



August 1, 2016

VIA ELECTRONIC SUBMISSION

The Honorable Penny Pritzker
Secretary, U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, D.C. 20230

Re: Implementing Trade Facilitation and Trade Enforcement Act of 2015

Dear Secretary Pritzker:

I am writing to respectfully request that you designate a representative of the U.S. Department of Commerce to participate in the Interagency Working Groups required under the Trade Facilitation and Trade Enforcement Act of 2015.

The Office of Advocacy

The Office of Advocacy (Advocacy) was established by Congress in 1976 to serve as an independent voice for small businesses and other small entities before federal agencies, Congress, and other stakeholders within government.¹ For forty years, Advocacy has partnered with federal officials and industry representatives to facilitate greater consideration of small business issues and effectuate better federal policymaking, particularly in the regulatory process.

As you know, small businesses play an increasingly large role in international trade – about a third of U.S. exports are from small businesses – and government has recognized the importance of optimizing small business opportunities while eliminating trade barriers in the global marketplace.² In recent years, Advocacy has become more involved in international discussions, collaborating with federal and foreign officials on how international regulatory policies affect small businesses in the United States.

¹ Small Business Act, Pub. L. No. 94-305, §201, 90 Stat. 668 (1976).

² OFFICE OF ADVOCACY, U.S. SMALL BUSINESS ADMINISTRATION, SMALL BUSINESS PROFILE 3 (2016), available at https://www.sba.gov/sites/default/files/advocacy/United_States.pdf.

Trade Facilitation and Trade Enforcement Act

In late 2015, Congress passed the Trade Facilitation and Trade Enforcement Act (TFTEA), establishing a new role for Advocacy to facilitate greater consideration of small business issues during international trade negotiations.³ Under TFTEA, the Chief Counsel for Advocacy must convene an Interagency Working Group (IWG) whenever the President notifies Congress that the Administration intends to enter into trade negotiations with another country. The purpose of the IWG is to conduct small business outreach in manufacturing, services, and agriculture industries and to receive input from small businesses on the potential economic effects of a trade agreement on these sectors. From these efforts, the IWG is charged with identifying the most important priorities, opportunities, and challenges affecting these industry sectors in a report to Congress. This report must also provide an analysis of the economic impact on various industries, information on state-owned enterprises, recommendations to create a level playing field for U.S. small businesses, and information on federal regulations that should be modified in compliance with the potential trade agreement.

Designation of Agency Representative

TFTEA requires that the IWG includes a representative from the U.S. Department of Commerce (Commerce) in addition to representatives from the Office of U.S. Trade Representative (USTR) and the U.S. Department of Agriculture (USDA).⁴ Each individual will represent their agency during the IWG's discussions and outreach to small business and other small entities.

It is our intent to identify these individuals before any new trade negotiations are announced so that our agencies have ample opportunity to create the necessary working arrangements for this important work. For this reason, I respectfully request that you designate a Commerce representative to participate in any future IWG and provide this individual's contact information to Advocacy as soon as possible.

³ Trade Facilitation and Trade Enforcement Act, Pub. L. No. 114-125, § 502, 130 Stat. 122 (2016); *see* 15 U.S.C. § 634c.

⁴ *Id.* § 634c(b)(2)(A)(ii).

If you have any questions or comments, please do not hesitate to contact me or the Director of Interagency Affairs, Charles Maresca, by phone at 202.205.6978 or by email at charles.maresca@sba.gov.

Thank you for your time. We look forward to working with you.

Respectfully,



The Honorable Darryl L. DePriest
Chief Counsel
Office of Advocacy
U.S. Small Business Administration



Charles Maresca
Director of Interagency Affairs
Office of Advocacy
U.S. Small Business Administration

Copy to: Kelly R. Welsh
General Counsel
U.S. Department of Commerce

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