

Congress of the United States
Washington, DC 20515

May 23, 2018

The Honorable Wilbur Ross
Secretary
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

The Honorable Neomi Rao
Administrator
U.S. Office of Information and Regulatory Affairs
U.S. Office of Management and Budget
1650 Pennsylvania Avenue NW
Washington, DC 20503

Dear Secretary Ross and Administrator Rao:

We write with questions about how the Trump Administration plans to comply with the Paperwork Reduction Act (PRA) with respect to the addition of a question on citizenship to the 2020 Decennial Census.

The PRA establishes the legal framework that governs federal agencies before they seek to collect information from the public. The law requires agencies to evaluate the need for the information collection and develop an objective estimate of the burden it imposes on the public.¹ The law also requires agencies to evaluate whether the information collection is “necessary for the proper performance of the functions of the agency.”²

The PRA requires the Office of Management and Budget (OMB) to review proposed information collections and ensure that agencies are minimizing the burden on the public. It requires OMB to ensure that the information collection maximizes practical utility and public benefit and—critical in the case of the 2020 Census—protects the integrity, objectivity, impartiality, utility and confidentiality of collected statistical information.³

The PRA provides two important opportunities for the public to review and comment on proposed collections: through comments to the agency and through comments to OMB. Under the PRA, the Department and OMB must publish notices in the Federal Register of public comment periods. The Department must certify that the collection of information is necessary, “not unnecessarily duplicative of information otherwise reasonably accessible to the agency,” as

¹ 44 U.S.C. § 3507(a);

² 44 U.S.C. § 3506(c)(2)(A)(i)-(iv).

³ 44 U.S.C. § 3504(e)(1).

non-burdensome as practicable, and that it “uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected.”⁴

On March 26, 2018, at the request of the Department of Justice, Secretary Ross announced that the 2020 Decennial Census will include a question on citizenship.⁵ Numerous experts, organizations, and local and state governments have voiced concern about the addition of a citizenship question and how it may harm the overall accuracy of the census. This includes six former Census Bureau directors, who have warned that “adding an untested question on citizenship status at this late point would put the accuracy of the enumeration and success of the census in all communities at grave risk.”⁶

We understand that it is standard practice for the Department to initiate the PRA notice and comment process after it submits its proposed decennial census questions to Congress. In order for us to evaluate the Administration’s adherence to the PRA, please answer the following questions:

1. Please explain in full how the Department will evaluate the need for citizenship information and the burden this question will place on the public, in accordance with the PRA.
2. Under the PRA, the Department and the OMB must publish notices in the Federal Register of public comment periods. Among other objectives, information gathered in those public comment periods are intended to allow the agencies to evaluate whether the information collection request is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility and to minimize the burden on the public.⁷
 - a. When does the Department intend to initiate the first public comment period by publishing the notice required by 44 U.S.C. § 3506(c)(2)(A)?

⁴ 44 U.S.C. § 3506(c)(3).

⁵ *U.S. Department of Commerce Announces Reinstatement of Citizenship Question to the 2020 Decennial Census*, U.S. Department of Commerce. Mar. 26, 2018, available at: www.commerce.gov/news/press-releases/2018/03/us-department-commerce-announces-reinstatement-citizenship-question-2020.

⁶ Vincent P. Barabba, et. Al, al., to Honorable Secretary Wilbur Ross, U.S. Department of Commerce, Jan. 26, 2018, available at: https://www.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdfwww.washingtonpost.com/r/2010-2019/WashingtonPost/2018/03/27/Editorial-Opinion/Graphics/DOJ_census_ques_request_Former_Directors_ltr_to_Ross.pdf

⁷ 44 U.S.C. § 3506(c)(2)(A)(i)-(iv).

- b. Will the Department include all of the public comments it receives in the certification packet it is required to submit to OMB under 44 U.S.C. § 3506(c)(3)? Will the Department make all comments it receives available to the public?
3. Was the addition of a question on citizenship tested by the Census Bureau in a full, contemporary census environment prior to the March 26, 2018 announcement?
 - a. If not, how does the Department plan to ensure that this the citizenship question is supported by an “efficient statistical survey methodology appropriate to the purpose for which the information is to be collected”?
4. Has the Department determined that information about citizenship collected on the American Community Survey is not adequate for its purposes?
5. Has the Department determined that information collected by the proposed citizenship question would not be “duplicative of information otherwise reasonably accessible” to the Department? If so, please explain how this determination was made.
6. What mechanisms does OMB have to measure the effect of the citizenship question on the integrity and utility of the data collected through the 2020 Census, as required under 44 U.S.C. § 3504(e)(1)? Please explain the process OMB will use to review the proposed new question.
7. Other than approving a proposed information collection, what options are available to OMB when responding to an agency’s submission of a proposed information collection?
8. What weight will OMB give to the comments made by the former Census Bureau directors in its review?

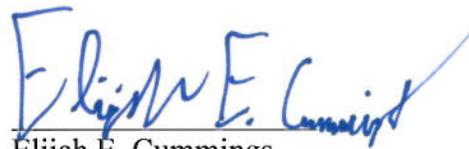
We appreciate your attention to this matter and look forward to your response.

With best personal regards, we are

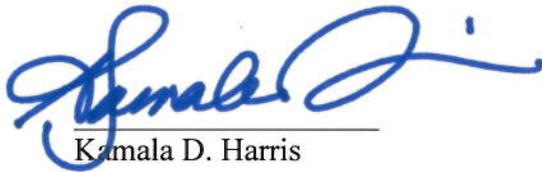
Sincerely yours,



Thomas R. Carper
United States Senator



Elijah E. Cummings
Member of Congress



Kamala D. Harris
United States Senator



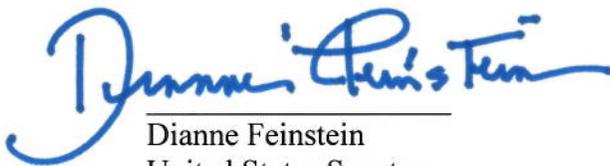
Jimmy Gomez
Member of Congress



Claire McCaskill
United States Senator



Eleanor Holmes Norton
Member of Congress



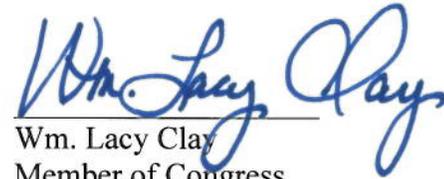
Dianne Feinstein
United States Senator



Carolyn B. Maloney
Member of Congress



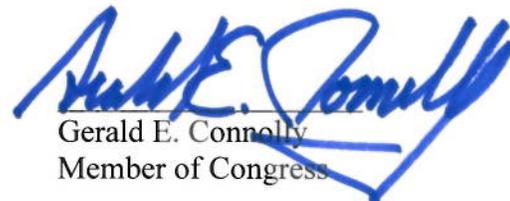
Margaret Wood Hassan
United States Senator



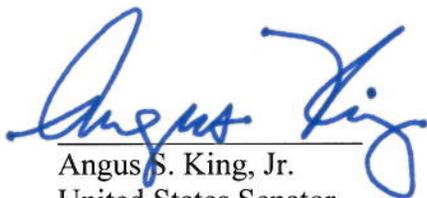
Wm. Lacy Clay
Member of Congress



Christopher A. Coons
United States Senator



Gerald E. Connolly
Member of Congress



Angus S. King, Jr.
United States Senator



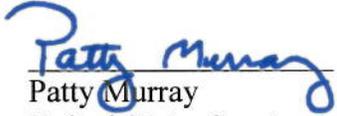
Mazie K. Hirono
United States Senator



Tom Udall
United States Senator



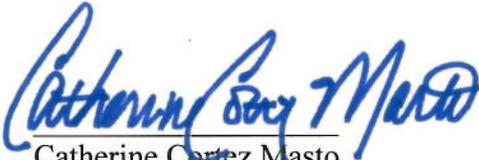
Richard Blumenthal
United States Senator



Patty Murray
United States Senator



Martin Heinrich
United States Senator



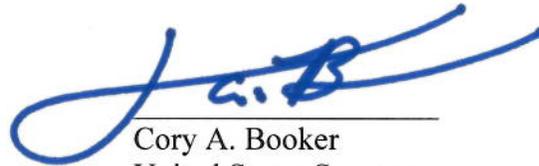
Catherine Cortez Masto
United States Senator



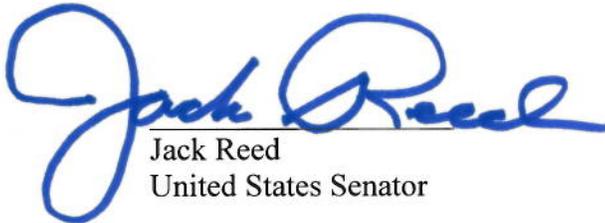
Elizabeth Warren
United States Senator



Sheldon Whitehouse
United States Senator



Cory A. Booker
United States Senator



Jack Reed
United States Senator



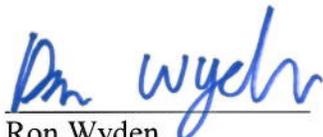
Gary C. Peters
United States Senator



Tammy Duckworth
United States Senator



Patrick Leahy
United States Senator



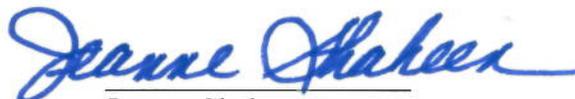
Ron Wyden
United States Senator



Benjamin L. Cardin
United States Senator



Charles E. Schumer
United States Senator



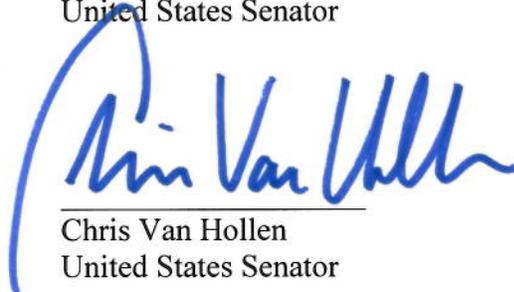
Jeanne Shaheen
United States Senator



Robert Menendez
United States Senator



Maria Cantwell
United States Senator



Chris Van Hollen
United States Senator



Michael F. Bennet
United States Senator