

116TH CONGRESS
2D SESSION

S. 4048

To modify the deadlines for completing the 2020 decennial census of population and related tabulations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2020

Ms. HARRIS (for herself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To modify the deadlines for completing the 2020 decennial census of population and related tabulations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair and Accurate
5 Census Act”.

6 **SEC. 2. CENSUS DEADLINE MODIFICATION.**

7 Notwithstanding the timetables provided in sub-
8 sections (b) and (c) of section 141 of title 13, United
9 States Code, and section 22(a) of the Act entitled “An

1 Act to provide for the fifteenth and subsequent decennial
2 censuses and to provide for apportionment of Representa-
3 tives in Congress”, approved June 18, 1929 (2 U.S.C.
4 2a(a)), for the 2020 decennial census of population—

5 (1) the tabulation of total population by States
6 required by subsection (a) of such section 141 for
7 the apportionment of Representatives in Congress
8 among the several States shall be—

9 (A) completed and reported by the Sec-
10 retary of Commerce (referred to in this section
11 as the “Secretary”) to the President within 13
12 months after the decennial census date of April
13 1, 2020; and

14 (B) made public by the Secretary not later
15 than the date on which the tabulation is re-
16 ported to the President under subparagraph
17 (A);

18 (2) the President shall transmit to Congress a
19 statement showing the whole number of persons in
20 each State, and the number of Representatives to
21 which each State would be entitled under an appor-
22 tionment of the then existing number of Representa-
23 tives, as required by such section 22(a), and deter-
24 mined solely as described therein, within 14 days

1 after receipt of the tabulation reported by the Sec-
2 retary; and

3 (3) the tabulations of populations required by
4 subsection (c) of such section 141 shall be completed
5 by the Secretary as expeditiously as possible after
6 the census date of April 1, 2020, taking into account
7 the deadlines of each State for legislative apportion-
8 ment or districting, and reported to the Governor of
9 the State involved and to the officers or public bod-
10 ies having responsibility for legislative apportion-
11 ment or districting of that State, except that the
12 tabulations of population of each State requesting a
13 tabulation plan, and basic tabulations of population
14 of each other State, shall be completed, reported,
15 and transmitted to each respective State within 16
16 months after the decennial census date of April 1,
17 2020.

18 **SEC. 3. REPORTING REQUIREMENTS FOR 2020 CENSUS.**

19 On the first day of each month during the period be-
20 ginning on the date of enactment of this Act and ending
21 on July 31, 2021, the Director of the Bureau of the Cen-
22 sus shall submit to the Committee on Homeland Security
23 and Governmental Affairs of the Senate, the Committee
24 on Appropriations of the Senate, the Committee on Over-
25 sight and Reform of the House of Representatives, and

1 the Committee on Appropriations of the House of Rep-
2 resentatives a report regarding the 2020 decennial census
3 of population that contains the following information:

4 (1) The total number of field staff, sorted by
5 category, hired by the Bureau compared to the num-
6 ber of field staff the Bureau estimated was nec-
7 essary to carry out the census.

8 (2) Retention rates of the field staff described
9 in paragraph (1).

10 (3) Average wait time for call center calls and
11 average wait time for each language provided.

12 (4) Anticipated schedule of census operations.

13 (5) Total appropriations available for obligation
14 for the census and a categorized list of total dis-
15 bursements.

16 (6) Nonresponse Follow-up, Update Enumerate,
17 and Update Leave completion rates by geographic
18 location.

19 (7) Anticipated schedule and completion rates
20 for Group Quarters (including Service-based Enu-
21 meration and Targeted Non-Sheltered Outdoor Lo-
22 cation operations), Enumeration of Transitory Loca-
23 tion, and Remote Alaska operations.

24 (8) Self-response rates by geographic location.

1 (9) Total spending to date on media, advertise-
2 ments, and partnership specialists, including geo-
3 graphic and demographically targeted breakdowns of
4 the spending.

5 (10) Post-enumeration schedule and subsequent
6 data aggregation and delivery progress.

7 (11) Post-enumeration survey schedule and
8 completion progress, including anticipated schedule
9 for release of results from the coverage measurement
10 survey.

11 **SEC. 4. PROVIDING BUREAU OF THE CENSUS ACCESS TO**
12 **INFORMATION FROM INSTITUTIONS OF HIGH-**
13 **ER EDUCATION.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-
15 sion of law, including section 444 of the General Edu-
16 cation Provisions Act (20 U.S.C. 1232g) (commonly
17 known as the “Family Educational Rights and Privacy
18 Act of 1974”), an institution of higher education may, in
19 furtherance of a full and accurate decennial census of pop-
20 ulation, provide to the Bureau of the Census (referred to
21 in this section as the “Bureau”) information requested by
22 the Bureau for purposes of enumeration for the 2020 de-
23 cennial census of population.

24 (b) **APPLICATION.**—

1 (1) INFORMATION.—In carrying out subsection
2 (a), an institution of higher education—

3 (A) may only provide the Bureau with in-
4 formation requested on the official 2020 decen-
5 nial census of population form; and

6 (B) may not provide any information to
7 the Bureau on the immigration or citizenship
8 status of any individual.

9 (2) NOTICE REQUIRED.—

10 (A) IN GENERAL.—Before providing infor-
11 mation to the Bureau under subsection (a), an
12 institution of higher education shall—

13 (i) give public notice of the categories
14 of information that the institution plans to
15 provide; and

16 (ii) allow 10 days after giving public
17 notice for a student to inform the institu-
18 tion that any or all of the information des-
19 ignated may not be released without the
20 prior consent of the student.

21 (B) PROHIBITION.—An institution of high-
22 er education may not provide the Bureau with
23 the information of any student who has ob-
24 jected to the provision of that information
25 under subparagraph (A).

1 (3) USE OF INFORMATION.—Information pro-
2 vided to the Bureau under subsection (a) may only
3 be used for the purposes of enumeration for the
4 2020 decennial census of population.

5 (c) DEFINITION OF INSTITUTION OF HIGHER EDU-
6 CATION.—In this section, the term “institution of higher
7 education” has the meaning given the term in section 102
8 of the Higher Education Act of 1965 (20 U.S.C. 1002).

9 (d) SUNSET.—The authority under this section shall
10 expire at the conclusion of 2020 decennial census oper-
11 ations.

12 **SEC. 5. LIMITATION.**

13 The Bureau of the Census may not compile, produce,
14 or publish any data product or tabulation as part of, in
15 combination with, or in connection with, the 2020 decen-
16 nial census of population or any such census data pro-
17 duced under section 141(e) of title 13, United States
18 Code, that includes topics specific to the 2020 decennial
19 census that were not part of—

20 (1) the report submitted under section
21 141(f)(1) of that title on March 28, 2017; and

22 (2) the 2018 End-to-End Census Test con-
23 ducted in Providence County, Rhode Island.

1 **SEC. 6. FUNDING.**

2 (a) **APPROPRIATION.**—There is appropriated to the
3 Bureau of the Census, out of amounts in the Treasury
4 not otherwise appropriated, for additional amounts for
5 “Periodic Censuses and Programs”, \$400,000,000 for fis-
6 cal year 2020, to remain available through fiscal year
7 2021.

8 (b) **USE OF FUNDS.**—The amounts made available
9 under subsection (a) shall be used to address the impacts
10 of the coronavirus disease 2019 (COVID–19) on the 2020
11 decennial census, and to support enhanced 2020 decennial
12 census activities, including—

13 (1) additional mailings to households that have
14 not self-responded;

15 (2) expanded communications and advertising
16 targeted to low self-response communities in rural
17 and urban areas, Native villages, and on Tribal
18 lands;

19 (3) targeted outreach to the location of the
20 2018 End-to-End Census Test;

21 (4) increased in-language outreach and assist-
22 ance;

23 (5) expanded Census Questionnaire Assistance
24 capacity;

1 (6) expanded field operations to enumerate peo-
2 ple experiencing homelessness at service-based facili-
3 ties and non-sheltered locations; and

4 (7) a modified Questionnaire Assistance Center
5 operation that includes mobile and fixed locations of-
6 fering assistance across all modes of census re-
7 sponse.

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