

107TH CONGRESS  
1ST SESSION

# H. R. 3422

To establish a Congressional Trade Office.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2001

Mr. DEFazio introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To establish a Congressional Trade Office.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

5               (1) Congress has responsibility under the Con-  
6       stitution for international commerce.

7               (2) Congressional oversight of trade policy has  
8       often been hampered by a lack of resources.

9               (3) The United States has entered into numer-  
10      ous trade agreements with foreign trading partners,  
11      including bilateral, regional, and multilateral agree-  
12      ments.

1           (4) Foreign country performance under certain  
2           agreements has been less than contemplated, and in  
3           some cases rises to the level of noncompliance.

4           (5) The credibility of, and support for, the  
5           United States Government's trade policy is, to a sig-  
6           nificant extent, a function of the belief that trade  
7           agreements made are trade agreements enforced.

8           (6) The accession of the People's Republic of  
9           China to the World Trade Organization will create  
10          unprecedented challenges and it is important to the  
11          world trading system that China comply with the  
12          numerous and significant commitments China makes  
13          as part of the accession process. Congress must play  
14          a key role in ensuring full and continuous moni-  
15          toring of the People's Republic of China's compli-  
16          ance with its commitments.

17 **SEC. 2. ESTABLISHMENT OF OFFICE.**

18          (a) IN GENERAL.—There is established an office in  
19          Congress to be known as the Congressional Trade Office  
20          (in this Act referred to as the “Office”).

21          (b) PURPOSES.—The purposes of the Office are as  
22          follows:

23                  (1) To reassert the constitutional responsibility  
24          of Congress with respect to international trade.

1           (2) To provide Congress with additional inde-  
2           pendent, nonpartisan, neutral trade expertise.

3           (3) To assist Congress in providing more effec-  
4           tive and active oversight of trade policy.

5           (4) To assist Congress in providing to the exec-  
6           utive branch more effective direction on trade policy.

7           (5) To provide Congress with long-term, institu-  
8           tional memory on trade issues.

9           (6) To provide Congress with more analytical  
10          capability on trade issues.

11          (7) To advise relevant committees on the im-  
12          pact of trade negotiations, including past, ongoing,  
13          and future negotiations, with respect to the areas of  
14          jurisdiction of the respective committees.

15          (c) FUNCTIONS.—The functions of the Office are as  
16          follows:

17               (1) ASSISTANCE TO CONGRESS.—To provide the  
18               appropriate committees of Congress or joint commit-  
19               tees of Congress information which will assist the  
20               committees in the discharge of the matters within  
21               their jurisdiction.

22               (2) MONITOR COMPLIANCE.—To monitor com-  
23               pliance with major bilateral, regional, and multilat-  
24               eral trade agreements by—

1 (A) consulting with the affected industries  
2 and interested parties;

3 (B) analyzing the success of those agree-  
4 ments based on the effect of the agreements on  
5 specific industries and the economy;

6 (C) recommending actions, including legis-  
7 lative action, necessary to ensure that foreign  
8 countries that have made commitments through  
9 those agreements with the United States fully  
10 abide by their commitments;

11 (D) annually assessing the extent to which  
12 those agreements comply with environmental  
13 goals; and

14 (E) annually assessing the extent to which  
15 those agreements comply with labor goals.

16 (3) ANALYSES.—

17 (A) IN GENERAL.—To perform the fol-  
18 lowing analyses:

19 (i) By not later than 60 days after the  
20 date the national trade policy agenda is de-  
21 livered to Congress each year under section  
22 165(a) of the Trade Act of 1974, to ana-  
23 lyze that agenda, including alternative  
24 goals, strategies, and tactics, as appro-  
25 priate.

1           (ii) By not later than 60 days after  
2           the date the National Trade Estimate re-  
3           port is delivered to Congress each year  
4           under section 181(b) of the Trade Act of  
5           1974, to analyze the major outstanding  
6           trade barriers based on cost to the United  
7           States economy.

8           (iii) To analyze the overall trade bal-  
9           ance of the United States and the trade  
10          balances of the United States with the  
11          major trading partners of the United  
12          States.

13          (B) ANALYSES REQUESTED BY COM-  
14          MITTEE.—To perform analyses relating to trade  
15          as directed by any committee which will assist  
16          the committee in the discharge of the matters  
17          within the committee’s jurisdiction, including,  
18          but not limited to—

19               (i) analyzing proposed trade legisla-  
20               tion;

21               (ii) analyzing proposed trade agree-  
22               ments, including agreements that do not  
23               require implementing legislation; and

24               (iii) analyzing the impact of the trade  
25               policy and actions of the executive branch,

1 including assessing the decisions not to ac-  
2 cept unfair trade practices cases.

3 (4) DISPUTE SETTLEMENT DELIBERATIONS.—

4 To perform the following functions with respect to  
5 dispute resolution:

6 (A) Participate as observers on the United  
7 States delegation at dispute settlement panel  
8 meetings of the World Trade Organization.

9 (B) Evaluate the results obtained by the  
10 United States in dispute settlement proceedings  
11 at the World Trade Organization, under the  
12 North American Free Trade Agreement, and  
13 under any trade agreement entered into after  
14 the enactment of this Act, including the effect  
15 of the outcome of the proceedings on specific in-  
16 dustries and the economy.

17 (5) PARTICIPATION IN TRADE NEGOTIATIONS.—

18 To participate as observers in bilateral, regional, and  
19 multilateral trade negotiations.

20 (6) OTHER FUNCTIONS OF THE OFFICE.—

21 (A) To provide Congress with quarterly re-  
22 ports regarding the activities of the Office.

23 (B) To be available for consultation with  
24 congressional committees on trade-related legis-  
25 lation.

1           (C) To perform such other functions relat-  
2           ing to trade as the chairman and ranking mem-  
3           ber of the Committee on Finance of the Senate  
4           and the chairman and ranking member of the  
5           Committee on Ways and Means of the House of  
6           Representatives may request.

7           (d) ADDITIONAL AUTHORITIES.—In carrying out its  
8           functions, the Office may—

9           (1) receive and review classified information  
10          and participate in classified briefings in the same  
11          manner as the staff of the Committee on Finance of  
12          the Senate and the Committee on Ways and Means  
13          of the House of Representatives; and

14          (2) consult nongovernmental experts and use  
15          nongovernmental resources.

16          (e) DIRECTOR AND STAFF.—

17               (1) DIRECTOR.—

18                       (A) IN GENERAL.—There shall be at the  
19                       head of the Office a Director. The Director  
20                       shall be appointed by the Speaker of the House  
21                       of Representatives and the President pro tem-  
22                       pore of the Senate after considering the rec-  
23                       ommendations of the chairman and ranking  
24                       member of the Committee on Finance of the  
25                       Senate and the chairman and ranking member

1 of the Committee on Ways and Means of the  
2 House of Representatives. The Director shall be  
3 chosen without regard to political affiliation and  
4 solely on the basis of the Director's expertise  
5 and fitness to perform the duties of the Direc-  
6 tor.

7 (B) TERM.—The term of office of the Di-  
8 rector shall be 5 years and the Director may be  
9 reappointed for subsequent terms.

10 (C) VACANCY.—Any individual appointed  
11 as Director to fill a vacancy occurring before  
12 the expiration of the term for which the individ-  
13 ual's predecessor was appointed shall be ap-  
14 pointed only for the remainder of that term.

15 (D) REMOVAL.—The Director may be re-  
16 moved by either House of Congress by resolu-  
17 tion.

18 (E) COMPENSATION.—The Director shall  
19 receive compensation at the annual rate of pay  
20 in effect for level III of the Executive Schedule  
21 under section 5314 of title 5, United States  
22 Code.

23 (2) STAFF.—

24 (A) IN GENERAL.—The Director shall ap-  
25 point and fix the compensation of such per-

1           sonnel as may be necessary to carry out the du-  
2           ties and functions of the Office. All personnel  
3           shall be appointed without regard to political  
4           affiliation and solely on the basis of their fit-  
5           ness to perform their duties. The personnel of  
6           the Office shall consist of individuals with ex-  
7           pertise in international trade, including exper-  
8           tise in economics, trade law, various industrial  
9           sectors, and various geographical regions.

10           (B) BENEFITS.—For purposes of pay  
11           (other than the pay of the Director) and em-  
12           ployment, benefits, rights, and privileges, all  
13           personnel of the Office shall be treated as if  
14           they were employees of the House of Represent-  
15           atives.

16           (3) EXPERTS AND CONSULTANTS.—In carrying  
17           out the duties and functions of the Office, the Direc-  
18           tor may procure the temporary (not to exceed 1  
19           year) or intermittent services of experts or consult-  
20           ants or organizations thereof by contract as inde-  
21           pendent contractors, or, in the case of individual ex-  
22           perts or consultants, by employment at rates of pay  
23           not in excess of the daily equivalent of the highest  
24           rate of basic pay payable under the General Sched-

1       ule under section 5332 of title 5, United States  
2       Code.

3               (4) RELATIONSHIP TO EXECUTIVE BRANCH.—

4       The Director may secure information, data, esti-  
5       mates, and statistics directly from any department,  
6       agency, or establishment of the executive branch of  
7       Government and any regulatory agency or commis-  
8       sion of the Government. All such departments, agen-  
9       cies, establishments, and regulatory agencies and  
10      commissions shall furnish the Director any available  
11      material which the Director determines to be nec-  
12      essary in the performance of his or her duties and  
13      functions (other than material the disclosure of  
14      which would be a violation of law). The Director  
15      may, upon agreement with the head of any such de-  
16      partment, agency, establishment, or regulatory agen-  
17      cy or commission, use its services and facilities with  
18      or without reimbursement; and the head of each  
19      such department, agency, establishment, or regu-  
20      latory agency or commission may provide such serv-  
21      ices and facilities to the Office.

22              (5) RELATIONSHIP TO OTHER AGENCIES OF  
23      CONGRESS.—In carrying out the duties and func-  
24      tions of the Office, and for the purpose of coordi-  
25      nating the operations of the Office with those of

1 other congressional agencies in order to use most ef-  
2 fectively the information, services, and capabilities of  
3 all such agencies in carrying out the responsibilities  
4 assigned to each, the Director may obtain informa-  
5 tion, data, estimates, and statistics developed by the  
6 General Accounting Office, the Library of Congress,  
7 and other offices of Congress, and (upon agreement  
8 with them) may utilize their services and facilities  
9 with or without reimbursement. The Comptroller  
10 General, the Librarian of Congress, and the head of  
11 such other offices of Congress are authorized to pro-  
12 vide the Office with the information, data, estimates,  
13 statistics, services, and facilities referred to in the  
14 preceding sentence.

15 **SEC. 3. PUBLIC ACCESS TO DATA.**

16 (a) IN GENERAL.—Except as provided in subsections  
17 (b) and (c), the Director—

18 (1) shall post on an Office website all informa-  
19 tion, data, estimates, and statistics obtained under  
20 this Act;

21 (2) shall make such information, data, esti-  
22 mates, and statistics available for public copying  
23 during normal business hours, subject to reasonable  
24 rules and regulations; and

(3) shall to the extent practicable, at the request of any person, furnish a copy of any such information, data, estimates, or statistics upon payment by such person of the cost of making and furnishing such copy.

(b) EXCEPTIONS.—

(1) BASIS FOR WITHHOLDING INFORMATION.—  
Information, data, estimates, and statistics may be withheld from disclosure under subsection (a) only to the extent that such information, data, estimates, or statistics (as the case may be)—

(A) are specifically exempted from disclosure by law; or

(B) as determined by the Director, will disclose—

(i) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(ii) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such

1 person for a specific financial or other ben-  
2 efit, and is required to be kept secret in  
3 order to prevent undue injury to the com-  
4 petitive position of such person; or

5 (iii) personnel or medical data or simi-  
6 lar data the disclosure of which would con-  
7 stitute a clearly unwarranted invasion of  
8 personal privacy.

9 (2) NOTICE OF WITHHELD INFORMATION.—The

10 Director shall provide notice to the public of each in-  
11 stance in which information has been withheld from  
12 disclosure under paragraph (1), including a descrip-  
13 tion of the information, and shall provide an oppor-  
14 tunity for the public to petition the Director to re-  
15 consider the determination to withhold disclosure of  
16 the information.

17 (c) INFORMATION OBTAINED FOR COMMITTEES AND

18 MEMBERS.—Subsection (a) of this section shall apply to  
19 any information, data, estimates, and statistics obtained  
20 at the request of any committee, joint committee, or Mem-  
21 ber except to the extent that such committee, joint com-  
22 mittee, or Member has instructed the Director not to make  
23 such information, data, estimates, or statistics available  
24 for public copying.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Office  
3 for each fiscal year such sums as may be necessary to en-  
4 able the Office to carry out its duties and functions. Until  
5 sums are first appropriated pursuant to the preceding sen-  
6 tence, for a period not to exceed 12 months following the  
7 effective date of this section, the expenses of the Office  
8 shall be paid from the contingent fund of the Senate, in  
9 accordance with the provisions of the paragraph relating  
10 to contingent funds under the heading “UNDER LEGIS-  
11 LATIVE” in the Act of October 2, 1888 (25 Stat. 546;  
12 2 U.S.C. 68), and upon vouchers approved by the Direc-  
13 tor.

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