

96TH CONGRESS
1ST SESSION

H. R. 4995

To reorganize various international trade functions of the Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1979

Mr. LONG of Louisiana introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To reorganize various international trade functions of the Government, 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 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Trade Reor-
5 ganization Act of 1979".

6 DEFINITIONS

7 SEC. 2. As used in this Act—

1 (1) the term "function" includes any duty, obliga-
2 tion, power, authority, responsibility, right, privilege,
3 activity, or program;

4 (2) the term "Agency" means the Special Trade
5 Agency established by title II;

6 (3) the term "Council" means the Trade Coordi-
7 nation Council established by title III of this Act; and

8 (4) the term "Special Trade Representative"
9 means the Special Trade Representative for Negotia-
10 tions, Enforcement, and Policy established pursuant to
11 section 141 of the Trade Act of 1974 (as amended by
12 section 510(b)(1) of this Act).

13 **TITLE I—FINDINGS AND PURPOSES**

14 **FINDINGS**

15 **SEC. 101. The Congress finds that—**

16 (1) the output of approximately one-third of the
17 crop acreage of the United States is exported, and
18 about one out of every nine manufacturing jobs de-
19 pends, directly or indirectly, on exports;

20 (2) over the past decade, the share of the United
21 States in world trade has continued to decline;

22 (3) with the world's largest integrated market,
23 United States business has focused on domestic rather
24 than foreign markets;

1 (4) it is in the national interest to maintain and
2 promote the export of United States goods and serv-
3 ices, and thereby contribute to the health of our
4 domestic economy;

5 (5) a stronger export performance and smaller
6 trade deficits are consistent with reduced Federal
7 budget deficits;

8 (6) the strength of the United States international
9 economic performance affects the conduct of United
10 States foreign policy, the ability of the United States
11 to foster economic development around the world, and
12 the stability of United States currency;

13 (7) existing Government policies and programs
14 have tended to neglect the export potential of thou-
15 sands of small- and medium-sized businesses in the
16 United States;

17 (8) the capability of existing Federal Government
18 departments and agencies to deal with issues of inter-
19 national trade is fragmented and dispersed resulting in
20 inadequate and uncoordinated attention being given to
21 these important issues; and

22 (9) a small, Cabinet-level agency should be estab-
23 lished to implement policies of the Congress pursuant
24 to its constitutional power to regulate commerce with
25 foreign nations and to assist the President in the exer-

1 the President pursuant to section 141(b)(1) of the Trade Act
2 of 1974.

3 (b) There shall be in the Agency three Deputy Special
4 Trade Representatives each of whom shall be appointed by
5 the President in accordance with section 141 of the Trade
6 Act of 1974. The Special Trade Representative shall desig-
7 nate the order in which such Deputy Representatives shall
8 act and exercise the functions of the Special Trade Repre-
9 sentative during the absence or disability of the Special
10 Trade Representative or in the event the office of such Spe-
11 cial Trade Representative becomes vacant.

12 (c) The President shall provide that the Special Trade
13 Representative shall be a member of the National Advisory
14 Committee on International Monetary and Financial Policies.

15 **PRINCIPAL OFFICES**

16 **SEC. 202. (a) There shall be in the Agency—**

- 17 (1) an Office of Trade Policy and Negotiations;
18 (2) an Office of Trade Administration and En-
19 forcement; and
20 (3) an Office of Export Policy;

21 each of which shall be headed by one of the Deputy Special
22 Trade Representatives.

23 (b) The Special Trade Representative may delegate any
24 function vested in the Special Trade Representative to the
25 Offices established by subsection (a), or to such other offices

1 as he may establish, and may designate and authorize such
2 successive redelegations of any such function within the Ad-
3 ministration as the Special Trade Representative may deem
4 necessary or appropriate.

5 **FUNCTIONS**

6 **SEC. 203.** The Agency, under the supervision and direc-
7 tion of the Special Trade Representative, shall have the func-
8 tions of—

9 (1) directing United States participation in multi-
10 lateral and bilateral trade negotiations, including—

11 (A) trade negotiations relating to commod-
12 ities, manufactured goods, and services;

13 (B) trade negotiations under the auspices of
14 the General Agreement on Tariffs and Trade, the
15 Organization for Economic Cooperation and De-
16 velopment, and the United Nations Conference on
17 Trade and Development; and

18 (C) bilateral trade negotiations with all non-
19 market, as well as all market, economies; and

20 (2) designing, administering, and enforcing United
21 States policy with regard to unfair trade practices, in-
22 cluding responsibility for—

23 (A) enforcement of countervailing duties and
24 antidumping functions under title VII of the Tariff
25 Act of 1930;

1 (B) seeking redress under the General
2 Agreement on Tariffs and Trade for violation of
3 articles and codes under such agreement;

4 (C) carrying out the functions of the Special
5 Trade Representative, including enforcement of
6 sections 301 and 406 of the Trade Act of 1974
7 and advising the President with respect to actions
8 under section 202 of such Act; and

9 (D) protecting United States interests from
10 other unfair trade practices; and

11 (3) formulating and directing the implementation
12 of overall United States export policy, including—

13 (A) examining and analyzing effects of
14 United States export actions;

15 (B) facilitating and providing assistance in fi-
16 nancing of exports of goods and services in coop-
17 eration with other government agencies; and

18 (C) providing assistance to large, medium,
19 and small business in the development of export
20 markets.

21 PERSONNEL

22 SEC. 204. (a) The Special Trade Representative is au-
23 thorized to appoint and fix the compensation of not to exceed
24 four hundred officers and employees for the purpose of carry-
25 ing out the functions of the Agency.

1 (b)(1) Except as provided in paragraph (2), officers and
2 employees appointed pursuant to subsection (a) shall be ap-
3 pointed subject to the provisions of title 5, United States
4 Code, governing appointments in the competitive service and
5 shall be paid in accordance with the provisions of chapter 51
6 and subchapter III of chapter 53 of such title relating to
7 classification and General Schedule pay rates.

8 (2) For the purpose of carrying out the functions de-
9 scribed in section 203(3), not to exceed twenty of such offi-
10 cers and employees may be appointed without regard to the
11 provisions of title 5, United States Code, governing appoint-
12 ments in the competitive service.

13 **TITLE III—TRADE COORDINATION COUNCIL**

14 **ESTABLISHMENT; OFFICERS**

15 **SEC. 301. (a)** There is hereby established in the Execu-
16 tive Office of the President the Trade Coordination Council.
17 The Council shall be composed of the Special Trade Repre-
18 sentative, who shall serve as chairman, and the Secretaries
19 of Agriculture, Commerce, Defense, the Interior, Labor,
20 State, and the Treasury, the Attorney General, the Assistant
21 to the President for National Security Affairs, and the Assis-
22 tant to the President for Domestic Affairs and Policy.

FUNCTIONS

1

2 SEC. 302. In addition to performing such other func-
3 tions as the President may direct, the Trade Coordinating
4 Council shall advise the President with respect to—

5 (1) the integration of domestic and foreign policies
6 relating to the conduct of international trade so as to
7 enable the Special Trade Agency and other depart-
8 ments and agencies of the Government to cooperate
9 more effectively in matters involving international
10 trade;

11 (2) all matters concerning functions administered
12 by the Agency; and

13 (3) trade matters with respect to functions admin-
14 istered by other departments and agencies, including—

15 (A) export control policy;

16 (B) energy trade issues;

17 (C) international investment policy;

18 (D) issues concerning tax policy as it relates
19 to international trade and investment; and

20 (E) issues concerning antitrust policy as it
21 relates to international trade.

22

PERSONNEL

23 SEC. 303. (a) The Council shall have a staff which shall
24 be headed by an executive director appointed by the
25 President.

1 (b)(1) The executive director may be appointed without
2 regard to the provisions of title 5, United States Code, gov-
3 erning appointments in the competitive service and may be
4 paid without regard to the provisions of chapter 51 and sub-
5 chapter III of chapter 53 of such title relating to classifica-
6 tion and General Schedule pay rates, except that the execu-
7 tive director may not receive pay in excess of the maximum
8 annual rate of basic pay payable for GS-18 of the General
9 Schedule.

10 (2) The staff of the Council, other than the executive
11 director, shall be appointed by the executive director subject
12 to the provisions of title 5, United States Code, governing
13 appointments in the competitive service and shall be paid in
14 accordance with the provisions of chapter 51 and subchapter
15 III of chapter 53 of such title relating to classification and
16 General Schedule pay rates.

17 **TITLE IV—TRANSFER OF FUNCTIONS**

18 **TRANSFER OF THE OFFICE OF SPECIAL TRADE**

19 **REPRESENTATIVE**

20 **SEC. 401.** There is hereby transferred, from the Execu-
21 tive Office of the President, to the Agency the Office of Spe-
22 cial Trade Representative established by section 141 of the
23 Trade Act of 1974. On the effective date of this Act, such
24 Office shall cease to exist as an entity separate from the
25 Agency.

1 TRANSFERS FROM THE DEPARTMENT OF STATE

2 SEC. 402. There is hereby transferred to and vested in
3 the Special Trade Representative all functions of the Secre-
4 tary of State—

5 (1) with respect to the negotiation and implemen-
6 tation of multilateral and bilateral commercial and
7 trade agreements with foreign nations;

8 (2) with respect to East-West trade; and

9 (3) with respect to commodity agreements.

10 TRANSFERS FROM THE DEPARTMENT OF THE TREASURY

11 SEC. 403. There is hereby transferred to and vested in
12 the Special Trade Representative all functions of the Secre-
13 tary of the Treasury—

14 (1) with respect to the investigation of complaints
15 regarding countervailing duties and dumping;

16 (2) with respect to the negotiation of trade and
17 commodity agreements or which are carried out
18 through the Assistant Secretary of the Treasury for In-
19 ternational Affairs, except those functions of such As-
20 sistant Secretary which relate to monetary policy, in-
21 ternational exchange, and United States membership in
22 bilateral and multilateral monetary institutions; and

23 (3) with respect to advising the President with
24 regard to import controls necessary to national secu-
25 rity.

1 (B) The Special Trade Representative is authorized to
2 accept volunteer service in accordance with the provisions of
3 section 3111 of title 5, United States Code.

4 (2) The Special Trade Representative is authorized to
5 provide for incidental expenses, including but not limited to
6 transportation, lodging, and subsistence for such volunteers.

7 (3) An individual who provides voluntary services under
8 paragraph (1)(A) of this subsection shall not be considered a
9 Federal employee for any purpose other than for purposes of
10 chapter 81 of title 5, United States Code, relating to compen-
11 sation for work injuries, and of chapter 171 of title 28,
12 United States Code, relating to tort claims.

13 (c) In the exercise of the functions transferred under this
14 Act, the Special Trade Representative shall have the same
15 authority as the officer, agency, or office, or any part thereof,
16 exercising such functions immediately preceding their trans-
17 fer, and the actions of the Special Trade Representative in
18 exercising such functions shall have the same force and effect
19 as when exercised by such officer, agency, or office, or part
20 thereof.

21 (d) Except as otherwise provided in this Act, the Special
22 Trade Representative may delegate any of the functions
23 under this Act to such officers and employees of the Agency
24 as the Special Trade Representative may designate, and may
25 authorize such successive redelegations of such functions

1 within the Agency as may be necessary or appropriate. No
2 delegation of functions by the Special Trade Representative
3 under this section or under any other provision of this Act
4 shall relieve the Special Trade Representative of responsi-
5 bility for the administration of such functions.

6 (e) The Special Trade Representative is authorized to
7 prescribe, in accordance with the provisions of chapter 5 of
8 title 5, United States Code, such rules and regulations as
9 may be necessary or appropriate to carry out the functions
10 transferred to the Special Trade Representative or the
11 Agency by this Act.

12 (f)(1) The Special Trade Representative is authorized to
13 enter into and perform such contracts, grants, leases, cooper-
14 ative agreements, or other similar transactions with Federal
15 departments and agencies, public agencies, State, local, and
16 tribal governments, private organizations, and individuals,
17 and to make such payments, by way of advance or reim-
18 bursement, as the Special Trade Representative may deem
19 necessary or appropriate to carry out the functions trans-
20 ferred to the Special Trade Representative or the Agency by
21 this Act.

22 (2) Notwithstanding any other provision of this Act, no
23 authority to enter into contracts or to make payments under
24 this Act shall be effective except to such extent or in such
25 amounts as are provided in advance under appropriation

1 Acts. This subsection shall not apply with respect to the au-
2 thority granted under subsection (h).

3 (g) The Special Trade Representative is authorized to
4 accept, hold, administer, and utilize gifts, bequests, and de-
5 vises of property, both real and personal, for the purpose of
6 aiding or facilitating the work of the Agency in the perform-
7 ance of the functions transferred by this Act. Gifts, bequests,
8 and devises of money and proceeds from sales of other prop-
9 erty received as gifts, bequests, or devises shall be deposited
10 in the Treasury in a separate fund and shall be disbursed
11 upon the order of the Special Trade Representative. Property
12 accepted pursuant to this section, and the proceeds thereof,
13 shall be used as nearly as possible in accordance with the
14 terms of the gift, bequest, or devise donating such property.
15 For the purposes of Federal income, estate, and gift taxes,
16 property accepted under this section shall be considered as a
17 gift, bequest, or devise to the United States.

18 (h) The authority granted by this section shall be availa-
19 ble to the Special Trade Representative only with respect to
20 the administration of the Agency.

21 REORGANIZATION

22 SEC. 502. The Special Trade Representative is author-
23 ized to allocate or reallocate the functions transferred to the
24 Special Trade Representative or the Agency by this Act
25 among the officers of the Agency, and to establish, consoli-

1 tained in sections 5312 through 5316 of title 5, United States
2 Code, on the effective date of this Act, shall be subject to the
3 provisions of section 504.

4 (c) Except as otherwise provided in this Act, the trans-
5 fer pursuant to this title of full-time personnel (except special
6 Government employees) and part-time personnel holding per-
7 manent positions shall not cause any such employee to be
8 separated or reduced in grade or compensation for one year
9 after such transfer or after the effective date of this Act,
10 whichever is later.

11 (d) Any person who, on the day before the effective date
12 of this Act, held a position compensated in accordance with
13 the Executive Schedule prescribed in chapter 53 of title 5,
14 United States Code, and who, without a break in service, is
15 appointed in the Agency to a position having duties compara-
16 ble to the duties performed immediately preceding such ap-
17 pointment shall continue to be compensated in such new posi-
18 tion at not less than the rate provided for such previous posi-
19 tion for the duration of the service of such person in such new
20 position.

21 AGENCY TERMINATIONS

22 SEC. 504. Except as otherwise provided in this Act,
23 whenever all of the functions of any agency, commission, or
24 other body, or any component thereof, have been terminated
25 or transferred by this Act from that agency, commission, or

1 other body, or component thereof, such agency, commission,
2 or other body, or component shall terminate. If an agency,
3 commission, or other body, or any component thereof, termi-
4 nates pursuant to the provisions of the preceding sentence,
5 each position and office therein which was expressly author-
6 ized by law, or the incumbent of which was authorized to
7 receive compensation at the rates prescribed for an office or
8 position at level II, III, IV, or V of the Executive Schedule
9 contained in sections 5313 through 5316 of title 5, United
10 States Code, shall terminate.

11 **INCIDENTAL DISPOSITIONS**

12 **SEC. 505.** The Director of the Office of Management
13 and Budget, at such time or times as such Director shall
14 provide, is authorized and directed to make such determina-
15 tions as may be necessary with regard to the transfer of func-
16 tions and agencies which relate to or are utilized by an offi-
17 cer, agency, commission, or other body, or component there-
18 of, affected by this Act, and to make such additional inciden-
19 tal dispositions of personnel, assets, liabilities, grants, con-
20 tracts, property, records, and unexpended balances of appro-
21 priations, authorizations, allocations, and other funds held,
22 used, arising from, available to, or to be made available in
23 connection with the functions and agencies transferred by
24 this Act, as may be necessary to carry out the provisions of
25 this Act. The Director of the Office of Management and

1 department, agency, commission, or component thereof, the
2 functions of which are transferred by this Act; but such pro-
3 ceedings and applications, to the extent that they relate to
4 functions so transferred, shall be continued. Orders shall be
5 issued in such proceedings, appeals shall be taken therefrom,
6 and payments shall be made pursuant to such orders, as if
7 this Act had not been enacted; and orders issued in any such
8 proceedings shall continue in effect until modified, terminat-
9 ed, superseded, or revoked by the Special Trade Representa-
10 tive, by a court of competent jurisdiction, or by operation of
11 law. Nothing in this subsection shall be deemed to prohibit
12 the discontinuance or modification of any such proceeding
13 under the same terms and conditions and to the same extent
14 that such proceeding could have been discontinued or modi-
15 fied if this Act had not been enacted.

16 (2) The Special Trade Representative is authorized to
17 promulgate regulations providing for the orderly transfer of
18 proceedings continued under paragraph (1) to the Agency.

19 (c) Except as provided in subsection (e)—

20 (1) the provisions of this Act shall not affect suits
21 commenced prior to the effective date of this Act, and

22 (2) in all such suits, proceedings shall be had, ap-
23 peals taken, and judgments rendered in the same
24 manner and effect as if this Act had not been enacted.

1 (d) No suit, action, or other proceeding commenced by
2 or against any officer in the official capacity of such individu-
3 al as an officer or any department or agency, functions of
4 which are transferred by this Act, shall abate by reason of
5 the enactment of this Act. No cause of action by or against
6 any department or agency, functions of which are transferred
7 by this Act, or by or against any officer thereof in the official
8 capacity of such officer shall abate by reason of the enact-
9 ment of this Act.

10 (e) If, before the date on which this Act takes effect, any
11 department or agency, or officer thereof in the official capac-
12 ity of such officer, is a party to a suit, and under this Act any
13 function of such department, agency, or officer is transferred
14 to the Special Trade Representative or any other official of
15 the Agency, then such suit shall be continued with the Spe-
16 cial Trade Representative or other appropriate official of the
17 Agency substituted or added as a party.

18 (f) Orders and actions of the Special Trade Representa-
19 tive in the exercise of functions transferred under this Act
20 shall be subject to judicial review to the same extent and in
21 the same manner as if such orders and actions had been by
22 the agency or office, or part thereof, exercising such func-
23 tions, immediately preceding their transfer. Any statutory re-
24 quirements relating to notice, hearing, action upon the
25 record, or administrative review that apply to any function

1 transferred by this Act shall apply to the exercise of such
2 function by the Special Trade Representative.

3 ANNUAL REPORT

4 SEC. 507. The Special Trade Representative shall,
5 within thirty calendar days after the end of each calendar
6 year, make a report to the President for submission to the
7 Congress on the activities of the Agency during the preced-
8 ing calendar year.

9 REFERENCE

10 SEC. 508. With respect to any functions transferred by
11 this Act and exercised after the effective date of this Act,
12 reference in any other Federal law to any department, com-
13 mission, or agency or to any officer or office the functions of
14 which are so transferred shall be deemed to refer to the Spe-
15 cial Trade Representative or the Agency.

16 TRANSITION

17 SEC. 509. With the consent of the appropriate depart-
18 ment or agency head concerned, the Special Trade Repre-
19 sentative is authorized to utilize the services of such officers,
20 employees, and other personnel of the departments and agen-
21 cies of the executive branch for such period of time as may
22 reasonably be needed to facilitate the orderly transfer of func-
23 tions and agencies under this Act.

1 TECHNICAL AND CONFORMING AMENDMENTS

2 SEC. 510. (a) Section 5314(62) is amended by striking
3 out “(2)” and inserting in lieu thereof “(3)”.

4 (b)(1) Section 141 of the Trade Act of 1974 is
5 amended—

6 (A) by striking “Special Representative for Trade
7 Negotiations” the first time it appears in subsection (b)
8 and inserting in lieu thereof “Special Trade Repre-
9 sentative for Negotiations, Enforcement, and Policy
10 (hereafter referred to in this section as the ‘Special
11 Trade Representative)’”;

12 (B) by striking out “Special Representative for
13 Trade Negotiations” each succeeding place it appears
14 in subsections (b)(1), (c), (e), and (f), and inserting in
15 lieu thereof “Special Trade Representative”; and

16 (C) by striking out “two Deputy Special Repre-
17 sentatives” in subsection (b)(2) and inserting in lieu
18 thereof “three Deputy Special Trade Representatives”.

19 (2) Subsection (d) of section 141 of the Trade Act of
20 1974 is repealed.

21 (c) Section 341(c) of the Export-Import Bank Act of
22 1945 is amended—

23 (1) by striking out the first sentence and inserting
24 in lieu thereof the following: “There shall be a Board
25 of Directors consisting of the Special Trade Repre-

1 representative (who shall serve as Chairman), the President
 2 and First Vice President of the Export-Import Bank,
 3 and three additional persons appointed by the Presi-
 4 dent, by and with the advice and consent of the
 5 Senate.”; and

6 (2) by striking out “five” in the second sentence
 7 of such section and inserting in lieu thereof “six”.

8 **AUTHORIZATION OF APPROPRIATIONS**

9 **SEC. 511.** Subject to any limitation on appropriations
 10 applicable with respect to any function transferred to the
 11 Special Trade Representative, there are authorized to be ap-
 12 propriated such sums as may be necessary to carry out the
 13 provisions of this Act and to enable the Special Trade Re-
 14 presentative to administer and manage the Agency.

15 **SEPARABILITY**

16 **SEC. 512.** If any provision of this Act or the application
 17 thereof to any person or circumstance is held invalid, neither
 18 the remainder of this Act nor the application of such provi-
 19 sion to other persons or circumstances shall be affected there-
 20 by.

21 **EFFECTIVE DATE**

22 **SEC. 513. (a)** The transfer of functions and agencies
 23 pursuant to sections 204 and 205 of this Act shall take effect
 24 one hundred and twenty days after the date of its enactment
 25 or on such earlier date as the President may prescribe and

1 publish in the Federal Register, except that at any time after
2 the date of enactment of this Act—

3 (1) any of the officers provided for this Act may
4 be nominated and appointed as provided in this Act,
5 and

6 (2) the Special Trade Representative may promul-
7 gate regulations pursuant to section 501(e) of this Act.

8 (b) Funds available to any department or agency (or any
9 official or component thereof), the functions of which are
10 transferred to the Special Trade Representative by this Act,
11 may, with the approval of the Director of the Office of Man-
12 agement and Budget, be used to pay the compensation and
13 expenses of any officer appointed pursuant to this Act until
14 such time as funds for that purpose are otherwise available.

15 INTERIM APPOINTMENTS

16 SEC. 514. (a) In the event that one or more officers
17 required by this Act to be appointed by and with the advice
18 and consent of the Senate shall not have entered upon office
19 on the effective date of this Act and notwithstanding any
20 other provision of law, the President may designate an officer
21 in the executive branch to act in such office for ninety days
22 or until the office is filled as provided in this Act, whichever
23 occurs first.

1 (b) Any officer acting in an office in the Agency pursu-
2 ant to the provisions of subsection (a) shall receive compensa-
3 tion at the rate prescribed for such office under this Act.

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