Attachment C.

Title 13, United States Code*
Census
Sections Relating to the Collection of Economic Data

Authority to Conduct Economic Censuses and Related Survey

Sec. 8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received

(a) The Secretary may, upon written request, furnish to any respondent, or to the heir, successor, or authorized agent of such respondent, authenticated transcripts or copies of reports (or portions thereof) containing information furnished by, or on behalf of, such respondent in connection with the surveys and census provided for in this title, upon payment of the actual or estimated cost of searching the records and furnishing such transcripts or copies.
(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.
(c) In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information relates, except in the prosecution of alleged violations of this title.
(d) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 85–207, §4, Aug. 28, 1957, 71 Stat. 481; Pub. L. 94–521, §6(a), Oct. 17, 1976, 90 Stat. 2460.)

Sec. 131. Collection and publication; five-year periods

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.
(Aug. 31, 1954, ch. 1158, 68 Stat. 1019, amended Aug. 28, 1957, Pub. L. 85-207, Sec. 8, 71 Stat. 482; Aug. 31, 1964, Pub. L. 88-532, 78 Stat. 737.)

Sec. 193. Preliminary and supplemental statistics

In advance of, in conjunction with, or after the taking of each census provided for by this chapter, the Secretary may make surveys and collect such preliminary and supplementary statistics related to the main topic of the census as are necessary to the initiation, taking, or completion thereof.

(Added Pub. L. 85–207, §14, Aug. 28, 1957, 71 Stat. 484.)

Assurance of Confidentiality

Sec. 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. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 87–813, Oct. 15, 1962, 76 Stat. 922; Pub. L. 101–533, § 5(b)(2), Nov. 7, 1990, 104 Stat. 2348; Pub. L. 103–430, § 2(b), Oct. 31, 1994, 108 Stat. 4394; Pub. L. 105–113, § 4(a)(1), Nov. 21, 1997, 111 Stat. 2276; Pub. L. 105–119, title II, § 210(k), Nov. 26, 1997, 111 Stat. 2487.)

Respondent's Obligation to Reply

Sec. 224. Failure to answer question 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. (Aug. 31, 1954, ch. 1158, 68 Stat. 1024, amended Aug. 28, 1957, Pub. L. 85-207, Sec. 18, 71 Stat. 484; Oct. 17, 1976, Pub. L. 94-521, Sec. 14, 90 Stat. 2465.)

Sec. 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1024; Pub. L. 94–521, § 15(a), Oct. 17, 1976, 90 Stat. 2465.)

* Codification of August 1954. Amended by Acts of August 1957 and October 1962, and as further amended by the Acts of August 1964 and October 1976.

Title 49, United States Code

BUREAU OF TRANSPORTATION STATISTICS

Sec. 6302 - Bureau of Transportation Statistics

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§6302. Bureau of Transportation Statistics

(a) In General.—There shall be within the Department of Transportation the Bureau of Transportation Statistics.

(b) Director.—

(1) Appointment.—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary.

(2) Qualifications.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

(3) Duties.—

(A) In general.—The Director shall—

(i) serve as the senior advisor to the Secretary on data and statistics; and

(ii) be responsible for carrying out the duties described in subparagraph (B).

(B) Duties.—The Director shall—

(i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—

(I) the Federal Government;

(II) State and local governments;

(III) metropolitan planning organizations;

(IV) transportation-related associations;

(V) the private sector, including the freight community; and

(VI) the public;

(ii) establish on behalf of the Secretary a program—

(I) to effectively integrate safety data across modes; and

(II) to address gaps in existing safety data programs of the Department;

(iii) work with the operating administrations of the Department—

(I) to establish and implement the data programs of the Bureau; and

(II) to improve the coordination of information collection efforts with other Federal agencies;

(iv) continually improve surveys and data collection methods of the Department to improve the accuracy and utility of transportation statistics;

(v) encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by—

(I) the Bureau;

(II) the operating administrations of the Department;

(III) State and local governments;

(IV) metropolitan planning organizations; and

(V) private sector entities;

(vi) collect, compile, analyze, and publish a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

(I) transportation safety across all modes and intermodally;

(II) the state of good repair of United States transportation infrastructure;

(III) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6309;

(IV) economic efficiency across the entire transportation sector;

(V) the effects of the transportation system on global and domestic economic competitiveness;

(VI) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;

(VII) transportation-related variables that influence the domestic economy and global competitiveness;

(VIII) economic costs and impacts for passenger travel and freight movement;

(IX) intermodal and multimodal passenger movement;

(X) intermodal and multimodal freight movement; and

(XI) consequences of transportation for the human and natural environment;

(vii) build and disseminate the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor

Executive Order), including by coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by other entities;

(viii) issue guidelines for the collection of information by the Department that the Director determines necessary to develop transportation statistics and carry out modeling, economic assessment, and program assessment activities to ensure that such information is accurate, reliable, relevant, uniform, and in a form that permits systematic analysis by the Department;

(ix) review and report to the Secretary on the sources and reliability of—

(I) the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285); and

(II) at the request of the Secretary, any other data collected or statistical information published by the heads of the operating administrations of the Department; and

(x) ensure that the statistics published under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

(c) Access to Federal Data.—In carrying out subsection (b)(3)(B)(ii), the Director shall be given access to all safety data that the Director determines necessary to carry out that subsection that is held by the Department or any other Federal agency upon written request and subject to any statutory or regulatory restrictions.

(d) Independence of Bureau.—

(1) In general.—The Director shall not be required—

(A) to obtain the approval of any other officer or employee of the Department with respect to the collection or analysis of any information; or

(B) prior to publication, to obtain the approval of any other officer or employee of the United States Government with respect to the substance of any statistical technical reports or press releases lawfully prepared by the Director.

(2) Budget authority.—The Director shall have a significant role in the disposition and allocation of the authorized budget of the Bureau, including—

(A) all hiring, grants, cooperative agreements, and contracts awarded by the Bureau to carry out this section; and

(B) the disposition and allocation of amounts paid to the Bureau for cost-reimbursable projects.

(3) Exceptions.—The Secretary shall direct external support functions, such as the coordination of activities involving multiple modal administrations.

(4) Information technology.—The Department Chief Information Officer shall consult with the Director to ensure decisions related to information technology guarantee the protection of the confidentiality of information provided solely for statistical purposes, in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107–347).

(Added Pub. L. 112–141, div. E, title II, §52011(a), July 6, 2012, 126 Stat. 887; amended Pub. L. 114–94, div. A, title I, §1446(b), title VI, §§6011(d)(2), 6017, Dec. 4, 2015, 129 Stat. 1438, 1570, 1575.)

References in Text

Executive Order 12906, referred to in subsec. (b)(3)(B)(vii), is Ex. Ord. No. 12906, Apr. 11, 1994, 59 F.R. 17671, which is set out as a note under section 1457 of Title 43, Public Lands.

The Government Performance and Results Act of 1993, referred to in subsec. (b)(3)(B)(ix)(I), is Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

The Confidential Information Protection and Statistical Efficiency Act of 2002, referred to in subsec. (d)(4), is title V of Pub. L. 107–347, Dec. 17, 2002, 116 Stat. 2962, which enacted section 402 of Title 13, Census, amended section 176a of Title 15, Commerce and Trade, and enacted provisions set out as a note under section 3501 of Title 44, Public Printing and Documents.

Amendments

2015—Subsec. (a). Pub. L. 114–94, §6011(d)(2), added subsec. (a) and struck out former subsec. (a) which related to establishment of the Bureau of Transportation Statistics.

Subsec. (b)(3)(B)(vi)(III). Pub. L. 114–94, §1446(b), substituted "6309" for "6310".

Subsec. (d). Pub. L. 114–94, §6017, added subsec. (d).

Effective Date of 2015 Amendment

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Effective Date

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

Office of Airline Information

Pub. L. 106–181, title I, §103(b), Apr. 5, 2000, 114 Stat. 67, provided that: "There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary [of Transportation] $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation."