

112TH CONGRESS
2D SESSION

S. 2171

To enhance the promotion of exports of United States goods and services,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2012

Mr. PRYOR (for himself and Mr. BLUNT) introduced the following bill; which
was read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

A BILL

To enhance the promotion of exports of United States goods
and services, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Export Promotion Act
5 of 2012”.

1 **SEC. 2. IMPROVED COORDINATION OF EXPORT PRO-**
2 **MOTION ACTIVITIES OF FEDERAL AGENCIES**
3 **BY THE TRADE PROMOTION COORDINATING**
4 **COMMITTEE.**

5 (a) DUTIES OF TPCC.—Section 2312(b) of the Ex-
6 port Enhancement Act of 1988 (15 U.S.C. 4727(b)) is
7 amended—

8 (1) in paragraph (5)—

9 (A) by inserting “, including a rec-
10 ommendation for the unified Federal trade pro-
11 motion budget required by subsection (c)(4)”
12 after “assessment”; and

13 (B) by striking “; and” and inserting a
14 semicolon;

15 (2) by redesignating paragraph (6) as para-
16 graph (7); and

17 (3) by inserting after paragraph (5) the fol-
18 lowing:

19 “(6) in conducting assessments under para-
20 graph (5), review the proposed budget for a fiscal
21 year of each agency with responsibility for export
22 promotion or export financing activities before the
23 agency submits that budget to the Office of Manage-
24 ment and Budget and the President for inclusion in
25 the budget of the President for that fiscal year sub-

1 mitted to Congress under section 1105(a) of title 31,
2 United States Code; and”.

3 (b) STRATEGIC PLAN.—Section 2312(c) of the Ex-
4 port Enhancement Act of 1988 (15 U.S.C. 4727(c)) is
5 amended—

6 (1) by redesignating paragraphs (3), (4), (5),
7 and (6) as paragraphs (4), (6), (7), and (8), respec-
8 tively;

9 (2) in paragraph (2), by inserting after “coordi-
10 nation of such activities” the following: “, based on
11 consultations with, and recommendations from, a
12 representative number of United States exporters
13 and other types of export-related businesses”;

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) identify countries with which the United
17 States could negotiate trade agreements to increase
18 United States exports;”;

19 (4) by inserting after paragraph (4), as redesign-
20 nated, the following:

21 “(5) identify areas in which the TPCC can
22 maximize existing partnerships with agencies by
23 granting the TPCC the ability to partner with a
24 partner of an agency that is a member of the TPCC

1 without requiring an additional memorandum of un-
2 derstanding between the TPCC and that partner;”;

3 (5) in paragraph (7), as redesignated, by strik-
4 ing “; and” and inserting a semicolon; and

5 (6) by adding at the end the following:

6 “(9) review and propose means to improve edu-
7 cational outreach to small- and medium-sized busi-
8 nesses with respect to the resources available
9 through the TPCC and agencies that are members
10 of the TPCC, including by consulting with, and con-
11 sidering recommendations from, United States ex-
12 porters and the Small Business Administration with
13 respect to improving outreach by the TPCC; and

14 “(10) clearly describe the role of each agency
15 that is a member of the TPCC and the responsibility
16 of each such agency for export promotion and export
17 financing.”.

18 (c) REPORTS.—Section 2312(f) of the Export En-
19 hancement Act of 1988 (15 U.S.C. 4727(f)) is amended
20 to read as follows:

21 “(f) REPORTING REQUIREMENTS.—

22 “(1) TPCC REPORT.—Not later than 18
23 months after the date of the enactment of the Ex-
24 port Promotion Act of 2012, and March 30 of each
25 year thereafter, the chairperson of the TPCC shall

1 submit to the appropriate congressional committees
2 a report that—

3 “(A) describes the strategic plan developed
4 by the TPCC pursuant to subsection (c), the
5 implementation of the plan, and any revisions
6 to the plan;

7 “(B) assesses the performance of each
8 agency that is a member of the TPCC with re-
9 spect to Federal export promotion and export
10 financing activities, including efforts to increase
11 efficiency, decrease duplication, increase inter-
12 agency coordination, and meet the goals of each
13 such agency;

14 “(C) reviews the proposed annual budgets
15 for each such agency and provides recommenda-
16 tions with respect to those budgets based on the
17 strategic plan developed pursuant to subsection
18 (c) and any anticipated revisions to the plan;
19 and

20 “(D) describes the implementation of sec-
21 tions 303 and 304 of the FREEDOM Support
22 Act (22 U.S.C. 5823 and 5824) concerning
23 funding for export promotion activities and the
24 interagency working groups on energy of the
25 TPCC.

1 “(2) GOVERNMENT ACCOUNTABILITY OFFICE
2 REPORT.—

3 “(A) IN GENERAL.—Not later than 18
4 months after the date of the enactment of the
5 Export Promotion Act of 2012, and every 2
6 years thereafter, the Comptroller General of the
7 United States shall submit to the appropriate
8 congressional committees a report that assesses
9 the effectiveness of the TPCC.

10 “(B) ELEMENTS.—The report required by
11 subparagraph (A) shall include an assessment
12 of the following:

13 “(i) The operational efficiency and ef-
14 fectiveness of the TPCC.

15 “(ii) The efforts of the TPCC to co-
16 ordinate Federal export promotion and ex-
17 port financing activities, including efforts
18 to coordinate the budgets of the agencies
19 that are members of the TPCC.

20 “(iii) Duplication of administrative
21 functions, client management functions,
22 and resources among those agencies and
23 measures to decrease such duplication, in-
24 cluding by reducing the office space or
25 other resources available to those agencies.

1 “(iv) Improvements in efficiency and
 2 decreases in duplication of efforts among
 3 those agencies realized by the TPCC.

4 “(v) Other relevant information on
 5 the overall effectiveness of the TPCC.

6 “(C) CONSIDERATION OF CHANGING
 7 STRATEGY.—In preparing the report required
 8 by subparagraph (A), the Comptroller General
 9 shall take into account that the strategic plan
 10 of the TPCC is subject to change.

11 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
 12 TEES DEFINED.—In this subsection, the term ‘ap-
 13 propriate congressional committees’ means—

14 “(A) the Committee on Appropriations, the
 15 Committee on Banking, Housing, and Urban
 16 Affairs, the Committee on Commerce, Science,
 17 and Transportation, the Committee on Finance,
 18 the Committee on Foreign Relations, and the
 19 Committee on Small Business and Entrepre-
 20 neurship of the Senate; and

21 “(B) the Committee on Appropriations, the
 22 Committee on Energy and Commerce, the Com-
 23 mittee on Financial Services, the Committee on
 24 Foreign Affairs, the Committee on Small Busi-

1 ness, and the Committee on Ways and Means
2 of the House of Representatives.”.

3 (d) EXPORT.GOV; REGULATIONS.—Section 2312 of
4 the Export Enhancement Act of 1988 (15 U.S.C. 4727)
5 is amended by adding at the end the following:

6 “(g) INFORMATION AVAILABLE ON EXPORT.GOV.—
7 The TPCC shall coordinate with the agencies that are
8 members of the TPCC to publish information relevant to
9 export promotion and export financing on Export.gov (or
10 a successor website), including—

11 “(1) the information described in subsection
12 (c)(10); and

13 “(2) detailed information on ongoing and an-
14 ticipated trade missions, trade fairs, and related
15 Federal and State export promotion and export fi-
16 nancing activities.

17 “(h) EXECUTIVE ORDER AND REGULATIONS.—Not
18 later than 18 months after the date of the enactment of
19 the Export Promotion Act of 2012, the President shall
20 issue an executive order and such regulations as are nec-
21 essary to provide the chairperson of the TPCC with the
22 authority to ensure that the TPCC carries out each of its
23 duties under subsection (b) and develops and implements
24 the strategic plan under subsection (c).”.

1 **SEC. 3. EFFECTIVE DEPLOYMENT OF RESOURCES OF THE**
2 **UNITED STATES AND FOREIGN COMMERCIAL**
3 **SERVICE.**

4 Section 2301(c)(4) of the Export Enhancement Act
5 of 1988 (15 U.S.C. 4721(c)(4)) is amended—

6 (1) by redesignating subparagraphs (B)
7 through (F) as subparagraphs (C) through (G), re-
8 spectively;

9 (2) by striking “(4) FOREIGN OFFICES.—(A)
10 The Secretary may” and inserting the following:

11 “(4) FOREIGN OFFICES.—(A)(i) The Secretary
12 shall conduct a global assessment of overseas mar-
13 kets to identify the markets with the greatest poten-
14 tial for increasing United States exports and rede-
15 ploy Commercial Service personnel and other re-
16 sources on the basis of the global assessment.

17 “(ii) The assessment conducted under clause (i)
18 shall take into consideration recommendations from
19 a representative number of United States exporters.

20 “(iii) Not later than 180 days after the date of
21 the enactment of the Export Promotion Act of 2012,
22 the Secretary shall submit to Congress a report on
23 the results of the first global assessment conducted
24 under clause (i) and a plan for the redeployment of
25 Commercial Service personnel and other resources
26 on the basis of the global assessment.

1 “(iv) The Secretary shall conduct a global as-
 2 sessment and redeployment described in clause (i)
 3 not less frequently than once in every 5-year period.

4 “(B) The Secretary may”; and

5 (3) in subparagraph (F), as redesignated, by
 6 striking “is authorized, upon the request of the Sec-
 7 retary, to provide” and inserting “shall, upon the re-
 8 quest of the Secretary, provide”.

9 **SEC. 4. STRENGTHENED COMMERCIAL DIPLOMACY TO IN-**
 10 **CREASE UNITED STATES EXPORTS.**

11 (a) DEVELOPMENT OF PLAN.—Section 207(c) of the
 12 Foreign Service Act of 1980 (22 U.S.C. 3927(c)) is
 13 amended—

14 (1) by inserting “(1)” after “(c)”; and

15 (2) by adding at the end the following:

16 “(2)(A) Each chief of mission to a foreign country
 17 shall develop a plan for effective diplomacy to remove or
 18 reduce obstacles to exports of United States goods and
 19 services, in consultation with—

20 “(i) the ambassador of the United States to the
 21 country;

22 “(ii) the Assistant Secretary of Commerce and
 23 Director General of the Commercial Service (estab-
 24 lished by section 2301(a)(2) of the Export Enhance-
 25 ment Act of 1988 (15 U.S.C. 4721(a)(2)));

1 “(iii) the heads of other Federal agencies with
2 export promotion programs, acting through the
3 Trade Promotion Coordinating Committee (estab-
4 lished by section 2312 of the Export Enhancement
5 Act of 1988 (15 U.S.C. 4727)); and

6 “(iv) the trade advisory committees authorized
7 by paragraphs (1) and (2) of section 135(c) of the
8 Trade Act of 1974 (19 U.S.C. 2155(c)), if those
9 committees request consultation.

10 “(B) The chief of mission shall submit the plan re-
11 quired by subparagraph (A) to the Secretary for review
12 by the Secretary before implementing the plan.”.

13 (b) ASSESSMENTS AND PROMOTIONS.—Section
14 603(a) of the Foreign Service Act of 1980 (22 U.S.C.
15 4003(a)) is amended, in the second sentence, by inserting
16 after “disciplinary actions,” the following: “assessments
17 (with respect to members of the Service with responsibil-
18 ities relating to economic affairs) of the effectiveness of
19 efforts to promote the exportation of United States goods
20 and services in accordance with the plan developed pursu-
21 ant to section 207(c)(2),”.

22 (c) INSPECTOR GENERAL.—Section 209(b) of the
23 Foreign Service Act of 1980 (22 U.S.C. 3929(b)) is
24 amended—

1 (1) in paragraph (4), by striking “; and” and
2 inserting a semicolon;
3 (2) by redesignating paragraph (5) as para-
4 graph (6); and
5 (3) by inserting after paragraph (4) the fol-
6 lowing new paragraph:
7 “(5) the effectiveness of diplomacy relating to the
8 promotion of exports of United States goods and services;
9 and”.

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