

(2) Minimum funding

The amount made available under this section to each State shall be not less than \$325,000.

(3) Types of uses

Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) No non-Federal share required

Notwithstanding section 648(a)(4)(A) of this title, the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) Distribution

Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) Authorization of appropriations

There is authorized to be appropriated to the Administrator \$50,000,000 to carry out this section.

(Pub. L. 111-240, title I, §1402, Sept. 27, 2010, 124 Stat. 2550.)

CODIFICATION

Section was enacted as part of the Small Business Jobs Act of 2010, and not as part of the Small Business Act which comprises this chapter.

DEFINITIONS

For definition of “Administrator” and “small business concern” as used in this section, see section 1001 of Pub. L. 111-240, set out as a note under section 632 of this title.

§ 648c. SBA and USPTO partnerships**(a) In general**

Beginning not later than 180 days after October 9, 2018, the Administrator, in consultation with the Director, shall develop partnership agreements that—

(1) provide for the—

(A) development of high-quality training, including in-person or modular training sessions, for small business concerns relating to domestic and international protection of intellectual property;

(B) leveraging of training materials already developed for the education of inventors and small business concerns; and

(C) participation of a nongovernmental organization; and

(2) provide training—

(A) through electronic resources, including Internet-based webinars; and

(B) at physical locations, including—

(i) a small business development center; and

(ii) the headquarters or a regional office of the USPTO.

(Pub. L. 115-259, §4, Oct. 9, 2018, 132 Stat. 3664.)

CODIFICATION

Section was enacted as part of the Small Business Innovation Protection Act of 2017, and not as part of the Small Business Act which comprises this chapter.

FINDINGS

Pub. L. 115-259, §3, Oct. 9, 2018, 132 Stat. 3664, provided that: “Congress finds that—

“(1) the USPTO and the SBA are positioned to—

“(A) build upon several successful intellectual property and training programs aimed at small business concerns; and

“(B) increase the availability of and the participation in the programs described in subparagraph (A) across the United States; and

“(2) any education and training program administered by the USPTO and the SBA should be scalable so that the program is able to reach more small business concerns.”

DEFINITIONS

Pub. L. 115-259, §2, Oct. 9, 2018, 132 Stat. 3664, provided that: “In this Act [see Short Title of 2018 Amendment note set out under section 631 of this title]—

“(1) the term ‘Administrator’ means the Administrator of the SBA;

“(2) the term ‘Director’ means the Under Secretary of Commerce for Intellectual Property and Director of the USPTO;

“(3) the term ‘SBA’ means the Small Business Administration;

“(4) the term ‘small business concern’ has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a));

“(5) the term ‘small business development center’ means a center described in section 21 of the Small Business Act (15 U.S.C. 648); and

“(6) the term ‘USPTO’ means the United States Patent and Trademark Office.”

§ 649. Office of International Trade**(a) Establishment****(1) Office**

There is established within the Administration an Office of International Trade which shall implement the programs pursuant to this section for the primary purposes of increasing—

(A) the number of small business concerns that export; and

(B) the volume of exports by small business concerns.

(2) Associate Administrator

The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.

(b) Trade distribution network

The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director¹ of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center

¹ So in original. Probably should be preceded by “the”.

network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 637(b)(1) of this title, and Export Assistance Centers, for programs relating to—

- (A) trade promotion;
- (B) trade finance;
- (C) trade adjustment assistance;
- (D) trade remedy assistance; and
- (E) trade data collection;

(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

- (A) accompany small business concerns on foreign trade missions; and
- (B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.

(c) Promotion of sales opportunities

The Associate Administrator shall promote sales opportunities for small business goods and services abroad. To accomplish this objective the office shall—

(1) establish annual goals for the Office relating to—

- (A) enhancing the exporting capability of small business concerns and small manufacturers;
- (B) facilitating technology transfers;
- (C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;
- (D) increasing the ability of small business concerns to access capital; and
- (E) disseminating information concerning Federal, State, and private programs and initiatives;

(2) in cooperation with the Department of Commerce, other relevant agencies, regional and local Administration offices, the Small Business Development Center network, and State programs, develop a mechanism for—

- (A) identifying subsectors of the small business community with strong export potential;
- (B) identifying areas of demand in foreign markets;
- (C) prescreening foreign buyers for commercial and credit purposes; and

(D) assisting in increasing international marketing by disseminating relevant information regarding market leads, linking potential sellers and buyers, and catalyzing the formation of joint ventures, where appropriate;

(3) in cooperation with the Department of Commerce, actively assist small business concerns in forming and using export trading companies, export management companies and research and development pools authorized under section 638 of this title;

(4) work in conjunction with other Federal agencies, regional and district offices of the Administration, the small business development center network, and the private sector to identify and publicize translation services, including those available through colleges and universities participating in the small business development center program;

(5) work closely with the Department of Commerce and other relevant Federal agencies to—

(A) collect, analyze and periodically update relevant data regarding the small business share of United States exports and the nature of State exports (including the production of Gross State Product figures) and disseminate that data to the public and to Congress;

(B) make recommendations to the Secretary of Commerce and to Congress regarding revision of the North American Industry Classification System codes to encompass industries currently overlooked and to create North American Industry Classification System codes for export trading companies and export management companies;

(C) improve the utility and accessibility of existing export promotion programs for small business concerns; and

(D) increase the accessibility of the Export Trading Company contact facilitation service;

(6) make available to the small business community information regarding conferences on exporting and international trade sponsored by the public and private sector;

(7) provide small business concerns with access to up to date and complete export information by—

(A) making available, at the regional and district offices of the Administration through cooperation with the Department of Commerce, export information, including, but not limited to, the worldwide information and trade system and world trade data reports;

(B) maintaining a list of financial institutions that finance export operations;

(C) maintaining a directory of all Federal, regional, State and private sector programs that provide export information and assistance to small business concerns; and

(D) preparing and publishing such reports as it determines to be necessary concerning market conditions, sources of financing, export promotion programs, and other information pertaining to the needs of small business exporting firms so as to insure that

the maximum information is made available to small business concerns in a readily usable form;

(8) encourage through cooperation with the Department of Commerce, greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities of the Department of Commerce;

(9) facilitate decentralized delivery of export information and assistance to small business concerns by assigning primary responsibility for export development to one individual in each district office and providing each Administration regional office with a full-time export development specialist, who shall—

(A) assist small business concerns in obtaining export information and assistance from other Federal departments and agencies;

(B) maintain a directory of all programs which provide export information and assistance to small business concerns in the region;

(C) encourage financial institutions to develop and expand programs for export financing;

(D) provide advice to personnel of the Administration involved in making loans, loan guarantees, and extensions and revolving lines of credit, and providing other forms of assistance to small business concerns engaged in exports;

(E) within one hundred and eighty days of their appointment, participate in training programs designed by the Administrator, in conjunction with the Department of Commerce and other Federal departments and agencies, to study export programs and to examine the needs of small business concerns for export information and assistance;

(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;

(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section

637(b)(1) of this title, State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.

(d) Export financing programs

(1) In general

The Associate Administrator shall work in cooperation with the Export-Import Bank of the United States, the Department of Commerce, other relevant Federal agencies, and the States to develop a program through which export specialists in the regional offices of the Administration, regional and local loan officers, and Small Business Development Center personnel can facilitate the access of small businesses to relevant export financing programs of the Export-Import Bank of the United States and to export and pre-export financing programs available from the Administration and the private sector.

(2) Trade finance specialist

To accomplish the goal established under paragraph (1), the Associate Administrator shall—

(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

(B) work in cooperation with the Export-Import Bank and the small business community, including small business trade associations, to—

(i) aggressively market existing Administration export financing and pre-export financing programs;

(ii) identify financing available under various Export-Import Bank programs, and aggressively market those programs to small businesses;

(iii) assist in the development of financial intermediaries and facilitate the access of those intermediaries to existing financing programs;

(iv) promote greater participation by private financial institutions, particularly those institutions already participating in loan programs under this chapter, in export finance; and

(v) provide for the participation of appropriate Administration personnel in training programs conducted by the Export-Import Bank.

(e) Trade remedies

The Associate Administrator shall—

(1) work in cooperation with other Federal agencies and the private sector to counsel small businesses with respect to initiating and participating in any proceedings relating to the administration of the United States trade laws; and

(2) work with the Department of Commerce, the Office of the United States Trade Rep-

representative, and the International Trade Commission to increase access to trade remedy proceedings for small businesses.

(f) Reporting requirement

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 that contains—

(1) a description of the progress of the Office in implementing the requirements of this section;

(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);²

(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

(5) a description of the participation by the Office in trade negotiations.

(g) Studies

The Associate Administrator, in cooperation, where appropriate, with the Division of Economic Research of the Office of Advocacy, and with other Federal agencies, shall undertake studies regarding the following issues and shall report to the Committees on Small Business of the House of Representatives and the Senate, and to other relevant Committees of the House and Senate within 6 months after August 23, 1988, with specific recommendations on—

(1) the viability and cost of establishing an annual, competitive small business export incentive program similar to the Small Business Innovation Research program and alternative methods of structuring such a program;

(2) methods of streamlining trade remedy proceedings to increase access for, and reduce expenses incurred by, smaller firms;

(3) methods of improving the current small business foreign sales corporation tax incentives and providing small businesses with greater benefits from this initiative;

(4) methods of identifying potential export markets for United States small businesses; maintaining and disseminating current foreign market data; and devising a comprehensive export marketing strategy for United States small business goods and services, and shall include data on the volume and dollar amount of goods and services, identified by type, imported by United States trading partners over the past 10 years; and

(5) the results of a survey of major United States trading partners to identify the domestic policies, programs and incentives, and the private sector initiatives, which exist to encourage the formation and growth of small business.

²So in original. Probably should be a reference to subsection (j).

(h) Discharge of international trade responsibilities of Administration

The Administrator shall ensure that—

(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

(3) the Associate Administrator has direct supervision and control over—

(A) the staff of the Office; and

(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.

(i) Export and trade counseling

(1) Definition

In this subsection—

(A) the term “lead small business development center” means a small business development center that has received a grant from the Administration; and

(B) the term “lead women’s business center” means a women’s business center that has received a grant from the Administration.

(2) Certification program

The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women’s business centers in providing export assistance to small business concerns.

(3) Number of certified employees

The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

(A) 5; or

(B) 10 percent of the total number of employees of the lead small business development center.

(4) Reimbursement for certification

(A) In general

Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women’s business center for costs relating to the certification of an employee of the lead small business center or lead women’s business center in providing export assistance under the program established under paragraph (2).

(B) Limitation

The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

(j) Performance measures

(1) In general

The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

(A) the number of small business concerns that—

(i) receive assistance from the Administration;

(ii) had not exported goods or services before receiving the assistance described in clause (i); and

(iii) export goods or services;

(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

(C) export revenues by small business concerns assisted by programs of the Administration;

(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

(2) Joint performance measures

The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

(A) section 636(a)(16) of this title;

(B) the Export Working Capital Program established under section 636(a)(14) of this title;

(C) the Preferred Lenders Program, as defined in section 636(a)(2)(C)(ii) of this title; and

(D) the export express program established under section 636(a)(34) of this title.

(3) Consistency of tracking

The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 4727 of this title and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.

(k) Export Assistance Centers

(1) Export finance specialists

(A) Minimum number of export finance specialists

On and after the date that is 90 days after September 27, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export fi-

nance specialists is not less than the number of such employees so assigned on January 1, 2003.

(B) Export finance specialists assigned to each region of the Administration

On and after the date that is 2 years after September 27, 2010, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

(2) Placement of export finance specialists

(A) Priority

The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on September 27, 2010, either through retirement or reassignment.

(B) Needs of exporters

The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

(C) Rule of construction

Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on September 27, 2010.

(3) Goals

The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

(4) Oversight

The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

(l) State Trade Expansion Program

(1) Definitions

In this subsection—

(A) the term “eligible small business concern” means a business concern that—

(i) is organized or incorporated in the United States;

(ii) is operating in the United States;

(iii) meets—

(I) the applicable industry-based small business size standard established under section 632 of this title; or

(II) the alternate size standard applicable to the program under section 636(a) of this title and the loan programs under

title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(iv) has been in business for not less than 1 year, as of the date on which assistance using a grant under this subsection commences; and

(v) has access to sufficient resources to bear the costs associated with trade, including the costs of packing, shipping, freight forwarding, and customs brokers;

(B) the term “program” means the State Trade Expansion Program established under paragraph (2);

(C) the term “rural small business concern” means an eligible small business concern located in a rural area, as that term is defined in section 1393(a)(2) of title 26;

(D) the term “socially and economically disadvantaged small business concern” has the meaning given that term in section 637(a)(4)(A) of this title; and

(E) 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.

(2) Establishment of program

The Associate Administrator shall establish a trade expansion program, to be known as the “State Trade Expansion Program”, to make grants to States to carry out programs that assist eligible small business concerns in—

- (A) participation in foreign trade missions;
- (B) a subscription to services provided by the Department of Commerce;
- (C) the payment of website fees;
- (D) the design of marketing media;
- (E) a trade show exhibition;
- (F) participation in training workshops;
- (G) a reverse trade mission;
- (H) procurement of consultancy services (after consultation with the Department of Commerce to avoid duplication); or
- (I) any other initiative determined appropriate by the Associate Administrator.

(3) Grants

(A) 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 exploring significant new trade opportunities.

(B) Considerations

In making grants under this subsection, the Associate Administrator may give priority to an application by a State that proposes a program that—

- (i) focuses on eligible small business concerns as part of a trade expansion program;
- (ii) demonstrates intent to promote trade expansion by—
 - (I) socially and economically disadvantaged small business concerns;
 - (II) small business concerns owned or controlled by women; and
 - (III) rural small business concerns;

(iii) promotes trade facilitation from a State that is not 1 of the 10 States with the highest percentage of eligible small business concerns that are engaged in international trade, based upon the most recent data from the Department of Commerce; and

(iv) includes—

(I) activities which have resulted in the highest return on investment based on the most recent year; and

(II) the adoption of shared best practices included in the annual report of the Administration.

(C) Limitations

(i) Single application

A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(ii) Proportion of amounts

The total value of grants made under the program during a fiscal year to the 10 States with the highest percentage of eligible small business concerns, based upon the most recent 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.

(iii) Duration

The Associate Administrator shall award a grant under this program for a period of not more than 2 years.

(D) Application

(i) In general

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.

(ii) Consultation to reduce duplication

A State desiring a grant under the program shall—

(I) before submitting an application under clause (i), consult with applicable trade agencies of the Federal Government on the scope and mission of the activities the State proposes to carry out using the grant, to ensure proper coordination and reduce duplication in services; and

(II) document the consultation conducted under subclause (I) in the application submitted under clause (i).

(4) Competitive basis

The Associate Administrator shall award grants under the program on a competitive basis.

(5) Federal share

The Federal share of the cost of a trade expansion program carried out using a grant under the program shall be—

- (A) for a State that has a high trade volume, as determined by the Associate Administrator, not more than 65 percent; and
- (B) for a State that does not have a high trade volume, as determined by the Associate Administrator, not more than 75 percent.

(6) Non-Federal share

The non-Federal share of the cost of a trade expansion 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.

(7) Reports**(A) Initial report**

Not later than 120 days after February 24, 2016, 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—

- (i) a description of the structure of and procedures for the program;
- (ii) a management plan for the program; and
- (iii) a description of the merit-based review process to be used in the program.

(B) Annual reports**(i) In general**

The Associate Administrator shall publish on the website of the Administration an annual report regarding the program, which shall include—

- (I) the number and amount of grants made under the program during the preceding year;
- (II) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with each grant;
- (III) the effect of each grant on the eligible small business concerns in the State receiving the grant;
- (IV) the total return on investment for each State; and
- (V) a description of best practices by States that showed high returns on investment and significant progress in helping more eligible small business concerns.

(ii) Notice to Congress

On the date on which the Associate Administrator publishes a report under clause (i), the Associate Administrator shall notify the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that the report has been published.

(8) Reviews by Inspector General**(A) In general**

The Inspector General of the Administration shall conduct a review of—

- (i) 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
- (ii) the overall management and effectiveness of the program.

(B) Reports**(i) Pilot program**

Not later than 6 months after February 24, 2016, 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 use of amounts made available under the State Trade and Export Promotion Grant Program under section 1207 of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note).

(ii) New step program

Not later than 18 months after the date on which the first grant is awarded under this subsection, 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 subparagraph (A).

(9) Authorization of appropriations

There is authorized to be appropriated to carry out the program \$30,000,000 for each of fiscal years 2016 through 2020.

(m) Definitions

In this section—

- (1) the term “Associate Administrator” means the Associate Administrator for International Trade described in subsection (a)(2);
- (2) the term “Export Assistance Center” means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 4721(b)(8) of this title;
- (3) the term “export finance specialist” means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and
- (4) the term “Office” means the Office of International Trade established under subsection (a)(1).

(Pub. L. 85-536, §2[22], as added Pub. L. 96-481, title I, §113(a), Oct. 21, 1980, 94 Stat. 2323; amended Pub. L. 100-418, title VIII, §8003, Aug. 23, 1988, 102 Stat. 1554; Pub. L. 111-240, title I, §§1203(a), (c), 1204(a), 1205(a), Sept. 27, 2010, 124 Stat. 2521, 2522, 2527; Pub. L. 114-125, title V, §503, Feb. 24, 2016, 130 Stat. 174; Pub. L. 115-254, div. F, title VI, §1470(c), Oct. 5, 2018, 132 Stat. 3516.)

AMENDMENT OF SECTION

Pub. L. 115-254, div. F, title VI, §1470(c), (w), Oct. 5, 2018, 132 Stat. 3516, 3519, provided that, effective at the end of the transition period, as defined in section 9681 of Title 22, Foreign Relations and Intercourse, this section is amended as follows:

- (1) by striking “Overseas Private Investment Corporation” and inserting “United States International Development Finance Corporation” wherever appearing; and
- (2) by striking “the President of the Overseas Private Investment Corporation, Director” and

inserting “the Board of Directors of the United States International Development Finance Corporation, the Director” in introductory provisions of subsection (b).

See 2018 Amendment notes below.

REFERENCES IN TEXT

The Small Business Investment Act of 1958, referred to in subsec. (l)(1)(A)(iii)(II), is Pub. L. 85-699, Aug. 21, 1958, 72 Stat. 689. Title V of the Act is classified generally to subchapter V (§ 695 et seq.) of chapter 14B of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

Section 1207 of the Small Business Jobs Act of 2010, referred to in subsec. (l)(8)(B)(i), is section 1207 of Pub. L. 111-240, which is set out as a note under section 649b of this title.

PRIOR PROVISIONS

A prior section 649, act July 30, 1953, ch. 282, title II, § 220, 67 Stat. 240, which required a fair charge for use of Government-owned property, was omitted as superseded by section 643 of this title. See Codification note set out under section 631 of this title.

AMENDMENTS

2018—Pub. L. 115-254, § 1470(c)(2), substituted “United States International Development Finance Corporation” for “Overseas Private Investment Corporation” wherever appearing.

Subsec. (b). Pub. L. 115-254, § 1470(c)(1), substituted “the Board of Directors of the United States International Development Finance Corporation, the Director” for “the President of the Overseas Private Investment Corporation, Director” in introductory provisions.

2016—Subsecs. (l), (m). Pub. L. 114-125 added subsec. (l) and redesignated former subsec. (l) as (m).

2010—Pub. L. 111-240, § 1203(a)(1), inserted section catchline.

Subsec. (a). Pub. L. 111-240, § 1203(a), inserted subsec. (a) heading, designated existing provisions as par. (1), inserted par. (1) heading, substituted “for the primary purposes of increasing—” for period at end, added subpars. (A) and (B) of par. (1), and added par. (2).

Subsec. (b). Pub. L. 111-240, § 1204(a)(1), added subsec. (b) and struck out former subsec. (b) which related to development of distribution network, marketing of programs and dissemination of information, and bilingual job applicants.

Subsec. (c). Pub. L. 111-240, § 1204(a)(2)(A), inserted heading and substituted “The Associate Administrator” for “The Office” in introductory provisions.

Subsec. (c)(1). Pub. L. 111-240, § 1204(a)(2)(C), added par. (1). Former par. (1) redesignated (2).

Subsec. (c)(2). Pub. L. 111-240, § 1204(a)(2)(D), substituted “mechanism for—

“(A) identifying subsectors of the small business community with strong export potential;

“(B) identifying areas of demand in foreign markets;

“(C) prescreening foreign buyers for commercial and credit purposes; and

“(D) assisting”

for “mechanism for (A) identifying sub-sectors of the small business community with strong export potential; (B) identifying areas of demand in foreign markets; (C) prescreening foreign buyers for commercial and credit purposes; and (D) assisting”.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (c)(3). Pub. L. 111-240, § 1204(a)(2)(E), substituted “assist small business concerns in forming and using” for “assist small businesses in the formation and utilization of”.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (c)(4). Pub. L. 111-240, § 1204(a)(2)(F), substituted “district” for “local”, “small business development center network” for “Small Business Development Center network”, and “small business development center program” for “Small Business Development Center Program” and struck out “existing” before “translation”.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (c)(5). Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (c)(5)(A). Pub. L. 111-240, § 1204(a)(2)(G)(i), substituted “Gross State Product” for “Gross State Produce”.

Subsec. (c)(5)(B). Pub. L. 111-240, § 1204(a)(2)(G)(ii), substituted “North American Industry Classification System” for “SIC” in two places.

Subsec. (c)(5)(C). Pub. L. 111-240, § 1204(a)(2)(G)(iii), substituted “small business concerns” for “small businesses”.

Subsec. (c)(6). Pub. L. 111-240, § 1204(a)(2)(H), substituted semicolon for period at end.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (c)(7). Pub. L. 111-240, § 1204(a)(2)(I)(i)(II), (v), substituted “small business concerns” for “small businesses” and “up to date” for “current” in introductory provisions.

Pub. L. 111-240, § 1204(a)(2)(I)(i)(I), which directed amendment of introductory provisions by inserting “concerns” after “small business”, could not be executed because the words “small business” did not appear.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (c)(7)(A). Pub. L. 111-240, § 1204(a)(2)(I)(ii), substituted “regional and district offices of the Administration” for “Administration’s regional offices”.

Subsec. (c)(7)(B). Pub. L. 111-240, § 1204(a)(2)(I)(iii), struck out “current” before “list”.

Subsec. (c)(7)(C). Pub. L. 111-240, § 1204(a)(2)(I)(iv), (v), struck out “current” before “directory” and substituted “small business concerns” for “small businesses”.

Subsec. (c)(7)(D). Pub. L. 111-240, § 1204(a)(2)(I)(v), substituted “small business concerns” for “small businesses”.

Subsec. (c)(8). Pub. L. 111-240, § 1204(a)(2)(J), struck out “and” at end. The amendment was made to reflect the probable intent of Congress, in the absence of quotation marks around the word “and” in the directory language.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Subsec. (c)(9). Pub. L. 111-240, § 1204(a)(2)(K)(i), (vi), in introductory provisions, substituted “small business concerns” for “small businesses” and “individual in each district office and providing each Administration regional office with a full-time export development specialist, who” for “person in each district office. Such specialists” and struck out “full-time export development specialists to each Administration regional office and assigning” before “primary responsibility”.

Pub. L. 111-240, § 1204(a)(2)(B), redesignated par. (8) as (9).

Subsec. (c)(9)(A). Pub. L. 111-240, § 1204(a)(2)(K)(vi), substituted “small business concerns” for “small businesses”.

Subsec. (c)(9)(B). Pub. L. 111-240, § 1204(a)(2)(K)(vi), substituted “small business concerns” for “small businesses”.

Pub. L. 111-240, § 1204(a)(2)(K)(ii)(II), which directed amendment by substituting “in” for “with”, was executed by making the substitution for “within”, to reflect the probable intent of Congress.

Pub. L. 111-240, § 1204(a)(2)(K)(ii)(I), struck out “current” before “directory”.

Subsec. (c)(9)(D). Pub. L. 111-240, § 1204(a)(2)(K)(iii), (vi), substituted “personnel of the Administration involved in making” for “Administration personnel in-

involved in granting” and “small business concerns” for “small businesses” and struck out “and” at end.

Subsec. (c)(9)(E). Pub. L. 111-240, §1204(a)(2)(K)(iv), substituted “the needs of small business concerns” for “small businesses’ needs” and semicolon for period at end.

Subsec. (c)(9)(F), (G). Pub. L. 111-240, §1204(a)(2)(K)(v), added subpars. (F) and (G).

Subsec. (c)(10) to (13). Pub. L. 111-240, §1204(a)(2)(L), added pars. (10) to (13).

Subsec. (d). Pub. L. 111-240, §1204(a)(3), inserted subsec. (d) heading, designated first sentence of existing provisions as par. (1), inserted par. (1) heading, substituted “The Associate Administrator” for “The Office” in par. (1), designated second sentence of existing provisions as par. (2), inserted par. (2) heading, substituted “To accomplish the goal established under paragraph (1), the Associate Administrator shall—” for “To accomplish this goal, the Office shall work” in par. (2), added subpar. (A) and inserted “(B) work” before “in cooperation”, redesignated former pars. (1) to (5) as cls. (i) to (v), respectively, of subpar. (B) of par. (2), and realigned margins.

Subsec. (e). Pub. L. 111-240, §1204(a)(4), inserted heading and substituted “The Associate Administrator” for “The Office” in introductory provisions.

Subsec. (f). Pub. L. 111-240, §1204(a)(5), amended subsec. (f) generally. Prior to amendment, text read as follows: “The Office shall report to the Committees on Small Business of the House of Representatives and the Senate on an annual basis as to its progress in implementing the requirements under this section.”

Subsec. (g). Pub. L. 111-240, §1204(a)(6), inserted heading and substituted “The Associate Administrator” for “The Office” in introductory provisions.

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 OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of Title 22, Foreign Relations and Intercourse, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

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 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;