

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.

Editorial Notes

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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1023; Pub. L. 85-207, §17, Aug. 28, 1957, 71 Stat. 484.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§122, 209, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §9, 46 Stat. 23; June 19, 1948, ch. 502, §2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441).

Section consolidates the third 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. (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 provided for by section 121(a) of such title (subchapter I of chapter 5 of this revised title) and, with certain qualifications and exceptions, applicable to the interim surveys provided for by section 121(b) of such title (subchapter IV of chapter 5 of this revised title), and with 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 (subchapter II of chapter 5 of this revised title). For remainder of sections 122 and 209 of this revised title, 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.

Section 122 of title 13, U.S.C., 1952 ed., made section 209 of such title applicable to the interim surveys (provided for by section 121(b) thereof) not only with respect to the censuses of manufacturers, the mineral industries, and other businesses provided for by section 121(a) thereof, but also with respect to the censuses provided for by "other Acts" (chapter 5 of this title). However, section 252 of that title, which was a part of a chapter thereof relating to the quinquennial censuses of governments (subchapter III of chapter 5 of this revised title), in making certain sections of chapter 4 thereof applicable to such censuses, did not specify such section 209. Therefore, this revised section is not made so applicable, either to the censuses of governments provided for in subchapter III of chapter 5 of this title, or to surveys provided for in subchapter IV thereof in so far as such surveys relate to governments.

The language of section 209 of title 13, U.S.C., 1952 ed., providing that it should "be the duty" of every owner, proprietor, etc., to furnish the described information or assistance was omitted as unnecessary and redundant. The provisions, as herein revised, define an offense and prescribe a penalty for committing it, and are deemed sufficient for the purpose of enforcement. However, some of the language used in the omitted provisions was necessarily included in the description of the offense.

References to the Secretary (of Commerce) and to "any other officer or employee of the Department of Commerce or bureau or agency thereof" were substituted for references to the Director of the Census and 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.

The enumeration of the different types of employees, in section 209 of title 13, U.S.C., 1952 ed., "supervisor, enumerator," etc., was omitted as unnecessary and covered by the reference in this revised section to "officer or employee".

Reference in section 209 of title 13, U.S.C., 1952 ed., to the described offense as a "misdemeanor" was omitted as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying offenses, and words in such section "and upon conviction thereof" were omitted as surplusage.

Changes were made in phraseology.

The qualifications and exceptions contained in that part of section 122 of title 13, U.S.C., 1952 ed., which made section 209 of such title applicable to the surveys provided for in section 121(b) thereof (subchapter IV of chapter 5 of this revised title), are set out elsewhere in this subchapter.

Editorial Notes

AMENDMENTS

1957—Pub. L. 85-207 inserted "or V" after "subchapter IV".

§ 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers

Whoever, being the owner, official, agent, person in charge, or assistant to the person in