

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5046

To amend title 13, United States Code, to require the inclusion of a statement within the decennial census questionnaire and the American Community Survey regarding certain response requirements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2010

Mr. AKIN (for himself, Mr. NEUGEBAUER, Mrs. BACHMANN, Mr. BARTLETT, Mr. GRIFFITH, Mr. BONNER, Mr. CAMPBELL, Mr. POSEY, and Mr. BILBRAY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 13, United States Code, to require the inclusion of a statement within the decennial census questionnaire and the American Community Survey regarding certain response requirements, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Census Clarification  
5       and Privacy Act”.

1 **SEC. 2. STATEMENT ON REQUIRED RESPONSES TO THE DE-**  
2 **CENNIAL CENSUS AND THE AMERICAN COM-**  
3 **MUNITY SURVEY.**

4 (a) IN GENERAL.—Section 141 of title 13, United  
5 States Code, is amended—

6 (1) by redesignating subsection (f) as sub-  
7 section (g); and

8 (2) by inserting after subsection (f) the fol-  
9 lowing:

10 “(g)(1) In conducting a decennial census under sub-  
11 section (a), the Secretary shall, on each questionnaire used  
12 in such census, include the following statement: ‘Constitu-  
13 tionally, in responding to this questionnaire, you are only  
14 required to provide the number of individuals living in  
15 your residence. Answers to all other questions contained  
16 within this questionnaire are optional’.

17 “(2) The statement required under paragraph (1)  
18 shall be placed on the front of each questionnaire in a con-  
19 spicuous manner.”.

20 (b) AMERICAN COMMUNITY SURVEY.—

21 (1) IN GENERAL.—The survey conducted by the  
22 Secretary of Commerce under title 13, United States  
23 Code, commonly referred to as the “American Com-  
24 munity Survey”, shall contain on the front of such  
25 survey the following statement: “Constitutionally, in  
26 responding to this survey, you are only required to

1 provide the number of individuals living in your resi-  
2 dence. Answers to all other questions contained  
3 within this survey are optional”.

4 (2) LOCATION OF STATEMENT.—The statement  
5 required under paragraph (1) shall be placed on the  
6 front of such survey in a conspicuous manner.

7 **SEC. 3. APPLICATION OF PENALTIES.**

8 Section 221 of title 13, United States Code, is  
9 amended by adding at the end the following:

10 “(d) The penalties described under subsections (a)  
11 and (b) shall only apply to an individual who—

12 “(1) refuses or willfully neglects to answer a  
13 question, submitted to such individual in connection  
14 with any census or survey provided for by sections  
15 141 or 193 of this title, regarding the number of in-  
16 dividuals living in such individual’s residence; or

17 “(2) willfully gives a false answer to any ques-  
18 tion submitted to such individual in connection with  
19 any census or survey provided for by sections 141 or  
20 193 of this title.”.

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