AMENDMENT IN THE NATURE OF A SUBSTITUTE
to H.R. 5815
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

This Act may be cited as the "Honest Census Communications Act".

2 SEC. 2. PROHIBITION ON DECEPTIVE PRACTICES RELATING TO CENSUS.

(a) In general.—Chapter 7 of title 13, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—DECEPTIVE PRACTICES

§ 251. Prohibition on deceptive practices

"(a) Definitions.—In this section—

"(1) the term ‘census’ means any census under this title, including the decennial census of population;

"(2) the term ‘census-related information’ means any information regarding—
“(A) the time, place, or manner of holding any census; or

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

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

“(A) written communication;

“(B) electronic or digital communication, including a communication through a website, application, online forum, social media platform, streaming service, or other means of communications using the internet or a similar communications network; or

“(C) telephonic communication, including any phone call, text message, or other communication sent, received, or transmitted using a wireless or wireline phone or a cellular or other phone network.

“(b) PROHIBITION.—It shall be unlawful for any person, whether acting under color of law or otherwise, to communicate or cause to be communicated any census-related information by any means, including by means of any covered communication, or to produce any census-related information with the intent that the census-related information be communicated—
“(1) knowing the census-related information to be materially false; and

“(2) with the intent to impede or prevent another person from participating in any census.

“(c) CIVIL PENALTY.—A civil penalty of not more than the minimum civil penalty under the False Claims Act (31 U.S.C. 3729 et seq.) may be assessed against any individual who violates subsection (b).

“(d) ENFORCEMENT ACTIONS.—

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

“(A) IN GENERAL.—If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court, to vindicate the public interest, may also assess the civil penalty provided under subsection (c) against each respondent.
“(2) ACTIONS BY STATE ATTORNEYS GENERAL.—

“(A) IN GENERAL.—If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

“(B) RELIEF.—In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).”.

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

“SUBCHAPTER IV—DECEPTIVE PRACTICES

“251. Prohibition on deceptive practices.”.

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