

110TH CONGRESS
2D SESSION

H. R. 5883

To amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2008

Mr. MANZULLO (for himself and Mr. MICA) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Export Promotion Enhancement Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Purpose.

TITLE I—AMENDMENTS TO EXPORT ENHANCEMENT ACT OF 1988

- Sec. 101. Establishment and purpose.
- Sec. 102. Duties.
- Sec. 103. Strategic plan.
- Sec. 104. Director and Associate Directors.
- Sec. 105. Staff; experts and consultants.
- Sec. 106. Advisory Board on Trade Promotion.
- Sec. 107. Report to Congress.
- Sec. 108. Report on export policy.
- Sec. 109. Authorization of appropriations.
- Sec. 110. Clerical amendment.
- Sec. 111. Effective date.

TITLE II—CONFORMING AMENDMENTS TO OTHER LAWS;
REFERENCES

- Sec. 201. Conforming amendments to other laws.
- Sec. 202. References.

1 SEC. 2. FINDINGS.

2 Congress finds the following:

3 (1) As the world's largest economy, the United
4 States has an enormous stake in the future of the
5 global trading system.

6 (2) Exports are a crucial force driving the
7 United States economy and job creation.

8 (3) While nearly 97 percent of United States
9 exporters are small and medium enterprises (SMEs),
10 SMEs account for just over one-fourth of exports,
11 leaving much room for growth.

12 (4) Two-thirds of United States exporters have
13 fewer than 20 employees and sell to just one foreign
14 market.

15 (5) Manufacturers account for 61 percent of
16 total United States exports with small manufactur-
17 ers accounting for approximately 15 percent of total

1 United States exports. Thirty percent of small man-
2 ufacturers do not currently export but would con-
3 sider doing so if they had more help in securing vital
4 information on foreign markets, customers, and ex-
5 port procedures.

6 (6) United States small and medium enterprises
7 face tough competition from trading partners of the
8 United States that aggressively undertake export
9 promotion programs that directly support and un-
10 derwrite the expanded growth in trade of their small
11 and medium enterprises.

12 (7) United States trade promotion is carried
13 out in part by 21 departments and agencies of the
14 Federal Government. Representatives from these
15 Federal departments and agencies are members of
16 the Trade Promotion Coordinating Committee
17 (TPCC), a Federal committee that has not lived up
18 to congressional intent to provide a seamless offering
19 of export promotion products and services due in
20 part to the inadequate allocation of resources and a
21 lack of ultimate decision making budget input au-
22 thority to ensure effective results are achieved for
23 the invested resources.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act and the amendments made
3 by this Act is to improve the performance and results of
4 trade promotion policies and programs of the Federal Gov-
5 ernment in accordance with the Government Performance
6 and Results Act of 1993 (Public Law 103–62).

7 **TITLE I—AMENDMENTS TO EX-**
8 **PORT ENHANCEMENT ACT OF**
9 **1988**

10 **SEC. 101. ESTABLISHMENT AND PURPOSE.**

11 Section 2312 of the Export Enhancement Act of
12 1988 (15 U.S.C. 4727) is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph

15 (1)—

16 (i) by inserting “in the Executive Of-
17 fice of the President” after “shall estab-
18 lish”;

19 (ii) by striking “Trade Promotion Co-
20 ordinating Committee” and inserting “Of-
21 fice of Trade Promotion”; and

22 (iii) by striking “TPCC” each place it
23 appears and inserting “Office”;

24 (B) in paragraph (1), by inserting “and
25 oversee” after “to coordinate”; and

1 (C) in paragraph (2), by inserting “and
2 supervise implementation of” after “to de-
3 velop”; and

4 (2) in subsections (b) through (f), by striking
5 “TPCC” each place it appears and inserting “Of-
6 fice”.

7 **SEC. 102. DUTIES.**

8 Section 2312(b) of the Export Enhancement Act of
9 1988 (15 U.S.C. 4727(b)) is amended—

10 (1) by redesignating paragraphs (1) through
11 (6) as paragraphs (2) through (7), respectively;

12 (2) by inserting before paragraph (2) (as redesi-
13 gnated) the following new paragraph:

14 “(1) advise the President, and others within the
15 Executive Office of the President, on matters relat-
16 ing to trade promotion policies and programs of the
17 United States Government;”.

18 (3) in paragraph (2) (as redesignated), by strik-
19 ing “coordinate” and inserting “supervise”;

20 (4) in paragraph (4) (as redesignated)—

21 (A) in the matter preceding subparagraph

22 (A)—

23 (i) by inserting “and attainment of
24 measurable results” after “better delivery
25 of services”; and

1 (ii) by inserting “with emphasis on
2 small and medium enterprises” after
3 “United States businesses”; and

4 (B) in subparagraph (C), by adding at the
5 end before the semicolon the following: “, in-
6 cluding assistance to match United States busi-
7 nesses with foreign businesses, as appropriate”;

8 (5) in paragraph (5) (as redesignated), by in-
9 serting “and enhance the effectiveness of” after
10 “prevent unnecessary duplication in”; and

11 (6) in paragraph (6) (as redesignated) to read
12 as follows:

13 “(6) review and make input on the appropriate
14 levels and allocation of resources among agencies in
15 support of export promotion and export financing
16 and advise the President as to the concurrence in
17 these allocations based on its review; and”.

18 **SEC. 103. STRATEGIC PLAN.**

19 Section 2312(e) of the Export Enhancement Act of
20 1988 (15 U.S.C. 4727(e)) is amended—

21 (1) in paragraph (1)—

22 (A) by striking “and explain” and insert-
23 ing “, explain”; and

1 (B) by adding at the end before the semi-
2 colon the following: “, and detail the bench-
3 marks for the implementation of the priorities”;

4 (2) in paragraph (2), by inserting “and effec-
5 tiveness” after “to improve coordination”; and

6 (3) in paragraph (4)—

7 (A) by striking “propose to the President
8 an annual” and inserting “include in the an-
9 nual Federal budget submission to Congress a
10 detailed”;

11 (B) by striking “that supports” and insert-
12 ing “and oversee its implementation so it sup-
13 ports”; and

14 (C) by adding “and” after the semicolon;

15 (4) in paragraph (5), by striking “; and” and
16 inserting a period; and

17 (5) by striking paragraph (6).

18 **SEC. 104. DIRECTOR AND ASSOCIATE DIRECTORS.**

19 Section 2312 of the Export Enhancement Act of
20 1988 (15 U.S.C. 4727) is amended by striking subsection
21 (d) and inserting the following new subsection:

22 “(d) DIRECTOR AND ASSOCIATE DIRECTORS.—

23 “(1) DIRECTOR.—There shall be at the head of
24 the Office a Director of the Office of Trade Pro-
25 motion, who shall—

1 “(A) be appointed by the President, by and
2 with the advice and consent of the Senate; and

3 “(B) be compensated at a rate consistent
4 with the compensation of the directors of other
5 offices within the Executive Office of the Presi-
6 dent.

7 “(2) ASSOCIATE DIRECTORS.—The President
8 may appoint not more than two Associate Directors
9 of the Office of Trade Promotion, by and with the
10 advice and consent of the Senate, who shall each—

11 “(A) be compensated at a rate not to ex-
12 ceed the rate provided for other associate direc-
13 tors of offices within the Executive Office of the
14 President; and

15 “(B) perform such functions as the Direc-
16 tor may prescribe.”.

17 **SEC. 105. STAFF; EXPERTS AND CONSULTANTS.**

18 Section 2312 of the Export Enhancement Act of
19 1988 (15 U.S.C. 4727) is amended by striking subsection
20 (e) and inserting the following new subsection:

21 “(e) STAFF; EXPERTS AND CONSULTANTS.—

22 “(1) STAFF.—

23 “(A) IN GENERAL.—The Director of the
24 Office may appoint and fix the pay of additional
25 personnel as the Director considers appropriate.

1 “(B) STAFF OF FEDERAL AGENCIES.—
2 Upon request of the Director, the head of any
3 Federal department or agency that is rep-
4 resented on the Advisory Board on Trade Pro-
5 motion established pursuant to subsection (f)
6 may detail any of the personnel of that depart-
7 ment or agency to the Office to assist it in car-
8 rying out its duties under this section.

9 “(2) EXPERTS AND CONSULTANTS.—The Direc-
10 tor of the Office may procure temporary and inter-
11 mittent services under section 3109(b) of title 5,
12 United States Code, but at rates for individuals not
13 to exceed the daily equivalent of the maximum an-
14 nual rate of basic pay for GS-15 of the General
15 Schedule.”.

16 **SEC. 106. ADVISORY BOARD ON TRADE PROMOTION.**

17 (a) ADVISORY BOARD ON TRADE PROMOTION.—Sec-
18 tion 2312 of the Export Enhancement Act of 1988 (15
19 U.S.C. 4727) is amended—

20 (1) by redesignating subsection (f) as sub-
21 section (g); and

22 (2) by inserting after subsection (e) the fol-
23 lowing new subsection:

24 “(f) ADVISORY BOARD ON TRADE PROMOTION.—

1 “(1) ESTABLISHMENT AND PURPOSE.—The
2 President shall establish the Advisory Board on
3 Trade Promotion (hereafter in this subsection re-
4 ferred to as the ‘Advisory Board’). The purpose of
5 the Advisory Board shall be to advise the Director
6 of the Office in carrying out the duties of the Office
7 under this section and section 6 of the Export En-
8 hancement Act of 1999 (15 U.S.C. 4727a).

9 “(2) MEMBERSHIP.—

10 “(A) IN GENERAL.—Members of the Advi-
11 sory Board shall include representatives from—

12 “(i) the Department of Agriculture;

13 “(ii) the Department of Commerce;

14 “(iii) the Department of Defense;

15 “(iv) the Department of Energy;

16 “(v) the Department of the Interior;

17 “(vi) the Department of Labor;

18 “(vii) the Department of State;

19 “(viii) the Department of Transpor-
20 tation;

21 “(ix) the Department of the Treasury;

22 “(x) the Environmental Protection
23 Agency;

24 “(xi) the Export-Import Bank of the
25 United States;

1 “(xii) the United States Agency for
2 International Development;

3 “(xiii) the Millennium Challenge Cor-
4 poration;

5 “(xiv) the Office of Management and
6 Budget;

7 “(xv) the Overseas Private Investment
8 Corporation;

9 “(xvi) the Small Business Administra-
10 tion;

11 “(xvii) the Trade and Development
12 Agency;

13 “(xviii) the Office of the United
14 States Trade Representative; and

15 “(xix) at the discretion of the Presi-
16 dent, such other departments or agencies
17 as may be necessary.

18 “(B) CHAIRPERSON.—The Secretary of
19 Commerce shall serve as the chairperson of the
20 Advisory Board.

21 “(3) MEMBER QUALIFICATIONS.—Members of
22 the Advisory Board shall be appointed by the heads
23 of their respective departments or agencies. Such
24 members, as well as alternates designated by any
25 members unable to attend a meeting of the Advisory

1 Board, shall be individuals who exercise significant
2 decisionmaking authority in their respective depart-
3 ments or agencies.”.

4 (b) ENVIRONMENTAL TRADE PROMOTION.—

5 (1) ENVIRONMENTAL TRADE WORKING
6 GROUP.—Section 2313(b) of the Export Enhance-
7 ment Act of 1988 (15 U.S.C. 4728(b)) is amend-
8 ed—

9 (A) in the heading, by striking “TRADE
10 PROMOTION COORDINATION COMMITTEE” and
11 inserting “ADVISORY BOARD ON TRADE PRO-
12 MOTION”;

13 (B) in paragraph (1)—

14 (i) by striking “Trade Promotion Co-
15 ordination Committee” and inserting “Ad-
16 visory Board on Trade Promotion”; and

17 (ii) by striking “TPCC” and inserting
18 “Advisory Board”;

19 (C) in paragraph (2)(A), by striking
20 “TPCC” and inserting “Advisory Board”; and

21 (D) in paragraph (4) to read as follows:

22 “(4) REPORT TO CONGRESS.—The chairperson
23 of the Advisory Board shall submit to the Director
24 of the Office of Trade Promotion a report on the ac-
25 tivities of the Working Group to be included in the

1 annual report submitted to Congress by the Director
2 of the Office pursuant to section 2312(g).”.

3 (2) ENVIRONMENTAL TECHNOLOGIES TRADE
4 ADVISORY COMMITTEE.—Section 2313(c)(1) of the
5 Export Enhancement Act of 1988 (15 U.S.C.
6 4728(c)(1)) is amended by striking “TPCC” and in-
7 serting “Advisory Board”.

8 (3) INTERNATIONAL REGIONAL ENVIRON-
9 MENTAL INITIATIVES.—Section 2313(h) of the Ex-
10 port Enhancement Act of 1988 (15 U.S.C. 4728(h))
11 is amended by striking “TPCC” each place it ap-
12 pears and inserting “Office of Trade Promotion”.

13 **SEC. 107. REPORT TO CONGRESS.**

14 (a) REPORT TO CONGRESS.—Section 2312(g) of the
15 Export Enhancement Act of 1988 (as redesignated by sec-
16 tion 106(a)(1) of this title) is amended to read as follows:

17 “(g) REPORT TO CONGRESS.—

18 “(1) IN GENERAL.—The Director of the Office
19 shall prepare and submit to the appropriate congress-
20 sional committees an annual report that describes
21 the strategic plan developed by the Office pursuant
22 to subsection (c), the implementation of the plan
23 and any revisions thereto, and the extent to which
24 funding for the plan is appropriate.

1 “(2) DEFINITION.—In this subsection, the term
2 ‘appropriate congressional committees’ means—

3 “(A) the Committee on Banking, Housing,
4 and Urban Affairs of the Senate; and

5 “(B) the Committee on Foreign Affairs of
6 the House of Representatives.”.

7 **SEC. 108. REPORT ON EXPORT POLICY.**

8 Section 2314(b)(1)(B) of the Export Enhancement
9 Act of 1988 (15 U.S.C. 4729(b)(1)(B)) is amended to
10 read as follows:

11 “(B) the report of the Director of the Of-
12 fice of Trade Promotion that contains the stra-
13 tegic plan submitted to Congress in accordance
14 with section 2312(g);”.

15 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 2312 of the Export Enhancement Act of
17 1988 (15 U.S.C. 4727), as amended by this title, is fur-
18 ther amended by adding at the end the following new sub-
19 section:

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to carry out this section and section
23 2313, section 6 of the Export Enhancement Act of
24 1999, and section 304 of the FREEDOM Support

1 Act such sums as may be necessary for fiscal year
2 2008 and each subsequent fiscal year.

3 “(2) AVAILABILITY.—Amounts appropriated
4 pursuant to the authorization of appropriations
5 under paragraph (1) are authorized to remain avail-
6 able until expended.”.

7 **SEC. 110. CLERICAL AMENDMENT.**

8 Section 2312 of the Export Enhancement Act of
9 1988 (15 U.S.C. 4727(a)) is amended in the heading by
10 striking “**TRADE PROMOTION COORDINATING COM-**
11 **MITTEE**” and inserting “**OFFICE OF TRADE PRO-**
12 **MOTION**”.

13 **SEC. 111. EFFECTIVE DATE.**

14 The President shall establish the Office of Trade Pro-
15 motion and the Advisory Board on Trade Promotion pur-
16 suant to section 2312 of the Export Enhancement Act of
17 1988 (as amended by this title) not later than 180 days
18 after the date of the enactment of this Act.

19 **TITLE II—CONFORMING AMEND-**
20 **MENTS TO OTHER LAWS; REF-**
21 **ERENCES**

22 **SEC. 201. CONFORMING AMENDMENTS TO OTHER LAWS.**

23 (a) EXPORT ENHANCEMENT ACT OF 1999.—The Ex-
24 port Enhancement Act of 1999 is amended—

25 (1) in section 6 (15 U.S.C. 1547a)—

1 (A) in the heading, by striking “**TPCC**”
2 and inserting “**THE OFFICE OF TRADE PRO-**
3 **MOTION**”;

4 (B) in the matter preceding paragraph (1),
5 by striking “Trade Promotion Coordinating
6 Committee” and inserting “Office of Trade
7 Promotion”; and

8 (C) in paragraph (3), by striking
9 “includng” and inserting “including”; and

10 (2) in the heading of section 7, by striking
11 “**TPCC REPORTS**” and inserting “**REPORTS OF**
12 **THE OFFICE OF TRADE PROMOTION**”.

13 (b) FREEDOM SUPPORT ACT.—The FREEDOM
14 Support Act is amended—

15 (1) in section 303(b) (22 U.S.C. 5823(b)), by
16 striking “Chair of the Trade Promotion Coordi-
17 nating Committee” and inserting “Director of the
18 Office of Trade Promotion”;

19 (2) in section 304 (22 U.S.C. 5824)—

20 (A) in the heading, by striking “**TRADE**
21 **PROMOTION COORDINATING COMMITTEE**”
22 and inserting “**OFFICE OF TRADE PRO-**
23 **MOTION**”; and

24 (B) in the matter preceding paragraph (1),
25 by striking “Trade Promotion Coordinating

