Public Law 95-106
95th Congress

An Act

To authorize appropriations to the United States International Trade Commission, to provide for greater efficiency in the administration of the Commission, and for other purposes.

Aug. 17, 1977
[H.R. 6370]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

United States International Trade Commission.

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Subsection (e) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330(e)) is amended—

(1) by inserting "(1)" immediately before "For"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) There are authorized to be appropriated to the Commission for necessary expenses for fiscal year 1978 an amount not to exceed $11,522,000.

"(3) There are authorized to be appropriated to the Commission for each fiscal year after September 30, 1977, in addition to any other amount authorized to be appropriated for such fiscal year, such sums as may be necessary for increases authorized by law in salary, pay, retirement, and other employee benefits.".

SEC. 2. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.

(a) Subsection (c) of section 330 of the Tariff Act of 1930 (19 U.S.C. 1330) is amended to read as follows:

"(c) CHAIRMAN AND VICE CHAIRMAN; QUORUM.—

"(1) The chairman and the vice chairman of the Commission shall be designated by the President from among the members of the Commission not ineligible, under paragraph (3), for designation. The President shall notify the Congress of his designations under this paragraph.

Notice to Congress.

"(2) After June 16, 1978, the terms of office for the chairman and vice chairman of the Commission shall be as follows:

Term.

"(A) The first term of office occurring after such date shall begin on June 17, 1978, and end at the close of June 16, 1980.

"(B) Each term of office thereafter shall begin on the day after the closing date of the immediately preceding term of office and end at the close of the 2-year period beginning on such day.

"(3)(A) The President may not designate as the chairman of the Commission for any term—

"(i) either of the two commissioners most recently appointed to the Commission as of the beginning date of the term of office for which the designation of chairman is to be made; or

"(ii) any commissioner who is a member of the political party of which the chairman of the Commission for the immediately preceding term is a member.

"(B) The President may not designate as the vice chairman of the Commission for any term any commissioner who is a member of the political party of which the chairman for that term is a member.

"(C) If any commissioner does not complete a term as chairman or vice chairman by reason of death, resignation, removal from office as a commissioner, or expiration of his term of office as a commissioner, the President shall designate as the chairman or vice chairman, as the

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

case may be, for the remainder of such term a commissioner who is a member of the same political party. Designation of a chairman under this subparagraph may be made without regard to the limitation set forth in subparagraph (A) (i).

"(4) The vice chairman shall act as chairman in case of the absence or disability of the chairman. During any period in which there is no chairman or vice chairman, the commissioner having the longest period of continuous service as a commissioner shall act as chairman.

"(5) No commissioner shall actively engage in any business, vocation, or employment other than that of serving as a commissioner.

"(6) A majority of the commissioners in office shall constitute a quorum, but the Commission may function notwithstanding vacancies.".

19 USC 1330 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to the designation of chairmen and vice chairmen of the United States International Trade Commission for terms beginning after June 16, 1978.

SEC. 3. ADMINISTRATION OF COMMISSION.

(a) Subsection (a) of section 331 of the Tariff Act of 1930 (19 U.S.C. 1331) is amended to read as follows:

"(a) ADMINISTRATION.—

"(1) Except as provided in paragraph (2), the chairman of the Commission shall—

"(A) appoint and fix the compensation of such employees of the Commission as he deems necessary (other than the personal staff of each commissioner), including the secretary,

"(B) procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and

"(C) exercise and be responsible for all other administrative functions of the Commission.

Any decision by the chairman under this paragraph shall be subject to disapproval by a majority vote of all the commissioners in office.

"(2) Subject to approval by a majority vote of all the commissioners in office, the chairman may—

"(A) terminate the employment of any supervisory employee of the Commission whose duties involve substantial personal responsibility for Commission matters and who is compensated at a rate equal to, or in excess of, the rate for grade GS-15 of the General Schedule in section 5332 of title 5, United States Code, and

5 USC 5332 note.

"(B) formulate the annual budget of the Commission.

"(3) No member of the Commission, in making public statements with respect to any policy matter for which the Commission has responsibility, shall represent himself as speaking for the Commission, or his views as being the views of the Commission, with respect to such matter except to the extent that the Commission has adopted the policy being expressed.".

(b) Section 331 of such Act (19 U.S.C. 1331) is amended—

(1) by striking out "approved by the Commission" in subsection (c) and inserting in lieu thereof the following: "approved by the chairman (except that in the case of a commissioner, or the personal staff of any commissioner, such vouchers may be approved by that commissioner)", and

(2) by striking out subsection (d) and redesignating subsections (e), (f), and (g) as (d), (e), and (f), respectively.

(c) The amendments made by this section take effect on the date of enactment of this Act. Effective date. 19 USC 1331 note.

SEC. 4. HARMONIZATION OF TRADE STATISTICS.

Section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) is amended by striking out "production," and inserting in lieu thereof the following: "production and programs for achieving international harmonization of trade statistics,".

SEC. 5. CONTINUATION OF REPORTS WITH RESPECT TO SYNTHETIC ORGANIC CHEMICALS. 19 USC 1332 note.

The International Trade Commission is hereby directed to make, for each calendar year ending before January 1, 1981, reports with respect to synthetic organic chemicals similar in scope to the reports made with respect to such chemicals for the calendar year 1976.

Approved August 17, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 95-217 (Comm. on Ways and Means) and 95-518 (Comm. of Conference).
SENATE REPORT No. 95-122 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 123 (1977):
Apr. 25, considered and passed House.
May 17, considered and passed Senate, amended.
Aug. 4, House agreed to conference report.
Aug. 5, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 34:
Aug. 18, Presidential statement.