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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, by and through Attorney General Xavier Becerra; COUNTY OF LOS ANGELES; CITY OF LOS ANGELES; CITY OF FREMONT; CITY OF LONG BEACH; CITY OF OAKLAND; CITY OF STOCKTON, Plaintiffs, **v.** **WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; U.S. DEPARTMENT OF COMMERCE; RON JARMIN, in his official capacity as Acting Director of the U.S. Census Bureau; U.S. CENSUS BUREAU; DOES 1-100,** Defendants.	3:18-cv-01865 **EXHIBITS TO THE DECLARATION OF R. MATTHEW WISE IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** Date: December 7, 2018 Time: 10:00 a.m. Dept: 3 Judge: The Honorable Richard G. Seeborg Trial Date: January 7, 2019 Action Filed: March 26, 2018

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Exhibit	Document Description	Bates or Excerpt Pages
Administrative Record		
1	Email dated November 14, 2018, from Defendants' counsel confirming the scope of the administrative record	None
2	Joint Stipulation Regarding Scope of Administrative Record, *State of N.Y. v. U.S. Dept. of Commerce*, No 1:18-cv-2921 (S.D.N.Y.), ECF No. 523	None
3	Second Joint Stipulation Regarding Scope of Administrative Record, *State of N.Y. v. U.S. Dept. of Commerce*, No 1:18-cv-2921 (S.D.N.Y.), ECF No. 524	None
4	U.S. Census Bureau, *Subjects Planned for the 2020 Census and American Community Survey* (March 2017)	AR 194-270
4	Letter from A. Gary to J. Thompson Re: "Legal Authority for American Community Survey Questions" (Oct. 4, 2016)	AR 311-316
4	Letter from A. Gary to R. Jarmin, Re: "Request to Reinstate Citizenship Question on 2020 Census Questionnaire" (Dec. 12, 2017)	AR 663-665
4	Email from K. Kobach to W. Teramoto, Subject: "Follow up on our phone call" (July 24, 2017)	AR 763-764
4	Letter from Former Census Bureau Directors to Secretary Ross Re: Citizenship Question Addition Without Pretesting (Jan. 26, 2018)	AR 1057-1058
4	Memorandum from J. Abowd to W. Ross, Subject: "Preliminary analysis of Alternative D (Combined Alternatives B and C)" (March 1, 2018)	AR 1277-1285
4	Questions on the Jan 19 Draft Census Memo on the DoJ Citizenship Question Reinstatement Request (No Date)	AR 1286-1297
4	Memorandum from J. Abowd to W. Ross, Subject: "Preliminary analysis of Alternative D (Combined Alternatives B and C)" (March 1, 2018)	AR 1308-1312
4	Memorandum from Secretary Ross to Karen Dunn Kelley Re: "Reinstatement of Citizenship Question on	AR 1313-1320

Exhibit	Document Description	Bates or Excerpt Pages
	the 2020 Decennial Census Questionnaire" (March 26, 2018)	
4	Supplemental Memorandum by Secretary Ross Regarding the Administrative Record in Census Litigation (June 21, 2018)	AR 1321
4	Email from E. Comstock to W. Teramoto, Subject: "Calls with DoJ" (Sept. 16, 2017)	AR 2458
4	Email from E. Comstock to [REDACTED], Subject: "Call today to discuss DoC Issues" (May 4, 2017)	AR 2462
4	Email from E. Comstock to Secretary Ross, Subject: "Your Question on the Census" (Mar. 10, 2017)	AR 2521-2523
4	Email from B. Alexander to H. Ross, Subject: "tonight" (Apr. 5, 2017)	AR 2561
4	Emails between W. Teramoto, D. Cutrona, J. Gore, Subject: "Re: Call" (Sept. 18, 2017)	AR 2636
4	Email from D. Cutrona to W. Teramoto, Subject: "Re: Call" (Sept. 18, 2017)	AR 2651-2652
4	Email from D. Cutrona to W. Teramoto, Subject: "Re: Call" (Sept. 17, 2017)	AR 2653-2654
4	Email from J. Abowd to R. Jarmin, Subject: "Re: DOJ Letter" (Dec. 15, 2017)	AR 3354-3355
4	Email from R. Jarmin to K. Kelley, Subject: "DOJ" (Feb. 6, 2018)	AR 3460
4	Email from B. Alexander to E. Comstock and W. Teramoto, Re: "we must get our issue resolved" (Apr. 20, 2017)	AR 3694
4	Email from E. Comstock to E. Branstad, Subject: "Re: DOJ contact" (May 4, 2017)	AR 3701
4	Calendar Invite from J. Uthmeier to E. Comstock, Subject: "Accepted: HOLD: Meet with James re Census and Citizenship" (June 27, 2017)	AR 3705
4	Email between E. Comstock and Secretary Ross, Subject: "Re: Census" (May 2, 2017)	AR 3710
4	Talking Points Memorandum (No Date)	AR 3890-3891
4	Email from E. Comstock to W. Ross, Subject: "Re: [REDACTED]" (Aug. 8, 2017)	AR 4004

Exhibit	Document Description	Bates or Excerpt Pages
4	PowerPoint Presentation titled, "Submission of the 2020 Census and American Community Survey Questions to Congress" (Feb. 2018)	AR 4773-4797
4	Email from R. Jarmin to K. Kelley and E. Lamas, Subject: "Fw: Question" (Feb. 13, 2018)	AR 4853-4856
4	Email from R. Jarmin to A. Gary, Subject: "Re: Request to Reinstate Citizenship Question on 2020 Census Questionnaire" (Jan. 3, 2018)	AR 5489-5491
4	2020 Census: Adding Content to the Questionnaire (No Date)	AR 9865
4	Memorandum from Center for Survey Measurement (CSM) to the Associate Directorate for Research and Methodology, Subject: "Respondent Confidentiality Concerns" (Sept. 20, 2017)	AR 10386DRB-10393DRB
4	Memorandum from M. Berning, et al., to J. Abowd, Re: Alternative Sources of Citizenship Data for the 2020 Census (Dec. 22, 2017)	AR 11634-11645
4	Email between W. Ross and E. Comstock, Subject: "Re: Census Matter" (Aug. 10, 2017)	AR 12476
4	Memorandum from E. Comstock to W. Ross, Subject: "Census Discussions with DoJ" (Sept. 8, 2017)	AR 12756
4	2020 CBAMS Focus Groups – Audience Summary Report	AR 13025-13055
Discovery		
5	U.S. Census Bureau, *U.S. Census Bureau Statistical Quality Standards* (July 2013) (Habermann Dep., Ex. 3)	None
6	1950 Census Questionnaire (Abowd Dep. [Aug. 29, 2018], Ex. 3)	None
7	Draft Letter to Representative Carolyn Maloney (Gore Dep., Ex. 25)	None
8	Brown, J. David et al., *Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census* (Aug. 6, 2018)	COM_DIS00009833-COM_DIS00009909
9	Excerpts of the Deposition Transcript of John Abowd, Washington, D.C., August 15, 2018	1, 9, 12-13, 59-60, 83-84, 169, 338

Exhibit	Document Description	Bates or Excerpt Pages
9	Excerpts of the Deposition Transcript of Census Bureau's 30(b)(6) Witness, John Abowd; Washington, D.C., August 29, 2018	1, 9, 104-105, 242-243, 338
9	Excerpts of the Deposition Transcript of Census Bureau's 30(b)(6) Witness, John Abowd; Washington, D.C., October 5, 2018	340, 349, 358, 426-430, 465
9	Excerpts of the Deposition Transcript of Census Bureau's Expert Witness, John Abowd; Washington, D.C., October 12, 2018	1, 9, 109, 178-182, 255-256, 263-264, 319
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9	Excerpts of the Deposition Transcript of Colm O'Muircheartaigh, Chicago, Illinois, October 19, 2018	1-2, 6, 68-73, 78-82, 181-182
9	Excerpts of the Deposition Transcript of Sahra Park-Su, Washington D.C., October 25, 2018	1, 14, 127, 188, 190-191, 209

EXHIBIT 1

Emily Gargiulo

From: Halainen, Daniel J. (CIV) <Daniel.J.Halainen@usdoj.gov>
Sent: Wednesday, November 14, 2018 6:15 AM
To: Matthew Wise; Federighi, Carol (CIV); Kopplin, Rebecca M. (CIV)
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Subject: RE: State of California v. Ross/ Administrative record

Matthew,

I can confirm that the government will take the same position as to the final scope of the administrative record as it ultimately takes in the New York action. That said, there are a couple unsettled issues in New York: there is one designation in the stipulation (i.e., one document) that may be subject to change and a separate issue is currently before Judge Furman. We will endeavor to keep you updated as to the final scope of the administrative record in New York as these issues are resolved. Please let me know if you have questions.

Daniel Halainen
Trial Attorney, U.S. Department of Justice
Civil Division, Federal Programs Branch
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From: Matthew Wise [mailto:Matthew.Wise@doj.ca.gov]
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Subject: RE: State of California v. Ross/ Administrative record

Hi Daniel,

I'm following up on this thread, given the stipulation and order filed in the New York action this morning. Please confirm that you take the same position in the State of California action that you have taken in the New York action.

Thanks,
Matthew

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Subject: RE: State of California v. Ross/ Administrative record

Brie,

We can confirm that the government will take the same position in the State of California action.

Best,
Daniel

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Subject: State of California v. Ross/ Administrative record

Counsel,

We understand that you have informed the New York and San Jose Plaintiffs that Defendants will not contest that the documents they produced on July 23, July 27 and August 3 in response to the New York court's order may be considered part of the administrative record, with the exceptions of documents Bates-labeled 12,757-12,762 and 13,025-13,099. Could you please confirm whether you take the same position in the State of California action? Thank you very much.

Regards,

Brie

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EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al., Plaintiffs, v. UNITED STATES DEPARTMENT OF COMMERCE, et al., Defendants.	18-CV-2921 (JMF)
~~NEW YORK IMMIGRATION COALITION, et al.,~~ ~~Plaintiffs,~~ ~~v.~~ ~~UNITED STATES DEPARTMENT OF COMMERCE, et al.,~~ ~~Defendants.~~	~~18-CV-5025 (JMF) (Consolidated Case)~~

JOINT STIPULATION REGARDING SCOPE OF ADMINISTRATIVE RECORD

The parties hereby stipulate to the inclusion of the following materials in the Administrative Record in this case:

63. The Administrative Record contains all documents produced by Defendants bearing Bates 000001 through 0013024. These have been marked by plaintiffs as PX-1 through PX-14. In addition, the Administrative Record includes the documents listed below:

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PX-158
PX-167 to PX-173
PX-175 to PX-181
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Further, the parties agree that the exhibits listed in Paragraph 63 of the parties' joint stipulations above that have not already been admitted (PX-178, PX-181, PX-185, PX-188, PX-190, PX-191, PX-544, PX-614) may be admitted into evidence.

The parties are continuing to discuss the possibility of stipulating to the inclusion of additional materials in the Administrative Record, and Plaintiffs reserve the right to move that additional materials be considered part of the Administrative Record in this action.

Dated: November 11, 2018

Respectfully submitted,

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AMERICAN CIVIL LIBERTIES UNION
ARNOLD & PORTER KAYE SCHOLER LLP

SO ORDERED.

November 13, 2018

By: /s/ Dale Ho

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EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al., Plaintiffs, v. UNITED STATES DEPARTMENT OF COMMERCE, et al., Defendants.	18-CV-2921 (JMF)

SECOND JOINT STIPULATION REGARDING SCOPE OF ADMINISTRATIVE RECORD

The parties hereby stipulate to the addition of the following materials to the Administrative Record in this case:

64. In addition to the documents already designated, the Administrative Record includes the native Excel files contained at PX-16 (corresponding to the slipsheets at PX-4, AR 12128-12129, AR 12134-12138; and PX-13, AR 12869, AR 12964-12966), with the exception of the file named < noisy_7.csv >.

Plaintiffs reserve the right to move that additional materials be considered part of the Administrative Record in this action.

Dated: November 12, 2018

Respectfully submitted,

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Attorney General of the State of New York

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SO ORDERED.

November 13, 2018

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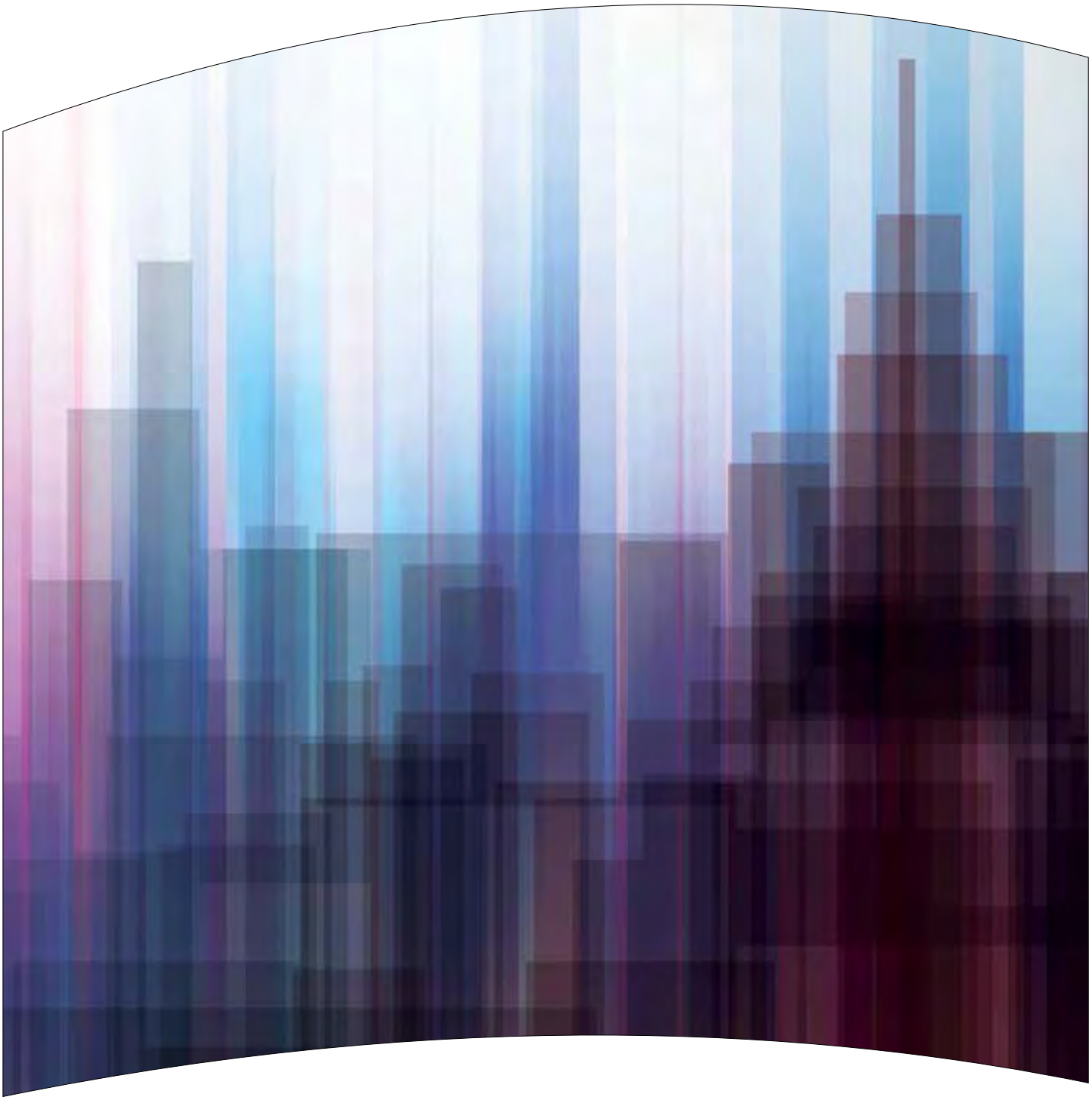
EXHIBIT 4

Subjects Planned for the 2020 Census and American Community Survey

Federal Legislative and Program Uses

Issued March 2017
Revised



United States Census Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
census.gov

The original version of the appendix has been revised.

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Introduction

BACKGROUND

Since 1790, a national census of the U.S. population has been conducted every 10 years, as required by the U.S. Constitution. Additional information beyond the population count has been collected with each census in response to the challenges facing the nation and a national desire to understand ourselves.

In the 20th century, most addresses received a "short" form, while a portion of addresses received a more detailed "long" form. The Census 2000 short form was designed to collect basic demographic and housing information (i.e., age, race, gender, relationship, and tenure) to be used for apportionment and redistricting. The long form sent to approximately 1 in 6 households collected social, housing, and economic information (i.e., citizenship, educational attainment, disability status, employment status, income, and housing costs) that was used to plan and determine funding for a wide array of federal, state, local, and tribal programs.

Since 2005, in order to provide communities, businesses, and the public with the detailed long-form information more frequently, these data have been collected monthly (and released annually) through the American Community Survey (ACS).[1] This innovation enabled the 2010 Census to be a "short-form-only" census. Decoupling the collection of short- and long-form data allowed the U.S. Census Bureau to focus decennial census efforts on the constitutional requirements to produce a count of the resident population, while employing technology in both collections to improve efficiencies, improve accuracy, and reduce costs. The result has been the dissemination of more current and detailed information than has ever been available.

The 2020 Decennial Census Program, comprised of the 2020 Census and the ACS, will provide an official count through a "short-form-only" census, as well as a portrait of communities counted across the nation through data collected by the ACS. This program is the only data-gathering effort that collects information from enough people to produce comparable data for every geographic area recognized by the Census Bureau.

[1] The ACS also collects short-form data on its questionnaire. However, ACS asks for basic demographic and housing information from a sample of households, while the decennial census asks for basic demographic and housing information from all households.

SUBMISSION OF SUBJECTS PLANNED FOR THE 2020 DECENNIAL CENSUS PROGRAM

Section 141(f) of the Census Act requires that the subjects to be included in the next census be submitted to Congress no later than 3 years before the census date. The contents of this handbook describe the subjects that will be asked on the 2020 Census and the ACS.

The Census Act also requires that the questions to be included in the next census be submitted to Congress no later than 2 years before the census date. A document that meets that requirement for the 2020 Census and the ACS will be submitted to Congress by March 31, 2018.

ABOUT THE SUBJECTS PLANNED FOR THE 2020 DECENNIAL CENSUS PROGRAM

Throughout each decade, regular content reviews are conducted to ensure that the information collected through the decennial census program is required by federal programs. Beginning after the 1990 Census, the U.S. Office of Management and Budget (OMB) in conjunction with the Census Bureau, asked federal agencies to provide information describing their data needs. This information, updated each decade by subsequent changes to federal legislative requirements, is used to evaluate content considered for the decennial census program.

To prepare for the 2020 Census, OMB and the Census Bureau embarked on a comprehensive review including chartering the Interagency Council on Statistical Policy (ICSP) Subcommittee on the ACS and conducting the 2014 ACS Content Review. This effort was designed to examine and confirm the value of each question on the ACS, and to confirm and update the statutory and regulatory authority for the questions with federal agencies. In 2016, the Census Bureau asked federal agencies to provide any updates to this documentation.

The resulting information about federal uses is presented throughout the descriptions of the subjects on the following pages. These descriptions are designed to give the reader a clear understanding of 1) the relationship between questions asked of respondents and the summarized data that are released in published tables, 2) how federal agencies use the resulting data, and 3) the benefits of the data at the community level.

Protecting the Information Collected by These Subjects

The Census Bureau has an obligation to produce accurate, relevant statistics about the nation's economy and people, but we recognize that the information collected in these subjects is often private. We depend on cooperation and trust, and promise to protect the confidentiality of this information.

Federal law protects this information; Title 13 of the U.S. Code protects the confidentiality of all collected information. Violating this law is a crime with severe penalties. Please visit <www.census.gov/about /policies/privacy/data_protection/federal_law.html>.

OUR PRIVACY PRINCIPLES

We recognize the value of respondent trust, and we believe that when a person answers the 2020 Census or the ACS we must serve as caretakers of the information. The Census Bureau's Privacy Principles remind us of this promise and help ensure the protection of respondent information throughout all of our activities.

The Privacy Principles are our guidelines. They help us as we determine content to consider respondents' rights and concerns. Every principle embodies a promise to the respondent.

Necessity: Do we need to collect information on this subject?

Every time we prepare to ask a question, we determine whether the information is truly necessary. All of the information we collect is used for federal programs.

- We promise to collect only information necessary for each survey and census.
- We promise that we will use the information only to produce timely, relevant statistics about the population and the economy of the United States.

Openness: Do respondents know why we are collecting this information?

We collect information only for statistical purposes, and it is never used to identify individuals. Before participating, respondents have the right to know why we are conducting the survey or census, why we are asking specific questions, and the purposes for which the information will be used.

- We promise to inform respondents about the purpose and uses for every survey or census we conduct before respondents provide answers.

Respectful treatment of respondents: Are our efforts reasonable and do we treat people with respect?

- We promise to minimize the effort and time it takes for respondents to participate in the data collection by efficient designs.
- We promise to use only legal, ethical, and professionally accepted practices in collecting data.
- We promise to ensure any collection of sensitive information from children and other sensitive populations does not violate federal protections for research participants and is done only when it benefits the public good.

Confidentiality: How do we protect this information?

In addition to removing personally identifiable information (i.e., names, telephone numbers, and addresses) from our data files, we use various approaches to protect personal information—including computer technologies, statistical methodologies, and security procedures.

Our security measures ensure that only a restricted number of authorized people have access to private information and that access is only granted to conduct our work and for no other purposes. Every person who works with census confidential information collected by the Census Bureau is sworn for life to uphold the law.

Violating the confidentiality of a respondent is a federal crime with serious penalties, including a federal prison sentence of up to 5 years, a fine of up to $250,000, or both.

- We promise that every person with access to respondent information is sworn for life to protect respondent confidentiality.
- We promise that we will use every technology, statistical methodology, and physical security procedure at our disposal to protect respondent information.

Operational Questions

Some operational questions will appear on the 2020 Census and American Community Survey that will not result in published counts or estimates. These questions are asked to better administer the data collection process and to ensure greater accuracy of the data collected through the other subjects.

A person's contact information, including name and phone number, are requested in case someone must be reminded to complete their response or to verify information in a follow-up operation.

Contact information is not part of published estimates and is carefully protected, as mandated by federal law, to respect the personal information of respondents.

An address is verified or requested to ensure that the data collected from the people in each household are included in the correct place.

The U.S. Census Bureau is required to provide state legislatures with the small-area census population tabulations necessary for legislative redistricting. For example, a county count will be a summary of the data collected from all of the addresses in that county. To ensure that a household's data are included with the correct town, county, and state counts, we need to ensure that we know where the information was collected. Addresses are not part of published tabulations and are carefully protected, as mandated by federal law, to respect the personal information of respondents.

The 2020 Census questions about the number of people in the home, whether anyone was included who does not usually live or stay there, or whether anyone who does usually live or stay there was forgotten, are used to ensure that everyone is counted once, only once, and in the right place.

The first U.S. decennial census in 1790 established the concept of "usual residence" as the main principle in determining where people were to be counted. The Census Bureau uses residence criteria to determine whom to count and where, especially because the place where a person lives and sleeps most of the time is not necessarily the same as the person's voting residence or legal residence. Asking these additional questions helps ensure that no one is missed, people are not counted in multiple locations, and that people are included in the right place.

The 2020 Census questions about maritime vessels, military living quarters, and other group quarters facilities, such as college or university student housing, nursing/skilled nursing facilities, group homes, emergency and transitional shelters for people experiencing homelessness, and other such locations, are used to better administer the data collection process in group living situations.

Asking these additional questions helps ensure accurate classification of group quarters which is a part of the Census Bureau's mission to ensure that everyone is counted once, only once, and in the right place.

Selected Statutory Uses of Operational Questions Data

U.S. Department of Commerce, Bureau of the Census	The Census Act,13 USC § 141(c)
U.S. Department of Commerce, Bureau of the Census	The Census Act,13 USC § 181

Subjects Planned for the 2020 Census and the American Community Survey

Age

Age asked since 1790.

AGE AND DATE OF BIRTH QUESTIONS ARE USED TO UNDERSTAND THE SIZE AND CHARACTERISTICS OF DIFFERENT AGE GROUPS AND TO PRESENT OTHER DATA BY AGE.

Age data are used in planning and funding government programs that provide funds or services for specific age groups, such as children, working-age adults, women of childbearing age, or the older population. These statistics are also used to enforce laws, regulations, and policies against age discrimination in government programs and in society.

AGE DATA HELP COMMUNITIES:

Provide Assistance to Older Americans

Knowing how many people in a community are aged 60 and older helps local officials provide programs and services that enable older adults to remain living safely in their homes and communities (Older Americans Act). Age data are also used in programs that provide services and assistance to seniors, such as financial assistance with utilities (Low Income Home Energy Assistance Program).

Provide Assistance to Children and Families

Knowing the numbers and ages of children in families in combination with other information, such as household income, health insurance status, and poverty status, can help communities enroll eligible families in programs designed to assist them. For example, age data are used in targeted efforts to enroll eligible people in Medicaid and the Children's Health Insurance Program.

Educate Children and Adults

Knowing how many children and adults depend on services through schools helps school districts make long-term building, staffing, and funding decisions. Age in combination with other information, such as disability status, language spoken at home, and poverty status, assists schools in understanding the needs of their students and qualifying for grants that help fund programs for those students (Elementary and Secondary Education Act of 1965).

Ensure Equal Opportunity

Knowing the ages of people in the community in combination with information about housing, employment, and education, helps government and communities enforce laws, regulations, and policies against discrimination based on age. For example, age information is used to analyze the employment status of workers by age (Age Discrimination in Employment Act).

Selected Statutory Uses of Age Data

U.S. Department of Agriculture	42 USC §§ 1472, 1474, 1485, 1486, 1490, and 1490a 7 CFR 3550.10
U.S. Department of Education	20 USC §§ 6333, 6334(a)(1), 6335(a), and 6337(b)(1)(A)
U.S. Department of Education	220 USC §§ 6821, 6824, 7011(5), and 7801(20)
U.S. Department of Health and Human Services, Administration for Community Living	42 USC 300kk
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111–148, § 10334; 42 USC 300kk
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii(b)(2)(A)–(C)
U.S. Department of Housing and Urban Development	12 USC § 1701q; 24 CFR part 891
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, Public Law 89-110, as amended, § 203; 52 USC § 10503; 28 CFR Part 55
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352; 42 USC § 2000e-2
U.S. Department of Labor	Older Americans Act Amendments of 2000, Public Law 109-365, 42 USC § 3056e; 20 CFR 641.140, 641.360, and 641.365
U.S. Department of Labor	29 USC §§ 49f(a)(3)(D), 49g(d), and 49l-2(a)15
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Veterans Affairs	38 USC § 8104(b)(2)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Age Discrimination in Employment Act of 1967, Public Law 90-202, 29 USC § 623(a)–(d) and 633a; 29 CFR 1625.7(d); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)
U.S. Social Security Administration	The Social Security Act, Public Law 74-271, as amended, 42 USC § 401(c)

Gender

Gender asked since 1790.

A QUESTION ABOUT THE GENDER OF EACH PERSON IS USED TO CREATE STATISTICS ABOUT MALES AND FEMALES AND TO PRESENT OTHER DATA, SUCH AS OCCUPATION, BY GENDER.

Gender data are used in planning and funding government programs and in evaluating other government programs and policies to ensure they fairly and equitably serve the needs of males and females. These statistics are also used to enforce laws, regulations, and policies against discrimination in government programs and in society.

GENDER DATA HELP COMMUNITIES:

Ensure Equal Opportunity

Knowing the gender of people in the community in combination with information about housing, voting, language, employment, and education, helps government and communities enforce laws, regulations, and policies against discrimination on the basis of gender. For example, gender data are used to enforce laws against discrimination based on gender in education programs and activities receiving federal financial assistance (Title IX of the Education Amendments of 1972).

Understand Changes

Knowing whether people of different genders have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. For example, the National Science Foundation uses gender data to provide information on women in the science and engineering workforce, and several agencies use gender data to investigate whether women, including women who are military veterans, have similar employment opportunities as men.

Selected Statutory Uses of Gender Data

U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8623(a)(2) and (4), § 8629(a)(1)–(3), and (6), § 8629(b)
U.S. Department of Health and Human Services, Administration for Community Living	42 USC 300kk
U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality	42 USC §§ 299a(a)(3),(6),(8), 299b-2(a)(1), and 299(c)(1)(B)
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, § 10334; 42 USC 300kk
U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Clinician Recruitment and Service	42 USC § 254e; 42 CFR 5.2
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Housing and Urban Development	Fair Housing Act, Public Law 90–284, 42 USC 3600–3620, 42 USC 3608(e)
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e(2)(k); Wards Cove Packing Co. v. Atonio; 490 U.S. 642 (1989)
U.S. Department of Justice, Civil Rights Division	Title IX of the Education Amendments of 1972, 20 USC § 1701 et seq.
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352;42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299, 307–308 (1977)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352; 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299, 307–308 (1977)
U.S. Social Security Administration	The Social Security Act, Public Law 74-271, as amended, 42 USC § 401(c)

Race/Ethnicity

Race asked since 1790, ethnicity asked since 1970.

QUESTIONS ABOUT A PERSON'S RACE OR ETHNICITY ARE USED TO CREATE DATA ABOUT RACE AND ETHNIC GROUPS.

These data are required for federal and state programs and are critical factors in the basic research behind numerous policies, particularly for civil rights. Race and ethnicity data are used in planning and funding government programs that provide funds or services for specific groups. These data are also used to evaluate government programs and policies to ensure they fairly and equitably serve the needs of all racial and ethnic groups and to monitor compliance with antidiscrimination laws, regulations, and policies. States also use these data to meet legislative redistricting requirements.

The U.S. Census Bureau collects race and ethnicity data in accordance with the 1997 Office of Management and Budget standards on race and ethnicity. The categories on race and ethnicity are based on self-identification and generally reflect a social definition of race and ethnicity. The categories are not an attempt to define race and ethnicity biologically, anthropologically, or genetically.

RACE AND ETHNICITY DATA HELP COMMUNITIES:

Ensure Equal Opportunity

Knowing the races and ethnicities of community members in combination with information about housing, voting, language, employment, and education, helps government and communities enforce antidiscrimination laws, regulations, and policies. For example, race and ethnicity data are used in the following ways:

- Establish and evaluate the guidelines for federal affirmative action plans under the Federal Equal Opportunity Recruitment Program.
- Monitor compliance with the Voting Rights Act and enforce bilingual requirements.
- Monitor and enforce equal employment opportunities under the Civil Rights Act of 1964.
- Identify segments of the population who may not be getting needed medical services under the Public Health Service Act.
- Allocate funds to school districts for bilingual services under the Bilingual Education Act.

Understand Changes

Knowing if people of different races and ethnicities have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. The National Science Foundation uses data on race and ethnicity to provide information on people of different racial and ethnic backgrounds in the science and engineering workforce. Several federal agencies use race and ethnicity data to investigate whether housing or transportation improvements have unintended consequences for specific race and ethnic groups. Data on race and ethnicity are used with age and language data to address language and cultural diversity needs in health care plans for the older population.

Administer Programs for Specific Groups

Knowing how many people are eligible to participate in certain programs helps communities, including tribal governments, ensure that programs are operating as intended. For example, the Indian Housing Block Grant program, Indian Community Development Block Grant program, and Indian Health Service all depend on accurate estimates of American Indians and Alaska Natives. Data for the American Indian and Alaska Native population come from the questions about a person's race or ethnicity.

Selected Statutory Uses of Race/Ethnicity Data

U.S. Department of Commerce, Bureau of the Census	13 USC § 141(c)
U.S. Department of Commerce, Bureau of the Census	52 USC § 10503
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC §§ 9902(2), 9903, and 9908(b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Administration for Community Living	Older Americans Act of 1965, Public Law 89-73, 42 USC § 3018
U.S. Department of Health and Human Services, Administration for Community Living	42 USC 300kk
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, § 10334; 42 USC § 300kk
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115, 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); Indian Healthcare Improvement Act, Public Law 94-43; 25 USC § 1602
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91, 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, 42 USC 5306(a)(1); 24 CFR §1003.101
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended, 25 USC § 4152(b); 24 CFR 1000.324–1000.330
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, 42 USC § 2000e-2
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, § 203, 52 USC § 10503; 28 CFR Part 55
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299, 307–308 (1977)

Relationship

Relationship asked since 1880.

A QUESTION ABOUT THE RELATIONSHIP OF EACH PERSON IN A HOUSEHOLD TO ONE CENTRAL PERSON IS USED TO CREATE ESTIMATES ABOUT FAMILIES, HOUSEHOLDS, AND OTHER GROUPS, AND TO PRESENT OTHER DATA AT A HOUSEHOLD LEVEL.

Relationship data are used in planning and funding government programs that provide funds or services for families, people living or raising children alone, grandparents living with grandchildren, or other households that qualify for additional assistance.

RELATIONSHIP DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing about the different types of households in a community (single people, couples, families, roommates, etc.) helps communities understand whether available housing meets the needs of residents. Information about the relationships among people in a household, in combination with housing costs and the combined income of all people in a household, helps communities understand whether housing is affordable for residents.

When housing is not sufficient or not affordable, relationship data can help communities enroll eligible households in programs designed to assist them, and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grant, Housing Opportunities for Persons With AIDS, and other programs.

Provide Assistance to Families

Knowing more about families, such as the ages of children, household income, health insurance status, and poverty status, can help communities enroll eligible families in programs designed to assist them, such as Head Start and the Children's Health Insurance Program, and can help communities qualify for grants to fund these programs. Relationship data are also used to ensure that programs like Temporary Assistance for Needy Families are making a difference for families.

Understand Changing Households

Information about living arrangements and how they are changing, including whether older residents are staying in their homes as they age, whether young people are living with parents or moving in with roommates, and which kinds of households include young children, can help communities plan future programs and services for residents. For example, the Social Security Administration estimates future program needs based on the current relationships of working people.

Selected Statutory Uses of Relationship Data

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Energy	Energy Conservation and Production Act, Public Law 94-385, as amended, 42 USC § 6861, 6864; 10 CFR 440.10
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Education	20 USC §§ 6333, 6334(a)(1), 6335(a), 6337(b)(1)(A)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC §§ 8629 (a) (1)–(3) and (5)–(6), 8629 (b), and 8622 (11)
U.S. Department of Health and Human Services, Administration for Children and Families	13 USC § 141 note
U.S. Department of Health and Human Services, Administration for Community Living	Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, § 124(c)(5); 42 USC 15024
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, §10334; 42 USC 300kk
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, as amended, Public Law 93-383, 42 USC 5301, 5302, and 5305; 24 CFR 91.205(a)–(c), 91.305(a)–(c), 570.208(a)(1), 570.483(b)(1), 570.704(a)–(c), 570.707(a)–(c), and 570.901
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Social Security Administration	The Social Security Act, Public Law 74–271, as amended, 42 USC § 401(c)
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III—Labor and Education Matters, Subtitle C—Vocational Rehabilitation Matters, § 334, 38 USC § 3122

Tenure (Owner/Renter)

Tenure asked since 1890.

A QUESTION ABOUT WHETHER A HOME IS OWNED OR RENTED IS USED TO CREATE DATA ABOUT TENURE, RENTERS, AND HOME OWNERSHIP.

Tenure is the most basic characteristic to asses housing inventory. Tenure data are used in government programs that analyze whether adequate housing is affordable for residents. Tenure data are also used to provide and fund housing assistance programs. These statistics are also used to enforce laws, regulations, and policies against discrimination in private-market housing, government programs, and in society.

TENURE DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the different types of households in a community (single people, couples, families, roommates, etc.) and rates of home rental and ownership helps communities understand whether available housing meets the needs of residents. Data about owners and renters, in combination with housing costs and the combined income of all people in a household, help communities understand whether housing is affordable for residents.

When housing is not sufficient or affordable, data about owners and renters can help communities enroll eligible households in programs designed to assist them, and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grant, Housing Opportunities for Persons With AIDS, and other programs.

Plan Community Development

Knowing how the balance of rented homes, mortgaged homes, and homes owned free and clear changes over time can help communities understand changes in local housing markets; identify opportunities to improve tax, assistance, and zoning policies; and to reduce tax revenue losses from vacant or abandoned properties. Tenure is also used in formulas that communities use to determine housing assistance funding (Fair Market Rents).

Ensure Equal Opportunity

Knowing the characteristics of people who rent and people who own homes in the community, such as age, gender, race, Hispanic origin, disability, helps government and communities enforce laws, such as the 1968 Fair Housing Act, designed to eliminate discrimination in housing.

Understand Changing Households

Knowing whether older residents are staying in homes as they age or moving into rented homes; and whether young people are staying with parents, renting with roommates, or buying homes, can help governments and communities distribute funds appropriately between home ownership and rental housing programs and services for residents.

Selected Statutory Uses of Tenure Data

U.S. Department of Agriculture	42 USC §§ 1472, 1474, 1485, 1486, 1490, 1490a, 1490l, 1490m, 1490p-2, 1490r; 7 CFR 1940.563–564, 1940.575, 3560.11, and 3560.152(a)(2)
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC § 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93–383, as amended, 42 USC § 1439 (d)(1)(A)(i); 24 CFR 791.402
U.S. Department of Housing and Urban Development	United States Housing Act of 1937, Public Law 93-383, as amended, 42 USC § 1437f(c)(1); 24 CFR 888.113; 24 CFR 982.401
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91, 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	Rehabilitation Act of 1973, § 504, Public Law 93-112, 29 USC 794; 24 CFR § 8.22(b); 24 CFR § 8.23(a)
U.S. Department of Housing and Urban Development	12 USC § 4568
U.S. Department of Housing and Urban Development	12 USC § 1701q; 24 CFR part 891
U.S. Department of Housing and Urban Development	Tax Reform Act of 1986, Public Law 99-514, 26 USC § 42(d)(5)(B)(ii)(I), (iii)(I), (iv), and(g); 15 U.S.C § 631
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965; 52 USC § 10301; 28 CFR Part 51; LULAC v. Perry, 548 U.S. 399 (2006); Johnson v. DeGrandy, 512 U.S. 997 (1994); Thornburg V. Gingles, 478 U.S. 30 (1986)
U.S. Department of Transportation	49 USC § 5303; 49 CFR Part 613
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Transportation	49 USC §§ 6302(b)(3)(B), 6302(c), 6304(a), 6309(a)

Subjects Planned for the American Community Survey

Acreage and Agricultural Sales

Acreage asked since 1960, agricultural sales asked since 1960.

QUESTIONS ABOUT THE ACREAGE ASSOCIATED WITH HOUSES, MOBILE HOMES, AND AGRICULTURAL SALES ARE USED TO CREATE DATA ABOUT AGRICULTURAL PROPERTIES AND TO BETTER UNDERSTAND HOME VALUE STATISTICS.

These data are used in planning government programs designed to benefit the farm population and identifying or excluding agricultural areas for many other programs.

ACREAGE AND AGRICULTURAL SALES DATA HELP COMMUNITIES:

Provide Equitable Housing Assistance

Knowing which homes might qualify for farm subsidies, and which homes qualify for housing subsidies, is important to ensure that funds are fairly allocated. For example, the historical definition of Fair Market Rents, used to allocate housing assistance, has always excluded units on acreage of more than 10 acres to eliminate those units that might benefit from farm subsidies and therefore have lower-than-market rents. Understanding which kinds of properties are eligible for certain programs helps communities inform eligible residents and determine whether the community is eligible for funds based on its farm population.

Support Agricultural Programs

Knowing which areas of a community are agricultural helps communities ensure eligible institutions receive funding for cooperative agricultural extension work and agricultural research. This funding is distributed to eligible institutions based on a legislatively determined formula that uses these data.

Plan Community Development

Knowing the size and agricultural nature of areas of each community can help communities understand changes in local housing markets; identify opportunities to improve tax, assistance, and zoning policies; and reduce tax revenue losses from vacant or abandoned properties.

Selected Statutory Uses of Acreage and Agricultural Sales Data

U.S. Department of Housing and Urban Development	Tax Reform Act of 1986, Public Law 99-514, 26 USC § 42(d)(5)(B)(iii)(I); 15 USC § 631
U.S. Department of Housing and Urban Development	United States Housing Act of 1937, Public Law 93-383, as amended, 42 USC § 1437f(c)(1); 24 CFR 888.113, 24 CFR 982.401
U.S. Environmental Protection Agency	Air Pollution Control Act (Clean Air Act), Public Law 84-159, 42 USC § 7403(a)(1), (b)(6), (b)(7), (e), and (g)
U.S. Federal Reserve Board	Public Law 95-128,12 USC § 2901 et seq.; 12 CFR 228.12
U.S. Federal Reserve Board	Public Law 94-200, 12 USC § 2809(a);12 CFR 203

Ancestry

Ancestry asked since 1980.

A QUESTION ABOUT A PERSON'S ANCESTRY OR ETHNIC ORIGIN IS USED TO CREATE STATISTICS ABOUT ANCESTRY GROUPS IN AMERICA.

Ancestry data are used in planning and evaluating government programs and policies to ensure they fairly and equitably serve the needs of all groups. These statistics are also used to enforce laws, regulations, and policies against discrimination in society.

ANCESTRY DATA HELP COMMUNITIES:

Ensure Equal Opportunity

Knowing the ethnic groups in a community in combination with information about housing, voting, language, employment, and education, helps government and communities enforce laws, regulations, and policies against discrimination based on national origin. For example, ancestry data are used to enforce nondiscrimination in education (including monitoring desegregation); to enforce nondiscrimination in employment by federal agencies, private employers, employment agencies, and labor organizations; and to enforce laws, regulations, and policies against discrimination in federal financial assistance (Civil Rights Act of 1964).

Understand Changes

Knowing whether people from different backgrounds have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. For example, ancestry data are used with age and language data to address language and cultural diversity needs in health care plans for the older population.

Selected Statutory Uses of Ancestry Data

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Justice, Civil Rights Division	Title VI of Civil Rights Act of 1964, 42 USC § 2000d–2000d-7; 28 CFR 42.101–42.112; 28 CFR 42.401–42.415; 28 CFR 50.3; 67 Fed. Reg. 41,555 (June 18, 2002); Lau v. Nichols, 414 U.S. 563 (1974)
U.S. Department of Justice, Civil Rights Division	Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.; Castaneda v. Pickard, 648 F.2d 989 (1981)
U.S. Department of Justice, Civil Rights Division	Civil Rights Act of 1964, 42 USC § 2000c et seq.
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352; 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299, 307–308 (1977)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352; 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299, 307–308 (1977)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, § 673 (2), 674, and 681A, 42 USC § 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115; 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); 42 C.F.R. § 136.12(a)
U.S. Department of Health and Human Services, Office for Civil Rights	Title VI of the Civil Rights Act of 1964, 42 USC § 2000d; Patient Protection and Affordable Care Act § 1557, 42 USC § 18116

Commuting (Journey to Work)

Journey to work asked since 1960.

QUESTIONS ABOUT WHERE PEOPLE WORK, HOW THEY GET THERE, WHEN THEY LEAVE, AND HOW LONG IT TAKES ARE USED TO CREATE DATA ABOUT COMMUTING OR A PERSON'S JOURNEY TO WORK.

Journey to work data are used in planning and funding for improvements to road and highway infrastructure, developing transportation plans and services, and understanding where people are traveling in the course of a normal day. These data are also used to evaluate transportation plans to ensure they fairly and equitably serve the needs of all groups.

COMMUTING DATA HELP COMMUNITIES:

Improve Transportation Planning

Knowing where people commute to and from, and what time of day they are commuting, helps transportation planners create mass transportation and metropolitan transportation plans that are compliant with various transportation, environmental, and antidiscrimination regulations.

Local agencies and organizations use these statistics to plan transportation programs and services that meet the diverse needs of local populations, including the disabled population, bicycle commuters, carpool and ride-shares, and many other groups. Commuting data are also used to forecast future use of new or updated transportation systems.

Ensure Equal Opportunity

Knowing where people could reasonably commute from in order to work in a certain area is used by communities and businesses for employment planning, and by communities and governments to enforce laws, regulations, and policies against employment discrimination.

Understand Changes in Commutes

As commuting patterns change, information about where people could reasonably commute from in order to work in a certain area is used to understand commercial markets and labor force participation, and to plan local emergency response programs.

Selected Statutory Uses of Commuting (Journey to Work) Data

U.S. Department of Energy	Energy Policy Act of 1992, Public Law 102-486, 42 USC § 13385
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC § 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	2003 Medicare Modernization Act, 42 USC § 1395ww(d)(13)
U.S. Department of Health and Human Services, Health Resources and Services Administration, National Center for Healthcare Workforce Analysis	Public Health Service Act, §§ 761(b)(2)(A), 792(a), 792(b)(2), and 806(f)(1), 42 USC §§ 294n, 295k, and 296e
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, 42 USC § 2000e(2)(k); Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Department of the Interior	Public Law 102-477, 25 USC §§ 3401 and 3416; Senate Report 102-188
U.S. Department of Transportation	49 USC § 5303; 49 CFR Part 613
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5304; 49 CFR Part 613, Subpart B
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Transportation	49 USC §§ 6302(b)(3)(B), 6303(c), 6304(a), 6309 (a)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC §§ 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), (o)(1)
U.S. Equal Employment Opportunity Commission, Office of Federal Operations	The Rehabilitation Act of 1973, Public Law 93-112; 29 USC § 791(b); 29 CFR 1614.602

Computer and Internet Use

Computer and Internet use asked since 2013.

QUESTIONS ABOUT THE COMPUTERS AND DEVICES THAT PEOPLE USE, WHETHER PEOPLE ACCESS THE INTERNET, AND HOW PEOPLE ACCESS THE INTERNET ARE USED TO CREATE DATA ABOUT COMPUTER AND INTERNET USE.

These statistics were first released to the public in September 2014. The questions were added as a requirement of the Broadband Data Improvement Act of 2008. They help federal agencies measure the nationwide development of broadband access and decrease barriers to broadband access.

COMPUTER AND INTERNET USE DATA HELP COMMUNITIES:

Ensure Residents Can Communicate

State and local agencies can use these statistics to evaluate access to broadband in their communities. They can measure access to information on the Internet, including access for schools, libraries, rural health care providers, and other public services. Communities ensure their residents are connected to assistance programs, emergency services, and important information. These statistics may also be useful to understand whether to use Internet or more expensive outreach methods for distributing important public health or safety information.

Federal agencies use these data to evaluate the extent of access to, and adoption of broadband, with a focus on underserved areas. State and local agencies might choose to use these statistics to evaluate access to broadband in their communities.

Selected Statutory Uses of Computer and Internet Use Data

U.S. Federal Communications Commission	Broadband Data Improvement Act of 2008, Public Law 110-385, 47 USC § 1303(d)
U.S. Department of Commerce, National Telecommunications and Information Administration	Broadband Data Improvement Act of 2008, Public Law 110-385, 47 USC § 1303(d)
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5304; 49 CFR Part 613, Subpart B

Disability

Disability asked since 1830.

QUESTIONS ABOUT A PERSON'S DIFFICULTY WITH SPECIFIC DAILY TASKS ARE USED TO CREATE STATISTICS ABOUT DISABILITY.

Disability data are used in planning and funding government programs that provide funds or services for populations with disabilities. In addition, these data are used in evaluating other government programs and policies to ensure that they fairly and equitably serve the needs of all groups. These statistics are also used to enforce laws, regulations, and policies against discrimination.

DISABILITY DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the different types of disabled households in a community helps communities understand whether available housing meets the needs of residents. When housing is not sufficient or not affordable, disability data can help communities enroll eligible households in programs designed to assist them and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grants, Housing Opportunities for Persons With AIDS, and other programs.

Provide Health Care to Children and Families

Knowing the disability status of people in families in combination with other information, such as household income, health insurance status, and poverty status, can help communities enroll eligible families in programs designed to assist them. For example, disability data are used to target efforts to enroll eligible people in Marketplace, Medicaid, and the Children's Health Insurance Program (CHIP). Disability data are also used to ensure that Marketplace, Medicare, Medicaid, and CHIP programs are adequately serving these families.

Ensure Equal Opportunity

Knowing the disability status of people in the community in combination with information about housing, voting, employment, and education, helps governments and communities enforce laws, regulations, and policies against discrimination based on disability status. For example, disability data are used to evaluate whether there are health care or public health program disparities based on disability status (Developmental Disabilities Assistance and Bill of Rights Act of 2000).

Provide Assistance to People With Disabilities

Knowing how many people in a community over a certain age have a disability helps local officials provide programs and services to older adults that enable them to remain living safely in their homes and communities (Older Americans Act). Disability status data are also used in programs that provide services and assistance to people with a disability, such as financial assistance with utilities (Low Income Home Energy Assistance Program).

Understand Changes

Knowing whether people with disabilities have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. Communities also need to understand changes in the needs and geographic concentrations of people with disabilities to ensure that they can meet the community's needs during weather events, disasters, and public health emergencies.

Selected Statutory Uses of Disability Data

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention	Public Health Service Act, § 301, 42 USC 241; Public Health Service Act, § 3101, 42 USC 300kk
U.S. Department of Health and Human Services, Administration for Community Living	42 USC 300kk
U.S. Department of Health and Human Services, Administration for Community Living	Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, § 124(c)(5); 42 USC 15024
U.S. Department of Health and Human Services, Administration for Community Living	Older Americans Act of 1965; Public Law 89-73; 42 USC § 3013, 3024, 3030s-1, 3032
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, §10334; 42 USC 300kk
U.S. Department of Health and Human Services, Health Resources and Services Administration	Public Health Service Act § 792(b)(2), 42 USC § 295(k)(b)(2)
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115; 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); Indian Healthcare Improvement Act, Public Law 94-43, 25 USC § 1602
U.S. Department of Health and Human Services, Office for Civil Rights	Rehabilitation Act of 1973, § 504 , Public Law 93-112; Americans With Disabilities Act Titles II and III, as amended by the ADA Amendments Act of 2008, Public Law 110-325, 42 USC 126
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	Rehabilitation Act of 1973, § 504, Public Law 93-112, 29 USC 794; 24 CFR §8.22(b); 24 CFR §8.23(a)
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Department of Veterans Affairs	38 USC § 8104(b)(2)

Fertility

Fertility asked since 1890.

A QUESTION ABOUT WHETHER A WOMAN HAD A BABY IN THE LAST YEAR IS USED TO CREATE STATISTICS ABOUT FERTILITY.

Fertility data are used in planning government programs and adjusting other important data, such as the size of the population eligible for different services, as new people are born. These statistics can also be used to project the future size of the population and to understand more about growing families.

FERTILITY DATA HELP COMMUNITIES:

Provide Health Care to Children and Families

Knowing the numbers of women with a recent birth in combination with other information, such as marital status, labor force status, household income, health insurance status, and poverty status, can help communities understand changes in the demand for health care. For example, knowing how many American Indian babies are born can help communities, tribes, and the federal government estimate the demand for health care through the Indian Health Service.

Understand Changing Households

Knowing the characteristics of women who are giving birth, including where in the country they live, is important to understand the relationships among different development patterns, including housing and travel information and public health and pollution.

Though local vital statistics offices typically have a count of births per year, fertility data are able to provide federal program planners, policymakers, and researchers with additional statistics about the age, education, and employment of parents in households welcoming children, and other important information about the homes (age, size, etc.) and households (income, language spoken, etc.) for a more complete picture of families.

State and local agencies can use these statistics in combination with other information about new mothers, such as education and income, to understand future needs for the local education system and health services.

Selected Statutory Uses of Fertility Data

U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115, 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); Indian Healthcare Improvement Act, Public Law 94-43, 25 USC § 1602
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115, 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); Indian Healthcare Improvement Act, Public Law 94-43, 25 USC § 1602

Grandparent Caregivers

Grandparent caregivers asked since 2000.

QUESTIONS ABOUT WHETHER A PERSON IS THE PRIMARY CAREGIVER FOR HIS/HER GRANDCHILDREN AND HOW LONG HE/SHE HAS CARED FOR HIS/HER GRANDCHILDREN, ARE USED TO CREATE STATISTICS ABOUT GRANDPARENT CAREGIVERS.

Grandparent caregiver data help federal agencies understand the special provisions needed for federal programs designed to assist families, as older Americans are often in different financial, housing, and health circumstances than those of other ages. These data are also used to measure the effects of policies and programs that focus on the well-being of families, including tax policies and financial assistance programs.

GRANDPARENT CAREGIVER DATA HELP COMMUNITIES:

Provide Assistance to Families

Knowing more about families, particularly those where grandparents care for grandchildren, along with data about the ages of children, household income, disability, and poverty status can help communities enroll eligible families in programs designed to assist them, such as the Children's Health Insurance Program, and can help communities qualify for grants to fund these programs. These data are also used to evaluate programs like Temporary Assistance for Needy Families.

Provide Assistance to Older Americans

Knowing how many people in a community are over a certain age, including whether older Americans are caring for grandchildren, helps local officials fund programs and services targeted to reach older adults with the greatest economic and social needs (Older Americans Act).

Understand Changing Households

Knowing more about how often grandparents are responsible for the basic care for grandchildren and how long they have been responsible in combination with information about age, presence of children, income, etc., can help communities understand if available housing and services are meeting residents' needs.

Selected Statutory Uses of Grandparent Caregivers Data

U.S. Department of Commerce, Bureau of the Census	13 USC § 141 note
U.S. Department of Health and Human Services, Administration for Children and Families	13 USC § 141 note

Health Insurance

Health insurance asked since 2008.

QUESTIONS ABOUT THE SOURCES OF A PERSON'S HEALTH INSURANCE ARE USED TO CREATE STATISTICS ABOUT THE PERCENTAGE OF PEOPLE COVERED BY HEALTH INSURANCE AND THE SOURCES OF HEALTH INSURANCE.

Health insurance data are used in planning government programs, determining eligibility criteria, and encouraging eligible people to participate in health insurance programs.

HEALTH INSURANCE DATA HELP COMMUNITIES:

Provide Assistance to Children and Families

Knowing the health insurance coverage status in combination with other information, such as number and age of children in families, household income, and poverty status, can help communities enroll eligible families in programs designed to assist them. For example, health insurance coverage status and age data are used to target efforts to enroll eligible people in Marketplace, Medicaid, and the Children's Health Insurance Program (CHIP). Health Insurance data are also used to ensure that Marketplace, Medicare, Medicaid, and CHIP programs are improving health outcomes for families.

Provide Health Care for Veterans

Knowing the number and characteristics of veterans eligible to use Department of Veterans Affairs health care, compared to those currently using services, can help communities and the federal government estimate the future demand for health care services and facilities for veterans.

Provide Health Care for American Indians

Knowing the health insurance coverage of American Indians can help communities, tribes, and the federal government estimate the demand for health care through the Indian Health Service.

Understand Changes

Knowing the health insurance coverage status of people in a community helps planners identify gaps in community services, plan programs that address those gaps, and qualify for funding for those programs.

Knowing more about changes in health insurance coverage rates and the characteristics of people who have or do not have health insurance is also of interest to researchers, advocacy groups, and policymakers. For example, State Councils on Developmental Disabilities use health insurance coverage data in their comprehensive reviews and analyses of the unmet needs of people with developmental disabilities.

Selected Statutory Uses of Health Insurance Data

U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality	42 USC §§ 299a(a)(3), (6), (8), 299b-2(a)(1), and 299(c)(1)(B)
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, §10334; 42 USC 300kk
U.S. Department of Health and Human Services, Indian Health Service	Snyder Act, Nov. 2, 1921, c. 115, 25 USC § 13; Transfer Act, Aug. 5, 1954, c. 658, § 2, 42 USC § 2001(a); 42 CFR § 136.12(a)
U.S. Department of Health and Human Services, Office for Civil Rights	Rehabilitation Act of 1973, § 504; Public Law 93-112; Americans With Disabilities Act, Titles II and III, as amended by the ADA Amendments Act of 2008, Public Law 110-325, 42 USC, Chapter 126
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Veterans Affairs	Public Law 106-117, 38 USC §§ 8134(a)(2)

Home Heating Fuel

Home heating fuel asked since 1940.

QUESTIONS ABOUT HOME HEATING FUEL ARE USED TO CREATE DATA ABOUT HOME ENERGY USE.

These data are used in government programs that analyze community air quality and energy needs. Federal agencies use these statistics to forecast future energy demand, analyze the fuels available to community residents, and plan and fund programs that help low-income residents afford to heat their homes.

HOME HEATING FUEL DATA HELP COMMUNITIES:

Provide Assistance With Utilities

Knowing which fuel is used to heat homes in combination with the cost of those fuels and the characteristics of the low-income households that need assistance with their utilities, helps communities enroll eligible households in assistance programs like the Low Income Home Energy Assistance Program and qualify for grants to fund assistance. These data are also used to evaluate whether these programs benefit eligible households.

Estimate Future Energy Demand

Knowing the current users of certain heating systems and the kinds of systems used in new homes helps communities predict future demand for fuels and the future costs of systems in use in a community. For example, the Department of Energy uses these data to project demand over the next 30 years, assessing the energy needs of the U.S. economy in a domestic and international context.

Measure Environmental Impacts

Communities with older heating systems may have lower air quality at times when they are in high use. Home heating fuel data are used to develop an inventory of the national aggregate emissions of each greenhouse gas and to research and report on the relationships among different development patterns (including housing and travel information) and public health and pollution (Clean Air Act, Clean Water Act).

Selected Statutory Uses of Home Heating Fuel Data

U.S. Department of Energy	Energy Policy Act of 1992, Public Law 102-486, Energy Policy Act of 1992, Public Law 102-486, 42 USC § 13385
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8629(a) and (b)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8623(a)(2) and (4), § 8629(a)(1)–(3) and (6), § 8629(b)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8623(a)(2) and (4) and § 8622(11)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8629(a)(1)–(3) and (6)
U.S. Environmental Protection Agency	Air Pollution Control Act (Clean Air Act), Public Law 84-159, 42 USC § 7403(a)(2), (b)(1), and (b)(6)
U.S. Environmental Protection Agency	Air Pollution Control Act (Clean Air Act), Public Law 84-159, 42 USC § 7403(a)(1), (b)(6), (b)(7), (e), and (g)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254 (a)(2), (b)(6), and (s)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Home Value and Rent

Home value asked since 1940, rent asked since 1940.

QUESTIONS ABOUT THE MONTHLY RENT AMOUNT OR HOW MUCH THE HOME AND PROPERTY ARE WORTH ARE USED TO PRODUCE STATISTICS ABOUT RENT AND HOME VALUE.

These data are used in government programs that analyze whether adequate housing is affordable for residents and provide and fund housing assistance programs. These statistics are also used to enforce laws, regulations, and policies designed to eliminate discrimination in private-market housing, government programs, and in society.

HOME VALUE AND RENT DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the different types of households in a community (single people, couples, families, roommates, etc.) helps communities understand whether available housing meets the needs of residents. Housing costs in combination with relationship and combined income of all people in a household helps communities understand whether housing is affordable.

When rental housing is not affordable, rent data are used to identify rental distribution of housing units (the standard cost of different types of housing in different areas of the country) and to determine Fair Market Rents, which the Department of Housing and Urban Development uses to determine the amount of tenant subsidies in housing assistance programs.

When housing is not sufficient or not affordable, housing cost data can help communities enroll eligible households in programs designed to assist them and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grants, Housing Opportunities for Persons With AIDS, and other programs.

Plan Community Development

Knowing how the balance of rented homes, mortgaged homes, and owned homes changes over time can help communities understand changes in local housing markets and identify opportunities to improve tax, assistance, and zoning policies.

Ensure Equal Opportunity

Knowing more about people who rent and people who own homes in the community in combination with age, gender, race, Hispanic origin, disability, and other data, helps government and communities enforce laws, such as the 1968 Fair Housing Act designed to eliminate discrimination in housing.

Selected Statutory Uses of Home Value and Rent Data

U.S. Department of Agriculture	42 USC 1485, 1486, 1490a, 1490l, 1490m, 1490p-2, 1490r; 7 CFR 1940.560–1940.567, 1940.575; 7 CFR 3550.10, 3560.11, 3560.152(a)(2), 3560.254(c)
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC § 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC §§ 9902 (2), 9908(b)(1)(A), and 9914 (a) and (c)
U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality	42 USC §§ 299a(a)(3),(6),(8), 299b-2(a)(1), and 299(c)(1)(B)
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Social Security Act, Public Law 74-271, § 1848e(1)(A), 42 USC § 1395w-4(e)(1)(A)
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91, 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended, 25 USC § 4152(b); 24 CFR 1000.324–1000.330
U.S. Department of Housing and Urban Development	United States Housing Act of 1937, Public Law 93-383, as amended; 42 USC § 1437f(c)(1); 24 CFR 888.113, 24 CFR 982.401
U.S. Department of Housing and Urban Development	Housing and Economic Recovery Act of 2008, Public Law 110-289, Federal Housing Enterprises Financial Safety and Soundness Act of 1992, § 1338, 12 USC § 4568
U.S. Department of Transportation	49 USC §§ 6302(b)(3)(B), 6303(c), 6304(a), and 6309 (a)
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)-(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Income

Income asked since 1940.

QUESTIONS ABOUT THE FUNDS A PERSON RECEIVES FROM VARIOUS SOURCES ARE USED TO CREATE STATISTICS ABOUT INCOME, ASSISTANCE, EARNINGS, AND POVERTY STATUS.

Income data are used in planning and funding government programs that provide economic assistance for populations in need and measure the economic well-being of the nation. Income and poverty estimates are often part of allocation formulas that determine how food, health care, job training, housing, and other assistance are distributed.

INCOME DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the combined income of all people in a household in combination with housing costs helps communities understand whether housing is affordable for residents. When housing is not sufficient or not affordable, income data can help communities enroll eligible households in programs designed to assist them and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grant, Housing Opportunities for Persons With AIDS, and other programs.

Provide Assistance to Older Americans

Knowing how many older people in a community are living in poverty in combination with other information, such as age and disability status of other family members, can help communities ensure these residents receive appropriate assistance, such as financial assistance with utilities (Low Income Home Energy Assistance Program).

Provide Assistance to Children and Families

Knowing household income in combination with other information, such as the number and age of children in families, health insurance status, and poverty status, can help communities enroll eligible families in programs designed to assist them. For example, income data are used to identify eligibility and provide funding in programs like Medicaid, the Child and Adult Care Food Program, and Head Start.

Educate Children and Adults

Knowing how many children and adults depend on services through schools helps school districts make long-term building, staffing, and funding decisions. Household income and family composition determine poverty status, which is used along with school enrollment, information on disability status, and language spoken at home, to help schools understand the needs of their students and qualify for grants that help fund programs for students with needs for additional services or assistance, including free/reduced price school lunches (Elementary and Secondary Education Act of 1965).

Plan Community Development

Knowing more about the financial situation of residents, including income, employment, and housing costs, can help communities qualify for loan and grant programs designed to stimulate economic recovery, improve housing, run job-training programs, and define areas as empowerment or enterprise zones.

Selected Statutory Uses of Income Data

U.S. Department of Agriculture	National Agricultural Research, Extension, and Teaching Policy Act, Public Law 95-113, Title XIV; Act of May 8, 1914, ch. 79, 7 USC § 3175; 7 USC § 343(d)
U.S. Department of Agriculture	Richard B. Russell National School Lunch Act, 42 USC § 1759a(g)
U.S. Department of Agriculture	7 USC § 2020(e)(1); 7 CFR 272.4(b)(6)
U.S. Department of Agriculture	42 USC § 1766(f)(3)(A)(ii)(I)(aa) and 1766(f)(3)(E)(i); 7 CFR 226.15(f)
U.S. Department of Education	20 USC § 6333, 6334(a)(1), 6335(a), 6337(b)(1)(A)
U.S. Department of Health and Human Services, Administration for Community Living	42 USC 300kk
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, §10334; 42 USC 300kk
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention	Public Health Service Act, § 301, 42 USC 241; Public Health Service Act, § 3101, 42 USC 300kk
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC 11371–11376; 24 CFR Part 91
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended, 25 USC § 4152(b); 24 CFR 1000.324–1000.330
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, 42 USC 5306(a)(1); 24 CFR §1003.101
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93–383, as amended, 42 USC § 1439 (d)(1)(A)(i); 24 CFR 791.402
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974 as amended; Public Law 93-383, as amended, 42 USC 5301, 5302, and 5305; 24 CFR 91.205(a)–(c), 91.305(a)–(c), 570.208(a)(1), 570.483(b)(1), 570.704(a)–(c), 570.707(a)–(c), 570.901
U.S. Department of Housing and Urban Development	Tax Reform Act of 1986, Public Law 99-514, 26 USC § 42(d)(5)(B)(ii)(I), (iii)(I), (iv), and(g); 15 U.S.C § 631
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91, 24 CFR 91.205(a)–(c)

Industry, Occupation, and Class of Worker

Industry asked since 1820,[1] occupation asked since 1850, class of worker asked since 1910.

QUESTIONS ABOUT A PERSON'S EMPLOYER, THE KIND OF BUSINESS OR INDUSTRY OF THAT EMPLOYER, THE KIND OF WORK A PERSON DOES, AND THAT PERSON'S MOST IMPORTANT ACTIVITIES ARE USED TO PRODUCE INDUSTRY, OCCUPATION, AND CLASS OF WORKER STATISTICS.

These data are used to provide information about the labor force in government programs, to evaluate government programs and policies to ensure they fairly and equitably serve the needs of all groups, and to enforce laws, regulations, and policies against discrimination in society.

INDUSTRY, OCCUPATION, AND CLASS OF WORKER DATA HELP COMMUNITIES:

Provide Employment Opportunities

Knowing whether programs designed to employ specific groups, such as people with disabilities or veterans, are succeeding is important to employers, federal agencies, and federal government contractors (Vietnam Era Veterans' Readjustment Assistance Act, Rehabilitation Act of 1973). Industry, occupation, and class of worker data provide additional detail about the jobs and careers pursued by people participating in these programs.

State and local agencies use these statistics to identify labor surplus areas (areas with people available for hiring and training), plan workforce development programs including job fairs and training programs, and promote business opportunities.

Ensure Equal Employment Opportunity

Knowing more about people who are employed or looking for work in combination with educational attainment, age, gender, race, Hispanic origin, disability status, veteran status, and other data, helps governments and communities enforce civil rights laws against employment discrimination. For example, these data are used to enforce nondiscrimination in employment by federal agencies, private employers, employment agencies, and labor organizations (Civil Rights Act of 1964).

Understand Changes

Knowing the characteristics of growing or declining industries and occupations is an important part of estimating changes in the economy. Labor force estimates are used in funding decisions; to ensure surveys are accurate, including surveys that provide official labor market estimates; and to understand change in other data (Wagner-Peyser Act and Workforce Investment Act).

Class of worker data, in particular, are used by the National Institute of Food and Agriculture to understand changes in farm workers and agriculture.

[1] Industry asked in 1820, 1840, and 1910 until present.

Selected Statutory Uses of Industry, Occupation, and Class of Worker Data

U.S. Department of Agriculture	Smith- Lever Act of 1914, 7 USC § 343(c)
U.S. Department of Agriculture	7 USC 3222b, NIFA Funding Opportunity Announcement (RFA)
U.S. Department of Agriculture	National Agricultural Research, Extension, and Teaching Policy Act, Public Law 95-113, Title XIV, 7 USC § 3222
U.S. Department of Agriculture	National Agricultural Research, Extension, and Teaching Policy Act, Public Law 95-113, Title XIV, 7 USC § 3221
U.S. Department of Agriculture	Act of Mar. 2, 1887, ch. 314, 7 USC § 361c
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964,Public Law 88-352, 42 USC § 2000e-2
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2; Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Department of Transportation	49 USC § 5303; 49 CFR Part 613
U.S. Department of Transportation	49 USC §§6303(c) and 6304(a);
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III—Labor and Education Matters, Subtitle C—Vocational Rehabilitation Matters, § 334—Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs, 38 USC § 3122
U.S. Equal Employment Opportunity Commission, Office of Federal Operations	The Rehabilitation Act of 1973, Public Law 93-112; 29 USC § 791 (b); 29 CFR 1614.602
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Age Discrimination in Employment Act of 1967, Public Law 90-202,29 USC § 623(a)–(d) and 633a; 29 CFR 1625.7(d); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352; 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)

Labor Force Status

Labor force status asked since 1890.

QUESTIONS ABOUT WHETHER A PERSON WORKED LAST WEEK AND, IF THE ANSWER IS NO, WHY HE/SHE WAS NOT WORKING, WHETHER HE/SHE PLANS TO RETURN TO WORK, AND HOW MUCH THEY WORKED IN THE PAST YEAR ARE USED TO PRODUCE STATISTICS ABOUT THE LABOR FORCE, INCLUDING UNEMPLOYMENT STATISTICS.

Labor force data are used in planning and funding government programs that provide unemployment assistance and services. These data are also used to evaluate other government programs and policies to ensure they fairly and equitably serve the needs of all groups, and to enforce laws, regulations, and policies against discrimination in society.

LABOR FORCE DATA HELP COMMUNITIES:

Provide Employment Opportunities

Knowing whether programs designed to employ specific groups, such as people with disabilities or veterans, are succeeding is important to employers, federal agencies, and federal government contractors (Vietnam Era Veterans' Readjustment Assistance Act, Rehabilitation Act of 1973).

State and local agencies use these statistics to identify labor surplus areas (areas with people available for hiring and training), plan workforce development programs, including job fairs and training programs, and to promote business opportunities.

Ensure Equal Opportunity

Knowing more about people who are employed or looking for work in combination with age, gender, race, Hispanic origin, disability status, veteran status, and other data, helps governments and communities enforce laws, regulations, and policies against discrimination in employment. For example, labor force data are used to enforce nondiscrimination in employment by federal agencies, private employers, employment agencies, and labor organizations (Civil Rights Act of 1964).

Understand Changes

Knowing the characteristics of people who are working or looking for work is an important part of estimating changes in the economy. Labor force estimates are used in funding decisions; to ensure surveys are accurate, including surveys that provide official labor market estimates; and to understand change in other data (Wagner-Peyser Act and Workforce Investment Act).

Selected Statutory Uses of Labor Force Status Data

U.S. Department of Health and Human Services, Administration for Community Living	Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, Section 124(c)(3); 42 USC §15024
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2; Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Department of Labor	29 USC §§ 49f(a)(3)(D), 49g(d), and 49l-2(a)
U.S. Department of Labor	Workforce Investment Act of 1998, Public Law 105-220; 20 CFR 668.296(b) and 668.440
U.S. Department of Transportation	49 USC § 5303; 49 CFR Part 613
U.S. Department of Transportation	Moving Ahead for Progress in the 21st Century Act, Public Law 112-141 (2012), 49 USC § 5304 (a); 49 CFR Part 613, Subpart B
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III—Labor and Education Matters, Subtitle C—Vocational Rehabilitation Matters, Section 334—Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs, 38 USC § 3122
U.S. Equal Employment Opportunity Commission, Office of Federal Operations	The Rehabilitation Act of 1973, Public Law 93-112, 29 USC § 791 (b); 29 CFR 1614.602
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Age Discrimination in Employment Act of 1967, Public Law 90-202, 29 USC § 623(a)–(d) and 633a; 29 CFR 1625.7(d); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)

Language Spoken at Home

Language spoken at home asked since 1890.[1]

QUESTIONS ABOUT WHETHER A PERSON SPEAKS A LANGUAGE OTHER THAN ENGLISH AT HOME, WHAT LANGUAGE HE/SHE SPEAKS, AND HOW WELL HE/SHE SPEAKS ENGLISH ARE USED TO CREATE STATISTICS ABOUT LANGUAGE AND ABOUT ABILITY TO SPEAK ENGLISH.

Language data are used in planning government programs for adults and children who do not speak English well. These data are also used to ensure that information about public health, law, regulations, voting, and safety is communicated in languages that community members understand.

LANGUAGE SPOKEN AT HOME DATA HELP COMMUNITIES:

Educate Children

Knowing how many children and youth with limited English-speaking abilities depend on services through schools helps school districts make long-term staffing and funding decisions. Language spoken at home in combination with other information, such as disability status, school enrollment, and poverty status, helps schools understand the needs of their students and qualify for grants that help fund programs for those students (Elementary and Secondary Education Act of 1965).

Ensure Equal Opportunity

Knowing the languages spoken by people in the community in combination with information about housing, voting, employment, and education, helps the government and communities enforce laws, regulations, and policies against discrimination based on national origin. For example, language data are used to support the enforcement responsibilities under the Voting Rights Act to investigate differences in voter participation rates and to enforce laws and policies related to bilingual requirements.

Knowing languages spoken in a community also helps federal agencies identify needs for services for people with limited English proficiency under Executive Order 13166.

Understand Changes

Knowing whether people who speak languages other than English have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. For example, language data are used with age and ancestry data to address language and cultural diversity needs in health care plans for the older population.

[1] Language spoken at home was not asked in 1950.

Selected Statutory Uses of Language Spoken at Home Data

U.S. Department of Agriculture	7 USC § 2020(e)(1); 7 CFR 272.4(b)(6)
U.S. Department of Commerce, Bureau of the Census	52 USC § 10503
U.S. Department of Education	20 USC §§ 6821 and 6824, 7011(6), and 7801(25)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 9835(g)
U.S. Department of Health and Human Services, Administration for Community Living	42 USC § 300kk
U.S. Department of Health and Human Services, Administration for Community Living	Older Americans Act of 1965, Public Law 89-73, as amended, 42 USC §§ 3013, 3024. 3030s-1, 3032
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Patient Protection and Affordable Care Act, Public Law 111-148, § 10334; 42 USC § 300kk
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k (l)
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act 42 USC § 11371–11376; 42 USC § 12901; 24 CFR Part 91; 24 CFR Part 576;
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC § 12705(b)(1)–(3); 24 CFR Part 91, 24 CFR 91.205(a)–(c)
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, § 203, 52 USC § 10503; 28 CFR Part 55
U.S. Department of Justice, Civil Rights Division	The Civil Rights Act of 1964, Title VI, 42 USC § 2000d–2000d-7; 28 CFR 42.101–42.112; 28 CFR 42.401–42.415; 28 CFR 50.3; Lau v. Nichols, 414 U.S. 563 (1974)
U.S. Department of Justice, Civil Rights Division	Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.; Castaneda v. Pickard, 648 F. 2d 989 (1981)
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965,52 USC § 10301; 28 CFR Part 51; LULAC v. Perry, 548 U.S. 399 (2006); Johnson v. DeGrandy, 512 U.S. 997 (1994); Thornburg v. Gingles, 478 U.S. 30 (1986)

Marital Status and Marital History

Marital status asked since 1880, marital history asked since 1850.

QUESTIONS ABOUT WHETHER A PERSON IS CURRENTLY MARRIED, WIDOWED, DIVORCED, SEPARATED, OR NEVER MARRIED; WHETHER HIS/HER MARITAL STATUS CHANGED IN THE PAST 12 MONTHS; AND LIFETIME MARRIAGES ARE USED TO CREATE STATISTICS ABOUT CURRENT MARITAL STATUS AND MARITAL HISTORY.

Marital status and marital history data help federal agencies understand marriage trends, forecast future needs of programs that have spousal benefits, and measure the effects of policies and programs that focus on the well-being of families, including tax policies and financial assistance programs.

MARITAL STATUS AND MARITAL HISTORY DATA HELP COMMUNITIES:

Provide Benefits to Spouses and Survivors

Knowing more about how many spouses and ex-spouses may qualify for programs with spousal benefits, including veteran and social security programs, can help federal agencies ensure adequate funding and facilities for these programs and can help communities determine where gaps in benefits and services might exist.

Provide Assistance to Families

Knowing more about families, particularly blended and single-parent families, along with data about the presence of children, labor force status, and poverty status, can help communities enroll eligible families in programs designed to assist them, such as the Children's Health Insurance Program, and can help communities qualify for grants to fund these programs. These data are also used to evaluate programs like Temporary Assistance for Needy Families.

Understand Changing Households

Knowing more about community marriage trends (whether people are marrying later in life, not getting married, or marrying again) in combination with information about age, presence of children, income, etc., can help communities understand if the available housing, job training, rental assistance, and administrative services and programs are meeting residents' needs during their major life changes. These data also help the federal government plan for the future. For example, the Social Security Administration estimates future program needs based on the current relationships of working people.

Selected Statutory Uses of Marital Status and Marital History Data

U.S. Department of Health and Human Services, Administration for Children and Families	13 USC § 141 note
U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality	42 USC §§ 299a(a)(3), (6), (8), 299b-2(a)(1), and 299(c)(1)(A)
U.S. Department of Health and Human Services, Center for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Department of Veterans Affairs	38 USC § 8104(b)(2)
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III—Labor and Education Matters, Subtitle C—Vocational Rehabilitation Matters, Section 334—Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs 38 USC § 3122
U.S. Social Security Administration	Social Security Act, Public Law 74–271 as amended, 42 USC § 401(c)

Migration (Previous Residence)/Residence 1 Year Ago

Residence 1 year ago asked since 1930.

QUESTIONS ABOUT WHETHER A PERSON MOVED IN THE LAST YEAR AND WHERE HE OR SHE LIVED 1 YEAR AGO ARE USED TO CREATE STATISTICS ABOUT WHERE PEOPLE ARE MOVING (TO/FROM FOREIGN COUNTRIES AND WITHIN THE UNITED STATES).

Migration (residence 1 year ago) data are used in planning government programs and adjusting other important geographic data as people move. The characteristics of people who have moved are also an important part of estimating population changes. These population estimates are used in funding decisions, to ensure surveys are accurate, to understand change in other data, and to produce official international migration estimates.

MIGRATION/RESIDENCE 1 YEAR AGO DATA HELP COMMUNITIES:

Understand Changes

Knowing the characteristics of people who have moved and the patterns of migration (where people move to and from) is an important part of estimating population changes. Population estimates are used in funding decisions, to ensure surveys are accurate, to understand change in other data, and to produce international migration estimates. These data also help agencies assess residential stability and the effects of migration on urban and rural areas.

Knowing where certain populations move to and from helps federal agencies assess the needs of counties with large refugee populations and the effects of immigration on local areas.

Knowing the characteristics of people who live or have lived in certain areas is important to understand the relationships among different development patterns, including housing and travel information, public health, and pollution. These data may also assist state and local agencies in developing programs that attract new residents or employers.

Selected Statutory Uses of Migration/Residence 1 Year Ago Data

U.S. Department of Commerce, Bureau of the Census	13 USC § 181
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC §§ 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i),
U.S. Department of Health and Human Services, Indian Health Service	Indian Citizenship Act of 1924, 25 USC § 13; 42 USC § 2001(a); 42 CFR 136.12(a)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Place of Birth, Citizenship, and Year of Entry

Place of birth asked since 1850, citizenship asked since 1820,[1] year of entry asked since 1890.[2]

QUESTIONS ABOUT A PERSON'S PLACE OF BIRTH, CITIZENSHIP, AND YEAR OF ENTRY INTO THE UNITED STATES ARE USED TO CREATE DATA ABOUT CITIZENS, NONCITIZENS, AND THE FOREIGN-BORN POPULATION.

These statistics are essential for agencies and policymakers setting and evaluating immigration policies and laws, seeking to understand the experience of different immigrant groups, and enforcing laws, policies, and regulations against discrimination based on national origin. These statistics are also used to tailor services to accommodate cultural differences.

PLACE OF BIRTH, CITIZENSHIP, AND YEAR OF ENTRY DATA HELP COMMUNITIES:

Ensure Equal Opportunity

Knowing how many people in the community are born in other countries in combination with information about housing, voting, language, employment, and education, helps the government and communities to enforce laws, regulations, and policies against discrimination based on national origin. For example, these data are used to support the enforcement responsibilities under the Voting Rights Act to investigate differences in voter participation rates and to enforce other laws and policies regarding bilingual requirements.

Educate Children

Knowing how many foreign-born children depend on services through schools helps school districts make staffing and funding decisions. Place of birth, citizenship, and year of entry statistics in combination with other information, such as language spoken at home, help schools understand the needs of their students and qualify for grants that help fund programs for those students (Elementary and Secondary Education Act of 1965).

Understand Changes

Knowing whether people of different races or countries of birth have the same opportunities in education, employment, voting, home ownership, and many other areas is of interest to researchers, advocacy groups, and policymakers. These data may also help communities with large refugee populations that qualify for financial assistance (Immigration Nationality Act).

[1] Citizenship asked 1820–1830, 1870, and 1890 to present.
[2] Year of entry asked 1890–1930, and 1970 to present.

Selected Statutory Uses of Place of Birth, Citizenship, and Year of Entry Data

U.S. Department of Commerce, Bureau of the Census	52 USC § 10503
U.S. Department of Commerce, Bureau of the Census	13 USC § 141(c)
U.S. Department of Education	20 USC §§ 6821, 6824, 7011(5), and 7801(20)
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC §§ 9902 (2), 9903, and 9908(b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Health and Human Services, Office for Civil Rights	Civil Rights Act of 1964, Title VI; Patient Protection and Affordable Care Act, Section 1557
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)(C)
U.S. Department of Housing and Urban Development	Fair Housing Act, Public Law 90–284, 42 USC 3600–3620; 42 USC 3608(e)
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, § 203; 52 USC § 10503; 28 CFR Part 55
U.S. Department of Justice, Civil Rights Division	Civil Rights Act of 1964, Title VII, Public Law 88-352, 42 USC § 2000e-2
U.S. Department of Justice, Civil Rights Division	Civil Rights Act of 1964, Title VII, Public Law 88-352, 42 USC § 2000e-2 ; Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Equal Employment Opportunity Commission, Office of Federal Operations	The Rehabilitation Act of 1973, Public Law 93-112, 29 USC § 791 (b); 29 CFR 1614.602
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352,42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)
U.S. Social Security Administration	Social Security Act, Public Law 74–271, as amended, 42 USC § 401(c)

Plumbing Facilities, Kitchen Facilities, and Telephone Service

Plumbing facilities asked since 1940, kitchen facilities asked since 1940, telephone service asked since 1960.

QUESTIONS ABOUT THE PRESENCE OF HOT AND COLD RUNNING WATER, A BATHTUB OR SHOWER, A SINK WITH A FAUCET, A STOVE OR RANGE, A REFRIGERATOR, AND TELEPHONE SERVICE ARE USED TO CREATE DATA ABOUT INDICATORS OF HOUSING QUALITY.

These data are used in planning and funding government programs that identify areas eligible for housing assistance, rehabilitation loans, and other programs that help people access and afford decent, safe, and sanitary housing. Public health officials may also use this information to locate areas in danger of ground-water contamination and waterborne diseases.

PLUMBING FACILITIES, KITCHEN FACILITIES, AND TELEPHONE SERVICE DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing more about the quality of housing in a community helps communities understand whether available housing meets the needs of residents. When housing is not sufficient or not affordable, data on household facilities can help communities enroll eligible households in programs designed to assist them, and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnership Program, Emergency Solutions Grant, Housing Opportunities for Persons With AIDS, and other programs.

Plan Community Development

Knowing how the quality of different types of homes in combination with whether they are occupied or vacant, can help communities identify opportunities to improve tax, assistance, and zoning policies and to reduce tax revenue losses from vacant or abandoned properties. These data may also be useful in identifying types of homes in disaster-prone areas during emergency planning and preparation.

Ensure Residents Can Communicate

Measuring the extent of telephone service, including access for schools, libraries, health care providers, and low-income residents, helps communities ensure their residents have universal access to assistance programs, emergency services, and important information.

Measure Environmental Impacts

Substandard plumbing systems may impact the local water supply. Understanding where these systems are concentrated helps communities research their wastewater infrastructure needs and work to improve their systems.

Selected Statutory Uses of Plumbing Facilities, Kitchen Facilities, and Telephone Service Data

U.S. Department of Agriculture	42 USC §§ 1472, 1474, 1485, 1486, 1490, 1490a, 1490c, 1490d, 1490e, and 1490l,; 7 CFR 1940.560–1940.567, 1940.575; 7 CFR 3550.10, 1980.312, 3560.11; 7 CFR 3550.53(a), 3550.67(b), 3550.68(c); 7 CFR 1980.301(d); 7 CFR 3560.152(a)(2), 3560.254(c) RD Instruction 1980-D, Exhibit C
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended, 25 USC § 4152(b); 24 CFR 1000.324–1000.330 (Also Appendices A and B)
U.S. Department of Housing and Urban Development	United States Housing Act of 1937, Public Law 93-383, as amended, 42 USC § 1437f(c)(1); 24 CFR 888.113; 24 CFR 982.401
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625 42 USC 12705(b)(1)–(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	Tax Reform Act of 1986, Public Law 99-514, 26 USC § 42(d)(5)(B)(ii)(I), (iii)(I), (iv), and (g); 15 U.S.C § 631
U.S. Department of Housing and Urban Development	Federal Housing Enterprises Financial Safety and Soundness Act of 1992, § 1338, 12 USC § 4568
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, 42 USC § 12747(b)(1)(A) and (B); 24 CFR 92.50(a), (b), and (c)
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, 52 USC § 10301; 28 CFR Part 51; LULAC v. Perry, 548 U.S. 399 (2006); Johnson v. DeGrandy, 512 U.S. 997 (1994); Thornburg v. Gingles, 478 U.S. 30 (1986)
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94; 49 USC § 5304; 49 CFR Part 613, Subpart B
U.S. Federal Communications Commission	Telecommunications Act of 1996, Public Law 104-104, 47 USC §151 and 254; 47 CFR 54.702(i)

School Enrollment, Educational Attainment, and Undergraduate Field of Degree

School enrollment asked since 1850, educational attainment asked since 1940, undergraduate field of degree asked since 2009.

QUESTIONS ABOUT WHETHER A PERSON IS ATTENDING SCHOOL OR COLLEGE, THE HIGHEST LEVEL OF EDUCATION HE/SHE HAS COMPLETED, AND THE FIELD OF ANY COMPLETED UNDERGRADUATE COLLEGE DEGREES ARE USED TO CREATE DATA ABOUT EDUCATION.

These statistics are used to analyze the characteristics and needs of school-aged children and to understand the continuing education needs of adults.

SCHOOL ENROLLMENT, EDUCATIONAL ATTAINMENT, AND UNDERGRADUATE FIELD OF DEGREE DATA HELP COMMUNITIES:

Educate Children and Adults

Knowing how many children and adults depend on services through schools helps school districts make long-term building, staffing, and funding decisions. School enrollment in combination with other information, such as disability status, language spoken at home, and poverty status, helps schools understand the needs of their students and qualify for grants that help fund programs for those students (Elementary and Secondary Education Act of 1965).

Knowing how many adults do not have a high school diploma or equivalent helps schools understand the needs of adult students and qualify for grants that help fund programs for these students (Workforce Investment Act).

Knowing the major fields of study of adults with bachelor's degrees enables efforts to develop the nation's science, technology, engineering, and mathematics labor force (America COMPETES Reauthorization Act of 2010).

Ensure Equal Opportunity

Understanding more about the characteristics of people enrolled or not enrolled in school helps government and communities enforce laws, regulations, and policies against discrimination in education (Civil Rights Act).

Knowing the educational attainment of workers compared to those seeking employment in combination with age, gender, race, Hispanic origin, disability, and other data, helps enforce nondiscrimination in employment by federal agencies, private employers, employment agencies, and labor organizations (Civil Rights Act of 1964). This information is also used in targeting voting rights enforcement (Voting Rights Act).

Selected Statutory Uses of School Enrollment, Educational Attainment, and Undergraduate Field of Degree Data

U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 9835(g)
U.S. Department of Health and Human Services, Administration for Community Living	Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, Section 124(c)(5); 42 USC § 15024
U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality	42 USC § 299a(a)(3),(6),(8); 42 USC § 299b-2(a)(1); 42 USC § 299(c)(1)(A)
U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics	42 USC § 242k(b), (h), and (l)
U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Justice, Civil Rights Division	Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.; Castaneda v. Pickard, 648 F.2d 989 (1981)
U.S. Department of Justice, Civil Rights Division	Civil Rights Act of 1964 (Rights to Public Education and Equal Educational Entitlement), 42 USC § 2000c et seq.
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, § 203; 52 USC § 10503; 28 CFR Part 55
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, 52 USC § 10301; 28 CFR Part 51; LULAC v. Perry, 548 U.S. 399 (2006); Johnson v. DeGrandy, 512 U.S. 997 (1994); Thornburg v. Gingles, 478 U.S. 30 (1986)
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2; Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III–Labor and Education Matters, Subtitle C–Vocational Rehabilitation Matters, Section 334–Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs, 38 USC § 3122
U.S. Department of Veterans Affairs	38 USC § 8104(b) (2)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)
U.S. Equal Employment Opportunity Commission, Office of General Counsel	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A)
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A); Hazelwood School Dist. v. United States, 433 U.S. 299 (1977)

Selected Monthly Owner Costs (Cost of Utilities, Condominium and Mobile Home Fees, Taxes, Insurance, and Mortgages)

Cost of utilities asked since 1940, condominium and mobile homes fees asked since 1990, taxes asked since 1940,[1] insurance cost asked since 1980, mortgages cost asked since 1940.

QUESTIONS ABOUT THE USE AND COST OF COMMON UTILITIES, ANY APPLICABLE CONDOMINIUM AND MOBILE HOME FEES, TAXES, UTILITIES, MORTGAGES, AND HOME LOANS ARE USED TO PRODUCE STATISTICS ABOUT SELECTED MONTHLY OWNER COSTS.

These data are used in government programs that analyze whether adequate housing is affordable for residents and to provide and fund housing assistance programs. These statistics are also used to enforce laws, regulations, and policies against discrimination in government programs and in society.

SELECTED MONTHLY OWNER COSTS DATA HELP COMMUNITIES:

Provide Adequate Housing

Comparing housing costs to household income (the combined income of everyone in the household) helps communities understand whether housing is affordable for residents.

When housing is not sufficient or not affordable, housing cost data can help communities enroll eligible households in programs designed to assist them, and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grants, Housing Opportunities for Persons With AIDS, and other programs.

Plan Community Development

Knowing how housing costs change over time can help communities understand changes in local housing markets and to identify opportunities to improve tax, assistance, and zoning policies.

Ensure Equal Opportunity

Knowing more about the housing costs of people who own homes in the community in combination with age, gender, race, Hispanic origin, disability, and other data about the household residents, helps government and communities enforce laws, such as the 1968 Fair Housing Act designed to eliminate discrimination in housing.

[1] Cost of utilities asked since 1940, condominium and mobile homes fees asked since 1990, taxes asked in 1940 and since 1980, insurance cost asked since 1980, mortgages cost asked since 1940.

Selected Statutory Uses of Selected Monthly Owner Costs Data

U.S. Department of Commerce, Bureau of Economic Analysis	15 USC § 1516; Department Organization Order 35-1A
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act, 42 USC § 11371–11376, 42 USC § 12901; 24 CFR Part 91; 24 CFR Part 576; 24 CFR Part 574
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended, 25 USC § 4152(b); 24 CFR 1000.324–1000.330 (Also appendices A and B)
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC § 12705(b)(1)–(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Supplemental Nutrition Assistance Program (SNAP)/Food Stamps

SNAP/food stamps asked since 2005.

QUESTIONS ABOUT A HOUSEHOLD'S RECEIPT OF FOOD STAMPS/SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)[1] ARE USED TO CREATE STATISTICS ABOUT PARTICIPATION IN FOOD ASSISTANCE PROGRAMS.

SNAP data are used in planning and funding government programs that provide food assistance and in evaluating other government programs.

SNAP DATA HELP COMMUNITIES:

Provide Food Assistance to School Children

Knowing more about food assistance program participation in combination with school enrollment, income, and poverty status, can help communities streamline administration of the National School Lunch Program and School Breakfast Program by replacing administrative paperwork with American Community Survey estimates of students eligible for free and reduced-price meals.

Evaluate SNAP

Knowing more about food-assistance program participation is used to evaluate the SNAP program and award bonuses to communities that administer SNAP funds well.

Understand Changes

State and local agencies use these statistics to assess state food assistance needs and participation rates for eligible families and individuals and to determine gaps in services and programs. Faith-based and other nonprofit organizations use information about food assistance needs to determine where food banks, food kitchens, and other programs could be beneficial and how the needs of their communities can be met with additional resources and services.

[1] In 2008, the food stamp program was renamed SNAP, but the question uses both program names to minimize confusion.

Selected Statutory Uses of SNAP Data

U.S. Department of Agriculture	Richard B. Russell National School Lunch Act, 42 USC § 1759a(g)
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC § 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 9835(g)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC §§ 8629 (a)(1)–(3) and (5)–(6), 8629 (b), and 8622 (11)
U.S. Department of Health and Human Services, Administration for Children and Families	13 USC § 141 note
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 603(a)(4)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Units in Structure, Rooms, and Bedrooms

Units in structure asked since 1940, rooms asked since 1940, bedrooms asked since 1960.

QUESTIONS ABOUT THE TYPE OF BUILDING, UNITS IN THE STRUCTURE, NUMBER OF ROOMS, AND NUMBER OF BEDROOMS ARE USED TO CREATE DATA ABOUT HOUSING TYPES AND HOUSING DENSITY.

These data are used in government programs that analyze whether adequate housing is available and affordable for residents and provide and fund housing assistance programs. The number of rooms in combination with the number of people living in a unit provides a ratio of people to rooms, which can be used to measure the extent of overcrowding among our nation's households. These statistics are also used to enforce laws, policies, and regulations against discrimination in government programs and in society.

UNITS IN STRUCTURE, ROOMS, AND BEDROOMS DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the different types of housing, and how many people occupy that housing, helps communities understand whether available housing meets the needs of residents. For example, these data are used to measure overcrowding in communities and are used as integral components to set Fair Market Rents for all areas of the country.

When housing is not sufficient, data can help communities enroll eligible households in programs designed to assist them (such as the Low Income Home Energy Assistance Program), and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grants, Housing Opportunities for Persons With AIDS, and other programs.

These data provide benchmark statistics that measure progress toward the Congressional declaration of goals for a national housing policy—a decent home and suitable living environment for every American family.

Plan Community Development

These data are used to identify adequate housing and may be useful in identifying types of structures in disaster-prone areas during emergency planning and preparation.

Selected Statutory Uses of Units in Structure, Rooms, and Bedrooms Data

U.S. Department of Agriculture	42 USC §§ 1472, 1474, 1485, 1486, 1490, 1490a, 1490c, 1490d, 1490e, 1490l, 1490m, 1490p-2, 1490r; 7 CFR 1940.560–1940.567, 1940.575; 7 CFR 3550.10, 1980.312, 3560.11; 7 CFR 3550.53(a), 3550.67(b), 3550.68(c); 7 CFR 1980.301(d); 7 CFR 3560.152(a)(2), 3560.254(c) RD Instruction 1980-D, Exhibit C
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8629 (a) and (b)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC §§ 8623 (a) (2) and (4), 8629 (a) (1)–(3) and (6), 8629 (b)
U.S. Department of Health and Human Services, Center for Medicare and Medicaid Services	Social Security Act, Section 1848e(1)(A)
U.S. Department of Housing and Urban Development	Native American Housing Assistance and Self-Determination Act of 1996, Public Law 104-330, as amended; 25 USC § 4152(b); 24 CFR 1000.324–1000.330 (Also appendices A and B)
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974; 42 USC § 5306(a)(1); 24 CFR 1003.101
U.S. Department of Housing and Urban Development	12 U.S.C § 1701q; 24 CFR Part 891
U.S. Department of Housing and Urban Development	McKinney-Vento Homeless Assistance Act; 42 USC §11371–11376; 42 USC § 12901; 24 CFR Part 91; 24 CFR Part 576; 24 CFR Part 574
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93-383, as amended, 42 USC § 1439 (d)(1)(A)(i); 24 CFR 791.402
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93-383 as amended, 42 USC §§ 5302(a)(6)(D)(iv), (a)(9), (10), (11), (12), (13), (14), (15), (20), and (b) and 5306(a), (b)(1), (2), and (3) and (d)(1); 24 CFR 1003.101
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625' 42 USC § 12705(b)(1)-(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	Federal Housing Enterprises Financial Safety and Soundness Act of 1992, section 1338, 12 USC § 4568
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Vehicles Available

Vehicles available asked since 1960.

A QUESTION ABOUT THE VEHICLES AVAILABLE TO EACH HOUSEHOLD IS USED TO CREATE DATA ABOUT VEHICLE ACCESS.

Vehicle data are used in planning and funding for improvements to road and highway infrastructure, developing transportation plans and services, and understanding how people are traveling in the course of a normal day. These data are also used to evaluate pollution and access to transportation in emergencies.

VEHICLE AVAILABILITY DATA HELP COMMUNITIES:

Improve Transportation

Knowing how many households have access to vehicles, in combination with where people commute to and from, and whether they commute with a personal vehicle helps transportation planners create mass transportation and metropolitan plans that are compliant with various regulations.

Local agencies and organizations use these data to plan programs and services for the disabled population, bicycle commuters, carpool and ride-sharers, and many other groups; and to predict future use of new or updated transportation systems based on their understanding of the current users of various transportation options.

Understand Changes in Vehicle Use

Understanding vehicle availability and use helps communities understand exposure to air pollution and plan programs to help people without vehicles move about the community. Knowing whether people could evacuate using their personal vehicles in an emergency also helps communities plan emergency response.

Selected Statutory Uses of Vehicles Available Data

U.S. Department of Energy	Energy Policy Act of 1992, Public Law 102-486, 42 USC § 13385
U.S. Department of Justice, Civil Rights Division	Voting Rights Act of 1965, 42 USC § 1973 et seq.; 28 CFR Part 51; LULAC v. Perry, 548 U.S. 399 (2006); Johnson v. DeGrandy, 512 U.S. 997 (1994); Thornburg v. Gingles, 478 U.S. 30 (1986)
U.S. Department of Transportation	49 USC § 5303; 49 CFR Part 613
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94, 49 USC § 5304; 49 CFR Part 613, Subpart B
U.S. Department of Transportation	Fixing America's Surface Transportation Act, Public Law 114-94, 49 USC § 5303(c), (e), (h), (i), (j),(k), and (n)
U.S. Department of Transportation	49 USC §§ 6302(b)(3)(B), 6303(c), 6304(a), and 6309(a)
U.S. Environmental Protection Agency	Air Pollution Control Act (Clean Air Act), Public Law 84-159, 42 USC § 7403(a)(2), (b)(1), and (b)(6)
U.S. Environmental Protection Agency	Air Pollution Control Act (Clean Air Act), Public Law 84-159, 42 USC § 7403(a)(1), (b)(6), (b)(7), (e), and (g)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500' 33 USC § 1254 (a)(2), (b)(6), and (s)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Veteran Status, Period of Service, and Department of Veterans Affairs (VA) Service-Connected Disability Rating

Veteran status asked since 1890, period of military service asked since 1890,[1] VA service-connected disability rating asked since 2008.

QUESTIONS ABOUT A PERSON'S MILITARY SERVICE AND SERVICE-CONNECTED DISABILITY RATING ARE USED TO CREATE ESTIMATES OF VETERANS AND THEIR NEEDS AT THE COMMUNITY LEVEL.

Data about veterans are used in planning and funding government programs that provide funds or services for veterans and in evaluating other government programs and policies to ensure they fairly and equitably serve the needs of veterans. These statistics are also used to enforce laws, policies, and regulations against discrimination in society. Though the VA maintains veterans' records, these statistics do not provide federal program planners, policymakers, and researchers with additional statistics about all veterans, regardless of whether they use VA services.

VETERAN STATUS, PERIOD OF SERVICE, AND VA SERVICE-CONNECTED DISABILITY RATING DATA HELP COMMUNITIES:

Administer Programs for Veterans

Knowing the numbers and characteristics of veterans eligible for federal programs benefiting veterans, such as the VA Home Loan Guarantee program, the Post-9/11 GI Bill, and job training and hiring preference programs can help communities and the federal government estimate the future demand for these programs and services. These data are also used to evaluate these programs to determine whether they are benefiting veterans as intended.

Provide Health Care for Veterans

Knowing the number of veterans eligible to use VA health care in combination with age, disability, and service-connected disability ratings, can help communities and the federal government estimate the future demand for health care services and facilities. Communities in need of major VA medical facilities throughout the country make a case for new construction projects using these data to estimate the expected usage of new facilities.

Plan End-of-Life Options for Veterans

Knowing where veterans are living toward the end of their lives is important, as the VA estimates the number of nursing home and domiciliary beds needed based on the concentrations of eligible veterans over age 65. These data are also important for the VA National Cemetery Administration, whose goal is to have a VA burial option within 75 miles of a veteran's residence. These data are used to plan construction of new cemeteries near the communities where veterans choose to live.

Ensure Equal Opportunity

Knowing the veteran and service-connected disability rating status of people in the community in combination with information about housing, voting, employment, and education, helps government and communities enforce against discrimination based on veteran or disability status.

Understand New Challenges for Veterans

Knowing more about the characteristics of veterans returning to civilian life is also important to combat specific problems they may face. For example, these data are used in research to understand why veteran status is a predictor of homelessness. Such data have been combined with administrative data produced by shelters in an attempt to understand and document which interventions reduce homelessness among veterans.

[1] Veteran status and period of service were not asked in 1920.

Selected Statutory Uses of Veteran Status, Period of Service, and VA Service-Connected Disability Rating Data

U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation	42 USC § 1397ii (b)(2)(A)–(C)
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2
U.S. Department of Justice, Civil Rights Division	Title VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2.; Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)
U.S. Department of Veterans Affairs	Veterans Millennium Health Care Benefits Act, Public Law 106-117, Section 101; 38 USC § 1710, 8131(1), and 8134(a)(2)
U.S. Department of Veterans Affairs	38 USC § 308(b)
U.S. Department of Veterans Affairs	38 USC § 8104(b)(2)
U.S. Department of Veterans Affairs	38 USC § 546
U.S. Department of Veterans Affairs	Veterans Benefits Improvement Act of 2008, Public Law 110-389, Title III—Labor and Education Matters, Subtitle C—Vocational Rehabilitation Matters, Section 334—Longitudinal study of Department of Veterans Affairs vocational rehabilitation programs, 38 USC § 3122
U.S. Department of Veterans Affairs	Veterans Millennium Health Care and Benefits Act, Public Law 106-117, Section 613(b)(2)

Work Status Last Year

Work status last year asked since 1880.

QUESTIONS ABOUT HOW MANY WEEKS A PERSON WORKED IN THE LAST YEAR, AND HOW MANY HOURS HE OR SHE WORKED EACH WEEK ARE USED TO PRODUCE STATISTICS ABOUT FULL-TIME AND PART-TIME WORKERS, AS WELL AS YEAR-ROUND AND SEASONAL WORKERS.

Data on work status last year are used in planning and funding government programs that provide unemployment assistance and services, and to understand trends and difference in wages, benefits, work hours, and seasonal work. These data are also used to evaluate other government programs and policies to ensure they fairly and equitably serve the needs of all groups, and to enforce laws, regulations, and policies against discrimination in society.

WORK STATUS LAST YEAR DATA HELP COMMUNITIES:

Provide Employment Opportunities

Knowing whether programs designed to employ specific groups, such as people with disabilities or veterans, are succeeding is important to employers, federal agencies, and federal government contractors (Vietnam Era Veterans' Readjustment Assistance Act, Rehabilitation Act of 1973).

State and local agencies use these statistics to identify labor surplus areas (areas with people available for hiring and training), plan workforce development programs including job fairs and training programs, and promote business opportunities.

Ensure Equal Opportunity

Knowing more about people who are employed or looking for work, in combination with age, gender, race, Hispanic origin, disability status, veteran status, and other data, helps governments and communities enforce laws, policies, and regulations against discrimination in employment. For example, data on work status last year are used to enforce laws against discrimination in employment by federal agencies, private employers, employment agencies, and labor organizations (Civil Rights Act of 1964).

Understand Changes

Knowing the characteristics of people who are working or looking for work is an important part of estimating changes in the economy. Estimates of work status last year are used in funding decisions; to ensure surveys are accurate, including surveys that provide official labor market estimates; and to understand change in other data (Wagner-Peyser Act and Workforce Investment Act).

Selected Statutory Uses of Work Status Last Year Data

U.S. Department of Health and Human Services, Administration for Community Living	Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, Section 124(c)(5), 42 USC § 15024
U.S. Department of Health and Human Services, Administration for Children and Families	Community Services Block Grant Act, Public Law 105-285, 42 USC § 9902 (2), 9903, and 9908 (b)(1)(A), (b)(11), and (c)(1)(A)(i)
U.S. Department of Labor	Workforce Investment Act of 1998, Public Law 105-220; 20 CFR 668.296(b) and 668.440
U.S. Equal Employment Opportunity Commission, Office of Federal Operations	The Rehabilitation Act of 1973, Public Law 93-112, 29 USC § 791(b); 29 CFR 1614.602
U.S. Equal Employment Opportunity Commission, Office of Research, Information, and Planning	Civil Rights Act of 1964, Public Law 88-352, 42 USC § 2000e-2(k)(1)(A); Hazelwood v. United States, 433 U.S. 299 (1977)

Year Built and Year Moved In

Year built asked since 1940, year moved in asked since 1960.

QUESTIONS ABOUT WHEN A BUILDING WAS BUILT AND WHEN A PERSON MOVED INTO THAT HOME ARE USED TO CREATE DATA ABOUT HOUSING AGE AND AVAILABILITY.

These data are used in government programs that analyze whether adequate housing is available and affordable for residents, provide and fund housing assistance programs, and measure neighborhood stability.

YEAR BUILT AND YEAR MOVED IN DATA HELP COMMUNITIES:

Provide Adequate Housing

Knowing the ages of housing in a community helps communities understand whether available housing meets the needs of residents.

When housing is not sufficient or older than a certain age, housing data can help communities enroll eligible households in programs designed to assist them (such as the Low Income Home Energy Assistance Program), and can help communities qualify for grants from the Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grants, Housing Opportunities for Persons With AIDS, and other programs.

Plan Community Development

Knowing how the balance of different ages of homes in combination with whether they are occupied or vacant, can help communities identify opportunities to improve tax, assistance, and zoning policies and to reduce tax revenue losses from vacant or abandoned properties. These data may also be useful in identifying older structures in disaster-prone areas during emergency planning and preparation.

Knowing more about the age of the housing stock in combination with the financial situation of residents, including income, employment, and housing costs, can help communities qualify for loan and grant programs designed to stimulate economic recovery, improve housing, run job-training programs, and define areas as empowerment or enterprise zones.

Selected Statutory Uses of Year Built and Year Moved In Data

U.S. Department of Health and Human Services, Administration for Children and Families	42 USC § 8629(a) and (b)
U.S. Department of Health and Human Services, Administration for Children and Families	42 USC §§ 8623(a)(2) and (4), 8629 (a)(1)–(3) and (6); 42 USC 8629(b)
U.S. Department of Housing and Urban Development	United States Housing Act of 1937, Public Law 93-383, as amended, 42 USC § 1437f(c)(1); 24 CFR 888.113; 24 CFR 982.401
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93–383, as amended, 42 USC § 1439 (d)(1)(A)(i); 24 CFR 791.402
U.S. Department of Housing and Urban Development	Housing and Community Development Act of 1974, Public Law 93-383 as amended, 42 USC § 5302(a)(6)(D)(iv), (a)(9), (10), (11), (12), (13), (14), (15), (20), and (b); 42 USC§ 5306(a), (b)(1), (2), and (3) and (d)(1); 24 CFR 1003.101
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101–625, 42 USC 12705(b)(1)–(3); 24 CFR Part 91; 24 CFR 91.205(a)–(c)
U.S. Department of Housing and Urban Development	Tax Reform Act of 1986, Public Law 99-514, 26 USC § 42(d)(5)(B)(ii)(I), (iii)(I), (iv), and (g); 15 U.S.C § 631
U.S. Department of Housing and Urban Development	Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, 42 USC § 12747(b)(1)(A) and (B); 24 CFR 92.50(a),(b), and (c)
U.S. Environmental Protection Agency	Federal Water Pollution Control Act (Clean Water Act), Public Law 92-500, 33 USC § 1254(a)(1)–(2), (b)(2), (b)(6), (b)(7), (n)(1), and (o)(1)

Appendix:
Year Current Subjects Planned First Asked in Decennial Census Program

Year Current Subjects Planned First Asked in Decennial Census Program

Subjects Planned for 2020 Census and/or ACS	Year Subject First Asked in Decennial Census or ACS	Years Not Asked
Acreage	1960	
Age	1790	
Agricultural Sales	1960	
Ancestry	1980	
Bedrooms	1960	
Citizenship	1820	1840–1860, 1880
Class of Worker	1910	
Commuting (Journey to Work)	1960	
Computer and Internet Use	2013	
Condominium and Mobile Home Fees	1990	
Cost of Utilities	1940	
Disability	1830	
Educational Attainment	1940	
Ethnicity	1970	
Fertility	1890	
Gender	1790	
Grandparent Caregivers	2000	
Health Insurance	2008	
Home Heating Fuel	1940	
Home Value	1940	
Income	1940	
Industry	1820	1830, 1850–1900
Insurance	1980	
Kitchen Facilities	1940	
Labor Force Status	1890	
Language Spoken at Home	1890	1950
Marital History	1850	
Marital Status	1880	
Migration (Previous Residence)/Residence 1 Year Ago	1930	
Mortgages	1940	
Occupation	1850	
Period of Military Service	1890	1920
Place of Birth	1850	
Plumbing Facilities	1940	
Race	1790	
Relationship	1880	
Rent	1940	
Rooms	1940	
School Enrollment	1850	

Year Current Subjects Planned First Asked in Decennial Census Program—Con.

Subjects Planned for 2020 Census and/or ACS	Year Subject First Asked in Decennial Census or ACS	Years Not Asked
Supplemental Nutrition Assistance Program (SNAP)/ Food Stamps	2005	
Taxes	1940	1950–70
Telephone Service	1960	
Tenure (Owner/Renter)	1890	
Undergraduate Field of Degree	2009	
Units in Structure	1940	
VA Service-Connected Disability Rating	2008	
Veteran Status	1890	1920
Work Status Last Year	1880	
Year Built	1940	
Year Moved In	1960	
Year of Entry	1890	1940–1960

U.S. Department of Justice

Justice Management Division

Office of General Counsel

Washington, D.C. 20530

November 4, 2016

John H. Thompson
Director
Economics and Statistics Administration
U.S. Census Bureau
Unites States Department of Commerce
Washington, D.C. 20233-0001

Re: Legal Authority for American Community Survey Questions

Dear Mr. Thompson:

This letter supplements my letter of July 1, 2016, in which I advised that, at that time, the Department of Justice had no needs to amend the current content and uses or to request new content in the American Community Survey (ACS) for the 2020 Census. In 2014, the Department affirmed its continuing needs and legal justification for existing subjects and questions in the ACS. I understand your office recently has been in communication with Department officials regarding new uses sought by the Department relating to LGBT populations. Consistent with those communications, this letter formally requests that the Census Bureau consider a new topic in the ACS relating to LGBT populations. The attached spreadsheet accurately reflects the legal authority supporting the necessity for the collection of this information.

Please let me know if you have any questions about this letter or wish to discuss this request. I can be reached at (202) 514-3452, or at Arthur.Gary@usdoj.gov.

Sincerely yours,

Arthur E. Gary
General Counsel

Attachment

Cc: Civil Rights Division
Office of the Deputy Attorney General

DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA

The following statutes enforced by the Department bar discrimination on the basis of sexual orientation, gender identity, or both.					
Statutory Requirement					
Title	Citations	Classification	Uses	Lowest geography	Frequency
Violence Against Women Reauthorization Act of 2013	42 USC 13925(b)(13)	R	Would be used to enforce prohibitions against discrimination in programs or activities receiving financial assistance administered by the Office on Violence Against Women.	Place	Annual
Violence Against Women Act of 1994, as amended, Victims of Trafficking and Violence Protection Act of 2000, Violence Against Women and Department of Justice Reauthorization Act of 2005, Violence Against Women Reauthorization Act of 2013	42 USC 3796gg(b)(5), 3796gg(b)(19), 3796gg-7(d), 10420(c)(1)(B), 13925(a)(39), 13971(b), 13971(d)(4), 13975(a), 13975(g)(3)(C)(ii), 14041(b)(1), 14041(b)(4), 14045(a)(1), 14045(c)-(d), 14045b(b)(10).	P	Would be used to help administer grants, and plan education about and enforcement of prohibitions against discrimination in programs or activities receiving financial assistance administered by OVW.	Census block group	Annual
Title VII of the Civil Rights Act of 1964	42 USC 2000e et seq.; 42 USC 2000e-2(k); *Wards Cove Packing Co.* v. *Atonio*, 490 U.S. 642 (1989)	R	Would be used to enforce the prohibition against unlawful employment discrimination.	Place	Annual
Title VII of the Civil Rights Act of 1964	42 USC 2000e et seq.	P	Would be used to help plan education and enforcement efforts concerning the prohibition against unlawful employment discrimination.	Census block group	Annual
Title IX of the Education Amendments of 1972	20 USC 1701 et seq.; 34 CFR 106.21(b)(2), 106.23(b), 106.37(b)(1), 106.51(a)(3)-(4), 106.52, 106.53	R	Would be used to enforce the prohibition against unlawful discrimination in education programs and activities receiving federal financial assistance.	Place	Annual

DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA

Statutory Requirement					
Title	Citations	Classification	Uses	Lowest geography	Frequency
Title IX of the Education Amendments of 1972	20 USC 1701 et seq.	P	Would be used to help plan education and enforcement efforts concerning the prohibition against unlawful discrimination in education programs and activities receiving federal financial assistance.	Census block group	Annual
Fair Housing Act of 1968	42 USC 3601 *et seq.* ; 24 CFR 100.500; Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., 135 S. Ct. 2507 (2015).	R	Would be used to enforce the prohibition against unlawful discrimination in housing.	Place	Annual
Fair Housing Act of 1968	42 USC 3601 *et seq.*; 24 CFR 100.500.	P	Would be used to help plan education, testing and enforcement efforts to eliminate unlawful discrimination in housing.	Census block group	Annual
Equal Credit Opportunity Act	15 USC 1691 *et seq.*; 12 CFR 202.6 n.2	R	Would be used to enforce the prohibition against unlawful discrimination in lending.	Place	Annual
Equal Credit Opportunity Act	15 USC 1691 *et seq.*	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in lending.	Census block group	Annual
Omnibus Crime Control and Safe Streets Act of 1968	42 USC 3789d(c); 28 CFR 42.203(c), (e)	R	Would be used to enforce the prohibition against unlawful discrimination in criminal justice programs receiving federal financial assistance.	Place	Annual

DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA

Statutory Requirement					
Title	Citations	Classification	Uses	Lowest geography	Frequency
Omnibus Crime Control and Safe Streets Act of 1968	42 USC 3789d(c)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in criminal justice programs receiving federal financial assistance.	Census block group	Annual
Juvenile Justice and Delinquency Prevention Act of 1974	42 USC 5672(b)	R	Would be used to enforce the prohibition against unlawful discrimination in juvenile justice programs receiving federal financial assistance.	Place	Annual
Juvenile Justice and Delinquency Prevention Act of 1974	42 USC 5672(b)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in juvenile justice programs receiving federal financial assistance.	Census block group	Annual
Civil Rights of Institutionalized Persons Act	42 USC 1997 et seq.	R	Would be used to enforce the prohibition against egregious or flagrant violations of law for persons residing in or confined to covered institutions.	Census block group	Annual
Civil Rights of Institutionalized Persons Act	42 USC 1997 et seq.	P	Would be used to help plan education and enforcement efforts to eliminate egregious or flagrant violations of law for persons residing in or confined to covered institutions.	Census block group	Annual

DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION
REQUIREMENTS FOR AMERICAN COMMUNITY SURVEY DATA

Statutory Requirement		Classification	Uses	Lowest geography	Frequency
Title	Citations				
Violent Crime Control and Law Enforcement Act of 1994	42 USC 14141	R	Would be used to enforce the prohibition against patterns or practices of unlawful conduct by law enforcement or by officials in the juvenile justice system.	Place	Annual
Violent Crime Control and Law Enforcement Act of 1994	42 USC 14141	P	Would be used to help plan education and enforcement efforts to eliminate patterns or practices of unlawful conduct by law enforcement or by officials in the juvenile justice system.	Census block group	Annual
Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009	18 USC 249	P	Would be used to help plan education and enforcement efforts to prosecute and deter covered hate crimes against LGBT individuals.	Census block group	Annual
Victims of Crime Act of 1984	42 USC 10604(e)	P	Would be used to help plan education and enforcement efforts to eliminate unlawful discrimination in crime victim compensation programs receiving federal financial assistance.	Census block group	Annual

U.S. Department of Justice

Justice Management Division

Office of General Counsel

Washington, D.C. 20530

DEC 12 2017

VIA CERTIFIED RETURN RECEIPT
7014 2120 0000 8064 4964

Dr. Ron Jarmin
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
United States Department of Commerce
Washington, D.C. 20233-0001

Re: Request To Reinstate Citizenship Question On 2020 Census Questionnaire

Dear Dr. Jarmin:

The Department of Justice is committed to robust and evenhanded enforcement of the Nation's civil rights laws and to free and fair elections for all Americans. In furtherance of that commitment, I write on behalf of the Department to formally request that the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship, formerly included in the so-called "long form" census. This data is critical to the Department's enforcement of Section 2 of the Voting Rights Act and its important protections against racial discrimination in voting. To fully enforce those requirements, the Department needs a reliable calculation of the citizen voting-age population in localities where voting rights violations are alleged or suspected. As demonstrated below, the decennial census questionnaire is the most appropriate vehicle for collecting that data, and reinstating a question on citizenship will best enable the Department to protect all American citizens' voting rights under Section 2.

The Supreme Court has held that Section 2 of the Voting Rights Act prohibits "vote dilution" by state and local jurisdictions engaged in redistricting, which can occur when a racial group is improperly deprived of a single-member district in which it could form a majority. See *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986). Multiple federal courts of appeals have held that, where citizenship rates are at issue in a vote-dilution case, citizen voting-age population is the proper metric for determining whether a racial group could constitute a majority in a single-member district. See, e.g., *Reyes v. City of Farmers Branch*, 586 F.3d 1019, 1023–24 (5th Cir. 2009); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998); *Negrn v. City of Miami Beach*, 113 F.3d 1563, 1567-69 (11th Cir. 1997); *Romero v. City of Pomona*, 883 F.2d 1418, 1426 (9th Cir. 1989), *overruled in part on other grounds by Townsend v. Holman Consulting Corp.*, 914 F.2d 1136, 1141 (9th Cir. 1990); see also *LULAC v. Perry*, 548 U.S. 399, 423–442 (2006) (analyzing vote-dilution claim by reference to citizen voting-age population).

The purpose of Section 2's vote-dilution prohibition "is to facilitate participation ... in our political process" by preventing unlawful dilution of the vote on the basis of race. *Campos v. City of Houston*, 113 F.3d 544, 548 (5th Cir. 1997). Importantly, "[t]he plain language of section 2 of the Voting Rights Act makes clear that its protections apply to United States citizens." *Id.* Indeed, courts have reasoned that "[t]he right to vote is one of the badges of citizenship" and that "[t]he dignity and very concept of citizenship are diluted if noncitizens are allowed to vote." *Barnett*, 141 F.3d at 704. Thus, it would be the wrong result for a legislature or a court to draw a single-member district in which a numerical racial minority group in a jurisdiction was a majority of the total voting-age population in that district but "continued to be defeated at the polls" because it was not a majority of the citizen voting-age population. *Campos*, 113 F.3d at 548.

These cases make clear that, in order to assess and enforce compliance with Section 2's protection against discrimination in voting, the Department needs to be able to obtain citizen voting-age population data for census blocks, block groups, counties, towns, and other locations where potential Section 2 violations are alleged or suspected. From 1970 to 2000, the Census Bureau included a citizenship question on the so-called "long form" questionnaire that it sent to approximately one in every six households during each decennial census. See, e.g., U.S. Census Bureau, *Summary File 3: 2000 Census of Population & Housing*—Appendix B at B-7 (July 2007), *available at* https://www.census.gov/prod/cen2000/doc/sf3.pdf (last visited Nov. 22, 2017); U.S. Census Bureau, Index of Questions, *available at* https://www.census.gov/history/www/through_the_decades/index_of_questions/ (last visited Nov. 22, 2017). For years, the Department used the data collected in response to that question in assessing compliance with Section 2 and in litigation to enforce Section 2's protections against racial discrimination in voting.

In the 2010 Census, however, no census questionnaire included a question regarding citizenship. Rather, following the 2000 Census, the Census Bureau discontinued the "long form" questionnaire and replaced it with the American Community Survey (ACS). The ACS is a sampling survey that is sent to only around one in every thirty-eight households each year and asks a variety of questions regarding demographic information, including citizenship. See U.S. Census Bureau, *American Community Survey Information Guide at* 6, *available at* https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS Information Guide.pdf (last visited Nov. 22, 2017). The ACS is currently the Census Bureau's only survey that collects information regarding citizenship and estimates citizen voting-age population.

The 2010 redistricting cycle was the first cycle in which the ACS estimates provided the Census Bureau's only citizen voting-age population data. The Department and state and local jurisdictions therefore have used those ACS estimates for this redistricting cycle. The ACS, however, does not yield the ideal data for such purposes for several reasons:

- Jurisdictions conducting redistricting, and the Department in enforcing Section 2, already use the total population data from the census to determine compliance with the Constitution's one-person, one-vote requirement, see *Evenwel v. Abbott*, 136 S. Ct. 1120 (Apr. 4, 2016). As a result, using the ACS citizenship estimates means relying on two different data sets, the scope and level of detail of which vary quite significantly.

- Because the ACS estimates are rolling and aggregated into one-year, three-year, and five-year estimates, they do not align in time with the decennial census data. Citizenship data from the decennial census, by contrast, would align in time with the total and voting-age population data from the census that jurisdictions already use in redistricting.

- The ACS estimates are reported at a ninety percent confidence level, and the margin of error increases as the sample size—and, thus, the geographic area—decreases. See U.S. Census Bureau, *Glossary: Confidence interval (American Community Survey), available at* https://www.census.gov/glossary/#term_ConfidenceintervalAmericanCommunity Survey (last visited November 22, 2017). By contrast, decennial census data is a full count of the population.

- Census data is reported to the census block level, while the smallest unit reported in the ACS estimates is the census block group. See *American Community Survey Data* 3, 5, 10. Accordingly, redistricting jurisdictions and the Department are required to perform further estimates and to interject further uncertainty in order to approximate citizen voting-age population at the level of a census block, which is the fundamental building block of a redistricting plan. Having all of the relevant population and citizenship data available in one data set at the census block level would greatly assist the redistricting process.

For all of these reasons, the Department believes that decennial census questionnaire data regarding citizenship, if available, would be more appropriate for use in redistricting and in Section 2 litigation than the ACS citizenship estimates.

Accordingly, the Department formally requests that the Census Bureau reinstate into the 2020 Census a question regarding citizenship. We also request that the Census Bureau release this new data regarding citizenship at the same time as it releases the other redistricting data, by April 1 following the 2020 Census. At the same time, the Department requests that the Bureau also maintain the citizenship question on the ACS, since such question is necessary, *inter alia*, to yield information for the periodic determinations made by the Bureau under Section 203 of the Voting Rights Act, 52 U.S.C. § 10503.

Please let me know if you have any questions about this letter or wish to discuss this request. I can be reached at (202) 514-3452, or at Arthur.Gary@usdoj.gov.

Sincerely yours,

Arthur E. Gary

Arthur E. Gary
General Counsel
Justice Management Division

[redacted]

From: Kris Kobach [mailto[redacted]
Sent: Monday, July 24, 2017 2:43 PM
To: Teramoto, Wendy (Federal) <[redacted]
Cc: Alexander, Brooke (Federal) <[redacted]; Hernandez, Israel (Federal) <[redacted]
Subject: Re: Follow up on our phone call

Yes.

Sent from my iPhone

On Jul 24, 2017, at 1:39 PM, Teramoto, Wendy (Federal) <[redacted]> wrote:

Kris- can you do a call with the Secretary and Izzy tomorrow at 11 am? Thanks. Wendy

From: Kris Kobach [mailto:[redacted]
Sent: Monday, July 24, 2017 12:02 PM
To: Teramoto, Wendy (Federal) <[redacted]
Subject: Re: Follow up on our phone call

That works for me. What number should I call? Or would you like to call me?

On Mon, Jul 24, 2017 at 9:12 AM, Teramoto, Wendy (Federal) <[redacted]> wrote:

We can speak today at 230. Please let me know if that works. W

Sent from my iPhone

On Jul 21, 2017, at 4:34 PM, Kris Kobach <[redacted]> wrote:

Wendy,

Nice meeting you on the phone this afternoon. Below is the email that I sent to Secretary Ross. He and I had spoken briefly on the phone about this issue, at the direction of Steve Bannon, a few months earlier.

Let me know what time would work for you on Monday, if you would like to schedule a short call. The issue is pretty straightforward, and the text of the question to be added is in the email below.

Thanks.

Kris Kobach

[redacted]

---------- Forwarded message ----------
From: **Kris Kobach** <[redacted]>
Date: Fri, Jul 14, 2017 at 9:12 AM
Subject: Follow up on our phone call
To: [redacted]

Secretary Ross,

Kansas Secretary of State Kris Kobach here. I'm following up on our telephone discussion from a few months ago. As you may recall, we talked about the fact that the US census does not currently ask respondents their citizenship. This lack of information impairs the federal government's ability to do a number of things accurately. It also leads to the problem that aliens who do not actually "reside" in the United States are still counted for congressional apportionment purposes.

It is essential that one simple question be added to the upcoming 2020 census. That question already appears on the American Community Survey that is conducted by the Census Burear (question #8). A slight variation of that question needs to be added to the census. It should read as follows:

Is this person a citizen of the United States?

□Yes, born in the United States

□Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas

□Yes, born abroad of U.S. citizen parent or parents

□Yes, U.S. citizen by naturalization – Print year of naturalization _____

□No, not a U.S. citizen – this person is a lawful permanent resident (green card holder)

□No, not a U.S. citizen – this person citizen of another country who is not a green card holder (for example holds a temporary visa or falls into another category of non-citizens)

Please let me know if there is any assistance that I can provide to accomplish the addition of this question. You may reach me at this email address or on my cell phone at [redacted]

Yours,

Kris Kobach

 18-459384

January 26, 2018

2018 JAN 29 AM 10: 38

O S EXECUTIVE SECRETARIAT

The Honorable Wilbur L. Ross
Secretary of Commerce
U.S. Department of Commerce
14th St. and Constitution Avenue, NW
Washington, DC 20230

Dear Secretary Ross:

As former directors of the U.S. Census Bureau, serving under both Republican and Democratic administrations, we want to thank you for the care for the future of the Census Bureau you have displayed. We were, however, troubled to learn that the Department of Justice has recently asked the Bureau to add a new question on citizenship to the 2020 census. We are deeply concerned about the consequences of this possible action and hope that our objective observations provide a useful perspective before a final decision is made on this issue.

We were encouraged by your testimony before the Census Bureau's House and Senate authorizing committees last October. Your frank assessment of the status of 2020 Census preparations and your acknowledgment that the Bureau will need more resources to conduct an acceptably accurate enumeration were correct. Undoubtedly, your substantial private sector experience has informed your approach to the Bureau's mission. Similarly, your experience as a census enumerator many years ago may have helped to shape your appreciation for the importance of the fair and accurate census our Constitution envisions, free from partisan influence and guided by sound, well documented, scientifically driven decisions.[1]

There is a well-proven multi-year process to suggest and test new questions. We strongly believe that adding an untested question on citizenship status at this late point in the decennial planning process would put the accuracy of the enumeration and success of the census in all communities at grave risk. Your observation at the House Oversight and Government Reform Committee hearing on October 12, 2017 — that adding untested questions could reduce response rates — suggests that you have carefully considered respondent burden and other factors that contribute to public acceptance of censuses and surveys, as the window of opportunity to lock down census methods, operations, content, and infrastructure closes quickly.

As you fully appreciate, planning a decennial census is an enormous challenge. Preparations for a census are complex, with each component related to and built upon previous research and tests. The critical

[1] We think you will enjoy recalling that Kenneth Prewitt, a signer of this letter, was your crew leader in 1960. You were in the Harvard Business School, and he in the Harvard Divinity School; like you, he wanted to make some extra money over spring break. Ken was appointed a crew leader and recruited enumerators *only* from the HBS, knowing that they would carry out their duties efficiently. Indeed, they (you) did — your crew finished first in Boston, with the highest accuracy score in the city.

'dress rehearsal' for the 2020 Census (the 2018 End-to-End Census Test) is starting in Providence County, RI. Adding a citizenship question without a testing opportunity in a contemporary, census-like environment will invalidate the results and lessons learned from the End-to-End test. Key assumptions underlying estimates of self-response, staffing needs, local office sites, and communication strategies will no longer be sound, calling into question cost projections that we know you have worked hard to validate and update. In addition, the Census Bureau would need to modify data capture and processing systems, language assistance and enumerator training materials, and web-based instructions for completing the census in the time remaining before the 2020 Census starts – all without the benefit of field testing.

There are sound reasons that the Census Act requires the Bureau to submit to Congress the topics and actual questions it will include, three and two years, respectively, before Census Day. It is highly risky to ask untested questions in the context of the complete 2020 Census design. There is a great deal of evidence that even small changes in survey question order, wording, and instructions can have significant, and often unexpected, consequences for the rate, quality, and truthfulness of response. The effect of adding a citizenship question to the 2020 Census on data quality and census accuracy, therefore, is completely unknown. Also of import, overcoming unexpected obstacles that arise as 2020 Census operations unfold would add to the cost, without assurances that such efforts would yield a more accurate outcome.

In summary, we believe that adding a citizenship question to the 2020 Census will considerably increase the risks to the 2020 enumeration. Because we share your goal of a "full, fair, and accurate census," as the Constitution requires, we urge you to consider a prudent course of action in response to the Justice Department's untimely and potentially disruptive request.

Please let us know if we can answer any questions or be of further assistance.

Sincerely,

Vincent P. Barabba (1973-1976; 1979–1981)
Martha Farnsworth Riche (1994-1998)
Kenneth Prewitt (1998–2001)
Steven H. Murdock (2008-2009)
Robert M. Groves (2009–2012)
John Thompson (2013–2017)

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001

January 19, 2018

MEMORANDUM FOR: Wilbur L. Ross, Jr.
Secretary of Commerce

Through: Karen Dunn Kelley
Performing the Non-Exclusive Functions and Duties of the Deputy Secretary

Ron S. Jarmin
Performing the Non-Exclusive Functions and Duties of the Director

Enrique Lamas
Performing the Non-Exclusive Functions and Duties of the Deputy Director

From: John M. Abowd
Chief Scientist and Associate Director for Research and Methodology

Subject: Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census

The Department of Justice has requested block-level citizen voting-age population estimates by OMB-approved race and ethnicity categories from the 2020 Census of Population and Housing. These estimates are currently provided in two related data products: the PL94-171 redistricting data, produced by April 1st of the year following a decennial census under the authority of 13 U.S.C. Section 141, and the Citizen Voting Age Population by Race and Ethnicity (CVAP) tables produced every February from the most recent five-year American Community Survey data. The PL94-171 data are released at the census block level. The CVAP data are released at the census block group level.

We consider three alternatives in response to the request: (A) no change in data collection, (B) adding a citizenship question to the 2020 Census, and (C) obtaining citizenship status from administrative records for the whole 2020 Census population.

We recommend either Alternative A or C. Alternative C best meets DoJ's stated uses, is comparatively far less costly than Alternative B, does not increase response burden, and does not harm the quality of the census count. Alternative A is not very costly and also does not harm the quality of the census count. Alternative B better addresses DoJ's stated uses than Alternative A. However, Alternative B is very costly, harms the quality of the census count, and would use substantially less accurate citizenship status data than are available from administrative sources.

DRAFT Pre-decisional (V2.6)

Summary of Alternatives			
	Alternative A	***Alternative B***	***Alternative C***
Description	No change in data collection	Add citizenship question to the 2020 Census (i.e., the DoJ request), all 2020 Census microdata remain within the Census Bureau	Leave 2020 Census questionnaire as designed and add citizenship from administrative records, all 2020 Census microdata and any linked citizenship data remain within the Census Bureau
Impact on 2020 Census	None	Major potential quality and cost disruptions	None
Quality of Citizen Voting-Age Population Data	Status quo	Block-level data improved, but with serious quality issues remaining	Best option for block-level citizenship data, quality much improved
Other Advantages	Lowest cost alternative	Direct measure of self-reported citizenship for the whole population	Administrative citizenship records more accurate than self-reports, incremental cost is very likely to be less than $2M, USCIS data would permit record linkage for many more legal resident noncitizens
Shortcomings	Citizen voting-age population data remain the same or are improved by using small-area modeling methods	Citizenship status is misreported at a very high rate for noncitizens, citizenship status is missing at a high rate for citizens and noncitizens due to reduced self-response and increased item nonresponse, nonresponse followup costs increase by at least $27.5M, erroneous enumerations increase, whole-person census imputations increase	Citizenship variable integrated into 2020 Census microdata outside the production system, Memorandum of Understanding with United States Citizen and Immigration Services required to acquire most up-to-date naturalization data

Approved: _____ Date: _____

John M. Abowd, Chief Scientist
and Associate Director for Research and Methodology

DRAFT Pre-decisional (v2.0)

Detailed Analysis of Alternatives

The statistics in this memorandum have been released by the Census Bureau Disclosure Review Board with approval number CBDRB-2018-CDAR-014.

Alternative A: Make no changes

Under this alternative, we would not change the current 2020 Census questionnaire nor the planned publications from the 2020 Census and the American Community Survey (ACS). Under this alternative, the PL94-171 redistricting data and the citizen voting-age population (CVAP) data would be released on the current schedule and with the current specifications. The redistricting and CVAP data are used by the Department of Justice to enforce the Voting Rights Act. They are also used by state redistricting offices to draw congressional and legislative districts that conform to constitutional equal-population and Voting Rights Act nondiscrimination requirements. Because the block-group-level CVAP tables have associated margins of error, their use in combination with the much more precise block-level census counts in the redistricting data requires sophisticated modeling. For these purposes, most analysts and the DoJ use statistical modeling methods to produce the block-level eligible voter data that become one of the inputs to their processes.

If the DoJ requests the assistance of Census Bureau statistical experts in developing model-based statistical methods to better facilitate the DoJ's uses of these data in performing its Voting Rights Act duties, a small team of Census Bureau experts similar in size and capabilities to the teams used to provide the Voting Rights Act Section 203 language determinations would be deployed.

We estimate that this alternative would have no impact on the quality of the 2020 Census because there would be no change to any of the parameters underling the Secretary's revised life-cycle cost estimates. The estimated cost is about $350,000 because that is approximately the cost of resources that would be used to do the modeling for the DoJ.

Alternative B: Add the question on citizenship to the 2020 Census questionnaire

Under this alternative, we would add the ACS question on citizenship to the 2020 Census questionnaire and ISR instrument. We would then produce the block-level citizen voting-age population by race and ethnicity tables during the 2020 Census publication phase.

Since the question is already asked on the American Community Survey, we would accept the cognitive research and questionnaire testing from the ACS instead of independently retesting the citizenship question. This means that the cost of preparing the new question would be minimal. We did not prepare an estimate of the impact of adding the citizenship question on the cost of reprogramming the Internet Self-Response (ISR) instrument, revising the Census Questionnaire Assistance (CQA), or redesigning the printed questionnaire because those components will not be finalized until after the March 2018 submission of the final questions. Adding the citizenship question is similar in scope and cost to recasting the race and ethnicity questions again, should that become necessary, and would be done at the same time. After the 2020 Census ISR, CQA and printed questionnaire are in final form, adding the citizenship question would be much more expensive and would depend on exactly when the implementation decision was made during the production cycle.

DRAFT Pre-decisional (12.6)

For these reasons, we analyzed Alternative B in terms of its adverse impact on the rate of voluntary cooperation via self-response, the resulting increase in nonresponse followup (NRFU), and the consequent effects on the quality of the self-reported citizenship data. Three distinct analyses support the conclusion of an adverse impact on self-response and, as a result, on the accuracy and quality of the 2020 Census. We assess the costs of increased NRFU in light of the results of these analyses.

B.1. Quality of citizenship responses

We considered the quality of the citizenship responses on the ACS. In this analysis we estimated item nonresponse rates for the citizenship question on the ACS from 2013 through 2016. When item nonresponse occurs, the ACS edit and imputation modules are used to allocate an answer to replace the missing data item. This results in lower quality data because of the statistical errors in these allocation models. The analysis of the self-responses responses is done using ACS data from 2013-2016 because of operational changes in 2013, including the introduction of the ISR option and changes in the followup operations for mail-in questionnaires.

In the period from 2013 to 2016, item nonresponse rates for the citizenship question on the mail-in questionnaires for non-Hispanic whites (NHW) ranged from 6.0% to 6.3%, non-Hispanic blacks (NHB) ranged from 12.0% to 12.6%, and Hispanics ranged from 11.6 to 12.3%. In that same period, the ISR item nonresponse rates for citizenship were greater than those for mail-in questionnaires. In 2013, the item nonresponse rates for the citizenship variable on the ISR instrument were NHW: 6.2%, NHB: 12.3% and Hispanic: 13.0%. By 2016 the rates increased for NHB and especially Hispanics. They were NHW: 6.2%, NHB: 13.1%, and Hispanic: 15.5% (a 2.5 percentage point increase). Whether the response is by mail-in questionnaire or ISR instrument, item nonresponse rates for the citizenship question are much greater than the comparable rates for other demographic variables like sex, birthdate/age, and race/ethnicity (data not shown).

B.2. Self-response rate analyses

We directly compared the self-response rate in the 2000 Census for the short and long forms, separately for citizen and noncitizen households. In all cases, citizenship status of the individuals in the household was determined from administrative record sources, not from the response on the long form. A noncitizen household contains at least one noncitizen. Both citizen and noncitizen households have lower self-response rates on the long form compared to the short form; however, the decline in self-response for noncitizen households was 3.3 percentage points greater than the decline for citizen households. This analysis compared short and long form respondents, categories which were randomly assigned in the design of the 2000 Census.

We compared the self-response rates for the same household address on the 2010 Census and the 2010 American Community Survey, separately for citizen and noncitizen households. Again, all citizenship data were taken from administrative records, not the ACS, and noncitizen households contain at least one noncitizen resident. In this case, the randomization is over the selection of household addresses to receive the 2010 ACS. Because the ACS is an ongoing survey sampling fresh households each month, many of the residents of sampled households completed the 2010 ACS with the same reference address as they used for the 2010 Census. Once again, the self-response rates were lower in the ACS than in the 2010 Census for both citizen and noncitizen households. In this 2010 comparison, moreover, the decline in self-response was 5.1 percentage points greater for noncitizen households than for citizen households.

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In both the 2000 and 2010 analyses, only the long-form or ACS questionnaire contained a citizenship question. Both the long form and the ACS questionnaires are more burdensome than the shortform. Survey methodologists consider burden to include both the direct time costs of responding and the indirect costs arising from nonresponse due to perceived sensitivity of the topic. There are, consequently, many explanations for the lower self-response rates among all household types on these longer questionnaires. However, the only difference between citizen and noncitizen households in our studies was the presence of at least one noncitizen in noncitizen households. It is therefore a reasonable inference that a question on citizenship would lead to some decline in overall self-response because it would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households.

B.3. Breakoff rate analysis

We examined the response breakoff paradata for the 2016 ACS. We looked at all breakoff screens on the ISR instrument, and specifically at the breakoffs that occurred on the screens with the citizenship and related questions like place of birth and year of entry to the U.S. Breakoff paradata isolate the point in answering the questionnaire where a respondent discontinues entering data—breaks off—rather than finishing. A breakoff is different from failure to self-respond. The respondent started the survey and was prepared to provide the data on the Internet Self-Response instrument, but changed his or her mind during the interview.

Hispanics and non-Hispanic non-whites (NHNW) have greater breakoff rates than non-Hispanic whites (NHW). In the 2016 ACS data, breakoffs were NHW: 9.5% of cases while NHNW: 14.1% and Hispanics: 17.6%. The paradata show the question on which the breakoff occurred. Only 0.04% of NHW broke off on the citizenship question, whereas NHNW broke off 0.27% and Hispanics broke off 0.36%. There are three related questions on immigrant status on the ACS: citizenship, place of birth, and year of entry to the United States. Considering all three questions Hispanics broke off on 1.6% of all ISR cases, NHNW: 1.2% and NHW: 0.5%. A breakoff on the ISR instrument can result in follow-up costs, imputation of missing data, or both. Because Hispanics and non-Hispanic non-whites breakoff much more often than non-Hispanic whites, especially on the citizenship-related questions, their survey response quality is differentially affected.

B.4. Cost analysis

Lower self-response rates would raise the cost of conducting the 2020 Census. We discuss those increased costs below. They also reduce the quality of the resulting data. Lower self-response rates degrade data quality because data obtained from NRFU have greater erroneous enumeration and whole-person imputation rates. An erroneous enumeration means a census person enumeration that should not have been counted for any of several reasons, such as, that the person (1) is a duplicate of a correct enumeration; (2) is inappropriate (e.g., the person died before Census Day); or (3) is enumerated in the wrong location for the relevant tabulation (https://www.census.gov/coverage_measurement/definitions/). A whole-person census imputation is a census microdata record for a person for which all characteristics are imputed.

Our analysis of the 2010 Census coverage errors (Census Coverage Measurement Estimation Report: Summary of Estimates of Coverage for Persons in the United States, Memo G-01) contains the relevant data. That study found that when the 2010 Census obtained a valid self-response (219 million persons),

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the correct enumeration rate was 97.3%, erroneous enumerations were 2.5%, and whole-person census imputations were 0.3%. All erroneous enumeration and whole-person imputation rates are much greater for responses collected in NRFU. The vast majority of NRFU responses to the 2010 Census (59 million persons) were collected in May. During that month, the rate of correct enumerations was only 90.2%, the rate of incorrect enumeration was 4.8%, and the rate of whole-person census imputations was 5.0%. June NRFU accounted for 15 million persons, of whom only 84.6% were correctly enumerated, with erroneous enumerations of 5.7%, and whole-person census imputations of 9.6%. (See Table 19 of 2010 Census Memorandum G-01. That table does not provide statistics for all NRFU cases in aggregate.)

One reason that the erroneous enumeration and whole-person imputation rates are so much greater during NRFU is that the data are much more likely to be collected from a proxy rather than a household member, and, when they do come from a household member, that person has less accurate information than self-responders. The correct enumeration rate for NRFU household member interviews is 93.4% (see Table 21 of 2010 Census Memorandum G-01), compared to 97.3% for non-NRFU households (see Table 19). The information for 21.0% of the persons whose data were collected during NRFU is based on proxy responses. For these 16 million persons, the correct enumeration rate is only 70.1%. Among proxy responses, erroneous enumerations are 6.7% and whole-person census imputations are 23.1% (see Table 21).

Using these data, we can develop a cautious estimate of the data quality consequences of adding the citizenship question. We assume that citizens are unaffected by the change and that an additional 5.1% of households with at least one noncitizen go into NRFU because they do not self-respond. We expect about 126 million occupied households in the 2020 Census. From the 2016 ACS, we estimate that 9.8% of all households contain at least one noncitizen. Combining these assumptions implies an additional 630,000 households in NRFU. If the NRFU data for those households have the same quality as the average NRFU data in the 2010 Census, then the result would be 139,000 fewer correct enumerations, of which 46,000 are additional erroneous enumerations and 93,000 are additional whole-person census imputations. This analysis assumes that, during the NRFU operations, a cooperative member of the household supplies data 79.0% of the time and 21.0% receive proxy responses. If all of these new NRFU cases go to proxy responses instead, the result would be 432,000 fewer correct enumerations, of which 67,000 are erroneous enumerations and 365,000 are whole-person census imputations.

For Alternative B, our estimate of the incremental cost proceeds as follows. Using the analysis in the paragraph above, the estimated NRFU workload will increase by approximately 630,000 households, or approximately 0.5 percentage points. We currently estimate that for each percentage point increase in NRFU, the cost of the 2020 Census increases by approximately $55 million. Accordingly, the addition of a question on citizenship could increase the cost of the 2020 Census by at least $27.5 million. It is worth stressing that this cost estimate is a lower bound. Our estimate of $55 million for each percentage point increase in NRFU is based on an average of three visits per household. We expect that many more of these noncitizen households would receive six NRFU visits.

We believe that $27.5 million is a conservative estimate because the other evidence cited in this report suggests that the differences between citizen and noncitizen response rates and data quality will be amplified during the 2020 Census compared to historical levels. Hence, the decrease in self-response for citizen households in 2020 could be much greater than the 5.1 percentage points we observed during the 2010 Census.

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Alternative C: Use administrative data on citizenship instead of add the question to the 2020 Census

Under this alternative, we would add the capability to link an accurate, edited citizenship variable from administrative records to the final 2020 Census microdata files. We would then produce block-level tables of citizen voting age population by race and ethnicity during the publication phase of the 2020 Census using the enhanced 2020 Census microdata.

The Census Bureau has conducted tests of its ability to link administrative data to supplement the decennial census and the ACS since the 1990s. Administrative record studies were performed for the 1990, 2000 and 2010 Censuses. We discuss some of the implications of the 2010 study below. We have used administrative data extensively in the production of the economic censuses for decades. Administrative business data from multiple sources are a key component of the production Business Register, which provides the frames for the economic censuses, annual, quarterly, and monthly business surveys. Administrative business data are also directly tabulated in many of our products.

In support of the 2020 Census, we moved the administrative data linking facility for households and individuals from research to production. This means that the ability to integrate administrative data at the record level is already part of the 2020 Census production environment. In addition, we began regularly ingesting and loading administrative data from the Social Security Administration, Internal Revenue Service and other federal and state sources into the 2020 Census data systems. In assessing the expected quality and cost of Alternative C, we assume the availability of these record linkage systems and the associated administrative data during the 2020 Census production cycle.

C.1. Quality of administrate record versus self-report citizenship status

We performed a detailed study of the responses to the citizenship question compared to the administrative record citizenship variable for the 2000 Census, 2010 ACS and 2016 ACS. These analyses confirm that the vast majority of citizens, as determined by reliable federal administrative records that require proof of citizenship, correctly report their status when asked a survey question. These analyses also demonstrate that when the administrative record source indicates an individual is not a citizen, the self-report is "citizen" for no less than 23.8% of the cases, and often more than 30%.

For all of these analyses, we linked the Census Bureau's enhanced version of the SSA Numident data using the production individual record linkage system to append an administrative citizenship variable to the relevant census and ACS microdata. The Numident data contain information on every person who has ever been issued a Social Security Number or an Individual Taxpayer Identification Number. Since 1972, SSA has required proof of citizenship or legal resident alien status from applicants. We use this verified citizenship status as our administrative citizenship variable. Because noncitizens must interact with SSA if they become naturalized citizens, these data reflect current citizenship status albeit with a lag for some noncitizens.

For our analysis of the 2000 Census long-form data, we linked the 2002 version of the Census Numident data, which is the version closest to the April 1, 2000 Census date. For 92.3% of the 2000 Census long-form respondents, we successfully linked the administrative citizenship variable. The 7.7% of persons for whom the administrative data are missing is comparable to the item non-response for self-responders in the mail-in pre-ISR-option ACS. When the administrative data indicated that the 2000 Census respondent was a citizen, the self-response was citizen: 98.8%. For this same group, the long-form response was

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noncitizen: 0.9% and missing: 0.3%. By contrast, when the administrative data indicated that the respondent was not a citizen, the self-report was citizen: 29.9%, noncitizen: 66.4%, and missing: 3.7%.

In the same analysis of 2000 Census data, we consider three categories of individuals: the reference person (the individual who completed the census form for the household), relatives of the reference person, and individuals unrelated to the reference person. When the administrative data show that the individual is a citizen, the reference person, relatives of the reference person, and nonrelatives of the reference person have self-reported citizenship status of 98.7%, 98.9% and 97.2%, respectively. On the other hand, when the administrative data report that the individual was a noncitizen, the long-form response was citizen for 32.9% of the reference persons; that is, reference persons who are not citizens according to the administrative data self-report that they are not citizens in only 63.3% of the long-form responses. When they are reporting for a relative who is not a citizen according to the administrative data, reference persons list that individual as a citizen in 28.6% of the long-form responses. When they are reporting for a nonrelative who is not a citizen according to the administrative data, reference persons list that individual as a citizen in 20.4% of the long-form responses.

We analyzed the 2010 and 2016 ACS citizenship responses using the same methodology. The 2010 ACS respondents were linked to the 2010 version of the Census Numident. The 2016 ACS respondents were linked to the 2016 Census Numident. In 2010, 8.5% of the respondents could not be linked, or had missing citizenship status on the administrative data. In 2016, 10.9% could not be linked or had missing administrative data. We reached the same conclusions using 2010 and 2016 ACS data with the following exceptions. When the administrative data report that the individual is a citizen, the self-response is citizen on 96.9% of the 2010 ACS questionnaires and 93.8% of the 2016 questionnaires. These lower self-reported citizenship rates are due to missing responses on the ACS, not misclassification. As we noted above, the item nonresponse rate for the citizenship question has been increasing. These item nonresponse data show that some citizens are not reporting their status on the ACS at all. In 2010 and 2016, individuals for whom the administrative data indicate noncitizen respond citizen in 32.7% and 34.7% of the ACS questionnaires, respectively. The rates of missing ACS citizenship response are also greater for individuals who are noncitizens in the administrative data (2010: 4.1%, 2016: 7.7%). The analysis of reference persons, relatives, and nonrelatives is qualitatively identical to the 2000 Census analysis.

In all three analyses, the results for racial and ethnic groups and for voting age individuals are similar to the results for the whole population with one important exception. If the administrative data indicate that the person is a citizen, the self-report is citizen at a very high rate with the remainder being predominately missing self-reports for all groups. If the administrative data indicate noncitizen, the self-report is citizen at a very high rate (never less than 23.8% for any racial, ethnic or voting age group in any year we studied). The exception is the missing data rate for Hispanics, who are missing administrative data about twice as often as non-Hispanic blacks and three times as often as non-Hispanic whites.

C.2. Analysis of coverage differences between administrative and survey citizenship data

Our analysis suggests that the ACS and 2000 long form survey data have more complete coverage of citizenship than administrative record data, but the relative advantage of the survey data is diminishing. Citizenship status is missing for 10.9 percent of persons in the 2016 administrative records, and it is missing for 6.3 percent of persons in the 2016 ACS. This 4.6 percentage point gap between administrative and survey missing data rates is smaller than the gap in 2000 (6.9 percentage points) and 2010 (5.6

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percentage points). Incomplete (through November) pre-production ACS data indicate that citizenship item nonresponse has again increased in 2017.

There is an important caveat to the conclusion that survey-based citizenship data are more complete than administrative records, albeit less so now than in 2000. The methods used to adjust the ACS weights for survey nonresponse and to allocate citizenship status for item nonresponse assume that the predicted answers of the sampled non-respondents are statistically the same as those of respondents. Our analysis casts serious doubt on this assumption, suggesting that those who do not respond to either the entire ACS or the citizenship question on the ACS are not statistically similar to those who do; in particular, their responses to the citizenship question would not be well-predicted by the answers of those who did respond.

The consequences of missing citizenship data in the administrative records are asymmetric. In the Census Numident, citizenship data may be missing for older citizens who obtained SSNs before the 1972 requirement to verify citizenship, naturalized citizens who have not confirmed their naturalization to SSA, and noncitizens who do not have an SSN or ITIN. All three of these shortcomings are addressed by adding data from the United States Citizen and Immigration Services (USCIS). Those data would complement the Census Numident data for older citizens and update those data for naturalized citizens. A less obvious, but equally important benefit, is that they would permit record linkage for legal resident aliens by allowing the construction of a supplementary record linkage master list for such people, who are only in scope for the Numident if they apply for and receive an SSN or ITIN. Consequently, the administrative records citizenship data would most likely have both more accurate citizen status and fewer missing individuals than would be the case for any survey-based collection method. Finally, having two sources of administrative citizenship data permits a detailed verification of the accuracy of those sources as well.

C.3. Cost of administrative record data production

For Alternative C, we estimate that the incremental cost, except for new MOUs, is $450,000. This cost estimate includes the time to develop an MOU with USCIS, estimated ingestion and curation costs for USCIS data, incremental costs of other administrative data already in use in the 2020 Census but for which continued acquisition is now a requirement, and staff time to do the required statistical work for integration of the administrative-data citizenship status onto the 2020 Census microdata. This cost estimate is necessarily incomplete because we have not had adequate time to develop a draft MOU with USCIS, which is a requirement for getting a firm delivery cost estimate from the agency. Acquisition costs for other administrative data acquired or proposed for the 2020 Census varied from zero to $1.5M. Thus the realistic range of cost estimates, including the cost of USCIS data, is between $500,000 and $2.0M

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Questions on the Jan 19 Draft Census Memo on the DoJ Citizenship Question Reinstatement Request

1. **With respect to Alternatives B and C, what is the difference, if any, between the time when the data collected under each alternative would be available to the public?**

   Since the collection of this data, whether from administrative records or from an enumerated question, occurs prior to the creation of the Microdata Detail File (MDF) from which all tabulations will be performed, there is no difference in the timing of when the data collected under either alternative B or C could be made available to the public. The exact date for completion of the MDF is still being determined as the 2020 Census schedule is matured. However, the 2020 Census is working towards publishing the first post-apportionment tabulation data products as early as the first week of February 2021.

2. **What is the "2020 Census publication phase" (page 1 of the Detailed Analysis for Alternative B) versus Alternative C? Would there be any difference?**

   The 2020 Census publication phase is a broad window stretching from the release of the apportionment counts by December 31, 2020 through the last data product or report published in FY 2023, the final year of decennial funding for the 2020 Census. However, as stated in the answer to question 1, these data could be made available to the public on the same schedule as any other post-apportionment tabulated data product regardless of whether alternative B or C is used in its collection.

3. **What is the non-response rate for: (A) each question on the 2000 and 2010 Decennial Census short form and (B) each question on the 2010 ACS and most recent ACS?**

   The table below shows the item non-response (INR) rate for each question on the 2000 and 2010 Decennial Census short form. This is the percentage of respondents who did not provide an answer to an item.

   Item Nonresponse Rates for 2000 and 2010 Short Form Person Questions

	Relationship	Sex	Age	Hispanic Origin	Race	Tenure
2010	1.5	1.5	3.5	3.9	3.3	4.5
2000	1.3	1.1	3.7	3.1	2.9	4.1

   Source: Rothhaas, Lestina and Hill (2012) Tables

   Notes and Soucre:
   Rothhaas, C., Lestina, F. and Hill, J. (2012) "2010 Decennial Census Item Nonresponse and Imputation Assessment Report" 2010 Census Program for Evaluations and Experiments, January 24, 2012.

From report:

The INR rate is essentially the proportion of missing responses before pre-editing or imputation procedures for a given item (i.e., the respondent did not provide an answer to the item). For INR, missing values are included in the rates, but inconsistent responses (i.e., incompatible with other responses) are considered non-missing responses.

Online link to 2010 report that has 2000 information as well.
https://www.census.gov/2010census/pdf/2010_Census_INR_Imputation_Assessment.pdf

See attached spreadsheet for the item allocation rates by questions for the ACS for 2010, 2013, and 2016.

4. **What was the total survey response rate (i.e., percentage of complete questionnaires) for the 2000 long form and the 2000 short form? Of the incomplete long forms, what percentage left the citizenship question blank? Of the completed long forms, what percentage (if known) contained incorrect responses to the citizenship question?**

We do not have measures of total survey response rates from the 2000 long form and 2000 short form available at this time. The mail response rate in 2000 was 66.4 percent for short forms and 53.9 percent for long forms. No analysis that we were aware of was conducted on the incomplete long forms that left the citizenship question blank. The Census 2000 Content Reinterview Survey showed low inconsistency of the responses to the citizenship question. Only 1.8 percent of the respondents changed answers in the reinterview.

Source for 2000 mail response rates:
https://www.census.gov/pred/www/rpts/A.7.a.pdf

Source for 2000 Content Reinterview Survey. Page 32 source.
https://www.census.gov/pred/www/rpts/B.5FR_RI.PDF

5. **For the 2000 long and short forms, what was the percentage unanswered (left blank) for each question (i.e., what percentage of the responses for each question (sex, race, ethnicity, income, citizenship, etc.) were left blank)?**

For the 2000 shortform, the table in question 3a provides the percentage unanswered for each question.

For the 2000 longform, Griffin, Love and Obenski (2003) summarized the Census 2000 longform responses. Allocation rates for individual items in Census 2000 were computed, but because of the magnitude of these data, summary allocation measures were derived.

These rates summarize completeness across all data items for occupied units (households) and are the ratio of all population and housing items that had values allocated to the total number of population and housing items required to have a response. These composite measures provide a summary picture of the completeness of all data. Fifty-four population items and 29 housing items are included in these summary measures. The analysis showed that 9.9 percent of the population question items and 12.5 percent of the housing unit question items required allocation. Allocation involves using statistical procedures, such as within-household or nearest neighbor matrices, to impute missing values.

https://ww2.amstat.org/sections/srms/Proceedings/y2003/Files/JSM2003-000596.pdf

6. **What was the incorrect response rate for the citizenship question that was asked on the Long Form during the 2000 Decennial Census? Does the response rate on the 2000 Long Form differ from the incorrect response rate on the citizenship question for the ACS?**

In the 2000 long form, 2.3 percent of persons have inconsistent answers, 89.4 percent have consistent answers, and 8.2 percent have missing citizenship data in the SSA Numident and/or the 2000 long form. Among persons with nonmissing citizenship data in the SSA Numident and/or the 2000 long form, 2.6 percent have inconsistent answers and 97.4 percent have consistent answers.

In the 2010 ACS, 3.1 percent of persons have inconsistent answers, 86.0 percent have consistent answers, and 10.8 percent have missing citizenship data in the SSA Numident and/or the 2010 ACS. Among persons with nonmissing citizenship data in the SSA Numident and/or the 2010 ACS, 3.6 percent have inconsistent answers and 96.4 percent have consistent answers.

In the 2016 ACS, 2.9 percent of persons have inconsistent answers, 81.2 percent have consistent answers, and 15.9 percent have missing citizenship data in the SSA Numident and/or the 2016 ACS. Among persons with nonmissing citizenship data in the SSA Numident and/or the 2016 ACS, 3.5 percent have inconsistent answers and 96.5 percent have consistent answers.

These ACS and 2000 Census long form rates are based on weighted data.

This shows that inconsistent response rates are higher in the 2010 and 2016 ACS than in the 2000 long form.

7. **What is the incorrect response rate on other Decennial or ACS questions for which Census has administrative records available (for example, age, sex or income)?**

Table 7a shows the agreement rates between the 2010 Census response and the SSA Numident for persons who could be linked and had nonmissing values, and Table 7b shows

the agreement rates between the 2010 ACS and the SSA Numident. Gender has low disagreement (0.4-0.5 percent), and white alone (0.9 percent), black alone (1.7-2 percent), and age (2.1 percent) also have low disagreement rates. Disagreement rates are greater for other races (e.g., 46.4-48.6 percent for American Indian or Alaska Native alone). Hispanic origin is not well measured in the Numident, because it contains a single race response, one of which is Hispanic.

Table 7a. Demographic Variable Agreement Rates Between the 2010 Census and the SSA Numident

2010 Census Response	Percent Agreement with SSA Numident
Hispanic	54.2
Not Hispanic	99.7
White Alone	99.1
Black Alone	98.3
American Indian or Alaska Native Alone	51.4
Asian Alone	84.3
Native Hawaiian or Other Pacific Islander Alone	74.4
Some Other Race Alone	17.7
Age	97.9
Gender	99.4

Source: Rastogi, Sonya, and Amy O'Hara, 2012, "2010 Census Match Study," 2010 Census Planning Memoranda Series No. 247.

Table 7b. Demographic Variable Agreement Rates Between the 2010 Census and the SSA Numident

2010 ACS Response	Percent Agreement with SSA Numident
White Alone	99.1
Black Alone	98.0
American Indian or Alaska Native Alone	53.6
Asian Alone	82.9
Native Hawaiian or Other Pacific Islander Alone	72.9
Some Other Race Alone	17.2
Age 0-2 Date of Birth	95.2
Age 3-17 Date of Birth	95.6
Age 18-24 Date of Birth	95.2
Age 25-44 Date of Birth	95.8
Age 45-64 Date of Birth	95.9
Age 65-74 Date of Birth	96.5
Age 75 and older Date of Birth	92.7
Male	99.5
Female	99.5

Source: Bhaskar, Renuka, Adela Luque, Sonya Rastogi, and James Noon, 2014, "Coverage and Agreement of Administrative Records and 2010 American Community Survey Demographic Data," CARRA Working Paper #2014-14.

Abowd and Stinson (2013) find correlations of 0.75-0.89 between Survey of Income and Program Participation (SIPP) and SSA Detailed Earnings Record annual earnings between 1990-1999.[1]

8. **How does the Census presently handle responses on the (A) Decennial Census and (B) the ACS when administrative records available to the Census confirm that the response on the Decennial Census or ACS is incorrect? Is the present Census approach to incorrect responses based on practice/policy or law (statute or regulation)?**

   We have always based the short form Decennial Census and the ACS on self-response, and while we have procedures in place to address duplicate or fraudulent responses, we do not check the accuracy of the answers provided to the specific questions on the Census questionnaire. This is a long established practice at the Census Bureau that has been thoroughly tested and in place since 1970, when the Census Bureau moved to a mail-out/respond approach to the Decennial Census. Title 13 of the U.S. Code allows the Census Bureau to use alternative data sources, like administrative records, for a variety of purposes, and we are using data in new ways in the 2020 Census. While this includes the use of administrative records data to fill in areas where a respondent does not provide an answer, we have not explored the possibility of checking or changing responses that a responding household has provided in response to the questionnaire.

9. **Please explain the differences between the self-response rate analysis and the breakoff rate analysis. The range of breakoff rates between groups was far smaller than the range of self-response rates between groups.**

   Self-response means that a household responded to the survey by mailing back a questionnaire or by internet, and a sufficient number of core questions were answered so that an additional field interview was not required.

   A breakoff occurs when an internet respondent stops answering questions prior to the end of the questionnaire. In most cases the respondent answers the core questions before breaking off, and additional fieldwork is not required. The breakoff rates are calculated separately by which question screen was the last one reached before the respondent stopped answering altogether.

   The share of Hispanic respondents who broke off at some point before the end of the questionnaire (17.6 percent) is much higher than for non-Hispanic whites (9.5 percent).

[1] Abowd, John M., and Martha H. Stinson, 2013, "Estimating Measurement Error in Annual Job Earnings: A Comparison of Survey and Administrative Data," Review of Economics and Statistics, Vol. 95(55), pp. 1451-1467.

Spreading the overall breakoff rates over 134 screens in the questionnaire works out to quite small rates per screen. It works out to an average breakoff rate of 0.131 percent per screen for Hispanics and 0.066 percent for non-Hispanic whites.

10. The NRFU numbers are comparatively small – approximately one additional household for NRFU per Census enumerator. Is this really a significant source of concern?

Yes, this is a significant concern. First, it gives rise to incremental NRFU cost of at least $27.5 million. This is a lower bound becaues it assumes the households that do not self-respond because we added a question on citizenship have the same follow-up costs as an average U.S. household. They won't because these households overwhelmingly contain at least one noncitzen, and that is one of our acknowledged hard-to-count subpopulations.

11. Given that the breakoff rate difference was approximately 1 percent, why did Census choose to use the 5.1 percent number for assessing the cost of Alternative B?

If a household breaks off an internet response at the citizenship, place of birth, or year of entry screens, this means it would have already responded to the core questions. This would not trigger follow-up fieldwork and thus would not involve additional fieldwork costs. In contrast, if a household does not mail back a questionnaire or give an internet response, fieldwork will be necessary and additional costs will be incurred. Thus, the 5.1 percent number for differential self-response is more appropriate for estimating the additional fieldwork cost of adding a citizenship question.

12. Alternative C states that Census would use administrative data from the Social Security Administration, Internal Revenue Service, and "other federal and state sources." What are the other sources?

In addition to continuing the acquisition of the Social Security Administration and Internal Revenue Service data, the Census Bureau is in discussion with the U.S. Citizen and Immigration Services (USCIS) staff to acquire additional citizenship data.

13. Is Census confident that administrative data will be able to be used to determine citizenship for all persons (e.g., not all citizens have social security numbers)?

We are confident that Alternative C is viable and that we have already ingested enough high-quality citizenship administrative data from SSA and IRS. The USCIS data are not required. They would, however, make the citizenship voting age tabulations better, but the administrative data we've got are very good and better than the data from the 2000 Census and current ACS. The type of activities required for Alternative C already occur daily and routinely at the Census Bureau. We have been doing this for business data products,

including the Economic Censuses, for decades. We designed the 2020 Census to use this technology too.

14. For Alternative C, the memo says, "we assume the availability of these record linkage systems and associated administrative data" – does Census already have in place access to this data or would this need to be negotiated? If negotiated, for which data sets specifically?

The Census Bureau has longstanding contractual relationships with the Social Security Administration and the Internal Revenue Service that authorize the use of data for this project. For new data acquired for this project (i.e., USCIS) we would estimate a six-month development period to put a data acquisition agreement in place. That agreement would also include terms specifying the authorized use of data for this project.

15. Are there any privacy issues / sensitive information prohibitions that might prevent other agencies from providing such data?

There are no new privacy or sensitivity issues associated with other agencies providing citizenship data. We have received such information in the past from USCIS. We are currently authorized to receive and use the data from SSA and IRS that are discussed in Alternative C.

16. How long would Census expect any negotiation for access to data take? How likely is it that negotiations would be successful? Are MOA's needed/required?

Current data available to the Census Bureau provide the quality and authority to use that are required to support this project. Additional information potentially available from USCIS would serve to supplement/validate those existing data. We are in early discussions with USCIS to develop a data acquisition agreement and at this time have no indications that this acquisition would not be successful.

17. What limitations would exist in working with other agencies like IRS, Homeland Security, etc. to share data?

The context for sharing of data for this project is for a one-way sharing of data from these agencies to the Census Bureau. Secure file transfer protocols are in-place to ingest these data into our Title 13 protected systems. For those data already in-place at the Census Bureau to support this project, provisions for sharing included in the interagency agreement restrict the Census Bureau from sharing person-level microdata outside the Census Bureau's Title 13 protections. Aggregates that have been processed through the Bureau's disclosure avoidance procedures can be released for public use.

18. If Alternative C is selected, what is Census's backup plan if the administrative data cannot be completely collected and utilized as proposed?

The backup plan is to use all of the administrative data that we currently have, which is the same set that the analyses of Alternative C used. We have verified that this use is consistent with the existing MOUs. We would then use estimation and modeling techniques similar to those used for the Small Area Income and Poverty Estimates (SAIPE) to impute missing citizenship status for those persons for whom we do not have administrative records. These models would also include estimates of naturalizations that occurred since the administrative data were ingested.

19. Does Census have any reason to believe that access to existing data sets would be curtailed if Alternative C is pursued?

No we do not believe that any access to existing data sets would be curtailed if we pursue Alternative C.

20. Has the proposed Alternative C approach ever been tried before on other data collection projects, or is this an experimental approach? If this has been done before, what was the result and what were lessons learned?

The approach in Alternative C has been routinely used in processing the economic censuses for several decades. The Bureau's Business Register was specifically redesigned for the 2002 Economic Census in order to enhance the ingestion and use of administrative records from the IRS and other sources. The data in these administrative records are used to substitute for direct responses in the economic censuses for the unsampled entities. They are also used as part of the review, edit, and imputation systems for economic censuses and surveys. On the household side, the approach in Alternative C was used extensively to build the residential characteristics for OnTheMap and OnTheMap for Emergency Management.

21. Is using sample data and administrative records sufficient for DOJ's request?

The 2020 Census data combined with Alternative C are sufficient to meet DoJ's request. We do not anticipate using any ACS data under Alternative C.

22. Under Alternative C, If Census is able to secure interagency agreements to provide needed data sets, do we know how long it would take to receive the data transmission from other agencies and the length of time to integrate all that data, or is that unknown?

With the exception of the USCIS data, the data used for this project are already integrated into the 2020 Census production schema. In mid-to late 2018, we plan to acquire the USCIS data and with those data and our existing data begin to develop models and business rules to select citizenship status from the composite of sources and attach that characteristic to

each U.S. person. We expect the development and refinement of this process to continue into 2019 and to be completed by third quarter calendar year 2019.

23. Cross referencing Census decennial responses with numerous governmental data sets stored in various databases with differing formats and storage qualities sounds like it could be complicated. Does Census have an algorithm in place to efficiently combine and cross reference such large quantities of data coming from many different sources? What cost is associated with Alternative C, and what technology/plan does Census have in place to execute?

Yes, the 2018 Census End-to-End test will be implementing processing steps to be able to match Census responses to administrative record information from numerous governmental data sets. The Census Bureau has in place the Person Identification Validation System to assign Protected Identification Keys to 2020 Census responses. The required technology for linking in the administrative records is therefore part of the 2020 Census technology. This incremental cost factored into the estimate for Alternative C is for integrating the citizenship variable specifically, since that variable is not currently part of the 2020 Census design. No changes are required to the production Person Identification Validation system to integrate the administrative citizenship data.

24. For section C-1 of the memo, when did Census do the analyses of the incorrect response rates for non-citizen answers to the long form and ACS citizenship question? Were any of the analyses published?

The comparisons of ACS, 2000 Decennial Census longform and SSA Numident citizenship were conducted in January 2018. This analysis has not been published.

25. Has Census corrected the incorrect responses it found when examining non-citizen responses? If not, why not?

In the American Community Survey (ACS), and the short form Decennial Census, we do not change self-reported answers. The Decennial Census and the ACS are based on self-response and we accept the responses provided by households as they are given. While we have procedures in place to address duplicate or fraudulent responses, we do not check the accuracy of the answers provided to the specific questions on the Census questionnaires. This is a long established process at the Census Bureau that has been thoroughly tested and in place since 1970, when the Census Bureau moved to a mail-out/respond approach to the Decennial Census.

26. Has the Department of Justice ever been made aware of inaccurate reporting of ACS data on citizenship, so that they may take this into consideration when using the data?

Not exactly. The Census Bureau is in close, regular contact with the Department of Justice (DOJ) regarding their data requirements. Our counterparts at DOJ have a solid understanding of survey methodology and the quality of survey data, and they are aware of the public documentation on sampling and accuracy surrounding the ACS. However, the specific rate of accuracy regarding responses to the ACS question on citizenship has never been discussed.

27. Why has the number of persons who cannot be linked increased from 2010 to 2016?

The linkage between the ACS and administrative data from the SSA Numident and IRS ITIN tax filings depends on two factors: (a) the quality of the personally identifiable information (PII) on the ACS response and (b) whether the ACS respondent is in the SSN/ITIN universe.

With respect to the quality of the PII on the ACS, there may be insufficient information on the ACS due to item nonresponse or proxy response for the person to allow a successful match using the production record linkage system. There may also be more than one record in the Numident or ITIN IRS tax filings that matches the person's PII. Finally, there may be a discrepancy between the PII provided to the ACS and the PII in the administrative records.

Alternatively, the person may not be in the Numident or ITIN IRS tax filing databases because they are out of the universe for those administrative systems. This happens when the person is a citizen without an SSN, or when the person is a noncitizen who has not obtained an SSN or ITIN.

Very few of the unlinked cases are due to insufficient PII in the ACS or multiple matches with administrative records. The vast majority of unlinked ACS persons have sufficient PII, but fail to match any administrative records sufficiently closely. This means that most of the nonmatches are because the ACS respondent is not in the administrative record universe.

The incidence of ACS persons with sufficient PII but no match with administrative records increased between 2010 and 2016. One contributing factor is that the number of persons linked to ITIN IRS tax filings in 2016 was only 39 percent as large as in 2010, suggesting that either fewer of the noncitizens in the 2016 ACS had ITINs, or more of them provided PII in the ACS that was inconsistent with their PII in IRS records.

28. Independent of this memo, what action does Census plan to take in response to the analyses showing that non-citizens have been incorrectly responding to the citizenship question?

The Census Bureau does not have plans to make any changes to procedures in the ACS. However, we will continue to conduct thorough evaluations and review of census and survey data. The ACS is focusing our research on the potential use of administrative records

in the survey. For instance, we are exploring whether we can use IRS data on income to reduce the burden of asking questions on income on the ACS. We are concentrating initially on questions that are high burden, e.g., questions that are difficult to answer or questions that are seen as intrusive.

29. Did Census make recommendations the last time a question was added?

Since the short form Decennial Census was established in 2010, the only requests for new questions we have received have been for the ACS. And, in fact, requests for questions prior to 2010 were usually related to the Decennial Census Long Form. We always work collaboratively with Federal agencies that request a new question or a change to a question. The first step is to review the data needs and the legal justification for the new question or requested changes. If, through this process, we determine that the request is justified, we work with the other agencies to test the question (cognitive testing and field testing). We also work collaboratively on the analysis of the results from the test which inform the final recommendation about whether or not to make changes or add the question.

30. Does not answering truthfully have a separate data standard than not participating at all?

We're not sure what you're asking here. Please clarify the question.

31. What was the process that was used in the past to get questions added to the decennial Census or do we have something similar where a precedent was established?

Because no new questions have been added to the Decennial Census (for nearly 20 years), the Census Bureau did not feed bound by past precedent when considering the Department of Justices' request. Rather, the Census Bureau is working with all relevant stakeholders to ensure that legal and regulatory requirements are filled and that questions will produce quality, useful information for the nation. As you are aware, that process is ongoing at your direction.

32. Has another agency ever requested that a question be asked of the entire population in order to get block or individual level data?

Not to our knowledge. However, it is worth pointing out that prior to 1980 the short form of the Decennial Census included more than just the 10 questions that have been on the short form since 1990.

33. Would Census linking of its internal data sets, with other data sets from places like IRS and Homeland Security, have an impact on participation as well (i.e., privacy concerns)?

The potential that concerns about the use of administrative records could have an impact on participation has always been a concern of ours, and it's a risk that we're managing on our risk register. We've worked closely with the privacy community throughout the decade, and we established a working group on our National Advisory Committee to explore this issue. We've also regularly briefed the Congress about our plans. At this stage in the decade there does not appear to be extensive concerns among the general public about our approach to using administrative records in the Nonresponse Operation or otherwise. We will continue to monitor this issue.

34. Would Alternative C require any legislation? If so, what is the estimated time frame for approval of such legislation?

No.

35. Census publications and old decennial surveys available on the Census website show that citizenship questions were frequently asked of the entire population in the past. Citizenship is also a question on the ACS. What was the justification provided for citizenship questions on the (A) short form, (B) long form, and (C) ACS?

In 1940, the Census Bureau introduced the use of a short form to collect basic characteristics from all respondents, and a long form to collect more detailed questions from only a sample of respondents. Prior to 1940, census questions were asked of everyone, though in some cases only for those with certain characteristics. For example, in 1870, a citizenship question was asked, but only for respondents who were male and over the age of 21.

Beginning in 2005, all the long-form questions – including a question on citizenship -- were moved to the ACS. 2010 was the first time we conducted a short-form only census. The citizenship question is included in the ACS to fulfill the data requirements of the Department of Justice, as well as many other agencies including the Equal Employment Opportunities Commission, the Department of Health and Human Services, and the Social Security Administration.

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001

March 1, 2018

MEMORANDUM FOR: Wilbur L. Ross, Jr.
Secretary of Commerce

Through: Karen Dunn Kelley
Performing the Non-Exclusive Functions and Duties of the Deputy Secretary

Ron S. Jarmin
Performing the Non-Exclusive Functions and Duties of the Director

Enrique Lamas
Performing the Non-Exclusive Functions and Duties of the Deputy Director

From: John M. Abowd
Chief Scientist and Associate Director for Research and Methodology

Subject: Preliminary analysis of Alternative D (Combined Alternatives B and C)

See attached.

Approved: _____ Date: _____
John M. Abowd, Chief Scientist
and Associate Director for Research and Methodology

DRAFT Pre-decisional (V1.0)

Preliminary Analysis of Alternative D

At the Secretary's request we performed a preliminary analysis of combining Alternative B (asking the citizenship question of every household on the 2020 Census) and Alternative C (do not ask the question, link reliable administrative data on citizenship status instead) in the January 19, 2018 draft memo to the Department of Commerce into a new Alternative D. Here we discuss Alternative D, the weaknesses in Alternative C on its own, whether and how survey data could address these weaknesses, implications of including a citizenship question for using administrative data, and methodological challenges.

Description of Alternative D: Administrative data from the Social Security Administration (SSA), Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services (USCIS), and the State Department would be used to create a comprehensive statistical reference list of current U.S. citizens. Nevertheless, there will be some persons for whom no administrative data are available. To obtain citizenship information for this sub-population, a citizenship question would be added to the 2020 Census questionnaire. The combined administrative record and 2020 Census data would be used to produce baseline citizenship statistics by 2021. Any U.S. citizens appearing in administrative data after the version created for the 2020 Census would be added to the comprehensive statistical reference list. There would be no plan to include a citizenship question on future Decennial Censuses or American Community Surveys. The comprehensive statistical reference list, built from administrative records and augmented by the 2020 Census answers would be used instead. The comprehensive statistical reference list would be kept current, gradually replacing almost all respondent-provided data with verified citizenship status data.

What are the weaknesses in Alternative C?

In the 2017 Numident (the latest available), 6.6 million persons born outside the U.S. have blank citizenship among those born in 1920 or later with no year of death. The evidence suggests that citizenship is not missing at random. Of those with missing citizenship in the Numident, a much higher share appears to be U.S. citizens than compared to those for whom citizenship data are not missing. Nevertheless, some of the blanks may be noncitizens, and it would thus be useful to have other sources for them.

A second question about the Numident citizenship variable is how complete and timely its updates are for naturalizations. Naturalized citizens are instructed to immediately apply for a new SSN card. Those who wish to work have an incentive to do so quickly, since having an SSN card with U.S. citizenship will make it easier to pass the E-Verify process when applying for a job, and it will make them eligible for government programs. But we do not know what fraction of naturalized citizens actually notify the SSA, and how soon after being naturalized they do so.

A third potential weakness of Numident citizenship is that some people are not required to have a Social Security Number (SSN), whether they are a U.S. citizen or not. It would also be useful to have a data source on citizenship that did not depend on the SSN application and tracking process inside SSA. This is why we proposed the MOU with the USCIS for naturalizations, and why we have now begun pursuing an MOU with the State Department for data on all citizens with passports.

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IRS Individual Taxpayer Identification Numbers (ITIN) partially fill the gap in Numident coverage of noncitizen U.S. residents. However, not all noncitizen residents without SSNs apply for ITINs. Only those making IRS tax filings apply for ITINs. Once again, it would be useful to have a data source that did not depend on the ITIN process. The USCIS and State Department MOUs would provide an alternative source in this context as well.

U.S. Citizenship and Immigration Services (USCIS) data on naturalizations, lawful permanent residents, and I-539 non-immigrant visa extensions can partially address the weaknesses of the Numident. The USCIS data provide up-to-date information since 2001 (and possibly back to 1988, but with incomplete records prior to 2001). This will fill gaps for naturalized citizens, lawful permanent residents, and persons with extended visa applications without SSNs, as well as naturalized citizens who did not inform SSA about their naturalization. The data do not cover naturalizations occurring before 1988, as well as not covering and some between 1988-2000. USCIS data do not always cover children under 18 at the time a parent became a naturalized U.S. citizen. Such children automatically become U.S. citizens under the Child Citizenship Act of 2000. The USCIS receives notification of some, but not all, of these child naturalizations. Others inform the U.S. government of their U.S. citizenship status by applying for U.S. passports, which are less expensive than the application to notify the USCIS. USCIS visa applications list people's children, but those data may not be in electronic form.

U.S. passport data, available from the State Department, can help plug the gaps for child naturalizations, blanks on the Numident, and out-of-date citizenship information on the Numident for persons naturalized prior to 2001. Since U.S. citizens are not required to have a passport, however, these data will also have gaps in coverage.

Remaining citizenship data gaps in Alternative C include the following categories:

1. U.S. citizens from birth with no SSN or U.S. passport. They will not be processed by the production record linkage system used for the 2020 Census because their personally identifiable information won't find a matching Protected Identification Key (PIK) in the Person Validation System (PVS).

2. U.S. citizens from birth born outside the U.S., who do not have a U.S. passport, and either applied for an SSN prior to 1974 and were 18 or older, or applied before the age of 18 prior to 1978. These people will be found in PVS, but none of the administrative sources discussed above will reliably generate a U.S. citizenship variable.

3. U.S. citizens who were naturalized prior to 2001 and did not inform SSA of their naturalization because they originally applied for an SSN after they were naturalized, and it was prior to when citizenship verification was required for those born outside the U.S. (1974). These people already had an SSN when they were naturalized and they didn't inform SSA about the naturalization, or they didn't apply for an SSN. The former group have inaccurate data on the Numident. The latter group will not be found in PVS.

4. U.S. citizens who were automatically naturalized if they were under the age of 18 when their parents became naturalized in 2000 or later, and did not inform USCIS or receive a U.S. passport. Note that such persons would not be able to get an SSN with U.S. citizenship on the card without either a U.S. passport or a certificate from USCIS. These people will also not be found in the PVS.

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5. Lawful permanent residents (LPR) who received that status prior to 2001 and either do not have an SSN or applied for an SSN prior to when citizenship verification was required for those born outside the U.S. (1974). The former group will not be found in PVS. The latter group has inaccurate data in Numident.

6. Noncitizen, non-LPR, residents who do not have an SSN or ITIN and who did not apply for a visa extension. These persons will not be found in PVS.

7. Persons with citizenship information in administrative data, but the administrative and decennial census data cannot be linked due to missing or discrepant PII.

Can survey data address the gaps in Alternative C?

One might think that survey data could help fill the above gaps, either when their person record is not linked in the PVS, and thus they have no PIK, or when they have a PIK but the administrative data lack up-to-date citizenship information. Persons in Category 6, however, have a strong incentive to provide an incorrect answer, if they answer at all. A significant, but unknown, fraction of persons without PIKs are in Category 6. Distinguishing these people from the other categories of persons without PIKs is an inexact science because there is no feasible method of independently verifying their non-citizen status. Our comparison of ACS and Numident citizenship data suggests that a large fraction of LPRs provide incorrect survey responses. This suggests that survey-collected citizenship data may not be reliable for many of the people falling in the gaps in administrative data. This calls into question their ability to improve upon Alternative C.

With Alternative C, and no direct survey response, the Census Bureau's edit and imputation procedures would make an allocation based primarily on the high-quality administrative data. In the presence of a survey response, but without any linked administrative data for that person, the edit would only be triggered by blank citizenship. A survey response of "citizen" would be accepted as valid. There is no scientifically defensible method for rejecting a survey response in the absence of alternative data for that respondent.

How might inclusion of a citizenship question on the questionnaire affect the measurement of citizenship with administrative data? Absent an in-house administrative data census, measuring citizenship with administrative data requires that persons in the Decennial Census be linked to the administrative data at the person level. The PVS system engineered into the 2020 Census does this using a very reliable technology. However, inclusion of a citizenship question on the 2020 Census questionnaire is very likely to reduce the self-response rate, pushing more households into Nonresponse Followup (NRFU). Not only will this likely lead to more incorrect enumerations, but it is also expected to increase the number of persons who cannot be linked to the administrative data because the NRFU PII is lower quality than the self-response data. In the 2010 Decennial Census, the percentage of NRFU persons who could be linked to administrative data rate was 81.6 percent, compared to 96.7 percent for mail responses. Those refusing to self-respond due to the citizenship question are particularly likely to refuse to respond in NRFU as well, resulting in a proxy response. The NRFU linkage rates were far lower for proxy responses than self-responses (33.8 percent vs. 93.0 percent, respectively).

Although persons in Category 6 will not be linked regardless of response mode, it is common for households to include persons with a variety of citizenship statuses. If the whole household does not self-

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respond to protect the members in Category 6, the record linkage problem will be further aggravated. Thus, not only are citizenship survey data of suspect quality for persons in the gaps for Alternative C, collecting these survey data would reduce the quality of the administrative records when used in Alternative D by lowering the record linkage rate for persons with administrative citizenship data.

What methodological challenges are involved when combining these sources?

Using the 2020 Census data only to fill in gaps for persons without administrative data on citizenship would raise questions about why 100 percent of respondents are being burdened by a citizenship question to obtain information for the two percent of respondents where it is missing.

Including a citizenship question in the 2020 Census does not solve the problem of incomplete person linkages when producing citizenship statistics after 2020. Both the 2020 decennial record and the record with the person's future location would need to be found in PVS to be used for future statistics.

In sum, Alternative D would result in poorer quality citizenship data than Alternative C. It would still have all the negative cost and quality implications of Alternative B outlined in the draft January 19, 2018 memo to the Department of Commerce.

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UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

To: Karen Dunn Kelley, Under Secretary for Economic Affairs

From: Secretary Wilbur Ross Wilbur Ross

Date: March 26, 2018

Re: Reinstatement of a Citizenship Question on the 2020 Decennial Census Questionnaire

Dear Under Secretary Kelley:

As you know, on December 12, 2017, the Department of Justice ("DOJ") requested that the Census Bureau reinstate a citizenship question on the decennial census to provide census block level citizenship voting age population ("CVAP") data that are not currently available from government survey data ("DOJ request"). DOJ and the courts use CVAP data for determining violations of Section 2 of the Voting Rights Act ("VRA"), and having these data at the census block level will permit more effective enforcement of the Act. Section 2 protects minority population voting rights.

Following receipt of the DOJ request, I set out to take a hard look at the request and ensure that I considered all facts and data relevant to the question so that I could make an informed decision on how to respond. To that end, the Department of Commerce ("Department") immediately initiated a comprehensive review process led by the Census Bureau.

The Department and Census Bureau's review of the DOJ request – as with all significant Census assessments – prioritized the goal of obtaining *complete and accurate data*. The decennial census is mandated in the Constitution and its data are relied on for a myriad of important government decisions, including apportionment of Congressional seats among states, enforcement of voting rights laws, and allocation of federal funds. These are foundational elements of our democracy, and it is therefore incumbent upon the Department and the Census Bureau to make every effort to provide a complete and accurate decennial census.

At my direction, the Census Bureau and the Department's Office of the Secretary began a thorough assessment that included legal, program, and policy considerations. As part of the process, I also met with Census Bureau leadership on multiple occasions to discuss their process for reviewing the DOJ request, their data analysis, my questions about accuracy and response rates, and their recommendations. At present, the Census Bureau leadership are all career civil servants. In addition, my staff and I reviewed over 50 incoming letters from stakeholders, interest groups, Members of Congress, and state and local officials regarding reinstatement of a citizenship question on the 2020 decennial census, and I personally had specific conversations on

the citizenship question with over 24 diverse, well informed and interested parties representing a broad range of views. My staff and I have also monitored press coverage of this issue.

Congress has delegated to me the authority to determine which questions should be asked on the decennial census, and I may exercise my discretion to reinstate the citizenship question on the 2020 decennial census, especially based on DOJ's request for improved CVAP data to enforce the VRA. By law, the list of decennial census questions is to be submitted two years prior to the decennial census – in this case, no later than March 31, 2018.

The Department's review demonstrated that collection of citizenship data by the Census has been a long-standing historical practice. Prior decennial census surveys of the entire United States population consistently asked citizenship questions up until 1950, and Census Bureau surveys of sample populations continue to ask citizenship questions to this day. In 2000, the decennial census "long form" survey, which was distributed to one in six people in the U.S., included a question on citizenship. Following the 2000 decennial census, the "long form" sample was replaced by the American Community Survey ("ACS"), which has included a citizenship question since 2005. Therefore, the citizenship question has been well tested.

DOJ seeks to obtain CVAP data for census blocks, block groups, counties, towns, and other locations where potential Section 2 violations are alleged or suspected, and DOJ states that the current data collected under the ACS are insufficient in scope, detail, and certainty to meet its purpose under the VRA. The Census Bureau has advised me that the census-block-level citizenship data requested by DOJ are not available using the annual ACS, which as noted earlier does ask a citizenship question and is the present method used to provide DOJ and the courts with data used to enforce Section 2 of the VRA. The ACS is sent on an annual basis to a sample of approximately 2.6 percent of the population.

To provide the data requested by DOJ, the Census Bureau initially analyzed three alternatives: Option A was to continue the status quo and use ACS responses; Option B was placing the ACS citizenship question on the decennial census, which goes to every American household; and Option C was not placing a question on the decennial census and instead providing DOJ with a citizenship analysis for the entire population using federal administrative record data that Census has agreements with other agencies to access for statistical purposes.

Option A contemplates rejection of the DOJ request and represents the status quo baseline. Under Option A, the 2020 decennial census would not include the question on citizenship that DOJ requested and therefore would not provide DOJ with improved CVAP data. Additionally, the block-group level CVAP data currently obtained through the ACS has associated margins of error because the ACS is extrapolated based on sample surveys of the population. Providing more precise block-level data would require sophisticated statistical modeling, and if Option A is selected, the Census Bureau advised that it would need to deploy a team of experts to develop model-based methods that attempt to better facilitate DOJ's request for more specific data. But the Census Bureau did not assert and could not confirm that such data modeling is possible for census-block-level data with a sufficient degree of accuracy. Regardless, DOJ's request is based at least in part on the fact that existing ACS citizenship data-sets lack specificity and

completeness. Any future modeling from these incomplete data would only compound that problem.

Option A would provide no improved citizenship count, as the existing ACS sampling would still fail to obtain *actual*, complete number counts, especially for certain lower population areas or voting districts, and there is no guarantee that data could be improved using small-area modeling methods. Therefore, I have concluded that Option A is not a suitable option.

The Census Bureau and many stakeholders expressed concern that **Option B**, which would add a citizenship question to the decennial census, would negatively impact the response rate for non-citizens. A significantly lower response rate by non-citizens could reduce the accuracy of the decennial census and increase costs for non-response follow up ("NRFU") operations. However, neither the Census Bureau nor the concerned stakeholders could document that the response rate would in fact decline materially. In discussing the question with the national survey agency Nielsen, it stated that it had added questions from the ACS on sensitive topics such as place of birth and immigration status to certain short survey forms without any appreciable decrease in response rates. Further, the former director of the Census Bureau during the last decennial census told me that, while he wished there were data to answer the question, none existed to his knowledge. Nielsen's Senior Vice President for Data Science and the former Deputy Director and Chief Operating Officer of the Census Bureau under President George W. Bush also confirmed that, to the best of their knowledge, no empirical data existed on the impact of a citizenship question on responses.

When analyzing Option B, the Census Bureau attempted to assess the impact that reinstatement of a citizenship question on the decennial census would have on response rates by drawing comparisons to ACS responses. However, such comparative analysis was challenging, as response rates generally vary between decennial censuses and other census sample surveys. For example, ACS self-response rates were 3.1 percentage points less than self-response rates for the 2010 decennial census. The Bureau attributed this difference to the greater outreach and follow-up associated with the Constitutionally-mandated decennial census. Further, the decennial census has differed significantly in nature from the sample surveys. For example, the 2000 decennial census survey contained only eight questions. Conversely, the 2000 "long form" sample survey contained over 50 questions, and the Census Bureau estimated it took an average of over 30 minutes to complete. ACS surveys include over 45 questions on numerous topics, including the number of hours worked, income information, and housing characteristics.

The Census Bureau determined that, for 2013-2016 ACS surveys, nonresponses to the citizenship question for non-Hispanic whites ranged from 6.0 to 6.3 percent, for non-Hispanic blacks ranged from 12.0 to 12.6 percent, and for Hispanics ranged from 11.6 to 12.3 percent. However, these rates were comparable to nonresponse rates for other questions on the 2013 and 2016 ACS. Census Bureau estimates showed similar nonresponse rate ranges occurred for questions on the ACS asking the number times the respondent was married, 4.7 to 6.9 percent; educational attainment, 5.6 to 8.5 percent; monthly gas costs, 9.6 to 9.9 percent; weeks worked in the past 12 months, 6.9 to 10.6 percent; wages/salary income, 8.1 to 13.4 percent; and yearly property insurance, 23.9 to 25.6 percent.

The Census Bureau also compared the self-response rate differences between citizen and non-citizen households' response rates for the 2000 decennial census short form (which did not include a citizenship question) and the 2000 decennial census long form survey (the long form survey, distributed to only one in six households, included a citizenship question in 2000). Census found the decline in self-response rates for non-citizens to be 3.3 percent greater than for citizen households. However, Census was not able to isolate what percentage of decline was caused by the inclusion of a citizenship question rather than some other aspect of the long form survey (it contained over six times as many questions covering a range of topics). Indeed, the Census Bureau analysis showed that for the 2000 decennial census there was a significant drop in self response rates overall between the short and long form; the mail response rate was 66.4 percent for the short form and only 53.9 percent for the long form survey. So while there is widespread belief among many parties that adding a citizenship question could reduce response rates, the Census Bureau's analysis did not provide definitive, empirical support for that belief.

Option C, the use of administrative records rather than placing a citizenship question on the decennial census, was a potentially appealing solution to the DOJ request. The use of administrative records is increasingly part of the fabric and design of modern censuses, and the Census Bureau has been using administrative record data to improve the accuracy and reduce the cost of censuses since the early 20th century. A Census Bureau analysis matching administrative records with the 2010 decennial census and ACS responses over several more recent years showed that using administrative records could be more accurate than self-responses in the case of non-citizens. That Census Bureau analysis showed that between 28 and 34 percent of the citizenship self-responses for persons that administrative records show are non-citizens were inaccurate. In other words, when non-citizens respond to long form or ACS questions on citizenship, they inaccurately mark "citizen" about 30 percent of the time. However, the Census Bureau is still evolving its use of administrative records, and the Bureau does not yet have a complete administrative records data set for the entire population. Thus, using administrative records alone to provide DOJ with CVAP data would provide an incomplete picture. In the 2010 decennial census, the Census Bureau was able to match 88.6 percent of the population with what the Bureau considers credible administrative record data. While impressive, this means that more than 10 percent of the American population – some 25 million voting age people – would need to have their citizenship imputed by the Census Bureau. Given the scale of this number, it was imperative that another option be developed to provide a greater level of accuracy than either self-response alone or use of administrative records alone would presently provide.

I therefore asked the Census Bureau to develop a fourth alternative, **Option D**, which would combine Options B and C. Under Option D, the ACS citizenship question would be asked on the decennial census, and the Census Bureau would use the two years remaining until the 2020 decennial census to further enhance its administrative record data sets, protocols, and statistical models to provide more complete and accurate data. This approach would maximize the Census Bureau's ability to match the decennial census responses with administrative records. Accordingly, at my direction the Census Bureau is working to obtain as many additional Federal and state administrative records as possible to provide more comprehensive information for the population.

It is my judgment that Option D will provide DOJ with the most complete and accurate CVAP data in response to its request. Asking the citizenship question of 100 percent of the population gives each respondent the opportunity to provide an answer. This may eliminate the need for the Census Bureau to have to impute an answer for millions of people. For the approximately 90 percent of the population who are citizens, this question is no additional imposition. And for the approximately 70 percent of non-citizens who already answer this question accurately on the ACS, the question is no additional imposition since census responses by law may only be used anonymously and for statistical purposes. Finally, placing the question on the decennial census and directing the Census Bureau to determine the best means to compare the decennial census responses with administrative records will permit the Census Bureau to determine the inaccurate response rate for citizens and non-citizens alike using the entire population. This will enable the Census Bureau to establish, to the best of its ability, the accurate ratio of citizen to non-citizen responses to impute for that small percentage of cases where it is necessary to do so.

Consideration of Impacts I have carefully considered the argument that the reinstatement of the citizenship question on the decennial census would depress response rate. Because a lower response rate would lead to increased non-response follow-up costs and less accurate responses, this factor was an important consideration in the decision-making process. I find that the need for accurate citizenship data and the limited burden that the reinstatement of the citizenship question would impose outweigh fears about a potentially lower response rate.

Importantly, the Department's review found that limited empirical evidence exists about whether adding a citizenship question would decrease response rates materially. Concerns about decreased response rates generally fell into the following two categories – distrust of government and increased burden. First, stakeholders, particularly those who represented immigrant constituencies, noted that members of their respective communities generally distrusted the government and especially distrusted efforts by government agencies to obtain information about them. Stakeholders from California referenced the difficulty that government agencies faced obtaining any information from immigrants as part of the relief efforts after the California wildfires. These government agencies were not seeking to ascertain the citizenship status of these wildfire victims. Other stakeholders referenced the political climate generally and fears that Census responses could be used for law enforcement purposes. But no one provided evidence that reinstating a citizenship question on the decennial census would materially decrease response rates among those who generally distrusted government and government information collection efforts, disliked the current administration, or feared law enforcement. Rather, stakeholders merely identified residents who made the decision not to participate regardless of whether the Census includes a citizenship question. The reinstatement of a citizenship question will not decrease the response rate of residents who already decided not to respond. And no one provided evidence that there are residents who would respond accurately to a decennial census that did not contain a citizenship question but would not respond if it did (although many believed that such residents had to exist). While it is possible this belief is true, there is no information available to determine the number of people who would in fact not respond due to a citizenship question being added, and no one has identified any mechanism for making such a determination.

A second concern that stakeholders advanced is that recipients are generally less likely to respond to a survey that contained more questions than one that contained fewer. The former Deputy Director and Chief Operating Officer of the Census Bureau during the George W. Bush administration described the decennial census as particularly fragile and stated that any effort to add questions risked lowering the response rate, especially a question about citizenship in the current political environment. However, there is limited empirical evidence to support this view. A former Census Bureau Director during the Obama Administration who oversaw the last decennial census noted as much. He stated that, even though he believed that the reinstatement of a citizenship question would decrease response rate, there is limited evidence to support this conclusion. This same former director noted that, in the years preceding the decennial census, certain interest groups consistently attack the census and discourage participation. While the reinstatement of a citizenship question may be a data point on which these interest groups seize in 2019, past experience demonstrates that it is likely efforts to undermine the decennial census will occur again regardless of whether the decennial census includes a citizenship question. There is no evidence that residents who are persuaded by these disruptive efforts are more or less likely to make their respective decisions about participation based specifically on the reinstatement of a citizenship question. And there are actions that the Census Bureau and stakeholder groups are taking to mitigate the impact of these attacks on the decennial census.

Additional empirical evidence about the impact of sensitive questions on survey response rates came from the SVP of Data Science at Nielsen. When Nielsen added questions on place of birth and time of arrival in the United States (both of which were taken from the ACS) to a short survey, the response rate was not materially different than it had been before these two questions were added. Similarly, the former Deputy Director and COO of the Census during the George W. Bush Administration shared an example of a citizenship-like question that he believed would negatively impact response rates but did not. He cited to the Department of Homeland Security's 2004 request to the Census Bureau to provide aggregate data on the number of Arab Americans by zip code in certain areas of the country. The Census Bureau complied, and Census employees, including the then-Deputy Director, believed that the resulting political firestorm would depress response rates for further Census Bureau surveys in the impacted communities. But the response rate did not change materially.

Two other themes emerged from stakeholder calls that merit discussion. First, several stakeholders who opposed reinstatement of the citizenship question did not appreciate that the question had been asked in some form or another for nearly 200 years. Second, other stakeholders who opposed reinstatement did so based on the assumption that the data on citizenship that the Census Bureau collects through the ACS are accurate, thereby obviating the need to ask the question on the decennial census. But as discussed above, the Census Bureau estimates that between 28 and 34 percent of citizenship self-responses on the ACS for persons that administrative records show are non-citizens were inaccurate. Because these stakeholder concerns were based on incorrect premises, they are not sufficient to change my decision.

Finally, I have considered whether reinstating the citizenship question on the 2020 Census will lead to any significant monetary costs, programmatic or otherwise. The Census Bureau staff have advised that the costs of preparing and adding the question would be minimal due in large part to the fact that the citizenship question is already included on the ACS, and thus the citizenship question has already undergone the cognitive research and questionnaire testing required for new questions. Additionally, changes to the Internet Self-Response instrument, revising the Census Questionnaire Assistance, and redesigning of the printed questionnaire can be easily implemented for questions that are finalized prior to the submission of the list of questions to Congress.

The Census Bureau also considered whether non-response follow-up increases resulting from inclusion of the citizenship question would lead to increased costs. As noted above, this estimate was difficult to assess given the Census Bureau and Department's inability to determine what impact there will be on decennial census survey responses. The Bureau provided a rough estimate that postulated that up to 630,000 additional households may require NRFU operations if a citizenship question is added to the 2020 decennial census. However, even assuming that estimate is correct, this additional ½ percent increase in NRFU operations falls well within the margin of error that the Department, with the support of the Census Bureau, provided to Congress in the revised Lifecycle Cost Estimate ("LCE") this past fall. That LCE assumed that NRFU operations might increase by 3 percent due to numerous factors, including a greater increase in citizen mistrust of government, difficulties in accessing the Internet to respond, and other factors.

Inclusion of a citizenship question on this country's decennial census is not new – the decision to collect citizenship information from Americans through the decennial census was first made centuries ago. The decision to include a citizenship question on a national census is also not uncommon. The United Nations recommends that its member countries ask census questions identifying both an individual's country of birth and the country of citizenship. *Principals and Recommendations for Population and Housing Censuses (Revision 3)*, UNITED NATIONS 121 (2017). Additionally, for countries in which the population may include a large portion of naturalized citizens, the United Nations notes that, "it may be important to collect information on the method of acquisition of citizenship." *Id.* at 123. And it is important to note that other major democracies inquire about citizenship on their census, including Australia, Canada, France, Germany, Indonesia, Ireland, Mexico, Spain, and the United Kingdom, to name a few.

The Department of Commerce is not able to determine definitively how inclusion of a citizenship question on the decennial census will impact responsiveness. However, even if there is some impact on responses, the value of more complete and accurate data derived from surveying the entire population outweighs such concerns. Completing and returning decennial census questionnaires is required by Federal law, those responses are protected by law, and inclusion of a citizenship question on the 2020 decennial census will provide more complete information for those who respond. The citizenship data provided to DOJ will be more accurate with the question than without it, which is of greater importance than any adverse effect that may result from people violating their legal duty to respond.

To conclude, after a thorough review of the legal, program, and policy considerations, as well as numerous discussions with the Census Bureau leadership and interested stakeholders, I have determined that reinstatement of a citizenship question on the 2020 decennial census is necessary to provide complete and accurate data in response to the DOJ request. To minimize any impact on decennial census response rates, I am directing the Census Bureau to place the citizenship question last on the decennial census form.

Please make my decision known to Census Bureau personnel and Members of Congress prior to March 31, 2018. I look forward to continuing to work with the Census Bureau as we strive for a complete and accurate 2020 decennial census.

CC: Ron Jarmin, performing the nonexclusive functions and duties of the Director of the Census Bureau

Enrique Lamas, performing the nonexclusive functions and duties of the Deputy Director of the Census Bureau

UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

Supplemental Memorandum by Secretary of Commerce Wilbur Ross Regarding the Administrative Record in Census Litigation

This memorandum is intended to provide further background and context regarding my March 26, 2018, memorandum concerning the reinstatement of a citizenship question to the decennial census. Soon after my appointment as Secretary of Commerce, I began considering various fundamental issues regarding the upcoming 2020 Census, including funding and content. Part of these considerations included whether to reinstate a citizenship question, which other senior Administration officials had previously raised. My staff and I thought reinstating a citizenship question could be warranted, and we had various discussions with other governmental officials about reinstating a citizenship question to the Census. As part of that deliberative process, my staff and I consulted with Federal governmental components and inquired whether the Department of Justice (DOJ) would support, and if so would request, inclusion of a citizenship question as consistent with and useful for enforcement of the Voting Rights Act.

Ultimately, on December 12, 2017, DOJ sent a letter formally requesting that the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship. My March 26, 2018, memorandum described the thorough assessment process that the Department of Commerce conducted following receipt of the DOJ letter, the evidence and arguments I considered, and the factors I weighed in making my decision to include the citizenship question on the 2020 Census.

Wilbur Ross
June 21, 2018

To: Teramoto, Wendy (Federal)[redacted]@doc.gov]
From: Comstock, Earl (Federal)
Sent: Sat 9/16/2017 11:33:38 AM
Importance: Normal
Subject: Calls with DoJ
Received: Sat 9/16/2017 11:33:38 AM

Morning Wendy –

Here is the memo I gave SWLR regarding my discussions with DoJ.

Earl

***

September 8, 2017

To: Secretary Wilbur Ross

Fr: Earl Comstock

Re: Census Discussions with DoJ

In early May Eric Branstad put me in touch with Mary Blanche Hankey as the White House liaison in the Department of Justice. Mary Blanche worked for AG Sessions in his Senate office, and came with him to the Department of Justice. We met in person to discuss the citizenship question. She said [redacted] A few days later she directed me to James McHenry in the Department of Justice.

I spoke several times with James McHenry by phone, and after considering the matter further James said t[redacted] James directed me to Gene Hamilton at the Department of Homeland Security.

Gene and I had several phone calls to discuss the matter, and then Gene relayed that after discussion DHS really felt that it was best handled by the Department of Justice.

At that point the conversation ceased and I asked James Uthmeier, who had by then joined the Department of Commerce Office of General Counsel, to [redacted]

From: Comstock, Earl (Federal) [redacted]@doc.gov]
Sent: 5/4/2017 11:58:40 AM
To: [redacted]@usdoj.gov
Subject: Call today to discuss DoC Issues

Hi Mary Blanche –

Contacts over the White House said that you would be the best person for me to talk to at DoJ on Commerce issues. I am the new Director of Policy and Strategic Planning at Commerce and was the confirmation Sherpa on the transition for Secretary Ross.

If you or your assistant could let me know a couple of times today that work for you for a call I would appreciate it.

Thank you in advance,

Earl

Earl W. Comstock

Director

Office of Policy and Strategic Planning

United States Department of Commerce

[redacted]

To: Wilbur Ross[redacted]
Cc: Branstad, Eric (Federal)[EBranstad@doc.gov]
From: Comstock, Earl (Federal)
Sent: Fri 3/10/2017 8:31:29 PM
Importance: Normal
Subject: Your Question on the Census
Received: Fri 3/10/2017 8:31:30 PM

I was not able to catch anyone at their desk when I called the numbers I have for the Census Bureau from their briefing. However, the

Census Bureau web page on apportionment is explicit and can be found at https://www.census.gov/population/apportionment/about/faq.html#Q16 It says:

> ***Are undocumented residents (aliens) in the 50 states included in the apportionment population counts?***
>
> Yes, all people (citizens and noncitizens) with a usual residence in the 50 states are to be included in the census and thus in the apportionment counts.

Further, this WSJ blog post from 2010 confirms that neither the 2000 nor the 2010 Census asked about citizenship.
http://blogs.wsj.com/numbers/the-pitfalls-of-counting-illegal-immigrants-937/

THE NUMBERS

The Pitfalls of Counting Illegal Immigrants

By CARL BIALIK

May 7, 2010 7:05 pm ET

The debate over Arizona's immigration law has included several estimates of the state's illegal-immigrant population, at "almost half a million," "half a million" or "more than half a million." Arguing against the law, Homeland Security chief Janet Napolitano — who is the former governor of Arizona — pointed to decreasing illegal immigration in the state.

These estimates and claims rest on several annual efforts to count illegal immigrants in the U.S. The nonpartisan Pew Hispanic Center estimated that in 2008 the nationwide population was 11.9 million, and half a million in Arizona. The federal Department of Homeland Security and the Center for Immigration Studies, a Washington, D.C., research group that opposes increased immigration, agree on a figure of 10.8 million for 2009, with DHS putting the Arizona population at 460,000, down from 560,000 a year earlier.

But as my print column notes this week, these estimates are limited by several factors that make it difficult for researchers to count this population. No major government survey, including the decennial census now under way, asks Americans about their citizenship status. Thus estimates of the number of illegal immigrants in the country are indirect and possibly far off from the correct count.

These studies rely on census surveys, and assume that about 10% of illegal immigrants aren't counted in these surveys. But that figure largely is based on a 2001 survey of Mexican-born people living in Los Angeles. "I do not advise use of my estimated undercounts for the 2000 census outside of L.A. county, nor for migrants from other nations," said study co-author Enrico Marcelli, assistant professor of sociology at San Diego State University. "However, demographers do not have any other empirical evidence at the moment with which to proceed."

One concern is that the nearly two in five households who didn't respond to the 2001 survey may have included a

disproportionately large number who also didn't respond to census interviewers. Marcelli said further study would be needed to test that possibility, but he noted the extent of the efforts to select a representative sample and to put respondents at ease in order to elicit honest answers.

"As far as I know, there has not been a new, serious attempt to estimate the undercount of illegal immigrants in the census," said Steven Camarota, director of research for the Center for Immigration Studies.

In 2005, Robert Justich, then a portfolio manager for Bear Stearns, co-authored a report suggesting the population of illegal immigrants "may be as high as 20 million people." Jeffrey Passel, senior demographer for the Pew Hispanic Center, disputed that finding. For one thing, other data sources, such as U.S. birth rates and Mexico's own census, don't corroborate such a large number. If there were really so many more immigrants, than there would be more women of child-bearing age, and more births. And if instead the missing millions are mostly Mexican men working in the U.S. and sending money home, the flip side of that influx would be reflected as a gap in the Mexican census numbers.

"Definitely the number is not as high as 20 million," said Manuel Orozco, senior associate of the Inter-American Dialogue, a Washington, D.C., policy-analysis group.

Justich, who now owns a music and film production firm, countered that immigrants from countries other than Mexico may make up the rest. However, he added that the number is no longer as high as 20 million.

Larger estimates also sometimes are based on border-patrol counts of apprehensions, which are far from reliable proxies. No one is sure of how many people are missed for each one who is caught trying to cross into the U.S. illegally. Many of those who do get through may return quickly, or cross back and forth. Also, some people are caught more than once, inflating the count. "It seems like we're not missing that many bodies in the United States," said Camarota, referring to the gap between the 20 million figure and his own.

The immigrant counters generally have seen a decline in the illegal-immigration population. "Economic drivers are very, very powerful" in lowering the illegal-immigrant population, said Hans Johnson, associate director of the Public Policy Institute of California. Others point to stepped-up enforcement efforts.

However, because of all the assumptions baked into these numbers, such drops come with so much statistical uncertainty that they may not be statistically significant. "The methodology for doing these estimates is not really designed to measure year-to-year change," Passel said.

One key difference between his count and the federal agency's: Homeland Security uses the Census Bureau's American Community Survey, which has a much larger sample size than the Current Population Survey, which Passel used. "I developed all of my methodology and all of the things that go with it when there wasn't an ACS," Passel said, "and I haven't gotten around to shifting to the new survey."

The ACS was introduced after the 2000 census, and may help overcome a problem with census numbers exposed in the last decennial census. Many more foreign-born residents were counted in 2000 than was expected based on annual estimates produced by the bureau. Census officials think these estimates have improved since 2000 thanks to the annual ACS surveys of three million households. "That's the source we're using to estimate the movement" of the foreign-born population, said Howard Hogan, the Census Bureau's associate director for demographic programs. "It's a huge improvement over anything we had available in the '90s."

Still, the Census Bureau doesn't ask people about their immigration status, in part because such questions may drive down overall response rates. Robert M. Groves, director of the Census Bureau, said he'd like to test that hypothesis. "We're sort of data geeks here," Groves said. "What we'd like to do to answer that question is an experiment."

That doesn't mean that census interviewers don't try to find and enumerate illegal immigrants. Groves compares counting that group to efforts to track another population that is hard to count, though not necessarily because of willful avoidance: people who are homeless. Census interviewers spend three days visiting soup kitchens, shelters and outdoor gathering spots such as under certain highway overpasses in Los Angeles. "You don't have to look at that operation very long to realize that though it's a heroic effort, there are all sorts of holes in it," Groves said. As a result, the Census Bureau includes anyone counted in that effort in the overall population, but doesn't break out a separate estimate of homeless people.

"We would like to do estimates that have the smallest number of assumptions we can't test," Groves said. When it comes to counting illegal immigrants, "there are a set of assumptions that we know we can't test. When we find ourselves in that situation, then we're uncomfortable giving a Census Bureau estimate that is subject to all of those debates."

Further reading: Passel outlined methods for counting the illegal-immigrant population, while this paper analyzed some difficulties with the estimates. Earlier the Christian Science Monitor and I have examined these numbers. Immigration statistics have become a subject of debate in the U.K., as well.

To: hilary geary[redacted]
From: Alexander, Brooke (Federal)
Sent: Wed 4/5/2017 4:24:19 PM
Importance: Normal
Subject: tonight
Received: Wed 4/5/2017 4:24:00 PM

Mrs. Ross,

Do you have plans following the Newseum? I'm asking because Steve Bannon has asked that the Secretary talk to someone about the Census and around 7-7:30 pm is the available time. He could do it from the car on the way to a dinner …

Brooke V Alexander

Executive Assistant to the Secretary

The U.S. Department of Commerce

Washington, D.C. 20230

balexander@doc.gov

202-482-[redacted] office

[redacted] cell

From: [redacted]@doc.gov [redacted]
Sent: 9/18/2017 3:10:02 PM
To: Gore, John (CRT) [redacted]
Subject: Re: Call

Hi. AG and Sec spoke. Pls let me know when you have a minute.

Sent from my iPhone

On Sep 16, 2017, at 3:55 PM, Gore, John (CRT) [redacted] wrote:
Wendy:

By this email, I introduce you to Danielle Cutrona from DOJ. Danielle is the person to connect with about the issue we discussed earlier this afternoon.

Danielle:

Wendy's cell phone number is [redacted]

Thanks.

Sent from my iPhone

On Sep 13, 2017, at 4:57 PM, Teramoto, Wendy (Federal) [redacted] wrote:
Yes. CC'ing macie to set up. Look forward to connecting. W

Sent from my iPhone

On Sep 13, 2017, at 4:44 PM, Gore, John (CRT) [redacted]> wrote:
Wendy:

My name is John Gore, and I am an acting assistant attorney general in the Department of Justice. I would like to talk to you about a DOJ-DOC issue. Do you have any time on your schedule tomorrow (Thursday) or Friday for a call?

Thanks.

John M. Gore
Acting Assistant Attorney General [redacted]
Civil Rights Division
U.S. Department of Justice
[redacted]

From: Cutrona, Danielle (OAG) [redacted]
Sent: 9/18/2017 1:05:14 AM
To: Teramoto, Wendy (Federal) [redacted]
Subject: Re: Call

Excellent. Thanks.

Sent from my iPhone

On Sep 17, 2017, at 8:25 PM, Teramoto, Wendy (Federal) [redacted] wrote:
They connected. Thanks for the help. Wendy

Sent from my iPhone

On Sep 17, 2017, at 12:10 PM, Cutrona, Danielle (OAG) <[redacted]> wrote:
Wendy,
The Attorney General is available on his cell. His number is [redacted] He is in Seattle so he is 3 hours behind us. From what John told me, it sounds like we can do whatever you all need us to do and the delay was due to a miscommunication. The AG is eager to assist. Please let me know if you need anything else. You can reach me at [redacted]
Thanks,
Danielle
Sent from my iPhone

On Sep 17, 2017, at 10:08 AM, Cutrona, Danielle (OAG) <[redacted] wrote:
Checking now. Will let you know as soon as I hear from him.

Sent from my iPhone

On Sep 16, 2017, at 6:29 PM, Teramoto, Wendy (Federal) <[redacted] wrote:
Thanks. Danielle-pls let me know when the AG is available to speak to Secretary Ross. Thanks. Anytime on the weekend is fine too. W

Sent from my iPhone

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John M. Gore
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
[redacted]

From: Cutrona, Danielle (OAG) [redacted]
Sent: 9/17/2017 4:08:19 PM
To: Teramoto, Wendy (Federal) [redacted]
Subject: Re: Call

Wendy,
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Thanks.

John M. Gore
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
[redacted]

From: John Maron Abowd (CENSUS/ADRM FED) [john.maron.abowd@census.gov]
Sent: 12/15/2017 9:36:25 PM
To: Ron S Jarmin (CENSUS/ADEP FED) [Ron.S.Jarmin@census.gov]
Subject: Re: DOJ Letter

Swat team ready, meeting at 9:00am on Monday.

John M. Abowd, PhD
Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau

Office 301.763.5880 (simulring on cell) Room 8H120
john.maron.abowd@census.gov

census.gov
Connect with us on Social Media

From: Ron S Jarmin (CENSUS/ADEP FED)
Sent: Friday, December 15, 2017 3:34:19 PM
To: Letitia W McKoy (CENSUS/PCO FED); Melissa L Creech (CENSUS/PCO FED); John Maron Abowd (CENSUS/ADRM FED)
Cc: Enrique Lamas (CENSUS/ADDP FED)
Subject: Fwd: DOJ Letter

We need to huddle. Are folks available 8:30 Monday?
Sent from my iPhone

Begin forwarded message:
From: "Uthmeier, James (Federal)" < PII >
Date: December 15, 2017 at 3:13:06 PM EST
To: "Lamas, Enrique" <enrique.lamas@census.gov>, "Jarmin, Ron S" <ron.s.jarmin@census.gov>
Cc: "Kelley, Karen (Federal)" < PII >
Subject: DOJ Letter
Ron and Enrique:

I understand that the Department of Justice sent the attached letter to Census on December 12, 2017 and wanted to make sure you have received a copy for your records.

Thank you,

James

James W. Uthmeier
Senior Counsel to the General Counsel
Regulatory Reform Officer
Department of Commerce
PII PII

From: Ron S Jarmin (CENSUS/ADEP FED) [Ron.S.Jarmin@census.gov]
Sent: 2/6/2018 8:42:03 PM
To: Kelley, Karen (Federal) [redacted]
CC: Lamas, Enrique [enrique.lamas@census.gov]
Subject: DOJ

Karen,

I spoke with Art Gary. He has spoken with DOJ leadership. They believe the letter requesting citizenship be added to the 2020 Census fully describes their request. They do not want to meet.

Thanks

Ron

Sent from my iPhone

From: Alexander, Brooke (Federal) [redacted]
Sent: 4/20/2017 11:49:32 PM
To: Comstock, Earl (Federal) [redacted]
CC: Teramoto, Wendy (Federal) [redacted]
Subject: Ok .... I have tried 3 times to send from SWLR's email but can't for some reason and he's in his office so I can't use his computer so I'm just sending this note from my email ..... but it's from him ....

Earl:

Census Director has on April 29 a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations. We must get our issue resolved before this!

From: Comstock, Earl (Federal) [redacted]
Sent: 5/4/2017 12:27:32 AM
To: Branstad, Eric (Federal) [EBranstad@doc.gov]
Subject: Re: DOJ contact

Thanks Eric! Earl

Sent from my iPhone

On May 3, 2017, at 8:10 PM, Branstad, Eric (Federal) < [redacted] > wrote:

Eric D Branstad
Senior White House Advisor
Department of Commerce
[redacted]
(202) 531-1620

Begin forwarded message:
From: "Flynn, Matthew J. EOP/WHO" < [redacted]
Date: May 3, 2017 at 7:15:56 PM EDT
To: "Branstad, Eric (Federal)" < [redacted] >
Subject: RE: DOJ contact
DOJ Mary Blanche Hankey [redacted]
-----Original Message-----
From: Branstad, Eric (Federal) [redacted]
Sent: Wednesday, May 3, 2017 3:41 PM
To: Flynn, Matthew J. EOP/WHO [redacted]
Subject: DOJ contact

Who is best counterpart to reach out to at DOJ - Regarding Census and Legislative issue?

Thanks
Eric

Branstad, Eric (Federal)
Senior White House Advisor
Department of Commerce
(202) 531-1620
[redacted]

From: Uthmeier, James (Federal) [redacted]
Sent: 6/27/2017 10:26:57 PM
To: Comstock, Earl (Federal) [redacted]

Subject: Accepted: HOLD: Meet with James re: Census and Citizenship

Start: 6/28/2017 1:30:00 PM
End: 6/28/2017 2:00:00 PM

Recurrence: (none)

From: Comstock, Earl (Federal) [redacted]
Sent: 5/2/2017 2:19:11 PM
To: Wilbur Ross [redacted]
CC: Herbst, Ellen (Federal) [redacted]
Subject: Re: Census

I agree Mr Secretary.

On the citizenship question we will get that in place. The broad topics were what were sent to Congress earlier this year as required. It is next March -- in 2018 -- when the final 2020 decennial Census questions are submitted to Congress. We need to work with Justice to get them to request that citizenship be added back as a census question, and we have the court cases to illustrate that DoJ has a legitimate need for the question to be included. I will arrange a meeting with DoJ staff this week to discuss.

Earl

Sent from my iPhone

> On May 2, 2017, at 10:04 AM, Wilbur Ross [redacted] wrote:
>
[redacted] Worst of all they emphasize that they have settled with congress on the questions to be asked. I am mystified why nothing have been done in response to my months old request that we include the citizenship question. Why not? [redacted]
> Sent from my iPhone

Talking Points

- The Census Bureau today received a letter from the Department of Justice requesting that a question on citizenship be added to the 2020 Census.
- The Census Bureau follows a well-established process when adding questions to the decennial census based on the recognition that the data must fulfill legal and regulatory requirements established by the Congress. While the discretionary authority for defining the questions on either the American Community Survey or the Decennial Census questionnaire resides with the Secretary of Commerce, the Census Bureau works with the Office of Management and Budget (OMB) to review and assess the justification of the new question.
- By law, the Census Bureau must provide the questions for the 2020 Census and American Community Survey to Congress by March 31 – two years prior to taking the national headcount.
- Historically, a citizenship question was asked periodically over the history of the census, and most recently from 1980 to 2000 as part of a decennial census long form questionnaire that provided socio-economic and housing characteristic data of the population.
- The Census Bureau currently asks citizenship on its nationwide American Community Survey, a survey conducted nationwide every year among 3.5 million addresses.

Response to Query

"The Census Bureau today received a letter from the Department of Justice requesting that a question on citizenship be added to the 2020 Census. The Census Bureau follows a well-established process when adding questions to the decennial census based on the recognition that the data must fulfill legal and regulatory requirements established by the Congress. While the discretionary authority for defining the questions on either the American Community Survey or the Decennial Census questionnaire resides with the Secretary of Commerce, the Census Bureau works with the Office of Management and Budget (OMB) to review and assess the justification of the new question. The Census Bureau does ask citizenship on its nationwide American Community Survey, a survey conducted nationwide every year among 3.5 million addresses."

Process of Adding Content to the Census/Survey Questionnaire

- **Step One** – With the exception of operational questions needed to collect accurate data, all questions on the various census questionnaires generate data in response to requests from the Congress or other agencies in the Executive Branch. Upon receiving a request lawyers at the Department of Commerce work closely with the Census Bureau staff to determine whether the data fulfill legal, regulatory or Constitutional requirements. Within this process, the Census Bureau also consults with the OMB.

- **Step Two** – Upon determining that a new question is warranted, the Census Bureau notifies Congress of its intent to add the question through its submission of the proposed questions for the 2020 Census. By law, the Census Bureau notified the Congress of the subjects to be covered by the 2020 Census on March 28, 2017. The Census Bureau must deliver the specific questions

by March 31, 2018. This is an intentional process designed to give the Congress the ability to review the subjects and questions on the questionnaire before they are finalized.

- **Step Three** – The Census Bureau must test the wording of the new question. It is too late to add a question to the 2018 End-to-End Census Test, so additional testing on a smaller scale would need to be developed and implemented as soon as possible. This test would also require approval from OMB, which includes notifying the public and inviting comments through a Federal Register Notice (FRN). The updated FRN needs to be cleared by OMB prior to a new 30-day FRN posting. The Census Bureau must respond to comments from the public after 30 days. Then OMB can issue final approval.

- **Step Four** – The Census Bureau must make additional operational adjustments, beyond testing, to include new content. This includes re-designing the paper questionnaires and adjusting the paper data capture system. For all automated data collection instruments (including Internet self-response, Census Questionnaire Assistance, and Nonresponse Followup), the additional question will require system redevelopment, for English and all supported non-English languages. In addition, the training for the enumerators and Census Questionnaire Assistance agents will need redevelopment.

- **Step Five** – Based on the result of the testing, the Census Bureau must finalize the actual 2020 Census questionnaires (paper and automated). The Census Bureau then must submit for OMB approval of the 2020 Census information collection. This submission also requires notifying the public and inviting comments through a Federal Register Notice (FRN), as detailed in Step 3.

To: Wilbur Ross[redacted]
From: Comstock, Earl (Federal)
Sent: Tue 8/8/2017 7:44:29 PM
Importance: Normal
Subject: Re: [redacted]
Received: Tue 8/8/2017 7:44:29 PM

[redacted]

Will be back shortly with an update on the census question. I have two attorneys in the DoC General Counsel's office working on it.

Earl

On 8/8/17, 1:20 PM, "Wilbur Ross" [redacted] wrote:

[redacted] Were you on the call this morning about Census? [redacted] where is the DoJ in their analysis ? If they still have not come to a conclusion please let me know your contact person and I will call the AG. Wilbur Ross

Sent from my iPhone

> On Aug 8, 2017, at 10:52 AM, Comstock, Earl (Federal) [redacted] wrote:
>
> [redacted]

PRE-DECISIONAL

Submission of the 2020 Census and American Community Survey Questions to Congress

Briefing for the XXXX

February ##, 2018

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PRE-DECISIONAL

2020 Census and American Community Survey Subjects and Questions

Requirements

- Section 141(f) of the Census Act requires that the **subjects** included in the next census be submitted to Congress no later than 3 years before the census date.
  - ✓ This document was issued on **March 28, 2017**.
- The Census Act also requires that the **questions** included in the next census be submitted to Congress no later than 2 years before the census date.
  - ➢ A document that meets this requirement for the 2020 Census and the ACS will be submitted to Congress by **March 31, 2018**.

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The Census Bureau is required by Section 141(f) of the Census Act to submit the subjects for the next census to Congress no later than 3 years before April 1, 2020. We delivered the subjects in March 2017.

The Census Act also requires the questions included in the next census be submitted to Congress no later than 2 years before April 1, 2020. A document that meets this requirement for the 2020 Census and the ACS will be submitted to Congress by March 31, 2018.

PRE-DECISIONAL

How a Question Becomes Part of the Census (short form)

Steps in the Process

Authority

- The discretionary authority for defining the questions on the Decennial Census Short Form resides with the Secretary of Commerce.

Review of Request

- Requests undergo legal, technical, and policy review to determine whether the question should be included on the short form.

Notification

- Upon determining a new question is warranted, the Census Bureau must notify Congress of its intent to add the question.
- The Census Bureau also solicits public comment through a Federal Register Notice.

Testing

- If the question is not currently used in an ongoing survey, the Census Bureau must test the wording of the new question.

Operational Adjustments

- The Census Bureau must make operational adjustments to all data collection and processing systems to include the approved, new question.

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The Census Bureau follows a well-established process when adding questions to the decennial census based on the recognition that the data must fulfill legal and regulatory requirements established by the Congress.
The discretionary authority for defining the questions on the Decennial Census Short Form resides with the Secretary of Commerce.
Requests undergo legal, technical, and policy review to determine whether the data fulfill legal, regulatory, or Constitutional requirements.
Upon determining a new question is warranted, the Census Bureau must notify Congress of its intent to add the question.
By law, the Census Bureau notified the Congress of the topics to be covered by the 2020 Census on March 31, 2017.
The Census Bureau must deliver the specific questions by March 31, 2018.
The Census Bureau also notifies the public and invites comments regarding the change in the questionnaire with a Federal Register Notice (FRN).
The Census Bureau must test the wording of the new question.
If approved, the Census Bureau must make operational adjustments to all data collection and processing systems to include the new question.

****

Requests undergo legal review of the justification by DOC; technical review by the Census Bureau; and policy review by DOC and OMB.

More detail if pressed further:
The Census Bureau follows a well-established process when adding questions to the decennial census based on the recognition that the data must fulfill legal and regulatory requirements established by the Congress. While the

discretionary authority for defining the questions on either the American Community Survey or the Decennial Census Short Form resides with the Secretary of Commerce, the Census Bureau works with the Office of Management and Budget (OMB) to review and assess the justification of the new content or question.

Step One – With the exception of technical questions needed to collect accurate data, all questions on the various census forms generate data in response to requests from the Congress or other agencies in the Executive Branch. Upon receiving a request lawyers at the Department of Commerce work closely with OMB to determine whether the data fulfill legal, regulatory or Constitutional requirements.

Step Two – Upon determining that a new question is warranted, the Census Bureau must notify Congress of its intent to add the question. This is particularly important for the 2020 Census Questionnaire. By law, the Census Bureau notified the Congress of the topics to be covered by the 2020 Census on March 31, 2017. The Census Bureau must deliver the specific questions by March 31, 2018. This is an intentionally process designed to give the Congress the ability to review the topics and questions on the questionnaire before they are finalized. If an additional topic is required, it is imperative that Congress be notified as soon as possible.

Step Three – The Census Bureau then must notify the public, and invite comments regarding the change in the questionnaire with a Federal Register Notice (FRN). The updated FRN needs to be cleared by OMB prior to a new 30-day FRN posting. The Census Bureau must respond to comments from the public after 30 days. Then OMB can issue final approval.

Step Four – The Census Bureau must test the wording of the new question. With respect to a possible question on citizenship, no testing would be required because we would use a question identical to what we already use in the ACS.

Step Five – The Census Bureau must make additional operational adjustments, beyond testing, to include new content. This includes re-designing the paper questionnaire and adjusting the paper data capture system. For Internet self-response, the additional question will require system redevelopment, once for English and then again for Spanish. The Census Questionnaire Assistance operation will require development as well. Finally, the Nonresponse Followup data collection instruments will need to be redesigned, and the training modules for the enumerators will need further development.

Once each of these steps are completed a new question can be added to the 2020 Census.

PRE-DECISIONAL

How a Question Becomes Part of the American Community Survey

Steps in the Process

Proposal
- A federal agency proposes a new or changed question.
- Request specifies frequency, geographic precision needed, and consideration of other sources.
- OMB and Census Bureau decide whether the change has merit.

Testing
- Wording options are created and tested.
- Question performance is evaluated in a field test.

Evaluation
- Test results are reviewed by the Census Bureau and requesting federal agency.
- The Census Bureau solicits public comment through a Federal Register Notice.

Decision
- A final decision is made in consultation with the OMB and Interagency Council on Statistical Policy Subcommittee on the ACS.
- If approved, the Census Bureau implements the change.

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The Census Bureau follows a well-established process when adding or changing content on the ACS to ensure the data fulfill legal and regulatory requirements established by Congress. Adding a question or making a change to the ACS involves extensive testing, review, and evaluation. This process ensures the change is necessary and will produce quality, useful information for the nation.

The Census Bureau and the Office of Management and Budget (OMB) have laid out a formal process for making content changes.

First, federal agencies evaluate their data needs and propose additions or changes to current questions through OMB.

Next, an interagency review panel – headed by OMB and the Census Bureau – evaluates the proposal. In order to be included, proposals must demonstrate a clear statutory or regulatory need for data at small geographies or for small populations.

Final proposed questions result from extensive cognitive and field testing to ensure they result in the proper data, with an integrity that meets the Census Bureau's high standards.

This process includes several opportunities for public comment.

The final decision is made in consultation with OMB.

If approved, the Census Bureau implements the change.

PRE-DECISIONAL

Subjects Planned for the 2020 Census

As submitted in March 2017

- No changes to the 2020 Census subjects
  - Same subjects included on the 2010 Census and Census 2000 short form
- 2020 Subjects
  - **Operational** (number of people) – asked since 1790
  - **Age** – asked since 1790
  - **Gender** – asked since 1790
  - **Hispanic origin** – asked since 1970
  - **Race** – asked since 1790
  - **Relationship** – asked since 1880
  - **Tenure** (owner/renter) – asked since 1890

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Note: The 2020 Census short form will be administered in the 50 states, the District of Columbia, and Puerto Rico.

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As submitted to Congress in March 2017, there were no changes to the planned subjects for the 2020 Census; we plan to ask about the same subjects included on the 2000 & 2010 Census short forms: number of people, age, gender, Hispanic origin, race, relationship, and tenure.

The Census Bureau subsequently received a request for content to be added to the 2020 Census. That request is under review. I will address this further at the end of this presentation.

PRE-DECISIONAL

Subjects Planned for the 2020 American Community Survey

As submitted in March 2017

No changes to the ACS subjects.

(Year first asked in the Decennial Census Program)

2020 Subjects	Social Subjects	Economic Subjects	Housing Subjects
Operational	**Ancestry** (1980)	**Journey to Work/Commuting** (1960)	**Acreage & Agricultural Sales** (1960)
Age	**Disability** (1830)	**Health Insurance** (2008)	**Computer & Internet Use** (2013)
Gender	**Fertility** (1890)	**Income** (1940)	**Home Heating Fuel** (1940)
Race/Ethnicity	**Grandparent Caregivers** (2000)	**Industry of Worker** (1820)	**Home Value & Rent** (1940)
Relationship	**Language Spoken at Home** (1890)	**Occupation of Worker** (1850)	**Plumbing Facilities** (1940)
Tenure	**Marital Status** (1880)	**Class of Worker** (1910)	**Kitchen Facilities** (1940)
	Marital History (1850)	**Labor Force Status** (1890)	**Telephone Service** (1960)
	Migration/Residence One Year Ago (1930)	**Work Status Last Year** (1880)	**Selected Monthly Owner Costs** (1940-1990) *Utilities, mortgage, etc.*
	Place of Birth (1850)		**SNAP** (2005) *Food Stamps*
	Citizenship (1820)		**Units in Structure** (1940)
	Year of Entry (1890)		**Rooms** (1940)
	School Enrollment (1850)		**Bedrooms** (1960)
	Educational Attainment (1940)		**Vehicles Available** (1960)
	Undergraduate Field of Degree (2009)		**Year Built** (1940)
	Veteran Status (1890)		**Year Moved In** (1960)
	Veteran Period of Service and VA Service-Connected Disability (2008)		

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Note: The 2020 ACS (formerly the long form) will be administered in the 50 states, the District of Columbia, and Puerto Rico.

As submitted to Congress in March 2017, there were also no changes to the planned subjects for the ACS. The ACS continues to cover more than 35 topics, for example, school enrollment, veterans status and period of service, home value, and computer and internet use.

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Answers to potential Questions:

Sexual Orientation and Gender Identity

While we do not currently ask about sexual orientation and gender identity, the Census Bureau is actively part of the conversation about how to measure these topics.

The Census Bureau does not currently ask questions about sexual orientation and gender identity on our surveys or the census. We have worked with other agencies on asking about these topics on the surveys we collect for them.

The Census Bureau has experience testing and fielding SOGI questions. We implemented questions on sexual orientation on the National Health Interview Survey in 2013, which we field for the National Center for Health Statistics. In 2016, we implemented questions on both sexual orientation and gender identity on the National Crime Victimization Survey, which we field for the Bureau of Justice Statistics.

We are conducting cognitive testing of SOGI questions for the Current Population Survey, which is fielded by the Census Bureau and jointly sponsored by the Census Bureau and the Bureau of Labor Statistics. Cognitive testing was carried out in four sites to test for regional differences, proxy reporting and knowledge of proxies, and privacy and sensitivity issues.

We participate in the Office of Management and Budget's Interagency Working Group on SOGI, which in 2016 published three working papers on current SOGI measures, evaluations of these measures, and future directions for research.

If pressed on the error in the "Subjects Planned for the 2020 Census and American Community Survey" report:

In March 2017, the Census Bureau released a report announcing the planned subjects for the 2020 Census and the

American Community Survey. By mistake, we included sexual orientation and gender identity in the appendix. When we noticed the error, we fixed it and removed the reference. This was a simple editing error.

We received four federal agency requests to add sexual orientation and gender identity to the American Community Survey for various needs. Three requests failed to meet the criteria for adding a subject. The fourth agency withdrew its request.

Because we had a request to include questions about sexual orientation and gender identity that met the criteria, we included the subject in an initial draft of the report. When the fourth agency withdrew their request, we deleted the page dedicated to the subject but neglected to remove it from the appendix.

We regret the confusion our error caused. We look forward to continuing to work with other federal agencies and the LGBT community on future data requests.

Citizenship:

The Department of Commerce is conducting an orderly review of the Department of Justice's request. The Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018, which is two years prior to Census Day, April 1, 2020.

New Questions on the ACS

In response to a request from the Department of Health and Human Services, which they recently reaffirmed, we are proposing to add a new question on health insurance premiums and subsidies under the subject of Health Insurance on the 2019 ACS.

PRE-DECISIONAL

Subjects Planned for the 2020 Island Areas Censuses

As submitted in March 2017

2020 Subjects	Social Subjects	Economic Subjects	Housing Subjects
Operational	Ancestry	Commuting	Acreage & Agricultural Sales
Age	Disability	Health Insurance	Computer & Internet Use
Gender	Fertility	Income	~~Home Heating Fuel~~
Race/Ethnicity	Grandparent Caregivers	Industry, Occupation, & Class of Worker	Home Value & Rent
Relationship	Language Spoken at Home	Labor Force Status	Plumbing Facilities, Kitchen Facilities, & Telephone Service**
Tenure	Marital Status & Marital History*	Work Status Last Year	Selected Monthly Owner Costs
	Migration/Residence Five Years Ago		Sewage Disposal
	Parent's Place of Birth		SNAP*
	Place of Birth, Citizenship, & Year of Entry		Source of Water
	Reason for Migration		Units in Structure, Rooms, & Bedrooms
	School Enrollment, Educational Attainment & Undergraduate Field of Degree***		Vehicles Available
	Veteran Status, Period of Service, & VA Service-Connected Disability Rating		Year Built & Year Moved In

*New for Island Areas Censuses, but an established subject in the ACS.

**Propose including flush toilet availability.

***Propose including completion of a vocational program, which was a subject for the 2010 Census.

Island Areas Censuses Only

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Note: The 2020 Island Areas Censuses will be administered in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.

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As submitted to Congress in March 2017, for the 2020 Island Areas Censuses, we plan to use the ACS form as the base, which will be modified to better meet the needs of the Island Areas. Those modifications are noted in this table with orange shading and orange font. For example, in the housing subjects we do not plan to ask about home heating fuel but do plan to ask about sewage disposal and source of water.

****

Answers to potential Questions:

Island Areas include: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands

Puerto Rico receives the Puerto Rico Community Survey each year, which is a part of the American Community Survey (customized for Puerto Rico).

PRE-DECISIONAL

Questions Planned for the 2020 Census and American Community Survey

Document Outline

Contents:

- Introduction
- Questions Planned for the 2020 Census
- Questions Planned for the ACS
- Year First Included in a Decennial Census or on the ACS

Structure:

- Question image (paper form)
- Statement about why the question is asked (relationship to published data)
- Paragraph summarizing federal government use of data derived from the question
- Select summaries of types of community-level uses

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Development of the questions document began with the 2020 Census and ACS Subjects document.
We added the question image to each section, using the image from the paper form of the questionnaire for illustrative purposes. As already done for the ACS, the census will be conducted in multiple modes, including internet and computer-assisted interviewing.
We also include the information about why we ask each question and the federal and selected local community uses of the data.
The Selected Statutory uses of the data are not included in this document but are available in the Planned Subjects document delivered in March 2017.

****

If asked about question format in internet/interview modes:
Question format may vary by mode; questions are formatted for the mode they are presented in. For example, skip patterns are integrated into the automated modes to take a respondent directly to the next question (skipping those not applicable when warranted).

PRE-DECISIONAL

Questions Planned for the 2020 Census

Question Images

- Age
- Gender
- Hispanic origin
- Race
- Relationship
- Tenure (owner/renter)
- Operational (number of people)

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Now I will present the images of the questions planned for the 2020 Census.

PRE-DECISIONAL

Age

Asked since 1790

Answers to the age and date of birth question provide the data that help us understand the size of different age groups and how other characteristics may vary by age.

What is Person 1's age and what is Person 1's date of birth? *For babies less than 1 year old, do not write the age in months. Write 0 as the age.*

Print numbers in boxes.

Age on April 1, 2020	Month	Day	Year of birth
years			

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We ask a person's age and date of birth to provide the data that help us understand the size of different age groups and how other characteristics may vary by age.

PRE-DECISIONAL

Gender

Asked since 1790

A question about the gender of each person is used to create statistics about males and females and to present other data by gender.

What is Person 1's sex? *Mark X ONE box.*

☐ Male ☐ Female

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We ask about the gender of each person to create statistics about males and females and to present other data by gender.

PRE-DECISIONAL

Hispanic Origin*

Asked since 1970

A question about whether a person is of Hispanic, Latino, or Spanish origin is used to create statistics about this ethnic group.

Is Person 1 of Hispanic, Latino, or Spanish origin?
Mark ☒ *one or more boxes* ***AND*** *print origins.*

- ☐ **No**, not of Hispanic, Latino, or Spanish origin
- ☐ Yes, Mexican, Mexican Am., Chicano
- ☐ Yes, Puerto Rican
- ☐ Yes, Cuban
- ☐ Yes, another Hispanic, Latino, or Spanish origin – *Print, for example, Salvadoran, Dominican, Colombian, Guatemalan, Spaniard, Ecuadorian, etc.*

* This Hispanic origin question will be implemented on the ACS in 2020.

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Note: Hispanic origin and race are asked separately in accordance with the 1997 OMB standards on race and ethnicity.

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In accordance with the 1997 OMB standards on race and ethnicity, the questions about Hispanic origin and race are asked separately.

We ask about whether a person is of Hispanic, Latino, or Spanish origin to create statistics about this ethnic group.

In 2020, this question will now include the option to Mark One or More boxes. This version of the Hispanic origin question is also planned for implementation on the ACS in 2020.

PRE-DECISIONAL

Race*

Asked since 1790

A question about a person's race to create statistics about race and to present other estimates by race groups.

What is Person 1's race?
Mark X one or more boxes ***AND*** *print origins.*

- ☐ White – *Print, for example, German, Irish, English, Italian, Lebanese, Egyptian, etc.*
- ☐ Black or African Am. – *Print, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc.*
- ☐ American Indian or Alaska Native – *Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, etc.*
- ☐ Chinese
- ☐ Filipino
- ☐ Asian Indian
- ☐ Vietnamese
- ☐ Korean
- ☐ Japanese
- ☐ Other Asian – *Print, for example, Pakistani, Cambodian, Hmong, etc.*
- ☐ Native Hawaiian
- ☐ Samoan
- ☐ Chamorro
- ☐ Other Pacific Islander – *Print, for example, Tongan, Fijian, Marshallese, etc.*
- ☐ Some other race – *Print race or origin.*

* This race question will be implemented on the ACS in 2020.

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Note: Hispanic origin and race are asked separately in accordance with the 1997 OMB standards on race and ethnicity.

13

We ask about a person's race to create statistics about race and to present other estimates by race groups.

In 2020, this question will now include write-in fields for the categories White and Black or African American. In addition, examples are now listed for the categories White, Black or African American, and American Indian and Alaska Native. This version of the race question is also planned for implementation on the ACS in 2020.

PRE-DECISIONAL

Relationship*

Asked since 1880

A question about the relationship of each person in a household to one central person is used to create estimates about families, households, and other groups, and to present other data at a household level.

How is this person related to Person 1? *Mark ☒ ONE box*

- ☐ Opposite-sex husband/wife/spouse
- ☐ Opposite-sex unmarried partner
- ☐ Same-sex husband/wife/spouse
- ☐ Same-sex unmarried partner
- ☐ Biological son or daughter
- ☐ Adopted son or daughter
- ☐ Stepson or stepdaughter
- ☐ Brother or sister
- ☐ Father or mother
- ☐ Grandchild
- ☐ Parent-in-law
- ☐ Son-in-law or daughter-in-law
- ☐ Other relative
- ☐ Roommate or housemate
- ☐ Foster child
- ☐ Other nonrelative

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*This relationship question will be implemented on the ACS in 2019.

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We ask about the relationship of each person in a household to one central person to create estimates about families, households, and other groups, and to present other data at a household level.

In 2020, to improved coupled-household counts, the two couple relationship categories will be expanded to distinguish between opposite-sex and same-sex relationships and unmarried partner will be moved to the top of the list, immediately following spouse. In addition, we will introduce an automated check in electronic modes to ask respondents to verify responses when there are inconsistencies between sex and relationship (e.g., John and Mary are both reported as Males and are a Opposite-sex married couple).

This update to the relationship question will be implemented on the ACS in 2019.

****

Responses to questions about definition of family, estimates of same-sex couples, and the timeline of implementing the new relationship question.

The U.S. Census Bureau strives to collect data that reflect the current characteristics of the American population. In its major demographic surveys, the Census Bureau processes data related to family in the same way for the entire nation. The Census Bureau has used the same definition of "family" since about 1930. Households are categorized as 'family households' if they contain at least one person who is related to the householder (who owns or rents the home) by birth, marriage, or adoption.

The Census Bureau does not legally define marriage. As a federal agency, the Census Bureau is governed by federal

law. In June 2013, the Supreme Court removed the federal definition of marriage enacted by the Defense of Marriage Act; thereby, removing any ban on federal agencies from administering federal programs recognizing same-sex couples who report as married. Therefore, the Census Bureau processes data for same-sex couples who report as being married in the same manner as it processes data for opposite-sex couples who report as being married. Specifically, they are included in the Census Bureau's definition of family— at least one member of the household related to the householder by birth, marriage, or adoption.

Implementation of the revised relationship question on other surveys

The revised relationship question has also been implemented on the Survey of Income and Program Participation (2014), the Current Population Survey (starting in May 2015 with full implementation achieved in March 2017), and the American Housing Survey (2015).

PRE-DECISIONAL

Tenure (owner/renter)

Asked since 1890

A question about whether a home is owned or rented is used to create data about tenure, renters, and home ownership.

Is this house, apartment, or mobile home — *Mark* [x] *ONE box.*

- [ ] Owned by you or someone in this household with a mortgage or loan? *Include home equity loans.*
- [ ] Owned by you or someone in this household free and clear (without a mortgage or loan)?
- [ ] Rented?
- [ ] Occupied without payment of rent?

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We ask about whether a home is owned or rented to create data about tenure, renters, and home ownership.

PRE-DECISIONAL

Operational (number of people)

Asked since 1790

Some operational questions are asked to better administer the data collection process and to ensure greater accuracy of the data collected. Contact information is not part of published estimates and is carefully protected, as mandated by federal law, to respect the personal information of respondents.

. How many people were living or staying in this house, apartment, or mobile home on April 1, 2020?

Number of people =

Were there any additional people staying here on April 1, 2020 that you did not include in Question 1?

Mark ✗ all that apply.

- ☐ Children, related or unrelated, such as newborn babies, grandchildren, or foster children
- ☐ Relatives, such as adult children, cousins, or in-laws
- ☐ Nonrelatives, such as roommates or live-in babysitters
- ☐ People staying here temporarily
- ☐ No additional people

What is your telephone number?

We will only contact you if needed for official Census Bureau business.

Telephone Number

Please provide information for each person living here. If there is someone living here who pays the rent or owns this residence, start by listing him or her as Person 1. If the owner or the person who pays the rent does not live here, start by listing any adult living here as Person 1.

What is Person 1's name? *Print name below.*

First Name MI

Last Name(s)

Does this person usually live or stay somewhere else?

Mark ✗ all that apply.

- ☐ No
- ☐ Yes, for college
- ☐ Yes, for a military assignment
- ☐ Yes, for a job or business
- ☐ Yes, in a nursing home
- ☐ Yes, with a parent or other relative
- ☐ Yes, at a seasonal or second residence
- ☐ Yes, in a jail or prison
- ☐ Yes, for another reason

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We ask a series of operational questions to better administer the data collection process and to ensure greater accuracy of the data collected.

Contact information is not part of the published data and is carefully protected, as mandated by federal law, to respect the personal information of respondents.

PRE-DECISIONAL

Questions Planned for the 2020 ACS

- Based on results of the 2016 ACS Content Test, changes to the questions about the following topics are planned for implementation on the 2019 ACS (and will be carried forward to the 2020 ACS):
  - Telephone service
  - Journey to work
  - Weeks worked
  - Class of worker
  - Industry and Occupation
  - Retirement income
  - Relationship
  - Health insurance premiums and subsidies (new question)
- The ACS will implement the version of the race and Hispanic origin questions used on the 2020 Census on the 2020 ACS.

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The data collected in the ACS are critical for communities nationwide. The collection of information should be as minimally burdensome and intrusive as possible. We are committed to making the ACS questions clear and easy to understand. Due to time constraints, I am not able to walk through each of the questions planned for the 2020 ACS. Instead, I will focus on the changes that will be implemented on the ACS in 2019 and 2020.

We conduct a content test about every 5 years to test whether changes to question wording, response categories, and definitions of underlying constructs would make it easier for respondents to answer questions and improve the quality of the ACS data. Based on the results of the content test we conducted in 2016, we plan to make changes to the questions on: telephone service, journey to work, weeks worked, class of worker, industry and occupation, retirement income, and relationship on the 2019 ACS. In response to a request from the Department of Health and Human Services, which they recently reaffirmed, we are proposing to add a new question on health insurance premiums and subsidies under the subject of Health Insurance on the 2019 ACS. These changes will be carried forward to the 2020 ACS.

We plan to implement the version of the race and Hispanic origin questions used on the 2020 Census on the 2020 ACS.

****

What is an underlying construct? It's a term or concept that ideally means the same thing in the minds of our various respondents and stakeholders. Some constructs seem straightforward but get more complicated when you dig into them. For example, when we ask if there is a computer in the house, what is a computer? Does a smartwatch count? (yes) Does a thermostat? (no) Does a broken laptop? (no)

Preparing the Questions Planned for the 2020 Census and ACS

PRE-DECISIONAL

Planned Timeline

	Activity	Timeline
✓	Federal agencies provide updates to Federal use documentation	March – June 2016
✓	Incorporate feedback into draft *Planned Subjects* document	May – September 2016
✓	Provide updates and conduct briefings	January – March 2017
✓	***Planned Subjects* document delivered***	**No later than March 31, 2017**
✓	Draft *Planned Questions* document	September 2017 – January 2018
	Provide updates and conduct briefings	January – March 2018
	Planned Questions* document delivered	**No later than March 31, 2018**
	American Community Survey Federal Register Notices (public comment period)	December 2017 – February 2018, March – April 2018
	2020 Census Federal Register Notices (public comment period)	May – July 2018, August – September 2018

*2020 Island Areas Censuses Subjects and Questions are submitted via letter in the same period.

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We have completed development and delivery of the Planned Subjects document and are now finalizing the Planned Questions document.

We are carrying out the same sequence of briefings as conducted for the 2020 Census and ACS Subjects document. We will conduct briefings on the Planned Questions document through March 2018. The Planned Questions document will be delivered to Congress by March 31, 2018. The 2020 Island Areas Censuses Questions will be submitted by letter in the same period.

The planned questions for the 2020 Census and ACS will also be posted in Federal Register Notices, providing a public comment period. Please note that the ACS Federal Register notice is for proposed changes from the 2016 ACS Content Test to be implemented on the 2019 ACS, including the planned 2020 Census relationship question. Decisions about race and ethnicity are expected to be implemented on the ACS in 2020 and are not included in this notice.

PRE-DECISIONAL

Outstanding Item

- On December 12, 2017, the Department of Justice requested that citizenship be added to the 2020 Census short form, stating:
  - These "data are critical to the Department's enforcement of Section 2 of the Voting Rights Act and its important protections against racial discrimination in voting. To fully enforce those requirements, the Department needs a reliable calculation of the citizen voting-age population in localities where voting rights violations are alleged or suspected."
- This request is currently under evaluation by the Department of Commerce.

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The Department of Commerce is conducting an orderly review of the Department of Justice's request. The Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018, which is two years prior to Census Day, April 1, 2020.

Questions?

PRE-DECISIONAL

2020 Census and ACS Questions

Document Development

2020 Census and ACS Subjects

2020 Census and ACS Questions

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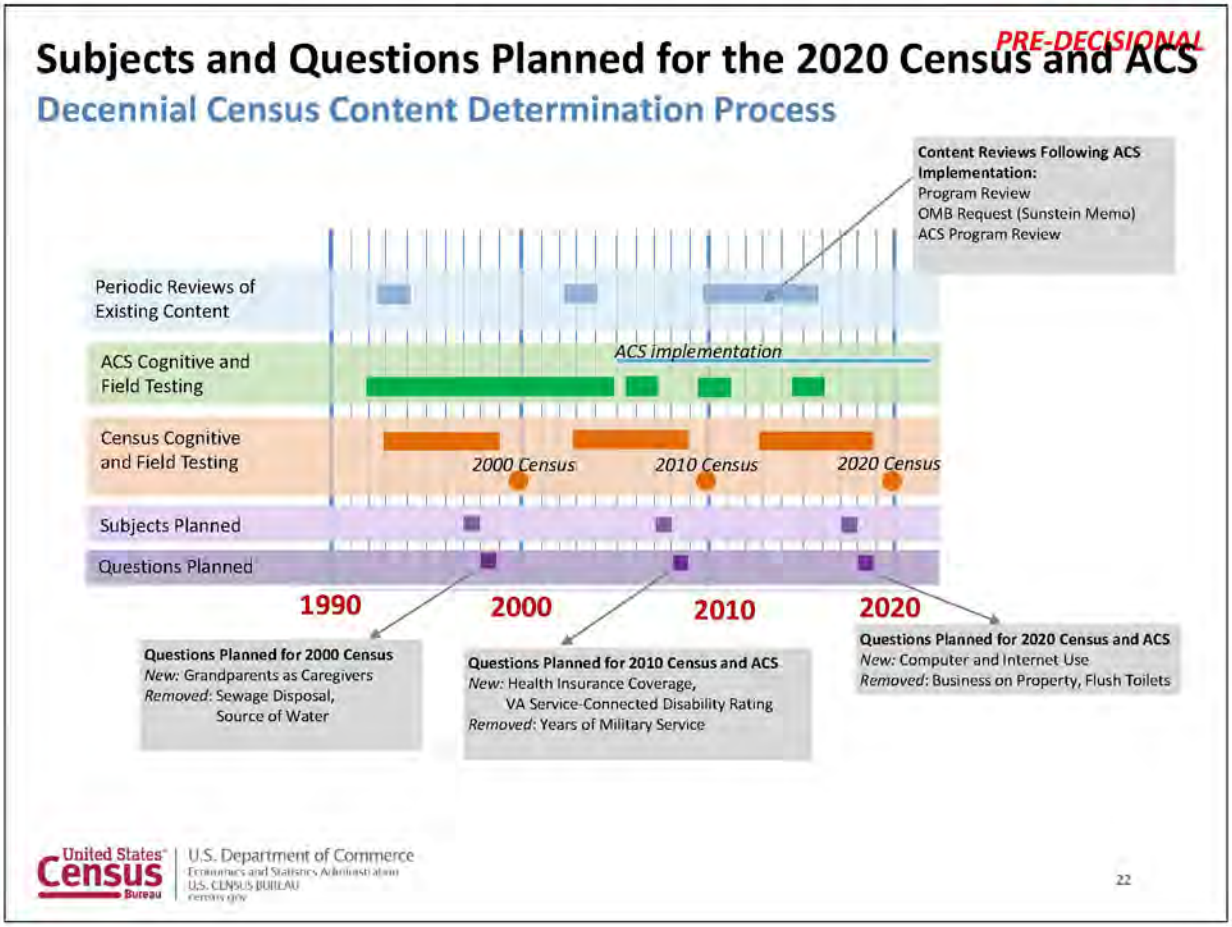
Development of the questions document will begin with the 2020 Census and ACS Subjects document. We will add the question image to each section, retaining the information about why we ask each question as well as the federal and selected local community uses of the data.

Using the Age question as an example, on the left of the slide is what we provided in the Subjects Document. On the right of the slide you see the question image included in the document. We plan to provide this information for each of the questions included on the 2020 Census and ACS in the Planned Questions document.



In preparation for the 2020 Census and ACS, the Census Bureau conducted comprehensive reviews of content and each agency was offered an opportunity to make changes and updates to the documentation of their data needs.

In 2014, the Census Bureau began a detailed review of every question on the ACS.
In this collaborative, multi-year process, we solicited feedback from federal agencies regarding their data needs.
The results of the initial review of ACS content were reported in the Federal Register in May 2015.

A final review of the content needs for the 2020 Census and ACS was conducted in 2016. We asked agencies to provide updates to the documentation of data uses and to inform us if they needed to amend the current content or request new content on the ACS. Responses to existing uses were received from the majority of agencies by June 30, 2016.

To: Karen Kelley [redacted]@doc.gov]; Enrique Lamas (CENSUS/ADDP FED)[Enrique.Lamas@census.gov]
From: Ron S Jarmin (CENSUS/ADEP FED)
Sent: Tue 2/13/2018 8:48:16 PM
Importance: Normal
Subject: Fw: Question
Received: Tue 2/13/2018 8:48:17 PM

Please see the thread below. Appears no one at AEI willing to speak in favor of putting question on the 2020.

Ron Jarmin, PhD.

Associate Director for Economic Programs, and

Performing the Non-Exclusive Functions and Duties of the Director

U.S. Census Bureau

Office 301.763.1858,Ron.S.Jarmin@census.gov

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From: Ron S Jarmin (CENSUS/ADEP FED)
Sent: Tuesday, February 13, 2018 3:46 PM
To: Michael R. Strain
Subject: Re: Question

Thanks Michael. We are trying to find someone who can give a professional expression of support for the proposal in contrast to the many folks we can find to give professional statements against the proposal. Interesting, but perhaps not so surprising, that no one at AEI is willing to do that.

Thanks for your help.

Ron Jarmin, PhD.

Associate Director for Economic Programs, and

Performing the Non-Exclusive Functions and Duties of the Director

U.S. Census Bureau

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From: Michael R. Strain <[redacted]>
Sent: Tuesday, February 13, 2018 3:31:38 PM
To: Ron S Jarmin (CENSUS/ADEP FED)
Subject: RE: Question

Hi Ron,

Great to hear from you. I hope you are well.

None of my colleagues at AEI would speak favorably about the proposal. Is it important that the person actually be in favor of the proposal?

All the best,

Michael

From: Ron S Jarmin (CENSUS/ADEP FED) [mailto:Ron.S.Jarmin@census.gov]
Sent: Tuesday, February 13, 2018 1:48 PM
To: Michael R. Strain <[redacted]>
Subject: Question

Hi Michael,

Hope all is well. We are trying to set up some meetings for Secretary Ross to discuss the proposed citizenship question on the 2020 Census with interested stakeholders. Most stakeholders will speak against the proposal. We're looking to find someone thoughtful who can speak to the pros of adding such a question or perhaps addressing the fundamental data need some other way (e.g., admin records).

Do you know of anyone at AEI, or elsewhere, that could do this sometime over the next couple weeks?

Thanks

Ron Jarmin, PhD.

Associate Director for Economic Programs, and

Performing the Non-Exclusive Functions and Duties of the Director

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From: Ron S Jarmin (CENSUS/ADEP FED) [Ron.S.Jarmin@census.gov]
Sent: 1/3/2018 6:45:55 PM
To: Gary, Arthur (JMD) [redacted]
CC: Enrique Lamas (CENSUS/ADDP FED) [Enrique.Lamas@census.gov]
Subject: Re: Request to Reinstate Citizenship Question On 2020 Census Questionnaire

Gary,

I'm bringing technical, program and legal folks. It would be good if some technical folks on the DOJ side were there so we can ensure we understand and can meet your requirements. Thursday and Friday are the most open for us, but we're flexible and can shuffle to meet earlier in the week if that's preferable.

Thanks

Ron Jarmin, PhD.
Associate Director for Economic Programs, and
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
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From: Gary, Arthur (JMD) [redacted]
Sent: Tuesday, January 2, 2018 2:21:05 PM
To: Ron S Jarmin (CENSUS/ADEP FED)
Cc: Enrique Lamas (CENSUS/ADDP FED)
Subject: RE: Request to Reinstate Citizenship Question On 2020 Census Questionnaire

It should work fine- - let me get back to you.

Best wishes to you for 2018 as well.

Thanks,

Art

Arthur E. Gary
General Counsel
Justice Management Division
U.S. Department of Justice
Two Constitution Square, Suite 8E.500
145 N. Street, NE
Washington, DC 20530
202-514-3452 (OGC main line)

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From: Ron S Jarmin (CENSUS/ADEP FED) [mailto:Ron.S.Jarmin@census.gov]
Sent: Tuesday, January 02, 2018 1:59 PM
To: Gary, Arthur (JMD) <[redacted]
Cc: Enrique Lamas (CENSUS/ADDP FED) <Enrique.Lamas@census.gov>
Subject: Re: Request to Reinstate Citizenship Question On 2020 Census Questionnaire

Arthur,

Happy New Year! Would the late next week work for a meeting?

Best

Ron Jarmin, PhD.
Associate Director for Economic Programs, and
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
Office 301.763.1858, Ron.S.Jarmin@census.gov
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From: Gary, Arthur (JMD) <[redacted]
Sent: Friday, December 22, 2017 4:16:35 PM
To: Ron S Jarmin (CENSUS/ADEP FED)
Cc: Enrique Lamas (CENSUS/ADDP FED)
Subject: RE: Request to Reinstate Citizenship Question On 2020 Census Questionnaire

Dr. Jarmin – thank you for your response. We look forward to meeting with you and your team in early January.

Best regards

Arthur E. Gary
General Counsel
Justice Management Division
U.S. Department of Justice
Two Constitution Square, Suite 8E.500
145 N. Street, NE
Washington, DC 20530
202-514-3452 (OGC main line)

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From: Ron S Jarmin (CENSUS/ADEP FED) [mailto:Ron.S.Jarmin@census.gov]
Sent: Friday, December 22, 2017 3:32 PM
To: Gary, Arthur (JMD) <[redacted]
Cc: Enrique Lamas (CENSUS/ADDP FED) <Enrique.Lamas@census.gov>
Subject: Request to Reinstate Citizenship Question On 2020 Census Questionnaire

Arthur,

Thank you for your letter dated 12/12/2017 regarding improving the quality of citizenship information for DOJ enforcement of the Voting Rights Act. Let me start by saying the Bureau is fully supportive of providing DOJ with the highest quality statistical information possible. To that end, I directed staff to review all possible ways to address the needs expressed in the letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey data the Census Bureau already possesses. This would result in higher quality data produced at lower cost.

I suggest we schedule a meeting of Census and DOJ technical experts to discuss the details of this proposal. We look forward to working with you on this important statistical matter.

Happy Holidays

Ron Jarmin, PhD.
Associate Director for Economic Programs, and
Performing the Non-Exclusive Functions and Duties of the Director
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2020 Census: Adding Content to the Questionnaire

The Census Bureau follows a well-established process when adding questions to the decennial census based on the recognition that the data must fulfill legal and regulatory requirements established by the Congress. While the discretionary authority for defining the questions on either the American Community Survey or the Decennial Census Short Form resides with the Secretary of Commerce, the Census Bureau works with the Office of Management and Budget (OMB) to review and assess the justification of the new content or question.

- **Step One** – With the exception of technical questions needed to collect accurate data, all questions on the various census forms generate data in response to requests from the Congress or other agencies in the Executive Branch. Upon receiving a request lawyers at the Department of Commerce work closely with OMB to determine whether the data fulfill legal, regulatory or Constitutional requirements.

- **Step Two** – Upon determining that a new question is warranted, the Census Bureau must notify Congress of its intent to add the question. This is particularly important for the 2020 Census Questionnaire. By law, the Census Bureau notified the Congress of the topics to be covered by the 2020 Census on March 31, 2017. The Census Bureau must deliver the specific questions by March 31, 2018. This is an intentionally process designed to give the Congress the ability to review the topics and questions on the questionnaire before they are finalized. If an additional topic is required, it is imperative that Congress be notified as soon as possible.

- **Step Three** – The Census Bureau then must notify the public, and invite comments regarding the change in the questionnaire with a Federal Register Notice (FRN). The updated FRN needs to be cleared by OMB prior to a new 30-day FRN posting. The Census Bureau must respond to comments from the public after 30 days. Then OMB can issue final approval.

- **Step Four** – The Census Bureau must test the wording of the new question. It is too late to add a question to the 2018 End-to-End Census Test, so additional testing on a smaller scale would need to be developed and implemented as soon as possible.

- **Step Five** – The Census Bureau must make additional operational adjustments, beyond testing, to include new content. This includes re-designing the paper questionnaire and adjusting the paper data capture system. For Internet self-response, the additional question will require system redevelopment, once for English and then again for Spanish. The Census Questionnaire Assistance operation will require development as well. Finally, the Nonresponse Followup data collection instruments will need to be redesigned, and the training modules for the enumerators will need further development.

Once each of these steps are completed a new question can be added to the 2020 Census.

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Internal Document – Not for Public Release

September 20, 2017

MEMORANDUM FOR Associate Directorate for Research and Methodology (ADRM)

From: Center for Survey Measurement (CSM)

Subject: Respondent Confidentiality Concerns

CSM researchers have noticed a recent increase in respondents spontaneously expressing concerns about confidentiality in some of our pretesting studies conducted in 2017. We recommend systematically collecting data on this phenomenon, and development and pretesting of new messages to avoid increases in nonresponse among hard-to-count populations for the 2020 Census as well as other surveys like the American Community Survey (ACS).

Below is a preview of findings relating to respondent confidentiality concerns from recent CSM projects, followed by a more detailed recommendation from CSM. These findings are drawn from usability interviews with English- and Spanish-speaking respondents (N=15), cognitive interviews with Spanish-speaking respondents (N=10), four focus groups with Spanish-speaking Field Representatives (FRs) (N=16), five focus groups with Field Supervisors (FSs) and Field Representatives (N = 24), and 42 focus groups with respondents (N=366). These interviews and focus groups were conducted in different regions of the country in English, Spanish, Chinese, Korean, Vietnamese, Russian, and Arabic since January of 2017. All projects were small, qualitative studies and as such, unrepresentative of the population as a whole, and none of them were specifically designed to examine confidentiality concerns. However, respondents and field representatives spontaneously brought up these concerns at a much higher rate than CSM researchers have seen in previous pretesting projects, and as such, this information may have implications for nonresponse on U.S. Census Bureau studies and surveys.

In particular, CSM researchers heard respondents express new concerns about topics like the "Muslim ban," discomfort "registering" other household members by reporting their demographic characteristics, the dissolution of the "DACA" (Deferred Action for Childhood Arrival) program, repeated references to Immigration and Customs Enforcement (ICE), etc. FRs and FSs emphasized facing a "new phenomenon" in the field and reported that respondents' fears, particularly among immigrant respondents, have increased markedly this year. Respondents reported being told by community leaders not to open the door without a warrant signed by a judge, and CSM researchers observed respondents falsifying names, dates of birth,

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and other information on household rosters. FRs requested additional training to help them overcome respondents' fears regarding confidentiality and data sharing with other agencies like ICE, as well as materials they could share with respondents to reassure them about these concerns.

Usability Findings (2017 PEGA Internet Self-Response Instrument; N = 15)

Overall, four of fifteen respondents who participated in usability interviews in the DC-metro area to pretest the 2017 PEGA internet self-response (ISR) instrument in English and Spanish intentionally provided incomplete or incorrect information about household members due to concerns regarding confidentiality, particularly relating to perceived negative attitudes toward immigrants.

One Spanish-speaking respondent said she was uncomfortable "registering" other household members and tried to exit the survey at the dashboard when she realized she would have to provide information on others who live with her. She mentioned being afraid because of the current political climate and news reports about changing immigration policy. The researcher had to help the respondent delete the other household members from the roster to avoid a break-off; she only provided her own information.

A second Spanish-speaking respondent filled out information about herself and three family members but intentionally left three or four roomers off the roster because, "This frightens me, given how the situation is now" and mentioned being worried because of their "[immigration] status." Both Spanish-speaking respondents stated that they would not complete the survey at home.

A third Spanish-speaking respondent, who the researcher had reason to believe was not concerned about whether his data would be shared with other federal agencies because of his status as legal resident in the country, commented: "Particularly with our current political climate, the Latino community will not sign up because they will think that Census will pass their information on and people can come looking for them." This theme came up repeatedly even for those without concerns about the immigration status of members of their household.

One English-speaking respondent entered false names and some incorrect dates of birth for his roommates because he was not comfortable providing their information without their consent due to data sharing concerns.

A second English-speaking respondent did not report five unrelated household members (some of whom were immigrants) because she does not report their rental income to the IRS and because of what she referred to as the "Muslim ban."

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It should be noted that this level of deliberate falsification of the household roster, and spontaneous mention of concerns regarding negative attitudes toward immigrants, is largely unprecedented in the usability interviews that CSM has been conducting since 2014 in preparation for the 2020 Census. In general, we assume that pretesting respondents are in fact more willing to fill out the survey than most respondents would be during the 2020 Census, given that they are being paid a cash incentive for their participation and being interviewed by a researcher with whom they have established rapport. As such, these concerns might be even more pronounced during a production survey than researchers observed during pretesting.

Cognitive Findings (CBAMS Paper Testing; N = 10)

Spanish-speaking respondents who participated in paper testing of the CBAMS (Census Barriers, Attitudes, and Motivators Survey) expressed concern about whether their answers might be shared with other government agencies. One respondent said, "The possibility that the Census could give my information to internal security and immigration could come and arrest me for not having documents terrifies me." Later she commented that she was worried that her information could be used against her if she answered that she is not satisfied with the government here. She thought someone could say, 'If you're not satisfied, why are you here?' and this could be used against her to expel her from the country.

Respondent concerns on this survey were eye-opening for CSM researchers because some of the respondents who participated in cognitive interviews had previously taken part in CSM pretesting projects. Despite having participated in the past, they seemed visibly nervous and reticent and required extensive explanations regarding how their data would be used and their personal identifying information would be redacted. This behavior was in contrast to their demeanor during prior CSM pretesting projects.

Multilingual Focus Groups on Doorstep Messages for the 2020 Census (N = 366)

Respondents also raised concerns in 42 focus groups conducted this spring in order to test doorstep messages that enumerators can use to overcome reluctance in the 2020 Census. These focus groups were conducted in English, Spanish, Chinese, Korean, Vietnamese, Russian, and Arabic, and the topic of confidentiality concerns came up in several groups.

For example, Spanish-speakers brought up immigration raids, fear of government, and fear of deportation. Respondents talked about having received advice not to open the door if they fear a visit from Immigration and Customs Enforcement (ICE) and that they could instead ask that warrants be slipped under the door. They suggested that the Census Bureau have something in writing that enumerators could slip under the door to indicate why an enumerator is at a respondent's home. They felt that the most important message to encourage participation was confidentiality and the greatest barriers to Latino participation are fear and mistrust.

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Several Chinese-speaking focus group respondents stated that the Chinese community's main fear or concern was immigration status and how the data are used. They also expressed concern about opening the door to a government official and not wanting to be "investigated."

Arabic-speakers reported that they had concerns about their perception of the current environment as unwelcoming to Arabic-speaking immigrants and said that they feared deportation. One respondent said, "The immigrant is not going to trust the Census employee when they are continuously hearing a contradicting message from the media everyday threatening to deport immigrants." Respondents wanted to have more assurance about how the data would be used before providing personal information.

English-speakers expressed similar reservations when discussing the current "environment." In one English focus group, respondents spontaneously expressed concerns that their personal information would be shared with other agencies, and mentioned in particular that data could be shared with Immigration and Customs Enforcement and the Department of Homeland Security. One participant recommended that Census materials should explicitly explain that personal information is not shared with these agencies.

Overall, concerns about the confidentiality of data, including between agencies, negative perceptions of immigrants, and deportation emerged across languages in this project.

Focus Groups with Spanish-speaking Field Representatives (N = 16)

CSM conducted four focus groups from July to September with Spanish-speaking Census Bureau Field Representatives who work in different states regarding the Spanish translation of a health survey. Many of the FRs spontaneously brought up the topic of an upsurge in respondent confidentiality concerns.

Many FRs stated that before they can begin an interview, they have to spend several minutes calming respondents and gaining their trust due to the current "political state." One FR said, "The politics have changed everything. Recently." Another mentioned that this is especially relevant given that the DACA (Deferred Action for Childhood Arrival) program is "on the chopping block." FRs reported that some respondents worry about giving out legitimate names or completing the roster; they often do not feel comfortable giving out information about other people in the household. One FR said, "This may just be a sign of the times, but in the recent several months before anything begins, I'm being asked times over, does it make a difference if I'm not a citizen?" FRs reported that many Spanish-speaking respondents distrust the statement on confidentiality in the survey mailing materials, even when they understand it.

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Many respondents believe that "the less information they give out, the better. The safer they are."

One FR said that in June she was doing a Census Bureau survey interview with questions about citizenship status. A Spanish-speaking respondent answered that he was not a citizen, and then appeared to lie about his country of origin. When the FR started asking about his year of entry into the U.S., he "shut down" and stopped responding to her questions. He then walked out and left her alone in the apartment, which had never happened to her during an interview before.

Another FR commented that she had seen this scenario many times while administering the ACS, although this was the first time she had heard of a respondent actually leaving the FR alone in his or her home. She suggested that respondents might have concerns about confidentiality given "the current political climate."

A third Spanish-speaking FR added that she had observed Hispanic members of a household move out of a mobile home after she tried to interview them. She said, "There was a cluster of mobile homes, all Hispanic. I went to one and I left the information on the door. I could hear them inside. I did two more interviews, and when I came back, they were moving.... It's because they were afraid of being deported."

FRs reported using various strategies to overcome respondents' fears. They are often asked if they work for other federal agencies, and reassure respondents that this information is not reported to other federal agencies; their information is not shared with "immigration or taxes." They explain that the respondent's immigration status does not matter. The FRs reported that sometimes they encourage respondents to do the interview anonymously with fake names, when it seems like the respondent is about to refuse.

The FRs recommended that ad campaigns be used to reduce the mistrust the public has toward completing our surveys. They also requested "an immigration letter" like one used on the NHANES (National Health and Nutrition Examination Survey) that mentioned "la migra" [a slang term for ICE] that was very effective. The FRs could use it selectively when it was needed. It clearly said that the Census Bureau was not in any way related with "la migra".

FRs were asked to share the most important change that they wanted to see made to the Spanish translation of the survey materials. In one focus group, the three FRs agreed unanimously that they would like an "immigration statement" to appear on mailing materials because of current "political issues." They reported that immigration concerns are the "topic of

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the day" and that they always have to allay fears about immigration by saying, "We do not share information with other agencies." They suggested that the statement should convey that while the Census Bureau is part of the federal government, it is a statistical agency, and that the respondent's legal status in the country does not matter at all.

Focus Groups with Field Supervisors and Field Representatives (N = 24)

CSM conducted five focus groups in September with Field Supervisors and Field Representatives to collect feedback on FR training, the availability of printed materials in various languages, and the usage of printed materials during a recent housing survey operation. The topic of respondent concerns regarding confidentiality came up repeatedly in these focus groups.

In one focus group of Field Supervisors, an FS reported having a respondent produce papers proving US citizenship of household members during an interview. Another FS reported that each time she spoke to a Spanish-speaking respondent, her focus was on convincing the respondent of the confidentiality of their answers "given the political temperature these days." One FS said, "we have to let [respondents] know where this information is going. That's their biggest fear." When asked if the training the FRs had received was adequate, an FS commented that more training was needed on respondent confidentiality concerns, but that "this climate didn't exist before [when training was designed last time], when you did the study three years ago, so of course it wasn't planned in there." FSs reiterated that the main issue they saw was privacy concerns of Latino respondents, and that FRs should do more practice interviews where someone models those concerns and concerns about immigration so that the FRs are more prepared to respond adequately in the field.

FRs who spoke a language other than Spanish or English (e.g., Cantonese) reported that completing interviews for the survey in question this year was much harder than the last time the survey was fielded: "Three years ago was so much easier to get respondents compared to now because of the government changes… and trust factors [and] also because of what happened here [in the United States]….Three years ago I didn't have problems with the immigration questions." Another FR commented, "There will always be political situations that are out of our control …. Sometimes I just come right out and say, this isn't for immigration."

Even FRs who only speak English reported needing additional training for encountering households where respondents are especially fearful. One FR reported that respondents have been confusing him with someone from Immigration and Customs Enforcement (ICE, formerly known as INS). He reported that respondents that identified him as working for the government were hesitant to answer any questions, and it was difficult to gain their trust. Another FR agreed that most incompletes were due to a distrust of the government. When asked whether

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their training adequately prepared them, several FRs mentioned that training regarding concerns about ICE could not have been included in the training they received because it was a new phenomenon. The FRs in this focus group emphasized that they were having to reorder the questions in this housing survey to collect demographics last in order to avoid breakoffs.

Spanish bilingual FRs shared many of the same concerns as the Field Supervisors, speakers of languages other than English or Spanish, and the monolingual English-speaking FRs. They emphasized that when completing interviews with Spanish-speaking households, immigration concerns were challenging and that respondents seemed fearful. They requested more training focusing on respondent fears, particularly immigrant respondents' fears. They mentioned respondents giving out false names and reordering survey questions to collect demographics last.

Recommendation

Overall, these findings, in various languages from respondents, Field Representatives, and Field Supervisors across the country who have participated in recent projects are raising concerns within CSM regarding potential barriers to respondent participation in the 2020 Census, as well as other Census Bureau surveys. The findings listed above are a sampling of what CSM researchers have observed on recent projects, and these concerns were all expressed spontaneously to researchers during the course of pretesting various survey materials. These findings are particularly troubling given that they impact hard-to-count populations disproportionately, and have implications for data quality and nonresponse.

A systematic pretesting study evaluating respondent confidentiality concerns, both from the perspective of respondents as well as Field Representatives, would shed light on the nature and prevalence of these concerns, particularly for Limited English Proficient (LEP) or immigrant populations in the U.S. Quantitative analysis could also be done to examine any changes in response rates, mode of administration, item non-response, or number of contact attempts for surveys such as the ACS among non-English speakers and hard-to-count, immigrant respondents. Similarly, we could review whether the number of residents reported or the number of unrelated household members within households has declined in recent months.

In addition to gathering data on any uptick in confidentiality concerns that may exist, we recommend designing and pretesting wording that could address these concerns in mailing materials, the Decennial Internet Self Response instrument, FAQs provided to enumerators, etc. This text could inform respondents that the Census Bureau does not collect information on immigration status or religion (similar to the language stating that we do not collect social security numbers), or that we do not share data with agencies like ICE. Pretesting with respondents from a variety of backgrounds would be vital given that such a message could be

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reassuring to some respondents but may have other effects for different populations. Care should be taken in crafting new messages. CSM also recommends that additional training be provided to FRs across surveys regarding allaying respondents' confidentiality concerns.

Alternative Sources of Citizenship Data for the 2020 Census

Prepared for: John M. Abowd

Through: John L. Eltinge

Prepared by: Michael Berning, J. David Brown, Misty Heggeness, Shawn Klimek, Lawrence Warren, and Moises Yi

Disclosure review: Amy Lauger (CBDRB-2017-CDAR-001)
The statistics in this report may be released to the public.

Date: December 22, 2017

Introduction

The Census Bureau has provided estimates of the Citizen Voting Age Population by Race and Ethnicity (CVAP)[1] and data to support redistricting under Public Law 94-171 (PL94) and Section 2 of the Voting Rights Act.[2] This paper examines alternative sources for the citizenship data, specifically the addition of a question on the 2020 decennial instrument or the integration of administrative records on citizenship into the 2020 Census Edited File (CEF). In 2011, when they were released, the PL94 data from the 2010 Census had a reference date of April 1, 2010. The CVAP data released in February 2011 were based on the 5-year American Community Survey (ACS) data from 2005-2009. In addition, the 2011 CVAP data were based on Census 2000 block group geography while the PL94 data were based on 2010 Census block geography. The difficulty in integrating these two data tools for redistricting and enforcement of the Voting Rights Act was directly cited by the Department of Justice in its December 12, 2017 letter to Dr. Ron Jarmin, who was performing the non-exclusive functions and duties of the Director on that date.

Data from Household Questionnaires and Administrative Sources

The Census Bureau currently has four surveys containing citizenship questions. Citizenship is collected on the American Community Survey (ACS), the Current Population Survey (CPS), the American Housing Survey (AHS), and the Survey of Income and Program Participation (SIPP), and all persons in the household are in universe. The ACS, CPS, and AHS distinguish between citizens born in the United States, in U.S. territories, abroad to U.S. parents, and of foreign nativity but naturalized. SIPP collapses citizenship into a binary indicator of whether or not one is a citizen.[3] Table 1 shows how much of the 2010 Census these sources cover. By linking citizenship data collected from the household surveys listed below to the 2010 Census, we can identify directly reported citizenship for approximately 14.4% of the total population.

The integration of these surveys with the 2010 Census is based on the Protected Identification Key (PIK) added to all files using the Person Identification Validation System (PVS). From 2000 to

[1] https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html
[2] https://www.census.gov/rdo/data/2010_census.html
[3] This information is from the Master Demographic Pilot Report.

2015, a small number of the PIKs in these surveys do not match records in the 2010 Census. The nonmatch rate is less than 0.2% for all years, with a minimum of less than 0.1% in 2010.

Table 1. Citizenship in Household Surveys Linked to the 2010 Decennial by Demographics

	Household Surveys Linked to 2010 Decennial							2010 Decennial	
	Noncitizen		Citizen		Missing		Total		
	N	(%)	N	(%)	N	(%)	(%)	N	(%)
Total Population	1,523,000		43,090,000		1,192,000		**100.0**	308,745,538	**100.0**
								Coverage	***14.4***
Sex									
Female	785,000	1.7	22,380,000	48.9	613,000	1.3	**51.9**	157,000,000	**50.8**
Male	738,090	1.6	20,710,000	45.2	579,000	1.3	**48.1**	151,800,000	**49.2**
Race									
White	729,000	1.6	35,320,000	77.1	837,000	1.8	**80.5**	227,200,000	**73.6**
Black	127,000	0.3	4,157,000	9.1	172,500	0.4	**9.7**	40,400,000	**13.1**
American Indian, Aleut Eskimo	14,800	0.0	562,000	1.2	15,780	0.0	**1.3**	4,007,000	**1.3**
Asian or Pacific Islander	364,000	0.8	1,688,000	3.7	93,000	0.2	**4.7**	16,770,000	**5.4**
Other	286,800	0.6	1,358,000	3.0	74,650	0.2	**3.8**	20,400,000	**6.6**
Ethnicity									
Hispanic/Spanish	675,000	1.5	4,046,000	8.8	198,100	0.4	**10.7**	50,480,000	**16.4**
Non-Hispanic/Spanish	848,000	1.9	39,040,000	85.2	994,300	2.2	**89.3**	258,300,000	**83.7**

Source: 2010 Decennial Census and Master Demographics, U.S. Census Bureau.
Note: Household survey data unweighted. The reported population total is the official count from the 2010 Census. All other counts have been rounded.

The Census Bureau has acquired multiple national administrative record sources that include citizenship data, as shown in Table 2.

Table 2. National Administrative Record Sources with Citizenship Fields

Currently In Census Inventory	Universe
Social Security Administration Numident	Quarterly Transactions
Temporary Assistance to Needy Families	Program Applicants
Bureau of Prisons	Federal Prison Inmates
Potential New Acquisitions	**Universe**
USCIS Citizen Data	Population
Real ID Act Data	Driver's License Applicants
FHA Loan Applications	Loan Applicants
State Department Expatriates	Students studying aboard and embassies registrations
Medicare/Medicaid Loan Applications	Program Applicants

Whether or not citizenship data are collected on the 2020 Census questionnaire, it would be consistent treatment to use administrative records to edit and/or impute the citizenship variable, when necessary.

From the sources in Table 2, the Census Numident is the most complete and reliable administrative record source of citizenship data currently available. The Numident file is a record of applications for Social Security cards. Unique, life-long SSNs are assigned to individuals based on these applications. A full record of all changes to the information (such as change of name) is also maintained. To obtain a Social Security Number, the applicant must provide documented identifying information to the Social Security Administration (SSA). Through the "enumeration at birth" program, children can be issued a Social Security Number (SSN) when they are born. Examples of data elements on a Numident record include name, date and place of birth, parents' names, and date of death.

As shown in Table 3, 90 percent of persons in the 2010 Census can be matched to the Protected Identification Key (PIK).[4] Once a PIK is assigned, virtually every record is matched to the Census Numident (>99%). Nearly all the PIKs not in the Numident are Individual Taxpayer Identification Numbers (ITIN), which are held by noncitizens for IRS tax filing reasons. Among persons with non-blank citizenship in the Numident, 91 percent are U.S. citizens. Around 21 percent of the Numident records have a blank for citizenship. The Social Security Administration did not require evidence of citizenship until 1972.[5] Many older persons thus did not report citizenship when applying for an SSN. We investigate this issue further below.

[4] See NORC (2011) and Layne, Wagner and Rothhaas (2014) for details about the process used to assign and the quality of the PIKs used in data linkage at the Census Bureau.

[5] A detailed history of the SSN is available at https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html (Exhibit 1).

Table 3. PIK Coverage of the 2010 Decennial Census and Numident Citizenship Distribution

	Count	Percent of Decennial Population	Percent of Matched Sample
No PIK, not sent to PVS	10,367,975	3.4	
No PIK, failed in PVS	19,198,234	6.2	
PIK, but not in Numident, not ITIN	8,871	0.0	
PIK, but not in Numident, is ITIN	1,566,645	0.5	
Blank Citizenship	57,914,337	18.8	20.9
U.S. Citizen	200,422,211	64.9	72.2
Legal Alien, authorized to work	18,198,545	5.9	6.6
Legal Alien, not authorized to work	444,727	0.1	0.2
Other	259,674	<0.1	<0.1
Alien Student, restricted work authorized	184,673	<0.1	<0.1
Conditionally Legalized Alien	179,646	<0.1	<0.1
Total	308,745,538	100.00	100.00

PVS is the Person Identification Validation System.

One of the reasons why some person records fail to receive a PIK is insufficient personally identifiable information, which is the case for the 3.4 percent of records not sent to the Person Identification Validation System (PVS), as shown in Table 3. It is thus likely that many of the same records for which it is not possible to link in citizenship information due to a lack of a PIK also have imputed values for other demographic variables. Tables 4A-4C show that imputation rates are much higher for 2010 Decennial Census person records lacking a PIK, especially for date of birth (a characteristic which may be hard for proxy respondents to report on behalf of their neighbors, for example).

Table 4A. 2010 Decennial Census Gender Source, PIK vs. non-PIK Records

	With PIK	No PIK
As reported	98.7	75.4
From first name	1.3	1.4
Value edited for household consistency	<0.1	0.4
Allocated from hot deck	0.0	2.1
Allocated from consistency check	<0.1	<0.1
Substituted	<0.1	20.7
Percent of Sample	90.9	9.1

The number of observations is 304,450,000. Group Quarters are excluded.

Table 4B. 2010 Decennial Census Date of Birth Source, PIK vs. non-PIK Records

	With PIK	No PIK
Fully reported date of birth	96.0	35.7
Only day of month allocated	0.2	0.5
Month and day both allocated	0.3	1.7
Year of birth created from two-digit year	0.7	0.5
DOB allocated consistent with reported age	1.6	16.4
DOB allocated consistent with allocated age	1.3	24.7
Substituted	0.0	20.7
Year of birth of householder or spouse adjusted to be consistent with number of children	<0.1	<0.1
Percent of Sample	90.9	9.1

The number of observations is 304,450,000. Group Quarters are excluded.

Table 4C. 2010 Decennial Census Race Source, PIK vs. non-PIK Records

	With PIK	No PIK
As reported	96.6	68.6
Code changed through consistency edit	<0.1	<0.1
Assigned race from response in Hispanic question	<0.1	<0.1
Allocated from within household	1.5	4.1
Allocated from hot deck	0.7	5.9
Substituted	0.0	20.7
Assigned race from previous census response	1.2	0.7
Percent of Sample	90.9	9.1

The number of observations is 304,450,000. Group Quarters are excluded.

The Estimated Effects of Including a Citizenship Question on the 2020 Census

We also study how including the citizenship question might affect response rates by comparing first mailing response rates in the 2010 Decennial and the 2010 ACS for the same housing units. An important difference between the two questionnaires is that the ACS questionnaire contains citizenship questions, and the Decennial Census does not. Households with noncitizens could be particularly sensitive to the inclusion of citizenship questions. Here we focus on housing units that received a mailing (housing units in the initial mailing and that did not have mail returned as Undeliverable as Addressed (UAA)) and which were not classified as a vacant or delete. The housing units are divided into two groups, those where at least one person is a noncitizen in the Census Numident and has been assigned to this housing unit in the 2010 Census Match Study's administrative records person-place (PIK-MAFID) crosswalk, and those where all of the persons are citizens in the Census Numident.

Table 5 shows the 2010 Census and ACS response rates for these two groups. The self-response rate is higher for 2010 Census than for the ACS for both citizenship categories, presumably reflecting the higher burden of the ACS. The citizens[6] response rate is greater than the noncitizen rate in each survey, suggesting that noncitizens have a lower participation rate in general. Most important for this study is understanding how the difference in self-response rate across groups varies between the 2010 Census and ACS. While the self-response rate for citizen households is 13.8 percentage points lower in the ACS than in the 2010 Census, the self-response rate for households with at least one noncitizen is 18.9 percentage points lower for the ACS than the self-response rate to the 2010 Census, which is a 5.1 percentage point difference between the two

[6] Citizens include those born in the U.S., those born abroad to U.S. parents, and naturalized.

categories. Though there could be other reasons why households with noncitizens are particularly unwilling to respond to the ACS, this evidence is consistent with citizenship questions being more sensitive for households with noncitizens.

Table 5. Comparison of 2010 ACS and 2010 Decennial Census Response Rates, by 2010 Numident Citizenship Status

	Response rate (%)		Difference	Row Percent
(Numident Status)	Census	ACS		
Citizen	79.9	66.1	13.8	94.1
Not Citizen	71.5	52.6	18.9	5.9

The sample size is 929,000 households.

Other proxy measures for understanding response sensitivity to questions of citizenship can be examined with longitudinal data. Using the 2014 SIPP longitudinal panel waves 1 and 2, Table 6 shows household response rates for citizens and noncitizens. Noncitizens made up around 6% of the 2014 SIPP survey. Of persons living in households where at least one individual did not respond to the survey questionnaire, noncitizens made up around 8%.

Table 6. Noncitizens and Non-Response in the 2014 Survey of Income and Program Participation

	Wave 1		Wave 2	
	(%)	(se)	(%)	(se)
Noncitizens	6.1	(0.144)	5.7	(0.096)
At least one member in the noncitizen household did not respond	7.9	(0.473)	8.5	(0.351)

Source: 2014 SIPP, Waves 1 and 2
Note: Citizenship status refers to status in Wave 1.

To get a sense of the quality of the survey and administrative citizenship data, we compared ACS and Census Numident responses for the same PIKs. Table 7A shows that over 99 percent of the blanks are U.S. citizens in the ACS, so it is highly likely that persons with blanks for citizenship in the Numident are U.S. citizens. Among those who are legal resident noncitizens in the Numident, roughly 40 percent say they are U.S. citizens, nearly all via naturalization. This suggests that either the Numident citizenship data are out of date, or that there is a tendency for noncitizen ACS respondents to report being U.S. citizens. To provide context for these discrepancies, note that the share of the stock of legal permanent residents who became naturalized citizens was 8.3 percent, 6.0 percent, and 4.9 percent in 2008, 2009, and 2010, respectively, suggesting that the Numident data would need to be several years out of date to explain the observed discrepancies, if

the ACS data are accurate.[7] If the Census Bureau obtains the U.S. Citizen and Immigration Services (USCIS) citizenship file, we would be able to measure how up to date the Numident citizenship information is.

One way discrepancies can occur between the ACS and Numident citizenship information is incorrect PIK linkages. In Table 7B we include only PIKs that have median or above PVS scores in the linking attempt matching on the most information (geosearch pass 1). The discrepancies are smaller for the cases where the PIK is a citizen in the Numident, but they are larger where the PIK is a noncitizen in the Numident. This suggests that the significant discrepancies with the ACS when the PIK is a noncitizen in the Numident are not due to linkage errors with the PIKs.

[7] The data on naturalizations come from https://www.dhs.gov/sites/default/files/publications/Naturalizations_2010.pdf, and estimates for the stock of legal permanent residents come from https://www.dhs.gov/immigration-statistics/population-estimates/LPR.

Table 7A. Comparison of 2010 ACS and 2010 Numident Citizenship, All PIKs

ACS\Numident	Blank	A=U.S. Citizen	B=Legal Alien, authorized to work	C=Legal Alien, not authorized to work	D=other	E=Alien Student, restricted work authorized	F=Conditionally legalized alien	Row Percent
Yes, Born Citizen	95.1	96.6	3.8	3.6	11.6	2.0	5.6	91.0
Yes, Naturalized	4.1	3.2	36.9	37.3	11.0	47.2	42.4	5.3
Not a Citizen	0.8	0.3	59.3	59.1	77.3	50.7	51.9	3.7
Column Percent	24.8	69.5	5.3	0.1	<0.1	<0.1	<0.1	

The number of observations is 4,022,000.

Table 7B. Comparison of 2010 ACS and 2010 Numident Citizenship, Higher Quality PIKs

ACS\Numident	Blank	A=U.S. Citizen	B=Legal Alien, authorized to work	C=Legal Alien, not authorized to work	D=other	E=Alien Student, restricted work authorized	F=Conditionally legalized alien	Row Percent
Yes, Born Citizen	97.2	97.9	2.7	2.8	26.4	2.4	8.6	95.4
Yes, Naturalized	2.4	2.0	44.0	40.9	17.4	45.8	47.1	3.1
Not a Citizen	0.4	<0.1	53.3	56.4	56.2	51.9	44.3	1.5
Column Percent	28.1	69.5	2.3	<0.1	<0.1	<0.1	<0.1	

The number of observations is 2,168,000. Only PIKs with a median or above score in the Person Identification Validation System (PVS) geosearch module pass 1 are included here.

Table 8 shows the ACS citizenship response distribution for ITINs. About 7 percent report being citizens, though only noncitizens should have ITINs.

Table 8. 2010 ACS Citizenship Responses for ITINs

	ITIN
Yes, Born Citizen	4.9
Yes, naturalized	2.4
Not a citizen	92.7

The number of observations is 42,000.

We next examine how the discrepancies between the ACS and Numident citizenship responses vary by whether the household responds to the first mailing vs. different kinds of follow-up. We restrict the ACS sample to the population of individuals in households that received a mail-in form. A self-response in our sample refers to an individual being part of a household that successfully responded to a first ACS mailing. An individual is classified as a "Mail Follow-up" (Mail FU) if that person responded to a follow-up mailing. Lastly, an individual is classified as CATI/CAPI if that person did not respond to the initial mailing and ended up receiving a telephone or in-person follow-up interview. To assess the reported citizenship in the ACS, we consider individuals in our ACS sample who also match to the Numident, giving us an additional source of citizenship information. In the Numident, we classify all citizen categories as well as missing citizenship as citizens, for the reasons given above.

Table 9 shows the distribution of ACS outcomes for individuals who are also classified as citizen or noncitizen in the Numident. Regardless of the response mode, individuals classified as citizens in the Numident also reply that they are citizens in the ACS, while nearly half of those classified as noncitizens in the Numident report being citizens. Thus, the patterns shown in Table 7 vary little by response mode.

Table 9. Comparison of 2010 ACS and 2010 Numident Citizenship by Response Type

ACS\Numident	Citizen	Not Citizen	Row Percent
Citizen, (Resp.)	63.9	22.7	61.6
Not Citizen, (Resp.)	0.2	29.2	1.8
Citizen, (Mail FU)	21.1	9.9	20.5
Not Citizen, (Mail FU)	0.1	13.9	0.9
Citizen, (CATI/CAPI)	14.6	8.5	14.2
Not Citizen, (CATI/CAPI)	0.1	15.8	1.0
Column Percent	94.4%	5.6%	

The number of observations is 3,752,000 individuals. Mail FU is Mail Follow-up, CATI is Computer-Assisted Telephone Interview, and CAPI is Computer-Assisted In-Person Interview.

Other Potential Administrative Record Sources of Citizenship Data

There are several additional administrative sources of citizenship information that the Census Bureau could consider trying to obtain. Most important are the USCIS citizenship and noncitizen

legal resident files. The citizenship file could be used to evaluate the quality of the Numident citizenship data, and in particular, how quickly it is updated. The legal nonresident file could serve as an additional reference file, so that more noncitizens can be given Census PIKs.

Another likely useful source of citizenship is state drivers' license data. The REAL ID Act of 2005 requires evidence of citizenship to obtain a driver's license. This has been fully implemented in 28 states, and the others have waivers. The Department of Homeland Security is overseeing implementation of the law. Starting January 22, 2018, passengers with a driver's license issued by a state that is still not compliant with the REAL ID Act (and has not been granted an extension) will need to show an alternative form of acceptable identification for domestic air travel to board their flight. Each state must agree to share its motor vehicle database with all other states. This database must include, at a minimum, all the data printed on the state driver's licenses and ID cards, plus drivers' histories.[8] These databases could become an important source of citizenship data.

Other potential sources include FHA loan applications and Medicare and Medicaid applications.

It would also be useful to obtain data on U.S. expatriates from the U.S. State Department. The State Department may have data on students studying abroad and expatriates registering with embassies. These data would prevent these PIKs from being mistakenly included in the administrative record person-place crosswalk.

It is worth noting that others who are interested in noncitizens have used administrative records to estimate stay rates and other relevant characteristics. Finn (2014) developed stay rates for students in science education by linking social security numbers of students enrolled in science programs with the Internal Revenue Service (IRS) tax records.

Not only is using administrative records potentially a more accurate measure of citizenship, but it is also cost efficient. The Bureau already acquires SSA Numident information on a quarterly basis. To collect that information through self-report by adding questions to the 2020 decennial would require additional unnecessary costs and burden to the Bureau.

Implementation for the 2020 Census

The direct solution to supporting redistricting in the manner requested by the Department of Justice is to make a citizenship variable available on the 2020 Census Edited File (CEF), the internal, confidential data file from which the PL94 tabulations are produced. If citizenship were available on that file, the PL94 tabulations could be restructured to include direct estimates of the citizen voting age population by race and ethnicity at the block level. These tabulations would have essentially the same accuracy as current PL94 and Summary File 1 (SF1) data. We recommend provisioning the citizenship variable onto the CEF by record linkage using the national administrative data discussed above.

[8] There is some debate about whether a national database is being created from these data. DHS says this isn't the case, but see https://papersplease.org/wp/2016/02/11/how-the-real-id-act-is-creating-a-national-id-database/.

Once the citizen tabulation variable is added to the CEF, it would be available to the 2020 Disclosure Avoidance Subsystem (DAS) for inclusion in a modified version of the proposed P2 table "Race/Ethnicity for the Population Age 18 and Over" where "Population Age 18 and Over" would be replaced by "Citizen Population Age 18 and Over." This revision would allow the use of the same disclosure avoidance methodology, state-of-the-art differential privacy, currently available for the 2018 End-to-End Test and the enhanced methods, integrated PL94 and SF1 protection, planned for the 2020 Census itself. This version of P2 would be the first PL94 data produced at the block-level with estimates of the citizen voting age population by race and ethnicity and with accuracy comparable to the accuracy of the P1 "Total population" table. The P1 and P2 tables would tabulate race and ethnicity in the same manner as currently proposed. Tables P42 "Group Quarters Population by Group Quarters Type" and H1 "Occupancy Status" would not be modified. The 2020 Census questionnaire would not be altered, and the field operations would not have to be expanded to compensate for the lower rate of voluntary compliance predicted for a census that asks the citizenship question directly.

References

Finn, Michael G., 2014, "Stay Rates of Foreign Doctorate Recipients from U.S. Universities, 2011," Oak Ridge Institute for Science and Education. https://pdfs.semanticscholar.org/7a4c/49e7878730b587201548338aa6052e2401b7.pdf.

Layne, Mary, Deborah Wagner, and Cynthia Rothhaas, 2014, "Estimating Record Linkage False Match Rate for the Person Identification Validation System," CARRA Working Paper #2014-02.

NORC, 2011, "Final Report: Assessment of the U.S. Census Bureau's Person Identification Validation System," University of Chicago: Bethesda, MD.

From: Wilbur Ross PII
Sent: 8/10/2017 7:38:25 PM
To: Comstock, Earl (Federal) PII
Subject: Re: Census Matter

I would like to be briefed on Friday by phone. I probably will need an hour or so to study the memo first.we should be very careful,about everything,whether or not it is likely to end up in the SC. WLR

Sent from my iPad

> On Aug 9, 2017, at 10:24 AM, Comstock, Earl (Federal) < PII > wrote:
>
> PREDECISIONAL AND ATTORNEY-CLIENT PRIVILEGED
>
> Mr. Secretary - we are preparing a memo and full briefing for you on the citizenship question. The memo will be ready by Friday, and we can do the briefing whenever you are back in the office. Since this issue will go to the Supreme Court we need to be diligent in preparing the administrative record.
>
> Earl
>
> On 8/8/17, 1:20 PM, "Wilbur Ross" < PII > wrote:
>
> Not Responsive / Deliberative
> Not Responsive / Deliberative Were you on the call this morning about Census? They seem dig in about not sling the citizenship question and that raises the question of where is the DoJ in their analysis ? If they still have not come to a conclusion please let me know your contact person and I will call the AG.
> Wilbur Ross
>
> Sent from my iPhone
>
>> On Aug 8, 2017, at 10:52 AM, Comstock, Earl (Federal) < PII > wrote:
>>
>> Not Responsive / Deliberative
>
>

September 8, 2017

To: Secretary Wilbur Ross

Fr: Earl Comstock

Re: Census Discussions with DoJ

In early May Eric Branstad put me in touch with Mary Blanche Hankey as the White House liaison in the Department of Justice. Mary Blanche worked for AG Sessions in his Senate office, and came with him to the Department of Justice. We met in person to discuss the citizenship question. She said she would locate someone at the Department who could address the issue. A few days later she directed me to James McHenry in the Department of Justice.

I spoke several times with James McHenry by phone, and after considering the matter further James said that Justice staff did not want to raise the question given the difficulties Justice was encountering in the press at the time (the whole Comey matter). James directed me to Gene Hamilton at the Department of Homeland Security.

Gene and I had several phone calls to discuss the matter, and then Gene relayed that after discussion DHS really felt that it was best handled by the Department of Justice.

At that point the conversation ceased and I asked James Uthmeier, who had by then joined the Department of Commerce Office of General Counsel, to look into the legal issues and how Commerce could add the question to the Census itself.

APPROVED BY DRB 2018-09-26

Title: Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Jennifer Miller-Gonzalez, Jenna Levy, Sarah Evans, Michael Gray, Gerald Gray	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: American Indian/Alaskan Native (AIAN)

Location 1: [D, NM] – [March, 2018]: 2 groups
Location 2: [D, AK] – [March, 2018]: 2 groups
Location 3: [D, SD] – [March, 2018]: 2 groups

DEMOGRAPHIC SUMMARY OF SEATED GROUPS

		[D, NM]	[D, AK]	[D, SD]
	TOTAL SEATED	**16**	**12**	**13**
AGE	**18-24**	4	0	2
	25-34	3	0	5
	35-54	9	12	6
GENDER	**Male**	8	6	6
	Female	8	6	7
EDUCATION	**HS or Less**	3	5	8
	Some College	6	4	4
	College +	7	3	1
INCOME	**<$15K**	4	2	6
	$15-$29K	0	3	4
	$30K +	12	7	3
CHILDREN	**No Children**	9	10	3
	With Children (<5 years of age)	1	1	7
	With Children (6+ years of age)	6	1	3
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	8	9	9
	>2 Adults in Household	8	3	4
TRIBES PRESENT	[D: TRIBE, TRIBE]			

**Note: All demographics are self-reported.*

APPROVED BY DRB 2018-09-26

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

VARIED KNOWLEDGE OF THE CENSUS: AIAN audiences across all three regions – New Mexico, Alaska, and South Dakota – express some interest completing the census, but vary in their understanding of its use and applications. While the older generations are knowledgeable of the census and its uses based on previous experiences, their younger counterparts are less so.

DESIRE TO KNOW MORE ABOUT THE CENSUS: Across all groups, there is a desire to learn more about the Census and its process, applications, and impact on them. Moreover, some would like to know what the Census Bureau is and what it does with census information. Participants posit more people would participate if there were an education campaign that clearly provides such information.

LOW MOTIVIATION TO SELF-RESPOND: There is a low level of motivation to participate in the census. While most participants claim they would fill out the form, there is a noticeable lack of interest in doing so. Yet at least one person in each group understands that Census numbers are used when applying for grants, which makes the Census important and whips up some enthusiasm for participation. The prospect of job creation due to the census also piques people's interest, as some respondents remember previous efforts to hire enumerators locally.

COMMUNITY DEFINITION IS NOT CONSISTENT: AIAN respondents vary in their definition of community. For example, when discussing their personal definitions of community, participants of different generations and more urban groups diverge in the extent to which their ethnicity and connection to their tribe define their community. Despite this variation, all would like to see messages targeted to them.

ENUMERATORS AS ADVOCATES: Participants prefer to know and relate to their enumerators, especially on reservations. Many knew an enumerator or were enumerators themselves, and those individuals appeared more knowledgeable about the census. Some say they participated because they knew the person at the door. In these cases, some report calling their neighbors to encourage them to participate.

SAFETY AND SECURITY CONCERNS: As seen in other audiences, safety and security are a concern for AIAN peoples. Respondents cite fear when talking about "strangers" approaching their door, noting they would prefer that person to be from the neighborhood. Some outsiders, especially those from the government, are met with suspicion and fear. Trusted voices that could further reduce concerns. However, these figures or not tribal leaders or elected officials but rather those in their "communities", either their home or where they live. Despite concerns about security, many are interested in mobile and online methods of participating, as they view these as more accessible. That interest, however, depends on knowing what the Census is and the processes involved.

APPROVAL INFORMATION

Approved by DRB

Decision #: **CBDRB-FY18-511**
Simson L. Garfinkel
Approved by: Simson L. Garfinkel, Chair, DRB
Approval Date: 2018-09-26

APPROVED BY DRB 2018-09-26

Title: Audience Summary Report	**Date:** [May, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Sarah Evans, Valeria Ojeda-Avitia	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Black/African-American

Location 1: Detroit, MI – [April, 2018]: 2 groups

Location 2: [D, AL] – [April, 2018]: 2 groups

DEMOGRAPHIC SUMMARY

		Detroit, MI	[D, AL]
	TOTAL SEATED	**14**	**15**
AGE	**18-24**	4	4
	25-34	3	5
	35-54	4	3
	55+	3	3
GENDER	**Male**	5	7
	Female	9	8
EDUCATION	**HS or Less**	7	9
	Some College	7	6
INCOME	**<$15K**	2	8
	$15-$29K	9	6
	$30K +	3	1
CHILDREN	**No Children**	9	10
	With Children (<5 years of age)	1	2
	With Children (6+ years of age)	4	3
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	7	11
	>2 Adults in Household	7	4
RACE	**Black/African-American**	14	15
	White, not Hispanic (NH)	0	0

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: This summary report is based on notes taken by observers in the course of focus group research. These observations are provisional, and in some cases are reliant on the interpretation of a foreign-language translator. Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis, and formal findings will follow. Reviewers should avoid drawing conclusions about any audience group until delivery of the formal analysis.

DISTRUST OF GOVERNMENT IS WIDESPREAD: Among respondents, there appears to be a deep-seated distrust of the motivations of government to gather personal and household information. The U.S. Census Bureau is being lumped into a problematic 'government' frame of reference - along with actors like the IRS and the police, who are perceived as threats. A clear "Us" vs. "Them" mentality about the relationship between the black community and the government was extended towards the Bureau as well.

UNCERTAINTY & SKEPTICISM OF CENSUS PURPOSE: While respondents generally understood that the basic function of the US Census Bureau is in keeping an accurate count of the national population, doubts remained about the exact purpose and use of personal data. This led participants to claim feelings of suspicion and anxiety. Multiple respondents discussed the Census' role as one of an "investigatory" nature – aimed at surveying and controlling community behavior.

LACK OF TANGIBLE RESULTS FROM CENSUS NOTED: When defining key motivators to fill out the census form, multiple respondents were unclear on how the census had ever made a meaningful difference in their life – even after being informed of its uses. Respondents were unwilling to believe individuals simply telling them that it was a fact. They were adamant in seeing for themselves how it had made a difference with clear outcomes – such as funding increases, resource development, and quality of life improvements.

RESPONDENTS SEEK IMPROVEMENT FOR THEIR COMMUNITIES: While skepticism was significant in all the groups we surveyed, there was still an optimistic focus from respondents to try and improve their communities. Typically self-defined by geographic and racial signifiers, respondents stated strong connection to their local communities, and were interested in hearing how the Census could have a positive ample effect on them.

TRUST BUILT THROUGH SHARED EXPERIENCE AND UNDERSTANDING: Multiple respondents expressed an idea that trust is most easily built with individuals who share the same background as themselves. As we observed, the U.S. Census Bureau was seen by many as an alien institution – lacking the ability to relate, care, or advance the interest of the black community. There was interest in knowing more about who the Bureau is and in turn showing the connective tissue and empathy present within the Bureau itself.

APPROVED BY DRB 2018-09-26

Census Observations

Note to reader: This is a place for Census to include notes on themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

Approved by DRB

Decision #: **CBDRB-FY18-511**
Simson L. Garfinkel
Approved by: Simson L. Garfinkel, Chair, DRB
Approval Date: 2018-09-26

APPROVED BY DRB 2018-09-26

Title: Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Jennifer Miller-Gonzalez, Jenna Levy, Sarah Evans,	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Chinese (Mandarin and Cantonese)

Location 1: New York, NY – [March, 2018]: 2 groups

Location 2: Los Angeles, CA – [April, 2018]: 2 groups

DEMOGRAPHIC SUMMARY

		New York, NY	Los Angeles, CA
	TOTAL SEATED	**16**	**15**
AGE	**18-24**	4	3
	25-34	2	3
	35-54	5	5
	55+	4	4
GENDER	**Male**	6	6
	Female	9	9
EDUCATION	**HS or Less**	9	9
	Some College	4	5
	College +	2	1
INCOME	**<$15K**	5	5
	$15-$29K	6	5
	$30K +	4	5
CHILDREN	**No Children**	8	8
	With Children (<5 years of age)	1	2
	With Children (6+ years of age)	6	5
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	3	4
	>2 Adults in Household	12	11
GENERATION	**First (1st) Generation**	9	13
	1.5 Generation	7	2

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

CONCERN WITH FRAUD AND SCAMS: Many Chinese respondents were weary of potential fraud and scams associated with providing personal information. Thus, they wanted to be certain about the veracity of census forms, written communications and potential official visitors. There appears to be an acute skepticism about electronic communications, which makes them more susceptible to dismiss it out of hand, compared with mailed forms (also tied to greater trust of the US Postal Service). This sense is more prevalent with older respondents.

CITIZENSHIP STATUS TO AFFECT RESPONSE RATES: Many participants considered that their personal intent to fill out the form would not change with the addition of a question asking legal status, but said individuals who are undocumented – who they may or may not know – would be hesitant to submit their status. However, unprompted awareness of the addition of the question was relatively low among this group as compared to others in the study.

DISCOMFORT REPORTING ON OTHERS: This audience expressed discomfort in sharing private information of those who are not their immediate family, such as extended family members, friends, and co-habitants on the census form. This was consistent across the four focus groups.

COMMUNITY BENEFITS SERVE AS PRIMARY MOTIVATOR TO SELF-RESPOND: Participants were most motivated to self-respond to the census due to the census' direct connection to funding to improve their communities. Within their communities, it is beneficial improvements for the very young (e.g. school-aged) and old (i.e., seniors) that elicit the most motivation among respondents. Participants across both locations were aware of the opportunity to gain greater benefits for their community, such as improved infrastructure and housing, through responding to the Census. Less practical notions – such as ethnic pride, political representation, and having voice heard – are not as compelling motivators since they do not drive tangible outcomes for these communities. In addition, since many participants had varying grasps about Census outcomes, the more they understood how the Census drove resources and services to any given community, the greater they felt compelled to participate.

MOTIVATED BY RESPONSIBILITY FOR ACCURATE COUNT: Many participants cited completing the census form as an important sense of duty and responsibility as residents as the U.S. to contribute to an accurate count. Similar to casting a vote or doing your taxes, respondents were motivated to complete their census form as a way to be a law-abiding citizen. The idea of having an accurate count in the Census as a critical instrument for the U.S. government to make policy and prioritize spending made a great deal of practical sense to many Chinese participants. There were ample reference points cited for similar census taking activities in their native country.

CHINESE LANGUAGE ON FORMS IS IMPORTANT TO PARTICIPATION: Chinese participants stated that easy and open access to Chinese language materials is an important factor to promote completion of the census form in their community. Without the opportunity to review such materials, respondents claimed that they would face both confusion and skepticism when trying to complete the census effectively. Not only does it serve a practical purpose by making it easier to read, but also the presence of Chinese-language communications in an official government notice elevates the emotional importance of that form and makes them feel their inclusion becomes very important.

Census Observations

Note to reader: This is a place for Census to include notes on themes and areas of interest prior to formal analysis by Team Y&R.

APPROVED BY DRB 2018-09-26

Title: Audience Summary Report: Low Internet Proficiency	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Jenna Levy, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document provides a summary of audience-specific focus group findings and key themes that will be used to inform the 2020 Census communications campaign.	

Audience Summary Report: Low Internet Proficiency

Location 1: [D, NM] – [March, 2018]: 2 groups

Location 2: Memphis, TN – [March, 2018]: 2 groups

		[D, NM]	MEMPHIS, TN
	TOTAL SEATED	**16**	**15**
AGE	**35-54**	4	9
	55+	12	6
GENDER	**Male**	7	7
	Female	9	8
EDUCATION	**HS or Less**	3	8
	Some College	9	7
	College +	4	0
INTERNET USAGE	**Once a week**	8	2
	Less than once a week	8	8
	Less than once a month	0	5
RACE	**White**	11	7
	African American/Black	0	0
	Hispanic	5	0
	Other	0	8
INCOME	**<$15K**	1	5
	$15-$29K	4	6
	$30K +	11	4
CHILDREN	**No Children**	7	13
	With Children (<5 years of age)	0	0
	With Children (6+ years of age)	1	2
ADULTS IN HOUSEHOLD	**1-2 Adults in HH**	13	13
	>2 Adults in HH	3	2

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

APATHY TOWARD CENSUS: Low internet proficient audiences in both Memphis and [D, NM] have a general sentiment of apathy when it comes to the census, driven by a lack of understanding of how the census affects their lives and a perceived lack of transparency to both the structure and future applications of the form. This lack of understanding leads participants to guess what types of information to provide, such as whether or not one has to provide their Social Security Number or net worth, or if pets are included.

SKEPTISIM TOWARDS THE BENEFITS OF CENSUS: Participants in both markets feel the census could benefit communities, but have not seen tangible results in their own communities or families. Respondents expressed a preference for simple, clear, and evidence-based reasons to fill out the form.

ABILITY TO COMPLETE ONLINE IS A POTENTIAL BARRIER: The ability to complete the census online is a potential barrier to this audience specifically due to lack of access, understanding, and interest. Some in both locations say they are interested, but would require help from internet-savvy children or the public library. Others say they would prefer to complete it on paper, or even over the phone by calling into a 1-800 number when offered that option.

SAFETY CONCERNS ONLINE: Safety and security online is a heightened concern. Although these audiences display anticipated skepticism around submitting their Census forms online, they are willing to work with trusted members of their community and family to still submit their forms digitally. Community centers and libraries are also seen as viable venues to provide support for those who need help filling out the form. While some participants do not use the internet at all, others use it sometimes and even feel that by 2020, they could be using it more often.

SELF-RESPONSE TO PREVENT ENUMERATION: Participants have concerns with strangers knocking on their doors, and many say they would self-respond by filling out a paper copy of the form (or online with assistance) if it meant keeping enumerators off their property. Multiple respondents say they did not knowing if the person knocking at their door was legitimate, while others are worried about potentially fraudulent enumerators. Participants are unsure how to identify a legitimate enumerator, leading to general concerns about legitimacy.

PROVIDE CLEAR INSTRUCTIONS FOCUSED ON USABILITY: While their level of internet proficiency is low, respondents note certain ways to increase both usability and ease of completion. Participants in [D, NM] say an online option could only work for them if it was easy-to-use, with large font and navigable components.

APPROVED BY DRB 2018-09-26

Census Response

Note to reader: This is a place for Census to include notes on themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

Approved by DRB

Decision #: **CBDRB-FY18-511**

Simson L. Garfinkel

Approved by: Simson L. Garfinkel, Chair, DRB
Approval Date: 2018-09-26

APPROVED BY DRB 2018-09-26

Title: MENA Audience Summary Report	**Date:** [May, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: Valeria Ojeda-Avitia, William Fernandez, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Middle East North African

Location 1: Los Angeles, CA – [April, 2018]: 2 groups

Location 2: Detroit, MI – [April, 2018]: 2 groups

		Los Angeles, CA	Detroit, MI
	TOTAL SEATED	**16**	**15**
AGE	**18-24**	3	1
	25-34	5	6
	35-54	5	6
	55+	3	2
GENDER	**Male**	8	7
	Female	8	8
EDUCATION	**HS or Less**	3	3
	Some College	4	6
	College +	9	6
INCOME	**Less than $30K**	1	6
	$30-$35K	4	5
	$35-$75K+	11	4
CHILDREN IN HH	**No Children**	15	12
	With Children (<5 years of age)	1	2
	With Children (6+ years of age)	0	1
# OF ADULTS IN HH	**1-2 Adults in Household**	11	9
	>2 Adults in Household	5	6
ETHNICITY	**Middle Eastern**	16	15
ANCESTRY	**Iraqi, Yemeni, Lebanese**	4	13
	Iranian	6	2
	Egyptian	6	0

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: This summary report is based on notes taken by observers in the course of focus group research. These observations are provisional, and in some cases are reliant on the interpretation of a foreign-language translator. Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis, and formal findings will follow. Reviewers should avoid drawing conclusions about any audience group until delivery of the formal analysis.

OVERARCHING SENSE OF FEAR AND UNCERTAINTY DUE TO THEIR ETHNICITY: Participants described feeling an increase in general fear and sadness due to their ethnicity. Many participants expressed that the rhetoric and policies directed against those of Middle Eastern and North African descent in the national political sphere had trickled down to their everyday lives, with some reporting instances of discrimination and prejudice. In their discussions of the citizenship question, participants viewed its inclusion as an indicator that things were not going well for people "like them." While the female-only discussions centered largely on feeling fear and distrust of the government and the census, these themes were not as prevalent in the male groups.

GENERAL DISTRUST OF GOVERNMENT: Several of the male participants seemed angry at what they perceive is happening in the country and government, unrelated to the census. When the moderators defined the census' promise of confidentiality, both groups stated they did not believe it. Across all the groups, they were concerned that while their data is confidential now, there is no guarantee that it will not be used against them in the future. In Los Angeles, participants said they worry group level demographic data could be used to keep funding sources away from their communities. Older participants across both female and male groups in Los Angeles felt the census is inaccurate because they know of people in their communities who do not participate. Another manifestation of distrust and fear was participants' tendency to want to avoid anyone who would come to their homes whom they did not know previously.

ASPIRATIONS FOR ETHNIC REPRESENTATION AND RECOGNITION: Both groups in Los Angeles made a connection to ethnicity when defining their community. A major motivator for this audience was representation. While they distrust their government, they are still willing to respond to the census. Across all groups, some participants cited the need to protect their community, which they consider more vulnerable in the current political environment, as a driver of their participation.

SENSE OF ADVANCEMENT AND DESIRE FOR MORE PROGRESS: Throughout the discussions for all the groups, there was a desire to make things better for the future, even if their personal community did not have a purely positive outlook. In Detroit, participants who were naturalized as adults expressed a feeling of civic duty to participate. Other motivators that resonated with the groups included resources for education and funding for their communities. In both female groups, some participants mentioned they were very proud of how far women had come in their communities, and some women in Detroit discussed their community involvement, specifically with formal ethnic organizations.

APPROVED BY DRB 2018-09-26

Census Observations

Note to reader: This is a place for Census to include notes on observed themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

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Title: Native Hawaiian and Pacific Islander (NHPI) Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: Valeria Ojeda-Avitia, Jennifer Miller-Gonzalez, Jenna Levy, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Native Hawaiian and Pacific Islander

Location 1: Los Angeles, CA – [April, 2018]: 2 groups

Location 2: Honolulu, HI – [April, 2018]: 2 groups

		Los Angeles, CA	Honolulu, HI
	TOTAL SEATED	**14**	**14**
AGE	**18-24**	2	2
	25-34	3	2
	35-54	7	3
	55+	2	7
GENDER	**Male**	8	5
	Female	6	9
EDUCATION	**HS or Less**	4	7
	Some College	5	5
	College +	5	2
INCOME	**Less than $30K**	3	7
	$30-$35K	4	4
	$35-$75K+	7	3
CHILDREN IN HH	**No Children**	10	8
	With Children (<5 years of age)	3	4
	With Children (6+ years of age)	1	2
# OF ADULTS IN HH	**1-2 Adults in Household**	5	9
	>2 Adults in Household	9	5
ETHNICITY	**Native Hawaiian**	5	6
	Micronesian Island	3	4
	Polynesian/Melanesian Island	6	4

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

WIDE VARIETY OF PERSPECTIVES: Participants in these focus groups illustrated the diversity of the Native Hawaiian and Pacific Islander perspectives. While all participants represented a mix of Native Hawaiian, Polynesian, and Micronesian ethnicities, the first Los Angeles group seemed to be more in engaged with their cultural heritage, while the second Los Angeles group was more Americanized and less connected to their cultural backgrounds. In [D, HI], participants did not discuss their cultural heritages as much, likely due to living in the islands. The first Los Angeles group expressed the importance of non-profit organizations who serve the NHPI population and how some non-profits are considered trusted voices in this community. The diversity of participants offers an important reminder of the breadth of the NHPI audience.

LACK OF KNOWLEDGE ABOUT LOCAL BENEFITS ARE A BARRIER: Many were unaware of the benefits of the census, though younger participants in [D, HI] seemed to be more aware of the financial benefits that may come from the census, such as scholarships. Participants noted this lack of understanding was a reason why they and others may not participate. After discussing the various ways their communities could benefit from the census in particular, many of those who originally said they would not fill out the census shifted to they would if it were held today. Participants in [D, HI] generally feel their communities have been suffering from higher crime rates and rising costs of living, and tend to believe that filling out the census could bring assistance.

MULTI-GENERATIONAL HOUSING IS A POTENTIAL BARRIER: Participants in [D, HI] expressed concerns about sharing information about the number of people who live in their households. It is a common practice on the islands to live with extended family, or to have more people living in their house than are listed on the lease or official documents. These concerns present a potential barrier for the NHPI audience, as some participants were worried about landlords finding out the number of people living in the residence.

SKEPTICISM AROUND CITIZENSHIP QUESTION: Participants were skeptical of the citizenship question, and tended to recognize it as a barrier for others, such as Hispanics or Pacific Islanders with less clear immigration status. They also noted that this question could influence all minorities, not just those who are undocumented.

ETHNIC PRIDE IS AN IMPORTANT MOTIVATOR FOR SOME: Ethnic pride seemed to be a motivator for filling out the form. In the first Los Angeles group, participants associated community strongly with ethnic identity and cultural values and traditions. Participants in this group said they wanted to be counted so they can represent their community and pave the way for future generations. In the [D, HI] groups, participants regarded ethnic pride as a motivator because it would give voice to their culture; however, it was not the leading factor for those groups.

APPROVED BY DRB 2018-09-26

Census Observations

Note to reader: This is a place for Census to include notes on observed themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

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Title: Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Jenna Levy, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Rural

Audience: Rural
Definition: Lives in a Zip Code Tabulation Area (ZCTA) identified as 90%+ rural in the 2010 Census.
Location: [D, VA] – [March, 2018]: 2 Groups

		[D, VA]
	TOTAL SEATED	**15**
AGE	**18-24**	1
	25-34	3
	35-54	11
GENDER	**Male**	4
	Female	11
EDUCATION	**HS or Less**	6
	Some College	5
	College +	4
RACE/ETHNICITY	**White, not Hispanic (NH)**	15
INCOME	**<$15K**	7
	$15-$29K	3
	$30K +	5
CHILDREN IN HOUSEHOLD	**No Children**	11
	With Children (<5 years of age)	3
	With Children (6+ years of age)	1
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	10
	>2 Adults in Household	5

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

DISTRUST & DISCONNECTION FROM INSTITUTIONS: Rural participants say they feel disconnected from major government institutions, citing that the quality of life in the region has diminished with no real support from government services. While there are some pockets of their communities that harbor strong collective ties (such as churches, community centers, small businesses), the majority of respondents say they feel their community has declined over the past decade. All participants express their communities have been left behind.

TRUST IN RELIGIOUS ENTITIES AND LOCAL GOVERNMENT: Participants in these groups voiced a suspicion of federal government overreach, but are not as suspicious of local government programs. Multiple participants state that the most trusted voice in their community is their mayor or locally elected officials. Rural participants also mention that churches and local government are where they can find trusted information and help to provide a sense of community rooted in shared beliefs.

RECOGINITION OF THE ROLE OF CENSUS: While not universal, rural respondents generally understand the importance of the census and its role in supporting their communities. They recognize that ensuring a full, fair and accurate census count ensures that their community has fair representation and that they can gain public resources that are made available for economically disadvantaged areas.

SENSE OF DUTY VS. DATA SECURITY: All participants say that they would fill out the census, primarily out of a sense of duty to their country. However, their patriotism is also paired with general skepticism about the motivations and applications of the data collection effort. Multiple respondents also cite mishandling of data by the government as a leading deterrent to filling out the form. Furthermore, they say they have heard multiple “scams” about fake U.S. Census Bureau staff trying to collect their information – thus making it harder for the Bureau to develop long-term trust with rural communities.

MOTIVATED BY FUNDING AND COMMUNITY RESOURCES: Access to funding for community improvements is nearly universal in its popularity as a motivator to fill out the form. As participants connected the dots between census data and potential benefits it has for infrastructure, health, and education, they felt hopeful for how the census could help their communities.

AVOID OVERPROMISING BENEFITS: When evaluating motivators for filling out the form, however, Rural participants are concerned the census may end up overpromising on the effects it has on their communities. Benefits that can be backed up by clear case studies in their communities that were possible thanks to census data are preferred.

Census Observations

APPROVED BY DRB 2018-09-26

Note to reader: This is a place for Census to include notes on observed themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

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Title: Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: Valeria Ojeda-Avitia, Jenna Levy, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Spanish, U.S. Mainland

Location 1: New York, NY – [March, 2018]: 1 group

Location 2: Los Angeles, CA – [April, 2018]: 1 group

Location 3: Houston, TX – [April, 2018]: 2 groups

DEMOGRAPHIC SUMMARY

		New York, NY	Los Angeles, CA	Houston, TX
	TOTAL SEATED	**8**	**8**	**16**
AGE	**18-24**	2	1	2
	25-34	0	2	3
	35-54	4	4	8
	55+	2	1	3
GENDER	**Male**	5	3	8
	Female	3	5	8
EDUCATION	**HS or Less**	2	4	12
	Some College	4	3	4
	College +	2	1	0
INCOME	**$15-$30K**	3	2	5
	$30-$35K	2	4	10
	$35-$75K+	3	2	1
CHILDREN	**No Children**	4	2	4
	With Children (<5 years of age)	3	6	9
	With Children (6+ years of age)	2	4	8
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	7	5	5
	>2 Adults in Household	1	3	11
GENERATION	**1st (First) Generation**	N/A	N/A	N/A
	1.5 Generation	N/A	N/A	N/A
ANCESTRY PRESENT	**Mexican**	0	5	11
	South American	3	1	0
	Central American	0	2	5
	Dominican	2	0	0
	Puerto Rican	3	0	0

**Note: All demographics are self-reported.*

APPROVED BY DRB 2018-09-26

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

RECENT ARRIVALS ARE MORE FEARFUL TOWARD THE CENSUS THAN THOSE WHO ARE MORE ACCULTURATED: Participants who had more recently arrived in the U.S. seemed to have the greatest concerns about filling out the census form. These participants honestly expressed fears of participating in the census given their or others immigration status. Even if they personally are citizens or legal residents, they said that filling out the census form can adversely affect their relatives or people in their community who do not have a secure immigration status. Participants who more recently arrived in the U.S. (and those participants who know recent arrivals) are also strongly against enumerators coming to the door because of fear of deportation, and said it would not increase their motivation to participate. Conversely, those who have lived in the United States for a longer period actually preferred to be addressed by enumerators.

FEAR OF MISUSE OF DATA BY THE GOVERNMENT: Participants were highly suspicious of how the data will be used once collected, particularly as related to immigration. They said while their data may be protected now, there is no guarantee that it will not be used against them in the future. Most participants stated the government will use and share individual level data, rather than aggregate level data. Additionally, while there were suggestions of trusted voices, there does not seem to be a single trusted voice that could mitigate their distrust of the government to uphold the promise of confidentiality. Participants said it will take more than one person to provide them information about the census and how the government will use the data. Participants were surprised to hear and expressed an interest in learning more about the legal and financial penalties associated with a government employee misusing data.

THE CITIZENSHIP QUESTION IS A DETERMINING FACTOR FOR PARTICIPATION: All four Spanish, U.S. Mainland focus groups took place after the March 27, 2018 announcement that the 2020 Census will include a question on citizenship. Participants in all locations mentioned the citizenship question before the moderator asked about, except for Houston Group 1 participants. Most participants said that though they personally are citizens or legal residents and are not afraid to answer the citizenship question, they know many others who will not fill out the question or the form altogether out of fear. While all participants expressed the desire to be counted, fear of deportation outweighs any benefit.

EDUCATION IS AN IMPORTANT MOTIVATOR: Most participants knew what the census is and generally how it benefits communities from their countries of origin, aside from participants in Houston Group 1 who did not know anything about the census. Even with their baseline knowledge, participants wanted to learn more about the census, specifically about how it directly affects their community. Participants said they must understand the benefits in order to participate. With all the barriers to participation discussed, participants urged the U.S. Census Bureau to proactively provide an education and awareness effort.

Census Observations

Note to reader: This is a place for Census to include notes on observed themes and areas of interest prior to formal analysis by Team Y&R.

APPROVAL INFORMATION

Approved by DRB

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Simson L. Garfinkel
Approved by: Simson L. Garfinkel, Chair, DRB
Approval Date: 2018-09-26

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Title: Spanish, Puerto Rico Audience Summary Report	**Date:** [May, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: Valeria Ojeda-Avitia, Sarah Evans	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Spanish, Puerto Rico

Location 1: [D, PUERTO RICO] – [April, 2018]: 2 groups

Location 2: [D, PUERTO RICO] – [April, 2018]: 2 groups

		[D, PUERTO RICO]	[D, PUERTO RICO]
	TOTAL SEATED	**16**	**16**
AGE	**18-24**	4	3
	25-34	4	4
	35-54	6	6
	55+	2	3
GENDER	**Male**	5	9
	Female	11	7
EDUCATION	**HS or Less**	8	5
	Some College	6	6
	College +	2	5
INCOME	**Less than $30K**	15	14
	$30-$35K	1	2
	$35-$75K+	0	0
CHILDREN IN HH	**No Children**	13	11
	With Children (<5 years of age)	2	1
	With Children (6+ years of age)	1	4
# OF ADULTS IN HH	**1-2 Adults in Household**	14	10
	>2 Adults in Household	2	6
ETHNICITY	**Hispanic**	16	16

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: This summary report is based on notes taken by observers in the course of focus group research. These observations are provisional, and in some cases are reliant on the interpretation of a foreign-language translator. Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis, and formal findings will follow. Reviewers should avoid drawing conclusions about any audience group until delivery of the formal analysis.

POST-MARIA, PUERTO RICO HAS CHANGED FUNDAMENTALLY: Discussions across all groups were driven by a "pre-Maria" and "post-Maria" narrative. In particular, the concept of community has evolved to be more inclusive - all participants mentioned that they found their community stronger and closer knit than before.

INFRASTRUCTURE LIMITATIONS AND CONFUSION IS A SIGNIFICANT BARRIER: When discussing their definition of household, the participants mentioned they need clarification on who fills out the form, as there could be multiple families at one address due to displacement post-Maria. In [D, PUERTO RICO], participants referenced the countryside part of Puerto Rico and mentioned Highway Contract (HC) boxes as a potential source of confusion. Multiple families receive mail to one address, and there may need to be clarification on who is to fill out the form.

PREFERED METHOD OF CONTACT IS NOT UNIVERSAL: Feelings are mixed about the preferred method of contact. Some participants were not against an enumerator coming to their door and even mentioned that it would help ensure accuracy of the census. These same respondents mentioned, however, that they preferred to be notified that someone would be coming in advance. Some participants mentioned that having an enumerator come to their house is not necessarily safe given the rising amount of fraud throughout the island. If an enumerator were to come to their door, they would need to be clearly identified as a Census worker. Other participants mentioned the possibility of completing the census at key locations, such as shopping malls (similar to the income tax returns centers Treasury Department establishes during tax season). **Note: Puerto Rico is an enumerate only location.*

LIMITED REACTION TOWARD CITIZENSHIP QUESTION: The participants had neutral reactions in [D, PUERTO RICO] regarding the possible inclusion of a citizenship question. A handful of participants in [D, PUERTO RICO] had associated the question with the Trump administration. The participants know that they are citizens so they do not feel targeted by the question; however, all participants said that those who may be worried about deportation could lie in their response.

PUERTO RICANS WANT TO BE COUNTED: This audience had minimal to no personal frustrations with the reason for the census; rather, they spoke about the importance of filling it out in order to ensure that the federal government provides resources to the island. Participants said that there is no reason *not* to fill out the form: it would help Puerto Ricans receive aid, and it is their duty. All participants said they were willing to fill out the form.

DIGITAL IS A PREFERRED MODE OF EDUCATION AND OUTREACH: Many referenced that a social media campaign would be the best way to educate the Puerto Rican population about the census. Many participants referenced previous digital campaigns, such as a "How to Vote" campaign, as effective and trustworthy sources of useful information. Practically all of the older participants indicated their preference to receive information through traditional media, namely tv, print, and radio. None of the participants mentioned post-Maria electricity issues as a barrier to learning more about the census.

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Census Observations

Note to reader: This is a place for Census to include notes on observed themes and areas of interest prior to formal analysis by Team Y&R.

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Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Jennifer Miller-Gonzalez, Jenna Levy, Sarah Evans,	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Vietnamese

Location 1: New York, NY – [March, 2018]: 2 groups

Location 2: Houston, TX – [April, 2018]: 2 groups

DEMOGRAPHIC SUMMARY

	CITY	New York, NY	Houston, TX
	TOTAL SEATED	14	15
AGE	18-24	4	2
	25-34	7	5
	35-54	2	4
	55+	1	4
GENDER	Male	8	8
	Female	6	7
EDUCATION	HS or Less	9	8
	Some College	1	6
	College +	4	1
INCOME	<$15K	2	1
	$15-$29K	4	3
	$30K +	2	11
CHILDREN	No Children	5	7
	With Children (<5 years of age)	0	0
	With Children (6+ years of age)	9	8
ADULTS IN HOUSEHOLD	1-2 Adults in Household	4	7
	>2 Adults in Household	10	8
GENERATION	1st (First) Generation	11	6
	1.5 Generation	3	9

**Note: All demographics are self-reported.*

Emerging Themes

Note to reader: Themes in this summary focus on high-level areas of interest for further analysis upon transcript receipt. Additional areas of interest may emerge during analysis.

FEAR OF SCAMS ARE TOP-OF-MIND: Many Vietnamese respondents were particularly guarded about potential scams surrounding the census. Their concerns are heightened further if this involves direct interactions or visits to their homes by strangers. Respondents claimed that anything done to convey the credibility of any official census communications or personnel will be important to diffuse those concerns. Such forms of credibility could include forms written in Vietnamese, official badges for census enumerators, and government seals and signifiers on all census forms. Additionally, fear of fraud led respondents to alter their desired mode of participation in the census – driven by an aversion of sharing information with another person.

CITIZENSHIP QUESTION RESPONSE IS MIXED: While many recognize the practical benefits of completing information related to demographic background, the issue of citizenship made participants wonder about the tenuous legal status that many in their community have and gives them pause in considering the Census. Many focus group participants had not heard the recent news about the possible inclusion of this citizenship question, so there was limited contextual awareness about how the question could be used.

STRONG SENSE OF DUTY AND DESIRE TO BE COUNTED: While skepticism around government data collection has been noted among other audiences, many in the Vietnamese audience stated the Census serves as an important tool for documenting and measuring their population growth — that can only serve the community well. Participants expressed that the Census is a tool for helping the community make inroads into the U.S. mainstream.

WILLING TO GIVE BENEFIT OF THE DOUBT TO GOVERNMENT ON INFORMATION SECURITY: Many first-generation Vietnamese immigrants are strongly pro-American and predisposed to believing the U.S. government as a benevolent force. Therefore, while many express discomfort about providing certain kinds of private information (income, etc.), they stated the federal government is credible and are willing to give it the benefit of the doubt.

BUILDING TRUST AND CREDIBILITY THROUGH LANGUAGE: Many Vietnamese participants see having the ability to read the Census form in their native language as a necessary benefit and chief motivator to participate. They also stated that having the form in Vietnamese is an indicator that the government is serious when it comes to accurately survey the entire Vietnamese community. It alleviated concerns among many participants that the communications would be legitimate.

CIVIL RIGHTS AS A MOTIVATOR: While many of the same pragmatic issues, such as community funding, tended to motivate Vietnamese respondents to complete the Census, many were also motivated by civil rights as key issue. They wanted to make sure they are incorporated as part of the same cover of protection that other groups enjoy.

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Census Response

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Title: Audience Summary Report	**Date:** [April, 2018]
Version: 1.0	**Order:** 7
Team Y&R Author: William Fernandez, Sarah Evans, Valeria Ojeda-Avitia	**Team Y&R Approver:** Ketzirah Lesser
Background: This document, developed from notes and discussions with observers, provides a summary of audience-specific focus group observations and key themes that will be used to inform the 2020 Census communications campaign. This document is meant to represent preliminary observations, and has not been informed by formal analysis of transcripts.	

Audience Summary Report: Young & Mobile

Location 1: Chicago, IL – [April, 2018]: 2 groups

DEMOGRAPHIC SUMMARY

		Chicago, IL
	TOTAL SEATED	**10**
AGE	**18-24**	10
	25+	0
GENDER	**Male**	4
	Female	6
EDUCATION	**HS or Less**	1
	Some College	6
	College Graduate +	3
INCOME	**<$15K**	1
	$15-$29K	3
	$30K +	6
CHILDREN	**No Children**	9
	With Children	1
ADULTS IN HOUSEHOLD	**1-2 Adults in Household**	8
	>2 Adults in Household	2
RACE	**White, not Hispanic (NH)**	6
	Other race groups	4

**Note: All demographics are self-reported.*

Emerging Themes

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ISSUES OF RESIDENCY WERE TOP OF MIND: Respondents throughout the Young and Mobile groups were confused and divided on what qualifies as a "household," based upon part-time, temporary, and informal housing situations. Additional clarity from the U.S. Census Bureau was desired by respondents to help clarify what and whom constituted a "household."

MEDIA CONSUMPTION PATTERNS WERE DIGITAL-FIRST: This cohort discussed having distinct media consumption patterns that were very different from previous groups'. None of the participants cited watching network T.V., while they instead preferred streaming and digital alternatives. Media patterns included popular social media and over-the-top (OTT) content providers such as YouTube, Facebook, Instagram, Spotify, and Hulu.

BORED AND ANNOYED BY TRADITIONAL MESSAGING: Participants in this audience were highly critical of traditional advertising, feeling as if ads were impersonal, patronizing, and annoying. Instead, they preferred a messaging that was more direct, organic, and personal. Additionally, the medium of the ad or messaging must be relevant to this population and their desire to feel heard.

A MAJOR EDUCATION CAMPAIGN WILL BE NEEDED: Experience with the census among this audience is limited - primarily due to their age. While some respondents were aware of the Census, many expressed the need for more information to be communicated to participants about the nature, method, and purpose of the form. With the addition of an online submission option, this need for clear and consistent information was highlighted as an even greater priority.

ONLINE SUBMISSION IDENTIFIED AS MAJOR BENEFIT: When informed of the fact that citizens would be able to submit their census forms online for the first time, many respondents were pleased and excited about the option. Citing the ease and convenience of the option, this audience was quite receptive to the feature. Additionally, they were less concerned than other audiences in regards to data privacy and government data collection.

CIVIC DUTY IDENTIFIED AS A RELEVANT MOTIVATOR: This audience also demonstrated a clear interest in and connection to a shared sense of civic duty and interest in making an impact in their community. Seen as synonymous with voting, respondents cited the census as an opportunity to support their community and country.

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Census Observations

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EXHIBIT 5

Reissued Jul 2013

U.S. Census Bureau Statistical Quality Standards

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United States Census Bureau

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Preface[1]

1. Introduction

Purpose

This document specifies the statistical quality standards for the U.S. Census Bureau. As the largest statistical agency of the federal government, the Census Bureau strives to serve as the leading source of quality data about the nation's people and economy. The Census Bureau has developed these standards to promote quality in its information products and the processes that generate them. These standards provide a means to ensure consistency in the processes of all the Census Bureau's program areas, from planning through dissemination. By following these standards, the Census Bureau's employees and contractors will ensure the utility, objectivity, and integrity of the statistical information provided by the Census Bureau to Congress, to federal policy makers, to sponsors, and to the public.

Background

In 2002, the United States Office of Management and Budget (OMB) issued Information Quality Guidelines (OMB, *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*, February 22, 2002, 67 FR 8452-8460), directing all federal agencies to develop their own information quality guidelines. In October 2002, the Census Bureau issued its information quality guidelines (U.S. Census Bureau, *U.S. Census Bureau Section 515 Information Quality Guidelines*, 2002). These guidelines established a standard of quality for the Census Bureau and incorporated the information quality guidelines of the OMB and the Department of Commerce, the Census Bureau's parent agency.

Following the OMB's information quality guidelines, the Census Bureau defines information quality as an encompassing term comprising utility, objectivity, and integrity. Our definition of information quality is the foundation for these standards.

> *Utility* refers to the usefulness of the information for its intended users. We assess the usefulness of our information products from the perspective of policy makers, subject matter users, researchers, and the public. We achieve utility by continual assessment of customers' information needs, anticipation of emerging requirements, and development of new products and services.
>
> - The statistical quality standards related to utility include: Planning a Data Program (A1), Developing Data Collection Instruments and Supporting Materials (A2), Developing and Implementing a Sample Design (A3), Acquiring and Using Administrative Records (B2), Reviewing Information Products (E3), Releasing Information Products (F1), and Providing Documentation to Support Transparency in Information Products (F2).

[1] Please note that this document contains some Intranet links that are accessible only within the U.S. Census Bureau.

Objectivity focuses on whether information is accurate, reliable, and unbiased, and is presented in an accurate, clear, complete, and unbiased manner. Objectivity involves both the content of the information and the presentation of the information. It requires complete, accurate, and easily understood documentation of the sources of the information, with a description of the sources of errors that may affect the quality of the data, when appropriate.

- The statistical quality standards related to objectivity include: Developing Data Collection Instruments and Supporting Materials (A2), Developing and Implementing a Sample Design (A3), Establishing and Implementing Data Collection Methods (B1), Acquiring and Using Administrative Records (B2), Capturing Data (C1), Editing and Imputing Data (C2), Coding Data (C3), Linking Data from Multiple Sources (C4), Producing Direct Estimates from Samples (D1), Producing Estimates from Models (D2), Producing Measures and Indicators of Nonsampling Error (D3), Analyzing Data (E1), Reporting Results (E2), Reviewing Information Products (E3), Releasing Information Products (F1), Providing Documentation to Support Transparency in Information Products (F2), Addressing Information Quality Complaints (F3), and Managing Data and Documents (S2).

Integrity refers to the security of information – protection of the information from unauthorized access or revision, to ensure that the information is not compromised through corruption or falsification. Several federal statutes and Census Bureau policies govern the protection of information, most notably Title 13 and Title 26.

- Protecting Confidentiality (S1) directly addresses issues concerning the integrity of the data. All the statistical quality standards contain requirements for protecting information from unauthorized access or release.

In September 2006, the OMB issued *Standards and Guidelines for Statistical Surveys*, which specify requirements for federal statistical agencies to ensure that their information products satisfy the information quality guidelines. The OMB standards are not intended to describe all the efforts that an agency may undertake to ensure the quality of its information. These Census Bureau statistical quality standards provide additional guidance that focuses on the Census Bureau's statistical programs and activities and that addresses the Census Bureau's unique methodological and operational issues.

2. Scope

The Census Bureau's statistical quality standards apply to all information products released by the Census Bureau and the activities that generate those products, including products released to the public, sponsors, joint partners, or other customers. All Census Bureau employees and Special Sworn Status individuals must comply with these standards; this includes contractors and other individuals who receive Census Bureau funding to develop and release Census Bureau information products.

The Census Bureau often conducts data collections and performs associated work for sponsoring agencies on a reimbursable basis. The work performed by the Census Bureau under such contracts is in the scope of these statistical quality standards, whether performed under Title 13, Title 15, or another authorization. If a sponsor's requirements or funding constraints result in noncompliance with these standards, the Census Bureau's manager for the program must obtain a waiver, except where noted in the standards.

For the purposes of these standards, information products include printed, electronic, or digital formats (e.g., Web, CD, DVD, and tape) of: news releases; Census Bureau publications; working papers (including technical papers or reports); professional papers (including journal articles, book chapters, conference papers, poster sessions, and written discussant comments); abstracts; research reports used to guide decisions about Census Bureau programs; public presentations at external events (e.g., seminars or conferences); handouts for presentations; tabulations and custom tabulations; public-use data files; statistical graphs, figures, and maps; and the documentation disseminated with these information products.

Exclusions to the Scope

None of the following exclusions apply to Statistical Quality Standard S1, *Protecting Confidentiality*, or the requirements for protecting confidentiality in the individual standards.

These standards do not apply to:

- Information products intended for internal Census Bureau use that are not intended for public dissemination.
- Information products delivered to agencies within the Department of Commerce for their internal use.
- Internal procedural or policy manuals prepared for the management of the Census Bureau and the Department of Commerce that are not intended for public dissemination.
- Information products that result from the Census Bureau's administrative or management processes.
- Information products released in response to a Freedom of Information Act request.
- Documents intended only for communications between agencies, within agencies, or with individuals outside the Census Bureau if the documents contain no data and do not discuss analyses or methodological information.
- Informal communications between Census Bureau employees and colleagues in other organizations that do not disseminate Census Bureau data or results based on Census Bureau data.
- Information products delivered to sponsors or oversight agencies, including the Congress, relating to the management of Census Bureau programs.
- Information products authored by external researchers at the Census Bureau's Research Data Centers.
- Information products that use Census Bureau data and are authored by Special Sworn Status individuals employed by other federal agencies or organizations for their agencies (e.g., SSA, GAO, and CBO).

- Information products generated by other agencies or organizations to which the Census Bureau has given only technical assistance or training. However, Census Bureau staff providing such assistance should consider these standards as guidelines.
- Information products developed from surveys intended to measure Census Bureau customers' or users' satisfaction with Census Bureau products or to measure Census Bureau employees' job satisfaction. However, any public release of results of such surveys must explain that they do not meet the Census Bureau's statistical quality standards because the respondents are self-selected and may not be representative of all customers, all users, or all employees.
- Communications released via social media. Social media must not be used to disseminate data or statistical analyses not previously cleared for external release. Such communications must follow the Census Bureau's *Policies and Procedures Governing the Use of Social Media*.

The scope statements of the individual standards provide additional information to clarify the scope and to list exclusions specific to each standard.

3. Responsibilities

All Census Bureau employees and Special Sworn Status individuals are responsible for following the Census Bureau's statistical quality standards in their work to develop, deliver, and release information products.

Responsibilities of the Program Areas and the Supporting Directorates and Divisions

Divisions and offices within the Economic Programs, Demographic Programs, and Decennial Census plan, process, analyze, and disseminate data. The Census Bureau's Center for Statistical Research and Methodology supports all three directorates in areas of statistical, methodological, behavioral, and technological research and development. The Field Operations Directorate and Information Technology Directorate collect, transmit, and process data for demographic household surveys, the Decennial Census, the Economic Census and surveys, and the Government Census and surveys. The Census Bureau's other directorates and divisions provide various types of administrative, logistical, and strategic support to the program areas.

The responsibilities of the program areas and the supporting directorates and divisions with respect to these statistical quality standards include:

- Ensuring that the necessary resources are available to comply with the statistical quality standards.
- Implementing and verifying compliance with the statistical quality standards.

  Guidance on implementing the standards and verifying compliance can be obtained from the program area's Methodology and Standards (M&S) Council representative as shown in Table 1.

Table 1. M&S Council Representatives	
Program Directorate	**M&S Council Representative**
Decennial Census Directorate	Chief, Decennial Statistical Studies Division
Demographic Programs Directorate	Chief, Demographic Statistical Methods Division
Economic Programs Directorate	Chief, Office of Statistical Methods and Research for Economic Programs
All other directorates	Chief, Center for Statistical Research and Methodology

- Reporting situations where requirements of the standards might need revision (e.g., a program's processes or products may have changed so that some requirements of the statistical quality standards may also need to be revised).
- Following the procedure to obtain a waiver if unable to comply with one or more of the statistical quality standards.

Responsibilities of the Methodology and Standards Council

The Census Bureau's M&S Council consists of the division and office chiefs of the statistical methodology groups in the various program areas. The Council advises the Census Bureau's Program Associate Directors on policy and issues affecting research and methodology for Census Bureau programs. The Council also ensures the use of sound statistical methods and practices, and facilitates communication and coordination of statistical methodology and research throughout the Census Bureau and the broader statistical community.

The responsibilities of the M&S Council with respect to these statistical quality standards include:

- Promoting awareness of and compliance with the Census Bureau's statistical quality standards.
- Reviewing waiver requests and forwarding their recommendation for approval or denial of the waiver to the Program Associate Director.
- Conducting periodic reviews and evaluations of the standards to study how well the standards are working and to identify difficulties in implementation.
- Maintaining an archive of evaluation findings, waiver requests, and suggestions for improvement to inform future revisions of the Census Bureau's statistical quality standards.
- Updating the standards as needed.

The responsibilities of the individual M&S Council members for their directorates (See Table 1.) include:

- Provide guidance on interpreting the standards to the programs in their directorates and to directorates that participate in conducting and implementing their programs (e.g., the Field Operations Directorate).
- Provide assistance in implementing and verifying compliance with the standards to the programs in their directorates and to directorates that participate in conducting and implementing their programs (e.g., the Field Operations Directorate).

4. Interpreting and Using the Standards

The complete set of statistical quality standards includes process standards (designated with "A" through "F") and supporting standards (designated with "S"). The process standards are organized according to the different processes associated with developing and releasing information products. The organizational framework for these process standards is:

A. Planning and Development
B. Collecting and Acquiring Data
C. Capture and Processing Data
D. Producing Estimates and Measures
E. Analyzing Data and Reporting Results
F. Releasing Information

The supporting standards address issues that cut across all the process standards. The two supporting standards are S1, *Protecting Confidentiality*, and S2, *Managing Data and Documents*.

The standards are written at a broad level of detail, to apply to all the Census Bureau's programs and products. They describe *what* is required and do not delineate procedures for *how* to satisfy the requirements. Each standard has a list of key terms that are used in the standard. These terms are defined in the glossary to provide clarification on their use in relation to these standards.

To help managers interpret the requirements of the standards, examples are often provided. These examples are intended to aid the program manager in understanding the requirements and to provide guidance on the types of actions that may be useful in satisfying the requirements. It is important to note that the examples listed under a requirement are not all-inclusive; nor will every example apply to every program or product. Finally, there may be more than one acceptable way to comply with a requirement. That is, several equally acceptable actions might be performed to comply with a requirement, rather than only one unique set of actions.

Program managers must use their judgment to determine which actions must be performed for their program to comply with a requirement. The program manager is expected to carry out all the actions needed to comply with a requirement. This may include performing activities not listed in the examples. The expectation is that program managers will balance the importance of the information product and the size of the project with the constraints of budget, schedule, and resources when determining how to comply with the requirements.

If the program manager believes it is not feasible to comply with a requirement, the program manager must request a waiver. The *Waiver Procedure* provides a standard mechanism to exempt a program from compliance with a statistical quality standard when such an exemption is warranted. The Waiver Procedure also promotes proper management and control in implementing the standards. Finally, the Waiver Procedure ensures that appropriate documentation of exceptions to the standards is generated and maintained to inform future revisions of the statistical quality standards.

5. History of the Development of the Standards

The Census Bureau has a long history of delivering high quality data about the nation's people and economy. *Technical Paper 32, Standards for Discussion and Presentation of Errors in Data*, issued in March 1974, is an example of the Census Bureau's commitment to promote transparency in the quality of the information and data products it delivers to the public and to its sponsors.[2]

Over the years, the Census Bureau has developed additional guidance regarding the quality of its products and in 1998 began to formalize its efforts to ensure quality in its products and processes. The Census Bureau began this more formal approach by instituting a quality program based on a foundation of quality principles, standards, and guidelines. The paper, *Quality Program at the U.S. Census Bureau*, describes the beginnings of the Census Bureau's Quality Program (Proceedings of the International Conference on Quality in Official Statistics, 2001).

In 2001, the Census Bureau issued the first of eleven new statistical quality standards. Several of these standards updated the content of *Technical Paper 32*. Over the next four years, ten more standards were developed.

In 2005, after conducting a benchmarking study of the standards of other statistical organizations, the M&S Council initiated a more coordinated approach for developing a comprehensive set of statistical quality standards. While the existing standards were a good start, this approach aimed to improve consistency and cohesion among the standards, as well as to reflect all the requirements of the OMB's *Standards and Guidelines for Statistical Surveys* in the context of the Census Bureau's programs, products, and processes.

The new approach to developing statistical quality standards relied on five key components: 1) a dedicated staff to develop the standards, rather than ad hoc teams; 2) contractor assistance; 3) multiple reviews of draft standards to obtain feedback from the program areas; 4) focus groups to obtain more thoughtful and attentive input from the program areas; and 5) a documented, consistent development process.

The Census Bureau began developing these standards in May 2006. The process was completed in May 2010, when the Census Bureau issued these statistical quality standards.

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[2] *Technical Paper 32* is available from the U.S. Government Printing Office, Washington, DC 20401. It was revised in: Gonzalez, M., Ogus, J., Shapiro, G., and Tepping, B. *Journal of the American Statistical Association*, Vol. 70, No. 351, Part 2: Standards for Discussion and Presentation of Errors in Survey and Census Data (Sep., 1975), pp. 5-23. http://www.jstor.org/stable/2286149

PLANNING AND DEVELOPMENT

A1 Planning a Data Program

A2 Developing Data Collection Instruments and Supporting Materials

Appendix A2: Questionnaire Testing and Evaluation Methods for Censuses and Surveys

A3 Developing and Implementing a Sample Design

Statistical Quality Standard A1
Planning a Data Program

Purpose: The purpose of this standard is to ensure that plans are developed when initiating a new or revised data program.

Scope: The Census Bureau's statistical quality standards apply to all information products released by the Census Bureau and the activities that generate those products, including products released to the public, sponsors, joint partners, or other customers. All Census Bureau employees and Special Sworn Status individuals must comply with these standards; this includes contractors and other individuals that receive Census Bureau funding to develop and release Census Bureau information products.

In particular, this standard applies to planning data programs (e.g., surveys, censuses, and administrative records programs) that will release information products to the public, to sponsors, or to other customers.

Exclusions:
The global exclusions to the standards are listed in the Preface. No additional exclusions apply to this standard.

Note: Specific planning requirements for each stage of the data program are addressed in other statistical quality standards. For example, Statistical Quality Standard E1, *Analyzing Data*, includes requirements for planning data analyses.

Key Terms: Administrative records, bridge study, business identifiable information, census, data collection, data program, information products, microdata, personally identifiable information, reimbursable project, response rate, sample design, sample survey, stakeholder, target population, and users.

Requirement A1-1: The provisions of federal laws (e.g., Title 13, Title 15, and Title 26) and Census Bureau policies and procedures on privacy and confidentiality (e.g., Data Stewardship Policies) must be followed in planning and designing any programs that will collect personally identifiable information or business identifiable information. (See Statistical Quality Standard S1, *Protecting Confidentiality*.)

Requirement A1-2: An overall program plan must be developed that includes the following:

1. A justification for the program, including:
   a. A description of the program goals.
   b. A description of stakeholder requirements and expectations.
   c. A description of the intended information products (e.g., tabulations, confidential microdata, or public-use files).
   d. A description of revisions to an ongoing program, including:
      1) Changes to key estimates, methods, or procedures.
      2) The usefulness of the revisions for conducting analyses and for informing policymakers and stakeholders.

3) Planned studies to measure the effects of the changes to key estimates and time series (e.g., overlap samples or bridge studies).

e. For sample survey and census programs (i.e., programs that do not rely solely on administrative records), a description of the steps taken to prevent unnecessary duplication with other sources of information, including a list of related (current and past) federal and non-federal studies, surveys, and reports that were reviewed.

Notes:

(1) The Office of Management and Budget's (OMB) *Guidance on Agency Survey and Statistical Information Collections* provides information on preparing OMB clearance packages for surveys used for general purpose statistics or as part of program evaluations or research studies.

(2) The OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* provides standards for programs collecting data on race and ethnicity.

(3) The OMB's *Standards for Defining Metropolitan and Micropolitan Statistical Areas* provides standards for collecting, tabulating, and publishing statistics for geographic areas.

2. An initial schedule that identifies key milestones for the complete program cycle from planning to data release.

Generally, the program cycle includes the following stages:

- Planning a data program (Statistical Quality Standard A1).
- Developing the data collection instrument and sample design (Statistical Quality Standards A2 and A3).
- Establishing and implementing data collection methods and acquiring administrative records (Statistical Quality Standards B1 and B2).
- Capturing and processing data (Statistical Quality Standards C1, C2, C3, and C4).
- Producing estimates and quality measures (Statistical Quality Standards D1, D2, and D3).
- Analyzing data and reporting results (Statistical Quality Standards E1 and E2).
- Reviewing information products (Statistical Quality Standard E3).
- Releasing information products (Statistical Quality Standards F1 and F2).

Note: Managers responsible for each stage of the program generally are expected to prepare milestone schedules for their stages. The overall program manager can use these individual schedules to prepare the overall milestone schedule.

3. An initial, overall cost estimate that identifies the resources needed and itemizes the costs to carry out the program.

Note: Managers responsible for each stage of the program generally are expected to prepare cost estimates for their stages. The overall program manager can use these estimates to prepare the overall cost estimate.

4. A description of deliverables to be received as the result of any contracts originated by the Census Bureau, including any documentation to be provided by contractors.

   Examples of such deliverables include:
   - Computer software or hardware.
   - Data files.
   - Advertising or outreach services and materials.
   - Specifications for software or hardware.
   - Quality control or quality assurance procedures, criteria, and results.

Sub-Requirement A1-2.1: When the sponsor of a reimbursable project requests the Census Bureau to carry out activities that do not comply with our Statistical Quality Standards or deliver products that do not conform with the standards, the program manager must:

1. Obtain a waiver to carry out the noncompliant activities or to deliver the nonconforming products before agreeing to conduct the project. (See the *Waiver Procedure* for the procedures on obtaining a waiver.)
2. Obtain from the sponsor a copy of the clearance package approved by the OMB, including any associated terms of clearance.
3. Deliver to the sponsor written documentation that describes the following for each area of noncompliance:
   a. The details regarding the noncompliance issue.
   b. The consequences of performing the noncompliant work.
   c. The actions recommended by the Census Bureau that would result in compliance.

Requirement A1-3: For sample survey and census programs, a preliminary survey design must be developed that describes the:

1. Target population and sampling frame.
2. Sample design.
3. Key data items and key estimates.
4. Response rate goals.
5. Data collection methods.
6. Analysis methods.

Requirement A1-4: For administrative records projects, a preliminary study design must be developed that describes the:

1. Target population.
2. Coverage of the target population by the administrative records.
3. Key data items and key estimates.
4. Methods of integrating data sources, if more than one is used.
5. Analysis methods.

Note: See the Administrative Records Handbook for complete information on planning a project that uses administrative records.

Requirement A1-5: Any contract or statement of work originated by the Census Bureau for deliverables that will be used in information products released by the Census Bureau must

include provisions that the contractor comply with the Census Bureau's statistical quality standards.

Requirement A1-6: Quality control checks must be performed to ensure the accuracy and completeness of the program plans, including all schedules, cost estimates, agreements (e.g., memoranda of understanding, statements of work, and contracts), survey designs, and study designs.

Requirement A1-7: Documentation needed to replicate and evaluate the data program must be produced. The documentation must be retained, consistent with applicable policies and data-use agreements, and must be made available to Census Bureau employees who need it to carry out their work. (See Statistical Quality Standard S2, *Managing Data and Documents*.)

Examples of documentation include:

- Program plans, including cost estimates and schedules, after all revisions.
- Survey designs.
- Study designs.
- Decision memoranda.

Notes:

(1) The documentation must be released on request to external users, unless the information is subject to legal protections or administrative restrictions that would preclude its release. (See Data Stewardship Policy DS007, *Information Security Management Program*.)

(2) Statistical Quality Standard F2, *Providing Documentation to Support Transparency in Information Products*, contains specific requirements about documentation that must be readily accessible to the public to ensure transparency of information products released by the Census Bureau.

Statistical Quality Standard A2
Developing Data Collection Instruments and Supporting Materials

Purpose: The purpose of this standard is to ensure that data collection instruments and supporting materials are designed to promote the collection of high quality data from respondents.

Scope: The Census Bureau's statistical quality standards apply to all information products released by the Census Bureau and the activities that generate those products, including products released to the public, sponsors, joint partners, or other customers. All Census Bureau employees and Special Sworn Status individuals must comply with these standards; this includes contractors and other individuals that receive Census Bureau funding to develop and release Census Bureau information products.

In particular, this standard applies to the development or redesign of data collection instruments and supporting materials. The types of data collection instruments and supporting materials covered by this standard include:

- Paper and electronic instruments (e.g., CATI, CAPI, Web, and touch tone data entry).
- Self-administered and interviewer-administered instruments.
- Instruments administered by telephone or in person.
- Respondent letters, aids, and instructions.
- Mapping and listing instruments used for operations, such as address canvassing, group quarters frame development, and the Local Update of Census Addresses (LUCA).

Exclusions:
In addition to the global exclusions listed in the Preface, this standard does not apply to:

- Data collection instruments and supporting materials where the Census Bureau does not have control over the content or format, such as the paper and electronic instruments used for collecting import and export merchandise trade data.

Key Terms: Behavior coding, CAPI, CATI, cognitive interviews, data collection instrument, field test, focus group, graphical user interface (GUI), imputation, integration testing, methodological expert review, nonresponse, pretesting, questionnaire, record linkage, respondent burden, respondent debriefing, split panel test, and usability testing.

Requirement A2-1: Throughout all processes associated with data collection, unauthorized release of protected information or administratively restricted information must be prevented by following federal laws (e.g., Title 13, Title 15, and Title 26), Census Bureau policies (e.g., Data Stewardship Policies), and additional provisions governing the use of the data (e.g., as may be specified in a memorandum of understanding or data-use agreement). (See Statistical Quality Standard S1, *Protecting Confidentiality*.)

Requirement A2-2: A plan must be produced that addresses:

1. Program requirements for the data collection instrument and the graphical user interface (GUI), if applicable (e.g., data collection mode, content, constraints, and legal requirements).
2. Supporting materials needed for the data collection (e.g., brochures, flashcards, and advance letters).
3. Pretesting of the data collection instrument and supporting materials.
4. Verification and testing to ensure the proper functioning of the data collection instrument and supporting materials.

Notes:

(1) Statistical Quality Standard A1, *Planning a Data Program*, addresses overall planning requirements, including the development of schedules and costs.

(2) See the *Guidelines for Designing Questionnaires for Administration in Different Modes* and the *Economic Directorate Guidelines on Questionnaire Design* for guidance on designing data collection instruments.

(3) Data Stewardship Policy DS016, *Respondent Identification Policy*, contains policy requirements for data collection operations involving households where respondents in households provide information.

Requirement A2-3: Data collection instruments and supporting materials must be developed and tested in a manner that balances (within the constraints of budget, resources, and time) data quality and respondent burden.

Sub-Requirement A2-3.1: Specifications for data collection instruments and supporting materials, based on program requirements, must be developed and implemented.

Examples of topics that specifications might address include:

- Requirements for programming the instrument to work efficiently. For example:
  - Built-in edits or range checks for electronic data collection instruments (e.g., edits for numeric data that must be within a pre-specified range).
  - Compliance with the CATI/CAPI Screen Standards for GUI (Windows-based) Instruments and Function Key Standards for GUI Instruments. (See the Technologies Management Office's Authoring Standards *Blaise Standards for Windows Surveys*).
  - Input and output files for data collection instruments.
- Segmented boxes for paper data collection instruments to facilitate scanning.
- Paper size, color, thickness, and formatting to ensure compatibility with data capture and processing systems for paper data collection instruments.
- Frequently Asked Questions about the data collection.
- Supporting materials, such as Help materials and instructions.

Note: The Census Bureau Guideline *Presentation of Data Edits to Respondents in Electronic Self-Administered Surveys* presents recommendations for designing editing functionality, presentation, and wording in both demographic and economic self-administered electronic surveys.

Sub-Requirement A2-3.2: Data collection instruments and supporting materials must clearly state the following required notifications to respondents:

1. The reasons for collecting the information.
2. A statement on how the data will be used.
3. An indication of whether responses are mandatory (citing authority) or voluntary.
4. A statement on the nature and extent of confidentiality protection to be provided, citing authority.
5. An estimate of the average respondent burden associated with providing the information.
6. A statement requesting that the public direct comments concerning the burden estimate and suggestions for reducing this burden to the appropriate Census Bureau contact.
7. The OMB control number and expiration date for the data collection.
8. A statement that the Census Bureau may not conduct, and a person is not required to respond to, a data collection request unless it displays a currently valid OMB control number.

Sub-Requirement A2-3.3: Data collection instruments and supporting materials must be pretested with respondents to identify problems (e.g., problems related to content, order/context effects, skip instructions, formatting, navigation, and edits) and then refined, prior to implementation, based on the pretesting results.

Note: On rare occasions, cost or schedule constraints may make it infeasible to perform complete pretesting. In such cases, subject matter and cognitive experts must discuss the need for and feasibility of pretesting. The program manager must document any decisions regarding such pretesting, including the reasons for the decision. If no acceptable options for pretesting can be identified, the program manager must apply for a waiver. (See the *Waiver Procedure* for the procedures on obtaining a waiver.)

1. Pretesting must be performed when:
   a. A new data collection instrument is developed.
   b. Questions are revised because the data are shown to be of poor quality (e.g., unit or item response rates are unacceptably low, measures of reliability or validity are unacceptably low, or benchmarking reveals unacceptable differences from accepted estimates of similar characteristics).
   c. Review by cognitive experts reveals that adding pretested questions to an existing instrument may cause potential context effects.
   d. An existing data collection instrument has substantive modifications (e.g., existing questions are revised or new questions added).

   Note: Pretesting is not required for questions that performed adequately in another survey.

2. Pretesting must involve respondents or data providers who are in scope for the data collection. It must verify that the questions:
   a. Can be understood and answered by potential respondents.
   b. Can be administered properly by interviewers (if interviewer-administered).
   c. Are not unduly sensitive and do not cause undue burden.

Examples of issues to verify during pretesting:

- The sequence of questions and skip patterns is logical and easy-to-follow.
- The wording is concise, clear, and unambiguous.
- Fonts (style and size), colors, and other visual design elements promote readability and comprehension.

3. One or more of the following pretesting methods must be used:
   a. Cognitive interviews.
   b. Focus groups, but only if the focus group completes a self-administered instrument and discusses it afterwards.
   c. Usability techniques, but only if they are focused on the respondent's understanding of the questionnaire.
   d. Behavior coding of respondent/interviewer interactions.
   e. Respondent debriefings in conjunction with a field test or actual data collection.
   f. Split panel tests.

   Notes:
   (1) Methodological expert reviews generally do not satisfy this pretesting requirement. However, if a program is under extreme budget, resource, or time constraints, the program manager may request cognitive experts in the Center for Statistical Research and Methodology or on the Response Improvement Research Staff to conduct such a review. The results of this expert review must be documented in a written report. If the cognitive experts do not agree that an expert review would satisfy this requirement, the program manager must apply for a waiver.
   (2) Multiple pretesting methods should be used as budget, resources, and time permits to provide a thorough evaluation of the data collection instrument and to document that the data collection instrument "works" as expected. In addition, other techniques used in combination with the pretesting methods listed above may be useful in developing data collection instruments. (See Appendix A2, *Questionnaire Testing and Evaluation Methods for Censuses and Surveys*, for descriptions of the various pretesting methods available.)

4. When surveys or censuses are administered using multiple modes and meaningful changes to questions are made to accommodate the mode differences, all versions must be pretested.

   Meaningful changes to questions to accommodate mode differences include changes to the presentation of the question or response format to reflect mode-specific functional constraints or advantages. In these cases, the proposed wording of each version must be pretested to ensure consistent interpretation of the intent of the question across modes, despite structural format or presentation differences. As long as the proposed wording of each version is pretested, testing of the mode (e.g., paper versus electronic) is not required, although it may be advisable.

5. Data collection instruments in any languages other than English must be pretested in the languages that will be used to collect data during production. Pretesting supporting materials in these languages is not required, but is recommended.

   Note: The Census Bureau Guideline *Language Translation of Data Collection Instruments and Supporting Materials* provides guidance on translating data collection instruments and supporting materials from English to another language.

Sub-Requirement A2-3.4: Data collection instruments and supporting materials must be verified and tested to ensure that they function as intended.

Examples of verification and testing activities include:

- Verifying that the data collection instrument's specifications and supporting materials reflect the sponsor's requirements (e.g., conducting walk-throughs to verify the appropriateness of specifications).
- Verifying that the data collection instrument and supporting materials meet all specifications (e.g., verifying correctness of skip patterns, wording, instrument fills, and instrument edits).
- Conducting integration testing using mock input files with realistic scenarios to test all parts of the data collection instrument together (e.g., front, middle, and back modules).
- Conducting usability testing to discover and eliminate barriers that keep respondents from completing the data collection instrument accurately and efficiently.
- Conducting output tests to compare the output of the data collection instrument under development with that of its predecessor (if the data collection has been done with a similar instrument in the past).
- Verifying that user interfaces work according to specifications.
- Verifying that user interfaces for electronic forms adhere to IT Standard 15.0.2, *Web Development Requirements and Guidelines*, and any other guidance applicable to the program.
- Verifying that Web-based data collection instruments comply with requirements of Section 508 of the U.S. Rehabilitation Act.
- Verifying that paper data collection instruments are compatible with the program's data capture and processing systems.

Note: The Census Bureau Guideline *Computer Assisted Personal Interviewing* reflects recommended practices for ensuring the quality of CAPI.

Requirement A2-4: Documentation needed to replicate and evaluate the development of data collection instruments and supporting materials must be produced. The documentation must be retained, consistent with applicable policies and data-use agreements, and must be made available to Census Bureau employees who need it to carry out their work. (See Statistical Quality Standard S2, *Managing Data and Documents*.)

Examples of documentation include:

- Plans for the development and testing of the data collection instrument and supporting materials.

- Specifications for the data collection instruments and supporting materials.
- Results of questionnaire development research (e.g., pretesting results, expert review reports, and site visit reports).
- Input files used to test the final production instrument and reports of testing results.
- Computer source code for the production data collection instrument along with information on the version of software used to develop the instrument.
- Quality measures and evaluation results. (See Statistical Quality Standard D3, *Producing Measures and Indicators of Nonsampling Error*.)

Notes:

(1) The documentation must be released on request to external users, unless the information is subject to legal protections or administrative restrictions that would preclude its release. (See Data Stewardship Policy DS007, *Information Security Management Program*.)

(2) Statistical Quality Standard F2, *Providing Documentation to Support Transparency in Information Products*, contains specific requirements about documentation that must be readily accessible to the public to ensure transparency of information products released by the Census Bureau.

Appendix A2[1]
Questionnaire Testing and Evaluation Methods for Censuses and Surveys

Pretesting is critical to the identification of problems for both respondents and interviewers with regard to question content, order/context effects, skip instructions, and formatting. Problems with question content, for example, include confusion over the meaning of the question as well as misinterpretation of individual terms or concepts. Problems with skip instructions may result in missing data and frustration by interviewers and/or respondents. Formatting concerns are relevant to self-administered questionnaires and may lead to respondent confusion and a loss of information.

"Pretesting" is a broad term that applies to many different methods or combinations of methods that can be used to test and evaluate questionnaires. These methods are valuable for identifying problems with draft questionnaires, but they have different strengths and weaknesses, and may be most useful at different stages of questionnaire/instrument development. Typically, using several pretesting methods is more effective in identifying problem questions and suggesting solutions than using just a single method. This appendix briefly describes the different types of pretesting methods, their strengths and weaknesses, and situations where they are most beneficial.

The enumeration and description of potential pretesting and evaluation methods in this appendix is meant to cover all the available techniques; however, some techniques do not satisfy the pretesting requirement of Statistical Quality Standard A2: *Developing Data Collection Instruments and Supporting Materials*. Other methods satisfy the requirement only under special circumstances. The pretesting requirement of Standard A2 identifies the methods that must be used to pretest census and survey questions.

Although the pretesting requirement of Standard A2 must be satisfied, the appropriateness of the methods and the resources available to implement them should be considered in determining which pretesting methods to use.

Pretesting and evaluation techniques fall into two major categories – pre-field and field techniques. Generally, pre-field techniques are used during the preliminary stages of questionnaire development. Pre-field techniques include:

- Respondent focus groups. (This method does **not** satisfy the pretesting requirement, unless the focus group completes and discusses a self-administered questionnaire.)
- Exploratory or feasibility visits to companies or establishment sites. (This method does **not** satisfy the pretesting requirement.)
- Cognitive interviews. (This method satisfies the pretesting requirement.)

[1] This appendix is based on two sources: 1) Protocol for Pretesting Demographic Surveys at the Census Bureau, prepared by Theresa DeMaio, Nancy Mathiowetz, Jennifer Rothgeb, Mary Ellen Beach, and Sharon Durant, dated June 28, 1993; and 2) Evolution and Adaptation of Questionnaire Development, Evaluation and Testing in Establishment Surveys, by Diane Willimack, Lars Lyberg, Jean Martin, Lilli Japec, and Patricia Whitridge. Monograph Paper for the International Conference on Questionnaire Development, Evaluation and Testing Methods, Charleston, SC, November, 2002.

- Usability techniques. (This method does **not** satisfy the pretesting requirement unless it is focused on respondent understanding of a self-administered or interviewer-administered questionnaire.)
- Methodological expert reviews. (This method does **not** satisfy the pretesting requirement.)

Field techniques are used to evaluate questionnaires tested under field conditions, either in conjunction with a field test or during production data collection. Using field techniques during production data collection would be appropriate only for ongoing or recurring surveys. Field techniques include:

- Behavior coding of interviewer-respondent interactions. (This method satisfies the pretesting requirement.)
- Respondent debriefings. (This method satisfies the pretesting requirement.)
- Interviewer debriefings. (This method does **not** satisfy the pretesting requirement.)
- Analysts' feedback. (This method does **not** satisfy the pretesting requirement.)
- Split panel tests. (This method satisfies the pretesting requirement.)
- Analysis of item nonresponse rates, imputation rates, edit failures, or response distributions. (This method does **not** satisfy the pretesting requirement.)

PRE-FIELD TECHNIQUES

Respondent Focus Groups are used early in the questionnaire development cycle and can be used in a variety of ways to assess the question-answering process. Generally, the focus group technique does **not** satisfy the pretesting requirement, because it does not expose respondents to a questionnaire.

The only use of focus groups that satisfies the pretesting requirement is to have the group complete a self-administered questionnaire, followed by a discussion of the experience. This provides information about the appearance and formatting of the questionnaire and reveals possible content problems.

Focus groups can be used before questionnaire construction begins to gather information about a topic, such as:

- How potential respondents structure their thoughts about a topic.
- How respondents understand general concepts or specific terminology.
- Respondents' opinions about the sensitivity or difficulty of the questions.
- How much burden is associated with gathering the information necessary to answer a question.

Focus groups can also be used to identify variations in language, terminology, or the interpretation of questions and response options. Used in this way, they may provide quicker access to a larger number of people than is possible with cognitive interviews. One of the main advantages of focus groups is the opportunity to observe an increased amount of interaction on a topic in a short time. The group interaction is of central importance – it can result in information and insights that may be less accessible in other settings. However, precisely because of this group interaction, the focus group does not permit a good test of an individual's response process

when alone. Moreover, in focus groups the researcher does not have as much control over the process as with cognitive interviews or interviewer-administered questionnaires. One or two people in the group may dominate the discussion and restrict the input from other group members.

Exploratory or Feasibility Studies are another common method for evaluating survey content relative to concepts. Economic survey practitioners typically call these studies *company or site visits* because they carry out the studies at the site of the business or institution. Because these visits are conducted before the questionnaire has been developed, they do **not** satisfy the pretesting requirement.

Because economic surveys rely heavily on business or institutional records, the primary goal of these site visits is to determine the availability of the desired data in records, their periodicity, and the definition of the concept as used in company records. Other goals include assessment of response burden and quality and the identification of the appropriate respondent.

The design of these company or site visits tends to vary a great deal. Because they are exploratory in nature, the activity may continue until the economic survey or program staff sufficiently understands the respondents' views of the concepts, resources permitting of course. Purposive or convenience samples are selected that target key data providers. Sample sizes are small, perhaps as few as five and rarely more than thirty. Typically, several members of the survey or program staff, who may or may not include questionnaire design experts, conduct meetings with multiple company employees involved in government reporting. Information gained during these visits helps determine whether the survey concepts are measurable, what the specific questions should be, how to organize or structure the questions related to the concept of interest, and to whom the form should be sent.

Exploratory or feasibility studies may be multi-purpose. In addition to exploring data availability for the concept of interest, survey or program staff may also set up reporting arrangements and review operating units to ensure correct coverage. A common by-product of these visits is to solidify relationships between the companies and the survey or program staff.

Cognitive Interviews are used in the later part of the questionnaire development cycle, after a questionnaire has been constructed based on information from focus groups, site visits, or other sources. They consist of one-on-one interviews using a draft questionnaire in which respondents describe their thoughts while answering the survey questions. Cognitive interviews provide an important means of learning about respondents' problems with the questionnaire directly from them. Because this technique tests the questionnaire with potential respondents, it satisfies the pretesting requirement.

In addition, small numbers of interviews (as few as fifteen) can yield information about major problems if respondents repeatedly identify the same questions and concepts as sources of confusion. Because sample sizes are small, iterative pretesting of an instrument is often possible. After one round of interviews is complete, researchers can diagnose problems, revise question wording to solve the problems, and conduct additional interviews to see if the new questions are successful.

Cognitive interviews may or may not be conducted in a laboratory setting. The advantage of the laboratory is that it offers a controlled environment for conducting the interview, and provides the opportunity for video as well as audio recording. However, laboratory interviews may be impractical or unsuitable. For example, economic surveys rarely conduct cognitive interviews in a laboratory setting. Rather, cognitive testing of economic surveys is usually conducted on-site at the offices or location of the business or institutional respondent. One reason for this approach is to enable business or institutional respondents' to have access to records. Another is business respondents' reluctance to meet outside their workplaces for these interviews. In many economic surveys, which tend to be relatively lengthy and require labor-intensive data retrieval from records, testing may be limited to a subset of questions or sections rather than the entire questionnaire. Thus, researchers must be careful to set the proper context for the target questions.

"Think aloud" interviews, as cognitive interviews have come to be called, can be conducted either concurrently or retrospectively – that is, the respondents' verbalizations of their thought processes can occur either during or after the completion of the questionnaire. As the Census Bureau conducts them, cognitive interviews incorporate follow-up questions by the researcher in addition to the respondent's statement of his or her thoughts.

Probing questions are used when the researcher wants to have the respondent focus on particular aspects of the question-response task. For example, the interviewer may ask how respondents chose among response choices, how they interpreted reference periods, or what a particular term meant. *Paraphrasing* (asking the respondents to repeat the question in their own words) permits the researcher to learn whether the respondent understands the question and interprets it in the manner intended, and it may reveal better wordings for questions.

In surveys of businesses or institutions, in which data retrieval often involves business records, probing and paraphrasing techniques are often augmented by questions asking respondents to describe those records and their contents or to show the records to the researcher. Since data retrieval tends to be a labor-intensive process for business respondents, frequently requiring the use of multiple sources or consultation with colleagues, it is often unrealistic for researchers to observe the process during a cognitive interview. Instead, *hypothetical probes* are often used to identify the sources of data, discover respondents' knowledge of and access to records, recreate likely steps taken to retrieve data from records or to request information from colleagues, and suggest possible estimation strategies.

Usability Techniques are used to aid development of automated questionnaires. Objectives are to discover and eliminate barriers that keep respondents from completing an automated questionnaire accurately and efficiently with minimal burden. Usability tests that are focused on respondent understanding of the questionnaire satisfy the pretesting requirement. Usability tests that are focused on the interviewers' ability to administer the instrument do not satisfy the pretesting requirement; however, they are recommended for interviewer-administered electronic questionnaires.

Aspects that deserve attention during usability testing include the language, fonts, icons, layout, organization, and interaction features, such as data entry, error recovery, and navigation. Typically, the focus is on instrument performance in addition to how respondents interpret survey questions. Problems identified during testing can then be eliminated before the instrument is finalized.

As with paper questionnaires, different usability techniques are available depending upon the stage of development. One common technique is called the *usability test*. These tests are similar to cognitive interviews – that is, one-on-one interviews that elicit information about the respondent's thought process. Respondents are given a *task*, such as "Complete the questionnaire," or smaller subtasks, such as "Send your data to the Census Bureau." The *think aloud*, *probing*, and *paraphrasing* techniques are all used as respondents complete their assigned tasks. Early in the design phase, usability testing with respondents can be done using *low fidelity questionnaire prototypes* (i.e., mocked-up paper screens). As the design progresses, versions of the automated questionnaire can be tested to choose or evaluate basic navigation features, error correction strategies, etc.

Disability accommodation testing is a form of usability testing which evaluates the ability of a disabled user to access the questionnaire through different assistive technologies, such as a screen reader. *Expert reviews* (see below) are also part of the repertoire of usability techniques.

Research has shown that as few as three participants can uncover half of the major usability problems; four to five participants can uncover 80 percent of the problems; and ten participants can uncover 90 percent of the problems (Dumas and Redish, 1999).

Finally, in a *heuristic review*, an expert compares the electronic survey instrument with usability principles that should be followed by all user interfaces (Nielsen, 1993).

Methodological Expert Reviews, conducted by survey methodologists or questionnaire-design experts, evaluate any difficulties potential interviewers and respondents may have with the questionnaire. Seasoned survey researchers who have extensive exposure to either the theoretical or practical aspects of questionnaire design use their expertise to achieve this goal. Because respondents do not provide direct input in these reviews, in general they do **not** satisfy the pretesting requirement. Usually these reviews are conducted early in the questionnaire development process and in concert with other pretest methods.

Expert reviews may be used instead of respondent-based pretesting only as a last resort, when extreme time constraints prevent the use of other pretesting methods. In such instances, survey methodology experts must conduct the reviews and document the results in a written report. The decision to use expert reviews rather than respondent-based pretesting must be made by subject-matter areas in consultation with the methodological research areas in the Center for Statistical Research and Methodology and on the Response Improvement Research Staff.

The cognitive appraisal coding system (Forsyth and Lessler, 1991) is a tool providing a systematic approach to the methodological expert review process. Like methodological expert reviews, results are used to identify questions that have potential for reporting errors. This tool is

particularly effective when used by questionnaire design experts who understand the link between the cognitive response process and measurement results. However, novice staff or subject-area staff also can use this tool as a guide in their reviews of questionnaires.

Methodological expert reviews also can be conducted as part of a usability evaluation. Typically, this review is performed with an automated version of the questionnaire, although it need not be fully functional. Experts evaluate the questionnaire for consistency and application of user-centered principles of user-control, error prevention and recovery, and ease of navigation, training, and recall.

FIELD TECHNIQUES

Field techniques may be used with pretests or pilot tests of questionnaires or instruments and survey processes. They may also be employed in ongoing periodic (or recurring) surveys. The value of testing draft questionnaires with potential survey respondents cannot be overstated, even if it simply involves observation and evaluation by questionnaire developers. However, the following pretesting methods can be used to maximize the benefits of field testing.

Behavior Coding of Respondent/Interviewer Interactions involves systematic coding of the interaction between interviewers and respondents from live or taped field or telephone interviews to collect quantitative information. Using this pretesting method satisfies the pretesting requirement.

The focus here is on specific aspects of how the interviewer asks the question and how the respondent reacts. When used for questionnaire assessment, the behaviors that are coded focus on behaviors that indicate problems with the question, the response categories, or the respondent's ability to form an adequate response. For example, if a respondent asks for clarification after hearing the question, it is likely that some aspect of the question caused confusion. Likewise, if a respondent interrupts the question before the interviewer finishes reading it, then the respondent misses information that might be important to giving a correct answer. For interviewer-administered economic surveys, the coding scheme may need to be modified from traditional household applications, because interviewers for establishment surveys tend to be allowed greater flexibility.

In contrast to the pre-field techniques described earlier, the use of behavior coding requires a sample size sufficient to address analytic requirements. For example, if the questionnaire contains many skip patterns, it is necessary to select a large enough sample to permit observation of various paths through the questionnaire. In addition, the determination of sample sizes for behavior coding should take into account the relevant population groups for which separate analysis is desired.

Because behavior coding evaluates all questions on the questionnaire, it promotes systematic detection of questions that elicit large numbers of behaviors that reflect problems. However, it is not usually designed to identify the source of the problems. It also may not be able to distinguish which of several similar versions of a question is better.

Finally, behavior coding does not always provide an accurate diagnosis of problems. It can only detect problems that are manifest in interviewer or respondent behavior. Some important problems, such as respondent misinterpretations, may remain hidden because both respondents and interviewers tend to be unaware of them. Behavior coding is not well-suited for identifying such problems.

Respondent Debriefing uses a structured questionnaire after data are collected to elicit information about respondents' interpretations of survey questions. Use of this method satisfies the pretesting requirement.

The debriefing may be conducted by incorporating structured follow-up questions at the end of a field test interview or by re-contacting respondents after they return a completed self-administered questionnaire. In economic surveys, respondent debriefings sometimes are called "response analysis surveys" ("RAS") or "content evaluations." Respondent debriefings usually are interviewer-administered, but may be self-administered. Some Census Bureau economic surveys have conducted respondent debriefings by formulating them as self-administered questionnaires and enclosing them with survey forms during pilot tests or production data collections.

Sample sizes and designs for respondent debriefings vary. Sample sizes may be as small as 20 or as large as several hundred. Designs may be either random or purposive, such as conducting debriefings with respondents who exhibited higher error rates or errors on critical items. Since the debriefing instrument is structured, empirical summaries of results may be generated.

When used for testing purposes, the primary objective of respondent debriefing is to determine whether the respondents understand the concepts and questions in the same way that the survey designers intend. Sufficient information is obtained to evaluate the extent to which reported data are consistent with survey definitions. For instance, respondents may be asked whether they included or excluded particular items in their answers, per definitions. In economic surveys, the debriefings may ask about the use of records or estimation strategies. In addition, respondent debriefings can be useful in determining the reason for respondent misunderstandings. Sometimes results of respondent debriefings show that a question is superfluous and can be eliminated from the final questionnaire. Conversely, it may be discovered that additional questions need to be included in the final questionnaire to better operationalize the concept of interest. Finally, the data may show that the intended meaning of certain concepts or questions is not clear or able to be understood.

A critical requirement to obtain a successful respondent debriefing is that question designers and researchers have a clear idea of potential problems so that good debriefing questions can be developed. Ideas about potential problems can come from pre-field techniques (e.g., cognitive interviews conducted prior to the field test), from analysis of data from a previous survey, from careful review of questionnaires, or from observation of earlier interviews.

Respondent debriefings may be able to supplement the information obtained from behavior coding. As noted above, behavior coding demonstrates the existence of problems but does not always identify the source of the problem. When designed properly, the results of respondent

debriefings can provide information about the sources of problems. Respondent debriefings also may reveal problems not evident from the response behavior.

Interviewer Debriefing has traditionally been the primary method used to evaluate field or pilot tests of interviewer-administered surveys. It also may be used following production data collection prior to redesigning an ongoing periodic or recurring survey. Interviewer debriefing consists of holding group discussions or administering structured questionnaires with the interviewers to obtain their views of questionnaire problems. The objective is to use the interviewers' direct contact with respondents to enrich the questionnaire designer's understanding of questionnaire problems. Although it is a useful evaluation component, it is not sufficient as an evaluation method and does **not** satisfy the pretesting requirement.

Interviewers may not always be accurate reporters of certain types of questionnaire problems for several reasons. When interviewers report a problem, it is not always clear if the issue caused trouble for one respondent or for many. Interviewers' reports of problem questions may reflect their own preference regarding a question, rather than respondent confusion. Finally, experienced interviewers sometimes change the wording of problem questions as a matter of course to make them work, and may not even realize they have done so.

Interviewer debriefings can be conducted in several different ways: in a group setting, through rating forms, or through standardized questionnaires. *Group setting debriefings* are the most common method. They essentially involve conducting a focus group with the field test interviewers to learn about their experiences in administering the questionnaire. *Rating forms* obtain more quantitative information by asking interviewers to rate each question in the pretest questionnaire on selected characteristics of interest to the researchers (e.g., whether the interviewer had trouble reading the question as written, whether the respondent understood the words or ideas in the question). *Standardized interviewer debriefing questionnaires* collect information about the interviewers' perceptions of a problem, the prevalence of a problem, the reasons for a problem, and proposed solutions to a problem. Interviewer debriefings also can ask about the magnitude of specific kinds of problems, to test the interviewers' knowledge of subject-matter concepts.

Analysts' Feedback is a method of learning about problems with a questionnaire specific to the economic area. At the Census Bureau, most economic surveys are self-administered; so survey or program staff analysts in the individual subject areas, rather than interviewers, often have contact with respondents. While collecting feedback from analysts is a useful evaluation component, it does **not** satisfy the pretesting requirement.

Feedback from analysts about their interactions with respondents may serve as an informal evaluation of the questionnaire and the data collected. These interactions include "Help Desk" phone inquiries from respondents and follow-up phone calls to respondents by analysts investigating suspicious data flagged by edit failures. Analyst feedback is more useful when analysts systematically record comments from respondents in a log. The log enables qualitative evaluation of the relative severity of questionnaire problems, because strictly anecdotal feedback sometimes may be overstated.

Another way to obtain analyst feedback is for questionnaire design experts to conduct focus groups with the analysts who review data and resolve edit failures. These focus groups can identify questions that may need to be redesigned or evaluated by other methods. Regardless of how respondent feedback is captured, analysts should provide feedback early in the questionnaire development cycle of recurring surveys to identify problematic questions.

Split Panel Tests are controlled experimental tests of questionnaire variants or data collection modes to determine which one is "better" or to measure differences between them. Split panel testing satisfies the pretesting requirement.

Split panel experiments may be conducted within a field or pilot test or embedded within production data collection for an ongoing periodic or recurring survey. For pretesting draft versions of a questionnaire, the search for the "better" questionnaire requires that an a priori standard be determined by which the different versions can be judged. Split panel tests can incorporate a single question, a set of questions, or an entire questionnaire.

It is important to select adequate sample sizes when designing a split panel test so that differences of substantive interest can be measured. In addition, these tests must use randomized assignment within replicate sample designs so that differences can be attributed to the question or questionnaire and not to the effects of incomparable samples.

Another use of the split panel test is to calibrate the effect of changing questions. Although split panel tests are expensive, they are extremely valuable in the redesign and testing of surveys for which the comparability of the data collected over time is an issue. They provide an important measure of the extent to which different results following a major survey redesign are due to methodological changes, such as the survey instrument or interview mode, rather than changes over time in the subject-matter of interest. Split panel testing is recommended for data with important policy implications.

Comparing response distributions in split panel tests produces measures of differences but does not necessarily reveal whether one version of a question produces a better understanding of what is being asked than another. Other question evaluation methods, such as respondent debriefings, interviewer debriefings, and behavior coding, are useful to evaluate and interpret the differences observed in split panel tests.

Analysis of Item Nonresponse Rates, Imputation Rates, Edit Failures, or Response Distributions from the collected data can provide useful information about how well the questionnaire works. Use of this method in combination with a field test does **not** satisfy the pretesting requirement.

In household surveys, examination of item nonresponse rates can be informative in two ways. First, "don't know" rates can determine the extent to which a task is too difficult for respondents. Second, refusal rates can determine the extent to which respondents find certain questions or versions of a question to be more sensitive than others.

In economic surveys, item nonresponse may be interpreted to have various meanings, depending on the context of the survey. In some institutional surveys (e.g., hospitals, prisons, schools) where data are abstracted from individual person-level records, high item nonresponse is considered to indicate data not routinely available in those records. Item nonresponse may be more difficult to detect in other economic surveys where questions may be left blank because they are not applicable to the responding business or the response value may be zero. In these cases, the data may not be considered missing at all.

Response distributions are the frequencies with which respondents provided answers during data collection. Evaluation of the response distributions for survey items can determine whether variation exists among the responses given by respondents or if different question wordings or question sequencings produce different response patterns. This type of analysis is most useful when pretesting either more than one version of a questionnaire or a single questionnaire for which some known distribution of characteristics exists for comparative purposes.

The quality of collected data also may be evaluated by comparing, reconciling, or benchmarking to data from other sources. This is especially true for economic data, but benchmarking data are also available for some household surveys.

CONCLUSION

At least one of the following techniques must be used to satisfy the pretesting requirement:

- Cognitive interviews.
- Usability techniques focused on the respondent's understanding of the questionnaire.
- Focus groups involving the administration of questionnaires.
- Behavior coding of respondent/interviewer interactions.
- Respondent debriefings in conjunction with a field test or actual data collection.
- Split panel tests.

However, pretesting typically is more effective when multiple methods are used. Additional pretesting techniques should be carefully considered to provide a thorough evaluation and documentation of questionnaire problems and solutions. The relative effectiveness of the various techniques for evaluating survey questions depends on the pretest objectives, sample size, questionnaire design, and mode of data collection. The Census Bureau advocates that both pre-field and field techniques be undertaken, as time and funds permit.

For continuing surveys that have a pre-existing questionnaire, cognitive interviews should be used to provide detailed insights into problems with the questionnaire whenever time permits or when a redesign is undertaken. Cognitive interviews may be more useful than focus groups with a pre-existing questionnaire because they mimic the question-response process. For one-time or new surveys, focus groups are useful tools for learning what respondents think about the concepts, terminology, and sequence of topics prior to drafting the questionnaire. In economic surveys, exploratory/feasibility studies, conducted as company or site visits, also provide information about structuring and wording the questionnaire relative to data available in business/institutional records. Usability techniques are increasingly important as surveys move to automated data collection.

Pre-field methods alone may not be sufficient to test a questionnaire. Some type of testing in the field is encouraged, even if it is evaluated based only on observation by questionnaire developers. More helpful is small-to-medium-scale field or pilot testing with more systematic evaluation techniques. The various methods described in this appendix complement each other in identifying problems, the sources of problems, and potential solutions.

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Statistical Quality Standard A3
Developing and Implementing a Sample Design

Purpose: The purpose of this standard is to ensure that statistically sound frames are designed and samples are selected to meet the objectives of the survey.

Scope: The Census Bureau's statistical quality standards apply to all information products released by the Census Bureau and the activities that generate those products, including products released to the public, sponsors, joint partners, or other customers. All Census Bureau employees and Special Sworn Status individuals must comply with these standards; this includes contractors and other individuals who receive Census Bureau funding to develop and release Census Bureau information products.

In particular, this standard applies to the design and selection of statistically sound samples used to produce estimates or make inferences. This standard covers:

- Frame development for censuses and sample surveys.
- The design and selection of samples or subsamples for surveys.
- The design and selection of samples or subsamples for secondary data analysis, evaluations, or quality assessments.

Exclusions:
In addition to the global exclusions listed in the Preface, this standard does not apply to:

- Selection of focus groups.
- Cognitive interviewing.
- Samples that will not be used to produce estimates or make inferences (e.g., samples used for operational tests, pilot studies, or quality control).
- Frames and samples provided to the Census Bureau by a sponsor.
- Activities performed to produce sample estimates (e.g., weighting, estimation, and variance estimation). Statistical Quality Standard D1, *Producing Direct Estimates from Samples*, addresses requirements related to producing estimates.

Key Terms: Cluster, coverage, cut-off samples, estimate, estimation, frame, housing unit, peer review, precision, primary sampling unit (PSU), probability of selection, probability sampling, sample design, sample size, sampling frame, sampling weights, sequential sampling, strata, stratification, systematic sampling, target population, unduplication, variance, and weights.

Requirement A3-1: Throughout all processes associated with frame development and sample design, unauthorized release of protected information or administratively restricted information must be prevented by following federal laws (e.g., Title 13, Title 15, and Title 26), Census Bureau policies (e.g., Data Stewardship Policies), and additional provisions governing the use of the data (e.g., as may be specified in a memorandum of understanding or data-use agreement). (See Statistical Quality Standard S1, *Protecting Confidentiality*.)

Requirement A3-2: A plan must be developed that addresses:

1. Statistical requirements of the program using the sample (e.g., the target population, the key estimates, the required precision of the estimates, and the expected response rates).
2. Development of the sampling frame.
3. Sampling methodologies that improve efficiency and minimize the costs of data collection (e.g., probability sampling, oversampling, stratification, sorting, unduplication requirements, and cluster sizes).
4. Verification and testing of systems associated with the sampling operations.
5. Monitoring and evaluating the accuracy of the frame and the sample (e.g., the coverage of the target population by the frames, timeliness of the frames, efficiency of stratification, and verification of the sample).

Notes:

(1) The Census Bureau Guideline *Sample Design and Selection* identifies steps to follow and issues to consider when designing and selecting a sample.

(2) Statistical Quality Standard A1, *Planning the Data Program*, addresses overall planning requirements, including the development of schedules and costs.

Requirement A3-3: Sampling frames that meet the data collection objectives must be developed using statistically sound methods.

Examples of frame development activities include:

- Describing the target population.
- Constructing the frame using sources that promote accuracy and completeness.
- Combining multiple frames and unduplicating among them or adjusting probabilities of selection to address units appearing in multiple frames.
- Updating frames (e.g., for new construction and establishment "births" and "deaths").
- Identifying limitations of the frame, including timeliness and accuracy of the frame (e.g., misclassification, eligibility, and coverage).

Requirement A3-4: The sample design must be developed to meet the objectives of the survey, using statistically sound methods. The size and design of the sample must reflect the level of detail needed in tabulations and other information products and the precision required of key estimates. Any use of nonprobability sampling methods (e.g., cut-off) must be justified statistically.

Examples of sample design activities include:

- Setting the requirements and rules for how to define primary sampling units (PSUs), secondary units (e.g., clusters of housing units), and criteria for self-representing PSUs.
- Defining measures of size.
- Determining whether oversampling of population subgroups is needed.
- Defining sampling strata and criteria for clustering.
- Defining the sample size by stratum and the allocation methodology.
- Determining the order of selection and the probabilities of selection.
- Describing the sample selection methods (e.g., systematic sampling, sequential sampling, and probability proportional to size).

- Grouping sample units into representative panels and identifying the duration a unit will remain in sample.
- Determining sample rotation patterns.
- Addressing the issues involved with replacing a current sample design with a new one (e.g., phase-in/phase-out periods, minimizing/maximizing overlap, and accounting for any bias associated with the redesign).
- Developing and maintaining sample design information needed for weighting, estimation, and variance estimation (e.g., probabilities of selection, noninterview adjustment cells, and sample replicates).
- Assessing the potential bias from using the cut-off sampling method.

Requirement A3-5: Sampling frames must be implemented and samples selected to ensure high quality data.

Sub-Requirement A3-5.1: Specifications and procedures for creating frames and selecting samples, based on the statistical requirements, must be developed and implemented.

Examples of issues that specifications and procedures might address include:

- Stratum definitions, stratification algorithms, and clustering algorithms.
- Addition or deletion of records to update frames.
- Algorithms for creating PSUs.
- Sampling algorithms.
- Unduplication of the sample between surveys or between different waves of the same survey.
- Creation of sample replicates needed for weighting, estimation, and variance estimation.
- Assignment of sampling weights appropriate for the sample design to selected units.

Sub-Requirement A3-5.2: Systems and procedures must be verified and tested to ensure all components function as intended.

Examples of verification and testing activities include:

- Verifying that specifications conform to the technical requirements for the frame and sample design (e.g., using walk-throughs and peer reviews).
- Validating computer code against specifications.
- Performing tests of the individual modules and an integrated test of the full sample selection operation.
- Verifying the accuracy of frame information.
- Verifying the selection of the sample for accuracy (e.g., sample sizes are as expected).

Sub-Requirement A3-5.3: Systems and procedures must be developed and implemented to monitor and evaluate the accuracy of the frame development and sample selection operations and to take corrective action if problems are identified.

Examples of activities to monitor and evaluate the accuracy include:

- Comparing weighted sample counts with frame counts.

- Verifying that sample sizes are within expectations.
- Evaluating the accuracy and coverage of the frames against the target population.
- Evaluating changes in the sample design to understand how the revisions might affect the estimates.

Requirement A3-6: Documentation needed to replicate and evaluate frame development and sample design operations must be produced. The documentation must be retained, consistent with applicable policies and data-use agreements, and must be made available to Census Bureau employees who need it to carry out their work. (See Statistical Quality Standard S2, *Managing Data and Documents*.)

Examples of documentation include:

- Plans, requirements, specifications, and procedures for the systems and processes of frame development and sample selection.
- Sampling design information needed to produce estimates and variance estimates.
- Descriptions of the frame and its coverage.
- Techniques used to evaluate the coverage of the frame and the adequacy of the sample design.
- Quality measures and evaluation results. (See Statistical Quality Standard D3, *Producing Measures and Indicators of Nonsampling Error*.)

Notes:

(1) The documentation must be released on request to external users, unless the information is subject to legal protections or administrative restrictions that would preclude its release. (See Data Stewardship Policy DS007, *Information Security Management Program*.)

(2) Statistical Quality Standard F2, *Providing Documentation to Support Transparency in Information Products*, contains specific requirements about documentation that must be readily accessible to the public to ensure transparency of information products released by the Census Bureau.

EXHIBIT 6

EXHIBIT 3
WIT: Hbrwck
DATE: 8/29/18
KLJ

(54)

a. STATE
b. COUNTY
c. INCORPORATED PLACE OR TOWNSHIP
d. E.D. NUMBER

a. HOTEL, LARGE ROOMING HOUSE, INSTITUTION, MILITARY INSTALLATION, ETC.
Name
Line No. ... Institution
b. Name
Line No. ... Institution

CONFIDENTIAL This inquiry is authorized by Act of Congress (13 Mar. 29141 U. S. C. 241-244) which requires that a report be made. The information furnished is secured confidential treatment. The Census report cannot be used for purposes of taxation, investigation, or prosecution.

FORM P1

U. S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

1950 CENSUS OF POPULATION AND HOUSING

SHEET NUMBER

FOR HEAD OF HOUSEHOLD | FOR ALL PERSONS | FOR PERSONS 14 YEARS OF AGE AND OVER

LINE NUMBER	Street address, or rural route	House (and apartment) number	Serial number of dwelling unit	Is this house on a farm (for tenth)? (Yes or No)	If this is Item 4— Is this house on a farm of three or more acres? (Yes or No)	Agriculture Questionnaire Number	NAME — What is the name of the head of this household? What are the names of all other persons who live here? List in this order: The head; His wife; Children, sons and daughters (in order of age); Married sons and daughters and their families; Other relatives; Other persons, such as lodgers, servants, guests or hired hands who live in, as their relatives (LAST NAME first)	RELATIONSHIP — Enter relationship of persons to head of the household, as: Head, Wife, Daughter, Grandson, Mother-in-law, Lodger, Lodger's wife, Maid, Hired hand, Patient, etc.	LEAVE BLANK	RACE — White (W), Negro (Ng), American Indian (Ind), Japanese (Jap), Chinese (Ch), Filipino (Fil), Other race — specify	SEX — Male (M), Female (F)	How old was he on his last birthday? (If under 1 year of age, enter month of birth as April, May, June, etc.)	Is he now married, widowed, divorced, separated, or never married? (Mar, Wd, D, Sep, Never)	What State (or foreign country) was he born in? If born outside Continental United States, enter name of Territory, possession, or foreign country. Distinguish Canada-French from Canada-other	LEAVE BLANK	If foreign born— Is he naturalized? (Yes, No, or AP if born abroad of American parents)	LEAVE BLANK	What was this person doing most of last week—working, keeping house, or something else? (Wk, H, O, or if for an absent week)	If H or O, interested in work? Did this person do any work at all last week, not counting work around the house? (Include work for pay, income business, profession, or farm, or unpaid family work) (Yes or No)	If No, listed in 19— Was this person looking for work? (Yes or No)	If No, listed in 19— Even though he didn't work last week, does he have a job or business? (Yes or No)	If Yes, listed in 19— How many hours did he work last week? (Include unpaid work on family farm or business) (Number of hours)	FOR PERSONS 14 YEARS OF AGE AND OVER — 1. Unemployed (X). 2. Working for wages, salary, commission, fees, or piece rates in 19. 3. Self-employed in own business, professional practice, farm or other business (E). 4. Unpaid family worker (U). 5. Seeking work for the first time (N). What kind of work was he doing? (For example: Nail puller on shoe; Chemistry professor; Farmer; Farm helper; Armed forces; Navy; work in ...) (Occupation)	What kind of business or industry was he working in? (For example: Shoe factory; State university; Farm; ...) (Industry)	Class of worker — For PRIVATE employer (P); For GOVERNMENT (G); In OWN business (O); WITHOUT PAY on family farm or business (NP) (P, G, O, or NP)	LEAVE BLANK	LINE NUMBER
1	2	3	4	5	6		7	8	A	9	10	11	12	13	14	15	16	17	18	19	20a	20b	20c	C	
1																									1
2																									2
3																									3
SAMPLE LINE 4																									4 ASK QUES. BELOW
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SAMPLE LINE 9																									9 ASK QUES. BELOW
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SAMPLE LINE 24																									24 ASK QUES. BELOW
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27																									27
28																									28
SAMPLE LINE 29																									29 ASK QUES. BELOW
30																									30

HOUSEHOLD CONTINUED ON NEXT SHEET ☐

Notes

THE QUESTIONS BELOW ARE FOR PERSONS LISTED ON SAMPLE LINES

FOR ALL AGES

SAMPLE LINE	Was he living in this same house a year ago?	If No in Item 21— Was he living on a farm a year ago?	If No in Item 21— Was he living in this same county a year ago?	If No in Item 22— What county and State was he living in a year ago? County	State or foreign country	LEAVE BLANK	What was the father and mother born in? (State U.S. or name of Territory, possession, or foreign country)		LEAVE BLANK	What is the highest grade of school that he has attended? (Enter one state-ment code below)	Did he finish this grade?	Has he attended school at any time since February 1st? (For those under 25 years of age check Yes or No. For those 25 years old or over, check 20 or over)
	21	22	23	24a	24b	D	25		E	26	27	28
4	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over
9	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over
14	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over
19	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over
24	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over
29	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	County: or nearest place:			Father: Mother:				☐ Yes ☐ No	1 ☐ Yes 2 ☐ No Y ☐ 20 or over

FOR PERSONS 14 YEARS OF AGE AND OVER —

SAMPLE LINE	How many weeks has he been looking for work? (Number of weeks in 1949)	Last year, how many weeks did this person do any work at all, not counting work around the house? (Enter number below (number of weeks, etc.))	Income received by this person in 1949 — Last year (1949), how much money did he earn working as an employee for wages or salary? (Enter amount below (number of hours, etc.))	Last year, how much money did he earn working in his own business, professional practice, or farm? (Enter net income)	Last year, how much money did he receive from interest, dividends, veteran's allowances, pensions, rents, or other income (aside from earnings)?	LEAVE BLANK	If this person is a family head (see definition below) — Income received by all relatives in this household — Last year (1949), how much money did his relatives in this household earn working for wages or salary? (Amount before deductions for taxes, etc.)	Last year, how much money did his relatives in this household earn in own business, professional practice, or farm? (Net income)	Last year, how much money did his relatives in this household receive from interest, dividends, veteran's allowances, pensions, rents, or other income (aside from earnings)?	LEAVE BLANK	If Male— (Ask each question) Did he ever serve in the U. S. Armed Forces during— World War II	World War I	Any other time, including peacetime	LEAVE BLANK	SAMPLE LINE
	29	30	31a	31b	31c	F	32a	32b	32c	G	33a	33b	33c	H	
4	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		4
9	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		9
14	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		14
19	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		19
24	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		24
29	(Weeks)	(Weeks)	☐ None $	☐ None $	☐ None $		☐ None $	☐ None $	☐ None $		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No		29

34. To women only: If he has had more than one wife, enter the number of times he married, 2a, 2b, and 2c.
☐ Yes—Skip to Item 35
☐ No—Ask children's line 1a, 1b, and 1c

35. If ever married (Mar, Wd, D, or Sep in Item 12)—
Has this person been married more than once?
☐ Yes ☐ No

35a. What kind of work did this person do in his last job?

35b. What kind of business or industry did he work in?

35c. Class of worker (P, G, O, or NP, as in Item 20c)

37. If Mar—How many years since this person was married?
If Wd —How many years since this person was widowed?
If D —How many years since this person was divorced?
If Sep —How many years since this person was separated?
_____ years, or ☐ Less than 1 year

38. If married or ever married (Mar, Wd, D, or Sep in Item 12)—
How many children has she ever been, not counting stillbirths?
_____ children, or ☐ None

Item 17. SPECIAL CANVASS. Enter Yes only for persons who would have been included if a special canvass had been made (as on a temporary place) or who included on a special canvass (Item 6 above) (Yes or No) for which this person was a special canvass.

Item 18. CODES for GRADE ATTENDED
Elementary (Grades 1-8) ... 0
Kindergarten ... K
HIGH SCHOOL (Grades 9-12) ... 9, 10, 11, 12
VOCATIONAL SCHOOL ... V
COLLEGE (Grades 1-4) ... 1, 2, 3, 4
COLLEGE OR UNIVERSITY (Graduate or professional school (5 year or more)) ... 5, 6, 7, 8

Item 20. Enter the occupation, industry, and class of worker for the last job he held if he was not working last week.
A person may have had
Either (1) ...
(2) ...
Enter the occupation, industry, and class of worker for the job he was doing most of last week.

Cont.

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Number of lines on this sheet	Number of male persons listed on this sheet	Number of persons with unknown age on this sheet
30		

EXHIBIT 7

PENGAD 800-631-6989
EXHIBIT
25

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Carolyn B. Maloney
Co-Chair
Congressional Census Caucus
U.S. nited States House of Representatives
Washington, DC 20515

Dear ~~Congresswoman~~Representative Maloney:

This responds to your letter to the Acting Assistant Attorney General for the Civil Rights Division dated May 1, 2018, regarding the addition of a question on citizenship to the 2020 Census. We are sending identical responses to the other ~~Representatives~~ Members who joined your letter.

The Department of Justice (Department) is committed to the vigorous and evenhanded enforcement of Section 2 of the Voting Rights Act, which prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in specified language minority groups. As you noted, the Department sent a letter to the Census Bureau asking that the Census Bureau reinstate a question regarding citizenship on the 2020 Census questionnaire in an effort to obtain the most accurate data ~~needed~~ to protect against racial discrimination in voting.

Commented [A1]: This edit is designed conform to the original JMD letter, which did not say the data was "necessary" but did indicate it would assist our enforcement efforts. John's note to CIV specifically noted that the letter did not say the data was "necessary" and I think we should avoid that term.

Indeed, in vote-dilution cases in which citizenship rates are at issue, federal courts of appeals have repeatedly recognized that citizen voting-age population is the appropriate metric for determining whether a racial group could constitute a majority in a single-member district. *See, e.g.*, *Reyes v. City of Farmers Branch*, 586 F.3d 1019, 1023–24 (5th Cir. 2009); *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998); *Negrón v. City of Miami Beach*, 113 F.3d 1563, 1567–69 (11th Cir. 1997); *Romero v. City of Pomona*, 883 F.2d 1418, 1425 (9th Cir. 1990). Consistent with these holdings, the Department believes that census-block-level data obtained through the decennial census questionnaire would be the most appropriate citizenship data for use in redistricting and Section 2 litigation, and best enable the Department to protect all American citizens' voting rights under Section 2.

Your letter requests responses to six questions, including requests for documents, regarding the Department's request to the Census Bureau and voting rights enforcement efforts. ~~We have enclosed responsive documents which have also been released under FOIA. We are unable to provide additional documents at this time.~~ As you know, It is important to note that the Administration is currently involved in ongoing civil litigation on this subject, and the

Department represents the Department of Commerce. Pursuant to longstanding policy, it is not appropriate for the

Department ~~to~~does not provide non-public documents or records of communications that may ~~communications that may implicate ongoing litigation. We~~ understand that the Department ~~of Commerce's~~

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The Honorable Carolyn B. Maloney
Page Two

[illegible] Carolyn B. Maloney

communications that may implicate ongoing litigation. We understand that the Department of Commerce's Commerce's administrative record has been filed with the eCourt and is available [illegible] the [illegible] portion of C[illegible]e's FOIA reading [illegible] [illegible] UNAL%20FILED%20- [illegible] ments/AR%20- INDEX [illegible] We are unable to [illegible] at this [illegible] been released [illegible] under the Freedom of Information Act prior to th[illegible] and is enclosed.

[illegible] s information that is predecisional and deliberative. Under [illegible] decades-old practice, the Department treats as confidential [illegible] tions that are part of its predecisional and deliberative [illegible] protecting the integrity of our law enforcement litigation [illegible] recomm[illegible] d litigation decisions are products of [illegible] epend[illegible] its [illegible] law and facts, uninhibited by any [illegible] influences outsid[illegible] ment [illegible] the Department is not in a position to [illegible] of the information sought by [illegible]

The Department is committed to full and robust enforcement of all federal voting laws. [illegible] has continued since January [illegible] Department has [illegible] s a party in litigation under V[illegible] *s v. City of Eastpointe* [illegible] *Texas v. Abbott* (S.D. Tex.) [illegible]). The Department [illegible] lly resolved matters under the [illegible] t in *Common Cause v.* [illegible] *tio* [illegible]) (Section 8); an[illegible] (M.D. La.) (Section [illegible] an[illegible] Tag[illegible] vitl[illegible] . The Department has [illegible] formed [illegible] Uniformed [illegible]). Ariz[illegible] Voting Act [illegible] UOCAVA [illegible] The [illegible] [illegible] [illegible] [illegible] *nfip R[illegible]* [illegible] *ium* (9th [illegible] *ate* [illegible] (5th Ci[illegible] [illegible] [illegible] [

federal offices. The Department will continue its efforts ensure that voters' rights are fully protected.

Commented [A4]: Any more information about the Department's voting rights enforcement efforts that we can provide?

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Stephen E. Boyd
Assistant Attorney General

~~ably Carolyn B. Maloney~~

Enclosures

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EXHIBIT 8

Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census[1]

J. David Brown[2]

Misty L. Heggeness[3]

Suzanne M. Dorinski[4]

Lawrence Warren[5]

Moises Yi[6]

August 6, 2018

[1] We thank career staff and statistical experts within the Bureau who graciously gave their time and effort to review, comment, edit, and make improvements to this document. The analysis, thoughts, opinions, and any errors presented here are solely those of the authors and do not necessarily reflect any official position of the U.S. Census Bureau. All results have been reviewed to ensure that no confidential information is disclosed. The Disclosure Review Board release numbers are DRB-B0093-CDAR-20180621, DRB-B0103-CDAR-20180712, and DRB-B0113-CDAR-20180806. Republication in whole or part must be cleared with the authors.

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[3] Misty L. Heggeness is Senior Advisor for Evaluations and Experiments in the Research and Methodology Directorate at the U.S. Census Bureau.

[4] Suzanne M. Dorinski is a Mathematical Statistician currently on detail with the Social, Economic, and Housing Statistics Division at the U.S. Census Bureau.

[5] Lawrence Warren is an Economist in the Center for Economic Studies at the U.S. Census Bureau.

[6] Moises Yi is an Economist in the Center for Economic Studies at the U.S. Census Bureau.

Abstract

This paper examines the quality of citizenship data in self-reported survey responses compared to administrative records and evaluates options for constructing an accurate count of resident U.S. citizens. Person-level discrepancies between survey-collected citizenship data and administrative records are more pervasive than previously reported in studies comparing survey and administrative data aggregates. Our results imply that survey-sourced citizenship data produce significantly lower estimates of the noncitizen share of the population than would be produced from currently available administrative records; both the survey-sourced and administrative data have shortcomings that could contribute to this difference. Our evidence is consistent with noncitizen respondents misreporting their own citizenship status and failing to report that of other household members. At the same time, currently available administrative records may miss some naturalizations and capture others with a delay. The evidence in this paper also suggests that adding a citizenship question to the 2020 Census would lead to lower self-response rates in households potentially containing noncitizens, resulting in higher fieldwork costs and a lower-quality population count.

1. Introduction

National statistical agencies are charged with collecting and reporting accurate information about society, including individuals, households, and businesses. This information is used to produce official statistics about the demographic composition of persons living in the nation – including information about migration, citizenship, and mobility. For decades, the United States has relied on household survey questionnaires to collect data on migration and immigration status (Census Bureau 2002). Generally, the focus is on whether an individual has lived in that current location for more than one (or five) years, a date for their last move, citizenship status, and year of naturalization. To date, the collection of this information via survey vehicles has been sufficient for general statistical reporting on immigrants living in the U.S.; however, very few studies have examined the extent to which individuals answer these sensitive questions accurately, how inclusion of these questions affects overall response rates, or how item nonresponse on these questions compares to other questions.

In this paper, we study the quality of self-reported citizenship questions by comparing responses in the American Community Survey (ACS), the Census, the Survey of Income and Program Participation (SIPP), and administrative records on citizenship from the Social Security Administration. There are now multiple survey and administrative sources of data to study immigration and citizenship status. We examine the strengths and weaknesses of these sources for the development of future statistics on citizenship status. We focus on both the accuracy and completeness in all options. The alternatives we consider for constructing a count of resident citizens are the following: (A) no change in current data collection, combined with small area estimation using the ACS and administrative citizenship data sources, (B) add a citizenship question to the 2020 Census, (C) obtain citizenship status from administrative records for the entire 2020 Census population, and (D) combine alternatives (B) and (C). Factors to consider when evaluating these alternatives include the quality of the data sources, comprehensiveness and biases in data coverage, cost, and the effects on the quality of the 2020 full population count. We analyze each of these aspects.

We find that discrepancies between survey-collected citizenship data and administrative records are more extensive than discrepancy estimates from previous research. The degree to which persons who are noncitizens in administrative records self-report being citizens in surveys is greater for non-Hispanics than Hispanics. Most of the people with these discrepancies report being citizens from birth or naturalized long ago, regardless of ethnicity. The discrepancy patterns imply that the ACS estimate of the noncitizen share of the population is lower than comparable estimates based on currently available administrative records.

The remainder of the paper is structured as follows. Section 2 provides general background and history of the current issue. Section 3 documents the coverage of survey and administrative record citizenship data. The quality of the data from survey and administrative record sources is analyzed in Section 4. Section 5 contains regression analyses of item response and data quality. Section 6 estimates the effects of inclusion of a citizenship question on survey response rates. Estimates of the citizenship question's effects on the cost and quality of the 2020 Census in general are provided in Section 7. Forecasts of the number of people for whom citizenship is sourced by the 2020 Census

citizenship question, administrative records, and model imputation when using each of the alternatives are given in Section 8. Section 9 concludes.

2. Background

2.1 History of Citizenship Data Collection through Household Surveys and Censuses

The Census Bureau has collected and preserved citizenship data since 1820 via historical full count censuses, household surveys, and administrative records (AR), but the practice of asking citizenship and migration-related questions on censuses has varied over time. The 1820 and 1830 Censuses asked for a tally of the total number of non-naturalized foreigners in the household. The 1870 Census asked citizenship status of all male persons aged 21 and older (Census Bureau 2002). The federal government did not ask citizenship status during the 1880 Census, but reintroduced it in the 1890 Census, and the question stayed on full-count Census questionnaires through 1950. The 1950 Census was the last full-count Census to ask the citizenship status of every resident in the U.S. if he or she reported a foreign birthplace (Census Bureau 2002).

While the 1960 Census did not ask about citizenship throughout the country, it was reintroduced on the long form (which sampled approximately one-in-six households across the country) in the 1970 Census and remained on the long form until 2000 (Census Bureau 2002). The question never reappeared on the short form after 1950. After the 2000 Census, citizenship data collection moved to the American Community Survey (ACS), which replaced the Census long form. The ACS collects responses from approximately 1.6 percent of households annually (American Community Survey 2016a, American Community Survey 2016b).[7]

Since the advent of the long form and continuing with the ACS, the Census Bureau has focused Census enumeration on obtaining only the data necessary for a concise and condensed full-population count (Weinberg 2011). It also prioritizes the collection of data mandated by Public Law 94-171 (PL94), which instructs the Census Bureau to cooperate with state redistricting offices in support of their efforts to redraw legislative districts in compliance with the Constitution, Supreme Court, and the 1965 Voting Rights Act. The questionnaire asks only the core demographic, race, ethnicity, and housing questions, not including citizenship.

2.2 The Citizen Voting Age Population by Race and Ethnicity (CVAP) Table

On December 12, 2017, the Census Bureau received a request from the Department of Justice to include a citizenship question on the 2020 Census of Population and Housing (Department of Justice 2017). The request prompted the Census Bureau to conduct a study of the feasibility and best options for meeting this request. This paper summarizes the technical analysis conducted for alternative options for obtaining citizenship data for the entire population to produce the Citizen Voting Age Population by Race and Ethnicity (CVAP) table at the census block level. CVAP is

[7] We calculate this number using American Fact Finder (AFF) Tables B98001 and B25001.

currently produced at the census block-group level using estimates from the five-year American Community Survey (ACS) data.

Since 1975, the Census Bureau has provided population estimates by detailed geography to support redistricting under Public Law 94-171 (PL94). For the 2000 Census, the Citizen Voting Age Population (CVAP) estimates, tabulated at the block-group level, were produced from the long form citizenship question. Since 2011, the CVAP estimates have been tabulated annually at the block-group level from the most recent 5-year ACS data. The 2011 publication was based on the 2005-2009 ACS surveys. These data were released in the same time frame as the 2010 PL94 redistricting estimates.[8] The redistricting data must be released before April 1st of the year following a census under the authority of 13 U.S.C. Section 141.

The difficulty in integrating these two tables for redistricting and enforcement of the Voting Rights Act was cited by the Department of Justice in its December 12, 2017 letter. The Department of Justice requested block-level citizen voting-age population estimates by the U.S. Office of Management and Budget (OMB)-approved race and ethnicity categories[9] directly from the 2020 Census of Population and Housing, which would require the addition of a citizenship question directly onto the full count 2020 Census enumeration form.

2.3 Prior Research on Citizenship Data Quality

We build on past research on Census citizenship data quality. Prior studies have suggested that citizenship is inaccurately estimated in Census Bureau surveys. Passel and Clark (1997) document that the 1990 Census and 1996 Current Population Survey (CPS) estimates of the number of naturalized persons are much higher than the numbers from Immigration and Naturalization Services (INS) administrative data.[10] The study suggests that about 75 percent of those who report having lived in the U.S. fewer than five years and being naturalized citizens probably are not citizens, at least at the time of the survey. Furthermore, one-third of longer-resident Central American and Mexican origin individuals who self-reported naturalization were probably not citizens at the time of the survey. These discrepancies were attributed to incorrect reporting, possibly because respondents were confused about their status or had an incentive to misreport it to enumerators and interviewers.

Camarota and Capizzano (2004) conducted focus groups with over 50 field representatives (FRs) for the Census 2000 Supplemental Survey (a pilot for the ACS). FRs reported that foreign-born respondents living in the country illegally or from countries where there is distrust in government were less likely to participate. Some foreign-born respondents failed to list all household members. FRs suspected that some foreign-born respondents misreported citizenship status, and they

[8] For more information, see: https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html and https://www.census.gov/rdo/data/2010_census.html .
[9] See Office of Management and Budget (1997).
[10] This comes from Van Hook and Bachmeier's (2013) summary of Passel and Clark (1997).

believed this was due to "recall bias, a fear of the implications of certain responses or a desire to answer questions in a socially desirable way."

More recently, Van Hook and Bachmeier (2013) compared 2010 ACS and Office of Immigration Statistics (OIS) naturalizations data, finding that the ACS produced higher naturalization estimates than OIS for those residing in the U.S. less than five years, as well as for longer-resident Mexican-origin persons. Several papers have studied the effects of state immigration laws on the number and locational choices of immigrants (see, for example, Amuendo-Dorantes and Lozano 2014 and 2015, Bohn et al. 2014, Ellis et al. 2014, Good 2013, and Orrenius and Zavodny 2016). They have generally found reductions in the immigrant population after the introduction of these laws.[11] Deterioration in survey data quality during periods of stronger immigration enforcement could help explain the measured reductions. We contribute to the literature on Census citizenship data quality by directly linking Census and household survey data to administrative records. We not only examine the quality of survey-collected citizenship data, but also the effect of including a citizenship question on the quality of other data via their consequences for response rates and nonresponse follow-up.

3.1 Survey Coverage

In addition to the full count Census of Population and Housing that collects a limited amount of information on the entire population once every ten years, the Census Bureau also collects information on individuals and households in both legally-mandated and sponsored (reimbursable) surveys. These surveys collect more detailed demographic, social, and economic characteristics of people living in the United States, including information on citizenship status and migration variables.

The Census Bureau currently conducts four surveys that ask citizenship questions. The American Community Survey (ACS), the Current Population Survey (CPS), the American Housing Survey (AHS), and the Survey of Income and Program Participation (SIPP) all collect data on citizenship status. The universe for citizenship questions on these surveys is all persons living in the household. The ACS, CPS, SIPP, and AHS distinguish between citizens born in the United States, those born in U.S. territories, those born abroad to U.S. citizen parents, and those of foreign nativity but naturalized. Additionally, the SIPP asks about more nuanced naturalizations, including becoming a citizen through one's own or a spouse's military service or via adoption by U.S. citizen parents. [12]

To assess the citizenship coverage of existing Census Bureau survey data, we link all of the household surveys measuring citizenship status to the 2010 Census. The person-level linkage to

[11] For more information, see https://www.troutman.com/files/FileControl/89dad504-6be0-4335-aa1a-35a433102d63/7483b893-c478-44a4-8fed-f49aa917d8cf/Presentation/File/Survey%20of%20state%20and%20federal%20laws%20requiring%20E-Verify.pdf and table 1 in Orrenius and Zavodny (2016) for the list of states with mandatory E-Verify laws.
[12] This information is from the Master Demographic Pilot Feasibility Study.

the 2010 Census is based on the Protected Identification Key or PIK (the Census Bureau's internal unique person identifier) appended to person records using the Person Identification Validation System (PVS). To implement the record linkage, we first compiled an unduplicated list of individuals surveyed by the Census Bureau in Title 13 mandated surveys (ACS and SIPP) and reimbursable surveys (CPS[13] and AHS[14]). We link this unduplicated list of individuals to the 2010 Census (see Appendix Table A1).

Household surveys linked to the 2010 Census contain self-reported citizenship status for 44.6 million people, or 14.4 percent of the 2010 Census population. Of these, 43.1 million report being citizens (see Appendix Table A2). We conclude that the population coverage from existing survey data is a relatively small share of the total population, consistent with the sampling rates of these surveys.

Figure 1 Panel A shows item nonresponse in the 2016 ACS for sex, age, and citizenship.[15] We show nonresponse rates for the full sample, as well as for select subgroups by race/ethnicity and relationship to the householder.[16,17] Sex has the lowest nonresponse rates across the entire sample, as well as within subgroups with all recording less than 1 percent nonresponse, except for nonrelatives. Nonresponse rates for age are higher, and for some subgroups it has the highest level of nonresponse among the three items shown here. This is true for non-Hispanic white, non-Hispanic black, reference person, and relative of the reference person.[18] Hispanics and non-Hispanic other race[19] have higher rates of nonresponse for citizenship than for sex or age, providing some preliminary evidence that these groups could be disproportionately impacted by the addition of citizenship on the 2020 Census questionnaire.

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[13] The CPS is sponsored by the Department of Labor's Bureau of Labor Statistics.

[14] The AHS is sponsored by the Department of Housing and Urban Development.

[15] Appendix Table A3 shows item nonresponse rates for questions on the 2000 Census short form and the 2010 Census. We choose sex and age as benchmarks, since they are on the Census questionnaire. As shown in Appendix Table A3, item allocation rates (including both nonresponses and responses that are edited) are higher for many ACS questions than for sex, age, or citizenship, but they are not being considered for inclusion on the Census questionnaire and are thus less relevant.

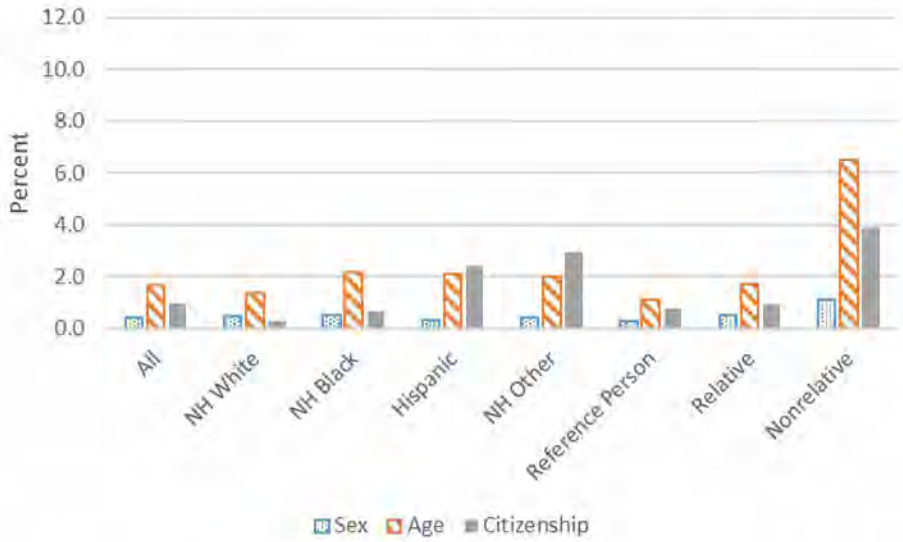
[16] Throughout the paper, we show results not only by citizenship, but also by race and ethnicity for two main reasons. The CVAP data provide counts not just by citizenship, but also race and ethnicity, so differential effects on race/ethnic groups from adding a citizenship question are relevant. In addition, our administrative record noncitizen measure has incomplete coverage (it does not cover noncitizens without SSNs), while a significant percentage of noncitizens without SSNs are Hispanic (Bond et al., 2014). Thus, to some extent the Hispanic category captures noncitizens excluded from the measured noncitizen category.

[17] The householder, also referred to as the reference person or person 1, is the first person listed on the household roster. The reference person typically is the primary or sole respondent to the survey. The relative and nonrelative categories are based on the person's relationship to the householder. The relative category includes husband or wife, biological son or daughter, adopted son or daughter, stepson or stepdaughter, brother or sister, father or mother, grandchild, parent-in-law, son-in-law or daughter-in-law, other relative, unmarried partner, and foster child. The nonrelative category includes roomer or boarder, housemate or roommate, and other nonrelative.

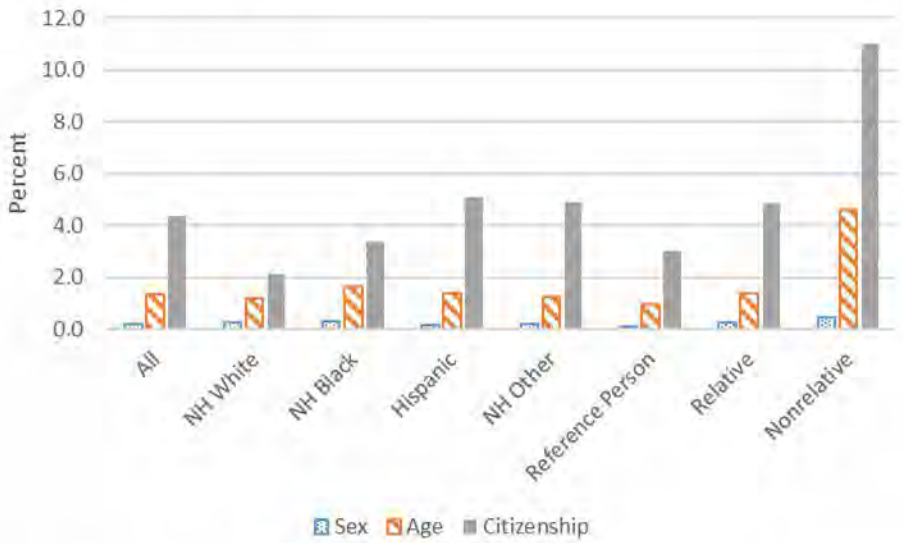
[18] We treat all persons in group quarters as reference persons. The results are qualitatively similar if group quarters are excluded.

[19] Non-Hispanic other race includes non-Hispanic Asian, non-Hispanic American Indian and Alaskan Native, non-Hispanic Native Hawaiian and Other Pacific Islander, and non-Hispanic two or more races.

Figure 1. American Community Survey (ACS) Nonresponse, 2016



Panel A. Item Nonresponse



Panel B. Item Nonresponse for Census Numident-Identified Noncitizens

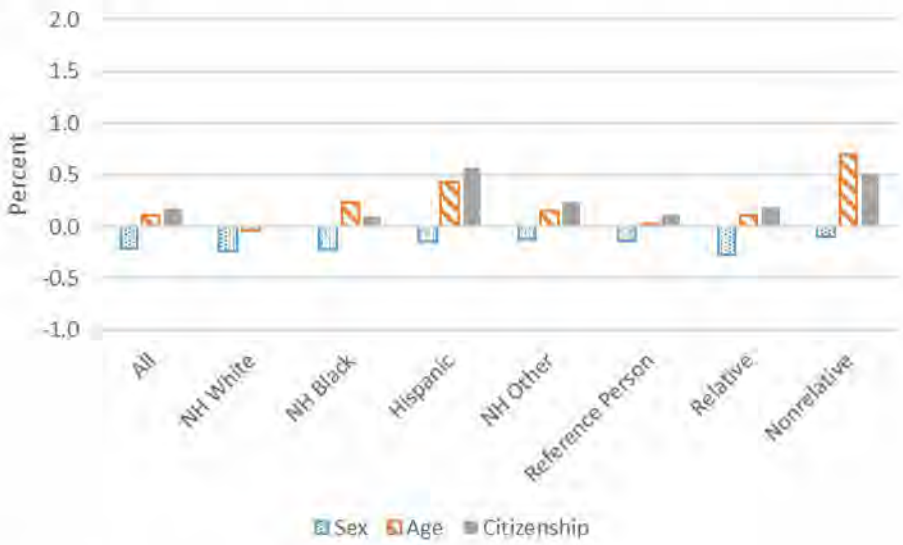
Source: American Community Survey (ACS) and Census Numident, 2016.

Given item nonresponse to the citizenship question as shown in Figure 1 Panel A, we are particularly interested in understanding the potential sensitivity of response specifically for noncitizens. Figure 1 Panel B shows the same information as Panel A, restricted to those

individuals who are identified as noncitizens in the Census Numident,[20] meaning that administrative records show their status as noncitizen. Panel B illustrates the heightened sensitivity associated with collecting citizenship data for noncitizens through surveys. Item nonresponse to the citizenship question is particularly high for nonrelative household members, where one-in-ten do not have a citizenship response in the ACS.

Next, we study whether nonresponse rates have been changing over time. Figure 2 has the same layout as Figure 1. It displays the difference in item nonresponse rates between the 2013 and 2016 ACS for the indicated variable.[21] A positive value indicates an increase in the item nonresponse rate, while a negative value indicates a decrease in the same rate. Figure 2, Panel A reports the difference in rates for the entire survey population as well as subgroups (see also Appendix Table A3 for the rates in the 2000 and 2010 Census short forms). Notice that item nonresponse rates for sex have gone down over time. However, item nonresponse for age and citizenship have increased, and, in particular, the increase in citizenship item nonresponse is largest for Hispanics and nonrelatives.

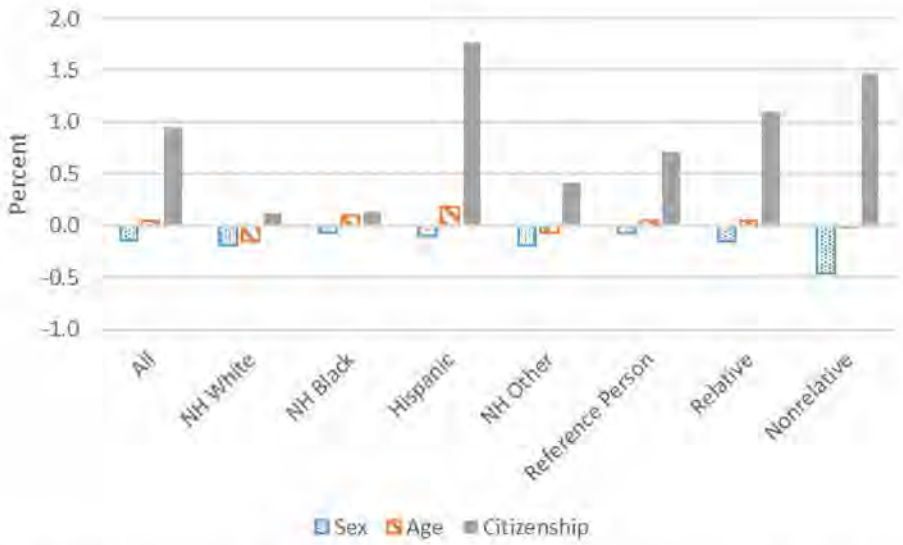
Figure 2. Difference in American Community Survey (ACS) Item Nonresponse between 2013 and 2016



Panel A. Difference in Item Nonresponse

[20] The Census Numident, which contains all Social Security card applications, is currently the Census Bureau's most complete and reliable administrative record source of citizenship data. For more details, see Section 3.2.

[21] Appendix Table A5 shows citizenship item nonresponse rates in 2013 and 2016 separately for mail-in and internet responses.



Panel B. Difference in Census Numident-Identified Noncitizen Item Nonresponse

Source: American Community Survey (ACS) and Census Numident, 2013 and 2016.

Note: Administrative record noncitizens make up 6.7 percent of the overall 2016 ACS sample.

Figure 2 Panel B shows the same differenced rates, but for those who are identified as noncitizens in the Census Numident. The trends over time are relatively similar for sex and age, with minimal changes. However, item nonresponse to the ACS citizenship question increased for all noncitizen groups, rising by 1.5 percentage points for nonrelatives and 1.8 percentage points for Hispanics. Hispanics, nonrelatives, and noncitizens are particularly sensitive to answering the citizenship question in the ACS, and that sensitivity has increased in recent years.

Table 1 shows break-off rates for the 2016 ACS internet self-responses (ISR) separately by question screen. Using this table, we examine which questions are subject to higher break-off rates. Higher break-off rates indicate potentially sensitive items. They are used as an indicator to inform when the respondent might stop answering the rest of the questions on a survey (Census Bureau 2013). A break-off is the moment in time during which a respondent decides not to continue with the survey and leaves the on-line survey. Break-off rates are highest for Hispanics and lowest for non-Hispanic whites in all question screens. Citizenship-related questions have the most heterogeneous rates across race/ethnicity groups: the ratio of break-off rates for Hispanics versus non-Hispanic whites is much higher for year of entry and citizenship than any of the other question screens in the ACS, except for English proficiency (included in Table 1 for reference purposes). In contrast, financial and work-related questions are sensitive for all groups. This again suggests that citizenship-related questions are more sensitive for Hispanics.

Table 1. 2016 ACS Internet Self-Response Break-off Rates (%) by Screen

	Non-Hispanic White		Non-Hispanic Other		Hispanic	
	(%)	S.E.	(%)	S.E.	(%)	S.E.
Work Location	0.642	0.011	1.045	0.032	1.246	0.038
Place of Birth	0.448	0.009	0.766	0.026	0.961	0.039
Wage Amount	0.589	0.006	0.691	0.029	0.751	0.032
Work Last Week	0.257	0.006	0.407	0.010	0.597	0.024
Work for Wages	0.365	0.009	0.459	0.019	0.590	0.028
Type of Employee	0.221	0.007	0.367	0.011	0.399	0.026
Verify Income	0.198	0.007	0.263	0.016	0.368	0.021
Citizenship	0.035	0.002	0.268	0.016	0.363	0.026
Health Insurance	0.188	0.006	0.331	0.015	0.336	0.019
Highest Level of Education	0.167	0.005	0.257	0.015	0.298	0.019
Work Duties	0.143	0.005	0.223	0.015	0.266	0.020
Year of Entry into U.S.	0.022	0.002	0.119	0.009	0.260	0.021
Taxes	0.164	0.005	0.182	0.014	0.259	0.019
Interest, Dividends Income	0.209	0.006	0.179	0.013	0.242	0.020
Residence Last Year	0.104	0.004	0.182	0.014	0.232	0.016
English Proficiency	0.003	0.001	0.020	0.005	0.036	0.007
Total Non-Breakoff	90.52	0.040	85.93	0.109	82.41	0.145

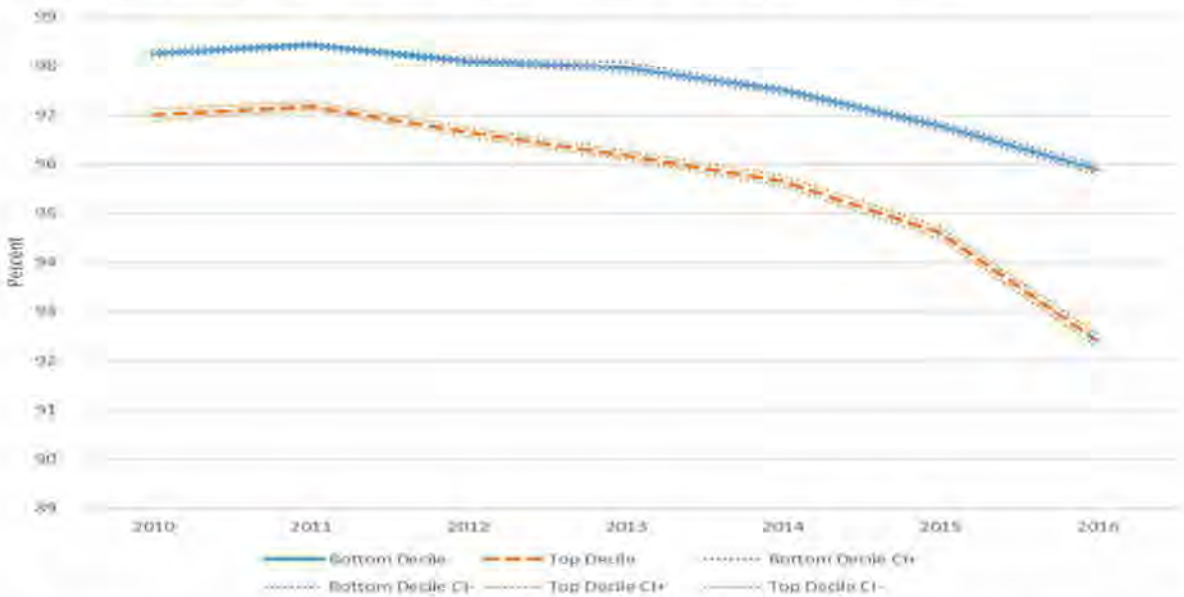
Source: 2016 ACS.

Notes: These are the top fifteen screens, sorted by Hispanic break-off rate. English proficiency and total non-breakoff are also included for reference. The rates are unweighted. The standard errors are calculated using Fay's balanced repeated replication variance estimation method, with 80 replicate weights, adjusting the original weights by a coefficient of 0.5.

Another alternative for measuring sensitivity of response is to examine the extent to which unit nonresponse changes. Unit nonresponse refers to a situation where no one in the household (or unit) responds to the survey. Figure 3 shows ACS unit nonresponse rates from 2010 to 2016 for housing units in the decile of tracts with the highest percent of noncitizens (25.5 percent noncitizens or more), and those in the decile of tracts that have the lowest percent of noncitizens (0.6 percent or less).[22] Tracts with noncitizen shares in the top decile have lower levels of unit response. In tracts with the highest concentrations of noncitizens, unit response rates have decreased over time and show a sharper drop between 2015 and 2016 than for units in tracts with the lowest concentrations of noncitizens.

[22] An internet response option was introduced to the ACS in 2013. Baumgardner, Griffin, and Raglin (2014) show that this was associated with an increase in self-response rates for economically advantaged groups and a decrease for economically disadvantaged groups, which could help explain the widening of the gap between these two tract groups in 2013. It cannot explain the further widening of the gap in 2016, however.

Figure 3. ACS Unit Response Rate by Tract-Level Share of Noncitizens



Source: American Community Survey (ACS), 2010-2016. The deciles of the distribution for noncitizen share of the tract population are 2011-2015 5-year ACS estimates.

Notes: The noncitizen share is 0.0 to 0.6 percent in the bottom decile and 25.5 to 100 percent in the top decile. The confidence intervals (CI) are at the 90 percent level, calculated via the successive differences replicate methodology, using 80 ACS replicate weights (see American Community Survey (2014)).

The data shown in this section provide preliminary evidence that unit nonresponse and citizenship item nonresponse rates are low in the population as a whole. The very low unit and item nonresponse rates among citizens and non-Hispanics mask increasingly higher noncitizen and Hispanic nonresponse rates, however.

3.2 Administrative Record Coverage

An alternative way to obtain citizenship information is to use data collected in the administration of government programs or by commercial data resellers. Respondent sensitivity to answering the question should be less of an issue with administrative sources, since proof of citizenship status is required to determine eligibility for a passport, a job, or government benefits. However, administrative data have incomplete coverage for other reasons, as discussed in this subsection.

Among the sources in Table 2, the Census Numident is the most complete and reliable administrative record source of citizenship data currently available to the Census Bureau. The Numident file is a record of individual applications for Social Security cards and certain subsequent transactions for those individuals. Unique, life-long Social Security Numbers (SSNs) are assigned to individuals based on these applications. In addition, a full record of all changes to the account information (such as change of name) is also maintained. To obtain an SSN, the

applicant must provide documented identifying information to the Social Security Administration (SSA). Through the "enumeration at birth" program, children can be issued an SSN when they are born.[23] Examples of data elements on a Numident record include name, date and place of birth, parents' names, and date of death. The SSA began requiring evidence of citizenship in 1972. Hence, citizenship data for more recently issued SSNs should be reliable as of the time of application.[24] SSA is not automatically notified when previously noncitizen SSN holders become naturalized citizens, however, so some naturalizations may be captured with a delay or not at all. To change citizenship status on an individual's SSN card, naturalized citizens must apply for a new card, showing proof of the naturalization (U.S. passport or certificate of naturalization).[25] Naturalized citizens wishing to work have an incentive to apply for a new card showing their U.S. citizenship, because noncitizen work permits expire, and the Numident is used in combination with U.S. Citizenship and Immigration Services (USCIS) data in the E-Verify program that confirms that job applicants are eligible to work.

Whether or not citizenship data are collected on the 2020 Census questionnaire, administrative records may be useful for editing and imputing the citizenship variable, when necessary.[26]

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[23] A parent can apply for the infant's SSN at the hospital where the infant is born. Otherwise, applications for U.S.-born persons require an original or certified copy of a birth record (birth certificate, U.S. hospital record, or religious record before the age of five including the date of birth), which SSA verifies with the issuing agency, or a U.S. passport. Foreign-born U.S. citizen applications require certification of report of birth, consular report of birth abroad, a U.S. passport, a certificate of citizenship, or a certificate of naturalization. Noncitizen applications require a lawful permanent resident card, machine readable immigrant visa, arrival/departure record or admission stamp in an unexpired foreign passport, or an employment authorization document. See https://www.ssa.gov/ssnumber/ss5doc.htm. The enumeration at birth was rolled out starting in 1987, and 45 states, Puerto Rico, the District of Columbia, and New York City had signed agreements to offer it by 1991. Today over 90 percent of parents use this process in all 50 states plus Puerto Rico and the District of Columbia. See https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html.

[24] A detailed history of the SSN is available at https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html (Exhibit 1). For some categories of persons, the citizenship verification requirements started a few years later, but all were in place by 1978.

[25] For more information, see https://www.ssa.gov/ssnumber/ss5doc.htm.

[26] Data edits refer to updating data when there is a clear error either in data entry or in response. Imputations occur when the individual or household did not answer a survey or questions on a survey. They involve modeling a most likely response for that individual or household using other available data.

Table 2. Administrative Record (AR) Sources Currently Held and/or Under Negotiation for Acquisition

Administrative Records Data with Citizenship Info. Currently Held	Universe
Census Numident	National-level file of SSA transactions
HHS TANF	National Level (not full content for all states)
Alaska Permanent Fund	Alaska residents
Colorado Leap	Colorado low income energy assistance program
Some State SNAP/TANF	State-level program participants
Army	Active duty and retired soldiers and family members
Bureau of Prisons	Federal prison inmates
Commercial Files	Purchased data from data resellers
Administrative Records Data with Citizenship Info Under Negotiation for Acquisition	**Universe**
Department of Homeland Security United States Citizenship and Immigration Services	National-level file of Lawful Permanent Residents, Naturalizations
Department of Homeland Security United States Customs and Border Protection	National-level file of Customs and Border transaction data
Department of State Passport Services	National-level passport transaction data

Table 3 shows the coverage of the 2010 Census population by the 2010 Numident and ITINs.[27] Ninety-one percent of persons in the 2010 Census can be assigned a Protected Identification Key (PIK) by the Person Identification Validation System (PVS).[28] Once a PIK is assigned, the vast majority of records are matched to the 2010 Numident (98.2 percent in Table 3). Most of the PIKs associated with persons not in the 2010 Numident are derived from linkage to Individual Taxpayer Identification Numbers (ITIN), issued by the Internal Revenue Service to persons who do not have

[27] Rastogi and O'Hara (2012) used an earlier version of the crosswalk between the Numident and ITINs and the 2010 Census, and we show results using that version in Table A6. The enhanced crosswalk in Table 3 uses additional household and geospatial information to increase person linkage, and it has much greater coverage of ITINs. See Bond et al. (2014) for details.

[28] See NORC (2011) and Layne, Wagner and Rothhaas (2014) for details about the process used to assign and the quality of the PIKs used in data linkage at the Census Bureau.

and are not eligible to obtain SSNs, but are required to file a federal individual income tax return (4.3 million person links derived from ITINs vs. 804,000 person links that are not derived from ITINs). Among persons with nonmissing citizenship in the 2010 Numident, 91.3 percent are U.S. citizens.

Approximately 20.9 percent, or 57.6 million of the 2010 Numident records have missing citizenship status. Many older persons did not report citizenship when applying for an SSN, which was not required prior to 1972. Of these older persons with missing citizenship, 7.0 million have either passed away by 2017 or are likely to do so by 2020 (since they would be over 100 years old). Of the remaining 50.7 million persons with missing citizenship in the 2010 Numident, it becomes nonmissing for 5.8 million of them by 2017, nearly all switching to U.S. citizens. About 42.5 million of those still missing citizenship in 2017 were born in the U.S. We treat U.S.-born persons missing citizenship as administrative record citizens in our analysis.[29] This leaves just 2.5 million foreign-born persons with missing citizenship, some of whom could be noncitizens. In the analysis, we treat foreign-born persons with missing citizenship as having missing administrative record citizenship.

Appendix Table A7 shows that among persons who are missing citizenship, alive in 2017, and born after 1919, those who are foreign-born have a much lower propensity to be linked to the 2010 Census (36.3 percent vs. 74.5 percent for U.S.-born persons). Many of the foreign-born people missing citizenship in the Numident are presumably residing outside the U.S. and thus will not be counted in the 2020 Census.[30]

[29] Analysis in later sections of this paper labeled "initial assumptions" instead treats all persons with missing Numident citizenship values as AR citizens, whether they are U.S.- or foreign-born. This includes Table 6, Figures 10B, 11A, 12A, and 12C and Appendix Tables A8 and A9.

[30] An example is persons who received temporary work visas prior to when evidence of citizenship was required to receive an SSN and who have since returned to their home countries.

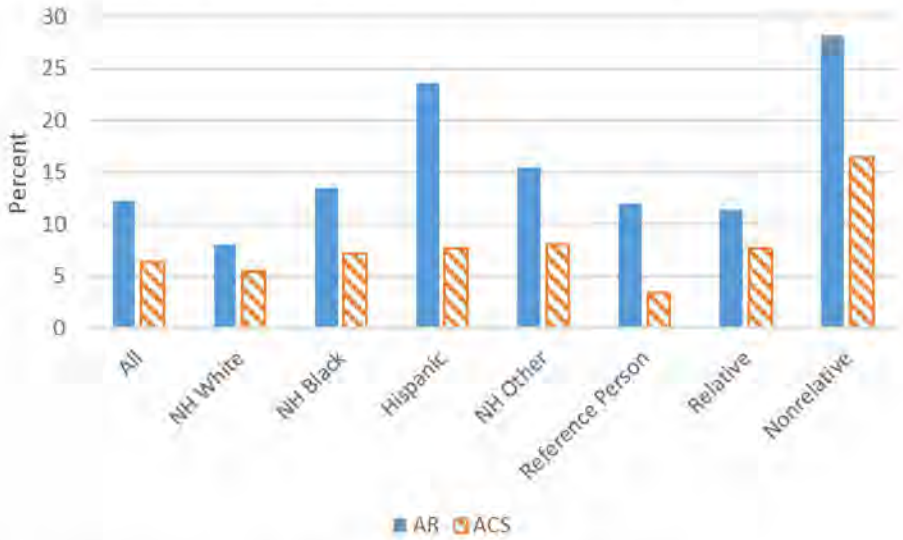
Table 3. Administrative Record (AR) Coverage of the 2010 Census

	Count	Percent of 2010 Census Population	Percent of Matched Sample
No PIK, not sent to PVS	10,260,000	3.3	
No PIK, failed in PVS	17,490,000	5.7	
PIK, but not in 2010 Numident, not an ITIN	804,000	0.3	
PIK, but not in 2010 Numident, is an ITIN	4,326,000	1.4	1.5
2010 Numident U.S. Citizen	199,300,000	64.6	71.1
2010 Numident Noncitizen	18,970,000	6.1	6.8
2010 Numident Missing Citizenship	57,620,000	18.7	20.6
Of which:			
Alive in 2017, born after 1919	50,670,000	16.4	18.1
Of which:			
2017 Numident U.S. Citizen	5,678,000	1.8	2.0
2017 Numident Noncitizen	70,500	0.0	0.0
2017 Numident Missing Citizenship	44,920,000	14.5	16.0
Of which:			
U.S.-born	42,460,000	13.8	15.2
Foreign-born	2,464,000	0.8	0.9
Total	308,745,538	100.00	100.00

Source: 2010 Census Unedited File (CUF) and 2010 and 2017 Census Numident Files.
Notes: The 2010 Census Numident File is used for all calculations with "Numident" in the label. The 2017 Census Numident File is used to calculate the number alive in 2017 and born after 1919 and the foreign-born share of them. PVS is the Person Identification Validation System used to assign PIKs. PIK is Protected Identification Key, which is a unique person identifier.

Figure 4 shows the share of persons in the 2016 ACS for whom administrative record citizenship status is not available, as well as the ACS citizenship allocation rate (including both item nonresponse and edits to original responses; i.e., the share of persons for whom the value tabulated is not the respondent's answer). The missing data rates are higher for administrative records (AR) than the ACS, and both sources' rates are higher for minorities and nonrelatives. The variability in coverage is higher for AR than the ACS.

Figure 4. Percent without Administrative Record or ACS Citizenship in 2016



Source: American Community Survey (ACS) and Census Numident, 2016.

Note: For the ACS this is the citizenship item allocation rate, which includes both item nonresponses and edited values.

As shown in Appendix Table A8, the percent of persons in the ACS who cannot be linked to citizenship in AR increases from 8.5 to 10.9 percent between 2010 and 2016. Note that the linkage between the ACS and administrative data from the SSA Numident and IRS ITIN tax filings depends on two factors: (a) the quality of the personally identifiable information (PII) on the ACS response and (b) whether the ACS respondent is in the SSN/ITIN universe.

With respect to the quality of the PII on the ACS, there may be insufficient information on the ACS due to item nonresponse to allow a successful match using the production record linkage system. There may also be more than one record in the Numident or ITIN IRS tax filings that matches the person's PII. Finally, there may be a discrepancy between the PII provided to the ACS and the PII in the administrative records.

Alternatively, the person may not be in the Numident or ITIN IRS tax filing databases, because they are out of the universe for those administrative systems. This happens when the person is a citizen without an SSN, or when the person is a noncitizen who has not obtained an SSN or ITIN.

Very few of the unlinked cases are due to insufficient PII in the ACS or multiple matches with administrative records. The vast majority of unlinked ACS persons have sufficient PII, but fail to match any administrative records sufficiently closely. This means that most of the nonmatches are because the ACS respondent is not in the administrative record universe.

The incidence of ACS persons with sufficient PII but no match with administrative records increased between 2010 and 2016. One contributing factor is that the number of persons linked to ITIN IRS tax filings in 2016 was only 35 percent as large as in 2010,[31] suggesting that either fewer

[31] This percentage uses survey weights. Unweighted, it is 39 percent.

of the noncitizens in the 2016 ACS had ITINs, or more of them provided PII in the ACS that was inconsistent with their PII in IRS records.

There is an important caveat to the conclusion that survey-based citizenship data are more complete than currently held administrative records. The methods used to adjust the ACS weights for survey nonresponse and to allocate citizenship status for item nonresponse assume that the citizenship status distribution of the sampled non-respondents is statistically the same as that of respondents with similar related characteristics. They might not actually be similar, however, even when selecting the allocation of citizenship status using basic characteristics. For example, Hispanics who respond to the survey might be different from Hispanics who do not respond in various characteristics (including immigration status). Additionally, our unit and item nonresponse analysis in Section 3.1 above casts serious doubt on this assumption, suggesting that those who do not respond to either the entire ACS or the citizenship question on the ACS are not statistically similar to those who do. In particular, their responses to the citizenship question would not be well predicted by the answers of those who did respond.

To reduce the AR coverage gaps, the Census Bureau is considering the possibility of acquiring access to several other national citizenship-related files listed in Table 2. United States Customs and Immigration Services (USCIS) administrative records on naturalizations and lawful permanent residents (LPR), and Customs and Border Protection transaction records on border entries can partially address the weaknesses of the Numident. Through preliminary project development discussions with USCIS, we were informed that USCIS records provide up-to-date information since 2001 (and possibly back to 1988, but with incomplete records prior to 2001). These will fill some gaps for naturalized citizens, lawful permanent residents, and persons with extended visa applications without SSNs, as well as naturalized citizens who did not inform SSA about their naturalization. These data do not cover naturalizations occurring before 1988, and they miss some between 1988 and 2000. USCIS records do not always cover children under 18 at the time a parent became a naturalized U.S. citizen. These children automatically become U.S. citizens under the Child Citizenship Act of 2000. The USCIS receives notification of some, but not all, of these child naturalizations. Others inform the U.S. government of their U.S. citizenship status by applying for U.S. passports, which are less expensive than the application to notify the USCIS. USCIS visa applications list people's children but the information may not be in electronic form.

U.S. passport administrative records available from the State Department can help plug the gaps for child naturalizations, missing status on the Numident, and out-of-date citizenship information on the Numident. Since U.S. citizens are not required to have a passport, however, these records will also have coverage gaps.

The acquisition of these sources would also improve record linkage for noncitizens by allowing the construction of a supplementary record linkage master list for such people, who are currently only in scope for receiving a PIK if they apply for and receive either an SSN or ITIN. Improved record linkage would not only facilitate greater use of administrative record citizenship data, but it could also permit other uses of these administrative records in 2020 Census operations to lower costs and raise quality. Noncitizens are a hard-to-count population (as evidenced by the lower ACS

unit response rates in tracts with more noncitizens in Figure 3), making having reliable administrative records on them particularly valuable.

If the Census Bureau were to obtain each of these files, the remaining AR citizenship data gaps would include the following categories:

1. U.S. citizens from birth with no SSN or U.S. passport. They will not be processed by the production record linkage system used for the 2020 Census, because their PII won't be found in the PVS reference files.

2. U.S. citizens from birth born outside the U.S., who do not have a U.S. passport, and either applied for an SSN prior to 1974 and were 18 or older, or applied before the age of 18 prior to 1978. These people will be assigned PIKs, but none of the administrative sources discussed above will reliably generate a U.S. citizenship variable.

3. U.S. citizens who were naturalized prior to 2001 and did not inform SSA of their naturalization, because they originally applied for an SSN after they were naturalized, and it was prior to when citizenship verification was required for those born outside the U.S. (1974). These people either already had an SSN when they were naturalized, and they didn't inform SSA about the naturalization, or they never applied for an SSN. The former group has inaccurate data in the Numident. The latter group will not be assigned a PIK.

4. U.S. citizens who were automatically naturalized if they were under the age of 18 when their parents became naturalized in 2000 or later, and they did not inform USCIS or receive a U.S. passport. Note that such persons would not be able to get an SSN with U.S. citizenship on the card without either a U.S. passport or a certificate from USCIS. These people will also not be assigned a PIK.

5. Lawful permanent residents (LPR) who received that status prior to 2001 and either do not have an SSN, or they applied for an SSN prior to when citizenship verification was required for those born outside the U.S. (1974). The former group will not be found in the PVS reference files. The latter group has inaccurate data in the Numident.

6. Noncitizen, non-LPR, residents who do not have an SSN or ITIN and who did not apply for a visa extension. These persons will not be found in PVS.

7. Persons with citizenship information in administrative data, but the administrative and Census data cannot be linked due to missing or discrepant PII.

It is uncertain whether Census Bureau household survey data could reliably fill the above gaps when their person record cannot be assigned a PIK or when they have a PIK but the administrative record lacks up-to-date citizenship information. Persons in Category 6 have a strong incentive to provide an incorrect survey answer, if they answer at all, due to concerns about the data being used for enforcement.[32] Presumably a significant, but unknown, fraction of persons without PIKs are in

[32] Title 13, U.S.C. prohibits the use of Census data for enforcement purposes, but respondents may still have this concern.

Category 6. Distinguishing these people from the other categories of persons without PIKs is inherently inexact, because there is no feasible method of independently verifying their citizenship status.

4. Data Reliability

To assess the reliability of citizenship data, we compare the responses to the 2000 Census long form and 2010 and 2016 ACS citizenship questions with the administrative record (AR) citizenship variable (from the 2002, 2010, and 2016 Numidents and ITINs for the latter two years).[33] Since previous studies suggest that Census survey-AR discrepancies are greater for Hispanics, and the CVAP tables show citizen counts by race/ethnicity and voting age, we show discrepancies separately by race/ethnicity and the voting-age population (age 18 and over). Appendix Tables A8 and A9 show a full set of results for all three years, while the discussion in this section focuses on the 2016 comparison.

Discrepancies between AR and ACS citizenship could be due to several causes: (1) Linkage errors result in the administrative records not matching to the right people in the ACS. The relative discrepancy rates would vary depending on whether AR citizens or noncitizens have more linkage errors. One might expect unrelated persons in the household to have more linkage errors than relatives of reference persons, since PII quality is likely to improve with familiarity. (2) AR incorrectly report that the person is a citizen. This would appear as AR citizen-ACS noncitizen discrepancies. (3) AR are out of date, missing some naturalizations captured by the ACS. This would show up as AR noncitizen-ACS citizen discrepancies.[34] (4) The respondent does not know the person's citizenship status and guesses wrong. This is most plausible for unrelated persons and least so for the reference person. (5) The respondent misunderstands the question and answers incorrectly, despite actually knowing the citizenship status. It is not clear whether this would lead to more AR citizen-ACS noncitizen or AR noncitizen-ACS citizen discrepancies, but it should not vary across reference person, related persons, and unrelated persons. (6) The respondent knows the person's citizenship status and misreports it. Here the reference person may have a harder time justifying item nonresponse (implying (s)he does not know her/his own citizenship), so the way to keep from attracting attention is to say (s)he is a U.S. citizen. When asked about others, the respondent can more easily say (s)he does not know. This factor is likely to be more relevant when people have heightened concerns that the data will be used for immigration enforcement.

Of the candidate reasons (1) through (3) relevant for administrative records, linkage errors (reason 1) would be the most difficult to overcome. If linked to the wrong people, even perfect administrative records will produce inaccurate statistics. Though improvements can be made to record linkage methods, the linkage quality also depends on the quality of PII supplied by the sources being linked. In contrast, the acquisition of more timely administrative record sources

[33] The 2002 Numident is the closest available Numident to the 2000 Census.

[34] Note that as the Census Bureau receives more administrative record sources of citizenship data, the probability that the administrative records are incorrect should fall.

should reduce missing naturalizations problems (reason 3). The use of additional administrative record sources can also help illuminate instances where currently held administrative records are more likely to be incorrect (reason 2).[35]

Guessing wrong (reason 4) and misunderstanding the question (reason 5) would reduce precision (i.e., increase statistical variability), but it is not clear that either would result in biased estimates. In contrast, intentional misreporting (reason 6) is likely to result in reduced accuracy (more bias), since citizens and noncitizens may have different incentives to misreport status. Of these three reasons, the extent of intentional misreporting is most likely to vary across geographical areas and over time, depending on the degree of concern about personal security.

Figure 5 Panel A shows that a remarkably high 99.6 percent of U.S. citizens (according to administrative records) report being U.S. citizens in the 2016 ACS.[36] This suggests that when AR report the person is a citizen, (s)he is actually a citizen, and reason (2) is not an important factor. The discrepancy rate is higher for Hispanics (2.0 percent) and other minorities (1.3 percent) than for non-Hispanic white individuals. The discrepancy rate is higher for nonrelatives than relatives of the respondent, and for relatives than reference persons, consistent with the reference person knowing other people's status less well than his/her own.

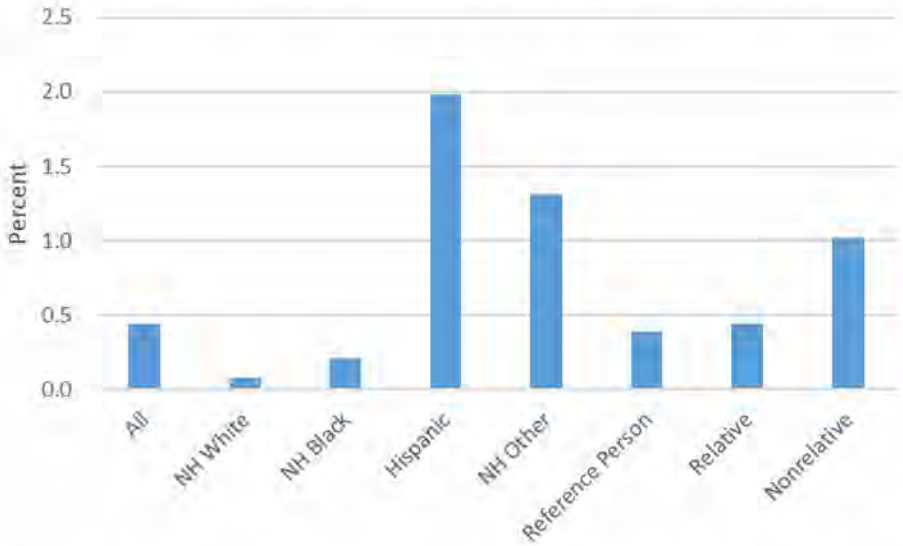
Discrepancy rates are higher for those individuals identified as U.S. noncitizens in administrative records: 37.6 percent report being U.S. citizens in the ACS, as shown in Figure 5 Panel B. This implies that ACS estimates of the U.S. citizen population are higher than they would be if one were to use currently available administrative records.[37] The ordering of rates across groups is reversed compared to the AR citizen-ACS noncitizen rates. Here non-Hispanic white individuals have the highest discrepancy rate and Hispanic individuals the lowest. This means that the difference between ACS citizen and AR citizen population estimates is greatest for non-Hispanic white individuals and lowest for Hispanic individuals. This contrasts with Van Hook and Bachmeier's (2013) conclusion based on aggregates that self-reported naturalizations by persons of Mexican origin are most likely to be incorrect.[38,39]

The AR noncitizen-ACS citizen discrepancy rate is highest for the reference person, followed by relatives and then nonrelatives. This pattern is not a clear outcome of out of date administrative

[35] For example, if a person is a foreign-born citizen in one administrative record source, but other administrative records and the survey response each say the person is a noncitizen, one might have more confidence in selecting noncitizen than when having only the first administrative record source and the survey response.
[36] This is even higher than the agreement rate for sex in the 2010 Census vs. the Numident, which is 99.4 percent. See Rastogi and O'Hara (2012).
[37] Note that since we are unable to compare records that are missing in one or both sources, the estimates provided in this section may understate the difference between the ACS estimate of the U.S. citizen population and the true value, especially since most unauthorized persons (other than the small fraction with ITINs) are missing AR citizenship data here.
[38] Hispanics make up the largest number of AR noncitizen-ACS citizen persons (2.6 million), compared to 2.5 million non-Hispanic other minorities, 1.7 million non-Hispanic whites, and 800,000 non-Hispanic blacks, which may be why previous studies' analysis of aggregated data find the largest administrative record-survey differences to be among Hispanics. But the discrepancy rate is more relevant for evaluating quality than the absolute number of discrepancies.
[39] According to 2016 1-year ACS data in American Factfinder Table S0201 (American Community Survey 2016c), 63.2 percent of Hispanics are of Mexican origin.

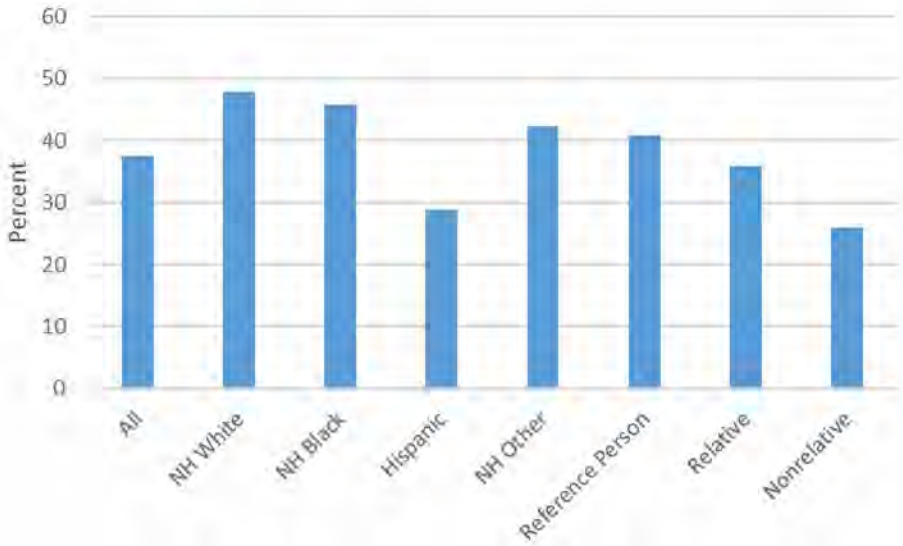
records (reason 3), lack of knowledge about others' status (reason 4), or misunderstanding the question (reason 5). Recall that citizenship item nonresponse is highest for nonrelatives and lowest for reference persons (see Figure 1). This suggests respondents behave differently when asked about their own status versus that of others. It may be easier for respondents to say they do not know the status of someone else (particularly a nonrelative) than their own status. They thus misreport their own status (reason 6), while they say they do not know the status of others.

Figure 5. Administrative Records-ACS Survey Response Citizenship Agreement



Panel A. Percent of Administrative Record Citizens who respond as 2016 ACS Noncitizens

Notes: Administrative record citizens make up 81.1 percent of the overall 2016 ACS sample, 90.1 percent for non-Hispanic white, 81.5 percent of non-Hispanic black, 60.2 percent of Hispanic, 62.5 percent of non-Hispanic other race, 81.1 percent of reference persons, 82.1 percent of relatives, and 64.8 percent of nonrelatives. See Appendix Table A10.



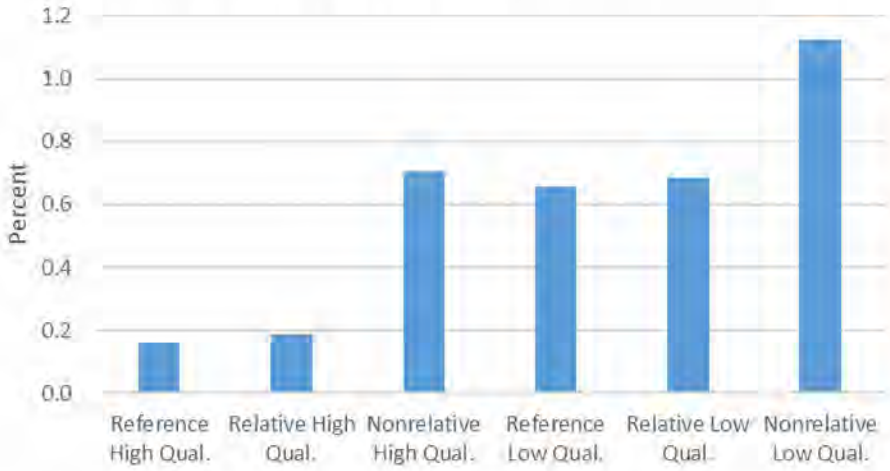
Panel B. Percentage of Administrative Record Noncitizens who respond as 2016 ACS Citizens

Notes: Administrative record noncitizens make up 6.7 percent of the overall 2016 ACS sample, 1.9 percent for non-Hispanic white, 5.1 percent of non-Hispanic black, 16.2 percent of Hispanic, 22.0 percent of non-Hispanic other race, 6.9 percent of reference persons, 6.5 percent of relatives, and 7.1 percent of nonrelatives. See Appendix Table A10.

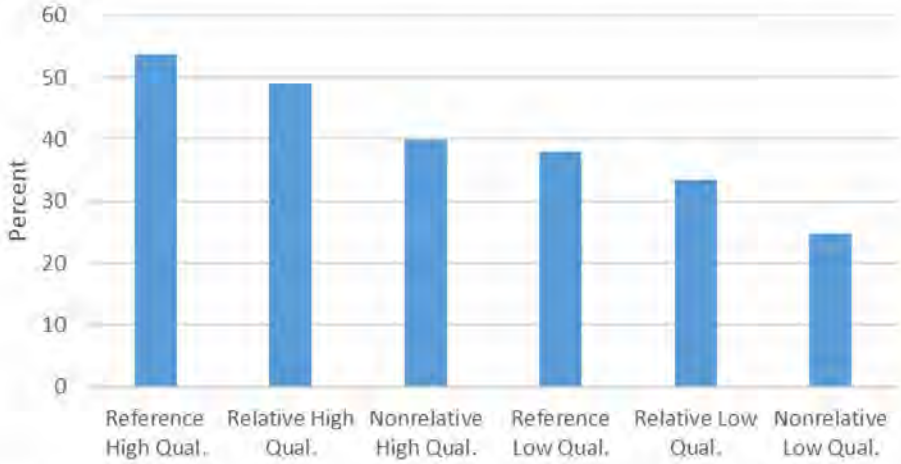
Source: American Community Survey (ACS) 1-year file and Census Numident, 2016.

We show the AR citizen-ACS noncitizen and AR noncitizen-ACS citizen discrepancies separately for higher- and lower-quality linkages and by reference person vs. relative vs. nonrelative categories in Figure 6. For AR citizen-ACS noncitizen discrepancies, the rates are lowest for the reference person and highest for nonrelatives, likely due to people being able to report their own PII more accurately than that of others. Records with high-quality links have lower discrepancy rates, consistent with linkage errors being a contributing factor to these discrepancies. The patterns reverse for AR noncitizen-ACS citizens. Higher-quality linked records actually have higher discrepancy rates, so linkage errors (reason 1) do not appear to explain the AR noncitizen-ACS citizen discrepancies. This pattern holds regardless of the type of person the reference person is responding about (oneself, a relative, or a nonrelative).

Figure 6. Quality of the Citizenship Question Responses by Relation to Reference Person and Higher- vs. Lower-Quality Linkage



Panel A. AR Identifies as a Citizen and 2016 ACS Identifies as a Noncitizen



Panel B. AR Identifies as a Noncitizen and 2016 ACS Identifies as a Citizen

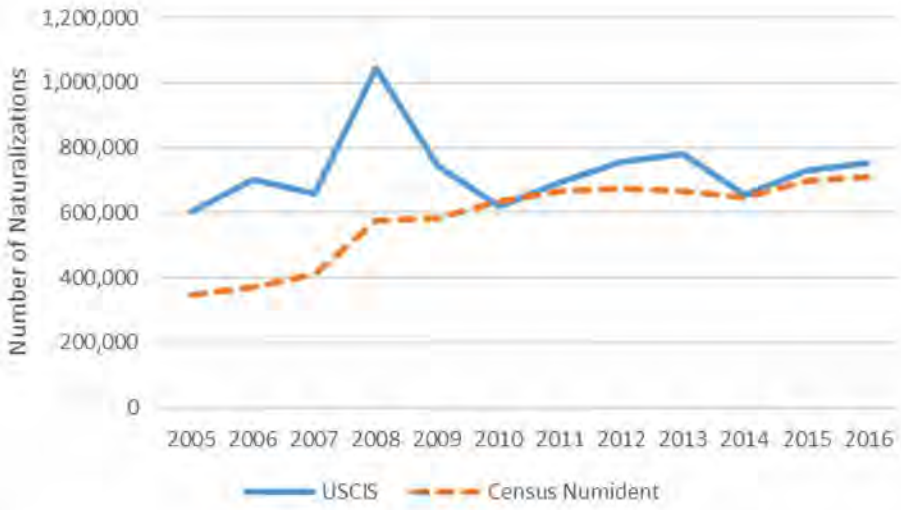
Source: American Community Survey (ACS) and Census Numident, 2016.

Notes: High-quality linkage is defined as having an above-median linkage confidence score on the first linking attempt (pass), and lower-quality is all others. The weighted sample shares of the ACS are 18.1 percent for reference person high-quality linkage, 23.9 percent for relative high-quality linkage, 0.6 percent for nonrelative high-quality linkage, 20.3 percent for reference person low-quality linkage, 33.8 percent for relative low-quality linkage, and 3.2 percent for nonrelative low-quality linkage. See Appendix Table A11.

To evaluate further the hypothesis that AR are out of date (reason 3), we make comparisons to USCIS statistics. In the AR-ACS citizenship status comparison above, we estimate 7,605,000 persons are AR noncitizens-ACS citizens. This is equivalent to the Numident missing all the

naturalizations reported by USCIS back to 2007, plus some of 2006. Figure 7 shows the annual number of persons who first entered the Numident as noncitizens and switch to U.S. citizenship in each particular year, as well as the number of naturalizations according to USCIS statistics.[40] USCIS reports significantly more naturalizations prior to 2010, but there is little difference subsequently. This suggests that if the main reason for the discrepancies were out-of-date Numident citizenship, the Numident would have to be missing many naturalizations that occurred long ago.

Figure 7. Estimated Annual Naturalizations in Census Numident Data versus USCIS Statistics

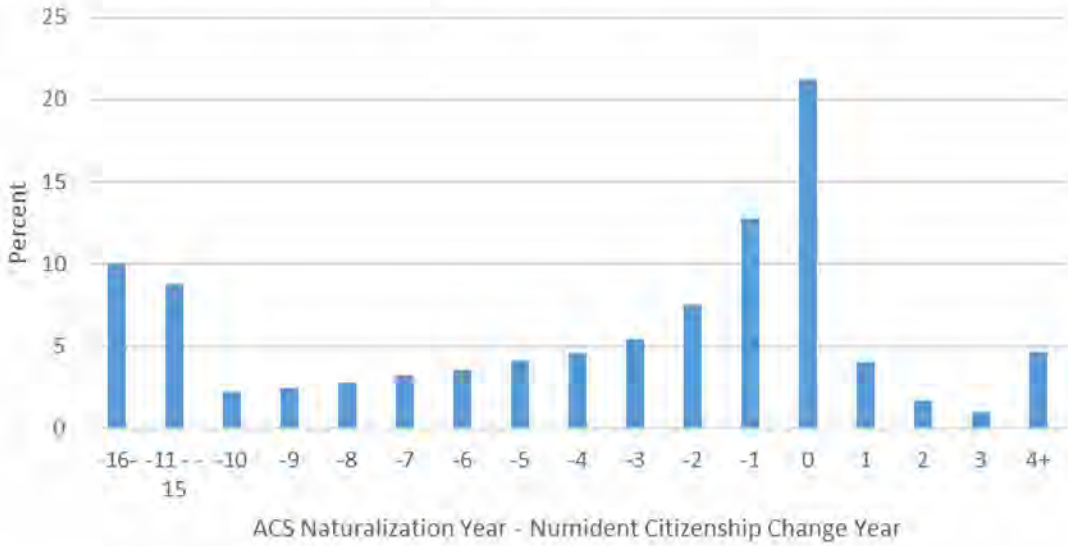


Source: USCIS Immigration Yearbooks and 2017 Census Numident.

We compare the ACS naturalization year and the year when citizenship switched to U.S. citizen in the Numident among persons with naturalized citizen status in both sources in Figure 8.[41] For 67.4 percent of these persons, the ACS naturalization year is earlier than the Numident citizenship change year, and 33.1 percent have an ACS naturalization year that is more than five years prior. Just 11.3 percent have a later ACS naturalization year. This is consistent with tardy notification to SSA about naturalizations.

[40] The Numident switches do not include persons who did not have an SSN prior to being naturalized. According to USCIS officials, the percentage of persons naturalized in 2014 who did not previously have an SSN is 0.33 percent, and it is 0.40 percent in 2015, suggesting that this type of Numident omission is negligible, at least recently.
[41] The Numident citizenship change year is the year when citizenship changed from noncitizen to citizen in the data.

Figure 8. Difference between ACS Naturalization and Numident Citizenship Change Years



Source: American Community Survey (ACS) and Census Numident, 2016. The sample is persons who are naturalized citizens in both sources, and the ACS citizenship value is as reported by the respondent.

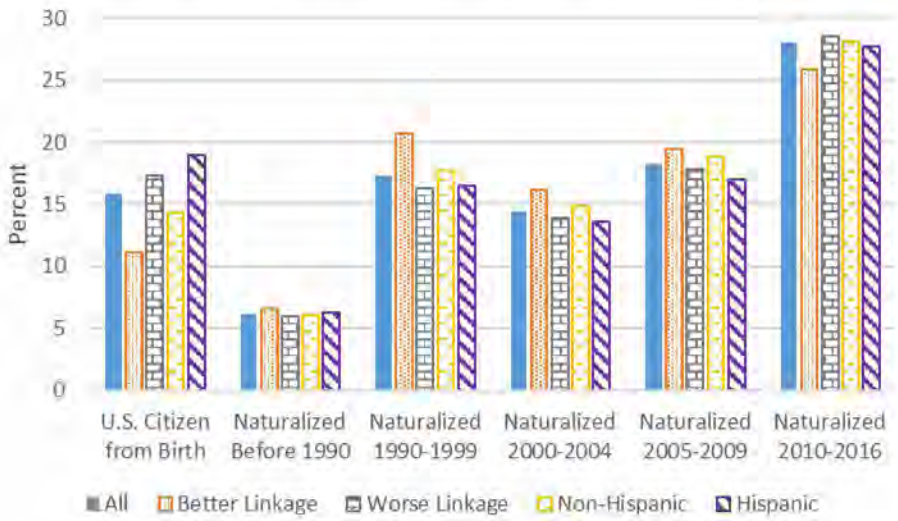
Figure 9 shows the distribution of AR noncitizen-ACS citizens by naturalization year. Approximately 15.9 percent report being citizens from birth, which, if true, would mean that the Numident is not out of date for these people, but incorrect from the first SSN application. This possibility seems unlikely, given that proof of citizenship status must be presented to SSA when applying for an SSN, whereas the ACS citizenship response is not checked. A third of the ACS-reported naturalizations (2.1 million) occurred between 2010 and 2016, while the total gap between USCIS naturalizations and Numident switches from noncitizen to citizen between 2010 and 2016 is several times less than that, at 288,000.

Figure 9 shows that the AR noncitizen-ACS citizen naturalization distributions are very similar for Hispanics and non-Hispanics. The results are contrary to Van Hook and Bachmeier's (2013) finding that citizenship misreporting by persons saying they were naturalized more than five years ago primarily occurs among persons of Mexican origin, and Passel and Clark's (1997) finding that it is among those of Mexican or Central American origin.

We also explore whether the AR noncitizen-ACS citizen naturalization distributions vary with linkage quality. One might expect that if linkage quality is driving the discrepancies, then persons with higher quality links would be recently naturalized, reflecting out-of-date Numident data. In contrast, more of the persons with low quality links would be ACS citizens from birth or naturalizations long ago, since the Numident and ACS records could be for different people, and the Numident should be less likely to be out of date for citizens from birth and earlier naturalizations. Figure 9 does show a higher share of ACS citizens from birth among those with

lower quality links, but also for more recent naturalizations. This is further evidence that linkage errors are probably not an important explanation for these discrepancies.

Figure 9. Distribution of ACS Citizenship Receipt Timing for Administrative Record Noncitizen-ACS Citizens by Linkage Quality and Ethnicity



Source: American Community Survey (ACS) and Census Numident, 2016.

As a final data quality check, we calculate the 2016 ACS citizenship distribution for persons with ITINs. Though only noncitizens may have ITINs, 6.6 percent say they were born citizens, and 11.1 percent report being citizens in the ACS (see Appendix Table A12).

5. Item Response and Data Quality Regression Analysis

We estimate multivariate regressions predicting item response in Table 4 and AR-ACS discrepancies in Table 5. The item response and citizenship status disagreement regressions test whether the associations shown above are statistically significant and robust to inclusion of controls. These analyses also provide an opportunity to study other potentially relevant factors. The item response regressions are estimated separately for AR citizens, AR noncitizens, and those missing AR citizenship. The item response variables are equal to one if there is a response for the item (whether it was later edited or not), and zero otherwise. The ACS noncitizen-AR citizen dependent variable is equal to one if the person is an as-reported noncitizen in the ACS and an AR citizen, and it is zero if both sources say the person is a citizen. Analogously, the ACS citizen-AR noncitizen dependent variable is equal to one if the person is an as-reported citizen in the ACS and an AR noncitizen, and it is zero if both sources say the person is a noncitizen. The last specification in Table 5 investigates determinants of the difference between the ACS naturalization year and the year in which the status changed to citizen in the Numident among persons who were noncitizens in their first SSN application.

Besides relationship to the reference person, we include several other factors that theoretically could drive differences observed in both survey response and data quality. These include demographic characteristics such as sex, race/ethnicity, log one plus age, and its square. We also include socioeconomic characteristics such as educational attainment, working in the last week, and searching for a job in the last four weeks. Educational attainment is classified as less than high school diploma (base category), at least high school but less than a bachelor's degree, bachelor's degree, and graduate degree. Time since entry to the U.S. and reference person English language variables are included, since these variables may influence item response and discrepancies in citizenship status reporting. For our analysis, those variables are log of one plus the number of years since entering the U.S. (or since birth if born in the U.S.) and its square[42] and English language ability for those speaking another language at home (speaking only English at home is the base category). We include an indicator for better or worse quality person linkage, since it may also drive differences in survey response and data quality. An indicator for whether the response is via mail or internet (i.e., without participation by an interviewer) vs. a personal or telephone interview. According to Camarota and Capizzano (2004), item nonresponse rates are lower in in-person interviews, and foreign-born persons are more likely to take the survey via personal interview, so controlling for mode could be particularly important when comparing the behavior of citizens and noncitizens.

The associations highlighted in Figures 1-6 above are robust to inclusion of other variables and are highly statistically significant.[43] Item nonresponse and ACS noncitizen-AR citizen discrepancy rates are higher for nonrelatives, but the ACS citizen-AR noncitizen propensity is much lower, again consistent with reference persons misreporting their own citizenship, but not reporting that of others at all, especially nonrelatives. Like nonrelatives, Hispanics have a lower propensity to provide citizenship, a higher propensity to have ACS noncitizen-AR citizen discrepancies, and a lower propensity to have ACS citizen-AR noncitizen discrepancies. Better linkage is strongly associated with ACS citizen-AR noncitizen discrepancies, inconsistent with the hypothesis that these discrepancies are driven by linkage errors.

Now turning to factors not investigated in previous sections, labor market activity is positively associated with having a citizenship answer; especially for AR noncitizens (see Table 4). However, as Table 5 shows, working is also associated with both types of citizenship status disagreements, particularly ACS citizen-AR noncitizen. Reference persons who speak another language at home have a higher propensity to respond about sex, especially when their English language ability is less strong. This is also true for AR citizens for the citizenship question, but when asked to report about AR noncitizens, those speaking another language at home have much lower citizenship item response rates. Those speaking English less well also have a higher propensity to report ACS noncitizen when the person they are responding about is an AR citizen, perhaps reflecting misunderstanding of the question. However, the reference person's English language ability is positively associated with ACS citizen-AR noncitizen discrepancies, again suggesting that

[42] In cases where the person came to live in the U.S. more than once, respondents are instructed to give the latest year.
[43] In results not shown here, we also estimate item response regressions with the full sample, regardless of AR citizenship status. The patterns are similar to those described in this paragraph, except that Hispanics have higher propensity to have item response for age in the full sample.

misunderstanding the question is an important factor behind ACS noncitizen-AR citizen, but not ACS citizen-AR noncitizen discrepancies. Responding without the participation of an interviewer results in lower item response (except for age for AR noncitizens), consistent with Camarota and Capizzano (2004), and this effect is particularly strong for citizenship item response among AR noncitizens. ACS noncitizen-AR citizen discrepancies are more prevalent with interviewer participation, but ACS citizen-AR noncitizen discrepancies are much less prevalent. Interviewers may develop a rapport that encourages noncitizens to truthfully respond to what is a sensitive question for them.[44] It could also be more difficult psychologically for a respondent to misreport to another person than when they fill out a questionnaire on their own.

As shown in Table 4, the associations with citizenship item response tend to be several times stronger for AR noncitizens than for citizens, with those missing AR citizenship falling in between the other two categories. Such differences are much more muted for sex and age. This again highlights the nonrandom nature of citizenship item nonresponse.

[44] This effect may be weaker in the Census than in the ACS, however, since ACS interviewers have much more experience than most Census enumerators.

Table 4. Item Response Regressions

	Sex Item Response			Age Item Response			Citizenship Item Response		
	AR Citizen	AR Noncitizen	AR Missing	AR Citizen	AR Noncitizen	AR Missing	AR Citizen	AR Noncitizen	AR Missing
Relative	-0.159	-0.079	-0.759	-0.234	-0.224	-4.446	-0.057	-0.480	-0.106
	(0.007)	(0.016)	(0.039)	(0.013)	(0.060)	(0.123)	(0.010)	(0.082)	(0.066)
Nonrelative	-0.455	-0.309	-1.146	-2.353	-3.509	-9.533	-1.141	-7.395	-4.808
	(0.035)	(0.072)	(0.084)	(0.080)	(0.307)	(0.300)	(0.047)	(0.390)	(0.200)
Non-Hispanic	-0.136	-0.160	-0.003	-0.142	-0.227	-0.225	-0.122	-3.092	-0.979
African Amer.	(0.014)	(0.050)	(0.082)	(0.029)	(0.143)	(0.247)	(0.012)	(0.171)	(0.078)
Hispanic	0.128	0.002	0.147	0.033	0.075	2.068	-0.391	-4.432	-1.692
	(0.013)	(0.030)	(0.069)	(0.032)	(0.103)	(0.210)	(0.024)	(0.140)	(0.119)
Other Non-	0.050	0.038	0.230	-0.100	-0.108	1.229	-0.177	-2.320	-1.885
Hispanic	(0.017)	(0.028)	(0.072)	(0.034)	(0.092)	(0.230)	(0.031)	(0.129)	(0.152)
Worked in	0.174	0.073	0.694	0.334	0.149	1.872	0.915	8.687	3.773
Last Week	(0.008)	(0.024)	(0.037)	(0.017)	(0.081)	(0.132)	(0.013)	(0.141)	(0.088)
Searched for	0.045	0.017	0.668	0.457	0.466	3.834	0.769	7.414	3.494
Job	(0.020)	(0.046)	(0.063)	(0.033)	(0.126)	(0.252)	(0.016)	(0.185)	(0.114)
English Very	0.116	0.101	0.690	0.084	0.068	1.823	0.087	-1.036	-0.580
Well	(0.014)	(0.029)	(0.064)	(0.035)	(0.088)	(0.224)	(0.028)	(0.133)	(0.129)
English Well	0.141	0.050	0.703	0.306	0.074	3.044	0.390	-1.688	-0.892
	(0.023)	(0.034)	(0.073)	(0.052)	(0.102)	(0.247)	(0.056)	(0.159)	(0.191)
English Not	0.125	-0.006	0.523	0.056	-0.148	1.728	0.475	-2.115	-0.441
Well	(0.024)	(0.041)	(0.082)	(0.073)	(0.128)	(0.270)	(0.070)	(0.191)	(0.190)
English Not	0.117	0.070	0.599	-0.179	-0.155	3.178	0.571	-1.241	0.846
At All	(0.035)	(0.036)	(0.072)	(0.143)	(0.189)	(0.272)	(0.122)	(0.236)	(0.178)
Better	1.022	0.338	2.502	1.384	1.193	9.002	0.127	1.766	2.078
Linkage	(0.010)	(0.019)	(0.061)	(0.015)	(0.040)	(0.122)	(0.008)	(0.115)	(0.125)
Mail or Internet	-0.967	-0.449	-2.703	-0.083	0.708	-3.527	-0.397	-5.923	-2.329
Response	(0.010)	(0.024)	(0.068)	(0.019)	(0.073)	(0.156)	(0.011)	(0.122)	(0.092)
Weighted Obs.	264,700,000	21,910,000	39,950,000	264,700,000	21,910,000	39,950,000	264,700,000	21,910,000	39,950,000
Unweighted Obs.	4,418,000	280,000	558,000	4,418,000	280,000	558,000	4,418,000	280,000	558,000

Source: American Community Survey (ACS) and Census Numident, 2016. Notes: These regressions are estimated by linear probability models (LPM), weighted by ACS person weights. Standard errors are clustered by household. The base categories are reference person for relationship, non-Hispanic white for race/ethnicity, speaks only English at home for English ability, and in-person or phone interview for response mode. We also include educational attainment (less than high school, high school but less than bachelor's degree, bachelor's degree, and graduate degree), log of one plus age and its square, and log of one plus the number of years in the U.S. and its square, but do not report them here.

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Table 5. Citizenship Status and Naturalization Year Disagreement Regressions

	ACS Noncitizen-AR Citizen	ACS Citizen-AR Noncitizen	ACS – Numident Natural. Year
Relative	0.028	-0.753	-0.343
	(0.011)	(0.215)	(0.068)
Nonrelative	0.571	-5.461	-0.852
	(0.045)	(0.613)	(0.282)
Non-Hispanic African Amer.	-0.137	2.744	0.683
	(0.013)	(0.546)	(0.128)
Hispanic	0.621	-16.00	1.129
	(0.030)	(0.417)	(0.104)
Other Non-Hispanic	-0.327	0.755	0.144
	(0.034)	(0.376)	(0.093)
Worked in Last Week	0.398	1.992	0.631
	(0.015)	(0.260)	(0.095)
Searched for Job	0.302	-0.620	0.136
	(0.029)	(0.542)	(0.157)
English Very Well	-0.452	1.983	0.517
	(0.031)	(0.373)	(0.096)
English Well	0.114	1.063	0.712
	(0.081)	(0.426)	(0.107)
English Not Well	1.461	-4.927	0.997
	(0.113)	(0.480)	(0.129)
English Not At All	3.391	-8.282	1.656
	(0.260)	(0.592)	(0.210)
Better Linkage	0.060	4.586	0.006
	(0.009)	(0.308)	(0.067)
Mail or Internet Response	-0.262	3.810	0.365
	(0.012)	(0.285)	(0.077)
Weighted Obs.	250,300,000	20,220,000	6,407,000
Unweighted Obs.	4,165,000	254,000	89,000

Source: American Community Survey (ACS) and Census Numident, 2016.

Notes: These regressions are estimated by linear probability models (LPM), weighted by ACS person weights. Standard errors are clustered by household. The base categories are reference person for relationship, non-Hispanic white for race/ethnicity, speaks only English at home for English ability, and in-person or phone interview for response mode. We also include educational attainment (less than high school, high school but less than bachelor's degree, bachelor's degree, and graduate degree), log of one plus age and its square, and log of one plus the number of years in the U.S. and its square, but do not report them here.

The last specification of Table 5 shows that the ACS naturalization-Numident citizenship change gap is larger when reporting for a relative or especially a nonrelative, which could indicate lack of respondent knowledge about others' naturalization years.[45] Lack of English language ability is associated with a smaller gap between the ACS and Numident years, suggesting that misunderstanding the question is not an important explanatory factor. Employed people have smaller gaps, reflecting the incentive to promptly tell SSA about the naturalization to facilitate their employment eligibility verification.

[45] Since very few observations have Numident citizenship change years before the ACS naturalization year, a positive coefficient generally means a smaller gap.

6. Effect of Citizenship Question on Unit Self-Response Rates

To forecast the effect of adding a citizenship question to the 2020 Census, we compare mail response rates in the 2010 Census and the 2010 American Community Survey (ACS) for the same housing units. By comparing the self-response behavior of the same housing unit across two surveys, we control for the household's propensity to self-respond to mandatory Census Bureau household surveys in general.

The Census Bureau randomly selected a sample of households to receive the ACS questionnaire in 2010. The questionnaire included 75 questions and asked individuals to report their citizenship status. These households also received the full-count Census questionnaire in the same year, a list of 10 questions that did not include citizenship. We focus on Census housing units that received both questionnaires by mail. In the 2010 Census, these are the housing units from the initial mailing that did not have the questionnaire returned as Undeliverable as Addressed (UAA) and which were not classified as a vacant or delete (meaning uninhabitable or cannot be found). We define a 2010 Census self-response as a returned questionnaire from the first mailing that is not blank. For the 2010 ACS, a self-response is a mail response, also from the first contact mailing.

The presence of a citizenship question is not the only potential reason why a household may be less inclined to self-respond to the ACS than the Census. Census self-response is bolstered by a media campaign and intensive community advocacy group support, and the ACS questionnaire involves much greater respondent burden (OMB 2008, OMB 2009). To distinguish the citizenship question effect, we compare the actual ACS-Census difference in response rates for households that are likely to be more sensitive to the citizenship question to the ACS-Census difference for households less likely to be sensitive to the question. We assume that any reduction in self-response to the ACS vs. the Census for households unsensitive to the citizenship question is due to factors other than the presence of a citizenship question. We use two ways to divide the sample into sensitive and non-sensitive groups. The first is to define the sensitive group as households where at least one person is an AR noncitizen and has been assigned to this housing unit in Rastogi and O'Hara's (2012) administrative records person-address crosswalk (AR noncitizen households), and the less sensitive group is households where all of the persons assigned to the address are AR citizens (AR all-citizen households).[46] AR citizenship status is established using the 2010 Numident and ITINs, as described in Section 3.2.[47] The choice of noncitizens as the sensitive group is motivated by the results in Section 3.1 that AR noncitizens have much higher item nonresponse rates for the citizenship question, both relative to their nonresponse rates for other demographic questions and compared to other people for citizenship. The use of an independent source for where noncitizens are located avoids the potential problem that households with noncitizens may be less likely to provide PII on household members, preventing linkage to

[46] Here we impose a restriction that all household members have nonmissing AR citizenship for the less sensitive group, but we do not impose that restriction on the sensitive group.

[47] The initial definition of citizenship (treating all persons in the Numident but with missing citizenship as citizens) is used for this first set of groups. In the second set of groups, U.S.-born persons with missing citizenship in the Numident are treated as citizens, while foreign-born persons with missing citizenship in the Numident are treated as missing AR citizenship.

their AR citizenship data. The remaining noncitizen households where AR linkage is done may be relatively more cooperative, potentially biasing the results.

We examine a second set of groups for several reasons. We would like to project the citizenship self-response effect forward in time, since population characteristics associated with this effect may be changing. No administrative records person-place crosswalk is available after 2010, however, so we instead use the ACS household roster to define which people are living in the household.[48] AR noncitizens are probably not the people most sensitive to a citizenship question, since most of them are legal residents. Those lacking an SSN should presumably be even more sensitive to a citizenship question, so the AR noncitizen definition may exclude much of the sensitive population.[49] In our second dichotomy the less sensitive group is "AR & ACS all-citizen households", those households where all persons reported in the ACS to be living in the household at the time of the survey are AR citizens, and all are self-reported as being citizens in the ACS as well. The more sensitive group is "all other households", including those households where some residents are both AR citizens and self-reported citizens but at least one is not; there is a mismatch between the survey report and administrative record response; or citizenship status is not reported in one or both sources. We assume AR & ACS all-citizen households are less sensitive to a citizenship question than all other households, since they have demonstrated a willingness to provide citizenship status answers for all household members, those answers are consistent with administrative records and thus likely truthful responses,[50] and citizens presumably have less to fear about revealing their status than noncitizens. In comparison to others, more of this group's reluctance to self-respond to the ACS should be due to reasons other than the citizenship question, such as unwillingness to answer a longer questionnaire. Note that if some of the reluctance by AR & ACS all-citizens households to self-respond is due to the citizenship question in the ACS, then our analysis will underestimate the citizenship question unit self-response effect.

The sample size for the second set of groups is significantly larger than that for the first set of groups, because the first set excludes households where no persons are AR noncitizens at the address, but at least one person assigned to that address by administrative records cannot be linked to the Numident.

Table 6 displays unweighted 2010 Census and ACS response rates for the AR all-citizen households and AR noncitizen household groups. The self-response rate is higher for the 2010 Census than for the ACS for both citizenship categories, presumably reflecting the higher burden of the ACS. The all-citizen response rate is greater than the noncitizen rate in each survey, suggesting that noncitizen households have a lower participation rate in general. Most important for this study is understanding how the difference in self-response rate across groups varies

[48] Another reason to use the survey household roster rather than the AR crosswalk is that the AR crosswalk often places people in different locations. Rastogi and O'Hara (2012) report that among the 279.2 million persons in the 2010 Census who could be assigned a PIK, 27.2 percent are assigned to an address in the AR crosswalk that differs from their Census address.

[49] This is consistent with Camarota and Capizzano (2004), who say field representatives reported that illegal immigrants were less likely to respond than other foreign-born persons. Illegal immigrants are ineligible for SSNs.

[50] As shown in Section 4 above, when an administrative record shows that someone is a citizen, the ACS response is nearly always citizen as well, giving us a high degree of confidence that the person truly is a citizen.

between the 2010 Census and ACS. While the self-response rate for citizen households is 13.8 percentage points lower in the ACS than in the 2010 Census, the self-response rate for households with at least one noncitizen is 18.9 percentage points lower for the ACS than the self-response rate to the 2010 Census, which is a 5.1 percentage point difference between the two categories.

Table 6. Comparison of 2010 ACS to 2010 Census Response Rates with Initial Assumptions

	Self-Response Rate (%)		Difference
	2010 ACS	2010 Census	
Households with at least one AR noncitizen	52.6	71.5	-18.9
	(0.21)	(0.19)	(0.26)
AR all-citizen households	66.1	79.9	-13.8
	(0.05)	(0.04)	(0.06)
Difference-in-differences			-5.1
			(0.26)

Source: 2010 ACS 1-year file, 2010 Census Unedited File (CUF), and 2010 Numident.
Notes: 2010 CUF self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. All persons in the 2010 Numident that are missing citizenship are treated as citizens here. Robust standard errors are in parentheses, calculated from regressions. The estimates are unweighted. Around 5.9 percent of the households have at least one noncitizen. The sample size is 929,000. DRB clearance number CBDRB-2017-CDAR-001.

Using survey weights can facilitate comparisons of results across years, since sampling can change, and we would like to be able to project results forward in time. We thus display weighted response rates in Table 7, now both for the first and second sets of groups. As expected, the restriction to being a citizen in both the AR and ACS results in higher self-response rates in the AR & ACS all-citizen household group compared to the AR all-citizen household group. The response rates for the two noncitizen groups differ little from each other. The difference-in-differences estimate for the first set of groups increases to 8.9 percentage points compared to the unweighted gap in Table 6. It is three percentage points higher (11.9) across the second set of groups.

Table 7. Comparison of 2010 ACS to 2010 Census Response Rates (Weighted)

	Self-Response Rate (%)		Difference
	2010 ACS	2010 Census	
Households with at least one AR noncitizen	42.4	62.1	-19.7
	(0.32)	(0.18)	(0.26)
AR all-citizen households	62.0	72.8	-10.8
	(0.34)	(0.11)	(0.24)
Difference-in-differences			-8.9
			(0.35)
All other households	42.0	62.7	-20.7
	(0.32)	(0.14)	(0.25)
AR & ACS all-citizen households	65.6	74.4	-8.9
	(0.33)	(0.11)	(0.24)
Difference-in-differences			-11.9
			(0.34)

Source: 2010 ACS 1-year file, 2010 Census Unedited File (CUF), and 2010 Numident.
Notes: 2010 CUF self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. The standard errors are in parentheses. The standard errors for the self-response rates and differences are calculated using Fay's balanced repeated replication variance estimation method, with 80 replicate weights, adjusting the original weights by a coefficient of 0.5. The difference-in-differences (*DiD*) standard errors (*SE*) are calculated as $DiD\ SE = \sqrt{SE(Est_1)^2 + SE(Est_2)^2}$, where the two estimates (*Est*) are the 2010 Census – 2010 ACS differences for the two groups. The estimates use ACS housing unit weights. 88.2 percent of households are in the AR all-citizen household group vs. 11.8 percent in the households with at least one AR noncitizen group. 74.9 percent are in the AR & ACS all-citizen household group vs. 25.1 percent are in the all other households group. The number of observations is 1,418,000.

The larger decline in self-response rates for the AR noncitizen household and all other households groups may not actually be due to greater sensitivity. Other characteristics besides citizenship status could be associated with lower ACS self-response, and the AR noncitizen household and all other households groups could have a higher propensity to have such characteristics. To explore this possibility, we perform Blinder-Oaxaca decompositions (Blinder 1973 and Oaxaca 1973).[51]

Households may belong to one of two groups $G \in (S, U)$, where the S group is thought to be potentially sensitive to a citizenship question, while the U group is not. We set the self-responses $R_{G_i ACS_t}$ and $R_{G_i Census_t}$ equal to 100 if household i in group G self-responds in year t to the ACS and Census, respectively, and zero otherwise.[52] The difference between the survey responses is

$$\Delta R_{G_i t} = R_{G_i ACS_t} - R_{G_i Census_t} \quad (1)$$

The vector of predictors X includes household size and reference person characteristics (sex, race/ethnicity, age, educational attainment, household income, working in the last week, job search

[51] This method was initially developed to study the extent to which the gender wage gap is due to different distributions of characteristics associated with wages by gender (explained variation) vs. differing behavior across gender for a given set of characteristics (unexplained variation). The unexplained variation is usually attributed to discrimination, but it also captures any effects of differences in unobserved variables.
[52] We use 100 for response so that the results are expressed in percentages.

in the last four weeks, and English language ability among those speaking a language other than English at home). β contains the slope parameters and intercept, and ε is an error term with mean zero.

We estimate OLS models for each household group

$$\Delta R_{S_{it}} = X'_{S_{it}}\beta_{S_t} + \varepsilon_{S_{it}} \quad (2)$$

$$\Delta R_{U_{it}} = X'_{U_{it}}\beta_{U_t} + \varepsilon_{U_{it}} \quad (3)$$

The difference-in-differences in expected self-response rates across the two surveys for the two groups *S* and *U* in year *t* is

$$\Delta\Delta R_{SU_t} = E(\Delta R_{S_t}) - E(\Delta R_{U_t}) \quad (4)$$

We decompose this as follows:

$$\Delta\Delta R_{SU_t} = \left[E(X_{S_t}) - E(X_{U_t})\right]'\beta_{U_t} + \left[E(X_{S_t})'\,(\beta_{S_t} - \beta_{U_t})\right] \quad (5)$$

The first term (explained variation) applies the coefficients for the unsensitive group to the difference between the expected value of the sensitive group's predictors and those of the unsensitive group. The second (unexplained variation) is the difference between the expected value of the sensitive group's predictors applied to the sensitive group's coefficients and the same predictors applied to the unsensitive group's coefficients. The interpretation that the unexplained variation represents the citizenship question effect is dependent on the assumption that there are no unobserved variables relevant to the difference-in-differences in self-response across the two surveys.

Table 8 shows the results of the Blinder-Oaxaca decomposition for the two sets of groups. In the AR all-citizen vs. AR noncitizen comparison, virtually all the difference-in-differences is explained by differences in predictors across the two groups. Thus, it appears that the larger fall in self-response to the ACS vs. the Census for AR noncitizen households is not due to sensitivity to the citizenship question, but rather that AR noncitizen households have a greater propensity to have other characteristics that are associated with lower ACS self-response. In contrast, about half (6.1 percentage points) of the difference-in-differences for the AR & ACS all-citizen vs. all other household comparison is unexplained, suggesting that the larger drop-off in ACS self-response for all other households is partly due to sensitivity to the citizenship question. Appendix Table A13 shows the regression coefficients for equations (2) and (3), and the explained variation and unexplained variation coefficients for each predictor are shown in Appendix Table A14.

Table 8. Blinder-Oaxaca Decomposition of Comparison of Predicted 2010 ACS to 2010 Census to Response Rates by Households Citizenship Type

	2010 ACS – 2010 Census
Households with at least one AR noncitizen	-19.7
	(0.13)
AR all-citizen households	-10.8
	(0.12)
Difference-in-differences	-8.9
	(0.09)
Explained	-8.7
	(0.11)
Unexplained	-0.2
	(0.13)
All other households	-20.7
	(0.12)
AR & ACS all-citizen households	-8.9
	(0.12)
Difference-in-differences	-11.9
	(0.07)
Explained	-5.8
	(0.14)
Unexplained	-6.1
	(0.16)

Source: 2010 ACS 1-year file, 2010 Census Unedited File (CUF), and 2010 Numident.

Notes: 2010 CUF self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. The standard errors are in parentheses. The standard errors are bootstrapped using 80 ACS replicate weights. The number of observations is 1,418,000.

To see how changes in predictors over time affect the magnitude of the unexplained variation (*UV*) in the decomposition, we apply the coefficients from the 2010 models to the predictors in the 2016 ACS

$$UV_{2016} = E\left(X_{S_{2016}}\right)' \beta_{S_{2010}} - E\left(X_{S_{2016}}\right)' \beta_{U_{2010}} \qquad (6)$$

Table 9 shows that the unexplained variation is still insignificant for the AR all-citizen vs. AR noncitizen comparison. It is of a similar magnitude in 2016 as in 2010 (5.8 percentage points vs. 6.1) for the AR & ACS all-citizen vs. all other household comparison. Note that this does not capture changes over time in the degree of sensitivity to a citizenship question for a housing unit with a fixed set of characteristics. That would require estimating models on fresher data of surveys with and without a citizenship question for the same households.

Table 9. Comparison of Predicted 2016 ACS to 2010 Census Response Rates for AR Noncitizen and All Other Households with Their Own vs. All-Citizen Models

	2016 ACS – 2010 Census
Model\Sample	AR noncitizen household sample
AR noncitizen household model	-19.7
	(0.47)
AR all-citizen household model	-20.5
	(0.34)
Difference-in-differences	0.8
	(0.58)
Model\Sample	All other household sample
All other household model	-21.7
	(0.33)
AR & ACS all-citizen household model	-15.9
	(0.39)
Difference-in-differences	-5.8
	(0.51)

Source: 2016 ACS 1-year file and 2016 Numident.

Notes: 2010 Census self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. The standard errors are in parentheses. The standard errors for the 2010 Census – 2016 ACS response differences are calculated using Fay's balanced repeated replication variance estimation method, with 80 replicate weights, adjusting the original weights by a coefficient of 0.5. The difference-in-differences (*DiD*) standard errors (*SE*) are calculated as $DiD\ SE = \sqrt{SE(Est_1)^2 + SE(Est_2)^2}$, where the two estimates (*Est*) are the 2010 Census – 2016 ACS differences for the two groups. The estimates use ACS housing unit weights. 28.6 percent are in the all other households group in 2016. The standard errors are in parentheses. They are the standard errors of the model predictions, based on the bootstrapped regressions in Appendix Table A12 that use 80 ACS replicate weights. The number of observations is 163,000 for the AR noncitizen household sample and 477,000 for the all other household sample.

Though suggestive, these exercises and the ones performed below are not perfect laboratories for studying the self-response effect of inclusion of a citizenship question on the 2020 Census. The ACS contains 75 questions, so any one question is unlikely to stand out, whereas an added question will be more visible in the 2020 Census questionnaire, which contains just 10 other questions.[53] Thus, we would ideally want to compare response rates on a short questionnaire without a citizenship question to one adding just the citizenship question. Second, the level of concern about using citizenship data for enforcement purposes may be very different in 2020 than it was in 2000 or 2010, so a more recent test would be preferable. These factors suggest the estimated effect on self-response from the exercise in Table 9 is conservative.

[53] A preferable test would be a randomized control trial (RCT) comparing self-response rates where some households are randomly chosen to have an 11-question Census questionnaire with a citizenship question (the treated group), and a randomly chosen set of control households receive a 10-question Census questionnaire without citizenship.

As robustness checks we do similar exercises below with the 2000 Census and the 2014 Survey of Income and Program Participation (SIPP), a longitudinal survey that follows the same individuals over time. Unlike the decennial census and the ACS, individuals respond for themselves in the SIPP. The 2000 Census long form (sent to one of every six housing units, selected randomly) contained a citizenship question among many other additional questions, while the short form (sent to the remaining housing units) did not. As in the first set of groups above, we divide housing units into those with all citizens and those with at least one noncitizen, based on citizenship data from the 2002 Numident for persons enumerated at those housing units in the 2000 Census.[54] As with the 2010 ACS and Census exercises, Table 10 shows that self-response rates are higher in the short form than the long form, and they are higher in households with all citizens. The short- vs. long-form difference in response rates is greater for households with at least one noncitizen by 3.3 percentage points, again consistent with the possibility that households with noncitizens are more sensitive to the inclusion of citizenship questions.

Table 10. 2000 Census Long Form and Short Form Analysis

	Self-response rate (%)		
Households by Citizen	Long Form	Short Form	Difference
At Least One Noncitizen	62.5	71.0	-8.5
	(0.017)	(0.016)	(0.023)
All Citizens	76.1	81.3	-5.2
	(0.005)	(0.004)	(0.006)
Difference	13.6	10.3	-3.3
	(0.017)	(0.016)	(0.024)

Source: 2000 Census short and long forms.
Notes: These are weighted using housing unit weights. The number of short forms is 105.5 million, and the number of long forms is 16.4 million. The definition of self-response is mail response here. Robust standard errors are in parentheses, generated from weighted regressions of response on an interaction of the household citizenship status with short form. The standard errors for the differences are calculated as $SE(Est_1 - Est_2) = \sqrt{SE(Est_1)^2 + SE(Est_2)^2}$.

Longitudinal data provide another means for understanding response sensitivity to questions of citizenship. Using the 2014 Survey of Income and Program Participation (SIPP) longitudinal panel waves 1 and 2, we show how nonresponse changes from Wave 1 to Wave 2 for noncitizen respondents, as well as for households with at least one noncitizen. The first row in Table 11 shows nonresponse rates for noncitizens from the 2014 Survey of Income and Program Participation (SIPP) Waves 1 and 2. Noncitizens made up around 6 percent of the 2014 SIPP survey in Wave 1. The proportion of noncitizens in Wave 2 decreased slightly, implying that noncitizens were more

[54] To be classified as a housing unit with all citizens in this exercise, all persons must be linked to the Numident. A housing unit can be classified as having at least one noncitizen if there is at least one person linked to the Numident who is a Numident noncitizen, whether or not all the other persons in the housing unit could be linked to the Numident or not.

likely to leave the survey due to attrition or other factors than citizens. In addition, the rate of nonresponse among those households with at least one noncitizen increased from Wave 1 to Wave 2, from 7.9 percent to 8.5 percent. While noncitizens were more likely to drop out of the survey, those who stayed were more likely to live in households where at least one member did not respond. These data provide additional hints of the potential future impact to nonresponse for noncitizens in surveys that ask about citizenship status.

Table 11. Noncitizens and Nonresponse in the 2014 Survey of Income and Program Participation

	Wave 1		Wave 2	
	(%)	(se)	(%)	(se)
Noncitizens	6.1	(0.144)	5.7	(0.174)
At least one member in the noncitizen household did not respond	7.9	(0.473)	8.5	(0.537)

Source: 2014 SIPP, Waves 1 and 2
Notes: Citizenship status refers to status in Wave 1. The standard errors are clustered in Wave 2. These estimates are run on the internal run 16 version of the 2014 SIPP.

7. Effects of Citizenship Question on Nonresponse Follow-up Costs and Enumeration Quality

A drop in the self-response rate from adding a citizenship question in Alternatives B (obtaining citizenship from the 2020 Census only) and D (obtaining citizenship from the 2020 Census and administrative records) results in increased costs in the Nonresponse Follow-up (NRFU) operation and affects the quality of the population count. Households deciding not to self-respond because of the citizenship question are likely to refuse to cooperate with enumerators coming to their door in NRFU, resulting in the use of neighbors as proxy respondents on their behalf. [55] As shown in Table 12, Mule (2012) reports that the correct enumeration rate is 27.1 percentage points lower for proxies than mail in self-responses based on data from the 2010 Census Coverage Measurement (CCM) survey. The person linkage rate is 62.9 percentage points lower for proxies than for mail in self-responses in the 2010 Census, according to Rastogi and O'Hara (2012). Both these studies provide suggestive evidence that proxies supply poor quality individual demographic and socioeconomic characteristic information about the person on behalf of whom they are responding.

[55] A proxy response is a response about the household by someone outside the household, such as a neighbor or property manager. The enumerator will seek a proxy response for households that don't mail back their Census questionnaire or give an in-person interview after several attempts.

Table 12. Enumeration Quality in Mailout/Mailback and Nonresponse Follow-up (NRFU) Proxy Responses

	Mailout/Mailback Response	NRFU Proxy
Correct Enumerations	97.3	70.2
Erroneous Enumerations	2.5	6.7
Whole-Person Census Imputations	0.3	23.1
Person Linkage Rate	96.7	33.8

Source: Mule (2012) for correct enumerations, erroneous enumerations, and whole-person Census imputations, and Rastogi and O'Hara (2012) for the person linkage rate.

We provide two sets of estimates, the first based on our initial assumptions (in parentheses), and a second based on revised assumptions. The main changes in the revised assumptions are an expansion of the group of housing units considered potentially sensitive to a citizenship question and the estimated percentage of them who will not respond to a questionnaire due to the presence of a citizenship question (5.8 percent in Table 9 vs. 5.1 percent in Table 6).

Using these estimates as well as the data in Table 12, we can develop cautious estimates of the data quality and cost consequences of adding the citizenship question to the enumeration form. We assume that all-citizen households are unaffected by the change and that an additional 5.8 percent (5.1 percent) of households that possibly have noncitizens go into NRFU because they do not self-respond.[56] We expect 320 million persons in 126 million occupied households in the 2020 Census.[57] Based on a combination of administrative records from the 2016 Numident and ITINs and the 2016 ACS, we estimate that 28.6 percent (9.8 percent) of all households could potentially contain at least one noncitizen. Combining these assumptions implies an additional 2,090,000 households (630,000 households) and 6.5 million persons (1.6 million persons) in NRFU.[58] If the NRFU data for those households have the same quality as the average NRFU data in the 2010 Census, then the result would be 561,000 (139,000) fewer correct enumerations, of which 185,000 (46,000) are additional erroneous enumerations and 376,000 (93,000) are additional whole-person census imputations. This analysis assumes that during the NRFU operations a cooperative member of the household supplies data 79.0 percent of the time, and 21.0 percent receive proxy responses. If all of these new NRFU cases go to proxy responses instead,[59] the result would be 1,750,000

[56] Recall that the initial estimate is based on households with at least one AR noncitizen, which is only a fraction of the housing units in the all other households category, which also includes persons with missing citizenship in AR or the ACS or citizenship values that conflict between AR and the ACS.

[57] We assume 10 million residents of group quarters. Group quarters are not included in either mailout/mailback or NRFU operations, and here we assume no effect of a citizenship question on their enumeration.

[58] The initial assumption here is that average household size for households with at least one noncitizen is the same as the forecast for all households in the 2020 Census (2.54 persons). The revised assumption is that average household size for all other households is the same as its average in the 2016 ACS, 3.1 persons.

[59] If a household declines to self-respond due to the citizenship question, we suspect it would also refuse to cooperate with an enumerator coming to their door, resulting in a need to use a proxy.

(432,000) fewer correct enumerations, of which 272,000 (67,000) are erroneous enumerations, and 1,477,000 (365,000) are whole-person census imputations.[60] The number of persons who are linkable to administrative records would fall by 4.1 million (1 million).

Our estimate of the incremental cost proceeds as follows. Using the analysis in the paragraph above, the estimated NRFU workload will increase by approximately 2,090,000 households (630,000 households), or approximately 1.66 percentage points (0.5 percentage points). We currently estimate that for each percentage point increase in NRFU, the cost of the 2020 Census increases by approximately $55 million. Accordingly, the addition of a question on citizenship could increase the cost of the 2020 Census by at least $91.2 million ($27.5 million). It is worth stressing that this cost estimate is a lower bound. Our estimate of $55 million for each percentage point increase in NRFU is based on an average of three visits per household. We expect that many more of these noncitizen households would receive six NRFU visits.

8. Distribution of 2020 Citizenship Data Sources by Collection Method

Figures 10-12 provide forecasts of how many U.S. residents in the 2020 Census acquire their citizenship data from survey responses, administrative records, and model-based imputation methods in Alternatives B, C, and D. Once again we provide forecasts based on initial and revised assumptions, with initial forecasts in parentheses.[61] A reduction in self-response rates and increase in proxy responses from adding the citizenship question in Alternatives B and D is likely to affect the number of persons with survey responses for citizenship. As shown above, reference persons are much less likely to answer the citizenship question for nonrelatives in the household than for themselves, so they may be even less likely to answer it for neighbors. In order to obtain a range of estimates based on best and worst case scenarios, Figure 10 Panel A and Figure 12 Panels A and B assume that proxies report citizenship at the same rate as they do in the 2010 ACS relative to all persons in the 2010 ACS,[62] while Figure 10 Panels B and C and Figure 12 Panels C and D assume none of the proxies report citizenship.

We begin with the estimated 2020 Population of 330 million, the total number of persons we expect to count in the 2020 Census. Under Alternative B with complete citizenship data from proxy

[60] These enumeration errors may not be avoidable simply by spending more money on fieldwork. Once a household decides not to cooperate, it may not be possible to obtain an accurate enumeration no matter how many times an enumerator knocks on their door.

[61] In addition to the differences between the initial and revised assumptions mentioned in Section 7, two others are relevant here. One is that the initial assumptions classify foreign-born persons with missing citizenship in the Numident and without an ITIN as AR citizens, while the revised assumptions classify them as having missing AR citizenship. A second is that instead of showing the difference in the AR linkage rate with and without a citizenship question in the 2020 Census as an increase in the AR linkage rate in Alternative C, the revised assumptions show it as a decrease in the AR linkage rate in Alternative D.

[62] Within 2010 ACS households that have NRFU proxy responses in the 2010 Census, the nonmissing citizenship rate is 96.7 percent, vs. 97.1 percent for all ACS households. We apply this proxy to total sample ratio to the 93.7 percent nonmissing citizenship rate in the 2016 ACS to get an estimated 92.9 percent nonmissing citizenship rate for proxies in 2020.

responses, 309.1 million citizenship responses are obtained from the Census. Applying the missing citizenship rate of 6.3 percent in the 2016 ACS, we expect 20.9 million to have missing data for the citizenship question, either because the respondent skipped the question, or because a proxy response in nonresponse follow-up (NRFU) did not deliver information on that question. Citizenship is imputed using models for these 20.9 million persons.[63] With no citizenship data from proxy responses, the number of citizenship responses drops to 290 million (294.6 million), with 40 million (35.4 million) modeled.[64] The accuracy of this imputation system is unknown at this time. As discussed above, the imputation will be challenging due to the fact that nonresponse is highly correlated with citizenship.

Under Alternative C, we expect to link 289.6 million (295.0 million) to administrative records containing citizenship data, applying the linkage rate for the 2016 ACS to currently available administrative records.[65] The remaining 40.4 million (35.0 million) will have citizenship imputed using models based on the variables common to the linked and non-linked portions of the data. At this time, the accuracy of that imputation system is not known, but it would be based on the administrative record citizenship variable, so it would not be subject to the biases caused by survey citizenship reporting issues.

Of the 309.1 million who provide valid responses to the Census citizenship question in Alternative D, we expect to link 269.6 million (272.5 million) records to the administrative data.[66] Of these, the vast majority, 260.9 million (263.0 million), will have administrative record and Census responses that agree (applying the 2016 ACS-AR agreement rate of 96.8 percent), and since the agreement is with the same administrative record system as in Alternative C, these people will have the same citizenship status under either alternative. Of the 269.6 million (277.4 million) linked Census responses with a valid answer to the 2020 Census question, we expect the administrative record and the Census response to disagree for 8.7 million (9.7 million). These are the persons for whom we have two choices: (1) accept the Census questionnaire answer or (2)

[63] General imputation models develop a response for those who did not respond using all available relevant data.

[64] Based on the analysis in Table 9, under our revised assumptions we project 6.5 million additional proxy responses due to the citizenship question, of which an estimated 840,000 already have missing citizenship (applying the allocation rate of 13.0 percent from the 2016 ACS among persons who do not both report being citizens and are AR citizens). This is in addition to an estimated 14.5 million proxy responses in 2020 without a citizenship question, of which an estimated 1,030,000 already have missing citizenship (applying the 2016 ACS citizenship item allocation rate of 6.3 percent among all ACS-AR citizenship groups, adjusted by the ratio of the 2010 ACS citizenship allocation rate for 2010 Census proxy respondents (3.3 percent) to the 2010 ACS citizenship allocation rate for the whole 2010 ACS sample (2.9 percent)). Note that the proxy responses that are anticipated to occur in 2020 regardless of presence of a citizenship question may happen in households containing people in any ACS-AR citizenship group, whereas the additional proxies due to the citizenship question are assumed to come from housing units where people are not in the group with both ACS and AR citizen responses.

[65] As discussed in Section 7, our initial estimate of the effect of a citizenship question on the number of linkable persons is 1 million, and the revised estimate is 4.1 million. Our initial estimate adds 1 million to the number of linked persons when no citizenship question is included in the questionnaire. We incorporate the change in the number of linkable persons as a reduction in AR linkage in Alternative D for our revised estimate, as discussed below.

[66] When applying the 2016 ACS linkage to administrative record citizenship rate, the estimate is 273.4 million persons with linked citizenship. Of the 4.1 million anticipated reduction in linkage due to the citizenship question in our revised estimate, about 3.9 million are applied to the group with observed 2020 citizenship, as 93.7 percent of persons are anticipated to have observed 2020 citizenship (applying the missing citizenship rate in the 2016 ACS).

replace the questionnaire answer with the administrative answer. If we do the former, all of these cases will differ from the Alternative C answer. The estimated direct response is U.S. citizen for 7.6 million (7.7 million) of these persons, compared to 1.1 million (2.0 million) in the administrative records. Use of direct responses for those with disagreement would result in a projected 6.5 million (5.7 million) more U.S. citizens than when using administrative records.[67]

Continuing with Alternative D, we would process the 20.9 million responses where we did not get a valid answer to the Census citizenship question as in Alternative C. This would result in 16.0 million (16.6 million) persons for whom we expect to find an answer in the administrative records, and 4.9 million (4.3 million) for whom we would use a modeled answer.[68] The models would be developed using the same methods as in Alternative C, but not the same input data, because of the change in response behavior associated with asking the citizenship question.

When 2020 citizenship is observed in Alternative D, but the record cannot be linked to administrative data, we would accept the survey response for an expected 39.5 million (31.7 million) people. The number of persons whose records can be linked to administrative data is lower by 4.1 million (10.7 million) in Alternative D than in Alternative C due to poorer linkage quality from proxy responses, which would have been self-responses without a citizenship question (see Table 10). This captures the negative effect of inclusion of the citizenship question on the ability to use administrative data for citizenship.

When we assume that none of the proxy responses report citizenship, the number where 2020 citizenship is observed falls to 289.5 million (294.6 million) in Alternative D, just as in Alternative B. 263.4 million (272.5 million) of these are linked to administrative record citizenship, 255.6 million (263.0 million) of those answers agree between sources, and 7.8 million (9.5 million) disagree. The direct response for the latter group is U.S. citizen for 6.8 million (7.5 million) vs. 1.0 million (2.0 million) U.S. citizens in administrative records, leading to a 5.8 million (5.6 million) higher count of U.S. citizens if direct responses are used.

Of the 26.6 million (22.2 million) persons for whom 2020 citizenship is observed, but the record cannot be linked to administrative data, we estimate that about 560,000 (500,000) noncitizens will respond as citizens, based on the AR noncitizens reporting as ACS citizens share of the 2016 ACS (2.3 percent in the initial estimates and 2.1 percent in the revised estimates).

These results show that there is a tendency for persons missing citizenship in one source to also be missing it in the other. Among persons with observed 2020 Census citizenship in Figure 12 Panel D, 90.8 percent have AR citizenship, while only 55.5 percent of those without 2020 Census citizenship have AR citizenship. Of those with AR citizenship, 92.2 percent have 2020 Census citizenship, but just 59.9 percent of those without AR citizenship have 2020 Census citizenship. The correlated missingness reduces the coverage gain from using multiple sources. Only 22.2 million persons' citizenship values can be covered by AR among those without 2020 Census

[67] To put this in context, the 2016 ACS estimates that 22.5 million U.S. residents are noncitizens, or 7.0 percent of the population.

[68] Here we apply the remainder of the anticipated 4.1 million reduction in linkage to administrative record citizenship due to increased proxy response to the group for which 2020 citizenship is not observed.

citizenship, whereas AR coverage would be 34.6 million if the missingness correlation were zero. Analogously, just 26.6 million persons missing AR citizenship have 2020 Census citizenship, vs. 39.0 million if the correlation were zero.

Across the three alternatives, the data for at least 255.6 million (263.0 million) persons would be identical, and it would be identical for at least 276.9 million (284.3 million) between alternatives C and D. If the administrative record response is used when the cases disagree, then the data for alternatives C and D would agree for 285.6 million (294.0 million) linked cases.

Alternative C results in more persons with modeled citizenship responses, while Alternative D has fewer imputations. If no proxy respondents report citizenship, then Alternative B has about the same number of imputations as Alternative C, but otherwise its level is in between that of Alternatives C and D.

As mentioned above, the estimated reduction in self-response due to the inclusion of a citizenship question is based on a comparison of a long 2010 ACS questionnaire to a short 2010 Census questionnaire. The visibility of the citizenship question may be more prominent when added to a short questionnaire, resulting in a larger reduction in self-response than what we have estimated here. If the assumption that all proxy responses result in citizenship item nonresponse is accurate, every additional person without Census citizenship will have to have modeled citizenship in Alternative B. With Alternative D, fewer of the additional nonresponses will be modeled, as some can be linked to administrative record citizenship data. The option to use administrative records in Alternative D thus partially mitigates the citizenship question self-response effect.

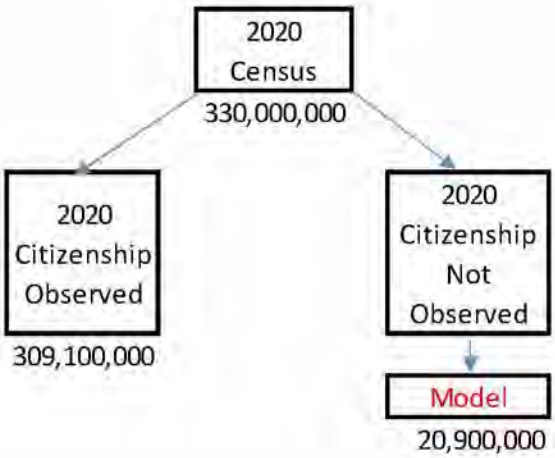
These estimates are based on currently available administrative record citizenship data and linkage capability. The Census Bureau may obtain several additional sources by 2020 and develop better linkage, in which case administrative record coverage may be higher than that shown here. This would lead to fewer imputations in Alternative D and especially Alternative C. The number of imputations in Alternative C is not much higher than in Alternative B, so even a small improvement in administrative record citizenship data coverage would lead to a lower imputation rate in Alternative C than B. Alternative D's advantage in coverage over Alternative C would shrink, though it is unlikely to vanish completely.

A key question when comparing Alternatives C and D is whether the data quality is higher for the 2020 Census or for imputed values for the persons with imputations in Alternative C and observed 2020 Census data in Alternative D. Survey citizenship data exhibit a markedly higher U.S. citizen share compared to administrative records for persons with both sources, but it is unknown whether that tendency also applies to persons without links to administrative records.

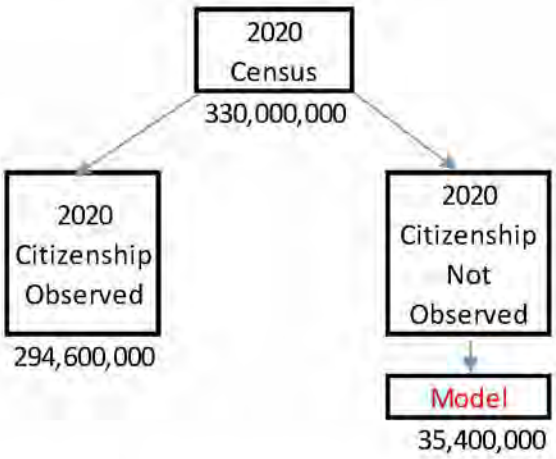
A second question is what data source(s) to use when administrative records and the survey response disagree in Alternative D. Citizenship status is verified via documentation from the issuing government agencies in the administrative records data, but not in the survey, and the analysis in Section 4 above exhibits patterns suggesting that the survey responses are more often inaccurate when they disagree. On the other hand, using administrative records when the sources disagree would mean that the survey response contribution to the citizenship statistics would be minor – it would only be necessary for persons without linked administrative record citizenship

data. The 2020 Census citizenship data is the sole source for 8.1 percent (6.7 percent) of persons in Figure 12 Panel D (Panel C), and this share could be smaller if administrative record coverage improves or survey coverage is lower than estimated. It could be difficult to justify burdening respondents with this question if needed for only a small fraction of the population.

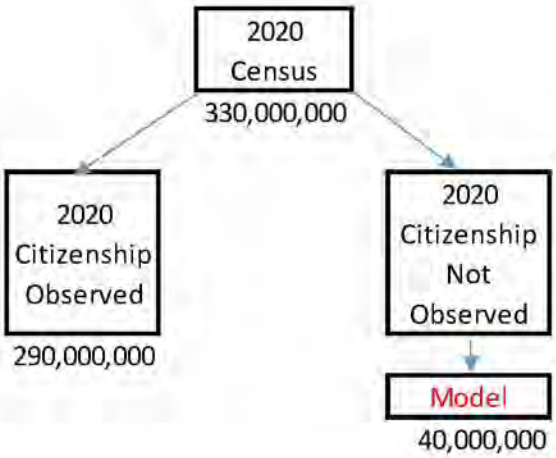
Figure 10. Alternative B



Panel A. Alternative B, Proxies Report Citizenship

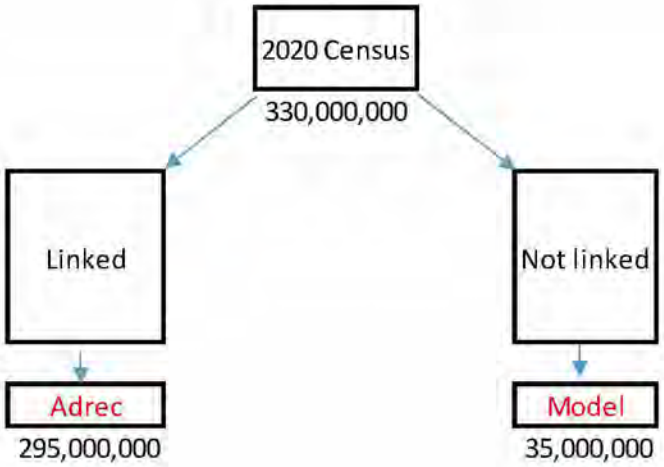


Panel B. Alternative B, Proxies Don't Report Citizenship, Initial Assumptions

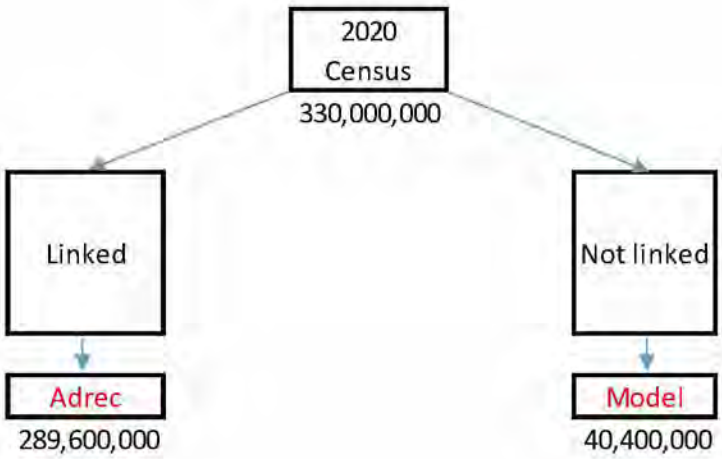


Panel C. Alternative B, Proxies Don't Report Citizenship, Revised Assumptions

Figure 11. Alternative C

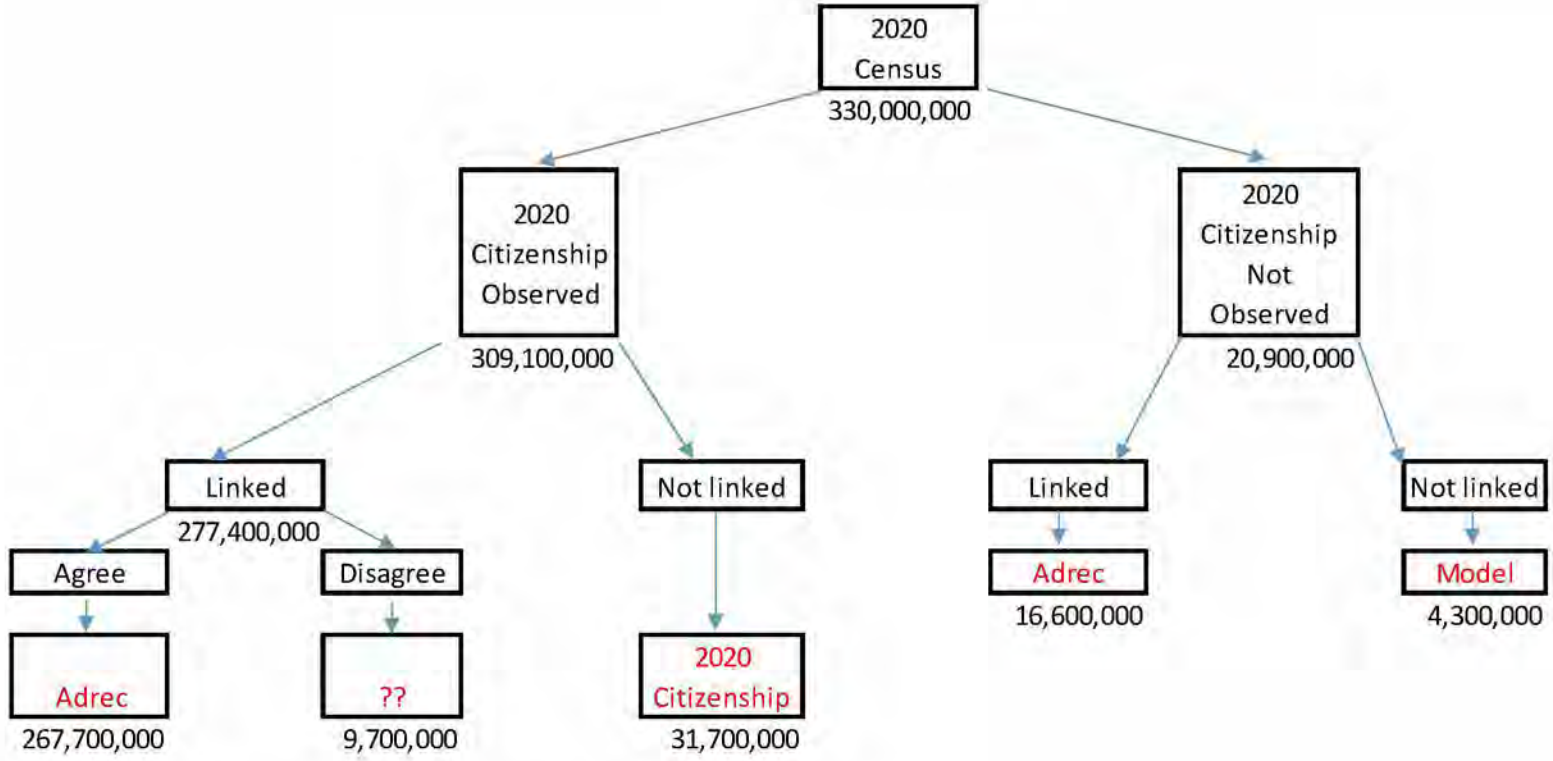


Panel A. Initial Assumptions



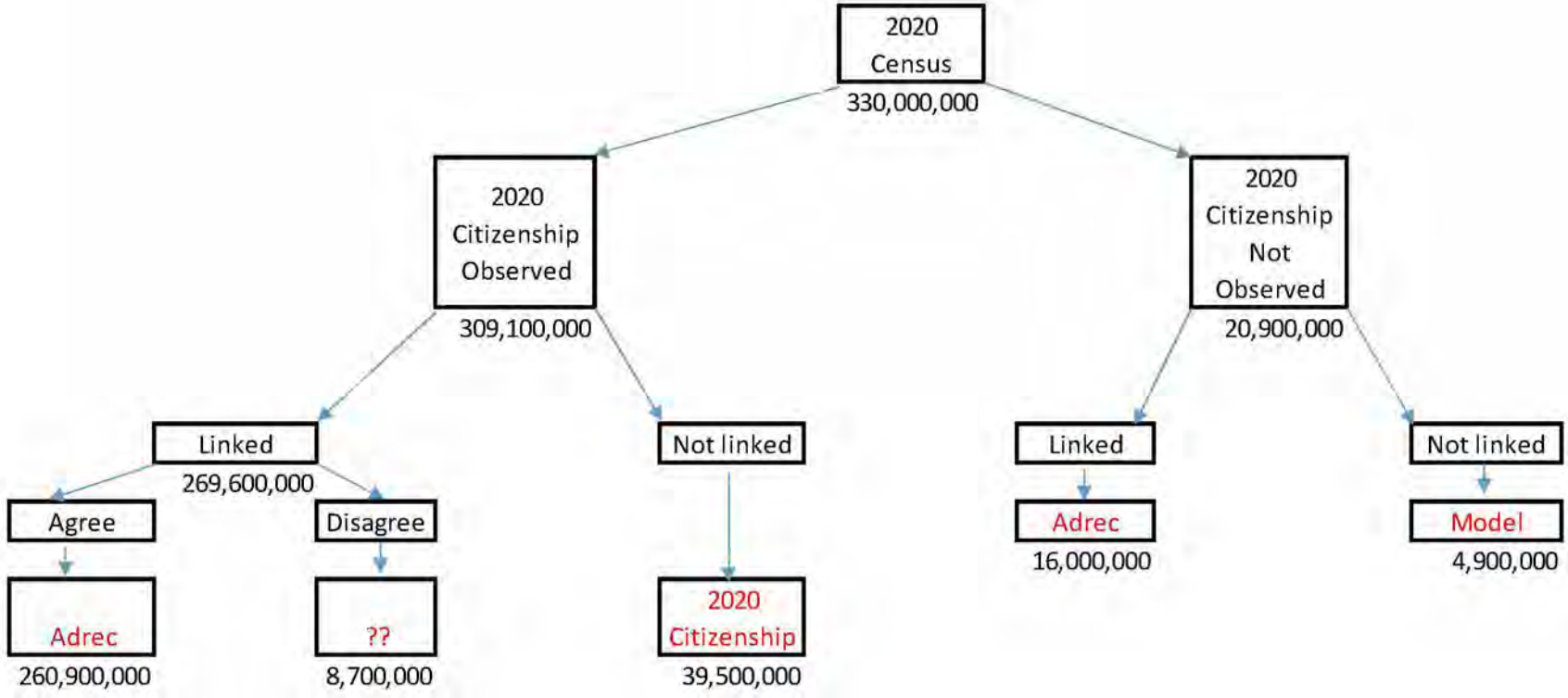
Panel B. Revised Assumptions

Figure 12. Alternative D



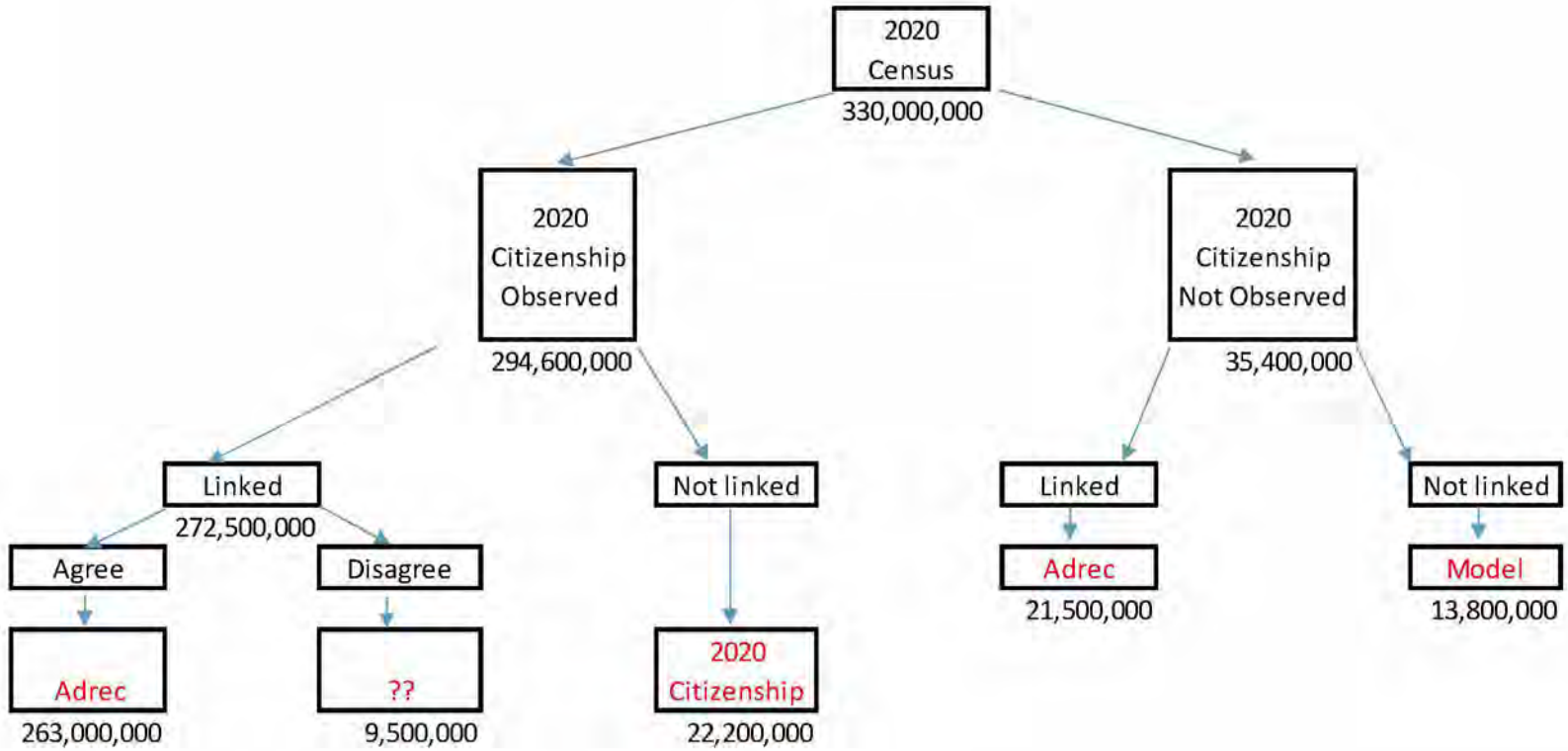
Panel A. Alternative D, Proxies Report Citizenship, Initial Assumptions

COM_DIS00009882



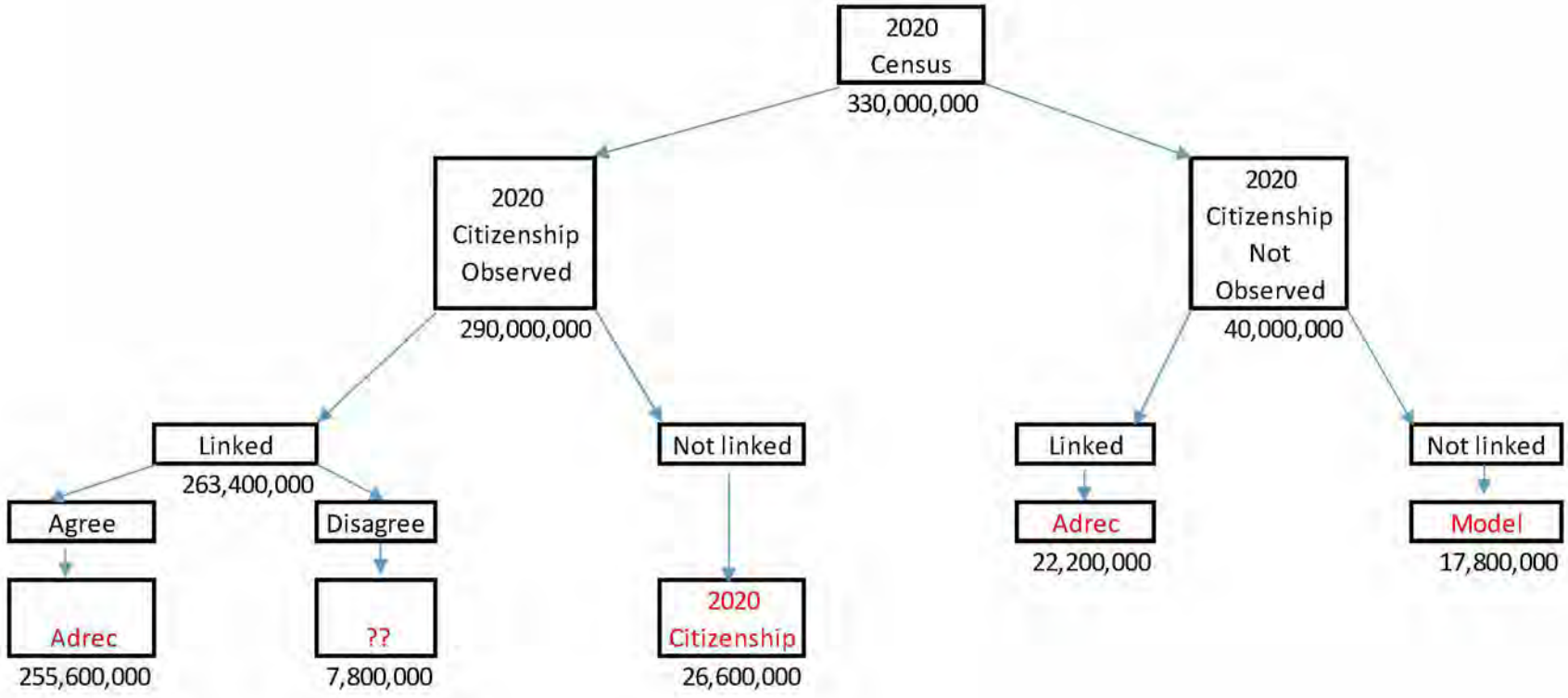
Panel B. Alternative D, Proxies Report Citizenship, Revised Assumptions

COM_DIS00009883



Panel C. Alternative D, Proxies Don't Report Citizenship, Initial Assumptions

COM_DIS00009884



Panel D. Alternative D, Proxies Don't Report Citizenship, Revised Assumptions

COM_DIS00009885

9. Conclusion

This paper analyzes general issues of data quality in self-reported citizenship data and examines the coverage and quality of survey-collected and administrative records data available to produce block-level estimates of the Citizen Voting Age Population (CVAP). Our descriptive and regression analyses suggest that many noncitizens misreport their own citizenship on the American Community Survey (ACS), and, in many cases, they do not provide it at all for other noncitizens in the household. The evidence also suggests some naturalized persons either do not notify the Social Security Administration (SSA) about their change in citizenship status or they do so with delay. This potential weakness in SSA data illustrates the desirability of obtaining more timely and complete citizenship data from the U.S. Customs and Immigration Services (USCIS), Customs and Border Protection (CBP), and the State Department. Addressing survey misreporting would be more difficult, however. In the absence of 100 percent complete, accurate, and up to date administrative records, one cannot rule out the possibility that the self-reported citizenship status is correct. Conceptually, it would be challenging to decide which answer to use when sources conflict. Asking respondents to provide proof of citizenship status could reduce misreporting, but this would significantly increase respondent burden and the cost of administering the survey, and it could result in additional unit nonresponse.

This paper's examination of several Census Bureau surveys with and without citizenship questions suggests that households that may contain noncitizens are more sensitive to the inclusion of citizenship in the questionnaire than all-citizen households. The implication is that adding a citizenship question to the 2020 Census would lead to lower self-response rates in households potentially containing noncitizens, resulting in more nonresponse follow-up (NRFU) fieldwork, more proxy responses, and a lower-quality population count.

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Appendix I: Tables & Figures

Table A1. Linkage Rates to the 2010 Census by Household Survey and Year, 2000 to 2015

	ACS			SIPP			CPS			AHS		
	Sample (N)	Linked (N)	(%)	Sample (N)	Linked (N)	(%)	Sample (N)	Linked (N)	(%)	Sample (N)	Linked (N)	(%)
2000							33,500	27,500	0.8114			
2001	1,301,000	1,097,000	0.8432	46,500	38,500	0.8328	44,500	37,500	0.8381			
2002	1,110,000	948,000	0.8539				71,000	61,000	0.8564			
2003	1,225,000	1,060,000	0.8652				68,500	59,000	0.8635			
2004	1,222,000	1,072,000	0.8770	86,000	76,000	0.8847	62,000	54,000	0.8716	6,700	5,700	0.8397
2005	4,068,000	3,609,000	0.8870				61,000	53,500	0.8783			
2006	4,259,000	3,792,000	0.8904				78,000	69,000	0.8853			
2007	4,159,000	3,754,000	0.9026				77,500	69,000	0.8909			
2008	4,123,000	3,774,000	0.9155	94,500	84,500	0.8927	75,500	68,000	0.9021			
2009	4,068,000	3,759,000	0.9241				77,500	70,500	0.9059			
2010	4,206,000	3,868,000	0.9195				77,000	70,500	0.9115			
2011	4,571,000	4,205,000	0.9200				77,000	70,000	0.9068	298,000	270,000	0.9047
2012	5,096,000	4,615,000	0.9055				75,500	67,000	0.8869			
2013	4,801,000	4,275,000	0.8903				75,000	65,500	0.8747	133,500	115,500	0.8683
2014	5,014,000	4,385,000	0.8745	66,000	57,500	0.8717						
2015	4,966,000	4,273,000	0.8605							173,500	146,500	0.8455

Source: 2010 Census and Master Demographics, U.S. Census Bureau.
Notes: Household survey data unweighted. All counts have been rounded.

COM_DIS00009890

Table A2. Citizenship in Household Surveys Linked to the 2010 Census by Demographics

	Household Surveys Linked to 2010 Census							2010 Census	
	Noncitizen		Citizen		Missing		Total		
	N	(%)	N	(%)	N	(%)	(%)	N	(%)
Total Population	1,523,000		43,090,000		1,192,000		**100.0**	308,745,538	**100.0**
								Coverage	***14.4***
Sex									
Female	785,000	1.7	22,380,000	48.9	613,000	1.3	**51.9**	157,000,000	**50.8**
Male	738,000	1.6	20,710,000	45.2	579,000	1.3	**48.1**	151,800,000	**49.2**
Race									
White	729,000	1.6	35,320,000	77.1	837,000	1.8	**80.5**	227,200,000	**73.6**
Black	127,000	0.3	4,157,000	9.1	173,000	0.4	**9.7**	40,400,000	**13.1**
American Indian, Aleut Eskimo	15,000	0.0	562,000	1.2	16,000	0.0	**1.3**	4,007,000	**1.3**
Asian or Pacific Islander	364,000	0.8	1,688,000	3.7	93,000	0.2	**4.7**	16,770,000	**5.4**
Other	287,000	0.6	1,358,000	3.0	74,500	0.2	**3.8**	20,400,000	**6.6**
Ethnicity									
Hispanic/Spanish	675,000	1.5	4,046,000	8.8	198,000	0.4	**10.7**	50,480,000	**16.4**
Non-Hispanic/Spanish	848,000	1.9	39,040,000	85.2	994,000	2.2	**89.3**	258,300,000	**83.7**

Source: 2010 Census and Master Demographics, U.S. Census Bureau.

Notes: The household survey data are unweighted. The reported population total is the official count from the 2010 Census. All other counts have been rounded. CBDRB-2017-CDAR-001.

COM_DIS00009891

Table A3. Item Nonresponse Rates for 2000 and 2010 Short Form Person Questionnaires

	Relationship	Sex	Age	Hispanic Origin	Race	Tenure
2000	1.3	1.1	3.7	3.1	2.9	4.1
2010	1.5	1.5	3.5	3.9	3.3	4.5

Source: Rothhaas, Lestina, and Hill (2012) Tables.

Notes: Rothhaas, Lestina, and Hill (2012) state "the INR rate is essentially the proportion of missing responses before pre-editing or imputation procedures for a given item (i.e. the respondent did not provide an answer to the item). For INR, missing values are included in the rates, but inconsistent responses (i.e. incompatible with other responses) are considered non-missing responses."

Table A4. ACS Item Allocation Rates

Item	2010	2013	2016
Overall housing allocation rate occupied and vacant housing units	5.2	5.6	4.9
Overall person allocation rate total population	5.8	8.4	9.5
Vacancy status vacant housing units	2.9	3.5	3.9
Tenure occupied housing units	1.2	1.3	1.2
Units in structure occupied and vacant housing units	1.5	1.5	1.5
Year moved in occupied housing units	3.4	3	3
Month moved in occupied housing units into which households move in the last two years	0.7	0.7	0.7
Year built occupied and vacant housing units	16.2	17.1	18.2
Lot size occupied and vacant single family and mobile homes	4.2	3.9	3.9
Agricultural sales occupied and vacant single family and mobile homes with lot size greater than or equal to 1 acre	4.4	4.2	4
Business on property occupied and vacant single family and mobile homes	3	2.4	**
Number of rooms occupied and vacant housing units	5.2	5.5	5
Number of bedrooms occupied and vacant housing units	4.3	4.6	5.5
Running water occupied and vacant housing units	2	2.1	2.4
Flush toilet occupied and vacant housing units	2	2.2	**
Bathtub or shower occupied and vacant housing units	2	2.2	2.6
Sink with a faucet occupied and vacant housing units	2	2.2	2.6
Stove or range occupied and vacant housing units	2.5	2.8	3.1
Refrigerator occupied and vacant housing units	2.7	2.9	3.2
Telephone occupied housing units	1.1	1.2	1.5

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Number of vehicles occupied housing units	1.3	1.4	1.2
Heating fuel, occupied housing units	3.3	3.4	3.4
Monthly electricity cost occupied housing units	7.3	8.2	8.1
Monthly gas cost occupied housing units	9.8	9.9	9.6
Yearly water and sewer cost occupied housing units	8.1	8.8	8.5
Yearly other fuel cost occupied housing units	10.6	8.3	7.3
Yearly food stamp recipiency household occupied housing units	1.3	1.7	1.7
Yearly real estate taxes owner-occupied housing units	16.3	18.5	16.7
Yearly property insurance owner-occupied housing units	23.2	25.6	23.9
Mortgage status owner-occupied housing units	2.1	2.5	2.2
Monthly mortgage payment owner-occupied housing units with a mortgage payment	10.7	12.4	10.5
Mortgage payment incl. real estate taxes owner-occupied housing units with a mortgage	(X)	6.9	6.2
Mortgage payment incl. insurance owner-occupied housing units with a mortgage	(X)	7.4	6.8
Second mortgage owner-occupied housing units	3.4	3.7	3.2
Home equity loan owner-occupied housing units	4.2	4.3	3.7
Other monthly mortgage payment(s) owner-occupied housing units with second mortgage or home equity loan	17.9	21.7	23.3
Property value owner-occupied housing units and vacant housing units for sale	12.3	12.9	11.6
Yearly mobile home costs Occupied mobile homes and other units	19.9	21.5	21.7
Monthly condominium fee owner-occupied housing units	0.7	0.8	0.8
Monthly rent occupied housing units rented for cash rent and vacant housing units for rent	9.3	9.8	10.5

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Meals included in rent occupied housing units rented for cash rent and vacant housing units for rent	2	2.1	2.1
Desktop/laptop/notebook computer occupied housing units	**	3.2	1.3
Handheld computer/smart mobile phone occupied housing units	**	3.3	**
Tablet or other portable wireless computer occupied housing units	**	**	1.6
Smartphone occupied housing units	**	**	1.6
Other computer occupied housing units	**	3.7	1.7
Household has internet access occupied housing units	**	4.4	3.3
Dial-up internet service occupied housing units with internet access	**	5.7	3.8
DSL internet service occupied housing units with internet access	**	5.7	**
Cable modem internet service occupied housing units with internet access	**	5.7	**
Fiber-optic internet service occupied housing units with internet access	**	5.7	**
Cellular data plan (formerly mobile broadband) occupied housing units with internet access	**	26.7	7.6
Satellite internet service occupied housing units with internet access	**	5.7	3.8
High speed internet service occupied housing units with internet access	**	**	3.8
Some other internet service occupied housing units with internet access	**	5.7	3.8
Race total population	1.5	1.6	1.5
Hispanic origin total population	1.8	2.1	1.8
Sex total population	0.1	0.1	0.1
Age total population	1.3	1.6	1.7
Relationship total household population	1.2	1.1	1.2
Marital status total population 15 years and over	3	4.8	5.3

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Married past 12 months total population 15 years and over, except those never married	4.7	6.6	6.9
Widowed past 12 months total population 15 years and over, except those never married	4.5	7	7.4
Divorced past 12 months total population 15 years and over, except those never married	4.5	7	7.4
Times married Total population 15 years and over, except those never married	5.1	7.8	8.1
Year last married total population 15 years and over, except those never married	11.4	13.3	13.5
Place of birth total population	6.5	8.6	9.1
Citizenship total population	2.7	5.2	6
Year of naturalization total population naturalized citizens	16.6	22.5	22.5
Year of entry total population not born in U.S.	10.3	13.2	14.8
Speaks another language at home total population 5 years and over	3.4	5.9	6.8
Language spoken total population 5 years and over who speak another language at home	5.7	7	8.3
English ability total population 5 years and over who speak another language at home	4	5.9	7.1
School enrollment total population 3 years and over	3.7	6	6.7
Grade level attended total population 3 years and over enrolled	6	8.9	10.2
Educational attainment total population 3 years and over	5.6	8	8.5
Field of degree total population 25 years and over with a bachelor's degree or higher	9.8	12.4	13.5
Mobility status total population 1 year and over	4	6.5	7.2

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Migration state/foreign county total population 1 year and over movers	7.1	11.3	13.2
Migration county total population 1 year and over movers within U.S.	8.3	12.5	14.6
Migration minor civil division total population 1 year and over movers within U.S.	8.4	12.1	14.2
Migration place total population 1 years and over movers within U.S.	8.8	12.9	15
Health insurance through employer/union total population	6.2	9	10.7
Health insurance purchased directly total population	6.9	9.7	11.3
Health insurance through Medicare total population	5.2	8.1	9.5
Health insurance through Medicaid total population	7.9	10.5	12.2
Health insurance through TRICARE total population	8.1	10.8	12.5
Health insurance through VA total population	8.1	10.7	12.3
Health ins. Through Indian Health Service total population	8.5	11.1	12.8
Visual difficulty total population	3.4	6.1	7.1
Hearing difficulty total population	3.2	5.9	6.8
Physical difficulty total population 5 years and over	3.5	6.7	7.5
Difficulty remembering total population 5 years and over	3.5	6.7	7.5
Difficulty dressing total population 5 years and over	3.5	6.7	7.5
Difficulty going out total population 16 years and over	3.4	6.5	7.3
Grandchildren living in home noninstitutionalized population 30 years and over	0.9	1	1.1
Responsibility for grandchildren noninstitutionalized population 30 years and over who are grandparents with grandchildren in the home	12	15.7	17.7

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Months responsible for grandchildren noninstitutionalized population 30 years and over who are grandparents with grandchildren in the home that have responsibility	14.9	16.1	17.2
Fertility status female total population 15-50	3.7	6.7	7.8
Veteran status total population 17 years and over	3.8	6.8	7.3
Periods of military service total population 17 years and over on active duty now or previously	6.3	9.3	9.7
Service-connected disability rating total population 17 years and over, except those who never served in the Armed Forces	3.9	6.6	6.8
Employment status recode noninstitutionalized population 16 years and over	0.7	0.2	0.2
When last worked noninstitutionalized population 16 years and over	5.1	8.1	8.7
Weeks worked in the past 12 months noninstitutionalized population 16 years and over who worked in the past 12 months	6.9	9.7	10.6
Hours worked per week noninstitutionalized population 16 years and over who worked in the past 12 months	7.7	10.8	11.9
Place of work state/foreign county noninstitutionalized population 16 years and over at work last week	6.3	10.4	11.8
Place of work county noninstitutionalized population 16 years and over at work last week	7	11	12.5
Place of work minor civil division noninstitutionalized population 16 years and over at work last week	2.1	3.3	3.6
Place of work place noninstitutionalized population 16 years and over at work last week	7.6	11.6	13.1
Transportation to work noninstitutionalized population 16 years and over at work last week	5.7	8.8	9.6
Carpool size noninstitutionalized population 16 years and over at work last week who drive to work	6.8	9.9	10.9

Table A4. ACS Item Allocation Rates Continued

Item	2010	2013	2016
Time of departure noninstitutionalized population 16 years and over at work last week who don't work at home	12.8	18.5	20.2
Commuting time noninstitutionalized population 16 years and over at work last week who don't work at home	9.7	13.3	14.5
Class of worker total population 16 years and over who worked in the last 5 years	7.2	10.7	11.7
Industry total population 16 years and over who worked in the last 5 years	7.8	11.4	12.7
Occupation total population 16 years and over who worked in the last 5 years	8.1	11.8	13.4
Wages/salary income total population 15 years and over	16	19	19.1
Self-employment income total population 15 years and over	5.9	9.3	10.5
Interest, dividends, etc. income total population 15 years and over	8.8	12.6	15.2
Social security or railroad retirement total population 15 years and over	8.9	12.3	14.5
Supplemental security income total population 15 years and over	6.7	10.3	12.7
Public assistance total population 15 years and over	6.8	10.5	13.2
Retirement income total population 15 years and over	7.5	11.1	13.6
Other income total population 15 years and over	7.4	10.8	13.2
Some or all income allocated total population 15 years and over	22.4	25.3	28.4

Source: American Community Survey (ACS) 1-year files in 2010, 2013, and 2016.

Notes: Item allocation includes nonresponses and responses that were edited. See ACS (2018a and 2018b) for more information about ACS item allocation rates. ** Item was not asked in this year. (X) Some instances where no response to this question was required were incorrectly tallied as allocations, overstating the true level of item allocation required. The incorrect rates have been removed.

Table A5. Citizenship Item Allocation Rate by Response Mode, 2013-2016

	Mail-in Response				Internet Self-Response			
	2013		2016		2013		2016	
	(%)	s.e.	(%)	s.e.	(%)	s.e.	(%)	s.e.
NH White	6.1	(0.023)	6.3	(0.024)	6.2	(0.019)	6.2	(0.018)
NH Black	12.3	(0.090)	12.6	(0.100)	12.3	(0.100)	13.1	(0.091)
NH Asian/NHPI	10.3	(0.126)	12.7	(0.151)	9.4	(0.083)	9.6	(0.075)
NH Other	8.4	(0.143)	8.4	(0.154)	10.0	(0.128)	10.2	(0.114)
Hispanic/Latino	11.8	(0.080)	12.3	(0.088)	13.0	(0.078)	15.5	(0.071)

Source: 2013 & 2016 ACS 1-year files.

Note: Item allocation includes nonresponses and responses that were edited.

Table A6. Administrative Record (AR) Coverage of the 2010 Census, Using Initial AR-Census Crosswalk

	Count	Percent of Decennial Population	Percent of Matched Sample
No PIK, not sent to PVS	10,370,000	3.4	
No PIK, failed in PVS	19,200,000	6.2	
PIK, but not in Numident, not ITIN	8,900	0.0	
PIK, but not in Numident, is ITIN	1,567,000	0.5	
Blank Citizenship	57,910,000	18.8	20.9
U.S. Citizen	200,400,000	64.9	72.2
Noncitizen	19,270,000	6.2	6.9
Total	308,745,538	100.00	100.00

Source: 2010 Numident and initial administrative record-2010 Census crosswalk.

Note: This is the crosswalk used by Rastogi and O'Hara (2012).

Table A7. Percent Linked to 2010 Census among 2017 Numident Records with Missing Citizenship

	Foreign-Born	U.S.-Born
Percent Linked to 2010 Census	36.3	74.5
Total	6.8 million	57.0 million

Source: 2010 Census and 2017 Numident

Notes: These are persons in the 2017 Numident with missing citizenship, born after 1919, and with no date of death. Our preliminary analysis reported 6.6 million foreign-born persons, which excluded some relevant records.

Table A8 Panel A: Citizenship Agreement between 2000 Census Long Form and Administrative Records

	AR Citizen	AR Noncitizen	AR Missing	Percent by ACS Category
		All (N=42,580,000)		
Census Citizen	98.8	29.9	71.6	93.0
Census Noncitizen	0.9	66.4	23.8	6.2
Census Missing	0.3	3.7	4.6	0.8
Percent by AR Cat.	86.9	5.4	7.7	100.0
		Non-Hispanic White (N=31,690,000)		
Census Citizen	99.4	31.8	92.4	97.9
Census Noncitizen	0.4	65.8	5.9	1.8
Census Missing	0.2	2.4	1.7	0.3
Percent by AR Cat.	93.4	1.8	4.8	100.0
		Non-Hispanic Black (N=4,543,000)		
Census Citizen	99.3	36.3	92.5	96.1
Census Noncitizen	0.4	59.2	5.4	3.3
Census Missing	0.2	4.5	2.1	0.6
Percent by AR Cat.	85.3	4.0	10.8	100.0
		Hispanic (N=4,534,000)		
Census Citizen	94.3	25.6	35.9	69.3
Census Noncitizen	4.7	69.7	55.2	27.3
Census Missing	1.0	4.7	9.0	3.3
Percent by AR Cat.	60.6	19.1	20.3	100.0
		Non-Hispanic Other Race (N=1,821,000)		
Census Citizen	93.4	33.3	53.1	71.2
Census Noncitizen	5.1	63.7	37.0	26.0
Census Missing	1.4	3.0	9.9	2.9
Percent by AR Cat.	59.2	29.3	11.6	100.0
		Reference Person (N=16,450,000)		
Census Citizen	98.7	32.9	76.9	94.0
Census Noncitizen	0.9	63.3	19.3	5.3
Census Missing	0.4	3.9	3.8	0.8
Percent by AR Cat.	89.4	5.5	5.1	100.0
		Relative (N=24,980,000)		
Census Citizen	98.9	28.6	71.7	92.9
Census Noncitizen	0.8	68.0	24.3	6.4
Census Missing	0.2	3.4	4.1	0.7
Percent by AR Cat.	86.4	5.3	8.3	100.0
		Nonrelative (N=1,153,000)		
Census Citizen	97.2	20.4	58.6	80.4
Census Noncitizen	1.9	72.0	31.3	15.6
Census Missing	0.9	7.6	10.1	4.1
Percent by AR Cat.	63.7	7.4	28.9	100.0
		Age 18+ (N=31,260,000)		
Census Citizen	98.5	30.3	67.1	91.8
Census Noncitizen	1.1	65.5	26.8	7.2
Census Missing	0.4	4.1	6.1	1.1
Percent by AR Cat.	86.2	6.5	7.2	100.0

Source: 2000 Census Long Form and 2002 Census Numident.

Notes: These are weighted percentages. The first three rows of each panel contain percentages by survey group within the AR category, and the last row contains percentages by AR category of the sample as a whole. Here AR citizen includes Numident records with missing citizenship, regardless of their country of birth.

Table A8 Panel B: Citizenship Agreement between 2010 ACS and Administrative Records

	AR Citizen	AR Noncitizen	AR Missing	Percent by ACS Category
		All (N=4,520,000)		
ACS Citizen	96.9	32.7	74.8	90.2
ACS Noncitizen	0.8	63.2	17.5	6.9
ACS Missing	2.4	4.1	7.7	2.9
Percent by AR Cat.	83.9	7.5	8.5	100.0
		Non-Hispanic White (N=3,152,000)		
ACS Citizen	97.8	42.4	87.4	96.1
ACS Noncitizen	0.2	53.9	4.0	1.5
ACS Missing	2.0	3.7	8.6	2.4
Percent by AR Cat.	92.4	2.0	5.7	100.0
		Non-Hispanic Black (N=434,000)		
ACS Citizen	96.3	40.1	85.0	92.4
ACS Noncitizen	0.5	54.5	6.5	3.8
ACS Missing	3.2	5.4	8.6	3.8
Percent by AR Cat.	86.2	5.2	8.6	100.0
		Hispanic (N=609,000)		
ACS Citizen	93.9	23.8	61.1	72.7
ACS Noncitizen	2.9	72.4	32.9	23.4
ACS Missing	3.2	3.9	6.0	3.9
Percent by AR Cat.	59.8	21.5	18.8	100.0
		Non-Hispanic Other Race (N=326,000)		
ACS Citizen	93.7	41.3	59.0	77.3
ACS Noncitizen	2.8	54.3	31.8	18.5
ACS Missing	3.5	4.4	9.1	4.2
Percent by AR Cat.	65.7	25.4	8.8	100.0
		Reference Person (N=1,770,000)		
ACS Citizen	97.7	37.2	80.8	91.9
ACS Noncitizen	0.7	59.9	14.1	6.2
ACS Missing	1.6	2.9	5.1	1.9
Percent by AR Cat.	85.4	7.7	6.9	100.0
		Relative (N=2,504,000)		
ACS Citizen	96.5	30.6	75.3	89.7
ACS Noncitizen	0.7	64.7	16.4	6.9
ACS Missing	2.8	4.6	8.2	3.4
Percent by AR Cat.	84.0	7.5	8.5	100.0
		Nonrelative (N=102,000)		
ACS Citizen	94.1	20.0	53.0	77.0
ACS Noncitizen	1.9	72.2	34.8	16.6
ACS Missing	4.0	7.8	12.2	6.4
Percent by AR Cat.	66.0	9.4	24.6	100.0
		Age 18+ (N=3,505,000)		
ACS Citizen	97.0	33.1	71.7	89.1
ACS Noncitizen	0.9	62.9	20.9	8.2
ACS Missing	2.1	4.0	7.3	2.7
Percent by AR Cat.	82.6	9.0	8.4	100.0

Source: 2010 American Community Survey (ACS) and 2010 Census Numident.

Notes: These are weighted percentages. The first three rows of each panel contain percentages by survey group within the AR category, and the last row contains percentages by AR category of the sample as a whole. Here AR citizen includes Numident records with missing citizenship, regardless of their country of birth.

Table A8 Panel C: Citizenship Agreement between 2016 ACS and Administrative Records

	AR Citizen	AR Noncitizen	AR Missing	Percent by ACS Category
		All (N=5,255,000)		
ACS Citizen	93.8	34.7	70.4	87.3
ACS Noncitizen	0.7	57.6	17.7	6.4
ACS Missing	5.5	7.7	11.9	6.3
Percent by AR Cat.	82.4	6.7	10.9	100.0
		Non-Hispanic White (N=3,579,000)		
ACS Citizen	95.0	44.7	81.8	93.1
ACS Noncitizen	0.2	48.8	4.4	1.4
ACS Missing	4.8	6.6	13.7	5.5
Percent by AR Cat.	91.1	1.9	7.0	100.0
		Non-Hispanic Black (N=495,000)		
ACS Citizen	93.2	42.0	82.5	89.3
ACS Noncitizen	0.4	49.7	5.8	3.6
ACS Missing	6.4	8.4	11.7	7.2
Percent by AR Cat.	82.3	5.1	12.6	100.0
		Hispanic (N=732,000)		
ACS Citizen	90.5	26.6	58.0	73.1
ACS Noncitizen	2.7	65.2	32.3	19.3
ACS Missing	6.8	8.2	9.7	7.7
Percent by AR Cat.	62.0	16.2	21.8	100.0
		Non-Hispanic Other Race (N=449,000)		
ACS Citizen	90.3	39.1	54.2	74.6
ACS Noncitizen	2.4	53.5	32.2	17.3
ACS Missing	7.3	7.4	13.6	8.1
Percent by AR Cat.	65.8	22.0	12.2	100.0
		Reference Person (N=2,037,000)		
ACS Citizen	96.7	39.1	71.6	90.6
ACS Noncitizen	0.7	56.4	20.1	6.1
ACS Missing	2.7	4.5	8.3	3.2
Percent by AR Cat.	85.5	7.3	7.2	100.0
		Relative (N=2,789,000)		
ACS Citizen	92.3	32.5	68.4	86.0
ACS Noncitizen	0.7	58.2	18.6	6.3
ACS Missing	6.9	9.3	13.0	7.7
Percent by AR Cat.	83.5	6.5	10.0	100.0
		Nonrelative (N=135,000)		
ACS Citizen	85.3	21.5	52.4	71.8
ACS Noncitizen	1.5	61.5	23.6	11.8
ACS Missing	13.2	17.0	23.9	16.4
Percent by AR Cat.	65.6	7.1	27.3	100.0
		Age 18+ (N=4,178,000)		
ACS Citizen	94.3	34.8	68.0	86.6
ACS Noncitizen	0.9	57.7	20.3	7.6
ACS Missing	4.8	7.6	11.7	5.8
Percent by AR Cat.	81.0	8.2	10.7	100.0

Source: 2016 American Community Survey (ACS) and 2016 Census Numident.

Notes: These are weighted percentages. The first three rows of each panel contain percentages by survey group within the AR category, and the last row contains percentages by AR category of the sample as a whole. Here AR citizen includes Numident records with missing citizenship, regardless of their country of birth.

Table A9. Citizenship Agreement Rates (%) Between Census Surveys and Administrative Records

	Consistent	Inconsistent	Missing in One or Both Sources	Consistent, Conditional on Nonmissing	Inconsistent, Conditional on Nonmissing
2000 Census	89.4	2.4	8.2	97.4	2.6
2010 ACS	86.1	3.1	10.8	96.5	3.5
2016 ACS	81.1	2.9	15.9	96.5	3.5

Source: 2000 Census long form, 2002 Census Numident, 2010 American Community Survey (ACS), 2010 Census Numident, 2016 ACS, and 2016 Census Numident.

Notes: These are weighted percentages. Here AR citizen includes Numident records with missing citizenship, regardless of their country of birth. The original estimate for inconsistent in the 2000 Census was 2.3 percent, for consistent in the 2010 ACS was 86.0 percent, consistent conditional on nonmissing in the 2010 ACS was 96.4 percent, inconsistent conditional on nonmissing in the 2010 ACS was 3.6 percent, and consistent in the 2016 ACS was 81.2 percent.

Table A10. AR Citizen and Noncitizen Percentages of the 2016 ACS by Race/Ethnicity and Relationship to Reference Person

	AR Citizens	AR Noncitizens
All	81.1	6.7
Non-Hispanic White	90.1	1.9
Non-Hispanic Black	81.5	5.1
Hispanic	60.2	16.2
Non-Hispanic Other Race	62.5	22.0
Reference Person	81.1	6.9
Relative	82.1	6.5
Non-Relative	64.8	7.1

Source: 2010 ACS 1-year file

Notes: These are weighted percentages. The omitted category is persons missing AR citizenship.

Table A11. Percentages of the 2016 ACS Sample by Relationship to Reference Person and Record Linkage Quality

	High-Quality Linkage	Low-Quality Linkage
Reference Person	18.1	20.3
Relative	23.9	33.8
Non-Relative	0.6	3.2

Source: 2016 ACS 1-year file

Notes: These results are weighted. This excludes persons missing AR citizenship.

Table A12. 2016 ACS Citizenship Distribution for ITINs

	Percent of All ITINs
U.S. Citizens	11.1
Born Citizens	6.6

Source: 2016 ACS 1-year file

Note: These results are weighted.

Table A13. Comparison of 2010 ACS and 2010 Census Response Rates: Regressions by Household Citizenship Type

	AR all-citizen households	AR noncitizen households	AR & ACS all-citizen households	All other households
Log Household Size	-3.184	-8.237	-0.4762	-7.185
	(0.1476)	(0.5100)	(0.1737)	(0.3067)
Log Household Size Squared	-0.0998	1.565	-1.929	2.944
	(0.0899)	(0.2304)	(0.1159)	(0.1423)
Female	-6.665	-6.687	-6.263	-8.167
	(0.0557)	(0.1809)	(0.0578)	(0.1289)
Non-Hispanic African Amer.	-10.53	-8.422	-11.48	-3.573
	(0.1143)	(0.3952)	(0.1275)	(0.2064)
Hispanic	-7.532	-20.55	-7.145	-14.07
	(0.1585)	(0.2962)	(0.1640)	(0.2123)
Other Non-Hispanic	0.8338	-0.1256	0.4897	4.129
	(0.1809)	(0.2904)	(0.2162)	(0.2158)
Age 25-34	-4.052	-3.101	-4.658	-1.380
	(0.2078)	(0.5207)	(0.2602)	(0.3202)
Age 35-44	-9.122	-4.746	-9.582	-3.653
	(0.2117)	(0.5048)	(0.2704)	(0.3181)
Age 45-54	-11.83	-6.676	-12.26	-5.095
	(0.2418)	(0.5313)	(0.3082)	(0.3113)
Age 55-64	-12.78	-5.792	-13.20	-5.395
	(0.2715)	(0.5466)	(0.3530)	(0.3315)
Age 65+	-13.06	-4.225	-13.76	-3.617
	(0.3121)	(0.6672)	(0.4051)	(0.3857)
High School	0.7658	-1.195	1.641	-1.866
	(0.1055)	(0.2641)	(0.1097)	(0.1828)
Bachelor's Degree	3.864	2.383	5.116	0.1112
	(0.1197)	(0.3549)	(0.1262)	(0.2316)
Graduate Degree	7.685	7.098	8.448	6.310
	(0.1330)	(0.3923)	(0.1387)	(0.2661)
HH Income $1-$25,000	-1.854	-1.525	-2.249	-1.537
	(0.3130)	(0.9868)	(0.3665)	(0.5480)
HH Income $25,001-$50,000	-2.759	-1.995	-3.002	-3.304
	(0.3158)	(0.9549)	(0.3604)	(0.5348)
HH Income $50,001-$75,000	-3.093	-0.6062	-3.454	-2.555
	(0.3164)	(0.9907)	(0.3563)	(0.5494)
HH Income $75,001-$100,000	-3.037	-0.4054	-3.300	-2.435
	(0.3091)	(1.004)	(0.3590)	(0.5505)
HH Income $100,001+	-2.272	1.035	-2.499	-0.9051
	(0.3183)	(1.016)	(0.3672)	(0.5719)

Table A13. Continued

	AR all-citizen households	AR noncitizen households	AR & ACS all-citizen households	All other households
Worked in Last Week	2.741	1.204	3.027	-1.012
	(0.0644)	(0.2549)	(0.0742)	(0.1613)
Searched for Job	8.495	8.559	8.565	6.753
	(0.1282)	(0.3652)	(0.1357)	(0.2629)
Log Number of Years in U.S.	-11.17	-10.34	-14.09	-1.286
	(0.5538)	(0.5499)	(1.434)	(0.4572)
Log Number of Years in U.S. Squared	2.845	1.997	3.315	-0.1304
	(0.0904)	(0.1044)	(0.2063)	(0.0823)
English Very Well	0.9990	0.7404	0.7193	5.302
	(0.1669)	(0.2508)	(0.1760)	(0.1927)
English Well	3.823	0.4760	6.686	3.160
	(0.3037)	(0.3007)	(0.3449)	(0.2369)
English Not Well	-4.707	-7.014	-0.5008	-6.007
	(0.3595)	(0.3431)	(0.4334)	(0.3088)
English Not At All	-13.87	-14.00	-15.19	-13.50
	(0.6209)	(0.5355)	(1.070)	(0.4750)
Weighted Obs.	85,100,000	11,400,000	72,300,000	24,200,000
Unweighted Obs.	1,280,000	139,000	1,112,000	306,000

Source: 2010 ACS 1-year file, 2010 Census Unedited File (CUF), and 2010 Numident.

Notes: The 2010 Census self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. These regressions are estimated by linear probability models (LPM), weighted by ACS person weights. The standard errors are in parentheses. The standard errors are bootstrapped using 80 ACS replicate weights. The base categories are non-Hispanic white for race/ethnicity, less than high school for educational attainment, no income for household income, and speaks only English at home for English ability.

Table A14. Blinder-Oaxaca Decomposition Coefficients for Comparison of ACS 2010 and Census 2010 Self-Response Rates by Household Citizenship

	AR all-citizen vs. AR noncitizen households		AR & ACS all-citizen vs. all other households	
	Explained	Unexplained	Explained	Unexplained
Log Household Size	1.347	5.799	0.1479	6.758
	(0.0624)	(0.5861)	(0.0539)	(0.3311)
Log Household Size Squared	0.0778	-2.687	1.108	-6.613
	(0.0700)	(0.3702)	(0.0664)	(0.2305)
Female	-0.4591	0.0090	-0.2351	0.8355
	(0.0076)	(0.0761)	(0.0048)	(0.0619)
Non-Hispanic White	2.261	-0.6934	1.612	0.4970
	(0.0419)	(0.0480)	(0.0311)	(0.0566)
Non-Hispanic African Amer.	-0.2343	-0.4469	-0.0307	-0.7966
	(0.0042)	(0.0230)	(0.0030)	(0.0217)
Hispanic	1.196	4.487	0.6141	2.391
	(0.0420)	(0.0904)	(0.0280)	(0.0515)
Other Non-Hispanic	-0.9869	-0.4652	-0.6266	-0.3870
	(0.0258)	(0.0396)	(0.0202)	(0.0298)
Age Below 25	0.0184	0.1686	-0.0735	0.2663
	(0.0029)	(0.0160)	(0.0031)	(0.0156)
Age 25-34	-0.3132	0.7466	-0.1863	0.4588
	(0.0091)	(0.0536)	(0.0065)	(0.0402)
Age 35-44	0.0819	0.0026	0.0487	-0.0507
	(0.0107)	(0.0539)	(0.0068)	(0.0396)
Age 45-54	0.1199	-0.1936	0.0323	-0.3278
	(0.0036)	(0.0537)	(0.0017)	(0.0315)
Age 55-64	-0.2849	-0.3316	-0.1938	-0.3167
	(0.0069)	(0.0331)	(0.0059)	(0.0295)
Age 65+	-0.7552	-0.2910	-0.4319	-0.6361
	(0.0229)	(0.0218)	(0.0165)	(0.0354)
Below High School	0.4911	-0.2640	0.4301	-0.5491
	(0.0130)	(0.0609)	(0.0094)	(0.0338)
High School	-0.3682	0.4025	-0.1901	0.4193
	(0.0084)	(0.0735)	(0.0048)	(0.0557)
Bachelor's Degree	0.0169	0.0827	0.0341	0.4077
	(0.0013)	(0.0356)	(0.0018)	(0.0255)
Graduate Degree	-0.0978	-0.0594	-0.0036	-0.0646
	(0.0030)	(0.0320)	(0.0018)	(0.0217)
HH Income = $0	0.0017	0.0190	-0.0191	0.0117
	(0.0005)	(0.0099)	(0.0024)	(0.0096)
HH Income $1 -$25,000	0.0072	0.2648	0.0003	-0.0193
	(0.0021)	(0.0567)	(0.0002)	(0.0453)
HH Income $25,001 -$50,000	0.0122	0.2196	0.0042	0.2364
	(0.0017)	(0.0619)	(0.0007)	(0.0424)

Table A14. Continued

	AR all-citizen vs. AR noncitizen households		AR & ACS all-citizen vs. all other households	
	Explained	Unexplained	Explained	Unexplained
HH Income	0.0030	-0.1651	-0.0063	-0.0477
$50,000-$75,000	(0.0006)	(0.0470)	(0.0007)	(0.0288)
HH Income	-0.0032	-0.1245	-0.0060	-0.0278
$75,001-$100,000	(0.0005)	(0.0339)	(0.0007)	(0.0221)
HH Income	0.0003	-0.3579	-0.0001	-0.1981
$100,001+	(0.0003)	(0.0581)	(0.0007)	(0.0408)
Worked in	-0.3684	1.134	-0.0440	2.545
Last Week	(0.0089)	(0.1959)	(0.0024)	(0.1203)
Searched for	-0.1195	-0.0050	-0.0399	0.1230
Job	(0.0041)	(0.0286)	(0.0025)	(0.0198)
Log Number of.	-10.19	-2.434	-8.077	-42.62
Years in U.S	(0.5032)	(2.068)	(0.8219)	(4.835)
Log Years in	16.68	7.861	12.22	40.24
U.S. Squared	(0.5292)	(1.126)	(0.7610)	(2.490)
Only English	1.876	-0.2650	0.7321	-0.2700
	(0.1384)	(0.0675)	(0.1293)	(0.1763)
English Very	-0.9976	-0.3151	-0.4244	-1.183
Well	(0.0486)	(0.0873)	(0.0481)	(0.0699)
English Well	-1.270	0.4510	-1.010	0.3912
	(0.0491)	(0.0669)	(0.0360)	(0.0468)
English Not	0.3237	0.1948	-0.1211	0.5456
Well	(0.0444)	(0.0541)	(0.0393)	(0.0414)
English Not	0.6369	-0.0655	0.5055	-0.0864
At All	(0.0272)	(0.0377)	(0.0308)	(0.0358)

Source: 2010 ACS 1-year file, 2010 Census Unedited File (CUF), and 2010 Numident.

Notes: The 2010 Census self-response is non-blank response to the first mailing, and only NRFU-eligible housing units are included. ACS self-response is mail response. These regressions are estimated by linear probability models (LPM), weighted by ACS person weights. The standard errors are in parentheses. The standard errors are bootstrapped using 80 ACS replicate weights. The base categories are non-Hispanic white for race/ethnicity, less than high school for educational attainment, no income for household income, and speaks only English at home for English ability. The number of observations is 1,418,000 (unweighted) and 96,540,000 (weighted).

EXHIBIT 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,

vs. Case No. 1:18-CF-05025-JMF

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

Defendants.

Washington, D.C.
Wednesday, August 15, 2018

Deposition of:

DR. JOHN ABOWD

called for oral examination by counsel for Plaintiffs, pursuant to notice, at the office of Arnold & Porter, 601 Massachusetts Avenue NW, Washington, D.C., before KAREN LYNN JORGENSON, RPR, CSR, CCR of Capital Reporting Company, beginning at 9:08 a.m., when were present on behalf of the respective parties:

Counsel, your appearances will be noted on the stenographic record.

At this time, will the court please swear in the witness and we can proceed.

DR. JOHN ABOWD,

called as a witness, and having been first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

EXAMINATION BY MR. FREEDMAN:

Q Dr. John Abowd, good morning. I'm John Freedman from the law firm of Arnold & Porter. I represent the plaintiffs in the New York Immigration Coalition case.

Could you state your name for the record?

A My name is John Abowd.

Q And what is your professional address?

A United States Census Bureau Headquarters, 4600 Silver Lake Road, Room 8H-120, Washington, D.C. 20223.

Q Dr. Abowd, have you been deposed before?

A Yes.

Q If you don't understand my question,

email from the acting director Ron Jarmin on Friday, December 15th.

Q I'm going to mark as Exhibit 1 a document Bates numbered 3354.

(Plaintiffs' Exhibit 1, Email, was marked.)

BY MR. FREEDMAN:

Q Dr. Abowd, for the court reporter and for the people on the phone, if you wouldn't mind speaking up when you answer the questions, that would be helpful.

Is this the -- I've handed you an email chain from the administrative record Bates number 3354. At the bottom of the chain, there's an email from Ron Jarmin on the date you described. Is that the email you were -- you mentioned?

A Yes.

Q Do -- do you have any information from any source that Secretary Ross was added -- interested in adding a citizenship question to this decennial census before receiving this email?

A No.
Q Do you have any information from any source that any political appointee at the Commerce Department was working to add a citizenship question to the decennial census before receiving this email?
A No.
Q In your response to Mr. Jarmin, you say a SWAT team ready. What are you referring to by SWAT team?
A He asked me to assemble a team of experts to begin discussing how we might respond to this request.
Q Was there anything more to the request than -- to Mr. Jarmin's request to assemble a team to figure out how to respond?
A No, sir.
Q Who were the members of the SWAT team?
A So the SWAT team started with a senior economist named David Brown. He goes J. -- he goes by David Brown. His first initial is J. His immediate supervisor Sean Klimek, and

Q And I have one more follow-up from what we were discussing earlier. So in terms of a randomized -- in RCT, randomized controlled trial, is that something the Census Bureau has the ability to perform?

MR. GARDNER: Objection. Vague.

THE WITNESS: I think the general answer to your question is yes. In conducting the operations of decennial censuses and in conducting the operations of our ongoing surveys, we have the ability to implement some kinds of randomized controlled trials.

BY MR. FREEDMAN:

Q How long does that normally take?

A I'm not sure there's a good generic answer to that question. Let me describe the process for the 2020 census. So the call for proposals to conduct sanctions -- sanctioned experiments in the 2020 census went out about a year and a half ago, and the ones that have been taken through the preliminary stage -- stages of the design have been approved through the 2020

Executive Steering Committee. That happened either in late 2017 or early 2018. So they had roughly three-and-a-half years of lead time to the census. I don't know the time frames for the 2010 census with such precision.

Q And when -- when -- for the 2020 decennial census, when are the -- when are the randomized controlled trial tests actually to be conducted? Is that actually part of the end-to-end or is that actually part of the decennial census?

A So -- so over the entire decade, there were tests of the census. Some of those tests also included RCT components, not all of them. For example, the end-to-end tests did not include any RCT components. They have separate calendars. I'm not exactly sure when the -- when the window for conducting a test during the '18 end-to-end test closed, probably before I arrived, but possibly shortly thereafter.

Q I guess that leads me to one basic background question that I neglected to ask for

the constraints normally faced by a statistical agency for such things, it would have taken extraordinary means.

Q Could you just give us some consensus of what those constraints are?

A So to do this, you have to modify what's called the operational control system for the survey that you intend to use. You have to verify that the modification properly selected a random subsample. You have to program an instrument or design a print instrument that you have. You've got to do quality assurance on all of that. And I'm not sure of this last one, so I will say that I'm not sure. I think we might need OMB approval for the survey. So those things can generally not be accomplished in a month.

Q Has the Census Bureau undertaken a randomized controlled trial since the March 26th decisional memo?

A As I think I've already said, I'm not aware of any RCT components of the end-to-end test. There may have been some that I'm not aware

of, but they would have been the only ones that would have gone into the field since.

Q Are there any plans to do a randomized controlled trial of the -- the additional citizenship question to census?

A There are no current plans to do an RCT that I'm aware of.

Q Turning back to your memo, the B1 analysis, could you explain to us what that is?

A The analysis in Section B1 is an analysis of the item nonresponse rates for the battery of questions associated with citizenship on the American Community Survey from 2013 to 2016 done separately for non-Hispanic whites, non-Hispanic blacks, and Hispanics.

Q And what is -- what do you mean by item nonresponse rate?

A So there's two kinds of nonresponse to a survey. A selected unit cannot answer at all, so you're missing the entire report. Or you can receive a partially-completed survey instrument and the items that weren't completed are

with analyzing the options, December 2017, was there time to conduct an RCT that would have allowed you to isolate this question before the statutory deadline?

A I think I've already answered that, but just in case it wasn't clear, no.

Q Turning to the last sentence of that paragraph, the Secretary observes "While there's a widespread belief among many parties that adding a citizenship question will reduce response rates, the Census Bureau's analysis did not provide empirical support for that belief"; is that correct?

A Yes. I think that's correct.

Q Did the Census Bureau provide empirical support for that belief?

A I believe so, yes.

Q Is the question whether -- what would be definitive empirical evidence in this situation?

A Well, we're in the realm of social science, so what we would normally say is internal validity is ensured by a properly designed RCT.

* * * * *

CERTIFICATE OF REPORTER

I, KAREN LYNN JORGENSON, RPR, CSR, CCR the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that the said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Karen Lynn Jorgenson

_____

KAREN LYNN JORGENSON, RPR, CCR, CSR

Dated this day

of , 2018.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,
vs. Case No. 1:18-CF-05025-JMF
UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,
Defendants.

Washington, D.C.
Wednesday, August 29, 2018
Deposition of:
DR. JOHN ABOWD
called for oral examination by counsel for Plaintiffs, pursuant to notice, at the office of Arnold & Porter, 601 Massachusetts Avenue NW, Washington, D.C., before KAREN LYNN JORGENSON, RPR, CSR, CCR of Capital Reporting Company, beginning at 9:06 a.m., when were present on behalf of the respective parties:

Veritext Legal Solutions
Mid-Atlantic Region
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

My name is Dan Reidy from the firm Veritext Legal Solutions, and I'm the videographer. The court reporter is Karen Jorgenson from the firm Veritext Legal Solutions.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome.

Also, counsels' appearances will be noted on the stenographic record rather than orally at this time.

Will the court reporter please swear in the witness?

DR. JOHN ABOWD,

called as a witness, and having been first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

EXAMINATION BY MR. HO:

Q Dr. Abowd, before we get started, I just want to confirm something on the record with your counsel.

experiment. One was November and one was early in 2019. But I don't remember her saying how many months it had to run to achieve the standard errors that -- that it was designed to produce, so that's -- it may not have been in there.

Q Do you know how expensive either of those proposals to conduct an RCT of the citizenship question would have been?

A Would you remember to re-ask that question after the next break? I would rather give you exactly the right answer than the two numbers I remember, and I think I have transposed digits in one of them, so I'm just going to go look.

Q I appreciate that. And if it's not me, then it might be somebody else.

A Right. As long as someone knows to re-ask, I know my counsel will remind me to check.

Q Was that RCT proposal discussed with anyone outside of the Census Bureau?

A When I discussed that RCT proposal with the acting deputy director, he took

1 responsibility, in conjunction with the acting
2 director, for giving me the no-go, but he didn't
3 tell me whether he discussed with anyone else
4 outside the Bureau.
5 Q So you're aware that Dr. Jarmin and -- I
6 don't know if it's Dr. or Mr. Lamas?
7 A It's doctor. It's Dr. Velkoff, too.
8 Q Okay. You don't know if anyone other
9 than Dr. Jarmin and Dr. Lamas were involved in
10 this -- the decision not to do the RCT of the
11 citizenship question?
12 A I do not know.
13 Q You testified at one point whether or
14 not -- excuse me -- you testified at one point
15 that there are indicators in that -- let me try
16 again.
17 I think you testified earlier that there
18 are indicators suggesting that nonresponse rates
19 to a citizenship question among noncitizens are
20 increasing; is that right?
21 A Yes.
22 Q What are those indicators that you were

accept which things you can estimate and which things you have to make a hypothesis on. So making the hypothesis that households that contain all citizens won't change their response behavior, it's not making the prediction that they won't change their response behavior. It's allowing you to interpret the 5.1 percentage points or now it's 5.8 percentage points, and apply to a larger base in a proper manner. That's why I say it's probably an underestimate, because it's probably not a reasonable hypothesis that the households that are all citizens won't change their behavior, but we don't have any evidence.

Q So it's your view that that's not a reasonable hypothesis but it's the assumption?

A It's not a reasonable projection, let me say that.

Q But it's the assumption that you had?

A It's not a reasonable projection. It is the assumption in that analysis for the purposes of generating that budget number.

Q And if it's not a reasonable hypothesis,

is it a reasonable assumption?

A Sorry. You keep changing my words. I keep changing them back. I said you have to make a hypothesis, and it's the one we made. It's not a reasonable projection. That is to say, if you ask us collectively do we think that the self-response of all citizen households is going to stay changed in an environment where a controversial citizen question is on the census, we would say no, we expect that their cooperation would be expected, too. But we don't have any scientific evidence to do the sign or the magnitude of that, and we can't rule out the hypothesis that they would be more cooperative.

Q Is there any empirical evidence that they would be more cooperative, that you're aware of?

A I'm not aware of any empirical evidence for either side of it. I have consistently said that it was maintained or a counterfactual hypothesis for the purposes of interpreting the coefficients that you can estimate, and I've now said that it's not a reasonable projection, okay,

Dear Mr. Ehrlich:

Enclosed please find your copy of the deposition of DR. JOHN ABOWD, along with the original signature page. As agreed, you will be responsible for contacting the witness regarding signature.

Within 21 days of receipt of transcript, please forward errata sheet and original signed signature page to counsel for, John Freedman and all counsel of record.

If you have any questions, please do not hesitate to call. Thank you.

Yours,

Karen Lynn Jorgenson, RPR, CCR, CSR
Capital Reporting Company
1821 Jefferson Place, Northwest
3rd Floor
Washington, D.C. 20006
(202) 857-3376

cc: All counsel of record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - - x
STATE OF NEW YORK, et al., :
Plaintiffs, :
vs. : Civil Action No.
UNITED STATES DEPARTMENT OF : 1:18-cv-2921-JMF
COMMERCE, et al., :
Defendants. : Volume II
- - - - - - - - - - - - - - - - x

CONTINUED VIDEOTAPED 30(b)(6)DEPOSITION OF:
UNITED STATES CENSUS BUREAU GIVEN BY JOHN M. ABOWD

DATE: Friday, October 5, 2018
TIME: 9:05 a.m.
LOCATION: Arnold & Porter Kaye Scholer
601 Massachusetts Avenue, N.W.
Washington, D.C.
REPORTED BY: Denise M. Brunet, RPR
Reporter/Notary
Veritext Legal Solutions
1250 Eye Street, N.W., Suite 350
Washington, D.C. 20005

P R O C E E D I N G S

(Abowd Deposition Exhibit Numbers 24 and 25 were marked for identification.)

THE VIDEOGRAPHER: We're now on the record at 9:05 on October 5th, 2018. This is the continuation of the 30(b)(6) deposition of the Census Bureau, given by John Abowd, taken in the matter of the New York Immigration Coalition, et al., v. United States Department of Commerce, et al.

Our court reporter is Denise Brunet, camera operator is Nhat Pham, both on behalf of Veritext.

Attorneys present and attending remotely will be noted on the stenographic record. Will the court reporter please swear in the witness.

WHEREUPON,

JOHN M. ABOWD,

called as a witness, and having been sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR

that I might not agree with.

Q Let's turn to page 2 of the white paper, Bates COM_DIS09834. The last sentence of the abstract reads, "The evidence in this paper also suggests that adding a citizenship question to the 2020 census would lead to lower self-response rates in households potentially containing non-citizens, resulting in higher field work costs and a lower quality population count."

Did I read that accurately?

A Yes, you did.

Q Does the Census Bureau agree that the balance of evidence available suggests that adding a citizenship question to the 2020 census would lead to lower self-response rates in households potentially containing non-citizens?

A Yes.

Q Does the Census Bureau agree that the balance of evidence available suggests that adding a citizenship question to the 2020 census would lead to a lower quality population count?

A I have to define lower quality population

marked for identification.)
BY MR. HO:
Q I want to ask you about a document, Exhibit -- that has been marked as Exhibit 27, the title of which is, Proposed content test on citizenship question. This document sets forth a proposal for two different RCTs for the citizenship question on the census, correct?
A It's one RCT with two different precisions of estimation.
Q And the RCT, as proposed here, would have taken six weeks to collect the data, correct?
A Correct.
Q And the proposal was to initiate the RCT in either November of 2018 or February of 2019, correct?
A Correct.
Q In either case, the RCT could have been completed before census forms are due to be printed, correct?
A Correct.
Q The cost of this proposal, there are two

variations on it, but it ranges from 2 million for one option to 4.1 million for the other option, correct?

A Correct.

Q Does the Census Bureau have the money to conduct either option?

A Yes.

Q This proposal was rejected by a group of decision-makers, including Dr. Lamas, Dr. Jarmin and Under Secretary Karen Dunn Kelley, correct?

A That is what I testified, yes.

Q Is it your understanding that the proposal was rejected by a different decision-maker than those three people?

A I wasn't in the conversation. I'm reporting it based on a summary given to me by Dr. Jarmin and Lamas.

Q Is it the Census Bureau's understanding that these three individuals jointly made the decision to reject the RCT proposal?

A Yes.

Q What is the Census Bureau's understanding

of why this RCT proposal was rejected?

A I have, subsequent to my first 30(b)(6) testimony, learned that the motivation for this RCT was a congressional question asking us why, in the proposed census question, we used the form where, yes, born in the United States and, yes, born in Puerto Rico, Guam, the U.S. Virgin Islands or Northern Marianas were separate choices.

And primarily Enrique Lamas said that that's the form that's on the ACS, that's the form that's been tested, that's the only tested form we have, and at that point asked if we could do a content test to establish that some other tested form might also be usable.

And then -- I actually am not certain exactly how the decision not to make it was done. I think it's one of those decisions where time passed and no instruction was given to do it, and so it was not done.

But there was consultation. I wasn't in the consulting room so I don't want to characterize conversations that I never heard. We

actively decided not to do this, but I'm not exactly sure that someone said, don't do it, that explicitly.

Q Does the Census Bureau not know why the decision was made to reject the RCT proposal?

A The reason the decision was rejected was because the senior leadership, Jarmin and Lamas, decided that we wouldn't learn enough from this RCT to justify a content change in the specific citizenship question.

Q Why, in the Census Bureau's view, would you not learn enough from the RCT to shed light on the question of whether the citizenship question should be included or what form it should take?

A So the right way to think about that is against what opportunity cost. And the $4.4 million is not the opportunity cost that mattered. The opportunity cost that mattered is what the staff in decennial and the American Community Survey would have otherwise been doing while they were diverted to conducting this RCT. Our cost estimates do not include measures of

headquarters staff time devoted to the experiment.

So an active resource allocation decision was made that that staff time would be better spent doing the activities that it would be able to do if we didn't do this experiment.

Q If you had conducted the RCT, you would have had quantitative data on how the citizenship question would perform in the context of the decennial enumeration questionnaire in terms of response rates, correct?

MR. EHRLICH: Objection. Form.

THE WITNESS: Yes.

BY MR. HO:

Q And if the RCT like this had been performed, you would have had quantitative data on how well NRFU efforts could have addressed a decline in self-response resulting from the addition of the citizenship question in the census enumeration questionnaire, correct?

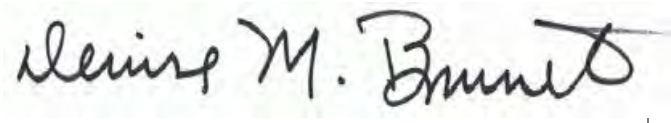
MR. EHRLICH: Objection. Form.

THE WITNESS: No.

BY MR. HO:

CERTIFICATE OF NOTARY PUBLIC

I, Denise M. Brunet, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to print by means of computer-assisted transcription by me to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to this litigation and have no interest, financial or otherwise, in the outcome of this matter.



_____

Denise M. Brunet
Notary Public in and for
The District of Columbia

My commission expires:
December 14, 2022

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2
- - - - - - - - - - - - - - - -x
3 NEW YORK IMMIGRATION :
COALITION, et al., :
4 :
Plaintiffs, :
5 : Case No.
v. :
6 : 1:18-CF-05025-JMF
UNITED STATES DEPARTMENT :
7 OF COMMERCE, et al., :
:
8 Defendants. :
- - - - - - - - - - - - - - - -x
9 Friday, October 12,2018
Washington, D.C.
10
11
12 Videotaped Deposition of:
13 JOHN M. ABOWD, Ph.D.,
14 called for oral examination by counsel for the
15 Plaintiffs, pursuant to notice, at the law offices of
16 Arnold & Porter Kaye Scholer, LLP, 601 Massachusetts
17 Avenue, Northwest, Washington, D.C. 20001-3743,
18 before Christina S. Hotsko, RPR, CRR, of Veritext
19 Legal Solutions, a Notary Public in and for the
20 District of Columbia, beginning at 9:06 a.m., when
21 were present on behalf of the respective parties:
22

Whereupon,

JOHN M. ABOWD, Ph.D.,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR

THE NEW YORK IMMIGRATION COALITION, ET AL.

BY MR. FREEDMAN:

Q. Good morning, Dr. Abowd.

A. Good morning.

Q. We've met before. I'm John Freedman from Arnold & Porter. If we could give you frequent testifying miles, I think you would have earned them by now.

You understand you're under oath?

A. Yes.

Q. And you've obviously been deposed a couple of times. Two basic ground rules. If you don't understand my question, will you tell me and I will try to rephrase?

A. Yes.

Q. And is there any reason you can't testify

from the design of the NRFU.

Q. Okay. Thank you.

A. Page 16. The single-sentence paragraph that begins, "Whatever method used, imputation further systematically disadvantages hard-to-count subpopulations, in particular, non-citizens and households containing non-citizens."

Q. You're up to number 5.

A. Number 5, yeah. I don't accept that there's been any quantitative evidence presented that that conclusion applies to count imputation.

Q. Is there any evidence, period? You said quantitative --

A. Well, I'll acknowledge that characteristic imputation has those problems.

Q. With regard to count imputation, is there any evidence, even qualitative evidence, that there's a difference?

A. Well -- yes, there's qualitative evidence, ethnographic case studies and other follow-ups that the Census Bureau and other demographers have conducted. I acknowledge that.

1 submitting the package to OMB?
2 A. So the last time we discussed it, there
3 would be an October submission. And that was the
4 first time I learned that it was only going to be
5 for the address canvassing. So I don't know the
6 answer to the planning for the questionnaire
7 itself.
8 Q. Okay. Is it safe to say it will be after
9 October?
10 A. Yes.
11 Q. Okay. And I just want to make sure I
12 understand the sequence of events that we were
13 discussing before the break.
14 So is it fair to say that in conjunction
15 with the work that the Census Bureau was doing to
16 evaluate the Justice Department's request, you did
17 analysis -- the SWOT team did analysis that, among
18 other things, showed that non-citizens were
19 providing an inaccurate response to the
20 citizenship question on the ACS 30 --
21 approximately 30 percent of the time?
22 A. There was a disagreement between the

survey response and the administrative record between 30 and 37 percent of the time. Yes.

Q. And that was something the Census Bureau had not been aware of prior to doing that -- that examination, correct?

A. That's correct.

Q. And as a result of that, when the next ACS content review takes place, there will be a review of the citizenship question and how it's performing on the ACS survey, correct?

A. I believe that's correct. What I was trying to explain is that there is a process change going on now inside the Census Bureau. It would certainly be a part of that content review. But we are attempting to develop internal standards for deciding how to tabulate -- and the citizenship question is going to come up first -- variables that we have reliable administrative data on that we have historically asked on surveys.

So that's -- that's not just about the American Community Survey. That's about the

information products that we produce that are related to --

Q. So there's generally a process going on to look at situations where there's a disagreement between administrative data and survey responses; is that what you just --

A. There's an ongoing large-scale effort at the Census Bureau and, in particular, inside the American Community Survey, to begin integrating administrative data into the products that come out of the American Community Survey on a much larger-scale basis. Most of the research over the last decade has focused on the income questions for, I think, a variety of very good reasons.

Because we have already produced this research for the citizenship question, it's now farther along in the process than it would have been otherwise. And it turns out to be a more straightforward analysis for a single question than it is for a battery of questions like the way we measure income.

Q. Is it fair to say, as part of this

content review, the Census Bureau may adjust, change, the wording of the citizenship question on the ACS instrument?

A. It's fair to say that the content review will entertain lots of possibilities for the citizenship question, including changing of wording.

Q. Is it fair to say that the -- as -- one possible result of this process is that the citizenship question could be removed from the ACS?

A. Yes.

Q. And what is the timing for when that review is supposed to be conducted?

A. So the formal review process, as described in the many documents that we've discussed in litigation, was scheduled to start in 2021. But that's -- on the American Community Survey's timetable, that means it's sitting on a plan for 2021. It doesn't mean that there's an appropriation that's already been -- that is when we are planning to start the next round of content

review.

Q. So one year after the 2020 census is conducted, the plan is to conduct the content review for the ACS, including the citizenship question?

A. To begin the content review. In fiscal '21.

Q. Okay. And I may have asked this earlier, in which case I apologize: Does the content review look at every question, or is it looking --

A. Yes.

Q. It's going to look at every question?

A. We've done two, and they did look at every question.

Q. Okay. Is there -- does the Census Bureau have a -- have a view as to whether the citizenship question is adequately performing on the ACS?

MS. WELLS: Object to the form.

THE WITNESS: I don't know how to answer that question.

(Conference call interruption.)

A. Yes.
Q. And it's fair to say that there's a -- there's a gap for the same hard-to-count populations who we would expect would have higher rates of -- I'm sorry, decreased rates of self-response and gaps in the administrative data that could be used to enumerate them, correct?
A. Yes.
Q. And also part of NRFU, and essentially the last stage, is imputation, correct?
A. Count imputation.
Q. Count imputation. So --
A. I think it's not technically considered part of NRFU, but that's how the final bits are resolved.
Q. So is it fair to say that certain of the planned NRFU procedures are sensitive to the same considerations that would drive decline in self-response due to the citizenship question?
A. Yes.
Q. Which components?
A. The components where the voluntary

cooperation of a member of the household is required.

Q. So that would include certainly enumerator interviews, correct?

A. Yes. Of the household.

Q. Of the household.

Would you say the willingness of individuals to provide proxy responses also depends on the individuals' willingness to cooperate with enumerators?

A. Probably. I'm not aware of a good assessment of that, but I'm willing to accept it as a reasonable hypothesis.

Q. For -- we've talked about administrative data. For imputations, is it fair to say that you would expect the accuracy of a whole-person imputation is going to depend on the number of people who voluntarily provide information to the Census Bureau?

A. The accuracy of the candidate records to do the whole-person census imputations will depend on the factor you just said.

imputation.

Q. Is it fair to say that hard-to-count populations are going to be imputed at a greater rate than the general population?

A. I'm pretty sure that's true. Yes.

MR. FREEDMAN: Can we go off a second?

VIDEO TECHNICIAN: We're going off the record. The time on the video is 5:21 p.m.

(A recess was taken.)

VIDEO TECHNICIAN: Back on the record. The time on the video is 5:25 p.m.

BY MR. FREEDMAN:

Q. Dr. Abowd, are you aware of analysis that shows that certain demographics, such as Hispanics, have a higher rate of count imputation than non-Hispanic whites?

A. I'm not aware of any. If it's in one of the G memos and I just haven't memorized it, then -- if it's in there, it's in there.

Q. Is it fair to say that hard-to-count populations are going to be count imputed at a higher rate than the general population?

A. So I haven't seen the quantitative evidence. My chain of reasoning is that they are more likely to spill all the way through the NRFU to count imputation, and so that wouldn't surprise me. But I haven't seen the quantitative evidence.

Q. Okay. Could the Census Bureau conduct such an analysis?

A. Well, the first thing I would do is comb the G memos again and see if it's in there. And then I'd go looking in the internal memos to see if it was in there.

But my guess is if it could be conducted on the 2010 census, it has been conducted. And so -- I don't know the answer. I think it's likely, especially if -- if the hard-to-count populations -- if by that you mean the ones that we designed the coverage measurement program to provide reliable national measurements of, my guess is that those numbers are either in there and I just don't remember them or could be produced.

Q. Hypothetically, let's say you have one

CERTIFICATE OF NOTARY PUBLIC

I, CHRISTINA S. HOTSKO, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to typewriting under my direction; that said statement is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this statement was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

CHRISTINA S. HOTSKO
Notary Public in and for the
District of Columbia

My commission expires:
November 14, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,

vs. Case No. 1:18-CF-05025-JMF

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

Defendants.

Washington, D.C.
Thursday, August 30, 2018

Deposition of:

EARL COMSTOCK

called for oral examination by counsel for Plaintiffs, pursuant to notice, at the office of Arnold & Porter, 601 Massachusetts Avenue NW, Washington, D.C., before KAREN LYNN JORGENSON, RPR, CSR, CCR of Capital Reporting Company, beginning at 9:08 a.m., when were present on behalf of the respective parties:

P R O C E E D I N G S

WHEREUPON,

VIDEOGRAPHER: Good morning. We are going on the record at 9:01 a.m. on Thursday, August 30, 2018. Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference. Please turn off all cell phones or place them away from the microphones, as that can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to going off the record.

This is Media Unit 1 of the video recorded deposition of Earl Comstock to be taken by counsel for the plaintiff in the matter of the New York Immigration Coalition, et al., v. The United States Department of Commerce, et al. This case is filed in the United States District Court for the Southern District of New York. This deposition is being held at the law office of Arnold & Porter located a 601 Massachusetts Avenue Northwest, Washington, D.C. 20001.

My name is Dan Reidy from the firm Veritext Legal Solutions, and I am the videographer. The court reporter is Karen Jorgenson from Veritext Legal Solutions.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome.

Also, counsel appearances will be noted on the stenographic report rather than orally at this time.

Will the court reporter please swear in the witness?

EARL COMSTOCK,

called as a witness, and having been first duly sworn, was examined and testified as follows:

THE WITNESS: I do.

EXAMINATION BY MR. COLANGELO:

Q Please state your name and work address.

A Earl Comstock, U.S. Department of Commerce.

Q And we met a minute ago, but for the

stakeholders?

A I take meetings when the Secretary can't, yes.

Q Do you ever take meetings independent of filling in for the Secretary?

A Yeah, on major policy issues I'm working on.

Q Did you meet with outside stakeholders on the citizenship question?

A No.

Q You didn't attend any meetings, including with the Secretary, on the citizenship question --

A I --

Q -- with outside stakeholders?

A With the outside stakeholders groups, no.

Q When did you first hear about the notion of adding a question about citizenship to the decennial census?

A Sometime in -- shortly after the confirmation.

Q And who did you hear it from?

A The Secretary.

Q And the Secretary was confirmed on February 28, 2017; is that right?

A I -- like I said, you'd have to confirm that date, but I think that was the date, yes.

Q And what did the Secretary tell you about the idea of adding a question on citizenship to the census during that first conversation shortly after his confirmation?

A Again, the exact time frame of the conversation, I can't tell you. It was sometime in that spring period. I don't recall the details. I think he simply inquired as to why don't we have a citizenship question on the census.

Q Okay. And what did you say to him when he inquired?

A Short answer, I don't know. I'll check.

Q Okay. And would that interaction be reflected in any documents?

A I don't -- I don't believe so, but it's possible it's in an email exchange.

MR. COLANGELO: Can we mark as Exhibit 1,

Q When's the last time you saw this document, Mr. Comstock?
A Yesterday.
Q And do you see the subject line of this email is your question on the census?
A Yep.
Q Okay. And Secretary Ross was confirmed on February 28th, I think we agreed; is that right?
A Like I said, if that's the date, yes.
Q Okay. So this would have been Secretary Ross's eleventh day on the job as Commerce Secretary, give or take?
A Approximately, yes.
Q And the subject line of this email is your question on the census?
A Right.
Q What was the Secretary's question on the census?
A He appeared to have asked whether undocumented people were counted in the census.
Q Okay. And how did he ask you that

Q And did you tell him why the Commerce Department wanted the Justice Department to make that request?

A Because that was our understanding of the process. They were the people that needed it for ACS, and our understanding was that it might be useful for them to have it at a more granule level, which would be needed -- you'd need to put it on the decennial census to do that.

Q So you were -- you told him that the Commerce Secretary wanted the question and wanted to know if DOJ would ask for the Census Bureau to add the question; is that right?

A Those are your words.

Q Well, I'm asking you to tell me yes or no.

A Well, if the question is yes or no, then the answer is no.

Q Okay. How would you put it in your words?

A In my words, what I told him was that we were exploring the possibility and wanting to know

A That's correct.
Q Counsel asked you about contact you made with the Department of Justice --
A Correct.
Q -- starting with a Ms. Haney [sic], I believe.
Do you recall that?
A Yes. I believe her name is Hankey, but --
Q Hankey. I apologize.
What was the full name? I can get it out if you don't know it offhand.
A Mary Blanche, but --
Q I'll find it in here.
A It's in one of these exhibits, the memo that I wrote. Here.
Q Mary Blanche --
A Yep.
Q -- Hankey; is that right?
A Yeah.
Q All right. So you went -- you called Mary Blanche Hankey --

* * * * *

CERTIFICATE OF REPORTER

I, KAREN LYNN JORGENSON, RPR, CSR, CCR the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that the said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Karen Lynn Jorgenson

_____

KAREN LYNN JORGENSON, RPR, CCR, CSR

Dated this 3rd day

of September , 2018.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - - - - - - - - - - - -x
NEW YORK IMMIGRATION :
COALITION, et al., :
:
Plaintiffs, :
: Case No.
v. :
: 1:18-CF-05025-JMF
UNITED STATES DEPARTMENT :
OF COMMERCE, et al., :
:
Defendants. :
- - - - - - - - - - - - - - - -x

Friday, October 16, 2018
Washington, D.C.

Videotaped Deposition of:
JOHN GORE,
called for oral examination by counsel for the Plaintiffs, pursuant to notice, at the law offices of Covington & Burling, LLP, One City Center, 850 Tenth Street, Northwest, Washington, D.C. 20001-4956, before Christina S. Hotsko, RPR, CRR, of Veritext Legal Solutions, a Notary Public in and for the District of Columbia, beginning at 9:05 a.m., when were present on behalf of the respective parties:

P R O C E E D I N G S

VIDEO TECHNICIAN: Good morning. We are going on the record at 9:05 a.m. on Friday, October 26th, 2018.

Please note that the microphones are sensitive and may pick up whispering, private conversations, and cellular interference. Please turn off all cell phones or place them away from the microphones, as they can interfere with the deposition audio.

Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit 1 of the video-recorded deposition of John Gore, taken by counsel for the plaintiff in the matter of the New York Immigration Coalition, et al. versus the United States Department of Commerce, et al.

This case is filed in the United States District Court for the Southern District of New York.

This deposition is being held at the law

offices of Covington & Burling, LLP, located at 850 Tenth Street, Northwest, Washington, D.C. 20001.

My name is Dan Reidy from the firm Veritext Legal Solutions, and I'm the videographer. The court reporter is Christina Hotsko from the firm Veritext Legal Solutions.

I am not authorized to administer an oath, I am not related to any party in this action, nor am I financially interested in the outcome.

Counsel and all present in the room will now state their appearances and affiliations for the record. If there are any objections to proceeding, please state them at the time of your appearance, beginning with the noticing attorney.

MR. HO: Detail Ho for the New York Immigration Coalition plaintiffs.

MR. TOPAZ: Jonathan Topaz for NYC plaintiffs.

MS. HULETT: Denise Hulett for Lupe plaintiffs.

MR. SPENCE: Dorian Spence for BAJI and the City of San Jose.

MS. ANDRIOLA: Eri Andriola for the Lupe plaintiffs.

MR. GREENBAUM: John Greenbaum from the City of San Jose and BAJI.

MS. THOMAS: Tina Thomas for the Kravitz plaintiffs.

MS. KOPPLIN: Rebecca Kopplin from the Department of Justice.

MS. LACOUR: Alice Lacour from the Department of Justice.

MR. SHUMATE: Brett Shumate from the Department of Justice.

MR. GARDNER: Josh Gardner for the Department of Justice on behalf of the defendants.

MR. SAINDOM: Andrew Saindom on behalf of the District of Columbia.

MS. NANNERY: And Valerie Nannery from the District of Columbia attorney general's office.

MR. DOREY: David Dorey from the

Department of Commerce.

MR. DEWHIRST: David Dewhirst from the Department of Commerce.

VIDEO TECHNICIAN: Will the court reporter please swear in the witness.

Whereupon,

JOHN GORE,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR

THE NEW YORK IMMIGRATION COALITION

BY MR. HO:

Q. Mr. Gore, have you been deposed before?

A. No.

Q. But you have been in depositions before, correct?

A. Yes.

Q. Roughly how many times have you attended a deposition?

A. Ten.

Q. You understand that you're under oath

Q. But you're aware, are you not, that the Census Bureau today does not know whether or not the margins of error associated with the CVAP data that it produces based on responses to the census questionnaire will have margins of error that are larger or smaller than the CVAP data currently used by the Department of Justice?

MR. GARDNER: Objection.

BY MR. HO:

Q. Right?

MR. GARDNER: Objection. Lack of foundation.

THE WITNESS: I am not aware of the Census Bureau's view on that issue.

BY MR. HO:

Q. Okay. So you didn't try to determine, before requesting a citizenship question on the census questionnaire, whether or not CVAP data derived from that citizenship question would, in fact, have smaller margins of error than the CVAP data currently relied on by the Department of Justice, correct?

A. Are you asking about me, personally? You used the word "you" in your question. I just want to understand who you're asking --

Q. The Department of Justice.

A. Ah. I'm not aware of what the Department of Justice may or may not have done.

Q. When did you become aware of the fact that, due to disclosure avoidance techniques, CVAP data derived from responses to the citizenship questionnaire would have margins of error associated with it?

A. Again, I have testified that I'm not aware of the causal relationship that you're talking about, so I'm not sure I ever have become aware of that because I don't know what those techniques are, I don't know how they relate to the citizenship question, and I don't know how the Census Bureau plans to deploy them and -- with respect to the 2020 census.

Q. So you've -- and when I say "you," the Department of Justice -- hasn't reached out to the Census Bureau to try to understand the causal

relationship, as you put it, between disclosure avoidance and margins of error associated with CVAP data collected from the 2020 census questionnaire, correct?

MR. GARDNER: Objection. Lack of foundation.

THE WITNESS: I'm not aware of what everyone in the Department of Justice may or may not have done.

BY MR. HO:

Q. You're not aware of any such communications between the Department of Justice and the Census Bureau about whether or not, due to disclosure avoidance techniques, the CVAP data produced from responses to the decennial census questionnaire, would, in fact, have smaller margins of error than the CVAP data currently relied on by the Department of Justice, correct?

A. I don't believe I'm aware of any such communication.

Q. Okay. The Gary letter, when it describes decennial census data as a full count of a

A. Right.

Q. You had a conversation with Arthur Gary sometime before the January 16th e-mail about -- that -- and you discussed during that -- let me start this again.

A. Okay.

Q. You had a conversation with Arthur Gary sometime before the January 16th e-mail.

A. Right.

Q. And during that conversation you discussed the fact that the Census Bureau had an alternative idea for producing block-level CVAP data, correct?

A. Not in so many words. As I said before, I think what Art Gary told me is that he had heard from the Census Bureau and they had an idea for an alternate way to produce the data and wanted to meet about it.

Q. Okay.

A. And that was about the extent of my understanding of it at the time. And that's what I would have conveyed to other people.

Q. And at some point after that, you had a conversation about this proposal with the attorney general, correct?

A. I don't know if it was so much about the proposal, because I wasn't up on what the specifics of the proposal were. I think we had a -- we may have had a conversation related to this issue of Census Bureau wanting to meet.

Q. You didn't ask Arthur Gary for the specifics of the proposal from the Census Bureau?

A. No, I don't believe I did.

Q. You didn't ask Arthur Gary to get more information about the specifics of the proposal from the Census Bureau to get higher quality CVAP data at lower cost?

A. I don't recall asking him that and I don't recall him conveying that to me that that was a representation that the Census Bureau had made.

Q. Okay. You at some point had a conversation with the Attorney General about this. Was that in person or by phone?

that --

MR. GARDNER: Decision as to whether to pursue that proposal.

MR. HO: Okay. That's what I just wanted to clarify because --

MR. GARDNER: Yeah. Okay.

MR. HO: -- it wasn't clear to me.

MR. GARDNER: Sorry. I thought that was clear. I apologize. Yeah, that's the decision.

BY MR. HO:

Q. Okay. So the conversation with the attorney general included a discussion about whether or not to pursue the Census Bureau's proposal to produce block-level CVAP data for DOJ for VRA enforcement purposes without including a citizenship question, correct?

A. That is correct. And just to clarify, I wasn't familiar with all the particulars of their proposal.

Q. That's fine.

The decision was made not to pursue the Census Bureau's alternative proposal for producing

block-level CVAP data for purposes of VRA enforcement through a means other than including a citizenship question on the census, correct?

A. That is correct.

Q. Who made that decision?

A. The attorney general.

Q. When was that decision made?

A. Around this time. I don't know exactly when it was made. I can't remember the specific date.

Q. When you say "around this time," you mean around January of 2018, correct?

A. That is correct.

Q. Are the reasons for that decision memorialized anywhere?

A. Not to my knowledge.

Q. Were those reasons ever communicated to you?

A. Yes.

Q. What were those reasons?

MR. GARDNER: Objection. Calls for information subject to deliberative process

the second sentence.

Before the red-line, that sentence appears to read, "As you noted, the department sent a letter to the Census Bureau asking that the Census Bureau reinstate a question regarding citizenship on the 2020 census questionnaire in an effort to obtain accurate data needed to protect against racial discrimination in voting."

Does that appear correct to you?

A. That appears to be correct, yes.

Q. It was revised to read, "As you noted, the department sent a letter to the Census Bureau asking the Census Bureau -- asking that the Census Bureau reinstate a question regarding citizenship on the 2020 census questionnaire in an effort to obtain the most accurate data to protect against racial discrimination in voting" with the word "needed" struck out, correct?

A. That appears to be correct.

Q. Okay. The comment bubble reads, "This edit is designed conform to the original JMD letter, which did not say the data was necessary,

1 but did indicate it would assist our enforcement
2 efforts. John's note to CIV specifically noted
3 that the letter did not say the data
4 was 'necessary,' and I think we should avoid that
5 term."
6 Did I read that right?
7 A. Yes, you did.
8 Q. Okay. So is it correct, as this comment
9 notes, that the December 12 letter requesting a
10 citizenship question be added to the census did
11 not say that it was necessary to collect CVAP data
12 through the census questionnaire for VRA
13 enforcement?
14 A. That is correct.
15 Q. And as the comment bubble indicates, you,
16 Mr. Gore, have at some point specifically noted
17 that the letter did not use the word "necessary"
18 with respect to collecting CVAP data through the
19 census questionnaire, correct?
20 A. That is what the comment says. Correct.
21 Q. And you -- my question was, you,
22 yourself, have specifically noted that the

December 12 letter, the Gary letter, did not use the word "necessary" with respect to the inclusion of a citizenship question on the 2020 census, correct?

A. Yes, I have just noted that in my testimony. I will say I don't know -- I have no recollection of what this comment is referring to.

Q. You agree, right, Mr. Gore, that CVAP data collected through the census questionnaire is not necessary for DOJ's VRA enforcement efforts?

A. I do agree with that. Yes.

Q. I'm going to show you another document. We'll mark this as 26 and 27.

(Gore Deposition Exhibits 26 and 27 marked for identification and attached to the transcript.)

BY MR. HO:

Q. 26 is an e-mail from Mr. Aguinaga to you dated June 12th, 2018, correct?

A. Yes, it is.

Q. And the subject is, QFR responses, correct?

Gary letter, because that's not what it says.

Q. Does the Gary letter say that citizenship data provided from decennial census questionnaires is critical to Section 2 enforcement?

A. I think the Gary letter speaks for itself, and I think there's no dispute that citizenship data is crucial -- accurate citizenship data is crucial to carrying out the Department of Justice's Section 2 enforcement mission.

Q. Do you -- are you of the view that that citizenship data needs to be taken from decennial census questionnaires?

A. And by "you," are you referring to the Department of Justice or me personally?

Q. I'm referring to you, personally.

A. No.

Q. Okay. All right. And then is there anything else in the Karlan report that you would characterize as inaccurate?

A. There are a couple of things that come to mind. Again, if I had time to read it all, I

CERTIFICATE OF NOTARY PUBLIC

I, CHRISTINA S. HOTSKO, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotypy and thereafter reduced to typewriting under my direction; that said statement is a true record of the proceedings; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this statement was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

CHRISTINA S. HOTSKO
Notary Public in and for the
District of Columbia

My commission expires:
November 14, 2021

In the Matter Of:

STATE OF CALIFORNIA vs WILBUR L. ROSS, J.R.

3:18-cv-01865

STUART GURREA, PH.D.

October 24, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, by and through Attorney General Xavier Becerra,

Plaintiff,

vs. Case No. 3:18-cv-01865

WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; et al.,

Defendants.

CITY of SAN JOSE, a municipal corporation; et al.,

Plaintiffs,

vs. Case No. 5:18-cv-02279

WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; et al.,

Defendants.

VIDEO DEPOSITION OF STUART D. GURREA, PhD

October 24, 2018

10:06 a.m.

101 Mission Street, Suite 1000

San Francisco, California

Reported by: QUYEN N. DO, CSR No. 12447

SAN FRANCISCO, CALIFORNIA;
WEDNESDAY, OCTOBER 24, 2018, 10:06 A.M.

--oOo--

THE VIDEOGRAPHER: Good morning. We're on the video record on October 24th, 2018, and the time is 10:06. My name is Keigo Painter. I'm the legal videographer, and the court reporter today is Quyen Do. We're both here, representing Esquire Deposition Solutions in San Francisco, California. This is the beginning of Disk 1 for the deposition of Stuart Gurrea in the matter of State of California, et al., vs. Wilbur L. Ross, Jr., et al. Case number is 3:18-cv-01865, also 3:18-cv-02279. This also has different case numbers. We're located today at 101 Mission Street, Suite 1000, San Francisco, California 94105.

Counsel, would you please identify yourself for the record.

MS. BOUTIN: Yes. Gabrielle Boutin. I am appearing on behalf of Plaintiff, State of California.

MR. WISE: Matthew Wise, also appearing on behalf of the State of California.

MR. CARDONA: Mario Cardona, appearing on behalf of the City of San Jose and the Black Alliance for Just Immigration.

MR. DUKE: Benjamin Duke for the Kravitz Plaintiffs.

MS. SENTENO: Andrea Senteno for the Plaintiff, La Union del Pueblo Entero, et al.

MS. FEDERIGHI: Carol Federighi for Defendants.

THE REPORTER: Counsel on the phone?

MR. HOLTZMAN: This is David Holtzman of Holland & Knight, for the County of Los Angeles.

THE VIDEOGRAPHER: The court reporter may swear in the witness.

--oOo--

STUART D. GURREA, PhD,
having been first duly sworn, was examined and testified as follows:

THE VIDEOGRAPHER: Please begin.

EXAMINATION

BY MS. BOUTIN:

Q Good morning, Dr. Gurrea.

A Yes. So, many of the quantitative methods that I have seen political scientists use, for example, in this case --

Q Okay.

A -- overlap with the tools that economists use.

Q Okay. Do you have expertise in analyzing data from the U.S. Census Bureau?

A Yes.

Q How many -- for how many matters have you done that before?

A Okay, so I don't know.

Q More than five?

A Yes.

Q Okay. Are you an expert in the manner in which the Census Bureau conducts the decennial census?

A No.

Q Are you -- do you -- are you an expert in analyzing Census Bureau data? I might have already said that. Yeah, I already said that. Never mind.

Are you an expert in congressional apportionment?

A What -- what is -- I'm not sure what area of expertise is that.

BY MS. BOUTIN:
Q Okay. So I'll ask my next question.
A Okay.
Q Do you have any opinions about any variation in nonresponse rate, as a result of the citizenship question, across either -- either geographic areas or demographic groups?
A So I haven't formed any independent opinions on that issue. I'm familiar with what I have read in this -- as part of my preparation for this report.
Q Okay. And what -- can you think of any articles in particular that have related to the subjects that you've reviewed?
A No.
Q Okay. Do you have any opinions on how effective the Census Bureau's nonresponse follow-up efforts are likely to be for the 2020 census?
MS. FEDERIGHI: Objection. Vague.
THE WITNESS: No.
BY MS. BOUTIN:
Q Okay. And this is a little -- little bit related to the last one. Do you have any opinions on how effective the Census Bureau's nonresponse follow-up efforts -- and I'm going to -- I'm going

to call that NRFU (you may have seen that acronym before) -- how effective NRFU is likely to be for the 2020 census as compared to the 2010 census?

A No, I'm not offering an opinion on that.

Q And, again, this is -- I'll try and formulate this similarly as I did for self-response. Do you have any opinions regarding any variation in NRFU effectiveness across different geographic areas or demographic groups?

MS. FEDERIGHI: Objection. Vague and lack of foundation.

MS. BOUTIN: Trying to speed this along.

THE WITNESS: Beyond what I've read --

MS. BOUTIN: Okay.

THE WITNESS: -- I don't.

BY MS. BOUTIN:

Q Okay, so, during the course of this case, our -- our understanding has been that there are two different -- at least two different types of imputation: account imputation, which relates to imputing the number of people in a household, and characteristic imputation, which is when you impute someone's demographic information.

So, during this deposition, unless I specify otherwise, I mean count imputation which

Could there be a full enumeration and yet also effects on congressional seats apportionment or distribution of federal assistance programs?

A If everybody is -- is counted, no. If simply there's errors in one direction and another that -- that offset each other and result in a -- a -- a -- a total that doesn't change, then that is possible.

Q Okay, paragraph 54, you state in the second -- you state that "Defendants asked me to recalculate Plaintiffs' predictions assuming NRFU would have the same success rate as it had in the 2010 census: 98.58 percent ('Historical NRFU-Rate Scenario')."

And you cite, for that, a memorandum from John Abowd and David Brown, September 28th, 2018.

Other than that memorandum, is there any other basis that you're aware of for the 98.58 percent Historical NRFU-Rate Scenario?

A No.

Q Did you read the September 28th Abowd and Brown memo?

A Yes.

Q Did you agree with its analysis?

A I didn't assess the -- the validity of the

analysis.
Q Okay. Is it fair to say that you took the number that was provided with you and just applied it to the data that you were working with?
A Yeah. That's my assignment.
Q Okay. Since -- since, I believe, you stated earlier that you have not spoken about this -- these cases with anyone at the Census Bureau, is it fair to say you did not discuss the Historical NRFU-Rate Scenario with anyone at the Census Bureau?
A That's correct.
Q Okay. Did you communicate about it in any other way with the Census Bureau other than --
A No.
Q -- through the memo?
A Just -- other than through the memo, I -- I mean, I -- I guess, yeah, I -- I -- I wasn't communicating. I'm -- I did receive it. I guess it is a communication.
Q Okay.
A Yes, no --
Q Okay.
A -- nothing else.
Q Okay. Are you aware whether the memo was

CERTIFICATE OF REPORTER

I, Quyen N. Do, CSR No. 12447, a Certified Shorthand Reporter, hereby certify that the witness in the foregoing deposition was, by me, duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken down in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [ ] was [x] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: November 2, 2018

Quyen N. Do
CSR No. 12447

In the Matter Of:

STATE OF NEW YORK vs STATES DEPARTMENT

18-cv-2921 (JMF)

HERMANN HABERMANN

October 12, 2018

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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, ET AL. |
Plaintiffs, |
-v- | No. 18-cv-2921 (JMF)
STATES DEPARTMENT |
OF COMMERCE, ET AL. |
Defendants |

Deposition of Hermann Habermann

Washington, DC

Friday, October 12, 2018

9:00 a.m.

Job No: J2949504

Pages: 1-57

Reported by: Kenneth Norris

P R O C E E D I N G S

Whereupon,

Hermann Habermann,

a witness of lawful age, after being duly sworn to tell the truth, the whole truth and nothing but the truth, testified as follows:

EXAMINATION:

BY MR. EHRLICH:

Q. Could you state your name for the record, please?

A. Hermann Habermann.

Q. And that's with four N's across both names, correct?

A. Yes, four N's.

Q. And you understand that you're under oath to tell the truth today?

A. Yes, sir.

Q. Are you represented by counsel here?

A. I am.

Q. Have you ever had your deposition taken before?

census questionnaire?

A. I restricted my opinion to the citizenship question in my report.

Q. Got it.

A. And I gave the reasons in my report why I believe the context of the Decennial was sufficiently different from the context of the ACS, that one should have tested the citizenship question in order to understand its impact on the Decennial Census.

Q. So it's your opinion that the citizenship question on the 2020 census should be tested in that context before it's used in the 2020 census?

MR. SAINI: Objection, form.

THE WITNESS: I'm sorry, I'm having -- could you put that a little differently?

BY MR. EHRLICH:

Q. Sure.

So, is it your opinion that the citizenship question itself needs further testing?

A. Yes.

Q. Can you describe what further testing the

citizenship question should have?

A. It needs testing in the context of its intended use in the Decennial Census.

If it's on the Decennial Census, one should go back and review the admittedly anecdotal information provided by the Center for social amendment about their doubts of how the world has changed and what would happen to the citizenship question.

It should be tested with respect to the points about the directors and their view.

With respect to different testing to understand about how do people understand the wording now. And particularly it should be tested with respect to outreach. What will happen with respect to outreach? What do we think the impact will be and how could this effect the outreach programs of the Decennial Census?

These are all things that one could learn from testing of the citizenship question.

Q. And what type of testing would you envision

for those items?

A. I think that there would be several forms, there would be focus groups. Particularly there would be some focus groups to try to understand better how different groups would do with respect to understanding what the cognitive impact would be, how one might want to therefore impact the outreach programs.

I'd also point out that the Census Bureau has more expertise in actual testing to handle that question.

Q. Do you think the Census Bureau has that expertise to issue quality standards that conform to what you would view as appropriate standards in surveys?

MR. SAINI: Objection, form.

THE WITNESS: I have enormous respect for the Census Bureau having worked there and knowing the people.

I believe they have the ability to take the OMB standards and turn them into Census Bureau

REPORTER'S CERTIFICATE

District of Columbia

County of Washington, to wit:

I, KENNETH NORRIS, a Notary Public of the District of Columbia, County of Washington, do hereby certify that the within named witness personally appeared before me at the time and place herein set out, and after having been duly sworn by me, according to law, was examined.

I further certify that the examination was recorded stenographically by me and this transcript is a true record of the proceedings.

I further certify that I am not of counsel to any of the parties, nor in any way interested in the outcome of this action.

As witness my hand and notarial seal this 12th day of October 2018.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,
vs. Case No. 1:18-CF-05025-JMF
UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,
Defendants.

Washington, D.C.
Tuesday, August 28, 2018
Deposition of:
KAREN DUNN KELLEY
called for oral examination by counsel for Plaintiffs, pursuant to notice, at the office of Arnold & Porter, 601 Massachusetts Avenue NW, Washington, D.C., before KAREN LYNN JORGENSON, RPR, CSR, CCR of Capital Reporting Company, beginning at 9:04 a.m., when were present on behalf of the respective parties:
Veritext Legal Solutions
Mid-Atlantic Region
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

P R O C E E D I N G S

WHEREUPON,

VIDEOGRAPHER: Good morning. We are going on the record at 9:04 a.m. on Tuesday, August 28, 2018. Please note that the microphones are sensitive and may pick up whispering, private conversations and cellular interference. Please turn off all cell phones and place them away from the microphones, as they can interfere with the deposition audio. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the deposition of Karen Dunn Kelley taken by counsel for the plaintiff in the matter of New York Immigration Coalition, et al., versus U.S. Department of Commerce, et al. This case is filed in the U.S. District Court for Southern District of New York. This deposition is held at the law offices of Arnold & Porter located at 601 Massachusetts Avenue Northwest, Washington, D.C. 20001.

My name is Dan Reidy from the firm

Veritext Legal Solutions, and I'm the videographer. The court reporter is Karen Jorgenson from the firm Veritext Legal Solutions.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome. Also, counsels' appearances will be noted on the stenographic record rather than orally at this time.

Will the court reporter please swear in the witness?

KAREN DUNN KELLEY,

called as a witness, and having been first duly sworn, was examined and testified as follows:

THE WITNESS: Yes, I do.

EXAMINATION BY MR. GROSSI:

Q Good morning, Secretary Kelley. We met briefly in the hall. But for the record, my name is Peter Grossi, and I'm an attorney here with Arnold & Porter. And I'm going to be leading off this morning. We represent the plaintiffs, the

BY MR. GROSSI:

Q Were you relying on the experts in the Census Bureau?

A I was not relying on anything, but I rely heavily on the experts at the Census Department for many things. But in terms of your question, was I relying on it for the citizenship question? That preassumes that I'm answering the question -- I'm making the decision, and I was not making the decision.

Q Other than Secretary Ross, as the Secretary, and the people in the Census Bureau, as the experts, who else decided who else made recommendations concerning whether or not there should be a citizenship question?

A In October -- in December, when this came, that the question needed to be evaluated and a discussion about whether the question would be on the 2020 -- 2020 form of questions going to Congress in March of '18, I spoke to the senior people at the Census, the senior team. And I said, we have this letter. We need to now give

the Secretary all the information. He needs to make this decision. And there are pieces of it, and what is your recommendation? And when we spoke to them, we said at the top of the house, there needed to be a legal review. There needed to be a technical/operational review and a policy position. Those were the three major things that needed to take place.

Obviously, the legal review being done by the legal department. The Census handling the technical and operational -- technical or operational, whatever term you prefer, review, and the combination of those plus auxiliary information that would be provided would create the ability for the Secretary to make a policy position on that.

Q And that was something you did in December of 2017, after you received a letter from the Department of Justice; is that right?

A All of those things?

Q Yes.

A What we did in December and at -- what we

did in December is came up with a strategy on how to -- how to work through this process, working very much with Census, because I went to them and said, have we done this before -- you know, you always go back, have we done this before, how do you do it, what do we think about it? And, of course, the answer is no, this really -- there was not precedence on it.

And that's where we said, okay, at the top of the house has to have a legal review, a technical/operational review and then that leads to a policy decision or policy review.

And so we then said okay, if, in fact, the question needs to be to Congress, by law, on March 31st, which -- and not that I want you to think I'm a walking calendar, because I've already made mistakes -- but March 31st was the date that it has to legally be there, that happened to be Good Friday. So for courtesy, you would bring it to them on the Thursday. So we sort of walked back and said, what are we going to do over the next months?

Q Did you ever say to Dr. Jarmin, why didn't you include, Mr. X, Ms. X?

MR. GARDNER: Objection. Form.

THE WITNESS: Dr. Jarmin is an -- is the direct- -- is the acting director of the Census. I did not question him. I asked him if he would put together the team he wanted to put together.

BY MR. GROSSI:

Q Okay. Let me ask you this: Are you satisfied that he did a good job selecting the right people and coming up with a competent assessment, or not?

A The Census did the very best job they could on this.

Q Now, it goes on on the next page, 5474, again, to say with respect to Alternative B, quote, it would lower -- I'm sorry -- it would result in lower quality enumeration date, unquote.

Do you remember that being the view of the Census experts as of early January 2018?

A At this point in the decision, that was their assessment.

Q Did they ever change that assessment, which is specifically that adding the citizenship question would result in lower quality enumeration data?

A I do not believe so.

Q And then it goes on to say, that they also estimate that asking the citizenship question, quote, would result in 154,000 fewer -- and they emphasize that word -- enumerations. This is also a lower bound estimate on the loss of accuracy, unquote.

Let's take them in pieces. Did -- have the Census Bureau experts ever changed their opinion that asking the citizenship question would result in 154,000 fewer correct enumerations?

MR. GARDNER: Objection. Lack of foundation.

THE WITNESS: Conceptually, I -- they have not, but this has evolved, and the numbers have evolved. And I don't want to get caught saying absolutely that number did not change over three months and a whole lot of work, so please

1 don't put me in that box.
2 BY MR. GROSSI:
3 Q Okay. We'll look at this. I don't mean
4 to do that. We'll look at the subsequent ones.
5 Do you also remember that when they made
6 these estimates, they were emphasizing that this
7 was the lower bound, which is to say it could have
8 been worse?
9 A It says it right there. This is the
10 lower bound estimate.
11 Q And they've never changed their view
12 about that, have they?
13 MR. GARDNER: Objection. Lack of
14 foundation.
15 BY MR. GROSSI:
16 Q To your knowledge, as the person who
17 supervised their work, they never changed that to
18 you, correct?
19 A Not to my knowledge.
20 Q Okay. Now, let's go to the last page,
21 two points here. At the very beginning, it says,
22 "Alternative C delivers higher quality data for

Alternative B for DOJ's stated uses," unquote.

Now, let's just change the nomenclature. Alternative C was a program of using administrative data and not asking the citizenship question, correct?

A Correct.

Q Alternative B --

THE WITNESS: Correct. I said correct, everybody.

BY MR. GROSSI:

Q Alternative B was asking the citizenship question, correct?

A Correct.

Q So it was the view of the Census experts that as between the two, using this administrative data without a citizenship question or asking the citizenship question, it would be preferable in terms of getting quality data for DOJ's stated uses to go with the administrative data, correct?

MR. GARDNER: Objection. Mischaracterizes the document.

BY MR. GROSSI:

Q That's how you understood it, right?
A Please repeat your question, sir.
Q Yeah.
A You -- you -- you --
Q Fair enough.
A You're jumbling it. And I will accept this document as it is written here.
Q Okay. I just want to be clear, because we're getting Alternative C and B here.
What they were telling you --
A And A.
Q And A, too.
But what they were telling you here was that as between --
A At this junction in time --
Q Right.
A -- when they wrote this memo --
Q They thought it would be better to use administrative data and not ask the citizenship question from the standpoint of the Department of Justice quality data, correct?
A It says right here, "Alternative C even

better meets DOJ's stated use."

Q Than Alternative B, right?

And they've never changed their view on that either, have they?

MR. GARDNER: Objection. Lack of foundation.

THE WITNESS: Not to my knowledge.

BY MR. GROSSI:

Q Okay. And then it comes down to the recommendation, and they say Alternative A isn't costly and doesn't harm the count, but then referring specifically to the idea of adding or not, it says, "Alternative B better addresses the DOJ's stated uses. However, it is very costly and does harm the quality of the census count by increasing erroneous enumerations," and then as you just said a moment ago, they also said, "Alternative C even better meets DOJ's stated uses."

Let me take each little piece, all right. As the Census -- have the Census experts ever changed their view that Alternative B is very

costly?

MR. GARDNER: Objection. Lack of foundation.

THE WITNESS: Not to my knowledge.

BY MR. GROSSI:

Q Have they ever changed their view that Alternative B, adding the question, harms the quality of the census count by increasing erroneous enumerations?

MR. GARDNER: Same objection.

THE WITNESS: Not to my knowledge.

BY MR. GROSSI:

Q Have they ever changed their view that Alternative C, using administrative data without a question, even better meets DOJ's stated uses?

MR. GARDNER: Same objection.

THE WITNESS: Not to my knowledge.

BY MR. GROSSI:

Q Have they ever changed their view that Alternative C, administrative data, is comparatively far less costly than Alternative B?

MR. GARDNER: Same objection.

THE WITNESS: Not to my knowledge.
BY MR. GROSSI:
Q And then they say, "For these reasons, we recommend Alternative C, using administrative records without the citizenship question for meeting the Department of Justice's data request."
Have they ever changed their final recommendation to use administrative data without a citizenship question additional rather than adding such a question? Have they ever changed their recommendation in that respect?
MR. GARDNER: No objection.
THE WITNESS: Not to my knowledge.
BY MR. GROSSI:
Q Okay.
MR. GARDNER: Tell you what, we've been going a long time. Why don't we go off the record and grab lunch?
MR. GROSSI: I think this is a good time. I agree.
VIDEOGRAPHER: This concludes Media Unit Number 3. Time on the video is 12:34 p.m. We are

that you forwarded to Secretary Ross states, quote, we recommend either Alternative A or Alternative C, correct?

A Says right there in the memo.

Q So they were not recommending adding a question?

A They were recommending A or C.

Q Correct. Neither of which added the citizenship question, correct?

A Correct.

Q And they then go on to explain that in their view, quote, Alternative C best meets DOJ's stated uses, is comparatively far less costly than Alternative B, does not increase response burden, and does not harm the quality of the census count.

Do you see that?

A Yes, I do.

Q At no time have the experts in the Census recanted or changed their view on any of those four propositions with respect to Alternative C, correct?

MR. GARDNER: Objection. Lack of

foundation. Calls for speculation.

THE WITNESS: I can't speak to what all the people of the Census who participated in putting this memo together, I can't speak to that. I can agree with what you're saying on the page.

BY MR. GROSSI:

Q What I'm asking you is: You're not aware of anybody -- anybody at the Census Bureau coming to you or writing you and saying I disagree with any of those four facts, correct?

A Correct. And your four facts are --

Q We can take them one at a time. C best meets the DOJ's stated uses: That was their position then and it's their position now, correct?

MR. GARDNER: Objection. Calls for speculation. Lack of foundation.

BY MR. GROSSI:

Q I mean, in terms of lack of foundation, these people do work under your supervision, correct?

A That is what they wrote in the letter. I

1 don't know every single person at the Census -- I
2 don't want to get caught up in that situation.
3 Q But they --
4 A But they have written that here in this
5 memo, and I agree that that's what they wrote
6 here.
7 Q And you also agree that from your own
8 knowledge of dealing with these people on this
9 issue and otherwise, you've never heard anybody
10 from Census saying that it was wrong that
11 Alternative C best meets DOJ's stated uses?
12 A Not to my knowledge.
13 Q And the same with no one ever said to you
14 that it was wrong that Alternative C is
15 comparatively far less costly than Alternative B?
16 A Not to my knowledge.
17 Q And Alternative C does increase the
18 response burden: They never changed their mind
19 about that as far as you know, correct?
20 A Not to my knowledge.
21 Q And Alternative C does not harm the
22 quality of the census count: You have no reason

to think that's not their view today, correct?

MR. GARDNER: Objection. Calls for speculation. Lack of foundation.

THE WITNESS: Not to my -- not to my knowledge.

BY MR. GROSSI:

Q Now, let's talk about Alternative B, which is adding the question. And the Census experts said that, in their view, Alternative B is very costly.

Are you aware of anybody at the Census Bureau who has said that that is not true in their view?

A It is costly if they are -- their conclusions are correct.

Q Okay.

A It is more costly if their conclusions are correct.

Q And they've never suggested, as best they understand it and believe, that their conclusions in this memo are incorrect, they've never said that?

A Not to my knowledge.
Q They've also said that adding the question would harm the quality of the census count, correct --
A That is what they said.
Q -- they said that?
And you're not aware of any place where they've changed their minds since this memo was written?
A Not to my knowledge.
Q And then they finish off Alternative B by saying that it would use substantially less accurate citizenship status data that are available from the administrative sources.
Do you see that?
A I do.
Q And you understood that was their view.
And as far as you know, that's still their view today?
A Not to my knowledge. It did not change.
Q Now, I'm going to go into the specifics on the next page a little bit more, but let me

(Plaintiffs' Exhibit 27, March 1, 2018 memorandum, was marked.)

BY MR. GROSSI:

Q I'm sorry. Five pages before the questions begin, up through 9816.

Okay. Okay. On this exhibit, is it the same type of format at the beginning that shows that the views of Dr. Abowd and then Director Jarmin, Assistant Director Lamas, and then you, you were sending this up to Secretary Ross, correct?

MR. GARDNER: Objection. Mischaracterizes the document.

BY MR. GROSSI:

Q Let me ask, you sent this document to Secretary Ross, correct?

A It went from -- through Dr. Abowd, Dr. Lamas, Dr. Jarmin to the Secretary.

Q And according to Dr. Jarmin, you had reviewed this memorandum before it was sent to Secretary Ross. Is that your recollection, also?

A Yes.

Q And what's going on here on March 1, 2018 is that by now, someone has come up with the idea of an Alternative D, which would, in a sense, combine the old Alternatives B and C, in that a census -- the census would contain a citizenship question, but in addition, they would use the administrative data to link up to answer needs of Department of Justice and other people, correct?

A Correct.

Q Who came up with that Alternative D first?

A I honestly do not remember. I'll tell you we were in a meeting. We were talking about all the different facts. And, again, it was an iterative, evolving process, as I said. The questions were being reviewed. We were talk- -- and -- and somebody said, why don't we look at the combination of B and C and see what that would do.

Because one of the things that we determined as we looked at it, that there was no baseline. So you really didn't have a baseline.

So if you did this, you would create that baseline and then the administrative records, which -- which we are going to be using much more in the census than in other censuses prior, we could then have a baseline in to which use -- use that going forward.

Q D wasn't proposed by anybody at the Census Bureau, correct? It was someone else, right?

MR. GARDNER: Objection to form.

THE WITNESS: I -- yeah. You're asking me who proposed the question. I don't remember who was sitting around -- we were sitting around a table, in a group. I remember discussing the baseline, and the Census Bureau clearly agreed that there was a lack of issue -- there was a lack of a baseline, and that this would -- that that was, as well as others, a -- a flaw, if you will, in Option C. And I don't know who said it.

It was one of those things where -- and, again, I don't want to sound simpleton, but, you know, when a whole group of people are sitting in

a room and trying to work through a problem the best they can, and these people are throwing out suggestions, what about this, what about this, what about this question and then it came up.

BY MR. GROSSI:

Q Then it was decided that the experts in the Census Bureau would analyze that in detail, correct?

A Absolutely. Yes.

Q And that's the product --

A The product that --

Q -- that's here?

A That product --

Q And what they concluded on Page 9816 -- and I'm not going to go through all the reasons they set forth -- is they say in their last paragraph, "In sum, Alternative D would result in poor quality citizenship data than does Alternative C" -- the old Alternative C. They concluded that, correct?

A Yes. It says that right on Page 9816.

Q And they've never taken that back,

correct?

MR. GARDNER: Objection. No foundation. Calls for speculation.

THE WITNESS: I -- not that I -- not that I know of.

BY MR. GROSSI:

Q They further say that, "Alternative D would have all the negative cost and quality implications of Alternative B outlined in the draft January 19th memo to the Department of Commerce."

Correct?

A Correct.

Q So Alternative D was not going to solve any of those problems in adding the census -- citizenship question, correct, according to the experts at the Census?

A Certainly from Dr. Abowd's comments here. But it -- it did not still -- and we discussed it at length, addressed the baseline situation.

Q There were no subsequent memoranda like this from the Census Bureau up the chain to

Secretary Ross concerning this issue of whether or not to add a citizenship question, correct?

MR. GARDNER: Objection. Form.

THE WITNESS: Okay. And I want to be very clear on this, and I want people to understand what I'm saying.

When we discussed this memo -- and I think many people, not all, would say this is reasonably complicated -- we tried to look at what was a schematic that we could make this easier to understand, and, therefore, later, a schematic was produced that was -- I don't want to say added to this -- but complimented this. So I don't want to say nothing -- you're saying to me, was anything created from this document? I don't want to play -- I don't want to get in a nomenclature issue with you. I want to be very honest with this group that, yes, there was a schematic that was produced to help understand what this looked like.

BY MR. GROSSI:

Q And I appreciate the answer.

The schematic addition or iteration did not change the conclusion that we just talked about of the Census Bureau, that Alternative D was not preferable to C, and, in fact, had all of the problems of B adding to the question, correct?

A In Dr. Abowd's memo, yes. That is correct.

Q And there is no subsequent Census-authored memorandum?

A Not that I am aware of.

Q On this issue?

A Not that I'm aware of.

Q And I'm going to ask in a moment, but I want to clarify one thing.

(Plaintiffs' Exhibit 28, Final decision, was marked.)

BY MR. GROSSI:

Q Exhibit 28 is what I believe you've referred to as the final decision of Secretary Ross. Can you confirm that that's what you had in mind when we talked about it?

A Yes. Yes.

* * * * *

CERTIFICATE OF REPORTER

I, KAREN LYNN JORGENSON, RPR, CSR, CCR the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that the said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Karen Lynn Jorgenson

_____

KAREN LYNN JORGENSON, RPR, CCR, CSR

Dated this 31st day

of August , 2018.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

- - - - - - - - - - - - - - - - x
ROBYN KRAVITZ, et al., :
Plaintiffs, :
vs. : Civil Action No.
U.S. DEPARTMENT OF COMMERCE, : 8:18-cv-01041-GJH
et al., :
Defendants. :
- - - - - - - - - - - - - - - - x
LA UNION DEL PUEBLO ENTERO, :
et al., :
Plaintiffs, :
vs. : Civil Action No.
WILBUR L. ROSS, sued in his : 8:18-CV-01570-GJH
official capacity as U.S. :
Secretary of Commerce, et al.,:
Defendants. :
- - - - - - - - - - - - - - - - x

VIDEOTAPED DEPOSITION OF: DAVID SANFORD LANGDON

DATE: Friday, October 26, 2018
TIME: 9:08 a.m.
LOCATION: Covington & Burling
850 Tenth Street, D.C.
Washington, D.C.
REPORTED BY: Denise M. Brunet, RPR,
Reporter/Notary
Veritext Legal Solutions
1250 Eye Street, D.C., Suite 350
Washington, D.C. 20005

Department of Justice representing the defendants.

THE VIDEOGRAPHER: The court reporter will please swear in the witness.

WHEREUPON,

DAVID SANFORD LANGDON,

called as a witness, and having been sworn by the notary public, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR KRAVITZ PLAINTIFFS BY MR. DURAISWAMY:

Q Good morning, Mr. Langdon. As you just heard, my name is Shankar Duraiswamy. I represent the plaintiffs in one of the cases that we're here about today. Let me start with a simple question. Could you please state and spell your name for the record.

A State and spell?

Q Yes.

A David Sanford Langdon. D-A-V-I-D, S-A-N-F-O-R-D, L-A-N-G-D-O-N.

Q And could you provide your home and work addresses for the record, please?

year there was discussion about adding a citizenship question to the census, correct?

A Uh-huh. Uh-huh.

Q Was there any discussion about whether the citizenship question fell within one of the topics that was identified in the submission to Congress in March 2017?

A I guess I don't understand the question in the sense it's sort of black and white. Right? I mean, you can look on paper and say, here's what Congress got. Right? I mean, there's no -- I mean, there's not much to discuss there, is there, really? I don't recall. I mean, is the question, you know, did we say we would include citizenship on the 2020 census, for example?

Q No. Well, what's your understanding of the difference between the notification deadline for topics and questions? What's the difference between topics and questions?

A Okay. So topic is just a list of, like, data fields. We're going to ask about age. The question would be, how do you ask about age? You

know, is it multiple choice? How do you phrase the question? These are actual questions on the survey form that people would be getting.

Q And agree that citizenship or immigration status was not one of the topics that was identified in the March 2017 submission to Congress?

A Immigration status has never come up. The Census Bureau doesn't ask about that in any of its surveys and it's never come up, as far as I know, in any conversations. So we can set that aside.

Citizenship -- yeah, like I say, I don't -- the actual notification -- I guess, if the question is, you know, did Earl ask about how we would let Congress know or if we decided to change things, I don't recall that. That's not typically, like, an area where I would work. Yeah.

Q That's -- so that's not the question.

A Okay.

Q My question now is, you agree that in the

March 2017 submission of decennial census topics to Congress, citizenship was not included, correct?

A It was included only for the ACS.

Q And it was not included for the decennial census, correct?

A I do not recall -- yeah, I don't think so, no.

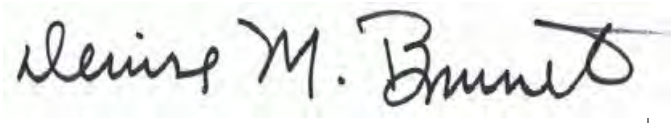
Q Okay. And so to try to go back to my previous question, and keeping in mind why you were struggling with it, agree, then, that when the citizenship question came up for discussion later that year, it was clear that it was not included or among the topics that had been identified for Congress --

A That's demonstrable. I mean, that's -- you can look it up online and -- in the March submission and then -- I'm pretty certain it wasn't on there as something on the 2020 census.

Q Do you have an understanding of the circumstances in which the department can add -- include questions in its March 2018 submission to

CERTIFICATE OF NOTARY PUBLIC

I, Denise M. Brunet, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was sworn by me; that the testimony of said witness was taken by me stenographically and thereafter reduced to print by means of computer-assisted transcription by me to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to this litigation and have no interest, financial or otherwise, in the outcome of this matter.



_____

Denise M. Brunet
Notary Public in and for
The District of Columbia

My commission expires:
December 14, 2022

09:01:57

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, by)
and through Attorney)
General Xavier Becerra,)
Plaintiff,)
-vs-) Case No.
WILBUR L. ROSS, JR., in) 3:18-cv-01865
his official capacity as)
Secretary of the U.S.)
Department of Commerce;)
U.S. DEPARTMENT OF)
COMMERCE; RON JARMIN, in)
his official capacity as) DEPOSITION
Acting Director of the) OF
U.S. Census Bureau; U.S.) COLM
Census Bureau; DOES) O'MUIRCHEARTAIGH,
1-100,) Ph.D.
Defendants.) October 8, 2018
----------)
CITY OF SAN JOSE, a)
municipal corporation;)
and BLACK ALLIANCE FOR) (CAPTION
JUST IMMIGRATION, a) CONTINUED)

California Non-Profit)
Corporation,)
Plaintiffs,)
vs.) Case No.
WILBUR L. ROSS, JR., in) 5:18-cv-02279
his official capacity as)
Secretary of the U.S.)
Department of Commerce;)
U.S. DEPARTMENT OF)
COMMERCE; RON JARMIN, in)
his official capacity as)
Acting Director of the)
U.S. Census Bureau;)
U.S. CENSUS BUREAU,)
Defendants.)

The deposition of COLM O'MUIRCHEARTAIGH, Ph.D., called for examination, taken pursuant to the Federal Rules of Civil Procedure of the United States District Courts pertaining to the taking of depositions, taken before NANCY A. GUIDOLIN, CSR No. 84-2531, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter of said state, at

(WHEREUPON, the witness was duly sworn.)

COLM O'MUIRCHEARTAIGH, Ph.D., called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MS. BAILEY:

Q. Good morning, Dr. O'Muircheartaigh. 09:01:58

A. Good morning. 09:01:58

Q. I am Kate Bailey. We met a few minutes ago, of course. 09:02:01 09:02:03

Could you please state your name and address for the record? 09:02:04 09:02:06

A. My name is Colm O'Muircheartaigh, and I live at 5548 South Woodlawn Avenue in Chicago, Illinois. 09:02:06 09:02:09 09:02:12

Q. Thank you. Have you ever been deposed before? 09:02:12 09:02:15

A. I have. 09:02:15

Q. When and why? 09:02:15

A. I think three times, and they're mentioned, I think, in my CV. The first was in a case -- a class action case brought against I think it was Lucent Technologies, but it was really AT&T 09:02:17 09:02:23 09:02:27 09:02:32

to be a difficult operation any way, and I think it 10:10:51
adds to the whole range of points that I've made 10:10:53
before that. 10:10:58
Q. Thank you. 10:10:59
A. I'm afraid that I lost track of the 10:11:01
question a little. 10:11:03
Q. That's okay. You have answered it. 10:11:04
Thank you. 10:11:05
A. Good. 10:11:05
Q. You speak in your report about what you 10:11:06
characterize, I believe, as a lack of testing. 10:11:09
A. Uh-huh. 10:11:12
Q. Can you tell me why you believe the ACS 10:11:14
is insufficient testing? 10:11:16
MR. WISE: Objection to form. Vague. 10:11:25
BY THE WITNESS: 10:11:28
A. So we think about -- again, I would like 10:11:28
you to think about data collection as a whole. So 10:11:35
data collection consists in everything that happens 10:11:38
between the first contact or attempted contact with 10:11:42
a potential respondent and the final outcome. So 10:11:47
it includes the introductory materials that you 10:11:51
have. 10:11:55
So, hello, we are from the Census. This 10:11:55

is the American Community Suvey. This is what we 10:11:58
do and so on, or hello, this is the Census, this is 10:11:59
what we do, and this is what we are for, and so in 10:12:02
this way you frame the whole activity in the mind 10:12:05
of the potential respondent. 10:12:09
The ACS and Census have different 10:12:10
purposes. Their introductory materials are 10:12:14
different. Because they are doing different 10:12:17
things, the introductory materials must describe 10:12:19
what you're going to do and why you're doing it. 10:12:22
So its impact on the household is different. 10:12:24
The Census arrives in a blaze of 10:12:28
publicity that covers the country for some months 10:12:30
in advance of Census. Typically in the past with 10:12:34
parallel input from these trusted voices and others 10:12:37
saying, yep, it's okay, this is a good thing, the 10:12:41
ACS is a sample survey. So there is none of this. 10:12:45
You don't announce in the neighborhood that you are 10:12:49
doing the ACS. It takes place in every tract in 10:12:52
the country so -- I mean, almost every tract in the 10:12:55
country, so of course you -- but you don't say that 10:12:57
you might be there, because the chances are that 10:12:59
you are not going to be in it. So it doesn't have 10:13:01
this framing. 10:13:03

1 So that's the macro framing. Then the 10:13:04
2 secondary level, the introductory materials for -- 10:13:08
3 the materials themselves are different, as they 10:13:10
4 should be. 10:13:13
5 Once you get past that, the question is 10:13:16
6 what are you being asked, and in one case you're 10:13:18
7 being asked 70 odd questions. It varies 10:13:21
8 apparently. I think that I counted 71 for 2017, 10:13:24
9 75 somewhere else. I'm not sure. You know, there 10:13:30
10 are subsets of questions -- 10:13:32
11 BY MS. BAILEY: 10:13:32
12 Q. Right. 10:13:32
13 A. -- but broadly speaking 70. 10:13:33
14 Q. In the 70s. 10:13:35
15 A. 70 questions. And it explains to 10:13:36
16 respondent that this is because there are all sorts 10:13:41
17 of programs dependent on this and that's why we 10:13:43
18 need -- every question in ACS has to be justified 10:13:46
19 by Census in terms of a statutory obligation to 10:13:49
20 provide data, and they explain this to people; you 10:13:51
21 know, we need these data because, and I may be 10:13:54
22 wrong about the programs, food stamps depends on 10:13:57
23 this or something else depends on this or something 10:14:00
24 else depends on this. 10:14:02

1 Census on the other hand starts by 10:14:03
2 saying this is the count mandated by the 10:14:04
3 Constitution to count everybody in the United 10:14:09
4 States and we have been doing this since 1780 and 10:14:09
5 so on and so forth. 10:14:12
6 So this, again, is a very different 10:14:13
7 picture. In the ACS the citizen question, as I 10:14:15
8 say, is one of 70 odd questions, so it's a part of 10:14:20
9 a big operation, you're collecting lots of 10:14:22
10 information. 10:14:24
11 In the Census it's 1 of 11. It's one 10 10:14:24
12 plus 1. I mean, it's the 11th of 11 questions in 10:14:28
13 the Census as it's being proposed. So it's much 10:14:30
14 more salient, it's one out of 11, it's more 10:14:34
15 noticeable than 1 out of 70, but also it's more 10:14:38
16 salient because it doesn't fit into the structure 10:14:41
17 of the rest of the questions which are just 10:14:45
18 descriptions about the people, essentially the 10:14:48
19 people, and how many people are there. 10:14:50
20 I don't remember the 10 questions, but 10:14:56
21 they have been pared down over the decades to be 10:14:59
22 the minimum that's considered necessary for the 10:15:02
23 Census to have. 10:15:04
24 And then there is an 11th question which 10:15:05

is citizenship, which to somebody looking at the 10:15:08
other said why -- how does this -- how does this 10:15:13
fit into what we're doing here; right? 10:15:17
Q. Do you think it is of a different type, 10:15:19
then, than questions on such things as, say, 10:15:22
marital status, relationship status among the 10:15:24
member of the household? 10:15:28
A. Sorry. Yes, I do. 10:15:29
Q. Why? 10:15:29
A. Household composition seems like a 10:15:30
perfectly mundane demographic piece of information. 10:15:32
It doesn't distinguish among categories in any 10:15:36
particular way. 10:15:40
So marital -- I don't think there has 10:15:42
been any evidence that marital status, for example, 10:15:46
or sex or gender -- there is some issue with sex 10:15:50
and gender because in recent years of concern by 10:15:53
people that it's not binary and it should be more, 10:15:55
but this is an issue I'm sure that Census will take 10:15:59
up over the next couple of decades, but this is 10:16:01
still pretty much classification. 10:16:03
So it's a kind of classification that 10:16:04
forms will typically have and you can say, yes, we 10:16:07
do need to know household composition. It's 10:16:11

1 interesting to know, and we should have it. 10:16:11
2 Q. Do you think that the citizenship 10:16:13
3 question is qualitatively different from a question 10:16:15
4 on race? 10:16:17
5 A. Yes, I do. 10:16:17
6 Q. Why? 10:16:18
7 A. As far as I know, there has not been a 10:16:18
8 contention that you would not qualify for any 10:16:23
9 federal or state or local benefit because of race. 10:16:29
10 I could be wrong, but, I mean, I'm hope that I'm 10:16:36
11 not wrong. 10:16:38
12 Q. I think you're right on that. 10:16:40
13 A. Okay. 10:16:40
14 Q. And can you tell me in question testing 10:16:44
15 in survey design what is the purpose of that 10:16:45
16 testing? 10:16:48
17 A. Again, question testing has to be seen 10:16:48
18 in the context of the whole data collection 10:16:55
19 operation. So at the very lowest level, by which I 10:16:58
20 mean kind of at the foundational level, people have 10:17:03
21 to understand the question. 10:17:06
22 So if you ask a question and people just 10:17:07
23 don't understand it, I'm sure that you constantly 10:17:09
24 struggle with this issue, then it doesn't work; 10:17:12

of evil. That's why some people say bad news 10:21:45
first, because if you're holding it back, it's 10:21:48
going to damage everything up to that point for 10:21:51
you. 10:21:51
So context is very important, and we can 10:21:53
really change quite dramatically the meaning of a 10:21:56
question by the context in which you put it, and 10:21:59
this is true in perfectly ordinary circumstances. 10:22:02
It doesn't have to be deeply -- an example -- if 10:22:08
you need an example, we can get an example. 10:22:13
So context is very important. So when 10:22:16
you think about testing a question, you're not 10:22:18
testing the question. You're testing the question 10:22:22
in context, so that it's important if there is any 10:22:24
reason to believe that the context is sufficiently 10:22:29
different that testing a question in one context 10:22:31
would not be considered an adequate testing of a 10:22:34
question in another context. 10:22:37
Q. And so is it generally true that the 10:22:39
response rate for a longer survey would tend to 10:22:41
decline with length as opposed to a shorter survey? 10:22:44
A. Yes. I think that, broadly speaking, 10:22:48
that's correct. Of course, there are cases where 10:22:51
there are long surveys that have higher response 10:22:53

1 rates and short surveys that have lower response 10:22:55
2 rates, but everything else being equal longer 10:22:57
3 surveys tend to have shorter -- beg your pardon, 10:23:01
4 lower response rates and shorter surveys. 10:23:03
5 Q. And so I know that you've touched on 10:23:07
6 this, but just can you explain like specifically 10:23:10
7 why you believe that the question needs to be 10:23:12
8 tested specifically in the context of the Census as 10:23:14
9 opposed to the ACS given that the Census is a 10:23:17
10 shorter form? 10:23:20
11 A. Sure. So here we are not -- I don't 10:23:21
12 think the critical -- the question for us is 10:23:26
13 whether the ACS or Census has a higher response 10:23:29
14 rate. I mean, these are different surveys. The 10:23:32
15 question is what the impact of this question is in 10:23:34
16 the context in which you want to use it. 10:23:36
17 Now, there is suggestive evidence that 10:23:39
18 says your question does cause difficulties in ACS. 10:23:42
19 The evidence from the overall response rates, for 10:23:46
20 example, that are in the Brown, et al., paper and 10:23:50
21 the tables that are referred to for the CAPI 10:23:53
22 followup suggest that it's less successful for 10:23:55
23 populations containing non-citizens, and this, 10:23:59
24 obviously, is one of the potential explanations for 10:24:01

1 this. 10:24:04
2 So the question is not whether ACS 10:24:04
3 Census are different. That's not it. This is not 10:24:08
4 an issue that we're concerned with here. We're 10:24:11
5 interested only with whether the Census would be 10:24:15
6 affected by this question. And what do we have to 10:24:16
7 offer for this? 10:24:20
8 Well, we have all of the arguments that 10:24:20
9 I have given before, that the macro context is 10:24:22
10 different, the micro context is different. We also 10:24:24
11 have some indications that this question does cause 10:24:26
12 difficulties with ACS, and from the qualitative 10:24:30
13 research that it's causing increasing difficulties 10:24:33
14 with ACS and, perhaps, catastrophic depending on 10:24:35
15 the extent of which the findings so far can be 10:24:38
16 generalized or will be generalized in 10:24:40
17 implementation. 10:24:42
18 So this means that this question as it 10:24:44
19 arrived -- you know, when it came under 10:24:46
20 consideration that there was evidence that it 10:24:49
21 already -- this is independent of its location. 10:24:53
22 Like there was evidence that this question was 10:24:56
23 already causing difficulty to survey participation 10:24:59
24 in ACS where it was. 10:25:01

Q. Okay. 10:25:03
A. And if you look at the minimal 10:25:04
standards, and this is the first paragraph, which 10:25:07
sort of says things that you obviously -- excuse 10:25:09
me, minimal standards means minimal, right? That's 10:25:12
long before you get to be sophisticated and do 10:25:15
context testing. 10:25:17
You know, it says if there's evidence 10:25:19
that it will decrease survey participation, so 10:25:21
there's already a priori, strong evidence that in a 10:25:24
different context, in a less sensitive context, 10:25:28
that this question is causing a problem with survey 10:25:30
participation, and that means that you don't arrive 10:25:33
with a question test in another context in which 10:25:36
nothing is happening. Even that would not be 10:25:40
sufficient. 10:25:42
I can come back to that if you wish, the 10:25:42
separate question about the context, but we have 10:25:45
incoming data that the question is a damaging 10:25:48
question, and there's nothing in the standards that 10:25:51
suggest that you should take a damaging question 10:25:55
from another context and introduce it into a new 10:25:58
context. That's stage one. 10:26:02
Stage two is the Census is so different. 10:26:03

I mean, the form of the Census is different. The 10:26:05
question has much more salience. The macro context 10:26:09
in which it's being conducted is much more 10:26:13
sensitive and likely to become, perhaps, more 10:26:15
sensitive once this becomes a national outreach 10:26:18
rather than the very limited outreach there is at 10:26:21
the moment. 10:26:24
So in that situation to consider taking 10:26:26
a question from a context in which it's already 10:26:30
damaging where that context is much less sensitive 10:26:34
than the context into which it's being imported, 10:26:39
would seem to me to be simply disregarding what any 10:26:41
serious methodologists would consider to be an 10:26:44
appropriate level of testing for a question. 10:26:47
Q. Okay. And on page 5 of your report you 10:26:51
state that, among other things, you believe that 10:26:54
the question is particularly salient for 10:26:58
non-citizens and naturalized citizens and their 10:27:01
families. 10:27:01
I know that you touched on this just a 10:27:05
bit. 10:27:05
A. Sure. 10:27:05
Q. To make sure that I understand, can you 10:27:07
tell me why you believe the questioner would be 10:27:07

STATE OF ILLINOIS)
) SS:
COUNTY OF DU PAGE)

I, NANCY A. GUIDOLIN, CSR No. 84-2531, a Notary Public within and for the County of DuPage, State of Illinois, and a Certified Shorthand Reporter of said state, do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

IN WITNESS WHEREOF, I do hereunto set my hand of office at Chicago, Illinois, this 19th day of October, 2018.

Nancy A. Guidolin

Notary Public,
DuPage County, Illinois.

NANCY A. GUIDOLIN, CSR No. 84-2531

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CITY OF SAN JOSE, et al., Plaintiffs,	
vs.	Case No. 3:18-cv-2279-RS
WILBUR ROSS, JR., et al., Defendants.	

Thursday, October 25, 2018

Videotape Deposition of SAHRA PARK-SU, taken at the Law Offices of Manatt, Phelps & Phillips, LLP, 1050 Connecticut Avenue NW, Washington, D.C., beginning at 9:40 a.m., before Ryan K. Black, a Registered Professional Reporter, Certified Livenote Reporter and Notary Public in and for the District of Columbia.

Veritext Legal Solutions
Mid-Atlantic Region
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

in California v. Ross.

THE VIDEOGRAPHER: Is that everyone?

MR. ADAMS: Is anyone else on the line?

THE VIDEOGRAPHER: Will the court reporter please swear in the witness?

* * *

Whereupon --

SAHRA PARK-SU,

called to testify, having been first duly sworn or affirmed, was examined and testified as follows:

EXAMINATION

BY MR. ADAMS:

Q. Good morning. We met briefly in the hall. I'm Rory Adams, and I represent the City of San Jose and the Black Alliance for Just Immigration.

Ms. Park-Su, have you ever been deposed before?

A. No.

Q. Have you ever provided testimony in court before?

A. No.

Q. I'd like to go over in some basic

administrative record at the Department of Commerce?

A. I had assembled -- helped assemble the Secretary's deliberation in considering the citizenship question.

MR. ADAMS: I'd like to show you Exhibit Number 13.

(Deposition Exhibit No. 13, a document Bates Numbered 1984, was marked.)

BY MR. ADAMS:

Q. This is Bates Number 1984.

The second e-mail in this chain is dated January 28th, 2018, from James Uthmeier.

A. Mm-hmm.

Q. And he says, additionally, I know that KDK, --

That's Secretary Kelly?

A. Karen Dunn Kelly, yes.

Q. -- wanted to do a follow-up meeting to tomorrow's Steering Committee -- steering meeting, --

A. Mm-hmm.

Q. -- at which we could visit directly with Ron and Enrique about the admin record.

And you responded, also, I spoke with

Q. So just to clarify, aside from documents that were handed to you, you did not affirmatively reach out to others within Commerce --

A. No.

Q. -- to send you documents for the record?

A. No. I had asked Commerce, though, if there are any documents that Census had sent to them that I was not copied on, please send them to me.

Q. So that referred to documents from Census?

A. Right. Just as a precautionary measure, but I don't believe that -- that they had.

Q. From whom were you receiving documents that you compiled for the administrative record?

A. I think it varied. Oftentimes, they were given to me when we had our meeting with Karen Dunn Kelly or with Census. So, oftentimes, people would hand what I believe to be a final version of a document. So, for instance, the Department of Justice letter in early January was one that a hard copy was given

Mischaracterizes witness's previous testimony.
THE WITNESS: No, I would just hold on to documents that people would give me when it came to Department of Justice's inquiry.
BY MR. ADAMS:
Q. Did you consider all documents that you received related to the Department of Justice's inquiry to be part of the administrative record?
A. I don't know.
MS. BAILEY: Objection; vague.
THE WITNESS: Sorry.
BY MR. ADAMS:
Q. Part of the certification says that it was based on your personal review of the documents comprising the administrative record.
A. Personal involvement --
Q. I base this --
A. -- and the compilation and review of the documents?
Q. Yes.
A. Mm-hmm.
Q. So how did you review the documents comprising the administrative record?
A. Sure.

Counsel's office had asked if I would sign this document that contained information about the Secretary's decision to consider the citizenship question, and so it was a massive electronic file of documents. And I went through each and every one of them and I looked at them, and that's what I reviewed.

Q. The compilation of documents that you reviewed, did you create that compilation of documents?

A. I didn't create it. I had -- it was -- most of them were documents that were given to me that I had in hard copy.

Q. Mm-hmm.

A. And it looked like most -- it looked like counsel's office had scanned them individually and had saved them, and that was part of the administrative record.

Q. From whom did you receive the compilation of documents that you reviewed?

A. I can't remember. It was from one of the attorneys in General Counsel's office.

Q. Did you select the documents that were part of that compilation?

A. I did not select the documents. I

Sahra Park-Su

C E R T I F I C A T E

I do hereby certify that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 29th day of October 2018.

_____

Ryan K. Black