

§ 9904. Whole-of-government coordination and consultation to support United States economic and business interests

(a) In general

The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Commerce, the Secretary of the Treasury, and the United States Trade Representative, shall have primary responsibility for coordinating a whole-of-government effort to expand United States efforts in supporting United States economic and business interests abroad. The Secretary may delegate responsibilities under this chapter to a senior, Senate-confirmed Department of State official.

(b) Responsibilities

The Secretary shall—

(1) chair the interagency coordinating committee established under subsection (c);

(2) develop and implement the joint strategic plan required under subsection (c)(4) for all United States trade-related and trade capacity building and related technical assistance programs, in consultation with the coordinating committee established under subsection (c);

(3) advise the Federal departments and agencies designated by the President to participate in the interagency coordinating committee under this section in identifying the most needed and effective ways for United States diplomatic and consular posts and the departments and agencies that staff such posts to support the expansion of United States trade relations with host governments;

(4) consult with the private sector in the development of government-wide trade expansion efforts, including establishing a point of contact and lead office within the Department of State to receive private-sector recommendations and comments concerning trade capacity assistance, coordination, consultations, and country-specific issues;

(5) consult with the Office of Management and Budget regarding the administrative and human resources needs that may be required to implement the provisions of this chapter; and

(6) brief Congress on trade capacity building programs and make recommendations, as appropriate, to Congress for improvements in trade capacity building efforts.

(c) Economic Diplomacy Action Group

(1) Establishment

The President shall establish an interagency coordinating committee, to be known as the “Economic Diplomacy Action Group”, to coordinate and carry out the purposes of this section.

(2) Leadership

The Group shall be chaired by the Secretary of State and the vice-chairs shall be the United States Trade Representative and the Secretary of Commerce. The Secretaries and the United States Trade Representative may delegate responsibilities under this chapter to appropriate, senior, Senate-confirmed officials.

(3) Membership

The President may appoint to the Group senior officials from the United States Agency for International Development, the Department of Agriculture, the Department of the Treasury, the Export-Import Bank, the United States Development Finance Corporation, and any such other relevant executive branch department or agency as the President determines to be substantially involved in trade capacity building and related assistance efforts in developing countries.

(4) Development of joint strategic plan

The Group shall develop a joint strategic plan for all United States capacity building and technical assistance programs.

(d) Diplomacy trade expansion advisory committee

(1) Establishment of TEAC

The Chair and Vice-Chairs of the Economic Diplomacy Action Group shall establish a trade expansion advisory committee with selected representatives of the United States private sector and other organizations, including labor organizations, with direct and relevant operational experience in importing from and exporting into developing countries, as appropriate, to provide comment and advice on priorities for trade expansion initiatives. The Chair and Vice-Chairs of the Group may also appoint representatives from select non-profit organizations to the advisory committee if such representatives can demonstrate both a presence in and relevant operational or programmatic experience with trade capacity building efforts in developing countries.

(2) Meetings

The trade expansion advisory committee shall convene at least twice annually or more often as necessary at the call of the Chair and Vice-Chairs of the Group.

(3) Strategic planning advice

The trade expansion advisory committee shall advise the Chair and Vice-Chairs of the Group on ways that embassies can better support the United States private sector abroad, including assisting the Chair and Vice-Chairs—

(A) in soliciting private-sector advice;

(B) with respect to implementation of strategic planning; and

(C) in advancing the overall mission and goals of United States national security.

(Pub. L. 116-94, div. J, title VII, §708, Dec. 20, 2019, 133 Stat. 3072.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c)(2), was in the original “this Act” and was translated as reading “this title”, meaning title VII of div. J of Pub. L. 116-94, Dec. 20, 2019, 133 Stat. 3069, known as the Championing American Business Through Diplomacy Act of 2019, to reflect the probable intent of Congress, notwithstanding section 3 of Pub. L. 116-94, set out as a note under section 1 of Title 1, General Provisions. This

chapter referred to in subsec. (b)(5), was in the original “this title”, meaning title VII of div. J. of Pub. L. 116-94. Title VII is classified principally to this chapter. For complete classification of title VII to the Code, see Short Title note set out under section 9901 of this title and Tables.

Executive Documents

ESTABLISHMENT OF THE ECONOMIC DIPLOMACY ACTION GROUP AND DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE CHAMPIONING AMERICAN BUSINESS THROUGH DIPLOMACY ACT OF 2019

Memorandum of President of the United States, June 21, 2024, 89 F.R. 57053, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Agriculture[,] the Secretary of Commerce[,] the United States Trade Representative[,] the Administrator of the United States Agency for International Development[,] the President of the Export-Import Bank of the United States[, and] the Chief Executive Officer of the United States International Development Finance Corporation

Supporting United States economic and business interests abroad is a foreign policy priority. United States business has a critical role to play in advancing broader United States national security and foreign policy interests. Economic diplomacy can help to promote broad-based, inclusive, responsible, and sustainable economic growth, which enhances regional stability and creates new and growing markets for United States companies and opportunities for United States workers. By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and section 708 of the Championing American Business Through Diplomacy Act of 2019 (Title VII of Division J of Public Law 116-94) (the “Act”) [22 U.S.C. 9904], I hereby establish the Economic Diplomacy Action Group (EDAG) and delegate to you the functions and authorities vested in the President by subsection 708(c)(3) of the Act to appoint to the EDAG senior officials from your respective executive departments and agencies (agencies).

With respect to the performance of responsibilities under this memorandum, the Secretary of State, in coordination with the heads of relevant agencies, shall encourage and coordinate the appointment of members of the EDAG by the heads of their respective agencies. Consistent with the Act, such members, as well as any designated alternates, shall be senior officials who exercise significant decision-making authority within their respective agencies.

The delegation in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as those provisions referenced in this memorandum.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 9905. Private sector consultation and coordination

(a) Consultation with private sector by embassy

In developing the priorities for trade expansion initiatives described in section 9904(d) of this title, embassy mission teams shall convene local representatives of the United States private sector and the private sector of host countries to consult on issues affecting trade at the borders of such countries and take into account the private sector’s operational expertise and experience confronting the trade barriers in such countries as well as its recommendations for reform and best practices.

(b) Inclusion of private-sector comments in mission plans

Written comments from local United States private sector representatives shall be included in the trade expansion component of mission plans submitted by the chief of mission to the Secretary of State, with recommendations and comments from the mission team, for the purpose of informing the development of the joint strategic plan on trade expansion priorities required pursuant to section 9904(c)(4) of this title and recommended funding for the implementation of such plan.

(c) Designated embassy point of contact for private sector consultation

Each chief of mission shall designate an appropriate point of contact within the embassy who shall receive recommendations from appropriate private sector representatives regarding the implementation of the strategic plan required under section 9904(c)(4) of this title and ongoing trade barriers negatively impacting priority trade expansion. The chief of mission shall ensure that the designated point of contact shall be reasonably available for consultations with appropriate private sector representatives and to receive recommendations with respect to country-specific issues that may arise that will foreseeably disrupt trade.

(d) Requirement to protect business confidential information

(1) In general

The Secretary of State, Secretary of Commerce, and United States Trade Representative as well as the heads of all other agencies involved in the Economic Diplomacy Action Group established under section 9904(c) of this title shall protect from disclosure any proprietary information submitted by any private sector representative and marked as “business confidential information”, unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the head of any such department or agency, or such party subsequently consents to the release of the information. To the extent business confidential information is provided, a non-confidential version of the information shall also be provided, in which the business confidential information is summarized or, if necessary, deleted.

(2) Treatment as trade secrets

Proprietary information submitted by a private party in accordance with this chapter shall be considered to be a matter falling within the meaning of trade secrets and commercial or financial information exemption under section 552(b)(4) of title 5 and shall be exempt from disclosure without the express approval of the private party.

(Pub. L. 116-94, div. J, title VII, § 709, Dec. 20, 2019, 133 Stat. 3074.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(2), was in the original “this Act” and was translated as reading “this