TOP NEWS

DHS Vastly Expands Expedited Deportation Authority
The Trump administration is expanding its authority to initiate expedited removal proceedings against noncitizens who have been living in the U.S. for up to two years and deport them without an immigration court hearing, according to a Monday announcement.

[Notice attached] | Read full article »

DC Circ. Again Denies Enviros' Push For Pipeline Challenge
The full D.C. Circuit on Monday turned down an environmental group's request to reconsider a panel's decision that the organization lacks standing to sue federal regulators over a contentious gas pipeline upgrade project, as none of the judges sought a review.

[1 document attached] | Read full article »

White House, Congress Reach Bipartisan Budget Deal
The White House and Congress reached a bipartisan deal Monday on a sweeping two-year budget that would provide billions of dollars for defense and domestic spending while pushing a potential government shutdown past the 2020 election, President Donald Trump and lawmakers said.

Read full article »

Analysis
Hunton Won't Take Brunt Of Heat Over Link To EPA Attys
Even as Senate Democrats shine a harsh light on how Hunton Andrews Kurth LLP pushed energy clients' interests to a former partner who recently resigned from a top post at the U.S. Environmental Protection Agency, the scrutiny on the firm's lobbying work could actually burnish its reputation with clients.

[2 documents attached] | Read full article »

Analysis
Historic Equifax Breach Deal Won't End Privacy Law Debate
Equifax's deal to pay up to $700 million to resolve legal inquiries stemming from its massive data breach provides unparalleled relief but also highlights an unprecedented privacy debacle, adding fuel to the debate over whether a national data security law is needed to protect consumers.

[Settlement attached] | Read full article »

Judge Grapples With Trump's Latest Asylum Rule
The federal judge hearing a case against the Trump administration's effort to impose new restrictions on asylum-seekers entering the U.S. appeared Monday to be weighing the government's legitimate interest in easing pressure on an overburdened immigration system against the lack of evidence that the targeted immigrants pose a safety risk.

Read full article »

BANKING & SECURITIES
Analysis
Facebook's Libra Raising Unique Questions For Lawmakers
Two days of grueling Capitol Hill hearings on Facebook's digital currency Libra left observers certain the existing regulatory framework for financial services cannot provide the tools necessary to address mounting concerns raised by experts, highlighting the need for congressional action.
Read full article »

Analysis
Strong Debut Augurs Well For China's New Startup Market
China’s new technology-focused startup market surged in its debut on Monday, boding well for the Chinese government’s latest effort to bolster capital markets by making it easier for early-stage technology companies to list at home rather than abroad.
Read full article »

ENERGY & ENVIRONMENTAL
Pa. Court Says DEP's Fracking Regs Backed By State Laws
Pennsylvania environmental regulators were acting within their power when they rolled out controversial new rules for gas drillers three years ago, including those concerning lined pits for storing water used in hydraulic fracturing, a state court ruled Monday, though some of the rules were scaled back.

Opinion attached | Read full article »

Enviros Say DC Circ. Let FERC Ignore Climate For Gas Project
Environmentalists on Friday asked the D.C. Circuit to reconsider a panel's ruling that the Federal Energy Regulatory Commission did not violate the National Environmental Policy Act when it refused to consider the indirect greenhouse gas emission impacts of a Kinder Morgan unit's project.

Petition attached | Read full article »

TRANSPORTATION & INFRASTRUCTURE
NY, NJ Set Up New Commission For Hudson Tunnel, Gateway
A new bi-state commission will oversee the funding that New York and New Jersey anticipate receiving for the Gateway Program, the long-planned set of rail improvement projects that includes a new rail tunnel under the Hudson River, under new legislation signed into law Monday.
Read full article »

INSURANCE
House Dems, Others Assail Association Health Plan Rule
High-ranking House Democrats, Ivy League professors and a group of medical associations are among the latest to urge the D.C. Circuit to uphold a Washington, D.C., federal judge’s March decision to gut a Trump administration rule expanding access to association health plans.

7 documents attached | Read full article »

EMPLOYMENT
Federal Court Gives Ammo To NY Arbitration Proponents
A federal court's recent ruling that the Federal Arbitration Act trumps New York state’s year-old ban on arbitrating sexual harassment claims opens the door for Empire State employers to keep trying to funnel harassment allegations away from courts.

Decision attached | Read full article »

Truckers’ Off-Duty Sleep Time Not Compensable, DOL Says
Truck drivers don't have to be paid for time they spend using the sleeper berth of their vehicles during multiday trips so long as they aren't on call or performing work-related tasks, the head of the U.S. Department of Labor's Wage and Hour Division said in an opinion letter issued Monday.

San Antonio To Suspend New Paid Sick Leave Law Amid Suit
San Antonio has agreed to temporarily suspend the enactment of a new law requiring employers to offer workers paid sick leave after receiving pushback from a dozen business groups and Texas Attorney General Ken Paxton, according to court documents filed Monday.

CONSUMER PROTECTION

Tofurky, ACLU Slam Ark. Law Banning 'Veggie Burger' Labels
A new Arkansas law prohibiting the labeling of plant-based meat alternatives as "burgers," "beef," "pork" "sausage" or other meat-related terms is unconstitutional, The Tofurky Co. and the American Civil Liberties Union said Monday in an Arkansas federal court suit skewering the measure.

MEDICAL MALPRACTICE

Utah Supreme Court Strikes Down State Med Mal Law
The Utah Supreme Court has ruled that a state law requiring medical malpractice claimants to obtain a “certificate of compliance” from a state agency is unconstitutional because it violates the separation of powers doctrine, reinstating a suit that accused a hospital of negligently causing a patient’s death.

GOVERNMENT CONTRACTS

Contractors Get Say In Bias Audits, DOL Watchdog Says
The director of the U.S. Department of Labor’s compliance arm said Monday that federal contractors can suggest workforce grouping data the DOL should use in determining whether a contractor’s pay structure is discriminatory, but that the agency need not follow their recommendations.

Lockheed Adds $1.5B To Saudi Deal Amid Arms Sale Debate
The U.S. Missile Defense Agency handed Lockheed Martin a nearly $1.5 billion modification to a contract to provide Saudi Arabia with missile defense system support, after the U.S House of Representatives voted to block "emergency" arms sales to the country.

TAX

Challenge To Colo. Taxpayer Rights Act Revived By 10th Circ.
A complaint against the Colorado Taxpayer's Bill of Rights by a group of the state's political subdivisions was revived Monday by the 10th Circuit, which ruled that a lower court should not have dismissed the case for lack of jurisdiction.

French Court Declines To Scrap FATCA Treaty With US
France's highest administrative court declined to strike down the French government's information-sharing agreement under the U.S. Foreign Account Tax Compliance Act, finding that requirements to report the financial data of U.S. citizens in France don't violate privacy rights.
Mass. Lawmakers Approve $43.1B Budget With Sales Tax Fix
The Massachusetts House and Senate each approved a $43.1 billion compromise budget Monday, sending the governor a bill that tweaks the sales tax treatment of marketplace vendors but drops plans for new taxes on opioids or e-cigarettes.

Alterna Seeks Full 9th Circ. Review Of Cost-Sharing Case
Chipmaker Altera Corp. on Monday asked all Ninth Circuit judges to rehear a case in which a 2-1 majority found that the Internal Revenue Service was justified in requiring related business entities to include stock-based compensation in their cost-sharing agreements.

IMMIGRATION

Suit Claiming Anti-Muslim Bias In Travel Ban Report Tossed
A Muslim civil rights group must take another tack at challenging the Trump administration’s refusal to revise allegedly anti-immigrant language in a terrorism report after a California federal court ruled that the claims in the current lawsuit can’t be reviewed by the courts.

U.S., Guatemala Broker Deal Designed To Stem Migration
The U.S. and Guatemalan governments have agreed to work together to stem the recent spike in Central American migration and to facilitate development in the region to reduce factors driving people out, the U.S. Department of Homeland Security announced Monday.

NATIVE AMERICAN

Indian Hospitals Added To Indigenous Opioid Abuse, Feds Say
A government report released Monday found that five Indian Health Service hospitals gave patients higher doses of opioids than recommended by federal guidelines, contributing to an abuse epidemic.

Mass. Wins Bid To Change Judgment In Tribal Casino Suit
A federal court has granted Massachusetts’ request to amend a judgment in the state’s suit against a Native American tribe over its operation of a casino, declining to resolve the tribe’s concern that the state may interfere with its rights to operate a gambling facility.

Cherokee Nation Again Sues DOI For Trust Fund Accounting
The Cherokee Nation hit the U.S. Department of the Interior with a complaint in D.C. federal district court Friday, claiming the department and its Bureau of Indian Affairs failed to account for their handling of tribal trust funds, after withdrawing similar claims in Oklahoma federal court earlier this year.

TELECOMMUNICATIONS

Sen. Tells Pai To Collect Better On-The-Ground Web Speeds
Sen. Joe Manchin, D-W.Va., urged Federal Communications Commission Chairman Ajit Pai to address what he says is incorrect broadband coverage in his state and to develop a public feedback system that would better assess coverage in rural states.
**EXPERT ANALYSIS**

**Why Eliminating Surprise Medical Bills Is A Challenge**
States and the federal government are attempting to address the problem of surprise medical billing, but state laws are inconsistent and constrained by the Employee Retirement Income Security Act, and there is disagreement in Congress over how to best implement a solution, says Michael Levinson of Berger Singerman.

Read full article »

**The 5 Supermajority Tax Challenges Facing Calif.**
The California Superior Court's first two decisions following Cannabis Coalition v. Upland shine light on pending challenges to the state’s supermajority voting requirement for passing local special taxes introduced by voter initiative, say Robert Merten and Richard Nielsen at Pillsbury.

Read full article »

**What To Expect From CFPB’s Overdraft Rule Review**
While the Consumer Financial Protection Bureau's planned review of its overdraft rule may provide welcome relief to financial institutions, previous requests for information have not resulted in any changes to the rule, and the broader regulatory framework for overdraft products should not be forgotten, say Abigail Lyle and Rachael Craven of Hunton.

Read full article »

**A Midyear Look At DOD Gov't Contract Law Changes**
Several developments this year in the government contracts arena merit particular attention, including significant events at the U.S. Department of Defense relating to science and technology, says Joseph Berger at Thompson Hine.

Read full article »

**LEGAL INDUSTRY**

**The Law On Laterals: 5 Decisions To Know**
BigLaw competitor poaching, mass lawyer moves and practice group spinoff firms have become the norm in the industry, and have helped develop a significant body of case law on topics like client solicitation and how far firms can go to encourage lawyers to stay in their chairs. Here are five key cases on attorney mobility and partnership agreements.

Read full article »

**Feature**

**Justice Stevens Was In ‘Fine Form’ At Final Clerk Reunion**
Two months before Justice John Paul Stevens’ death, around 100 of his former clerks and their families flew to Fort Lauderdale, Florida, to celebrate the retired jurist’s 99th birthday. Few, if any, thought it would be his last.

Read full article »

**Greg Craig, Feds Say Ukraine Trial Should Last 2½ Weeks**
Former Skadden partner Gregory Craig and federal prosecutors have released a joint pretrial statement, voir dire, and jury instructions, agreeing Monday that a looming trial to determine whether Craig lied to U.S. Department of Justice officials about work he did for the Ukrainian government at the behest of Paul Manafort should last two and a half weeks.

Read full article »

**Liddle & Robinson Hits Ch. 11, Citing Alleged Bad Loans**
New York employment law firm Liddle & Robinson LLP filed for Chapter 11 protection on Monday, saying it was driven to seek bankruptcy protection by
lenders that have aggressively pursued collection and interfered with the firm’s business.

Read full article »

Wash. Wizards Hire Ex-Browns GC To Oversee Operations
Billionaire sports mogul and financier Ted Leonsis announced Monday that he’s overhauled the organizational structure of the Washington Wizards and other D.C.-area teams his company owns, hiring the Cleveland Browns’ former general counsel to help run four organizations under the newly created collective Monumental Basketball.

Read full article »

Interview
15 Minutes With The Ariz. Diamondbacks’ Chief Legal Officer
While some mentors are memorable for reasons personal to individual lawyers, Nona Lee’s is an ace who is notable worldwide. Here, Lee, who created and has led the Diamondbacks’ legal department since 2005, names that idol and discusses sports betting and her proudest moment as a lawyer.

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PUBLIC POLICY

Friday, February 7, 2020

TOP NEWS

Judge Strikes Down Student Visa Policy Nationwide
A D.C. federal judge declared invalid the Trump administration's rule changing how it calculates the time period student immigrants who have expired visas have been unlawfully in the U.S., saying the government flouted federal law in its rulemaking.

Exxon Mobil Unit Settles Oil Field Claim Against Canada
Canada and an Exxon Mobil Corp. unit have settled a North American Free Trade Agreement arbitration over mandatory research and development expenditures relating to the company's investments in two oil fields off the country's eastern coast.

Barr Suggests Buying Out A Huawei Rival To Get Ahead On 5G
Attorney General William Barr floated some big ideas for getting ahead of China in the race to 5G Thursday, including the U.S. buying a controlling stake in one of the two companies strong enough to pose a threat to Huawei.

Trump Accounting Firm Tells Justices It'll Skip Subpoena Row
President Donald Trump's longtime accounting firm has told the U.S. Supreme Court the firm would not weigh in on his appeals over the validity of subpoenas from a U.S. House committee and the Manhattan district attorney seeking his financial records.

DC Circ. Won't Rethink Ruling On Net Neutrality Rollback
The D.C. Circuit on Thursday declined to reconsider its ruling last year finding that precedent bound it to uphold the Federal Communications Commission's rollback of net neutrality regulations, shooting down petitions from advocates of the protections who argued the court was wrong.

BANKING & SECURITIES

SEC's Peirce Proposes 3-Year Crypto Safe Harbor
SEC Commissioner Hester Peirce released the text of a proposed rule Thursday that would implement a three-year safe harbor for cryptocurrency projects, allowing startups to issue digital tokens and develop their product without worrying about securities law violations.

CFPB Head Says Abusiveness Policy Won't Bring Repleading
The head of the Consumer Financial Protection Bureau told House lawmakers on Thursday that her agency doesn't anticipate repleading any of
its pending court enforcement actions now that it has instituted a policy
narrowing down when and how it plans to bring abusiveness claims in the
future.

Read full article »

Mark Cuban Among SEC Critics Siding With Lucia In ALJ Fight
Dallas Mavericks owner Mark Cuban and two prominent hedge fund
managers are throwing their support behind former investment adviser
Raymond Lucia in his latest challenge to the constitutionality of the U.S.
Securities and Exchange Commission's administrative law judges.

3 documents attached | Read full article »

ENERGY & ENVIRONMENTAL

Calif. Sets Stricter Oversight Of Two 'Forever Chemicals'
California has set a stricter standard for when water suppliers must respond
to long-lasting toxic substances found in drinking water, the State Water
Resources Control Board announced Thursday, including treating the water,
stopping the use of affected wells and notifying customers.

Read full article »

Pa. Fracker Not Stuck With Penalties On Disputed Well Fees
A driller at the center of a closely watched fight over so-called impact fees on
fracked wells was freed from paying penalties and interest Thursday when a
Pennsylvania appeals court ruled that the company had been
unconstitutionally denied a meaningful chance to challenge fees it was
charged.

Opinion attached | Read full article »

EPA Overlooking Plastic Pollution In Hawaii, Enviros Say
The U.S. Environmental Protection Agency has failed to ensure that Hawaii is
properly addressing plastic pollution in its coastal waters, environmentalists
said in a new lawsuit filed Wednesday.

Complaint attached | Read full article »

HEALTH & LIFE SCIENCES

Mississippi Defends ‘Fetal Heartbeat’ Law At 5th Circ.
About two months after the Fifth Circuit upheld a ban on Mississippi’s law
prohibiting abortions after 15 weeks, the state’s lawyer told the court on
Thursday that a law banning abortions after the detection of a fetal heartbeat
— which could happen at six weeks — shouldn’t suffer the same fate.

Read full article »

IP & TECHNOLOGY

Fed. Circ. Hints Inventor To Blame For Stalled USPTO Patents
A prolific inventor came under a constant barrage of criticism at the Federal
Circuit Thursday, with a three-judge panel blaming his "unreasonable"
obstructive behavior toward the U.S. Patent and Trademark Office for the
decades-long delays on some of his 400 patent applications pending at the
agency.

Read full article »

MEDIA & ENTERTAINMENT

Fantasy Sports Is Illegal Gambling In NY, Appeals Court Says
A New York appeals court on Thursday found that daily fantasy sports
contests, like those offered by DraftKings and FanDuel, are illegal, striking
down a 2016 law that unconstitutionally expanded gambling in the state.

Decision attached | Read full article »

COMPANIES

Aliph Inc.
Allergan PLC
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Organizations
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American Museum of Natural
History
Americans for Prosperity
Foundation
Association for Accessible
Medicines
CVR Energy Inc.
California Trucking Association
Cato Institute
DOT Greenlights Nuro’s Driverless Car Test Fleet
The U.S. Department of Transportation on Thursday allowed California robotics company Nuro to deploy a self-driving vehicle that doesn’t have certain features typically required for human drivers, granting the first such exemption to federal safety standards.
Read full article »

Litigation Likely As New York Frees Tenants From Broker Fees
New guidance from the New York Department of State saying residential brokers for landlords can no longer require apartment seekers to pay their brokerage fees—a clarification to last summer’s sweeping rent-control law—is likely to result in additional litigation, experts say.
Read full article »

House Passes Sweeping Pro-Union Bill
The House voted largely along party lines Thursday to approve a broad labor bill meant to bolster unions by making it easier for workers to organize and get a first contract, to the dismay of business groups who warn of a one-sided process that will hurt the economy.

3rd Circ. Backs Philly Ban On Asking For Salary History
Philadelphia employers are barred from asking job applicants how much they’re paid, after the Third Circuit lifted an injunction Thursday that had frozen a measure aimed at closing pay gaps by banning questions about salary history.

Calif. Truckers Rip Teamsters Bid To Pause AB 5 Injunction
The Teamsters union has no grounds to interfere with a California federal court’s decision blocking a controversial Golden State law that raises the bar for legally classifying workers as independent contractors, even as the Ninth Circuit reviews the injunction order, a trucking group said Thursday.

Analysis
Chemical Merger Strategy Burns FTC
The Federal Trade Commission’s winning streak on merger challenges ended last month, a loss quite possibly caused by the agency’s risky decision to rely on a rarely used definition of the market that allegedly would have been harmed by the union of two chemical producers.
Read full article »
on which markets are threatened by a $360 million merger of booking services giant Sabre Corp. and Farelogix Inc., at the close of an eight-day trial in Delaware seeking a permanent injunction barring the move.

Read full article »

DOJ Antitrust Chief Issues Warning On State T-Mobile Suit
The head of the U.S. Department of Justice's Antitrust Division issued a warning Wednesday about the potential consequences of a state-led challenge to T-Mobile's merger with Sprint during a speech that also touted progress in efforts to speed the merger review process.

Read full article »

Pay-For-Delay Ban Risks 'Endless Litigation,' 9th Circ. Told
Two trade groups and a public interest law firm on Thursday urged the Ninth Circuit to block a California state law prohibiting pay-for-delay deals between branded and generic-drug makers, saying the law could lead to never-ending litigation.

Brief attached | Read full article »

INTERNATIONAL TRADE

China Will Slash Tariffs On US Goods Next Week
The Chinese government announced Thursday that it will halve its tariffs on $75 billion worth of U.S. goods on Feb. 14 as the two governments work to implement the preliminary trade deal signed in January.

Read full article »

Feds Vow To Go Hard Against Chinese IP Theft In 2020
Federal prosecutors said Thursday that the public can expect a spike in charges against those suspected of pilfering U.S. intellectual property on behalf of the Chinese government, and that they plan to target companies as well as individual wrongdoers.

Read full article »

TAX

NYC Mayor Revives Call For Tax On Vacant Storefronts
New York City Mayor Bill de Blasio renewed his push Thursday for state lawmakers to enact a commercial vacancy tax to curb the city's proliferation of empty storefronts, saying property owners should pay more in taxes if they allow buildings to lie dormant.

2 documents attached | Read full article »

Ill. To Forgive $50M Taxes On Plane Parts After Veto Override
Overshadowing a veto, Illinois lawmakers have voted to forgive $50 million in sales and use taxes from airplane repair shops that were unaware they had to start collecting taxes on parts in 2015, restoring an exemption for certain parts.

Bill attached | Read full article »

Texas Lawmaker Seeks Sales Tax Sourcing Rule Change Delay
A Texas lawmaker has asked the state comptroller to delay a proposed rule that would change where local sales tax on internet orders are sourced to where the taxable item is received instead of where it was sold.

3 documents attached | Read full article »

IMMIGRATION

New Yorkers Barred From Global Entry In 'Sanctuary' Fight
The U.S. Department of Homeland Security suspended Global Entry and other expedited security clearance programs for New York travelers and
commercial trucks as part of the Trump administration's crackdown on so-called sanctuary jurisdictions that limit local officials' cooperation with federal immigration authorities.

Sierra Club Sets Aside $601M Border Wall Funding Claims
The Sierra Club voluntarily dropped claims over $601 million in Treasury funds that were diverted for U.S.-Mexico border wall projects, but can raise the claims again in the future, according to documents filed Thursday in California federal court.

Pai Aims To Give Satellite Cos. $9.7B For C-Band Transition
FCC Chairman Ajit Pai unveiled much-anticipated details of his C-Band reorganization plan on Thursday, saying he aims to offer incumbent satellite companies up to $9.7 billion to clear the spectrum quickly and to bring the cleared spectrum to auction in December.

USDA Says Some Rules On Hemp THC Testing Could Change
U.S. Department of Agriculture officials told reporters Thursday that they are considering some changes to the agency's initial hemp regulations, but they can’t address the industry's biggest concerns about how THC levels are measured.

4 Problems With NJ Sick Leave Law Regulations
The New Jersey Department of Labor and Workforce Development’s recently finalized regulations for the state’s straightforward Earned Sick Leave Law unnecessarily extend coverage, complicate calculations, increase employer costs, and may conflict with federal labor and benefits laws, says Jed Marcus at Bressler Amery.

Amended CFTC Rules Provide Clarity For Asset Managers
The U.S. Commodity Futures Trading Commission's recently amended registration rules are an important development for asset managers because they codify relief granted in prior no-action letters, adopt staff positions as CFTC rules, and eliminate inconsistencies and certain filing requirements, say Deborah Monson and Jeremy Liabo at Ropes & Gray.

NY Law Against Roofing Contractor Fraud Could Be Broader
New York legislation going into effect in May will undoubtedly help protect homeowners from fraudulent and unscrupulous contractors following natural disasters, but would be stronger if it included a private right of action for technical and substantial violations, treble damages, and personal liability, say Gary Strong and Benjamin Schimelman at Gfeller Laurie.

Opinion
Arbitration Is A Flawed Forum That Needs Repair
While arbitration is a good vehicle for ensuring timely dispute resolution, the existing system lacks protections for workers and consumers, and legislative efforts to outlaw forced arbitration prove it’s time to finally fix it, says Gerald Sauer at Sauer & Wagner.
State Privacy Law Initiatives To Prepare For In 2020
Given that state legislatures in California, New York, Virginia and Washington are poised to add to the privacy and data security landscape through bills that would increase companies’ substantive responsibilities when handling consumer data, there are several steps that companies should take now, say attorneys at Buckley.

Lawmakers Ask Why Judge’s Harassment Went Unreported
Leaders of the House Judiciary Committee asked for more information Thursday about the misconduct investigation into a Kansas federal judge found to have sexually harassed court employees, including why his behavior went unreported for so long.

Ex-Yahoo Exec Rips Class Atty’s Over Sealed Data Breach Info
Yahoo’s former chief security officer criticized class counsel who secured a $117.5 million deal resolving litigation over multiple Yahoo data breaches, saying Thursday they took $30 million in fees for “buying more boats in Florida,” but let the court seal breach information so “we learned nothing from it.”

Review
Clarence Thomas Documentary Is Light On Legal Insight
The new documentary “Created Equal: Clarence Thomas in His Own Words” vividly traces its subject’s path from rural Georgia to the U.S. Supreme Court, but sheds frustratingly little light on his idiosyncratic judicial philosophy or how it was shaped by his experiences.

NY Courts Approve Updated Civility Standards For Attorneys
The New York courts have adopted revised “civility” standards for attorneys in the state, the first update in more than two decades, the New York State Bar Association announced Thursday.

Ex-Miami Heat Atty Says GC Harassed Her Over Family Leave
A former associate general counsel for the Miami Heat is suing the team in Florida federal court, alleging she was harassed and treated with disdain in retaliation for taking time off to adopt a child.

Law360’s Weekly Verdict: Legal Lions & Lambs
Latham scored this week’s top legal lions title with a $1 billion verdict for client UBS in a contract dispute, while Haynes and Boone ended up among the legal lambs after Texas’ Supreme Court killed a $535 million win for one of its gas pipeline clients.

Podcast
Law360’s The Term: Kagan’s Twitter, Roberts’ ‘Golden Gavel’
With the U.S. Supreme Court in recess until late February, the team recaps the justices’ public remarks over the past week, including their thoughts on controversial new ethics guidance and which justice has a secret Twitter account.
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Justices Seem Wary Of Expanding Court Review For Migrants

The U.S. Supreme Court appeared reluctant to give migrants stuck in fast-tracked deportation proceedings access to the federal courts, as the justices questioned the limits of court review for asylum-seekers at oral arguments on Monday.

Read full article »

Supreme Court Agrees To Weigh ACA’s Validity

In a momentous move, the U.S. Supreme Court on Monday agreed to consider whether a legislative change to the Affordable Care Act’s individual mandate rendered the landmark law unconstitutional.

Order attached | Read full article »

Analysis

High Court ACA Case Could Devastate Employee Health Plans

If the U.S. Supreme Court uses a case it picked up Monday to eliminate the Affordable Care Act, companies with 50 or more employees would no longer have to provide health insurance to full-time workers.

Read full article »

Meet The Women Delivering High Court Abortion Arguments

One is a Brooklyn-based immigrant poised to argue at the U.S. Supreme Court against new restrictions on abortion doctors, and one is a born-and-bred Louisianan poised to argue the opposite. Both are mothers and wives, both stand out as female attorneys in the Supreme Court's male-dominated bar, and both will take center stage Wednesday in a searing cultural and legal debate.

Read full article »

Analysis

SEC’s Disgorgement Power Faces Possible High Court Muzzle

The U.S. Securities and Exchange Commission is facing a potential muzzle on its enforcement powers Tuesday when the U.S. Supreme Court convenes for oral arguments in a case challenging its ability to recoup illegal profits.

1 document attached | Read full article »

USPTO Signals It’s Eyeing High Court For Arthrex Progeny

The U.S. Patent and Trademark Office is considering asking the U.S. Supreme Court to take up the aftermath of a Federal Circuit decision holding the Patent Trial and Appeal Board’s structure unconstitutional.

2 documents attached | Read full article »
Court Transparency Bill Calls For Live Audio, Free PACER
A new bill from House Judiciary Committee leaders aims to increase transparency in the federal courts by requiring live audio streaming of appellate arguments, free access to court documents in the PACER system, an ethics code for the high court and easier access to recusals and financial disclosures.

2 documents attached | Read full article »

SUPREME COURT

Justices Toss 11th Circ. FHA Ruling After Miami Yanks Suits
The U.S. Supreme Court on Monday vacated an Eleventh Circuit decision that allowed the city of Miami to proceed with Fair Housing Act lawsuits against Bank of America and Wells Fargo, a ruling the banks were trying to appeal when the city dropped the suits earlier this year.
Read full article »

High Court Won't Take Up Picasso Painting Ownership Case
The U.S. Supreme Court on Monday declined to review a case disputing who should own a Pablo Picasso painting that a Jewish industrialist sold to raise money to escape Nazi persecution, leaving intact a Second Circuit ruling that the Metropolitan Museum of Art can keep the piece.
Notice attached | Read full article »

Lawmakers Back TCPA In High Court Constitutionality Fight
The Senate Democrat who authored the Telephone Consumer Protection Act, more than a dozen of his congressional colleagues and Verizon are among those urging the U.S. Supreme Court to reject a constitutional challenge to the statute's blanket ban on autodialed calls to cellphones, arguing that invalidating the provision would have a "devastating impact" on consumers.
4 documents attached | Read full article »

Justices Will Decide Cooling Water Intake Rule FOIA Fight
The U.S. Supreme Court said Monday it will review the Ninth Circuit's finding that the federal government must turn over documents concluding that a proposed U.S. Environmental Protection Agency regulation for power plant cooling was likely to protect species at risk.
Order List attached | Read full article »

Justices Won't Take Up Fight Over Fake Therapist's Insurance
The U.S. Supreme Court opted Monday to not review an Eleventh Circuit ruling that Ace American Insurance Co. has no duty to defend or indemnify a man who pretended to be a licensed mental health counselor in a wrongful death suit over a young patient who killed himself.
Read full article »

46 AGs Back Arkansas In High Court ERISA Preemption Fight
A bipartisan coalition of 46 attorneys general, several pharmacy groups and other industry organizations threw their support behind Arkansas at the U.S. Supreme Court on Monday, arguing that the state's law regulating pharmacy benefit managers' drug reimbursement rates wasn't trumped by ERISA.
7 documents attached | Read full article »

Comcast Tells Justices Calif. Rule Interferes With Arbitration
Comcast has asked the U.S. Supreme Court to overturn a California rule that it says conflicts with federal law by effectively blocking companies from enforcing arbitration with individuals.
Petition attached | Read full article »
US Chamber Urges Justices To Hear Generics Discovery Issue
The U.S. Chamber of Commerce and several other groups have urged the U.S. Supreme Court to take up a bid from drug companies to alter the discovery process in multidistrict litigation over an alleged industrywide generic-drug price-fixing conspiracy.

Former GOP Officials Ask Justices To Grant Trump Subpoenas
A group of former Republican members of Congress, executive branch members and legal experts asked the U.S. Supreme Court on Monday to allow the Manhattan district attorney to subpoena President Donald Trump’s financial and tax records.

DC CIRCUIT

FERC Appeal Delays Prompt State Clean Energy Order Fight
State consumer advocates have said the D.C. Circuit’s scrutiny of the Federal Energy Regulatory Commission’s policy stretching out administrative appeals motivates their challenge to FERC’s order targeting state electricity programs in wholesale electricity auctions run by the nation’s largest regional grid operator.

AT&T, Local Carrier Both Take Swipes At FCC In Rate Dispute
AT&T and an Iowa-based local exchange carrier are taking shots at the Federal Communications Commission decision that settled their rate dispute, each telling the D.C. Circuit why different parts of it should be repealed.

FEDERAL CIRCUIT

Fed. Circ. Backs ITC Ban On Comcast Cable Box In Patent Suit
The Federal Circuit on Monday affirmed the International Trade Commission’s holding that Comcast cable boxes infringe two of a TiVo Corp. subsidiary’s patents covering interactive program guides, leaving intact the commission’s ban on the cable and broadband company’s importation of X1 boxes.

Fed. Circ. Says Inequitable Conduct Voids IP In Ethanol MDL
The Federal Circuit on Monday upheld the invalidation of four CleanTech patents asserted in multidistrict infringement litigation, supporting an Indiana federal court’s findings that CleanTech and its Cantor Colburn attorneys withheld information from the U.S. Patent and Trademark Office and threatened a defendant.

Fed. Circ. Judge Considers Retrying Alere Drug-Test IP Fight
A Federal Circuit judge appeared to buy into Rembrandt Diagnostics’ argument Monday that it should get a new trial because a district court misconstrued two key terms in a drug-testing patent it says skewed the outcome of its infringement suit against Alere.

FIRST CIRCUIT

1st Circ. Skeptical That College Owes Students Fiduciary Duty
A First Circuit judge on Monday criticized the goal of former Mount Ida College students seeking a new legal fiduciary duty between a college and its

COMPANIES
AARP
AT&T Inc.
Abbott Laboratories
Albertsons Companies LLC
Alere Inc.
Allergan PLC
Amazon.com Inc.
American Association for Justice
American Bar Association
American Civil Liberties Union
students, saying it would set up a complicated — or even contradictory — rule for governing boards to navigate.

Read full article »

SECOND CIRCUIT

2nd Circ. Mulls Blocking 'Public Charge' Rule State By State
A Second Circuit panel on Monday considered implementing a more targeted halt to the federal government's new "public charge" rule, which penalizes immigrants who use public benefits, after the U.S. Supreme Court struck down a nationwide ban on rolling out the new rule.

Read full article »

THIRD CIRCUIT

3rd Circ. Ends NSA Spying Suit Citing 'Dubious' Evidence
The Third Circuit on Monday shut down a civil liberties attorney’s challenge to the government email surveillance program outed by former intelligence contractor Edward Snowden, finding the lawyer’s evidence "dubious" and his witnesses unreliable.

Opinion attached | Read full article »

FIFTH CIRCUIT

5th Circ. Clears Walgreens In Amputee’s Storefront Crash Suit
Walgreens and real estate services giant CBRE Group Inc. aren’t responsible for a Mississippi storefront car crash that claimed a customer’s leg, the Fifth Circuit ruled, finding store owners have no obligation to protect patrons from negligent drivers.

Opinion attached | Read full article »

NINTH CIRCUIT

9th Circ. Affirms Labor Dept. Win In Staffing Co. Overtime Suit
A Minnesota staffing company willfully violated the Fair Labor Standards Act when its payroll employee knowingly recorded overtime hours as regular hours, the Ninth Circuit ruled Monday, affirming an Arizona federal court’s ruling and rejecting the company’s argument that it can’t be held liable for the actions of a low-level staffer.

Opinion attached | Read full article »

9th Circ. Dubious Of Insurers' Refusal To Defend Retailer
A Ninth Circuit panel appeared inclined Monday to reverse a lower court’s order absolving underwriters at Lloyd’s of London from defending a women’s accessories retailer in a putative class action claiming it improperly collected and sold customers’ information, with two judges suggesting the suit contains a potentially covered privacy claim.

Read full article »

Calif. Need Not Shield Tribal Card Games, 9th Circ. Told
California asked the Ninth Circuit on Friday to reject three tribes’ bid to revive their suit contending the state is wrongly allowing nontribal card rooms to offer certain games, saying that although the tribes can claim the exclusive right to offer those games under their state gambling deals, California has no responsibility to defend that right.

Brief attached | Read full article »

ILLINOIS

Atty Is Denied Bid For Sanction Against Ill.
A municipal finance banker and attorney can’t force the Illinois secretary of state to pay his defense costs as a sanction for pursuing meritless alleged
securities violations against him related to a state agency’s $12 million investment in a later-shuttered bank, a state appeals court ruled.

Pennsylvania

Pa. Panel Affirms Injunction Against School District’s Tax Hike
A Pennsylvania appeals court upheld a preliminary injunction against a school district’s 4.44% tax increase Monday, siding with a class of residents who had alleged the district used deceptive accounting practices to avoid putting the increase to a voter referendum.

Pa. Justices To Mull If Juries Set Time Bar For Church Abuse
The Supreme Court of Pennsylvania agreed Monday to hear a Catholic diocese’s appeal of a case that let jurors widen the time limit for civil claims related to sexual abuse by priests.

Pa. Panel Won’t Junk Challenge To Fracking Waste Site
A Pennsylvania appeals court ruled Monday that state regulators were prematurely trying to extinguish a township’s defense of a municipal charter aimed at banning what local officials say are disposal wells for fracking waste that run afoul of constitutionally enshrined environmental protections.

New Jersey

NJ Justices Signal Fed. Arbitration Law May Not Nix State One
The New Jersey Supreme Court suggested Monday that delivery drivers may still be obligated to arbitrate their claims against transportation companies based on a state arbitration law, even though they’re exempt from the Federal Arbitration Act in the wake of the U.S. Supreme Court’s New Prime ruling last year.

NJ Panel Won’t Revive Claims Over P.C Richard Receipts
The New Jersey state appeals court affirmed Monday that a suit accusing P.C. Richard & Son LLC of revealing too much credit card information on its receipts can’t proceed as a class action because individual consumers can recover damages more efficiently in small claims court.

Juror’s Link To NJ Doctor Can’t Void Med Mal Trial Win
A New Jersey appeals court on Monday affirmed a defense verdict in a medical malpractice suit accusing a doctor of botching a bariatric procedure, rejecting the patient’s request for a new trial because a juror failed to disclose that he was once considered by the doctor for a landscaping job.

Massachusetts

Harsher Terms Nixed For Cases Tainted By Mass. Lab Scandal
Dismissed convictions stemming from a drug lab chemist’s criminal actions and the state attorney general’s office’s attempt at covering them up cannot be used to enhance sentences for subsequent guilty findings, Massachusetts’ top court ruled Friday.

Expert Analysis

New Jersey Association for Justice
Nokia Corp.
P.C. Richard & Son
PJM Interconnection LLC
Pennsylvania General Energy Co.
PerkinElmer Inc.
Pfizer Inc.
PharMerica Corp.
Pharmaceutical Care Management Association
Pharmaceutical Research and Manufacturers of America
Planned Parenthood Federation
Prometheus Laboratories Inc.
Protect Democracy Project Inc.
RELX PLC
Redbox Automated Retail LLC
RingCentral Inc.
Roche Holding AG
Samsung Electronics Co. Ltd.
Sequenom, Inc.
Sierra Club
Smithfield Foods Inc.
Sun Life Assurance Co. of Canada
Technicolor
Teva Pharmaceutical Industries Ltd.
TiVo Corp.
Trump Organization Inc.
U.S. Chamber of Commerce
Vanda Pharmaceuticals Inc.
Walgreens Co.
Wells Fargo & Co.
West-Ward Pharmaceutical Corp.
Yahoo! Inc.
Young Mayden LLC
Zeughauser Group LLC

Government Agencies

Arkansas Attorney General’s Office
Bureau of Citizenship and Immigration Services
California Supreme Court
Centers for Disease Control and Prevention
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Judicial Center
Fish and Wildlife Service
Florida Supreme Court
PharMerica FCA Decision Is A Win For Statutory Interpretation
By literally interpreting the False Claims Act’s original-source provision, the First Circuit’s recent decision in U.S. v. PharMerica makes clear that the text of the FCA must be interpreted with the statute’s structure and purpose in mind, say David Lieberman and Erica Hitchings at the Whistleblower Law Collaborative.

Navigating Uncertainty In Digital Health Patent Eligibility
Recent federal court decisions and agency statements indicate that there will be greater scrutiny of eligibility for digital health patents seeking to monopolize fundamental building blocks rather than specific applications, so narrowly tailored claims are critical, say Joshua Reisberg and Ross Blau at Axinn.

Prepare Your Law Firm Tech For Coronavirus Impact
In case the coronavirus pandemic becomes more severe, law firms should make sure that their data, security and communications systems can be remotely accessed with convenience and reliability, say Thomas Robertson and Kenneth Jones at Tanenbaum Keale.

Atty Tips To Avoid 'Scope Creep' And Malpractice Claims
A clear and concise engagement agreement that demarcates a firm’s scope of services, and a system to ensure that scope is not exceeded without written documentation are among the most important risk management tools attorneys can adopt, says Eileen Garczynski at Ames & Gough.

Legal Industry

Analysis
Coronavirus Threatens BigLaw’s Surge In Promotions, Hiring
BigLaw saw a banner year in 2019, which sparked a significant uptick in partner promotions and greater competition to land certain associates, but the novel coronavirus could send those workforce and hiring trends backward if it has a monthslong impact on firms’ business, experts said.

How Will BigLaw Handle A US Outbreak? Ask Firms In China
The U.S. offices of global law firms are asking counterparts in China how to prepare for a coronavirus pandemic. Their advice? Avoid public transportation, work odd hours, telecommute, video-conference with clients and stockpile hand sanitizer.

Baker McKenzie Reopens London Office After Virus Scare
Baker McKenzie resumed normal operations in London on Monday, after an employee tested negative for the COVID-19 virus. The BigLaw firm had temporarily closed down the office Friday amid concerns related to the spread of the disease, commonly known as the coronavirus.

Gibson Dunn Atty Among Trump’s Picks For EEOC, NLRB
President Donald Trump on Monday moved to fill four top positions at the U.S. Equal Employment Opportunity Commission and the National Labor Relations Board, tapping a Gibson Dunn & Crutcher LLP associate and a leading expert on LGBT issues to fill a pair of EEOC commissioner seats and...
reupping two veteran NLRB members for fresh terms.

NYC Bar Group Backs Relaxed Ban On Legal Fee Sharing
New York should loosen the ethical ban on splitting legal fees with nonlawyers to accommodate the “reality” of third-party litigation funding, a city bar working group said in a report Monday.

Ransomware Attack Halts Legal Services Co. Epiq
Kansas-based legal services provider Epiq Global temporarily shut down its online services after a ransomware attack over the weekend, the company said Monday.

Bayer, Google Among Cos. Urging Change To Expert Standard
Corporations including Google, Pfizer, AIG, Ford, Bayer US and helmet maker Riddell pressed a federal court committee Monday to revise the standard on expert testimony in trials, saying some judges are shirking their “gatekeeper” duty by putting unscientific opinions in front of juries responsible for determining liability and awarding money.

Interview
15 Minutes With Coinbase’s Chief Legal Officer
One of Brian Brooks’ missions as the chief legal officer at digital currency exchange Coinbase is to break the status quo by showing people that cryptocurrency is similar to the development of other innovations, including the telephone and the internet. Here, he shares more about his priorities and his 2020 predictions for the cryptocurrency space.

JOBS
Search full listings or advertise your job opening

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<th>Issues &amp; Appeals Associate</th>
<th>Patent Attorney</th>
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<td>Donny &amp; Manning, P.A.</td>
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<th>Global Insurance Department - Attorney</th>
<th>Senior Real Estate Transactional Attorney</th>
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By Eli Yokley

Top Stories

- Acting Secretary of Homeland Security Chad Wolf said his department is suspending enrollment in trusted-travel programs such as Global Entry for New York residents in response to the state's "sanctuary" policies, which protect undocumented immigrants from deportation. The announcement comes after New York passed a law that allows undocumented immigrants to apply for driver's licenses and shield their records from U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. (The Wall Street Journal)

- Attorney General William Barr issued a memo ordering the Federal Bureau
of Investigation and other Justice Department agencies to get his approval before opening politically sensitive investigations related to any of the 2020 presidential candidates. Barr said the decision was to ensure that elections are "free from improper activity or influences," and comes after the Justice Department's inspector general released a report last month showing how FBI agents did not follow protocols as they sought to probe former Trump campaign associate Carter Page. (The New York Times)

- With results from 97 percent of Iowa caucus precincts reporting, former South Bend Mayor Pete Buttigieg of Indiana and Sen. Bernie Sanders (I-Vt.) are nearly tied for first place in the Iowa caucuses. According to data released overnight by the Iowa Democratic Party, Buttigieg leads the race, with 26.2 percent of state delegates, closely followed by Sanders, with 26.1 percent. (CNN)

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**Chart Review**

69 million Americans voted for senators who supported impeachment

The Washington Post
# Events Calendar (All Times Local)

**02/06/2020**

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tr>
<td>Attorney general, FBI director participate in CSIS event on China</td>
<td>8:00 am</td>
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<tr>
<td>National Prayer Breakfast</td>
<td>8:00 am</td>
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<tr>
<td>U.S. ambassador to NATO participates in Heritage Foundation event</td>
<td>4:30 pm</td>
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<tr>
<td>Event</td>
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<tr>
<td>Speaker Pelosi holds weekly press conference</td>
<td>10:45 am</td>
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<td>Trump speaks on Senate acquittal</td>
<td>12:00 pm</td>
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<td>Sanders, Buttigieg, Klobuchar and Patrick participate in CNN</td>
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<tr>
<td>New Hampshire town halls</td>
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<tr>
<td>02/07/2020</td>
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<tr>
<td>Energy secretary participates in Atlantic Council event</td>
<td>10:30 am</td>
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<tr>
<td>Democratic presidential debate in New Hampshire</td>
<td>8:00 pm</td>
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<tr>
<td>02/10/2020</td>
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<tr>
<td>Trump holds campaign rally in Manchester, N.H.</td>
<td>7:00 pm</td>
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<tr>
<td>02/11/2020</td>
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<tr>
<td>New Hampshire primary</td>
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[View full calendar](#)
Special Report: The State of Consumer Trust

As the new decade begins, Morning Consult’s *The State of Consumer Trust* report is the first look at how today’s societal forces are shaping a new era of trust. Based on interviews with thousands of consumers, the report provides actionable intelligence into how companies can earn and deepen trust with customers.

[Download the full report.](#)
China to Cut Tariffs on $75 Billion of U.S. Goods
Lingling Wei, The Wall Street Journal

China said it would slash tariffs on $75 billion of U.S. imports in half as part of its efforts to implement a recently signed trade agreement with Washington. Beginning Feb. 14, China will cut tariffs on some U.S. goods to 5% from 10%, while levies on some other items will be reduced to 2.5% from 5%, China's Ministry of Finance said in a statement Thursday.

More Americans evacuated from China as CDC confirms 12th U.S. case of coronavirus
Erika Edwards, NBC News

The State Department continues to evacuate U.S. citizens from Wuhan, China, the center of the novel coronavirus outbreak that has now sickened more than 28,000 people and killed at least 565. The first airplane with repatriated U.S. citizens landed last week at March Air Reserve Base in Riverside County, California.

A US Citizen Died While Being Detained By Border Patrol Agents Over A "Smuggling Incident"
Hamed Aleaziz, BuzzFeed News

A 32-year-old US citizen who was arrested by Border Patrol agents has died in government custody, according to a statement from US Customs and Border Protection to congressional officials on Wednesday. Border officials said the man, identified as James Paul Markowitz, had been picked up in an "illegal smuggling incident."

The Trump Lawyer Who Survived
Darren Samuelsohn, Politico

When it was finally Jay Sekulow’s time to defend Donald Trump in his Senate impeachment trial, the longtime conservative Christian legal crusader leapt out of his seat and barreled toward the podium. With his booming radio host's voice, Sekulow posed a simple question to the senators who composed the president's jury.

Giuliani & Co. Plot New Biden Probes and Overseas Trip as Trump's
Ukraine Team Lies in Ruin
Asawin Suebsaeng and Erin Banco, The Daily Beast

It's been nearly five months since news of the Ukraine scandal broke, kicking off a rapidly cascading series of events and dramatic revelations that resulted in Donald Trump's impeachment in the House and subsequent acquittal in the Senate. Some of his Republican fellow-travelers, including Sen. Susan Collins (R-ME), have publicly insisted that President Trump had learned his lesson and there was therefore no cause for his removal from office.

An Unsettling New Theory: There Is No Swing Voter
David Freedlander, Politico

What if everything you think you know about politics is wrong? What if there aren't really American swing voters—or not enough, anyway, to pick the next president?

White House & Administration

White House threatens to veto Puerto Rico earthquake aid package ahead of House vote
Erica Werner, The Washington Post

The White House issued a veto threat Wednesday over a $4.7 billion emergency aid package intended to help Puerto Rico recover from a series of damaging earthquakes. The statement came ahead of a vote planned for Friday in the Democratic-controlled House to pass the aid package.

FBI director warns of ongoing Russian "information warfare"
Eric Tucker, The Associated Press

FBI Director Chris Wray said Wednesday that Russia is engaged in "information warfare" heading into the 2020 presidential election, though he said law enforcement has not seen ongoing efforts by Russia to target America's election infrastructure. Wray told the House Judiciary Committee that Russia, just as it did in 2016, is relying on a covert social media campaign aimed at dividing American public opinion and sowing discord.

Trump stirs trade concerns with new tariffs on metals
Niv Elis, The Hill
President Trump is scheduled to enact new tariffs on steel and aluminum this weekend, a politically risky move that threatens to revisit trade tensions in an election year. The tariffs, covering nearly $500 million of goods, come on the heels of two significant trade accomplishments: signing a preliminary deal with China and updating the 1994 North American Free Trade Agreement (NAFTA).

White House national security adviser says Trump didn't seek Ukraine's help with investigations despite evidence to the contrary
Anne Gearan and Ellen Nakashima, The Washington Post

White House national security adviser Robert C. O'Brien asserted Wednesday that President Trump had not sought Ukrainian help investigating former vice president Joe Biden and his son, Hunter, despite evidence to the contrary. Trump expressly asked Ukrainian President Volodymyr Zelensky to "look into" the Biden family during the July 25 phone call that played a central role in House Democrats decision to impeach the president for allegedly pressuring a foreign ally to investigate his domestic political rival.

Trump Gives Venezuela's Guaidó the Embrace He Wanted
Michael Crowley and Julie Turkewitz, The New York Times

Venezuela's opposition leader, Juan Guaidó, has long hoped to land a meeting with President Trump that would demonstrate the United States' support for his claim to being the country's rightful president. He struck out when he and Mr. Trump were both in Davos, Switzerland, last month, and then again when they were both in South Florida last weekend.

Draft Executive Order Would Give Trump a New Target: Modern Design
Katie Rogers and Robin Pogrebin, The New York Times

Should every new government building in the nation's capital be created in the same style as the White House? A draft of an executive order called "Making Federal Buildings Beautiful Again" would establish a classical style, inspired by Greek and Roman architecture, as the default for federal buildings in Washington and many throughout the country, discouraging modern design.

Senate
Just after Trump acquittal, Republican senators requested Hunter Biden's travel records
Jeanine Santucci, USA Today

Two Republican senators have said they are continuing to look into "potential conflicts of interest" with Hunter Biden's business dealings in Ukraine and China, shortly after President Donald Trump was acquitted by the Senate on articles of impeachment for his own conduct in Ukraine. Sens. Chuck Grassley, R-Iowa, and Ron Johnson, R-Wis., sent a letter to Secret Service Director James Murray on Wednesday asking for clarification on "whether Hunter Biden used government-sponsored travel to help conduct private business" and details of his travel records.

How Mitt Romney Decided Trump Is Guilty
McKay Coppins, The Atlantic

Mitt Romney didn't want to go through with it. "This has been the most difficult decision I have ever had to make in my life," he told me yesterday afternoon in his Senate office.

Doug Jones, facing 'lose-lose' situation, opts to convict Trump
Bridget Bowman, Roll Call

Long before the impeachment process began, Sen. Doug Jones was considered the most vulnerable senator in 2020. The Alabama Democrat's vote Wednesday to remove President Donald Trump from office doesn't change that.

House

GOP introduces resolution to condemn Pelosi for ripping up Trump's State of the Union speech
Andrew O'Reilly, Fox News

Just hours after their colleagues in the Senate voted to acquit President Trump on the two articles of impeachment brought against him, Republican lawmakers in the House introduced a resolution to condemn House Speaker Nancy Pelosi for ripping up a copy of Trump's State of the Union address Tuesday night. The privileged resolution, which was introduced Wednesday by Texas Republican Rep. Kay Granger, blasted Pelosi's public shredding of the
text of the address as "a breach of decorum" and said it brought "discredit on the House."

2020

Sanders says he raised $25M in January, will bolster ad buys
Will Weissert, The Associated Press

Bernie Sanders says he raised a whopping $25 million in January and will use his presidential campaign's flush bank account to increase television and digital advertising in 10 states. The Vermont senator spent $50 million during the final three months of 2019 and finished the year with $18.2 million in cash on hand, putting him in a stronger position than many of his rival candidates even before his latest bonanza last month.

Biden and Warren Seek Revival, With Two Very Different Strategies
Jonathan Martin et al., The New York Times

Joseph R. Biden Jr. and Senator Elizabeth Warren each suffered a damaging setback in Iowa that could make it harder for them to recover next week in New Hampshire - and not just because they were running well behind the leading candidates as Democrats awaited a final count. In a primary sharply divided between progressive and more moderate candidates, Mr. Biden and Ms. Warren both trailed opponents with whom they are competing for many of the same voters.

First head rolls after Biden's weak Iowa finish
Natasha Korecki and Marc Caputo, Politico

Joe Biden's campaign has parted ways with its Iowa field director, two days after the former vice president came in an embarrassing fourth place in the primary caucus state. Adrienne Bogen, who headed field operations for Biden, will not stay on the campaign, even as other members of senior leadership were asked to head to other early states or to assist in Super Tuesday operations.

Buttigieg camp invites more super PAC help
Elena Schneider, Politico

A senior adviser for Pete Buttigieg's campaign tweeted what appeared to be a signal for help to super PAC supporters on Wednesday, a notable injection of
big-money politicking into a Democratic presidential race that has been
defined in large part by opposition to super PACs and their influence. Michael
Halle, the Buttigieg strategist, wrote on Twitter that it was "critical" that
Democrats in Nevada - the third state in the Democratic nominating calendar,
with its caucuses scheduled on Feb. 22 - learn more about Buttigieg's military
credentials.

**Trump Fans Flooded Iowa Caucus Hotline, Democrats Say**

*Tyler Pager and Jennifer Epstein, Bloomberg*

Supporters of President Donald Trump flooded a hotline used by Iowa precinct
chairs to report Democratic caucus results after the telephone number was
posted online, worsening delays in the statewide tally, a top state Democrat
told party leaders on a conference call Wednesday night. According to two
participants on the call, Ken Sagar, a state Democratic central committee
member, was among those answering the hotline on caucus night and said
people called in and expressed support for Trump.

**GOP-affiliated group intervenes in Democratic primary for US
Senate seat in North Carolina**

*Alex Rogers, CNN*

The first significant ad buy for state Sen. Erica Smith, a Democratic candidate
for US Senate in North Carolina, appears to be backed by Republicans. Faith
and Power, a new political action committee with ties to Republicans, formally
launched on January 29 and quickly placed a $1.56 million broadcast ad in the
Democratic primary, according to filings with the Federal Election Commission
and the Kantar Media's Campaign Media Analysis Group.

**Senate Democrats Nix Contract Talks With Company Behind
Disastrous Iowa App**

*Lachlan Markay and Sam Stein, The Daily Beast*

The Democratic Party's Senate campaign arm has walked away from a deal to
acquire voter contact software from the vendor at the center of controversy
over a malfunctioning app that threw Monday's Iowa caucuses into a state of
utter chaos. Two sources told The Daily Beast that the Democratic Senatorial
Campaign Committee abandoned talks with Shadow Inc. the morning after the
caucus debacle.
States

**Governors warn Trump rule could lead to big Medicaid cuts**

*Ricardo Alonso-Zaldivar, The Associated Press*

Governors of both major political parties are warning that a little-noticed regulation proposed by President Donald Trump's administration could lead to big cuts in Medicaid, reducing access to health care for low-income Americans. The arcane fiscal accountability rule proposed by the Centers for Medicare and Medicaid Services, or CMS, would tighten federal oversight and approval over complex financing strategies states have long used to help pay for their share of the $600 billion program.

**DOJ To Investigate Mississippi Prisons After Spate Of Inmate Deaths**

*Scott Neuman, NPR News*

After a string of inmate deaths in Mississippi that began late last year, the Justice Department announced Wednesday that it is opening a civil rights probe into the state's penitentiary system. The department's civil rights division says it will examine conditions at four Mississippi prisons, including the state penitentiary at Parchman, the state's oldest, where a prison riot broke out on Dec. 29 after an inmate was killed.

**Raimondo endorses Bloomberg; says 'it was an easy call'**

*Patrick Anderson, Providence Journal*

Former New York City Mayor Michael Bloomberg and Rhode Island Gov. Gina Raimondo have a lot in common: center-left politics, New England upbringings, backgrounds in finance and a lot of bad things to say about President Donald Trump. On Wednesday the two joined forces as Raimondo endorsed the billionaire businessman for president, the first governor in the country to back him in a wide open Democratic primary.

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**Advocacy**

**Republican Party raking in millions from Trump-tied foreign agent and lobbyist fundraisers**

*Anna Massoglia and Ilma Hasan, OpenSecrets*
The Republican National Committee and its joint fundraising committee with President Donald Trump's re-election campaign accepted more than $44 million from lobbyist fundraisers in 2019, according to OpenSecrets analysis of FEC disclosures. Most of the lobbyists raising money for the RNC and joint fundraising committee are from Trump-connected lobbying firms that brought in record revenues in 2019.

Opinions, Editorials and Perspectives

A Time for Trust Champions
Erich Hoefer, Morning Consult

A just-released annual "Best Countries List" reports that the trustworthiness of the United States has been steadily and steeply declining since 2016. While not yet constituting a "crisis" (the United States is ranked 27th out of 80 countries), trust in the United States has slid more than 10 places in the ranking.

Trump won't be vindicated. The Senate won't be, either.
Adam Schiff et al., The Washington Post

Over the past two weeks, we have argued the impeachment case against President Trump, presenting overwhelming evidence that he solicited foreign interference to cheat in the next election and jeopardized our national security by withholding hundreds of millions of dollars in security assistance to pressure Ukraine to do his political bidding. When the president got caught and his scheme was exposed, he tried to cover it up and obstruct Congress's investigation in an unprecedented fashion.

In Private, Republicans Admit They Acquitted Trump Out of Fear
Sherrod Brown, The New York Times

Not guilty. Not guilty.

A note to supporters of ACRONYM
Tara McGowan, Medium

In the wake of the delayed reporting in Iowa, I know there are questions about Shadow and ACRONYM and how we are structured and work to fuel digital innovation and build capacity for progressive causes across the United States.
A core tenet for us is that progress requires taking calculated risks and doing things differently.

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**Research Reports and Polling**

[Alabama Senate Moves From Toss Up to Lean Republican](#)

Jessica Taylor, The Cook Political Report

Alabama Democratic Senator Doug Jones was always going to be the most endangered incumbent in 2020. He narrowly won a 2017 special election over Roy Moore, the deeply flawed and controversial GOP nominee, and has had a target on his back ever since.
<table>
<thead>
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<th>From:</th>
<th>Ali Mohammad Ahmad (CENSUS/ADCOM FED)</th>
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<td><a href="mailto:solson@doc.gov">solson@doc.gov</a></td>
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<td>Ron S Jarmin (CENSUS/DEPDIR FED)</td>
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[CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL]

Stephanie Olson
Senior Counsel, Office of Special Projects
D: 202.482.5981
M 

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From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Monday, December 2, 2019 2:14 PM
To: Olson, Stephanie (Federal) <SOlson@doc.gov>
Cc: Jarmin, Ron S <ron.s.jarmin@census.gov>
Subject: 20191126-Public-facing CVAP description.docx
TOP NEWS

Judge Strikes Down Student Visa Policy Nationwide
A D.C. federal judge declared invalid the Trump administration's rule changing how it calculates the time period student immigrants who have expired visas have been unlawfully in the U.S., saying the government flouted federal law in its rulemaking.

Exxon Mobil Unit Settles Oil Field Claim Against Canada
Canada and an Exxon Mobil Corp. unit have settled a North American Free Trade Agreement arbitration over mandatory research and development expenditures relating to the company's investments in two oil fields off the country's eastern coast.

Barr Suggests Buying Out A Huawei Rival To Get Ahead On 5G
Attorney General William Barr floated some big ideas for getting ahead of China in the race to 5G Thursday, including the U.S. buying a controlling stake in one of the two companies strong enough to pose a threat to Huawei.

DC Circ. Won't Rethink Ruling On Net Neutrality Rollback
The D.C. Circuit on Thursday declined to reconsider its ruling last year finding that precedent bound it to uphold the Federal Communications Commission's rollback of net neutrality regulations, shooting down petitions from advocates of the protections who argued the court was wrong.

BANKING & SECURITIES

SEC's Peirce Proposes 3-Year Crypto Safe Harbor
SEC Commissioner Hester Peirce released the text of a proposed rule Thursday that would implement a three-year safe harbor for cryptocurrency projects, allowing startups to issue digital tokens and develop their product without worrying about securities law violations.

CFPB Head Says Abusiveness Policy Won't Bring Repleading
The head of the Consumer Financial Protection Bureau told House lawmakers on Thursday that her agency doesn't anticipate repleading any of
its pending court enforcement actions now that it has instituted a policy
narrowing down when and how it plans to bring abusiveness claims in the
future.

Read full article »

Mark Cuban Among SEC Critics Siding With Lucia In ALJ Fight
Dallas Mavericks owner Mark Cuban and two prominent hedge fund
managers are throwing their support behind former investment adviser
Raymond Lucia in his latest challenge to the constitutionality of the U.S.
Securities and Exchange Commission's administrative law judges.

3 documents attached | Read full article »

ENERGY & ENVIRONMENTAL

Calif. Sets Stricter Oversight Of Two 'Forever Chemicals'
California has set a stricter standard for when water suppliers must respond
to long-lasting toxic substances found in drinking water, the State Water
Resources Control Board announced Thursday, including treating the water,
preventing the use of affected wells and notifying customers.

Read full article »

Pa. Fracker Not Stuck With Penalties On Disputed Well Fees
A driller at the center of a closely watched fight over so-called impact fees on
fracked wells was freed from paying penalties and interest Thursday when a
Pennsylvania appeals court ruled that the company had been
unconstitutionally denied a meaningful chance to challenge fees it was
charged.

Opinion attached | Read full article »

EPA Overlooking Plastic Pollution In Hawaii, Enviros Say
The U.S. Environmental Protection Agency has failed to ensure that Hawaii is
properly addressing plastic pollution in its coastal waters, environmentalists
said in a new lawsuit filed Wednesday.

Complaint attached | Read full article »

HEALTH & LIFE SCIENCES

Mississippi Defends 'Fetal Heartbeat' Law At 5th Circ.
About two months after the Fifth Circuit upheld a ban on Mississippi's law
prohibiting abortions after 15 weeks, the state's lawyer told the court on
Thursday that a law banning abortions after the detection of a fetal heartbeat
— which could happen at six weeks — shouldn't suffer the same fate.

Read full article »

IP & TECHNOLOGY

Fed. Circ. Hints Inventor To Blame For Stalled USPTO Patents
A prolific inventor came under a constant barrage of criticism at the Federal
Circuit Thursday, with a three-judge panel blaming his "unreasonable"
obstructive behavior toward the U.S. Patent and Trademark Office for the
decades-long delays on some of his 400 patent applications pending at the
agency.

Read full article »

MEDIA & ENTERTAINMENT

Fantasy Sports Is Illegal Gambling In NY, Appeals Court Says
A New York appeals court on Thursday found that daily fantasy sports
contests, like those offered by DraftKings and FanDuel, are illegal, striking
down a 2016 law that unconstitutionally expanded gambling in the state.

Decision attached | Read full article »
TRANSPORTATION & INFRASTRUCTURE

**DOT Greenlights Nuro's Driverless Car Test Fleet**
The U.S. Department of Transportation on Thursday allowed California robotics company Nuro to deploy a self-driving vehicle that doesn't have certain features typically required for human drivers, granting the first such exemption to federal safety standards.

Read full article »

REAL ESTATE

**Analysis**

**Litigation Likely As New York Frees Tenants From Broker Fees**
New guidance from the New York Department of State saying residential brokers for landlords can no longer require apartment seekers to pay their brokerage fees—a clarification to last summer's sweeping rent-control law—is likely to result in additional litigation, experts say.

Read full article »

**Analysis**

**QOZ Regs' Flexibility On 'Improvement' Could Attract Projects**
Treasury's final rules on the qualified opportunity zone program relaxed a requirement for investors to substantially improve used properties and businesses, making it easier for multibuilding developments and already established businesses such as hotels to qualify for the program.

Read full article »

EMPLOYMENT

**House Passes Sweeping Pro-Union Bill**
The House voted largely along party lines Thursday to approve a broad labor bill meant to bolster unions by making it easier for workers to organize and get a first contract, to the dismay of business groups who warn of a one-sided process that will hurt the economy.

3 documents attached | Read full article »

**3rd Circ. Backs Philly Ban On Asking For Salary History**
Philadelphia employers are barred from asking job applicants how much they're paid, after the Third Circuit lifted an injunction Thursday that had frozen a measure aimed at closing pay gaps by banning questions about salary history.

2 documents attached | Read full article »

**Calif. Truckers Rip Teamsters Bid To Pause AB 5 Injunction**
The Teamsters union has no grounds to interfere with a California federal court's decision blocking a controversial Golden State law that raises the bar for legally classifying workers as independent contractors, even as the Ninth Circuit reviews the injunction order, a trucking group said Thursday.

2 documents attached | Read full article »

COMPETITION

**Analysis**

**Chemical Merger Strategy Burns FTC**
The Federal Trade Commission’s winning streak on merger challenges ended last month, a loss quite possibly caused by the agency's risky decision to rely on a rarely used definition of the market that allegedly would have harmed by the union of two chemical producers.

Read full article »

**DOJ Seeks Flexible Court Take On Threat From Sabre Merger**
A U.S. Justice Department attorney argued for a flexible court view Thursday
on which markets are threatened by a $360 million merger of booking services giant Sabre Corp. and Farelogix Inc., at the close of an eight-day trial in Delaware seeking a permanent injunction barring the move.

Read full article »

DOJ Antitrust Chief Issues Warning On State T-Mobile Suit
The head of the U.S. Department of Justice's Antitrust Division issued a warning Wednesday about the potential consequences of a state-led challenge to T-Mobile's merger with Sprint during a speech that also touted progress in efforts to speed the merger review process.

Read full article »

Pay-For-Delay Ban Risks 'Endless Litigation,' 9th Circ. Told
Two trade groups and a public interest law firm on Thursday urged the Ninth Circuit to block a California state law prohibiting pay-for-delay deals between branded and generic-drug makers, saying the law could lead to never-ending litigation.

Brief attached | Read full article »

INTERNATIONAL TRADE

China Will Slash Tariffs On US Goods Next Week
The Chinese government announced Thursday that it will halve its tariffs on $75 billion worth of U.S. goods on Feb. 14 as the two governments work to implement the preliminary trade deal signed in January.

Read full article »

Feds Vow To Go Hard Against Chinese IP Theft In 2020
Federal prosecutors said Thursday that the public can expect a spike in charges against those suspected of pilfering U.S. intellectual property on behalf of the Chinese government, and that they plan to target companies as well as individual wrongdoers.

Read full article »

TAX

NYC Mayor Revives Call For Tax On Vacant Storefronts
New York City Mayor Bill de Blasio renewed his push Thursday for state lawmakers to enact a commercial vacancy tax to curb the city's proliferation of empty storefronts, saying property owners should pay more in taxes if they allow buildings to lie dormant.

2 documents attached | Read full article »

Ill. To Forgive $50M Taxes On Plane Parts After Veto Override
Overriding a veto, Illinois lawmakers have voted to forgive $50 million in sales and use taxes from airplane repair shops that were unaware they had to start collecting taxes on parts in 2015, restoring an exemption for certain parts.

Bill attached | Read full article »

Texas Lawmaker Seeks Sales Tax Sourcing Rule Change Delay
A Texas lawmaker has asked the state comptroller to delay a proposed rule that would change where local sales tax on internet orders are sourced to where the taxable item is received instead of where it was sold.

3 documents attached | Read full article »

IMMIGRATION

New Yorkers Barred From Global Entry In 'Sanctuary' Fight
The U.S. Department of Homeland Security suspended Global Entry and other expedited security clearance programs for New York travelers and
commercial trucks as part of the Trump administration’s crackdown on so-called sanctuary jurisdictions that limit local officials’ cooperation with federal immigration authorities.

Read full article »

**Sierra Club Sets Aside $601M Border Wall Funding Claims**
The Sierra Club voluntarily dropped claims over $601 million in Treasury funds that were diverted for U.S.-Mexico border wall projects, but can raise the claims again in the future, according to documents filed Thursday in California federal court.

Order attached | Read full article »

**TELECOMMUNICATIONS**

**Pai Aims To Give Satellite Cos. $9.7B For C-Band Transition**
FCC Chairman Ajit Pai unveiled much-anticipated details of his C-Band reorganization plan on Thursday, saying he aims to offer incumbent satellite companies up to $9.7 billion to clear the spectrum quickly and to bring the cleared spectrum to auction in December.

Read full article »

**CANNABIS**

**USDA Says Some Rules On Hemp THC Testing Could Change**
U.S. Department of Agriculture officials told reporters Thursday that they are considering some changes to the agency’s initial hemp regulations, but they can’t address the industry’s biggest concerns about how THC levels are measured.

Read full article »

**EXPERT ANALYSIS**

**4 Problems With NJ Sick Leave Law Regulations**
The New Jersey Department of Labor and Workforce Development’s recently finalized regulations for the state’s straightforward Earned Sick Leave Law unnecessarily extend coverage, complicate calculations, increase employer costs, and may conflict with federal labor and benefits laws, says Jed Marcus at Bressler Amery.

Read full article »

**Amended CFTC Rules Provide Clarity For Asset Managers**
The U.S. Commodity Futures Trading Commission’s recently amended registration rules are an important development for asset managers because they codify relief granted in prior no-action letters, adopt staff positions as CFTC rules, and eliminate inconsistencies and certain filing requirements, say Deborah Monson and Jeremy Liabo at Ropes & Gray.

Read full article »

**NY Law Against Roofing Contractor Fraud Could Be Broader**
New York legislation going into effect in May will undoubtedly help protect homeowners from fraudulent and unscrupulous contractors following natural disasters, but would be stronger if it included a private right of action for technical and substantial violations, treble damages, and personal liability, say Gary Strong and Benjamin Schimelman at Gfeller Laurie.

Read full article »

**Opinion**

**Arbitration Is A Flawed Forum That Needs Repair**
While arbitration is a good vehicle for ensuring timely dispute resolution, the existing system lacks protections for workers and consumers, and legislative efforts to outlaw forced arbitration prove it’s time to finally fix it, says Gerald Sauer at Sauer & Wagner.
State Privacy Law Initiatives To Prepare For In 2020
Given that state legislatures in California, New York, Virginia and Washington are poised to add to the privacy and data security landscape through bills that would increase companies’ substantive responsibilities when handling consumer data, there are several steps that companies should take now, say attorneys at Buckley.

Lawmakers Ask Why Judge’s Harassment Went Unreported
Leaders of the House Judiciary Committee asked for more information Thursday about the misconduct investigation into a Kansas federal judge found to have sexually harassed court employees, including why his behavior went unreported for so long.

Ex-Yahoo Exec Rips Class Atty's Over Sealed Data Breach Info
Yahoo's former chief security officer criticized class counsel who secured a $117.5 million deal resolving litigation over multiple Yahoo data breaches, saying Thursday they took $30 million in fees for "buying more boats in Florida," but let the court seal breach information so "we learned nothing from it."

Clarence Thomas Documentary Is Light On Legal Insight
The new documentary "Created Equal: Clarence Thomas in His Own Words" vividly traces its subject's path from rural Georgia to the U.S. Supreme Court, but sheds frustratingly little light on his idiosyncratic judicial philosophy or how it was shaped by his experiences.

NY Courts Approve Updated Civility Standards For Attorneys
The New York courts have adopted revised "civility" standards for attorneys in the state, the first update in more than two decades, the New York State Bar Association announced Thursday.

Ex-Miami Heat Atty Says GC Harassed Her Over Family Leave
A former associate general counsel for the Miami Heat is suing the team in Florida federal court, alleging she was harassed and treated with disdain in retaliation for taking time off to adopt a child.

Law360's Weekly Verdict: Legal Lions & Lambs
Latham scored this week's top legal lion's title with a $1 billion verdict for client UBS in a contract dispute, while Haynes and Boone ended up among the legal lambs after Texas' Supreme Court killed a $535 million win for one of its gas pipeline clients.

Podcast
Law360's The Term: Kagan's Twitter, Roberts' 'Golden Gavel'
With the U.S. Supreme Court in recess until late February, the team recaps the justices' public remarks over the past week, including their thoughts on controversial new ethics guidance and which justice has a secret Twitter account.
<table>
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| Associate - Products Liability, Mass Torts and Consumer Class Actions (Wilmington, DE Office) | McCarter & English, LLP  
Wilmington, Delaware |
| Attorney - Assistant Attorney General - Public Access Bureau | Illinois Attorney General's Office  
Chicago, Illinois |
| Attorney - Assistant Attorney General - Public Access Bureau | Illinois Attorney General's Office  
Springfield, Illinois |
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Justices Seem Wary Of Expanding Court Review For Migrants
The U.S. Supreme Court appeared reluctant to give migrants stuck in fast-tracked deportation proceedings access to the federal courts, as the justices questioned the limits of court review for asylum-seekers at oral arguments on Monday.
Read full article »

Supreme Court Agrees To Weigh ACA's Validity
In a momentous move, the U.S. Supreme Court on Monday agreed to consider whether a legislative change to the Affordable Care Act's individual mandate rendered the landmark law unconstitutional.
Order attached | Read full article »

Analysis
High Court ACA Case Could Devastate Employee Health Plans
If the U.S. Supreme Court uses a case it picked up Monday to eliminate the Affordable Care Act, companies with 50 or more employees would no longer have to provide health insurance to full-time workers.
Read full article »

Meet The Women Delivering High Court Abortion Arguments
One is a Brooklyn-based immigrant poised to argue at the U.S. Supreme Court against new restrictions on abortion doctors, and one is a born-and-bred Louisianan poised to argue the opposite. Both are mothers and wives, both stand out as female attorneys in the Supreme Court's male-dominated bar, and both will take center stage Wednesday in a searing cultural and legal debate.
Read full article »

Analysis
SEC's Disgorgement Power Faces Possible High Court Muzzle
The U.S. Securities and Exchange Commission is facing a potential muzzle on its enforcement powers Tuesday when the U.S. Supreme Court convenes for oral arguments in a case challenging its ability to recoup illegal profits.
1 document attached | Read full article »

USPTO Signals It's Eyeing High Court For Arthrex Progeny
The U.S. Patent and Trademark Office is considering asking the U.S. Supreme Court to take up the aftermath of a Federal Circuit decision holding the Patent Trial and Appeal Board's structure unconstitutional.
2 documents attached | Read full article »
Court Transparency Bill Calls For Live Audio, Free PACER
A new bill from House Judiciary Committee leaders aims to increase transparency in the federal courts by requiring live audio streaming of appellate arguments, free access to court documents in the PACER system, an ethics code for the high court and easier access to recusals and financial disclosures.

SUPREME COURT

Justices Toss 11th Circ. FHA Ruling After Miami Yanks Suits
The U.S. Supreme Court on Monday vacated an Eleventh Circuit decision that allowed the city of Miami to proceed with Fair Housing Act lawsuits against Bank of America and Wells Fargo, a ruling the banks were trying to appeal when the city dropped the suits earlier this year.

High Court Won't Take Up Picasso Painting Ownership Case
The U.S. Supreme Court on Monday declined to review a case disputing who should own a Pablo Picasso painting that a Jewish industrialist sold to raise money to escape Nazi persecution, leaving intact a Second Circuit ruling that the Metropolitan Museum of Art can keep the piece.

Lawmakers Back TCPA In High Court Constitutionality Fight
The Senate Democrat who authored the Telephone Consumer Protection Act, more than a dozen of his congressional colleagues and Verizon are among those urging the U.S. Supreme Court to reject a constitutional challenge to the statute's blanket ban on autodialed calls to cellphones, arguing that invalidating the provision would have a “devastating impact” on consumers.

Justices Will Decide Cooling Water Intake Rule FOIA Fight
The U.S. Supreme Court said Monday it will review the Ninth Circuit's finding that the federal government must turn over documents concluding that a proposed U.S. Environmental Protection Agency regulation for power plant cooling was likely to put protected species at risk.

Justices Won't Take Up Fight Over Fake Therapist's Insurance
The U.S. Supreme Court opted Monday to not review an Eleventh Circuit ruling that Ace American Insurance Co. has no duty to defend or indemnify a man who pretended to be a licensed mental health counselor in a wrongful death suit over a young patient who killed himself.

46 AGs Back Arkansas In High Court ERISA Preemption Fight
A bipartisan coalition of 46 attorneys general, several pharmacy groups and other industry organizations threw their support behind Arkansas at the U.S. Supreme Court on Monday, arguing that the state’s law regulating pharmacy benefit managers’ drug reimbursement rates wasn’t trumped by ERISA.

Comcast Tells Justices Calif. Rule Interferes With Arbitration
Comcast has asked the U.S. Supreme Court to overturn a California rule that it says conflicts with federal law by effectively blocking companies from enforcing arbitration with individuals.
US Chamber Urges Justices To Hear Generics Discovery Issue
The U.S. Chamber of Commerce and several other groups have urged the U.S. Supreme Court to take up a bid from drug companies to alter the discovery process in multidistrict litigation over an alleged industry-wide generic-drug price-fixing conspiracy.

Former GOP Officials Ask Justices To Grant Trump Subpoenas
A group of former Republican members of Congress, executive branch members and legal experts asked the U.S. Supreme Court on Monday to allow the Manhattan district attorney to subpoena President Donald Trump's financial and tax records.

DC CIRCUIT

FERC Appeal Delays Prompt State Clean Energy Order Fight
State consumer advocates have said the D.C. Circuit's scrutiny of the Federal Energy Regulatory Commission's policy stretching out administrative appeals motivates their challenge to FERC's order targeting state electricity programs in wholesale electricity auctions run by the nation's largest regional grid operator.

AT&T, Local Carrier Both Take Swipes At FCC In Rate Dispute
AT&T and an Iowa-based local exchange carrier are taking shots at the Federal Communications Commission decision that settled their rate dispute, each telling the D.C. Circuit why their parts of it should be repealed.

FEDERAL CIRCUIT

Fed. Circ. Backs ITC Ban On Comcast Cable Box In Patent Suit
The Federal Circuit on Monday affirmed the International Trade Commission’s holding that Comcast cable boxes infringe two of a TiVo Corp. subsidiary’s patents covering interactive program guides, leaving intact the commission’s ban on the cable and broadband company’s importation of X1 boxes.

Fed. Circ. Says Inequitable Conduct Voids IP In Ethanol MDL
The Federal Circuit on Monday upheld the invalidation of four CleanTech patents asserted in multidistrict infringement litigation, supporting an Indiana federal court's findings that CleanTech and its Cantor Colburn attorneys withheld information from the U.S. Patent and Trademark Office and threatened a defendant.

Fed. Circ. Judge Considers Retrying Alera Drug-Test IP Fight
A Federal Circuit judge appeared to buy into Rembrandt Diagnostics' argument Monday that it should get a new trial because a district court misconstrued two key terms in a drug-testing patent it says skewed the outcome of its infringement suit against Alera.

FIRST CIRCUIT

1st Circ. Skeptical That College Owes Students Fiduciary Duty
A First Circuit judge on Monday criticized the goal of former Mount Ida College students seeking a new legal fiduciary duty between a college and its
students, saying it would set up a complicated — or even contradictory — rule for governing boards to navigate.

SECOND CIRCUIT

2nd Circ. Mulls Blocking 'Public Charge' Rule State By State
A Second Circuit panel on Monday considered implementing a more targeted halt to the federal government's new "public charge" rule, which penalizes immigrants who use public benefits, after the U.S. Supreme Court struck down a nationwide ban on rolling out the new rule.

THIRD CIRCUIT

3rd Circ. Ends NSA Spying Suit Citing 'Dubious' Evidence
The Third Circuit on Monday shut down a civil liberties attorney's challenge to the government email surveillance program ousted by former intelligence contractor Edward Snowden, finding the lawyer's evidence "dubious" and his witnesses unreliable.

FIFTH CIRCUIT

5th Circ. Clears Walgreens In Amputee’s Storefront Crash Suit
Walgreens and real estate services giant CBRE Group Inc. aren't responsible for a Mississippi storefront car crash that claimed a customer's leg, the Fifth Circuit ruled, finding store owners have no obligation to protect patrons from negligent drivers.

NINTH CIRCUIT

9th Circ. Affirms Labor Dept. Win In Staffing Co. Overtime Suit
A Minnesota staffing company willfully violated the Fair Labor Standards Act when its payroll employee knowingly recorded overtime hours as regular hours, the Ninth Circuit ruled Monday, affirming an Arizona federal court's ruling and rejecting the company's argument that it can't be held liable for the actions of a low-level staffer.

9th Circ. Dubious Of Insurers' Refusal To Defend Retailer
A Ninth Circuit panel appeared inclined Monday to reverse a lower court's order absolving underwriters at Lloyd's of London from defending a women's accessories retailer in a putative class action claiming it improperly collected and sold customers' information, with two judges suggesting the suit contains a potentially covered privacy claim.

ILLINOIS

Atty Is Denied Bid For Sanction Against Ill.
A municipal finance banker and attorney can't force the Illinois secretary of state to pay his defense costs as a sanction for pursuing meritless alleged...
securities violations against him related to a state agency’s $12 million investment in a later-shuttered bank, a state appeals court ruled.

Pa. Panel Affirms Injunction Against School District’s Tax Hike
A Pennsylvania appeals court upheld a preliminary injunction against a school district’s 4.44% tax increase Monday, siding with a class of residents who had alleged the district used deceptive accounting practices to avoid putting the increase to a voter referendum.

Pa. Justices To Mull If Juries Set Time Bar For Church Abuse
The Supreme Court of Pennsylvania agreed Monday to hear a Catholic diocese’s appeal of a case that let jurors widen the time limit for civil claims related to sexual abuse by priests.

Pa. Panel Won’t Junk Challenge To Fracking Waste Site
A Pennsylvania appeals court ruled Monday that state regulators were prematurely trying to extinguish a township’s defense of a municipal charter aimed at banning what local officials say are disposal wells for fracking waste that run afoul of constitutionally enshrined environmental protections.

NEW JERSEY

NJ Justices Signal Fed. Arbitration Law May Not Nix State One
The New Jersey Supreme Court suggested Monday that delivery drivers may still be obligated to arbitrate their claims against transportation companies based on a state arbitration law, even though they’re exempt from the Federal Arbitration Act in the wake of the U.S. Supreme Court’s New Prime ruling last year.

NJ Panel Won’t Revive Claims Over PC Richard Receipts
The New Jersey state appeals court affirmed Monday that a suit accusing P.C. Richard & Son LLC of revealing too much credit card information on its receipts can’t proceed as a class action because individual consumers can recover damages more efficiently in small claims court.

Juror’s Link To NJ Doctor Can’t Void Med Mal Trial Win
A New Jersey appeals court on Monday affirmed a defense verdict in a medical malpractice suit accusing a doctor of botching a bariatric procedure, rejecting the patient’s request for a new trial because a juror failed to disclose that he was once considered by the doctor for a landscaping job.

MASSACHUSETTS

Harsher Terms Nixed For Cases Tainted By Mass. Lab Scandal
Dismissed convictions stemming from a drug lab chemist’s criminal actions and the state attorney general’s office’s attempt at covering them up cannot be used to enhance sentences for subsequent guilty findings, Massachusetts’ top court ruled Friday.
PharMerica FCA Decision Is A Win For Statutory Interpretation
By literally interpreting the False Claims Act’s original-source provision, the First Circuit’s recent decision in U.S. v. PharMerica makes clear that the text of the FCA must be interpreted with the statute’s structure and purpose in mind, say David Lieberman and Erica Hitchings at the Whistleblower Law Collaborative.

Navigating Uncertainty In Digital Health Patent Eligibility
Recent federal court decisions and agency statements indicate that there will be greater scrutiny of eligibility for digital health patents seeking to monopolize fundamental building blocks rather than specific applications, so narrowly tailored claims are critical, say Joshua Reisberg and Ross Blau at Axinn.

Prepare Your Law Firm Tech For Coronavirus Impact
In case the coronavirus pandemic becomes more severe, law firms should make sure that their data, security and communications systems can be remotely accessed with convenience and reliability, say Thomas Robertson and Kenneth Jones at Tanenbaum Keale.

Atty Tips To Avoid 'Scope Creep' And Malpractice Claims
A clear and concise engagement agreement that demarcates a firm’s scope of services, and a system to ensure that scope is not exceeded without written documentation are among the most important risk management tools attorneys can adopt, says Eileen Garzynski at Ames & Gough.

Analysis
Coronavirus Threatens BigLaw’s Surge In Promotions, Hiring
BigLaw saw a banner year in 2019, which sparked a significant uptick in partner promotions and greater competition to land certain associates, but the novel coronavirus could send those workforce and hiring trends backward if it has a monthslong impact on firms’ business, experts said.

How Will BigLaw Handle A US Outbreak? Ask Firms In China
The U.S. offices of global law firms are asking counterparts in China how to prepare for a coronavirus pandemic. Their advice: Avoid public transportation, work odd hours, telecommute, video-conference with clients and stockpile hand sanitizer.

Baker McKenzie Reopens London Office After Virus Scare
Baker McKenzie resumed normal operations in London on Monday, after an employee tested negative for the COVID-19 virus. The BigLaw firm had temporarily closed down the office Friday amid concerns related to the spread of the disease, commonly known as the coronavirus.

Gibson Dunn Atty Among Trump’s Picks For EEOC, NLRB
President Donald Trump on Monday moved to fill four top positions at the U.S. Equal Employment Opportunity Commission and the National Labor Relations Board, tapping a Gibson Dunn & Crutcher LLP associate and a leading expert on LGBT issues to fill a pair of EEOC commissioner seats and
reupping two veteran NLRB members for fresh terms.

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NYC Bar Group Backs Relaxed Ban On Legal Fee Sharing
New York should loosen the ethical ban on splitting legal fees with nonlawyers to accommodate the “reality” of third-party litigation funding, a city bar working group said in a report Monday.

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Ransomware Attack Halts Legal Services Co. Epiq
Kansas-based legal services provider Epiq Global temporarily shut down its online services after a ransomware attack over the weekend, the company said Monday.

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Bayer, Google Among Cos. Urging Change To Expert Standard
Corporations including Google, Pfizer, AIG, Ford, Bayer US and helmet maker Riddell pressed a federal court committee Monday to revise the standard on expert testimony in trials, saying some judges are shirking their “gatekeeper” duty by putting unscientific opinions in front of juries responsible for determining liability and awarding money.

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Interview
15 Minutes With Coinbase’s Chief Legal Officer
One of Brian Brooks’ missions as the chief legal officer at digital currency exchange Coinbase is to break the status quo by showing people that cryptocurrency is similar to the development of other innovations, including the telephone and the internet. Here, he shares more about his priorities and his 2020 predictions for the cryptocurrency space.

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Senior Real Estate Transactional Attorney
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- Acting Secretary of Homeland Security Chad Wolf said his department is suspending enrollment in trusted-travel programs such as Global Entry for New York residents in response to the state's "sanctuary" policies, which protect undocumented immigrants from deportation. The announcement comes after New York passed a law that allows undocumented immigrants to apply for driver's licenses and shield their records from U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. ([The Wall Street Journal](https://www.wsj.com))

- Attorney General William Barr issued a memo ordering the Federal Bureau
of Investigation and other Justice Department agencies to get his approval before opening politically sensitive investigations related to any of the 2020 presidential candidates. Barr said the decision was to ensure that elections are "free from improper activity or influences," and comes after the Justice Department's inspector general released a report last month showing how FBI agents did not follow protocols as they sought to probe former Trump campaign associate Carter Page. (The New York Times)

- With results from 97 percent of Iowa caucus precincts reporting, former South Bend Mayor Pete Buttigieg of Indiana and Sen. Bernie Sanders (I-Vt.) are nearly tied for first place in the Iowa caucuses. According to data released overnight by the Iowa Democratic Party, Buttigieg leads the race, with 26.2 percent of state delegates, closely followed by Sanders, with 26.1 percent. (CNN)

Chart Review

69 million Americans voted for senators who supported impeachment
The Washington Post
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/06/2020</td>
<td>Attorney general, FBI director participate in CSIS event on China</td>
<td>8:00 am</td>
</tr>
<tr>
<td></td>
<td>National Prayer Breakfast</td>
<td>8:00 am</td>
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<td></td>
<td>U.S. ambassador to NATO participates in Heritage Foundation event</td>
<td>4:30 pm</td>
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<tr>
<td>Date</td>
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<td>Time</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>02/07/2020</td>
<td>Speaker Pelosi holds weekly press conference</td>
<td>10:45 am</td>
</tr>
<tr>
<td></td>
<td>Trump speaks on Senate acquittal</td>
<td>12:00 pm</td>
</tr>
<tr>
<td></td>
<td>Sanders, Buttigieg, Klobuchar and Patrick participate in CNN New Hampshire town halls</td>
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<tr>
<td>02/07/2020</td>
<td>Energy secretary participates in Atlantic Council event</td>
<td>10:30 am</td>
</tr>
<tr>
<td>02/07/2020</td>
<td>Democratic presidential debate in New Hampshire</td>
<td>8:00 pm</td>
</tr>
<tr>
<td>02/10/2020</td>
<td>Trump holds campaign rally in Manchester, N.H.</td>
<td>7:00 pm</td>
</tr>
<tr>
<td>02/11/2020</td>
<td>New Hampshire primary</td>
<td></td>
</tr>
</tbody>
</table>

[View full calendar]
Special Report: The State of Consumer Trust

As the new decade begins, Morning Consult’s The State of Consumer Trust report is the first look at how today’s societal forces are shaping a new era of trust. Based on interviews with thousands of consumers, the report provides actionable intelligence into how companies can earn and deepen trust with customers.

Download the full report.
**General**

**China to Cut Tariffs on $75 Billion of U.S. Goods**  
Lingling Wei, The Wall Street Journal

China said it would slash tariffs on $75 billion of U.S. imports in half as part of its efforts to implement a recently signed trade agreement with Washington. Beginning Feb. 14, China will cut tariffs on some U.S. goods to 5% from 10%, while levies on some other items will be reduced to 2.5% from 5%, China's Ministry of Finance said in a statement Thursday.

**More Americans evacuated from China as CDC confirms 12th U.S. case of coronavirus**  
Erika Edwards, NBC News

The State Department continues to evacuate U.S. citizens from Wuhan, China, the center of the novel coronavirus outbreak that has now sickened more than 28,000 people and killed at least 565. The first airplane with repatriated U.S. citizens landed last week at March Air Reserve Base in Riverside County, California.

**A US Citizen Died While Being Detained By Border Patrol Agents Over A "Smuggling Incident"**  
Hamed Aleaziz, BuzzFeed News

A 32-year-old US citizen who was arrested by Border Patrol agents has died in government custody, according to a statement from US Customs and Border Protection to congressional officials on Wednesday. Border officials said the man, identified as James Paul Markowitz, had been picked up in an "illegal smuggling incident."

**The Trump Lawyer Who Survived**  
Darren Samuelsohn, Politico

When it was finally Jay Sekulow’s time to defend Donald Trump in his Senate impeachment trial, the longtime conservative Christian legal crusader leapt out of his seat and barreled toward the podium. With his booming radio host's voice, Sekulow posed a simple question to the senators who composed the president's jury.

**Giuliani & Co. Plot New Biden Probes and Overseas Trip as Trump's**
Ukraine Team Lies in Ruin

Asawin Suebsaeng and Erin Banco, The Daily Beast

It’s been nearly five months since news of the Ukraine scandal broke, kicking off a rapidly cascading series of events and dramatic revelations that resulted in Donald Trump’s impeachment in the House and subsequent acquittal in the Senate. Some of his Republican fellow-travelers, including Sen. Susan Collins (R-ME), have publicly insisted that President Trump had learned his lesson and there was therefore no cause for his removal from office.

An Unsettling New Theory: There Is No Swing Voter

David Freedlander, Politico

What if everything you think you know about politics is wrong? What if there aren’t really American swing voters—or not enough, anyway, to pick the next president?

White House & Administration

White House threatens to veto Puerto Rico earthquake aid package ahead of House vote

Erica Werner, The Washington Post

The White House issued a veto threat Wednesday over a $4.7 billion emergency aid package intended to help Puerto Rico recover from a series of damaging earthquakes. The statement came ahead of a vote planned for Friday in the Democratic-controlled House to pass the aid package.

FBI director warns of ongoing Russian 'information warfare'

Eric Tucker, The Associated Press

FBI Director Chris Wray said Wednesday that Russia is engaged in "information warfare" heading into the 2020 presidential election, though he said law enforcement has not seen ongoing efforts by Russia to target America's election infrastructure. Wray told the House Judiciary Committee that Russia, just as it did in 2016, is relying on a covert social media campaign aimed at dividing American public opinion and sowing discord.

Trump stirs trade concerns with new tariffs on metals

Niv Elis, The Hill
President Trump is scheduled to enact new tariffs on steel and aluminum this weekend, a politically risky move that threatens to revisit trade tensions in an election year. The tariffs, covering nearly $500 million of goods, come on the heels of two significant trade accomplishments: signing a preliminary deal with China and updating the 1994 North American Free Trade Agreement (NAFTA).

White House national security adviser says Trump didn't seek Ukraine's help with investigations despite evidence to the contrary
Anne Gearan and Ellen Nakashima, The Washington Post

White House national security adviser Robert C. O'Brien asserted Wednesday that President Trump had not sought Ukrainian help investigating former vice president Joe Biden and his son, Hunter, despite evidence to the contrary. Trump expressly asked Ukrainian President Volodymyr Zelensky to "look into" the Biden family during the July 25 phone call that played a central role in House Democrats decision to impeach the president for allegedly pressuring a foreign ally to investigate his domestic political rival.

Trump Gives Venezuela's Guaidó the Embrace He Wanted
Michael Crowley and Julie Turkewitz, The New York Times

Venezuela's opposition leader, Juan Guaidó, has long hoped to land a meeting with President Trump that would demonstrate the United States' support for his claim to being the country's rightful president. He struck out when he and Mr. Trump were both in Davos, Switzerland, last month, and then again when they were both in South Florida last weekend.

Draft Executive Order Would Give Trump a New Target: Modern Design
Katie Rogers and Robin Pogrebin, The New York Times

Should every new government building in the nation's capital be created in the same style as the White House? A draft of an executive order called "Making Federal Buildings Beautiful Again" would establish a classical style, inspired by Greek and Roman architecture, as the default for federal buildings in Washington and many throughout the country, discouraging modern design.
Just after Trump acquittal, Republican senators requested Hunter Biden's travel records
Jeanine Santucci, USA Today

Two Republican senators have said they are continuing to look into "potential conflicts of interest" with Hunter Biden’s business dealings in Ukraine and China, shortly after President Donald Trump was acquitted by the Senate on articles of impeachment for his own conduct in Ukraine. Sens. Chuck Grassley, R-Iowa, and Ron Johnson, R-Wis., sent a letter to Secret Service Director James Murray on Wednesday asking for clarification on "whether Hunter Biden used government-sponsored travel to help conduct private business" and details of his travel records.

How Mitt Romney Decided Trump Is Guilty
McKay Coppins, The Atlantic

Mitt Romney didn't want to go through with it. "This has been the most difficult decision I have ever had to make in my life," he told me yesterday afternoon in his Senate office.

Doug Jones, facing 'lose-lose' situation, opts to convict Trump
Bridget Bowman, Roll Call

Long before the impeachment process began, Sen. Doug Jones was considered the most vulnerable senator in 2020. The Alabama Democrat's vote Wednesday to remove President Donald Trump from office doesn't change that.

House

GOP introduces resolution to condemn Pelosi for ripping up Trump's State of the Union speech
Andrew O'Reilly, Fox News

Just hours after their colleagues in the Senate voted to acquit President Trump on the two articles of impeachment brought against him, Republican lawmakers in the House introduced a resolution to condemn House Speaker Nancy Pelosi for ripping up a copy of Trump's State of the Union address Tuesday night. The privileged resolution, which was introduced Wednesday by Texas Republican Rep. Kay Granger, blasted Pelosi's public shredding of the
text of the address as "a breach of decorum" and said it brought "discredit on the House."

2020

Sanders says he raised $25M in January, will bolster ad buys
Will Weisert, The Associated Press

Bernie Sanders says he raised a whopping $25 million in January and will use his presidential campaign's flush bank account to increase television and digital advertising in 10 states. The Vermont senator spent $50 million during the final three months of 2019 and finished the year with $18.2 million in cash on hand, putting him in a stronger position than many of his rival candidates even before his latest bonanza last month.

Biden and Warren Seek Revival, With Two Very Different Strategies
Jonathan Martin et al., The New York Times

Joseph R. Biden Jr. and Senator Elizabeth Warren each suffered a damaging setback in Iowa that could make it harder for them to recover next week in New Hampshire - and not just because they were running well behind the leading candidates as Democrats awaited a final count. In a primary sharply divided between progressive and more moderate candidates, Mr. Biden and Ms. Warren both trailed opponents with whom they are competing for many of the same voters.

First head rolls after Biden's weak Iowa finish
Natasha Korecki and Marc Caputo, Politico

Joe Biden's campaign has parted ways with its Iowa field director, two days after the former vice president came in an embarrassing fourth place in the primary caucus state. Adrienne Bogen, who headed field operations for Biden, will not stay on the campaign, even as other members of senior leadership were asked to head to other early states or to assist in Super Tuesday operations.

Buttigieg camp invites more super PAC help
Elena Schneider, Politico

A senior adviser for Pete Buttigieg's campaign tweeted what appeared to be a signal for help to super PAC supporters on Wednesday, a notable injection of
big-money politicking into a Democratic presidential race that has been defined in large part by opposition to super PACs and their influence. Michael Halle, the Buttigieg strategist, wrote on Twitter that it was "critical" that Democrats in Nevada - the third state in the Democratic nominating calendar, with its caucuses scheduled on Feb. 22 - learn more about Buttigieg's military credentials.

Trump Fans Flooded Iowa Caucus Hotline, Democrats Say

Tyler Pager and Jennifer Epstein, Bloomberg

Supporters of President Donald Trump flooded a hotline used by Iowa precinct chairs to report Democratic caucus results after the telephone number was posted online, worsening delays in the statewide tally, a top state Democrat told party leaders on a conference call Wednesday night. According to two participants on the call, Ken Sagar, a state Democratic central committee member, was among those answering the hotline on caucus night and said people called in and expressed support for Trump.

GOP-affiliated group intervenes in Democratic primary for US Senate seat in North Carolina

Alex Rogers, CNN

The first significant ad buy for state Sen. Erica Smith, a Democratic candidate for US Senate in North Carolina, appears to be backed by Republicans. Faith and Power, a new political action committee with ties to Republicans, formally launched on January 29 and quickly placed a $1.56 million broadcast ad in the Democratic primary, according to filings with the Federal Election Commission and the Kantar Media's Campaign Media Analysis Group.

Senate Democrats Nix Contract Talks With Company Behind Disastrous Iowa App

Lachlan Markay and Sam Stein, The Daily Beast

The Democratic Party's Senate campaign arm has walked away from a deal to acquire voter contact software from the vendor at the center of controversy over a malfunctioning app that threw Monday's Iowa caucuses into a state of utter chaos. Two sources told The Daily Beast that the Democratic Senatorial Campaign Committee abandoned talks with Shadow Inc. the morning after the caucus debacle.
**States**

**Governors warn Trump rule could lead to big Medicaid cuts**
*Ricardo Alonso-Zaldivar, The Associated Press*

Governors of both major political parties are warning that a little-noticed regulation proposed by President Donald Trump's administration could lead to big cuts in Medicaid, reducing access to health care for low-income Americans. The arcane fiscal accountability rule proposed by the Centers for Medicare and Medicaid Services, or CMS, would tighten federal oversight and approval over complex financing strategies states have long used to help pay for their share of the $600 billion program.

**DOJ To Investigate Mississippi Prisons After Spate Of Inmate Deaths**
*Scott Neuman, NPR News*

After a string of inmate deaths in Mississippi that began late last year, the Justice Department announced Wednesday that it is opening a civil rights probe into the state's penitentiary system. The department's civil rights division says it will examine conditions at four Mississippi prisons, including the state penitentiary at Parchman, the state's oldest, where a prison riot broke out on Dec. 29 after an inmate was killed.

**Raimondo endorses Bloomberg; says 'it was an easy call'**
*Patrick Anderson, Providence Journal*

Former New York City Mayor Michael Bloomberg and Rhode Island Gov. Gina Raimondo have a lot in common: center-left politics, New England upbringings, backgrounds in finance and a lot of bad things to say about President Donald Trump. On Wednesday the two joined forces as Raimondo endorsed the billionaire businessman for president, the first governor in the country to back him in a wide open Democratic primary.

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**Advocacy**

**Republican Party raking in millions from Trump-tied foreign agent and lobbyist fundraisers**
*Anna Massoglia and Ilma Hasan, OpenSecrets*
The Republican National Committee and its joint fundraising committee with President Donald Trump's re-election campaign accepted more than $4.4 million from lobbyist fundraisers in 2019, according to OpenSecrets analysis of FEC disclosures. Most of the lobbyists raising money for the RNC and joint fundraising committee are from Trump-connected lobbying firms that brought in record revenues in 2019.

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Opinions, Editorials and Perspectives

**A Time for Trust Champions**
Erich Hoefer, Morning Consult

A just-released annual "Best Countries List" reports that the trustworthiness of the United States has been steadily and steeply declining since 2016. While not yet constituting a "crisis" (the United States is ranked 27th out of 80 countries), trust in the United States has slid more than 10 places in the ranking.

**Trump won't be vindicated. The Senate won't be, either.**
Adam Schiff et al., The Washington Post

Over the past two weeks, we have argued the impeachment case against President Trump, presenting overwhelming evidence that he solicited foreign interference to cheat in the next election and jeopardized our national security by withholding hundreds of millions of dollars in security assistance to pressure Ukraine to do his political bidding. When the president got caught and his scheme was exposed, he tried to cover it up and obstruct Congress's investigation in an unprecedented fashion.

**In Private, Republicans Admit They Acquitted Trump Out of Fear**
Sherrod Brown, The New York Times

Not guilty. Not guilty.

**A note to supporters of ACRONYM**
Tara McGowan, Medium

In the wake of the delayed reporting in Iowa, I know there are questions about Shadow and ACRONYM and how we are structured and work to fuel digital innovation and build capacity for progressive causes across the United States.
A core tenet for us is that progress requires taking calculated risks and doing things differently.

Research Reports and Polling

Alabama Senate Moves From Toss Up to Lean Republican
Jessica Taylor, The Cook Political Report

Alabama Democratic Senator Doug Jones was always going to be the most endangered incumbent in 2020. He narrowly won a 2017 special election over Roy Moore, the deeply flawed and controversial GOP nominee, and has had a target on his back ever since.
The original request:

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Branch to Driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Secretary of State’s Office and has raised concerns following the Supreme Court decision regarding this.

Is the request for citizenship status by the census related to the President’s statement? Made in July; ‘I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country.’

Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell [b](6).

Thank you,
Tara Molina

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: [b](6)
census.gov | @uscensusbureau
Can you guys call me on this?

Ellisa Johnson,
Assistant Regional Census Manager, Chicago Region
312-579-1518
ellisa.johnson@2020census.gov

---

Sent from Workspace ONE Boxer

-------- Forwarded message --------

From: Chicago Regional Office (CENSUS/CG) <chicago.regional.office@census.gov>
Date: October 2, 2019 at 4:06:49 PM CDT
Subject: Fw: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records
To: Ellisa Johnson (CENSUS/CG FED) <ellisa.johnson@2020census.gov>, Marilyn A Sanders (CENSUS/CG FED) <Marilyn.A.Sanders@2020census.gov>

From: Molina, Tara L [b](@cbs.com>
Sent: Wednesday, October 2, 2019 1:18 PM
To: Chicago Regional Office (CENSUS/CG) <chicago.regional.office@census.gov>
Subject: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records

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This story is running this evening.

Please reach me here or on my cell [6] (6).

Thank you,
Tara Molina
Hello,

Attached is an update of the agreement and file acquisition effort for the EO from Mike Berning.

Additionally, action items #19 and #20 have been closed, see attached CVAP Implementation Team Agenda.

Please let me know if you have any questions.

Thank you,

Jamie

Stephanie Busick (Jamie) | Internet Self-Response Branch | Decennial Management Support Division | U.S. Census Bureau

Office 301.763.2809 | Room [D] (G)
stephanie.jamison.busick@census.gov

census.gov Connect with us on Social Media
Hello,

Attached for your review is a draft of the minutes from the CVAP Implementation Meeting on 11.12.19 and an agenda for the CVAP Implementation Meeting scheduled for 11.19.19. Any updates to the meeting minutes can be discussed during the next meeting.

Additionally, all documentation has been posted to the CVAP Implementation SharePoint site: [B][S] (5)

Please let me know if you have any questions.

Thank you,

Jamie

Stephanie Busick (Jamie)  |  Internet Self-Response Branch  |  Decennial Management Support Division  |  U.S. Census Bureau

Office 301.763.2809  |  Room [B][S]  
stephanie.jamison.busick@census.gov

census.gov  Connect with us on Social Media
Karen D Deaver (CENSUS/ADDC FED) has shared a OneDrive for Business file with you. To view it, click the link below.

Hello Kevin,

In talking with Mike this morning, he thought you might like to see the document that talks about the intended use of administrative records in 2020 production. It's in decennial clearance, but I didn't include you in the formal review. However, if you have any comments, feel free to make them (to me or on the OneDrive copy) and I'll be sure to address. It is intended for the external memo series.

Let me know if you have any questions,

Thanks,
Karen

Karen D. Deaver
Decennial Census Programs Directorate, U.S. Census Bureau
301-763-2549, karen.d.deaver@census.gov

From: Robert Bernstein (CENSUS/ADDC FED) <Robert.B.Bernstein@census.gov>
Sent: Friday, February 7, 2020 10:06 AM
To: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; Erika H Becker Medina (CENSUS/ADDC FED) <Erika.H.Becker Medina@census.gov>; Jennifer W Reichert (CENSUS/DCMD FED) <Jennifer.W.Reichert@census.gov>; Patrick J Cantwell (CENSUS/DSSD FED) <Patrick.J.Cantwell@census.gov>; Deirdre Bishop (CENSUS/GEO FED) <Deirdre.Dalpiaz.Bishop@census.gov>; Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>
Cc: Suzanne Fratino (CENSUS/DCMD FED) <Suzanne.Fratino@census.gov>; Janet Kirby (CENSUS/GEO FED) <Janet.L.Kirby@census.gov>; Karen D Deaver (CENSUS/ADDC FED) <karen.d.deaver@census.gov>; Ann M Tozzi (CENSUS/ADDC FED) <Ann.M.Tozzi@census.gov>
Subject: Anticipated Administrative Data Use in the 2020 Census -- electronic copy for your review (following up on yesterday's hard copy)
Good morning everyone,

Yesterday, I had provided each of you a hard copy in a yellow folder of the document on our anticipated administrative data use in the 2020 Census, along with the accompanying cover memo, for your review and approval. The plan is to post these to the public-facing 2020 Census Memorandum Series page. I wanted to also give you the option of making any comments electronically, so I've attached the document in OneDrive so you can edit directly, as well as both the document and cover memo as word docs. We ask that you provide any feedback by Friday, Feb. 14. After all of you do so, we'll send this to Deb, then ultimately to Al. (Jim D. has already reviewed this.) If you make any edits in OneDrive, please send me an email letting me know you've done so.

Michael: I'm including you in this round of review in your capacity as acting chief of DITD.

Thanks,

Robert

Robert Bernstein
Section Chief
Stakeholder Relations Staff
Decennial Communications Coordination Office
Room [b] (b) [b]
U.S. Census Bureau

Office 301.763.2603
Cell [b] (b) [b]

robert.b.bernstein@census.gov

census.gov
Connect with us on Social Media
From: [REDACTED]
To: Albert E Fontenot (CENSUS/ADDC FED)
Subject: Fw: Census 2020: Unified Plan input and Citizenship Question
Date: Tuesday, July 23, 2019 3:03:34 PM
Attachments: [REDACTED]

--- Forwarded Message ---
From: "Jethroe Moore" [REDACTED]
To: [REDACTED]
Sent: Tue, Jun 11, 2019 at 8:51 AM
Subject: Fw: Census 2020: Unified Plan input and Citizenship Question

Good morning, Take a look at this draft out reach for the census and let me know what you think is missing

----- Forwarded Message -----
From: Tong, Monica [REDACTED]
To: [REDACTED]
Cc: Kuwada, Nicholas [REDACTED]; Santiago, Miguel
Sent: Monday, June 10, 2019, 03:00:46 PM PDT
Subject: Census 2020: Unified Plan input and Citizenship Question

Good Afternoon All,

I hope you had a nice weekend!

Attached is the draft Unified Outreach Plan that was handed out during the May 29th meeting. Please be sure to provide any feedback by 5 pm on Friday, June 14th. If you are a representative of a Subcommittee, please carefully review your section and let me know if there are changes to be made.

During the meeting, we also discussed the impending SCOTUS decision on the citizenship question. When the decision is released, David asked the Committee to participate in a conference call about our plan of action. I will be sure to let you know any details as they surface. The County will also be holding a press conference at 70 West Hedding on the day of the decision release. We will gather on the patio at 11 am. Please join us if you are available.
that day! We appreciate your understanding of this fluid situation.

The official decision days are currently June 17th and June 24th, but the Court can announce additional days. As of today, there are 24 cases pending.

As always, please let me know if you have any questions. Stay cool in this heat wave!

Take care,

Monica

---

Monica Tong  
Office of the Census | County of Santa Clara  
2460 N. First Street, Suite 220 | San José, CA 95131  
O: (408) 678-1367 | C: (b) (b)

Follow us!
The original request:

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Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b) (6)
census.gov | @uscensusbureau
Can you guys call me on this?

**Ellisa Johnson,**  
*Assistant Regional Census Manager, Chicago Region*  
312-579-1518  
[ellisa.johnson@2020census.gov](mailto:ellisa.johnson@2020census.gov)  
census.gov Connect with us on Social Media

---

Sent from **Workspace ONE Boxer**

-------- Forwarded message --------

**From:** Chicago Regional Office (CENSUS/CG)  
<chicago.regional.office@census.gov>  
**Date:** October 2, 2019 at 4:06:49 PM CDT  
**Subject:** Fw: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records  
**To:** Ellisa Johnson (CENSUS/CG FED)  
<ellisa.johnson@2020census.gov>, Marilyn A Sanders (CENSUS/CG FED)  
<Marilyn.A.Sanders@2020census.gov>

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This story is running this evening.

Please reach me here or on my cell [b] (6) [b].

Thank you,
just fyi-

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) ________________
census.gov | @uscensusbureau

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Wednesday, March 4, 2020 10:47 AM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>; Vincent T Mule Jr (CENSUS/DSSD FED) <Vincent.T.Mule.Jr@census.gov>; Michael B Hawes (CENSUS/CED FED) <michael.b.hawes@census.gov>
Subject: Re: Urgent: Questions from Congress: CQAS-10116

It was assigned to Michael Hawes. I will touch base with him today.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 M: simuring on cell
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Sent: Wednesday, March 4, 2020 10:45 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>; Vincent T Mule Jr (CENSUS/DSSD FED) <Vincent.T.Mule.Jr@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Subject: Re: Urgent: Questions from Congress: CQAS-10116
I moved the questions and answers into a Word document. Merge in Mike responses.

John - I still need a response for questions 8a and 8b.

thanks - jim

James B. Treat
Senior Advisor for Decennial Affairs
Office of the Director
U.S. Census Bureau
Office 301.763.3609 Room [D] [6]
james.b.treat@census.gov
census.gov
Connect with us on Social Media

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Wednesday, March 4, 2020 7:29 AM
To: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Vincent T Mule Jr (CENSUS/DSSD FED) <Vincent.T.Mule.Jr@census.gov>
Subject: Re: Urgent: Questions from Congress: CQAS-10116

[b] [5]

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [b] [6]
census.gov | @uscensusbureau

From: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>
Sent: Tuesday, March 3, 2020 6:37 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Vincent T Mule Jr (CENSUS/DSSD FED) <Vincent.T.Mule.Jr@census.gov>
Subject: Fw: Urgent: Questions from Congress: CQAS-10116

Hi Mike, Tom, and Jim,
Can you please see the message below and the attached document? Responses are needed by the close of business tomorrow on questions (shown below) pertaining to the Executive Order. I am not sure who else should be assisting with pulling responses together. If there are others that I should be reaching out to, please let me know.

Thanks,

Maryann M. Chapin  
Decennial Census Programs Directorate  
U.S. Census Bureau  
O: 301.763.3933 | M: census.gov | @uscensusbureau  
Shape your future. START HERE > 2020census.gov

From: [b] (6), (b) (5) (CENSUS/ OTHER)  
[b] (6), (b) (5)  
Sent: Tuesday, March 3, 2020 6:20 PM  
To: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>  
Cc: Montgomery Wood (CENSUS/ADDC FED) <Montgomery.F.Wood@census.gov>; Robert Bernstein (CENSUS/ADDC FED) <Robert.B.Bernstein@census.gov>  
Subject: Urgent: Questions from Congress: CQAS-10116

Hi Maryann,

DCCO is distributing questions received from members of Congress (specifically, the Congressional Hispanic Caucus(CHC)) that correspond to a meeting that Director Dillingham has with the CHC this Thursday, March 5th 2020.

Those questions that we hope that you will be able to answer are listed below the e-mail signature, with the title of the section in the original document above the question. That original document—9 pages of 80 questions (rounded up)—is attached also so that you can review related questions or the introduction of the original letter for context, if so desired. This may be helpful.

I apologize for the short turnaround requested, but we are asking that these answers be returned by tomorrow, March 4th by COB. To be clear, the answers are not being provided this Thursday; the answers to these questions still need to be reviewed by Decennial executives.

If you know of any way that we can help you out, please let us know and we’ll do our best. Also, if you have any questions, just let us know.
Thank you.

Best,
Aubrey

Stakeholder Relations Staff, Decennial Communications Coordination Office, U.S. Census Bureau,
census.gov  Connect with us on Social Media

**President Trump’s Executive Order No-13886 on the Citizenship Model**

1. Could you please provide a copy of the Memorandum of Understanding (MOU) reached on data-sharing between the Department of Commerce and the Department of Homeland Security in compliance with the President's EO from this decennial cycle?

2. Can you share an update on the data-collection process being developed to determine the number of citizens and non-citizens currently living in the United States per the President's EO?
   a. Can you share when the Department expects to announce what this statistical model will look like?

3. What portion of the Department's workforce and the funds appropriated through Congress will be directed towards collecting this immigration data and what portion will go towards the completion of the 2020 Census?

4. Can you address concerns that these simultaneous efforts will discourage people from participating in the 2020 Census?

5. Can you share an update on the inter-agency working group ordered by the President to meet this goal?
   a. Which federal and state agencies and/or departments are part of this inter-agency working group?
   b. Of those agencies, can you provide a list of the representatives for each of the departments and agencies?

6. Can you share information on the data protection policies in place to ensure the safety of this sensitive data during the collection process and once the statistical model is complete?

7. Can you assure our Members that the updated immigration data will not be used for immigration enforcement like expedited deportations in contravention of the privacy protections and requirements found in Title 13?

8. Can you brief our Members on how the Bureau is working with the Department to ensure that this statistical model meets the standard for statistical accuracy and integrity of all Census Bureau
products?

a. Can you provide a copy of the Bureau's data quality policies for evaluating the integrity of data sets?

b. How can we be assured that disclosure avoidance policy does not impact the accuracy and integrity of the statistical file that will be available for states to use?

9. Can you address concerns that this statistical model will affect census participation among Latino communities?

a. Can you speak to the Bureau's outreach and messaging to ensure that this model does not reduce participation in the decennial census among Latinopopulations?
Begin forwarded message:

From: "Olson, Stephanie (Federal)" <SOlson@doc.gov>
Date: December 3, 2019 at 1:36:33 PM EST
To: "Ali Mohammad Ahmad (CENSUS/ADCOM FED)"
<ali.m.ahmad@census.gov>
Cc: "Ron S Jarmin (CENSUS/DEPDIR FED)" <Ron.S.Jarmin@census.gov>,
"Dewhirst, David (Federal)" <DDewhirst@doc.gov>

[CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL]

Stephanie Olson
Senior Counsel, Office of Special Projects
D: 202.482.5981
M: (b) (5)

-----Original Message-----
From: Ali Mohammad Ahmad (CENSUS/ADCOM FED)
<ali.m.ahmad@census.gov>
Sent: Monday, December 2, 2019 2:14 PM
To: Olson, Stephanie (Federal) <SOlson@doc.gov>
Cc: Jarmin, Ron S <ron.s.jarmin@census.gov>
Subject: 20191126-Public-facing CVAP description.docx
Karen,

It would be good if we can chat about this today.

Thanks

Ron

Sent from my iPhone

Begin forwarded message:

From: "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>
Date: October 24, 2019 at 6:32:15 PM EDT
To: "Steven Dillingham (CENSUS/DEPDIR FED)" <steven.dillingham@census.gov>, "Ron S Jarmin (CENSUS/DEPDIR FED)" <Ron.S.Jarmin@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>, "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>
Subject: Fwd: CBS: Pennsylvania Won’t Give Driver’s License Records To Census, Won’t Participate In Collection Of Citizenship Information

(b) (5)

[Redacted]

Begin forwarded message:

From: "McNerney, Robert (Federal)" <RMcNerney@doc.gov>
Date: October 24, 2019 at 4:24:17 PM EDT
To: "Glover, Rebecca (Federal)" <RGlover@doc.gov>, "Manning, Kevin (Federal)" <KManning@doc.gov>, "Schaffer, Ari (Federal)" <ASchaffer@doc.gov>, "Tucker, Caroline (Federal)" <CTucker@doc.gov>
Cc: "Ali Mohammad Ahmad (CENSUS/ADCOM FED)"
Pennsylvania Won’t Give Driver’s License Records To Census, Won’t Participate In Collection Of Citizenship Information

October 24, 2019 at 1:52 pm
--
Pennsylvania’s transportation secretary is telling the U.S. Census Bureau that her agency won’t provide driver’s license records as part of a Trump administration effort to gather citizenship information.

Secretary Leslie Richards wrote Thursday to a Census Bureau official, saying her department won’t participate in the project.

More than a dozen other states have already declined to participate, according to an Associated Press survey.

The Census Bureau began asking for five years’ worth of driver’s license records in August, promising the information will be kept confidential.

That effort began after the U.S. Supreme Court rejected a plan to add a citizenship question to next year’s census.

The effort has alarmed civil rights groups that see it as part of a move by the Trump administration to reduce the political power of minorities.

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--
Robert McNerney
Press Assistant
Office of the Secretary | Department of Commerce
RMcNerney@doc.gov
202-482-1986
FYI

Atri Kalluri
Senior Advocate
Decennial Census Response Security and Data Integrity
U.S. Census Bureau

Begin forwarded message:

From: Atri Kalluri (b) (6) [redacted]>
Date: October 17, 2019 at 4:33:11 PM EDT
To: Phani-Kumar Kalluri <phani-kumar.atri.kalluri@census.gov>
Subject: Census Bureau Seeks Driver’s License Data, Including Citizenship And Eye Color | HuffPost

https://m.huffpost.com/us/entry/us_5da756f1e4b062bdcb1cd40d
-atri
For your awareness

James Whitehorne
Chief - Census Redistricting & Voting Rights Data Office
301-763-4039

Begin forwarded message:

From: "James Whitehorne (CENSUS/ADDC FED)"
<James.Whitehorne@census.gov>
Date: February 11, 2020 at 3:33:05 PM EST
To: "Cannon, Michael (Federal)" <MCannon@doc.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>, "Melissa L Creech (CENSUS/PCO FED)" <Melissa.L.Creech@census.gov>, "Christopher J Stanley (CENSUS/OCIA FED)" <christopher.j.stanley@census.gov>, "Brebbia, Sean (Federal)" <SBrebbia@doc.gov>, "Kathleen M Styles (CENSUS/ADDC FED)" <kathleen.m.styles@census.gov>
Cc: [Redacted]
Subject: Re: Census CVAP draft

Mike -
Thank you for the phone call. I am glad my CVAP meeting with Jim Treat ran over so we could both be on the call. I have attached the final version of the technical document. As Jim requested, if you can provide any additional comments by Friday, we will then move this through the signature process at Census.

We appreciate your assistance. If you have any additional questions, please do not hesitate to ask.

Best Regards
James

***************

James Whitehorne
Chief - Census Redistricting & Voting Rights Data Office
U.S. Census Bureau

Office: 301.763.4039
Room (b) (b)
From: Cannon, Michael (Federal) <MCannon@doc.gov>
Sent: Tuesday, February 11, 2020 6:53 AM
To: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Cc: Melissa L Creech (CENSUS/PCO FED) <Melissa.L.Creech@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Subject: RE: Census CVAP draft

Thanks.

James, do you have some time this morning to discuss?

Best,

Mike

Michael A. Cannon
Chief, General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
U.S. Department of Commerce
Telephone: (202) 482-5395
Cell: (b) (6)
Facsimile: (202) 482-5858
Email: mcannon@doc.gov

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From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Tuesday, February 11, 2020 6:13 AM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Whitehorne, James <james.whitehorne@census.gov>
Cc: Creech, Melissa L <melissa.l.creech@census.gov>; Stanley, Christopher J <christopher.j.stanley@census.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Subject: Re: Census CVAP draft
If he’s available it would be Mr. Whitehorne. Copied.

On Feb 10, 2020, at 10:27 PM, Cannon, Michael (Federal) <MCannon@doc.gov> wrote:

CUI/PRIV/FED ONLY

(b) (5)

Thanks!

Mike

Michael A. Cannon
Chief, General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
U.S. Department of Commerce
Telephone: (202) 482-5395
Cell: (b) (6)
Facsimile: (202) 482-5858
Email: mcannon@doc.gov

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From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Saturday, February 8, 2020 10:26 AM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Creech, Melissa L <melissa.l.creech@census.gov>; Stanley, Christopher J <christopher.j.stanley@census.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>
Subject: Re: Census CVAP draft

Thank you all very much. Wouldn’t know enough myself to comment on the comments but we will connect with Whitehorne and all other
SMEs appropriate and get back with any questions and concerns. We very much appreciate OGC’s help and leadership on this.

Ali Ahmad, Associate Director

Communications Directorate
U.S. Census Bureau
O: 301-763-8789| M: (b) (6)
Ali.M.Ahmad@census.gov
census.gov | @uscensusbureau

From: Cannon, Michael (Federal) <MCannon@doc.gov>
Sent: Saturday, February 8, 2020 10:14 AM
To: Melissa L Creech (CENSUS/PCO FED) <Melissa.L.Creech@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>
Subject: FW: Census CVAP draft

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From: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>
Sent: Friday, February 7, 2020 6:05 PM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Cc: Kelleher, Diane (CIV) <Diane.Kelleher@usdoj.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>
Subject: RE: Census CVAP draft

(b) (5)

Stephen Ehrlich
Trial Attorney
U.S. Department of Justice
Civil Division | Federal Programs Branch
202-305-9803 | stephen.ehrlich@usdoj.gov

From: Cannon, Michael (Federal) <MCannon@doc.gov>
Sent: Friday, February 07, 2020 5:30 PM
To: Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Sverdlov, Alexander V. <ASverdlo@civ.usdoj.gov>
Cc: Kelleher, Diane (CIV) <DKellehe@CIV.USDOJ.GOV>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>
Subject: RE: Census CVAP draft

CUI/PRIV/FED ONLY

(b) (5)

(b) (5)
Best,

Mike

Michael A. Cannon
Chief, General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
U.S. Department of Commerce
Telephone: (202) 482-5395
Cell: (b) (6) [redacted]
Facsimile: (202) 482-5858
Email: mcannon@doc.gov

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From: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>
Sent: Thursday, January 2, 2020 7:03 PM
To: Cannon, Michael (Federal) <MCannon@doc.gov>
Cc: Kelleher, Diane (CIV) <Diane.Kelleher@usdoj.gov>
Subject: Re: Census CVAP draft

Stephen Ehrlich
Trial Attorney
Begin forwarded message:

From: "Cannon, Michael (Federal)" <MCannon@doc.gov>
Date: January 2, 2020 at 12:13:28 PM PST
To: "Ehrlich, Stephen (CIV)" <sehrlich@CIV.USDOJ.GOV>
Subject: RE: Are you back in the office Stephen?

CUI/PRIV/FED ONLY

[b] (5)

Mike

Michael A. Cannon
Chief, General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
U.S. Department of Commerce
Telephone: (202) 482-5395
Cell: [b] (6)
Facsimile: (202) 482-5858
Email: mcannon@doc.gov

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From: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>
Sent: Thursday, January 2, 2020 2:17 PM
To: Cannon, Michael (Federal) <MCannon@doc.gov>
Subject: Re: Are you back in the office Stephen?

[b] (5)

Stephen Ehrlich
Trial Attorney
On Jan 2, 2020, at 10:32 AM, Cannon, Michael (Federal) <MCannon@doc.gov> wrote:

CUI/PRIV/FED ONLY

(b) (5)

Mike

Michael A. Cannon
Chief, General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
From: Ehrlich, Stephen (CIV)  
<Stephen.Ehrlich@usdoj.gov>  
Sent: Thursday, January 2, 2020 12:30 PM  
To: Cannon, Michael (Federal)  
<MCanon@doc.gov>  
Subject: Re: Are you back in the office Stephen?

Not until Monday. But I can chat, if needed. What’s up?

Stephen Ehrlich  
Trial Attorney  
U.S. Department of Justice  
Civil Division | Federal Programs Branch  
202-305-9803 | stephen.ehrlich@usdoj.gov

On Jan 2, 2020, at 9:23 AM,  
Cannon, Michael (Federal)  
<MCanon@doc.gov> wrote:

Michael A. Cannon  
Chief, General Litigation Division  
Office of the Assistant General Counsel for Employment, Litigation, and Information  
Office of the General Counsel  
U.S. Department of Commerce  
Telephone: (202) 482-5395
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Was this for a story? What is his deadline?

On Nov 22, 2019, at 1:49 PM, Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov> wrote:

Hi All,

We have a few follow up questions from NPR and would like to provide the following statement based on the answers provided by Mike Berning:

Proposed Statement:

Questions/Answers:

Besides state driver’s license records, what other administrative records that the Census Bureau is considering using to produce block-level citizen voting age population data contain eye color as a data element? Or in other words, what kind of records could be linked to driver’s license records using eye color?

How will the bureau account for changes in an individual’s eye color with the use of colored contact lens?
Please let us know whether it's okay to send. Thank you!

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: [b] (6) [c]
census.gov | @uscensusbureau
Hi again,

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell [b] [6] [b] [6]
maryann.m.chapin@census.gov

census.gov
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Mike Berining, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
From: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>
Sent: Thursday, October 31, 2019 9:40 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Cc: Michael Padgett (CENSUS/DCMD FED) <Michael.Padgett@census.gov>
Subject: Ad Rec Source Acquisition Reports - EO 13880

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell (b) (6)
maryann.m.chapin@census.gov

census.gov
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Typo in the answer to Q3 fixed in this version. Looks clean otherwise. Thanks,

**John M. Abowd, PhD**, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

**From:** Albert E Fontenot (CENSUS/ADDC FED)
**Sent:** Sunday, July 14, 2019 8:22:11 PM
**To:** Ali Mohammad Ahmad (CENSUS/ADCOM FED); Christopher J Stanley (CENSUS/OCIA FED); Kathleen M Styles (CENSUS/ADDC FED); Enrique Lamas (CENSUS/DEPDIR FED); James L Dinwiddie (CENSUS/ADDC FED); Deborah Stempowski (CENSUS/DCMD FED); James B Treat (CENSUS/ADDC FED); Michael T Thieme (CENSUS/ADDC FED); Victoria Velkoff (CENSUS/ADDP FED); Karen Battle (CENSUS/POP FED); Burton H Reist (CENSUS/ADCOM FED); Ron S Jarmin (CENSUS/DEPDIR FED)
**Subject:** B14F4053-8E46-43ED-9FF8-EE088BDC9B27

Attached is a cleaned up version of the answers about Executive Order with changes accepted and deleted. Unless I missed something, I would propose this as the final document. Feedback is welcome.
My thoughts-Take that to Manning. He will have the ability to better control the scope and understand the nuances

This is EO stuff.

On Oct 2, 2019, at 4:16 PM, Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov> wrote:

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b)(6) | census.gov | @uscensusbureau

On Oct 2, 2019, at 2:56 PM, Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov> wrote:

If the final draft you were waiting on means the "tick tock" of the contact with Illinois, I thought I sent that. I apologize if I did not.

This is from Mike Berning's staff:

Tuesday, September 17, 2019 - phone message left with Driver Services regarding contact info and brief project description. Steve from Drivers Services returned the call and said the request has to go through the General Counsels Office (contact number provided). General Counsels Office stated fastest reply would be from Pam Wright via email. Sent information to Pam Wright. Received a response from Pam Wright she will touch base with General Counsel and get back to Census.
Monday, September 23. Received email that our request for the State of Illinois participation has been denied.

From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Wednesday, October 2, 2019 2:54 PM
To: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>
Subject: Re: CBS 2 REQUEST- Census Bureau Requests for Driver’s License Administrative Records

Is manning already engaged?

On Oct 2, 2019, at 2:46 PM, Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov> wrote:

Hey Stanley,

Did you ever get the final draft on this topic?

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6) (b) (6) | census.gov | @uscensusbureau

Begin forwarded message:

From: (b) (6) (b) (6) (b) (6) (b) (6)
Date: October 2, 2019 at 2:38:46 PM EDT
To: "michael.c.cook@census.gov" <michael.c.cook@census.gov>
Subject: FW: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records

From: (b) (6)
Sent: Wednesday, October 2, 2019 1:21 PM
To: pio@census.gov
I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Brach to driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Illinois’ Secretary of State’s Office. The data request has raised concerns following the Supreme Court decision regarding a citizenship question on the Census.

Is the request for citizenship status by a division of the Census Bureau related to the President’s statement? Made in July; "I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country.’

Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell

Thank you,
Thanks, James.

I made very minor edits. See the attached files. I plan to attend the Director's briefing tomorrow.

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

---

From: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Sent: Friday, December 27, 2019 8:08 AM
To: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Cc: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Cynthia Davis Hollingsworth (CENSUS/DCMD FED) <cynthia.davis.hollingsworth@census.gov>
Subject: CVAP documents that may be useful if we get a meeting scheduled for Tuesday with the Director per Ali's request

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

James
Hi David,

David
Thanks

Epa Uwimana  
Administrative Records Data Operations Manager  
Economic Reimbursable Surveys Division (ERD)  
U.S. Census Bureau  
o: 301-763-6064 | c: (b) (6)  
census.gov | @uscensusbureau

From: J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>  
Sent: Monday, February 3, 2020 11:42 AM  
To: Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>; Matthew E Bouch (CENSUS/ERD FED) <Matthew.E.Bouch@census.gov>  
Cc: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>  
Subject: Re: CVAP record linkage section

adding Mike and Epa, who were involved in the discussions about this:

David

-------------------------------------------
J. David Brown, PhD, Principal Economist  
Center for Economic Studies  
U.S. Census Bureau  
o: 301-763-8769 | m: (b) (6)  
census.gov | @uscensusbureau
From: Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>
Sent: Monday, February 3, 2020 11:09 AM
To: J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>; Matthew E Bouch (CENSUS/ERD FED) <Matthew.E.Bouch@census.gov>
Subject: Re: CVAP record linkage section

David,

Thanks,
Damon

From: J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>
Sent: Friday, January 31, 2020 9:05 AM
To: Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>; Matthew E Bouch (CENSUS/ERD FED) <Matthew.E.Bouch@census.gov>
Subject: CVAP record linkage section

Hi Damon and Matt,
Thanks.

David
Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov  |  @uscensusbureau
Hi John,

I have attached a draft of two slides you asked us to make for your CSAC presentation.

David

-----------------

J. David Brown, PhD, Principal Economist
Center for Economic Studies
U.S. Census Bureau
o: 301-763-8769 | m: [REDACTED]
census.gov | @uscensusbureau
Virginia and I talked. To protect against issues with version control, we've elected to post it more like a link to have people get the full text from the online source.

Here’s what it looks like:

On Oct 17, 2019, at 3:12 PM, Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov> wrote:

On Oct 17, 2019, at 1:11 PM, Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov> wrote:

We did this with the Citizenship RTQ and the hiring non-citizens RTQ (not posted on census.gov). We copied/pasted the RTQ directly into the hub. I think it should be SOP.

I’m working to get this one on the hub now.

Thanks,

Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
0: 301-763-5407 | M: [b] (6)
census.gov | @uscensusbureau

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Thursday, October 17, 2019 12:42 PM
To: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>; Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Briana D Kaya (CENSUS/PIO FED) <briana.d.kaya@census.gov>
Subject: Fw: U.S. Census Bureau Statement on State Data Sharing Agreements
U.S. Census Bureau Statement on State Data Sharing Agreements

October 15, 2019
Release Number CB19-RTQ.05

RESPONSE TO QUERY

OCT. 15, 2019 — For years, the U.S. Census Bureau has regularly entered into agreements to receive administrative records from many federal, state and local governments to provide quality statistics to the American public.

Longstanding Federal law (Title 13, Section 6) authorizes and directs the Census Bureau to reuse existing data collected by other federal agencies and state, tribal or local governments, as well as private organizations. Using information previously collected by other organizations saves taxpayers money and reduces the burden on the public, while still allowing the Census Bureau to deliver high-quality data products.

Since the early 2000s, the Census Bureau has researched the use of state administrative records to supplement or improve the quality and coverage of Census Bureau surveys. In 2016, the Census Bureau requested the use of state administrative records that include information such as date of birth, address, race, Hispanic origin and citizenship status for the 2020 Census and ongoing Census Bureau surveys, including the American Community Survey. Recently, the
Census Bureau expanded this request to the states to include driver’s license administrative records surrounding the Executive Order on increasing the use of administrative records for the 2020 Census.

As part of routine work, the Census Bureau enters into voluntary data sharing agreements with many state agencies that maintain administrative records on a variety of programs including the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and Women, Infants, and Children (WIC) program.

When the Census Bureau receives the records, they are stripped of all personal identifiable information and are used for statistical purposes only while remaining strictly protected under Title 13. By law, the Census Bureau does not share any data protected under Title 13 with the states or share personally identifiable information with any government or law enforcement agencies.

Responses to all Census Bureau surveys and administrative records obtained by the Census Bureau are safe, secure and protected by law. Under Title 13, all census data can only be used to produce statistics.

---

Cathy L. Lacy
Regional Director
Denver Regional Office and the Dallas Regional Census Center
U.S. Census Bureau

Office 720.962.3702
Cell (b) (6)
Fax 303.969.6777
Ca by.lynn.lacy@census.gov

census.gov
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I will also note that the LCCE document was cleared, signed, and dated as of June 10, so unless we are going to crack open that June 10 clearance, the document should stay as it was when it cleared. (5)
Hi Epa,

I was just about to log off. Please see the attached for an updated set of the reports.

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell 301-763-3933
maryann.m.chapin@census.gov

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Hi Maryann,
Just incase you're still working. SSA agreement is now signed and we can change to Blue all the way since we are already getting data from SSA.
Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-6064 | m: 301-763-6064
epaphrodite.uwimana@census.gov | @uscensusbureau
From: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>
Sent: Friday, September 27, 2019 7:29 AM
To: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Cc: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Stephanie Jamison Busick (CENSUS/DCMD CTR) <stephanie.jamison.busick@census.gov>; Elizabeth L Love (CENSUS/DCMD FED) <Elizabeth.L.Love@census.gov>
Subject: Re: Updates on agreements related to the Executive Order

Thanks, Epa,

Please find updated reports attached. If other changes are needed, please let us know. I will only be in the office today until around 9:00.

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
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maryann.m.chapin@census.gov
census.gov
Connect with us on Social Media

From: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Sent: Friday, September 27, 2019 7:18 AM
To: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>
Cc: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Stephanie Jamison Busick (CENSUS/DCMD CTR) <stephanie.jamison.busick@census.gov>; Elizabeth L Love (CENSUS/DCMD FED) <Elizabeth.L.Love@census.gov>
Subject: Re: Updates on agreements related to the Executive Order

Hi Maryann,

I just got an update that we received data from Department of Interior. [b] (5) [b] [b] [b] [b]
Hi Epa,

Thank you for the information.

If I have interpreted the status that you provided below, I do not think that there are any changes needed to the reports. I have updated the reports to show a data current as of date of September 26. Please find the reports attached.

If I have misinterpreted your status and I should have changed something on the report, please let me know.

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell [b] (6) [b] (5) [b] (5)
maryann.m.chapin@census.gov
Hi Maryann,

Mike asked me to send you updates on EO related agreements today. Here is where we stand as of today:

- [b) (5)]
- [ ]
- [ ]
- [ ]
- [ ]
- [ ]
Please let me know if you have any question or need additional information.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-6064  |  m: (b) (6)
census.gov  |  @uscensusbureau
Good Afternoon,

Thanks for the speedy reply. Please review the attachment.

Elizabeth Love
Scheduling & Performance Measurement Branch
Decennial Census Management Division
U.S. Census Bureau

Office 301.763.6875
Elizabeth.L.Love@census.gov

census.gov
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Please mark all of them completed.

Epa Uwimana
Administrative Records Data Operations Manager
Economic Reimbursable Surveys Division (ERD)
U.S. Census Bureau
o: 301-763-6064 | c: (5) | census.gov | @uscensusbureau
Hi Maryann,

Thanks

Epa Uwimana
Thank you.

We will change DHS CIS agreement to Blue and data received to Green.

We will issue the deck as final today with the above changes. Any additional changes that may happen today will be reflected in next week's draft deck that we will issue on Thursday.

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell [b] (6)
maryann.m.chapin@census.gov

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From: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Sent: Monday, December 23, 2019 10:23 AM
To: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Elizabeth L Love (CENSUS/DCMD FED) <Elizabeth.L.Love@census.gov>
Subject: Re: Updates to EO13880 Status? - new updates

DHS/CIS is now fully signed. I am now working with OGC and Census Legal on ICE and CBP addenda.

Thanks

From: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Sent: Monday, December 23, 2019 9:50 AM
To: Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Elizabeth L Love (CENSUS/DCMD FED) <Elizabeth.L.Love@census.gov>
Subject: Re: Updates to EO13880 Status? - new updates
Hi Maryann,

Attached is the document with updates (highlighted). The update for DHS/USCIS should change again before noon. I am currently waiting for a signature from Kevin. I will let you know as soon as I obtain it.

Thanks

Epa Uwimana

---

**From:** Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>  
**Sent:** Monday, December 23, 2019 8:45 AM  
**To:** Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>  
**Cc:** Elizabeth L Love (CENSUS/DCMD FED) <Elizabeth.L.Love@census.gov>  
**Subject:** Updates to EO13880 Status?

Good Morning,

If there are any updates to the EO 13880 file acquisition status, please send them to us by 10:00 am this morning.

Thank you,

**Maryann M. Chapin**  
Decennial Census Programs Directorate  
U.S. Census Bureau  
Office 301.763.3933  
Cell [b] (6) [b]  
maryann.m.chapin@census.gov

census.gov  
Connect with us on Social Media
Current appropriations law prohibits the use of appropriated funds to pay the compensation of any employee of the U.S. federal government where the duty location is in the continental U.S. unless such person:

1. is a U.S. citizen;
2. is a person who owes allegiance to the U.S. (i.e., nationals of American Samoa, Swains Island, and the Northern Mariana Islands, and nationals who meet other requirements described in 8 U.S.C. 1408);
3. is a person admitted as a refugee or granted asylum who has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or
4. is a lawful permanent resident who is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B).

To comply with requirement No. 4 above, an individual must be a lawful permanent resident (have a green card) and apply for citizenship within a short time of first becoming eligible to do so. An individual is not eligible to apply for citizenship until he or she has been a permanent resident for at least five years (three years if seeking naturalization as a spouse of a citizen). When that occurs, he or she must apply for citizenship within six months of becoming eligible and must complete the process within two years of applying (unless there is a delay caused by the processors of the application). NOTE: A lawful permanent resident who is not yet eligible to apply for citizenship at the start of judicial employment may lawfully be employed by the judiciary if he or she submits an affidavit indicating the intent to apply for citizenship when eligible to do so. A sample form of this affidavit has been provided to the courts.

The appropriations law requirements apply to anyone appointed into a paid position within the judiciary in the continental U.S. The appropriations law requirements do not apply to employees with a duty station in Alaska, Hawaii, the Virgin Islands, Puerto Rico, Guam, or the Northern Mariana islands, nor do the requirements apply to unpaid volunteers.

Interesting that this does NOT apply to AK and HI.

James Christy
U.S. Census Bureau
LA 818.267.1700 HQ 301.783.6228 Cell 818.267.1700
census.gov Connect with us on Social Media

From: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Sent: Tuesday, August 6, 2019 5:07 PM
To: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>
Subject: Re: URGENT: Non-Citizen Hire Action Processed

I went by to talk to Kardesha but she isn’t here today. Will wrk on it tomorrow.

On Aug 6, 2019, at 4:55 PM, James T Christy (CENSUS/LA FED) <james.t.christy@census.gov> wrote:

On Aug 6, 2019, at 7:37 AM, Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov> wrote:
On Aug 6, 2019, at 10:01 AM, James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov> wrote:

James Christy
U.S. Census Bureau
LA 818.267.1700 HQ 301.763.6228 Cell (b) (6)
census.gov Connect with us on Social Media

From: Kornegay, Nick (Federal) <NKornegay@doc.gov>
Sent: Tuesday, August 6, 2019 9:52 AM
To: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Kardesha N Bradley (CENSUS/PCO FED) <Kardesha.N.Brady@census.gov>
Cc: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Dale C Kelly (CENSUS/PLD FED) <Dale.C.Kelly@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; John R Magruder (CENSUS/PLD FED) <John.R.Magruder@census.gov>; Thomas A Mahalek (CENSUS/BUD FED) <Thomas.A.Mahalek@census.gov>; Ben Ezra, Robert (Federal) <Ben.Ezra@doc.gov>
Subject: RE: URGENT: Non-Citizen Hire Action Processed
Thanks,

Nick Kornegay  
Chief, General Law Division  
Office of the General Counsel  
U.S. Department of Commerce  
1401 Constitution Ave., NW, Room 5886C  
Washington, D.C. 20230  
Desk: 202-482-3653  
Cell: (b) (5)  
nkornegay@doc.gov

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From: Benjamin J Page (CENSUS/CFO FED)  
Sent: Monday, August 5, 2019 8:36 PM  
To: Bradley, Kardesha N  
Cc: Christy, James T; Kelly, Dale C; Whiteley, Everett G; Magruder, John R; Mahalek, Thomas A; Kornegay, Nick (Federal)  
Subject: Re: URGENT: Non-Citizen Hire Action Processed

Ben

Ben Page  
Chief Financial Officer  
U.S. Census Bureau  
O: 301-763-4700 | M: (b) (6)

On Aug 5, 2019, at 8:06 PM, Kardesha N Bradley (CENSUS/PCO FED) wrote:

(b) (5)
From: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>
Sent: Monday, August 5, 2019 5:59 PM
To: Kardesha N Bradley (CENSUS/PCO FED) <Kardesha.N.Bradley@census.gov>
Cc: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; John R Magruder (CENSUS/FLD FED) <John.R.Magruder@census.gov>; Thomas A Mahalek (CENSUS/BUD FED) <thomas.a.mahalek@census.gov>
Subject: Re: URGENT: Non-Citizen Hire Action Processed

(b) (5)

Thanks,
Ben

On Aug 5, 2019, at 5:20 PM, Kardesha N Bradley (CENSUS/PCO FED) <Kardesha.N.Bradley@census.gov> wrote:

I sent this over to Nick in our General Law Division, as his office handles appropriations matters. If I get anything from him, I will forward it. But, he may also reach out directly.

Thank you,
Kardesha N. Bradley  
Supervisory Attorney  
Employment and Labor Law Division  
Office of the General Counsel  
U.S. Department of Commerce  
(301) 763-2918 office  

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From: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>  
Sent: Monday, August 5, 2019 5:15:13 PM  
To: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>  
Cc: Kardesha N Bradley (CENSUS/PCO FED) <Kardesha.N.Bradley@census.gov>; Dale C Kelly (CENSUS/FLD FED) <Dale.C.Kelly@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; John R Magruder (CENSUS/FLD FED) <John.R.Magruder@census.gov>; Thomas A Mahalek (CENSUS/BUD FED) <thomas.a.mahalek@census.gov>  
Subject: Re: URGENT: Non-Citizen Hire Action Processed

Yes. Sneha Desai is the best resource on our process. She can discuss with Tom.

On Aug 5, 2019, at 1:38 PM, Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov> wrote:

We just discussed and these two examples appear to be different from prior instances due to the fact that in these cases the applicants provided inaccurate information to us (in the prior example correct information was provided but miskeyed by the government).

In terms of process, with the influx of hires coming, is field reviewing verifying citizenship prior to any official time? If so, is there someone Tom can discuss this process with?

Ben Page  
Chief Financial Officer  
U.S. Census Bureau  
O: 301-763-4700  
M: (b) (6)

On Aug 5, 2019, at 2:41 PM, James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov> wrote:
Thanks. Adding Tom Mahalek who is looking into this.

Ben Page
Chief Financial Officer
U.S. Census Bureau
O: 301-763-4700 | M: (5) (6)

On Aug 2, 2019, at 4:01 PM, Sneha Thakor Desai (CENSUS/FLD FED) <Sneha.Thakor.Desai@census.gov> wrote:

According to the processed I-9, she is
From: James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>
Sent: Friday, August 2, 2019 3:25 PM
To: Sneha Thakor Desai (CENSUS/FLD FED) <Sneha.Thakor.Desai@census.gov>
Subject: Fwd: URGENT: Non-Citizen Hire Action Processed

Can you get this info?

Begin forwarded message:

From: "Benjamin J Page (CENSUS/CFO FED)"
<benjamin.j.page@census.gov>
Date: August 2, 2019 at 3:09:39 PM EDT
To: "James T Christy (CENSUS/LA FED)"
<James.T.Christy@census.gov>
Cc: "Kardesha N Bradley (CENSUS/PCO FED)"
<Kardesha.N.Bradley@census.gov>, "Dale C Kelly (CENSUS/FLD FED)"
<Dale.C.Kelly@census.gov>, "John R Magruder (CENSUS/FLD FED)"
<John.R.Magruder@census.gov>, "Everett G Whiteley (CENSUS/BUD FED)"
<Everett.G.Whiteley@census.gov>
Subject: Re: URGENT: Non-Citizen Hire Action Processed
On Aug 2, 2019, at 2:47 PM, James T Christy (CENSUS/LA FED) wrote:

Monday is perfect.

On Aug 2, 2019, at 2:25 PM, Benjamin J Page (CENSUS/CFO FED) wrote:
Ben Page
Chief Financial Officer
U.S. Census Bureau
O: 301-763-4700

On Aug 2, 2019, at 2:02 PM, James T Christy (CENSUS/LA FED) wrote:

...
From:  
Sneha  
Thakor  
Desai  
(CENSUS/FLD  
FED)  
<Sneha.Thakor.Desai@census.gov>  
Sent:  
Friday,  
August  
2,  
2019  
1:56  
PM  
To:  
James  
T  

James  
Christy  
U.S.  
Census  
Bureau  
LA 818.267.1700  HQ  
301.763.6228  
Cell  
census.gov  
Connect  
with  
us  
on  
Social  
Media
Subject: URGENT: Non-Citizen Hire Action Processed
Thanks,
Sneha

Sneha Desai,
Assistant Division Chief for Administration, Field Division, U.S. Census Bureau
Office
301.763.2011
Room sneha.thakor.desai@census.gov
Connect with us on Social Media

From:
Elvis R Vansluytman (CENSUS/NY FED)
elvis.r.vansluytman@2020census.gov

Sent:
Thursday, August 1, 2019 4:07 PM

To:
Sneha Thakor Desai
Subject: Non-Citizen Hire Action Processed
Office
212.882.2112
Cell
elvis.r.vansluytman@2020census.gov

Administration
mailbox:
New.York.RCC_Admin@2020census.gov

census.gov
Connect
with
us
on
Social
Media
All

Albert E. Fontenot, Jr.
Associate Director
Decennial Census Programs
United States Department of Commerce
Bureau of the Census
albert.e.fontenot@census.gov

census.gov
Connect with us on Social Media
Please let me know if you have any questions.

Thanks,
Ben

Ben Page
Chief Financial Officer
U.S. Census Bureau
O: 301-763-4700 | (b) (b) (b)
CENSUS

1. Status of the Executive Order: What are you doing to implement Executive Order 13380, Executive Order on Collecting Information about Citizenship Status in Connection with the Decennial Census?

(b)(5)
2. 2020 Census Key Dates: When will all the mailings and operations occur for the 2020 Census?

Answer: (b) (5)

(b) (5)
4. Partnership – Number of Partners: How many partners does the Census Bureau have? Is the program on track after delays?
(b) (5)

Answer: (b) (5)
10. **Mobile Questionnaire Assistance - Plans:** Can you explain the plan for Mobile Questionnaire Assistance, which the committee funded in the 2020 appropriations bill?

**Answer:** (b) (5)
Answer:
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Answer: (b) (5)
Annex

List of Rural National Partners and Partners Who Impact Rural America

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Languages

We have developed video and/or print user guides in English and a total of 59 non-English languages. These are also available in American Sign Language (ASL), Braille, and large print English.

The 2020 Census can be completed, online or over the phone, in English and 12 non-English languages: Spanish, Vietnamese, Korean, Russian, Arabic, Tagalog, Polish, French, Haitian Creole, Portuguese, Japanese, and Chinese (Mandarin and Cantonese over the phone, Simplified Chinese Online). We are producing advertising campaigns for audiences who speak these languages.

English and Spanish bilingual paper questionnaires will be mailed to areas with significant Spanish speaking populations. Our entire campaign website is also translated into Spanish. All the languages for which there are produced support materials will have their own landing pages on 2020Census.gov.

Census information and supporting materials in 59 languages (English plus these):

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</table>
Hansi is not planning on doing another story at this time but this may end up on twitter or in a future story. His deadline was yesterday but he's flexible.

The follow ups came after he posted the DMV story on Wednesday evening.
Questions/Answers:
Besides state driver’s license records, what other administrative records that the Census Bureau is considering using to produce block-level citizen voting age population data contain eye color as a data element? Or in other words, what kind of records could be linked to driver’s license records using eye color?

How will the bureau account for changes in an individual’s eye color with the use of colored contact lens?

Please let us know whether it’s okay to send. Thank you!

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | census.gov | @uscensusbureau
Here’s How the 2020 Census Process Actually Works

Do census workers still go door to door? And what happens if you aren’t counted?

By Casey Bond | March 9, 2020 5:45 AM

It’s that time again. Soon you’ll receive an important form in the mail from the U.S. Census Bureau, and workers may even knock at your door to ask questions about the people who live in your home. Depending on your age, you may have never experienced this as a respondent before, as a nationwide census only happens once every 10 years.

So as we prepare for the 2020 census, you might be wondering what the process actually entails. Below are answers to some of the biggest questions surrounding the census and how it works.

Why do we have a census, anyway?

The census is conducted every 10 years for a few important reasons. For one, it’s required by the Constitution. “The sixth sentence in the constitution specifies that there will be a census every 10 years in the United States, counting everybody who lives here,” explained Jonathan Williams, an applied data science manager at Civis Analytics.

But why is it so important?

“Census results are how we apportion congressional representatives from each of the states,” Williams said. “It’s also how we disperse about $1.5 trillion of federal funding per year.” For example, the data will dictate where new schools are needed, where new roads and bridges should be built and how funds should be dispersed among programs such as Medicaid and the Supplemental Nutrition Assistance Program, which provides food stamps.

Census numbers also inform statewide redistricting efforts (how legislative districts are drawn and along which lines).

There’s also a significant research component — not only academic research, but consumer or commercial research. Decisions such as where to situate new stores or which ads to run are based, in part, on census research, according to Williams.

What does the census process entail?

There are a few different phases to the census, the first of which is a self-response period.

Starting in March, you should receive a postcard from the U.S. Census Bureau that includes instructions for how to participate. According to Williams, this is the first time that the census will include the option to participate online, which 6 in 10 households that fill out their own report are expected to do.
However, those who have limited internet access or are concerned about security risks or scams can complete their census forms on paper and mail them in, or answer census questions over the phone.

April 1 is considered the official census day, but almost all households should have received their census form in the mail by then, Williams said. “After about a month of that self-response period, the Census Bureau will begin what’s called a ‘nonresponse followup,’” he added.

This is the step in the process that a lot of people tend to associate with the census. If you do not fill out a form, census takers will collect your information through an in-person interview by going to your door. “They’ll come around several times in case you’re not home,” Williams said.

If you’re not home when a census taker (known as an enumerator) comes around, or you refuse to participate in the in-person interview, they may then resort to backup methods, including proxies. “They may ask a neighbor or a landlord about some of the information they might know about your household,” Williams said. As the very last resort, they’ll use a method known as “imputation,” where they use a combination of administrative records and statistical likelihoods based on where you live to fill in the data gaps.

**How do you know if a person at your door is a real census taker?**

Though you can expect someone to come knocking on your door this summer, always use caution when answering. Census enumerators will always have an ID badge with their photo, which includes a U.S. Department of Commerce watermark.

Additionally, they will only ask questions that are on the census form. You should never be asked about your Social Security number, immigration status, financial information such as bank account or credit card numbers, or for donations. Census takers will also never enter your home.

When in doubt, call your local Census Bureau representative to verify the person’s identity. A legitimate representative should have that contact information on hand and will present it if asked.

**What’s the planned 2020 census timeline?**

Below is a brief overview of the important dates related to the 2020 census:

January 21: The census got a head start and began counting the population in remote Alaska.

March 12–20: Your household should receive an official piece of mail from the U.S. Census Bureau with instructions on how to respond to the 2020 census by web, phone or mail.

March 30–April 1: The Census Bureau will attempt to count people in homeless shelters, tent encampments, on the streets and others currently experiencing homelessness.

April 1: This is the official census day when every household receives an official invitation to participate in the 2020 census.
Throughout April: Census workers will begin counting people who live in large groups, such as college students who live on campus and seniors who live in group homes. They will also conduct quality check interviews to make sure the count is accurate.

May–July: This is when census representatives start the process of in-person interviews for households that haven’t responded yet.

December: Apportionment counts are provided to the president and Congress.

March 31, 2021: The Census Bureau will have sent redistricting counts to states by this date.

What happens if you’re not counted in the census?

All the methods of nonresponse follow-up outlined above are more likely to introduce mistakes into some of the details about households. So it’s incredibly important to respond to the census.

One consequence of missing or incorrect census data is that the total population count becomes less accurate. And that’s a big deal because it directly affects both federal representation and funding. When you have a lower total counted in one state, both apportionments in Congress and federal funding are not proportionally divvied up as intended, and end up going to other states instead.

Williams added that there’s an equity component to this as well, because the people who end up not being counted in the census aren’t missed at random. “Specific populations — such as young children under five years of age, renters, minorities and non-citizens — are examples of groups that historically, have not been as well counted by the census as other groups,” Williams said.

And if those populations, in particular, aren’t counted relative to others, it could skew things like redistricting and whether programs that make funds available for specific communities actually end up receiving the correct amount of funding.

If you somehow missed your opportunity to self-report using the official census link or paper form and didn’t talk to a census worker in person, don’t worry. You can still participate in the census, even months later. Simply go online to the Census Bureau website and respond online using their secure form.

Will there be a question about citizenship on the 2020 census?

The census is intended to count every person living in the U.S., whether a citizen, noncitizen legal resident or otherwise. Over the last couple of years, the Trump administration had been pushing to add a question to the census form asking whether or not respondents are U.S. citizens. Critics of this change worried that it would lead to low response rates among noncitizens and Latinos, leading to unfair political representation (which some believe was the administration’s goal).

Ultimately, the Supreme Court blocked that proposal last June, stating that there was insufficient reasoning for why that question should be added. So rest assured — there will be no citizenship question in the 2020 census.
How is the census being handled in light of the coronavirus?
One potential challenge for the 2020 census is how workers will conduct in-person interviews as the coronavirus continues to spread. For one, people may be less likely to open their doors to strangers, resulting in inaccurate counts. And census workers will be at particularly high risk of contracting and spreading the disease due to the high level of in-person contact required of the job.

So far, there is no official plan in place to change how the census is conducted, and several senators have called for the U.S. Census Bureau to address this concern.

One final note: Watch out for census scams.
Getting an accurate count in the census is incredibly important, as it ensures that political representation and federal funding are doled out appropriately. Unfortunately, some people view this time as an opportunity to skew results or scam potential census participants.

For example, last month, Republicans mailed out documents titled “2020 Congressional District Census,” in envelopes labeled “Do not destroy, official document.” The lengthy forms were printed with colors and fonts that mirror the official census but were not actually related to the census at all. It was a clear attempt to confuse people and cause inaccurate counts. Here’s how you can verify if a mailing is real.

Other census scams tend to pop up around this time as well. Be wary of ads on social media or phishing emails encouraging you to follow the link and fill out the census form online; these emails are not from the Census Bureau and contain malware that can steal your personal information. Also, the Census Bureau will never call you and ask for money or personal information such as your Social Security number. If you receive a phone call from someone claiming to be from the Census Bureau and aren’t sure if it’s legitimate, here’s how to verify it’s real.

Caroline Tucker
Office of Public Affairs | U.S. Department of Commerce
CTucker@doc.gov
202-257-6984

From: Tucker, Caroline (Federal)
Sent: Monday, March 9, 2020 10:55 AM
To: Gorey, Lauren <LGorey@doc.gov>; Davis, Caitlin <CDavis4@doc.gov>; Ahmad, Ali M <ali.m.ahmad@census.gov>; Cook, Michael C <michael.c.cook@census.gov>; Stanley, Christopher J <christopher.j.stanley@census.gov>; Quinley, Kevin <kevin.quinley@census.gov>
Subject: PBS News Hour Weekend: What you need to know about the 2020 census

What you need to know about the 2020 census
March 8, 2020 5:13 PM
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This week, the United States Census Department rolls out their 2020 census nationwide, aiming to count everyone living in the country and the U.S. territories. The findings will determine how federal dollars are distributed. Hansi Lo Wang, a national correspondent for NPR, has been reporting on the 2020 census and joins Hari Sreenivasan to discuss what to expect.
Hari Sreenivasan:

This week begins the 2020 census, an aim to count everyone living in the country and the U.S. territories. The findings will determine how federal dollars are distributed. Hansi Lo Wang a national correspondent for NPR has been reporting on the 2020 census. We sat down recently to discuss what to expect, including what's new this time around.

Hansi Lo Wang:

It's a basic set of questions that could ask you where you live. Confirming her address, all the people living in your home, their age, birth date, phone number that someone can be reached at, race, ethnicity and the relationship that people between people living in the same home as well as whether the home is rented or owned. Some of the changes are in the race question. If you mark off the white and/or the black box, to answer the race question, for the first time the Census Bureau is going to ask within the context of race what your origins are. And those are non-Hispanic origins. They provide examples such as English or French or Jamaican or Nigerian, for example, asking them to write those in and under the relationship question describing how people within the same household are related. There's going to be new categories that specify 'same sex' and what the bureau is calling 'opposite sex': spouse, wife, husband, partner. That's the first time the Census Bureau is asking for people to identify their sexual orientation directly in the context of this relationship question.

Hari Sreenivasan:

OK, so there is not a citizenship question in this census. Is there another way are there other ways that the government is going to come up with some sort of an estimate on that data?

Hansi Lo Wang:

The government's going to try. President Trump issued an executive order once he announced that the administration was no longer pushing for this citizenship question that federal courts have now permanently blocked from being added to the 2020 census forms. And so the Census Bureau has been working to try to compile existing government records from various federal agencies, the State Department, Department of Homeland Security, as well as some state DMV offices and trying to come up with a data set that would represent the citizenship status of every person living in the country.

Hari Sreenivasan:

And sort of very basic. But this is not happening on Facebook. There were campaign ads from the Trump administration earlier this week, I think, that Facebook decided to take off. But this is not going to be through Facebook. This isn't gonna be through an email. This is gonna be something that going to have to go to this one and only website to fill out. Correct?
Hansi Lo Wang:

That's right. The official 2020 census online form is a website. It's not an app. It's My2020census.gov, you can access it, the Census Bureau says, from any web browser. And those ads from the Trump administration's, Trump reelection campaign, rather, those were ads directing to a survey that was calling itself some type of, quote, official census. But it was not the official census.

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So what happens for people who don't understand the process? What happens when a census taker knocks on the door and there's nobody home? How do we get information on who lives in this community?

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Well, these census workers are not going to go out until around mid-May. So the next few months, everyone's on their own. China bureau hopes you self-respond. But starting in mid-May and into the summer, households that haven't responded by then, the census worker is going to try and knock on that door multiple times. And also, if if ultimately, census workers can't find someone at their home, they may ask neighbors, landlords, other, what the Census Bureau calls proxies to try to help understand who is actually living in that home. Also going to use for the first time more extensive use of existing government records to try to fill in those gaps.

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This is happening, about five hundred thousand temps are required to do all that knocking. And this is happening in the context of a coronavirus scare which is going through the country. Any possibilities that that could impact how the results come out?

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It's something I'm watching right now. And five hundred thousand workers is what the bureau is expecting to need if the response rate, actually self-response rate, is even lower than 60 percent. About fifty five percent. And those, that's of households they're expecting to self respond. And so it's a big question if the Census Bureau, right now, it's supposed to be ramping up hiring. It's recruited more than 2 million applicants. And now starting to offer positions to these applicants to see if anyone will take them and go through training over the next few months and to be deployed in May. We'll see how that turns out.

Hari Sreenivasan:

How do we count homeless people?

Hansi Lo Wang:
It's a complicated process. And towards the end of March this month, the Census Bureau is going to do two different things. One is going to visit shelters, which they've contacted so far, and transitional homes, for example, and try to figure out a way working with those shelters for figure out the best way to count the residents for the people who use those facilities that could be sending a census worker to do in-person interviews. It could be distributing paper forms and then collecting them at the end. And then certainly there are folks who are living not in shelters, living on the streets. And the Census Bureau does have a one day count around April 1st. And when they're going to visit places where they're more likely to find folks who are homeless. And tried to do a count there.

**Hari Sreenivasan:**

And really kind of the bottom line of this is that this is very consequential for how communities get money from the federal government and how we really think about lots of other things that have big consequences going forward the next 10 years.

**Hansi Lo Wang:**

One way to think about the census: it's a way for every person living in the United States of America to express power. The Constitution, Article 1, Section 2 is calling for an actual numeration, actual counting of every person living in the country. And those numbers determine how many congressional seats, Electoral College votes each state gets. And it guides more than 1.5 trillion dollars a year for Medicare, Medicaid, roads and schools. And it's all dependent upon how many people are living in the country.

**Hari Sreenivasan:**

All right. Hansi Lo Wang. Thanks so much.

**Hansi Lo Wang:**

You're welcome.

**Caroline Tucker**
Office of Public Affairs | U.S. Department of Commerce
CTucker@doc.gov
What you need to know about the 2020 census

March 8, 2020 5:13 PM

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How do we count homeless people?

**Hansi Lo Wang:**

It's a complicated process. And towards the end of March this month, the Census Bureau is going to do two different things. One is going to visit shelters, which they've contacted so far, and transitional homes, for example, and try to figure out a way working with those shelters for figure out the best way to count the residents for the people who use those facilities that could be sending a census worker to do in-person interviews. It could be distributing paper forms and then collecting them at the end. And then certainly there are folks who are living not in shelters, living on the streets. And the Census Bureau does have a one day count around April 1st. And when they're going to visit places where they're more likely to find folks who are homeless. And tried to do a count there.

**Hari Sreenivasan:**

And really kind of the bottom line of this is that this is very consequential for how communities get money from the federal government and how we really think about lots of other things that have big consequences going forward the next 10 years.

**Hansi Lo Wang:**

One way to think about the census: it's a way for every person living in the United States of America to express power. The Constitution, Article 1, Section 2 is calling for an actual numeration, actual counting of every person living in the country. And those numbers determine how many congressional seats, Electoral College votes each state gets. And it guides more than 1.5 trillion dollars a year for Medicare, Medicaid, roads and schools. And it's all dependent upon how many people are living in the country.

**Hari Sreenivasan:**

All right. Hansi Lo Wang. Thanks so much.

**Hansi Lo Wang:**

You're welcome.
CUI//PRIV//FED ONLY

Sapna Sharma
Attorney
General Litigation Division
Office of the Assistant General Counsel for Employment, Litigation, and Information
Office of the General Counsel
U.S. Department of Commerce
Room 5889

O: (202) 482-5550 | M: [REDACTED] | F: (202) 482-5858
ssharma@doc.gov

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Ok, thanks. That supports what I told him yesterday.

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, March 17, 2020 9:34 AM
To: Katherine L Reeves (CENSUS/ERD FED); Nicole S Adolph (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Subject: Re: Iowa driver's licenses

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | [b] (6)
census.gov | @uscensusbureau

From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Tuesday, March 17, 2020 9:18 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Nicole S Adolph (CENSUS/ERD FED) <Nicole.S.Adolph@census.gov>; Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Subject: RE: Iowa driver's licenses
Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, March 17, 2020 7:42 AM
To: Katherine L Reeves (CENSUS/ERD FED); Nicole S Adolph (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Subject: Fw: Iowa driver's licenses

Kathy,

There is really nothing new here from what you've already discussed with the state is there?

Mike Berning, Assistant Division Chief for Data Acquisition and Curation

Economic Reimbursable Surveys Division

U.S. Census Bureau
O: 301-763-2028 | [b] (5) |
census.gov | @uscensusbureau

From: J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>
Sent: Monday, March 16, 2020 4:52 PM
To: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>; Nicole S Adolph (CENSUS/ERD FED) <Nicole.S.Adolph@census.gov>
Subject: Re: Iowa driver's licenses

[b] (5)

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Tuesday, March 17, 2020 7:42 AM
To: Katherine L Reeves (CENSUS/ERD FED); Nicole S Adolph (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Subject: Fw: Iowa driver's licenses
Hi,
Yes, the importance was explained.

The monthly file would be a snapshot at that point in time of anyone that currently possessed a valid non-expired DL or ID from the state of IA. The file would contain the DL/ID, customer name, birth date, mailing address, and residential address.

If you would like to offer any additional information about the use of the citizenship variable, and thereby a persuasion to amend the MOU to include it, I would be happen to send it along and see if it motivates an amendment.

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: J David Brown (CENSUS/CES FED)
Sent: Friday, March 13, 2020 2:57 PM
To: Katherine L Reeves (CENSUS/ERD FED); Michael A Berning (CENSUS/ERD FED)
Cc: Epaphrodite Uwimana (CENSUS/ERD FED); Nicole S Adolph (CENSUS/ERD FED)
Subject: Re: Iowa driver's licenses

Thanks.
David

J. David Brown, PhD, Principal Economist
Center for Economic Studies
Hi,
Iowa removed the citizenship variable from the data elements in Att A when they returned (1/6/20) the final version of the MOU for clearance.
Iowa also provided the language at that time:
The state program agency does not issue driver’s licenses or identification cards to any applicant without legal documentation proving the applicant is lawfully present in the United States and confirms an affected applicant’s legal presence with U.S. Customs and Immigration Services (USCIS) before issuing a credential and therefore citizenship status will not be included as a data element in the state’s data.

I'm not really clear on your question for the duration.
They are sending what they have in their system for each month in 2019 and going forward for each month.

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau
Thanks.

David

-------------------------------------------

J. David Brown, PhD, Principal Economist
Center for Economic Studies
U.S. Census Bureau
o: 301-763-8769 census.gov | @uscensusbureau

[hyperlinks removed for privacy]
This looks okay to me. Everything is straightforward.

On Feb 6, 2020, at 12:51 PM, Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov> wrote:

Thank you. Al and many others personally edited this one over the last 10 days. It's been one of the more challenging coordination for a letter.

Chris Stanley, Chief
Office of Congressional and Intergovernmental Affairs
U.S. Census Bureau
O: 301-763-4276 | (b) (6) | census.gov | @uscensusbureau

<CQAS-10014 Maloney for clearance.docx>
Hi, Michael and Virginia,

Any update on this inquiry?

Thank you,

Hansi

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Wednesday, November 20, 2019 9:33 PM
To: Hansi Wang <[redacted]>
Cc: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Subject: Re: NPR re: Nebraska DMV records

Received.

We’ll jump on this in the morning,

Thanks,

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083

On Nov 20, 2019, at 9:27 PM, Hansi Wang <[redacted]>

Hi, Virginia and Michael,

A couple of follow-up questions that can wait until tomorrow (Thursday, Nov. 20):

- Besides state driver’s license records, what other administrative records that the Census Bureau is considering using to produce block-level citizen voting age population data contain eye color as a data element? Or in other words, what kind of records could be linked to driver’s license records using eye color?

- How will the bureau account for changes in an individual’s eye color with the use of colored contact lens?

Thank you - and again, this is not urgent for tonight,

Hansi
On Nov 20, 2019, at 9:08 PM, Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov> wrote:

Thanks, Hansi.

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | (b)(6) | (b)(6) | (b)(6) | (b)(6) | (b)(6)
census.gov | @uscensusbureau

On Nov 20, 2019, at 8:46 PM, Hansi Wang <(b)[8]> wrote:

Hi, Virginia,

Thank you for these new statements.

As we discussed by text, I am updating the web article, which will likely be republished around 9 p.m. ET after my editor looks it over.

Hansi

---

From: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Sent: Wednesday, November 20, 2019 8:20 PM
To: Hansi Wang <(b)[8]>
Cc: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Subject: Re: NPR re: Nebraska DMV records

Hi Hansi,

Here you go. Would you be able to update your story tonight?

Besides Nebraska, have any other states entered into agreements to share driver’s license records with the bureau? If so, which states and when were those agreements signed?

Nebraska is the only state that the Census Bureau has signed a Memorandum of Understanding with. (Attributable to Michael Cook)

- Why has the bureau requested data about eye color and not hair color, height and weight?

When conducting data linkage activities we look for variables that are consistent across records. Eye color is consistent while hair color, height and weight can change.
(Attributable to the Census Bureau’s Public Information Office)

On Nov 20, 2019, at 6:54 PM, Hansi Wang <(b)(6)> wrote:

Besides Nebraska, have any other states entered into agreements to share driver’s license records with the bureau? If so, which states and when were those agreements signed?

Nebraska is the only state that has signed a Memorandum of Understanding.

- What data elements from driver license records does the agreement with Nebraska’s DMV allow to be shared?

This would fall under a FOIA request, would you like me to submit this to the FOIA office?

- Why has the bureau requested data about eye color and not hair color, height and weight?

When conducting data linkage activities we look for variables that are consistent across records. Eye color is consistent while hair color, height and weight can change.
From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Monday, February 10, 2020 9:56 AM
To: David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>
Subject: Re: PROCESS IMMEDIATELY? : Monthly State Data

(b) (5)

Mike

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | [redacted]
census.gov | @uscensusbureau

---

From: David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>
Sent: Monday, February 10, 2020 10:13 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>
Subject: Re: PROCESS IMMEDIATELY? : Monthly State Data

(b) (5)

Dave Sheppard, Branch Chief
Data Quality Branch, Economic Reimbursable Surveys Division
U.S. Census Bureau, [redacted]
o: 301-763-9291 [redacted]
census.gov @uscensusbureau

---

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Monday, February 10, 2020 11:58:38 AM
To: David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>
Subject: Re: PROCESS IMMEDIATELY? : Monthly State Data

(b) (5)

Mike

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
Thanks Amber!

Mike - Of the state data we receive more frequently than annually:

- AZ WIC - no Citizenship variable or SSNs (sent monthly)
- WI WIC - no Citizenship variable or SSNs (sent monthly)
- IL WIC - no Citizenship variable or SSNs (sent monthly)
- MS SNAPTANF - contains Citizenship variables & SSNs (sends it every six months. Next up: Jan-Jun 2020 in July 2020)
- NJ SNAPTANF - contain SSNs but no citizenship data (sent monthly)
Hi Dave,

I looked through the states that send up data monthly or more often than yearly and I see the same thing you saw except I added two things:

NJ_SNAPTANF and MS_SNAPTANF contain the variable SSN
MS_SNAPTANF has the variable citizenship_switch and citizen_status

Thanks,
Amber

Amber Albright, Survey Statistician
Data Quality Branch (DQB), Economic Reimbursable Surveys Division (ERD)
U.S. Census Bureau
Direct: 301-763-0725 | Branch: 301-763-2095
Room: [redacted]
census.gov | @uscensusbureau

From: David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>
Sent: Tuesday, February 4, 2020 11:45 AM
To: Diane M Cronkite (CENSUS/ERD FED) <Diane.M.Cronkite@census.gov>; Amber L Albright (CENSUS/ERD FED) <amber.l.albright@census.gov>
Cc: ERD All DQB List <erd.all.dqb.list@census.gov>
Subject: Monthly State Data
Monthly State Data

1. NJ SNAP TANF (2020) – no Citizenship variable, but SSNs
2. AZ WIC (2020) - no Citizenship variable or SSNs
3. WI WIC (2020) - no Citizenship variable or SSNs
4. IL WIC (2020) - no Citizenship variable or SSNs
5. MS SNAP TANF - contains Citizenship variable (citizenship_switch)
   a. sends it every six months. Next up: Jan-Jun 2020 in July 2020?

Dave Sheppard, Branch Chief
Data Quality Branch, Economic Reimbursable Surveys Division
U.S. Census Bureau, (b)(6)
o: 301-763-9291

{census.gov}  {@uscensusbureau}
Attached v2 has my updates in track change

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | (b) (6)  
census.gov | @uscensusbureau
From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Saturday, November 16, 2019 4:59 PM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Cc: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Joske Bautista (CENSUS/DEPDIR FED) <jose.bautista@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>
Subject: Re: Director Request- SHORT FUSE- Monday Secretary briefing

Thanks, Jim!

On Nov 16, 2019, at 3:56 PM, James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov> wrote:

Attached is the document we used to brief the Secretary on October 29. I will update the document today and send it to you for. Please bring comments to the 9:30am meeting.

thanks - jim

James B. Treat
Senior Advisor for Decennial Affairs
Office of the Director
U.S. Census Bureau

Office 301.763.3609  Room [D] (6)
james.b.treat@census.gov
Jim and Mike- Director wants updated EO briefing slides and materials for the Secretary for Monday.

There will be a briefing with the Secretary Monday afternoon at 1:30. Multiple topics expected to be covered but we will need an EO update.

There is time Monday at 9:30 to brief the Director. It may shift slightly. I’ll get you added to the invite.

<October 29 Secretary Briefing Document v4.docx>
Go to clearance

On Oct 28, 2019, at 4:04 PM, Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov> wrote:

Thanks,
Stacy

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 | (b) (6) | main office: 301-763-3030
census.gov | @uscensusbureau
From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Monday, October 21, 2019 1:55 PM
To: Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>
Subject: DL and AdRec and Eye Color
Key Points
Chris is correct.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | (b) (6) __________
census.gov | @uscensusbureau

From: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>
Sent: Tuesday, November 19, 2019 10:13 AM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Cc: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: Hill inquiries on EO

(b) (5)

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Tuesday, November 19, 2019 10:12 AM
To: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>
Cc: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: Hill inquiries on EO

On Nov 19, 2019, at 10:10 AM, Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov> wrote:
From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Tuesday, November 19, 2019 9:45 AM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: Hill inquiries on EO

(b) (5)

From: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Sent: Tuesday, November 19, 2019 8:57 AM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: Hill inquiries on EO

Chris

Attached is a document with the information you requested. The first table contains the information for the federal files. For the state files, I provided two different options for presenting the information. Feel free to pick the table you like better.

thanks - jim

James B. Treat
Senior Advisor for Decennial Affairs
Office of the Director
U.S. Census Bureau
From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Monday, November 18, 2019 5:22 PM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: Hill inquiries on EO

(b) (5)

From: Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>
Sent: Tuesday, October 29, 2019 6:52 PM
To: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Christa D Jones
Subject: Re: Hill inquiries on EO
From: Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>
Sent: Tuesday, October 29, 2019 13:12
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Subject: Re: Hill inquiries on EO

All,

(b)(5)

...[redacted]

...[redacted]

...[redacted]

Thanks,

Ben

From: Benjamin J Page (CENSUS/CFO FED)
Sent: Wednesday, October 16, 2019 10:58 AM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Subject: Hill inquiries on EO
When: Thursday, October 17, 2019 11:00 AM-12:00 PM.
Where: \( b \) \( c \)

Got
We should have by 2p tomorrow.

Thank you,

Kendall B. Johnson, Executive Director
2020 Census Integrated Communications Contract PMO
Communications Directorate /U.S. Census Bureau
Room 8H067 Office (301) 763-4238, Cell (B) (6)
Kendall.B.Johnson@census.gov

census.gov<http://www.census.gov/> Connect with us on Social Media<http://www.census.gov/about/contact-us/social_media.html>

On Mar 16, 2020, at 6:22 PM, Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov> wrote:

Kendall -- Can you get us the full text? I'll work with you to strengthen.

Burton

Burton Reist
Assistant Director for Communications/Operations and Management
Communications Directorate, U.S. Census Bureau
301.763.4155 (office)
burton.h.reist@census.gov
From: Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>
Sent: Monday, March 16, 2020 6:11 PM
To: Kendall B Johnson (CENSUS/ADCOM FED) <kendall.b.johnson@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Cc: Jennifer Shopkorn (CENSUS/ADCOM FED) <jennifer.shopkorn@census.gov>; Kaile H Bower (CENSUS/ADCOM FED) <Kaile.H.Bower@census.gov>
Subject: Re: PLEASE READ Fwd: Site Direct Buzzfeed Snapchat for Review

Burton

_________________________________________________
Burton Reist
Assistant Director for Communications/Operations and Management
Communications Directorate, U.S. Census Bureau
301.763.4155 (office)
burton.h.reist@census.gov

From: Kendall B Johnson (CENSUS/ADCOM FED) <kendall.b.johnson@census.gov>
Sent: Monday, March 16, 2020 5:38 PM
To: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>
Cc: Jennifer Shopkorn (CENSUS/ADCOM FED) <jennifer.shopkorn@census.gov>; Kaile H Bower (CENSUS/ADCOM FED) <Kaile.H.Bower@census.gov>
Subject: PLEASE READ Fwd: Site Direct Buzzfeed Snapchat for Review

Thank you,

Kendall B. Johnson, Executive Director
2020 Census Integrated Communications Contract PMO
Communications Directorate /U.S. Census Bureau
Room [b](b)(6) Office (301) 763-4238, Cell [b](b)(6)
Kendall.B.Johnson@census.gov

census.gov<http://www.census.gov/> Connect with us on Social Media<http://www.census.gov/about/contact-us/social_media.html>

Begin forwarded message:

From: Tanya Patel [b](b)(6)
Date: March 16, 2020 at 5:33:12 PM EDT
To: "Kendall B Johnson (CENSUS/ADCOM FED)"
<kendall.b.johnson@census.gov>
Cc: Kelly Hamilton-Bracy <[b](b)(6)>, "Lakisha Cox (CENSUS/ADCOM FED)"
<lakisha.cox@census.gov>, "Lesser, Ketzirah"
[b](b)(6), "Lizannette Velez (CENSUS/ADCOM FED)" <Lizannette.Velez@census.gov>, "Jennifer Shopkorn (CENSUS/ADCOM FED)"
<jennifer.shopkorn@census.gov>, Monika Ellis
[b](b)(6), Ericka Hatfield
[b](b)(6), "James M Roberts (CENSUS/CNMP FED)" <james.m.roberts@census.gov>, "Kaile H Bower (CENSUS/ADCOM FED)" <Kaile.H.Bower@census.gov>, "Maria Olmedo Malagon (CENSUS/ADDC FED)"
<maria.olmedo.malagon@census.gov>, "Briana D Kaya
Hi Kendall,

Thank you,

Tanya

From: Kendall B Johnson (CENSUS/ADCOM FED)
<kendall.b.johnson@census.gov>
Sent: Monday, March 16, 2020 5:23 PM
To: Tanya Patel <tpatel@reingold.com>
Cc: Kelly Hamilton-Bracy (CENSUS/ADCOM FED) <lakisha.cox@census.gov>; Lesser, Ketzirah <Lizannette.Velez@census.gov>; Jennifer Shopkorn (CENSUS/ADCOM FED) <jennifer.shopkorn@census.gov>; Monika Ellis <Ericka.Hatfield@census.gov>; James M Roberts (CENSUS/CNMP FED) <James.m.roberts@census.gov>; Kaile H Bower (CENSUS/ADCOM FED) <Kaile.H.Bower@census.gov>; Maria Olmedo Malagon (CENSUS/ADDC FED) <maria.olmedo.malagon@census.gov>; Briana D Kaya (CENSUS/PIO FED) <briana.d.kaya@census.gov>; Erin Damour <Whitney I Turner (CENSUS/ADCOM FED) <whitney.i.turner@census.gov>; "Tonya L Barbour (CENSUS/ADCOM FED) <Tonya.L.Barbour@census.gov>
Subject: Re: Site Direct Buzzfeed Snapchat for Review

[EXTERNAL]
And we were just about to send you the approval on these.

Do you have specific messaging in mind? Or will buzz feed include messaging? And how quickly can they turn it around so we can review it?

Thank you,

Kendall B. Johnson, Executive Director
2020 Census Integrated Communications Contract PMO
Communications Directorate /U.S. Census Bureau
Room [B] (B)  Office (301) 763-4238, Cell [B] (B)
Kendall.B.Johnson@census.gov

census.gov<http://www.census.gov/>  Connect with us on Social Media<http://www.census.gov/about/contact-us/social_media.html>

On Mar 16, 2020, at 5:20 PM, Tanya Patel <b>(B) (B)<b>@reingold.com> wrote:

Hi @Kendall B Johnson (CENSUS/ADCOM FED) –

So sorry but was just chatting with Buzzfeed and they feel as though if the creators do not address COVID-19 they will not be authentic to their audience and that they will not have a good reception with the social media comments. Our recommendation is to revise this copy with content any developed or approved messaging.

Let me know if you are aligned. We can revise this document for your review tomorrow mid-day and if it is approved by EOD, we can get it live on Wednesday, March 18th.

Thanks,
Tanya

From: Kelly Hamilton-Bracy <b>(B) (B)<b>@reingold.com>
Sent: Monday, March 16, 2020 2:58 PM
To: Kendall B Johnson (CENSUS/ADCOM FED) <kendall.b.johnson@census.gov>; Tanya Patel <b>(B) (B)<b>@reingold.com>; Lakisha Cox (CENSUS/ADCOM FED)
Hello @Kendall B Johnson (CENSUS/ADCOM FED),

From the link below is revised Buzzfeed influencer posts to address your feedback. This is scheduled to go live tomorrow so we request approval by EOD today, Monday, March 16. Please let us know if you have any questions.

Buzzfeed_Site_Direct_Creative_Review_Round 2_3.16.20.pptx
Password: (b) (6) 

@Lakisha Cox (CENSUS/ADCOM FED) we appreciate your assistance with the many approvals!

Thanks,
Kelly
Subject: Re: Site Direct Buzzfeed Snapchat for Review

[EXTERNAL]

Tanya,

We really like the changes. The Snapchat filter is APPROVED.

Thank you,

Kendall B. Johnson, Executive Director
2020 Census Integrated Communications Contract PMO
Communications Directorate /U.S. Census Bureau
Room (b) (6) Office (301) 763-4238, Cell (b) (6) Kendall.B.Johnson@census.gov

census.gov<http://www.census.gov/> Connect with us on Social Media<http://www.census.gov/about/contact-us/social_media.html>

On Mar 13, 2020, at 3:48 PM, Tanya Patel @reingold.com wrote:

Hello all,

The snapchat changes we requested are complete, screen shots attached. Yolanda – your version of the filter on snapchat is updated as well.
Upon approval we will launch the filter. It will take 2-3 days to get it live post approval.

Please let me know if you have any questions/concerns.
Tanya
Subject: Site Direct Buzzfeed Snapchat for Review

CAUTION: [External] This message originated externally. Please use caution when clicking on links or opening attachments.
If you should have any additional questions or concerns, please advise.

Best,

Lakisha M. Cox  
2020 Census ICC PMO  
Communications Directorate  
U.S. Census Bureau  
Office 301. 763.4240  
Cell (b) (6)  
Lakisha.cox@census.gov  

CAUTION: This message originated externally. Please use caution when clicking on links or opening attachments.
Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) | census.gov | @uscensusbureau

From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Tuesday, October 22, 2019 1:45 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>
Subject: RE: SWLR updates
Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, October 22, 2019 12:53 PM
To: Katherine L Reeves (CENSUS/ERD FED)
Cc: Adam J Galemore (CENSUS/ERD FED)
Subject: Re: SWLR updates

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Tuesday, October 22, 2019 12:43 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>
Subject: SWLR updates
Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, October 22, 2019 12:23 PM
To: Katherine L Reeves (CENSUS/ERD FED)
Cc: Adam J Galemore (CENSUS/ERD FED)
Subject: Re: FY20 - LEHD Project Code

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: 

census.gov | @uscensusbureau

From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Tuesday, October 22, 2019 11:54 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>
Subject: RE: FY20 - LEHD Project Code

ok!

Thanks,
Kathy

Kathy Reeves, Program Analyst
for now can you charge to it? And, be available to provide guidance to Karen if she needs it?

Mike Berning, Assistant Division Chief for Data Acquisition and Curation

Economic Reimbursable Surveys Division

U.S. Census Bureau

O: 301-763-2028 | M: 2

census.gov | @uscensusbureau

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From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Tuesday, October 22, 2019 11:49 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>
Subject: FW: FY20 - LEHD Project Code

---

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

---

From: Michael A Lopez Pelliccia (CENSUS/ADEP FED)
Sent: Tuesday, October 22, 2019 11:23 AM
To: Juan C Humud (CENSUS/ERD FED); Katherine L Reeves (CENSUS/ERD FED); Jessica Majercik (CENSUS/ERD FED); David W Sheppard (CENSUS/ERD FED)
Cc: Michael A Berning (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Subject: FY20 - LEHD Project Code

---

All -
Let me know if you have any questions or if anything changed.

--

Michael A Lopez-Pelliccia

Strategic and Portfolio Management Office
Associate Director for Economic Programs
U.S. Census Bureau

Office 301.763.2894
michael.a.lopez.pelliccia@census.gov

census.gov<http://www.census.gov/>

Connect with us on Social Media<http://www.census.gov/about/contact-us/social_media.html>
Mike,

I have been trying to create one document that tracks all the different comments and edits that have gone back and forth between us since you returned your cleaned up and adjudicated draft to me. I think I do not want to have Word drop any information again.

If this is not helpful, then please disregard it. If it is helpful, then I am glad I could help. I think we

Thank you,

Michele
(b) (5) Draft
(b) (5) Draft
Mike,

Please see the attached draft with a question on page 4 and an edit/question on page 11 from DHS Privacy. I reviewed them and hope they are easy for you to clarify.

Thank you,

Michele
(b) (5) Draft
(b) (5) Draft
(b) (5) Draft
(b) (5) Draft
Draft
(b) (5) Draft
From: Steinmetz, Michele
To: McCament, James; Rosenblum, Marc; Lotspeich, Katherine; LaCicero, Nicole; DANISEK, DEBRA; Moore, Miriam; Sanchez, Nicole; Michael A Berning (CENSUS/ERD FED); Enrique Lamas (CENSUS/DEPDIR FED)
Subject: Census MOU DHS Combined comments (10 23 2019)
Date: Wednesday, October 23, 2019 6:08:54 PM
Attachments: 

Dear All,

I have attached a copy of the OMOU that has gone through internal review within DHS. In an attempt to clean up the document, I accepted all formatting changes and the few comments from the earlier review that I could tell were addressed. There are still 475 revisions listed. Many of the comments are repeated when sections were moved within the document. Until the move is accepted or rejected the duplicative comments will remain.

There is one comment about VAWA recertification that USCIS has been asked to address. Based on my review of the remaining comments, I believe __________________________

Please return your responses and as clean a version of the document as is possible to me by noon, October 31. I am hoping this round of adjudication will resolve the outstanding concerns raised in the comments and we can proceed with what will need to be done to have an OMOU between DHS and at least the USCIS addendum (with language of a pending decision on the Secretarial Waiver) by November 15.

If you have any questions, please do not hesitate to contact me.

Thank you,

Michele

Michele Steinmetz, Ph.D.
Director, Immigration Data Integration Initiative
Office of Immigration Statistics
U.S. Department of Homeland Security

Office: 202-447-3685
Mobile: __________________________
Michele.Steinmetz@hq.dhs.gov
(b) (5) Draft
(b) (5) Draft
All--In response to DOC’s request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.
DRAFT Talking Points on Acquiring State Drivers License Records
Ron asked us to work some wording re state drivers license file requests that we could use for TPs/answers/etc. and to share it with you.

This is the draft language. Let us know if you have questions or additional thoughts.

--------------------

(b) (5) Draft
Attached. Please advise whether we should finalize, or provide comments.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 M: simulating on cell
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov
(b) (5) Draft
Here is our weekly update. I’m not sure who all should be on the addressee list so feel free to forward or let me know who to add.

In the bullet narrative below, I highlighted a couple of things that I believe the Census team should be especially aware of. Please let me know if you have any questions.

Slide Updates:
Latest slide attached

Weekly Status:

Renewal Federal Agreements

a. SSA Numident - fully signed and executed.

New Federal Agreements
Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: \(\text{(b) (6)}\)
census.gov | @uscensusbureau
Periodic Performance Management Reports
2020 Census: Federal Administrative Records Supporting Executive Order 13880

**Status:**
- On Track

**Data current as of:**
**October 4, 2019**

**Target Completion:**
**March 31, 2020**

**Notes:**
- The Census Bureau has requested participation from the following agencies on an inter-agency work group: DHS, SSA, IRS, State Department, and HHS

<table>
<thead>
<tr>
<th>Source: File</th>
<th>Under Negotiation</th>
<th>Agreement in Place/Approved for Use</th>
<th>Data Received</th>
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</thead>
<tbody>
<tr>
<td><strong>Completed Agreements</strong></td>
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<tr>
<td>HUD: FHA, PIC, TRACs, CHUMS, LIHTC</td>
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<tr>
<td><strong>Renewal Agreements</strong></td>
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<tr>
<td>SSA: Numident</td>
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<tr>
<td>IRS: 1040 &amp; 1099</td>
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<tr>
<td>CMS: Medicare</td>
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<tr>
<td>CMS: Medicaid/CHIP</td>
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<tr>
<td><strong>New Agreements</strong></td>
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<tr>
<td>SSA: MBR</td>
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<tr>
<td>IHS: Patient Registration</td>
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<tr>
<td>State: Passport Services</td>
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<tr>
<td>DHS: USCIS</td>
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<tr>
<td>DHS: CBP</td>
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<tr>
<td>DHS: ICE</td>
<td>[ ]</td>
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</tr>
<tr>
<td>DOJ: US Marshals</td>
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<tr>
<td>DOI: Citizenship &amp; Immigration Data Collection</td>
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<tr>
<td>BOP: Federal Incarceration Data</td>
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<tr>
<td>BJS: National Corrections Reporting Program (NCRP)</td>
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</tr>
<tr>
<td><strong>Desired Agreements/Acquisition May Require Statutory Changes</strong></td>
<td></td>
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</tr>
<tr>
<td>CDC: Births and Deaths</td>
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<tr>
<td>HHS: National Database of New Hires</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Legend**
- Not Started
- Completed
- On Track
- Management Focus
- Requires Attention

**Source:** Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for TANF

Status:
- On Track

Data current as of:
- October 4, 2019

Target Completion:
- March 31, 2020

Notes:
- Periodic Performance Management Reports
- 2020 Census: EO 13880 State Administrative Records Status for TANF
- Source: Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for WIC

Status:
On Track

Data current as of:
October 4, 2019

Target Completion:
March 31, 2020

Notes:
Periodic Performance Management Reports 2020 Census: EO 13880 State Administrative Records Status for WIC

Source: Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for SNAP

Status:
- On Track

Data current as of:
October 4, 2019

Target Completion:
March 31, 2020

Notes:
- Periodic Performance Management Reports
- 2020 Census: EO 13880 State Administrative Records Status for SNAP

Source: Economic Reimbursable Surveys Division Spreadsheet
## Periodic Performance Management Reports
### Acronyms for Administrative Records

<table>
<thead>
<tr>
<th>Federal</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BOP</strong>: Bureau of Prisons</td>
<td><strong>LIHEAP</strong>: Low-Income Home Energy Assistance Program</td>
</tr>
<tr>
<td><strong>BJS</strong>: Bureau of Justice Statistics</td>
<td><strong>SNAP</strong>: Supplemental Nutrition Assistance Program</td>
</tr>
<tr>
<td><strong>CBP</strong>: Customs and Border Patrol</td>
<td><strong>TANF</strong>: Temporary Assistance for Needy Families</td>
</tr>
<tr>
<td><strong>CHIP</strong>: Children’s Health Insurance Program</td>
<td><strong>WIC</strong>: Supplemental Nutrition Program for Women, Infants and Children</td>
</tr>
<tr>
<td><strong>CHUMS</strong>: Computerized Homes Underwriting Management System</td>
<td></td>
</tr>
<tr>
<td><strong>CMS</strong>: Centers for Medicare &amp; Medicaid Services</td>
<td></td>
</tr>
<tr>
<td><strong>DHS</strong>: Department of Homeland Security</td>
<td><strong>MBR</strong>: Master Beneficiary Record</td>
</tr>
<tr>
<td><strong>DMDC</strong>: Defense Manpower Data Center</td>
<td><strong>NCOA</strong>: National Change of Address</td>
</tr>
<tr>
<td><strong>DOD</strong>: Department of Defense</td>
<td><strong>PIC</strong>: Public and Indian Housing Information Center</td>
</tr>
<tr>
<td><strong>DOI</strong>: Department of Interior</td>
<td><strong>SSA</strong>: Social Security Administration</td>
</tr>
<tr>
<td><strong>DOJ</strong>: Department of Justice</td>
<td><strong>SSS</strong>: Selective Service System</td>
</tr>
<tr>
<td><strong>DSF</strong>: Delivery Sequence File</td>
<td><strong>TRACS</strong>: Tenant and Rental Assistance Certification System</td>
</tr>
<tr>
<td><strong>FHA</strong>: Federal Housing Administration</td>
<td><strong>UAA</strong>: Undeliverable As Addressed</td>
</tr>
<tr>
<td><strong>HUD</strong>: Housing and Urban Development</td>
<td><strong>USCIS</strong>: United States Citizenship and Immigration Services</td>
</tr>
<tr>
<td></td>
<td><strong>USPS</strong>: United States Postal Service</td>
</tr>
</tbody>
</table>

**Source**: Economic Reimbursable Surveys Division Spreadsheet
Good morning,

The Associated Press and Politico’s “Morning Shift” Newsletter covered the data sharing agreement between the Department of Homeland Security and the Census Bureau. The Associated Press noted that the Department of Homeland Security “would share administrative records to help the Census Bureau determine the number of citizens and non-citizens in the U.S., as well as the number of illegal immigrants.”

We will continue to monitor for any additional coverage.

Homeland Security will share citizenship data with Census
The Associated Press – Mike Schneider, January 6

The Department of Homeland Security is agreeing to share citizenship information with the U.S. Census Bureau as part of President Donald Trump’s order to collect data on who is a citizen following the Supreme Court’s rejection of a citizenship question on the 2020 Census form.

Trump’s order is being challenged in federal court, but meanwhile, the Department of Homeland Security two weeks ago announced the agreement in a report. It said the agency would share administrative records to help the Census Bureau determine the number of citizens and non-citizens in the U.S., as well as the number of illegal immigrants.

Information that will be shared include personally-identifiable data, the Homeland Security document said.

Trump ordered the Census Bureau to collect citizenship information through administrative records from federal agencies and the 50 states after the Supreme Court ruled against the Trump administration last summer by deciding that a citizenship question wouldn’t be allowed on this spring’s 2020 Census questionnaire.

Opponents of the citizenship question had argued it would scare off immigrants, Hispanics and others from participating in the once-a-decade head count. The 2020 Census will help determine how many congressional seats each state gets as well as the distribution of $1.5 trillion in federal funds.

The order to collect citizenship data through federal and state administrative records currently is
being challenged by civil rights groups in federal court in Maryland.

As part of the order, the U.S. Census Bureau has asked state drivers’ license bureaus for records, but so far only Nebraska has agreed to cooperate.

**DHS to give info to Census Bureau to compile stats on citizenship**
Politico’s “Morning Shift” – Rebecca Rainey, January 6

DHS AGREES TO SHARE INFO WITH CENSUS BUREAU: DHS is moving forward with a plan to share government records with the Census Bureau to create data about the citizenship status of every person residing in the U.S., even though the Supreme Court struck down the Trump administration’s effort to add a citizenship question to the 2020 census, as Hansi Lo Wang reports for NPR.

“DHS quietly announced the data-sharing agreement in a regulatory document posted on its website on Dec. 27,” which says that U.S. Citizenship and Immigration Services is “sharing personal information about naturalized U.S. citizens and green card holders from records going back to as early as 1973.” More recent records from Customs and Border Protection and Immigration and Customs Enforcement will "provide the Census Bureau with data such as noncitizens’ full names, birth dates, addresses, Social Security numbers and alien registration numbers."

The data "will not be used to make programmatic or administrative enforcement decisions" the document said. According to Wang, the bureau plans to develop "a statistical model designed to produce anonymized estimates of U.S. citizens and noncitizens living in the country." More on the data-sharing agreement.
Opinion: Counting everyone — citizens and non-citizens — in the 2020 census is crucial
The Washington Post – Brendan A. Shanahan, March 12

As Census forms goes out to the nation between March 12 and March 20, the focus will be on how people can fill them out online to reduce spread of coronavirus but we can’t forget the other most notable part of the census questionnaire: a citizenship question will not be on it. The census counts every person living in the country, including unauthorized immigrants and green-card holders. Last June, the Supreme Court narrowly struck down the Trump administration’s years-long effort to include a citizenship question, stating that the administration’s ostensible rationale for the question — to aid in the enforcement of the Voting Rights Act — “seems to have been contrived.”

The shocking discovery of Republican redistricting expert Thomas Hofeller’s files exposed the administration’s real reasoning: to make possible redistricting and reapportionment schemes “advantageous to Republicans and non-Hispanic whites.” The use of Hofeller’s research by senior Justice and Commerce Department officials (the latter of whom supervise the Census Bureau) demonstrated that the erstwhile citizenship question was designed to enable state governments to exclude noncitizens from population calculations used to apportion state legislative districts.

While it was thwarted for the 2020 census, the Trump administration’s efforts to assist in the malapportionment of state legislatures have only begun. Court battles seeking to exclude all or some noncitizens from future apportionment and redistricting plans continue despite the courtroom defeat of the citizenship question last summer. And President Trump has issued an executive order requiring federal departments to share citizenship data in their possession with the Commerce Department as a means of working around the court’s rejection of a Census citizenship question.

With post-2020 Census redistricting battles and apportionment fights on the horizon, it is useful to explore the little-known yet cautionary tale of citizen-only apportionment schemes in American history. While this past reveals that anti-alien apportionment proposals can be — and have been — defeated, it also warns that if adopted by state governments (and found to be constitutional by the U.S. Supreme Court), such policies will likely carry significant weight and prove hard to repeal for years to come.

Frequently tied to other provisions circumscribing the power of marginalized communities in state politics, measures excluding noncitizens from the population for the purposes of apportionment date to the early republic. New York barred noncitizens — alongside free blacks and paupers — from the state’s apportionment basis following its 1821 constitutional convention.
Decades later, Henry Gardner, the anti-Catholic Know Nothing governor of Massachusetts, successfully campaigned for an anti-alien apportionment state constitutional amendment in 1857 during a period of intense anti-Irish nativism. Delegates to California’s 1878-79 constitutional convention forbade “aliens ineligible to citizenship” (namely East and South Asian immigrants) from the state’s apportionment basis at an assembly dominated by the violently racist anti-Chinese Workingmen’s Party. And Nebraska excluded noncitizens from state legislative apportionment calculations amid a flurry of anti-German legislation, constitutional revision and vigilantism during and immediately after World War I.

Anti-alien schemes reached their nadir when the U.S. House of Representatives was not reapportioned — at all — following the 1920 Census. Throughout the 1920s, a powerful bipartisan nativist faction of lawmakers representing — or allied to — regions set to lose seats in the House of Representatives flagrantly flouted their constitutional obligation to reapportion the House every 10 years. That same faction further demanded the passage of legislation to exclude noncitizens from future rounds of reapportionment despite the constitution’s requirement to base congressional reapportionment on the total population residing in the United States.

Then, as now, proponents of citizen-only proposals frequently argued that including noncitizens in apportionment calculations unfairly reduced the power of voters in (usually rural) jurisdictions with large citizen populations in relation to (often urban) communities with large noncitizen populations. Opponents of these measures, by contrast, charged that anti-alien policies amounted to “taxation without representation” and defended noncitizens as law-abiding “constituents.” But these were not the only terms of debate.

Supporters of anti-alien apportionment plans frequently embraced anti-urban and xenophobic rhetoric. New Hampshire politician Henry Metcalf argued that urban centers, comprised “largely of alien population, who have no interests in common with the average intelligent New Hampshire voter” were “not entitled to the same consideration as” residents of “little country towns” at the state’s World War I-era constitutional convention. And New York Republican Party official E.M. Dickinson supported a nationwide citizen-only congressional apportionment basis owing to her highly inaccurate belief that “crime could be traced in most instances to alien criminals” in the 1920s.

Supporters of including noncitizens in apportionment policies fiercely contested — and sometimes defeated — the nativism espoused by Metcalf and Dickinson. New Hampshire voters did not ratify a citizen-only apportionment policy following the First World War. And the decade-long nativist attempt to ban noncitizens from the federal House of Representatives apportionment basis was finally defeated in 1929. When Congress was reapportioned following the 1930 Census, noncitizens were included in those calculations.

When they were adopted, however, anti-alien apportionment provisions usually proved powerful and durable. New York’s citizen-only policy, coupled with the explicit overrepresentation of rural counties and the state’s failure to reapportion the legislature on a regular basis, grossly inflated the number of legislative seats assigned to upstate (largely native-born and Republican) communities vis-a-vis New York City’s (largely immigrant and second-generation Democratic) districts. While
Democrats frequently won statewide elections — sometimes by huge margins — in the early-to-mid 20th century, these malapportionment schemes ensured that Democrats would only control both chambers of the state legislature for a mere one year (1935) between 1913 and 1965.

Citizen-only apportionment policies also proved to be a massive challenge to enforce. Whether states used federal Census citizenship information or ran their own enumerations to identify noncitizens, data limitations led to repeated difficulties in implementation and accusations of inaccurate reapportionment calculations. Yet, despite these challenges, anti-alien apportionment measures proved stubbornly resistant to repeal efforts. The state constitutions of New York and Massachusetts retained their 19th-century citizen-only apportionment provisions until 1969 and 1970, respectively.

Though a citizenship question will not be included on the 2020 Census, the Trump administration’s attempts to enable new anti-alien apportionment measures are far from over. At this moment, it continues to amass citizenship data via alternative administrative records. Meanwhile, some Republican state legislators gearing up for redistricting and reapportionment battles — encouraged by the conservative American Legislative Exchange Council — are considering using this data to craft citizen-only apportionment schemes for their own state houses.

Were a state-level citizen-only apportionment proposal to come into force, it would undoubtedly be challenged in court. Voting rights and immigrant rights advocates have a plethora of evidence to demonstrate the harm such a policy would impose on racially marginalized communities and the would-be provisions’ violations of the (federal) constitution. But lawmakers and advocates who support including all residents in apportionment calculations — as community members and as taxpayers — should not assume that this Supreme Court will strike down a new anti-alien policy that may arise in the future.

History teaches us that proposed anti-alien apportionment plans can be defeated. It also indicates that, once adopted, such provisions are likely to become embedded into the politics and constitutions of those states. As in earlier eras of American history, such policies threaten to exacerbate inequalities in representation not only during the 2020s, but for decades to come.
FYSA

Begin forwarded message:

From: White House Press Office <info@mail.whitehouse.gov>
Date: July 11, 2019 at 9:45:45 PM EDT
To: <ali.m.ahmad@census.gov>
Subject: [MARKETING] Executive Order on Collecting Information about Citizenship Status in Connection with the Decennial Census
Reply-To: White House Press Office <info@mail.whitehouse.gov>

Office of the Press Secretary

FOR IMMEDIATE RELEASE
July 11, 2019

EXECUTIVE ORDER

- - - - - - -

COLLECTING INFORMATION ABOUT CITIZENSHIP STATUS IN CONNECTION WITH THE DECNNAIAL CENSUS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. In Department of Commerce v. New York, No. 18-966 (June 27, 2019), the Supreme Court held that the Department of Commerce (Department) may,
as a general matter, lawfully include a question inquiring about citizenship status on the decennial census and, more specifically, declined to hold that the Secretary of Commerce's decision to include such a question on the 2020 decennial census was "substantively invalid." That ruling was not surprising, given that every decennial census from 1820 to 2000 (with the single exception of 1840) asked at least some respondents about their citizenship status or place of birth. In addition, the Census Bureau has inquired since 2005 about citizenship on the American Community Survey -- a separate questionnaire sent annually to about 2.5 percent of households.

The Court determined, however, that the explanation the Department had provided for including such a question on the census was, in the circumstances of that case, insufficient to support the Department's decision. I disagree with the Court's ruling, because I believe that the Department's decision was fully supported by the rationale presented on the record before the Supreme Court.

The Court's ruling, however, has now made it impossible, as a practical matter, to include a citizenship question on the 2020 decennial census questionnaire. After examining every possible alternative, the Attorney General and the Secretary of Commerce have informed me that the logistics and timing for carrying out the census, combined with delays from continuing litigation, leave no practical mechanism for including the question on the 2020 decennial census.

Nevertheless, we shall ensure that accurate citizenship data is compiled in connection with the census by other means. To achieve that goal, I have determined that it is imperative that all executive departments and agencies (agencies) provide the Department the maximum assistance permissible, consistent with law, in determining the number of citizens and non-citizens in the country, including by
providing any access that the Department may request to administrative records that may be useful in accomplishing that objective. When the Secretary of Commerce decided to include the citizenship question on the census, he determined that such a question, in combination with administrative records, would provide the most accurate and complete data. At that time, the Census Bureau had determined based on experience that administrative records to which it had access would enable it to determine citizenship status for approximately 90 percent of the population. At that point, the benefits of using administrative records were limited because the Department had not yet been able to access several additional important sets of records with critical information on citizenship. Under the Secretary of Commerce's decision memorandum directing the Census Bureau "to further enhance its administrative record data sets" and "to obtain as many additional Federal and state administrative records as possible," the Department has sought access to several such sets of records maintained by other agencies, but it remains in negotiations to secure access. The executive action I am taking today will ensure that the Department will have access to all available records in time for use in conjunction with the census.

Therefore, to eliminate delays and uncertainty, and to resolve any doubt about the duty of agencies to share data promptly with the Department, I am hereby ordering all agencies to share information requested by the Department to the maximum extent permissible under law.

Access to the additional data identified in section 3 of this order will ensure that administrative records provide more accurate and complete citizenship data than was previously available.

I am also ordering the establishment of an interagency working group to improve access to administrative records, with a goal of making available to the Department administrative records showing
citizenship data for 100 percent of the population. And I am ordering the Secretary of Commerce to consider mechanisms for ensuring that the Department's existing data-gathering efforts expand the collection of citizenship data in the future.

Finally, I am directing the Department to strengthen its efforts, consistent with law, to obtain State administrative records concerning citizenship.

Ensuring that the Department has available the best data on citizenship that administrative records can provide, consistent with law, is important for multiple reasons, including the following.

First, data on the number of citizens and aliens in the country is needed to help us understand the effects of immigration on our country and to inform policymakers considering basic decisions about immigration policy. The Census Bureau has long maintained that citizenship data is one of the statistics that is "essential for agencies and policy makers setting and evaluating immigration policies and laws."

Today, an accurate understanding of the number of citizens and the number of aliens in the country is central to any effort to reevaluate immigration policy. The United States has not fundamentally restructured its immigration system since 1965. I have explained many times that our outdated immigration laws no longer meet contemporary needs. My Administration is committed to modernizing immigration laws and policies, but the effort to undertake any fundamental reevaluation of immigration policy is hampered when we do not have the most complete data about the number of citizens and non-citizens in the country. If we are to undertake a genuine overhaul of our immigration laws and evaluate policies for encouraging the assimilation of immigrants, one of the basic informational building blocks we should know is how many non-citizens there are in the country.
Second, the lack of complete data on numbers of citizens and aliens hinders the Federal Government's ability to implement specific programs and to evaluate policy proposals for changes in those programs. For example, the lack of such data limits our ability to evaluate policies concerning certain public benefits programs. It remains the immigration policy of the United States, as embodied in statutes passed by the Congress, that "aliens within the Nation's borders [should] not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations" and that "the availability of public benefits [should] not constitute an incentive for immigration to the United States" (8 U.S.C. 1601(2)). The Congress has identified compelling Government interests in restricting public benefits "in order to assure that aliens be self-reliant in accordance with national immigration policy" and "to remove the incentive for illegal immigration provided by the availability of public benefits" (8 U.S.C. 1601(5), (6)).

Accordingly, aliens are restricted from eligibility for many public benefits. With limited exceptions, aliens are ineligible to receive supplemental security income or food stamps (8 U.S.C. 1612(a)). Aliens who are "qualified aliens" -- that is, lawful permanent residents, persons granted asylum, and certain other legal immigrants -- are, with limited exceptions, ineligible to receive benefits through Temporary Assistance for Needy Families, Medicaid, and State Children's Health Insurance Program for 5 years after entry into the United States (8 U.S.C. 1613(a)). Aliens who are not "qualified aliens," such as those unlawfully present, are generally ineligible for Federal benefits and for State and local benefits (8 U.S.C. 1611(a), 1621(a)).

The lack of accurate information about the total citizen population makes it difficult to plan for annual
expenditures on certain benefits programs. And the lack of accurate and complete data concerning the alien population makes it extremely difficult to evaluate the potential effects of proposals to alter the eligibility rules for public benefits.

Third, data identifying citizens will help the Federal Government generate a more reliable count of the unauthorized alien population in the country. Data tabulating both the overall population and the citizen population could be combined with records of aliens lawfully present in the country to generate an estimate of the aggregate number of aliens unlawfully present in each State. Currently, the Department of Homeland Security generates an annual estimate of the number of illegal aliens residing in the United States, but its usefulness is limited by the deficiencies of the citizenship data collected through the American Community Survey alone, which includes substantial margins of error because it is distributed to such a small percentage of the population.

Academic researchers have also been unable to develop useful and reliable numbers of our illegal alien population using currently available data. A 2018 study by researchers at Yale University estimated that the illegal alien population totaled between 16.2 million and 29.5 million. Its modeling put the likely number at about double the conventional estimate. The fact is that we simply do not know how many citizens, non-citizens, and illegal aliens are living in the United States.

Accurate and complete data on the illegal alien population would be useful for the Federal Government in evaluating many policy proposals. When Members of Congress propose various forms of protected status for classes of unauthorized immigrants, for example, the full implications of such proposals can be properly evaluated only with accurate information about the overall number of unauthorized aliens potentially at
issue. Similarly, such information is needed to inform debate about legislative proposals to enhance enforcement of immigration laws and effectuate duly issued removal orders.

The Federal Government's need for a more accurate count of illegal aliens in the country is only made more acute by the recent massive influx of illegal immigrants at our southern border. In Proclamation 9822 of November 9, 2018 (Addressing Mass Migration Through the Southern Border of the United States), I explained that our immigration and asylum system remains in crisis as a consequence of the mass migration of aliens across our southern border. As a result of our broken asylum laws, hundreds of thousands of aliens who entered the country illegally have been released into the interior of the United States pending the outcome of their removal proceedings. But because of the massive backlog of cases, hearing dates are sometimes set years in the future and the adjudication process often takes years to complete. Aliens not in custody routinely fail to appear in court and, even if they do appear, fail to comply with removal orders. There are more than 1 million illegal aliens who have been issued final removal orders from immigration judges and yet remain at-large in the United States.

Efforts to find solutions that address the immense number of unauthorized aliens living in our country should start with accurate information that allows us to understand the true scope of the problem.

Fourth, it may be open to States to design State and local legislative districts based on the population of voter-eligible citizens. In Evenwel v. Abbott, 136 S. Ct. 1120 (2016), the Supreme Court left open the question whether "States may draw districts to equalize voter-eligible population rather than total population." Some States, such as Texas, have argued that "jurisdictions may, consistent with the Equal Protection Clause, design districts using any population
baseline -- including total population and voter-eligible population -- so long as the choice is rational and not invidiously discriminatory". Some courts, based on Supreme Court precedent, have agreed that State districting plans may exclude individuals who are ineligible to vote. Whether that approach is permissible will be resolved when a State actually proposes a districting plan based on the voter-eligible population. But because eligibility to vote depends in part on citizenship, States could more effectively exercise this option with a more accurate and complete count of the citizen population.

The Department has said that if the officers or public bodies having initial responsibility for the legislative districting in each State indicate a need for tabulations of citizenship data, the Census Bureau will make a design change to make such information available. I understand that some State officials are interested in such data for districting purposes. This order will assist the Department in securing the most accurate and complete citizenship data so that it can respond to such requests from the States.

To be clear, generating accurate data concerning the total number of citizens, non-citizens, and illegal aliens in the country has nothing to do with enforcing immigration laws against particular individuals. It is important, instead, for making broad policy determinations. Information obtained by the Department in connection with the census through requests for administrative records under 13 U.S.C. 6 shall be used solely to produce statistics and is subject to confidentiality protections under Title 13 of the United States Code. Information subject to confidentiality protections under Title 13 may not, and shall not, be used to bring immigration enforcement actions against particular individuals. Under my Administration, the data confidentiality protections in Title 13 shall be fully respected.
Sec. 2. Policy. It is the policy of the United States to develop complete and accurate data on the number of citizens, non-citizens, and illegal aliens in the country. Such data is necessary to understand the effects of immigration on the country, and to inform policymakers in setting and evaluating immigration policies and laws, including evaluating proposals to address the current crisis in illegal immigration.

Sec. 3. Assistance to the Department of Commerce and Maximizing Citizenship Data. (a) All agencies shall promptly provide the Department the maximum assistance permissible, consistent with law, in determining the number of citizens, non-citizens, and illegal aliens in the country, including by providing any access that the Department may request to administrative records that may be useful in accomplishing that objective. In particular, the following agencies shall examine relevant legal authorities and, to the maximum extent consistent with law, provide access to the following records:

(i) Department of Homeland Security, United States Citizenship and Immigration Services - National-level file of Lawful Permanent Residents, Naturalizations;

(ii) Department of Homeland Security, Immigration and Customs Enforcement - F1 & M1 Nonimmigrant Visas;

(iii) Department of Homeland Security - National-level file of Customs and Border Arrival/Departure transaction data;

(iv) Department of Homeland Security and Department of State, Worldwide Refugee and Asylum Processing System - Refugee and Asylum visas;

(v) Department of State - National-level passport application data;
(vi) Social Security Administration - Master Beneficiary Records; and

(vii) Department of Health and Human Services - CMS Medicaid and CHIP Information System.

(b) The Secretary of Commerce shall instruct the Director of the Census Bureau to establish an interagency working group to coordinate efforts, consistent with law, to maximize the availability of administrative records in connection with the census, with the goal of obtaining administrative records that can help establish citizenship status for 100 percent of the population. The Director of the Census Bureau shall chair the working group, and the head of each agency shall designate a representative to the working group upon request from the working group chair.

(c) To ensure that the Federal Government continues to collect the most accurate information available concerning citizenship going forward, the Secretary of Commerce shall consider initiating any administrative process necessary to include a citizenship question on the 2030 decennial census and to consider any regulatory changes necessary to ensure that citizenship data is collected in any other surveys and data-gathering efforts conducted by the Census Bureau, including the American Community Survey. The Secretary of Commerce shall also consider expanding the distribution of the American Community Survey, which currently reaches approximately 2.5 percent of households, to secure better citizenship data.

(d) The Department shall strengthen its efforts, consistent with law, to gain access to relevant State administrative records.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
July 11, 2019.

###

Unsubscribe

The White House · 1600 Pennsylvania Ave NW · Washington, DC 20500-0003 · USA · 202-456-1111
John, Christa, and Kathleen,

The Department has suggested a couple of edits to the followup questions that you all helped develop/clear. There are some edits to the original QFR answer, which we can't accept, but there is also [b] (5)

Can you all take a look at the second attachment (which has track-changes) markings and let me know today if you have any issues with the one edits to our followup answers? Ignore the edits to the answers to the original questions. [b] (5)

Thanks,

Everett

---------------------------------------------------
Everett G. Whiteley
Chief
Budget Division
U.S. Census Bureau

Office 301.763.3861 Room 2K122
Cell [b] (6)
Fax 301.763.5252
Everett.G.Whiteley@census.gov

census.gov
Connect with us on Social Media
Instead of asking her for it, I created my own tracked version if you want to see it that way.

---

From: Olson, Stephanie (Federal) <SOlson@doc.gov>
Sent: Tuesday, October 22, 2019 1:13 PM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Cc: Hull, Cordell (Federal) <CHull@doc.gov>; O'Connor, Kasey (Federal) <KO'Connor@doc.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Subject: RE: [CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL] RE: follow up questions from the April 30 QFRs

[CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL]

Hi Chris,

We had some changes; please see attached. The changes were made in final draft form, but please let us know if you’d like a red-lined version.

Thank you,

Stephanie Olson
Senior Counsel, Office of Special Projects
D: 202.482.5981
M: (b) (6)

---

From: Olson, Stephanie (Federal)
Sent: Monday, October 21, 2019 2:20 PM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Cc: Hull, Cordell (Federal) <CHull@doc.gov>; O'Connor, Kasey (Federal) <KO'Connor@doc.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Subject: [CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL] RE: follow up questions from the April 30 QFRs

[CONFIDENTIAL – DELIBERATIVE – PRE-DECISIONAL]

Thanks Chris. We’ll circulate and provide you with our thoughts shortly.

Best,

Stephanie Olson
Senior Counsel, Office of Special Projects
D: 202.482.5981
M: (b) (6)

---

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Monday, October 21, 2019 11:33 AM
The attached document has draft answers to follow up questions from Shannon McCully, staff for Chairman Serrano at the House CJS Subcommittee. Everett, the chief of the census budget office, has sent these to Phelps’ shop. Keven in budget quickly replied to Everett asking that we let him know when OLIA clears these. Please let me know if you have any questions.

Chris Stanley, Chief
Office of Congressional and Intergovernmental Affairs
U.S. Census Bureau
O: 301-763-4276 | M: (b) (6) Census.gov | @uscensusbureau
Here it is electronically

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 | m: | main office: 301-763-3030
census.gov | @uscensusbureau

From: Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Sent: Friday, October 18, 2019 4:09 PM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Subject: Re: Communicating about Administrative Records and Citizenship

Hi all,

See the attached for Monday’s discussion. These talking points about administrative records and the 2020 Census include a draft section toward the end on the executive order and citizenship data. This content would be used if a spokesperson is pressed with questions about the topic. We’d like you to weigh in on how this is framed.

FYI – The rest of the document was cleared last year; we’ve recently worked with Karen Deaver and Tom Mule to update the content, which you’ll see in track changes.

Thanks,
Stacy

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
From: Dorothy Heaton (CENSUS/CLMSO FED)
Sent: Thursday, October 17, 2019 7:38 AM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Subject: Communicating about Administrative Records and Citizenship
When: Monday, October 21, 2019 1:30 PM-2:00 PM.
Where: 8H062; 1-866-807-5272 (L) 4191360 (P) 8933892
Alan -- I just realized that you did send the Senate QFRs. I'll make my corrections and send it in a few minutes.

Burton

---

Alan,

The only attachment was the House QFRs. I responded to the comment from Mike Cannon and added language to the Raskin's question #5a. I strongly feel [(b) (5)]

---

Thanks,

Burton
From: Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>
Sent: Thursday, September 12, 2019 1:20 PM
To: Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Subject: Fw: Draft responses

I've added Zack's section into the Senate package (under Harris). I'm sending both documents back to you to ensure version control since Burton will be dropping in additional language.

Best,

Alan

---

From: Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>
Sent: Wednesday, September 11, 2019 11:26 AM
To: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>
Cc: Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>
Subject: Draft responses

All,

These QFRs were due yesterday. We wanted to check in with you to make sure that you're ok with them. Please let me know if you have edits before COB today.

Apologies for the short fuse.
Best,

Alan

**Alan Lang**, Deputy Chief
Office of Congressional and Intergovernmental Affairs
U.S. Census Bureau
O: 301-763-6100  |  M: (D) (6) | census.gov  |  @uscensusbureau

---

**From:** Lucas, Jennifer (Federal) <JLucas@doc.gov>
**Sent:** Wednesday, September 11, 2019 9:32 AM
**To:** Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
**Cc:** Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>; Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
**Subject:** RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached and below are the only comments that I got on these QFRs. Please provide your response.
Thank you, Jennifer

---

**From:** Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
**Sent:** Thursday, September 5, 2019 3:06 PM
**To:** Lucas, Jennifer (Federal) <JLucas@doc.gov>
**Cc:** Stanley, Christopher J <christopher.j.stanley@census.gov>; Lang, Alan <alan.lang@census.gov>; Tadlock, Tara A <tara.a.tadlock@census.gov>
**Subject:** Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer,
Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,
Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798
Cell [b] (6) [c]
tara.a.tadlock@census.gov

census.gov
Connect with us on Social Media
Secretary Ross,

Your email was received. I will proceed on this expeditiously.

Steve Dillingham

Director Dillingham:

(b) (5)
Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

Here is where I am on the talking points. I am waiting on drivers license info from Berning. Once I get that this morning, I will include it and send it to Christa, Treat and Ron.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811
Enrique Lamas
Senior Advisor
Director’s Office
U.S. Census Bureau
Office: 301-763-3811

From: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Sent: Monday, July 22, 2019 5:44 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Deborah Stempowski (CENSUS/DCMD FED) <Deborah.M.Stempowski@census.gov>; Kevin Smith (CENSUS/CIO FED) <kevin.b.smith@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>
Cc: Joske Bautista (CENSUS/DEPDIR FED) <jose.bautista@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Subject: Internal Census Team to Address Executive Order 13880

Team,

Thanks for meeting this morning to discuss our way forward in addressing the new Executive Order. As mentioned, I would like (b) (5) as first orders of business:

As first orders of business:

(b) (5)
Please work with Kathy Hancher to schedule the next team meeting to discuss the presentation for the Deputy Secretary.

Thanks for all your help on this matter!
From: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Sent: Thursday, March 12, 2020 3:11 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Cc: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Subject: Re: Memo status

Attached is the PDF. Let me know if you want the Word version

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
Shape your future. START HERE > 2020census.gov

From: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Sent: Thursday, March 12, 2020 3:06 PM
To: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Cc: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Subject: Re: Memo status

The last version is for to purpose. Can you send e-copy?

> On Mar 10, 2020, at 2:12 PM, Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov> wrote:
>
> John and I are meeting after OPCOM.
> 
> Victoria Velkoff, PhD
> Associate Director for Demographic Programs
> U.S. Census Bureau
> 
> 301-763-1372
> 
>> On Mar 10, 2020, at 2:12 PM, Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov> wrote:
>>
>> Ping
For your awareness only. Discussion in person, if needed.

Deborah Stempowski, PMP
Assistant Director for Decennial Programs, Operations and Schedule Management
U.S. Census Bureau
Office 301.763.1417
deborah.m.stempowski@census.gov
Shape Your Future | Start Here  2020census.gov

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
Shape your future. START HERE >2020census.gov
census.gov  |  @uscensusbureau
Draft
(b) (5) Draft
As requested. Latest draft with comments.

Begin forwarded message:

From: "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>
Date: November 21, 2019 at 5:59:17 PM EST
To: "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>
Subject: Fw: Census DHS MOA 11.21.2019

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>
Sent: Thursday, November 21, 2019 5:48 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Cc: Rosenblum, Marc <marc.rosenblum@hq.dhs.gov>; Glabe, Scott <scott.glabe@hq.dhs.gov>; McCament, James <james.mccament@hq.dhs.gov>
Subject: Census DHS MOA 11.21.2019

Mike/Enrique,

Thank you for making the time earlier today to discuss this latest version of the OMOA while I waited for the last round of Component revisions.

As I mentioned this afternoon, there were over 660 revisions then and with the final round of revisions that total is 678 now.

Many of these revisions are comments/edits that were included earlier by CBP and ICE before the Census response was returned at the end of October. CBP and ICE reinserted them in order to be better able to track the Census response. However, there are also additional comments, edits, and requests for supporting documentation.
I am requesting that (b) (5)

As always, please let me know if you have any questions.

Thank you,

Michele Steinmetz, Ph.D.
Director, Immigration Data Integration Initiative
Office of Immigration Statistics
U.S. Department of Homeland Security

Office: 202-447-3685
Mobile: (b) (6)
Michele.Steinmetz@hq.dhs.gov
(b) (5) Draft
(b) (5) Draft
Enrique Lamas  
Senior Advisor  
Office of the Director  
US Census Bureau  
301 763 3811  

Begin forwarded message:

From: "Steinmetz, Michele" <Michele.Steinmetz@hq.dhs.gov>  
Date: December 11, 2019 at 4:17:02 PM EST  
To: "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>  
Subject: Census DHS MOA_USCIS Addendum 12.10.2019  

Enrique,

Per our conversation, I am attaching the latest draft of the OMOA that DHS is currently reviewing. (b) (5)  

Thank you,

Michele
See below and attached. This seems to be some sort of progress. Let’s discuss tomorrow.

I’d like to discuss tomorrow whether I initiate that tomorrow.

---

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov

c. *(b) (5)*

*Sent from my iPhone. Please excuse any typos.*

---

From: Glabe, Scott <scott.glabe@hq.dhs.gov>
Sent: Tuesday, December 3, 2019 6:33 PM
To: Dewhirst, David (Federal)
Cc: Dorey, David R
Subject: FW: Census MOA Review Packet and Instructions

Good afternoon,

I wanted to let you know I just sent the attached documents up to our Exec Sec office to be sent out to the relevant stakeholders for review. As you will see, *(b) (5)*

I have asked for responses on the first document as soon as possible. I know my Assistant Secretary is trying to get a document completed that can be signed by the end of the week. Please review document #1 and let me know if you have any questions or concerns. I tried to *(b) (5)*
As always, let me know if you have any questions.

Thank you,

Michele

Michele Steinmetz, Ph.D.
Director, Immigration Data Integration Initiative
Office of Immigration Statistics
U.S. Department of Homeland Security

Office: 202-447-3685
Mobile: (b) (6)
Michele.Steinmetz@hq.dhs.gov
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Accept
Other: See Additional Comment
(b) (5) Draft
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(b) (5) Draft
(b) (5) Draft
System of Records Notices

COMMERCE/CENSUS-8

SYSTEM NAME:
Statistical Administrative Records System.

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATIONS:
Bowie Computer Center, Bureau of the Census, 17101 Melford Blvd., Bowie, Maryland 20715; and at a FEDRAMP-approved cloud services facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
This system covers the population of the United States and territories. In order to approximate coverage of the population in support of its statistical programs, the Census Bureau will acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service. Comparable data may also be sought from state agencies and commercial sources and Web sites.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records in this system of records are organized into three components:

- The first category contains records with personal identifiers (names and Social Security Numbers (SSNs)), with access restricted to a limited number of sworn Census Bureau staff. These records are only used for a brief period of time while the personal identifiers are replaced with unique non-identifying codes. In a controlled Information Technology (IT) environment, the identifying information (SSN) contained in source files is removed and replaced with unique non-identifying codes. The Census Bureau does not collect SSNs in Title 13 surveys or censuses. Title 13, Section 6, authorizes the Census Bureau to acquire information from other federal departments and agencies and for the acquisition of reports of other governmental or private sources. Data acquired by the Census Bureau to meet this directive may include direct identifiers such as name, address, date of birth, driver's license...
number, and SSN. The direct identifiers are used to identify duplicate lists and link across multiple sources.

- The Census Bureau has developed software to standardize and validate incoming person records to assign a unique Census Bureau linkage identifier. This identifier, called the Protected Identification Key (PIK), is retained on files so that SSNs can be removed. This process occurs through the Person Identification Validation System (PVS). The PVS software processes direct identifiers from input files. Census Bureau staff use the person linkage keys to merge files when conducting approved research and operations activities. The software is also used to facilitate record linkage for Census Bureau research partners within the Federal Statistical System. Through legal agreements, linkage keys may be created by the Census Bureau for other Federal Statistical Agencies to produce statistics. The PVS system does not append additional identifying information, only a unique identifier to facilitate record linkage.

- The second category contains records that are maintained on unique data sets that are extracted or combined on an as-needed basis in approved projects. Records are extracted or combined as needed using the unique non-identifying codes, not by name or SSN, to prepare numerous statistical products. These records may contain information such as: Demographic information—date of birth, sex, race, ethnicity, household and family characteristics, education, marital status, tribal affiliation, and veteran's status, etc.; Geographical information—address and geographic codes, etc.; Mortality information—cause of death and hospitalization information; Health information—type of provider, services provided, cost of services, and quality indicators, etc.; Economic information—housing characteristics, income, occupation, employment and unemployment information, health insurance coverage, Federal and State program participation, assets, and wealth.

- The third category contains two types of records that use name data for specific research activities. The Census Bureau has policies and procedures to review and control name data from administrative records providers and third party sources. This category refers to name data used to plan contact operations for surveys and censuses and for research on names. The first type of records includes Respondent contact information—name (or username), address, telephone number (both landline and cell phone number), and email address or equivalent. The second type of records includes name data used to set Demographic Characteristics Flags—names are compared to lookup tables and used in models to assign sex and ethnicity. Records in this category are maintained on unique data sets that are extracted or combined on an as-needed basis using the unique non-identifying codes that replaced the SSNs, but with some name information retained.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**PURPOSES:**

This system of records supports the Census Bureau's core mission of producing economic and demographic statistics. To accomplish this mission the Census Bureau is directed to acquire information from public and private sources to ensure the efficient and economical conduct of its censuses and surveys by using that information instead of conducting direct inquiries. To provide the information on which the American public, businesses, policymakers, and analysts rely, the Statistical Administrative Records System efficiently re-uses data from external sources, thereby eliminating the need to collect information again. Therefore, the purpose of this system is to centralize and control the use of personally identifiable information by providing a secure repository that supports statistical operations. The system removes SSNs contained in source files and
replaces them with unique non-identifying codes called Protected Identification Keys (PIKs) prior to use by other Census Bureau operating units. Census Bureau staff use the PIK to merge files to conduct approved research projects. Through legal agreements documenting permitted uses of the external data, linked files may be created to produce statistics. By combining survey and census data with administrative record data from other agencies, and data procured from commercial sources, the Census Bureau will improve the quality and usefulness of its statistics and reduce the respondent burden associated with direct data collection efforts. The system will also be used to plan, evaluate, and enhance survey and census operations; improve questionnaire design and selected survey data products; and produce research and statistical products such as estimates of the demographic, social, and economic characteristics of the population.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

None. The Statistical Administrative Records System will be used only for statistical purposes. No disclosures which permit the identification of individual respondents, and no determinations affecting individual respondents will be made.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored in a secure computerized system and on magnetic media; output data will be electronic. Magnetic media will be stored in a secure area within a locked drawer or cabinet. Source data sets containing personal identifiers will be maintained in a secure restricted-access IT environment. Records may also be stored by or at a secure FEDRAMP-approved cloud service provider or facility.

RETRIEVABILITY:

Staff producing statistical products will have access only to data sets from which SSNs have been deleted and replaced by unique non-identifying codes internal to the Census Bureau. Only a limited number of sworn Census Bureau staff, who work within a secure restricted-access environment, will be permitted to retrieve records containing direct identifiers (such as name or SSN).

SAFEGUARDS:

The Census Bureau is committed to respecting respondent privacy and protecting confidentiality. Through the Data Stewardship Program, we have implemented management, operational, and technical controls and practices to ensure high-level data protection to respondents of our censuses and surveys.

- An unauthorized browsing policy protects respondent information from casual or inappropriate use by any person with access to Title 13 protected data.
- All Census Bureau employees, persons with special sworn status, as well as employees of FEDRAMP-approved cloud services who may have incidental access to Title 13 protected data, are subject to the restrictions, penalties, and prohibitions of 13 U.S.C. 9 and 214 as modified by Title 18 U.S.C. 3551, et. seq.; the Privacy Act of 1974 (5 U.S.C.)
All Census Bureau employees and persons with special sworn status will be regularly advised of regulations issued pursuant to Title 13 governing the confidentiality of the data, and will be required to complete an annual Data Stewardship Awareness training and those who have access to Federal Tax Information data will be regularly advised of regulations issued pursuant to Title 26 governing the confidentiality of the data, and will be required to complete an annual Title 26 awareness program. The restricted-access IT environment has been established to limit the number of Census Bureau staff with direct access to the personal identifiers in this system to protect the confidentiality of the data and to prevent unauthorized use or access. These safeguards provide a level and scope of security that meet the level and scope of security established by OMB Circular No. A-130, Appendix III, Security of Federal Automated Information Resources.

All Census Bureau and FEDRAMP-approved computer systems that maintain sensitive information are in compliance with the Federal Information Security Management Act, which includes auditing and controls over access to restricted data.

The use of unsecured telecommunications to transmit individually identifiable information is prohibited.

Paper copies that contain sensitive information are stored in secure facilities in a locked drawer or file cabinet behind a closed door.

Each requested use of the data covered in this SORN will be reviewed by an in-house Project Review Board to ensure that data relating to the project will be used only for authorized purposes. All uses of the data are solely for statistical purposes, which by definition means that uses will not directly affect benefits or enforcement actions for any individual. Only when the Project Review Board has approved a project, will access to information from one or more of the source data sets occur. Data from external sources in approved projects will not be made publicly available.

Any publications based on the Statistical Administrative Records System will be cleared for release under the direction of the Census Bureau's Disclosure Review Board, which will confirm that all the required disclosure protection procedures have been implemented. No information will be released that identifies any individual.

RETENTION AND DISPOSAL:

Records are to be retained in accordance with General Records Schedule GRS 4.3, and the Census Bureau's records control schedule DAA-0029-2014-0005, Records of the Center for Administrative Records Research and Applications, which are approved by the National Archives and Records Administration (NARA). Records are also retained in accordance with agreements developed with sponsoring agencies or source entities. Federal tax information administrative record data will be retained and disposed of in accordance with Publication 1075, Tax information Security Guidelines for Federal, State, and Local Agencies and Entities. The Census Bureau issues an Annual Safeguard Security Report that includes information on the retention and disposal of federal tax information. Pursuant to IRS regulation, Title 26 U.S.C. 6103(p) (4)(F)(ii), data cannot be transferred to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Research and Methodology, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233-8000.

NOTIFICATION PROCEDURE:

None.
RECORD ACCESS PROCEDURES:
None.

CONTESTING RECORD PROCEDURES:
None.

RECORD SOURCE CATEGORIES:
Individuals and addresses covered by selected administrative record systems and Census Bureau censuses and surveys including current demographic and economic surveys, quinquennial Economic Censuses, and decennial Censuses of Population and Housing. Additionally, the Census Bureau will also acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service, etc. Comparable data may also be sought from state agencies, commercial sources, and Web sites.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:
Pursuant to 5 U.S.C. 552a(k)(4), this system of records is exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (l), and (f)). This exemption is applicable as the data are maintained by the Census Bureau solely as statistical records, as required under Title 13, and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR part 4 Subpart B published in this Federal Register.

FEDERAL REGISTER HISTORY:
81 FR 76554 November 13, 2016 Notice of Proposed Amendment to Privacy Act System of Records
75 FR 78211 December 15, 2010 Effective Date Notice
75 FR 66061 October 27, 2010 Notice of Proposed Amendment to Privacy Act System of Records

Questions and Comments
Send Questions or Comments on the Commerce Office of Privacy and Open Government programs to PrivacyAct@doc.gov.
Office of Privacy and Open Government
Office of the Chief Financial Officer and Assistant Secretary for Administration
U.S. Department of Commerce

Page last updated: January 10, 2017->
Request for Records Disposition Authority

Records Schedule Number: DAA-0029-2014-0005
Schedule Status: Approved

Agency or Establishment: Bureau of the Census
Record Group / Scheduling Group: Records of the Bureau of the Census
Records Schedule applies to: Major Subdivision
Major Subdivision: Center for Administrative Records Research and Applications
Minor Subdivision: Center for Economic Studies
Schedule Subject: Records of the Center for Administrative Records Research and Applications.

The Census Bureau acquires and links federal, state, and local administrative records and commercial data from third party vendors to Census Bureau survey and geographic data. The Census Bureau uses this acquired data to improve planning, operations, and data products. Data may be used to: create a sampling base, improve Census Bureau survey coverage, provide a basis for improving survey program participation questions, and gain a greater understanding of data quality collected in Census Bureau surveys. Summary Files - Records that contain summarized or aggregated information created by combining data elements or individual observations from the derivative files described in part B are created by specific program areas and are included in the records schedules specific to the particular program and not under this schedule.

Internal agency concurrences will be provided: No

Background Information

Item Count

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GAO Approval
Outline of Records Schedule Items for DAA-0029-2014-0005

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<td>The acquired data records program includes emails, specifications, computer programs, and memoranda.</td>
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<td>Do any of the records covered by this item exist as structured electronic data?</td>
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<tr>
<td>Disposition Instruction</td>
<td>Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.</td>
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<tr>
<td>Do any of the records covered by this item exist as structured electronic data?</td>
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Retention Period: Destroy when 2 years old or as contracts specify.

Additional Information:
- GAO Approval: Not Required
- Derivative files:
  - Disposition Authority Number: DAA-0029-2014-0005-0003
- Files linked to Census records with the identifying information from the original record stripped and the matched person record is assigned a unique and anonymous Census Bureau linkage key.

Final Disposition: Temporary

Item Status:
- Is this item media neutral?: Yes
- Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?: Yes
- Do any of the records covered by this item exist as structured electronic data?: Yes

Disposition Instruction:
Retention Period: Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.

Additional Information:
- GAO Approval: Not Required
Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

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<th>Action</th>
<th>By</th>
<th>Title</th>
<th>Organization</th>
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<td>Arina Venning</td>
<td>Section Chief</td>
<td>ACSD - Property and Records Management Branch</td>
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<td>01/14/2015</td>
<td>Submit for Concurrency</td>
<td>Henry Wolfinger</td>
<td>Appraiser</td>
<td>National Archives and Records Administration - Records Management Services</td>
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<td>Margaret Hawkins</td>
<td>Director of Records Management Services</td>
<td>National Records Management Program - Records Management Services</td>
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<td>Approve</td>
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<td>Archivist of the United States</td>
<td>Office of the Archivist - Office of the Archivist</td>
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John,

Please see the paragraph in the email below that DHS is proposing to add and that was not in previous versions.

My opinion is (b) (5) Do you agree?

Sent from my iPhone

Begin forwarded message:

From: "Steinmetz, Michele" <Michele.Steinmetz@hq.dhs.gov>
Date: November 1, 2019 at 11:32:48 AM EDT
To: "Michael A Berning (CENSUS/ERD FED)" <Michael.A.Berning@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>
Cc: "Moore, Miriam" <miriam.moore@HQ.DHS.GOV>, "Rogal, Leah" <leah.rogal@hq.dhs.gov>
Subject: FW: Census MOU_DHS Census Response (10 30 2019)

Mike,

Please see Miriam’s email below where she provides the language that her office (CRCL) provided and was lost in the consolidation in Word.

I have cc-ed her and Leah if you have any questions. If your team approves this language, I can insert it into the larger adjudicated document you returned on Wednesday.

Thank you,

Michele
Subject: RE: Census MOU_DHS Census Response (10 30 2019)

Michele,

Thanks,
Miriam

Miriam R. Moore
Senior Policy Advisor
U.S. Dept. of Homeland Security
Office for Civil Rights and Civil Liberties
(202) 357-7793 (o)
(202) 510-4769 (c)
miriam.moore@hq.dhs.gov
mrmoore@dhs.ic.gov

From: Steinmetz, Michele
Sent: Thursday, October 31, 2019 1:30 PM
To: CAPPARRA, MICHAEL V. <michael.v.capparra@cbp.dhs.gov>; DANISEK, DEBRA <debra.danisek@cbp.dhs.gov>; GORMAN, MICHAEL <michael.gorman@cbp.dhs.gov>;
HYSONG, MICHAEL <michael.hysong@cbp.dhs.gov>; ISRAEL, JASON A <jason.a.israel@cbp.dhs.gov>; SCHNEIDER, MATTHEW <matthew.schneider@cbp.dhs.gov>; STEGALL, MORGAN <morgan.s.stegall@cbp.dhs.gov>; FAUSETT, ANDREW D (OGA) <andrew.d.fausett@cbp.dhs.gov>; WEINSTEIN, RACHEL (OCC)
Subject: Census MOU_DHS Census Response (10 30 2019)

Dear All,

My apologies to those of you who are receiving this twice but I was on leave yesterday and I wanted to make sure you all had a chance to review the Census responses as soon as possible. I sent this document out yesterday to an abbreviated list of POCs and asked them to forward it to the other stakeholders in their Components.

For those of you who have not already responded to me based on yesterday’s email, please review this document and let me know if you have any questions or concerns that we need to discuss internally or with Census by COB tomorrow, Friday, November 1, so I may begin to schedule those meetings as soon as possible next week.
As always, if there are any questions, please feel free to reach out to me.

Thank you,

Michele
(b) (5) Draft
(b) (5) Draft
(b) (5) Draft
(b) (5) Draft
Fyi

Enrique Lamas
Senior Advisor
Office of the Director
US Census Bureau
301 763 3811

Begin forwarded message:

From: "Steinmetz, Michele" <Michele.Steinmetz@hq.dhs.gov>
Date: October 23, 2019 at 6:06:58 PM EDT
To: "McCament, James" <james.mccament@hq.dhs.gov>, "Rosenblum, Marc"
    <marc.rosenblum@hq.dhs.gov>, "Lotspeich, Katherine J"
    <Katherine.Lotspeich@uscis.dhs.gov>, "LaCicero, Nicole"
    <Nicole.LaCicero@ice.dhs.gov>, "DANISEK, DEBRA"
    <debra.danisek@cbp.dhs.gov>, "Moore, Miriam"
    <miriam.moore@HQ.DHS.GOV>, "Sanchez, Nicole"
    <Nicole.Sanchez@HQ.DHS.GOV>, "Michael A Berning (CENSUS/ERD FED)"
    <Michael.A.Berning@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)"
Subject: Census MOU_DHS Combined comments (10 23 2019)

Dear All,
Please return your responses and as clean a version of the document as is possible to me by noon, October 31. I am hoping to receive your response by then.

If you have any questions, please do not hesitate to contact me.

Thank you,

Michele

Michele Steinmetz, Ph.D.
Director, Immigration Data Integration Initiative
Office of Immigration Statistics
U.S. Department of Homeland Security

Office: 202-447-3685
Mobile: [b] (6) [b]
Michele.Steinmetz@hq.dhs.gov
Hi Christa,

See the blog, TPs and recent RTQ that we’ve posted about data sharing, below.


Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6)
census.gov | @uscensusbureau

Begin forwarded message:

From: "Anna M Carabeo (CENSUS/PIO CTR)" <anna.m.carabeo@census.gov>
Date: October 17, 2019 at 2:58:49 PM EDT
To: "Michael C Cook (CENSUS/PIO FED)" <Michael.C.Cook@census.gov>
Subject: Confidentiality and Data Sharing

Hi Michael,

Please find the Directors Blog and the set of talking points on the Hub that mention data sharing and confidentiality. If I find any more documents, I'll send them your way.

Thanks,

Anna Carabeo, Speechwriter
Public Information Office
U.S. Census Bureau
O. 301-763-3411 | M. 305-409-9241
Census.gov | @uscensusbureau
The U.S. Census Bureau’s Commitment to Confidentiality

Following is a copy of the DRAFT Director’s Blog on: The U.S. Census Bureau’s Commitment to Confidentiality, which has been sent to you for Department Clearance.

Please clear and return by E-mail to PIO by no later than: Monday, May 7, 2018

Scheduled for release: TBD

Please contact Naomi Evangelista and Moniqua Roberts-Gray for any assistance
The U.S. Census Bureau’s Commitment to Confidentiality
Written by: Dr. Ron Jarmin, performing the nonexclusive functions and duties of the Director of the U.S. Census Bureau

The decision by U.S. Commerce Secretary Wilbur Ross to add a question on citizenship status to the 2020 Census has generated a lot of discussion in the media and on Capitol Hill. Some of this discussion expresses concerns about how the Census Bureau would use this information and with whom it would be shared. I welcome this opportunity to highlight the Census Bureau’s absolute commitment to confidentiality.

This commitment begins in law. The Census Law, Title 13 of the U.S. Code, is straightforward and has strong protection. Title 13 requires that responses to Census Bureau surveys and censuses be kept confidential and used for statistical purposes only. The Census Bureau publishes only aggregated statistics that do not reveal information about particular individuals, households, or businesses. All staff working with confidential information at the Census Bureau take a lifetime oath to protect the privacy and confidentiality of respondent information. Unlawful disclosure is a federal crime punishable by a $250,000 fine or 5 years in prison, or both.

At the Census Bureau, we know that our commitment must go beyond the law. We understand that our success depends on the willing participation of households and business who respond to our many censuses and surveys, and on the many federal, state, and local government agencies and private sector organizations that provide administrative data. Their willing participation is founded on trust. When we ask a person or a business to respond, we make a commitment to do everything we can to protect their information. Likewise, when we ask another government agency to share their data with us, we protect their information just as we protect the information we collect in our censuses and surveys.

We use these critical data sources to produce a variety of data products like state population estimates, monthly retail sales, income and poverty statistics, and the merchandise trade balance. Our staff receives annual training to keep them abreast of current data and IT security procedures—a measure consistent with the strong culture of confidentiality stressed at all levels of the Census Bureau. We strive to use technology and statistical methodologies to ensure that we can protect data at all stages—from collection, through processing, and to dissemination.

I know that one important concern is how the census data will be used and there is often a question of whether the Census Bureau shares information with law enforcement agencies like the FBI, ICE, or even the local police. I assure you that this does not happen and it is prohibited by Title 13. Title 13 makes it very clear that the data we collect can only be used for statistical purposes and cannot be shared for nonstatistical purposes—including law enforcement. The Census Bureau is proud of this law and we are committed to ensuring that the data we collect are always protected. We do not share confidential micro data (i.e., data at the individual, household, or business level) with any party for nonstatistical purposes.

We are committed to working with our stakeholders and partners to produce useful statistics that can inform both public and private decision-making. Part of this commitment means working to ensure that the statistical products we release do not identify individuals and businesses. The Census Bureau is at the forefront of researching and developing best practices for the protection of our data—including how to best apply disclosure avoidance procedures to data products.
Furthermore, our collaboration with leading experts in industry and academia helps to ensure we uphold our pledge to American households and businesses to safeguard the information they’ve entrusted to us. We continually strive to produce the most useful data possible while keeping our commitment to confidentiality. This commitment has served both the U.S. Census Bureau and the American people well, and we will continue to protect the information we collect so our communities and businesses can plan and make decisions effectively and confidently.
First Words: Using Administrative and External Data Sources

The U.S. Census Bureau is the leading source of quality data about the nation’s people, places and economy. To produce quality data, we collect information directly through surveys and through reusing other sources of existing information. For example, we use information from other government agencies, often called “administrative data” because the primary purpose of these data is to help agencies administer their programs.

By reusing this existing information, we make our work more efficient, less burdensome on American households and businesses and we enhance the statistical information we can provide back to the public. We are now building upon decades of experience using information from other government records to introduce more of those efficiencies and enhancements into the next census.

The Census Bureau has been using external data sources for decades

- Since 1940, we’ve used demographic administrative records to independently check each decade’s census count.
- We also use birth and death records to create annual population estimates between census years.
- Each year, we use tax data to produce economic data by industry for counties, Zip codes and congressional districts.
- We buy data from other sources to help with projects like updating our address lists and phone numbers. This helps us more efficiently follow-up with households in our surveys and census tests.

Reusing existing records respects the public’s time and enhances data quality

- By reusing data from existing, external sources, we don’t need to ask hundreds of thousands of households and businesses for as much information, and we’re able to improve the quality of statistics that describe the nation’s people, places and economy.

Federal law authorizes — and directs — the Census Bureau to reuse existing data where possible

- Instead of collecting the same information again directly from the public, federal law (Title 13, Section 6) authorizes and actually directs the Census Bureau to reuse data previously collected by other federal agencies and state, tribal, or local governments, as well as private organizations.
- Using information previously collected by other organizations saves taxpayers money and reduces the burden on the American public.

We protect the confidentiality of your information

- The Census Bureau protects the privacy and confidentiality of individuals and businesses. The same law that protects census and survey respondents protects the administrative records and
other external information we use. The law (Title 13) prohibits us from disclosing or publishing data that identify any individual or business.

- Strong laws guide how the Census Bureau both accesses and protects administrative records.
- The Census Bureau is mandated by law to reuse administrative data, and that same law protects all data we receive from misuse.
- The Census Bureau does not share confidential information with law enforcement.
- We collect data to produce statistical information. None of the data we receive about individuals can be used to enforce laws or determine whether an individual should receive a benefit of any kind.

**We’re transparent about the information we collect and how we use it**

- Our programs, policies and practices to collect and protect identifiable information are all publicly available.
- We make clear to external data providers how we might use or link their data.
- We regularly engage privacy experts, stakeholders and an advisory committee on current and proposed uses of administrative data.
- More information about what sources we use and the research we conduct with them is available online: [http://www.census.gov/about/adrm/data-linkage.html](http://www.census.gov/about/adrm/data-linkage.html).
I think I got all the ADs for the 10am meeting. Will be in at 10. Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

Begin forwarded message:

From: "Epaphrodite Uwimana (CENSUS/ERD FED)"
<epaphrodite.uwimana@census.gov>
Date: July 15, 2019 at 7:19:36 AM EDT
To: "John Maron Abowd (CENSUS/ADRM FED)"
<john.maron.abowd@census.gov>
Cc: "Katherine Dodson Hancher (CENSUS/DEPDIR FED)"
<Katherine.Dodson.Hancher@census.gov>, "Michael A Berning (CENSUS/ERD FED)"
<Michael.A.Berning@census.gov>, "Kevin E Deardorff (CENSUS/ERD FED)"
<Kevin.E.Deardorff@census.gov>
Subject: Re: Update on MOUs related to citizenship data

Hi John,

Attached please find the only signed data sharing agreement with DHS-USCIS that our group handles and a new MOU in signature process. This new MOU is to obtain micro data level. This has been cleared by Census and DOC OGC. It has been signed by Census and it is in signature process at DHS-USCIS.

If you have any question, please let me know.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
From: John Maron Abowd (CENSUS/ADRM FED)
Sent: Friday, July 12, 2019 4:09 PM
To: Steven Dillingham (CENSUS/DEPDIRE FED)
Cc: Epaphrodite Uwimana (CENSUS/ERD FED); Katherine Dodson Hancher (CENSUS/DEPDIRE FED)
Subject: Re: Update on MOUs related to citizenship data

Steve, Epa sent more detailed spreadsheets to Al and Kathleen Styles. They are attached.

Epa, sorry for the multiple inquiries. See the Director's request below. I believe he means the DHS MOUs. If they can't be emailed, please hand deliver to his assistant, Kathy Hancher.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulating on cell)
census.gov | @uscensusbureau

From: Steven Dillingham (CENSUS/DEPDIRE FED)
Sent: Friday, July 12, 2019 4:01 PM
To: John Maron Abowd (CENSUS/ADRM FED)
Subject: Re: Update on MOUs related to citizenship data

Thanks. I need copy of DHS memos on Monday.
On Jul 12, 2019, at 3:41 PM, John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov> wrote:

To inform the Monday meeting, please see the attached status chart for the MOUs identified in EO Section 3 (i)-(vii).

I copied Mike Berning (whose office negotiates and ingests these data) and his colleague Epa (who is covering for Mike) to answer questions, if any. Thanks to Epa for the quick turnaround. They are not expected to attend the Monday meeting.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

From: Epaphrodite Uwimana (CENSUS/ERD FED)
Sent: Friday, July 12, 2019 3:33 PM
To: John Maron Abowd (CENSUS/ADRM FED); Michael A Berning (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Re: Update on MOUs related to citizenship data

Hi John,

Attached please find a document with status of agreements mentioned in this e-mail.
Please let me know if you have any question.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
From: John Maron Abowd (CENSUS/ADRM FED)
Sent: Friday, July 12, 2019 2:55:02 PM
To: Epaphrodite Uwimana (CENSUS/ERD FED); Michael A Berning (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Re: Update on MOUs related to citizenship data

Thanks.

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

From: Epaphrodite Uwimana (CENSUS/ERD FED)
Sent: Friday, July 12, 2019 2:29:10 PM
To: John Maron Abowd (CENSUS/ADRM FED); Michael A Berning (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Re: Update on MOUs related to citizenship data

Hi,

I will send updates to you before the end of the day today.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-6064 | m: [b] (6) census.gov | @uscensusbureau
From: John Maron Abowd (CENSUS/ADRM FED)
Sent: Friday, July 12, 2019 2:14 PM
To: Michael A Berning (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Update on MOUs related to citizenship data

Mike (and/or) Epa,

This request is urgent, but if you have it received from the Director or another AD, please just copy me on your response.

The Director has convened an internal task force on the administrative data to be used to estimate the citizen population. It is convening at 10:00am on Monday.

We need a status update on all MOUs pertaining to DHS, State, HHS, and SSA (Numident and MBR, only).

Thanks,
John

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov  |  @uscensusbureau

<Status of Federal Agreements for Citizenship.xlsx>
DATA USE AGREEMENT
Between the
U.S. CENSUS BUREAU
and the
DEPARTMENT OF HOMELAND SECURITY/USCIS OFFICE OF
PERFORMANCE AND QUALITY

In order to ensure the integrity, security, and confidentiality of information maintained by the Department of Homeland Security (DHS)/Office of Performance and Quality (OPQ) and to permit appropriate disclosure and use of such data as permitted by law, the DHS/OPQ and the U.S. Census Bureau (Census Bureau) enter into this Data Use Agreement (Agreement) to comply with the following specific paragraphs:

1. This Agreement is by and between the DHS/OPQ and the Census Bureau, a component of the U.S. Department of Commerce. This Agreement is by and between the DHS/OPQ and the Census Bureau, a component of the U.S. Department of Commerce. This agreement does not obligate the funds of either party to the agreement. Each party will assume its own costs; and if funding transfers are required, they will be executed through written amendment to the agreement. This Agreement shall become effective as of the date of the last signatory in items 19 and 20 and will end five years from that date. This Agreement shall become effective as of the date of the last signatory in items 19 and 20 and will end five years from that date.

2. This Agreement addresses the conditions under which the DHS/OPQ will disclose and the Census Bureau will obtain and use the DHS/OPQ data files specified in item 7. The terms of this Agreement can be changed only by a written modification to this Agreement, signed by both parties, or by the parties adopting a new agreement. This Agreement and its attachments must be formally reviewed whenever a Federal statute is enacted that materially affects the substance of the Agreement, or at least every three years to assure its currency. The review will be conducted in the Census Bureau by the appropriate Associate Director and by the appropriate DHS/OPQ representative. The result of the review will be a decision agreed to by both agencies to continue the Agreement unchanged, an amendment to continue the Agreement with specified changes, or a cancellation of the Agreement. Any amendments to the Agreement will require the review and approval of the DHS/OPQ designee and the appropriate Census Bureau Associate Director or their designee. The parties agree further that instructions or interpretations issued to the Census Bureau concerning this Agreement or the data specified herein, shall not be valid unless issued in writing by the DHS/OPQ point of contact specified in item 5, or the DHS/OPQ signatory to the Agreement shown in item 20.

3. The Census Bureau's access to the data files is authorized under Title 13, United States Code (U.S.C.), Section 6. The confidentiality of the DHS/OPQ data is guaranteed under Title 13, United States Code, Section 9; and Title 5, United States Code, Section 552a(h). Only sworn Census Bureau employees and
individuals with Census Bureau Special Sworn Status (SSS) will have access to the Title 13-protected data files. The DHS/OPQ shall make the specified information available to the Census Bureau pursuant to Title 5, U.S.C., Section 552a(b)(4).

4. The parties mutually agree that the following named individual is designated as "Custodian" of the files on behalf of the Census Bureau and will be personally responsible for the observance of all conditions of use and for establishment and maintenance of security arrangements as specified in this Agreement to prevent unauthorized use. The Census Bureau agrees to notify the DHS/OPQ within fifteen (15) days of any changes of custodianship. The parties mutually agree that the DHS/OPQ may disapprove the appointment of a custodian or may require the appointment of a new custodian at any time.

Custodian: J. Trent Alexander
Center for Economic Studies
U.S. Census Bureau
HQ-2K 133
4600 Silver Hill Road
Suitland, MD 20746
301-763-9810 Phone
301-763-4310 Fax
J_Trent_Alexander@census.gov (Email)

Processing Sites: Bowie Computer Center, Bowie, MD
Suitland Federal Reservation, Suitland, MD

5. The parties mutually agree that the following named individual will be designated as "point of contact" for the Agreement on behalf of the DHS/OPQ.

Chief, Office of Performance and Quality
US Citizenship and Immigration Services
Phone No.: (202) 272-1256
Email: Michael.L.Hoefler@uscis.dhs.gov

6. In furnishing the data files specified in item 7, the DHS/OPQ relies upon the Census Bureau's representation and warranty that such data files will be used solely for the purposes of developing benchmark statistics for the components of net international migration which are vital to the Census Bureau's Population Estimates and Population Projections Programs, and to inform immigration research at the Census Bureau.

The Census Bureau represents and warrants further that, the Census Bureau shall not disclose, release, reveal, show, sell, rent, lease, loan, or otherwise grant access
to the original data covered by this Agreement to any unauthorized person or entity. The Census Bureau agrees that within the Census Bureau organization, access to the original data covered by this Agreement shall be limited to the minimum number of individuals necessary to achieve the purpose stated in this section.

7. The DHS/OPQ shall prepare and forward to the Census Bureau on DVD/CD ROM that is compacted with WinZip and password protected the following specific data file:

- **Legal Permanent Resident (LPR) File**

The request for the LPR data is for the period of Federal Fiscal Year (FY) 2015 (starting on October 1, 2014) to FY 2019 (ending on September 30, 2019). These data will be supplied annually on encrypted DVD/CD-ROM. For each subsequent year, a request will be made for an annual file. File updates will be requested where applicable.

Data elements included on these files are provided in the standard file layouts in Attachment 2. Notwithstanding any other provisions of this Agreement, the records shall be treated in a manner that will assure that individually identifiable data will be used only for statistical purposes and will be accessible only to authorized persons. Authorized persons include Census Bureau employees and individuals with Census Special Sworn Status, (including contract employees) who are working on projects approved by the Census Bureau, and have sworn the Census Bureau's oath of confidentiality.

8. The parties mutually agree that the aforesaid files, and any derivative files that contain identification of individuals may be retained by the Census Bureau for 10 years after receipt. This complies with the Census Bureau's record retention schedule that states that the retention period for original files from outside sources be destroyed when 2 years old or as contract specifies. The Census Bureau agrees to notify the DHS/OPQ within 30 days of the completion of the purpose specified in item 6 if the purpose is completed before this aforementioned retention period. Upon such notice or at the end of the above-mentioned retention date, whichever occurs sooner, the Census Bureau will destroy such data. When the Census Bureau destroys the data, the Census Bureau agrees to certify the destruction of the files in writing within 30 days of receiving the DHS/OPQ's instructions. A statement certifying this action must be sent to the DHS/OPQ. The Census Bureau agrees that no data from the DHS/OPQ records, or any parts thereof, shall be retained when the aforementioned files are destroyed unless authorization in writing for the retention of such files has been received from the point of contact as identified in item 5 of this Agreement. The Census Bureau acknowledges that stringent adherence to the aforementioned retention period is required, and that the Census Bureau shall ask the DHS/OPQ for instructions under this paragraph if instructions have not been received within 30 days after the retention period ends.

The extended retention period of 10 years is requested in order to allow for
research and development of longitudinal modeling techniques and survey validation associated with the creation of estimates of the net migration of the foreign-born, and benchmark estimates of the foreign-born by legal status. Aggregate statistics modeled from records provided by the DHS/OPQ and other agencies will be applied to the Census Bureau estimates of the net migration of the foreign-born in order to improve existing methodology.

9. The Census Bureau agrees to establish appropriate administrative, technical, and physical safeguards to protect the confidentiality of the data supplied by DHS/OPQ and to prevent unauthorized use of, or access to it. The safeguards shall provide a level and scope of security that is not less than the level and scope of security established by the Office of Management and Budget (OMB) in OMB Circular No. A-130, Appendix III, Security of Federal Automated Information Systems, and the E-Government Act of 2002 which sets forth regulations and guidelines for security documentation for automated information systems in Federal agencies.

The Census Bureau acknowledges that the use of unsecured telecommunications, including the Internet, to transmit individually identifiable or deducible information derived from the file(s) specified in item 7 is prohibited. Further, the Census Bureau agrees that the data must not be physically moved or transmitted in any way from the site(s) indicated in item 4 without prior written approval from the DHS/OPQ.

The Census Bureau maintains secure computer facilities located in secured buildings at the Bowie Computer Center, in Bowie, Maryland and secured facilities at Census Headquarters on the Suitland Federal Reservation in Suitland, Maryland. Computer systems that will store the DHS/OPQ data are located at the Bowie Computer Center.

Security guards and electronic card keys control access to the Bowie and Suitland facilities. Controls on the computers are outlined in sensitive security plans CEN01 Data Communications, CEN11 Demographic Census, Surveys, and Special Processing, CEN16 Network Services, and CEN17 Client Services. Access to the computer databases is strictly limited to authorized individuals for the uses described above.

The Bowie Computer Center is connected to Census Headquarters via dedicated fiber cable (dark fiber). The Census Bureau controls both ends of the circuit. This allows for secure transmission of data without encryption. Analysts and programmers at Census Headquarters access data stored on computer systems in the Bowie Computer Center via these lines. Access controls on all the computers include individual accounts with unique passwords as well as Access Control Lists.

The Census Bureau computer systems follow (but are not limited to) the requirements of the E-Government Act of 2002, Section 3544, which describes
Federal Agency responsibilities for providing information security protections are commensurate with the risk and magnitude of harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of information collected or maintained by or on behalf of the agency, and information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency. This includes conforming to the standards and scope of security established in OMB Circular A-130, Appendix III, which establishes computer security plans for sensitive systems using the U.S. Department of Commerce "NIST SP 800-18, "Guide for Developing Security Plans for Federal Information Systems Rev.1 (February 2006)," and meeting the minimum requirements of the "Recommended Security Controls for Federal Information Systems, NIST SP 800-53 Rev.1, December 2006."

Notwithstanding the preceding paragraph or other provisions of this Agreement, the Census Bureau understands and agrees that no individual entity shall be identified in publicly released information.

Any user aware that personally identifiable information received from DHS/OPQ under this Agreement/DUA may have been lost or disclosed to any unauthorized persons must notify Chief, DHS/OPQ, at (phone no.) or (email address) and the BOC CIRT at 301-763-5141 (7:30 am to 5:00 pm, 1-877-343-2010 (anytime), or BOC.CIRT@census.gov within one (1) hour and to cooperate fully in the Federal security incident process.

10. The Census Bureau agrees that authorized representatives of the DHS/OPQ will be granted access to premises where the aforesaid files are kept for inspecting security arrangements to confirm whether the Census Bureau is in compliance with the security requirements specified in paragraph 9. Said access will be granted to the authorized representatives upon swearing the Census Bureau's oath of confidentiality.

11. The Census Bureau and DHS/OPQ further agree that the Census Bureau will provide full Title 13 confidentiality protection to identities of individuals in all the items derived from the files noted in item 7.

12. The inclusion of linkage of specific files in this Data Use Agreement approved in accordance with item 6, is considered express written authorization from the DHS/OPQ.

13. The Census Bureau understands and agrees not to extend the scope of use of the original data files beyond the uses described herein without prior written approval by the designated DHS/OPQ representative. The DHS/OPQ acknowledges that derivative products that no longer contain DHS/OPQ data items are not covered by this prohibition.
14. The Census Bureau agrees that in the event the DHS/OPQ determines or has a reasonable belief that the Census Bureau has made or may have made disclosure of information contained in the aforesaid file(s) without authorization by the DHS/OPQ Executive Director, the DHS/OPQ in its sole discretion and to the extent permitted by law, may require the Census Bureau to: (a) promptly investigate and report to the DHS/OPQ the Census Bureau's determinations regarding any alleged or actual unauthorized disclosure; (b) promptly resolve any problems identified by the investigation; (c) submit a formal response to an allegation of unauthorized disclosure; and (d) submit a corrective action plan with steps designed to prevent any future unauthorized disclosures. The Census Bureau understands that, as a result of the DHS/OPQ's determination or reasonable belief that unauthorized disclosures have taken place; the DHS/OPQ may refuse to release further DHS/OPQ data to the Census Bureau for a period of time to be determined by the DHS/OPQ or may unilaterally and immediately terminate this agreement.

15. The Census Bureau acknowledges that criminal penalties may be imposed:

- On a Census employee for wrongful disclosure of confidential Census information under Title 13, United States Code (U.S.C.), Section 214, as revised by Title 18, U.S.C., Section 3551 et seq., for a fine of up to $250,000, imprisonment of up to 5 years, or both.

- Under the Privacy Act (5 U.S.C. Section 552a(i)(1) and (3)) may apply, if it is determined that the Requestor or Custodian, or any individual employed or affiliated therewith, knowingly and willfully obtained the file(s) under false pretense and/or knowingly and willfully discloses the files(s). Any person found guilty under the Privacy Act shall be guilty of a misdemeanor and fined not more than $5,000.

- Under 18 U.S.C. Section 641, which provides that if it is determined that the Census Bureau, or any individual employed or affiliated therewith, has taken or converted to his own use data file(s) or received the file(s) knowing that they were stolen or converted, they shall be fined not more than $250,000 or imprisoned not more than ten (10) years, or both.

In addition, the Census Bureau may be subject to civil suit under the Privacy Act (5 U.S.C. Section 552a(g)) for damages which occur as a result of willful or intentional actions which violate an individual's rights under the Privacy Act.

Notwithstanding all other provisions of this Agreement, the Census Bureau understands and agrees to the following provisions:

a. This Agreement may be amended at any time by written mutual consent of both parties.

b. Either party may terminate this Agreement upon thirty (30) days' written
notice to the other party.

c. In the event of a dispute between the DHS/OIS and the Census Bureau regarding any part of this Agreement, the dispute may be submitted to non-binding arbitration upon the consent of both the DHS/OIS and the Census Bureau. An election for arbitration pursuant to this provision shall not preclude either party from pursuing any remedy for relief otherwise available.

16. By signing this Agreement, the Census Bureau agrees to abide by all provisions set out in this Agreement for protection of all information contained in the data file(s) specified in item 7, and acknowledges having received notice of potential criminal, administrative, or civil penalties for violation of the terms of the Agreement.

17. On behalf of the Census Bureau, the undersigned individual hereby attests that he or she is authorized to enter into this Agreement and agrees to all the terms specified herein.

Amy O’Hara
Chief, Center for Administrative Records
Research and Applications
U. S. Census Bureau

J. Trent Alexander
Assistant Center Chief for Research Support
Center for Economic Studies
U. S. Census Bureau

18. The Custodian, as named in paragraph 4, hereby acknowledges his/her appointment as Custodian of the aforesaid file(s) on behalf of the Census Bureau, and agrees personally and in a representative capacity to comply with all of the provisions of this Agreement on behalf of the Census Bureau.

19. On behalf of the Census Bureau, the undersigned individual hereby acknowledges that the aforesaid Federal agency sponsors or otherwise supports the Census Bureau’s request for and use of the DHS/OIS data, agrees to support the DHS/OIS in ensuring that the Census Bureau maintains and uses the DHS/OIS’s data in accordance with the terms of this Agreement, and agrees further to make no statement to the Census Bureau concerning the interpretation of the terms of this Agreement and to refer all questions of such interpretation or compliance with the terms of this Agreement to the DHS/OIS officials named in item 20 (or to his or her successor).
On behalf of the DHS/OPQ, the undersigned individual hereby attests that he or she is authorized to enter into this Agreement and agrees to all the terms specified herein.

Chief, Office of Performance and Quality
US Citizenship and Immigration Services
Department of Homeland Security

Enclosures:

Attachment 1: Census Bureau's File Specifications and Requirements for the LPR files
Attachment 2: File Format/File Layout for the LPR files
**Attachment 1**


### Legal Permanent Resident (LPR) files

<table>
<thead>
<tr>
<th>Geography:</th>
<th>National File</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Period:</td>
<td>All records entered or updated between:</td>
</tr>
<tr>
<td></td>
<td>October 1, 2013 and September 30, 2014*</td>
</tr>
<tr>
<td></td>
<td>October 1, 2014 and September 30, 2015*</td>
</tr>
<tr>
<td></td>
<td>October 1, 2015 and September 30, 2016</td>
</tr>
<tr>
<td></td>
<td>October 1, 2016 and September 30, 2017</td>
</tr>
<tr>
<td></td>
<td>October 1, 2017 and September 30, 2018</td>
</tr>
<tr>
<td></td>
<td>October 1, 2018 and September 30, 2019</td>
</tr>
</tbody>
</table>

| Delivery Dates: | November 15, 2015 (for both sets with asterisks) |
| | November 15, 2016 |
| | November 15, 2017 |
| | November 15, 2018 |
| | November 15, 2019 |

| Data Variables: | See Attachment 2 |

| Special Instructions: | Please make sure that the data and variable names/codes are consistent from year to year. |

| Transfer Media: | DVD/CD-ROM (encrypted) |
| | (Please e-mail Census Bureau Technical Contact Person with password) |

| Format: | ASCII |

| Documentation: | 1. Please include the latest codebook (digital preferred), record layout, record count, and the name and telephone number of a technical advisor, if we should have questions. |
| | 2. Include responses required in special instructions. |

| Delivery Method: | Traceable Delivery Service (Federal Express, UPS, etc.) |

| Mark Shipment: | DHS – LPR File |
| | **DVD/CD-ROM – DO NOT X-RAY** |
| | Please e-mail at the time of shipment. |

| Mailing Address for Shipments: | Ms. Vickie Kee |
| | U.S. Census Bureau |
| | CES/Research Support Area |
| | CES HQ-6H117 |
| | 4600 Silver Hill Road |
| | Suitland, MD 20746 |
| | Vickie.lynn.kee@census.gov |
| | Ces.dpg.list@census.gov |

| Census Bureau Technical Contact Person: | Ms. Vickie Kee |
| | 301-763-3071 |
| | 301-763-3072 (staff) |
## Attachment 2
### File Format/File Layout

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Position in Data File</th>
<th>Item Length</th>
<th>Variable Name</th>
</tr>
</thead>
<tbody>
<tr>
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<td>3</td>
<td>Class of admission</td>
</tr>
<tr>
<td>2</td>
<td>4-5</td>
<td>2</td>
<td>Class of admission by major category</td>
</tr>
<tr>
<td>3</td>
<td>6</td>
<td>1</td>
<td>Prime/Dependent</td>
</tr>
<tr>
<td>4</td>
<td>7</td>
<td>1</td>
<td>Type of immigrant</td>
</tr>
<tr>
<td>5</td>
<td>8-12</td>
<td>5</td>
<td>Country of citizenship</td>
</tr>
<tr>
<td>6</td>
<td>13-16</td>
<td>4</td>
<td>Year of birth</td>
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<tr>
<td>7</td>
<td>17-18</td>
<td>2</td>
<td>Month of birth</td>
</tr>
<tr>
<td>8</td>
<td>19-20</td>
<td>2</td>
<td>Day of birth</td>
</tr>
<tr>
<td>9</td>
<td>21-22</td>
<td>2</td>
<td>Age</td>
</tr>
<tr>
<td>10</td>
<td>23-27</td>
<td>5</td>
<td>Country of birth</td>
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<tr>
<td>11</td>
<td>28-30</td>
<td>3</td>
<td>Occupation</td>
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<tr>
<td>12</td>
<td>31-35</td>
<td>5</td>
<td>Country of last residence</td>
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<td>37</td>
<td>1</td>
<td>Gender</td>
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<tr>
<td>15</td>
<td>38-39</td>
<td>2</td>
<td>In care of Address – State</td>
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<tr>
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<td>40-44</td>
<td>5</td>
<td>In care of Address – ZIP Code</td>
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<tr>
<td>17</td>
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<td>3</td>
<td>Last Nonimmigrant class of admission</td>
</tr>
<tr>
<td>18</td>
<td>48-51</td>
<td>4</td>
<td>Last Nonimmigrant year of admission</td>
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<tr>
<td>19</td>
<td>52-55</td>
<td>4</td>
<td>Decision Date Year</td>
</tr>
<tr>
<td>20</td>
<td>56-57</td>
<td>2</td>
<td>Decision Date Month</td>
</tr>
</tbody>
</table>

**Total Length=57**

**IMPORTANT NOTE:** Please provide consistent country codes from year to year. In the previous files, country codes were not always coded consistently, e.g., Serbia was coded as “SERBI” and also as “SRBIA” resulting in data processing problems.
MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY’S
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
AND
THE DEPARTMENT OF COMMERCE’S U.S. CENSUS BUREAU
REGARDING
THE SHARING OF CITIZENSHIP DATA
FOR RESEARCH AND OPERATIONS TO IMPROVE DATA COLLECTION
AND RECORD LINKAGE METHODS FOR SURVEYS AND DECENNIAL
CENSUSES

Agreement No. 2064-FY19-NFE-0205

1. PARTIES AND PURPOSE

This Memorandum of Understanding (MOU) establishes an agreement between the U.S. Census Bureau (Census Bureau), a component of the U.S. Department of Commerce (DOC), and the U.S. Citizenship and Immigration Services (USCIS), a component of the U.S. Department of Homeland Security (DHS) (hereinafter known as “the Parties.”), for the transfer of U.S. citizenship naturalization and legal permanent resident data from USCIS to the Census Bureau.

The Census Bureau will use the data for research and operations to improve data collection and record linkage methods for surveys and decennial censuses. The Census Bureau will also utilize USCIS data to provide new and improved estimates of population characteristics related to citizenship. This MOU is intended to govern the exchange, use, safeguarding, control, and ownership of data exchanged between DHS/USCIS and DOC/Census Bureau to support the Census Bureau’s analytical and statistical needs. This MOU is intended to assist each Party in its respective responses to any potential Congressional requests and set mission related goals and priorities where authorized by statute, regulation, Executive Order, or Office of Management and Budget (OMB) mandates which will proceed through the authorized points of contact as described below.

2. AUTHORITY

The authorities that authorize or support this MOU are:

- 13 U.S.C. § 6;
- 6 U.S.C 112(b)(2);
- 5 U.S.C. § 552a, Privacy Act of 1974; to include relevant system of records notices (SORNs), as described in Appendix C.
• National Institutes of Standards and Technology (NIST) SP 800-47, Security Guide for Interconnecting Information Technology Systems;

• NIST SP 800-61 - Computer Security Incident Handling Guide;

• OMB Circular A-130 Appendix I, Responsibilities for Protecting and Managing Federal Information Resources;

• DHS Privacy Incident Handling Guidance;

• DHS Handbook for Safeguarding Sensitive Personally Identifiable Information

• DHS Privacy Policy Guidance Memorandum 2017-01 “DHS Privacy Policy Regarding Collection, Use, Retention, and Dissemination of Personally Identifiable Information”

• DHS policies regarding disclosure of Section 1367, Asylum, and Refugee information;


• GPRA Modernization Act of 2010, Pub. L. No. 111-352;

• OMB Circular A-123, “Management’s Responsibility for Enterprise Risk Management and Internal Control, and Appendices to Management’s Responsibility for Internal Control” and OMB Memoranda M-16-17, “OMB Circular A-123, “Management’s Responsibility for Enterprise Risk Management and Internal Control” (July 15, 2016) (see also OMB Memoranda M-17-26);

• OMB Memoranda M-15-15, “Improving Statistical Activities through Interagency Collaboration” (July 8, 2015);

• OMB Memoranda M-17-12. “Preparing for and Responding to a Breach of Personally Identifiable Information” (Jan. 3, 2017);

3. INFORMATION TO BE SHARED

Pursuant to this MOU, USCIS will transfer citizenship and legal permanent resident (LPR) records to the Census Bureau, with the exception of records pertaining to individuals protected by 8 U.S.C. § 1367 (individuals who applied for and/or received T nonimmigrant status (victims of trafficking), U nonimmigrant status (certain victims of criminal activity), or benefits under the Violence Against Women Act). USCIS also will not provide records pertaining to other classes of applicants subject to heightened confidentiality provisions that would not allow the sharing of such data, if such data cannot be shared in a way that
complies with any such restrictions. This is described more fully below. The specific data
elements are outlined in Appendix B, and the applicable system of records notices in
Appendix C. The Parties agree to the following sharing:

a. USCIS agrees to:

i. Transfer to the Census Bureau via a secure File Transfer Protocol (FTP) or
appropriately encrypted CD-ROM or DVD-ROM or other agreed-upon file
transfer mechanism, data from USCIS as described in the Statement of Work
in Appendix B with a cut date of April 1, 2018, with refreshes of this data as
of April 1, 2019, and April 1, 2020. Data will be transferred as soon as
possible after this cut date.

ii. Provide adequate documentation and support of transferred files for the
Census Bureau to be able to interpret the data for the uses permitted in this
agreement; including a record layout, record count, record length and data
dictionary.

iii. Allow the Census Bureau to use its record linking processes to assign, where
possible, person and address identifiers to each record in USCIS data.

iv. Allow the Census Bureau staff and SSS researchers to use USCIS data for the
projects listed in Appendix A and for additional projects as approved in
writing by both Parties (to be documented in Appendix A).

b. The Census Bureau agrees to:

i. Permit access to the administrative data transmitted by USCIS only to the
Census Bureau staff and SSS researchers for the projects listed in Appendix A
or those approved in writing by both Parties.

ii. Notify USCIS staff when the transfer of the data is completed successfully or
whether transfer cannot be carried out.

iii. Ensure data transmission and storage is conducted in accordance with the
provisions of OMB Memorandum 06-16.

Additional data exchanges and/or technical arrangements (e.g., for transferring data by new
channels or protocols) that are not covered by this MOU or the current Appendices, may be
memorialized in Appendix A. Adding new data elements will require the written consent of
the Parties' designated points of contact and will be permitted only to the extent that such
additional sharing is authorized by law.
4. LIMITATIONS ON THE DISCLOSURE AND USE OF INFORMATION

All data that USCIS agrees to provide the Census Bureau remains confidential. To the extent provided by law, confidentiality of this data will be maintained under Title 13 U.S.C § 9, and the Privacy Act, 5 U.S.C. § 552a. To the extent provided by law, only Census Bureau staff and those with Special Sworn Status ("SSS") participating in the research projects contemplated in this agreement will have access to the data. All provisions in the MOU apply both to Census Bureau staff and individuals with SSS. Access shall be limited to the minimum number of individuals necessary. The Census Bureau represents and warrants further that the Census Bureau shall not disclose, release, reveal, show, sell, rent, lease, loan, or otherwise grant access to the original data covered by this MOU to any unauthorized person or entity. Any data, records, or other information shared through this research agreement are protected from unauthorized disclosure and shall be used solely for statistical purposes and not for program or administrative enforcement. The Census Bureau will link USCIS data to census data, survey data and administrative records data. To the extent provided by law, the Census Bureau will recognize USCIS as the owner of the original data in the form that it is delivered to the Census Bureau, prior to its integration with confidential Census data.

Public releases of Census Bureau produced work products related to these data provided by USCIS may not contain personally-identifiable information (PII) or other any other information that permits the identification of any individual respondents, businesses, organizations, or institutions. Published results will meet Census Bureau disclosure avoidance guidelines. Further terms and conditions on the review of such results by DHS prior to publication and disclosure are described below.

Additionally, to the extent that information exchanged pursuant to this MOU is subject to the Privacy Act, and or pursuant to the Judicial Redress Act of 2015 (JRA) as applicable, the Census agree to comply with the provisions of these statutes including, as appropriate, disclosure to personnel who have an official need to know and disclosures pursuant to applicable exemptions and routine uses. Consistent with this MOU, Census agrees to also comply with their respective applicable civil liberties protection policies. Census acknowledges that the use and disclosure of the data and other information provided by the USCIS under this MOU may also be subject to limitations under immigration and other law, including:

- Applications for Special Agricultural Workers pursuant to INA § 210(b), 8 U.S.C § 1160(b), and implementing regulations at 8 C.F.R. § 210.2(e);

- Applications for Legalization pursuant to INA § 245A(c), 8 U.S.C. § 1255a(c), and implementing regulations at 8 C.F.R. § 245a.2(t);
• Temporary Protected Status (TPS), INA § 244(c)(6), 8 U.S.C. § 1254a(c)(6), and implementing regulations at 8 C.F.R. §§ 244.16, 1244.16;

• Certain information provided by an alien spouse or child in the context of a petition to remove conditions on the alien's lawful permanent resident status. INA § 216(c)(4), 8 U.S.C. § 1186a(c)(4), and implementing regulations at 8 C.F.R. §§ 216.5(e)(3)(viii), 1216.5(e)(3)(viii);

• Confidential information as described in INA § 235(c)(2), 8 U.S.C. § 1225(c)(2);

• Information relating to beneficiaries of T and U nonimmigrant status for victims of severe forms of trafficking in persons or other serious criminal activity and information relating to Violence Against Women Act (VAWA) self-petitioners and battered spouses and children applying for cancellation of removal. 8 U.S.C. § 1367;

• Names and identifying information of trafficking victims and their family members for trafficking victims in federal custody. 22 U.S.C. § 7105(c)(1); 28 C.F.R. § 1100.31(d)(2);

• Maintenance of accuracy and integrity of entry and exit data system. 8 U.S.C. § 1365b(f);

• Information contained in or pertaining to any application for asylum (including for withholding of removal under INA § 241(b)(3), 8 U.S.C. § 1231(b)(3), or withholding or deferral of removal under the Convention Against Torture), or records pertaining to any credible fear or reasonable fear determinations. 8 C.F.R. §§ 208.1(a)(1), 1208.1(a)(1), 208.6, and 1208.6. As a matter of policy, information contained in or pertaining to any application for refugee status; and

• Other limitations, and the terms and conditions set forth in relevant systems of records notices.

The Census Bureau agrees it may only use the data in accordance with the provisions specified in this MOU. The Census Bureau may disclose information obtained pursuant to this MOU to other organizations or entities only in accordance with the authorized uses of and under the same protections as described within this MOU. The Census Bureau will not disclose “raw” USCIS data (data that has not been anonymized). To the extent that the Census Bureau receives a Freedom of Information Act (FOIA) request for raw data supporting published outcomes which was obtained from DHS, the Census Bureau shall consult with DHS, and advise the requester to seek records directly from the other Party.
Disclosure Avoidance Review of Statistical Products

Title 13, Section 9 of the United States Code (U.S.C.) further requires the Census Bureau to keep confidential and the information collected from the public under the authority of Title 13. Section 214 of Title 13, U.S.C., and Sections 3551, 3559 and 3571 of Title 18, U.S.C., provide for the imposition of penalties of up to five years in prison and/or up to $250,000.00 in fines for wrongful disclosure of confidential census information.

Disclosure avoidance is the process for protecting the confidentiality of data, as required under Title 13 U.S.C. A disclosure of data occurs when someone can use published statistical information to identify an individual who has provided confidential information under a pledge of confidentiality. For data tabulations, the Census Bureau uses disclosure avoidance procedures to modify or remove the characteristics that put confidential information at risk for disclosure. Although a published table may appear to show information about a specific individual, the Census Bureau has taken steps to disguise or suppress the original data, while making sure the results are still useful. The techniques used by the Census Bureau to protect confidentiality in tabulations vary, depending on the type of data.

Noise infusion is the Census Bureau's preferred disclosure avoidance technique. By policy, noise infusion is applied to all data products that are reported with geographies smaller than a state. Noise infusion may be required for microdata releases, depending on the characteristics of the microdata and the specific variables that are to be released. Data that cannot be publicly released may still be analyzed within the Federal Statistical Research Data Centers (FSRDCs) by individuals who have Special Sworn Status; the results of such analyses must still go through a disclosure avoidance process prior to being publicly released.

The parties understand that Title 13 confidentiality protection and disclosure avoidance techniques apply to all work described in this agreement. The disclosure avoidance disclosure methods are defined by the Census Bureau who has the responsibility of carrying out that work. Accordingly, upon completion of the tabulation, the data produced must be reviewed by the Census Bureau to ensure that no identifiable Title 13 data are or may be disclosed. Should the Census Bureau’s Disclosure Review Board (DRB) determine that the requested statistical product does or reasonably could result in such disclosure, then the data product will be modified prior to approval for release to the Party(ies) of this agreement. The DRB must approve before a research product can be released to an individual who does not have Special Sworn Status (SSS) and a need to know, or moved to a computer not approved for controlled data according to Census’ existing policies and procedures.
5. RESPONSIBILITIES

A. DATA. The Parties will adhere to the technical standards, business processes, and privacy protection mechanisms required under the Privacy Act, the Judicial Redress Act, relevant Privacy Impact Assessments, limitations under immigration and other law, and applicable privacy and security policies that are related to the sharing of U.S. Government data, including that maintained in a Privacy Act System of Records.

B. USE. The information made available in accordance with this MOU will be accessed only for authorized purposes as stated in this MOU and the accompanying Appendices. Furthermore, the data exchanged pursuant to this MOU and the accompanying Appendices is only intended to be used for statistical purposes and to conduct statistical analyses for business improvement. A statistical analysis is the examination, summarization, and interpretation of data samples and populations in an effort to discover trends and relationships. As a result, it does not merit the examination of individual cases to extract information or to draw generalizable conclusions about a population. Census shall take all appropriate measures to understand and properly interpret such data, including engaging in good faith discussions with USCIS to understand the data definitions and limitations and the intended analysis and its scope.

The Census Bureau agrees to not release USCIS data to other Commerce components, and agrees to only use the DHS data for authorized analytical, statistical, and statistical purposes.

C. REVIEW and FOIA. DHS/USCIS is permitted to review Census Bureau draft reports based primarily on USCIS data and any disclosure of these reports prior to publication or disclosure. The Census Bureau seeking to disclose such information shall identify the nature of the data or report and provide to USCIS at least seven (7) business days prior to release. Further, any FOIA requests for DHS data subject to this MOU should be sent to USCIS’s FOIA Office for proper processing, and shall include details of the nature of the FOIA request and identify the requestor, including their contact information.

D. TECHNOLOGY. The Parties are committed, based on the availability of resources, to updating the information technologies employed to implement this MOU and to ensure that their systems remain efficient and compatible as data volumes increase and more advanced technologies become available. The Parties agree to discuss needs, requirements, and priorities at least annually to work toward the common purpose of improved governmental efficiency.

E. SUPPORT. The Parties will assist each other through established liaisons to support inquiries on data and technical problems. The Parties will notify each other on a yearly basis regarding updated points of contact for this purpose.
F. PRIVACY. The collection, use, disclosure, and retention of PII shall be limited to that which is necessary for Census purposes as set forth in this MOU, pursuant to the Privacy Act. PII shall be protected by administrative, technical, and physical safeguards appropriate to the sensitivity of the information, in conformance with the Privacy Act and the Fair Information Practice Principles (FIPPs). PII will not be shared and used for individual determinations. PII is being exchanged only for the authorized statistical and mission related purposes noted herein.

G. DATA QUALITY. All information, to include PII shared under this MOU shall, to the extent feasible, be as accurate, complete, and current as necessary for the purposes identified in this MOU. Census acknowledges that the data is not received in real time, but rather are snapshots of data produced at specified points in time to be used by Census to derive analysis necessary for statistical purposes. In addition, Census, upon discovery of data quality errors in USCIS data will promptly notify USCIS so that corrective action may be taken, if and as necessary. Failure to notify USCIS regarding data quality errors may result in a suspension of the MOU.

H. TRAINING ON DATA HANDLING. Census shall ensure that its employees, contractors, and detailees with access to USCIS data receive appropriate training on the specific use and purpose in sharing this data as well as training on privacy compliance, the handling of PII, the confidentiality of records, the safeguards required to protect the information, criminal and civil sanctions for noncompliance imposed under the Privacy Act and other applicable Federal laws, and civil rights and civil liberties protections, including the special confidentiality protections afforded under immigration and privacy law and policy to certain classes of aliens such as T, U, VAWA, TPS, and asylum and refugee applicants and beneficiaries.

I. RECORDS STORAGE AND RETENTION. Census shall store all information exchanged in systems that ensure protection of the information. All information shall be retained in accordance with the Census’ own internal retention schedules. In no instance will the retention period for any data item exceed the maximum period permissible by applicable legal and regulatory requirements or official retention policies. Census will dispose of the information accessed under this MOU in accordance with its own records retention authorities and policies, as well as applicable laws and regulations, whichever is shorter.

To the extent permitted by federal law, the original data received from USCIS and any

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derivative files that contain identification of individuals such as name, Alien Number or Social Security Number will be retained by the Census Bureau after receipt for a maximum of two (2) years. Any revisions to the data retention timetable after the execution of this agreement will be stated in writing as an amendment to this agreement. The original USCIS data will be expunged from Census Bureau systems, so long as such expungement is not inconsistent with federal records retention law. This complies with the Census Bureau’s record retention schedule that states that the retention period for original files from outside sources be destroyed when 2 years old or as contract specifies. The Census Bureau agrees to notify USCIS within 30 days of the completion of research if the purpose is completed before this aforementioned retention period.

Upon such notice or at the end of the above-mentioned retention date, whichever occurs sooner, the Census Bureau will destroy such data. When the Census Bureau destroys the data, the Census Bureau agrees to certify the destruction of the files in writing within 30 days of receiving USCIS’s instructions. A statement certifying this action must be sent to USCIS. The Census Bureau agrees that no data from USCIS records, or any parts thereof, shall be retained when the aforementioned files are destroyed unless authorization in writing for the retention of such files has been received from the point of contact as identified in this MOU. The Census Bureau acknowledges that stringent adherence to the aforementioned retention period is required, and that the Census Bureau shall ask USCIS for instructions under this paragraph if instructions have not been received within 30 days after the retention period ends.

J. SECURITY. To prevent the unauthorized disclosure, copying, use, or modification of information provided under this MOU, Census agree to restrict access to such information on a need to know basis and to use recognized security mechanisms such as passwords, encryption, or other reasonable safeguards to prevent unauthorized access. Census shall comply with its internal Department and agency security policies as well as any higher level requirements and reconcile any contradictory internal security policies so as to allow for appropriate and secure operations. The Parties’ security program managers shall review this MOU to ensure that it is implemented in a manner that addresses all relevant security concerns. DHS will retain control over access to their data and can suspend such access for failure to resolve breaches or suspected breaches of the restrictions.

The Census Bureau assumes an obligation to keep all data received from other federal and state agencies and commercial entities in confidence and to use the data for statistical purposes only in accordance with the provisions of Title 13, United States Code. Per the Federal Cybersecurity Enhancement Act of 2015, these data are protected from cybersecurity risks through screening of the systems that transmit the data. Upon receipt, all data acquired as a result of this interagency agreement will be treated as if they have, at a minimum, protection at the appropriate risk level in accordance with the National
Institute of Standards and Technology (NIST) Federal Information Processing Standards (FIPS) 200 and Special Publication 800-60r1.


All information and information systems are categorized in accordance with NIST FIPS 199 “Standards for Security Categorization of Federal Information and Information Systems” and NIST Special Publication 800-60r1 “Guide for Mapping Types of Information and Information Systems to Security Categories: (2 Volumes) - Volume 1: Guide Volume 2: Appendices.” Security controls and subsequent assessments are done based on the final categorization.

Cloud providers must be approved for at least moderate level information through the GSA FedRAMP process prior to acquiring any services. Census Bureau identifies, assesses and authorizes use based on the published FedRAMP results and an assessment of any Census Bureau (customer provided) controls implemented to protect the infrastructure and data. Security reporting on cloud providers is reported to the Department of Commerce on a regular basis under FISMA.

K. BREACHES AND/OR UNAUTHORIZED ACTIVITY. In the event of a breach or unauthorized activity affecting data shared under this MOU, Census will immediately report to and consult with the USCIS. Census will provide notice, written unless otherwise specified, of any unauthorized activity or breaches. A breach is defined as: (a) the loss of control, compromise, unauthorized disclosure, unauthorized acquisition, unauthorized access, or any similar occurrence where (1) a person other than an authorized user accesses or potentially accesses PII or (2) an authorized user accesses or potentially access PII for an other than authorized purpose. The term encompasses both confirmed and suspected incidents involving PII which raise a reasonable risk of harm; and/or any violation of any of the terms of this MOU. Unauthorized activity may encompass access, use, dissemination, storage, or disposal of the data covered by this MOU.

Such notice is to be provided to the USCIS Point of Contact listed in this MOU within one hour of when the Census Bureau first learns of the breach or unauthorized activity.
The Census Bureau must report any incident within an hour to the DHS Point of Contact listed in this MOU via email to dhssesoc@hq.dhs.gov. The Parties agree to cooperate with any Party’s investigation or auditing of such breaches and measures taken in response to same. The Parties shall also take other action as required in regard to unauthorized activity or breaches in compliance with applicable laws and regulations, including OMB M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information.”

L. AUDITING. Both parties will work together to develop review standards to conduct annual self-audits of their compliance with the provisions of this Agreement. This includes Census auditing the functioning of the anonymization process. The results of the self-audits will be provided to the other Party.

M. ONSITE INSPECTION. DHS reserves the right to make onsite inspections and to monitor and review all records and documents related to the suspected or confirmed improper use of DHS data shared under this MOU or suspected or confirmed breaches of DHS data held by Census, during the lifetime of this agreement or during any extension of this agreement.

6. DURATION OF AGREEMENT, AMENDMENTS, AND MODIFICATIONS

This agreement is effective on the date on which it is signed by both Parties. The agreement shall terminate three (3) years following the date on which it becomes effective. If, at the end of three (3) years, the Parties wish to continue the relationship, they must execute a new agreement.

Notwithstanding all other provisions of this agreement, the Parties agree that:

a. This agreement may be amended at any time by written mutual consent of both parties.

b. Either Party may terminate this agreement upon thirty (30) days written notice to the other Party.

The Parties shall designate responsible officials to meet at least annually, or sooner upon the request of either Party, to discuss and review the implementation, modification, periodic validation, or amendment of this MOU and its appendices. The results of such discussions or reviews shall be exchanged between the Parties with the DHS Officer for Civil Rights and Civil Liberties and the DHS Chief Privacy Officer receiving information on behalf of DHS and the DOC/Census Bureau Senior Component Official for Privacy receiving information on behalf of the Census Bureau. However, failure of the Parties to comply with this meeting requirement will not result in the termination of the MOU. Modification or amendment of this MOU shall be upon mutual, written consent of the Parties.

USCIS may suspend the MOU for failure by the Census Bureau to resolve breaches or unauthorized activities described in section VII. K (above), or failing to meet the security
requirements described in section VII, (J) (above). or for failures to resolve questions involving data quality described in section VII, G (above), until either the breach or failure is resolved to the satisfaction of USCIS. Any proposed changes to the MOU shall first be reviewed by the Parties and shall require execution of an addendum or a new MOU. Unless terminated by either Party upon thirty (30) days written notice to the other, this MOU shall remain in full force and effect. Notwithstanding termination of this MOU, and unless otherwise agreed through mutual written consent of the Parties in accordance with existing privacy requirements, all provisions regarding the protection of records, including data privacy and confidentiality, shall remain in effect as long as the Census Bureau retains possession of any such records or data obtained from USCIS through this MOU.

The dissemination and use of publicly-released reports, articles, and other products derived in whole or in part from USCIS data will not be discontinued due to the expiration or termination of this agreement. Furthermore, the use of records with linkage identifiers and USCIS data linked to other data as part of the projects described in Appendix B will not be discontinued due to expiration or termination of this agreement.

To promote organizational transparency, and in support of data discovery for current and future research projects, the U.S. Census Bureau posts non-sensitive data documentation to public-facing websites. This documentation, such as a record layout or data dictionary, can include file descriptions, variable lists, variable labels and valid values for each variable.

7. RESOLUTION OF DISAGREEMENTS

Should disagreement arise on the interpretation of the provisions of this agreement, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Party and presented to the other Party for consideration. If agreement on interpretation is not reached within thirty (30) days, the Parties shall forward the written presentation of the disagreement to respective higher officials for appropriate resolution.

Under the Inspector General Act of 1978, as amended, 5. U.S.C. App. 3, a review of this agreement may be conducted at any time. The Inspector General of the Department of Commerce, or any of his or her duly authorized representatives, must be sworn in under 13 U.S.C. Section 23(c), and shall have access to any pertinent books, documents, papers and records of the Parties to this agreement, whether written, printed, recorded, produced, or reproduced by any mechanical, magnetic or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law.

8. POINTS OF CONTACTS

The Parties mutually agree that the following named individuals will be designated as points of contact for the agreement on behalf of USCIS and the Census Bureau, respectively:

USCIS POC:

12
Katherine Lotspeich  
Deputy Chief  
Office of Performance and Quality  
U.S. Citizenship and Immigration Services  
111 Massachusetts Ave. NW, Suite 300  
Washington DC, 20529  
202 272-9763  
Katherine.Lotspeich@uscis.dhs.gov 

Census Bureau POC: 

Michael Berning  
Assistant Division Chief  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
4600 Silver Hill Rd  
Washington, DC 20233  
(301) 763-2028  
michael.a.berning@census.gov 

The Parties mutually agree that the following named individual is designated as "Custodian" of the files on behalf of the Census Bureau and will be personally responsible for the observance of all conditions of use and for establishment and maintenance of security arrangements as specified in this Agreement to prevent unauthorized use. The Census Bureau agrees to notify USCIS within fifteen (15) days of any changes of custodianship. The parties mutually agree that USCIS may disapprove the appointment of a custodian or may require the appointment of a new custodian at any time. 

Census Bureau Custodian: 

Michael Berning  
Assistant Division Chief  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
4600 Silver Hill Rd  
Washington, DC 20233  
(301) 763-2028  
michael.a.berning@census.gov
9. INTERPRETATION AND SEVERABILITY

Nothing in this MOU is intended to conflict with current law or regulation. If a term of this MOU is inconsistent with such authority, then that term shall be invalid to the extent of the inconsistency, but the remaining terms and conditions of this MOU shall remain in full force and effect.

10. NO PRIVATE RIGHT OR CAUSE OF ACTION

This MOU is an agreement between DHS/USCIS and DOC/Census Bureau. It does not create or confer any right or benefit, of any kind, either substantive or procedural, that may be enforceable by any third party against the Parties, the United States, or the officers, employees, agents, or associated personnel thereof. Nothing in this MOU is intended to restrict the authority of either Party to act as provided by law, statute, or regulation, or to restrict any Party from administering or enforcing any laws within its authority or jurisdiction.

11. FUNDING

This MOU is not an obligation or commitment of funds, nor does it serve as a basis for transfer of funds. Unless otherwise agreed to in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable appropriations, laws, regulations, and policies. The Parties expressly acknowledge that this in no way implies that Congress will appropriate funds for such expenditures.
12. APPROVALS

The foregoing represents the agreement reached by DHS/USCIS and DOC/Census Bureau.

On behalf of the Census Bureau, the undersigned individual hereby attests that he or she is authorized to enter into this Agreement and agrees to all the terms specified herein.

Kevin Deardorff  
Chief, Economic Reimbursable Surveys Division  
U.S. Census Bureau

On behalf of USCIS, the undersigned individual hereby attests that he or she is authorized to enter into this Agreement and agrees to all the terms specified herein.

Matthew Graviss  
Chief Data Officer, Office of Performance and Quality  
U.S. Citizenship and Immigration Services
APPENDIX A

DESCRIPTION OF APPROVED RESEARCH PROJECTS

1. Evaluation and Improvement of Citizenship Information in Demographic Surveys and Censuses

The Census Bureau is developing the capability to measure the citizen voting age population by race and ethnicity at the block level via linking citizenship information from administrative records to Census microdata files. The Census Bureau hosts SSA Numident and IRS ITIN files containing citizenship information that could potentially be used for this purpose. It is unknown how quickly the SSA Numident is updated when persons are naturalized, however. The Census Bureau would like to investigate the timeliness of the Numident and IRS data by comparing them to other sources covering naturalized U.S. citizens and noncitizen U.S. residents. These other sources can also fill coverage gaps in the SSA (which does not contain citizenship status for those individuals applying for an SSN prior to 1972) and IRS data (which does not contain citizenship status information for noncitizens who do not need to file an IRS tax return). The Census Bureau will conduct research and evaluations of data quality of its own household survey responses to the citizenship question with naturalization and noncitizen resident administrative records. The Census Bureau will also conduct research that informs the Bureau’s understanding of the relationship between citizenship and other core demographic and socioeconomic aspects of migration, labor markets, and household wellbeing using the enhanced citizenship categorizations developed under this project.

2. Evaluation and Improvement of Demographic Surveys Using State and Federal Administrative Records

The U.S. Census Bureau administers multiple household and business surveys that are designed to characterize the program participation characteristics of the U.S. population. This project will evaluate the accuracy of such survey data, explore the determinants of misreporting and the impact of misreporting on estimates of population characteristics. This project will also evaluate and improve current procedures for editing and/or imputing survey and decennial data related to citizenship and permanent resident status. The project will also use USCIS data to investigate survey frame coverage, survey effects and survey nonresponse.

This project will focus on evaluating and improving the measurement of citizenship, migration, and legal residency status in the 2020 Decennial Census, the American Community Survey (“ACS”), the Current Population Survey (“CPS”) and the Survey of Income and Program Participation (“SIPP”).
This project will include additional studies that use administrative records from state and federal programs (including USCIS data) and/or Census Bureau survey data, and that can inform the Census Bureau about the quality of its data products and the feasibility of using administrative records to improve Census Bureau data products. These additional studies could include linkages to surveys conducted by the National Center for Health Statistics (NCHS), and linkages to datasets created from joint statistical projects between the Census Bureau and NCHS, the USDA Economic Research Service, the Bureau of Justice Statistics, the Department of Health and Human Services and the Department of Veterans Affairs.

3. Improve Census Bureau Record Linkage Methods

The Census Bureau’s Person Identification Validation System ("PVS") uses administrative records from a variety of sources to assign, where possible, unique person identifiers to each record in its surveys, Censuses and administrative records. However, coverage for some populations may be incomplete in the PVS. Incomplete coverage in the PVS would have important implications for the Census Bureau’s ability to evaluate and improve its data products using administrative records. The use of the naturalization and noncitizen administrative records will permit an assessment of the coverage completeness in PVS while improving upon coverage in the PVS.

4. Research, Testing and Operations for the 2020 Census

The Census Bureau intends to test and use data from many sources, including public and private sources, to design and conduct the 2020 Census. The Census Bureau is using state program information, along with data from federal, state, and private sources to pursue the following four research initiatives leading to the integration of these data to augment or replace Census operations:

A. validating and enhancing the Master Address File (MAF);\(^2\)
B. designing and assigning resources to carry out the 2020 Census;\(^3\)
C. unduplicating public, private, and census lists; and
D. imputing missing data.\(^4\)

To determine the feasibility of incorporating the administrative records data into Census operations, the data will be explored using 2010 decennial census data, intercensal test data, and other Census household survey data to assess the quality and utility of household roster, location, and demographic characteristics data. Disagreement observed in content across

---

\(^2\) Examples of possible Census Bureau uses include updating and evaluating the Master Address File.
\(^3\) Examples of possible data uses include simulating a targeted address canvassing, modeling to determine data collection modes, modeling to predict self-response probabilities, simulating non-response follow-up designs, directed advertising campaigns, and special enumeration operations planning.
\(^4\) Examples of possible Census Bureau uses include item imputation and count imputation using information from a composite of public and private data sources.
sources will be analyzed to develop approaches such as modeling or business rules to resolve conflicting information. Administrative records will be assessed to tabulate data at various levels of geography including the housing unit, block, tract, and state levels. These tabulations will be compared to the 2010 Census, intercensal test data, and other Census household survey data to assess accuracy based on the level of aggregation. Research and testing includes simulations with 2010 Census data, operational site test data, and other Census household survey data with the end goal of eventually incorporating the data into decennial census operations.

5. **Annual Business Survey Research**

In an effort to address respondent burden, declining response rates and rising operational costs while improving data quality, timeliness and efficiency, three business surveys have been consolidated into one new survey, the Annual Business Survey or ABS. The consolidated surveys are the five-year Survey of Business Owners (SBO), the Annual Survey of Entrepreneur (ASE) and the Business R&D and Innovation Survey for Microbusinesses (BRDI-M). The ABS is designed to serve as the continuation of the annual collection of information on the characteristics of United States (U.S.) businesses and provide estimates by demographics of the business owner for survey reference years 2017-2021.

While the ABS will survey employer firms, it will not cover non-employers. The continuation of estimates of demographics for non-employer businesses (previously undertaken by the SBO) will now be accomplished through the nonemployer component of the ABS program. This component will consist of leveraging existing individual-level administrative (AR) and census records to assign demographic characteristics to the universe of nonemployers and hence, make possible the production of annual non-employer business statistics by the demographics of the business owner. Demographic characteristics include citizenship at birth, gender, race, Hispanic origin, veteran status, and age. One of the main advantages of this nonemployer work is that it will reduce respondent burden on approximately 24 million nonemployer businesses while, at the same time, creating a replacement annual data product for nonemployers. Without this nonemployer component, the official estimates of the demographics of U.S. nonemployer businesses previously provided by the SBO would cease to exist.

Specifically, the data in question will be used to direct replace or impute (whenever replacement is not possible) the ‘citizenship at birth’ of the business owner. This characteristic of the business owner is an increasingly important factor in business outcomes and the U.S. economy overall, as the foreign-born entrepreneurial activity has been increasing and contributing in important ways to innovation while, at the same time, business start-ups have generally been declining in the U.S.
APPENDIX B

STATEMENT OF WORK

Administrative Records Requirements for Measuring Citizenship

The Census Bureau seeks coverage of U.S. citizenship naturalization applications and approvals, as well as coverage of Legal Permanent Residents (LPR) and I-539 visa extension applications and approvals starting as early as possible and extending through April 1, 2018 (as well as refreshes through April 1, 2019 and April 1, 2020). The Census Bureau understands and expects that receiving both applications and approvals as of a cut date means that for some people we will have an application only as their approval status is pending as of the cut date.

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<tr>
<td></td>
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<td>May 15, 2020</td>
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<tr>
<td>Census Bureau Technical Contact Person:</td>
<td>Dave Sheppard</td>
</tr>
<tr>
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<td>Branch Chief, Data Quality Branch</td>
</tr>
<tr>
<td></td>
<td>Economic Reimbursable Surveys Division</td>
</tr>
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<td></td>
<td>US Census Bureau</td>
</tr>
<tr>
<td></td>
<td>Office 301-763-9291 Room 5K133</td>
</tr>
<tr>
<td></td>
<td><a href="mailto:david.w.sheppard@census.gov">david.w.sheppard@census.gov</a></td>
</tr>
</tbody>
</table>
APPENDIX C

SELECTED SYSTEMS OF RECORDS NOTICE PROVISIONS

DHS/USCIS will disclose records covered by the following DHS/USCIS SORN: including DHS/USCIS-ICE-CBP-001 Alien File, Index, and National File Tracking System of Records, 82 FR 43556 (September 18, 2017).

The Census Bureau’s use of this data is governed by System of Records Notice (SORN): COMMERCE/CENSUS–8, Statistical Administrative Records System and relevant sections are included in this document for convenience. The full SORN can be found here https://www.federalregister.gov/documents/2016/11/03/2016-26517/privacy-act-of-1974-amended-system-of-records. The purpose of this system is to centralize and control the use of personally identifiable information by providing a secure repository that supports statistical operations. The system removes SSNs contained in source files and replaces them with unique non-identifying codes called Protected Identification Keys (PIKs) prior to use by other Census Bureau operating units. Census Bureau staff use the PIK to merge files to conduct approved research projects. Through agreements such as this one documenting permitted uses of the external data, linked files may be created to produce statistics. By combining survey and census data with administrative record data from other agencies, and data procured from commercial sources, the Census Bureau will improve the quality and usefulness of its statistics and reduce the respondent burden associated with direct data collection efforts. The system will also be used to plan, evaluate, and enhance survey and census operations; improve questionnaire design and selected survey data products; and produce research and statistical products such as estimates of the demographic, social, and economic characteristics of the population.

Staff producing statistical products will have access only to data sets from which SSNs have been deleted and replaced by unique non-identifying codes internal to the Census Bureau. Only a limited number of sworn Census Bureau staff, who work within a secure restricted-access environment, will be permitted to retrieve records containing direct identifiers (such as name or SSN). The Census Bureau is committed to respecting respondent privacy and protecting confidentiality. Through the Data Stewardship Program, we have implemented management, operational, and technical controls and practices to ensure high-level data protection to respondents of our censuses and surveys. All Census Bureau employees and persons with special sworn status will be regularly advised of regulations issued pursuant to Title 13 governing the confidentiality of the data, and will be required to complete an annual Data Stewardship Awareness training.
All uses of the data are solely for statistical purposes, which by definition means that uses will not directly affect benefits or enforcement actions for any individual. Any publications based on the Statistical Administrative Records System will be cleared for release under the direction of the Census Bureau's Disclosure Review Board, which will confirm that all the required disclosure protection procedures have been implemented. No information will be released that identifies any individual.
Data Elements to be shared

The listed data elements will be shared with the Census Bureau from the following USCIS systems: CLAIMS 4, ELIS, CIS and RNACS (via eCISCOR). Data will aggregated into a single table by leveraging entity resolution logic and the SAS application to perform data joins and aggregation processes.

A-number
Social Security Number
Last Name
First Name
Middle Name
Class of admission
Class of admission by major category
Principal / Dependent
Year of birth
Month of birth
Day of birth
Age
Country of birth
Country of last residence
Marital status
Gender
Country of nationality
In care of Address - Street
In care of Address - City
In care of Address - State
In care of Address - Zipcode
Last Nonimmigrant class of admission
Last Nonimmigrant year of admission
Last Nonimmigrant month of admission
Last Nonimmigrant day of admission
Green Card year
Green Card month
Green Card day
Decision Date year
Decision Date month
Decision Date day
U.S. residential address at the time of naturalization application - Street
U.S. residential address at the time of naturalization application - City
U.S. residential address at the time of naturalization application - State
U.S. residential address at the time of naturalization application - Zipcode
Year of naturalization application
Month of naturalization application
Day of naturalization application
Residential address at the time of naturalization - Street
Residential address at the time of naturalization - City
Residential address at the time of naturalization - State
U.S. residential address at the time of naturalization - Zipcode
Year of naturalization
Month of naturalization
Day of naturalization
Attached is the version of the memo that we have shared with Ron, Enrique, and Christa. Please take a look at this version.

We appreciate all of your help on this!

Thanks

Tori

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
Shape your future. START HERE > 2020census.gov
census.gov | @uscensusbureau
(b) (5) Draft
Christa, attached are the Plaintiffs’ First Request for Admissions and Request for Production in the Alabama Case. Also attached is a Word version that discusses lays out what we discussed.

Thanks!

Mike

Michael A. Cannon  
Chief, General Litigation Division  
Office of the Assistant General Counsel for Employment, Litigation, and Information  
Office of the General Counsel  
U.S. Department of Commerce  
Telephone: (202) 482-5395  
Cell: (b) (6)  
Facsimile: (202) 482-5858  
Email: mcannon@doc.gov

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Hello John, Rob, and Joanne,

We would like you as the presenters to take a first pass on the draft of the October 3 and October 10 DSEP Meeting Records. Please send me your edits or comments by COB, Thursday, October 24. If you have any questions or concerns, please feel free to call me at (301) 763-9912.

Thanks for your review.

Sincerely,

Michael S. Snow

Michael S. Snow, Ph.D., Policy Analyst
Policy & Data Stewardship Branch, Policy Coordination Office
U.S. Census Bureau
o: 301.763.9912
michael.s.snow@census.gov
From: Michael A Berning (CENSUS/ERD FED)  
To: Christopher J Stanley (CENSUS/OCIA FED); Enrique Lamas (CENSUS/DEPDIR FED) 
Subject: Re: Alabama - just us at census for this one  
Date: Tuesday, September 24, 2019 10:56:52 AM  
Attachments: (b) (5) Draft

Chris here's one with the table updated - (b) (5)

Mike Berning, Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
O: 301-763-2028 | M: (b) (6) 
census.gov | @uscensusbureau

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>  
Sent: Tuesday, September 24, 2019 9:45 AM  
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>  
Subject: Alabama - just us at census for this one

DRAFT - PRE-DECISIONAL - DELIBERATIVE

(b) (5)

Chris Stanley, Chief  
Office of Congressional and Intergovernmental Affairs  
U.S. Census Bureau  
O: 301-763-4276 | M: (b) (6) 
census.gov | @uscensusbureau
The retention phrase that Michele is recommending from SORN 8 is what we generally use to define our retention schedule. We interpret **(b) (5)**
Ok, so let me apologize in advance for the lengthy response, but I want to make sure I'm laying this out as clearly as possible because it can be confusing.

First, to clear up the confusion about SORN 8 (Administrative Records) and SORN 5 (Decennial Census Programs), it is my understanding that...

As for record retention - I believe (b) (5)...

Under the retention schedule, original files are to be destroyed "when 2 years old or as contracts specify." Derivative files, which the retention schedule defines as "files linked to Census records with the identifying information from the original files stripped and the matched person record is assigned a unique and anonymous Census Bureau linkage key," are to be destroyed "when 2 years old or when no longer required for programmatic purposes."
Does this help? I'm around if you want to discuss.

Thanks,

Letitia

Letitia W. McKoy
Senior Attorney
Office of the Chief Counsel for Economic Affairs
Office of General Counsel
U.S. Department of Commerce
Telephone: (301) 763-9844
Facsimile: (301) 763-6238
Email: Letitia.w.mckoy@census.gov

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From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Wednesday, December 11, 2019 4:29 PM
To: Letitia W McKoy (CENSUS/PCO FED) <Letitia.W.McKoy@census.gov>
Subject: Fw: Census DHS MOA_USCIS Addendum 12.10.2019

See below.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>
Sent: Wednesday, December 11, 2019 4:17 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Census DHS MOA_USCIS Addendum 12.10.2019

Enrique,

Per our conversation, I am attaching the latest draft of the OMOA that DHS is currently reviewing. We have received questions about the "duration of the project" comment that David Brown inserted on page 11. Our Privacy people have asked [b] (5) David’s comment on page 11 indicates that he thinks [b] (5)

Thank you,

Michele
Does that not occur in the two-year window of availability?

David just confirmed he can work with (b) (5)

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

I guess the way I think about it, (b) (5).

Enrique Lamas
Senior Advisor
Office of the Director
US Census Bureau
301 763 3811

On Dec 12, 2019, at 1:25 PM, Michael A Berning (CENSUS/ERD FED)
I'm checking with David but it seems reasonable to me that he could work with

Christa argues

What do you think of those arguments?

Enrique Lamas
Senior Advisor
Office of the Director
US Census Bureau
301 763 3811

On Dec 12, 2019, at 8:56 AM, Michael A Berning (CENSUS/ERD FED)
The retention phrase that Michele is recommending from SORN 8 is what we generally use to define our retention schedule. We interpret that phrase to (b) (5)
Enrique Lamas
Senior Advisor
Office of the Director
US Census Bureau
301 763 3811

Begin forwarded message:

From: "Letitia W McKoy (CENSUS/PCO FED)"
<Letitia.W.McKoy@census.gov>
Date: December 11, 2019 at 5:34:35 PM EST
To: "Enrique Lamas (CENSUS/DEPDIR FED)"
<Enrique.Lamas@census.gov>
Subject: Re: Census DHS MOA_USCIS Addendum 12.10.2019

Ok, so let me apologize in advance for the lengthy response, but I want to make sure I'm laying this out as clearly as possible because it can be confusing.

First, to clear up the confusion about SORN 8 (Administrative Records) and SORN 5 (Decennial Census Programs), it is my understanding (b) (5)

As for record retention - I believe (b) (5)
Under the retention schedule, original files are to be destroyed "when 2 years old or as contracts specify." Derivative files, which the retention schedule defines as "files linked to Census records with the identifying information from the original files stripped and the matched person record is assigned a unique and anonymous Census Bureau linkage key," are to be destroyed "when 2 years old or when no longer required for programmatic purposes."
Does this help? I'm around if you want to discuss.

Thanks,

Letitia

Letitia W. McKoy  
Senior Attorney  
Office of the Chief Counsel for Economic Affairs  
Office of General Counsel  
U.S. Department of Commerce  
Telephone: (301) 763-9844  
Facsimile: (301) 763-6238  
Email: Letitia.w.mckoy@census.gov

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From: Enrique Lamas (CENSUS/DEPDIR FED)  
<Enrique.Lamas@census.gov>  
Sent: Wednesday, December 11, 2019 4:29 PM  
To: Letitia W McKoy (CENSUS/PCO FED)  
<Letitia.W.McKoy@census.gov>  
Subject: Fw: Census DHS MOA_USCIS Addendum 12.10.2019

See below.

Enrique Lamas  
Senior Advisor  
Director's Office  
U.S. Census Bureau  
Office: 301-763-3811

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>  
Sent: Wednesday, December 11, 2019 4:17 PM
To: Enrique Lamas (CENSUS/DEPDIR FED)
<Enrique.Lamas@census.gov>
Subject: Census DHS MOA_USCIS Addendum 12.10.2019

Enrique,

Per our conversation, I am attaching the latest draft of the OMOA that DHS is currently reviewing. [b] (5)

[b] (5)

[b] (5)

Thank you,

Michele
Sorry Marc, I grabbed the wrong attachment in my earlier email. Attached is the cleaned up version.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

Thanks, Mike.

Did you intend to send back a cleaned up MOA? (You sent the responses to our earlier round of questions, not the MOA.)
Looks good. I have reviewed and accepted your edits and incorporated the one comment.

Thank you!

Mike Berning, Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
O: 301-763-2028 | M: (b) (6)  
census.gov | @uscensusbureau

---

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>  
Sent: Monday, December 16, 2019 2:56 PM  
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>  
Cc: Rosenblum, Marc <marc.rosenblum@hq.dhs.gov>; Dorey, David R <David.R.Dorey@ice.dhs.gov>; Johnson, Christina <christina.johnson@hq.dhs.gov>; Glabe, Scott <scott.glabe@hq.dhs.gov>  
Subject: Census DHS MOA_USCIS Addendum 12.16.2019

Mike/Enrique,

I cleaned up the draft from this morning’s meeting and added the information requested from ICE and USCIS.

Please review this draft. There 30 revisions – most of them are line edits. There is one comment in the margin on a document that has been superseded by a newer version but I was not sure how to correctly reference it in the document so I copied the information over for your team to review.

If you accept the additional edits, please feel free to accept them. If you have a concern with any proposed change, just let me know so that we can address it as quickly as possible.

Thank you,

Michele
Enrique and I went over the House QFRs. Hopefully, with these tweaks, it passes.

---

**From:** Dewhirst, David (Federal) <DDewhirst@doc.gov>
**Sent:** Monday, November 18, 2019 at 3:15 PM
**To:** Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
**Subject:** FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

FYI.

---

**From:** "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
**Date:** Monday, November 18, 2019 at 3:15 PM
**To:** "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
**Subject:** Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

Jennifer,

Attached are my edits. If CB accepts them (and they should!!), these are good to go.

---

**From:** "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
**Date:** Monday, November 18, 2019 at 3:15 PM
**To:** "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
**Subject:** Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

Jennifer,

Attached are my edits. If CB accepts them (and they should!!), these are good to go.

---

**From:** "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
**Date:** Monday, November 18, 2019 at 3:15 PM
**To:** "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
**Subject:** Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

Jennifer,

Attached are my edits. If CB accepts them (and they should!!), these are good to go.

---

**From:** "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
**Date:** Monday, November 18, 2019 at 3:15 PM
**To:** "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
**Subject:** Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

Jennifer,

Attached are my edits. If CB accepts them (and they should!!), these are good to go.
David,

Attached are the revised QFRs. The revisions took so long because they wanted to ensure the accuracy of #2 in the Senate QFRs. I know that you said the QFRs were ready to go after your comments were accepted, but Census made some additional updates, so I wanted to make sure you were still good with these?

Thanks,
Jennifer

---

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
*c (b) (6) *

*Sent from my iPad. Please excuse any typos.*
Attached are the revised QFRs. Please let me know if you have additional comments or if they can be sent to OPSP now for clearance.

Thanks,
Jennifer

---

CUI/PRIV

(b) (5) Thank you.

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov

(b) (6)
Thanks Jennifer. I know that Russ responded in my absence, and I appreciate that.

In this case, I am going to push back to keep my comment in. I still think (b) (5) is problematic.

Thanks!

Mike

---

Michael A. Cannon  
Chief, General Litigation Division  
Office of the Assistant General Counsel for Employment, Litigation, and Information  
Office of the General Counsel  
U.S. Department of Commerce  
Telephone: (202) 482-5395  
Cell: (b) (6)  
Facsimile: (202) 482-5858  
Email: mcannon@doc.gov

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---

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>  
Sent: Monday, September 16, 2019 9:11 AM  
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>  
Cc: Dewhirst, David (Federal) <DDewhirst@doc.gov>  
Subject: FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Please see Census’ response to your comment on p. 3 and let me know if you accept the response or want to push back.

---

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>  
Sent: Friday, September 13, 2019 4:37 PM  
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>; Tadlock, Tara A <tara.a.tadlock@census.gov>  
Cc: Lang, Alan <alan.lang@census.gov>  
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer, we have responses to the comments thus far. Please let us know if we get more or if there are any questions on these edits.

---

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>  
Sent: Wednesday, September 11, 2019 9:32 AM  
To: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Attached and below are the only comments that I got on these QFRs. Please provide your response.
Thanks, Jennifer

Jennifer,

Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,

Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798
Michele - comments/edits addressed in this _mb version.

Thanks!

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) Draft
census.gov | @uscensusbureau

Mike,

Please see the attached draft with a question on page 4 and an edit/question on page 11 from DHS Privacy. I reviewed them and hope they are easy for you to clarify.

Thank you,

Michele
(b) (5) Draft
Ok, thanks. That is helpful. We will cite both 5 and 8 as being applicable.

Letitia W. McKoy
Senior Attorney
Office of the Chief Counsel for Economic Affairs
Office of General Counsel
U.S. Department of Commerce
Telephone: (301) 763-9844
Facsimile: (301) 763-6238
Email: Letitia.w.mckoy@census.gov

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Yes, Letitia that is correct about the computer matching.

Regarding the data in 5, the driving force is whether individual records containing PII from the SORN will be used. What makes this difficult is the fact that non PII can sometimes become PII when multiple non PII data (i.e., place of birth, age, address) is linked. Our best practice is to include the SORN the administrative data will touch even if we don’t expect PII to be directly involved.

Byron A. Crenshaw, CIPP/G
Acting Chief Privacy Officer
Chief, Privacy Compliance Branch
Chair, Privacy Policy Research Committee (PPRC)
On Dec 6, 2019, at 10:47 AM, Letitia W McKoy (CENSUS/PCO FED) <Letitia.W.McKoy@census.gov> wrote:

Thanks, Byron.

Just want to be sure I understand the point you are making in your first paragraph - So, (b) (5)

Also, as I understand it, (b) (5)

If you have different thoughts on that, please let me know.

Thanks,
From: Byron Crenshaw (CENSUS/PCO FED) <Byron.Crenshaw@census.gov>
Sent: Friday, December 6, 2019 10:27 AM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Letitia W McKoy (CENSUS/PCO FED) <Letitia.W.McKoy@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Re: Census OMOA Follow up Discussion

Thanks Letitia. Technically SORN 5 would apply if we are touching any part of a privacy act system of records covered under 5 (identifying records). If the data used from SORN 5 are aggregate (no PII) then the answer would be no since privacy act system of records from 5 are not touched.

The other thing to consider, (b) (5)

I hope this helps. I am off today but you can call me on 202-480-0153 if you need to talk further about this.
On Dec 6, 2019, at 9:03 AM, Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov> wrote:

Thank you.

Sent from my iPhone

On Dec 6, 2019, at 8:36 AM, Letitia W McKoy (CENSUS/PCO FED) <Letitia.W.McKoy@census.gov> wrote:

Sorry, I meant the meeting is at 1:00 this afternoon.

Letitia W. McKoy
Senior Attorney
Office of the Chief Counsel for Economic Affairs
Office of General Counsel
U.S. Department of Commerce
Telephone: (301) 763-9844
Facsimile: (301) 763-6238
Email: Letitia.w.mckoy@census.gov

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Hi Mike,

Yes, I can participate in the meeting this morning.

SORN-8 covers the administrative records the Census Bureau collects, but I've taken a look at SORN 5 and I think [redacted]. However, I'm looping in Byron for confirmation.

Byron - Census is obtaining from the Department of Homeland Security (DHS) citizenship, immigration, and non-immigration benefit-related data that will assist Census in determining the number of citizens and non-citizens in the country, pursuant to Executive Order 13880, Collecting Information About Citizenship Status in Connection with the Decennial Census, (July 11, 2019). [redacted]

Please let us know your thoughts as soon as possible as there is a meeting with DHS to discuss this at 11 a.m. this morning.

Thanks,

Letitia
Letitia W. McKoy
Senior Attorney
Office of the Chief Counsel for Economic Affairs
Office of General Counsel
U.S. Department of Commerce
Telephone: (301) 763-9844
Facsimile: (301) 763-6238
Email: Letitia.w.mckoy@census.gov

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From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov> on behalf of Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>
Sent: Thursday, December 5, 2019 7:49 PM
To: Letitia W McKoy (CENSUS/PCO FED) <Letitia.W.McKoy@census.gov>
Cc: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Fwd: Census OMOA Follow up Discussion
When: Friday, December 6, 2019 1:00 PM-2:30 PM.
Where: Teleconference 855-852-7677,,9999-7085-2149#

Hello Letitia

Do you have an opinion on (b) (5) [redacted]?

And, would you be available to jump on a call with them tomorrow (Friday) at 1:00 to discuss?

Sent from my iPhone

Begin forwarded message:
From: "Steinmetz, Michele"
<Michele.Steinmetz@hq.dhs.gov>
To: "Michael A Berning (CENSUS/ERD FED)" <Michael.A.Berning@census.gov>,
"Enrique Lamas (CENSUS/DEPDIR FED)"
<Enrique.Lamas@census.gov>, "Wood, Alexander" <alexander.wood@hq.dhs.gov>,
"Binstock, Max"
<max.binstock@hq.dhs.gov>, "DANISEK, DEBRA" <debra.danisek@cbp.dhs.gov>,
"WEINSTEIN, RACHEL (OCC)"
<rachel.weinstein@cbp.dhs.gov>,
"LaCicero, Nicole"
<Nicole.LaCicero@ice.dhs.gov>, "Arledge, Rhea" <Rhea.Arledge@ice.dhs.gov>,
"Domiguez, Nataliya"
<Nataliya.Domiguez@ice.dhs.gov>,
"Rosenblum, Marc"
<marc.rozenblum@hq.dhs.gov>,
"Lotspeich, Katherine J"
<Katherine.Lotspeich@uscis.dhs.gov>,
"Perry-Elby, Diana D" <Diana.D.Perry-Elby@uscis.dhs.gov>, "Shorten, Catherine C" <catherine.c.shorten@uscis.dhs.gov>
Subject: Census OMOA Follow up Discussion

Dear All,

This meeting request stems from the internal review of the OMOA with Census that was circulated earlier this week. There are several outstanding questions to be addressed with Census before the OMOA could be cleared for signature within DHS.

(b) (5)
Thank you,

Michele
Per our discussion at today's meeting, here's a consolidation of the three component agreements we had developed over the past year or so in discussions with DHS. The variable lists that we created in the attachments were developed base on our planned use of the data and input from each of the components during discussions.

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) Draft
census.gov | @uscensusbureau
My apologies everyone, I accidentally moved the handset and hung up. I have reopened the line.

-----Original Appointment-----

From: Rosenblum, Marc <marc.rosenblum@hq.dhs.gov>
Sent: Thursday, August 8, 2019 12:43 PM
To: Rosenblum, Marc; Vogel, Lindsay; Binstock, Max; Fattal, Joshua; Hoots, Jenny L; Shorten, Catherine C; Scott, Cynthia L (Cindy); Latta, John; GORMAN, MICHAEL; SCHNEIDER, MATTHEW; ISRAEL, JASON A; STEGALL, MORGAN; CAPPARA, MICHAEL V.; HYSONG, MICHAEL; Sterling, Brian; Rogal, Leah; Sanchez, Nicole; Moore, Miriam; Merson, Gary; Dean, Riley; Burgess, Hannah; Ruppel, Joanna; Perry-Elby, Diana D; Bernstein, Lauren J; WEINSTEIN, RACHEL (OCC); Michael A Berning (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED); Steinmetz, Michele; Lotspeich, Katherine J; Gaffin, Elizabeth S; Mura, Elizabeth E; Johnson, Erik; LaCicero, Nicole; Holz, Jordan; DANISEK, DEBRA; FAUSETT, ANDREW D (OGA) 
Cc: Diane M Cronkite (CENSUS/ERD FED); J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>; Bonnie Moore (CENSUS/ERD FED) <bonnie.moore@census.gov>; MCCLAIN, BETH <BETH.MCCLAIN@cbp.dhs.gov>; Wood, Alexander <alexander.wood@hq.dhs.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Byron Crenshaw (CENSUS/PCO FED) <Byron.Crenshaw@census.gov>; Pachon, Marc <marc.pachon@hq.dhs.gov>; Mathias, Susan <Susan.Mathias@hq.dhs.gov>; Landry, Christine (CTR) <Christine.Landry@associates.ice.dhs.gov>; Opsahl, Leslie <Leslie.Opsahl@hq.dhs.gov>
Subject: Census-DHS MOU working group

This call will include Census + DHS stakeholders.

Agenda:
- Discussion of intended uses for Census data request: Previous draft MOU identified a number of research projects. Going forward, the MOU will focus exclusively on uses identified in the July 11, 2019 EO. Even with that clarification, given the length and
Complexity of the EO, DHS will request that Census explain the intended use(s) as they understand them and possibly respond to follow-up questions.

- Discussion of data elements to be provided:
  - Types of data needed to meet intended use
  - Identify data elements from within this list that may not be sharable because they are subject to special protections

- Technical details
  - What systems will data be drawn from?
  - How will data be transmitted?

- Next steps/timelines
(b) (5) Draft
Hi all,

See the attached for Monday’s discussion. These talking points about administrative records and the 2020 Census include a draft section toward the end on the executive order and citizenship data. We’d like you to weigh in on how this is framed.

FYI – The rest of the document was cleared last year; we’ve recently worked with Karen Deaver and Tom Mule to update the content, which you’ll see in track changes.

Thanks,

Stacy

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 m:  | main office: 301-763-3030
     | main office: 301-763-3030
census.gov | @uscensusbureau

From: Dorothy Heaton (CENSUS/CLMSO FED)
Sent: Thursday, October 17, 2019 7:38 AM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Subject: Communicating about Administrative Records and Citizenship
When: Monday, October 21, 2019 1:30 PM-2:00 PM.
Where: 8H062; 1-866-807-5272 (L) 4191360 (P) 8933892
(b) (5) Draft
Michael,

Thanks,
Ben

---

Perfect and thank you. I will give USCIS a heads-up that the information is being shared.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

---

No problem. We don't
From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, July 9, 2019 11:21 AM
To: Benjamin J Page (CENSUS/CFO FED); Christa D Jones (CENSUS/DEPDIR FED)
Cc: Albert E Fontenot (CENSUS/ADDC FED); Everett G Whiteley (CENSUS/BUD FED); Kevin E Deardorff (CENSUS/ERD FED)
Subject: Re: DHS MOU

Thanks Ben,

What you have extracted and suggested is accurate and relevant. But, I would like to [b] [5] [b] [5] If you could let me know which appropriations staff you plan to share this with, I will let USCIS know.

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [b] [6] [b] [6] census.gov | @uscensusbureau

From: Benjamin J Page (CENSUS/CFO FED)
Sent: Tuesday, July 9, 2019 9:59 AM
To: Michael A Berning (CENSUS/ERD FED); Christa D Jones (CENSUS/DEPDIR FED)
Cc: Albert E Fontenot (CENSUS/ADDC FED); Everett G Whiteley (CENSUS/BUD FED); Kevin E Deardorff (CENSUS/ERD FED)
Subject: Re: DHS MOU

Thanks for sharing the MOU Michael. Based on the draft, I compiled the summary below. Are you ok [b] [5] [b] [5] 

Thanks,
Ben

[b] [5] Draft
The agreement between Census and USCIS is a no funds exchanged, data acquisition agreement for lawful permanent resident data and naturalization data. The agreement has been cleared for signature by both Census and DHS but [b] (5)
If you have questions or need additional info, just let me know. Data elements to be shared include the following:
CC’ing Berning. He is directly negotiating with DHS components, including the final USCIS agreement.

On Jul 8, 2019, at 5:28 PM, [Benjamin J Page](benjamin.j.page@census.gov) wrote:

Christa,

During our meeting with the approps four corners meeting today they requested additional information on the MOU we are working on with DHS. More specifically, [redacted]. Are you able to answer these questions or point me in the right direction for the best person to respond?

Thanks,
Ben

---

**Ben Page**
Chief Financial Officer
U.S. Census Bureau
O: 301-763-4700 | M: [redacted]
Perfect and thank you. I will give USCIS a heads-up that the information is being shared.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

No problem. We don't want (b) (5)

Thanks Ben,

What you have extracted and suggested is accurate and relevant. But, I would like to (b) (5)
If you could let me know which appropriations staff you plan to share this with, I will let USCIS know.
Thanks for sharing the MOU Michael. Based on the draft, I compiled the summary below. Are you ok?

Thanks,
Ben
The agreement between Census and USCIS is a no funds exchanged, data acquisition agreement for lawful permanent resident data and naturalization data. The agreement has been cleared for signature by both Census and DHS but (b) (5). If you have questions or need additional info, just let me know. Data elements to be shared include the following:
From: Christa D Jones (CENSUS/DEPDIR FED)
Sent: Monday, July 8, 2019 5:42 PM
To: Benjamin J Page (CENSUS/CFO FED)
Cc: Albert E Fontenot (CENSUS/ADDC FED); Everett G Whiteley (CENSUS/BUD FED); Michael A Berning (CENSUS/ERD FED)
Subject: Re: DHS MOU
CC’ing Berning. He is directly negotiating with DHS components, including the final USCIS agreement.

On Jul 8, 2019, at 5:28 PM, Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov> wrote:

Christa,

During our meeting with the approps four corners meeting today they requested additional information on the MOU we are working on with DHS. More specifically, (b) (5) Are you able to answer these questions or point me in the right direction for the best person to respond?

Thanks,
Ben

Ben Page
Chief Financial Officer
U.S. Census Bureau
O: 301-763-4700 | M: (b) (6)
And Enrique thinks the last sentence should be dropped.

To Ron's point...

Confidential – Privileged – Deliberative

Begin forwarded message:

From: "Brebbia, Sean (Federal)" <SBrebbia@doc.gov>
Date: January 24, 2020 at 4:11:57 PM EST
To: "Christopher J Stanley (CENSUS/OCIA FED)"
<christopher.j.stanley@census.gov>
Subject: Draft language
Confidential – Privileged – Deliberative

Apologies for the lateness, attached is some draft language OSP and litigation team to came up with to reflect what has come out so far in the litigation re implementation of the executive order. Feel free to edit as you see fit in order to fully reflect all Census efforts to date. What has come out so far in the litigation discovery and deposition is [(b) (5)]

Happy to discuss further if needed.

Sean Brebbia
Acting Deputy General Counsel for Special Projects
U.S. Department of Commerce
(202) 482-9051
sbrebbia@doc.gov
Alan,

The only attachment was the House QFRs. I responded to the comment from Mike Cannon and [D] (5). My revision is attached.

Please send me the Senate QFRs, which should include [D] (5).

Thanks,

Burton

---

Burton Reist  
Assistant Director for Communications/Operations and Management  
Communications Directorate, U.S. Census Bureau  
301.763.4155 (office)  
[b] (6) (cell)  
burton.h.reist@census.gov

---

From: Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>  
Sent: Thursday, September 12, 2019 1:20 PM  
To: Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>  
Subject: Fw: Draft responses

I've added Zack's section into the Senate package (under Harris). I'm sending both documents back to you to ensure version control since Burton will be dropping in additional language.

Best,

Alan
All,

These QFRs were due yesterday. We wanted to check in with you to make sure that you're ok with them. Please let me know if you have edits before COB today.

Apologies for the short fuse.

Best,

Alan

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Wednesday, September 11, 2019 9:32 AM
To: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>; Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached and below are the only comments that I got on these QFRs. Please provide your response.

Thanks, Jennifer
Jennifer,

Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,
Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798
Cell [b] (6)  
tara.a.tadlock@census.gov

census.gov
Connect with us on Social Media
What are the next steps on this? Christa sends to some for Department review?

On Oct 21, 2019, at 12:27 PM, Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov> wrote:
I just spoke with the Director. While he is in transit and could not provide line edits, I thought I might take a stab at adjusting some of the existing text. My goal is to:

**Key Points**

- Improve clarity and coherence of the existing text.
- Ensure that the content is consistent with the overall message.
- Make sure that the Talking Points are accurate and up-to-date.

**Draft**

- Adjustments will be made based on feedback and reviews.
- The Director will provide line edits once he is available.

---

**From:** Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
**Sent:** Friday, October 18, 2019 5:55 PM
**To:** Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
**Cc:** Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
**Subject:** Re: DRAFT Talking Points
a couple of typos in the first bullets and a missing word in the last (now corrected)
DRAFT Talking Points on Acquiring State Drivers License Records

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Friday, October 18, 2019 4:42 PM
To: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Cc: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Subject: Re: DRAFT Talking Points

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau
All--In response to DOC's request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.

---------------------------

(b) (5) Draft
DRAFT Talking Points on Acquiring State Drivers License Records
Enrique Lamas  
Senior Advisor  
Office of the Director  
US Census Bureau  
301 763 3811

On Oct 18, 2019, at 4:42 PM, John Maron Abowd (CENSUS/ADRM FED)  
<john.maron.abowd@census.gov> wrote:

(b) (5)

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist  
U.S. Census Bureau  
Research and Methodology  
O: 301-763-5880 (simulring on cell)  
census.gov | @uscensusbureau

On Oct 18, 2019, at 4:22 PM, Christa D Jones (CENSUS/DEPDIR FED)  
<Christa.D.Jones@census.gov> wrote:

All--In response to DOC's request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.

(b) (5) Draft
License Records
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Sent: Friday, October 18, 2019 4:51 PM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
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Subject: Re: DRAFT Talking Points

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Subject: Re: DRAFT Talking Points
Bravo. Finally defending our integrity as an independent statistical agency. Keeping the talking points focused on doing our job well is the right tone.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

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All--In response to DOC's request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.

---------------------------
(b) (5) Draft
DRAFT Talking Points on Acquiring State Drivers License Records
These are good. I’ll look again over the weekend and maybe add some more.

Sent from my iPhone

On Oct 18, 2019, at 4:51 PM, Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov> wrote:

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Subject: Re: DRAFT Talking Points

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John M. Abowd, PhD, Associate Director and Chief Scientist
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DRAFT Talking Points on Acquiring State Drivers License Records
Thanks,

**John M. Abowd, PhD,** Associate Director and Chief Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulring on cell)
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<Christa.D.Jones@census.gov> wrote:

All--In response to DOC's request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.
DRAFT Talking Points on Acquiring State Drivers License Records
Will do it when I get home. I’m at Pilates and can only use phone.

On Oct 21, 2019, at 4:56 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

   My phone is about to die- so it would be helpful if Christa sent.

   We should sent to Tim too since he’s out there in the wild tomorrow am

On Oct 21, 2019, at 4:00 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

   We think so. Christa related to me that they asked you for them.

On Oct 21, 2019, at 3:51 PM, Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov> wrote:

   I guess. Do they really need to?

   Sent from my iPhone

On Oct 21, 2019, at 1:42 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

   What are the next steps on this? Christa sends to some for Department review?

On Oct 21, 2019, at 12:27 PM, Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov> wrote:
From: Ali Mohammad Ahmad  
(CENSUS/ADCOM FED)  
<ali.m.ahmad@census.gov>  
Sent: Friday, October 18, 2019  
5:55 PM  
To: Christa D Jones  
(CENSUS/DEPDIR FED)  
<Christa.D.Jones@census.gov>;  
John Maron Abowd  
(CENSUS/ADRM FED)  
<john.maron.abowd@census.gov>;  
Cc: Steven Dillingham  
(CENSUS/DEPDIR FED)  
<steven.dillingham@census.gov>;  
Ron S Jarmin (CENSUS/DEPDIR FED)  
<Ron.S.Jarmin@census.gov>;  
Enrique Lamas (CENSUS/DEPDIR FED)
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<steven.dillingham@census.gov>;
Ron S Jarmin (CENSUS/DEPDIR
FED) <Ron.S.Jarmin@census.gov>;
Enrique Lamas (CENSUS/DEPDIR
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<Enrique.Lamas@census.gov>; Ali
Mohammad Ahmad
(CENSUS/ADCOM FED)
<ali.m.ahmad@census.gov>;
Michael A Berning (CENSUS/ERD
FED)
<Michael.A.Berning@census.gov>;
Michael C Cook (CENSUS/PIO FED)
<Michael.C.Cook@census.gov>
Subject: Re: DRAFT Talking Points

(b) (5)

Thanks,

John M. Abowd, PhD,
Associate Director and Chief
Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulring on
cell)
census.gov | @uscensusbureau

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Christa D Jones
(CENSUS/DEPDIR FED)
<Christa.D.Jones@census.gov>
wrote:

All--In response to
DOC's request to Ron this morning for draft TPs relating to drivers license file acquisition efforts.

--------------------------

(b) (5) Draft
DRAFT Talking Points on Acquiring State Drivers License Records
From: James B Treat (CENSUS/ADDC FED) <James.B.Treat@census.gov>
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Subject: Re: DRAFT Talking Points for review

Ron, Enrique, Ali, John and Mike

Attached is the updated talking points the Director sent out earlier today. Please review and update the document with track changes. If you can get me something by mid-morning tomorrow that would be great.

thanks - jim
From: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Sent: Monday, August 12, 2019 3:55 PM
To: James B Treat (CENSUS/ADDC FED) <James.B.Treat@census.gov>
Cc: Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Subject: DRAFT Talking Points for review

Jim,

Can you review and revise as needed, then have Ron, Enrique and Ali review (also John Abowd, if needed). I need some talking points other than the legal ones.

Thanks!

Steve
Track changes turned on. This version incorporates all comments to-date in the thread.

Ron, I think I fixed the first sentence.

Thanks,

**John M. Abowd, PhD**, Associate Director and Chief Scientist  
Research and Methodology  
U.S. Census Bureau  
O: 301-763-5880 (simulring on cell)  
census.gov | @uscensusbureau

Sent from my iPhone

On Aug 12, 2019, at 6:51 PM, Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov> wrote:

Regarding ADREC - agree with Enrique’s suggestion and I have no additional comments.

Sent from my iPhone
I just saw the Director's email that he would like it by noon tomorrow. So I need comments as soon as possible.
Attached is the updated talking points the Director sent out earlier today. Please review and update the document with track changes. If you can get me something by mid-morning tomorrow that would be great.

thanks - jim

James B. Treat
Assistant Director for Decennial Programs
U.S. Census Bureau

Office 301.763.3609  Room 2K276
james.b.treat@census.gov

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Jim,

Can you review and revise as needed, then have Ron, Enrique and Ali review (also John Abowd, if needed). I need some talking points other than the legal ones.

Thanks!

Steve
Thanks Dave.

At this stage, Ron is thinking (b) (5)

From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Tuesday, October 22, 2019 10:19 AM
To: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Semsar, Joseph (Federal) <JSemsar@doc.gov>
Cc: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Re: DRAFT TP/Answer on SDL

My thoughts below.

--
David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
dewhirst@doc.gov

From: "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>
Date: Monday, October 21, 2019 at 8:11 PM
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, "Semsar, Joseph (Federal)"
Cc: Ron Jarmin <ron.s.jarmin@census.gov>, "Dillingham, Steven" <steven.dillingham@census.gov>, "Ahmad, Ali M" <ali.m.ahmad@census.gov>, "Lamas, Enrique" <enrique.lamas@census.gov>
Subject: DRAFT TP/Answer on SDL
Ron asked us to work some wording re state drivers license file requests that we could use for TPs/answers/etc. and to share it with you.

This is the draft language. Let us know if you have questions or additional thoughts.
I am looping in everyone. Attached are the latest memos. I think they are good for Anthony Parazino to get them to KDK, unless Anthony Foti has any final thoughts.

As I shared with most of you before, I got that in a called today with Gov. Ivey's staff. If anyone disagrees, I can send those memos.

The others in the target list are attached.

Here are updates I made since previous versions where applicable.

I took [redacted].
Jim – Thanks so much for your help in finalizing these call memos. Do you think we could have the next iteration back by 2pm today? We’re hoping to include in the weekend reading binders. Thanks, -Joe

Joe Semsar
(202) 281-7038

From: James B Treat (CENSUS/ADDC FED) <James.B.Treat@census.gov>
Sent: Thursday, August 15, 2019 1:51 PM
To: Goudarzi, Talat (Federal) <TGoudarzi@doc.gov>; Walsh, Michael (Federal) <MWalsh@doc.gov>
Cc: Semsar, Joseph (Federal) <JSemsar@doc.gov>; Foti, Anthony (Federal) <AFoti@doc.gov>; Dillingham, Steven <steven.dillingham@census.gov>; Berning, Michael A <michael.a.berning@census.gov>; Smith, Steven K <steven.k.smith@census.gov>; lawrence, Van R <van.r.lawrence@census.gov>; Ahmad, Ali M <ali.m.ahmad@census.gov>; Lamas, Enrique <enrique.lamas@census.gov>; Jarmin, Ron S <ron.s.jarmin@census.gov>; Stanley, Christopher J <christopher.j.stanley@census.gov>; Dewhirst, David (Federal) <DDewhirst@doc.gov>; O'Connor, Kasey (Federal) <KO’Connor@doc.gov>; Hull, Cordell (Federal) <CHull@doc.gov>; Paranzino, Anthony (Federal) <AParanzino@doc.gov>

Subject: Re: For Your Review: Secretary Memos on Admin Records

Mike Berning from Census will at a minimum be the person to work with the Secretary during the calls.

thanks - jim

James B. Treat
Assistant Director for Decennial Programs
U.S. Census Bureau

Office 301.763.3609 Room 2K276
james.b.treat@census.gov

census.gov
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Sent from my iPhone

On Aug 15, 2019, at 1:03 PM, Walsh, Michael (Federal) <MWalsh@doc.gov> wrote:

Yes, aim for the 20th for now. Thanks.

Sent from my iPhone

On Aug 15, 2019, at 12:51 PM, Semsar, Joseph (Federal) <JSemsar@doc.gov> wrote:

+Mike Walsh and Tala, can Anthony Foti begin setting up calls with Governors?

Joe Semsar
(202) 281-7038
Subject: Re: For Your Review: Secretary Memos on Admin Records

Joe - quick follow up: *(b) (5)*

Sent from my iPhone

On Aug 15, 2019, at 12:38 PM, Semsar, Joseph (Federal) <JSemsar@doc.gov> wrote:

Thanks, Jim. Can your team address the following questions for each state memo?
Joe Semsar
(202) 281-7038

Joe - just touching base on this

thanks - jim

James B. Treat
Assistant Director for Decennial Programs
U.S. Census Bureau

Office 301.763.3609  Room 2K276
james.b.treat@census.gov
To: Semsar, Joseph (Federal) <JSemsar@doc.gov>
Cc: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Van R lawrence (CENSUS/OCIA FED) <Van.R.Lawrence@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>

Subject: For Your Review: Secretary Memos on Admin Records

Joe,

In preparation for the Secretary's planned calls to Governors next week, we are providing the attached background materials for Karen's review, per her request. [b] (5)
thanks - jim

James B. Treat
Assistant Director for Decennial Programs
U.S. Census Bureau

Office  301.763.3609   Room 2K276
james.b.treat@census.gov

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## Periodic Performance Management Reports

**2020 Census: Federal Administrative Records Supporting Executive Order 13880**

**Status:**
- **On Track**

**Data current as of:**
- **August 5, 2019**

**Target Completion:**
- **March 31, 2020**

**Notes:**
- **IHS: Patient Registration** - Negotiations stalled - IHS refused to enter into agreement based on concerns regarding sharing data. June 2019 memo sent from Census Bureau Director to Deputy Secretary HHS requesting support.
- The Census Bureau has requested participation from the following agencies on an inter-agency work group: DHS, SSA, IRS, State Department, and HHS

<table>
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<tr>
<th>Source: File</th>
<th>Under Negotiation</th>
<th>Agreement in Place/Approved for Use</th>
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<tr>
<td>DOI: Citizenship &amp; Immigration Data Collection</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Desired Agreements/Acquisition May Require Statutory Changes**
- CDC: Births and Deaths
- HHS: National Database of New Hires

**Legend**
- **Not Started**
- **Completed**
- **On Track**
- **Management Focus**
- **Requires Attention**

**Source:** Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for TANF

Status:
- On Track

Data current as of:
- August 1, 2019

Target Completion:
- March 31, 2020

Notes:
- Periodic Performance Management Reports
- 2020 Census: EO 13880 State Administrative Records Status for TANF

Source: Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for WIC

Status:
- On Track

Data current as of:
August 1, 2019

Target Completion:
March 31, 2020

Notes:
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for WIC
Source: Economic Reimbursable Surveys Division Spreadsheet
Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for SNAP

Status:
- On Track

Data current as of:
- August 1, 2019

Target Completion:
- March 31, 2020

Notes:
- Periodic Performance Management Reports
- 2020 Census: EO 13880 State Administrative Records Status for SNAP

Source: Economic Reimbursable Surveys Division Spreadsheet
## Periodic Performance Management Reports
### Acronyms for Administrative Records

<table>
<thead>
<tr>
<th>Federal</th>
<th>State</th>
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<tbody>
<tr>
<td>CBP: Customs and Border Patrol</td>
<td>SNAP: Supplemental Nutrition Assistance Program</td>
</tr>
<tr>
<td>CDC: Center for Disease Control</td>
<td>TANF: Temporary Assistance for Needy Families</td>
</tr>
<tr>
<td>CHIP: Children’s Health Insurance Program</td>
<td>WIC: Supplemental Nutrition Program for Women, Infants and Children</td>
</tr>
<tr>
<td>CHUMS: Computerized Homes Underwriting Management System</td>
<td></td>
</tr>
<tr>
<td>CMS: Centers for Medicare &amp; Medicaid Services</td>
<td></td>
</tr>
<tr>
<td>DHS: Department of Homeland Security</td>
<td>MBR: Master Beneficiary Record</td>
</tr>
<tr>
<td>DMDC: Defense Manpower Data Center</td>
<td>NCOA: National Change of Address</td>
</tr>
<tr>
<td>DOD: Department of Defense</td>
<td>PIC: Public and Indian Housing Information Center</td>
</tr>
<tr>
<td>DOI: Department of Interior</td>
<td>SSA: Social Security Administration</td>
</tr>
<tr>
<td>DOJ: Department of Justice</td>
<td>SSS: Selective Service System</td>
</tr>
<tr>
<td>DSF: Delivery Sequence File</td>
<td>TRACS: Tenant and Rental Assistance Certification System</td>
</tr>
<tr>
<td>FHA: Federal Housing Administration</td>
<td>UAA: Undeliverable As Addressed</td>
</tr>
<tr>
<td>HUD: Housing and Urban Development</td>
<td>USPS: United States Postal Service</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Economic Reimbursable Surveys Division Spreadsheet
Draft
They asked me the following questions (which I am working on getting answers to):
From: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Sent: Tuesday, September 24, 2019 7:35 AM
To: Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>
Cc: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Maryann M Chapin (CENSUS/ADDC FED) <Maryann.M.Chapin@census.gov>
Subject: Re: FSCPE question.

Thanks. Any other hot topics?

Ron S Jarmin, PhD., Deputy Director
From: Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>
Sent: Monday, September 23, 2019 9:15 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Cc: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Victoria Velkoff
     (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Maryann M Chapin (CENSUS/ADDC FED)
     <Maryann.M.Chapin@census.gov>
Subject: FSCPE question.

Hello Ron,

Tomorrow, the FSCPE members are planning to share their concerns with you about Census being
able to hire enough people to conduct census operations - particularly in areas where the job market
is strong and other high paying jobs are available.

Maryann addressed this with the FSCPE today - but the members want to raise it with you. Maryann
will also make Deb aware - as she speaks with the FSCPE on Wed.

Sent from my iPhone
Per instructions from this morning's meeting, I incorporated the schedule activity provided by Jim into this first draft of a one-pager for review/comment.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) Draft
census.gov | @uscensusbureau
Attached is the PDF. Let me know if you want the Word version

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
Shape your future. START HERE >2020census.gov
census.gov | @uscensusbureau

The last version is for to purpose. Can you send e-copy?

> On Mar 10, 2020, at 2:12 PM, Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov> wrote:
> >
> > John and I are meeting after OPCOM.
> >
> >
> > Victoria Velkoff, PhD
> > Associate Director for Demographic Programs
> > U.S. Census Bureau
> >
> > 301-763-1372
> >
> >> On Mar 10, 2020, at 2:12 PM, Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov> wrote:
> >> >>
> >> >> Ping
(b) (5) Draft
See attached. I assume you meant to say "send";))!

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
Shape your future. START HERE >2020census.gov
census.gov | @uscensusbureau

Can you the latest version of John's and your memo.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811
Thanks and good point - we have no problem discussing the research project on a different path. With that, I'm attaching a v2 of the HHS memo (modifying the Request bullet) and a v1 of the DHS memo for review/comment.
Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau

From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Tuesday, October 29, 2019 6:09 PM
To: Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Anthony Foti <AFoti@doc.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: SHORT FUSE- Briefing materials for Secretary and DHS/HHS

Calls are scheduled with HHS and DHS for tomorrow. We need talking points and a short cover memo for each call by 9am tomorrow morning.

On Oct 29, 2019, at 6:05 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

<Sec_HHS memo.docx>
Here's a draft of a background memo for the IHS data. This draws on a format that we've used in the past but I recall that format might have changed? Please review and provide any feedback on this one while I pull the DHS one together.

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) 
census.gov | @uscensusbureau

Calls are scheduled with HHS and DHS for tomorrow. We need talking points and a short cover memo for each call by Sam tomorrow morning.

On Oct 29, 2019, at 6:05 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:
Another get-back from the meeting with the Secretary yesterday was [b] (5)

[b] (5) Draft

[b] (6)

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [b] (6)
census.gov | @uscensusbureau

DHS memo looks fine to me.
Thanks and good point - we have no problem discussing the research project on a different path. With that, I'm attaching a v2 of the HHS memo (modifying the Request bullet) and a v1 of the DHS memo for review/comment.

I like this. I see no issue with format but haven’t followed earlier briefings.
Here's a draft of a background memo for the IHS data. This draws on a format that we've used in the past but I recall that format might have changed? Please review and provide any feedback on this one while I pull the DHS one together.

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) census.gov | @uscensusbureau

From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Tuesday, October 29, 2019 6:09 PM
To: Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Anthony Foti <AFoti@doc.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Re: SHORT FUSE- Briefing materials for Secretary and DHS/HHS

Calls are scheduled with HHS and DHS for tomorrow. We need talking points and a short cover memo for each call by 9am tomorrow morning.

On Oct 29, 2019, at 6:05 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

<Sec_HHS memo.docx>
Attached is one of the memo's that Chris S. and OCIA team prepared for the Secretary, the last time we supported the calls. Maybe an [b (5)]

---

Mike Berning, Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
O: 301-763-2028 | M: [b (6)]  
census.gov | @uscensusbureau

---

From: James B Treat (CENSUS/ADDC FED) <James.B.Treat@census.gov>
Sent: Tuesday, August 13, 2019 3:30 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Van R lawrence (CENSUS/OCIA FED) <Van.R.Lawrence@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>
Subject: Fwd: SWR Census Calls Next Week

Mike

Can you provide statements on why each file is important to have; what added value they will hope to provide.

Jim

Begin forwarded message:

From: "Semsar, Joseph (Federal)" <JSemsar@doc.gov>
Date: August 13, 2019 at 3:11:49 PM EDT
To: "Ahmad, Ali M" <ali.m.ahmad@census.gov>, "Treat, James B" <james.b.treat@census.gov>, "Stanley, Christopher J" <christopher.j.stanley@census.gov>
Cc: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, "Jones, Christa D" <christa.d.jones@census.gov>, "Paranzino, Anthony (Federal)" <AParanzino@doc.gov>, "lawrence, Van R" <van.r.lawrence@census.gov>, "Berning, Michael A" <michael.a.berning@census.gov>, "Foti, Anthony (Federal)" <AFoti@doc.gov>, "O'Connor, Kasey (Federal)" <KO'Connor@doc.gov>

Subject: SWR Census Calls Next Week

All – The Secretary indicated today that he is looking forward to making state calls next week. He wants (b) (5) Draft

? Thanks, -

Joe Semsar
(202) 281-7038
Hi John,

Attached please find the only signed data sharing agreement with DHS-USCIS that our group handles and a new MOU in signature process. This new MOU is to obtain micro data level. This has been cleared by Census and DOC OGC. It has been signed by Census and it is in signature process at DHS-USCIS.

If you have any question, please let me know.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-6064 | m: 301-763-6064
census.gov | @uscensusbureau

Steve, Epa sent more detailed spreadsheets to Al and Kathleen Styles. They are attached.

Epa, sorry for the multiple inquiries. See the Director's request below. I believe he means the DHS MOUs. If they can't be emailed, please hand deliver to his assistant, Kathy Hancher.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
From: Steven Dillingham (CENSUS/DEPDIR FED)
Sent: Friday, July 12, 2019 4:01 PM
To: John Maron Abowd (CENSUS/ADRM FED)
Subject: Re: Update on MOUs related to citizenship data

Thanks. I need copy of DHS memos on Monday.

Sent from my iPhone

On Jul 12, 2019, at 3:41 PM, John Maron Abowd (CENSUS/ADRM FED) wrote:

To inform the Monday meeting, please see the attached status chart for the MOUs identified in EO Section 3 (i)-(vii).

I copied Mike Berning (whose office negotiates and ingests these data) and his colleague Epa (who is covering for Mike) to answer questions, if any. Thanks to Epa for the quick turnaround. They are not expected to attend the Monday meeting.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

From: Epaphrodite Uwimana (CENSUS/ERD FED)
Sent: Friday, July 12, 2019 3:33 PM
To: John Maron Abowd (CENSUS/ADRM FED); Michael A Berning (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Re: Update on MOUs related to citizenship data
Hi John,

Attached please find a document with status of agreements mentioned in this e-mail.
Please let me know if you have any question.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-6064 | m: (b) (6)
census.gov | @uscensusbureau

From: Epaphrodite Uwimana (CENSUS/ERD FED)
Sent: Friday, July 12, 2019 2:29:10 PM
To: John Maron Abowd (CENSUS/ADRM FED); Michael A Berning (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Re: Update on MOUs related to citizenship data

Hi,

I will send updates to you before the end of the day today.

Thanks
From: John Maron Abowd (CENSUS/ADRM FED)
Sent: Friday, July 12, 2019 2:14 PM
To: Michael A Berning (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)
Cc: Nick Orsini (CENSUS/ADEP FED); Christa D Jones (CENSUS/DEPDIR FED)
Subject: Update on MOUs related to citizenship data

Mike (and/or) Epa,

Thanks,
John

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau

>Status of Federal Agreements for Citizenship.xlsx>
See attached. In the excel spreadsheet is a table and several graphs we can consider including. Note that I can have someone make the graphs look better tomorrow. And have someone verify the numbers.

Let's touch base in the morning to see if this is the direction you would like to go.

Victoria Velkoff, PhD
Associate Director for Demographic Programs
U.S. Census Bureau
o: 301-763-1372
census.gov | @uscensusbureau

From: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>
Sent: Sunday, March 1, 2020 10:39 AM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Cc: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: Re: Update

Okey dokey. I am going to take the rest of today off! Woo boo!

Kathleen M. Styles
Chief, Decennial Communications and Stakeholder Relations
301-763-0235 office
(b) (6) cell

> On Mar 1, 2020, at 10:11 AM, Enrique Lamas (CENSUS/DEPDIR FED)
> <Enrique.Lamas@census.gov> wrote:
> > I have not made much progress on the apportionment writeup. I will not have much time today. I have reserved Monday morning to finish that and my expert qualifications. (They should already know my greatness.)
> > so let’s touch base at the 3 hour tour mtg on where we are.
> > Enrique Lamas
> Senior Advisor
> Director’s Office
> U.S. Census Bureau
> Office: 301-763-3811
(b) (5) Draft
### Table 1. Comparison of Population Estimates and Census Counts for the United States, Regions, States, and Puerto Rico: April 1, 2010

<table>
<thead>
<tr>
<th>Geographic Area</th>
<th>Census</th>
<th>Estimate</th>
<th>Difference</th>
<th>Number</th>
<th>Percent</th>
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<tbody>
<tr>
<td>United States</td>
<td>308,745,538</td>
<td>308,450,484</td>
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<td>Northeast</td>
<td>55,317,240</td>
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<td>Midwest</td>
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<td>66,922,299</td>
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<td>South</td>
<td>114,555,744</td>
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<td>West</td>
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<td>Alaska</td>
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<td>6,392,017</td>
<td>6,654,358</td>
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<td>Arkansas</td>
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<td>California</td>
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<td>5,075,295</td>
<td>46,099</td>
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<td>Connecticut</td>
<td>3,574,097</td>
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<td>-8,212</td>
<td>-0.9</td>
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<tr>
<td>District of Columbia</td>
<td>601,723</td>
<td>607,918</td>
<td>6,195</td>
<td>1.0</td>
<td></td>
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<tr>
<td>Florida</td>
<td>18,801,310</td>
<td>18,636,368</td>
<td>-164,942</td>
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<tr>
<td>Georgia</td>
<td>9,687,653</td>
<td>9,884,534</td>
<td>196,881</td>
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<td>Hawaii</td>
<td>1,360,301</td>
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<td>Idaho</td>
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<td>6,483,802</td>
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<td>3,046,355</td>
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<tr>
<td>Kentucky</td>
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<td>Louisiana</td>
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<td>Maryland</td>
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<td>5,283,424</td>
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<tr>
<td>Missouri</td>
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<td>15,445</td>
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<tr>
<td>Montana</td>
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<td>978,649</td>
<td>-10,766</td>
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1 Estimate minus Census
2 Calculated as (Estimate - Census) / Census * 100

Note: The April 1, 2010 estimates are based on Census 2000 and were created without knowledge of the Census 2010 results.
Figure 1: Distribution of States by Percent Difference Between the Census Count and the Population Estimate: 2000 and 2010

In 2010:
34 states’ estimates were within (+/- 1%) of the Census
(15 of these were within +/- 5%)
Figure 1b: Distribution of States by Percent Difference Between the Census Count and the Population Estimate: 2000 and 2010

In 2010:
- 34 states' estimates were within (±1%) of the Census
- 15 of these were within (±5%)

In 2000:
- 5 states' estimates were within (±1%) of the Census
- 2 of these were within (±5%)

Percent Difference
(Population Estimate - Census / Census * 100)
Figure 2a: Estimates of the Undocumented Population in the United States: 2016 (In thousands)

Note that OIS estimates are for 2015.
Figure 2b: Estimates of the Undocumented Population in the United States for the Top Five States: 2016 (In thousands)

Note that OIS estimates are for 2015.
Figure 2c: Estimates of the Undocumented Population in the United States for the Second Five States: 2016 (In thousands)

Note that OIS estimates are for 2015.
Hi Ali,

Will Carliss with Reveal reached out with follow up questions for John Abowd from 11/21 interview. The deadline is 5pm today.

Below are the proposed answers. Please let us know how you'd like us to respond. Thank you!

Julie Iriondo, Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b) (6) census.gov | @uscensusbureau

I think Cook might be flying to Alaska and hasn't responded. Chris/Julie -- can someone help with this? Deadline 5 p today.

Thanks,

Shelly Hedrick, Special Assistant
Communications Directorate
U.S. Census Bureau
8H158F
Here are my proposed answers:

Yes.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
All, this was the interview John conducted 11/21.

Here's the recording. Just from a quick scan, his question and John's response -- which is in the first 3 minutes (2:19) -- deals with [b] (5)

John and Cook -- just wanted you to have this context.

Dear Dr. Abowd,

I hope you are well. Further to our interview a few weeks ago, I wanted to touch base on one last, crucial point of our conversation.

As you explained, the Census Bureau estimates that it will be able to identify the citizenship of roughly 90 percent of the respondents to the 2020 census. This information will be collated by the Census Bureau once the census has been completed.

In 2018, the National Academies of Science, Engineering and Education’s Committee on National Statistics wrote a report that raised the concern that the Trump Administration appeared to be
planning to build a “registry” of citizens and non-citizens from the citizenship data being collated by the Census Bureau. (It should be noted that at this time, the NAP was considering the impacts of a citizenship question on the census, rather than the collection of citizenship data via administrative records). The report, referring to a March 26 memo authored by Commerce Secretary Wilbur Ross, states:

So described, the chosen Alternative D is not a “reinstatement” of a citizenship question to the decennial census for statistical purposes but rather the intended use of census responses as seed data to construct an ongoing citizenship status registry, something never before proposed as a task for the Census Bureau, an agency solely devoted to statistical uses of data.

I have asked the White House, ICE, CBP and the Census Bureau to weigh in on this concern. And I have asked, point-blank, whether the citizenship data being collected will ever be used for non-statistical purposes. I have not yet received a response.

When we conversed about how the census data will be shared by the bureau, your response was “That’s not a question that I have an answer for you yet.”

Do you have an answer to this question now?

More specifically:

1) Can you guarantee that the citizenship data being collected by the Census Bureau will never be accessed by other federal agencies to be used for non-statistical purposes such as immigration enforcement?
2) If yes, how do you guarantee this?
2) Will the citizenship data being compiled by the bureau be protected by differential privacy — protected even from other agencies in the federal government including the White House, the President and his cabinet?

I’m sure you understand how critical the answers to this question are to many people in the United States.

Lastly, I appreciate the sensitive nature of this information. I want you to know that you, and anyone else in the Census Bureau, may contact me confidentially on the secure messaging app Signal. My number is 858.683.4438.

I am on deadline for this story and would appreciate an answer to these questions by 5 p.m. tomorrow — Jan. 17.

Thank you

Will Carless

Will Carless,
Reporter, Reveal from the Center for Investigative Reporting
Direct: +1 415-666-2850
Cell (Signal/WhatsApp): +{b) (6) [b] (b) (6)
Skype: Will.carless
@Willcarless
John,

I understand that you might be calling into the 1:00 meeting with CIS today. Even though the two attachments were part of the meeting invitation from DHS, I also wanted to email them to you so that they were more accessible if you need them.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau
(b) (5) Draft
March 10, 2020

MEMORANDUM FOR Dr. Ron S. Jarmin
Deputy Director and Chief Operating Officer

From: Dr. Victoria A. Velkoff
Associate Director for Demographic Programs
Dr. John M. Abowd
Associate Director for Research and Methodology
and Chief Scientist

Consulted with: Jason Devine, Christa Jones, Enrique Lamas, V. Thomas Mule,
Matthew Spence, Deborah Stempowski

Subject: Estimating the Undocumented Population by State for Use in Apportionment

(b) (5) Draft
(b) (5) Draft
(b) (5) Draft
Appendix A: Three Estimates of the Annual Emigration Rate Among Male Mexican-Born Recent Arrivals to the U.S.
Appendix B: 2010 Census and Administrative Records Match Ratios By State

(b) (5) Draft
DRAFT Talking Points on Acquiring State Drivers License Records
Ron asked us to work some wording re state drivers license file requests that we could use for TPs/answers/etc. and to share it with you.

This is the draft language. Let us know if you have questions or additional thoughts.
Joey,

The Director's office passed the following contact info to us for a company that might sell drivers license data. Could you please do some basic market research to see if it would be possible to do a contract (after compete) to purchase all 50 states drivers license data with personal identifiers and address information and citizenship status if available.

Rick Stuckey

Thanks Joey

---

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [b] (6) [b]
census.gov | @uscensusbureau
Good morning Michael,

Thanks for the heads up. During my week away, I received a voice mail message at 4:14 p.m., Tuesday, October 15, 2019 from John (could not make out last name) of the Arkansas Democrat Gazett requesting additional information. Shall I forward that call to you?

Karen Johns, Program Analyst
Data Acquisitions Branch, Economic Reimbursable Surveys Division (ADEF)
U.S. Census Bureau
o: 301-763-2415  |  census.gov  |  @uscensusbureau

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Heads up, Karen! An email you sent to the state of Florida is in this story.

Please let me know if you start getting calls/emails from the public/media.

---

Begin forwarded message:

From: "Daniel D Velez (CENSUS/PIO FED)" <daniel.d.velez@census.gov>
Date: October 17, 2019 at 9:20:56 AM EDT
To: "Michael C Cook (CENSUS/PIO FED)" <Michael.C.Cook@census.gov>
Subject: Driver's License Request Story

As requested.

https://www.huffpost.com/entry/census-drivers-license-request-
Census Bureau Seeks Driver’s License Data, Including Citizenship And Eye Color - huffpost.com

HuffPost obtained a draft memorandum the Census Bureau submitted to multiple states that would govern the sharing of driver's license records. The document outlines a request for

www.huffpost.com

Daniel D. Velez, Public Affairs Specialist
Public Information Office
U.S. Census Bureau
census.gov | @uscensusbureau
Good morning,

Our monitoring team wanted to bring the following article to your attention. Capitol News Illinois, a statewide nonprofit news service, reported that the Illinois Secretary of State’s office rejected a request from the Census Bureau’s “Data Acquisition Branch” on September 17 to gather data about noncitizens through driver’s license information in Illinois.

The story mentioned an email distributed yesterday by the American Association of Motor Vehicle Administrators that “the Census Bureau has been seeking driver and identity card information — including the name, address, date of birth, sex, race, eye color and citizenship status.” It also featured a quote from the association’s president and CEO, who stated that “she had received several inquiries from motor vehicle administrators around the country regarding the Census Bureau’s data request.”

Here’s the full text of the article:

U.S. Census Bureau seeking citizenship data from driver’s licenses
Capitol News Illinois – Peter Hancock, September 23

Illinois Secretary of State Jesse White’s office confirmed Monday it denied what appears to be the federal government’s latest attempt to gather data about noncitizens living in the United States, this time through driver’s license information.

White’s spokesman, Dave Drucker, said during a phone interview Monday with Capitol News Illinois that the agency received the request from the U.S. Census Bureau’s Data Acquisition Branch on Sept. 17, and promptly denied the request.

According to an email distributed Monday by the American Association of Motor Vehicle Administrators and obtained by Capitol News Illinois, the Census Bureau has been seeking driver and identity card information — including the name, address, date of birth, sex, race, eye color and citizenship status.

Anne S. Ferro, president and CEO of the association, said in the email that she had received “several” inquiries from motor vehicle administrators around the country regarding the Census Bureau’s data request.

“I recommend that you discuss this request with your agency’s or state’s privacy officer before responding,” Ferro said in the email.
Earlier this year, the U.S. Department of Commerce, which oversees the Census Bureau, proposed adding a question to the 2020 census asking whether or not each household member is a U.S. citizen, but that effort was ultimately blocked by the U.S. Supreme Court.

Drucker also said that White, a Democrat, expressed public opposition to adding a citizenship question. White’s office also has a longstanding policy, which the secretary of state has proposed codifying into law, of not giving federal agencies full access to the state’s database of driver’s license and ID card information.

Illinois does not record a person’s race or citizenship status on driver’s license applications, although it does require a Social Security number. The state also issues what are known as “temporary visitor’s licenses” to people who have lived in the state for at least a year but do not qualify for a Social Security number or cannot provide documentation of legal residency from the U.S. Citizenship and Immigration Services.
Good afternoon,

NPR's Hansi Lo Wang reported on a recent data-sharing agreement between the Department of Homeland Security and the Census Bureau to "help the Census Bureau produce data about the U.S. citizenship status of every person living in the country." The story noted that the U.S. Citizenship and Immigration Services will share personal information about naturalized U.S. citizens and green card holders from records going back to as early as 1973. Other records included in the agreement include data from the Customs and Border Protection and Immigration Customs Enforcement regarding noncitizens' full names, birth dates, addresses, Social Security numbers, alien registration numbers, and travel histories of visitors to the U.S., including those who have overstayed their visas.

The story noted that the Census Bureau "has not responded to NPR's questions about whether it's planning to produce a count of unauthorized immigrants in response to the executive order" and, along with the Department of Homeland Security's office of public affairs, "not responded to NPR's questions about when the new data-sharing agreement was signed and if any data have been transferred yet."

On social media, Hansi has tweeted 15 times on this topic since this article was posted about an hour ago.

To Produce Citizenship Data, Homeland Security To Share Records With Census
NPR -- Hansi Lo Wang, January 4

The Department of Homeland Security has agreed to share certain government records from its databases to help the Census Bureau produce data about the U.S. citizenship status of every person living in the country.

DHS quietly announced the data-sharing agreement in a regulatory document posted on its website on Dec. 27. It marks the latest development in the Trump administration's ongoing effort to carry out the executive order President Trump issued in July after courts blocked the administration from adding a citizenship question to the 2020 census.

Two weeks after the U.S. Supreme Court ruled last year to keep the citizenship question off, President Trump said in the executive order that releasing citizenship data based on existing records would allow states to redraw voting districts using the number of eligible voters rather than all residents in an area — a method of redistricting that a prominent GOP strategist concluded would politically benefit Republicans and non-Hispanic white people.
According to the DHS document, which was first reported by Federal Computer Week, U.S. Citizenship and Immigration Services is sharing personal information about naturalized U.S. citizens and green card holders from records going back to as early as 1973.

More recent records dating to 2013 from Customs and Border Protection, as well as Immigration and Customs Enforcement, will provide the Census Bureau with data such as noncitizens' full names, birth dates, addresses, Social Security numbers and alien registration numbers. CBP is also sharing the travel histories of visitors to the U.S., including those who have overstayed their visas.

Federal law restricts the release of immigration records about survivors of human trafficking and of certain other crimes who have applied for special visas, as well as survivors of domestic abuse who have applied for immigration benefits under the Violence Against Women Act. Still, USCIS has asked for permission to release to the Census Bureau data about refugees and asylum-seekers, whose records generally cannot be shared without their consent or a waiver signed by the Homeland Security secretary.

The bureau plans to use the data it does receive to try to match the DHS records with those from other agencies about the same person. Each individual's records would then be used in a statistical model designed to produce anonymized estimates of U.S. citizens and noncitizens living in the country.

It is unclear, however, whether this process will be able to accurately determine the citizenship status of individuals. "No one source of citizenship information is complete and up-to-date," the DHS document — known as a privacy impact assessment — warns, while noting that misidentified individuals would receive "no adverse impact" because the efforts are only for "statistical purposes."

Still, Latinx community groups represented by the Mexican American Legal Defense and Educational Fund and Asian Americans Advancing Justice - AAJC are currently suing the administration, arguing that its data efforts are part of a conspiracy to stop Latinx communities, noncitizens and other immigrants from receiving fair political representation.

Meanwhile, the administration has spent months trying to amass citizenship records from other federal agencies, including the State Department and the Social Security Administration, plus states. In November, Nebraska became the first state to agree to share its driver's license records with the Census Bureau.

The data DHS provides "will not be used to make programmatic or administrative enforcement decisions," according to the document the department released last week.

Instead, the document says DHS is providing the records as required by Trump's executive order to help determine numbers of three specific groups: "citizens, lawfully present non-citizens, and unauthorized immigrants in the United States during the decennial census."

While Trump's order does reference a need for a "more reliable" count of unauthorized immigrants
to better inform public policy about immigration and eligibility for public benefits, the Census Bureau has not publicly acknowledged any plans to create such an estimate.

During public meetings in September, the Census Bureau's chief scientist, John Abowd, confirmed that the executive order — along with a filing to the White House's Office of Management and Budget, which reviews all federal government efforts to collect information — "commit" the bureau to releasing citizenship data by the end of March 2021, in time for the next round of redistricting.

The bureau's public information office has not responded to NPR's questions about whether it's planning to produce a count of unauthorized immigrants in response to the executive order.

The bureau is currently fighting off a lawsuit by the state of Alabama and Rep. Mo Brooks, a Republican from that state, which is arguing in court to get unauthorized immigrants excluded from census numbers used to determine the distribution of congressional seats among the states.

Both the bureau and the Department of Homeland Security's office of public affairs have also not responded to NPR's questions about when the new data-sharing agreement was signed and if any data have been transferred yet.

Plans for DHS to share data with the bureau through this agreement have been in negotiations since early 2018, when the bureau officials began scrambling to respond to the Trump administration's last-minute request to add a citizenship question to the 2020 census.

Census Bureau officials have long advocated for the administration to rely on existing government records as a way to produce citizenship information that the bureau's researchers say is more accurate and less expensive than collecting self-reported responses to a census question. In 2018, Commerce Secretary Wilbur Ross, who oversees the Census Bureau, approved both adding the question to census forms and directed the bureau to request records from other agencies and state governments.

Still, the DHS document lays out a number of risks involved with sharing data with the bureau, including a concern that doing so is "not compatible with the original purpose" of DHS agencies collecting the information. It also flags the risk that the people whose information DHS is sharing with the Census Bureau may not want that to occur.

The document says, however, these risks "cannot be mitigated" and that Trump's executive order requires DHS to comply with the bureau's data requests.

Some privacy advocates have raised their own concerns about the potential misuse of data, especially at a time of increased immigration enforcement. Using the information to try to identify noncitizens "implicates fundamental due process rights and will impact both citizens and non-citizens," wrote Marc Rotenberg, president of the Electronic Privacy Information Center, in a July letter to leaders of the House Oversight and Reform Committee.

On top of those concerns, it's not clear exactly how accurate the data produced using the existing
records will be. The DHS document acknowledges it is "notoriously difficult" to use data to
determine a person’s current immigration status because "individuals can have multiple immigration
statuses through their lifetime."

"Because DHS is providing information at a point in time," the document says, "it is reasonable to
believe that eventually data accuracy issues may arise."
Good afternoon,

We wanted to pass along a brief update on coverage related to the Census Bureau and driver’s license information. Since our last update yesterday, October 22, there have been two unique articles in two states that covered the Census Bureau’s request for drivers license information.

In Massachusetts, the Boston Globe mentioned the request in an article about community census outreach in Rhode Island. The article notes state officials have not received such a request from the Census Bureau, but quotes the executive director of Common Cause Rhode Island, who said, “The Constitution is crystal clear that the census is to count every resident of the United States, regardless of their citizenship status. Any attempt to discourage participation by non-citizens is an affront to that constitutional purpose.” The article is behind a paywall; the full text is included below for your convenience.

In Texas, KPRC, a local NBC affiliate, reported that the Texas Department of Public Safety is reviewing the request but has yet to respond. The piece did not refer to the Census Bureau’s October 15 statement, but included a quote from former Census Bureau director Steven Murdock, who stressed the importance of collecting accurate population data. Murdock’s comments do not directly reference driver’s license information, but he has been quoted on the issue of the citizenship question frequently. The article states, “Murdock is among those who believe the citizenship question will deter non-citizens from answering surveys, or in this case, applying for a driver’s license.” A local Houston radio station, iHeart Radio’s KTRH, is running a poll on its Twitter page asking followers if they support Texas providing drivers license data to the Census Bureau. The poll is so far receiving minimal engagement with only 25 votes, but is open for the next 17 hours. It also appears at the bottom of the KPRC article.

Team Y&R will continue to monitor for additional coverage.

Thanks,
Beth

For census, R.I. is hardest state to count in New England
Boston Globe [MA] – Edward Fitzpatrick, October 22

PROVIDENCE — Rhode Island is the hardest state in New England in which to get a full, accurate count of the population, according to US Census Bureau standards.

The Census Bureau designates a geographic area as “hard-to-count” if its self-response rate in the 2010 census was 73 percent or lower. By that standard, 24 percent of Rhode Islanders live in “hard-to-count” neighborhoods — the highest percentage of any state in New England (followed by Massachusetts at 23 percent) and the 12th highest in the nation, according to Common Cause Rhode Island data.

So the Rhode Island Census 2020 Fund is making $425,000 available in small grants to local groups to bolster efforts in hard-to-count communities.

“Rhode Island cannot afford an undercount in the 2020 census,” said Jessica David, the Rhode Island Foundation’s executive vice president of strategy and community investments.

For one thing, she said, Rhode Island relies on the census count for $3.8 billion a year in federal funding, and the state could very well lose one of its two seats in the House of Representatives after the next census.
“We are very concerned,” said David, a member of the Rhode Island Complete Count Committee. “Obviously, we have communities that are vulnerable to being undercounted.”

For example, the state contains groups of people who are often hard to count — including both documented and undocumented immigrants, refugees, English language learners, younger children, people of color, homeless people, homebound older residents, and college students, she said.

“So we definitely need to get in touch with all of these communities and tell them why it matters,” David said.

To boost that effort, the Rhode Island Census 2020 Fund is making grants of between $1,000 and $25,000 available to Rhode Island-based nonprofits, municipal governments, public agencies such as libraries and schools, houses of worship, and community-based organizations. The grants must support activities that raise awareness about the census, and must focus on a specific demographic community or geographic area at risk of undercounting.

This time around, the attempt to reach hard-to-count communities is complicated by the Trump administration’s failed attempt to include a citizenship question on the 2020 census.

Also, the Associated Press recently reported that the Census Bureau is asking states for drivers’ license records that typically include citizenship data. State officials say Rhode Island has not received such a request from the Census Bureau.

But John M. Marion, executive director of Common Cause Rhode Island, emphasized that, “The Constitution is crystal clear that the census is to count every resident of the United States, regardless of their citizenship status. Any attempt to discourage participation by non-citizens is an affront to that constitutional purpose.”

David said, “We know the citizenship question is not on the census questionnaire, which is good news, but there is still a culture of distrust and fear, which we understand.”

The Census Bureau is prohibited from sharing individual census information with other federal agencies, she noted. “We try to convince people that the information will not be used for ill, and we say the census is important for everyone — it affects money for local schools, libraries, roads and bridges.”

In the 2010 census, the municipalities in Rhode Island with the lowest self-response rates were Central Falls (60 percent), Providence (62 percent), Pawtucket (66 percent), Little Compton (69 percent), Woonsocket (69 percent), and Newport (70 percent), according to Common Cause data.

Marion, a member of the Rhode Island Complete Count Committee, noted the state’s “hard-to-count” areas include not just urban core neighborhoods but also places such as Kingston, home to the University of Rhode Island — which underscores the difficulty in getting college students to respond to census surveys.

A total of $1.2 million is available to encourage 2020 census participation in Rhode Island. The state budgeted $500,000, the federal government added $200,000, and private donors are providing $500,000 for the Rhode Island Census Fund, which is being administered by the Rhode Island Foundation.

“To the best of my knowledge, this is the first time there has been a community-based effort to encourage census participation in Rhode Island,” Marion said. “In the past, we have relied solely on the Census Bureau.”

Other states have invested big bucks in bolstering their census counts, he said, noting California is spending $187 million on census outreach.

“For Rhode Islanders, millions of dollars of federal money and political representation for their communities hang in the balance,” Marion said. “It is imperative we make sure every Rhode Islander participates in the census.”

Those interested in the Census 2020 Outreach Grants may attend an information session from 5:30 to 7 p.m. Nov. 7 at the Nonviolence Institute, 265 Oxford St., Providence. Registration information is available at rifoundation.org/censusgrants.
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Good afternoon,

The Associated Press reported on a motion filed yesterday by the Trump administration to dismiss a lawsuit filed by MALDEF and Asian Americans Advancing Justice because the “president has the right to order the U.S. Census Bureau to collect administrative records on citizenship.” The story mentioned the Census Bureau’s requests to states for drivers’ license records to comply with the president’s executive order.

**Attorneys argue Trump has right to collect citizenship info**
The Associated Press – Mike Schneider, December 19

Attorneys for the Trump administration say the president has the right to order the U.S. Census Bureau to collect administrative records on citizenship.

The U.S. Department of Commerce asked a federal court in Maryland on Wednesday to dismiss a lawsuit challenging Trump’s order.

The motion filed by administration attorneys was the latest development among several lawsuits around the nation, deriving from the administration’s failed attempt to put a citizenship question on the 2020 Census questionnaire. After the U.S. Supreme Court blocked the question from being added last summer, Trump issued the order requiring the U.S. Census Bureau to obtain citizenship information from administrative records instead.

Civil rights groups challenged Trump’s order, worried that citizenship information will be used by states and local governments to redraw legislative boundaries using only U.S. citizens instead of the entire population. They argued doing so would be advantageous to Republicans and non-Hispanic whites.

Government lawyers argued in Wednesday’s court filing that the civil rights groups don’t have grounds to bring a lawsuit since they can’t point to anyone being harmed.

“Theyir injuries can only result from a highly attenuated chain of possibilities, including the independent decisions of states and localities to use (or not use) citizenship data,” said attorneys for Commerce Secretary Wilbur Ross, whose department oversees the Census Bureau.

The Department of Commerce has said it has enough administrative records to determine the citizenship of almost 90% of the U.S. population, and records collected from the order would only fill in the remaining gaps. In an effort to comply with the order, the Census Bureau has asked states for
drivers’ license records, but only Nebraska has agreed.

Despite the Supreme Court’s rejection of it, litigation on the citizenship question is continuing in cases in Maryland, New York and Washington, as civil rights groups and Democratic lawmakers question the Trump administration’s explanation for why it was requested in the first place.

The Trump administration claimed it was to help enforce the Voting Rights Act, but civil rights groups and Democratic lawmakers have their doubts.

In Washington, Democratic lawmakers last month sued Ross and Attorney General William Barr for refusing to produce documents on the question’s origin. House Democrats have said a Trump administration adviser was in contact with Republican redistricting guru Thomas Hofeller during the drafting of the citizenship question. Hofeller has said that using voting-age citizens, instead of the total population, as the redistricting population base would help Republicans and non-Hispanic whites.

In court papers filed on Tuesday, the Democratic lawmakers asked a judge to make a ruling without a need for a trial. They said they needed the documents now so they could conduct oversight on the president and pass any needed remedial legislation ahead of next year’s census, which will determine how many congressional seats each state gets and how $1.5 trillion in federal spending is distributed.

“The stakes could not be more serious,” they said in their filing.
Good morning –

Zack reached out to the Reputational Threat Monitoring team to ask for an update on coverage over the weekend of the Drivers License issue so I’m forwarding along what was shared with him. Going forward the team has been instructed to also send this information to PIO as well.

Slightly lower volume over the weekend, but it’s still getting attention. Stories from shareblue.com, PBS, Washington Post, NPR, and the Dallas News were the most shared of the weekend. Qualitatively, news coverage and corresponding social posts have shifted from mainly reporting on the request to looking at it through a political lens, such as this article from The Nation.

Some organizations, such as ACLU of New Jersey, are calling for states not to comply, though those messages make up a small part of the conversation. A topic of conversation that has increased since late last week, spurred by the Washington Post story and other coverage, is whether drivers license data would be accurate, such as this post from a Texas Tribune demographics reporter.

Thanks, Ann

Ann Davison
Director
202.207.6915
adavison@guidehouse.com
www.guidehouse.com

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Kolo,

We have answers prepared for all of Jean's questions (attached). While we recognize you have not had a chance to review, many of these answers are likely to come out during the Director's HSGAC hearing tomorrow. Given that and the fact that we have answers at the ready, we'd like to transmit these to the appropriators prior to the HSGAC hearing. Any concerns and will you be able to review? Happy to discuss further if helpful.

Ben
How does the EO request for administrative records change the current operating plan for the 2020 decennial?

What agencies and departments are represented in the interagency working group to improve access to administrative records and who are their designees? What is the timeline and schedule for this working group to meet?

Will the Census Bureau seek additional information from DHS and other Departments as a result of the EO? Does the Census Bureau anticipate requesting data from other federal agencies not mentioned in the EO? What exactly will this information be used for?

Please detail the status of MOUs with the agencies referred to in section 3 as well as any other Departments and agencies Commerce is seeking administrative records from and provide copies of any executed MOUs.

After the determination not to include the citizenship question, what role, if any, will DOJ play in the 2020 decennial efforts going forward?

Is the Census Bureau anticipating requiring additional funding to fulfill the requirements in the EO?

How and in what form does Census plan to provide "complete and accurate data on the number of citizens, non-citizens, and illegal aliens in this country"?

What current plans, if any, does the Department have to expand ACS and what are the costs associated with that expansion? What are the statistical implications of expanded ACS distribution?

Please detail efforts and MOUs with States to receive administrative records as contemplated in section 3(d). What records will Census be seeking?

What is being done to secure any data, both PII and IT storage-wise, provided to the Census Bureau?

What data, if any will Commerce/Census provide back to the agencies it has MOUs with?

---

From: Cutler, Allen (Appropriations) <Allen_Cutler@appro.senate.gov>
Sent: Thursday, July 11, 2019 5:51 PM
To: Toal Eisen, Jean (Appropriations) <Jean_ToalEisen@appro.senate.gov>; Rathburn, Kolo (Federal) <CRathburn@doc.gov>; Sheridan, Blaise (Appropriations) <Blaise_Sheridan@appro.senate.gov>; Whiteley, Everett G <everett.g.whiteley@census.gov>; Fontenot, Albert E <albert.e.fontenot@census.gov>; Page, Benjamin J <benjamin.j.page@census.gov>
Cc: Phelps, Michael (Federal) <MPhelps@doc.gov>; Bloom, Hamilton (Appropriations) <Hamilton_Bloom@appro.senate.gov>
Subject: RE: 2020 Census

I assume that you are now free to answer questions.

The MOU question also should be expanded to encompass what agreements are needed across government, with which agencies, and which databases will be used, to bring about the execution of the executive order by the Department of Commerce.

From: Toal Eisen, Jean (Appropriations) <Jean_ToalEisen@appro.senate.gov>
Sent: Thursday, July 11, 2019 5:46 PM
Obviously our questions about an MOU w/ Homeland remain and we’d like to see the executive order.

Jean and Blaise,

Thank you for reaching out. As of noon today, the printer has completed 9.3 million questionnaires (none containing the citizenship question).

We will try to update you on your other inquiries when we can. Right now we do not have anything to share.

Kolo

Also, how many forms have been printed as of today? What day is the day they don’t print? Need that ASAP.
To: Rathburn, Kolo (Federal) <CRathburn@doc.gov>; Whiteley, Everett G <everett.g.whiteley@census.gov>; Fontenot, Albert E <albert.e.fontenot@census.gov>; Page, Benjamin J <benjamin.j.page@census.gov>
Cc: Phelps, Michael (Federal) <MPhelps@doc.gov>; Bloom, Hamilton (Appropriations) <Hamilton_Bloom@appro.senate.gov>; Cutler, Allen (Appropriations) <Allen_Cutler@appro.senate.gov>; Toal Eisen, Jean (Appropriations) <Jean_ToalEisen@appro.senate.gov>
Subject: 2020 Census

All,

Could you provide information about how the reported executive action, possibly coming today, would affect decennial preparations?

Thanks,
Blaise

Blaise Sheridan
Professional Staff
Commerce, Justice, Science, & Related Agencies
U.S. Senate Committee on Appropriations
Mike Schneider has follow up questions:

What about the drivers’ license data?
Why has the bureau made requests to state motor vehicle agencies, and how many state motor vehicle agencies have shared their data?
How does the bureau plan to use that information?
Also, can you explain the timing of the request in the Federal Register last month? If the bureau made a request for state administrative data in 2016, why was there a need for a new request last month?

Are we providing additional comment or is this it?

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b) (6)  | census.gov | @uscensusbureau

Julie,
Thanks for this.
What about the drivers’ license data? Why has the bureau made requests to state motor vehicle agencies, and how many state motor vehicle agencies have shared their data? How does the bureau plan to use that information?
Also, can you explain the timing of the request in the Federal Register last month? If the bureau made a request for state administrative data in 2016, why was there a need for a new request last month?

Thanks,
Mike
Hi Mike,

Here you go...

**U.S. Census Bureau Statement on State Data Sharing Agreements**

**OCT. 10, 2019** — For years, the U.S. Census Bureau has regularly entered into agreements to receive administrative records from many federal, state and local governments to provide quality statistics to the American public. Longstanding Federal law (Title 13, Section 6) authorizes and directs the Census Bureau to reuse existing data collected by other federal agencies and state, tribal or local governments, as well as private organizations. Using information previously collected by other organizations saves taxpayers money and reduces the burden on the public, while still allowing the Census Bureau to deliver high-quality data products.

Since the early 2000s, the Census Bureau has researched the use of state administrative records to supplement or improve the quality and coverage of Census Bureau surveys. In 2016, the Census Bureau requested the use of state administrative records that include information such as date of birth, address, race, Hispanic origin and citizenship status for the 2020 Census and ongoing Census Bureau surveys, including the American Community Survey.

As part of routine work, the Census Bureau enters into voluntary data sharing agreements with many state agencies that maintain administrative records on a variety of programs including the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF) and Women, Infants, and Children (WIC) program.

When the Census Bureau receives the records, they are stripped of all personal identifiable information and are used for statistical purposes only while remaining strictly protected under Title 13. By law, the Census Bureau does not share any data protected under Title 13 with the states or share personally identifiable information with any government or law enforcement agencies.

Responses to all Census Bureau surveys and administrative records obtained by the Census Bureau are safe, secure and protected by law. Under Title 13, all census data can only be used to produce statistics.

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: [b] (6) [b] census.gov | @uscensusbureau
From: Schneider, Michael <b>(6) r@ap.org>
Sent: Thursday, October 10, 2019 2:53 PM
To: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: Re: bureau comment

Story is being edited... so right now, if you can, please.
Mike

Sent from my iPhone

On Oct 10, 2019, at 2:49 PM, Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov> wrote:

What's your deadline today? It shouldn't be much longer...

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: <b>(6) census.gov | @uscensusbureau

From: Schneider, Michael <b>(6) r@ap.org>
Sent: Thursday, October 10, 2019 2:02 PM
To: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: RE: bureau comment

OK, thanks.

From: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Sent: Thursday, October 10, 2019 1:52 PM
To: Schneider, Michael <b>(6) r@ap.org>
Subject: Re: bureau comment

Very soon... maybe half hour?
From: Schneider, Michael @ap.org
Sent: Thursday, October 10, 2019 1:44 PM
To: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: RE: bureau comment

Julie,
Can you give me an ETA?
Thanks, Mike

From: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Sent: Thursday, October 10, 2019 1:14 PM
To: Schneider, Michael @ap.org
Subject: Re: bureau comment

Hi Mike,

Hope to have an answer for you soon.

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b) (6) census.gov | @uscensusbureau

From: Schneider, Michael @ap.org
Sent: Thursday, October 10, 2019 10:07 AM
To: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: bureau comment

Hi Julie,
I believe we’re running the story today.
We would love to be able to include comment from the bureau.
Thanks,
Mike

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

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The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.
Thanks,
Public Information Office
U.S. Census Bureau | U.S. Department of Commerce
Direct: 301-763-3030
pio@census.gov

From: Molina, Tara L[b (6)](b) @cbs.com>
Sent: Wednesday, October 2, 2019 2:21 PM
To: CLMSO CS PIO (CENSUS/CLMSO) <clmso.cs.pio@census.gov>
Subject: CBS 2 REQUEST- Census Bureau Requests for Driver’s License Administrative Records

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Brach to driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Illinois’ Secretary of State’s Office. The data request has raised concerns following the Supreme Court decision regarding a citizenship question on the Census.

Is the request for citizenship status by a division of the Census Bureau related to the President’s statement?
Made in July; "I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country."

Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell [b (6)]

Thank you,
Tara Molina
More on our efforts to acquire driver's license data.

Kevin Deardorff, Chief, Economic Reimbursable Surveys Division,
U.S. Census Bureau
Office 301.763.6033 Cell (b) (6) Fax 301.735.8741 kevin.e.deardorff@census.gov
census.gov Connect with us on Social Media

fyi

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 M: 2

census.gov @uscensusbureau

Heads up, Karen! An email you sent to the state of Florida is in this story.

Please let me know if you start getting calls/emails from the public/media.

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
Begin forwarded message:

From: "Daniel D Velez (CENSUS/PIO FED)" <daniel.d.velez@census.gov>
Date: October 17, 2019 at 9:20:56 AM EDT
To: "Michael C Cook (CENSUS/PIO FED)"<Michael.C.Cook@census.gov>
Subject: Driver's License Request Story

As requested.

https://www.huffpost.com/entry/census-drivers-license-request-citizenship_n_5da756f1e4b062bdc81cd40d

Census Bureau Seeks Driver’s License Data, Including Citizenship And Eye Color - huffpost.com

HuffPost obtained a draft memorandum the Census Bureau submitted to multiple states that would govern the sharing of driver’s license records. The document outlines a request for

www.huffpost.com

Daniel D. Velez, Public Affairs Specialist
Public Information Office
U.S. Census Bureau
O: 301-763-3923 | M: (b) (6)
census.gov | @uscensusbureau
Hi all,

For clarify -- which slide in the attached deck is going to DOC? Thanks

Thanks,

Robin L. Wyvill  
Office of the Director  
U.S. Census Bureau | U.S. Department of Commerce  
Direct: 301-763-8239

---

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>  
Sent: Friday, October 4, 2019 10:38 AM  
To: Robin Wyvill (CENSUS/DEPDIR FED) <Robin.L.Wyvill@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Joske Bautista (CENSUS/DEPDIR FED) <jose.bautista@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; James B Treat (CENSUS/ADDC FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>  
Cc: Stephanie Jamison Busick (CENSUS/DCMD CTR) <stephanie.jamison.busick@census.gov>; Robin Wyvill (CENSUS/DEPDIR FED) <Robin.L.Wyvill@census.gov>  
Subject: EO Weekly Data Acquisition Update

Here is our weekly update. I'm not sure who all should be on the addressee list so feel free to forward or let me know who to add.

In the bullet narrative below, I highlighted a couple of things that I believe the Census team should be especially aware of. Please let me know if you have any questions.

Slide Updates:  
Latest slide attached

Weekly Status:

**Renewal Federal Agreements**
a. SSA Numident - fully signed and executed.
b. IRS 1040/1099 - agreement in routing for signature. Expect it to be fully signed/executed by next weeks update.
c. CMS will finalize the Medicare and Medicaid agreements in October. With a target date of finalizing agreements by November 15, the CMS proposed date seems reasonable.

New Federal Agreements

a. SSA/MBR: The agreement is in final preparation at SSA. We learned this week that cost will double based on our schedule to receive two deliveries during FY20. Total cost is now $730,000. I'm working with Decennial Budget contacts to secure the funding. I've pointed out to SSA that this cost is extremely high compared to what we are paying for other federal data (IRS 1040/1099 for monthly deliveries is around $100,00; CMS Medicare/Medicaid at around $50,000 each - all rough estimates at this point). I informed SSA that this high cost might raise concerns both internally as well as with some of the possible updates planned on the Hill.

b. IHS - They informed me this week they are nearing completion of their review/edits to the draft agreement.

c. State Dept: Census staff met with State Department on 9/12/19 to review the agreement variable list and to address other questions regarding data security and access. Based on that meeting, the State Dept will update the draft agreement with their final edits and return to the Census Bureau for review. This week State let me know that the draft agreement is still in review. I am pressing them for more details on the status and if we don't get something substantive back from them by early next week, we should consider asking for DOC assistance.

d. Dept of Homeland Security: Meetings have been held with CIS and ICE and scheduled with CBP for next week. Purpose of the meetings is/will be to respond to each on their questions about certain data variables we have requested. After those meetings, agreements are being updated and finalized for review. Target date of Nov 15 for a fully executed agreement still seems reasonable. CIS informed us that the Human Rights Watch have FOIA'd our draft agreement.

d. U.S Marshals Service: Data transferred.

e. DOI: Data transferred.

f. Bureau of Prisons: BOP sent their draft agreement back with edits. We sent the draft to Census Legal for review.
They informed me this week they might need to get each state's approval to share data for this purpose. They are awaiting their Legal Office opinion on this. If that is the case, it would make it next to impossible to get everything in place within our deadlines.

**Desired Agreements but Legal Issues**

CDC Births/Deaths: No response yet to our request for the data. I've looped the HHS Interagency Working Group representative into these conversations to solicit her help.

**State**

**Drivers License Data**

- Kentucky is in final review for signature.
- Nebraska agreement soon to enter final review for signature.
- Overall Status:

All 50 states contacted  
7 declined - AL, AK, IL, IN, ME, NH, NV

CT, MD and PA seem likely to move forward, but it is slow. OR has a peculiar process. They can only deliver the data per month, and at a cost of $100 each time. Each time an application has to be made.
The original request:

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Branch to Driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Secretary of State’s Office and has raised concerns following the Supreme Court decision regarding this.

Is the request for citizenship status by the census related to the President’s statement? Made in July; “I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country.’

Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell.

Thank you,
Tara Molina

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b) (6)
census.gov | @uscensusbureau
Can you guys call me on this?

Ellisa Johnson,
Assistant Regional Census Manager, Chicago Region
312-579-1518
ellisa.johnson@2020census.gov

---

Sent from Workspace ONE Boxer

--------- Forwarded message ---------

From: Chicago Regional Office (CENSUS/CG) <chicago.regional.office@census.gov>
Date: October 2, 2019 at 4:06:49 PM CDT
Subject: Fw: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records
To: Ellisa Johnson (CENSUS/CG FED) <ellisa.johnson@2020census.gov>, Marilyn A Sanders (CENSUS/CG FED) <Marilyn.A.Sanders@2020census.gov>

From: Molina, Tara L @cbs.com>
Sent: Wednesday, October 2, 2019 1:18 PM
To: Chicago Regional Office (CENSUS/CG) <chicago.regional.office@census.gov>
Subject: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Branch to Driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Secretary of State’s Office and has raised concerns following the Supreme Court decision regarding this.

Is the request for citizenship status by the census related to the President’s statement? Made in July; "I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country.'

Can you clarify why that request, including citizenship status, was made?
This story is running this evening.

Please reach me here or on my cell [b] (6) [b]

Thank you,
Tara Molina
From: CLMSO CS PIO (CENSUS/CLMSO)  
To: Virginia Hyer (CENSUS/PIO FED); Julie Iriondo (CENSUS/PIO FED)  
Cc: Michael C Cook (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED)  
Subject: Fw: Media Inquiry: Census asking states for citizenship information  
Date: Tuesday, October 15, 2019 10:34:40 AM  
Importance: High

Thanks,
Public Information Office  
U.S. Census Bureau | U.S. Department of Commerce  
Direct: 301-763-3030  
pio@census.gov

From: Rachel Frazin @thehill.com>  
Sent: Monday, October 14, 2019 2:29 PM  
To: CLMSO CS PIO (CENSUS/CLMSO) <clmso.cs.pio@census.gov>  
Subject: Media Inquiry: Census asking states for citizenship information

Good afternoon,

My name is Rachel and I'm a reporter for The Hill.

Is the census bureau making an effort to gain citizenship information from states, as The Associated Press reported today?

If so can you tell me more about how and why this is benign done? What will the information be used for? Will it be shared with other agencies?

If not, is the bureau gathering information on drivers' license records and information on recipients of government assistance for other purposes? If so, what will the information be used for?

I am writing on deadline and would appreciate a quick reply.

Best,
Rachel Frazin  
Breaking News Reporter, The Hill
Good morning,

No UFR needed for this request. The DBO Team will update the status in DBiT.

Thank you,

Emily Krutsch, Deputy Office Chief
Decennial Budget Office
U.S. Census Bureau

Office 301.763.6832 / Room 2H083
Cell (b) (6)
Emily.Krutsch@census.gov
Subject: Re: Notification of DBiT Funding Request change. ID=89522

---

Karen D. Deaver  
Decennial Census Programs Directorate, U.S. Census Bureau  
301-763-2549, karen.d.deaver@census.gov

From: dbo.dbit.support.list@census.gov; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Jennifer W Reichert (CENSUS/DCMD FED) <Jennifer.W.Reichert@census.gov>; Deidre C Hicks (CENSUS/DCMD FED) <Deidre.C.Hicks@census.gov>

Sent: Tuesday, January 28, 2020 9:27 AM

To: Karen D Deaver (CENSUS/ADDC FED) <karen.d.deaver@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Jennifer W Reichert (CENSUS/DCMD FED) <Jennifer.W.Reichert@census.gov>

Subject: Notification of DBiT Funding Request change. ID=89522
DBiT ID 89522 has been submitted for review in 2020 and now reflects STATUS = DBO Review.
Fyi

Sent from my iPhone

Begin forwarded message:

From: "Ali Mohammad Ahmad (CENSUS/ADCOM FED)"
<ali.m.ahmad@census.gov>
Date: October 18, 2019 at 5:55:12 PM EDT
To: "Christa D Jones (CENSUS/DEPDIR FED)"
<Christa.D.Jones@census.gov>, "John Maron Abowd (CENSUS/ADRM FED)"
<john.maron.abowd@census.gov>
Cc: "Steven Dillingham (CENSUS/DEPDIR FED)"
<steven.dillingham@census.gov>, "Ron S Jarmin (CENSUS/DEPDIR FED)"
<Ron.S.Jarmin@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)"
<Enrique.Lamas@census.gov>, "Michael A Berning (CENSUS/ERD FED)"
<Michael.A.Berning@census.gov>, "Michael C Cook (CENSUS/PIO FED)"
<Michael.C.Cook@census.gov>
Subject: Re: DRAFT Talking Points

I just spoke with the Director. While he is in transit and could not provide line edits, *(b) (5)*

Key Points
From: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Sent: Friday, October 18, 2019 4:51 PM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Cc: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ali Mohammad Ahmad
Subject: Re: DRAFT Talking Points

a couple of typos in the first bullets and a missing word in the last (now corrected)
DRAFT Talking Points on Acquiring State Drivers License Records

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Friday, October 18, 2019 4:42 PM
To: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Cc: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Subject: Re: DRAFT Talking Points

Bravo. Finally defending our integrity as an independent statistical agency. Keeping the talking points focused on doing our job well is the right tone.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
U.S. Census Bureau
Research and Methodology
O: 301-763-5880 (simulating on cell)
census.gov | @uscensusbureau

On Oct 18, 2019, at 4:22 PM, Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov> wrote:

All--In response to DOC's request to Ron this morning for draft TPs
relating to drivers license file acquisition efforts.

---------------------------------

- The Census Bureau recently contacted the states seeking to acquire state drivers license files. These files contain a range of information, including date of birth, and social security numbers, as well as citizenship, that could be used in support of implementing the recent Executive Order No. 13880.

- More importantly, these records are an opportunity to expand coverage for the Census Bureau's infrastructure that is used to support a broad range of statistical activities, including reducing cost and respondent burden for the 2020 Census and other household surveys and expanding socioeconomic measurement through new statistical products. The Census Bureau has worked throughout the last decade to expand this infrastructure by acquiring new administrative records sources and another important aspect of these efforts is the Census Bureau's research and efforts to improve its record linkage capabilities. This research underscores the Census Bureau's commitment to continuous improvement and its ability to improve the quality of statistics that describe the nation's people, places, and economy. Using administrative records saves taxpayers money and reduces the burden on the American public.

- An aspect of this commitment to accuracy and improvement was embedded in the recent state drivers license requests. Eye color variable is a potentially unique and persistent characteristic, and while the Census Bureau does not plan to utilize this information to produce estimates, the Census Bureau sought this information to research whether the characteristic could be useful to increase the accuracy of the record linkages using these data and to improve the overall record linkage methodologies.
As with any other agreement with the states, the agreements are voluntary and all administrative records data protected by Title 13, which means the Census Bureau must protect confidentiality and will not publish or disclose the identity of the individual and the information can only by used for statistical purposes and only sworn persons may access the confidential data. Any violation of Title 13 is subject to a fine of $250,000, a prison term of 5 years, or both.
Hey Stanley,

Did you ever get the final draft on this topic?

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6) census.gov | @uscensusbureau

Begin forwarded message:

From: "Molina, Tara L" <(b) (6)@cbs.com>
Date: October 2, 2019 at 2:38:46 PM EDT
To: "michael.c.cook@census.gov" <michael.c.cook@census.gov>
Subject: FW: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Brach to driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Illinois’ Secretary of State’s Office. The data request has raised concerns following the Supreme Court decision regarding a citizenship question on the Census.

Is the request for citizenship status by a division of the Census Bureau related to the President’s statement?
Made in July; "I’m hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country."
Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell [b] (6) [e].

Thank you,
Tara Molina
FYI
Sent from my iPhone

Begin forwarded message:

From: "Christa D Jones  (CENSUS/DEPDIR FED)"
Christa.D.Jones@census.gov
Date: October 22, 2019 at 12:41:27 PM CDT
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, "Semsar, Joseph (Federal)" <jsemsar@doc.gov>
Cc: "Ron S Jarmin (CENSUS/DEPDIR FED)" <Ron.S.Jarmin@census.gov>, "Steven Dillingham (CENSUS/DEPDIR FED)" <steven.dillingham@census.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>
Subject: Re: DRAFT TP/Answer on SDL

(Thanks Dave.

From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Tuesday, October 22, 2019 10:19 AM
To: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Semsar, Joseph (Federal) <jsemsar@doc.gov>
Cc: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Re: DRAFT TP/Answer on SDL

My thoughts below.
Ron asked us to work some wording re state drivers license file requests that we could use for TPs/answers/etc. and to share it with you.

This is the draft language. Let us know if you have questions or additional thoughts.
Begin forwarded message:

From: "Mclaughlin, Elizabeth" <Elizabeth.McLaughlin@bcw-global.com>
Date: October 25, 2019 at 4:38:22 PM EDT
To: ADCOM Issues Working Group List
Cc: "adavison@guidehouse.com" <adavison@guidehouse.com>, "meredith.katz@bcw-global.com" <meredith.katz@bcw-global.com>, "Heimowitz, Mike" <Mike.Heimowitz@bcw-global.com>, "terry.neal@bcw-global.com" <terry.neal@bcw-global.com>, "lauren.williams@bcw-global.com" <lauren.williams@bcw-global.com>, "alex.goss@bcw-global.com" <alex.goss@bcw-global.com>, "Ellis, Monika" <Monika.Ellis@vmlyr.com>, "Ferrer, Alberto" <Alberto.Ferrer@vmlyr.com>, Christopher Lewitzke <CLewitzke@reingold.com>, Sam Huxley <shuxley@reingold.com>, nmcnabb <nmcnabb@guidehouse.com>, cgill <cgill@guidehouse.com>, "paul.dubas@bcw-global.com" <paul.dubas@bcw-global.com>
Subject: FW: ESO Monitoring: Driver's License Coverage - Updated with Fox 43 segment

Good afternoon,

WPMT FOX43, a Fox affiliate serving Harrisburg and Central Pennsylvania, just aired a brief 2-minute segment about the Pennsylvania Department of Transportation’s refusal to share driver’s license records with the Census Bureau. A spokesperson from PennDOT appeared on the segment and said, “It was a lot of data that they asked for” and that the department “didn’t feel that their request was something that we needed to comply with.” The segment noted that Pennsylvania was not the only state to refuse to comply with the request and tied the request to the Supreme Court case about the citizenship question, which it said was an attempt to diminish the political power of minorities. The segment concluded by saying PennDOT was not convinced by the Census Bureau’s assurance that the driver’s license data is for statistical purposes.
The segment will air again at 5pm EST. FOX43 published an accompanying online article about the denial of the request on the website and included the Census Bureau’s statement from last week about the issue.

Beth McLaughlin | Assistant Account Executive
bcw | burson cohn & wolfe
o: +202.492.7208 | m: [b] (6)
www.bcw-global.com

The information, and any attachments contained in this email may contain confidential and/or privileged information and is intended solely for the use of the intended named recipient(s). Any disclosure or dissemination in whatever form, by another other than the intended recipient is strictly prohibited. If you have received this transmission in error, please contact the sender and destroy this message and any attachments. Thank you.
Good afternoon,

We wanted to pass along a brief update on coverage related to the Census Bureau and driver’s license information. Since our last update yesterday, October 22, there have been two unique articles in two states that covered the Census Bureau’s request for drivers license information.

In Massachusetts, the Boston Globe mentioned the request in an article about community census outreach in Rhode Island. The article notes state officials have not received such a request from the Census Bureau, but quotes the executive director of Common Cause Rhode Island, who said, “The Constitution is crystal clear that the census is to count every resident of the United States, regardless of their citizenship status. Any attempt to discourage participation by non-citizens is an affront to that constitutional purpose.” The article is behind a paywall; the full text is included below for your convenience.

In Texas, KPRC, a local NBC affiliate, reported that the Texas Department of Public Safety is reviewing the request but has yet to respond. The piece did not refer to the Census Bureau’s October 15 statement, but included a quote from former Census
Bureau director Steven Murdock, who stressed the importance of collecting accurate population data. Murdock’s comments do not directly reference driver’s license information, but he has been quoted on the issue of the citizenship question frequently. The article states, “Murdock is among those who believe the citizenship question will deter non-citizens from answering surveys, or in this case, applying for a driver’s license.” A local Houston radio station, iHeart Radio’s KTRH, is running a poll on its Twitter page asking followers if they support Texas providing drivers license data to the Census Bureau. The poll is so far receiving minimal engagement with only 25 votes, but is open for the next 17 hours. It also appears at the bottom of the KPRC article.

Team Y&R will continue to monitor for additional coverage.

Thanks,

Beth

For census, R.I. is hardest state to count in New England
Boston Globe [MA] – Edward Fitzpatrick, October 22

PROVIDENCE — Rhode Island is the hardest state in New England in which to get a full, accurate count of the population, according to US Census Bureau standards.

The Census Bureau designates a geographic area as “hard-to-count” if its self-response rate in the 2010 census was 73 percent or lower. By that standard, 24 percent of Rhode Islanders live in “hard-to-count” neighborhoods — the highest percentage of any state in New England (followed by Massachusetts at 23 percent) and the 12th highest in the nation, according to Common Cause Rhode Island data.

So the Rhode Island Census 2020 Fund is making $425,000 available in small grants to local groups to bolster efforts in hard-to-count communities.

“Rhode Island cannot afford an undercount in the 2020 census,” said Jessica David, the Rhode Island Foundation’s executive vice president of strategy and community investments.

For one thing, she said, Rhode Island relies on the census count for $3.8 billion a year in federal funding, and the state could very well lose one of its two seats in the House of Representatives after the next census.

“We are very concerned,” said David, a member of the Rhode Island Complete Count Committee. “Obviously, we have communities that are vulnerable to being undercounted.”

For example, the state contains groups of people who are often hard to count — including both documented and undocumented immigrants, refugees, English language learners, younger children, people of color, homeless people, homebound older residents, and college students, she said.

“So we definitely need to get in touch with all of these communities and tell them why it matters,” David said.

To boost that effort, the Rhode Island Census 2020 Fund is making grants of between $1,000 and $25,000 available to Rhode Island-based nonprofits, municipal governments, public agencies such as libraries and schools, houses of worship, and community-based organizations. The grants must support activities that raise awareness about the census, and must focus on a specific demographic community or geographic area at risk of undercounting.

This time around, the attempt to reach hard-to-count communities is complicated by the Trump administration’s failed attempt to include a citizenship question on the 2020 census.

Also, the Associated Press recently reported that the Census Bureau is asking states for
drivers’ license records that typically include citizenship data. State officials say Rhode Island has not received such a request from the Census Bureau.

But John M. Marion, executive director of Common Cause Rhode Island, emphasized that, “The Constitution is crystal clear that the census is to count every resident of the United States, regardless of their citizenship status. Any attempt to discourage participation by non-citizens is an affront to that constitutional purpose.”

David said, “We know the citizenship question is not on the census questionnaire, which is good news, but there is still a culture of distrust and fear, which we understand.”

The Census Bureau is prohibited from sharing individual census information with other federal agencies, she noted. “We try to convince people that the information will not be used for ill, and we say the census is important for everyone — it affects money for local schools, libraries, roads and bridges.”

In the 2010 census, the municipalities in Rhode Island with the lowest self-response rates were Central Falls (60 percent), Providence (62 percent), Pawtucket (66 percent), Little Compton (69 percent), Woonsocket (69 percent), and Newport (70 percent), according to Common Cause data.

Marion, a member of the Rhode Island Complete Count Committee, noted the state’s “hard-to-count” areas include not just urban core neighborhoods but also places such as Kingston, home to the University of Rhode Island — which underscores the difficulty in getting college students to respond to census surveys.

A total of $1.2 million is available to encourage 2020 census participation in Rhode Island. The state budgeted $500,000, the federal government added $200,000, and private donors are providing $500,000 for the Rhode Island Census Fund, which is being administered by the Rhode Island Foundation.

“To the best of my knowledge, this is the first time there has been a community-based effort to encourage census participation in Rhode Island,” Marion said. “In the past, we have relied solely on the Census Bureau.”

Other states have invested big bucks in bolstering their census counts, he said, noting California is spending $187 million on census outreach.

“For Rhode Islanders, millions of dollars of federal money and political representation for their communities hang in the balance,” Marion said. “It is imperative we make sure every Rhode Islander participates in the census.”

Those interested in the Census 2020 Outreach Grants may attend an information session from 5:30 to 7 p.m. Nov. 7 at the Nonviolence Institute, 265 Oxford St., Providence. Registration information is available at rifoundation.org/censusgrants.
Hey VA,

Additionally, it was covered by another outlet and ran in our clips: https://www.daily-chronicle.com/2019/09/24/u-s-census-bureau-sought-citizenship-data-from-drivers-licenses-illinois-rejected-its-request/aaix4ak/

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6) 
census.gov | @uscensusbureau

Begin forwarded message:

From: "Michael C Cook (CENSUS/PIO FED)" <Michael.C.Cook@census.gov>
Date: September 26, 2019 at 10:11:49 AM EDT
To: "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>
Cc: "Christine E Taylor (CENSUS/PIO FED)" <christine.e.taylor@census.gov>
Subject: Re: Request for statement - Data Acquisition Branch request

No response provided—story did run:


Michael C. Cook Sr., Division Chief
Nikki McGee, News Channel 20 in Springfield Ill,
Fysa guys- this is ramping up a bit.

Begin forwarded message:

From: "Virginia Hyer (CENSUS/PIO FED)" <virginia.hyer@census.gov>
Date: October 15, 2019 at 12:54:58 PM EDT
To: "Michael C Cook (CENSUS/PIO FED)" <Michael.C.Cook@census.gov>, "Manning, Kevin (Federal)" <KManning@doc.gov>, "Christine E Taylor (CENSUS/PIO FED)" <christine.e.taylor@census.gov>, "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>, "Burton H Reist (CENSUS/ADCOM FED)" <burton.h.reist@census.gov>, "Stephen L Buckner (CENSUS/ADCOM FED)" <Stephen.L.Buckner@census.gov>, "Julie Iriondo (CENSUS/PIO FED)" <julie.iriondo@census.gov>, "Briana D Kaya (CENSUS/PIO FED)" <briana.d.kaya@census.gov>
Subject: Re: SHORT FUSE: State AdRec Statement

Hi Kevin,

Checking in on the update to the RTQ that explicitly addresses the need for drivers licenses data. AP has an outstanding inquiry on this and we also have CQ Roll Call, Telemundo, the Hill, Courthouse News (Philly) and Providence Journal all requesting specifics to the need for drivers license information.

Best,

Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: (6)
census.gov | @uscensusbureau

From: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Sent: Friday, October 11, 2019 2:32 PM
To: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>; Manning, Kevin (Federal) <KManning@doc.gov>
Cc: Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Christa D
Hi Kevin,

Apologies, hit send to soon.

AP has the following questions for follow-up. All but one (in bold) can be answered with the sentence that was originally taken out about the EO and Drivers Licenses. Please let us know if we can add back the sentence on the EO and Drivers licenses. I’ve attached the document we propose.

Follow Ups
Is the request for drivers’ license information and the request for administrative state records, per the filing last month with the Federal Register, the result of Executive Order 13880?

What about the drivers’ license data?

Why has the bureau made requests to state motor vehicle agencies, and **how many state motor vehicle agencies have shared their data?**

How does the bureau plan to use that information?

Also, can you explain the timing of the request in the Federal Register last month? If the bureau made a request for state administrative data in 2016, why was there a need for a new request last month?

Thanks,

**Virginia Hyer**, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: (b) (6)
census.gov | @uscensusbureau

From: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Sent: Friday, October 11, 2019 2:27 PM
To: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>; Manning, Kevin (Federal) <KManning@doc.gov>
Cc: Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Stephen L Buckner (CENSUS/ADCOM FED) <Stephen.L.Buckner@census.gov>; Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: Re: SHORT FUSE: State AdRec Statement
Hi Kevin,

AP has the following questions. All but one can be answered

Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: [b] (6) [census.gov | @uscensusbureau

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Thursday, October 10, 2019 1:30 PM
To: Manning, Kevin (Federal) <KManning@doc.gov>
Cc: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>; Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <christa.d.jones@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Stephen L Buckner (CENSUS/ADCOM FED) <stephen.l.buckner@census.gov>; Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Subject: Re: SHORT FUSE: State AdRec Statement

Definitely——will do!

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: 2[census.gov | @uscensusbureau

On Oct 10, 2019, at 1:29 PM, Manning, Kevin (Federal) <KManning@doc.gov> wrote:

If it gets to that point, please give me a heads up first.

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Thursday, October 10, 2019 1:27 PM
To: Manning, Kevin (Federal) <KManning@doc.gov>
Cc: Hyer, Virginia <virginia.hyer@census.gov>; Taylor, Christine E <christine.e.taylor@census.gov>; Jones, Christa D <christa.d.jones@census.gov>; Ahmad, Ali M <ali.m.ahmad@census.gov>; Reist, Burton H <burton.h.reist@census.gov>; Buckner, Stephen L <stephen.l.buckner@census.gov>; Iriondo, Julie <julie.iriondo@census.gov>
Subject: Re: SHORT FUSE: State AdRec Statement

Reactive to website unless this blows up and we see the need to post proactively in the Newsroom, so, Social Media can point to it in response to SM traffic....

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6)
census.gov | @uscensusbureau

On Oct 10, 2019, at 1:17 PM, Manning, Kevin (Federal) <KManning@doc.gov> wrote:

(b) (5)

From: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Sent: Thursday, October 10, 2019 11:44 AM
To: Manning, Kevin (Federal) <KManning@doc.gov>
Cc: Taylor, Christine E <christine.e.taylor@census.gov>; Jones, Christa D <christa.d.jones@census.gov>; Cook, Michael C <michael.c.cook@census.gov>; Ahmad, Ali M <ali.m.ahmad@census.gov>; Reist, Burton H <burton.h.reist@census.gov>; Buckner, Stephen L <stephen.l.buckner@census.gov>; Iriondo, Julie <julie.iriondo@census.gov>
Subject: SHORT FUSE: State AdRec Statement

Hi Kevin,

Attached is a draft statement on the Census Bureau's request for state administrative records. We have an outstanding AP request and they plan to write today. Please let us know ASAP if this is approved.

Thanks,
Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: (b) (6)
census.gov | @uscensusbureau

<CB19-RTQ.XX State IDs_doc.docx>
Economic Census

Daily update · October 17, 2019

NEWS

Latest Census Bureau Surveys Do Not Agree on Size and Growth of Immigrant Population
Immigration Blog (blog)
But the other data source, the Current Population Survey Annual Social and Economic Supplement (CPS ASEC, or just CPS for short), shows an ...

Protect the census
Nature.com
The humble census risks becoming a casualty of the rush to embrace big data. ... That's why a huge survey published this week on global child mortality is ... thanks to steady gains in socio-economic development and public health.

Census Confirms Drivers' Records Request Tied to Citizenship | Voice of America - English
Voice of America
The U.S. Census Bureau has asked the 50 states for drivers' license information. ... Census Figures Show Economic Gap Narrows with Citizenship.

Census challenges booming region
Roswell Daily Record (press release)
A Census Bureau specialist spoke to members of the Southeast New Mexico Economic Development District Board of Directors at its Friday meeting at ...

Eurozone inflation revised down to near 3-year lows
KATV
Low inflation can be a sign of economic weakness and has been a concern. "Responses to all Census Bureau surveys and administrative records ..."

It's a middle-class economic boom
PostBulletin.com
But not a word of this is true, according to new Census Bureau data on the incomes of America's middle class. This study by former Census Bureau ...
Thanks. I'll be back to you ASAP.

Ali Ahmad, Associate Director
Communications Directorate
U.S. Census Bureau
O: 301-763-8789 | M: [b] (6) [c]
Ali.M.Ahmad@census.gov
census.gov | @uscensusbureau

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Friday, October 18, 2019 3:45 PM
To: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Cc: Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Subject: Re: Draft MOU for states re: DL

See below...

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: [b] (6) [d]
census.gov | @uscensusbureau

On Oct 18, 2019, at 3:34 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

Cook- Need answers to these questions to get this cleared.
I’ve only been able to confirm:

Ali Ahmad, Associate Director
Communications Directorate
U.S. Census Bureau
O: 301-763-8789 | M: (b) (6)  
Ali.M.Ahmad@census.gov  
census.gov | @uscensusbureau

From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Friday, October 18, 2019 3:21 PM
To: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Christa D Jones (CENSUS/DEPDIR
This request was for the draft MOU specifically, correct? Or is it what was sent to the state?

Ali Ahmad, Associate Director
Communications Directorate
U.S. Census Bureau
O: 301-763-8789 | M: [Redacted]
Ali.M.Ahmad@census.gov
census.gov | @uscensusbureau

Heads up—I’m planning to send the following attachment to HLW. He asked for it and I’ve checked with PCO, FOIA and there’s nothing keeping us from sharing this document that we’ve sent to the states.

If I’m missing something let me know ASAP.
Alan -- I've added a response to Mike Cannon's comment on Harris Q-1 that is similar to the response I provided to the question from Raskin. I also added language to Harris Q-2. I believe that both of these are now good to go as far as I'm concerned.

Thanks,

Burton

_________________________________________________
Burton Reist
Assistant Director for Communications/Operations and Management
Communications Directorate, U.S. Census Bureau
301.763.4155 (office)
(b) (6) (cell)
burton.h.reist@census.gov

---

From: Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>
Sent: Thursday, September 12, 2019 1:20 PM
To: Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Subject: Fw: Draft responses

I've added Zack's section into the Senate package (under Harris). I'm sending both documents back to you to ensure version control since Burton will be dropping in additional language.

Best,

Alan

---

Alan Lang, Deputy Chief
Office of Congressional and Intergovernmental Affairs
U.S. Census Bureau
O: 301-763-6100 | M: (b) (6)
census.gov | @uscensusbureau
From: Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>
Sent: Wednesday, September 11, 2019 11:26 AM
To: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>
Cc: Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>
Subject: Draft responses

All,

These QFRs were due yesterday. We wanted to check in with you to make sure that you're ok with them. Please let me know if you have edits before COB today.

Apologies for the short fuse.

Best,

Alan

---

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Wednesday, September 11, 2019 9:32 AM
To: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>; Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached and below are the only comments that I got on these QFRs. Please provide your response.
Thanks, Jennifer

OCIO:
From: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Sent: Thursday, September 5, 2019 3:06 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Cc: Stanley, Christopher J <christopher.j.stanley@census.gov>; Lang, Alan <alan.lang@census.gov>;
Tadlock, Tara A <tara.a.tadlock@census.gov>
Subject: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer,

Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,
Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798
Cell (b) (5)
tara.a.tadlock@census.gov

Social Media
Sorry hit send too soon. The correction is for this "The 2020 Census count officially begins the next day, on April 1." - that's not accurate. We start in January and the rest of the country gets invitations in mid-March ...April 1 is the reference day.

I think we can reach out once we have an updated statement.

Thanks,
Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: (b) (6) census.gov | @uscensusbureau

From: Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Sent: Tuesday, October 15, 2019 12:49 PM
To: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>; Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Cc: Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>
Subject: Re: Driver’s license / administrative records: Flagging Mike Schneider AP story

Julie, would you be able to ask Mike to correct his story?

Virginia Hyer, Assistant Chief, Media Relations Branch
Public Information Office
U.S. Census Bureau
O: 301.763.5407 | M: (b) (6) census.gov | @uscensusbureau

From: Michael C Cook (CENSUS/PIO FED) <Michael.C.Cook@census.gov>
Sent: Monday, October 14, 2019 9:03 AM
To: Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>
Cc: Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>
Subject: Re: Driver’s license / administrative records: Flagging Mike Schneider AP story

FYSA - I’m flagging for DOC and Ali now....

Michael C. Cook Sr., Division Chief
Public Information Office
U.S. Census Bureau
O: 301-763-4083 | M: (b) (6)
On Oct 14, 2019, at 7:18 AM, Julie Iriondo (CENSUS/PIO FED) wrote:

Flagging the DMV/Admin records story that came out today. Mike says he'll update if we provide comment.


Census Bureau seeks state data, including citizenship info

The U.S. Census Bureau is asking states for drivers' license records that typically include citizenship data and has made a new request for information on recipients of government assistance after ...

[www.ajc.com](http://www.ajc.com)

---

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: [b] (6) [b] [b]
census.gov | @uscensusbureau

---

From: Schneider, Michael [b] (6) [b] [b] [b]
Sent: Monday, October 14, 2019 6:28 AM
To: Julie Iriondo (CENSUS/PIO FED)
Subject: Driver’s license / administrative records

Julie,

I wanted to give you a heads-up that story on drivers licenses/administrative records
moved this morning.
We can always update it today with further comment if you have more details on the matter.
Thanks, Mike

Sent from my iPhone
The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +[b] (6) [b] and delete this email. Thank you.
Attached are 2 documents for you to use.
1) A table that shows all signed agreements. If no data has been received, it is noted in the column.

2) A more comprehensive spreadsheet than the table in 1) that I extracted from an even more detailed spreadsheet and adapted to include the declines. Each line represents a separate agreement. An agreement may include more than one data type. Any red block you see means it was a hard decline (i.e. they either called or emailed and stated they are declining). Yellow is terminated or expired. See the Action Needed column for notes.

In addition to the decline in WA for SNAP and TANF, they also said they will no longer send WIC data.

If you have any questions about either table let me know.

Thanks,

Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, October 8, 2019 8:24 AM
To: Maryann M Chapin (CENSUS/ADDC FED)
Cc: Elizabeth L Love (CENSUS/DCMD FED); Katherine L Reeves (CENSUS/ERD FED)
Subject: Re: EO13880: State-level data?

Interesting question.

We are treating the DL data a little bit differently because the Secretary specifically stated their value to the citizenship project during the kick-off meeting. If we have the data on the other three files we will provide it you.

Kathy,

Do you have enough data logged where you could come up with the list of hard declines for each of SNAP, WIC and TANF?

thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau
Good Morning, Mike,

Liz and I were talking yesterday to create a report, comparable to the WIC, SNAP, and TANF reports, for the state drivers license data.

When talking about the report and based on information that we saw in your weekly status, we saw that some states have declined to enter an agreement/provide data. For each of the maps: WIC, SNAP, TANF, and Drivers License data should we have a status category for declined? Right now, we have: No signed agreement, Signed agreement: no data available, and Signed agreement: data available.

If you could let us know your thoughts on this, we would appreciate it.

Also, to make sure you are aware, we have been asked to include all of the reports in the weekly deck that we deliver to the Department of Commerce.

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
Office 301.763.3933
Cell [b] (6)
maryann.m.chapin@census.gov
census.gov<http://www.census.gov/>
Yes I am able to download this in Excel.  
Please see attached. We can remove these columns.

Thanks

Epa Uwimana, Branch Chief for Data Acquisitions  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
o: 301-763-6064 | m: [b][6]census.gov | @uscensusbureau

Epa are you able to download this off of sharepoint into an excel spreadsheet that we can work with?

Mike Berning, Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
o: 301-763-2028 | m: [b][6]census.gov | @uscensusbureau

Also - can you send us the spreadsheet. I tried to open it on SharePoint and it says I don’t have
permissions. Once it is done you can store it on sharepoint but that won't work for the development/review.

You can also remove the Secretary Ross column -that is not in the request.

---

Kathy - is it possible to get the following columns completed by today?

---

From: Katherine L Reeves (CENSUS/ERD FED) <Katherine.L.Reeves@census.gov>
Sent: Monday, August 12, 2019 5:20 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Subject: RE: By tomorrow
The document is the Overall 2020 status.
https://collab.ecm.census.gov/teamsites/ARI/cmteam/State%20Contact%20Status/Forms/AllItems.aspx

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

________________________________________
From: Michael A Berning (CENSUS/ERD FED)
Sent: Thursday, August 8, 2019 9:27 PM
To: Katherine L Reeves (CENSUS/ERD FED)
Cc: Epaphrodite Uwimana (CENSUS/ERD FED)
Subject: Re: By tomorrow

Yes - just those where we have no agreement.

Thanks

Sent from my iPhone

> On Aug 8, 2019, at 4:42 PM, Katherine L Reeves (CENSUS/ERD FED)
  <Katherine.L.Reeves@census.gov> wrote:
> 
> latest contact person under what status, just those that are non responsive?
> 
> Thanks,
> Kathy
> 
> Kathy Reeves, Program Analyst
> Economic Reimbursable Surveys Division
> U.S. Census Bureau
> O: 301-763-7912
> census.gov | @uscensusbureau
> 
> From: Michael A Berning (CENSUS/ERD FED)
> Sent: Thursday, August 8, 2019 3:39 PM
> To: Katherine L Reeves (CENSUS/ERD FED)
> Cc: Epaphrodite Uwimana (CENSUS/ERD FED)
> Subject: Re: By tomorrow
> 
> good news - you have until Tuesday of next week.
not so good news - can you add a column where you list your latest contact person and another column to list the Governor? We'll let Chris Stanly populate the Governor column.

Thanks

Mike Berning, Assistant Division Chief for Data Acquisition and Curation

Economic Reimbursable Surveys Division

U.S. Census Bureau

O: 301-763-2028 | M: [redacted]

census.gov | @uscensusbureau

Ok. I'll do it on the one that was created for him and gives 2020 use indication and latest data set vintage.

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

Whatever is easier. Ross wants to know why each state refused each dataset and he will call them.

Sent from my iPhone
On Aug 8, 2019, at 2:06 PM, Katherine L Reeves (CENSUS/ERD FED) wrote:

Do you mean to add it to the Sec Ross call status table, or the overall status table?

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Thursday, August 8, 2019 1:49 PM
To: Epaphrodite Uwimana (CENSUS/ERD FED); Katherine L Reeves (CENSUS/ERD FED)
Subject: By tomorrow

Add reason to state table for snap wic and tanf. And for areas where we don’t have agreement give reason state declined.

Add column for drivers license and leave blank.

Sent from my iPhone
FYI.

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c.

From: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Date: Monday, November 18, 2019 at 3:15 PM
To: "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

Jennifer,

Attached are my edits. If CB accepts them (and they should!!), these are good to go.

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c.

From: "Lucas, Jennifer (Federal)" <JLucas@doc.gov>
Date: Monday, November 18, 2019 at 9:20 AM
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

David,

Attached are the revised QFRs. The revisions took so long because they wanted to ensure the
accuracy of #2 in the Senate QFRs. I know that you said the QFRs were ready to go after your comments were accepted, but Census made some additional updates, so I wanted to make sure you were still good with these?

Thanks,
Jennifer

---

From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Thursday, October 10, 2019 11:18 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Cc: O'Connor, Kasey (Federal) <KO'Connor@doc.gov>; Hull, Cordell (Federal) <CHull@doc.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer,

Attached are my edits to the two sets of Census QFRs. When Census accepts, these are good to go.

---

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov

*Sent from my iPad. Please excuse any typos.*

---

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Monday, October 7, 2019 10:31:04 AM
To: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Subject: FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Per your conversation with Beth. Thanks!

---

From: Lucas, Jennifer (Federal)
Sent: Tuesday, September 24, 2019 5:26 PM
To: Dewhirst, David (Federal) <DDewhirst@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiacomo@doc.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached are the revised QFRs. Please let me know if you have additional comments or if they can be sent to OPSP now for clearance.

Thanks,
From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Monday, September 16, 2019 12:12 PM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Lucas, Jennifer (Federal) <jLucas@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiac@doc.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

(b) (5)

--

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov

c. (b)(6)

From: "Cannon, Michael (Federal)" <MCannon@doc.gov>
Date: Monday, September 16, 2019 at 11:24 AM
To: "Lucas, Jennifer (Federal)" <jLucas@doc.gov>, "Craig, Russell (Federal)"
<rCraig2@doc.gov>
Cc: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, "DiGiacomo, Brian (Federal)"
<bDiGiac@doc.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

(b) (5)

(b) (6)

Thanks!

Mike

Michael A. Cannon
Chief, General Litigation Division
From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Monday, September 16, 2019 9:11 AM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>
Cc: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Subject: FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Please see Census’ response to your comment on p. 3 and let me know if you accept the response or want to push back.

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Friday, September 13, 2019 4:37 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>; Tadlock, Tara A <tara.a.tadlock@census.gov>
Cc: Lang, Alan <alan.lang@census.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer, we have responses to the comments thus far. Please let us know if we get more or if there are any questions on these edits.

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Wednesday, September 11, 2019 9:32 AM
To: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>; Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached and below are the only comments that I got on these QFRs. Please provide your response.

Thanks, Jennifer

OCIO:

(b)(5)
Jennifer,

Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,
Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798
Cell [b] (6)
tara.a.tadlock@census.gov
Al -

Ron and Enrique are indisposed right now. Can you take a look at the attached (as noted below)

If you are ok with this then let us know and David will send an updated version with all of your information in there.

Begin forwarded message:

From: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Date: July 12, 2019 at 2:33:52 PM EDT
To: "Ahmad, Ali M" <ali.m.ahmad@census.gov>
Subject: Fwd: DRAFT Declaration

---

David Dewhirst
Deputy General Counsel for Litigation
U.S. Department of Commerce
ddewhirst@doc.gov

*[Sent from my iPhone. Please excuse any typos.]*

From: Dewhirst, David (Federal)
Sent: Friday, July 12, 2019 1:16:02 PM
To: Jarmin, Ron S
Cc: Freitas, Jessica (Federal)
Subject: Re: DRAFT Declaration

With the attachment this time.

---

David Dewhirst
Deputy General Counsel for Litigation
U.S. Department of Commerce
ddewhirst@doc.gov
From: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Date: Friday, July 12, 2019 at 1:15 PM
To: Ron Jarmin <ron.s.jarmin@census.gov>
Cc: "Freitas, Jessica (Federal)" <JFreitas@doc.gov>
Subject: DRAFT Declaration

CUI/PRIV/DL ONLY

-.  

David Dewhirst
Deputy General Counsel for Litigation
U.S. Department of Commerce
ddewhirst@doc.gov
c. (b)(6)

-.
Enrique,
Per your request, the attached contains background on the variable list selection for effort to acquire driver's license. If you have questions or need additional info, please let me know.

Mike

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6)
census.gov | @uscensusbureau
What data sets from the attachment do you want?
Or do you just want me to ask for WIC and DL contacts?

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Miltenberger, Matt
Sent: Monday, August 26, 2019 8:49 AM
To: Katherine L Reeves (CENSUS/ERD FED);
Subject: Census Data

Katherine-

I received your contact information from Chris Stanley. He suggested I connect you with our agencies that are pulling together citizenship data that may be beneficial for the census process. I wanted to connect you with our commissioner of Labor, John Albin. John's team can pull the attached data sets if that would be beneficial to your efforts.

Thank you and please let us know what else we can do to be helpful.

Matt Miltenberger
Chief of Staff
Office of Governor Pete Ricketts
OFFICE 402-471-2244
governor.nebraska.gov | Facebook | Twitter

-----Original Message-----
From: Albin, John
Sent: Tuesday, August 20, 2019 9:47 AM
To: Miltenberger, Matt
Subject: FW: Message from "BCLIN5501P03"

Matt,

Attached is Schedule A from the Public Benefit Annual Report that NDOL files. It shows a breakdown of all applications for benefits or licenses, how many indicate non-citizen status and the number where we denied benefits because we could not find evidence of legal working status.

Unemployment Insurance has the highest number of individuals reporting on citizenship status and represents the broadest cross section of Nebraskans. The Conveyance Safety Act licenses transferred to the State Fire Marshal's
Agency on July 1, 2019, but the other programs are still here.


John H. Albin, C.L.S.S.E.G.B.
COMMISSIONER OF LABOR

Nebraska Department of Labor
P.O. Box 94600
550 S. 16th Street
Lincoln, Nebraska 68509

OFFICE 402-471-3405 | CELL (b)(6) | FAX 402-471-9917 john.albin@nebraska.gov
dol.nebraska.gov

This email and any attachments may contain confidential material and is solely for the use of the intended recipient(s). If you have received this email in error, please notify the sender immediately and delete this email. If you are not the intended recipient(s), you must not use, retain or disclose any information contained in this email.

-----Original Message-----
From: [Redacted]
Sent: Tuesday, August 20, 2019 9:34 AM
To: Albin, John [Redacted]
Subject: Message from "BCLIN5501P03"

This E-mail was sent from "BCLIN5501P03" (MP C6004ex).

Scan Date: 08.20.2019 09:34:16 (-0500)
Queries to: ndol.legal@nebraska.gov
FYI.

--

David Dewhirst  
Deputy General Counsel  
U.S. Department of Commerce  
ddewhirst@doc.gov  
c. (b)(6)

c. (b) (5)

CUI/PRIV

--

David Dewhirst  
Deputy General Counsel  
U.S. Department of Commerce  
ddewhirst@doc.gov  
c. (b) (6)

From: "Lucas, Jennifer (Federal)" <JLucas@doc.gov>  
Date: Monday, November 18, 2019 at 9:20 AM  
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>  
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

(b) (5)
Thanks,
Jennifer

From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Thursday, October 10, 2019 11:18 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Cc: O'Connor, Kasey (Federal) <KO'Connor@doc.gov>; Hull, Cordell (Federal) <CHull@doc.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

---
David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c.

*Sent from my iPad. Please excuse any typos.

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Monday, October 7, 2019 10:31:04 AM
To: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Cc: O'Connor, Kasey (Federal) <KO'Connor@doc.gov>; Hull, Cordell (Federal) <CHull@doc.gov>
Subject: FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Per your conversation with Beth. Thanks!

From: Lucas, Jennifer (Federal)
Sent: Tuesday, September 24, 2019 5:26 PM
To: Dewhirst, David (Federal) <DDewhirst@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiacco@doc.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Thanks,
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Sent: Monday, September 16, 2019 12:12 PM
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Cc: DiGiacomo, Brian (Federal) <bDiGiac@doc.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

CUI/PRIV

(b) (5)

---

David Dewhirst
Deputy General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
(c) (6)

From: "Cannon, Michael (Federal)" <MCannon@doc.gov>
Date: Monday, September 16, 2019 at 11:24 AM
To: "Lucas, Jennifer (Federal)" <JLucas@doc.gov>, "Craig, Russell (Federal)"
<craig2@doc.gov>
Cc: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, "DiGiacomo, Brian (Federal)"
<bDiGiac@doc.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

(b) (5)

(b) (5)

(b) (5)

(b) (5)

---

Mike

Michael A. Cannon
Chief, General Litigation Division
From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Monday, September 16, 2019 9:11 AM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Craig, Russell (Federal) <rCraig2@doc.gov>
Cc: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Subject: FW: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

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Sent: Friday, September 13, 2019 4:37 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>; Tadlock, Tara A <tara.a.tadlock@census.gov>
Cc: Lang, Alan <alan.lang@census.gov>
Subject: Re: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer, we have responses to the comments thus far. Please let us know if we get more or if there are any questions on these edits.

From: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Sent: Wednesday, September 11, 2019 9:32 AM
To: Tadlock, Tara A <tara.a.tadlock@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Alan Lang (CENSUS/OCIA FED) <alan.lang@census.gov>; Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Subject: RE: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Attached and below are the only comments that I got on these QFRs. Please provide your response.
Thanks, Jennifer
From: Tara Tadlock (CENSUS/OCIA FED) <tara.a.tadlock@census.gov>
Sent: Thursday, September 5, 2019 3:06 PM
To: Lucas, Jennifer (Federal) <JLucas@doc.gov>
Cc: Stanley, Christopher J <christopher.j.stanley@census.gov>; Lang, Alan <alan.lang@census.gov>; Tadlock, Tara A <tara.a.tadlock@census.gov>
Subject: Census HOUSE Hearing QFRs - Draft responses for review-07-24-2019 Hearing

Jennifer,

Please find attached the draft QFR responses from Director Dillingham's hearing before the House Oversight and Reform Subcommittee on Civil Rights and Civil Liberties on July 24, 2019.

Chris Stanley is on leave until next Thursday, but you can reply all to Chris, Alan, and myself with any questions.

Thank you,
Tara

Tara Tadlock
Congressional Affairs Office Branch Chief
Office of Congressional and Intergovernmental Affairs (OCIA)
U.S. Census Bureau
Office 301-763-7798

Cell [b] (5) [b] (5) [b] (5)
tara.a.tadlock@census.gov
The Census Bureau recently contacted the states seeking to acquire state drivers license files. These files contain a range of information, such as date of birth and social security numbers, as well as citizenship, that could be used in support of implementing the recent Executive Order No. 13880. More importantly, these records are an opportunity to expand coverage for the Census Bureau’s infrastructure that is used to support a broad range of statistical activities. Administrative records improve the statistics we provide to the public and also reduce the cost and respondent burden for the 2020 Census and other household surveys. Importantly, they also help expand socioeconomic measurement through new statistical products (e.g., the Quarterly Workforce Indicators, OnTheMap and the experimental Post-Secondary Employment Outcomes). The Census Bureau has worked throughout the last decade to expand this infrastructure by acquiring new administrative records sources and researching ways to improve its record linkage capabilities. This work builds on decades of experience at the Census Bureau in acquiring a variety of administrative records to improve its statistical programs. Indeed, Congress has directed the Census Bureau to utilize such records to the greatest extent possible to replace direct collection from censuses and survey. This recent research underscores the Census Bureau’s commitment to continuous innovation to improve the quality of statistics that describe the nation’s people, places, and economy, save taxpayers money and reduce the burden of data collection on the American public.

This commitment to quality and continuous improvement was embedded in the recent state drivers license requests. Even aspects of such requests that seem odd at first blush, such as eye color, can be very beneficial for enhancing the quality of Census Bureau statistics. While the Census Bureau has no plans or intentions on releasing statistics on eye color, this variable is potentially useful to increase the accuracy of the record linkages using these data and to improve record linkage methodologies overall. More simply, it makes the data the Census Bureau does release more accurate and reliable. As with any other agreement with the states, the agreements are voluntary and all administrative records data are protected by Title 13, which means the Census Bureau must protect confidentiality and will not publish or disclose the identity of the individual and the information can only be used for statistical purposes and only sworn persons may access the confidential data. Any violation of Title 13 is subject to a fine of $250,000, a prison term of 5 years, or both.

Key Points

- The Census Bureau recently contacted the states seeking to acquire state drivers license...
files. These files contain a range of information, such as date of birth and social security numbers, as well as citizenship, that could be used in support of implementing the recent Executive Order No. 13880.

- State administrative records such as drivers' license files are an opportunity to expand coverage for the Census Bureau's infrastructure that is used to support a broad range of statistical activities, including reducing cost and respondent burden for the 2020 Census and other household surveys, and expanding socioeconomic measurement through new statistical products. As with any other agreement with the states, the agreements are voluntary.

- Just like data collected through surveys, all administrative records data are protected by Title 13, which means the Census Bureau must protect confidentiality and will not publish or disclose the identity of the individual and the information can only be used for statistical purposes and only sworn persons may access the confidential data. Any violation of Title 13 is subject to a fine of $250,000, a prison term of 5 years, or both.

- The Census Bureau has worked throughout the last decade to expand this infrastructure by acquiring new administrative records sources and another important aspect of these efforts is the Census Bureau's research and efforts to improve its record linkage capabilities.

- Eye color variable is a potentially unique and persistent characteristic. The Census Bureau sought this information in order to research whether the characteristic could be useful to increase the accuracy of the record linkages using these data and to improve the overall record linkage methodologies. We are committed to constant improvement in our methods as we work to produce the most accurate statistics possible. The Census Bureau does not plan to utilize this information to produce estimates.

- This research underscores the Census Bureau's commitment to continuous improvement and its ability to improve the quality of statistics that describe the nation's people, places, and economy. Using administrative records saves taxpayers money and reduces the burden on the American public.
The attached draft represents a substantial re-write that reflects the redesign that Ron Jarmin asked me to supervise for the CVAP product.

The same basic choices must be made, and DSEP doesn’t have to give final guidance on October 3rd, but needs to sign-off on the process for making final decisions.

This draft isolates the CVAP from all regular 2020 Census products both in its production and disclosure avoidance, thus satisfying DSEP’s September 12 instruction to strengthen the privacy protections on this product.

In addition to the position paper, appendix material that summarizes the full history of the Census Bureau's instructions regarding CVAP is provided for DSEP.

I sign off on any changes that Tori, Al or Kathleen want to make. Tori, Al and I will all be at the Commerce SES Summit tomorrow, and I am observing address canvassing in Savannah on Friday.

Michael, could you please take responsibility for accepting changes and generating a PDF of the final position paper once Tori, Al and Kathleen sign-off.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau
From: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Sent: Monday, January 27, 2020 9:28 AM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Subject: Re: Draft language
From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Monday, January 27, 2020 9:07 AM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>
Subject: Fwd: Draft language

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Begin forwarded message:

From: "Brebbia, Sean (Federal)" <SBrebbia@doc.gov>
Date: January 24, 2020 at 4:11:57 PM EST
To: "Christopher J Stanley (CENSUS/OCIA FED)"
<christopher.j.stanley@census.gov>
Subject: Draft language

Confidential – Privileged – Deliberative

(b) (5)

Sean Brebbia
Acting Deputy General Counsel for Special Projects
U.S. Department of Commerce
(202) 482-9051
sbrebbia@doc.gov
Enrique,

Per your request, the attached contains background on the variable list selection for effort to acquire driver's license. If you have questions or need additional info, please let me know.

Mike

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [redacted]
census.gov | @uscensusbureau
See attached memo by David Brown, and supporting documents. Thanks,

**John M. Abowd, PhD**, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (simulring on cell)
census.gov | @uscensusbureau
Hi Burton,

Any thoughts on the revised statement? Are we ready to share with the wider group and/or move it to Decennial clearance? I’ve also added in short statements on the DMV request and the DMV request + eye color. See attached.

Thanks,
Stacy

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 | main office: 301-763-3030
census.gov | @uscensusbureau

Hi Burton,

How does this revised statement look? (James has reviewed/edited.)
Also, should I try to incorporate a short statement like this from the DMV talking points into the larger AdRec document?

Thanks,
Stacy

—

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 | m: (6) | main office: 301-763-3030
census.gov | @uscensusbureau

From: Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Sent: Friday, October 18, 2019 4:09 PM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Subject: Re: Communicating about Administrative Records and Citizenship

Hi all,

See the attached for Monday’s discussion. These talking points about administrative records and the 2020 Census include a draft section toward the end on the executive order and citizenship data. This content would be used if a spokesperson is pressed with questions about the topic. We’d like you to weigh in on how this is framed.

FYI – The rest of the document was cleared last year; we’ve recently worked with Karen Deaver and Tom Mule to update the content, which you’ll see in track changes.

Thanks,
Stacy

—

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
From: Dorothy Heaton (CENSUS/CLMSO FED)
Sent: Thursday, October 17, 2019 7:38 AM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Subject: Communicating about Administrative Records and Citizenship
When: Monday, October 21, 2019 1:30 PM-2:00 PM.
Where: 1-866-807-5272 (L) 4191360 (P) 8933892
Hi Burton,

How does this revised statement look? (James has reviewed/edited.)

Also, should I try to incorporate a short statement like this from the DMV talking points into the larger AdRec document?

Thanks,
Stacy
Hi all,

See the attached for Monday’s discussion. These talking points about administrative records and the 2020 Census include a draft section toward the end on the executive order and citizenship data. This content would be used if a spokesperson is pressed with questions about the topic. We’d like you to weigh in on how this is framed.

FYI – The rest of the document was cleared last year; we’ve recently worked with Karen Deaver and Tom Mule to update the content, which you’ll see in track changes.

Thanks,
Stacy

Stacy Gimbel Vidal, Editorial Content Advisor
Public Information Office
U.S. Census Bureau
o: 301-763-3052 | m: (D)(6) | main office: 301-763-3030
census.gov | @uscensusbureau

From: Dorothy Heaton (CENSUS/CLMSO FED)
Sent: Thursday, October 17, 2019 7:38 AM
To: Dorothy Heaton (CENSUS/CLMSO FED) <Dorothy.Lind.Heaton@census.gov>; Burton H Reist (CENSUS/ADCOM FED) <burton.h.reist@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Michele C Hedrick (CENSUS/ADCOM FED) <michele.c.hedrick@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>
Subject: Communicating about Administrative Records and Citizenship
When: Monday, October 21, 2019 1:30 PM-2:00 PM.
Where: [D](6) | 1-866-807-5272 (L) 4191360 (P) 8933892
Kevin,

Notified on Saturday that there is a Secretary briefing today and a Census prep meeting sometime this morning. I'll have someone stand in for me at your 10:00 until I determine the full scope of involvement I will have in these.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) census.gov | @uscensusbureau

Attached v2 has my updates in track change

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b) (6) census.gov | @uscensusbureau
Attached is briefing document. I started with the October 29 document and made modifications to it. I used Thursday draft EO performance slide deck and Mike status email of the reasons states have declined to provide driver's license data as input. I need Mike to do is update the table in Section C. Also in section D, I only have information for 12 states that declined to provide driver's license data. I need the reason for Maryland declining. Mike if you can make the updates in the file directly that would be great.

Lastly I plan to also have the final EO performance slides for the briefing since they provide the status at the state level.

thanks - jim

James B. Treat
Senior Advisor for Decennial Affairs
Office of the Director
U.S. Census Bureau

Office 301.763.3609 Room 801-907
james.b.treat@census.gov

census.gov
Connect with us on Social Media
Subject: Re: Director Request- SHORT FUSE- Monday Secretary briefing

Thanks, Jim!

On Nov 16, 2019, at 3:56 PM, James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov> wrote:

Attached is the document we used to brief the Secretary on October 29. I will update the document today and send it to you for. Please bring comments to the 9:30am meeting.

thanks - jim

James B. Treat
Senior Advisor for Decennial Affairs
Office of the Director
U.S. Census Bureau

Office 301.763.3609   Room 3609
james.b.treat@census.gov

census.gov
Connect with us on Social Media

From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Saturday, November 16, 2019 11:17 AM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Joske Bautista (CENSUS/DEPDIR FED) <jose.bautista@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>
Subject: Director Request- SHORT FUSE- Monday Secretary briefing

Jim and Mike- Director wants updated EO briefing slides and materials for the Secretary for Monday.

There will be a briefing with the Secretary Monday afternoon at 1:30. Multiple topics expected to be covered but we will need an EO update.
There is time Monday at 9:30 to brief the Director. It may shift slightly. I’ll get you added to the invite.

<October 29 Secretary Briefing Document v4.docx>
We continue to see agencies making progress in improving the experience citizens have when interacting, engaging and transacting with their services. Some are baby steps and some are giant steps. However, there are very few agencies making great progress in understanding their customers through real-time, ongoing customer feedback. This is primarily due to the real or perceived challenges in obtaining Paperwork Reduction Act (PRA) clearances. Agencies have a limited understanding of the importance and value that customer feedback provides in helping them focus their limited resources on pain points that matter to citizens. This not only saves tremendous resources but improves the overall experience. Citizens want service that are easy, useful and assists them in solving their problem.

To take it a step further, we also find that most agencies have silos between the various delivery channels which inhibits their ability to leverage any data across the delivery channels. On the bright side, the Office of Management and Budget (OMB) and their Cross Agency Priority (CAP) goal team on "Improving the Customer Experience" has been creating a toolkit for agencies to use for obtaining PRA clearances and collecting customer feedback. It's clear we are moving in the right direction.
CONNOLLY, FITZPATRICK INTRODUCE LEGISLATION TO IMPROVE GOVERNMENT'S CUSTOMER SERVICE
Reposted from Gerry Connolly, May 8, 2019

Reps. Gerry Connolly (D-VA) and Brian Fitzpatrick (R-PA) introduced the Federal Agency Customer Experience (FACE) Act to improve the efficiency and favorability of government services.

“Improving customer service at federal agencies is not a partisan issue. Federal employees are dedicated civil servants who want to deliver services to taxpayers as best they can,” said Connolly. “The FACE Act will improve customer service by allowing agencies to collect feedback, measure customer satisfaction, and use the feedback to improve their service.” The full article is available here.

AS THE HOUSE SEEKS TO MODERNIZE, RESKILLING, HR STRATEGIES TAKE SHAPE
Reposted from Federal News Network, July 11, 2019
By Jory Heckman

As agencies clamor to reskill their employees for the jobs of the future and develop more user-friendly online services under several modernization strategies, members of the House Modernization Committee are seeking many of those same transformative goals on Capitol Hill.

“Folks who have been here a long time might expect things to stay the same, but I know as folks come in from the outside, they have expectations of what technologies they’re going to be able to use,” Rep. Suzan Delbene (D-Wash.) said at Thursday’s hearing.
CoE RELEASES REQUEST FOR INFORMATION FOR OPM
Reposted from CoE.GSA.gov, July 10, 2019

The General Services Administration (GSA) has partnered with the U.S. Office of Personnel Management (OPM) to provide assistance with their modernization efforts. Through a collaboration between the GSA Office of the Chief Information Officer (GSA IT) and the Centers of Excellence (CoE), OPM will be able to stabilize their infrastructure, laying the foundation for the transformative efforts that could then follow.

OPM will be able to stabilize their infrastructure, laying the foundation for the transformative efforts that could then follow. CoE utilized the material provided by GSA IT and OPM to develop a Draft Request for Quotation (Draft RFQ). This Draft RFQ, along with its associated artifacts, have been made available online in order to obtain industry feedback.

The full article is available here.

CONGRESS PASSES BILL THAT FORCES IRS TO REVAMP TAXPAYER EXPERIENCE
Reposted from NextGov, June 28, 2019
By Frank Konkel

Paying taxes may never be a popular experience for millions of Americans, but a bill that cleared Congress this month aims to improve the relationship between taxpayers and the IRS through a mix of tech and policy improvements. The full article is available here.

THE OCDO, COMING TO AN AGENCY NEAR YOU
Reposted from CoE.GSA.gov, June 25, 2019

This is the part of the new Data Analytics CoE OCDO Series...
What is an OCDO?

An organization's implementation of an Office of the Chief Data Officer (OCDO) should help promote the intersection between policies, processes, and people responsible for managing data as a strategic asset. The Centers of Excellence are helping customer agencies define roles better by bridging technical expertise with the customer agency's organizational expertise. The full article is available here.

OMB ADDS CUSTOMER EXPERIENCE, DATA POLICY UPDATES TO ANNUAL BUDGET GUIDANCE

Reposted from NextGov, July 1, 2019
By Aaron Boyd

As Congress debates appropriations for fiscal 2020, federal agencies are set to start preparing budget requests for fiscal 2021 and have new guidance from the Office of Management and Budget with regard to how they report IT spending and request new funding.

The update to Circular A-11 released Friday includes both technical and substantive changes throughout, including updates and additions to section 55, which covers information technology investments, and section 51, which sets the basic requirements for justifying budget requests, including IT investments. The full article is available here.

OMB PUSHES GOVERNMENT AGENCIES TO IMPROVE CUSTOMER EXPERIENCE

Reposted from CMS Wire, July 19, 2019
By Phil Britt

In its most recent update to Circular A-11, OMB updated its guidance on managing customer experience and improving service delivery. The circular included CX for the first time in 2018. The latest update offers more specifics for what it expects government agencies to do in the area of CX.

“This section provides continued guidance to
agencies on implementing the federal government’s customer experience framework, and information for agencies on how to effectively manage customer experience improvement efforts,” the guidelines state. “Updates include additional information for agencies on best practices for measuring and managing customer experience.” The full article is available here.

**USDA LAUNCHES TOOL TO MATCH FARMERS TO THE LOANS THEY NEED**
Reposted from NextGov, July 17, 2019
By Brandi Vincent

Capital is critical when it comes to maintaining the viability of America’s agriculture and farmers across the nation depend on direct loans from the Agriculture Department to fund and boost their business operations. The full article is available here.

**NATION WELCOMES 7,500 LEGAL IMMIGRANTS AT 110 CITIZENSHIP EVENTS, SUCH AS BETSY ROSS HOUSE**
Reposted from Washington Examiner, July 3, 2019
By Paul Bedard

With the media’s focus on illegal immigrants pouring over the U.S.-Mexico border, the 4 million legal immigrants waiting in line for citizenship are often forgotten, but on July 4 many will finally get their day in the spotlight.

The U.S. Citizenship and Immigration Services said it will make almost 7,500 immigrants new citizens in nearly 110 naturalization ceremonies between July 1 and July 5. The full article is available here.

**INTERIOR SHOWCASES CLIMBING OPPORTUNITIES WITH INTERACTIVE MAPS**
Reposted from U.S. Department of the Interior, June 28, 2019

The U.S. Department of the Interior’s Bureau of Land Management has released a series of interactive online maps designed to promote climbing and other recreational opportunities on BLM-managed public lands. Developed in cooperation with Access Fund and Mountain Project, the maps allow individuals to easily plan exciting climbing experiences at sites around the western United States.

“The Trump Administration is committed to expanding and promoting the untold number of recreational opportunities for Americans to enjoy on public lands,” said U.S. Secretary of the Interior David Bernhardt. “We have some of the best rock climbing sites in the world, and I hope that this new map can help to further highlight these locations and encourage more outdoor enthusiasts to explore our great outdoors.” The full article available is here.

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THE CHANGING LANDSCAPE OF CITIZEN EXPERIENCE

Reposted from Federal News Network, July 19, 2019

Insight provided by KPMG

While the goal of government organizations is to serve the public, the true challenge is to keep track of how the public is ultimately served. In the past, that could mean a citizen answering a simple survey, but that citizen’s interaction with an agency has grown more complex and dynamic, so tracking citizen experience (CX) is likewise changing.

Making CX better in an organization like the Department of Veterans Affairs (VA) can only help the entire process. “In the healthcare arena, with so much emphasis on reducing costs, improving access, quality and especially actual healthcare, improving CX is a great way to address some of these issues,” said Tom Dowd, Principal & Federal Healthcare Advisory Leader at KPMG. “In addition, for the public, CX improvement is a means for better access to information and services.” The full article is available here.
LEADERSHIP IMPACTING CX

CUSTOMER EXPERIENCE COMPANY MEDALLIA SOARS IN PUBLIC DEBUT
Reposted from Cheddar, July 19, 2019

Software-as-a-service company Medallia is now trading on the NYSE, soaring in its public markets debut. After pricing shares at $21, Medallia closed up more than 70 percent at $37.09. Leslie Stretch, President and CEO of Medallia, joined Cheddar to discuss the company's early public success and the state of customer experience as an industry. The full video is available here.

SENATOR ROB PORTMAN RECOGNIZED AS LEGISLATIVE EXECUTIVE OF THE YEAR AT THE 2019 SERVICE TO THE CITIZEN AWARDS

Senator Portman is a member of the U.S. Senate, representing the State of Ohio since 2010. Sen. Portman previously spent over a decade in the House of Representatives and was the Director of the Office of Management and Budget during the George W. Bush Administration. In the Senate, he is a member of the Finance Committee as well as the Homeland Security and Governmental Affairs Committee. Senator Portman was the lead Senate sponsor of the S. 3050, the Senate version of the 21st Century Integrated Digital Experience Act, which was signed into law by the President in December 2018. Senator Portman’s leadership on the 21st Century IDEA was instrumental in ensuring its enactment in 2018.

Federal technology and digital service delivery is in a constant search for new leaders and champions and it was encouraging to see Senator Portman, a longtime member of HSGAC and one who represents a state capital (Columbus) with a fast-growing tech economy. Sen. Portman can be a champion for improving federal customer experience and digital government interests in Washington and it is for his work on 21st Century IDEA that he is selected as the Legislative Executive of the Year.
Without Senator Portman introducing the bill in the Senate, it is doubtful it would have moved forward. As a member of the Senate Homeland Security and Governmental Affairs Committee, Portman was instrumental in shepherding the bill through the committee process, ensuring it was bi-partisan by securing the support of Sen. McCaskill (D-MO) and ultimately helping to ease its passage on the Senate floor. Senator Portman’s entry into legislation impacting the federal government, services to citizens and its contractors is welcome and needed.

The legislation itself was critical to changing the debate in federal IT and CX circles, moving beyond modernization to modernization with the express purpose of delivering better service to citizens. As a former director of OMB, Portman understands the importance of federal IT, improving CX and his leadership went above and beyond. Sen. Portman’s support was essential to securing the support of the Trump Administration and the White House Office of American Innovation and his endorsement of the concept as a Senate leader made the White House take notice. For these efforts he should be recognized.

For highlights of the 2019 Service to the Citizen Awards, click here.

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MORE THAN MEETS AI: PART II

Reposted from Business of Government
By Partnership for Public Service

AI can increase operational efficiency and effectiveness, free employees of repetitive tasks, uncover new data insights, and enhance service delivery to customers. While they take advantage of these benefits, federal agencies must also manage real and perceived risks associated with AI to build trust in these technologies. The full report is available here.

STATES MOVE AHEAD WITH DIGITAL LICENSE PLATES

Reposted from RouteFifty, June 24, 2019
Some state vehicles in Maryland will be outfitted with digital license plates as part of a two-year pilot program to see if the developing technology could work for customers.

The devices come with a built-in LTE connection that can allow for payment of tolls and parking fees, display of amber alerts and safety information, and automatic registration renewal that eliminates the need for a plate sticker and a trip to the DMV. The plates can also alert law enforcement if a car is reported stolen. The full article is available here.

CITIZEN SERVICES AI MARKET BY TOP LEADING COMPETITORS LIKE SERVICE NOW; AMAZON WEB SERVICES, INC; PEGASYSTEMS INC.; IBM CORPORATION; Baidu; MICROSOFT

Reposted from Pioneer Columnist, July 8, 2019

By Kate Elizabeth Queram

The market studies, insights and analysis encompassed in this global Citizen Services AI market research report keeps marketplace clearly into the focus with which ladder of the success can be climbed easily. This report covers market parameters ranging from industry outlook, currency and pricing, value chain analysis, market overview, premium insights, key insights to the company profile of the key market players. It provides them with the best possible solutions and meticulous information about the market trends. Furthermore, businesses can make out the response of the consumers to an already existing product in the market. The full article is available here.
HOW A STATE POLICE AGENCY GOES VIRAL (AND MAYBE TEACHES PEOPLE HOW TO DRIVE)

Reposted from Route Fifty, July 12, 2019
By Kate Elizabeth Quaram

On a given day at work, Colorado State Trooper Josh Lewis might throw down with a colleague over a box of donuts, freak out state residents by repeatedly describing weather conditions as "moist" or teach drivers how to use their turn signals (using them at all would be a good start).

As one of the Colorado State Patrol’s public information officers, Lewis’ main responsibility is disseminating information to journalists and members of the public. Since 2012, he’s been doing so partly by filming videos and posting them to the agency’s social media channels. The full article is available here.

CREATING AN INTELLIGENT NATION: ENABLING DATA-DRIVEN CITIZEN SERVICES

Reposted from SAP, June 14, 2019
By Chris Peck

The unprecedented speed of technological change has shifted people’s expectations with regards to public-service delivery. Citizen’s are demanding high-speed, efficient, and readily accessible service on their terms. Governments can no longer rely on one-size-fits-all solutions. The full article is available here.

ADDITIONAL RESOURCES

- Previous Citizen Services Newsletters
  Keep up to date with last month's Citizen Services Newsletter.

- The Five New Building Blocks Of Customer Experience Success
The following building blocks make up the fuel that allows companies to meet those touchstone objectives.

5 Ways to Build Better Government With Citizen Feedback
Read about the multiple ways to think about collecting the data and closing the loop.

Customer Journey Map: Why The CIO And CMO Must Collaborate
Read about customer journey mapping and how important it is that the CIO and CMO are collaborating

Why Government Needs to Get to Know its Customers
Read about how to identify customers and how their needs is the first step to serving them better and reducing waste effort.

UPCOMING CX EVENTS

September 11, 2019 - FCW Workshop: Digital Transformation - Washington, DC


October 9, 2019 - Reimagining Citizen Services in 2025: How Do We Get There? - Washington, DC

October 20 - 23, 2019 - Imagine Nation ELC - Philadelphia, PA

November 5, 2019 - Reimagining Citizen Services in 2025: Bridging the Gap Between IT and CX - Washington, DC

Questions? Contact us.
If you have questions or need additional information, please don’t hesitate to contact our team.

Dorris Consulting International
703-431-3701
www.dorrisconsulting.com

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Designed by Alex Yerkes

Our mailing address is:
20247 Catlett Place Ashburn, VA 20147

Want to change how you receive these emails? You can update your preferences or unsubscribe from this list.
Have a good weekend.

---

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>

Sent: Friday, February 14, 2020 6:03 PM

To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Michael John Sprung (CENSUS/DEPDIR FED) <michael.j.sprung@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Kevin Smith (CENSUS/CIO FED) <kevin.b.smith@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>

Subject: materials for hearing prep with the secretary

Attached is the latest version of the Secretary's Q&A list. It has been updated again since the version I printed for the director yesterday.

This document will likely be the basis for the meeting. For those who haven't been in these before, he will likely start with question 1 and roll through them one by one until we answer any questions he may have. This session is unlikely to have staff peppering him with practice questions.

Please let me know if you have any questions. Thank you.
Sent: Thursday, February 13, 2020 2:53 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Michael John Sprung (CENSUS/DEPDIR FED) <michael.j.sprung@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Everett G Whiteley (CENSUS/BUD FED) <Everett.G.Whiteley@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Kevin Smith (CENSUS/CIO FED) <kevin.b.smith@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Subject: Hearing Prep at Commerce
When: Tuesday, February 18, 2020 3:00 PM-5:00 PM.
Where: Secretary's Conference Room
Attached is a new version turned in yesterday. I already sent the clean version to the director. Additional information was requested on questions 1 (more on the use of data files), 2 (scheduled end of NRFU), 6 (increased confidence in current funding), and 8 (details on the different pots of contingency funding).

Many thanks to Mike, Page, Everett, and AI, along with Ben Taylor, for quick replies over the weekend. I just got word to print these and bring copies, so maybe that means there will not be any further edits between now and 3 pm.

Other items that will be printed are the weekly report, status charts for data acquisition, and the attached FY2021 budget brief slides from Everett.

Please let me know if you have any questions.

On Feb 14, 2020, at 6:10 PM, Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov> wrote:

Have a good weekend.

From: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Sent: Friday, February 14, 2020 6:03 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <Ali.M.Ahmad@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Michael John Sprung (CENSUS/DEPDIR FED) <Michael.J.Sprung@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Benjamin J Page (CENSUS/CFO FED) <Benjamin.J.Page@census.gov>; Everett G Whiteley (CENSUS/BUD FED)
Attached is the latest version of the Secretary's Q&A list. It has been updated again since the version I printed for the director yesterday.

This document will likely be the basis for the meeting. For those who haven't been in these before, he will likely start with question 1 and roll through them one by one until we answer any questions he may have. This session is unlikely to have staff peppering him with practice questions.

Please let me know if you have any questions. Thank you.
Thanks Dave.

Sent from my iPhone

On Dec 12, 2019, at 10:16 AM, David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov> wrote:

Dave Sheppard, Branch Chief
Data Quality Branch, Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-9291 m: (b)(6)
census.gov @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Thursday, November 21, 2019 11:48 AM
To: David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>
Cc: Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>; Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>; Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>
Subject: Re: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

Thanks

Sent from my iPhone

On Nov 21, 2019, at 11:31 AM, David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov> wrote:

DQB has finished moving the few files we had into that folder.
On Nov 21, 2019, at 11:22 AM, Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov> wrote:

Mike, following up on our conversation earlier this morning. My area didn't create any documents on exec order files. Let me know if you have questions or concerns.

Thanks,
Damon

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Wednesday, November 20, 2019 4:04 PM
To: Adam J Galemore (CENSUS/ERD FED) <Adam.J.Galemore@census.gov>; Epaphrodite Uwimana (CENSUS/ERD FED) <epaphrodite.uwimana@census.gov>; David W Sheppard (CENSUS/ERD FED) <David.W.Sheppard@census.gov>; Damon R Smith (CENSUS/ERD FED) <Damon.R.Smith@census.gov>
Subject: Re: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

(b) (5)

(b) (6)

(b) (6)

(b) (6)

Thank you.
From: Katherine L Reeves (CENSUS/ERD FED)  
<Katherine.L.Reeves@census.gov>  
Sent: Wednesday, November 20, 2019 3:15 PM  
To: Michael A Berning (CENSUS/ERD FED)  
<Michael.A.Berning@census.gov>  
Subject: RE: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

Done

Thanks,
Kathy

Kathy Reeves, Program Analyst  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
O: 301-763-7912  
census.gov  | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)  
Sent: Tuesday, November 19, 2019 3:45 PM  
To: Katherine L Reeves (CENSUS/ERD FED)  
Subject: Re: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

Mike Berning, Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
O: 301-763-2028 | M: [b](6)  
census.gov  | @uscensusbureau

From: Katherine L Reeves (CENSUS/ERD FED)
<Katherine.L.Reeves@census.gov>
Sent: Tuesday, November 19, 2019 3:44 PM
To: Michael A Berning (CENSUS/ERD FED)
<KMichael.A.Berning@census.gov>
Subject: RE: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

(b)(5)

Thanks,
Kathy

Kathy Reeves, Program Analyst
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-7912
census.gov | @uscensusbureau

From: Michael A Berning (CENSUS/ERD FED)
Sent: Tuesday, November 19, 2019 2:47 PM
To: Adam J Galemore (CENSUS/ERD FED); Katherine L Reeves (CENSUS/ERD FED); Karen Johns (CENSUS/ERD FED)
Subject: Fw: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

(b)(5)

(b)(5)

(b)(5)

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: [b](6)
From: Christa D Jones (CENSUS/DEPDIR FED)
<Christa.D.Jones@census.gov>
Sent: Monday, November 18, 2019 12:41 PM
To: James B Treat (CENSUS/DEPDIR FED)
<James.B.Treat@census.gov>; Steven K Smith
(CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED)
<steven.dillingham@census.gov>; Victoria Velkoff
(CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; John Maron Abowd (CENSUS/ADRM FED)
<john.maron.abowd@census.gov>; J David Brown
(CENSUS/CES FED) <J.David.Brown@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED)
<Ron.S.Jarmin@census.gov>; Enrique Lamas
(CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED)
<ali.m.ahmad@census.gov>; Michael A Berning
(CENSUS/ERD FED) <Michael.A.Berning@census.gov> 
Cc: Sapna Sharma <SSharma@doc.gov>; Michael Cannon
<MCannon@doc.gov>
Subject: Alabama RFPs - Selected Item Production CUI / PRIV / FED ONLY

CUI / PRIV / FED ONLY

ATTORNEY - CLIENT WORK PRODUCT
Mike.

Thank you.
Thank you,

Stephanie

Stephanie Olson
Senior Counsel, Office of Special Projects
D: 202.482.5981

-----Original Message-----
From: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>
Sent: Monday, December 2, 2019 2:14 PM
To: Olson, Stephanie (Federal) <SOlson@doc.gov>
Cc: Jarmin, Ron S <ron.s.jarmin@census.gov>
Subject: 20191126-Public-facing CVAP description.docx
TOP NEWS

**Judge Strikes Down Student Visa Policy Nationwide**
A D.C. federal judge declared invalid the Trump administration's rule changing how it calculates the time period student immigrants who have expired visas have been unlawfully in the U.S., saying the government flouted federal law in its rulemaking.

[Opinion attached](#) | [Read full article »](#)

**Exxon Mobil Unit Settles Oil Field Claim Against Canada**
Canada and an Exxon Mobil Corp. unit have settled a North American Free Trade Agreement arbitration over mandatory research and development expenditures relating to the company's investments in two oil fields off the country's eastern coast.

[Read full article »](#)

**Barr Suggests Buying Out A Huawei Rival To Get Ahead On 5G**
Attorney General William Barr floated some big ideas for getting ahead of China in the race to 5G Thursday, including the U.S. buying a controlling stake in one of the two companies strong enough to pose a threat to Huawei.

[Read full article »](#)

**Trump Accounting Firm Tells Justices It'll Skip Subpoena Row**
President Donald Trump's longtime accounting firm has told the U.S. Supreme Court the firm would not weigh in on his appeals over the validity of subpoenas from a U.S. House committee and the Manhattan district attorney seeking his financial records.

[3 documents attached](#) | [Read full article »](#)

**DC Circ. Won't Rethink Ruling On Net Neutrality Rollback**
The D.C. Circuit on Thursday declined to reconsider its ruling last year finding that precedent bound it to uphold the Federal Communications Commission’s rollback of net neutrality regulations, shooting down petitions from advocates of the protections who argued the court was wrong.

[Order attached](#) | [Read full article »](#)

BANKING & SECURITIES

**SEC's Peirce Proposes 3-Year Crypto Safe Harbor**
SEC Commissioner Hester Peirce released the text of a proposed rule Thursday that would implement a three-year safe harbor for cryptocurrency projects, allowing startups to issue digital tokens and develop their product without worrying about securities law violations.

[Proposed Rule attached](#) | [Read full article »](#)

**CFPB Head Says Abusiveness Policy Won't Bring Repleading**
The head of the Consumer Financial Protection Bureau told House lawmakers on Thursday that her agency doesn't anticipate repleading any of
its pending court enforcement actions now that it has instituted a policy narrowing down when and how it plans to bring abusiveness claims in the future.

Mark Cuban Among SEC Critics Siding With Lucia In ALJ Fight
Dallas Mavericks owner Mark Cuban and two prominent hedge fund managers are throwing their support behind former investment adviser Raymond Lucia in his latest challenge to the constitutionality of the U.S. Securities and Exchange Commission's administrative law judges.

Calif. Sets Stricter Oversight Of Two 'Forever Chemicals'
California has set a stricter standard for when water suppliers must respond to long-lasting toxic substances found in drinking water, the State Water Resources Control Board announced Thursday, including treating the water, stopping the use of affected wells and notifying customers.

Pa. Fracker Not Stuck With Penalties On Disputed Well Fees
A driller at the center of a closely watched fight over so-called impact fees on fracked wells was freed from paying penalties and interest Thursday when a Pennsylvania appeals court ruled that the company had been unconstitutionally denied a meaningful chance to challenge fees it was charged.

EPA Overlooking Plastic Pollution In Hawaii, Enviros Say
The U.S. Environmental Protection Agency has failed to ensure that Hawaii is properly addressing plastic pollution in its coastal waters, environmentalists said in a new lawsuit filed Wednesday.

Mississippi Defends 'Fetal Heartbeat' Law At 5th Circ.
About two months after the Fifth Circuit upheld a ban on Mississippi's law prohibiting abortions after 15 weeks, the state's lawyer told the court on Thursday that a law banning abortions after the detection of a fetal heartbeat — which could happen at six weeks — shouldn't suffer the same fate.

Fed. Circ. Hints Inventor To Blame For Stalled USPTO Patents
A prolific inventor came under a constant barrage of criticism at the Federal Circuit Thursday, with a three-judge panel blaming his "unreasonable" obstructive behavior toward the U.S. Patent and Trademark Office for the decades-long delays on some of his 400 patent applications pending at the agency.

Fantasy Sports Is Illegal Gambling In NY, Appeals Court Says
A New York appeals court on Thursday found that daily fantasy sports contests, like those offered by DraftKings and FanDuel, are illegal, striking down a 2016 law that unconstitutionally expanded gambling in the state.
DOT Greenlights Nuro's Driverless Car Test Fleet
The U.S. Department of Transportation on Thursday allowed California robotics company Nuro to deploy a self-driving vehicle that doesn't have certain features typically required for human drivers, granting the first such exemption to federal safety standards.
Read full article »

Analysis
Litigation Likely As New York Frees Tenants From Broker Fees
New guidance from the New York Department of State saying residential brokers for landlords can no longer require apartment seekers to pay their brokerage fees—a clarification to last summer's sweeping rent-control law—is likely to result in additional litigation, experts say.
Read full article »

House Passes Sweeping Pro-Union Bill
The House voted largely along party lines Thursday to approve a broad labor bill meant to bolster unions by making it easier for workers to organize and get a first contract, to the dismay of business groups who warn of a one-sided process that will hurt the economy.
3 documents attached | Read full article »

3rd Circ. Backs Philly Ban On Asking For Salary History
Philadelphia employers are barred from asking job applicants how much they're paid, after the Third Circuit lifted an injunction Thursday that had frozen a measure aimed at closing pay gaps by banning questions about salary history.
2 documents attached | Read full article »

Calif. Truckers Rip Teamsters Bid To Pause AB 5 Injunction
The Teamsters union has no grounds to interfere with a California federal court’s decision blocking a controversial Golden State law that raises the bar for legally classifying workers as independent contractors, even as the Ninth Circuit reviews the injunction order, a trucking group said Thursday.
2 documents attached | Read full article »

Analysis
Chemical Merger Strategy Burns FTC
The Federal Trade Commission’s winning streak on merger challenges ended last month, a loss quite possibly caused by the agency’s risky decision to rely on a rarely used definition of the market that allegedly would have harmed the union of two chemical producers.
Read full article »

DOJ Seeks Flexible Court Take On Threat From Sabre Merger
A U.S. Justice Department attorney argued for a flexible court view Thursday
on which markets are threatened by a $360 million merger of booking services giant Sabre Corp. and Farelogix Inc., at the close of an eight-day trial in Delaware seeking a permanent injunction barring the move.

DOJ Antitrust Chief Issues Warning On State T-Mobile Suit
The head of the U.S. Department of Justice's Antitrust Division issued a warning Wednesday about the potential consequences of a state-led challenge to T-Mobile's merger with Sprint during a speech that also touted progress in efforts to speed the merger review process.

Pay-For-Delay Ban Risks 'Endless Litigation,' 9th Circ. Told
Two trade groups and a public interest law firm on Thursday urged the Ninth Circuit to block a California state law prohibiting pay-for-delay deals between branded and generic-drug makers, saying the law could lead to never-ending litigation.

China Will Slash Tariffs On US Goods Next Week
The Chinese government announced Thursday that it will halve its tariffs on $75 billion worth of U.S. goods on Feb. 14 as the two governments work to implement the preliminary trade deal signed in January.

Feds Vow To Go Hard Against Chinese IP Theft In 2020
Federal prosecutors said Thursday that the public can expect a spike in charges against those suspected of pilfering U.S. intellectual property on behalf of the Chinese government, and that they plan to target companies as well as individual wrongdoers.

NYC Mayor Revives Call For Tax On Vacant Storefronts
New York City Mayor Bill de Blasio renewed his push Thursday for state lawmakers to enact a commercial vacancy tax to curb the city's proliferation of empty storefronts, saying property owners should pay more in taxes if they allow buildings to lie dormant.

Ill. To Forgive $50M Taxes On Plane Parts After Veto Override
OVERRIDING a veto, Illinois lawmakers have voted to forgive $50 million in sales and use taxes from airplane repair shops that were unaware they had to start collecting taxes on parts in 2015, restoring an exemption for certain parts.

Texas Lawmaker Seeks Sales Tax Sourcing Rule Change Delay
A Texas lawmaker has asked the state comptroller to delay a proposed rule that would change where local sales tax on internet orders are sourced to where the taxable item is received instead of where it was sold.

New Yorkers Barred From Global Entry In 'Sanctuary' Fight
The U.S. Department of Homeland Security suspended Global Entry and other expedited security clearance programs for New York travelers and

GOVERNMENT AGENCIES
Bureau of Citizenship and Immigration Services
California Environmental Protection Agency
California Supreme Court
Commodity Futures Trading Commission
Consumer Financial Protection Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Trade Commission
Illinois General Assembly
Mississippi Attorney General's Office
Mississippi Department of Health
NAFTA
National Highway Traffic Safety Administration
National Labor Relations Board
New Jersey Department of Labor and Workforce Development
New Jersey Supreme Court
New York Attorney General's Office
New York State Department of State
New York State Gaming Commission
New York State Senate
Office of the U.S. Trade Representative
Pennsylvania Public Utility Commission
Securities and Exchange Commission
Texas Legislature
Texas Supreme Court
commercial trucks as part of the Trump administration’s crackdown on so-called sanctuary jurisdictions that limit local officials’ cooperation with federal immigration authorities.

Sierra Club Sets Aside $601M Border Wall Funding Claims
The Sierra Club voluntarily dropped claims over $601 million in Treasury funds that were diverted for U.S.-Mexico border wall projects, but can raise the claims again in the future, according to documents filed Thursday in California federal court.

 TELECOMMUNICATIONS

Pai Aims To Give Satellite Cos. $9.7B For C-Band Transition
FCC Chairman Ajit Pai unveiled much-anticipated details of his C-Band reorganization plan on Thursday, saying he aims to offer incumbent satellite companies up to $9.7 billion to clear the spectrum quickly and to bring the cleared spectrum to auction in December.

CANNABIS

USDA Says Some Rules On Hemp THC Testing Could Change
U.S. Department of Agriculture officials told reporters Thursday that they are considering some changes to the agency's initial hemp regulations, but they can’t address the industry's biggest concerns about how THC levels are measured.

EXPERT ANALYSIS

4 Problems With NJ Sick Leave Law Regulations
The New Jersey Department of Labor and Workforce Development's recently finalized regulations for the state’s straightforward Earned Sick Leave Law unnecessarily extend coverage, complicate calculations, increase employer costs, and may conflict with federal labor and benefits laws, says Jed Marcus at Bressler Amery.

Amended CFTC Rules Provide Clarity For Asset Managers
The U.S. Commodity Futures Trading Commission's recently amended registration rules are an important development for asset managers because they codify relief granted in prior no-action letters, adopt staff positions as CFTC rules, and eliminate inconsistencies and certain filing requirements, say Deborah Monson and Jeremy Liabo at Ropes & Gray.

NY Law Against Roofing Contractor Fraud Could Be Broader
New York legislation going into effect in May will undoubtedly help protect homeowners from fraudulent and unscrupulous contractors following natural disasters, but would be stronger if it included a private right of action for technical and substantial violations, treble damages, and personal liability, say Gary Strong and Benjamin Schimelman at Gfeller Laurie.

Opinion
Arbitration Is A Flawed Forum That Needs Repair
While arbitration is a good vehicle for ensuring timely dispute resolution, the existing system lacks protections for workers and consumers, and legislative efforts to outlaw forced arbitration prove it’s time to finally fix it, says Gerald Sauer at Sauer & Wagner.
State Privacy Law Initiatives To Prepare For In 2020
Given that state legislatures in California, New York, Virginia and Washington are poised to add to the privacy and data security landscape through bills that would increase companies’ substantive responsibilities when handling consumer data, there are several steps that companies should take now, say attorneys at Buckley.

Lawmakers Ask Why Judge’s Harassment Went Unreported
Leaders of the House Judiciary Committee asked for more information Thursday about the misconduct investigation into a Kansas federal judge found to have sexually harassed court employees, including why his behavior went unreported for so long.

Ex-Yahoo Exec Rips Class Attys Over Sealed Data Breach Info
Yahoo’s former chief security officer criticized class counsel who secured a $117.5 million deal resolving litigation over multiple Yahoo data breaches, saying Thursday they took $30 million in fees for “buying more boats in Florida,” but let the court seal breach information so “we learned nothing from it.”

Clarence Thomas Documentary Is Light On Legal Insight
The new documentary “Created Equal: Clarence Thomas in His Own Words” vividly traces its subject’s path from rural Georgia to the U.S. Supreme Court, but sheds frustratingly little light on his idiosyncratic judicial philosophy or how it was shaped by his experiences.

NY Courts Approve Updated Civility Standards For Attorneys
The New York courts have adopted revised “civility” standards for attorneys in the state, the first update in more than two decades, the New York State Bar Association announced Thursday.

Ex-Miami Heat Atty Says GC Harassed Her Over Family Leave
A former associate general counsel for the Miami Heat is suing the team in Florida federal court, alleging she was harassed and treated with disdain in retaliation for taking time off to adopt a child.

Law360’s Weekly Verdict: Legal Lions & Lambs
Latham scored this week’s top legal lions title with a $1 billion verdict for client UBS in a contract dispute, while Haynes and Boone ended up among the legal lambs after Texas’ Supreme Court killed a $535 million win for one of its gas pipeline clients.

Law360’s The Term: Kagan’s Twitter, Roberts’ ‘Golden Gavel’
With the U.S. Supreme Court in recess until late February, the team recaps the justices’ public remarks over the past week, including their thoughts on controversial new ethics guidance and which justice has a secret Twitter account.
<table>
<thead>
<tr>
<th>Job Title</th>
<th>Firm Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate - Products Liability, Mass Torts and Consumer Class Actions</td>
<td>McCarter &amp; English, LLP</td>
<td>Wilmington, Delaware</td>
</tr>
<tr>
<td>Power Group Attorney</td>
<td>Los Angeles Department of Water &amp; Power</td>
<td>Los Angeles, California</td>
</tr>
<tr>
<td>Associate - Products Liability, Mass Torts and Consumer Class Actions</td>
<td>McCarter &amp; English, LLP</td>
<td>Wilmington, Delaware</td>
</tr>
</tbody>
</table>
Justices Seem Wary Of Expanding Court Review For Migrants

The U.S. Supreme Court appeared reluctant to give migrants stuck in fast-tracked deportation proceedings access to the federal courts, as the justices questioned the limits of court review for asylum-seekers at oral arguments on Monday.

Read full article »

Supreme Court Agrees To Weigh ACA’s Validity

In a momentous move, the U.S. Supreme Court on Monday agreed to consider whether a legislative change to the Affordable Care Act’s individual mandate rendered the landmark law unconstitutional.

Order attached | Read full article »

Analysis

High Court ACA Case Could Devastate Employee Health Plans

If the U.S. Supreme Court uses a case it picked up Monday to eliminate the Affordable Care Act, companies with 50 or more employees would no longer have to provide health insurance to full-time workers.

Read full article »

Meet The Women Delivering High Court Abortion Arguments

One is a Brooklyn-based immigrant poised to argue at the U.S. Supreme Court against new restrictions on abortion doctors, and one is a born-and-bred Louisianan poised to argue the opposite. Both are mothers and wives, both stand out as female attorneys in the Supreme Court’s male-dominated bar, and both will take center stage Wednesday in a searing cultural and legal debate.

Read full article »

Analysis

SEC’s Disgorgement Power Faces Possible High Court Muzzle

The U.S. Securities and Exchange Commission is facing a potential muzzle on its enforcement powers Tuesday when the U.S. Supreme Court convenes for oral arguments in a case challenging its ability to recoup illegal profits.

1 document attached | Read full article »

USPTO Signals It’s Eyeing High Court For Arthrex Progeny

The U.S. Patent and Trademark Office is considering asking the U.S. Supreme Court to take up the aftermath of a Federal Circuit decision holding the Patent Trial and Appeal Board’s structure unconstitutional.

2 documents attached | Read full article »
Court Transparency Bill Calls For Live Audio, Free PACER
A new bill from House Judiciary Committee leaders aims to increase transparency in the federal courts by requiring live audio streaming of appellate arguments, free access to court documents in the PACER system, an ethics code for the high court and easier access to recusals and financial disclosures.

SUPREME COURT

Justices Toss 11th Circ. FHA Ruling After Miami Yanks Suits
The U.S. Supreme Court on Monday vacated an Eleventh Circuit decision that allowed the city of Miami to proceed with Fair Housing Act lawsuits against Bank of America and Wells Fargo, a ruling the banks were trying to appeal when the city dropped the suits earlier this year.

High Court Won't Take Up Picasso Painting Ownership Case
The U.S. Supreme Court on Monday declined to review a case disputing who should own a Pablo Picasso painting that a Jewish industrialist sold to raise money to escape Nazi persecution, leaving intact a Second Circuit ruling that the Metropolitan Museum of Art can keep the piece.

Lawmakers Back TCPA In High Court Constitutionality Fight
The Senate Democrat who authored the Telephone Consumer Protection Act, more than a dozen of his congressional colleagues and Verizon are among those urging the U.S. Supreme Court to reject a constitutional challenge to the statute’s blanket ban on autodialed calls to cellphones, arguing that invalidating the provision would have a “devastating impact” on consumers.

Justices Will Decide Cooling Water Intake Rule FOIA Fight
The U.S. Supreme Court said Monday it will review the Ninth Circuit’s finding that the federal government must turn over documents concluding that a proposed U.S. Environmental Protection Agency regulation for power plant cooling was likely to put protected species at risk.

Justices Won't Take Up Fight Over Fake Therapist's Insurance
The U.S. Supreme Court opted Monday to not review an Eleventh Circuit ruling that Ace American Insurance Co. has no duty to defend or indemnify a man who pretended to be a licensed mental health counselor in a wrongful death suit over a young patient who killed himself.

46 AGs Back Arkansas In High Court ERISA Preemption Fight
A bipartisan coalition of 46 attorneys general, several pharmacy groups and other industry organizations threw their support behind Arkansas at the U.S. Supreme Court on Monday, arguing that the state’s law regulating pharmacy benefit managers’ drug reimbursement rates wasn’t trumped by ERISA.

Comcast Tells Justices Calif. Rule Interferes With Arbitration
Comcast has asked the U.S. Supreme Court to overturn a California rule that it says conflicts with federal law by effectively blocking companies from enforcing arbitration with individuals.
US Chamber Urges Justices To Hear Generics Discovery Issue
The U.S. Chamber of Commerce and several other groups have urged the U.S. Supreme Court to take up a bid from drug companies to alter the discovery process in multidistrict litigation over an alleged industrywide generic-drug price-fixing conspiracy.

Former GOP Officials Ask Justices To Grant Trump Subpoenas
A group of former Republican members of Congress, executive branch members and legal experts asked the U.S. Supreme Court on Monday to allow the Manhattan district attorney to subpoena President Donald Trump’s financial and tax records.

DC CIRCUIT

FERC Appeal Delays Prompt State Clean Energy Order Fight
State consumer advocates have said the D.C. Circuit’s scrutiny of the Federal Energy Regulatory Commission’s policy stretching out administrative appeals motivates their challenge to FERC’s order targeting state electricity programs in wholesale electricity auctions run by the nation’s largest regional grid operator.

AT&T, Local Carrier Both Take Swipes At FCC In Rate Dispute
AT&T and an Iowa-based local exchange carrier are taking shots at the Federal Communications Commission decision that settled their rate dispute, each telling the D.C. Circuit why different parts of it should be repealed.

FEDERAL CIRCUIT

Fed. Circ. Backs ITC Ban On Comcast Cable Box In Patent Suit
The Federal Circuit on Monday affirmed the International Trade Commission’s holding that Comcast cable boxes infringe two of a TiVo Corp. subsidiary’s patents covering interactive program guides, leaving intact the commission’s ban on the cable and broadband company’s importation of X1 boxes.

Fed. Circ. Says Inequitable Conduct Voids IP In Ethanol MDL
The Federal Circuit on Monday upheld the invalidation of four CleanTech patents asserted in multidistrict infringement litigation, supporting an Indiana federal court’s findings that CleanTech and its Canton Colburn attorneys withheld information from the U.S. Patent and Trademark Office and threatened a defendant.

Fed. Circ. Judge Considers Retrying Alere Drug-Test IP Fight
A Federal Circuit judge appeared to buy into Rembrandt Diagnostics’ argument Monday that it should get a new trial because a district court misconstrued two key terms in a drug-testing patent it says skewed the outcome of its infringement suit against Alere.

FIRST CIRCUIT

1st Circ. Skeptical That College Owes Students Fiduciary Duty
A First Circuit judge on Monday criticized the goal of former Mount Ida College students seeking a new legal fiduciary duty between a college and its
students, saying it would set up a complicated — or even contradictory — rule for governing boards to navigate.

Read full article »

SECOND CIRCUIT

2nd Circ. Mulls Blocking 'Public Charge' Rule State By State
A Second Circuit panel on Monday considered implementing a more targeted halt to the federal government's new "public charge" rule, which penalizes immigrants who use public benefits, after the U.S. Supreme Court struck down a nationwide ban on rolling out the new rule.

Read full article »

THIRD CIRCUIT

3rd Circ. Ends NSA Spying Suit Citing 'Dubious' Evidence
The Third Circuit on Monday shut down a civil liberties attorney's challenge to the government email surveillance program ousted by former intelligence contractor Edward Snowden, finding the lawyer's evidence "dubious" and his witnesses unreliable.

☐ Opinion attached | Read full article »

FIFTH CIRCUIT

5th Circ. Clears Walgreens In Amputee’s Storefront Crash Suit
Walgreens and real estate services giant CBRE Group Inc. aren't responsible for a Mississippi storefront car crash that claimed a customer's leg, the Fifth Circuit ruled, finding store owners have no obligation to protect patrons from negligent drivers.

☐ Opinion attached | Read full article »

NINTH CIRCUIT

9th Circ. Affirms Labor Dept. Win In Staffing Co. Overtime Suit
A Minnesota staffing company willfully violated the Fair Labor Standards Act when its payroll employee knowingly recorded overtime hours as regular hours, the Ninth Circuit ruled Monday, affirming an Arizona federal court's ruling and rejecting the company's argument that it can't be held liable for the actions of a low-level staffer.

☐ Opinion attached | Read full article »

9th Circ. Dubious Of Insurers' Refusal To Defend Retailer
A Ninth Circuit panel appeared inclined Monday to reverse a lower court's order absolving underwriters at Lloyd’s of London from defending a women’s accessories retailer in a putative class action claiming it improperly collected and sold customers’ information, with two judges suggesting the suit contains a potentially covered privacy claim.

Read full article »

Calif. Need Not Shield Tribal Card Games, 9th Circ. Told
California asked the Ninth Circuit on Friday to reject three tribes' bid to revive their suit contending the state is wrongly allowing nontribal card rooms to offer certain games, saying that although the tribes can claim the exclusive right to offer those games under their state gambling deals, California has no responsibility to defend that right.

☐ Brief attached | Read full article »

ILLINOIS

Atty Is Denied Bid For Sanction Against Ill.
A municipal finance banker and attorney can’t force the Illinois secretary of state to pay his defense costs as a sanction for pursuing meritless alleged
securities violations against him related to a state agency’s $12 million investment in a later-shuttered bank, a state appeals court ruled.

Opinion attached | Read full article »

**Pennsylvania**

**Pa. Panel Affirms Injunction Against School District’s Tax Hike**
A Pennsylvania appeals court upheld a preliminary injunction against a school district’s 4.44% tax increase Monday, siding with a class of residents who had alleged the district used deceptive accounting practices to avoid putting the increase to a voter referendum.

Opinion attached | Read full article »

**Pa. Justices To Mull If Juries Set Time Bar For Church Abuse**
The Supreme Court of Pennsylvania agreed Monday to hear a Catholic diocese’s appeal of a case that let jurors widen the time limit for civil claims related to sexual abuse by priests.

Opinion attached | Read full article »

**Pa. Panel Won’t Junk Challenge To Fracking Waste Site**
A Pennsylvania appeals court ruled Monday that state regulators were prematurely trying to extinguish a township’s defense of a municipal charter aimed at banning what local officials say are disposal wells for fracking waste that run afoul of constitutionally enshrined environmental protections.

Opinion attached | Read full article »

**New Jersey**

**NJ Justices Signal Fed. Arbitration Law May Not Nix State One**
The New Jersey Supreme Court suggested Monday that delivery drivers may still be obligated to arbitrate their claims against transportation companies based on a state arbitration law, even though they're exempt from the Federal Arbitration Act in the wake of the U.S. Supreme Court’s New Prime ruling last year.

Read full article »

**NJ Panel Won’t Revive Claims Over PC Richard Receipts**
The New Jersey state appeals court affirmed Monday that a suit accusing P.C. Richard & Son LLC of revealing too much credit card information on its receipts can’t proceed as a class action because individual consumers can recover damages more efficiently in small claims court.

Read full article »

**Juror’s Link To NJ Doctor Can’t Void Med Mal Trial Win**
A New Jersey appeals court on Monday affirmed a defense verdict in a medical malpractice suit accusing a doctor of botching a bariatric procedure, rejecting the patient’s request for a new trial because a juror failed to disclose that he was once considered by the doctor for a landscaping job.

Opinion attached | Read full article »

**Massachusetts**

**Harsher Terms Nixed For Cases Tainted By Mass. Lab Scandal**
Dismissed convictions stemming from a drug lab chemist’s criminal actions and the state attorney general’s office’s attempt at covering them up cannot be used to enhance sentences for subsequent guilty findings, Massachusetts’ top court ruled Friday.

Opinion attached | Read full article »

**Expert Analysis**

New Jersey Association for Justice
Nokia Corp.
P.C. Richard & Son
PJM Interconnection LLC
Pennsylvania General Energy Co.
PerkinElmer Inc.
Pfizer Inc.
PharMerica Corp.
Pharmaceutical Care Management Association
Pharmaceutical Research and Manufacturers of America
Planned Parenthood Federation
Prometheus Laboratories Inc.
Protect Democracy Project Inc.
RELX PLC
Redbox Automated Retail LLC
RingCentral Inc.
Roche Holding AG
Samsung Electronics Co. Ltd.
Sequenom, Inc.
Sierra Club
Smithfield Foods Inc.
Sun Life Assurance Co. of Canada
Technicolor
Teva Pharmaceutical Industries Ltd.
TiVo Corp.
Trump Organization Inc.
U.S. Chamber of Commerce
Vanda Pharmaceuticals Inc.
Walgreens Co.
Wells Fargo & Co.
West-Ward Pharmaceutical Corp.
Yahoo! Inc.
Young Mayden LLC
Zeughauser Group LLC

**Government Agencies**

Arkansas Attorney General’s Office
Bureau of Citizenship and Immigration Services
California Supreme Court
Centers for Disease Control and Prevention
Equal Employment Opportunity Commission
Executive Office of the President
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Judicial Center
Fish and Wildlife Service
Florida Supreme Court
PharMerica FCA Decision Is A Win For Statutory Interpretation
By literally interpreting the False Claims Act's original-source provision, the First Circuit's recent decision in U.S. v. PharMerica makes clear that the text of the FCA must be interpreted with the statute's structure and purpose in mind, say David Lieberman and Erica Hitchings at the Whistleblower Law Collaborative.

Navigating Uncertainty In Digital Health Patent Eligibility
Recent federal court decisions and agency statements indicate that there will be greater scrutiny of eligibility for digital health patents seeking to monopolize fundamental building blocks rather than specific applications, so narrowly tailored claims are critical, say Joshua Reisberg and Ross Blau at Axinn.

Prepare Your Law Firm Tech For Coronavirus Impact
In case the coronavirus pandemic becomes more severe, law firms should make sure that their data, security and communications systems can be remotely accessed with convenience and reliability, say Thomas Robertson and Kenneth Jones at Tanenbaum Keale.

Atty Tips To Avoid 'Scope Creep' And Malpractice Claims
A clear and concise engagement agreement that demarcates a firm's scope of services, and a system to ensure that scope is not exceeded without written documentation are among the most important risk management tools attorneys can adopt, says Eileen Gerczynski at Ames & Gough.

Legal Industry

Analysis
Coronavirus Threatens BigLaw's Surge In Promotions, Hiring
BigLaw saw a banner year in 2019, which sparked a significant up tick in partner promotions and greater competition to land certain associates, but the novel coronavirus could send those workforce and hiring trends backward if it has a monthslong impact on firms' business, experts said.

How Will BigLaw Handle A US Outbreak? Ask Firms In China
The U.S. offices of global law firms are asking counterparts in China how to prepare for a coronavirus pandemic. Their advice? Avoid public transportation, work odd hours, telecommute, video-conference with clients and stockpile hand sanitizer.

Baker McKenzie Reopens London Office After Virus Scare
Baker McKenzie resumed normal operations in London on Monday, after an employee tested negative for the COVID-19 virus. The BigLaw firm had temporarily closed down the office Friday amid concerns related to the spread of the disease, commonly known as the coronavirus.

Gibson Dunn Atty Among Trump’s Picks For EEOC, NLRB
President Donald Trump on Monday moved to fill four top positions at the U.S. Equal Employment Opportunity Commission and the National Labor Relations Board, tapping a Gibson Dunn & Crutcher LLP associate and a leading expert on LGBT issues to fill a pair of EEOC commissioner seats and
reupping two veteran NLRB members for fresh terms.

NYC Bar Group Backs Relaxed Ban On Legal Fee Sharing
New York should loosen the ethical ban on splitting legal fees with nonlawyers to accommodate the "reality" of third-party litigation funding, a city bar working group said in a report Monday.

Ransomware Attack Halts Legal Services Co. Epiq
Kansas-based legal services provider Epiq Global temporarily shut down its online services after a ransomware attack over the weekend, the company said Monday.

Bayer, Google Among Cos. Urging Change To Expert Standard
Corporations including Google, Pfizer, AIG, Ford, Bayer US and helmet maker Riddell pressed a federal court committee Monday to revise the standard on expert testimony in trials, saying some judges are shirking their "gatekeeper" duty by putting unscientific opinions in front of juries responsible for determining liability and awarding money.

Interview
15 Minutes With Coinbase’s Chief Legal Officer
One of Brian Brooks’ missions as the chief legal officer at digital currency exchange Coinbase is to break the status quo by showing people that cryptocurrency is similar to the development of other innovations, including the telephone and the internet. Here, he shares more about his priorities and his 2020 predictions for the cryptocurrency space.

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**JOBS**

Search full listings or advertise your job opening

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<tr>
<th>Issues &amp; Appeals Associate</th>
<th>Patent Attorney</th>
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<td>Hunton Andrews Kurth LLP</td>
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Top Stories

- Acting Secretary of Homeland Security Chad Wolf said his department is suspending enrollment in trusted-travel programs such as Global Entry for New York residents in response to the state's "sanctuary" policies, which protect undocumented immigrants from deportation. The announcement comes after New York passed a law that allows undocumented immigrants to apply for driver's licenses and shield the records from U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. (The Wall Street Journal)

- Attorney General William Barr issued a memo ordering the Federal Bureau
of Investigation and other Justice Department agencies to get his approval before opening politically sensitive investigations related to any of the 2020 presidential candidates. Barr said the decision was to ensure that elections are "free from improper activity or influences," and comes after the Justice Department's inspector general released a report last month showing how FBI agents did not follow protocols as they sought to probe former Trump campaign associate Carter Page. (The New York Times)

- With results from 97 percent of Iowa caucus precincts reporting, former South Bend Mayor Pete Buttigieg of Indiana and Sen. Bernie Sanders (I-Vt.) are nearly tied for first place in the Iowa caucuses. According to data released overnight by the Iowa Democratic Party, Buttigieg leads the race, with 26.2 percent of state delegates, closely followed by Sanders, with 26.1 percent. (CNN)

Chart Review

69 million Americans voted for senators who supported impeachment
The Washington Post
## Events Calendar (All Times Local)

**02/06/2020**

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tr>
<td>Attorney general, FBI director participate in CSIS event on China</td>
<td>8:00 am</td>
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<tr>
<td>National Prayer Breakfast</td>
<td>8:00 am</td>
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<td>U.S. ambassador to NATO participates in Heritage Foundation event</td>
<td>4:30 pm</td>
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<tr>
<td>Speaker Pelosi holds weekly press conference</td>
<td>10:45 am</td>
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<tr>
<td>Trump speaks on Senate acquittal</td>
<td>12:00 pm</td>
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<td>Sanders, Buttigieg, Klobuchar and Patrick participate in CNN New Hampshire town halls</td>
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<tr>
<td><strong>02/07/2020</strong></td>
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<tr>
<td>Energy secretary participates in Atlantic Council event</td>
<td>10:30 am</td>
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<tr>
<td>Democratic presidential debate in New Hampshire</td>
<td>8:00 pm</td>
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<tr>
<td><strong>02/10/2020</strong></td>
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<tr>
<td>Trump holds campaign rally in Manchester, N.H.</td>
<td>7:00 pm</td>
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<tr>
<td><strong>02/11/2020</strong></td>
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<td>New Hampshire primary</td>
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[View full calendar]
Special Report: The State of Consumer Trust

As the new decade begins, Morning Consult’s The State of Consumer Trust report is the first look at how today’s societal forces are shaping a new era of trust. Based on interviews with thousands of consumers, the report provides actionable intelligence into how companies can earn and deepen trust with customers.

Download the full report.
**General**

**China to Cut Tariffs on $75 Billion of U.S. Goods**  
Lingling Wei, The Wall Street Journal

China said it would slash tariffs on $75 billion of U.S. imports in half as part of its efforts to implement a recently signed trade agreement with Washington. Beginning Feb. 14, China will cut tariffs on some U.S. goods to 5% from 10%, while levies on some other items will be reduced to 2.5% from 5%, China’s Ministry of Finance said in a statement Thursday.

**More Americans evacuated from China as CDC confirms 12th U.S. case of coronavirus**  
Erika Edwards, NBC News

The State Department continues to evacuate U.S. citizens from Wuhan, China, the center of the novel coronavirus outbreak that has now sickened more than 28,000 people and killed at least 565. The first airplane with repatriated U.S. citizens landed last week at March Air Reserve Base in Riverside County, California.

**A US Citizen Died While Being Detained By Border Patrol Agents Over A "Smuggling Incident"**  
Hamed Aleaziz, BuzzFeed News

A 32-year-old US citizen who was arrested by Border Patrol agents has died in government custody, according to a statement from US Customs and Border Protection to congressional officials on Wednesday. Border officials said the man, identified as James Paul Markowitz, had been picked up in an "illegal smuggling incident."

**The Trump Lawyer Who Survived**  
Darren Samuelsohn, Politico

When it was finally Jay Sekulow’s time to defend Donald Trump in his Senate impeachment trial, the longtime conservative Christian legal crusader leapt out of his seat and barreled toward the podium. With his booming radio host's voice, Sekulow posed a simple question to the senators who composed the president's jury.

**Giuliani & Co. Plot New Biden Probes and Overseas Trip as Trump's**
Ukraine Team Lies in Ruin
Asawin Suebsaeng and Erin Banco, The Daily Beast

It’s been nearly five months since news of the Ukraine scandal broke, kicking off a rapidly cascading series of events and dramatic revelations that resulted in Donald Trump's impeachment in the House and subsequent acquittal in the Senate. Some of his Republican fellow-travelers, including Sen. Susan Collins (R-ME), have publicly insisted that President Trump had learned his lesson and there was therefore no cause for his removal from office.

An Unsettling New Theory: There Is No Swing Voter
David Freedlander, Politico

What if everything you think you know about politics is wrong? What if there aren’t really American swing voters—or not enough, anyway, to pick the next president?

White House & Administration

White House threatens to veto Puerto Rico earthquake aid package ahead of House vote
Erica Werner, The Washington Post

The White House issued a veto threat Wednesday over a $4.7 billion emergency aid package intended to help Puerto Rico recover from a series of damaging earthquakes. The statement came ahead of a vote planned for Friday in the Democratic-controlled House to pass the aid package.

FBI director warns of ongoing Russian 'information warfare'
Eric Tucker, The Associated Press

FBI Director Chris Wray said Wednesday that Russia is engaged in "information warfare" heading into the 2020 presidential election, though he said law enforcement has not seen ongoing efforts by Russia to target America's election infrastructure. Wray told the House Judiciary Committee that Russia, just as it did in 2016, is relying on a covert social media campaign aimed at dividing American public opinion and sowing discord.

Trump stirs trade concerns with new tariffs on metals
Niv Elis, The Hill
President Trump is scheduled to enact new tariffs on steel and aluminum this weekend, a politically risky move that threatens to revisit trade tensions in an election year. The tariffs, covering nearly $500 million of goods, come on the heels of two significant trade accomplishments: signing a preliminary deal with China and updating the 1994 North American Free Trade Agreement (NAFTA).

**White House national security adviser says Trump didn't seek Ukraine's help with investigations despite evidence to the contrary**

Anne Gearan and Ellen Nakashima, The Washington Post

White House national security adviser Robert C. O'Brien asserted Wednesday that President Trump had not sought Ukrainian help investigating former vice president Joe Biden and his son, Hunter, despite evidence to the contrary. Trump expressly asked Ukrainian President Volodymyr Zelensky to "look into" the Biden family during the July 25 phone call that played a central role in House Democrats decision to impeach the president for allegedly pressuring a foreign ally to investigate his domestic political rival.

**Trump Gives Venezuela's Guaidó the Embrace He Wanted**

Michael Crowley and Julie Turkewitz, The New York Times

Venezuela's opposition leader, Juan Guaidó, has long hoped to land a meeting with President Trump that would demonstrate the United States' support for his claim to being the country's rightful president. He struck out when he and Mr. Trump were both in Davos, Switzerland, last month, and then again when they were both in South Florida last weekend.

**Draft Executive Order Would Give Trump a New Target: Modern Design**

Katie Rogers and Robin Pogrebin, The New York Times

Should every new government building in the nation's capital be created in the same style as the White House? A draft of an executive order called "Making Federal Buildings Beautiful Again" would establish a classical style, inspired by Greek and Roman architecture, as the default for federal buildings in Washington and many throughout the country, discouraging modern design.

**Senate**
Just after Trump acquittal, Republican senators requested Hunter Biden's travel records
Jeanine Santucci, USA Today

Two Republican senators have said they are continuing to look into "potential conflicts of interest" with Hunter Biden's business dealings in Ukraine and China, shortly after President Donald Trump was acquitted by the Senate on articles of impeachment for his own conduct in Ukraine. Sens. Chuck Grassley, R-Iowa, and Ron Johnson, R-Wis., sent a letter to Secret Service Director James Murray on Wednesday asking for clarification on "whether Hunter Biden used government-sponsored travel to help conduct private business" and details of his travel records.

How Mitt Romney Decided Trump Is Guilty
McKay Coppins, The Atlantic

Mitt Romney didn't want to go through with it. "This has been the most difficult decision I have ever had to make in my life," he told me yesterday afternoon in his Senate office.

Doug Jones, facing 'lose-lose' situation, opts to convict Trump
Bridget Bowman, Roll Call

Long before the impeachment process began, Sen. Doug Jones was considered the most vulnerable senator in 2020. The Alabama Democrat's vote Wednesday to remove President Donald Trump from office doesn't change that.

House

GOP introduces resolution to condemn Pelosi for ripping up Trump's State of the Union speech
Andrew O'Reilly, Fox News

Just hours after their colleagues in the Senate voted to acquit President Trump on the two articles of impeachment brought against him, Republican lawmakers in the House introduced a resolution to condemn House Speaker Nancy Pelosi for ripping up a copy of Trump's State of the Union address Tuesday night. The privileged resolution, which was introduced Wednesday by Texas Republican Rep. Kay Granger, blasted Pelosi's public shredding of the
text of the address as "a breach of decorum" and said it brought "discredit on the House."

2020

Sanders says he raised $25M in January, will bolster ad buys
Will Weissert, The Associated Press

Bernie Sanders says he raised a whopping $25 million in January and will use his presidential campaign's flush bank account to increase television and digital advertising in 10 states. The Vermont senator spent $50 million during the final three months of 2019 and finished the year with $18.2 million in cash on hand, putting him in a stronger position than many of his rival candidates even before his latest bonanza last month.

Biden and Warren Seek Revival, With Two Very Different Strategies
Jonathan Martin et al., The New York Times

Joseph R. Biden Jr. and Senator Elizabeth Warren each suffered a damaging setback in Iowa that could make it harder for them to recover next week in New Hampshire - and not just because they were running well behind the leading candidates as Democrats awaited a final count. In a primary sharply divided between progressive and more moderate candidates, Mr. Biden and Ms. Warren both trailed opponents with whom they are competing for many of the same voters.

First head rolls after Biden's weak Iowa finish
Natasha Korecki and Marc Caputo, Politico

Joe Biden's campaign has parted ways with its Iowa field director, two days after the former vice president came in an embarrassing fourth place in the primary caucus state. Adrienne Bogen, who headed field operations for Biden, will not stay on the campaign, even as other members of senior leadership were asked to head to other early states or to assist in Super Tuesday operations.

Buttigieg camp invites more super PAC help
Elena Schneider, Politico

A senior adviser for Pete Buttigieg’s campaign tweeted what appeared to be a signal for help to super PAC supporters on Wednesday, a notable injection of
big-money politicking into a Democratic presidential race that has been defined in large part by opposition to super PACs and their influence. Michael Halle, the Buttigieg strategist, wrote on Twitter that it was "critical" that Democrats in Nevada - the third state in the Democratic nominating calendar, with its caucuses scheduled on Feb. 22 - learn more about Buttigieg's military credentials.

**Trump Fans Flooded Iowa Caucus Hotline, Democrats Say**

*Tyler Pager and Jennifer Epstein, Bloomberg*

Supporters of President Donald Trump flooded a hotline used by Iowa precinct chairs to report Democratic caucus results after the telephone number was posted online, worsening delays in the statewide tally, a top state Democrat told party leaders on a conference call Wednesday night. According to two participants on the call, Ken Sagar, a state Democratic central committee member, was among those answering the hotline on caucus night and said people called in and expressed support for Trump.

**GOP-affiliated group intervenes in Democratic primary for US Senate seat in North Carolina**

*Alex Rogers, CNN*

The first significant ad buy for state Sen. Erica Smith, a Democratic candidate for US Senate in North Carolina, appears to be backed by Republicans. Faith and Power, a new political action committee with ties to Republicans, formally launched on January 29 and quickly placed a $1.56 million broadcast ad in the Democratic primary, according to filings with the Federal Election Commission and the Kantar Media's Campaign Media Analysis Group.

**Senate Democrats Nix Contract Talks With Company Behind Disastrous Iowa App**

*Lachlan Markay and Sam Stein, The Daily Beast*

The Democratic Party's Senate campaign arm has walked away from a deal to acquire voter contact software from the vendor at the center of controversy over a malfunctioning app that threw Monday's Iowa caucuses into a state of utter chaos. Two sources told The Daily Beast that the Democratic Senatorial Campaign Committee abandoned talks with Shadow Inc. the morning after the caucus debacle.
States

Governors warn Trump rule could lead to big Medicaid cuts
Ricardo Alonso-Zaldivar, The Associated Press

Governors of both major political parties are warning that a little-noticed regulation proposed by President Donald Trump's administration could lead to big cuts in Medicaid, reducing access to health care for low-income Americans. The arcane fiscal accountability rule proposed by the Centers for Medicare and Medicaid Services, or CMS, would tighten federal oversight and approval over complex financing strategies states have long used to help pay for their share of the $600 billion program.

DOJ To Investigate Mississippi Prisons After Spate Of Inmate Deaths
Scott Neuman, NPR News

After a string of inmate deaths in Mississippi that began late last year, the Justice Department announced Wednesday that it is opening a civil rights probe into the state's penitentiary system. The department's civil rights division says it will examine conditions at four Mississippi prisons, including the state penitentiary at Parchman, the state's oldest, where a prison riot broke out on Dec. 29 after an inmate was killed.

Raimondo endorses Bloomberg; says 'it was an easy call'
Patrick Anderson, Providence Journal

Former New York City Mayor Michael Bloomberg and Rhode Island Gov. Gina Raimondo have a lot in common: center-left politics, New England upbringings, backgrounds in finance and a lot of bad things to say about President Donald Trump. On Wednesday the two joined forces as Raimondo endorsed the billionaire businessman for president, the first governor in the country to back him in a wide open Democratic primary.

Advocacy

Republican Party raking in millions from Trump-tied foreign agent and lobbyist fundraisers
Anna Massoglia and Ilma Hasan, OpenSecrets
The Republican National Committee and its joint fundraising committee with President Donald Trump's re-election campaign accepted more than $4.4 million from lobbyist fundraisers in 2019, according to OpenSecrets analysis of FEC disclosures. Most of the lobbyists raising money for the RNC and joint fundraising committee are from Trump-connected lobbying firms that brought in record revenues in 2019.

Opinions, Editorials and Perspectives

**A Time for Trust Champions**
Erich Hoefer, Morning Consult

A just-released annual "Best Countries List" reports that the trustworthiness of the United States has been steadily and steeply declining since 2016. While not yet constituting a "crisis" (the United States is ranked 27th out of 80 countries), trust in the United States has slid more than 10 places in the ranking.

**Trump won't be vindicated. The Senate won't be, either.**
Adam Schiff et al., The Washington Post

Over the past two weeks, we have argued the impeachment case against President Trump, presenting overwhelming evidence that he solicited foreign interference to cheat in the next election and jeopardized our national security by withholding hundreds of millions of dollars in security assistance to pressure Ukraine to do his political bidding. When the president got caught and his scheme was exposed, he tried to cover it up and obstruct Congress's investigation in an unprecedented fashion.

**In Private, Republicans Admit They Acquitted Trump Out of Fear**
Sherrod Brown, The New York Times

Not guilty. Not guilty.

**A note to supporters of ACRONYM**
Tara McGowan, Medium

In the wake of the delayed reporting in Iowa, I know there are questions about Shadow and ACRONYM and how we are structured and work to fuel digital innovation and build capacity for progressive causes across the United States.
A core tenet for us is that progress requires taking calculated risks and doing things differently.

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**Research Reports and Polling**

*Alabama Senate Moves From Toss Up to Lean Republican*

Jessica Taylor, The Cook Political Report

Alabama Democratic Senator Doug Jones was always going to be the most endangered incumbent in 2020. He narrowly won a 2017 special election over Roy Moore, the deeply flawed and controversial GOP nominee, and has had a target on his back ever since.
The original request:

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Branch to Driver’s license facilities, including facilities here in Illinois.

It is my understanding that citizenship status was a part of those requests that were ultimately denied by Secretary of State’s Office and has raised concerns following the Supreme Court decision regarding this.

Is the request for citizenship status by the census related to the President’s statement? Made in July; “I'm hereby ordering every department and agency in the federal government to provide the Department of Commerce with all requested records regarding the number of citizens and non-citizens in our country.’

Can you clarify why that request, including citizenship status, was made?

This story is running this evening.

Please reach me here or on my cell.

Thank you,
Tara Molina

Julie Iriondo, Asst. Branch Chief, Media Relations
Public Information Office
U.S. Census Bureau
O: 301-763-4478 | M: (b)(6)
census.gov | @uscensusbureau
Can you guys call me on this?

Ellisa Johnson,
Assistant Regional Census Manager, Chicago Region
312-579-1518
ellisa.johnson@2020census.gov
census.gov Connect with us on Social Media

---
Sent from Workspace ONE Boxer

--------- Forwarded message ---------

From: Chicago Regional Office (CENSUS/CG) <chicago.regional.office@census.gov>
Date: October 2, 2019 at 4:06:49 PM CDT
Subject: Fw: CBS 2 REQUEST- Census Bureau Requests for Driver's License Administrative Records
To: Ellisa Johnson (CENSUS/CG FED) <ellisa.johnson@2020census.gov>, Marilyn A Sanders (CENSUS/CG FED) <Marilyn.A.Sanders@2020census.gov>

I’m a reporter with CBS 2 Chicago looking into the recent requests made by the U.S. Census Bureau’s Data Acquisitions Branch to Driver’s license facilities, including facilities here in Illinois.

It is my understand that citizenship status was a part of those requests that were ultimately denied by Secretary of State’s Office and has raised concerns following the Supreme Court decision regarding this.

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Can you clarify why that request, including citizenship status, was made?
This story is running this evening.

Please reach me here or on my cell [6] [6].

Thank you,
Tara Molina
Hi Mike,

Here is the contact person (President and CEO) for the American Association of Motor Vehicle Administrators. Karen contacted her last week.

**Anne Ferro**, President & CEO | American Association of Motor Vehicle Administrators  
4401 Wilson Blvd., Suite 700 | Arlington, VA 22203 | 703.522.4200

**Epa Uwimana**, Branch Chief for Data Acquisitions  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
o: 301-763-6064  |  m: (b)(6)  
census.gov  |  @uscensusbureau
Hi Ms. Johns,

Thank you for checking with AAMVA concerning name/address data and availability for purchase. As I mentioned, that information is not available through AAMVA but may be directly from the states or third-party record providers who may make it available under DPPA approved purposes. A copy of the DPPA is attached for reference purposes.

Sorry to have been somewhat rushed when you called – I was about to take a conference call. My contact information is below if I can answer your questions more fully; just email me a time when you’d like to talk.

Sincerely,

Anne

Anne Ferro, President & CEO | American Association of Motor Vehicle Administrators
4401 Wilson Blvd., Suite 700 | Arlington, VA 22203 | 703.522.4200

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Good morning Ms. Ferro,

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b)(6)
census.gov | @uscensusbureau
Good morning Ms. Ferro,

Thank you for following up with Karen and letting us know that the person-level drivers license data is not available to us through AAMVA. I do have a follow-up question if you wouldn't mind.

Thank you.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b)(6) census.gov | @uscensusbureau
Hi Ms. Johns,

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Anne

Anne Ferro, President & CEO | American Association of Motor Vehicle Administrators
4401 Wilson Blvd., Suite 700 | Arlington, VA 22203 | 703.522.4200
D: [b][6] | C: [b][6] [b][6] [b][6]

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Hi Mike, Epa, and Misty,

I have attached notes from an impromptu meeting this morning with some USCIS people after I gave a seminar on the citizenship paper. Mike, you might want to look at this before your meeting at USCIS tomorrow.

David
Hi Mike,

I am writing to follow up on your request for 3rd party providers who might be able to assist you in your search for national driver’s license data. I spoke with several such providers during AAMVA’s recent international conference and am sharing them in this message to you. I hope this is helpful.

- [Redacted]
- [Redacted]
- [Redacted]

All the best,

Anne

Anne Ferro | AAMVA | D: 703.908.5766 | C: [Redacted]
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Thank you.

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
census.gov | @uscensusbureau

From: Ferro, Anne [b](6) >
Sent: Wednesday, August 7, 2019 02:52 PM
To: Karen Johns (CENSUS/ERD FED) <Karen.Denise.Johns@census.gov>
Cc: Peraino, Joe [b](6) >
Subject: Your call

Hi Ms. Johns,

Thank you for checking with AAMVA concerning name/address data and availability for purchase. As I mentioned, that information is not available through AAMVA but may be directly from the states or third-party record providers who may make it available under DPPA approved purposes. A copy of the DPPA is attached for reference purposes.

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Sincerely,

Anne

Anne Ferro, President & CEO | American Association of Motor Vehicle Administrators
4401 Wilson Blvd., Suite 700 | Arlington, VA 22203 | 703.522.4200
D: [b](6) | C: [b](6) | [b](6)
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or forward to additional parties except as necessary to conduct the business for which this email (and attachments) was clearly intended. If you have received this message in error, please immediately advise the sender by reply email and then delete this message.
Thank you both for this follow-up

Mike Berning, Assistant Division Chief for Data Acquisition and Curation
Economic Reimbursable Surveys Division
U.S. Census Bureau
O: 301-763-2028 | M: (b)(6) 
census.gov | @uscensusbureau

FYI

Epa Uwimana, Branch Chief for Data Acquisitions
Economic Reimbursable Surveys Division
U.S. Census Bureau
o: 301-763-6064 | m: (b)(6) 
census.gov | @uscensusbureau

Good afternoon Ms. Ferro,

Thank you for taking time out of your busy schedule to speak with me regarding the purchase of Personally Identifiable Information (PII) from the American Association of Motor Vehicle Administrators (AAMVA).

Per our telephone conversation and your email below, I understand that this information is not
available from AAMVA and we may need to reach out to the states.

I appreciate you answering my questions and providing me with a copy of the Driver's Privacy Protection Act (DPPA) for reference purposes.

Karen Johns, Program Analyst
Data Acquisitions Branch, Economic Reimbursable Surveys Division (ADEP)
U.S. Census Bureau
o: 301-763-2415 |
census.gov | @uscensusbureau

From: Ferro, Anne <b>(b)(6)>
Sent: Wednesday, August 7, 2019 02:52 PM
To: Karen Johns (CENSUS/ERD FED) <Karen.Denise.Johns@census.gov>
Cc: Peraino, Joe <b>(b)(6)>
Subject: Your call

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Sincerely,

Anne

Anne Ferro, President & CEO | American Association of Motor Vehicle Administrators
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