

(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

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (c), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

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 (d)(2), was repealed and section 3304(d) was redesignated 3304(c) by Pub.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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3007 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

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3142, 3144 of this title; title 13 section 401.

§ 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 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)].

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3141 of this title.

§ 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 Puerto Rico, the Canal Zone, and all territories and possessions of the United States;

(2) “foreign”, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States;

(3) “person” means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency);

(4) “United States person” means any person resident in the United States or subject to the jurisdiction of the United States;

(5) “foreign person” means any person resident outside the United States or subject to the jurisdiction of a country other than the United States;

(6) “business enterprise” means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate;

(7) “parent” means a person of one country who, directly or indirectly, owns or controls 10