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November 15, 2019

Michael Berning

Assistant Division Chief for Data Acquisition and Curation
U.S. Census Bureau
4600 Silver Hill Road, Room 5H151
Washington, DC 20233

Submitted via email: PRAComments@doc.gov

RE: Proposed Information Collection on 2020 Census— Generic Clearance for Collection of
State Administrative Records Data, FR Doc. No.: USBC–2019–0008

Dear Mr. Berning:

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 (the “Notice”) seeking comments on the proposed collection of state person-level program participating records that will be used to support the decennial census program. As discussed below, we believe state administrative records present special circumstances that require careful evaluation and further research before the Census Bureau employs them to produce statistical datasets.

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.¹ 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.

We understand the importance of exploring a variety of ways to produce useful statistics in cost-effective ways, including tapping data collected by government agencies for other purposes. Indeed, Title 13, U.S.C., §6 envisions reliance on administrative records when feasible, to reduce the general response burden on individuals, households, and businesses as the Census Bureau works to generate datasets on which public, private, and nonprofit sector decisionmakers rely.

In a May 2017 [report](#), the Urban Institute, with support from The Leadership Conference on Civil and Human Rights and the Georgetown Center on Poverty and Inequality, considered the numerous policy and operational issues associated with the proposed uses of government and commercial data in the 2020 Census. The report looks at the costs, benefits, and risks of relying on administrative data, to varying degrees, for each of these major components of the census. We commend the full report to Census Bureau staff and incorporate it by reference in these comments.

We also offer the additional observations and recommendations below. Although these concerns are relevant to all state-level administrative records, especially to the extent administrative data will supplement point-in-time data collection activities, of greatest concern are issues related to current Census Bureau efforts to produce new datasets on citizens and noncitizens, in accordance with the Executive Order issued on July 11, 2019.

Consistency

When producing statistics for the entire nation and its governmental units (e.g., states, counties, cities), the consistency of data *across* states is vital to ensuring that federal benefits that might be guided by

¹ 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.

statistics generated using administrative records are allocated fairly and equitably. We are not confident that all states collect data of comparable quality and accuracy, even when they are collecting the same information. Different eligibility requirements and program implementation protocols further compromise the consistency of data from state to state.

We are concerned about the likelihood of uneven data quality with respect to data on race and ethnicity, even when states are required to follow federal standards for the collection and reporting of this information. Furthermore, data that respondents might consider sensitive — such as their citizenship status, income, and household size (as well as race and ethnicity) — depending on their own circumstances and the broader political environment, both nationally but also in each state, might be less reliable, thus yielding administrative records of uneven and even dubious quality. Unless the Census Bureau can demonstrate a high level of consistency with respect to quality and reliability among datasets from all states, it should exercise great caution before using these governmental records to produce statistics that will be used for policy purposes, including the allocation of and eligibility for federal resources.

Timeliness

As the Census Bureau strives to produce data on the citizen and noncitizen populations in conjunction with the 2020 Census, as the Executive Order seems to require if feasible, the time period represented by state administrative records collected for purposes unrelated to the census becomes a paramount concern. The decennial census is unique in that it measures the location and characteristics of the entire resident population as of a statutorily established date: April 1st of the census year. State administrative records generally have no such benchmark date, and information gathered from program participants or benefit recipients could represent wide and inconsistent windows of time that diminish the usefulness of the information to produce high-quality data that supplements decennial census statistical products.

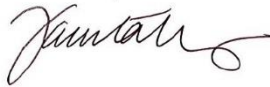
Recommendation: Before the Census Bureau uses administrative records to produce and publish statistics that policymakers, program administrators, and the public use to guide vital decisions, The Leadership Conference urges a high level of transparency, as well as consultation with stakeholders whenever possible, with respect to: (1) state administrative records the Census Bureau plans to secure; (2) the purposes for which the bureau proposes to use those records; and (3) the agency's plans for evaluating the consistency, timeliness, and overall quality and accuracy of these datasets.

Thank you for the opportunity to comment on this important issue, 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.

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Sincerely,



Vanita Gupta
President and CEO
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Chief Executive Officer
NALEO Educational Fund