

a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

§ 193. Preliminary and supplemental statistics

In advance of, in conjunction with, or after the taking of each census provided for by this chapter, the Secretary may make surveys and collect such preliminary and supplementary statistics related to the main topic of the census as are necessary to the initiation, taking, or completion thereof.

(Added Pub. L. 85-207, §14, Aug. 28, 1957, 71 Stat. 484.)

§ 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.

(Added Pub. L. 85-207, §14, Aug. 28, 1957, 71 Stat. 484; amended Pub. L. 94-521, §10, Oct. 17, 1976, 90 Stat. 2464.)

AMENDMENTS

1976—Pub. L. 94-521 substituted "for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible" for "for apportionment purposes, the Secretary may, where he deems it appropriate".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-521 effective Oct. 17, 1976, see section 17 of Pub. L. 94-521, set out as a note under section 1 of this title.

§ 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.

(Added Pub. L. 94-521, §11(a), Oct. 17, 1976, 90 Stat. 2464.)

EFFECTIVE DATE

Section effective Oct. 17, 1976, see section 17 of Pub. L. 94-521, set out as a note under section 1 of this title.

SPECIAL CENSUS WHEN MAJOR POPULATION CHANGES OCCUR DUE TO LARGE NUMBERS OF LEGAL IMMIGRANTS WITHIN SIX MONTHS OF REGULAR DECENNIAL CENSUS DATE

Pub. L. 96-369, §118, Oct. 1, 1980, 94 Stat. 1357, provided that: "Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a

large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code [this section], or other method of obtaining a revised estimate of the population, of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. If the President decides to conduct a special census, it may be conducted solely at Federal expense."

EXECUTIVE ORDER NO. 12256

Ex. Ord. No. 12256, Dec. 15, 1980, 45 F.R. 83189, which required the Bureau of the Census to supply estimates of the number of legal immigrants within certain jurisdictions, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

CHAPTER 7—OFFENSES AND PENALTIES

SUBCHAPTER I—OFFICERS AND EMPLOYEES

Sec.

- 211. Receiving or securing compensation for appointment of employees.
- 212. Refusal or neglect of employees to perform duties.
- 213. False statements, certificates, and information.
- 214. Wrongful disclosure of information.

SUBCHAPTER II—OTHER PERSONS

- 221. Refusal or neglect to answer questions; false answers.
- 222. Giving suggestions or information with intent to cause inaccurate enumeration of population.
- 223. Refusal, by owners, proprietors, etc., to assist census employees.
- 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers.
- 225. Applicability of penal provisions in certain cases.

SUBCHAPTER III—PROCEDURE

- 241. Evidence.

SUBCHAPTER I—OFFICERS AND EMPLOYEES

§ 211. Receiving or securing compensation for appointment of employees

Whoever—

(1) receives or secures to himself any fee, reward, or compensation as a consideration for the appointment of any person as supervisor, enumerator, clerk, or other officer or employee of the Department of Commerce or bureau or agency thereof, referred to in subchapter II of chapter 1 of this title; or

(2) in any way receives or secures to himself any part of the compensation paid to any person so appointed—

shall be fined not more than \$3,000 or imprisoned not more than five years, or both.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1022.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§122, 207, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §7, 46 Stat. 23; June 19, 1948, ch. 502, §2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §2, 64 Stat. 784.)

Section consolidates section 207 of title 13, U.S.C., 1952 ed., which was a part of chapter 4 of such title re-

lating to the censuses of population, agriculture, irrigation, etc. (subchapter II of chapter 5 of this revised title), with those parts of sections 122 and 252 of such title which made such section 207 applicable to the censuses of manufactures, the mineral industries, and other businesses, and governments (subchapters I and III 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 207 applicable to the censuses of housing (subchapter II of chapter 5 of this revised title). For remainder of sections 122 and 252 of title 13, U.S.C., 1952 ed., 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.

This section, as revised, relates to appointments of all officers and employees referred to in subchapter II of chapter 1 of this title, which was the probable original legislative intent.

Reference in section 207 of title 13, U.S.C., 1952 ed., to the offense, herein described, as a felony, and words in such section, "and upon conviction thereof," were omitted from this revised section, the former, as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying offenses, and the latter, as surplusage.

The reference "Department of Commerce or bureau or agency thereof" was inserted in recognition of 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). However, the qualifying words, "referred to in subchapter II of chapter 1 of this title," limits the provisions to appointment or employment of persons in connection with the statistics and censuses provided for in this title.

Changes were made in phraseology.

§ 212. Refusal or neglect of employees to perform duties

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, and having taken and subscribed the oath of office, neglects or refuses, without justifiable cause, to perform the duties enjoined on such employee by this title, shall be fined not more than \$500.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1022.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§122, 208, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §8, 46 Stat. 23; June 19, 1948, ch. 502, §2, 62 Stat. 479; June 19, 1949, ch. 338, title VI, §607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §2, 64 Stat. 784).

Section consolidates part of section 208 of title 13, U.S.C., 1952 ed., which was a part of chapter 4 of such title relating to the censuses of population, agriculture, etc., with those parts of sections 122 and 252 of such title which made such section 208 applicable to the censuses of manufacturers, the mineral industries and other businesses, and governments, and with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 208 applicable to the housing censuses. For remainder of sections 122, 208 and 252 of title 13, U.S.C., 1952 ed., 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 has been made applicable to all employees referred to in subchapter II of chapter 1 of this title, and to duties enjoined on them by any provision of this title, which was probably the original legislative intent.

The words "being an employee referred to in subchapter II of chapter 1 of this title" were substituted for the enumeration in section 208 of title 13, U.S.C., 1952 ed., of "supervisor, supervisor's clerk, enumerator,

interpreter, special agent, or other employee", since such reference will cover those employees.

Reference in section 208 of title 13, U.S.C., 1952 ed., to the offense, herein described as a misdemeanor, and words therein "and upon conviction thereof", were omitted, the former, as superseded and covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying offenses, and the latter, as surplusage.

Changes were made in phraseology.

§ 213. False statements, certificates, and information

(a) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title, willfully and knowingly swears or affirms falsely as to the truth of any statement required to be made or subscribed by him under oath by or under authority of this title, shall be guilty of perjury, and shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) Whoever, being an officer or employee referred to in subchapter II of chapter 1 of this title—

(1) willfully and knowingly makes a false certificate or fictitious return; or

(2) knowingly or willfully furnishes or causes to be furnished, or, having been such an officer or employee, knowingly or willfully furnished or caused to be furnished, directly or indirectly, to the Secretary or to any other officer or employee of the Department of Commerce or bureau or agency thereof, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information provided for in this title—

shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1022.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§122, 208, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §8, 46 Stat. 23; June 19, 1948, ch. 502, §2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §2, 64 Stat. 784).

Section consolidates part of section 208 of title 13, U.S.C., 1952 ed., with that part of section 122 of such title which made such section 208 applicable to the quinquennial censuses of manufacturers, the mineral industries, and other businesses (see subchapter I of chapter 5 of this revised title), that part of section 252 of such title which made such section 208 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 208 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title). For remainder of sections 122, 208, and 252 of title 13, U.S.C., 1952 ed., 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.

As set out in this revised section, the provisions relate to all investigations, surveys, collections of statistics, and censuses provided for in this title, and to officers as well as employees, which was probably the original legislative intent.

References to the offenses described in subsection (b) of this revised section as being felonies, were omitted as covered by section 1 of title 18, U.S.C., 1952 ed.,