

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 Committee 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.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM

Pub. L. 111-240, title I, §1207, Sept. 27, 2010, 124 Stat. 2532, as amended by Pub. L. 112-239, div. A, title XVI, §1699a, Jan. 2, 2013, 126 Stat. 2092, provided that:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘eligible small business concern’ means a small business concern that—

“(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

“(B) is operating profitably, based on operations in the United States;

“(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

“(D) has in effect a strategic plan for exporting;

“(2) the term ‘program’ means the State Trade and Export Promotion Grant Program established under subsection (b);

“(3) the term ‘small business concern owned and controlled by women’ has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

“(4) the term ‘socially and economically disadvantaged small business concern’ has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A) [637(a)(4)(A)]); and

“(5) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

“(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

“(1) participation in a foreign trade mission;

“(2) a foreign market sales trip;

“(3) a subscription to services provided by the Department of Commerce;

“(4) the payment of website translation fees;

“(5) the design of international marketing media;

“(6) a trade show exhibition;

“(7) participation in training workshops; or

“(8) any other export initiative determined appropriate by the Associate Administrator.

“(c) GRANTS.—

“(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

“(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

“(A) focuses on eligible small business concerns as part of an export promotion program;

“(B) demonstrates success in promoting exports by—

“(i) socially and economically disadvantaged small business concerns;

“(ii) small business concerns owned or controlled by women; and

“(iii) rural small business concerns;

“(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

“(D) promotes new-to-market export opportunities to the People’s Republic of China for eligible small business concerns in the United States.

“(3) LIMITATIONS.—

“(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

“(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

“(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

“(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

“(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

“(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

“(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

“(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried [out] using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

“(g) REPORTS.—

“(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act [Sept. 27, 2010], the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

“(A) a description of the structure of and procedures for the program;

“(B) a management plan for the program; and

“(C) a description of the merit-based review process to be used in the program.

“(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

“(A) the number and amount of grants made under the program during the preceding year;

“(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

“(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

“(h) REVIEWS BY INSPECTOR GENERAL.—

“(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

“(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

“(B) the overall management and effectiveness of the program.

“(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2011, 2012, and 2013.

“(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.”

[For definitions of “Associate Administrator” and “rural small business concern” as used in section 1207 of Pub. L. 111-240, set out above, see section 1202(a) of Pub. L. 111-240, set out as a note below.]

[For definitions of “Administration” and “small business concern” as used in section 1207 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.]

DEFINITIONS

Pub. L. 111-240, title I, §1202(a), Sept. 27, 2010, 124 Stat. 2520, provided that: “In this subtitle [subtitle B (§§1201-1209) of title I of Pub. L. 111-240, see Short Title of 2010 Amendment note set out under section 631 of this title]—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for International Trade ap-

pointed under section 22(a)(2) of the Small Business Act [15 U.S.C. 649(a)(2)], as amended by this subtitle;

“(2) the term ‘Export Assistance Center’ means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

“(3) the term ‘rural small business concern’ means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986 [26 U.S.C. 1393(a)(2)].”

[For definition of “small business concern” as used in section 1202(a) 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.]

§ 649c. Authorization of appropriations

At least one small business international program shall be established within each region of the Department of Commerce. There are authorized to be appropriated to the Secretary \$1,500,000 for each fiscal year 1981, 1982, and 1983, to carry out the program established in section 649b of this title.

(Pub. L. 96-481, title III, §303, Oct. 21, 1980, 94 Stat. 2332.)

CODIFICATION

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

§ 649d. Central information clearinghouse

The Secretary through the International Trade Administration, shall, only to such extent and in such amounts as are provided in appropriation Acts on and after October 1, 1980, maintain a central clearinghouse to provide for the collection, dissemination, and exchange of information between programs established pursuant to sections 649a and 649b of this title, the Office of International Trade of the Small Business Administration, and other interested concerns.

(Pub. L. 96-481, title III, §304, Oct. 21, 1980, 94 Stat. 2333.)

CODIFICATION

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

§ 650. Supervisory and enforcement authority for small business lending companies

(a) In general

The Administrator is authorized—

(1) to supervise the safety and soundness of small business lending companies and non-Federally regulated lenders;

(2) with respect to small business lending companies to set capital standards to regulate, to examine, and to enforce laws governing such companies, in accordance with the purposes of this chapter; and

(3) with respect to non-Federally regulated lenders to regulate, to examine, and to enforce laws governing the lending activities of such lenders under section 636(a) of this title in accordance with the purposes of this chapter.

(b) Capital directive

(1) In general

If the Administrator determines that a small business lending company is being operated in an imprudent manner, the Adminis-

trator may, in addition to any other action authorized by law, issue a directive to such company to increase capital to such level as the Administrator determines will result in the safe and sound operation of such company.

(2) Delegation

The Administrator may not delegate the authority granted under paragraph (1) except to an Associate Deputy Administrator.

(3) Regulations

The Administrator shall issue regulations outlining the conditions under which the Administrator may determine the level of capital pursuant to paragraph (1).

(c) Civil action

If a small business lending company violates this chapter, the Administrator may institute a civil action in an appropriate district court to terminate the rights, privileges, and franchises of the company under this chapter.

(d) Revocation or suspension of loan authority

(1) The Administrator may revoke or suspend the authority of a small business lending company or a non-Federally regulated lender to make, service or liquidate business loans authorized by section 636(a) of this title—

(A) for false statements knowingly made in any written submission required under this chapter;

(B) for omission of a material fact from any written submission required under this chapter;

(C) for willful or repeated violation of this chapter;

(D) for willful or repeated violation of any condition imposed by the Administrator with respect to any application, request, or agreement under this chapter; or

(E) for violation of any cease and desist order of the Administrator under this section.

(2) The Administrator may revoke or suspend authority under paragraph (1) only after a hearing under subsection (f). The Administrator may delegate power to revoke or suspend authority under paragraph (1) only to the Deputy Administrator and only if the Administrator is unavailable to take such action.

(A) The Administrator, after finding extraordinary circumstances and in order to protect the financial or legal position of the United States, may issue a suspension order without conducting a hearing pursuant to subsection (f). If the Administrator issues a suspension under the preceding sentence, the Administrator shall within two business days follow the procedures set forth in subsection (f).

(B) Any suspension under paragraph (1) shall remain in effect until the Administrator makes a decision pursuant to subparagraph (4) to permanently revoke the authority of the small business lending company or non-Federally regulated lender, suspend the authority for a time certain, or terminate the suspension.

(3) The small business lending company or non-Federally regulated lender must notify borrowers of a revocation and that a new entity has