



March 11, 2014

Honorable Darrell Issa
Chairman
Committee on Oversight and
Government Reform
2157 Rayburn House Office Bldg.
Washington, DC 20515

Honorable Elijah E. Cummings
Ranking Minority Member
Committee on Oversight and
Government Reform
2471 Rayburn House Office Bldg.
Washington, DC 20515

Dear Chairman Issa and Ranking Member Cummings:

We are writing to express our strong support for the U.S. Census Bureau's American Community Survey in its current form and to urge you to reject any proposals to make response to the nation's premier survey voluntary.

As a diverse group of stakeholders testified before your committee two years ago, making response to this seminal survey optional would seriously diminish the reliability of data gathered in the ACS and threaten the availability of irreplaceable demographic, social and economic data for thousands of communities across the country. A congressionally mandated test of a voluntary ACS demonstrated that *mail response rates would drop "dramatically," by more than 20 percentage points* (an outcome borne out recently in Canada, which fielded a voluntary census long form in 2011). That decline in mail response would *increase the survey's annual cost by at least thirty percent*, as the Census Bureau employs more expensive and intrusive modes of data collection (such as telephone and door-to-door visits) to ensure adequate response levels. (The Census Director cited an annual cost increase of \$66M in 2012 dollars to address plummeting mail, telephone and in-person response rates. Today, that number is likely well more than \$80M, taking into account inflation, increases in overall survey costs and the expanded sample size.) With heightened pressures on the federal budget, it would be difficult to find the additional funds the Census Bureau would need to produce reliable estimates for smaller areas and population groups.

The burden on the public also would *increase* because the sample size must grow to maintain a response universe representative of the nation's geographic and demographic diversity. We believe this outcome runs

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counter to concerns expressed by proponents of a voluntary ACS. In short, if H.R. 1078 is enacted into law, the nation could lose its only source of timely, comparable and objective data for 41 percent of U.S. counties, small cities, towns and villages, many school districts, neighborhoods, remote areas, and American Indian reservations.

The importance of universal high-quality, small-area data to the nation's economic growth, competitiveness and social progress cannot be overstated. The history of data collection to inform decision-making traces back to the earliest days of the nation. Founding Father James Madison, debating the first Census Act in 1790, observed that lawmakers now had "an opportunity of obtaining the most useful information for those who should hereafter be called upon to legislate for their country if this bill is extended so as to embrace some other objects besides the bare enumeration of the inhabitants; ... on this knowledge the legislature might proceed to make a proper provision for the agricultural, commercial, and manufacturing interests, but without it they could never make their provisions in due proportion." (Cited in *Legal Authority for the American Community Survey*, Government Accountability Office, B-289852, April 4, 2002.)

The U.S. Supreme Court affirmed in 1870 that Congress has the constitutional authority to require both a population count and the collection of additional statistics in the census (*The Legal Tender Cases*, Tex. 1870; 12 Wall., U.S., 457, 536, 20 L.Ed. 287). More recently, the U.S. District Court for the Southern District of Texas (Houston Division) upheld the constitutionality of data collection beyond a simple population count in the 2000 Census, noting in *Morales v. Daley* (116 F.Supp. 2d 801 S.D. Tex. 2000) that "from the first census, taken in 1790, the Congress has never performed a mere headcount."

For 220 years, Congress has followed the information path its earliest Members espoused, approving the broad collection of demographic, social and economic data in each decennial census. Today, those data are a lynchpin of vital public and private sector decisions, day in and day out. Businesses of all sizes rely on ACS data to determine where to locate and expand, what goods and services to offer, the scope of employee training needed, long-term investment opportunities, and philanthropic contributions. Both the public and business sectors use ACS data to help ensure appropriate employment opportunities for racial minorities, persons with disabilities and veterans. Nonprofit organizations use the ACS to guide services to those most in need and to measure the success of their programs. Equally important, the federal government alone, at the direction of Congress, allocates more than \$450 billion annually to states and localities based on ACS data. Federal law requires all of the information

gathered in the ACS for implementation, enforcement or monitoring of federal programs and policies. We should not jeopardize the prudent allocation of limited taxpayer dollars by undermining the only source of reliable data to guide and revise, as necessary, those allocations.

State and local governments also are important ACS stakeholders. For many localities, the ACS is the only source of small-area data to guide decision-making, resource allocation and program administration; vital uses include locating schools, maintaining and developing roads and transit systems, constructing utilities infrastructure, and providing social services to the elderly, parents and children from low-income households, veterans, and immigrants.

We are mindful of public concerns about the confidentiality of personal data the government collects, an issue of importance to our own constituencies. The Census Act (Title 13, United States Code) prohibits the Census Bureau from sharing individual and household responses with any other entity, governmental or private (including law enforcement and revenue agencies), for *any* purpose; likewise, census responses are immune from legal process. The Census Bureau has never, to our knowledge, breached the confidentiality provisions of its authorizing statute, and we are satisfied that data security is a top priority for the agency.

We urge your committee to reject proposals that could undermine the validity of this essential survey, and we would be pleased to work with you going forward to ensure that the American Community Survey is tailored to meet important government needs and requirements, is designed and administered in a way that minimizes burden on the public, and is mindful of public concerns about privacy.

Thank you for considering our views on this vital public resource.

Sincerely,

Barbara Everitt Bryant, Ph.D, Director, Bureau of the Census, 1989-1993
Agricultural & Applied Economics Association
American Association for Public Opinion Research
American Association of People with Disabilities (AAPD)
American Association of University Women (AAUW)
American Planning Association
American Public Health Association
American Sociological Association
American Statistical Association
Arkansas Advocates for Children and Families

Asian & Pacific Islander American Health Forum
Asian Americans Advancing Justice-AAJC
Asian Americans Advancing Justice-Chicago
Asian Pacific Policy & Planning Council (A3PCON)
Association for University Business and Economic Research (AUBER)
Association of Academic Survey Research Organizations
Association of Asian Pacific Community Health Organizations
Association of Population Centers
Association of Public Data Users
Bay-Lake Regional Planning Commission (Green Bay, Wisc.)
CamConnect (Camden, N.J.)
Capital Area Food Bank
Carolina Population Center
Catholic Charities of St. Paul and Minneapolis
Center for Economic and Policy Research
Center for Regional Economic Competitiveness
Children's Defense Fund - Minnesota
Coalition of Greater Minnesota Cities
Community Action Partnership
Consortium of Social Science Associations
Council for Community and Economic Research
Council of Professional Associations on Federal Statistics (COPAFS)
Decision Demographics
Demos
Department of Health and Human Services for Montgomery County,
Maryland
Direct Marketing Association
Family Equality Council
Greater Minnesota Partnership
Greater New Orleans Community Data Center
Hmong National Development, Inc.
Housing Consortium of Everett & Snohomish County (Wash.)
Housing Leadership Council of San Mateo County
Jewish Community Relations Council of Minnesota and the Dakotas
Joint Center for Housing Studies of Harvard University
Julian Samora Research Institute
Latino Census Network
Long Island Housing Services, Inc.
Marketing Research Association
Mason County Shelter (Shelton, Wash.)
Maxfield Research (Minneapolis, Minn.)
Metroplan (Little Rock, Ark.)
Metropolitan Council (Minn.)
MI ALMA

Mid-Region Council of Governments
Midwest Political Science Association
Minneapolis Regional Chamber of Commerce
Minnesota Chamber of Commerce
Minnesota Council on Foundations
Minnesota State Demographic Center
Minnesotans for the American Community Survey (MACS)
NAACP
NALEO Educational Fund
National Asian Pacific Center on Aging (NAPCA)
National Association for Business Economics (NABE)
National Association of Counties
National Association of Home Builders
National Association of REALTORS®
National Association of Towns and Townships (NATaT)
National Congress of American Indians
National Council of Asian & Pacific Islander Physicians
National Council of Housing Market Analysts
National Housing & Rehabilitation Association
National Housing Conference
National Housing Law Project
National Institute for Latino Policy (NiLP)
National Multifamily Housing Council (NMHC)
NC Child
Nielsen
Ovation Development Corporation
PathWays PA
Pennsylvania Partnerships for Children
Population Association of America
Prison Policy Initiative
Public Justice Center
Punta Gorda Housing Authority (Fla.)
Ramsey County, Minnesota
Research Advisory Services, Inc. (Phoenix, Ariz.)
Rhode Island KIDS COUNT
Ribbon Demographics, LLC
Saint Paul Area Chamber of Commerce
SEMCOG, the Southeast Michigan Council of Governments
South by North Strategies, Ltd.
Southeast Michigan Census Council
Spokane Low Income Housing Consortium
Tangible Consulting Services (Minneapolis, Minn.)
The Leadership Conference on Civil and Human Rights
U.S. Chamber of Commerce

U.S. Conference of Mayors
Urban and Regional Information Systems Association (URISA)
ZERO TO THREE