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# One Hundred Sixteenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Thursday,  
the third day of January, two thousand and nineteen*

## An Act

Making further consolidated appropriations for the fiscal year ending September 30, 2020, and for other purposes.

*Be it enacted by the Senate and House of Representatives  
of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Further Consolidated Appropriations Act, 2020”.

DIVISION G—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND  
RELATED PROGRAMS APPROPRIATIONS ACT, 2020

Title I—Department of State and Related Agency  
Title II—United States Agency for International Development  
Title III—Bilateral Economic Assistance  
Title IV—International Security Assistance  
Title V—Multilateral Assistance  
Title VI—Export and Investment Assistance  
Title VII—General Provisions

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## TITLE VII—CHAMPIONING AMERICAN BUSINESS THROUGH DIPLOMACY

### SEC. 701. SHORT TITLE.

This title may be cited as the “Championing American Business Through Diplomacy Act of 2019”.

### SEC. 702. FINDINGS.

Congress makes the following findings:

(1) According to the 2017 National Security Strategy of the United States of America, “Retaining our position as the

world's preeminent economic actor strengthens our ability to use the tools of economic diplomacy for the good of Americans and others.”

(2) A November 7, 2018, cable from Secretary of State Michael R. Pompeo to all diplomatic and consular posts—“Boosting Commercial Diplomacy Around the World”—stated that “helping American companies is a foreign policy priority. . . Promoting broad-based, responsible, and sustainable economic growth helps to stabilize regions and creates new and growing markets for U.S. companies. A transparent and level playing field for U.S. investment in these countries counters real and growing challenges such as China’s Belt and Road initiative.”

(3) In the January–February 2019 issue of *The Foreign Service Journal*, Ambassador Barbara Stephenson, the President of the American Foreign Service Association, wrote, “Foreign Service support for American business. . . is a major reason why the U.S. Foreign Service was created.”

**SEC. 703. ECONOMIC DIPLOMACY WITHIN THE DEPARTMENT OF STATE.**

Subsection (c) of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

- (1) by redesignating paragraph (3) as paragraph (4); and
- (2) by inserting after paragraph (2) the following new paragraph:

“(3) ASSISTANT SECRETARY FOR ECONOMIC AND BUSINESS MATTERS.—

“(A) IN GENERAL.—Subject to the numerical limitation specified in paragraph (1), there is authorized to be established in the Department of State an Assistant Secretary of State who shall be responsible to the Secretary of State for matters pertaining to international economics and business matters in the conduct of foreign policy.

“(B) MATTERS CONTEMPLATED.—The matters referred to in subparagraph (A) include the following:

- “(i) International trade and investment policy.
- “(ii) International finance, economic development, and debt policy.
- “(iii) Economic sanctions and combating terrorist financing.
- “(iv) International transportation policy.
- “(v) Support for United States businesses.
- “(vi) Economic policy analysis and private sector outreach.
- “(vii) International data privacy and innovation policies.
- “(viii) Such other related duties as the Secretary may from time to time designate.”

**SEC. 704. CHIEF OF MISSION RESPONSIBILITIES.**

Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended by adding at the end the following new subsection:

“(d) PROMOTION OF UNITED STATES ECONOMIC INTERESTS.—Each chief of mission to a foreign country shall have as a principal duty the promotion of United States economic and commercial interests in such country.”

**SEC. 705. INCREASED TRAINING IN ECONOMIC AND COMMERCIAL DIPLOMACY.**

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

“(d) **ECONOMIC AND COMMERCIAL DIPLOMACY.**—The Secretary of State, with the assistance of other relevant officials and the private sector, shall establish as part of the standard training provided for economic and commercial officers of the Foreign Service, chiefs of mission, and deputy chiefs of mission, training on matters related to economic and commercial diplomacy, with particular attention to market access and other elements of an enabling framework for United States businesses, commercial advocacy, and United States foreign economic policy, in addition to awareness about the support of the United States Government available to United States businesses, including support provided by the Department of Agriculture, the Department of Commerce, the Export-Import Bank of the United States, the Millennium Challenge Corporation, the Trade and Development Agency, the Department of the Treasury, the United States Agency for International Development, and the United States International Development Finance Corporation.”.

**SEC. 706. REPORT FROM EACH MISSION ON MATTERS OF COMMERCIAL RELATIONS.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the chief of mission at each bilateral diplomatic mission of the United States and the Director of the American Institute in Taiwan shall submit to the Secretary of State mission plans that include the following:

(1) Data and other information regarding actions taken by each such mission or Institute during the previous year to foster commercial relations and safeguard United States economic and business interests in the country or region in which each such chief of mission and the Director serves.

(2) Each such mission’s and Institute’s anticipated economic and commercial priorities for the coming year.

(b) **REPORT TO CONGRESS.**—The Secretary of State, after receiving the information required under subsection (a), shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report, disaggregated by country or region, on activities and initiatives, including with appropriate examples, to create an enabling environment and otherwise promote United States economic and business interests in each such country or region, as well as information about significant foreign competition to United States businesses in the relevant country or region, including state-directed investments by foreign governments and United States strategic competitors in such country or region.

**SEC. 707. CONSOLIDATED REPORT ON UNIFIED INVESTMENT CLIMATE STATEMENT AND COUNTRY COMMERCIAL GUIDE.**

(a) **IN GENERAL.**—The Secretary of State and the Secretary of Commerce shall jointly produce and make publicly available on a United States Government internet website an annual country- and region-specific report regarding commercial relations with foreign countries and regions and safeguarding United States economic and business interests abroad, including with regard to United

States exports and investments, including by small- and medium-size enterprises.

(b) MATTERS TO BE INCLUDED.—Each report required under subsection (a) shall include the following with respect to each country or region covered by each such report:

(1) Information about doing business in each country or region.

(2) Background information about each country's or region's political environment.

(3) Information about selling United States products and services in each country or region.

(4) Leading sectors for United States exports and investment in each country or region.

(5) Information about trade regulations, customs, and standards in each country or region, such as—

(A) information on import tariffs; and

(B) documentation about which United States businesses should be aware when exporting, including any prohibited items or temporary entry procedures.

(6) Investment climate statements describing each country's or region's openness to foreign investments, such as information relating to each country's or region's—

(A) investment policies;

(B) market barriers;

(C) business risks;

(D) legal and regulatory system, including dispute resolution;

(E) level of public and private sector corruption;

(F) level of political violence and instability;

(G) adherence to internationally recognized core labor standards; and

(H) protection of property rights.

(7) Information about trade and project financing in each country or region, such as each country's or region's—

(A) banking and financial system, and how United States businesses typically get paid;

(B) foreign exchange controls; and

(C) important sources of funding for project financing.

(8) Relevant business travel information and business customs in each country or region.

(9) Information about services and personnel of the diplomatic mission of the United States available to United States businesses to support their activities in each country or region.

(10) Any significant trade or commercial agreement that exists between the United States and each country or region.

(11) A point of contact at the diplomatic or consular mission of the United States in each country or region for United States businesses.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require the duplication of existing reports.

**SEC. 708. WHOLE-OF-GOVERNMENT COORDINATION AND CONSULTATION TO SUPPORT UNITED STATES ECONOMIC AND BUSINESS INTERESTS.**

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Commerce, the Secretary of the

Treasury, and the United States Trade Representative, shall have primary responsibility for coordinating a whole-of-government effort to expand United States efforts in supporting United States economic and business interests abroad. The Secretary may delegate responsibilities under this Act to a senior, Senate-confirmed Department of State official.

(b) RESPONSIBILITIES.—The Secretary shall—

(1) chair the interagency coordinating committee established under subsection (c);

(2) develop and implement the joint strategic plan required under subsection (c)(4) for all United States trade-related and trade capacity building and related technical assistance programs, in consultation with the coordinating committee established under subsection (c);

(3) advise the Federal departments and agencies designated by the President to participate in the interagency coordinating committee under this section in identifying the most needed and effective ways for United States diplomatic and consular posts and the departments and agencies that staff such posts to support the expansion of United States trade relations with host governments;

(4) consult with the private sector in the development of government-wide trade expansion efforts, including establishing a point of contact and lead office within the Department of State to receive private-sector recommendations and comments concerning trade capacity assistance, coordination, consultations, and country-specific issues;

(5) consult with the Office of Management and Budget regarding the administrative and human resources needs that may be required to implement the provisions of this title; and

(6) brief Congress on trade capacity building programs and make recommendations, as appropriate, to Congress for improvements in trade capacity building efforts.

(c) ECONOMIC DIPLOMACY ACTION GROUP.—

(1) ESTABLISHMENT.—The President shall establish an interagency coordinating committee, to be known as the “Economic Diplomacy Action Group”, to coordinate and carry out the purposes of this section.

(2) LEADERSHIP.—The Group shall be chaired by the Secretary of State and the vice-chairs shall be the United States Trade Representative and the Secretary of Commerce. The Secretaries and the United States Trade Representative may delegate responsibilities under this Act to appropriate, senior, Senate-confirmed officials.

(3) MEMBERSHIP.—The President may appoint to the Group senior officials from the United States Agency for International Development, the Department of Agriculture, the Department of the Treasury, the Export-Import Bank, the United States Development Finance Corporation, and any such other relevant executive branch department or agency as the President determines to be substantially involved in trade capacity building and related assistance efforts in developing countries.

(4) DEVELOPMENT OF JOINT STRATEGIC PLAN.—The Group shall develop a joint strategic plan for all United States capacity building and technical assistance programs.

(d) DIPLOMACY TRADE EXPANSION ADVISORY COMMITTEE.—

(1) ESTABLISHMENT OF TEAC.—The Chair and Vice-Chairs of the Economic Diplomacy Action Group shall establish a trade expansion advisory committee with selected representatives of the United States private sector and other organizations, including labor organizations, with direct and relevant operational experience in importing from and exporting into developing countries, as appropriate, to provide comment and advice on priorities for trade expansion initiatives. The Chair and Vice-Chairs of the Group may also appoint representatives from select non-profit organizations to the advisory committee if such representatives can demonstrate both a presence in and relevant operational or programmatic experience with trade capacity building efforts in developing countries.

(2) MEETINGS.—The trade expansion advisory committee shall convene at least twice annually or more often as necessary at the call of the Chair and Vice-Chairs of the Group.

(3) STRATEGIC PLANNING ADVICE.—The trade expansion advisory committee shall advise the Chair and Vice-Chairs of the Group on ways that embassies can better support the United States private sector abroad, including assisting the Chair and Vice-Chairs—

(A) in soliciting private-sector advice;

(B) with respect to implementation of strategic planning; and

(C) in advancing the overall mission and goals of United States national security.

**SEC. 709. PRIVATE SECTOR CONSULTATION AND COORDINATION.**

(a) CONSULTATION WITH PRIVATE SECTOR BY EMBASSY.—In developing the priorities for trade expansion initiatives described in section 708(d), embassy mission teams shall convene local representatives of the United States private sector and the private sector of host countries to consult on issues affecting trade at the borders of such countries and take into account the private sector's operational expertise and experience confronting the trade barriers in such countries as well as its recommendations for reform and best practices.

(b) INCLUSION OF PRIVATE-SECTOR COMMENTS IN MISSION PLANS.—Written comments from local United States private sector representatives shall be included in the trade expansion component of mission plans submitted by the chief of mission to the Secretary of State, with recommendations and comments from the mission team, for the purpose of informing the development of the joint strategic plan on trade expansion priorities required pursuant to section 708(c)(4) and recommended funding for the implementation of such plan.

(c) DESIGNATED EMBASSY POINT OF CONTACT FOR PRIVATE SECTOR CONSULTATION.—Each chief of mission shall designate an appropriate point of contact within the embassy who shall receive recommendations from appropriate private sector representatives regarding the implementation of the strategic plan required under section 708(c)(4) and ongoing trade barriers negatively impacting priority trade expansion. The chief of mission shall ensure that the designated point of contact shall be reasonably available for consultations with appropriate private sector representatives and to receive recommendations with respect to country-specific issues that may arise that will foreseeably disrupt trade.

(d) REQUIREMENT TO PROTECT BUSINESS CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—The Secretary of State, Secretary of Commerce, and United States Trade Representative as well as the heads of all other agencies involved in the Economic Diplomacy Action Group established under section 708(c) shall protect from disclosure any proprietary information submitted by any private sector representative and marked as “business confidential information”, unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the head of any such department or agency, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a non-confidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

(2) TREATMENT AS TRADE SECRETS.—Proprietary information submitted by a private party in accordance with this Act shall be considered to be a matter falling within the meaning of trade secrets and commercial or financial information exemption under section 552(b)(4) of title 5, United States Code, and shall be exempt from disclosure without the express approval of the private party.

**SEC. 710. IMPROVING AWARENESS OF UNITED STATES GOVERNMENT TOOLS AND SERVICES TO SUPPORT UNITED STATES BUSINESSES OVERSEAS.**

The Secretary of State and the Secretary of Commerce shall take actions to improve the awareness of United States businesses with respect to United States Government tools and services to assist such businesses overseas, especially small and medium-sized enterprises, including by coordinating with State trade agencies, Export Assistance Centers, and Small Businesses Development Centers.

**SEC. 711. REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.**

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on United States economic and commercial diplomacy.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the following:

(1) What is known about the effectiveness of United States economic and commercial diplomacy in influencing foreign governments and supporting United States businesses abroad.

(2) Coordination between the Department of State and the Department of Commerce with respect to United States economic and commercial diplomacy.

(3) The effectiveness of training provided pursuant to subsection (d) of section 708 of the Foreign Service Act of 1980 (as added by section 705 of this title) on matters relating to economic and commercial diplomacy.

(4) The status and effectiveness of actions taken by the Secretary of State under section 710 of this title regarding

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commercial relations with foreign countries and regions and safeguarding United States economic and business interests abroad.

(5) The status of the U.S. Commercial Service of the Department of Commerce and its effectiveness in advancing the economic and business interests of the United States abroad.

(6) The status of the Foreign Service economics officers and their effectiveness in advancing the economic and business interests of the United States abroad.

(7) Recommendations to improve United States economic and commercial diplomacy.