

June 8, 2021

## The Census Bureau Director

### Introduction

On April 13, 2021, the White House announced President Biden’s intention to nominate Robert Santos, a statistician and survey methodologist who is currently president of the American Statistical Association, to be the new Director of the Census (informally known as the Census Bureau director). If the Senate confirms his nomination, which it received on April 15 and referred that day to the Committee on Homeland Security and Governmental Affairs, Mr. Santos will be the first bureau director of Hispanic ethnicity.

The decennial census is mandated by Article I, Section 2, clause 3, of the U.S. Constitution, as modified by Section 2 of the Fourteenth Amendment. The Census Bureau’s history website notes that although the census has been conducted since 1790, a permanent Census Office was not established until 1902. Initially in the Department of the Interior, the office moved to the new Department of Commerce and Labor in 1903. In 1913, when Commerce and Labor became separate departments, the Census Office remained in Commerce.

Census law is codified in Title 13 of the *U.S. Code*. Title 13, Section 21(a)(1), provides that the Census 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.” Section 21(a)(2) stipulates that “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.” Section 21(b)(1) sets the director’s term of office at five years, beginning on January 1, 2012, “and every fifth year thereafter” and specifies that “an individual may not serve more than 2 full terms as Director.” Under Section 21(b)(2), “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.” Section 21(b)(3) permits the President to remove a director and requires the President to communicate “in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.”

Because the Census Bureau is a Commerce Department agency, the Secretary of Commerce has official responsibility for its functions. In practice, however, the Secretary delegates much of this responsibility to the bureau director. According to Title 13, Section 21(c), “The Director shall perform such duties as may be imposed upon

the Director by law, regulations, or orders of the Secretary.” The director, in turn, may delegate some duties to others who are more immediately involved in, and more knowledgeable about, the bureau’s detailed, day-to-day operations.

### Director’s Responsibilities

The broad responsibilities delegated to the director, concerning data collection, processing, quality control, confidentiality protection, and dissemination, are summarized below.

### Decennial Census

The decennial census of population and housing, under Title 13, Section 141, is the largest and probably most visible of the director’s responsibilities. The census is a count, as nearly complete and accurate as possible, of every person whose usual residence is in the United States. The constitutional reason for taking the census is to have an updated basis for apportioning seats in the U.S. House of Representatives. Census data also are used to redraw legislative boundaries within states; to produce population estimates and projections; in formulas that help allocate federal funds, estimated by nongovernmental research at more than \$1.5 trillion annually, to states and localities; and by subnational governments, businesses, nonprofit organizations, and researchers for various other purposes.

### American Community Survey

Closely related is the American Community Survey (ACS), which the bureau implemented nationwide in 2005 and 2006. The ACS replaced the decennial census long form that, from 1940 to 2000, collected detailed socioeconomic and housing data from a sample of U.S. residents as the census was administered. The ACS is sent monthly to small population samples. It covers more than 3.5 million households a year in every U.S. county and the District of Columbia.

### Quinquennial Censuses

The quinquennial economic census and census of governments also are under director’s purview.

The economic census originated when, according to the Census Bureau, “Congress responded to a rapid increase in industrial activity” by instructing 1810 census enumerators to take “an account of the several manufacturing establishments and manufactures” they were to visit. The contemporary economic census is authorized under Title 13, Section 131. The bureau calls this census “the foundation” for measuring “U.S. businesses and their economic impact.” The census reaches “nearly 4 million businesses, large, medium, and small, covering most industries and all geographic areas of the United States.”

The Census Bureau characterizes the census of governments, conducted since 1957, as providing “the most comprehensive and precise measure of government economic activity. It identifies the scope and nature of the nation’s public sector” and presents “benchmark figures” on “public finance, pensions, and employment.” It classifies “local government organizations, powers, and activities,” and “measures federal, state, and local fiscal relationships.”

Under Title 13, Section 161, this census is to include, but not be limited to, “data on taxes and tax valuations, governmental receipts, expenditures, indebtedness, and employees of States, counties, cities, and other governmental units.”

### Population Estimates and Projections

Title 13, Section 181, authorizes the bureau’s population estimates program, which provides “interim current data” in the years between decennial censuses. “To the extent feasible,” the program is to produce and publish annually, “for each State, county, and local unit of general purpose government which has a population of fifty thousand or more, current data on total population and population characteristics”; and biennially, “for other local units of general purpose government,” “current data on total population.” The bureau also produces projections of population into the future that are based on the most recent census.

### Surveys Beyond the ACS

According to the Census Bureau, it conducts more than 130 surveys of households and businesses every year. The bureau identifies the ACS as the nation’s largest household survey. Some surveys are a shared responsibility between the bureau and other agencies. One notable example is the Current Population Survey (CPS), which the bureau calls “the primary source of monthly labor force statistics,” including unemployment rates. Supplementary questions added to the basic CPS “vary month to month and cover a wide variety of topics such as child support, volunteerism, health insurance coverage, and school enrollment.” The Census Bureau conducts the CPS for the Bureau of Labor Statistics (BLS), and BLS provides about two-thirds of the survey’s funding.

### Congressional Testimony

In addition, the director testifies before the bureau’s congressional oversight committees, the House Committee on Oversight and Reform and its Subcommittee on Civil Rights and Civil Liberties, and the Senate Committee on Homeland Security and Governmental Affairs, about

various matters of concern to them, and before the Committees on Appropriations’ Commerce, Justice, Science, and Related Agencies Subcommittees about the Census Bureau’s budget and associated matters.

### 2020 Census Challenges

Being in charge of the 2020 census arguably would have been a great responsibility for any bureau director under normal conditions. The bureau had to cover a large population that tends to be mobile, is distributed over a wide geographic area, may not in all cases want to be enumerated, and, in the words of one former director, has more “diversity and complexity” than it had historically. The need to avoid census miscounts, such as overcounts of people with more than one residence and undercounts of racial and ethnic minorities, has proven challenging in the past and has subjected the bureau to intense congressional and public scrutiny.

The Coronavirus Disease-2019 (COVID-19) pandemic added to the director’s and other census officials’ challenges. Census field operations that were underway or imminent had to be postponed or suspended, then resumed and rescheduled. (See CRS In Focus IF11486, *2020 Census Fieldwork Delayed by COVID-19*, by Jennifer D. Williams.) The effects of these disruptions on 2020 census completeness and quality still are being determined. The numbers for House apportionment, which, under Title 13, Section 141(b), were due no later than December 31, 2020, were released four months later, on April 26, 2021. They showed an apportionment population of 331.1 million. This population included residents of the 50 states as well as members of the U.S. military and federal civilian employees stationed abroad, plus their dependents living with them. The resident population of the 50 states and DC was reported as 331.4 million. As required by Title 13, Section 141(c), the tabulations of census data for use in redrawing state congressional and legislative districts had to be, but were not, delivered by March 31, 2021, to the states that had requested them. The bureau announced on April 26 that the states will not receive these data until August 16.

Addressing the 2020 census issues that remain may be among the new director’s immediate responsibilities.

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**Jennifer D. Williams**, Specialist in American National Government

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