

Calendar No. 703

114TH CONGRESS
2D SESSION

S. 3097

[Report No. 114-393]

To establish the SelectUSA program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2016

Mr. SCHATZ (for himself, Mr. HELLER, Mr. NELSON, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 6, 2016

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the SelectUSA program, 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 “~~SelectUSA Authoriza-~~
5 ~~tion Act of 2016~~”.

1 **SEC. 2. ESTABLISHMENT OF SELECTUSA.**

2 (a) **IN GENERAL.**—There is established in the De-
3 partment of Commerce the SelectUSA program (in this
4 Act referred to as “SelectUSA”), a Government-wide pro-
5 gram to attract and retain investment in the United
6 States economy.

7 (b) **EXECUTIVE DIRECTOR.**—The Secretary of Com-
8 merce shall designate a senior staff member of the Depart-
9 ment of Commerce to be the Executive Director of
10 SelectUSA, who shall coordinate activities relating to busi-
11 ness investment decisions within the Department of Com-
12 merce and with other Federal agencies with responsibility
13 for such activities.

14 (c) **MISSION.**—SelectUSA shall—

15 (1) facilitate business investment in the United
16 States in order to create jobs, spur economic growth,
17 and promote United States competitiveness;

18 (2) provide enhanced coordination of Federal
19 activities in order to increase the impact of Federal
20 resources that support domestic and foreign invest-
21 ment in the United States;

22 (3) in providing assistance, work to maximize
23 impact on business investment, job creation, and
24 economic growth; and

25 (4) work on behalf of the entire United States
26 and exercise strict neutrality, except as specified in

1 subsection (e), with regard to specific locations with-
2 in the United States.

3 ~~(d) FUNCTIONS.—SelectUSA shall—~~

4 ~~(1) coordinate outreach and engagement by the~~
5 ~~Federal Government to promote the United States~~
6 ~~as the premier location to operate a business;~~

7 ~~(2) endeavor to coordinate and avoid duplica-~~
8 ~~tion with other Federal agencies;~~

9 ~~(3) serve as an ombudsman that facilitates the~~
10 ~~resolution of issues involving Federal programs or~~
11 ~~activities related to pending investments;~~

12 ~~(4) provide information to domestic and foreign~~
13 ~~firms on—~~

14 ~~(A) the investment climate in the United~~
15 ~~States;~~

16 ~~(B) Federal programs and incentives avail-~~
17 ~~able to investors; and~~

18 ~~(C) State and local economic development~~
19 ~~organizations; and~~

20 ~~(5) report periodically to the President, through~~
21 ~~the National Economic Council, the Domestic Policy~~
22 ~~Council, and the National Security Staff, on out-~~
23 ~~reach activities of SelectUSA, requests for informa-~~
24 ~~tion received by SelectUSA, and efforts of~~
25 ~~SelectUSA to resolve issues.~~

1 (e) **INCREASED OPPORTUNITIES FOR RURAL AREAS**
 2 **AND SMALLER STATES.**—SelectUSA shall endeavor—

3 (1) to increase foreign direct investment oppor-
 4 tunities for rural areas and smaller States; and

5 (2) to make its services increasingly available to
 6 rural areas and smaller States, including through—

7 (A) teleconferencing;

8 (B) geographic positioning of conferences
 9 and events of SelectUSA, when practicable; and

10 (C) increased attention by staff of
 11 SelectUSA.

12 (f) **PARTICIPATION OF OTHER AGENCIES.**—All Fed-
 13 eral agencies with responsibility for activities relating to
 14 business investment decisions shall cooperate with
 15 SelectUSA, as requested by the Executive Director, to
 16 support the objectives of SelectUSA.

17 **SEC. 3. FEDERAL INTERAGENCY INVESTMENT WORKING**
 18 **GROUP.**

19 (a) **ESTABLISHMENT.**—There is established the Fed-
 20 eral Interagency Investment Working Group (in this sec-
 21 tion referred to as the “Working Group”), which shall be
 22 convened and chaired by the Executive Director of
 23 SelectUSA, in coordination with the Director of the Na-
 24 tional Economic Council.

1 (b) MEMBERSHIP.—The Working Group shall consist
2 of senior officials from—

3 (1) agencies represented on the Trade Pro-
4 motion Coordinating Committee established by sec-
5 tion 2312 of the Export Enhancement Act of 1988
6 (15 U.S.C. 4727); and

7 (2) such other agencies as the Secretary of
8 Commerce may designate.

9 (c) FUNCTIONS.—The Working Group shall coordi-
10 nate activities to promote business investment and re-
11 spond to specific issues that affect business investment de-
12 cisions.

13 **SEC. 4. REPORTS AND NOTIFICATIONS TO CONGRESS.**

14 (a) IN GENERAL.—Not later than December 31 of
15 each year, the Secretary of Commerce shall submit to Con-
16 gress a report on the activities of SelectUSA during the
17 preceding fiscal year.

18 (b) CONTENTS.—Each report submitted under sub-
19 section (a) shall include, for the period covered by the re-
20 port, the following:

21 (1) A description of the outreach activities of
22 SelectUSA.

23 (2) A statement of the funds used by
24 SelectUSA.

1 (3) An assessment of the number of foreign
2 firms that located in the United States using the
3 services provided by SelectUSA, including the eco-
4 nomic effect of such locations for the United States,
5 and an assessment of related services provided by
6 SelectUSA to State, local, regional, and tribal eco-
7 nomic development organizations and international
8 investors.

9 (4) A description of the progress made by the
10 United States in increasing its share of foreign di-
11 rect investment from the Asia and Pacific regions.

12 (5) A description of the efforts of SelectUSA in
13 promoting foreign direct investment in rural areas or
14 smaller States.

15 (6) A description of the efforts of SelectUSA in
16 coordinating with other Federal agencies, including
17 the United States and Foreign Commercial Service
18 established under section 2301 of the Export En-
19 hancement Act of 1988 (15 U.S.C. 4721), the De-
20 partment of State, and the Foreign Agricultural
21 Service of the Department of Agriculture.

22 (7) Any findings that are made by SelectUSA
23 in conducting its activities and are relevant to pro-
24 moting the United States as a destination for for-
25 eign direct investment.

1 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE ASSESS-**
2 **MENT OF EFFECTIVENESS OF SELECTUSA.**

3 (a) **IN GENERAL.**—Not later than one year after the
4 date of the enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 assessing the effectiveness of SelectUSA in increasing, en-
7 couraging, and supporting foreign direct investment in the
8 United States.

9 (b) **RECOMMENDATIONS.**—The report required by
10 subsection (a) shall include recommendations for ways
11 SelectUSA may—

12 (1) increase foreign direct investment in the
13 United States;

14 (2) better coordinate with other Federal agen-
15 cies and other entities;

16 (3) better serve rural areas and smaller States,
17 including by tailoring activities to those areas and
18 States;

19 (4) increase foreign direct investment in those
20 areas and States; and

21 (5) more effectively use its resources.

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR**
23 **SELECTUSA.**

24 There are authorized to be appropriated to carry out
25 SelectUSA such sums as may be necessary for fiscal year
26 2017 and each fiscal year thereafter.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “SelectUSA Authoriza-*
3 *tion Act of 2016”.*

4 **SEC. 2. ESTABLISHMENT OF SELECTUSA.**

5 *(a) IN GENERAL.—There is established in the Depart-*
6 *ment of Commerce the SelectUSA program (in this Act re-*
7 *ferred to as “SelectUSA”), a Government-wide program to*
8 *attract and retain investment in the United States econ-*
9 *omy.*

10 *(b) EXECUTIVE DIRECTOR.—The Secretary of Com-*
11 *merce shall designate a senior staff member of the Depart-*
12 *ment of Commerce to be the Executive Director of*
13 *SelectUSA, who shall coordinate activities relating to busi-*
14 *ness investment decisions within the Department of Com-*
15 *merce and with other Federal agencies with responsibility*
16 *for such activities.*

17 *(c) MISSION.—SelectUSA shall—*

18 *(1) facilitate business investment in the United*
19 *States in order to create jobs, spur economic growth,*
20 *and promote United States competitiveness;*

21 *(2) provide enhanced coordination of Federal ac-*
22 *tivities in order to increase the impact of Federal re-*
23 *sources that support domestic and foreign investment*
24 *in the United States;*

1 (3) *in providing assistance, work to maximize*
2 *impact on business investment, job creation, and eco-*
3 *nomie growth; and*

4 (4) *work on behalf of the entire United States*
5 *and exercise strict neutrality, except as specified in*
6 *subsection (e), with regard to specific locations within*
7 *the United States.*

8 (d) *FUNCTIONS.—SelectUSA shall—*

9 (1) *coordinate outreach and engagement by the*
10 *Federal Government to promote the United States as*
11 *the premier location to operate a business;*

12 (2) *endeavor to coordinate and avoid duplication*
13 *with other Federal agencies;*

14 (3) *serve as an ombudsman that facilitates the*
15 *resolution of issues involving Federal programs or ac-*
16 *tivities related to pending investments;*

17 (4) *provide information to domestic and foreign*
18 *firms on—*

19 (A) *the investment climate in the United*
20 *States;*

21 (B) *Federal programs and incentives avail-*
22 *able to investors; and*

23 (C) *State and local economic development*
24 *organizations; and*

1 (5) report periodically to the President, through
2 the National Economic Council, the Domestic Policy
3 Council, and the National Security Staff, on outreach
4 activities of SelectUSA, requests for information re-
5 ceived by SelectUSA, and efforts of SelectUSA to re-
6 solve issues.

7 (e) *INCREASED OPPORTUNITIES FOR RURAL AREAS*
8 *AND SMALLER STATES.*—SelectUSA shall endeavor—

9 (1) to increase foreign direct investment opportu-
10 nities for rural areas and smaller States; and

11 (2) to make its services increasingly available to
12 rural areas and smaller States, including through—

13 (A) teleconferencing;

14 (B) geographic positioning of conferences
15 and events of SelectUSA, when practicable; and

16 (C) increased attention by staff of
17 SelectUSA.

18 (f) *PARTICIPATION OF OTHER AGENCIES.*—All Federal
19 agencies with responsibility for activities relating to busi-
20 ness investment decisions shall cooperate with SelectUSA,
21 as requested by the Executive Director, to support the objec-
22 tives of SelectUSA.

1 **SEC. 3. FEDERAL INTERAGENCY INVESTMENT WORKING**
2 **GROUP.**

3 (a) *ESTABLISHMENT.*—*There is established the Federal*
4 *Interagency Investment Working Group (in this section re-*
5 *ferred to as the “Working Group”), which shall be convened*
6 *and chaired by the Executive Director of SelectUSA, in co-*
7 *ordination with the Director of the National Economic*
8 *Council.*

9 (b) *MEMBERSHIP.*—*The Working Group shall consist*
10 *of senior officials from—*

11 (1) *agencies represented on the Trade Promotion*
12 *Coordinating Committee established by section 2312*
13 *of the Export Enhancement Act of 1988 (15 U.S.C.*
14 *4727); and*

15 (2) *such other agencies as the Secretary of Com-*
16 *merce may designate.*

17 (c) *FUNCTIONS.*—*The Working Group shall coordinate*
18 *activities to promote business investment and respond to*
19 *specific issues that affect business investment decisions.*

20 **SEC. 4. REPORTS AND NOTIFICATIONS TO CONGRESS.**

21 (a) *IN GENERAL.*—*Not later than December 31 of each*
22 *year, the Secretary of Commerce shall submit to Congress*
23 *a report on the activities of SelectUSA during the preceding*
24 *fiscal year.*

1 (b) *CONTENTS.*—*Each report submitted under sub-*
2 *section (a) shall include, for the period covered by the re-*
3 *port, the following:*

4 (1) *A description of the outreach activities of*
5 *SelectUSA.*

6 (2) *A statement of the funds used by SelectUSA.*

7 (3) *An assessment of the number of foreign firms*
8 *that located in the United States using the services*
9 *provided by SelectUSA, including the economic effect*
10 *of such locations for the United States, and an assess-*
11 *ment of related services provided by SelectUSA to*
12 *State, local, regional, and tribal economic develop-*
13 *ment organizations and international investors.*

14 (4) *A description of the progress made by the*
15 *United States in increasing its share of foreign direct*
16 *investment from the Asia and Pacific regions.*

17 (5) *A description of the efforts of SelectUSA in*
18 *promoting foreign direct investment in rural areas or*
19 *smaller States.*

20 (6) *A description of the efforts of SelectUSA in*
21 *coordinating with other Federal agencies, including*
22 *the United States and Foreign Commercial Service*
23 *established under section 2301 of the Export Enhance-*
24 *ment Act of 1988 (15 U.S.C. 4721), the Department*

1 *of State, and the Foreign Agricultural Service of the*
2 *Department of Agriculture.*

3 *(7) Any findings that are made by SelectUSA in*
4 *conducting its activities and are relevant to pro-*
5 *moting the United States as a destination for foreign*
6 *direct investment.*

7 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE ASSESS-**
8 **MENT OF EFFECTIVENESS OF SELECTUSA.**

9 *(a) IN GENERAL.—Not later than one year after the*
10 *date of the enactment of this Act, the Comptroller General*
11 *of the United States shall submit to Congress a report as-*
12 *sessing the effectiveness of SelectUSA in increasing, encour-*
13 *aging, and supporting foreign direct investment in the*
14 *United States.*

15 *(b) RECOMMENDATIONS.—The report required by sub-*
16 *section (a) shall include, as appropriate, recommendations*
17 *for ways SelectUSA may—*

18 *(1) increase foreign direct investment in the*
19 *United States;*

20 *(2) better coordinate with other Federal agencies*
21 *and other entities;*

22 *(3) better serve rural areas and smaller States,*
23 *including by tailoring activities to those areas and*
24 *States;*

1 (4) increase foreign direct investment in those
2 areas and States; and

3 (5) more effectively use its resources.

4 **SEC. 6. REQUIREMENTS FOR POLITICAL APPOINTEES OF**
5 **DEPARTMENT OF COMMERCE.**

6 (a) *TRAINING CERTIFICATION REQUIRED FOR NEW*
7 *POLITICAL APPOINTEES.*—*At the beginning of each fiscal*
8 *year, the Secretary of Commerce shall certify to Congress*
9 *that each newly appointed political official of the Depart-*
10 *ment of Commerce has received training on each of the fol-*
11 *lowing:*

12 (1) *Regulations and policies governing the use of*
13 *subordinates for non-official business.*

14 (2) *Restrictions against the use of the political*
15 *appointee's title or position for personal gain or cre-*
16 *ating the appearance of such use.*

17 (3) *Key regulations and policies governing offi-*
18 *cial travel, including the Federal Travel Regulation,*
19 *as well as departmental travel policies, particularly*
20 *regarding the necessity for adequately documented*
21 *justification to support any per diem overages.*

22 (4) *The advisability of monitoring renovation*
23 *work done to their office suites to ensure the cost of*
24 *such work does not contravene congressional budget*
25 *restrictions.*

1 **(b) REPORT ON RENOVATIONS TO OFFICE SUITE OF**
2 **UNDER SECRETARY FOR INTERNATIONAL TRADE.**—Not
3 *later than 30 days after the date of the enactment of this*
4 *Act, the Secretary shall submit to Congress a written report*
5 *regarding the renovations to the office suite of the Under*
6 *Secretary for International Trade regarding whether ex-*
7 *penditures associated with those renovations exceeded the*
8 *\$5,000 limit imposed by Congress and whether the expendi-*
9 *tures contravened section 1341 of title 31, United States*
10 *Code (commonly known as the “Anti-Deficiency Act”).*

11 **(c) CERTIFICATION ON PROCEDURES REGARDING CAT-**
12 **EGORIZATION OF WORK ON CERTAIN OFFICE SUITES.**—Not
13 *later than 30 days after the date of the enactment of this*
14 *Act, the Secretary shall certify to Congress that the Sec-*
15 *retary has implemented procedures requiring thorough doc-*
16 *umentation to support the categorization of any work per-*
17 *formed on an official office suite of a politically appointed*
18 *official as—*

- 19 (1) *general or routine maintenance; or*
20 (2) *renovation work that is subject to congres-*
21 *sional budget restrictions.*

22 **(d) REPORT ON ENCOURAGING WHISTLEBLOWING.**—
23 *Not later than 30 days after the date of the enactment of*
24 *this Act, the Secretary shall submit to Congress a report*
25 *on the steps the Secretary has taken to make subordinates*

1 *working for politically appointed officials feel empowered*
2 *to report instances of potential regulatory, policy, or rule*
3 *violations to their superiors or to the Inspector General of*
4 *the Department of Commerce.*

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR**
6 **SELECTUSA.**

7 *There are authorized to be appropriated to carry out*
8 *SelectUSA \$15,000,000 for each of fiscal years 2017 through*
9 *2021.*

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[Report No. 114-393]

A BILL

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