

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3167

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## AN ACT

To amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Census Oversight Effi-  
3 ciency and Management Reform Act of 2010”.

4 **SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEP-  
5 UTY DIRECTOR OF THE CENSUS.**

6 (a) IN GENERAL.—Section 21 of the title 13, United  
7 States Code, is amended to read as follows:

8 **“§ 21. Director of the Census; Deputy Director of the  
9 Census; authority and duties**

10 “(a) DEFINITIONS.—As used in this section—

11 “(1) ‘Director’ means the Director of the Cen-  
12 sus;

13 “(2) ‘Deputy Director’ means the Deputy Di-  
14 rector of the Census; and

15 “(3) ‘function’ includes any duty, obligation,  
16 power, authority, responsibility, right, privilege, ac-  
17 tivity, or program.

18 “(b) DIRECTOR OF THE CENSUS.—

19 “(1) APPOINTMENT.—

20 “(A) IN GENERAL.—The Bureau shall be  
21 headed by a Director of the Census, appointed  
22 by the President, by and with the advice and  
23 consent of the Senate.

24 “(B) QUALIFICATIONS.—Such appoint-  
25 ment shall be made from individuals who have  
26 a demonstrated ability in managing large orga-

1           nizations and experience in the collection, anal-  
2           ysis, and use of statistical data.

3           “(2) GENERAL AUTHORITY AND DUTIES.—

4                 “(A) IN GENERAL.—The Director shall re-  
5           port directly to the Secretary without being re-  
6           quired to report through any other official of  
7           the Department of Commerce.

8                 “(B) DUTIES.—The Director shall perform  
9           such duties as may be imposed upon the Direc-  
10          tor by law, regulation, or orders of the Sec-  
11          retary.

12                “(C) INDEPENDENCE OF DIRECTOR.—No  
13          officer or agency of the United States shall  
14          have any authority to require the Director to  
15          submit legislative recommendations, or testi-  
16          mony, or comments for review prior to the sub-  
17          mission of such recommendations, testimony, or  
18          comments to Congress if such recommenda-  
19          tions, testimony, or comments to Congress in-  
20          clude a statement indicating that the views ex-  
21          pressed therein are those of the Bureau and do  
22          not necessarily represent the views of the Presi-  
23          dent.

24                “(3) TERM OF OFFICE.—

1           “(A) IN GENERAL.—The term of office of  
2           the Director shall be 5 years, and shall begin on  
3           January 1, 2012, and every fifth year there-  
4           after. An individual may not serve more than 2  
5           full terms as Director.

6           “(B) VACANCIES.—Any individual ap-  
7           pointed to fill a vacancy in such position, occur-  
8           ring before the expiration of the term for which  
9           such individual’s predecessor was appointed,  
10          shall be appointed for the remainder of that  
11          term. The Director may serve after the end of  
12          the Director’s term until reappointed or until a  
13          successor has been appointed, but in no event  
14          longer than 1 year after the end of such term.

15          “(C) REMOVAL.—An individual serving as  
16          Director may be removed from office by the  
17          President. The President shall communicate in  
18          writing the reasons for any such removal to  
19          both Houses of Congress not later than 60 days  
20          before the removal.

21          “(4) FUNCTIONS.—The Director shall be re-  
22          sponsible for the exercise of all powers and the dis-  
23          charge of all duties of the Bureau, and shall have  
24          authority and control over all personnel and activi-  
25          ties thereof.

1           “(5) ORGANIZATION.—The Director may estab-  
2           lish, alter, consolidate, or discontinue such organiza-  
3           tional units or components within the Bureau as the  
4           Director considers necessary or appropriate, except  
5           that this paragraph shall not apply with respect to  
6           any unit or component provided for by law.

7           “(6) ADVISORY COMMITTEES.—

8                   “(A)    ADVISORY    COMMITTEES    GEN-  
9           ERALLY.—

10                   “(i) AUTHORITY TO ESTABLISH.—The  
11           Director may establish such advisory com-  
12           mittees as the Director considers appro-  
13           priate to provide advice with respect to any  
14           function of the Director.

15                   “(ii)   COMPENSATION   AND   EX-  
16           PENSES.—Members of any advisory com-  
17           mittee established under clause (i) shall  
18           serve without compensation, but shall be  
19           entitled to transportation expenses and per  
20           diem in lieu of subsistence in accordance  
21           with section 5703 of title 5.

22                   “(B)    TECHNOLOGY   ADVISORY   COM-  
23           MITTEE.—

24                   “(i) IN GENERAL.—Not later than  
25           180 days after the date of the enactment

1 of the Census Oversight Efficiency and  
2 Management Reform Act of 2010, the Di-  
3 rector shall establish a technology advisory  
4 committee under subparagraph (A).

5 “(ii) MEMBERSHIP.—Members of the  
6 technology advisory committee shall be se-  
7 lected from the public, private, and aca-  
8 demic sectors from among those who have  
9 experience in technologies and services rel-  
10 evant to the planning and execution of the  
11 census.

12 “(iii) DUTIES.—The technology advi-  
13 sory committee shall make recommenda-  
14 tions to the Director and publish reports  
15 on the use of commercially available tech-  
16 nologies and services to improve effi-  
17 ciencies and manage costs in the imple-  
18 mentation of the census and census-related  
19 activities, including pilot projects.

20 “(7) REGULATIONS.—The Director may, in  
21 consultation with the Secretary, prescribe such rules  
22 and regulations as the Director considers necessary  
23 or appropriate to carry out the functions of the Di-  
24 rector.

1           “(8) DELEGATIONS, ETC.—The Director may  
2 assign duties, and delegate, or authorize successive  
3 redelegations of, authority to act and to render deci-  
4 sions, to such officers and employees of the Bureau  
5 as the Director may find necessary. Within the limi-  
6 tations of such assignments, delegations, or redele-  
7 gations, all official acts and decisions of such officers  
8 and employees shall have the same force and effect  
9 as though performed or rendered by the Director.  
10 An assignment, delegation, or redelegation under  
11 this paragraph may not take effect before the date  
12 on which notice of such assignment, delegation, or  
13 redelegation (as the case may be) is published in the  
14 Federal Register.

15           “(9) OTHER AUTHORITIES.—

16           “(A) PERSONNEL.—Subject to sections 23  
17 and 24, but notwithstanding any other provi-  
18 sion of law, the Director, in carrying out the  
19 functions of the Director or the Bureau, may  
20 use the services of officers and other personnel  
21 in other Federal agencies, including personnel  
22 of the Armed Forces, with the consent of the  
23 head of the agency concerned.

24           “(B) VOLUNTARY SERVICES.—Notwith-  
25 standing section 1342 of title 31, or any other

1           provision of law, the Director may accept and  
2           use voluntary and uncompensated services.

3           “(c) DEPUTY DIRECTOR.—

4           “(1) IN GENERAL.—There shall be in the Bu-  
5           reau a Deputy Director of the Census, who shall be  
6           appointed by and serve at the pleasure of the Direc-  
7           tor. The position of Deputy Director shall be a ca-  
8           reer reserved position within the meaning of section  
9           3132(a)(8) of title 5.

10           “(2) FUNCTIONS.—The Deputy Director shall  
11           perform such functions as the Director shall des-  
12           ignate.

13           “(3) TEMPORARY AUTHORITY TO PERFORM  
14           FUNCTIONS OF DIRECTOR.—The provisions of sec-  
15           tions 3345 through 3349d of title 5 shall apply with  
16           respect to the office of Director. The first assistant  
17           to the office of Director is the Deputy Director for  
18           purposes of applying such provisions.”.

19           (b) TRANSITION RULES.—

20           (1) APPOINTMENT OF INITIAL DIRECTOR.—The  
21           initial Director of the Bureau of the Census shall be  
22           appointed in accordance with the provisions of sec-  
23           tion 21(b) of title 13, United States Code, as  
24           amended by subsection (a).

1           (2) INTERIM ROLE OF CURRENT DIRECTOR OF  
2 THE CENSUS AFTER DATE OF ENACTMENT.—If, as  
3 of January 1, 2012, the initial Director of the Bu-  
4 reau of the Census has not taken office, the officer  
5 serving on December 31, 2011, as Director of the  
6 Census (or Acting Director of the Census, if applica-  
7 ble) in the Department of Commerce—

8           (A) shall serve as the Director of the Bu-  
9 reau of the Census;

10           (B) shall assume the powers and duties of  
11 such Director, until the initial Director has  
12 taken office; and

13           (C) shall report directly to the Secretary of  
14 Commerce.

15       (c) CLERICAL AMENDMENT.—The item relating to  
16 section 21 in the table of sections for chapter 1 of title  
17 13, United States Code, is amended to read as follows:

“21. Director of the Census; Deputy Director of the Census; authority and du-  
ties.”.

18       (d) TECHNICAL AND CONFORMING AMENDMENTS.—  
19 Not later than January 1, 2011, the Secretary of Com-  
20 merce, in consultation with the Director of the Census,  
21 shall submit to each House of the Congress draft legisla-  
22 tion containing any technical and conforming amendments  
23 to title 13, United States Code, and any other provisions

1 which may be necessary to carry out the purposes of this  
2 Act.

3 **SEC. 3. INTERNET RESPONSE OPTION.**

4 Not later than 180 days after the date of the enact-  
5 ment of this Act, the Director of the Census, shall provide  
6 a plan to Congress on how the Bureau of the Census will  
7 test, develop, and implement an Internet response option  
8 for the 2020 Census and the American Community Sur-  
9 vey. The plan shall include a description of how and when  
10 feasibility will be tested, the stakeholders to be consulted,  
11 when and what data will be collected, and how data will  
12 be protected.

13 **SEC. 4. ANNUAL REPORTS.**

14 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
15 13, United States Code, is amended by adding at the end  
16 the following new section:

17 **“§ 17. Annual reports**

18 “(a) Not later than the date of the submission of the  
19 President’s budget request for a fiscal year under section  
20 1105 of title 31, the Director of the Census shall submit  
21 to the appropriate congressional committees a comprehen-  
22 sive status report on the next decennial census, beginning  
23 with the 2020 decennial census. Each report shall include  
24 the following information:

1           “(1) A description of the Bureau’s performance  
2 goals for each significant decennial operation, in-  
3 cluding the performance measures for each oper-  
4 ation.

5           “(2) An assessment of the risks associated with  
6 each significant decennial operation, including the  
7 interrelationships between the operations and a de-  
8 scription of relevant mitigation plans.

9           “(3) Detailed milestone estimates for each sig-  
10 nificant decennial operation, including estimated  
11 testing dates, and justification for any changes to  
12 milestone estimates.

13           “(4) Updated cost estimates for the life cycle of  
14 the decennial census, including sensitivity analysis  
15 and an explanation of significant changes in the as-  
16 sumptions on which such cost estimates are based.

17           “(5) A detailed description of all contracts over  
18 \$50,000,000 entered into for each significant decen-  
19 nial operation, including—

20                   “(A) any changes made to the contracts  
21 from the previous fiscal year;

22                   “(B) justification for the changes; and

23                   “(C) actions planned or taken to control  
24 growth in such contract costs.

1       “(b) For purposes of this section, the term ‘signifi-  
2 cant decennial operation’ includes any program or infor-  
3 mation technology related to—

4           “(1) the development of an accurate address  
5 list;

6           “(2) data collection, processing, and dissemina-  
7 tion;

8           “(3) recruiting and hiring of temporary employ-  
9 ees;

10          “(4) marketing, communications, and partner-  
11 ships; and

12          “(5) coverage measurement.”.

13       (b) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 1 of title 13, United States Code, is amended  
15 by inserting after the item relating to section 16 the fol-  
16 lowing new item:

“17. Annual reports.”.

17       (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to budget requests for fiscal years  
19 beginning after September 30, 2010.

Passed the Senate December 8, 2010.

Attest:

*Secretary.*



11TH CONGRESS  
2D SESSION

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To amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.