



**Statement of Tim Delaney
on behalf of the
National Council of Nonprofits**

**Before the
House Committee on Oversight and Government Reform**

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Hearing on Progress Report on the 2020 Census

May 8, 2018

Chairman Gowdy, Ranking Member Cummings, and Members of the Committee:

As the U.S. Census Bureau notes, “The decennial census is the largest mobilization and operation conducted in the United States and requires years of research, planning and development of methods and infrastructure to ensure an accurate and complete count.”¹ **There is only one shot to get it right.** Yet major problems are brewing with the 2020 Census that could hurt every business, government, nonprofit, and person in America for more than a decade. Hence, we are grateful that the Committee on Oversight and Government Reform is convening this hearing to ensure that the federal government in fact gets it right when performing its constitutional duty of conducting an “actual Enumeration” of everyone in the nation – more specially: all “persons in each state.”

I write to express the significant concerns of the National Council of Nonprofits that aspects of the 2020 Census are so amiss that they pose a serious risk of not getting it right and hurting our country. Our views are informed by the law, facts, and insights of Americans working in local community-based charitable nonprofits, houses of worship, and foundations throughout the country. For reasons spelled out in more detail below, these views include the following:

1. It is imperative that Congress adequately fund the 2020 Census and proactively ensure it is conducted properly so the counting of all persons in each state is fair, accurate, and complete, because the public and every sector and segment of society depend on quality census data.
2. Undercounts of individuals and demographic groups that charitable nonprofits serve can lead to inadequate representation and funding, which in turn increase pressure on nonprofits and foundations, state, tribal, and local governments, and businesses in undercounted areas to do even more to address unmet needs.
3. The National Council of Nonprofits opposes inclusion of a citizenship question on the 2020 Census questionnaire because of the likelihood that, among other things, it will suppress participation and lead to an unfair, inaccurate, and incomplete count.

Conducting the decennial census is a monumental undertaking. Every element of the economy, every government, and every individual depend on it being done correctly so census data are complete and accurate. There are no do-overs. It is imperative that Congress take up its constitutional duties and immediately direct corrective action to prevent the unfolding disaster.

Interests of the National Council of Nonprofits and 501(c)(3) Organizations

The 501(c)(3) community – charitable nonprofits, houses of worship, and private philanthropy – has a significant stake in ensuring that all people in the United States are counted as part of a fair, accurate, and complete 2020 Census. Nonprofits operate in every county and community in our country, improving lives, uplifting faith and culture, and solving local problems. We are often the first to encounter our fellow residents when they are in crisis, and we are there for the long haul to see them through their challenges. Because these organizations are valued and trusted contributors to the well-being of our communities, the Census Bureau regularly seeks the engagement and partnership of charitable organizations to help reach hard-to-count populations.

Charitable nonprofits are on the frontlines of our nation's most vexing challenges. We depend on the federal government to conduct the 2020 Census properly because the resulting data will influence nonprofit organizations – and the individuals and communities we serve – just as much as the data will influence decisions by governments and for-profit businesses. The nonprofit sector employs more than 10 percent of the American workforce, making it larger than every industry in the country except retail trade and manufacturing.² Indeed, nonprofits employ more workers than each of these industries: construction, wholesale trade, finance and insurance, transportation, real estate, agriculture, utilities, and mining. Nonprofit employees pay income taxes, other payroll taxes, property taxes, sales taxes, gasoline taxes, air travel taxes, telecommunications taxes, and more as they use their salaries earned to participate actively in the economy.

The need for quality census data for planning purposes is universal:

- Just as for-profit businesses rely heavily on quality census data to analyze their potential customers, nonprofit organizations need quality census data to better understand the needs of those they serve. Will the population a nonprofit serves to advance its mission (e.g., veterans, children, aging, disabled, those with blue collar versus high tech jobs) shrink, grow, or remain constant? The answer influences the nonprofit's decisions on whether to expand or reduce its staff, merge with another organization to expand or contract particular services being provided in the community, and much more.
- Just as for-profit businesses need quality census data to make operational decisions – such as for facility planning – nonprofits need the same. For example, nonprofit institutions with larger physical footprints – such as nonprofit hospitals, regional food banks, and even houses of worship – can use census data for a variety of reasons, including whether and how much the specific populations they serve are growing, shrinking, or moving. Should the hospital add a new wing for pediatrics or geriatrics? Or is population growth emerging elsewhere making it wiser to construct another facility there? Should the food bank do more fundraising to renovate its worn-down facility, or is the population served shifting to another part of the region such that the food bank should get a facility that is closer? Should the church buy the nearby property with hopes of building a school campus to accommodate younger families, or are the demographics aging so it should consider building a retirement center instead – or buy more vans to be mobile with its ministry?
- And just as for-profit businesses need quality census data for financial decisions, nonprofits need quality census data to plan and justify their finances. Foundations and donors making contributions to charitable nonprofits need fair, accurate, and complete census data when deciding whether to invest in innovative solutions to community-wide problems, finance construction of new facilities, or fund operations to meet community needs.

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Those are simply samples of myriad ways nonprofits **directly** use census data to advance their diverse missions. An unfair, inaccurate, and incomplete count by the federal government also poses **indirect**, yet significant, threats to charitable nonprofits, religious groups, and private philanthropy. For every person the census fails to count, the federal government shifts more of its financial responsibilities onto the backs of the 501(c)(3) community. Here's how.

If the federal government fails to count a person in the 2020 Census, the person still exists. The uncounted child still attends school, the uncounted veteran still needs a home, the uncounted farmer still uses transportation, and the uncounted widow still needs her doctor. Yet because the federal government uses census data to allocate funds across the states for education, housing, transportation, and health care, appropriate funds will not be sent to the state where the child, veteran, farmer, widow, and multiple thousands of others who are uncounted live. When the child, veteran, farmer, widow, and others are not counted, there is no indicator signifying they cannot participate in programs they need in the ensuing 10 years. Rather, their underlying human needs continue.

It is at this point that a significant census undercount and the resulting inequitable distribution of federal funding begins to shift the financial burdens from governments onto the backs of charities, churches, and foundations. It is unfortunate that since even before the Great Recession, politicians have assumed – incorrectly – that the 501(c)(3) community can somehow fill the growing financial gaps for governments' unfunded or underfunded programs like anti-poverty, education, emergency food assistance, health care, affordable housing, public improvements, scientific, social services, transportation, and much more.

The 501(c)(3) community – charitable nonprofits, houses of worship, and private philanthropy – stand with our partners in government as we serve the same constituents in the same communities. Yet the expectation that we can continue to do so much more for so many more for so much longer with less is, indeed, false. We do not have the authority, responsibility, capacity, or scale to fill the resulting gaps if Congress fails to ensure the upcoming census is conducted in a way that is fair, accurate, and complete. That's why the National Council of Nonprofits respectfully insists that Congress properly fund and provide the oversight needed to ensure that the federal government fulfills its constitutional duty to conduct the 2020 Census as an “actual Enumeration” of all “persons in each state.”

The National Council of Nonprofits is a trusted resource that advocates for America's nonprofits nationwide. Through our powerful network of state associations and 25,000-plus member charitable nonprofits, religious groups, and foundations – the nation's largest network of nonprofits – we serve as a central coordinator and mobilizer to help nonprofits achieve greater collective impact in local communities across the country. We identify emerging trends, share proven practices, and promote solutions that benefit charitable nonprofits and the communities they serve.

Major Problems with the 2020 Census

The U.S. Census Bureau concedes it has been facing “unprecedented challenges” in planning for the 2020 Census, which requires “counting an increasingly diverse and growing population of around 330 million people in more than 140 million housing units.”³ Many challenges have morphed into major problems that could prevent a fair, accurate, and complete count of all persons in the nation. These problems could trigger a chain reaction of adverse consequences. Indeed, the U.S. Government Accountability Office deemed the 2020 Census as a “high risk” situation – and that was

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before the recent spate of problems.⁴ Therefore, it is imperative that the Committee on Oversight and Government Reform elevate awareness of the emerging crisis and ensure proper steps are taken immediately to get the 2020 Census back on track to be successful.

Completely New Approach, Introducing New Undercount Threats – But Without the Required Testing

For the first time in the nation's history, the decennial census will be conducted primarily online. This approach is a radical change from the paper format used for almost 230 years. In making this change, the new approach for the 2020 Census is introducing at least the following major new threats that increase the risk of undercounts:

- **Digital Divide**

Although many people assume that use of the internet is ubiquitous, in fact the “digital divide” in the United States is real, with 16 percent of all adults in the U.S. population *not* using the internet.⁵ It simply is not acceptable to not count people because they do not use or have no or infrequent access to the internet, do not understand how to operate the required technology, or may be unaware that they must participate in the census. The longstanding method of conducting the “actual Enumeration” by sending enumerators to each household worked; this unprecedented approach may not, given these hurdles:

- 42 percent of seniors do not use the internet
- 34 percent of people who did not graduate from high school do not use the internet
- 26 percent of households with income less than \$30,000 do not use the internet
- 24 percent of people who stopped their education at high school do not use the internet
- 22 percent of rural residents are not online
- 22 percent of African-Americans do not use the internet
- 19 percent of Hispanics do not use the internet
- 15 percent of whites do not use the internet
- 15 percent of urban residents do not use the internet
- 15 percent of suburban residents do not use the internet
- 15 percent of men do not use the internet
- 15 percent of women do not use the internet.

This documented lack of universal access doesn't necessarily mean that electronic methods should not be adopted; it just means that additional testing, safeguards, and precautions are needed. But these safety measures appear to be lacking.

- **Cybersecurity Concerns**

Concerns about cybersecurity increase the likelihood of an undercount. Many Americans may not complete the census electronically for fear that their responses might be hacked to steal their identities. Americans have seen (and perhaps experienced) too many occasions in recent years when major corporations have failed to protect consumers' personal information from large-scale data breaches (including Equifax,⁶ Uber,⁷ and Yahoo!).⁸ They also have witnessed large-scale data breaches of what should be the most sensitive and well-guarded electronic records (including the White House,⁹ Defense Department,¹⁰ and Office of Personnel Management¹¹).

Additional cybersecurity concerns exist. Just like the switch from paper ballots to electronic voting has allowed a way for foreign governments to attack our elections, switching from an all-paper census to one that will be primarily electronic allows hostile actors to disrupt our economy by

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tampering with data collection or altering census responses that corrupt the data. The federal government must ensure that the brand-new online census process and data are protected. Without a clear and proactive demonstration that the census electronic system is safe to use, many Americans will refuse to participate.

- The Radical Change Requires Multiple Field Tests – Yet All But One Have Been Cancelled

None of this is to say that online technology should never be used for the census. Yet it's obvious that significant changes in well-established routines should be done carefully, with appropriate testing, adjustments, re-testing, and so on until the proposed new process is implemented.

But those tests and adjustments have not been done. Field tests scheduled in 2017 for hard-to-reach populations in Puerto Rico and American Indian Reservations in North Dakota, South Dakota, and Washington State were cancelled.¹² As were two of three End-to-End Census Tests – “dress rehearsals” – scheduled for this year. The initial plan had been to test dozens of IT systems and new processes in three sites, but because of budgetary decisions last year¹³, only one dress rehearsal is being done: in Providence County, Rhode Island. And that lone End-to-End Census Test is flawed in both its process (multiple last-minute changes that may skew the lessons learned and resulting adjustments) and substance (the census survey being used fails to include the divisive citizenship question, potentially throwing the entire 2020 Census into disarray– see below).¹⁴ Last month, GAO summarized the serious challenges: “Without sufficient testing, operational problems can go undiscovered and the opportunity to improve operations will be lost, as key census-taking activities will not be tested across a range of geographic locations, housing types, and demographic groups.”¹⁵ In short, the cancellation of all those tests and dry runs means that the Census Bureau will not have a chance to fully test its approach, assumptions, and cybersecurity systems.

The man-made potential disasters above (many of which stem from lack of funding) could combine to seriously undermine the value of any data from the 2020 Census. An unfair, inaccurate, and incomplete count is still avoidable – if Congress works expeditiously on a non-partisan basis to ensure the integrity and ultimate accuracy of the census.

Funding

This Statement focuses on solutions to get the 2020 Census back on track to be successful. Therefore, we are not commenting on allegations made by many, including in litigation noted below, that for the past several years Congress has grossly underfunded the U.S. Census Bureau. Instead, we simply note that this enormous responsibility is vitally important for virtually every person and organization in the country and requires significant funding for conducting the necessary planning, preparations, and execution. Plus, it requires reliable commitments that requisite funding will be there not only after the end of the current Fiscal Year, but also to and through the actual enumeration and the necessary reporting and analysis of the data.

Citizenship Question

Because of the enormity and importance of the Census, federal law dictates the strict process to be used so that solid plans and informed decisions can be made. One requirement is that three years before the next Census, the Secretary of Commerce must present to Congress the topics to be included in the survey.¹⁶ Another requirement is that two years before the next Census, the Secretary must present the actual survey questions to Congress.¹⁷ These timing requirements are important because they are designed to dovetail with the various Field Tests and End-to-End Census Tests that provide the Census Bureau with feedback on how to avoid unintended problems with the operations, systems, and questions.

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Commerce Secretary Ross disregarded the statutory deadline when, by letter dated March 26, 2018, he directed his staff to include a question on a topic not previously identified in the required list of topics submitted to Congress in 2017.¹⁸ Specifically, he resurrected a citizenship question that had been disavowed and removed from the decennial census 60 years ago following the federal government's misuse of that confidential data.

The untimely and surprising addition of the controversial citizenship question is almost guaranteed to increase undercounting. There most certainly will be harm from violating the statutory deadline.

Disregarding the deadlines mandated by Congress has prevented proper testing of the question in the field. As six former Census Directors who served under Republican and Democratic administrations wrote earlier this year:

“Preparations for a census are complex, with each component related to and built upon previous research and tests. ... 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 communications strategies will no longer be sound.... 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.”¹⁹

They concluded with this summary: “[A]dding a citizenship question to the 2020 Census will considerably increase the risks to the 2020 enumeration” required by the U.S. Constitution.

Litigation Spawned

The foregoing problems are serious enough that they have spawned at least seven lawsuits by multiple states, local public officials, civil rights organizations, and individuals from numerous states. For the Committee's convenience, here are links to the known complaints filed to date:

a. Concerns with Faulty Processes

- [NAACP v. United States Dep't of Commerce](#) (U.S. District Court for the District of Connecticut)
- [Arab Am. Inst. v. Office of Mgmt. and Budget](#) (U.S. District Court for the District of Columbia)

b. Concerns About Funding

- [NAACP v. Bureau of the Census](#) (U.S. District Court for the District of Maryland)

c. Concerns About the Citizenship Question

- [California v. Ross](#) (U.S. District Court for the Northern District of California)
- [New York v. United States Dep't of Commerce](#) (U.S. District Court for the Southern District of New York)
- [Kravitz v. United States Dep't of Commerce](#) (U.S. District Court for the District of Maryland)
- [City of San Jose v. Ross](#) (U.S. District Court for the Northern District of California)

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Individually, any one of the problems above – the radical change in the entire approach, the digital divide, the cybersecurity concerns, the funding shortfalls, and the disruptive citizenship question – is a significant threat to a proper census. The combination exponentially multiplies the threats.

Significant Concerns

- 1. It is imperative that Congress adequately fund the 2020 Census and proactively ensure it is conducted properly so the counting of all persons in the nation is fair, accurate, and complete, because the public and every sector and segment of society depend on quality census data.**

Many groups have focused on what an inaccurate census count can mean to reapportionment of congressional seats and redistricting of state and local legislative district districts. These are indeed legitimate, significant concerns. The quality of the decennial census, however, will have impacts far broader and much deeper than allocation of political power. Results of the 2020 Census will influence businesses, governments, individuals, communities, and nonprofit organizations throughout the next decade and beyond. Data obtained through the census will influence public and private planning, determine the allocation of hundreds of billions of dollars for key programs among all levels of governments, and inform decision makers in all sectors regarding their investments of efforts, finances, and people.

It is vital to charitable nonprofits that the 2020 Census be conducted in a manner that produces a fair, accurate, and complete count for reasons set forth in greater detail on pages 2-3 above. Charitable nonprofits are not alone in depending on quality census data.

“Federal statistics are the nation’s hidden gem – a treasure trove of data that serves as a foundation for smart decision-making in the public and private sectors. Federal statistics guide trillions of dollars in economic activity through capital investments and the movement and provision of goods and services to every community in the country. This business activity, in turn, drives employment and housing growth, community development, and economic stability.”²⁰

Businesses Depend on Quality Census Data

Major corporations and small businesses across America use census data to know where, how, and when to conduct business, create jobs, and attract consumers, customers, and clients. A proper count allows for unlimited cross tabulations by gender, race, age, income, education level, and more that businesses rely on to make decisions worth billions of dollars. On the other hand, an improper count can lead to waste of time, money, and other resources. When significant finances are at stake to determine where to build new facilities, work with local governments for building codes and meet regulatory requirements, and attract and retain qualified workers in the industry, businesses need accurate datasets to ensure their resources are going to a location that has the population and capacity for the industry. As the quote immediately above stresses, quality data lead to smart decisions; faulty data lead to the opposite.

While business use census data in endless ways, the uses generally fall into the following three very broad categories:

- Businesses Use Census Data Directly for Their Operational Decision-making Needs**

Corporations large and small use census data to analyze national, regional, state, county, and local trends to plan, to consider where to expand and invest, to identify markets, to select locations in which to expand, to make investment decisions, to determine product offerings, to assess labor markets, and much more. Consider these examples:

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- According to the U.S. Chamber of Commerce in 2010, census data are “essential for businesses making investment and operational decisions. Businesses use the demographic and economic data to locate retail stores and facilities, to plan marketing campaigns, delineate markets and a host of other uses.”²¹
- “Businesses use census data to decide where to build factories, offices and stores, and this creates jobs. Developers use the census to build new homes and revitalize old neighborhoods.”²²
- “State and local chambers and retailers ... don’t want to have to put their finger in the wind and say, ‘Let’s put billions of dollars in buildings here and see if it works’.”
- Research of census results can “produce a dataset that gives decision-makers and analysts the flexibility to produce nearly unlimited cross tabulations (such as male Hispanic military veterans over 35 with an advanced degree) to fit a multitude of purposes.”²³

- **Businesses Use Census Data to Access Revenues**

The truth behind federal programs is that the funds allocated for them do not go to individual recipients for them to put in their bank accounts. Rather, the funds flow through governments to providers of goods and services. Thus, funding for “people in need” does not go to them but to businesses.

The following small sampling of examples reveals how businesses in many industries add to their bottom-lines through payments received under various federal programs that use census data:

- Agricultural interests and various retailers benefit when paid for the food they provide under the Supplemental Nutrition Assistance Program and the National Food Lunch Program.
- Construction companies and real estate firms are among the businesses that benefit from the Highway Planning and Construction Program, Section 8 Housing Choice Vouchers, and Section 8 Housing Assistance Payments Program.
- The multifaceted health care industry benefits when paid for providing goods and services under the Medicaid, Medicare Part B, State Children’s Health Insurance Program, Supplemental Nutrition Program for Women, Infants, and Children, and Health Center Programs.

- **Businesses Enjoy Other Indirect, Yet Real, Benefits Thanks to Census Data**

- The mere existence of census data as universally available information reduces fraud because those who might otherwise try to dupe an investor with hyped-up numbers know they could be caught by simple research of published census data.
- Similarly, census data lower the costs of business transactions, because without this respected, universally available data, businesses would have to invest huge amounts of time and resources researching the claims of the other potential party to the deal.
- Businesses can enjoy “riding the wave,” knowing that other businesses and governments will be making decisions using the same data. For example, a land developer, housing builder, and large retailers reading the census data will know that governments will be making decisions using the census data to build infrastructure, such as roads and bridges.

Governments at All Levels and All Branches Depend on Quality Census Data

Often without realizing it, governments need and use impartial census data for one overarching reason: to support the Rule of Law. Since 1790, census data have been used for reapportionment (and later redistricting) to advance the constitutional principle of “one person, one vote.”

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Reliable impartial census data prevent inequities in the distribution of government-funded programs. A recent landmark study by the Census Bureau identifies 132 federal programs managed by 17 federal departments and agencies that rely on accurate census data to distribute \$675 billion in funds that touch the lives of everyone living in the country.²⁴ Rather than have funds flow to the most powerful people, our adherence to the Rule of Law ensures that resources are distributed more fairly by applying neutral funding formulae that depend on impartial – and accurate – census data.

That Census Bureau study describes three basic ways that census data are used in making funding decisions. First, programs use census data to select or restrict the recipient of funds by defining “either the characteristics of populations served by the program or the characteristics of governments and organizations eligible to receive funds to provide those services.” Next, census data are used to award or allocate funds to eligible recipients and providers. Third, census data are used to inform the design, implementation, assessment of program performance, and improvements of programs and policies.

State, tribal, and local governments seeking federal funding for various programs use census data to make their case for eligibility and amounts to meet the needs of particular populations in their jurisdictions. Governments and other organizations receiving such program funding know that their performance often is measured based on census data. It will be virtually impossible to hold government grantees accountable for federal funds if the accountability measures – the 2020 census data – are flawed from the outset.

For nonprofits as well as state, tribal, and local governments, the more direct consequence of a bad census count comes from the misallocation of resources as undercounted communities will then be further underfunded. About 300 federal programs use census data to determine where more than \$800 billion in federal funds are allocated every year. If the data are wrong, there will be inequitable distribution of resources for basic community needs, meaning certain states and congressional districts won’t get their fair share of resources.²⁵ Quite simply, an undercount in a state means less money for it and more money for other states.

Individuals and Communities Depend on Quality Census Data

Individuals and communities – the general public – benefit from census data in a wide variety of other ways. Emerging entrepreneurs can mine the data for trends that spark the next industry disrupting innovation. Politicians don’t need to read the tea leaves; they have ready access, as do all of us, to essential demographic information to shape messaging and policy proposals. For every cross-tab, there are thousands of individuals who can reimagine possibilities, identify volunteer and business opportunities, and promote community problem solving.

Further, while every person in the country is touched by one or more of the federal programs identified by the Census Bureau as dependent on census data, individuals in certain groups of residents have a very big stake in the accuracy of the census, because funding does not flow to programs when the official census count fails to recognize humans who actually exist.

- **Seniors:** More than a dozen programs serving senior citizens, many of which are performed by charitable nonprofits, rely on accurate census data for spending and planning purposes. These include: Medical Assistance Program (Medicaid); Medicare Part B Physicians Fee Schedule Services; Community Development Block Grants/Entitlement Grants; Capital Assistance Program for Elderly Persons and Persons with Disabilities; Senior Community Service Employment Program; Supportive Housing for the Elderly; Title VII Programs for Prevention of Elder Abuse,

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Neglect and Exploitation; State Grants for Protection and Advocacy Services; and the Older Americans Act.

- **Homelessness and Housing:** Federal programs designed to address homelessness and promote safe housing also rely on accurate census data. Most notable of these are Section 8 Housing Choice Vouchers, Section 8 Housing Assistance Payments, and Low-Income Home Energy Assistance.
- **Hunger:** Food assistance is a vital concern of many policymakers and charitable organizations. Feeding America reports that 41 million people face hunger in the U.S. today, including nearly 13 million children and more than five million seniors.²⁶ We share their concern that “Hunger knows no boundaries — it touches every community in the U.S.” Many programs rely on accurate census data, including the State Supplemental Nutrition Assistance Program; School Breakfast Program; National School Lunch Program; Special Supplemental Nutrition Program for Women, Infants, and Children; Child and Adult Care Food Program; and the Emergency Food Assistance Program (Food Commodities).

It should be no surprise that the Census Bureau considers elderly people, homeless individuals, and persons at the margin of our economy to be very difficult to identify and to count. The Census Bureau turns to charitable nonprofits – which work with people in these groups every day and have earned their trust – to help in promoting participation in the census.

2. Undercounts of individuals and demographic groups that charitable nonprofits serve can lead to inadequate representation and funding, which in turn put more pressure on nonprofits and foundations, state, tribal, and local governments, and businesses in undercounted areas to do even more to address unmet needs.

While recognizing the goal of making sure that “*everyone is counted once, only once and in the right place*,” the Census Bureau is well aware that historically many groups of individuals routinely have been undercounted. Hard-to-count populations (HTCs, in Census Bureau parlance) are groups that historically have been less likely to respond to the census right away.²⁷ According to the Census Bureau, HTCs are both rural and urban and include young children (the largest group traditionally overlooked in the count), racial and ethnic minorities, persons who do not speak fluent English, poorer people, homeless individuals, undocumented immigrants, mobile individuals such as college students, and LGBTQ persons.²⁸

Many of the individuals who may be overlooked in the official census count rely on support from federal, state, tribal, and local programs. When funding falls short due to an undercount, who is going to serve those who are uncouned but experiencing very real challenges? For at least the last decade many in government have assumed that charities, churches, and foundations would fill the gaps. But if an undercount occurs in certain states, it could lead to a shift of billions in federal funds away from those states. Mathematically and realistically, there simply is no way for the 501(c)(3) to continue to step forward to fill the resulting financial and service gaps. The 2020 Census must be done properly to get accurate counts.

Certain hard-to-count populations and communities historically have been prone to undercounting, inaccuracies, and under-reporting in census data. These vulnerable populations are the ones who most often look to nonprofits to serve them for things like food, shelter, after-school programs for at-risk youth, and community-based solutions. When hard-to-count populations become even more difficult to count, nonprofits cannot properly plan, allocate, or deliver their services at the levels needed.

3. The National Council of Nonprofits opposes inclusion of a citizenship question on the 2020 Census questionnaire because of the likelihood that, among other things, it will suppress participation and lead to an unfair, inaccurate, and incomplete count.

The National Council of Nonprofits joins with charitable and other organizations across the nation in expressing our strong opposition to inclusion of a citizenship question on the census questionnaire because of the clear and well-documented negative effect it will have on the count. Indeed, the experts – the Census Bureau leadership – repeatedly, for decades, have come down on the side of excluding any inquiry into citizenship status of survey participants. And for very good reason.

The Census Bureau has previously provided research demonstrating that a question on a person's citizenship status would discourage participation in the count. As noted earlier, six former Census Bureau Directors recently warned that adding a citizenship question would depress responses among minorities who fear that the government would use that information against them.²⁹ At an appropriation hearing last month, Acting Census Bureau Chief Ron Jarmin disagreed with the notion that the impact of the citizenship question on the count would be “minimal” and acknowledged that the impact “could be, in some communities, important.”³⁰ Indeed, as at least one person observed, the number of people who don't respond to the census survey because of the citizenship question “is greater than the population of many small states.”³¹

Inclusion of the citizenship question cannot be viewed outside the context of the historical record and the existing environment of aggressive deportation of individuals and highly charged anti-immigrant rhetoric. In 2000, Kenneth Prewitt, then-Director of the U.S. Census Bureau, issued a public apology on behalf of the agency because the Census Bureau had provided confidential census data to other government officials to aid in identifying individuals to be sent to internment camps during World War II. He acknowledged, “The historical record is clear that senior Census Bureau staff proactively cooperated with the internment, and that census tabulations were directly implicated in the denial of civil rights to citizens of the United States who happened also to be of Japanese ancestry.”³² With such a history, the Census Bureau today must be hyper-sensitive to avoiding even the appearance of bias, illegality, or indifference to the legitimate fears of retaliation and misuse of census information.

It is imperative that Congress insist that no citizenship question be included on the 2020 Census questionnaire because of the likelihood that, among other things, it will suppress participation and lead to an unfair, inaccurate, and incomplete count. As explained throughout, those who will be harmed the most by an undercount are not the individuals not counted, but the businesses, governments, nonprofits, and public who then suffer for a decade without the quality data they rely upon to fuel our economy, strengthen our communities, and celebrate our individual and collective lives.

What Congress Can Do to Fulfill Its Duty to Ensure a Fair, Accurate, and Complete Count

Conducting the decennial census is a monumental undertaking. Everyone depends on it being done correctly. Therefore, we urge Congress to recognize this unfolding national emergency and exercise its duty and power under Article I, Section 2, Clause 3 to “by Law direct”:

- Appropriation of funds past September 30 to get the job done properly;
- The Census Bureau to take appropriate actions to ensure a fair, accurate, and complete 2020 Census while expanding its outreach to and improving its coordination with charitable,

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religious, and philanthropic groups to promote participation in the census by individuals in hard-to-count populations; and

- The Commerce Department to withdraw the improper citizenship question to avoid hurting American businesses, governments at all levels, the 501(c)(3) community, and the public.

Conclusion

A fair, accurate, and complete count of every person living in the United States is of vital importance to the 501(c)(3) community – charitable nonprofits, houses of worship, and foundations. While many groups justifiably have focused on the importance of a quality census for reapportionment and redistricting purposes, fair distribution of political power is not the only thing at risk from an unfair, inaccurate, and incomplete census. The resulting flawed data will harm our nation's economy, distort governmental funding allocations, hinder innovation, and generate harm throughout the coming decade and beyond. In 2020, Congress and the administration have only one shot to “get it right.” There will be no do-overs. Therefore, on behalf of nonprofit organizations in each of the districts of the members of the House Oversight and Government Reform and every Member of Congress, we ask that the Committee – and Congress as a whole – commit to properly funding the census, ensure that controversial issues, such as a citizenship question, are eliminated to prevent quelling census participation, and demonstrate in bipartisan words and deeds that the 2020 Census will be fair, accurate, and complete.

Respectfully submitted,

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