

110TH CONGRESS  
2D SESSION

# H. R. 6540

To create a Trade Agreement Enforcement Commission.

---

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2008

Mr. BAIRD introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To create a Trade Agreement Enforcement Commission.

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. PURPOSE.**

4 The purpose of this Act is to establish the Trade  
5 Agreement Enforcement Commission to oversee the en-  
6 forcement of worker rights provisions in trade agreements  
7 to which the United States is a party and in trade pref-  
8 erence programs.

9 **SEC. 2. ESTABLISHMENT.**

10 (a) IN GENERAL.—There is established the Trade  
11 Agreement Enforcement Commission (in this Act referred  
12 to as the “Commission”).

1 (b) MEMBERSHIP.—

2 (1) IN GENERAL.—The Commission shall be  
3 composed of 15 members, who shall be appointed as  
4 follows from among persons in private life who have  
5 expertise in matters involving worker rights:

6 (A) Four members shall be appointed by  
7 the Speaker of the House of Representatives,  
8 after consulting with the chairman of the Com-  
9 mittee on Education and Labor and the chair-  
10 man of the Committee on Ways and Means.

11 (B) Three members shall be appointed by  
12 the minority leader of the House of Representa-  
13 tives, after consulting with the ranking member  
14 of the Committee on Education and Labor and  
15 the ranking member of the Committee on Ways  
16 and Means.

17 (C) Four members shall be appointed by  
18 the majority leader of the Senate, after con-  
19 sulting with the chairman of the Committee on  
20 Health, Education, Labor, and Pensions and  
21 the chairman of the Committee on Finance.

22 (D) Three members shall be appointed by  
23 the minority leader of the Senate, after con-  
24 sulting with the ranking member of the Com-  
25 mittee on Health, Education, Labor, and Pen-

1           sions and the ranking member of the Com-  
2           mittee on Finance.

3           (E) One member shall be appointed by the  
4           President.

5           (2) STAGGERED TERMS.—(A) Each appointing  
6           authority referred to under subparagraphs (A) and  
7           (C) of paragraph (1) shall make the initial appoint-  
8           ments on a staggered term basis, such that—

9                   (i) 1 appointment shall be for a term  
10                   expiring on December 31, 2009;

11                   (ii) 1 appointment shall be for a term  
12                   expiring on December 31, 2010; and

13                   (iii) 2 appointments shall be for a  
14                   term expiring on December 31, 2011.

15           (B) Each appointing authority referred to  
16           under subparagraphs (B) and (D) of paragraph (1)  
17           shall make the initial appointments on a staggered  
18           term basis, such that—

19                   (i) 1 appointment shall be for a term ex-  
20                   piring on December 31, 2009;

21                   (ii) 1 appointment shall be for a term ex-  
22                   piring on December 31, 2010; and

23                   (iii) 1 appointment shall be for a term ex-  
24                   piring on December 31, 2011.

1           (C) The President shall make the initial ap-  
2           pointment under subparagraph (E) of paragraph (1)  
3           for a term expiring on December 31, 2010.

4           (D) Each appointing authority under paragraph  
5           (1) shall make all subsequent appointments on an  
6           approximate 2-year term basis to expire on Decem-  
7           ber 31 of the applicable year.

8           (E) Each appointing authority under paragraph  
9           (1) shall make appointments not later than January  
10          31 of the year in which the term of the member of  
11          the Commission is to begin.

12          (3) REAPPOINTMENT.—Members of the Com-  
13          mission may be reappointed for additional terms of  
14          service as members of the Commission.

15          (4) VACANCIES.—Any member appointed to fill  
16          a vacancy occurring before the expiration of the  
17          term for which the member's predecessor was ap-  
18          pointed shall be appointed only for the remainder of  
19          that term. A member may serve after the expiration  
20          of that member's term until a successor has taken  
21          office. A vacancy on the Commission shall be filled  
22          in the manner in which the original appointment was  
23          made.

24          (c) CHAIRPERSON AND VICE CHAIRPERSON.—The  
25          members of the Commission shall select a Chairperson and

1 Vice Chairperson of the Commission from among the  
2 members of the Commission.

3 (d) MEETINGS.—

4 (1) MEETINGS.—The first meeting of the Com-  
5 mission shall be held not later than 90 days after  
6 the initial appointments are made under subsection  
7 (b). Thereafter, the Commission shall meet at the  
8 call of the Chairperson of the Commission.

9 (2) QUORUM.—A majority of the members of  
10 the Commission shall constitute a quorum for the  
11 transaction of business of the Commission.

12 (e) VOTING.—Each member of the Commission shall  
13 be entitled to one vote, which shall be equal to the vote  
14 of every other member of the Commission.

15 **SEC. 3. DUTIES.**

16 (a) IN GENERAL.—The Commission shall monitor,  
17 investigate, and report to Congress and the President on  
18 the enforcement by each trading partner of the United  
19 States of worker rights in the territory of the trading part-  
20 ner.

21 (b) SPECIFIC MATTERS.—In carrying out subsection  
22 (a), the Commission shall do the following:

23 (1) Monitor enforcement of worker rights in the  
24 territory of each trading partner of the United  
25 States.

1           (2) Review enforcement activities, including  
2           complaints, claims, and petitions reviewed, of the  
3           United States Trade Representative, and the Office  
4           of Trade and Labor Affairs in the Bureau of Inter-  
5           national Affairs of the Department of Labor, with  
6           respect to violations of worker rights in the territory  
7           of trading partners of the United States.

8           (3) With respect to trading partners of the  
9           United States that are violating worker rights, make  
10          recommendations that the Commission considers ap-  
11          propriate to the President, including—

12                 (A) invoking dispute settlement procedures  
13                 under the applicable trade agreement with a  
14                 trading partner of the United States that is  
15                 failing to enforce worker rights in the territory  
16                 of that trading partner;

17                 (B) withdrawing trade preferences from a  
18                 trading partner under the applicable trade  
19                 agreement with the trading partner, or under  
20                 the applicable trade preference program, as the  
21                 case may be;

22                 (C) establishing an ombudsman in the ter-  
23                 ritory of a trading partner that has engaged in  
24                 a pattern of violations of worker rights or that  
25                 has engaged in serious violations of worker

1 rights, for the purpose of monitoring and inves-  
2 tigating worker rights in those countries; or

3 (D) taking such other actions as the Com-  
4 mission considers appropriate.

5 (c) ANNUAL REPORT.—Not later than June 1 of each  
6 year (beginning in 2009), the Commission shall submit to  
7 the Congress and the President a report on the enforce-  
8 ment by the trading partners of the United States of work-  
9 er rights within the territories of such trading partners,  
10 including the recommendations for action, if any, under  
11 subsection (b)(3). If possible, the report shall include an  
12 analysis of the impact of any violations of workers rights  
13 in the territory of a trading partner on the economy of  
14 the United States and, in particular, on employment in  
15 the United States.

16 (d) REPORT BY THE PRESIDENT.—The President  
17 shall report to the Congress, not later than 6 months after  
18 each report of the Commission is submitted under sub-  
19 section (c), on the actions taken by the executive branch  
20 with respect to all issues addressed in the Commission's  
21 report, including whether, or the extent to which, the  
22 President has implemented any recommendations of the  
23 Commission with respect to the enforcement of worker  
24 rights.

1 **SEC. 4. POWERS.**

2 (a) HEARINGS.—The Commission or, at its direction,  
3 any panel or member of the Commission, may, for the pur-  
4 pose of carrying out the provisions of this Act, hold hear-  
5 ings, sit and act at times and places, take testimony, re-  
6 ceive evidence, and administer oaths to the extent that the  
7 Commission or any panel or member considers advisable.

8 (b) INFORMATION.—The Commission may request  
9 from any Federal department or agency information that  
10 the Commission considers necessary to enable the Com-  
11 mission to carry out its duties under this Act. Upon the  
12 request of the Commission, the head of such department  
13 or agency shall furnish such information to the Commis-  
14 sion.

15 (c) POSTAL SERVICES.—The Commission may use  
16 the United States mails in the same manner and under  
17 the same conditions as other departments and agencies of  
18 the Federal Government.

19 (d) COMMISSION PERSONNEL MATTERS.—

20 (1) COMPENSATION OF MEMBERS.—Each mem-  
21 ber of the Commission shall be compensated at a  
22 rate equal to the daily equivalent of the annual rate  
23 of basic pay prescribed for level IV of the Executive  
24 Schedule under section 5315 of title 5, United  
25 States Code, for each day (including travel time)

1 during which such member is engaged in the per-  
2 formance of the duties of the Commission.

3 (2) TRAVEL EXPENSES.—The members of the  
4 Commission shall be allowed travel expenses, includ-  
5 ing per diem in lieu of subsistence, at rates author-  
6 ized for employees of agencies under subchapter I of  
7 chapter 57 of title 5, United States Code, while  
8 away from their homes or regular places of business  
9 in the performance of services for the Commission.

10 (3) STAFF.—

11 (A) IN GENERAL.—The Chairperson of the  
12 Commission may, without regard to the civil  
13 service laws and regulations, appoint and termi-  
14 nate an executive director and such other addi-  
15 tional personnel as may be necessary to enable  
16 the Commission to perform its duties. The em-  
17 ployment of an executive director shall be sub-  
18 ject to confirmation by the Commission.

19 (B) COMPENSATION.—The Chairperson of  
20 the Commission may fix the compensation of  
21 the executive director and other personnel with-  
22 out regard to the provisions of chapter 51 and  
23 subchapter III of chapter 53 of title 5, United  
24 States Code, relating to classification of posi-  
25 tions and General Schedule pay rates, except

1           that the rate of pay for the executive director  
2           and other personnel may not exceed the rate  
3           payable for level V of the Executive Schedule  
4           under section 5316 of such title.

5           (4) DETAIL OF GOVERNMENT EMPLOYEES.—  
6           Any Federal Government employee may be detailed  
7           to the Commission without reimbursement, and such  
8           detail shall be without interruption or loss of civil  
9           service status or privilege.

10          (5) PROCUREMENT OF TEMPORARY AND INTER-  
11          MITTENT SERVICES.—The Chairperson of the Com-  
12          mission may procure temporary and intermittent  
13          services under section 3109(b) of title 5, United  
14          States Code, at rates for individuals which do not  
15          exceed the daily equivalent of the annual rate of  
16          basic pay prescribed for level V of the Executive  
17          Schedule under section 5316 of such title.

18          (6) FOREIGN TRAVEL FOR OFFICIAL PUR-  
19          POSES.—Foreign travel for official purposes by  
20          members and staff of the Commission may be au-  
21          thorized by either the Chairperson or the Vice Chair-  
22          person of the Commission.

23          (7) APPLICABILITY OF CERTAIN PAY AUTHORI-  
24          TIES.—An individual who is a member of the Com-  
25          mission and is an annuitant or otherwise covered by

1 section 8344 or 8468 of title 5, United States Code,  
2 by reason of membership on the Commission is not  
3 subject to the provisions of section 8344 or 8468  
4 (whichever is applicable) with respect to such mem-  
5 bership.

6 (e) SUPPORT SERVICES.—The Administrator of the  
7 General Services Administration shall provide to the Com-  
8 mission on a reimbursable basis such administrative sup-  
9 port services as the Commission may request.

10 (f) FEDERAL ADVISORY COMMITTEE ACT.—The pro-  
11 visions of the Federal Advisory Committee Act (Public  
12 Law 92–463; 5 U.S.C. App.) shall apply to the activities  
13 of the Commission.

14 **SEC. 5. DEFINITIONS.**

15 In this Act:

16 (1) WORKER RIGHTS.—The term “worker  
17 rights” means, with respect to a trading partner—

18 (A) those provisions of the trade agree-  
19 ment between the United States and the trad-  
20 ing partner that relate to worker rights in the  
21 territory of the trading partner, or

22 (B) those provisions of law establishing the  
23 applicable trade preference program relating to  
24 worker rights in the territory of the trading  
25 partner,

1 as the case may be.

2 (2) TRADE PREFERENCE PROGRAM.—The term  
3 “trade preference program” means a program estab-  
4 lished under the laws of the United States that pro-  
5 vides trade preferences to countries that meet eligi-  
6 bility requirements set forth in the applicable law,  
7 including title V of the Trade Act of 1974, the  
8 Carribean Basin Economic Recovery Act, the Afri-  
9 can Growth and Opportunity Act, and the Andean  
10 Trade Preference Act.

11 (3) TRADING PARTNER OF THE UNITED  
12 STATES.—The term “trading partner of the United  
13 States” means—

14 (A) any country with which the United  
15 States has in effect a trade agreement pro-  
16 viding for the reduction of tariff and nontariff  
17 barriers between the two countries; and

18 (B) any country that is a beneficiary coun-  
19 try under a trade preference program.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to the Com-  
22 mission for fiscal year 2009 and each fiscal year thereafter  
23 such sums as may be necessary to carry out this Act.

1 **SEC. 7. EFFECTIVE DATE.**

2       This Act shall take effect on the first day of the  
3 111th Congress.

○