

Attachment A.

Title 13, United States Code\*  
Census  
Sections Relating to the Collection of Economic Data

Authority to Conduct Economic Censuses and Related Survey

Sec. 131. Collection and publication; five-year periods

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof. (Aug. 31, 1954, ch. 1158, 68 Stat. 1019, amended Aug. 28, 1957, Pub. L. 85-207, Sec. 8, 71 Stat. 482; Aug. 31, 1964, Pub. L. 88-532, 78 Stat. 737.)

Sec. 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. (Added Pub. L. 94-521, §8(a), Oct. 17, 1976, 90 Stat. 2463.)

Assurance of Confidentiality

Sec. 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. (Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 87-813, Oct. 15, 1962, 76 Stat. 922; Pub. L. 101-533, § 5(b)(2), Nov. 7, 1990, 104 Stat. 2348; Pub. L. 103-430, § 2(b), Oct. 31, 1994, 108 Stat. 4394; Pub. L. 105-113, § 4(a)(1), Nov. 21, 1997, 111 Stat. 2276; Pub. L. 105-119, title II, § 210(k), Nov. 26, 1997, 111 Stat. 2487.)

#### Respondent's Obligation to Reply

##### Section 221. Refusal or neglect to answer questions; false answers

Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the Secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the Secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, IV, and V of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than \$100. Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives any answer that is false, shall be fined not more than \$500. 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1023; Pub. L. 85-207, § 15, Aug. 28, 1957, 71 Stat. 484; Pub. L. 94-521, § 13, Oct. 17, 1976, 90 Stat. 2465.)

##### Sec. 224. Failure to answer question 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 charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule or questionnaire prepared and submitted to him under the authority of this title, shall be fined not more than \$500; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000. (Aug. 31, 1954, ch. 1158, 68 Stat. 1024, amended Aug. 28, 1957, Pub. L. 85-207, Sec. 18, 71 Stat. 484; Oct. 17, 1976, Pub. L. 94-521, Sec. 14, 90 Stat. 2465.)

\* Codification of August 1954. Amended by Acts of August 1957 and October 1962, and as further amended by the Acts of August 1964 and October 1976.

Section 225. Applicability of penal provisions in certain cases

(a) In connection with any survey conducted by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof pursuant to subchapter IV of chapter 5 of this title, the provisions of sections 221, 222, 223 and 224 of this title shall apply—

(1) with respect to the answering of questions and furnishing of information, only to such inquiries as are within the scope of the schedules and questionnaires and of the type and character heretofore used in connection with the taking of complete censuses under subchapters I and II of chapter 5 of this title, or in connection with any censuses hereafter taken pursuant to such subchapters;

(2) only after publication of a determination with reasons therefor certified by the Secretary, or by some other authorized officer or employee of the Department of Commerce or bureau or agency thereof with the approval of the Secretary, that the information called for is needed to aid or permit the efficient performance of essential governmental functions or services, or has significant application to the needs of the public, business, or industry and is not publicly available from nongovernmental or other governmental sources;

(3) in the case of any new survey, only after public notice, given by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof at least thirty days in advance of requesting a return, that such survey is under consideration.

(b) The provisions for imprisonment provided by section 222 of this title shall not apply in connection with any survey conducted pursuant to subchapter II of chapter 3 of this title, or to subchapter IV of chapter 5 of this title.

(c) The provisions of sections 221, 222, 223, and 224 of this title shall not apply to any censuses or surveys of governments provided for by subchapters III and IV of chapter 5 of this title, nor to other surveys provided for by subchapter IV of such chapter which are taken more frequently than annually.

(d) Where the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1024; Pub. L. 94-521, § 15(a), Oct. 17, 1976, 90 Stat. 2465.)