

combination, by contract or other arrangement, between or among such persons,

(6) the term “antitrust laws” means the antitrust laws, as such term is defined in section 12 of this title, and section 45 of this title (to the extent that section 45 of this title prohibits unfair methods of competition), and any State antitrust or unfair competition law,

(7) the term “Secretary” means the Secretary of Commerce or his designee, and

(8) the term “Attorney General” means the Attorney General of the United States or his designee.

(Pub. L. 97-290, title III, §311, Oct. 8, 1982, 96 Stat. 1245.)

EFFECTIVE DATE

Section effective Oct. 8, 1982, see section 312 of Pub. L. 97-290, set out as a note under section 4011 of this title.

SUBCHAPTER III—EXPORT PROMOTION PROGRAMS

§ 4051. Requirement of prior authorization

(a) General rule

Notwithstanding any other provision of law, money appropriated to the Department of Commerce for expenses to carry out any export promotion program may be obligated or expended only if—

(1) the appropriation thereof has been previously authorized by law enacted on or after July 12, 1985; or

(2) the amount of all such obligations and expenditures does not exceed an amount previously prescribed by law enacted on or after such date.

(b) Exception for later legislation authorizing obligations or expenditures

To the extent that legislation enacted after the making of an appropriation to carry out any export promotion program authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) of this section shall have no effect.

(c) Provisions must be specifically superseded

The provisions of this section shall not be superseded except by a provision of law enacted after July 12, 1985, which specifically repeals, modifies, or supersedes the provisions of this section.

(d) “Export promotion program” defined

For purposes of this subchapter, the term “export promotion program” means any activity of the Department of Commerce designed to stimulate or assist United States businesses in marketing their goods and services abroad competitively with businesses from other countries, including, but not limited to—

(1) trade development (except for the trade adjustment assistance program) and dissemination of foreign marketing opportunities and other marketing information to United States producers of goods and services, including the expansion of foreign markets for United States textiles and apparel and any other United States products;

(2) the development of regional and multi-lateral economic policies which enhance United States trade and investment interests, and the provision of marketing services with respect to foreign countries and regions;

(3) the exhibition of United States goods in other countries;

(4) the operations of the United States and Foreign Commercial Service, or any successor agency; and

(5) the Market Development Cooperator Program established under section 4723 of this title, and assistance for trade shows provided under section 4724 of this title.

(e) Printing outside United States

(1) Notwithstanding the provisions of section 501 of title 44, and consistent with other applicable law, the Secretary of Commerce, in carrying out any export promotion program, may authorize—

(A) the printing, distribution, and sale of documents outside the contiguous United States, if the Secretary finds that the implementation of such export promotion program would be more efficient, and if such documents will be distributed primarily and sold exclusively outside the United States; and

(B) the acceptance of private notices and advertisements in connection with the printing and distribution of such documents.

(2) Any fees received by the Secretary pursuant to paragraph (1) shall be deposited in a separate account or accounts which may be used to defray directly the costs incurred in conducting activities authorized by paragraph (1) or to repay or make advances to appropriations or other funds available for such activities.

(Pub. L. 99-64, title II, §201, July 12, 1985, 99 Stat. 157; Pub. L. 100-418, title II, §§2305(a), 2308(a), Aug. 23, 1988, 102 Stat. 1344, 1346.)

CODIFICATION

Section was enacted as part of the Export Administration Amendments Act of 1985, and not as part of Pub. L. 97-290 which enacted this chapter.

AMENDMENTS

1988—Subsec. (d)(5). Pub. L. 100-418, §2305(a), added par. (5).

Subsec. (e). Pub. L. 100-418, §2308(a), added subsec. (e).

§ 4052. Authorization of appropriations

There are authorized to be appropriated to the Department of Commerce to carry out export promotion programs such sums as are necessary for fiscal years 1995 and 1996.

(Pub. L. 99-64, title II, §202, July 12, 1985, 99 Stat. 158; Pub. L. 99-633, §2, Nov. 7, 1986, 100 Stat. 3522; Pub. L. 100-418, title II, §2305(b)(1), Aug. 23, 1988, 102 Stat. 1344; Pub. L. 102-429, title II, §208, Oct. 21, 1992, 106 Stat. 2205; Pub. L. 103-392, title III, §301, Oct. 22, 1994, 108 Stat. 4099.)

CODIFICATION

Section was enacted as part of the Export Administration Amendments Act of 1985, and not as part of Pub. L. 97-290 which enacted this chapter.

AMENDMENTS

1994—Pub. L. 103-392 amended section generally. Prior to amendment, section read as follows: “There are au-