

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1827

To establish a Trade Enforcement Division in the Office of the United States Trade Representative, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2011

Ms. STABENOW (for herself and Mr. GRAHAM) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To establish a Trade Enforcement Division in the Office of the United States Trade Representative, 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 “Trade Prosecutor Act  
5 of 2011”.

1 **SEC. 2. ESTABLISHMENT OF TRADE ENFORCEMENT DIVI-**  
 2 **SION AND DEPUTY UNITED STATES TRADE**  
 3 **REPRESENTATIVE FOR TRADE ENFORCE-**  
 4 **MENT.**

5 (a) ESTABLISHMENT.—Chapter 4 of title I of the  
 6 Trade Act of 1974 (19 U.S.C. 2171) is amended by add-  
 7 ing at the end the following:

8 **“SEC. 142. TRADE ENFORCEMENT DIVISION AND DEPUTY**  
 9 **UNITED STATES TRADE REPRESENTATIVE**  
 10 **FOR TRADE ENFORCEMENT.**

11 “(a) ESTABLISHMENT OF TRADE ENFORCEMENT DI-  
 12 VISION.—There is established within the Office of the  
 13 United States Trade Representative a Trade Enforcement  
 14 Division (in this section referred to as the ‘Division’).

15 “(b) ESTABLISHMENT OF POSITION OF DEPUTY  
 16 UNITED STATES TRADE REPRESENTATIVE FOR TRADE  
 17 ENFORCEMENT.—

18 “(1) IN GENERAL.—The Division shall be head-  
 19 ed by a Deputy United States Trade Representative  
 20 for Trade Enforcement.

21 “(2) APPOINTMENT AND NOMINATION.—The  
 22 Deputy United States Trade Representative for  
 23 Trade Enforcement shall be appointed by the Presi-  
 24 dent, by and with the advice and consent of the Sen-  
 25 ate. As an exercise of the rulemaking power of the  
 26 Senate, any nomination of the Deputy United States

1 Trade Representative for Trade Enforcement sub-  
2 mitted to the Senate for its advice and consent, and  
3 referred to a committee, shall be referred to the  
4 Committee on Finance.

5 “(3) RANK.—The Deputy United States Trade  
6 Representative for Trade Enforcement shall hold of-  
7 fice at the pleasure of the President and shall have  
8 the rank of Ambassador.

9 “(c) FUNCTIONS OF DEPUTY UNITED STATES  
10 TRADE REPRESENTATIVE FOR TRADE ENFORCEMENT.—

11 “(1) PRINCIPAL FUNCTION.—The principal  
12 function of the Deputy United States Trade Rep-  
13 resentative for Trade Enforcement shall be to ensure  
14 that United States trading partners comply with  
15 trade agreements to which the United States is a  
16 party.

17 “(2) ADDITIONAL FUNCTIONS.—The Deputy  
18 United States Trade Representative for Trade En-  
19 forcement shall—

20 “(A) assist the United States Trade Rep-  
21 resentative in investigating and prosecuting dis-  
22 putes before the World Trade Organization and  
23 pursuant to other bilateral or regional trade  
24 agreements to which the United States is a  
25 party;

1           “(B) assist the United States Trade Rep-  
2           representative in carrying out the United States  
3           Trade Representative’s functions under section  
4           141(d);

5           “(C) make recommendations with respect  
6           to the administration of United States trade  
7           laws relating to barriers imposed by foreign  
8           governments to the importation of United  
9           States goods, services, and intellectual property,  
10          and other trade matters; and

11          “(D) perform such other functions as the  
12          United States Trade Representative may direct.

13          “(d) OFFICE OF TRADE ASSISTANCE FOR SMALL  
14 BUSINESS.—

15           “(1) ESTABLISHMENT.—There is established  
16           within the Division the Office of Trade Assistance  
17           for Small Business.

18           “(2) FUNCTIONS.—The Office of Trade Assist-  
19           ance for Small Business shall provide technical and  
20           legal assistance and advice to eligible small busi-  
21           nesses to enable such small businesses to prepare  
22           and file petitions (other than those that, in the opin-  
23           ion of the Office, are frivolous) under section 302.

24           “(3) ELIGIBLE SMALL BUSINESS DEFINED.—  
25           The term ‘eligible small business’ means any busi-

1       ness concern that, in the judgment of the Office of  
2       Trade Assistance for Small Business, due to its size,  
3       has neither adequate internal resources nor financial  
4       ability to obtain qualified outside assistance in pre-  
5       paring and filing petitions and complaints under sec-  
6       tion 302. In determining whether a business concern  
7       is an eligible small business, the Office of Trade As-  
8       sistance for Small Business may consult with the  
9       Administrator of the Small Business Administration  
10      and the heads of other appropriate Federal depart-  
11      ments and agencies.”.

12      (b) CONFORMING AMENDMENT.—The table of con-  
13      tents for the Trade Act of 1974 is amended by inserting  
14      after the item relating to section 141 the following:

“Sec. 142. Trade Enforcement Division and Deputy United States Trade Rep-  
representative for Trade Enforcement.”.

15      (c) COMPENSATION FOR DEPUTY UNITED STATES  
16      TRADE REPRESENTATIVE FOR TRADE ENFORCEMENT.—  
17      Section 5314 of title 5, United States Code, is amended  
18      by striking “Deputy United States Trade Representatives  
19      (3).” and inserting “Deputy United States Trade Rep-  
20      resentatives (4).”.

21      (d) CONFORMING REPEAL.—Section 2112 of the Bi-  
22      partisan Trade Promotion Authority Act of 2002 (19  
23      U.S.C. 3812) is repealed.

1 **SEC. 3. ESTABLISHMENT OF CHIEF MANUFACTURING NE-**  
2 **GOTIATOR.**

3 (a) ESTABLISHMENT OF POSITION.—Section  
4 141(b)(2) of the Trade Act of 1974 (19 U.S.C.  
5 2171(b)(2)) is amended to read as follows:

6 “(2) There shall be in the Office 3 Deputy United  
7 States Trade Representatives (in addition to the Deputy  
8 United States Trade Representative for Trade Enforce-  
9 ment established under section 142), 1 Chief Agricultural  
10 Negotiator, and 1 Chief Manufacturing Negotiator who  
11 shall all be appointed by the President, by and with the  
12 advice and consent of the Senate. As an exercise of the  
13 rulemaking power of the Senate, any nomination of a Dep-  
14 uty United States Trade Representative, the Chief Agri-  
15 cultural Negotiator, or the Chief Manufacturing Nego-  
16 tiator submitted to the Senate for its advice and consent,  
17 and referred to a committee, shall be referred to the Com-  
18 mittee on Finance. Each Deputy United States Trade  
19 Representative, the Chief Agricultural Negotiator, and the  
20 Chief Manufacturing Negotiator shall hold office at the  
21 pleasure of the President and shall have the rank of Am-  
22 bassador.”.

23 (b) FUNCTIONS OF POSITION.—Section 141(c) of the  
24 Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

25 (1) by moving paragraph (5) 2 ems to the left;  
26 and

1           (2) by adding at the end the following new  
2 paragraph:

3           “(6)(A) The principal function of the Chief Manufac-  
4 turing Negotiator shall be to conduct trade negotiations  
5 and to enforce trade agreements relating to United States  
6 manufacturing products and services. The Chief Manufac-  
7 turing Negotiator shall be a vigorous advocate on behalf  
8 of United States manufacturing interests and shall per-  
9 form such other functions as the United States Trade  
10 Representative may direct.

11           “(B) Not later than 1 year after the date of the en-  
12 actment of this paragraph, and annually thereafter, the  
13 Chief Manufacturing Negotiator shall submit to the Com-  
14 mittee on Finance of the Senate and the Committee on  
15 Ways and Means of the House of Representatives a report  
16 on the actions taken by the Chief Manufacturing Nego-  
17 tiator in the preceding year.”.

18           (c) COMPENSATION.—Section 5314 of title 5, United  
19 States Code, as amended by section 101(c), is further  
20 amended by inserting “Chief Manufacturing Negotiator.”  
21 after “Chief Agricultural Negotiator.”.

22           (d) TECHNICAL AMENDMENTS.—Section 141(e) of  
23 the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

24           (1) in paragraph (1), by striking “5314” and  
25           inserting “5315”; and

1           (2) in paragraph (2), by striking “the max-  
2           imum rate of pay for grade GS-18, as provided in  
3           section 5332” and inserting “the maximum rate of  
4           pay for level IV of the Executive Schedule in section  
5           5315”.

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