



The U.S. Congress and the European Parliament: Evolving Transatlantic Legislative Cooperation

Kristin Archick
Specialist in European Affairs

Vincent Morelli
Section Research Manager

July 12, 2012

Congressional Research Service

7-5700

www.crs.gov

R41552

Summary

The United States and the European Union (EU) share an extensive, dynamic, and for many a mutually beneficial political and economic partnership. A growing element of that relationship is the role that the U.S. Congress and the European Parliament (EP)—a key EU institution—have begun to play, including in areas ranging from foreign and economic policy to regulatory reform. Proponents of establishing closer relations between the U.S. Congress and the EP point to the Parliament’s growing influence as a result of the EU’s Lisbon Treaty, which took effect in December 2009. The Lisbon Treaty has increased the relative power of the EP within the EU, and in some cases, with significant implications for U.S. interests. Consequently, some officials and experts on both sides of the Atlantic have asked whether it would be beneficial for Congress and the EP to strengthen institutional ties further and to explore the possibility of coordinating efforts to develop more complementary approaches to policies in areas of mutual interest.

The Transatlantic Legislators’ Dialogue (TLD), the formal exchange between Congress (actually the House of Representatives) and the European Parliament, was launched in 1999, although semi-annual meetings between Congress and the EP date back to 1972. The TLD’s visibility increased somewhat following the 2007 decision to name it as an advisor to the Transatlantic Economic Council (TEC), which seeks to “advance the work of reducing or eliminating non-tariff barriers to transatlantic commerce and trade.”

In response to the TLD’s new TEC-related responsibilities, some Members of Congress suggested that there was a need for more cooperation with the EP, and raised questions with respect to how this might best be accomplished. For those Members and outside advocates of closer relations, questions have surfaced about whether the TLD itself was organized in a way that would facilitate such relations, how the standing committees in both institutions might interact, and what role, if any, for the U.S. Senate. Since 2010, regular contacts between Congress and the Parliament, including at the committee level, have fluctuated in frequency. However, many observers note that the EP has been far out in front of Congress in pursuit of a stronger relationship mostly through the many EP delegations traveling to Washington to meet their counterparts. In 2010, the Parliament opened a liaison office in Washington that was charged with keeping the EP better informed of legislative activity in Congress and vice-versa. In addition, each EP standing committee has named a “TLD Administrator” on its staff to act as a contact point between the committee and the TLD, as well as between the committee and its counterpart committee in the U.S. Congress.

While there appears to be no formal objection within Congress to increasing contacts with the European Parliament, some point out that with the exception of a few Members with previous experience in the TLD, Congress as a whole has been seen at best as ambivalent to such efforts and has not demonstrated as much enthusiasm as the EP about forging closer relations. This observation had been noted by the EP itself when at the beginning of the 112th Congress neither the new chair nor the vice chair of the USTLD were appointed until early June.

This report provides background on the Congress–EP relationship and the role of the TLD. It also explores potential future options should an effort to strengthen ties between the two bodies gain momentum. For additional information, see CRS Report RS21998, *The European Parliament*, by Kristin Archick.

Contents

Introduction.....	1
The U.S.-EU Relationship.....	1
Role of the Legislatures.....	2
Development of Relations Between the U.S. Congress and the European Parliament.....	5
Transatlantic Policy Network.....	6
New Transatlantic Agenda.....	6
Transatlantic Economic Council.....	8
The Current Transatlantic Legislators’ Dialogue.....	10
Initiatives to Strengthen Congress-Parliament Cooperation.....	13
European Parliament Liaison Office (EPLO).....	13
Closer Committee Contact.....	14
Possible Options for Future Congress-Parliament Cooperation.....	17
1. Enhance the Transatlantic Legislators’ Dialogue.....	18
2. Develop Closer TLD Coordination with the Standing Committees and Promote Committee Cooperation.....	20
3. Utilize European Parliament Liaison Staff Deployed to Washington.....	22
4. Establish a Senior Staff “Fellowship” Exchange.....	22
5. Deploy Congressional Staff to Brussels.....	23
6. Establish a Congressional Commission on the EU.....	24
Role of the Senate.....	25
Conclusion.....	26

Tables

Table A-1. Comparison of Committees in the EP and the U.S. Congress.....	28
--	----

Appendixes

Appendix. Comparison of Committees in the European Parliament and the U.S. Congress.....	27
--	----

Contacts

Author Contact Information.....	29
---------------------------------	----

Introduction

The U.S.-EU Relationship

The United States Congress and successive U.S. administrations have long supported the European Union (EU) as a way to advance democracy and strong economic partners in Europe. The current 27-member EU is the latest stage in a process of European integration begun in the 1950s to promote lasting peace and prosperity on the European continent.¹ During the Cold War, the United States viewed this European integration project as central to deterring the Soviet threat by securing free markets and engendering political stability in Europe.

Despite the long period since the end of the Cold War and the recent talk of a “pacific pivot,” many observers assert that the security and prosperity of the United States and Europe remain inextricably linked. Both the United States and the EU face a common set of challenges—from countering terrorism and weapons proliferation to addressing cyber-security and on-line piracy issues to managing economic downturns and promoting job creation—and have few other comparable partners with whom they share such similar interests and values. Proponents of close U.S.-EU ties argue that neither side can adequately address the diverse number of global concerns alone, and that the United States and the EU have a proven track record of working together. For example, the two sides have worked closely to promote security in the Balkans and Afghanistan, have intensified law enforcement cooperation since the 2001 terrorist attacks on the United States, and have been cooperating closely to manage and contain Iran’s nuclear ambitions. Historically, U.S.-EU cooperation has also been critical in making the world trading system more open and efficient.

Furthermore, the United States and the EU share a huge, mutually beneficial, and increasingly interdependent trade and investment relationship. Despite the global economic downturn and on-going eurozone crisis, the combined U.S. and EU economies account for over 50% of global gross domestic product and roughly 25% of global exports and 32% of global imports. According to one recent study, the transatlantic economy generates close to \$5 trillion in commercial sales a year and employs up to 15 million workers on both sides of the Atlantic. Of particular importance is the fact that U.S. and European companies are the biggest investors in each other’s economies and the United States and Europe remain each other’s most profitable markets.²

At the same time, the U.S.-EU relationship has been challenged in recent years by numerous foreign policy and trade conflicts. U.S.-EU relations reached a historic low in 2003 over the U.S.-led invasion of Iraq, which some EU member states supported and others strongly opposed. In the aftermath of this crisis, the United States sought to improve cooperation and emphasize areas of partnership with the EU. In the years since, observers point out that U.S.-EU tensions on several key issues, such as Iran and the Israeli-Palestinian conflict, have not only dissipated, but that U.S.-EU relations have taken on a renewed sense of cooperation. For example, in 2011, the United States and the EU created a joint High Level Working Group on Economic Growth and

¹ The 27 members of the EU are: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

² Daniel S. Hamilton and Joseph P. Quinlan, *The Transatlantic Economy 2012: Annual Survey of Jobs, Trade, and Investment between the United States and Europe*, Center for Transatlantic Relations, 2012.

Job Creation to tackle such common concerns and to promote an even stronger and more integrated transatlantic economy. However, U.S.-EU differences in some areas—such as data privacy, climate change, and energy security—persist, as do U.S.-EU trade disputes over aircraft subsidies and bio-engineered food products. Regulatory barriers to greater trade and investment also remain despite efforts on both sides to promote regulatory cooperation.

Role of the Legislatures

In light of both the possible benefits of and challenges to greater U.S.-EU cooperation on a wide array of common political and economic issues, some Members of Congress and their counterparts in the European Parliament (EP) have expressed renewed interest in strengthening institutional ties and exploring greater cooperation in areas of mutual interest. The EP is a key institution of the European Union and the only one that is directly elected (see “Background on the European Parliament” for more information on the EP). Relations between Congress and the EP date back to 1972, but formal institutional cooperation was established in 1999 and currently exists through the Transatlantic Legislators’ Dialogue (TLD). In recent years, new momentum for boosting Congressional-EP relations has come from two sources. First, from the decision in 2007 to name the TLD as an advisor to the Transatlantic Economic Council (TEC), which was created by the United States Government and the European Union at the annual U.S.-EU summit in 2007. The TEC is aimed at reducing remaining non-tariff and regulatory barriers to transatlantic commerce and trade (see “Transatlantic Economic Council”).

The second factor driving cooperation has been the European Parliament’s interest in working with Congress as a co-equal legislative partner. This determination was further enhanced following the entrance into force of the EU’s new Lisbon Treaty in December 2009. Most experts agree that the Lisbon Treaty—the EU’s latest effort at institutional reform—significantly increased the relative power of the EP within the EU. Among other measures, the treaty further expands the EP’s role in the EU’s legislative process by giving the EP a greater say over most all legislation passed in the EU, including in sensitive areas such as agriculture and justice and home affairs. The treaty also strengthens the EP’s role in the EU’s budgetary process, gives the EP the right to approve or reject international agreements by majority vote, and expands its decision-making authority over trade-related issues.³

Analysts observe that the EP has not been shy about exerting its new powers, and in some cases, with implications for U.S. interests. In February 2010, for example, the EP rejected a U.S.-EU terrorist finance tracking agreement (known as the SWIFT accord) that would have continued allowing U.S. authorities access to European financial data to help counter terrorism. Prior to the Lisbon Treaty, the EP did not have the authority to veto such international agreements. Although the EP eventually approved a new U.S.-EU SWIFT accord in July 2010, it did so only after several EP demands related to strengthening data privacy protections for EU citizens were agreed to by the United States and the other EU institutions. Similarly, the Lisbon Treaty empowered the EP to approve a U.S.-EU agreement provisionally in force since 2007 that permits airlines to share passenger name record (PNR) data with U.S. authorities as part of the ongoing fight against

³ The Lisbon Treaty seeks to reform the EU’s governing institutions and decision-making processes in order to enable an enlarged Union to function more effectively. In addition to implementing a number of changes in how the EP and the other EU institutions operate, the Lisbon Treaty seeks to give the EU a stronger and more coherent voice on the world stage and to increase democratic transparency within the EU. For more information, see CRS Report RS21618, *The European Union’s Reform Process: The Lisbon Treaty*, by Kristin Archick and Derek E. Mix.

terrorism. Some in the EP had long been concerned that the PNR agreement did not contain sufficient protections to safeguard the personal data and privacy rights of EU citizens. In an effort to assuage EP concerns and ensure the PNR agreement's approval in Parliament, U.S. and EU officials negotiated some revisions to the 2007 PNR accord; the new U.S.-EU PNR agreement was adopted by the Parliament in April 2012.

U.S. policymakers have taken note that the EP has become an increasingly important actor in the conduct of U.S.-EU relations. In May 2010, U.S. Vice President Joseph Biden addressed the EP in Brussels. In September 2010, in a speech before the Council on Foreign Relations, U.S. Secretary of State Hillary Clinton acknowledged that the EP was now an "influential player." As such, some U.S. officials and analysts suggest that it is in U.S. interests for Congress to forge stronger ties with the EP. In November 2010, U.S. Ambassador to the EU William Kennard asserted that there was an "urgent need to intensify and deepen" the U.S. relationship with the EP, and in particular, that between Congress and the EP.⁴

Many of those who support attempts to bolster relations between the two legislative bodies also point out that, in the past, there have been instances in which legislation passed by either the U.S. Congress or the EP has affected the other side and contributed to U.S.-EU tensions. For example, in 2002, the U.S. Congress passed the Sarbanes-Oxley Act to reform U.S. corporate accounting practices in the wake of a series of scandals at major corporations such as Enron. EU officials objected to many of the provisions of the act, claiming that they did not take into account differences in European corporate governance and financing mechanisms. Meanwhile, some U.S. business interests and exporters had expressed similar concerns about the costs and burdens of new EU regulations, such as those governing chemicals (known as REACH), which took effect in 2007. In 2010, U.S.-EU frictions surfaced over proposed EU legislation to regulate hedge funds and private equity groups. And most recently, Congress has expressed its concern over the EU's decision to levy a carbon tax on U.S. airlines flying into Europe, a measure the EP has endorsed.

Pointing to the above examples, some experts assert that U.S.-EU tensions could have perhaps been avoided—or at least reduced—if both sides' legislative bodies had consulted more ahead of time. Many of this view recommend that the U.S. Congress and the EP should make a more concerted effort to share legislative information with each other in some policy areas. In several post-TLD meeting statements, both sides have urged the creation of an "early warning" system that would alert both bodies of potential problems related to legislation working its way through either institution.

In addition to financial services and regulatory issues that some experts have long argued could be candidates for Congress-Parliament legislative cooperation, other areas that would possibly benefit from greater consultation and coordination include energy efficiency standards, energy security, data protection, and cyber-security. Also, it had been suggested by some that as the 112th Congress worked on the reauthorization of the U.S. Farm Bill and the EP worked on renewing the EU's Common Agricultural Policy (CAP), the two sides should consider consulting more closely to identify common issues in an effort to avoid potential problems that could result from emerging new policies or changes in policy direction. This initiative did not, however, materialize to any extent as the Congress moved rapidly forward on the Farm Bill.

⁴ U.S. Ambassador to the European Union William E. Kennard, "Improving Relations Between the U.S. Congress and the European Parliament: A Call for Action," U.S. Mission to the European Union, November 2010.

Most recently, some observers assert that greater Congress-EP consultation could be useful as both U.S. and EU policymakers grapple with issues related to combating intellectual property rights (IPR), especially as they apply to the digital environment. In July 2012, the EP rejected the Anti-Counterfeiting Trade Agreement (ACTA), which had been negotiated by the United States, the EU, and several other countries, to further strengthen IPR protection and enforcement measures and to address emerging issues such as on-line trademark and copyright infringement; those opposed in the Parliament cited concerns that ACTA was too vague and could jeopardize civil liberties, such as Internet free speech. The United States negotiated ACTA as an executive agreement within existing U.S. law so it is not subject to congressional approval, although Congress may play an oversight role in its implementation. Given that the EP's rejection of ACTA prevents the EU and its member states from ratifying the agreement in its current form, some suggest that discussions between the EP and Congress could help avoid potential conflicts related to any future legislation on either side on IPR issues in the digital environment.

Background on the European Parliament

The 754-member **European Parliament (EP)** is the only EU institution that is directly elected. As such, it represents the citizens of the EU. The EP plays a role in the EU's legislative and budgeting processes, and works closely with the two other main EU bodies: the **European Commission**, which represents the interests of the EU as a whole and essentially serves as the EU's executive; and the **Council of the European Union** (also known as the **Council of Ministers**), which represents the EU's 27 member states. The EP also exercises a degree of supervision over the Commission; it has more limited oversight over the activities of the Council.

The EP has accumulated more power over time. Although the European Commission has the right of legislative initiative in most cases, the EP shares legislative power with the Council of Ministers in many policy areas ranging from economics to the environment to social policy; in such areas, both the EP and the Council must approve a Commission proposal for it to become EU law in a process known as the *ordinary legislative procedure* or *co-decision*. With the entrance into force of the new Lisbon Treaty in December 2009, the Parliament's right of co-decision now applies to the majority of EU legislation (with some exceptions, such as in the areas of taxation and foreign policy).

Members of the European Parliament (MEPs) serve five-year terms. Voting for the EP takes place on a national basis, with the number of MEPs elected in each EU member state based roughly on population size. The EP currently has **seven political groups**, which caucus according to political ideology rather than nationality, plus a number of "non-attached" or independent members. A political group must contain at least 25 MEPs from a minimum of seven EU member states. No single group in the EP has an absolute majority, making compromise and coalition-building important elements of the legislative process.

The EP's two largest groups are the center-right *European People's Party (EPP)*, with 273 seats, and the center-left *Progressive Alliance of Socialists and Democrats in the European Parliament (S&D)*, with 189 seats. The other EP groups are: the centrist *Alliance of Liberals and Democrats for Europe (ALDE)*, with 84 seats; the leftist and pro-environment *Greens/European Free Alliance (Greens-EFA)*, with 57 seats; the right-wing, anti-federalist *European Conservatives and Reformists (ECR)*, with 55 seats; the far-left *European United Left/Nordic Green Left (GUE/NGL)*, with 35 seats; and the euroskeptic *Europe of Freedom and Democracy (EFD)*, with 32 seats. The remaining seats are non-attached.

Every two-and-a-half years (twice per parliamentary term), MEPs vote to elect a **President of the European Parliament** to oversee its work and to represent the EP externally. The EP has **20 standing committees** that are key actors in the adoption of EU legislation and **41 delegations** that maintain international parliament-to-parliament relations. A **Secretariat** of approximately 5,000 non-partisan civil servants provides administrative and technical support to the Parliament. MEPs and political groups also have their own staff assistants.

Strasbourg, France, is the official seat of the EP; this location, close to the border with Germany, was chosen to symbolize peace and reconciliation in Europe. Plenary sessions are held in Strasbourg once a month. The work of the EP is also carried out in Brussels, Belgium, where the standing committees meet and where occasional part-plenary sessions are held, and in Luxembourg, where some sections of the EP's Secretariat are based.

Although there had not been significant movement within Congress during 2011 or thus far in 2012 to expand Congress-EP relations, those in favor of boosting ties between the two institutions

have proposed a variety of possible options for doing so. Some have suggested that Congress needs a new, more institutionalized structure to manage its relationship with the EP. Others assert that a new structure is not necessary, but that the existing TLD, especially on the U.S. side, should be enhanced and reinvigorated. (For a more extensive discussion of these options and others, see “Possible Options for Future Congress-Parliament Cooperation”.)

On the other hand, although there have not been observable objections to enhanced Congress-EP ties, U.S. skeptics both inside and outside of the Congress have raised doubts about the need to establish a stronger relationship between the Congress and the European Parliament. They note that despite the increased powers granted to the EP in the Lisbon Treaty, the two bodies are not exactly comparable. Unlike the U.S. Congress, the EP does not have the right of legislative initiative; in most cases, that right rests with the European Commission, which functions as the EU’s executive. And although the EP can accept, amend, or reject proposed EU legislation, it shares these powers with the Council of the European Union (also called the Council of Ministers), which represents the 27 member states and seems unlikely to significantly alter proposed legislation as the Congress is more apt, at times, to do. Furthermore, Congress and the EP do not necessarily share the same degree of power on every issue. For example, with respect to the U.S.-EU PNR agreement, while the EP had the right to approve or reject it, Congress did not because it was negotiated on the U.S. side as an executive agreement within existing U.S. law; both Houses of Congress did weigh in on the issue, introducing and/or passing resolutions supporting the 2007 accord and urging no significant changes that could compromise its operational effectiveness in the fight against terrorism.

Given the structural and procedural differences between Congress and the EP, some have questioned whether the two bodies could effectively work together on legislative issues. There are other potential problems as well. In many instances, personal relationships between Committee chairmen and its members as well as chairmen and Leadership often play important roles in attempting to coordinate and approve legislative initiatives. Whether such personal relationships across the Atlantic could be developed in order to coordinate legislative initiatives is for some questionable. Also, many U.S. Members, as do their counterparts in the EP, have very different views on issues such as climate change or energy policy that are difficult to reconcile among themselves let alone across the Atlantic. Moreover, many point out that neither Congress nor the EP would likely be inclined toward developing or approving legislation that takes into account the interests of the transatlantic relationship at the potential expense of their own constituents. Finally, most Members of Congress—other than a few involved in the TLD—have not expressed as much interest or enthusiasm as their counterparts in the EP regarding establishing closer legislative coordination or cooperation. For instance, it does not appear that any standing committee in either the House or Senate has appointed one of its staff to act as a liaison between the committee and its counterpart in the European Parliament.

Development of Relations Between the U.S. Congress and the European Parliament

As noted above, formal exchanges between the U.S. House of Representatives and the European Parliament can be traced back to 1972, when a group of Members of the House traveled to Brussels for the express purpose of meeting and exchanging views with the Parliament. At the time, Congress viewed the then-European Community (the precursor to the modern day EU) mostly as a commercial and trade arrangement with the ability to negotiate trade agreements, but

the EP was an institution with limited visibility and unknown authority. The first congressional visits to Brussels appear to have been arranged by Members of the House Committee on Ways and Means who were interested in issues such as agriculture subsidies, steel tariffs, anti-dumping initiatives, and general trade-related areas. These initial parliamentary contacts, which only involved the House of Representatives, became known as the United States-European Community Interparliamentary Group. Beginning sometime after these early exchanges, with few exceptions, Members of the House and Members of the European Parliament (MEPs) have met formally twice a year, once in the United States and once in Europe.

Given the evolving nature of the transatlantic relationship, and the changes taking place within the EU itself, the purpose and focus of the Congress–EP interparliamentary exchange gradually turned more to a foreign policy agenda dedicated to issues involving the Cold War and the development of the European Union. By the mid-1980s, the responsibility for arranging the U.S.-EP meetings in the U.S. Congress and the formation of the congressional delegations to Europe shifted to the House Foreign Affairs Committee. As historic political events in Europe began to unfold in the late 1980s, the relevance and importance of the Congress–Parliament exchange began to increase under the leadership of former representatives Lee Hamilton, Tom Lantos, and Benjamin Gilman, who were strong supporters of close U.S.-European relations. These Members, along with a handful of others, focused on the implications of the end of the Cold War and the role the EU had the potential to play in the new European landscape; they all believed that Congress ought to try to better understand both the EU as a whole and its legislative process, a feeling that continues to be shared by many, although not all, even today.

Contacts between the U.S. Congress and the European Parliament have been stimulated from time to time by events that have contributed to the slow but steady evolution of ever-closer relations between the two institutions. Three such milestones include the creation of the Transatlantic Policy Network (TPN) in 1992; the launch of the New Transatlantic Agenda (NTA) in 1995; and the establishment of the Transatlantic Economic Council (TEC) in 2007.

Transatlantic Policy Network

The TPN was established in 1992 as a broad-based, multi-party group of EU and U.S. politicians, corporate leaders, influential think tank experts, and academics. It was (and remains) dedicated to encouraging regular dialogue and the maintenance of close personal relationships as a means to help both the United States and the EU identify their common interests and strengthen their partnership. The significance of the founding of TPN was that, for the first time, an outside organization provided a venue—apart from the semi-annual Congress-Parliament meetings—where Members and MEPs could study and debate specific issues, exchange views with an eye towards finding transatlantic solutions, and coordinate their actions with other U.S. government officials and EU policymakers. The TPN continues to support this transatlantic dialogue today through programs such as its two-day workshops during what has become known as “Transatlantic Week” in Washington. The most recent 2012 TPN conference included a comprehensive set of issue-oriented panels that not only included experts in the respective fields but also several Members of Congress and/or MEPs as panel moderators or speakers.

New Transatlantic Agenda

Although the United States government and the European Union had been engaged in a political and economic partnership since 1954, the launch of the NTA in 1995 sought to provide a new

framework intended to move the relationship essentially from one of consultation to one of joint action in several areas. Often overlooked in the statement outlining the goals and purposes of the NTA was the acknowledgment by the leaders of the United States and the EU that they “attached great importance to enhanced parliamentary links” and agreed to “consult with parliamentary leaders on both sides of the Atlantic regarding consultation mechanisms, including building on existing institutions, to discuss matters related to our transatlantic partnership.”⁵

However, implementation of the provisions of the NTA was slow to develop. Even slower was implementation of the decision to consult with parliamentary leaders, in part because Congress and the European Parliament were uncertain on how to define the roles they might play in the NTA. In January 1999, after four years of little or no progress on incorporating the legislatures into a transatlantic decision-making process, and sensing a need to acknowledge the NTA’s commitment to include the legislatures, the delegations of the U.S. House and the EP—at their 50th meeting—agreed to formalize the dialogue and to change the group’s name to the Transatlantic Legislators’ Dialogue (TLD). In announcing the formation of the TLD, the two delegations stated that the Dialogue “will constitute the formal response of the European Parliament and the U.S. Congress to the commitment in the New Transatlantic Agenda to enhance parliamentary ties between the European Union and the United States.”⁶ In response to the decision to re-name the interparliamentary exchange, the U.S. House in November 1999, during consideration of the Consolidated Appropriations Act for Fiscal Year 2000 (H.R. 3194/P.L. 106-113), amended Section 109(c) of the Department of State Authorization Act for Fiscal Years 1984/1985 (22 U.S.C. 276 note) to officially change the name of the group to the TLD.

Following the introduction of the NTA in 1995, a small minority of representatives in Congress and the European Parliament began arguing for greater legislative involvement in broader U.S.-EU relations, even including participation in the annual U.S.-EU Summit. The formal launch of the TLD provided new impetus for the kind of input these legislators hoped for, and efforts were made on both sides to reinforce the interests of the legislatures in assuming an enhanced role in the transatlantic relationship. Since the 1999 declaration officially establishing the TLD, numerous pieces of legislation have been introduced and even passed in both Congress and the Parliament expressing the importance of the transatlantic partnership, calling for enhanced dialogue and coordination between Congress and the EP, and asserting that the legislatures should be consulted more closely by U.S. and EU policymakers. In particular, related to the development of the transatlantic economic relationship outlined in the NTA, in 2004 and 2005, the EP and the U.S. House passed resolutions supporting, among other things, the completion of a transatlantic market by 2015. In 2006, the U.S. Senate passed a similar resolution.

Although those legislators dedicated to improving parliamentary input into the U.S.-EU relationship appeared prepared to take on a more substantive role, many observers note that the nature of transatlantic cooperation, the complexities of the issues, the multiple layers of agencies involved, the sometimes slow pace of reform, and the press of normal legislative business, have frequently hindered greater Congress-Parliament participation. To address some of these concerns on the U.S. side, the chairman of the House International Relations Committee in 2000 created a new subcommittee solely dedicated to Europe. In 2005, several Members of the House agreed to establish a Members Caucus on the EU to consider the wide range of transatlantic political and economic issues. Both of these developments provided new venues for a more focused discussion

⁵ Declaration of the New Transatlantic Agenda at the U.S.-EU Summit, December 13, 1995.

⁶ Joint statement of the delegations of the U.S. Congress and the European Parliament, January 16, 1999.

of U.S.-EU relations among interested legislators. It was also hoped that the subcommittee and caucus would help the TLD to identify new Members with an interest in the EU and to assume a more active role in promoting transatlantic contact and cooperation.

In addition, since 1999 especially, organizations such as TPN, the German Marshall Fund of the United States, the Atlantic Council, the European Institute, and other public policy groups, have become more involved in attempting to develop and expand the transatlantic knowledge-base of Congress and the European Parliament. Such groups hold briefings and host conferences on numerous U.S.-EU issues and promote international travel for Members and staff. Publications, such as the annual transatlantic economic report issued by the SAIS Center for Transatlantic Relations, have brought the importance of the economic and job creation dimensions of the U.S.-EU partnership to the forefront and often highlight other specific elements of the relationship. All of these efforts have served to help Members of Congress and the EP to better understand the nature of the transatlantic partnership, to identify issues of common interest, and to expand contacts and dialogue.

Transatlantic Economic Council

Despite the various measures described above to bolster ties between Congress and the European Parliament, the existence and purpose of the exchange between the U.S. House and the EP—at least on the U.S. side—continued to remain little known or understood, both within and outside the House. This appeared to be disappointing to some Members, MEPs, and other government officials and experts because over the previous decades, many congressional delegations had traveled to Europe and several senior Members of the House had participated in exchange activities or knew of the exchange sessions with the EP. For instance, in 1987, then-Speaker of the House Jim Wright attended the interparliamentary meeting in Madrid, and between 1994 and 2000, the chairman of the House International Relations Committee also served as the U.S. chair of the interparliamentary exchange with the EP.

However, some suggest it was the creation of the TEC that initially helped elevate relations between the U.S. House and the EP perhaps more than any other previous initiative to strengthen the relationship. In January 2007, upon assuming the rotating six-month presidency of the EU, German Chancellor Angela Merkel proposed further liberalization of transatlantic trade and investment barriers by enhancing the existing cooperation among U.S. and EU regulatory agencies. In part, her proposal was in line with the provision in the New Transatlantic Agenda that called for the creation of a transatlantic marketplace by eliminating or reducing both tariff and non-tariff barriers that hindered the flow of goods, services, and capital between the United States and Europe. Building on the Merkel initiative, the April 2007 U.S.-EU Summit adopted a *Framework for Advancing Transatlantic Economic Integration*. The *Framework* affirmed the importance of further deepening transatlantic economic integration, particularly through efforts to reduce or harmonize regulatory barriers to international trade and investment. The TEC was established as a new institutional structure to advance the process of regulatory cooperation and barrier reduction by encouraging both U.S. and EU regulators to move forward on issues outlined in the *Framework*. It was agreed that the TEC would be headed on both sides by ministerial-level appointees with cabinet rank.

As part of its mandate, the TEC was directed to include a broader participation of stakeholders, including—for the first time in a formal regulatory framework—legislators. In particular, the *Framework* instructed the TEC to establish an “advisory group” that would draw upon the heads of the “existing transatlantic dialogues” to provide input and guidance on priorities for pursuing

transatlantic economic integration. The existing transatlantic dialogues included the Transatlantic Business Dialogue (TABD), the Transatlantic Consumers Dialogue (TACD), and the Transatlantic Legislators' Dialogue (TLD).

The lack of knowledge about the TLD seemed to contribute to the surprise of many in the wider transatlantic community when the TEC leadership invited the TLD to be a member of its Advisory Group. In fact, it was unclear that anyone at the White House at the time of the 2007 U.S.-EU Summit contacted the House leadership to inform them a new role was to be asked of the legislative branch. Nor did it appear that anyone had informed the TLD chairs at the time that the TLD was to be handed a new and possibly far-reaching responsibility—that of formally representing the views of Congress and the European Parliament in the transatlantic economic integration and regulatory cooperation process.⁷

Nevertheless, many supporters of the effort to achieve a more barrier-free transatlantic marketplace believed that ultimate success could not be achieved without the strong commitment and active participation of the U.S. Congress and the European Parliament. Some advocates had long decried the low level of engagement by Congress and the Parliament in the overall economic integration and regulatory cooperation process. As such, proponents of giving the TLD a role in the TEC maintained that through more active oversight, legislators could articulate their support for, or concerns about, a particular regulatory direction before the regulators proceeded too far down the negotiation path. Although the Congress does not regularly interject itself in regulatory matters, advocates asserted that the U.S. Congress, through its authorization and appropriation roles, Members could prod the regulators to move the cooperative efforts forward and provide the funds necessary to carry out that mandate. Finally, supporters noted that for the European Parliament, the implementation of the EU's new Lisbon Treaty would give the EP more decision-making authority over trade-related issues as well as an enlarged role in regulatory decision-making and oversight.

For those interested in the transatlantic economic relationship, the mandate to include the legislatures in the TEC process generated greater interest in the role that the U.S. Congress and the European Parliament can or should play in regulatory cooperation and convergence. This interest prompted immediate efforts by groups such as the Transatlantic Business Dialogue, the U.S. Chamber of Commerce, and the European-American Business Council, among others, to reach out to Congress and Parliament in order to inject more economic and regulatory specificity to the debate. Two reports issued at the time, one co-authored by the Atlantic Council and the Bertelsmann Foundation,⁸ and another co-authored by several U.S. and European think tanks entitled *Shoulder to Shoulder: Forging a Strategic U.S.-EU Partnership*,⁹ have discussed the parameters that a regulatory cooperation dialogue could take, including how the transatlantic legislatures could play an influential role. On the U.S. side, the role of the business community in encouraging the Congress to engage more in the transatlantic economic debate was manifested in the spring of 2012 when over 50 Members of the House and a large number of Senators signed a business community-supported letter to the President urging the U.S.-EU High Level Working

⁷ CRS interviews with congressional staff.

⁸ *Resetting The Trans-Atlantic Economic Council, A Blue Print*, A Report by the Atlantic Council and Bertelsmann Foundation, October 2009.

⁹ *Shoulder to Shoulder: Forging a Strategic U.S.-EU Partnership*, Atlantic Council of the United States, Center for Transatlantic Relations et al., December 2009.

Group on Economic Growth and Job Creation to expedite its work in recommending ways in which both sides could help stimulate the transatlantic economy.

Some observers contend that the attempts by these outside organizations to increase awareness about transatlantic economic and regulatory issues, especially among some U.S. members and committees with relevant jurisdictions, did initially have some impact on how some in Congress viewed both the narrow regulatory cooperation agenda as well as on the broader legislative relationship between the U.S. Congress and the European Parliament. Many of this view acknowledge that the transatlantic impact of legislation has rarely been a central consideration during the legislative process, whether in Congress or in the EP. Nor do they believe that Congress would submit its own legislative initiatives to any form of a transatlantic impact assessment or cede its authority to react to a national crisis, such as a terrorist attack or banking crisis, without first consulting the EU, or vice versa. Some other observers assert that efforts to improve congressional and EP understanding of the magnitude of the transatlantic economic relationship, and the increasing dialogue on transatlantic economic integration and regulatory cooperation, did help encourage an expanded U.S.-EU legislative dialogue beyond the TEC-related issues and began to result in a more notable desire by some in the EP to become more engaged with their counterparts in the Congress. An example of this is seen in the PNR issue. As opponents in the EP of some of the provisions in the revised U.S.-EU agreement expressed their concerns and requested changes, there was an attempt by the EP's rapporteur for PNR, as well as members of the EP's Civil Liberties Committee, to meet with Members of Congress to discuss the EP's concerns, in part, in the name of legislative cooperation, as well as transatlantic harmony.

The Current Transatlantic Legislators' Dialogue

Although the creation of the TEC and the appointment of the TLD to its Advisory Group perhaps did more to raise the visibility of the TLD than any other event over the past several years, the TLD remains relatively unknown in the U.S. Congress compared with its status in the European Parliament. Some suggest that a key reason for this disparity can be found in the structure and function of the TLD itself, which differs significantly between the U.S. Congress and the EP.

At the start of each new Parliament (the current one runs from 2009-2014), the EP adopts a resolution proposing a list of interparliamentary delegations and sets the number of MEPs that will constitute each delegation. At present, there are a total of 41 delegations in the Parliament.¹⁰ The largest EP delegation is the Delegation for Relations with the United States (D-US), which currently consists of 53 MEPs. Each political group in the Parliament receives an allocation of delegation seats roughly proportional to its overall size in the EP. For example, the European People's Party (EPP), the largest political group in the EP, has 19 seats in the D-US whereas the Europe of Freedom and Democracy (EFD) group, which is the smallest in the EP, has two seats. Similarly, each political group receives an allocation of chairmanships/vice chairs of the various delegations, with the largest group having the first choice of chair. In 2009, the EPP selected the chairmanship of the D-US as its first choice and named Elmar Brok, a German MEP, as chair.

¹⁰ The EP's 41 delegations consist of 37 interparliamentary delegations (some are termed either Joint Parliamentary Committees or Parliamentary Cooperation Committees) that maintain relations with countries and regions around the world ranging from Russia to China to the Middle East, and four delegations to parliamentary assemblies (such as the Euro-Latin American Parliamentary Assembly). For a list of current EP delegations, see the website of the European Parliament, <http://www.europarl.europa.eu>.

MEPs are appointed to the delegation for the full five-year term of the Parliament. The D-US meets on a periodic basis to discuss a wide range of issues involving the transatlantic relationship as well as the upcoming TLD meetings. In 2012, Christian Ehler, another German MEP, replaced Brok as chair of the D-US after Brok assumed the chair of the EP's foreign affairs committee.

In the EP, participants in the semi-annual TLD meetings are drawn from the D-US delegation. EP representation in the TLD (EUTLD) is led by a Steering Committee consisting of the chairman and two vice chairs of the D-US and ten MEPs who are the chairs of various EP standing committees ranging from International Trade to Environment, Public Health and Food Safety. The Steering Committee coordinates all activities of the TLD, ensures that there is broad representation of MEPs from the EP's committees at the TLD meetings, and reports to the D-US on its activities. The number of MEPs attending the annual TLD meetings is not limited and has often exceeded 20 members.

On the U.S. side, the Transatlantic Legislators' Dialogue is one of 13 Parliamentary and Commission Groups operating in Congress. Unlike some of the other exchanges, such as the NATO Parliamentary Assembly (NATOPA) or the British-American Parliamentary Group (BAPG), which also include the Senate, U.S. representation in the TLD (USTLD) is from the House only. In addition, the USTLD is not statutorily authorized, although it is authorized to receive funds each year to support its activities. Thus, while the NATOPA and the BAPG are authorized by statute to include a total of 24 official delegates (12 each from the House and Senate that are appointed by the Speaker of the House and the Senate Majority Leader respectively), the TLD has no specified number of participants and no mandated Speaker appointment.

Furthermore, official U.S. delegates of the statutorily authorized parliamentary exchanges are appointed for the duration of each Congress. The USTLD, by contrast, has no fixed term for its participants. Traditionally, the chair and ranking Member of the House Foreign Affairs Committee appointed the USTLD's chair and vice chair. In the 112th Congress it appears that the Chair, Representative Stearns (FL) was appointed by the Speaker, with the possible concurrence of the chair of the Foreign Affairs Committee; the Vice Chair, Representative Loretta Sanchez (CA) was appointed by the minority leader and the ranking Member of the Foreign Affairs Committee. There is no formal nomination of any other USTLD delegate. Many Members have attended past meetings, but participation in the USTLD—at least until recently—often seemed to be on an ad hoc basis, with little continuity of participants and, in some instances, largely dependent on the ability of the USTLD chair to convince members to attend the semi-annual meetings.¹¹ Moreover, the USTLD has no equivalent "Steering Committee." While some observers have suggested that the EU Caucus in the House could serve as the umbrella organization from which TLD delegates could be drawn, there has been little association between the two, even though several Members of the House participate in both the Caucus and the TLD.

Although U.S. member participation in TLD sessions during the 112th Congress appears to have maintained a level of continuity, there is still concern among some observers that the USTLD could continue to have difficulty attracting and maintaining a broad group of Members willing to participate on a regular basis. TLD supporters worry that the lack of sustained U.S. member participation hinders the development of personal relationships between legislators, seen as essential for a truly frank and open exchange of views and as necessary ultimately for greater

¹¹ CRS interviews with congressional staff.

legislative consultation and coordination. Similarly, while the EUTLD has representation from most of its key parliamentary committees, the USTLD is not structured to guarantee the inclusion of Members from all of the major congressional committees. Combined with the uncertainty over which Members will actually participate in the U.S. delegation each time the TLD meets, some MEPs have observed that the TLD sessions do not necessarily provide them with good U.S. contacts on matters of interest to them. Many in the transatlantic business and consumer communities—who are the TLD’s partners in the TEC—also appear frustrated that there is no permanent list of USTLD delegates with whom they can meet on a regular basis to discuss issues related to the TEC and the regulatory agenda.¹²

Another difference between the U.S. Congress and the EP in relation to the TLD involves staffing. Traditionally, on the U.S. side, there have been three principal staff designated as the “U.S. secretariat” for the TLD: an administrator and one representative from the majority and minority. In the 112th Congress, however, the majority staff also appears to serve as the delegation’s secretariat although on several recent occasions a representative of the House’s Office of Inter-Parliamentary Affairs has attended the TLD meetings. It is unclear if the Inter-Parliamentary Office has assumed the role of Secretariat. The staff of the USTLD are part of the House Foreign Affairs Committee structure and usually have portfolios with many responsibilities beyond the TLD. Observers note that the Foreign Affairs Committee staff are highly professional, knowledgeable of transatlantic relations, and provide sufficient support for most security and foreign policy-related discussions at the TLD meetings. However, these same observers also point out that none of the key items on the U.S.-EU economic or regulatory agenda are ones that fall under the jurisdiction of the Foreign Affairs Committee. This disconnect between USTLD staff and the issues most frequently found on the TLD agenda was further highlighted when the TLD, at the beginning of the 112th Congress, was tasked to focus on specific issues. At the fall 2011 and spring 2012 sessions of the TLD, two issues that formed the centerpiece of the discussions involved financial services and transport security, neither of which fall under the jurisdiction of the Foreign Affairs Committee. It is unclear if any staff from the respective committees of jurisdiction for those issues were involved in preparing the U.S. Members or the TLD staff for the discussions.

In the view of many experts, it continues to be a real stretch to expect that Foreign Affairs Committee staff who are responsible for following issues and events in places ranging from Russia to Kosovo to Eurasia can somehow also find the time to become proficient on automobile crash testing, container scanning, toy safety, or hedge fund transparency. And, realistically, neither the Foreign Affairs Committee nor the USTLD chair and vice chairs could hire a whole cadre of staff with the kind of expertise needed to be responsive to the various issues under consideration by the TLD, particularly those in the TEC process. Although these non-foreign policy matters have come to dominate the TLD meeting agenda, it does not appear that there is regular contact between USTLD staff and other standing committee staff that would allow for coordination of issues and committee perspectives beyond foreign policy issues.

The EUTLD is also staffed by a secretariat, which includes six permanent EP staff dedicated to the coordination and operation of the TLD alone. Recently, the EUTLD secretariat has worked with the secretariats of the EP standing committees to designate a TLD Administrator for each committee; these Administrators are intended to act as interlocutors between the committees and the TLD, helping the TLD secretariat to identify issues that should be placed on the TLD meeting

¹² CRS interviews with representatives of the business community.

agenda and promoting greater coordination of views and positions. In the EP, the D-US falls under what is known as the Directorate-General for External Policy (DG-EXPO), which provides professional support for the EP committees on Foreign Affairs, Development, and International Trade, as well as for all of the EP delegations. The DG-EXPO also includes a Policy Department whose staff provide research and background information for the delegations and committees, including the EUTLD.

Initiatives to Strengthen Congress-Parliament Cooperation

Since the launch of the TLD in 1999, there have been numerous calls on both sides of the Atlantic to find ways to develop even closer cooperation between Congress and the EP. Some in the European Parliament have gone so far as to suggest the creation of a transatlantic parliamentary assembly consisting of Members of Congress and the Parliament that would share joint responsibility for addressing issues of mutual interest through both oversight and legislative mechanisms. While this proposal has not found any support in the U.S. Congress, there have been two recent developments that have enhanced the opportunity for both legislatures to explore ways to work more directly with each other on selected issues.

European Parliament Liaison Office (EPLO)

As noted previously, although contact between Members of the U.S. House and the EP had taken place since 1972, some in the Parliament have been increasingly interested in developing relations with a broader audience in Congress. In 1984, then-EP President Klaus Haensch put forward a proposal in which he argued that it was important for MEPs to liaise directly with their counterparts in Congress, and suggested that the Parliament should have its own representation in Washington. This idea, in one form or another, has been part of the European Parliament's effort to establish "co-equality" with the U.S. Congress. However, it was only recently that the concept began to gain significant momentum. In 2006, MEP Elmar Brok, who was rapporteur for the EP's Committee on Foreign Affairs at the time, prepared a Parliament report on "improving EU-U.S. relations." Mr. Brok's report expressed a desire that the "EP budget for 2007 should establish a permanent post in Washington so that the Parliament and the Transatlantic Legislators' Dialogue (TLD) may maintain permanent contact with the U.S. House of Representatives and the Senate."

On March 26, 2009, the EP adopted a resolution on the state of transatlantic relations.¹³ In that resolution, the Parliament restated a long-held view that the U.S. Congress and the EP should continue to develop a closer working relationship with respect to legislative initiatives in each others' institutions, should enhance cooperation between legislative committees, and should create a reciprocal "early-warning" system in order to identify potential legislative activities that could affect U.S.-EU relations. The resolution further "invited" the EP's Secretary-General to proceed as a "matter of utmost urgency" to implement a decision taken by the Parliament's Bureau on December 11, 2006, to open a parliamentary office in Washington and to deploy

¹³ European Parliament resolution (A6-0114/2009) adopted March 26, 2009.

officials to serve as the EP's legislative liaison to the U.S. Congress, a responsibility that had up to that time been entrusted to the European Commission's Washington delegation.¹⁴

On April 29, 2010, Klaus Haensch's vision became a reality when former EP President Jerzy Buzek officially opened the EPLO with the U.S. Congress in Washington and named Piotr Nowina-Konopka (former EP Director for Relations with National Parliaments) its first Director. Although the EPLO is tasked to develop contacts with a broad array of policymakers, think tanks, and other institutions in Washington, and will serve to facilitate visits by MEPs, the primary mission of the Liaison Office is to "build a network of Congress–Parliament staff who can be identified to work together on concrete issues requiring legislative and political cooperation or at least intellectual attention and understanding."¹⁵ The EPLO reports directly to the EP Secretary-General. At the time of its opening, the Liaison Office had three professional and two administrative staff; at the beginning of 2012, the EPLO had a total of 10 staff including one foreign policy expert representing the EP's Directorate General for External Affairs (DGEXPO) that covers all foreign and defense policy, international development, and trade, and one expert from the DGIPOL which covers the issues equivalent to domestic U.S. policy issues.

Interestingly, the 2009 EP resolution calling for the establishment of the EPLO also included language inviting the U.S. Congress to consider the possibility of setting up its own congressional liaison office in Brussels. The U.S. Congress, through periodic resolutions such as H.Res. 230 adopted in 2007, has long expressed support for closer cooperation between Congress and the EP. Some individual Members have endorsed practices such as instituting a legislative early warning system (often mentioned in the press releases issued at the end of TLD meetings), and during the 111th Congress a number of Members involved in the TLD expressed support for the idea in principle of establishing a congressional liaison office in Brussels. At a December 15, 2009, hearing of the House Foreign Affairs Committee's Europe Subcommittee, the proposal for a Brussels office was raised and received a good deal of attention, including from the former Subcommittee chairman. To date, however, Congress as a whole has not demonstrated significant interest in or enthusiasm about establishing a reciprocal congressional liaison office in Brussels (for more information, see "Possible Options for Future Congress-Parliament Cooperation").

Closer Committee Contact¹⁶

Not long after the TLD was assigned its advisory role to the TEC, it became clear to some—including former MEP Jonathan Evans who served as chair of the EUTLD from 2004 to 2009—that the structure of the TLD was not optimally organized to address the TLD's new responsibilities with respect to regulatory cooperation. Evans, along with some of his colleagues and a number of outside observers, felt that while most Members of Congress and the EP participating in the TLD were well versed to discuss a broad range of foreign policy issues at the TLD meetings, the same could not necessarily be said when it came to talking about more technical regulatory matters. Given the wide array of issues in the regulatory dialogue—including the mutual recognition of accounting standards, supply chain security, copyright and patent

¹⁴ As of December 1, 2009, and as a result of the ratification of the EU's Lisbon Treaty, the Commission's Washington office is now referred to as the "Delegation of the European Union."

¹⁵ For more information, see the EPLO website, <http://www.europarl.europa.eu/us>.

¹⁶ Judy Schneider, Senior Specialist on the Congress in CRS' Government and Finance Division contributed information on the U.S. committee system for this section. For more information, see CRS Report RS20794, *The Committee System in the U.S. Congress*, by Judy Schneider.

protection, preferred traveler programs, cosmetics testing, and medical device certification—an unstructured TLD might find itself further down the learning curve than its transatlantic business and consumer partners in the TEC, thus requiring TLD delegates to spend time catching up on such issues. This, in turn, could present a problem for some TLD participants who might be reluctant to become more specialized in economic and regulatory matters at the expense of other broader transatlantic policy issues. Moreover, such participants would probably not want the TLD to become strictly TEC-issue oriented. As a result, Evans suggested that Congress and the Parliament consider ways to improve direct committee-to-committee contact on specific issues and for the TLD to develop mechanisms whereby it could tap the expertise of the committees and their staffs when necessary for the TLD meetings or for the TLD response to the TEC.

Like U.S. congressional committees, EP committees are key actors in the adoption of EU legislation. Currently, the EP has 20 standing committees and one special committee (EP special committees investigate or oversee specific issues for a limited period of time). In the U.S. Congress, the House and Senate have similar lists of standing committees, albeit not exactly the same. Committee jurisdictions are defined by the rules of each chamber and the House and Senate committee jurisdictions are not always parallel. For example, the Senate Agriculture Committee is responsible for child nutrition legislation, whereas that responsibility is handled in the House by the House Education and Workforce Committee (not the House Agriculture Committee).

Unlike the U.S. Congress, each EP committee has a chairman and four vice chairmen. The political make-up of the EP committees reflects that of the Parliament as a whole and committee posts are allocated proportional to the respective size of the political groups; for example, the largest group (the EPP) currently chairs nine committees, the second-largest group (the S&D) six, and the third-largest group (the ALDE) three. Committee activity is a process of coordination among the chair and vice chairs. In the U.S. House and Senate, all committees are chaired by a member of the majority party and although the minority is often consulted on committee activity, the committee's authority is centered in its chair. In practice, a chair's prerogative includes determining the committee's agenda, deciding when to take or delay action, presiding during meetings, and controlling most funds allocated by the chamber to the committee.

Because of the high volume and complexity of its work, Congress divides its legislative, oversight, and internal administrative tasks among committees and subcommittees. Committees and subcommittees gather information; compare and evaluate legislative alternatives; identify policy problems and propose solutions to them; select, determine the text of, and report out measures for the full chambers to consider; monitor executive branch performance (oversight); and conduct investigations. Subcommittees only have the power and authority granted to them by the full committee. For example, some subcommittees hold hearings, but do not consider legislation. Subcommittees and their areas of responsibility may also change from one Congress to the next. Furthermore, subcommittees cannot report bills directly to the floor. In the Parliament, the work of the committees is much the same, but only one committee—the Foreign Affairs Committee—has subcommittees.

A significant difference between Congress and the EP, however, is the way legislation is handled. In the U.S. Congress, legislation may be introduced by any Member of Congress. In the House, the legislation is referred to a committee based on “primary” jurisdiction. Measures can also be sequentially referred to additional committees, and many measures are referred to more than one panel. In the Senate, measures are referred based on “predominant” jurisdiction and it is rare for measures to be referred to more than one committee.

In the European Union, as noted previously, legislation is first proposed by the European Commission and then submitted to the Parliament and the Council of Ministers. The EP and the Council share legislative authority in most policy areas and must both approve a Commission proposal for it to become EU law. All EU legislation must have its legal basis in the EU treaties (upon which the EU has been built) or in a piece of secondary legislation, and each legislative proposal must cite in its preamble the EU treaty article upon which it is based. (Interestingly, a new rule adopted by the Republican leadership for the 112th Congress would require that all bills introduced should provide the “constitutional authority” for their provisions.) The legal basis determines which committee is deemed the “competent” committee to consider the legislative proposal, as well as the procedure under which the legislation is considered, (i.e., whether the Parliament has the benefit of the “ordinary legislative procedure” (co-decision) whereby it decides jointly with the Council on a proposal presented by the Commission).¹⁷ Under Parliament’s rules of procedure, if the designated competent committee wishes to challenge the legal basis of a piece of proposed legislation, it must consult the Legal Affairs Committee.

Once legislation is submitted to the competent committee, the EP committee appoints an MEP as “rapporteur” to draft a report on the legislation under consideration. The rapporteur submits a draft report to the committee for discussion, and the committee votes on and possibly amends the report. This is similar to a congressional committee mark-up of legislation. The committee’s report is then considered in a plenary session of the entire Parliament (similar to how legislation is considered by the whole House or Senate), amended if necessary, and put to a vote in the full EP. The Parliament thus adopts its position on the proposed EU legislation.

Observers suggest that differences between the two bodies’ legislative processes are a key issue when considering whether the U.S. Congress and the EP can effectively work with each other on matters of common interest that might involve legislation. Given that the European Commission is the originator of EU legislation, coordinating the legislative process between the two legislatures could be difficult especially because the U.S. Congress can introduce legislation and consider it as rapidly or as deliberately as it wishes, or not at all. To have legislation run parallel in both legislatures, the Commission would probably have to submit a legislative proposal around the same time a similar piece was introduced in either the House or Senate. Although the EP can ask the Commission to introduce legislation on a particular issue that might be under consideration in Congress and that the Parliament believes should be addressed, the Commission can take up to six months to decide whether or not it will submit legislation in response to the EP’s request. Even if the Commission decided to comply, the process of developing the actual legislative proposal could take up to one year or longer. Thus, it would require much coordination to have legislation considered on a simultaneous or near-simultaneous basis in both Congress and the EP, as well as a strong political commitment from both sides to do so.

Analysts also note that there are some issues in which the Parliament may have a legislative say, but Congress does not, and vice-versa. For example, when the renewal of the U.S.-EU SWIFT agreement was considered, the Parliament played a key role and rejected the accord initially. Later, after changes were negotiated between the European Commission and the U.S. government, the Parliament held a second vote and approved the agreement. During this whole

¹⁷ In some policy areas, such as tax matters, social security, and most aspects of foreign and defense policy, EU member states retain decision-making authority and the Parliament does not have the right of “co-decision,” although it may give a non-binding opinion.

process, the SWIFT accord was not sent to the U.S. Congress for consideration because it was negotiated by the United States as an executive agreement within existing U.S. law.

Similarly, the EP had a legislative role in approving the previously mentioned U.S.-EU PNR accord whereas the Congress did not because like SWIFT, it was negotiated as a U.S. executive agreement. This is not to say the Congress cannot or would not interject itself into an issue in which it would not normally have a role. For example, in May 2011, in the midst of U.S.-EU negotiations on the revised PNR agreement, the House introduced a resolution (H.Res. 255) and the Senate passed one (S.Res. 174) in which they each expressed satisfaction with the 2007 version of the accord and noted that any alterations to the accord must not degrade its usefulness in the fight against terrorism. Most analysts viewed these Congressional resolutions as seeking to bolster the Administration's negotiating hand vis-à-vis the EU. As the Administration did not agree to any EU demands that would have necessitated changes in U.S. law, however, Congressional approval for the new PNR accord was not required. Given such differences between the U.S. and EU policymaking processes, skeptics question whether stronger Congress-EP relations would add much value. Others contend, however, that even in matters such as SWIFT or PNR—in which one side has a legislative role and the other does not—closer ties and personal relationships between Members of Congress and their counterparts in the EP could help inform each other of the various viewpoints, frame the debate, and perhaps influence outcomes.

Despite some differences in the way legislation is handled in Congress and the EP, many experts assert that there appears to be opportunities for committees in both bodies to track what issues are being considered and where interests intersect. Possible mechanisms for doing so include video conferences, joint hearings, delegation visits, and staff exchanges. As mentioned, the EP has already identified “TLD administrators” for each EP committee; in addition to informing the TLD of what issues are under consideration in the committees, it was hoped that these administrators would also become points-of-contact for their counterpart committee staff in Congress. Thus far, however, no Congressional committee has formally appointed a TLD liaison among the staff and appears unlikely to do so in the near term. (For a comparison of European Parliament committees and House and Senate committees with similar or related jurisdictions, see the **Appendix**.)

Possible Options for Future Congress-Parliament Cooperation

If the level of contact between the U.S. Congress and the European Parliament does increase and as more observers begin to advocate for closer cooperation between the two bodies, several ideas have been put forward to help strengthen the overall effectiveness of the Congress-to-Parliament partnership. While the European Parliament has been far out in front of Congress in the pursuit of a stronger relationship, as noted earlier, the U.S. Congress as a whole has not seemed to embrace the need for significantly closer ties. Nevertheless, should Congress deem it worthwhile in the years ahead to further deepen relations with the EP, there are a number of potential options that could be considered and explored.

Six possible options for enhancing Congress-Parliament cooperation are discussed below; several focus on the TLD, some are specific to the USTLD, and others pertain to the broader Congress-EP relationship. Some observers suggest that a new structure on the U.S. side is needed to oversee and guide Congress-EP relations. However, others contend that appropriate structures already exist to do this; the U.S. Congress and its committees and subcommittees, the EU Caucus, and the

TLD itself provide the necessary structure for managing the Congress-EP relationship. For those of this view, the issue is not necessarily to create a new structure but to try to make the existing structure work more effectively.

1. Enhance the Transatlantic Legislators' Dialogue

For some, the first step in any attempt to boost Congress-EP relations and enhance the effectiveness of the TLD might be to elevate the status of the USTLD by having the TLD formally authorized by statute. Short of that, supporters of this option have suggested that Members of the House, not just the chairman, be appointed to the TLD by the Speaker, at the beginning of each Congress and for the full two years of a Congress. The number of U.S. delegates to the TLD should also be firmly established (e.g., at 12, with up to eight additional delegation seats open to any Member interested). In appointing Members to the TLD, it has been suggested that the Speaker should ensure representation from a cross-section of standing committees in the House. The proposed list of candidates could be developed through a consultation process between the chair/vice chairs of the USTLD and the chairs of the standing committees. In the 112th Congress, the Speaker notified the chair of the USTLD of his appointment, but as of mid-2012 it does not appear that any other members of the TLD had been formally appointed by anyone.

Some proponents of this option believe that the Congressional Caucus on the EU should be revitalized and form the umbrella organization for Congress-EP relations, much like the EP's Delegation for Relations with the United States. As discussed more below, the EU Caucus could also be open to the U.S. Senate. Some observers suggest that it might be beneficial for the appointed USTLD delegates to become the core of the EU Caucus; other members of the Caucus could act as substitutes for any USTLD delegate unable to attend a particular session or serve as additional USTLD participants.

Advocates of enhancing the TLD had also proposed that in appointing the TLD chair, the Speaker or chair of the Foreign Affairs Committee should identify a few specific issues that the TLD should focus on and that the USTLD chair, in conjunction with the EUTLD would establish either political and economic committees within which those issues would be addressed, or specific working groups to focus on those issues. USTLD Chair Stearns, in a press release regarding his appointment as chair, noted three major issues the TLD would seek to address. These included transport security, visa policies, and cargo harmonization; financial markets; and agriculture, specifically food safety and genetically modified organisms. By the end of 2011, it appeared that the agriculture had been eliminated from consideration, and with the appointment of MEP Ehler as the new EUTLD chair, cyber-security appears to have been added to the list as an additional issue for discussion. Although identifying a few specific priorities to be discussed was considered a step toward more productive TLD sessions, some also maintain that the TLD should remain flexible enough to be able to address issues that might emerge in between the semi-annual sessions, or an issue working its way through the legislative process on either side.

Supporters of this type of structure asserted that it would offer Members and MEPs the opportunity to focus more sustained attention on issues in which they may have a particular interest or expertise. The TLD working group chairs would report on the topics discussed in their committees to the entire body at some point during the TLD meetings. In addition, working group members could become more inter-active with each other in the time between the TLD's semi-annual meetings by promoting on-going dialogue between themselves, committee chairs, rapporteurs, and other delegates through the use of video conferences and meetings so that TLD

members could keep in touch year-round. This idea began to gain some traction when in preparation for the 2011 summer meeting of the TLD, the EUTLD announced the formation of individual working groups for at least two of the priority issue areas noted above. However, the USTLD was not ready to appoint members to the working groups at that time but suggested this could be done by the fall meeting. The TLD met again in December 2011, and although EUTLD working groups presented two “non-papers” on financial services and transport security for discussion, the U.S. delegation still had not named any Members to the suggested working groups. Plans shifted to the spring 2012 session to accomplish this. At the spring 2012 TLD session, the US delegation presented responses to the two “non-papers” presented by the EUTLD at the December meeting and discussions centered on those two issues although it was still unclear whether the USTLD had actually created two separate working groups.

Up until the spring 2012 meeting, the lack of a formal structure, even of working groups focused on specific issues, had led some observers to note that the TLD had not further strengthened its role as advisor to the TEC. They pointed out that the two issues the TLD was concentrating on (financial services and transport security) were not the focus of the TEC, which had moved on to issues such as nano-technology, electric automobiles, and e-health. While the issues addressed by the TLD were important, some observers had hoped that some of the other issues on the TEC agenda would emerge on the TLD agenda in the future.

Another possible opportunity for the TLD to become more influential came in late 2011, when the TLD’s role as an advisory body to the TEC was handed another chance to have an effective say in transatlantic economic relations. On November 17, 2011 in a resolution adopted by the European Parliament regarding the annual U.S.-EU Summit to be held later that month, the EP (responding, in part, to a report published by the TPN¹⁸) called for a joint transatlantic jobs and growth initiative, including a trade and investment roadmap, and expressed the need to strengthen the TEC process to achieve these objectives. The resolution also “urged the U.S. and the EU to involve the TLD closely in the TEC ...”¹⁹

At the U.S.-EU Summit at the end of November 2011, U.S. and EU leaders discussed potential U.S.-EU initiatives to stimulate transatlantic economic growth and job creation. In the joint statement issued at the conclusion of the Summit, the leaders directed the TEC to establish “a joint High Level Working Group on Jobs and Growth, co-chaired by the European Commissioner for Trade and the U.S. Trade Representative.” The Summit leaders asked the Working Group to “identify and assess options for strengthening the U.S.-EU economic relationship, especially those that have the highest potential to support jobs and growth.” These types of job and growth initiatives once identified could possibly require some legislative action by the Congress and the Parliament. Thus, the TLD, as an advisor to the TEC would have had to explore ways in which it could play a more pro-active role as promoters of the TEC’s job creation and growth efforts. Such a role suggested that the TLD would need to consider creating its own working group that would closely monitor and participate in the work of the TEC’s High Level Working Group on Jobs and Growth providing input as to what options could or could not receive legislative support. To its credit, the TLD did recognize a role for itself in this area and discussed the High Level Working Group’s mandate at its spring session in June 2012 in Copenhagen, Denmark. In the TLD’s Joint Statement issued at the conclusion of this session, the TLD declared its intention to continue the

¹⁸ *Toward a Strategic Vision for the Transatlantic Market*, Fourth Report, Transatlantic Policy Network, 2011.

¹⁹ See paragraphs 2, 3, and 4 of the European Parliament resolution on the EU-US Summit of 28 November 2011 adopted on November 17, 2011.

dialogue and to invite representatives of both the U.S. government and the European Commission to present the results of the High Level Group's work at the December 2012 session of the TLD.

Some observers have also argued that it may be worth considering hiring one or two dedicated USTLD staff in the House, instead of relying on the current structure of utilizing Foreign Affairs Committee staff. These permanent USTLD staff could potentially become part of the Speaker's Office of Interparliamentary Affairs. Such permanent USTLD staff could coordinate the activities of the TLD, help the USTLD liaise with standing committee staff, and meet regularly with representatives of the EP's Washington liaison office. In addition, the USTLD might consider establishing its own website to keep Members informed of its activities.

Pros and Cons. Supporters of enhancing the existing TLD—especially by having it authorized in statute in the U.S. Congress and having the Speaker officially appoint U.S. delegates—maintain that such measures would raise the standing of the TLD in the House and guarantee a more consistent group of attendees on the U.S. side. Establishing working groups (now done on the EUTLD side but not yet on the USTLD side) and assigning Members and MEPs as chairs, vice chairs, and rapporteurs could also convey a sense of “ownership” within the TLD and hopefully generate more dialogue in between the semi-annual TLD meetings. In addition, advocates assert that establishing TLD working group rapporteurs to report on specific issues might increase liaison between the TLD and the standing committees given that the rapporteurs would most likely contact the respective standing committees in their own institutions to discuss their research efforts. The research projects undertaken by the rapporteurs would also provide the opportunity for TLD staff to be in contact with each other on a more regular basis and with appropriate committee staff; as a result, TLD staff would be better able to help identify key issues on which both institutions may be working and where the potential may exist to pursue parallel tracks on legislation.

Skeptics of this option contend, however, that it would require a significant amount of political will in the U.S. Congress for it to materialize. In particular, they argue, this option would likely require a strong commitment not only from those Members currently involved in the TLD but also from the Speaker, in order to sufficiently convey to Members the importance of participating in this interparliamentary group. Those of this view also doubt that the House leadership would be receptive to hiring additional staff dedicated to the TLD given the current political and economic climate.

2. Develop Closer TLD Coordination with the Standing Committees and Promote Committee Cooperation

As noted previously, one problem that has arisen since the launch of the TLD in 1999 is that no single committee—in either Congress or the EP—exercises jurisdiction over the broad array of issues on the transatlantic agenda, and particularly now on the regulatory agenda. In the U.S. House, the committee that has the primary authority to oversee the transatlantic political relationship—the Foreign Affairs Committee under House Rule X—has no authority on the specific regulatory issues under consideration by the TEC. And while the close connection between the USTLD and the Foreign Affairs Committee continues, it remains unclear whether other House committees—such as Financial Services, Judiciary, or Homeland Security—would necessarily defer to the TLD to provide advice and guidance to the TEC on issues that fall within their jurisdictions, such as accounting standards, technology innovation, intellectual property, and border control measures.

Thus, many observers argue that an information-sharing process must be established between the TLD and the standing committees, especially on the U.S. side. As mentioned above, the European Parliament has already sought to address the TLD-committee relationship in two ways. First, the EUTLD requires representation from most of the EP's standing committees. Second, each EP committee has identified a "TLD Administrator" on its staff to act as the liaison between the committee and the TLD, and at some point, between the committee and its counterpart committee in Congress. Any such TLD-to-committee interaction in the U.S. Congress seems to occur, at best, on an ad hoc basis.

In addition to promoting closer links between the TLD and the standing committees in each legislature, some experts suggest that the committees themselves should explore ways to work directly and more closely with each other (on the U.S. side, some contend both House and Senate committees should be involved). In part, this could be accomplished through video conferences, joint hearings, and delegation visits encouraged by both the TLD and the EPLO in Washington. One example of where it was thought cooperation could have worked was in the agriculture sector. When the 112th Congress began the process to reauthorize the U.S. Farm Bill over the next two years and the EP began considering the EU's Common Agricultural Policy, which is up for renewal in 2012, some observers felt that issues such as farm and export subsidies, and phytosanitary regulations were politically important on both sides of the Atlantic and that the U.S. and EP agriculture committees might explore how they could work in concert with each other, especially to identify areas of potential conflict. Some suggested that the EU Caucus and the USTLD could have played a substantive role in helping coordinate the interaction between committees as well as sponsoring workshops and briefings for all Members of Congress and the EP on the issues involved in the Farm Bill/CAP debate. While there may have been some level of contact between the two Committees (Congressional Agriculture Committee staff visited their counterparts in the EP in June 2011 under a program sponsored by the Bertelsmann Foundation), there does not appear to have been any substantive follow-up attempts to coordinate, or at least to discuss, related farm policy issues. Now, with the addition of cyber-security as an issue of interest to the TLD, and both the U.S. Congress and EP moving forward with substantive legislative initiatives, this could be a new opportunity for the TLD to explore ways to coordinate what the respective U.S. and EP Committees are doing, as well as what legislation is moving forward and what impact, if any, such legislation in either body could have on the United States or the EU.

Pros and Cons. Proponents of developing closer ties between the TLD and the standing committees stress that for at least the TEC responsibilities of the TLD, it is essential that committees with jurisdiction over issues on the TEC agenda be included in the TLD dialogue in some way. They assert that this is necessary because when the TEC meets and issues its recommendations on how the United States and EU might deal with matters such as consumer product safety or port security functions, or now, transatlantic jobs and growth initiatives it likely does so with what it believes to be the best guidance from the House of Representatives and the Parliament as a whole, not just from two or three individual Members of Congress or the EP who happen to be the TLD chairs and vice chairs. In addition, supporters contend that strengthening coordination between the TLD and the standing committees would allow for greater committee input into what should be included on the TLD meeting agendas and could help bring more U.S. members with relevant expertise into the dialogue with the European Parliament. This lack of input from the relevant U.S. committees to the USTLD leadership appears to have limited the kinds of progress on initiatives the TLD can advocate for in its annual input to the TEC, which is supposed to help provide guidance to the TEC's work program.

Some observers point out, however, that developing closer TLD coordination with the standing committees on the U.S. side would likely take some time and would require a sustained effort by the USTLD chair. Given the still limited knowledge about the TLD and the EP in Congress, many committees would have to be convinced as to why cooperation might be in their interests. In terms of establishing direct committee-to-committee contact in an effort to improve legislative coordination between the two sides, others argue that some U.S. members might also be hesitant to pursue this option for fear of being seen as putting the interests of the transatlantic relationship ahead of those of their own constituents.

3. Utilize European Parliament Liaison Staff Deployed to Washington

This option would take advantage of the Parliament’s decision to deploy its own liaison staff to Washington. Under this option, regular meetings or briefings between the EPLO and the USTLD chairs, USTLD delegates, the EU Caucus, and staff could be arranged to share insights, observations, and other information regarding activities in both Congress and the EP. As EP staffers are already in Washington and have a direct line of communication back to the Parliament, they would presumably be able to update Members and staff on legislative proposals under consideration in the EP.

Pros and Cons. Supporters of this option note that it could likely be implemented quickly given that the staff of the EPLO appear eager to establish good, close relations with Members of Congress and their staffs and would likely welcome the opportunity to have a regular exchange of views. For many U.S. Members and staffers, this option would also have the advantage of being relatively low-cost in terms of both money and time, while potentially helping to promote more dialogue among TLD delegates in between the semi-annual meetings. Others argue that this option may not be sufficient to significantly bolster the Congress-EP relationship. Some also question whether this option could be structured enough to bring into the TLD dialogue a broader range of committee staff on a regular and sustained basis. To date, it appears that individual meetings between the EPLO staff and congressional staff are continuing but it does not appear that any formal workshops or seminars have been held by the EPLO for a larger staff audience of the TLD and committee staff to discuss issues before both the Parliament and the Congress.

4. Establish a Senior Staff “Fellowship” Exchange

Under this option, senior congressional staffers from either the Leadership offices or standing committees could be designated by the House and/or Senate Leadership as congressional “fellows” and seconded to the EP for a short-duration rotation (perhaps 2-3 months) with possibly the EP Secretariat, a selected EP committee, or the EP’s Unit for Transatlantic Relations. This kind of exchange could accommodate up to three or four staff rotating to Brussels over the course of a year and would provide staff exposure to the Parliament as well as an avenue for continuous information exchange. Issues such as housing and other per diem costs would have to be determined by Congress but under a “fellowship” type of program, it would appear that congressional staff could hold an office and use equipment provided by the EP within the EP itself, much as foreign “fellows” can work out of congressional offices.

Pros and Cons. Advocates of establishing a fellowship exchange assert that this option would have the possible benefit of creating a cadre of U.S. staffers with first-hand knowledge of the EP

and how it functions, as well as personal contacts within the EP, something a typical staff visit of a few days could not achieve. This could help further the goal of developing closer links between Congress and the EP. On the negative side, some point out that rotating U.S. congressional staff through Brussels on a short-term basis might not allow for the time necessary to establish strong relationships with EP counterparts that could prove sustainable and useful in the future. Others note that many congressional staffers—even at the senior level—often rotate in and out of congressional service, potentially limiting the utility of such a fellowship program in terms of enhancing long-term institutional ties between Congress and the EP.

One model that could be explored has already been initiated by the two largest political groups in the EP, the center-right European Peoples Party (EPP) and Socialists and Democrats (S&D). The EPP has occasionally invited republican staff to Brussels to learn how Parliament works and what role political groups play. In turn, EPP staff usually spend a week in Washington meeting with congressional staff. Although these exchanges are limited in duration, more party focused, and not specific to an issue or legislation being considered in either body, they appear to have been successful thus far. Similarly, the S&D has apparently initiated its own program in which an S&D group staffer is seconded to an office of a Democratic Member for three or four weeks to learn how Congress operates and to focus on a specific issue. Whether this kind of model could be formalized through the TLD could be explored.

5. Deploy Congressional Staff to Brussels

This option, similar to what the EP has already done, would involve opening a congressional liaison office in Brussels and deploying U.S. congressional staff there to work with the European Parliament on a daily basis. Aside from the logistical issues of work visas, diplomatic status, per diem, and others, this option would raise a series of questions for Congress such as who hires the employees, who do they report to (the Speaker and/or Senate Majority Leader, Committees, TLD leadership), and how does the minority party fit in. Other issues for consideration would include whether U.S. congressional staff could legally occupy office space inside the Parliament and whether Congress would pay rent and operating costs to the Parliament. As a variation of this option, some observers have suggested that it might be possible for congressional staff to work out of the U.S. Mission to the EU, much as the EPLO has been established administratively within the office space of the Washington Delegation of the European Union.

Pros and Cons. Proponents of this option assert that establishing a congressional liaison office in Brussels would be one of the most effective ways to pursue greater legislative consultation and cooperation between Congress and the EP. U.S. staffers deployed to Brussels would be able to follow events in the Parliament closely and keep U.S. Members, committees, and congressional staff informed of EP views and activities on a regular basis. Congressional staff in Brussels would also be well placed to develop working relationships with MEPs, EP committees, and EP staffers; in turn, they could connect Members and MEPs with similar legislative interests and help promote greater dialogue on key issues.

Critics contend, however, that establishing a congressional liaison office in Brussels is premature. In the absence of a broader political commitment from the U.S. Congress to boost ties with the EP, it appears difficult to even bolster the USTLD in Congress let alone establish a whole new congressional entity focused on the EP. Although some of this view acknowledge that the EP's new liaison office in Washington may help develop closer relations between the EP and Congress, they assert that most Members of Congress are not convinced of the need to coordinate legislation with the EP or to have a reciprocal presence in Brussels at this time. Establishing a congressional

liaison office in Brussels would also be a considerable logistical undertaking and depending on the eventual size of the office and the specific staff and housing arrangements, could entail a significant financial expenditure. Some observers worry that a congressional liaison office in Brussels could also set a precedent and lead to unrealistic expectations that Congress might seek to establish similar offices in other countries. Possibly locating congressional staff within the U.S. Mission to the EU would likely require extensive negotiations with the U.S. State Department and could raise constitutional questions about the separation of powers.

6. Establish a Congressional Commission on the EU

Some proponents of forging closer ties between Congress and the EP have called for establishing a Congressional Commission on the EU to monitor relevant EU legislation, evaluate its implications for the United States, and serve as the primary congressional liaison with the EP and the other EU institutions. Supporters of such an initiative assert that it could be largely modeled on the existing U.S. Helsinki Commission, an independent government agency, which since 1976 has sought to encourage compliance with the political commitments made by the member states of the Organization for Security and Cooperation in Europe (OSCE). Like the Helsinki Commission, it has been suggested that a Congressional Commission on the EU should include an equal number of Members from both the House and Senate, and representatives from both the majority and minority; the Commission's chair and vice chair would rotate each new Congress between the House and Senate. The Commission would be able to hold hearings and meetings on matters of mutual interest to Congress and the EP.

In January 2011, H.Con.Res. 2 was introduced (Representative Issa, CA) proposing the creation of such a Commission along the lines described above. Although most of the staff of this potential Commission would presumably be located in Washington, H.Con.Res. 2 also allows for the provision of funds for the lease of office space by the Commission at or near the EP in Brussels.

Pros and Cons. Advocates of establishing a Congressional Commission on the EU argue that it would likely focus greater attention on the Congress-EP relationship and the U.S.-EU partnership more broadly, although some point out that it is unclear how a Commission could be any more effective than the Europe Subcommittees, the EU Caucus, or the TLD in raising awareness of the EU. As proposed in H.Con.Res. 2, a primary purpose of the Commission would be to monitor and assess EU legislation and its potential impact on the United States; in doing so, some suggest it could help to strengthen the TLD by demonstrating the EP's growing influence and the importance of increasing congressional engagement with the EP. In appointing Members to serve on the Commission, it would create a small but invested group of Members with a sustained interest in the EU and the EP. Proponents also point out that it would bring the Senate formally into the growing dialogue with the EP. And as a liaison between Congress and the EP, such a Commission could help to improve committee-to-committee relations between the two bodies and/or provide an "early warning" mechanism for legislation under consideration in either the EP or Congress.

On the other hand, critics assert that this option is also premature given the lack of wider congressional interest in promoting closer cooperation with the EP at this time. They also argue that there is nothing in the proposal for a new Commission that could not already be done under the current structures, and that unless in the creation of a such a Commission the majority of the Commission's staff were located in Brussels, it would not necessarily guarantee a more effective or productive Congress-Parliament relationship. Some analysts point out that it is unclear how the proposed Commission would relate to the TLD, or whether a TLD would even be required, and

they question whether the Senate would be willing or interested in participating (see below). Others believe that if the current TLD were enhanced and if the standing committees in both the U.S. Congress and the EP were to increase direct contact with each other, such a Commission would be redundant. Moreover, amid the current U.S. political climate, some doubt that the proposed Commission could garner the necessary support in the near future, in part because it would likely entail significant financial and staffing commitments.

Role of the Senate

Many observers have raised the question of what role the Senate might play in efforts to strengthen ties between the U.S. Congress and the European Parliament. For the operation of the TLD in general, the Senate has never been involved. Visiting EP delegations coming to the United States for TLD meetings or for consultations with Members of Congress have paid courtesy calls occasionally on the Senate but the Senate has never participated formally in the TLD sessions. Recently, Senator Jeanne Shaheen (NH), chair of the Europe Subcommittee of the Senate Foreign Relations Committee, has indicated her interest in exploring ways the Senate could be involved with the TLD although there has been no intent to create a Senate version of the TLD or to statutorily establish a TLD with both House and Senate participation up to this point. Some observers believe that a reinvigorated House EU Caucus could reach out to the Senate to include some Senators as Members of the Caucus, thus giving the Senate contact with the activities of the TLD. Others believe that interested Senators should consider creating a Senate EU Caucus and then offer to hold joint meetings/briefings with the House counterpart. Through a joint Caucus effort, the Senate could potentially participate in TLD meetings as additional USTLD delegates (as described above in Option 1).

For many experts, the fact that the Senate has a co-equal role in regulatory oversight, but is not included as part of the TLD for purposes of the TEC Advisory Group, is a serious concern. As of January 2012, the TEC had met six times with the Advisory Group, yet there does not seem to be a formal mechanism within the TLD to include the Senate in its discussions with the TEC nor is there a way within the TEC Advisory Group to solicit Senate opinion. Thus, while the TLD over time could develop some level of authority to represent the views of the House on issues addressed in the Advisory Group's meetings with the TEC, the TLD, as currently structured, cannot claim to speak on behalf of the Senate. Many observers assert that this oversight must be addressed if the TEC intends to receive the advice of the whole Congress.

One option that would allow the TLD to continue its broad mandate to address a wide range of transatlantic issues and at the same time include the Senate in its role as a TEC advisor, may be for the USTLD chair to consider creating a Congressional TEC Working Group. This Working Group would include Members from both the House and Senate who sit on committees with jurisdiction over issues on the TEC Advisory Group meeting agenda in order to encourage Senate input into the TEC process. At a December 2009 hearing of the Senate Foreign Relations Committee's Europe Subcommittee, the issue of the TLD and the role of the Senate in the TEC process was addressed by the witnesses and, according to Committee staff, will apparently be investigated further.

Some observers suggest that any efforts to elevate the broader Congress-Parliament relationship must have Senate participation. For example, Senate committees might also be encouraged to establish direct contact with EP committees with similar jurisdictions. As noted previously, while Senator Shaheen has raised the issue, it remains unclear to what extent Members of the Senate

may be interested in developing relations with the EP, establishing ties with MEPs, or forging closer links between the relevant Senate and EP committees.

Conclusion

The European Parliament places a premium on its partnership with the U.S. Congress, and is committed to developing closer relations between the two legislative bodies. As noted above, the EP has implemented its long-held intention to open a legislative liaison office in Washington to increase its presence in Congress. And in recognition of the wide array of legislative issues facing Congress and the EP that could affect the broader transatlantic relationship, the EP has sought to involve its various standing committees in the work of the TLD in an attempt to enhance its effectiveness and utility.

On the U.S. side, however, Congress—other than those Members who have participated in the TLD—does not seem to be, at least at this point, as interested as the European Parliament in trying to establish closer legislative cooperation. Some attribute this lack of enthusiasm on the U.S. side to the fact that many believe that the two institutions do not have the exact same legislative powers or mandates. And many Members of Congress believe that the TLD, although never intended to be anything more than a mechanism for exchanging views among parliamentarians, currently wields little influence or authority as a transatlantic policy resource.

The initial involvement of the TLD in the TEC's efforts to move regulatory cooperation toward the ultimate goal of an unencumbered transatlantic marketplace did appear to raise the TLD's visibility in the U.S. Congress. Since then, however, there has been little evidence that the USTLD's role has generated any additional congressional interest in the TLD, the TEC, or enthusiasm for closer cooperation and collaboration with the European Parliament. While the creation of the TEC raised several questions about the role that Congress and the EP will or should play in the promotion of greater transatlantic economic integration and regulatory cooperation, on the U.S. side, those questions still appear unanswered. Given the EP's growing power and influence within the EU as a result of the Lisbon Treaty, some U.S. officials and Members of Congress continue to believe that it may be in U.S. interests for Congress to develop closer ties with the Parliament. However, some of the original congressional advocates of a closer relationship with the EP are no longer in congress and other voices of support seemed to have waned. Outside organizations that initially showed a commitment to try to move this agenda forward also seem to have curbed their enthusiasm for one reason or another.

Some advocates, however, still believe that if the identified concerns about the USTLD are more fully addressed, the TLD could become an organization capable of taking on a more important stakeholder role in promoting Congress-Parliament cooperation and a stronger voice for transatlantic relations in both Congress and the EP. In the near term, however, these analysts acknowledge that the TLD's most immediate challenge will remain fulfilling its responsibilities as a member of the TEC Advisory Group. In the longer term, most observers stress that significantly bolstering the overall relationship between Congress and the Parliament will require a sustained political commitment on both sides and serious consideration of all possible options, including but not necessarily limited to those focused on the TLD.

Appendix. Comparison of Committees in the European Parliament and the U.S. Congress

The following chart identifies the European Parliament (EP) committees and the U.S. House and Senate committees with similar or related jurisdictions. However, due to the unique nature of both systems, not all EP committees have a corresponding congressional equivalent. For organizational purposes, committees are grouped into broad “subject areas” given the various competencies of both EP and U.S. committees. These “subject areas” have been generally determined by EP committee competencies; accordingly, not all U.S. congressional committees are included. EP special committees, which are temporary in nature, are not included either.

Given the complexities of the U.S. committee system in particular, this chart is meant largely for illustrative purposes, and should not be construed as an exhaustive treatment of committee jurisdictions or competencies. Both EP and U.S. congressional committees are listed in alphabetical order.

Table A-I. Comparison of Committees in the EP and the U.S. Congress

Subject Area	EP Committees	Related U.S. Congressional Committees	
		House	Senate
Foreign Affairs and International Development	<ul style="list-style-type: none"> • Development • Foreign Affairs 	<ul style="list-style-type: none"> • Armed Services • Foreign Affairs 	<ul style="list-style-type: none"> • Armed Services • Foreign Relations
International Trade	<ul style="list-style-type: none"> • International Trade 	<ul style="list-style-type: none"> • Ways and Means 	<ul style="list-style-type: none"> • Finance
Budget and Appropriations	<ul style="list-style-type: none"> • Budgetary Control • Budgets 	<ul style="list-style-type: none"> • Appropriations • Budget 	<ul style="list-style-type: none"> • Appropriations • Budget
Economic and Monetary Policies	<ul style="list-style-type: none"> • Economic and Monetary Affairs • Internal Market and Consumer Protection 	<ul style="list-style-type: none"> • Financial Services • Judiciary • Ways and Means 	<ul style="list-style-type: none"> • Banking, Housing, and Urban Affairs • Finance • Judiciary
		<ul style="list-style-type: none"> • Joint House & Senate Economic Committee 	
Social, Environmental, and Natural Resource Issues	<ul style="list-style-type: none"> • Culture and Education • Employment and Social Affairs • Environment, Public Health, and Food Safety • Women’s Rights and Gender Equality 	<ul style="list-style-type: none"> • Agriculture • Education and the Workforce • Energy and Commerce • Judiciary • Science, Space and Technology • Small Business • Ways and Means 	<ul style="list-style-type: none"> • Agriculture, Nutrition and Forestry • Commerce, Science, and Transportation • Energy and Natural Resources • Environment and Public Works • Finance • Health, Education, Labor and Pensions • Judiciary • Small Business and Entrepreneurship
Technology, Infrastructure, and Transportation	<ul style="list-style-type: none"> • Industry, Research and Energy • Transport and Tourism 	<ul style="list-style-type: none"> • Energy and Commerce • Science, Space, and Technology • Transportation and Infrastructure 	<ul style="list-style-type: none"> • Commerce, Science and Transportation • Energy and Natural Resources • Environment and Public Works
Agriculture, Fisheries, and Regional Development	<ul style="list-style-type: none"> • Agriculture and Rural Development • Fisheries • Regional Development 	<ul style="list-style-type: none"> • Agriculture • Energy and Commerce • Natural Resources • Small Business 	<ul style="list-style-type: none"> • Agriculture, Nutrition, and Forestry • Commerce, Science, and Transportation • Energy and Natural Resources • Environment and Public Works • Small Business and Entrepreneurship
Homeland Security and Civil Liberties	<ul style="list-style-type: none"> • Civil Liberties, Justice, and Home Affairs 	<ul style="list-style-type: none"> • Homeland Security • Judiciary • Permanent Select Committee on Intelligence 	<ul style="list-style-type: none"> • Homeland Security and Governmental Affairs • Judiciary • Select Committee on Intelligence
Constitutional and Legal Issues	<ul style="list-style-type: none"> • Constitutional Affairs • Legal Affairs 	<ul style="list-style-type: none"> • Judiciary 	<ul style="list-style-type: none"> • Judiciary
Other	<ul style="list-style-type: none"> • Petitions 	<ul style="list-style-type: none"> • No equivalent 	<ul style="list-style-type: none"> • No equivalent

Source: This chart was prepared by Kristin Archick, Specialist in European Affairs, Foreign Affairs, Defense and Trade Division, and Judy Schneider, Specialist on the Congress, Government and Finance Division, CRS.

Author Contact Information

Kristin Archick
Specialist in European Affairs
karchick@crs.loc.gov, 7-2668

Vincent Morelli
Section Research Manager
vmorelli@crs.loc.gov, 7-8051