§ 9  TITLE 13—CENSUS

HISTORICAL AND REVISION NOTES


Section consolidates section 218 of title 13, U.S.C. 1952 ed., with that part of subsection (b) of section 1442 of title 42, U.S.C. 1952 ed., which made such section 218 applicable to the census of housing. For remainder of such section 1442 of title 42 (which has been transferred in its entirety to this revised title), see Distribution Table.

References to the Secretary, meaning the Secretary of Commerce, were substituted for references to the Director of the Census, to conform with 1950 Reorganization Plan No. 5, §§1, 2, eff. May 24, 1950, 19 F.R. 3174, 64 Stat. 1323. See Revision Note to section 4 of this title. For the same reason, a reference in section 218 of title 13, U.S.C., 1952 ed., to the Bureau of the Census was changed, in subsection (e) of this revised section to “Department of Commerce or any bureau or agency thereof”.

Changes were made in phraseology and arrangement.

Editorial Notes

AMENDMENTS


Subsec. (a). Pub. L. 94–521 substituted provision that the Secretary may furnish to any respondent, or the successor or authorized agent of such respondent, transcripts or copies of reports containing information furnished in connection with the surveys and census, upon payment of the necessary costs, for provision that the Secretary may furnish to any respondent, or the successor or authorized agent of such respondent, transcripts or copies of reports containing information furnished in connection with any enumeration enumerated by law, upon payment of the necessary costs, plus one dollar for supplying a certificate.

Subsec. (b). Pub. L. 94–521 inserted provision subjecting the Secretary to the limitations contained in sections 8(c) and 9 of this title, when furnishing statistical materials, instead of “the statistical purposes for which it is supplied.”

§ 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.

HISTORICAL AND REVISION NOTES


Section consolidates parts of sections 73 and 43 of title 13, U.S.C. 1952 ed., part of section 208 of such title, section 211 of such title, that part of section 122 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of manufacturers, the mineral industries, and other businesses (see subchapter I of chapter 5 of this revised title), that part of section 252 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), the second proviso in such section 252, and that part of subsection (b) of section 1422 of title 42, U.S.C. 1952 ed., which made such sections 208 and 211 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title).

Words “except as provided in section 8 of this title” were inserted in opening phrase of subsection (a) for the purpose of clarity.

References to the Secretary, the Department of Commerce and bureaus and agencies thereof, and to other officers and employees of such Department, bureaus or agencies, were substituted for references to the Director of the Census, the “Census Office”, and the enumeration (in section 208 of title 13, U.S.C., 1952 ed.) of certain types of employees, for the purpose of completeness, and 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.

The penal provisions of sections 73, 83, and 208 of title 13, U.S.C., 1952 ed., prescribing penalties for wrongful disclosure of information, are set out in section 214 of this title.

Changes were made in phraseology for remainder of sections 122, 208, and 252 of title 13, U.S.C., 1952 ed., and of section 1422 of title 42, U.S.C. 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

Editorial Notes

REFERENCES IN TEXT


Section 2(f) of the Census of Agriculture Act of 1997, referred to in subsec. (a), is classified to section 2204(f) of Title 7, Agriculture.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–119, which directed the substitution, in introductory provisions, of “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998”—for “of this title”—, was executed by substituting “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998”—for “of this title”— to reflect the probable intent of Congress and the amendment by Pub. L. 105–113. See below.

Pub. L. 105–113 inserted “or section 2(f) of the Census of Agriculture Act of 1997” after “chapter 10 of this title”.

1994—Subsec. (a). Pub. L. 103–430 inserted “or local government census liaison,” after “thereof,” and “or 10” after “section 8”.

1990—Subsec. (a). Pub. L. 101–533 inserted “or chapter 10” after “section 8”.

1982—Subsec. (a). Pub. L. 97–318 inserted sentences stating that 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, and providing that 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, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceeding.


Section, act Aug. 31, 1954, ch. 1158, §1, 68 Stat. 1014, related to free transmission of official mail in census matters.

§11. Authorization of appropriations

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Section is new, and has been inserted to supply the customary authorization of appropriations necessary in carrying out any of the provisions of this title.

Statutory Notes and Related Subsidiaries

BUREAU OF THE CENSUS WORKING CAPITAL FUND

Pub. L. 104–208, div. A, title I, §101(a) [title II, §210], Sept. 30, 1996, 110 Stat. 3009, 3009–41, provided that: “There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized; Provided, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau; Provided further, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereunder for the purpose of providing capital, shall be used to capitalize the Working Capital Fund; Provided further, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware...