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HOUSE OF REPRESENTATIVES
REPORT
106–71

LOCAL CENSUS QUALITY CHECK ACT

MARCH 19, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government Reform, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 472]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 472) to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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69–006

I. Summary of Legislation

H.R. 472 amends title 13, United States Code, to require the use of postcensus local review (PCLR) as part of each decennial census. PCLR affords local officials the opportunity to pinpoint mistakes, such as clusters of missed housing units, geographic misallocations (housing units listed in the wrong location), or incorrectly displayed political boundaries, that the Census Bureau may have made in their respective jurisdictions before the final household counts are released. Specifically, this legislation allows local governmental units and tribal leaders to review household counts, boundary maps, and other data the Secretary of Commerce considers appropriate to identify discrepancies in housing unit counts before the release of apportionment data on December 31, 2000. The bill also establishes a time frame that provides both the Census Bureau and the local governmental units the time necessary to complete this review process and develop a challenge, and it ensures that the local challenges are responded to in a timely manner.

II. Background and Need for the Legislation

The Census Bureau's Operational Plan for the 2000 Census does not include a review of the housing counts before they are made official. Ten years ago, the Bureau determined that a PCLR was necessary in order to allow those most familiar with their communities to detect discrepancies in the count. In preparation for the 2000 Census, the Bureau has been preparing to conduct a census that uses statistical sampling, and one that requires a full enumeration. As a result of the recent United States Supreme Court ruling of January 25, 1999, finding illegal the use of statistical sampling for determining the population for purposes of apportionment of the House of Representatives, the Bureau has had to further develop their plan to conduct an actual enumeration.

The Bureau contends that PCLR is not needed, because their precensus local review program, Local Update of Census Addresses (LUCA), gave local leaders the opportunity to confirm the address lists and that no other local review is necessary. Unfortunately, a significant number of local governments were either unaware of the opportunity the LUCA program provides due to notification routing complications or did not have the time and resources necessary to effectively participate in the program.

Without PCLR, crucial information from local leaders may be excluded from the census process. It is the sense of this Committee that PCLR is not extraneous, but is a necessary component of an accurate and trustworthy census.

In addition, the intent of this legislation increases the feasibility of local participation by encouraging that all governmental units participating in LUCA receive the list of housing units for PCLR in the same format they were provided in LUCA; whereas those not participating in LUCA shall receive the list of housing units in block counts.

III. Legislative Hearings and Committee Actions

H.R. 472 was introduced on February 2, 1999 by the Honorable Dan Miller, Chairman of the Government Reform Subcommittee on

the Census. The bill was referred to the Committee on Government Reform on February 2, 1999, then referred to the Subcommittee on the Census on February 9, 1999. A mark up was held by the subcommittee on February 11, 1999. The measure was ordered favorably reported to the full committee by a voice vote.

On March 17, 1999 the full Committee met to consider the bill. Ms. Maloney (D–NY) offered an amendment in the nature of a substitute, to provide an opportunity for local review in a manner and timeframe left to the discretion of the Secretary of Commerce, as long as it allowed the Secretary to derive quality-control corrected population counts (as proposed in the census 2000 operational plan as part of the Accuracy Coverage Evaluation). Ms. Maloney's amendment was defeated by a recorded vote, 21 ayes, 23 nays. Ms. Maloney also offered another amendment to the bill, which was defeated by voice vote. The Committee approved the bill by recorded vote, 23 ayes, 21 nays. The Committee then favorably reported the bill to the House by voice vote.

IV. Committee Hearings and Written Testimony

The Subcommittee on the Census has held both a legislative hearing and a markup on February 11, 1999.

Witnesses at the hearing included: The Honorable Thomas Petri, Member of Congress; The Honorable Thomas Sawyer, Member of Congress; The Honorable Kenneth Blackwell, Secretary of State, Ohio and Co-Chair of the Census Monitoring Board; Ms. Carol A. Roberts, County Commissioner, Palm Beach County, Florida; The Honorable Timothy M. Kaine, Mayor, City of Richmond; Mr. James Bourey, Executive Director, Maricopa Association of Governments; Mr. Lanier Boatwright, President, National Association of Developmental Organizations; Ms. Barbara Welty, National Association of Towns and Townships; Dr. Everett Ehrlich, U.S. Census Monitoring Board; Dr. Barbara Bryant, National Quality Research Center, School of Business Administration, University of Michigan; The Honorable Alex G. Fekete, Mayor, Pembroke Pines, Florida; and Jessica F. Heinz, Assistant City Attorney, City of Los Angeles.

Congressman Thomas Sawyer testified that the 1990 PCLR was based on the good intention to incorporate local knowledge into the census before it was completed, however it did not effectively increase accuracy as intended. He contended that trying to answer the appeals of local officials and track those people missed up to 6 months after Census Day proved untenable. The end results, according to Mr. Sawyer, were not worth the cost. The Bureau revisited 20 percent of all Census blocks, with a resulting increase of one tenth of one percent in the final census count. He testified that according to the General Accounting Office's assessment of the 1990 census, "[e]xtended reliance on field follow-up activities represents a losing trade-off between augmenting the count and adding more errors." After reviewing the 1990 PCLR, he concluded that building an accurate address list before the count was an essential element to an accurate census. For jurisdictions that have the capacity to review and confirm a large set of address information, Mr. Sawyer believes that the precensus activities offer the best opportunity to get it right. He suggested as an alternative to

PCLR that the Bureau should provide local governments with frequent reports on the progress of the count as the census unfolds.

Congressman Thomas Petri testified that not even the best Census team with the best plan could flawlessly count the 280 million people in this country. He contended that mistakes are inevitable and that PCLR is basically an independent audit to catch mistakes. A small town in his district was severely undercounted in the 1990 Census and the PCLR enabled the local officials to correct the error before the Bureau released the official population counts. In his words, "[t]he Census Bureau's decision to provide no mechanism for review is either a sign of the Bureau's recklessness in addressing accuracy problems or a sign of its arrogance in believing that it can avoid all such problems in the first place."

The Honorable Kenneth Blackwell, Secretary of State, Ohio and Co-Chair of the Census Monitoring Board, testified that the congressionally-appointed Members of the Census Monitoring Board recommended restoring PCLR to Census 2000. He argued that trust is the most important benefit of PCLR. He stated that it only takes one street to determine whether money goes to the city or the county. Mr. Blackwell indicated that a couple people may seem insignificant to a count in Washington, but in Cincinnati a couple people make a significant difference. The Census Monitoring Board (CMB) has repeatedly heard from local officials who say that LUCA is a good idea, but, Mr. Blackwell contended, it falls short of its promise, especially since many of them have experienced extensive delays in receiving the complete address lists to review. Using his experience as a mayor, he argued that local officials would trust the count only if they could verify it, and that PCLR is the best opportunity to do so.

Carol Roberts, County Commissioner of Palm Beach County, Florida, testified that as an experienced field operations supervisor in the 1980 Census as well as a current county commissioner, she supports the reinstatement of PCLR. As a result of the PCLR in the 1990 Census, four of the cities in her county had recounts resulting in population increases of up to 17 percent. She is working closely with the Bureau on precensus activities, but contended that local officials also need to be given the opportunity to have a PCLR in order to ensure the most accurate result before the finalization of the 2000 Census.

The Honorable Timothy M. Kaine, Mayor of the City of Richmond, testified that the United States Conference of Mayors has not taken an official stance on PCLR. The city of Richmond, of which he is Mayor, participated in both the precensus local review and postcensus local review of 1990. The city found the Bureau non-responsive to their submissions of corrections, citing that significant discrepancies remained that the Bureau did not address. He listed consequences of an undercount in terms of Federal funding lost to cities, including the fact that the average loss to cities during the 1990s averaged $1,230 for each person not counted. He contended that LUCA compensates for the problems a PCLR would attempt to solve, but that neither review program would individually make up for an undercount as significantly as would sampling.

James Bourey, Executive Director of the Maricopa Association of Governments, testified that he supports the reinstatement of PCLR for Census 2000. The Census Bureau will take the next 12 months to create their final master address list, during which thousands of additional housing units may be constructed. Postcensus local review provides one method for identifying housing units that may have been missed because they were never included in the Census Bureau's address list. He argued that many more jurisdictions participated in the PCLR Program than statistics would suggest. For many jurisdictions, their review of the preliminary housing unit count before the final census tally did not reveal a miscount. But these jurisdictions did participate in local review and had an opportunity to identify missed housing units. In Mr. Bourey's region, local review resulted in the addition of 3,690 housing units. Those units represented $36,900,000 in funds. He cited several reasons that the Bureau cannot rely on LUCA without a PCLR, and contended that PCLR would be a supplement to LUCA, not a duplication.

Lanier Boatwright, President of the National Association of Developmental Organizations, testified that the Census Bureau should reinstate PCLR, because precensus activities, such as LUCA, are not adequate substitutes for the PCLR. He cited the fact that 85 percent of the nation's 39,000 units of local government are in communities with less than 3,000 people. The vast majority of local governments do not have the staff or financial resources to fully participate in precensus activities such as LUCA. He contended that local governments should have an opportunity to ensure the accuracy of the Census numbers before they are final. He cited a case in the 1990 Census where a small Alabama city informed the Bureau that the city had been improperly counted. Unfortunately, the count was not corrected. In Alabama, a municipality is designated a city only when its population is 2,000 or more. As a result, that city had to change its name and lost all the revenues that it would have received with an accurate count. There are several communities who participated in LUCA and still deem it necessary to participate in PCLR. He argued that small towns should receive an equal opportunity to be counted as do large cities.

Barbara Welty of the National Association of Towns and Townships testified that small communities are at an inherent disadvantage in the census process as established by the Bureau. Only 17,105 local governments to date are participating in LUCA, which leaves 21,895 local governments with no precensus involvement. The majority of local governments, 82 percent of which have a population of 5,000 people or less, are not participating in the LUCA process "due to both a misunderstanding of the inherent special needs of smaller communities, and a lack of Federal funding to help communities participate." Ms. Welty also contended that the 15 days allowed for PCLR in 1990 was insufficient, especially for the majority of small communities who were not eligible to participate in the precensus review, which allowed 45 days. Given that 82 percent of local governments have not participated in LUCA, they have not had the advantage of the extra review time it provides. For this reason she endorsed the 45–day period allotted in

this legislation for PCLR. She emphasized that small communities expect to be treated equally in Census 2000.

Dr. Everett Ehlrich, of the Census Monitoring Board, testified that while the LUCA program for 2000 has been far from perfect, it is an improvement over the postcensus local review program used in 1990. In 1990, only 25 percent of local governments participated in PCLR. The standards of review were met for 168,255 of the blocks disputed, but the recanvass of those blocks only added 124,900 people to the count and identified 200,000 housing units recorded in the wrong location. That is three percent of the number of people missed in 1990, but the program cost $9.6 million and added six weeks to the 1990 census schedule. Although LUCA has had some problems, participation in LUCA is twice as high as participation in the 1990 PCLR. He advised that any program of local review should be both operationally feasible within the schedule of the 2000 decennial census and cost effective. He mentioned the concern that the Bureau must find some means of covering the new construction that takes place in local communities between the end of LUCA in mid-summer and Census Day. He concluded that a repeat of the 1990 PCLR program would be unwise but that the Bureau should consider other possible ways to further involve local governments in the review process without Congressional mandates for such.

Dr. Barbara Bryant, of the National Quality Research Center, School of Business Administration, University of Michigan, testified that PCLR in 1990 was an ineffective operation because it added only 0.08 percent to the number of housing units that had been counted prior to PCLR. She attributed the failure of the 1990 local review programs to the inability of the Bureau to share its address lists with local governments. The result of which was a decrease in local governments' perception of the Census Bureau's willingness to cooperate. This problem has been solved by the Census Address List Improvement Act of 1994, which allowed both the Census Bureau and the U.S. Postal Service to share their mailing lists. The Bureau has created LUCA for the 2000 Census to replace PCLR, in which 45 percent of local governments are participating to date. She conceded that the Address Control file is far from perfect, but is a step up from the past. She advised against passing H.R. 472, because it opens the door to many other attempts to legislate micro-management of the 2000 census.

Alex Fekete, Mayor of Pembroke Pines, Florida submitted written testimony that he, and the 135,000 mayors of the National League of Cities (NLC), consider the reinstitution of a postcensus local review to be very important. Since the LUCA process was so new and had to be revised mid-stream, many communities did not participate as fully as they desired. "The LUCA effort lays the foundation for making a reinstituted PCLR process more valuable and powerful than it has been in the past." In addition, he cited that H.R. 472 allows a 45 day review period and allows cities to document the exact housing units where discrepancies appear, whereas the 1990 PCLR only allowed 15 days to review total counts of housing units by blocks. He contended that the critical constitutional role of the census far out ways the cost of PCLR and

that it's reinstitution would greatly enhance the accuracy and creditability of the count in the eyes of local officials.

Jessica Heinz, Assistant City Attorney of the City of Los Angeles, submitted written testimony explaining that the 1990 undercount of the City of Los Angeles was not due to address misinformation but to a miscount of those residing in the housing units enumerated. She contended that PCLR will not significantly make up for the undercount, and that the Bureau should instead rely on sampling to create a more accurate population count.

V. Explanation of the Bill

Sec. 1. The short title is the "Local Census Quality Check Act."

Sec. 2. This section adds "§ 143 Postcensus local review" to Subchapter II of title 13, United States Code. Included in section 143 are the following requirements:

This section reinstates a Census Bureau program called postcensus local review, beginning with the 2000 Decennial Census. Postcensus local review provides an opportunity for local governmental units to review household counts, boundary maps, and other data the Secretary of Commerce considers appropriate to identify discrepancies in housing unit counts before the completion of the decennial census. The benefit of postcensus local review is the ease in checking and correcting any miscounts while the census is still in progress.

During the year in which the census is taken, the legislation provides the following time frame for postcensus local review:

1. By February 1st, the Secretary of Commerce needs to supply the local governmental units with the guidelines and other pertinent information for participation;
2. No later than 30 days prior to submitting the housing units counts, the Secretary must furnish to the local governmental units the block level maps and listing of housing units;
3. No later than August 1st, or 30 days after the completion of the nonresponse follow-up process, the Secretary must submit to the local governmental units the data subject to their review;
4. The local government units have 45 days to review the data and submit any challenges;
5. No later than November 1st, the Secretary must investigate all timely filed challenges, correct any miscounts, and notify those local governmental units as to any action taken in response to the challenge.

VI. Compliance With Rule XIII

Pursuant to rule XIII, clause 3(c)(1) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(e), the results and findings from committee oversight activities are incorporated in the bill and this report.

VII. Budget Analysis and Projections

The budget analysis and projections required by section 308(a) of the Congressional Budget Act of 1974 are contained in the estimate of the Congressional Budget Office.

VIII. COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 19, 1999.

Hon. DAN BURTON,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN. The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 472, the Local Census Quality Check Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Hadley.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 471—Local Census Quality Check Act

During the decennial census in 1990, local governments had the opportunity to review household counts, jurisdictional boundaries, and other data to identify potential problems before the Bureau of the Census finalized the tabulation of total population. H.R. 472 would require the bureau to provide that opportunity to local governments for the 2000 census and all future decennial censuses. The bill also would require the bureau to investigate any discrepancies identified by local governments.

CBO estimates that implementing H.R. 472 would cost between $10 million and $20 million in 2000, assuming appropriation of the necessary amount. Allowing local governments to review the census cost about $10 million in 1990, when about 10,000 out of nearly 40,000 local governments participated. Although inflation and population growth since 1990 would make this program more expensive, participation could be higher or lower than it was in 1990. H.R. 472 also would increase the costs of all future decennial censuses.

The extent of participation in a post-census review under H.R. 472 is very uncertain. On the one hand, participation in 2000 could be lower than in 1990 because of the Bureau of the Census provided local governments with an opportunity to review the address list before the 2000 census, and according to the bureau, about five times as many local governments are participating in this review as participated in the pre-census review in 1990. In addition, the bureau plans to ask local governments to identify housing constructed during the last four months prior to the census. Thus, a post-census review could be viewed as unnecessary, and fewer local governments might choose to participate. On the other hand, the National League of Cities believes that local governments are very interested in the census and that participation in a post-census review would be higher than in 1990.

H.R. 472 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 472 contains no intergovernmental or private-sector mandates as defined in the Un-

funded Mandates Reform Act. Any costs incurred by local or tribal governments would be voluntary.

The CBO staff contact is Mark Hadley. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

IX. Specific Constitutional Authority for this Legislation

Clause 3 of Article 1, section 2 and clauses 1 and 18 of Article 1, section 8 of the Constitution grant Congress the power to enact this law.

X. Committee Recommendation

On March 17, 1999, a quorum being present, the Committee on Government Reform ordered the bill favorably reported.

COMMITTEE ON GOVERNMENT REFORM–106TH CONGRESS RECORD VOTE

Date: March 17, 1999.

Amendment Number 2.

Summary: Amendment in the Nature of a Substitute to H.R. 472, strike all after the enacting clause and insert the following * * *

Offered by: Hon. Carolyn B. Maloney.

Failed by Record Vote, 21 Ayes to 23 Nays.

Vote by Members: Mr. Burton—Nay; Mr. Gilman—Nay; Mrs. Morella—Aye; Mr. Shays—Nay; Ms. Ros-Lehtinen—Nay; Mr. McHugh—Nay; Mr. Horn—Nay; Mr. Mica—Nay; Mr. Davis of Virginia—Nay; Mr. McIntosh—Nay; Mr. Souder—Nay; Mr. Scarborough—Nay; Mr. LaTourette—Nay; Mr. Sanford—Nay; Mr. Barr—Nay; Mr. Miller—Nay; Mr. Hutchinson—Nay; Mr. Terry—Nay; Mrs. Biggert—Nay; Mr. Walden—Nay; Mr. Ose—Nay; Mr. Ryan—Nay; Mr. Doolittle—Nay; Mrs. Chenoweth—Nay; Mr. Waxman—Aye; Mr. Lantos—Aye; Mr. Wise—Aye; Mr. Owens—Aye; Mr. Towns—Aye; Mr. Kanjorski—Aye; Mrs. Mink—Aye; Mr. Sanders—Aye; Mrs. Maloney—Aye; Ms. Norton—Aye; Mr. Fattah—Aye; Mr. Cummings—Aye; Mr. Kucinich—Aye; Mr. Blagojevich—Aye; Mr. Davis of Illinois—Aye; Mr. Tierney—Aye; Mr. Turner—Aye; Mr. Allen—Aye; Mr. Ford—Aye; Ms. Schakowsky—Aye.

Date: March 17, 1999.

Summary: Final Passage of H.R. 472.

Offered by: Hon. Dan Miller (FL).

Recorded vote: 23 ayes; 21 nays.

Vote by Members: Mr. Burton—Aye; Mr. Gilman—Aye; Mrs. Morella—Nay; Mr. Shays—Aye; Ms. Ros-Lehtinen—Aye; Mr. McHugh—Aye; Mr. Horn—Aye; Mr. Mica—Aye; Mr. Davis of Virginia—Aye; Mr. McIntosh—Aye; Mr. Souder—Aye; Mr. Scarborough—Aye; Mr. LaTourette—Aye; Mr. Sanford—Aye; Mr. Barr—Aye; Mr. Miller—Aye; Mr. Hutchinson—Aye; Mr. Terry—Aye; Mrs. Biggert—Aye; Mr. Walden—Aye; Mr. Ose—Aye; Mr. Ryan—Aye; Mr. Doolittle—Aye; Mrs. Chenoweth—Aye; Mr. Waxman—Nay; Mr. Lantos—Nay; Mr. Wise—Nay; Mr. Owens—Nay; Mr. Towns—Nay; Mr. Kanjorski—Nay; Mrs. Mink—Nay; Mr. Sanders—Nay; Mrs. Maloney—Nay; Ms. Norton—Nay; Mr. Fattah—Nay; Mr. Cummings—Nay; Mr. Kucinich—Nay; Mr. Blagojevich—

Nay; Mr. Davis of Illinois—Nay; Mr. Tierney—Nay; Mr. Turner—Nay; Mr. Allen—Nay; Mr. Ford—Nay; Ms. Schakowsky—Nay.

XI. CONGRESSIONAL ACCOUNTABILITY ACT; PUBLIC LAW 104–1

H.R. 472 amends Title 13, Chapter 5—Censuses to require the Commerce Department to include an opportunity for local governmental units to participate in postcensus local review in each decennial census taken after the date of enactment of this section. The original Act does not apply to the House of Representatives or to the Senate, thus H.R. 472 does not apply to Congress.

XII. UNFUNDED MANDATES REFORM ACT; PUBLIC LAW 104–4; SECTION 423

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (PL 104–4).

XIII. FEDERAL ADVISORY COMMITTEE ACT (5 U.S.C. APP.), SECTION 5 (b)

The Committee finds that section 5(b) of Title 5 App., United States Code, is not applicable because this legislation does not authorize the establishment of any advisory committee.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 13, UNITED STATES CODE

* * * * * * *

CHAPTER 5—CENSUSES

* * * * * * *

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

141. Population and other census information.

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143. Postcensus local review.

SUBCHAPTER II—POPULATION, HOUSING, AND UNEMPLOYMENT

* * * * * * *

§ 143. Postcensus local review

(a) Each decennial census taken after the date of enactment of this section shall include an opportunity for postcensus local review, similar to that afforded as part of the 1990 decennial census, so that local governmental units may review household counts, jurisdictional boundaries, and such other data as the Secretary considers appropriate for the purpose of identifying discrepancies or

other potential problems before the tabulation of total population by States (as required for the apportionment of Representatives in Congress among the several States) is completed.

(b) Any postcensus local review afforded under this section in connection with a decennial census shall be conducted in conformance with the following:

(1) Not later than February 1st of the year in which such census is taken, the Secretary shall notify local governmental units as to the guidelines for, and shall furnish them with any other information pertinent to, their participating in the upcoming postcensus local review.

(2)(A) Not later than 30 days before submitting to a local governmental unit the data subject to its review under this section, the Secretary shall furnish to such unit the appropriate block level maps and lists of housing units.

(B) Not later than August 1st of the year in which such census is taken or, if earlier, the 30th day after the date on which the nonresponse followup process for such census is completed, the Secretary shall submit to each local governmental unit the data which is subject to review by such governmental unit under this section.

(C) For purposes of subparagraph (B), the date on which the nonresponse followup process for a census is completed shall be as determined by the Secretary.

(3) A local governmental unit shall have 45 days (excluding Saturdays, Sundays, and legal public holidays) to review the data submitted to it under paragraph (2)(B), and to submit any challenges relating to such data.

(4) The Secretary shall investigate all challenges timely submitted under paragraph (3), recanvass such blocks or other units as the Secretary considers appropriate in connection with any such challenge, and correct any miscounts identified pursuant to any such challenge.

(5) Not later than November 1st of the year in which such census is taken, the Secretary shall, with respect to each challenge timely submitted under paragraph (3)—

(A) complete the measures required under paragraph (4) with respect to such challenge; and

(B) notify the local governmental unit that submitted such challenge as to the measures taken in response thereto.

(c) As used in this section—

(1) the term "decennial census" means a decennial census of population conducted under section 141(a); and

(2) the term "local governmental unit" means a local unit of general purpose government as defined by section 184, or its designee.

MINORITY VIEWS

H.R. 472, the "Local Census Quality Check Act," would add a new section to 13 U.S.C. (The Census Act). It would require a Post Census Local Review (PCLR) program very similar to the one conducted after the 1990 Census. We are opposed to this bill in its current form. The principal effect of H.R. 472 would be to undermine the accuracy of the census by preventing the Census Bureau from using statistical methods to count those missed in the traditional "head count." For this reason, H.R. 472 is widely opposed by local governments—the very entities that it is supposed to assist.

The 2000 Census is an extremely complex undertaking that by law must be completed in one year. It will take the Census Bureau at least five months in the field to conduct its traditional head count—and several more months to process and tabulate the data. After completing this head count, the Census Bureau plans to conduct an in-depth survey of 300,000 households (known as the Accuracy and Coverage Evaluation or ACE) to measure how many people were missed in the head count. This correction process will take another two months in the field, with additional time being required to analyze the statistical data.

As the majority is aware, if the time consumed by the conventional head count is extended, there will not be enough time at the end of the process to conduct and complete the statistical corrections. That is precisely the effect H.R. 472 would have: it would extend the period for the head count and delay the beginning of the ACE program by nine weeks. If H.R. 472 were enacted, the Census Bureau simply would not have enough time to correct the errors in the census and ensure that all Americans are counted.

The Census Bureau shares our serious concerns with this bill. According to Dr. Prewitt, Director of the Census Bureau, the consequences of H.R. 472 "for an orderly, timely and accurate census in 2000 are just short of disastrous * * * [Were it] to become law, the Congress would * * * require the Census Bureau to field an operational plan which in our judgment would decrease accuracy levels." As Dr. Prewitt wrote in a memorandum forwarded to the Committee by Secretary Daley on March 16, 1999, these concerns are significant enough to warrant a veto recommendation:

> The bill with the most serious potential consequences is H.R. 472, the "Local Census Quality Check Act." It would mandate an operational change to the Census 2000 Plan which is neither timely, effective, nor cost-efficient and would return us to inadequate 1990 operations that have now been substantially improved upon.
>
> Since the Bureau recognizes the importance of local government participation, we have established a program of local participation in address accuracy and boundary readjustments which we believe is superior to the 1990 Post

> Census Local Review (PCLR) program. The Census 2000 Local Update of Census Addresses (LUCA) vastly expands both the interaction between local governmental units and the Bureau and the time local governments are given to verify and correct addresses and boundaries. To date, twice as many local governments are participating in LUCA compared to PCLR in 1990. Notably, these governments cover 85 percent of all addresses in the country. In addition, our plan includes a program to validate the boundaries for every local and tribal government in the United States and a new construction program that will resolve most of the address problems uncovered in the 1990 PCLR. This new program which is currently being reviewed by our outside advisory groups, will give local governments the opportunity to add new housing units to the census Master Address File up to Census Day, April 1, 2000.
>
> We strongly believe that the Census Bureau's current plan is more efficient, more effective, more timely, and will produce greater accuracy in the time frame mandated for us by law than would the proposal in H.R. 472.[1]

The majority claims to be acting out of a sincere desire to enhance local government participation in the 2000 Census. Yet local governments have opposed this bill in its current form. For example, the following are excerpts of some of the letters we have received about the bill from local governments:

> [A] lengthy, 1990-style Post Census Local Review (PCLR) will do very little to address the persistent undercount problem that many cities experienced during the 1990 census * * * For this reason, we urge you and all members of the Committee to oppose any legislation that places at risk the Census Bureau's ability to conduct a timely post enumeration survey or that is intended to replace a coverage evaluation program to measure and correct undercounts."—J. Thomas Cochran, Executive Director, United States Conference of Mayors
>
> The bill prevents census counts from being corrected for the undercount by April 1, 2001, which is critical for distribution of federal funds. * * * I cannot support H.R. 472 in its current form." Mayor Dennis Archer of the City of Detroit, Michigan
>
> I am also writing to request you oppose H.R. 472, the Local Census Quality Check Act. * * * [T]he effect of this legislation would prevent the Census Bureau from utilizing the most effective scientific methods for ensuring an accurate census."—Mayor Lee P. Brown, City of Houston, Texas
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> The City of Los Angeles is opposed to H.R. 472, a bill which would require the Census Bureau to implement a

[1] Kenneth Prewitt, Director of the Census Bureau, Memorandum for the Secretary, 1 (March 16, 1999).

> Post Census Local Review Program."—John Ferraro, President, Los Angeles City Council
>
> I urge you to oppose H.R. 472, the Local Census Quality Check Act. * * * I cannot * * * support legislation that eliminates one of the tools that scientists argue will give us a more accurate count; that is, statistical sampling.—Mayor Alex Penelas of the County of Miami-Dade, Florida
>
> I am writing in opposition to H.R. 472, the Local Census Quality Check Act. The post census local review program for Census 2000 required by the legislation would effectively prevent the Secretary of Commerce from using statistical methods to produce the most accurate census possible.—Speaker Peter F. Vallone, Council of the City of New York
>
> I am writing to express my concerns over H.R. 472, the Local Census Quality Check Act. * * * The length of the local review process required in H.R. 472 jeopardizes the ability of the Census bureau to correct census counts for persons missed or counted twice in the census.—Mayor Willie L. Brown, Jr. of the City of San Francisco, California
>
> Cook County is strongly opposed to H.R. 472. * * * A more recent study found that 34 cities and counties lost "more than $500 million in federal and state funds during this past decade" due to the undercount in the 1990 Census.—John H. Stroger, Jr., President Cook County Board of Commissioners

In total, we have received over 30 letters from local governments and organizations opposing the bill in the brief time we have known about its markup.

Local governments have raised legitimate concerns about participation in the creation of the census address list. These legitimate concerns should be addressed through means other than H.R. 472's approach. During the full Committee markup, Representative Maloney offered an amendment which would have given local governments the opportunity to assist the Census Bureau in perfecting the census address list by: (1) making sure all new housing construction was included in the census address list; (2) giving local governments an opportunity to review the counts of vacant addresses identified by the Postal Service; and (3) giving local governments the opportunity to make sure that the census properly identified the jurisdictional boundaries of local governmental units. The Maloney amendment left the details of this enhanced local participation to the professionals at the Census Bureau so that these activities can be coordinated with existing local participation and with all other operational activities of the census. This approach—unlike H.R. 472—accommodated both local review and the use of statistical methods to produce the most accurate census possible.

H.R. 472 has other serious problems. In particular, it micro-manages the decennial census and would force the Bureau to repeat a program which has proven ineffective in both the 1980 and 1990 censuses.

Following the 1990 Census, local governments were sent a count of housing units for each block in their jurisdictions. A governmental unit could then challenge the accuracy of the census housing unit counts by providing documentation to the Census Bureau that met specified criteria. Census Bureau officials and local governmental officials then worked together to resolve the differences.

Despite these efforts, post-census local review was one of the programs of the 1990 Census that was judged by Congress and outside experts to be neither cost-efficient nor effective. The 1990 program cost $9.6 million and added about 81,000 housing units (about 0.08%) to the census rosters, and 30% of these units added were vacant. Half of the units added were in two cities, Detroit and Cleveland. About 25% of governmental units participated in the program, and less than 20% filed challenges that met the specified criteria. Finally, in 1990, about 12% of the 124,900 people added to the census count were added erroneously.

Dr. Barbara Bryant, Director of the Census Bureau during the Bush Administration, has testified before the Census Subcommittee that "Postcensus local review in 1990 was a well intentioned, but ineffective, operation. * * * Rather than repeat postcensus local review, with its disappointing and minuscule results, the Census Bureau determined to find a way for local governments to more fully participate in the census." [2]

Because of these disappointing results, Congress passed, in 1994, the Address List Correction Act, sponsored by Representatives Sawyer (D-OH) and Ridge (R-PA), amending Title 13 U.S.C. to create a pre-census local review process. This law allows the Census Bureau to share its address list with local government officials, and for the address list to be modified based on local government input. In addition, the bill calls for an appeals process to be designed by the Office of Management and Budget. Governments that believe the Census Bureau has not included sufficient housing units within its jurisdiction can appeal the Census Bureau's decision. The operational plan for the 2000 Census contains a program which implements this law—the Local Update of Census Addresses (LUCA).

The LUCA program represents a significant advance over the PCLR of 1990. Instead of sharing block-level housing and population counts with local officials after the census is completed with a review window of 15 days, the LUCA program permits the Census Bureau to share its entire address list with participating local governments before census day. Local governments can then refine the address list and reconcile any discrepancies prior to the mailing of census forms. Another major improvement is that LUCA provides local governments with up to three months to review the address lists.

LUCA has already been more successful than PCLR was in 1990, as is "borne out by the participation rates in the LUCA program for the 2000 Census. The Census Bureau estimates that 18,000 local government jurisdictions will participate in LUCA. * * * al-

[2] Dr. Barbara Bryant, Testimony before the Subcommittee on the Census (February 11, 1999).

most twice the number of participant governments as [PCLR in 1990]."[3]

Despite the failures of PCLR in 1990 and the current success of the LUCA program, there is little difference between H.R. 472 and the 1990 PCLR with one exception—H.R. 472 expands the time for local review from two weeks to nine. The program as laid out in H.R. 472 also essentially duplicates activities in LUCA. Although the desire to give local government officials one last chance to increase their counts is understandable, any such program should complement rather than duplicate other census activities. The main effect this bill would have would be to prevent the release of the most accurate census counts. A much better quality control check is a fully funded Accuracy and Coverage Evaluation (ACE) as planned by the Census Bureau.

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TOM LANTOS.
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EDOLPHUS TOWNS.
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[3] U.S. Census Monitoring Board, Presidential Members, Report to Congress, Government Printing Office, 19 (February 1, 1999).