

105TH CONGRESS
1ST SESSION

H. R. 2366

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 1997

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

To transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Census of Agriculture
3 Act of 1997”.

4 **SEC. 2. AUTHORITY OF SECRETARY OF AGRICULTURE TO**
5 **CONDUCT CENSUS OF AGRICULTURE.**

6 (a) CENSUS OF AGRICULTURE REQUIRED.—In 1998
7 and every fifth year thereafter, the Secretary of Agri-
8 culture shall take a census of agriculture.

9 (b) METHODS.—In connection with the census, the
10 Secretary may conduct any survey or other information
11 collection, and employ any sampling or other statistical
12 method, that the Secretary determines is appropriate.

13 (c) YEAR OF INFORMATION.—The information col-
14 lected in each census taken under this section shall relate
15 to the year immediately preceding the year in which the
16 census is taken.

17 (d) ENFORCEMENT.—

18 (1) FRAUD.—A person over 18 years of age
19 who willfully gives an answer that is false to a ques-
20 tion, which is authorized by the Secretary to be sub-
21 mitted to the person in connection with a census
22 under this section, shall be fined not more than
23 \$500.

24 (2) REFUSAL OR NEGLECT TO ANSWER QUES-
25 TIONS.—A person over 18 years of age who refuses
26 or willfully neglects to answer a question, which is

1 authorized by the Secretary to be submitted to the
2 person in connection with a census under this sec-
3 tion, shall be fined not more than \$100.

4 (3) SOCIAL SECURITY NUMBER.—The failure or
5 refusal of a person to disclose the person’s social se-
6 curity number in response to a request made in con-
7 nection with any census or other activity under this
8 section shall not be a violation under this subsection.

9 (4) RELIGIOUS INFORMATION.—Notwithstand-
10 ing any other provision of this section, no person
11 shall be compelled to disclose information relative to
12 the religious beliefs of the person or to membership
13 of the person in a religious body.

14 (e) GEOGRAPHIC COVERAGE.—A census under this
15 section shall include—

16 (1) each of the several States of the United
17 States;

18 (2) as determined appropriate by the Secretary,
19 the District of Columbia, the Commonwealth of
20 Puerto Rico, the Commonwealth of the Northern
21 Mariana Islands, the United States Virgin Islands,
22 and Guam; and

23 (3) with the concurrence of the Secretary and
24 the Secretary of State, any other possession or area

1 over which the United States exercises jurisdiction,
2 control, or sovereignty.

3 (f) COOPERATION WITH SECRETARY OF COM-
4 MERCE.—

5 (1) INFORMATION PROVIDED TO SECRETARY OF
6 AGRICULTURE.—On a written request by the Sec-
7 retary of Agriculture, the Secretary of Commerce
8 may provide to the Secretary of Agriculture any in-
9 formation collected under title 13, United States
10 Code, that the Secretary of Agriculture considers
11 necessary for the taking of a census or survey under
12 this section.

13 (2) INFORMATION PROVIDED TO SECRETARY OF
14 COMMERCE.—On a written request by the Secretary
15 of Commerce, the Secretary of Agriculture may pro-
16 vide to the Secretary of Commerce any information
17 collected in a census taken under this section that
18 the Secretary of Commerce considers necessary for
19 the taking of a census or survey under title 13,
20 United States Code.

21 (3) CONFIDENTIALITY.—Information obtained
22 under this subsection may not be used for any pur-
23 pose other than the statistical purposes for which
24 the information is supplied. For purposes of sections
25 9 and 214 of title 13, United States Code, any infor-

1 mation provided under paragraph (2) shall be con-
2 sidered information furnished under the provisions
3 of title 13, United States Code.

4 (g) REGULATIONS.—A regulation necessary to carry
5 out this section may be promulgated by—

6 (1) the Secretary of Agriculture, to the extent
7 that a matter under the jurisdiction of the Secretary
8 is involved; and

9 (2) the Secretary of Commerce, to the extent
10 that a matter under the jurisdiction of the Secretary
11 of Commerce is involved.”.

12 **SEC. 3. REPEAL OF SUPERSEDED PROVISION.**

13 (a) REPEAL.—Section 142 of title 13, United States
14 Code, is repealed.

15 (b) CLERICAL AMENDMENTS.—

16 (1) Subchapter II of chapter 5 of title 13, Unit-
17 ed States Code, is amended by striking the sub-
18 chapter heading and inserting the following:

19 “SUBCHAPTER II—POPULATION, HOUSING, AND
20 UNEMPLOYMENT”.

21 (2) The analysis of chapter 5 of title 13, United
22 States Code, is amended—

23 (A) by striking the item relating to section
24 142; and

1 (B) by striking the item relating to the
 2 heading for subchapter II and inserting the fol-
 3 lowing:

“SUBCHAPTER II—POPULATION, HOUSING, AND
 UNEMPLOYMENT”.

4 (c) CROSS REFERENCE.—Section 343(a)(11)(F) of
 5 the Consolidated Farm and Rural Development Act (7
 6 U.S.C. 1991(a)(11)(F)) is amended by striking “taken
 7 under section 142 of title 13, United States Code”.

8 (d) EFFECTIVE DATE.—This section and the amend-
 9 ments made by this section shall take effect October 1,
 10 1998.

11 **SEC. 4. CONFIDENTIALITY OF INFORMATION.**

12 (a) INFORMATION PROVIDED TO SECRETARY OF AG-
 13 RICULTURE.—

14 (1) AUTHORITY TO PROVIDE INFORMATION.—
 15 Section 9(a) of title 13, United States Code, is
 16 amended by inserting after “chapter 10 of this title”
 17 the following: “or section 2(f) of the Census of Agri-
 18 culture Act of 1997”.

19 (2) CONFIDENTIALITY OF INFORMATION.—Sec-
 20 tion 1770(d) of the Food Security Act of 1985 (7
 21 U.S.C. 2276(d)) is amended—

22 (A) by striking “or” at the end of para-
 23 graph (8);

1 (B) by striking the period at the end of
2 paragraph (9) and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(10) section 2 of the Census of Agriculture
5 Act of 1997.”.

6 (b) INFORMATION PROVIDED TO THE SECRETARY OF
7 COMMERCE.—Section 1770 of the Food Security Act of
8 1985 (7 U.S.C. 2276) is amended by adding at the end
9 the following:

10 “(e) INFORMATION PROVIDED TO SECRETARY OF
11 COMMERCE.—This section shall not prohibit the release
12 of information under section 2(f)(2) of the Census of Agri-
13 culture Act of 1997.”.

Passed the House of Representatives October 21,
1997.

Attest:

ROBIN H. CARLE,
Clerk.