

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8326
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring a Fair and
3 Accurate Census Act”.

4 **SEC. 2. MODIFICATION OF CERTAIN BUREAU OF THE CEN-
5 SUS AUTHORITIES.**

6 (a) BUDGET REQUESTS.—

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

10 **“§ 14. Budget requests**

11 “(a) With respect to the budget request of the Bu-
12 reau for fiscal year 2027 and each fiscal year thereafter
13 submitted to the President for inclusion in the annual
14 budget submission under section 1105(a) of title 31, the
15 Secretary shall include in such request the estimated costs
16 of carrying out the duties of the Bureau during the five-

1 year period beginning on the fiscal year covered by such
2 request.

3 “(b) On the date that the estimate of costs are sub-
4 mitted to the President under subsection (a), the Sec-
5 retary shall submit such estimate to the Committee on
6 Oversight and Reform of the House of Representatives,
7 the Committee on Homeland Security and Governmental
8 Affairs of the Senate, the Committees on the Budget of
9 the House of Representatives and the Senate, and the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate.”.

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

“14. Budget requests.”.

16 (b) FOR-CAUSE REMOVAL OF DIRECTOR; DUTIES.—
17 Section 21 of title 13, United States Code, is amended—

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

21 (2) by amending subsection (c) to read as fol-
22 lows:

23 “(c) DUTIES.—

24 “(1) IN GENERAL.—The Director shall perform
25 such duties as may be imposed upon the Director by

1 law, regulations, or orders of the Secretary. The Di-
2 rector shall report directly to the Deputy Secretary
3 of Commerce.

4 “(2) DECENNIAL CENSUS.—Any operational,
5 statistical, or technical decision for any decennial
6 census of population may be made only by the Direc-
7 tor.”.

8 (c) ADVISORY COMMITTEES; DEPUTY DIRECTOR.—

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

12 (A) in the section heading, by striking
13 “**duties**” and inserting “**Deputy Director;**
14 **advisory committees**”; and

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

16 “(d) DEPUTY DIRECTOR.—

17 “(1) IN GENERAL.—There shall be in the Bu-
18 reau a single Deputy Director of the Bureau, to be
19 appointed by the Director. The position of Deputy
20 Director shall be a career reserved position (as that
21 term is defined in section 3132(a)(8) of title 5). The
22 Deputy Director shall be selected from among any
23 career appointee (as that term is defined in section
24 3132(a)(4) of such title) at any agency. The indi-
25 vidual appointed to the position of Deputy Director

1 shall possess knowledge of, or experience in, the
2 work of the Bureau, and possess experience in rel-
3 evant fields, including demography, economics, sur-
4 vey methodology, statistics, or data science.

5 “(2) FUNCTIONS.—The Deputy Director shall
6 perform such functions as the Director shall des-
7 ignate. During any absence or disability of the Di-
8 rector, the Deputy Director shall act as Director.

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

18 “(e) ADVISORY COMMITTEES.—

19 “(1) GENERAL AUTHORITY.—In accordance
20 with the Federal Advisory Committee Act (5 U.S.C.
21 App.), and subject to paragraph (2), the Director
22 may establish advisory committees to provide advice
23 with respect to the mission of the Bureau. Members
24 of any such committee, including a committee estab-
25 lished under paragraph (2), shall serve without com-

1 pensation, but shall be entitled to transportation ex-
2 penses and per diem in lieu of subsistence in accord-
3 ance with section 5703 of title 5.

4 “(2) SPECIFIC ADVISORY COMMITTEES.—

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

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

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

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

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

14 (d) POSITION REQUIREMENTS.—Section 22 of title
15 13, United States Code, is amended—

16 (1) by striking “All permanent” and inserting
17 “(a) IN GENERAL.—All permanent”; and

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

19 “(b) POSITIONS.—Each position within the Bureau
20 shall be a career position within the civil service, except
21 for the position of the Director and not more than two
22 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); and

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 “(B) INTERNET PUBLICATION.—On the
6 date on which the Secretary submits a report
7 under subparagraph (A), the Secretary shall
8 publish the report on the public internet website
9 of the Bureau.

10 “(3) SECRETARY CERTIFICATION.—

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

20 “(B) GAO REVIEW.—Not later than 6
21 months after the Secretary submits a certifi-
22 cation under paragraph (2), the Comptroller
23 General of the United States shall review such
24 certification and submit a report to Congress on
25 whether the questions to be included in the cen-

1 sus have been researched, studied, and tested
2 according to established statistical policies and
3 procedures.”; and

4 (3) in subsection (i), as so redesignated, by in-
5 serting “DEFINITION.—” before “As used in”.

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

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

10 “(h) LIFECYCLE COSTS.—

11 “(1) ESTIMATE.—Not later than January 1,
12 2026, and every ten years thereafter, the Director
13 shall transmit to the chairs of the committees de-
14 scribed in paragraph (3) a lifecycle cost estimate for
15 the decennial census of population first occurring
16 after the date of such transmittal. Such estimate
17 shall include the following with respect to such
18 lifecycle:

19 “(A) An estimate of costs by each fiscal
20 year.

21 “(B) Estimates of capital versus operating
22 expenses.

23 “(C) Staffing projections for each year.

24 “(D) Assumptions about response rates,
25 wages, and other economic variables.

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

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

12 “(B) Projected impacts on response rates,
13 staffing requirements, or costs throughout the
14 lifecycle.

15 “(C) An explanation of any differences in
16 budgetary resources between the amount re-
17 quested in the President’s annual budget re-
18 quest and the lifecycle cost estimate, as updated
19 by this paragraph.

20 “(3) COMMITTEES.—The committees described
21 in this paragraph are the Committee on Oversight
22 and Reform of the House of Representatives, the
23 Committee on Homeland Security and Governmental
24 Affairs of the Senate, and the Committees on Appro-

1 priations of the House of Representatives and the
2 Senate”.

