

107TH CONGRESS  
1ST SESSION

# S. 226

To establish a Northern Border States-Canada Trade Council, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2001

Ms. SNOWE (for herself, Mr. JEFFORDS, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To establish a Northern Border States-Canada Trade Council, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Northern Border  
5 States Council Act”.

6       **SEC. 2. ESTABLISHMENT OF COUNCIL.**

7       (a) ESTABLISHMENT.—There is established a council  
8 to be known as the Northern Border States-Canada Trade  
9 Council (in this Act referred to as the “Council”).

10       (b) MEMBERSHIP.—

1           (1) COMPOSITION.—The Council shall be com-  
2       posed of 24 members consisting of 2 members from  
3       each of the following States:

4           (A) Maine.

5           (B) New Hampshire.

6           (C) Vermont.

7           (D) New York.

8           (E) Michigan.

9           (F) Minnesota.

10          (G) Wisconsin.

11          (H) North Dakota.

12          (I) Montana.

13          (J) Idaho.

14          (K) Washington.

15          (L) Alaska.

16          (2) APPOINTMENT BY STATE GOVERNORS.—Not  
17       later than 6 months after the date of enactment of  
18       this Act, the Secretary of Commerce (in this Act re-  
19       ferred to as the “Secretary”) shall appoint two  
20       members from each of the States described in para-  
21       graph (1) to serve on the Council. The appointments  
22       shall be made from a list of nominees submitted by  
23       the Governor of each such State.

24       (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
25       bers shall be appointed for terms that are coterminous

1 with the term of the Governor of the State who nominated  
2 the member. Any vacancy in the Council shall not affect  
3 its powers, but shall be filled in the same manner as the  
4 original appointment.

5 (d) INITIAL MEETING.—Not later than 30 days after  
6 the date on which all members of the Council have been  
7 appointed, the Council shall hold its first meeting.

8 (e) MEETINGS.—The Council shall meet at the call  
9 of the Chairperson.

10 (f) QUORUM.—A majority of the members of the  
11 Council shall constitute a quorum, but a lesser number  
12 of members may hold hearings.

13 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The  
14 Council shall select a Chairperson and Vice Chairperson  
15 from among its members. The Chairperson and Vice  
16 Chairperson shall each serve in their respective positions  
17 for a period of 2 years, unless such member's term is ter-  
18 minated before the end of the 2-year period.

19 **SEC. 3. DUTIES OF THE COUNCIL.**

20 (a) IN GENERAL.—The duties and responsibilities of  
21 the Council shall include—

22 (1) advising the President, the Congress, the  
23 United States Trade Representative, the Secretary,  
24 and other appropriate Federal and State officials,  
25 with respect to—

1 (A) the development and administration of  
2 United States-Canada trade policies, practices,  
3 and relations,

4 (B) taxation and regulation of cross-border  
5 wholesale and retail trade in goods and services  
6 between the United States and Canada,

7 (C) taxation, regulation, and subsidization  
8 of agricultural products, energy products, and  
9 forest products, and

10 (D) the potential for any United States or  
11 Canadian customs or immigration law or policy  
12 to result in a barrier to trade between the  
13 United States and Canada;

14 (2) monitoring the nature and cause of trade  
15 issues and disputes that involve one of the Council-  
16 member States and either the Canadian Government  
17 or one of the provincial governments of Canada; and

18 (3) if the Council determines that a Council-  
19 member State is involved in a trade issue or dispute  
20 with the Government of Canada or one of the pro-  
21 vincial governments of Canada, making rec-  
22 ommendations to the President, the Congress, the  
23 United States Trade Representative, and the Sec-  
24 retary concerning how to resolve the issue or dis-  
25 pute.

1 (b) RESPONSE TO REQUESTS BY CERTAIN PEO-  
2 PLE.—

3 (1) IN GENERAL.—Upon the request of the  
4 United States Trade Representative, the Secretary,  
5 a Member of Congress who represents a Council-  
6 member State, or the Governor of a Council-member  
7 State, the Council shall review and comment on—

8 (A) reports of the Federal Government and  
9 reports of a Council-member State government  
10 concerning United States-Canada trade;

11 (B) reports of a binational panel or review  
12 established pursuant to chapter 19 of the North  
13 American Free Trade Agreement concerning  
14 the settlement of a dispute between the United  
15 States and Canada;

16 (C) reports of an arbitral panel established  
17 pursuant to chapter 20 of the North American  
18 Free Trade Agreement concerning the settle-  
19 ment of a dispute between the United States  
20 and Canada; and

21 (D) reports of a panel or Appellate Body  
22 established pursuant to the General Agreement  
23 on Tariffs and Trade concerning the settlement  
24 of a dispute between the United States and  
25 Canada.

1           (2) DETERMINATION OF SCOPE.—Among other  
 2       issues, the Council shall determine whether a trade  
 3       dispute between the United States and Canada is  
 4       the result of action or inaction on the part of the  
 5       Federal Government of Canada or a provincial gov-  
 6       ernment of Canada.

7       (c) COUNCIL-MEMBER STATE.—For purposes of this  
 8       section, the term “Council-member State” means a State  
 9       described in section 2(b)(1) which is represented on the  
 10      Council established under section 2(a).

11   **SEC. 4. REPORT TO CONGRESS.**

12       Not later than 2 years after the date of enactment  
 13      of this Act and at the end of each 2-year period thereafter,  
 14      the Council shall submit a report to the President and the  
 15      Congress which contains a detailed statement of the find-  
 16      ings, conclusions, and recommendations of the Council.

17   **SEC. 5. POWERS OF THE COUNCIL.**

18       (a) HEARINGS.—The Council may hold such hear-  
 19      ings, sit and act at such times and places, take such testi-  
 20      mony, and receive such evidence as the Council considers  
 21      advisable to carry out the provisions of this Act. Notice  
 22      of Council hearings shall be published in the Federal Reg-  
 23      ister in a timely manner.

24       (b) INFORMATION FROM FEDERAL AGENCIES.—The  
 25      Council may secure directly from any Federal department

1 or agency such information as the Council considers nec-  
 2 essary to carry out the provisions of this Act. Upon the  
 3 request of the Chairperson of the Council, the head of such  
 4 department or agency shall furnish such information to  
 5 the Council.

6 (c) POSTAL SERVICES.—The Council may use the  
 7 United States mails in the same manner and under the  
 8 same conditions as other departments and agencies of the  
 9 Federal Government.

10 (d) GIFTS.—The Council may accept, use, and dis-  
 11 pose of gifts or donations of services or property.

12 **SEC. 6. COUNCIL PERSONNEL MATTERS.**

13 (a) MEMBERS TO SERVE WITHOUT COMPENSA-  
 14 TION.—Except as provided in subsection (b), members of  
 15 the Council shall receive no compensation, allowances, or  
 16 benefits by reason of service to the Council.

17 (b) TRAVEL EXPENSES.—The members of the Coun-  
 18 cil shall be allowed travel expenses, including per diem in  
 19 lieu of subsistence, at rates authorized for employees of  
 20 agencies under subchapter I of chapter 57 of title 5,  
 21 United States Code, while away from their homes or reg-  
 22 ular places of business in the performance of services for  
 23 the Council.

24 (c) STAFF.—

1           (1) IN GENERAL.—The Chairperson of the  
2       Council may, without regard to the civil service laws,  
3       appoint and terminate an executive director and  
4       such other additional personnel as may be necessary  
5       to enable the Council to perform its duties. The em-  
6       ployment of an executive director shall be subject to  
7       confirmation by the Council and the Secretary.

8           (2) COMPENSATION.—The Chairperson of the  
9       Council may fix the compensation of the executive  
10      director and other personnel without regard to the  
11      provisions of chapter 51 and subchapter III of chap-  
12      ter 53 of title 5, United States Code, relating to  
13      classification of positions and General Schedule pay  
14      rates, except that the rate of pay for the executive  
15      director and other personnel may not exceed the rate  
16      payable for level V of the Executive Schedule under  
17      section 5316 of such title.

18      (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any  
19      Federal Government employee may be detailed to the  
20      Council without reimbursement, and such detail shall be  
21      without interruption or loss of civil service status or privi-  
22      lege.

23      (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
24      TENT SERVICES.—The Chairperson of the Council may  
25      procure temporary and intermittent services under section



1 3109(b) of title 5, United States Code, at rates for individ-  
 2 uals which do not exceed the daily equivalent of the annual  
 3 rate of basic pay prescribed for level V of the Executive  
 4 Schedule under section 5316 of such title.

5 (f) OFFICE SPACE.—The Secretary shall provide of-  
 6 fice space for Council activities and for Council personnel.

7 **SEC. 7. TERMINATION OF THE COUNCIL.**

8 The Council shall terminate on the date that is 54  
 9 months after the date of enactment of this Act and shall  
 10 submit a final report to the President and the Congress  
 11 under section 4 at least 90 days before such termination.

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There are authorized to be appro-  
 14 priated an amount not to exceed \$250,000 for fiscal year  
 15 2002 and for each fiscal year thereafter to the Council  
 16 to carry out the provisions of this Act.

17 (b) AVAILABILITY.—Any sums appropriated pursu-  
 18 ant to this section shall remain available, without fiscal  
 19 year limitation, until expended.

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