

(3) the term “United States exporter” means—

(A) a United States citizen;

(B) a corporation, partnership, or other association created under the laws of the United States or of any State; or

(C) a foreign corporation, partnership, or other association, more than 95 percent of which is owned by persons described in subparagraphs (A) and (B),

that exports, or seeks to export, goods or services produced in the United States;

(4) the term “small business” means any small business concern as defined under section 632 of this title;

(5) the term “State” means any of the several States, the District of Columbia, or any commonwealth, territory, or possession of the United States; and

(6) the term “United States” means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Pub. L. 100-418, title II, § 2301, Aug. 23, 1988, 102 Stat. 1338; Pub. L. 102-429, title II, §§ 202, 203, 205, Oct. 21, 1992, 106 Stat. 2201, 2204; Pub. L. 115-254, div. F, title VI, § 1470(d), Oct. 5, 2018, 132 Stat. 3516.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (c)(4)(B), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of Title 22 and Tables.

CODIFICATION

Section is comprised of section 2301 of Pub. L. 100-418. Subsec. (i) of section 2301 of Pub. L. 100-418 amended section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

2018—Subsec. (b)(9). Pub. L. 115-254 substituted “United States International Development Finance Corporation” for “Overseas Private Investment Corporation”.

Subsec. (f). Pub. L. 115-254 substituted “United States International Development Finance Corporation” for “Overseas Private Investment Corporation” in introductory provisions.

1992—Subsec. (b)(8), (9). Pub. L. 102-429, §§ 202, 203(a), added pars. (8) and (9).

Subsec. (d)(1). Pub. L. 102-429, § 205, substituted “16” for “8”.

Subsecs. (f) to (j). Pub. L. 102-429, § 203(b), added subsec. (f) and redesignated former subsecs. (f) to (i) as (g) to (j), respectively.

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (g) of this section relating to reporting results of audits to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 53 of House Document No. 103-7.

§ 4721a. State trade coordination

(a) Omitted

(b) Federal and State export promotion coordination plan

(1) In general

The Secretary of Commerce, acting through the Trade Promotion Coordinating Committee and in coordination with representatives of State trade promotion agencies, shall develop a comprehensive plan to integrate the resources and strategies of State trade promotion agencies into the overall Federal trade promotion program.

(2) Matters to be included

The plan required under paragraph (1) shall include the following:

(A) A description of the role of State trade promotion agencies in assisting exporters.

(B) An outline of the role of State trade promotion agencies and how it is different from Federal agencies located within or providing services within the State.

(C) A plan on how to utilize State trade promotion agencies in the Federal trade promotion program.

(D) An explanation of how Federal and State agencies will share information and resources.

(E) A description of how Federal and State agencies will coordinate education and trade events in the United States and abroad.

(F) A description of the efforts to increase efficiency and reduce duplication.

(G) A clear identification of where businesses can receive appropriate international trade information under the plan.

(3) Deadline

The plan required under paragraph (1) shall be finalized and submitted to Congress not later than 12 months after February 24, 2016.

(c) Annual Federal-State export strategy

(1) In general

The Secretary of Commerce, acting through the head of the United States Foreign and Commercial Service,¹ shall develop an annual Federal-State export strategy for each State that submits to the Secretary of Commerce its export strategy for the upcoming calendar year. In developing an annual Federal-State export strategy under this paragraph, the Secretary of Commerce shall take into account the Federal and State export promotion coordination plan developed under subsection (b).

(2) Matters to be included

The Federal-State export strategy required under paragraph (1) shall include the following:

(A) The State’s export strategy and economic goals.

(B) The State’s key sectors and industries of focus.

(C) Possible foreign and domestic trade events.

¹So in original. Probably should be “United States and Foreign Commercial Service.”

(D) Efforts to increase efficiencies and reduce duplication.

(3) Report

The Federal-State export strategy required under paragraph (1) shall be submitted to the Trade Promotion Coordinating Committee not later than February 1, 2017, and February 1 of each year thereafter.

(d) Coordinated metrics and information sharing

(1) In general

The Secretary of Commerce, in coordination with representatives of State trade promotion agencies, shall develop a framework to share export success information, and develop a coordinated set of reporting metrics.

(2) Report to Congress

Not later than one year after February 24, 2016, the Secretary of Commerce shall submit to Congress a report that contains the framework and reporting metrics required under paragraph (1).

(e) Omitted

(Pub. L. 114-125, title V, §505, Feb. 24, 2016, 130 Stat. 179.)

CODIFICATION

Section was enacted as part of the Small Business Trade Enhancement Act of 2015 or the State Trade Coordination Act, and also as part of the Trade Facilitation and Trade Enforcement Act of 2015, and not as part of the Export Enhancement Act of 1988 which enacted this chapter.

Section is comprised of section 505 of Pub. L. 114-125. Subsecs. (a) and (e) of section 505 of Pub. L. 114-125 amended section 4727 of this title.

§ 4722. Transferred

CODIFICATION

Section, Pub. L. 100-418, title II, §2302, Aug. 23, 1988, 102 Stat. 1341, which related to Commercial Service Officers and multilateral development bank procurement, was renumbered §1803 of title XVIII of Pub. L. 95-118, by Pub. L. 101-240, title V, §541(b)(2), Dec. 19, 1989, 103 Stat. 2517, and was transferred to section 262s-2 of Title 22, Foreign Relations and Intercourse.

§ 4723. Market Development Cooperator Program

(a) Authority of Secretary of Commerce

In order to promote further the exportation of goods and services from the United States, the Secretary of Commerce is authorized to establish, in the International Trade Administration of the Department of Commerce, a Market Development Cooperator Program. The purpose of the program is to develop, maintain, and expand foreign markets for nonagricultural goods and services produced in the United States.

(b) Implementation of Program

The Secretary of Commerce shall carry out the Market Development Cooperator Program by entering into contracts with—

- (1) nonprofit industry organizations,
- (2) trade associations,
- (3) State departments of trade and their regional associations, including centers for international trade development, and
- (4) private industry firms or groups of firms in cases where no entity described in paragraph (1), (2), or (3) represents that industry,

(in this section referred to as “cooperators”) to engage in activities in order to carry out the purpose of the Market Development Cooperator Program set forth in subsection (a). The costs of activities under such a contract shall be shared equitably among the Department of Commerce, the cooperator involved, and, whenever appropriate, foreign businesses. The Department of Commerce shall undertake to support direct costs of activities under such a contract, and the cooperator shall undertake to support indirect costs of such activities. Activities under such a contract shall be carried out by the cooperator with the approval and assistance of the Secretary.

(c) Cooperator partnership program

(1) In general

(A) As part of the Market Development Cooperator Program established under subsection (a), the Secretary of Commerce shall establish a partnership program with cooperators under which a cooperator may detail individuals, subject to the approval of the Secretary, to the United States and Foreign Commercial Service for a period of not less than 1 year or more than 2 years to supplement the Commercial Service.

(B) Any individual detailed to the United States and Foreign Commercial Service under this subsection shall be responsible for such duties as the Secretary may prescribe in order to carry out the purpose of the Market Development Cooperator Program set forth in subsection (a).

(C) Individuals detailed to the United States and Foreign Commercial Service under this subsection shall not be considered to be employees of the United States for the purposes of any law administered by the Office of Personnel Management, except that the Secretary of State may determine the applicability to such individuals of section 2669(f) of title 22 and of any other law administered by the Secretary of State concerning the detail of such individuals abroad.

(2) Qualifications of participants

In order to qualify for the program established under this subsection, individuals shall have demonstrated expertise in the international business arena in at least 2 of the following areas: marketing, market research, and computer data bases.

(3) Expenses of the program

(A) The cooperator who details an individual to the United States and Foreign Commercial Service under this subsection shall be responsible for that individual’s salary and related expenses, including health care, life insurance, and other noncash benefits, if any, normally paid by such cooperator.

(B) The Secretary of Commerce shall pay transportation and housing costs for each individual participating in the program established under this subsection.

(d) Budget Act

Contracts may be entered into under this section in a fiscal year only to such extent or in such amounts as are provided in appropriations Acts.