

107TH CONGRESS
1ST SESSION

H. R. 3422

To establish a Congressional Trade Office.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2001

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

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.

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.

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

16 follows:

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

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

(B) analyzing the success of those agreements based on the effect of the agreements on specific industries and the economy;

(C) recommending actions, including legislative action, necessary to ensure that foreign countries that have made commitments through those agreements with the United States fully abide by their commitments;

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

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

(3) ANALYSES.—

(A) IN GENERAL.—To perform the following analyses:

(i) By not later than 60 days after the date the national trade policy agenda is delivered to Congress each year under section 165(a) of the Trade Act of 1974, to analyze that agenda, including alternative goals, strategies, and tactics, as appropriate.

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.

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.

(6) Quando tutti e tre i componenti della triade sono presenti.

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

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

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

16 (e) DIRECTOR AND STAFF.—

17 (1) ДИРЕКТОР.—

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

(4) RELATIONSHIP TO EXECUTIVE BRANCH.—

The Director may secure information, data, estimates, and statistics directly from any department, agency, or establishment of the executive branch of Government and any regulatory agency or commission of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which the Director determines to be necessary in the performance of his or her duties and functions (other than material the disclosure of which would be a violation of law). The Director may, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, use its services and facilities with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission may provide such services 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

6 (b) EXCEPTIONS.—

12 (A) are specifically exempted from disclosure by law; or
13

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

16 (i) matters necessary to be kept secret
17 in the interests of national defense or the
18 confidential conduct of the foreign rela-
19 tions of the United States;

20 (ii) information relating to trade se-
21 crets or financial or commercial informa-
22 tion pertaining specifically to a given per-
23 son if the information has been obtained
24 by the Government on a confidential basis,
25 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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