

116TH CONGRESS  
1ST SESSION

# S. 358

To amend title 13, United States Code, to require the Secretary of Commerce to provide advance notice to Congress before changing any questions on the decennial census, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 2019

Mr. SCHATZ (for himself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. CARDIN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. KAINE, Mr. KING, Mr. PETERS, Mr. REED, Ms. ROSEN, Ms. SMITH, Mr. UDALL, Mr. VAN HOLLEN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 13, United States Code, to require the Secretary of Commerce to provide advance notice to Congress before changing any questions on the decennial census, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Census Improving Data and Enhanced Accuracy Act” or  
6 the “Census IDEA Act”.

1 (b) FINDINGS.—Congress finds the following:

2 (1) The decennial census was embedded in arti-  
3 cle I of the Constitution of the United States by the  
4 founders of the United States.

5 (2) The decennial census measures the progress  
6 of the country and helps chart our future.

7 (3) The decennial census, for the decade to fol-  
8 low, shapes the reapportionment of the House of  
9 Representatives and the drawing of hundreds of con-  
10 gressional political districts and thousands of State  
11 and local political districts.

12 (4) More than \$800,000,000,000 in Federal as-  
13 sistance to States and local communities every year  
14 is informed by the results of the decennial census.

15 (5) The decennial census is the largest peace-  
16 time mobilization undertaken by the Federal Gov-  
17 ernment.

18 (6) Congress must ensure that every decennial  
19 census is a complete, accurate, and fair decennial  
20 enumeration of all individuals in the United States.

21 (7) Any late, untested changes to the oper-  
22 ational design of the decennial census will jeopardize  
23 public cooperation with the census and, therefore,  
24 the success and accuracy of the census.

1 **SEC. 2. LIMITATIONS AND REQUIREMENTS FOR THE DE-**  
 2 **CENNIAL CENSUS.**

3 Section 141 of title 13, United States Code, is  
 4 amended—

5 (1) in subsection (f)—

6 (A) in paragraph (1), by adding “and” at  
 7 the end;

8 (B) in paragraph (2), by striking “; and”  
 9 and inserting a period; and

10 (C) by striking paragraph (3);

11 (2) by redesignating subsection (g) as sub-  
 12 section (h);

13 (3) by inserting after subsection (f) the fol-  
 14 lowing:

15 “(g) LIMITATIONS AND REQUIREMENTS.—

16 “(1) NOTICE TO CONGRESS OF OPERATIONAL  
 17 DESIGN, SUBJECTS, TYPES OF INFORMATION, AND  
 18 QUESTIONS.—In the 2020 decennial census of popu-  
 19 lation and each decennial census thereafter, the Sec-  
 20 retary may not—

21 “(A) with respect to the census, implement  
 22 any major operational design element that has  
 23 not been researched, studied, and tested for a  
 24 period of not less than 3 years before the decen-  
 25 nial census date; or

“(B) include on the questionnaire for the census any subject, type of information, or question that was not submitted to Congress in accordance with subsection (f).

“(2) BIENNIAL REPORTS.—

“(A) SUBMISSION TO CONGRESS.—

“(i) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection and biennially thereafter, the Secretary shall submit to each committee of Congress having legislative jurisdiction over the census, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report that includes a detailed statement on the status, at the time of submission, of all research, testing, and operations that are or will be part of the Bureau’s comprehensive plan for the next decennial census.

“(ii) OPERATIONAL PLAN COMPONENTS.—Not later than 5 years before the decennial census date, the Secretary shall include in a report under clause (i) a de-

1           scription of each component of the oper-  
2           ational plan for that decennial census.

3           “(B) INTERNET PUBLICATION.—On the  
4           date on which the Secretary submits a report  
5           under subparagraph (A), the Secretary shall  
6           publish the report on the public internet website  
7           of the Bureau.

8           “(3) GAO ANALYSIS.—Before the decennial  
9           census date, the Comptroller General of the United  
10          States shall determine and report to Congress on  
11          whether the subjects, types of information, and ques-  
12          tions to be included in that decennial census have  
13          been adequately researched, studied, and tested to  
14          the same degree as in previous decennial censuses.

15          “(4) APPLICABILITY.—Nothing in this sub-  
16          section shall be construed to affect—

17               “(A) the mid-decade census conducted  
18               under subsection (d); or

19               “(B) the survey conducted by the Sec-  
20               retary that is commonly referred to as the  
21               ‘American Community Survey’.”; and

22          (4) in subsection (h), as so redesignated, by in-  
23          serting “DEFINITION.—” before “As used in”.

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