o'clock postmeridian on or before the 12th day of the month to which the respective reports relate for provisions requiring the two reports to be issued from the same place at 11 o'clock antemeridian on the 8th day following that on which the respective reports relate, and struck out provisions setting forth the date of release in the event the original release date falls on a Sunday, legal holiday, or other nonworkday in the Department of Commerce at Washington.

SUBCHAPTER II—OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

§ 61. Collection and publication

(a) The Secretary shall collect, collate, and publish monthly statistics concerning—

(1) the quantities of—

(A) cotton seed, soybeans, peanuts, flaxseed, corn germs, copra, sesame seed, babassu nuts and kernels, and other oilseeds, nuts, and kernels received, crushed, and on hand at oil mills;

(B) crude and refined oils, cakes, and meals, and other primary products, by type or kind, of the seeds, nuts, and kernels referred to in clause (A) of this paragraph, manufactured, shipped out, and on hand at oil mills and processing establishments;

(C) crude and refined vegetable oils, by type or kind, used by class of product and held by manufacturers of vegetable shortening, margarine, soap, and other principal products using large quantities of vegetable oils;

(D) crude and refined vegetable oils, by type or kind, held in warehouses and in transit to consuming establishments; and

(2) the quantities, by types or kinds, of—

(A) animal fats and oils and greases produced;

(B) animal fats and oils and greases shipped and held by producers;

(C) animal fats and oils and greases, fish and marine mammal oils used by class of product and held by manufacturers of shortening, margarine, soap, and other principal products which require the use of large quantities of animal fats and oils and greases, fish and marine mammal oils;

(D) animal fats and oils and greases, fish and marine mammal oils held in warehouses, cold storage, and in transit to consuming establishments.

(b) The Secretary shall not be required to collect, more frequently than he deems necessary to provide reliable statistical reports, information from any person who produces, holds, or consumes fats and oils in inconsequential quantities.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1017.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 81 (Aug. 7, 1916, ch. 274, § 1, 39 Stat. 436; July 25, 1947, ch. 331, 61 Stat. 457).

References to the Secretary (of Commerce) were substituted for references to the Director of the Census, to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology and arrangement.

§ 62. Additional statistics

This subchapter does not restrict or limit the Secretary in the collection and publication, under the general authority of the Secretary, of such statistics on fats and oils or products thereof not specifically required in this subchapter, as he deems to be in the public interest.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1018.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 85 (Aug. 7, 1916, ch. 274, § 5, as added July 25, 1947, ch. 331, 61 Stat. 457).

References to the Secretary (of Commerce) were substituted for reference to the Director of the Census and for reference to the Bureau (of the Census), to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

§ 63. Duplicate collection of statistics prohibited; access to available statistics

Statistics required under Federal law, as of the effective date of this title, to be collected by any other Federal department or agency in a manner comparable both as to form and period of time to the collection of statistics provided for by this subchapter shall not be collected by the Secretary under the authority of this subchapter. Immediately upon his request, the Secretary shall have access to any such statistics and shall include them in the publication required by this subchapter.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1018.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 86 (Aug. 7, 1916, ch. 274, § 6, as added July 25, 1947, ch. 331, 61 Stat. 457).

References to the Secretary (of Commerce) were substituted for references to the Director of the Census to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Words ", as of the effective date of this title," were inserted in the first sentence for the purpose of clarity.

Changes were made in phraseology.

REFERENCES IN TEXT

The effective date of this title, referred to in text, is Jan. 1, 1955.

SUBCHAPTER III—APPAREL AND TEXTILES

§ 81. Statistics on apparel and textile industries

The Secretary shall collect and publish quarterly statistics relating to domestic apparel and textile industries.

(Added Pub. L. 99–467, § 1(a), Oct. 14, 1986, 100 Stat. 1192.)

SUBCHAPTER IV—QUARTERLY FINANCIAL STATISTICS

AMENDMENTS

1986—Pub. L. 99–467, § 1(a), Oct. 14, 1986, 100 Stat. 1192, substituted "IV" for "III" as subchapter designation.

§ 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''.

(Added Pub. L. 97–454, §1(a)(2), Jan. 12, 1983, 96 Stat. 2494; amended Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–13, §3, May 22, 1995, 109 Stat. 184.)

TERMINATION OF SECTION

For termination of section by section 4(b) of Pub. L. 97–454, see Effective and Termination Date note below.

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (b), is Jan. 12, 1983, see Effective and Termination Date note set out below.

Section 6(b) of the Federal Trade Commission Act, referred to in subsec. (b), is classified to section 46(b) of Title 15, Commerce and Trade.

Section 6103(j)(1) of the Internal Revenue Code of 1986, referred to in subsec. (c), is classified to section 6103(j)(1) of Title 26, Internal Revenue Code.

Section 3(a) of the Small Business Act, referred to in subsec. (d)(4)(A), is classified to section 632(a) of Title 15, Commerce and Trade.

AMENDMENTS

1995—Subsec. (d). Pub. L. 104–13 added subsec. (d).

1986—Subsec. (c). Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–13 effective Oct. 1, 1995, see section 4(a) of Pub. L. 104–13, set out as an Effective Date note under section 3501 of Title 44, Public Printing and Documents.

EFFECTIVE AND TERMINATION DATE; REPORT TO CONGRESS

Pub. L. 97–454, §4, Jan. 12, 1983, 96 Stat. 2495, as amended by Pub. L. 101–227, §1, Dec. 12, 1989, 103 Stat. 1943; Pub. L. 103–105, §1(a), Oct. 12, 1993, 107 Stat. 1030; Pub. L. 105–252, §1, Oct. 9, 1998, 112 Stat. 1886; Pub. L. 109–79, §1, Sept. 30, 2005, 119 Stat. 2044, provided that:

''(a) This Act [enacting section 91 of this title and provisions set out as notes under sections 23 and 91 of this title] shall take effect on the date of the enactment of this Act [Jan. 12, 1983].

''(b) This Act, including the amendments made by this Act, shall cease to have effect after September 30, 2015.

''(c) Not later than 2 years after such effective date [Jan. 12, 1983], the Secretary of Commerce shall submit a report to the Congress regarding the administration of the program transferred by this Act [enacting section 91 of this title and provisions set out as notes under sections 23 and 91 of this title]. Such report shall describe—

''(1) the estimated respondent burden, including any changes in the estimated respondent burden after the transfer of such program;

''(2) the application made by various public and private organizations of the information published under such program; and

''(3) technical or administration problems encountered in carrying out such program.''

[Section 1(b) of Pub. L. 103–105 provided that: ''The amendment made under subsection (a) [amending section 4 of Pub. L. 97–454, set out above] shall take effect on September 30, 1993.]

TRANSFER OF FUNCTIONS RELATING TO QUARTERLY FINANCIAL STATISTICS

Section 2 of Pub. L. 97–454, as amended by Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095, provided that:

''(a) There are transferred to the Secretary of Commerce, for administration under section 91 of title 13, United States Code, all functions relating to the quarterly financial report program which was carried out by the Federal Trade Commission before the effective date of this Act [Jan. 12, 1983] pursuant to the author-

ity of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)).

''(b) All personnel, property, and records of the Federal Trade Commission which the Director of the Office of Management and Budget determines, after consultation with the Secretary of Commerce and the Chairman of the Federal Trade Commission, to be employed, held, or used in connection with any function relating to the quarterly financial report program shall be transferred to the Department of Commerce. For purposes of sections 6103, 7213, and 7431, and other provisions of the Internal Revenue Code of 1986 [26 U.S.C. 6103, 7213, 7431], return information (as defined in section 6103(b) of such Code) which is transferred under this subsection shall be treated as if it were furnished to the Bureau of the Census under section 6103(j)(1) of such Code solely for administering the quarterly financial report program under section 91 of title 13, United States Code. Such transfer shall be carried out not later than 90 days after the effective date of this Act [Jan. 12, 1983].''

SUBCHAPTER V—MISCELLANEOUS

AMENDMENTS

1986—Pub. L. 99–467, § 1(a), Oct. 14, 1986, 100 Stat. 1192, substituted ''V'' for ''IV'' as subchapter designation.

1983—Pub. L. 97–454, § 1(a)(1), Jan. 12, 1983, 96 Stat. 2494, substituted ''IV'' for ''III'' as subchapter designation.

§ 101. Defective, dependent, and delinquent classes; crime

(a) The Secretary may collect decennially statistics relating—

(1) to the defective, dependent, and delinquent classes; and

(2) to crime, including judicial statistics pertaining thereto.

(b) The statistics authorized by subsection (a) of this section shall include information upon the following questions, namely: age, sex, color, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to such subjects as the Secretary deems proper.

(c) In addition to the decennial collections authorized by subsections (a) and (b) of this section, the Secretary may compile and publish annually statistics relating to crime and to the defective, dependent, and delinquent classes.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1018.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 111, 113 (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; June 18, 1929, ch. 28, § 3, 46 Stat. 21; Mar. 4, 1931, ch. 490, 46 Stat. 1517; 1939 Reorganization Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431; 1940 Reorganization Plan No. III, § 3, 5 F.R. 2107, 54 Stat. 1232; June 25, 1947, ch. 124, 61 Stat. 163; Sept. 7, 1950, ch. 910, § 4, 64 Stat. 785).

Section consolidates part of section 111 of title 13, U.S.C., 1952 ed., with section 113 of such title which also related to statistics with respect to crime and to the ''defective, dependent, and delinquent classes''.

''Secretary'', meaning the Secretary of Commerce, was substituted for ''Director of the Census'' to conform with Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

The provisions of section 111 of title 13, U.S.C., 1952 ed., authorizing statistics relating to transportation by water, and express business, to mines, mining, quarries, and minerals, to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions, and to street railways, electric light and power, telephone, and telegraph business, were omitted as superseded and covered by sections 121–123 of such title (enacted in 1948), which are set out elsewhere in this title. See Distribution Table.

Section 111 of title 13, U.S.C., 1952 ed., also authorized the decennial collection of statistics relating to the fishing industry ''in cooperation with the Fish and Wildlife Service''. In the basic statutory provision (see amendment by act June 7, 1906, ch. 3048, 34 Stat. 218, ''Fish and Wildlife Service'' read ''Bureau of Fisheries'' and it was changed, by the codifiers, in such section 111 to the former designation because of 1940 Reorganization Plan No. III, § 3, 5 F.R. 2107, 54 Stat. 1232, which consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency to be known as the ''Fish and Wildlife Service''. However, at the time of the enactment of the 1906 act, referred to above, both the Bureau of the Fisheries, and the Census Bureau (then referred to as the ''Census Office''), were in the Department of Commerce. The Bureau of Fisheries was transferred to the Department of the Interior by 1939 Reorganization Plan No. II, § 4(e), 4 F.R. 2731, 53 Stat. 1431, and it is within that department that the Fish and Wildlife Service now functions. Therefore, such provision in section 111 of title 13, U.S.C., 1952 ed., has been omitted from this revised title as obsolete. In any event section 121 of title 13, U.S.C., 1952 ed. (subchapter I of chapter 5 of this revised title) is broad enough to authorize such collection.

The provisions of section 111 of title 13, U.S.C., 1952 ed., which authorized statistics relating to religion, and the provisions thereof which related to the designation of reports, are set out as separate sections in this subchapter; and the provisions thereof which related to the preparation of schedules, and which authorized the appointment of special agents, are set out in chapter 1 of this title. See Distribution Table.

The proviso in section 111 of title 13, U.S.C., 1952 ed., which prohibited the collection of statistics relating to religious or church membership when the disclosure of such information was prohibited by religious or church doctrine, teaching or discipline, has been incorporated in chapter 7 of this title. See Distribution Table.

§ 102. Religion

The Secretary may collect decennially statistics relating to religious bodies.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1018.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 111 (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; June 18, 1929, ch. 28, § 3, 46 Stat. 21; 1939 Reorganization Plan No. II, § 4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431; 1940 Reorganization Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1232; June 25, 1947, ch. 124, 61 Stat. 163; Sept. 7, 1950, ch. 910, § 4, 64 Stat. 785).

Section was taken from that part of section 111 of title 13, U.S.C., 1952 ed., which related to statistics on religion. For remainder of such section 111, see this subchapter and Distribution Table.

Changes were made in phraseology.

§ 103. Designation of reports

All reports covering any of the statistics collected under the provisions of this subchapter shall be designated as ''Special Reports'' followed by the name of whatever bureau or agency of the Department of Commerce is designated by the Secretary to collect and compile such statistics.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1018.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 111 (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218;