

DECENNIAL CENSUS IMPROVEMENT ACT OF 1999

APRIL 26, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government Reform, submitted the following

R E P O R T

[To accompany H.R. 683]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 683) to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Decennial Census Improvement Act of 1999”.

**SEC. 2. FINDINGS.**

The Congress finds that—

- (1) the Constitution requires that the number of persons in the Nation be enumerated every 10 years in order to permit the apportionment of Representatives among the several States;
- (2) information collected through a decennial census is also used to determine—
  - (A) the boundaries of congressional districts within States;
  - (B) the boundaries of the districts for the legislature of each State and the boundaries of other political subdivisions within the States; and
  - (C) the allocation of billions of dollars of Federal and State funds;
- (3) the Constitution requires that those enumerations be made in such manner as the Congress “shall by law direct”;
- (4) in the 1990 decennial census, the Bureau of the Census used a combination of mail questionnaires and personal interviews, involving more than 350,000 enumerators, to collect the census data; and
- (5) in 1993, the Bureau concluded that legislation providing that pay for temporary census enumerators in the 2000 decennial census not be used to reduce benefits under Federal assistance programs would make it easier for the Bureau to hire neighborhood people as temporary census enumerators in low-income neighborhoods.

**SEC. 3. MEASURES TO FACILITATE THE RECRUITMENT OF TEMPORARY EMPLOYEES.**

(a) **PURPOSES FOR WHICH COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.**—(1) Section 23 of title 13, United States Code, is amended by adding at the end the following:

“(d)(1) As used in this subsection, the term ‘temporary census position’ shall mean a temporary position within the Bureau, established for purposes relating to the 2000 census (as determined under regulations which the Secretary shall prescribe).

“(2) Notwithstanding any other provision of law, the earning or receipt by an individual of compensation for service performed by such individual in a temporary census position shall not have the effect of causing—

“(A) such individual or any other individual to become ineligible for any benefits described in paragraph (3)(A); or

“(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which such individual or any other individual would otherwise be eligible.

“(3) This subsection—

“(A) shall apply with respect to benefits provided under any Federal program or under any State or local program financed in whole or in part with Federal funds;

“(B) shall apply only with respect to compensation for service performed during calendar year 2000; and

“(C) shall not apply if the individual performing the service involved was first appointed to a temporary census position (whether such individual’s then current position or a previous one) before January 1, 2000.”.

(2) Nothing in the amendment made by paragraph (1) shall be considered to apply with respect to Public Law 101–86 (as amended by subsection (b)) or the Internal Revenue Code of 1986.

(b) **EXEMPTION FROM PROVISIONS RELATING TO REEMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.**—Public Law 101–86 (13 U.S.C. 23 note) is amended—

(1) in section 1(b) and the long title by striking “the 1990 decennial census” and inserting “the 2000 decennial census”; and

(2) in section 4 by striking “December 31, 1990.” and inserting “December 31, 2000.”.

**SEC. 4. DEFINITIONS.**

For purposes of this Act—

(1) the term “census” means a census of population within the meaning of section 141(g) of title 13, United States Code; and

(2) the term “Bureau” means the Bureau of the Census.

**I. SUMMARY OF THE LEGISLATION**

H.R. 683 allows individuals working on a temporary basis in a position related to the 2000 Decennial Census to remain eligible for public assistance at the Federal, State, and local level in those pro-

grams that are at least partially funded by the Federal government.

## II. BACKGROUND AND NEED FOR LEGISLATION

Historically, the decennial census misses more minorities and inner-city residents than non-minorities and suburban/rural residents. An important method in resolving this problem is to hire enumerators to work in the areas in which they reside. One of the reasons for the undercount, especially in poor and immigrant communities, is suspicion of strangers working for the government asking questions. In order to facilitate community-based enumeration, this legislation will remove the possibility that those on public assistance will lose benefits when taking a temporary position working on the decennial census. The benefit of this legislation will be an increase in the number of enumerators working in the inner city who are familiar with the area and its residents. A similar law was enacted for the 1990 Census for members of the armed services and reemployed annuitants.

## III. LEGISLATIVE HEARING AND COMMITTEE ACTIONS

The Honorable Carrie Meek (D-FL) introduced H.R. 683 on February 10, 1999. The bill was referred to the House Committee on Government Reform on February 10, 1999, and it was referred to the Subcommittee on the Census on February 22, 1999. The subcommittee met to consider the bill on March 4, 1999. The Honorable Dan Miller (R-FL) offered an amendment, which was approved by a voice vote. The amendment prevents a reduction in benefits but does not prevent recipients from receiving an increase in benefits. Individuals are only eligible for services performed during calendar year 2000, and the waiver does not apply if the individual was appointed before January 1, 2000. The waiver of compensation for benefits has no effect on the Internal Revenue Code of 1986. The measure, as amended, was ordered favorably reported to the full Committee by a voice vote. On March 17, 1999, the Committee on Government Reform met to consider the bill. The committee approved the bill by roll call vote. The bill was then favorably reported to the House.

## IV. COMMITTEE HEARING AND WRITTEN TESTIMONY

On March 2, 1999, the Subcommittee on the Census held a hearing on the America Counts Today (ACT) initiative. There were two witnesses at the hearing: Dr. Kenneth Prewitt, Director, U.S. Bureau of the Census and the Honorable Carrie Meek (D-FL). Dr. Prewitt indicated that the Census Bureau readily embraces this waiver initiative. Mrs. Meek supports the legislation and indicated that by granting waivers for those on Federal assistance should both encourage those on assistance to work for the census, and result in an improved count in the decennial census.

## V. EXPLANATION OF THE BILL—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title. This section provides that the Act may be cited as the “Decennial Census Improvement Act of 1999.”

Sec. 2. Findings. The findings relate to the fact that the decennial census plays an important role in (a) the apportionment of seats in the U.S. House of Representatives, (b) the drawing of boundaries for congressional and state legislative districts, and (c) the allocation of billions of Federal dollars. In 1990, the Census Bureau hired more than 350,000 enumerators to collect census data. Further, in 1993 the Bureau concluded that legislation providing that pay for temporary employees not be used to reduce public assistance would make it easier for the Bureau to hire neighborhood people as enumerators in low income neighborhoods.

Sec. 3. Measures to Facilitate the Recruitment of Temporary Employees. Subsection (a) amends section 23 of title 13, United States Code, by adding at the end that compensation, performed by an individual who is appointed by the Secretary of Commerce to a temporary position in relation to the 2000 decennial census, must not be taken into account when determining the individual's eligibility or amount of benefits under any Federal, State, or local program financed in whole or in part with Federal funds.

This subsection prevents a reduction in benefits but does not prevent recipients from receiving an increase in benefits. Individuals are only eligible for services performed during calendar year 2000, and the waiver does not apply if the individual was appointed before January 1, 2000. The waiver of compensation for benefits has no effect on the Internal Revenue Code of 1986.

Subsection (b) amends Public Law 101-86 (13 U.S.C. 23 note) to provide for an exemption from provisions relating to reemployed annuitants and former members of the uniformed services. The amendment would strike in section 1(b) "the 1990 decennial census" and insert "the 2000 decennial census". Furthermore, in section 4, the amendment would strike "December 31, 1990" and insert "December 31, 2000".

## VI. COMPLIANCE WITH RULE XI

Pursuant to rule XI, clause 2(1)(3) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(f), the results and findings from committee oversight are incorporated in the bill and this report.

## VII. BUDGET ANALYSIS AND PROJECTIONS

The budget analysis and projections required by section 308(a) of the Congressional Budget Act of 1974 are contained in the estimate of the Congressional Budget Office.

## VIII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, April 21, 1999.

Hon. DAN BURTON,  
Chairman, Committee on Government Reform,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 683, Decennial Census Improvement Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Valerie Baxter.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).I21Enclosure.

*H.R. 683—Decennial Census Improvement Act of 1999*

Summary: H.R. 683 would require benefit programs funded in whole or in part by the federal government to disregard income earned by temporary census workers in determining eligibility and benefits. CBO estimates that this bill would cost a total of \$24 million in fiscal years 2000 and 2001.

H.R. 683 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that states would spend additional amounts for public assistance programs.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 683 is shown in the following table. The costs of this legislation fall within budget functions 550 (Health), 600 (Income Security), and 650 (Social Security).

TABLE 1.—ESTIMATED EFFECTS OF H.R. 683 ON DIRECT SPENDING

	By fiscal year, in millions of dollars				
	2000	2001	2002	2003	2004
Changes in direct spending					
Temporary Assistance for Needy Families:					
Estimated Budget Authority .....	0	0	0	0	0
Estimated Outlays .....	5	1	0	0	0
Food Stamp Program:					
Estimated Budget Authority .....	8	3	0	0	0
Estimated Outlays .....	8	3	0	0	0
Medicaid:					
Estimated Budget Authority .....	3	1	0	0	0
Estimated Outlays .....	3	1	0	0	0
State Children's Health Insurance Program:					
Estimated Budget Authority .....	0	0	0	0	0
Estimated Outlays .....	1	(1) <sup>1</sup>	0	0	0
Social Security: <sup>2</sup>					
Estimated Budget Authority .....	1	1	0	0	0
Estimated Outlays .....	1	1	0	0	0
Total Changes:					
Estimated Budget Authority .....	12	5	0	0	0
Estimated Outlays .....	18	6	0	0	0

<sup>1</sup> Less than \$500,000.

<sup>2</sup> Off-budget.

Basis of estimate: During each decennial census, the Census Bureau hires temporary workers to do local enumeration and other tasks. Based on discussions with staff from the Department of Commerce, CBO estimates that about 485,000 temporary positions will be filled in calendar year 2000. The majority of those positions will be for enumeration and will last about six weeks. H.R. 683 would allow federally funded programs to disregard the income earned from this employment, between \$10 and \$15 an hour, for eligibility and benefit determinations for calendar year 2000. The income disregard would apply only to individuals hired on or after January 1, 2000. CBO estimates that the average total income earned by these workers will be \$2,300 over six weeks. Most of these positions would be filled in fiscal year 2000, although CBO estimates that 25 percent of the costs would occur in fiscal year 2001.

#### *Temporary assistance for needy families*

Out of about 80,000 temporary positions already filled in the planning stages of the decennial census, the Census Bureau has hired about 4,000 recipients of Temporary Assistance for Needy Families (TANF), or 5 percent of the total positions. Given the large number of positions that will need to be filled in 2000, CBO expects that this percentage will decrease to about 2.5 percent, or 12,000, of the total temporary positions. Under the proposed legislation, individuals who have already held a temporary position are not eligible for the income exclusion. CBO expects that about half of the TANF recipients who worked in the planning stages of the census—2000 recipients—will be rehired for enumeration; therefore, CBO assumes 10,000 new TANF recipients will be hired in calendar year 2000.

With the income earned by these temporary workers, the average TANF recipient would otherwise be ineligible for TANF benefits for two months. The average monthly TANF benefit is about \$375, so total TANF spending would increase by about \$8 million. The federal share of TANF spending is fixed for each year, but most states are not spending all the TANF funds available to them and have accumulated a surplus of federal funds. The additional TANF spending would cause states to accelerate their use of federal dollars. CBO estimates that federal outlays would accelerate by 75 percent of the additional cost, or \$6 million. States would pay the remaining \$2 million out of their own funds.

#### *Food stamps*

According to administrative data, slightly more than one-third of Food Stamp households receive TANF benefits. CBO therefore assumes there will be three times as many Food Stamp recipients working in temporary census positions as TANF recipients, or about 30,000 recipients. The earnings from the temporary employment would otherwise make the average recipient ineligible for food stamps for two months. The average monthly household benefit in the Food Stamp program is projected to be about \$180 in 2000, resulting in \$11 million in additional Food Stamp benefits.

### *Medicaid*

Medicaid eligibility rules for children and parents vary across states. Adults and children who receive TANF generally are eligible for Medicaid. Although an increase in earnings would otherwise make TANF recipients ineligible for TANF benefits, Medicaid recipients subject to the same income and resource requirements would be permitted to retain Medicaid coverage for at least six months under current law. Therefore, the bill would not affect Medicaid spending for people with welfare-related coverage who have temporary census earnings.

At higher income levels, children and some adults be eligible for Medicaid benefits due to federally-mandated expansions and state decisions to cover people at higher income levels. Therefore, in many families, increases in household income could make children and parents ineligible for Medicaid, even if some of that income is disregarded. CBO analysis of data from the March Current Population Survey (CPS) suggests that about one-quarter of Medicaid beneficiaries in those families would lose eligibility for Medicaid with a change in monthly income equal to amounts available from temporary census employment.

CBO expects that about 50,000 temporary census jobs will be held by people who are not poor enough to qualify for TANF, but have children who would be eligible for Medicaid under current law in the absence of any change in parental income. That number is based on the relative size of projected enrollment in Medicaid and Food Stamps. CBO estimates that 10,000 of those census workers would also be eligible for Medicaid coverage in the absence of any change in their income.

Based on analysis of the CPS, CBO estimates that 20 percent of the temporary census workers eligible for Medicaid for their children, or for their children and themselves, will earn enough to discontinue that eligibility. However, about 30 percent of those workers live in states where their children's eligibility will be preserved because the state requires 12 months of continuous eligibility for Medicaid. Therefore, CBO estimates that about 13,000 children (based on the assumption of 1.8 children per family) and 2,000 adults would lose Medicaid eligibility under current law. The bill would reinstate Medicaid coverage, thereby increasing federal spending by \$4 million in 2000 and \$1 million in 2001.

### *State children's health insurance program*

CBO estimates that 25,000 temporary census workers will have children who would be eligible for the State Children's Health Insurance Program (S-CHIP) in the absence of a change in parental income. This number is based on the relative size of projected enrollment in S-CHIP and Medicaid. Based on the analysis of the effects of the bill on Medicaid enrollment, CBO estimates that about 8,000 of those workers will earn enough to discontinue coverage for their children under S-CHIP. Under the bill, 14,000 children who otherwise will lose S-CHIP benefits would retain benefits.

At the same time, some children losing Medicaid coverage due to temporary census earnings would become eligible under S-CHIP's higher income standards in the absence of legislation. CBO estimates that 7,000 children losing Medicaid eligibility will qualify for

S-CHIP under current law. Therefore, under the bill those children will retain Medicaid coverage. Overall, spending for S-CHIP would increase by \$1 million in 2000.

#### *Social Security*

Temporary workers under 70 years of age would be able to exclude their census earnings from the Social Security earnings test. Under current law, when a Social Security recipient between the ages of 65 and 69 earns more than the annual exempt level of earnings, the recipient's benefits are reduced by \$1 for every \$3 earned. The March 1997 Current Population Survey indicates that 8 percent of part-time and part-year workers are at least 65 years of age. CBO assumes that about 10 percent of the temporary census workforce (or 49,000 workers) will be over age 65. Based on the age distribution of employees paying Social Security payroll taxes, CBO assumes 60 percent of these employees, or 29,000 individuals, will be between 65 and 69 years of age. Ninety percent of these older workers are assumed to be eligible for Social Security Benefits. When combined with earnings from other sources, the earnings from the temporary employment would cause about 8 percent of these workers to have incomes above the annual income limit of \$17,000 in 2000. As a result, there would be about \$5 million in earnings and that would have been subject to the earnings offset, leading at \$2 million in additional benefits. The increased federal outlays of \$1 million each year in 2000 and 2001 would be off-budget and not subject to pay-as-you-go rules.

#### *Other programs*

The Census Bureau has already secured waivers from Department of Housing and Urban Development to exclude temporary census income for recipients of public housing and American Indian housing assistance. The Bureau also has a similar waiver for federal civilian and military retirees. Because these waivers are already in place, the bill would not impose new costs in these programs.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the budget year and the succeeding four years are counted.

TABLE 2.—SUMMARY OF PAY-AS-YOU-GO EFFECTS OF H.R. 683

	By fiscal year, in millions of dollars										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays .....	0	17	5	0	0	0	0	0	0	0	0
Changes in receipts .....	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Not applicable.

Intergovernmental and private-sector impact: Although the bill contains no intergovernmental or private-sector mandates as defined in UMRA, states would likely spend additional amounts for public assistance programs because individuals would maintain



their eligibility regardless of their employment with the Census. State expenditures on Medicaid would increase by approximately \$2 million in 2000 and by less than \$1 million in 2001. Although the eligibility change would increase the stringency of conditions in the Medicaid program, states have sufficient flexibility to alter their financial and programmatic responsibilities to accommodate the change.

In addition CBO estimates that states would choose to spend about \$2 million in state funds to cover the costs of continued eligibility for TANF recipients. Finally, the state match for S-CHIP would result in about \$1 million in additional costs.

Estimate prepared by: Temporary assistance for needy families: Sheila Dacey. Food stamps: Valerie Baxter. Medicaid: Jeanne De Sa and Dottie Rosenbaum. Social Security: Kathy Ruffing. Impact on state, local, and tribal governments: Leo Lex. Impact on the private sector: John Harris.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

#### IX. SPECIFIC CONSTITUTIONAL AUTHORITY FOR THIS LEGISLATION

Clauses 1 and 18 of Article 1, Sec. 8, and Article 1, Sec. 2 of the Constitution grant Congress the power to enact this law.

#### X. COMMITTEE RECOMMENDATION

On March 17, 1999, a quorum being present, the Committee on Government Reform ordered the bill favorably reported.

Date: March 17, 1999.

Summary: Final Passage of H.R. 683.

Offered by: Hon. Dan Miller.

Approved by Record Vote, 31 Ayes to 1 Nay.

Vote by Members: Mr. Burton—Aye; Mr. Gilman—Not voting; Mrs. Morella—Aye; Mr. Shays—Not voting; Ms. Ros-Lehtinen—Aye; Mr. McHugh—Not voting; Mr. Horn—Aye; Mr. Mica—Aye; Mr. Davis of Virginia—Aye; Mr. McIntosh—Not voting; Mr. Souder—Aye; Mr. Scarborough—Aye; Mr. LaTourette—Not voting; Mr. Sanford—Not voting; Mr. Barr—Aye; Mr. Miller—Aye; Mr. Hutchinson—Aye; Mr. Terry—Aye; Mrs. Biggert—Aye; Mr. Walden—Aye; Mr. Ose—Aye; Mr. Ryan—Nay; Mr. Doolittle—Not voting; Mrs. Chenoweth—Not voting; Mr. Waxman—Aye; Mr. Lantos—Aye; Mr. Wise—Aye; Mr. Owens—Aye; Mr. Towns—Aye; Mr. Kanjorski—Not voting; Mrs. Mink—Aye; Mr. Sanders—Not voting; Mrs. Maloney—Aye; Ms. Norton—Aye; Mr. Fattah—Aye; Mr. Cummings—Aye; Mr. Kucinich—Aye; Mr. Blagojevich—Aye; Mr. Davis of Illinois—Aye; Mr. Tierney—Not voting; Mr. Turner—Aye; Mr. Allen—Aye; Mr. Ford—Not voting; Ms. Schakowsky—Aye.

#### XI. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104-1 SECTION 102(B)(3)

H.R. 683 requires the Secretary of Commerce to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 Decennial Census of population. The Act does not apply to the House of Representatives or to the Senate, thus H.R. 683 does not apply to Congress.

XII. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104-4,  
SECTION 423

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (PL104-4).

XIII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.) SECTION  
5(B)

The Committee finds that section 5(b) of Title 5 App., United States Code, is not applicable because this legislation does not authorize the establishment of any advisory committee.

XIV. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 23 OF TITLE 13, UNITED STATES CODE**

**§ 23. Additional officers and employees**

(a) \* \* \*

\* \* \* \* \*

*(d)(1) As used in this subsection, the term “temporary census position” shall mean a temporary position within the Bureau, established for purposes relating to the 2000 census (as determined under regulations which the Secretary shall prescribe).*

*(2) Notwithstanding any other provision of law, the earning or receipt by an individual of compensation for service performed by such individual in a temporary census position shall not have the effect of causing—*

*(A) such individual or any other individual to become ineligible for any benefits described in paragraph (3)(A); or*

*(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which such individual or any other individual would otherwise be eligible.*

*(3) This subsection—*

*(A) shall apply with respect to benefits provided under any Federal program or under any State or local program financed in whole or in part with Federal funds;*

*(B) shall apply only with respect to compensation for service performed during calendar year 2000; and*

*(C) shall not apply if the individual performing the service involved was first appointed to a temporary census position (whether such individual's then current position or a previous one) before January 1, 2000.*

**ACT OF AUGUST 16, 1989**

AN ACT To provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the [1990] 2000 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits.

**SECTION 1. DEFINITIONS; DESCRIPTION OF TEMPORARY POSITIONS.**

(a) \* \* \*

(b) DESCRIPTION OF TEMPORARY POSITIONS.—This Act applies with respect to service in any temporary position within the Bureau of the Census established for purposes relating to the [1990] 2000 decennial census of population (as determined under regulations which the Secretary of Commerce shall prescribe).

\* \* \* \* \*

**SEC. 4. APPLICABILITY.**

This Act applies with respect to appointments made on or after the date of enactment of this Act, but does not apply with respect to any service performed after December 31, [1990] 2000.

