

Federal-State Cooperative Program for Population Estimates

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*The U.S. Census Bureau's Premier State Partners*  
Promoting Cooperation between the Census Bureau and the States

November 24, 2020

Dr. Nancy Ptotok, Volunteer  
Ms. Denice Ross, Volunteer  
Commerce Department Review Team,  
Biden-Harris Transition

Dear Dr. Potok and Ms. Ross:

The Federal-State Cooperative for Population Estimates' (FSCPE) Steering Committee has been discussing our concerns and hopes for the Census Bureau and 2020 Census under the new administration. As you know, the FSCPE assists the Census Bureau by providing data, knowledge and expertise about our respective States. In turn, we rely on Census Bureau data to prepare our own population estimates, population projections, and/or other demographic analyses in support of governmental planning. In many of our states, state and local funding rely on population estimates to distribute state funds to local areas. We cannot do our jobs without accurate and reliable data and expertise from the US Census Bureau.

It is for these reasons that we are reaching out to you in your role as the Commerce Department Review Team for the Biden-Harris Transition in order to share our concerns and work towards ensuring that the US Census Bureau remains a trusted "provider of quality data about America's people and economy" and that it remains the world's premiere statistical agency. At a broad level, we support the American Statistical Association's<sup>1</sup> and the Census Scientific Advisory Committee's November 12, 2020 recommendations regarding the 2020 Census<sup>2</sup>. In addition, we ask you to consider these concerns and recommendations:

**General Operations**

Concerns:

- While we realize we cannot divorce population, social, and economic data from political decisions, the collection and reporting of these statistics should be as transparent as possible. We inform decision makers, each with their own wide-ranging perspectives, providing the best and most comprehensive information available. The US Census Bureau has been, and we hope will continue to be the gold standard among statistical agencies in the world. More importantly, it has been an objective player over many years. The creation and appointment of certain positions within the Bureau during the current Administration as well as a new interpretation regarding who should be counted in the decennial census has eroded trust in the Census Bureau.
- The reorganization and consolidation of field offices after the 2010 Census caused loss of institutional and local knowledge that was felt during the 2020 Census planning and enumeration. Permanent field staff knowledgeable about the intricacies of each state and territory could have limited some of the challenges presented during this past decennial. While we readily assisted Census Bureau staff when needed, many of us were frustrated by, at times, a lack of understanding of our local communities.

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<sup>1</sup> 2020 Census Quality Indicators: A Report from the American Statistical Association Prepared by the 2020 Census Quality Indicators Task Force

<sup>2</sup> Recommendations and Comments to the Census Bureau from the Census Scientific Advisory Committee tabled from the Fall 2020 Meeting on September 17-18, 2020

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#### Recommendations:

- Appoint someone as the next US Census Bureau Director who has extensive knowledge and professional expertise in demography or closely related field and who has had the experience necessary to manage a large statistical agency.
- Eliminate the political positions recently created in the Bureau and limit political appointments to only those necessary to carry on the Administration's responsibility for the agency. Ensure that any political appointments have the necessary experience and support of the broader demographic and statistical professional community.
- As soon as possible, the Bureau should reiterate, through an official statement, its independent role as the United States' premier statistical agency.
- Review regional office configurations and staffing and allocate adequate resources for regional partnership specialists and regional offices and local field staff in order to ensure strong relationships with local data users. This would restore the successful program that was in place prior to the closing of regional offices. Spending resources in this area, along with other partnerships such as ours, will pay off in the long run by building trust – particularly in an era of significant privacy concerns and misinformation.

#### **2020 Census**

#### Concerns:

- Many of us produce annual population estimates and/or population projections or rely on the estimates produced by the Population Estimates branch of the US Census Bureau. In addition, we utilize the American Community Survey and other survey estimates from the Bureau in order to provide analyses for our various stakeholders. These products rely on decennial census counts for benchmarks. Because of many unanticipated challenges that occurred during this decennial census, we are concerned about the accuracy and reliability of the 2020 Census.
- The US Census Bureau was hampered by inadequate funding throughout the previous decade. This cut short the necessary testing required to prepare for a decennial census.
- Thankfully, this decennial census allowed for internet self-response. However, many of the areas with lower response were those areas where access to the internet and broadband is limited. In addition, Non-Response Follow-Up was shortened from approximately 80 days to 56 days. This has led to an over-reliance on proxy interviews and administrative records. There is also an expectation that there will be significantly more imputation than has been used in the past.
- There were issues regarding the non-ID response process. There were many issues, the significant ones included mixed messages about who should use the process and when, necessary follow-up to verify responses, and how and when to use it to correct or add information for a household.
- We were involved in the pre-enumeration phase of the Count Review Operation and were able to improve the Census Bureau's residential and group quarters address lists. There were many gaps in the Group Quarters lists to which we were able to rectify, however, we anticipated being a part of a full Group Quarters Count Review at the end of enumeration, which did not happen.

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- An important part of any statistical program is the review and evaluation of the data produced. Quality checks help to limit duplication, inconsistencies, and other errors. According to the current schedule, post-processing time has been condensed from 153 days to 92 – limiting many of these critical checks and potentially compromising the data.
- The impact of COVID on the enumeration of college students and the communities they come from and where they attend college is unknown. It is unclear how much the shortened field operations relied on proxy interviews and how that impacts the imputation of population counts and characteristics. We are particularly concerned about how COVID closures have likely affected off-campus and international student counts. A national Demographic Analysis and the Post-Enumeration Survey will not be sufficient to review the quality of the census in a detailed, timely, and localized manner.
- In response to a July 21, 2020 Executive Memorandum, the Census Bureau is putting time and effort in collecting and analyzing data with the purpose of publishing counts on non-citizens and undocumented residents. These planned publications also use a scarce resource, the privacy budget. This privacy budget is shared with other publications and accuracy is directly linked to the size of the privacy budget allocated to that product. There is a big risk in publishing these numbers as some data users might be looking to use this data in a way that was not intended and is beyond the limitations of these data.

#### Recommendations:

- Work with Congress to ensure adequate funding for the 2030 Census throughout the entire decade-long cycle.
- Work with Congress and the States to delay the release of the re-districting files based upon the schedule outlined by the Secretary of Commerce in April<sup>3</sup>. Release the data on a flow basis according to the statutory needs of the various states.
- Per the ASA's recommendations, include state demographers in a group quarters count review event in order to evaluate the 2020 Census.
- Expand the Count Question Resolution program to include population as supported by administrative records as an eligible component for review and correction. Address data that were submitted for the Local Update of Census Addresses and for Count Review should be considered as eligible for restoration as well.
- Allow the U.S. Census Bureau's Population Division to disseminate, for evaluation purposes, the county and city population estimates for 2020.
- Consider collecting time stamped or certified information for college students for both dormitories and off-campus housing. While the Bureau collected student administrative data for off-campus college populations, with little notice and over a period of 60 days from June 16 through August 14, additional contacts can still be made to non-responding colleges, this time with more clarity on how FERPA allows for the collection of these data. Further, administrative data from colleges should not only be used to substitute for a non-responding address, but also to build the full roster of household members who were expected to be staying at the address as of April 1, 2020 if not for COVID evacuations.

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<sup>3</sup> U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19 <https://www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html>

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- The Bureau should work with college data to better assess the impact on international student enumeration.
- Stop the Census Bureau from putting time and effort in producing counts of non-citizens and undocumented residents.

### **Differential Privacy**

#### Concerns:

- We understand and support the US Census Bureau's longstanding commitment to providing statistical information while maintaining confidentiality as outlined in Title 13. We also understand the challenges presented by the proliferation of information and technology and support the Bureau's efforts to plan for the future. However, we question the interpretation regarding how confidentiality should be protected and are concerned that the Census Bureau has not yet developed a product that demonstrates that Differential Privacy (DP) is "fit-for-use."
- We are concerned about the overall transparency of the process as well as how well it is tied to actual use of the data. The leadership of the Differential Privacy effort may not have a full understanding of the ways that Census data are used by the FSCPE or the larger array of stakeholders. This includes geographic concepts, the need for household-to-person characteristics correspondence, the use of small-area, detailed census data for public health analysis, and decennial data as a "gold standard" base for future estimates and projections, among other uses. The leadership of the differential privacy group would be wise to review the available literature on how census data are used at the local level and how it is used to understand the social and economic world. This literature is voluminous and would be a good starting point. It is surprising the leadership has not appeared to engage this available literature in any meaningful way.
- It is unclear how much noise will be in the data and how that will impact its fitness for use. The infusion of noise will impact the fair evaluation of a census that is already perceived to be compromised. When issues arise, it will be near to impossible for anyone outside the Bureau to know if the problem is a result of a data collection issue or noise infusion.
- There has been a consistent dismissal of concerns regarding the use of Differential Privacy, whether they are brought up by data users in the public sphere or critics from the academic community. We have been directed to the literature on differential privacy and those reviews have not been wholly convincing on it being the best tool for safeguarding confidentiality while producing the summary statistics that decision makers need. For example: Bambauer et al., "Fool's Gold: An Illustrated Critique of Differential Privacy"; Brummet, "Effects of Differential Privacy Techniques: Considerations for End Users"; Domingo-Ferrer et al, "The Limits of Differential Privacy (and its Misuse in Data Release and Machine Learning)"; Farokhi, "Noiseless Privacy"; and Jason, The Mitre Group, *Formal Privacy Methods for the 2020 Census*.

#### Recommendations:

- We support the Census Scientific Advisory Committee's recommendation on the 2020 Census on Differential Privacy as a starting point for Differential Privacy. It is unclear how well thought out the implementation of differential privacy into the Bureau's overall operations has been. We believe that confidentiality and data accuracy can be better served by looking at a broader range of tools. Differential privacy is meant to counter the threat of database reconstruction by motivated actors. We doubt that was envisioned when Title 13 was drafted nor in any court interpretations since. The consequence of differential privacy is that

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decisions may be made with bad data. The penalty is on the public not a potential violator of confidentiality. We suggest that a review of Title 13 needs to be made by an outside group of legal and academic experts (such as Dr. Margo Anderson and Professor Jane Bambauer) about privacy and the census. Our hope would be that they could help find more than a mathematical answer to balancing accuracy and confidentiality.

We appreciate your taking time to consider our concerns and recommendations. We hope that they will help you and the overall Commerce Department Review Team for the Biden-Harris Transition as you all consider the direction of the Census Bureau. We remain committed to our partnership with the US Census Bureau and look forward to working with the leadership of the new Administration.

Please feel free to contact us with as needed through Jeff Hardcastle the FSCPE Chair at [jhardcastle@tax.state.nv.us](mailto:jhardcastle@tax.state.nv.us) or (775) 746-2443 (direct) or (775) 313-8442 (cell).

Sincerely,

The Federal State Cooperative for Population Estimates Steering Committee  
Eric Guthrie – Michigan  
Jan Vink – New York  
Jeff Hardcastle – Nevada  
Mike Cline – North Carolina  
Mike Mohrman – Washington  
Robert Rhatigan – New Mexico  
Susan Strate – Massachusetts