

111TH CONGRESS
1ST SESSION

H. R. 3582

To make organizations which have been indicted for violations of Federal or State law relating to elections for public office ineligible to participate in the Planning Partnership Program for the 2010 census of population, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2009

Mrs. BACHMANN (for herself, Mr. MARCHANT, Ms. FOXX, Mr. HERGER, Ms. FALLIN, Mr. BARTLETT, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. AUSTRIA, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. SHAD-EGG, Mr. GOHMERT, Mr. CULBERSON, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, and Mr. ALEXANDER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make organizations which have been indicted for violations of Federal or State law relating to elections for public office ineligible to participate in the Planning Partnership Program for the 2010 census of population, 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 Improvement
3 Act”.

4 **SEC. 2. LIMITATION ON ELIGIBILITY TO PARTICIPATE IN**
5 **PLANNING PARTNERSHIP PROGRAM FOR**
6 **THE 2010 CENSUS.**

7 (a) IN GENERAL.—Participation in the Planning
8 Partnership Program for the 2010 census of population
9 shall not be allowed in the case of—

10 (1) an organization which has been indicted for
11 a violation under Federal or State law relating to an
12 election for Federal or State office; or

13 (2) an organization which employs applicable
14 individuals.

15 (b) APPLICABLE INDIVIDUAL DEFINED.—For pur-
16 poses of this section, the term “applicable individual”
17 means an individual who—

18 (1) is—

19 (A) employed by the organization in a per-
20 manent or temporary capacity;

21 (B) contracted or retained by the organiza-
22 tion; or

23 (C) acting on behalf of, or with the express
24 or apparent authority of, the organization; and

1 (2) has been indicted for a violation under Fed-
2 eral or State law relating to an election for Federal
3 or State office.

4 (c) STATE DEFINED.—For purposes of this section,
5 the term “State” includes the District of Columbia.

6 **SEC. 3. TWO-THIRDS VOTE REQUIRED TO REPEAL OR OTH-**
7 **ERWISE LIMIT PROVISIONS RELATING TO**
8 **CONFIDENTIALITY OF CERTAIN INFORMA-**
9 **TION.**

10 (a) RULEMAKING POWER.—The succeeding provi-
11 sions of this section are enacted by Congress—

12 (1) as an exercise of the rulemaking power of
13 the Senate and the House of Representatives, re-
14 spectively, and as such shall be deemed a part of the
15 rules of each House, respectively, and shall super-
16 sede other rules only to the extent that they are in-
17 consistent with such other rules; and

18 (2) with the full recognition of the constitu-
19 tional right of either House to change the rules (so
20 far as relating to the procedures of that House) at
21 any time, in the same manner, and to the same ex-
22 tent as any other rule of that House.

23 (b) VOTING REQUIREMENT.—No bill or joint resolu-
24 tion, amendment, or conference report containing a provi-
25 sion which would have the effect of repealing, suspending,

1 or otherwise limiting the application of section 9 of title
2 13, United States Code (relating to information as con-
3 fidential; exception) shall be considered as passed or
4 agreed to, by either House of Congress, unless so passed
5 or agreed to by a vote of not less than two-thirds of the
6 Members of such House voting.

7 **SEC. 4. REVIEW AND REPORT TO CONGRESS.**

8 (a) IN GENERAL.—Not later than 6 months after the
9 deadline for the submission described in subsection (c), the
10 Government Accountability Office shall review and report
11 to Congress on the questions proposed to be included in
12 the 2010 census of population and the American Commu-
13 nity Survey (next scheduled to be carried out after the
14 end of the 6-month period beginning after the date of the
15 enactment of this Act).

16 (b) REQUIREMENTS.—In carrying out this section,
17 the Government Accountability Office shall specifically ad-
18 dress—

- 19 (1) the reasons for each question proposed to be
20 included in the survey or census and the purposes
21 for which the information obtained from respondents
22 is likely to be used;
- 23 (2) alternative means by which the same infor-
24 mation could be obtained other than by inclusion in
25 such census or survey, as the case may be; and

1 (3) the relative advantages and disadvantages
2 of obtaining the information through a census or
3 survey (as the case may be) as compared to the al-
4 ternative means referred to in paragraph (2).

5 (c) SUBMISSION OF QUESTIONS.—Not later than 30
6 days after the date of the enactment of this Act, the Sec-
7 retary of Commerce shall submit to the Government Ac-
8 countability Office—

9 (1) a copy of each question proposed to be in-
10 cluded in the upcoming American Community Sur-
11 vey (as described in subsection (a)) and the 2010
12 census of population; and

13 (2) with respect to each question under para-
14 graph (1), the views of the Secretary of Commerce
15 (or designee) with respect to paragraphs (1) through
16 (3) of subsection (b).

17 **SEC. 5. PRACTICE OF SEEKING ANSWERS TO SURVEY OR**
18 **CENSUS QUESTIONS FROM NON-HOUSEHOLD**
19 **MEMBERS NO LONGER ALLOWED.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, no officer, employee, or other person referred
22 to in subchapter II of chapter 1 of title 13, United States
23 Code, may, in the conduct of the American Community
24 Survey or the 2010 census of population, seek answers to
25 any questions relating to any household or any member

1 of such household from any person who is not a member
2 of such household.

3 (b) IMPLEMENTATION.—The Secretary of Commerce
4 shall take such measures as may be necessary to provide
5 for the implementation of subsection (a).

6 **SEC. 6. DEFINITIONS.**

7 For purposes of this Act—

8 (1) the term “census of population” has the
9 meaning given such term by section 141(g) of title
10 13, United States Code; and

11 (2) the term “Member” means a Member of
12 Congress, as defined by section 2106 of title 5,
13 United States Code.

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