

111TH CONGRESS
2^D SESSION

H. R. 6320

To improve the support, training, education, and compliance assistance regarding export licensing requirements provided to small businesses and medium-sized businesses.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. COURTNEY introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the support, training, education, and compliance assistance regarding export licensing requirements provided to small businesses and medium-sized businesses.

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 “Small Business Export
5 Support Act of 2010”.

1 **SEC. 2. EXPORT LICENSING COMPLIANCE ASSISTANCE BY**
2 **COMMERCIAL SERVICE DISTRICT OFFICES.**

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

5 (1) in subsection (b)—

6 (A) in paragraph (8), by striking “; and”
7 and inserting a semicolon;

8 (B) in paragraph (9), by striking the pe-
9 riod and inserting “; and”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(10) providing small businesses and medium-
13 sized businesses with support, training, education,
14 and compliance assistance regarding export licensing
15 requirements.”; and

16 (2) in subsection (c)(3)—

17 (A) by inserting “(A)” before “The Sec-
18 retary shall”; and

19 (B) by adding at the end the following new
20 subparagraphs:

21 “(B) The Secretary shall assign export licensing
22 compliance specialists to at least 20 district offices
23 (or, at any time when there are 20 or fewer such of-
24 fices, to all such offices). Such export licensing com-
25 pliance specialists shall provide small businesses and
26 medium-sized businesses with support, training, edu-

1 cation, and compliance assistance regarding export
2 licensing requirements.

3 “(C) In determining whether to assign an ex-
4 port licensing compliance specialist to a district of-
5 fice under subparagraph (B), the Secretary shall
6 take into account the need for such assistance of the
7 small businesses and medium-sized businesses in the
8 region served by the office. In assessing such need,
9 the Secretary shall consider such indicators of the
10 small business and medium-sized business industrial
11 base in the region as the Secretary considers appro-
12 priate, including the number of small businesses and
13 medium-sized businesses in the region that have
14 been issued export licenses.”.

15 **SEC. 3. ANNUAL REVIEWS OF COMMERCIAL SERVICE DIS-**
16 **TRICT OFFICE STAFFING.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 end of each fiscal year that ends after the date of the en-
19 actment of this Act, the Secretary of Commerce shall com-
20 plete a review, with respect to such fiscal year, of the level
21 of staffing at each district office of the United States and
22 Foreign Commercial Service established under section
23 2301(c)(3)(A) of the Export Enhancement Act of 1988
24 (15 U.S.C. 4721(c)(3)(A)) to determine, for the fiscal year
25 that begins after the date of the completion of the review,

1 the level of staffing at each office that will enable such
2 office to effectively serve small businesses and medium-
3 sized businesses.

4 (b) ELEMENTS OF REVIEW.—A review under sub-
5 section (a) shall include with respect to each district of-
6 fice—

7 (1) a determination of the number of staff em-
8 ployed in the office during the fiscal year in which
9 the review is completed and during each of the pre-
10 ceding 9 fiscal years;

11 (2) a determination of the need of small busi-
12 nesses and medium-sized businesses in the region
13 served by the office for the services and assistance
14 described in section 2301(b) of the Export Enhance-
15 ment Act of 1988 (15 U.S.C. 4721(b)), as indicated
16 by factors including—

17 (A) the volume of requests made by small
18 businesses and medium-sized businesses to the
19 office for such services and assistance;

20 (B) the number of small businesses and
21 medium-sized businesses in the region that have
22 been issued export licenses; and

23 (C) such other indicators of the small busi-
24 ness and medium-sized business industrial base

1 in the region as the Secretary considers appro-
2 priate;

3 (3) an assessment of the overall performance of
4 the office in providing such services and assistance
5 to small businesses and medium-sized businesses;

6 (4) an assessment of whether any changes
7 should be made in the number of staff employed in
8 the office for the fiscal year that begins after the
9 date of the completion of the review, including
10 whether, based on the determination under para-
11 graph (2), an export licensing compliance specialist
12 should be assigned (or continue to be assigned) to
13 the office under section 2301(c)(3)(B) of such Act
14 (15 U.S.C. 4721(c)(3)(B));

15 (5) an assessment of whether any changes in
16 funding for the office for such fiscal year will be nec-
17 essary to implement any changes identified under
18 paragraph (4); and

19 (6) such other elements as the Secretary con-
20 siders appropriate.

21 (c) INCLUSION IN PRESIDENT'S BUDGET SUBMIS-
22 SION TO CONGRESS.—

23 (1) SUBMISSION BY SECRETARY TO PRESI-
24 DENT.—For each fiscal year with respect to which
25 a review is completed under subsection (a), the Sec-

1 retary shall prepare a report on the review and shall
2 include the report in the submission to the President
3 of materials relating to the budget of the Depart-
4 ment of Commerce for the fiscal year that begins
5 after the date of the completion of the review. The
6 Secretary shall include in the report a statement
7 that—

8 (A) assesses the consistency of any budg-
9 etary requests made by the Secretary in the
10 submission with the conclusions in the review
11 regarding appropriate levels of staffing and
12 funding; and

13 (B) justifies any inconsistencies between
14 the requests and the conclusions.

15 (2) SUBMISSION BY PRESIDENT TO CON-
16 GRESS.—The President shall include the report sub-
17 mitted under paragraph (1) in the budget of the
18 United States Government submitted to Congress
19 under section 1105(a) of title 31, United States
20 Code, for the fiscal year that begins after the date
21 of the submission of the report to the President by
22 the Secretary. The President shall attach to the re-
23 port an addendum that—

1 (A) assesses the consistency of the budget
2 with the conclusions in the review regarding ap-
3 propriate levels of staffing and funding; and

4 (B) justifies any inconsistencies between
5 the budget and the conclusions.

6 **SEC. 4. DESIGNATION OF EXPORT LICENSING COORDINA-**
7 **TORS.**

8 (a) IN GENERAL.—Each official described in sub-
9 section (c) shall designate an export licensing coordinator
10 for the department or agency of the official. The export
11 licensing coordinator for a department or agency shall be
12 an individual who exercises significant decisionmaking au-
13 thority in the department or agency.

14 (b) DUTIES.—The export licensing coordinator des-
15 ignated for a department or agency under subsection (a)
16 shall devise, encourage, and coordinate activities by the
17 department or agency that provide small businesses and
18 medium-sized businesses with support, training, edu-
19 cation, and compliance assistance regarding export licens-
20 ing requirements.

21 (c) OFFICIALS DESCRIBED.—The officials described
22 in this subsection are the following:

- 23 (1) The Secretary of Commerce.
24 (2) The Secretary of Defense.
25 (3) The Secretary of State.

1 (4) The Secretary of the Treasury.

2 (5) The Administrator of the Small Business
3 Administration.

4 **SEC. 5. INTERAGENCY TASK FORCE ON EXPORT CONTROL**
5 **ASSISTANCE AND RELIEF FOR SMALL AND**
6 **MEDIUM-SIZED BUSINESSES.**

7 (a) ESTABLISHMENT.—There is established in the
8 Department of Commerce an Interagency Task Force on
9 Export Control Assistance and Relief for Small and Me-
10 dium-Sized Businesses (in this section referred to as the
11 “Task Force”).

12 (b) DUTIES OF TASK FORCE.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act and an-
15 nually thereafter, the Task Force shall submit to
16 Congress a report containing—

17 (A) recommendations for improving the
18 support, training, education, and compliance as-
19 sistance regarding export licensing requirements
20 provided to small businesses and medium-sized
21 businesses by the Federal Government, includ-
22 ing recommendations regarding any increases in
23 the amount or changes in the allocation of re-
24 sources for such support, training, education,
25 and compliance assistance;

1 (B) recommendations for changes to such
2 requirements to improve opportunities for small
3 businesses and medium-sized businesses to ex-
4 port goods and services from the United States;
5 and

6 (C) such other recommendations as the
7 Task Force considers appropriate.

8 (2) INPUT FROM BUSINESSES.—The Task
9 Force shall consult with small businesses and me-
10 dium-sized businesses in preparing the report re-
11 quired by paragraph (1).

12 (c) MEMBERSHIP.—

13 (1) IN GENERAL.—The Task Force shall be
14 composed of the officials described in section 4(c).

15 (2) COMPENSATION.—A member of the Task
16 Force may not receive pay, allowances, or benefits
17 by reason of service on the Task Force in addition
18 to pay, allowances, or benefits by reason of service
19 as an officer of the United States in the capacity
20 listed in section 4(c) in which the member serves.

21 (3) CHAIRPERSON.—The Chairperson of the
22 Task Force shall be elected by the members.

23 (4) QUORUM.—Three members of the Task
24 Force shall constitute a quorum, but a lesser num-
25 ber may hold hearings.

1 (d) ADMINISTRATIVE AND SUPPORT SERVICES.—
2 Upon the request of the Chairperson, the Secretary of
3 Commerce shall provide to the Task Force, without reim-
4 bursement, such administrative and support services, in-
5 cluding details of personnel, as may be necessary to enable
6 the Task Force to carry out its duties under this section.

7 **SEC. 6. DEFINITIONS.**

8 (a) SMALL BUSINESS DEFINED.—In this Act, the
9 term “small business” means a small business concern,
10 as defined under section 3 of the Small Business Act (15
11 U.S.C. 632).

12 (b) ADDITIONAL DEFINITION FOR SECTIONS 4 AND
13 5.—In sections 4 and 5, the term “export licensing re-
14 quirements” includes export licensing requirements under
15 section 38 of the Arms Export Control Act (22 U.S.C.
16 2778).

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