

**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.**

2 This Act may be cited as the “Honest Census Com-
3 munications Act”.

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

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

9 “SUBCHAPTER IV—DECEPTIVE PRACTICES
10 **“§ 251. Prohibition on deceptive practices**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘census’ means any census under
13 this title, including the decennial census of popu-
14 lation;

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

1 “(A) the time, place, or manner of holding
2 any census; or

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

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

7 “(A) written communication;

8 “(B) electronic or digital communication,
9 including a communication through a website,
10 application, online forum, social media plat-
11 form, streaming service, or other means of com-
12 munications using the internet or a similar
13 communications network; or

14 “(C) telephonic communication, including
15 any phone call, text message, or other commu-
16 nication sent, received, or transmitted using a
17 wireless or wireline phone or a cellular or other
18 phone network.

19 “(b) PROHIBITION.—It shall be unlawful for any per-
20 son, whether acting under color of law or otherwise, to
21 communicate or cause to be communicated any census-re-
22 lated information by any means, including by means of
23 any covered communication, or to produce any census-re-
24 lated information with the intent that the census-related
25 information be communicated—

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

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

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

9 “(d) ENFORCEMENT ACTIONS.—

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

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

20 “(B) RELIEF.—In any action under sub-
21 paragraph (A), the court, to vindicate the pub-
22 lic interest, may also assess the civil penalty
23 provided under subsection (c) against each re-
24 spondent.

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

3 “(A) IN GENERAL.—If the Attorney Gen-
4 eral of a State has reasonable cause to believe
5 that any person or group of persons is being,
6 has been, or may be injured by conduct consti-
7 tuting a violation of this section, such Attorney
8 General may commence a civil action in the
9 name of such State, as *parens patriae* on behalf
10 of natural persons residing in such State, in
11 any appropriate United States District Court.

12 “(B) RELIEF.—In any action under sub-
13 paragraph (A), the court may award appro-
14 priate relief, including temporary, preliminary
15 or permanent injunctive relief, compensatory
16 damages, and civil penalties as described in
17 paragraph (2)(B).”.

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

“SUBCHAPTER IV—DECEPTIVE PRACTICES

“251. Prohibition on deceptive practices.”.

