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AAJC

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July 5, 2024

The Honorable Hal Rogers

Chairman

Subcommittee on Commerce, Justice, Science and
Related Agencies

Committee on Appropriations

U.S. House of Representatives
Washington, D.C. 20515

The Honorable Matt Cartwright

Ranking Member

Subcommittee on Commerce, Justice, Science and
Related Agencies

Committee on Appropriations

U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Rogers and Ranking Member Cartwright,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States, and our Census Task Force co-chairs, Asian Americans Advancing Justice | AAJC and NALEO Educational Fund, we write to oppose the Fiscal Year 2025 Commerce, Justice, Science, and Related Agencies (“CJS”) appropriations bill. The bill slashes the president’s budget request for the Census Bureau by \$250 million, with a proposed funding level *below* Fiscal Year 2024. The bill also unconstitutionally prohibits the Census Bureau from counting undocumented immigrants as part of the decennial census apportionment determinations while simultaneously sharply restricting the Bureau’s ability to follow-up with households and businesses that have not responded to censuses and surveys.

The Census Bureau is the nation’s principal statistical agency, producing demographic and economic data to inform critical investment and planning decisions in the public, private, and non-profit sectors and ensure fair representation and equitable distribution of federal resources. As such, the Census Bureau must receive the necessary funds and maintain operational latitude to conduct censuses and surveys using scientifically proven methods that will ensure sufficient response in all communities and sectors being measured, to produce data that meet quality standards. This principle must apply to the Census Bureau’s many critical and varied demographic and economic surveys, including the decennial census,

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American Community Survey (ACS), Economic Census, and Current Population Survey. Of particular importance is a population census that counts every person living in the United States, regardless of their citizenship and immigration status, as the U.S. Constitution's 14th Amendment requires. As it stands, the CJS bill before your committee wholly undermines an inclusive, cost-effective, and accurate 2030 Census on three fronts:

I. Inadequate Funding

FY 2025 is pivotal in the ramp-up to the 2030 Census, as it marks a midpoint in the decade-long planning process and a significant milestone — selecting an operational design that will affect every facet of the census, from questionnaire design and accessibility, to collection and tabulation of data. Sound investments now will help to ensure the future success and cost efficiency of the 2030 Census. The funds allotted to the Census Bureau fall short of the investments needed to support 2030 Census planning and to enhance the ACS, the official, trusted, and public source of accurate demographic, socioeconomic, and housing data used by governments, businesses, and the nonprofit sector all over the country. The inadequate funds allotted to the Census Bureau will disrupt planning at a pivotal point in the decade, undermining a carefully developed research and testing agenda. This would likely increase census costs significantly later in the decade, as the Bureau is forced to abandon promising cost-effective new initiatives due to lack of testing, as was the case in the last decade. To empower the Census Bureau to pursue the activities outlined in its FY 2025 budget request, and others identified by census stakeholders, including improvements to the ACS, we urge the committee to meet or exceed the president's proposed Census Bureau funding level of \$1.6 billion.

II. Section 559

A fair and accurate census and the collection of valuable, objective data about the nation's people, housing, economy, and communities are among the most significant civil rights issues facing the country today. Every census since the first enumeration in 1790 has included citizens *and* non-citizens for the purpose of congressional apportionment. In the current version of the CJS appropriations bill, section 559 requires the Census Bureau to exclude undocumented persons living in the United States from the state population totals used to apportion seats to the U.S. House of Representatives after each census. Throughout the nation's history, Republican and Democratic administrations alike have concluded that excluding undocumented immigrants and non-citizens from the apportionment base would be unconstitutional and contrary to the 14th Amendment's clear command to count the "whole number of persons in each State."

While the constitutional infirmity of section 559 cannot be overcome, it is worth noting that asking about immigration status in the census — which would be required in order to meet such a directive — is unnecessarily intrusive. It would raise concerns among all respondents — both native-born and immigrant — about the confidentiality and privacy of information provided to the government. This will have a chilling effect on participation and keep many residents from responding, jeopardizing the accuracy of the census in every state and community. We urge the committee to remove section 559 from the CJS appropriations bill.

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III. Section 621

The CJS bill includes another troubling provision, Section 621, which obstructs the Census Bureau's ability to collect data by restricting follow-up activities using any contact mode (including by mail, telephone, and in-person visit), fundamentally changing the way the Bureau conducts virtually every census, demographic survey, and economic survey. Practically, Section 621 will force the Census Bureau to stop contacting households and businesses after two attempts to secure a response in every census and survey, no matter how low the response rate at such time.

For example, in the 2020 Census, after two contacts with most households to invite and encourage response (which is mandatory under federal law), the national response rate stood at around 50 percent — lower in some rural communities, historically undercounted urban neighborhoods, and on American Indian reservations. If Congress enacts section 621, the Census Bureau would be prohibited from any further outreach to nonresponding households. Even if general advertising and promotion prompted some additional responses, it is likely the Bureau would not have collected enough responses in many areas to produce statistically valid results, putting congressional apportionment and redistricting, as well as the allocation of vital federal assistance to states, localities, and Tribal Nations, in jeopardy.

Put simply, if enacted, section 621 would threaten the integrity of the decennial census, ACS, Current Population Survey, Economic Census, and many other surveys, all of which produce data that are fundamental to the functioning of the federal legislative and executive branches of government, as well the nation's economy. We strongly urge the committee to strike section 621 from the CJS bill.

For these reasons, we strongly urge your committee to increase funding to the Census Bureau to FY 2024 numbers, at a minimum, and to remove Sections 559 and 621 from the CJS appropriations bill. Thank you for considering our views as you move toward completing the FY 2025 CJS appropriations bill. If you have any questions, please contact Meeta Anand, senior program director of census and data equity at The Leadership Conference on Civil and Human Rights, at anand@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Asian Americans Advancing Justice | AAJC
NALEO Educational Fund

cc:

The Honorable Tom Cole
Chairman
Committee on Appropriations
U.S. House of Representatives

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The Honorable Rosa DeLauro
Ranking Member
Committee on Appropriations
U.S. House of Representatives