(3) contain a statement of the findings and recommendations of the Council during the previous fiscal year, including any recommendations of the Council for (a) such legislative or administrative actions as the Council considers appropriate, and (b) including the elimination, consolidation, reorganization of government agencies especially such agencies that specifically deal with research, science, technology, and international trade.

(c) Report by Congressional committees

The Council shall consult with each committee to which a report is submitted under this section and after such consultation, each such committee shall submit to its respective House a report setting forth the views and recommendations of such committee with respect to the report of the Council.

(Pub. L. 100–418, title V, § 5208, Aug. 23, 1988, 102 Stat. 1461; Pub. L. 101–382, title I, § 133(d), Aug. 20, 1990, 104 Stat. 649.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–382 substituted ''on March 1'' for ''prepare and''.

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

§ 4808. Authorization of appropriations

There are authorized to be appropriated for each of the fiscal years 1991 and 1992 such sums as may be necessary not to exceed $5,000,000 to carry out the provisions of this chapter.

(Pub. L. 100–418, title V, § 5209, Aug. 23, 1988, 102 Stat. 1461; Pub. L. 101–382, title I, § 133(e), Aug. 20, 1990, 104 Stat. 649.)

AMENDMENTS

1990—Pub. L. 101–382 substituted ''1991 and 1992'' for ''1989 and 1990''.

§ 4809. Definitions

For purposes of this chapter—

(1) the term ''Council'' means the Competitiveness Policy Council established under section 4802 of this title;

(2) the term ''member'' means a member of the Competitiveness Policy Council;

(3) the term ''United States'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States; and

(4) the term ''agent of a foreign principal'' is defined as such term is defined under subsection (d) of section 611 of title 22 subject to the provisions of section 613 of title 22.

(Pub. L. 100–418, title V, § 5210, Aug. 23, 1988, 102 Stat. 1461.)

CHAPTER 75—NATIONAL TRADE DATA BANK

Sec.
4901. Definitions.
4902. Interagency Trade Data Advisory Committee.
4903. Functions of Committee.
4904. Consultation with private sector and government officials.
4905. Cooperation among executive agencies.
4906. Establishment of Data Bank.
4907. Operation of Data Bank.
4908. Information on service sector.
4909. Exclusion of information.
4910. Nonduplication.
4911 Collection of data.
4912. Fees and access.
4913. Omitted.

§ 4901. Definitions

For purposes of this chapter—

(1) the term ''Committee'' means the Interagency Trade Data Advisory Committee;

(2) the term ''Data Bank'' means the National Trade Data Bank;

(3) the term ''Executive agency'' has the same meaning as in section 105 of title 5;

(4) the term ''export promotion data system'' means the data system known as the Commercial Information Management System which is maintained and operated by the United States and Foreign Commercial Service and is established as part of the Data Bank under section 4906[1] of this title;

(5) the term ''international economic data system'' means the data system established as part of the Data Bank under section 4906 of this title which contains data useful to policymakers and analysis concerned with international economics; and

(6) the term ''Secretary'' means the Secretary of Commerce.

(Pub. L. 100–418, title V, § 5401, Aug. 23, 1988, 102 Stat. 1463.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this subtitle'', meaning subtitle E (§§ 5401 to 5413, 5421 to 5423) of title V of Pub. L. 100–418 which, in addition to enacting this chapter, enacted section 4603a of this title and section 194b of Title 2, The Congress. For complete classification of subtitle E to the Code, see Tables.

Section 4906 of this title, referred to in par. (4), was in the original ''section 3816'', meaning section 3816 of Pub. L. 100–418, and was translated as if it read section 5406 of Pub. L. 100–418, to reflect the probable intent of Congress, because section 3816 was the provision which established the Data Bank in a predecessor version of H.R. 4848 (which became Pub. L. 100–418), Pub. L. 100–418 does not contain a section 3816, and section 5406 of Pub. L. 100–418 is the provision establishing the Data Bank.

§ 4902. Interagency Trade Data Advisory Committee

(a) Establishment

There is established the Interagency Trade Data Advisory Committee.

(b) Membership

The Committee shall consist of—

(1) the United States Trade Representative;

(2) the Secretary of Agriculture;

(3) the Secretary of Defense;

(4) the Secretary of Commerce;

[1] See References in Text note below.

(5) the Secretary of Labor;
(6) the Secretary of the Treasury;
(7) the Secretary of State;
(8) the Director of the Office of Management and Budget;
(9) the Director of Central Intelligence;
(10) the Chairman of the Federal Reserve Board;
(11) the Chairman of the International Trade Commission;
(12) the President of the Export-Import Bank;
(13) the President of the Overseas Private Investment Corporation; and
(14) such other members as may be appointed by the President from full-time officers or employees of the Federal Government.

(c) Chairman

The Secretary of Commerce shall be Chairman of the Committee.

(d) Designees

Any member of the Committee may appoint a designee to serve in place of such member on the Committee.

(Pub. L. 100–418, title V, § 5402, Aug. 23, 1988, 102 Stat. 1463.)

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

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.

§ 4903. Functions of Committee

The Committee shall advise the Secretary of Commerce, as appropriate, on the establishment, structure, contents, and operation of a National Trade Data Bank in accordance with section 4906 of this title in order to assure the timely collection of accurate data and to provide the private sector and government officials efficient access to economic and trade data collected by the Federal Government for purposes of policymaking and export promotion.

(Pub. L. 100–418, title V, § 5403, Aug. 23, 1988, 102 Stat. 1464.)

§ 4904. Consultation with private sector and government officials

The Secretary shall regularly consult with representatives of the private sector and officials of State and local governments to assess the adequacy of United States trade information. The Secretary shall seek recommendations on how trade information can be made more accessible, understandable, and relevant. The Secretary shall seek recommendations as to what data should be included in the export promotion data system in the Data Bank.

(Pub. L. 100–418, title V, § 5404, Aug. 23, 1988, 102 Stat. 1464.)

§ 4905. Cooperation among executive agencies

Each executive agency shall furnish to the Secretary such information for inclusion in the National Trade Data Bank as the Secretary, in consultation with the Advisory Committee, considers necessary to the operation of the Data Bank.

(Pub. L. 100–418, title V, § 5405, Aug. 23, 1988, 102 Stat. 1464.)

§ 4906. Establishment of Data Bank

(a) Establishment

Within 2 years after August 23, 1988, the Secretary of Commerce shall establish the Data Bank. The Secretary shall manage the Data Bank. The Data Bank shall consist of two data systems, to be designated the International Economic Data System, as described in subsection (b) of this section and the Export Promotion Data System, as described in subsection (c) of this section.

(b) International Economic Data System

The International Economic Data System shall include current and historical information determined by the Secretary to be useful (after the consultation required by section 4904 of this title) to policymakers and analysts concerned with international economics and trade and which shall include data compiled or obtained by appropriate executive agencies. Such information shall not identify parties to transactions. Such information may include data for the United States and countries with which the United States has important economic relations including—

(1) data on imports and exports, including—
(A) aggregate import and export data for the United States and for each foreign country;
(B) industry-specific import and export data for each foreign country;
(C) product and service specific import and export data for the United States;
(D) market penetration information; and
(E) foreign destinations for exports of the United States;

(2) data on international service transactions;
(3) information on international capital markets, including—
(A) interest rates; and
(B) average exchange rates;

(4) information on foreign direct investment in the United States economy;
(5) international labor market information, including—
(A) wage rates for major industries;

(B) international unemployment rates; and
(C) trends in international labor productivity;

(6) information on foreign government policies affecting trade, including—
(A) trade barriers; and
(B) export financing policies;

(7) import and export data for the United States on a State-by-State basis aggregated at the product level including—
(A) data concerning the country shipping the import, the State of first destination, and the original part[1] of entry for imports of goods and, to the extent possible, services; and
(B) data concerning the State of the exporter, the port of departure, and the country of first destination for export of goods and, to the extent possible, services; and

(8) any other economic and trade data collected by the Federal Government that the Secretary determines to be useful in carrying out the purposes of this chapter.

(c) Export Promotion Data System

The export promotion data system shall include data and information collected by the Federal Government on the industrial sectors and markets of foreign countries which are determined by the Secretary (after consultation required by section 4904 of this title) to be of the greatest interest to United States business firms that are engaged in export-related activities and to Federal and State agencies that promote exports, while providing for the confidentiality of proprietary business information, and shall be designed to use the most effective means of disseminating data and information electronically through the Department, or Department-designated offices, or through other available data bases in an accurate and timely manner. Such data system shall monitor, organize, and disseminate selected information on—

(1) specific business opportunities in foreign countries;

(2) specific industrial sectors within foreign countries with high export potential such as—
(A) size of the market;
(B) distribution of products;
(C) competition;
(D) significant applicable laws, regulations, specifications, and standards;
(E) appropriate government officials; and
(F) trade associations and other contact points; and

(3) foreign countries generally, such as—
(A) the general economic conditions;
(B) common business practices;
(C) significant tariff and trade barriers; and
(D) other significant laws and regulations regarding imports, licensing, and the protection of intellectual property;

(4) export financing information, including the availability, through public sources of funds for United States exporters and foreign competitors;

(5) transactions involving barter and countertrade; and

(6) any other similar information, that the Secretary determines to be useful in carrying out the purposes of this chapter.

(Pub. L. 100–418, title V, § 5406, Aug. 23, 1988, 102 Stat. 1464.)

§ 4907. Operation of Data Bank

The Secretary shall manage the Data Bank to provide the most appropriate data retrieval system or systems possible. Such system or systems shall—

(1) be designed to utilize data processing and retrieval technology in monitoring, organizing, analyzing, and disseminating the data and information contained in the Data Bank;

(2) use the most effective and meaningful means of organizing and making such information available to—
(A) United States Government policymakers;
(B) United States business firms;
(C) United States workers;
(D) United States industry associations;
(E) United States agricultural interests;
(F) State and local economic development agencies; and
(G) other interested United States persons who could benefit from such information;

(3) be of such quality and timeliness and in such form as to assist coordinated trade strategies for the United States; and

(4) facilitate dissemination of information through nonprofit organizations with significant outreach programs which complement the regional outreach programs of the United States and Foreign Commercial Service.

(Pub. L. 100–418, title V, § 5407, Aug. 23, 1988, 102 Stat. 1466.)

§ 4908. Information on service sector

(a) Service sector information

The Secretary shall ensure that, to the extent possible, there is included in the Data Bank information on service sector economic activity that is as complete and timely as information on economic activity in the merchandise sector.

(b) Survey

The Secretary shall undertake a new benchmark survey of service transactions, including transactions with respect to—

(1) banking services;

(2) information services, including computer software services;

(3) brokerage services;

(4) transportation services;

(5) travel services;

(6) engineering services;

(7) construction services; and

(8) health services.

(c) General information and index of leading indicators

The Secretary shall provide—

(1) not less than once a year, comprehensive information on the service sector of the economy; and

[1] So in original. Probably should be ''port''.

(2) an index of leading indicators which includes the measurement of service sector activity in direct proportion to the contribution of the service sector to the gross national product of the United States.

(Pub. L. 100–418, title V, § 5408, Aug. 23, 1988, 102 Stat. 1466.)

§ 4909. Exclusion of information

The Data Bank shall not include any information—

(1) the disclosure of which to the public is prohibited under any other provision of law or otherwise authorized to be withheld under other provision of law; or

(2) that is specifically authorized under criteria established by statute or an Executive order not to be disclosed in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

(Pub. L. 100–418, title V, § 5409, Aug. 23, 1988, 102 Stat. 1467.)

§ 4910. Nonduplication

The Secretary shall ensure that information systems created or developed pursuant to this chapter do not unnecessarily duplicate information systems available from other Federal agencies or from the private sector.

(Pub. L. 100–418, title V, § 5410, Aug. 23, 1988, 102 Stat. 1467.)

§ 4911. Collection of data

Except as provided in section 4908 of this title, nothing in this chapter shall be considered to grant independent authority to the Federal Government to collect any data or information from individuals or entities outside of the Federal Government.

(Pub. L. 100–418, title V, § 5411, Aug. 23, 1988, 102 Stat. 1467.)

§ 4912. Fees and access

The Secretary shall provide reasonable public services and access (including electronic access) to any information maintained as part of the Data Bank and may charge reasonable fees consistent with section 552 of title 5.

(Pub. L. 100–418, title V, § 5412, Aug. 23, 1988, 102 Stat. 1467.)

§ 4913. Omitted

CODIFICATION

Section, Pub. L. 100–418, title V, § 5413, Aug. 23, 1988, 102 Stat. 1467, required the Secretary to submit to committees of Congress, not more than 1 year after Aug. 23, 1988, a report describing actions taken pursuant to this chapter, and to submit to committees of Congress, not more than 3 years after Aug. 23, 1988, a report assessing the current quality and comprehensiveness of, and the ability of the public and of private entities to obtain access to trade data, describing all other actions taken and planned to be taken pursuant to this chapter, including comments by the private sector and by State agencies that promote exports on the implementation of the Data Bank, describing the extent to which the systems within the Data Bank are being used and any recommendations with regard to the operation of the system, and describing the extent to which United States citizens and firms have access to the data banks of foreign countries that is similar to the access provided to foreign citizens and firms.

CHAPTER 76—IMITATION FIREARMS

Sec.
5001. Penalties for entering into commerce of imitation firearms.

§ 5001. Penalties for entering into commerce of imitation firearms

(a) Acts prohibited

It shall be unlawful for any person to manufacture, enter into commerce, ship, transport, or receive any toy, look-alike, or imitation firearm unless such firearm contains, or has affixed to it, a marking approved by the Secretary of Commerce, as provided in subsection (b) of this section.

(b) Distinctive marking or device; exception; waiver; adjustments and changes

(1) Except as provided in paragraph (2) or (3), each toy, look-alike, or imitation firearm shall have as an integral part, permanently affixed, a blaze orange plug inserted in the barrel of such toy, look-alike, or imitation firearm. Such plug shall be recessed no more than 6 millimeters from the muzzle end of the barrel of such firearm.

(2) The Secretary of Commerce may provide for an alternate marking or device for any toy, look-alike, or imitation firearm not capable of being marked as provided in paragraph (1) and may waive the requirement of any such marking or device for any toy, look-alike, or imitation firearm that will only be used in the theatrical, movie or television industry.

(3) The Secretary is authorized to make adjustments and changes in the marking system provided for by this section, after consulting with interested persons.

(c) "Look-alike firearm" defined

For purposes of this section, the term ''look-alike firearm'' means any imitation of any original firearm which was manufactured, designed, and produced since 1898, including and limited to toy guns, water guns, replica nonguns, and air-soft guns firing nonmetallic projectiles. Such term does not include any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or traditional B–B, paint-ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

(d) Study and report

The Director of the Bureau of Justice Statistics is authorized and directed to conduct a study of the criminal misuse of toy, look-alike and imitation firearms, including studying police reports of such incidences and shall report on such incidences relative to marked and unmarked firearms.

(c)[1] Technical evaluation of marking systems

The Director of[2] National Institute of Justice is authorized and directed to conduct a tech-

[1] So in original. Probably should be ''(e)''.

[2] So in original. Probably should be ''of the''.