

117TH CONGRESS  
2D SESSION

# H. R. 8326

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

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## 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

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## 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.—

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

4   **“§ 14. Budget requests**

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

13          “(b) On the date that the estimate of costs are sub-  
14          mitted to the President under subsection (a), the Sec-  
15          retary shall submit such estimate to the Committee on  
16          Oversight and Reform of the House of Representatives,  
17          the Committee on Homeland Security and Governmental  
18          Affairs of the Senate, the Committees on the Budget of  
19          the House of Representatives and the Senate, and the  
20          Committees on Appropriations of the House of Represent-  
21          atives and the Senate.”.

22           (2) CLERICAL AMENDMENT.—The table of sec-  
23          tions for such subchapter is amended by inserting  
24          after the item relating to section 13 the following  
25          new item:

“14. Budget requests.”.

1 (b) FOR-CAUSE REMOVAL OF DIRECTOR; DUTIES.—

2 Section 21 of title 13, United States Code, is amended—

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

6 (2) by amending subsection (c) to read as fol-  
7 lows:

8 “(c) DUTIES.—

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

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

18 (c) ADVISORY COMMITTEES; DEPUTY DIRECTOR.—

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

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

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

1 “(d) DEPUTY DIRECTOR.—

2 “(1) IN GENERAL.—There shall be in the Bu-  
3 reau a single Deputy Director of the Bureau, to be  
4 appointed by the Director. The position of Deputy  
5 Director shall be a career reserved position (as that  
6 term is defined in section 3132(a)(8) of title 5). The  
7 Deputy Director shall be selected from among any  
8 career appointee (as that term is defined in section  
9 3132(a)(4) of such title) at any agency. The indi-  
10 vidual appointed to the position of Deputy Director  
11 shall possess knowledge of, or experience in, the  
12 work of the Bureau, and possess experience in rel-  
13 evant fields, including demography, economics, sur-  
14 vey methodology, statistics, or data science.

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

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

1 pointed. This paragraph shall serve as the exclusive  
2 means of designating an acting Director.

3 “(e) ADVISORY COMMITTEES.—

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

14 “(2) SPECIFIC ADVISORY COMMITTEES.—

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

24 “(B) NATIONAL ADVISORY COMMITTEE  
25 AND SCIENTIFIC ADVISORY COMMITTEE.—There

are hereby established the Bureau of the Census Scientific Advisory Committee and the Census Bureau National Advisory Committee on Racial, Ethnic, and Other Populations, as described in the charters for each such committee published on March 15, 2022, and March 23, 2022, respectively, or any subsequent charters. Such advisory committees shall operate under the terms and conditions set forth in the applicable charter.

“(C) 2030 CENSUS ADVISORY COMMITTEE.—The Director shall appoint an advisory committee, substantially similar to the 2010 Census Advisory Committee, consisting of up to 20 member organizations to address policy, research, and technical issues related to the design and implementation of the 2030 decennial census and the American Community Survey.”.

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

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

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

1 (1) by striking “All permanent” and inserting

2 “(a) IN GENERAL.—All permanent”; and

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

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

8 **SEC. 3. LIMITATIONS AND REQUIREMENTS FOR THE DE-**  
9 **CENNIAL CENSUS.**

10 Section 141 of title 13, United States Code, is  
11 amended—

12 (1) by redesignating subsection (g) as sub-  
13 section (h);

14 (2) by inserting after subsection (f) the fol-  
15 lowing:

16 “(g) LIMITATIONS AND REQUIREMENTS.—

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

24 “(2) BIENNIAL REPORTS.—

1           “(A) SUBMISSION TO CONGRESS.—Not  
2 later than April 1 of the calendar year begin-  
3 ning after the date of enactment of the Ensuring a Fair and Accurate Census Act and bian-  
4 nually thereafter, the Secretary shall submit to  
5 Congress a report that—

7           “(i) describes each component of the  
8 operational plan for the subsequent decen-  
9 nial census of population; and

10          “(ii) includes a detailed statement on  
11 the status of all research, testing, and op-  
12 erations that are part of the Bureau’s com-  
13 prehensive plan for the decennial census.

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

19          “(3) SECRETARY CERTIFICATION.—

20          “(A) IN GENERAL.—The Secretary, upon  
21 the date of submission of the report required by  
22 subsection (f)(2), shall submit, to the commit-  
23 tees of Congress having legislative jurisdiction  
24 over the census, a certification stating that any  
25 question that has not appeared on the previous



1 two decennial censuses has been researched,  
2 studied, and tested according to established sta-  
3 tistical policies and procedures.

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

13 (3) in subsection (h), as so redesignated, by in-  
14 serting “DEFINITION.—” before “As used in”.

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