

Subsec. (h). Pub. L. 111-240, §1203(c), added subsec. (h).

Subsecs. (i), (j). Pub. L. 111-240, §1204(a)(7), added subsecs. (i) and (j).

Subsecs. (k), (l). Pub. L. 111-240, §1205(a), added subsecs. (k) and (l).

1988—Subsecs. (b) to (g). Pub. L. 100-418 added subsec. (b), redesignated former subsec. (b) as (c) and added pars. (1) to (5) and redesignated former pars. (1) to (3) as (6) to (8), respectively, and added subsecs. (d) to (g).

#### CHANGE OF NAME

Committee on Small Business of Senate changed to Committee on Small Business and Entrepreneurship of Senate. See Senate Resolution No. 123, One Hundred Seventh Congress, June 29, 2001.

#### EFFECTIVE DATE

Pub. L. 96-481, title I, §113(b), Oct. 21, 1980, 94 Stat. 2324, provided that: "The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1980, or the date of enactment of this Act [Oct. 21, 1980], whichever occurs later."

#### SHORT TITLE

For short title of part B of title I of Pub. L. 96-481 as the Small Business Export Expansion Act of 1980, see Short Title of 1980 Amendment note set out under section 631 of this title.

#### IMPLEMENTATION

Pub. L. 111-240, title I, §1203(e), Sept. 27, 2010, 124 Stat. 2522, provided that: "Not later than 90 days after the date of enactment of this Act [Sept. 27, 2010], the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section."

#### STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS

Pub. L. 111-240, title I, §1205(b), Sept. 27, 2010, 124 Stat. 2529, provided that:

"(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act [Sept. 27, 2010], and every 2 years thereafter, the Administrator shall—

"(A) conduct a study of—

"(i) the volume of exports for each State;

"(ii) the availability of export finance specialists in each State;

"(iii) the number of exporters in each State that are small business concerns;

"(iv) the percentage of exporters in each State that are small business concerns;

"(v) the change, if any, in the number of exporters that are small business concerns in each State—

"(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act [Sept. 27, 2010]; and

"(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

"(vi) the total value of the exports in each State by small business concerns;

"(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

"(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

"(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act [Sept. 27, 2010]; and

"(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

"(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Commit-

tee on Small Business of the House of Representatives a report containing—

"(i) the results of the study under subparagraph (A);

"(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

"(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

"(iv) such additional information as the Administrator determines is appropriate.

"(2) DEFINITION.—In this subsection, the term 'export finance specialist' has the meaning given that term in section 22(l) of the Small Business Act [now section 22(m), 15 U.S.C. 649(m)], as added by this title."

[For definitions of "Administrator" and "small business concern" as used in section 1205(b) of Pub. L. 111-240, set out above, see section 1001 of Pub. L. 111-240, set out as a note under section 632 of this title.]

#### CONGRESSIONAL DECLARATION OF POLICY

Pub. L. 96-481, title I, §111, Oct. 21, 1980, 94 Stat. 2323, provided that:

"(a) The Congress finds and declares that—

"(1) a strong export policy is essential to the health and well-being of the United States economy;

"(2) exports of goods and services account for one out of every six jobs in the manufacturing sector and 10 per centum of the gross national product.

"(3) every billion dollars in new exports is estimated to provide forty thousand jobs;

"(4) there is increased and fierce competition in international markets to United States goods and services;

"(5) small businesses account for no more than 10 per centum of all United States export sales;

"(6) Federal Government programs are not sufficiently responsive to the needs of small business for export education and development of overseas marketing opportunities necessary to insure that small businesses realize their potential; and

"(7) it is in the national interest to systematically and consistently promote and encourage small business participation in international markets.

"(b) It is therefore the purpose of this part [enacting this section, amending section 636 of this title, and enacting provisions set out as notes under sections 631 and 649 of this title] to encourage and promote small business exporting by—

"(1) providing educational and marketing assistance to small businesses;

"(2) insuring better access to export information and assistance for small businesses by upgrading and expanding the export development programs and services of the Department of Commerce and the Small Business Administration; and

"(3) promoting the competitive viability of such firms in export trade and encouraging increased tourism in the United States by creating a program to provide limited financial, technical, and management assistance as may be necessary."

#### § 649a. Omitted

#### CODIFICATION

Section, Pub. L. 96-481, title III, §301(a)-(d), Oct. 21, 1980, 94 Stat. 2330, which related to establishment, staffing, functions, evaluation, and reporting requirements of export promotion centers, terminated Oct. 1, 1983.

#### EFFECTIVE AND TERMINATION DATES

Pub. L. 96-481, title III, §301(e), Oct. 21, 1980, 94 Stat. 2331, provided that: "This section shall take effect on

October 1, 1980, or on the date of the enactment of this section [Oct. 21, 1980] whichever occurs later and shall expire on October 1, 1983.”

**§ 649b. Grants, contracts and cooperative agreements for international marketing programs**

**(a) Limitations and restrictions**

The Secretary of Commerce (hereinafter referred to as the “Secretary”) is authorized to make grants (including contracts and cooperative agreements) to a qualified applicant to encourage the development and implementation of a small business international marketing program (hereinafter referred to as “the program”). Each qualified applicant under sections 649a to 649d of this title may receive a Federal grant not to exceed \$150,000 annually for each of three years: *Provided*, That not more than one-third of these Federal funds may be used for the purpose of hiring personnel. Nothing in this section shall be construed as authorizing the Secretary to enter into contracts or incur obligations except to such extent and in such amounts as are provided in appropriation Acts.

**(b) Eligibility**

(1) To be eligible for a grant under this section, an applicant proposing to carry out a small business international marketing program must submit to the Secretary an application demonstrating, at a minimum:

(A) the geographical area to be served;

(B) the number of firms to be assisted;

(C) the staff required to administer the program;

(D) the means to counsel small businesses interested in pursuing export sales, including providing information concerning available financing, credit insurance, tax treatment, potential markets and marketing assistance, export pricing, shipping, documentation, and foreign financing and business customs;

(E) the ability to provide market analysis of the export potential of small business concerns; and

(F) the capability for developing contacts with potential foreign customers and distributors for small business and their products, including arrangements and sponsorship of foreign trade missions for small business concerns to meet with identified potential customers, distributors, sales representatives, and organizations interested in licensing or joint ventures: *Provided, however*, That no portion of any Federal funds may be used to directly underwrite any small business participation in foreign trade missions abroad.

(2) Program services shall be provided to small business concerns through outreach services at the most local level practicable.

(3) Each small business international marketing program shall have a full-time staff director to manage program activities, and access to export specialists to counsel and to assist small business clients in international marketing.

**(c) Advisory board establishment**

(1) Each small business international marketing program shall establish an advisory board of nine members to be appointed by the staff director of the program, not less than five members

of whom shall be small business persons or representatives of small business associations.

(2) Each advisory board shall elect a chairman and shall advise, counsel, and confer with the staff director of the program on all policy matters pertaining to the operation of the program (including who may be eligible to receive assistance, ways to promote the sale of United States products and services in foreign markets or to encourage tourism in the United States, and how to maximize local and regional private consultant participation in the program).

**(d) Grant requirements**

The Secretary shall require, as a condition to any grant (or amendment or modification thereof) made to an applicant under this section, that a sum equal to the amount of such grant be provided from sources other than the Federal Government: *Provided*, That the additional amount shall not include any amount of indirect costs or in-kind contributions paid for under any Federal program, nor shall indirect costs or in-kind contributions exceed 50 per centum of the non-Federal additional amount.

**(e) Program evaluation; reports**

The Secretary shall develop a plan to evaluate programs approved under this section which shall only—

(1) determine the impact of small business international marketing programs on those small businesses assisted;

(2) determine the amount of export sales generated by small businesses assisted through such programs; and

(3) make recommendations concerning continuation and/or expansion of the program and possible improvements in the program structure. Such evaluation shall be submitted to the Congress by October 1, 1982.

**(f) Recipients’ duty to furnish information**

For the purpose of the evaluation under subsection (e), the Secretary is authorized to require any small business international marketing program, or party receiving assistance under this section, to furnish such information as is deemed appropriate to complete the required evaluation.

**(g) “Applicant” defined**

As used in this section, the term “applicant” means any State government or agency or instrumentality thereof, any Small Business Administration—designated small business development center, any for profit small business, any nonprofit corporation, any regional commission, or any combination of such entities, which will carry out a small business international marketing program.

**(h) Contract authority**

The authority to enter into contracts shall be in effect for each fiscal year only to the extent or in the amounts as are provided in advance in appropriation Acts.

(Pub. L. 96-481, title III, §302, Oct. 21, 1980, 94 Stat. 2331.)

CODIFICATION

Section was not enacted as part of the Small Business Act which comprises this chapter.