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ONE HUNDRED SEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

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INDEPENDENT

April 6, 2001

The Honorable Donald L. Evans
Secretary of Commerce
Fourteenth Street and Constitution Ave., NW
Washington, DC 20230

Dear Secretary Evans:

Pursuant to the "Seven Member Rule" (5 U.S.C. § 2954), we write to request that the Commerce Department provide us the adjusted census data produced as part of the 2000 Decennial Census.

As part of its work on the 2000 Decennial Census, the Census Bureau compiled two sets of data. One is a population count determined through the use of census forms returned by mail and interviews conducted at addresses for which no census form was returned. Recognizing that the raw population count is not entirely accurate, the Bureau prepares a second set of data: The population count enhanced using statistical techniques designed to correct for errors in the census count. The Commerce Department has released the first set of data. On March 6, 2001, however, you announced your decision not to use or publicly release the second set of data.

There are substantial questions about the accuracy of the 2000 census data that you have chosen to release. According to news reports, the unadjusted numbers you released missed at least 6.4 million people and counted at least 3.1 million people twice.¹

On March 1, 2001, the Census Bureau's Executive Steering Committee for Accuracy and Coverage Evaluation Policy made a recommendation as to which set of data should be released by April 1, 2001, to the public and to the states for purposes of redistricting. Although the steering committee concluded that the adjusted numbers should not be released at that time for redistricting purposes, it reached this decision only because the impending April 1, 2001,

¹*Count of 2000 Census Said to Err by Millions*, New York Times (March 16, 2001).

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statutory deadline prevented a full analysis of the accuracy of the adjusted data. In fact, the steering committee expressly found that “the majority of the evidence indicates . . . the superior accuracy of the adjusted numbers.”² The committee also found that “[q]uality measures indicate the adjusted data are more accurate overall.”³

We are requesting the adjusted data that the Census Bureau has already compiled but that you decided not to release. Specifically, we request that you provide to us the 2000 census data required under 13 U.S.C. § 141(c), adjusted using the Accuracy and Coverage Evaluation.

We are making this request under the Seven Member Rule, which expressly provides that “[a]n Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof . . . shall submit any information requested of it relating to any matter within the jurisdiction of the committee.”⁴ Under the rules of the House of Representatives, our Committee has both legislative and oversight jurisdiction over matters relating to population and demography, including the census.⁵

We are seeking this information for several reasons. First, our Committee has legislative jurisdiction over the census. We are actively considering whether to amend the law regarding the timing and release of adjusted and unadjusted census data. Concerns have been raised that the existing provisions of the Census Act effectively prevent the most accurate data from being used for redistricting and other purposes. Review of the adjusted data will enable us to evaluate the need for legislation in this area.

Second, this information could have an enormous impact on the allocation by Congress of

²Report of Tabulations of Population to States and Localities Pursuant to Title 13 U.S.C., Section 141(c), and Availability of Other Population Information; the Executive Steering Committee for Accuracy and Coverage Evaluation Policy (ESCAP) Report; and the Census Bureau Director’s Recommendation; Notice, 66 Fed. Reg. 14005 (2001) (emphasis added).

³*Id.* at 14006.

⁴5 U.S.C. § 2954. The Committee on Government Operations was renamed the Committee on Government Reform and Oversight in the 104th Congress and again renamed the Committee on Government Reform in the 106th Congress. References in law to the Committee on Government Operations are treated as referring to this Committee. *See References in Law to Committees and Officers of the House of Representatives*, Pub. L. No. 104-14, § 1(6), 109 Stat. 186 (1995).

⁵Rule X, cl. 1(h)(8), 4(c)(2).

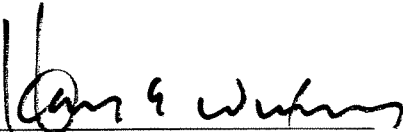
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more than \$185 billion in population-based federal grant funds. The General Accounting Office, using data from the 1990 census and a statistical method similar to the one used for the 2000 census, analyzed how the use of adjusted census data would have affected the distribution of federal resources. Examining a sample of 15 major programs that administer \$138 billion in federal funds, GAO concluded that the use of adjusted population counts would have reallocated nearly \$450 million among the 50 states and the District of Columbia. This study concluded that California alone would have received over \$200 million annually in additional funds if adjusted data had been used.⁶

Third, this information could have a significant bearing on the appropriateness of congressional redistricting efforts currently being undertaken by state governments. The reports that the Census Bureau missed 6.4 million people in its most recent count raise serious questions about whether all of our citizens will have an equal voice in government. As members of the Committee on Government Reform, which has oversight jurisdiction over redistricting, we need to investigate these important questions, and if need be, develop legislation that assures fairness in the redistricting process.

The budget and appropriations process for fiscal year 2002 is now underway, as is the redistricting process in states. Consequently, we need this information as expeditiously as possible to fulfill our legislative and oversight responsibilities. For this reason, we request that you provide the adjusted data on or before April 20, 2001.

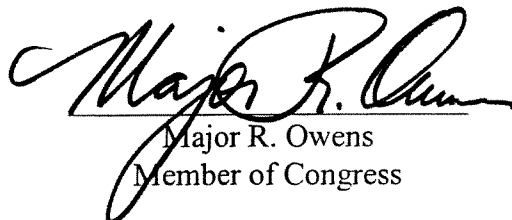
Sincerely,



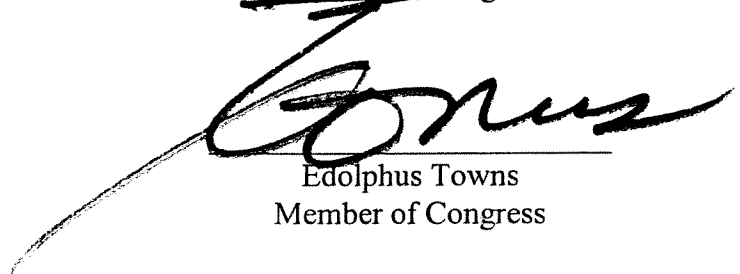
Henry A. Waxman
Ranking Minority Member



Tom Lantos
Member of Congress



Major R. Owens
Member of Congress

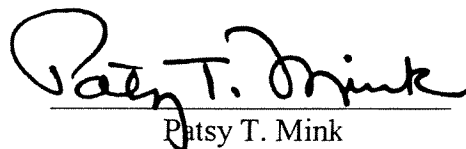


Edolphus Towns
Member of Congress

⁶U.S. General Accounting Office, *Formula Grants: Effects of Adjusted Population Counts on Federal Funding to States*, 6 (Feb. 1999) (GAO/HEHS-99-69).




Paul E. Kanjorski
Member of Congress



Patsy T. Mink
Member of Congress



Bernard Sanders
Member of Congress



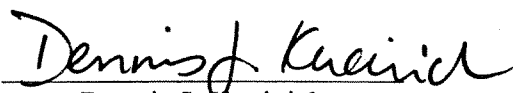
Carolyn B. Maloney
Member of Congress



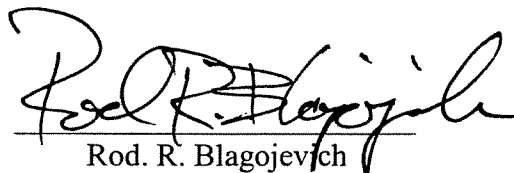
Eleanor Holmes Norton
Member of Congress



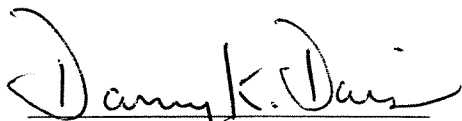
Elijah E. Cummings
Member of Congress



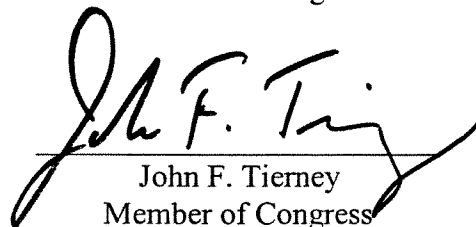
Dennis J. Kucinich
Member of Congress



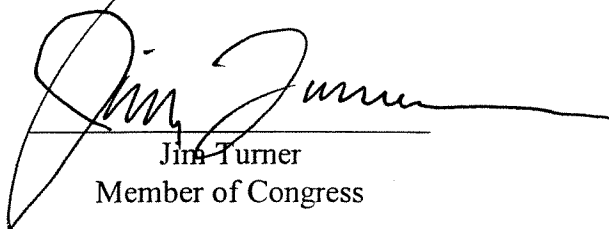
Rod R. Blagojevich
Member of Congress



Danny K. Davis
Member of Congress



John F. Tierney
Member of Congress

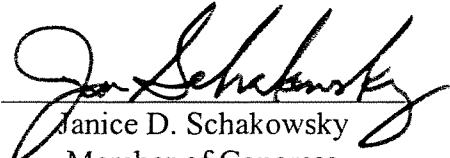


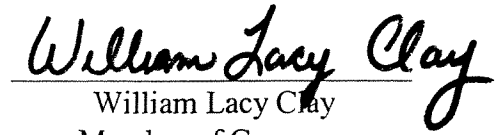
Jim Turner
Member of Congress



Tom Allen
Member of Congress

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Janice D. Schakowsky
Member of Congress


William Lacy Clay
Member of Congress