(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

From: Maryann M Chapin (CENSUS/ADDC FED) [Maryann.M.Chapin@census.gov]
Sent: 8/7/2020 4:14:08 PM
To: Albert E Fontenot (CENSUS/ADDC FED) [Albert.E.Fontenot@census.gov]; Deborah Stempowski (CENSUS/ADDC FED) [Deborah.M.Stempowski@census.gov]; Kathleen M Styles (CENSUS/ADDC FED) [kathleen.m.styles@census.gov]; Jennifer W Reichert (CENSUS/DCMD FED) [Jennifer.W.Reichert@census.gov]; Paul Krutsch (CENSUS/DCMD FED) [paul.krutsch@census.gov]; James L Dinwiddie (CENSUS/ADDC FED) [James.L.Dinwiddie@census.gov]
Subject: COVID-19 Roadmap Update - August 7, 2020 11:30 am
Attachments: COVID-19 Updated Roadmap 08072020 1130am.docx

Hi Everyone,

Attached is an August 7, 2020 11:30 am update to the COVID-19 Roadmap.

The following offices are closed today:

- Milwaukee. Expected to re-open tomorrow.
- Cook County South
- Atlanta. Cleaning today, may re-open this afternoon.
- Jefferson Parish
- Tulsa

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
O: 301.763.3933 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Carolina Franco (CENSUS/CSRM FED) [carolina.franco@census.gov]
Sent: 8/7/2020 10:21:35 PM
To: Heather Madray (CENSUS/CED FED) [Heather.Madray@census.gov]
CC: Amandeep Bajwa (CENSUS/CODS FED) [Amandeep.Bajwa@census.gov]; James Whitehorne (CENSUS/ADDC FED) [James.Whitehorne@census.gov]
Subject: Re: Forms for administrative records
Attachments: (b) (5) [redacted]

Hi Heather,
I attached my latest version of the PPS form, which reflects some changes suggested by you and David Powers. David Powers also (kindly) volunteered to look at it, and I sent it to him on Wednesday but thought I would send it to you as well now, rather than waiting, because I don't want to hold this back too much, since we would like to get the records sooner rather than later, so that we can have them on time for to be helpful for the 2021 determinations. Another member of our team (Amandeep) did the changes to the DMS that we discussed. She is the technical project manager and asked to be copied on correspondences about this.
Please let us know what you think of this version and what the next step is.
Thanks!
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Sent: Thursday, July 30, 2020 8:42 AM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Subject: Re: Forms for administrative records

Hi Carolina,

(b) (5) [redacted]

(b) (5)

[redacted]

Heather

Heather Madray, Ph.D.
Research Project Coordination Staff
Center for Enterprise Dissemination
U.S. Census Bureau

Office 301.763.1484
heather.madray@census.gov

census.gov
Connect with us on Social Media

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Friday, July 24, 2020 11:07 AM
To: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Subject: Re: Forms for administrative records

(b) (5)

[redacted]

Regards,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau

(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Sent: Thursday, July 16, 2020 2:39 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Subject: Re: Forms for administrative records

Hi Carolina,

This is all a very good start. I have comments attached on all three documents and I've answered your questions. I also have attached the CPEX PPS that includes the CVAP work. Let me know if you have any questions. Thanks.

Heather

Heather Madray, Ph.D.
Research Project Coordination Staff
Center for Enterprise Dissemination
U.S. Census Bureau

Office 301.763.1484
heather.madray@census.gov

census.gov
Connect with us on Social Media

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Wednesday, July 15, 2020 2:54 PM
To: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Subject: Forms for administrative records

(b) (5)

[redacted]

Best Regards,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Sent: Monday, June 22, 2020 9:56 AM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>; Leanna Mellott (CENSUS/CED FED) <Leanna.Mellott@census.gov>
Subject: Re: Follow-up question

Hi Carolina,

It was good talking with you. I've attached the PPS template, the CPEX PPS as an example, and the SSA request form. If you would also like to request CMS data let me know so I can send you another form that's needed. Let me know if you have any questions or need assistance. Thanks.

Heather

Heather Madray, Ph.D.
Research Project Coordination Staff
Center for Enterprise Dissemination
U.S. Census Bureau

Office 301.763.1484
heather.madray@census.gov

census.gov
Connect with us on Social Media

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Thursday, June 18, 2020 10:43 AM
To: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Re: Follow-up question

Works for me, thank you. Eric and James, would you like to attend too? If so they would need to be added to the invite.

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Sent: Thursday, June 18, 2020 10:31 AM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Re: Follow-up question

I just sent out an invite for next Monday. It looked like you were available so let me know if it doesn't work.

Heather

Heather Madray, Ph.D.
Research Project Coordination Staff
Center for Enterprise Dissemination
U.S. Census Bureau

Office 301.763.1484
heather.madray@census.gov

census.gov
Connect with us on Social Media

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Thursday, June 18, 2020 10:11 AM
To: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Re: Follow-up question

Thank you Heather. Meeting next week sounds good. My calendar is up to date, or let me know when is convenient.
We already have a fully approved DMS project, (b) (5) [redacted] so hopefully this might expedite things.
Regards,
Carolina

Carolina Franco

Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Sent: Thursday, June 18, 2020 8:03 AM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Re: Follow-up question

Carolina,

(b) (5)

[redacted]

Heather

Heather Madray, Ph.D.
Research Project Coordination Staff
Center for Enterprise Dissemination
U.S. Census Bureau

Office 301.763.1484
heather.madray@census.gov

census.gov
Connect with us on Social Media

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Wednesday, June 17, 2020 4:44 PM
To: Heather Madray (CENSUS/CED FED) <Heather.Madray@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Fw: Follow-up question

Dear Heather,

I was referred to you by Misty Heggenness (see below). I am trying to obtain administrative records to tabulate covariates for a modeling project I am involved in--the VRA Section 203B determinations. The project essentially involves estimating rates and totals of citizenship, illiteracy (defined by education level), and limited English proficiency for each Language Minority Group (defined by race and ethnicity) by Jurisdiction and American Indian Area, using ACS data. These estimates are used to make determinations about which geographic areas need to produce foreign language voting materials. These determinations are required of the Census Bureau by law.

(b) (5)

[redacted]

Thanks so much in advance,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Sent: Wednesday, June 17, 2020 2:20 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>
Subject: Re: Follow-up question

Yes. Heather Madray is a great source for guidance. Please also reach out to her and describe the need. She can help you with the justification.

Misty L. Heggeness, Principal Economist
Research & Methodology
U.S. Census Bureau
O: 301-763-7251 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

On Jun 17, 2020, at 10:54 AM, Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov> wrote:

Hi Misty,
Thanks so much for your guidance.
(b) (5)
[redacted]

Thanks,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Sent: Wednesday, June 17, 2020 9:09 AM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; J David Brown (CENSUS/CES FED) <J.David.Brown@census.gov>
Subject: Re: Follow-up question

Hi Carolina,

(b) (5)
[redacted]

Misty

Misty L. Heggeness, PhD
Special Assistant to the Associate Director and Chief Scientist
Senior Advisor for Evaluations and Experiments
Principal Economist

Research and Methodology
U.S. Census Bureau
O: 301-763-7251 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Tuesday, June 16, 2020 2:49 PM
To: Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

Hi Misty,

(b) (5) [redacted]

(b) (5) [redacted]

Thank you,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Tuesday, June 16, 2020 12:12 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>; Misty L Heggeness (CENSUS/ADRM FED) <misty.l.heggeness@census.gov>
Subject: Re: Follow-up question

Talked to Misty. She'll help you out. I copied her here. Just reach out.

Regarding the IRS metadata, there's a catch-22. IRS considers some metadata confidential. Misty can help you with this too.

Thanks,

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

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Tuesday, June 16, 2020 11:57 AM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

Thank you John for the information!

(b) (5)

[redacted]

Thanks,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Tuesday, June 16, 2020 7:58 AM
To: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

This number is not only sufficient, it is correct to use it because we are adding data to the same approved project. In my earlier email I hadn't tried to look up the DMS number (I find searches very unsatisfactory in that system), but you put voting rights in the project title, so I found the right project easily and then printed the full documentation. What happens now is that Carolina needs to add you as an alternate Project Contact. You should have been the main contact because the project actually originates from Decennial, not R&M, but shared PoC is fine. Then you and Carolina add data sets and authorized employees to the DMS project. As each data set is approved, it will be provisioned to the environment requested (looks like that is IRE for the present).

(b) (5)

[redacted]

Hope this helps,

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

From: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Sent: Tuesday, June 16, 2020 6:38 AM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

(b) (5)

[redacted]

Thank you
James

****

James Whitehorne, Chief
Redistricting & Voting Rights Data Office/ADDC/HQ
U.S. Census Bureau
O: 301-763-4039 | M: (b) (6) [redacted]
census.gov | census.gov/rdo | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Monday, June 15, 2020 9:16 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

(b) (5) [redacted]

Thanks,

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

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Monday, June 15, 2020 2:31 PM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

(b) (6), (b) (5) [redacted]

(b) (5)

[redacted]

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Monday, June 15, 2020 12:55 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

Answered inline below.

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

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Monday, June 15, 2020 12:45 PM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; Eric V Slud (CENSUS/CSRM FED) <Eric.V.Slud@census.gov>
Subject: Re: Follow-up question

(b) (5)

[redacted]

(b) (5)

[redacted]

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Monday, June 15, 2020 12:30 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Subject: Re: Follow-up question

James needs to provide the DMS project ID for the Section 203 VRA work, then we can start the administrative process for adding administrative records to it.

Thanks,

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

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Monday, June 15, 2020 12:28 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Subject: Re: Follow-up question

Hi Mike,
Thanks again for this information.
(b) (5)
[redacted]

Thanks,
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Monday, June 8, 2020 3:21 PM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Subject: Re: Follow-up question

Will do John.

(b) (5)
[redacted]

BOC Broadcast on Metadata Repository follows:

From: BOC BROADCAST (CENSUS/DIR) <boc.broadcast@census.gov>
Sent: Thursday, August 22, 2019 1:50 PM
Subject: Administrative Records Metadata at Your Fingertips!

To: All HQ Staff
From the Desk of Kevin Deardorff, Chief, Economic Reimbursable Surveys Division (ERD) . . .

Metadata for our administrative records holdings is now available on a shared drive at the Census Bureau—all you have to do is map the drive at \\it171oafs-oa04\AdRec_Metadata! The data sets covered include commercial data, federal data, state and local data, project data, and Census data. The metadata includes agreements, documentation from providers, and metadata generated by the clearance and PVS processes.

If you have any questions, please e-mail the Data Quality Branch to learn more: erd.all.dqb.list@census.gov

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) [redacted]
census.gov | @uscensusbureau

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Monday, June 8, 2020 2:58 PM
To: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>; Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Subject: Re: Follow-up question

Mike, Carolina is the math stat doing the research for the 2021 VRA Section 203 language determinants, a downstream client of the 2020 CVAP. Please provide her with your EO 13880 tracking documents (the word document and PPT presentations) that show the agencies with whom we have MOUs and the data sets they transferred. If there is a location with the metadata for these files, please share that with her as well.

Thanks,

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

From: Carolina Franco (CENSUS/CSRM FED) <carolina.franco@census.gov>
Sent: Monday, June 8, 2020 11:17 AM
To: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Subject: Follow-up question

Hi John,
I'm following up on our meeting last week. What is the "name" of the document that I should request of Michael Berning that lists which administrative records we have access to because of Trump's executive order about citizenship, and which ones we had access to before? Meant to ask you to repeat that but we seemed to run out of time.
Thanks!
Carolina

Carolina Franco
Mathematical Statistician and Principal Researcher
Small Area Estimation Group
Center for Statistical Research and Methodology
US Census Bureau
(301) 763-9959
Carolina.Franco@census.gov
http://www.census.gov
Shape your future. START HERE > https://2020census.gov/

From: Colleen Hughes Keating (CENSUS/POP FED) [colleen.hughes.keating@census.gov]
Sent: 8/10/2020 2:32:51 PM
To: Kristin D Koslap (CENSUS/POP FED) [kristin.d.koslap@census.gov]; Steven Wilson (CENSUS/POP FED) [Steven.G.Wilson@census.gov]
Subject: Re: 2020 schedule updates
Attachments: Operational and Processing Options to meet September 30 Final v2.pdf

Attached. Yes, I'd like to discuss today. I'm available between 11-12 today. Steve - will you be able to give an update at the 2 pm today?

Colleen Keating, Chief of Decennial Programs Branch
Population Division
U.S. Census Bureau
O: 301-763-9483 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Kristin D Koslap (CENSUS/POP FED) <kristin.d.koslap@census.gov>
Sent: Monday, August 10, 2020 10:30 AM
To: Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov>; Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>
Subject: Re: 2020 schedule updates

Was there an attachment?

Kristin Koslap, Statistician
Population Division / Population and Housing Programs Branch
U.S. Census Bureau
301-763-5958 | Room (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov>
Sent: Monday, August 10, 2020 10:26 AM
To: Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>
Cc: Kristin D Koslap (CENSUS/POP FED) <kristin.d.koslap@census.gov>
Subject: Re: 2020 schedule updates

Yep, saw this. We've been working on a solution to mitigate the negative impacts. You've been on most of those emails, I think. I thought it might be good for you, Kristin, and I to have a quick meeting today to talk about it.

Steven G. Wilson, Chief
Population and Housing Programs Branch
U.S. Census Bureau
O: 301-763-6051 | M: (b) (6) [redacted]
census.gov | @uscensusbureau

Shape your future. START HERE > 2020census.gov

From: Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>
Sent: Monday, August 10, 2020 9:56 AM
To: Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov>
Subject: Fw: 2020 schedule updates

Sending in case you didn't see it.

Colleen Keating, Chief of Decennial Programs Branch
Population Division
U.S. Census Bureau
O: 301-763-9483 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Roberto Ramirez (CENSUS/POP FED) <Roberto.R.Ramirez@census.gov>
Sent: Wednesday, August 5, 2020 9:41 AM
To: Merarys Rios (CENSUS/POP FED) <Merarys.Rios@census.gov>; Matthew Spence (CENSUS/POP FED) <Matthew.Spence@census.gov>; Rachel Marks (CENSUS/POP FED) <Rachel.Marks@census.gov>; Andrew W Roberts (CENSUS/POP FED) <Andrew.W.Roberts@census.gov>
Cc: Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>; Christine Flanagan Borman (CENSUS/POP FED) <christine.flanagan.borman@census.gov>
Subject: 2020 schedule updates

FYI

See slides 7 and 11.

Roberto Ramirez
Assistant Division Chief, Special Population Statistics
Population Division
U.S. Census Bureau
O: 301.763.6044
census.gov | @uscensusbureau
Shape your future. START HERE> 2020.census.gov

From: Steven Wilson (CENSUS/POP FED) [Steven.G.Wilson@census.gov]
Sent: 8/10/2020 3:08:49 PM
Subject: Fw: 2020 schedule updates
Attachments: Operational and Processing Options to meet September 30 Final v2.pdf

---

From: Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>
Sent: Monday, August 10, 2020 9:56 AM
To: Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov>
Subject: Fw: 2020 schedule updates

Sending in case you didn't see it.

Colleen Keating, Chief of Decennial Programs Branch
Population Division
U.S. Census Bureau
O: 301-763-9483 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Roberto Ramirez (CENSUS/POP FED) <Roberto.R.Ramirez@census.gov>
Sent: Wednesday, August 5, 2020 9:41 AM
To: Merarys Rios (CENSUS/POP FED) <Merarys.Rios@census.gov>; Matthew Spence (CENSUS/POP FED) <Matthew.Spence@census.gov>; Rachel Marks (CENSUS/POP FED) <Rachel.Marks@census.gov>; Andrew W Roberts (CENSUS/POP FED) <Andrew.W.Roberts@census.gov>
Cc: Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>; Christine Flanagan Borman (CENSUS/POP FED) <christine.flanagan.borman@census.gov>
Subject: 2020 schedule updates

FYI

See slides 7 and 11.

Roberto Ramirez
Assistant Division Chief, Special Population Statistics
Population Division
U.S. Census Bureau
O: 301.763.6044
census.gov | @uscensusbureau
Shape your future. START HERE> 2020.census.gov

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

From: Victoria Velkoff (CENSUS/ADDP FED) [Victoria.A.Velkoff@census.gov]
Sent: 8/10/2020 4:11:12 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]
Subject: Still rough but let me know
Attachments: (b) (5) [redacted]

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

From: Maryann M Chapin (CENSUS/ADDC FED) [Maryann.M.Chapin@census.gov]
Sent: 8/10/2020 4:32:34 PM
To: Albert E Fontenot (CENSUS/ADDC FED) [Albert.E.Fontenot@census.gov]; Deborah Stempowski (CENSUS/ADDC FED) [Deborah.M.Stempowski@census.gov]; Kathleen M Styles (CENSUS/ADDC FED) [kathleen.m.styles@census.gov]; Jennifer W Reichert (CENSUS/DCMD FED) [Jennifer.W.Reichert@census.gov]; Paul Krutsch (CENSUS/DCMD FED) [paul.krutsch@census.gov]; James L Dinwiddie (CENSUS/ADDC FED) [James.L.Dinwiddie@census.gov]
Subject: COVID-19 Roadmap Update - August 10, 2020 11:30 am
Attachments: (b) (5) [redacted]

Hi Everyone,

Attached is an August 10, 2020 11:30 am update to the COVID-19 Roadmap.

The following offices are closed today:

- Houston South
- Chicago South
- Inglewood

The Chicago RCC is operating with limited staff due to unrest and the Chicago Central ACO is closed due to unrest.

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
O: 301.763.3933 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: Victoria Velkoff (CENSUS/ADDP FED) [Victoria.A.Velkoff@census.gov]
Sent: 8/10/2020 5:14:14 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]
CC: John Maron Abowd (CENSUS/ADRM FED) [john.maron.abowd@census.gov]
Subject: Re: .ddition
Attachments: (b) (5) [redacted]

Added it as an appendix. Here is an outline.

Let me know if you need additional information,

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

From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Monday, August 10, 2020 12:55 PM
To: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: Addition

Can you add the attached to the beginning of your 1 pager.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Enrique Lamas (CENSUS/DEPDIR FED) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2C2E07BF883B4488800E4FF3AE7188AB-LAMAS, ENRI]
Sent: 8/10/2020 5:44:01 PM
To: Victoria Velkoff (CENSUS/ADDP FED) [Victoria.A.Velkoff@census.gov]
Subject: Take a look at this version
Attachments: (b) (5) [redacted]

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Victoria Velkoff (CENSUS/ADDP FED) [Victoria.A.Velkoff@census.gov]
Sent: 8/10/2020 5:55:36 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]
Subject: Re: Take a look at this version
Attachments: (b) (5) [redacted]

See attached.

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

From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Monday, August 10, 2020 1:47 PM
To: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: Re: Take a look at this version

(b) (5) [redacted]

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Sent: Monday, August 10, 2020 1:45 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Subject: Re: Take a look at this version

Do you want me to fix the numbering? I assume only the options should have numbers.

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

From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Monday, August 10, 2020 1:44 PM
To: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: Take a look at this version

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Enrique Lamas (CENSUS/DEPDIR FED) (b) (6) [redacted]
(b) (6) [redacted]
Sent: 8/10/2020 6:29:38 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) [Ron.S.Jarmin@census.gov]; Christa D Jones (CENSUS/DEPDIR FED) [Christa.D.Jones@census.gov]
Subject: Write up
Attachments: (b) (5) [redacted]

The attached writeup is based on the discussion with KDK, the Director, and Nathaniel Cogley this morning in prep for a meeting with the Secretary tomorrow. I need to send this to steve and then he will send to KDK.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

(b) (5)

[redacted]

(b) (5)

[redacted]

(b) (5)

[redacted]

From: James B Treat (CENSUS/DEPDIR FED) [James.B.Treat@census.gov]
Sent: 8/10/2020 6:57:59 PM
To: Jacqueline Moore Eanes (CENSUS/DCMD FED) [Jacqueline.Moore.Eanes@census.gov]; Jennifer W Reichert (CENSUS/DCMD FED) [Jennifer.W.Reichert@census.gov]
CC: Suzanne Fratino (CENSUS/DCMD FED) [Suzanne.Fratino@census.gov]; Mark Millner (CENSUS/DCMD FED) [Mark.Millner@census.gov]
Subject: Re: DOC doc?
Attachments: Operational and Processing Options to meet September 30 Final v2.pdf

Jackie

The attached slide deck is what was presented to DOC last Monday. It is also the deck presented at CIG on Tuesday, Aug 4.

thanks - jim

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

Office 301.763.3609 Room (b) (6)
james.b.treat@census.gov

census.gov
Connect with us on Social Media

From: Jacqueline Moore Eanes (CENSUS/DCMD FED) <Jacqueline.Moore.Eanes@census.gov>
Sent: Monday, August 10, 2020 2:53 PM
To: James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Jennifer W Reichert (CENSUS/DCMD FED) <Jennifer.W.Reichert@census.gov>
Cc: Suzanne Fratino (CENSUS/DCMD FED) <Suzanne.Fratino@census.gov>; Mark Millner (CENSUS/DCMD FED) <Mark.Millner@census.gov>
Subject: DOC doc?

Hi Jennifer and Jim,

We met with Laura today to discuss IMS changes and she mentioned that a Word doc and slide deck was provided to the department with new dates leading to apportionment. She didn't have the document, do you have it and can you please share it with us to help with our IMS updates?

Thank you,
Jackie

Jacqueline Eanes, PMP, CSM, Assistant Division Chief
Schedule, Performance Measurement, and Customer Service / Decennial Census Management Division
U.S. Census Bureau
O: 301.763.6760 | M: (b) (6)
census.gov | @uscensusbureau

Shape your future. START HERE > 2020census.gov

From: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]
Sent: 8/10/2020 7:18:58 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) [steven.dillingham@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED) [Ron.S.Jarmin@census.gov]; Cogley, Nathaniel (Federal) [NCogley@doc.gov]; Steven K Smith (CENSUS/DEPDIR FED) [steven.k.smith@census.gov]
Subject: Material for briefing Sec Ross
Attachments: (b) (5) [redacted]

The attached is based on the request from KDK for a 1 pager to brief Secretary Ross on the status of the admin rec acquisition and the options for estimating the undoc immigrant population.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

From: Steven K Smith (CENSUS/DEPDIR FED) [steven.k.smith@census.gov]
Sent: 8/10/2020 9:24:52 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]; Steven Dillingham (CENSUS/DEPDIR FED) [steven.dillingham@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED) [Ron.S.Jarmin@census.gov]; Cogley, Nathaniel (Federal) [NCogley@doc.gov]
Subject: Re: Material for briefing Sec Ross
Attachments: (b) (5) [redacted]

A few suggestion for consideration in attached document in track changes.

From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Monday, August 10, 2020 3:18 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>
Subject: Material for briefing Sec Ross

The attached is based on the request from KDK for a 1 pager to brief Secretary Ross on the status of the admin rec acquisition and the options for estimating the undoc immigrant population.

Enrique Lamas
Senior Advisor
Director's Office
U.S. Census Bureau
Office: 301-763-3811

(b) (5)

[redacted]

(b) (5)

[redacted]

(b) (5)

[redacted]

From: Nathaniel Cogley (CENSUS/DEPDIR FED) [nathaniel.cogley@census.gov]
Sent: 8/10/2020 9:43:30 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) [steven.dillingham@census.gov]
Subject: Re: Material for briefing Sec Ross
Attachments: (b) (5) [redacted]

Added this:

(b) (5) [redacted]

I hope that makes sense!

From: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Sent: Monday, August 10, 2020 5:02 PM
To: Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>
Subject: Fw: Material for briefing Sec Ross

From: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Sent: Monday, August 10, 2020 4:53 PM
To: Risko, Daniel (Federal) <DRisko@doc.gov>
Cc: Karen "KDK" Dunn Kelley <kkelley@doc.gov>
Subject: Fw: Material for briefing Sec Ross

(b) (5) [redacted]

From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Monday, August 10, 2020 3:18 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>
Subject: Material for briefing Sec Ross

The attached is based on the request from KDK for a 1 pager to brief Secretary Ross on the status of the admin rec acquisition and the options for estimating the undoc immigrant population.

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: 8/10/2020 10:07:37 PM
To: Nathaniel Cogley (CENSUS/DEPDIR FED) [nathaniel.cogley@census.gov]
Subject: Fw: Minor edits to PM options document
Attachments: (b) (5) [redacted]

fyi

From: Steven Dillingham (CENSUS/DEPDIR FED)
Sent: Monday, August 10, 2020 6:07 PM
To: Risko, Daniel (Federal) <DRisko@doc.gov>
Cc: Karen "KDK" Dunn Kelley <kkelley@doc.gov>
Subject: Minor edits to PM options document

(b) (5) [redacted]

Steven D. Dillingham, Ph.D., Director
U.S. Census Bureau
o: 301-763-2135 | m: (b) (6) [redacted]
census.gov | **@uscensusbureau**

Sent: 8/10/2020 10:36:20 PM
To: Steven Dillingham (CENSUS/DEPDIR FED) [steven.dillingham@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED) [Ron.S.Jarmin@census.gov]; Nathaniel Cogley (CENSUS/DEPDIR FED) [nathaniel.cogley@census.gov]; Steven K Smith (CENSUS/DEPDIR FED) [steven.k.smith@census.gov]
Subject: Briefing material
Attachments: (b) (5) [redacted]

Attached is the latest version which incorporates Steve Smith's comments.

Director, will you forward to KDK for discussion in the morning?

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: 8/10/2020 11:54:28 PM
To: Risko, Daniel (Federal) [DRisko@doc.gov]
CC: Karen "KDK" Dunn Kelley [kkelley@doc.gov]
Subject: Fw: Discussion of Summary of PM Options and Schedule
Attachments: (b) (5) [redacted]

From: Steven Dillingham (CENSUS/DEPDIR FED)
Sent: Monday, August 10, 2020 7:53 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Cc: Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>
Subject: Discussion of Summary of PM Options and Schedule

Excellent work, many thanks. Nathaniel made a substantive edit and I corrected a few words. It was sent to Dan and Karen to review. I assume we will discuss the summary tomorrow afternoon with S-1, probably as part of small group. Anyone needed besides us three and the DOC leadership team?

Steven D. Dillingham, Ph.D., Director
U.S. Census Bureau
o: 301-763-2135 | m:(b) (6) [redacted]
census.gov | **@uscensusbureau**

From: Steven Dillingham (CENSUS/DEPDIR FED) [steven.dillingham@census.gov]
Sent: 8/11/2020 12:59:08 PM
To: stevendillingham@comcast.net
Subject: Fw: Discussion of Summary of PM Options and Schedule
Attachments: (b) (6), (b) (5) [redacted]

From: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>
Sent: Monday, August 10, 2020 7:54 PM
To: Risko, Daniel (Federal) <DRisko@doc.gov>
Cc: Karen "KDK" Dunn Kelley <kkelley@doc.gov>
Subject: Fw: Discussion of Summary of PM Options and Schedule

---

From: Steven Dillingham (CENSUS/DEPDIR FED)
Sent: Monday, August 10, 2020 7:53 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Cc: Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>
Subject: Discussion of Summary of PM Options and Schedule

Excellent work, many thanks. Nathaniel made a substantive edit and I corrected a few words. It was sent to Dan and Karen to review. I assume we will discuss the summary tomorrow afternoon with S-1, probably as part of small group. Anyone needed besides us three and the DOC leadership team?

Steven D. Dillingham, Ph.D., Director
U.S. Census Bureau
o: 301-763-2135 | m: (b) (6) [redacted]
census.gov | **@uscensusbureau**

From: James L Dinwiddie (CENSUS/ADDC FED) [James.L.Dinwiddie@census.gov]
Sent: 8/11/2020 4:56:54 PM
To: Christopher M Denno (CENSUS/ADDC FED) [christopher.m.denno@census.gov]
Subject: Re: Statements from hearing today; expect transcript by tomorrow
Attachments: Transcript final House Oversight and Reform Committee Holds Hearing on Census Count 07292020(1).pdf

---

James Dinwiddie | Office of the Associate Director for Decennial Census Programs
U.S. Census Bureau | Office 301.763.1346 | Cell (b) (6) [redacted] | james.l.dinwiddie@census.gov
Shape your future. START HERE > 2020census.gov

From: Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>
Sent: Tuesday, August 11, 2020 12:55 PM
To: James L Dinwiddie (CENSUS/ADDC FED) <James.L.Dinwiddie@census.gov>
Subject: Re: Statements from hearing today; expect transcript by tomorrow

Do you have a transcript of the hearing? I'm looking for something Rep. Lynch said about counting college kids...

Christopher Denno, Special Assistant
Decennial Census Programs
U.S. Census Bureau
Room (b) (6) [redacted] | Office: 301.763.4092 | Mobile: (b) (6) [redacted]
census.gov | @censusbureau
Shape your future. START HERE > 2020census.gov

From: James L Dinwiddie (CENSUS/ADDC FED) <James.L.Dinwiddie@census.gov>
Sent: Wednesday, July 29, 2020 3:25 PM
To: Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>
Subject: Fw: Statements from hearing today; expect transcript by tomorrow

fyi

James Dinwiddie | Office of the Associate Director for Decennial Census Programs
U.S. Census Bureau | Office 301.763.1346 | Cell (b) (6) [redacted] | james.l.dinwiddie@census.gov
Shape your future. START HERE > 2020census.gov

From: James L Dinwiddie (CENSUS/ADDC FED)
Sent: Wednesday, July 29, 2020 2:53 PM
To: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>; Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>; Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>
Subject: Statements from hearing today; expect transcript by tomorrow

Attached are prepared statements from Chair and all the witnesses. OCIA tells me they should have a transcript by tomorrow, which I'll also share. (b) (5) [redacted]

James Dinwiddie | Office of the Associate Director for Decennial Census Programs
U.S. Census Bureau | Office 301.763.1346 | Cell (b) (6) [redacted] | james.l.dinwiddie@census.gov
Shape your future. START HERE > 2020census.gov

House Oversight and Reform Committee Holds Hearing on Census Count

plus.cq.com/doc/congressionaltranscripts-5969528

Jul. 29, 2020 Revised Final

House Oversight and Reform Committee Holds Hearing on Census Count

LIST OF PANEL MEMBERS AND WITNESSES

MALONEY:
The committee will come to order. Without objection the chair is authorized to declare recess of the committee at any time. I now recognize myself for an opening statement.

Thank you all for being here today. Our Constitution requires that every 10 years we count every person living in the United States of America. We use the discount to allocate more than $1 trillion in federal resources, to draw legislative maps, and to assign electoral college votes to states. It is no exaggeration to say that the census is a cornerstone of our democracy.

Last week, the president issued a memorandum directing the secretary of Commerce to provide him with and inform--with all of the information necessary to exclude undocumented immigrants from the census count for were apportionment purposes. Let me be clear, the president's direction is unconstitutional, it is illegal, and it disregards the precedent set by every other president beginning with President George Washington.

The Constitution requires the census to count quote the whole number of persons in each state end quote. Federal law requires the secretary of Commerce to report quote the total population end quote of each state to the president and it requires the president to transmit this information to Congress.

In the 230-year history of the Census, no president has ever tried to manipulate they census count in this way. In fact, just two years of the Census Bureau reaffirmed its commitment to do the exact opposite of what the president is now trying to do. The Bureau committed to counting every person regardless of partisanship or status under the rules of Congress set in the Census Act of 1790. The president's decision to release this illegal memo now appears designed to inflict maximum damage to the accuracy of the ongoing 2020 census.

In just two weeks, the Census Bureau will start visiting the homes of millions of people who have not yet responded to the census. The President's latest attack on immigrants could sow fear and confusion in communities across the country could lead many people do decide not to participate. This will hurt communities that are already undercounted, underrepresented, and underfunded.

Addressing the chaos caused by the president's memo will drain valuable resources from the Census Bureau which is already struggling to administer the 2020 census in the middle of an unprecedented pandemic, and it will further divide our country at a time when we need unity. Of course, this is not the first time that President Trump has attempted to politicize the census. For more than two years, he tried to add a citizenship question even though the Census Bureau's own studies showed it would depress response rates in many communities.

When this committee investigated Secretary Ross and other administration officials denied they were trying to exclude immigrants from congressional apportionment and instead claimed falsely that the Department of Justice needed citizenship data to enforce the Voting Rights Act.

The Supreme Court saw through their explanation calling it quote contrived end quote and blocking the addition of the citizenship question. And when Secretary Ross and Attorney General Barr refused to turn over documents about the real reason for the citizenship question, the House held them both in contempt.

Now the president is trying again to weaponize the census to hurt immigrants and help Republicans. As a nation we depend on the census to be nonpartisan, fair, and accurate. As I told Director Dillingham the last time he appeared before us, our Constitution requires it, our communities rely on it, and our democracy depends on it. We are here today at this emergency hearing because the Trump administration is threatening this cornerstone of our democracy.

We will hear from four former Census Bureau directors who oversaw the census during the both Republican and Democratic administrations. They will share their views on the president's unprecedented attempt to manipulate the census count and why it is important to count every person in the United States. Then we will hear directly from the current Census Bureau Director Dr. Dillingham. I expect Dr. Dillingham to give us an honest assessment of how the president's memo could impact the accuracy of the census and what the Bureau is doing to address this risk.

I thank all of our witnesses for participating today, and I look forward to your testimony. I now recognize the distinguished Ranking Member, Mr. Comer, for an opening statement.

COMER:
Chairman Maloney, I appreciate you calling this hearing today on the 2020 Census. Let me begin by saying unequivocally, the 2020 Census is counting every resident in the United States regardless of citizenship status. Any assertions to the contrary are scare tactics which have a consequence of reducing participation in the census.

The census is underway now. I want to encourage every American to complete their census form. Starting in August, census enumerators will be fanning out across the country to count not responding households. I encourage everyone to engage with the enumerator if they come to your door, but if you're concerned about an enumerator coming to your door, you can complete your 2020 census online now at mycensus2020 or my2020census.gov.

I truly wish the hearing today or oversight hearing of the 2020 census because COVID-19 has created a lot of operational challenges for the census. Unfortunately, this committee has conducted no oversight of these impacts. Once again, Democrats are focusing their efforts on political issues, not the basic good government oversight this committee is charged with conducting.

Last week, President Trump took a very important step to ensuring the sanctity of our nation's elections and equal representation under the Constitution. The president directed the secretary of Commerce to report an apportionment count for the House of Representatives, which excludes nonlegal residence in the United States including illegal immigrants.

All Americans should care about who is being included in the apportionment count; including illegal immigrants in the count for representation in Congress only dilutes the representation of all Americans who vote in elections and makes a mockery of our basic principle of one person one vote.

The president's action restores the concept of representational government envisioned by the Constitution. In a country so closely divided as the United States, illegal immigrants and noncitizens have a material effect on representation. Representation should matter to everyone; it's a simple question of fairness. Predictably the Democrats liberal interest groups have already filed lawsuits against the president. Like the sound and fury surrounding the citizenship question the legal questions about the president's action are likely to wind up at the Supreme Court.

This hearing today is the Democrats first shot across the bow of Chief Justice Roberts and the other Supreme Court justices. The intimidation of the Supreme Court begins today. I urge us all to focus on the task at hand, the completion of the 2020 census count now underway. With that, I yield back.

MALONEY:
Thank you. Now I would like to introduce our witnesses. Our first panel is composed of former Census Bureau directors. We are grateful to have their expertise. Our first witness today is Mr. Vincent Barabba who served as the census director from 1973 to 1976 and again from '79 to 1981.

Then, we will hear from Kenneth Prewitt who served as the census a director from 1998 to 2001. Next, we will hear and go to Robert M. Groves who served as the census director from 2009 to 2012. And finally, we will go to John H. Thompson who served as the census and director from 2013 to 2017.

The witnesses will be muted so we can swear them in--un-muted so we can swear them in. Witnesses, please raise your right hand. Do you swear or affirm that the testimony you are about to give us the truth, the whole truth, and nothing but the truth, so help you God?

UNKNOWN:
I do

UNKNOWN:
I do

MALONEY:
Let the record show that the witnesses answered in the affirmative. Thank you. Without objection, your written statements will be made part of the record. With that, Mr. Robin--Barabba, you are now recognized for your testimony.

BARABBA:
Thank you. (INAUDIBLE) formulated in 1928 stated that it if men defined situations as real, they are real in our consequences. In essence, (INAUDIBLE) serves as the potential that when incorrect situations are perceived by people as real, they are real in their consequences.

The real problem with the President's current action is that by reproducing his illegal desire of only counting citizens, this is that many approaches he's taken to ensure that he achieves his real objective. That is to make sure less people will be counted in states with large minority populations, which does not support President Trump or the positions he has taken. If this occurs, this those areas will have their representation in Congress and other legislative districts reduced as well and it will receive fewer government approved allocations based on the census count.

However, the incorrect perception of possible direct harm by filling out the form by non-citizens is not correct because it is against the law. Any census bureau employee (INAUDIBLE) to disclose or publish any census or survey information that identifies an individual or business. This is true even for interagency communications.

The FBI and other government entities do not have the legal right to access this information violating the confidentiality of a respondent is a federal crime with serious penalties, including a federal prison sentence of up to five years with a fine of up to $250,000 or both. In fact, when these protections have been challenged, title 13's confidentiality guarantee has been upheld in the courts.

I will now provide an example of how the Census Bureau and other agencies work together to follow title 13. It on August 13, 1980, late in--late that afternoon, four FBI agents arrived at the district office in Colorado Springs armed with a search warrant authorizing them to seize the census documents and include--including completed questionnaires in the course of their investigation of a case involving alleged questionnaire classification and payroll fraud.

I was immediately informed of the situation and contacted the director of the FBI. After a brief flurry of telephone calls to employees in Colorado, we agreed to a mutually satisfactory conclusion that could be reached while the disputed questionnaire remained in the custody of the Census Bureau. Ultimately, the documents were placed in a secure room protected by two locks with one key held by the FBI and the other by a local census official.

Under this arrangement, only sworn census employees were allowed to enter the room but an FBI agent had to be present when the door was opened. While the door was unlocked, an agent was stationed outside the room to monitor the activities of the census personnel. The Census Bureau brought in and experienced census bureau enumerators from outside the Denver area to re-interview the respondents in area for the where the alleged fraud had taken place. They prepare the original questionnaires with those from the re-canvas.

Census Bureau officials prepared a report that described all significant discrepancies uncovered but did not leave reveal any confidential information. Mrs. Chairwoman (INAUDIBLE) I served as Census Bureau director through employment by presidents of both political parties. In 1980, I had the honor of providing secretary of Commerce with the Census Bureau statement showing the population of the states and a number of representatives to which each state is entitled, which he then forward to the president.

I was also proud of the fact that our outreach program to low income and minority populations led to an estimated count of nearly 97 percent of our population. The 1980 census was also a clear demonstration with a nonpartisan manner by which a census should be conducted. The 1980 census was designed and planned during a Republican presidency and successfully implement as designed and planned during the Democratic presidency.

It will be up to Congress and the press to make sure that this information (INAUDIBLE) by the president be addressed forcefully and that is true motivation (INAUDIBLE) that census belongs to the people, not the president. The entire population of persons in the United States should participate willingly in the 2020 census (INAUDIBLE) moment to reaffirm our founders' intent that everyone be counted. Thank you.

MALONEY:
Thank you so much for your testimony and your service. We will now hear from Dr. John Eastman, Professor Henry Salvatori Professor of Law and Community Service Director Center for Constitutional Jurisprudence Dale E Fowler School of Law and Senior fellow Claremont Institute. Dr. Eastman

EASTMAN:
(INAUDIBLE)

MALONEY:
Should we go to another one?

UNKNOWN:
Yeah.

MALONEY:
We seem to have some technical problems. We're going to go to the next speaker after Dr. Eastman and come back to him because there seems to be a problem with connecting with him. Thank you. We will now turn to Dr. Prewitt. Mr. Prewitt, you are now recognized.

PREWITT:
Thank you very much, Madam Chairwoman. We know that this--this discussion will include concern about the--in putting the noncitizen, and or the illegals into the apportionment count. I just have to say three things about that.

First, we've never done it. The census has never done it. Second, they can't do it by asking questions. You're not going to knock on the door and say are you are you not. And third, the administrative records are inadequate to do it. So even if it was a good idea, we don't know--we don't yet know that we can do it, that the Census Bureau can do it.

And with that as my starting point, I want to go on and say some things about the larger census as a--as that ranking member invited us to do. We--we all know that we were about 62 percent with respect to nonresponse with respect to self-reporting, but that leaves, you know, more than a third of the population uncounted.

And I have to really stress this point. Nonresponsive follow-up, hard to count, very difficult since his territory as we all know. And we are not in control. The we is the Census Bureau, the we is the Congress, the we is the White House. COVID is in control of whether we will be

able to that as a Census Bureau, will be able to do this account successfully before the end of the year, which they are now on that--on that schedule.

And we know about 15 percent of the American population has already told us in polls that they do not intend to cooperate with the census. And so I'd like to make two, three quick points. How do I define a successful census? The bureau will know as no other unit of government can if the numbers will accurately reapportioned and fairly distribute federal funds for a decade.

It knows that the census account is the denominator of every vital statistics we rely on whether the number--whether it's the number of consumer products, whether it's differential rate of infection across the population subgroups on the pandemic, and so forth. Every number that we use for 10 years is anchored to the quality of the census.

Secondly, the bureau knows that these statistical facts can easily damage and the flawed numbers that will be produced will--will--that we'll inflict on society will create serious damage to the society. And it's not--it's not pretty; 10 years of homeless veterans because we mis-locate their--mis-locate their--sorry--mis-locate their hospitals, 10 years of tropical storm disaster relief that is too little too late because traffic congestion is underestimated.

Ten years of poor planning by local school districts because they have flawed estimates of how many one--first graders are going to show up, 10 years of missed Chamber of Commerce--misled Chamber of Commerce because predictions of population growth and characteristics are off base. We know that will be the consequences of a--of a census that does not count as best it can. Quite in--quite separate from who's in the apportionment count, we have to start with a good census.

The third thing I would say about this is the bureau will not want to inflict the damage that flawed numbers will produce. The Census Bureau is too honorable, too scientific, too proud of its professional standards, too faithful to its constitutional duties. The bureau will struggle with the enormous burden of whether to release substandard results. I urge the Congress to share the burden.

I would ask Congress to please appoint, using the National Academy of Sciences or some other apolitical trusted institution of its choosing, to produce predetermined quality metrics that can assess of the final 2020 numbers reasonably match what the bureau knows that they should be. And the bureau has very good estimates from ACS, from demographic analysis, very good estimates of how many people across the state all the way down to the census tract levels.

And so, if we can have this special group of experts to sort of create the metrics by which we will judge if we have an adequate census to do what it's supposed to do and, if not, what steps should the country take.

MALONEY:
Thank you. We're going to return to Dr. Eastman if we have solved the difficulties of reaching him. Dr. Eastman?

EASTMAN:
Let's try--let's try this again. Can you hear me now?

MALONEY:
Yes, we can.

EASTMAN:
Very good. Thank you. Chairman Maloney, Ranking Member Comer, and other members of the committee, thank you for inviting me to participate in this important hearing.

I actually think President Trump's directive is not only good policy, but perfectly constitutional. And I want to address real quickly something Mr. Prewitt said. I think there's a confusion here between the two purposes that we use the census for. One is for apportionment set out by Article 1, Section 2 of the Constitution. The other, exercising Congress' spending power or its commerce power, is to do a whole myriad of other things like allocate federal resources, determine where we're going to need schools and VA hospitals and what have you.

Presidents Trump's order addresses the apportionment part of that. It doesn't have anything to do with the broader purpose of the total count on the census. And I think the political theory underlying the reason we have an apportionment clause is extremely important, so let me begin with that.

We--we--we get our political theory from the Declaration of Independence. It sets out universal principles, all men are created equal, that we are endowed by our Creator with certain unalienable rights, but we apply those universal principles in a particular context. The Declaration starts off by talking about one people separating themselves from another. The theory of representative government is that it is based on the consent of the people to be governed, not on the consent of people elsewhere, but on the consent of the particular people that are setting up a government.

Now, those--those principles, the consent of the governed, the representative government theory, find their selves into the text of the Constitution. Right from the very beginning, it's as we the people of the United States. It doesn't say we the people of the world or we the

people of any foreign nationals who happen to be present when we take a census. It's we the people of the United States. That language is mimicked then in the apportionment clause.

Article 1, Section 2, Clause 1 says representatives are chosen by the people, that same people referring back to the people of the United States, now the people in there several states. And then in Clause 3, it says the people again, and they are chose--choose their representatives based on the total number of persons. That refers back to their representatives. That refers back to the people in the several states.

And proof of this is the clause excluding Indians not taxed. That was a clause. It was designed to recognize and to exempt from the census count those people who work in the states but not part of our body politic, who were not citizens. As the Supreme Court held in--in Elk versus Wick--Wilkins, Indians not taxed are excluded from the census for--because for the reason that they are not citizens.

In other words, the whole political theory of the Declaration codified into the Constitution is that we are counting people for purposes of apportionment in order to reflect accurately representative strength and divide equally and fairly the representation among the several states based on their numbers of people who are citizens, who are part of the body politic.

I'll give you an example. If the census in--if the 1984 Olympics was held in 1980 and it happened to coincide with Census Day, we wouldn't have added two or three congressional seats to California because there were a couple million people visiting Los Angeles for the Olympics. And this has always been our history. Diplomats, visitors are never been counted because they're not part of the body politic. They don't adhere to the necessity of--of--of representate--the theory of representative government.

The Supreme Court has upheld this as well. It's a recognized in Reynolds versus Sims, for example, which was the equal protection, one person, one vote case, that it's the equal number of citizens. They refer repeatedly this--the language of citizens rather than total population. Now, for most of our history, there wasn't much difference. The--the disparity between citizens and noncitizens was roughly similar one district to another, so we didn't have to get into this question.

But we now live in a circumstance where there are vast differences state-by-state between the number of citizens compared to the total population. And to continue to count total population for apportionment purposes is to give an un--an undue weight to people--to states that have large numbers of noncitizens living within their borders. That's not consistent with the--with the principles of representative government. It's unfair to those states that--they continue to have only citizens. And it's particularly unfair when the number of noncitizens includes large numbers of people who are not here legally at all. It creates a perverse incentive to encourage illegal immigration to undermine the weight of the votes of citizens elsewhere in the country.

Thank you, Madam Chairman. I look forward to your questions.

MALONEY:
Thank you. I--I--I now is--next is Mr. Groves. And I understand that--that you have a hard stop at 11:00. You will be excused with our thanks and you may have questions for the record. Mr. Groves, you are now recognized.

GROVES:
Thank you, Chairwoman Maloney and--and Ranking Member Comer. Since 1790, each U.S. decennial census has sought to enumerate all residents in the country. Some of the first words in the U.S. Constitution seem to illuminate the intent of the founding fathers on the score.

Before the decennial mandate is laid out in Article 1, Section 2, the prior section, Section 1, notes the qualifications of membership in the House of Representatives by "No person shall be a representative who shall not have attained it to the age of 25 years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen." So, I note the explicit designation of the word citizenship for qualifications of members of the House.

In the very next section, Section 2, outlining the decennial census, the word citizen is not used either in referring to the senses or to the apportionment of the House of Representatives. Instead, the phrase whole persons is used. This goal, a complete enumeration of all persons, residents, and the country, has been the basis of all Census sense that conducted by Thomas Jefferson in 1790.

It has been the basis of reapportionment decade after decade; indeed, a decennial census is the only event we have in this country in which all persons participate. I am not a lawyer and thus will not comment on the legal basis of the recent memorandum. I will instead comments on the critical needs of the Census Bureau going forward with an eye towards quality assurance and transparency. I have four points.

One, the Census Bureau technical staff must be free to complete the 2020 census at the maximum level of quality possible within the unprecedented constraints of the pandemic. As you know, the technical staff at the Census Bureau has requested in the delivery of various products. This request flows from the delay in the conduct of various stages of data collection. This delay, no doubt, has saved lives of enumerators whose public service will make these efforts successful. I applaud the technical staff of the Census Bureau, making this decision. The decision, however, forces a delay of the delivery of 2020 products. I support this delay and urge Congress to authorize it.

Number two, all of us need to convey the message again very clearly that the 2020 census must enumerate all persons resident in the U.S. regardless of the outcome of the administration's memorandum. The decennial census has the goal of enumerating all persons in the United States. We must double down on this message in the coming days.

Number three, the Census Bureau should release all quality indicators of the measurement of citizens required on the July 11, 2019, executive order. Rarely in the conduct of censuses throughout the world is the responsible agency asked to produce official estimates critical to the society without prior testing.

The attempt to assemble from administrative record systems and other sources counts of citizens in small geographical areas is unprecedented in the history of the Bureau. With unprecedented efforts comes the obligation to inform the country of the strengths and weaknesses of the product. I urge Congress to assurance that the valuations of the accuracy of such statistics be presented along with the estimates themselves.

Number four, the credibility of the 2020 census can be achieved only by wide dissemination of quality indicators (INAUDIBLE). I urge the Census Bureau given the unique nature of this data collection to publish intermediate indicators of quality of the 2020 census. These would include process indicators, comparisons with population estimates from demographic analysis and comparable tabular form, and initial field data from the post enumeration survey, for example, match rates of households. Credibility requires transparency. The sooner the country can see multiple indicators of the 2020 census quality, the sooner the use case for the census can be made.

In conclusion, I am pleased to submit this written testimony and look forward to testifying before the committee.

MALONEY:
Thank you. We will now conclude this panel with Mr. Thompson. Mr. Thompson, you are now recognized.

THOMPSON:
Good morning, Chairwoman Maloney, Ranking Member Comer, and members of the committee. Thank you for this opportunity to testify before your committee regarding the July 21, 2020 memorandum for the Secretary of commerce on excluding illegal aliens from the apportionment base following the 2020 census.

I am extremely concerned that this action will adversely affect the quality and accuracy of the 2020 census. The remainder of my testimony will focus on five areas that I believe are critical for your committee and the leadership at the Department of Commerce and the Census

Bureau to consider.

First, effects of the directive on the 2020 census response for the hard to count populations. I believe that the memorandum has a high potential to reduce the likelihood of census participation in hard to count populations, including non-citizens and immigrants. A significant component of the Census Bureau plan to get a complete count of these populations is getting out a message that the 2020 census is important to local communities and that respondent information is kept completely private and not shared with any outside entity, including law and immigration enforcement.

I am very concerned that the release of this memorandum will increase the fears of many in the hard to count community that their data will not be safe. The end result will most likely be increased nonparticipation and increased undercounts of these populations.

Two, effects of not accepting the Census Bureau recommendation to extend the 2020 census deadlines. The Census Bureau, through the Department of Commerce, has requested that Congress extend the deadlines for providing apportionment counts and redistricting data by four months. It is critical that these deadlines be extended.

The effective conduct of the operation to enumerate those households that do not sell respond, non-response follow-up, or NRFU is necessary to achieve a fair and accurate enumeration for all populations. I am concerned that not extending the deadlines will force the Census Bureau to make adjustments to the NRFU.

These adjustments will most likely include reducing the number of NRFU visits and increasing the use of statistical methods to impute responses into a much greater percentage of housing units than in previous censuses. The consequence of actions such as this would tend to underrepresent the hard to count populations and over represent other populations.

Three, the risk of introducing serious errors into the 2020 census apportionment counts before the quality and accuracy of the 2020 census is understood. For the 2020 census, little is known at this point regarding quality, accuracy, and, most importantly, the number of undocumented persons that will actually be enumerated. I am very concerned that a much lower number of undocumented persons will be counted in the 2020 census relative to previous censuses due to increased fear that their information will not be secure.

At the same time, a significant portion of legal residence could be overcounted. It will take very careful analysis to understand the properties of the 2020 census and to determine how many if any undocumented persons are included in the enumeration. This analysis will not be available when the apportionment counts are released; therefore, using the existing estimates of the undocumented population to reduce the 2020 census numbers would have unknown and possibly serious adverse effects on the accuracy of the resulting apportionment.

Four, there must be transparency in how the estimates of the undocumented population are constructed. The 2020 census is a foundation of our democracy, and there must be assurances that any actions that would affect the census are based on objective methodologies, a long-held principle of the Census Bureau is openness and transparency.

Five, the importance of not leaving, giving the appearance of political interference with the conduct and tabulation of the 2020 census. Perceptions that the results of the 2020 census have been manipulated for political purposes will greatly erode public and stakeholder confidence not only in the 2020 census but in our democracy.

When I was directing the 2000 census as a career executive under the leadership of Census Bureau Director Dr. Kenneth Prewitt, we went to great lengths to ensure all stakeholders that data-driven decisions were being made and that there was no consideration of politics in the conduct of the census. I would strongly urge the current Census Bureau and Department of Commerce senior officials to follow these principles for the 2020 census.

In conclusion, thank you for this opportunity, and I look forward to answering any questions that you may have.

MALONEY:
The chair now recognizes herself for five minutes for questions. I would like first to thank all of you for joining us today. It is powerful to hear from for former census directors who have been appointed by presidents of both parties. Collectively you have served Richard Nixon, Gerald Ford, Jimmy Carter, Bill Clinton, George W. Bush, Barack Obama, and Donald Trump.

On July 21, the president issued a memo directing the secretary of Commerce to provide him with the information necessary to exclude undocumented immigrants from the census count for apportionment purposes. Many people have opined already--

MALONEY:
--that the president's memorandum is unlawful and unconstitutional. I have studied it closely and believe it violates the clear language of the Constitution and existing federal laws. But I wanted to ask each of you the same question for a yes or no answer.

In your opinion and based on your knowledge and experience, does the president's 20--July 21 memo seeking to exclude undocumented immigrants from the apportionment base appear to violate existing federal law and historically enduring views of the Constitution, yes or no? Mr. Barabba.

BARABBA:
Yes.

MALONEY:
Dr. Eastman.

EASTMAN:
No.

MALONEY:
Dr. Prewitt.

PREWITT:
Yes.

MALONEY:
Mr. Groves.

GROVES:
Yes.

MALONEY:
Mr. Thompson

THOMPSON:
Yes.

MALONEY:
Second question, based on your knowledge and experience, does the Constitution require the census to count every person living in the United States at the time of the census, including undocumented immigrants, Mr. Barabba, yes or no?

BARABBA:
Yes.

MALONEY:

Dr. Eastman.

EASTMAN:
No.

MALONEY:
Dr. Prewitt.

PREWITT:
Yes.

MALONEY:
Mr. Groves.

GROVES:
Yes.

MALONEY:
Mr. Thompson

THOMPSON:
Yes.

MALONEY:
Third question. Based on your knowledge and experience, do you agree that that federal law requires the president to send Congress an apportionment count based on the census account of the total population of the U.S., including undocumented immigrants, Mr. Barabba? Yes or no?

BARABBA:
Yes. Yes.

MALONEY:
Dr. Eastman. Dr. Eastman.

EASTMAN:
No. No.

MALONEY:
Dr. Prewitt.

PREWITT:
Yes.

MALONEY:
Mr. Groves.

GROVES:
Yes.

MALONEY:
Mr. Thompson

THOMPSON:
Yes.

MALONEY:
And lastly, and is it correct that all previous censuses and apportionment counts in the history of the United States have included both citizens and noncitizen, including undocumented immigrants, Mr. Barabba, yes or no?

BARABBA:
Yes.

MALONEY:
Dr. Eastman, yes or no?

EASTMAN:

No.

MALONEY:
Mr. Prewitt.

PREWITT:
Yes.

MALONEY:
Mr. Groves.

GROVES:
Yes.

MALONEY:
Mr. Thompson

THOMPSON:
Yes.

MALONEY:
Thank you. I--I think that all of these answers speak for themselves. The president may not pick and choose who is included in the census account or the apportionment base. The Constitution, federal law, and the historic practice of the Census Bureau dating back more than two centuries as required the census account and the apportionment base to include every person in the United States, regardless of their immigration status. I now yield to the distinguished ranking member for five minutes for questions.

COMER:
Dr. Eastman, thank you for testifying today. And let me be crystal clear. I strongly support the president's order. I want to start with a few basic questions. What is the constitutional and legal justification for the president's apportionment decision, briefly?

EASTMAN:

Well, the Constitution says count all persons in several states. That refers to the people of the several states. That refers to the people of the United States. As the Indians not tax exclusion clause makes clear, it was designed to cover citizens. Those are the people that we were choosing representatives to represent. It doesn't include people who are here visiting and certainly not people who are here visiting unlawfully.

COMER:
Right. So why is it using total population not a good metric for an apportionment account?

EASTMAN:
Well, for many of our nations--much of our nation's history, total population was roughly approximate district by district to citizen population. That is no longer the case and the political theory and that tax and the reference to the people that is contained in the Constitution suggests that we now take account of the fact that we have great disparities district to district for apportionment purposes on the number of citizens versus the total population.

COMER:
Will you briefly explain the principle of one person, one vote?

EASTMAN:
Well, the idea of one person one vote set out by the Supreme Court in Reynolds vs. Sims is tied to the idea of representative government that we should each have an equal vote in whom I will represent--who were going to choose as our representative.

We're not talking about other people in the world having a say in who we choose as our representatives. It's one person, and that means one citizen, one vote because those are the people that are choosing who's going to represent them in this particular place in this particular government. It's not a--it's not about government, it's a government of the people of the United States.

COMER:
So for the issue at hand, can you explain how counting illegal immigrants for purposes of apportionment dilutes the political power of citizens and illegal immigrants in states with fewer illegal immigrants?

EASTMAN:

Take--take two states like California 2.5 million estimate illegal immigrants. That's roughly three or four additional congressional seats beyond what the citizen population will allow. And you are diluting the votes of citizens in other places that have not encouraged such illegal immigration into their states.

If our--if our representative government is going to be based on citizens, then--then diluting the vote of citizens to overweight the apportionment in the number of seats, and it's not just seats in Congress, it seats--it's votes in the electoral College for president as well, and this is nonpartisan. California and Florida and Texas would also lose seats if the president's order is upheld. That's, you know, some on the Democrat side, some on the Republican side.

This goes more to the basic notion of a prisoner of government and who it is our--our elected representatives are supposed to be representing. And it's citizens here. It's not people from elsewhere in the world.

COMER:
So doesn't counting illegal immigrants for purposes of the apportionment base distorted the principle of one person one vote?

EASTMAN:
It most certainly does, and it dilutes the votes of legitimate citizen voters in states that have low numbers of illegal immigrants or other foreign nationals present within their borders.

COMER:
All right, my last question. How does the president's memorandum on apportionment restore representation and apportionment in the House of Representatives?

EASTMAN:
Well, it did gets back into the apportionment base that I think our Constitution envisioned certainly the theory of our Declaration of Independence envisioned. And that is that one people there choosing our representatives, but we're going to apportion that people according to state and allot of the number of congressional states based on that, not however many people we can cram into the state leading into the census to roster up our numbers. It's citizens who are choosing representatives. Citizens those representatives are representing and therefore, the apportionment ought to be tied to citizenship.

COMER:

Well Dr. Eastman, you've done an excellent job explaining this issue, but I think an overwhelming majority of Americans support. I appreciate your testimony and forward to further questions. Madam Chair. I yielded balance of my time.

MALONEY:
Thank you. The chair now recognizes Representative Norton.

NORTON:
Thank you, Madam chair. And this is an important hearing and I appreciate this hearing. I'd like to approach this--my question from a constitutional basis as I practiced constitutional law before I was elected to Congress.

The Trump administration's attempt to exclude undocumented immigrants from the citizen count appears to me to be plainly unconstitutional. The language of the Constitution is pretty clear. Article 1 Section 2 says the apportionment of representative shall be based on "The actual enumeration of," and here--here are the words, "The whole number of persons." Persons, and I'm underlining that.

The 14th Amendment says representatives shall be apportioned, again, including, "Among the several states according to their respective numbers counting the number," here again is that word, "Of persons in each state." Persons. I don't see citizens and I don't see any other word such as voters.

So I really don't need to taught constitutional law the way I did. You don't need a low degree of any kind or dictionary to go through the exercise I have just gone through. All numbers persons in each state, every single person. Since most of you have been directors of that census bureau, for the record, I would like your answers to the following. Does--in your understanding, does the term whole number of persons in each state include undocumented immigrants living in the United States, Mr. Barabba?

BARABBA:
Yes.

NORTON:
Mr. Pruitt?

PREWITT:
Yes.

NORTON:
Mr. Groves.

GROVES:
Yes.

NORTON:
Mr. Thompson.

THOMPSON:
Yes.

NORTON:
I'd like to ask each of you based on your experience, your actual experience, a related question. During your tenure as director of the Census Bureau, did you have any doubt that the Constitution requires a census count to include undocumented immigrants living in the United States? Mr. Barabba?

BARABBA:
No, I did not have any doubts.

NORTON:
Mr. Prewitt?

PREWITT:
No.

NORTON:
Mr. Groves?

GROVES:
No doubts.

NORTON:
Mr. Thompson?

THOMPSON:
No doubts.

NORTON:
Let me direct you--if--if the Trump administration had any doubts, they might go to the census's own website. Here is a question from that website--bureau's website entitled "Fighting 2020 Census Rumors, setting the record straight." Question, are noncitizens counted in the census? Answer, yes, everyone counts.

The 2020 census count everyone living in the country, including noncitizens. I put this on the record because I've--anything this hearing--conclusions we come to should be based on just such documented evidence.

The administration might also have looked at the letter sent to Congress from the Justice Department in 1989 when George H.W. Bush was president and Attorney General Bill Barr was the head of the department's Office of Legal Counsel. That letter affirms the department's--the Justice Department's conclusion that both the enumeration clause and the 14th Amendment quote require the--and here I am quoting them, "the inhabitants of states who are illegal actions--aliens to be included in the census."

Mr. Thompson, as the most recent census director on this panel, could you briefly explain why you believe it is important that the census include everyone, every living person in the United States, not just citizens or voters?

THOMPSON:
Certainly. So, the Census Bureau is charged with a very difficult task, and that is counting everyone in the United States. The Census Bureau has no enforcement powers whatsoever. They're a statistical agency, so they wouldn't even have the ability to try to ascertain someone's legal status or not legal status. Now, I might add that if they tried to do that, then they would--they would produce counts that--that were seriously flawed.

NORTON:
Thank you very much. Thank you, Madam Chair--Chair. I yield back.

MALONEY:

The chair now recognize Representative Gosar.

GOSAR:
Thank you very much, Madam Chairman. Dr. Eastman, in your testimony and opinion piece you wrote in June of last year, you--you connected the citizenship question to the fundamental notion ingrained in our system of government, the consent of the governed. Representation is based on such consent, and this notion was confirmed in the 14th Amendment, which excluded Indians not taxed, because they were not part of the political body.

You conclude then that citizenship is at the core representation. However, in today's discussion, we are again addressing the question of whether we can allocate representation based on the known presence of millions of individuals who are not citizens. A question to you; do you feel that President Trump's memorandum calling for an apportion--apportionment count that tallies only the number of citizens and legal residents in a state is in line with the core founding tradition of the 14th Amendment?

EASTMAN:
I--I do. Not only is it in line with it, I think it's compelled to by it. The notion of consent of the governed requires that we--that we apportion our representatives based on who's going to be governed, not on people who are here illegally or people who are temporarily visiting, or Indians not taxed. I think the Supreme Court's decision in Elk versus Wilkins is very clear.

The reason that clause is there is--Indians not taxed(PH) are excluded from the count is because they are not citizens. Well, the Indians not taxed right now are illegal immigrants or foreign nationals who are visiting this country but who are not part of our body politic. The same principle applies.

GOSAR:
And that has a lot to do with application of our laws to the governed, as well as trying to make sure that--that we are the holding to--to the--to the country, would it not?

EASTMAN:
It--it--it does. Look, the--the very notion of consent of the governed is that a particular people decide on the kind of government they're going to have and who the representatives in that government are going to be to govern them in order to best secure the inalienable rights that they have from nature and nature's God. It's not designed to give other people a voice.

I mean, why have we spent the last three years concern about Russia's interference in our election if we think anybody from the world over ought to have a say in the choosing and the allotment of our representatives? The fact of the matter is it's the body politic, the particular people that choose our representatives to govern ourselves and to apply laws to other people while they are visiting here. But they're not the governing body. They're not the political regime.

GOSAR:
Dr. Eastman, you actually heard the discussion from the gentlewoman from the District of Columbia. You know, she says that the--specifically that citizens are--are not enumerated. Can you address that?

EASTMAN:
Sure. So, it says the--counting the number of--whole number of persons, but it--but it says their representatives. And the--the their refers back to the people in the states, in the several states. The people refers back to the very opening language of the Constitution, we the people of the United States allotted according to the people in the states. And it's those persons that we're going to count.

We have never in our history counted every single individual who happens to be within the state at the time of the census. We've not counted visitors. We've not counted Indians not taxed. We've not counted diplomats. The principal reason why we don't count such folks is they are not part of the people. They are not persons that form part of the people in the states that are the people of the United States.

You can't read that one word in isolation as she did. It's part of the larger language of Article 1, Section 2 as well is the preamble, and it's part of the principles that are set out in the Declaration of Independence tied back to the very notion of consent of the governed.

GOSAR:
Thank you. Finally, Madam Chairwoman, I would like to express my concern with the actions of this body over the past several years. Partisan leadership is forced this committee to consider the simple question of having a person identify themselves a citizen on--numerous times. However, we have only had a few hearings on the topic of issues like hard to count populations, an issue for my district and I'm sure districts of several other members of this committee.

This misdirection has forced this committee to deal with how we asked one question to non-Americans more so than how we ensure Americans in these hard to count populations can participate in the entire census, even though the majority constantly states its intentions to

count every person.

American voters and American tax dollars send us all to Washington, DC to provide for and oversee the census, yet partisan leadership has neglected this true intention, which concerns members like myself who are focused on ensuring their constituents get their proper representation and protection from their federal government.

Maybe we ought to entertain that, if we're going to give another stimulus, what we ought to do is ask that they fulfill filling out there census. If you want to get everybody spoke, may--maybe that's an incentive that we could go by. I yield back.

MALONEY:
The chair now recognizes Representative Lynch. We now recognize Representative Cooper.

COOPER:
Thank you so much, Chairwoman Maloney. And also I would like to honor Delegate Norton. Your line of questioning has exposed the fact that, for those not keeping score back home, that virtually every living director of the census support your view that the president has taken a unilateral and outrageous version of the 14th amendment, which is probably unconstitutional.

You would think that a country is old and as distinguished as America would be able to reputably count its own citizens and follow the president established by every living census director to count not only citizens but others such as undocumented people in each district. There are countless questions surrounding the census. An issue we're facing in my congressional district is this.

I am told that outreach specialists, partnership specialists will have their contracts terminated September 30, and that the census will continue until October 31. So, I would like to find out from--

COOPER:
--the previous census directors what effect this could have on the accuracy of the count when partnership specialists are terminated a month early, a month before the census has ended. I do not know the impact of this decision on the numerators themselves, but it would seem that partnership specialists wouldn't have been hired unless they added some value to the process so I would like to hear from Mr. Prewitt, Mr. Groves, Mr. Barabba and Mr. Thompson about the effect of this premature and early termination of the census specialist on the accuracy of the count.

BARABBA:

This is Mr. Barabba. Let me speak first. In fact yesterday I talked to the individual who is responsible for the area in which I live. She was very concerned that she would be--that her contract would be eliminated a month before the activity is completed.

She has reached out to many, many organizations throughout the area, and keeping in contact with them is important to the absolute completion of the census particularly in areas that we have in our district and in our area like the Salinas and other areas which have significant minority populations.

GROVES:
Let me--this is Bob Groves, let me just comment. If there is one piece of evidence that we have with great assurance, it is that local community leaders that have the trust of diverse communities in their areas are key to the original response, the soft response as well as the nonresponsive follow-up stage. We know this from several decades of work in a interference in their performance will affect the quality of the census, and we should avoid it whenever possible.

COOPER:
Is it going too far to say that--go ahead.

PREWITT:
Sorry just one more (INAUDIBLE). We have a vast pro bono labor force out there trying to help us do the census. This was launched in the 2000 census, it never existed before, and it is responsible for the fact that we have a self-response and a non-response of the people who don't respond. It is attributable to that crowd of people, and they are in the thousands, in the thousands. They--they are schoolteachers, they are union leaders, they are chambers of commerce leaders in the thousands to help us do this census, and they think their job is to count everyone.

COOPER:
What can communities do to prevent the termination of these partnership specialist or two if need be supplement or substitute the work of these specialist in that crucial month of October? Mr. Thompson--

BARABBA:
(INAUDIBLE) committees can do, but the Congress can do something, and that is to make sure that the period is extended.

THOMPSON:
So as my former colleagues have all said a really important component of getting a complete count is getting the message out on the local level, but the census is very important to your community and very importantly that the census is completely confidential which is not a message that can go out from Washington.

We started these programs in the 2000 census, and we saw some dramatic decreases in the under accounts of various hard to count populations. So for the month of October, it is critical that local communities, local leaders keep getting those messages out about why the census is important to their community and that it is completely confidential. The census doesn't share information with anyone.

COOPER:
I think the chair of. I see that my time has expired.

MALONEY:
The gentleman yields back. The chair now recognizes Congressman Jordan. Congresswoman Foxx?

FOXX:
Thank you, Madam Chair. Doctor Eastman, the president's memorandum, notes the interpretation of the 14th Amendment term quote persons in each state" is subject to judgment leaving up to each decennial census the Census Bureau releases a detailed rule on determining residency for each decennial census count. Do you agree that the standard for residency is subject to judgment?

EASTMAN:
I do, and we have routinely altered that. We have included people who are long-term residents in the state but not short-term residents. We have included people who are no longer residents in the state but are abroad because of work or military service or what have you and every--every census those--those parameter.

FOXX:
So, do you believe it is appropriate for residency criteria to change to exclude illegal aliens?

EASTMAN:

I do.

FOXX:
Mr. Thompson, when you were director you drafted the current residency rules for the 2020 census, is that correct?

THOMPSON:
Yes, it is, Congresswoman.

FOXX:
So it is fair to say that you support counting every person residing in the United States, legal or illegal, is that correct?

THOMPSON:
That is correct.

FOXX:
Okay. When you were director, did you support changing the rules for military residency?

THOMPSON:
I did.

FOXX:
And so let me understand this. There are many of Americans who reside overseas, including military personnel, yet they are enumerated as if they were residing in the United States, but they aren't residents because they are not present on April 1, 2020? So using your logic military personnel deployed abroad should be excluded. Is that correct?

THOMPSON:
No, ma'am. We--we did a lot of review of the previous census residence rules we put them in the Federal Register for comment and based on a lot of input we made the decision that we should count the overseas military in the United States.

FOXX:

Okay, well, that is absolutely the way it should be, in my opinion, but because we recognize these individuals are normally U.S. residents but were asked to serve abroad and will return when their short service is over. They are serving the country and deserve to be counted and represented, but their representation is still looted by illegal aliens being counted even though they have broken our laws to come here.

Mr. Thompson, another question for you. The 2020 census residency criteria changed how prison inmates are counted for the 2020 census. Prison inmates are enumerated at their prison, which is technically their residence on census day. Is this correct?

THOMPSON:
That is correct, and that is where they have been counted in most censuses.

FOXX:
Okay. Well, it is very controversial because some people believe that they should be counted at their residence pre-incarceration because that is their normal residence, not the prison. Some people argue you are diluting the representation of inmates by counting them at their prison site, so you believe though that prison inmates representation is diluted--make do you believe that it is still diluted because of how the census enumerates their location?

THOMPSON:
So the final decision on where to count the prisoners were made after I actually left government service, but I support the Census Bureau's decision to count the prisoners where they are incarcerated.

FOXX:
So you believe the fair representation of prison inmates why do you support the dilution of prison inmates and other citizens constitutional representation by supporting the counting of illegal aliens?

THOMPSON:
Throughout my experience at the Census Bureau, which included 27 years as a career employee and then four years as a political appointee as director, I operate under the guidance that the census was to count everyone in the United States regardless of status.

FOXX:
Thank you, Madam Chair. I yield back.

MALONEY:
Thank you. We now recognize Congressman Lynch.

LYNCH:
Hello there, can you hear me?

MALONEY:
We can hear you.

LYNCH:
Great. Well, thank you, Madam Chair for holding this very important and very timely hearing. And I want to thank all of our witnesses as well. I'd like to ask a question of Mr. Barabba, Mr. Groves, Mr. Thompson and Mr. Prewitt.

I noticed that back in April, you signed--you each signed a public letter supporting the bureau's request to delay this--this process and I think Mr. Prewitt, you were--you were quoted in one of the articles that I--I read. You said that the truth is that the only thing in charge of this census right now is the virus.

Not the Bureau, not the president. And the virus will be in charge until it isn't. Mr. Prewitt, would it be correct to say that they coronavirus presents an enormous challenge to the Census Bureau to conduct an accurate and timely account of the American people under these conditions?

PREWITT:
A huge challenge. Unprecedented.

LYNCH:
Yeah. Now, the reason that--I'm assuming that the reason that you requested the delay was to give the bureau more time. This is--this is the largest and most complex census ever conducted in this country and then--and then you add--and that's in normal times and then you add in the pandemic and the limitation of the enumerators and--and people being hunkered down. I guess I'm assuming that you also wrote that letter based on it being in the best interest of the country, is that correct?

PREWITT:
Yes, sir.

UNKNOWN:
Yes, sir.

UNKNOWN:
Yes, sir.

LYNCH:
Now, this most recent memorandum that the president submitted last week directing the Census Bureau to take a whole different approach to this census in the middle of the census, it seems to me that this new memorandum of questionable legality really will--will require the Bureau to dedicate considerable resources and a huge workaround in light of the new memorandum. Would--would that be a correct assumption here?

UNKNOWN:
Yes.

UNKNOWN:
It would.

UNKNOWN:
Yeah.

UNKNOWN:
Yes.

LYNCH:
And--and do so--so you've got this whole shift in resources, this redeployment, and a whole different program that's been put in as of last week directing that Census Bureau to change--change their plans. And yet--and yet, on Monday, the Census Bureau also posted on its website that despite this huge demand on resources that arose last week with the president's memorandum, the Census Bureau says that it is working towards this plan to complete the field data collection by October 31, 2020. Do you think it is feasible to dedicate all those resources to the object of the new memorandum and yet, not have the accuracy of the census impacted?

PREWITT:
Right now, that census I believe, sir, is at risk of being inadequate to do the task it is charged to do. A serious risk. And I would like to take as much of the burden off of them as we can. That's operational burden, timing burden and so forth.

I was extremely disappointed when it turned out that they were not going to get the four month extension going on into 2021, which we were counting on and they were planning around that and then suddenly, there's a reversal on that decision. And in my sense, the chances of having census accurate enough to use is--is unclear very, very much unclear whether we'll even have a census. That's why the debate about the illegals and undocumented is beside the point if not even going to have a census that we can take to the American people. And that's what I'm worried about.

LYNCH:
Thank you very much, Mr. Prewitt. Madam--Madam Chair, my time is expired, and I yield back. Thank you.

MALONEY:
Thank you. I now recognize Representative Palmer.

PALMER:
Thank you, Madam Chair. I have a couple of reports. One of which is from the Pew Research Center about the transient nature of people who are here and are here unauthorized here illegally. About 40 percent of the people who are here illegally are here--won't even be here for the next census. Given that, the transient status of millions of foreign residents in the U.S., doesn't it make it even more problematic to include unauthorized noncitizen, people who are here illegally and who are here temporarily to be counted for apportionment, Dr. Eastman?

EASTMAN:
I--yes, I--I agree, and I think it applies to legal temporary immigrants as well, people want temporary work visas or student visas.

PALMER:
Well, the point being--

EASTMAN:
--It's a very transient population. Yeah.

PALMER:
Yes, sir. To the point being is that these are not people who will be here to participate in our government in any form or fashion. I'd like to also point out that 60 percent of the unauthorized immigrants that people who are residing here illegally reside in just 20 metro areas that are self-declared sanctuary cities, counties, or states. By violating federal law, by establishing themselves as sanctuary sanctuaries for people who are here illegally, including some who've committed felonies, by the way, have these estates created an advantage for themselves that could cause harm to states that are declared centuries, Dr. Eastman?

EASTMAN:
Yes--yes, they do, depending on the distribution of the illegal immigrant population, states that are encouraging illegal immigration stand to gain a large number of seats in the House of Representatives as well as votes in the electoral college for president--

PALMER:
--Well, could that--

EASTMAN:
--To the detriment of other states.

PALMER:
Doesn't that create an incentive for certain states and in certain places to--to declare themselves sanctuaries, to give benefits, to give protection from prosecution for whatever crimes they might commit to increase the number of people in those areas, to give them this advantage? I mean, isn't that a rational thing to do if you're already acting in contradiction to federal law?

EASTMAN:
Well, it's--it's rational in the short term, Representative Palmer. And not so much in the long term. But--but you know, Alabama is likely to lose a seat in Congress and a--and an alert electoral vote for president as a result of--of this kind of encouragement for illegal immigration to reside in certain states like California.

PALMER:
Speaking of rational, and I try to be rational. I try to be linear in my thinking, so I start and follow evidence where it might lead. Your points early--early on about the right to self-government resides with the citizens, not with noncitizen, whether they are here legally or illegally, and--and to make this point, we don't allow foreign citizens to work residing in the United States, whether they're here legally or illegally to run for office, do we?

EASTMAN:
No, we don't.

PALMER:
Okay. We don't allow people who are here from foreign countries or they are here legally or illegally to make campaign contributions to U.S. candidates, do we?

EASTMAN:
No, we do not.

PALMER:
And presumably, we don't allow people who are here from foreign countries, whether they are here legally or illegally to vote in our elections, do we?

EASTMAN:
We're--it's illegal for them to vote, although we got evidence that large numbers have voted.

PALMER:
That's why I say presumably. So let me ask each of the other panelists, are those laws fair? Mr. Prewitt--Dr. Prewitt, are those laws fair? Should we allow foreign citizens to run for office to make financial contributions to candidates or to vote in our elections? Yes or no.

PREWITT:
We just--I'm sorry--

PALMER:
--No, no, that's a yes or no--

PREWITT:
--You're asking me a question--

PALMER:
--Do we--should we allow foreign citizens to run for office? Should we allow foreign citizens to make campaign contributions? Should we allow them to vote in elections, whether they're here legally or illegally? That's a yes or no. Your silence is--

PREWITT:
--That's what the law is now, and I agree with the law.

PALMER:
Okay, that--that's a great little answer. Mr. Thompson, yes or no?

THOMPSON:
I agree with the laws of the United States.

PALMER:
That's a--that's a--you agree that we shouldn't allow that. Dr. Eastman, I think I know your answer, but give me a quick answer. Yes or no.

EASTMAN:
Yes, absolutely.

PALMER:
All right. If that's the case, why in the world would we think it's--it should be legal to allow people who are here illegally or legally be counted for apportionment to influence our government when close to 40 percent of them won't even be here for the next census?

PALMER:
Can you answer that? It doesn't make sense, does it?

EASTMAN:
Yeah, I don't--it doesn't make sense, and I don't think it's consistent with the--the theory and the text of the Constitution either.

PALMER:
I thank the gentleman. I yield back. Madam Chairman, I would like to enter these just like these documents into the official record.

MALONEY:
May I see what the documents are?

PALMER:
Yes, ma'am. They're documents from the Pew Research Center, and one of them is from the Migration Population Institute located here in Washington, DC.

MALONEY:
Okay, without objection.

PALMER:
I--I thank the--the chairwoman and I yield back.

MALONEY:
I--I now recognize Representative Connolly.

CONNOLLY:
Thank you, Madam Chairman, and thank you for your long leadership on trying to preserve an accurate census and a fair and transparent process associated with it. Your leadership has meant a great deal and has served our country well. Thank you.

I'm must say, listening to this discussion, Dr. Eastman would be apparently very happy with the decision of Roger Taney and the Supreme Court that ruled on Dred Scott, because of that decision they decided that no African-American, free or slave, was a citizen of the United States deserving of any of the privileges of white people.

That was actually the language of the ruling. And therefore, no blacks would've been counted in the census. And we would've had millions of Americans declared noncitizens, under Dr. Eastman's logic, not counted in a census.

And we would've had no picture of America, especially south--the southern part of America in terms of the actual demographics, just how powerful the numbers were of African-Americans who, in the Constitution, were singled out to be counted as three-fifths of a

person for the purpose of the census, which, by the way, inflated the numbers of Southern representation in the Congress at the time.

You know, immigrants throughout American history have been subject to this kind of smear and innuendo we've been listening to. You know, they're all criminals. They're all trying to cheat. States are using them to inflate their numbers. You know, there were movements of the 19th century, the Know Nothing Party, to ban them, to deny them the vote. Irish immigrants, there was a big movement in New York in the mid-19th century to deny Irish immigrants the right to vote because they were illiterate, they were ignorant, they worshiped a foreign religion, they were really Americans.

This kind of nativism, this kind of bigotry frankly has no place in the carrying out of the census. The language of the Constitution--and for a crowd that talks about originalism, well, the language is clear. It says persons. It doesn't say citizens. It says persons. It wants to get a feel how many people are here at a given time, how many people are residing in the United States of America, not what their future intentions are, not what their statuses, are they residing here for the purpose of understanding the population of the United States at any given time.

And--and that's how the census has been carried out. Let me ask Mr. Prewitt, and--and all of--all of the former directors could answer this as well, have we ever adopted, to your knowledge, in the carrying out of the census in modern times a selective process of not enumerating certain individuals because of their status?

PREWITT:
No, sir.

BARABBA:
Not to my knowledge.

CONNOLLY:
Mr. Groves? Mr. Groves? Mr. Thompson?

THOMPSON:
No.

CONNOLLY:

And why do you think we need to have account of the people--the persons residing in the United States? Why is that important? Why isn't Dr. Eastman right? Let's only count citizens, full-blooded Americans citizens and nobody else.

PREWITT:
My quick answer on that is they--or the--they're if they put gasoline in their car. They're paying property taxes if they live someplace, that is they're functioning as people in the country. And--and more--more than that, that you have a really difficult--difficult situation to uncount them.

I--I don't think the other members of the committee have paid enough attention to my first point. We do not know, the Census Bureau does not know, how to do what the president is asking them to do, and it's going to hurt the census and therefore we are at risk of not having a census in--in 2020.

CONNOLLY:
And--and Mr. Thompson, is it--is of the case that, for example, throughout American history this is what we've done? We counted immigrants whether they were citizens are not in the 19th century, the turn of the 20th century, as well as currently. Isn't that the case?

THOMPSON:
That is the case.

CONNOLLY:
Yeah. So, this--what Dr. Eastman is propounding sounds reasonable, except it would fly in the--the face of over 200 years of practice in American history and, in my view, would flaunt the actual words of the Constitution of the United States. Thank you. I yield back.

MALONEY:
Thank you. The chair now recognizes Representative Roy.

ROY:
Madam Chairwoman, before I start, may I ask which of the experts remain available for response?

MALONEY:

I--I believe--I believe Mr. Graves had an appointment at 11:00 and had to leave, but the rest are there.

ROY:
So, Mr. Barabba, Prewitt, and Thompson--

MALONEY:
--Yes--

ROY:
--Are all available?

MALONEY:
Yes.

ROY:
Okay, thank you. Sorry. Mr. Eastman, let me ask you just a quick question about the law. If I recall correctly, there was a case in which Justice Thomas in 2001 in dissent clarified that there is a split in the circuits and a split in the law, Ninth Circuit versus the fourth and the fifth, as to what the court's position would be on the question at hand, on apportionment and what we're talking about. Is that true? And--and would you expound on that very briefly because I need to move on?

EASTMAN:
Yeah. So, it was a case out of Hawaii that was dealt with. They wanted to apportion locally based on citizen population rather than total population. And the court upheld that, and--and there was language in it that strongly suggested such was compelled by the notion of representative government. Judge Skadinsky (SP) on the Ninth Circuit specifically said that even though the decision doesn't absolutely require that technically, the logic of it compels it. And I think that's right.

If I may, can I go back? Representative Connolly, I know you're protected by the speech and debate clause, but that doesn't mean I should not respond to the slanderous statement you made. I do not defend Judge Taney's decision in Dred Scott.

In fact, I am a vigorous defender of the dissenting opinions in that. It was an absolutely wrong decision. African-Americans were treated as citizens in this country, and Taney was wrong. I will not let you get away with the slander just because you're protected by the

speech and debate clause.

ROY:
Well, Professor, I was going to give you an opportunity to respond. I'm glad you did. I was going to ask you that question. I thought it was irresponsible of my colleagues ask a question along those lines, and I'm glad that you responded. It was--it was not appropriate to direct that towards you on a very debatable question, a very real question.

And at a bare minimum, we can all agree that there is a split in the jurisprudence or a difference of opinion in the jurisprudence on whether or not apportionment should be accounted for in the way we're discussing and--and that this is a live question. And that citizenship, in fact, matters.

The citizenship must matter if we're to be a nation of laws and if we're going to have citizens vote, citizens running for office, that we should have a robust debate and discussion and that, frankly, this body, this Congress ought to act.

My colleagues on the other side of the aisle spent last year fighting every ounce of effort on the part of this administration or this body and Republicans in this body to try to ask a question, a simple question, on the--on the census as to whether or not your citizen or not. The vast majority of Americans recognize that that is an important question to ask.

But I would just say again to the professor we agree, at a bare minimum, there's a split in the jurisprudence on this question. Is that correct?

EASTMAN:
That's correct.

ROY:
Thank you. A--a question here for Mr. Barabba, Prewitt, or Thompson, and I'm going to go through a few things because I have limited time here, and then I just want to get your yes or no on whether I'm characterizing this appropriately.

My understanding of the way the census counts is that we have something called count imputation and that we have something called characteristic imputation. And that in count imputation we have status count imputation, we have occupancy count imputation, and we have household size count imputation. What does this mean for the average listener?

It means that we make stuff up. It means that we have situations where we literally have an address. We can't find the house and we impute to that address the characteristic--or I should say the count of a house nearby. It means that we go through on occupancy and say,

well, we find the house and there's somebody there but we can't find them, so we just say, well, you know what?

The next door neighbor, there's five white people in the house, so we're just going to put five white people in this house. Or that we have household size imputation that says, well, we don't know how many or numbers in it. Well, we don't know if it's one or two or three, but we're just going to guess that it's 5 or 10 based on who's next door, and that in fact, we have characteristic imputation where we go into race and characteristics and that this is a reality of what our Census Bureau does in order to achieve numbers.

Now that is what is actually going on. Now there's a whole other thing where we have the community survey, the ACS, and I would ask Mr. Eastman if you would jump in here real quick. Is that not correct that the ACS is used and that the court acknowledges that it is appropriate for it to use those estimates and sampling for purposes of the application of the Voting Rights Act?

EASTMAN:
Yes, that is correct.

ROY:
And so my question here would be would it not, therefore, of course, be appropriate to use if you are a state for redistricting purposes, not apportionment let me just ask this question, for redistricting purposes, the same data if you are going to use it for the voting rights act?

EASTMAN:
Yes, absolutely, and it is more current because it is taken every year instead of just the decennial census.

ROY:
And you should use the ACS in this case if we are going to be doing apportionment, you can use the ACS for apportionment?

EASTMAN:
I believe we could, certainly to coincide with the census.

ROY:

So my question to the representative--the former director of the Census Bureau am I correct that the Census Bureau does, in fact, have to fill holes and make assumptions on data when they go house to house, when they get into imputation is a way that the Census Bureau does that, just a yes or no and then I will finish my questions Madam Chair.

Mr. Thompson?

THOMPSON:
Thank you for on muting me. The Census Bureau has used a technique called count imputation because if they don't do anything, that means they are assuming everything is vacant or nonexistent, which isn't the case either.

ROY:
Mr. Prewitt?

PREWITT:
Yes, it is a long-standing practice. It is used as rare as possible. You would much rather get a direct response, but we don't always get direct responses, and we don't say oh well that's too bad we will just have to go--these are well established, technical, statistical processes that have given us a more complete census than we would otherwise have.

ROY:
Thank you, sir, and then Mr. Barabba, and then I am done, Madam Chairwoman.

BARABBA:
I concur with my colleagues' comments.

ROY:
Thank you all.

MALONEY:
Thank you. We now recognize Congressman Raskin.

RASKIN:

Madam Chair, thank you very much. Thanks for calling this super important hearing and it's really wonderful to hear all of the prior census directors who converge around a very simple conclusion which is that the president's proposal is a radical break from history and a radical break from the text of the Constitution, a radical break from the structure and the spirit and the meaning of the Constitution and so basically every methodology we have for interpreting what the Constitution means supports the proposition that we have been doing it right for more than two centuries that is we have been counting everybody.

That is the way we have done that, there is no reason to overthrow that right now and what we are getting really from the administration is a whole series of attacks on the election, attack on male in balloting, president threatening not to observe the final results of the election if he doesn't like it and so on. This is all part of kind of thin anticipatory temper tantrum by the president.

I wanted to correct a couple of things that were floating out--out there are specifically about voting and citizenship, and there seem to be this false equation between voting and citizenship. The Supreme Court has been very clear that they don't imply one another.

They are obviously large categories of people who are citizens who can't vote starting with children and historically the vast majority of citizens couldn't vote because women couldn't vote as well as children as well as people who weren't landowners or property owners and conversely there were lots of people who could vote who were not citizens for the vast majority of American and even today there are lots of municipalities and localities which allow people to vote without regard to citizenship in local elections but the way that it existed through the 18th and 19th and really up to the early 20th century.

Was that what mattered was race qualifications, gender qualifications, property and wealth qualifications for voting and if you were a Christian white male property owner it didn't make any difference what your quote citizenship was, and that was a confusing concept in a way for more than a century whether that was determined that the state level or the federal level.

We didn't have these kind of rigid ideas about citizenship that are being propounded right now. So that was a conservative position having to do with land ownership and property ownership and race and gender for a very long time. It wasn't until we started getting immigrants coming in from southern Europe and other places that that turned around.

You should go back and check out the history leading up to the Civil War and the admission of Kansas and Nebraska and a number of the other states they are because it was the Republican Party which was the great champion of alien suffrage in America and the advocate of the idea that if you would be willing to move out to the Midwestern and Western states, you should be allowed to vote before you became a citizen.

That was Lincoln's position, that was the position of the Republican Party. It was the South's position that there were all of these radical immigrants coming over from Europe bringing anti-slavery ideas that they should--that--that it was their position that they shouldn't be included for that reason.

In fact, if you look at article one of the Confederate Constitution of the United States, it says that you must be a citizen of the Confederacy in order to vote, something that we don't have in the U.S. Constitution which is why noncitizens could vote for most of our history and lots of cities and indeed in a corporations I wanted position on the other side is that--is that you need to be a citizen of the United States to be a member of a corporate board of directors and to vote in a corporation in America or to own stock in America. I mean, that would be a really startling position, but it seems to flow from what they are saying.

Let me just ask I--I got curious about this whole question of Indians not taxed that was repeated so joyfully by one of the witnesses and I wonder Mr. Prewitt if I come to you what is the situation today Indians not taxed, certainly there are children who are native Americans who were not taxed but also with adults who are not paying taxes and are they counted today as part of the census despite the constitutional text?

PREWITT:
Yes, they are.

RASKIN:
Okay, that--that--that is interesting. Let me ask another question of you, Mr. Prewitt. If we were actually to go ahead and adopt the president's proposal and now we see why of course they were pushing for their citizenship question which was struck down by the Supreme Court as lawless and a violation of the whole administrative procedures but now we know why they were doing it but if we were to go ahead with this how would they actually since we don't know who is a citizen and who is not a citizen how would they go ahead and try to make that work?

PREWITT:
And my judgment there is no way. This is what worries me about this initiative. The expert on administrative records at the Census Bureau for many, many years, and I will now quote her, she is now with Georgetown University. To produce a good number that is a good number separating out the documented from the undocumented you'd need to be able to draw a clear line between the two categories sharp definition doesn't exist in the administrative records available to the Census Bureau's.

This is an article in science magazine just published yesterday, and so we are all anxious about this initiative not because of the arguments that are being made about so forth and so on, it is what is it going to do to the census itself in 2020 and look, if we don't come up closer to 100 percent that (INAUDIBLE) then we are in trouble.

RASKIN:
So, Madam Chair, just to conclude it is not only unrooted in the text of the Constitution and impractical, but it is a danger to having the real census counted and completed. Thank you very much for your indulgence Madam Chair. I yield back to you.

MALONEY:
Congressman Hice? Congressman Hice? He is online. You need to unmute yourself, Congressman Hice.

HICE:
Okay, all right.

MALONEY:
Okay, great.

HICE:
Thank you, Madam Chair. Listen, I want to thank all of our witnesses for being here today, unfortunately, I think it is largely a waste of your time as yet again it is for hours. I mean, we continue not doing our job of oversight and, in this case specifically, as it relates to the census. We--we--here we are four months into the census, and this is the first time we've had a hearing about it.

We've only 120 days into this we are just now getting around to it, and as Mr. Prewitt shared a little earlier we may not even have a census this--this go around because of the pandemic and other issues and get the irresponsibility of this committee to do proper oversight this is only the third committee hearing, full committee hearing of the year from my account and this is just unacceptable.

Had my colleagues been willing to show up for work as we have done in the Republican Party perhaps we would be able to continue our--our oversight and to somehow think now that we are engaged in an emergency over this, and even in this emergency hearing we are still not

providing oversight as to what is happening with the census is just unthinkable to me and highly irresponsible, and I would ask the chair if we could get back into the order of what this committee is supposed to be involved with.

But as it relates to right now, to again somehow think that it is unreasonable or unconstitutional for us as a nation to have the number of citizens who are in this country as well as the total number of people in this--in this country is just unthinkable to me. To think this is somehow a radical break for us to know the number of citizens as well as noncitizen is in itself an absurd way of thinking about all of this to me.

But here, nonetheless, we are. Dr. Eastman, I appreciate the testimony that you've given any answers that you've given. I know this has already been covered, but I think it's worth reiterating again. Is the president within his authority to direct a memorandum to the Census Bureau?

EASTMAN:
I--I believe he is and I think the supreme court's decision in the Franklin vs. Massachusetts (INAUDIBLE)

HICE:
And likewise, is within his authority to ask that Bureau to send him an apportionment count that includes citizens and legal residents, is that correct?

EASTMAN:
That's correct.

HICE:
Okay. And just reiterate again why this is so important that we have a count of citizens, not just illegals as well. I mean, we need to know--I'm fine if you want to know the total number here, but the critical aspect is knowing the citizens. Again, reemphasize why that is the case.

EASTMAN:
The importance of knowing the citizens and apportioning according to the citizen distribution is because it's the citizens that control the government. It's not foreigners that control our government. That's one of the most basic premises of the consent of the governed, principles set out in the Declaration of Independence.

HICE:

Yeah, absolutely. I mean, I don't see what's so complicated about this. It's illegal for a--a non-citizen to vote. It's illegal for them to be involved in our political process. And yet now, for all practical purposes, we have a political class, a political party that is determined to give citizens of foreign countries the right to vote in our federal elections, to be involved in impacting our federal elections.

This whole thing to me got to be deeply troubling. And at worst, it--it should be seen as election interference for us to enable or fight on behalf of individuals who work illegally in this country to impact the--the voting power of the citizens of this country is (INAUDIBLE).

And quite frankly, you look back, I don't know, Dr. Eastman, if you caught any of the DC statehood debate that we had around here, but it's the same thing then as it is now. It's all about gaining and strengthening political power for the Democratic Party and it shrugs off old norms, it shrugs off common sense, it shrugs off the law in itself.

And I would just thank you again for your testimony here today and I would implore my colleagues on the other side to end these showboat hearings and let's get back to the work of good census oversight. And with that, Madam Chair, I yield back.

MALONEY:
Well, I thank the gentleman for his testimony and I'd just like to respond to his attack. I--I read the president's census memo carefully and I believe that it is blatantly unconstitutional and that complying with his memo would violate federal law. That is why we called this important hearing. And I'd like to say--

HICE:
--And the chairwoman--

MALONEY:
--You don't have to take--

HICE:
--Is certainly entitled to her and--

MALONEY:
--Sir--sir--may--I did not--I did not interrupt you. May I complete? You do not have to take my word for it. All four of--of four former census directors that served both Republican and Democratic presidents said they also believed that the president's memo appears to violate

the Constitution and existing law. So this is serious and I now recognize Congressman Rouda.

ROUDA:
Thank you, Madam Chair. It must be exhausting for Republicans when the president tweets out lies and you are forced to defend it. It must be exhausting to be a Republican when the president of the United States holds a press conference and sells snake oil salesman cures for the coronavirus. And it must be extremely exhausting to come in here and defend the president of the United States when he takes unconstitutional actions such as he has done here.

Candidly, I feel sorry for you. I feel sorry members of the House of Representatives of the United States of America are afraid to speak their mind, to speak the opinions that they hold, to speak the truth that they know in their hearts, in their mind and defend this president at all costs, defending the indefensible. And it seems that the primary argument that has been stated as Representative Raskin pointed out at least a half dozen times in this hearing is that Indians not taxed were not counted.

The utter stupidity in that statement lies in the fact that undocumented immigrants last year according to the Internal Revenue Service paid $9 billion in payroll taxes. According to the Internal Revenue Service, undocumented immigrants paid $12 billion in Social Security benefits, more than they received. And according to the Institute of taxation and economic policy, undocumented immigrants paid $12 billion in state and local coffers.

Yet, here we are. Here we sit today because of this memorandum by this president telling us clearly what's most important to this president. Yet, we sit here today 140,000 of our fellow Americans are dead. Tens of thousands more Americans will die in the coming months because of the utter lack of leadership by this president.

The economic collapse of our country is unfolding before our eyes because a president is unwilling to do what is necessary as the leader of the United States to ensure that we take the actions we need to take to protect Americans. And it tens of millions of Americans are out of work, struggling to figure out how to pay rent, pay the mortgage, pay medical bills, and put food on the table for their families.

Yet, here we are today because of this president showing us and the minions to follow him what is important to them. Not as a Democrat, not as a former Republican, but as an American, we are better than this. I yield back.

MALONEY:
Thank you. I now work recognize Representative Green.

GREEN:
Thank you, Chairwoman and Ranking Member and thanks to our witnesses. The right to vote is sacred. As Americans, we are blessed to live in a country that respects the time honored tradition of one person, one vote. Wars have been fought. Marches have been led. Blood, sweat, and tears have been shed defending and advancing this fundamental right.

Unfortunately, Democrats are attacking this very right and are trying to disenfranchise American citizens in order to gain more power. Some states, such as California, have already flirted with openly allowing illegal immigrants to vote in state and local elections. Currently in California, you can register to vote online. They require is you check a box certifying that you are a U.S. citizen and you either provide a Social Security number or a California driver's license. But remember, driver's license, which they also grant to illegal immigrants.

Disturbingly, the LA Times reported that over 1 million illegal immigrants had a driver's license in California, and that was 2018. The fact is today's Democratic Party leadership, they don't care about one person one vote. They care about obtaining power at any cost, even if they have to attack the very foundation of our Republican--American citizenship and the right to vote.

Now, Democrats are continuing their offensive on the Constitution by attacking the 2020 census. They've managed to politicize every step in the census process, even criticizing President Trump for trying to include a citizenship question. Moreover, Democrats are ignoring history under the rule of law. The citizenship question has been included on most censuses from 1820 to 1950 and as recently as 2000.

Additionally, the Supreme Court ruled in 2019 the questions' inclusive--inclusion is perfectly legal. Despite this, the Democrat shenanigans managed to get the question removed by default since it was too late at the question before the service or printed. The citizenship question, when used to determine apportionment, is a simple matter of fairness and common sense. American citizens have certain rights that noncitizens do not have, the most fundamental of which is the right to choose our leaders.

Democrats are eager to cry foreign interference when it comes to the Russian hoax, but if we count illegal immigrants in apportionment, particularly those new to our country, how is that not foreign interference, I guess all Russia has to do is send a few thousand people across our soar--our poorest southern border into California and they get an extra vote in Congress.

How is continuing illegal immigrants--or counting illegal immigrants in the census or in the apportionment process not an assault on the fundamental rights of every American citizen? I'd like to ask my Democratic colleagues if an illegal immigrant can vote, then what's the point in citizenship? Why not have France just vote in our elections? What's the point of our legal immigration system?

There's no escaping the fact that including illegal immigrants in the apportionment process dilutes the vote of every single American citizen. Not only is it unfair, it creates an incentive for states to accept more illegal immigration. Authors Hans Von Spasky (SP) and Mike Gonzalez have written ill--including illegal immigrants in the apportionment process "perversely incentivizes states to encourage more illegal immigration in violation of U.S. laws and the well-being of American citizens, all in order to gain more Congressional representation. Simply put, those here legally should have no say in electing America's leaders."

Make no mistake. The Democrats are simply grabbing power at the expense of the American people again. The Democrats have actually made the point of the unfairness of counting illegal immigrants for apportionment in this committee today. Many of the Democrat members have asked in survey fashion a series of questions of each of our witnesses. The answer yes, no, yes, yes each time. The problem is this. It's a biased sample. They allowed us one witness and they provided three witnesses who share their opinion.

It's unfair. It's biased. And it's exactly what we'll get if we count illegal immigrants in apportionment. It will misrepresent the votes of Americans in states that abide by our laws. The assertion that the opinion of the census directors is somehow reflective of the people of America is absurd. They are three voices out of 330 million people. Their opinion counts 3 out of 330 million.

Rather than helping to get the Census Bureau an accurate count during a very difficult time with the pandemic, Democrats are further throwing a wrench in the process by coupling statutory relief with the census poison pill provisions. It's shameful. But it all goes to show you the truth. Democrats are more about power than they are about the integrity of our elections for the fundamental right of every American citizen. Thank you, Chairman, and I yield.

MALONEY:
I--I--I thank the gentleman for his testimony. And I--I do want to point out that the Census Bureau is not asking people about the citizenship status on the 2020 census, which the Trump administration wanted to do. They tried to do that, but this was struck down by the Supreme Court of the United States of America so the citizenship question was removed.

I now recognize Debbie Wasserman Schultz, Representative Schultz from the great state of Florida.

WASSERMAN SCHULTZ:

Thank you, Madam Chair. I'm going to present some inconvenient facts that really fly in the face of the ridiculous argument that was just made by the--the gentleman who previously--who previously spoke, and that is that in the section from census.gov labeled the importance of apportionment, it reads Article 1, Section 2 of the U.S. Constitution mandates that an apportionment of representatives among the states must be carried out every 10 years.

Therefore, apportionment is the original legal purpose of the decennial census as intended by our nation's founders.

Apportionment is the process of dividing the 435 memberships of seats in the U.S. House of Representatives among the 50 states based on the state population counts that results from each decennial census. The apportionment results will be the first data published from the 2020 census, and those results will determine the amount of political representation each state will have in Congress for the next 10 years.

Not only does the not--does the Constitution not qualify what type of person or category of individual will be counted for apportionment, the Trump administration's own Census Bureau specifically leaves out any reference to categorizing the type of individual that we are counting and whether or not they will count towards apportionment.

The founding fathers intended that everyone living in the United States other than originally counting slaves, tragically, as three-fifths of a person, should be counted for the decennial census specifically for apportionment. That's in the Constitution too.

So, what's going on here is that the U.S. Supreme Court scuttled the administration's bigoted plans to try to intimidate people who are not citizens from answering the census and thus being able to be counted and counted for apportionment purposes, and instead are trying to back door the--the citizenship question by using an executive order to not count those who are not citizens in apportionment. It's not constitutional. It's not legal and is transparent in its really venomous political intent.

My question is that we have a number of--a number of experts here, and I want to just go through a couple of key facts. This committee's investigation showed that the likely reason for the citizenship question was electoral politics. I'd like to--to ask Mr. Barabba, do you agree that the policies proposed by President Trump's memo last week to exclude undocumented immigrants from the apportionment count are consistent with the real objective for the proposed citizenship question? That was for Mr. Barabba.

BARABBA:
Oh.

WASSERMAN SCHULTZ:

Did you hear the question?

BARABBA:
Okay. I did not hear my name. I'm sorry.

WASSERMAN SCHULTZ:
That's okay.

BARABBA:
Would you repeat the question, please?

WASSERMAN SCHULTZ:
Sure. Madam Chair, if I can have a few additional seconds to make sure I don't lose my time? Do you agree that the policies proposed by President Trump's memo last week to exclude undocumented immigrants from the apportionment count are consistent with what the real objective was in originally proposing the citizenship question?

BARABBA:
I--I believe what he's trying to do is to have an effect on the outcome of the--of the apportionment process to the state.

WASSERMAN SCHULTZ:
Could you be a little more specific?

BARABBA:
If you count fewer people, indeed, as I pointed out in my testimony for low income, they're more likely people who do not vote for the president because of his positions.

WASSERMAN SCHULTZ:
Mr. Prewitt, can you explain why fears in the immigrant community about the census would depress response rates and ultimately lead to a less accurate census count?

PREWITT:

Yes, because they're afraid that the answers will be used against them, as the--it was unfortunately produced in the 1941 period with Japanese American 60 years ago. We're still talking about that. They cast a very long shadow over the census. And what we're going through now will cast another very long shadow. If they are afraid that it will be used against them as a group, then they have a reason to sort of dodge it and not respond to it and hide out.

WASSERMAN SCHULTZ:
Thank you. Mr. Thompson, after the issuance of this recent memorandum, it--it really is even harder to escape the conclusion that the Trump administration is attempting to manipulate the census count for political purposes. If this behavior is normalized, what impact do you think this will have for the future of our democracy and ensuring an accurate count in the decennial census?

THOMPSON:
So, that--that's an excellent, excellent question, congresswoman. It--it is incredibly important that the census be viewed as a nonpolitical objective enterprise, because it is the foundation--one of the cornerstones of our democracy. And perceptions that it's been politicized, as Dr. Prewitt said, will have a long, long lifespan and it will make it very difficult to take that only the census, but censuses in the future.

WASSERMAN SCHULTZ:
Thank you, Madam Chair. I yield back the balance of my time.

MALONEY:
Thank you. We now recognize Representative Higgins by remote. He's online. Representative Higgins?

HIGGINS:
(OFF-MIC) Madam Chair.

MALONEY:
Thank you.

HIGGINS:
Thank you, Madam Chair. This--this type of anti-American rhetoric--

HIGGINS:
--I'm hearing from my colleagues across the aisle today is exactly why regular American patriots don't like politicians and don't trust the government. What--what are the democrats trying to hide right now?

This is the number one thing. It's the major point that--that is incredibly clear. Across America, from sea to shining sea, by hard working American citizens, voting rights in America and congressional representation in America belong to American citizens, period. Our nation's fabric has changed through the generations.

The census is conducted primarily for a portion in every ten years. This is a--this is a challenge that has evolved and changed over the course of time and what we now face is--is the very clear fact that illegal residents of our country or illegal occupiers of our country have significantly affected representation. What are the democrats hiding? Illegals interfere with our republic when it comes to congressional apportionment and voting.

President Trump's new policy would restore congressional representation to its rightful owners, the citizens of America. What are the democrats hiding? What--why would we not want to know how many citizens versus non-citizens are in our country?

I'll tell you why. America, and I hope you're paying attention. Estimates range from 12 million to 25 million illegal aliens in this country at 700,000 constituents for congressional district. That's 17 to 35 congressional districts that can be swayed by illegal aliens within our country.

The 115 Congress majority, republic of majority, was 47. The (INAUDIBLE) 16th congress, the Democrats hold a 34 vote majority. The reality is that illegal aliens present in our country, if counted for apportionment, actually do shift the balance of one man, one vote away from densities of population of American citizens towards densities of population of illegal immigrants.

And, my colleagues across the aisle don't want America to know that. But, I do, because we prefer to speak the truth and I--and I--and I take offense to some of the language that's been used towards myself and my colleagues by the gentleman prior. You don't know our hearts, sir, good sir. You calling us minions and other things. You're wrong for that and you know it. America is watching and they know it.

Mr. Eastman, you--you are a constitutional scholar. Are you not, good sir? Mr. Eastman, please unmute yourself.

EASTMAN:
(INAUDIBLE)

HIGGINS:
My question was are you a constitutional scholar, sir? Madam Chair, I'd like this time observed(PH).

EASTMAN:
Let's try again. Can you hear me now?

HIGGINS:
Yes sir, Mr. Eastman. My--my question was are you a constitutional scholar, sir?

EASTMAN:
Yes I am, sir.

HIGGINS:
Please unmute yourself, sir.

EASTMAN:
It's unmuted. I'm sorry, I don't know what the problem is. Yes, I am.

HIGGINS:
Back on track here. Welcome to 21st technology that doesn't work for remote committee hearings. I urge my colleagues to return to regular order.

Mr. Eastman, are you familiar with the--with the--with the President's new policy that we're discussing today? Can it or can it not be challenged in court as constitutional or unconstitutional?

EASTMAN:
According to (INAUDIBLE)

HIGGINS:
Your--your audio is not functioning, sir.

EASTMAN:

--(INAUDIBLE) let's try this. Is that better?

HIGGINS:
Yes, sir. That's better. Madam Chair, I'd like this time observed for later.

EASTMAN:
Okay. Yes.

HIGGINS:
Mr. Eastman, my--my question to you is very simple. Are you familiar with President Trump's policy regarding--regarding the Census that we're discussing today? Can this policy be challenged constitutionally in court or can it not? Is that not our process?

EASTMAN:
Well, it's already been challenged in four different cases in court. I--I believe when it gets to the Supreme Court, based on the Franklin versus Massachusetts case, the Trump policy will be upheld. But, it will certainly be (INAUDIBLE)--

HIGGINS:
--And, in the interest of time, if the--if the--if President Trump's policy is overturned by the Supreme Court, which is our judicial procedure, I would encourage my colleagues to wrap their passion up in a judicial challenge properly. If the president's policy is overturned by the Supreme Court, then that's it, isn't it?

EASTMAN:
Well, that's--yes, that's it and Congress would certainly have a say with the constitutional clarifying amendment. But, I believe the Constitution allows for the policy already.

HIGGINS:
Very well. So, prior to Supreme Court rulings that--that--that have established by--by majority rule in the Supreme Court, that an agency's action is final when an agency completes its decision making process, specifically as it regards to the census that the president is not--is not required to transmit the secretary's report directly to Congress. Rather, he uses the data from the census in making his statement. Are you familiar with that ruling as written by Justice O'Connor?

EASTMAN:
Yes I am. That's the Franklin versus (INAUDIBLE) to which I've been referring.

HIGGINS:
Yes, sir, it--it certainly is. So, Madam Chair, I thank you for your indulgence. We had some technical difficulties from the gentleman. I just want to clarify that what's before us today is the balance of power of the representative republic of American citizens that we are supposed to serve. And, if you--if any of my colleagues or fellow Americans across the country have a problem with the president's decision, then by all means, follow the constitutional process by which you will challenge that as to Article III in the judicial process.

Madam Chair, I yield.

MALONEY:
Thank you. I now recognize Congressman Sarbanes from Maryland. Congressman Sarbanes.

SARBANES:
Thanks very much, Madam Chair. Can you hear me?

MALONEY:
Yes, we can.

SARBANES:
Okay. Well, appreciate the hearing. You know, fundamentally, you--you can't run a country if you don't know how many people are in your country, and that's the purpose of the census, plain and simple. It's not a democratic power grab.

This is a patriotic exercise that we engage in every ten years to know who is in our country, how many people, so we know how to provide services and resources and function as a country. That's what this is about. This is about being able to function properly and efficiently as a country so we know where to build the roads and the hospitals and the schools.

I want to know how many people live in my district. Whatever district I'm representing as a member of Congress, I need to know how many people there are living in that district so I know what the schools should be, how many resources should come behind community health clinics, what--what's the capacity of the hospitals that we need and our other healthcare providers.

That's the purpose of this and if we don't take the Census seriously, we're not going to be able to function as a country in an effective way. So, that's what this is about. This isn't about political power grabs. This is about doing what makes common sense and what our Constitution calls upon us to do every ten years.

Now, I--I don't want to belabor what the president has done because it's very clear, based on the testimony and I think an easy reading of the Constitution, that what the president has proposed most recently is not only unconstitutional, it's completely unworkable. I'd like the former directors, if they would, to--to give me your perspective on this very delicate line that we're walking right now.

On the one hand, we know that the census needs to be completed within a certain period of time so that the data all works and the further--further we get away from April 1st, the more potentially compromised that can be. On the other hand, we don't want to rush the census--

SARBANES:
--in a way that would undermine its accuracy. And I fear that the president is seeking to do that now. From what I understand, he's trying to sort of telescope the process here. So could you speak, and any of you are invited to--to weigh in, of the former directors, tell me what your greatest concerns are right now about our ability to conduct the census in an efficient way to gather up the data to be confident in it and how do we navigate this--this window that we have to pull that off? And I'll--I'll turn it back to the--to the directors.

THOMPSON:
Well, I can--I can start. The--the clearer people who are experts at making the census requested a four-month extension of the deadlines in their title. They know what they're doing. They know what it's going to take to get the census done. Not extending those deadlines is going to put tremendous pressure on the Census Bureau. It's not clear what kind of quality counts they can produce if they don't get the extension. So it could be a really big problem.

SARBANES:
Mr. Prewitt.

PREWITT:
Yeah, I would just add to that, as I tried to say in my opening testimony, I really do think right now we ought to be appointing an independent, apolitical group of statisticians and otherwise informed people, National Academy of science can certainly do this and look at

metrics. What were they telling us that we have a census that is inadequate for the purpose of reapportionment, is inadequate for the purposes of spending over $1 trillion, and it's inadequate as a base number for all of our other surveys, for 10 years.

I think we are at risk of getting to the country a set of numbers which will make what our previous--what you said at the very beginning, you want to know how many coming to school, how many in the hospitals. What's the traffic load? What about emergency preparation? All of those depend upon numbers and I am very worried that we may not have those numbers at a level at which we are able to give them to the--to the president at the end of this calendar year. So the extra four months is really important.

SARBANES:
Thanks very much, Madam Chair. I appreciate the opportunity and I think what we're hearing is the politics need to be kept away from this space. The president is trying to politicize it. We need to keep it in a safe zone and get this right and do it properly for the benefit of the country. I yield back.

BARABBA:
Chairwoman, could I make a comment, please?

MALONEY:
Thank you. Who--who is wanting to make a comment?

BARABBA:
Yeah, I just want add to what my colleagues have said that the manner in which the president is positioning this question on citizenship will be more--is designed to be alarming to noncitizen to be counted and it's this approach that is going to make it difficult for the census to do its job, which is to count everyone, every person in this country.

MALONEY:
Thank you. I now recognize Representative Robin Kelly from remote. Kelly.

KELLY:
Thank you, Madam Chair.

MALONEY:
Thank you.

KELLY:
A couple of points I wanted to make first that I've been on oversight for over seven years and most of that time I was in the minority and I never remember the minority having more than one witness. I just wanted to make that--make that point. And I thought I heard one of my colleagues say that to have the undocumented count because that will help us in with our century cities. Well, Chicago is a sanctuary city and New York is a sanctuary city and we already know that Illinois will lose one congressional seat.

So counting the undocumented is not helping us over another state that you make represent that doesn't want to take out the undocumented. But I wanted to ask Mr. Groves if undocumented immigrants do not respond to the census either because they are afraid of being identified or are motivated because of this memo what effect do you predict this will have on the distribution of federal funds and it would affect some communities more than others?

PREWITT:
I--if I'm I needed, I will--Dr. Groves has left.

KELLY:
Oh, I'm sorry. That's right. I've been waiting so long.

PREWITT:
I'm sorry. No, no, I'll give you a quick response. Look, right now with respect to that 62 percent of the public that has sent in a form, that's a highly variable number state-by-state that goes up as high as 72 percent and goes down as low as 52 percent.

That's a 20 percent difference between those two states. And if that carries forward for the rest of the census, that means were going to have states that are counted close to 100 percent and states are counted at 80 percent. And that is not a functional census.

That by definition--hugely disproportionate the way that federal funds get spent because the federal funds is a fixed number and is proportionate to size. So if somebody is 100 is 80, the one that's 100 is actually going to get 20 more because is going to be spent somewhere. So it's a very serious issue.

KELLY:

And also the other thing is when I think about one of the counties I represent is Cook County and even if someone is undocumented, they--they need help or care the county or the city, you know, they still help. They just don't, you know, leave people to die or to be homeless and that kind of thing. They--they'd still feel that responsibility and none of that is free, you know, it cost money.

PREWITT:
Yes.

KELLY:
So that's why it's so important. Madam Chair, I yield back early.

MALONEY:
Thank you. The gentlelady yields back, and I now represent--Representative Grothman is now recognized.

GROTHMAN:
Okay, thank you very much and thank you for having this hearing. Always enjoyable. I think there's some confusion. So the first question I have is for Dr. Eastman. The president's memo, as I understand it, doesn't include distribution of federal funds. It's only for the purposes of apportionment, am I wrong in that?

EASTMAN:
No, you're absolutely right correct on that. The two are distinct and their acts actually the constitutional authority is different for each of the two.

GROTHMAN:
Okay. So this idea that if we--we--we don't count people who are here illegally is going to result in, say, less federal aid to the city of Chicago, that's not accurate, right?

EASTMAN:
That's not accurate. The count will be there. The question is what are the numbers we use for apportionment purposes, not for all the other myriad uses for defenses.

GROTHMAN:

Okay, good. Now, I wanted to ask you about other people who are, you know, I happen to live in Wisconsin. There are people who could be in Wisconsin for a variety of reasons.

There could be people who were born there and will die there and live there their whole life. There can be people there who are diplomats from our consulate in Chicago or driving around seeing what's going on up there. You could have tourists who plan on leaving, you could have people who spend seven months of the year in Florida and five months of the year in Wisconsin. You could have somebody coming over from Iowa who is taking care of an aging relative and expects to return home.

Could you comment on these different situations? Are all of these people supposed to be counted for apportionment purposes, none of these counted for apportionment purposes? If we go through them--a diplomat, they're not counted, are they, even though there in Wisconsin?

EASTMAN:
No, diplomats are counted even though they are persons in the state. If you want to take the--the technical reading and offered, visitors are not counted. Temporary people passing through are not counted. And I think that Indians not taxed are not counted. We haven't had that category since citizenship was offered in the 1920s broadly to native Americans. But for the first 100 century (PH) and include our nation's history, they want counted.

It's because what--as the Supreme Court said, what we are ending for here is being represented. Who's in charge? Who are the sovereign people that are choosing the representatives and allocating the distribution of seats in Congress and electoral votes based on that.

GROTHMAN:
Okay, and I'll give you the specific example. Let's say I'm in Wisconsin. Let's say a woman who moves into Wisconsin to take care of her aging mother and expects to return home from Iowa, has no intention of staying in Wisconsin, maybe her mother is even in home hospice. Should she be counted as a Wisconsin resident?

EASTMAN:
I don't believe she should be, and I don't think the Census Bureau does. They asked where her normal place of abode is.

GROTHMAN:

Okay. If I'm in this country illegally, how under any circumstances--what conclusions would you reach to say that a person who is here illegally intends to stay permanently? I would say I would think if I was called in a country illegally for whatever reason I would expect to return home. Isn't it kind of insulting to somebody to say if they're here illegally we're going to make the assumption they're there permanently?

EASTMAN:
Well, I--I--I think so, and--and, you know, you can read this then into the phrase in the state. The--the other argument has been, well, anybody that's residing in the state; well, they've added the word residing to there. So, why don't we also add the word more consistent with the theory, lawfully residing there? That gets more at the question of who's being represented, those who are here lawfully.

GROTHMAN:
Well--well, right. I'm going to go back to the two situations. If you have someone in Wisconsin taking care of an aging relative until they pass away, you know, we consider they're a permanent resident another place, right?

I think normally if you have a college student who is in Wisconsin for nine months and then returns to Iowa, that--Iowa is considered their place. They only--they don't intend to stay in Wisconsin full-time.

By what logic could you say if someone, say, is overstaying a visa and--you know, but plans on returning home, we assume returning home, how--what--what type of legal logic could you have to say that we expect that person to stay in Wisconsin permanently? I don't understand that. Can you imagine a legal theory that we're going to assume somebody who comes here illegally is going to be considered a permanent resident?

EASTMAN:
Well, there--there--there's one theory that's been floated called virtual representation. Even though they're not part of the citizenry of that state or that community, they are nevertheless there, and so therefore the people would treat them as if there being representative even though they have no say in the government. I think that is--

GROTHMAN:
--Well--well--well, why don't we--

EASTMAN:

--Fundamentally incompatible--

GROTHMAN:
--Assume they're going to leave though? That's what I don't understand.

EASTMAN:
Yeah, I don't--I don't--Congressman, I agree with you. I don't understand it either. But I'm--I'm trying to tease out the theory on the other side to try and make some sense of it, and I can't. It is so fundamentally incompatible with the notion of consent of the governed that is the cornerstone of our system of representative government.

GROTHMAN:
Well, I--I--I just will say, on behalf of the illegal citizens in my state, I think it's insulting to imply that in the future they're never going to obey the law. Thank you.

MALONEY:
Congresswoman Lawrence is recognized.

LAWRENCE:
Thank you, Madam Chair. I would like to bring the focus back to what the census is established, and that is to count every person. I was a mayor, and I know that the amount of people who were driving over my roads go into the population, goes into the formula of how much I come to the federal government, say I need X amount of bill dollars, I need X amount of dollars. I need to know how many children are going to our schools so that we can anticipate the amount of brick-and-mortar or the amount of taxation for educating the children in our community.

It's so sad that this current administration uses every single angle to politicize it and have it to be a Democrat or a Republican issue. The census has nothing to do with your political affiliation. It has everything to do with the numeration of the people who live in this country so that we can appropriately allocate the funds throughout our country.

I know in my district there's a very rich and, thank God, amazing diversity of people, strong representation from the Middle East and Bangladesh, other countries. We have Jewish. We have African. We have India. So, when--when you knock on the door of a home and you say are you legal or not legal, the trust because of this administration's just--just absolute aggressive immigration, demoralizing the value of people in our country, it creates fear whether you want to admit it or not.

Mr. Thompson, are you still here? Is Mr. Thompson still here?

THOMPSON:
Yes, I'm--I'm here.

LAWRENCE:
Okay. Is it true that the immigrant communities have historically been undercounted in the census? And can you explain why this is problematic?

THOMPSON:
That's a--that's an excellent question, congresswoman. So, the Census Bureau has always been measuring a differential undercount, and that is for the white non-Hispanic population, they have been measuring slight over counts. For other populations, African-Americans, Hispanics, they've been measuring undercounts. American Indians, they been measuring undercounts. And they call it the differential undercount.

So, the implications of that are--filter through all the important uses of the census, including apportionment, including redistricting, and including the allocation of $1.5 trillion in federal funds every year. If there's an undercount in a community, then that community doesn't get its fair share of--of any of those resources.

LAWRENCE:
So, when a--when a community does not get the proper allocation of funds, when we start talking about poverty, when we start talking about generational misrepresentation, it is all tied to the census and how we count the citizens and the people of this--of this country. Is that correct?

THOMPSON:
Yes, ma'am.

LAWRENCE:
Do you agree that President Trump's executive order is likely to make the problem worse by discouraging legal immigrants from completing the census?

THOMPSON:

Yes. I included in my testimony my concerns that a memorandum was going to increase fears among the hard to count populations, which would include immigrants, not citizens, that their data would not be safe, and therefore their nonparticipation.

LAWRENCE:
Madam Chair, I just want to be clear on the record that the census is not a Democrat or Republican issue. It's an issue about how we will fund our country. I sit on appropriations, and I say often if you want to know where a person's heart is, if you want to know what your values are, follow the money. And if we systematically eliminate and discourage participation, then our values will be very clear that, if you are minority, if you are an immigrant, you have no value. Thank you so much. I yield back.

MALONEY:
Thank you. Thank you to the gentlelady for her--her powerful statement. Congresswoman Miller is now recognized.

MILLER:
Thank you, Chairman Maloney, Ranking Member Comer, and to all of you witnesses who are here today.

As we will discuss further in the next panel with Dr.--Director Dillingham apportionment is drastically different than taking the census. It is essential that the census count every person living in the United States, as this data is used to appropriate federal resources to the communities in need. Another use for this data is to fulfill the constitutional duty of apportionment.

Apportionment is the essential process that Congress takes to make sure that the members of Congress are distributed fairly and proportionally across the United States. Allowing some states with a high number of undocumented immigrants to support the will of American citizens by denying other states their fair representation cannot be allowed.

While many across the aisle actively champion illegal immigration and deny the government's duty to protect our southern border, to turn around and try to distort the president's actions to protect American democracy into a constitutional crisis is an absolute farce.

This hearing is just a continuation of the lack of leadership that America is so tired of seeing out of Washington. I support President Trump's memorandum of apportionment and reiterate the importance of making sure American's voices are heard here in Congress and at the ballot box.

Dr. Eastman, how would counting residents living in the United States illegally undermine the representation of legal American citizens?

EASTMAN:
Well, it would create an apportionment that shifts numbers of representatives in the House of Representatives and also the electoral votes for president from places where there are not large numbers of illegal immigrants to places where there are, therefore diluting the vote and political power and sovereignty of the people in the states that--that do not have large numbers of illegal immigrants and benefiting those that have violated our law.

MILLER:
So how (INAUDIBLE) or smaller rural states which already have very few members of Congress negatively impacted by the larger states who are bolstering their census counts with undocumented immigrants?

EASTMAN:
We have got a number of states that will lose or not gain a--a seat in Congress as a result of counting the large number of the legal immigrants that have consolidated in particular states in the three or four states, for example. It--it would shift away from the rural states, and it would debase the votes of American citizens in large portions of the country.

MILLER:
So basically in a congressional district where half the population is comprised of undocumented immigrants, is that fair representation to a district that is comprised entirely of American citizens? Doesn't that dilute the representation that citizens have in Congress?

EASTMAN:
It--it does so in two ways. It gives that state with illegal immigrants and additional seating Congress that creates--that enhances their political power and it also takes each voter in that district and essentially makes their vote worth twice as much as the votes in a district where there are no illegal immigrants.

MILLER:
So historically, why has it been the standard to use total population for apportionment instead of the number of citizens, and does this actually use subvert the democratic will of American voters?

EASTMAN:
Well, historically we have used total population because there was not a differential between total population and citizen population and so total population was a very good proxy for--for the political representation but we now have a vast disparity between citizen and noncitizen areas of the country, and that is skewing the political authority of the people that are supposed to be choosing the representatives to government.

MILLER:
Thank you. I yield back my time.

MALONEY:
Thank you. I now recognize the vice-chair of the committee, Congressman Gomez, for five minutes. Thank you for coming.

GOMEZ:
Thank you, Madam Chair. I just want to remind people I am actually very happy that President Trump and the administration revealed its true colors. For the long time if we remember back when they were trying to add the citizens it question to the census it was always about enforcing the voting rights act, and they repeated it and repeated it and repeated it, but even your Republican Chair Trey Gowdy didn't even believe that was the case.

He even made the argument that their lodging didn't make sense because they have been enforcing the Voting Rights Act the Justice Department since its existence without having that information on these citizenship on the census, so we always knew what this was about. It was about (INAUDIBLE), it was about the apportionment expert trying to create a scenario that they could make an argument why citizen--undocumented immigrants and not all people should be counted in apportionment.

That was what it was always about, so it just reveals their true colors that they put forward this executive order and this memo--memo of understanding and the reason why it was always about that because this administration and Trump have always attempted to use the census as a political weapon to marginalized communities throughout the country and I believe that this is only the next step because I believe the true direction of this administration wants to go and some individuals on the right of the political spectrum is to undermine the 14th Amendment itself, the idea that in the person, all persons born or naturalized in the United States are subject to the jurisdiction of the United States and are citizens of the United States.

That is where ultimately they want to go. They as I'm talking about the Trump administration, I'm talking about the people who are on the right who don't see people who are born here as valid citizens of this country. So this is just the next step you know what President Trump has done in these memos, but I believe that it would be found unconstitutional.

I believe that some of the recent rulings by the Supreme Court indicate that this court is not a Republican court or a Democratic court, it is the Supreme Court of the United States of America and I look forward for this case to go forward, but the present memo does I believe violate the Constitution. It also violates federal status--statutes as enacted by Congress.

Title 13 states that after the census is complete, the secretary of Commerce shall send the president and I quote a tabulation of total population by states which then the president must transmit to the Congress a statement showing the whole number of persons, it doesn't say anything else, it says of persons in each state.

I would like to go down the line and ask each of you a question. In your experience as director of the census bureau, did you ever understand federal law to allow the secretary of Commerce to exclude undocumented immigrants from the census count he or she is required to send to the president? Mr. Barabba?

BARABBA:
No. The answer is no.

GOMEZ:
Mr. Prewitt?

PREWITT:
No.

GOMEZ:
Mr. Thompson?

THOMPSON:
No.

GOMEZ:

Those are some simple questions when it comes to this issue that it has never been allowed, and no one has ever requested it, but this administration is trying to once again use the census for political ends and to marginalized and undocumented community and undermine our democracy.

We have a choice to make. The country is getting more diverse no matter if we throw up roadblocks, no matter what we do the country is changing, but it's not about how we shouldn't allow those changes to determine our character, it is how we handle those changes that will determine the character and the values of this country. I am proud to be an American, and a lot of the people who are here undocumented or otherwise are also proud to be in this country, and we will fight for our place in this country every step of the way until the day that we are no longer on this earth. With that, I yield back.

MALONEY:
Thank you, Mr. Gomez. The chair now recognizes Congressman Keller.

KELLER:
Thank you, Madam Chair. Thank you, Ranking Member Comer. Last week the President issued a memorandum directing the Department of Commerce to provide him with an apportionment count, which only includes those in this country legally. Since we all know that an apportionment count, a census count, and a redistricting are different things I am concerned that the title of this hearing conflates all of these into one group creating the assumption that these terms are all the same thing makes the accusation that the President's actions are unconstitutional which they are not.

Doctor Eastman, can you explain how an apportionment count is different from a census count and redistricting?

EASTMAN:
Sure. The census count total count that is addressed things like federal spending and how many schools we need and how much space we made on the highway those are exercise pursuant to congresses power under the commerce clause and under the spending clause, and we get a total count, it doesn't matter on what basis you are here, but apportionment is supposed to be tied to people who are choosing representatives, and we can have an apportionment count of the persons in the state for that purpose that is different from the total population count that would include visitors, it would include people on temporary basis, it would include all of those other things, and we can have two different counts.

The President's memo is directed to the apportionment count, what numbers of persons are we going to use for distributing our political power in this country based on the population of citizens of we the people.

KELLER:
Thank you. This committee has spent endless hours holding hearings, conducting investigations, issuing subpoenas, and holding administration officials in contempt of Congress all due to an issue with the citizens it question on the census. While this effort eventually--was eventually abandoned, a citizen said question should not be controversial, and neither should be using an apportionment count of only those who reside in our country legally. If someone is here illegally, they should not be represented in the United States Congress.

Doctor Eastman, why did the Supreme Court rule that a citizenship question being asked on the census questionnaire is, in fact, constitutional?

EASTMAN:
Well, because first of all history we have asked that question on almost every census in our entire history. The only reason it blocked it from the current census is because the Supreme Court found that the department had not properly gone through the requirements of the administrative procedures act, but it went out of its way to say asking him about citizenship is perfectly constitutional.

KELLER:
Okay. Just one thing. I know there has been a lot of discussion on why we need to make sure that the representation is correct, but I know some of the people on the left want to do away with the electoral college. By--by counting people who are not U.S. citizens here legally is that a way to make the electoral college less relevant or over time irrelevant by shifting representation away from American citizens?

EASTMAN:
It does. It has the same effect of diluting the votes of citizens that the apportionment of the House of Representatives has because the electoral college votes are based on the total number of seats one has in the House of Representatives plus the two senators.

KELLER:

So--so if I couldn't get an amendment through, I couldn't get a national popular vote and I wanted to do away with electoral--electoral college, I would--I would want to count people for representation purposes who are--who are in our country illegally?

EASTMAN:
You--you certainly would enter the impact of--that citizens have on the outcome of elections. And that undermines the very notion of the consent of the governed.

KELLER:
And the thing--the point I guess I wanted to make, by the way the Trump administration wants to make sure that we know the difference between when we're talking apportionment and census and redistricting. We want to take care of everybody that is here--here in our country, but we also want to make sure that the government is selected by American citizens and not people who are not citizens of this country. Is that correct?

EASTMAN:
That's correct. And I don't think it's partisan. Look, I mean, if you look at the numbers, Texas is going to lose seats as a result of this as well as California. It's hard to say that that's a partisan outcome. It's--it's a good governance outcome.

KELLER:
It's an outcome that means we are--we are exceptional because we're Americans and we should have government that is decided by American citizens and not people that are national foreign nationals in our country illegally. Thank you, Madam chair, and I yield back.

MALONEY:
I thank the gentleman and I think all of the panelists for their testimony and remind them that they--very--there will be additional questions that may come to them and I would be grateful for their swift response.

We will now go to the second panel. But first, I'd like to respond to Mr. Hice's request that we have--he mentioned we needed a hearing on the hard to count communities and stated that we had only had not enough hearings on--on the census.

I'd like to place in the record that since I've been here, there have been five hearings on the census, including one on the hard to count communities in the 2020 census, which was January 9, 2020.

We were also privileged to have Director Steven Dillingham here on February 12 and appreciate him coming back very much and we also had one on beyond the citizenship question, repairing the damage and preparing the count for we the people in 2020 and we also had one on getting the--the count counted to the importance of the census for both states and local communities and on March 14 we had Commerce Secretary Wilbur Ross.

So I would like to place in the record these hearings that we had, five, and I mentioned to ranking member, if you'd like to have another hearing on hard to count communities as Mr. Hice mentioned, would be glad to accommodate having another.

And I'd also like to place in the record that listing of 12 full committee hearings that we had on different subjects. But obviously, five with both the through committee and subcommittees has been a priority. As it should be for this--for this country. I'd like to place this in the record. Thank you.

So the first panel is dismissed with our great thanks. Thank you for your time, thank you for your service, thank you for coming back to testify with us from across the country. We are very, very grateful. Thank you.

And we are also grateful that we are joined by Mr. Steven Dillingham, the current director of the census bureau. We thank you very much for your time, for your service, and for agreeing to be here. We are very appreciative. If the witnesses would please rise and raise your right hand, do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth so help you God?

DILLINGHAM:
(OFF-MIC)

MALONEY:
Thank you. Let the record show that the witness answered in the affirmative. We thank you. Without objection, your written statement will be made part of the record. And with that, Mr. Dillingham, you are recognized for your testimony. Again, thank you for your service. And I just wanted to add the--the coronavirus has changed everything and I--it has really changed how we've been able to conduct the census. And I appreciate your service during this very, very difficult time. Thank you for being here.

DILLINGHAM:
Chairwoman and Ranking Member, I don't know if you noticed, but I had my own specially designed mask and I provided one to you in the working member. So I hope you find it useful. It's at least for getting the message out. Thank you so much.

Chairwoman Maloney, Ranking Member Comer, and members of the committee, I am honored to be with you today. I'd like to congratulate Ranking Member Comer on his recent appointment. I appreciate the support of Congress and this committee's commitment to a successful 2020 census.

The nonpartisan U.S. Census Bureau is the nation's leading federal statistical agency. Its career and non-career staff work together to advance its mission always in accordance with governing laws and court rulings. The Census Bureau does not set policy, nor does it control the use of its data products. The Census Bureau adheres to the highest standards of scientific integrity and transparency and the principles and practices of federal statistical agencies.

Meeting challenges posed by the unprecedented brutal pandemic remains at top priority. The Census Bureau's dedicated workforce has worked hard and professionally to keep the 2020 census on track. This morning I am pleased to highlight some recent developments.

On July 21, the president issued a presidential memorandum that has been the topic certainly of the first panel. In response to the memorandum, Secretary Ross called upon that Census Bureau to examine the directive and commence efforts to develop methodologies for producing a special tabulation for apportionment. A group of expert possible methodologies. Operations are not affected by the memorandum.

We remain committed to accounting t every person in the right place and only once. To help the Census Bureau meet challenges posed by the pandemic, the White House office of management and budget submitted request to supplement our hiring, pay incentives, outreach and replenish our contingency funding to provide the necessary flexibility.

Despite the pandemic, the 2020 census self-response has been a tremendous success. We are now almost 63 percent with more than 92 million households counted. About 80 percent have chosen to respond using the Internet.

Our response system has not had a single minute of downtime since we first invited people to respond online beginning in March. We successfully set up--we sent up and we say up to five mailings because if you do answer it self-response, you're not receiving hopefully after a period of time not receiving additional mailings.

But we successfully sent up to five mailings in an additional mailing to areas with the post office boxes. Our sixth mailing has begun and it should reach 34 million non-responding households. In September, we will be sending--we will be sending a seventh mailing, including questionnaires to the lowest responding tracks and hard to count areas.

Our update leave is--which is our operation to hand deliver packets to housing units, well it is certainly generally complete, it certainly 99 point--the last I looked it was I think it was about 99.9 percent. It was--it's basically complete except for some very small communities. Our counting college students continues to progress.

We have a special operation to ensure complete and accurate count of college students. College students must be counted with a live or stay most of the time as of April 1. Congress is considering legislation which was passed by the House to alleviate confusion among college administrators.

The largest component of our field operation non responsive follow-up is underway and expanding rapidly. We have begun a soft launch in selected areas where we could do so safely and effectively. The first six areas since this office has began work on July 16, six more began on July 23.

Tomorrow, 35 others will begin work and 40 more will start on August 6. They will be announced today. The remainder will begin this work on August 11 and will be covering the entire nation. Today, we are announcing that as part of our non-response follow-up operation, we will contact some households by phone.

Health and safety of Census Bureau staff and the public remains our priority. The provision of personal protective equipment, trainings, and adherence to social distancing reflect our commitment to health and safety of the public and our employees. We require census employees interacting with the public to wear a face mask regardless of location. We daily monitor health conditions nationally and at the state and local levels.

Our hiring of census takers and staff continues. We now have 3 million applicants available as temporary census workers. We continue receiving about 1500 new applicants each day. Our 248 area census offices are completing the hiring process for about 0.5 million temporary census workers. More than 900,000 job offers have been accepted.

Our partnerships are unprecedented, exceeding our most ambitious goals. With almost 400,000 partners, we are expanding our outreach to hard to count populations. Despite having to delay the mobile questionnaire assistance efforts due to the pandemic, partnership staff have identified assistance sites where people go when they leave home such as grocery stores, such as pharmacies and other places in compliance with local, state, and federal safety guidelines.

We have seen great examples in New York City, and I know that you have participated, Madam Chairwoman, in Kentucky as well and probably in all member districts. The 2020 census communications campaign continues to expand its reach. We increased the communications contract budget from $500 million to $700 million, and increased our media buys, which are in pro--progress now. We were on many types of advertising in low response rate areas, including those with hard to count audiences.

As voices in your communities, thank you for sharing our message that participating in the 2020 census is easy, safe, and important. We appreciate your strong support for 2020 census and our operations. Our committed employees and volunteers remain on mission and are

accomplishing tremendous results.

Our offices have lead other federal agencies in reopening in a rapid, phase, and safe manner. I could not be prouder of our talented and dedicated career and temporary workforce, soon to become the nation's largest.

We are grateful that almost every House and Senate office is active as a 2020 census congressional partner. We look forward to our continued work together, and thank each of you for your support. Together, we are reminding everyone that the 2020 census belongs to our nation at large and will help shape a better future for all who live here.

Thank you so much. I look forward to your questions.

MALONEY:
Thank you. And--and the chair now recognizes herself for questions. And--and I appreciate your testimony that the census belongs to the people and it's part of our--our future. I--I do want to report that in New York the census has been nonpartisan, professional.

They have responded to every request from the mayor to attend various meetings from the community. They have been at the community boards, the block associations. They work weekends handing out information in the parks and have responded to every request my office is made for them to join us in getting the word out to the public in a nonpartisan, professional way. And I want to thank you for that.

DILLINGHAM:
Madam Chairwoman, I want to thank you, that--I had some particulars with regard to your efforts in the food distribution areas of New York City, and appreciate you as well as your colleagues all across the country.

MALONEY:
It's very, very important. But I must tell you, Director Dillingham, I am very, very concerned about the president's memo. And I have read the president's memo very carefully, and I believe that it is blatantly unconstitutional and that complying with this memo would violate federal law. And I strongly urge you not to violate federal law.

But you don't have to take my word for it. We had quite a lengthy hearing today, and all four of your professional nonpartisan predecessors testified on the previous panel that they believe the president's memo appears to violate the Constitution and existing law. So, I would like to ask you, do you agree with your predecessors that the memo appears to violate the Constitution and existing federal law?

DILLINGHAM:
Madam Chairwoman, I--I was able to catch parts of--of that hearing. I--I know just perhaps the letter parts. And I--I was amazed at what a healthy discussion and debate and--and a very livid one at times with regard to policy and history as well as long. They're in a different position than I'm in. I respect them greatly and we have many things in common, certainly the completeness and accuracy of the 2020 sentence--census.

We have other things in common, and that is the--the respect for the bureau--the Census Bureau, as well as the principles that govern it, the relevance, the credibility, the integrity, the independence, etc. So, we have much in common. But I am not in a position where I can express my opinions with regard to the policy, with regard--and wouldn't even wise with the history, and certainly not within the legal analysis, which is now a subject of litigation.

So, as I did last year, I have to back off. I cannot answer or even give my personal views, because my job as the Census Bureau director will be to execute the 2020 census. And we do abide by court decisions and controlling law, so we will have to wait and see how that legal debate comes out, and we will do our job. But that is our focus. Our mission right now is a complete and accurate count that will include everyone living in this country.

MALONEY:
Well, in your job executing the 2020 census, did you or anyone else in your knowledge from the Census Bureau contribute to the president's July 21st memo or provide input on it before it was released?

DILLINGHAM:
Madam Chairwoman, I certainly did not. And I'm not aware of others in the Census Bureau that did.

MALONEY:
I--I understand there are roughly five political appointees. Did any of them participate in this memo?

DILLINGHAM:
Madam Chairwoman, I think, including myself, we have six now, that's out of more than 6000 employees.

MALONEY:

Okay.

DILLINGHAM:
But--but to my knowledge, they did not. And--and I would not have reason to think so. We do have--I'm sure as you have pointed out, we had two new ones. So, I--I can't speak for--for actions that occurred prior to them joining the Census Bureau.

MALONEY:
Well, let's move on to the nuts and bolts of the memo. It appears that the president is asking the Commerce Department for information that would allow him to exclude undocumented immigrants from the apportionment base. As we all know, the Census Bureau will not be asking people about the citizenship status on the 2020 census. The Trump administration tried that. The Supreme Court struck down.

So, my question is, Director Dillingham, how will the Census Bureau and Department of Commerce be determining the number of undocumented immigrants in each state?

DILLINGHAM:
Madam Chairwoman, I can tell you that, as you referred to, the presidential memorandum has some specific that it. And prior to that, we did have an executive order last year that also directed us to look at our administrative data.

The Census Bureau has a long history of collecting administrative data that is very valuable and very many different ways. So, this particular presidential memorandum, and it resulted in the secretary of commerce giving us the directive and guidance proceed with the requirements of the presidential memorandum. And it calls upon us to look at our administrative data and any data that we have in trying to determine the number, which is a statistic on undocumented persons in the country, and for the use of applying it to the apportionment count.

So, what we're doing, we have experts at the Census Bureau that are now beginning the process of looking at methodologies. And we have collected data from many agencies, federal agencies--many of the memoranda were already in existence, but some additional federal agencies to see what we can gain from that administrative data and what the methodology might be in developing a count of undocumented persons.

And it's--that process is just beginning. The presidential memorandum just came out last week.

MALONEY:

Well, Dr. Dillingham, your testimony says the bureau, and I quote, "has begun to examine and report on methodologies" to let the president exclude undocumented immigrants. So, my question is what steps has the bureau taken--

MALONEY:
And will you share in the reports with this Oversight Committee that has jurisdiction for the census in its operations?

DILLINGHAM:
Madam Chairman, as you are aware, we are very transparent organization, and maybe the precision of that statement was maybe a little bit misleading at this time. We have convened a group. The group was selected by our career deputy at the Census Bureau, and they have been tasked with this. There have been no reports, there are no draft reports, but they have previous experience in this area, so they are generally aware of methodologies that have been considered to be applied to administrative data and so for them this is a new tasking to look at, but they are just beginning their work.

MALONEY:
Okay, thank you. And I think it's obvious that the President is going to try to use some external information that does not come from the census count to exclude undocumented immigrants so my question Dr.--Director Dillingham cam is, isn't it true that the Bureau cannot provide the President with actual responses from every person in the U.S. confirming their immigration status?

DILLINGHAM:
Well, we are to look at the administrative data that we have, which we have been collecting, and to determine to what extent it might identify and how it would identify and how the data is to be matched, etc.

We have just--we have just recently there is still some data that hasn't been finalized, but we have received most of the data from the other federal agencies, and we are receiving data as well pursuant to the executive order last year from some state agencies so that process is again it is underway. There have been no reports that there have been no analysis that I have seen, and they are moving rapidly as possible to look at the data, look at the methodologies, and really to find options to see how that would be done.

MALONEY:

Thank you and Dr. Dillingham if the Census Bureau and the Commerce Department are going to be relying on external data that they have cobbled together to estimate the number of undocumented immigrants then I believe that they clearly will be violating the Constitution which requires and I quote actual enumeration" so I am concerned about that, and you testified in February before this committee, and I quote we must work together to foster public trust, and I agree, and it seems to me that following the words of the Constitution--

UNKNOWN:
Madam Chair?

MALONEY:
--federal law and 230 years of precedent are essential parts of that public trust, and we owe it to our children and to future generations to pass an objective nonpartisan and fair census, and I hope we can work together to reassure the public that the government will follow the Constitution and I yield to you for your comments and then to my distinguished Ranking Member for his questions.

DILLINGHAM:
Madam Chairwoman you are exactly right that everyone regardless of how they feel about the development of a new option with the apportionment data everyone is committed and the presidential memorandum provides that we will count everyone and so we will develop the number, the total count and we wanted as accurate and complete as possible. The issue, as you described as one, is there going to be a new tabulation for purposes of apportionment.

MALONEY:
I yield to my distinguished colleague.

COMER:
Thank you. Director Dillingham, thank you for being here today and let me begin by thanking you for being here. I think you arrive probably three hours ago. I apologize that you aren't on the first panel. It is unprecedented and somewhat disrespectful that they had of such an important government agency would be put on the second panel, but nevertheless you have a great attitude and appreciate you being here and look forward to some--some good questions.

Let me begin by saying the online response this year has been remarkable. Your enumerators are now in the field practicing social distancing and utilizing PPE. I think it is important to note that you're putting the care of your workers and the public at the forefront, and I am told the census is well-positioned to deliver a timely and accurate count.

Turning to the president's memorandum on apportionment from a fundamental fairness perspective, it's the right thing to do. We cannot allow individuals unlawfully present in the United States to dilute the votes of citizens and lawful immigrants who waited their turn to come to this country to engage in our democracy, and I am confident a majority of Americans share that opinion.

With respect to the consensus, it's more complex than a simple headcount. Let's touch on tourist visas, for example. If a tourist overstays they are visa, and they just don't leave are they considered a resident?

DILLINGHAM:
Well, we have a historically developed set of criteria for residency that we apply and as you have described if it's a simple tourist to is not usually residing where they are found in this country, no we would not--we would not want to count in the response from those individuals. It should be, and it is explained on the form their usual residences the keywording.

COMER:
So for purposes of apportionment if a person who stayed longer than 60 days over which I am under the impression that is the legal definition of a United States resident by the way the census rules are this person who overstayed their visa they--they are not lawfully present and therefore it is fair to say that they wouldn't deserve to have representation in Congress is that correct?

DILLINGHAM:
Well again, we apply the criteria of usual residency, and it will differ by times and circumstances, but that is the criteria we use for delivering a complete and accurate count.

COMER:
So what--back to the earlier question that Chairwoman Maloney ask what databases does the presidents memorandum propose we use to determine who will be included in the apportionment part? And who should not?

DILLINGHAM:
The presidential memorandum does not really specify, but in the executive order of last year is specified a number of agencies. I have the listing here, but we have some I think it is 16 or 17 agreements in place, some were already in place before that happened, but it is a wide variety of federal agencies, and in addition to that the executive order ask us to begin collecting state data where possible, and there are many uses of the data generally, but some of the data uses include matching to make sure you have the right individuals, so you were not double counting, duplicating, etc.

So we have some 16 or 17 agreements in place where the data has come to the Census Bureau or is in the process for a couple of them still coming, and then we have some state data that we have available, and so we will be looking at the data very, very carefully and the Census Bureau administrative data is not new, and some nations actually do their census based on administrative data and one of the things as well under the executive order is for us to be thinking about the next census and so there are a lot of people that actually disagree on this question that are very interested in the utility and as the chairwoman pointed out the accuracy of administrative data because it could have many benefits in the future as it does now.

COMER:
So you are confident that we can get an accurate count of legal citizens for the purpose of congressional apportionment?

DILLINGHAM:
I am confident that we are going to analyze the data that we have and look at the methodologies that might be employed for that purpose.

COMER:
Well, I am confident that you can get the accurate count, and I know a majority of Americans expect that because what America is seeing now, especially from my colleagues on the other side of the aisle is a Congress that continues to spend at an unprecedented rate deficit spending.

They are seeing mayors in certain cities of the United States turn a blind eye to vandalism and violence, and they expect to be represented fairly and accurately in the United States house of representatives, and this is very important, I don't think anyone here questions the importance of the census.

One thing that many of my colleagues on the other side of the aisle have tried to imply and imply falsely is that citizens would not be counted. The census is going to count everyone, correct?

DILLINGHAM:
That is correct.

COMER:
We are not leaving anyone out.

DILLINGHAM:
That is correct (INAUDIBLE)--

COMER:
But what the president--exactly--

DILLINGHAM:
Those two that you mentioned perhaps--

COMER:
Exactly. What the president's memorandum states and what the Census Bureau is going to implement is the fact that law-abiding citizens, legal citizens of the United States, should not be at a disadvantage with respect to congressional apportionment and I think that the memorandum is constitutional.

I think it's the right thing to do. If anyone out here questions how this is going to impact funding, it's not going to impact funding because we are counting everyone. The memorandum is solely clearly focused on congressional apportionment, and we are talking about as many as 24 seats in the U.S. House of Representatives.

It is a significant number of representatives in the United States House of Representatives, so I appreciate what you are doing. We feel at least in my district that this is the right thing to do. I think the majority of Americans feel it's the right thing to do, and we look forward to hearing further reports on the implementation. You are doing a great job getting people counted, and we look forward to the data that will be used to determine the correct apportionment as we move forward. Madam Chair, I yield back.

DILLINGHAM:
Ranking Member could I offer one point? The terminologies here very, but again the presidential memorandum in case I misspoke is focused on the undocumented who lack legal status differentiating on citizenship.

MALONEY:
Thank you very much. The gentleman yields back, and I recognize my colleague, who is chair of one of the subcommittees Jamie Raskin, and I want to thank him for his leadership on the senses. He has had several hearings in his subcommittee and field hearings on the importance of counting the hard to count and the importance of the census on local and state delivery of services, so I want to thank you for your leadership on the census. Thank you for joining us today.

RASKIN:
I would just return the compliment Madam Chair. You have really been an outspoken man just an unabashed champion of the census at every turn in this Congress and so thank you for your leadership, and I remember we have had several hearings on this sent one of them was in New York City before the nightmare of the COVID-19 crisis took over.

So Mr. Dillingham, Dr. Dillingham, welcome. A few simple questions. Is the word persons synonymous with the word citizen in the Constitution according to your interpretation?

DILLINGHAM:
Congressman I--I want to thank you and all you are doing for the 2020 census, and I understand you also wear a hat as a constitutional scholars so as I--as I explained to the chairwoman earlier that it was a very--

DILLINGHAM:
--(INAUDIBLE) display of democracy here today with the differing opinions both as to history and policy and legal analysis. And I understand that several lawsuits have been filed that will be looking at these definitions. So I have to back off from offering any legal analysis or opinion of myself because my job is to administer the 2020 census.

RASKIN:
Okay. Just my own little insight on it is that when the founders of the Constitution wanted to use the word citizen, they used the word citizen like in Article 3 Section 2 establishing diversity jurisdiction in federal courts were a citizen from one state could sue a citizen from another state.

But here in Article 1 Section 2, the founders said that the apportionment of representatives must be based on "The actual enumeration of the number of free persons." Of free persons. So I mean, can we agree that if the president's new interpretation is pasted onto the census this will be a radical departure from everything that we've done for more than two centuries?

DILLINGHAM:
This legal--presidential memorandum has--has nothing to do with our operation right now with the census. We're counting everyone. It has to do with a tabulation that has been requested on apportionment.

RASKIN:
Right. And--but for more than two centuries, that senses has counted all persons, right? And the administration's attempt to try to impose that citizenship question even was invalidated by a Supreme Court that Donald Trump helped to construct himself, but that Supreme Court said that this was a lawless effort by the administration, right? So--so, okay, so you--in other words, you're just going to remain agnostic on the constitutional question here, yeah.

DILLINGHAM:
I think I have a professional obligation. It's the prudent thing to do.

RASKIN:
Okay. Would you pronounce at least in this one has the text of the Constitution changed in the last two years?

DILLINGHAM:
Not that I'm aware of.

RASKIN:
Okay. And how long have you been with the census?

DILLINGHAM:
Just over a year and a half at this point.

RASKIN:
Okay, but it's your understanding that noncitizen have always been counted in the census according to the constitutional text?

DILLINGHAM:
It is my understanding that the presidential memorandum is requesting for a change in the tabulation and calculation for apportionment purposes.

RASKIN:
Okay. Let me switch over to talk about COVID-19. Are we taking care of our people sufficiently? Are we--are you training your census count takers in all of the proper COVID-19 precautions?

DILLINGHAM:
We are certainly trying to. I think we all are, but we're--we're very vigilant on that. We're continuing to do assessments each and every day seven days a week certainly with the data from the CDC from Health and Human Services, the state data, the local government data. We actually have a fusion center that is monitoring developments seven days a week.

We have purchased the Personal Protective Equipment. We have plans for obtaining more. We have a process by which everyone wears their mask. So yes, we are doing everything we very, very diligent and wanted to make sure that those practices are not only in the training, but we want to monitor. And so yes, I think we are doing an excellent job.

RASKIN:
Okay, I--the reason I ask is that I've heard from a field enumerator in training who has quit or is planning to quit because of COVID-19. And this person told my staff that, despite, you know, your--your formal expressed commitment to taking care of everybody, they are not getting any real training on how to minimize COVID exposure in their work. So they're given the Purell and a cloth mask, but no real instructions on how to conduct themselves to limit exposure. And so it would be great if you could get back to us.

DILLINGHAM:
Sure.

RASKIN:
Please do get back to us if you would with really what your plan is to fully educate the whole staff and to make sure that this is something we are on top of because enumerators can obviously become super spreaders if they are not following the right precautions.

DILLINGHAM:
Congressman, we certainly will and I will so that we do have challenges because a lot of our training is virtual training. But we are also improving that training and I will say when we're hiring, you know, 500,000, half-million employees, I can't say there's never slippage, but we are doing what we can and will continue to enhance if we identify any needs.

RASKIN:
Do you have a publication like COVID-19 rules for the road for specific instructions?

DILLINGHAM:
I don't have the training curriculum with me, but we can get you that.

RASKIN:
Okay, if you would share that with us--

DILLINGHAM:
--Certainly--

RASKIN:
--Just so we get that out there. Wants to make sure, one, that all of our enumerators are properly taken care of and two, the public knows that so that no one is afraid to interact with that.

DILLINGHAM:
Absolutely. And I might point out also as I mentioned in the opening statement that, you know, we're in the early stages of launching the enumeration now. So we're learning at this stage. And on August 11, we will be basically enumerating nationally. So we have a phase to this answer that we can learn and it is a very dynamic environment with the virus and so we're learning as we go and doing what we can to make sure everyone is protected.

RASKIN:
Well, I appreciate that and you can become a model to the rest of the government and the rest of the country. I yield back, Madam Chair.

MALONEY:

Thank you. The gentleman's time has expired. I now represent by video Congressman Gosar. Can you hear us, Congressman Gosar? You are now--

GOSAR:
--I can hear you. Can you hear me?

MALONEY:
--Okay. Yes we can. Thank you. You're now recognized.

GOSAR:
Thanks, Madam Chairwoman. Director Dillingham, we've heard of that fear mongering for months from my friends on the left and liberal media accomplices--accomplices of the allegations that--that responses to the 2020 decennial will fail behind previous decennial's. Could you elaborate despite the fear of being spread to those on the left by the current self-response rate is in fact on par or slightly ahead of previous decennial's at the same period of time?

DILLINGHAM:
Let--let me say that as we pointed out, the--the Internet option that we have documented this year, there was a lot of concerns last year and ensuring that all the protections were in place, the technologies were in place and we are very, to some extent a little bit surprised how people prefer the Internet option. And in this environment, it's by far the safest option and the most efficient option.

So 80 percent of our self-responses are coming in via the Internet. We still have the telephone option and--and at different times and right now, for various reasons, that's picking up a little.

But frequently, people will use the telephone option to just ask questions about how they can do the Internet option. So we have that. And of course, they can do the traditional paper option. So having those three options for self-response as well as expanding our mailings, our extensive outreach activities are making a difference. And so we're very pleased to be where we are.

GOSAR:
Can you hear me?

RASKIN:

Yes.

GOSAR:
Can you hear me?

RASKIN:
Yes, we've got you. Yes, you can proceed.

GOSAR:
Can you hear me?

RASKIN:
Yes.

GOSAR:
Oh, okay. I'm sorry. Now, we've heard for months from my liberal--liberal friends on the left that the integrity of the Bureau's network and backup system were inadequate to handle the online response.

Did they--they drum up this fear, but before they even send the census started, kind of like what we've been seeing today. Has the bureaus system ever crashed, as predicted by our liberal friends?

DILLINGHAM:
No, it has not. It has been tremendously successful. And as I said, we have not had a--

RASKIN:
--Mr. Gosar, I think you need to mute one of your devices. I think you're getting feedback. I think you might have this on two different devices. There we go.

DILLINGHAM:
We--we have had tremendous success with the three options and the favored option for self-response is the Internet.

GOSAR:

Director Dillingham, the majority likes to say that this administration does not want to count everyone and does not want to reach hard to count communities. As anyone in the Trump administration, including Secretary Ross, ever suggested you do less than your highest level of effort to count everyone, including reaching the origin to counter communities?

DILLINGHAM:
The--the latter part of that question is absolutely accurate. We're devoting tremendous effort all throughout the Census Bureau with seasoned professionals to make sure that we reach everyone and particularly the courage to count areas.

RASKIN:
Mr. Gosar, have we lost you? Mr. Gosar? Okay, why don't we proceed at this point then with Ms. Tlaib, and we--we'll come back to Mr. Gosar when we get him back up. Ms. Tlaib, you're recognized now for five minutes.

TLAIB:
Thank you, Chairman. Dr. Dillingham--

DILLINGHAM:
--Yes--

TLAIB:
--During our oversight hearing when you last testified on February 12th, I--I asked you about the administration's failure to include a racial or ethnic category for individuals who identify under MENA, which is the Middle Eastern or North African category. Following that meeting, I sent you a letter along with our Oversight Chairwoman Maloney, inquiring why this decision was made. And I have to say, I was pretty, you know, underwhelmed with the explanation.

Since then, I worked with Committee on Appropriations to ensure that this issue is a priority in the 2030 Census. And currently the Subcommittee on Commerce, Justice, and Science, their report does say and I quote, "The committee directs the Census Bureau to conduct a feasibility study on including a race category for individuals identified as MENA, which was not ultimately included in the 2020 Census questionnaire."

So Dr. Dillingham, will you commit on record to do as the committee directs, and conduct this study to include race category for individuals who identify as MENA?

DILLINGHAM:

No, Congresswoman, I--I do remember your request. My understanding was we did at least partially reply, and there may have been some other information that it may be in process--

TLAIB:
--The last time I--no, I'm asking you, we put this in the committee--

DILLINGHAM:
--I--so, yes, with regard--with regard to Congress, and I--I think you had indicated it was appropriators, asking us--we are certainly very interested in looking at that topic, and we're very much beginning the process of looking at the 2030--

TLAIB:
--Yeah, but the--yeah. Okay. Yeah. So, I just want you to know, Dr.--

DILLINGHAM:
--Yes.

TLAIB:
No, I hear you, because the '20--so the previous administration already decided to do it, you all just ignored it. So we're just--are we--so just to be clear, like, right now we are saying the committee also expects the questions, the--the MENA category to be on the 2030, will you support--support any committee that directs them--?

DILLINGHAM:
--I--I will support the research--yes, I will support the research into your issue. And--and I do think that one of the improvements that was done is in fact the write-in. But I understand that you wanted more than that, and we will look into it, yes, ma'am.

TLAIB:
Also, will you commit on record to do as the committee directs and conduct this study to include--I'm sorry, the committee report also put in there that the committee also expects that the questions on sexual orientation and gender identity will also be examined for possible inclusion in the 2030 Census. Will you commit on record to do as the committee directs and examine for the possible inclusion question on sexual orientation and gender identity?

DILLINGHAM:
Madam--Congresswoman, we--we--we will look at that. That--that has been a topic that has, you know, been examined and continues to be examined, and we do have questions in some of our surveys that, in fact, get to the heart of those questions. I think that there is a need to make sure that questions of that type would work with the Census, but we will certainly study that.

TLAIB:
I appreciate that.

DILLINGHAM:
Thank you.

TLAIB:
Thank you, and I kind of want to switch--switch subjects now. On April 13th, 2020, Secretary Ross personally called leaders in Congress to tell them the administration needed additional time to deliver redistricting data because of delays due to the coronavirus pandemic. In order to honor that request, on March 7, 2020, members of the Oversight Committee introduced the Fair and Accurate Census Act, which modifies the 2020 delivery deadlines (INAUDIBLE) the administration had requested well into 2021.

And also the Census official leading few operations that in many, quote, "We have passed the point where we could even meet the current legislative requirement of December 31st; we can't do that anymore." Dr. Dillingham, briefly, do you agree with the assessments my--that has been put forth by your colleague, Mr. Olson? Why and why not?

DILLINGHAM:
Congresswoman, if you could repeat the latter part of your question. But--but---

TLAIB:
--So--yeah, Tim Olson said we have passed the point where we could even meet the current legislative requirement of December 31st; we can't do that anymore." Do you agree with Mr. Olson?

DILLINGHAM:

Congresswoman, I can assure you that we do--are doing continuous assessments, and there had been--

TLAIB:
--So you don't agree with them?

DILLINGHAM:
I can't--I can't agree with--we've got many more assessments ahead of us, here. And we're proceeding with--

TLAIB:
--Okay, well--

DILLINGHAM:
--As soon as possible to conduct a Census.

TLAIB:
You know, he--he runs the field operations, Mr. Dillingham.

DILLINGHAM:
He does.

TLAIB:
Yeah, he's telling you, this--this is bad. Like we're not being able to meet the deadlines. This is--I don't know, it's common knowledge. I mean, if they're the ones on the ground with the direct contact with the people and our residents, I think you should listen to him.

DILLINGHAM:
Congresswoman, I--I also--I always listen to him, and he is a very important and knowledgeable member of the team--

TLAIB:
--But you're just okay--yeah. Well, despite the operational delays, the White House is now stating that corona relief funds will allow the Trump administration to rush a reapportionment count before December, before President Trump could leave the White

House. So it now appears that the administration is trying to finish before December 31st.

You know what this is really about, and I got to tell you, I just need to you to choose your country, first, and making sure that--because for me, it's not about reapportionment, it's also about class sizes, healthcare, services for our residents. And I don't--you know, the constant politicizing of our Census has been disgusting and really undeserving. Our residents don't deserve this right now--

PALMER:
--Madam Chairman--

TLAIB:
--They want to be counted. They want to be able to afford--

PALMER:
--Madam Chairman. She--she's over time--

TLAIB:
--And you have people on the field telling you--

PALMER:
--Madam Chairman--

TLAIB:
--Yeah, well, I yield. Thank you very much.

PALMER:
Madam Chairman.

SARBANES:
This is Congressman Sarbanes, I think I've taken over the chairing of the committee, if I'm mistaken--

PALMER:
--Who--

SARBANES:
--And would yield to Mr. Palmer, next, for his questions--

PALMER:
--Okay, thank you. Just wanted to make sure--she was over time. Thank you.

SARBANES:
Mr. Palmer, you're recognized.

PALMER:
I thank the Chairman. Director Dillingham, for the record--and you can speak slowly so that all my colleagues understand it, but does the Census intend to count everyone?

DILLINGHAM:
Congressman, it certainly does.

PALMER:
Okay. So for the record, we're counting everyone.

DILLINGHAM:
We're counting everyone who lives in this country, and it's their usual residence, that is correct.

PALMER:
Thank--I thank the gentleman, and I think that's the proper approach for the Census Bureau, and I don't think we should make it about anything else, but counting people who are in the country.

Now, let me ask you this. We've got the issue of undocumented people living here, and as I've raised this point earlier in the first panel, a substantial number of those are transitory individuals, who--about 18 to 20 percent of whom will not be here for the next Census. So one of the issues that I--I wanted to ask you about, is how does the Census Bureau count undocumented immigrants or people who live in--in that transitory situation, where they're--they're only here for a few years and then they're gone? Do you--

DILLINGHAM:
--Well--

PALMER:
--Do you deal with that at all?

DILLINGHAM:
Congressman, we--we--if--if someone's living here for a years, in all likelihood they're going to be counted if they're usually residing here. Now, that doesn't mean they have legal status. So, one of the reasons we're going--the President, I assume, who directed us to look at the administrative data, are for issues similar to that. What--what is the status of some of the people who are usually residing in the country, and is it an undocumented status, or is it an illegal status? And that's one of the things for the Presidential memorandum.

PALMER:
So, let me be clear. So, when there's someone here who's only going to be here, say, another year or two, they'll be counted in this Census? Even though--because you don't know when they're leaving, that's---they'll be counted?

DILLINGHAM:
That's correct.

PALMER:
Now, this--I want to ask another question, and I'll come back to that, but do you include short-term visitors. I mean, people here are on student visas, who might be here for a year getting a master's or two years getting a PhD, or maybe in four years for an undergraduate degree. Do those--are those people counted in--

DILLINGHAM:
Congressman, usually a year makes a big difference. So, it--it--if they're usually residing here, and of April 1st they're residing here and they're usual residence, we do count them.

PALMER:

Okay. Well that raises--and I think reinforces the point that I--I tried to make earlier about, we should count everybody, but we shouldn't count everybody for apportionment, because you just testified that you count people who are here on student visas for--for the census.

But I don't think--well, I won't say that I don't think anybody would reasonably argue that those people should be counted for apportionment because I think there are a number of people in the--that are here now would say they should be.

But I think that raises this very serious issue for counting people who are--you won't even be here maybe for the next election, but they'd be accounted for apportionment. And it would have a profound impact on representation in Congress for a number of states that--and I--I raised this point as well in the previous panel about states that are--declare themselves sanctuaries. There--there are 20 metro areas, 60 percent of--of the unauthorized immigrants live in--in 60 cities--I mean in 20 metro areas that--that have declared themselves sanctuaries, which creates this--I think an incredible incentive for people to come there because they're going to be protected from--from federal law enforcement, even those who committed felonies.

I mean, this doesn't make any sense to me, but I do appreciate the fact, for the record, that you're counting everybody. I just think that--that--that I--I feel like, and I think a lot of my colleagues agree, that we shouldn't be counting people who are here temporarily or unlawfully for apportionment purposes. I thank the gentleman and I yield back.

DILLINGHAM:
Thank you.

MALONEY:
Thank the--the gentleman yields back. The chair now recognizes Debbie Wasserman Schultz from remote. Congresswoman Schultz?

WASSERMAN SCHULTZ:
Thank you, Madam Chair.

MALONEY:
Okay, great.

WASSERMAN SCHULTZ:

Director Dillingham, just a couple of weeks after the Supreme Court struck down the citizenship question, the administration issued an executive order that instructed the Commerce Department to obtain an estimate of the number of citizens and noncitizens by other means.

And Attorney General Barr was very clear about the purpose of doing that. He said, and I quote, "There is a current dispute over whether illegal aliens can be included for apportionment purposes. Depending on the resolution of the dispute, this data may possibly prove relevant."

You appeared before and oversight subcommittee just a few days later and were asked directly by Representative Pressley if you could confirm the citizenship data collected on--under the president's 2019 executive order would not be used in apportionment accounts, and you responded, "The--we produce--I--and appointment accounts. Let me get back to you on that--

DILLINGHAM:
--Yes, ma'am--

WASSERMAN SCHULTZ:
--Unquote.

DILLINGHAM:
Yeah.

WASSERMAN SCHULTZ:
When you testified in July 24th, 2019, where you already aware of the president's plans to exclude undocumented immigrants from the apportionment counts?

DILLINGHAM:
No, Congresswoman, I was not.

WASSERMAN SCHULTZ:
When did you first become aware that the president, the commerce secretary, or anyone else in the administration was planning to exclude undocumented immigrants from the apportionment counts?

DILLINGHAM:
Well, I was only formally aware upon issuance of the presidential memorandum, but there was--

WASSERMAN SCHULTZ:
--I know. When did you first become--

DILLINGHAM:
--I wasn't--there was a press story a couple of days earlier.

WASSERMAN SCHULTZ:
Reclaiming my time, reclaiming my time, when did you first become--not formally, but when did you first become aware that the president, the commerce secretary, or anyone else in the administration was planning to exclude undocumented immigrants from the apportionment counts?

DILLINGHAM:
I--I heard--there was a story in the local press here in the DC area, perhaps a Capitol Hill newspaper, or as I recall someone reported a story that such a directive may be coming down. And it was on a--as I recall, it seem like it was a--late on a Friday and I was waiting to--to learn more, and then a few days later the directive was issued.

WASSERMAN SCHULTZ:
You're the director of the census. You learned about the president's intent to issue an executive order from the--to exclude undocumented immigrants from apportionment counts in a newspaper article?

DILLINGHAM:
Actually, when I saw that--the formal--

WASSERMAN SCHULTZ:
(INAUDIBLE)

DILLINGHAM:
--The formal decision when it was posted on--on the Web.

WASSERMAN SCHULTZ:
So, no one gave you a heads up? You had no discussions prior to formal notification or seeing a newspaper article? You had no discussions with anyone at all prior to either seeing a newspaper story or a formal--a formal production of the executive order?

DILLINGHAM:
That is absolutely correct.

WASSERMAN SCHULTZ:
And you're under oath. You're under oath. So, you have no--

DILLINGHAM:
--Absolutely. The--absolutely, and I will swear to it all day long under oath.

WASSERMAN SCHULTZ:
Okay, just making sure that we're clear.

DILLINGHAM:
You have to--

WASSERMAN SCHULTZ:
--That is unbelievable to me, that you're the director of the census and you didn't hear anything about this before the formal execution of the EO or a newspaper article.

DILLINGHAM:
That is correct.

WASSERMAN SCHULTZ:
And--and that's because the decision to exclude undocumented immigrants from apportionment counts is clearly unconstitutional. As a federal officer, I'm--I'm sure you to an oath. You certainly took one here today, but you took an oath to uphold and defend the Constitution.

Do you not have the obligation as the census director to know how the data your agency collects will be used? And how do you reconcile that this memorandum--let me finish my question, please. How do you reconcile the recent memorandum with the oath that you swore to uphold?

DILLINGHAM:
Congresswoman, let me explain that the Census Bureau produces statistics and data. We have no control over its uses.

WASSERMAN SCHULTZ:
It certainly is your responsibility to know that the data that you collect is used according to the Constitution, isn't it?

DILLINGHAM:
I--I--I an aware of the provision for apportionment in the Constitution, yes. Yes, Congresswoman.

WASSERMAN SCHULTZ:
And--and your obligation under your oath is to make sure that you are--the data that you are collecting is--is--that you're aware of how it will be used. How do you reconcile the recent memorandum with the oath you swore to uphold, or are you just a data receptacle?

DILLINGHAM:
Congresswoman, like any federal statistical agency, we produce the best, most comprehensive, complete and accurate data possibly--possible. And we have received this request in a presidential memorandum to look at our data.

WASSERMAN SCHULTZ:
Right. I understand that. Reclaiming my time, I understand that you have received that request.

DILLINGHAM:
Yes.

WASSERMAN SCHULTZ:
You're responsible for the decennial census--

DILLINGHAM:
--That is correct--

WASSERMAN SCHULTZ:
--And the use of the data according to the Constitution. This Executive Order is not compliant with that. And I think anyone looking at the pattern of the administration's actions can see that this memorandum is an attempt to do an end run around the ruling of the Supreme Court and the requirements of the Constitution. And I only hope that someone leading the Census Bureau, and if not you, then someone else, will stand up and follow the law, not follow a lawless president. Thank you. I yield back the balance of my time.

DILLINGHAM:
Thank you, Congresswoman.

MALONEY:
The gentlelady yields back. Next is (INAUDIBLE) Grothman.

GROTHMAN:
Thank you; always enjoyable. I'm going to follow up on what the--some of the questions the gentleman from Alabama asked. If I'm in the military and I am from Wisconsin and I am stationed a variety of places over a period of years, never in this country, stationed in Germany, stationed in Korea, but I just decide to keep Wisconsin is my permanent address, I may pay taxes in Wisconsin, I may vote in Wisconsin even though I'm not there, where should they count that person for the purpose of the census? Or, since they're never sleeping in the United States, should they not count them at all?

DILLINGHAM:
We have special provisions for counting the military. And there--there's special criteria that certainly our--our leadership has been implementing for a period of years that--how they count people from either place of deployment or their legal residence. We can get back to you with the exact criteria--

GROTHMAN:
--Is that statute--

DILLINGHAM:
--But we do count the military.

GROTHMAN:
Is that statutory, or is that just a rule?

DILLINGHAM:
I will--I will get back to you if there's a statutory basis for it. But it is one of--it is our criteria.

GROTHMAN:
It's kind of relevant as to whether it's statutory or a rule, isn't it--

DILLINGHAM:
--It is. I mean--

GROTHMAN:
--Very, very relevant--

DILLINGHAM:
--We have a practice, accepted practice.

GROTHMAN:
Yeah, I--I'd like to know that.

DILLINGHAM:
Okay

GROTHMAN:
Second question is for students are concerned, if somebody lives in Wisconsin but goes to school in Ohio, you know, returns over summer break, returns over--you know, probably given how much people go to school nowadays, it might be at the time spent at both places. And that person therefore, I think, probably should file taxes in Wisconsin and vote in Wisconsin. But you're saying that person should be considered a resident of Ohio?

DILLINGHAM:
Well, we--the enumeration criteria does not match the tax requirements. In what we do with college students is where they usually reside, and we look at April 1st. so, basically to simplify, we generally count particularly full-time college students where they're residing. And if they're on a college campus outside of their state, that is where we count them so that at--at University of Wisconsin you'll have a lot of students from Ohio that would be counted there. It's really to capture the count for that locality.

GROTHMAN:
Okay. I--I'd say it's about 50/50. And let's say they're on--on spring break on April first. That doesn't matter though if they're home with their parents for a week on April first.

DILLINGHAM:
The April first is--is particularly with the pandemic is not quite as determinative as to where--what their usual residence is--

GROTHMAN:
--Okay so you're saying--

DILLINGHAM:
--Yep--

GROTHMAN:
--Okay. Interesting. And with regard to diplomats if somebody is from France, has been living in an apartment in--in Virginia for six months. You count that person for the census--or for six years even. You count that person as a--a Virginia resident for purposes of the census.

DILLINGHAM:
It--it--it's based on their usual residence. I think there are some exceptions for consulates and--and--and embassies that people are actually living in an embassy. But we--we do count pe--again, people where they usually reside.

GROTHMAN:

Okay. So if a--a student comes here from France and is here for three months and then leaves for three months and comes here for three months where--where are they counted?

DILLINGHAM:
Well the--that might be a tough question as to where they usually reside. But I will--

GROTHMAN:
--Usually reside means where they physically are.

DILLINGHAM:
Where they usually physically are--

GROTHMAN:
--Well I--I talked to people a while ago on the last panel. I think I have this right. And I gave an example in which some woman from Iowa--an Iowa resident all the way, car registered in Iowa, votes in Iowa, pays tax in Iowa. They come to Wisconsin because mom is in home hospice and they want to take care of their mom at the end of their life. They're--intend to return to Iowa. At what point for the purpose of the census is that person gonna be counted in Wisconsin instead of Iowa.

DILLINGHAM:
Well it's probably going to be where they claim that they usually reside--

GROTHMAN:
--We don't even know yet. Alright. They're just kinda hanging--they don't know yet. They're hanging out in Wisconsin with mom. Two months in, four months--

DILLINGHAM:
--No--

GROTHMAN:
--When they're there for six months will (INAUDIBLE)--

DILLINGHAM:
--Yeah, if--if it's hard for--to determine--you--

GROTHMAN:
--It's not hard for--it's not hard for the--the Wisconsin Department of Revenue to determine. It's not--it's not difficult for people who vote to determine where they should be. Just a minute we're wait here for a second.

MALONEY:
Can someone mute their--there's a distrup--disruption. Is--can someone mute their--their--their devices please? Please mute your devices. Please mute your devices please. Okay. I'm sorry. I--

GROTHMAN:
--Well you--your--

MALONEY:
--You'll get extra time, Mr. Grothman. I'm sorry.

GROTHMAN:
You did a good job there. You have a career in law enforcement waiting for you if you ever move on from here.

Yeah--yeah--in that situation at what point does that person say I'm counted in Iowa instead of Wisconsin or Wisconsin instead of Iowa--

DILLINGHAM:
--It will be an individual factual circumstance. I--I might add generally that might help with this is that when people--particularly students--move for example to Madison, Wisconsin--they're from out of--Madison, Wisconsin when they're from out of state, generally there's sort of tradeoffs.

So if they come from another state that they're not counted where they're perhaps paying taxes, or their parents live they would be count--and vice versa.

So that's sort of the reasons I think behind the criteria--

GROTHMAN:

--Okay. I'll give you a final question because people are asking about this--this race stuff. Obviously--you know--with intermarriage--so many people in this country are interracial. Who determines what so called race you are?

DILLINGHAM:
The respondent determines and can write in--

GROTHMAN:
--Whether you're one-eighth something, whether you're--

DILLINGHAM:
--The respondent determines--

GROTHMAN:
--It has nothing to do--it's entirely subjective. Unlike where I live.

DILLINGHAM:
That is correct.

GROTHMAN:
I can be one--one-sixteenth Mexican. I'm Mexican. I'm Mexican.

DILLINGHAM:
That--that is correct.

GROTHMAN:
Okay. Thanks.

MALONEY:
I--I want to thank the gentleman for his line of questions. It was interesting. I'd like to add to it Americans living abroad who were assigned to--or American citizens, but they are working abroad or maybe just vacationing abroad for several years. Where--where are they counted?

DILLINGHAM:

Actually they are not counted. If they are not u--if they are not usually residing in the U.S.. And one of the reason--there's been much research and there's been prior case law on that as I understand it.

But at the same time we have people from those countries that may be living here with the same circumstance. So, we only count those residing in the country. And if they're--if they're abroad for years of study or--or--or whatever purpose that--we don't count them.

MALONEY:
Thank you. Congressman Sarbanes is recognized.

SARBANES:
Thank you. Thank you Madam Chair. Thank you Dr. Dillingham. I wanted to talk to you about the timelines that you're working under. Could you review for me the--am I understanding it correctly that the field operation that was originally scheduled to finish I guess maybe the end of July was pushed to October as a result of these dynamics that you're--you've referred to.

DILLINGHAM:
Congressman we did have a shift in schedule because of the pandemic. So in--in late March we had to really call--call a halt to our operations that required human interactions for reasons of safety just like the rest of the country. The governments and the businesses, we basically had to suspend our operations.

And at a point in time we--we had to start to begin our assessment process. Well when do we think with the current knowledge we can restart and in--and complete the process. And as you are well aware nationally and certainly with the President's task force they begin to lay out criteria and guidance for what we call reopening and resuming our operations.

And we're really in the forefront of the federal agencies in getting back to business and opening our 248 offices all across the nation. But we have to do it safely and we have to do it--and also we will have to enumerate safely--

SARBANES:
--And was there--and was there a--also request by the administration? I think it came to Congress to push back by two or three months the tabulations related to the apportionment and--and that process from what it would normally be.

DILLINGHAM:

Congressman, those--there--my understanding is there were discussions but that wasn't at my level. And so that is my understanding that there have been some discussions and consideration of that. And it's been also reported in the news. But that's--that's not something I personally participate in--

SARBANES:
--It's also true--and then is it also true that very recently the administration appears to have reversed direction on that and is now suggesting that they want the census to be wrapped up quickly so that that tabulation that I just referred to could actually happen before the end of the year. Are you aware of that?

DILLINGHAM:
I'm not aware of--of all--all the many reasons except to say that the Census Bureau and others really want us to proceed as rapidly as possible and to get this--get a complete and accurate count as soon as possible.

SARBANES:
Mm-hm. Do you worry about the--the census being compromised if there's pressure to finish it too quickly? And what would that date be in your mind?

DILLINGHAM:
I--I don't have a date in--

SARBANES:
--What do you need? How much time do you need to give us the assurance that the census can be conducted in a way that yields a robust result?

DILLINGHAM:
Well-well congressman we certainly want a complete and accurate census. So that will be certainly a consideration as to when we consider the job as done.

SARBANES:
Mm-hm. Well--look--I mean--I think--my--my anxiety here is that the--the--the administration originally seemed to be reasonably accommodating the pressure of the pandemic on your efforts by requesting some extension of time with respect to how the--the results are tabulated for certain purposes.

That was in line with your own judgment that you needed to push the field operations back by two or three months. So that was consistent. But now we're--

SARBANES:
--hearing that they're looking for money to push the process forward, in what I'm concerned would be a very premature way and would actually undercut your ability to get this done properly. So you're sort of being whipsawed right now between these two different impulses. And I'm alarmed at that, and I think it could undermine the senses. So we're going to keep a very close eye on this and try to protect the independence of this process from the--the sort of politics that--that are leaning in on you right now.

And with that, I'll yield back.

MALONEY:
I want to thank the gentleman for raising that important point. The census professionals have told me that they need at least ten weeks to do a professional count, and they are starting on August 11th. And there's been some rumors of trying to complete it by December 31st.

The professionals that I've talked to in the Census Bureau say that that's impossible, that they need to have the full ten weeks to get the--they expect to knock on the doors at least six times to get an accurate count. And--and we are supporting, really Secretary Ross's suggestion and request to--to extend the time for the census. So there are others that say that for political reasons, the president wants to have this earlier so that he can make determinations about what information is sent to the states. And I--I think that's clearly unconstitutional and wrong.

I want to thank you, Mr. Sarbanes, for helping me out earlier and--and becoming the chair. Thank you for your--for your work and for your questions.

I now recognize Congressman Higgins.

HIGGINS:
Thank you, Madam Chairwoman.

Dr. Dillingham, are you present today voluntarily or by subpoena, good sir?

DILLINGHAM:
I'm sorry. I'm going to have to ask you to repeat that question.

MALONEY:
He--he asked if you were here voluntarily or by subpoena.

DILLINGHAM:
No, I'm here voluntarily.

HIGGINS:
I--I can repeat my questions, Madam Chair. Thank you.

MALONEY:
Okay.

HIGGINS:
Are you here voluntarily or by subpoena, good sir?

DILLINGHAM:
I'm here voluntarily. Voluntarily, that--that is correct.

HIGGINS:
Yeah, I think it's important that America recognizes that you're voluntarily appearing at a hearing that's titled Counting Every Person Safeguarding the 2020 Census Against the Trump Administration's Unconstitutional Attacks. Are you--are you a gentleman of--of integrity and good faith, sir?

DILLINGHAM:
Certainly, I--I strive to be. I think I am. I 've--I've had the distinction of being confirmed by the U.S. Senate unanimously on two occasions, the first time in 1990 by the committee that was chaired by then-Senator Biden, and then most recently by Senator Ron Johnson. I have served six administrations, so I have considerable experience. And I think they determined that I met the qualifications by statute as well as their criteria for being unbiased, objective, and professional.

HIGGINS:

Yeah. Thank you for you--for your service and that clarification. You're a gentleman of distinguished accomplishment, and we very much appreciate your participation in the effort to secure an accurate and very thorough census.

You are this administration's director for the U.S. Census Bureau, U.S. Department of Commerce. Is that correct?

DILLINGHAM:
That is correct.

HIGGINS:
So you are--you are the--the--you're the main guy representing the--the quote-unquote, "Trump administration," as--as you set before, this panel--this--this committee today.

DILLINGHAM:
Congressman, I will say that my statute, my selection was to--to be nonpartisan. And the agency is nonpartisan and a pretty independent statistical agency.

HIGGINS:
As it should be.

DILLINGHAM:
Yes.

HIGGINS:
Which you represent that the administration's best efforts to secure an accurate census. Is that correct?

DILLINGHAM:
For an accurate census? Absolutely, Congressman.

HIGGINS:
And you intend to do just that, sir? You--you stated--you quoted that the--the president's directive, which stated in part to provide information permitting the president to the extent practicable to exercise the president's discretion to carry out the policy of the exclusion of

illegal aliens from the apportionment base to the extent feasible and to the maximum extent of the president's discretion under the law.

And that's--that's a quote from the president's directive. You stated that--that this does not change the Census Bureau's plans for field data collection across the nation. Do you stand by that--that statement, sir?

DILLINGHAM:
Congressman, I do, that our operations will continue as planned. And in the--in context of this presidential memorandum, it--it does not impact. It really is a request for a special tabulation for apportionment purposes, which is apart from getting a complete and accurate count of people living in our nation.

HIGGINS:
Exactly, and I very much appreciate you appearing before the committee today and in service to our nation, doing your very best to lead a--a large team of dedicated Americans to determine a precise count for our--our census.

And your appearance before the committee today, despite the fact that--that was a premeditated effort to identify that President Trump's administration and the census efforts to--to be (INAUDIBLE) as unconstitutional. I applaud your courage for appearing today minus the subpoena.

My final question to you, sir. You stated in your written--in your written testimony that the Census Bureau is working to complete data collection as soon as possible and it strives to comply with the law and statutory deadlines. Does that--does that quantify your efforts, sir?

DILLINGHAM:
You--you are exactly right. That's what we're trying to do. And--and the final question was we--we are proceeding in that direction. If that answers your question, sir. I--I'm a little bit--I have a hearing problem. I--I did volunteer for a tour of service in Iraq and sometimes the acoustics here are--are challenging.

HIGGINS:
That makes two of us. That makes two of us.

Sir, thank you for appearing before today. Madam Chair. I yield.

MALONEY:

Thank you.

DILLINGHAM:
Thank you, Congressman.

MALONEY:
Thank you.

And we now recognize Congressman Welch.

WELCH:
Thank you very much, Madam Chair, for this hearing.

And Dr. Dillingham, thank you for appearing voluntarily.

A couple of things, one, just an observation. I know you can't speak about the administration position on many of these issues. You've got to just do the job as best you can. But I note the irony that the position of the administration essentially is that undocumented immigrants are not, quote, "persons." They're not persons.

And in that respect, that analysis shares--its shares the finding of the United States Supreme Court in Dred Scott, which was the most ignominious decision of the Supreme Court in our history, which said that African Americans were not persons. So I think that--I'm just saying that because I think you should understand--all should understand why we're appalled by that administration position.

What I'd like to ask you about specifically, Doctor, is the challenge of getting an accurate count in rural areas. And Vermont is quite rural. And our response rate is, I think 47th in person and 40th on the Internet. And we have challenges with access to broadband in many parts of our state.

And we also have migrant workers who are helping us in our agricultural sector. And I understand that your Census Bureau Center for Economic Studies predicted a 2.3 percent drop in self responses and an 8 percent drop in responses in households with non-citizens, including--that includes illegal--non-citizens.

My question to start is, have the census self-response rates lagged in rural areas? And what among--that's number one. And how are you going to address that?

DILLINGHAM:
Sure.

Congressman, we--we track the areas all across the country and we do it by census tracks. And--and anyone in the country can go to our website and they can see how their jurisdiction, their track, their community is doing with self-response rates. I don't have the--the figures here before me, but we--we are well aware that in some rural communities you have special challenges and we have very special procedures that we do.

I discussed earlier, it may be in my prepared statement, about our update leave. And--and we also have various ways that we're--increased mailings that we are doing in--in the--the low response areas. And we have a variety of things that we will be enlisting in the weeks ahead. And--and beginning August the 11th, we should be in all communities.

And I--I hope that we have already made progress in most of the rural communities. But we will do everything we can according to our--our--our best abilities and--and informed by the knowledge of the past and the previous decennial census and current data.

WELCH:
Well, just to interrupt you--

DILLINGHAM:
--Yes--

WELCH:
--What are some of the specific things? It's hard. I mean, it's hard to get access to people who are quite skeptical, even suspicious of government. And--

DILLINGHAM:
--Sure--

WELCH:
--Anyone coming from the Census Bureau is perceived by many to be a government person.

DILLINGHAM:
Sure.

WELCH:
So, what are the specific things you're doing, particularly among the immigrant community, to find them and--and--and count them?

DILLINGHAM:
Certainly. One of the--the--the most important thing, when we have our communications campaign and we have very targeted communications even on local radio and whatever communications those communities--that--that will resonate with them and they will get the information. In addition to that, we of course have a partnership specialist usually selected from those areas that have knowledge of those areas.

We're also, very importantly, using our partners. With 400,000 organizations, the largest ever, those organizations literally reach into every community in this country. Now, I will say that during the pandemic--

WELCH:
--I only have a few minutes. I only have a few--I only have a few seconds.

DILLINGHAM:
I'm sorry.

WELCH:
Just--if you're unsuccessful in getting a full count, how does that undercount adversely affect communities for states like Vermont?

DILLINGHAM:
Well, if you have an undercount--you know, the census data is--is some of the most used data, if not the most used data, at least indirectly, in the country. So, it's used for certainly the allocation of resources, federal, state, and local. It's used for planning. It's used for research. It's used for decision-making. So, there is a malt--and it's used in the private sector. So, it is very useful. And our theme that--in the message we send is help shape your future, answer the 2020 census. And so, we are trying to communicate--

WELCH:
--All right--

DILLINGHAM:
--That message, and our partnerships are doing a lot in that effort in that we will have, you know, a half million people for--where we haven't received the responses--

WELCH:
--Right--

DILLINGHAM:
--Knocking on the doors. But we have more than that in our partnerships.

WELCH:
Thank you.

DILLINGHAM:
Yes. Thank you.

WELCH:
And I yield back. Thank you, Madam Chair.

MALONEY:
We thank you. And we now recognize Congressman Roy, I believe by WebEx. Congressman Roy?

ROY:
Yes, ma'am. Thank you, Chairwoman, appreciate it. Dr. Dillingham, thank you for your stamina here. I think this hearing has been going for a little while. I was present for the first panel. Now I'm dialing in for the second one, but appreciate your presence in your service to our country.

I had a--just a couple of questions. You know, I asked some questions to some of your predecessors earlier. I just want to make sure I understand this correctly. With--am I right in my understanding that--and--and kind of leading off of Mr. Welch's questions, that when you don't actually come in contact with a person, you don't get a response, go to house, don't find it, that there are systems in place in the Census Bureau--for better or worse, right?

We can debate the efficacy--where you have imputation, essentially where you go through count imputation, whether that status count imputation for--you know, you--literally you can't find the address where the house, or occupancy imputation where you find the house but you can't find the person, or, you know, household size imputation where you don't have any people are there, and that it--that it is practice to impute the--the numbers or, you know,

the--what you find at one house in a neighborhood to the house you don't mind, or to the individuals you don't find, and that there's a second category of characteristic imputation, where you're imputing the characteristics of people in the neighborhood.

Say there are five white folks in a house over here, we're going to--we're going to say that there are five white folks in this house by imputation. Am I roughly right--I mean, just a short yes or no and a brief explanation if you need it. Am I roughly right that that is something that you carry out and engage in for a not statistically insignificant number of the people you're "counting?"

DILLINGHAM:
Congressman, I would have to qualify my answer to that. We do use and imputation process when we've exhausted all efforts in counting the individuals at that residence, as--as you pointed out. So, there is a process. The numbers are low and we hope they remain extremely low. But there are times when we have reason to believe, evidence, that someone is living in that household but we are unable to communicate with them, that in fact we do have an imputation accepted method that has been accepted by the courts.

ROY:
Dr.--Dr.--yeah, I'm sorry to interrupt because we have limited time. I--I hate this. I'd rather have just a nice long conversation.

DILLINGHAM:
Sure.

ROY:
But do we have a rough estimate of how many that we're talking about here? Are we talking about hundreds of thousands? Are we talking about millions? And we're talking about counting the uncountable, right? That's a phrase I've heard used in the senses world, community, and so forth. What--what are we talking about here on the rough numbers?

DILLINGHAM:
Well, I--I can get you more precise numbers, but we're not talking millions. We--we are talking about those where we've exhausted our efforts and we have reason to believe people are living in that household. And then--and--and in those instances, there is an imputation option.

ROY:
Okay. I would appreciate a response to that about how many numbers, and broken down, to the extent possible--

DILLINGHAM:
--Sure--

ROY:
--Between count imputation and characteristic imputation and, you know, the various methods--

DILLINGHAM:
--Sure--

ROY:
--You all use to fill in those holes. Another question is--is in my--Dr. John Abboud is he--am I correct that that is the individual overseeing the special tabulation for redistricting?

DILLINGHAM:
I'm not sure if he has direct management of that, but he's over our research and methodology section that contributes to that process.

ROY:
Did Mr. Abboud testify against the efforts by the administration to count or to ask the question of citizenship on the census last year when it was in litigation?

DILLINGHAM:
I--I am aware that he was a witness in that case, yes.

ROY:
And he testified against inclusion of that question?

DILLINGHAM:

I--I--I have not reviewed his testimony, but I--I think it was considered by many to be that it raised questions.

ROY:
Okay. I just think it's--merits noting that if--if he's got an intimate involvement in how we're overseeing the tabulation for redistricting and he was testifying against inclusion of the question, which is an administrative decision, it I think it bears some questioning as to how this process is being carried out.

And I don't how much time I have left, probably not a lot. I'll go and end with that. I would appreciate your response to that question generally, and--and I--and I do appreciate your taking time and being here. Thank you.

DILLINGHAM:
Thank you, Congressman.

MALONEY:
Thank you. I now recognize the vice chair of the committee, Congressman Gomez, from--by remote.

GOMEZ:
Thank you, Madam Chair. Mr. Dillingham, thank you for being here with us.

DILLINGHAM:
Thank you.

GOMEZ:
There's a lot of uncertainty, but one thing is definitely clear. That is if the Census Bureau is not allowed to continue its count through October and--and has time to produce the data, and they--as you requested, there is going to be a significant undercount when it comes to the population of the United States. So, I'm going to ask you a series of questions that I--I need answers to.

Mr.--Dr. Dillingham, it is my understanding that OMB sent language to the appropriators requesting an additional $448 million in funding, but not writing your request to extend the statutory deadline for the data. Did you see the OMB language before was that?

DILLINGHAM:
No--no, I did not, but I am aware. We've put in a request for a--

GOMEZ:
--All right. Thank--

DILLINGHAM:
--A billion dollars, and I got approximately half of that in--in the Senate bill, I guess.

GOMEZ:
Okay, good to know. So, you didn't see it, so therefore you did not approve it, correct?

DILLINGHAM:
Let me--let me ask you one again. Will you describe what it is? I--I--I am aware that we were requesting additional funds as part of the appropriations process. It would--I wasn't involved--

GOMEZ:
--Correct, and then also--

DILLINGHAM:
--In the discussions, negotiations--

GOMEZ:
--Your request--hold on. Your request was also to extend the statutory deadlines for the data, and the Senate without including that language. So, you're saying that you never saw the language before it was sent, so I will take it as--

DILLINGHAM:
--I--I will--

GOMEZ:
--As the record--

DILLINGHAM:
--Let me--let me--let me--

GOMEZ:
--I have to go to the next question,

DILLINGHAM:
Sure.

GOMEZ:
Have you discussed with Leader McConnell--

DILLINGHAM:
--Let--let me correct--

GOMEZ:
--The need for extension?

DILLINGHAM:
Let me correct. There have been discussions about the schedule and our--and our ability to continually assess it. There have--so I'm aware of that topic.

GOMEZ:
Yeah, but you--you did not see the language before it was sent, as you stated. Have you discussed with Leader McConnell the need for the extension?

DILLINGHAM:
Have I--have I discussed with who? Excuse me?

GOMEZ:
Leader Mitch McConnell in the Senate, the need for--

DILLINGHAM:

--Oh, I--I have--

GOMEZ:
--The extension--

DILLINGHAM:
--I--I have not discussed with House or Senate leadership any specifics about that.

GOMEZ:
In this new plan is it the--the idea of career census officials that are pulling back the enumeration date like not granting the extension to do the numer--in person enumeration through October and to ask for--originally requested for a four month extension to get the data to Congress by April 2021. Is the new deadlines and new plans, is that the idea of career census officials?

DILLINGHAM:
I can certainly say that in discussions we have made assessments along the way and they have bus--discussed with--with the House and Senate staffs who--who we have briefed on a weekly basis. And I'm sure probably the--I am not privy to those discussions but I'm sure the topic of extension time and a shift in schedule were discussed.

GOMEZ:
Is the--the new schedule one prepared by career census officials?

DILLINGHAM:
I--I--I will say that we make assessments and--in certainly our career officials are in--involved in that with those recommendations. Ab--Absolutely. The--we--we listen to our career people as to where we--we have--their assessment as to where we are.

GOMEZ:
So are you still sticking to the--the Bureau's request for Congress to--for a four month extension to April 2021 out of the December 31st statutory deadline for delivering the President the populations total required to reapportion the House of Representatives?

DILLINGHAM:

Con--Congressman to be clear--someone asked me earlier am I aware that discussions ha--have been held between the administration and Congress--

GOMEZ:
--Okay. Let me--le me ask you again. Is (INAUDIBLE)--

DILLINGHAM:
--I am, but I'm not party to those--

GOMEZ:
--I yie--I--reclaim my time.

DILLINGHAM:
Yes, Congressman.

GOMEZ:
Do you support your original request--the Bureau's which you're in charge of--

DILLINGHAM:
--Yes, correct--

GOMEZ:
--Request to Congress to extend the delivery of the data to April 2021.

DILLINGHAM:
Congressman, all requests I--as my understanding go through the Office of Management and Budget--

GOMEZ:
--Okay. I'm--I'm asking you do you still stand by the original request--

DILLINGHAM:
--We--we do not directly--

GOMEZ:
--I yield ba--I reclaim my time. Do you re--do you still by--stand by that extension deadline request that you made--the Bureau made?

DILLINGHAM:
We have for planning purposes made assessments and continue to do so.

GOMEZ:
Yes, sir. The--I'm looking for yes or no. It seems like there's a--there's an obvious pattern that you are not in control of the Census Bureau and that the political appointees of this Administration are. You know your name will go down in history if this is the worst census ever conducted by the United States government.

You're not gonna run away and just bo--and say that this was only because of the Trump administration later on. You will be responsible. Your name will be associated with it. So we're gonna keep pushing until we have accountability and a complete and accurate count of every person in the United States. With that I yield back.

DILLINGHAM:
That is our mission, congressman. And let me say that I am not involved directly with the Hill negotiations on--on these--on revising the schedule.

MALONEY:
I thank the gentleman for his question and his passion. And now I recognize Congresswoman Miller.

MILLER:
(INAUDIBLE). And thank you Ranking Member Comer. And Dr. Dillingham I want to personally thank you for what you're undertaking to do that's a Herculean effort to complete the census this year in the midst of a pandemic. I wish you all the best of luck and Congress stands ready to support you any way we can. In any essential information or mandate once this is completed.

My district is a representation of how difficult the census can be to compete. Four of my 18 counties in my district have 100 percent of their population living in hard to count neighborhoods.

I spent last year making sure that I visited each one of these counties and I can tell you from firsthand experience how rural my community in West Virginia is. And this has only been exacerbated by the Coronavirus and the pandemic but actually in a way it helped us with this, because we were very slow to get the pandemic and we haven't had it to the proportion that has gone on in the country.

It's critical that we count each of our constituents and then once we have that count that we are apportioning Congressional seats to each of the states fairly. As an American citizen, the representation you have in the federal government should always be fair and accurate. Counting people living in the United States illegally in apportionment is an attack on our democratic institutions and seeks to take away the vote--the voice of the American people.

I strongly support President Trump's actions to protect the sanctity of our con--constitutionally mandated process for apportionment and protecting the voice and the representation of the American people in Congress. Is the first 2020 census counting of all the people in the United States regardless of legal residency status? Yes or no.

DILLINGHAM:
Congresswoman I--I don't want to get into the details of people that may be not establishing residency, maybe temporary. We--there was another discussion with a congressman. But your question I think goes to the heart also of the last question and comment.

We are absolutely dedicated to a complete and accurate count of the people residing in the United States. And I do think that we are poised--we were poised I think not not have one of the worst but in fact to have the very best census ever. And that remains our goal.

So we have not only embraced all sorts of innovations, all sorts of technologies, but our goal is to have the very best count possible, a complete and accurate count of everyone.

MILLER:
Thank you. Does the apportionment process play any role in how the census is conducted or is Congressional apportionment only tabulated once the census count has been concluded?

DILLINGHAM:
We do the complete census count of everyone and then we are looking particularly as pointed out at other data sources to determine whether we can identify a group that the President has recommended to subtract from the apportionment count. It's a tabulation. So we will have a complete and accurate count. But we also working to determine the data and methodologies that might supply that additional information.

Again, we're a statistical agency and a data producing agency. Not a policy agency.

MILLER:
And that is how you will be able to implement the apportionment memorandum, correct?

DILLINGHAM:
That is the way we are proceeding. You are correct, Congresswoman.

MILLER:
Alright. Thank you. I yield back my time.

MALONEY:
Congressman Lynch is recognized via remote. Congressman Lynch--

LYNCH:
--Thank you Madam Chair.

MALONEY:
Okay.

LYNCH:
Yeah, can you hear me? Can you hear me?

DILLINGHAM:
Yes I can--

MALONEY:
--Yes we can. Yes we can.

LYNCH:
Okay. Alright. Thank you. Dr. Dillingham back in June--so--so I represent along with Congresswoman Pressley I represent the Boston area--

DILLINGHAM:
--Sure.

LYNCH:
And we've got hundreds of thousands of students that normally attend school within my district and Ms. Pressley's district as well. And so Boston is traditionally one of the more difficult (INAUDIBLE) cities to count, I think partly because of the influx of students.

You sent a letter back in June to the college presidents asking them for their cooperation in--in tendering the roles--the--the role of students--the list of students that are--are attending and their addresses as of April of 2020. I--I just would like to get some--some update on--on how that's going.

I'm a bit concerned because we--we're experiencing right now an undercount in the process. I've been working with our fantastic Secretary of State Bill Galvin who--this is his third census. He's been around a while like me. He does a great job on this, but we got running behind our historic count levels compared to previous census operations.

And I'm just wondering how we are making out on the student assessment in terms of tracking them--you know--a lot of the students are learning remotely so they may not be in their intended location. Some of them their schools have closed down. They're--they're not even in the same city. How are we dealing with that?

DILLINGHAM:
Co--Congressman that's an excellent question. Let--let me say this. I--I thought I might have the facts and figures with me. I--I can't put my hands on them. But we are making progress. But as I said in my opening statement, we--we want to do that as accurately, as efficiently and as soon as possible.

So even though we're making progress, there's still some confusion among the colleges and universities because there are some special provisions for protecting student information.

So there is a--a grouping of--of--of colleges or some colleges. And I understand. I think you have the most colleges per geographical area in the country. And we want, we want to get that information, at least in roster form, and it will save millions of dollars. We can get it accurately and efficiently, particularly the students that are living off campus.

The House passed a bill with a provision in it, and I'll bring that to your attention. But that's--that's--we're making progress. I--I seem--I seem to recall that maybe 60 percent of the colleges, but I--I--I will check the record on that. And we want all the colleges and we will.

And the concern is that perhaps that we wouldn't protect the information. We protect the data better than anyone in the country that I'm aware of. We understand colleges do a lot, but I think we protect it as well, if not better. And we have federal law on our side, and we

have all the safeguards for that information. We want it, and we'd like to get it efficiently. We appreciate your interest and other members of Congress.

LYNCH:
Well, Dr. Dillingham, if I could just ask you, you know, we can't solve everything on--on this call.

DILLINGHAM:
Sure.

LYNCH:
But if I could get the commitment that my colleagues from the Boston--from the Massachusetts delegation that are interested in this and we've got a ton of--time of colleges and universities. Myself and Ms. Pressley and--and Secretary, (INAUDIBLE), if we could talk with you and your office--

DILLINGHAM:
Absolutely.

LYNCH:
--just to get an assessment on that, because time is short, as you know.

DILLINGHAM:
Absolutely.

LYNCH:
So that as possible?

DILLINGHAM:
You'll get get some assessment this week.

LYNCH:
Okay.

DILLINGHAM:
Yes, congressman.

LYNCH:
All right.

DILLINGHAM:
Thank you.

LYNCH:
All right. Thank you so much.

And I--I'll yield back the balance of my time. Thank you, Madam Chair.

MALONEY:
Thank you very much.

And I now recognize Congresswoman Porter.

PORTER:
Thank you very much.

Mr. Dillingham, is the Census Bureau using state administrative records to conduct the 2020 census operations?

DILLINGHAM:
We do use administrative data for some of our purposes of--of trying to discover whether there's duplication in the management of the census. I can't tell you exactly which data sets.

PORTER:
Super.

Is the Census Bureau using these records, or going to be using these records to determine the citizenship status of individuals?

DILLINGHAM:

We do have administrative records that will be used for us to looking at the numbers of--of citizens and non-citizens. That is correct.

PORTER:
Okay.

Under the Privacy Act, there should be a System of Records Notice. It's called an SORN, explaining what these administrative records will be used for. Have you published an SORN, a System of Record Notice?

DILLINGHAM:
It is my understanding we have--we have complied with all the regulatory needs, but I will double check. We can get back to you on specifics.

PORTER:
Okay.

So you don't--do you know if that SORN explains what the records will be used for as required by the Office of Management and Budget?

DILLINGHAM:
Are you talking about our administrative records?

PORTER:
Yes.

DILLINGHAM:
Are we--are we sharing that information with the Office of Management Budget?

PORTER:
Yes.

DILLINGHAM:
We--we actually have to have their permission to do that.

PORTER:

Great.

Does that--that statement that you gave to the Office of Management and Budget and that System of Records Notice, does it say anything? Does it disclose to the American public that you'll be using administrative records to determine if someone is a citizen?

DILLINGHAM:
Well, we--the--the executive order is quite transparent and--and points that out, and it's actually the agencies, too, that will be providing us data. So--

PORTER:
But respectfully, sir--respectively, sir, the--the--you have an obligation to comply with the Privacy Act and to file that System of Records Notice and to require the statement of purpose with the Office of Management and Budget. And so I am asking you, do those statements, which you are responsible for, advise the American public, as required in Congress, as required in OMB, as required, that the administrative records will be used to determine citizenship steps?

DILLINGHAM:
Congresswoman, I will double check on that, but I--it would certainly be my understanding.

PORTER:
Okay.

I actually have it in front of me. Madam Chairwoman, I ask to enter the System of Record Notice and the OMB Purpose Statement into the record.

MALONEY:
Without objection.

PORTER:
So, Mr. Dillingham, is no. These disclosures don't make any mention that you will be using administrative records for citizenship. And since you are going to be using these records for federal administrative records to help determine citizenship, you should have submitted a request to the Office of Management and Budget. You should have submitted supporting statements explaining exactly how those federal records would be used.

The notices are very clear. They say--indicate how, by whom, and for what purpose the information is to be used. The president's executive order doesn't wave or relieve you of the requirement to be transparent. Will you commit to filing a new System of Record Notice that clearly advises that the administrative records will be used to determine citizenship status?

DILLINGHAM:
I'm not sure I understood that last part of your question. Would I be--what I be assured that I do what?

PORTER:
Will you please commit to following the law--

DILLINGHAM:
We--we will follow--

PORTER:
--With regard the Privacy Act and filing a new System of Record Notice and a new Statement of Purpose to the OMB. If in fact, I am correct that your existing statement makes no--no mention of using the administrative records for the purpose of determining citizenship, when that, in fact, is you have--testify is your intent.

DILLINGHAM:
Congresswoman, I will certainly ask our legal counsel to look in the Statement of Records Notice to see if we're in compliance.

PORTER:
Thank you very much.

My last question for you is, will you count every person regardless of citizenship because that is what is required by the Constitution?

DILLINGHAM:
As I have said here today, we're going to count everyone living in this nation.

PORTER:
Okay.

So the Constitution says that representatives shall be apportioned among the several states according to their respective numbers, which shall be determined by adding the whole number of free persons. In the Constitution, what do you think person means in that context?

DILLINGHAM:
Congresswoman, that was a topic of the first panel here. And as I said in--in my opening remarks, discussing the policies and history and particularly the legal analysis, it isn't one of the--it wouldn't be prudent for me at this time.

The--as the director of the Census Bureau, we have to get the work done, and I'm not going to engage. And quite frankly, I'm not prepared to engage in--in the legal analysis or the policy debate. We are a statistical agency producing statistical products, and if they're legal, we--we will produce them. And it will be the best available data that we have.

PORTER:
Well, Mr. Dillingham, I--I appreciate that. But you can't wax on about your faithful execution of your constitutional duty and then dodge questions about the Constitution in the same hearing. But I do appreciate your following up on the Systems of Record Notice and the Privacy Act. And I'll--I'll follow-up with you directly about that.

I yield back.

DILLINGHAM:
Thank you so much.

MALONEY:
I thank the gentlelady for her questions.

And before I recognize Representative Ranking Member Comer, for his closing remarks, I--I want to seek clarity on one thing if I could, Mr. Director.

DILLINGHAM:
Sure.

MALONEY:
I asked you earlier if you would send this committee the results of the Bureau's analysis under the president's memo, and--and you responded that the Bureau would be transparent.

DILLINGHAM:
That's correct.

MALONEY:
So can I take that as a yes that you will share the results of the Bureau's analysis?

DILLINGHAM:
It is the policy and practice of the Bureau to share with the world any final decisions we make on that. But in the discussions of it and that--I cannot pledge that. I can say that as--as we--as the decisions are made, they will be transparent, and for everyone, particularly the users of the data.

MALONEY:
Okay.

I now recognize the Ranking Member Comer for his closing remarks.

COMER:
Thank you, Chairman Maloney. I appreciate, again, you calling this hearing today on the 2020 Census.

I want to reiterate what I said at the beginning of this hearing this morning by saying that everyone should complete their census form and engage with census enumerators if they come to your door. It's very important that every single American is counted.

I support the president's action last week to exclude illegal immigrants from the apportionment count, as do a majority of Americans. Including illegal immigrants in the count for representation in Congress only dilutes the representation of all Americans who vote in elections and makes a mockery of our basic principle of one person, one vote.

I just want to make some points to correct the record about some things that we have heard today. Democrats have made some very misleading or incorrect statements that I would like to take this opportunity to correct.

First, we have heard from Democrats that the president's memorandum means that illegal immigrants are not counted for purposes of the 2020 census. This is not correct. Illegal immigrants are still counted for purposes of the 2020 census. The presidential memorandum

does not direct the Census Bureau not to count illegal immigrants, it only affects the subsequent use of census data to conduct the apportionment of congressional seats and electoral college votes among the states.

Illegal immigrants, while counted for the census will be excluded from the apportionment base. Second, we have heard from Democrats that the President's memorandum will divert funding or actual federal funding flowing to states as a result of the 2020 census. This is also incorrect.

The president's memorandum does not direct or diverged in the federal funding or exclude illegal immigrants from being considered in future funding decisions. Complete census 2020 data once tabulated will be available for Congress, federal agency, state legislatures and municipalities to use when making funding decisions.

We have also heard from Democrats that the Supreme Court ruled that asking whether someone is a citizen is unconstitutional. That is not correct. In fact, the Supreme Court actually held that asking whether someone is a U.S. citizen on the census is lawful.

The justices said that quote in light of the early understanding of and long practice under the enumeration clause, we conclude that it permits Congress and, by extension, the Secretary of Commerce to inquire about citizenship on the census questionnaire. Although the administration had failed to comply with some procedural requirements in reinstating the question which had appeared on previous census forms, the question itself was not ruled to be unconstitutional.

We have also heard that the president's memorandum is unconstitutional. Not so says the constitutional law expert Dr. Eastman who testified here this morning. We heard from him that the proper understanding of the Constitution is that we should only apportion seats based on the citizenry and not for inhabitants, especially those who are here illegally.

They are here illegally. Counting those unlawfully present creates perverse incentives, dilutes representation of voters in states with fewer illegal immigrants, and undermines the principle of one person one vote. Representation should matter to everyone. It is a simple question of fairness. I yield back.

MALONEY:
I want to thank the Ranking Member and all of the participants today, all of our panelist and especially you director. I think you for your service in the military and for your public service and for voluntarily coming here today to be with us. I--I want to close by saying that it is an undisputed fact that the coronavirus has changed everything in our country. It has changed everything the way we do things and I would say that the coronavirus has changed the census because of the tremendous challenges, the concern for your enumerators health, the

enumeration was put off from your testimony today you say the enumeration for the hard to count will begin August 10 and when you put this off you also or rather Secretary Ross ask us to put off the date for collecting the information and also for sending the apportionment to the states from October 20, 22 to the end of April 2021.

And our Congress, our members of our Democratic Caucus we passed a bill in the coronavirus and we included the day change that you requested so it is against this backdrop of all of these challenges that you are confronting with the hard to count, with the coronavirus and I would call it a disruptive and historic disease that has really overburdened the Census Bureau and created more challenges not just with the Census Bureau but to all of government and it is against this backdrop that President Trump issued.

What I considered an illegal memorandum last week and the purpose that we call this hearing, this emergency hearing is in response to that memorandum and this memo would dramatically change the manner in which the census count is reported. I agree with my colleague that you have testified, and I applaud you that everyone will be counted.

We will all work hard to get undocumented every one counted in the census but on Monday I want to point out that the Bureau posted on its website that the Census Bureau is working toward the plan to complete field data collection by October 31, 2020, yet I noticed today that this notice has been removed from your website yet it hasn't been replaced with a new data or with any date on when the field data collection is supposed to happen.

Now I believe we should do what the census professionals say they need, that they need this postponement to get the field data by October 31 and to report it later in April 2021, but it has been reported in the press that the administration is trying to rush the apportionment count and trying to push it back to December 30 (INAUDIBLE) for President Trump would leave the White House if he possibly we don't know what the outcome of the election is but he would be leaving the house before the election results if he loses the election.

So I am can learn that the administration is seeking to rush the process and sacrifice the accuracy of these senses for political gain, that the presidents intent is to have all of this done before he leaves office so that he can do what I believe is an illegal action, so I hope that you all live up to the standards of professionalism, stand by the request of Secretary Ross.

I did check with the professionals in New York who were working on the census, and they are working with the numbers that Secretary Ross requested that the data is completed by October 2020 and that is translated to the states by April 2021, and I also want to say that without objection all members will have five legislative days with which to submit additional written questions for the witnesses to the chair which will be forwarded to the witnesses for their response and I ask our witnesses to please respond as promptly as they are able, and I now say that this hearing is adjourned.

List of Panel Members and Witnesses
PANEL MEMBERS:
REP. CAROLYN B. MALONEY (D-N.Y.), CHAIRWOMAN

DEL. ELEANOR HOLMES NORTON (D-D.C.)

REP. WILLIAM LACY CLAY (D-MO.)

REP. STEPHEN F. LYNCH (D-MASS.)

REP. JIM COOPER (D-TENN.)

REP. GERALD E. CONNOLLY (D-VA.)

REP. RAJA KRISHNAMOORTHI (D-ILL.)

REP. JAMIE RASKIN (D-MD.)

REP. HARLEY ROUDA (D-CALIF.)

REP. RO KHANNA (D-CALIF.)

REP. KWEISI MFUME (D-MD.)

REP. DEBBIE WASSERMAN SCHULTZ (D-FLA.)

REP. JOHN SARBANES (D-MD.)

REP. PETER WELCH (D-VT.)

REP. JACKIE SPEIER (D-CALIF.)

REP. ROBIN KELLY (D-ILL.)

REP. MARK DESAULNIER (D-CALIF.)

REP. BRENDA LAWRENCE (D-MICH.)

DEL. STACEY PLASKETT (D-V.I.)

REP. JIMMY GOMEZ (D-CALIF.)

REP. ALEXANDRIA OCASIO-CORTEZ (D-N.Y.)

REP. AYANNA S. PRESSLEY (D-MASS.)

REP. RASHIDA TLAIB (D-MICH.)

REP. KATIE PORTER (D-CALIF.)

REP. JAMES R. COMER (R-KY.), RANKING MEMBER

REP. JIM JORDAN (R-OHIO)

REP. PAUL GOSAR (R-ARIZ.)

REP. VIRGINIA FOXX (R-N.C.)

REP. THOMAS MASSIE (R-KY.)

REP. JODY B. HICE (R-GA.)

REP. GLENN GROTHMAN (R-WIS.)

REP. GARY PALMER (R-ALA.)

REP. MICHAEL CLOUD (R-TEXAS)

REP. BOB GIBBS (R-OHIO)

REP. CLAY HIGGINS (R-LA.)

REP. RALPH NORMAN (R-S.C.)

REP. CHIP ROY (R-TEXAS)

REP. CAROL MILLER (R-W.VA.)

REP. MARK E. GREEN (R-TENN.)

REP. KELLY ARMSTRONG (R-N.D.)

REP. GREG STEUBE (R-FLA.)

REP. FRED KELLER (R-PA.)

WITNESSES:
FORMER CENSUS BUREAU DIRECTOR VINCENT BARABBA

CENSUS BUREAU DIRECTOR STEVEN DILLINGHAM

CLAREMONT INSTITUTE SENIOR FELLOW JOHN EASTMAN

FORMER CENSUS BUREAU DIRECTOR KENNETH PREWITT

FORMER CENSUS BUREAU DIRECTOR JOHN THOMPSON

FORMER CENSUS BUREAU DIRECTOR ROBERT M. GROVES

From: Howard Fienberg [(b) (6) [redacted]]
Sent: 8/11/2020 4:58:35 PM
To: John Maron Abowd (CENSUS/ADRM FED) [john.maron.abowd@census.gov]
Subject: [MARKETING] U.S. Business Community Opposes Rushing the 2020 Census

U.S. Business Community Opposes Rushing the 2020 Census

U.S. Business Community Opposes Rushing the 2020 Census: 87 organizations and companies urge Congress to extend deadlines

For release August 11, 2020

For more information, contact:
Howard Fienberg: (b) (6) [redacted]

The American business community banded together today in support of extending "the statutory reporting deadlines for the 2020 Census by four months." Eighty-seven business groups and companies warned Congressional leaders that "a rushed census in the midst of the current public health crisis will harm every state, every business, and every industry in the country relying upon the resulting data."

Organizations and companies as diverse as the Auto Care Association, Associated General Contractors of America, Consumer Technology Association, Household & Commercial Products Association, Information Technology Industry Council, Insights Association, Interactive Advertising Bureau, International Council of Shopping Centers, International Franchise Association, National Association of Broadcasters, National Association of Business Economics, National Association of Home Builders, National Association of REALTORS®, National Beer Wholesalers Association, National Retail Federation, Nielsen, Ready Nation, and U.S. Apple Association joined the August 11, 2020 letter.

"The business community worries that rushing to complete the census

prematurely will drastically undermine the quality of the data that we rely upon so dearly," the letter said. "Currently, there are low response areas in every region and state. This includes not just urban centers, but also outlying rural areas. Self-response rates in rural areas are particularly anemic, presenting the possibility of the biggest undercount of rural America in modern times. A rushed census could lead to a potentially drastic reduction in political representation, government funding, and, from the business community perspective, private sector investment in such communities."

Unless the 2020 Census counting operations are "conducted efficiently, communities most in need of resources and sound decision-making to improve quality of life and standards of living will be inadequately covered for the next decade," the businesses and organizations explained. "Accurate data from the 2020 Census is critical to informing decision-making and resource/investment allocation in both the private and public sectors. With every other survey in the U.S. built on the population totals from the decennial count, the severe trickle-down impact of an inaccurate 2020 Census would last for a whole decade. That includes impact on the American Community Survey (ACS) and the Economic Census, two other Census Bureau programs upon which the U.S. business community more directly depends. The population and demographic data from these surveys are vital to businesses across America to promote economic development, identify potential customers and create jobs."

The business community recommended that "[a]ny previous or future 2020 Census decisions regarding timelines, deadlines and extensions must consider input from career professionals at the Census Bureau."

In conclusion, the 87 signers from the U.S. business community urged approval of "legislation extending the 2020 Census data reporting deadlines in the next COVID relief package, so that the Census Bureau is not forced to rush remaining enumeration operations and critical data review, processing, and tabulation activities."

Read the full letter in PDF or below (with all the signers):

On behalf of America's business community, we urge you to approve legislation as soon as possible to extend the statutory reporting deadlines for the 2020 Census by four months, preferably as part of the next COVID relief package.

While we recognize the urgency of meeting the statutory deadline, a rushed census in the midst of the current public health crisis will harm every state, every business, and every industry in the country relying upon the resulting data.

The COVID-19 pandemic has severely disrupted the 2020 Census. Earlier this year, the pandemic compelled the U.S. Census Bureau to suspend field activities and postpone key operations, including the critical Non-Response Follow Up (NRFU) phase in which census takers visit more than 30 percent of households that have not responded on their own, to collect information in person. Only weeks ago, senior Census Bureau experts said unequivocally that they could not responsibly finish their work in time to complete the NRFU operation and compile, analyze, and disseminate apportionment data by the legally-required December 31, 2020 deadline. Accordingly, the Secretary of Commerce requested that Congress extend the reporting deadlines for apportionment and redistricting data, so that the Census Bureau could complete in-person visits and other special counting operations for the non-household population (including people experiencing homelessness; people living in transitory locations, such as RV parks and motels; and people living in group facilities such as nursing homes and college dorms) and deliver reliable apportionment and redistricting data to the Congress and states.

The business community worries that rushing to complete the census prematurely will drastically undermine the quality of the data that we rely upon so dearly. Currently, there are low response areas in every region and state. This includes not just urban centers, but also outlying rural areas. Self-response rates in rural areas are particularly anemic, presenting the possibility

of the biggest undercount of rural America in modern times. A rushed census could lead to a potentially drastic reduction in political representation, government funding, and, from the business community perspective, private sector investment in such communities.

If the remaining counting operations are not conducted efficiently, communities most in need of resources and sound decision-making to improve quality of life and standards of living will be inadequately covered for the next decade. Accurate data from the 2020 Census is critical to informing decision-making and resource/investment allocation in both the private and public sectors. With every other survey in the U.S. built on the population totals from the decennial count, the severe trickle-down impact of an inaccurate 2020 Census would last for a whole decade. That includes impact on the American Community Survey (ACS) and the Economic Census, two other Census Bureau programs upon which the U.S. business community more directly depends. The population and demographic data from these surveys are vital to businesses across America to promote economic development, identify potential customers and create jobs.

Any previous or future 2020 Census decisions regarding timelines, deadlines and extensions must consider input from career professionals at the Census Bureau. Congress has a constitutional responsibility to ensure that the enumeration is conducted responsibly and delivers reliable data about our nation's changing socioeconomic and demographic characteristics. The stakes are high: an undercount of rural and remote communities, young children, low-income people, immigrants, American Indians and others; congressional representation; and the annual allocation of $1.5 trillion in federal funding to states and localities.*

The U.S. business community urges Congress to approve legislation extending the 2020 Census data reporting deadlines in the next COVID relief package, so that the Census Bureau is not forced to rush remaining enumeration operations and critical data review, processing, and tabulation activities.

Thank you for your consideration of this request. An unreliable 2020 Census will be catastrophic for businesses in all sectors and the American economy for many years to come.

Sincerely,

- Advertising Research Foundation (ARF)
- Air Conditioning Contractors of America (ACCA)
- American Advertising Federation (AAF)
- American Association of Advertising Agencies (AAAA)
- American Council of Engineering Companies (ACEC)
- American Institute of Architects (AIA)
- American Road & Transportation Builders Association (ARTBA)
- Asian Business Association
- Associated General Contractors of America (AGC)
- Association of National Advertisers (ANA)
- Association of Public Data Users (APDU)
- Auto Care Association
- Coin Laundry Association
- Consumer Data Industry Association (CDIA)
- Consumer Technology Association (CTA)
- Council for Community and Economic Research
- data.world
- Data Coalition
- ESOMAR
- Household & Commercial Products Association (HCPA)
- Information Technology Industry Council (ITI)
- Insights Association

- Interactive Advertising Bureau (IAB)
- International Council of Shopping Centers (ICSC)
- International Franchise Association (IFA)
- Mortgage Bankers Association (MBA)
- National Apartment Association (NAA)
- National Association for Business Economics (NABE)
- National Association of Broadcasters (NAB)
- National Association of Home Builders (NAHB)
- National Association of REALTORS®
- National Beer Wholesalers Association
- National Multifamily Housing Council (NMHC)
- National Retail Federation (NRF)
- Network Advertising Initiative (NAI)
- Ready Nation
- Small Business for America's Future
- Society for Human Resource Management (SHRM)
- U.S. Apple Association

[Companies]

- AECOM
- Allen & Hoshall
- Claritas
- Fourth Economy
- Gorman & Company
- Grant Thornton Public Sector
- LivHOME Inc.
- Maxfield Research and Consulting LLC

- Nielsen
- SWBC Mortgage Corporation

[State/local chambers of commerce]

- Allen Fairview Chamber of Commerce (TX)
- Asian Chamber of Texas
- Bay Area Council (CA)
- California Chamber of Commerce
- Cincinnati Compass (OH)
- Collin County Business Alliance (TX)
- Denver Metro Chamber (CO)
- Einstein's Alley (NJ)
- Fayetteville Chamber of Commerce (AR)
- Fort Worth Chamber of Commerce (TX)
- Frisco Chamber of Commerce (TX)
- Georgia Hispanic Chamber of Commerce
- Grand Prairie Chamber of Commerce (TX)
- Granbury Chamber of Commerce (TX)
- Grapevine Chamber of Commerce (TX)
- Greater Boston Chamber of Commerce (MA)
- Greater Des Moines Partnership (IA)
- Greater Kansas City Chamber of Commerce (MO)
- Greater Waco Chamber of Commerce (TX)
- Haitian American Chamber of Commerce of Florida
- Hispanic Chamber Cincinnati USA (OH)
- Irving-Las Colinas Chamber of Commerce (TX)
- Marshall County Chamber of Commerce (OK)

- Minneapolis Regional Chamber of Commerce (MN)
- Minnesota Chamber of Commerce
- Minnesota Hmong Chamber of Commerce
- North Carolina Business Council
- North Texas Commission
- North Texas LGBT Chamber of Commerce
- Northern Kentucky Chamber of Commerce
- Rowlett Chamber of Commerce (TX)
- Saint Paul Area Chamber of Commerce (MN)
- San Antonio Chamber of Commerce (TX)
- Seattle Metropolitan Chamber of Commerce (WA)
- Spartanburg Area Chamber of Commerce (SC)
- Texas Association of Manufacturers
- Texas Business Leadership Council
- West Virginia Chamber of Commerce

* "New Report Says $1.5 Trillion in Federal Funding to States and Localities Annually Depends Upon Good Census Count." Nov. 18, 2019. https://censusproject.files.wordpress.com/2019/11/counting-for-dollars-press-release-11.18.2019.pdf

Copyright © 2020 The Census Project c/o APDU, All rights reserved.
You are receiving this email because you expressed interest in following the activities of the Census Project.

Our mailing address is:
The Census Project c/o APDU
PO Box 100155
Arlington, VA 22210

Add us to your address book

Want to change how you receive these emails?

You can update your preferences or unsubscribe from this list.

From: Maryann M Chapin (CENSUS/ADDC FED) [Maryann.M.Chapin@census.gov]
Sent: 8/11/2020 5:17:47 PM
To: Albert E Fontenot (CENSUS/ADDC FED) [Albert.E.Fontenot@census.gov]; Deborah Stempowski (CENSUS/ADDC FED) [Deborah.M.Stempowski@census.gov]; Kathleen M Styles (CENSUS/ADDC FED) [kathleen.m.styles@census.gov]; Jennifer W Reichert (CENSUS/DCMD FED) [Jennifer.W.Reichert@census.gov]; Paul Krutsch (CENSUS/DCMD FED) [paul.krutsch@census.gov]; James L Dinwiddie (CENSUS/ADDC FED) [James.L.Dinwiddie@census.gov]
Subject: COVID-19 Roadmap Update - August 11, 2020 11:30 am
Attachments: (b) (5) [redacted]

Good Afternoon,

Attached is an August 11, 2020 11:30 am update to the COVID-19 Roadmap. I apologize for the delay in distributing this.

The following offices are closed today:

- Chicago South
- Mobile

Thanks,

Maryann M. Chapin
Decennial Census Programs Directorate
U.S. Census Bureau
O: 301.763.3933 | M: (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

From: Olson, Stephanie (Federal) [SOlson@doc.gov]
Sent: 8/18/2020 8:40:35 PM
To: Kourkoumelis, Aristidis (Federal) [AKourkoumelis@doc.gov]; Cannon, Michael (Federal) [MCannon@doc.gov]; Heller, Megan (Federal) [MHeller@doc.gov]; Sharma, Sapna (Federal) [SSharma@doc.gov]
CC: DiGiacomo, Brian (Federal) [bDiGiaco@doc.gov]; Melissa L Creech (CENSUS/PCO FED) [Melissa.L.Creech@census.gov]; DiGiacomo, Brian (Federal) [bDiGiaco@doc.gov]
Subject: (b) (5)
Attachments:

(b) (6), (b) (5)

From: Kourkoumelis, Aristidis (Federal)
Sent: Tuesday, August 18, 2020 1:25 PM
To: Cannon, Michael (Federal) <MCannon@doc.gov>; Olson, Stephanie (Federal) Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>
Cc: DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Creech, Melissa L <melissa.l.creech@census.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: RE: SDNY draft brief

(b) (5)

Thanks,
Aris

Aristidis (Aris) Kourkoumelis | Senior Counsel
Office of the General Counsel
U.S. Department of Commerce
M: (b) (6)

From: Cannon, Michael (Federal) <MCannon@doc.gov>
Sent: Tuesday, August 18, 2020 10:44 AM
To: Olson, Stephanie (Federal) <SOlson@doc.gov>; Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>
Cc: Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>; Creech, Melissa L <melissa.l.creech@census.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: (b) (5)

CUI//PRIVILEGE/AWP//FED ONLY

(b) (5)

Mike

Michael A. Cannon
Chief Counsel for Economic Affairs
Office of the General Counsel

U.S. Department of Commerce
Telephone: (202) 482-5395
Cell: (b) (5) [redacted]
Email: mcannon@doc.gov

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately that you have received this message in error, and delete the message.

From: Olson, Stephanie (Federal) <SOlson@doc.gov>
Sent: Monday, August 17, 2020 9:59 PM
To: Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>
Cc: Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: (b) (5) [redacted]

(b) (5) [redacted]

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Monday, August 17, 2020 9:54 PM
To: Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Rosenberg, Brad (CIV) <Brad.Rosenberg@usdoj.gov>; Kelleher, Diane (CIV) <Diane.Kelleher@usdoj.gov>
Cc: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Zee, M. Andrew (CIV) <M.Andrew.Zee@usdoj.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: (b) (5) [redacted]

(b) (5) [redacted]

Best,
Aleks

Alexander Sverdlov
Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (b) (6) [redacted]

From: Heller, Megan (Federal) <MHeller@doc.gov>
Sent: Monday, August 17, 2020 6:02 PM
To: Sverdlov, Alexander V. <ASverdlo@civ.usdoj.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Rosenberg, Brad (CIV) <BRosenbe@civ.usdoj.gov>; Kelleher, Diane (CIV) <DKellehe@CIV.USDOJ.GOV>
Cc: Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Zee, M. Andrew (CIV) <mzee@CIV.USDOJ.GOV>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: Re: Census declarations

(b) (5)

Megan Heller

Acting Chief, General Litigation Division

Associate Chief Counsel, Office of Appellate Services

Office of the Assistant General Counsel for Employment, Litigation, & Information

Office of the General Counsel

U.S. Dept. of Commerce

1401 Constitution Ave. NW, Room 5890

Washington, D.C. 20230

Office: (202) 482-4837

(b) (6)

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please call us immediately at (202) 482-1328 and notify us that you have received this message in error, and delete the message.

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Monday, August 17, 2020 4:48 PM
To: Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Rosenberg, Brad (CIV) <Brad.Rosenberg@usdoj.gov>; Kelleher, Diane (CIV) <Diane.Kelleher@usdoj.gov>
Cc: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Zee, M. Andrew (CIV) <M.Andrew.Zee@usdoj.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: RE: Census declarations

(b) (5)

(b) (5) [redacted]

Thanks,
Aleks

Alexander Sverdlov
Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (b) (6) [redacted]

From: Heller, Megan (Federal) <MHeller@doc.gov>
Sent: Monday, August 17, 2020 3:53 PM
To: Sverdlov, Alexander V. <ASverdlo@civ.usdoj.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Rosenberg, Brad (CIV) <BRosenbe@civ.usdoj.gov>; Kelleher, Diane (CIV) <DKellehe@CIV.USDOJ.GOV>
Cc: Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Zee, M. Andrew (CIV) <mzee@CIV.USDOJ.GOV>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: Re: Census declarations

(b) (5) [redacted]

Megan Heller

Acting Chief, General Litigation Division

Associate Chief Counsel, Office of Appellate Services

Office of the Assistant General Counsel for Employment, Litigation, & Information

Office of the General Counsel

U.S. Dept. of Commerce

1401 Constitution Ave. NW, Room 5890

Washington, D.C. 20230

Office: (202) 482-4837

(b) (6) [redacted]

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please call us immediately at (202) 482-1328 and notify us that you have received this message in error, and delete the message.

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Monday, August 17, 2020 3:11 PM
To: Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>; Rosenberg, Brad (CIV) <Brad.Rosenberg@usdoj.gov>; Kelleher, Diane (CIV) <Diane.Kelleher@usdoj.gov>
Cc: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Zee, M. Andrew (CIV) <M.Andrew.Zee@usdoj.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: RE: Census declarations

(b) (5)
[redacted]

Best,
Aleks

Alexander Sverdlov
Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (b) (6) [redacted]

From: Heller, Megan (Federal) <MHeller@doc.gov>
Sent: Monday, August 17, 2020 3:02 PM
To: Sverdlov, Alexander V. <ASverdlo@civ.usdoj.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>
Cc: Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>; Zee, M. Andrew (CIV) <mzee@CIV.USDOJ.GOV>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Kourkoumelis, Aristidis (Federal) <AKourkoumelis@doc.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>; DiGiacomo, Brian (Federal) <bDiGiaco@doc.gov>
Subject: Re: Census declarations

(b) (5)
[redacted]

Megan Heller

Acting Chief, General Litigation Division

Associate Chief Counsel, Office of Appellate Services

Office of the Assistant General Counsel for Employment, Litigation, & Information

Office of the General Counsel

U.S. Dept. of Commerce

1401 Constitution Ave. NW, Room 5890

Washington, D.C. 20230

Office: (202) 482-4837

(b) (6)

Confidentiality Notice: This e-mail message is intended only for the named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please call us immediately at (202) 482-1328 and notify us that you have received this message in error, and delete the message.

From: Sverdlov, Alexander V. <Alexander.V.Sverdlov@usdoj.gov>
Sent: Monday, August 17, 2020 2:59 PM
To: Heller, Megan (Federal) <MHeller@doc.gov>; Sharma, Sapna (Federal) <SSharma@doc.gov>
Cc: Ehrlich, Stephen (CIV) <Stephen.Ehrlich@usdoj.gov>; Zee, M. Andrew (CIV) <M.Andrew.Zee@usdoj.gov>
Subject: Census declarations

(b) (5)

Thanks,
Aleks

Alexander Sverdlov
Trial Attorney | Federal Programs Branch
Civil Division | U.S. Department of Justice
P.O. Box 883
Washington, DC 20044
Phone: (202) 305-8550

(b) (5)

From: John Maron Abowd (CENSUS/ADRM FED) [john.maron.abowd@census.gov]
Sent: 8/19/2020 1:52:56 AM
To: Ron S Jarmin (CENSUS/DEPDIR FED) [Ron.S.Jarmin@census.gov]
CC: Victoria Velkoff (CENSUS/ADDP FED) [Victoria.A.Velkoff@census.gov]; Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]; Christa D Jones (CENSUS/DEPDIR FED) [Christa.D.Jones@census.gov]; PCO DSEP (CENSUS/ OTHER) [pco.dsep@census.gov]
Subject: COB -2:10
Attachments: (b) (5) [redacted]

Here is the draft DSEP paper for Thursday. Tori has not reviewed yet. Other two attachments are draft parts of the DSEP packet.

I am simultaneously getting DAS and PM reviews.

Mike Castro, you may start editing too.

As always, COB = 11:59pm.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: John Maron Abowd (CENSUS/ADRM FED) [john.maron.abowd@census.gov]
Sent: 8/19/2020 1:55:00 AM
To: Daniel Kifer (CENSUS/CES CTR) [daniel.kifer@census.gov]; Philip Leclerc (CENSUS/CDAR FED) [philip.leclerc@census.gov]; Simson L Garfinkel (CENSUS/ADRM FED) [simson.l.garfinkel@census.gov]; Michael B Hawes (CENSUS/CED FED) [michael.b.hawes@census.gov]
CC: Teresa Sabol (CENSUS/CED FED) [teresa.sabol@census.gov]; Robert Sienkiewicz (CENSUS/CED FED) [robert.sienkiewicz@census.gov]; John A Fattaleh (CENSUS/CED FED) [john.a.fattaleh@census.gov]
Subject: Draft DSEP paper for review
Attachments: (b) (5) [redacted]

CC list for SA.

I need your comments by 10:00am. You are excused from morning DAS meetings to prepare those comments.

Thanks very much,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: John Maron Abowd (CENSUS/ADRM FED) (b) (6) [redacted]
(b) (6) [redacted]
Sent: 8/19/2020 1:58:59 AM
To: Gary Linus Benedetto (CENSUS/CED FED) [Gary.Linus.Benedetto@census.gov]; Mark E Asiala (CENSUS/DSSD FED) [Mark.E.Asiala@census.gov]
CC: Cassandra Ingram (CENSUS/CED FED) [cassandra.ingram@census.gov]
Subject: Draft DSEP paper for Thursday
Attachments: (b) (5) [redacted]

I need your comments by 10:00am. Please vet the discussions of permissible methods on pages 2 and 3 and rounding on page 5.

Sorry for the rush. I got told to produce this by COB today in draft yesterday.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

From: John Maron Abowd (CENSUS/ADRM FED) (b) (6) [redacted]
(b) (6) [redacted]
Sent: 8/19/2020 2:02:07 AM
To: Melissa L Creech (CENSUS/PCO FED) [Melissa.L.Creech@census.gov]
Subject: Draft DSEP paper for Thursday
Attachments: (b) (5) [redacted]

I hate to do this to you, but I need comments by 10:00am. Assign-out if necessary.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: 301-763-5880 (b) (6) [redacted]
census.gov | @uscensusbureau
Shape your future. START HERE > 2020census.gov

(b) (5)