

United States Senate

WASHINGTON, DC 20510

July 30, 2018

The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland
Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Claire McCaskill
Ranking Member
U.S. Senate Committee on Homeland
Security and Governmental Affairs
442 Hart Senate Office Building
Washington, D.C. 20510

The Honorable James Lankford
Chairman
Subcommittee on Regulatory Affairs and
Federal Management
U.S. Senate Committee on Homeland
Security and Governmental Affairs
316 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Heidi Heitkamp
Ranking Member
Subcommittee on Regulatory Affairs and
Federal Management
U.S. Senate Committee on Homeland
Security and Governmental Affairs
516 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Johnson, Ranking Member McCaskill, Chairman Lankford, and Ranking Member Heitkamp:

We respectfully request that you hold a legislative hearing on S. 2578, the *2020 Census Improving Data and Enhanced Accuracy (2020 Census IDEA) Act*. A legislative hearing will allow your committees to examine the Commerce Secretary's authority to add last-minute additions to the list of questions planned for the decennial census, submitted to Congress not later than two years prior to the appropriate census date, in accordance with 13 U.S.C. § 141 (f)(2). Last-minute changes to the decennial census threaten the accuracy of the enumeration of all persons, and thereby can increase the overall cost of final count.

The federal government uses census-derived data to direct more than \$800 billion annually in federal assistance to state and local communities. Researchers across the country rely on census-derived data sets, which are some of the most comprehensive and integral parts of social and behavioral science research. The private sector uses census-derived data in making business decisions, with broad impacts on the U.S. economy. And most importantly, census-derived data determines congressional apportionment and guides redistricting at the federal, state, and local levels. **Failing to count all persons in the United States—as our Constitution requires—would be enormously damaging to many communities across the country, especially rural and immigrant communities. And the consequences of an unfair, inaccurate count would endure for at least the next ten years, and possibly much longer.**

Commerce Secretary Wilbur Ross has consistently committed to conduct a “full, fair, and accurate 2020 Census,” such as in a January 31, 2018, response to a letter sent by U.S. senators

regarding the Department of Justice's (DOJ) December 12, 2017 request to add a citizenship question to the 2020 Census. However, Secretary Ross's memorandum on March 26, 2018, accepting DOJ's request amounted to a contravention of established Census Bureau procedure for incorporating changes to questionnaires, and therefore failed to ameliorate concerns that this last-minute addition would depress self-response rates, increase the undercount, exacerbate budgetary concerns, and affect the integrity of census data.

In his memorandum, Secretary Ross stated that "limited empirical evidence exists about whether adding a citizenship question would decrease response rates materially." However, as the Census Scientific Advisory Committee, the U.S. Commission on Civil Rights, and six former Census Bureau directors have all noted, there was no effort to conduct the necessary research, study, testing, and evaluation to ensure that there will be no adverse impact on response rates. The Government Accountability Office stated in testimony from May 8, 2018, that prior work raised "the risks associated with late changes of any nature to the design of the census if the Bureau is unable to fully test those changes under operational conditions."

In addition, the Census Bureau's own chief scientist, John Abowd, in a January 19, 2018 memorandum for Secretary Ross, produced a detailed analysis of the DOJ's request to add a citizenship question. Abowd's analysis found that there is "a reasonable inference that a question on citizenship would lead to some decline in overall self-response." He elaborated that a citizenship question "would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households."

Abowd also estimated that the cost-increase of the last-minute addition of a citizenship question would be \$27.5 million. This was a conservative estimate based on an increase in nonresponse follow-up (NRFU) for 630,000 households, or about 0.5 percentage points of total households. However, Abowd also cited evidence that the decrease in self-response for 2020 could be much higher compared to historic levels, causing a dramatic increase of NRFU costs—at about \$55 million per percentage point.

The uncertainty created by the last-minute addition of a citizenship question jeopardizes the accuracy and cost-effectiveness of the 2020 Census. The Census Bureau has a decade to propose, research, study, and test any changes to the decennial census's operational design, the types of information to be compiled, and the questions to be included. It asked federal agencies to share requests for questionnaire changes and additions in FY16, at which point it had time to study and test any proposed edits. Such testing allows the Census Bureau to produce the most accurate final product. Any last-minute changes, without robust research, study, and testing, can adversely impact this constitutionally mandated activity and drive up NRFU costs.

The *2020 Census IDEA Act* would improve Congress's oversight over the Commerce Secretary's discretion to make last-minute changes to the decennial census. The bill would prohibit last-minute operational changes without proper research, studying, and testing. In doing so, it would ensure that subjects, types of information, and questions that have not been submitted to Congress in accordance with existing law are not included.

We believe these changes are necessary to ensure a full, fair, accurate, and cost-effective count of all persons in the United States, not only for 2020 Census but for all future decennial censuses. Thank you for your consideration of our request.

Sincerely,



BRIAN SCHATZ
United States Senator



BILL NELSON
United States Senator



MARGARET WOOD HASSAN
United States Senator



TAMMY BALDWIN
United States Senator



TOM UDALL
United States Senator



KIRSTEN GILLIBRAND
United States Senator



MICHAEL F. BENNET
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RICHARD BLUMENTHAL
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CHRIS VAN HOLLEN
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ANGUS S. KING, JR.
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RICHARD J. DURBIN
United States Senator