

## Attachment D

### Legal Authority for the Business Enterprise Research and Development Survey

Title 13, United States Code, Sections 8(b), 131, and 182; Title 42, United States Code, Section 1861-76 (National Science Foundation Act of 1950, as amended); and Section 505 within the America COMPETES Reauthorization Act of 2010 authorize this collection. Sections 224 and 225 of Title 13, United States Code, require a response from sampled firms.

Title 13, U.S.C., Section 8(b) - Subject to the limitations contained in sections 6(c) and 9 of this title, the Secretary may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations and surveys, for departments, agencies, and establishments of the Federal Government, the government of the District of Columbia, the government of any possession or area (including political subdivisions thereof) referred to in section 191(a) of this title, State or local agencies, or other public and private persons and agencies, upon payment of the actual or estimated cost of such work. In the case of nonprofit agencies or organizations, the Secretary may engage in joint statistical projects, the purpose of which are otherwise authorized by law, but only if the cost of such projects are shared equitably, as determined by the Secretary.

Title 13, U.S.C., Section 131 - The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.

Title 13, U.S.C., Section 182 - The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

Title 42, U.S.C., Section 1861-76 (National Science Foundation Act of 1950, as amended) -

1861. Establishment; composition.

1862. Functions.

1862a. Findings and purpose.

1862b. Establishment of Program.

1862c. Procedures, guidelines, and planning activities.

1862d. Set-aside for certain institutions.

1862e. Evaluations of research centers.

1862f. Research center consortia.

1862g. Established Program to Stimulate Competitive Research.

1862h. Congressional statement of findings and declaration of purposes respecting scientific and technical education and training.

1862i. Scientific and technical education.

1862j. Authorization of appropriations.

1862k. Findings; core strategies.

1862l. National research facilities.

1862m. Financial disclosure.

1862n. Mathematics and science education partnerships.

1862n-1. Robert Noyce Teacher Scholarship Program.

1862n-1a. National Science Foundation Teaching Fellowships and Master Teaching Fellowships.

1862n-2. Establishment of centers for research on mathematics and science learning and education improvement.

1862n-3. Duplication of programs.

1862n-4. Major research equipment and facilities construction plan.

1862n-5. Board meetings; audits; reports; scholarship eligibility.

1862n-6. Undergraduate education reform.

1862n-7. Reports.

1862n-8. Evaluations.

1862n-9. Astronomy and Astrophysics Advisory Committee.

1862n-10. Minority-serving institutions undergraduate program.

1862o. Postdoctoral research fellows.

1862o-1. Responsible conduct of research.

1862o-2. Reporting of research results.

1862o-3. Sharing research results.

1862o-4. Funding for successful science, technology, engineering, and mathematics education programs.

1862o-5. Meeting critical national science needs.

1862o-6. Research on innovation and inventiveness.

1862o-7. Cyberinfrastructure.

1862o-8. Pilot program of grants for new investigators.

1862o-9. Broader impacts merit review criterion.

1862o-10. Advanced information and communications technology research.

1862o-11. Repealed.

1862o-12. Hispanic-serving institutions undergraduate program.

1862o-13. Professional science master's degree programs.

1862o-14. Major research instrumentation.

1862o-15. Limit on proposals.

1862p. National Center for Science and Engineering Statistics.

1862p-1. National Science Foundation manufacturing research and education.

1862p-2. Partnerships for innovation.

1862p-3. Sustainable chemistry basic research.

1862p-4. Undergraduate broadening participation program.

1862p-5. Research experiences for high school students.

1862p-6. Research experiences for undergraduates.

1862p-7. STEM industry internship programs.

1862p-8. Cyber-enabled learning for national challenges.

1862p-9. Experimental Program to Stimulate Competitive Research.

1862p-10. Academic technology transfer and commercialization of university research.

1862p-11. NSF grants in support of sponsored post-doctoral fellowship programs.

1862p-12. Cloud computing research enhancement.

1862p-13. Tribal colleges and universities program.

1862p-14. Broader Impacts Review Criterion.

1862p-15. Twenty-first century graduate education.

1862q. Informal STEM education.

1862r. Research in disabilities education.

1862r-1. Dyslexia.

1862s. Reaffirmation of merit-based peer review.

1862s-1. Transparency and accountability.

1862s-2. Oversight of NSF major multi-user research facility projects.

1862s–3. Personnel oversight.  
1862s–4. Brain Research through Advancing Innovative Neurotechnologies Initiative.  
1862s–5. Programs to expand STEM opportunities.  
1862s–6. Presidential awards for excellence in STEM mentoring.  
1862s–7. Computer science education research.  
1862s–8. Innovation Corps.  
1862s–9. Translational research grants.  
1862t. Supporting veterans in STEM education and computer science.  
1863. National Science Board.  
1864. Director of Foundation.  
1864a. Deputy Director of the Foundation.  
1865. Executive Committee.  
1866. Divisions within Foundation.  
1867. Repealed.  
1868. Special commissions.  
1869. Scholarships and graduate fellowships.  
1869a. Contracts for precollege science or engineering curriculum development activities; inspection of materials by parent or guardian.  
1869b. Issuance of instructions to grantees of pre-college curriculum projects.  
1869c. Low-income scholarship program.  
1870. General authority of Foundation.  
1870a. Buy-American requirements.  
1871. Disposition of inventions produced under contracts or other arrangements.  
1872. International cooperation and coordination with foreign policy.  
1872a. Repealed.  
1873. Employment of personnel.  
1873a. Repealed.  
1874. Security provisions.  
1875. Appropriations.  
1876 to 1879. Repealed.

Section 505 within the America COMPETES Reauthorization Act of 2010 -

Sec. 505. National Center for Science and Engineering statistics.

(a) Establishment.--There is established within the Foundation a National Center for Science and Engineering Statistics that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) Duties.--In carrying out subsection (a) of this section, the Director, acting through the Center shall--

(1) <<NOTE: Reports. Public information.>> collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on--

- (A) research and development trends;
- (B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) Statistical Reports.--The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

Title 13, U.S.C., Section 224 - Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule or questionnaire prepared and submitted to him under the authority of this title, shall be fined not more than \$500; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000.

Title 13, U.S.C., Section 225 - Applicability of penal provisions in certain cases

(a) In connection with any survey conducted by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof pursuant to subchapter IV of [chapter 5 of this title](#), the provisions of sections [221](#), [222](#), [223](#) and [224](#) of this title shall apply—

(1) with respect to the answering of questions and furnishing of information, only to such inquiries as are within the scope of the schedules and questionnaires and of the type and character heretofore used in connection with the taking of complete censuses under subchapters I and II of [chapter 5 of this title](#), or in connection with any censuses hereafter taken pursuant to such subchapters;

(2) only after publication of a determination with reasons therefor certified by the Secretary, or by some other authorized officer or employee of the Department of Commerce or bureau or agency thereof with the approval of the Secretary, that the information called for is needed to aid or permit the efficient performance of essential governmental functions or services, or has

significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources;

(3) in the case of any new survey, only after public notice, given by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof at least thirty days in advance of requesting a return, that such survey is under consideration.

(b) The provisions for imprisonment provided by [section 222 of this title](#) shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.

(c) The provisions of sections [221](#), [222](#), [223](#), and [224](#) of this title shall not apply to any censuses or surveys of governments provided for by subchapters III and IV of [chapter 5 of this title](#), nor to other surveys provided for by subchapter IV of such chapter which are taken more frequently than annually.

(d) Where the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter.