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# The Omnibus and Fair Trading Act of 1988 and the United States Trade Representative: Suggestions for Better Coordination and Implementation of an Effective International Trade Policy

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# The Omnibus and Fair Trading Act of 1988 and the United States Trade Representative: Suggestions for Better Coordination and Implementation of an Effective International Trade Policy

## I. INTRODUCTION

Congress passed the Omnibus Trade and Competitiveness Act of 1988<sup>1</sup> (the Act), because United States' power in international trade is declining.<sup>2</sup> Indeed, Congress found that the United States suffered problems with its current accounts and net external debts.<sup>3</sup> A major cause of these problems is the "serious shortcomings in United States trade policy."<sup>4</sup>

This comment analyzes the effect the Act will have on the United States Trade Representative's<sup>5</sup> (USTR) ability to coordinate international trade policy. Part II of this comment discusses the executive branch's general importance in coordinating international trade policy. The United States Trade Representative's role in international trade policymaking is specifically analyzed. Part III discusses the impact the Act will have on the USTR's ability to coordinate a coherent international trade policy. Part IV suggests that the United States needs to create a Department of International Trade (DOIT) to achieve better coordination in international trade policy. Bilateral Interagency Coordinating Committees (BICCs) should also be created in the Executive Office of the President (EOP) to handle conflicting policy objectives among the actors involved in international trade policymaking. In part V, This comment concludes that the Omnibus Trade Act is a step in the right direction, but the USTR needs more power to formulate and implement a coordi-

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1. The Omnibus Trade and Competitiveness Act of 1988, Pub L. No. 100-418, 102 Stat. 1107 (1988).

2. See Murphy, *Coping with Foreign-Law Impediments to the Export Licensing of United States Technology*, 20 INT'L LAW. 1129, 1131 (1986).

3. 19 U.S.C. § 2901 note (1982 & Supp. 1989).

4. *Id.*

5. In 1979, the Office of the Special Representative for Trade Negotiations was renamed USTR. REORG. PLAN NO. 3 OF 1979, 44 Fed. Reg. 69 (1979), reprinted in 19 U.S.C. § 963 note (1982), also in 93 Stat. 1381 (1979).

nated international trade policy. The creation of DOIT and the BICCs will allow a coordinated international trade policy to be formulated and implemented, thus increasing America's capacity to compete in the international marketplace.

## II. THE TRADE BUREAUCRACY AND THE TRADE BILL

### A. *The Executive Branch*

The executive branch is the main actor in formulating, regulating, and enforcing United States trade policy.<sup>6</sup> The executive's role in international trade policy appears inconsistent with the Constitution, because the Constitution limits the president's power in international matters to making treaties and appointing ambassadors. Moreover, the President's powers are subject to Senate approval.<sup>7</sup> Nevertheless, the executive branch presently controls international trade policy because Congress has delegated most of its power to the executive.<sup>8</sup>

Jurisdiction over international trade is dispersed throughout a number of departments and agencies in the executive branch. Each department and agency stresses its own objectives.<sup>9</sup> The number of actors involved in "trade regulation sharply limits the ability of the executive branch to implement a coordinated U.S. trade policy."<sup>10</sup> Regardless of this problem, the executive branch is the best place for international trade policy to be formulated and coordinated. The executive branch has pursued a more liberal international trade policy (as opposed to a protectionist policy) than Congress would have pursued.<sup>11</sup> Moreover, Congress

6. Actually, all three branches of government are involved. The legislative and executive branch, however, are much more involved than the judicial branch. See J. BARTON & B. FISHER, *INTERNATIONAL TRADE AND INVESTMENT: REGULATING INTERNATIONAL BUSINESS* 94 (1986). The Constitution of the United States gives Congress authority to "regulate commerce with foreign nations and to 'lay and collect taxes, duties . . . and excises.'" Congress also has the authority to "coin money, regulate the value thereof, and of foreign coin." U.S. CONST. art I, § 8. Historically, Congress has delegated much of this authority to the executive branch. See J. Barton & B. Fisher, *supra* at 108. The Supreme Court has held that broad congressional delegation of power in international affairs is constitutional. See *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

7. U.S. CONST. art. II, § 2, cl. 2.

8. See *Curtiss-Wright*, 299 U.S. at 322.

9. For example, the Departments of State, Treasury, and Commerce are all involved in international policymaking. Naturally, the State Department's objectives (e.g. relations with a foreign country) may often be different than the Treasury Department's (e.g. managing Third World debt).

10. J. BARTON & B. FISHER, *supra* note 6, at 97.

11. See *id.* at 108.

“lacks the expertise, resources, and flexibility” to deal effectively with the day-to-day issues in international trade policymaking.<sup>12</sup>

### B. *The United States Trade Representative*

The United States Trade Representative was created to insure international trade policy would no longer be dominated solely by foreign policy interests.<sup>13</sup> The statute governing the USTR<sup>14</sup> and Reorganization Plan No. 3<sup>15</sup> detailed the USTR's responsibilities before the Act was passed. Those duties were:

1. Chief representation in trade negotiations,
2. Report directly to the President and Congress concerning administration of trade agreements,
3. Advise the President and Congress about non-tariff barriers,
4. Issue reports to the President and Congress dealing with the duties listed in 1 and 2,
5. Chair the interagency trade organization,
6. Responsible for such other functions the President directs,<sup>16</sup>
7. Maintain responsibility for import remedies,
8. East-West trade policy,
9. International investment policy,
10. International commodity policy,
11. International energy trade, and
12. Export expansion policy.<sup>17</sup>

The Act establishes the USTR as the primary actor in developing and coordinating the implementation of international trade policy.<sup>18</sup> The USTR shall do this by issuing and coordinating “policy guidance to departments and agencies on basic issues of policy and interpretation arising in the exercise of international trade functions, to the extent necessary to assure the coordination of international trade policy and consistent with any other law.”<sup>19</sup> A similar provision in Reorganization Plan No. 3, a

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12. *Id.* at 97.

13. I. DESTLER, MAKING FOREIGN ECONOMIC POLICY 134 (1980).

14. 19 U.S.C. § 2171 (1982 & Supp. 1988).

15. REORG. PLAN No. 3, *supra* note 5. This plan was prepared by President Carter in an attempt to reorganize the International trade functions in the executive branch.

16. 19 U.S.C. § 2171 (1982 and Supp. 1988).

17. REORG. PLAN No. 3, *supra* note 5.

18. 19 U.S.C. § 2171(c)(1)(A) (1982 & Supp. 1989).

19. *Id.* at § 2171(c)(1)(E) and (J).

major source for the USTR's authority before the Act, is not as broad.<sup>20</sup> The USTR is also "responsible for such other functions as the President may direct."<sup>21</sup> Moreover, the USTR is to "be the senior representative on any body that the President may establish for the purpose of providing to the President advice on overall economic policies in which international trade matters predominate."<sup>22</sup> Furthermore, the USTR must "be included as a participant in all economic summit and other international meetings at which international trade is a major topic."<sup>23</sup> The USTR also has increased discretionary powers in Section 301 cases.<sup>24</sup> Finally, the USTR continues to be the chairperson of the Interagency Trade Organization.<sup>25</sup>

If a president emphasizes international trade and uses the USTR as the principal spokesperson,<sup>26</sup> the USTR could be a powerful figure in coordinating and implementing international trade policy.<sup>27</sup> In fact, the success of the USTR depends upon

20. Reorganization Plan No. 3 states:

To the extent necessary to assure the coordination of international trade policy, . . . the Trade Representative, with the advice of the Committee, shall issue policy guidance to departments and agencies on basic issues of policy and interpretation arising in the exercise of the following international trade functions . . . .

REORG. PLAN NO. 3, *supra* note 5, at § 1(3) (emphasis added). The listed functions are trade agreements, export expansion, policy research, countervailing duty and antidumping enforcement, bilateral and commodity trade issues (including East-West trade), and international energy trade. *Id.*

21. 19 U.S.C. § 2171(c)(1)(J) (1982 & Supp. 1989).

22. *Id.* at § 2171(c)(2)(A).

23. *Id.* at § 2171(B).

24. 19 U.S.C. § 2411 1982 & Supp. 1989. This was viewed as an important symbolic gesture to increase USTR power. The impact, however, will not be great, because the USTR "serves at the pleasure of the President, and therefore is unlikely to take actions of which the President disapproves." Bello & Holmer, *The Heart of the 1988 Trade Act: A Legislative History of the Amendments to Section 301*, 25 STAN. J. INT'L LAW 1, 9-10 (1988).

25. *Id.* at § 2171(a)(3)(A).

26. It is conceivable that a president could nominally appoint the USTR as the principal spokesperson for international trade, and yet rely on the Secretary of State or Secretary of Treasury as the actual spokesperson. Indeed, Carla Hills' success as the USTR in the Bush Administration may depend on the President's willingness to recognize her as the principal spokesperson. The President's long and close relationship with Secretary Baker may pave the way for Secretary Baker to emerge as the leader in this area, especially if the President must choose between differing policy options submitted by the USTR and the Secretary of State.

27. Although access to the President becomes a source of power to bureaucratic actors, it should be noted that it is a variable. If Carla Hills becomes powerful because of a good relationship with President Bush, it will not necessarily be true that her successor will enjoy similar power.

his or her relationship with the President. Any bureaucracy benefits from access to the President. The USTR, however, particularly needs a strong relationship. As it stands now, the USTR's success is subject to presidential whim. It is possible that the President could ignore the USTR and have the Secretaries of Treasury or State handle international trade policy. This would be unfortunate because those secretaries probably would not give international trade the attention it deserves.<sup>28</sup>

### III. THE OMNIBUS TRADE ACT IS A STEP IN THE RIGHT DIRECTION, BUT IT WILL FALL SHORT IN PROVIDING THE UNITED STATES WITH A COORDINATED TRADE POLICY

The Act is a step in the right direction, but it fails in its attempt to "improve the development and management of United States trade strategy."<sup>29</sup> One problem is it lacks sufficient centralized authority to coordinate and implement policy. Although the USTR will chair both the interagency coordinating committee and the advisory committees, be the senior representative of any group created to give the president advice on overall economic policy, and participate in summits and meetings when international trade is a major topic, the USTR is still at the mercy of the other departments' willingness to play along with the USTR's policy. The Act fails to give the USTR significant new resources to coordinate and implement trade policy. Rather, the USTR will most likely have to rely on the various agencies' resources to execute his or her functions.<sup>30</sup> Without sufficient independent resources, the USTR faces a difficult task accomplishing the Act's requirements. For example, because the USTR is small, its efforts at developing, coordinating, and implementing international trade policy can be thwarted if the Treasury Department or State Department use their power to contravene USTR policy. Increased resources would help the USTR establish itself as the preeminent authority in international trade policy.

Another shortcoming is closely related to the first. The Act fails to clarify the jurisdictional overlaps throughout the bureau-

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28. As noted earlier, the Special Trade Representative was originally established to prevent international trade from being sacrificed in favor of foreign policy. *Supra* note 11 and accompanying text. See also, J. BARTON & B. FISHER, *supra* note 6, at 108.

29. 19 U.S.C. § 2901 note 1982 & Supp. 1989.

30. 19 U.S.C. § 2171 (e)(4) and (f) (1982 & Supp. 1989).

crazy. A good example of a jurisdictional dispute ripe for congressional clarification is the division of authority between the USTR and the Commerce Department.<sup>31</sup> Senator William V. Roth, Jr. of Delaware noted that "this division of responsibility provokes dispute, provokes trade wars and it really helps no one."<sup>32</sup>

Failure to clearly articulate department jurisdiction will prevent the USTR from formulating and implementing a coordinated trade policy. International trade policymaking needs to be centralized into one locus with sufficient resources, and jurisdictional boundaries among the prevalent agencies and departments defined. The Act failed to do this.

#### IV. SUGGESTIONS FOR BETTER COORDINATION AND IMPLEMENTATION OF INTERNATIONAL TRADE POLICY

##### A. *Department of International Trade*

The United States should create a Department of International Trade (DOIT) to remedy the Act's shortcomings. The DOIT would be the center for coordinating all international trade issues affecting the United States. Coordination would integrate various policies into one coherent, balanced international trade policy.<sup>33</sup>

Some are pessimistic of the effectiveness of a DOIT, or its equivalent.<sup>34</sup> One argument is that the Secretary of DOIT (preferably the USTR) would "become what most heads of executive departments currently are: an official with a prestigious title but modest power, all too close to the interests his department affects, and distant from the President."<sup>35</sup> This concern goes to the issue of presidential access. Access is the relationship between the President and a member of the bureaucracy. This factor is a variable, and is affected by the personalities of the actors involved. If, however, the Secretary of DOIT were to be placed in the Executive Office of the President (EOP), his or her chances of access to the President would be increased. Concerns

31. *Trade Reorganization Act of 1983: Hearings on S 121 Before the Senate Comm. on Human Resources*, 98th Cong., 1st Sess. 1 (1983).

32. *Id.*

33. S. COHEN, *THE MAKING OF UNITED STATES INTERNATIONAL ECONOMIC POLICY: PRINCIPLES, PROBLEMS, AND PROPOSALS FOR REFORM 64-65* (1981).

34. See I. DESTLER, *AMERICAN TRADE POLITICS: SYSTEM UNDER STRESS* 201 (1986).

35. *Id.*

about distance would lessen, and increased access would also diminish concerns about the Secretary being too closely tied to the interests of DOIT. With the Secretary of DOIT in the EOP, DOIT's policies will more accurately reflect presidential desires. Creating DOIT would not be easy. It would be created by combining a number of existing executive branch agencies. Most likely, the various departments would not surrender jurisdiction over the agencies without a fight. Furthermore, fighting on Capitol Hill could be expected.<sup>36</sup> For some, such a struggle is reason enough to forego an attempt at DOIT's creation. This article asserts, however, that the attempt is worth it. Professor Cohen notes, "the formulation of international economic policy in the United States cries out for coordination. In the absence of an omnipotent, brilliantly organized Department of International Economic Policy, it always will be."<sup>37</sup> Professor Cohen states:

There simply are too many bureaucratic participants stressing different priorities . . . . [I]nternational economic policy is ultimately the coordination of other priorities: domestic and international politics and economics. The urgency for coordination in this area is exceeded only by the sheer volume of work involved and the difficulty of assuring effective coordination. Without a centralized system of coordination, the strongest departments resort to the law of the jungle; policy will reflect the interests of the dominant bureaucratic actor.<sup>38</sup>

America needs a coordinated international trade policy in an interdependent world and a department like DOIT will provide such coordination. Moreover, creating DOIT would consist of centralizing existing agencies, and for this reason, would not involve a substantial growth in the government bureaucracy.

In sum, the Act attempts to improve coordination of international trade policy by clearly naming the USTR as the lead actor in international trade policymaking. Although it is a step in the right direction, the Act is insufficient. It fails to bestow the USTR with any new resources, and it leaves jurisdiction overlaps in the trade bureaucracy.

The United States needs a Department of International Trade, not just the USTR. A full department would at least concentrate the resources available to international trade in one de-

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36. *Id.*

37. S. COHEN, *supra* note 33, at 65.

38. *Id.*



partment. This would provide the lead actor in international trade with sufficient resources to accomplish his or her duties. For a Department of International Trade to be realistic and effective, it should be limited to international trade, and it should have a statutory base.

### 1. *DOIT limited to international trade*

For this plan to be effective, DOIT should include all executive agencies whose primary emphasis is international trade.<sup>39</sup> At a minimum, DOIT should be a merger of the Office of USTR and the Commerce Department's International Trade Administration (ITA).<sup>40</sup> Other agencies that could be included are an export control office, Customs, and the Export-Import Bank (Eximbank).

The addition of an export control office would be particularly helpful. The United States lacks "an effective policymaking structure to reconcile the conflicting goals of export promotion and export control."<sup>41</sup> To clarify jurisdictional overlaps, all other authority over export control in other departments and agencies must be abolished.<sup>42</sup> The new export control office should include people currently in the Commerce, State and Defense Departments. Others that would help insure an effective, coordinated policy in the export control area should also be included. Arguably such a merger would decrease effectiveness in export control.<sup>43</sup> Ineffectiveness, however, could be solved by a bilateral interdepartment coordinating committee.<sup>44</sup> Customs could be included to streamline the implementation of export control policy. The export control agency could develop the pol-

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39. Agricultural products would not be included. Professor Cohen notes that "there is indeed a close tie between domestic and foreign agricultural policies." S. COHEN, *supra* note 33, at 238. Although agriculture would not be involved in DOIT, coordination could still be achieved through a bilateral interagency coordinating committee. *See infra* notes 56-66 and accompanying text.

40. *See generally* S. Cohen, *supra* note 33, at 235.

41. Luks, *Writing a New Export Control Law: Should Past Be Prologue?* 32 *FED. BAR NEWS & J.* 143 (1985)(quoting General Accounting Office, *Exporting Controls: Need to Clarify Policy and Simplify Administration*, Report No. ID-79-16, (1979)).

42. This would not be easy. The Departments of Commerce, Defense, and State would oppose such an idea. The benefits of a coordinated export control system, however, makes the attempt compelling. Concerns about administration of the export controls could be handled in the BICCs. *See infra* notes 57-63 and accompanying text.

43. *See generally* Morehead, *Export Controls: Who's Policing the Enforcers?* 13 *N.C.J. INT'L L. & COM. REG.* 307, 328 (1988).

44. *See infra* notes 57-63 and accompanying text.

icy, and Customs (which would work closely with the new office in developing the policy) could more effectively regulate exports according to the developed policy. This would decrease export control enforcement problems that have existed in the past from the split responsibility of enforcement between the Commerce Department and Customs.<sup>45</sup> Centralizing export control policy in one department is better than the current scheme of developing the policy in one department (Commerce and State), and regulating it in another (Customs) because a coordinated unified, effective policy would more likely evolve.

The addition of the Eximbank to DOIT is justified because it has substantial international trade responsibilities. Furthermore, this would increase DOIT's power base, thus increasing success in international trade policymaking.

Although international trade policy is a product of foreign affairs policy and economic policy,<sup>46</sup> it is important that DOIT's authority be limited to issues substantially involving international trade. Professor Cohen states that international trade policy is:

a policy area that can never erase its mixed heritage, but one that can and must demand an equal share of attention and respect for its individuality. The organization by which it is made must be custom fitted to accommodate its unique nature and its importance. The United States and the world can ill afford to continue allowing this country's international economic policy machinery to fester as a metaphor for the value struggle between foreign policy and economic policy ideologies and priorities. The current organization fails primarily because it encourages the worst excesses of bureaucratic politics; it too often is a house divided against itself.<sup>47</sup>

Limiting DOIT to international trade would separate international trade policymaking from foreign affairs and economic affairs. Granted, this separation will be difficult to accomplish because of bureaucratic unwillingness to give up "turf." However, Limiting DOIT to international trade makes the department less intrusive into the affairs of the Department of State (foreign affairs policy) and the Department of Treasury (economic policy). Such a limitation makes the viability of DOIT practicable.

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45. See, Morehead, *supra* note 43, at 329.

46. See S. COHEN, *supra* note 33, at 263.

47. *Id.*

## 2. *DOIT's statutory base*

The new department should be created legislatively.<sup>48</sup> This would give Congress the chance to clearly define the role and limitations of DOIT's authority. The creation and maintenance of the DOIT would be complex, and a statutory base would provide guidelines for dealing with legal entanglements arising in DOIT's course of business.

There is concern that attempting to create DOIT legislatively will create a subcommittee battle in Congress.<sup>49</sup> When the U.S. Chamber of Commerce considered a plan for the creation of a Department of International Trade and Industry (DITI), it listed certain factors that were needed before the Chamber would give its approval.<sup>50</sup> One factor was a statutory basis for DITI.<sup>51</sup>

It is likely that turf battles would occur on Capitol Hill if DOIT were created. Congress, however, would draft the DOIT legislation, and it could avoid certain battles through careful drafting. For example, Congress could require the Secretary of DOIT to report to those subcommittees with a substantial interest in international trade. Something similar to the Omnibus Trade Act's provision regarding congressional advisers would be beneficial. Under the Act, congressional advisers are authorized to counsel the USTR on matters affecting United States international trade policy.<sup>52</sup>

### B. *The Structure of DOIT*

#### 1. *Incorporation of agencies dealing in international trade*

As discussed earlier, DOIT would be a merger of the various agencies in the executive branch dealing with international trade policymaking. This merger would establish DOIT as the leader in international trade negotiations (USTR) and export promotion (ITA), and would, also, be a signal that the United States

48. Amelia Porges believes a major difficulty in creating DOIT would come from Congress. The subcommittees would protect their "turf," and this would prevent the creation of DOIT on Capitol Hill. Interview with Amelia Porges, Visiting Fellow at the Institute for International Economics, in Provo, Utah (Jan. 9, 1987).

49. I. DESTLER, *supra* note 34, at 201.

50. See INTERNATIONAL DIVISION, U.S. CHAMBER OF COM., INTERNATIONAL BUSINESS REVIEW, August, 1983 at 3-6.

51. *Id.*

52. 19 U.S.C. § 161(c)(4) 1982 & Supp. 1989.

was committed to an effective coordinated international trade policy.<sup>53</sup> Scholars,<sup>54</sup> senators,<sup>55</sup> and organizations with an interest in international trade<sup>56</sup> have submitted similar plans.

## 2. *Bilateral Interdepartment Coordinating Committees*

Bilateral Interdepartment Coordinating Committees (BICCs) would further aid in coordinating a coherent trade policy. These committees would consist of three members: the Secretary of DOIT, the Secretary of another department with a substantial interest in international trade issues, and an independent member appointed by the President.<sup>57</sup> The independent member should be informed in both international trade and the area represented by the other department. The purpose of these committees would be to create a system where conflicting or related policy factors outside of international trade could be considered.<sup>58</sup> For example, if the State Department and DOIT's export control office pursued conflicting policies, the Secretary of DOIT, the Secretary of State, and the independent member would discuss policy concerns. If the three were unable to arrive at an acceptable solution, they would vote. The independent member would be the swing vote.

For the various BICCs to be effective and make decisions that are binding on the various bureaucratic actors, the BICC members and the President must have a strong working relationship. In other words, the BICC members must have access to the President. The independent members of the BICCs, and the Secretary of DOIT, should be placed in the Executive Office of the President (EOP).<sup>59</sup> Placing the BICCs and the Secretary of DOIT in the EOP will not automatically insure a good relationship with the President; different personalities will be in-

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53. *Trade Reorganization Act of 1983*, *supra* note 31, at 3.

54. *e.g.* S. COHEN, *supra* note 33, at 235. Professor Cohen calls for an institutional marriage between . . . the Office of the U.S. Trade Representative (USTR) and the International Trade Administration in the Department of Commerce." The new department would be called the Department of International Commercial Policy (DICP).

55. *E.G.*, *Trade Reorganization Act of 1983*, *supra* note 31.

56. *See* INT'L DIVISION, U.S. CHAMBER OF COMMERCE, *supra* note 49.

57. Three is not a magical number. To be most effective, however, an odd number, with at least one member not from a representative department, should be maintained.

58. *See generally* INT'L DIVISION, U.S. CHAMBER OF COMMERCE, *supra* note 50.

59. *See* I. DESTLER, *supra* note 34, at 204-05.

volved.<sup>60</sup> However, placing the BICCs and the Secretary of DOIT in the EOP, should increase the likelihood of access.

Competing policy concerns involving international trade could be discussed and decided upon in the BICCs. The Secretary of DOIT would then convey any decision to DOIT for further coordination, refinement, and implementation.

Thus the Secretary of DOIT would have the unique position as both a department head and a member of the EOP. Although not identical, this plan is similar to Mr. Destler's plan for coordinating international trade policy.<sup>61</sup> Mr. Destler advocates placing a streamlined Office of the USTR (25 people) in the EOP, and creating a non-departmental agency called the USTA. The USTA would be formed by combining the remaining members of the Office of the USTR and the ITA. The creation of DOIT would be similar to Mr. Destler's USTA (i.e., combination of the Office of the USTR and the ITA). Moreover, placing the Secretary of DOIT with the BICCs in the EOP is similar to Mr. Destler's plan suggesting a streamlined Office of the USTR in the EOP. It should be noted, however, that Mr. Destler opposes the creation of departments similar to DOIT. Nevertheless, this comment maintains that DOIT should be created because of the benefits in centralizing all agencies substantially involved in international trade into one locus. There may be concern with Congress creating offices within the EOP. Congress, however, has made the USTR a member of the EOP in the past.<sup>62</sup>

Ideally, the BICCs would reduce independent involvement in international trade policy by other departments. In reality, however, other departments will still be involved.<sup>63</sup> The BICCs will nevertheless be successful if the other departments' individual involvement is reduced. Such a decline would indicate acceptance of the DOIT and BICC system.

## V. CONCLUSION

The Omnibus Trade Act was passed in part to help the United States formulate a more coordinated trade policy. The Act is an improvement over prior law because it clearly estab-

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60. *See Id.* at 18.

61. *Id.* at 204-05.

62. *See Id.* at 87.

63. For example, Treasury's policy on Third World debt will affect trade policy. *How to Approach Third World Debt*, N.Y. Times, Mar. 3, 1988, at A31, col. 1.

lished the USTR as the lead actor in international trade policymaking. The Act failed, however, to further centralize the international policymaking process. Moreover, the Act failed to increase the USTR's power by increasing its resources and access to the President. The creation of DOIT would eliminate these shortcomings.

DOIT would be a centralization of existing agencies, and it would have a statutory foundation, giving DOIT a clear congressional mandate of its authority and responsibility. This would reduce the current confusion in international trade policymaking. The Secretary of DOIT, another department head, and an independent member would be formed into BICCs. These committees would attempt to balance competing international and domestic interests affecting international trade. For the BICCs to be effective, they should be placed in the Executive Office of the President. This article concedes that DOIT is not a panacea for solving problems in implementing a coordinated trade policy. Turf battles will still occur. Creating DOIT, however, will significantly improve what the Omnibus Trade Act accomplished by clearly naming the USTR as the leader in international trade. Although difficult, the possibility of improving international trade policymaking justifies the attempt to create DOIT.

*James L. Edwards*