

Calendar No. 277

105TH CONGRESS
1ST Session

S. 845

A BILL

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

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

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1997

Mr. LUGAR (for himself, Mr. HARKIN, Mr. McCONNELL, Mr. SANTORUM, Mr. ROBERTS, Mr. COCHRAN, Mr. CRAIG, Mr. GRASSLEY, Mr. DASCHLE, Mr. LEAHY, Mr. KERREY, Mr. BAUCUS, Ms. LANDRIEU, Mr. JOHNSON, Mr. CONRAD, Mr. KEMPTHORNE, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 7, 1997

Reported by Mr. THOMPSON, without amendment

A BILL

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. TRANSFER TO THE SECRETARY OF AGRICULTURE**
2 **OF THE AUTHORITY TO CONDUCT THE CEN-**
3 **SUS OF AGRICULTURE.**

4 (a) IN GENERAL.—Section 526 of the Revised Stat-
5 utes (7 U.S.C. 2204) is amended by adding at the end
6 the following:

7 “(c) CENSUS OF AGRICULTURE.—

8 “(1) IN GENERAL.—In 1998 and every 5th year
9 thereafter, the Secretary of Agriculture shall take a
10 census of agriculture.

11 “(2) METHODS.—In connection with the cen-
12 sus, the Secretary may conduct any survey or other
13 data collection, and employ any sampling or other
14 statistical method, that the Secretary determines is
15 appropriate.

16 “(3) YEAR OF DATA.—The data collected in
17 each census taken under this subsection shall relate
18 to the year immediately preceding the year in which
19 the census is taken.

20 “(4) ENFORCEMENT.—

21 “(A) FRAUD.—A person over 18 years of
22 age who willfully gives an answer that is false
23 to a question submitted to the person in con-
24 nection with a census under this subsection
25 shall be fined not more than \$500.

1 “(B) REFUSAL OR NEGLECT TO ANSWER
 2 QUESTIONS.—A person over 18 years of age
 3 who refuses or neglects to answer a question
 4 submitted to the person in connection with a
 5 census under this subsection shall be fined not
 6 more than \$100.

7 “(C) SOCIAL SECURITY NUMBER.—The
 8 failure or refusal of a person to disclose the
 9 person’s social security number in response to
 10 a request made in connection with any census
 11 or other activity under this subsection shall not
 12 be a violation under this paragraph.

13 “(D) RELIGIOUS INFORMATION.—Notwith-
 14 standing any other provision of this subsection,
 15 no person shall be compelled to disclose infor-
 16 mation relative to the religious beliefs of the
 17 person or to membership of the person in a reli-
 18 gious body.

19 “(5) GEOGRAPHIC COVERAGE.—A census under
 20 this subsection shall include—

21 “(A) each of the several States of the
 22 United States;

23 “(B) as determined by the Secretary, the
 24 District of Columbia, the Commonwealth of
 25 Puerto Rico, the Commonwealth of the North-

ern Mariana Islands, the United States Virgin Islands, and Guam; and

“(C) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

“(6) COOPERATION WITH THE SECRETARY OF COMMERCE.—

“(A) INFORMATION PROVIDED TO THE SECRETARY OF AGRICULTURE.—The Secretary of Commerce may, on a written request by the Secretary of Agriculture, provide to the Secretary of Agriculture any information collected under title 13, United States Code, that the Secretary of Agriculture considers necessary for the taking of a census or survey under this subsection.

“(B) INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.—The Secretary of Agriculture may, on a written request by the Secretary of Commerce, provide to the Secretary of Commerce any information collected in a census taken under this subsection that the Secretary of Commerce considers necessary for

1 the taking of a census or survey under title 13,
2 United States Code.

3 “(C) CONFIDENTIALITY.—

4 “(i) IN GENERAL.—Information ob-
5 tained under this paragraph may not be
6 used for any purpose other than the statis-
7 tical purposes for which the information is
8 supplied.

9 “(ii) CENSUS INFORMATION.—For
10 purposes of sections 9 and 214 of title 13,
11 United States Code, any information pro-
12 vided under subparagraph (B) shall be
13 considered information furnished under the
14 provisions of title 13, United States Code.

15 “(7) REGULATIONS.—A regulation necessary to
16 carry out this subsection may be promulgated by—

17 “(A) the Secretary of Agriculture, to the
18 extent that a matter under the jurisdiction of
19 the Secretary is involved; and

20 “(B) the Secretary of Commerce, to the
21 extent that a matter under the jurisdiction of
22 the Secretary of Commerce is involved.”.

23 (b) CONFORMING AMENDMENTS.—

6 (B) Section 142 of title 13, United States Code,
7 is repealed.

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

(i) by striking the item relating to the heading for subchapter II and inserting the following:

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

(ii) by striking the item relating to section 142; and

(iii) by inserting after the item relating to section 161 the following:

“163. Authority of other agencies.”.

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

21 SEC. 3. CONFIDENTIALITY OF INFORMATION.

22 (a) INFORMATION PROVIDED TO THE SECRETARY OF
23 AGRICULTURE.—

1 (1) AUTHORITY TO PROVIDE INFORMATION.—
 2 Section 9(a) of title 13, United States Code, is
 3 amended by inserting after “chapter 10 of this title”
 4 the following: “or section 526(c)(6) of the Revised
 5 Statutes (7 U.S.C. 2204(c)(6))”.

6 (2) CONFIDENTIALITY OF INFORMATION.—Sec-
 7 tion 1770(d) of the Food Security Act of 1985 (7
 8 U.S.C. 2276(d)) is amended by striking paragraph
 9 (5) and inserting the following:

10 “(5) subsections (a) and (c) of section 526 of
 11 the Revised Statutes (7 U.S.C. 2204);”.

12 (b) INFORMATION PROVIDED TO THE SECRETARY OF
 13 COMMERCE.—Section 1770 of the Food Security Act of
 14 1985 (7 U.S.C. 2276) is amended by adding at the end
 15 the following:

16 “(e) INFORMATION PROVIDED TO THE SECRETARY
 17 OF COMMERCE.—This section shall not prohibit the re-
 18 lease of information under section 526(c)(6) of the Re-
 19 vised Statutes (7 U.S.C. 2204(c)(6)).”.