

116TH CONGRESS
2^D SESSION

S. 4493

To amend the Inspector General Act of 1978 to establish an Inspector General of the Office of the United States Trade Representative, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. MENENDEZ (for himself, Mr. WYDEN, Mr. BROWN, Mr. WHITEHOUSE, Ms. CORTEZ MASTO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Ms. CANTWELL, Mr. WARNER, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Inspector General Act of 1978 to establish an Inspector General of 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 “USTR Inspector Gen-
5 eral Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Section 8 of article I of the Constitution of
2 the United States provides that Congress has the
3 sole power to regulate international trade.

4 (2) Congress established the Office of the
5 United States Trade Representative in the Executive
6 Office of the President under section 141 of the
7 Trade Act of 1974 (19 U.S.C. 2171) with the pri-
8 mary responsibility for developing, and coordinating
9 implementation of, the international trade policy of
10 the United States.

11 (3) The United States Trade Representative
12 has primary responsibility for administering a vari-
13 ety of trade statutes and for monitoring the imple-
14 mentation and enforcement of trade agreements.

15 (4) Section 141(c)(1)(F) of the Trade Act of
16 1974 (19 U.S.C. 2171(c)(1)(F)) states that the
17 United States Trade Representative shall “report di-
18 rectly to the President and the Congress regarding,
19 and be responsible to the President and the Con-
20 gress for the administration of, trade agreements
21 programs”.

1 **SEC. 3. ESTABLISHMENT OF INSPECTOR GENERAL OF THE**
2 **OFFICE OF THE UNITED STATES TRADE REP-**
3 **RESENTATIVE.**

4 (a) DEFINITIONS.—Section 12 of the Inspector Gen-
5 eral Act of 1978 (5 U.S.C. App.) is amended—

6 (1) in paragraph (1), by striking “or the Direc-
7 tor of the National Reconnaissance Office;” and in-
8 serting “the Director of the National Reconnaiss-
9 sance Office; or the United States Trade Represent-
10 ative;”; and

11 (2) in paragraph (2), by striking “or the Na-
12 tional Reconnaissance Office” and inserting “the
13 National Reconnaissance Office, or the Office of the
14 United States Trade Representative,”.

15 (b) APPOINTMENT OF INSPECTOR GENERAL.—Not
16 later than 120 days after the date of the enactment of
17 this Act, the President shall appoint an individual to serve
18 as the Inspector General of the Office of the United States
19 Trade Representative in accordance with section 3(a) of
20 the Inspector General Act of 1978 (5 U.S.C. App.).

21 **SEC. 4. AUDIT OF PROCESS FOR SEEKING EXCLUSIONS**
22 **FROM CERTAIN DUTIES.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Inspector General
25 of the Office of the United States Trade Representative
26 shall commence conducting an audit of the process estab-

1 lished by the United States Trade Representative for ex-
2 cluding articles from duties imposed under section 301 of
3 the Trade Act of 1974 (19 U.S.C. 2411) with respect to
4 articles imported from the People's Republic of China.

5 (b) ELEMENTS.—In conducting the audit required by
6 subsection (a), the Inspector General shall assess wheth-
7 er—

8 (1) all information used to make determinations
9 with respect to requests for or objections to such ex-
10 clusions was included in the official record; and

11 (2) officials of the Office of the United States
12 Trade Representative—

13 (A) uniformly applied the criteria used to
14 review such requests or objections to all persons
15 that submitted such requests or objections, as
16 the case may be;

17 (B) changed the criteria used to review
18 such requests or objections while such requests
19 or objections, as the case may be, were pending;

20 (C) met with any interested parties to dis-
21 cuss such requests or objections while such re-
22 quests or objections, as the case may be, were
23 pending;

1 (D) at any time permitted the resubmis-
2 sion of a previously submitted request or objec-
3 tion after the submission deadline; and

4 (E) uniformly allowed persons that sub-
5 mitted such requests or objections to submit ad-
6 ditional information at any time while such re-
7 quests or objections, as the case may be, were
8 under review.

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