§ 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) and the Export Promotion Data System, as described in subsection (c).

(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

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

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

(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