

eral 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 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.)

#### § 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).

##### (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.

##### (e)<sup>1</sup> Technical evaluation of marking systems

The Director of<sup>2</sup> National Institute of Justice is authorized and directed to conduct a technical evaluation of the marking systems provided for in subsection (b) to determine their effectiveness in police combat situations. The Director shall begin the study within 3 months after November 5, 1988, and such study shall be completed within 9 months after November 5, 1988.

##### (f) Effective date

This section shall become effective on the date 6 months after November 5, 1988, and shall apply to toy, look-alike, and imitation firearms manufactured or entered into commerce after November 5, 1988.

##### (g) Preemption of State or local laws or ordinances; exceptions

The provisions of this section shall supersede any provision of State or local laws or ordinances which provide for markings or identification inconsistent with provisions of this section provided that no State shall—

(i) prohibit the sale or manufacture of any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or

(ii) prohibit the sale (other than prohibiting the sale to minors) of traditional B-B, paint ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

(Pub. L. 100-615, § 4, Nov. 5, 1988, 102 Stat. 3190.)

<sup>1</sup> So in original. Probably should be "(e)".

<sup>2</sup> So in original. Probably should be "of the".