

112TH CONGRESS  
2D SESSION

# S. 3277

To encourage exporting by small business concerns, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 7, 2012

Ms. LANDRIEU (for herself and Mrs. SHAHEEN) introduced the following bill;  
which was read twice and referred to the Committee on Small Business  
and Entrepreneurship

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## A BILL

To encourage exporting by small business concerns, 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 “Go Global Act of  
5       2012”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act—

8               (1) the terms “Administration” and “Adminis-  
9       trator” mean the Small Business Administration  
10       and the Administrator thereof, respectively;

1           (2) the term “Export Assistance Center” has  
2           the meaning given that term in section 22(m) of the  
3           Small Business Act (15 U.S.C. 649(m)), as so reded-  
4           ignated by section 303 of this Act; and

5           (3) the term “small business concern” has the  
6           meaning given that term under section 3 of the  
7           Small Business Act (15 U.S.C. 632).

8           **TITLE I—STATUS OF EXPORTS**  
9           **BY SMALL BUSINESSES**

10       **SEC. 101. STATUS OF EXPORTS BY SMALL BUSINESSES.**

11       Congress finds the following:

12           (1) Ninety-five percent of the world’s customers  
13           are located outside of the borders of the United  
14           States.

15           (2) Of the approximately 28,000,000 small  
16           business concerns in the United States, fewer than  
17           1 percent export their goods and services to foreign  
18           markets.

19           (3) The approximately 300,000 small busi-  
20           nesses that do export goods and services represent  
21           98 percent of all identified exporters in the United  
22           States and account for more than 30 percent of total  
23           United States exports.

1           (4) Jobs created by exports pay, on average, 15  
2           to 20 percent more than jobs created by goods and  
3           services sold in the United States.

4           (5) Small businesses are well positioned to in-  
5           crease their customer base and create new jobs by  
6           expanding to foreign markets.

7   **TITLE II—FACILITATION OF EX-**  
8   **PORT OPPORTUNITIES FOR**  
9   **SMALL BUSINESS CONCERNS**

10 **SEC. 201. EXPORT FINANCE SPECIALISTS.**

11       Section 22(k)(1) of the Small Business Act (15  
12 U.S.C. 649(k)(1)) is amended by adding at the end the  
13 following:

14                   “(C) ADDITIONAL EXPORT FINANCE SPE-  
15                   CIALISTS.—

16                   “(i) IN GENERAL.—The Administrator  
17                   may employ more than the minimum num-  
18                   ber of export finance specialists required  
19                   under subparagraph (A) based on the de-  
20                   mand for export finance specialists in the  
21                   15 States with the greatest volume of ex-  
22                   ports, as determined in accordance with  
23                   the study required under section 1205(b)  
24                   of the Small Business Jobs Act of 2010  
25                   (15 U.S.C. 649 note).

1 “(ii) MAXIMUM NUMBER OF EXPORT  
2 FINANCE SPECIALISTS.—The Adminis-  
3 trator may not employ more than 50 ex-  
4 port finance specialists.

5 “(D) AUTHORIZATION OF APPROPRIA-  
6 TIONS.—There are authorized to be appro-  
7 priated to the Administrator such sums as may  
8 be necessary to carry out this paragraph.”.

9 **SEC. 202. PROMOTION OF EXPORTS BY RURAL SMALL BUSI-**  
10 **NESSES.**

11 (a) SMALL BUSINESS ADMINISTRATION—UNITED  
12 STATES DEPARTMENT OF AGRICULTURE INTERAGENCY  
13 COORDINATION.—

14 (1) EXPORT FINANCING PROGRAMS.—In coordi-  
15 nation with the Secretary of Agriculture, the Admin-  
16 istrator shall develop a program to cross-train export  
17 finance specialists and personnel from the Office of  
18 International Trade of the Administration on the ex-  
19 port financing programs of the Department of Agri-  
20 culture and the Foreign Agricultural Service.

21 (2) EXPORT ASSISTANCE AND BUSINESS COUN-  
22 SELING PROGRAMS.—In coordination with the Sec-  
23 retary of Agriculture and the Foreign Agricultural  
24 Service, the Administrator shall develop a program  
25 to cross-train export finance specialists, personnel

1 from the Office of International Trade of the Ad-  
 2 ministration, Small Business Development Centers,  
 3 women’s business centers, the Service Corps of Re-  
 4 tired Executives authorized by section 8(b)(1) of the  
 5 Small Business Act (15 U.S.C. 637(b)(1)), Export  
 6 Assistance Centers, and other resource partners of  
 7 the Administration on the export assistance and  
 8 business counseling programs of the Department of  
 9 Agriculture.

10 (b) REPORT ON LENDERS.—Section 7(a)(16)(F) of  
 11 the Small Business Act (15 U.S.C. 636(a)(16)(F)) is  
 12 amended—

13 (1) in clause (i)—

14 (A) by redesignating subclauses (I)  
 15 through (III) as items (aa) through (cc), re-  
 16 spectively, and adjusting the margins accord-  
 17 ingly;

18 (B) by striking “list, have made” and in-  
 19 serting the following: “list—

20 “(I) have made”;

21 (C) in item (cc), as so redesignated, by  
 22 striking the period at the end and inserting “;  
 23 and”; and

24 (D) by adding at the end the following:

1 “(II) were located in a rural  
 2 area, as that term is defined in sec-  
 3 tion 1393(a)(2) of the Internal Rev-  
 4 enue Code of 1986, or a nonmetro-  
 5 politan statistical area and have  
 6 made—

7 “(aa) loans guaranteed by  
 8 the Administration; or

9 “(bb) loans through the pro-  
 10 grams offered by the United  
 11 States Department of Agriculture  
 12 or the Foreign Agricultural Serv-  
 13 ice.”; and

14 (2) in clause (ii)(II), by inserting “and by re-  
 15 source partners of the Administration” after “the  
 16 Administration”.

17 (c) COOPERATION WITH SMALL BUSINESS DEVEL-  
 18 OPMENT CENTERS.—Section 21(c)(3)(M) of the Small  
 19 Business Act (15 U.S.C. 648(c)(3)(M)) is amended by in-  
 20 serting after “the Department of Commerce,” the fol-  
 21 lowing: “the Department of Agriculture,”.

22 (d) LIST OF RURAL EXPORT ASSISTANCE RE-  
 23 SOURCES.—Section 22(c)(7) of the Small Business Act  
 24 (15 U.S.C. 649(c)(7)) is amended—

1 (1) in subparagraph (C), by striking “and” at  
 2 the end;

3 (2) by redesignating subparagraph (D) as sub-  
 4 paragraph (E); and

5 (3) by inserting after subparagraph (C) the fol-  
 6 lowing:

7 “(D) publishing an annual list of relevant  
 8 resources and programs of the district and re-  
 9 gional offices of the Administration, other Fed-  
 10 eral agencies, the small business development  
 11 center network, Export Assistance Centers, the  
 12 network of women’s business centers, chapters  
 13 of the Service Corps of Retired Executives,  
 14 State and local export promotion programs, and  
 15 partners in the private sector, that—

16 “(i) are administered or offered by en-  
 17 tities located in rural or nonmetropolitan  
 18 statistical areas; and

19 “(ii) offer export assistance or busi-  
 20 ness counseling services to rural small  
 21 businesses concerns; and”.

22 **SEC. 203. REGISTRY OF EXPORT MANAGEMENT AND EX-**  
 23 **PORT TRADING COMPANIES.**

24 (a) COORDINATION WITH EXPORT MANAGEMENT  
 25 COMPANIES AND EXPORT TRADING COMPANIES.—Not

1 later than 1 year after the date of enactment of this Act,  
 2 the Administrator shall establish a program to register ex-  
 3 port management companies, as that term is defined by  
 4 the Department of Commerce, and export trading compa-  
 5 nies, as that term is defined in section 103 of the Export  
 6 Trading Company Act of 1982 (15 U.S.C. 4002).

7 (b) REQUIREMENTS.—The program established  
 8 under subsection (a) shall—

9 (1) be similar to the program of the Adminis-  
 10 tration for registering franchise companies, as in ef-  
 11 fect on the date of enactment of this Act; and

12 (2) require that a list of the export manage-  
 13 ment companies and export trading companies that  
 14 register under the program, categorized by the type  
 15 of product exported by the company, be made avail-  
 16 able on the website of the Administration.

17 **SEC. 204. REVERSE TRADE MISSIONS.**

18 Section 22(c) of the Small Business Act (15 U.S.C.  
 19 649(c)) is amended—

20 (1) in paragraph (12), by striking “and” at the  
 21 end;

22 (2) in paragraph (13), by striking the period at  
 23 the end and inserting “; and”; and

24 (3) by adding at the end the following:

1           “(14) in coordination with other relevant Fed-  
2           eral agencies, encourage the participation of employ-  
3           ees and resources partners of the Administration in  
4           reverse trade missions hosted or sponsored by the  
5           Federal Government.”.

6 **SEC. 205. EXPORT EXPANSION INCENTIVE PROGRAM.**

7           (a) FEE WAIVER.—The Administrator may waive a  
8           fee otherwise applicable under paragraph (18)(A) or  
9           (23)(A) of section 7(a) of the Small Business Act (15  
10          U.S.C. 636(a)) for a loan guaranteed under such section  
11          7(a) on or after the date of enactment of this Act, if—

12                  (1) the Administrator determines that the loan  
13                  will be used to help a small business concern export  
14                  for the first time; or

15                  (2) the loan is made to a small business con-  
16                  cern certified as eligible to apply for trade adjust-  
17                  ment assistance under chapter 3 of title II of the  
18                  Trade Act of 1974 (19 U.S.C. 2341 et seq.).

19           (b) REPORTING REQUIREMENT.—For each of fiscal  
20          years 2013 through 2016, the Administrator shall submit  
21          to the Committee on Small Business and Entrepreneur-  
22          ship of the Senate and the Committee on Small Business  
23          of the House of Representatives a report on the waiver  
24          of fees under this section that includes—

1           (1) the number of small business concerns that  
2       received a fee waiver under this section in the fiscal  
3       year;

4           (2) an estimate of the number of loans made  
5       under paragraphs (18)(A) and (23)(A) of section  
6       7(a) of the Small Business Act (15 U.S.C. 636(a))  
7       that would not have been made without a waiver of  
8       fees under this section;

9           (3) the number of banks or lending institutions  
10      that made a loan guaranteed under section 7(a) of  
11      the Small Business Act (15 U.S.C. 636(a)) for the  
12      first time because of a waiver of fees under this sec-  
13      tion;

14          (4) the estimated number of jobs created by the  
15      waiver of fees under this section;

16          (5) the estimated total value of the exports fi-  
17      nanced using a loan for which the Administrator  
18      waived a fee under this section; and

19          (6) recommendations, if any, for improving or  
20      continuing the provisions of this section.

21      (c) TERMINATION.—The authority of the Adminis-  
22      trator to waive fees under this section shall terminate on  
23      September 30, 2016.

1 (d) REALLOCATION OF FUNDS AVAILABLE FOR THE  
2 COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM  
3 TO THE EXPORT EXPANSION INVESTMENT PROGRAM.—

4 (1) TERMINATION OF PARTICIPATION IN COM-  
5 MUNITY ADJUSTMENT AND INVESTMENT PRO-  
6 GRAM.—Notwithstanding section 543 of the North  
7 American Free Trade Agreement Implementation  
8 Act (22 U.S.C. 290m–2), the President shall termi-  
9 nate, on and after October 1, 2012, the participation  
10 of the Small Business Administration in the commu-  
11 nity adjustment and investment program established  
12 pursuant to that section.

13 (2) REDUCTION OF CAPITAL PAID TO THE  
14 NORTH AMERICAN DEVELOPMENT BANK.—The  
15 President shall reduce the amount of the paid-in  
16 capital that would otherwise be paid to the North  
17 American Development Bank by the United States  
18 for each of the fiscal years 2013 through 2016 by  
19 an amount equal to the amount received by the  
20 President during fiscal year 2012 under section  
21 543(a)(2) of the North American Free Trade Agree-  
22 ment Implementation Act (22 U.S.C. 290m–2(a)(2))  
23 for the participation of the Small Business Adminis-  
24 tration in the community adjustment and investment  
25 program.

1           (3) AVAILABILITY OF AMOUNTS FOR THE EX-  
 2       PORT EXPANSION INVESTMENT PROGRAM.—For  
 3       each of the fiscal years 2013 through 2016, an  
 4       amount equal to the amount by which the President  
 5       reduces the amount of the paid-in capital paid to the  
 6       North American Development Bank under para-  
 7       graph (1)(B) shall be available to the Administrator  
 8       of the Small Business Administration to carry out  
 9       subsection (a) of this section.

10 **SEC. 206. STATE TRADE AND EXPORT PROMOTION GRANT**  
 11 **PROGRAM.**

12       Section 1207(a)(5) of the Small Business Jobs Act  
 13 of 2010 (15 U.S.C. 649b note) is amended by inserting  
 14 after “Guam,” the following: “the Commonwealth of the  
 15 Northern Mariana Islands,”.

16 **TITLE III—COORDINATION OF**  
 17 **EXPORT PROMOTION RE-**  
 18 **SOURCES FOR SMALL BUSI-**  
 19 **NESS CONCERNS**

20 **SEC. 301. INCREASED SMALL BUSINESS REPRESENTATION**  
 21 **ON FEDERAL ADVISORY PANELS.**

22       It is the sense of Congress that the President and  
 23 the Federal agencies that are members of the Trade Pro-  
 24 motion Coordinating Committee should include small busi-  
 25 ness concerns on the appropriate advisory panels, councils,

1 and boards of such Federal agencies, such that the ratio  
 2 that the number of members of the advisory panels, coun-  
 3 cils, and boards that are small business concerns bears  
 4 to the total number of members of the advisory panels,  
 5 councils, and boards is similar to the ratio that the num-  
 6 ber of small business concerns that export bears to the  
 7 number of all business concerns in the United States that  
 8 export.

9 **SEC. 302. PROMOTION OF INTERAGENCY DETAILS.**

10 It is the sense of Congress that the Administrator  
 11 should periodically detail staff of the Administration to  
 12 other Federal agencies that are members of the Trade  
 13 Promotion Coordinating Committee, to facilitate the cross  
 14 training of the staff of the Administration on the export  
 15 assistance programs of such other agencies.

16 **SEC. 303. ANNUAL EXPORT STRATEGY.**

17 Section 22 of the Small Business Act (15 U.S.C. 649)  
 18 is amended—

19 (1) by redesignating subsection (l) as subsection  
 20 (m); and

21 (2) by inserting after subsection (k) the fol-  
 22 lowing:

23 “(l) SMALL BUSINESS TRADE STRATEGY.—

24 “(1) DEVELOPMENT OF SMALL BUSINESS  
 25 TRADE STRATEGY.—The Associate Administrator

1 shall develop and maintain a small business trade  
2 strategy that is included in the report on the govern-  
3 mentwide strategic plan for Federal trade promotion  
4 required to be submitted to Congress by the Trade  
5 Promotion Coordinating Committee under section  
6 2312(f)(1) of the Export Enhancement Act of 1988  
7 (15 U.S.C. 4727(f)(1)) that includes, at a min-  
8 imum—

9 “(A) strategies to increase export opportu-  
10 nities for small business concerns, including a  
11 specific strategy to increase opportunities for  
12 small business concerns that are new to export-  
13 ing;

14 “(B) recommendations to increase the  
15 competitiveness in the global economy of small  
16 business concerns in the United States that are  
17 part of industries in which small business con-  
18 cerns account for a high proportion of partici-  
19 pating businesses;

20 “(C) recommendations to protect small  
21 business concerns from unfair trade practices,  
22 including intellectual property violations;

23 “(D) recommendations for strategies to  
24 promote and facilitate opportunities in the for-  
25 eign markets that are most accessible for small

1 business concerns that are new to exporting;  
2 and

3 “(E) strategies to expand the representa-  
4 tion of small business concerns in the formation  
5 and implementation of United States trade pol-  
6 icy.

7 “(2) ANNUAL REPORT TO CONGRESS.—At the  
8 beginning of each fiscal year, the Associate Adminis-  
9 trator shall submit to the Committee on Small Busi-  
10 ness and Entrepreneurship of the Senate and the  
11 Committee on Small Business of the House of Rep-  
12 resentatives a report on the small business trade  
13 strategy required under paragraph (1), which shall  
14 contain, at a minimum—

15 “(A) a description of each strategy and  
16 recommendation described in paragraph (1);

17 “(B) specific policies and objectives, to-  
18 gether with timelines for the implementation of  
19 such policies and objectives; and

20 “(C) a description of the progress of the  
21 Administration in implementing the strategies  
22 and recommendations contained in the report  
23 submitted for the preceding fiscal year.”.

1 **SEC. 304. REPORT ON MEMORANDA OF UNDERSTANDING.**

2 (a) DEFINITION.—In this subsection, the term “cov-  
3 ered agreement” means a memorandum of understanding  
4 or strategic alliance memorandum—

5 (1) between the Administration and another  
6 Federal agency, a government agency of a foreign  
7 nation, or any business concern; and

8 (2) that—

9 (A) was entered during the 10-year period  
10 ending on the date of enactment of this Act; or

11 (B) the Administrator intends to enter  
12 during the 1-year period beginning on the date  
13 of enactment of this Act.

14 (b) REPORT REQUIRED.—Not later than 6 months  
15 after the date of enactment of this Act, the Administrator,  
16 in consultation with the Secretary of Agriculture and the  
17 Secretary of Commerce, shall submit to the Committee on  
18 Small Business and Entrepreneurship of the Senate and  
19 the Committee on Small Business of the House of Rep-  
20 resentatives a report on covered agreements that con-  
21 tains—

22 (1) the primary purpose of each covered agree-  
23 ment;

24 (2) the benefit to small business concerns of  
25 each covered agreement;

- 1           (3) the date on which each covered agreement
- 2           will expire; and
- 3           (4) any additional information determined ap-
- 4           propriate by the Administrator.

