

UNITED STATES SENATOR • IOWA  
**CHUCK GRASSLEY**  
RANKING MEMBER • SENATE COMMITTEE ON FINANCE

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<http://grassley.senate.gov>  
[press\\_office@grassley.senate.gov](mailto:press_office@grassley.senate.gov)

Contact: Jill Kozeny, 202/224-1308  
Jill Gerber, 202/224-6522

Opening Statement of Sen. Chuck Grassley on the Nomination of Charlotte Lane  
Commissioner to the U.S. International Trade Commission  
Thursday, June 27, 2002

I'm sorry I was unable to be here today. As a conferee on the energy bill conference committee, I had to attend a joint House-Senate conference meeting of the conference this morning. However, I would like to submit the following statement for the record.

Ms. Lane is the President's nominee to become one of the next commissioners to serve on the International Trade Commission. Ms. Lane has a long and distinguished record of public service. Her commitment to public service is well-documented. She has served the people of West Virginia as a member of the House of Delegates, a public service commissioner and most recently as chairman of the Public Service Commission. I admire her record of public service and appreciate her enthusiasm to continue that work here in Washington. However, I am disappointed that this nominee does not have a strong background in agriculture or agriculture trade.

The International Trade Commission currently has five commissioners, none of whom has a background in agriculture. With two terms expiring on the commission, the make-up of the board needs to reflect the importance of agriculture trade to our economy. Agriculture trade accounts for over \$50 billion in exports a year. The appointments to the International Trade Commission can significantly affect the administration of United States trade laws against unfair practices. I think there needs to be somebody on the commission who understands agriculture to rule on complex cases which may involve agriculture trade.

There are currently 18 antidumping orders and a significant number of pending investigations affecting agricultural products. Additionally, the "peace clause" with the European Union is set to expire in 2003, which will open the door to agricultural subsidies cases between the United States and Europe. The ITC recently concluded sunset reviews of more than 300 duty orders, including many agriculture commodities.

In February Senator Bob Graham and I wrote a letter, signed by many of our colleagues, to President Bush making it crystal clear that the next nominee to the International Trade Commission must have a background in agriculture. I am disappointed that this nominee does not. I want to be absolutely sure that the next appointment by President Bush to the ITC is someone with a strong agriculture background who will get quickly confirmed by the Senate before this nominee is cleared.

I also want to make sure that this nominee has a balanced approach to deciding cases which may appear before the ITC, particularly steel cases. Recent articles have quoted the nominee as someone with "strong sympathies for the domestic steel industry." Before proceeding with this nomination, I have a number of questions for the record that address this issue.

Before concluding there is one other issue that I would like to raise about the International Trade Commission. I am becoming increasingly concerned about attempts to apply political pressure on the International Trade Commission to influence the outcome of pending cases. Some may view my desire for someone with a strong agriculture background at odds with my concern over politically influencing pending cases. It is not.

The Senate Finance Committee has a constitutional mandate to ensure that presidential nominees are qualified to serve in their appointed positions. By seeking someone with a background in agriculture trade, we are exercising our constitutional authority to ensure that the next nominee to the International Trade Commission is qualified to rule on these cases. The situation is somewhat analogous to making appointments to the Supreme Court. We must be sure that the person being appointed is qualified to serve. However, once appointed, someone should not use political influence to decide pending cases. Cases should be decided on the facts. Now, political pressure on the ITC generally comes about in two ways.

First are letters and appearances from members of Congress. Now there is nothing wrong with a member of Congress writing the ITC and expressing his or her legal opinion about a case. But let me be clear. The fact that 100 representatives, or 51 senators, sign a letter in favor of a particular outcome should be relevant only to the degree that the legal arguments put forth in that letter are persuasive.

Second, I am aware of attempts in the past to cut the funding of the International Trade Commission when rulings are made that some members of Congress do not like. This is totally inappropriate. It is important to remember that the ITC is an independent, impartial arbiter in international trade disputes under U.S. trade law. This independent stature was established and is guaranteed by the Congress.

By deciding cases on the merits, the commission makes decisions that may be unpopular with certain industry sectors or individual senators and representatives – including me – and will doubtless do so again. But, despite disagreements the Congress must continue to defend the commission's independence.

The fact that the commission and commissioners can rule on the merits, without fear of political pressure or retribution, is crucial to America's economy at home and our trade negotiations abroad. As other nations begin to implement their own trade remedy laws, they often look to U.S. law and institutions for guidance. It is important that U.S. institutions serve as good models for other nations. One way to do that is for Congress to ensure that the independent nature of the ITC is preserved, regardless of the outcome of any particular case, just as we would any other quasi-judicial agency. It is our duty as elected representatives.