

112TH CONGRESS
2D SESSION

H. R. 6539

To establish United States-Brazil Joint Commission on Commerce and Trade,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

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

A BILL

To establish United States-Brazil Joint Commission on
Commerce and Trade, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “United States-Brazil
5 Joint Commission on Commerce and Trade Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to establish the United
8 States-Brazil Joint Commission on Commerce and Trade
9 to address bilateral trade matters, seek removal of trade

1 barriers, and promote commercial opportunities, between
2 the United States and Brazil.

3 **SEC. 3. UNITED STATES-BRAZIL JOINT COMMISSION ON**
4 **COMMERCE AND TRADE.**

5 (a) ESTABLISHMENT OF UNITED STATES-BRAZIL
6 JOINT COMMISSION ON COMMERCE AND TRADE.—

7 (1) IN GENERAL.—There is established a com-
8 mission to be known as the United States-Brazil
9 Joint Commission on Commerce and Trade (in this
10 section referred to as the “Commission”).

11 (2) PURPOSE.—The purpose of the Commission
12 is to improve the bilateral trade and economic rela-
13 tionship between the United States and Brazil by es-
14 tablishing high level reviews of barriers to trade be-
15 tween the two countries, to promote commercial op-
16 portunities between the United States and Brazil,
17 and to facilitate the dialogue necessary to examine
18 the mutual benefits of free trade.

19 (3) MEMBERSHIP OF COMMISSION.—

20 (A) COMPOSITION.—The Commission shall
21 be composed of 16 members. The composition
22 of the Commission shall be divided equally be-
23 tween the United States Government and the
24 Republic of Brazil. United States Commis-
25 sioners shall be appointed as follows:

1 (i) Two persons shall be appointed by
2 the President pro tempore of the Senate
3 upon the recommendation of the majority
4 leader of the Senate, after consultation
5 with the Chairman of the Committee on
6 Finance and the Chairman of the Com-
7 mittee on Foreign Relations of the Senate.

8 (ii) Two persons shall be appointed by
9 the President pro tempore of the Senate
10 upon the recommendation of the minority
11 leader of the Senate, after consultation
12 with the ranking minority member of the
13 Committee on Finance and the ranking mi-
14 nority member of the Committee on For-
15 eign Relations of the Senate.

16 (iii) Two persons shall be appointed
17 by the Speaker of the House of Represent-
18 atives, after consultation with the Chair-
19 man of the Committee on Ways and Means
20 and the Chairman of the Committee on
21 Foreign Affairs of the House of Represent-
22 atives.

23 (iv) Two persons shall be appointed
24 by the minority leader of the House of
25 Representatives, after consultation with

1 the ranking minority member of the Com-
2 mittee on Ways and Means and the rank-
3 ing minority member of the Committee on
4 Foreign Affairs of the House of Represent-
5 atives.

6 (B) QUALIFICATIONS.—Individuals ap-
7 pointed to the Commission shall be individuals
8 who have expertise in international trade mat-
9 ters and United States-Brazil relations.

10 (4) PERIOD OF APPOINTMENT; VACANCIES.—

11 (A) IN GENERAL.—Members of the Com-
12 mission shall be appointed to 2-year terms.

13 (B) STAGGERING OF TERMS.—Each ap-
14 pointing authority referred to under clauses (i)
15 through (iv) of paragraph (3)(A) shall—

16 (i) make the appointments on a stag-
17 gered term basis, so that of the members
18 initially appointed—

19 (I) 1 of the 2 appointments shall
20 be for a term expiring on December
21 31, 2014; and

22 (II) the other appointment shall
23 be for a term expiring on December
24 31, 2015; and

1 (ii) make the appointments not later
2 than 30 days after the date on which each
3 new Congress convenes.

4 (C) REAPPOINTMENT.—Members of the
5 Commission may be reappointed for additional
6 terms of service as members of the Commission.

7 (D) VACANCIES.—Any vacancy in the
8 Commission shall not affect its powers, but
9 shall be filled in the same manner as the origi-
10 nal appointment.

11 (5) CHAIRMEN.—The members of the Commis-
12 sion shall select co-Chairmen, one from the United
13 States and one from Brazil.

14 (6) MEETINGS.—The Commission shall meet at
15 the call of the Chairmen.

16 (A) INITIAL MEETING.—Not later than 30
17 days after the date on which all members of the
18 Commission have been appointed, the Commis-
19 sion shall hold its first meeting.

20 (B) SUBSEQUENT MEETINGS.—The Com-
21 mission shall meet at the call of the Chairmen
22 of the Commission, with the responsibility of
23 chairing proceedings alternating between the
24 United States and Brazil.

1 (C) QUORUM.—A majority of the members
2 of the Commission shall constitute a quorum
3 for the transaction of business of the Commis-
4 sion.

5 (7) VOTING.—Each member of the Commission
6 shall be entitled to one vote, which shall be equal to
7 the vote of every other member of the Commission.

8 (b) DUTIES.—Not later than December 1 of each
9 year (beginning in 2014), the Commission shall submit to
10 the United States Congress and the National Congress of
11 Brazil a report regarding the status and economic impact
12 of trade relations between the United States and Brazil.
13 The report shall include a full analysis, along with conclu-
14 sions and recommendations for legislative and administra-
15 tive actions, if any, concerning barriers to trade and the
16 enhancement of economic ties.

17 (c) HEARINGS.—

18 (1) IN GENERAL.—The Commission or, at its
19 direction, any panel or member of the Commission,
20 may for the purpose of carrying out the provisions
21 of this section, hold hearings, sit and act at times
22 and places, take testimony, receive evidence, and ad-
23 minister oaths to the extent that the Commission or
24 such panel or member considers advisable.

1 (2) INFORMATION.—The Commission may se-
2 cure directly from any Federal department or agency
3 information that the Commission considers nec-
4 essary to enable the Commission to carry out its du-
5 ties under this section, unless that information is
6 deemed to contain sensitive national intelligence in-
7 formation or is otherwise subject to rules concerning
8 state secrets.

9 (d) COMMISSION PERSONNEL MATTERS.—

10 (1) COMPENSATION OF MEMBERS.—United
11 States Members of the Commission shall be com-
12 pensated in the same manner provided for the com-
13 pensation of members of the Trade Deficit Review
14 Commission under subsections (g)(1) and (g)(6) of
15 section 127 of the Trade Deficit Review Commission
16 Act (19 U.S.C. 2213 note).

17 (2) TRAVEL EXPENSES.—Travel expenses of
18 the United States Commissioners shall be allowed in
19 the same manner provided for the allowance of the
20 travel expenses of the Trade Deficit Review Commis-
21 sion under section 127(g)(2) of the Trade Deficit
22 Review Commission Act.

23 (3) STAFF.—An executive director and other
24 additional personnel for the Commission shall be ap-
25 pointed, compensated, and terminated in the same

1 manner provided for the appointment, compensation,
2 and termination of the executive director and other
3 personnel of the Trade Deficit Review Commission
4 under section 127(g)(3) and section 127(g)(6) of the
5 Trade Deficit Review Commission Act. The executive
6 director and any personnel who are employees of the
7 United States-Brazil Joint Commission on Com-
8 merce and Trade shall be employees under section
9 2105 of title 5, United States Code, for purposes of
10 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that
11 title.

12 (4) DETAIL OF GOVERNMENT EMPLOYEES.—
13 Federal Government employees may be detailed to
14 the Commission in the same manner provided for
15 the detail of Federal Government employees to the
16 Trade Deficit Review Commission under section
17 127(g)(4) of the Trade Deficit Review Commission
18 Act.

19 (5) ASSIGNMENT OF PERSONNEL BY THE GOV-
20 ERNMENT OF BRAZIL.—The Commission shall work
21 with the Government of Brazil to secure the appro-
22 priate expertise to carry out its work, including
23 through the assignment to the Commission of staff
24 officials selected by the Government of Brazil and

1 the temporary or ongoing employment of Brazilian
2 nationals.

3 (6) FOREIGN TRAVEL FOR OFFICIAL PUR-
4 POSES.—Foreign travel for official purposes by Com-
5 missioners to and from official proceedings may be
6 authorized by the Chairmen of the Commission.
7 Travel by the staff of the Commission for official
8 purposes may be authorized by the Chairmen of the
9 Commission only when necessary to carry out essen-
10 tial activities that could not otherwise be conducted
11 using alternative means.

12 (7) PROCUREMENT OF TEMPORARY AND INTER-
13 MITTENT SERVICES.—The Chairmen of the Commis-
14 sion may procure temporary and intermittent serv-
15 ices for the Commission in the same manner pro-
16 vided for the procurement of temporary and inter-
17 mittent services for the Trade Deficit Review Com-
18 mission under section 127(g)(5) of the Trade Deficit
19 Review Commission Act.

20 (8) PRIVATELY FUNDED TRAVEL.—The Chair-
21 men of the Commission may authorize privately
22 funded travel by members and staff of the Commis-
23 sion for activities related to the duties of the Com-
24 mission. The Commission shall disclose to the public,
25 not later than 60 days after the privately funded

1 travel occurs, the source of the funding, together
2 with the itinerary of the activities of members and
3 staff of the Commission participating in the pri-
4 vately funded travel.

5 (e) ASSISTANCE IN PERFORMING DUTIES.—The
6 President of the United States shall provide for the trans-
7 fer to the Commission of such staff, materials, and infra-
8 structure (including leased premises) of Federal depart-
9 ments and agencies as the President considers necessary
10 to assist the Commission in carrying out its duties.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to the Commission for fiscal year 2013,
14 and for each fiscal year thereafter, such sums as
15 may be necessary to enable the Commission to carry
16 out its duties under this section.

17 (2) AVAILABILITY.—Amounts appropriated to
18 the Commission pursuant to this subsection shall re-
19 main available until expended.

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