

Public Law 105-113  
105th Congress

An Act

Nov. 21, 1997  
[H.R. 2366]

To transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Census of  
Agriculture Act  
of 1997.  
7 USC 2201 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Census of Agriculture Act of 1997".

7 USC 2204g.

**SEC. 2. AUTHORITY OF SECRETARY OF AGRICULTURE TO CONDUCT CENSUS OF AGRICULTURE.**

(a) **CENSUS OF AGRICULTURE REQUIRED.**—In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

(b) **METHODS.**—In connection with the census, the Secretary may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

(c) **YEAR OF INFORMATION.**—The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

(d) **ENFORCEMENT.**—

(1) **FRAUD.**—A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$500.

(2) **REFUSAL OR NEGLECT TO ANSWER QUESTIONS.**—A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$100.

(3) **SOCIAL SECURITY NUMBER.**—The failure or refusal of a person to disclose the person's Social Security number in response to a request made in connection with any census or other activity under this section shall not be a violation under this subsection.

(4) **RELIGIOUS INFORMATION.**—Notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

(e) **GEOGRAPHIC COVERAGE.**—A census under this section shall include—

(1) each of the several States of the United States;

(2) as determined appropriate by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and

(3) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

(f) COOPERATION WITH SECRETARY OF COMMERCE.—

(1) INFORMATION PROVIDED TO SECRETARY OF AGRICULTURE.—On a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13, United States Code, that the Secretary of Agriculture considers necessary for the taking of a census or survey under this section.

(2) INFORMATION PROVIDED TO SECRETARY OF COMMERCE.—On a written request by the Secretary of Commerce, the Secretary of Agriculture may provide to the Secretary of Commerce any information collected in a census taken under this section that the Secretary of Commerce considers necessary for the taking of a census or survey under title 13, United States Code.

(3) CONFIDENTIALITY.—Information obtained under this subsection may not be used for any purpose other than the statistical purposes for which the information is supplied. For purposes of sections 9 and 214 of title 13, United States Code, any information provided under paragraph (2) shall be considered information furnished under the provisions of title 13, United States Code.

(g) REGULATIONS.—A regulation necessary to carry out this section may be promulgated by—

(1) the Secretary of Agriculture, to the extent that a matter under the jurisdiction of the Secretary is involved; and

(2) the Secretary of Commerce, to the extent that a matter under the jurisdiction of the Secretary of Commerce is involved.”

**SEC. 3. REPEAL OF SUPERSEDED PROVISION.**

(a) REPEAL.—Section 142 of title 13, United States Code, is repealed.

(b) CLERICAL AMENDMENTS.—

(1) Subchapter II of chapter 5 of title 13, United States Code, is amended by striking the subchapter heading and inserting the following:

“SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT”.

(2) The analysis of chapter 5 of title 13, United States Code, is amended—

(A) by striking the item relating to section 142; and

(B) by striking the item relating to the heading for subchapter II and inserting the following:

“SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT”.

(c) CROSS REFERENCE.—Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F))

is amended by striking “taken under section 142 of title 13, United States Code”.

7 USC 1991 note.

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect October 1, 1998.

**SEC. 4. CONFIDENTIALITY OF INFORMATION.**

(a) **INFORMATION PROVIDED TO SECRETARY OF AGRICULTURE.**—

(1) **AUTHORITY TO PROVIDE INFORMATION.**—Section 9(a) of title 13, United States Code, is amended by inserting after “chapter 10 of this title” the following: “or section 2(f) of the Census of Agriculture Act of 1997”.

(2) **CONFIDENTIALITY OF INFORMATION.**—Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended—

(A) by striking “or” at the end of paragraph (8);

(B) by striking the period at the end of paragraph

(9) and inserting “; or”; and

(C) by adding at the end the following:

“(10) section 2 of the Census of Agriculture Act of 1997.”.

(b) **INFORMATION PROVIDED TO THE SECRETARY OF COMMERCE.**—Section 1770 of the Food Security Act of 1985 (7 U.S.C. 2276) is amended by adding at the end the following:

“(e) **INFORMATION PROVIDED TO SECRETARY OF COMMERCE.**—This section shall not prohibit the release of information under section 2(f)(2) of the Census of Agriculture Act of 1997.”.

Approved November 21, 1997.

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**LEGISLATIVE HISTORY—H.R. 2366 (S. 845):**

HOUSE REPORTS: No. 105-296, Pt. 1 (Comm. on Agriculture).

SENATE REPORTS: No. 105-141 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 143 (1997):

Oct. 21, considered and passed House.

Nov. 10, considered and passed Senate.