§ 214. Wrongful disclosure of information

Whoever, being or having been an employee or staff member referred to in subchapter II of chapter I of this title, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 9 of this title, or whoever, being or having been a census liaison within the meaning of section 16 of this title, publishes or communicates any information, the disclosure of which is prohibited under the provisions of section 9 of this title, and which comes into his possession by reason of his being employed (or otherwise providing services) under the provisions of this title, shall be fined not more than $5,000 or imprisoned not more than 5 years, or both.


HISTORICAL AND REVISION NOTES


Section consolidates parts of sections 73, 83 and 208 of title 13, U.S.C., 1952 ed., that part of section 122 of such title which made such section 208 applicable to the quinquennial censuses of manufactures, the mineral industries, and other businesses (see subchapter I of chapter 5 of such title), that part of section 252 of such title which made such section 208 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 208 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this title).

Words “Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof” were substituted for reference to the Director of the Census. See Revision Note to section 9 of this title. Words “upon conviction thereof” and “in the discretion of the court” were omitted as surplusage.

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–430 inserted “or whoever, being or having been a census liaison within the meaning of section 16 of this title.”.

1992—Pub. L. 94–521 provided that staff members would be liable for wrongful communication of information under this section, inserted “or having sworn to observe the limitations imposed by section 9 of this title” after “oath of office”, substituted a provision predicating liability under this section upon disclosure of information prohibited by section 9 of this title for a former provision predicating such liability upon disclosure of information without the consent of the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, substituted “being employed (or otherwise providing services)” for “employment”, increased maximum amount of fine under this section to $5,000 from $1,000, and increased maximum prison term to 5 years from 2 years.

EFFECTIVE DATE OF 1976 AMENDMENT


SUBCHAPTER II—OTHER PERSONS

§ 221. Refusal or neglect to answer questions; false answers

(a) Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, IV, and V of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than $100.

(b) Whoever, when answering questions, willfully gives any answer that is false, shall be fined not more than $500.

(c) Notwithstanding any other provision of this title, no person shall be compelled to disclose information relative to his religious beliefs or to membership in a religious body.


HISTORICAL AND REVISION NOTES


Section consolidates the first paragraph of section 209 of title 13, U.S.C., 1952 ed., which section relates to the decennial censuses of population, agriculture, etc. (see subchapter II of chapter 5 of this revised title), with that part of section 122 of such title which made such section 209 applicable to the quinquennial censuses of manufactures, the mineral industries, and other businesses (see subchapter I of chapter 5 of such title) and applicable to the surveys provided for by section 121(b) of such title (see subchapter IV of chapter 5 of this revised title), and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 209 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title). For remainder of sections 122 and 209 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

The language of section 209 of title 13, U.S.C., 1952 ed., providing that it should “be the duty” of all persons over eighteen years of age, to answer correctly, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, IV, and V of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than $100.
The designation of the first offense, herein described, as a “misdemeanor”, was omitted as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying crimes, and words “upon conviction thereof” were omitted as surplusage.

References to the Secretary (of Commerce) and to any “authorized officer or employee of the Department of Commerce or bureau or agency thereof”, etc., were substituted for references to the Director of the Census and to any “supervisor, enumerator, or special agent, or other employee of the Census Office”, to conform with 1950 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.

Changes were made in phraseology.

AMENDMENTS
1976—Subsec. (a). Pub. L. 94–521, §13(1), struck out provision authorizing imprisonment for not more than sixty days for refusing or willfully neglecting to answer questions under this section.
Subsec. (b). Pub. L. 94–521, §13(2), struck out provision authorizing imprisonment for not more than one year for willfully giving a false answer to a question under this section.

EFFECTIVE DATE OF 1976 AMENDMENT

§ 222. Giving suggestions or information with intent to cause inaccurate enumeration of population

Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce or bureau or agency thereof engaged in making an enumeration of population under subchapter II, IV, or V of chapter 5 of this title, any suggestion, advice, information or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, shall be fined not more than $1,000 or imprisoned not more than one year, or both.


HISTORICAL AND REVISION NOTES

Section consolidates the second paragraph of section 209 of title 13, U.S.C., 1952 ed., which was a part of chapter 4 of that title relating to censuses of population, agriculture, etc., with that part of section 122 of such title which made such section 209 applicable to the interim surveys provided for by section 121(b) of such title (see subchapter IV of chapter 5 of this revised title). For remainder of such sections 122 and 209, see Distribution Table.

Section 122 of title 13, U.S.C., 1952 ed., made section 209 of such title applicable to the quinquennial censuses of manufactures, the mineral industries, and other businesses provided for by section 121(a) thereof (subchapter I of chapter 5 of this revised title), and applicable with certain qualifications and exceptions, to the interim surveys, which section 121(b) thereof provided for, not only with respect to those censuses but also the censuses provided for in “other Acts” (chapter 5 of this title). However, the particular provisions of such section 209 that have been carried into this revised section related only to population enumerations, and this section has accordingly been restricted to the population censuses authorized under subchapter II of chapter 5 of this title, and to the interim surveys authorized under subchapter IV of such chapter only in so far as they relate to population enumerations. The exceptions and qualifications with respect to the application of this section to such interim surveys are set out elsewhere in this subchapter.

Reference to “any officer or employee” was substituted for “any supervisor, supervisor’s clerk, enumerator, interpreter, special agent, or other officer or employee”, as the latter enumeration of the types of employees is unnecessary and redundant; and “Department of Commerce or bureau or agency thereof” was substituted for “Census Office”, 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.

Subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (which section has been transferred in its entirety to this revised title), made section 209 of title 13, U.S.C., 1952 ed., applicable to the censuses of housing (subchapter II of chapter 5 of this revised title). However, the particular provisions of such section 209 that have been carried into this revised section, could not, by their terms, be relevant to housing censuses, hence no reference is made in this section to such censuses.

Words in section 209 of title 13, U.S.C., 1952 ed., “either as to the number of persons resident in any district or community, or in any other respect”, were omitted from the revised section as unnecessary and superfluous.

Reference to the offense described as a “misdemeanor” was omitted as covered by section 1 of title 18, U.S.C., Crimes and Criminal Procedure, classifying offenses; and words “and upon conviction thereof” were omitted as surplusage.

Changes were made in phraseology.

AMENDMENTS
1957—Pub. L. 85–207 substituted “II, IV, or V” for “II or IV”.

§ 223. Refusal, by owners, proprietors, etc., to assist census employees

Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by the Secretary or by any other officer or employee of the Department of Commerce or bureau or agency thereof, acting under the instructions of the Secretary, to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of such Department or bureau or agency thereof, so as to permit the collection of statistics with respect to any census provided for in subchapters I and II of chapter 5 of this title, or any survey authorized by subchapter IV or V of such chapter insofar as such survey relates to any of the subjects for which censuses are provided by such subchapters I and II, including, when relevant to the census or survey being taken or made, the proper and correct enumeration of all persons having their usual place of abode in such premises, shall be fined not more than $500.


HISTORICAL AND REVISION NOTES