



How the Biden Administration Can Save the Census

By Alex Tausanovitch December 3, 2020

The census provides the only comprehensive data on the American people. When businesses decide where to open and expand, when the military decides where to focus recruitment, or when local governments decide where to build new schools, they all rely on census data. The president and the executive branch of government are perhaps uniquely dependent on the census because accurate census data are absolutely essential to measuring any kind of societal progress—on issues including education, crime, and the rate of new COVID-19 infections, to name just a few.

And yet, the census could be on a path toward disaster. U.S. Census Bureau employees are dedicated experts, but they have come up against unprecedented challenges. They have had to collect census data during a global pandemic on an extraordinarily compressed timeline while also facing unprecedented levels of political interference. The COVID-19 pandemic put the census months behind with data collection, which was delayed because census workers were scheduled to go door to door just as the pandemic began to escalate dramatically. Rather than ask Congress for an extension of the deadlines to collect and finalize the data, as U.S. Department of Commerce and Census Bureau officials had initially requested,¹ the Trump administration reversed course and is now racing to pack five months' worth of data processing and error correction into two months—raising bureau concerns that serious errors may not be fixed.²

The quality of these data is not yet known to the public—they may be riddled with errors or fixable with relatively modest effort. But what is known is that if there are serious problems, there will be very limited time to correct them.

In fact, Census officials have already uncovered “processing anomalies”; while this is not an unusual occurrence during the processing of the data, it will require additional time to fix.³ Data for apportionment—the allocation, by state, of members of the House of Representatives—is currently due by December 31. But Census officials have already said they cannot meet that deadline.⁴ Not only should they not be pressured to meet the end-of-year deadline, but Congress should also make sure that the bureau has the time it needs. Congress should immediately pass the

2020 Census Deadline Extensions Act,⁵ which would extend the deadlines for apportionment data by four months as originally requested by the Census Bureau.⁶ The legislation would also add four months to the deadlines for the finalization of the more granular data needed for redistricting and for allocating federal funds.

Whether or not Congress extends the deadline, the incoming Biden administration will have to be prepared, as early as possible, to review how the census has been conducted and push for remedial action. Below are four steps that the Biden administration can take to ensure that the census is fair and accurate, both now and in the future.

1. Immediately direct the professional staff of the Census Bureau, in collaboration with outside experts, to review 2020 census operations and provide recommendations on how to ensure accurate data.

The highest priority for the incoming Biden administration should be to assess the quality of census data by consulting with the career employees at the Census Bureau and soliciting their recommendations on how to correct any problems. All options should be on the table including, if necessary, obtaining additional data. It seems unlikely that anything approaching a complete “redo” of the census will be necessary, but no option should be outside the realm of consideration.

Fortunately, there are already strong benchmarks for determining the quality of the data. The American Statistical Association (ASA) convened a task force of some of the nation’s top census and data experts, who produced a report containing “a set of scientifically-sound, publicly-available statistical indicators by which the quality, accuracy, and coverage of the 2020 Census can be assessed.”⁷ Census Bureau employees should use the ASA report “2020 Census Quality Indicators”⁸ as a guide, along with their own considerable experience and expertise, to determine where the 2020 census fell short. They should do so in collaboration with the authors of the ASA report, identifying problems with the data and recommending any remedial measures that may be necessary.

Furthermore, this review should be conducted with as much transparency as possible—at a minimum, biweekly disclosures of any problems uncovered or remedial measures recommended, with more frequent updates if warranted. Regular, comprehensive updates will help with the critical task of restoring trust in the census.

2. Rescind previous executive actions attempting to exclude undocumented immigrants from the census.

In July 2020, the Trump administration issued a presidential memorandum that violated the law and the Constitution by seeking to remove undocumented immigrants from census data for the purpose of apportionment.⁹ In October, a three-judge federal court in California concluded that this policy “has already been rejected by the Constitution, the applicable statutes, and 230 years of history.”¹⁰ In September, a three-judge panel in New York found that the memorandum “exceeded the authority granted to [the president] by Congress,” and therefore did not reach the question of whether it also violated the constitution.¹¹ The Supreme Court has agreed to hear oral arguments on November 30 in its review of the three-judge decision in New York.¹²

Regardless of the outcome of the Supreme Court’s deliberations, the Biden administration should rescind the presidential memorandum and ensure that apportionment counts, and all other census data, include every person residing in the United States. Since the first census was conducted in 1790, the government has always included noncitizens when determining seats in the House of the Representatives¹³ and should continue to do so. Moreover, the Biden administration should rescind President Donald Trump’s executive order directing federal agencies to provide the U.S. Department of Commerce with data on immigration status beyond what the Census Bureau has previously collected.¹⁴

3. Allow new political appointments to the Census Bureau to expire and restore the bureau to lower levels of politicization.

Over the past year, the Trump administration has tripled the number of political appointees at the Census Bureau from three to nine, injecting additional political interference into an agency that had previously been overwhelmingly guided by career professionals.¹⁵ At the end of the current administration, the Biden administration should eliminate those additional political appointments and restore the agency to its previous status, with only three roles filled by political appointees: census director, associate director of communications, and chief of congressional affairs.¹⁶

4. Convene a commission of experts to recommend longer-term changes to ensure that the Census Bureau undergoes lasting reform in preparation for 2030 and beyond.

Addressing problems with the current census should be an urgent priority. But the incoming Biden administration must also hit the ground running in order to ensure that the Census Bureau is set up to succeed over the next decade and into the future. That means addressing recurring, long-term problems with the census, including the difficulty planning a 10-year census on a one-year budget cycle, consistently inadequate resources,¹⁷ the regular specter of political interference, and a crisis of trust.¹⁸ It also means addressing areas where the census can continue to do better, keeping pace with technological change, setting the highest standards for transparency and community engagement, and getting closer to ensuring that every person—even those living in the hardest-to-reach communities—is accurately counted.

Although the census is only conducted every 10 years, it is an enormous undertaking. To do it adequately, let alone exceptionally well, requires a decade's worth of planning and the dedication of the country's best demographers, statisticians, and administrators. Any reforms need to be put in place soon, before planning for the next census begins in earnest and while census issues are at the front of policymakers' minds.

The Biden administration should convene a presidential commission to recommend long-term reforms to the Census Bureau. To be most effective, the commission should include a diverse set of stakeholders, including leading experts in relevant fields, users of census data, representatives of undercounted populations, advocates for transparency, and individuals who can speak to the inclusiveness of both the data-collection process and the census questionnaire. The commission members should be charged with issuing a report, within six months of convening, that details both procedural and structural changes in preparation for the 2030 census. As necessary, they should consult with additional experts as well as with the existing census advisory committees—the Census Scientific Advisory Committee and the National Advisory Committee. The commission's recommendations should include measures that can be implemented unilaterally by the president as well as measures that would require congressional action. Topics for the commission's deliberation should include, at a minimum, the following:

- **Adequacy of resources.** The Census Bureau should have adequate resources, throughout a 10-year period, to hire and retain top-caliber talent, continue to innovate, and execute a census that is unprecedented for its quality and accuracy.
- **Freedom from political interference.** While the Census Bureau should be receptive to public feedback, it should also be insulated from inappropriate political pressure. Bureau employees should be assured that those who attempt to interfere with their work for political gain will be held accountable.

- **Questionnaire design.** The questions on the census should continuously be reexamined to ensure that they capture the full diversity of the United States and allow individuals to accurately identify themselves and their families.
- **Community engagement.** The Census Bureau should strengthen its efforts to reach out to the most undercounted communities and should invest in sustained partnerships with national, state, and community organizations well in advance of the next census.
- **Public trust and transparency.** A lack of public trust could be the biggest obstacle to collecting accurate data moving forward. The Census Bureau should take steps to rebuild that trust, targeted to relevant communities. It should also disclose its decision-making to the public on an ongoing basis and, where appropriate, provide opportunities for public input.
- **Data quality and usefulness.** The Census Bureau should continually work to improve the quality and accuracy of all of the data it collects, including data outside the census such as the American Community Survey. Moreover, the bureau should tailor its data collection and analysis to the actual uses of those data by better understanding how the census informs federal spending, redistricting, and myriad other uses.

A thorough set of recommendations would not only ensure that there is no repeat of the flawed census of 2020 but also that the Census Bureau continues to innovate so that each future census is more dependable and complete.

Given the number of high-profile issues facing the incoming Biden administration, prioritizing the census early on may seem a lot to ask. However, ensuring an accurate census is a relatively small investment that will pay off over the next 10 years in a multitude of ways. Prioritizing the census will ensure that representation in Congress is fairly allocated. It will also guarantee that more than \$1.5 trillion in annual census-guided federal funds are fairly spent;¹⁹ ensure that businesses can make countless decisions, large and small, based on reliable information; and enable the administration to reliably know if the American people are better or worse off. All this is only possible if the administration has reliable data.

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Endnotes

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