

117TH CONGRESS
2D SESSION

H. R. 8326

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2022

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend title 13, United States Code, to improve the
operations of the Bureau 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 “Ensuring a Fair and
3 Accurate Census Act”.

4 **SEC. 2. MODIFICATION OF CERTAIN BUREAU OF THE CEN-**
5 **SUS AUTHORITIES.**

6 (a) BUDGET REQUESTS.—

7 (1) IN GENERAL.—Subchapter I of chapter 1 of
8 title 13, United States Code, is amended by insert-
9 ing after section 13 the following:

10 **“§ 14. Budget requests**

11 “(a) With respect to the budget request of the Bu-
12 reau for fiscal year 2027 and each fiscal year thereafter
13 submitted to the President for inclusion in the annual
14 budget submission under section 1105(a) of title 31, the
15 Director shall include in such request to the Secretary the
16 estimated costs of carrying out the duties of the Bureau
17 during the five-year period beginning on the fiscal year
18 covered by such request.

19 “(b) On the date that the estimate of costs is sub-
20 mitted to the Secretary under subsection (a), the Director
21 shall submit such estimate to the Committee on Oversight
22 and Reform of the House of Representatives, the Com-
23 mittee on Homeland Security and Governmental Affairs
24 of the Senate, the Committees on the Budget of the House
25 of Representatives and the Senate, and the Committees

1 on Appropriations of the House of Representatives and the
2 Senate.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions for such subchapter is amended by inserting
5 after the item relating to section 13 the following
6 new item:

“14. Budget requests.”.

7 (b) DUTIES.—Section 21(c) of title 13, United States
8 Code, is amended to read as follows:

9 “(c) DUTIES.—

10 “(1) IN GENERAL.—The Director shall perform
11 such duties as may be imposed upon the Director by
12 law, regulations, or orders of the Secretary. The Di-
13 rector shall report directly to the Deputy Secretary
14 of Commerce.

15 “(2) DECENNIAL CENSUS.—Any operational,
16 statistical, or technical decision for any decennial
17 census of population may be made only by the Direc-
18 tor.”.

19 (c) ADVISORY COMMITTEES; DEPUTY DIRECTOR.—

20 (1) IN GENERAL.—Section 21 of title 13,
21 United States Code, as amended by subsection (b),
22 is further amended—

23 (A) in the section heading, by striking
24 “**duties**” and inserting “**Deputy Director;**
25 **advisory committees**”; and

1 (B) by adding at the end the following:

2 “(d) DEPUTY DIRECTOR.—

3 “(1) IN GENERAL.—There shall be in the Bu-
4 reau a single Deputy Director of the Bureau, to be
5 appointed by the Director. The position of Deputy
6 Director shall be a career reserved position (as that
7 term is defined in section 3132(a)(8) of title 5). The
8 Deputy Director shall be selected from among any
9 career appointee (as that term is defined in section
10 3132(a)(4) of such title) at any agency. The indi-
11 vidual appointed to the position of Deputy Director
12 shall be made from individuals who have a dem-
13 onstrated ability in managing large organizations
14 and experience in the collection, analysis, and use of
15 statistical data.

16 “(2) FUNCTIONS.—The Deputy Director shall
17 perform such functions as the Director shall des-
18 ignate. During any absence or disability of the Di-
19 rector, the Deputy Director shall act as Director.

20 “(3) VACANCY.—In the event of a vacancy in
21 the office of Director, or when the Director is absent
22 or unable to serve, the Deputy Director shall act as
23 Director until a Director is appointed. If no indi-
24 vidual is serving as Deputy Director, the highest
25 level career employee of the Bureau shall act as Di-

1 rector until a Deputy Director or Director is ap-
2 pointed. This paragraph shall serve as the exclusive
3 means of designating an acting Director.

4 “(4) CENSUS EQUITY OFFICIAL.—The Deputy
5 Director shall appoint an employee within the Bu-
6 reau, who shall report directly to the Deputy Direc-
7 tor, and who shall be responsible for optimizing ra-
8 cial and ethnic equity in the decennial census of pop-
9 ulation, including by—

10 “(A) enhancing outreach to, and collabo-
11 rating with, organizations and stakeholders that
12 have demonstrated their influence with racial
13 and ethnic communities that historically have
14 had census participation rates that are lower
15 than those of the overall population;

16 “(B) maximizing participation among ra-
17 cial and ethnic demographic cohorts that have
18 historically had census participation rates that
19 are lower than those of the overall population;

20 “(C) rectifying the undercount of cohorts
21 of the population that have been undercounted
22 in recent decennial census counts; and

23 “(D) any other strategies, initiatives, ac-
24 tivities, or operations that would optimize such
25 equity.

1 “(e) ADVISORY COMMITTEES.—

2 “(1) GENERAL AUTHORITY.—In accordance
3 with the Federal Advisory Committee Act (5 U.S.C.
4 App.), and subject to paragraph (2), the Director
5 may establish advisory committees to provide advice
6 with respect to the mission of the Bureau. Members
7 of any such committee, including a committee estab-
8 lished under paragraph (2), shall serve without com-
9 pensation, but shall be entitled to transportation ex-
10 penses and per diem in lieu of subsistence in accord-
11 ance with section 5703 of title 5.

12 “(2) SPECIFIC ADVISORY COMMITTEES.—

13 “(A) BUREAU OF THE CENSUS ADVISORY
14 COMMITTEE ON STATISTICAL QUALITY STAND-
15 ARDS.—The Director shall appoint a committee,
16 to be known as the ‘Advisory Committee on
17 Statistical Quality Standards’, composed of five
18 members to review and provide recommenda-
19 tions on the statistical quality standards of the
20 Bureau that guide the production and release of
21 all Bureau decennial census products.

22 “(B) NATIONAL ADVISORY COMMITTEE
23 AND SCIENTIFIC ADVISORY COMMITTEE.—There
24 are hereby established the Bureau of the Cen-
25 sus Scientific Advisory Committee and the Cen-

1 sus Bureau National Advisory Committee on
 2 Racial, Ethnic, and Other Populations, as de-
 3 scribed in the charters for each such committee
 4 published on March 15, 2022, and March 23,
 5 2022, respectively, or any subsequent charters.
 6 Such advisory committees shall operate under
 7 the terms and conditions set forth in the appli-
 8 cable charter.

9 “(C) 2030 CENSUS ADVISORY COM-
 10 MITTEE.—The Director shall appoint an advi-
 11 sory committee, substantially similar to the
 12 2010 Census Advisory Committee, consisting of
 13 up to 20 member organizations to address pol-
 14 icy, research, and technical issues related to the
 15 design and implementation of the 2030 decen-
 16 nial census and the American Community Sur-
 17 vey.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
 19 tions for subchapter II of chapter 1 of such title is
 20 amended by striking the item relating to section 21
 21 and inserting the following:

“21. Director of the Census; Deputy Director; advisory committees.”.

22 (d) POSITION REQUIREMENTS.—Section 22 of title
 23 13, United States Code, is amended—

24 (1) by striking “All permanent” and inserting
 25 “(a) IN GENERAL.—All permanent”; and

1 (2) by adding at the end the following:

2 “(b) POSITIONS.—Each position within the Bureau
3 shall be a career position within the civil service, except
4 for the position of the Director and not more than three
5 other positions.”.

6 **SEC. 3. LIMITATIONS AND REQUIREMENTS FOR THE DE-**
7 **CENNIAL CENSUS.**

8 Section 141 of title 13, United States Code, is
9 amended—

10 (1) by redesignating subsection (g) as sub-
11 section (i); and

12 (2) by inserting after subsection (f) the fol-
13 lowing:

14 “(g) LIMITATIONS AND REQUIREMENTS.—

15 “(1) NOTICE TO CONGRESS OF SUBJECTS,
16 TYPES OF INFORMATION, AND QUESTIONS.—In the
17 2030 decennial census of population and each decen-
18 nial census thereafter, the Secretary may not include
19 any subject, type of information, or question that
20 was not submitted to Congress in accordance with
21 subsection (f).

22 “(2) BIENNIAL REPORTS.—

23 “(A) SUBMISSION TO CONGRESS.—Not
24 later than April 1 of the calendar year begin-
25 ning after the date of enactment of the Ensuring

1 ing a Fair and Accurate Census Act and bian-
2 nually thereafter, the Secretary shall submit to
3 Congress a report that—

4 “(i) describes each component of the
5 operational plan for the subsequent decen-
6 nial census of population; and

7 “(ii) includes a detailed statement on
8 the status of all research, testing, and op-
9 erations that are part of the Bureau’s com-
10 prehensive plan for the decennial census,
11 and including a detailed statement on the
12 status of any initiatives, developments, and
13 operations within the purview of the offi-
14 cial appointed by the Deputy Director
15 under section 21(d)(4).

16 “(B) INTERNET PUBLICATION.—On the
17 date on which the Secretary submits a report
18 under subparagraph (A), the Secretary shall
19 publish the report on the public internet website
20 of the Bureau.

21 “(3) SECRETARY CERTIFICATION.—

22 “(A) IN GENERAL.—The Secretary, upon
23 the date of submission of the report required by
24 subsection (f)(2), shall submit, to the commit-
25 tees of Congress having legislative jurisdiction

1 over the census, a certification stating that any
2 question that has not appeared on the previous
3 two decennial censuses has been researched,
4 studied, and tested according to established sta-
5 tistical policies and procedures.

6 “(B) GAO REVIEW.—Not later than 6
7 months after the Secretary submits a certifi-
8 cation under paragraph (2), the Comptroller
9 General of the United States shall review such
10 certification and submit a report to Congress on
11 whether the questions to be included in the cen-
12 sus have been researched, studied, and tested
13 according to established statistical policies and
14 procedures.”; and

15 (3) in subsection (i), as so redesignated, by in-
16 serting “DEFINITION.—” before “As used in”.

17 **SEC. 4. DECENNIAL CENSUS LIFECYCLE COST ESTIMATES.**

18 Section 141 of title 13, United States Code, as
19 amended by section 3, is further amended by inserting
20 after subsection (g) the following:

21 “(h) LIFECYCLE COSTS.—

22 “(1) ESTIMATE.—Not later than January 1,
23 2026, and every ten years thereafter, the Director
24 shall transmit to the chairs of the committees de-
25 scribed in paragraph (3) a lifecycle cost estimate for

1 the decennial census of population first occurring
2 after the date of such transmittal. Such estimate
3 shall include the following with respect to such
4 lifecycle:

5 “(A) An estimate of costs by each fiscal
6 year.

7 “(B) Estimates of capital versus operating
8 expenses.

9 “(C) Staffing projections for each year.

10 “(D) Assumptions about response rates,
11 wages, and other economic variables.

12 “(2) UPDATE.—On the date the President sub-
13 mits the annual budget under section 1105(a) of
14 title 31 during any calendar year a decennial of cen-
15 sus of population is taken under this section, and on
16 the date such annual budget is submitted during the
17 immediately preceding four calendar years, the Di-
18 rector shall transmit a report describing any changes
19 to the applicable lifecycle estimate transmitted under
20 paragraph (1). Such report shall include the fol-
21 lowing:

22 “(A) The basis for any such changes.

23 “(B) Projected impacts on response rates,
24 staffing requirements, or costs throughout the
25 lifecycle.

1 “(C) An explanation of any differences in
2 budgetary resources between the amount re-
3 quested in the President’s annual budget re-
4 quest and the lifecycle cost estimate, as updated
5 by this paragraph.

6 “(3) COMMITTEES.—The committees described
7 in this paragraph are the Committee on Oversight
8 and Reform of the House of Representatives, the
9 Committee on Homeland Security and Governmental
10 Affairs of the Senate, and the Committees on Appro-
11 priations of the House of Representatives and the
12 Senate.”.

13 **SEC. 5. REPORT ON LOCAL-LEVEL DATA AND LOCAL FIELD**
14 **OPERATIONS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Director of the Bureau of the Census
17 shall submit to Congress a report that—

18 (1) reviews the Bureau’s current processes for
19 consulting and engaging with jurisdictions and local
20 partners in conducting the decennial census, includ-
21 ing as it relates to preventing and addressing inac-
22 curacies;

23 (2) provides an update on the Bureau’s
24 progress in implementing several of the Government
25 Accountability Office’s recommendations as it relates

1 to the collection and utilization of local-level data
2 and coordination of local field operations; and
3 (3) outlines additional resources needed to sup-
4 port and improve the Bureau's capacity to conduct
5 an accurate count of the Nation's population.

Passed the House of Representatives September 15,
2022.

Attest: CHERYL L. JOHNSON,
Clerk.