

110TH CONGRESS
1ST SESSION

H. R. 548

To establish a Congressional Trade Office.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 2007

Mr. DEFAZIO (for himself, Mr. MICHAUD, Mr. ALLEN, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, Ms. KAPTUR, Mr. WELCH of Vermont, Mr. COSTELLO, Ms. SUTTON, Mr. HINCHEY, Mr. HALL of New York, Mr. LIPINSKI, Mr. MELANCON, Mr. WU, and Mrs. TAUSCHER) 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,

1 including bilateral, regional, and multilateral agree-
2 ments.

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

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

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

19 **SEC. 2. ESTABLISHMENT OF OFFICE.**

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

23 (b) PURPOSES.—The purposes of the Office are as
24 follows:

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

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

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

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

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

11 (6) To provide Congress with more analytical
12 capability on trade issues.

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

17 (c) FUNCTIONS.—The functions of the Office are as
18 follows:

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

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

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

6 (B) analyzing the success of those agree-
7 ments based on the effect of the agreements on
8 specific industries and the economy;

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

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

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

19 (3) ANALYSES.—

20 (A) IN GENERAL.—To perform the fol-
21 lowing analyses:

22 (i) By not later than 60 days after the
23 date the national trade policy agenda is de-
24 livered to Congress each year under section
25 163(a) of the Trade Act of 1974 (19

1 U.S.C. 2213(a)), to analyze that agenda,
2 including alternative goals, strategies, and
3 tactics, as appropriate.

4 (ii) By not later than 60 days after
5 the date the National Trade Estimate re-
6 port is delivered to Congress each year
7 under section 181(b) of the Trade Act of
8 1974 (19 U.S.C. 2241(b)), to analyze the
9 major outstanding trade barriers based on
10 cost to the United States economy.

11 (iii) To analyze the overall trade bal-
12 ance of the United States and the trade
13 balances of the United States with the
14 major trading partners of the United
15 States.

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

22 (i) analyzing proposed trade legisla-
23 tion;

1 (ii) analyzing proposed trade agree-
2 ments, including agreements that do not
3 require implementing legislation; and

4 (iii) analyzing the impact of the trade
5 policy and actions of the executive branch,
6 including assessing the decisions not to ac-
7 cept unfair trade practices cases.

8 (4) DISPUTE SETTLEMENT DELIBERATIONS.—

9 To perform the following functions with respect to
10 dispute resolution:

11 (A) Participate as observers on the United
12 States delegation at dispute settlement panel
13 meetings of the World Trade Organization.

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

22 (5) PARTICIPATION IN TRADE NEGOTIATIONS.—

23 To participate as observers in bilateral, regional, and
24 multilateral trade negotiations.

25 (6) OTHER FUNCTIONS OF THE OFFICE.—

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

3 (B) To be available for consultation with
4 congressional committees on trade-related legis-
5 lation.

6 (C) To perform such other functions relat-
7 ing to trade as the chairman and ranking mem-
8 ber of the Committee on Finance of the Senate
9 and the chairman and ranking member of the
10 Committee on Ways and Means of the House of
11 Representatives may request.

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

14 (1) receive and review classified information
15 and participate in classified briefings in the same
16 manner as the staff of the Committee on Finance of
17 the Senate and the Committee on Ways and Means
18 of the House of Representatives; and

19 (2) consult nongovernmental experts and use
20 nongovernmental resources.

21 (e) DIRECTOR AND STAFF.—

22 (1) DIRECTOR.—

23 (A) IN GENERAL.—There shall be at the
24 head of the Office a Director. The Director
25 shall be appointed by the Speaker of the House

1 of Representatives and the President pro tem-
2 pore of the Senate after considering the rec-
3 ommendations of the chairman and ranking
4 member of the Committee on Finance of the
5 Senate and the chairman and ranking member
6 of the Committee on Ways and Means of the
7 House of Representatives. The Director shall be
8 chosen without regard to political affiliation and
9 solely on the basis of the Director's expertise
10 and fitness to perform the duties of the Direc-
11 tor.

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

15 (C) VACANCY.—Any individual appointed
16 as Director to fill a vacancy occurring before
17 the expiration of the term for which the individ-
18 ual's predecessor was appointed shall be ap-
19 pointed only for the remainder of that term.

20 (D) REMOVAL.—The Director may be re-
21 moved by either House of Congress by resolu-
22 tion.

23 (E) COMPENSATION.—The Director shall
24 receive compensation at the annual rate of pay
25 in effect for level III of the Executive Schedule

1 under section 5314 of title 5, United States
2 Code.

3 (2) STAFF.—

4 (A) IN GENERAL.—The Director shall ap-
5 point and fix the compensation of such per-
6 sonnel as may be necessary to carry out the du-
7 ties and functions of the Office. All personnel
8 shall be appointed without regard to political
9 affiliation and solely on the basis of their fit-
10 ness to perform their duties. The personnel of
11 the Office shall consist of individuals with ex-
12 pertise in international trade, including exper-
13 tise in economics, trade law, various industrial
14 sectors, and various geographical regions.

15 (B) BENEFITS.—For purposes of pay
16 (other than the pay of the Director) and em-
17 ployment, benefits, rights, and privileges, all
18 personnel of the Office shall be treated as if
19 they were employees of the House of Represent-
20 atives.

21 (3) EXPERTS AND CONSULTANTS.—In carrying
22 out the duties and functions of the Office, the Direc-
23 tor may procure the temporary (not to exceed 1
24 year) or intermittent services of experts or consult-
25 ants or organizations thereof by contract as inde-

1 pendent contractors, or, in the case of individual ex-
2 perts or consultants, by employment at rates of pay
3 not in excess of the daily equivalent of the highest
4 rate of basic pay payable under the General Sched-
5 ule under section 5332 of title 5, United States
6 Code.

7 (4) RELATIONSHIP TO EXECUTIVE BRANCH.—

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

1 (5) RELATIONSHIP TO OTHER AGENCIES OF
2 CONGRESS.—In carrying out the duties and func-
3 tions of the Office, and for the purpose of coordi-
4 nating the operations of the Office with those of
5 other congressional agencies in order to use most ef-
6 fectively the information, services, and capabilities of
7 all such agencies in carrying out the responsibilities
8 assigned to each, the Director may obtain informa-
9 tion, data, estimates, and statistics developed by the
10 Government Accountability Office, the Library of
11 Congress, and other offices of Congress, and (upon
12 agreement with them) may utilize their services and
13 facilities with or without reimbursement. The Comp-
14 troller General, the Librarian of Congress, and the
15 head of such other offices of Congress are author-
16 ized to provide the Office with the information, data,
17 estimates, statistics, services, and facilities referred
18 to in the preceding sentence.

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

20 (a) IN GENERAL.—Except as provided in subsections

21 (b) and (c), the Director—

22 (1) shall post on an Office website all informa-
23 tion, data, estimates, and statistics obtained under
24 this Act;

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

5 (3) shall to the extent practicable, at the re-
6 quest of any person, furnish a copy of any such in-
7 formation, data, estimates, or statistics upon pay-
8 ment by such person of the cost of making and fur-
9 nishing such copy.

10 (b) EXCEPTIONS.—

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

16 (A) are specifically exempted from disclo-
17 sure by law; or

18 (B) as determined by the Director, will dis-
19 close—

20 (i) matters necessary to be kept secret
21 in the interests of national defense or the
22 confidential conduct of the foreign rela-
23 tions of the United States;

24 (ii) information relating to trade se-
25 crets or financial or commercial informa-

1 tion pertaining specifically to a given per-
2 son if the information has been obtained
3 by the Government on a confidential basis,
4 other than through an application by such
5 person for a specific financial or other ben-
6 efit, and is required to be kept secret in
7 order to prevent undue injury to the com-
8 petitive position of such person; or

9 (iii) personnel or medical data or simi-
10 lar data the disclosure of which would con-
11 stitute a clearly unwarranted invasion of
12 personal privacy.

13 (2) NOTICE OF WITHHELD INFORMATION.—The
14 Director shall provide notice to the public of each in-
15 stance in which information has been withheld from
16 disclosure under paragraph (1), including a descrip-
17 tion of the information, and shall provide an oppor-
18 tunity for the public to petition the Director to re-
19 consider the determination to withhold disclosure of
20 the information.

21 (c) INFORMATION OBTAINED FOR COMMITTEES AND
22 MEMBERS.—Subsection (a) of this section shall apply to
23 any information, data, estimates, and statistics obtained
24 at the request of any committee, joint committee, or Mem-
25 ber except to the extent that such committee, joint com-

1 mittee, or Member has instructed the Director not to make
2 such information, data, estimates, or statistics available
3 for public copying.

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

5 There are authorized to be appropriated to the Office
6 for each fiscal year such sums as may be necessary to en-
7 able the Office to carry out its duties and functions. Until
8 sums are first appropriated pursuant to the preceding sen-
9 tence, for a period not to exceed 12 months following the
10 effective date of this section, the expenses of the Office
11 shall be paid from the contingent fund of the Senate, in
12 accordance with the provisions of the paragraph relating
13 to contingent funds under the heading “UNDER LEGIS-
14 LATIVE” in the Act of October 2, 1888 (25 Stat. 546;
15 2 U.S.C. 68), and upon vouchers approved by the Direc-
16 tor.

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