

Editorial Notes

REFERENCES IN TEXT

Section 3 of the Census Address List Improvement Act of 1994, referred to in subsec. (a)(3), is section 3 of Pub. L. 103-430, set out below.

Statutory Notes and Related Subsidiaries

DEVELOPMENT OF APPEALS PROCESS BY ADMINISTRATOR OF OFFICE OF INFORMATION AND REGULATORY AFFAIRS

Pub. L. 103-430, § 3, Oct. 31, 1994, 108 Stat. 4394, provided that: “The Administrator of the Office of Information and Regulatory Affairs, acting through the Chief Statistician and in consultation with the Bureau of the Census, shall develop an appeals process for those States and local units of general purpose government which desire to appeal determinations of the Bureau of the Census pursuant to section 16(a)(2) or (b)(3) of title 13, United States Code. Appeals under such process shall be resolved before the decennial census date. The Chief Statistician shall publish the proposed appeals process for a period of public comment before finalizing such process.”

SUBCHAPTER II—OFFICERS AND EMPLOYEES

§ 21. Director of the Census; duties

(a) APPOINTMENT.—

(1) 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, without regard to political affiliation.

(2) 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.

(b) TERM OF OFFICE.—

(1) 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.

(2) 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.

(3) 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) PERSONNEL ACTIONS.—Except as provided under paragraph (3), nothing in this subsection shall prohibit a personnel action otherwise authorized by law with respect to the Director of the Census, other than removal.

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

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014; Pub. L. 112-166, § 3(a), Aug. 10, 2012, 126 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., § 2 (Mar. 6, 1902, ch. 139, § 3, 32 Stat. 51; June 18, 1929, ch. 28, § 21, 46 Stat. 26). The provision of section 2 of title 13, U.S.C., 1952 ed., which imposed upon the Director the duty to superintend and direct the taking of censuses of the United States was omitted in view of 1950 Reorganization Plan No. 5, effective May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, which transferred all functions of all officers, employees, bureaus, and agencies of the Department of Commerce to the Secretary of Commerce, and this title, as revised, vests such duty in the Secretary. However, under section 4 of this title, he may delegate his functions hereunder.

“Bureau” was substituted for “permanent Census Office”. See Revision Note to section 2 of this title.

At the end of this section, references to regulations, and to orders of the Secretary, were added after “law” in view of the changes effected by 1950 Reorganization Plan No. 5, referred to above.

Changes were made in phraseology.

Editorial Notes

AMENDMENTS

2012—Pub. L. 112-166 amended section generally. Prior to amendment, text read as follows: “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. The Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-166, § 6(b), Aug. 10, 2012, 126 Stat. 1295, provided that: “The provisions of sections 3 and 4 [amending this section and enacting provisions set out as notes under this section] (including any amendments made by those sections) shall take effect on the date of enactment of this Act [Aug. 10, 2012].”

TRANSITION RULES

Pub. L. 112-166, § 3(b), Aug. 10, 2012, 126 Stat. 1291, provided that:

“(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(a) 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; and

“(B) shall assume the powers and duties of such Director for one term beginning January 1, 2012, as described in section 21(b) of such title, as so amended.”

TECHNICAL AND CONFORMING AMENDMENTS

Pub. L. 112-166, § 3(c), Aug. 10, 2012, 126 Stat. 1291, provided that: “Not later than January 1, 2012, [sic] 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 section [amending this section and enacting provisions set out as notes under this section].”

§ 22. Qualifications of permanent personnel

All permanent officers and employees of the Bureau shall be citizens of the United States.