

Title 13 U.S.C

§ 91. Collection and publication

- (a) The Secretary shall collect and publish quarterly financial statistics of business operations, organization, practices, management and relation to other businesses, including data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses in income statements, balance sheets, and other measures of financial condition.
- (b) Except to the extent determined otherwise by the Secretary on the basis of changed circumstances, the nature of statistics collected and published under this section, and the manner of the collection and publication of such statistics, shall conform to the quarterly financial reporting program carried out by the Federal Trade Commission before the effective date of this section under section 6(b) of the Federal Trade Commission Act.
- (c) For purposes of section 6103(j)(1) of the Internal Revenue Code of 1986, the conducting of the quarterly financial report program under this section shall be considered as the conducting of a related statistical activity authorized by law.
- (d)(1) The Secretary shall not select an organization or entity for participation in a survey, if—
 - (A) the organization or entity—
 - (i) has assets of less than \$50,000,000;
 - (ii) completed participation in a prior survey in the preceding 10-year period, as determined by the Secretary; and
 - (iii) was selected for that prior survey participation after September 30, 1990; or
 - (B) the organization or entity—
 - (i) has assets of more than \$50,000,000 and less than \$100,000,000;
 - (ii) completed participation in a prior survey in the preceding 2-year period, as determined by the Secretary; and
 - (iii) was selected for that prior survey participation after September 30, 1995.
- (2)
 - (A) The Secretary shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of organizations and entities participating in the survey.
 - (B) To facilitate the provision of the assistance under subparagraph (A), the Secretary shall establish a toll-free telephone number.
 - (C) The Secretary shall expand the use of statistical sampling techniques to select organizations and entities having assets less than \$100,000,000 to participate in the survey.
- (3) The Secretary may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by the Secretary.
- (4) For purposes of this subsection:
 - (A) The term “small business concern” means a business concern that meets the requirements of section 3(a) of the Small Business Act and the regulations promulgated pursuant thereto.

(B) The term “survey” means the collection of information by the Secretary pursuant to this section for the purpose of preparing the publication entitled “Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations”.

§ 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 or section 2(f) of the Census of Agriculture Act of 1997—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports. No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.