





1 or disability of the Deputy Secretary, or in the event of a  
2 vacancy in the office of Deputy Secretary, an Assistant Secre-  
3 tary or the General Counsel, determined according to such  
4 order as the Secretary shall prescribe) shall act for, and exer-  
5 cise the powers of the Secretary, during the absence or dis-  
6 ability of the Secretary or in the event of a vacancy in the  
7 office of Secretary. The Deputy Secretary shall perform such  
8 functions, powers, and duties as the Secretary shall prescribe  
9 from time to time. There shall be in the Department an Under  
10 Secretary who shall hold the rank of Career Minister and  
11 who shall have the responsibility, under the direction of the  
12 Secretary and the Deputy Secretary, of the conduct of all the  
13 trade negotiations in which the United States is involved.  
14 The Under Secretary shall be compensated at the rate pro-  
15 vided for level III in the Executive Schedule under section  
16 5313 of title 5, United States Code. There shall be in the  
17 Department five Assistant Secretaries and a General Counsel  
18 who shall be appointed by the President by and with the  
19 advice and consent of the Senate and who shall perform such  
20 functions, powers, and duties as the Secretary shall prescribe  
21 from time to time. Such Assistant Secretaries and the General  
22 Counsel shall be compensated at the rate provided for level V  
23 of the Executive Schedule under section 5316 of title 5,  
24 United States Code.

## FUNCTIONS

SEC. 4. The Secretary shall—

(1) promote the general prosperity of the United States by strengthening beneficial economic relations between the United States of America and foreign countries;

(2) participate in international trade negotiations as provided by the Congress;

(3) seek fair and equitable international trade rules which do not discriminate against the United States;

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

(5) seek new trade and commercial opportunities for American industrial, agricultural, and service products in foreign countries;

(6) assist in financing international trade between the United States and foreign countries;

(7) develop long-range programs to promote American international economic policy interests abroad, in cooperation with other relevant executive departments, agencies, and other authorities of the United States;

(8) secure access to supplies of raw materials, at competitive prices, which are produced in foreign countries;



1 trade and investment; consult and cooperate with the Secre-  
2 tary of the Treasury and the Secretary of State in gathering  
3 information regarding the status of international trade and  
4 investment in which the United States or other countries  
5 may be participants; and consult and cooperate with State  
6 and local governments and other interested parties, includ-  
7 ing, when appropriate, holding informal public hearings.

8 (b) Nothing in this Act shall be construed to authorize,  
9 without appropriate action by Congress, the adoption, revi-  
10 sion, or implementation, of (1) any international trade or  
11 investment policy of the United States, or (2) any other  
12 investment or trade standards or criteria.

13 (c) In exercising the functions, powers, and duties con-  
14 ferred on and transferred to the Secretary by this Act, the  
15 Secretary shall give full consideration to the need for opera-  
16 tional continuity of the functions transferred, to the need  
17 for effectiveness and security in international trade and  
18 investment systems, and to the needs of national defense.

19 (d) Orders and actions of the Secretary in the exercise  
20 of the functions, powers, and duties transferred under this  
21 Act, and orders and actions of any entity the responsibilities  
22 of which are transferred to the authority of the Secretary  
23 are vested in the Secretary pursuant to the functions,  
24 powers, and duties specifically assigned to any such entity  
25 by this Act or any other Act of Congress, shall be subject

1 to judicial review to the same extent and in the same manner  
2 as if such orders and actions had been by the department or  
3 agency or other authority exercising such functions, powers,  
4 and duties immediately preceding their transfer. Any statu-  
5 tory requirements relating to notice, hearings, actions upon  
6 the record, or administrative review that apply to any func-  
7 tions transferred by this Act shall apply to the exercise  
8 of such functions by the Secretary.

9 (e) In the exercise of the functions, powers, and duties  
10 transferred under this Act, the Secretary shall have the  
11 same authority as that vested in the department, agency or  
12 authority exercising such functions, powers, and duties im-  
13 mediately preceding their transfer, and their actions in exer-  
14 cising such functions, powers, and duties shall have the same  
15 force and effect as when exercised by such department,  
16 agency, or authority.

17 (f) The Secretary and the Secretary of the Treasury  
18 and the Secretary of State shall consult and exchange in-  
19 formation regarding their respective international trade and  
20 investment policies and activities; carry on joint planning,  
21 research and other activities; and coordinate assistance for  
22 investment and trade programs. They shall jointly study how  
23 Federal policies and programs can insure that international  
24 trade and investment systems most effectively serve both  
25 the national economic needs and the needs for a stable world

1 investment and trade economy. They shall, within one year  
 2 after the effective date of this Act, and annually thereafter,  
 3 report to the President, for submission to the Congress, on  
 4 their studies and other activities under this subsection, in-  
 5 cluding any legislative recommendations which they deter-  
 6 mine to be desirable.

#### 7 TRANSFERS TO DEPARTMENT

8 SEC. 6. (a) There are hereby transferred to and in-  
 9 vested in the Secretary all functions, powers, and duties of  
 10 the Spécial Representative for Trade Negotiations and the  
 11 Office of the Special Representative for Trade Negotiations  
 12 in the Executive Office of the President.

13 (b) Such functions of the Secretary of State, the De-  
 14 partment of State and officers and components of such  
 15 Department as relate to—

16 (1) commercial affairs and business activities, in-  
 17 cluding export promotion, but not including the report-  
 18 ing of economic conditions in foreign countries;

19 (2) international investment policy; and

20 (3) negotiation and implementation of bilateral  
 21 and multilateral commercial agreements and trade agree-  
 22 ments with foreign countries.

23 (c) Such functions of the Secretary of Commerce as  
 24 relate to—

25 (1) export promotion;

- 1           (2) foreign investment;  
2           (3) export administration; and  
3           (4) international commerce including East-West  
4 trade.

5       (d) Such functions of the Secretary of the Treasury as  
6 relate to—

- 7           (1) international trade and investment;  
8           (2) the United States Customs Service; and  
9           (3) the administration of all laws designed to pro-  
10 tect the United States against unfair competition in  
11 international trade and investment.

12       (e) Such functions of the International Trade Com-  
13 mission as relate to—

- 14           (1) statistical reporting under the Tariff Schedules  
15 of the United States; and  
16           (2) the administration of section 337 of the Tariff  
17 Act of 1930.

18       (f) The Export-Import Bank of the United States is  
19 hereby transferred to the Department, and there are hereby  
20 transferred to and vested in the Secretary all functions,  
21 powers, and duties, relating to the Export-Import Bank of the  
22 Board of Directors of such Bank and of the other officers and  
23 offices of such Bank.

24       (g) There are hereby transferred and vested in the Sec-  
25 retary all functions, powers, and duties of the Overseas Pri-

1 vate Investment Corporation, and of the chairman, members,  
2 officers, and offices thereof. The Secretary shall exercise all  
3 functions of the President and chief executive officer of the  
4 Overseas Private Investment Corporation.

5 ADMINISTRATIVE PROVISIONS

6 SEC. 7. (a) In addition to the authority contained in  
7 any other Act which is transferred to and vested in the Secre-  
8 tary, or any other officer in the Department, the Secretary is  
9 authorized, subject to the civil service and classification laws,  
10 to select, appoint, employ, and fix the compensation of such  
11 officers and employees, including investigators, attorneys,  
12 and hearing examiners, as are necessary to carry out the pro-  
13 visions of this Act and to prescribe their authority and duties.

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

18 (c) The Secretary is authorized to provide for partici-  
19 pation of military personnel in carrying out the functions  
20 of the Department. Members of the Army, the Navy, the Air  
21 Force, or the Marine Corps may be detailed for service in the  
22 Department by the appropriate Secretary, pursuant to co-  
23 operative agreements with the Secretary of Transportation.

24 (d) (1) Appointment, detail, or assignment to, accept-  
25 ance of, and service in any appointive or other position in the

1 Department under the authority of section 9 (c) shall in no  
2 way affect status, office, rank, or grade which officers or en-  
3 listed men may occupy or hold or any emolument, perquisite,  
4 right, privilege, or benefit incident to or arising out of any  
5 such status, office, rank, or grade, nor shall any member so  
6 appointed, detailed, or assigned be charged against any statu-  
7 tory limitation on grades or strengths applicable to the  
8 Armed Forces. A person so appointed, detailed, or assigned  
9 shall not be subject to direction by or control by his armed  
10 force or any officer thereof directly or indirectly with respect  
11 to the responsibilities exercised in the position to which ap-  
12 pointed, detailed, or assigned.

13 (2) The Secretary shall report annually in writing to  
14 the appropriate committees of the Congress on personnel  
15 appointed and agreements entered into under subsection (c)  
16 or this section, including the number, rank, and positions of  
17 members of the armed services detailed pursuant thereto.

18 (e) (1) Except where this Act vests in any administra-  
19 tion, agency, or board, specific functions, powers, and duties,  
20 the Secretary may, in addition to the authority to delegate  
21 and redelegate contained in any other Act in the exercise of  
22 the functions transferred to or vested in the Secretary in this  
23 Act, delegate any of his residual functions, powers, and duties  
24 to such officers and employees of the Department as he may  
25 designate, may authorize such successive redelegations of

1 such functions, powers, and duties as he may deem desirable,  
2 and may make such rules and regulations as may be neces-  
3 sary to carry out his functions, power, and duties.

4 (2) In addition to the authority to delegate and redele-  
5 gate contained in any other Act, in the exercise of the  
6 functions transferred to or specified by this Act to be carried  
7 out by any officer in the Department, such officer may dele-  
8 gate any of such functions, powers, and duties to such other  
9 officers and employees of the Department as he may desig-  
10 nate; may authorize such successive redelegations of such  
11 functions, powers, and duties as he may deem desirable; and  
12 may make such rules and regulations as may be necessary  
13 to carry out such functions, powers, and duties.

14 (f) The personnel, assets, liabilities, contracts, property,  
15 records, and unexpended balances of appropriations, authori-  
16 zations, allocations, and other funds employed, held, used,  
17 arising from, available or to be made available, of the Export-  
18 Import Bank or the Overseas Private Investment Corpora-  
19 tion or the Office of the Special Representative for Trade  
20 Negotiations, and of the head and other officers and offices  
21 thereof, are hereby transferred to the Secretary.

22 (g) So much of the positions, personnel, assets, liabili-  
23 ties, contracts, property, records, and unexpended balances  
24 of appropriations, authorizations, allocations, and other funds  
25 employed, held, used, arising from, available or to be made

1 available in connection with the functions, powers, and duties  
2 transferred by sections 6 (except section 6 (c) ) and 8 (d)  
3 and (e) of this Act as the Director of the Bureau of the  
4 Budget shall determine shall be transferred to the Secretary.

5 (h) The transfer of personnel pursuant to subsections  
6 (f) and (g) of this section shall be without reduction in  
7 classification or compensation for one year after such transfer.

8 (i) In any case where all of the functions, powers, and  
9 duties of any office or agency are transferred pursuant to this  
10 Act, such office or agency shall lapse. Any person who, on  
11 the effective date of this Act, held a position compensated in  
12 accordance with the Executive Schedule, and who, without a  
13 break in service, is appointed in the Department to a position  
14 having duties comparable to those performed immediately  
15 preceding his appointment shall continue to be compen-  
16 sated in his new position at not less than the rate provided  
17 for his previous position, for the duration of his service in  
18 his new position.

19 (j) The Secretary is authorized to establish a working  
20 capital fund, to be available without fiscal year limitation, for  
21 expenses necessary to the maintenance and operation of such  
22 common administrative services as he shall find to be desir-  
23 able in the interest of economy and efficiency in the Depart-  
24 ment, including such services as a central supply service for  
25 stationery and other supplies and equipment for which ade-

1 quate stocks may be maintained to meet in whole or in part  
2 the requirements of the Department and its agencies; central  
3 messenger, mail, telephone, and other communications serv-  
4 ices; office space, central services for document reproduction,  
5 and for graphics and visual aids; and a central library service.  
6 The capital of the fund shall consist of any appropriations  
7 made for the purpose of providing capital (which appropria-  
8 tions are hereby authorized) and the fair and reasonable  
9 value of such stocks of supplies, equipment, and other assets  
10 and inventories on order as the Secretary may transfer to  
11 the fund, less the related liabilities and unpaid obligations.  
12 Such funds shall be reimbursed in advance from available  
13 funds of agencies and offices in the Department, or from  
14 other sources, for supplies and services at rates which will  
15 approximate the expense of operation, including the accrual  
16 of annual leave and the depreciation of equipment. The fund  
17 shall also be credited with receipts from sale or exchange of  
18 property and receipts in payment for loss or damage to prop-  
19 erty owned by the fund. There shall be covered into the  
20 United States Treasury as miscellaneous receipts any surplus  
21 found in the fund (all assets, liabilities, and prior losses  
22 considered) above the amounts transferred or appropriated  
23 to establish and maintain said fund.

24 (k) The Secretary shall cause a seal of office to be made

1 for the Department of such device as he shall approve, and  
2 judicial notice shall be taken of such seal.

3 (1) In addition to the authority contained in any other  
4 Act which is transferred to and vested in the Secretary, or  
5 other officer in the Department, as necessary, and when not  
6 otherwise available, the Secretary is authorized to provide  
7 for, construct, or maintain the following for employees and  
8 their dependents stationed at remote localities:

9 (1) emergency medical services and supplies;

10 (2) food and other subsistence supplies;

11 (3) messing facilities;

12 (4) motion picture equipment and film for recrea-  
13 tion and training;

14 (5) reimbursement for food, clothing, medicine, and  
15 other supplies furnished by such employees in emer-  
16 gencies for the temporary relief of distressed persons;  
17 and

18 (6) living and working quarters and facilities.

19 The furnishing of medical treatment under paragraph (1)  
20 and the furnishing of services and supplies under paragraphs  
21 (2) and (3) of this subsection shall be at prices reflecting  
22 reasonable value as determined by the Secretary, and the  
23 proceeds therefrom shall be credited to the appropriation  
24 from the expenditure was made.

1 (m) (1) The Secretary is authorized to accept, hold,  
2 administer, and utilize gifts and bequests of property, both  
3 real and personal, for the purpose of aiding or facilitating  
4 the work of the Department. Gifts and bequests of money  
5 and the proceeds from sales of other property received as gifts  
6 or bequests shall be deposited in the Treasury in a separate  
7 fund and shall be disbursed upon order of the Secretary.  
8 Property accepted pursuant to this paragraph, and the pro-  
9 ceeds thereof, shall be used as nearly as possible in accord-  
10 ance with the terms of the gift or bequest.

11 (2) For the purpose of Federal income, estate, and gift  
12 taxes, property accepted under paragraph (1) shall be con-  
13 sidered as a gift or bequest to or for use of the United States.

14 (3) Upon the request of the Secretary, the Secretary of  
15 the Treasury may invest and reinvest in securities of the  
16 United States or in securities guaranteed as to principal and  
17 interest by the United States any moneys contained in the  
18 fund provided for in paragraph (1). Income accruing from  
19 such securities, and from any other property held by the  
20 Secretary pursuant to paragraph (1) shall be deposited to  
21 the credit of the fund, and shall be disbursed upon order of  
22 the Secretary.

23 (n) (1) The Secretary is authorized upon the written  
24 request of any person, or any State, territory, possession, or  
25 political subdivision thereof, to make special statistical stud-

1 ies relating to foreign and domestic transportation, and special  
2 studies relating to other matters falling within the province  
3 of the Department, to prepare from its records special statis-  
4 tical compilations, and to furnish transcripts of its studies,  
5 tables, and other records upon the payment of the actual  
6 cost of such work by the person or body requesting it.

7 (2) All moneys received by the Department in pay-  
8 ment of the cost or work under paragraph (1) shall be  
9 deposited in a separate account to be administered under the  
10 direction of the Secretary. These moneys may be used, in  
11 the discretion of the Secretary, for the ordinary expenses  
12 incidental to the work and/or to secure in connection there-  
13 with the special services of persons who are neither officers  
14 nor employees of the United States.

15 (o) The Secretary is authorized to appoint, without  
16 regard to the civil service laws, such advisory committees as  
17 shall be appropriate for the purpose of consultation with and  
18 advice to the Department in performance of its functions.  
19 Members of such committees, other than those regularly  
20 employed by the Federal Government, while attending meet-  
21 ings of such committees or otherwise serving at the request  
22 of the Secretary, may be paid compensation at rates not  
23 exceeding those authorized for individuals under subsection  
24 (b) of this section, and while so serving away from their  
25 homes or regular places of business, may be allowed travel

1 expenses, including per diem in lieu of subsistence, as author-  
2 ized by section 5703 of title 5, United States Code, for per-  
3 sons in the Government service employed intermittently.

4 (p) (1) The Secretary is authorized to enter into con-  
5 tracts with educational institutions, public, or private  
6 agencies or organizations, or persons for the conduct of  
7 scientific or technological research into any aspect of the  
8 problems related to the programs of the Department which  
9 are authorized by statute.

10 (2) The Secretary shall require a showing that the in-  
11 stitutions, agencies, organizations, or persons with which he  
12 expects to enter into contracts pursuant to this subsection  
13 have the capability of doing effective work. He shall furnish  
14 such advice and assistance as he believes will best carry out  
15 the mission of the Department, participate in coordinating  
16 all research initiated under this subsection, indicate the  
17 lines of inquiry which seem to him most important, and en-  
18 courage and assist in the establishment and maintenance of  
19 cooperation by and between the institutions, agencies,  
20 organizations, or persons and between them and other re-  
21 search organizations, the Department, and other Federal  
22 agencies.

23 (3) The Secretary may from time to time disseminate  
24 in the form of reports or publications to public or private  
25 agencies or organizations, or individuals such information

1 as he deems pertinent on the research carried out pursuant  
2 to this section.

3 (4) Nothing contained in this subsection is intended to  
4 amend, modify, or repeal any provisions of law admin-  
5 istered by the Department which authorize the making of  
6 contracts for research.

7 CONFORMING AMENDMENTS TO OTHER LAWS

8 SEC. 8. (a) Section 19 (d) (1) of title 3, United States  
9 Code, is hereby amended by striking out the period at the  
10 end thereof and inserting a comma and the following: "Sec-  
11 retary of International Trade and Investment".

12 (b) Section 101 of title 5, United States Code, is  
13 amended by inserting at the end thereof the following:

14 "The Department of International Trade and  
15 Investment".

16 (c) The amendment made by subsection (b) of this  
17 section shall not be construed to make applicable to the  
18 Department any provision of law inconsistent with this Act.

19 (d) Subchapter II (relating to executive pay schedule  
20 rates) of chapter 53 of title 5, United States Code, is  
21 amended as follows:

22 (1) Section 5312 is amended by striking out

23 "(13) Special Representative for Trade Negotia-  
24 tions"

25 and inserting in lieu thereof



1                   (B) in the exercise of duties, powers, or  
2                   functions which are transferred under this Act,  
3                   by (i) any department or agency, any functions of  
4                   which are transferred by this Act, or (ii) any court of  
5                   competent jurisdiction, and

6                   (2) which are in effect at the time this Act takes  
7                   effect, shall continue in effect according to their terms  
8                   until modified, terminated, superseded, set aside, or  
9                   repealed by the Secretary (in the exercise of any au-  
10                  thority respectively vested in him by this Act); by any  
11                  court of competent jurisdiction, or by operation of law.

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

1 shall continue in effect until modified, terminated, superseded,  
2 or repealed by the Secretary (in the exercise of any authority  
3 respectively vested in him by this Act), by a court of  
4 competent jurisdiction, or by operation of law.

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

8 (B) in all such suits proceedings shall be had,  
9 appeals taken, and judgments rendered, in the same  
10 manner and effect as if this Act had not been enacted.

11 No suit, action, or other proceeding commenced by or against  
12 any officer in his official capacity as an officer for any  
13 department or agency, functions of which are transferred by  
14 this Act, shall abate by reason of the enactment of this Act.

15 No cause of action by or against any department or agency of  
16 which are transferred by this Act, or by or against any officer  
17 thereof in his official capacity shall abate by reason of the  
18 enactment of this Act. Causes of action, suits, actions, or  
19 other proceedings may be asserted by or against the United  
20 States or such official of the Department as may be appro-  
21 priate and, in any litigation pending when this section takes  
22 effect, the court may at any time, on its own motion or  
23 that of any party, enter an order which will give effect to  
24 the provisions of this subsection.





95<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 1990**

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## **A BILL**

To establish as an executive department of the Government of the United States a Department of International Trade and Investment, and for other purposes.

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By Mr. ROTH and Mr. RIBICOFF

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August 3 (legislative day, July 19), 1977  
Read twice and referred to the Committee on  
Governmental Affairs