

111TH CONGRESS  
1ST SESSION

# H. R. 2847

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2009

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, 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,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 2010, and for other pur-  
4 poses, namely:

5 TITLE I

6 DEPARTMENT OF COMMERCE

7 INTERNATIONAL TRADE ADMINISTRATION

8 OPERATIONS AND ADMINISTRATION

9 For necessary expenses for international trade activi-  
10 ties of the Department of Commerce provided for by law,  
11 and for engaging in trade promotional activities abroad,  
12 including expenses of grants and cooperative agreements  
13 for the purpose of promoting exports of United States  
14 firms, without regard to 44 U.S.C. 3702 and 3703; full  
15 medical coverage for dependent members of immediate  
16 families of employees stationed overseas and employees  
17 temporarily posted overseas; travel and transportation of  
18 employees of the International Trade Administration be-  
19 tween two points abroad, without regard to 49 U.S.C.  
20 40118; employment of Americans and aliens by contract  
21 for services; rental of space abroad for periods not exceed-  
22 ing 10 years, and expenses of alteration, repair, or im-  
23 provement; purchase or construction of temporary de-  
24 mountable exhibition structures for use abroad; payment  
25 of tort claims, in the manner authorized in the first para-

1 graph of 28 U.S.C. 2672 when such claims arise in foreign  
2 countries; not to exceed \$327,000 for official representa-  
3 tion expenses abroad; purchase of passenger motor vehi-  
4 cles for official use abroad, not to exceed \$45,000 per vehi-  
5 cle; obtaining insurance on official motor vehicles; and  
6 rental of tie lines, \$444,504,000 (reduced by \$100,000),  
7 to remain available until September 30, 2011, of which  
8 \$9,439,000 is to be derived from fees to be retained and  
9 used by the International Trade Administration, notwith-  
10 standing 31 U.S.C. 3302: *Provided*, That not less than  
11 \$7,000,000 shall be for the Office of China Compliance,  
12 and not less than \$4,400,000 shall be for the China Coun-  
13 tering Duty Group: *Provided further*, That the provi-  
14 sions of the first sentence of section 105(f) and all of sec-  
15 tion 108(c) of the Mutual Educational and Cultural Ex-  
16 change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall  
17 apply in carrying out these activities without regard to  
18 section 5412 of the Omnibus Trade and Competitiveness  
19 Act of 1988 (15 U.S.C. 4912); and that for the purpose  
20 of this Act, contributions under the provisions of the Mu-  
21 tual Educational and Cultural Exchange Act of 1961 shall  
22 include payment for assessments for services provided as  
23 part of these activities: *Provided further*, That negotiations  
24 shall be conducted within the World Trade Organization  
25 to recognize the right of members to distribute monies col-

1 lected from antidumping and countervailing duties: *Pro-*  
2 *vided further*, That negotiations shall be conducted within  
3 the World Trade Organization consistent with the negoti-  
4 ating objectives contained in the Trade Act of 2002, Pub-  
5 lic Law 107–210: *Provided further*, That within the  
6 amounts appropriated, \$3,715,000 shall be used for the  
7 projects, and in the amounts, specified in the table titled  
8 “Congressionally-designated items” in the report of the  
9 Committee on Appropriations of the House of Representa-  
10 tives to accompany this Act.

11 BUREAU OF INDUSTRY AND SECURITY

12 OPERATIONS AND ADMINISTRATION

13 For necessary expenses for export administration and  
14 national security activities of the Department of Com-  
15 merce, including costs associated with the performance of  
16 export administration field activities both domestically and  
17 abroad; full medical coverage for dependent members of  
18 immediate families of employees stationed overseas; em-  
19 ployment of Americans and aliens by contract for services  
20 abroad; payment of tort claims, in the manner authorized  
21 in the first paragraph of 28 U.S.C. 2672 when such claims  
22 arise in foreign countries; not to exceed \$15,000 for offi-  
23 cial representation expenses abroad; awards of compensa-  
24 tion to informers under the Export Administration Act of  
25 1979, and as authorized by 22 U.S.C. 401(b); and pur-

## TITLE I—COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

## OPERATIONS AND ADMINISTRATION

Fiscal Year 2009 enacted <sup>1</sup> .....	\$429,870,000
Fiscal Year 2010 request <sup>1</sup> .....	449,704,000
Recommended in the bill <sup>1</sup> .....	444,504,000
Bill compared with:	
Fiscal Year 2009 enacted .....	+14,634,000
Fiscal Year 2010 request .....	-5,200,000

<sup>1</sup>Includes \$9,439,000 in offsetting fee collections.

The mission of the International Trade Administration is to create economic opportunity for U.S. workers and firms by promoting international trade, opening foreign markets, ensuring compliance with trade laws and agreements, and supporting U.S. commercial interests at home and abroad.

The Committee recommendation includes \$444,504,000 in total resources for the programs of the International Trade Administration (ITA) for fiscal year 2010, which is \$14,634,000 above the fiscal year 2009 level and provides for the agency's highest priorities.

The Committee understands the difficulties of attempting to balance the positive and negative effects of a free trade agenda. The Committee is determined to ensure that the United States Government upholds its responsibility to enforce trade laws, particularly with China. If trading partners do not abide by the rules that are set in the global trading system, United States firms are unable to compete on a level playing field. The United States Government has an obligation to ensure that U.S. companies are not forced to compete with foreign companies that are engaged in unfair trading practices.

The Committee continues to direct ITA to submit to the Committee, not later than 60 days after the enactment of this Act, a spending plan for all ITA units that incorporates any carryover balances from prior fiscal years and expects this plan to be updated to reflect the obligation of funds on a quarterly basis.

*Import Administration.*—This program investigates antidumping and countervailing duty cases to ensure compliance with applicable U.S. statutes and administers certain other statutory programs relating to imports and foreign trade zones. The Committee urges the ITA to implement proactive trade enforcement activities, including textile safeguard actions with respect to China's World Trade Organization Accession Agreement, bilateral quotas on non-WTO members, and textile provision of the United States preferential programs and agreements.

*China Anti-Dumping and Countervailing Duty Activities.*—The Committee recommendation designates funding of no less than \$7,000,000 for the Office of China Compliance, and no less than \$4,400,000 for the China Countervailing Duty Group within Import Administration. The Office of China Compliance is dedicated to the enforcement of anti-dumping law with respect to China and other non-market economy countries. The Committee expects to be notified of any impediments to hiring or retaining the required staff expertise to conduct this work. The China Countervailing Duty Group was established in fiscal year 2009 to accommodate the workload that has resulted from the application of countervailing duty law

to imports from non-market economy countries. The Committee also encourages ITA to allocate additional resources above the request to the activities of both these offices.

*Market Access and Compliance (MAC).*—The Committee continues to support the efforts of the ITA to enforce trade agreements aggressively. MAC develops strategies to overcome market access obstacles faced by U.S. businesses by monitoring foreign country compliance with multilateral and bilateral trade-related agreements and identifying compliance and other market access obstacles.

*Manufacturing and Services.*—This program focuses on both the domestic and international aspects of U.S. industrial competitiveness by working with U.S. industries to evaluate the needs of the U.S. manufacturing and service sectors; conducting economic and regulatory analysis to strengthen U.S. industry; obtaining input and advice from U.S. industries for trade policy setting; and participating, as appropriate, with ITA trade policy and negotiation advancement initiatives.

*Executive Direction and Administration.*—These programs provide policy leadership, information technology (IT) support and administration services for all of ITA. Executive Direction includes the Office of the Under Secretary for International Trade and subordinate offices covering Legislative and Intergovernmental Affairs, Public Affairs, and the Office of the Chief Information Officer.

*Trade promotion and the U.S. & Foreign Commercial Service.*—The Commercial Service conducts trade promotion programs intended to broaden and deepen the base of U.S. exports, particularly of small and medium-sized firms; provides American companies with reliable advice on the range of public and private assistance available and knowledgeable support for all other Federal trade promotion services; offers export assistance through information, referral and follow-up services through its integrated global field network; ensures adequate support for compliance and leads inter-agency advocacy efforts for major overseas projects, including early involvement in project development and assistance to resolve post-export transaction problems.

*Travel expenditures.*—The Committee expects the Department to submit quarterly reports to the Committee regarding ITA's travel expenditures, including separate breakouts of funding, number of trips and the purposes of travel to both China and India.

*Human rights training.*—An understanding and appreciation of human rights issues and impacts is essential to the pursuit of international trade and commercial opportunities. The Committee continues to support ITA's efforts to ensure that American commercial officers and locally-engaged staff receive training on human rights. The Committee expects ITA to devote no less than \$500,000 for such training to ensure that, when counseling U.S. businesses on market conditions with a particular country, employees include information on human rights, rule of law, and corporate responsibility. In addition, ITA shall report to the Committee sixty days after the enactment of this Act with an annual human rights training plan.

*Facilitating exports with the People's Republic of China.*—Not later than 45 days after the date of enactment of this Act, the Secretary of Commerce shall submit to the Committee on Appropria-

tions of the Senate and the House of Representatives a report on the status of the current program and the feasibility of providing additional assistance to small- and medium-sized businesses in the United States for purposes of facilitating exports of United States goods to the People's Republic of China (the PRC). The report shall include, but is not limited to the Department's ability to provide small- and medium-sized businesses with: (1) assistance to find and utilize Federal and private resources to facilitate entering into the market of the PRC; (2) continuous direct and personal contact with businesses that have entered the market of the PRC; (3) assistance to resolve disputes with the Government of the United States or the PRC relating to intellectual property rights violations, export restrictions, and additional trade barriers; (4) the location and recruitment of businesses to enter the market of the PRC; (5) trade missions to the PRC; and (6) consolidation of fees charged by the Department for Gold Key matching services provided for businesses that export goods or services produced in the United States to more than one market in the PRC. The report shall include cost estimates for any additional services not currently provided, the effect of any fee reductions, and the number of additional personnel required.

Within the appropriation, \$3,715,000 is provided for the following activities:

International Trade Administration  
Congressionally-designated items  
(\$ in thousands)

Recipient	Project	Amount
Clemson University, Clemson, SC	Textile Research at Clemson University	350
National Textile Center, Raleigh, NC	Textile Research	1,800
St. Francis University and St. Vincent College, Loretto, PA	Saint Francis University Center for Global Competitiveness	350
Textile/Clothing Textile Corporation, Raleigh, NC	Textile Research Programs	965
UC Davis, Davis, CA	Textile Research at UC Davis	250

## BUREAU OF INDUSTRY AND SECURITY

### OPERATIONS AND ADMINISTRATION

Fiscal Year 2009 enacted .....	\$83,676,000
Fiscal Year 2010 request .....	100,342,000
Recommended in the bill .....	100,342,000
Bill compared with:	
Fiscal Year 2009 enacted .....	+16,666,000
Fiscal Year 2010 request .....	.....

The mission of the Bureau of Industry and Security (BIS) is to advance U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership.

The Committee recommends \$100,342,000 for BIS, which is \$16,666,000 above the fiscal year 2009 level and the same as the budget request. Of the amount provided, \$14,767,000 is for inspections and other activities related to national security. The recommendation includes \$10,000,000 for the cyber espionage and sys-