

107TH CONGRESS
1ST SESSION

S. 1347

To establish a Congressional Trade Office.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. BAUCUS (for himself and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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.

(4) The purposes of the trade agreements are—

(A) to achieve a more open world trading

system which provides mutually advantageous

market opportunities for trade between the

United States and foreign countries;

(B) to facilitate the opening of foreign

country markets to exports of the United States

and other countries by eliminating trade bar-

riers and increasing the access of United States

industry and the industry of other countries to

such markets; and

(C) to reduce diversion of third country ex-

ports to the United States because

market access in foreign countries.

(5) Foreign country performance under certain

ements has been less than contemplated, and in

the cases rises to the level of noncompliance.

(6) The credibility of, and support for, the

United States Government's trade policy is, to a sig-

ant extent, a function of the belief that trade

ements made are trade agreements enforced.

(7) The accession of the People's Republic of

nia to the World Trade Organization will create

precedented challenges and it is important to the

1 numerous and significant commitments China makes
2 as part of the accession process. Congress must play
3 a key role in ensuring full and continuous moni-
4 toring of the People’s Republic of China’s compli-
5 ance with its commitments.

6 **SEC. 2. ESTABLISHMENT OF OFFICE.**

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

10 (b) PURPOSES.—The purposes of the Office are as
11 follows:

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

14 (2) To provide Congress with additional inde-
15 pendent, nonpartisan, neutral trade expertise.

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

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

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

22 (6) To provide Congress with more analytical
23 capability on trade issues.

24 (7) To advise relevant committees on the im-
25 pact of trade negotiations, including past, ongoing,

1 and future negotiations, with respect to the areas of
2 jurisdiction of the respective committees.

3 (c) FUNCTIONS.—The functions of the Office are as
4 follows:

5 (1) ASSISTANCE TO CONGRESS.—Provide the
6 appropriate committees of Congress or joint commit-
7 tees of Congress information which will assist the
8 committees in the discharge of the matters within
9 their jurisdiction.

10 (2) MONITOR COMPLIANCE.—Monitor compli-
11 ance with major bilateral, regional, and multilateral
12 trade agreements by—

13 (A) consulting with the affected industries
14 and interested parties;

15 (B) analyzing the success of those agree-
16 ments based on commercial results;

17 (C) recommending actions, including legis-
18 lative action, necessary to ensure that foreign
19 countries that have made commitments through
20 those agreements with the United States fully
21 abide by their commitments;

22 (D) annually assessing the extent to which
23 those agreements comply with environmental
24 goals; and

(E) annually assessing the extent to which those agreements comply with labor goals.

(3) ANALYSIS.—

(A) IN GENERAL.—Perform the following analyses:

(i) Not later than 90 days after the

date the Trade Policy Agenda is delivered to Congress each year, analyze the Administration's Agenda, including alternative goals, strategies, and tactics, as appropriate.

(ii) Not later than 90 days after the date the National Trade Estimates report is delivered to Congress each year, analyze the major outstanding trade barriers based on cost to the United States economy.

(iii) Analyze the trade accounts, including the global current account, global trade account, and key bilateral trade accounts.

(B) ANALYSIS REQUESTED BY COMMITTEE.—Perform analyses as directed by any committee which will assist the committee in the discharge of the matters within the committee's jurisdiction.

(4) DISPUTE SETTLEMENT DELIBERATIONS.—

2 Perform the following functions with respect to dis-
3 pute resolution:

4 (A) Participate as observers on the United
5 States delegation at dispute settlement panel
6 meetings of the World Trade Organization.

11 (C) Evaluate the results obtained by the
12 United States in dispute settlement under the
13 North American Free Trade Agreement, includ-
14 ing the commercial results.

15 (5) PARTICIPATION IN TRADE NEGOTIATIONS.—

16 Participate as observers in selected bilateral, re-
17 gional, and multilateral trade negotiations.

18 (6) OTHER FUNCTIONS OF THE OFFICE.—

19 (A) Provide the Committee on Finance and
20 the Committee on Ways and Means with quar-
21 terly reports regarding the activities of the Of-
22 fice.

23 (B) Be available for consultation with con-
24 gressional committees on trade-related legisla-
25 tion.

1 (C) Receive and review classified informa-
2 tion and participate in classified briefings in the
3 same manner as the staff of the Committee on
4 Finance and the Committee on Ways and
5 Means.

6 (D) Consult nongovernmental experts and
7 utilize nongovernmental resources.

13 (d) DIRECTOR AND STAFF.—

14 (1) DIRECTOR.—

15 (A) IN GENERAL.—The Office shall be
16 headed by a Director. The Director shall be ap-
17 pointed by the Speaker of the House of Rep-
18 resentatives and the President pro tempore of
19 the Senate after considering the recommenda-
20 tions of the Chairman and Ranking Member of
21 the Committee on Finance of the Senate and
22 the Chairman and Ranking Member of the
23 Committee on Ways and Means of the House of
24 Representative. The Director shall be chosen
25 without regard to political affiliation and solely

1 on the basis of the Director's expertise and fit-
2 ness to perform the duties of the Director.

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

6 (C) VACANCY.—Any individual appointed
7 to fill a vacancy prior to the expiration of a
8 term shall serve only for the unexpired portion
9 of that term.

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

12 (E) COMPENSATION.—The Director shall
13 receive compensation at a per annum gross rate
14 equal to the rate of basic pay, as in effect from
15 time to time, for level III of the Executive
16 Schedule in section 5314 of title 5, United
17 States Code.

18 (2) STAFF.—

19 (A) IN GENERAL.—The Director shall ap-
20 point and fix the compensation of such per-
21 sonnel as may be necessary to carry out the du-
22 ties and functions of the Office. All personnel
23 shall be appointed without regard to political
24 affiliation and solely on the basis of their fit-
25 ness to perform their duties. The personnel of

1 the Office shall consist of individuals with ex-
2 pertise in international trade, including exper-
3 tise in economics, trade law, various industrial
4 sectors, and various geographical regions.

5 (B) BENEFITS.—For purposes of pay
6 (other than the pay of the Director) and em-
7 ployment, benefits, rights and privilege, all per-
8 sonnel of the Office shall be treated as if they
9 were employees of the House of Representa-
10 tives.

11 (3) EXPERTS AND CONSULTANTS.—In carrying
12 out the duties and functions of the Office, the Direc-
13 tor may procure the temporary (not to exceed 1
14 year) or intermittent services of experts or consult-
15 ants or organizations thereof by contract as inde-
16 pendent contractors, or, in the case of individual ex-
17 perts or consultants, by employment at rates of pay
18 not in excess of the daily equivalent of the highest
19 rate of basic pay payable under the General Sched-
20 ule of section 5332 of title 5.

21 (4) RELATIONSHIP TO EXECUTIVE BRANCH.—
22 The Director is authorized to secure information,
23 data, estimates, and statistics directly from the var-
24 ious departments, agencies, and establishments of
25 the executive branch of Government and the regu-

1 latory agencies and commissions of the Government.
2 All such departments, agencies, establishments, and
3 regulatory agencies and commissions shall furnish
4 the Director any available material which he deter-
5 mines to be necessary in the performance of his du-
6 ties and functions (other than material the disclo-
7 sure of which would be a violation of law). The Di-
8 rector is also authorized, upon agreement with the
9 head of any such department, agency, establishment,
10 or regulatory agency or commission, to utilize its
11 services and facilities with or without reimburse-
12 ment; and the head of each such department, agen-
13 cy, establishment, or regulatory agency or commis-
14 sion is authorized to provide the Office such services
15 and facilities.

16 (5) RELATIONSHIP TO OTHER AGENCIES OF
17 CONGRESS.—In carrying out the duties and func-
18 tions of the Office, and for the purpose of coordi-
19 nating the operations of the Office with those of
20 other congressional agencies with a view to utilizing
21 most effectively the information, services, and capa-
22 bilities of all such agencies in carrying out the var-
23 ious responsibilities assigned to each, the Director is
24 authorized to obtain information, data, estimates,
25 and statistics developed by the General Accounting

1 Office, the Library of Congress, and other offices of
2 Congress, and (upon agreement with them) to utilize
3 their services and facilities with or without reim-
4 bursement. The Comptroller General, the Librarian
5 of Congress, and the head of other offices of Con-
6 gress are authorized to provide the Office with the
7 information, data estimates, and statistics, and the
8 services and facilities referred to in the preceding
9 sentence.

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

11 (a) **RIGHT TO COPY.**—Except as provided in sub-
12 sections (b) and (c), the Director shall make all informa-
13 tion, data, estimates, and statistics obtained under this
14 Act available for public copying during normal business
15 hours, subject to reasonable rules and regulations, and
16 shall to the extent practicable, at the request of any per-
17 son, furnish a copy of any such information, data, esti-
18 mates, or statistics upon payment by such person of the
19 cost of making and furnishing such copy.

20 (b) **EXCEPTIONS.**—Subsection (a) of this section
21 shall not apply to information, data, estimates, and
22 statistics—

23 (1) which are specifically exempted from disclo-
24 sure by law; or

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

16 (C) personnel or medical data or similar
17 data the disclosure of which would constitute a
18 clearly unwarranted invasion of personal pri-
19 vacy;

20 unless the portions containing such matters, information,
21 or data have been excised.

22 (c) INFORMATION OBTAINED FOR COMMITTEES AND
23 MEMBERS.—Subsection (a) of this section shall apply to
24 any information, data, estimates, and statistics obtained
25 at the request of any committee, joint committee, or Mem-

1 ber unless such committee, joint committee, or Member
2 has instructed the Director not to make such information,
3 data, estimates, or statistics available for public copying.

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

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

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