

Calendar No. 276

105TH CONGRESS
1ST Session

H. R. 2366

[Report No. 105-141]

AN ACT

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

NOVEMBER 7, 1997

Reported without amendment

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1ST SESSION**H. R. 2366****[Report No. 105–141]**

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 1997

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

NOVEMBER 7, 1997

Reported by Mr. THOMPSON, without amendment

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Census of Agriculture
5 Act of 1997”.

1 **SEC. 2. AUTHORITY OF SECRETARY OF AGRICULTURE TO**
2 **CONDUCT CENSUS OF AGRICULTURE.**

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

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

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

14 (d) ENFORCEMENT.—

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

21 (2) REFUSAL OR NEGLECT TO ANSWER QUES-
22 TIONS.—A person over 18 years of age who refuses
23 or willfully neglects to answer a question, which is
24 authorized by the Secretary to be submitted to the
25 person in connection with a census under this sec-
26 tion, shall be fined not more than \$100.

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

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

11 (e) GEOGRAPHIC COVERAGE.—A census under this
12 section shall include—

13 (1) each of the several States of the United
14 States;

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

20 (3) with the concurrence of the Secretary and
21 the Secretary of State, any other possession or area
22 over which the United States exercises jurisdiction,
23 control, or sovereignty.

24 (f) COOPERATION WITH SECRETARY OF COM-
25 MERCE.—

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

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

17 (3) CONFIDENTIALITY.—Information obtained
18 under this subsection may not be used for any pur-
19 pose other than the statistical purposes for which
20 the information is supplied. For purposes of sections
21 9 and 214 of title 13, United States Code, any infor-
22 mation provided under paragraph (2) shall be con-
23 sidered information furnished under the provisions
24 of title 13, United States Code.

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

3 (1) the Secretary of Agriculture, to the extent
4 that a matter under the jurisdiction of the Secretary
5 is involved; and

6 (2) the Secretary of Commerce, to the extent
7 that a matter under the jurisdiction of the Secretary
8 of Commerce is involved.”.

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

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

12 (b) CLERICAL AMENDMENTS.—

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

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

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

20 (A) by striking the item relating to section
21 142; and

22 (B) by striking the item relating to the
23 heading for subchapter II and inserting the fol-
24 lowing:

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

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

5 (d) EFFECTIVE DATE.—This section and the amend-
 6 ments made by this section shall take effect October 1,
 7 1998.

8 **SEC. 4. CONFIDENTIALITY OF INFORMATION.**

9 (a) INFORMATION PROVIDED TO SECRETARY OF AG-
 10 RICULTURE.—

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

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

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

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

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

24 “(10) section 2 of the Census of Agriculture
 25 Act of 1997.”.

1 (b) INFORMATION PROVIDED TO THE SECRETARY OF
2 COMMERCE.—Section 1770 of the Food Security Act of
3 1985 (7 U.S.C. 2276) is amended by adding at the end
4 the following:

5 “(e) INFORMATION PROVIDED TO SECRETARY OF
6 COMMERCE.—This section shall not prohibit the release
7 of information under section 2(f)(2) of the Census of Agri-
8 culture Act of 1997.”.

Passed the House of Representatives October 21,
1997.

Attest:

ROBIN H. CARLE,
Clerk.