

116TH CONGRESS
2D SESSION

H. R. 7974

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 7, 2020

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. GOMEZ, Ms. DEAN, Mr. THOMPSON of California, Ms. HAALAND, Mr. HIGGINS of New York, Mr. RASKIN, Mr. LOWENTHAL, Ms. SCANLON, Ms. SÁNCHEZ, Ms. MCCOLLUM, Ms. NORTON, Mr. LYNCH, Mr. HORSFORD, Mr. CICILLINE, Ms. ESHOO, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To modify the deadline 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”.

1 **SEC. 2. CENSUS DEADLINE MODIFICATION.**

2 Notwithstanding the timetables provided in sub-
3 sections (b) and (c) of section 141 of title 13, United
4 States Code, and section 22(a) of the Act entitled “An
5 Act to provide for the fifteenth and subsequent decennial
6 censuses and to provide for apportionment of Representa-
7 tives in Congress”, approved June 18, 1929 (2 U.S.C.
8 2a(a)), for the 2020 decennial census of population—

9 (1) the tabulation of total population by States
10 required by subsection (a) of such section 141 for
11 the apportionment of Representatives in Congress
12 among the several States shall be—

13 (A) completed and reported by the Sec-
14 retary of Commerce (referred to in this section
15 as the “Secretary”) to the President no earlier
16 than one year after the decennial census date of
17 April 1, 2020, and not later than April 30,
18 2021; and

19 (B) made public by the Secretary not later
20 than the date on which the tabulation is re-
21 ported to the President under subparagraph
22 (A);

23 (2) the President shall transmit to Congress a
24 statement showing the whole number of persons in
25 each State, and the number of Representatives to
26 which each State would be entitled under an appor-

1 tionment of the then existing number of Representa-
2 tives, as required by such section 22(a), and deter-
3 mined solely as described therein, immediately upon
4 receipt of the tabulation reported by the Secretary;
5 and

6 (3) the tabulations of populations required by
7 subsection (c) of such section 141 shall be completed
8 by the Secretary as expeditiously as possible after
9 the census date of April 1, 2020, taking into account
10 the deadlines of each State for legislative apportion-
11 ment or districting, and reported to the Governor of
12 the State involved and to the officers or public bod-
13 ies having responsibility for legislative apportion-
14 ment or districting of that State, except that the
15 tabulations of population of each State requesting a
16 tabulation plan, and basic tabulations of population
17 of each other State, shall be completed, reported,
18 and transmitted to each respective State not later
19 than July 30, 2021.

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

21 On the first day of each month during the period be-
22 tween the date of enactment of this Act and July 1, 2021,
23 the Director of the Bureau of the Census shall submit,
24 to the Committee on Oversight and Reform of the House
25 of Representatives, the Committee on Homeland Security

1 and Governmental Affairs of the Senate, and the Commit-
2 tees on Appropriations of the House and the Senate, a
3 report regarding the 2020 decennial census of population
4 containing the following information:

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

9 (2) Retention rates of such hired field staff.

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

12 (4) Anticipated schedule of such census oper-
13 ations.

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

17 (6) Nonresponse Followup completion rates by
18 geographic location.

19 (7) Update/Enumerate and Update/Leave com-
20 pletion rates by geographic location.

21 (8) Total spending to date on media, advertise-
22 ments, and partnership specialists, including a geo-
23 graphic breakdown of such spending.

24 (9) Post-enumeration schedule and subsequent
25 data aggregation and delivery progress.

1 **SEC. 4. PROVIDING BUREAU OF THE CENSUS ACCESS TO**
2 **INFORMATION FROM INSTITUTIONS OF HIGH-**
3 **ER EDUCATION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, including section 444 of the General Edu-
6 cation Provisions Act (commonly known as the “Family
7 Educational Rights and Privacy Act of 1974”), an institu-
8 tion of higher education may, in furtherance of a full and
9 accurate decennial census of population count, provide to
10 the Bureau of the Census information requested by the
11 Bureau for purposes of enumeration for the 2020 decen-
12 nial census of population.

13 (b) APPLICATION.—

14 (1) INFORMATION.—Only information requested
15 on the official 2020 decennial census of population
16 form may be provided to the Bureau of the Census
17 pursuant to this section. No institution of higher
18 education may provide any information to the Bu-
19 reau on the immigration or citizenship status of any
20 individual.

21 (2) NOTICE REQUIRED.—Before information
22 can be provided to the Bureau, the institution of
23 higher education shall give public notice of the cat-
24 egories of information which it plans to provide and
25 shall allow 10 days after such notice has been given
26 for a student to inform the institution that any or

1 all of the information designated should not be re-
2 leased without the student's prior consent. No insti-
3 tution of higher education shall provide the Bureau
4 with the information of any individual who has ob-
5 jected to the provision of such information.

6 (3) USE OF INFORMATION.—Information pro-
7 vided to the Bureau pursuant to this section may
8 only be used for the purposes of enumeration for the
9 2020 decennial census of population.

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

14 (d) SUNSET.—The authority provided in this section
15 shall expire at the conclusion of 2020 census operations.

16 **SEC. 5. LIMITATION.**

17 The Bureau of the Census may not compile, produce,
18 or publish any data product or tabulation as part of, in
19 combination with, or in connection with, the 2020 decen-
20 nial census of population or any such census data pro-
21 duced pursuant to section 141(c) of title 13, United States
22 Code, that includes topics specific to the 2020 Census that
23 were not part of the report submitted pursuant to section
24 141(f)(1) of title 13, United States Code, on March 28,

1 2017, and the 2018 End-to-End Census Test conducted
2 in Providence County, Rhode Island.

3 **SEC. 6. NRFU OPERATION.**

4 For the 2020 decennial census of population, the Bu-
5 reau of the Census shall conclude the Nonresponse Fol-
6 lowup operation and the self-response operation no earlier
7 than October 31, 2020.

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