

111TH CONGRESS  
1ST SESSION

# S. 2862

To amend the Small Business Act to improve the Office of International Trade, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2009

Ms. SNOWE (for herself and Ms. LANDRIEU) 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 amend the Small Business Act to improve the Office of International Trade, 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 “Small Business Export  
5 Enhancement and International Trade Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 (a) DEFINITIONS.—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 “Associate Administrator” means  
2 the Associate Administrator for International Trade  
3 appointed under section 22(a)(2) of the Small Busi-  
4 ness Act, as amended by this Act;

5           (3) the term “Export Assistance Center” means  
6 a one-stop shop referred to in section 2301(b)(8) of  
7 the Omnibus Trade and Competitiveness Act of  
8 1988 (15 U.S.C. 4721(b)(8));

9           (4) the term “rural small business concern”  
10 means a small business concern located in a rural  
11 area, as that term is defined in section 1393(a)(2)  
12 of the Internal Revenue Code of 1986; and

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

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17           (1) DEFINITIONS.—Section 3 of the Small  
18 Business Act (15 U.S.C. 632) is amended by adding  
19 at the end the following:

20           “(t) SMALL BUSINESS DEVELOPMENT CENTER.—In  
21 this Act, the term ‘small business development center’  
22 means a small business development center described in  
23 section 21.

24           “(u) REGION OF THE ADMINISTRATION.—In this  
25 Act, the term ‘region of the Administration’ means the

1 geographic area served by a regional office of the Adminis-  
 2 tration established under section 4(a).”.

3 (2) CONFORMING AMENDMENT.—Section  
 4 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C.  
 5 633(b)(3)(B)(x)) is amended by striking “Adminis-  
 6 tration district and region” and inserting “district  
 7 and region of the Administration”.

8 **SEC. 3. OFFICE OF INTERNATIONAL TRADE.**

9 (a) ESTABLISHMENT.—Section 22 of the Small Busi-  
 10 ness Act (15 U.S.C. 649) is amended—

11 (1) by striking “SEC. 22. (a) There” and in-  
 12 serting the following:

13 **“SEC. 22. OFFICE OF INTERNATIONAL TRADE.**

14 “(a) ESTABLISHMENT.—

15 “(1) OFFICE.—There”; and

16 (2) in subsection (a)—

17 (A) in paragraph (1), as so designated, by  
 18 striking the period and inserting “for the pri-  
 19 mary purposes of increasing—

20 “(A) the number of small business con-  
 21 cerns that export; and

22 “(B) the volume of exports by small busi-  
 23 ness concerns.”; and

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

1           “(2) ASSOCIATE ADMINISTRATOR.—The head of  
2           the Office shall be the Associate Administrator for  
3           International Trade, who shall be responsible to the  
4           Administrator.”.

5           (b) AUTHORITY FOR ADDITIONAL ASSOCIATE AD-  
6           MINISTRATOR.—Section 4(b)(1) of the Small Business Act  
7           (15 U.S.C. 633(b)(1)) is amended—

8                   (1) in the fifth sentence, by striking “five Asso-  
9                   ciate Administrators” and inserting “Associate Ad-  
10                  ministrators”; and

11                   (2) by adding at the end the following: “One  
12                  such Associate Administrator shall be the Associate  
13                  Administrator for International Trade, who shall be  
14                  the head of the Office of International Trade estab-  
15                  lished under section 22.”.

16           (c) DISCHARGE OF INTERNATIONAL TRADE RESPON-  
17           SIBILITIES OF ADMINISTRATION.—Section 22 of the Small  
18           Business Act (15 U.S.C. 649) is amended by adding at  
19           the end the following:

20                   “(h) DISCHARGE OF INTERNATIONAL TRADE RE-  
21                  SPONSIBILITIES OF ADMINISTRATION.—The Adminis-  
22                  trator shall ensure that—

23                           “(1) the responsibilities of the Administration  
24                           regarding international trade are carried out by the  
25                           Associate Administrator;

1           “(2) the Associate Administrator has sufficient  
2 resources to carry out such responsibilities; and

3           “(3) the Associate Administrator has direct su-  
4 pervision and control over—

5                   “(A) the staff of the Office; and

6                   “(B) any employee of the Administration  
7 whose principal duty station is an Export As-  
8 sistance Center, or any successor entity.”.

9           (d) ROLE OF ASSOCIATE ADMINISTRATOR IN CAR-  
10 RYING OUT INTERNATIONAL TRADE POLICY.—Section  
11 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1))  
12 is amended in the matter preceding subparagraph (A)—

13                   (1) by inserting “the Administrator of” before  
14 “the Small Business Administration”; and

15                   (2) by inserting “through the Associate Admin-  
16 istrator for International Trade, and” before “in co-  
17 operation with”.

18           (e) IMPLEMENTATION DATE.—Not later than 90  
19 days after the date of enactment of this Act, the Adminis-  
20 trator of the Small Business Administration shall appoint  
21 an Associate Administrator for International Trade under  
22 section 22(a) of the Small Business Act (15 U.S.C.  
23 649(a)), as added by this section.

1 **SEC. 4. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.**

2 (a) AMENDMENTS TO SECTION 22.—Section 22 of  
3 the Small Business Act (15 U.S.C. 649) is amended—

4 (1) by striking subsection (b) and inserting the  
5 following:

6 “(b) TRADE DISTRIBUTION NETWORK.—The Asso-  
7 ciate Administrator, working in close cooperation with the  
8 Secretary of Commerce, the United States Trade Rep-  
9 resentative, the Export-Import Bank of the United States,  
10 the Overseas Private Investment Corporation, and other  
11 relevant Federal agencies, small business development  
12 centers engaged in export promotion efforts, Export As-  
13 sistance Centers, regional and district offices of the Ad-  
14 ministration, the small business community, and relevant  
15 State and local export promotion programs, shall—

16 “(1) maintain a distribution network, using re-  
17 gional and district offices of the Administration, the  
18 small business development center network, net-  
19 works of women’s business centers, the Service  
20 Corps of Retired Executives authorized by section  
21 8(b)(1), and Export Assistance Centers, for pro-  
22 grams relating to—

23 “(A) trade promotion;

24 “(B) trade finance;

25 “(C) trade adjustment assistance;

26 “(D) trade remedy assistance; and

1           “(E) trade data collection;

2           “(2) aggressively market the programs de-  
3           scribed in paragraph (1) and disseminate informa-  
4           tion, including computerized marketing data, to  
5           small business concerns on exporting trends, market-  
6           specific growth, industry trends, and international  
7           prospects for exports;

8           “(3) promote export assistance programs  
9           through the district and regional offices of the Ad-  
10          ministration, the small business development center  
11          network, Export Assistance Centers, the network of  
12          women’s business centers, chapters of the Service  
13          Corps of Retired Executives, State and local export  
14          promotion programs, and partners in the private  
15          sector; and

16          “(4) give preference in hiring or approving the  
17          transfer of any employee into the Office or to a posi-  
18          tion described in subsection (c)(9) to otherwise  
19          qualified applicants who are fluent in a language in  
20          addition to English, to—

21                 “(A) accompany small business concerns  
22                 on foreign trade missions; and

23                 “(B) translate documents, interpret con-  
24                 versations, and facilitate multilingual trans-

1 actions, including by providing referral lists for  
2 translation services, if required.”;

3 (2) in subsection (c)—

4 (A) by striking “(c) The Office” and in-  
5 serting the following:

6 “(c) PROMOTION OF SALES OPPORTUNITIES.—The  
7 Associate Administrator”;

8 (B) by redesignating paragraphs (1)  
9 through (8) as paragraphs (2) through (9), re-  
10 spectively;

11 (C) by inserting before paragraph (2), as  
12 so redesignated, the following:

13 “(1) establish annual goals for the Office relat-  
14 ing to—

15 “(A) enhancing the exporting capability of  
16 small business concerns and small manufactur-  
17 ers;

18 “(B) facilitating technology transfers;

19 “(C) enhancing programs and services to  
20 assist small business concerns and small manu-  
21 facturers to compete effectively and efficiently  
22 against foreign entities;

23 “(D) increasing the ability of small busi-  
24 ness concerns to access capital;



1           “(E) disseminating information concerning  
2 Federal, State, and private programs and initia-  
3 tives; and

4           “(F) ensuring that the interests of small  
5 business concerns are adequately represented in  
6 trade negotiations;”;

7           (D) in paragraph (2), as so redesignated,  
8 by striking “mechanism for” and all that fol-  
9 lows through “(D) assisting” and inserting the  
10 following: “mechanism for—

11           “(A) identifying subsectors of the small  
12 business community with strong export poten-  
13 tial;

14           “(B) identifying areas of demand in for-  
15 eign markets;

16           “(C) prescreening foreign buyers for com-  
17 mercial and credit purposes; and

18           “(D) assisting”;

19           (E) in paragraph (3), as so redesignated,  
20 by striking “assist small businesses in the for-  
21 mation and utilization of” and inserting “assist  
22 small business concerns in forming and using”;

23           (F) in paragraph (4), as so redesignated—

24           (i) by striking “local” and inserting  
25 “district”;

1 (ii) by striking “existing”;

2 (iii) by striking “Small Business De-  
3 velopment Center network” and inserting  
4 “small business development center net-  
5 work”; and

6 (iv) by striking “Small Business De-  
7 velopment Center Program” and inserting  
8 “small business development center pro-  
9 gram”;

10 (G) in paragraph (5), as so redesignated—

11 (i) in subparagraph (A), by striking  
12 “Gross State Produce” and inserting  
13 “Gross State Product”;

14 (ii) in subparagraph (B), by striking  
15 “SIC” each place it appears and inserting  
16 “North American Industry Classification  
17 System”; and

18 (iii) in subparagraph (C), by striking  
19 “small businesses” and inserting “small  
20 business concerns”;

21 (H) in paragraph (6), as so redesignated,  
22 by striking the period at the end and inserting  
23 a semicolon;

24 (I) in paragraph (7), as so redesignated—

- 1 (i) in the matter preceding subpara-  
2 graph (A)—
- 3 (I) by inserting “concerns” after  
4 “small business”; and
- 5 (II) by striking “current” and in-  
6 serting “up to date”;
- 7 (ii) in subparagraph (A), by striking  
8 “Administration’s regional offices” and in-  
9 serting “regional and district offices of the  
10 Administration”;
- 11 (iii) in subparagraph (B) by striking  
12 “current”;
- 13 (iv) in subparagraph (C), by striking  
14 “current”; and
- 15 (v) by striking “small businesses”  
16 each place that term appears and inserting  
17 “small business concerns”;
- 18 (J) in paragraph (8), as so redesignated,  
19 by striking and at the end;
- 20 (K) in paragraph (9), as so redesignated—
- 21 (i) in the matter preceding subpara-  
22 graph (A)—
- 23 (I) by striking “full-time export  
24 development specialists to each Ad-

1           ministration regional office and as-  
2           signing”; and

3                   (II) by striking “person in each  
4           district office. Such specialists” and  
5           inserting “individual in each district  
6           office and providing each Administra-  
7           tion regional office with a full-time ex-  
8           port development specialist, who”;

9           (ii) in subparagraph (B)—

10                   (I) by striking “current”; and

11                   (II) by striking “with” and in-  
12           serting “in”;

13           (iii) in subparagraph (D)—

14                   (I) by striking “Administration  
15           personnel involved in granting” and  
16           inserting “personnel of the Adminis-  
17           tration involved in making”; and

18                   (II) by striking “and” at the end;

19           (iv) in subparagraph (E)—

20                   (I) by striking “small businesses’  
21           needs” and inserting “the needs of  
22           small business concerns”; and

23                   (II) by striking the period at the  
24           end and inserting a semicolon;

25           (v) by adding at the end the following:

1           “(F) participate, jointly with employees of  
2           the Office, in an annual training program that  
3           focuses on current small business needs for ex-  
4           porting; and

5           “(G) develop and conduct training pro-  
6           grams for exporters and lenders, in cooperation  
7           with the Export Assistance Centers, the De-  
8           partment of Commerce, small business develop-  
9           ment centers, women’s business centers, the  
10          Export-Import Bank of the United States, the  
11          Overseas Private Investment Corporation, and  
12          other relevant Federal agencies;” and

13                 (vi) by striking “small businesses”  
14                 each place that term appears and inserting  
15                 “small business concerns”; and

16                 (L) by adding at the end the following:

17                 “(10) make available on the website of the Ad-  
18                 ministration the name and contact information of  
19                 each individual described in paragraph (9);

20                 “(11) carry out a nationwide marketing effort  
21                 using technology, online resources, training, and  
22                 other strategies to promote exporting as a business  
23                 development opportunity for small business con-  
24                 cerns;

1           “(12) disseminate information to the small  
2 business community through regional and district of-  
3 fices of the Administration, the small business devel-  
4 opment center network, Export Assistance Centers,  
5 the network of women’s business centers, chapters of  
6 the Service Corps of Retired Executives authorized  
7 by section 8(b)(1), State and local export promotion  
8 programs, and partners in the private sector regard-  
9 ing exporting trends, market-specific growth, indus-  
10 try trends, and prospects for exporting; and

11           “(13) establish and carry out training programs  
12 for the staff of the regional and district offices of  
13 the Administration and resource partners of the Ad-  
14 ministration on export promotion and providing as-  
15 sistance relating to exports.”;

16           (3) in subsection (d)—

17           (A) by redesignating paragraphs (1)  
18 through (5) as clauses (i) through (v), respec-  
19 tively, and adjusting the margins accordingly;

20           (B) by striking “(d) The Office” and in-  
21 serting the following:

22           “(d) EXPORT FINANCING PROGRAMS.—

23           “(1) IN GENERAL.—The Associate Adminis-  
24 trator”; and

1           (C) by striking “To accomplish this goal,  
2           the Office shall work” and inserting the fol-  
3           lowing:

4           “(2) TRADE FINANCE SPECIALIST.—To accom-  
5           plish the goal established under paragraph (1), the  
6           Associate Administrator shall—

7                   “(A) designate at least 1 individual within  
8                   the Administration as a trade finance specialist  
9                   to oversee international loan programs and as-  
10                  sist Administration employees with trade fi-  
11                  nance issues; and

12                   “(B) work”;

13           (4) in subsection (e), by striking “(e) The Of-  
14           fice” and inserting the following:

15           “(e) TRADE REMEDIES.—The Associate Adminis-  
16           trator”;

17           (5) by amending subsection (f) to read as fol-  
18           lows:

19           “(f) REPORTING REQUIREMENT.—The Associate Ad-  
20           ministrators shall submit an annual report to the Com-  
21           mittee on Small Business and Entrepreneurship of the  
22           Senate and the Committee on Small Business of the  
23           House of Representatives that contains—

24                   “(1) a description of the progress of the Office  
25                   in implementing the requirements of this section;

1           “(2) a detailed account of the results of export  
2 growth activities of the Administration, including the  
3 activities of each district and regional office of the  
4 Administration, based on the performance measures  
5 described in subsection (i);

6           “(3) an estimate of the total number of jobs  
7 created or retained as a result of export assistance  
8 provided by the Administration and resource part-  
9 ners of the Administration;

10           “(4) for any travel by the staff of the Office,  
11 the destination of such travel and the benefits to the  
12 Administration and to small business concerns re-  
13 sulting from such travel; and

14           “(5) a description of the participation by the  
15 Office in trade negotiations.”;

16           (6) in subsection (g), by striking “(g) The Of-  
17 fice” and inserting the following:

18           “(g) STUDIES.—The Associate Administrator”; and

19           (7) by adding after subsection (h), as added by  
20 section 3 of this Act, the following:

21           “(i) EXPORT AND TRADE COUNSELING.—

22           “(1) DEFINITION.—In this subsection—

23           “(A) the term ‘lead small business develop-  
24 ment center’ means a small business develop-



1           ment center that has received a grant from the  
2           Administration; and

3                   “(B) the term ‘lead women’s business cen-  
4           ter’ means a women’s business center that has  
5           received a grant from the Administration.

6                   “(2) CERTIFICATION PROGRAM.—The Adminis-  
7           trator shall establish an export and trade counseling  
8           certification program to certify employees of lead  
9           small business development centers and lead wom-  
10          en’s business centers in providing export assistance  
11          to small business concerns.

12                   “(3) NUMBER OF CERTIFIED EMPLOYEES.—  
13          The Administrator shall ensure that the number of  
14          employees of each lead small business development  
15          center who are certified in providing export assist-  
16          ance is not less than the lesser of—

17                           “(A) 5; or

18                           “(B) 10 percent of the total number of em-  
19          ployees of the lead small business development  
20          center.

21                   “(4) REIMBURSEMENT FOR CERTIFICATION.—

22                           “(A) IN GENERAL.—Subject to the avail-  
23          ability of appropriations, the Administrator  
24          shall reimburse a lead small business develop-  
25          ment center or a lead women’s business center

1 for costs relating to the certification of an em-  
2 ployee of the lead small business center or lead  
3 women’s business center in providing export as-  
4 sistance under the program established under  
5 paragraph (2).

6 “(B) LIMITATION.—The total amount re-  
7 imbursed by the Administrator under subpara-  
8 graph (A) may not exceed \$350,000 in any fis-  
9 cal year.

10 “(j) PERFORMANCE MEASURES.—

11 “(1) IN GENERAL.—The Associate Adminis-  
12 trator shall develop performance measures for the  
13 Administration to support export growth goals for  
14 the activities of the Office under this section that in-  
15 clude—

16 “(A) the number of small business con-  
17 cerns that—

18 “(i) receive assistance from the Ad-  
19 ministration;

20 “(ii) had not exported goods or serv-  
21 ices before receiving the assistance de-  
22 scribed in clause (i); and

23 “(iii) export goods or services;

24 “(B) the number of small business con-  
25 cerns receiving assistance from the Administra-

1           tion that export goods or services to a market  
2           outside the United States into which the small  
3           business concern did not export before receiving  
4           the assistance;

5           “(C) export revenues by small business  
6           concerns assisted by programs of the Adminis-  
7           tration;

8           “(D) the number of small business con-  
9           cerns referred to an Export Assistance Center  
10          or a small business development center by the  
11          staff of the Office;

12          “(E) the number of small business con-  
13          cerns referred to the Administration by an Ex-  
14          port Assistance Center or a small business de-  
15          velopment center; and

16          “(F) the number of small business con-  
17          cerns referred to the Export-Import Bank of  
18          the United States or to the Overseas Private  
19          Investment Corporation by the staff of the Of-  
20          fice, an Export Assistance Center, or a small  
21          business development center.

22          “(2) JOINT PERFORMANCE MEASURES.—The  
23          Associate Administrator shall develop joint perform-  
24          ance measures for the district offices of the Adminis-

1       tration and the Export Assistance Centers that in-  
2       clude the number of export loans made under—

3               “(A) section 7(a)(16);

4               “(B) the Export Working Capital Program  
5       established under section 7(a)(14);

6               “(C) the Preferred Lenders Program, as  
7       defined in section 7(a)(2)(C)(ii); and

8               “(D) the export express program estab-  
9       lished under section 7(a)(34).

10              “(3) CONSISTENCY OF TRACKING.—The Asso-  
11       ciate Administrator, in coordination with the depart-  
12       ments and agencies that are represented on the  
13       Trade Promotion Coordinating Committee estab-  
14       lished under section 2312 of the Export Enhance-  
15       ment Act of 1988 (15 U.S.C. 4727) and the small  
16       business development center network, shall develop a  
17       system to track exports by small business concerns,  
18       including information relating to the performance  
19       measures developed under paragraph (1), that is  
20       consistent with systems used by the departments  
21       and agencies and the network.”.

22              (b) TRADE DISPUTES.—The Administrator shall  
23       carry out a comprehensive program to provide technical  
24       assistance, counseling, and reference materials to small  
25       business concerns relating to resources, procedures, and

1 requirements for mechanisms to resolve international  
2 trade disputes or address unfair international trade prac-  
3 tices under international trade agreements or Federal law,  
4 including—

5           (1) directing the district offices of the Adminis-  
6 tration to provide referrals, information, and other  
7 services to small business concerns relating to the  
8 mechanisms;

9           (2) entering agreements and partnerships with  
10 providers of legal services relating to the mecha-  
11 nisms, to ensure small business concerns may  
12 affordably use the mechanisms; and

13           (3) in consultation with the Director of the  
14 United States Patent and Trademark Office and the  
15 Register of Copyrights, designing counseling services  
16 and materials for small business concerns regarding  
17 intellectual property protection in other countries.

18       (c) REPORT.—Not later than 60 days after the date  
19 of enactment of this Act, the Administrator shall submit  
20 a report to the Committee on Small Business and Entre-  
21 preneurship of the Senate and the Committee on Small  
22 Business of the House of Representatives on any travel  
23 by the staff of the Office of International Trade of the  
24 Administration, during the period beginning on October  
25 1, 2004, and ending on the date of enactment of the Act,

1 including the destination of such travel and the benefits  
2 to the Administration and to small business concerns re-  
3 sulting from such travel.

4 **SEC. 5. EXPORT ASSISTANCE CENTERS.**

5 (a) EXPORT ASSISTANCE CENTERS.—Section 22 of  
6 the Small Business Act (15 U.S.C. 649), as amended by  
7 this Act, is amended by adding at the end the following:

8 “(k) EXPORT ASSISTANCE CENTERS.—

9 “(1) EXPORT FINANCE SPECIALISTS.—

10 “(A) MINIMUM NUMBER OF EXPORT FI-  
11 NANCE SPECIALISTS.—On and after January 1,  
12 2010, the Administrator, in coordination with  
13 the Secretary of Commerce, shall ensure that  
14 the number of export finance specialists is not  
15 less than the number of such employees so as-  
16 signed on January 1, 2003.

17 “(B) EXPORT FINANCE SPECIALISTS AS-  
18 SIGNED TO EACH REGION OF THE ADMINISTRA-  
19 TION.—On and after the date that is 2 years  
20 after the date of enactment of this subsection,  
21 the Administrator, in coordination with the Sec-  
22 retary of Commerce, shall ensure that there are  
23 not fewer than 3 export finance specialists in  
24 each region of the Administration.

1           “(2) PLACEMENT OF EXPORT FINANCE SPE-  
2           CIALISTS.—

3           “(A) PRIORITY.—The Administrator shall  
4           give priority, to the maximum extent prac-  
5           ticable, to placing employees of the Administra-  
6           tion at any Export Assistance Center that—

7                   “(i) had an Administration employee  
8                   assigned to the Export Assistance Center  
9                   before January 2003; and

10                   “(ii) has not had an Administration  
11                   employee assigned to the Export Assist-  
12                   ance Center during the period beginning  
13                   January 2003, and ending on the date of  
14                   enactment of this subsection, either  
15                   through retirement or reassignment.

16           “(B) NEEDS OF EXPORTERS.—The Ad-  
17           ministrator shall, to the maximum extent prac-  
18           ticable, strategically assign Administration em-  
19           ployees to Export Assistance Centers, based on  
20           the needs of exporters.

21           “(C) RULE OF CONSTRUCTION.—Nothing  
22           in this subsection may be construed to require  
23           the Administrator to reassign or remove an ex-  
24           port finance specialist who is assigned to an

1           Export Assistance Center on the date of enact-  
2           ment of this subsection.

3           “(3) GOALS.—The Associate Administrator  
4           shall work with the Department of Commerce, the  
5           Export-Import Bank of the United States, and the  
6           Overseas Private Investment Corporation to estab-  
7           lish shared annual goals for the Export Assistance  
8           Centers.

9           “(4) OVERSIGHT.—The Associate Adminis-  
10          trator shall designate an individual within the Ad-  
11          ministration to oversee all activities conducted by  
12          Administration employees assigned to Export Assist-  
13          ance Centers.

14          “(1) DEFINITIONS.—In this section—

15                 “(1) the term ‘Associate Administrator’ means  
16                 the Associate Administrator for International Trade  
17                 described in subsection (a)(2);

18                 “(2) the term ‘Export Assistance Center’ means  
19                 a one-stop shop for United States exporters estab-  
20                 lished by the United States and Foreign Commercial  
21                 Service of the Department of Commerce pursuant to  
22                 section 2301(b)(8) of the Omnibus Trade and Com-  
23                 petitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

24                 “(3) the term ‘export finance specialist’ means  
25                 a full-time equivalent employee of the Office as-



1 signed to an Export Assistance Center to carry out  
2 the duties described in subsection (e); and

3 “(4) the term ‘Office’ means the Office of  
4 International Trade established under subsection  
5 (a)(1).”.

6 (b) STUDY AND REPORT ON FILLING GAPS IN HIGH-  
7 AND-LOW-EXPORT VOLUME AREAS.—

8 (1) STUDY AND REPORT.—Not later than 6  
9 months after the date of enactment of this Act, and  
10 every 2 years thereafter, the Administrator shall—

11 (A) conduct a study of—

12 (i) the volume of exports for each  
13 State;

14 (ii) the availability of export finance  
15 specialists in each State;

16 (iii) the number of exporters in each  
17 State that are small business concerns;

18 (iv) the percentage of exporters in  
19 each State that are small business con-  
20 cerns;

21 (v) the change, if any, in the number  
22 of exporters that are small business con-  
23 cerns in each State—

24 (I) for the first study conducted  
25 under this subparagraph, during the

1 10-year period ending on the date of  
2 enactment of this Act; and

3 (II) for each subsequent study,  
4 during the 10-year period ending on  
5 the date the study is commenced;

6 (vi) the total value of the exports in  
7 each State by small business concerns;

8 (vii) the percentage of the total vol-  
9 ume of exports in each State that is attrib-  
10 utable to small business concerns; and

11 (viii) the change, if any, in the per-  
12 centage of the total volume of exports in  
13 each State that is attributable to small  
14 business concerns—

15 (I) for the first study conducted  
16 under this subparagraph, during the  
17 10-year period ending on the date of  
18 enactment of this Act; and

19 (II) for each subsequent study,  
20 during the 10-year period ending on  
21 the date the study is commenced; and

22 (B) submit to the Committee on Small  
23 Business and Entrepreneurship of the Senate  
24 and the Committee on Small Business of the  
25 House of Representatives a report containing—

1 (i) the results of the study under sub-  
2 paragraph (A);

3 (ii) to the extent practicable, a rec-  
4 ommendation regarding how to eliminate  
5 gaps between the supply of and demand  
6 for export finance specialists in the 15  
7 States that have the greatest volume of ex-  
8 ports, based upon the most recent data  
9 available from the Department of Com-  
10 merce;

11 (iii) to the extent practicable, a rec-  
12 ommendation regarding how to eliminate  
13 gaps between the supply of and demand  
14 for export finance specialists in the 15  
15 States that have the lowest volume of ex-  
16 ports, based upon the most recent data  
17 available from the Department of Com-  
18 merce; and

19 (iv) such additional information as the  
20 Administrator determines is appropriate.

21 (2) DEFINITION.—In this subsection, the term  
22 “export finance specialist” has the meaning given  
23 that term in section 22(1) of the Small Business Act,  
24 as added by this Act.

1 **SEC. 6. INTERNATIONAL TRADE FINANCE PROGRAMS.**

2 (a) LOAN LIMITS.—

3 (1) TOTAL AMOUNT OUTSTANDING.—Section  
4 7(a)(3)(B) of the Small Business Act (15 U.S.C.  
5 636(a)(3)(B)) is amended by striking “\$1,750,000,  
6 of which not more than \$1,250,000” and inserting  
7 “\$4,500,000 (or if the gross loan amount would ex-  
8 ceed \$5,000,000), of which not more than  
9 \$4,000,000”.

10 (2) PARTICIPATION.—Section 7(a)(2) of the  
11 Small Business Act (15 U.S.C. 636(a)(2)) is amend-  
12 ed—

13 (A) in subparagraph (A), in the matter  
14 preceding clause (i), by striking “subparagraph  
15 (B)” and inserting “subparagraphs (B), (D),  
16 and (E)”;

17 (B) in subparagraph (D), by striking  
18 “Notwithstanding subparagraph (A), in” and  
19 inserting “In”; and

20 (C) by adding at the end the following:

21 “(E) PARTICIPATION IN INTERNATIONAL  
22 TRADE LOAN.—In an agreement to participate  
23 in a loan on a deferred basis under paragraph  
24 (16), the participation by the Administration  
25 may not exceed 90 percent.”.

1 (b) WORKING CAPITAL.—Section 7(a)(16)(A) of the  
2 Small Business Act (15 U.S.C. 636(a)(16)(A)) is amend-  
3 ed—

4 (1) in the matter preceding clause (i), by strik-  
5 ing “in—” and inserting “—”;

6 (2) in clause (i)—

7 (A) by inserting “in” after “(i)”; and

8 (B) by striking “or” at the end;

9 (3) in clause (ii)—

10 (A) by inserting “in” after “(ii)”; and

11 (B) by striking the period at the end and  
12 inserting “, including any debt that qualifies for  
13 refinancing under any other provision of this  
14 subsection; or”; and

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

16 “(iii) by providing working capital.”.

17 (c) COLLATERAL.—Section 7(a)(16)(B) of the Small  
18 Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

19 (1) by striking “Each loan” and inserting the  
20 following:

21 “(i) IN GENERAL.—Except as pro-  
22 vided in clause (ii), each loan”; and

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

24 “(ii) EXCEPTION.—A loan under this  
25 paragraph may be secured by a second lien

1 position on the property or equipment fi-  
 2 nanced by the loan or on other assets of  
 3 the small business concern, if the Adminis-  
 4 trator determines the lien provides ade-  
 5 quate assurance of the payment of the  
 6 loan.”.

7 (d) EXPORT WORKING CAPITAL PROGRAM.—Section  
 8 7(a) of the Small Business Act (15 U.S.C. 636(a)) is  
 9 amended—

10 (1) in paragraph (2)(D), by striking “not ex-  
 11 ceed” and inserting “be”; and

12 (2) in paragraph (14)—

13 (A) by striking “(A) The Administration”  
 14 and inserting the following: “EXPORT WORKING  
 15 CAPITAL PROGRAM.—

16 “(A) IN GENERAL.—The Administrator”;

17 (B) by striking “(B) When considering”  
 18 and inserting the following:

19 “(C) CONSIDERATIONS.—When consid-  
 20 ering”;

21 (C) by striking “(C) The Administration”  
 22 and inserting the following:

23 “(D) MARKETING.—The Administrator”;

24 and

1 (D) by inserting after subparagraph (A)  
2 the following:

3 “(B) TERMS.—

4 “(i) LOAN AMOUNT.—The Adminis-  
5 trator may not guarantee a loan under this  
6 paragraph of more than \$5,000,000.

7 “(ii) FEES.—

8 “(I) IN GENERAL.—For a loan  
9 under this paragraph, the Adminis-  
10 trator shall collect the fee assessed  
11 under paragraph (23) not more fre-  
12 quently than once each year.

13 “(II) UNTAPPED CREDIT.—The  
14 Administrator may not assess a fee on  
15 capital that is not accessed by the  
16 small business concern.”.

17 (e) PARTICIPATION IN PREFERRED LENDERS PRO-  
18 GRAM.—Section 7(a)(2)(C) of the Small Business Act (15  
19 U.S.C. 636(a)(2)(C)) is amended—

20 (1) by redesignating clause (ii) as clause (iii);

21 and

22 (2) by inserting after clause (i) the following:

23 “(ii) EXPORT-IMPORT BANK LEND-  
24 ERS.—Any lender that is participating in  
25 the Delegated Authority Lender Program

1 of the Export-Import Bank of the United  
2 States (or any successor to the Program)  
3 shall be eligible to participate in the Pre-  
4 ferred Lenders Program.”.

5 (f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the  
6 Small Business Act (15 U.S.C. 636(a)) is amended—

7 (1) by striking “(32) INCREASED VETERAN”  
8 and inserting “(33) INCREASED VETERAN”; and

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

10 “(34) EXPORT EXPRESS PROGRAM.—

11 “(A) DEFINITIONS.—In this paragraph—

12 “(i) the term ‘export development ac-  
13 tivity’ includes—

14 “(I) obtaining a standby letter of  
15 credit when required as a bid bond,  
16 performance bond, or advance pay-  
17 ment guarantee;

18 “(II) participation in a trade  
19 show that takes place outside the  
20 United States;

21 “(III) translation of product bro-  
22 chures or catalogues for use in mar-  
23 kets outside the United States;

24 “(IV) obtaining a general line of  
25 credit for export purposes;



1           “(V) performing a service con-  
2           tract from buyers located outside the  
3           United States;

4           “(VI) obtaining transaction-spe-  
5           cific financing associated with com-  
6           pleting export orders;

7           “(VII) purchasing real estate or  
8           equipment to be used in the produc-  
9           tion of goods or services for export;

10          “(VIII) providing term loans or  
11          other financing to enable a small busi-  
12          ness concern, including an export  
13          trading company and an export man-  
14          agement company, to develop a mar-  
15          ket outside the United States; and

16          “(IX) acquiring, constructing,  
17          renovating, modernizing, improving,  
18          or expanding a production facility or  
19          equipment to be used in the United  
20          States in the production of goods or  
21          services for export; and

22          “(ii) the term ‘express loan’ means a  
23          loan in which a lender uses to the max-  
24          imum extent practicable the loan analyses,  
25          procedures, and documentation of the lend-

1 er to provide expedited processing of the  
2 loan application.

3 “(B) AUTHORITY.—The Administrator  
4 may guarantee the timely payment of an ex-  
5 press loan to a small business concern made for  
6 an export development activity.

7 “(C) LEVEL OF PARTICIPATION.—

8 “(i) MAXIMUM AMOUNT.—The max-  
9 imum amount of an express loan guaran-  
10 teed under this paragraph shall be  
11 \$500,000.

12 “(ii) PERCENTAGE.—For an express  
13 loan guaranteed under this paragraph, the  
14 Administrator shall guarantee—

15 “(I) 90 percent of a loan that is  
16 not more than \$350,000; and

17 “(II) 75 percent of a loan that is  
18 more than \$350,000 and not more  
19 than \$500,000.”.

20 (g) ANNUAL LISTING OF EXPORT FINANCE LEND-  
21 ERS.—Section 7(a)(16) of the Small Business Act (15  
22 U.S.C. 636(a)(16)) is amended by adding at the end the  
23 following:

24 “(F) LIST OF EXPORT FINANCE LEND-  
25 ERS.—

1                   “(i) PUBLICATION OF LIST RE-  
 2                   QUIRED.—The Administrator shall publish  
 3                   an annual list of the banks and partici-  
 4                   pating lending institutions that, during the  
 5                   1-year period ending on the date of publi-  
 6                   cation of the list, have made loans guaran-  
 7                   teed by the Administration under—

8                                 “(I) this paragraph;

9                                 “(II) paragraph (14); or

10                                “(III) paragraph (34).

11                   “(ii) AVAILABILITY OF LIST.—The  
 12                   Administrator shall—

13                                “(I) post the list published under  
 14                   clause (i) on the website of the Ad-  
 15                   ministration; and

16                                “(II) make the list published  
 17                   under clause (i) available, upon re-  
 18                   quest, at each district office of the  
 19                   Administration.”.

20                   (h) APPLICABILITY.—The amendments made by sub-  
 21                   sections (a) through (f) shall apply with respect to any  
 22                   loan made after the date of enactment of this Act.

23   **SEC. 7. STATE TRADE AND EXPORT PROMOTION GRANT**  
 24                   **PROGRAM.**

25                   (a) DEFINITIONS.—In this section—

1           (1) the term “eligible small business concern”  
2 means a small business concern that—

3           (A) has been in business for not less than  
4 the 1-year period ending on the date on which  
5 assistance is provided using a grant under this  
6 section;

7           (B) is operating profitably, based on oper-  
8 ations in the United States;

9           (C) has demonstrated understanding of the  
10 costs associated with exporting and doing busi-  
11 ness with foreign purchasers, including the  
12 costs of freight forwarding, customs brokers,  
13 packing and shipping, as determined by the As-  
14 sociate Administrator;

15           (D) has in effect a strategic plan for ex-  
16 porting; and

17           (E) agrees to provide to the Associate Ad-  
18 ministrator such information and documenta-  
19 tion as is necessary for the Associate Adminis-  
20 trator to determine that the small business con-  
21 cern is in compliance with the internal revenue  
22 laws of the United States;

23           (2) the term “program” means the State Trade  
24 and Export Promotion Grant Program established  
25 under subsection (b);

1           (3) the term “small business concern owned  
2           and controlled by women” has the meaning given  
3           that term in section 3 of the Small Business Act (15  
4           U.S.C. 632);

5           (4) the term “socially and economically dis-  
6           advantaged small business concern” has the mean-  
7           ing given that term in section 8(a)(4)(A) of the  
8           Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

9           (5) the term “State” means each of the several  
10          States, the District of Columbia, the Commonwealth  
11          of Puerto Rico, the Virgin Islands, Guam, and  
12          American Samoa.

13          (b) ESTABLISHMENT OF PROGRAM.—The Associate  
14          Administrator shall establish a 3-year trade and export  
15          promotion pilot program to be known as the State Trade  
16          and Export Promotion Grant Program, to make grants  
17          to States to carry out export programs that assist eligible  
18          small business concerns in—

19                 (1) participation in a foreign trade mission;

20                 (2) a foreign market sales trip;

21                 (3) a subscription to services provided by the  
22          Department of Commerce;

23                 (4) the payment of website translation fees;

24                 (5) the design of international marketing  
25          media;

- 1 (6) a trade show exhibition;
- 2 (7) participation in training workshops; or
- 3 (8) any other export initiative determined ap-  
4 propriate by the Associate Administrator.

5 (c) GRANTS.—

6 (1) JOINT REVIEW.—In carrying out the pro-  
7 gram, the Associate Administrator may make a  
8 grant to a State to increase the number of eligible  
9 small business concerns in the State that export or  
10 to increase the value of the exports by eligible small  
11 business concerns in the State.

12 (2) CONSIDERATIONS.—In making grants  
13 under this section, the Associate Administrator may  
14 give priority to an application by a State that pro-  
15 poses a program that—

16 (A) focuses on eligible small business con-  
17 cerns as part of an export promotion program;

18 (B) demonstrates success in promoting ex-  
19 ports by—

20 (i) socially and economically disadvan-  
21 taged small business concerns;

22 (ii) small business concerns owned or  
23 controlled by women; and

24 (iii) rural small business concerns;

1           (C) promotes exports from a State that is  
2 not 1 of the 10 States with the highest percent-  
3 age of exporters that are small business con-  
4 cerns, based upon the latest data available from  
5 the Department of Commerce; and

6           (D) promotes new-to-market export oppor-  
7 tunities to the People's Republic of China for  
8 eligible small business concerns in the United  
9 States.

10 (3) LIMITATIONS.—

11           (A) SINGLE APPLICATION.—A State may  
12 not submit more than 1 application for a grant  
13 under the program in any 1 fiscal year.

14           (B) PROPORTION OF AMOUNTS.—The total  
15 value of grants under the program made during  
16 a fiscal year to the 10 States with the highest  
17 percentage of exporters that are small business  
18 concerns, based upon the latest data available  
19 from the Department of Commerce, shall be not  
20 more than 50 percent of the amounts appro-  
21 priated for the program for that fiscal year.

22           (4) APPLICATION.—A State desiring a grant  
23 under the program shall submit an application at  
24 such time, in such manner, and accompanied by

1 such information as the Associate Administrator  
2 may establish.

3 (d) COMPETITIVE BASIS.—The Associate Adminis-  
4 trator shall award grants under the program on a competi-  
5 tive basis.

6 (e) FEDERAL SHARE.—The Federal share of the cost  
7 of an export program carried out using a grant under the  
8 program shall be—

9 (1) for a State that has a high export volume,  
10 as determined by the Associate Administrator, not  
11 more than 65 percent; and

12 (2) for a State that does not have a high export  
13 volume, as determined by the Associate Adminis-  
14 trator, not more than 75 percent.

15 (f) REPORTS.—

16 (1) INITIAL REPORT.—Not later than 120 days  
17 after the date of enactment of this Act, the Asso-  
18 ciate Administrator shall submit to the Committee  
19 on Small Business and Entrepreneurship of the Sen-  
20 ate and the Committee on Small Business of the  
21 House of Representatives a report, which shall in-  
22 clude—

23 (A) a description of the structure of and  
24 procedures for the program;



1 (B) a management plan for the program;  
2 and

3 (C) a description of the merit-based review  
4 process to be used in the program.

5 (2) ANNUAL REPORTS.—The Associate Admin-  
6 istrator shall submit an annual report to the Com-  
7 mittee on Small Business and Entrepreneurship of  
8 the Senate and the Committee on Small Business of  
9 the House of Representatives regarding the pro-  
10 gram, which shall include—

11 (A) the number and amount of grants  
12 made under the program during the preceding  
13 year;

14 (B) a list of the States receiving a grant  
15 under the program during the preceding year,  
16 including the activities being performed with  
17 grant; and

18 (C) the effect of each grant on exports by  
19 eligible small business concerns in the State re-  
20 ceiving the grant.

21 (g) REVIEWS BY INSPECTOR GENERAL.—

22 (1) IN GENERAL.—The Inspector General of  
23 the Administration shall conduct a review of—

24 (A) the extent to which recipients of grants  
25 under the program are measuring the perform-

1           ance of the activities being conducted and the  
2           results of the measurements; and

3                   (B) the overall management and effective-  
4           ness of the program.

5           (2) REPORT.—Not later than September 30,  
6           2012, the Inspector General of the Administration  
7           shall submit to the Committee on Small Business  
8           and Entrepreneurship of the Senate and the Com-  
9           mittee on Small Business of the House of Rep-  
10          representatives a report regarding the review conducted  
11          under paragraph (1).

12          (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
13          authorized to be appropriated to carry out the program  
14          \$15,000,000 for each of fiscal years 2010, 2011, and  
15          2012.

16          (i) TERMINATION.—The authority to carry out the  
17          program shall terminate 3 years after the date on which  
18          the Associate Administrator establishes the program.

19          **SEC. 8. RURAL EXPORT PROMOTION.**

20          Not later than 6 months after the date of enactment  
21          of this Act, the Administrator, in consultation with the  
22          Secretary of Agriculture and the Secretary of Commerce,  
23          shall submit to the Committee on Small Business and En-  
24          trepreneurship of the Senate and the Committee on Small

1 Business of the House of Representatives a report that  
2 contains—

3 (1) a description of each program of the Ad-  
4 ministration that promotes exports by rural small  
5 business concerns, including—

6 (A) the number of rural small business  
7 concerns served by the program;

8 (B) the change, if any, in the number of  
9 rural small business concerns as a result of par-  
10 ticipation in the program during the 10-year  
11 period ending on the date of enactment of this  
12 Act;

13 (C) the volume of exports by rural small  
14 business concerns that participate in the pro-  
15 gram; and

16 (D) the change, if any, in the volume of  
17 exports by rural small businesses that partici-  
18 pate in the program during the 10-year period  
19 ending on the date of enactment of this Act;

20 (2) a description of the coordination between  
21 programs of the Administration and other Federal  
22 programs that promote exports by rural small busi-  
23 ness concerns;

24 (3) recommendations, if any, for improving the  
25 coordination described in paragraph (2);

1 (4) a description of any plan by the Administra-  
 2 tion to market the international trade financing pro-  
 3 grams of the Administration through lenders that—

4 (A) serve rural small business concerns;

5 and

6 (B) are associated with financing programs  
 7 of the Department of Agriculture;

8 (5) recommendations, if any, for improving co-  
 9 ordination between the counseling programs and ex-  
 10 port financing programs of the Administration, in  
 11 order to increase the volume of exports by rural  
 12 small business concerns; and

13 (6) any additional information the Adminis-  
 14 trator determines is necessary.

15 **SEC. 9. INTERNATIONAL TRADE COOPERATION BY SMALL**  
 16 **BUSINESS DEVELOPMENT CENTERS.**

17 Section 21(a) of the Small Business Act (15 U.S.C.  
 18 648(a)) is amended—

19 (1) by striking “(2) The Small Business Devel-  
 20 opment Centers” and inserting the following:

21 “(2) COOPERATION TO PROVIDE INTER-  
 22 NATIONAL TRADE SERVICES.—

23 “(A) INFORMATION AND SERVICES.—The  
 24 small business development centers”; and

25 (2) in paragraph (2)—

1 (A) in subparagraph (A), as so designated,  
2 by inserting “(including State trade agencies),”  
3 after “local agencies”; and

4 (B) by adding at the end the following:

5 “(B) COOPERATION WITH STATE TRADE  
6 AGENCIES AND EXPORT ASSISTANCE CEN-  
7 TERS.—A small business development center  
8 that counsels a small business concern on issues  
9 relating to international trade shall—

10 “(i) consult with State trade agencies  
11 and Export Assistance Centers to provide  
12 appropriate services to the small business  
13 concern; and

14 “(ii) as necessary, refer the small  
15 business concern to a State trade agency  
16 or an Export Assistance Center for further  
17 counseling or assistance.

18 “(C) DEFINITION.—In this paragraph, the  
19 term ‘Export Assistance Center’ has the same  
20 meaning as in section 22.”.

21 **SEC. 10. SMALL BUSINESS TRADE POLICY.**

22 (a) NOTIFICATION BY USTR.—Not later than 90  
23 days before the United States Trade Representative be-  
24 gins a negotiation with regard to any trade agreement,

1 the United States Trade Representative shall notify the  
2 Administrator of the date the negotiation will begin.

3 (b) RECOMMENDATIONS.—Not later than 30 days be-  
4 fore the United States Trade Representative begins a ne-  
5 gotiation with regard to any trade agreement, the Admin-  
6 istrator shall present to the United States Trade Rep-  
7 resentative recommendations relating to the needs and  
8 concerns of small business concerns that are exporters.

○