June 18, 1929, ch. 28, §3, 46 Stat. 21; 1939 Reorganization Plan No. II, §4(e), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1431; 1940 Reorganization Plan No. III, §3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1232; June 25, 1947, ch. 124, 61 Stat. 163; Sept. 7, 1950, ch. 910, §4, 64 Stat. 785).

Section was taken from that part of section 111 of title 13, U.S.C., 1952 ed., which related to designation of reports prepared under that section. For remainder of such section 111, see this subchapter, and Distribution Table.

Section 111 of title 13, U.S.C. 1952 ed., provided that the reports prepared under the provisions of that section should be designated as ''Special Reports of the Census Office''. In this revised section it is provided that such reports shall be designated as '''Special Reports' followed by the name of whatever bureau or agency of the Department of Commerce is designated by the Secretary to collect and compile such statistics''. This change conforms with 1950 Reorganization Plan No. 5, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, which transferred the functions of all agencies, bureaus, officers, and employees of the Department of Commerce to the Secretary, and vested power in him to delegate any of such transferred functions, or any of his other functions, to any of such agencies, bureaus, officers, or employees. See section 4 of this title.

Changes were made in phraseology.

Section 7 of the act of Mar. 6, 1902, ch. 139, 32 Stat. 52, cited above, from which section 111 of title 13, U.S.C., 1952 ed., was derived, contained additional provisions (which were not classified to the United States Code) relating to the duty of the Director of the Census to publish the Official Register of the United States, and to the transmission to him of the data to be included therein. Such provisions have been omitted as they were superseded by act Mar. 3, 1925, ch. 421, §2(a)(b), 43 Stat. 1105, which was formerly classified to section 3 of title 13, U.S.C., 1952 ed., and which, in turn, was repealed by section 5 of act Aug. 28, 1935, ch. 795, 49 Stat. 957, and superseded by sections 1 and 2 of that act. Such sections 1 and 2, as amended, are classified to section 654 of title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees. Under that section, the Official Register is published by the Civil Service Commission. Provisions relating to its distribution are contained in sections 139, 139a and 280a of title 44, U.S.C., 1952 ed., Public Printing and Documents.

CHAPTER 5—CENSUSES

SUBCHAPTER I—MANUFACTURES, MINERAL INDUSTRIES, AND OTHER BUSINESSES

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

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

141. Population and other census information.
[142 to 146. Repealed.]

SUBCHAPTER III—GOVERNMENTS

161. Quinquennial censuses; inclusion of certain data.
[162. Repealed.]
163. Authority of other agencies.[1]

SUBCHAPTER IV—INTERIM CURRENT DATA

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

191. Geographic scope of censuses.
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AMENDMENTS

1997—Pub. L. 105–113, §3(b)(2), Nov. 21, 1997, 111 Stat. 2275, substituted ''POPULATION, HOUSING, AND UNEMPLOYMENT'' for ''POPULATION, HOUSING, AGRICULTURE, IRRIGATION, AND UNEMPLOYMENT'' in the item for subchapter II, and struck out item 142 ''Agriculture and irrigation''.

1986—Pub. L. 99–544, §1(c), Oct. 27, 1986, 100 Stat. 3046, substituted ''IRRIGATION, AND UNEMPLOYMENT'' for ''IRRIGATION, DRAINAGE, AND UNEMPLOYMENT'' in item for subchapter II, and ''Agriculture and irrigation'' for ''Agriculture, irrigation, and drainage'' in item 142.

1976—Pub. L. 94–521, §§7(b), 8(b), 11(b), Oct. 17, 1976, 90 Stat. 2462–2464, substituted ''Population and other census information'' for ''Population, unemployment, and housing'' in item 141, without reference to amendment thereto by Pub. L. 94–171, and added items 181 to 184 and 196, respectively.

1975—Pub. L. 94–171, §2(b), Dec. 23, 1975, 89 Stat. 1024, inserted ''; tabulation for legislative apportionment'' in item 141.

1957—Pub. L. 85–207, §7, Aug. 28, 1957, 71 Stat. 482, in amending analysis generally, substituted ''MANUFACTURES'' for ''MANUFACTURERS'' in item for subchapter I; substituted in item 141 ''Population, unemployment, and housing'' for ''Population, agriculture, irrigation, drainage, and unemployment; territory included'', and in item 142 ''Agriculture, irrigation, and drainage.'' for ''Housing, scope of inquiries; territory included; supplementary statistics.'', struck out items 143 to 146, 162 and 163; and added Subchapter V.

SUBCHAPTER I—MANUFACTURES, MINERAL INDUSTRIES, AND OTHER BUSINESSES

§131. Collection and publication; five-year periods

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1019; Pub. L. 85–207, §8, Aug. 28, 1957, 71 Stat. 482; Pub. L. 88–532, Aug. 31, 1964, 78 Stat. 737.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §121 (June 19, 1948, ch. 502, §1, 62 Stat. 478; June 18, 1954, ch. 315, 68 Stat. 258).

Section was subsection (a) of section 121 of title 13, U.S.C., 1952 ed. The remainder of such section 121, which constituted subsection (b) thereof, is incorporated in subchapter IV of this chapter.

At the beginning, ''The Secretary'', meaning the Secretary of Commerce, was substituted for a reference to the Director of the Bureau of the Census, and, at the end, the provision that the territorial scope of the censuses should be determined by the Secretary was substituted for the provision of section 121 of title 13, U.S.C., 1952 ed., that such determination should be made by the Director with the approval of the Secretary, to conform with 1950 Reorganization Plan No. 5, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, which

[1] Item 163 editorially inserted because section 163 is still in existence. Item 163 was eliminated in the general amendment of analysis by Pub. L. 85–207, §7, Aug. 28, 1957, 71 Stat. 482.

transferred all functions of all officers and employees, agencies and bureaus of the Department of Commerce to the Secretary. However, the Secretary, under that plan, may delegate any of such transferred functions, as well as any other of his functions, to any of such officers, employees, agencies and bureaus. See, also, section 4 of this title.

The reference in section 121 of title 13, U.S.C., 1952 ed., to the year ''1949'' as the year for commencement of the quinquennial censuses was changed to the year ''1954'', since the former designation is obsolete, and the provision of such section that the census of manufacturers should not be taken in 1949 was omitted as obsolete.

Changes were made in phraseology.

AMENDMENTS

1964—Pub. L. 88–532 substituted ''in the year 1964, then in the year 1968, and'' for ''in the year 1954 and'' and struck out provisions which related to the taking of certain censuses in the year 1955.

1957—Pub. L. 85–207 struck out sentence which included the United States and its territories and such possessions as the Secretary might determine in the censuses to be taken. See section 191 of this title.

CENSUS DATA ON WOMEN OWNED BUSINESSES; STUDY AND REPORT

Pub. L. 100–533, title V, § 501, Oct. 25, 1988, 102 Stat. 2697, provided that:

''(a) BUREAU OF LABOR STATISTICS.—The Bureau of Labor Statistics of the Department of Labor shall include in any census report it may prepare on women owned business data on—

''(1) sole proprietorships;

''(2) partnerships; and

''(3) corporations.

''(b) BUREAU OF THE CENSUS.—The Bureau of the Census of the Department of Commerce shall include in its Business Census for 1992 and each such succeeding census data on the number of corporations which are 51 per centum or more owned by women.

''(c) COMBINED STUDY.—Not later than one hundred and eighty days after the effective date of this section [Oct. 25, 1988], the Office of the Chief Counsel for Advocacy of the Small Business Administration (hereinafter referred to in this subsection as the 'Office') shall conduct a study and prepare a report recommending the most cost effective and accurate means to gather and present the data required to be collected pursuant to subsections (a) and (b). The Department of Commerce and the Department of Labor shall provide the Office such assistance and cooperation as may be necessary and appropriate to achieve the purposes of this subsection.''

§ 132. Controlling law; effect on other agencies

To the extent that the provisions of this subchapter or subchapter IV of this chapter conflict with any other provision of this title or other law, pertaining to the Secretary of the Department of Commerce, the provisions of this title shall control; but nothing in this title shall be deemed to revoke or impair the authority of any other Federal agency with respect to the collection or release of information.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1019.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 123 (June 19, 1948, ch. 502, § 3, 62 Stat. 479).

Section was derived from all of section 123 of title 13, U.S.C., 1952 ed., except the first sentence. That sentence is incorporated with other provisions in chapter 1 of this title. See Distribution Table.

The reference ''Secretary or Department of Commerce'' was substituted for reference to the Bureau of the Census to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

AMENDMENTS

1997—Pub. L. 105–113, § 3(b)(1), Nov. 21, 1997, 111 Stat. 2275, substituted ''POPULATION, HOUSING, AND UNEMPLOYMENT'' for ''POPULATION, HOUSING, AGRICULTURE, IRRIGATION,, AND UNEMPLOYMENT''.

1986—Pub. L. 99–544, § 1(b), Oct. 27, 1986, 100 Stat. 3046, struck out ''DRAINAGE'' after ''IRRIGATION,''.

§ 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.