to pursue controversial issues such as “industrial subsidies, SOEs [state-owned enterprises] and special and differential treatment”, which are allegedly targeted against China, will appoint another Chinese DDG or give it to any other Asian country, the person said.

Meanwhile, it appears the current chief of staff, Tim Eend, appointed by previous DG could

continue until transitional arrangements are made by the Ms. Okonjo-Iweala.

Mr. Eend, a former Australian trade envoy, has been acting as chief of staff since September 2013. Ms. Okonjo-Iweala is expected to finalize her team and make announcements in due course, according to people familiar with the development.

Around the Globe

- In the face of a global chip shortage and U.S. sanctions, China's Ministry of Industry and Information Technology declined Monday to name targets for semiconductor production, CNBC reported. China would like to build up self-sufficiency in competitive technologies and rely less on imports of semiconductors, or chips, which are used in products ranging from laptops to automobiles. The country had previously announced that by 2020, it would like to produce 40% of the chips it uses, and raise that ratio to 70% by 2025.

But when asked at a press conference Monday about chip production goals, the ministry's spokesperson Tian Yulong did not share specific figures. Instead, he laid out how the government was supporting the industry with measures such as tax cuts and talent development. "The semiconductor industry's development faces opportunities and challenges that require the world to strengthen cooperation and build the semiconductor industrial chain together, to allow it to develop in a healthier and more sustainable way," Tian said, according to a CNBC translation of his Mandarin-language remarks.

Meanwhile, China's industry and technology ministry is trying to improve supply chain coordination in the country's automobile industry, where 90% of chips used are imported, according to a state media report Friday. During Monday's press conference, ministry head Xiao Yaqing said ensuring supply chain resiliency is a priority.

"We must put improving the stability and competitiveness of industrial chains and supply chains in a position of prominence ... and firmly seize the initiative in the fiercely competitive international market," Xiao said. Nationwide, data indicate China did not meet its goal of 40% domestic sourcing in 2020 amid the coronavirus pandemic. Only 15.9% of the \$143.4 billion worth of integrated circuits – another name for semiconductors – sold in China last year were produced in the country, according to U.S.-based market research firm IC Insights.

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On the Web.....

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World Trade Organization

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