

(Pub. L. 94-304, § 7, June 3, 1976, 90 Stat. 662; Pub. L. 94-534, Oct. 17, 1976, 90 Stat. 2495; Pub. L. 95-426, title VII, § 702, Oct. 7, 1978, 92 Stat. 992; Pub. L. 96-60, title IV, § 401, Aug. 15, 1979, 93 Stat. 403; Pub. L. 99-7, §§ 3, 4, Mar. 27, 1985, 99 Stat. 19.)

#### AMENDMENTS

1985—Subsec. (a). Pub. L. 99-7, § 3, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There is authorized to be appropriated to the Commission for each fiscal year and to remain available until expended \$550,000 to assist in meeting the expenses of the Commission for the purpose of carrying out the provisions of this chapter, such appropriation to be disbursed on voucher to be approved by the Chairman of the Commission.”

Subsec. (d). Pub. L. 99-7, § 4, added subsec. (d).

1979—Subsec. (c). Pub. L. 96-60 added subsec. (c).

1978—Subsec. (a). Pub. L. 95-426 substituted “\$550,000” for “\$350,000”.

1976—Pub. L. 94-534 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-7 effective Apr. 15, 1985, see section 6(a) of Pub. L. 99-7, set out as a note under section 3002 of this title.

### § 3008. Commission staff

#### (a) Personnel and administration committee

The Commission shall have a personnel and administration committee composed of the Chairman, the Cochairman, the senior Commission member from the minority party in the House of Representatives, and the senior Commission member from the minority party in the Senate.

#### (b) Committee functions

All decisions pertaining to the hiring, firing, and fixing of pay of Commission staff personnel shall be by a majority vote of the personnel and administration committee, except that—

(1) the Chairman shall be entitled to appoint and fix the pay of the staff director, and the Cochairman shall be entitled to appoint and fix the pay of his senior staff person; and

(2) the Chairman and Cochairman each shall have the authority to appoint, with the approval of the personnel and administration committee, at least four professional staff members who shall be responsible to the Chairman or the Cochairman (as the case may be) who appointed them.

The personnel and administration committee may appoint and fix the pay of such other staff personnel as it deems desirable.

#### (c) Staff appointments

All staff appointments shall be made without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

#### (d) Commission employees as congressional employees

(1) For purposes of pay and other employment benefits, rights, and privileges and for all other purposes, any employee of the Commission shall be considered to be a congressional employee as defined in section 2107 of title 5.

(2) For purposes of section 3304(c)(1)<sup>1</sup> of title 5, staff personnel of the Commission shall be considered as if they are in positions in which they are paid by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.

(3) The provisions of paragraphs (1) and (2) of this subsection shall be effective as of June 3, 1976.

(Pub. L. 94-304, § 8, June 3, 1976, 90 Stat. 662; Pub. L. 99-7, § 5, Mar. 27, 1985, 99 Stat. 19; Pub. L. 104-186, title II, § 218(3), Aug. 20, 1996, 110 Stat. 1747.)

#### REFERENCES IN TEXT

Section 3304(c) of title 5, referred to in subsec. (d)(2), was repealed and section 3304(d) was redesignated 3304(c) by Pub. L. 104-65, § 16(a), (b), Dec. 19, 1995, 109 Stat. 703.

#### AMENDMENTS

1996—Subsec. (d)(2). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

1985—Subsecs. (a), (b). Pub. L. 99-7, in amending section generally, added subsecs. (a) and (b).

Subsec. (c). Pub. L. 99-7, in amending section generally, designated existing provisions as subsec. (c) and substituted “All staff appointments shall be made” for “The Commission may appoint and fix the pay of such staff personnel as it deems desirable.”

Subsec. (d). Pub. L. 99-7, in amending section generally, added subsec. (d).

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-7 effective Apr. 15, 1985, except for enactment of subsec. (d) which was effective June 3, 1976, see section 6(a), (b)(2) of Pub. L. 99-7, set out as a note under section 3002 of this title.

### § 3009. Printing and binding costs

For purposes of costs relating to printing and binding, including the costs of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

(Pub. L. 94-304, § 9, as added Pub. L. 99-190, § 134, Dec. 19, 1985, 99 Stat. 1322.)

## CHAPTER 46—INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY

Sec.	
3101.	Congressional statement of findings and declaration of purpose.
3102.	Definitions.
3103.	Presidential authority and duties.
3104.	Rules and regulations.
3105.	Enforcement.
3106.	Use of experts and administrative support services.
3107.	Consultations; creation of independent public advisory committees.
3108.	Authorization of appropriations.

### § 3101. Congressional statement of findings and declaration of purpose

#### (a) Findings

The Congress finds and declares that—

(1) the United States Government is presently authorized to collect limited amounts of information on United States investment

<sup>1</sup> See References in Text note below.

abroad and foreign investment in the United States;

(2) international investment has increased rapidly within recent years;

(3) such investment significantly affects the economies of the United States and other nations;

(4) international efforts to obtain information on the activities of multinational enterprises and other international investors have accelerated recently;

(5) the potential consequences of international investment cannot be evaluated accurately because the United States Government lacks sufficient information on such investment and its actual or possible effects on the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States;

(6) accurate and comprehensive information on international investment is needed by the Congress to develop an informed United States policy on such investment;

(7) United States service industries engaged in interstate and foreign commerce account for a substantial part of the labor force and gross national product of the United States economy, and such commerce is rapidly increasing;

(8) international trade and services is an important issue for international negotiations and deserves priority in the attention of governments, international agencies, negotiators, and the private sector; and

(9) existing estimates of international investment and trade in services, collected under existing legal authority, are limited in scope and are based on outdated statistical bases, reports, and information which are insufficient for policy formulation and decision-making.

#### (b) Purpose

It is therefore the purpose of this chapter to provide clear and unambiguous authority for the President to collect information on international investment and United States foreign trade in services, whether directly or by affiliates, including related information necessary for assessing the impact of such investment and trade, to authorize the collection and use of information on direct investments owned or controlled directly or indirectly by foreign governments or persons, and to provide analyses of such information to the Congress, the executive agencies, and the general public. It is the intent of the Congress that information which is collected from the public under this chapter be obtained with a minimum burden on business and other respondents and with no unnecessary duplication of effort, consistent with the national interest in obtaining comprehensive and reliable information on international investment and trade in services.

#### (c) Nonrestraint and nondeterrence of investment

Nothing in this chapter is intended to restrain or deter foreign investment in the United States, United States investment abroad, or trade in services.

(Pub. L. 94-472, §2, Oct. 11, 1976, 90 Stat. 2059; Pub. L. 98-573, title III, §306(b)(2), Oct. 30, 1984, 98

Stat. 3009; Pub. L. 101-533, §6(A)[(a)], Nov. 7, 1990, 104 Stat. 2348.)

#### AMENDMENTS

1990—Subsec. (b). Pub. L. 101-533 inserted “to authorize the collection and use of information on direct investments owned or controlled directly or indirectly by foreign governments or persons,” after “the impact of such investment and trade,” in first sentence.

1984—Subsec. (a)(7) to (9). Pub. L. 98-573, §306(b)(2)(A), added pars. (7) and (8), redesignated former par. (7) as (9), and inserted “and trade in services” after “international investment” in par. (9).

Subsec. (b). Pub. L. 98-573, §306(b)(2)(B), substituted “international investment and United States foreign trade in services, whether directly or by affiliates, including related information necessary for assessing the impact of such investment and trade,” for “international investment”, and “international investment and trade in services” for “international investment”.

Subsec. (c). Pub. L. 98-573, §306(b)(2)(C), inserted reference to trade in services.

#### SHORT TITLE

Section 1 of Pub. L. 94-472, as amended by Pub. L. 98-573, title III, §306(b)(1), Oct. 30, 1984, 98 Stat. 3009, provided that: “This Act [enacting this chapter] may be cited as the ‘International Investment and Trade in Services Survey Act.’”

#### EX. ORD. NO. 11961. INTERNATIONAL INVESTMENT AND TRADE IN SERVICES

Ex. Ord. No. 11961, Jan. 19, 1977, 42 F.R. 4321, as amended by Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931; Ex. Ord. No. 12318, Aug. 21, 1981, 46 F.R. 42833; Ex. Ord. No. 12518, June 3, 1985, 50 F.R. 23661, provided:

By virtue of the authority vested in me by the International Investment and Trade in Services Survey Act (90 Stat. 2059, 22 U.S.C. 3101) [this chapter], and section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. All the functions vested in the President by the International Investment and Trade in Services Survey Act (90 Stat. 2059, 22 U.S.C. 3101) [this chapter], hereinafter referred to as the Act, are hereby delegated to the Director of the Office of Management and Budget, hereinafter referred to as the Director. The Director may, from time to time, designate other officers or agencies of the Federal Government to perform any or all of the functions hereby delegated to the Director, subject to such instructions, limitations, and directions as the Director deems appropriate.

SEC. 2. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of the Treasury, with respect to portfolio investment, shall perform the functions set forth in sections 4(a)(1), (2), (5) and 4(c) of the Act [22 U.S.C. 3103(a)(1), (2), (5) and (c)].

SEC. 3. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce, with respect to direct investment and trade in services, shall perform the functions set forth in sections 4(a)(1), (2), (4), (5) and 4(b) of the Act [22 U.S.C. 3103(a)(1), (2), (4), (5) and (b)].

SEC. 4. Subject to the provisions of section 1 of this order, and in the absence of any contrary delegation or direction by the Director, the Secretary of Commerce shall perform the function of making periodic reports to the Committees of the Congress as set forth in Section 4(a)(3) of the Act [22 U.S.C. 3103(a)(3)].

#### § 3102. Definitions

As used in this chapter, the term—

(1) “United States”, when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of