

their lives to the pursuit of civil justice for African Americans.

In 1934, the Moores founded the Brevard County Chapter of the NAACP, which led to a Statewide NAACP Conference in 1941. Mr. Moore served as the President of the Florida State Conference of NAACP chapters, as well as the founder and Executive Director of the Progressive Voters League. It was through these channels that the Moores propelled progress on such issues as equality, education, and voter registration. Their steadfast adherence to equality was not without a price, however, as both Mr. and Mrs. Moore were fired from their teaching jobs and found it difficult to find employment due to their activism. To proclaim them pillars of the community would be an understatement.

As the couple also celebrated their 25th wedding anniversary on Christmas Eve, 1951, a bomb exploded beneath their home. Mr. Moore died on the way to the hospital, and Mrs. Moore died as a result of her injuries 9 days later. The tragic murder, which cut short the lives of this heroic couple, sparked an even more resounding outcry for civil rights.

Having recognized the profound impact the Moores made on the community, Brevard County has since honored them by designating their homesite a Florida Historical Heritage Landmark, creating the Harry T. and Harriette Moore Memorial Park and Interpretive Center, and naming its Justice Center after the trailblazing couple. Additionally, the NAACP posthumously awarded Mr. Moore the Spingarn Medal for outstanding achievement by an African American. Both of these fine citizens undoubtedly touched the lives of others with the dedication, integrity, persistence, compassion, and commitment each of them so courageously demonstrated.

Approving H.R. 5446 will further honor the achievements and sacrifices of Harry T. and Harriette Moore, the leaders and first martyrs of our Nation's modern civil rights era. By designating the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida as the "Harry T. and Harriette Moore Post Office", we will commemorate the Moores' legacy in a town where Mr. Moore began his service to others. This will serve as a reminder to this community of the important and lasting contribution the Moore's made to Cocoa and the Nation. I urge my colleagues to support me on this measure.

Mr. CHAFFETZ. I yield back the balance of my time.

Ms. CHU. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 5446.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Ms. CHU. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## CENSUS OVERSIGHT EFFICIENCY AND MANAGEMENT REFORM ACT OF 2010

Mrs. MALONEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3167) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3167

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Census Oversight Efficiency and Management Reform Act of 2010".

### SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

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

#### "§ 21. Director of the Census; Deputy Director of the Census; authority and duties

"(a) DEFINITIONS.—As used in this section—  
"(1) 'Director' means the Director of the Census;

"(2) 'Deputy Director' means the Deputy Director of the Census; and

"(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

"(b) DIRECTOR OF THE CENSUS.—

"(1) APPOINTMENT.—

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

"(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

"(2) GENERAL AUTHORITY AND DUTIES.—

"(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

"(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulation, or orders of the Secretary.

"(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

"(3) TERM OF OFFICE.—

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

"(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in

no event longer than 1 year after the end of such term.

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

"(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

"(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

"(6) ADVISORY COMMITTEES.—

"(A) ADVISORY COMMITTEES GENERALLY.—

"(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

"(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

"(B) TECHNOLOGY ADVISORY COMMITTEE.—

"(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

"(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

"(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

"(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

"(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

"(9) OTHER AUTHORITIES.—

"(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

"(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept

and use voluntary and uncompensated services.

“(c) DEPUTY DIRECTOR.—

“(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

“(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

“(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.”.

(b) TRANSITION RULES.—

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

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

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

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

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

“21. Director of the Census; Deputy Director of the Census; authority and duties.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

### SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an Internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

### SEC. 4. ANNUAL REPORTS.

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

#### “§ 17. Annual reports

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

“(1) A description of the Bureau’s performance goals for each significant decennial operation, including the performance measures for each operation.

“(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

“(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

“(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

“(5) A detailed description of all contracts over \$50,000,000 entered into for each significant decennial operation, including—

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

“(B) justification for the changes; and

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

“(b) For purposes of this section, the term ‘significant decennial operation’ includes any program or information technology related to—

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

“(2) data collection, processing, and dissemination;

“(3) recruiting and hiring of temporary employees;

“(4) marketing, communications, and partnerships; and

“(5) coverage measurement.”.

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

“17. Annual reports.”.

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

□ 1530

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

#### GENERAL LEAVE

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the Census Oversight Efficiency and Management Reform Act, important bipartisan legislation that I introduced with my colleague, Congressman CHARLES DENT. Senators CARPER and COBURN in a bipartisan way introduced the companion bill in the Senate that recently passed the Senate unanimously, 100 votes in favor, and is now before us today.

This is a strong bill with no cost to American taxpayers, and it will help ensure a better census for 2020 and beyond. It is bipartisan, it is good government, it is scientific independence,

and it is good management. This important reform ensures consistent, professional management of this major scientific agency and minimizes political interference of its vital constitutional mission.

I am grateful to Senators CARPER and COBURN for their bipartisan leadership on this issue in the Senate. Now we in the House must commit to forward thinking to avoid problems in the run-up to the 2020 census.

Our country owes a great deal to James Madison and Thomas Jefferson for handing down the innovation of a census whose goal is to ensure fair political representation. If we want to attract future census leaders in their mold, we must give the Census Bureau the professional independence called for in this bill.

This bill is a way of saying to the American public that we honor the intent of the Framers and we acknowledge the incredible participation of the public earlier this year to make the 2010 census a success.

Madam Speaker, all seven former living census directors, who served Republican and Democratic Presidents, support this bill: Vincent P. Barabba, who worked for Presidents Nixon, Ford and Carter; John G. Keane who worked for President Reagan; Barbara Everitt Bryant who worked for the first President Bush; and Martha Farnsworth Riche and Kenneth Prewitt who worked for President Clinton; and Charles Louis Kincannon and Steven H. Murdock who worked for George W. Bush, the former directors support an advocacy on behalf of this bill; and they testified at congressional hearings, met with congressional leaders on this bill, and their participation underscores the importance of the reforms needed to ensure that the Census Bureau is able to best perform its constitutional mandate of providing a fair and accurate census count.

I worked with Senators CARPER and COBURN and my colleague, Congressman DENT, to develop this bill based on the experiences of the seven former bipartisan census directors and what they thought we need to overcome the challenges which plagued each of the last four censuses in 1980, 1990, 2000, and in the planning for the 2010 census. This bill enjoys bipartisan support across scientific, social, and political groups. They support it in a bipartisan way, from the leadership conference on civil rights representing over 200 civil rights organizations to NATEO, the National Association of Latino Elected Officials, to a host of scientific organizations, including the American Statistical Association. With Senator CARPER and Senator COBURN’s leadership in the Senate, it passed unanimously.

What this bill would do is give the director the independence to report directly to the Secretary of Commerce. It would make the director of the Census Bureau a Presidential term appointment of 5 years with the 10-year census cycle split into two 5-year phases, planning and implementation.

Further, it strengthens overall transparency and oversight of census management which is a very good thing. This legislation would allow the Census director to report to Congress and the Commerce Secretary directly on the needs at Census to help prevent challenges such as the failure to develop handheld computer technology for the 2010 census, and to have the power to say to Congress when he or she disagrees with an administration position on the census.

After nearly 2 years of consideration and debate on the ideas in this bill in both the House and the Senate, and now at the 11th hour and 59th minute, after the Senate approves it unanimously, the Commerce Department last night sent over their concerns. The Secretary supports the 5-year term for the Census director, but seeks some changes to the bill's requirements that the Census director be required to respond completely to Congress in testimony and to the requirement that the highest levels of management at Commerce take responsibility for oversight of Census management.

Of course, this is precisely what we in Congress seek to change. These two provisions are about accountability and transparency. We in Congress are insisting that we finally end the musical chairs of Census management we witnessed over the past several decades and that when we ask questions, we actually get the answers. We must allow the career professionals at the Census to be able to tell us what is on their mind.

This bill will remove barriers that prevented Congress from knowing the full story and planning for 2010, which put the census at risk before Congress acted to fully fund a new design. I am confident this bill will ensure Congress will get the information we deserve, to get us a fairly and fully funded census no matter who occupies the White House in 2020.

There are some who may not like this bill or have additional ideas for reform, but I deeply believe we can build on this legislation and continue to work together in a bipartisan way to ensure a fair and accurate full census count. There is no reason we cannot move forward on this issue today and enact these commonsense reforms now.

The next census will occur during a Presidential election, which runs the risk of disrupting the operation. We must act now to ensure we can get a professional manager like Dr. Groves at Census long before 2020. We need to bring focus, transparency, and accountability to the process of planning and implementing the census. There is too much at stake for our constitutional government, for the fair description of over \$400 billion in Federal funds, and for the basic trust in our statistical system to do anything less than enact this bill. With the Senate action, now is the time to get this bill to the President. We can show the American public Congress can work together in a bipar-

tisan fashion to reform government and get results.

Madam Speaker, I reserve the balance of my time.

□ 1540

Mr. McHENRY. Madam Speaker, today I rise in strong opposition to S. 3167. In the last 2 years, I have served as the ranking member of the Census Subcommittee here in the House. We have had no legislative hearing, no markup, no substantive discussions about the content of this legislation. And here we are at the last hour of a lame duck Congress and they are trying to pass a piece of legislation that hasn't had an honest-to-goodness legislative hearing or a markup.

Well, I guess that is what we have seen over the last 24 months out of this Congress, a disregard for the legislative process. I don't think it is responsible for us to pass a major piece of legislation like this, and it does have a major impact. I certainly appreciate my colleague submitting ideas such as this to improve the census, but I don't think this is the right approach.

To that end, I would like to submit for the RECORD a letter from the Department of Commerce signed by Secretary Gary Locke dated December 13 stating his opposition to components of this legislation.

I think it is important that we should not reward the Census Bureau for a repeated history of cost overruns and mishaps. These suggest that the Bureau needs more, not less, oversight.

S. 3167 would grant greater autonomy to the Census Director. The bill would have the director bypass the Commerce Under Secretary for Economics and Statistics Administration, ESA, in favor of a direct report to the Commerce Secretary. Each Commerce Secretary has opposed this proposal. In fact, the current Commerce Secretary has 16 direct reports, so this further puts in place a process that I don't think is sustainable for this Commerce Secretary or future Commerce Secretaries.

Yesterday, the current Commerce Secretary, Gary Locke, wrote a letter to the Congress stating, The department strongly opposes the provisions of this bill enabling the Census Bureau Director to submit legislative recommendations or testimony to Congress without supervisory review.

This letter also expresses concern about the provisions of the bill that would require the Director of the Census Bureau to report directly to the Secretary of Commerce.

With regard to these views, it is worth pointing out that it is the Commerce Secretary himself who is granted the statutory authority to carry out the decennial census. The Census Bureau will have less oversight if it reports directly to the Secretary, as I stated before, because the Secretary has 16 direct reports.

The Census Director currently reports to the Under Secretary for Eco-

nomic Affairs, who heads ESA. It is the role of ESA to coordinate economic data, some of which is provided to the Census Bureau's Economic Directorate. Granting the Census Bureau autonomy from ESA will hinder the coordination of economic data, and certainly we are a world leader in terms of our regard for economic data.

The Census Bureau wants to operate as independently as possible. That certainly is understandable. But it is also important to recognize a history of cost overruns the Bureau has had under Democrat and Republican administrations, and the GAO has put the 2010 census on its high risk list due to concerns of mismanagement within the Census Bureau. Again, that was a bipartisan problem. Congress should not reward fiscal irresponsibility by granting additional autonomy.

Madam Speaker, this bill does not establish accountability. It does not require the Census Bureau to have an inspector general, which I think would be proper. It does not establish fiscal constraints. It does not even provide guidelines on the questions and surveys that it can ask the American people. And it doesn't require the Bureau to produce alternative methods of procuring statistical data, such as partnerships with universities and the private sector, which I think is necessary and proper in this time that we are in.

Madam Speaker, consideration of this bill is premature. The 2010 census results will be released one week from today. The Bureau just announced that yesterday. But crucial information concerning the statistical confidence level of the data will not be released until early next year.

Again, this bill is premature. I certainly appreciate my colleague's interest in this, but I think it is better handled in the next Congress, where we can actually have an honest-to-goodness, I don't know, legislative hearing perhaps, maybe even a markup of a bill, and actually get some input from both sides. Just because the Senate passed it doesn't mean the House should rubberstamp it, by any means. But I do think we should have serious consideration of this bill and do it under the light of day, not at the 11th hour of a dying Congress.

So, that is my view, and I think that is the view of many colleagues on my side of the aisle as well.

U.S. DEPARTMENT OF COMMERCE,  
THE SECRETARY OF COMMERCE,  
Washington, DC, December 13, 2010.

Hon. EDOLPHUS TOWNS,  
Chairman, Committee on Oversight and Government Reform, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter provides the views of the Department of Commerce on the Senate-passed version of S. 3167, the "Census Oversight Efficiency and Management Reform Act of 2010." Your continued work on behalf of the Census Bureau is appreciated, and we look forward to working with you to make it an even better agency.

The Department of Commerce's goal is to ensure that the Census Bureau functions as a transparent, cost-effective, and competent

organization that is successful in planning and implementing its programs, while maintaining its statistical integrity and freedom from political interference. Therefore, we consider it crucial that we convey the following assessment of several provisions of the legislation as passed by the Senate.

The Department supports the provision of the bill that would create a five-year fixed term for the Census Bureau Director beginning on January 1, 2012. A five-year term (limiting an individual to two full terms) for the Census Bureau Director helps avoid political interference by giving the Director more stability across election cycles. This stability conforms to well-accepted principles and practices of independence for federal statistical agencies and is the current status of the appointment of the Commissioner of the Bureau of Labor Statistics and of the National Center for Education Studies. It may mitigate the risk of having long periods after elections where there is no Senate-confirmed Director, particularly in those years leading up to a decennial census. At the close of the 2010 Census, five of the last seven decennial censuses will have been led by a Director appointed in the year ending in 9 or 0, leading to management uncertainty at critical times during the decennial census cycle.

However, the Department strongly opposes the provision of the bill that could be construed to enable the Census Bureau Director to submit legislative recommendations or testimony or comments to Congress without supervisory review, and has concerns about the provision of the bill that would require the Director of the Census Bureau to report directly to the Secretary of Commerce.

With respect to the proposal concerning the submission of the Census Bureau Director's views directly to Congress where the views include a statement indicating that they do not represent the views of the President, the Department of Justice advises us that in order to avoid infringing on the powers reserved to the President under the Recommendations Clause of the Constitution, the Executive Branch would construe the word "officer," in that provision, not to include the President, thereby allowing him to direct the review of the Director's legislative recommendations, testimony and comments prior to their submission to Congress. Even as so construed, however, the proposal would overreach into Executive Branch prerogatives by bypassing normal communication and decision-making channels within the Executive Branch, and therefore we oppose it. There are always a variety of data policy issues under discussion that are often the subject of testimony or that emerge as legislative recommendations out of a broader Executive Branch decision-making process. It is a prerogative of the Executive Branch to speak with one voice on such issues. The ability to speak with one voice on policy matters does not interfere with statistical agencies' ability to provide unfiltered statistical data. A key principle of government statistical agencies worldwide is that the credibility of the information they provide depends on the public perceiving these data as independent of political intervention.

In addition to this provision, we have concerns about the provision in the bill that would require the Director of the Census Bureau to report directly to the Secretary of Commerce. This provision unnecessarily limits the Secretary's discretion to establish an organizational structure that best suits the needs of the Department.

The Director of the Census Bureau has full access and accountability to the Secretary of Commerce. However, there are sound reasons for maintaining the current reporting relationship of the Census Bureau to the Eco-

nomics and Statistics Administration (ESA). The Under Secretary for Economic Affairs, who heads ESA, serves as the principal adviser to the Secretary on economic issues and also oversees the activities of the Bureau of Economic Analysis (BEA). The Under Secretary is responsible for the analysis and development of policies on economic and statistical issues. One of ESA's primary roles is to interpret the mission of statistical agencies to senior officials within the Department, ensuring that the Office of Management and Budget directives of independence and freedom from political influences are maintained.

Like you, I believe that independence from partisan political interference and effective management oversight and accountability of the Census Bureau is a top priority. I encourage you to take into consideration our concerns and accept our recommendations on this important issue. We are always looking for ways to improve the Census Bureau and look forward to continuing to work with you on this and other important matters.

The Department appreciates the opportunity to present these views on the Senate-passed version of S. 3167. The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program.

If you have any questions, please contact me or April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

GARY LOCKE.

Madam Speaker, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I appreciate the gentleman's statement. As he knows, this is an issue that many of us in a bipartisan way have worked on for many years.

As you know, my original bill did create an independent Office of the Census, which by definition would have had an IG. But at the protest of some of my colleagues and some in the Commerce Department, we kept it in the Commerce Department, but with independence, so that the Census Director could speak honesty and truth. I don't think any of us want to keep someone from testifying in an honest and truthful way and having their words possibly changed by someone else.

I would like to place in the RECORD a series of editorials in support of this bill, from USA Today and many others. There have been hearings on it, including one in the Joint Economic Committee, where seven former Census Directors in a bipartisan way testified in support of this bill.

I would also like to place in the RECORD the testimony of Dr. Bryant, a Republican Census Director, and other Republican Census Directors, along with Dr. Pruitt and others, their testimony on how we can get a more reliable, transparent, usable census for accuracy for the American people.

I would now like to yield such time as she may consume to a very outstanding member of the committee, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I want to thank the gentlewoman from New York (Mrs. MALONEY) for her ini-

tiative in seeing a problem and seeing to it that we deal with this problem while we have got a hand on it.

Actually, her bill is very timely. The census is about to come out for the past 10 years, on December 30, and I can tell you, Madam Speaker, as a member of the subcommittee with jurisdiction over the census that the census has been controversial throughout my service in the Congress. Time and again we have seen these controversies before this committee. But the census should never be controversial. Neither should a bill that fixes much of what is wrong with the census in a systemic way, and handily passed the other body, which doesn't pass much these days.

When it comes to the constitutionally required census, there really is only one way to act, and that is preventatively. I just want to say to the House that the handwriting is on the proverbial congressional wall. We were shocked that only a couple of years ago there was a serious and very expensive design change in the upcoming census so close to when the new census was coming into operation.

Now, somebody should have seen this coming, certainly before our committee found it out and was left with no choice. Remember, this is the constitutionally required census. Thus, there was no choice but to accept the added cost. If my friends on the other side are interested in reducing costs, the way to begin is with this bill, which, it seems to me, ought to be a census bill right now.

Crisis has been a part of every census in modern times, yet most of what Congress does, if you think about it, is not required; our appropriations bills, the defense bills, but the census is constitutionally required. It should not be buried. The census and those who are responsible for the census should not be buried in an agency bureaucracy. Direct reporting to the Secretary, not taking the Census Bureau from the jurisdiction of the Secretary, but direct reporting to the Secretary of Commerce and complete independence with a 5-year term, is what this bill is after.

□ 1550

The bill also contains urgently needed management reforms. It should be a top priority of this Congress, as it faces a new census, to go home and be able to tell people, We have acted this time ahead of the next census to make that census less controversial than censuses since the past decennial census has been in the lifetime of all of us. The care that has gone into this bill before our subcommittee and committee should be enough to say to the Congress this afternoon, The time has come to fix the decennial census once and for all.

Mr. MCHENRY. I yield myself such time as I may consume.

Madam Speaker, again, I rise in opposition to this legislation. I certainly appreciate the sponsor's thoughtfulness in creating it, but I think there

are a number of provisions that do cause problems. And I agree with the Democrat Secretary of Commerce, the current Secretary of Commerce, with his opposition to large provisions within it.

In order to thoughtfully legislate on the decennial census, I think we need to have a hearing and I think we need to have a markup, and I think we can hash this out. And I am willing to work with my colleague from New York to make that happen in the next Congress, because I do think she comes from a sincere place with this legislation. Unfortunately, it is a piece of flawed legislation. I'll give you one example.

The Census Director will report directly to the Secretary of Commerce. Again, that Census Director will be one of 17 individuals with a direct report to the Secretary of Commerce. However, the Secretary of Commerce is not able to fire the Census Director. So, if he or she is a direct report to the Commerce Secretary, shouldn't the Commerce Secretary have the ability to fire that person if they're incompetent or inept rather than just letting them serve a 5-year term? That's one provision within the legislation that I think is troublesome.

Additionally, as the sponsor mentioned, there is no inspector general. And, with a multibillion-dollar census, I think it is important that we have IGs that actually have the power to oversee a program, and a program that's so large and so expensive.

This census has a \$3 billion cost overrun over its life cycle. Now, the individuals responsible for that weren't held accountable. But that \$3 billion, rather than rewarding the Bureau for having a cost overrun of that size by giving them independence and autonomy right now, I think we need to have some thoughtful consideration of how to ensure that we don't have future cost overruns like that.

With that, I reserve the balance of my time.

Mrs. MALONEY. Madam Speaker, I yield myself such time as I may consume.

I thank the gentleman for his concern and his thoughtful statements. If the gentleman is so determined for a markup, there's one bill that the Republican leadership has told us they must have, and that's the tax bill. Yet there's been no markup on that tax bill or a hearing on that tax bill. And there have been hearings and discussions on this. I have testimony from numerous Republican Census Directors supporting it.

Now, as the gentleman knows—and we changed the bill in response to the gentleman's concerns and others. We did have it as an independent agency with an independent IG. We folded it back into Commerce, at your suggestion and others. And, as you know, the Commerce Department has an IG. They have their own IG. And if the gentleman in the next Congress would like

to sponsor an amendment to add another IG at Commerce that looks totally at the Census Bureau, then I would certainly support the gentleman.

Now, the gentleman has written an op-ed which I found very interesting, and I appreciate your op-ed that appeared in Politico. You called for many things in this bill: transparency, independent voice, accountability. I repeat, because I know cost is an important factor now, this will cost no additional money to the taxpayer, not one additional cent. And I would like to join my good friend and colleague in the spirit of bipartisanship and the dedication of getting an accurate census for the American people that we pass this bill, and what the gentleman would like to add to it in the next Congress—and the gentleman's party is in charge and you will have the votes to add whatever you would like next year. And I certainly would like to work with you in a bipartisan way to add the gentleman's concerns, but there's absolutely no reason not to act on this when seven former Census Directors have come out strongly for it, including every Republican Census Director under former President Nixon, under former President Ford, under former President Reagan, and George Bush 41 and 43, G.W. and his father. So all of their Census Directors have come out in support of it.

I would also like to place into the RECORD the National Leadership Conference on Civil Rights, and they represent 200 different civil rights organizations, all in support of this bill; the National Association of Latino Elected and Appointed Officials, their letter in support of the bill; the Population Association of America and the Association of Population Centers, their letter of support for the bill; the American Association for Public Opinion Research, their statement in support of the bill; the American Planning Association, their statement in support of the bill; the American Statistical Association, who are dedicated to accurate numbers, their strong, strong support of accuracy in this bill; the Consortium of Social Science Associations, their support; the Latino Census Network, their strong support; the Mid-Region Council of Governments, their strong letter of support; and the National Institute for Latino Policy, their letter of support; the Southeast Michigan Census Council, their support of the bill; and the Southern Demographic Association, their support of the bill.

So, as my good friend and colleague knows, there is strong support for this bill. Many allege that the Commerce opposition is just a turf battle. Well, the census is too important for a turf battle. I would support the gentleman's amendment to have an independent extra IG. If he wants two IGs on the Bureau, I would support it, or three or four or five. I would support the gentleman's extra oversight of what the Census Bureau is doing. But, mainly, we want them to be given the tools to get

the job done. That is what this bill does.

THE LEADERSHIP CONFERENCE,  
December 13, 2010.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
Washington, DC.

Hon. JOHN BOEHNER,  
*Minority Leader, House of Representatives,*  
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States, we are writing to express our strong support for the Census Oversight Efficiency and Management Reform Act (S. 3167/H.R. 4945). The bill includes needed reforms that will improve the operations of the decennial Census and other Census activities, and ensure a count that does not disproportionately miss any segment of the population. With Senate passage of the bill by unanimous consent on December 8, we urge the House to swiftly pass the Senate-approved bill so that it can reach the President's desk by the end of the year.

The Census occurs on a constitutionally mandated ten-year cycle, but Presidential administrations run in four-year cycles that do not fit well with the complex planning and preparation timetable for the decennial count. This causes inevitable development and implementation difficulties due to a lack of consistency and, often, leadership vacuums. The bill's proposal to create a five-year term appointment for the Census Bureau Director is an important change that will allow the Census Bureau to avoid disruptions caused by changes in administrations, especially around the period of the decennial census.

As organizations that work to ensure that hard-to-count communities are fully included in the Census, we welcome the greater stability for the leadership of the Census Bureau that this legislation seeks to provide, which will in turn minimize disruptions in the Census and allow the Census Bureau to benefit from improved continuity in its overall operations. We also believe that the new line of authority from the Census Director to the Secretary of Commerce will help allow the Census Bureau to more nimbly address problems and issues that inevitably arise during the decennial census and other surveys.

It is critical that the bill be enacted promptly, since planning for the 2020 decennial census is already underway. We urge swift passage of the bill.

Sincerely,

WADE HENDERSON,  
*President & CEO.*  
NANCY ZIRKIN,  
*Executive Vice President.*

PARTNERSHIP COUNCIL MEMBERS,  
December 13, 2010.

Hon. WILLIAM LACY CLAY,  
*Chairman, Subcommittee on Information Policy,*  
*Census, and National Archives, House of*  
*Representatives, Washington, DC.*

DEAR CHAIRMAN CLAY: On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I am writing to express our support for the Census Oversight Efficiency and Management Reform Act (H.R. 4945). The NALEO Educational Fund is one of the nation's leading organizations in the area of Census policy development and public education, and we are deeply committed to ensuring that the Census Bureau provides our nation with the most accurate count possible of its population.

We believe that H.R. 4945 would provide greater stability for the leadership of the Census Bureau and its operations by enhancing the continuity of the Bureau's overall operations. For example, the bill would establish a fixed five-year term of office for the Director of the Census Bureau, instead of the current practice, where the Director is generally appointed at the beginning of new Presidential Administrations.

The fixed five-year term established in H.R. 4945 is more consistent with the constitutionally mandated ten-year cycle of the Census enumeration, and would enable the Director to manage operations in a manner that would minimize the disruptions caused by leadership changes. From our experiences working with the Census Bureau on its efforts to reach and enumerate Latinos and other "hard to count" communities, we have learned that minor changes in the operations of the decennial Census can significantly impair the ability of the Bureau to effectively carry out its enumeration tasks. Seven former Census Directors, appointed by Presidents from both political parties, support H.R. 4945 because they believe it would enhance the ability of the agency to focus on its mission to conduct the Census in a timely and accurate manner.

We believe that H.R. 4945 takes positive steps toward providing greater stability for the decennial census and diminishing operational problems for Census 2020 and the decennial enumerations that will follow. We look forward to working on implementation of the legislation so that we achieve a solution that enables the Census Bureau to perform its essential function more effectively.

Sincerely,

ARTURO VARGAS,  
*Executive Director.*

DECEMBER 13, 2010.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives, Washington, DC.*

Hon. EDOLPHUS TOWNS,  
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

Hon. LACY CLAY,  
*Chairman, Subcommittee on Information Policy, Census and National Archives, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

Hon. JOHN BOEHNER,  
*Minority Leader, House of Representatives, Washington, DC.*

Hon. DARRELL ISSA,  
*Ranking Member, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

Hon. PATRICK MCHENRY,  
*Ranking Member, Subcommittee on Information Policy, Census and National Archives, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI, LEADER BOEHNER, CHAIRMAN TOWNS, RANKING MEMBER ISSA, CHAIRMAN CLAY, AND RANKING MEMBER MCHENRY: With Senate passage of the "Census Oversight Efficiency and Management Reform Act of 2010" (S. 3167/H.R. 4945) by unanimous consent on December 8, we write to urge swift bipartisan passage of the Senate-approved bill in order for it to reach the President's desk by year's end. The bill represents an unprecedented opportunity to enact reasonable administrative reforms and grant the Census Bureau Director new authorities to run the agency more efficiently, openly, and authoritatively, all at no additional cost to the taxpayer.

In particular, we support the bill's proposal to create a five-year Presidential appointment for the Census Director. This im-

portant change would allow the Census Bureau to avoid disruptions caused by changes in administration, especially around the period of the decennial census. Enactment of the legislation in 2012 would mean that, under normal circumstances, a change in Directors would occur on a predictable schedule in years two and seven of each decade. We anticipate that the fixed term will translate to a higher level of continuity and professional independence in the Bureau's operations. For example, a fixed term would help avoid the circumstances in both 1999 and 2009, when the Census Bureau operated without a Senate-confirmed leader during final preparations for the decennial census.

We also support the bill's components to strengthen the director's position by establishing a direct line of reporting to the Secretary of Commerce, more latitude in communication with Congress, and generally more authority over the Census Bureau, including its personnel and operations. We believe these components will improve the Census Bureau's ability to respond to requests from Congress and the wide range of important data users in the public, private, and nonprofit sectors.

Finally, let us emphasize the importance of enacting this bill promptly, since planning for the 2020 decennial census is already underway.

We thank you for your leadership on issues important to preserving and enhancing the mission of the U.S. Census Bureau.

American Association for Public Opinion Research; American Planning Association; American Sociological Association; American Statistical Association; Arab American Institute Foundation; Asian American Justice Center; Association of Academic Survey Research Organizations; Association of Population Centers; Consortium of Social Science Associations; Council of Professional Associations on Federal Statistics; Demos; Japanese American Citizens League; Latino Census Network; Marketing Research Association; Mid-Region Council of Governments; Moving Forward Gulf Coast, Inc.; National Association of Home Builders; National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund; National Education Association; National Institute for Latino Policy; Nonprofit Voter Engagement Network; OCA; Population Association of America (PAA); Population Reference Bureau; Population Resource Center; Prison Policy Initiative; Project Vote; South Asian Americans Leading Together (SAALT); Southeast Michigan Census Council; Southern Demographic Association; and The Leadership Conference on Civil and Human Rights.

Madam Speaker, I reserve the balance of my time.

Mr. MCHENRY. I again yield myself such time as I may consume.

Madam Speaker, just to address my colleague's comments about the opinion she imputed to me about this legislation and the way she changed the legislation to more meet with my opinion, those, Madam Speaker, were not my opinions. We have actually not had discussions about this legislation, my colleague and I from New York have not. So, just to be very clear, those opinions were someone else's; not mine.

Additionally, it is kind of interesting to throw in the tax debate regarding a piece of legislation about the census. I'm not going to take the bait. It's fine. We'll have a vote on that or we won't have a vote on that this Congress, depending on what the Speaker thinks. I

certainly understand the concern about not having hearings and not having markups.

But I would say to my colleague from New York that it is her party that is in both the House and Senate and had every opportunity to schedule a hearing on this piece of legislation. They had every opportunity to schedule a markup on this piece of legislation, and they didn't. So, clearly, it is a problem not with my party, but it is a problem with my colleague from New York's party about getting that scheduled.

□ 1600

Madam Speaker, I do have serious concerns and, I think, legitimate concerns. I also understand how many folks operate in Congress: we take a pledge that we will fix it later, and that "later" never happens.

So what I would say to my colleague from New York is that, in the next Congress, I will be very happy to work with her to pass a reasonable piece of legislation which, I think, structurally will look different than this but which will take on some of the concerns that she has about the Census Bureau.

I am truly concerned about making sure that our statistical agencies are independent, independent from political influence like this President tried to have at the beginning of his term in office by having the Census Director report directly to then-Chief of Staff Rahm Emanuel. We came out opposed to that. It was my colleagues on the other side of the aisle who wanted that. We came out opposed to the statistical manipulation of the outcome of the census, which some in the other party were very much in favor of. It is true that there are political disagreements between Republicans and Democrats, but I think we all want to have a fair and accurate census.

I also want to have a census that is cheaper in the future than it has been in the past. We have had a cost overrun of \$3 billion. As I would mention to my colleague from New York, the entire budget of the Department of Commerce is just shy of \$9 billion annually. They had a \$3 billion cost overrun within just the Census. That is an enormous sum, and I think it is worthy of having an Inspector General to make sure that this doesn't happen again. So that is my concern.

I reserve the balance of my time.

Mrs. MALONEY. I appreciate the gentleman's concerns. We should pass this bill. Then, in the new Congress, you can add your amendments or your ideas to the underlying bill. This is a strong bill with no cost to the American taxpayers, no increased cost; and it will help ensure a better census for 2010.

As I said, it has very strong bipartisan support, particularly from the seven living former Census Directors, who served Republican and Democratic Presidents. They support this bill. They testified before Congress that



this bill would make a stronger, more accountable, transparent census. The former Directors' support and advocacy on behalf of this bill, I believe, underscores the importance of the reforms needed to ensure that the Census Bureau is able to best perform its constitutional mandate of providing a fair and accurate census count.

Again, I want to underscore: How many times have we seen a bill come over with 100 Senators who are in support of it—totally unanimous? totally bipartisan?

I am confident that this bill will ensure that Congress will get the information we need and deserve in order to get us a fair and fully funded Census which is independent and will respond, no matter who occupies the White House. In other words, this is a very important bill, so I urge a strong bipartisan vote in support of it.

S. 3167 Endorsed by seven former Census Directors: Vincent P. Barabba (1973–1976; 1979–1981), John G. Keane (1984–1989), Barbara Everitt Bryant (1989–1993), Martha Farnsworth Riche (1994–1998), Kenneth Prewitt (1998–2001), Charles Louis Kincannon (2002–2008), and Steven H. Murdock (2008–2009).

S. 3167 Endorsed by: National Leadership Conference on Civil Rights (LCCR); National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund; Population Association of America (PAA) and the Association of Population Centers (APC); American Association for Public Opinion Research (AAPOR); American Planning Association; American Statistical Association (ASA); Arab American Institute Foundation; Consortium of Social Science Associations (COSSA); Latino Census Network; Mid-Region Council of Governments; National Institute for Latino Policy (NILP); Population Resource Center; Prison Policy Initiative; Southeast Michigan Census Council (SEMCC) and Southern Demographic Association (SDA).

The SPEAKER pro tempore (Ms. CHU). The time of the gentlewoman has expired.

Mr. MCHENRY. Madam Speaker, I am sorry my colleague used up her time.

I am going to close by saying that anyone who wants an accountable Census Bureau will oppose this bill. Instead of saying we want an independent bureau that is not accountable, I think we are saying we want an independent bureau that is accountable. That is why I am going to oppose this bill.

I ask my colleagues—those who want fiscal sanity, those who want proper oversight of the Census, those who want reasonable legislating, which actually means we would have a hearing and a markup—to vote “no” on this bill.

I would also mention to my colleague from New York that her legislation we are discussing here today got just about as many votes as that tax deal that she opposes. So you can take this for all you want as to what the Senate does, but the census affects every Member of the House, all of our constituents, our statistical reporting agencies, and our economic bureaus as well. We

want to make sure we get this legislation right, but it is highly flawed as it is currently constructed; and it would mean further cost overruns going forward.

With that, I urge my colleagues to vote “no” on this legislation.

Mr. DENT. Mr. Speaker, I rise today in strong support of S. 3167, the Census Oversight Efficiency and Management Reform Act. S. 3167 will provide needed independence and autonomy to the U.S. Census Bureau.

This bill will ensure a census count that is fair, accurate, and free from political bias.

I am proud to have cosponsored the House version of this bill, H.R. 4945 with CAROLYN MALONEY of New York.

This bipartisan, good government reform measure passed the Senate by unanimous consent last week.

Senator COBURN was the lead Senate Republican cosponsor and supported passage of the bill.

S. 3167 is endorsed by seven former census directors, appointed by and who served in Republican and Democrat administrations.

S. 3167 will allow the Director of the Census Bureau to give candid opinions and testimony to Congress and the Commerce Secretary on the needs of the Bureau.

The Census is a scientific agency, similar to the National Science Foundation or NASA. Its statistical mission should be unencumbered by increased political bias and bureaucracy.

These reforms will ensure that Congress receives the most accurate information on issues facing the census directly from the Bureau and without interference from political appointees.

S. 3167 is supported by the American Statistical Association, the American Planning Association, the Council of Professional Associations on Federal Statistics, the Association of Academic Survey Research Organizations, and other members of the scientific community.

Accurate census data is needed to properly account for congressional apportionment and a wide range of government services, including: Medicare, Social Security, veterans' health services, assistance to farmers, TANF, community development grants, federal housing assistance, and road and highway construction.

Making the Census Director a 5-year Presidential term appointment will prevent Presidential politics from interfering in selection.

The American people expect Congress to improve the efficiency and accountability of government through common sense bipartisan reforms. We can do this today through this bill with no cost to the taxpayers.

The Senate passed this legislation unanimously, and I hope the House will send this bill to the President for signature into law.

Mr. BACA. Madam Speaker, I rise in strong support of S. 3167, the Census Oversight Efficiency and Management Reform Act.

The 2010 Census is complete and results will be made public soon. However, we must think ahead now for the 2020 Census.

The bill's proposal to create a five-year term appointment for the Census Bureau Director is an important change that will allow the Census Bureau to avoid disruptions caused by changes in administrations, especially around the period of the decennial census.

The accuracy of the Census is tied to advance planning and careful design, and must be ensured to the best extent possible.

An accurate count means that proportionate amounts of federal dollars go back home to our Districts, to our schools, to our courthouses. We must remember that the Census count is not just a number; it affects the livelihood of all our communities.

Gaps in management and leadership hurt all of us, not just those at the Census Bureau.

This bill will provide greater stability for the leadership of the Census Bureau and its operations by enhancing the continuity of the Bureau's overall operations.

In fact, seven former Census Directors, appointed by Presidents from both political parties, support this bill because they believe it would enhance the ability of the agency to focus on its mission to conduct the Census in a timely and accurate manner.

I urge my colleagues to support S. 3167, because it takes positive steps toward providing greater stability for the decennial census and diminishing operational problems.

Mr. TOWNS. Madam Speaker, S. 3167 is an important, bipartisan measure that will help ensure stable, effective management at the Census Bureau for years to come. With preparations for the 2020 Census already underway, this body has the opportunity to make sure it is the most accurate and complete census in history.

The measure would protect the independence of the Census Bureau from political interference by giving its Director the independence to report directly to the Secretary of Commerce. The Department of Commerce oversees many agencies, and so giving the Census Bureau greater independence from Commerce will help keep it a priority throughout the 10-year cycle of the census. It will also help keep Congress informed on the status of the census throughout the decade, helping us to foresee and prevent problems.

The bill will also extend the term of the director of the Bureau to five years, with a limit of two terms. This will align the term of the Director more closely with the decennial census's planning and implementation phases. In addition, it will help free the director from the whims of presidential politics, keeping a new president from changing directors in the middle of a census. I think this is so important, especially since the 2020 Census will occur during a presidential election year. A fixed term sends a message that we consider the Census Bureau to be an agency with a scientific mission, like the Bureau of Labor Statistics and the National Center for Education Statistics. We must make sure that the professionals at these agencies, including the Census Bureau, are given the ability to do what they do best, insulated from politics.

We know the significance of the decennial census: an undertaking so important that the founding fathers enshrined it in the Constitution. However, GAO has deemed the last three decennial censuses “at risk,” which is something we in Congress cannot accept. S. 3167 will implement some of GAO's recommendations on the Census, and also has the support of leading statistical organizations and the seven living former directors of the Bureau, directors who served under Democratic and Republican presidents alike. The bill comes at no cost to taxpayers, and is the result of careful, bipartisan negotiations. I'd like to thank the gentlewoman from New York, Representative MALONEY, as well as the gentleman from Pennsylvania, Representative

DENT, for their leadership on the bill, the gentleman from Missouri, Representative CLAY, for his leadership on the Census with the Information Policy Subcommittee, and I'd also like to thank Senators CARPER and COBURN for the hard work they put into passing the legislation unanimously in the Senate.

I encourage all my colleagues on both sides to join me in voting in favor of S. 3167.

Mr. MCHENRY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, S. 3167.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCHENRY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 14, 2010.

Hon. NANCY PELOSI,  
The Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 14, 2010 at 1:12 p.m.:

That the Senate passed S. 2902.

That the Senate passed with an amendment H.R. 628.

That the Senate passed without amendment H.R. 6278.

That the Senate passed S. 3447.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

#### MUSEUM AND LIBRARY SERVICES ACT OF 2010

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3984) to amend and extend the Museum and Library Services Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3984

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Museum and Library Services Act of 2010".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

#### TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.  
Sec. 102. Responsibilities of Director.  
Sec. 103. Personnel.  
Sec. 104. Board.  
Sec. 105. Awards and medals.  
Sec. 106. Research and analysis.  
Sec. 107. Hearings.  
Sec. 108. Administrative funds.

#### TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purposes.  
Sec. 202. Authorization of appropriations.  
Sec. 203. Reservations and allotments.  
Sec. 204. State plans.  
Sec. 205. Grants.  
Sec. 206. Grants, contracts, or cooperative agreements.  
Sec. 207. Laura Bush 21st Century Librarian Program.  
Sec. 208. Conforming amendments.

#### TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.  
Sec. 302. Definitions.  
Sec. 303. Museum services activities.  
Sec. 304. Authorization of appropriations.

#### TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND IN- FORMATION SCIENCE ACT

Sec. 401. Repeal.

#### SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) DIGITAL LITERACY SKILLS.—The term 'digital literacy skills' means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information."

##### SEC. 102. RESPONSIBILITIES OF DIRECTOR.

Section 204 (20 U.S.C. 9103) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) DUTIES AND POWERS.—

"(1) PRIMARY RESPONSIBILITY.—The Director shall have primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

"(2) DUTIES.—In carrying out the responsibility described in paragraph (1), the Director shall—

"(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

"(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

"(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

"(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.";

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(3) by striking subsection (e) and inserting the following:

"(e) INTERAGENCY AGREEMENTS.—The Director may—

"(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

"(2) use funds appropriated under this Act for the costs of such activities.

"(f) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

"(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

"(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

"(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

"(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

"(g) INTERAGENCY COLLABORATION.—The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

"(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

"(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

"(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums."

##### SEC. 103. PERSONNEL.

Section 206 (20 U.S.C. 9105) is amended—

(1) by striking paragraph (2) of subsection (b) and inserting the following:

"(2) NUMBER AND COMPENSATION.—

"(A) IN GENERAL.—The number of employees appointed and compensated under paragraph (1) shall not exceed 1/3 of the number of full-time regular or professional employees of the Institute.