

AMENDMENT TO RULES COMMITTEE PRINT 117-

64

OFFERED BY MS. ESHOO OF CALIFORNIA

Add at the end the following:

1 **SEC. 5. PROHIBITION ON DECEPTIVE PRACTICES RELAT-**
2 **ING TO CENSUS.**

3 (a) IN GENERAL.—Chapter 7 of title 13, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“Subchapter IV—Deceptive Practices**

7 **“SEC. 251. PROHIBITION ON DECEPTIVE PRACTICES.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘census’ means any census under
10 this title, including the decennial census of popu-
11 lation;

12 “(2) the term ‘census-related information’
13 means any information regarding—

14 “(A) the time, place, or manner of holding
15 any census; or

16 “(B) the qualifications for, or restrictions
17 on, participation in any census; and

18 “(3) the term ‘covered communication’ means
19 any—

1 “(A) written communication;

2 “(B) electronic or digital communication,
3 including a communication through a website,
4 application, online forum, social media plat-
5 form, streaming service, or other means of com-
6 munications using the internet or a similar
7 communications network; or

8 “(C) telephonic communication, including
9 any phone call, text message, or other commu-
10 nication sent, received, or transmitted using a
11 wireless or wireline phone or a cellular or other
12 phone network.

13 “(b) PROHIBITION.—It shall be unlawful for any per-
14 son, whether acting under color of law or otherwise, to
15 communicate or cause to be communicated any census-re-
16 lated information by any means, including by means of
17 any covered communication, or to produce any census-re-
18 lated information with the intent that the census-related
19 information be communicated—

20 “(1) knowing the census-related information to
21 be materially false; and

22 “(2) with the intent to impede or prevent an-
23 other person from participating in any census.

24 “(c) CIVIL PENALTY.—A civil penalty of not more
25 than the minimum civil penalty under the False Claims

1 Act (31 U.S.C. 3729 et seq.) may be assessed against any
2 individual who violates subsection (b).

3 “(d) ENFORCEMENT ACTIONS.—

4 “(1) ACTION BY ATTORNEY GENERAL OF THE
5 UNITED STATES.—

6 “(A) IN GENERAL.—If the Attorney Gen-
7 eral of the United States has reasonable cause
8 to believe that any person or group of persons
9 is being, has been, or may be injured by con-
10 duct constituting a violation of this section, the
11 Attorney General may commence a civil action
12 in any appropriate United States District
13 Court.

14 “(B) RELIEF.—In any action under sub-
15 paragraph (A), the court, to vindicate the pub-
16 lic interest, may also assess the civil penalty
17 provided under subsection (c) against each re-
18 spondent.

19 “(2) ACTIONS BY STATE ATTORNEYS GEN-
20 ERAL.—

21 “(A) IN GENERAL.—If the Attorney Gen-
22 eral of a State has reasonable cause to believe
23 that any person or group of persons is being,
24 has been, or may be injured by conduct consti-
25 tuting a violation of this section, such Attorney

1 General may commence a civil action in the
2 name of such State, as *parens patriae* on behalf
3 of natural persons residing in such State, in
4 any appropriate United States District Court.

5 “(B) RELIEF.—In any action under sub-
6 paragraph (A), the court may award appro-
7 priate relief, including temporary, preliminary
8 or permanent injunctive relief, compensatory
9 damages, and civil penalties as described in
10 paragraph (2)(B).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for chapter 7 of title 13, United States Code, is amended
13 by adding at the end the following:

“SUBCHAPTER IV—DECEPTIVE PRACTICES

“251. Prohibition on deceptive practices.”.

