

AMENDMENT TO H.R. 5248
OFFERED BY MRS. KIM OF CALIFORNIA

Page 9, beginning line 8, strike sections 507 and 508 (and redesignate accordingly).

At the appropriate place, insert the following:

1 **SEC. ____ . [1184] ASSISTANT SECRETARY FOR COMMERCIAL**
2 **DIPLOMACY.**

3 (a) ESTABLISHMENT.—There shall be in the Depart-
4 ment an Assistant Secretary for Commercial Diplomacy
5 who shall be responsible to the Under Secretary for Eco-
6 nomic Affairs for matters pertaining to the promotion of
7 exports of goods and services from the United States, the
8 protection of United States business interests abroad, the
9 attraction of foreign investment into the United States,
10 and such other related duties as the Under Secretary may
11 from time to time designate.

12 (b) [1184]RESPONSIBILITIES.—In addition to the
13 responsibilities described under subsection (a), the Assist-
14 ant Secretary for Commercial Diplomacy shall be respon-
15 sible for leading, and coordinating with other United
16 States agencies as appropriate, Department policies and
17 programs that promote United States commercial policy

1 and the exports of goods and services overseas, includ-
2 ing—

3 (1) Advocating or United States businesses and
4 commercial interests overseas.

5 (2) Carrying out export promotion and develop-
6 ment activities.

7 (3) Attracting foreign investment into the
8 United States by identifying high potential busi-
9 nesses in foreign countries.

10 (4) Providing United States companies with in-
11 formation and advice on the necessary adaptation of
12 products and services to meet the differing cultural
13 and technical requirements of foreign countries.

14 (5) Assisting United States companies in locat-
15 ing reliable sources of business services in foreign
16 countries.

17 (6) Promoting international commercial projects
18 that advance the national security interests of the
19 United States, irrespective of domestic content
20 thresholds.

21 (7) Performing such other duties as the Under
22 Secretary for Economic Affairs may from time to
23 time designate.

1 **SEC. ____.** **[1184] BUREAU OF COMMERCIAL DIPLOMACY.**

2 (a) ESTABLISHMENT.—The Secretary of State shall
3 establish a Bureau of Commercial Diplomacy which shall
4 perform such functions related to the promotion of exports
5 of goods and services from the United States, the protec-
6 tion of United States business and national security inter-
7 ests abroad, and the attraction of foreign investment into
8 the United States.

9 (b) ASSISTANT SECRETARY.—The Assistant Sec-
10 retary for Commercial Diplomacy shall be the head of the
11 Bureau of Commercial Diplomacy.

12 (c) ABOLISHMENT OF OFFICES.—

13 (1) SENSE OF CONGRESS.—It is the sense of
14 Congress that—

15 (A) the division of export promotion au-
16 thorities across government agencies creates in-
17 efficiencies and redundancies;

18 (B) a key function of United States foreign
19 policy is advancing the interests of United
20 States businesses overseas and attracting in-
21 vestment into the United States;

22 (C) with its global footprint, the Depart-
23 ment is uniquely positioned to help United
24 States businesses navigate the complex set of
25 issues involved with entering new foreign mar-

1 kets and expanding commercial activities over-
2 seas; and

3 (D) transferring the entirety of the United
4 States and Foreign Commercial Service, and
5 the rest of the Global Markets division, to the
6 Department best positions the United States to
7 streamline government operations and leverage
8 foreign policy to advance United States com-
9 mercial interests abroad.

10 (2) IN GENERAL.—The United States and For-
11 eign Commercial Service is hereby transferred to the
12 Department.

13 (3) TRANSFER OF FUNCTIONS AND AUTHORI-
14 TIES.—There are transferred to the Assistant Sec-
15 retary of State for Commercial Diplomacy all func-
16 tions that, on the day before the date of the enact-
17 ment of this section, were authorized to be per-
18 formed by the office described in paragraph (2)
19 under any statute, reorganization plan, Executive
20 order, or other provision of law.

21 (4) TRANSFER AND ALLOCATION OF PROPERTY
22 AND APPROPRIATIONS.—There shall be transferred
23 to the Assistant Secretary of State for Commercial
24 Diplomacy all contracts, property, information tech-
25 nology systems, records, processes, policies, metric

1 recording and reporting capabilities, unexpended bal-
2 ance of appropriations, authorizations, allocations,
3 and other funds employed, held, used, arising from,
4 available to, or to be made available in connection
5 with the functions of each office described in para-
6 graph (2) as may be necessary to carry out this Act.

7 (5) TRANSFER OF PERSONNEL.—

8 (A) SENSE OF CONGRESS.—It is the sense
9 of Congress that—

10 (i) the skill set of Foreign Commercial
11 officers in the Foreign Commercial Service
12 is distinct from the skill set of economic
13 Foreign Service officers at the Department
14 of State; and

15 (ii) the business, commercial, eco-
16 nomic, legal, technical, and industry exper-
17 tise required to fulfill the duties of the Bu-
18 reau of Commercial Diplomacy in sub-
19 section (b)(1) is best met through—

20 (I) the transfer of the Foreign
21 Commercial officers of the United
22 States and Foreign Commercial Serv-
23 ice on the day before the enactment of
24 this section as a distinct cadre of per-
25 sonnel wholly separate from the For-

1 eign Service officers employed by the
2 Department of State on the day be-
3 fore the enactment of this section;

4 (II) the new cadre of Foreign
5 Service officers identified in subpara-
6 graph (A)(ii)(I) shall constitute the
7 Commercial Diplomacy officers within
8 the Bureau of Commercial Diplomacy;
9 and

10 (III) the transfer of civil service
11 personnel and locally employed staff
12 in the United States and Foreign
13 Commercial Service to the Bureau of
14 Commercial Diplomacy.

15 (B) COMMERCIAL DIPLOMACY OFFICERS.—

16 The Secretary shall establish a new track of
17 Foreign Service officers, to be known as Com-
18 mercial Diplomacy officers, to fulfill the export
19 promotion duties enumerated in subsection
20 (b)(1). Notwithstanding any limitations under
21 section 501 of the Foreign Service Act of 1980
22 (22 U.S.C. 3981) and barring exigent cir-
23 cumstances, as determined by the Secretary of
24 State in consultation with the Under Secretary

1 for Economic Affairs and the Assistant Sec-
2 retary for Commercial Affairs—

3 (i) Commercial Diplomacy officers
4 shall serve in positions within the Bureau
5 of Commercial Diplomacy, including its ex-
6 port promotion activities at United States
7 posts overseas;

8 (ii) Commercial Diplomacy officers
9 shall have the opportunity to compete for
10 and serve in senior Department positions,
11 including ambassador and deputy chief of
12 mission;

13 (iii) Foreign Service officers that are
14 not Commercial Diplomacy officers shall
15 generally not serve in positions in the Bu-
16 reau of Commercial Diplomacy focused on
17 the export promotion duties enumerated in
18 subsection (b)(1) or export promotion ac-
19 tivities at United States posts overseas;
20 and

21 (iv) policies for Commercial Diplo-
22 macy officers, including but not limited to
23 hiring, promotions, and overseas rotations,
24 shall be based on existing policies of the
25 United States and Foreign Commercial

1 Service and be specifically tailored, as con-
2 sistent with United States law, to meet the
3 commercial, economic, and foreign policy
4 interests of the United States.

5 (C) IN GENERAL.—Not later than 270
6 days after the date of the enactment of this sec-
7 tion—

8 (i) there shall be transferred to the
9 Bureau of Commercial Diplomacy in De-
10 partment of State those individuals who on
11 the day before the date of the enactment
12 of this section, were Foreign Service offi-
13 cers, civil service employees, and locally
14 employed staff for the office described in
15 paragraph (2); and

16 (ii) the individuals so transferred
17 shall—

18 (I) maintain their status as For-
19 eign Service officers, civil service em-
20 ployees, and locally employed staff im-
21 mediately preceding the transfer;

22 (II) for Foreign Service officers,
23 be placed in the Commercial Diplo-
24 macy officers track established in sub-
25 section (b)(5)(B);

1 (III) receive a position grade,
2 class, or level equal to his or her civil
3 service, locally employed staff, or For-
4 eign Service position immediately pre-
5 ceding the transfer;

6 (IV) for Foreign Service officers,
7 have all assignment actions be hon-
8 ored for up to 3 years from the date
9 of the enactment of this section;

10 (V) for Foreign Service officers,
11 receive a 2-year extension for Time in
12 Class;

13 (VI) maintain the same rate of
14 basic pay or basic salary rate as im-
15 mediately preceding the transfer;

16 (VII) receive a 2-step increase to
17 the basic pay or basic salary rate im-
18 mediately preceding the transfer;

19 (VIII) maintain tenure imme-
20 diately preceding the transfer;

21 (IX) maintain pending promotion
22 and tenure status;

23 (X) not be subject to any exam
24 as a condition of assuming such posi-
25 tion;

1 (XI) receive training necessary to
2 effectively integrate with the Depart-
3 ment of State; and

4 (XII) provide training for other
5 Foreign Service officers necessary to
6 effectively integrate into the Bureau
7 of Commercial Diplomacy.

8 (6) INCIDENTAL DISPOSITIONS.—The Director
9 of the Office of Management and Budget, if re-
10 quested by the Secretary of State, shall make such
11 incidental dispositions of assets, liabilities, grants,
12 contracts, property, records, and unexpended bal-
13 ances of appropriations, authorizations, allocations,
14 and other funds held, used, arising from, available
15 to, or to be made available in connection with the
16 functions of the office described in paragraph (2) as
17 may be necessary to carry out this Act.

18 (d) SAVINGS PROVISION.—All orders, determinations,
19 rules, regulations, permits, agreements, registrations,
20 privileges, and other administrative actions—

21 (1) that have been issued, made, granted, or al-
22 lowed to become effective by the President, any Fed-
23 eral agency or official thereof, or by a court of com-
24 petent jurisdiction, in the performance of functions
25 exercised by the office described in subsection (2) on

1 the day before the date of the enactment of this sec-
2 tion; and

3 (2) that are in effect or were final as of the
4 date of the enactment of this section, or are to be-
5 come effective on or after the date of the enactment
6 of this section, shall continue in effect according to
7 their terms until modified, terminated, superseded,
8 set aside, or revoked in accordance with law by the
9 President, the Secretary of State, or other author-
10 ized official, a court of competent jurisdiction, or by
11 operation of law.

12 (e) CONFORMING AMENDMENTS.—

13 (1) OMNIBUS TRADE AND COMPETITIVENESS
14 ACT OF 1988.—

15 (A) IN GENERAL.—The following provi-
16 sions of the Omnibus Trade and Competitive-
17 ness Act of 1988 are repealed:

18 (i) Section 2301 (15 U.S.C. 4721).

19 (ii) Section 2030(c) (15 U.S.C.
20 4723(c)).

21 (iii) Section 2306 (15 U.S.C. 4725).

22 (B) CONFORMING AMENDMENT.—Section
23 2303 of the Omnibus Trade and Competitive-
24 ness Act of 1988 (15 U.S.C. 4723) is amended

1 by redesignating subsection (d) as subsection
2 (c).

3 (2) TITLE 5, UNITED STATES CODE.—Section
4 5315 of title 5, United States Code, is amended by
5 striking “Assistant Secretary of Commerce and Di-
6 rector General of the United States and Foreign
7 Commercial Service”.

8 (3) TRADE FACILITATION AND TRADE EN-
9 FORCEMENT ACT OF 2015.—Section 505(c)(1) of the
10 Trade Facilitation and Trade Enforcement Act of
11 2015 (15 U.S.C. 4721a(c)(1)) is amended by strik-
12 ing “acting through the head of the United States
13 Foreign and Commercial Service” and inserting “in
14 consultation with the Assistant Secretary of State
15 for Commercial Diplomacy”.

16 (4) FOREIGN SERVICE ACT OF 1980.—

17 (A) Section 202(a) of the Foreign Service
18 Act of 1980 (22 U.S.C. 3922(a)) is amended—

19 (i) by striking paragraphs (2) and (3);

20 (ii) by redesignating paragraph (4) as
21 paragraph (2); and

22 (iii) by moving the margins of para-
23 graph (2) (as so redesignated) 2 ems to
24 the left.

1 (B) Section 305(c) of the Foreign Service
2 Act of 1980 (22 U.S.C. 3945(c)) is amended to
3 read as follows:

4 “(c) Appointments to the Senior Foreign Service by
5 the Secretary of Commerce made on or before the date
6 of the enactment of the [short title] shall be excluded.”.

7 (f) REFERENCES.—Any reference in any statute, re-
8 organization plan, Executive order, regulation, agreement,
9 determination, or other official document or proceeding
10 to—

11 (1) the Assistant Secretary of Commerce or the
12 Director General of the Commercial Service shall be
13 deemed to refer to the Assistant Secretary of State
14 for Commercial Diplomacy; and

15 (2) the United States and Foreign Commercial
16 Service shall be deemed to refer to the Bureau for
17 Commercial Diplomacy.

18 (g) COORDINATION WITH STAKEHOLDERS.—It is the
19 sense of Congress that, for the 2 years following the date
20 of the enactment of this section—

21 (1) an advisory council of United States indus-
22 try association leaders, business owners, and other
23 outside stakeholders should be formed and meet at
24 least quarterly to guide and provide counsel to the
25 Assistant Secretary for Commercial Diplomacy to

1 ensure the transfer of the United States and For-
2 eign Commercial Service into the Department of
3 State successfully aligns with the needs of United
4 States businesses; and

5 (2) a working group should be formed and meet
6 at least monthly within the Department of State, in-
7 cluding Commercial Diplomacy officers, Foreign
8 Service officers in all cones, civil service officers
9 across the E family, personnel in the Bureau of
10 Global Talent Management, management officials in
11 each of the Department regional bureaus, and other
12 key stakeholders in the Department, under the di-
13 rection of the Assistant Secretary of Commercial Di-
14 plomacy or a designee, to ensure a successful trans-
15 fer of the United States and Foreign Commercial
16 Service into the Department of State.

17 (h) INCREASING THE CAPACITY OF THE BUREAU FOR
18 COMMERCIAL DIPLOMACY.—

19 (1) SENSE OF CONGRESS.—It is the sense of
20 Congress that—

21 (A) with more than 5,500,000 businesses
22 in the United States, the needs of the United
23 States private sector for commercial diplomacy
24 services of the United States and Foreign Com-

1 mercant Service exceed the agency's current ca-
2 pacity;

3 (B) in an era of economic and strategic
4 competition, more Commercial Diplomacy offi-
5 cers are needed overseas to advocate for United
6 States businesses;

7 (C) a limited number of economic Foreign
8 Service officers at the Department have critical
9 experience promoting United States commercial
10 interests overseas; and

11 (D) even as the Department adopts a more
12 streamlined and agile workforce, it is in the in-
13 terest of the Department and United States
14 businesses to retain Foreign Service officers
15 with commercial expertise as Commercial Diplo-
16 macy officers.

17 (2) INCREASING THE NUMBER OF COMMERCIAL
18 OFFICERS.—The Secretary shall establish a process
19 through which—

20 (A) Foreign Service officers can apply to
21 become Commercial Diplomacy officers;

22 (B) the existing United States and Foreign
23 Commercial Service Rank Order Register from
24 2022 shall be extended for 2 additional years;
25 and

1 (C) the Secretary shall develop plans to
2 double the number of Commercial Diplomacy
3 officers to 500 over the 3 years following the
4 date of the enactment of this section.

5 (3) REPORTING REQUIREMENT.—Not later than
6 2 years after the date of the enactment of this Act—

7 (A) the Secretary shall submit a report to
8 the appropriate congressional committees—

9 (i) evaluating the integration of
10 United States and Foreign Commercial
11 Service into the Department, including
12 feedback from the United States business
13 community;

14 (ii) evaluating efforts to increase the
15 number of Commercial Diplomacy officers
16 at overseas posts;

17 (iii) providing metrics which track the
18 assistance provided to United States com-
19 panies; and

20 (iv) detailing hiring, promotion, and
21 rotational policies established for Commer-
22 cial Diplomacy officers; and

23 (B) the external Advisory Council shall
24 submit an independent report to the appro-
25 priate congressional committees evaluating the

1 integration of the United States and Foreign
2 Commercial Service into the Department

3 **SEC. ____.** **[1184] ASSISTANT SECRETARY OF STATE FOR**
4 **ECONOMIC GROWTH.**

5 (a) ESTABLISHMENT.—There shall be in the Depart-
6 ment an Assistant Secretary for Economic Growth who
7 shall be responsible to the Under Secretary for Economic
8 Affairs for matters pertaining to international economic
9 policies, programs, and related activities aimed at pro-
10 tecting and advancing United States interests by man-
11 aging United States bilateral and multilateral economic
12 relations through negotiated agreements and other initia-
13 tives in the fields of trade, finance, development, and
14 transportation, and such other related duties as the Sec-
15 retary may from time to time designate.

16 (b) **[1184] RESPONSIBILITIES.**—In addition to the
17 responsibilities described under subsection (a), the Assist-
18 ant Secretary for Commercial Diplomacy shall be respon-
19 sible for leading Department policies and programs, and
20 coordinating with other United States agencies as appro-
21 priate, for all matters pertaining to trade and investment,
22 international finance and development, and transportation
23 affairs in the conduct of foreign policy, including the fol-
24 lowing:

25 (1) Trade and investment promotion, such as—

1 (A) assisting and advocating for United
2 States businesses and commercial interests
3 overseas;

4 (B) identifying foreign market opportuni-
5 ties for United States businesses and helping
6 United States firms overcome challenges in for-
7 eign business climates;

8 (C) helping United States companies com-
9 pete for and win contracts in foreign markets;

10 (D) attracting foreign investment into the
11 United States by identifying high potential
12 businesses in foreign countries;

13 (E) ensuring United States private sector
14 concerns are integrated into United States for-
15 eign policy and economic policy; and

16 (F) promoting international commercial
17 projects that advance the national security in-
18 terests of the United States, regardless of do-
19 mestic content thresholds.

20 (2) International trade policy, including negoti-
21 ating and implementing trade agreements, resolving
22 trade disputes, bolstering supply chain resilience,
23 and protecting intellectual property rights.

24 (3) International investment policy, including
25 monitoring international investment climates, negoti-

1 ating and implementing investment agreements, rep-
2 resenting the Department in the Committee on For-
3 eign Investment in the United States, and assisting
4 United States companies involved in investment dis-
5 putes with foreign governments.

6 (4) Development finance, including the mobili-
7 zation of private, bilateral, and multilateral develop-
8 ment finance for developing countries, particularly
9 investments focused on infrastructure projects.

10 (5) The negotiation and extension of debt relief
11 and sovereign loan guarantees for United States al-
12 lies and partners.

13 (6) The promotion of sound, transparent, and
14 stable economic policies overseas.

15 (7) Such other duties as the Under Secretary
16 for Economic Affairs may from time to time des-
17 ignate.

18 (c) FIRST APPOINTMENT.—On the date of the enact-
19 ment of this Act, the President shall appoint the individual
20 serving on the day before such date of enactment as the
21 Assistant Secretary for Economic and Business Affairs as
22 the Assistant Secretary for Commercial Diplomacy. Any
23 subsequent appointment of an individual to the position

- 1 of Assistant Secretary for Commercial Diplomacy shall be
- 2 subject to the advice and consent of the Senate.

