

are hereby repealed. Any rights or liabilities now existing under such statutes or parts thereof, and any proceedings instituted under, or growing out of, any of such statutes or parts thereof, shall not be affected by this repeal.”

CHAPTER 1—ADMINISTRATION

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
1. Definitions.
 2. Bureau of the Census.
 3. Seal.
 4. Functions of Secretary; regulations; delegation.
 5. Questionnaires; number, form, and scope of inquiries.
 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. Authenticated transcripts or copies of certain returns; other data; restriction on use; disposition of fees received.
 9. Information as confidential; exception.
 - 10.¹ Mail matter.
 11. Authorization of appropriations.
 12. Mechanical and electronic development.
 13. Procurement of professional services.
 - [14. Repealed.]
 15. Leases for 1980 decennial census.
 16. Address information reviewed by local governments.²

SUBCHAPTER II—OFFICERS AND EMPLOYEES

21. Director of the Census; duties.
22. Qualifications of permanent personnel.
23. Additional officers and employees.
24. Special agents, supervisors, supervisors' clerks, enumerators, and interpreters; compensation; details.³
25. Duties of supervisors, enumerators, and other employees.
26. Transportation by contract.

AMENDMENTS

1994—Pub. L. 103-430, §2(d), Oct. 31, 1994, 108 Stat. 4394, added item 16.

1979—Pub. L. 96-52, §1(b), Aug. 13, 1979, 93 Stat. 358, added item 15.

1976—Pub. L. 94-521, §§3(b), 4(b), 5(b), 6(b), Oct. 17, 1976, 90 Stat. 2459-2461, inserted reference to “regulations” in item 4, substituted “Questionnaires” for “Schedules” in item 5, substituted “Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources” for “Requests to other departments and offices for information, acquisition of reports from governmental and other sources” in item 6, and substituted “Authenticated transcripts or copies” for “Certified copies” in item 8, respectively.

1966—Pub. L. 89-473, §2(b), June 29, 1966, 80 Stat. 221, struck out item 14 “Reimbursement between appropriations”. Pub. L. 89-473 was subsequently repealed by Pub. L. 97-258, §5(b), Sept. 13, 1982, 92 Stat. 1068.

1962—Pub. L. 87-489, §1(b), June 19, 1962, 76 Stat. 104, added item 14.

1957—Pub. L. 85-207, §1, Aug. 28, 1957, 71 Stat. 481, inserted “, acquisition of reports from governmental and other sources” in item 6, and added items 12, 13 and 26.

¹Section repealed by Pub. L. 86-682 without corresponding amendment of chapter analysis.

²So in original. Does not conform to section catchline.

³Section catchline amended by Pub. L. 86-769 without corresponding amendment of chapter analysis.

SUBCHAPTER I—GENERAL PROVISIONS

§ 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1012; Pub. L. 94-521, §1, Oct. 17, 1976, 90 Stat. 2459.)

HISTORICAL AND REVISION NOTES

Section is new, and was inserted to eliminate the necessity for referring, throughout this title, to the Bureau of the Census, and the Secretary of Commerce, by their full designations.

AMENDMENTS

1976—Pub. L. 94-521 designated existing provisions as pars. (1) and (2), and added par. (3).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 17 of Pub. L. 94-521 provided that: “The amendments made by this Act [enacting sections 181 to 184 and 196 of this title, amending this section and sections 3 to 6, 8, 23, 141, 191, 195, 214, 221, 224, 225, and 241 of this title, and enacting provisions set out as notes under this section] shall take effect on October 1, 1976, or on the date of the enactment of this Act [Oct. 17, 1976], whichever date is later”.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XII, subtitle E, §1251], Nov. 29, 1999, 113 Stat. 1536, 1501A-505, provided that: “This subtitle [amending section 301 of this title and enacting provisions set out as notes under section 301 of this title] may be cited as the ‘Proliferation Prevention Enhancement Act of 1999’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-430, §1, Oct. 31, 1994, 108 Stat. 4393, provided that: “This Act [enacting section 16 of this title, amending sections 9 and 214 of this title and section 412 of Title 39, Postal Service, and enacting provisions set out as a note under section 16 of this title] may be cited as the ‘Census Address List Improvement Act of 1994’.”

SEPARABILITY

Section 16 of Pub. L. 94-521 provided that: “If a provision enacted by this Act [see section 17 of Pub. L. 94-521 set out above] is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act [Pub. L. 94-521] 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.”

§ 2. Bureau of the Census

The Bureau is continued as an agency within, and under the jurisdiction of, the Department of Commerce.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1012.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §1 (Mar. 6, 1902, ch. 139, §1, 32 Stat. 51; Feb. 14, 1903, ch. 552, §4, 32 Stat. 826;

Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; June 18, 1929, ch. 28, §21, 46 Stat. 26).

Section 1 of title 13, U.S.C., 1952 ed., provided that the "Census Office" temporarily established in the Department of the Interior in accordance with the act of Mar. 3, 1899 (ch. 419, 30 Stat. 1014) "is made" a permanent office in the Department of Commerce. Such wording is no longer necessary, and the provisions, as revised in this section, merely continue the Bureau (of the Census) as an agency within, and under the jurisdiction of, the Department of Commerce.

§ 3. Seal

The Bureau shall have a seal containing such device as has been selected heretofore, or as the Secretary may select hereafter. A description of such seal with an impression thereof shall be filed in the office of the Secretary of State. The seal shall remain in the custody of the Secretary or such officer or employee of the Bureau as he designates, and shall be affixed to all documents authenticated by the Bureau. Judicial notice shall be taken of the seal.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1012; Pub. L. 85-207, §2, Aug. 28, 1957, 71 Stat. 481; Pub. L. 94-521, §2, Oct. 17, 1976, 90 Stat. 2459.)

HISTORICAL AND REVISION NOTES

Based on acts Mar. 3, 1899, ch. 419, §31, 30 Stat. 1021; Mar. 6, 1902, ch. 139, §6, 32 Stat. 52.

Section is new to the United States Code, but is in accordance with current practice. Act Mar. 3, 1899, ch. 419, 30 Stat. 1014, which established the "Census Office" on a temporary basis, provided in section 31 thereof (30 Stat. 1021) for a seal for that office. The office was made permanent by act Mar. 6, 1902, ch. 139, 32 Stat. 51, and section 6 of that act (32 Stat. 52) continued in full force and effect "for the taking of the Thirteenth and subsequent censuses" all provisions of the act of Mar. 3, 1899, not inconsistent with the provisions of such 1902 act. Therefore, since the 1902 act contained no provisions with respect to a seal, section 31 of the 1899 act, providing for the seal, remained in force as it was not inconsistent. Section 33 of act July 2, 1909, ch. 2, 36 Stat. 10, which act (36 Stat. 1) related to the Thirteenth and subsequent decennial censuses, repealed the said act of Mar. 3, 1899, specifically, and all "other" laws and parts of laws inconsistent with the provisions of the 1909 act. These repealing provisions are somewhat ambiguous, but it was probably the intent of Congress, as it was the intent thereof at the time of enactment of the act of Mar. 6, 1902, referred to above, to continue in effect all provisions of the act of Mar. 3, 1899, that were not inconsistent with the act of July 2, 1909. The 1909 act contained no provisions with respect to the seal, and it accordingly follows that the provisions of section 31 of the act of Mar. 3, 1899, with respect thereto, continued in force. This is also the interpretation of the Bureau of the Census, which has continued to use a seal through the years in connection with "certificates and attestations".

In any event, this new section merely confirms past and present practice, and restores, if it does not preserve, statutory authority for possession and use of the seal which is a very necessary part of the operations of the Bureau. Further, the section should serve to forestall future differences of interpretation. In the past, some States have refused to recognize the seal of the Census Bureau on the ground that it was not authorized by law. In all probability, this position was taken, not as the result of a search of the Statutes at Large, which would have been a difficult project, but because provisions relating to the seal were not set out in the United States Code where they would have been readily accessible.

The language of this section follows substantially the language of section 31 of the act of Mar. 3, 1899, referred

to above, but has been reworded because of jurisdictional and other changes since that time. The "Census Office" was transferred from the Department of the Interior to the Department of Commerce and Labor by act Feb. 14, 1903, ch. 552, §4, 32 Stat. 826. Act Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, changed the name of the latter to the Department of Commerce, and created, as a separate department, the Department of Labor. It transferred a number of bureaus and agencies from the Department of Commerce to the Department of Labor, but these transfers did not affect the Bureau of the Census, which has remained under the jurisdiction of the Department of Commerce. 1950 Reorganization Plan No. 5, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, transferred all functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce, and vested power in him to delegate them or any of his other functions to any of such officers, employees, bureaus, and agencies. Therefore, in this section, "Secretary", and "Secretary or such officer or employee of the Bureau as he designates", were substituted, respectively, for two references to the Director of the Census, to conform with such Plan.

AMENDMENTS

1976—Pub. L. 94-521 substituted "affixed to all documents authenticated by the Bureau" for "affixed to all certificates and attestations that may be required from the Bureau".

1957—Pub. L. 85-207 provided for judicial recognition of the seal.

EFFECTIVE DATE OF 1976 AMENDMENT

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

§ 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 94-521, §3(a), Oct. 17, 1976, 90 Stat. 2459.)

HISTORICAL AND REVISION NOTES

Section is new, and was inserted to conform with 1950 Reorganization Plan No. 5, effective May 24, 1950, §§1, 2, 15 F.R. 3174, 64 Stat. 1263, which is set out as a note under section 591 of title 5, U. S. C., 1952 ed., Executive Departments and Government Officers and Employees [now set out in the Appendix to Title 5, Government Organization and Employees]. That plan transferred all functions (with a few exceptions not applicable to the Census Bureau) of all agencies, officers and employees of the Department of Commerce to the Secretary of Commerce, and vested power in him to delegate the functions so transferred, or any of his other functions, to such agencies, officers or employees within the Department as he designates.

See, also, section 253 of title 13, U.S.C., 1952 ed., which provided for delegation of functions in connection with the quinquennial censuses of governments, and authorized the Secretary to promulgate rules and regulations with respect to such censuses. That section has been omitted from this revised title, as the provision thereof for delegation of functions is covered by this section, and the provision thereof which related to rules and regulations is covered by section 22 of title 1, U.S.C., 1952 ed., General Provisions.

Because of the transfer effected by 1950 Reorganization Plan No. 5, referred to above, sections of title 13, U.S.C., 1952 ed., which prescribed functions of the Bureau of the Census, the Census Office, or the Director of the Census, have, in this revised title, been changed to refer to the Secretary.

AMENDMENTS

1976—Pub. L. 94-521 inserted “regulations;” in section catchline, authorized the Secretary to issue such rules and regulations as he deems necessary to carry out the functions and duties imposed upon him by this title, authorized delegation of authority to issue such rules and regulations to officers and employees of the Department of Commerce, and struck out a provision which allowed delegation of performance of such functions and duties to bureaus and agencies of the Department of Commerce.

EFFECTIVE DATE OF 1976 AMENDMENT

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

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

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

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 94-521, § 4(a), Oct. 17, 1976, 90 Stat. 2459.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 82, 111, 123, 204, 216, 251, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; Aug. 7, 1916, ch. 274, § 2, 39 Stat. 437; June 18, 1929, ch. 28, §§ 3, 4, 16, 46 Stat. 21, 22, 25; 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; June 19, 1948, ch. 502, § 3, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §§ 1, 4, 64 Stat. 784, 785; July 16, 1952, ch. 912, 66 Stat. 736).

Section consolidates section 82 of title 13, U.S.C., 1952 ed., which related to statistics on cottonseed, oilseeds, nuts and kernels, fats, oils, and greases, with part of the second sentence of section 111 of such title, which section related to miscellaneous statistics; with the first sentence of section 123 of such title, which section related to censuses of manufacturers, mineral industries, and other businesses; with the second sentence of section 204 of such title, which section related to censuses of population, agriculture, irrigation, drainage, etc.; with the third sentence of section 216 of such title, which section related to censuses of agriculture; with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such sections 204 and 216 applicable to the censuses of housing; and with part of section 251(b) of such title relating to censuses of governments.

Sections 82, 123 and 204 of title 13, U.S.C., 1952 ed., provided that the inquiries, etc., should be determined by the Director of the Census, with the approval of the Secretary of Commerce. Section 111 thereof provided that the Director of the Census should prepare the schedules, etc., and sections 216 and 251(b) thereof (the former amended in 1952, the latter enacted in 1950) provided that the inquiries, etc., should be determined by the Secretary of Commerce. This consolidated section vests such duties in the Secretary of Commerce, which is in conformity not only with such sections 216 and 251(b), but also with 1950 Reorganization Plan No. 5, § 1, 2, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

For remainder of sections 111, 123, 204, 216, and 251 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

AMENDMENTS

1976—Pub. L. 94-521 substituted “Questionnaires” for “Schedules” in section catchline and in text.

EFFECTIVE DATE OF 1976 AMENDMENT

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

RESTRICTION ON COLLECTION OF CENSUS DATA ON RACE

Pub. L. 109-108, title II, Nov. 22, 2005, 119 Stat. 2308, provided in part: “That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of Census data on race identification that does not include ‘some other race’ as a category.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108-447, div. B, title II, Dec. 8, 2004, 118 Stat. 2876.

§ 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 85-207, § 3, Aug. 28, 1957, 71 Stat. 481; Pub. L. 94-521, § 5(a), Oct. 17, 1976, 90 Stat. 2460.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 122, 215, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, § 15, 46 Stat. 25; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Sept. 7, 1950, ch. 910, § 1, 64 Stat. 784).

Section consolidates section 215 of title 13, U.S.C., 1952 ed., with those parts of sections 122 and 252 of such title which respectively made such section 215 applicable to the quinquennial censuses of manufacturers and the mineral industries and other businesses, and governments, and with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 215 applicable to the decennial censuses of housing (see subchapters I, II, and III of chapter 5 of this title). As originally enacted in 1929, such section 215 had related only to the decennial censuses of population, agriculture, etc., the provisions for which are continued in subchapter II of chapter 5 of this title.

The provisions, as revised in this section, relate, not only to the censuses referred to above, but also, to all other investigations provided for in this title. This was probably the Congressional intent.

Words in section 215 of title 13, U.S.C., 1952 ed., "on request of the Director of the Census", were omitted since all functions under this title are vested primarily in the Secretary (of Commerce), in view of 1950 Reorganization Plan No. 5, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title.

Changes were made in phraseology.

For remainder of sections 122 and 252 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

AMENDMENTS

1976—Pub. L. 94-521 substituted "Information from other Federal departments and agencies; acquisition of reports from other governmental and private sources" for "Requests to other departments and offices for information, acquisition of reports from governmental and other sources" in section catchline.

Subsec. (a). Pub. L. 94-521 substituted "considers" for "deems", and "agency, or establishment of the Federal Government, or of the government of the District of Columbia" for "or office of the Government".

Subsec. (c). Pub. L. 94-521 added subsec. (c).

1957—Pub. L. 85-207 inserted ", acquisition of reports from governmental and other sources" in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1976 AMENDMENT

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

§ 7. Printing; requisitions upon Public Printer; publication of bulletins and reports

The Secretary may make requisition upon the Public Printer for miscellaneous printing necessary to carry out the provisions of this title. He may further have printed by the Public Printer, in such editions as he deems necessary, preliminary and other census bulletins, and final reports of the results of the several investigations authorized by this title, and may publish and distribute such bulletins and reports.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §213, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §13, 46 Stat. 25; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441).

Section consolidates section 213 of title 13, U.S.C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 213 applicable to the censuses of housing.

The enumeration in section 213 of title 13, U.S.C. 1952 ed., of the types of printing ("Blanks, schedules, circulars, pamphlets, envelopes, work sheets") was omitted as unnecessary and covered by the words "miscellaneous printing".

The provisions have been reworded to make it clear that they relate to all statistical and census operations under this title, and changes were made in phraseology.

For remainder of section 1442 of title 42, U.S.C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

§ 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, suc-

cessor, 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.

(d) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1013; Pub. L. 85-207, §4, Aug. 28, 1957, 71 Stat. 481; Pub. L. 94-521, §6(a), Oct. 17, 1976, 90 Stat. 2460.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §218, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §18, 46 Stat. 25; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441).

Section consolidates section 218 of title 13, U.S.C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 218 applicable to the censuses of housing. For remainder of such section 1442 of title 42 (which has been transferred in its entirety to this revised title), see Distribution Table.

References to the Secretary, meaning the Secretary of Commerce, were substituted for references to the Director 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. For the same reason, a reference in section 218 of title 13, U.S.C., 1952 ed., to the Bureau of the Census was changed, in subsection (e) of this revised section to "Department of Commerce or any bureau or agency thereof".

Changes were made in phraseology and arrangement.

AMENDMENTS

1976—Pub. L. 94-521 substituted "Authenticated transcripts or copies" for "Certified copies" in section catchline.

Subsec. (a). Pub. L. 94-521 substituted provision that the Secretary may furnish to any respondent, or the successor or authorized agent of such respondent, transcripts or copies of reports containing information furnished in connection with the surveys and census, upon payment of the necessary costs, for provision that authorized the Secretary, in his discretion, to furnish the 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 of this title, upon payment of the necessary costs, plus one dollar for supplying a certificate.

Subsec. (b). Pub. L. 94-521 inserted provision subjecting the Secretary to the limitations contained in sections 6(c) and 9 of this title, when furnishing statistical materials under this section, substituted "copies of tabulations and other statistical materials" for "transcripts or copies of tables and other census records", inserted provision that materials furnished under this section may not disclose information reported by, or on behalf of, a particular respondent, and substituted a provision enumerating the public and private establishments and individuals, on behalf of whom, special statistical compilations may be conducted for provision that such compilations may be conducted on behalf of State or local officials, private concerns, or individuals.

Subsec. (c). Pub. L. 94-521 struck out "the authority of" after "furnished under", substituted "any respondent or other person" for "the persons", and inserted "except in the prosecution of alleged violations of this title" after "relates".

1957—Subsec. (b). Pub. L. 85-207, §4(a), inserted sentence at end respecting engagement in joint statistical projects.

Subsec. (d). Pub. L. 85-207, §4(b), required the deposit in a separate account of moneys received in payment for work or services, previously credited to an appropriation for collecting statistics, and permitted certain uses of such account.

EFFECTIVE DATE OF 1976 AMENDMENT

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

§ 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 or section 2(f) of the Census of Agriculture Act of 1997—

(1) use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune

from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(b) The provisions of subsection (a) of this section relating to the confidential treatment of data for particular individuals and establishments, shall not apply to the censuses of governments provided for by subchapter III of chapter 5 of this title, nor to interim current data provided for by subchapter IV of chapter 5 of this title as to the subjects covered by censuses of governments, with respect to any information obtained therefor that is compiled from, or customarily provided in, public records.

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

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 73, 83, 122, 208, 211, 252, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (Aug. 7, 1916, ch. 274, §3, 39 Stat. 437; Apr. 2, 1924, ch. 80, §3, 43 Stat. 31; June 18, 1929, ch. 28, §§8, 11, 21, 46 Stat. 23, 25, 26; July 25, 1947, ch. 331, 61 Stat. 457; June 19, 1948, ch. 502, §2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441; Sept. 7, 1950, ch. 910, §2, 64 Stat. 784).

Section consolidates parts of sections 73 and 83 of title 13, U.S.C., 1952 ed., part of section 208 of such title, section 211 of such title, that part of section 122 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of manufacturers, the mineral industries, and other businesses (see subchapter I of chapter 5 of this revised title), that part of section 252 of such title which made such sections 208 and 211 applicable to the quinquennial censuses of governments (see subchapter III of chapter 5 of this revised title), the second proviso in such section 252, and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such sections 208 and 211 applicable to the decennial censuses of housing (see subchapter II of chapter 5 of this revised title).

Words "except as provided in section 8 of this title" were inserted in opening phrase of subsection (a) for the purpose of clarity.

References to the Secretary, the Department of Commerce and bureaus and agencies thereof, and to other officers and employees of such Department, bureaus or agencies, were substituted for references to the Director of the Census, the "Census Office", and the enumeration (in section 208 of title 13, U.S.C., 1952 ed.) of certain types of employees, for the purpose of completeness, and 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.

The penal provisions of sections 73, 83, and 208 of title 13, U.S.C., 1952 ed., prescribing penalties for wrongful disclosure of information, are set out in section 214 of this title.

Changes were made in phraseology.

For remainder of sections 122, 208, and 252 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

REFERENCES IN TEXT

Section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, referred to in subsec. (a), is section 210 of Pub. L. 105-119, title II, Nov. 26, 1997, 111 Stat.

2483, which amended this section and enacted provisions set out as a note under section 141 of this title.

Section 2(f) of the Census of Agriculture Act of 1997, referred to in subsec. (a), is classified to section 2204g(f) of Title 7, Agriculture.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-119, which directed the substitution, in introductory provisions, of “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998—” for “of this title—”, was executed by substituting “of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998” for “of this title” to reflect the probable intent of Congress and the amendment by Pub. L. 105-113. See below.

Pub. L. 105-113 inserted “or section 2(f) of the Census of Agriculture Act of 1997” after “chapter 10 of this title”.

1994—Subsec. (a). Pub. L. 103-430 inserted “or local government census liaison,” after “thereof,” and “or 16” after “section 8”.

1990—Subsec. (a). Pub. L. 101-533 inserted “or chapter 10” after “section 8”.

1962—Subsec. (a). Pub. L. 87-813 inserted sentences stating that no department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual, and providing that copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment, be admitted as evidence or used for any purpose in any action, suit or other judicial or administrative proceeding.

[§ 10. Repealed. Pub. L. 86-682, § 12(a), Sept. 2, 1960, 74 Stat. 708, eff. Sept. 1, 1960]

Section, act Aug. 31, 1954, ch. 1158, § 1, 68 Stat. 1014, related to free transmittal of official mail in census matters.

§ 11. Authorization of appropriations

There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Section is new, and has been inserted to supply the customary authorization of appropriations necessary in carrying out any of the provisions of this title.

BUREAU OF THE CENSUS WORKING CAPITAL FUND

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 210], Sept. 30, 1996, 110 Stat. 3009, 3009-41, provided that: “There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each year: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be cred-

ited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: *Provided further*, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.”

§ 12. Mechanical and electronic development

The Secretary is authorized to have conducted mechanical and electronic development work as he determines is needed to further the functions and duties of carrying out the purposes of this title and may enter into such developmental contracts as he may determine to be in the best interest of the Government.

(Added Pub. L. 85-207, § 5, Aug. 28, 1957, 71 Stat. 481.)

§ 13. Procurement of professional services

The Secretary shall have authority to contract with educational and other research organizations for the preparation of monographs and other reports and materials of a similar nature.

(Added Pub. L. 85-207, § 5, Aug. 28, 1957, 71 Stat. 481.)

[§ 14. Repealed. Pub. L. 89-473, § 2(a), June 29, 1966, 80 Stat. 221]

Section, added Pub. L. 87-489, § 1(a), June 19, 1962, 76 Stat. 104, provided for reimbursement between appropriations. See section 1534 of Title 31, Money and Finance.

REPEALS

Pub. L. 89-473, June 29, 1966, 80 Stat. 221, which repealed this section and struck out item 14 in the analysis of sections comprising this chapter, was itself repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068.

§ 15. Leases for 1980 decennial census

The 15 percent limitation contained in section 322¹ of the Act of June 30, 1932 (47 Stat. 412) shall not apply to leases entered into by the Secretary for the purpose of carrying out the 1980 decennial census, but no lease may be entered into for such purpose at a rental in excess of 105 percent of the appraised fair annual rental of the leased premises, or a proportionate part of the appraised fair annual rental in the case of a lease for less than a year.

(Added Pub. L. 96-52, § 1(a), Aug. 13, 1979, 93 Stat. 358; amended Pub. L. 108-178, § 4(c), Dec. 15, 2003, 117 Stat. 2641.)

REFERENCES IN TEXT

Section 322 of the Act of June 30, 1932 (47 Stat. 412), referred to in text, was repealed by Pub. L. 100-678, § 7, Nov. 17, 1988, 102 Stat. 4052.

¹ See References in Text note below.

AMENDMENTS

2003—Pub. L. 108-178 struck out “; 40 U.S.C. 278a” after “47 Stat. 412”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 16. Address information reviewed by States and local governments

(a) The Secretary, to assist efforts to ensure the accuracy of censuses and surveys under this title, shall—

(1) publish standards defining the content and structure of address information which States and local units of general purpose government may submit to the Secretary to be used in developing a national address list;

(2)(A) develop and publish a timetable for the Bureau to receive, review, and respond to submissions of information under paragraph (1) before the decennial census date; and

(B) provide for a response by the Bureau with respect to such submissions in which the Bureau specifies its determinations regarding such information and the reasons for such determinations; and

(3) be subject to the review process developed under section 3 of the Census Address List Improvement Act of 1994 relating to responses pursuant to paragraph (2).

(b)(1) The Secretary—

(A) shall provide officials who are designated as census liaisons by a local unit of general purpose government with access to census address information for the purpose of verifying the accuracy of the address information of the Bureau for census and survey purposes; and

(B) together with such access, should provide an explanation of duties and obligations under this title.

(2) Access under paragraph (1) shall be limited to address information concerning addresses within the local unit of general purpose government represented by the census liaison or an adjacent local unit of general purpose government.

(3) The Bureau should respond to each recommendation made by a census liaison concerning the accuracy of address information, including the determination (and reasons therefor) of the Bureau regarding each such recommendation.

(4) For the purposes of paragraph (1), in a case in which a local unit of general purpose government is within another local unit of general purpose government and is not independent of the enclosing unit, the census liaison shall be designated by the local unit of general purpose government which is within the enclosing local unit of general purpose government.

(5) A census liaison may not use information made available under paragraph (1) for any purpose other than the purpose specified in paragraph (1).

(c) For the purposes of this section—

(1) the term “local unit of general purpose government” has the meaning given such term by section 184(1) of this title; and

(2) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

(Added Pub. L. 103-430, §2(a), Oct. 31, 1994, 108 Stat. 4393.)

REFERENCES IN TEXT

Section 3 of the Census Address List Improvement Act of 1994, referred to in subsec. (a)(3), is section 3 of Pub. L. 103-430, set out below.

DEVELOPMENT OF APPEALS PROCESS BY ADMINISTRATOR OF OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Section 3 of Pub. L. 103-430 provided that: “The Administrator of the Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Bureau of the Census, shall develop an appeals process for those States and local units of general purpose government which desire to appeal determinations of the Bureau of the Census pursuant to section 16(a)(2) or (b)(3) of title 13, United States Code. Appeals under such process shall be resolved before the decennial census date. The Chief Statistician shall publish the proposed appeals process for a period of public comment before finalizing such process.”

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 21. Director of the Census; duties

The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §2 (Mar. 6, 1902, ch. 139, §3, 32 Stat. 51; June 18, 1929, ch. 28, §21, 46 Stat. 26). The provision of section 2 of title 13, U.S.C., 1952 ed., which imposed upon the Director the duty to superintend and direct the taking of censuses of the United States was omitted in view of 1950 Reorganization Plan No. 5, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, which transferred all functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce, and this title, as revised, vests such duty in the Secretary. However, under section 4 of this title, he may delegate his functions hereunder.

“Bureau” was substituted for “permanent Census Office”. See Revision Note to section 2 of this title.

At the end of this section, references to regulations, and to orders of the Secretary, were added after “law” in view of the changes effected by 1950 Reorganization Plan No. 5, referred to above.

Changes were made in phraseology.

§ 22. Qualifications of permanent personnel

All permanent officers and employees of the Bureau shall be citizens of the United States.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014; Pub. L. 86-769, §1, Sept. 13, 1960, 74 Stat. 911.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§5, 6 (Mar. 6, 1902, ch. 139, §§5, 10, 32 Stat. 51, 53; June 18, 1929, ch. 28, §21, 46 Stat. 26).

Section consolidates section 5 of title 13, U.S.C., 1952 ed., with section 6 of such title.

A reference to "officers" was inserted for completeness, and the word "permanent" was inserted before "officers and employees" for the purpose of clarity.

The provision in section 5 of title 13, U.S.C., 1952 ed., excepting unskilled laborers from the requirements for citizenship, was omitted as superseded and covered by the Classification Act of 1949 (5 U.S.C., 1952 ed., ch. 21).

The provision that appointments and compensation shall be subject to the Classification Act of 1949 is new but is in accordance with existing law. See chapter 21 of title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees.

The provision in section 5 of title 13, U.S.C., 1952 ed., giving preference in appointments to war veterans and their widows, was omitted as superseded and covered by the Veterans' Preference Act of 1944 (chapter 17 of Title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees).

Changes were made in phraseology.

AMENDMENTS

1960—Pub. L. 86-769 struck out references to appointment and compensation under the Civil Service laws and the Classification Act of 1949.

PROGRAM FOR EMPLOYMENT OF SPANISH-ORIGIN PERSONNEL IN BUREAU; REPORT TO CONGRESS

Pub. L. 94-311, § 6, June 16, 1976, 90 Stat. 689, required Department of Commerce to implement an affirmative action program within Bureau of the Census for employment of personnel of Spanish origin or descent and to submit a report to Congress within one year of June 16, 1976, on progress of such program.

§ 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, but only if such temporary staff is sworn to observe the limitations imposed by section 9 of this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014; Pub. L. 86-769, § 2, Sept. 13, 1960, 74 Stat. 911; Pub. L. 88-448, title IV, § 401(p), Aug. 19, 1964, 78 Stat. 492; Pub. L. 94-521, § 12(b), Oct. 17, 1976, 90 Stat. 2465.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 203, 216, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §§ 3, 16, 46 Stat. 21, 25;

July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; July 16, 1952, ch. 912, 66 Stat. 736).

Section consolidates parts of sections 203 and 216 of title 13, U.S.C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such sections 203 and 216 applicable to the censuses of housing.

Section 122 of title 13, U.S.C., 1952 ed., which related to quinquennial censuses of manufacturers, the mineral industries, transportation, and other businesses (see subchapter I of chapter 5 of this revised title), and section 252 of title 13, U.S.C., 1952 ed., which related to quinquennial censuses of governments (see subchapter III of chapter 5 of this title), made section 203 of such title applicable to those censuses. However, since the particular provisions of such section 203 that have been carried into this revised section apparently related, as supplemented by section 1442(b) of title 42, U.S.C., 1952 ed., to the decennial censuses provided for in sections 201 et seq. of such title, and in such section 1442 of title 42 (see subchapter II of chapter 5 of this revised title), and apparently could have no relevancy to the quinquennial censuses referred to above, this revised section relates only to such decennial censuses.

In subsection (a), "Departmental Service" was substituted for "District of Columbia", since the Bureau of the Census now has its headquarters in Maryland, and not in the District of Columbia.

In this section, a reference to the Bureau of the Census was changed to a reference to the Department of Commerce, and references to the Director of the Census were changed in all but one case to references to the Secretary (of Commerce) 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. The provision of section 203 of title 13, U.S.C., 1952 ed., that appointments under the particular provisions thereof that have been carried into subsection (a) of this revised section should be made upon the recommendation of the Director of the Census, have been omitted from such subsection (a) for the same reason. Further, words "or to whatever other officer is designated by the Secretary to take the census provided for in sections 141 and 142 of this title" were inserted after "Director of the Census" in par. (1) of subsection (a), to conform with such 1950 Reorganization Plan.

The first paragraph of section 203 of title 13, U.S.C., 1952 ed., which provided for the employment of two assistant directors for each decennial census period, was omitted as obsolete and superseded, in view of section 122 of such title, which made such section 203 applicable to the quinquennial censuses of manufactures and other businesses, and to surveys (see subchapter IV of chapter 5 of this title), thus rendering such first paragraph ineffective and meaningless. See also section 121(b) of title 13, U.S.C., 1952 ed.

The third proviso in the second paragraph of section 203 of title 13, U.S.C., 1952 ed., giving preference in appointments to disabled war veterans, their widows, and, under certain circumstances, to their wives, was omitted as superseded and covered by the Veterans' Preference Act of 1944 (chapter 17 of title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees).

Changes were made in phraseology and arrangement.

Remainder of section 203 of title 13, U.S.C., 1952 ed., is incorporated in this subchapter, and for remainder of section 216 thereof, and of section 1442 of title 42, U.S.C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

REFERENCES IN TEXT

The Classification Act of 1949, referred to in subsec. (a), is act Oct. 28, 1949, ch. 782, 63 Stat. 954, as amended, which was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (a), are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5.

Section 301 of the Dual Compensation Act, referred to in subsec. (b), which was classified to section 3105 of former Title 5, Executive Departments and Government Officers and Employees, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as section 5533 of Title 5.

AMENDMENTS

1976—Subsec. (c). Pub. L. 94-521 added subsec. (c).

1964—Subsec. (b). Pub. L. 88-448 inserted “without regard to section 301 of the Dual Compensation Act”.

1960—Subsec. (a). Pub. L. 86-769 substituted “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” for “The Secretary may appoint, without regard to the Classification Act of 1949, at rates of compensation to be fixed by him, as many temporary employees in the Departmental Service as may be necessary to meet the requirements of the work provided for in this title. Census employees who are transferred to any such temporary positions shall not lose their permanent Civil Service status by reason of the transfer. The Secretary shall make all such temporary appointments in conformity with the Civil Service laws and rules”.

Subsec. (b). Pub. L. 86-769 substituted “by law” for “in this title”.

EFFECTIVE DATE OF 1976 AMENDMENT

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

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

TEMPORARY POSITIONS RELATING TO DECENNIAL CENSUSES

Pub. L. 108-447, div. B, title II, § 205, Dec. 8, 2004, 118 Stat. 2883, provided that: “Hereafter, none of the funds made available by this or any other Act for the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 106-553, § 1(a)(2) [title II, § 204], Dec. 21, 2000, 114 Stat. 2762, 2762A-78.

Pub. L. 106-113, div. B, § 1000(a)(1) [title II, § 204], Nov. 29, 1999, 113 Stat. 1535, 1501A-31.

Pub. L. 105-277, div. A, § 101(b) [title II, § 204], Oct. 21, 1998, 112 Stat. 2681-50, 2681-86.

Pub. L. 105-119, title II, § 204, Nov. 26, 1997, 111 Stat. 2479.

Pub. L. 104-208, div. A, title I, § 101(a) [title II, § 204], Sept. 30, 1996, 110 Stat. 3009, 3009-39.

Pub. L. 104-134, title I, § 101[(a)] [title II, § 204], Apr. 26, 1996, 110 Stat. 1321, 1321-30; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103-317, title II, § 204, Aug. 26, 1994, 108 Stat. 1749.

Pub. L. 103-121, title II, § 204, Oct. 27, 1993, 107 Stat. 1177.

Pub. L. 102-395, title II, § 204, Oct. 6, 1992, 106 Stat. 1855.

Pub. L. 102-140, title II, § 204, Oct. 28, 1991, 105 Stat. 806.

Pub. L. 101-515, title I, § 104, Nov. 5, 1990, 104 Stat. 2108.

Pub. L. 101-382, title I, § 141, Aug. 20, 1990, 104 Stat. 654, provided that:

“(a) GENERAL RULE.—The determination of whether temporary 1990 census services constitute ‘Federal service’ for purposes of subchapter I of chapter 85 of title 5, United States Code, shall be made under the provisions of such subchapter without regard to any provision of law not contained in such subchapter.

“(b) TEMPORARY 1990 CENSUS SERVICES.—For purposes of subsection (a), the term ‘temporary 1990 census services’ means services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population (as determined under regulations determined by the Secretary of Commerce).”

Pub. L. 101-302, title II, May 25, 1990, 104 Stat. 215, provided that: “Services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population shall not constitute ‘Federal service’ for purposes of section 8501 of title 5, United States Code.”

Pub. L. 101-86, Aug. 16, 1989, 103 Stat. 593, as amended by Pub. L. 101-293, § 1, May 17, 1990, 104 Stat. 192, provided that Federal annuitants or former members of the uniformed services who return to Government service under temporary appointments to assist in carrying out the 1990 decennial census of population would be exempt from certain provisions of Title 5, Government Organization and Employees, relating to offsets from pay and other benefits.

[Section 2 of Pub. L. 101-293 provided that amendment of Pub. L. 101-86 by Pub. L. 101-293 may not be considered to make an exemption under Pub. L. 101-86 applicable to any service performed before May 17, 1990, which was in excess of that allowable under Pub. L. 101-86 (as then in effect).]

POLICY AND PRACTICES OF BUREAU OF CENSUS REGARDING USE OF TEMPORARY STAFF; PUBLICATION

Pub. L. 97-454, § 3, Jan. 12, 1983, 96 Stat. 2494, provided that: “Not later than 180 days after the effective date of this Act [Jan. 12, 1983], the Secretary of Commerce shall publish in the Federal Register a statement of the policy and practices of the Bureau of the Census relating to the administration of section 23(c) of title 13, United States Code. Such statement shall include a description of—

“(1) the policy of the Secretary for the use of all individuals as temporary staff pursuant to such section 23(c) to assist the Bureau of the Census in performing work authorized under such title 13;

“(2) the functions for which the Secretary, in his discretion, may appoint temporary staff to assist the Bureau in performing work authorized under such title 13;

“(3) the practice applicable to the appointment of such temporary staff in performing such work;

“(4) the requirements and penalties under such title applicable to temporary staff performing such work, together with safeguards to ensure that such temporary staff will observe the limitations imposed in section 9 of such title.”

§ 24. Special employment provisions

(a) The Secretary may utilize the services of nontemporary employees of the Bureau (by assignment, promotion, appointment, detail, or otherwise) in temporary positions established for any census, for not to exceed the period during which appropriations are available for that census. Whenever the Secretary determines that

the services of an employee which have been utilized under this section are no longer required in such a temporary position, he may, without regard to the provisions of any other law, return the employee to a continuing position, with rank and compensation not less than that which he held in his last permanent position in the Bureau: *Provided*, That no employee shall, by reason of his service in a temporary position under this subsection, lose the protection of any law or regulation with respect to his separation, suspension, furlough, or reduction in rank or compensation below the level held in his last permanent position in the Bureau. Service by a non-temporary employee in a temporary position under this subsection shall be creditable for step-increases (both periodic and longevity) under title VII of the Classification Act of 1949, as amended, as though it were a continuation of service in his last permanent position.

(b) As used in this title with respect to appointments or positions, "temporary" shall be construed to mean not in excess of one year, or not in excess of the specific period during which appropriations are available for the conduct of a particular census, whichever is longer. No employee of the Bureau who holds only a temporary appointment within the meaning of this section shall be considered as other than strictly temporary for purposes of any other provision of law relating to separations, suspensions, or reductions in rank or compensation.

(c) The enlisted men and officers of the uniformed services may be appointed and compensated for service in temporary enumerator positions for the enumeration of personnel of the uniformed services.

(d) The Secretary may fix compensation on a piece-price basis without limitation as to the amount earned per diem, and payments may be made to enumerators for the use of private automobiles on official business without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), but at rates not in excess of the rates provided by that Act.

(e) The Secretary may authorize the expenditure of necessary sums for travel expenses of persons selected for appointment for attendance at training courses held by the Department of Commerce with respect to any of the work provided for by law.

(f) Notwithstanding any other provision of law prohibiting the expenditure of public money for telephone service, the Secretary, under such regulations as he shall prescribe, may authorize reimbursement for tolls or charges for telephone service from private residences or private apartments to the extent such charges are determined by the Secretary to have been incurred to facilitate the collection of information in connection with the censuses and surveys authorized by this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1015; Pub. L. 86-769, § 3, Sept. 13, 1960, 74 Stat. 911; Pub. L. 88-535, Aug. 31, 1964, 78 Stat. 744.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 111, 122, 203, 252, and section 1442 of title 42, U.S.C. 1952 ed., The Public Health and Welfare (Mar. 6, 1902, ch. 139, § 7, 32 Stat. 52; June 7, 1906, ch. 3048, 34 Stat. 218; 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; June 19, 1948, ch. 502, § 2, 62 Stat. 479; July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Sept. 7, 1950, ch. 910, §§ 2, 4, 64 Stat. 784, 785).

Section consolidates those provisions of sections 111, 122, 203 and 252 of title 13, U.S.C., 1952 ed., which related to appointment of special personnel for census work, collection of statistics, etc., and the use of permanent employees for such purpose, with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 203 applicable to housing censuses (subchapter II of chapter 5 of this title).

The provisions have been reworded to make it clear that they relate to all collections of statistics, censuses, etc., provided for in this title.

References to the Director of the Census have been changed to references to the Secretary (of Commerce) 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.

Words "except that such special agents shall be appointed in accordance with the civil service laws" were omitted as obsolete and unnecessary in view of the Classification Act of 1949 (see 5 U.S.C., 1952 ed., ch. 21).

The provisions of section 203 of title 13, U.S.C., 1952 ed., relating to per diem rates of compensation for special agents, to authority to detail permanent employees and special agents to act as supervisors or enumerators, and to duties thereof, were omitted as obsolete and superseded by the Classification Act of 1949.

The provision of section 203 of title 13, U.S.C., 1952 ed., that the Director of the Census might delegate to the supervisors the authority to appoint enumerators, was omitted because all functions of the Director and other officers and employees of the Department of Commerce and its bureaus and agencies were transferred to the Secretary by 1950 Reorganization Plan No. 5, referred to above. However, section 4 of this title provides for delegation of functions by the Secretary.

Words "on a temporary basis" were inserted after "appointed" in subsection (a) for the purpose of clarity.

Changes were made in phraseology and arrangement. Remainder of section 203 of title 13, U.S.C., 1952 ed., is incorporated in this subchapter, and for remainder of sections 111, 122 and 252 thereof, and of section 1442 of title 42, U.S.C., 1952 ed. (which has been transferred in its entirety to this revised title), see Distribution Table.

REFERENCES IN TEXT

Title VII of the Classification Act of 1949, as amended, referred to in subsec. (a), is title VII of act Oct. 28, 1949, ch. 872, 63 Stat. 967, as amended, which was classified to sections 1121 to 1123 of former Title 5, Executive Departments and Government Officers and Employees, and was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as sections 5335 and 5336 of Title 5, Government Organization and Employees.

Section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), referred to in subsec. (d), was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as section 5704 of Title 5.

AMENDMENTS

1964—Subsec. (f). Pub. L. 88-535 added subsec. (f).

1960—Pub. L. 86-769 amended section generally, and among other changes, permitted the utilization of non-temporary employees in temporary service, and their return, when the Secretary so determines, to a continuing position with rank and compensation not less than that of their last permanent position, with no loss of protection of any law or regulation with respect to their separation, suspension, furlough or reduction in

rank or compensation below their last permanent position, provided that service by nontemporary employees in temporary positions is creditable for step-increases as though a continuation of their last permanent positions, defined "temporary", and provided for payments to enumerators for the use of private automobiles on official business.

SALARY PROTECTION FOR EMPLOYEES SUBJECT TO CLASSIFICATION ACT OF 1949

Special provisions of this section respecting utilization of nontemporary employees of the Bureau of the Census in temporary positions in connection with any census unaffected by provisions for salary protection to employees subject to Classification Act of 1949, see section 103 of Pub. L. 87-270, title I, Sept. 21, 1961, 75 Stat. 569.

§ 25. Duties of supervisors, enumerators, and other employees

(a) Each supervisor shall perform the duties imposed upon him by the Secretary in the enforcement of chapter 5 of this title in accordance with the Secretary's orders and instructions.

(b) Each enumerator or other employee detailed to serve as enumerator shall be charged with the collection in his subdivision of the facts and statistics called for on such schedules as the Secretary determines shall be used by him in connection with any census or survey provided for by chapter 5 of this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1015; Pub. L. 88-530, Aug. 31, 1964, 78 Stat. 737.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§122, 205, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §5, 46 Stat. 22; June 19, 1948, ch. 502, §2, 62 Stat. 479; July 15, 1949, ch. 338, title VI, §607, 63 Stat. 441).

Section consolidates section 205 of title 13, U.S.C., 1952 ed., with that part of section 122 of such title which made such section 205 applicable to the surveys provided for by section 121 of such title (see subchapter IV of chapter 5), and with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 205 applicable to the censuses of housing.

References to the Secretary, meaning the Secretary of Commerce, were substituted for references to the Director 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 and arrangement.

AMENDMENTS

1964—Subsec. (c). Pub. L. 88-530 repealed subsec. (c) which related to duties of enumerators in Bureau of the Census.

§ 26. Transportation by contract

The Secretary may contract with field employees for the rental and use within the continental limits of the United States of means of transportation, other than motorcycle, automobile, or airplane, and for the rental and use outside of the continental United States of any means of transportation, which means may be owned by the field employee. Such rental contracts shall be made without regard to section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837). The rentals shall be at rates equivalent to the prevailing rental rates of the locality. The rental contracts within the continental

United States may be entered into only when the use by the field employee of such other means of transportation is safer, more economical, or more advantageous to the Government than use of his motorcycle, automobile, or airplane in conducting the census.

(Added Pub. L. 85-207, §6, Aug. 28, 1957, 71 Stat. 482.)

REFERENCES IN TEXT

Section 4 of the Travel Expense Act of 1949, as amended (5 U.S.C. 837), referred to in text, was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as section 5704 of Title 5, Government Organization and Employees.

CHAPTER 3—COLLECTION AND PUBLICATION OF STATISTICS

SUBCHAPTER I—COTTON

- Sec. 41. Collection and publication.
- 42. Contents of reports; number of bales of linter; distribution; publication by Department of Agriculture.
- 43. Records and reports of cotton ginner.
- 44. Foreign cotton statistics.
- 45. Simultaneous publication of cotton reports.

SUBCHAPTER II—OILSEEDS, NUTS, AND KERNELS; FATS, OILS, AND GREASES

- 61. Collection and publication.
- 62. Additional statistics.
- 63. Duplicate collection of statistics prohibited; access to available statistics.

SUBCHAPTER III—APPAREL AND TEXTILES

- 81. Statistics on apparel and textile industries.

SUBCHAPTER IV—QUARTERLY FINANCIAL STATISTICS

- 91. Collection and publication.

SUBCHAPTER V—MISCELLANEOUS

- 101. Defective, dependent, and delinquent classes; crime.
- 102. Religion.
- 103. Designation of reports.

AMENDMENTS

1986—Pub. L. 99-467, §1(b), Oct. 14, 1986, 100 Stat. 1192, redesignated items for subchapters III and IV as subchapters IV and V, respectively, and added items for subchapter III and section 81.

1983—Pub. L. 97-454, §1(b), Jan. 12, 1983, 96 Stat. 2494, redesignated item for subchapter III as subchapter IV and added items for subchapter III and section 91.

SUBCHAPTER I—COTTON

§ 41. Collection and publication

The Secretary shall collect and publish statistics concerning the—

- (1) amount of cotton ginned;
- (2) quantity of raw cotton consumed in manufacturing establishments of every character;
- (3) quantity of baled cotton on hand;
- (4) number of active consuming cotton spindles;
- (5) number of active spindle hours; and
- (6) quantity of cotton imported and exported, with the country of origin and destination.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1016.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §71 (Apr. 2, 1924, ch. 80, §1, 43 Stat. 31; June 18, 1929, ch. 28, §21, 46 Stat. 26).