

117TH CONGRESS
2D SESSION

S. 5270

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2022

Mr. SCHATZ introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 Director shall include in such request to the Secretary the
 10 estimated costs of carrying out the duties of the Bureau
 11 during the five-year period beginning on the fiscal year
 12 covered by such request.

13 “(b) On the date that the estimate of costs is sub-
 14 mitted to the Secretary under subsection (a), the Director
 15 shall submit such estimate to the Committee on Oversight
 16 and Reform of the House of Representatives, the Com-
 17 mittee on Homeland Security and Governmental Affairs
 18 of the Senate, the Committees on the Budget of the House
 19 of Representatives and the Senate, and the Committees
 20 on Appropriations of the House of Representatives and the
 21 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) DUTIES.—Section 21(c) of title 13, United States
2 Code, is amended to read as follows:

3 “(c) DUTIES.—

4 “(1) IN GENERAL.—The Director shall perform
5 such duties as may be imposed upon the Director by
6 law, regulations, or orders of the Secretary. The Di-
7 rector shall report directly to the Deputy Secretary
8 of Commerce.

9 “(2) DECENNIAL CENSUS.—Any operational,
10 statistical, or technical decision for any decennial
11 census of population may be made only by the Direc-
12 tor.”.

13 (c) ADVISORY COMMITTEES; DEPUTY DIRECTOR.—

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

17 (A) in the section heading, by striking
18 “**duties**” and inserting “**Deputy Director;**
19 **advisory committees**”; and

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

21 “(d) DEPUTY DIRECTOR.—

22 “(1) IN GENERAL.—There shall be in the Bu-
23 reau a single Deputy Director of the Bureau, to be
24 appointed by the Director. The position of Deputy
25 Director shall be a career reserved position (as that

1 term is defined in section 3132(a)(8) of title 5). The
2 Deputy Director shall be selected from among any
3 career appointee (as that term is defined in section
4 3132(a)(4) of such title) at any agency. The indi-
5 vidual appointed to the position of Deputy Director
6 shall be made from individuals who have a dem-
7 onstrated ability in managing large organizations
8 and experience in the collection, analysis, and use of
9 statistical data.

10 “(2) FUNCTIONS.—The Deputy Director shall
11 perform such functions as the Director shall des-
12 ignate. During any absence or disability of the Di-
13 rector, the Deputy Director shall act as Director.

14 “(3) VACANCY.—In the event of a vacancy in
15 the office of Director, or when the Director is absent
16 or unable to serve, the Deputy Director shall act as
17 Director until a Director is appointed. If no indi-
18 vidual is serving as Deputy Director, the highest
19 level career employee of the Bureau shall act as Di-
20 rector until a Deputy Director or Director is ap-
21 pointed. This paragraph shall serve as the exclusive
22 means of designating an acting Director.

23 “(4) CENSUS EQUITY OFFICIAL.—The Deputy
24 Director shall appoint an employee within the Bu-
25 reau, who shall report directly to the Deputy Direc-

1 tor, and who shall be responsible for optimizing ra-
2 cial and ethnic equity in the decennial census of pop-
3 ulation, including by—

4 “(A) enhancing outreach to, and collabo-
5 rating with, organizations and stakeholders that
6 have demonstrated their influence with racial
7 and ethnic communities that historically have
8 had census participation rates that are lower
9 than those of the overall population;

10 “(B) maximizing participation among ra-
11 cial and ethnic demographic cohorts that have
12 historically had census participation rates that
13 are lower than those of the overall population;

14 “(C) rectifying the undercount of cohorts
15 of the population that have been undercounted
16 in recent decennial census counts; and

17 “(D) any other strategies, initiatives, ac-
18 tivities, or operations that would optimize such
19 equity.

20 “(e) ADVISORY COMMITTEES.—

21 “(1) GENERAL AUTHORITY.—In accordance
22 with the Federal Advisory Committee Act (5 U.S.C.
23 App.), and subject to paragraph (2), the Director
24 may establish advisory committees to provide advice
25 with respect to the mission of the Bureau. Members

1 of any such committee, including a committee estab-
2 lished under paragraph (2), shall serve without com-
3 pensation, but shall be entitled to transportation ex-
4 penses and per diem in lieu of subsistence in accord-
5 ance with section 5703 of title 5.

6 “(2) SPECIFIC ADVISORY COMMITTEES.—

7 “(A) BUREAU OF THE CENSUS ADVISORY
8 COMMITTEE ON STATISTICAL QUALITY STAND-
9 ARDS.—The Director shall appoint a committee,
10 to be known as the ‘Advisory Committee on
11 Statistical Quality Standards’, composed of five
12 members to review and provide recommenda-
13 tions on the statistical quality standards of the
14 Bureau that guide the production and release of
15 all Bureau decennial census products.

16 “(B) NATIONAL ADVISORY COMMITTEE
17 AND SCIENTIFIC ADVISORY COMMITTEE.—There
18 are hereby established the Bureau of the Cen-
19 sus Scientific Advisory Committee and the Cen-
20 sus Bureau National Advisory Committee on
21 Racial, Ethnic, and Other Populations, as de-
22 scribed in the charters for each such committee
23 published on March 15, 2022, and March 23,
24 2022, respectively, or any subsequent charters.
25 Such advisory committees shall operate under

1 the terms and conditions set forth in the appli-
2 cable charter.

3 “(C) 2030 CENSUS ADVISORY COM-
4 MITTEE.—The Director shall appoint an advi-
5 sory committee, substantially similar to the
6 2010 Census Advisory Committee, consisting of
7 up to 20 member organizations to address pol-
8 icy, research, and technical issues related to the
9 design and implementation of the 2030 decen-
10 nial census and the American Community Sur-
11 vey.”.

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

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

16 (d) POSITION REQUIREMENTS.—Section 22 of title
17 13, United States Code, is amended—

18 (1) by striking “All permanent” and inserting
19 “(a) IN GENERAL.—All permanent”; and
20 (2) by adding at the end the following:

21 “(b) POSITIONS.—Each position within the Bureau
22 shall be a career position within the civil service, except
23 for the position of the Director and not more than three
24 other positions.”.

1 **SEC. 3. LIMITATIONS AND REQUIREMENTS FOR THE DE-**
 2 **CENNIAL CENSUS.**

3 Section 141 of title 13, United States Code, is
 4 amended—

5 (1) by redesignating subsection (g) as sub-
 6 section (i);

7 (2) by inserting after subsection (f) the fol-
 8 lowing:

9 “(g) LIMITATIONS AND REQUIREMENTS.—

10 “(1) NOTICE TO CONGRESS OF SUBJECTS,
 11 TYPES OF INFORMATION, AND QUESTIONS.—In the
 12 2030 decennial census of population and each decen-
 13 nial census thereafter, the Secretary may not include
 14 any subject, type of information, or question that
 15 was not submitted to Congress in accordance with
 16 subsection (f).

17 “(2) BIENNIAL REPORTS.—

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

24 “(i) describes each component of the
 25 operational plan for the subsequent decen-
 26 nial census of population; and

1 “(ii) includes a detailed statement on
2 the status of all research, testing, and op-
3 erations that are part of the Bureau’s com-
4 prehensive plan for the decennial census,
5 and including a detailed statement on the
6 status of any initiatives, developments, and
7 operations within the purview of the offi-
8 cial appointed by the Deputy Director
9 under section 21(d)(4).

10 “(B) INTERNET PUBLICATION.—On the
11 date on which the Secretary submits a report
12 under subparagraph (A), the Secretary shall
13 publish the report on the public internet website
14 of the Bureau.

15 “(3) SECRETARY CERTIFICATION.—

16 “(A) IN GENERAL.—The Secretary, upon
17 the date of submission of the report required by
18 subsection (f)(2), shall submit, to the commit-
19 tees of Congress having legislative jurisdiction
20 over the census, a certification stating that any
21 question that has not appeared on the previous
22 two decennial censuses has been researched,
23 studied, and tested according to established sta-
24 tistical policies and procedures.

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

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

13 Section 141 of title 13, United States Code, as
 14 amended by section 3, is further amended by inserting
 15 after subsection (g) the following:

16 “(h) LIFECYCLE COSTS.—

17 “(1) ESTIMATE.—Not later than January 1,
 18 2026, and every ten years thereafter, the Director
 19 shall transmit to the chairs of the committees de-
 20 scribed in paragraph (3) a lifecycle cost estimate for
 21 the decennial census of population first occurring
 22 after the date of such transmittal. Such estimate
 23 shall include the following with respect to such
 24 lifecycle:

1 “(A) An estimate of costs by each fiscal
2 year.

3 “(B) Estimates of capital versus operating
4 expenses.

5 “(C) Staffing projections for each year.

6 “(D) Assumptions about response rates,
7 wages, and other economic variables.

8 “(2) UPDATE.—On the date the President sub-
9 mits the annual budget under section 1105(a) of
10 title 31 during any calendar year a decennial of cen-
11 sus of population is taken under this section, and on
12 the date such annual budget is submitted during the
13 immediately preceding four calendar years, the Di-
14 rector shall transmit a report describing any changes
15 to the applicable lifecycle estimate transmitted under
16 paragraph (1). Such report shall include the fol-
17 lowing:

18 “(A) The basis for any such changes.

19 “(B) Projected impacts on response rates,
20 staffing requirements, or costs throughout the
21 lifecycle.

22 “(C) An explanation of any differences in
23 budgetary resources between the amount re-
24 quested in the President’s annual budget re-

1 quest and the lifecycle cost estimate, as updated
2 by this paragraph.

3 “(3) COMMITTEES.—The committees described
4 in this paragraph are the Committee on Oversight
5 and Reform of the House of Representatives, the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate, and the Committees on Appro-
8 priations of the House of Representatives and the
9 Senate.”.

10 **SEC. 5. REPORT ON LOCAL-LEVEL DATA AND LOCAL FIELD**
11 **OPERATIONS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Director of the Bureau of the Census
14 shall submit to Congress a report that—

15 (1) reviews the Bureau’s current processes for
16 consulting and engaging with jurisdictions and local
17 partners in conducting the decennial census, includ-
18 ing as it relates to preventing and addressing inac-
19 curacies;

20 (2) provides an update on the Bureau’s
21 progress in implementing several of the Government
22 Accountability Office’s recommendations as it relates
23 to the collection and utilization of local-level data
24 and coordination of local field operations; and

- 1 (3) outlines additional resources needed to sup-
- 2 port and improve the Bureau's capacity to conduct
- 3 an accurate count of the Nation's population.

