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October 9, 2019

Departmental Lead PRA Officer  
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Washington, DC 20230

Submitted via email: [2020\\_Census\\_Comments@omb.eop.gov](mailto:2020_Census_Comments@omb.eop.gov)

RE: Proposed Information Collection on 2020 Census—Evaluations and Experiments,  
Docket No. OMB-2018-0004

Dear Ms. Dumas:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, and its Census Task Force co-chairs, Asian Americans Advancing Justice | AAJC and NALEO Educational Fund, we appreciate this opportunity to provide comments in response to the *Federal Register* Notice 84 FR 47233 (the "Notice") seeking comments on the 2020 Census Evaluations and Experiments program, as well as proposed updates to the Groups Quarters and Enumeration of Transitory Locations operations and the proposed production of a new block-level Citizen Voting Age Population file to be released in conjunction with the statutorily required Redistricting Data Files. The Notice also documents changes to the scope of various operations — notably, the Type of Enumeration Area (TEA) designations and the use of federal administrative records to enumerate some households during the Non-Response Follow Up (NRFU) operation.

The Leadership Conference provides a powerful unified voice for the many constituencies of the coalition: persons of color, women, children, individuals with disabilities, gays and lesbians, older Americans, labor unions, major religious groups, civil libertarians, and human rights organizations. 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 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 civil rights and social justice implications and community benefits of an accurate count.

As we have in previous public comments related to various components of the 2020 Census plan, we want to amplify the constitutional requirement for a census as the foundation of a democratic system of governance based on equality of representation. Accurate census data also are essential for the prudent, fair allocation of public resources at all levels of government; development of policies and programs that meet the needs of all communities effectively and efficiently; and as a guide for private sector investment that spurs economic growth and creates jobs. Accordingly, transparency with respect to decisions affecting major census operations is essential for maintaining public confidence in the census process and achieving the goal of a census that counts all communities equally well.

The Census Bureau has taken many steps over the decades to improve the accuracy of the enumeration, and we have appreciated the opportunity to be partners in advancing that goal in recent decades. We also applaud innovation in all federal data collection activities, which we believe encourages creativity and forward-thinking, as well as wise expenditure of taxpayer dollars, and takes advantage of scientific advancements in survey measurement and ever-evolving technologies. Nevertheless, the census continues to count some communities and population groups more accurately than others, resulting in differential undercounts for people of color, renters (a proxy for lower income households), young children, American Indians living on reservations, and many rural and remote households, compared to non-Hispanic Whites, homeowners, and some older Americans.<sup>1</sup> Therefore, we must evaluate all proposed operational modifications in the context of an overarching goal to eliminate these persistent differential undercounts, in the 2020 Census and future enumerations.

As discussed in more detail below, we make the following recommendations:

- The Census Bureau should publish additional information about the reasons for the proposed revisions to the Type of Enumeration (TEA) designations, Update/Leave, and Update/Enumerate operations, and enumeration of occupied housing units using administrative records, before finalizing the most recent iteration of the 2020 Census plan.
- The Census Bureau should publish additional information on the implications of foregoing a comparable range of evaluations for the 2020 Census as were undertaken after the 2010 Census.
- The Census Bureau should include one or more evaluations (as appropriate) of responses to the race and Hispanic origin questions that can inform subsequent, continued research into improving the collection and reporting of data on these important demographic characteristics.
- The Office of Management and Budget (OMB) should not approve publication of a new dataset containing citizenship data, in conjunction with the Redistricting Data Program, in the absence of specificity as to the planned data, the methodology for producing these data, and a rationale for publishing the data when there has not been any request or demonstrated need for the data; and without providing further opportunity for the public to comment on all of these issues once more information is available.

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<sup>1</sup> While the 2010 Census Coverage Measurement Survey showed an overcount of many 50+ race and Hispanic origin cohorts, continuing a general pattern seen in previous censuses, we are concerned that an emphasis on Internet response in the 2020 Census could make it more difficult to obtain an accurate count of older Americans, especially in lower income households, who are less likely to regularly use the Internet.

## **1. Type of Enumeration Area (TEA) designations, Update/Leave and Update/Enumerate operations, and enumeration of occupied housing units using administrative records**

There is a troubling common thread related to apparent updates to Type of Enumeration Area (TEA) designations, Update/Leave and Update/Enumerate operations, and enumeration of occupied housing units using administrative records. In all of these cases, changes to the scope of operations are described in this Notice with no explanation for the modifications. This lack of transparency undermines stakeholder confidence in the efficacy of census operations and the evidence supporting each decision.

It is incumbent on the agency to convey accurate information about census operations to the public and to the many partner organizations on whom it relies to carry the message of important, easy, and safe census participation through trusted voices. The lack of any useful or clear explanations for operational changes from one *Federal Register* Notice to the next leaves census stakeholder organizations and local governments involved in “Get Out the Count” campaigns unable to share accurate information about the basic census process — for example, when and how households will receive materials related to census participation — to the communities they serve.

Below we discuss our specific concerns:

- **Type of Enumeration Area designations:** The current Notice states that the Census Bureau has eliminated TEA-5, which encompassed modified procedures for delivering census materials to residential housing units on military installations and reassigned the census blocks originally designated as TEA-5 to TEA-1 (mail-out self-response) or TEA-6 (Update/Leave). However, as recently as its February 13, 2019 *Federal Register* Notice, the Census Bureau included TEA-5 in its designations. Since then, we have seen no explanation for why this change was made.
- **Update/Leave and Update/Enumerate operations:** The current Notice displays workload figures (that is, estimated number of respondents) for both the Update/Leave and Update/Enumerate operations that are markedly different from the estimated scope of these operations included in the February 13, 2019 *Federal Register* Notice. The final estimates in the current Notice reflect a decline in the number of housing units in the Update/Leave universe from 11.9 million to 6.6 million — a 45 percent reduction; the Update/Enumerate universe declined from 506,000 to 35,000 housing units. (All figures cited are exclusive of quality check operations.) After making several inquiries about the dramatic downward revisions in scope of work for these operations, we learned that the figures displayed in the February Notice were initial estimates only and that the Census Bureau had set the actual universe for each operation, now reflected in the current Notice, some time ago. This explanation for the disparate figures raises several troubling questions: (1) If the Census Bureau knew the actual estimated workloads before publishing *Federal Register* Notices related to the 2020 Census operational plan in June 2018, December 2018, and February 2019, why did it continue to include the initial, outdated estimates in those public-facing documents? (2) Why were the initial projected workloads for

these two operations so dramatically different than the final estimates now displayed in the current Notice? We are not aware of any helpful explanation for these differences.

- **Enumeration of occupied housing units using administrative records:** The current Notice states that an estimated 7.9 million unresponsive households (occupied housing units in the NRFU universe) will be enumerated using federal administrative records. The February 13, 2019 Notice (and previous Notices related to 2020 Census operations dating back to June 2018) include an estimate of 6.2 million households for this operation. The current Notice offers no explanation for the increased number of households for which administrative records might be used for the purpose of enumerating households that do not self-respond or provide their responses during one in-person visit.

Further, we renew concerns set forth in our August 6, 2018 public [comments](#) in response to the June 8, 2018 *Federal Register* Notice describing many of the major 2020 Census operations, regarding the lack of transparent guidelines and standards for determining when administrative records of sufficient quality and completeness will be used to enumerate unresponsive households in lieu of additional in-person visits or proxy interviews in accordance with NRFU protocols. Even as the estimated number of households that might be enumerated using administrative records grows, the Census Bureau has not yet released additional information that sheds light on the quality and completeness thresholds it will apply in making these determinations. This information is necessary to confirm that the benefits associated with this proposed methodology outweigh the risks in terms of less accurate and lower quality data. By definition, households in the NRFU universe are hard-to-count, and therefore more likely to be missed, because they failed to self-respond. That means that any weaknesses in the methodology will disproportionately affect certain population groups, which could undermine the fairness of the census results.

In addition, we remain concerned that federal administrative records do not include sufficient information about the race and ethnicity of household members, especially at the level of granularity (subgroup or origin, for example) the bureau seeks to achieve in this census. We also are skeptical that these records can establish accurate information about household relationship, which is an important variable for policymakers and researchers seeking to understand the needs of families and nonfamily households, or to identify nonfamily household members who do not have a usual home elsewhere, even if they do not intend to stay at the home permanently. Furthermore, administrative records generally do not cover undocumented residents. Research also has shown that many government datasets do not cover young children accurately, a significant concern given the historical disproportionately high undercount of children ages 0 – 4.

Absent any clear explanation for the modified scope of all of the operations mentioned above, we are left to conclude that these changes likely were driven by cost constraints. We are deeply troubled by that possibility. Cost effectiveness and innovation in census taking are important, worthwhile goals, but they can never override or undermine the Census Bureau's ability to produce the fair and accurate enumeration of our nation's population that the Constitution requires.

Alternatively, if all or some of the above-referenced changes to the 2020 Census plan represent revised calculations of previous estimates related to scope of work, we believe that the Census Bureau has an obligation to explain the basis for the evolution of estimates, especially when the projected scope of work has changed so dramatically from one Notice to the next. The lack of transparency and failure to publish current information in the series of *Federal Register* Notices describing key 2020 Census operations violate the spirit, if not the letter, of the Paperwork Reduction Act, which gives the public an opportunity to comment on proposed data collection activities and requires consideration of those comments in finalizing data collection plans.

**Recommendation: The Census Bureau should publish additional information about the reasons for each of the revisions cited above, before finalizing this most recent iteration of the 2020 Census plan.**

## **2. Evaluations and Experiments**

We appreciate the importance of evaluating the efficacy of census methods and operations, documenting the implementation of all components of the census plan (through operational assessments), and using the census itself as an unparalleled opportunity to begin testing new or revised methods that might improve future enumerations. The evaluations and assessments, in particular, allow stakeholders — including Congress, which has constitutional responsibility for the census, and partner organizations — to understand how each operation and each supporting activity contributed to the overall success of the census, as well as to census costs and the relative accuracy of the enumeration for population subgroups.

Nevertheless, we are concerned by the significant reduction in the number of proposed evaluations and experiments, as well as operational assessments, compared to the 2010 Census. There appear to be only one-third the number of evaluations and one-half the number of experiments planned for the 2020 Census, compared to a decade ago. The plan for markedly reduced evaluation of the 2020 Census is especially worrisome in light of the fundamental design reforms and unprecedented challenges facing this enumeration.

We are also concerned about the absence of any planned evaluations or experiments related to the collection of data on race and ethnicity. The Census Bureau embedded initial research into possible revisions to the race and Hispanic origin (ethnicity) questions into the 2010 Census, thus launching an exhaustive years-long program of research, testing, and stakeholder consultation to improve the collection and reporting of these vital census data. Subsequent, well-documented recommendations by Census Bureau staff for a revised, combined race and ethnicity question in the 2020 Census were not adopted, making it more essential, in our view, to evaluate respondent selections in the modestly revised (compared to 2010) race and Hispanic origin questions.

**Recommendations:**

- **The Census Bureau should publish additional information on the implications of foregoing a comparable range of evaluations for the 2020 Census as were undertaken after the 2010 Census.**
- **The Census Bureau should include one or more evaluations (as appropriate) of responses to the race and Hispanic origin questions that can inform subsequent, continued research into improving the collection and reporting of data on these important demographic characteristics.**
- **The Census Bureau should add: (1) an operational assessment and evaluation of the Mobile Questionnaire Assistance Center initiative (currently proposed); and (2) an evaluation of the Partnership Program, with emphasis on the sufficiency of the staffing level and training, and timing of hiring and on-boarding for this workforce.**

### **3. Redistricting Data Program**

As described in the supporting documents accompanying the current Notice (Part A, pages 40–41), the Census Bureau will not include tabulations of Citizen Voting Age Population (CVAP) in the Redistricting Data Files produced in accordance with 13 U.S.C. §141(c) (P.L. 94-171). The reason given for this decision is the absence of a request for these data from any stakeholders, including state legislatures or commissions responsible for redistricting, despite opportunities set forth in previous *Federal Register* Notices to make such requests.

Nevertheless, the Census Bureau will publish block level “citizenship data” (which has not been further defined), for the first time ever, separately and by the statutory deadline for the Redistricting Data Files. The Notice gives no further information about the reasons for publishing data at a level of geography and within the time frame associated with the redistricting process, when no stakeholders involved in that process have stated a need for the information. Furthermore, no federal agency has submitted a credible request for such information; a letter from the Department of Justice to the Census Director in December 2017, seeking block-level CVAP data to improve enforcement of the Voting Rights Act was found by several federal courts, including the U.S. Supreme Court, to be “contrived,” at best, and even a pretext. Finally, the Notice and its supporting documents do not shed any light on the methodology for producing this new dataset, nor does it make clear how this apparently separate publication will relate to the Redistricting Data Files, in terms of timing of release and tabulation areas (beyond census blocks).

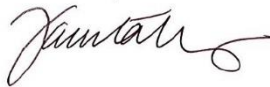
**Recommendation: OMB should not approve publication of a new dataset containing citizenship data, in conjunction with the Redistricting Data Program, in the absence of specificity as to the planned data, the methodology for producing these data, and a rationale for publishing the data when there has not been any request or demonstrated need for the data; and without providing further opportunity for the public to comment on all of these issues once more information is available.**

Thank you for the opportunity to comment on the proposed Evaluations and Experiments program for the 2020 Census, as well as on updates to several major census operations, to ensure that the voices of the civil and human rights community continue to be heard as the Census Bureau finalizes methods and



operations that it will deploy in the coming months and through the enumeration in 2020. If you have any questions about these comments, please contact Terry Ao Minnis, Asian Americans Advancing Justice | AAJC, at 202-296-2300 x0127, or Arturo Vargas, NALEO Educational Fund, at 213-747-7606, or Corrine Yu, The Leadership Conference, at 202-466-5670.

Sincerely,



Vanita Gupta  
President and CEO  
The Leadership Conference on Civil and Human Rights



John C. Yang  
President and Executive Director  
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