

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 As originally enacted in 1929, such section 215 had related only to the decennial censuses of population, agriculture, etc., the provisions for which are continued in subchapter II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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 8, 307 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 307 of this title.

§ 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.

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9 of this title; title 5 section 552a; title 8 sections 1255a, 1367.

§ 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 govern-

ment 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).