

106TH CONGRESS
2^D SESSION

H. R. 3581

To make additional funds available to the Secretary of Commerce for purposes of the 2000 decennial census, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2000

Mrs. MALONEY of New York (for herself and Mrs. MEEK of Florida) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To make additional funds available to the Secretary of Commerce for purposes of the 2000 decennial 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. FINDINGS.**

4 Congress finds that—

5 (1) the Constitution requires that the number
6 of persons in the Nation be enumerated every 10
7 years in order to permit the apportionment of Rep-
8 resentatives in Congress among the several States;

1 (2) information collected through a decennial
2 census is also used to determine—

3 (A) the boundaries of congressional dis-
4 tricts within the States;

5 (B) the boundaries of the districts for the
6 legislature of each State and the boundaries of
7 other political subdivisions within the States;
8 and

9 (C) the allocation of billions of dollars of
10 Federal and State funds;

11 (3) the 1990 decennial census missed over
12 8,000,000 Americans, and was the first one in his-
13 tory to be less accurate than the previous decennial
14 census;

15 (4) the 1990 decennial census missed 4.4 per-
16 cent of all African-Americans, 5 percent of all His-
17 panics, 2.3 percent of all Asian-Pacific Americans,
18 and 4.5 percent of all American-Indians, thereby de-
19 nying these communities adequate political represen-
20 tation and their fair share of Federal funding;

21 (5) in the 1990 decennial census, only 2 out of
22 every 3 households returned their census forms;

23 (6) in order to obtain an accurate census, the
24 Bureau of the Census sends enumerators to visit
25 every household that does not return a census form,

1 which is an extremely costly and time-consuming
2 process;

3 (7) the mailback response rate has been declin-
4 ing over the past several decennial censuses, and is
5 expected to decline yet again in the 2000 census;

6 (8) the Bureau of the Census has estimated
7 that the mailback response rate for the 2000 decen-
8 nial census will be approximately 61 percent;

9 (9) a recent report by the General Accounting
10 Office found that if the mailback response rate for
11 the 2000 decennial census is less than 61 percent,
12 or if the Bureau of the Census is unable to hire
13 enough enumerators at its proposed wage scale, the
14 Bureau would have to adopt a contingency plan to
15 guarantee an accurate count; such a plan would re-
16 quire the Bureau to spend more money than is cur-
17 rently budgeted for the 2000 decennial census;

18 (10) the Bureau of the Census estimates that
19 it will need to recruit nearly 3,500,000 applicants to
20 fill about 860,000 positions for the 2000 decennial
21 census, a staffing goal that will be difficult to
22 achieve because the labor market has become in-
23 creasingly tight;

24 (11) in 1993, the Bureau concluded that legis-
25 lation providing that pay for temporary census enu-

1 enumerators in the 2000 decennial census which did not
2 reduce benefits under Federal assistance programs
3 would make it easier for the Bureau to hire neigh-
4 borhood people as temporary census enumerators in
5 low-income neighborhoods;

6 (12) Congress must act before the start of the
7 decennial census to guarantee that additional fund-
8 ing will be available in the event that the Bureau of
9 the Census is forced to devote additional resources
10 to obtain an accurate count; and

11 (13) if Congress fails to so act, the result may
12 be a less accurate decennial census that dispropor-
13 tionately harms our Nation's minorities, children,
14 and urban and rural poor.

15 **SEC. 2. ADDITIONAL FUNDS.**

16 (a) IN GENERAL.—For necessary expenses to con-
17 duct the 2000 decennial census, there is appropriated, out
18 of any money in the Treasury not otherwise appropriated,
19 an additional \$100,000,000 for fiscal year 2000, to re-
20 main available until expended.

21 (b) CONDITION.—The amount appropriated under
22 this Act shall be available for obligation or expenditure
23 only if, and to the extent that, the Secretary of Commerce
24 first submits to Congress a written determination (sup-
25 ported by specific findings) that—

1 (1) those funds are necessary to obtain an accu-
2 rate and timely 2000 decennial census; and

3 (2) sufficient funds are not otherwise available
4 for the purposes involved.

5 **SEC. 3. PROVISIONS TO PROMOTE THE RECRUITMENT OF**
6 **TEMPORARY CENSUS EMPLOYEES.**

7 (a) DEFINITIONS.—For purposes of this section—

8 (1) the term “2000 census position” means a
9 temporary position in the Bureau of the Census es-
10 tablished for purposes relating to the 2000 decennial
11 census;

12 (2) the term “temporary” is used in the same
13 way as described in section 24(b) of title 13, United
14 States Code;

15 (3) the term “census” means a census of popu-
16 lation within the meaning of section 141(g) of title
17 13, United States Code;

18 (4) the terms “uniformed services” and “Sec-
19 retary concerned” have the meanings given those
20 terms by section 101 of title 37, United States Code;
21 and

22 (5) the term “voluntary separation incentive
23 payment” includes such a payment, whether offered
24 on a Governmentwide basis or otherwise.

1 (b) AUTHORIZATION FOR MEMBERS OF UNIFORMED
2 SERVICES TO HOLD TEMPORARY CENSUS EMPLOY-
3 MENT.—A member of the uniformed services, with the ap-
4 proval of the Secretary concerned, may be appointed to
5 and compensated for service in a 2000 census position
6 without regard to the member’s duty status, including sta-
7 tus on active duty. Such an appointment, if accepted, shall
8 not affect the member’s status in the member’s uniformed
9 service or the member’s pay and allowances as such a
10 member.

11 (c) TEMPORARY CENSUS EMPLOYMENT NOT TO AF-
12 FECT RIGHT TO RETAIN A VOLUNTARY SEPARATION IN-
13 CENTIVE PAYMENT.—The acceptance of an appointment
14 to a 2000 census position shall not be taken into account
15 for purposes of applying section 3(d) of Public Law 103–
16 226 or any similar provision of law, rule, or regulation
17 requiring the repayment of a voluntary separation incen-
18 tive payment by reason of an individual’s accepting reem-
19 ployment with the Government.

20 (d) COMPENSATION FOR SERVICE AS A TEMPORARY
21 CENSUS EMPLOYEE NOT TO CAUSE INELIGIBILITY FOR
22 OR ANY REDUCTION IN CERTAIN BENEFITS.—

23 (1) IN GENERAL.—Notwithstanding any other
24 provision of law, the earning or receipt by an indi-
25 vidual of compensation for service performed by such

1 individual in a 2000 census position shall not have
2 the effect of causing—

3 (A) such individual or any other individual
4 to become ineligible for any benefits described
5 in paragraph (2); or

6 (B) a reduction in the amount of any bene-
7 fits described in paragraph (2) for which such
8 individual or any other individual would other-
9 wise be eligible.

10 (2) BENEFITS DESCRIBED.—This subsection
11 shall apply with respect to benefits provided under
12 any Federal program or under any State or local
13 program financed in whole or in part with Federal
14 funds.

15 (3) RULE OF CONSTRUCTION.—Nothing in this
16 subsection shall be considered to apply with respect
17 to the Internal Revenue Code of 1986.

18 (e) APPLICABILITY.—Subsections (b) and (c) shall
19 apply with respect to an appointment to a 2000 census
20 position accepted after the date of enactment of this Act
21 and before January 1, 2001. Subsection (d) shall apply
22 with respect to compensation for service performed in a
23 2000 census position after the date of enactment of this
24 Act and before January 1, 2001.

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