

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herein described as a misdemeanor, and words therein "and upon conviction thereof", were omitted, the former, as superseded and covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying offenses, and the latter, as surplusage.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

Changes were made in phraseology and arrangement.

#### § 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, or whoever, being or having been a census liaison within the meaning of section 16 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1023; Pub. L. 94-521, § 12(a), Oct. 17, 1976, 90 Stat. 2464; Pub. L. 103-430, § 2(c), Oct. 31, 1994, 108 Stat. 4394.)

#### HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 73, 83, 122, 208, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (Aug. 7, 1916, ch. 274, § 3, 39 Stat. 437; Apr. 2, 1924, ch. 80, § 3, 43 Stat. 31; June 18, 1929, ch. 28, §§ 8, 21, 46 Stat. 23, 26; July 25, 1947, ch. 331, 61 Stat. 437; 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 parts of sections 73, 83 and 208 of title 13, U.S.C., 1952 ed., that part of section 122 of such title which made such section 208 applicable to the quinquennial censuses of manufactures, 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 title).

Words "Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof" were substituted for reference to the Director of the Census. See Revision Note to section 9 of this title, into which other parts of sections 73, 83 and 208 of title 13, U.S.C., 1952 ed., have been carried.

The provision in section 208 of title 13, U.S.C., 1952 ed., designating the offense as a felony, was omitted as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, and words in such section "upon conviction thereof" and "in the discretion of the court", were omitted as surplusage.

Changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-430 inserted "or whoever, being or having been a census liaison within the meaning of section 16 of this title,".

1976—Pub. L. 94-521 provided that staff members would be liable for wrongful communication of information under this section, inserted "or having sworn to observe the limitations imposed by section 9 of this title" after "oath of office", substituted a provision predicating liability under this section upon disclosure of information prohibited by section 9 of this title for a former provision predicating such liability upon disclosure of information without the written authority of the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, substituted "being employed (or otherwise providing services)" for "employment", increased maximum amount of fine under this section to \$5,000 from \$1,000, and increased maximum prison term to 5 years from 2 years.

#### 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.

#### SUBCHAPTER II—OTHER PERSONS

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

(a) 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.

(b) 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.

(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.

(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.)

#### 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 first paragraph of section 209 of title 13, U.S.C., 1952 ed., which section related to the decennial censuses of population, agriculture, etc. (see 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 (see subchapter I of chapter 5 of this revised title) and applicable to the surveys provided for by section 121(b) of such title (see subchapter IV 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 209 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title). For remainder of sections 122 and 209 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.

The language of section 209 of title 13, U.S.C., 1952 ed., providing that it should "be the duty" of all persons over eighteen years of age, to answer correctly, to the best of their knowledge, when requested, etc., was omitted as unnecessary and redundant. The provisions, as herein revised, define offenses and prescribe penalties for committing them, 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.

The designation of the first offense, herein described, as a "misdemeanor", was omitted as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying crimes; and words "upon conviction thereof" were omitted as surplusage.

References to the Secretary (of Commerce) and to any "authorized officer or employee of the Department of Commerce or bureau or agency thereof", etc., were substituted for references to the Director of the Census and to any "supervisor, enumerator, or special agent, or other employee of 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.

Changes were made in phraseology.

#### AMENDMENTS

1976—Subsec. (a). Pub. L. 94-521, § 13(1), struck out provision authorizing imprisonment for not more than sixty days for refusing or willfully neglecting to answer questions under this section.

Subsec. (b). Pub. L. 94-521, § 13(2), struck out provision authorizing imprisonment for not more than one year for willfully giving a false answer to a question under this section.

Subsec. (c). Pub. L. 94-521, § 13(3), added subsec. (c).

1957—Subsec. (a). Pub. L. 85-207 substituted "I, II, IV, and V" for "I, II, and IV".

#### 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.

### § 222. Giving suggestions or information with intent to cause inaccurate enumeration of population

Whoever, either directly or indirectly, offers or renders to any officer or employee of the Department of Commerce or bureau or agency thereof engaged in making an enumeration of population under subchapter II, IV, or V of chapter 5 of this title, any suggestion, advice, information or assistance of any kind, with the intent or purpose of causing an inaccurate enumeration of population to be made, shall be