

117TH CONGRESS  
1ST SESSION

# S. 1701

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

MAY 19, 2021

Mr. SCHATZ (for himself, Ms. SMITH, Ms. CORTEZ MASTO, Mr. BROWN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. CARPER, Mr. CASEY, Mr. BENNET, Mr. KING, Mr. WYDEN, Ms. STABENOW, Ms. DUCKWORTH, Ms. BALDWIN, Ms. WARREN, Mr. REED, Ms. KLOBUCHAR, Mr. PETERS, Mr. VAN HOLLEN, and Mr. CARDIN) 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 \$1,500,000,000,000 in Federal  
13 assistance to States and local communities every  
14 year is informed by the results of the decennial cen-  
15 sus.

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

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

22 (7) Any late, untested changes to the oper-  
23 ational design of the decennial census will jeopardize  
24 public cooperation with the census and, therefore,  
25 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 2030 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

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

5           “(2) BIENNIAL REPORTS.—

6           “(A) SUBMISSION TO CONGRESS.—

7           “(i) IN GENERAL.—Not later than 90  
8 days after the date of enactment of this  
9 subsection and biennially thereafter, the  
10 Secretary shall submit to each committee  
11 of Congress having legislative jurisdiction  
12 over the census, the Committee on Appro-  
13 priations of the Senate, and the Committee  
14 on Appropriations of the House of Rep-  
15 resentatives a report that includes a de-  
16 tailed statement on the status, at the time  
17 of submission, of all research, testing, and  
18 operations that are or will be part of the  
19 Bureau’s comprehensive plan for the next  
20 decennial census.

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

1           description 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  
7           website 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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