

under subsec. (b) of this section is listed on page 51), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 4726. Indian tribes export promotion

(a) Assistance authorized

The Secretary of Commerce is authorized to provide assistance to eligible entities for the development of foreign markets for authentic American Indian arts and crafts. Eligible entities under this section include Indian tribes, tribal organizations, tribal enterprises, craft guilds, marketing cooperatives, and individual Indian-owned businesses.

(b) Activities eligible for assistance

Activities eligible for assistance under this section include, but are not limited to, conduct of market surveys, development of promotional materials, financing of trade missions, participation in international trade fairs, direct marketing, and other market development activities.

(c) Administration of assistance

Assistance under this section shall be administered by the Secretary of Commerce under guidelines developed by the Secretary. Priority shall be given to projects which support the establishment of long term, stable international markets for American Indian arts and crafts and which are designed to provide the greatest economic benefit to American Indian artisans.

(d) Technical and other assistance

The Secretary of Commerce shall provide technical assistance and support services to applicants eligible for and entities receiving assistance under this section for the purpose of helping them in identifying and entering appropriate foreign markets, complying with foreign and domestic legal and banking requirements regarding the export and import of arts and crafts, and utilizing import and export financial arrangements, and shall provide such other assistance as may be necessary to support the development of export markets for American Indian arts and crafts.

(e) Limitation on assistance

No assistance shall be provided under this section in support of any activity which includes the sale or marketing of any craft items other than authentic arts and crafts hand made or hand crafted by American Indian artisans.

(Pub. L. 100-418, title II, §2307, Aug. 23, 1988, 102 Stat. 1345.)

§ 4727. Trade Promotion Coordinating Committee

(a) Establishment and purpose

The President shall establish the Trade Promotion Coordinating Committee (hereafter in this section referred to as the "TPCC"). The purpose of the TPCC shall be—

- (1) to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government; and
- (2) to develop a governmentwide strategic plan for carrying out Federal export promotion and export financing programs.

(b) Duties

The TPCC shall—

- (1) coordinate the development of the trade promotion policies and programs of the United States Government;
- (2) provide a central source of information for the business community on Federal export promotion and export financing programs;
- (3) coordinate official trade promotion efforts to ensure better delivery of services to United States businesses, including—
 - (A) information and counseling on United States export promotion and export financing programs and opportunities in foreign markets;
 - (B) representation of United States business interests abroad; and
 - (C) assistance with foreign business contacts and projects;
- (4) prevent unnecessary duplication in Federal export promotion and export financing activities;
- (5) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations to the President based on its assessment; and
- (6) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

(c) Strategic plan

To carry out subsection (b) of this section, the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall—

- (1) establish a set of priorities for Federal activities in support of United States exports and explain the rationale for the priorities;
- (2) review current Federal programs designed to promote the sale of United States exports in light of the priorities established under paragraph (1) and develop a plan to bring such activities into line with the priorities and to improve coordination of such activities;
- (3) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;
- (4) propose to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (2) and eliminates funding for the areas of overlap and duplication identified under paragraph (3);
- (5) review efforts by the States (as defined in section 4721(i) of this title) to promote United States exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data; and
- (6) reflect the recommendations of the United States National Tourism Organization to the degree considered appropriate by the TPCC.

(d) Membership

(1) In general

Members of the TPCC shall include representatives from—

- (A) the Department of Commerce;
- (B) the Department of State;
- (C) the Department of the Treasury;
- (D) the Department of Agriculture;
- (E) the Department of Energy;
- (F) the Department of Transportation;
- (G) the Office of the United States Trade Representative;
- (H) the Small Business Administration;
- (I) the Agency for International Development;
- (J) the Trade and Development Program;
- (K) the Overseas Private Investment Corporation;
- (L) the Export-Import Bank of the United States; and
- (M) at the discretion of the President, such other departments or agencies as may be necessary.

(2) Chairperson

The Secretary of Commerce shall serve as the chairperson of the TPCC.

(e) Member qualifications

Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as alternates designated by any members unable to attend a meeting of the TPCC, shall be individuals who exercise significant decisionmaking authority in their respective departments or agencies.

(f) Report to Congress

The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than March 30 of each year, a report describing—

- (1) the strategic plan developed by the TPCC pursuant to subsection (c) of this section, the implementation of such plan, and any revisions thereto; and
- (2) the implementation of sections 5823 and 5824 of title 22¹ concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.

(Pub. L. 100-418, title II, §2312, as added Pub. L. 102-429, title II, §201, Oct. 21, 1992, 106 Stat. 2199; amended Pub. L. 104-66, title I, §1022(a), Dec. 21, 1995, 109 Stat. 713; Pub. L. 104-288, §8, Oct. 11, 1996, 110 Stat. 3407; Pub. L. 106-158, §7, Dec. 9, 1999, 113 Stat. 1747.)

REFERENCES IN TEXT

Sections 5823 and 5824 of title 22, referred to in subsec. (f)(2), was, in the original, “sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824)”, and was translated as meaning sections 303 and 304 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, Pub. L. 102-511, to reflect the probable intent of Congress.

AMENDMENTS

1999—Subsec. (f). Pub. L. 106-158 substituted “March 30 of each year,” for “September 30, 1995, and annually thereafter,” in introductory provisions.

1996—Subsec. (c)(6). Pub. L. 104-288 added par. (6).

¹ See References in Text note below.

1995—Subsec. (f). Pub. L. 104-66 amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to subsection (c) of this section, the implementation of such plan, and any revisions thereto.”

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EX. ORD. NO. 12870. TRADE PROMOTION COORDINATING COMMITTEE

Ex. Ord. No. 12870, Sept. 30, 1993, 58 F.R. 51753, as amended by Ex. Ord. No. 13286, §26, Feb. 28, 2003, 68 F.R. 10625, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Export Enhancement Act of 1992 (Public Law 102-429, 106 Stat. 2186) [see Short Title of 1992 Amendment note set out under section 635 of Title 12, Banks and Banking], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established the “Trade Promotion Coordinating Committee” (“TPCC”). The Committee shall comprise representatives of each of the following:

- (a) Department of Commerce;
- (b) Department of State;
- (c) Department of the Treasury;
- (d) Department of Agriculture;
- (e) Department of Energy;
- (f) Department of Transportation;
- (g) Department of Defense;
- (h) Department of Labor;
- (i) Department of the Interior;
- (j) Department of Homeland Security;
- (k) Agency for International Development;
- (l) Trade and Development Agency;
- (m) Environmental Protection Agency;
- (n) United States Information Agency;
- (o) Small Business Administration;
- (p) Overseas Private Investment Corporation;
- (q) Export-Import Bank of the United States;
- (r) Office of the United States Trade Representative;
- (s) Council of Economic Advisers;
- (t) Office of Management and Budget;
- (u) National Economic Council;
- (v) National Security Council; and
- (w) at the discretion of the President, such other departments or agencies as may be necessary.

Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as their designated alternates, shall be individuals who exercise significant decision-making authority in their respective departments or agencies.

SEC. 2. *Chairperson.* The Secretary of Commerce shall be the chairperson of the TPCC.

SEC. 3. *Purpose.* The purpose of the TPCC shall be to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government and to develop a governmentwide strategic plan for carrying out such programs.

SEC. 4. *Duties.* The TPCC shall:

- (a) coordinate the development of the trade promotion policies and programs of the United States Government;
- (b) provide a central source of information for the business community on Federal export promotion and export financing programs;
- (c) coordinate official trade promotion efforts to ensure better delivery of services to U.S. businesses, including:

(1) information and counseling on U.S. export promotion and export financing programs and opportunities in foreign markets;

(2) representation of U.S. business interests abroad; and

(3) assistance with foreign business contacts and projects;

(d) prevent unnecessary duplication in Federal export promotion and export financing activities;

(e) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations, through the Director of the Office of Management and Budget to the President, based on its assessment; and

(f) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

SEC. 5. *Strategic Plan.* To carry out section 4 of this order, the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall:

(a) establish a set of priorities for Federal activities in support of U.S. exports and explain the rationale for the priorities;

(b) review current Federal programs designed to promote the sale of U.S. exports in light of the priorities established under paragraph (a) of this section and develop a plan to bring such activities into line with those priorities and to improve coordination of such activities;

(c) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;

(d) propose, through the Director of the Office of Management and Budget, to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (b) of this section and eliminates funding for the areas of overlap and duplication identified under paragraph (c) of this section; and

(e) review efforts by the States to promote U.S. exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data.

SEC. 6. *Report.* The chairperson of the TPCC, with the approval of the President, shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to section 5 of this order, the implementation of such a plan, and any revisions to the plan.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of Title 22, Foreign Relations and Inter-course.]

EX. ORD. NO. 13534. NATIONAL EXPORT INITIATIVE

Ex. Ord. No. 13534, Mar. 11, 2010, 75 F.R. 12433, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Export Enhancement Act of 1992, Public Law 102-429, 106 Stat. 2186, and section 301 of title 3, United States Code, in order to enhance and coordinate Federal efforts to facilitate the creation of jobs in the United States through the promotion of exports, and to ensure the effective use of Federal resources in support of these goals, it is hereby ordered as follows:

SECTION 1. *Policy.* The economic and financial crisis has led to the loss of millions of U.S. jobs, and while the economy is beginning to show signs of recovery, millions of Americans remain unemployed or underemployed. Creating jobs in the United States and ensuring a return to sustainable economic growth is the

top priority for my Administration. A critical component of stimulating economic growth in the United States is ensuring that U.S. businesses can actively participate in international markets by increasing their exports of goods, services, and agricultural products. Improved export performance will, in turn, create good high-paying jobs.

The National Export Initiative (NEI) shall be an Administration initiative to improve conditions that directly affect the private sector's ability to export. The NEI will help meet my Administration's goal of doubling exports over the next 5 years by working to remove trade barriers abroad, by helping firms—especially small businesses—overcome the hurdles to entering new export markets, by assisting with financing, and in general by pursuing a Government-wide approach to export advocacy abroad, among other steps.

SEC. 2. *Export Promotion Cabinet.* There is established an Export Promotion Cabinet to develop and coordinate the implementation of the NEI. The Export Promotion Cabinet shall consist of:

(a) the Secretary of State;

(b) the Secretary of the Treasury;

(c) the Secretary of Agriculture;

(d) the Secretary of Commerce;

(e) the Secretary of Labor;

(f) the Director of the Office of Management and Budget;

(g) the United States Trade Representative;

(h) the Assistant to the President for Economic Policy;

(i) the National Security Advisor;

(j) the Chair of the Council of Economic Advisers;

(k) the President of the Export-Import Bank of the United States;

(l) the Administrator of the Small Business Administration;

(m) the President of the Overseas Private Investment Corporation;

(n) the Director of the United States Trade and Development Agency; and

(o) the heads of other executive branch departments, agencies, and offices as the President may, from time to time, designate.

The Export Promotion Cabinet shall meet periodically and report to the President on the progress of the NEI. A member of the Export Promotion Cabinet may designate, to perform the NEI-related functions of that member, a senior official from the member's department or agency who is a full-time officer or employee. The Export Promotion Cabinet may also establish subgroups consisting of its members or their designees, and, as appropriate, representatives of other departments and agencies. The Export Promotion Cabinet shall coordinate with the Trade Promotion Coordinating Committee (TPCC), established by Executive Order 12870 of September 30, 1993.

SEC. 3. *National Export Initiative.* The NEI shall address the following:

(a) *Exports by Small and Medium-Sized Enterprises (SMEs).* Members of the Export Promotion Cabinet shall develop programs, in consultation with the TPCC, designed to enhance export assistance to SMEs, including programs that improve information and other technical assistance to first-time exporters and assist current exporters in identifying new export opportunities in international markets.

(b) *Federal Export Assistance.* Members of the Export Promotion Cabinet, in consultation with the TPCC, shall promote Federal resources currently available to assist exports by U.S. companies.

(c) *Trade Missions.* The Secretary of Commerce, in consultation with the TPCC and, to the extent possible, with State and local government officials and the private sector, shall ensure that U.S. Government-led trade missions effectively promote exports by U.S. companies.

(d) *Commercial Advocacy.* Members of the Export Promotion Cabinet, in consultation with other departments and agencies and in coordination with the Advo-

cacy Center at the Department of Commerce, shall take steps to ensure that the Federal Government's commercial advocacy effectively promotes exports by U.S. companies.

(e) *Increasing Export Credit.* The President of the Export-Import Bank, in consultation with other members of the Export Promotion Cabinet, shall take steps to increase the availability of credit to SMEs.

(f) *Macroeconomic Rebalancing.* The Secretary of the Treasury, in consultation with other members of the Export Promotion Cabinet, shall promote balanced and strong growth in the global economy through the G20 Financial Ministers' process or other appropriate mechanisms.

(g) *Reducing Barriers to Trade.* The United States Trade Representative, in consultation with other members of the Export Promotion Cabinet, shall take steps to improve market access overseas for our manufacturers, farmers, and service providers by actively opening new markets, reducing significant trade barriers, and robustly enforcing our trade agreements.

(h) *Export Promotion of Services.* Members of the Export Promotion Cabinet shall develop a framework for promoting services trade, including the necessary policy and export promotion tools.

SEC. 4. *Report to the President.* Not later than 180 days after the date of this order, the Export Promotion Cabinet, through the TPCC, shall provide the President a comprehensive plan to carry out the goals of the NEI. The Chairman of the TPCC shall set forth the steps taken to implement this plan in the annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives required by the Export Enhancement Act of 1992, Public Law 102-249 [102-429], 106 Stat. 2186, and Executive Order 12870, as amended.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 4727a. Implementation of primary objectives of TPCC

The Trade Promotion Coordinating Committee shall—

(1) report on the actions taken or efforts currently underway to eliminate the areas of overlap and duplication identified among Federal export promotion activities;

(2) coordinate efforts to sponsor or promote any trade show or trade fair;

(3) work with all relevant State and national organizations, including the National Governors' Association, that have established trade promotion offices;

(4) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including collocation, cost sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and

(5) by not later than March 30, 2000, and annually thereafter, include the matters addressed in paragraphs (1), (2), (3), and (4) in the annual report required to be submitted under section 4727(f) of this title.

(Pub. L. 106-158, §6, Dec. 6, 1999, 113 Stat. 1746.)

CODIFICATION

Section was enacted as part of the Export Enhancement Act of 1999, and not as part of the Export Enhancement Act of 1988 which enacted this chapter.

§ 4728. Environmental trade promotion

(a) Statement of policy

It is the policy of the United States to foster the export of United States environmental technologies, goods, and services. In exercising their powers and functions, all appropriate departments and agencies of the United States Government shall encourage and support sales of such technologies, goods, and services.

(b) Environmental Trade Working Group of Trade Promotion Coordination Committee

(1) Establishment and purpose

The President shall establish the Environmental Trade Promotion Working Group (hereafter in this section referred to as the "Working Group") as a subcommittee of the Trade Promotion Coordination Committee (hereafter in this section referred to as the "TPCC"), established under section 4727 of this title. The purpose of the Working Group shall be—

(A) to address all issues with respect to the export promotion and export financing of United States environmental technologies, goods, and services; and

(B) to develop a strategy for expanding United States exports of environmental technologies, goods, and services.

(2) Membership

The members of the Working Group shall be—

(A) representatives of the departments and agencies that are represented on the TPCC, who are designated by the head of their respective departments or agencies to advise the head of such department or agency on ways of promoting the export of United States environmental technologies, goods, and services; and

(B) a representative of the Environmental Protection Agency.

(3) Chairperson

The Secretary of Commerce (hereafter in this section referred to as the "Secretary") shall designate the chairperson of the Working Group from among senior employees of the Department of Commerce. The chairperson shall—

(A) assess the effectiveness of United States Government programs for the promotion of exports of environmental technologies, goods, and services;

(B) recommend improvements to such programs, including regulatory changes or additional authority that may be necessary to improve the promotion of exports of environmental technologies, goods, and services;