

**TITLE 13 - CENSUS**  
**CHAPTER 7 - OFFENSES AND PENALTIES**  
**SUBCHAPTER II - OTHER PERSONS**

**§ 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers**

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the Department of Commerce or bureau or agency thereof, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule or questionnaire prepared and submitted to him under the authority of this title, shall be fined not more than \$500; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1024; Pub. L. 85–207, § 18, Aug. 28, 1957, 71 Stat. 484; Pub. L. 94–521, § 14, Oct. 17, 1976, 90 Stat. 2465.)

**Historical and Revision Notes**

Based on title 13, U.S.C., 1952 ed., §§ 74, 84, 122, 210, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (Aug. 7, 1916, ch. 274, § 4, 39 Stat. 437; Apr. 2, 1924, ch. 80, § 4, 43 Stat. 32; June 18, 1929, ch. 28, §§ 10, 21, 46 Stat. 24, 26; June 14, 1938, ch. 358, 52 Stat. 678; 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).

Section consolidates parts of sections 74 and 84 of title 13, U.S.C., 1952 ed., relating to cotton statistics and statistics on oilseeds, nuts and kernels, fats, oils and greases (subchapters I and II of chapter 3 of this revised title), all of section 210 of such title, which section was a part of chapter 4 thereof relating to the decennial censuses of population, agriculture, etc. (subchapter II of chapter 5, of this revised title), with that part of section 122 of such title which made such section 210 applicable to the quinquennial censuses of manufactures, the mineral industries, and other businesses provided for in section 121(a) of such title (subchapter I of chapter 5 of this revised title), and, with certain qualifications and exceptions, applicable to the interim surveys provided for by section 121(b) of such title (subchapter IV of chapter 5 of this revised title), and that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such section 210 applicable to the decennial censuses of housing (subchapter II of chapter 5 of this revised title). For remainder of sections 74, 84 and 122 of title 13, U.S.C., 1952 ed., and of section 1442 of title 42, U.S.C., 1952 ed. (which section has been transferred in its entirety to this revised title), see Distribution Table.

Section 210 of title 13, U.S.C., 1952 ed., by its own terms was applicable to the collection of miscellaneous statistics provided for by section 111 of such title (subchapter III of chapter 3 of this revised title), except that such section 111 placed certain restrictions upon the collection of statistics on religion. These restrictions, along with those of section 122 of such title with respect to the making of surveys, and along with provisions excepting this section from application to the censuses of governments provided for by section 251 of title 13, U.S.C., 1952 ed. (subchapter III of chapter 5 of this revised title), are set out as another section in this revised title. Subject to those exceptions and restrictions, this section applies to all collections and censuses provided for in this title, in so far as it is relevant.

Sections 74, 84 and 210 of title 13, U.S.C., 1952 ed., described the same type of offenses, but the penal provisions varied. Section 74 prescribed maximum fine of \$1,000 and maximum imprisonment of one year, for refusal to answer or giving a false answer; section 84 prescribed maximum fine of \$1,000 for refusal to answer or giving false answer, with no imprisonment; and section 210 prescribed maximum fine of \$500 and maximum imprisonment of sixty days for refusal to answer, and maximum fine of \$10,000 and maximum imprisonment of one year for giving a false answer. In addition, such section 74 prescribed a minimum fine of \$300 for refusal to answer or giving a false answer. This revised section adopts the penalties of such section 210, which was the latest enactment on the subject, and which might have been regarded as having superseded the penal provisions of such sections 74 and 84. According to its own terms, its penal provisions were applicable not only to the censuses of population, agriculture, etc., provided for in chapter 4 of title 13, U.S.C., 1952 ed., but also to any schedules prepared under the act of March 6, 1902 (sections 1–6, 77, 101, 111, and 112 of such title), or under acts amendatory thereof “or supplemental thereto.” This reference did not cover sections 74 and 84 specifically, but such sections, enacted in 1924 and 1916, respectively, could probably be regarded as having been “supplemental” to the 1902 act. In any event, this revised section establishes uniform penalties

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

for refusal to answer, or giving a false answer in the circumstances stated. Further, the prescribed penalties are the maximum, and any lesser penalty can be imposed if the facts of the case warrant it.

Reference to the “Secretary [of Commerce] or other authorized officer or employee of the Department of Commerce or bureau or agency thereof” was substituted for references to the Director of the Census and employees of 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.

References to the offenses as being in each case a “misdemeanor” were omitted as covered by section 1 of title 18, U.S.C., 1952 ed., Crimes and Criminal Procedure, classifying crimes; and words “upon conviction thereof” and “at the discretion of the court” were omitted as surplusage.

The provision permitting the requests to be made by registered mail, by telegraph, by visiting representative, or by one or more of these methods, was contained in sections 74 and 84 of title 13, U.S.C., 1952 ed., but not in section 210 of such title. It is retained in this section as probably a desirable provision to apply generally.

Provisions in sections 74, 84 and 210 of title 13, U.S.C., 1952 ed., that it “shall be the duty” of the persons referred to, to answer correctly, etc., were omitted as unnecessary and redundant. This section defines offenses and prescribes penalties for committing them, and are deemed sufficient for the purpose of enforcement. However, some of the language used in the omitted provisions was necessarily included in the description of the offenses.

Changes were made in phraseology.

### **Amendments**

1976—Pub. L. 94–521 struck out provision enumerating methods by which the Department of Commerce may transmit a request to answer census questions under this section, substituted “schedule or questionnaire” for “schedule”, struck out provision authorizing a sixty day maximum prison term for neglecting or refusing to answer census questions submitted under this section and a similar provision authorizing a one year maximum prison term for willfully giving a false answer to any such questions.

1957—Pub. L. 85–207 inserted “by certified mail,” after “by registered mail.”

### **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.