China

**Report by the Secretariat (WT/TPR/S/350)**

**Questions 1-5**

Page 8, Para 5

Negotiations on the Trans-Pacific Partnership (TPP) Agreement were concluded in October 2015 and the Agreement signed in February 2016, but ratification is still pending. The United States is actively engaged in negotiations to liberalize trade further, notably in the form of the Environmental Goods Agreement (EGA) and the Trade in Services Agreement (TiSA).

1. U.S. President-elect Donald Trump said that he will issue an executive order to withdraw from the TPP on the first day that he is in office. In the U.S., what is the legal status of a trade agreement already signed but not yet ratified? What is the role of the U.S. President in the ratification process of a regional trade agreement, and what is the legal effect of the role?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

1. If the U.S. withdraws from the TPP, will the original policies or commitments between the U.S. and the other TPP members, particularly policies on cross-border free data flow, remain in effect?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

1. Donald Trump's policies are casting shadows over the prospect of the TPP, NAFTA and the negotiations of many bilateral trade agreements. How does the U.S. view and assess the resulting effect on global trade and the multilateral trading system with the WTO at its core? How would the US comment on the potential impact on the open trade policy of America?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

1. How would US comment on FTAAP and RCEP?

**RESPONSE:** There is no FTAAP to join. FTAAP is an aspirational goal of a free trade area inspired by APEC, a non-negotiating forum. FTAAP is not a separately negotiated FTA but is to be built on high-standard, comprehensive FTAs that address so-called next generation trade and investment issues. With respect to RCEP, we recognize that other WTO Members are pursuing bilateral and regional trade liberalization initiatives and, like other Members, await the results of that negotiation.

**答复：**FTAAP尚未建立。FTAAP是各方受APEC这一非谈判论坛的启发为建立自由贸易区而设定的一个雄心勃勃的目标。FTAAP并不是一个通过单独谈判建立的自由贸易区，而是建立在一批旨在解决所谓的“下一代贸易与投资问题”的高水准的综合性自由贸易区的基础之上。关于RCEP，我们认识到其他世贸组织成员正在推进双边和区域贸易自由化举措。和其他成员一样，美国也在等待该谈判的成果。

1. Is there any intention for U.S. to join RCEP and FTAAP?

**RESPONSE:** There is no FTAAP to join. With respect to RCEP, we remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**FTAAP尚未建立。关于RCEP，我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Question 6**

Page 9, Para 12

The investigations initiated during the period were mainly concentrated in the steel industry. The average duration of an AD measure in place at the end of 2015 was seven years. There were 60 countervailing duty (CVD) investigations initiated between 1 January 2014 and 30 June 2016. A total of 69 CVD orders were in place in late June 2016.

1. Iron and steel products account for a small proportion of U.S. trade, but constitute the targets of the most U.S. AD investigations. Is the U.S. government overprotecting its iron and steel industry? What's the American take on the relationship between the abuse of trade remedy measures and the international overcapacity of steel and iron?

**RESPONSE:** The United States disagrees with China's characterization. The decision to impose an antidumping measure is based on a factual determination of whether dumping exists and whether such dumped imports have caused, or threaten to cause, material injury to a domestic industry. Similarly, any decision to impose a countervailing duty measure is based on a factual determination of whether countervailable subsidies exists and whether such subsidized imports have caused, or threaten to cause, material injury to a domestic industry. Where dumped or subsidized imports, and material injury caused by those imports have been found, the United States will impose an antidumping or countervailing duty measure, as applicable, and as permitted under WTO rules, including the AD and SCM Agreements.

**答复：**美方不同意中方的表述。关于实施反倾销措施的决定取决于就是否存在倾销以及相关倾销进口产品是否已经或可能对国内工业造成实质性损害做出的事实认定。同样，任何关于实施反补贴税措施的决定均取决于就是否存在可抗性补贴，以及接收该补贴的进口产品是否已经或可能对国内工业造成实质性损害做出的事实认定。如果发现倾销或接收补贴的进口产品以及这些进口产品造成的实质性损害，美方将实施适用并且为包括《反倾销协定》和《补贴与反补贴协定》在内的世贸组织规则允许的反倾销或反补贴税措施。

**Questions 7-11**

Page 10, Para.15

Reform of the U.S. export control system continues. The aim of the Export Control Reform (ECR) Initiative is to achieve a reallocation of resources to improve controls on the more sensitive items. Fully implemented, the new export control system should be based on a unified control list, a single licensing agency, an integrated information technology platform for licensing and enforcement, and a single enforcement coordination centre. The United States lifted an effective ban on exports of crude oil in December 2015. Following authorizations by the Department of Energy, the first major shipment of liquefied natural gas from the United States took place in February 2016.

1. What impact will the lifting of its 40-year ban on exports of crude oil by the US have on the global economy?

**RESPONSE:** The U.S. Energy Information Administration has issued a study on the effects of removing restrictions on U.S. crude oil exports. The report examined the implications of removing current restrictions on U.S. crude oil exports for the price of domestic and global marker crude oil streams, gasoline prices, domestic crude oil production, domestic refining activity, and trade in crude oil and petroleum products. The report can be viewed at <http://www.eia.gov/analysis/requests/crude-exports/>.

**答复：**美国能源信息署发布了一份研究报告，对取消美国原油出口限制将产生的影响进行了评估。报告分析了取消现有美国原油出口限制可能会对国内和国际基准原油价格、汽油价格、国内原油生产、国内炼油活动以及原油和石油产品贸易产生的影响。请参见：<http://www.eia.gov/analysis/requests/crude-exports/>。

1. Please provide further information on the ban-lifting on exports of crude oil and approving the export of liquefied natural gas. Please provide information on the administrative regulations, the procedures for approval and the qualifications for importers and exporters on the export of crude oil and natural gas.

**RESPONSE:** On crude oil, the Consolidated Appropriations Act of 2015 terminated licensing requirements for exports of U.S. crude oil exports with immediate effect. Most exports of crude oil may now be made as NLR (no license required). Under the statute, export licensing may only be re-imposed if the President determines that: 1) the export of crude has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels that are directly attributable to the export of crude oil produced in the United States; and 2) those supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States. Exporters should be aware that exports to embargoed or sanctioned countries or persons, including those listed in parts 744 and 746 of the Export Administration Regulations (EAR) and persons subject to a denial of export privileges, continue to require authorization. The Department of Commerce's Bureau of Industry Security amended the EAR to reflect this change on May 5, 2015 in the Federal Register 81 FR 28483.

**答复：**在原油方面，《2015年综合拨款法案》取消了适用于美国原油出口的出口许可证，该规定立即生效。现在大部分原油出口均无需许可证。根据该法案，总统只有在确认满足以下两个条件的情况下才能恢复出口许可证：1）美国产原油的出口直接导致了持续性的原料油供应短缺或石油价格持续显著高于世界市场水平；2）上述供应短缺或价格上涨已经或可能会对美国的就业造成持续性的重大不良影响。出口商应认识到，向禁运或受制裁的国家或个人，其中包括《出口管理条例》第744条和第746条所列的国家或个人，以及被拒绝出口权的个人出口产品仍需授权。为了反映这一变化，商务部工业安全局于2015年5月5日通过《联邦公报》第81编第28483期对《出口管理条例》进行了修订。

1. Are FTA partner countries and non-FTA countries treated differently in the export of LNG? If so, please explain the difference.

**RESPONSE:** The Department of Energy's authority to license U.S. natural gas imports and exports arises from the Natural Gas Act (NGA). By law, under 15 U.S.C § 717c, applications to export U.S. natural gas to countries with which the United States has Free Trade Agreements (FTAs) requiring national treatment for trade in natural gas are deemed to be consistent with the public interest, and the Secretary of Energy must grant authorizations without modification or delay. The NGA directs DOE to evaluate applications to export U.S. natural gas to non-FTA countries. Under the NGA, DOE is required to grant applications for authorizations to export U.S. natural gas to non-FTA countries, unless the Department finds that the proposed exports will not be consistent with the public interest, or where trade is explicitly prohibited by law or policy.

**答复：**能源部向美国天然气进出口颁发许可证的权限源自《天然气法案》。根据《美国法典》第15卷第717c章，为向与美国签订有自由贸易协定且相关协定要求为天然气贸易提供国民待遇的国家出口美国天然气而提出的申请被视为符合公共利益，能源部长不得做出修改并且必须立即予以批准。《天然气法案》规定，能源部需对为向非自由贸易协定国家出口美国天然气提出的申请展开评估。根据《天然气法案》的规定，除非发现提议中的出口不符合公共利益或者法律或政策明确禁止该贸易，否则能源部需批准向非自由贸易协定国家出口美国天然气的申请。

1. What are the specific contents of the U.S. export control reform? Has the U.S. published *the unified control list*? Arethere any changes to the list? What are these changes? Are the cybersecurity-related products and services included in the list?

**RESPONSE:** The U.S. has not published a single control list, as this would require legislation. The Department of State and Department of Commerce have published a series of final rules amending the USML and the CCL to move less sensitive military items to the CCL. The Federal Register Notices for the proposed and final rules amending the USML and the CCL are available at:<https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file>.Additional information about Export Control Reform can be found online at <http://export.gov/ecr>.

**答复：**美方并未公布单一的出口管制清单，因为这需要走立法程序。国务院和商务部通过公布一系列最终规定来修订美国军需品清单（USML）和商业管制清单（CCL），试图把敏感程度不高的军需品转移到商品管制清单中。为修订美国军需物资清单和商业管制清单而就相关拟议中的规定和最终规定发布的联邦注册公告请参见：<https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file>。关于出口管制改革的更多信息请参见网址：<http://export.gov/ecr>。

1. What are the specific functions of *the integrated information technology platform for licensing and enforcement*? Do enterprises and the public have access to it?

**RESPONSE**: The integrated information technology platform has many functions, from staffing and processing license applications for review, to providing the public information on the status of their license under review. Enterprises and the public do not interface directly with the integrated information technology platform.

**答复：**从对人员和处理许可证申请实施审议到就接受审议的许可证的状态提供公共信息，综合信息技术平台有许多功能。企业和公众并不直接与综合信息技术平台打交道。

**Question 12**

Page 10, Para.16

The reauthorization of EXIM Bank was accompanied by a mandate for the United States to initiate multilateral negotiations to end export credit financing by 2025.

1. With respect to providing direct loans and loan guarantees, do the *EXIM Bank* of the U.S. and OPIC have overlapping functions? What are the differences between the two institutions?

**RESPONSE:** The basic mission of OPIC is to facilitate investments into emerging/developing countries. The basic mission of EXIM is to facilitate U.S. exports of American goods and services where there are financial gaps or foreign official competition. While very occasionally both EXIM and OPIC may be supporting different parts of the same overall project, there is no overlap of functions.

**答复：**OPIC的基本任务是推动对新兴/发展中国家的投资。美国进出口银行的基本任务是在存在金融缺口或外国正式竞争的领域内推动美国产品和服务的出口。美国进出口银行和OPIC在非常偶然的情况下均会为相同整体项目的不同部分提供支持，不存在功能重叠。

**Question 13**

Page 10, Para.17

The Small Business Administration continues to actively support small businesses and entrepreneurs, administering several programs offering export financing to small businesses exporting or planning to export. Legislation passed in December 2015 simplified the taxation of small businesses and made certain tax cuts permanent for them.

1. What are the specific supporting measures provided by the Small Business Administration to small businesses? Are the programs offering export financing to small businesses engaging in export or planning to export suspected of violating the rules of Agreement on Subsidies and Countervailing Measures?

**RESPONSE:** The SBA guarantees bank loans made to small businesses for a variety of purposes from business start-up to working capital to real estate financing. SBA charges a guaranty fee to the borrower, which can make such financing significantly higher than conventional commercial financing. Therefore, SBA financing does not provide a "benefit" as the term has been interpreted under the Agreement on Subsidies and Countervailing Measures.

**答复：**小企业管理局为银行向小企业发放的用于创业、运营资本和房地产融资等各种用途的贷款提供担保并向借款人收取担保费，从而能够使此类融资的数额明显高于常规商业融资。因此，小企业管理局的融资并不提供《补贴与反补贴协定》所界定的“利益”。

**Question 14**

Page 11, Para.20

"In the 2016 Report, 34 U.S. trading partners were listed: 11 on the Priority Watch List and 23 on the Watch List."

1. The 2016 Special 301 Report places China on the Priority Watch List. Please provide more detailed and specific information on claimed IPR infringement of China.

**RESPONSE:** Detailed and specific information on IPR infringement in China is found in the seven pages of the Report expressly addressing China (Section II), and there are numerous additional details and specifics as to China included in Section I. Concerns of the United States have also been identified in comments of the United States on draft China measures and in bilateral engagements, including with respect to the elements of an intellectual property work plan**.**

**答复：**关于中国违反知识产权情况的详细和具体说明参见该报告中国部分的七页（第二节），第一节也包括许多与中国有关的额外细节。美方在对中方措施草案发表的评论以及双方就知识产权工作计划的内容等展开的双边接触中也表达了美方的关切。

**Question 15**

Page 12, para 23

In February 2015, the Federal Communication Commission (FCC) adopted a new Open Internet Order, which reclassified both fixed and mobile broadband internet access services as telecommunications services. As a result, broadband internet access service providers are now subject to **some of the same rules** that apply to common carriers, including a prohibition on unjust or unreasonable practices or unreasonable discrimination.

1. The new Open Internet Order means that the broadband internet access service providers will be considered as providing public services hence subject to stricter regulations. What do "some of the same rules" specifically include? Are there any additional restrictions on the access of foreign broadband operators?

**RESPONSE:** The Open Internet Order applies the following provisions of Title II of the Communications Act to providers of internet access services: section 201 (duties of every common carrier; no unjust or unreasonable charges or practices for or in connection with service), section 202 (no unreasonable discrimination in charges or practices for or in connection with service), section 208 (enforcement procedures), section 222 (Protecting Consumer Privacy), section 225/255/251(a)(2) (Ensuring Disabilities Access), section 224 (Ensuring Infrastructure Access), and part of section 254 (Promoting Universal Broadband).

**答复：**根据《开放式互联网令》，《通信法案》第二章的以下规定适用于互联网接入服务提供商：第201节（规定了所有公共通信运营商的职责；规定不得针对相关服务适用或适用与相关服务有关的不公平或不合理的收费或实践），第202节（规定不得在针对相关服务适用或适用与相关服务有关的收费或实践时带有不合理的歧视），第208节（执法程序），第222节（保护消费者隐私），第225/255/251(a)(2)节（确保残疾人能享受接入服务），第224节（确保基础设施的接入），以及第254节的一部分（推广通用宽带）。

The Commission forbore from applying the remaining 30 statutory provisions of Title II that might otherwise have applied. The Open Internet Order does not impose any additional restrictions on foreign broadband operators.

委员会并未要求适用第二章的其余30项法律规定，否则这些规定可能已经对互联网接入服务提供商生效。《开放式互联网令》并未对外国宽带运营商施加额外的约束。

**Questions 16-17**

Page 12, para 24

"The general framework for the transport sector in the United States remained largely unchanged during the period under review…"

1. In the "open skies agreements" (OSAs), what are the terms on market access, commercial opportunities and fair competition?

**RESPONSE:** Open Skies agreements provide international market access up to the fifth-freedom for combination services and up to the seventh-freedom for all-cargo services. Provisions for cabotage are not included in Open Skies agreements. Please see Article 2 of the Open Skies model text available at <http://www.state.gov/e/eb/rls/othr/ata/114866.htm>. For the terms related to commercial opportunities and fair competition, please see our model text Article 8 (Commercial Opportunities) and Article 11 (Fair Competition).

**答复：**针对国际市场准入，开放天空协定为组合业务提供了第五航权，为所有货运业务提供了第七航权。开放天空协定并未收录国内航空运输相关规定。请参见开放天空协定示范文本第2条：<http://www.state.gov/e/eb/rls/othr/ata/114866.htm>。商业机会和公平竞争相关条款请参见示范文本第8条（商业机会）和第11条（公平竞争）。

1. Shall the U.S. also try to expand and open its markets to the WTO members that are not parties to the OSAs but have signed other bilateral agreements? Within the WTO framework and in the principles of free trade and fair competition, Shall the US timely negotiate, according to the members' demand for expanding flight rights, over updating terms in the existing bilateral agreement that no longer meet the market development needs?

**RESPONSE:** We cannot opine on policies that might be developed during the next administration. However, the Obama Administration commitment to Open-Skies policy has not wavered.

**答复：**我们不能对下一届政府可能会采取的政策发表意见，但奥巴马政府就开放天空政策作出的承诺并未动摇。

**1. ECONOMIC ENVIRONMENT**

**Question 18**

Page 19, table 1.2

1. According to table 1.2, in 2015, the U.S. exports were down 8%, imports down 5%, and trade deficit rebounded by 1%, and according to the current account balance for the first half of 2016, the trade deficit was still expanding. Since November 2016, the U.S. dollar have shown a continuous and strong trend of appreciation, will this further enlarge the trade deficit in the future? Please comment on its impact on the stability of world economy and the development of global trade.

**RESPONSE:** We will make no comment on the dollar. We have continued to urge other countries to use all policy tools to strengthen global demand. We continue to work for a stronger and more robust global adjustment process that is symmetric and protective of global growth.

**答复：**我们将不会对美元发表评论。我们继续敦促其他国家利用所有政策工具提振全球需求。我们将继续努力争取通过更为强劲而稳健的全球调整实现均衡的全球增长。

**Questions 19-20**

(Page 23, Para.1.34) Furthermore, faster growing services imports added to the weaker growth in the services trade surplus.

(Page 24, Para.1.36) Canada, Japan, China, Switzerland, and Mexico are also important services trade partners for the U.S.

1. Do the services imports contain medical services, especially service of Traditional Chinese Medicine (TCM)?

**RESPONSE:** Imports of services related to Traditional Chinese Medicine are captured within our services statistics. Depending on how they are acquired, they would be represented in health related travel, travel for business, or other business services.

**答复：**我们的服务统计数据涵盖了中医药相关服务的进口。根据获取方式的不同，中医药相关服务的进口表现为健康相关旅行、商务旅行或其他商业服务。

1. In the trade in services between U.S. and China, how much percentage is taken by TCM service trade?

**RESPONSE:** Due to TCM services trade being grouped in larger categories, it is impossible to estimate the share of U.S.-China services trade that is accounted for by TCM trade.

**答复：**由于中医药服务贸易被归入更大的类别，我们无法估算中医药贸易在美中服务贸易中所占的份额。

**2. TRADE AND INVESTMENT REGIME**

**Question 21**

Page 27, para 2.6

"…In order to achieve these objectives, the U.S. is actively engaged in negotiations within the WTO framework (e.g. towards an Environmental Goods Agreement (EGA))…"

1. Has the U.S. conducted environmental impact assessment on the EGA? If so, please provide details.

**RESPONSE:** The United States has carried out an interim environmental review of the EGA. USTR provided public notice of the interim environmental review and requested public comments on it. See 81 Federal Register 73191 (Oct. 24, 2016). The interim environmental review is available at: <https://ustr.gov/sites/default/files/EGA-Interim-Review-final.pdf>.

**答复：**美方已经对EGA开展了一次中期环境审议。美国贸易代表办公室就该中期环境审议发布了公告，并要求公众对该审议结果发表评论。参见《联邦公报》第81编第73191期（2016年10月24日）。该中期环境审议请参见：<https://ustr.gov/sites/default/files/EGA-Interim-Review-final.pdf>。

**Question 22-23**

Page 28, Box 2.1

"…v. to ensure that trade and environmental policies are mutually supportive and to seek to protect and preserve the environment and enhance the international means of doing so, while optimizing the use of the world's resources;

*…*

vii. to seek provisions in trade agreements under which parties to those agreements ensure that they do not weaken or reduce the protections afforded in domestic environmental and labour laws as an encouragement for trade…"

1. What measures has the U.S. taken to achieve the above two objectives set in the 2015 TPA?

**RESPONSE:** The environmental and labor objectives set out in the 2015 TPA are longstanding objectives that have underpinned U.S. trade policy for over a decade. The United States works to address environmental and labor challenges through a range of multilateral, regional, and bilateral trade agreements and initiatives, and has achieved the TPA's primary objectives on these issues by negotiating ambitious commitments in the environment and labor chapters of new trade agreements. For environment, this includes ground-breaking commitments to combat wildlife trafficking and illegal logging, protect our oceans, and implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the Trans-Pacific Partnership (TPP). For labor, the United States negotiated the strongest labor provisions of any trade agreement in history in the TPP, including fully-enforceable commitments on freedom of association, collective bargaining, and prohibitions and protections on child labor, forced labor, and employment discrimination. The TPP also includes ground-breaking labor commitments to discourage trade produced by forced labor, and that Parties not weaken or reduce labor protections in export processing zones.

**答复：**《2015年贸易促进授权法案》（TPA2015）在环境和劳工领域提出的目标是美国贸易政策在过去十多年来坚持的长期目标。美方致力于通过一系列多边、区域性以及双边贸易协定和行动应对环境和劳动挑战，并通过推动各方在新贸易协定的环境和劳动章节中做出雄心勃勃的承诺实现了《贸易促进授权法案》针对这些问题设定的主要目标。在环境方面，各方在打击野生动物贩运和非法砍伐、保护海洋以及《跨太平洋伙伴关系协定》（TPP）成员国履行《濒危野生动植物物种国际贸易公约》（CITES）等方面做出了突破性的承诺。在劳工领域，美方通过谈判与《跨太平洋伙伴关系协定》成员国达成了含有史上最严格劳工条款的贸易协定，对结社自由、集体谈判、禁止使用童工和强迫劳动并保护劳动者免受使用童工和强迫劳动的伤害以及就业歧视做出的完全可行的承诺。《跨太平洋伙伴关系协定》也就相关劳工问题做出了突破性的承诺，其中包括阻止因强迫劳动产生的贸易，以及成员国在出口加工区内不削弱或减少劳动保护。

Recent environmental measures and efforts include working with other U.S. Government agencies to prioritize anti-wildlife trafficking and related conservation objectives in environmental cooperation projects and support implementation of CITES obligations in the environment chapters of existing free trade agreements. For example, U.S. capacity building efforts supported wildlife trafficking efforts in Peru and in Central America and the Dominican Republic through free trade agreement work plans. The United States has engaged extensively with partner countries, most recently key demand and transit countries in the Asia-Pacific region, to coordinate cooperation and prioritize activities to combat and cooperate to prevent wildlife trafficking.

近期采取的环境措施包括与其他美国政府机构共同推动环境合作项目优先考虑打击野生动物贩运以及相关保护目标，以及把履行《濒危野生动植物物种国际贸易公约》义务写入现有自由贸易协定的环境章节之中。例如，美方通过自由贸易协定工作计划中的能力建设措施为秘鲁、中美洲和多米尼加共和国的打击野生动物贩运活动提供支持。美方已经与伙伴国，最近与亚太地区主要需求国和过境国广泛接触，协调合作，优先开展打击和预防野生动物贩运的行动。

Through the Forest Annex of the U.S.-Peru Trade Promotion Agreement, the United States has engaged extensively with Peru to promote sustainable management of natural resources, strengthen forest sector governance, and combat illegal logging and associated trade, including through capacity building activities.

美方通过《美国-秘鲁贸易促进协定》的森林附录与秘鲁开展了广泛接触，还通过能力建设活动推动自然资源的可持续管理，加强森林部门治理并打击非法砍伐和相关贸易。

1. Can the measures taken help achieve the above objectives? Has the implementation effect been analyzed?

**RESPONSE:** Monitoring environmental commitments in existing trade agreements and evaluating the impacts of trade agreements and promoting sustainable management of natural resources through other trade-related initiatives and fora is an essential component of the U.S. trade policy. The United States has had longstanding success in achieving TPA objectives and publicly reports the impacts and results achieved under existing trade agreements. The United States also conducts thorough environmental reviews to evaluate the positive and negative environmental impacts of trade agreements under negotiation. An interim environmental review of the TPP, which provides a preliminary assessment of the potential environmental impacts of the agreement, has been released and can be viewed here: <https://ustr.gov/sites/default/files/TPP%20Interim%20Review%20-%20final%20for%20posting%20-%208.22.13.pdf>.

**答复：**通过其他贸易相关行动和论坛监督现有贸易协定环境承诺的落实情况，评估贸易协定产生的影响并推动自然资源的可持续管理是美国贸易政策的一个主要组成部分。长期以来，美方在实现《贸易促进授权法案》设定的目标并公布现有贸易协定的影响和成果方面拥有成功的经验。美方还对处于磋商中的贸易协定可能产生的积极和消极的环境影响开展彻底的环境审议。美方发布了针对《跨太平洋伙伴关系协定》实施的一次中期环境审议。审议报告对该协定的潜在环境影响进行了初步评估，请参见：<https://ustr.gov/sites/default/files/TPP%20Interim%20Review%20-%20final%20for%20posting%20-%208.22.13.pdf>。

The United States has also regularly monitored labor commitments under existing trade agreements and actively engaged with trade partner countries to advance the Labor Chapter objectives of the agreements. As with environmental issues, the United States has a history of success in achieving TPA objectives on labor, and issues public reports that describe and analyze ongoing efforts to promote labor rights through trade agreements. A joint report of the United States Trade Representative and U.S. Department of Labor from 2015, entitled "Standing Up for Workers", contains a detailed analysis of the implementation of the labor objectives in trade agreements, and can be viewed here: <https://ustr.gov/sites/default/files/USTR%20DOL%20Trade%20-%20Labor%20Report%20-%20Final.pdf>.

美方还定期对现有贸易协定项下的劳工承诺实施监督，并积极与贸易伙伴国合作推动实现相关协定劳工章节所设定的目标。就环境问题而言，美方在实现《贸易促进授权法案》劳工目标方面有着丰富的成功经验，同时还发布报告对通过贸易协定促进劳动权利而采取的措施加以描述和分析。美国贸易代表和美国劳工部2015年联合发布的一份题为“为工人提供支持”的报告对各贸易协定劳工目标的落实情况进行了详细的分析，该报告可参见：<https://ustr.gov/sites/default/files/USTR%20DOL%20Trade%20-%20Labor%20Report%20-%20Final.pdf>。

**Question 24-25**

Page 29, Para 2.13

"…A trade advisory committee system channels input from U.S. public and private sector interests on trade policy and trade negotiating objectives…The system includes three tiers:…(ii) five policy advisory committees covering policy issues concerning agriculture, Africa, state and local government, labour, and environment…"

1. What roles do the EPA and the USTR respectively play in the Trade and Environment Advisory Committee?

**RESPONSE:** USTR is solely responsible for administering the Trade and Environment Advisory Committee. USTR will share the advice received from the committee with other relevant agencies interested in the subject matter.

**答复：**美国贸易代表办公室全权负责贸易与环境政策咨询委员会的管理。美国贸易代表办公室将与对该议题感兴趣的其他相关机构分享该委员会提出的建议。

1. How does the Trade and Environment Advisory Committee operate?

**RESPONSE:** The Trade and Environment Advisory Committee provides USTR with policy advice on issues arising in connection with the development, implementation and administration of the trade policy of the United States that involve the environment. The TEPAC meets as needed, depending on various factors such as the level of activity of trade negotiations and the needs of the USTR.

**答复：**贸易与环境政策咨询委员会就美国涉及到环境的贸易政策的制定、实施和管理产生的问题向美国贸易代表办公室提供政策建议。贸易与环境政策咨询委员会根据需要举行会议，是否开会取决于贸易谈判活动的级别以及美国贸易代表办公室的需要等各种因素。

**Questions 26-27**

Page 30, Para 2.20

"…The U.S. and 11 other parties signed the Trans-Pacific Partnership (TPP) Agreement on 4 February 2016...Several provisions are "new" in the sense that they have not been included in other U.S. FTAs, such as provisions on … environmental conservation…"

1. Why are these new provisions on environmental conservation included in TPP?

**RESPONSE:** The new provisions on environmental conservation in the TPP—notably new commitments to protect marine life from illegal fishing and harmful fisheries subsidies and combat wildlife trafficking in species protected under CITES as well as any other species that has been taken or traded illegally, regardless of the source country—are targeted at global environmental challenges that are particularly critical in the Asia-Pacific region. Major environmental challenges and threats, such as wildlife trafficking, illegal logging and illegal fishing, threaten natural resources and legitimate businesses.

**答复：**《跨太平洋伙伴关系协定》中新设的这些环境保护条款—特别是针对保护海洋生物免受非法捕捞和有害渔业补贴影响，打击受《濒危野生动植物物种国际贸易公约》保护的野生动物物种以及无论源自哪个国家的任何其他被非法捕获或交易的野生动物物种贩运做出的新承诺—其目的旨在应对在亚太地区尤为严峻的全球环境挑战。野生动物贩运、非法砍伐和非法捕鱼等主要环境挑战与威胁对自然资源和合法业务构成了威胁。

1. What potential impact will these new provisions on environmental conservation in the TPP have on trade and the environment?

**RESPONSE:** Sustainable forest management and ensuring legal trade, can protect threatened and endangered species as well as the livelihoods of communities and legitimate business that depend on legally harvested timber to meet the demands of consumers. IUU fishing undermines efforts to sustainably manage fish stocks and protect marine species, like sea turtles. It also hurts legitimate fishers and businesses, estimated to drive global economic losses in the billions each year. Subsidies to international fishing fleets exacerbate this problem, encouraging overfishing and further depleting global fishery resources. Combatting these practices will help protect ocean resources and the livelihoods of fishers and their communities in the Asia-Pacific. Enhanced conservation measures and protections, as well as requirements to effectively enforce environmental protections and engage in enhanced regional cooperation will help protect endangered species. Loss of these species, and other overexploited and illegally taken species, could otherwise have profound impacts on the stability of ecosystems and even threaten human health.

**答复：**可持续森林管理和确保合法贸易可以为受威胁和濒危的物种，以及依靠合法砍伐的木材满足消费者需求的社区和合法业务的生计提供保障。非法、未报告和不受监管的捕捞破坏了人们为可持续管理鱼类种群并保护海龟等海洋物种而付出的努力。这些行为还对合法的渔民和企业造成了伤害，估计每年造成数十亿的全球经济损失。为国际捕捞船队提供的补贴助长了过度捕捞并进一步耗竭全球渔业资源，从而使这一问题恶化。打击这些做法将有助于保护海洋资源和亚太地区渔民及其社区的生计。更完善的保护措施以及对有效保护环境和加强区域合作的要求将有助于保护濒危物种。这些物种以及其他过度开发和非法捕获的物种的丧失可能会对生态系统的稳定性产生深远的影响，甚至还会对人类健康产生威胁。

**Questions 28-29**

Page 33, Para 2.34

…The renewed AGOA was also enhanced by promoting greater regional integration by expanding rule of origin and encouraging AGOA beneficiary countries to develop AGOA utilization strategies. ……The textile provisions in AGOA apply specific apparel rules of origin….…Non-oil imports from AGOA beneficiaries reached U.S.$4.1 billion, up from U.S.$1.4 billion in 2001. The leading AGOA exporters were South Africa, Angola, Chad, Nigeria, and Kenya. …

1. How was the rules of origin for textile and apparel items updated in the the AGOA renewed in 2015? What considerations are behind such updates?

**RESPONSE:**In the 2015 extension of AGOA, while no substantive changes were made specific to textiles and apparel, the rules of origin for the program in general were updated to allow producers to include the direct costs of processing operations performed in one or more beneficiary sub-Saharan African countries, or former beneficiaries, in achieving the required minimum 35 percent local value content. The reasons for this change were to simplify the rules of origin for AGOA and encourage further regional integration.

**答复：**2015年延长的AGOA法案没有专门针对纺织品和服装的实质性变化，但总体的原产地规则有了更新，使生产者能够把在一个或多个受益或曾受益的撒哈拉以南非洲国家进行的加工业务的直接成本纳入统计，从而满足最低35％的本地价值成分要求。这种变化旨在简化AGOA法案的原产地规则，并鼓励区域一体化进一步发展。

1. After more than a decade's implementation of AGOA, how are the beneficiary African countries performing in their exports of textile and apparel products to the U.S.? Can the top three beneficiary African countries be listed? Are the desired effects of the Act achieved?

**RESPONSE:** AGOA has contributed to industrial development and export diversification in beneficiary countries. Since AGOA was first enacted in 2001, U.S. imports of textiles and apparel from AGOA beneficiaries grew from $348 million in 2001 to $988 million in 2015. The top three beneficiary suppliers of textiles and apparel to the U.S. in 2015 were Kenya ($367 million), Lesotho ($299 million), and Mauritius ($207 million).

**答复：**AGOA法案推动了受益国家的工业发展和出口多元化。自从AGOA法案于2001年颁布以来，美国从AGOA法案受益国家进口的纺织品和服装从2001年的3.48亿美元增长到了2015年的9.88亿美元。2015年排名前三的受益向美国供应纺织品和服装的国家分别为肯尼亚（3.67亿美元）、莱索托（2.99亿美元）和毛里求斯（2.07亿美元）。

**Questions 30-32**

Page 34, Para. 2.40

2.40. The foreign investment regime in the U.S. remained unchanged during the period under review. The regime is generally open and liberal, although some restrictions apply, primarily for prudential or national security reasons (Table 2.2). Restrictions on foreign ownership principally apply in specific areas such as: atomic energy operations; oil pipeline right of way; the mining of coal and certain minerals, or petroleum exploration; and certain fishing operations. The U.S. accords national treatment to foreign investment as a general rule; notable limitations include eligibility for public funding of research and development (R&D), emergency loans to agriculture, and loans, guarantees, and political risk insurance for investment

1. "The regime is generally open and liberal, although some restrictions apply, primarily for prudential or national security reasons". Please clarify what do "prudential reasons" refer to.

**RESPONSE:** The United States is not aware of which "prudential" reasons the WTO Secretariat intended to refer to in paragraph 2.40.

**答复：**美方不知道世贸组织秘书处在第2.40段所指的是哪些“审慎”原因。

1. Are the restrictions listed above only at the level of the Federal Government? If so, please list detailed restrictions at the state level.

**RESPONSE:** The measures listed in Table 2.2 are at the level of the Federal Government. Laws at the U.S. state level generally apply equally to all persons residing in a state and to all companies or other entities doing business in a state's territory. Where they exist, most differences in the treatment of domestic and foreign investors at the state level are minor and can frequently be eliminated through incorporation in the particular state. A few U.S. states restrict foreign ownership of land. The U.S. GATS schedule provides detail on such measures.

**答复：**表2.2所列的措施是联邦政府层面的限制。美国州一级的法律一般同样适用于本州所有居民以及在本州领土内经商的所有公司或其他实体。即便国内和外国投资者之间在州一级的待遇存在着差异，其中绝大多数差异都是微不足道的，并且经常能够通过在该州注册消除这些差异。美国有少数几个州对外国人的土地所有权设限。美国《服务贸易总协定》的表格提供了这些措施的详细情况。

1. Are there further opening-up measures at the state level in the U.S.? If so, what are they?

**RESPONSE:** The United States is not aware of any significant revision to measures at the U.S. state level that pertain to foreign investment during the period of review.

**答复：**美方未注意到审议期内美国在州一级层面对相关措施做出了哪些与外国投资有关的显著调整。

**Question 33**

Page 34, Para. 2.41

The International Investment and Trade in Services Survey Act requires foreign direct investment (FDI) into the United States to be reported to the relevant authorities for analytical and statistical purposes…

1. The International Investment and Trade in Services Survey Act established a foreign investment reporting system. How to supervise the implementation of the system? What is the legal liability of a foreign enterprise for not reporting the information?

**RESPONSE:** The data collection requirements of the International Investment and Trade in Services Survey Act are implemented through quarterly and annual sample surveys, as well as benchmark surveys conducted every five years and a survey covering new foreign investments, administered by the Bureau of Economic Analysis, an agency of the U.S. Department of Commerce. The surveys are promulgated through a process of public notice and comment, pursuant to U.S. law and as part of the Department of Commerce's continuing efforts to reduce paperwork and respondent burden. Survey requirements apply to U.S. individuals and enterprises, in two situations: (1) a foreign person owns, directly or indirectly, 10 per cent or more of the voting securities in a U.S. business enterprise or real estate held for other than personal use; or (2) a U.S. person owns, directly or indirectly, 10 per cent or more of the voting securities in a foreign business enterprise. Foreign entities are not subject to the law, but may choose to complete the survey forms on behalf of the relevant U.S. person. Penalties for willful failure to respond to the survey are set out in the International Investment and Trade in Services Survey Act (civil penalties of up to $44,539 and criminal penalties of up to $10,000 and one year in prison).

**答复：**美国商务部下属的经济分析局通过季度和年度抽样调查，每五年一次的基准调查，以及一项针对新的外国投资开展的调查来满足《国际投资和服务贸易调查法案》提出的数据收集要求。相关调查根据美国的法律以公告和征求公众意见的形式发布，这也是商务部为减少文书工作并减轻调查对象负担而持续采取的措施中的一部分。关于调查的规定适用于符合以下两种情形之一的美国个人和美国企业：（1）外国个人直接或间接拥有美国商业企业或非个人使用的房地产10％或以上的投票权证券；（2）美国个人在外国商业企业中直接或间接拥有10％或以上的投票权证券。外国实体不受该法律约束，但可以选择代表相关美国个人填写调查表。《国际投资和服务贸易调查法案》对故意不对调查做出回应的行为做出了处罚规定（民事处罚金额最高为44,539美元，刑事处罚最高为10,000美元并监禁一年）。

**Questions 34-39**

Page 34, Para. 2.42

2.42. Foreign investment is generally not subject to review. However, the President may conduct national security reviews of "covered transactions" through the Committee on Foreign Investment in the U.S. (CFIU.S.).……The CFIU.S.statute and accompanying regulations do not limit review to certain industries or types of activity. CFIU.S. has indicated that, as it does not wish to unnecessarily impede the flow of foreign investment, the statute is to be implemented "only insofar as **necessary to protect the national security**", and "in a manner fully consistent with the **international obligations** of the U.S."

1. During the last review, when responding to China's question, U.S. mentioned that "When a transaction poses a national security risk, CFIU.S. works to resolve it as expeditiously as possible, including through targeted mitigation rather than prohibition whenever possible.". Could U.S. please further elaborate on the way CFIU.S.work to resolve a transaction which poses a national security risk? What are the procedures? Will the enterprises involved be informed of the process?

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)and<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. The U.S. claims that it reviewsforeign investment mainly due to prudence and national security concerns, and has no intention to intervene in the normal business activities. However for a long period of time, most of the reviews conducted by CFIU.S. have transparency problems. Is any agency entitled to propose to CFIU.S.the review of a business activity on the pretext of "national security"? Are there scenarios where certain business competitors try to take advantage of the CFIU.S.mechanism to impede transnational business cooperation? Please provide explanation.

**RESPONSE:** CFIUS is a national security process, not a business competition process, and does not operate on pretexts. It operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会关注的是国家安全而不是商业竞争，不会因某种借口而行事。该委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. In recent years, there have been increasing number of cases that CFIU.S. paid close attention to and investigated. Some Chinese enterprises said that they were surprised and confused when their business projects were investigated by the CFIU.S (eg. the case of "Sany Heavy Industry buying the U.S. wind farm at Butter Creek" in 2012). Please explain the reason for the increasing number of cases year after year. Does the U.S. believe it is necessary to take measures to create a more predictable policy environment?

**RESPONSE:** The number of cases CFIUS faces depends on the number of cases notified. CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会审查的个案数量取决于通报个案的数量。美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. What are the criteria for "national security"? Is cybersecurity included? If so, which category in table 2.2 shall cybersecurity be classified?

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800.  FINSA includes a description of national security factors to be considered. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。《外国投资与国家安全法案》中收录了关于需予以考虑的国家安全因素的描述。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. Please specify the scenarios "*necessary to protect the national security*" in cyber space.

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. FINSA includes a description of national security factors to be considered. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。《外国投资与国家安全法案》中收录了关于需予以考虑的国家安全因素的描述。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. Could the U.S. please specify "the international obligations of the U.S."? Do "the international obligations" here mean the obligations under the international law and international treaties? Do they include the obligations provided for in various statements, communiques or self-disciplined commitments?

**RESPONSE:** The international obligations of the United States include treaty obligations and other obligations under international law.

**答复：**美国需履行的国际义务包括条约义务以及国际法规定的其他义务。

**Questions 40-43**

Page 35, para 2.43

By statute, CFIUS may negotiate, enter into or impose, and enforce any agreement or condition with any party to a covered transaction in order to mitigate any threat to the national security of the United States that arises as a result of the covered transaction. The President can block a transaction when he determines that the transaction threatens to impair the national security. According to the authorities, in practice, when an investment poses a national security risk, the United States addresses the risk as expeditiously as possible, including through targeted mitigation arrangements rather than prohibition whenever reasonably possible.

1. The U.S. claims that its administrative process is transparent and accessible to the public. However, requirements on national security review in the Foreign Investment and National Security Act are too general. Moreover, CFIU.S. has not disclosed any basis or standards for assessment, and has not provided the public with objective and measurable standards for determining if national security is jeopardized; CFIU.S. only informs the reviewed enterprises of the results but not the detailed process of the review; and for transactions rejected, no reason or basis thereof is provided. Please explain why.

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. FINSA includes a description of national security factors to be considered. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。《外国投资与国家安全法案》中收录了关于需予以考虑的国家安全因素的描述。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. What are the procedures and process of CFIU.S.' review?

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. Does US have any plan to improve the transparency of the review process and relevant decision? How can the right of foreign companies to challenge review decisions be fully ensured?

**RESPONSE:** The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and

<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

1. How can companies deemed to conduct a "covered transaction" file a complaint against the decision? How will the US deal with these kinds of complaints?

**RESPONSE:** CFIUS operates pursuant to section 721 of the Defense Production Act of 1950, as amended by the Foreign Investment and National Security Act of 2007 (FINSA) (section 721) and as implemented by Executive Order 11858, as amended, and regulations at 31 C.F.R. Part 800.  Treasury regularly meets with companies to discuss particular transactions. The CFIUS Annual Report describes covered transactions reviewed by the Committee, perceived adverse effects of select covered transactions, and particular mitigation measures. See [www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS) and <https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>.

**答复：**美国外国投资委员会遵循经《2007年外国投资与国家安全法案》（FINSA）（第721节）修订并通过经修订的第11858号行政令实施的《1950年军工生产法案》第721节，以及《联邦法规汇编》第31编第800条法规行事。财政部定期与有关公司会晤并就具体交易展开讨论。美国外国投资委员会发布的年度报告内容涵盖经该委员会审议的受管辖交易，特定受管辖交易可能产生的不利影响以及具体的缓解措施。请参见：[www.treasury.gov/CFIUS](http://www.treasury.gov/CFIUS)和<https://www.treasury.gov/resource-center/international/foreign-investment/Pages/cfius-reports.aspx>。

**3. TRADE POLICIES AND PRACTICES BY MEASURE**

**Question 44**

Page 37, para 3.2

"Thus, the Border Interagency Executive Council (BIEC) was established formally in February 2014 to provide strategic leadership and policy guidance as the deadline for completion of the single-window International Trade Data System (ITDS) is nearing (31 December 2016)."

1. Please provide details on the ITDS. How will its establishment impact import and export clearance and related procedures?

**RESPONSE:** Through the International Trade Data System (ITDS), the government is establishing a single window through which traders may submit data required by government agencies for international trade transactions. The technology backbone for ITDS is the Automated Commercial Environment (ACE). The expected benefits of ITDS include: reducing or eliminating paper forms, which will reduce handling costs to the filers, CBP, and other government agencies; more quickly introducing legitimate goods into commerce, resulting in greater costs savings for both the government and the private sector; improving targeting, based on a risk-management approach with access to electronic data; improving policy formulation and review by providing more accurate and complete international trade data, more sophisticated access to this data, and improved timeliness for decision makers; and enhancing the ability of federal agencies with border responsibilities to work with the trade to improve compliance. Please see the following link for more details:<https://www.cbp.gov/sites/default/files/documents/itds_capab_2.pdf>.

**答复：**通过国际贸易数据系统（ITDS），政府设立了一个单一的窗口，贸易商可通过该窗口提交政府机构要求提供的国际贸易交易数据。自动商业环境（ACE）是国际贸易数据系统的技术核心。国际贸易数据系统可产生的预期效益包括：减少或消除纸质表单，从而降低文件编档人员、海关和边境保护局以及其他政府机构的管理成本；更迅速地将合法商品引入商业，为政府和私营部门节约更多成本；利用电子数据在风险管理的基础上提高针对性；通过提供更准确和完整的国际贸易数据、更复杂的数据利用方式以及加强决策者的及时性完善政策制定和审议；以及提高负责边境业务的联邦机构处理贸易事务的能力，从而提高合规性。更多详细信息请参见以下链接：<https://www.cbp.gov/sites/default/files/documents/itds_capab_2.pdf>。

**Questions 45-51**

Page 39, 3.1.1.1.3 Advance Ruling

1. Advance ruling requests pertaining to valuation or carriers need to be filed by letter, and those related to classification and place of origin can be filed online. What are the reasons for such arrangement by the CBP?

**RESPONSE:** Generally, all advance ruling requests may be filed by letter directly with Regulations and Rulings (RR), which is a part of CBP's Office of Trade in CBP Headquarters Washington, DC.

**答复：**一般而言，所有预先裁决请求均可以信函的形式直接提交给条例和裁决办公室（RR），该办公室隶属于位于华盛顿特区的海关和边境保护局总部的贸易办公室。

Most advance rulings on tariff classification are issued by the by the National Commodity Specialist Division (NCSD) of Regulations and Rulings in New York, NY. In general the ruling requests considered by the NCSD are those which may be issued within 30 days of receipt of all necessary information. The NCSD has an eRulings system which permits many of its rulings to be filed on-line.

大多数关于关税分类的预先裁决均由位于纽约州纽约市的条例和裁决办公室国家商品专家组（NCSD）做出。国家商品专家组审核的裁决请求一般为国家商品专家组在收到所有必要信息后的30天内可做出裁决的请求。国家商品专家组设有一套电子裁决系统，该系统使许多裁决可在线提交。

Rulings pertaining to valuation and carriers are issued by RR in CBP Headquarters. Classification matters that require more time due to the number or complexity of the issues or requests for confidential treatment are also issued by HQ. Please see the following link for more information concerning the U.S. rulings program: <https://www.cbp.gov/sites/default/files/documents/cbp_rulings_prog_3.pdf>.

关于估值和承运人的裁决由海关和边境保护局总部的条例和裁决办公室做出。由于问题或保密处理请求的数量较多或复杂程度较高而需要花更多时间处理的关于分类事务的裁决也由总部做出。关于美国裁决程序的更多信息请参见以下链接：<https://www.cbp.gov/sites/default/files/documents/cbp_rulings_prog_3.pdf>。

1. Must all the advance rulings made by the CBP be published? Have all of them been published already? Does the CBP have the choice to publish them or not? If so, what is the basis for such choice?

**RESPONSE:** By law all advance rulings must be published. They are available on the internet on the Customs Ruling On-Line Search System (CROSS) at <https://rulings.cbp.gov/>.

**答复：**根据法律，所有预先裁决都必须公布。海关裁决在线搜索系统（CROSS）的网站上可查询这些裁决：<https://rulings.cbp.gov/>。

1. Does the CBP publish the full text of the advance ruling or only certain chosen elements thereof? If the CBP has the right to choose, what is the basis for a choice?

**RESPONSE:** CBP publishes the full text of an advance ruling, except for any material treated as privileged or confidential information.

**答复：**海关和边境保护局公布预先裁决的全文，任何被视为特权或保密信息的内容除外。

1. Does the advance ruling on valuation involve procedural issues or substantive issues of the valuation?

**RESPONSE:** Advance rulings on valuation may involve both procedural issues and substantive issues of valuation.

**答复：**关于估值的预先裁决可能涉及估值相关的程序性问题和实质性问题。

1. On whom and which batch of goods is the advance ruling binding? How long is its term of validity?

**RESPONSE:** An advance ruling is binding on the particular transaction or issue described in the ruling issued by CBP. Additionally, the principle established in an advance ruling may be cited as authority in transactions involving the same circumstances. A ruling's effective date is the date on which the ruling is issued, and it remains valid until modified or revoked.

答复：预先裁决对海关和边境保护局做出的裁决中所描述的具体交易或问题有约束力。此外，预先裁决所确定的原则在相同情景下可做为权威性原则引用。裁决的生效日期为该裁决的发布日期，且该裁决将持续保持有效，直至该裁决被修订或撤销为止。

1. Are there any cases in which an advance ruling is repealed or revised? In what circumstances can an advance ruling be repealed or revised? Who can be applicants for such repeals or revisions? What procedures should be followed?

**RESPONSE:** An advance ruling may be revoked or modified by CBP pursuant to its modification and revocation process described in 19 CFR §177.12, or in very rare instances through CBP's publication of a change of practice as described in 19 CFR §177.10(e).

**答复：**海关和边境保护局可根据《联邦法规汇编》第19编第177.12条所描述的修订和撤销程序撤销或修订预先裁决，在非常罕见的情形下也可根据《联邦法规汇编》第19编第177.10（e）条的描述通过海关和边境保护局公布的实践变更撤销或修订预先裁决。

Under the procedures set forth in 19 CFR §177.12, CBP may issue an interpretive ruling to modify or revoke an existing ruling if CBP finds that the existing ruling to be in error or not in accord with the current views of CBP. In addition, CBP's position may be modified by: legislation or issuance of a Presidential Proclamation or Executive Order; a judicial decision; publication of a decision in the Federal Register as the result of a petition by a domestic interested party; and subsequent regulatory changes.

根据《联邦法规汇编》第19编第177.12条规定的程序，如果海关和边境保护局发现某一现有裁决有错误或不符合海关和边境保护局当前的观点，海关和边境保护局可通过做出解释性裁决修改或撤销该现有裁决。此外，海关和边境保护局的地位可通过以下方式修改：立法或发布总统公告或行政令；司法裁决；在联邦公报中发布应国内相关方请求做出的决定；以及后续监管政策法规变化。

Please see the following link for more information: <https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&browsePath=Title+19%2FChapter+I%2FPart+177%2FSubpart+A%2FSection+177.12&granuleId=CFR-2003-title19-vol2-sec177-12&packageId=CFR-2003-title19-vol2&collapse=true&fromBrowse=true>.

更多信息请参见以下链接：<https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&browsePath=Title+19%2FChapter+I%2FPart+177%2FSubpart+A%2FSection+177.12&granuleId=CFR-2003-title19-vol2-sec177-12&packageId=CFR-2003-title19-vol2&collapse=true&fromBrowse=true>。

1. If an applicant does not make customs declaration according to an advance ruling, what legal consequences should he take? If an applicant thinks that the advance ruling is illegal or unreasonable, are there any channels for remedies?

**RESPONSE:** If an applicant makes entry that is not in accordance with an advance ruling CBP officials may reject the entry or apply a penalty. However, the course of action taken depends on the facts and circumstances presented.

**答复：**如果申请人未按预先裁决入境，海关和边境保护局官员可拒绝入境或适用处罚。但所采取的行动的理由取决于事实和具体的情形。

An applicant who disagrees with CBP's advance ruling may request reconsideration of the ruling. In addition, a person may protest a decision by CBP applying the ruling at the CBP field office, and seek further review by CBP headquarters if the criteria for such review, set forth in CBP regulations, are met. In addition, any person whose protest has been denied by CBP in whole or in part may seek judicial review at the United States Court of International Trade.

申请人如不同意海关和边境保护局预先裁决可请求对该裁决进行复议。此外，个人可在海关和边境保护局驻当地办公室就海关和边境保护局就适用该裁决做出的决定提出抗议。如满足海关和边境保护局规定的审议标准，该个人可提请海关和边境保护局总部展开进一步审议。此外，如任何抗议全部或部分被海关和边境保护局否决，该个人可提请美国国际贸易法庭实施司法审查。

**Question 52**

Page 40, para.3.14

A voluntary public-private partnership programme focusing on cargo security, C-TPAT was established in 2001 and codified into law through the Security and Accountability for Every Port Act of 2006. C-TPAT candidates, e.g. importers, exporters, freight forwarders, manufacturers and customs brokers, submit applications online through the C-TPAT Portal. … it had five ongoing mutual recognition projects (China, Peru, India, Uruguay, and Brazil), and eight technical assistance projects.

1. Please provide more details on C-TPAT, such as its purpose, functions and how it works. the US requires the carriers to provide documents related to anti-terrorist and safety declaration, such as AMS (American Anti-Terrorist Manifest System) and ISF (Import Safety Declaration), which may increase exporters' cost. Do such requirements violate the spirit of voluntary public-private partnership programme focusing on cargo security？Will the U.S. consider simplifying such requirements to enhance efficiency?

**RESPONSE:** Through the C-TPAT program, CBP works with the trade community to strengthen international supply chains and improve United States border security. When an entity joins C-TPAT, participants agree to an agreement is made to work with CBP to protect the supply chain, identify security gaps, and implement specific security measures and best practices, and. C-TPAT Partners enjoy a variety of benefits, including taking an active role in working closer with the U.S. Government in its war against terrorism, and because they are considered to be of low risk, they are less likely to be examined at a U.S. port of entry. For more detailed information about the program, its application process, and the benefits please see, <https://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism>.

**答复：**通过海关进出口企业反恐协作伙伴（C-TPAT）计划，美国海关和边境保护局（CBP）与贸易行业合作加强国际供给链并提高美国的边境安全水平。当有机构加入C-TPAT时，参与者同意达成协议并与CBP合作保护该供给链，找出安全隐患并执行特定安保措施和最佳做法，且C-TPAT合作伙伴可以获得一系列好处，包括与美国政府在反恐作战方面加强合作并发挥积极作用，因为加入计划后，美国政府视这些伙伴的安全风险较低，且在美国入境时接受的检查较少。关于该计划详情、申请流程和各项好处请参见，

<https://www.cbp.gov/border-security/ports-entry/cargo-security/c-tpat-customs-trade-partnership-against-terrorism>。

**Questions 53-54**

Page 42, para 3.1.1.4 Bonded Warehouses

1. What documents or materials are needed to apply for setting up a bonded warehouse?

**RESPONSE:** Application materials and documents needed to set up a bonded warehouse can be found in Title 19.2 of the Code of Federal Regulations (CFR) (19 CFR §19.2). A link to this provision can be found here: <https://www.gpo.gov/fdsys/pkg/CFR-2011-title19-vol1/pdf/CFR-2011-title19-vol1-sec19-2.pdf>.

**答复：**建立保税仓库的申请材料和文件可以在美国《联邦法规汇编》第19.2条（19 CFR §19.2）中找到。该条款链接如下：<https://www.gpo.gov/fdsys/pkg/CFR-2011-title19-vol1/pdf/CFR-2011-title19-vol1-sec19-2.pdf>.

1. How does U.S. Customs administrate the storage of hazardous material in bonded warehouses?

**RESPONSE:**The U.S. Environmental Protection Agency (EPA), not U.S. Customs and Border Protection (CBP), regulates the storage of hazardous material in bonded warehouses. EPA has issued regulations that require a high level of compliance by warehouse operators regarding storage of hazardous material. More information can be found at the following link:<https://www.fedcenter.gov/assistance/facilitytour/labs/hazmat>.

**答复：**美国国家环境保护局（EPA）而非美国海关和边境保护局（CBP）负责管理保税仓库中有害物质的储存。EPA发布的管理规定对仓库运营商有害物质的储存提出了严格要求。详情请见以下链接：<https://www.fedcenter.gov/assistance/facilitytour/labs/hazmat>。

**Question 55**

Page 42, para.3.24

Foreign as well as domestic goods may be brought into the zones and subjected to assembly, manufacturing, or processing or be held for storage or exhibition purposes.

1. Is security review needed for goods entering into the foreign trade zones?What are the specific procedures and mechanism for such review?

**RESPONSE:** The process of security screening is the same whether the shipment is entering into the commerce of the United States or into a foreign trade zone (FTZ). Pre-arrival screening information is received via an advance electronic manifest. For containerized ocean freight, an Importer Security Filing is provided. For some air freight, an ACAS security filing is provided. This data is used to screen all cargo prior to arrival, and a determination is made to examine or allow movement under a bond based on that information. If the goods are entering the commerce of the United States, an entry is required from the importer. If a good is moved into an FTZ, commodity specific information, including HTS code, country of origin, and manufacturer, are provided to CBP prior to the movement to the FTZ. This information may be used to further refine the security screening as well as make admissibility determinations.

**答复：**安全筛查的过程即确定货物是进入美国本土市场还是进入自由贸易区（FTZ）。预先电子货单可以提供预到达筛选信息。集装箱海运货物要执行进口安全申报。部分空运货物要执行ACAS安全申报。所有货物到达前将利用上述数据进行筛查，并根据此类信息决定进行检查还是放行。如果是进入美国本土市场的货物，则进口商需要报关。如果进入自贸区，则要在商品进入之前向CBP提供商品详情，如HTS码、原产地、制造商等信息等。此类信息可用于细化筛查以及确定是否允许入境。

**Question 56**

Page 52, para.3.61

"The Office of Foreign Assets Control (OFAC) of the United States Treasury Department administers a number of programmes involving the blocking of assets of Specially Designated Nationals and Blocked Persons (SDNs)."

1. Could the U.S. please introduce the OFAC's regulatory responsibilities on banking institutions and related rules and regulations.

**RESPONSE:** The Office of Foreign Assets Control (OFAC) of the United States Treasury Department administers and enforces comprehensive and targeted economic sanctions programs in furtherance of U.S. national security and foreign policy objectives. OFAC-administered regulations can be found at Title 31, Chapter V of the U.S. Code of Federal Regulations, and on OFAC's website at<https://www.treasury.gov/ofac>.

**答复：**美国财政部外国资产管控办公室（OFAC）负责管理并执行全面且具体的经济制裁计划，从而协助国家实现国家安全和外交政策目标。OFAC管理规定可以在美国《联邦法规汇编》第31编第五章以及OFAC网站<https://www.treasury.gov/ofac>上找到。

Banking institutions that are U.S. persons and, in the case of sanctions on Cuba and Iran, foreign entities that are owned or controlled by U.S. persons, are required to comply with OFAC-administered rules and regulations."U.S. persons" is generally defined as any U.S. citizen, wherever located, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or a person (which includes individuals and entities) in the United States. Transactions with a U.S. nexus are also generally prohibited, including funds transfers that are processed to or through the U.S. financial system.

属于“美国人”概念范畴的银行机构以及美国制裁古巴和伊朗期间由美国人所有或控股的外国机构需符合OFAC的相关管理规定。此处“美国人”一般指美国境内的任何美国公民、具有永久居留权的外籍居民、根据美国法律组织的机构或美国境内任何辖区（包括外国分支机构）、或美国境内的人（包括个人和机构）。政府一般禁止过境交易，此类交易包括通过美国金融系统处理的资金转账。

**Questions 57-58**

Page 53, Para 3.73

The ITA uses two types of AD calculation methods: (i) market-economy (ME); and (ii) non market economy (NME). In both cases, the ITA compares prices in the U.S. to a normal value (NV). However, the determination of the NV varies according to whether the ITA is dealing with an ME or an NME.

1. Please describe the factors considered by ITA when deciding which type of AD calculation method is used in a particular AD investigation. Is a NME more likely to suffer AD duties? And to what extent?

**RESPONSE:** The AD calculation methodology to be used, as well as any results related to the calculation of an AD margin, depends on the facts and circumstances related to a specific company, industry, or country involved in a proceeding.

**答复：**所使用的AD计算法以及AD利润率相关的任何计算结果都要视某一诉讼中所涉及具体企业、行业或相关国家的实际情况而定。

1. According to Article 15 of China's WTO Accession Protocol, the calculation method of adopting surrogate price in the anti-dumping investigation on China's products will automatically become invalid on December 11, 2016. Will the U.S. consider revising its related anti-dumping regulations, so that the anti-dumping investigations on China's products no longer use the calculation method of prices in analogue countries?

**RESPONSE:** The United States disagrees with China's characterization and interpretation as to the effect of a specific provision in China's Accession Protocol.

**答复：**美方不同意中方对《中国入世议定书》中某一条款的实际效果的描述和解读。

**Question 59**

Page 56, para 3.78

1. The Trade Preferences Extension Act of 2015(PL114-27) made changes to the United States' AD and CVD laws, especially regarding the "Adverse Inference", "Material Injury" and "Particular Market Situation". Has the United States collected and considered public comments during the process of amendment? What is the purpose of the United States to make such changes? How will these changes impact the respondents?

**RESPONSE:** The TPEA was passed by Congress. During congressional consideration of the TPEA, there were numerous opportunities for public comment, as there are for all legislation passed by Congress. The United States cannot comment as to what information was collected or considered by Congress during this process nor to the specific intent of the legislators.

**答复：**美国国会已经通过了TPEA。国会在考察TPEA的时候，也像其他国会通过的法案一样，为公众提供了大量评论机会。但对于上述期间国会所收集或考量的信息或立法者的特定意图，美国无可奉告。

Any impact on interested parties as a result of these legislative changes will vary depending on the facts and circumstances of a particular proceeding.

上述立法变化对相关方的任何影响都将因某一特定诉讼的具体情况而异。

**Questions 60-61**

Page 58, para.3.85

As of 30 June 2016, final AD orders were applied to imports from 39 trading partners; the most affected was China with 102 AD orders, and Chinese Taipei and the EU with 21 each, followed by India (16), Japan (15) and the Republic of Korea (14) (Table 3.7).

1. On February 19, the U.S. Department of Commerce issued a notice and decided to initiate the anti-dumping and countervailing investigations on imports of truck and bus tires from China.In this case, the U.S. Department of Commerce's decision is lack of factual and legal basis; in particular, serious problems existed in the applicant's qualification and industrial representation.The case was proposed by U.S. labor union organizations, but a number of major tire companies in the U.S. did not support for the initiation.At the same time, the production and operation as well as profitability of domestic US enterprises are in good conditions.Under such circumstances, the U.S. still initiated the AD and CVD investigations on the above-mentioned products.Could the U.S. please explain the factual and legal bases for such investigations on the imports of truck and bus tires from China?

**RESPONSE**: The United States disagrees with China's characterization of its determination to initiate these investigations. The decision to initiate an antidumping duty or countervailing duty investigation is based on factual information contained in the petitions presented by the relevant US industry producing the domestic like product. All petitions are closely examined with respect to our US statutory and WTO obligations and any deficiencies as identified by Commerce must be remedied by petitioner in order for AD and CVD investigations to be initiated. The specific facts of each initiation are clearly spelled out in the initiation check list that accompanies every initiation. US law is very clear regarding the rights of unions with respect to the filing of AD/CVD petitions.

**答复：**美方不同意中方对美国进行此类调查的决定的描述。进行征收反倾销税（AD）或反补贴税（CVD）调查的决定是根据美国国内生产同类产品的相关行业提出的调查请愿中列明的事实做出的。所有请愿都按照美国法律和WTO规定义务进行了详细审查，且所有美国商务部认定的缺失信息必须由请愿者补足才可以开展AD和CVD调查。每项调查的具体事实都在与之匹配的调查核对表中清晰列出。美国法律对于工会提请AD/CVD调查的权利有很清晰的规定。

1. In the first half of 2016, China was the country with the largest number of trade protection measures implemented by the U.S. The U.S. initiated a total of 102 AD and CVD investigations against China, and all the selected references in the investigations are a third country which is not representative. These practices are evidently targeted and have already posed a serious negative impact on the normal trade exchanges between the two major economies of China and the U.S. How would the U.S. explain this?What measures will the U.S. consider to take to reduce the number of disputes in the Sino-US bilateral trade in goods?

**RESPONSE:** The United States disagrees with China's characterization of the situation. The decision to impose an antidumping measure is based on a factual determination of whether dumping exists and whether such dumped imports have caused, or threaten to cause, material injury to a domestic industry. The decision to impose a countervailing duty measure is based on a factual determination of whether countervailable subsidies exists and whether such subsidized imports have caused, or threaten to cause, material injury to a domestic industry. Where dumped/subsidized imports, and material injury caused by those imports have been found, the United States will impose an antidumping or countervailing duty measure, as applicable, and as permitted under WTO rules, including the AD and SCM Agreements.

**答复：**美方不同意中方对上述情况的描述。关于实施反倾销措施的决定取决于就是否存在倾销以及相关倾销进口产品是否已经或可能对国内工业造成实质性损害做出的事实认定。关于实施反补贴税措施的决定均取决于就是否存在可抗性补贴，以及接收该补贴的进口产品是否已经或可能对国内工业造成实质性损害做出的事实认定。如果发现倾销或接收补贴的进口产品以及这些进口产品造成的实质性损害，美方将实施适用并且为包括《反倾销协定》和《补贴与反补贴协定》在内的世贸组织规则允许的反倾销或反补贴税措施。

**Question 62**

Page 59, para 3.87

1. Quite a lot of AD and CVD measures adopted by the United States last for a long time, among which many are applied to the products from China. What is the United States' understanding of the rationale of Sunset Clauses in the relevant WTO agreements, and the consistency of the United States' practice?

**RESPONSE:** The United States administers its trade remedy laws in accordance with the applicable WTO agreements. In determining whether revocation of a countervailing duty order or an antidumping order would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time, the U.S. International Trade Commission (USITC) considers the factors set out in U.S. law at 19 U.S.C. § 1675a(a). The Commission considers these factors in the context of the record of the five-year review; it establishes a new record for each five-year review of an order. In determining whether revocation of a countervailing duty order or antidumping duty order would be likely to lead to continuation or recurrence of a countervailable subsidy or sales of the subject merchandise at less than fair value, the U.S. Department of Commerce (Commerce) considers the factors set out in U.S. law at 19 U.S.C. §§ 1675a(b) and (c), respectively.

**答复：**美国根据WTO适用协定管理其贸易救济法。在决定撤销征收反补贴税令或反倾销税令是否会导致某一合理可预见时间段内上述严重损害仍然持续或重新出现时，美国国际贸易委员会（USITC）将考量美国法律（《美国法典》第19卷1675a(a)条）中规定的因素。委员会将在五年审议记录的背景下考量这些因素；委员会将对反倾销/反补贴令的每个五年审议期建立新记录。在决定撤销征收反补贴税令或反倾销税令是否会导致某一反补贴税的持续或重新征收或标的商品按低于公允价值的价格出售时，美国商务部将考量美国法律（《美国法典》第19卷1675a(b)条和1675a(c)）中规定的因素。

The determinations in each sunset review conducted by the USITC or Commerce are case‑specific. The results for all sunset reviews can be found on the USITC's website (<http://pubapps2.usitc.gov/sunset/>). Commerce publishes its sunset review determinations in the Federal Register and also makes them available on Commerce's website (<http://enforcement.trade.gov/frn/index.html>). From these sources, Members can obtain, on a case‑by‑case basis, information about the rationale for either the continuation or termination of a countervailing duty or an antidumping duty order.

USITC或商务部进行的每项日落复审中的决定都是根据具体情况做出的。所有此类复审的结果都可以在USITC的网站（<http://pubapps2.usitc.gov/sunset/>）上找到。商务部在《联邦公报》上公布日落复审的决定并在商务部的网站（<http://enforcement.trade.gov/frn/index.html>）上提供此类信息。成员可以从这些渠道获得持续或终止征收反补贴税令或反倾销税令的依据（视具体案情而定）。

**Questions 63-64**

Page 62, para 3.105

In January 2016, the Office of Management and Budget (OMB) issued a revised Circular A 119 which takes into account regulatory developments since the 1998 revision, including the increasingly easy access and online availability of documentation, and the timely updating of standards using the retrospective review mechanism set out in Executive Orders 13563 and 13610**.**

1. What impact may the revised Circular A-119 issued by the White House OMB in 2016 and the regulations issued by the OFR in 2014 have on the supervision of technical standards for imported products?

**RESPONSE:** The changes to Circular A-119 and the Executive Orders referenced do not change the treatment of imported products. Circular A-119 references the pre-existing obligations in U.S. law, 19 U.S.C. § 2532, which provide that "[n]o Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States…" and that "[e]ach Federal agency shall ensure, in applying standards-related activities with respect to any imported product, that such product is treated no less favorably than are like domestic or imported products…"

**答复：**所引A-119号通报和行政令的变化不会改变进口商品待遇。通报引用了美国法律（《美国法典》第19卷2532章）中的已有义务规定，该规定要求“联邦机构不得参与对美国的对外贸易造成不必要障碍的任何有关标准的活动…”，且“各联邦机构在执行任何进口商品的标准相关活动时，应当确保此商品的商品待遇不低于国内同类或其他同类进口商品…”。

Revised Circular A-119 takes into account representing an update of the regulatory developments since the 1998 revision over the last twenty years, including the obligations of the United States under the WTO Agreement on Technical Barriers to Trade and other trade agreements, the increasingly easy access and online availability of documentation, and the timely updating of standards using the retrospective review mechanism set out in Executive Orders 13563 and 13610. The revised Circular A-119 takes account of a final rule of the Office of the Federal Register (OFR), published on 7 November 2014, regarding access to standards and other material incorporated by reference in proposed federal regulations. The OFR rule obliges federal agencies to add more information regarding materials incorporated by reference in the preambles of their rulemaking documents, notably how this material may be considered "reasonably available" to interested parties, and by providing summaries of the material to be incorporated by reference.

自1998年进行修改以来已经过了20年，修改后的通报考量了这段时间以来的监管变化，如WTO《技术性贸易壁垒协定》以及其他贸易协定下美国的义务，获取文件更便捷和政府文件的网络化，还包括了通过第13563号和第13610号行政命令中规定的回顾性审议机制对标准进行及时更新。另外，新通报还考虑到，联邦公报办公室（OFR）在2014年11月7日发布的最终规则，其中规定联邦规章草案中标准和其他参考性纳入的内容的获取。OFR的细则规定：联邦政府部门必须通过在制订规则的文件序言中，为参考性纳入的内容提供更多信息，尤其是说明有关信息在什么情况下能够为当事人“合理取得”，还规定联邦部门必须为有关内容提供背景介绍。

1. How does the US deal with the relationship among "industrial self-government", "government administration" and "compliance with the WTO rules" in the formulation, implementation and regulation of its domestic technical standards.

**RESPONSE:** The United States' domestic legal framework mirrors WTO obligations, and thus facilitates U.S. compliance with WTO obligations.

**答复：**美国国内法律框架反映了WTO的义务，且因此可以促进美国遵守WTO规定。

Federal law specifically prohibits any U.S. government agency from engaging in standards‑related activity creating unnecessary obstacles to the foreign commerce of the United States. The basic legal framework for the preparation and adoption of standards and technical regulations in the United States includes the Trade Agreements Act of 1979, the Administrative Procedure Act of 1947 (APA), the National Technology Transfer and Advancement Act of 1995, OMB Circular A-119, and Executive Orders 12866 (Regulatory Planning and Review), 13563 (Improving Regulation and Regulatory Review), 13609 (Promoting International Regulatory Cooperation), and 13610 (Identifying and Reducing Regulatory Burdens).

根据联邦法律规定，政府部门禁止参与标准的制定，从而避免为对外贸易设置不必要的障碍。在美国，关于制定和颁布标准和技术规章的法律文件包括1979年《贸易法》、1947年《行政程序法》（APA）、1995年《国家技术转化和技术进步法》、美国行政管理与预算办公室的A-119号通报、以及第12866号（关于监管规划和审议）、第13563号（加强监管和监管审议）、第13609号（关于促进监管部门国际间合作）和13610号（关于进行监管性负担的调研和简政放权）的总统令。

**Question 65**

Page 62, para 3.109

*"The U.S. submitted 180 TBT notifications to the WTO in 2014 and 283 notifications in 2015."*

1. What are the specific reasons for the sharp increase of the number of adopted technical trade measures from 180 in 2014 to 283 in 2015?

**RESPONSE:** There are numerous conceivable factors that may affect the increase in notifications, and therefore the United States cannot identify a single factor that explains the change.

**答复：**有诸多可能的因素都会导致此类通报的增加，因此美国无法找出一个可以解释上述增长的主因。

**Questions 66-67**

Page 65, para 3.115

Implementation of the 2011 FDA Food Safety Modernization Act (FSMA), which aims at shifting the regulatory approach from response to prevention of food safety hazards, has been a core activity of the FDA in recent years. The law provides new abilities to hold food companies responsible for food safety.

1. Has the workload of FDA substantially increased in the shifting of administrating food safety hazards from responsive approach to preventive approach? What measures has FDA taken to ensure the effective communication with numerous export enterprises?

**RESPONSE:** FDA's implementation plan for FSMA addresses training and resource issues associated with the shift from response to prevention of food safety hazards. FSMA is clear that implementation must be done through partnerships with industry, academia, foreign governments and local government stakeholders. FDA and its partners have conducted extensive outreach to stakeholders directly affected by these regulations. FDA published FSMA proposed and final rules in the Federal Register, on its website, and notified those rules to the WTO SPS Committee for notice and comment by Members. FDA would welcome China's input on continued engagement and outreach to interested enterprises exporting to the United States.

**答复：**FDA的FSMA执行计划解决了防止食品安全危害应对措施发生变动而需要的相关培训和资源问题。FSMA明确了上述执行计划必需通过与行业、学术界、外国政府和地方政府等利益相关方的合作才能完成。FDA及其合作伙伴已经广泛联络因上述监管而受到直接影响的利益相关方。FDA在联邦公报及自身官网上公布了所提议的FSMA以及最终裁决，并向WTO SPS委员会通报了上述裁决以便成员国通知并评论。FDA欢迎中国的继续参与并联络那些向美国出口的相关企业。

1. The Chinese company Huasheng Aquatic Products Factory submitted a revised HACCP plan on dried anchovy production on 3 December 2015. It has been over one year since the submission yet no feedback was provided by FDA. Please explain the reason.

**RESPONSE:** Please contact FDA's Office in Beijing for a response to this inquiry as it is outside of the scope of a Trade Policy Review. Company-specific inquiries should be addressed directly with FDA.

**答复：**对于该问题请联系FDA北京办事处，因为该问题不属于贸易政策审议范围。有关具体公司的问询应由FDA直接处理。

**Question 68**

Page 68, Para. 3.129

"…EPA responsibilities cover, inter alia, the registration of pesticides, including herbicides and fungicides, and the establishment of tolerances (maximum residue limits – MRLs) for pesticides in food..."

1. Which institution in the EPA is responsible for environmental and trade issues? Please provide detailed information of the institution.

**RESPONSE:** Regarding the registration of pesticides, herbicides and fungicides, and the establishment of tolerances, the USEPA's Office of Chemical Safety and Pollution Prevention (OCSPP) houses the Office of Pesticides Program (OPP), which is responsible for assessing the impacts of pesticides, herbicides and fungicides to the environment and regulating, where necessary, through labeling. OPP also facilitates trade by establishing pesticide tolerances, including harmonizing tolerances to Codex MRLs where appropriate. OCSPP works directly with USTR, other U.S. government agencies, international colleagues and stakeholders from the public and private sector on trade issues concerning pesticides.

**答复：**关于杀虫剂、除草剂和杀菌剂的注册以及误差的设定，USEPA化学物品安全与污染防治办公室（OCSPP）下设杀虫剂计划办公室（OPP），该部门负责评估杀虫剂、除草剂和杀菌剂对环境的影响以及必要时通过标签管理此类物品。OPP也负责制定杀虫剂误差来推动贸易，如必要时负责协调此类误差与食品标准委员会的食品污染物最大残留限量的标准。OCSPP与USTR、其他美国政府机构、国际同行和公私部门利益相关方就涉及杀虫剂的贸易问题进行直接合作。

**Questions 69-74**

Export prohibitions, restrictions, and licensing: Page 69, 3.2.3

1. Which departments are involved in the export control of the U.S. and what are their responsibilities respectively?

**RESPONSE:答复：**

* Department of State, Directorate of Defense Trade Controls: Licenses defense services and defense articles.国务院、国防贸易管控局：授权防御服务和防御条款。
* Department of Commerce, Bureau of Industry and Security: Licenses dual-use and certain munitions items.商务部、工业和安全局：授权军民两用和特定军需品。
* Department of the Treasury, Office of Foreign Assets Control: Administers and enforces economic and trade sanctions against targeted foreign countries, terrorism sponsoring organizations, and international narcotics traffickers. The OFAC Web site provides information on these sanctions as well as the complete list of Specially Designated Nationals and Blocked Persons (the "SDN list").财政部、外国资产管控办公室：针对特定国家、恐怖主义资助组织和国际毒贩管理并实施贸易制裁。OFAC网站提供此类制裁信息以及完整的“特别指定国民列表（SDN名单）”。
* Nuclear Regulatory Commission, Office of International Programs: Licenses nuclear material and equipment.核管理委员会、国际事务办公室：授权核材料和设备。
* Department of Energy, Office of Arms Controls and Nonproliferation, Export Control Division: Licenses nuclear technology and technical data for nuclear power and special nuclear materials.能源部、武器管制与不扩散办公室、出口管制部：授权核技术和核电技术数据以及特殊核原料。
* Department of Energy, Office of Fuels Programs: Licenses natural gas and electric power.能源部、燃料事务办公室：授权天然气和电力。
* Department of Defense, Defense Technology Security Administration: The Defense Technology Security Administration administers the development and implementation of Department of Defense technology security policies on international transfers of defense-related goods, services and technologies.国防部、国防技术安全管理局：国防技术安全管理局负责管理国防技术安全部有关国防相关产品、服务和技术的国际转移的发展和执行。
* Department of the Interior, U.S. Fish and Wildlife Service: Import and Export of wildlife and endangered and threatened species.内政部、美国鱼类及野生动物管理局：野生动物及濒危物种进出口。
* Drug Enforcement Administration, Office of Diversion Control, Import-Export Unit: Oversees the export of controlled substances and the import and export of listed chemicals used in the production of control substances under the Controlled Substances Act.美国缉毒局、药物转移管制局、进出口部：监督管制药品的出口和《管制药品法》下管制药品生产中所使用化学物质的进出口。
* Food and Drug Administration, Office of Compliance: For the Export of Unapproved Medical Devices食品药品管理局、合规部：负责未批准医疗器械的出口。
* Food and Drug Administration, Import/Export: Licenses drugs.食品药品管理局、进出口：授权药品。
* Patent and Trademark Office, Licensing and Review: Oversees patent filing data sent abroad.专利及商标局、授权与审查：监督发往海外的专利申报数据。
* Environmental Protection Agency, Office of Solid Waste, International and Transportation Branch: Regulates hazardous waste exports.环境保护局、固体废物办公室、国际运输部：管理有害废物的出口。
1. Please introduce the updates of Commerce Control List and U.S. Munitions List. Are there overlapping items in the above two lists? If so, how to determine the jurisdiction?

**RESPONSE:** A key tenant of Export Control Reform has been to establish a bright line between those items on the USML and those that are subject to the EAR. In the event that a person is unable to determine the jurisdiction of their item, they may submit a commodity jurisdiction request to the Department of State. The Federal Register Notices for the proposed and final rules amending the USML and the CCL are available at: <https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file>.

**答复**：出口管控改革的一个重点应用是划清美国军需品清单和出口管理条例管制的商品的界限。当无法判定其商品应受何种条例管制时，可向国务院递交商品管辖权的要求。为修订美国军需品清单和商业管制清单而就相关拟议中的规定和最终规定发布的联邦注册公告请参见：https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file.

1. Please explain the progress on the U.S. ECR since 2014, in particular on the latest developments in "integrated supervision", "single export control agency" and "unified control list".

**RESPONSE:** The single control list and single licensing agency ­require legislation. At this time, no legislation is pending before our Congress.

**答复：**单一的管制清单和单一的许可证机构对立法提出了要求。事到如今，国会不能再推迟立法。

1. Is there an institution that is simultaneously responsible for examining and issuing the export licenses for dual-use goods?

**RESPONSE:** The Department of Commerce's Bureau of Industry and Security (BIS) administers and enforces controls on the export of dual-use and certain munitions items in coordination with several other agencies. BIS implements these controls through the Export Administration Regulations (EAR). The EAR set forth license requirements and licensing policy for exports of these items.

**答复：**美国商务部工业和安全局和其他机构携手合作对两用和特定军需品的出口进行管控。美国商务部工业和安全局依据《出口管理条例》实施控制。《出口管理条例》对这些产品的出口提出了许可证要求并制定了许可证政策。

1. Are there any changes to the country-specific policies in the latest export control regulations?

**RESPONSE:** There have been no changes except those related to the Entity List.

**答复：**除了和《实体清单》相关的政策外，其他政策没有变化。

1. In the implementation of export control regulations, how are the "overall control principle" and "as export principles" apply?

**RESPONSE:** The United States has laws which control the export of certain products and technologies for strategic reasons. The U.S. Government controls exports of commodities, software and technology as a means to promote our national security interests and foreign policy objectives. Through our export control system, the U.S. government can effectively implement our national security and foreign policy goals by carefully reviewing exports. In addition, the regulations implement U.S. international commitments (i.e., nonproliferation regimes and UN Security Council sanctions and UNSC resolution 1540).

**答复：**出于战略原因，美国有一套控制特定产品和技术出口的法律。美国政府把控制商品、软件和技术的出口作为捍卫国家安全利益、推动对外政策的手段。在出口控制系统的基础上，美国政府通过严格检查出口，有效地实现了国家安全和对外政策目标。此外，这些法规履行了美国的国际承诺（如，防止核扩散机制、联合国安理会的制裁和联合国安理会第1540号决议）。

**Questions 75-76**

Page 70, para 3.137&Table 3.10&Table 3.11

Munitions and dual-use (military/civilian) goods, including services, technology and data, are the main items subject to export licensing. The Department of Commerce maintains the Commerce Control List (CCL), regulated by the Export Administration Regulations (EAR), and is responsible for dual use and certain munitions goods. The Department of State is responsible for the U.S. Munitions List (U.S.ML), identifying items controlled and regulated by the International Traffic in Arms Regulations (ITAR). Some types of items are similar to both lists, while others are unique to CCL or U.S.ML (Table 3.11). Both schemes are currently under reform (section 3.2.3.1). Harmonization efforts could include a common licence form.

1. In the field of cyber security, there are many technologies, products or data whose usage is difficult to be identified as civil, military or other purposes. Do all these technologies, products or datafall into the categories of export prohibitions, restrictions and licensing? If yes, which category do they belong to, export prohibition, restrictions or licensing?Which institution is responsible for classifying them and based on what laws or regulations?

**RESPONSE:** In the area of cybersecurity, U.S. export controls will be based on those adopted by the Wassenaar Arrangement, a 41-member international export control organization of which the U.S. is a member. In 2013, the Wassenaar Arrangement adopted controls in two areas bearing on cybersecurity: command and control platforms for network intrusion software, and Internet Protocol network surveillance tools, as well as associated technology. However, all controls adopted by Wassenaar must be implemented by through national law and regulation.

**答复：**在网络安全方面，美国的出口控制将以《瓦森纳协定》为基础。《瓦森纳协定》是一个有41个成员国的出口控制组织，美国是成员国之一。2013年，《瓦森纳协定》对影响网络安全的两大领域进行了控制：网络入侵软件的命令和控制平台，以及互联网协议的网络监控工具以及相关技术。然而，《瓦森纳协定》进行的所有控制必须通过国家法律法规来执行。

The U.S. has not yet implemented the 2013 controls on these cybersecurity items, although we expect to in the near future. As these controls involve dual-use items, they will be controlled in the U.S. under the authority of the Export Administration Regulations administered by the Bureau of Industry and Security of the U.S. Department of Commerce. As is the case with all items controlled under the EAR, controls may include a range of measures, including but not restricted to, restrictions on end-use, end-user, and validated licensing requirements depending on the destination and conditions of the export.

美国尚未对网络安全项目实行2013年的出口控制，虽然我们有望在不久的将来实行管控。由于控制对象涉及军民两用军需品，因此它们将接受美国商务部工业和安全局《出口管理条例》的管控。同《出口管理条例》所管控的其他项目一样，军民两用军需品的管控有多种途径，包括但不限于：根据出口目的地和条件对终端使用、终端用户以及有效许可证要求的限制。

1. What do the "information security products" in commercial control products specifically include? Is there a definition or list? What is the difference between "information security products" and "cyber security products"? "Telecommunication products" may also involve cyber security products. How to distinguish them with "information security products"? Which category do they belong to?

**RESPONSE:** For purposes of the EAR, the term "information security products" is used to refer to items that are controlled in Category 5 Part 2. Category 5 Part 2 contains a broad catch for items with encryption key lengths greater than 56 bits for symmetric algorithms or 512 bits for asymmetric algorithms, and then a long series of specific types of items and functions that are released from this. Broadly speaking, Category 5 Part 2 controls computing, networking, and communications equipment with encryption, as well as software and components for such items.

**答复：**在《出口管理条例》中，“信息安全产品”这一术语指的是第5类别第2部分中的产品。第5类别第2部分广泛包含了对称算法中加密密钥大于56位或不对称算法中加密密钥大于512位的产品，以及由此产生的一长串的特定产品和功能。广而言之，第5类别第2部分用加密、软件和这类产品的元件来控制计算、网络和交流工具。

"Cyber security products" is sometimes used to refer to network and computer security, and sometimes to penetration testing and related products. Currently in the EAR, those products typically fall under Category 5 Part 2 if they have encryption functionality. There is currently no separate control on "cyber security products."

“网络安全产品”有时指的是网络和计算机安全，有时指的是渗透测试和相关产品。在现有的《出口管理条例》中，如果这些产品拥有加密功能，它们通常被列入第5类别第2部分。目前尚未对“网络安全产品”实施单独控制。

"Telecommunications products" are used in the EAR mainly to refer to items controlled in Category 5 Part 1. Some telecommunications products with encryption would be controlled in Category 5 Part 2.

《出口管理条例》中的“通信产品”指得是第5类别第1部分中的产品。有些加密的通信产品则被划分到第5类别第1部分中。

**Questions 77-78**

Page 72, para 3.143

"President Obama launched the ECR Initiative to review and reform the export control system in 2009. The review concluded that the present system was overly complicated, fragmented, and needed updating to respond to a changing economic and technological landscape. The objective of the reform is not to reduce or eliminate export controls, but rather to achieve better allocation of resources allowing improved controls on the more sensitive items. Export requirements for selected, less sensitive items have been made more flexible."

1. What substantial impact does the U.S. export control reform actions have on China-U.S. trade and bilateral trade in technology products?

**RESPONSE:** Export Control Reform should have little to no impact on U.S.-China trade and bilateral trade in technology products, as those less sensitive military items that have transitioned from the USML to the CCL will maintain a license requirement to China and the licensing policy will be one of denial, consistent with our legislation.

**答复：**出口管控改革对美中的科技产品贸易和双边贸易的影响是微乎其微甚至是没有任何影响的，这是由于即使是那些从美国军需品清单过渡到商业控制清单的不那么敏感的军需品，出口到中国仍需履行许可证制度。此许可证制度含有的相关条款也符合美国的武器禁运政策。

1. "The objective of the reform is not to reduce or eliminate export controls, but rather to achieve better allocation of resources allowing improved controls on the more sensitive items. Export requirements for selected, less sensitive items have been made more flexible. "What are the specific standards to define sensitive and non-sensitive items?How to weigh and make final decisions on some dual-use goods?How flexible can the decision be? Could the US please provide some examples? Is this flexibility specific and well-defined, or vague and general rules on exception?

**RESPONSE:** A core element of the Export Control Reform initiative is streamlining U.S. Munitions List (USML) categories and adding items that the President determines do not warrant control to the Commerce Control List (CCL). The defense articles that continued to warrant control under the USML, with limited exceptions, were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the jurisdiction of the EAR and controlled as warranted for various national security, foreign policy, and other reasons. The Federal Register Notices for the proposed and final rules amending the USML and the CCL are available at:

<https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file>. These rules were developed after extensive interagency discussions (including the Departments of Defense, State, and Commerce) and interagency review of public comments submitted on the proposed rules.

**答复：**出口管控改革计划的核心要素是简化美国军需品清单的分类，并添加总统认为商业控制清单中未能跟踪控制的产品。受美国军需品清单跟踪控制的国防物品几乎无一例外是美国拥有的关键军事或情报优势的产品。所有其他产品都受到《出口管理条例》的管理，并基于国家安全、对外政策和其他原因予以跟踪控制。为修订美国军需品清单和商业管制清单而就相关拟议中的规定和最终规定发布的联邦注册公告请参见：<https://bis.doc.gov/index.php/documents/pdfs/1566-ecr-dashboard-10-12-16/file>。经过广泛的讨论（包括国防部、国务院和商务部）和对相关拟议的公众意见的审核后才确定了最终规定。

**Questions 79-80**

Page 72, para 3.145

"Many of the regulatory changes have led to the migration of less sensitive items from the U.S.ML to the CCL. Of the 21 categories on the U.S.ML list (Table 3.11), the regulatory revision process had been completed for 13 of them by 1 August 2016. Since then, revisions for another two categories have taken effect, and it is expected that revisions of 18 of 21 categories will be effective by the end of calendar year 2016. As of August 2015, Phase I of the ECR Initiative had been finalized, while Phase II was nearing completion. The conclusion of Phase III, which will require changes in legislation, should lead to a new export control system based on (i) a unified control list; (ii) a single licensing agency; (iii) an integrated information technology platform (for licensing and enforcement); and (iv) a single enforcement coordination centre."

1. When will *Phase III* of the U.S. export control reform actions be completed?

**RESPONSE:** The United States has accomplished the creation of the export enforcement coordination center and a unified information technology system across the agencies involved in implementing U.S. export controls. The single control list and single licensing agency require legislation. At this time, no legislation is pending before our Congress.

**答复：**美国已成功建立了和出口控制相关的出口执法协调中心并在各机构间建立了统一的信息技术系统。单一的管制清单和单一的许可证机构对立法提出了要求。事到如今，国会不能再推迟立法。

1. Does *"the migration of less sensitive items from the U.S.ML to the CCL"* testify the trend of relaxing export control by the US? How effective are the completed reforms in practice? And can the original reform objectives be achieved?

**RESPONSE:** The U.S. government is not relaxing controls under Export Control Reform as a goal. The goal is to revise the export system to provide the proper level of control to each item, based on the national security risks associated with each item.

**答复：**在出口管控改革下，放松控制并非美国政府的目标。其目标是完善出口系统，从而依据与各产品有关的国家安全风险，对产品进行合理的控制。

**Questions 81-82**

Page 74, para 3.155

Private-sector lenders normally act as partners in EXIM transactions.

1. How do private-sector lenders cooperate with the Export-Import Bank of the U.S.?

**RESPONSE:** In recent decades, the vast majority of transactions supported by EXIM have been in the form of loan guarantees. Under this program, private-sector lenders provide the funding in the transaction, while EXIM provides, for a fee, an unconditional guarantee to the lender that covers 100 percent of commercial and political risks. In this manner, EXIM and private-sector lenders cooperate very closely in guaranteed loan transactions with the lenders providing the funding and EXIM providing the risk coverage, which together provide a comprehensive financing package to the borrower.

**答复：**在最近的几十年中，进出口银行所支持的大部分交易都以贷款担保的形式进行。在这一形式下，私营部门的贷款人为交易提供资金，而进出口银行在收取一定费用后为贷款人提供100%覆盖商业和政治风险的无条件担保。因此，进出口银行和私营部门的贷款人在担保贷款交易中紧密合作，由贷款人提供资金，进出口银行覆盖风险，共同为借款人提供全面的融资计划。

1. Does the Export-Import Bank of the U.S. carry out consortium loans or syndicated loans with private-sector lenders? If yes, are the credit terms exactly the same?

**RESPONSE:** The EXIM does not carry out any consortium or syndicated loans with private sector lenders.

**答复：**进出口银行不与私营部门的贷款人进行任何财团或辛迪加贷款。

**Question 83**

Page 73, 3.2.4.2 National Export Initiative

1. Could the U.S. please further explain the details of theNational Export Initiative, the budget funds at federal and state level, and the evaluation on the effects of policy?

**RESPONSE:** The National Export Strategy (NES) Report will be available this month (December 2016). It will be available at: [www.trade.gov/publications](http://www.trade.gov/publications). This Report covers the National Export Initiative (NEI) and its successor NEI/NEXT, including the evaluation of this U.S. policy initiative and an appendix providing metrics.

**答复：**《国家出口战略报告》将于本月（2016年12月）发布，报告将发布在[www.trade.gov/publications](http://www.trade.gov/publications)。该报告涵盖了国家出口计划及其后续计划，包括对美国政策规划的评估和衡量标准附录。

**Question 84**

Page 75, para 3.159

"While certain small- and medium-term loans can be approved by EXIM Bank staff, medium and long term authorizations above U.S.$10 million require approval by the Bank's Board of Directors. At present, with three of its five seats vacant, the EXIM Bank does not have the quorum to take such decisions. "

1. Under the circumstance when the medium- and long-term projects above U.S.$10 million cannot be approved by the EXIM Bank for the time being, how does the U.S. meet the medium- and long-term export financing needs of enterprises? Does the government provide financing through other channels?

**RESPONSE:** In the United States, the commercial banking sector continues to provide a very substantial amount of export financing. In the absence of a quorum, EXIM is unable to support medium- and long-term transactions over $10 million and, therefore, cannot meet the medium and long-term financing needs of certain US exporters. While there are other USG financing programs that may, or do, support US exports, none of these programs has the mission scope or operational capacity to step in for EXIM.

**答复：**美国的商业银行业提供了大量的出口投资。由于没有法定标准，进出口银行无法支持1000万美元以上的中长期交易，因此无法满足某些美国出口者中长期投资需求。尽管其他的USG融资项目或许或确实能够支持美国出口，但没有任何项目拥有同进出口银行匹敌的业务范围和操作能力。

**Questions 85-86**

Page 75, para 3.160

"The United States is to initiate and pursue negotiations with other major exporting countries to reduce substantially, with the possible goal of eliminating (by 2025), subsidized export financing programmes and other forms of export subsidies. In addition, the law states that the United States is to initiate and pursue negotiations with countries that are not OECD members to bring those countries into a multilateral agreement establishing rules and limitations on officially supported exported credits."

1. What are the specific considerations of the U.S. to end subsidized export financing system before 2025?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

1. Will the EXIM Bank of the U.S. continue to be retained after the end of the subsidized export financing programs? If so, what will be its main business?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Questions 87-89**

Page 75, Table 3.12

1. When the business actually takes place, what is the respective percentage of loans, guarantees and insurance balances for the year 2014 and 2015?

**RESPONSE:** In FY 2014 and FY 2015, the number, volume, and percentage of authorized transactions for loans, guarantees and insurance are as follows:

**答复：**在2014和2015财年，已获批的贷款、担保和保险交易的数量、金额和百分比如下所示：



|  |  |  |
| --- | --- | --- |
|  | **2014** | **2015** |
|  | 数量 | 金额（美元） | 占总批准项目的百分比 | 数量 | 金额（美元） | 占总批准项目的百分比 |
| **贷款** |  |  |  |  |  |  |
| **长期** | 14 |         1,927.6  | 9.42% | 4 |              57.7  | 0.47% |
| **流动资产** | 55 |              20.2  | 0.10% | 37 |              15.0  | 0.12% |
| **担保** |  |  |  |  |  |  |
| **长期** | 51 |       10,786.7  | 52.70% | 42 |         7,917.3  | 63.94% |
| **中期** | 58 |            137.5  | 0.67% | 41 |            149.8  | 1.21% |
| **流动资产** | 431 |         2,389.8  | 11.68% | 261 |         1,001.0  | 8.08% |
| **信用保险** |  |  |  |  |  |  |
| **短期** |          3,078  |         5,107.3  | 24.95% | 2,216 |         3,196.5  | 25.81% |
| **中期** | 59 |              98.8  | 0.48% | 29 |              45.7  | 0.37% |

1. What is the definition of "working capital" in the Table?What are the term, objects and scope of support for the working capital loans?

**RESPONSE:** The EXIM Bank's Working Capital Guarantee Program (WCGP) provides a 90% guarantee on loans made by commercial lenders to creditworthy US businesses that export. The loans are secured by export-related accounts receivable and export-related inventory collateral. The WCGP is an asset-based lending product where the amount the exporter can borrow is determined by the available collateral securing the loan based on formula advance rates. The WCGP is a short-term product. The term of the loan facilities are generally 12 months but can go up to 36 months.

**答复：**进出口银行的流动资金担保计划为美国信用良好的出口企业提供90%的商业贷款担保。出口相关的应收账款和库存抵押保证了贷款的获得。流动资金担保计划是一款以资产为基础的贷款产品，出口商所能贷到的金额由出资方既定的最大抵押估算值（此值不同于抵押价值，且通常显著低于抵押价值）来确定。流动资金担保计划是一款短期产品。其贷款期限通常为12个月，但也可延长至36个月。

1. Are the medium- and long-term loans provided to U.S. exporters?What are the sources of repayment for these loans? Are they linked to export contracts?

**RESPONSE:** EXIM does not provide medium- and long-term loans directly to U.S. exporters. The primary source of repayment of medium- and long-term loans is generally the foreign buyer, but it could be another entity (e.g., the parent of the foreign buyer or the buyer's government). Medium- and long-terms loans are linked to a U.S. export, whether via an export contract, purchase order, or other business arrangement.

**答复：**进出口银行不向美国的出口者直接提供中长期贷款。偿还中长期贷款的主要来源一般是国外买家，但也可能是另一方机构（比如，外国买家的母公司或政府）。中长期贷款和美国出口息息相关，无论是通过出口合同、采购订单还是其他商业安排。

**Question 90**

Page 75, para 3.161

"The SBA as such is not a bank. Thus, the specific terms of SBA loans are negotiated between the qualified borrower and an SBA-approved lender. No minimum borrowed amount is required to qualify as an SBA loan. In turn, the SBA guarantees the loans (up to U.S.$5 million) against a fee. The fee is calculated according to maturity and guaranteed amount. The guarantee fee is initially paid by the lender. "

1. Does the U.S. SBA offer a wider range of loan guarantees than private financial institutions? Are its rates more favorable than private financial institutions? Do they constitute officially-supported subsidized export financing?

**RESPONSE:** Private financial institutions typically provide loans, not loan guarantees. As previously noted, SBA guarantees do not provide a subsidy, since the cost of the guaranty fee to the borrower makes such financing more expensive to the exporter than a conventional loan without the guaranty.

**答复：**私营金融机构通常提供贷款而非贷款担保。正如上面所述，SBA担保不提供补助款，贷款者担保费使得这类融资方式与无担保的传统贷款相比对出口者而言更加昂贵。

**Question 91-92**

Page 76, para 3.163

"OPIC is the U.S. Government's development finance institution. OPIC mobilizes private capital to help address critical development challenges by providing investor financing, insurance of political risk, and private equity investment funding where these services are not available on commercially viable terms. OPIC does not compete with private-sector lenders. OPIC is an entirely financially self sustaining, independent government corporation."

1. Are the financing and loan guarantees provided by the U.S. OPIC more preferential than those offered by private financial institutions? If yes, do they constitute subsidized export financing that is officially supported?

**RESPONSE:** No, OPIC loans and loan guarantees are not preferential. If a private sector lender is willing to provide financing for a project on commercially viable terms, then OPIC encourages the use of the private sector lender.

**答复：**不，海外私人投资公司的贷款和贷款担保没有优先权。如果私营部门的贷款人愿意为商业上可行的项目融资，那么海外私人投资公司鼓励使用私营部门贷款人的贷款。

1. The U.S. development assistance agency OPIC has been evolving in recent years, and the U.S. Congress is considering its long-term running through various plans. SBA also provides export financing for small businesses that engage in export or intend to operate export through specialized projects. Are the financing services provided by OPIC and SBA consistent with the financing requirements of the OECD "Gentleman's Agreement"? Are there shifts of export financing business from the EXIM to OPIC and SBA?

**RESPONSE:** OPIC does not provide export financing.

**答复：**海外私人投资公司不提供出口融资。

**Questions 93-94**

Page 76, Para 3.164

"…However, OPIC is prohibited from supporting certain categories of projects, such as those having adverse environmental or social effects in the country of operation or possible negative effects on the U.S. economy and employment…."

1. How does OPIC evaluate the environmental impact of a project? And are the evaluation results published or not?

**RESPONSE:** OPIC's environmental policies and procedures are described in the [OPIC Environmental and Social Policy Statement](https://www.opic.gov/sites/default/files/consolidated_esps.pdf) (ESPS), found here:<https://www.opic.gov/sites/default/files/consolidated_esps.pdf>.

**答复：**《海外私人投资公司的环境和社会政策说明》阐释了海外私人投资公司的环境政策和流程，请参见：<https://www.opic.gov/sites/default/files/consolidated_esps.pdf>。

OPIC publishes summaries of its environmental impact findings here: <https://www.opic.gov/opic-action/all-project-descriptions>.

海外私人投资公司发布的所有环境影响调查结果请参见<https://www.opic.gov/opic-action/all-project-descriptions>。

1. What indicators does OPIC consider in assessing environmental impact?

**RESPONSE:** Please refer to OPIC's Environmental and Social Policy Statement:<https://www.opic.gov/sites/default/files/consolidated_esps.pdf>.

**答复：**《海外私人投资公司的环境和社会政策说明》请参见：<https://www.opic.gov/sites/default/files/consolidated_esps.pdf>。

**Question 95**

Page 76, para 3.165

1. Does OPIC belong to the U.S. government's official export credit institutions? Are the terms of loans provided by OPIC consistent with the requirements of the OECD "Gentleman's Agreement"? What are OPIC's main business lines? What are their respective share in the total business?

**RESPONSE:** No. OPIC is not an export credit institution. Information about OPIC's main business lines can be found here: <https://www.opic.gov/what-we-offer/overview>. Information on total OPIC business can be found in its annual report and audited financial statements found here:<https://www.opic.gov/media-events/annual-reports>.

**答复：**不。海外私人投资公司并不是一个出口信贷机构。海外私人投资公司的主营业务信息请参见：<https://www.opic.gov/what-we-offer/overview>。海外私人投资公司的全部业务可参见其年报和审计财务报表：<https://www.opic.gov/media-events/annual-reports>。

**Question 96**

Page 77, para 3.167

In December 2015, legislation was passed simplifying the taxation of small businesses and making certain tax cuts permanent for them. Investments in small businesses are exempt from capital gains tax.

1. How do federal and state governments support small business development through various tax policies? What is the role of SBA in this process?

**RESPONSE:** There are a variety of tax provisions that support small businesses in the United States, as there are in most countries. There are approximately 28 million small businesses in the United States, which are found in nearly industry of the US economy.

**答复：**和大多数国家一样，美国有很多支持小型企业的税收条例。美国有大约2800万家小型企业，它们几乎涉及美国经济的各行各业。

In December 2015, the *Protecting Americans from Tax Hikes (PATH) Act* was passed. Three provisions specifically focused on small businesses:

2015年12月，美国通过了《保护美国人免于高税法》。其中三条法规重点针对小型企业：

* Permanent extension of the existing research and experimentation (R&E) tax credit, which provides a credit for qualified expenditures above a base amount. Small businesses with $50 million or less in gross receipts will now be able to claim the credit against their alternative minimum tax (AMT) liability.
* 永久延长现有的研究和试验税收抵免的有效性，税收抵免针对超过基础金额的合理支出。总收入在5000万及以下的小型企业可申请替代最低税的抵免。
* Permanent extension of increased expensing amounts for small businesses, removal of the cap applied to investment in certain real property, and expansion of the definition of qualifying property to include air conditioning and heating units. Small businesses can expense up to a maximum of $500,000 of qualified expenditures with that maximum amount reduced by the amount by which the taxpayer's cost of qualifying property exceeds $2 million. These levels are indexed for inflation.
* 永久增加小型企业的支出额，永久移除特定房地产的投资限制，永久扩大合格资产的定义使其包括空调和暖气设备。小型企业可申报的最大合理支出额为50万美元减去其超过200万美元资产成本的部分。上述水平将考虑通货膨胀因素。
* Permanent extension of the 100 percent exclusion of gains realized on the sale of certain small business stock held by an individual for more than five years. The PATH Act also eliminated the treatment of a percentage of the exclusion as a preference for the AMT. A qualified small business is a corporation whose gross assets do not exceed $50 million as of the date of issuance of the stock.
* 永久延长因出售个人持有五年以上的某些小型企业股票所得收益的全部免税。《保护美国人免于高税法》还规定将个人出售上述股票所得收益的全部或部分免税从AMT税务优惠项目中剔除。有资质的小型企业指的是发行股票时净资产不超过5000万美元的企业。

**Questions 97-99**

Page 78, para 3.173

The U.S. has no overarching legal framework governing subsidies at federal and sub-federal levels. Traditionally, federal subsidies have been in the form of grants, tax concessions, loan guarantees, and direct payments. Trade Adjustment Assistance (TAA) programmes exist for firms, workers and farmers. TAA has been re-authorized regularly, most recently in June 2015. On a cost-sharing basis, the Trade Adjustment Assistance for Firms (TAAF) programme provides professional guidance, and technical assistance for firms to develop recovery plans, and it co-finances the use of outside consultants. TAAF operates through 11 regional centres serving firms in the 50 states. Appropriations to the TAAF have amounted to approximately U.S.$16 million annually in recent years.

1. Please specify the formulation authority and general procedures of the U.S. federal and state tax-related policies.

**RESPONSE:** The United States Constitution provides that Congress "shall have the power to lay and collect Taxes, Duties, Imposts, and Excises ... but all Duties, Imposts, and Excises shall be uniform throughout the United States." The 16th Amendment provides that "Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The 10th Amendment provides that "powers not delegated to the United States by this Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people." State constitutions uniformly grant the state government the right to levy and collect taxes.

**答复：**美国宪法规定“国会有权规定和征收直接税、进口税、捐税和其他税……但一切进口税、捐税和其他税应全国统一”。宪法第十六条修正案规定“国会有权对任何来源的收入规定和征收所得税，无须在各州按比例进行分配，也无须考虑任何人口普查或人口统计。”宪法第十条修正案规定“宪法未授予合众国、也未禁止各州行使的权力，由各州各自保留，或由人民保留。”宪法中的多条法案一致赋予州政府征收税的权利。

1. Please introduce the channels for publication and enquiry of the U.S. federal and state tax-related policies.

**RESPONSE:** There are many channels of publication in the United States for federal and state tax related programs, see, for example,[www.irs.ustreas.gov](http://www.irs.ustreas.gov)and <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/spec.pdf>.

**答复：**在美国发布联邦税和州税相关方案有多种渠道，比如[www.irs.ustreas.gov](http://www.irs.ustreas.gov)和<https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/spec.pdf>。

1. In 2015, the U.S. government reauthorized the implementation of the TAA program, which applies to U.S. enterprises, workers and farmers.Please give an update on the implementation and effect of the program since its reauthorization in 2015, in particular with regard to agricultural enterprises and farmers.

**RESPONSE:** The Trade Adjustment Assistance (TAA) for Workers program offers a variety of benefits and services to workers who have lost their jobs due to foreign trade. Workers in the manufacturing sector have received the most TAA benefits, and the program was expanded to include service-sector workers in 2015. Through the provision of a number of benefits and services, the TAA program provides trade-affected workers with opportunities to obtain the support, resources, skills, and credentials they need to return to the workforce. These include training, employment and case management services, job search allowances, relocation allowances, reemployment and TAA wage supplements for older workers, and income support in the form of Trade Readjustment Allowances.  Annual public reports and detailed information on the operations and outcomes of the program can be found on the U.S. Department of Labor's website for TAA (<http://www.doleta.gov/tradeact/>). The TAA for Firms program provides technical assistance to help U.S. firms experiencing a decline in sales and employment to become more competitive in the global marketplace. In general, the program provides technical assistance to create and implement targeted business recovery plans to eligible import-impacted U.S. firms. Additional information on the TAA for Firms program is available at <http://www.eda.gov/about/investment-programs.htm>. The TAA for Farmers program was reauthorized by the U.S. Congress in 2015 for fiscal years 2015 through 2021. However, the U.S. Congress did not appropriate funding for new participants for FY 2015 or 2016, and as a result, USDA did not accept any new petitions or applications for benefits during this period.

**答复：**工人贸易调整援助计划为因对外贸易而失业的工人提供了许多好处和服务。制造业的工人获得了最多的贸易调整援助福利，2015年这一计划进一步惠及服务业的工人。通过规定一些福利和服务，贸易调整援助给予受到贸易影响的工人机会，使其获得重返就业市场所需要的支持、资源、技能和资质。其中包括培训、就业和个案管理服务、找工作津贴、搬迁补助费、再就业和老龄工人贸易调整援助工资补贴和以贸易再调整津贴形式存在的收入支持。年度公共报告和计划执行及成果的详细信息可参见美国劳工部的贸易调整援助网站（<http://www.doleta.gov/tradeact/>）。企业贸易调整援助计划为销售额下降和人员流失的美国企业提供了技术支持，使其在全球市场中更具竞争力。总而言之，该计划为受到进口影响的有资质的美国企业提供技术支持，用以建立并实施有针对性的企业恢复计划。企业贸易调整援助计划的更多信息请参见<http://www.eda.gov/about/investment-programs.htm>。2015年，美国国会重新批准了2015-2021年的农民贸易调整援助计划。然而，美国国会未能为2015以及2016财年的新参与者提供合理的资金支持，因此在此期间，美国农业部没有接受任何新的福利申请。

**Questions 100-102**

Page 79, para 3.175

In addition, a number of energy‑related support measures are implemented at the sub-federal level, particularly in relation to renewable energy (Table A3.4).

1. It is known that California and other states, as well as the federal energy department and other agencies have provided relevant support policies in promoting energy efficiency, such as direct subsidies, tax preference, credit support and loan risk compensation mechanism. Could the U.S. please describe relevant policies and mechanisms?

**RESPONSE:** Please see the most recent subsidy notification of the United States (G/SCM/N/284/USA).

**答复：**请参见美国最新的补贴通报（G/SCM/N/284/USA）。

1. Are there any changes to the energy subsidies policies during the review period?

**RESPONSE:** Please see the most recent subsidy notification of the United States (G/SCM/N/284/USA).

**答复：**请参见美国最新的补贴通报（G/SCM/N/284/USA）。

1. Does the U.S. have any plan to introduce new subsidies to its energy sector?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Questions 103-104**

Page 80, 3.3.3 Competition Policy

1. In its annual report to the Congress, the U.S.-China Economic and Security Review Commission recommended that U.S. lawmakers "shall authorize CFIUS to prohibit Chinese state-owned enterprises from acquiring or otherwise gaining control of American companies".Could the U.S. please explain the reasons?

**RESPONSE:** The report of the U.S.-China Economic and Security Review Commission is available at <http://www.uscc.gov>.

**答复：**美中经济和安全评估委员会的报告请参见<http://www.uscc.gov>。

1. Can U.S. antitrust authorities treat all enterprises from different countries equally when implementing antitrust laws? If yes, what measures are in place to ensure that all the enterprises are treated equally?

**RESPONSE**: The U.S. antitrust authorities base their enforcement decisions on the competitive effects and the consumer benefits of the transaction or conduct being reviewed. Non-competition factors, such as the pursuit of industrial or domestic policy goals, play no role in the authorities' enforcement decisions. To ensure these policies are applied, the U.S. antitrust authorities each conduct investigations and enforcement actions using procedures that comport with fundamental fairness and transparency, regardless of the identity of the parties. Procedural fairness and transparency are ensured through a variety of protections in the U.S. legal system, including the U.S. antitrust authorities' rules, policies, and guidance documents, statutes, judicial rules on procedure and evidence, the U.S Constitution, and common-law precedents. For example, the Commission's procedures are codified in its publicly available Rules of Practice, *available at*

<http://www.ecfr.gov/cgi-bin/text-idx?SID=aa078420a11c10ee30297b9dc8b70e5f&c=ecfr&tpl=/ecfrbrowse/Title16/16cfrv1_02.tpl>. The procedures of the Department of Justice's Antitrust Division are published in the *Antitrust Division Manual,* available at <https://www.justice.gov/atr/division-manual>.

**答复：**美国反托拉斯机构根据交易的竞争效果和消费者利益或者正在接受的审查做出决定。非竞争因素，如追求工业目标或国内政策目标，对反托拉斯机构的决定没有影响。为保证政策的实施，美国各反托拉斯机构利用基本公平和透明的流程进行调查并执行决定，而不考虑参与方的背景。美国法律体系保证了流程的公平和透明，包括美国反托拉斯机构的规定、政策、指导文件、成文法、与流程和证据有关的司法规定，美国宪法以及普通法先例制度等。比如，《实务细则》描述了委员会的工作流程，请参见<http://www.ecfr.gov/cgi-bin/text-idx?SID=aa078420a11c10ee30297b9dc8b70e5f&c=ecfr&tpl=/ecfrbrowse/Title16/16cfrv1_02.tpl>。《反垄断局指南》描述了司法部反垄断局的工作流程，请参见<https://www.justice.gov/atr/division-manual>。

More detailed information about the procedures is available in the United States' submission to the OECD "Roundtable on Procedural Fairness: Transparency Issues in Civil and Administrative Proceedings,"DAF/COMP/WP3/WD(2010)45, June 2010, *available at*

<https://www.ftc.gov/sites/default/files/attachments/us-submissions-oecd-and-other-international-competition-fora/usprofairness.pdf> and in in the United States' submission to the OECD "Roundtable on Procedural Fairness: Transparency Issues in Civil and Administrative Proceedings," DAF/COMP/WP3/WD(2010)24, February 2010, *available at*

<https://www.ftc.gov/sites/default/files/attachments/us-submissions-oecd-and-other-international-competition-fora/transparency_us.pdf>.

关于流程的更多信息请参见美国向经合组织提交的《程序公平性圆桌会议：民事和刑事诉讼中的透明度问题》，DAF/COMP/WP3/WD(2010)45，2010年6月，

<https://www.ftc.gov/sites/default/files/attachments/us-submissions-oecd-and-other-international-competition-fora/usprofairness.pdf>以及美国向经合组织提交的《程序公平性圆桌会议：民事和刑事诉讼中的透明度问题》，DAF/COMP/WP3/WD(2010)24，2010年2月。<https://www.ftc.gov/sites/default/files/attachments/us-submissions-oecd-and-other-international-competition-fora/transparency_us.pdf>。

**Question 105**

Page 82, para 3.182

The FTC's merger and non-merger enforcement activities in FY2015 resulted in estimated savings to U.S. consumers of U.S. $3.4 billion

1. Please describe the composition, statistics and methods for calculation of the saving of customers' expenses in M&A review and anti-monopoly enforcement activities of the US.

**RESPONSE:** One of the FTC's strategic goals is to maintain competition, and as part of the FTC's annual performance measures, the agency reports the amount of consumer savings through merger actions taken to maintain competition, and the consumer savings through nonmerger actions taken to maintain competition. The methods and data sources used to calculate consumer savings are detailed in "2014-2018 Performance Data Quality Appendix," Performance Goals 2.1.2 and 2.1.4, at p. 8-9, *available at*<https://www.ftc.gov/system/files/documents/reports/fy-2016-2017-performance-data-quality-appendix/dqafy16-17.pdf>. The FTC's 2014-2018 Strategic Plan can be viewed at:<https://www.ftc.gov/system/files/documents/reports/2014-2018-strategic-plan/spfy14-fy18.pdf>.

**答复：**联邦贸易委员会的战略目标之一是维护竞争，这是联邦贸易委员会的部分年度绩效指标，联邦贸易委员会通过以维护竞争为目的的并购行为和以维护竞争为目的的非并购行为发布了消费者的储蓄金额报告。计算消费者储蓄的方法和数据来源可参见《2014-2018绩效数据质量附录》，第8-9页绩效目标2.1.2和2.14，<https://www.ftc.gov/system/files/documents/reports/fy-2016-2017-performance-data-quality-appendix/dqafy16-17.pdf>。联邦贸易委员会的2014-2018战略计划请参见：<https://www.ftc.gov/system/files/documents/reports/2014-2018-strategic-plan/spfy14-fy18.pdf>。

**Question 106**

Page 85, para 3.190

In June 2016, the United States notified its state trading enterprises (STEs) pursuant to Article XVII:4(a) of the GATT 1994 and Paragraph 1 of the Understanding on the Interpretation of Article XVII, providing information on the Commodity Credit Corporation, the Isotopes Production and Distribution Program Fund, certain power administrations, and the Strategic Petroleum Reserve.

1. It seems that U.S. did not fully fulfill its notification obligation pursuant to Article XVII:4(a) of the GATT 1994 and Paragraph 1 of the Understanding on the Interpretation of Article XVII, for the 2016 STE notification G/STR/N/16/U.S.A only provides the statistics in 2015 without any information about STEs in 2014. Could U.S. please explain the reason and provide a timeline when the notification for the year 2014 could be submitted?

**RESPONSE:** We thank China for bringing this issue to our attention. We are examining whether inadvertent lapses in STE notifications may have occurred and will explore whether any additional information needs to be submitted to the relevant body.

**答复：**我们感谢中国使我们关注这一问题。我们正在考察国营贸易企业通报中是否存在无心失误，并且探讨是否需要向相关机构提交更多的信息。

**Questions 107-109**

Page 95, Table 3.22

1. What are the differences between the two Acts in the main legislation on the protection of geographical indications? Please explain in detail. Does the Federal Alcohol Administration Act only protect alcoholic geographical indications? Is the EU model adopted?

**RESPONSE:**All food stuffs and agricultural products, including cheeses and meat, wines and spirits, and a variety of other products of interest can qualify for protection in the United States. The United States protects geographical indications through its trademark system as certification marks, collective marks and trademarks. The system recognizes prior-in-time trademark rights and requires that generic terms remain in the public domain for producers' and manufacturers' use to refer to their products. Geographic signs used on non-originating goods/services that would mislead or deceive consumers are not eligible for registration as a trademark, or as part of a trademark, and their use can be enjoined. The overall trademark system is cost-effective, expeditious and user-friendly. For example, under our system, unlike many other countries, USPTO has the administrative authority to act on its own initiative to review applications for mark protection and deny applications that would likely cause confusion with existing marks protected in our territory. The system is already used by a broad range of stakeholders, including SMEs as well as collective producer associations, large cooperatives, and geographic certification bodies. In fact, EU agricultural producers hold over 25,000 U.S. mark registrations in the United States. Complementary protection is provided under the Federal Alcohol Administration Act and its implementing regulations for wine and distilled spirits of both domestic and foreign origin. Further information can be found in the Lanham Act and Federal Alcohol Administration Act, among other measures.

**答复：**所有食品原料和农产品，包括奶酪、肉、酒精和其他多种多样的产品都有资格受到美国的保护。美国依靠商标系统如证明商标和集体商标来保护其地理标识。美国的商标系统优先识别出商标权，并要求在公共领域保留通用术语以便生产商和制造商用于他们的产品。非原产货物/服务中可能引起误解或欺骗消费者的地理标识无法注册商标或部分商标，其使用是被禁止的。商标系统具有成本有效性、执行迅速、对用户友好的特点。比如，美国的商标系统和其他国家的商标系统不同，美国专利及商标局下设的管理机构主动审核商标保护的申请，并拒绝因国内已有商标而可能产生困惑的商标申请。许多利益攸关者已采用这一商标系统，其中包括中小企业、集体生产者协会、大型合作社和地理认证机构。事实上，欧盟农业生产者在美国拥有25000个商标注册。《联邦酒类管理法》及国内外生产的红酒和精馏酒精的实施条例提供了补充保护。更多信息请参见《兰哈姆法》和《联邦酒类管理法》等。

1. When geographical indications are reviewed as trademarks, are there any differences between the criteria for judging whether the indications are similar to those of the earlier marks and whether the general marks are similar to each other? If yes, please provide details.

**RESPONSE:** There are no differences.

**答复：**没有区别。

1. Is the indefinite protection of GI only for the geographical indications protected under the Federal Alcohol Administration Act, or also for the geographical indications protected by means of a trademark? Please explain.

**RESPONSE:** We object to the characterization of "indefinite protection." Protection for a geographical indication may be maintained provided that the requirements of the Lanham Act, state law, or the Federal Alcohol Labeling Act continue to be met. Please refer to those laws for further information about such protections.

**答复：**我们反对“无限期保护”。地理标识的延期保护是因为《兰哈姆法》、国家法或《联邦酒类标签法》的要求能被满足。请参见这些法律从而进一步获得保护的相关信息。

**Question 110**

*Page 97, 3.3.6.3 Patents*

1. *Standard organizations in the U.S. are now formulating their own policies regarding* standard essential patents without a unified rule, which increases the uncertainty and cost of the whole procedure. Does the U.S. have any consideration on the balance of interests of patent owners, standard enforcement organizations and the public? Will the U.S. consider promulgating a unified federal rule regarding standard essential patents?

**RESPONSE:** The private sector leads standards setting in the United States, including in the development of the policies of Standards Setting Organizations regarding standard essential and other patents. It is unlikely that there is a single approach to such policies that would best serve the wide range of standards setting organizations, and attendant circumstances that may change over time. Variation among SSOs' patent policies could be beneficial to the overall standards-setting process.

**答复：**美国的私营部门在标准制定方面表现突出，包括在标准制定组织关于基本标准和其他专利的政策发展。不可能存在一个适用于所有标准制定组织的政策制定方法，情况总是变来变去。标准制定组织的专利政策的多样性可能更有利于各种标准制定流程。

**Questions 111-112**

Page 98 para. 3.253

These entailed: transitioning the U.S. to a first‑inventor‑to‑file system; providing an enhanced grace period for inventors to safeguard patent rights against disclosures made one year or less before the effective filing date; modifying the definition of prior art to include non-printed disclosures, including oral disclosures, made available to the public anywhere in the world; providing prior art effect to U.S. patent applications as of their foreign priority dates; eliminating the requirement for inventors to set forth the best mode to carry out the invention as a defence in infringement actions or in post-grant review; and providing a 75% discount for patent fees to all applicants that qualify as micro entities.

1. During the review period, how many applicants in the U.S. advocated the novelty grace period each year? And how many applications were approved? How many of these were by foreign applicants?

**RESPONSE:** The United States does not maintain the requested statistics.

**答复：**美国并没有此类数据。

1. How do foreign small businesses apply for patent fee reduction or waiver?

**RESPONSE:** The United States Patent and Trademark Office offers discounted fees for small entities and micro entities on a variety of patent services. Small entities can receive a fifty percent discount and micro entities can received a seventy-five percent discount. Procedures for asserting Small Entity Status are found in the USPTO Manual of Patent Examining Procedure (MPEP), sections 509.02 and 509.03. Procedures for certifying Micro Entity Status are found in the USPTO MPEP, section 509.04.

**答复：**美国专利及商标局为小型企业和微型企业提供了多种专利服务优惠。小型企业可享受50%的折扣，微型企业可享受75%的折扣。小型企业的申请流程可参见美国专利及商标局的《专利审查程序手册》，第509.02和509.03节。微型企业的申请流程可参见美国专利及商标局的《专利审查程序手册》，第509.04节。

**Questions 113-114**

Page 101, para 3.269

In July 2013, it issued a Green Paper on Copyright Policy recommending adjustments to the public performance right for sound recordings by extending the right to cover broadcasting, as well as assessing and improving enforcement tools to combat online infringement.

1. Please provide further information on the assessment and improvement of enforcement tools to combat online infringement.

**RESPONSE:** The annual reports issued by the Intellectual Property Enforcement Coordinator include information on efforts to combat online infringement. For the annual reports of the Intellectual Property Enforcement Coordinator visit <https://www.whitehouse.gov/omb/intellectualproperty/sir>.

**答复：**知识产权执法协调员发布的年度报告包括了打击网络侵权的行动。知识产权执法协调员年度报告请参见<https://www.whitehouse.gov/omb/intellectualproperty/sir>。

1. Does the U.S. have any plans or actions to implement the amendment proposals on Green Paper on Copyright Policy?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. The Green Paper recommendations have not been taken up by Congress.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。绿皮书建议不由国会受理。

**Questions 115-116**

Page 102, para 3.271

In addition, the U.S. Copyright Office completed its sixth triennial rulemaking proceeding under Section 1201 of Title 17 of the U.S. Code. The primary responsibility of the Register and the Librarian of Congress in the rulemaking proceeding is to assess whether the implementation of access controls impairs the ability of individuals to make non-infringing uses of copyrighted works within the meaning of Section 1201(a)(1).

1. Please provide more details on the sixth rulemaking proceeding by the US Copyright Office under Section 1201 of Title 17 of the U.S. Code.

**RESPONSE:** Section 1201 instructs the Librarian of Congress to make determinations in a rulemaking proceeding every three years, upon the recommendation of the Register of Copyrights, evaluating and, as appropriate, adopting limited exemptions for the ensuing three-year period from the general prohibition against circumvention of access controls. The Copyright Office maintains a webpage that contains links to the public comments, the Register's Recommendation, the Final Rule announcing the exemptions, and a document addressing Frequently Asked Questions about the rulemaking. An Introduction to the Register's Recommendation summarizes the exemptions and the rulemaking process. Based on the Register's recommendation, in this latest rulemaking the Librarian adopted exemptions covering twenty-two types of uses. All information related to the Sixth Triennial Rulemaking is available at <https://www.copyright.gov/1201/>.

**答复：**国会图书馆馆长根据第1201节内容和著作权登记处处长的建议，每三年修改规定制定程序，评估并视情况而定有限豁免禁止接触控制规避的三年期禁止条款。著作权登记处管理的网页上有公共意见、处长建议、有关豁免的最终规定和关于规定制定的常见问题文档的链接。其中处长建议的部分总结了豁免和规定制定流程。根据处长建议，在最新的规定制定中，图书馆馆长对22种使用情况进行了豁免。关于《第六次三年期规定制定》的全部信息请参见<https://www.copyright.gov/1201/>。

1. Please explain in detail whether the implementation of access control is a violation of the main considerations under article 1201(a)(1).

**RESPONSE:** Section 1201(a)(1) prohibits the circumvention of access controls, and also describes the standards for the triennial review process. Copyright owners are not required to place access controls on their works. If, however, a work is protected by an access control, then Section 1201(a)(1) prohibits the circumvention of such works, barring any permissible exemption for such circumvention.

**答复：**第1201节（a）（1）禁止接触控制规避，同时描述了三年评审流程的标准。著作权所有者无需对其著作实施接触控制。然而，如果某部著作受到了接触控制的保护，第1201节（a）（1）则禁止接触控制规避，且规避无法被豁免。

**Question 117**

Page 102, para 3.272

The Copyright Act provides for several types of statutory licences.

1. Could U.S. please list and elaborate on the types of statutory licences?

**RESPONSE:** Below is a catalogue of the statutory licenses in Title 17 of the United States Code:

**答复：**《美国法典》第17卷中的许可证制度分类如下：

The statutory license for secondary transmissions by cable systems is set forth and elaborated in section 111. The statutory license for making of ephemeral recordings is set forth and elaborated in section 112. The statutory license for public performance of sound recordings by means of digital audio transmission is set forth and elaborated in section 114. The statutory license for making and distributing of phonorecords is set forth and elaborated in section 115. The negotiated licenses for public performances by means of coin-operated phonorecord players are set forth and elaborated in section 116. The compulsory license for use of certain works in connection with noncommercial broadcasting is set forth and elaborated in section 118. The statutory license for secondary transmissions of distant television programming by satellite carriers is set forth and elaborated in section 119. The statutory license for secondary transmissions of local television programming by satellite carriers is set forth and elaborated in section 122. The statutory obligation for distribution of digital audio recording devices and media is set forth and elaborated in chapter 10 of this title.

关于有线电视系统的二级传输的法定许可制度在《美国法典》第111节中进行了表述。关于暂时复制件的法定许可制度在《美国法典》第112节中进行了表述。关于通过数字音频传输系统播放录音公开演出的法定许可制度在《美国法典》第114节中进行了表述。关于制作并宣传录音制品的法定许可制度在《美国法典》第115节中进行了表述。有关通过投币式唱片进行公开演出的转让许可制度在《美国法典》第116节中进行了表述。关于通过非商业广播使用某些著作的强制许可制度在《美国法典》第118节中进行了表述。关于通过卫星运营商进行远程电视节目的二级传输的法定许可制度在《美国法典》第119节中进行了表述。关于通过卫星运营商进行本地电视节目的二级传输的法定许可制度在《美国法典》第122节中进行了表述。关于数字录音设备和媒介的传播的法定义务在《美国法典》第17卷第10章中进行了表述。

Provisions in the Code of Federal Regulations also inform the operation of these statutory provisions.

《联邦法规汇编》中的条例也阐释了这些法规的执行。

**Questions 118-123**

Page 103, 3.277

…Section 337 investigations are instituted by the United States International Trade Commission (USITC); administrative law judges make an initial determination of whether there is an infringement/contravention of the law, which is then subject to review by the USITC.If the USITC determines that Section 337 has been violated, it may issue exclusion orders, cease and desist orders, or both, after considering the effect of the orders on four statutory public interest factors…

1. Up to now, how many SEP holders have initiated the 337 investigation procedures? How about the results? Please provide a list of all relevant cases and whether or not an exclusion order and/or cense and desist order is issued finally.

**RESPONSE:** A historical review of all section 337 investigations is beyond the scope of the current Trade Policy Review. Information on section 337 investigations is available at [www.usitc.gov](http://www.usitc.gov) and <https://pubapps2.usitc.gov/337external/>.

**答复：**337条款调查的历史回顾超出了贸易政策审议的范围。337条款调查请参见[www.usitc.gov](http://www.usitc.gov)和<https://pubapps2.usitc.gov/337external/>。

1. In the 337 investigation procedures initiated by the SEP holder LSI against companies such as Realtek, ITC affirmed that the case did not meet the criteria required by Section 337 for "domestic industry". As a result, ITC did not issue exclusion orders and/or cense and desist orders to Realtek. Please explain why the ITC considered that the domestic industry standard of the case was not met?

**RESPONSE:** The grounds for the ITC's determination as to satisfaction of the domestic industry requirement and other issues are set out in the Commission's Opinion in *Certain Audiovisual Components and Products Containing the Same*, Inv. No. 337-TA-837 (March 26, 2014). Information on section 337 investigations is available at [www.usitc.gov](http://www.usitc.gov) and <https://pubapps2.usitc.gov/337external/>.

**答复：**美国国际贸易委员会关于满足国内行业需求和其他问题的决定依据委员会关于《特定音像制品及包含此类内容之产品》的意见，卷宗号Inv 337-TA-837（2014年3月26日）。337条款调查请参见[www.usitc.gov](http://www.usitc.gov)和<https://pubapps2.usitc.gov/337external/>。

1. The U.S. domestic courts can issue exclusion order on infringing products. What are the standards for the issuance of injuction by the courts? What are the standards for the issuance of injunction on SEP? Please provide the list of all SEP infringement cases heard by the US courts and final rulings since 2006.

**RESPONSE:** The United States notes that Question 120 includes an inaccurate statement on the U.S. courts and exclusion orders and that a historical review of SEP infringement cases heard by U.S. Courts since 2006 is beyond the scope of this Trade Policy Review. The referenced standards are addressed in 19 U.S.C. § 1337, *eBay Inc. v. MercExchange*, L.L.C., (U.S. 2006) and *Apple Inc. v. Motorola, Inc.* (Fed. Cir 2014).

**答复：**美国指出问题120对美国法庭和排除令的表述不恰当，且美国法庭受理的SEP侵权案件2006年以来的历史回顾超出了贸易政策审议的范围。参考标准用于19 U.S.C. § 1337，eBay公司和MercExchange公司（U.S. 2006）以及苹果公司和摩托罗拉公司的案件中。

1. Is ITC's standard of issuing the exclusion order the same as the US domestic courts' standard for issuing injuction? Especially in the case of LSI against Realtek, what are the considerations of ITC and U.S. domestic court respectively? If the standards are the same, please explain why they are the same; if not, please explain whether this discrepancy will influence the imported products, because ITC has adopted remedy measures against imported products that infringe SEP according to Section 337.

**RESPONSE:** Please see the responses to Questions 119 and 120 above.

**答复：**请参见上述对问题119和120的答复。

1. Exclusion order and cease and desist order issued by ITC only target imported goods but the domestic standard implementers/producers in the U.S. will never face 337 investigations. Some foreign enterprise outside the U.S. claim that ITC's standard for issuing exclusive and cease and desist order is not the same as that of U.S. domestic courts. This leads to a certain level of discrimination against foreign goods. What is the U.S. response to the concern about and attention to the "different standards of U.S. courts and ICT on order issuance in terms of SEP infringement and the resulting discrimination against imported goods"?

**RESPONSE:** While the intention of Question 122 is not entirely clear, it appears to include inaccurate statements regarding the relationship between section 337 and domestic standard implementers (and an unclear statement regarding section 337 and "domestic standard . . . *producers*" (emphasis added)). The United States rejects the suggestion of discriminatory treatment.

**答复：**尽管问题122的目的并不十分明确，但似乎对于337条款调查和国内标准执行者的关系表述不恰当（以及关于337条款调查和‘国内标准制造者’的表述不明确（特别强调））。美国否认差别对待。

1. In 2013, White House Task Force on High-Tech Patent Issues mentioned in ITC LEGISLATIVE PRIORITIES & EXECUTIVE ACTIONS that "Change the ITC standard for obtaining an injunction to better align it with the traditional four-factor test in eBay Inc. v. MercExchange, to enhance consistency in the standards applied at the ITC and district courts". Please explain the background and reasons for the statement. Does the U.S. think there is discrepancy between the standards of U.S. courts and ICT on order issuance? When and how does the U.S. plan to address the discrepancy?

**RESPONSE:** The Task Force in question issued a factsheet fully articulating its conclusions and expectations:

<https://www.whitehouse.gov/the-press-office/2013/06/04/fact-sheet-white-house-task-force-high-tech-patent-issues>.

**答复：**专案组发布了情况说明，充分阐释了其结论和预期：

<https://www.whitehouse.gov/the-press-office/2013/06/04/fact-sheet-white-house-task-force-high-tech-patent-issues>。

**Question 124**

Page 106, Table 4.2

1. Table 4.2 shows that the U.S. is the world's leading producer of corn, wheat, cotton, soybeans, beef and poultry meat, and that these exports account for a large share of the world market. With reference to the 4.1.2 of the 2014 Farm Act, these products have been supported and protected by U.S. domestic support policies for a long time. The impact of these support policies may be transmitted to the international market along with the export of U.S. agricultural products. Will this impact the agricultural products export interests of other members?

**RESPONSE:** The United States provides domestic supports to agricultural producers that are consistent with the WTO obligations of the United States. Furthermore, the United States strives to ensure that where possible it utilizes policies with no, or minimal, trade distorting effects.

**答复：**美国为遵守世贸组织义务的农业生产者提供国内支持。此外，美国努力确保其政策没有或只有微小的贸易扭曲影响。

***TRADE POLICIES BY SECTOR***

**Questions 125-128**

Page 105, para 4.2

According to the 2012 Census of Agriculture, the U.S. had 2.1 million farms generating a market value of goods sold (including government payments) of U.S. $402.6 billion in that year.

1. Please provide detailed account and data on the scale of farms, including: the definition of farm and the number of farms of different scale (by area and income).

**RESPONSE:** Information regarding the definition, number, and scale of farms can be found in the National Agricultural Statistics Service (NASS) publication, "Farms and Land in Farms". <http://usda.mannlib.cornell.edu/usda/current/FarmLandIn/FarmLandIn-02-18-2016.pdf>.

**答复：**关于农场定义、数量和规模的信息请参见美国国家农业统计局出版的《农场和农场土地》。<http://usda.mannlib.cornell.edu/usda/current/FarmLandIn/FarmLandIn-02-18-2016.pdf>。

1. Please provide the average level of agricultural subsidy for farms of different scales.

**RESPONSE:** Official U.S. Government payment data do not include information on farm size.

**答复：**美国政府官方的支出数据不包含农场规模的信息。

1. Please provide the number of farms growing various kinds of agricultural products (if possible, please provide statistics according to the scale and sales revenue of farms)

**RESPONSE:** Please see Tables 12 through 42 in the 2012 Census of Agriculture for commodity-specific data on operations by farm size and sales revenue. [https://www.agcensus.usda.gov/Publications/2012/Full\_Report/Volume\_1,\_Chapter\_1\_US/usv1.pdf](https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1%2C_Chapter_1_US/usv1.pdf).

**答复：**请参见《2012年农业普查》表格12至42，获得按农场规模和销售收入分类的具体商品数据。[https://www.agcensus.usda.gov/Publications/2012/Full\_Report/Volume\_1,\_Chapter\_1\_US/usv1.pdf](https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1%2C_Chapter_1_US/usv1.pdf)。

1. Please provide the average level of subsidy for farms producing different agricultural products (if possible, please provide statistics by green box and amber box)

**RESPONSE:** The United States does not maintain this data.

**答复：**美国并没有此类数据。

**Questions 129-134**

Page 107, 4.1.2 The 2014 Farm Act

1. Please list and provide the policy measures and documents for the market price support programs on maize, soybean, wheat, sorghum and oatmeal.

**RESPONSE:** The United States does not provide market price support for maize, soybeans, wheat, sorghum, or oatmeal.

**答复：**美国不为玉米、大豆、小麦、高粱或麦片提供市场价格支持。

1. Please list the departments participating in formulating the 2014 Farm Act and their specific responsibilities and distribution of labor in initiating, managing or monitoring the market price support programs.

**RESPONSE:** The 2014 Farm Bill is a statute that was prepared and passed by the U.S. Congress. The Farm Service Agency (FSA) of USDA implements the nonrecourse marketing loan program for sugar, which is the only market price support program currently in operation in the United States.

**答复：**2014年美国国会签署并生效了《农业法案》。美国农业部下属的农场服务局启动了糖的无追索权项目贷款，这是目前美国国内唯一的市场价格支持项目。

1. Please provide the production volume, production value and the amount of subsidy for each type of agricultural products covered by the price support programs (mainly PLC and ARC) during the years 2008 to 2015.

**RESPONSE:** The United States notes that neither Price Loss Coverage (PLC), nor Agriculture Risk Coverage (ARC), are price support programs. As noted above, the United State maintains market price support for a single product, sugar. Between 2008 and 2014, the United States also maintained market price support programs for certain dairy products. Information is provided in our domestic support notifications for 2008 through 2013. Information for 2014 and 2015 will be released when those notifications are complete.

**答复：**美国指出价格损失保障和农业风险保障都不是价格支持项目。如上所述，美国只维持了糖这一产品的市场价格支持。2008至2014年，美国也曾对特定奶制品启动了市场价格支持项目。这些信息请参见2008至2013年的国内支持通报。2014和2015年的通报将在完成后发布。

1. Please clarify the difference between PLC and ARC, and "Counter Cyclical Payment" and "Average Crop Revenue Election". Please further clarify whether they, as amber box policies, have exceeded the U.S. commitment of subsidy levels.

**RESPONSE:** The Price Loss Coverage (PLC) and Agriculture Risk Coverage (ARC) programs are authorized by the 2014 Farm Act and are in effect for crop years 2014-2018. The Counter Cyclical Payment and the Average Crop Revenue Election programs were repealed by the 2014 Farm Act and are no longer in effect.

**答复：**价格损失保障和农业风险保障由《2014年农业法案》批准通过，并于2014至2018年作物年度生效。《农业法案》取缔了反周期支付和平均农作物收益选举项目，两者不再有效。

The United States is in compliance with its WTO commitments.

美国遵守WTO承诺。

1. With regard to PLC, 2014 Farm Act stipulates that the reference prices for maize, soybean, wheat, sorghum and oatmeal increase by 41%, 40%, 32%, 54% and 67% respectively compared to the last Act. How were the reference prices and increasing margin determined? What's the difference between these prices and U.S. external reference price at the WTO?

**RESPONSE:** Reference prices for the PLC program are set by the 2014 Farm Act for the duration of the program under the Act. The PLC program will be reported in the appropriate domestic support notifications. See response to question 129.

**答复：**2014年的《农业法案》规定了价格损失保障项目实施期间的参考价格。损失保障项目将在相关国内支持通报中进行汇报。请参见问题129的答复。

1. Please introduce the context and reasons for implementing PLC and eliminating the direct payment and counter cyclical payment before the implementation of the new Farm Act. What impact does the implementation of PLC have on the formation of prices?

**RESPONSE:** See response to question 132. The 2014 Farm Bill does not provide reasons for authorization or repeal of programs. The PLC program does not have an effect on prices.

**答复：**请参见问题132的答复。《2014年农业法案》没有给出批准或撤销项目的理由。价格损失保障项目对价格没有影响。

**Questions 135-136**

Page 109, para 4.8.

"For each covered commodity on a farm, PLC payments are made on 85% of historical base when current average market year price falls below the reference price." "PLC is decoupled from current production as it is based on historical base."

1. If PLC is decoupled from the current production, is it still required that farmers must engage in the production of relevant products?

**RESPONSE:** PLC payments are made on historical base, not current production.

**答复：**价格损失保障项目的支出依据历史数据，而非现实生产情况。

1. Since PLC payments are made on 85% of historical base, how will the PLC programs be notified to the WTO, as the amber box or the blue box subsidy? If amber box, will the PLC programs be notified as product-specific subsidy or non-product-specific subsidy?

**RESPONSE:** The PLC program will be reported in the appropriate domestic support notifications.

**答复：**损失保障项目将在相关国内支持通报中进行汇报。

**Questions 137-138**

Page 110, para 4.13*.*

"As with all U.S. commodity and crop insurance programmes, farmers must comply with conservation and wetland protection requirements".

1. What are the content of "conservation and wetland protection requirements"?

**RESPONSE:** Conservation compliance requires producers to have a conservation plan approved by and on file with USDA if they plant annually tilled crops on highly erodible soil, and prohibits producers from planting on converted wetlands or converting wetlands for crop production. The 2014 Farm Act requires producers, and any affiliated individuals or entities to participating producers, to comply with these provisions.

**答复：**耕地保护的合规性要求每年在易流失土地上种植农作物的生产者需持有美国农业部审核通过并存档的耕地保护计划，且禁止生产者在转化后湿地或转化中湿地种植生产。《2014年农业法案》要求生产者和任何参与生产的相关个人和机构遵守这些条例。

Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) provisions (known as "conservation compliance") aim to reduce soil loss on erosion-prone lands and to protect wetlands for the multiple benefits they provide. HELC and WC provisions apply to all land that is considered highly erodible or a wetland, and that is owned or farmed by persons voluntarily participating in USDA programs.

易流失土地保护（HELC）和湿地保护（WC）（称为“保护的合规性”）条例旨在减少易受侵蚀的土地损失并保护能带来多重利益的湿地。易流失土地保护（HELC）和湿地保护（WC）条例适用于所有易流失土地和湿地，以及自愿参与农业部计划的个人所拥有的农场。

1. Do these requirements limit the freedom of farmers in making production decision? In other words, do farmers have to engage in certain forms of agricultural production activities to get corresponding subsidy?

**RESPONSE:** See response to question 137.

**答复：**请参见问题137的答复。

**Questions 139-140**

Page 118, para 4.43

Among the main commodities tracked by the OECD, the highest single commodity transfers (as a percentage of gross farm receipts) are provided to sugar, milk, and cotton. In principle, the OECD views positively the increasing U.S. policy focus on insurance and risk management to provide a safety net for farmers in need. However, the OECD also states that the 2014 Farm Act may have transferred some of the risks normally incurred by farmers to the public budget.

1. We notice that fiscal transfer payment of sugar, dairy products and cotton still take up a large proportion of the farms' income. What impact do these subsidies have on farmers' income and the price of agricultural products?

**RESPONSE:** Given that most of the 2014 Farm Bill provisions were not implemented until 2015, OECD data are only estimates. It is premature to draw conclusions about impacts of the new programs.

**答复：**大多数《2014年农业法案》条例直到2015年才实施，且经合组织数据仅是估测数据。判定新项目有何影响还为时过早。

1. Does the U.S. agree with OECD's comment that the 2014 Farm Act may have transferred some of the risks normally incurred by farmers to the public budget? If yes, does the U.S. plan to adjust relevant stipulations?

**RESPONSE:** With respect to OECD estimates, see response to question 139. We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed of any changes that may occur in a future Farm Bill.

**答复：**关于经合组织的预测，请参见问题139的答复。我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将继续向全体成员通报未来《农业法案》可能会出现的变动。

**Questions 141-142**

Page 121, para 4.53

"The 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act (PL 111-203, H.R. 4173) (the Dodd-Frank Act), is the main piece of financial regulatory legislation introduced since the 2008 financial crisis… In total, the Dodd Frank Act mandated 390 rulemaking requirements by 20 regulatory agencies, a process that is still ongoing. As of July 2016, 274 of these 390 rulemakings had resulted in finalized rules, 36 rules had been proposed, and the remaining 80 of these statutorily mandated rules had yet to be proposed by financial services regulators."

1. As the major achievement of the regulatory reform after the financial crisis, the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act sets up a post-crisis fundamental framework for U.S financial regulatory legislation. However, President-elect Donald Trump claimed to abandon the Act after he takes office. What does the U.S. regulator think of this? If the act was abandoned, will the regulatory measures that have been implemented be suspended? How will the relevant stipulations to be implemented, being made and to be made be changed? What influence will this have on the economic and financial environment?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed with respect to any changes in the future.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将继续向全体成员通报未来变动的有关情况。

1. How did the Dodd-Frank Act serve as guidance of rulemaking for the regulatory agencies? Please describe the legislative procedure and list the finalized rules up to now.

**RESPONSE:** If a law requires implementing regulations, the relevant federal government agency promulgates them consistent with the Administrative Procedure Act. The APA generally requires such federal agencies to: (1) publish a notice of proposed rulemaking; (2) review stakeholder comments; (3) publish a final rule; and (4) make the rule effective not less than thirty days after publication.

**答复：**如果法律要求执行法规，联邦政府相关机构则颁布符合《行政程序法》要求的法规。《行政程序法》通常要求联邦机构：（1）发布拟议中的规定制定的公告；（2）审核利益攸关方的意见；（3）发布最终规定；以及（4）在规定发布后的不少于30天后使规定生效。

**Question 143**

Page 124, para 4.60

The minimum liquidity requirements for systemically important, non-bank financial companies designated by the FSOC will be established at a later date.

1. Please introduce the minimum liquidity requirements. Are foreign-funded banks in the U.S. supposed to follow such requirements? What is the progress on the minimum liquidity requirements for non-bank financial companies?

**RESPONSE:** Please see the Financial Stability Oversight Council webpage on systemically important, non-bank financial companies at: <https://www.treasury.gov/initiatives/fsoc/designations/Pages/default.aspx#nonbank>.

**答复：**请参见金融稳定监管委员会网页上关于全部银行以外的重要的金融公司的信息：

<https://www.treasury.gov/initiatives/fsoc/designations/Pages/default.aspx#nonbank>。

**Questions 144-145**

Page 126, para 4.67

 "Banking sector supervision in the United States is the responsibility of a number of federal and state regulators …The Federal Reserve Board (FRB), the OCC, the FDIC, and the state regulators all play a role in supervising the operations of foreign banks in the United States. State regulators are organized in the Conference of State Bank Supervisors (CSBS)."

1. Please introduce the state banking regulators and their regulatory responsibilities.

**RESPONSE:** A federal license or charter is issued by the Comptroller of the Currency, while a state license is issued by the relevant state banking authority. The website of the Conference of State Bank Supervisors (CSBS), a membership organization, has links to the websites of each of the state regulators. <https://www.csbs.org/Pages/default.aspx>and <https://www.csbs.org/about/what/Pages/StateBankingDepartmentLinks.aspx>.

**答复：**联邦许可证或特许许可证由货币监理署颁发，而州许可证由州相关银行当局颁发。会员组织之一的州银行监督联合会（CSBS）的网站上有每个州的监管网页链接<https://www.csbs.org/Pages/default.aspx>和<https://www.csbs.org/about/what/Pages/StateBankingDepartmentLinks.aspx>。

1. How do the federal and state banking regulators coordinate in the regulation of foreign banks? Does the federal banking regulators have any influence on the regulatory decisions of state banking regulators?

**RESPONSE:** See the agreement at the link below from the Conference of State Bank Supervisors, which covers this issue. <https://www.csbs.org/regulatory/Cooperative-Agreements/Documents/state_federal_fbo_agrmnt.pdf>

**答复：**协商一致的内容请参见如下州银行监督联合会的链接，州银行监督联合会探讨了这一问题。<https://www.csbs.org/regulatory/Cooperative-Agreements/Documents/state_federal_fbo_agrmnt.pdf>

**Question 146**

Page 127, para 4.69

Although geographic and other limitations are applied to foreign banks and foreign-owned bank subsidiaries generally on a national treatment basis, the U.S. GATS Schedule has reserved against national treatment for some measures

1. Does the U.S. plan to improve the measures reserved against national treatment? Do these measures still exist in the FTA which has already been signed by the U.S.?

**RESPONSE:** There are no updates at this time. Reservations taken within a free trade agreement continue to be binding. Obligations in U.S. trade agreements are consistent with WTO obligations.

**答复：**目前尚未有任何更新。自由贸易协定所保留的措施依然具有约束力。美国贸易协定的义务和世贸组织相关协定的义务是一致的。

**Question 147**

Page 127, para 4.72

The new amendments also allow the Board to order the termination of the activities of U.S. offices of such foreign banks in the absence of these criteria.

1. Please introduce in detail the "criteria" of U.S. financial institutions.

**RESPONSE:** The criteria for the Board to consider in making a determination to terminate the activities of the U.S. offices of foreign banks under section 7(e)(1) of the International Banking Act (IBA) are set forth in section 7(e)(1) of the IBA, 12 U.S.C. 3105(e)(1), and may be found at: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title12/html/USCODE-2011-title12-chap32-sec3105.htm>.

**答复：**董事会考虑终止外国银行在美办公室业务的决定是依据《国际银行法案》第七节（e）（1），其标准在《国际银行法案》第七节（e）（1）中有表述，12 U.S.C. 3105(e)(1)，可参见<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title12/html/USCODE-2011-title12-chap32-sec3105.htm>。

**Question 148**

Page128, Para 4.74

Initial entry into the U.S. market through the establishment or acquisition of a nationally chartered bank subsidiary by a foreign person is permitted in all states but there are commercial presence limitations which vary according to the state.

1. As the world's largest financial market, the U.S. should set a good example in financial openness. But the market access restrictions pose huge obstacles to foreign banks' conducting business in the U.S. Please clarify the necessity of these market access restrictions and whether there are any plans to lift these restrictions.

**RESPONSE:** The United States welcomes foreign investment in all sectors, including the financial sector. Like other countries, we benefit tremendously from the participation of foreign firms in our financial sector. Some 20 percent of our banking system is foreign-owned. Please see the following website for the latest participation of foreign banking organizations in the United States: <https://www.federalreserve.gov/releases/iba/201606/default.htm>.

**答复：**美国欢迎各行业的国外投资，包括对金融业的投资。和其他国家一样，金融业的外国公司给我们带来了巨大的利益。我们的银行系统中20%是外商投资的。有关国外银行组织在美国的最新参与情况请参见：<https://www.federalreserve.gov/releases/iba/201606/default.htm>。

**Question 149**

Page 128, Para 4.76

The report states that "The GLBA, as amended, provides that "well capitalized" and "well managed" standards comparable to those applied to U.S. bank holding companies and banks, be applied to foreign banks operating a branch or agency in the U.S., and any holding companies of those foreign banks.

1. Please describe the main contents and policy objectives of "well capitalized" standard, and its implementation results with regard to domestic financial stability.

**RESPONSE:** The Gramm-Leach-Bliley ("GLB") Act requires capital and management standards for a foreign bank that are comparable to the standards applied to a U.S. bank owned by a FHC, giving due regard to the principle of national treatment and equality of competitive opportunity. These prudential standards are applied on a non-discriminatory basis. In assessing a foreign bank's financial strength, the Federal Reserve Board (Board) considers a number of factors, including the composition of capital, accounting standards, long-term debt ratings, and government support. The Board will continue to review changes in the financial strength of foreign banks in order to assess comparability with the FHC standards applied to U.S. banks. See Federal Reserve online information for how these rules were modified to address foreign concerns. Available at: <https://www.federalreserve.gov/boarddocs/press/boardacts/2000/200012213/attachment.pdf>.

**答复：**《格雷姆-里奇-比利雷法案》对符合金融控股公司控股的美国银行标准的外国银行的资本和管理标准提出了要求，参考了竞争机会的国民待遇和平等原则。这些审慎的标准以非歧视性为基础。在评估一家外国银行的金融实力时，联邦储备委员会（委员会）考虑了许多因素，包括资本组成、会计标准、长期贷款比例和政府支持。委员会将持续评估外国银行金融实力的变化，从而评估该银行与适用于美国银行的金融控股公司标准的兼容性。关于联邦储备委员会为外国银行修改的规定请参见<https://www.federalreserve.gov/boarddocs/press/boardacts/2000/200012213/attachment.pdf>。

Please see Financial Stability Oversight Council (FSOC) information in other questions for information about U.S. financial stability. <https://www.treasury.gov/initiatives/fsoc/Pages/home.aspx>.

关于美国金融稳定性的信息请参见金融稳定监管委员会信息<https://www.treasury.gov/initiatives/fsoc/Pages/home.aspx>。

**Question 150**

Page129, Para 4.85

A national treatment exception for this measure was listed in the U.S. GATS Schedule.

1. China notices that the U.S. GATS Schedule retains many market access restrictions and requirements on the nationality of board members, which poses huge obstacles to foreign insurance institutions' conducting business in the U... Please clarify the necessity of these market access restrictions and whether there are any plans to lift these restrictive measures?

**RESPONSE:** Foreign participation in the U.S. insurance market is very robust, and we disagree with the premise that the existing market access requirements are "huge obstacles" to foreign suppliers. In 2015, the United States imported $30.6 billion more in insurance services than it exported. In addition, the U.S. affiliates of foreign insurance firms had sales of $69.5 billion in 2013, exceeding by $4.7 billion the sales of affiliates of U.S. firms in foreign markets. We are not aware of plans to remove any of the limitations.

**答复：**外国公司在美国保险市场中的参与度很高。我们不认为现有的市场准入要求对于外国供应商来说是“巨大的障碍”。2015年，美国的进口保险服务比出口保险服务多306亿美元。此外，国外保险公司下属的美国公司2013年的销售额达到695亿美元，超过美国公司下属公司在国外市场的470亿美元销售额。我们还没有消除限制的计划。

**Question 151**

Page 132, Para 4.101

The report states that "The U.S. securities markets are the largest in the world. They are governed by the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Sarbanes-Oxley Act of 2002, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 and the Jumpstart Our Business Startups Act of 2012."

1. Does the U.S. have any plan to further liberalize its securities market?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed with respect to any future changes.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将继续向全体成员通报未来变动的有关情况。

**Questions 152-154**

Page 135, para 4.117

4.117.Interstate telecommunications providers, wireless companies, interconnected VoIP providers, internet service providers (ISPs), radio and TV broadcasters, cable providers, and satellite companies are all primarily regulated by the Federal Communications Commission (FCC).

1. Is BIAS (Broadband Internet Access Services) regulated by FCC? What aspects of BIAS are regulated?

RESPONSE: Yes, broadband Internet access service is regulated by the FCC. The Open Internet rules for BIAS, summarized in the Secretariat report, are codified in 47 C.F.R. Part 8.

答复：是的，宽带互联网接入服务受到联邦通信委员会的监管。宽带互联网接入服务的开放网络规定在秘书处报告中进行了总结并收录在《联邦法规汇编》第47编第8条。

The Open Internet Order describes the aspects of BIAS that are subject to regulation. The Order also provides a history of the regulation of BIAS, at paragraphs 60-74.<https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>.

《开放式互联网令》对宽带互联网接入服务受到的法规监管进行了描述。该命令在第60-74段对宽带互联网接入服务法规的历史进行了回顾。https://apps.fcc.gov/edocs\_public/attachmatch/FCC-15-24A1.pdf。

1. Does the National Institute of Standards and Technology (NTIA) have relevant function of market regulation regarding Internet content management? What functions specifically?

**RESPONSE:** We understand this question to be referring to the National Institute of Standards and Technology. (The name of this agency is abbreviated as NIST. The abbreviation NTIA refers to the National Telecommunications and Information Administration). NIST does not have a role in the regulation of Internet content.

**答复：**我们认为这一问题指的是美国国家标准和技术研究院。（该协会的缩写是NIST。NTIA指的是国家电信与信息管理局。）国家标准和技术研究院并不监管网络内容。

1. Are there any government agencies other than FCC who play a role in the grant of telecommunication licences? What is the role of Team Telecom in the application of telecommunication licences? Please give a briefing on the foreign investments into the US telecom market since 2011, including the number of companies approved, business scope, the origins of investment and the number of 214 licences granted.

**RESPONSE:** The principal pieces of legislation covering telecommunications are the Communications Act of 1934 and its amendments and the Telecommunications Act of 1996. The Federal Communications Commission (FCC) is responsible for "regulating interstate and international communications by radio, television, wire, satellite, and cable." The National Telecommunications and Information Administration (NTIA) of the Department of Commerce is the principal advisor to the President on telecommunications and information policy issues and is responsible for managing the use of spectrum by the government of the United States and by governments of other countries operating inside the United States.

**答复：**涉及电信的立法原则是1934年的《通信法案》及其修正案以及1996年的《电信法案》。联邦通信委员会的职责是“监管跨州和国际的无线电、电视、有线、卫星和电缆通信传播。”美国商务部下属的国家电信与信息管理局是总统关于电信和信息政策问题的首席顾问，负责管理美国政府和在美国境内的其他国家政府的光谱的使用。

Section 310 of the Communications Act of 1934 provides that the foreign ownership of a U.S. wireless licensee may not exceed 20% for direct investment and 25% for indirect investment unless the FCC finds that it would be in the public interest to allow such foreign ownership. When the FCC conducts a public interest analysis, executive branch agencies may offer advice to the FCC regarding any foreign applicant seeking a license to operate in the United States or to provide international services from the United States. As part of its public interest analysis, the FCC considers any national security, law enforcement, foreign policy, or trade policy concerns that may be raised by a proposed foreign investment that would exceed the statutory or regulatory benchmarks. Any conditions imposed on a licensee by final FCC action as a result of advice from executive branch agencies become part of a public record. To date, the FCC has not denied an application based on foreign ownership.

1934年的《通信法案》的第310节规定美国无线电许可的外资持股比例应不超过直接投资的20%和间接投资的25%，除非联邦通信委员会认为由外资持股符合公共利益。当联邦通信委员会进行公共利益分析时，行政分支机构可向联邦通信委员会就任何申请在美经营许可证或在美提供国际服务的外国申请者提出建议。作为公共利益分析的一部分，联邦通信委员会考虑可能超出法律或法规标准的拟外国投资所产生的任何国家安全、执法、对外政策或贸易政策问题。联邦通信委员会根据行政分支机构的建议给许可证持有者施加的任何条件都将纳入公共记录。至今，联邦通信委员会尚未拒绝任何外资持股的申请。

Information on individual applications can be found in the FCC's International Bureau Filing System at <https://www.fcc.gov/general/international-bureau-filing-system>. For example, since January 1, 2011, the FCC has granted 1,259 authorizations for international telecommunications services under Section 214 of the Communications Act.

关于个人申请信息可参见联邦通信委员会的国际局备案制度<https://www.fcc.gov/general/international-bureau-filing-system>。比如，自2011年1月1日以来，联邦通信委员会根据《通信法案》第214节已授予1259个国际电信服务授权。

**Question 155**

Page 136, Para 4.118

The report states that "There are, however, restrictions for some other services: foreign ownership without prior FCC approval is limited, under Section 310 of the Communications Act of 1934 , to 20% direct investment and 25% indirect investment for common carrier wireless licensees. Under the Communications Act of 1934, the FCC must conduct a public interest analysis when evaluating applications to receive authorization to exceed the 25% foreign ownership benchmark. Since the inception of the WTO, no foreign applicant has ever been denied a common carrier wireless licence under the FCC's public interest analysis. During the review period, the policy stance in this respect has been modified. In 2013, the FCC revisited its prior de facto policy against streamlined treatment of applications involving more than 25% foreign ownership, and indicated that it may grant approval for foreign ownership greater than 25% in a streamlined manner, depending on the circumstances."

1. Please elaborate on the modifications of the policy stance.

**RESPONSE:** In April 2013, the FCC adopted streamlined rules for approval of foreign ownership greater than the 25 percent statutory benchmark set out in 47 U.S.C. § 310(b)(4). This streamlined approach: (1) no longer requires petitioners for a foreign ownership ruling to identify foreign equity and/or voting interests of five percent or less or, in certain situations, of ten percent or less; (2) allows petitioners to request specific approval for any named foreign investor to increase, at some future time, its equity and/or voting interest up to and including a non-controlling 49.99 percent share; (3) permits petitioners to request specific approval for a named foreign investor that proposes to acquire a controlling interest of less than 100 percent to increase its interest to 100 percent at some future time; (4) adopts a 100 percent aggregate allowance for unnamed and future foreign investors, provided that the licensee obtains approval before any foreign investor acquires an interest that exceeds five percent (or, in certain situations, ten percent) of the common carrier licensee's equity and/or voting interests; (5) allows the licensee's subsidiaries and affiliates to rely on the licensee's foreign ownership ruling (rather than having to file a new petition for a declaratory ruling), provided that the ownership of the licensee and the subsidiary or affiliate remains in compliance with the terms of the licensee's ruling and the requirements of the rules; (6) allows licensees to introduce new foreign-organized entities into the approved vertical ownership chain without prior approval, provided that the new foreign-organized entity is under 100 percent common ownership and control with a previously-approved foreign investor; and, (7) eliminates the practice of issuing service- and geographic- specific rulings, and instead permit a licensee with a foreign ownership ruling to add new services and new geographic service areas without filing a new petition for declaratory ruling. A copy of the FCC Order is available at: <https://apps.fcc.gov/edocs_public/attachmatch/FCC-13-50A1.pdf>.

**答复：**2013年4月，联邦通信委员会采用了批准外资持股超过25%法定标准的简化规定，见47 U.S.C. § 310(b)(4)。简化规定如下：（1）不再要求外资裁决个案的呈请人上呈持股和/或投票权不高于5%（某些情况下不高于10%）的外资身份；（2）允许呈请人要求特殊批准任何提名的外国投资者在未来的时间增加其股权或投票权至不超过49.99%的非控股权益；（3）允许呈请人要求特殊批准任何申请获得100%控股权益以下的提名的外国投资者在未来的时间增加其股权或投票权至100%；（4）为未提名的和未来外国投资者提供100%总津贴，但是许可证持有者在任何外国投资者要求获得超过此运营商股权或投票权的5%（在特定情况下为10%）前获得批准；（5）允许许可证持有人的子公司和分公司依照许可证持有人的外资持股的裁决（而无需报备重新申请新的裁决），但是许可证持有人的股权和其子公司或分公司的股权应完全符合许可证持有人相关裁决的所有条款要求；（6）允许许可证持有人不经事先批准将新的外国机构加入已批准的垂直股权链，但是新的外国机构应拥有不超过100%的普通股权并受到已获批准的外国投资者的控制；以及（7）取消发布针对服务项目和区域的专门裁定，而允许获得外资持股裁决的许可证持有者无需申请新的补充解释条款便能添加新的服务项目和区域。《联邦通信委员会命令》请参见<https://apps.fcc.gov/edocs_public/attachmatch/FCC-13-50A1.pdf>。

**Question 156**

Page 138, 4.2.3 Transport

1. Please introduce the progress in the implementation of the high-speed railway development plan issued earlier by the U.S. Will the U.S. government continue to promote the development of high-speed railway? If yes, what concrete measures will be taken?

**RESPONSE:** Over the last 8 years, the U.S. Department of Transportation has invested more than $10 billion to develop high-performance passenger rail corridors across the United States. These investments include supporting the first phase of the State of California's new high-speed train service, and improving existing corridors to reduce trip times, add frequencies, and increase capacity and reliability. High-speed intercity passenger rail will continue to play a critical role in addressing the mobility needs of the United States, where the population is projected to increase by more than 55 million people over the next 25 years.

**答复：**在过去8年中，美国交通部斥资100亿美元建设贯通全美的高性能客运铁路路线。投资包括支持加利福尼亚州的新高速铁路服务的第一阶段工程，改善现有路线以减少往返时间，增加运营频率，增大运营能力和稳定性。州际客运高速铁路将继续在满足美国流动性需求上扮演重要的角色，美国人口预计将在未来25年内增长550万人。

**Questions 157-159**

Page 136, para 4.119

The FCC maintains several regulatory safeguards to deter conduct by a foreign carrier that could result in harm to competition in the U.S. telecommunications market.These safeguards include the "no special concessions" rule, the benchmark settlement rates policy, and dominant carrier requirements. The no special concessions rule prohibits U.S. international carriers from agreeing to enter into exclusive arrangements with foreign carriers that have sufficient market power to affect competition adversely in the U.S. market. The Foreign Participation Order adopted a presumption that carriers with less than 50% market share in the foreign market lack such market power.

1. Does the "conduct by a foreign carrier that could result in harm to competition in the U.S. telecommunications market" include conduct that may have potential Internet safety threat or hidden danger? Or does it only refer to commercial conduct such as monopoly, dumping and unfair competition?

**RESPONSE:** The "no special concessions" rule concerns competitive conduct. Specifically, it addresses the ability of a foreign carrier with market power in its home market to leverage that market power into the U.S. international services market to the detriment of U.S. carriers and U.S. consumers.

**答复：**“无特殊让步”规则与竞争性行为有关。特别地，该规则解决了外国运营商利用本地市场实力撬动美国国际服务市场从而威胁美国运营商和美国消费者的问题。

1. Please clarify the definitions and operation procedures of "no special concessions" rule and the benchmark settlement rates policy.

**RESPONSE:** Under FCC rules a "special concession" is defined as an exclusive arrangement involving services, facilities, or functions on the foreign end of a U.S. international route that are necessary for the provision of basic telecommunications services, where the arrangement is not offered to similarly situated U.S.-licensed carriers and involves (1) operating agreements for the provision of basic services; (2) distribution arrangements or interconnection arrangements, including pricing, technical specifications, functional capabilities, or other quality and operational characteristics, such as provisioning and maintenance times; or (3) any information, prior to public disclosure, about a foreign carrier's basic network services that affects either the provision of basic or enhanced services or interconnection to the foreign country's domestic network by U.S. carriers or their U.S. customers. *See* 47 C.F.R. § 63.14.

**答复：**在联邦通信委员会的规定下，“特殊让步”指的是对终点设在国外且对于提供基础电信服务有必要的美国国际线路的服务、设施或功能的特殊安排，这类安排不适用于持有许可证的美国供应商，且包括（1）提供基础服务的操作协议；（2）分配协议或互联协议，包括价格、技术规格、功能或其他质量和操作性能，如配置时间和维护时间；或者（3）在公共披露前关于外国运营商影响基础或增强服务供应或影响由美国运营商或美国客户与外方国家网络互连的基础网络服务的任何信息。请参见47 C.F.R. § 63.14。

The benchmarks settlement rates policy sets forth the maximum rate that a U.S. carrier is allowed to pay to terminate traffic in a foreign country. The rate varies depending on the economic status of the country. For high income countries, a U.S. carrier may not pay for than $0.15 per minute to terminate traffic. The limit for U.S. carriers in middle income countries is $0.19 per minute, and it is, $0.23 per minute for lower income countries.

基础利率结算政策规定了美国运营商为终止外国流量而支付的最大比率。该比率取决于不同国家的经济状况。在高收入国家，美国运营商可能每分钟支出不超过0.15美元终止流量。在中等收入国家，美国运营商可能每分钟最多支出0.19美元，而在低收入国家，每分钟则最多支出0.23美元。

1. Please explain why 214 Licenses applied by China Mobile International Limited U.S. are still pending.

**RESPONSE:** This application is under ongoing review with respect to national security concerns.

**答复：**该申请正在接受国家安全的审议中。

**Questions 160-161**

Page 136, Para 4.120

Under the Open Internet Order, the FCC reclassified fixed and mobile broadband internet access service as a telecommunications service under Title II of the Communication Act.

1. Please clarify the reason for classifying broadband Internet access service as telecommunications service and introduce the classification of telecommunications services and of Internet service in the US. Please list relevant stipulations of specific laws and regulations.

**RESPONSE:** The FCC explains its rationale for revisiting its classification of broadband internet access services in paragraphs 328-330 of the Open Internet Order. <https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>.

**答复：**联邦通信委员会在《开放式互联网令》的第328-330段解释了修改宽带网络接入服务分类的理由。<https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>。

1. Please give a briefing on the background and main consideration of introducing the "new open internet order".

**RESPONSE:** The Open Internet Order provides this briefing, for example at paragraphs 7-13. <https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>.

**答复：**《开放式互联网令》进行了简短的概述，比如在7-13段。<https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>。

**Question 162**

Page 137, para 4.121

The new Open Internet Order imposes three "bright-line" rules that prohibit blocking, throttling, and paid prioritization …

1. Paragraph 4.121 lists requirements of "NO BLOCKING，NO THROTTLING，NO PAID PRIORITIZATION". Does it mean that under special circumstances, the regulators can resort to blocking and throttling? Please clarify if there are any specific criteria or regulations?

**RESPONSE:** These prohibitions apply to providers of BIAS service. The Open Internet Order does not authorize blocking by the regulator.

**答复：**禁止的对象是宽带互联网接入服务的供应商。《开放式互联网令》不授权监管者进行拦截。

**Questions 163-166**

Page 137, footnote 123

Unlike the no-blocking and no-throttling rules, there is no "reasonable network management" exception to the paid prioritization rule because paid prioritization is inherently a business practice rather than a management practice.

1. What does the "management practice" of "No Blocking" and "No Throttling" refer to?

**RESPONSE:** A network management practice is a practice that has a primarily technical network management justification. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.The distinction between a "network management practice" and an "other business practice" is whether or not the practice has a primarily technical purpose. For more information, see the Open Internet Order at paragraphs 214-224.

**答复：**网络管理行为指主要是出于技术性原因而进行的合理网络管理行为。在考虑了宽带互联网接入服务的特定网络架构和技术的基础上，如果主要是为了实现合法的网络管理这一目的而作出并进行调整的，则相关网络管理行为即为合理网络管理行为。“网络管理行为”和“其他商业性行为”的区别在于该行为是否主要是出于技术性原因而进行的。更多信息请参见《开放式互联网令》第214-224段。

1. 4.121 is actually talking about the net neutrality principle. Under this principle, shall the Internet regulation on the public and data acquisition by the government and operators also be moderate or limited?

**RESPONSE:** Paragraph 4.121, including footnote 123, explains aspects of the Open Internet Order adopted by the FCC on 26 February 2015. We do not understand what is meant by this question, as currently stated, or to which portions of the Open Internet Order the question is intended to refer.

**答复：**第4.121段，包括脚注123，解释了2015年2月26日联邦通信委员会采用的《开放式互联网令》。我们对这个问题不理解，该问题想指出《开放式互联网令》的哪部分。

1. What do "management practice" and "business practice" refer to in the three rules for net neutrality? How to distinguish exceptions?

**RESPONSE:** The response to Question 163 contains the definition of "network management practice" from the Open Internet Order. The distinction between a "network management practice" and an "other business practice" is whether or not the practice has a primarily technical purpose. For more information, see the Open Internet Order at paragraphs 214-224. <https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>.

**答复：**对问题163的答复包含《开放式互联网令》中“网络管理行为”的定义。“网络管理行为”和“其他商业性行为”的区别在于该行为是否主要是出于技术性原因而进行的。“网络管理行为”和“其他商业性行为”的区别在于该行为是否主要是出于技术性原因而进行的。更多信息请参见《开放式互联网令》第214-224段。<https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>。

1. Will the "net neutrality" principle change after the new government takes office?

**RESPONSE:** We remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Question 167**

Page 138, para 4.124

The new Open Internet Order does not apply to enterprise services, virtual private network services, hosting, or data storage services.

1. What are the U.S. considerations behind excluding enterprise services, virtual private network services, hosting, or data storage services from the Open Internet Order? If data storage services are not a part of the Open Internet Order, has the U.S. adopted other measures to prevent stored data from being abused by the authority or operators?

**RESPONSE:** This is discussed in the 2015 Open Internet Order's in paragraphs 25-35. <https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>.

It was also discussed in the 2010 Open Internet Order at paragraphs 44-52. <https://apps.fcc.gov/edocs_public/attachmatch/FCC-10-201A1_Rcd.pdf>.

**答复：**这在《2015年开放式互联网令》的第25至35段有所讨论。

<https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-24A1.pdf>。

《2010年开放式互联网令》的第44至52段也讨论了这一点。

<https://apps.fcc.gov/edocs_public/attachmatch/FCC-10-201A1_Rcd.pdf>。

**Questions 168-169**

Page 138, para 4.129

"The legal and institutional framework for air transport remained largely unchanged during the period under review…"

1. Please introduce the authorities or responsibilities of the U.S. Transportation Security Administration to encourage the civil aviation market competition (related laws, regulations, concrete policies and measures). In particular, in the market access of security inspection equipment, how is competition protected to avoid erecting additional technical barriers to civil aviation security?

**RESPONSE:** The U.S. Transportation Security Administration, like all federal agencies, is bound by the 2016 revisions to Circular A-119, which inform agencies of their statutory obligations in standards-setting activities. Specifically, 19 U.S.C. § 2532 provides that "[n]o Federal agency may engage in any standards-related activity that creates unnecessary obstacles to the foreign commerce of the United States" and specifies four requirements for agencies' standards-related activities: (1) ensuring that imported products are not treated less favorably than like domestic products or imported products from other countries; (2) taking into consideration international standards – and basing standards upon them if appropriate; (3) developing standards based on performance criteria rather than design criteria when appropriate; and (4) ensuring foreign suppliers have access to conformity assessment procedures on the same basis as other domestic and foreign suppliers of like products.

**答复：**美国交通安全管理局与所有联邦机构一样，受A-119号通报的2016年修订约束，该通报向各机构告知其在标准制定活动中的法定义务。具体而言，《美国法典》第19卷第2532章规定：“联邦机构不得参与对美国的对外贸易造成不必要障碍的任何有关标准的活动”，并规定了机构标准相关活动的四个要求：（1）确保进口产品受到的待遇不低于国内产品或来自其他国家的进口产品；（2）将国际标准纳入考虑，并酌情制定基准标准；（3）适时根据绩效标准而非设计标准制定标准；和（4）确保外国供应商能够在与其他国内外同类产品供应商相同的基础上进入合格评定程序。

1. What application channels or equipment assessment and accreditation are provided by the U.S. Transportation Security Administration (TSA) to security inspection equipment manufacturers from abroad f? How to ensure that the assessment and accreditation are conducted in the fair, equitable, transparent and non-discriminative principle? Please specify the standards of assessment and accreditation and provide explanation of their full necessity? How does the U.S. Transportation Security Administration distribute its responsibility and cooperate with other departments (such as the Federal Aviation Administration) in anti-monopoly work? Please give examples.

**RESPONSE:** The Transportation Security Administration (TSA) has in place an equitable process, open to domestic and foreign enterprises, for the request of evaluation and possible qualification of civil aviation security screening equipment. TSA accepts such requests on an ongoing basis and evaluates requests from domestic and foreign producers in accordance with principles of fairness and non-discrimination. TSA is responsible for security in all modes of transportation.

**答复：**交通安全管理局（TSA）已经针对民用航空安全检查设备的评估和可能的资格请求制定了国内外企业通用的公平程序。TSA持续接受此类请求，并根据公平和非歧视原则评估国内外生产商的请求。TSA负责所有运输方式的安全。

**Question 170**

Page 138, para 4.130

"The airline industry consolidation, begun in 2001, continued during the period under review…"

1. What influence have the four largest airline companies formed upon a series of merger and acquisition exerted on the U.S. consumers? Has the overall social welfare improved?

**RESPONSE:** Airline industry consolidation was intended to achieve the formation of more efficient, financially stable companies better able to compete for passengers. Provided there remains sufficient competition in the U.S. airline industry, such transactions could have a positive effect for consumers in that U.S. carriers could become able to eliminate overhead, respond to changing market demands, and provide innovate new services to travelers and shippers.

**答复：**航空业整合旨在促成更有效率、财务稳定、更有能力争取乘客的公司。如果美国航空业仍有足够的竞争，这种交易可能对消费者产生积极影响，因为美国航空公司可以消除间接费用，应对不断变化的市场需求，为旅行者和托运者提供创新的新服务。

**Questions 171-172**

Page 139, para 4.133

"Anyone wishing to provide air transport services as a U.S. air carrier must obtain two separate authorizations from the DOT: an "economic" authority from the Office of the Secretary of Transportation, and a "safety" authority from the FAA…"

1. Currently, the U.S. did revise related laws limiting foreign investment in U.S airline companies. What is the legal basis for the U.S. Transportation Security Administration to approve foreign funds to own over 25% of the stock with voting rights in individual cases?

**RESPONSE:** The United States has not revised law related to limitation of foreign investment in U.S. air carriers. 49 USC 40102(a)(15) requires that U.S. citizens must hold at least 75 percent of the voting interest in U.S. air carriers. It is noted that the statutory provision is enforced by the U.S. Department of Transportation.

**答复：**美国没有修订有关限制美国航空公司境外投资的法律。《美国法典》第49卷第40102章(a)(15)要求，美国公民必须持有美国航空公司至少75％的投票权。应注意的是，该法律规定由美国交通部实施。

1. Please introduce how TSA protects competition in the allocation of air and flight schedule resources. How does the TSA distribute its responsibility and cooperate with other departments (such as the Fair Trade Commission) in anti-monopoly work? Please give examples.

**RESPONSE:** The question appears to be what role the U.S. Department of Transportation plays in the oversight of air and flight operations and how its responsibility is split with other U.S. Federal Government agencies. The U.S. Department of Justice has the primary responsibility for overseeing airline mergers and acquisitions, as well as the conduct of airline firms in the marketplace. The U.S. Department of Transportation plays a secondary role in reviewing airline transactions. The U.S. Department of Transportation also has authority to review, and if warranted, grant antitrust immunity to U.S. and foreign airlines engaging jointly in foreign air transportation (49 U.S.C. § 41308-41309), as well as prohibit unfair and deceptive practices and unfair methods of competition in the airline industry (49 U.S.C. § 41712).

**答复：**问题似乎是美国交通部在监督空中和飞行运行方面发挥何种作用，以及它与其他美国联邦政府机构如何分担责任。在监督航空公司兼并和收购以及航空公司的市场行为方面，美国司法部负有主要责任。美国交通部在审查航空公司交易方面发挥次要作用。美国交通部不仅有权禁止航空业不公平和欺骗性的竞争做法（《美国法典》第49卷第41712章），还有权审查和在有担保情况下给予美国和外国航空公司共同参与外国航空运输（《美国法典》第49卷第41308至41309章）的反托拉斯豁免。

**Questions 173-175**

Page 140, para 4.136

"Most U.S. public-use airports with commercial services are publicly owned, either by states or local governments, or local authorities…"

1. Are there any restrictions on the access of foreign investment in such air services as airports, navigation, aviation fuel, ground service and aircraft maintenance? If so, what are the specific restrictions? What are the regulations on the shareholding ratio? Are there any plans and timetables for further opening-up?

**RESPONSE:** U.S. and foreign privately-owned companies provide a variety of services at U.S. commercial service airports including airport and terminal management, parking, private security, retail concessions, aircraft ground handling and fueling. Any Airport owner can contract with privately-owned companies to provide airport management and retail concession services under management or concession contracts. The Federal Aviation Administration will permit this arrangement as long as the Airport owner retains authority over the operation and management of the Airport, including the airport's Federal obligations. The private company serves as an agent of the airport owner and receives a management fee or retail concession fee for its services.

**答复：**美国和外国私营公司在美国商业服务机场提供各种服务，包括机场和航站楼管理、停车、私人安保、零售特许经营、机场地勤和加油。任何机场所有者均可与私营公司签订合同，根据管理或特许经营合同提供机场管理和零售特许服务。只要机场所有者负责机场的运行和管理（包括机场的联邦义务），联邦航空管理局将允许这种安排。私营公司是机场所有者的代理，并就其所提供的服务收取一定的管理费或零售特许费。

1. Please elaborate on the project scope, subsidizing standard and procedures for civil airport construction projects to apply for government subsidies?

**RESPONSE:** The Airport Improvement Program (AIP) provides grants to public agencies — and, in some cases, to private owners and entities — for the planning and development of public-use airports that are included in the National Plan of Integrated Airport Systems (NPIAS). AIP grants for planning, development, or noise compatibility projects are at or associated with individual public-use airports (including heliports and seaplane bases). A public-use airport is an airport open to the public that also meets the following criteria:

**答复：**机场改善计划（AIP）向公共机构和在某些情况下向私营者和实体提供补助金，用于包含在国家综合机场体系计划（NPIAS）中公用机场的规划和开发。AIP用于规划、开发或噪声兼容性项目的补助金是用于个别公用机场（包括直升机场和水上飞机基地）或与之有关的机场。公用机场是向公众开放的机场，也符合以下标准：

* Publicly owned, or
* Privately owned but designated by FAA as a reliever, or
* Privately owned but having scheduled service and at least 2,500 annual enplanements.
* 公共所有，或
* 私有，但由FAA指定为减压机场，或
* 私有，但提供定时服务，年度航空客流量至少达2,500。

By *subsidizing standard*, we have assumed that the question is about the part of the project cost paid by the airport (local share). For large and medium primary hub airports, the grant covers 75 percent of eligible costs (or 80 percent for noise program implementation). For small primary, reliever, and general aviation airports, the grant covers a range of 90-95 percent of eligible costs, based on statutory requirements.

通过*补贴*标准，我们假设问题是关于机场（当地份额）支付的项目成本的一部分。对于大中型主要枢纽机场，补助金覆盖75％的合格成本（或80%用于噪声计划实施）。对于小型主要机场、减压机场和通用航空机场，根据法定要求，补助金为合格成本的90%至95%。

For an airport to receive federal funding for a project (a grant), the major project requirements are that project must be eligible, it must meet the technical standards for the project type, it must be able to be completed without undue delay, and it must be on the FAA approved Airport Layout Plan.

对于接受联邦项目基金（补助金）的机场，主要项目要求是该项目必须符合资格，必须满足项目类型的技术标准，不得无故拖延，必须在FAA批准的机场布局图内。

1. Please introduce the construction, investment, operation and management system of airports in the US, including the authority and procedure of project initiation and approval, source and structure of funds, operation modes and supporting policies.

**RESPONSE:** The FAA develops engineering, design, and construction standards for civil airports, heliports, and seaplane bases. This includes standards for airfield pavement; airport lighting, marking, signs, and other visual aids; safety during construction; surveying and GIS data; deicing, ARFF, and other facilities; bird radar and foreign object detection systems; and more. Airports that use Airport Improvement Program funding or Passenger Facility Charge funds must use certain Advisory Circulars, which define the FAA engineering, design, and construction standards for airports.

**答复：**FAA制定民用机场、直升机场和水上飞机基地的工程、设计和施工标准。它们包括机场路面的标准；机场照明、标记、标志和其他视觉辅助；施工期间的安全；测量和GIS数据；除冰、ARFF和其他设施；鸟击雷达和异物检测系统；等等。使用机场改善计划资金或旅客机场设施使用费资金的机场必须使用某些民航通告，其中规定了FAA机场工程、设计和建筑标准。

Investment: Airports undertaking capital projects may use commercial bonds, local funds, AIP grants, Passenger Facility Charges, or other sources of income for the projects.

投资：进行资本项目的机场可以使用商业债券、地方基金、AIP补助金、旅客机场设施使用费或其他项目收入来源。

The operation and management system of airports in the United States is not dictated by the United States government. Rather, the local or state political entity determines the operational and management requirements for the airport. For privately owned airports, the private owner makes those decisions.

美国机场的运行和管理系统不是由美国政府决定的。相反，地方或州政治实体决定机场的运行和管理要求。对于私有机场，则是由私人所有者做出这些决定。

The policies of the airport system is principally based in Title 49 of the United States Code, supporting regulations, and published guidance of the FAA.

机场系统的政策主要是基于《美国法典》第49卷、配套法规和FAA公布的指导。

Passenger Facility Charges are derived from a fee charged on a passenger ticket. The Passenger Facility Charge (PFC) Program allows the collection of PFC fees up to $4.50 for every enplaned passenger at commercial airports controlled by public agencies. PFCs are capped at $4.50 per flight segment with a maximum of two PFCs charged on a one-way trip or four PFCs on a round trip, for a maximum of $18 total. Airports use these fees to fund FAA-approved projects that enhance safety, security, or capacity; reduce noise; or increase air carrier competition.

旅客机场设施使用费源自乘客机票收取的费用。旅客机场设施使用费（PFC）计划允许公共机构控制的商业机场向每名乘客收取高达4.50美元的PFC费用。每个航段的PFC最高限额为4.50美元，单程旅程最多收取两次，往返旅程最多收取四次，总费用不得超过18美元。机场利用这些费用为FAA核准的增强安全或容量项目提供资金；减少噪音；或增加航空公司的竞争。

The AIP funding comes from the Airport and Airway Trust Fund, which is funded through a combination of domestic passenger ticket taxes, domestic passenger flight segment fee, passenger ticket tax at rural airports, international departure and arrival taxes, fees paid by domestic freight and mail, a general aviation fuel tax, commercial fuel tax, and a frequent flyer tax.

AIP资金来自机场和航空信托基金，该基金的资金来源包括国内乘客机票税、国内乘客航班分段费、农村机场乘客机票税、国际离港和到达税、国内运费和邮件支付的费用、通用航空燃油税、商业燃油税和常旅客税。

**Questions 176-177**

Page 140, para 4.138

"Congress established the Airport Privatization Pilot Program (APPP) in 1997 through the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 47134, PL 104-264), with the aim of increasing private participation, especially private capital investment, in airport operations and development…"

1. What are the fundamental reasons why the APPP is not very successful?

**RESPONSE:** Since 1997, 11 airports have applied to the program. Of these 11, 2 airports were privatized, 7 airports withdrew from the program, and two airports are in process for review. The 7 airports withdrew either due to changing market conditions or loss of political support to complete the privatization. Several reasons for lack of public and private interest can be attributed to a number of factors: local government's interest in maintaining full control of their airport, higher financing costs for privatized airports, lack of state and local tax exemptions, and the time and cost it takes to navigate through local and federal approval process. In some cases it can take a number of years depending on the complexity of the transaction.

**答复：**自1997年以来，有11个机场申请了该计划。在这11个机场中，有2个机场已被私有化，7个机场退出该计划，两个机场正在接受审查。由于市场情况变化或失去政治支持致使难以完成私有化，7个机场退出。缺乏公共和私人利益的几个原因可归因于以下几个因素：地方政府有意维持其对机场的完全控制、私有化机场的融资成本更高、缺乏州和地方免税，以及通过地方和联邦批准程序所需的时间长、成本高。在某些情况下，因交易的复杂性，可能需要几年的时间。

1. Can privatized airports receive AIP funds? If so, do they need to comply with restrictions on the use of airport incomes?

**RESPONSE:** Yes, privatized airports can receive AIP funds. Private companies may own, manage, lease and develop public airports. The FAA is permitted by statute to allow up to 10 public airport sponsors to sell or lease an airport with certain restrictions. The private operator of an air carrier airport may receive Airport Improvement Program (AIP) grants, collect Passenger Facility Charges, and charge reasonable fees. Increases to airport rates and charges that exceed the Consumer Price Index require approval of 65 percent of air carriers. Private operators of general aviation airports can receive AIP discretionary grants.

**答复：**是的，私有化的机场可以获得AIP资金。私营公司可以拥有、管理、租赁和开发公共机场。FAA依法允许多达10个公共机场赞助商有限制地出售或租赁机场。航空公司机场的私营运营商可能获得机场改进计划（AIP）补助金，收取旅客机场设施使用费，并收取合理的费用。提高超过消费者价格指数的机场收费和费用需要65%的航空公司的批准。通用航空机场的私营运营商可以获得AIP酌情补助金。

**Question 178**

Page 141, para 4.139

"The operation and the management of airports may be fully carried out by the airport's owners or partly or wholly by a third party through outsourcing and management contracts…"

1. Apart from management and service outsourcing, is the PPP mode adopted by American airports? If yes, does the Federal government have any relevant policy and regulations?

**RESPONSE:** Note that the outsourcing of operation and management services as noted in paragraph 4.139 may or may not involve public private partnerships. Moreover, there is no federal policy or regulations governing the use of public private partnerships. The Federal Aviation Administration will permit these arrangements as long as the airport owner retains authority over the operation and management of the airport, and complies with its federal obligations. There are best practices for public-private partnerships including leasing and developing airport property and these are outlined in Airport Cooperative Research Program studies which can be found on the Transportation Research Board's website [www.trb.org](http://www.trb.org).

**答复：**请注意，第4.139段所述的运营和管理服务外包可能涉及或可能不涉及公私伙伴关系。此外，尚无联邦政策或法规规定公私伙伴关系的使用。只要机场所有者负责机场的运行和管理，并且符合联邦的义务，联邦航空管理局将允许这些安排。有关公私合作的最佳做法包括租赁和开发机场物业，这些在机场合作研究计划研究中概述，请参见交通研究委员会的网站www.trb.org。

**Question 179**

Page 141, 4.2.3.2.1 Maritime transport

1. As an important global maritime transport market, the U.S. has not made any commitment on maritime transport services in its multilateral schedules of concessions, which is no match to its role as an advocate of global trade openness. Are there any plans to revise "the Jones Act and the Passenger Vessel Service Act of 1886", so as to expand market access for overseas maritime transport service providers?

**RESPONSE:** We refrain from speculating on possible future actions or policies given the retrospective orientation of trade policy reviews.

**答复：**鉴于贸易政策审议的回顾性，我们不对可能的未来行动或政策作猜测。

**Report by the United States (WT/TPR/G/350)**

**Question 180**

Page 5, para 2.3

In 2015, U.S. goods and services exports supported an estimated 11.5 million jobs in the United States alone, including more than one in four jobs in the manufacturing sector.

1. Compared with previous years, have more or less job opportunities been created in the manufacturing sector? How well has the initiative of bringing back manufacturing put forward two years ago been implemented?

**RESPONSE:** Since March 2010, U.S. manufacturing has added over 800,000 direct jobs. Although manufacturing has faced headwinds over the past two years (jobs are down 54,000 over the past 12 months), these headwinds are temporary and will likely subside. The weak global economy, combined with the decline in energy-related capital expenditures has been a drag on manufacturing given that the sector relies heavily on exports.

**答复：**自2010年3月以来，美国制造业增加了80多万个直接工作岗位。虽然制造业在过去两年面临阻力（过去12个月的就业机会下降了54,000），但这些阻力只是暂时的，而且将会消退。全球经济疲软，加上能源相关资本支出的下降，一直在拖累制造业，因为该行业严重依赖出口。

The United States has focused on manufacturing capabilities, assets, and business environment which are critical for its success in the United States. This policy has four pillars to encourage U.S. manufacturing production, investment, and competitiveness: (1) Spurring innovation through next generation technologies; (2) Strengthening skills, communities, and supply chains to attract investment; (3) Making the United States more competitive for production; and (4) Expanding market access and leveling the playing field. These pillars are discussed in the National Economic Council's October 2016 report "Revitalizing American Manufacturing."<https://www.whitehouse.gov/sites/whitehouse.gov/files/images/NEC_Manufacturing_Report_October_2016.pdf>.

美国专注于制造能力、资产和商业环境，这些对在美国的成功至关重要。这一政策利用四个支柱鼓励美国制造业的生产、投资和竞争力：（1）通过新一代技术推动创新；（2）加强技能、社区和供应链，吸引投资；（3）提高美国在生产上的竞争力；和（4）扩大市场准入和调整竞争环境。这些支柱在国家经济委员会2016年10月的报告《振兴美国制造业》中有所讨论。<https://www.whitehouse.gov/sites/whitehouse.gov/files/images/NEC_Manufacturing_Report_October_2016.pdf>。

**Question 181**

Page 6, para 2.8

While these rates were below the post-recession peak of 7.6% in 2012, they were more than double the low of 2.5% reached in 2005. U.S. gross investment increased by U.S.$371 billion between 2013 and 2015, 93% the increase in U.S. gross saving.

1. In which industries are the increased foreign investment concentrated?

**RESPONSE:** The reference to investment from the U.S. report, is for nominal U.S. gross investment which includes both domestic and foreign investment in the United States. This information can be found in Table 5.1 under National Accounts from the U.S. Bureau of Economic Analysis website. <http://www.bea.gov>.

**答复：**美国报告中提到的投资是指美国的总投资，包括在美国的国内和外国投资。具体信息可参见美国经济分析局网站国民账户下的表5.1。http://www.bea.gov。

Concerning foreign investment, the stock of FDI in the United States increased $406 billion, from $2.7 trillion in 2013 to $3.1 trillion in 2015 (on a historic cost basis). U.S. manufacturing received roughly 69% of this increase – mostly in the chemical sector (primarily pharmaceuticals). This information can also be found at the U.S. Bureau of Economic Analysis website. <http://www.bea.gov>.

在外国投资方面，美国的外国直接投资存量增加了4,060亿美元，从2013年的2.7万亿美元增至2015年的3.1万亿美元（以历史成本为基础）。美国制造业获得了约69％的增长——主要是化工行业（主要是药品）。具体信息也可参见美国经济分析局的网站。http://www.bea.gov。

**Question 182**

Page 6, para 3.7

3.7. The Bipartisan Congressional Trade Priorities and Accountability Act of 2015 marked a watershed not only in the ambitious negotiating objectives it set for the United States, but in the reforms it brings to the American trade policymaking process. U.S.TR has encouraged public participation and broadened opportunities for input, created new institutional guarantees of public access including the milestone appointment of a Chief Transparency Officer and the formalization of comprehensive Guidelines for Consultation and Engagement, and increased the transparency of trade policy through initiatives carried out by the Office of Intergovernmental Affairs and Public Engagement.

1. Please explain what systems are included in the major reforms on trade policy-making procedures introduced by the Bipartisan Congressional Trade Priorities and Accountability Act of 2015, and how well were they implemented. What implications will they have on the foreign trade negotiations of the U.S.?

**RESPONSE:** The reforms under theBipartisan Congressional Trade Priorities and Accountability Act of 2015 include the appointment of a Chief Transparency Officer and the creation of written guidelines for consultations with Congress, the public, and advisory committees regarding negotiations conducted under the Trade Priorities Act. The Guidelines for Consultation and Engagement were made available on the USTR website.

**答复：**根据《2015年两党国会贸易优先与责任议案》，改革包括任命一名首席透明度官员，为与国会、公众和咨询委员会就《贸易优先法案》下谈判进行的磋商制定书面指导方针。《咨询和参与指南》可在USTR网站上查阅。

**Question 183**

Page 8, Para 2.17

"While the United States has seen recent gains in employment and wages, business fixed investment (BFI) has been weak. This weak investment has itself contributed to the productivity slowdown as capital services per worker have declined in the last five years. The United States is not unique in this experience, as investment has fallen across the world as global demand weakened."

1. How does the U.S. view the role of foreign direct investment in reinvigorating domestic investment given the current depressing situation? Would the U.S. adopt new measures to further facilitate FDI or maintain the status quo of the domestic FDI regulation framework?

**RESPONSE:** Foreign direct investment plays an essential role in ensuring U.S. economic growth and prosperity – creating high paying jobs, spurring innovation, and driving exports. The United States is the largest recipient of FDI in the world in 2015 (at a stock of $3.1 trillion – on a historic cost basis), and had the largest FDI inflow in the world in 2015 ($348 billion).

**答复：**外国直接投资在确保美国经济增长和繁荣方面发挥重要作用——创造高薪工作、刺激创新、推动出口。美国是2015年世界上最大的外国直接投资接受国（以历史成本计算存量为3.1万亿美元），并且拥有2015年世界上最大的外国直接投资流入量（3,480亿美元）。

Earlier this year, the U.S. Department of Commerce estimated that in 2013 12 million people (8.5 percent of the labor force) have jobs in the United States due to either direct employment at foreign firms (6.1 million), indirect and induced employment from foreign firms (2.4 million), or indirect and induced employment form productivity spillovers (3.5 million).

[http://www.trade.gov/mas/ian/build/groups/public/@tg\_ian/documents/webcontent/tg\_ian\_005496.pdf](http://www.trade.gov/mas/ian/build/groups/public/%40tg_ian/documents/webcontent/tg_ian_005496.pdf)

今年年初，美国商务部估计，在2013年，1,200万人（占劳动力的8.5％）在美国找到就业机会，这是因为外国公司的直接就业（610万）、外国公司的间接就业和联动就业（240万）、或间接和联动就业形成生产力溢出效应（350万）。

[http://www.trade.gov/mas/ian/build/groups/public/@tg\_ian/documents/webcontent/tg\_ian\_005496.pdf](http://www.trade.gov/mas/ian/build/groups/public/%40tg_ian/documents/webcontent/tg_ian_005496.pdf)

With regard to the second question, we remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

关于第二个问题，我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Questions 184-185**

Page 10, para 3.10

USTR has hosted stakeholder forums during the U.S.-hosted rounds of the T‑TIP negotiations. These events included over 250 global stakeholders at each forum. Stakeholders were invited to give presentations, engage with negotiators, and attend briefings hosted by the U.S. and EU Chief Negotiators.

1. Which stakeholders may participate? And how can they take part?

**RESPONSE:** The stakeholder forum registration is open to the public. Those who register are invited to give presentations, engage with negotiators, and attend briefings hosted by the U.S. and EU Chief Negotiators.

**答复：**利益相关方论坛面向公众开放注册。完成注册者将应邀发表演讲，与谈判者接洽，并出席由美国和欧盟首席谈判代表主持的吹风会。

1. Are there any precedents of stakeholders taking part in the negotiations involving net security review?

**RESPONSE:** Stakeholders do not take part in negotiations.

**答复：**利益相关方不参与谈判。

**Question 186**

Page 14, Para 4.16

"TPP has been designed as a regional platform, and following the conclusion of the TPP negotiations, a number of other Asia-Pacific economies expressed interest in potentially seeking to join TPP in the future. The 12 TPP partners have welcomed this interest, while noting that their current focus is on completing their respective domestic approval processes and having the agreement enter into force.""

1. With the president-elect Donald Trump vowing to withdraw from TPP, what would be the lost long term economic dividend for the U.S. and the other TPP member states? And how does the U.S. plan to address the situation and make up for it if the drop-out became the case?

**RESPONSE:** With respect to the incoming Administration that will take office in January 2017, we remind Members that TPRs are retrospective reviews. We look forward to keeping the Membership informed as the new Administration comes into place.

**答复：**关于将于2017年1月就职的新一届政府，我们想提醒各成员注意，贸易政策审议是回顾性审议。我们将在新政府成立后随时向全体成员通报有关情况。

**Questions 187-188**

Page 15, Paragraph 4.18

"…In connection with NAFTA, the United States and Mexico also agreed to fund a development bank to address environmental infrastructure needs along the U.S.-Mexico border.…"

1. What projects have the development banks conducted under NAFTA? Please provide a list of projects.

**RESPONSE:** A list of the North American Development Bank's current projects can be found at the following link: <http://www.nadb.org/projects/currentprojects.asp>.

**答复：**北美开发银行正式实施的项目清单见以下链接：<http://www.nadb.org/projects/currentprojects.asp>。

1. What effects have these projects had on the settlement of border issues? Have any assessments been conducted?

**RESPONSE:** Information can be found on the website of the Border Environment Cooperation Commission: <http://www.becc.org/>. A list of the North American Development Bank's current projects and completed projects can also be found at the following link:<http://www.nadb.org/projects/currentprojects.asp>.

**答复：**边境环境合作委员会的网站上可找到这些信息：<http://www.becc.org/>。北美开发银行正式实施的项目以及已完成的项目清单见以下链接：<http://www.nadb.org/projects/currentprojects.asp>。

Annual and quarterly reports can also be found here: <http://www.nadb.org/publications/main.asp>.

年度和季度报告还可参见：<http://www.nadb.org/publications/main.asp>。

**Question 189**

Page 15, Paragraph 4.19

…"The United States, together with Mexico and Canada, have continued efforts to ensure that trade liberalization and environmental policies are mutually supportive, including by having trade and environment officials participate in the development of the CEC's work plans."

1. Please introduce CEC's work plans in detail?

**RESPONSE:** Information about the CEC's work can be found at the following link: <http://www.cec.org/about-us/NAAEC>.

**答复：**关于CEC工作的信息可参见以下链接：<http://www.cec.org/about-us/NAAEC>。

**Question 190**

Page 15, Paragraph 4.25

The United States joined with other APEC economies to advance capacity building actions to help developing APEC economies improve the efficiency of supply chains, as measured by reductions in time, cost, and uncertainty of shipments. The projects in the plan match closely with the provisions of the WTO Trade Facilitation Agreement.

1. Does the U.S.' aid to APEC economies in supply chains capacity building cover the network security sector? If yes, what measures has the U.S. taken to ensure the safety of communications supply chains in recipient countries or to avoid security risks to these supply chains?

**RESPONSE:** No.

**答复：**不包括。

**Question 191**

Page 23, Para 5.2

"Twenty-three economies are participating in TiSA negotiations: Australia; Canada; Chile; Colombia; Costa Rica; the European Union; Hong Kong, China; Iceland; Israel; Japan; Liechtenstein; Mauritius; Mexico; New Zealand; Norway; Pakistan; Panama; Peru; the Republic of Korea; Switzerland; Chinese Taipei; Turkey; and the United States. TiSA participants represented nearly 70% of the world's U.S.$55 trillion services market in 2014."

1. As the main initiator of TISA negotiation, what is the U.S.'s plan to realize the guiding principle of "transparency and inclusiveness"? And what is the US expectation on the prospect of future multilateralization of TISA?

**RESPONSE:** The United States remains willing to meet with any Member to discuss our objectives for TiSA, as we have done in the past. We hope that in the future the full membership will be receptive to the adoption of new disciplines and approaches to achieving services trade liberalization, as reflected in TiSA negotiations and other bilateral and regional initiatives.

**答复：**美方仍愿意与任何成员会晤并就《服务贸易协定》的目标展开探讨，正如我们过去所做的那样。我们希望未来全体正式会员可以接受为实现服务贸易自由化而采取的新原则和新方法，正如《服务贸易协定》谈判以及其他双边和区域行动中所反映的那样。

**Question 192**

Page 29, Para 9.2

"U.S. small businesses are key engines for U.S. economic growth, jobs, and innovation. SMEs that export tend to grow faster, add jobs faster, and pay higher wages than SMEs that serve purely domestic markets. Studies by the U.S. International Trade Commission, requested by U.S.TR, reveal that SMEs play a larger role in the export economy than is suggested by traditional trade statistics, with direct and indirect exports by U.S. SMEs supporting about four million jobs in the United States while accounting for over 40% of the total value of U.S. exports of goods and services. But currently, fewer than 5% of American SMEs export goods, and most of those who do, export only one product to one foreign country."

1. Based on China's E-Commerce development experience, compared with traditional trade modes, transactions enabled through widely acknowledged online platforms could substantially help SMEs around the world integrate into global trade. Please evaluate the role E-Commerce is currently playing in boosting US exports of both goods and services, and describe the considerations of the U.S. on the future development of global E-Commerce regulations.

**RESPONSE:** In the past five years, the number of Internet users worldwide has ballooned from 2 to 3 billion and will continue to grow. The increase in Internet use creates significant economic potential, particularly for small businesses. Private sector studies have found that internet-enabled SMEs are much more likely to export to multiple markets and earn more revenue from foreign sales than SMEs which do not use ecommerce platforms. The U.S. is working to promote digital trade and e-commerce— the avenue by which many small businesses access the global marketplace— by prohibiting tariffs on digital products (software, music, video, e-books), ensuring the free flow of data, and ensuring access to competitive online payment services. The US is also working to establish rules against localization requirements that force businesses to place computer infrastructure in each market in which they seek to operate, which can be especially costly to small businesses with fewer resources.

**答复：**在过去五年里，全球互联网用户的数量已经从20亿激增至30亿，并且这一数字还将继续增长。互联网使用的增加创造了巨大的经济潜力，特别是对于小企业而言。针对私营部门开展的研究发现，与未使用电子商务平台的中小型企业相比，基于互联网的中小企业出口到多个市场并从国外销售中获得更多收入的可能性要大很多。美方正在通过禁止对数字产品（软件、音乐、视频和电子书）征收关税，保证数据的自由流动，以及保证有竞争力的在线支付服务努力推进数字贸易和电子商务的发展-这也是许多小型企业进入全球市场的渠道。美方还在努力制定反对本地化要求的规则，这些要求迫使企业在每个它们希望进入的市场中都要部署计算机基础设施，这种做法对于资源较少的小企业来说成本尤其高昂。

The U.S. has also established an e-commerce export resource center, to help SMEs explore digital commerce and learn how to sell products internationally via the internet. Information may be found at <https://www.export.gov/ecommerce>.

美方还设立了一个电子商务出口资源中心，帮助中小企业探索数字商务并学习如何通过互联网在国际上销售商品。有关信息可参见：<https://www.export.gov/ecommerce>。

**Questions 193-194**

Page 27, Paragraph 7.1

"Since the last U.S. Trade Policy Review, the United States has achieved significant results on trade and environment matters in multiple fora, including through regional and bilateral trade initiatives."

1. What are the reasons for the U.S. to achieve significant progress on trade and environment issues during the review period?

**RESPONSE:** Recent measures and efforts include working with other U.S. Government agencies to prioritize anti-wildlife trafficking and related conservation objectives in environmental cooperation projects and support implementation of CITES obligations in the environment chapters of existing free trade agreements. For example, U.S. capacity building efforts supported wildlife trafficking efforts in Peru and in Central America and the Dominican Republic through free trade agreement work plans. The United States has engaged extensively with partner countries, most recently key demand and transit countries in the Asia-Pacific region, to coordinate cooperation and prioritize activities to combat and cooperate to prevent wildlife trafficking. Through the Forest Annex of the U.S.-Peru Trade Promotion Agreement, the United States has engaged extensively with Peru to promote sustainable management of natural resources, strengthen forest sector governance, and combat illegal logging and associated trade, including through capacity building activities.

**答复：**近期采取的环境措施包括与其他美国政府机构共同推动环境合作项目优先考虑打击野生动物贩运以及相关保护目标，以及把履行《濒危野生动植物物种国际贸易公约》义务写入现有自由贸易协定的环境章节之中。例如，美方通过自由贸易协定工作计划中的能力建设措施为秘鲁、中美洲和多米尼加共和国的打击野生动物贩运活动提供支持。美方已经与伙伴国，最近与亚太地区主要需求国和过境国广泛接触，协调合作，优先开展打击和预防野生动物贩运的行动。美方通过《美国-秘鲁贸易促进协定》的森林附录与秘鲁开展了广泛接触，还通过能力建设活动推动自然资源的可持续管理，加强森林部门治理并打击非法砍伐和相关贸易。

Highlights of recent actions taken on trade and environment matters include an agreement by the United States and China to implement nearly complete bans on ivory imports and exports, implementation of environmental cooperation programs related to U.S. free trade agreements that supported wildlife conservation and anti-poaching efforts, training by U.S. agencies for over 2,000 enforcement officials in 40 countries to help combat wildlife trafficking, and the launch of a significant demand reduction campaign aimed at reducing the purchases of rhino horn. A Progress Assessment that provides a comprehensive review of relevant actions taken by U.S. Government agencies is available at the following link: <https://www.state.gov/documents/organization/254013.pdf>. Key accomplishments to date in 2016 include implementation of a near-total domestic ban on the trade in African elephant ivory and the first burn of illegal rhino horn in the United States. Additional details can be found at the following link: <http://www.state.gov/r/pa/prs/ps/2016/11/264594.htm>.

近期就贸易和环境事务采取的行动的亮点包括美方和中方就实现几乎完全禁止象牙进出口达成的协议，与支持野生动物保护和反偷猎的美国自由贸易协定有关的环境合作计划的实施，由美方机构为协助打击野生动植物贩运对40个国家的2,000多名执法官员进行的培训，以及一项旨在减少犀角采购的大规模减少需求运动的启动。一项进展评估对美国政府机构采取的相关行动实施了全面的审议，该评估可参见以下链接：<https://www.state.gov/documents/organization/254013.pdf>。2016年到目前为止取成的主要成就包括在国内实现近乎完全禁止非洲象牙贸易，以及美方首次烧毁非法犀角。更多详细信息可参见以下链接：<http://www.state.gov/r/pa/prs/ps/2016/11/264594.htm>。

1. Will the U.S. maintain such momentum in environment and trade in the next review period?

**RESPONSE:** We note that TPRs are retrospective reviews. We look forward to keeping the WTO Membership informed as the new Administration comes into place.

**答复：**我们注意到贸易政策审议是回顾性审议。我们将在新政府成立后随时向世贸组织全体成员通报有关情况。

**Question 195**

Page 28, Paragraph 7.5

"In APEC, the United States continued to work closely with other economies to ensure full implementation of APEC Leaders' 2011 commitment to reduce tariffs on environmental goods to 5% or less by the end of 2015. "…

1. Has the U.S. implemented the commitment on APEC list of environmental goods? How many tariff lines are included in the relevant reduction of duties? What are the approximate import and export volumes of the products under these tariff lines? Will the U.S. take corresponding measures against the countries and regions that have not implemented tariff reduction as scheduled?

**RESPONSE:** The United States reduced six tariff lines, which cover bamboo flooring, condensers for steam/vapor power units and steam turbine parts, to 5% on December 31, 2015 as part of the APEC Environmental Goods commitment. US exports of these six lines totaled $441 million in 2015, while US imports totaled $357 million that same year. We note that nearly all APEC economies have now implemented this Leader-level commitment.

**答复：**作为亚太经合组织环境产品承诺的一部分，美方于2015年12月31日将包括竹地板以及蒸汽动力装置和汽轮机部件用冷凝器等在内的六个税号的关税税率降低到5%。美方2015年这六个税号的出口总额为4.41亿美元，同年进口总额为3.57亿美元。我们注意到，几乎所有亚太经合组织经济体均已落实这一国家领导人层面的承诺。

**Question 196**

Page 30, Para 9.5

The United States also continues to develop the FTA Tariff Tool, a free online tool launched in 2011, which helps small businesses take better advantage of tariff reduction and elimination under U.S. trade agreements. The FTA Tariff Tool was expanded to include tariff information on textiles and apparel products as well as rules of origin under U.S. FTAs, and to include new regional free trade agreements such as TPP. U.S.TR and other agencies also created an SME Exporter's Toolkit guide to U.S. Government exporting resources.

1. Please introduce the contents of this Toolkit guide and how it provides guidance in detail?

**RESPONSE:**The online FTA Tariff Tool incorporates agricultural and non-agricultural goods and includes information on product-specific rules of origin to determine the eligibility of the reduced tariff rates under with any US FTA Partner. The Tariff Tool not only provides information on current tariff lines, but also provides transparency on future tariffs and the year in which those products become duty free. Smaller firms in particular can use the free tool to determine how tariffs will be lowered or eliminated for their products with FTAs. The tool may be found online at <https://www.export.gov/FTA-Tariff-Tool>.

**答复：**在线自由贸易协定工具包涵盖了农业和非农业商品，并包括用于确定美国任何自由贸易协定合作伙伴已降低的关税税率是否符合条件的产品特定原产地规则信息。该关税工具包不仅提供关于当前关税税目的信息，而且还对未来关税以及这些产品的免税年份保持透明。特别是规模较小的企业可以利用这一免费的工具包来确定其产品的关税根据自由贸易协定将如何降低或取消。该工具包参见：<https://www.export.gov/FTA-Tariff-Tool>。

A Basic Guide to Exporting provides an overview of the fundamentals in exporting, designed for small to medium-sized companies who are considering finding new market segments overseas. Topics covered include export strategies, export plan development, marketing plan development, market research, regional and country information, statistics, industry information, export counseling, financing, finding buyers, trade events and trade missions, export regulations, packaging and labeling, documentation, intellectual property considerations, services exports, e‑commerce tools, and additional information. The guide may be found online at <https://www.export.gov/export-education>.

出口基础指南概述了出口的基本原理，专为那些正在考虑在海外寻找新的细分市场的中小型公司而设计。指南涵盖的主题包括出口战略、出口计划制定、营销计划制定、市场研究、区域和国别信息、统计数据、行业信息、出口咨询、融资、寻找买家、贸易活动和贸易任务、出口法规、包装和标签、文件编制、知识产权方面的考虑、服务出口、电子商务工具和附加信息。该指南可参见<https://www.export.gov/export-education>。

**PART III. OTHER QUESTIONS**

1. What are the standards for reviewing the creativity for some design, especially that of GUI in the U.S.? How are the relevant infringement damages determined?

**RESPONSE:** With regard to United States design patents, like utility patent applications, design applications are examined to ensure the claimed design is "novel" pursuant to 35 U.S.C. 102 and "nonobvious" pursuant to 35 U.S.C. 103. All design patent applications (including graphical user interface and icon designs), regardless of the particular article of manufacture for which the design is intended for, are examined for compliance with sections 102 and 103 of Title 35 among other provisions. See also MPEP 1504.02 Novelty and 1504.03 Nonobviousness.

**答复：**就美国的设计专利而言，如实用专利申请，美方通过对设计申请实施审查确保所要求的设计具有符合《美国法典》第35卷第103章规定的“新颖性”以及《美国法典》第35卷第103章规定的“非显而易见性”。所有设计专利申请（包括图形用户界面和图标设计），无论是何种特定制品的设计，都需要审查是否符合第35卷第102和103章以及其他规定。另参见《专利审查程序手册》第1504.02节新颖性和第1504.03节非显而易见性。

A design patent owner may seek damages under the standard patent damages statute 35 U.S.C. 284 that are "adequate to compensate for the infringement, but in no even less than a reasonable royalty for the use made of the invention [design] by the infringer" including interest and costs as fixed by the court. As an alternative unique to design patent cases, the owner can collect damages under the additional remedy for design patent infringement codified in 35 U.S.C. 289, which entitles the patent owner to the infringer's "total profit" made from articles of manufacture to which the infringing design has been applied.

设计专利所有人可根据《美国法典》第35卷第284章标准专利损害赔偿法案寻求“足以弥补侵权，但不得少于侵权人因利用该发明[设计]而需支付的合理的专利税”的损害赔偿，其中包括法院认定的利息和成本。作为不同于设计专利案例的替代方案，所有人可根据《美国法典》第35卷第289章规定的设计专利侵权额外补偿收取损害赔偿。该规定使专利所有人有权拥有侵权人利用侵权设计的制品所获得的“全部收益”。

1. It is known that U.S.PTO is optimizing the existing technology, including incorporating existing citing documents and technology and audit logs into files, so that auditors can acquire relevant materials quickly. Will this measure mitigate the obligation and legal responsibility of applicants in the IDS of patents?

**RESPONSE:** The USPTO is committed to ensuring optimal information technology service delivery to both internal and external users. The USPTO has also begun the replacement of legacy tools with new tools. The entire patent examining corps has received training on the Docket and Application Viewer (DAV), which replaces the electronic Desktop Application Navigator (eDAN) tool. DAV is a customizable, searchable tool to help examiners manage their workload and prioritize tasks. This new tool, like others to come, will help the agency in the drive to increase patent quality. Once fully deployed, the USPTO's patent end-to-end (PE2E) system will provide examiners with an improved way of processing patent applications, integrating activities currently managed across separate systems into a central place, and leveraging modern technology.

**答复：**美国专利及商标局致力于确保向内部和外部用户提供最佳的信息技术服务，并已开始用新工具更换老版工具。全体专利审查人员均接受了摘要与申请查看器（DAV）培训，该工具已取代电子桌面申请导航器（eDAN）工具。作为一个可定制、可搜索的工具，摘要与申请查看器能够帮助审查人员管理他们的工作，并按重要程度安排任务。这一新工具以及其他即将投入使用的新工具将帮助美国专利及商标局提高专利的质量。一旦全面部署，美国专利及商标局的专利端到端（PE2E）系统将为审查人员提供一种改进的专利申请处理方式，这种方式将利用现代技术把目前分别处于不同系统管理下的活动整合到一个核心区域。

The USPTO expects to launch more releases that are critical to examiners, including office action and search tools. Office action capabilities will allow the patent-examination corps to write their office action and to fill out the appropriate forms and workflow for having that office action type approved for communication with the applicant. Search will be a high-performance tool that will find prior art supporting complex Boolean searches, reviewing results, hit terms, and documents. The USPTO also deployed public access to One Portal Dossier (OPD), which is an IP5 initiative to provide "secure, one-stop access and management to global patent applications."

美国专利及商标局将启用包括审查意见通知和搜索工具在内的更多对审查人员具有至关重要作用的工具。审查意见通知工具将使专利审查人员能够撰写审查意见通知书，并通过填写适当的表格和工作流程使该审查意见通知书类型获准与申请人进行沟通。作为一种高性能工具，搜索工具将找到支持复杂布尔搜索的现有技术、审议结果、准确的术语以及相关文件。美国专利及商标局还实现了公众对单一界面案卷信息系统（OPD）的访问。该系统由世界五大知识产权局（IP5）倡议设立，旨在“为全球专利申请提供安全和一站式的访问和管理”。

Under 37 CFR 1.56, each individual associated with the filing and prosecution of a patent application has a duty to disclose to the office information material to the patentability of the claimed invention.

根据《联邦法规汇编》第37编第1.56条，每名与专利申请的提交和起诉有关联的个人均有义务向美国专利及商标局披露与相关专利主张发明的专利性有关的信息资料。

1. How many cases of intellectual property rights involving foreign interests did the U.S. have annually during the review period? And how many of these cases applied for the recognition and enforcement of foreign IPR by U.S. courts and how many were recognized and enforced?

**RESPONSE: The United States does not collect such statistics or information.**

**答复：美方并不收集此类统计数据或信息。**

1. Is the U.S. considering joining BTAP soon?

**RESPONSE:** The United States does not understand what is meant by the acronym "BTAP."

**答复：**美方不理解“BTAP”这一缩略词的含义。

1. According to Section 72, Title 12 of the *United States Code*, every director of national banks must, during his whole term of service, be a citizen of the US, except that the Comptroller of the Currency waive the requirement of residency, and waive the requirement of citizenship in the case of not more than a minority of the total number of directors.

 1). Please explain the legal background, purpose and reasons of the above stipulation.

 2). The above stipulation of the U.S. has seriously restricted the development of foreign banks in the U.S. Does the U.S. have any plans to revise it?

 3).Has the U.S. signed any agreement with other countries to exempt their banks investing in the US from the restriction of directors' residency?

**RESPONSE:** In contrast to some of our trading partners, the United States imposes no requirements on banks related to the citizenship of senior management or key personnel. Thus, foreign banks have full flexibility in appointing the executives and other personnel who are responsible for day-to-day operations and decisions about how the business is run. The United States does maintain some federal and state citizenship requirements for banks relating to composition of boards of directors. However, in the case of national banks, the legal requirement that all members of the board of directors be U.S. citizens permits the Office of the Comptroller of the Currency (OCC) to waive the requirement for a minority of the total number of such directors.

**答复：**与我们的一些贸易伙伴相反，美方对银行高管或关键人员的公民身份未设要求。因此，外国银行在任命负责日常经营以及决定业务运作方式的高管和其他人员方面有着充分的灵活性。美方在联邦和州一级的确对银行董事会成员的公民身份有某些要求。但就国家银行而言，由于法律规定所有董事会成员均须为美国公民，货币监理署（OCC）不再对占董事会少数席位董事提出要求。

1. As recorded, the United States submitted an increasing number of TBT notifications to the WTO, and TBT have generally replaced trade remedies and become the main restriction on Chinese exportation. Please shed light on the trend of TBT notifications in the coming years and explain what impact this may have on Chinese companies.

**RESPONSE:** We remind Members that TPRs are retrospective reviews. With regard to past notifications, there are numerous conceivable factors that may affect the increase in notifications, and therefore the United States cannot identify a single factor that explains the change. The United States is not in a position to fully address whether and how exports from other Members are impacted by measures subject to the TBT Agreement. Indeed, a fundamental purpose of the notification system is to alert other Members to measures that may have a significant impact on trade -- and allow them to determine if and how they might be impacted. Through the notification process, Members can bring to the attention of the Member developing the measure any potential impacts on trade and potential actions that might minimize or eliminate such impacts.

**答复：**我们想提醒各成员注意，贸易政策审议是回顾性审议。就以往的通报而言，有多种可能的因素可能会对通报数量的上升产生影响，因此美方找不到有哪个单独的因素能够解释这种变化。美方并不完全了解其他成员的出口是否以及如何受《技术性贸易壁垒协定》措施的影响。事实上，该通报系统的一个根本目的就是提醒其他成员注意那些可能会对贸易产生重大影响的措施，并使它们能够确定是否会以及将如何受到影响。通过该通报程序，各成员可提请实施该措施的成员注意对贸易可能产生的任何潜在影响并采取潜在的行动尽可能减小或消除这种影响。

1. Article 1640 of the American economic stimulus plan regulates that the project supported by economic stimulus plan must use the domestic iron and steel and other manufactured goods, which restricts related Chinese products to enter the US markets. Please share the US view on the compliance of such practice with the WTO rules and whether it has any plans to abolish it.

**RESPONSE:** The American Recovery and Reinvestment Act of 2009, including section 1605 regarding use of domestic iron, steel, and manufactured goods, was implemented in a manner consistent with U.S. obligations under international agreements.

**答复：**《2009年美国复苏与再投资法》，包括关于国内铁、钢和制成品的使用的第1605节在内以与美方在各国际协定项下承担的义务相一致的方式得到实施。

1. The U.S. has been restricting the export of high-tech products to China for "national security reasons". Please offer an overview of the high-tech products that were rejected to be exported to China as national security exceptions since 2014 (including categories of products and approximate amounts).

**RESPONSE:** The US does not restrict the export of high-tech products to China. The United States has committed to facilitate trade in high technology goods to civil end users for civil end use.

**答复：**美方并未对对华出口高技术产品设限制。美方致力于推动与民用终端用户之间的民用终端用途高技术产品贸易。

1. Does the U.S. have any strict restriction on the multinational transfer of technology by its domestic enterprises, colleges and universities or research institutions? If yes, please provide information on the responsible authorities, scope, procedure and enforcement of these restrictions after 2014.

**RESPONSE:** We do not understand the meaning of "strict restrictions" in the question. The United States annual reports pursuant to Article 66.2 and Article 67 of the TRIPS Agreement to the WTO TRIPS Council provide detailed descriptions of U.S. technology transfer and technical cooperation activities globally. The United States submitted reports most recently to the TRIPS Council on October 18, 2016 regarding technical cooperation activities (IP/C/W/617/Add.5) and implementation of article 66.2 of the TRIPS Agreement (IP/C/W/616/Add.5). These reports are available to all WTO members.

**答复：**我们不理解本问题中“严格限制”的含义。美方根据《与贸易有关的知识产权协定》第66.2条和第67条发布的年度报告对美方在全球的技术转让和技术合作活动有详细的描述。美方最近于2016年10月18日就技术合作活动（IP/C/W/617/Add.5）以及《与贸易有关的知识产权协定》第66.2条的落实情况（IP/C/W/616/Add.5）向“与贸易有关的知识产权理事会”提交了报告。所有世贸组织成员均可获得这些报告。

1. Please introduce the enforcement of rulings in the case *United States-Measures Affecting Trade in Large Civil Aircraft — Second Complaint, WT/DS353* under the dispute settlement mechanism of WTO.

**RESPONSE:** On September 23, 2012, the United States announced that it had come into compliance with the DSB's recommendations. The matter is currently being examined by a compliance panel pursuant to Article 21.5 of the DSU.

**答复：**2012年9月23日，美方宣布将遵循争端解决机构的建议。目前合规小组正在根据《关于争端解决规则与程序的谅解》第21.5条对该事项进行审查。

1. Please introduce the enforcement of the rulings in the case *United States-Countervailing Duty Measures on Certain Products from China, WT/DS437* under the dispute settlement mechanism of WTO.

**RESPONSE:** On June 22, 2016, the United States notified the DSB that it had completed implementation of the DSB recommendations in this dispute. The matter is currently being examined by a compliance panel pursuant to Article 21.5 of the DSU.

**答复：**2016年6月22日，美方通知争端解决机构已全面落实了该机构就该争议提出的建议。目前合规小组正在根据《关于争端解决规则与程序的谅解》第21.5条对该事项进行审查。

1. According to the *Consolidated and Further Continuing Appropriation Act, 2013* approved by the 113th Congress, funds allocated to NASA cannot be used for bilateral cooperation with the government or state-owned enterprises of China in any form, nor can the funds be used for receiving Chinese official visitors in its self-owned facilities. Please explain the reasons for such stipulation and indicate the development direction of U.S. space policy in future international cooperation.

**RESPONSE:** This issue raised in this question is not trade-related or WTO-related.

**答复：**本问题中提出的这一问题与贸易无关，同时也与世贸组织无关。

1. Which authorities of the U.S. are responsible for the negotiation, signing and approval of bilateral and regional trade and investment agreements respectively? What are its domestic legal procedures?

**RESPONSE:** There have been no major changes in the general institutional and legal framework affecting trade policy formulation and implementation in the United States since its last Trade Policy Review in 2014. Full details of the U.S. trade and investment regime can be found in Section 2 of the Trade Policy Review.

**答复：**自从2014年上次贸易政策审议以来，美国的一般制度和立法框架未发生能够影响贸易政策制定和实施的重大变化。关于美国的贸易和投资体制的全部细节可参见贸易政策审议第2节。

1. What are the US requirements for a letter of guarantee from a construction project contractor and the management of its issuing institution? Which US agencies are responsible for the management of insurance companies and guarantee companies?

**RESPONSE**: In private construction projects, forms of guarantee are a matter of private contract and are not subject to federal requirements. As per the McCarran-Ferguson Act of 1945 (U.S. Code Title 15, Chapter 20), U.S. regulation of the insurance services sector takes place primarily at the state level. The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) gave the Federal Reserve consolidated regulatory authority both for insurance holding companies that own a federally insured bank or thrift and for insurance companies designated as systemically important by the U.S. Financial Stability Oversight Council (FSOC). The Dodd-Frank Act also established the U.S. Department of Treasury's Federal Insurance Office (FIO). FIO does not have regulatory authority, but monitors all aspects of the insurance sector, and represents the United States on prudential aspects of international insurance matters, including at the International Association of Insurance Supervisors.

**答复：**就私人建筑项目而言，担保形式由私人合同决定，无需满足联邦要求。根据《1945年麦克伦—弗格森法案》（《美国法典》第15卷第20章），美国保险服务领域的法规主要在州一级制定。根据《多德-弗兰克华尔街改革和消费者保护法案》（《多德-弗兰克法案》），美联储对拥有联邦保险银行或储蓄机构的保险控股公司以及被美国金融稳定监管委员会（FSOC）认定为具有系统重要性的保险公司拥有综合监管权。《多德-弗兰克法案》还在美国财政部下设立了联邦保险办公室（FIO）。联邦保险办公室没有监管权，但对保险部门的所有方面实施监督，同时在国际保险事务的审慎监管领域（其中包括国际保险监督官协会）代表美国。

1. Please specify the requirements for LGs for the public engineering projects invested by the federal and states respectively. Are there any other way of guarantee apart from the LG in public projects contracting?

**RESPONSE:** The Federal Acquisition Regulation Part 28 specifies the bond and insurance requirements for federal procurements, including of construction services. The federal government does not collect information on the specific procurement requirements maintained by the states.

**答复：**《联邦采购条例》第28部分对债券和保险方面（包括建筑服务）的联邦采购做出了规定。联邦政府未收集与各州制定的具体采购要求有关的信息。

1. Does US have any plans to establish a unified, simple, reasonable and clear due diligence investigation process for the trade and finance sector businesses?

**RESPONSE:** The nature of the information requested in this question is unclear.

**答复：**美方不理解本问题所要求提供的信息的性质。