

1 States relating to the international trade and investment in-
2 terests of the people of the United States.

3 (b) The Congress finds that such coordination is now
4 lacking and that to achieve such coordination it is desirable
5 to establish a Department of International Trade and Invest-
6 ment with responsibility of coordinating and promoting the
7 international trade and investment interests of the United
8 States.

9 ESTABLISHMENT OF DEPARTMENT

10 SEC. 3. (a) There is hereby established at the seat of
11 government an executive department to be known as the De-
12 partment of International Trade and Investment (hereinafter
13 referred to in this Act as the "Department"). There shall be
14 at the head of the Department a Secretary of International
15 Trade and Investment (hereinafter referred to in this Act as
16 the "Secretary") who shall be appointed by the President, by
17 and with the advice and consent of the Senate.

18 (b) There shall be in the Department a Deputy Secre-
19 tary and an Under Secretary, each of whom shall be appoint-
20 ed by the President, by and with the advice and consent of
21 the Senate. The Deputy Secretary (or during the absence or
22 disability of the Deputy Secretary, or in the event of a vacan-
23 cy in the office of Deputy Secretary, the Under Secretary or
24 an Assistant Secretary or the General Counsel, determined
25 according to such order as the Secretary shall prescribe) shall

1 (5) protect American industry, agriculture, and
2 labor from unfair or injurious foreign competition;

3 (6) develop, in cooperation with other appropriate
4 executive agencies, trade monitoring systems that en-
5 courage and permit timely reaction and adjustment to
6 increased volumes of imports;

7 (7) seek and promote new trade and commercial
8 opportunities for American industrial, agricultural, and
9 service products in foreign countries;

10 (8) assist small businesses in developing export
11 markets;

12 (9) assist in financing international trade between
13 the United States and foreign countries;

14 (10) develop long-range programs to promote
15 American international economic policy interests
16 abroad in cooperation with other relevant executive
17 agencies;

18 (11) secure access to supplies of raw materials, at
19 competitive prices, which are produced in foreign coun-
20 tries;

21 (12) develop and implement policies of the United
22 States toward foreign investment;

23 (13) administer the United States Customs Serv-
24 ice and maintain the tariff schedules of the United
25 States;

1 vested in the Secretary pursuant to the functions, powers,
2 and duties specifically assigned to any such entity by this Act
3 or any other Act of Congress, shall be subject to judicial
4 review to the same extent and in the same manner as if such
5 orders and actions had been by the department or agency or
6 other authority exercising such functions, powers, and duties
7 immediately preceding their transfer. Any statutory require-
8 ments relating to notice, hearings, actions upon the record, or
9 administrative review that apply to any functions transferred
10 by this Act shall apply to the exercise of such functions by
11 the Secretary.

12 (c) In the exercise of the functions, powers, and duties
13 transferred under this Act, the Secretary shall have the same
14 authority as that vested in the department, agency or author-
15 ity exercising such functions, powers, and duties immediately
16 preceding their transfer, and their actions in exercising such
17 functions, powers, and duties shall have the same force and
18 effect as when exercised by such department, agency, or au-
19 thority.

20 (d) In carrying out his functions, powers, and duties the
21 Secretary shall consult, exchange information, and carry on
22 joint planning, research, and other activities with the Secre-
23 tary of the Treasury, the Secretary of State, the Secretary of
24 Agriculture, and the heads of such other executive agencies
25 as the Secretary deems appropriate.

1 (e) The Secretary shall jointly study, with the Secretary
2 of State, the Secretary of the Treasury, the Secretary of Ag-
3 riculture, and the heads of such other executive agencies as
4 the Secretary deems appropriate, how Federal policies and
5 programs can ensure that international trade and investment
6 systems most effectively serve both national and international
7 economic needs. The Secretary shall include in the annual
8 report required by section 9 of this Act an account of the
9 studies and activities conducted under this subsection, includ-
10 ing any legislative recommendations which the Secretary de-
11 termines desirable.

12 TRANSFERS TO DEPARTMENT

13 SEC. 6. (a) There are hereby transferred to and invested
14 in the Secretary—

15 (1) all functions, powers, and duties of the Special
16 Representative for Trade Negotiations and the Office
17 of the Special Representative for Trade Negotiations in
18 the Executive Office of the President.

19 (2) such functions of the Secretary of State, the
20 Department of State and officers and components of
21 such Department as relate to—

22 (A) commercial affairs and business activi-
23 ties, including export promotion, but not including
24 the reporting of economic conditions in foreign
25 countries;

1 (B) international investment policy; and

2 (C) negotiation and implementation of bi-
3 lateral and multilateral commercial agreements
4 and trade agreements with foreign countries, in-
5 cluding commodity agreements.

6 (3) such functions of the Secretary of Commerce
7 as relate to—

8 (A) export promotion;

9 (B) foreign investment;

10 (C) export administration; and

11 (D) international commerce including East-
12 West trade and the administration of quotas or
13 special tariff treatment; and

14 (E) foreign trade zones.

15 (4) Such functions of the Secretary of the Treas-
16 ury as relate to—

17 (A) international trade and investment;

18 (B) the United States Customs Service; and

19 (C) the administration of all laws designed to
20 protect the United States against unfair competi-
21 tion in international trade and investment.

22 (5) Such functions of the International Trade
23 Commission as relate to—

1 (A) tariff nomenclature and statistical report-
2 ing under the Tariff Schedules of the United
3 States; and

4 (B) the administration of section 337 of the
5 Tariff Act of 1930, as amended.

6 (b) The Export-Import Bank of the United States is
7 hereby transferred to the Department, and there are hereby
8 transferred to and vested in the Secretary all functions,
9 powers, and duties, relating to the Export-Import Bank of
10 the Board of Directors of such Bank and of the other officers
11 and offices of such Bank.

12 (c) There are hereby transferred and vested in the Sec-
13 retary all functions, powers, and duties of the Overseas Pri-
14 vate Investment Corporation, and of the chairman, members,
15 officers, and offices thereof. The Secretary shall exercise all
16 functions of the President and chief executive officer of the
17 Overseas Private Investment Corporation.

18 ADMINISTRATIVE PROVISIONS

19 SEC. 7. (a) In addition to the authority contained in any
20 other Act which is transferred to and vested in the Secretary,
21 or any other officer in the Department, the Secretary is au-
22 thorized, subject to the civil service and classification laws, to
23 select, appoint, employ, and fix the compensation of such offi-
24 cers and employees, including investigators, attorneys, and

1 hearing examiners, as are necessary to carry out the provi-
2 sions of this Act and to prescribe their authority and duties.

3 (b) The Secretary may obtain services as authorized by
4 section 3109 of title 5 of the United States Code, but at rates
5 not to exceed \$100 per diem for individuals unless otherwise
6 specified in an appropriation Act.

7 (c) The Secretary is authorized to provide for participa-
8 tion of military personnel in carrying out the functions of the
9 Department. Members of the Army, the Navy, the Air Force,
10 or the Marine Corps may be detailed for service in the De-
11 partment by the appropriate Secretary, pursuant to coopera-
12 tive agreements with the Secretary.

13 (d)(1) Appointment, detail, or assignment to, acceptance
14 of, and service in any appointive or other position in the De-
15 partment under the authority of subsection (a) shall in no way
16 affect status, office, rank, or grade which officers or enlisted
17 men may occupy or hold or any emolument, perquisite, right,
18 privilege, or benefit incident to or arising out of any such
19 status, office, rank, or grade, nor shall any member so ap-
20 pointed, detailed, or assigned be charged against any statu-
21 tory limitation on grades or strengths applicable to the
22 Armed Forces. A person so appointed, detailed, or assigned
23 shall not be subject to direction by or control by his armed
24 force or any officer thereof directly or indirectly with respect

1 to the responsibilities exercised in the position to which ap-
2 pointed, detailed, or assigned.

3 (2) The Secretary shall report annually in writing to the
4 appropriate committees of the Congress on personnel ap-
5 pointed and agreements entered into under subsection (c) of
6 this section, including the number, rank, and positions of
7 members of the armed services detailed pursuant thereto.

8 (e)(1) Except where this Act vests in any administra-
9 tion, agency, or board, specific functions, powers, and duties,
10 the Secretary may, in addition to the authority to delegate
11 and redelegate contained in any other Act in the exercise of
12 the functions transferred to or vested in the Secretary in this
13 Act, delegate any of his residual functions, powers, and
14 duties to such officers and employees of the Department as
15 he may designate, may authorize such successive redelega-
16 tions of such functions, powers, and duties as he may deem
17 desirable, and may make such rules and regulations as may
18 be necessary to carry out his functions, powers, and duties.

19 (2) In addition to the authority to delegate and redele-
20 gate contained in any other Act, in the exercise of the func-
21 tions transferred to or specified by this Act to be carried out
22 by any officer in the Department, such officer may delegate
23 any of such functions, powers, and duties to such other offi-
24 cers and employees of the Department as he may designate;
25 may authorize such successive redelegations of such func-

1 tions, powers, and duties as he may deem desirable; and may
2 make such rules and regulations as may be necessary to
3 carry out such functions, powers, and duties.

4 (f) The personnel, assets, liabilities, contracts, property,
5 records, and unexpended balances of appropriations, authori-
6 zations, allocations, and other funds employed, held, used,
7 arising from, available or to be made available, of the
8 Export-Import Bank or the Overseas Private Investment
9 Corporation of the Office of the Special Representative for
10 Trade Negotiations, and of the head and other officers and
11 offices thereof, are hereby transferred to the Secretary.

12 (g) So much of the positions, personnel, assets, liabil-
13 ities, contracts, property, records, and unexpended balances
14 of appropriations, authorizations, allocations, and other funds
15 employed, held, used, arising from, available or to be made
16 available in connection with the functions, powers, and duties
17 transferred by section 6 of this Act as the Director of the
18 Office of Management and Budget shall determine shall be
19 transferred to the Secretary.

20 (h) The transfer of personnel pursuant to subsections (f)
21 and (g) of this section shall be without reduction in classifica-
22 tion or compensation for one year after such transfer.

23 (i) In any case where all of the functions, powers, and
24 duties of any office or agency are transferred pursuant to this
25 Act, such office or agency shall lapse. Any person who, on

1 the effective date of this Act, held a position compensated in
2 accordance with the Executive Schedule, and who, without a
3 break in service, is appointed in the Department to a position
4 having duties comparable to those performed immediately
5 preceding his appointment shall continue to be compensated
6 in his new position at not less than the rate provided for his
7 previous position, for the duration of his service in his new
8 position.

9 (j) The Secretary is authorized to establish a working
10 capital fund, to be available without fiscal year limitation, for
11 expenses necessary to the maintenance and operation of such
12 common administrative services as he shall find to be desir-
13 able in the interest of economy and efficiency in the Depart-
14 ment, including such services as a central supply service for
15 stationery and other supplies and equipment for which ade-
16 quate stocks may be maintained to meet in whole or in part
17 the requirements of the Department and its agencies; central
18 messenger, mail, telephone, and other communications serv-
19 ices; office space, central services for document reproduction,
20 and for graphics and visual aids; and a central library service.
21 The capital of the fund shall consist of any appropriations
22 made for the purpose of providing capital (which appropri-
23 ations are hereby authorized) and the fair and reasonable
24 value of such stocks of supplies, equipment, and other assets
25 and inventories on order as the Secretary may transfer to the

1 fund, less the related liabilities and unpaid obligations. Such
2 funds shall be reimbursed in advance from available funds of
3 agencies and offices in the Department, or from other
4 sources, for supplies and services at rates which will approxi-
5 mate the expense of operation, including the accrual of
6 annual leave and the depreciation of equipment. The fund
7 shall also be credited with receipts from sale or exchange of
8 property and receipts in payment for loss or damage to prop-
9 erty owned by the fund. There shall be covered into the
10 United States Treasury as miscellaneous receipts any surplus
11 found in the fund (all assets, liabilities, and prior losses con-
12 sidered) above the amounts transferred or appropriated to es-
13 tablish and maintain said fund.

14 (k) The Secretary shall cause a seal of office to be made
15 for the Department of such device as he shall approve, and
16 judicial notice shall be taken of such seal.

17 (l)(1) The Secretary is authorized to accept, hold, ad-
18 minister, and utilize gifts and bequests of property, both real
19 and personal, for the purpose of aiding or facilitating the
20 work of the Department. Gifts and bequests of money and
21 the proceeds from sales of other property received as gifts or
22 bequests shall be deposited in the Treasury in a separate fund
23 and shall be disbursed upon order of the Secretary. Property
24 accepted pursuant to this paragraph, and the proceeds there-

1 of, shall be used as nearly as possible in accordance with the
2 terms of the gift or bequest.

3 (2) For the purpose of Federal income, estate, and gift
4 taxes, property accepted under paragraph (1) shall be consid-
5 ered as a gift or bequest to or for use of the United States.

6 (3) Upon the request of the Secretary, the Secretary of
7 the Treasury may invest and reinvest in securities of the
8 United States or in securities guaranteed as to principal and
9 interest by the United States any moneys contained in the
10 fund provided for in paragraph (1). Income accruing from
11 such securities, and from any other property held by the Sec-
12 retary pursuant to paragraph (1) shall be deposited to the
13 credit of the fund, and shall be disbursed upon order of the
14 Secretary.

15 (m)(1) The Secretary is authorized upon the written re-
16 quest of any person, or any State, territory, possession, or
17 political subdivision thereof, to make special statistical stud-
18 ies relating to international trade and investment, and special
19 studies relating to other matters falling within the province of
20 the Department, to prepare from its records special statistical
21 compilations, and to furnish transcripts of its studies, tables,
22 and other records upon the payment of the actual cost of such
23 work by the person or body requesting it.

24 (2) All moneys received by the Department in payment
25 of the cost or work under paragraph (1) shall be deposited in

1 a separate account to be administered under the direction of
2 the Secretary. These moneys may be used, in the discretion
3 of the Secretary, for the ordinary expenses incidental to the
4 work or to secure in connection therewith the special services
5 of persons who are neither officers nor employees of the
6 United States.

7 (n) The Secretary is authorized to appoint, without
8 regard to the civil service laws, such advisory committees as
9 shall be appropriate for the purpose of consultation with and
10 advice to the Department in performance of its functions.
11 Members of such committees, other than those regularly em-
12 ployed by the Federal Government, while attending meetings
13 of such committees or otherwise serving at the request of the
14 Secretary, may be paid compensation at rates not exceeding
15 those authorized for individuals under subsection (b) of this
16 section, and while so serving away from their homes or regu-
17 lar places of business, may be allowed travel expenses, in-
18 cluding per diem in lieu of subsistence, as authorized by sec-
19 tion 5703 of title 5, United States Code, for persons in the
20 Government service employed intermittently.

21 (o)(1) The Secretary is authorized to enter into contracts
22 with educational institutions, public, or private agencies or
23 organizations, or persons for the conduct of research into any
24 aspect of the problems related to the programs of the Depart-
25 ment which are authorized by statute.

1 (2) The Secretary shall require a showing that the insti-
2 tutions, agencies, organizations, or persons with which he
3 expects to enter into contracts pursuant to this subsection
4 have the capability of doing effective work. He shall furnish
5 such advice and assistance as he believes will best carry out
6 the mission of the Department, participate in coordinating all
7 research initiated under this subsection, indicate the lines of
8 inquiry which seem to him most important, and encourage
9 and assist in the establishment and maintenance of coopera-
10 tion by and between the institutions, agencies, organizations,
11 or persons and between them and other research organiza-
12 tions, the Department, and other Federal agencies.

13 (3) The Secretary may from time to time disseminate in
14 the form of reports or publications to public or private agen-
15 cies or organizations, or individuals such information as he
16 deems pertinent on the research carried out pursuant to this
17 section.

18 (4) Nothing contained in this subsection is intended to
19 amend, modify, or repeal any provisions of law administered
20 by the Department which authorize the making of contracts
21 for research.

22 CONFORMING AMENDMENTS TO OTHER LAWS

23 SEC. 8. (a) Section 19(d)(1) of title 3, United States
24 Code, is hereby amended by striking out the period at the

1 end thereof and inserting a comma and the following: "Secre-
2 tary of International Trade and Investment".

3 (b) Section 101 of title 5, United States Code, is amend-
4 ed by inserting at the end thereof the following:

5 "The Department of International Trade and In-
6 vestment".

7 (c) The amendment made by subsection (b) of this sec-
8 tion shall not be construed to make applicable to the Depart-
9 ment any provision of law inconsistent with this Act.

10 (d) Subchapter II (relating to executive pay schedule
11 rates) of chapter 53 of title 5, United States Code, is amend-
12 ed as follows:

13 (1) Section 5312 is amended by striking out

14 "(13) Special Representative for Trade Negotia-
15 tions"

16 and inserting in lieu thereof

17 "(13) Secretary of International Trade and In-
18 vestment".

19 (2) Section 5313 is amended by adding at the end
20 thereof:

21 "(25) Deputy Secretary of the Department of In-
22 ternational Trade and Investment".

23 (3) Section 5314 is amended by adding at the end
24 thereof:

1 by (i) any department or agency, any functions of
2 which are transferred by this Act, or (ii) any court of
3 competent jurisdiction, and

4 (2) which are in effect at the time this Act takes
5 effect, shall continue in effect according to their terms
6 until modified, terminated, superseded, set aside, or re-
7 pealed by the Secretary (in the exercise of any authori-
8 ty vested in him by this Act), by any court of compe-
9 tent jurisdiction, or by operation of law.

10 (b)(1) The provisions of this Act shall not affect any pro-
11 ceedings pending at the time this section takes effect before
12 any department or agency (or component thereof), functions
13 of which are transferred by this Act; but such proceedings, to
14 the extent that they relate to functions so transferred, shall
15 be continued before the Department. Such proceedings, to
16 the extent they do not relate to functions so transferred, shall
17 be continued before the department or agency before which
18 they were pending at the time of such transfer. In either case
19 orders shall be issued in such proceedings, appeals shall be
20 taken therefrom, and payments shall be made pursuant to
21 such orders, as if this Act had not been enacted; and orders
22 issued in any such proceedings shall continue in effect until
23 modified, terminated, superseded, or repealed by the Secre-
24 tary (in the exercise of any authority respectively vested in

1 him by this Act), by a court of competent jurisdiction, or by
2 operation of law.

3 (A) the provisions of this Act shall not affect suits
4 commenced prior to the date this section takes effect,
5 and

6 (B) in all such suits proceedings shall be had, ap-
7 peals taken, and judgments rendered, in the same
8 manner and effect as if this Act had not been enacted.

9 No suit, action, or other proceeding commenced by or against
10 any officer in his official capacity as an officer for any depart-
11 ment or agency, functions of which are transferred by this
12 Act, shall abate by reason of the enactment of this Act. No
13 cause of action by or against any department or agency of
14 which are transferred by this Act, or by or against any officer
15 thereof in his official capacity shall abate by reason of the
16 enactment of this Act. Causes of action, suits, actions, or
17 other proceedings may be asserted by or against the United
18 States or such official of the Department as may be appropri-
19 ate and, in any litigation pending when this section takes
20 effect, the court may at any time, on its own motion or that
21 of any party, enter an order which will give effect to the
22 provisions of this subsection.

23 (2) If before the date on which this Act takes effect, any
24 department or agency, or officer thereof in his official capac-
25 ity, is a party to a suit, and under this Act—

1 enactment of this Act as the President shall prescribe and
2 publish in the Federal Register.

3 (b) Any of the officers provided for in this Act may (not-
4 withstanding subsection (a)) be appointed in the manner pro-
5 vided for in this Act, at any time after the date of enactment
6 of this Act. Such officers shall be compensated from the date
7 they first take office, at the rates provided for in this Act.
8 Such compensation and related expenses of their offices shall
9 be paid from funds available for the functions to be trans-
10 ferred to the Department pursuant to this Act.

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