



### **NOTICE OF FAILURE TO PROVIDE MANDATORY 2012 ECONOMIC CENSUS REPORTS**

The U.S. Census Bureau, an agency of the U.S. Department of Commerce, has informed me that your company has failed to report information for the 2012 Economic Census. Your company has received repeated requests for this information, and no response has been received despite these requests.

Title 13 of the United States Code, Sections 131 and 224, **requires your response** and Section 9 guarantees that **your response is confidential**. Your continued failure to respond may subject responsible officials of your business to prosecution, with penalties up to \$5,000. Provisions of the law are shown on the back of this letter.

The Economic Census is essential to business and government decision making. It is the major source of detailed information about our Nation's economy and the foundation for most measures of economic performance, including the Gross Domestic Product. Conducted every 5 years, the Economic Census uses information from businesses like yours to provide reliable data for your industry and geographic area.

You may use reasonable estimates if book figures are not readily available. Go to our **Business Help Site, [econhelp.census.gov](http://econhelp.census.gov), to report electronically**. From this site you can also access online services, get answers to your questions about the census, find the release schedule for 2012 Economic Census results, and obtain data from previous censuses and surveys that may be helpful to your business. Your User ID and Password are shown below.

If you cannot find an answer on the help site, call the Census Bureau **customer help line** (1-800-233-6136). Assistance is available Monday to Friday, 8 a.m. to 6 p.m. Eastern time.

**Within 15 days** of the receipt of this letter, you are requested to file with the Census Bureau the completed census reports for your company or a timetable for completing them. If you do not comply with this final request, your case may be submitted to the U.S. Department of Justice for further action.

Sincerely,

A handwritten signature in black ink that reads "Barry K. Robinson".

Barry K. Robinson  
Chief Counsel for Economic Affairs

## QUOTES FROM TITLE 13 - UNITED STATES CODE (U.S.C.)

For more details see <http://bhs.econ.census.gov/bhs/pages/legal.html>

### • PROTECTION OF CONFIDENTIAL INFORMATION - SECTION 9

#### 9. Information as confidential; exception

(a) Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, or local government census liaison, may, except as provided in section 8 or 16 or chapter 10 of this title or section 210 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998...

1. use the information furnished under the provisions of this title for any purpose other than the statistical purposes for which it is supplied; or
2. make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or
3. permit anyone other than the sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports.

No department, bureau, agency, officer, or employee of the Government, except the Secretary in carrying out the purposes of this title, shall require, for any reason, copies of census reports which have been retained by any such establishment or individual. Copies of census reports which have been so retained shall be immune from legal process, and shall not, without the consent of the individual or establishment concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

### • AUTHORITY TO CONDUCT ECONOMIC CENSUSES - SECTION 131

#### 131. Collection and publication; five-year periods

The Secretary shall take, compile, and publish censuses of manufactures, of mineral industries, and of other businesses, including the distributive trades, service establishments, and transportation (exclusive of means of transportation for which statistics are required by law to be filed with, and are compiled and published by, a designated regulatory body), in the year 1964, then in the year 1968, and every fifth year thereafter, and each such census shall relate to the year immediately preceding the taking thereof.

### • MANDATORY PROVISION OF LAW - SECTION 224

#### 224. Failure to answer questions affecting companies, businesses, religious bodies, and other organizations; false answers.

Whoever, being the owner, official, agent, person in charge, or assistant to the person in charge, of any company, business, institution, establishment, religious body, or organization of any nature whatsoever, neglects or refuses, when requested by the Secretary or other authorized officer or employee of the U.S. Department of Commerce or bureau or agency thereof, to answer completely and correctly to the best of his knowledge all questions relating to his company, business, institution, establishment, religious body, or other organization, or to records or statistics in his official custody, contained on any census or other schedule or questionnaire prepared and submitted to him under the authority of this title, shall be fined not more than \$500<sup>1</sup>; and if he willfully gives a false answer to any such question, he shall be fined not more than \$10,000.

<sup>1</sup> The Sentencing Reform Act of 1984 (18, U.S.C. 3551 et seq.) supersedes this penalty amount and specifies a fine of not more than \$5,000.