

petitiveness in order to maximize the effectiveness of the Council.

(d) Gifts

The Council may accept, use, and dispose of gifts or donations of services or property.

(e) Use of mails

The Council may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) Administrative and support services

The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative and support services as the Council may request.

(g) Subcouncils

(1) The Council may establish, for such period of time as the Council determines appropriate, subcouncils of public and private leaders to analyze specific competitive issues.

(2) Any such subcouncil shall include representatives of business, labor, government, and other individuals or representatives of groups whose participation is considered by the Council to be important to developing a full understanding of the subject with which the subcouncil is concerned.

(3) Any such subcouncil shall include a representative of the Federal Government.

(4) Any such subcouncil shall assess the actual or potential competitiveness problems facing the industry or the specific policy issues with which the subcouncil is concerned and shall formulate specific recommendations for responses by business, government, and labor—

(A) to encourage adjustment and modernization of the industry involved;

(B) to monitor and facilitate industry responsiveness to opportunities identified under section 4807(b)(1)(B) of this title;

(C) to encourage the ability of the industry involved to compete in markets identified under section 4807(b)(1)(C) of this title; or

(D) to alleviate the problems in a specific policy area facing more than one industry.

(5) Any discussion held by any subcouncil shall not be considered to violate any Federal or State antitrust law.

(6) Any discussion held by any subcouncil shall not be subject to the provisions of the Federal Advisory Committee Act, except that a Federal representative shall attend all subcouncil meetings.

(7) Any subcouncil shall terminate 30 days after making recommendations, unless the Council specifically requests that the subcouncil continue in operation.

(h) Applicability of Advisory Committee Act

The provisions of subsections (e) and (f) of section 10,¹ of the Federal Advisory Committee Act shall not apply to the Council.

(Pub. L. 100-418, title V, § 5207, Aug. 23, 1988, 102 Stat. 1459; Pub. L. 101-382, title I, § 133(c), Aug. 20, 1990, 104 Stat. 649.)

REFERENCES IN TEXT

The Federal antitrust laws, referred to in subsec. (g)(5), is classified generally to chapter 1 (§ 1 et seq.) of this title.

¹ So in original. The comma probably should not appear.

The Federal Advisory Committee Act, referred to in subsecs. (g)(6) and (h), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-382 redesignated subsec. (d) as (c), and substituted “120” for “60”.

Subsecs. (d) to (i). Pub. L. 101-382, § 133(c)(1), redesignated subsecs. (e) to (i) as (d) to (h), respectively. Former subsec. (d) redesignated (c).

§ 4807. Annual report

(a) Submission of report

The Council shall annually on March 1 submit to the President, the Senate Governmental Affairs Committee, and the appropriate Committees of the House of Representatives and the Senate a report setting forth—

(1) the goals to achieve a more competitive United States economy;

(2) the policies needed to meet such goals;

(3) a summary of existing policies of the Federal Government or State and local governments significantly affecting the competitiveness of the United States economy; and

(4) a summary of significant economic and technological developments, in the United States and abroad, affecting the competitive position of United States industries.

(b) Contents of report

The report submitted under subsection (a) of this section shall—

(1) identify and describe actual or foreseeable developments, in the United States and abroad, which—

(A) create a significant likelihood of a competitive challenge to, or of substantial dislocation in, an established United States industry;

(B) present significant opportunities for United States industries to compete in new geographical markets or product markets, or to expand the position of such industries in established markets; or

(C) create a significant risk that United States industries shall be unable to compete successfully in significant markets;

(2) specify the industry sectors affected by the developments described in the report under paragraph (1); and

(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”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4806 of this title.

§ 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.
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§ 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 4906¹ 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 policy-makers 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;
- (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.

¹ See References in Text note below.

(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.)

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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4906 of this title.

§ 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 part¹ 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.

¹ So in original. Probably should be "port".

(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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4901, 4903, 4913 of this title.

§ 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 policy-makers;

- (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
- (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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4911, 4913 of this title.

§ 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