

The original documents are located in Box 65, folder “10/17/76 HR11337 Mid-data Census” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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Ratie



This statement
says "today" I signed.
I thought me weren't
going to say that. Truly

APPROVED

OCT 17 1976

810/17/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: October 18

October 16, 1976

Statement issued 10/18/76

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Bob Cannon*
SUBJECT: H.R. 11337 - Mid-decade Census

Attached for your consideration is H.R. 11337, sponsored by Representative Schroeder and three others.

The enrolled bill authorizes a mid-decade census of the population of the United States beginning in 1985 and every ten years thereafter.

The Administration has supported mid-decade census legislation in testimony before Congress. H.R. 11337 passed both the House and Senate by voice vote and the conference report passed the House 237 to 94.

A detailed explanation of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill and the proposed signing statement which has been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign H.R. 11337 at Tab B.

That you approve the signing statement at Tab C.

Approve *JAC* Disapprove _____

Posted 10/18/76

Archives 10/18/76



OCT 17 1976





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

OCT 8 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11337 - Mid-decade Census
Sponsor - Rep. Schroeder (D) Colorado and 3 others

Last Day for Action

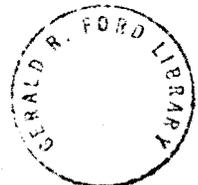
October 18, 1976 - Monday

Purpose

Authorizes a mid-decade census of the population of the United States beginning in 1985, and every 10 years thereafter.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval
Department of Transportation	Approval
Department of Agriculture	Approval
Department of Labor	Approval
Department of Interior	Approval
Department of Justice	No objection
General Services Administration	No objection (Informally)
Federal Energy Administration	No objection (Informally)
National Science Foundation	No objection
Small Business Administration	No objection
Department of Health, Education and Welfare	Defers to Commerce
Department of Housing and Urban Development	Defers to Commerce (Informally)
Department of the Treasury	No position
Commission on Civil Rights	No position



Discussion

A mid-decade census of population has been considered in virtually every Congress since 1961. The enrolled bill is, however, the first mid-decade census bill Congress has ever passed.

The major provisions of H.R. 11337 would:

- Authorize a mid-decade census of the population of the United States beginning in 1985, and every 10 years thereafter. The Secretary of Commerce could, if he considers it feasible, use "sampling" methods to reduce respondent burden.
- Strengthen the Federal law assuring the confidentiality of census records by providing an increase in penalties for the wrongful disclosure of confidential census information. The fine for wrongful disclosure is raised from a maximum of \$1,000 to \$5,000; the maximum term of imprisonment is extended from two to five years.
- Require the Secretary, with respect to the decennial and mid-decade censuses, to submit reports to the appropriate congressional committees, 3 years before the census describing the proposed subjects, 2 years before the census describing the proposed questions, and subsequently when new circumstances necessitate modifications in the proposed subjects or questions.
- Provide that mid-decade census information shall not be used for apportionment of the U.S. House of Representatives or in prescribing congressional districts.
- Provide that in the intervals between each census of population, the Secretary of Commerce shall provide current estimates annually for each State, county, and local unit of general-purpose government which has a population of 50,000 or more.
- Repeal the law providing prison sentences for failing to respond to census questions.
- Protect individuals from being compelled to disclose information relative to religious beliefs or membership in a religious body.



The amendments made by this Act would take effect on the date of enactment.

Comment

The Administration has supported this bill for three main reasons. It will:

-- Improve the data on population characteristics which is used for formula grant allocations to State and local jurisdictions. (Approximately \$39 billion is currently distributed by the Federal government annually on the basis of formulas involving population.)

-- Provide considerable flexibility in the design of a mid-decade statistical effort, making it possible to achieve significant cost savings in special-purpose statistical programs currently conducted between decennial census dates. (The Department of Commerce estimates that a mid-decade census would cost anywhere from \$200 million to \$475 million. It is our estimate that the cost savings which can be achieved in ongoing special-purpose programs will equal or exceed the cost of the mid-decade census itself.)

-- Eliminate criminal penalties for failure to respond to census inquiries, thereby reducing the perceived intimidation of Federal data collection without inhibiting the accuracy of the decennial census which is required for reapportionment.

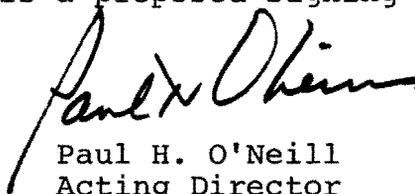
The Administration has supported mid-decade census legislation in testimony before Congress. H.R. 11337 passed both the House and Senate by voice vote and the conference report passed the House 237 to 94.

The Department of Housing and Urban Development defers to Commerce, and in its views letter registers concern that the possible substitution of census information for current surveys, which is called for in the bill, might result in the discontinuance of its Annual Housing Survey. This concern is, we feel, purely speculative since no decisions



have been made concerning the design of the mid-decade census. We are convinced that the end result of the mid-decade census will provide even better data than that which presently exists for housing policy development.

Attached for your consideration is a proposed signing statement.



Paul H. O'Neill
Acting Director

Enclosures



B



STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to update Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important because

- . \$39 billion are distributed annually using formulae which use population data.
- . Federal, State and local planners depend heavily on current population data.
- . The need for a variety of expensive "ad hoc" surveys between censuses will be reduced.
- . We will be able to identify the needs of various groups in the American public.

By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates.



The bill also strengthens the provisions of law relating to the confidentiality of census information, and thus helps to assure that the privacy of the individual is preserved.

I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.



Date: OCTOBER 11

Time: 800pm

FOR ACTION: Paul Leach
Max Friedersdorf
Bobbie Kilberg
Lynn May

cc (for information): Jack Marsh
Steve McConahey
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT: H.R.11337-Mid-decade census

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*approve but signing statement should
not mention confidentiality and privacy
provisions -- these are important*

OK

Kilberg 1d/12/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President



Date: October 11

Time: 800pm

OK

FOR ACTION: Paul Leach
Max Friedersdorf
Bobbie Kilberg
Lynn May

cc (for information): Jack Marsh
Steve McConaha
Ed Schmults

FROM THE STAFF SECRETARY

To Res: 10/13 9:01 AM
To OJS: 10/13 10:56 AM

DUE: Date: October 13

Time: 530pm

SUBJECT: H.R. 11337-Mid-decade census

Handwritten notes:
K...
M...
4470

Handwritten notes:
J...
4864
3230

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing



Large handwritten signature or scribble at the bottom of the page.

SIGNING STATEMENT

I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are quite often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to ~~restructure~~ ^{update or modernize} Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important

because

\$39 billion are distributed annually using formulae which use population data.

Federal, State and local planners depend heavily on current population data.

The need for a variety of expensive "ad hoc" surveys between censuses will be reduced.

We will be able to identify the needs of various groups in the American public.



Back up p. 2 Paul O'Hair

P1 Dept of Statistics

Bernie Martin 4870

Back up

back-up p. 3

back-up p. 2

Bernie Martin 4870
Long Interim p. 2

✓ HK

X

P 2
Dept of Com.
P 2
Paul O'Hair
P 3
Paul O'Hair

By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates.

P 3
Paul O'Hair

I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.



THE WHITE HOUSE
WASHINGTON

Mr. Smith:

Jim Conzelman called. He is researching this Signing Statement.

Said he had just talked with Bernie Martin (OMB) and they agree that the word "restructure" is not a good word to use in the 3rd paragraph on page 1.

to

It is not/restructure the Federal statistical programs but rather to update or modernize them so that the information they have is the most recent.

Would you agree that this word should be changed?

Neta



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 800pm

FOR ACTION: Paul Leach *et*
Max Friedersdorf *on*
Bobbie Kilberg *in comments*
Lynn May *in*

cc (for information): Jack Marsh
Steve McConahey *n/c*
Ed Schmults

FROM THE STAFF SECRETARY *Robert Hartman*

DUE: Date: October 121

Time: 530pm

SUBJECT: H.R. 11837-Mid-decade census

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

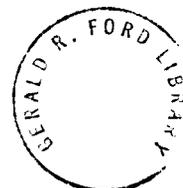
SIGNING STATEMENT

I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are quite often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to restructure Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important because

- . \$39 billion are distributed annually using formulae which use population data.
- . Federal, State and local planners depend heavily on current population data.
- . The need for a variety of expensive "ad hoc" surveys between censuses will be reduced.
- . We will be able to identify the needs of various groups in the American public.



By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates.

I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.





**GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

OCT 6 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 11337, an enrolled enactment

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

The principal purpose of H. R. 11337 is to require that population information be produced and published in the years between the decennial census through a mid-decade statistical program in the year 1985 and every 10 years thereafter, and by other methods during the intervals between each census of population.

Section 7 of H. R. 11337 requires the Secretary of Commerce to conduct a mid-decade census of population in the year 1985 and every 10 years thereafter in such form and content as he may determine, including the use of sampling procedures and special surveys.

Section 8 requires the Secretary, to the extent feasible, to produce and publish current data for each state, county, and local unit of general purpose government. These data are to be produced annually for areas with a population of 50,000 or more, and biennially for smaller areas. The Bureau of the Census is already complying with this requirement pursuant to General Revenue Sharing, and with funds included in its base program.

The remaining sections of H. R. 11337 are technical amendments to the Census Code, most of which were recommended by this Department.



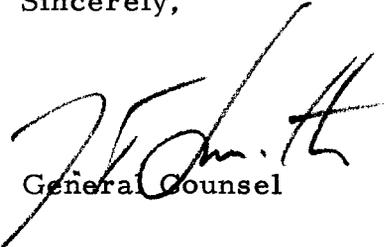
This Department recommends approval by the President of H. R. 11337.

The bill represents the culmination of a successful effort to accommodate various viewpoints and data needs regarding a mid-decade statistical program and the compilation of current population estimates for selected uses in the administration of federal programs. We particularly endorse the flexibility provided in the language of the bill and indicated in the legislative history, which does not attempt to fix, at this time, the precise scope and content of the mid-decade census program.

If enacted, and properly implemented, H. R. 11337 will make a major contribution toward improving the statistical data base on which decisions are made between decennial censuses.

With regard to the budgetary implications of this legislation, a mid-decade census could cost anywhere from \$200 to \$475 million, depending upon its size and scope. However, offsets to such costs could be achieved through the substitution of mid-decade census information for similar information obtained from current surveys and other statistical studies, and through limiting the scope of the census. The language of the bill enables this flexibility to be employed, and also emphasizes the use of sampling to the maximum extent feasible. The scope of the census and its use as a substitute for other surveys are matters which must be resolved before the exact cost of the mid-decade census can be determined.

Sincerely,


General Counsel





THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

OCT 6 1976

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request for the views of this Department on H.R. 11337, an enrolled bill.

"To amend Title 13, U.S.C., to provide for a mid-decade census of population, and for other purposes."

This Department, State and local governments, and the transportation industry rely heavily on the decennial census for information which is used for transportation planning, policy development and operation of programs. In the past, however, the usefulness of this information has been severely diminished by changes occurring during the decade between censuses. The conduct of a mid-decade census as required by H.R. 11337 would substantially improve the accuracy of that essential information in the latter part of each decade. We, therefore, recommend that the President sign the enrolled bill.

Sincerely,

A handwritten signature in black ink, reading "William T. Coleman, Jr.", is written over the typed name.

William T. Coleman, Jr.





DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

October 6, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

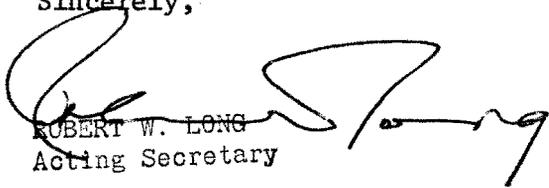
In reply to the request of your office, the following report is submitted on the enrolled enactment H.R. 11337, "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes."

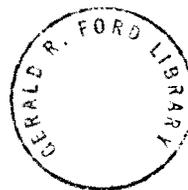
The Department of Agriculture recommends that the President approve the bill.

The work of the Federal government has long been handicapped by the lack of a quinquennial census of population and housing. Five years has been the established interval for economic censuses, including the census of agriculture, but not for population and housing. Although sample surveys give a reasonable picture of national trends in intercensal years, there has been almost no information available for cities, counties, and other local areas. Yet, many pieces of social legislation passed over the last 15 years are premised on the availability of valid demographic data for local areas as a basis for distributing funds and benefits. Because of the high rate of physical and social mobility of the American people, census data do not remain valid without a mid-decade update.

The Act does not increase the expenditures of the Federal government at the present time. Additional funds would be required in the early 1980's to begin planning for the 1985 Census.

Sincerely,


ROBERT W. LONG
Acting Secretary



U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

OCT 7 1976

Honorable James T. Lynn, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

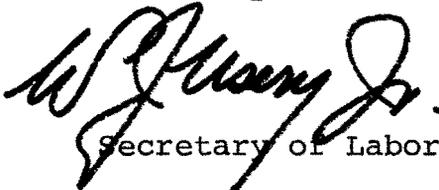
Dear Mr. Lynn:

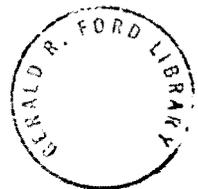
This is in response to your request for the Department of Labor's views on an enrolled enactment, H.R. 11337, "an Act to amend title 13 of the United States Code, to provide for a mid-decade census of the population, and for other purposes."

The Act would provide the Secretary of Commerce with additional authority to conduct censuses including authority to issue regulations and to conduct the censuses in such form and content as he may determine. The Secretary of Commerce would no longer be required to gather information on unemployment in the decennial census. Among other things, the information received may be used 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 benefits received by State, county, or local units of general purpose government.

The Department of Labor recommends Presidential approval of this legislation.

Sincerely,


Secretary of Labor





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 6 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 11337, "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes."

We recommend Presidential approval of the enrolled bill with respect to sections 8 and 9, which affect the interests of this Department. With regard to the merits of the provisions of the remainder of the bill, we defer to the Department of Commerce as to the need and desirability for such legislation.

As enrolled, H.R. 11337 amends title 13 of the United States Code, "Census," to require the Secretary of Commerce to conduct a mid-decade census of population in 1985 and every ten years thereafter, in addition to the present decennial census, authorized for 1980 and every 10 years thereafter. The need for such a provision appears to be that census data is often out of date after a few years and does not keep track with demographic trends. Thus, by mid-decade, the Federal Government often has to depend upon outdated population information in administering its programs.

Sections 8 and 9 of the enrolled bill affect areas which are of interest to the Department of the Interior.

Subchapter IV of Chapter 5 of title 13 concerns "Interim Current Data." Section 8 of the enrolled bill amends section 181 of that subchapter to require the Secretary of Commerce, to the extent feasible, to publish annually for each State, county, and local unit of general purpose government of 50,000 people or more, current data on total population. Information for smaller local units of government shall be collected and published biennially. Data produced under this section shall account for each State, county, and local unit of government enumerated in the most recent population census.

New section 184 of subchapter IV defines "local unit of general purpose government" to include governing entities of Indian tribes and Alaska Native Villages. As a result of the inclusion of "Indian tribes" within this definition, the Secretary of Commerce



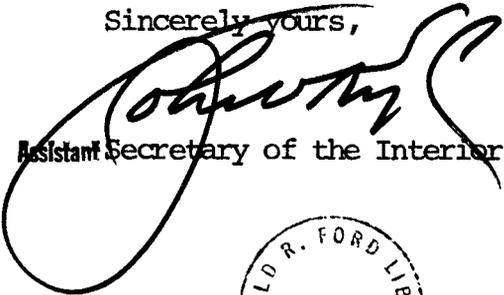
apparently would now have to acquire data and identify Indian populations within the boundaries of each reservation. In the past, the acquisition of census data concerning reservation Indians was not always gathered on the basis of reservation boundaries. With respect to Federally recognized tribes, this new result will help the Bureau of Indian Affairs in establishing and identifying its service population. Further, a number of Federal programs administered by other agencies and which include Indians as beneficiaries require a population basis for the allocation of funds. More precise census data on Indians will establish a firmer basis for Indian benefits under such programs.

Section 9 of the enrolled bill amends 13 U.S.C. 191 by adding the Commonwealth of the Northern Mariana Islands to the geographical scope of the censuses authorized under title 13, which presently includes each State, the District of Columbia, the Virgin Islands, Guam and the Commonwealth of Puerto Rico.

The intent of Congress in adding this provision is to reflect the attainment of commonwealth status by the Northern Mariana Islands. (Cong. Rec. H. 11439, Sept. 28, 1976). We would point out that the Northern Mariana Islands will not achieve Commonwealth status until 1981, so although it will be included in the first mid-decade census under H.R. 11439 it will not have yet achieved Commonwealth status during the 1980 census. However, under 13 U.S.C. 191(b) the Secretary of Commerce may utilize or adopt census data collected by the Governor or highest ranking Federal official for any census taken in "any area or possession" not specifically designated in 13 U.S.C. 191. This provision could cover a 1980 census for the Northern Marianas. In this connection we would note that this Department took a census of the population in the Trust Territory of the Pacific Islands (including the Northern Mariana Islands which was then part of the TTPI) in 1973.

We support the inclusion of the Northern Mariana Islands in title 13 in addition to Guam and the Virgin Islands. The new mid-decade census, as well as the provision of any annual, biennial and interim current data by the Secretary of Commerce on the subjects covered by the censuses under title 13, will aid this Department in carrying out our mission to further the economic and political welfare of these territories.

Sincerely yours,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.



Department of Justice
Washington, D.C. 20530

October 7, 1976

Honorable James T. Lynn
Director, Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 11337, "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes." Our comments are limited to §§ 12, 13 and 14 of the bill which would amend §§ 214, 221, and 224, respectively, of title 13.

Under existing law, sections 221 and 224 of title 13, a person who, acting individually or as an official representative of a business enterprise, fails or refuses to answer census questions, or who supplies false information intentionally, is subject to civil and criminal penalties. The civil fines range from \$100 to \$10,000, and the criminal penalties range from 60 days in jail to one year in prison. Sections 221 and 224 of the enrolled bill would remove the present imprisonment sanctions, and would reduce the civil fines to a range of \$100 to \$1,000. We have no objection to removing the imprisonment sanctions, recognizing that incarceration has rarely, if ever, been issued in sentencing defendants under present sections 221 and 224 of title 13.

Under existing law, section 214 of title 13, a wrongful disclosure of census information by federal employees is punishable by a fine of not more than \$1,000, or imprisonment of not more than two years, or both. Under amended section



214 as contained in the enrolled bill, the penalty will be increased to a fine of not more than \$5,000 or imprisonment of not more than five years, or both. We have no objection to these more substantial penalty provisions, believing that they are justified in an effort to assure the privacy of information provided to the Bureau of the Census.

The Department of Justice has no objection to Executive approval of this bill.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General



NATIONAL SCIENCE FOUNDATION

WASHINGTON, D.C. 20550



OFFICE OF THE
DIRECTOR

October 7, 1976

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This is in reply to your communication of October 4, 1976, requesting the comments of the National Science Foundation on Enrolled Bill H. R. 11337, "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes."

The Foundation has no objection to approval of this Enrolled Bill by the President.

Sincerely yours,

A handwritten signature in black ink that reads "R.C. Atkinson".

Richard C. Atkinson
Acting Director





U.S. GOVERNMENT
SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

OFFICE OF THE ADMINISTRATOR

OCT 6 1976

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This is in response to your request for the views of the Small Business Administration regarding H. R. 11337, an Enrolled Bill "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes."

The Small Business Administration generally supports H. R. 11337 which would provide mid-decade data on population and other census information. A mid-decade census probably would provide SBA with better population information for use in allocation of Agency resources, determination of program needs, and evaluation of program performance. H. R. 11337 also could produce reasonably current county data on the total population which would be valuable in analyzing SBA District situations. However, as the bill gives the Secretary of Commerce great flexibility in determination of collection methods, types of information to be collected and data detail it is impossible to specifically comment on the extent to which data of particular SBA interest would become available.

Thank you for the opportunity to comment on this legislation.

Sincerely,

Mitchell P. Kobelinski
Administrator





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

OCT 7 1976

Dear Mr. Lynn:

This is in response to your request for a report on H.R. 11337, an enrolled bill "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes".

We favor the provisions of the enrolled bill which provide for a mid-decade census because such a census will provide to this Department the information necessary to make more current determinations in programs which utilize population data. However, we defer to the Department of Commerce as to the desirability of the enactment of the bill as a whole.

This Department administers a large number of programs which rely on data provided in the decennial census for determinations of allotments to States and localities. The primary example of this type of program is title I of the Elementary and Secondary Education Act of 1965 under which funds are distributed to State and local educational agencies for programs for educationally deprived children on the basis of the relative number of children from low-income families in each State or school district. Data from the decennial census is the most important element in the distribution formula. The enrolled bill will enable much more current data to be compiled for that purpose, and will avoid the substantial adjustments and resulting disruptions which now occur every ten years.

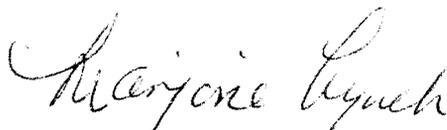
The enrolled bill contains a provision (new section 141(e) of title 13) which would explicitly authorize the use of mid-decade census data in the distribution formulae for



federal programs that would otherwise require the use of decennial census data. This provision seems particularly useful in resolving any questions as to our authority to use data provided through the mid-decade census.

For the reasons stated above, the bill is desirable from the standpoint of its effects on the programs of this Department. However, we defer to the Department of Commerce as to the total effect of the enrolled bill on the census operations of the government and as to the desirability of the bill's enactment.

Sincerely,



Under Secretary





THE GENERAL COUNSEL OF THE TREASURY
WASHINGTON, D.C. 20220

OCT 6 1976

Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 11337, "To amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes."

The enrolled enactment would authorize a mid-decade census of the population to be taken in 1985 and every ten years thereafter. It would also strengthen provisions insuring the confidentiality of census records and direct the Secretary of Commerce to use sampling methods whenever feasible. In addition, it would repeal the law providing prison sentences for failing to respond to census questions and would provide for congressional participation in the preparation of such questions.

Since the subject matter of this enrolled enactment is not within the jurisdiction of this Department, we have no recommendation to make on the merits of this legislation.

Sincerely yours,


Richard R. Albrecht
General Counsel



UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

October 5, 1976

Mr. James M. Frey
Office of Management and Budget
Assistant Director for
Legislative Reference
7201 New Executive Office Bldg.
Washington, D.C. 20503

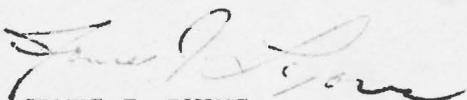
Dear Mr. Frey:

Within the last two working days, your office, in accordance with OMB Circular A-19, has requested the views and recommendations of the Commission on Civil Rights on five enrolled bills. The enrolled bills are: H.R. 13367, the "State and Local Fiscal Assistance Amendments of 1976"; H.R. 12566, the "National Science Foundation Authorization Act, 1977"; S. 2278, the "Civil Rights Attorney's Fees Awards Act of 1976"; H.R. 11337, amendment of Title 13, United States Code to provide for a mid-decade census of population and for other purposes; and H.R. 1144 which amends the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations.

Although the Commission on Civil Rights appreciates the opportunity and recognizes its responsibility to comment on pending legislation related to its substantive jurisdiction, I must inform you that we cannot comply with your requests for views on the five enrolled bills. Several of the enrolled bills involve matters which have not been formally considered by the Commission and which cannot be considered by the Commission within the specified two-day reply period. Moreover, the Staff Director's absence from the office because of previously scheduled Commission business makes it impractical for the agency to comment within the specified period on those bills which involve matters of established Commission policy.

If you have any technical questions about the enrolled bills which appropriately can be answered by Commission staff, please contact me at 254-6626.

Sincerely,



JAMES J. LYONS
Acting Director
Congressional Liaison



Date: October 11

Time: 800pm

FOR ACTION: Paul Leach
Max Friedersdorf
Bobbie Kilberg
Lynn May

cc (for information): Jack Marsh
Steve McConahey
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12Time: 530pm

SUBJECT:
H.R. 11337-Mid-decade census

ACTION REQUESTED:

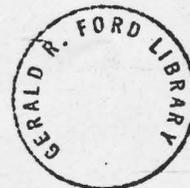
 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Revised Approval

J. Cannon



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

Date: October 11

Time: 800pm

FOR ACTION: Paul Leach
 Max Friedersdorf
 Bobbie Kilberg
 Lynn May

cc (for information): Jack Marsh
 Steve McConahey
 Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:
 H.R. 11337-Mid-decade census

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval.

mf



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
 For the President

Date: October 11

Time: 800pm

FOR ACTION: Paul Leach
Max Friedersdorf
Bobbie Kilberg
Lynn May

cc (for information): Jack Marsh
Steve McConahey
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT: H.R.11337-Mid-decade census

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

x For Your Comments

___ Draft Remarks



REMARKS:

please return to judy johnston, ground floor west wing

*approve but signing statement should
mention confidentiality and privacy
provisions - these are important*

Kelley 10/12/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

SIGNING STATEMENT

I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are ~~quite~~ often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to ~~restructure~~ ^{update} Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important because

- . \$39 billion are distributed annually using formulae which use population data.
- . Federal, State and local planners depend heavily on current population data.
- . The need for a variety of expensive "ad hoc" surveys between censuses will be reduced.
- . We will be able to identify the needs of various groups in the American public.



By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates. *Insert*

~~Insert~~
I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.



~~Finally~~ The bill also strengthens the provisions of law relating to the confidentiality of ~~Cense~~^{Census} information, and thus helps to assure that the privacy of the individual is preserved.

Insert

Language per Barry Roth. - Mid-~~Census~~^{Census} Decade bill

BR
WJ



STATEMENT BY THE PRESIDENT



I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to update Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important because

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- . Federal, State and local planners depend heavily on current population data.
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By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates.

The bill also strengthens the provisions of law relating to the confidentiality of census information, and thus helps to assure that the privacy of the individual is preserved.

I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.



PROVIDING FOR THE CONSIDERATION OF H.R. 11337

APRIL 6, 1976.—Referred to the House Calendar and ordered to be printed

Mr. MATSUNAGA, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 1132]

The Committee on Rules, having had under consideration House Resolution 1132, by a nonrecord vote, report the same to the House with the recommendation that the resolution do pass.



MID-DECADE CENSUS

MARCH 24, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SCHROEDER, from the Committee on Post Office and Civil Service, submitted the following

REPORT together with SUPPLEMENTAL VIEWS

[To accompany H.R. 11337]



The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 11337) to amend title 13, United States Code, to provide for a mid-decade census of population, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

Page 2, line 11, strike the word "is" at the beginning of the line.

Page 5, line 9, insert "or other" after "respondent".

Page 6, line 6, strike out "eight" and insert "nine".

Page 6, immediately after line 16, insert the following:

(d)(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, the data obtained in such mid-decade census shall be used in the determination of such eligibility or amount of benefits rather than data obtained in the decennial census.

Page 6, line 17, strike out "(d)" and insert "(2)".

Page 10, line 19, after "SEC. 9." insert "(a)".

Page 10, line 23, strike out "(a)"; and after "employee" insert "or staff member".

Page 11, line 8, insert a closing quotation mark and a period after "both."

Page 11, strike out line 9 and all that follows down through line 16. Page 11, after line 16, insert the following:

(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, if such temporary staff is sworn to observe the limitations imposed by section 9 of this title."

Page 13, immediately after line 12, insert the following:

SEC. 14. 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.

EXPLANATION OF AMENDMENTS

Amendments 1, 2, 4, 5, 6, and 7 are technical amendments and do not affect the substance of the legislation.

Amendment #3 provides for the use of mid-decade census rather than decennial census figures in federal assistance programs. Under current law, a number of Federal assistance programs are administered in accordance with data derived from the most recent decennial census. Eligibility for benefits and the determination of the amount of benefits are based on this data. Under the amendment proposed by the committee, if comparable census data is available from a mid-decade census which has been conducted more recently than the last decennial census, the mid-decade census data would be used for determining eligibility for and the amount of such benefits. The committee anticipates that a mid-decade census would provide comparable data to the decennial census in those programs where census data is now used.

Amendment #8 deletes unnecessary language relating to officers and employees illegally disclosing census information.

Amendment #9 authorizes the Secretary of Commerce to use temporary employees to conduct censuses.

Amendment #10 provides an effective date for the bill.

PURPOSE

H.R. 11337 authorizes a mid-decade census of the population of the United States beginning in 1985 and every ten years thereafter. The bill also strengthens provisions insuring the confidentiality of census records, directs the Secretary of Commerce to use sampling methods rather than complete enumeration whenever feasible, repeals the law providing prison sentences for failing to respond to census questions,

and provides for congressional participation in the preparation of census questions.

COMMITTEE ACTION

The Subcommittee on Census and Population of the Committee on Post Office and Civil Service held hearings on May 16, 1975, on proposals for modifications of the census laws. On December 11, 1975, the subcommittee reported H.R. 2556 by a recorded vote of 5 yeas, 0 nays, and 1 present. H.R. 11337, a new bill reflecting the subcommittee's actions, was introduced on December 19, 1975. On January 29, 1976, the Committee on Post Office and Civil Service ordered H.R. 11337 reported with amendments by a unanimous voice vote.

STATEMENT

Since the beginning of the Kennedy administration, Congress has considered legislation to authorize a census of the population every 5 years in addition to the census required every 10 years under Article 1 of the Constitution. After hearings in the 87th, 88th, and 89th Congresses, the House in the 90th Congress enacted legislation providing for a mid-decade census, but the legislation failed to pass the Senate. Subsequent consideration has been given similar legislation in the 92d and 93d Congresses.

The committee believes that sufficient time and study has been devoted to this issue.

It is important to know current national population developments. The historic method of counting the population every 10 years does not meet the Nation's current needs.

Census data rapidly loses its relevance and usefulness soon after it is gathered. Despite this deficiency, 1970 census statistics will be the only data officially available until 1981. Many statistical users, including Federal agencies, have initiated supplementary surveys of questionable reliability to update statistics because they recognize the 1970 data are already out of date. For the most part, however, the Government must depend on outdated information to make important legislative and administrative decisions. For example, 103 Federal grant-in-aid programs now use "target population" as a factor in their allocation formulas. These population figures are generally based on available statistics (now 6 years old) or educated guesses based on limited surveys.

State and local governmental activities are tied directly to changing demographic trends. Since the 1970 census, migration patterns have changed dramatically, but State and local governments (and other users) have insufficient information about these trends to act confidently. The period from 1970 until 1975 typifies the necessity for a mid-decade census because of the increasing uncertainty of demographic projections and forecasts for the 1976-81 period.

Business and industry are dependent on census data for market research, plant and distributorship locations, sales opportunities, and manpower availability. Professional, trade, and voluntary organizations rely on census data to develop programs. Universities and research institutions use census data.

A mid-decade census is not a universal solution to the problem of outdated information, but it would greatly improve the current situa-



tion. The population census is the only full census program not conducted on a 5-year cycle; Federal economic, mining, manufacturing, and agricultural censuses are now taken every 5 years.

Less than a complete mid-decade census would not meet the present need. A survey designed to include only 25 percent of the Nation's population would cost 80 percent of the cost of a full census and the results would not be nearly so useful. Statistics would be incomplete for cities of less than 50,000 population, and virtually nonexistent for cities of less than 25,000 population. But such small towns make up 96 percent of the cities and towns in the United States and contain 41 percent of the total population. Moreover, the increasing needs of larger cities for neighborhood data would not be met with a survey.

PROHIBITION AGAINST USE FOR APPORTIONMENT OF REPRESENTATION IN CONGRESS

Although H.R. 11337 authorizes a census of population every 5 years, the bill specifically prohibits the use of mid-decade census data from being the basis for the apportionment of the House of Representatives. Section 5 of H.R. 11337 proposes a new subsection (d) (2) of section 141 of title 13, United States Code, to provide as follows:

Information obtained in any mid-decade census shall not be used for apportionment of Representatives in Congress among the several States.

In addition, the bill prohibits the use of mid-decade census data in any challenge to an existing Congressional districting plan based on decennial statistics. This legislation will not affect apportionment or districting of Congressional seats.

PENALTIES FOR REFUSALS TO ANSWER CENSUS QUESTIONS

Under existing law, a person who, acting individually or as an official representative of a business enterprise, fails or refuses to answer census questions, or who supplies false information intentionally, is subject to civil and criminal penalties. The civil fines range from \$100 to \$10,000; the criminal penalties range from 60 days in jail to 1 year in prison.

Criminal penalties for refusing to answer census questions are almost as old as the Republic, dating back to the first census law of March 1, 1790 ("each and every person more than sixteen years of age is obliged to render a true account on pain of forfeiting twenty dollars"). Imprisonment, however, was not authorized as a penalty until 1929. No defendant has ever gone to jail for refusing to answer census questions. Even the sensational case of Captain Rickenbacker, the penalty imposed on the great air ace for refusing to answer census questions was a fine of \$100 (a jail sentence of 60 days was suspended).

Testimony presented to the committee in public hearings over a period of 15 years strongly supports the retention of statutory penalties to insure reliable answers, but the maximum penalties for the disobedient need not be so severe. The committee recommends, therefore, that the jail and prison penalties be repealed, and that the maximum fine be reduced from \$10,000 to \$1,000.

REVIEW OF SUBJECTS AND QUESTIONS PROPOSED FOR A DECENNIAL CENSUS OR A MID-DECADE CENSUS OF POPULATION

In view of the increasing attention focused on the content of census questionnaires, the committee plans to exercise a formal review of questions proposed for inclusion in a population census. A new subsection is proposed to section 141 of title 13, United States Code, directing the Secretary of Commerce to submit to the Congress not later than 3 years before the census date the subjects proposed to be included in the census, and, not later than 2 years before the census date, the actual questions to be used.

This provision for advance consideration of the questions will assure that the statistical needs will be met and that the citizens will not be unfairly subject to questions invading their privacy.

SECTION ANALYSIS

Section 1 adds a new subsection (b) to section 1 of title 13, United States Code, to provide for a definition for "respondent."

Section 2 substitutes the word "questionnaires" for the word "schedules" in section 5 of title 13. This is a technical change which brings the law into conformance with the current language used by the Bureau of the Census.

Section 3 adds a new subsection (c) to section 6 of title 13, U.S.C., directing the Secretary to the maximum extent possible to acquire and use information already available, instead of conducting direct inquiries.

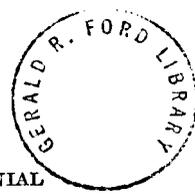
Section 4 adds two new protections for individual privacy to section 8 of title 13, U.S.C.: Subsection (a) eliminates the present authority of the Secretary to furnish data to Governors of States, territories and courts of record. The authorization is replaced by a new subsection authorizing the Secretary to furnish authenticated transcripts of reports filed by or for respondents only to respondents, their heirs, or authorized agents. Subsection (b) strengthens the prohibition against furnishing tabulations or statistical information which would disclose information reported by or on behalf of any respondent.

Section 5(a) amends section 141 of title 13 to require the tabulation of population by states to be completed within 9 months, instead of 8 months, after the census date.

Section 5, enacts a new subsection (c) of section 141 of title 13 to authorize the Secretary to take a mid-decade census in 1985 and every 10 years thereafter.

The new subsection (d) (1) of section 141 provides that if decennial census data is used to determine eligibility or the amount of benefits in the administration of any federal programs, and if the mid-decade census provides comparable data to the decennial census, the mid-decade data will be used in the determination of eligibility and benefit levels.

The new subsection (d) (2) of section 141 prohibits the use of mid-decade census information for the apportionment of the House of Representatives: The new section also prohibits the use of such information in any action challenging an existing congressional districting plan based on decennial census statistics.



The new subsection (e) of section 141 establishes a time table for proposed subjects and questions to be included in the decennial and mid-decade censuses to be submitted to the Congress for its review and recommendations.

Section 6 makes technical changes in the law with regard to the geographic scope of censuses to reflect the statehood of Alaska and Hawaii.

Section 7 revises section 195 of title 13 which presently authorizes, but does not require, the use of sampling. This clarifies congressional intent that, wherever possible, sampling shall be used.

Section 8 is a technical change setting out the conditions under which special censuses may be conducted by the Secretary.

Section 9 amends section 214 of title 13 to increase the penalties for wrongful disclosure of Federal employees of census information from a \$1,000 fine or 2 years imprisonment, or both, to a \$5,000 fine or 5 years imprisonment, or both.

Section 10 adds a new subsection (c) to section 221 of title 13 to protect individuals from being compelled to disclose information relative to religious beliefs or membership in a religious body.

Sections 11 and 12 repeals penal sanctions and reduces civil fines for failure to respond to questionnaires and for the giving of false answers.

Section 13 is a severability clause.

Section 14 provides an effective date.

COST

The estimated cost of a mid-decade census in 1975 was \$350 million.

Many special-purpose surveys now conducted to fill in the statistical gaps between censuses would not be necessary if there is a mid-decade census. The committee estimates that the use of information derived from a mid-decade census should eliminate 10 percent of the special-purpose surveys now conducted by the Federal Government at a cost of \$400 million annually. In a decade, savings so realized by a mid-decade census could reach \$400 million. The net cost of a mid-decade census would be small.

Outlays for preparation for a mid-decade census in 1985 would begin about fiscal year 1982.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirement of clause 2(1)(3) of Rule XI of the Rules of the House of Representatives—

(A) The Subcommittee on Census and Population is vested under the committee rules with legislative and oversight jurisdiction and responsibility over the subject matter of H.R. 11337 and as a result of the hearings on this matter has concluded that the action is necessary and that the law should be revised in the manner provided under this legislation;

(B) The enactment of H.R. 11337 would not result in budget authority for fiscal year 1977 and therefore the requirement of section 308(a) of the Congressional Budget Act of 1974 are not applicable;

(C) No estimate or comparison of costs has been received by the committee from the director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974; and

(D) The committee has received no report from the Committee on Government Operations of oversight findings and recommendations arrived at pursuant to clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the committee has concluded that the enactment of H.R. 11337 will have no inflationary impact on prices and costs in the operation of the national economy.

ADMINISTRATIVE VIEWS

On February 22, 1975, the committee requested the views of the Bureau of the Census and the Office of Management and Budget on H.R. 2556, the predecessor to H.R. 11337.

Neither the Bureau of the Census nor the Office of Management and Budget has submitted reports pursuant to the request.

However, the Director of the Bureau of the Census in testimony this Congress on the mid-decade census stated:

The needs for a mid-decade population statistics program have been well established and documented in the hearings and other records of the Committee on Post Office and Civil Service and in communications to the Census Bureau from a wide range of Federal and local government agencies, private groups, and individuals. The fundamental question, therefore, is not whether the mid-decade program is essential but rather what approach would best serve the expressed and anticipated needs.

The view of the Administration, then, is that a mid-decade statistics program is desirable, but that the Congress should decide on whether the form of that mid-decade program should be a full census or just a sample survey.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 13, UNITED STATES CODE

* * * * *

Chapter 1.—ADMINISTRATION

SUBCHAPTER I.—GENERAL PROVISIONS

SEC.

1. Definitions.
2. Bureau of the Census.

3. Seal.
4. Functions of Secretary; delegation.
5. [Schedules] *Questionnaires*; number, form, and scope of inquiries.
6. Requests to other departments and offices for information, acquisition of reports from governmental and other sources.
6. *Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources.*
7. Printing: requisitions upon Public Printer; publication of bulletins and reports.
8. [Certified] *Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received.*
9. Information as confidential; exception.
10. Mail matter.
11. Authorization of appropriation.
12. Mechanical and electronic development.
13. Procurement of professional services.

* * * * *

SUBCHAPTER I—GENERAL PROVISIONS

§ 1. Definitions

(a) 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; and

“(2) Secretary” means the Secretary of Commerce.

(b) *As used in this subchapter, “respondent” includes a corporation, company, association, firm, partnership, proprietorship, society, joint stock company, an 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.*

* * * * *

§ 5. [Schedules] Questionnaires; number, form, and scope of inquiries

The Secretary shall prepare [schedules] *questionnaires*, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this title.

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

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

(a) The Secretary, whenever he [deems] *considers* it advisable, may call upon any other department [or office of the Government], *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.

* * * * *

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

[(a) The Secretary may, upon a written request, and in his discretion, furnish to Governors of States and Territories, courts of record, and individuals, data for genealogical and other proper purposes, from the population, agriculture, and housing schedules prepared under the authority of subchapter II of chapter 5, upon the payment of the actual, or estimated cost of searching the records and \$1 for supplying a certificate.

[(b) The Secretary may furnish transcripts or copies of tables and other census records and make special statistical compilations and surveys for State or local officials, private concerns, or individuals upon the payment of the actual, or estimated cost of such work. In the case of nonprofit organizations or agencies the Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Secretary and provided that the purposes are otherwise authorized by law.

[(c) In no case shall information furnished under the authority of this section be used to the detriment of the persons to whom such information relates.]

§ 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 censuses 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 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 private persons and agencies, upon the 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 purposes of which are otherwise authorized by law, but only if the costs 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.*

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§ 23. Additional officers and employees

(a) The Secretary may establish, at rates of compensation to be fixed by him without regard to the Classification Act of 1949, as many temporary positions as may be necessary to meet the requirements of the work provided for by law. Bureau employees who are transferred to any such temporary positions shall not lose their permanent civil service status by reason of the transfer. The Secretary may make appointments to such temporary positions in conformity with the civil service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for by law without regard to section 301 of the Dual Compensation Act.

(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, if such temporary staff is sworn to observe the limitations imposed by section 9 of this title.*

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Chapter 5.—CENSUSES

SUBCHAPTER I—MANUFACTURERS, MINERAL INDUSTRIES, AND OTHER BUSINESSES

Sec.

131. Collection and publication; five-year periods.
132. Controlling law; effect on other agencies.

SUBCHAPTER II—POPULATION, HOUSING, AGRICULTURE, IRRIGATION, DRAINAGE, AND UNEMPLOYMENT

141. Population [unemployment, and housing] and other census information.
142. Agriculture, irrigation, and drainage.

SUBCHAPTER III—GOVERNMENTS

161. Quinquennial censuses; inclusion of certain data.
163. Authority of other agencies.¹

SUBCHAPTER IV—INTERIM CURRENT DATA

181. Surveys.

SUBCHAPTER V—GEOGRAPHIC SCOPE, PRELIMINARY AND SUPPLEMENTAL STATISTICS, AND USE OF SAMPLING

191. Geographic scope of censuses; mid-decade censuses of population.
193. Preliminary and supplemental statistics.
195. Use of sampling.
197. Special censuses.
- * * * * *



§ 141. Population [unemployment, and housing] and other census information

(a) The Secretary shall, in the year [1960] 1980 and every ten years thereafter, take a decennial census of population [unemployment, and housing (including utilities and equipment)] as of the first day of April, which date shall be known as the 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.

(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 [eight] nine months [of] after the census date and reported by the Secretary to the President of the United States.

(c) Without regard to subsections (a) and (b) of this section, the Secretary, in the year 1985 and every ten years thereafter, shall conduct a mid-decade census of population in such form and content as he may determine, taking into account the extent to which current information is available. The census shall be taken as of the first day of April, which date shall be known as the mid-decade census date.

(d) (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, the data obtained in such mid-decade census shall be used in the determination of such eligibility or amount of benefits rather than data obtained in the decennial census.

(2) Information obtained in any mid-decade census shall not be used for apportionment of Representatives in Congress among the several States, nor may such information be admitted as evidence or used for any purpose, except as otherwise provided in this subsection, in any action, suit, or other judicial proceeding in which the constitutionality of a State's congressional redistricting plan is at issue. If a State creates a congressional redistricting plan which is based upon any mid-decade census, this subsection shall not apply to prohibit the admission as evidence, or other use, of such information in any judicial proceeding in which the validity of such plan is at issue.

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

(1) not later than three years before the appropriate census date, a report containing the Secretary's determination of the sub-

jects proposed to be included, and the types of information to be compiled, in such census;

(2) not later than two 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.

(f) As used in this section, "census of population" means a census of population, housing, and related matters.

* * * * *

SUBCHAPTER V—GEOGRAPHIC SCOPE, PRELIMINARY AND SUPPLEMENTAL STATISTICS, AND USE OF SAMPLING

§ 191. Geographic scope of censuses; mid-decade censuses of population

(a) Each of the censuses authorized by this chapter [(other than censuses of population)] shall include each State, the District of Columbia, [Alaska, Hawaii,] the Virgin Islands, Guam, 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. [Censuses of population shall include all geographic areas referred to in the preceding sentence.] 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, or any possession or area not specifically designated in [(a) above] subsection (a) of this section, the Secretary may [utilize or adopt census data] use census information collected by the [governor] Governor or highest ranking Federal official, when such [data are] information was obtained in accordance with plans prescribed or approved by the Secretary.

(c) [When, under] of, pursuant to a determination by the Secretary [as provided in paragraph (a) above] 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 [in the census report] 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.

* * * * *

§ 195. Use of sampling

Except for the determination of population for [apportionment purposes] purposes of apportionment of Representatives in Congress among the several States, the Secretary [may, where he deems it appropriate] shall, if he considers it feasible, authorize the use of the

statistical method known as "sampling" in carrying out the provisions of this title.

"197. 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 Secretary shall certify the results of each such special census as "Official Census Statistics". These statistics may be used in the manner provided by applicable law.

CHAPTER 7.—OFFENSES AND PENALTIES

* * * * *

SUBCHAPTER I—OFFICERS AND EMPLOYEES

* * * * *

§ 214. Wrongful disclosure of information

Whoever, being an employee referred to in subchapter II of chapter 1 of this title, having taken and subscribed the oath of office, publishes or communicates, without the written authority of the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, any information coming into his possession by reason of his employment under the provisions of this title, shall be fined not more than \$1,000 or imprisoned not more than two years, or both.]

§ 214. Wrongful disclosure of information

Whoever, being 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 employment under the provisions of this title, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

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 or questionnaire 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 [or imprisoned not more than sixty days, or both].

(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 [or imprisoned not more than one year, or both].

(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.*

* * * * *

§ 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 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, [whether such request be made by registered mail, by certified mail, by telegraph, by visiting representative, or by one or more of these methods,] 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 [or imprisoned not more than sixty days, or both]; and if he willfully gives a false answer to any such question, he shall be fined not more than [\$10,000 or imprisoned not more than one year, or both] \$1,000.

§ 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 De-



partment 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 sections 221, 222 and 224 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)] (b) 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)] (c) 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.

SUBCHAPTER III—PROCEDURE

§ 241. Evidence

When any request for information, made by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, is made by registered or certified mail or telegram [as authorized by section 224 of this title] the return receipt therefor or other written receipt thereof shall be prima facie evidence of an official request in any prosecution under such section.



SUPPLEMENTAL VIEWS ON H.R. 11337

The legislative history of this bill and its predecessors shows that it has foundered on the issue of the use of mid-decade census statistics for congressional apportionment and districting.

H.R. 11337, as it comes from committee, deals with only half of this problem—that is congressional apportionment, so at the appropriate time we intend to offer an amendment on the floor to deny the use of mid-decade census statistics for either congressional apportionment or districting.

The amendment is both practical and legislatively sound.

In the first place, the purpose of this legislation is to provide timely statistical information to assist the Federal Government in administering the allocation of funds under its various programs, assist States and local government in planning, and to assist the business community and the general public.

The need and desirability of mid-decade population statistics is widely supported by all levels of government, and is a proper role of the Federal Government to provide this service.

Therefore, it is important that any issue that is extraneous to the theme of the legislation be removed.

In 1971, the American Law Section of the Library of Congress prepared a paper on mid-decade census and districting for congressional use. The following is an excerpt from that paper:

The matter (of reapportionment and redistricting) was discussed in *Reynolds v. Sims* which was a legislative apportionment case, to be sure, but there would seem to be no reason why the principles set out there would be inapplicable to congressional districting, especially in light of the fact that congressional apportionment is mandated every ten years each decennial census by the Constitution itself. In *Reynolds*, the Court noted that the States were free to adopt some reasonable plan for periodic revision of their apportionment schemes. It then continued: "Decennial reapportionment appears to be a rational approach to adjustment of legislative representation in order to take into account population shifts and growth. . . . Limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system . . ."

What this passage appears reasonably to mean is that 10-year apportionments and districting satisfy the constitutional requirements but that discretionary actions in redrawing lines more frequently are permissible if the states should choose. It would therefore appear to be constitutionally permissible for Congress, under its Article I, Sec. 4 cl. 1 powers, to remove that discretion with regard to congressional districting.

Therefore, there appears to be a sound basis for the legislative action proposed in our amendment, but it also has the practical effect of avoiding the confusion to the public of having constantly changing representative districts. It is bad politics, resulting in bad government, to promote the continual shifting and drifting of congressional district lines. We urge the adoption of the amendment and, with that adoption, the passage of this mid-decade census legislation. In this regard we are most pleased to have received assurances from the sponsor and the floor manager of the legislation, Mrs. Schroeder, that she will offer no objection to, and will support, the amendment.

EDWARD J. DERWINSKI.
TRENT LOTT.

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

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

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:

“§ 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.”



(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.

“(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.

“(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



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



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.

“(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.

“§ 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.

“§ 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.

“(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—

“(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.”



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(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.”

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.

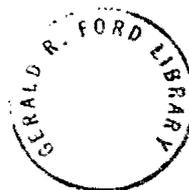
(b) Section 241 of title 13, United States Code, relating to evidence, is amended by striking out “as authorized by section 224 of this title”.



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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.

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.



Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 11337, a bill to provide for a mid-decade census of population. The first such census will be in 1985; subsequent ones will follow every 10 years.

Passage of this bill provides us with a major opportunity to improve the statistical information which is often the basis for decisions on major issues of public policy. With better information available at 5-year intervals we will no longer need to rely on data which are often obsolete. The historic method of counting the population every 10 years simply does not meet the Nation's current needs.

This legislation will also make it possible for us to update Federal statistical programs dealing with social statistics, since the mid-decade effort will provide for a periodic updating of significant national, social and demographic characteristics. This is important because

- . \$39 billion are distributed annually using formulae which use population data.
- . Federal, State and local planners depend heavily on current population data.
- . The need for a variety of expensive "ad hoc" surveys between censuses will be reduced.
- . We will be able to identify the needs of various groups in the American public.

By authorizing the use of sampling techniques to collect mid-decade census data, the bill will reduce the burden on respondents. It also allows considerable flexibility in the design of the effort, making possible major cost savings in special purpose statistical programs now conducted between decennial census dates.

The bill also strengthens the provisions of law relating to the confidentiality of census information, and thus helps to assure that the privacy of the individual is preserved.

I commend the Congress for passing this legislation; it will provide us with better data, of greater consistency, at a reduced cost.

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