

## OFFICE OF THE U.S. TRADE REPRESENTATIVE

### Identification of Priority Foreign Country Practices and Foreign Countries Engaging in Discriminatory Procurement Practices; Request for Public Comment

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Executive Order 13116 of March 31, 1999 requires the United States Trade Representative (USTR): to review United States trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent; and to identify foreign countries engaging in discriminatory government procurement practices. USTR is requesting written submissions from the public concerning practices that should be considered by the USTR for these purposes.

**DATES:** Submissions must be received by 12:00 noon on April 19, 1999.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the filing of submissions should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395-3432; legal questions regarding Executive Order 13116 and Super 301 should be addressed to Demetrios Marantis, Assistant General Counsel, (202) 395-9626; and legal questions regarding Title VII should be addressed to Stephen Kho, Assistant General Counsel, (202) 395-3581.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 310 of the Trade Act of 1974 (referred to as "Super 301"), Executive Orders 12901 of March 3, 1994 (59 F.R. 10727) and 12973 of September 17, 1995 (60 F.R. 51665), and section 314 of the Uruguay Round Agreements Act, USTR submitted annual reports to the appropriate Congressional committees in calendar years 1989-90 and 1994-97 reviewing U.S. trade expansion priorities and identifying priority foreign country practices, the elimination of which is likely to have the most significant potential to increase U.S. exports. Pursuant to Title VII of the Omnibus Trade and Competitiveness Act of 1988, as amended, the President submitted annual reports to Congress in calendar years 1989-96 identifying foreign countries that failed to comply

with their obligations under the Agreement on Government Procurement (GPA) and other government procurement agreements, or otherwise discriminated against U.S. products and services in government procurement.

By Executive Order 13116 of March 31, 1999, the President re-instituted Super 301 and Title VII procedures for calendar years 1999-2001. Part I of Executive Order 13116 requires the USTR, no later than April 30, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. Part II of Executive Order 13116 requires the USTR, no later than April 30, to review and identify other countries' compliance with the GPA and other government procurement agreement obligations, or otherwise maintain, in government procurement, a significant and persistent practice of discrimination against U.S. products or services which results in identifiable harm to United States businesses and whose products or services are acquired in significant amounts by the United States Government. The USTR must submit to the congressional committees of jurisdiction a report on the priority foreign country practices identified under Part I of the Executive Order and on countries identified under Part II of the Executive Order and publish the report(s) in the **Federal Register**. The USTR also may describe in the report(s) foreign country practices that may warrant identification in the future or that were not identified because they are being addressed by provisions under U.S. trade law, existing bilateral trade agreements, or in trade negotiations and progress is being made toward their elimination.

Executive Order 13116 also requires the Trade Representative to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412 (b)(1)), no later than 90 days after submission of the report(s), with respect to any of the identified practices that have not been satisfactorily resolved in the interim.

#### Requirements for Submissions

The USTR invites submissions on priority foreign country practices and countries engaging in discriminatory government procurement practices that should be considered for identification under Executive Order 13116. If the practice was the subject of comments previously submitted in connection with the 1999 National Trade Estimate

Report on Foreign Trade Barriers (1999 NTE Report), the present submission should identify the related comments in the NTE public docket and include any additional pertinent information, including information explaining why the practice rises to the level of a "priority foreign country practice" within the meaning of Executive Order 13116. If the practice was not the subject of comments submitted in connection with the 1999 NTE Report, the submission should: (1) include information on the nature and significance of the practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the practice; and (3) provide any other information considered relevant. Such information may include information on the relevant trade or government procurement agreements to which a foreign country is a party, its compliance with those agreements, and any other information related to the factors set forth in Parts I and II of Executive Order 13116 for identification of priority foreign country practices and countries that engage in discriminatory government procurement practices.

Interested persons must provide twenty copies of any submission, in English, to Sybia Harrison, Staff Assistant to Section 301 Committee, Office of the United States Trade Representative, by noon on April 19, 1999. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted. Inspection is by appointment only with the staff of the USTR Public Reading Room and can be arranged by calling Brenda Webb (202) 395-6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

**Joanna McIntosh,**

*Chairman, Section 301 Committee.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[ALJ 99-0002 CIV]

#### In the Matter of Ashland, Inc.

**AGENCY:** United States Coast Guard, DOT.

**ACTION:** Notice of proposed penalty; opportunity to participate.

**SUMMARY:** The United States Coast Guard gives notice of the proposed