

106TH CONGRESS
1ST SESSION

S. 1585

To establish a Congressional Trade Office.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 1999

Mr. BAUCUS introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

To establish a Congressional Trade Office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) Congress has responsibility under the Con-
6 stitution for international commerce.

7 (2) Congressional oversight of trade policy has
8 often been hampered by a lack of resources.

9 (3) The United States has entered into numer-
10 ous trade agreements with foreign trading partners,
11 including bilateral, regional, and multilateral agree-
12 ments.

1 (4) The purposes of the trade agreements are—

2 (A) to achieve a more open world trading
3 system which provides mutually advantageous
4 market opportunities for trade between the
5 United States and foreign countries;

6 (B) to facilitate the opening of foreign
7 country markets to exports of the United States
8 and other countries by eliminating trade bar-
9 riers and increasing the access of United States
10 industry and the industry of other countries to
11 such markets; and

12 (C) to reduce diversion of third country ex-
13 ports to the United States because of restricted
14 market access in foreign countries.

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

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

22 **SEC. 2. ESTABLISHMENT OF OFFICE.**

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

1 (b) PURPOSES.—The purposes of the Office are as
2 follows:

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

5 (2) To provide Congress, through the Com-
6 mittee on Finance of the Senate and the Committee
7 on Ways and Means of the House of Representatives
8 with additional independent, nonpartisan, neutral
9 trade expertise.

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

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

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

16 (6) To provide Congress with more analytical
17 capability on trade issues.

18 (7) To advise relevant committees on the im-
19 pact of trade negotiations, including past, ongoing,
20 and future negotiations, with respect to the areas of
21 jurisdiction of the respective committees.

22 (c) DIRECTOR AND STAFF.—

23 (1) DIRECTOR.—

24 (A) IN GENERAL.—The Office shall be
25 headed by a Director. The Director shall be ap-

1 pointed by the Speaker of the House of Rep-
2 resentatives and the President pro tempore of
3 the Senate after considering the recommenda-
4 tions of the Chairman and Ranking Member of
5 the Committee on Finance of the Senate and
6 the Chairman and Ranking Member of the
7 Committee on Ways and Means of the House of
8 Representative. The Director shall be chosen
9 without regard to political affiliation and solely
10 on the basis of the Director's expertise and fit-
11 ness to perform the duties of the Director.

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

15 (C) VACANCY.—Any individual appointed
16 to fill a vacancy prior to the expiration of a
17 term shall serve only for the unexpired portion
18 of that term.

19 (D) REMOVAL.—The Director may be re-
20 moved by either House by resolution.

21 (E) COMPENSATION.—The Director shall
22 receive compensation at a per annum gross rate
23 equal to the rate of basic pay, as in effect from
24 time to time, for level III of the Executive

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

3 (2) STAFF.—

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

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

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

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

6 (4) RELATIONSHIP TO EXECUTIVE BRANCH.—

7 The Director is authorized to secure information,
8 data, estimates, and statistics directly from the var-
9 ious departments, agencies, and establishments of
10 the executive branch of Government and the regu-
11 latory agencies and commissions of the Government.
12 All such departments, agencies, establishments, and
13 regulatory agencies and commissions shall furnish
14 the Director any available material which he deter-
15 mines to be necessary in the performance of his du-
16 ties and functions (other than material the disclo-
17 sure of which would be a violation of law). The Di-
18 rector is also authorized, upon agreement with the
19 head of any such department, agency, establishment,
20 or regulatory agency or commission, to utilize its
21 services and facilities with or without reimburse-
22 ment; and the head of each such department, agen-
23 cy, establishment, or regulatory agency or commis-
24 sion is authorized to provide the Office such services
25 and facilities.

1 (5) RELATIONSHIP TO OTHER AGENCIES OF
2 CONGRESS.—In carrying out the duties and func-
3 tions of the Office, and for the purpose of coordi-
4 nating the operations of the Office with those of
5 other congressional agencies with a view to utilizing
6 most effectively the information, services, and capa-
7 bilities of all such agencies in carrying out the var-
8 ious responsibilities assigned to each, the Director is
9 authorized to obtain information, data, estimates,
10 and statistics developed by the General Accounting
11 Office, the Library of Congress, and other offices of
12 Congress, and (upon agreement with them) to utilize
13 their services and facilities with or without reim-
14 bursement. The Comptroller General, the Librarian
15 of Congress, and the head of other offices of Con-
16 gress are authorized to provide the Office with the
17 information, data estimates, and statistics, and the
18 services and facilities referred to in the preceding
19 sentence.

20 (d) FUNCTIONS.—The functions of the Office are as
21 follows:

22 (1) ASSISTANCE TO CONGRESS.—Provide the
23 Committee on Finance of the Senate and the Com-
24 mittee on Ways and Means of the House of Rep-
25 resentative and any other appropriate committee of

1 Congress or joint committee of Congress information
2 which will assist the committees in the discharge of
3 the matters within their jurisdiction.

4 (2) MONITOR COMPLIANCE.—Monitor compli-
5 ance with major bilateral, regional, and multilateral
6 trade agreements by—

7 (A) consulting with the affected industries
8 and interested parties;

9 (B) analyzing the success of agreements
10 based on commercial results;

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

16 (D) annually assessing the extent to which
17 current agreements comply with environmental
18 goals; and

19 (E) annually assessing the extent to which
20 current agreements comply with labor goals.

21 (3) ANALYSIS.—Perform the following analyses:

22 (A) Not later than 60 days after the date
23 the National Trade Estimates report is deliv-
24 ered to Congress each year, analyze the major

1 outstanding trade barriers based on cost to the
2 United States economy.

3 (B) Not later than 60 days after the date
4 the Trade Policy Agenda is delivered to Con-
5 gress each year, analyze the Administration's
6 Agenda, including alternative goals, strategies,
7 and tactics, as appropriate.

8 (C) Analyze proposed trade legislation.

9 (D) Analyze proposed trade agreements,
10 including agreements that do not require imple-
11 menting legislation.

12 (E) Analyze the impact of the Administra-
13 tion's trade policy and actions, including assess-
14 ing the Administration's decisions for not ac-
15 cepting unfair trade practices cases.

16 (F) Analyze the trade accounts quarterly,
17 including the global current account, global
18 trade account, and key bilateral trade accounts.

19 (4) DISPUTE SETTLEMENT DELIBERATIONS.—
20 Perform the following functions with respect to dis-
21 pute resolution:

22 (A) Participate as observers on the United
23 States delegation at dispute settlement panel
24 meetings of the World Trade Organization.

1 (B) Evaluate each World Trade Organiza-
2 tion decision where the United States is a par-
3 ticipant. In any case in which the United States
4 does not prevail, evaluate the decision and in
5 any case in which the United States does pre-
6 vail, measure the commercial results of that de-
7 cision.

8 (C) Evaluate each dispute resolution pro-
9 ceeding under the North American Free Trade
10 Agreement. In any case in which the United
11 States does not prevail, evaluate the decision
12 and in any case in which the United States does
13 prevail, measure the commercial results of that
14 decision.

15 (D) Participate as observers in other dis-
16 pute settlement proceedings that the Chairman
17 and Ranking Member of the Committee on Fi-
18 nance and the Chairman and Ranking Member
19 of the Committee on Ways and Means deem ap-
20 propriate.

21 (5) OTHER FUNCTIONS OF DIRECTOR.—The Di-
22 rector and staff of the Office shall perform the fol-
23 lowing additional functions:

24 (A) Provide the Committee on Finance and
25 the Committee on Ways and Means with quar-

1 terly reports regarding the activities of the Of-
2 fice.

3 (B) Be available for consultation with con-
4 gressional committees on trade-related legisla-
5 tion.

6 (C) Receive and review classified informa-
7 tion and participate in classified briefings in the
8 same manner as the staff of the Committee on
9 Finance and the Committee on Ways and
10 Means.

11 (D) Consult nongovernmental experts and
12 utilize nongovernmental resources.

13 (E) Perform such other functions as the
14 Chairman and Ranking Member of the Com-
15 mittee on Finance and the Chairman and
16 Ranking Member of the Committee on Ways
17 and Means may request.

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

19 (a) RIGHT TO COPY.—Except as provided in sub-
20 sections (b) and (c), the Director shall make all informa-
21 tion, data, estimates, and statistics obtained under this
22 Act available for public copying during normal business
23 hours, subject to reasonable rules and regulations, and
24 shall to the extent practicable, at the request of any per-
25 son, furnish a copy of any such information, data, esti-

1 mates, or statistics upon payment by such person of the
2 cost of making and furnishing such copy.

3 (b) EXCEPTIONS.—Subsection (a) of this section
4 shall not apply to information, data, estimates, and
5 statistics—

6 (1) which are specifically exempted from disclo-
7 sure by law; or

8 (2) which the Director determines will
9 disclose—

10 (A) matters necessary to be kept secret in
11 the interests of national defense or the con-
12 fidential conduct of the foreign relations of the
13 United States;

14 (B) information relating to trade secrets or
15 financial or commercial information pertaining
16 specifically to a given person if the information
17 has been obtained by the Government on a con-
18 fidential basis, other than through an applica-
19 tion by such person for a specific financial or
20 other benefit, and is required to be kept secret
21 in order to prevent undue injury to the competi-
22 tive position of such person; or

23 (C) personnel or medical data or similar
24 data the disclosure of which would constitute a

1 clearly unwarranted invasion of personal pri-
 2 vacy;
 3 unless the portions containing such matters, information,
 4 or data have been excised.

5 (c) INFORMATION OBTAINED FOR COMMITTEES AND
 6 MEMBERS.—Subsection (a) of this section shall apply to
 7 any information, data, estimates, and statistics obtained
 8 at the request of any committee, joint committee, or Mem-
 9 ber unless such committee, joint committee, or Member
 10 has instructed the Director not to make such information,
 11 data, estimates, or statistics available for public copying.

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

13 There are authorized to be appropriated to the Office
 14 for each fiscal year such sums as may be necessary to en-
 15 able it to carry out its duties and functions. Until sums
 16 are first appropriated pursuant to the preceding sentence,
 17 for a period not to exceed 12 months following the effec-
 18 tive date of this subsection, the expenses of the Office shall
 19 be paid from the contingent fund of the Senate, in accord-
 20 ance with the provisions of the paragraph relating to con-
 21 tingent funds under the heading “UNDER LEGISLA-
 22 TIVE” in the Act of October 2, 1888 (25 Stat. 546; 2
 23 U.S.C. 68), and upon vouchers approved by the Director.

