

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 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 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;
- (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 Chief Executive Officer of the United States International Development Finance 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; Pub. L. 115-254, div. F, title VI, § 1470(f), Oct. 5, 2018, 132 Stat. 3516.)

AMENDMENTS

2018—Subsec. (b)(13). Pub. L. 115-254 substituted “the Chief Executive Officer of the United States International Development Finance Corporation” for “the President of the Overseas Private Investment Corporation”.

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 3001 of Title 50, War and National Defense.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 effective at the end of the transition period, as defined in section 9681 of Title 22, Foreign Relations and Intercourse, see section 1470(w) of Pub. L. 115-254, set out as a note under section 905 of Title 2, The Congress.

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 establish-

¹ See References in Text note below.

ment, 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) 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 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.

(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

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