

Union Calendar No. 353

117TH CONGRESS
2^D SESSION

H. R. 8326

[Report No. 117-456]

To amend title 13, United States Code, to improve the operations of the Bureau of the Census, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2022

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on Oversight and Reform

SEPTEMBER 9, 2022

Additional sponsor: Mr. CONNOLLY

SEPTEMBER 9, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 11, 2022]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Ensuring a Fair and*
5 *Accurate Census Act”.*

6 **SEC. 2. MODIFICATION OF CERTAIN BUREAU OF THE CEN-**
7 **SUS AUTHORITIES.**

8 *(a) BUDGET REQUESTS.—*

9 *(1) IN GENERAL.—Subchapter I of chapter 1 of*
10 *title 13, United States Code, is amended by inserting*
11 *after section 13 the following:*

12 **“§ 14. Budget requests**

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

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

1 *representatives and the Senate, and the Committees on Appro-*
 2 *priations of the House of Representatives and the 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 new*
 6 *item:*

“14. Budget requests.”.

7 (b) *FOR-CAUSE REMOVAL OF DIRECTOR; DUTIES.—*
 8 *Section 21 of title 13, United States Code, is amended—*

9 (1) *in subsection (b)(3), by inserting after “the*
 10 *President” the following: “only for inefficiency, ne-*
 11 *glect of duty, or malfeasance in office”;* and

12 (2) *by amending subsection (c) to read as fol-*
 13 *lows:*

14 *“(c) DUTIES.—*

15 *“(1) IN GENERAL.—The Director shall perform*
 16 *such duties as may be imposed upon the Director by*
 17 *law, regulations, or orders of the Secretary. The Di-*
 18 *rector shall report directly to the Deputy Secretary of*
 19 *Commerce.*

20 *“(2) DECENNIAL CENSUS.—Any operational, sta-*
 21 *tistical, or technical decision for any decennial census*
 22 *of population may be made only by the Director.”.*

23 (c) *ADVISORY COMMITTEES; DEPUTY DIRECTOR.—*

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

4 (A) in the section heading, by striking “**du-**
5 **ties**” and inserting “**Deputy Director; ad-**
6 **visory committees**”; and

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

8 “(d) *DEPUTY DIRECTOR.*—

9 “(1) *IN GENERAL.*—There shall be in the Bureau
10 a single Deputy Director of the Bureau, to be ap-
11 pointed by the Director. The position of Deputy Di-
12 rector shall be a career reserved position (as that term
13 is defined in section 3132(a)(8) of title 5). The Dep-
14 uty Director shall be selected from among any career
15 appointee (as that term is defined in section
16 3132(a)(4) of such title) at any agency. The indi-
17 vidual appointed to the position of Deputy Director
18 shall possess knowledge of, or experience in, the work
19 of the Bureau, and possess experience in relevant
20 fields, including demography, economics, survey meth-
21 odology, statistics, or data science.

22 “(2) *FUNCTIONS.*—The Deputy Director shall
23 perform such functions as the Director shall des-
24 ignate. During any absence or disability of the Direc-
25 tor, the Deputy Director shall act as Director.

1 “(3) *VACANCY.*—*In the event of a vacancy in the*
2 *office of Director, or when the Director is absent or*
3 *unable to serve, the Deputy Director shall act as Di-*
4 *rector until a Director is appointed. If no individual*
5 *is serving as Deputy Director, the highest level career*
6 *employee of the Bureau shall act as Director until a*
7 *Deputy Director or Director is appointed. This para-*
8 *graph shall serve as the exclusive means of desig-*
9 *nating an acting Director.*

10 “(e) *ADVISORY COMMITTEES.*—

11 “(1) *GENERAL AUTHORITY.*—*In accordance with*
12 *the Federal Advisory Committee Act (5 U.S.C. App.),*
13 *and subject to paragraph (2), the Director may estab-*
14 *lish advisory committees to provide advice with re-*
15 *spect to the mission of the Bureau. Members of any*
16 *such committee, including a committee established*
17 *under paragraph (2), shall serve without compensa-*
18 *tion, but shall be entitled to transportation expenses*
19 *and per diem in lieu of subsistence in accordance*
20 *with section 5703 of title 5.*

21 “(2) *SPECIFIC ADVISORY COMMITTEES.*—

22 “(A) *BUREAU OF THE CENSUS ADVISORY*
23 *COMMITTEE ON STATISTICAL QUALITY STAND-*
24 *ARDS.*—*The Director shall appoint a committee,*
25 *to be known as the ‘Advisory Committee on Sta-*

1 *tistical Quality Standards*, composed of five
2 *members to review and provide recommendations*
3 *on the statistical quality standards of the Bu-*
4 *reau that guide the production and release of all*
5 *Bureau decennial census products.*

6 “(B) NATIONAL ADVISORY COMMITTEE AND
7 *SCIENTIFIC ADVISORY COMMITTEE.—There are*
8 *hereby established the Bureau of the Census Sci-*
9 *entific Advisory Committee and the Census Bu-*
10 *reau National Advisory Committee on Racial,*
11 *Ethnic, and Other Populations, as described in*
12 *the charters for each such committee published*
13 *on March 15, 2022, and March 23, 2022, respec-*
14 *tively, or any subsequent charters. Such advisory*
15 *committees shall operate under the terms and*
16 *conditions set forth in the applicable charter.*

17 “(C) 2030 CENSUS ADVISORY COMMITTEE.—
18 *The Director shall appoint an advisory com-*
19 *mittee, substantially similar to the 2010 Census*
20 *Advisory Committee, consisting of up to 20*
21 *member organizations to address policy, re-*
22 *search, and technical issues related to the design*
23 *and implementation of the 2030 decennial census*
24 *and the American Community Survey.”.*

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

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

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

7 (1) *by striking “All permanent” and inserting*
 8 “*(a) IN GENERAL.—All permanent*”; *and*

9 (2) *by adding at the end the following:*

10 “*(b) POSITIONS.—Each position within the Bureau*
 11 *shall be a career position within the civil service, except*
 12 *for the position of the Director and not more than two other*
 13 *positions.*”.

14 **SEC. 3. LIMITATIONS AND REQUIREMENTS FOR THE DE-**
 15 **CENNIAL CENSUS.**

16 Section 141 of title 13, *United States Code, is amend-*
 17 *ed—*

18 (1) *by redesignating subsection (g) as subsection*
 19 *(i); and*

20 (2) *by inserting after subsection (f) the following:*

21 “*(g) LIMITATIONS AND REQUIREMENTS.—*

22 “*(1) NOTICE TO CONGRESS OF SUBJECTS, TYPES*
 23 *OF INFORMATION, AND QUESTIONS.—In the 2030 de-*
 24 *centennial census of population and each decennial cen-*
 25 *sus thereafter, the Secretary may not include any sub-*

1 *ject, type of information, or question that was not*
2 *submitted to Congress in accordance with subsection*
3 *(f).*

4 “(2) *BIENNIAL REPORTS.*—

5 “(A) *SUBMISSION TO CONGRESS.*—*Not later*
6 *than April 1 of the calendar year beginning after*
7 *the date of enactment of the Ensuring a Fair*
8 *and Accurate Census Act and biennially there-*
9 *after, the Secretary shall submit to Congress a*
10 *report that—*

11 “(i) *describes each component of the*
12 *operational plan for the subsequent decen-*
13 *ennial census of population; and*

14 “(ii) *includes a detailed statement on*
15 *the status of all research, testing, and oper-*
16 *ations that are part of the Bureau’s com-*
17 *prehensive plan for the decennial census.*

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

23 “(3) *SECRETARY CERTIFICATION.*—

24 “(A) *IN GENERAL.*—*The Secretary, upon*
25 *the date of submission of the report required by*

1 subsection (f)(2), shall submit, to the committees
2 of Congress having legislative jurisdiction over
3 the census, a certification stating that any ques-
4 tion that has not appeared on the previous two
5 decennial censuses has been researched, studied,
6 and tested according to established statistical
7 policies and procedures.

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

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

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

20 Section 141 of title 13, United States Code, as amend-
21 ed by section 3, is further amended by inserting after sub-
22 section (g) the following:

23 “(h) LIFECYCLE COSTS.—

24 “(1) ESTIMATE.—Not later than January 1,
25 2026, and every ten years thereafter, the Director

1 shall transmit to the chairs of the committees de-
2 scribed in paragraph (3) a lifecycle cost estimate for
3 the decennial census of population first occurring
4 after the date of such transmittal. Such estimate shall
5 include the following with respect to such lifecycle:

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

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

10 “(C) Staffing projections for each year.

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

13 “(2) UPDATE.—On the date the President sub-
14 mits the annual budget under section 1105(a) of title
15 31 during any calendar year a decennial of census of
16 population is taken under this section, and on the
17 date such annual budget is submitted during the im-
18 mediately preceding four calendar years, the Director
19 shall transmit a report describing any changes to the
20 applicable lifecycle estimate transmitted under para-
21 graph (1). Such report shall include the following:

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 request*
4 *and the lifecycle cost estimate, as updated by this*
5 *paragraph.*

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

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