

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.

#### 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.”

#### 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.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014; Pub. L. 86-769, §1, Sept. 13, 1960, 74 Stat. 911.)

#### HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§5, 6 (Mar. 6, 1902, ch. 139, §§5, 10, 32 Stat. 51, 53; June 18, 1929, ch. 28, §21, 46 Stat. 26).

Section consolidates section 5 of title 13, U.S.C., 1952 ed., with section 6 of such title.

A reference to “officers” was inserted for completeness, and the word “permanent” was inserted before “officers and employees” for the purpose of clarity.

The provision in section 5 of title 13, U.S.C., 1952 ed., excepting unskilled laborers from the requirements for citizenship, was omitted as superseded and covered by the Classification Act of 1949 (5 U.S.C., 1952 ed., ch. 21).

The provision that appointments and compensation shall be subject to the Classification Act of 1949 is new but is in accordance with existing law. See chapter 21 of title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees.

The provision in section 5 of title 13, U.S.C., 1952 ed., giving preference in appointments to war veterans and their widows, was omitted as superseded and covered by the Veterans’ Preference Act of 1944 (chapter 17 of Title 5, U.S.C., 1952 ed., Executive Departments and Government Officers and Employees).

Changes were made in phraseology.

#### AMENDMENTS

1960—Pub. L. 86-769 struck out references to appointment and compensation under the Civil Service laws and the Classification Act of 1949.

#### PROGRAM FOR EMPLOYMENT OF SPANISH-ORIGIN PERSONNEL IN BUREAU; REPORT TO CONGRESS

Pub. L. 94-311, §6, June 16, 1976, 90 Stat. 689, required Department of Commerce to implement an affirmative action program within Bureau of the Census for employment of personnel of Spanish origin or descent and to submit a report to Congress within one year of June 16, 1976, on progress of such program.

#### § 23. Additional officers and employees

(a) The Secretary may establish, at rates of compensation to be fixed by him without regard to the Classification Act of 1949, as many temporary positions as may be necessary to meet the requirements of the work provided for by law. Bureau employees who are transferred to any such temporary positions shall not lose their permanent civil service status by reason of the transfer. The Secretary may make appointments to such temporary positions in conformity with the civil service laws and rules.

(b) In addition to employees of the Department of Commerce, employees of other departments and independent offices of the Government may, with the consent of the head of the respective department or office, be employed and compensated for field work in connection with the work provided for by law without regard to section 301 of the Dual Compensation Act.

(c) The Secretary may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities, and employees of