

**CONGRESS: It's Up to You! #SaveOurCensus**  
*Setting the record straight on extending the 2020 Census deadlines*

**Unless Congress steps in *now* to save the census, the loss to the nation for the next decade will be incalculable.** A rushed census could lead to misallocation of political representation, government funding, and private sector investment in every state and community. If the remaining counting and data processing operations are not thorough, communities most in need of resources to improve quality of life and standards of living will not receive their fair share for the next decade. Accurate data from the 2020 Census are critical to informed decision-making and resource/investment allocation by the public and private sectors, including preparation for and recovery from natural disasters and public health crises.

Failure to push back the statutory reporting deadlines is forcing the Census Bureau to *cut short 2020 Census counting, data processing, and quality check operations.*

- "Completing" the count of 100% of homes does not mean the census is accurate. In fact, more people could be missed or counted in the wrong place in a rushed operation because the bureau must enumerate more households using less reliable information from neighbors, administrative records, and statistical methods.
- The shortened timeline is compressing vital quality check and data processing activities **from the usual five months into three months.** *The GAO told the House Oversight and Reform Committee at a recent hearing (9/10/20) that compressing data processing would compromise the quality and accuracy of census results.* For example, the Bureau won't have time to remove duplicate counts.
- Senior career Bureau officials said unequivocally and repeatedly in July that it was too late to finish robust census operations and report initial results by the current statutory deadline of Dec. 31, 2020. In a court filing on 9/11/20, the senior official overseeing the 2020 Census said the bureau is facing significant barriers to finishing data collection by September 30 due to COVID-19 resurgences, natural disasters (hurricanes and wildfires), and other factors outside of their control.

### **What can Senators and Representatives do?**

- Extend the reporting deadlines for apportionment data (from 12/31/20 to 4/30/21) and redistricting data (from 4/1/21 to 7/31/21), as Commerce Secretary Ross – with the president's support – requested in April.
- Require counting operations to continue through Oct. 31.
- **Cosponsor** the bipartisan, bicameral **2020 Census Deadline Extensions Act** (the Schatz/Murkowski/Sullivan bill, S. 4571, and the Young/Gallego bill, H.R. 8250)

**Keep in mind:** On April 13, 2020, the Administration requested an extension of reporting deadlines for apportionment and redistricting data. But without explanation or notice, the Administration reversed this request in early August, later acknowledging that it wanted the Commerce Secretary to report census numbers for congressional apportionment during the president's current term. However, a three-judge federal court ruled on Sept. 10 that the Administration's proposal to exclude undocumented immigrants from the apportionment calculation is unlawful, thereby removing the

apparent reason for cutting the census short. If there is a new Administration when the apportionment counts are transmitted to the president in April 2021, the president simply would receive the numbers from the Commerce Secretary and transmit them to Congress without making any changes, as has been done in every previous census. In other words, concerns about a new Administration "controlling" the apportionment process to one political party's advantage are without merit.

## BACKGROUND

In early August, the Administration abandoned — without explanation or notice — its previous request for Congress to push back the statutory reporting deadlines for apportionment data and redistricting data in light of significant disruption and delays in every census operation due to the coronavirus pandemic.<sup>1</sup> Following this action, a federal district court in California issued a Temporary Restraining Order (TRO) on Sept. 5<sup>th</sup> prohibiting the U.S. Census Bureau from implementing a "rushed" census plan that would end data collection on Sept. 30.

Documents uncovered in that case show that Commerce Secretary Ross ignored clear warnings from senior, expert Census Bureau officials that a curtailed census could produce results of "unacceptable quality" with "fatal flaws" in the numbers. One career official circulated a memo internally titled, "Curtailing census operations will result in a census that is of unacceptable quality." Nevertheless, in late July, Ross directed the bureau to cut short census operations and data processing and gave the Bureau four days to create a new accelerated census plan.

## SETTING THE RECORD STRAIGHT

**Myth:** "Democrats would prefer a potential new occupant of the Oval Office to be in charge of handling the final census data next year ..." (CQ Roll Call, 9/15/20, <https://www.rollcall.com/2020/09/15/shelby-gop-wants-mid-december-stopgap-funding-bill/>)

**The facts:** **The President does not play a role in handling final census data, except to transmit the information to Congress. A bipartisan group of Members support pushing back the deadlines for reporting apportionment and redistricting data to facilitate the transmission of accurate data in the wake of unprecedented pandemic-related disruption to census operations.** Until the Administration issued a Memorandum on 7/21/20, suggesting that he would change the census state population totals used for congressional apportionment to exclude undocumented immigrants (a policy a 3-judge federal district court ruled unlawful on Sept. 10), the role of the president in the apportionment process under the modern statute (the Reapportionment Act of 1929) has been ministerial. Historically, the only role for the President in the census process is to receive the population totals and resulting apportionment from the Commerce Secretary and transmit the information to the Clerk of the House. Delaying apportionment will not benefit either party, except to help ensure a more accurate census in every state and community after the coronavirus pandemic delayed literally every 2020 Census operation by three months or more, by allowing adequate time for the Census Bureau to carry out data collection and vital data processing and quality check activities on the timetable its experts recommended.

**Myth:** "In April, Ross and Census Bureau Director Steven Dillingham said they wanted to implement the same deadline extensions. But they never obtained White House support for a formal request to

Congress ...” (CQ Roll Call, 9/15/20, <https://www.rollcall.com/2020/09/15/shelby-gop-wants-mid-december-stopgap-funding-bill/>)

**The facts:** In April, President Trump publicly supported the request for a delay, telling reporters, “The Census Bureau recently made the decision to temporarily suspend its field operations data collection activities to help stop the spread. In addition, while millions of Americans continue to complete their questionnaire online, the Census Bureau has asked for a 120 [day] extension. I don’t know that you even have to ask them. This is called an act of god...I don’t think 120 days is nearly enough.” (quoted in *The Hill*, 4/13/20)

**Myth:** Census Bureau officials have assured us that they can produce a fair and accurate census even if counting operations end on Sept. 30 and they must produce data for apportionment before December 31, 2020 — the current statutory reporting deadline (13 U.S.C. 141(b)).

**The facts:** The senior career Census Bureau official overseeing the 2020 Census told the judge considering a challenge to the rushed census plan, “**We are, however, facing significant risks to complete all states by this date, due to factors beyond the Census Bureau’s control**, such as wildfires in the western part of our country, major storms, resurgence of COVID-19 restrictions and other similar disruptions.” Declaration of Albert Fontenot, Associate Director for Decennial Census Programs, U.S. Census Bureau, *LUPE et al v. Trump et al* (U.S. District Court for the District of Maryland, 9/11/20, pg. 43). Furthermore, the Commerce Department Inspector General issued a “management alert” on Sept. 18, finding that, “The accelerated timeline for data collection increases risk that the Bureau may not collect sufficient data for an accurate and complete count,” and “The streamlined data processing under the accelerated plan poses a myriad of risks to accuracy and completeness.”<sup>ii</sup>

**Myth:** “Response rates in minority areas are similar to or higher than in 2010 ...” (*The Wall Street Journal* editorial, “*The Next Census Brawl*,” 9/14/20)

**The facts:** **Compared to 2010, response rates in minority communities are lagging.** As of Sept. 14, despite having several additional months for self-response due to pandemic-related delays, 75% of predominantly Black census tracts had lower self-response rates in 2020 than in 2010, while 74% of predominantly Hispanic tracts had lower rates. Almost 60% of predominantly Asian tracts had lower rates in 2020 than in 2010; even a majority (54%) of predominantly non-Hispanic White tracts had lower rates than in 2010. (Source: *Analysis by the Center for Urban Research, CUNY Graduate Center*)

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<sup>i</sup> The judge extended the TRO until Sept. 24; there is a Sept. 22 hearing on plaintiffs’ motion for a Preliminary Injunction in the case of *National Urban League et al v. Wilbur Ross et al.* (Northern District of California).

<sup>ii</sup> <https://www.oig.doc.gov/OIGPublications/OIG-20-050-M.pdf>