

AMENDMENTS

1992—Subsec. (f). Pub. L. 102-245 substituted “1990, 1991, 1992, and 1993” for “and 1990”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (e)(5) of this section relating to submitting annual report 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 178 of House Document No. 103-7.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

**CHAPTER 73—EXPORT ENHANCEMENT**

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4701 to 4704. Omitted.

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SUBCHAPTER I—FAIR TRADE IN AUTO PARTS

**§§ 4701 to 4704. Omitted**

CODIFICATION

Sections 4701 to 4704 were omitted pursuant to section 4704 which provided that the authorities under this subchapter expired on Dec. 31, 1998.

Section 4701, Pub. L. 100-418, title II, §2122, Aug. 23, 1988, 102 Stat. 1325, defined “Japanese markets”.

Section 4702, Pub. L. 100-418, title II, §2123, Aug. 23, 1988, 102 Stat. 1326, established initiative on auto parts sales to Japan.

Section 4703, Pub. L. 100-418, title II, §2124, Aug. 23, 1988, 102 Stat. 1326, established Special Advisory Committee on auto parts sales in Japan.

Section 4704, Pub. L. 100-418, title II, §2125, Aug. 23, 1988, 102 Stat. 1327; Pub. L. 103-236, title V, §510(a), Apr. 30, 1994, 108 Stat. 465, provided that the authorities under this subchapter expire on Dec. 31, 1998.

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-261, div. C, title XXXVIII, §3801, Oct. 17, 1998, 112 Stat. 2275, provided that title XXXVIII of div.

C of Pub. L. 105-261, enacting former subchapter I-A of this chapter, could be cited as the “Fair Trade in Automotive Parts Act of 1998”.

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-392, title IV, §401, Oct. 22, 1994, 108 Stat. 4099, provided that: “This title [amending section 4728 of this title] may be cited as the ‘Environmental Export Promotion Act of 1994.’”

SHORT TITLE

Pub. L. 100-418, title II, §2001, Aug. 23, 1988, 102 Stat. 1325, provided that: “This title [enacting this chapter, section 3310a of Title 22, Foreign Relations and Inter-course, and section 2410a of Title 50, Appendix, War and National Defense, amending sections 4003, 4051, and 4052 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, sections 1431 and 1708 of Title 7, Agriculture, sections 635q to 635s of Title 12, Banks and Banking, section 1864 of Title 19, Customs Duties, sections 2151f, 2191a, 2195, and 2421 of Title 22, section 1702 of Title 50, and sections 5, 6, 39, 2403 to 2406, 2409 to 2414, 2417, and 2419 of Title 50, Appendix, and enacting provisions set out as notes under sections 4011 and 4701 of this title, sections 1421 and 1431 of Title 7, section 635q of Title 12, sections 2191 and 2421 of Title 22, section 1702 of Title 50, and sections 5, 2401, 2404, 2406, and 2410a of Title 50, Appendix] may be referred to as the ‘Export Enhancement Act of 1988.’”

Pub. L. 100-418, title II, §2121, Aug. 23, 1988, 102 Stat. 1325, provided that this subchapter could be referred to as the “Fair Trade in Auto Parts Act of 1988”.

SUBCHAPTER I-A—FAIR TRADE IN AUTOMOTIVE PARTS

**§§ 4705 to 4705c. Omitted**

CODIFICATION

Sections 4705 to 4705c were omitted pursuant to section 4705c which provided that the authority under this subchapter expired on Dec. 31, 2003.

Section 4705, Pub. L. 105-261, div. C, title XXXVIII, §3802, Oct. 17, 1998, 112 Stat. 2275, contained definitions.

Section 4705a, Pub. L. 105-261, div. C, title XXXVIII, §3803, Oct. 17, 1998, 112 Stat. 2276, related to re-establishment of initiative on automotive parts sales to Japan.

Section 4705b, Pub. L. 105-261, div. C, title XXXVIII, §3804, Oct. 17, 1998, 112 Stat. 2276, established Special Advisory Committee on automotive parts sales in Japanese and other Asian markets.

Section 4705c, Pub. L. 105-261, div. C, title XXXVIII, §3805, Oct. 17, 1998, 112 Stat. 2277, provided that the authority under this subchapter expire on Dec. 31, 2003.

SUBCHAPTER II—GENERAL PROVISIONS

**§ 4711. Repealed. Pub. L. 107-228, div. A, title VI, § 671(1), Sept. 30, 2002, 116 Stat. 1407**

Section, Pub. L. 100-418, title II, §2202, Aug. 23, 1988, 102 Stat. 1327; Pub. L. 104-188, title I, §1954(b)(2), Aug. 20, 1996, 110 Stat. 1928, required the Secretary of State to report annually on the economic policy and trade practices of each country with which the United States has an economic or trade relationship.

**§ 4712. Barter and countertrade**

**(a) Interagency group**

**(1) Establishment**

The President shall establish an interagency group on countertrade, to be composed of representatives of such departments and agencies of the United States as the President considers appropriate. The Secretary of Commerce shall be the chairman of the interagency group.

**(2) Functions**

It shall be the function of the interagency group to—

(A) review and evaluate—

(i) United States policy on countertrade and offsets, in light of current trends in international countertrade and offsets and the impact of those trends on the United States economy;

(ii) the use of countertrade and offsets in United States exports and bilateral United States foreign economic assistance programs; and

(iii) the need for and the feasibility of negotiating with other countries, through the Organization for Economic Cooperation and Development and other appropriate international organizations, to reach agreements on the use of countertrade and offsets; and

(B) make recommendations to the President and the Congress on the basis of the review and evaluation referred to in subparagraph (A).

**(3) Sharing of information**

Other departments and agencies of the United States shall provide to the interagency group such information available to such departments and agencies as the interagency group may request, except that the requirements, including penalties for violation thereof, for preserving the confidentiality of such information which are applicable to the officials, employees, experts, or consultants of such departments and agencies shall apply in the same manner to each member of the interagency group and to any other person performing any function under this subsection.

**(b) Office of Barter****(1) Establishment**

There is established, within the International Trade Administration of the Department of Commerce, the Office of Barter (hereafter in this section referred to as the "Office").

**(2) Director**

There shall be at the head of the Office a Director, who shall be appointed by the Secretary of Commerce.

**(3) Staff**

The Secretary of Commerce shall transfer such staff to the Office as the Secretary determines is necessary to enable the Office to carry out its functions under this section.

**(4) Functions**

It shall be the function of the Office to—

(A) monitor information relating to trends in international barter;

(B) organize and disseminate information relating to international barter in a manner useful to business firms, educational institutions, export-related Federal, State, and local government agencies, and other interested persons, including publishing periodic lists of known commercial opportunities for barter transactions beneficial to United States enterprises;

(C) notify Federal agencies with operations abroad of instances where it would be beneficial to the United States for the Federal Government to barter Government-owned surplus commodities for goods and services purchased abroad by the Federal Government; and

(D) provide assistance to enterprises seeking barter and countertrade opportunities.

(Pub. L. 100-418, title II, §2205, Aug. 23, 1988, 102 Stat. 1332.)

## COMPOSITION OF INTERAGENCY GROUP

For composition of Interagency Group on Countertrade, see section 2-101 of Ex. Ord. No. 12661, Dec. 27, 1988, 54 F.R. 779, set out as a note under section 2901 of Title 19, Customs Duties.

## SUBCHAPTER III—EXPORT PROMOTION

**§ 4721. United States and Foreign Commercial Service****(a) Establishment****(1) In general**

The Secretary of Commerce shall establish, within the International Trade Administration, the United States and Foreign Commercial Service. The Secretary shall, to the greatest extent practicable, transfer to the Commercial Service the functions and personnel of the United States and Foreign Commercial Services.

**(2) Assistant Secretary of Commerce and Director General; other personnel**

The head of the Commercial Service shall be the Assistant Secretary of Commerce and Director General of the Commercial Service, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary of Commerce and Director General of the Commercial Service may appoint Commercial Service Officers and such other personnel as may be necessary to carry out the activities of the Commercial Service.

**(3) Coordination with foreign policy objectives**

The Secretary shall take the necessary steps to ensure that the activities of the Commercial Service are carried out in a manner consistent with United States foreign policy objectives, and the Secretary shall consult regularly with the Secretary of State in order to comply with this paragraph.

**(4) Authority of chief of mission**

All activities of the Commercial Service shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

**(b) Statement of purpose**

The Commercial Service shall place primary emphasis on the promotion of exports of goods and services from the United States, particularly by small businesses and medium-sized businesses, and on the protection of United States business interests abroad by carrying out activities such as—

(1) identifying United States businesses with the potential to export goods and services and providing such businesses with advice and information on establishing export businesses;

(2) providing United States exporters with information on economic conditions, market opportunities, the status of the intellectual property system in such country, and the legal and regulatory environment within foreign countries;

(3) providing United States exporters with information and advice on the necessary adaptation of product design and marketing strategy to meet the differing cultural and technical requirements of foreign countries;

(4) providing United States exporters with actual leads and an introduction to contacts within foreign countries;

(5) assisting United States exporters in locating reliable sources of business services in foreign countries;

(6) assisting United States exporters in their dealings with foreign governments and enterprises owned by foreign governments;

(7) assisting the coordination of the efforts of State and local agencies and private organizations which seek to promote United States business interests abroad so as to maximize their effectiveness and minimize the duplication of efforts;

(8) utilizing district and foreign offices as one-stop shops for United States exporters by providing exporters with information on all export promotion and export finance activities of the Federal Government, assisting exporters in identifying which Federal programs may be of greatest assistance, and assisting exporters in making contact with the Federal programs identified; and

(9) providing United States exporters and export finance institutions with information on all financing and insurance programs of the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration, including providing assistance in completing applications for such programs and working with exporters and export finance institutions to address any deficiencies in such applications that have been submitted.

**(c) Offices**

**(1) In general**

The Commercial Service shall conduct its activities at a headquarters office, district offices located in major United States cities, and foreign offices located in major foreign cities.

**(2) Headquarters**

The headquarters of the Commercial Service shall provide such managerial, administrative, research, and other services as the Secretary considers necessary to carry out the purposes of the Commercial Service.

**(3) District offices**

The Secretary shall establish district offices of the Commercial Service in any United States city in a region in which the Secretary determines that there is a need for Federal Government export assistance.

**(4) Foreign offices**

(A) The Secretary may, after consultation with the Secretary of State, establish foreign

offices of the Commercial Service. These offices shall be located in foreign cities in regions in which the Secretary determines there are significant business opportunities for United States exporters.

(B) The Secretary may, in consultation with the Secretary of State, assign to the foreign offices Commercial Service Officers and such other personnel as the Secretary considers necessary. In employing Commercial Service Officers and such other personnel, the Secretary shall use the Foreign Service personnel system in accordance with the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.]. The Secretary shall designate a Commercial Officer<sup>1</sup> as head of each foreign office.

(C) Upon the request of the Secretary, the Secretary of State shall attach the Commercial Service Officers and other employees of each foreign office to the diplomatic mission of the United States in the country in which that foreign office is located, and shall obtain for them diplomatic privileges and immunities equivalent to those enjoyed by Foreign Service personnel of comparable rank and salary.

(D) For purposes of official representation, the senior Commercial Service Officer in each country shall be considered to be the senior commercial representative of the United States in that country, and the United States chief of mission in that country shall accord that officer all privileges and responsibilities appropriate to the position of senior commercial representative of other countries.

(E) The Secretary of State is authorized, upon the request of the Secretary, to provide office space, equipment, facilities, and such other administrative and clerical services as may be required for the operation of the foreign offices. The Secretary is authorized to reimburse or advance funds to the Secretary of State for such services.

(F) The authority of the Secretary under this paragraph shall be subject to section 4802 of title 22.

**(d) Rank of Commercial Service Officers in foreign missions**

**(1) Minister-Counselor**

Notwithstanding any other provision of law, the Secretary is authorized to designate up to 16 United States missions abroad at which the senior Commercial Service Officer will be able to use the diplomatic title of Minister-Counselor. The Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Service Officer assigned to a United States mission so designated.

**(2) Consul General**

In any United States consulate in which a vacancy occurs in the position of Consul General, the Secretary of State, in consultation with the Secretary, shall consider filling that vacancy with a Commercial Service Officer if the primary functions of the consulate are of a commercial nature and if there are significant business opportunities for United States

<sup>1</sup>So in original. Probably should be "Commercial Service Officer".

exporters in the region in which the consulate is located.

**(e) Information dissemination**

In order to carry out subsection (b)(7) of this section, to lessen the cost of distribution of information produced by the Commercial Service, and to make that information more readily available, the Secretary should establish a system for distributing that information in those areas where no district offices of the Commercial Service are located. Distributors of the information should be State export promotion agencies or private export and trade promotion associations. The distribution system should be consistent with cost recovery objectives of the Department of Commerce.

**(f) Cooperation in Federal financing and insurance programs**

To assist the Commercial Service in carrying out subsection (b)(9) of this section, and consistent with the provisions of section 635i-7 of title 12, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Program, and the Small Business Administration shall each—

(1) provide to the Commercial Service complete and current information on all of its programs and financing practices; and

(2) undertake a training program regarding such programs and practices for Commercial Service Officers who are designated by the Assistant Secretary of Commerce and Director General of the Commercial Service.

**(g) Audits**

The Inspector General of the Department of Commerce shall perform periodic audits of the operations of the Commercial Service, but at least once every 3 years. The Inspector General shall report to the Congress the results of each such audit. In addition to an overview of the activities and effectiveness of Commercial Service operations, the audit shall include—

(1) an evaluation of the current placement of domestic personnel and recommendations for transferring personnel among district offices;

(2) an evaluation of the current placement of foreign-based personnel and recommendations for transferring such personnel in response to newly emerging business opportunities for United States exporters; and

(3) an evaluation of the personnel system and its management, including the recruitment, assignment, promotion, and performance appraisal of personnel, the use of limited appointees, and the “time-in-class” system.

**(h) Report by Secretary**

Not later than 1 year after August 23, 1988, the Secretary shall submit a report to the Congress on the feasibility and desirability, the progress to date, the present status, and the 5-year outlook, of the comprehensive integration of the functions and personnel of the foreign and domestic export promotion operations within the International Trade Administration of the Department of Commerce.

**(i) Omitted**

**(j) Definitions**

For purposes of this section—

(1) the term “Secretary” means the Secretary of Commerce;

(2) the term “Commercial Service” means the United States and Foreign Commercial Service;

(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.)

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

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.

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.

**§ 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) of this section. 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) of this section, 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) of this section.

(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.

(Pub. L. 100–418, title II, §2303, Aug. 23, 1988, 102 Stat. 1342.)

**§ 4723a. United States Commercial Centers****(a) Establishment**

The Secretary of Commerce, in his or her role as chairperson of the Trade Promotion Coordinating Committee, is authorized and encouraged to establish United States Commercial Centers (hereinafter in this section referred to as “Centers”) in Asia, in Latin America, and in Africa.

**(b) Purpose of Centers**

The purpose of the Centers shall be to provide additional resources for the promotion of exports of United States goods and services to the host countries, by familiarizing United States exporters with the industries, markets, and customs of the host countries, thus facilitating commercial ties and trade.

**(c) Functions of Centers**

Each Center shall—

- (1) collect and publish economic and market data with respect to the host country;
- (2) provide, on a user-fee basis, preliminary technical and clerical assistance, language translation, and administrative assistance, and information regarding the legal systems, laws, regulations, and procedures of the host country, to United States exporters seeking to do business in the host country; and
- (3) in other ways promote exports of United States goods and services to the host country.

**(d) Specific services to be provided**

To carry out its objectives, each Center shall make available the following (on a user-fee basis):

**(1) Business facilities**

Business facilities, including exhibition space, conference rooms, office space (including telephones and other basic office equipment), and, where warranted by impeding deficiencies in the public system, high quality international telecommunications facilities.

**(2) Business services**

Business support services, including language translation services, clerical services, and a commercial library containing a comprehensive collection of reference materials covering United States and host country industries and markets.

**(3) Commercial law information services**

Commercial law information services, including—

- (A) a clearinghouse for information regarding the relevant commercial laws, practices, and regulations of the host country;
- (B) publications to assist United States businesses;
- (C) legal referral services; and
- (D) lists of local agents and distributors.

**(e) Other trade promotion activities**

Each Center shall also promote United States export trade by—

- (1) facilitating contacts between buyers, sellers, bankers, traders, distributors, agents, and necessary government officials from the United States and the host country;
- (2) coordinating trade missions; and
- (3) assisting with applications, contracts, and clearances for imports into the host country and exports from the United States.

**(f) Staffing of Centers**

Each Center shall be staffed by members of the United States and Foreign Commercial Service, participants in the Market Development Cooperator Program established under section 4723 of this title, other employees of the Department of Commerce, and employees of appropriate executive branch departments and agencies which are members of the Trade Promotion Coordinating Committee.

**(g) Center facilities and their relationship to United States Department of Commerce operations in host countries****(1) Physical accommodations for the Centers**

The Secretary of Commerce shall locate each Center in the primary commercial city of the host country. The Secretary shall acquire office space, exhibition space, and other facilities and equipment that are necessary for each Center to perform its functions. To the extent feasible, each Center shall be located in the central commercial district of the host city.

**(2) Consolidation of Department of Commerce operations in host countries**

For the purpose of obtaining maximum effectiveness and efficiency and to the extent consistent with the purposes of the Centers, the Secretary of Commerce is encouraged to place all personnel of the Department of Commerce who are assigned to the city in which a Center is located in the same facilities as those in which the Center conducts its activities.

**(h) Use of Market Development Cooperator Program**

The Secretary of Commerce shall, to the greatest extent feasible, use the Market Development Cooperator Program established under

section 4723 of this title to assist in carrying out the purposes of the Centers established under this section.

**(i) Authorization of appropriations**

There are authorized to be appropriated to the Secretary of Commerce to carry out this section \$3,000,000 for fiscal year 1993, and \$5,500,000 for fiscal year 1994. Funds made available under this subsection may be used for the acquisition of real property.

**(j) Repealed. Pub. L. 104-66, title I, § 1021(b), Dec. 21, 1995, 109 Stat. 712****(k) Definitions**

For purposes of this section—

(1) 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;

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

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

(Pub. L. 102-549, title IV, § 401, Oct. 28, 1992, 106 Stat. 3661; Pub. L. 104-66, title I, § 1021(b), Dec. 21, 1995, 109 Stat. 712.)

## CODIFICATION

Section was enacted as part of the Jobs Through Exports Act of 1992, and not as part of the Export Enhancement Act of 1988 which enacted this chapter.

## AMENDMENTS

1995—Subsec. (j). Pub. L. 104-66 struck out heading and text of subsec. (j). Text read as follows: “The Secretary of Commerce shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, not later than 1 year after October 28, 1992, and not later than the end of each 1-year period occurring thereafter, a report on the status, activities, and effectiveness of the Centers. Each such report shall include any recommendations with respect to the program established under this section.”

**§ 4724. Trade shows****(a) Authority of Secretary of Commerce**

In order to facilitate exporting by United States businesses, the Secretary of Commerce shall provide assistance for trade shows in the United States which bring together representatives of United States businesses seeking to export goods or services produced in the United States and representatives of foreign companies or governments seeking to buy such goods or services from these United States businesses.

**(b) Recipients of assistance**

Assistance under subsection (a) of this section may be provided to—

- (1) nonprofit industry organizations,
- (2) trade associations,
- (3) foreign trade zones, and
- (4) private industry firms or groups of firms in cases where no entity described in paragraph (1), (2), or (3) represents that industry,

to provide the services necessary to operate trade shows described in subsection (a) of this section.

**(c) Assistance to small businesses**

In providing assistance under this section, the Secretary of Commerce shall, in consultation with the Administrator of the Small Business Administration, make special efforts to facilitate participation by small businesses and companies new to export.

**(d) Uses of assistance**

Funds appropriated to carry out this section shall be used to—

- (1) identify potential participants for trade show organizers,
- (2) provide information on trade shows to potential participants,
- (3) supply language services for participants, and
- (4) provide information on trade shows to small businesses and companies new to export.

**(e) Definitions**

As used in this section—

- (1) the term “United States business” 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 (including the District of Columbia or any commonwealth, territory, or possession of the United States); 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); and
- (2) the term “small business” means any small business concern as defined under section 632 of this title.

(Pub. L. 100–418, title II, §2304, Aug. 23, 1988, 102 Stat. 1343.)

**§ 4725. United States and Foreign Commercial Service Pacific Rim initiative**

**(a) In general**

In order to encourage the export of United States goods and services to Japan, South Korea, and Taiwan, the United States and Foreign Commercial Service shall make a special effort to—

- (1) identify United States goods and services which are not being exported to the markets of Japan, South Korea, and Taiwan but which could be exported to these markets under competitive market conditions;
- (2) identify and notify United States persons who sell or provide such goods or services of potential opportunities identified under paragraph (1);
- (3) present, periodically, a list of the goods and services identified under paragraph (1), to-

gether with a list of any impediments to the export of such goods and services, to appropriate authorities in Japan, South Korea, and Taiwan, with a view toward liberalizing markets to such goods and services;

(4) facilitate the entrance into such markets by United States persons identified and notified under paragraph (2); and

(5) monitor and evaluate the results of efforts to increase the sale of goods and services in such markets.

**(b) Reports to Congress**

The Secretary of Commerce shall report periodically to the Congress on activities carried out under subsection (a) of this section.

**(c) “United States person” defined**

As used in this section, the term “United States person” means—

- (1) a United States citizen; or
- (2) a corporation, partnership, or other association created under the laws of the United States or any State (including the District of Columbia or any commonwealth, territory, or possession of the United States).

(Pub. L. 100–418, title II, §2306, Aug. 23, 1988, 102 Stat. 1344.)

**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under subsec. (b) of this section is listed on page 51), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

**§ 4726. Indian tribes export promotion**

**(a) Assistance authorized**

The Secretary of Commerce is authorized to provide assistance to eligible entities for the development of foreign markets for authentic American Indian arts and crafts. Eligible entities under this section include Indian tribes, tribal organizations, tribal enterprises, craft guilds, marketing cooperatives, and individual Indian-owned businesses.

**(b) Activities eligible for assistance**

Activities eligible for assistance under this section include, but are not limited to, conduct of market surveys, development of promotional materials, financing of trade missions, participation in international trade fairs, direct marketing, and other market development activities.

**(c) Administration of assistance**

Assistance under this section shall be administered by the Secretary of Commerce under guidelines developed by the Secretary. Priority shall be given to projects which support the establishment of long term, stable international markets for American Indian arts and crafts and which are designed to provide the greatest economic benefit to American Indian artisans.

**(d) Technical and other assistance**

The Secretary of Commerce shall provide technical assistance and support services to applicants eligible for and entities receiving as-

sistance under this section for the purpose of helping them in identifying and entering appropriate foreign markets, complying with foreign and domestic legal and banking requirements regarding the export and import of arts and crafts, and utilizing import and export financial arrangements, and shall provide such other assistance as may be necessary to support the development of export markets for American Indian arts and crafts.

**(e) Limitation on assistance**

No assistance shall be provided under this section in support of any activity which includes the sale or marketing of any craft items other than authentic arts and crafts hand made or hand crafted by American Indian artisans.

(Pub. L. 100-418, title II, §2307, Aug. 23, 1988, 102 Stat. 1345.)

**§ 4727. Trade Promotion Coordinating Committee**

**(a) Establishment and purpose**

The President shall establish the Trade Promotion Coordinating Committee (hereafter in this section referred to as the "TPCC"). The purpose of the TPCC shall be—

- (1) to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government; and
- (2) to develop a governmentwide strategic plan for carrying out Federal export promotion and export financing programs.

**(b) Duties**

The TPCC shall—

- (1) coordinate the development of the trade promotion policies and programs of the United States Government;
- (2) provide a central source of information for the business community on Federal export promotion and export financing programs;
- (3) coordinate official trade promotion efforts to ensure better delivery of services to United States businesses, including—
  - (A) information and counseling on United States export promotion and export financing programs and opportunities in foreign markets;
  - (B) representation of United States business interests abroad; and
  - (C) assistance with foreign business contacts and projects;
- (4) prevent unnecessary duplication in Federal export promotion and export financing activities;
- (5) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations to the President based on its assessment; and
- (6) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

**(c) Strategic plan**

To carry out subsection (b) of this section, the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall—

(1) establish a set of priorities for Federal activities in support of United States exports and explain the rationale for the priorities;

(2) review current Federal programs designed to promote the sale of United States exports in light of the priorities established under paragraph (1) and develop a plan to bring such activities into line with the priorities and to improve coordination of such activities;

(3) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;

(4) propose to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (2) and eliminates funding for the areas of overlap and duplication identified under paragraph (3);

(5) review efforts by the States (as defined in section 4721(i) of this title) to promote United States exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data; and

(6) reflect the recommendations of the United States National Tourism Organization to the degree considered appropriate by the TPCC.

**(d) Membership**

**(1) In general**

Members of the TPCC shall include representatives from—

- (A) the Department of Commerce;
- (B) the Department of State;
- (C) the Department of the Treasury;
- (D) the Department of Agriculture;
- (E) the Department of Energy;
- (F) the Department of Transportation;
- (G) the Office of the United States Trade Representative;
- (H) the Small Business Administration;
- (I) the Agency for International Development;
- (J) the Trade and Development Program;
- (K) the Overseas Private Investment Corporation;
- (L) the Export-Import Bank of the United States; and
- (M) at the discretion of the President, such other departments or agencies as may be necessary.

**(2) Chairperson**

The Secretary of Commerce shall serve as the chairperson of the TPCC.

**(e) Member qualifications**

Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as alternates designated by any members unable to attend a meeting of the TPCC, shall be individuals who exercise significant decisionmaking authority in their respective departments or agencies.

**(f) Report to Congress**

The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing,

and Urban Affairs of the Senate, and the Committee on International Relations of the House of Representatives, not later than March 30 of each year, a report describing—

(1) the strategic plan developed by the TPCC pursuant to subsection (c) of this section, the implementation of such plan, and any revisions thereto; and

(2) the implementation of sections 5823 and 5824 of title 22<sup>1</sup> concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.

(Pub. L. 100-418, title II, § 2312, as added Pub. L. 102-429, title II, § 201, Oct. 21, 1992, 106 Stat. 2199; amended Pub. L. 104-66, title I, § 1022(a), Dec. 21, 1995, 109 Stat. 713; Pub. L. 104-288, § 8, Oct. 11, 1996, 110 Stat. 3407; Pub. L. 106-158, § 7, Dec. 9, 1999, 113 Stat. 1747.)

#### REFERENCES IN TEXT

Sections 5823 and 5824 of title 22, referred to in subsec. (f)(2), was, in the original, “sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824)”, and was translated as meaning sections 303 and 304 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, Pub. L. 102-511, to reflect the probable intent of Congress.

#### AMENDMENTS

1999—Subsec. (f). Pub. L. 106-158 substituted “March 30 of each year.” for “September 30, 1995, and annually thereafter,” in introductory provisions.

1996—Subsec. (c)(6). Pub. L. 104-288 added par. (6).

1995—Subsec. (f). Pub. L. 104-66 amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to subsection (c) of this section, the implementation of such plan, and any revisions thereto.”

#### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

#### EX. ORD. NO. 12870. TRADE PROMOTION COORDINATING COMMITTEE

Ex. Ord. No. 12870, Sept. 30, 1993, 58 F.R. 51753, as amended by Ex. Ord. No. 13286, § 26, Feb. 28, 2003, 68 F.R. 10625, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Export Enhancement Act of 1992 (Public Law 102-429, 106 Stat. 2186) [see Short Title of 1992 Amendment note set out under section 635 of Title 12, Banks and Banking], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is established the “Trade Promotion Coordinating Committee” (“TPCC”). The Committee shall comprise representatives of each of the following:

- (a) Department of Commerce;
- (b) Department of State;
- (c) Department of the Treasury;
- (d) Department of Agriculture;
- (e) Department of Energy;

- (f) Department of Transportation;
- (g) Department of Defense;
- (h) Department of Labor;
- (i) Department of the Interior;
- (j) Department of Homeland Security;
- (k) Agency for International Development;
- (l) Trade and Development Agency;
- (m) Environmental Protection Agency;
- (n) United States Information Agency;
- (o) Small Business Administration;
- (p) Overseas Private Investment Corporation;
- (q) Export-Import Bank of the United States;
- (r) Office of the United States Trade Representative;
- (s) Council of Economic Advisers;
- (t) Office of Management and Budget;
- (u) National Economic Council;
- (v) National Security Council; and
- (w) at the discretion of the President, such other departments or agencies as may be necessary.

Members of the TPCC shall be appointed by the heads of their respective departments or agencies. Such members, as well as their designated alternatives, shall be individuals who exercise significant decision-making authority in their respective departments or agencies.

SEC. 2. *Chairperson.* The Secretary of Commerce shall be the chairperson of the TPCC.

SEC. 3. *Purpose.* The purpose of the TPCC shall be to provide a unifying framework to coordinate the export promotion and export financing activities of the United States Government and to develop a governmentwide strategic plan for carrying out such programs.

SEC. 4. *Duties.* The TPCC shall:

- (a) coordinate the development of the trade promotion policies and programs of the United States Government;
- (b) provide a central source of information for the business community on Federal export promotion and export financing programs;
- (c) coordinate official trade promotion efforts to ensure better delivery of services to U.S. businesses, including:
  - (1) information and counseling on U.S. export promotion and export financing programs and opportunities in foreign markets;
  - (2) representation of U.S. business interests abroad; and
  - (3) assistance with foreign business contacts and projects;
- (d) prevent unnecessary duplication in Federal export promotion and export financing activities;
- (e) assess the appropriate levels and allocation of resources among agencies in support of export promotion and export financing and provide recommendations, through the Director of the Office of Management and Budget to the President, based on its assessment; and
- (f) carry out such other duties as are deemed to be appropriate, consistent with the purpose of the TPCC.

SEC. 5. *Strategic Plan.* To carry out section 4 of this order, the TPCC shall develop and implement a governmentwide strategic plan for Federal trade promotion efforts. Such plan shall:

- (a) establish a set of priorities for Federal activities in support of U.S. exports and explain the rationale for the priorities;
- (b) review current Federal programs designed to promote the sale of U.S. exports in light of the priorities established under paragraph (a) of this section and develop a plan to bring such activities into line with those priorities and to improve coordination of such activities;
- (c) identify areas of overlap and duplication among Federal export promotion activities and propose means of eliminating them;
- (d) propose, through the Director of the Office of Management and Budget, to the President an annual unified Federal trade promotion budget that supports the plan for priority activities and improved coordination established under paragraph (b) of this section and eliminates funding for the areas of overlap and duplication identified under paragraph (c) of this section; and

<sup>1</sup> See References in Text note below.

(e) review efforts by the States to promote U.S. exports and propose means of developing cooperation between State and Federal efforts, including co-location, cost-sharing between Federal and State export promotion programs, and sharing of market research data.

SEC. 6. *Report.* The chairperson of the TPCC, with the approval of the President, shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1993, and annually thereafter, a report describing the strategic plan developed by the TPCC pursuant to section 5 of this order, the implementation of such a plan, and any revisions to the plan.

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of Title 22, Foreign Relations and Inter-course.]

EX. ORD. NO. 13534. NATIONAL EXPORT INITIATIVE

Ex. Ord. No. 13534, Mar. 11, 2010, 75 F.R. 12433, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Export Enhancement Act of 1992, Public Law 102-429, 106 Stat. 2186, and section 301 of title 3, United States Code, in order to enhance and coordinate Federal efforts to facilitate the creation of jobs in the United States through the promotion of exports, and to ensure the effective use of Federal resources in support of these goals, it is hereby ordered as follows:

SECTION 1. *Policy.* The economic and financial crisis has led to the loss of millions of U.S. jobs, and while the economy is beginning to show signs of recovery, millions of Americans remain unemployed or underemployed. Creating jobs in the United States and ensuring a return to sustainable economic growth is the top priority for my Administration. A critical component of stimulating economic growth in the United States is ensuring that U.S. businesses can actively participate in international markets by increasing their exports of goods, services, and agricultural products. Improved export performance will, in turn, create good high-paying jobs.

The National Export Initiative (NEI) shall be an Administration initiative to improve conditions that directly affect the private sector's ability to export. The NEI will help meet my Administration's goal of doubling exports over the next 5 years by working to remove trade barriers abroad, by helping firms—especially small businesses—overcome the hurdles to entering new export markets, by assisting with financing, and in general by pursuing a Government-wide approach to export advocacy abroad, among other steps.

SEC. 2. *Export Promotion Cabinet.* There is established an Export Promotion Cabinet to develop and coordinate the implementation of the NEI. The Export Promotion Cabinet shall consist of:

- (a) the Secretary of State;
- (b) the Secretary of the Treasury;
- (c) the Secretary of Agriculture;
- (d) the Secretary of Commerce;
- (e) the Secretary of Labor;
- (f) the Director of the Office of Management and Budget;
- (g) the United States Trade Representative;
- (h) the Assistant to the President for Economic Policy;
- (i) the National Security Advisor;
- (j) the Chair of the Council of Economic Advisers;
- (k) the President of the Export-Import Bank of the United States;
- (l) the Administrator of the Small Business Administration;
- (m) the President of the Overseas Private Investment Corporation;

(n) the Director of the United States Trade and Development Agency; and

(o) the heads of other executive branch departments, agencies, and offices as the President may, from time to time, designate.

The Export Promotion Cabinet shall meet periodically and report to the President on the progress of the NEI. A member of the Export Promotion Cabinet may designate, to perform the NEI-related functions of that member, a senior official from the member's department or agency who is a full-time officer or employee. The Export Promotion Cabinet may also establish subgroups consisting of its members or their designees, and, as appropriate, representatives of other departments and agencies. The Export Promotion Cabinet shall coordinate with the Trade Promotion Coordinating Committee (TPCC), established by Executive Order 12870 of September 30, 1993.

SEC. 3. *National Export Initiative.* The NEI shall address the following:

(a) *Exports by Small and Medium-Sized Enterprises (SMEs).* Members of the Export Promotion Cabinet shall develop programs, in consultation with the TPCC, designed to enhance export assistance to SMEs, including programs that improve information and other technical assistance to first-time exporters and assist current exporters in identifying new export opportunities in international markets.

(b) *Federal Export Assistance.* Members of the Export Promotion Cabinet, in consultation with the TPCC, shall promote Federal resources currently available to assist exports by U.S. companies.

(c) *Trade Missions.* The Secretary of Commerce, in consultation with the TPCC and, to the extent possible, with State and local government officials and the private sector, shall ensure that U.S. Government-led trade missions effectively promote exports by U.S. companies.

(d) *Commercial Advocacy.* Members of the Export Promotion Cabinet, in consultation with other departments and agencies and in coordination with the Advocacy Center at the Department of Commerce, shall take steps to ensure that the Federal Government's commercial advocacy effectively promotes exports by U.S. companies.

(e) *Increasing Export Credit.* The President of the Export-Import Bank, in consultation with other members of the Export Promotion Cabinet, shall take steps to increase the availability of credit to SMEs.

(f) *Macroeconomic Rebalancing.* The Secretary of the Treasury, in consultation with other members of the Export Promotion Cabinet, shall promote balanced and strong growth in the global economy through the G20 Financial Ministers' process or other appropriate mechanisms.

(g) *Reducing Barriers to Trade.* The United States Trade Representative, in consultation with other members of the Export Promotion Cabinet, shall take steps to improve market access overseas for our manufacturers, farmers, and service providers by actively opening new markets, reducing significant trade barriers, and robustly enforcing our trade agreements.

(h) *Export Promotion of Services.* Members of the Export Promotion Cabinet shall develop a framework for promoting services trade, including the necessary policy and export promotion tools.

SEC. 4. *Report to the President.* Not later than 180 days after the date of this order, the Export Promotion Cabinet, through the TPCC, shall provide the President a comprehensive plan to carry out the goals of the NEI. The Chairman of the TPCC shall set forth the steps taken to implement this plan in the annual report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives required by the Export Enhancement Act of 1992, Public Law 102-249 [102-429], 106 Stat. 2186, and Executive Order 12870, as amended.

SEC. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (1) authority granted by law to an executive department, agency, or the head thereof, or the status of that

department or agency within the Federal Government; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

EX. ORD. NO. 13630. ESTABLISHMENT OF AN INTERAGENCY TASK FORCE ON COMMERCIAL ADVOCACY

Ex. Ord. No. 13630, Dec. 6, 2012, 77 F.R. 73893, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to help level the playing field on behalf of U.S. businesses and workers competing for international contracts against foreign firms and to facilitate the growth of sales of U.S. goods and services around the world in support of the National Export Initiative, it is hereby ordered as follows:

SECTION 1. *Policy.* Executive Order 13534 of March 11, 2010, created the National Export Initiative (NEI), which provides unprecedented Federal support for exports of goods and services by American businesses. Executive Order 13534 also established the Export Promotion Cabinet to develop and coordinate the implementation of the eight priorities of the NEI, which include, but are not limited to, improving advocacy and trade promotion efforts on behalf of U.S. exporters, increasing access to export financing, and removing barriers to trade and enforcing U.S. trade laws and agreements. As part of these responsibilities, the Export Promotion Cabinet, in coordination with the Advocacy Center at the Department of Commerce, is focused on ensuring that the Federal Government's commercial advocacy effectively promotes exports by U.S. businesses, particularly by those firms competing for international contracts against foreign firms that may benefit from strong home government support. The creation of a new whole-of-government commercial advocacy task force that will provide enhanced Federal support for U.S. businesses competing for international contracts, coordinate the efforts of executive branch leadership in engaging their foreign counterparts on commercial advocacy issues, and increase the availability of information to the U.S. business community about these kinds of export opportunities, will ensure that U.S. exporters have more support for selling their goods and services in global markets.

SEC. 2. *Establishment and Membership.* There is hereby established an Interagency Task Force on Commercial Advocacy (Task Force).

(a) The Task Force shall be chaired by the Secretary of Commerce (Chair) and consist of senior-level officials from the following executive departments and agencies (agencies) designated by the heads of those agencies:

- (i) Department of State;
  - (ii) Department of the Treasury;
  - (iii) Department of Defense;
  - (iv) Department of Agriculture;
  - (v) Department of Health and Human Services;
  - (vi) Department of Transportation;
  - (vii) Department of Energy;
  - (viii) Department of Homeland Security;
  - (ix) United States Agency for International Development;
  - (x) Export-Import Bank of the United States;
  - (xi) Millennium Challenge Corporation;
  - (xii) Overseas Private Investment Corporation;
  - (xiii) Small Business Administration;
  - (xiv) United States Trade and Development Agency;
- and

(xv) such other agencies as the President, or the Chair, may designate.

(b) The Chair shall designate a senior-level official of the Department of Commerce as the Executive Director of the Task Force, who shall be responsible for regularly convening and presiding over the meetings of the Task Force, determining its agenda, and guiding its work in fulfilling its functions under this order in coordination with the Advocacy Center at the Department of Commerce.

SEC. 3. *Functions.* The Task Force shall perform the following functions:

(a) review and prioritize commercial advocacy cases in which the Advocacy Center at the Department of Commerce has approved the provision of commercial advocacy services, and coordinate the activities of relevant agencies to enhance Federal support for such cases, in order to increase the success of U.S. exporters competing for foreign procurements;

(b) coordinate the engagement of agency leadership with their foreign counterparts regarding commercial advocacy issues, particularly with respect to their foreign travel and other occasions for engagement with foreign officials, and evaluate reports on the outcomes of such engagement, in order to increase the number of senior-level agency officials regularly and effectively advocating on behalf of U.S. exporters;

(c) develop strategies to raise the awareness of commercial advocacy assistance within the U.S. business community in order to increase the number of U.S. businesses utilizing commercial advocacy services;

(d) institute processes to obtain and distribute information about foreign procurement opportunities that may be of interest to U.S. businesses in order to expand awareness of opportunities for U.S. businesses to sell their goods and services to foreign governments;

(e) facilitate voluntary short-term personnel exchanges, not to exceed 120 days, between the Department of Commerce and other Task Force agencies, in order to cross-train Federal personnel to better serve U.S. exporters; and

(f) submit a progress report to the Export Promotion Cabinet every 180 days, which should include, but not be limited to, the number of commercial advocacy cases opened and successfully concluded, the number of commercial advocacy engagements by senior-level agency officials, and the number of U.S. businesses utilizing commercial advocacy services. The Advocacy Center at the Department of Commerce will be responsible for managing and tracking all commercial advocacy reporting for the Task Force.

SEC. 4. *Definitions.* For the purposes of this order:

(a) the term "commercial advocacy" shall mean Federal support for U.S. firms competing for foreign project or procurement opportunities; and

(b) the term "foreign project or procurement opportunities" shall mean export opportunities, including defense export opportunities, for U.S. businesses that involve foreign government decisionmakers, including foreign government-owned corporations.

SEC. 5. *General Provisions.* (a) The Commerce Department shall provide funding and administrative support for the Task Force to the extent permitted by law and consistent with existing appropriations.

(b) Nothing in this order shall be construed to impair or otherwise effect [sic]:

(i) the authority granted by law, regulation, Executive Order, or Presidential Directive to an executive department, agency, or the head thereof; and

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

MAXIMIZING THE EFFECTIVENESS OF FEDERAL PROGRAMS  
AND FUNCTIONS SUPPORTING TRADE AND INVESTMENT

Memorandum of President of the United States, Feb. 17, 2012, 77 F.R. 10935, provided:

Memorandum for the Heads of Executive Departments and Agencies

Winning the future and creating an economy that's built to last will require the Federal Government to wisely allocate scarce resources to maximize efficiency and effectiveness so that it can best support American competitiveness, innovation, and job growth. Creating good, high-paying jobs in the United States and ensuring sustainable economic growth are the top priorities of my Administration. To accomplish these goals, we must ensure that U.S. businesses increase their exports of goods, services, and agricultural products, and that foreign companies recognize the United States as an attractive place to invest and to open businesses. While this growth will be fueled by the private sector, the Federal Government must do its part to facilitate trade and investment.

Executive Order 13534 of March 11, 2010, established the Export Promotion Cabinet to coordinate the development and implementation of the National Export Initiative (NEI) to improve conditions that directly affect the private sector's ability to export and to help meet my Administration's goal of doubling exports over 5 years. Pursuant to the terms of the Executive Order, the Export Promotion Cabinet conducts its work in coordination with the Trade Promotion Coordinating Committee (TPCC). The TPCC, chaired by the Secretary of Commerce, was authorized by statute in 1992 (15 U.S.C. 4727) and established by Executive Order 12870 of September 30, 1993. The NEI has used Government resources and policies to increase exports at a pace consistent with the goal of doubling exports by the end of 2014. The NEI has accomplished this by opening up foreign markets for U.S. exports, enhancing enforcement of our trade laws, providing needed export financing, advocating on behalf of U.S. firms, and otherwise facilitating U.S. exports. But we must do more.

On January 13, 2012, I announced that I would submit a legislative proposal seeking the authority to reorganize the Federal Government in order to reduce costs and consolidate agencies (Consolidation Authority), and outlined the first use I would make of such authority: to streamline functions currently dispersed across numerous agencies into a single new department to promote competitiveness, exports, and American business. The new department would integrate and streamline trade negotiation, financing, promotion, and enforcement functions currently housed at half a dozen executive departments and agencies, and would include an office dedicated to expanding foreign investment and assisting businesses that are considering investing in the United States. In addition to the trade and investment functions, the new department would include integrated small business, technology, innovation, and statistics programs and services from a number of departments and agencies, thereby creating a one-stop shop for businesses that want to grow and export. We cannot afford to wait until the Congress acts, however, and must do all we can administratively to make the most efficient and effective use of the Federal Government's trade, foreign investment, export, and business programs and functions.

Accordingly, to further enhance and coordinate Federal efforts to facilitate the creation of jobs in the United States and ensure sustainable economic growth through trade and foreign investment, and to ensure the effective and efficient use of Federal resources in support of these goals, I hereby direct the following:

(1) *Program Coordination.* In coordination with the TPCC, the Export Promotion Cabinet shall develop strategies and initiatives in support of my Administration's strategic trade and investment goals and priorities, including the specific measures outlined in this memorandum. The Assistant to the President and Deputy National Security Advisor for International Eco-

nomics shall coordinate the activities of the Export Promotion Cabinet pursuant to this memorandum. Measures and progress shall continue to be reported in the annual National Export Strategy report of the TPCC. The TPCC will continue to function as it has, consistent with its statutorily mandated duties.

(2) *Improving Customer Service for Exporters.* Consistent with my memorandum of October 28, 2011 (Making it Easier for America's Small Businesses and America's Exporters to Access Government Services to Help Them Grow and Hire), the Export Promotion Cabinet shall support the Steering Committee established pursuant to that memorandum in its efforts to create BusinessUSA, a common, open, online platform and web service that will, among other things, enable exporters to seamlessly access information about export-related Government programs, resources, and services regardless of which agency provides them.

(3) *Trade Budget.* The Export Promotion Cabinet shall, in consultation with the TPCC:

(a) evaluate the allocation of Federal Government resources to assist with trade financing, negotiation, enforcement, and promotion, as well as the encouragement of foreign investment in the United States, and identify potential savings from streamlining overlapping or duplicative programs, as well as areas in need of additional resources;

(b) make recommendations to the Director of the Office of Management and Budget (OMB) for more effective resource allocation to these functions, consistent with my Administration's strategic trade and investment goals and priorities, including recommendations to streamline overlapping and duplicative programs and reallocate those resources; and

(c) present to the Director of OMB for consideration in the annual process for developing the President's Budget, a proposed unified Federal trade budget, consistent with my Administration's strategic trade and investment goals and priorities.

(4) *Coordination of Offices and Staff.* The Export Promotion Cabinet, in consultation with the TPCC, shall take steps to ensure the most efficient use of its members' domestic and foreign offices and distribution networks, including: co-locating offices wherever appropriate; cross-training staff to better serve business customers at home and abroad by promoting exports to foreign countries and foreign investment in the United States; and considering the effectiveness of commercial diplomacy, cross-training, and referrals, as appropriate, when evaluating employee performance.

(5) *Enhancing Business Competitiveness.* Pending passage of legislation providing Consolidation Authority, the Export Promotion Cabinet shall work with the National Economic Council to develop and coordinate administrative initiatives to align and enhance programs that enable and support efforts by American businesses, particularly small businesses, to innovate, grow, and increase exports.

(6) *General Provisions[.]* (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

**§ 4727a. Implementation of primary objectives of TPCC**

The Trade Promotion Coordinating Committee shall—

- (1) report on the actions taken or efforts currently underway to eliminate the areas of overlap and duplication identified among Federal export promotion activities;
- (2) coordinate efforts to sponsor or promote any trade show or trade fair;
- (3) work with all relevant State and national organizations, including the National Governors' Association, that have established trade promotion offices;
- (4) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including collocation, cost sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and
- (5) by not later than March 30, 2000, and annually thereafter, include the matters addressed in paragraphs (1), (2), (3), and (4) in the annual report required to be submitted under section 4727(f) of this title.

(Pub. L. 106-158, § 6, Dec. 6, 1999, 113 Stat. 1746.)

CODIFICATION

Section was enacted as part of the Export Enhancement Act of 1999, and not as part of the Export Enhancement Act of 1988 which enacted this chapter.

**§ 4728. Environmental trade promotion**

**(a) Statement of policy**

It is the policy of the United States to foster the export of United States environmental technologies, goods, and services. In exercising their powers and functions, all appropriate departments and agencies of the United States Government shall encourage and support sales of such technologies, goods, and services.

**(b) Environmental Trade Working Group of Trade Promotion Coordination Committee**

**(1) Establishment and purpose**

The President shall establish the Environmental Trade Promotion Working Group (hereafter in this section referred to as the "Working Group") as a subcommittee of the Trade Promotion Coordination Committee (hereafter in this section referred to as the "TPCC"), established under section 4727 of this title. The purpose of the Working Group shall be—

- (A) to address all issues with respect to the export promotion and export financing of United States environmental technologies, goods, and services; and
- (B) to develop a strategy for expanding United States exports of environmental technologies, goods, and services.

**(2) Membership**

The members of the Working Group shall be—

- (A) representatives of the departments and agencies that are represented on the TPCC, who are designated by the head of their respective departments or agencies to advise

the head of such department or agency on ways of promoting the export of United States environmental technologies, goods, and services; and

- (B) a representative of the Environmental Protection Agency.

**(3) Chairperson**

The Secretary of Commerce (hereafter in this section referred to as the "Secretary") shall designate the chairperson of the Working Group from among senior employees of the Department of Commerce. The chairperson shall—

- (A) assess the effectiveness of United States Government programs for the promotion of exports of environmental technologies, goods, and services;

(B) recommend improvements to such programs, including regulatory changes or additional authority that may be necessary to improve the promotion of exports of environmental technologies, goods, and services;

(C) ensure that the members of the Working Group coordinate their environmental trade promotion programs, including feasibility studies, technical assistance, training programs, business information services, and export financing; and

(D) assess, jointly with the Working Group representative of the Environmental Protection Agency, the extent to which the environmental trade promotion programs of the Working Group advance the environmental goals established in "Agenda 21" by the United Nations Conference on Environment and Development held at Rio de Janeiro, and in other international environmental agreements.

**(4) Report to Congress**

The chairperson of the TPCC shall include a report on the activities of the Working Group as a part of the annual report submitted to the Congress by the TPCC.

**(c) Environmental Technologies Trade Advisory Committee**

**(1) Establishment and purpose**

The Secretary, in carrying out the duties of the chairperson of the TPCC, shall establish the Environmental Technologies Trade Advisory Committee (hereafter in this section referred to as the "Committee"). The purpose of the Committee shall be to provide advice and guidance to the Working Group in the development and administration of programs to expand United States exports of environmental technologies, goods, and services and products that comply with United States environmental, safety, and related requirements.

**(2) Membership**

The members of the Committee shall be drawn from representatives of—

- (A) environmental businesses, including small businesses;
- (B) trade associations in the environmental sector;
- (C) private sector organizations involved in the promotion of environmental exports, including products that comply with United

States environmental, safety, and related requirements;

(D) States (as defined in section 4721(i)(5)<sup>1</sup> of this title) and associations representing the States; and

(E) other appropriate interested members of the public, including labor representatives.

The Secretary shall appoint as members of the Committee at least 1 individual under each of subparagraphs (A) through (E).

**(d) Export plans for priority countries**

**(1) Priority country identification**

The Working Group, in consultation with the Committee, shall annually assess which foreign countries have markets with the greatest potential for the export of United States environmental technologies, goods, and services. Of these countries the Working Group shall select as priority countries 5 with the greatest potential for the application of United States Government export promotion resources related to environmental exports.

**(2) Export plans**

The Working Group, in consultation with the Committee, shall annually create a plan for each priority country selected under paragraph (1), setting forth in detail ways to increase United States environmental exports to such country. Each such plan shall—

(A) identify the primary public and private sector opportunities for United States exporters of environmental technologies, goods, and services in the priority country;

(B) analyze the financing and other requirements for major projects in the priority country which will use environmental technologies, goods, and services, and analyze whether such projects are dependent upon financial assistance from foreign countries or multilateral institutions; and

(C) list specific actions to be taken by the member agencies of the Working Group to increase United States exports to the priority country.

**(e) Trade information**

In support of the work of the Working Group, the Secretary shall, as part of the regular market survey and information services activities of the Department of Commerce, make available—

(1) information on existing and emerging markets and market trends for environmental technologies, goods, and services; and

(2) a description of the export promotion programs for environmental technologies, goods, and services of the agencies that are represented on the Working Group.

**(f) Environmental technologies specialists in United States and Foreign Commercial Service**

**(1) Assignment of environmental technologies specialists**

The Secretary shall assign a specialist in environmental technologies to the office of the United States and Foreign Commercial Service

in each of the 5 priority countries selected under subsection (d)(1) of this section, and the Secretary is authorized to assign such a specialist to the office of the United States and Foreign Commercial Service in any country that is a promising market for United States exports of environmental technologies, goods, and services. Such specialist may be an employee of the Department, an employee of any relevant United States Government department or agency assigned on a temporary or limited term basis to the Commerce Department, or a representative of the private sector assigned to the Department of Commerce.

**(2) Duties of environmental technologies specialists**

Each specialist assigned under paragraph (1) shall provide export promotion assistance to United States environmental businesses, including, but not limited to—

(A) identifying factors in the country to which the specialist is assigned that affect the United States share of the domestic market for environmental technologies, goods, and services, including market barriers, standards-setting activities, and financing issues;

(B) providing assessments of assistance by foreign governments that is provided to producers of environmental technologies, goods, and services in such countries in order to enhance exports to the country to which the specialist is assigned, the effectiveness of such assistance on the competitiveness of United States products, and whether comparable United States assistance exists;

(C) training Foreign Commercial Service Officers in the country to which the specialist is assigned, other countries in the region, and United States and Foreign Commercial Service offices in the United States, in environmental technologies and the international environmental market;

(D) providing assistance in identifying potential customers and market opportunities in the country to which the specialist is assigned;

(E) providing assistance in obtaining necessary business services in the country to which the specialist is assigned;

(F) providing information on environmental standards and regulations in the country to which the specialist is assigned;

(G) providing information on all United States Government programs that could assist the promotion, financing, and sale of United States environmental technologies, goods, and services in the country to which the specialist is assigned; and

(H) promoting the equal treatment of United States environmental, safety, and related requirements, with those of other exporting countries, in order to promote exports of United States-made products.

**(g) Environmental training in one-stop shops**

In addition to the training provided under subsection (f)(2)(C) of this section, the Secretary shall establish a mechanism to train—

(1) Commercial Service Officers assigned to the one-stop shops provided for in section 4721(b)(8) of this title, and

<sup>1</sup> See References in Text note below.

(2) Commercial Service Officers assigned to district offices in districts having large numbers of environmental businesses,

in environmental technologies and in the international environmental marketplace, and ensure that such officers receive appropriate training under such mechanism. Such training may be provided by officers or employees of the Department of Commerce, and other United States Government departments and agencies, with appropriate expertise in environmental technologies and the international environmental workplace, and by appropriate representatives of the private sector.

**(h) International regional environmental initiatives**

**(1) Establishment of initiatives**

The TPCC may establish one or more international regional environmental initiatives the purpose of which shall be to coordinate the activities of Federal departments and agencies in order to build environmental partnerships between the United States and the geographic region outside the United States for which such initiative is established. Such partnerships shall enhance environmental protection and promote sustainable development by using in the region technical expertise and financial resources of United States departments and agencies that provide foreign assistance and by expanding United States exports of environmental technologies, goods, and services to that region.

**(2) Activities**

In carrying out each international regional environmental initiative, the TPCC shall—

(A) support, through the provision of foreign assistance, the development of sound environmental policies and practices in countries in the geographic region for which the initiative is established, including the development of environmentally sound regulatory regimes and enforcement mechanisms;

(B) identify and disseminate to United States environmental businesses information regarding specific environmental business opportunities in that geographic region;

(C) coordinate existing Federal efforts to promote environmental exports to that geographic region, and ensure that such efforts are fully coordinated with environmental export promotion efforts undertaken by the States and the private sector;

(D) increase assistance provided by the Federal Government to promote exports from the United States of environmental technologies, goods, and services to that geographic region, such as trade missions, reverse trade missions, trade fairs, and programs in the United States to train foreign nationals in United States environmental technologies; and

(E) increase high-level advocacy by United States Government officials (including the United States ambassadors to the countries in that geographic region) for United States environmental businesses seeking market opportunities in that geographic region.

**(i) Environmental technologies project advocacy calendar and information dissemination program**

The Working Group shall—

(1) maintain a calendar, updated at the end of each calendar quarter, of significant opportunities for United States environmental businesses in foreign markets and trade promotion events, which shall—

(A) be made available to the public;

(B) identify the 50 to 100 environmental infrastructure and procurement projects in foreign markets that have the greatest potential in the calendar quarter for United States exports of environmental technologies, goods, and services; and

(C) include trade promotion events, such as trade missions and trade fairs, in the environmental sector; and

(2) provide, through the National Trade Data Bank and other information dissemination channels, information on opportunities for environmental businesses in foreign markets and information on Federal export promotion programs.

**(j) Environmental technology export alliances**

Subject to the availability of appropriations for such purpose, the Secretary is authorized to use the Market Development Cooperator Program to support the creation on a regional basis of alliances of private sector entities, nonprofit organizations, and universities, that support the export of environmental technologies, goods, and services and promote the export of products complying with United States environmental, safety, and related requirements.

**(k) “Environmental business” defined**

For purposes of this section, the term “environmental business” means a business that produces environmental technologies, goods, or services.

(Pub. L. 100-418, title II, §2313, as added Pub. L. 102-429, title II, §204(a), Oct. 21, 1992, 106 Stat. 2202; amended Pub. L. 103-392, title IV, §402, Oct. 22, 1994, 108 Stat. 4099.)

REFERENCES IN TEXT

Section 4721 of this title, referred to in subsec. (c)(2)(D), was amended, and section 4721(i)(5) does not define “States”. However, such term is defined elsewhere in that section.

AMENDMENTS

1994—Subsecs. (c) to (e). Pub. L. 103-392, §402(a), added subsecs. (c) and (d), redesignated former subsec. (c) as (e), and struck out former subsec. (d) which related to overseas services for exporters.

Subsecs. (f) to (k). Pub. L. 103-392, §402(b), added subsecs. (f) to (k).

REPORT ON INSURANCE FEASIBILITY

Section 204(b) of Pub. L. 102-429 directed that, not later than 1 year after Oct. 21, 1992, chairperson of Trade Promotion Coordinating Committee, after consultation with appropriate departments and agencies of the United States Government, submit a report to Congress that analyzes (1) the extent to which Federal investment insurance and export financing programs sufficiently protect against business failures or default on obligations arising from changes by a foreign government in its environmental laws or regulations, and (2)

the advisability and feasibility of expanding coverage of such programs, or creating new programs, to address such risks.

### § 4729. Report on export policy

#### (a) In general

Not later than May 31 of each year, the Secretary of Commerce shall submit to the Congress a report on the international economic position of the United States and, not later than June 30 of each year, shall appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives to testify on issues addressed in that report.

#### (b) Contents

##### (1) In general

Each report required under subsection (a) of this section shall address—

(A) the state of United States international economic competitiveness, focusing, in particular, on the efforts of the Department of Commerce—

(i) to encourage research and development of technologies and products deemed critical for industrial leadership;

(ii) to promote investment in and improved manufacturing processes for such technologies and products; and

(iii) to increase United States industrial exports of products using the technologies described in clause (i) to those markets where the United States Government has sought to reduce barriers to exports;

(B) the report on the Trade Promotion Coordinating Committee strategic plan submitted to the Congress in accordance with section 4727(f) of this title;

(C) other specific recommendations of the Department of Commerce to improve the United States balance of trade;

(D) the effects on the international economic competitiveness of the United States of—

(i) formal and informal trade barriers; and

(ii) subsidies by foreign countries to their domestic industries;

(E) the efforts of the Department of Commerce to reduce trade barriers;

(F) the adequacy of export financing programs of the United States Government and recommendations for improving such programs;

(G) the status, activities, and effectiveness of the United States commercial centers established under section 4723a of this title;

(H) the implementation of sections 5821 and 5822 of title 22<sup>1</sup> concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

(J) the trading practices of other Organizations for Economic Cooperation and Develop-

ment nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.

#### (2) Policy basis for reports

Portions of each report under this section may incorporate or be based upon relevant reports and testimony produced by the Department of Commerce or other agencies, but the policy views shall be those of the Secretary of Commerce.

(Pub. L. 100-418, title II, §2314, as added Pub. L. 102-429, title II, §206, Oct. 21, 1992, 106 Stat. 2204; amended Pub. L. 104-66, title I, §1022(b), Dec. 21, 1995, 109 Stat. 713.)

#### REFERENCES IN TEXT

Sections 5821 and 5822 of title 22, referred to in subsec. (b)(1)(H), was, in the original, "sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822)", and was translated as meaning sections 301 and 302 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, Pub. L. 102-511, to reflect the probable intent of Congress.

#### AMENDMENTS

1995—Subsec. (b)(1)(G) to (J). Pub. L. 104-66 added subpars. (G) to (J).

### CHAPTER 74—COMPETITIVENESS POLICY COUNCIL

Sec. 4801.	Findings and purpose.
4802.	Council established.
4803.	Duties of Council.
4804.	Membership.
4805.	Executive Director and staff.
4806.	Powers of Council.
4807.	Annual report.
4808.	Authorization of appropriations.
4809.	Definitions.

#### § 4801. Findings and purpose

##### (a) Findings

The Congress finds that—

(1) efforts to reverse the decline of United States industry has been hindered by—

(A) a serious erosion in the institutions and policies which foster United States competitiveness including a lack of high quality domestic and international economic and scientific data needed to—

(i) reveal sectoral strengths and weaknesses;

(ii) identify potential new markets and future technological and economic trends; and

(iii) provide necessary information regarding the competitive strategies of foreign competitors;

(B) the lack of a coherent and consistent government competitiveness policy, including policies with respect to—

(i) international trade, finance, and investment,

(ii) research, science, and technology,

(iii) education, labor retraining, and adjustment,

(iv) macroeconomic and budgetary issues,

<sup>1</sup> See References in Text note below.