

114TH CONGRESS
1ST SESSION

S. 758

To establish an Interagency Trade Enforcement Center in the Office of the United States Trade Representative, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2015

Ms. STABENOW (for herself and Mr. GRAHAM) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To establish an Interagency Trade Enforcement Center in the Office of the United States Trade Representative, 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 “Trade Enforcement
5 Act of 2015”.

6 **SEC. 2. ESTABLISHMENT OF INTERAGENCY TRADE EN-**
7 **FORCEMENT CENTER.**

8 (a) IN GENERAL.—Chapter 4 of title I of the Trade
9 Act of 1974 (19 U.S.C. 2171) is amended by adding at
10 the end the following:

1 **“SEC. 142. INTERAGENCY TRADE ENFORCEMENT CENTER.**

2 “(a) ESTABLISHMENT OF CENTER.—There is estab-
3 lished in the Office of the United States Trade Represent-
4 ative an Interagency Trade Enforcement Center (in this
5 section referred to as the ‘Center’).

6 “(b) FUNCTIONS OF CENTER.—

7 “(1) IN GENERAL.—The Center shall—

8 “(A) serve as the primary forum within the
9 Federal Government for the Office of the
10 United States Trade Representative and other
11 agencies to coordinate the enforcement of
12 United States trade rights under international
13 trade agreements and the enforcement of
14 United States trade remedy laws;

15 “(B) coordinate among the Office of the
16 United States Trade Representative, other
17 agencies with responsibilities relating to trade,
18 and the intelligence community the exchange of
19 information related to potential violations of
20 international trade agreements by foreign trad-
21 ing partners of the United States; and

22 “(C) conduct outreach to United States
23 workers, businesses, and other interested per-
24 sons to foster greater participation in the iden-
25 tification and reduction or elimination of for-

1 eign trade barriers and unfair foreign trade
2 practices.

3 “(2) COORDINATION OF TRADE ENFORCE-
4 MENT.—

5 “(A) IN GENERAL.—The Center shall co-
6 ordinate matters relating to the enforcement of
7 United States trade rights under international
8 trade agreements and the enforcement of
9 United States trade remedy laws among the Of-
10 fice of the United States Trade Representative
11 and the following agencies:

12 “(i) The Department of State.

13 “(ii) The Department of the Treas-
14 ury.

15 “(iii) The Department of Justice.

16 “(iv) The Department of Agriculture.

17 “(v) The Department of Commerce.

18 “(vi) The Department of Homeland
19 Security.

20 “(vii) The Office of the Director of
21 National Intelligence.

22 “(viii) Such other agencies as the
23 President, or the United States Trade
24 Representative, may designate.

1 “(B) CONSULTATIONS ON INTELLECTUAL
2 PROPERTY RIGHTS.—In matters relating to the
3 enforcement of United States trade rights in-
4 volving intellectual property rights, the Center
5 shall consult with the Intellectual Property En-
6 forcement Coordinator appointed pursuant to
7 section 301 of the Prioritizing Resources and
8 Organization for Intellectual Property Act of
9 2008 (15 U.S.C. 8111).

10 “(c) PERSONNEL.—

11 “(1) DIRECTOR.—The head of the Center shall
12 be the Director, who shall be the Deputy United
13 States Trade Representative for Trade Enforcement.

14 “(2) DEPUTY DIRECTOR.—There shall be in the
15 Center a Deputy Director, who shall—

16 “(A) be appointed by the Secretary of
17 Commerce from among full-time senior-level of-
18 ficials of the Department of Commerce and de-
19 tailed to the Center; and

20 “(B) report directly to the Director.

21 “(3) INTELLIGENCE COMMUNITY LIAISON.—
22 There shall be in the Center an Intelligence Commu-
23 nity Liaison, who shall be—

24 “(A) appointed from among officials of
25 agencies in the intelligence community at the

1 recommendation of the Director of National In-
2 telligence; and

3 “(B) detailed to the Center by the official’s
4 agency.

5 “(4) ADDITIONAL EMPLOYEES.—The agencies
6 specified in subsection (b)(2)(A) and agencies in the
7 intelligence community recommended by the Direc-
8 tor of National Intelligence may, in consultation
9 with the Director, detail or assign their employees to
10 the Center without reimbursement to support the
11 functions of the Center.

12 “(d) ADMINISTRATION.—Funding and administrative
13 support for the Center shall be provided by the Office of
14 the United States Trade Representative.

15 “(e) ANNUAL REPORT.—Not later than one year
16 after the date of the enactment of this section, and not
17 less frequently than annually thereafter, the Director shall
18 submit to the Committee on Finance of the Senate and
19 the Committee on Ways and Means of the House of Rep-
20 resentatives a report on the actions taken by the Center
21 in the preceding year with respect to the enforcement of
22 United States trade rights under international trade
23 agreements and the enforcement of United States trade
24 remedy laws.

25 “(f) DEFINITIONS.—In this section:

1 “(1) INTELLIGENCE COMMUNITY.—The term
2 ‘intelligence community’ has the meaning given that
3 term in section 3(4) of the National Security Act of
4 1947 (50 U.S.C. 3003(4)).

5 “(2) UNITED STATES TRADE REMEDY LAWS.—
6 The term ‘United States trade remedy laws’ means
7 the following:

8 “(A) Chapter 1 of title II of the Trade Act
9 of 1974 (19 U.S.C. 2251 et seq.).

10 “(B) Chapter 1 of title III of that Act (19
11 U.S.C. 2411 et seq.).

12 “(C) Sections 406 and 421 of that Act (19
13 U.S.C. 2436 and 2451).

14 “(D) Sections 332 and 337 of the Tariff
15 Act of 1930 (19 U.S.C. 1332 and 1337).

16 “(E) Investigations initiated by the admin-
17 istering authority (as defined in section 771 of
18 that Act (19 U.S.C. 1677)) under title VII of
19 that Act (19 U.S.C. 1671 et seq.).

20 “(F) Section 281 of the Uruguay Round
21 Agreements Act (19 U.S.C. 3571).

22 “(3) UNITED STATES TRADE RIGHTS.—The
23 term ‘United States trade rights’ means any right,
24 benefit, or advantage to which the United States is
25 entitled under an international trade agreement and

1 that could be effectuated through the use of a dis-
 2 pute settlement proceeding.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
 4 for the Trade Act of 1974 is amended by inserting after
 5 the item relating to section 141 the following:

“Sec. 142. Interagency Trade Enforcement Center.”.

6 **SEC. 3. ESTABLISHMENT OF DEPUTY UNITED STATES**
 7 **TRADE REPRESENTATIVE FOR TRADE EN-**
 8 **FORCEMENT AND CHIEF MANUFACTURING**
 9 **NEGOTIATOR.**

10 (a) ESTABLISHMENT OF POSITIONS.—Section
 11 141(b)(2) of the Trade Act of 1974 (19 U.S.C.
 12 2171(b)(2)) is amended to read as follows:

13 “(2) There shall be in the Office 4 Deputy United
 14 States Trade Representatives, including the Deputy
 15 United States Trade Representative for Trade Enforce-
 16 ment, one Chief Agricultural Negotiator, and one Chief
 17 Manufacturing Negotiator who shall all be appointed by
 18 the President, by and with the advice and consent of the
 19 Senate. As an exercise of the rulemaking power of the
 20 Senate, any nomination of a Deputy United States Trade
 21 Representative, the Chief Agricultural Negotiator, or the
 22 Chief Manufacturing Negotiator submitted to the Senate
 23 for its advice and consent, and referred to a committee,
 24 shall be referred to the Committee on Finance. Each Dep-
 25 uty United States Trade Representative, the Chief Agri-

1 cultural Negotiator, and the Chief Manufacturing Nego-
2 tiator shall hold office at the pleasure of the President
3 and shall have the rank of Ambassador.”.

4 (b) FUNCTIONS OF POSITIONS.—Section 141(c) of
5 the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

6 (1) by moving paragraph (5) 2 ems to the left;

7 and

8 (2) by adding at the end the following:

9 “(6)(A) The principal function of the Deputy United
10 States Trade Representative for Trade Enforcement shall
11 be to ensure that United States trading partners comply
12 with trade agreements to which the United States is a
13 party.

14 “(B) The Deputy United States Trade Representa-
15 tive for Trade Enforcement shall—

16 “(i) serve as the Director of the Interagency
17 Trade Enforcement Center under section 142 and
18 oversee the operations of the Center;

19 “(ii) assist the United States Trade Represent-
20 ative in investigating and prosecuting disputes be-
21 fore the World Trade Organization and pursuant to
22 other bilateral or regional trade agreements to which
23 the United States is a party;

1 “(iii) assist the United States Trade Represent-
2 ative in carrying out the functions of the United
3 States Trade Representative under subsection (d);

4 “(iv) make recommendations with respect to the
5 administration of United States trade remedy laws
6 relating to barriers imposed by foreign governments
7 to the importation of United States goods, services,
8 and intellectual property, and other trade matters;
9 and

10 “(v) perform such other functions as the United
11 States Trade Representative may direct.

12 “(7)(A) The principal function of the Chief Manufac-
13 turing Negotiator shall be to conduct trade negotiations
14 and to enforce trade agreements relating to United States
15 manufacturing products and services. The Chief Manufac-
16 turing Negotiator shall be a vigorous advocate on behalf
17 of United States manufacturing interests and shall per-
18 form such other functions as the United States Trade
19 Representative may direct.

20 “(B) Not later than one year after the date of the
21 enactment of this paragraph, and not less frequently than
22 annually thereafter, the Chief Manufacturing Negotiator
23 shall submit to the Committee on Finance of the Senate
24 and the Committee on Ways and Means of the House of

1 Representatives a report on the actions taken by the Chief
2 Manufacturing Negotiator in the preceding year.”.

3 (c) COMPENSATION.—Section 5314 of title 5, United
4 States Code, is amended—

5 (1) by striking “Deputy United States Trade
6 Representatives (3).” and inserting “Deputy United
7 States Trade Representatives (4).”; and

8 (2) by inserting “Chief Manufacturing Nego-
9 tiator.” after “Chief Agricultural Negotiator.”.

10 (d) CONFORMING AMENDMENT.—Section 141(e)(4)
11 of the Trade Act of 1974 (19 U.S.C. 2171(e)(4)) is
12 amended by inserting “(other than the Deputy United
13 States Trade Representative for Trade Enforcement)”
14 after “Deputy United States Trade Representative”.

15 (e) TECHNICAL AMENDMENTS.—Section 141(e) of
16 the Trade Act of 1974 (19 U.S.C. 2171(e)) is amended—

17 (1) in paragraph (1), by striking “5314” and
18 inserting “5315”; and

19 (2) in paragraph (2), by striking “the max-
20 imum rate of pay for grade GS–18, as provided in
21 section 5332” and inserting “the maximum rate of
22 pay for level IV of the Executive Schedule in section
23 5315”.

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