



**STATEMENT OF  
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THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS**

**“HEARING ON THE 2020 CENSUS”**

**HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

**October 12, 2017**

Chairman Gowdy, Ranking Member Cummings, and Members of the Committee: I am Vanita Gupta, president & CEO of The Leadership Conference on Civil and Human Rights. Thank you for the opportunity to testify about planning and preparations for the 2020 Census.

The Leadership Conference is a coalition charged by its diverse membership of more than 210 national organizations to promote and protect the civil and human rights of all persons in the United States. Founded in 1950 by A. Philip Randolph, Arnold Aronson, and Roy Wilkins, The Leadership Conference works in support of policies that further the goal of equality under law through legislative advocacy and public education.

The Leadership Conference provides a powerful unified voice for the many constituencies of the coalition: persons of color, women, children, individuals with disabilities, LGBTQ individuals, older Americans, labor unions, major religious groups, civil libertarians, and human rights organizations. Given the breadth of our coalition, The Leadership Conference is ideally positioned to address many of the most pressing issues affecting the successful implementation of Census Bureau programs, surveys, and initiatives. The Leadership Conference’s coordinating role among so many diverse organizations allows for the sharing of different perspectives, as well as the development of broader strategies that occur within the purview of any individual organization. All of our work draws on the expertise of the cross-section of national organizations, and examines the impact of civil rights policy on a broad range of constituencies.

Our coalition views an accurate and fair census, and the collection of useful, objective data about our nation’s people, housing, economy, and communities generally, to be among the most important civil rights issues of our day. We and the Leadership Conference Census Task Force co-chairs, NALEO Educational Fund and Asian Americans Advancing Justice-AAJC, have a long record of first-hand experience working in support of previous censuses. For the 2010 Census, we undertook the most comprehensive and extensive effort by a stakeholder organization to promote participation in historically hard-to-count communities and to mobilize local advocates in support of the census by highlighting the community

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benefits, civil rights implications, and constitutional imperative of an accurate count. We are now building upon our previous work to help ensure that no one is left out of the 2020 Census.

Under the Constitution, Congress bears responsibility for overseeing the census and, by extension, for ensuring a fair and accurate count that supports the 14<sup>th</sup> Amendment's guarantee of equal representation. That is why this oversight hearing is so important, and we commend the committee for focusing much-needed and welcome attention on preparations for our nation's largest, most complex peacetime activity.

The Leadership Conference shares this committee's interest in a modern and cost-effective census. Those are worthwhile goals and important considerations in the design of the 2020 Census. Technology undoubtedly can facilitate easy and quick participation in the census for many Americans, and administrative data maintained by other government agencies can help streamline and improve some census operations. But the primary and overarching goal of the census is a fair and accurate enumeration of all people living in the United States on Census Day. The goal of a census that is equally successful in *all* communities is non-negotiable.

### **The Importance of the Census**

Article I, Section 2 of the United States Constitution places the census at the core of our democratic system of governance by calling for a count of the nation's population every ten years. The census provides information that is the cornerstone of knowledge about all people in the United States. It is the basis for virtually all demographic and socio-economic information used by businesses, policy makers, research institutions, and nonprofit organizations.

The decennial census has several important uses. First, decennial census data on state populations determine the number of seats in Congress each state receives and how those districts are drawn, through the reapportionment and redistricting processes. Second, the census provides the figures that determine the number of electors each state receives for presidential elections. Third, census numbers determine the allocation of hundreds of billions of federal program dollars for important community services, such as schools, programs for veterans and seniors, modern transportation systems, and rural economic development. Fourth, census data are used to monitor compliance with civil rights laws and to determine where disparities exist and remediation is required. Finally, the private sector uses census data to make important decisions about their businesses, including investment strategies, hiring plans, and location of facilities.

All of these functions depend on a fair and accurate census. For all of these reasons, getting the census right is important to everyone.

### **Census Accuracy and the Problem of the Undercount**

However, certain population groups—referred to as “hard-to-count”—are at a higher risk of not being fully counted in the decennial census. The differential undercount is a disproportionate undercounting of these population groups, most notably people of color, young children, and renters (a proxy for low-

income households), compared to non-Hispanic Whites, seniors, and homeowners. These groups have been historically underrepresented in the decennial census for decades; and for some populations—for example, young children under age five—the undercount has been getting progressively worse. Now, however, additional populations — such as rural residents and older Americans—may experience new or increased vulnerability due to major changes in methodology, such as relying on the Internet as the primary way for households to respond to the 2020 Census. Others may be reluctant to respond due to concerns about data confidentiality. Being hard-to-count can deprive people and their communities of equal political representation and their fair share of vital public and private resources.

Census tracts are considered hard-to-count, according to Census Bureau research, if they have certain population and housing characteristics associated with both low self-response and higher likelihood of being missed entirely in the census. There are hard-to-count communities in every state, and hard-to-count population groups in communities of all sizes, from large urban areas such as Denver, New York, and Omaha, to smaller cities such as Virginia Beach and Little Rock. These examples may be of particular interest to members of the Committee:

- Nearly 10 percent of census tracts in South Carolina are hard-to-count.
- 27 percent of Baltimore’s population lives in hard-to-count census tracts.
- Nearly 15 percent of Tennessee census tracts are hard-to-count.
- One quarter of San Antonio’s residents live in hard-to-count census tracts.
- Ten percent of North Carolinians live in such areas.
- One in three Oklahomans (34.5 percent) live in neighborhoods or communities that are considered more difficult to count and, therefore, are at greater risk of disproportionate undercounting.
- Roughly one in five Illinois census tracts are considered hard-to-count.
- One in ten Michigan census tracts face similar circumstances, with a staggering 65 percent of Detroit residents living in neighborhoods that are harder to count accurately.

Hard-to-count communities are not confined to urban areas. It may be less well known, but rural and remote communities, including American Indian tribal lands and reservations, are also vulnerable to disproportionate undercounting in the decennial census, with lower income households especially at risk. Eighty-seven percent (87 percent) of the hardest-to-count counties in the 2010 Census were rural counties.<sup>1</sup>

According to the Census Bureau’s own scientific measurements, the 2010 Census undercount in areas counted using a modified method known as Update/Enumerate, was nearly eight percent (7.87 percent). Update/Enumerate operations are deployed in areas without city-style addressing or that do not receive mail through city-style addressing, such as those where people receive their mail through a Post Office Box; in communities affected by significant natural disasters, such as areas still recovering from Hurricanes Katrina and Rita in the 2010 Census; are especially inaccessible; or have high seasonal

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<sup>1</sup> Dr. William P. O’Hare, President, O’Hare Data and Demographic Services, LLC, tabulation for upcoming issue brief for the Carsey Institute, University of New Hampshire.

vacancy rates.

The Census Bureau is planning new methods as part of the Update/Enumerate operation for the 2020 Census, *yet it was forced to cancel all pre-census testing of Update/Enumerate methods due to lack of sufficient funding.* The first such tests were scheduled for earlier this year, on two American Indian reservations and adjacent tribal lands on the North and South Dakota border and in Washington State, as well as in Puerto Rico. But the uncertainty of adequate full year funding for Fiscal Year (FY) 2017 led the Bureau to cancel all 2017 census site tests. Similarly, the Census Bureau has canceled two of three dress rehearsal sites in 2018 (the 2018 End-to-End Census Test) due to uncertainty about timely and sufficient funding. The two eliminated sites — Pierce County, Washington, and the Bluefield-Beckley-Oak Hill area of West Virginia — included the only opportunities to test, in a real-time census-like environment, special counting methods for rural areas.

With no testing opportunities on the horizon, the Census Bureau changed its counting plans for most rural areas originally slated for Update/Enumerate operations. Instead, the bureau will use an Update/Leave method, which it will test in a very limited way in 2018, but not in a rural area. The operational and cost implications of this recent design modification are, as yet, unknown. While the bureau has used Update/Leave methods in previous censuses, they have not addressed past problems of duplication, and potential new challenges of an Internet-focused enumeration, for the 2020 Census.

Failure to provide adequate resources before the once-a-decade population count will force the Census Bureau to shortchange 2020 Census operations designed to improve accuracy in historically undercounted communities. This would lead to a result that deprives population groups of equal political representation and access to their fair share of public and private resources. Equally important, failure to test all methods adequately – due to budget shortfalls – puts the 2020 Census at risk of cost overruns during peak census operations.

### **A Fair and Accurate Census is At Risk**

The schedule for final census testing, preparations, and implementation over the next three years is unrelenting. At this point in the decennial cycle, the Census Bureau requires a sufficient funding ramp-up to keep 2020 Census planning and preparations on track. Funding for the decennial census is cyclical and traditionally increases significantly in the years ending in “6” through “0.”

Unfortunately, the delay in passing FY 2017 appropriations bills, coupled with underfunding in the final “omnibus” measure, forced the Census Bureau to eliminate, streamline, or delay vital planning activities, putting a fair and accurate 2020 Census in jeopardy. Furthermore, the Trump administration’s original FY 2018 budget request for the Census Bureau was *inadequate and unrealistic.*

These current and anticipated budget constraints are taking a toll on rigorous 2020 Census preparations. In addition to the cancellation of two of three planned sites for the 2018 End-to-End Test mentioned earlier (a dry run of all census operations that integrates all operations and IT systems for the first time), the Census Bureau eliminated the advertising campaign and Partnership Program for the 2018 dress

rehearsal. Development of the full advertising campaign and Partnership Program, which helps keep costs down by boosting self-response and increase accuracy by targeting messages to historically hard-to-count communities, is well behind schedule. The original FY 2018 budget request did not include any funding for partnership specialists, who help state and local officials and trusted community leaders support census operations through focused outreach and promotion for their constituencies. In addition, uncertainties about funding have forced the bureau to “pause” planning for the Census Coverage Measurement program, which produces undercount and overcount estimates and tells us how accurate the census is. The Census Bureau will not test this operation in the 2018 dress rehearsal as originally planned.

Simply put, the Census Bureau needs a steady ramp-up in funding to support a critical dress rehearsal, deployment of the IT architecture and field infrastructure, and development of a massive communications campaign that will encourage people to participate and, therefore, help keep census costs in check. We support the proposal in Rep. Carolyn Maloney’s new bill, to allocate roughly \$1.9 billion for the Census Bureau in FY 2018. The additional funding will help the bureau meet growing costs for the data collection and processing system; restore advertising and partnership activities to the 2018 End-to-End Census Test in Providence County, RI; assess and implement modified census plans for communities in Texas, Florida, and other states hit hard by Hurricanes Harvey and Irma, as well as for Puerto Rico and the U.S. Virgin Islands; put development of the Integrated Partnership and Communications program back on track; and possibly plan a smaller, focused test of census operations in rural communities in advance of the 2020 Census.

### **Internet Response and Technology**

As this committee knows, the Census Bureau will conduct the first “high-tech” census in 2020. The Internet response option could help keep census costs in check by increasing initial response rates, or at least holding them steady compared to 2010, thereby saving resources that can be used to find and enumerate the hardest to count. Congress must remember, however, that Internet response is not a silver bullet. The fact is, not everyone has the same connectivity, security, and comfort with the Internet. The Commerce Department’s own analyses show that communities of color, rural residents, adults with low educational attainment, low income individuals, people with disabilities, and older Americans lag behind younger, affluent, highly educated, urban, and White adults in both device and Internet penetration. An Internet response option, while offering the promise of cost savings, could lead to poor or uneven participation, technological infrastructure failings, or both, thereby increasing the differential undercount. A lower-than-projected Internet response rate could strain the Bureau’s already limited resources by increasing response by paper questionnaire or telephone or, more worrisome, the number of households that require door-to-door follow-up.

Technology also brings cybersecurity threats, real or perceived. The security of the 2020 Census IT systems and personal census data is paramount, and the Census Bureau and its federal and private sector partners must do everything possible to ensure that security. This means there must be a comprehensive back-up plan to address any potential breaches and their consequences for the census process in real time. At the same time, the Census Bureau must have an effective communications plan to assure everyone in the United States that their personal information is secure - in other words, to build confidence in a high-

tech census at a time when many people are wary. Lack of confidence in data security could depress Internet response rates (more so if a large business or another government agency suffers a cyber-attack near the time of the census), thus increasing costs and enumeration challenges considerably.

It is still possible that a streamlined state-of-the-art program could produce a fair and accurate census, while simultaneously meeting Congress' challenging budget restrictions. However, to uphold its constitutional duty and ensure an accurate and fully inclusive count, Congress must allocate the resources for comprehensive risk management and preparations for real-time back-up methods and operations.

To address these and other concerns related to a high-tech census, we are pleased to offer for the record a new report from The Leadership Conference Education Fund and the Georgetown Center on Poverty and Inequality, entitled [Counting Everyone in the Digital Age](#). The report addresses how proposed Internet and automation technologies will affect 2020 Census enumeration for groups at risk of being undercounted, and includes actionable recommendations for Congress, the administration, and community leaders.

### **Utilizing Administrative Records**

The Census Bureau is evaluating the use of administrative records to obtain missing information about unresponsive households in lieu of in-person, door-to-door follow-up visits by Census enumerators. However, the implications of such a methodology for data quality and consistency and census accuracy are not clear. There are a number of questions that the Census Bureau must address and resolve before stakeholders have confidence that a broad use of these data will not compromise census accuracy or undermine the goals of eliminating the differential undercount and collecting more accurate race and ethnicity data for all communities. The Bureau will be hindered in resolving outstanding concerns about its potential use of administrative records if it conducts an End-to-End Census Test that is far less comprehensive than originally planned. We offer for the record a new report, [Administrative Records in the 2020 U.S. Census: Civil Rights Considerations and Opportunities](#), which is the culmination of a project of the Urban Institute, The Leadership Conference, and the Georgetown Center on Poverty and Inequality, to examine, from the perspective of civil rights stakeholders, the benefits and risks of utilizing administrative data for the U.S. population in general and for specific vulnerable subpopulations such as communities of color, the impoverished, immigrants, homeless, those participating in government assistance programs, and others, in the upcoming census.

### **Other 2020 Census Challenges**

Counting every person residing in the United States is a difficult endeavor. But even with careful planning, several other factors—many out of the Census Bureau's control—pose significant risks to a fair and accurate census.

First, proposals to add untested and unnecessary questions – including about immigration status – to the census form at the 11<sup>th</sup> hour could derail eight years worth of research and testing and result in an expensive, yet ultimately failed, census.



Second, the reluctance of many individuals to provide personal information voluntarily to the government poses an additional barrier to a full count. The Census Bureau will face this challenge in many parts of the country and in many types of communities.

Finally, there remains a leadership vacuum at the Bureau following the unexpected resignation of the Census Director in June, as well as other high-level vacancies at the Commerce Department and the Census Bureau.

Regrettably, we fear that the strict budget constraints Congress has imposed on the 2020 Census add to these formidable barriers. The Census Bureau will try to minimize undercounting, but will be hampered by a smaller footprint in the field. Budget shortfalls have caused the cancellation of the advertising campaign and Partnership Program for the End-to-End Census Test and delays in researching and developing a full communications campaign and Partnership Program. These activities keep costs down by boosting self-response and increase accuracy by targeting messages to motivate response in historically hard-to-count communities. A robust Partnership Program is especially critical in light of the realignment of the Bureau's field office structure following the 2010 Census, including plans to employ, at most, half the staffing used for the 2010 Census.

### **Conclusion**

Members of Congress are fully aware that the census has political consequences—in fact, the Constitution says as much, by basing congressional apportionment and equal representation on the population count. But the conduct of the census must be strictly nonpartisan and must strive to achieve an equally accurate count in all communities.

The Leadership Conference and its member organizations look forward to working with all members of this committee to ensure a cost-effective, secure, and above all, accurate and inclusive census in every one of the nation's communities. When people — *your constituents* — are not counted in the census, they remain invisible for the next ten years. And overcounts — that is, counting people twice or including them by mistake — do not benefit anyone either, because policymakers have a skewed picture of where to direct hard-earned, limited taxpayer dollars. There are no do-overs with the census. The Census Bureau must get it right the first time, and all of us — members of Congress, county officials and mayors, school principals, veterans advocates, businesses large and small, and, indeed, every person in the United States — must live with the results for the next ten years.