

106TH CONGRESS  
1ST SESSION

# S. 1585

To establish a Congressional Trade Office.

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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

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## 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.

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