

International Trade Law

Trade law and supply chain news, insights, and commentary

[Home](#) > [USTR Releases 2022 Trade Policy Agenda And 2021 Annual Report](#)

USTR Releases 2022 Trade Policy Agenda and 2021 Annual Report

By [Robert Holleyman](#), [John Brew](#), [Evan Yu](#), [Frances P. Hadfield](#) & [Clayton Kaier](#) on March 4, 2022

POSTED IN [USTR](#)

On March 1, 2022, the United States Trade Representative (USTR) released the President's 2022 Trade Policy Agenda and USTR's 2021 Annual Report. These documents are issued yearly to Congress pursuant to Section 163 of the Trade Act of 1974. The agenda, which has historically been used as a messaging document, highlights the unique approach each Administration takes with regard to trade policy development, while the report is a formal overview of the work accomplished by the USTR in bilateral, region, plurilateral, and multilateral contexts. This is the second Trade Policy Agenda and Annual Report issued by the Biden Administration and the 33rd report issued in its current form.

The two documents reflect the Biden Administration's overall shift in focus from opening new markets to pursuing a "worker-centric" trade policy, which is not likely to change in 2022. Instead, USTR will continue to work to promote sustainable labor and environmental policy through existing agreements, work to improve the resilience of global supply chains, and combat the COVID-19 pandemic.

In particular, while USTR has continued to engage periodically with China, progress in implementing the Phase One Agreement remains stalled, and the 2022 Agenda notes that USTR will be "deliberative with a focus on the long term" in its dealings with China. A trade development to monitor will be the rollout of a "Indo-Pacific Economic Framework," a multilateral framework that, according to a White House Fact Sheet, will aim to enhance labor and environmental standards in trade, govern digital trade, build resilient supply chains, and tackle climate change. The 2022 Trade Policy Agenda does not shed light on whether the framework will be modeled after existing multilateral agreements such as the CPTPP, or if it will take an entirely new form.

The agenda is divided into an introduction and five sections while the report is divided into five sections and three additional annexes. An overview of the Administration's Agenda and Accomplishments as provided by USTR is provided below:

THE PRESIDENT'S 2022 TRADE POLICY AGENDA

II. Advancing a Worker-Centered Trade Policy

- An overview of efforts aimed at promoting workers' rights, accelerating decarbonization, supporting U.S. agriculture, improving supply chain resiliency, and combating the COVID-19 pandemic.

III. Re-Aligning the U.S.–China Trade Relationship

LATEST TRADE NEWS

[View the latest U.S. Trade Actions/Tariffs and Other Countries Retaliatory Measures](#)

Updated November 8, 2021

[Latest Section 301 Product Exclusions](#)

[View the latest Section 301 Product Exclusions](#)

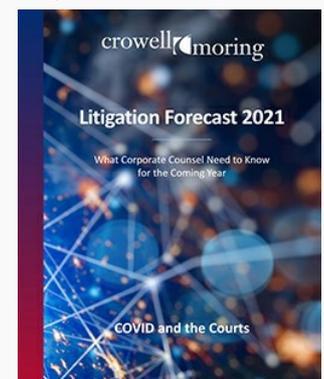
Updated October 8, 2021

Export Controls Classroom

The Export Controls Classroom is intended to provide insight into the significant challenges and potential compliance risks that export controls pose for global companies. The site contains various training resources and a schedule of upcoming presentations by Crowell & Moring practitioners. The Classroom will be updated regularly with new content.

[Click to access the Classroom.](#)

Crowell & Moring's 2021 Litigation Forecast



Crowell & Moring's *Litigation Forecast 2021* explores the ways in which COVID-19 is transforming litigation.

“The Biden Administration is taking a new, holistic, and pragmatic approach to our relationship grounded in the principles of our worker-centered trade policy. We are clear-eyed about China’s doubling down on its harmful trade and economic abuses. We are also mindful that rash response measures can create vulnerabilities of their own. The Biden Administration’s approach to China is and will continue to be deliberative, with a focus on the long term.”

IV. Engaging with Key Trading Partners and Multilateral Institutions

“The Biden Administration is repairing strained relationships with partners and allies and recommitting the United States to the world’s international institutions.”

Indo-Pacific Economic Framework

- “The Biden Administration is committed to engaging economically with partners in the Indo-Pacific region. In the coming decades, we believe that competitiveness will largely be defined by how well countries are able to harness technology and digital sectors of our economies and the coming energy and climate transition to promote inclusive growth – and working with our partners and allies in the Indo-Pacific will be critical to achieving these goals.”
- “The United States is developing an Indo-Pacific Economic Framework to deepen economic relationships with allies and partners in the region. This framework will promote inclusive growth for workers and businesses, advance strong labor standards, and tackle climate change. The framework is also central to the Biden Administration’s economic strategy in the Indo-Pacific and complements our national security goals in the region.”

World Trade Organization

- “The Biden Administration believes the WTO can—and should—be a force for good that encourages a race to the top and confronts global challenges as they arise.”
- “The Biden Administration supports a WTO reform agenda that ... reform agenda includes restoring efficacy to the negotiating arm and promoting transparency; improving compliance with and enforcement of Members’ WTO commitments; and equipping the Organization to effectively address the unfair practices of non-market economies—such as economic coercion—and global market distortions.”

Organization for Economic Cooperation and Development

- “The Biden Administration has focused on the resolution of long-standing U.S. concerns about discriminatory digital services taxes and the negotiation of a historic political agreement to end the race to the bottom in global income tax competition.”
- In 2021 “the Biden Administration reached agreements with India, Turkey, Austria, France, Italy, Spain, and the UK suspending the application of Digital Service Taxes (DSTs).”

Bilateral Initiatives

- “President Biden has used trade policy as a tool to rebuild relationships with trading partners to advance a worker-centered trade policy. Some of these engagements were held under the auspices of existing trade agreements, including free trade agreements (FTAs) and trade and investment framework agreements (TIFAs), while others led to the formation of new partnerships.”

V. Promoting Confidence in Trade Policy Through Enforcement

- “The Biden Administration is committed to vigorously enforcing our trade agreements as a critical element of pushing a global race to the top. Enforcement is a key component of our worker-centered trade policy agenda. We are using all of the tools at our disposal to combat unfair economic practices, defend American jobs, and create broad-based economic prosperity.”

[Click to learn more and access the Forecast.](#)

On Demand Webinars

[Podcast - Global Trade Talks: Trade is Not a Four-Letter Word](#)

[Confronting the Challenges of Supply Chain Security](#)

[Podcast - Let's Talk FCA: Customs Fraud](#)

[Third Thursday Webinar: Global Workforce Compliance – What Every Employer Should Know](#)

[Understanding the False Claims Act Risks Facing U.S. Importers](#)

Search... 

[Blog Authors +](#)

Stay Connected



[Subscribe to this blog](#)

Enter Your Email Address...

[SUBSCRIBE](#)

Topics

[“First Sale” Appraisalment](#)

[Afghanistan](#)

[African Trade Remedies](#)

[Anti-Corruption](#)

[Anti-foreign Sanctions Law \(China\)](#)

[Anti-Money Laundering \(AML\)](#)

[Anti-Money Laundering Act of 2020](#)

[Antiboycott](#)

[Antidumping/Countervailing Duty \(AD/CVD\)](#)

[Argentina](#)

[Asia Pacific Economic Cooperation \(APEC\)](#)

[Australia Group](#)

[Bank Secrecy Act \(BSA\)](#)

[Belarus](#)

[Beneficial Ownership](#)

[Biden Administration](#)

[Blockchain](#)

- “The Biden Administration supports reviewing our existing trade tools, identifying ways to strengthen them, and creating new tools as necessary. In 2022, we will work with Congress to fully evaluate the efficacy of our current trade tools and identify areas where new tools may be needed.”

VI. Promoting Equitable, Inclusive, And Durable Trade Policy and Expanding Stakeholder Engagement

Promoting Equitable, Inclusive, and Durable Trade Policy

- “In strengthening the nation’s competitiveness and expanding the benefits of trade, racial and gender equity must be core elements of U.S. trade and investment policy. As a result, the 2021 Annual Trade Report includes unprecedented inaugural updates on USTR initiatives to advance racial and gender equity in U.S. trade policy.”

Engagement and Consultation with Partners and Stakeholders

- “The Biden Administration recognizes Congress’ important role in crafting U.S. trade and investment policy.
- “The Biden Administration has also regularly consulted and briefed the 28 advisory committees that USTR manages and co-leads as we seek to hear input from labor unions, environmental groups, consumer groups, non-governmental organizations, State and local Governments, industry, and academia.”
- “USTR will continue to ... encourage diverse and inclusive perspectives to apply to serve on trade advisory committees.”

THE 2021 ANNUAL REPORT OF THE PRESIDENT ON THE TRADE AGREEMENTS PROGRAM

I. Agreements and Negotiations

Selected excerpts, developments, and updates below:

United States–Mexico–Canada Agreement

- “On July 1, 2020, the United States–Mexico–Canada Agreement (USMCA) entered into force, replacing the North American Free Trade Agreement (NAFTA). The Parties held the first meeting of the USMCA Committee on Sanitary and Phytosanitary Measures on May 6, 2021.”

China, Hong Kong, and Taiwan

- For more information on the U.S.-China trade relationship, please see our [blog post on the USTRs 2021 Report on China’s World Trade Organization \(WTO\) Compliance](#).
- “In 2021, the United States continued to engage with Hong Kong, China (Hong Kong) on trade matters as appropriate. In particular, the United States has continued to press Hong Kong to update its copyright system to address concerns regarding digital copyright piracy.”
- “In June 2021, under the auspices of AIT and TECRO, the United States and Taiwan convened the first TIFA Council meeting since October 2016. The two sides discussed a range of trade and investment issues and recognized upcoming changes to Taiwan’s medical device approval process. The two sides committed to intensify engagement aimed at addressing outstanding trade concerns, including with regard to market access barriers facing U.S. beef and pork producers, as well as concerns raised by the United States in areas such as copyright legislation, digital piracy, financial services, investment, and regulatory transparency.”

II. Trade Enforcement Activities

Through the vigorous application of U.S. trade laws and strategic use of dispute settlement procedures, the United States opens foreign markets to U.S. goods and

[Brazil](#)

[Brexit](#)

[Bureau of Industry and Security \(BIS\)](#)

[Burma](#)

[CAATSA](#)

[Canada](#)

[Canada Retaliatory Tariffs](#)

[CARES Act](#)

[Chile](#)

[China](#)

[China Customs](#)

[China Retaliatory Tariffs](#)

[CIT/Federal Circuit Litigation](#)

[Climate Change](#)

[Cloud Computing](#)

[Colombia](#)

[Commerce Cyber Rule](#)

[Committee on Foreign Investment in the U.S. \(CFIUS\)](#)

[Communist Chinese Military Companies](#)

[Comprehensive and Progressive Agreement for Trans-Pacific Partnership \(CPTPP\)](#)

[Conspiracy \(15 C.F.R. § 764.2\(d\)\)](#)

[Coronavirus](#)

[Corporate Compliance](#)

[Country of Origin Rules and Regulations](#)

[COVID-19 related products](#)

[Cuba](#)

[Cuba Sanctions](#)

[Customs](#)

[Cybercrime](#)

[Data Privacy](#)

[Department of Justice](#)

[Department of Labor \(DOL\)](#)

[Digital Currency](#)

[Digital Services Taxes](#)

[Directorate of Defense Trade Controls \(DDTC\)](#)

[Drawback](#)

[Ecuador](#)

[Enforcement](#)

[Entity List](#)

[Environment and Climate Change](#)

[Environmental](#)

services, helps defend U.S workers, businesses, and farmers against unfair practices, and promotes a level playing field through promoting respect for fair, market-oriented conditions.

Selected excerpts, developments, and updates below:

- When U.S. trading partners have not been willing to negotiate settlements, USTR has pursued its offensive cases to conclusion, prevailing in 46 cases as of December 2021. The United States prevailed in complaints against foreign trade barriers involving:
 - China’s enforcement and protection of IP rights
 - China’s measures related to the exportation of raw materials
 - The EU’s subsidies to Airbus for large civil aircraft
 - The EU’s claim of compliance in the dispute involving subsidies to Airbus for large civil aircraft
- Section 301
 - On October 8, 2021, USTR opened a docket seeking public comment on the possible reinstatement of the 549 previously extended exclusions. USTR is currently in the process of reviewing the public comments.

III. Other Trade Activities

Selected excerpts, developments, and updates below:

A core principle of USTR’s 2021 trade activities featured exploring how trade policy could contribute to and advance the United States’ economic competitiveness, resiliency, and equity. During 2021, USTR began implementing Presidential initiatives including:

- Executive Order (EO) 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.
- EO 14020 that established and named USTR as a member of the White House Gender Policy Council.
- The Presidential Memoranda on Tribal Consultation and Strengthening the Nation-to-Nation Relationship and on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons around the World.

IV. The World Trade Organization

- “To remain a viable institution that can fulfill all facets of its work, the WTO must focus its work on structural reform, find a means of achieving trade liberalization between Ministerial Conferences, and must adapt to address the challenges faced by traders today.”
- “In 2021, the United States focused on mechanisms to improve the overall functioning of the WTO, to include implementation of existing WTO Agreements.”
- “Negotiations in 2021 focused on fisheries subsidies; a work program on electronic commerce, including an extension of the moratorium on customs duties on electronic transmissions; and, the advancement of WTO accessions, among other issues.”

V. Trade Policy Development

Selected excerpts, developments, and updates below:

- “On May 7, 2021, U.S. Trade Representative Tai released a set of Transparency Principles that establish the foundation for a high transparency standard for the day-to-day operations of USTR. These Transparency Principles reflect the Administration’s commitment to comprehensive public engagement, including outreach to historically overlooked and underrepresented communities, as it develops and implements a trade policy that advances the interests of all Americans.”

[EO 14034 – Protecting Americans' Sensitive Data from Foreign Adversaries](#)

[Ethiopia](#)

[EU Blocking Statute](#)

[EU Customs and Trade Agreements](#)

[EU Retaliatory Tariffs](#)

[EU Sanctions](#)

[EU Steel Safeguard](#)

[European Union \(EU\)](#)

[Executive Order](#)

[Executive Order 13873 on Securing the Information and Communications Technology and Services Supply Chain](#)

[Executive Order on Hong Kong Normalization](#)

[Export Administration Regulations \(EAR\)](#)

[Export Controls](#)

[False Claims Act](#)

[FCC](#)

[Federal Trade Commission](#)

[Made in USA Claims](#)

[Financial Crimes Enforcement Network \(FinCEN\)](#)

[FinCEN Geographic Targeting Orders](#)

[force majeure](#)

[Forced Labor/U.K. Modern Slavery Act](#)

[Foreign Corrupt Practices Act \(FCPA\)](#)

[Foreign Investment](#)

[Foreign Law](#)

[France's Digital Services Tax](#)

[Freedom of Information Act \(FOIA\)](#)

[Generalized System of Preferences \(GSP\)](#)

[Government Contractors](#)

[Helms-Burton Act](#)

[Hemp-Related Businesses](#)

[Hong Kong](#)

[Hong Kong Autonomy Act](#)

[Huawei](#)

[India](#)

[India Retaliatory Tariffs](#)

[Industrial Bank of Korea \(IBK\)](#)

[Information and Communications Technology and](#)

- “In 2021, USTR published approximately 65 Federal Register notices to solicit public comment on negotiations and policy decisions on a wide range of issues, including the annual Special 301 review including the Out-of-Cycle Review of Notorious Markets, the China 301 Investigation, digital services taxation, the Section 201 proceeding involving solar products, market opportunities for U.S. producers in overseas airport construction, and other topics.”

A full copy of the report can be found [here](#).

USTR’s Press Release can be found [here](#).

USTR’s Fact Sheet can be found [here](#).

For more information on Trade Policy, contact our team and see previous posts below.

<https://www.cmtradelaw.com/>



Robert Holleyman



John Brew



Evan Yu



Frances P. Hadfield



Clayton Kaier



Services

Intellectual Property

Trademarks

International Criminal Court (ICC)

International Dispute Resolution

International Trade Commission

Investigations

Iran

Iran Sanctions

Iraq Sanctions

ITAR

ITAR 126.4

Japan

Japan Retaliatory Tariffs

Joint Comprehensive Plan of Action (JCPOA)

Know Your Customer

Latin America Practice

License Exception STA

Litigation

Mergers and Acquisitions Due Diligence

Mexico

Mexico Retaliatory Tariffs

Military End Use/Military End User (MEU)

Military Intelligence End User (MIEU)

Miscellaneous Tariff Bill

Myanmar (Burma) Sanctions

NAFTA Renegotiation

Nepal

Nicaragua

Non-Fungible Tokens (NFY)

North Korea Sanctions

NY Department of Financial Services (NYDFS)

Office of Financial Sanctions Implementation (OFSI)

Office of Foreign Assets Control (OFAC)

Office of the U.S. Trade Representative (USTR)

PATRIOT ACT Section 311 ‘Finding of Primary Money Laundering Concern’

Petroleum

Podcast or Webinar

Privacy & Cybersecurity

PROSUR

Related Posts

[United States Trade Representative \(USTR\) Announces Replacement of Section 232 Tariffs on EU Imports with a Tariff-Rate Quota](#)

[Ambassador Tai Outlines New Approach to U.S.-China Trade Relationship: USTR to Restart Tariff Exclusion Process for Section 301 Duties](#)

[U.S. and Vietnam Reach Currency Agreement](#)

[Government Releases Updated Version of Xinjiang Supply Chain Business Advisory](#)

[First Meeting of USMCA Labor Council Targets Forced Labor in Advance of Final Rules](#)

✉ Subscribe to this blog by email

Your Email Address

SUBMIT

[Ransomware Attacks](#)

[Ransomware Payments](#)

[Regulatory Compliance](#)

[Regulatory Forecast](#)

[Regulatory Forecast 2019](#)

[Russia](#)

[Russia Sanctions](#)

[Russian Countersanctions](#)

[Sanctions](#)

[Section 201](#)

[Section 204](#)

[Section 232 \(Auto and Automotive Parts\)](#)

[Section 232 \(U.S. Bulk-Power Systems\)](#)

[Section 232 Investigations](#)

[Section 232 Tariffs](#)

[Section 301 "Special Review"](#)

[Section 301 Exclusion Process](#)

[Section 301 Investigation](#)

[Section 301 Tariffs](#)

[Section 321](#)

[Serious Fraud Office \(SFO\)](#)

[Significant Activity Reporting \(SAR\)](#)

[Singapore](#)

[Substantial Transformation](#)

[Sudan Sanctions](#)

[Supply Chain](#)

[Syria Sanctions](#)

[Team Telecom](#)

[The G7](#)

[TikTok and WeChat](#)

[Trade Agreements Act of 1979 \(TAA\)](#)

[Trade Secrets](#)

[Trans Pacific Partnership](#)

[Transfer Pricing](#)

[Turkey](#)

[Turkey Retaliatory Tariffs](#)

[U.K. Bribery Act 2010](#)

[U.K. Financial Conduct Authority](#)

[U.K. National Security and Investment Act \(NSI\)](#)

[U.K. Trade and Sanctions](#)

[U.K. Trade Policy](#)

[U.K.-USA Free Trade Agreement](#)

[U.S. Department of Agriculture](#)

(USDA)

[U.S. International Trade Commission \(USITC\)](#)

[U.S. Sanctions and the Maritime Industry](#)

[U.S. Supreme Court](#)

[U.S. Trade Policy](#)

[U.S.-Mexico-Canada Agreement \(USMCA\)](#)

[Ultimate Beneficial Ownership \(UBO\)](#)

[Uncategorized](#)

[USTR](#)

[Uyghur](#)

[Venezuela](#)

[Venezuela Sanctions](#)

[Vietnam](#)

[Virtual Currency](#)

[Withhold Release Orders \(WRO\) / Findings](#)

[World Trade Organization \(WTO\)](#)

[Xinjiang](#)

Archives

Recent Updates

[USTR Releases 2022 Trade Policy Agenda and 2021 Annual Report](#)

[Customs Ruling of the Week – Classification of a Math Tool Set from China](#)

[Crowell & Moring On Demand Webinar – Russia-Related Sanctions Developments](#)

[European Commission Issues a Proposal for a Directive on Corporate Sustainability Due Diligence](#)

[Largest South Korean Telecom Company Agrees to Pay \\$6.3 Million to Settle FCPA Allegations](#)

Crowell & Moring Blogs

[C&M Health Law](#)

[C&M Restructuring Matters](#)

[Data Law Insights](#)

[Government Contracts Legal Forum](#)

[Retail & Consumer Products Law Observer](#)

[State AG Blog](#)

[Trade Secrets Trends](#)

About this blog

Crowell & Moring is a full-service international law firm that represents major businesses – both public and private – in complex high-stakes litigation, enforcement, regulatory and administrative, transactional matters, and government and internal investigations. Our Trade Law Blog features legal insight and thought-leadership affecting the industries and business reliant and affected by international trade.

[Read More...](#)

International Trade Law



[Disclaimer](#) | [Privacy Policy](#)

About our International Trade Group

Crowell & Moring is a full-service international law firm that represents major businesses – both public and private – in complex high-stakes litigation, enforcement, regulatory and administrative, transactional matters, and government and internal investigations. Our Trade Law Blog features legal insight and thought-leadership affecting the industries and business reliant and affected by international trade.

[Read More...](#)