

the Code, see Short Title note set out under section 101 of Pub. L. 95-521 in the Appendix to Title 5 and Tables.

#### AMENDMENTS

1990—Subsecs. (c), (d). Pub. L. 101-382 added subsecs. (c) and (d).

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 4806. Powers of Council

#### (a) Hearings

The Council may, for the purpose of carrying out the provisions of this chapter, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate. The Council may administer oaths or affirmations to witnesses appearing before the Council.

#### (b) Information

(1)(A) Except as provided in subparagraph (B), the Council may secure directly from any Federal agency information necessary to enable the Council to carry out the provisions of this chapter. Upon request of the chairman of the Council, the head of such agency shall promptly furnish such information to the Council.

(B) Subparagraph (A) does not apply to matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

(2) In any case in which the Council receives any information from a Federal agency, the Council shall not disclose such information to the public unless such agency is authorized to disclose such information pursuant to Federal law.

#### (c) Consultation with President and Congress

No later than 120 days after the initial members are appointed to the Council, the Council shall submit a report to the President, the Senate Governmental Affairs Committee, and the appropriate committees of the House of Representatives and of the Senate, that proposes the type and scope of activities the Council shall undertake, including the extent to which the Council will coordinate activities with other advisory committees relating to trade and competitiveness 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,<sup>1</sup> 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 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).

#### CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Gov-

<sup>1</sup> So in original. The comma probably should not appear.

ernmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

### § 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”.

#### 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.	Definitions.
4901.	Interagency Trade Data Advisory Committee.
4902.	Functions of Committee.
4903.	Consultation with private sector and government officials.
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4906.	Operation of Data Bank.
4907.	Information on service sector.
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4911.	Fees and access.
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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 Serv-