

Congress of the United States
Washington, DC 20515

September 11, 2020

Dr. Steven Dillingham
Director
United States Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Dear Director Dillingham,

We write with serious concerns related to the methodologies and field operations of the 2020 Census in New Mexico. While we appreciate the regional update provided by the Census Bureau (the Bureau) for the New Mexico congressional delegation on August 20, 2020, we have great doubts about the success of the ongoing operation and urge greater engagement with the state and federal delegation.

After the onset of the novel coronavirus (COVID-19) pandemic, the Bureau's April 13, 2020 COVID-19 Plan to extend operations and the enumeration period for Self-Response and Non-Response Follow-Up (NRFU) to October 31, 2020 was a lifeline, particularly for populations living in hard-to-count areas of New Mexico and Indian Country.¹ Our communities relied on the Bureau's extension to ensure a fair count during the pandemic. On August 3, 2020, the Bureau announced it would end field data collection on the 2020 Census by September 30, 2020 (the Replan).² The Bureau's last-minute decision to accelerate census operations and end data collection on September 30, 2020 – 31 days earlier than previously announced – all but assures a severe undercount of these communities.

It appears to us that the Bureau's current operational strategy will result in an undercount of New Mexicans, where 43 percent of the population lives in hard-to-count areas and 19 percent live in Update Leave (UL) areas. New Mexico continues to increase its 56.4 percent self-response rate but remains 49th in the nation in Self-Response rates. A 2018 Government Accountability Office (GAO) report noted that the Bureau missed 4.88 percent of American Indians living on Tribal lands in the 2010 Census – the sociodemographic group with the highest percent and the only statistically significant net undercount.³ For example, during your visit to New Mexico last year, we were able to take you to To'Hajiilee (Navajo Nation) where access to broadband, Postal Service mail delivery, and physical accessibility pose serious complications for both self-

¹ United States Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19. (2020). <https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html>.

² Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count. (Aug. 3, 2020). <https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html>.

³ United States Government Accountability Office. (2018). <https://www.gao.gov/assets/700/693450.pdf>.

response and enumerator visits. Yet the Bureau opened fewer census offices in New Mexico and hired fewer people than it did in 2010, citing “increased access to and reliance on technology” by field staff as a rationale to reduce Census hiring goals nationwide.⁴ As a delegation, we expect the Bureau to understand and account for the unique needs of New Mexico’s rural and Tribal populations by, for example, increasing enumerator hiring and recruitment goals to support robust UL and NFRU operations.

Following the release of its Replan, the Bureau announced it would accelerate operations by hiring 435,000 enumerators nationwide, increasing employee pay, extending employee hours, and reallocating enumerators to complete NRFU. On August 18th, the Bureau announced it had hired 309,391 of the 435,000 enumerators, and by September 2nd there were another 79,000 enumerators in the training pipeline.^{5,6} However, the Bureau has indicated that there are no plans to transfer out-of-state enumerators to New Mexico.⁶ It is essential that the Bureau have the staffing levels to deliver the promised six knocks per door to every New Mexican that has yet to respond. Furthermore, according to a June 2020 report published by the New Mexico Department of Information Technology, between 13 and 20 percent of New Mexico locations do not have broadband service.⁷ This means that up to one fifth of New Mexicans are relying on enumerators to come to their doors, and to date only 57.3 percent of NRFU workload is complete between the Window Rock, Albuquerque, and Las Cruces Area Census Offices. There are 11 counties with 25 or fewer total census employees, ten of which have Self-Response rates below 50 percent.⁸ Many New Mexico Tribes have between one and four total enumerators to complete NRFU despite Tribes averaging a 38 percent Self-Response rate. We are therefore disturbed by the Bureau’s apparent lack of urgency around increasing available enumerators to complete NRFU in New Mexico will likely result in a significant undercount, especially among rural, minority, immigrant, and Tribal populations.

With the expedited deadline currently in place, our offices have heard reports from field enumerators about excessive caseloads, inadequate workforce in critical areas, technology issues, a reluctance by households to open their doors to outsiders, and a general fear that the count will be inaccurate if the Bureau continues to follow the current operational plan. For example, enumerators report they only make two visits to each non-responsive household instead of the six contact attempts required by Bureau protocol, and they are being sent to households with city-style addresses that have already Self-Responded online. We also received reports that enumerator visits are taking longer than the ten minutes that the Bureau presumes is required, which is further complicated by limited access to technology and broadband connectivity in rural

⁴ A New Design for the 21st Century 2020 Census Operational Plan. (2018). <https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf>.

⁵ United States Government Accountability Office. (2020). <https://www.gao.gov/assets/710/709050.pdf>.

⁶ Purdy Montesinos, Alanna. “Meeting with United States Census Bureau Director of the Denver Regional Office and Dallas Regional Census Center.” 2 Sept. 2020.

⁷ State of New Mexico Broadband Strategic Plan and Rural Broadband Assessment, NM Department of Information Technology. (2020). https://www.doit.state.nm.us/broadband/reports/nmbbp_strategic20200616Rev2Final.pdf.

⁸ United States Census Bureau. (2020). Self-Response Rates Map. 2020Census.Gov. <https://2020census.gov/en/response-rates/self-response.html>

areas. And even more troubling, in late August enumerators reported the Bureau encouraged enumerators to produce “head counts” instead of accurate demographic information for every household member. These reports do not give us confidence in the Bureau’s current operational plan in our state.

We strongly request better, more informed communication from the Bureau to state and federal stakeholders. At the state level, Governor Lujan-Grisham was one of the first in the country to contact the Bureau after it announced a delay in operations in March, because she had deemed the count an “essential” operation and requesting that UL resume immediately.⁹ However, communication from the Bureau to the Governor’s office was scarce, and UL operations did not begin in New Mexico until May 18, 2020.¹⁰ On the federal level, our July 2, 2020 letter to you regarding the transient population count during the COVID-19 pandemic has yet to receive a response. Stakeholders across the state—especially in the southeast—remain troubled that the Bureau does not have a plan to take into consideration the relocation of thousands of transient workers and college students due to the COVID-19 pandemic, especially since it cannot guarantee administrative records and other alternative methods of enumeration will be used.

Lastly, we remain concerned about access to information related to the Bureau’s media buys. In our February letter to you, we raised the problem of the concentration of the Bureau’s media buys in specific New Mexico counties, while disregarding others. Although the Bureau made significant adjustments due to COVID-19 by investing \$381.4 million in media initiatives to reach hard-to-count and diverse audiences, there are significant issues with the location and timing of these media buys. The Bureau concentrated media buys in the Albuquerque-Santa Fe Designated Marketing Area while neglecting other counties in the state with percentages of high UL. According to the Bureau’s own Paid Media Buy List, added buys during the Denver region “surge week” included Albuquerque, Catron, Lincoln, Harding, and Santa Fe, many of which had the highest response rate in the state.¹¹ The Bureau did not place sufficient ads in high UL counties with low Self-Response rates, including San Miguel, Mora, Rio Arriba, Eddy, Lea, and Hidalgo. The Bureau also increased media investments in New Mexico Tribal areas in the late spring and early summer, but this was done before most Tribal members received their 2020 Census packets through UL operations and were initially told not to respond online or by phone without an individual Census I.D. The Bureau’s own list demonstrates it miscalculated optimal timing for media to target low-response rate areas, calling into question the effectiveness of these ads.

The Bureau must take immediate action to revise current operations and increase transparency with congressional and state partners. As of September 9, 2020, 18.5 percent of New Mexicans

⁹ U.S. Census Bureau Director Steven Dillingham Statement on Operational Updates. (2020). <https://2020census.gov/en/news-events/press-releases/operational-updates.html>.

¹⁰ Census Bureau to Resume Some 2020 Census Field Operations in Additional Locations. (2020). <https://www.census.gov/newsroom/press-releases/2020/2020-resume-additional-locations.html>.

¹¹ Order 15: 2020 Census Paid Media Campaign Final Buy List. (2020). https://2020census.gov/content/dam/2020census/materials/partners/2019-12/2020_Census_Paid_Media_Campaign_Buy_List.pdf.

have not been counted, and 17 counties and 13 Tribes in New Mexico have Self-Response rates of less than 40 percent. At the current rate, we greatly doubt the Bureau's ability to fulfil its constitutional responsibility to deliver an accurate count by the statutory deadline. To that end, we request answers to the following questions about Census operations:

1. Since issuing the Replan, what contingency plans and operational changes has the Bureau made to ensure an accurate and complete count in New Mexico?
2. What strategies have the Bureau employed to enumerate Tribal communities that remain closed due to the COVID-19 pandemic? Will the Bureau allow Tribal governments in New Mexico to enter into data sharing agreements, if they have not done so already and allow them to submit administrative and enrollment records to the Bureau to prevent another undercount of American Indians living on Tribal lands?
3. How does the Bureau plan to complete the count in New Mexico at its current staffing levels?
 - a. Is there a plan to bring out-of-state enumerators into New Mexico? If so, will these enumerators receive cultural sensitivity training to understand New Mexico's unique populations? Please detail all aspects of plans to recruit and conduct operational activities with out-of-state census employees.
4. Will you share the current number of enumerators recruited, hired, trained, and available to work at the county and Tribal levels with the New Mexico congressional delegation, Tribal Complete Count Committees, and the State Complete Count Commission? Will you commit to providing this data on a regular basis until the end of field data collection activities?
 - a. According to the GAO the Census Bureau is experiencing enumerator attrition rates at more than three times the expected rate on the national level. Please provide us with the expected and current attrition rates of enumerators in New Mexico, broken down by county level if possible.¹²
5. Does the Census Bureau have a plan to count the thousands of transient workers that spend a majority of their time in New Mexico, but temporarily left the state during the COVID-19 pandemic?
6. In 2010, the Census Bureau undercounted Native Americans living on Tribal lands by nearly five percent. Prior to the 2020 Census, Tribal Nations expressed concern regarding the Bureau's planned use of the new Disclosure Avoidance System (DAS). Between past failures to get a complete count, statements warning of inaccuracies in a rushed 2020 Census, and plans to move forward with DAS privacy mechanisms that could have devastating impacts on the Native count, how will you reassure Tribal Nations within New Mexico that you will provide accurate, usable data for them?

¹² GAO Report: Recent Decision to Compress Census Timeframes Poses Additional Risks to an Accurate Count. (August 2020). <https://www.gao.gov/assets/710/709050.pdf>.

- a. Will you extend the Bureau's upcoming September 2020 DAS decision deadline to December 2020?
 - b. Will you ensure that the priority use cases for American Indians and Alaska Natives (AI/AN) are met and there is accurate data for local Tribal governments, federal funding formulas, representation, and AI/AN research?
 - c. Will you commit to holding Tribal consultation sessions on the Bureau's DAS methods with Tribes in New Mexico until they are confident this methodology will not have a negative impact on a complete and accurate 2020 count?
7. What resources is the Bureau providing to support NRFU on Tribal lands that encumber non-AI/AN households who have not yet responded (i.e. Fee areas still in the geographic area of a Tribal entity, or non-AI/AN living on trust lands)? Please provide a list of all Tribes in New Mexico that participated in the Local Update of Census Addresses (LUCA) program and any appeals that were submitted but not resolved before Census Day, April 1, 2020.
 8. With career Census Bureau staff indicating that they cannot meet the statutory deadlines, does the Bureau have confidence that it will produce a fair and accurate count by the current deadline?

With only 20 days remaining for census operations, we request your expedited response by September 25, 2020, so we can act accordingly. Thank you for your prompt response.

Sincerely,

/s/ Tom Udall
TOM UDALL
United States Senator

/s/ Martin Heinrich
MARTIN HEINRICH
United States Senator

/s/ Ben Ray Luján
BEN RAY LUJÁN
Member of Congress

/s/ Deb Haaland
DEB HAALAND
Member of Congress

/s/ Xochitl Torres Small
XOCHITL TORRES SMALL
Member of Congress