

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.

(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.

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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 private organizations to assist the Bureau in performing the work authorized by this title, but only if such temporary staff is sworn to ob-

serve the limitations imposed by section 9 of this title.

(Aug. 31, 1954, ch. 1158, 68 Stat. 1014; Pub. L. 86-769, § 2, Sept. 13, 1960, 74 Stat. 911; Pub. L. 88-448, title IV, § 401(p), Aug. 19, 1964, 78 Stat. 492; Pub. L. 94-521, § 12(b), Oct. 17, 1976, 90 Stat. 2465.)

HISTORICAL AND REVISION NOTES

Based on title 13, U.S.C., 1952 ed., §§ 203, 216, and section 1442 of title 42, U.S.C., 1952 ed., The Public Health and Welfare (June 18, 1929, ch. 28, §§ 3, 16, 46 Stat. 21, 25; July 6, 1949, ch. 298, §§ 1, 2, 63 Stat. 406; July 15, 1949, ch. 338, title VI, § 607, 63 Stat. 441; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; July 16, 1952, ch. 912, 66 Stat. 736).

Section consolidates parts of sections 203 and 216 of title 13, U.S.C., 1952 ed., with that part of subsection (b) of section 1442 of title 42, U.S.C., 1952 ed., which made such sections 203 and 216 applicable to the censuses of housing.

Section 122 of title 13, U.S.C., 1952 ed., which related to quinquennial censuses of manufacturers, the mineral industries, transportation, and other businesses (see subchapter I of chapter 5 of this revised title), and section 252 of title 13, U.S.C., 1952 ed., which related to quinquennial censuses of governments (see subchapter III of chapter 5 of this title), made section 203 of such title applicable to those censuses. However, since the particular provisions of such section 203 that have been carried into this revised section apparently related, as supplemented by section 1442(b) of title 42, U.S.C., 1952 ed., to the decennial censuses provided for in sections 201 et seq. of such title, and in such section 1442 of title 42 (see subchapter II of chapter 5 of this revised title), and apparently could have no relevancy to the quinquennial censuses referred to above, this revised section relates only to such decennial censuses.

In subsection (a), "Departmental Service" was substituted for "District of Columbia", since the Bureau of the Census now has its headquarters in Maryland, and not in the District of Columbia.

In this section, a reference to the Bureau of the Census was changed to a reference to the Department of Commerce, and references to the Director of the Census were changed in all but one case to references to the Secretary (of Commerce) to conform with 1950 Reorganization Plan No. 5, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263. See Revision Note to section 4 of this title. The provision of section 203 of title 13, U.S.C., 1952 ed., that appointments under the particular provisions thereof that have been carried into subsection (a) of this revised section should be made upon the recommendation of the Director of the Census, have been omitted from such subsection (a) for the same reason. Further, words "or to whatever other officer is designated by the Secretary to take the census provided for in sections 141 and 142 of this title" were inserted after "Director of the Census" in par. (1) of subsection (a), to conform with such 1950 Reorganization Plan.

The first paragraph of section 203 of title 13, U.S.C., 1952 ed., which provided for the employment of two assistant directors for each decennial census period, was omitted as obsolete and superseded, in view of section 122 of such title, which made such section 203 applicable to the quinquennial censuses of manufactures and other businesses, and to surveys (see subchapter IV of chapter 5 of this title), thus rendering such first paragraph ineffective and meaningless. See also section 121(b) of title 13, U.S.C., 1952 ed.

The third proviso in the second paragraph of section 203 of title 13, U.S.C., 1952 ed., giving preference in appointments to disabled war veterans, their widows, and, under certain circumstances, to their wives, 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 and arrangement.