

**Statement of
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Secretary of Commerce**

**Before the
Committee on Oversight and Reform
U.S. House of Representatives**

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Good morning Chairman Cummings, Ranking Member Jordan, and members of the committee. Thank you for inviting me to testify.

I know that many of you have questions about the 2020 decennial census, and I welcome the opportunity to discuss that topic today. We have made vast improvements in our decennial census preparations and thank Congress for your strong support of those improvements as reflected in the last two appropriations bills.

On March 26, 2018, I decided to reinstate a citizenship question on the 2020 decennial census pursuant to the statutory authority given to me by Congress. My reasoning for that decision is explained in my March 26 decision memorandum (March 26 Memo). The March 26 Memo describes in great detail the months of review, analyses, staff meetings, and stakeholder feedback that I undertook after receiving the Department of Justice letter seeking reinstatement of the citizenship question. That detailed review formed the basis upon which I determined that reinstatement of a citizenship question on the decennial census is warranted. The March 26 Memo includes the bases for my decision and is available on the Department of Commerce (Department of Commerce) website.

As you know, the Department employs more than 45,000 people. We operate more than 3,500 facilities in the United States and we are in 75 countries abroad. In addition to the Census Bureau, the Department is responsible for the International Trade Administration, the National Oceanic and Atmospheric Administration, the Patent and Trademark Office, the Bureau of Industry and Security, the Economic Development Administration, the Minority Business Development Administration, the National Telecommunications and Information Administration, and the National Institute of Standards and Technology. The Department is responsible for weather data, navigational charts, managing marine resources, and advancing the commercialization of space. We issue patents, oversee the federal government's largest fleet of civil operational satellites, enforce key Administration trade policies, promote exports, and support national standards and technology, telecommunications, export controls, and

economic and minority business development. I also co-chair with Ivanka Trump the National Council for the American Worker.

When I assumed office in early 2017, there were a myriad of issues and challenges waiting for me, not the least of which was management of the 2020 decennial census. Administering the decennial census is a Constitutional mandate, and it is one of the federal government's most significant undertakings. The Department takes this duty very seriously, and conducting a complete and accurate census count has been one of my highest priorities since becoming Secretary. As many of you know, I was a census enumerator when I was working my way through business school.

Immediately after my confirmation on February 28, 2017, I began a deep dive into oversight of the Census Bureau (Census) and the 2020 decennial census. There was significant work to do preparing for the hiring and training of more than 450,000 part-time temporary Census workers to conduct as complete and accurate a count as possible. It soon became clear that the budget developed by the previous Administration had not been properly prepared and was woefully inadequate. Accordingly, I brought in skilled outside experts to re-analyze the budget line by line and independently re-estimate the cost of the 2020 census program, resulting in an independent lifecycle estimate of \$14.1 billion, \$1.8 billion more than the 2015 estimate. This analysis informed the "not to exceed" estimate that the Department released in October 2017, which supports a \$3.2 billion increase from what had been in place prior to my arrival and includes additional contingency funding should certain risks be realized this year and through execution of the decennial census.

In 2017, my staff and I also began considering the content of the decennial census questionnaire—considerations that included whether to reinstate a citizenship question. Indeed, questions about citizenship or country of birth (or both) have been asked as part of all but one U.S. decennial census from 1820 to 2000, and many other democracies around the world presently collect citizenship data on their census inquiries.

We also asked the Department of Justice (DOJ) whether it would have interest in obtaining more granular citizenship data than they were currently receiving through the American Community Survey (ACS), a Census Bureau sample survey that is distributed annually to less than 2.64 percent of the American population. There is no established process for adding questions to the decennial census. However, Census Bureau staff informed me that federal agencies had previously submitted written requests for questions to be added to Census ACS questionnaires, and that such requests triggered an internal Census Bureau reviews prior to final decision-making on such requests. Thinking such a letter would be useful here, I instructed staff to follow up with DOJ for a written statement confirming its views, one way or the other, in time to adequately consider any formal request DOJ might make.

Ultimately, on December 12, 2017, DOJ made a formal written request for reinstatement of a citizenship question on the decennial census so that the Census Bureau could provide census block-level citizenship data to assist DOJ in their enforcement of the Voting Rights Act. In

response, the Department initiated a detailed Census Bureau-led legal, policy, and programmatic review, followed by a Department-level review, to consider alternate means of meeting DOJ's request. As part of this review, we considered thousands of pages of documents, analyzed alternatives, and held discussions with numerous external stakeholders and elected officials, including Speaker Pelosi and Chairman Cummings, both of whom opposed the idea. The Department also evaluated written submissions by many other members of this Committee. We worked diligently in order to submit our list of decennial census questions to Congress by the statutory reporting deadline of March 31, 2018.

Following receipt of DOJ's letter, and during our review, Census Bureau officials recognized that the current ACS data did not meet DOJ's request for more granular block-level data. The Census Bureau analysis also showed that 30 percent of non-citizens for whom reliable administrative records exist have inaccurately answered the ACS citizenship question. As an alternative to reinstating the question, Census Bureau officials recommended that administrative records would best meet DOJ's request. However, the Census Bureau's use of administrative records is still evolving, and a thorough investigation revealed that Census does not yet have a complete administrative records data set for the entire population. Thus, use of administrative records alone would require more than 10 percent of the American population to have their citizenship imputed by the Census Bureau. I was not willing to impute data for so many people and did not believe doing so would provide complete and accurate information to meet the DOJ's request.

Obtaining complete and accurate information for use in determining citizen age voting populations to enforce the Voting Rights Act is a legitimate government purpose. And I determined that the importance of that goal outweighed any potential decrease in self-response rates that may result from people violating their legal duty to respond to the decennial census. On March 26, 2018, I exercised the authority specifically delegated to me by Congress and issued a decision memorandum outlining the alternatives considered and my reasons for reinstating the citizenship question. Subsequently, a number of parties brought legal challenge to prohibit asking the question, and the matter is now under review by the Supreme Court. Though certain aspects of this issue are in litigation and cannot be discussed today, I look forward to answering as many questions as I am able for the Committee regarding the 2020 decennial census.

In conclusion, the Department is fully committed to administering a complete and accurate decennial count in 2020. Let me be clear, we intend to count every person and are taking all actions necessary to improve upon prior decennial operations. Since assuming office, I have worked with the Trump Administration and Congress to overhaul and increase the decennial census budget, so that it is adequately funded and prepared for contingencies. My team has initiated a \$500 million advertising campaign to assure hard-to-count communities that the census is safe, secure, vital, and that all collected data is used for statistical purposes only and cannot be shared with law enforcement bodies.

In 2020, the decennial census will be administered in twelve non-English languages, five more than in 2010, and it will feature, for the first time, three modes of response: internet, telephone, and paper. I have also called many state officials to vastly increase our complete count committees and intergovernmental cooperation efforts, directed resources into ensuring our data security systems are second-to-none, and established robust leadership and oversight of Census Bureau operations. For this decennial census, we started our community partnership program a year earlier than for the 2010 decennial, and more than 1,500 state, tribal, and local governments have already agreed to form complete count committees. In addition, we will deploy almost double the amount of partnership specialists—an increase from approximately 800 to more than 1,500—than we did in 2010, to build even more partnerships with local trusted voices.

For the 2020 decennial census, we are also making far more extensive use of administrative records than ever before. For example, many states are now providing us with Women Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), and Supplemental Nutrition Assistance Program (SNAP) records for the first time in order to help Census address prior severe undercounts of children and other hard to count populations.

The Department is committed to administering a complete and accurate 2020 decennial census. We hope that Congress shares this mission and that we can count on you to assist us in the effort. Thank you.