

111TH CONGRESS  
1ST SESSION

# S. 1208

To amend the Small Business Act to improve export growth opportunities for small businesses, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 8, 2009

Ms. SNOWE 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 export growth opportunities for small businesses, 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 Opportunity Development Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

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

1           (2) the term “Export Assistance Center” means  
2 a one-stop shop referred to in section 2301(b)(8) of  
3 the Omnibus Trade and Competitiveness Act of  
4 1988 (15 U.S.C. 4721(b)(8));

5           (3) the term “export loan programs” means the  
6 programs of the Administration under paragraphs  
7 (14) and (16) of section 7(a) of the Small Business  
8 Act (15 U.S.C. 636(a)) and section 22 of that Act  
9 (15 U.S.C. 649), as amended by this Act; and

10          (4) the term “small business concern” has the  
11 same meaning as in section 3 of the Small Business  
12 Act (15 U.S.C. 632).

13 **SEC. 3. OFFICE OF SMALL BUSINESS EXPORT DEVELOP-**  
14 **MENT AND PROMOTION.**

15          (a) OFFICE OF SMALL BUSINESS EXPORT DEVELOP-  
16 MENT AND PROMOTION.—Section 22 of the Small Busi-  
17 ness Act (15 U.S.C. 649) is amended to read as follows:

18 **“SEC. 22. OFFICE OF SMALL BUSINESS EXPORT DEVELOP-**  
19 **MENT AND PROMOTION.**

20          “(a) DEFINITIONS.—In this section—

21                 “(1) the term ‘accredited export assistance pro-  
22 gram’ means a program—

23                         “(A) that provides counseling and assist-  
24 ance relating to exporting to small business  
25 concerns; and

1           “(B) in which not less than 20 percent of  
2           the technical assistance staff members are cer-  
3           tified in providing export assistance under sub-  
4           section (g)(2);

5           “(2) the term ‘Associate Administrator’ means  
6           the Associate Administrator for Export Development  
7           and Promotion;

8           “(3) the term ‘Export Assistance Center’ means  
9           a one-stop shop referred to in section 2301(b)(8) of  
10          the Omnibus Trade and Competitiveness Act of  
11          1988 (15 U.S.C. 4721(b)(8));

12          “(4) the term ‘export development officer’  
13          means an individual described in subsection (d)(8);

14          “(5) the term ‘Office’ means the Office of Ex-  
15          port Promotion and Development established under  
16          subsection (b)(1); and

17          “(6) the term ‘Service Corps of Retired Execu-  
18          tives’ means the Service Corps of Retired Executives  
19          authorized by section 8(b)(1).

20          “(b) OFFICE ESTABLISHED.—

21                 “(1) ESTABLISHMENT.—There is established  
22                 within the Administration an Office of Export Pro-  
23                 motion and Development, which shall carry out the  
24                 programs under this section.

1           “(2) ASSOCIATE ADMINISTRATOR.—The head of  
2           the Office shall be the Associate Administrator for  
3           Export Development and Promotion, who shall re-  
4           port directly to the Administrator.

5           “(c) DUTIES OF OFFICE.—The Associate Adminis-  
6           trator, working in close cooperation with the Department  
7           of Commerce, the United States Trade Representative, the  
8           Export-Import Bank, other relevant Federal agencies,  
9           small business development centers, regional and district  
10          offices of the Administration, the small business commu-  
11          nity, and relevant State and local export promotion pro-  
12          grams, shall—

13           “(1) maintain a distribution network for export  
14          promotion, export finance, trade adjustment, trade  
15          remedy assistance, and export data collection pro-  
16          grams through use of the regional and district of-  
17          fices of the Administration, the small business devel-  
18          opment center network, the network of women’s  
19          business centers, chapters of the Service Corps of  
20          Retired Executives, and Export Assistance Centers;

21           “(2) aggressively market the programs de-  
22          scribed in paragraph (1) and disseminate informa-  
23          tion, including computerized marketing data, to the  
24          small business community on exporting trends, mar-

1 ket-specific growth, industry trends, and inter-  
2 national prospects for exports;

3 “(3) promote export assistance programs  
4 through the district and regional offices of the Ad-  
5 ministration, the small business development center  
6 network, Export Assistance Centers, the network of  
7 women’s business centers, chapters of the Service  
8 Corps of Retired Executives, State and local export  
9 promotion programs, and partnerships with people  
10 in the private sector; and

11 “(4) give preference in hiring or approving the  
12 transfer of any employee into the Office or to an ex-  
13 port development officer position to otherwise quali-  
14 fied applicants who are fluent in a language in addi-  
15 tion to English, who shall—

16 “(A) accompany foreign trade missions, if  
17 designated by the Associate Administrator; and

18 “(B) be available as needed to translate  
19 documents, interpret conversations, and facili-  
20 tate multilingual transactions, including pro-  
21 viding referral lists for translation services, if  
22 required.

23 “(d) PROMOTION OF SALES OPPORTUNITIES.—The  
24 Associate Administrator shall promote sales opportunities  
25 for small business goods and services abroad by—

1           “(1) in cooperation with the Department of  
2 Commerce, other relevant agencies, regional and dis-  
3 trict offices of the Administration, the small busi-  
4 ness development center network, and State pro-  
5 grams, developing a mechanism for—

6           “(A) identifying sub-sectors of the small  
7 business community with strong export poten-  
8 tial;

9           “(B) identifying areas of demand in for-  
10 eign markets;

11           “(C) prescreening foreign buyers for com-  
12 mercial and credit purposes; and

13           “(D) assisting in increasing international  
14 marketing by disseminating relevant informa-  
15 tion regarding market leads, linking potential  
16 sellers and buyers, and catalyzing the formation  
17 of joint ventures, where appropriate;

18           “(2) in cooperation with the Department of  
19 Commerce, actively assisting small business concerns  
20 in forming and using export trading companies, ex-  
21 port management companies and research and devel-  
22 opment pools authorized under section 9 of this Act;

23           “(3) working in conjunction with other Federal  
24 agencies, regional and district offices of the Admin-  
25 istration, the small business development center net-

1 work, and the private sector to identify and publicize  
2 translation services, including those available  
3 through colleges and universities participating in the  
4 small business development center program;

5 “(4) working closely with the Department of  
6 Commerce and other relevant Federal agencies to—

7 “(A) collect, analyze, and periodically up-  
8 date relevant data regarding the small business  
9 share of United States exports and the nature  
10 of State exports (including the production of  
11 Gross State Product figures) and disseminate  
12 that data to the public and to Congress;

13 “(B) make recommendations to the Sec-  
14 retary of Commerce and to Congress regarding  
15 revision of the North American Industry Classi-  
16 fication System codes to encompass industries  
17 currently overlooked and to create North Amer-  
18 ican Industry Classification System codes for  
19 export trading companies and export manage-  
20 ment companies;

21 “(C) improve the utility and accessibility of  
22 export promotion programs for small business  
23 concerns; and

1           “(D) increase the accessibility of the Ex-  
2           port Trading Company contact facilitation serv-  
3           ice;

4           “(5) making available to the small business  
5           community information regarding conferences on ex-  
6           porting and international trade sponsored by the  
7           public and private sector;

8           “(6) providing small business concerns with ac-  
9           cess to up-to-date and complete export information  
10          by—

11           “(A) making available at the district of-  
12           fices of the Administration, through cooperation  
13           with the Department of Commerce, export in-  
14           formation, including the worldwide information  
15           and trade system and world trade data reports;

16           “(B) maintaining a list of financial institu-  
17           tions that finance export operations;

18           “(C) maintaining a directory of all Fed-  
19           eral, regional, State and private sector pro-  
20           grams that provide export information and as-  
21           sistance to small business concerns; and

22           “(D) preparing and publishing such re-  
23           ports as it determines to be necessary con-  
24           cerning market conditions, sources of financing,  
25           export promotion programs, and other informa-



1           tion pertaining to the needs of small business  
2           export firms so as to insure that the maximum  
3           information is made available to small business  
4           concerns in a readily usable form;

5           “(7) encouraging, in cooperation with the De-  
6           partment of Commerce, greater small business par-  
7           ticipation in trade fairs, shows, missions, and other  
8           domestic and overseas export development activities  
9           of the Department of Commerce;

10          “(8) facilitating decentralized delivery of export  
11          information and assistance to small businesses by  
12          assigning primary responsibility for export develop-  
13          ment to one individual in each district office, who  
14          shall—

15                 “(A) assist small business concerns in ob-  
16                 taining export information and assistance from  
17                 other Federal departments and agencies;

18                 “(B) maintain a directory of all programs  
19                 which provide export information and assistance  
20                 to small business concerns in the region;

21                 “(C) encourage financial institutions to de-  
22                 velop and expand programs for export financ-  
23                 ing;

24                 “(D) provide advice to personnel of the  
25                 Administration involved in making loans, loan

1           guarantees, and extensions and revolving lines  
2           of credit, and providing other forms of assist-  
3           ance to small business concerns engaged in ex-  
4           ports; and

5           “(E) not later than 120 days after the  
6           date on which the person is appointed as an ex-  
7           port development officer, and not less fre-  
8           quently than once each year thereafter, partici-  
9           pate in training programs designed by the Ad-  
10          ministrator, in conjunction with the Depart-  
11          ment of Commerce and other Federal depart-  
12          ments and agencies, to study export programs  
13          and to examine the needs of small business con-  
14          cerns for export information and assistance;

15          “(9) carrying out a nationwide marketing effort  
16          to promote exporting as a business development op-  
17          portunity for small business concerns that uses tech-  
18          nology, online resources, training, and other strate-  
19          gies;

20          “(10) disseminating information to the small  
21          business community through regional and district of-  
22          fices of the Administration, the small business devel-  
23          opment center network, Export Assistance Centers,  
24          the network of women’s business centers, chapters of  
25          the Service Corps of Retired Executives, State and

1 local export promotion programs, and partners in  
2 the private sector regarding exporting trends, mar-  
3 ket-specific growth, industry trends, and prospects  
4 for exporting; and

5 “(11) establishing and carrying out training  
6 programs for the staff of the district offices of the  
7 Administration and resource partners of the Admin-  
8 istration on export promotion and providing assist-  
9 ance relating to exports.

10 “(e) EXPORT FINANCE SPECIALIST PROGRAM.—

11 “(1) EXPORT FINANCE SPECIALIST PRO-  
12 GRAM.—The Associate Administrator shall work in  
13 cooperation with the Export-Import Bank of the  
14 United States, the Department of Commerce, other  
15 relevant Federal agencies, and the States to develop  
16 a program through which export finance specialists  
17 in the district offices of the Administration, regional  
18 and local loan officers, and small business develop-  
19 ment center personnel can facilitate the access of  
20 small business concerns to relevant export financing  
21 programs of the Export-Import Bank of the United  
22 States and to export and pre-export financing pro-  
23 grams available from the Administration and the  
24 private sector.

1           “(2) PROGRAM ACTIVITIES.—To carry out  
2 paragraph (1), the Associate Administrator shall  
3 work in cooperation with the Export-Import Bank of  
4 the United States and the small business commu-  
5 nity, including small business trade associations,  
6 to—

7           “(A) aggressively market Administration  
8 export financing and pre-export financing pro-  
9 grams;

10           “(B) identify financing available under  
11 various programs of the Export-Import Bank of  
12 the United States, and aggressively market  
13 those programs to small business concerns;

14           “(C) assist in the development of financial  
15 intermediaries and facilitate the access of those  
16 intermediaries to financing programs;

17           “(D) promote greater participation by pri-  
18 vate financial institutions, particularly those in-  
19 stitutions already participating in loan pro-  
20 grams under this Act, in export finance; and

21           “(E) provide for the participation of appro-  
22 priate Administration personnel in training pro-  
23 grams conducted by the Export-Import Bank of  
24 the United States.

1       “(f) COUNSELING FOR SMALL BUSINESS CON-  
2 CERNS.—The Associate Administrator shall—

3           “(1) work in cooperation with other Federal  
4 agencies and the private sector to counsel small  
5 business concerns with respect to initiating and par-  
6 ticipating in any proceedings relating to the adminis-  
7 tration of the United States trade laws; and

8           “(2) work with the Department of Commerce,  
9 the Office of the United States Trade Representa-  
10 tive, and the International Trade Commission to in-  
11 crease access to trade remedy proceedings for small  
12 business concerns.

13       “(g) EXPORT ASSISTANCE PROGRAMS.—

14           “(1) IN GENERAL.—The Associate Adminis-  
15 trator shall require, as part of the agreement under  
16 section 21, that each small business development  
17 center has an accredited export assistance program.

18           “(2) CERTIFICATION.—The Associate Adminis-  
19 trator shall certify technical assistance staff mem-  
20 bers of small business development centers in pro-  
21 viding export assistance, in accordance with such cri-  
22 teria as the Associate Administrator may establish.

23           “(3) TRAINING.—The Associate Administrator  
24 shall provide training relating to export assistance

1 programs at the annual conference of small business  
2 development centers.

3 “(4) REPORT.—The Associate Administrator  
4 shall submit an annual report to Congress that in-  
5 cludes—

6 “(A) the number of small business con-  
7 cerns assisted by accredited export assistance  
8 programs;

9 “(B) the export revenue generated by  
10 small business concerns assisted by accredited  
11 export assistance programs; and

12 “(C) an estimate of the number of jobs  
13 created or retained because of assistance pro-  
14 vided by accredited export assistance programs.

15 “(h) EXPORT ASSISTANCE OFFICER.—The Associate  
16 Administrator shall—

17 “(1) assign an export assistance officer with  
18 training in export assistance and marketing to each  
19 district office of the Administration, who shall—

20 “(A) conduct training and information ses-  
21 sions for small business concerns interested in  
22 exporting; and

23 “(B) conduct outreach to small business  
24 concerns with the potential to export; and

1           “(2) provide annual training for export assist-  
2           ance officers.

3           “(i) EXPORT DEVELOPMENT GRANT PROGRAM.—

4           “(1) DEFINITIONS.—In this subsection—

5           “(A) the term ‘eligible small-business con-  
6           cern’ means a small-business concern—

7           “(i) that—

8           “(I) has been in business for not  
9           less than 1 year;

10           “(II) has profitable domestic  
11           sales;

12           “(III) has demonstrated under-  
13           standing of the costs associated with  
14           exporting and doing business with for-  
15           eign purchasers, including the costs of  
16           freight forwarding, customs brokers,  
17           packing and shipping, as determined  
18           by the Administrator; and

19           “(IV) has in place a strategic  
20           plan for exporting;

21           “(ii) an employee of which has com-  
22           pleted an accredited export assistance pro-  
23           gram; and

24           “(iii) that agrees to provide to the As-  
25           sociate Administrator such information

1 and documentation as is necessary for the  
2 Associate Administrator to determine that  
3 the small-business concern is in compliance  
4 with the internal revenue laws of the  
5 United States;

6 “(B) the term ‘export initiative’ includes—

7 “(i) participation in a trade mission;

8 “(ii) a foreign market sales trip;

9 “(iii) a subscription to services pro-  
10 vided by the Department of Commerce;

11 “(iv) the payment of website trans-  
12 lation fees;

13 “(v) the design of international mar-  
14 keting media;

15 “(vi) a trade show exhibition; and

16 “(vii) participation in training work-  
17 shops; and

18 “(C) the term ‘small-business concern’ has  
19 the same meaning as in section 103 of the  
20 Small Business Investment Act of 1958 (15  
21 U.S.C. 662).

22 “(2) GRANT PROGRAM.—The Associate Admin-  
23 istrator shall establish an export development grant  
24 program, under which the Associate Administrator  
25 may make grants to eligible small-business concerns



1 to enhance the capability of the eligible small-busi-  
2 ness concerns to be globally competitive, increase  
3 business internationally, and increase export sales.

4 “(3) APPLICATION.—An eligible small-business  
5 concern that desires a grant under this subsection  
6 shall submit to the Associate Administrator at such  
7 time and in such manner as the Associate Adminis-  
8 trator shall prescribe an application that identifies  
9 not less than 1 specific, achievable export initiative  
10 that the eligible small-business concern will carry out  
11 using a grant under this subsection.

12 “(4) AMOUNT.—A grant under this subsection  
13 may not exceed \$5,000.

14 “(5) MATCHING FUNDS.—The Federal share of  
15 the cost of an export initiative carried out with a  
16 grant under this subsection shall be not more than  
17 50 percent. The non-Federal share of the cost of an  
18 activity carried out with a grant under this sub-  
19 section may be in kind or in cash.

20 “(6) INFORMATION AND DOCUMENTATION.—An  
21 eligible small-business concern that receives a grant  
22 under this subsection shall provide to the Associate  
23 Administrator—

24 “(A) receipts for all expenditures made  
25 with the grant; and

1           “(B) information relating to any export  
2           sales resulting from the grant.

3           “(7) AUTHORIZATION OF APPROPRIATIONS.—

4           There are authorized to be appropriated to carry out  
5           this section \$25,000,000 for fiscal year 2010 and  
6           each fiscal year thereafter.

7           “(j) PERFORMANCE MEASURES.—

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

13                 “(A) the number of small business con-  
14                 cerns that—

15                         “(i) receive assistance from the Ad-  
16                         ministration;

17                         “(ii) had not exported goods or serv-  
18                         ices before receiving the assistance de-  
19                         scribed in clause (i); and

20                         “(iii) export goods or services;

21                 “(B) the number of small business con-  
22                 cerns receiving assistance from the Administra-  
23                 tion that export goods or services to a market  
24                 outside the United States into which the small

1 business concern did not export before receiving  
2 the assistance;

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

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

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

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

1           “(3) REPORTS.—The Associate Administrator  
2 shall submit an annual report to the Committee on  
3 Small Business and Entrepreneurship of the Senate  
4 and the Committee on Small Business of the House  
5 of Representatives that includes—

6                   “(A) a detailed account of the information  
7 relating to the performance measures described  
8 in paragraph (1); and

9                   “(B) a description of the export assistance  
10 and services provided to small business con-  
11 cerns by the Administration.

12           “(k) REPORT.—The Associate Administrator shall  
13 submit an annual report to the Committee on Small Busi-  
14 ness and Entrepreneurship of the Senate and the Com-  
15 mittee on Small Business of the House of Representatives  
16 on the progress of the Administration in implementing the  
17 requirements under this section.

18           “(l) DISCHARGE OF ADMINISTRATION EXPORT PRO-  
19 MOTION RESPONSIBILITIES.—The Administrator shall en-  
20 sure that—

21                   “(1) the responsibilities of the Administration  
22 regarding international trade and exporting are car-  
23 ried out through the Associate Administrator;

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

1           “(3) the Associate Administrator has direct su-  
2           pervision and control over the staff of the Office,  
3           and over any employee of the Administration whose  
4           principal duty station is an Export Assistance Cen-  
5           ter or any successor entity.”.

6           (b) EXPORT DEVELOPMENT OFFICERS.—

7           (1) APPOINTMENT.—Not later than 90 days  
8           after the date of enactment of this Act, the Adminis-  
9           trator shall ensure that export development officers  
10          are assigned to each district office of the Adminis-  
11          tration, in accordance with section 22(d)(8) of the  
12          Small Business Act, as amended by this section.

13          (2) DEFINITION.—In this subsection, the term  
14          “export development officer” has the meaning given  
15          that term in section 22 of the Small Business Act  
16          (15 U.S.C. 649), as amended by this Act.

17          (c) EXPORT ASSISTANCE CENTERS.—

18          (1) VACANT POSITIONS.—Not later than 90  
19          days after the date of enactment of this Act, the Ad-  
20          ministrators shall ensure that the number of full-time  
21          equivalent employees of the Office of Export Devel-  
22          opment and Promotion assigned to the Export As-  
23          sistance Centers is not less than the number of such  
24          employees so assigned on January 1, 2003.

1           (2) EXPORT DEVELOPMENT OFFICERS.—Not  
2 later than 2 years after the date of enactment of  
3 this Act, the Administrator, in coordination with the  
4 Secretary of Commerce, shall ensure that export fi-  
5 nance specialists are assigned to not fewer than 40  
6 Export Assistance Centers.

7           (3) STUDY.—Not later than 6 months after the  
8 date of enactment of this Act, the Associate Admin-  
9 istrator for Export Development and Promotion  
10 shall carry out a nationwide study to evaluate where  
11 additional export finance specialists are needed.

12           (4) DEFINITION.—In this subsection, the term  
13 “export finance specialist” means an export finance  
14 specialist described in section 22(e)(1) of the Small  
15 Business Act (15 U.S.C. 649(e)(1)), as amended by  
16 this section.

17           (d) APPOINTMENT OF ASSOCIATE ADMINIS-  
18 TRATOR.—Not later than 90 days after the date of enact-  
19 ment of this Act, the Administrator shall appoint an Asso-  
20 ciate Administrator for Export Development and Pro-  
21 motion under section 22 of the Small Business Act (15  
22 U.S.C. 649), as amended by this section.

23           (e) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) NUMBER OF ASSOCIATE ADMINISTRA-  
2           TORS.—Section 4(b)(1) of the Small Business Act  
3           (15 U.S.C. 633(b)(1)) is amended—

4                   (A) in the fifth sentence, by striking  
5                   “five”; and

6                   (B) by adding at the end the following:  
7                   “One of the Associate Administrators shall be  
8                   the Associate Administrator for Export Devel-  
9                   opment and Promotion, who shall be the head  
10                  of the Office of Export Development and Pro-  
11                  motion established under section 22.”.

12           (2) ROLE OF ASSOCIATE ADMINISTRATOR IN  
13           CARRYING OUT INTERNATIONAL TRADE AND EXPORT  
14           POLICY.—Section 2(b)(1) of the Small Business Act  
15           (15 U.S.C. 631(b)(1)) is amended in the matter pre-  
16           ceding subparagraph (A) by inserting “through the  
17           Associate Administrator for Export Development  
18           and Promotion of” before “the Small Business Ad-  
19           ministration”.

20 **SEC. 4. EXPORT FINANCE PROGRAMS.**

21           (a) EXPORT WORKING CAPITAL PROGRAM.—Section  
22           7(a) of the Small Business Act (15 U.S.C. 636(a)) is  
23           amended—

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

1 (2) in paragraph (14)—

2 (A) by striking “(A) The Administration”  
3 and inserting the following: “EXPORT WORKING  
4 CAPITAL PROGRAM.—

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

6 (B) by striking “(B) When considering”  
7 and inserting the following:

8 “(C) CONSIDERATIONS.—When consid-  
9 ering”;

10 (C) by striking “(C) The Administration”  
11 and inserting the following:

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

13 and

14 (D) by inserting after subparagraph (A)  
15 the following:

16 “(B) TERMS.—

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

20 “(ii) FEES.—

21 “(I) IN GENERAL.—For a loan  
22 under this paragraph, the Adminis-  
23 trator shall collect the fee assessed  
24 under paragraph (23) not more fre-  
25 quently than once each year.



1                   “(II) UNTAPPED CREDIT.—The  
2                   Administrator may not assess a fee on  
3                   capital that is not accessed by the  
4                   small business concern.”.

5           (b) PARTICIPATION IN PREFERRED LENDERS PRO-  
6   GRAM.—Section 7(a)(2)(C) of the Small Business Act (15  
7   U.S.C. 636(a)(2)(C)) is amended—

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

9           and

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

11                   “(ii) EXPORT-IMPORT BANK LEND-  
12                   ERS.—Any lender that is participating in  
13                   the Delegated Authority Lender Program  
14                   of the Export-Import Bank of the United  
15                   States (or any successor to the Program)  
16                   shall be eligible to participate in the Pre-  
17                   ferred Lenders Program.”.

18          (c) EXPORT EXPRESS PROGRAM.—Section 7(a) of  
19   the Small Business Act (15 U.S.C. 636(a)) is amended—

20          (1) by striking “(32) INCREASED VETERAN”

21          and inserting “(33) INCREASED VETERAN”; and

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

23                   “(34) EXPORT EXPRESS PROGRAM.—

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

1                   “(i) the term ‘export development ac-  
2                   tivity’ includes—

3                   “(I) obtaining a standby letter of  
4                   credit when required as a bid bond,  
5                   performance bond, or advance pay-  
6                   ment guarantee;

7                   “(II) participation in a trade  
8                   show that takes place outside the  
9                   United States;

10                  “(III) translation of product bro-  
11                  chures or catalogues for use in mar-  
12                  kets outside the United States;

13                  “(IV) obtaining a general line of  
14                  credit for export purposes;

15                  “(V) performing a service con-  
16                  tract from buyers located outside the  
17                  United States;

18                  “(VI) obtaining transaction-spe-  
19                  cific financing associated with com-  
20                  pleting export orders;

21                  “(VII) purchasing real estate or  
22                  equipment to be used in the produc-  
23                  tion of goods or services for export;

24                  “(VIII) providing term loans or  
25                  other financing to enable a small busi-

1           ness concern, including an export  
2           trading company and an export man-  
3           agement company, to develop a mar-  
4           ket outside the United States; and

5                   “(IX) acquiring, constructing,  
6                   renovating, modernizing, improving,  
7                   or expanding a production facility or  
8                   equipment to be used in the United  
9                   States in the production of goods or  
10                  services for export; and

11                  “(ii) the term ‘express loan’ means a  
12                  loan in which a lender uses to the max-  
13                  imum extent practicable the loan analyses,  
14                  procedures, and documentation of the lend-  
15                  er to provide expedited processing of the  
16                  loan application.

17                  “(B) AUTHORITY.—The Administrator  
18                  may guarantee the timely payment of an ex-  
19                  press loan to a small business concern made for  
20                  an export development activity.

21                  “(C) LEVEL OF PARTICIPATION.—

22                   “(i) MAXIMUM AMOUNT.—The max-  
23                   imum amount of an express loan guaran-  
24                   teed under this paragraph shall be  
25                   \$500,000.

1                   “(ii) PERCENTAGE.—For an express  
2                   loan guaranteed under this paragraph, the  
3                   Administrator shall guarantee—

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

6                                 “(II) 75 percent of a loan that is  
7                                 more than \$350,000 and not more  
8                                 than \$500,000.”.

9           (d) INTERNATIONAL TRADE LOANS.—Section 7(a) of  
10 the Small Business Act (15 U.S.C. 636(a)) is amended—

11                   (1) in paragraph (3)(B), by striking  
12                   “\$1,750,000, of which not more than \$1,250,000”  
13                   and inserting “\$5,000,000, of which not more than  
14                   \$4,000,000”; and

15                   (2) in paragraph (16)—

16                                 (A) in subparagraph (B), by striking “a  
17                                 first lien position” and all that follows and in-  
18                                 serting “such collateral as is determined ade-  
19                                 quate by the Administrator.”;

20                                 (B) in subparagraph (D), by striking  
21                                 clauses (i) and (ii) and inserting the following:

22                                         “(i) is confronting—

23                                                 “(I) increased competition with  
24                                                 foreign firms in the relevant market;

25                                                 or

1                   “(II) an unfair trade practice by  
2                   a foreign firm, particularly intellectual  
3                   property violations; and

4                   “(ii) is injured by the competition or  
5                   unfair trade practice.”; and

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

7                   “(F) GUARANTEE.—For a loan guaranteed  
8                   under this paragraph, the Administrator shall  
9                   guarantee 90 percent of the loan.

10                  “(G) DEFINITION.—In this paragraph, the  
11                  term ‘small business concern’ has the meaning  
12                  given the term ‘small-business concern’ in sec-  
13                  tion 103 of the Small Business Investment Act  
14                  of 1958 (15 U.S.C. 662).”.

15                  (e) TECHNICAL AND CONFORMING AMENDMENTS.—  
16 Section 7 of the Small Business Act (15 U.S.C. 636) is  
17 amended—

18                  (1) in subsection (a)—

19                         (A) in paragraph (2)(A), in the matter  
20                         preceding clause (i), by inserting “or (D) of this  
21                         paragraph or in paragraph (16) or (34)” after  
22                         “in subparagraph (B)”;

23                         (B) in paragraph (3), in the matter pre-  
24                         ceding subparagraph (A), by striking “No” and

1 inserting “Except as provided in paragraph  
2 (14)(B), no”; and  
3 (2) in subsection (c)—  
4 (A) in paragraph (1)—  
5 (i) in subparagraph (D), by striking  
6 “Lender” and inserting “Lenders”;  
7 (ii) in subparagraph (E)—  
8 (I) by striking “Lender” and in-  
9 serting “Lenders”; and  
10 (II) by striking “subsection  
11 (a)(2)(C)(ii)” and inserting “sub-  
12 section (a)(2)(C)(iii)”; and  
13 (B) in paragraph (7)(B)(ii), by striking  
14 “Lender” and inserting “Lenders”.

15 **SEC. 5. MARKETING OF EXPORT LOANS.**

16 The Administrator shall make efforts to expand the  
17 network of lenders participating in the export loan pro-  
18 grams, including by—

- 19 (1) conducting outreach to regional and com-  
20 munity lenders through the staff of the Administra-  
21 tion assigned to Export Assistance Centers or to dis-  
22 trict offices of the Administration;
- 23 (2) developing a lender training program re-  
24 garding the export loan programs for employees of  
25 lenders;

1           (3) simplifying and streamlining the applica-  
2           tion, processing, and reporting processes for the ex-  
3           port loan programs; and

4           (4) establishing online, paperless processing and  
5           application submission for the export loan programs.

6 **SEC. 6. SMALL BUSINESS TRADE POLICY.**

7           (a) ASSISTANT UNITED STATES TRADE REPRESENT-  
8           ATIVE FOR SMALL BUSINESS.—Section 141(c) of the  
9           Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

10           (1) by adding at the end the following:

11           “(6)(A) There is established within the Office the po-  
12           sition of Assistant United States Trade Representative for  
13           Small Business, who shall be appointed by the United  
14           States Trade Representative.

15           “(B) The Assistant United States Trade Representa-  
16           tive for Small Business shall—

17           “(i) promote the trade interests of small-busi-  
18           ness concerns (as that term is defined in section 103  
19           of the Small Business Investment Act of 1958 (15  
20           U.S.C. 662));

21           “(ii) advocate for the reduction of foreign trade  
22           barriers with regard to the trade issues of small-  
23           business concerns that are exporters;

1           “(iii) collaborate with the Administrator of the  
2           Small Business Administration with regard to the  
3           trade issues of small-business concern trade issues;

4           “(iv) assist the United States Trade Represent-  
5           ative in developing trade policies that increase op-  
6           portunities for small-business concerns in foreign  
7           and domestic markets, including polices that reduce  
8           trade barriers for small-business concerns; and

9           “(v) perform such other duties as the United  
10          States Trade Representative may direct.”; and

11          (2) by moving paragraph (5) 2 ems to the left.

12          (b) TRADE PROMOTION COORDINATING COM-  
13          MITTEE.—

14          (1) DETAILEE.—Section 2312 of the Export  
15          Enhancement Act of 1988 (15 U.S.C. 4727) is  
16          amended by adding at the end the following:

17          “(g) SMALL BUSINESS ADMINISTRATION.—The Ad-  
18          ministrators of the Small Business Administration shall de-  
19          tail an employee of the Small Business Administration  
20          having expertise in export promotion to the TPCC to en-  
21          courage the TPCC to—

22          “(1) collaborate with the Small Business Ad-  
23          ministration with regard to trade promotion efforts;  
24          and



1           “(2) consider the interests of small-business  
2 concerns (as that term is defined in section 103 of  
3 the Small Business Investment Act of 1958 (15  
4 U.S.C. 662)) in the development of trade promotion  
5 policies and programs.”.

6           (2) NATIONAL EXPORT STRATEGY.—Section  
7 2312 of the Export Enhancement Act of 1988 (15  
8 U.S.C. 4727) is amended—

9           (A) in subsection (c)—

10           (i) in paragraph (5), by striking  
11 “and” at the end;

12           (ii) in paragraph (6), by striking the  
13 period at the end and inserting “; and”;  
14 and

15           (iii) by adding at the end the fol-  
16 lowing:

17           “(7) include an export strategy for small-busi-  
18 ness concerns (as that term is defined in section 103  
19 of the Small Business Investment Act of 1958 (15  
20 U.S.C. 662)), which shall—

21           “(A) be developed by the Administrator of  
22 the Small Business Administration; and

23           “(B) include strategies to—

24           “(i) increase export opportunities for  
25 small-business concerns;

1           “(ii) protect small-business concerns  
2           from unfair trade practices, including intel-  
3           lectual property violations;

4           “(iii) assist small-business concerns  
5           with international regulatory compliance  
6           requirements; and

7           “(iv) coordinate policy and program  
8           efforts throughout the United States with  
9           the TPCC, the Department of Commerce,  
10          and the Export Import Bank of the United  
11          States.”; and

12          (B) in subsection (f), in paragraph (1), by  
13          inserting “(including implementation of the ex-  
14          port strategy for small business concerns de-  
15          scribed in paragraph (7) of that subsection)”  
16          after “the implementation of such plan”.

17          (c) RECOMMENDATIONS ON TRADE AGREEMENTS.—

18           (1) NOTIFICATION BY USTR.—Not later than  
19          90 days before the United States Trade Representa-  
20          tive begins a negotiation with regard to any trade  
21          agreement, the United States Trade Representative  
22          shall notify the Administrator of the date the nego-  
23          tiation will begin.

24           (2) RECOMMENDATIONS.—Not later than 30  
25          days before the United States Trade Representative

1 begins a negotiation with regard to any trade agree-  
2 ment, the Administrator shall present to the United  
3 States Trade Representative recommendations relat-  
4 ing to the needs and concerns of small business con-  
5 cerns that are exporters.

6 (d) TRADE DISPUTES.—The Administrator shall  
7 carry out a comprehensive program to provide technical  
8 assistance, counseling, and reference materials to small  
9 business concerns relating to resources, procedures, and  
10 requirements for mechanisms to resolve international  
11 trade disputes or address unfair international trade prac-  
12 tices under international trade agreements or Federal law,  
13 including—

14 (1) directing the district offices of the Adminis-  
15 tration to provide referrals, information, and other  
16 services to small business concerns relating to the  
17 mechanisms;

18 (2) entering agreements and partnerships with  
19 providers of legal services relating to the mecha-  
20 nisms, to ensure small business concerns may  
21 affordably use the mechanisms; and

22 (3) in consultation with the Director of the  
23 United States Patent and Trademark Office and the  
24 Register of Copyrights, designing counseling services

- 1 and materials for small business concerns regarding
- 2 intellectual property protection in other countries.

