

Public Law 94-521
94th Congress

An Act

To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes.

Oct. 17, 1976

[H.R. 11337]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of title 13, United States Code, relating to definitions, is amended to read as follows:

Mid-decade
census of
population.

“§ 1. Definitions

“As used in this title, unless the context requires another meaning or unless it is otherwise provided—

“(1) ‘Bureau’ means the Bureau of the Census;

“(2) ‘Secretary’ means the Secretary of Commerce; and

“(3) ‘respondent’ includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, individual, or other organization or entity which reported information, or on behalf of which information was reported, in response to a questionnaire, inquiry, or other request of the Bureau.”

SEC. 2. Section 3 of title 13, United States Code, relating to the seal of the Bureau of the Census, is amended by striking out “affixed to all certificates and attestations that may be required from the Bureau” and inserting in lieu thereof “affixed to all documents authenticated by the Bureau”.

SEC. 3. (a) Section 4 of title 13, United States Code, relating to the functions of the Secretary, is amended to read as follows:

“§ 4. Functions of Secretary; regulations; delegation

“The Secretary shall perform the functions and duties imposed upon him by this title, may issue such rules and regulations as he deems necessary to carry out such functions and duties, and may delegate the performance of such functions and duties and the authority to issue such rules and regulations to such officers and employees of the Department of Commerce as he may designate.”

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

“4. Functions of Secretary; delegation.”

and inserting in lieu thereof—

“4. Functions of Secretary; regulations; delegation.”

SEC. 4. (a) Section 5 of title 13, United States Code, relating to schedules and inquiries, is amended—

(1) in the section heading, by striking out “Schedules” and inserting in lieu thereof “Questionnaires”; and

(2) in the text thereof, by striking out “schedules” and inserting in lieu thereof “questionnaires”.

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

“5. Schedules; number, form, and scope of inquiries.”

and inserting in lieu thereof—

“5. Questionnaires; number, form, and scope of inquiries.”

SEC. 5. (a) Section 6 of title 13, United States Code, relating to requests for information, is amended to read as follows:

“§ 6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources

“(a) The Secretary, whenever he considers it advisable, may call upon any other department, agency, or establishment of the Federal Government, or of the government of the District of Columbia, for information pertinent to the work provided for in this title.

“(b) The Secretary may acquire, by purchase or otherwise, from States, counties, cities, or other units of government, or their instrumentalities, or from private persons and agencies, such copies of records, reports, and other material as may be required for the efficient and economical conduct of the censuses and surveys provided for in this title.

“(c) To the maximum extent possible and consistent with the kind, timeliness, quality and scope of the statistics required, the Secretary shall acquire and use information available from any source referred to in subsection (a) or (b) of this section instead of conducting direct inquiries.”

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

“6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources.”

and inserting in lieu thereof—

“6. Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources.”

SEC. 6. (a) So much of section 8 of title 13, United States Code, as precedes subsection (d) thereof is amended to read as follows:

“§ 8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received

“(a) The Secretary may, upon written request, furnish to any respondent, or to the heir, successor, or authorized agent of such respondent, authenticated transcripts or copies of reports (or portions thereof) containing information furnished by, or on behalf of, such respondent in connection with the surveys and census provided for in this title, upon payment of the actual or estimated cost of searching the records and furnishing such transcripts or copies.

“(b) Subject to the limitations contained in sections 6(c) and 9 of this title, the Secretary may furnish copies of tabulations and other statistical materials which do not disclose the information reported by, or on behalf of, any particular respondent, and may make special statistical compilations and surveys, for departments, agencies, and establishments of the Federal Government, the government of the District of Columbia, the government of any possession or area (including political subdivisions thereof) referred to in section 191 (a) of this title, State or local agencies, or other public and private persons and agencies, upon payment of the actual or estimated cost of such work. In the case of nonprofit agencies or organizations, the Secretary may engage in joint statistical projects, the purpose of which are otherwise authorized by law, but only if the cost of such projects are shared equitably, as determined by the Secretary.

“(c) In no case shall information furnished under this section be used to the detriment of any respondent or other person to whom such information relates, except in the prosecution of alleged violations of this title.”

Supra.
13 USC 9.

13 USC 191.

(b) The table of sections of chapter 1 of title 13, United States Code, is amended by striking out—

“8. Certified copies of certain returns; other data; restriction on use; disposition of fees received.”

and inserting in lieu thereof—

“8. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received.”

SEC. 7. (a) Section 141 of title 13, United States Code, relating to censuses of population, unemployment, and housing, is amended to read as follows:

“§ 141. Population and other census information

“(a) The Secretary shall, in the year 1980 and every 10 years thereafter, take a decennial census of population as of the first day of April of such year, which date shall be known as the ‘decennial census date’, in such form and content as he may determine, including the use of sampling procedures and special surveys. In connection with any such census, the Secretary is authorized to obtain such other census information as necessary.

Decennial census.

“(b) The tabulation of total population by States under subsection (a) of this section as required for the apportionment of Representatives in Congress among the several States shall be completed within 9 months after the census date and reported by the Secretary to the President of the United States.

Report to President.

“(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than 3 years before the decennial census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the decennial census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the decennial census date and reported to the Governor of the State involved and to the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each other State, shall, in any event, be completed, reported, and transmitted to each respective State within one year after the decennial census date.

“(d) Without regard to subsections (a), (b), and (c) of this section, the Secretary, in the year 1985 and every 10 years thereafter, shall conduct a mid-decade census of population in such form and content as he may determine, including the use of sampling procedures and special surveys, taking into account the extent to which information to be obtained from such census will serve in lieu of information

Mid-decade census.

collected annually or less frequently in surveys or other statistical studies. The census shall be taken as of the first day of April of each such year, which date shall be known as the 'mid-decade census date'.

"(e) (1) If—

"(A) in the administration of any program established by or under Federal law which provides benefits to State or local governments or to other recipients, eligibility for or the amount of such benefits would (without regard to this paragraph) be determined by taking into account data obtained in the most recent decennial census, and

"(B) comparable data is obtained in a mid-decade census conducted after such decennial census,

then in the determination of such eligibility or amount of benefits the most recent data available from either the mid-decade or decennial census shall be used.

"(2) Information obtained in any mid-decade census shall not be used for apportionment of Representatives in Congress among the several States, nor shall such information be used in prescribing congressional districts.

"(f) With respect to each decennial and mid-decade census conducted under subsection (a) or (d) of this section, the Secretary shall submit to the committees of Congress having legislative jurisdiction over the census—

"(1) not later than 3 years before the appropriate census date, a report containing the Secretary's determination of the subjects proposed to be included, and the types of information to be compiled, in such census;

"(2) not later than 2 years before the appropriate census date, a report containing the Secretary's determination of the questions proposed to be included in such census; and

"(3) after submission of a report under paragraph (1) or (2) of this subsection and before the appropriate census date, if the Secretary finds new circumstances exist which necessitate that the subjects, types of information, or questions contained in reports so submitted be modified, a report containing the Secretary's determination of the subjects, types of information, or questions as proposed to be modified.

"(g) As used in this section, 'census of population' means a census of population, housing, and matters relating to population and housing."

(b) The table of sections of chapter 5 of title 13, United States Code, is amended by striking out—

"141. Population, unemployment, and housing."

and inserting in lieu thereof—

"141. Population and other census information."

SEC. 8. (a) Subchapter IV of chapter 5 of title 13, United States Code, is amended by striking out section 181 and inserting in lieu thereof the following:

"§ 181. Population

"(a) During the intervals between each census of population required under section 141 of this title, the Secretary, to the extent feasible, shall annually produce and publish for each State, county, and local unit of general purpose government which has a population of fifty thousand or more, current data on total population and population characteristics and, to the extent feasible, shall biennially produce and publish for other local units of general purpose government

Submittal to congressional committees.

"Census of population."

13 USC 181.

Data production and publication.
Ante, p. 2461.

current data on total population. Such data shall be produced and published for each State, county, and other local unit of general purpose government for which data is compiled in the most recent census of population taken under section 141 of this title. Such data may be produced by means of sampling or other methods, which the Secretary determines will produce current, comprehensive, and reliable data.

Ante, p. 2461.

“(b) If the Secretary is unable to produce and publish current data during any fiscal year on total population for any county and local unit of general purpose government as required by this section, a report shall be submitted by the Secretary to the President of the Senate and to the Speaker of the House of Representatives not later than 90 days before the commencement of the following fiscal year, enumerating each government excluded and giving the reasons for such exclusion.

Report to
President of
Senate and
Speaker of the
House of
Representatives.

“§ 182. Surveys

“The Secretary may make surveys deemed necessary to furnish annual and other interim current data on the subjects covered by the censuses provided for in this title.

13 USC 182.

“§ 183. Use of most recent population data

“(a) Except as provided in subsection (b), for the purpose of administering any law of the United States in which population or other population characteristics are used to determine the amount of benefit received by State, county, or local units of general purpose government, the Secretary shall transmit to the President for use by the appropriate departments and agencies of the executive branch the data most recently produced and published under this title.

13 USC 183.

“(b) This section shall not apply with respect to any law of the United States which, for purposes of determining the amount of benefit received by State, county, or local units of general purpose government, provides that only population or population characteristics data obtained in the most recent decennial census may be used in such determination.

“§ 184. Definitions

“For purposes of this subchapter—

13 USC 184.

“(1) the term ‘local unit of general purpose government’ means the government of a county, municipality, township, Indian tribe, Alaskan native village, or other unit of government (other than a State) which is a unit of general government, and

“(2) the term ‘State’ includes the District of Columbia.”

(b) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out—

“181. Surveys.”

and inserting in lieu thereof—

“181. Population.

“182. Surveys.

“183. Use of most recent population data.

“184. Definitions.”

SEC. 9. Section 191 of title 13, United States Code, relating to geographic scope of censuses, is amended to read as follows:

“§ 191. Geographic scope of censuses

“(a) Each of the censuses authorized by this chapter shall include each State, the District of Columbia, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico, and as may be determined by the Secretary,

such other possessions and areas over which the United States exercises jurisdiction, control, or sovereignty. Inclusion of other areas over which the United States exercises jurisdiction or control shall be subject to the concurrence of the Secretary of State.

“(b) For censuses taken in the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or any possession or area not specifically designated in subsection (a) of this section, the Secretary may use census information collected by the Governor or highest ranking Federal official, if such information was obtained in accordance with plans prescribed or approved by the Secretary.

“(c) If, pursuant to a determination by the Secretary under subsection (a) of this section, any census is not taken in a possession or area over which the United States exercises jurisdiction, control, or sovereignty, the Secretary may include data obtained from other Federal agencies or government sources in the census report. Any data obtained from foreign governments shall be obtained through the Secretary of State.”

SEC. 10. Section 195 of title 13, United States Code, relating to use of sampling, is amended to read as follows:

“§ 195. Use of sampling

“Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as ‘sampling’ in carrying out the provisions of this title.”

SEC. 11. (a) Subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof the following new section:

“§ 196. Special censuses

“The Secretary may conduct special censuses for the government of any State, or of any county, city, or other political subdivision within a State, for the government of the District of Columbia, and for the government of any possession or area (including political subdivisions thereof) referred to in section 191 (a) of this title, on subjects covered by the censuses provided for in this title, upon payment to the Secretary of the actual or estimated cost of each such special census. The results of each such special census shall be designated ‘Official Census Statistics’. These statistics may be used in the manner provided by applicable law.”

(b) The table of sections of subchapter V of chapter 5 of title 13, United States Code, is amended by adding at the end thereof—

“196. Special censuses.”

SEC. 12. (a) Section 214 of title 13, United States Code, relating to wrongful disclosure of information, is amended to read as follows:

“§ 214. Wrongful disclosure of information

“Whoever, being or having been an employee or staff member referred to in subchapter II of chapter 1 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, 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.”

13 USC 196.

Ante, p. 2463.

13 USC 21.

13 USC 9.

(b) Section 23 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

“(c) The Secretary may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities, and employees of private organizations to assist the Bureau in performing the work authorized by this title, but only if such temporary staff is sworn to observe the limitations imposed by section 9 of this title.”

Temporary staff.

13 USC 9.

SEC. 13. Section 221 of title 13, United States Code, relating to refusal or neglect to answer questions and to willful false answers, is amended—

(1) by striking out “or imprisoned not more than sixty days, or both” in subsection (a);

(2) by striking out “or imprisoned not more than one year, or both” in subsection (b) thereof; and

(3) by adding at the end thereof the following new subsection:

“(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.”

SEC. 14. Section 224 of title 13, United States Code, relating to failure to answer questions affecting companies, businesses, religious bodies, and other organizations and to willful false answers, is amended—

(1) by striking out “whether such request be made by registered mail, by certified mail, by telegraph, by visiting representative, or by one or more of these methods,”;

(2) by striking out “schedule” and inserting in lieu thereof “schedule or questionnaire”;

(3) by striking out “or imprisoned not more than sixty days, or both”; and

(4) by striking out “or imprisoned not more than one year, or both”.

SEC. 15. (a) Section 225 of title 13, United States Code, relating to applicability of penal provisions in certain cases, is amended—

(1) by inserting “and questionnaires” immediately after “schedules” in subsection (a)(1) thereof; and

(2) by striking out “sections 221, 222 and 224” in subsection (b) and inserting in lieu thereof “section 222” thereof.

(b) Section 241 of title 13, United States Code, relating to evidence, is amended by striking out “as authorized by section 224 of this title”.

Separability.
13 USC 1 note.

SEC. 16. If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

Effective date.
13 USC 1 note.

SEC. 17. The amendments made by this Act shall take effect on October 1, 1976, or on the date of the enactment of this Act, whichever date is later.

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-944 (Comm. on Post Office and Civil Service) and No. 94-1719 (Comm. of Conference).

SENATE REPORT No. 94-1256 accompanying S. 3688 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Apr. 7, considered and passed House.

Sept. 23, considered and passed Senate, amended.

Sept. 30, Senate agreed to conference report.

Oct. 1, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 43:

Oct. 18, Presidential statement.