

(i) The effect such action will have on furthering the economic development of developing countries through expansion of their exports;

(ii) The extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries;

(iii) The anticipated impact of such action on the United States producers of like or directly competitive products;

(iv) The extent of the beneficiary developing country's competitiveness with respect to eligible articles;

(v) The level of economic development of such country, including its per capita GNP, the living standard of its inhabitants and any other economic factors the President deems appropriate;

(vi) Whether or not the other major developed countries are extending generalized preferential tariff treatment to such country;

(vii) The extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country and the extent to which such country has assured the United States that it will refrain from engaging in unreasonable export practices;

(viii) The extent to which such country is providing adequate and effective means under its laws for foreign nationals to secure, to exercise and to enforce exclusive rights in intellectual property, including patents, trademarks and copyrights;

(ix) The extent to which such country has taken action to—

(A) Reduce trade distorting investment practices and policies (including export performance requirements); and

(B) Reduce or eliminate barriers to trade in services; and

(x) Whether or not such country has taken or is taking steps to afford workers in that country (including any designated zone in that country) internationally recognized worker rights.

PART 2008—REGULATIONS TO IMPLEMENT E.O. 12065; OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

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AUTHORITY: E.O. 12065.

SOURCE: 44 FR 55329, Sept. 26, 1979, unless otherwise noted.

Subpart A—General Provisions

§ 2008.1 References.

(a) Executive Order 12065, "National Security Information," dated June 28, 1978.

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," dated October 2, 1978.

§ 2008.2 Purpose.

The purpose of this regulation is to ensure, consistent with the authorities

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listed in section 1-1 of Executive Order 12065, that national security information originated or held by the Office of the Special Representative for Trade Negotiations is protected but only to the extent, and for the period, necessary to safeguard the national security.

§ 2008.3 Applicability.

This regulation governs the Office of the Special Representative for Trade Negotiations. In consonance with the authorities listed in section 1-1, it establishes the general policy and certain procedures for the security classification, downgrading, declassification, and safeguarding of information that is owned by, is produced for or by, or is under the control of the Office of the Special Representative for Trade Negotiations.

Subpart B—Classification

§ 2008.4 Basic policy.

It is the policy of the Office of the Special Representative for Trade Negotiations to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security.

§ 2008.5 Level of original classification.

Unnecessary classification, and classification at a level higher than is necessary, shall be avoided. If there is reasonable doubt as to which designation in section 1-1 of Executive Order 12065 is appropriate, or whether information should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 2008.6 Duration of original classification.

(a) Except as permitted below, in paragraphs (b) and (c) of this section, information or material which is classified after December 1, 1978, shall be marked at the declassification no more than six years following its original classification.

(b) Original classification may be extended beyond six years only by officials with Top Secret classification authority and agency heads listed in sec-

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tion 1-2 of the order. This extension authority shall be used only when these officials determine that the basis for original classification will continue throughout the entire period that the classification will be in effect and only for the following reasons:

(1) The information is “foreign government information” as defined by the authorities in section 1.1;

(2) The information reveals intelligence sources and methods;

(3) The information pertains to communications security;

(4) The information reveals vulnerability or capability data, the unauthorized disclosure of which can reasonably be expected to render ineffective a system, installation, or project important to the national security;

(5) The information concerns plans important to the national security, the unauthorized disclosure of which reasonably can be expected to nullify the effectiveness of the plan;

(6) The information concerns specific foreign relations matters, the continued protection of which is essential to the national security;

(7) The continued protection of the information is specifically required by statute.

(c) Even when the extension of authority is exercised, the period of original classification shall not be greater than twenty years from the date of original classification, except that the original classification of “foreign government information” pursuant to paragraph (b)(1) of this section may be for a period of thirty years.

§ 2008.7 Challenges to classification.

If holders of classified information believe that the information is improperly or unnecessarily classified, or that original classification has been extended for too long a period, they should discuss the matter with their immediate superiors or the classifier of the information. If these discussions do not satisfy the concerns of the challenger, the matter should be brought to the attention of the chairperson of the Information Security Oversight Committee. Action on such challenges shall be taken 30 days from date of receipt and the challenger shall be notified of