

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2226

To establish a Congressional Trade Office.

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IN THE SENATE OF THE UNITED STATES

MARCH 9, 2000

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 (7) The accession of the People's Republic of  
23 China to the World Trade Organization will create  
24 unprecedented challenges and it is important to the  
25 world trading system that China comply with 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, through the Com-  
15 mittee on Finance of the Senate and the Committee  
16 on Ways and Means of the House of Representatives  
17 with additional independent, nonpartisan, neutral  
18 trade expertise.

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

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

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

1           (6) To provide Congress with more analytical  
2           capability on trade issues.

3           (7) To advise relevant committees on the im-  
4           pact of trade negotiations, including past, ongoing,  
5           and future negotiations, with respect to the areas of  
6           jurisdiction of the respective committees.

7           (c) DIRECTOR AND STAFF.—

8           (1) DIRECTOR.—

9           (A) IN GENERAL.—The Office shall be  
10           headed by a Director. The Director shall be ap-  
11           pointed by the Speaker of the House of Rep-  
12           resentatives and the President pro tempore of  
13           the Senate after considering the recommenda-  
14           tions of the Chairman and Ranking Member of  
15           the Committee on Finance of the Senate and  
16           the Chairman and Ranking Member of the  
17           Committee on Ways and Means of the House of  
18           Representative. The Director shall be chosen  
19           without regard to political affiliation and solely  
20           on the basis of the Director's expertise and fit-  
21           ness to perform the duties of the Director.

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

1           (C) VACANCY.—Any individual appointed  
2 to fill a vacancy prior to the expiration of a  
3 term shall serve only for the unexpired portion  
4 of that term.

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

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

13       (2) STAFF.—

14           (A) IN GENERAL.—The Director shall ap-  
15 point and fix the compensation of such per-  
16 sonnel as may be necessary to carry out the du-  
17 ties and functions of the Office. All personnel  
18 shall be appointed without regard to political  
19 affiliation and solely on the basis of their fit-  
20 ness to perform their duties. The personnel of  
21 the Office shall consist of individuals with ex-  
22 pertise in international trade, including exper-  
23 tise in economics, trade law, various industrial  
24 sectors, and various geographical regions.

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

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

17 (4) RELATIONSHIP TO EXECUTIVE BRANCH.—  
18 The Director is authorized to secure information,  
19 data, estimates, and statistics directly from the var-  
20 ious departments, agencies, and establishments of  
21 the executive branch of Government and the regu-  
22 latory agencies and commissions of the Government.  
23 All such departments, agencies, establishments, and  
24 regulatory agencies and commissions shall furnish  
25 the Director any available material which he deter-

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

12 (5) RELATIONSHIP TO OTHER AGENCIES OF  
13 CONGRESS.—In carrying out the duties and func-  
14 tions of the Office, and for the purpose of coordi-  
15 nating the operations of the Office with those of  
16 other congressional agencies with a view to utilizing  
17 most effectively the information, services, and capa-  
18 bilities of all such agencies in carrying out the var-  
19 ious responsibilities assigned to each, the Director is  
20 authorized to obtain information, data, estimates,  
21 and statistics developed by the General Accounting  
22 Office, the Library of Congress, and other offices of  
23 Congress, and (upon agreement with them) to utilize  
24 their services and facilities with or without reim-  
25 bursement. The Comptroller General, the Librarian

1 of Congress, and the head of other offices of Con-  
2 gress are authorized to provide the Office with the  
3 information, data estimates, and statistics, and the  
4 services and facilities referred to in the preceding  
5 sentence.

6 (d) FUNCTIONS.—The functions of the Office are as  
7 follows:

8 (1) ASSISTANCE TO CONGRESS.—Provide the  
9 Committee on Finance of the Senate and the Com-  
10 mittee on Ways and Means of the House of Rep-  
11 resentative and any other appropriate committee of  
12 Congress or joint committee of Congress information  
13 which will assist the committees in the discharge of  
14 the matters within their jurisdiction.

15 (2) MONITOR COMPLIANCE.—Monitor compli-  
16 ance with major bilateral, regional, and multilateral  
17 trade agreements by—

18 (A) consulting with the affected industries  
19 and interested parties;

20 (B) analyzing the success of agreements  
21 based on commercial results;

22 (C) recommending actions, including legis-  
23 lative action, necessary to ensure that foreign  
24 countries that have made commitments through

1 agreements with the United States fully abide  
2 by those commitments;

3 (D) annually assessing the extent to which  
4 current agreements comply with environmental  
5 goals; and

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

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

9 (A) Not later than 60 days after the date  
10 the National Trade Estimates report is deliv-  
11 ered to Congress each year, analyze the major  
12 outstanding trade barriers based on cost to the  
13 United States economy.

14 (B) Not later than 60 days after the date  
15 the Trade Policy Agenda is delivered to Con-  
16 gress each year, analyze the Administration’s  
17 Agenda, including alternative goals, strategies,  
18 and tactics, as appropriate.

19 (C) Analyze proposed trade legislation.

20 (D) Analyze proposed trade agreements,  
21 including agreements that do not require imple-  
22 menting legislation.

23 (E) Analyze the impact of the Administra-  
24 tion’s trade policy and actions, including assess-

1 ing the Administration's decisions for not ac-  
2 cepting unfair trade practices cases.

3 (F) Analyze the trade accounts quarterly,  
4 including the global current account, global  
5 trade account, and key bilateral trade accounts.

6 (4) DISPUTE SETTLEMENT DELIBERATIONS.—  
7 Perform the following functions with respect to dis-  
8 pute resolution:

9 (A) Participate as observers on the United  
10 States delegation at dispute settlement panel  
11 meetings of the World Trade Organization.

12 (B) Evaluate each World Trade Organiza-  
13 tion decision where the United States is a par-  
14 ticipant. In any case in which the United States  
15 does not prevail, evaluate the decision and in  
16 any case in which the United States does pre-  
17 vail, measure the commercial results of that de-  
18 cision.

19 (C) Evaluate each dispute resolution pro-  
20 ceeding under the North American Free Trade  
21 Agreement. In any case in which the United  
22 States does not prevail, evaluate the decision  
23 and in any case in which the United States does  
24 prevail, measure the commercial results of that  
25 decision.

1 (D) Participate as observers in other dis-  
2 pute settlement proceedings that the Chairman  
3 and Ranking Member of the Committee on Fi-  
4 nance and the Chairman and Ranking Member  
5 of the Committee on Ways and Means deem ap-  
6 propriate.

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

10 (A) Provide the Committee on Finance and  
11 the Committee on Ways and Means with quar-  
12 terly reports regarding the activities of the Of-  
13 fice.

14 (B) Be available for consultation with con-  
15 gressional committees on trade-related legisla-  
16 tion.

17 (C) Receive and review classified informa-  
18 tion and participate in classified briefings in the  
19 same manner as the staff of the Committee on  
20 Finance and the Committee on Ways and  
21 Means.

22 (D) Consult nongovernmental experts and  
23 utilize nongovernmental resources.

24 (E) Perform such other functions as the  
25 Chairman and Ranking Member of the Com-

1           mittee on Finance and the Chairman and  
2           Ranking Member of the Committee on Ways  
3           and Means may request.

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

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

14           (b) **EXCEPTIONS.**—Subsection (a) of this section  
15 shall not apply to information, data, estimates, and  
16 statistics—

17                 (1) which are specifically exempted from disclo-  
18                 sure by law; or

19                 (2) which the Director determines will  
20                 disclose—

21                         (A) matters necessary to be kept secret in  
22                         the interests of national defense or the con-  
23                         fidential conduct of the foreign relations of the  
24                         United States;

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

10 (C) personnel or medical data or similar  
11 data the disclosure of which would constitute a  
12 clearly unwarranted invasion of personal pri-  
13 vacy;

14 unless the portions containing such matters, information,  
15 or data have been excised.

16 (c) INFORMATION OBTAINED FOR COMMITTEES AND  
17 MEMBERS.—Subsection (a) of this section shall apply to  
18 any information, data, estimates, and statistics obtained  
19 at the request of any committee, joint committee, or Mem-  
20 ber unless such committee, joint committee, or Member  
21 has instructed the Director not to make such information,  
22 data, estimates, or statistics available for public copying.

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

24 There are authorized to be appropriated to the Office  
25 for each fiscal year such sums as may be necessary to en-

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

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