

# National Sunshine Week 2018

## *As a Matter of Open Government*

### Speaker Sessions

March 15<sup>th</sup>, 2018

United States Census Bureau



# National Sunshine Week 2018

*As a Matter of Open Government*

**March 14-15 • Free Speaker Sessions**

All sessions will be held in Training Room 5 and available via WebEx

REGISTER AT - <https://www.eventbrite.com/e/sunshine-week-speaker-sessions-as-a-matter-of-open-government-tickets-41497478074>

Date and Time	Open Government Principles	Topic	Presenter(s)
March 14 8:45-9 a.m.	Welcome <i>Light Refreshments</i>		Jennifer Goode, Open Government Program, PCO, Census Bureau
March 14 9-9:40 a.m.	Proactive Disclosures, Transparency	Proactive Disclosures: What Agencies Need to Consider	Michael Toland, Office of Privacy and Open Government, OPOG, Department of Commerce
March 14 9:45-10:25 a.m.	Freedom of Information Act, Privacy	Accessing Your Own Records Through the Privacy Act	Vernon Curry, Freedom of Information Act Branch, CAO, Census Bureau
March 14 10:25-11:10 a.m.	Privacy	Privacy Within the Context of Open Government	Byron Crenshaw, Privacy Compliance Branch, PCO, Census Bureau
March 14 11:15-12 p.m.	Open Data, Transparency, Collaboration	Statistical Community of Practice and Engagement: Response to the Evidence-Based Policy Making Final Report	William Savino, COTS Integration Branch, ADSD, Census Bureau
<b>DAY 2</b>			
March 15 8:45-9 a.m.	Welcome <i>Light Refreshments</i>		Jennifer Goode, Open Government Program, PCO, Census Bureau
March 15 9-9:40 a.m.	Websites, Open Data, Participation	Response Outreach Area Mapper (ROAM)	Suzanne McArdle, Cartographic Products and Services Branch, GEO, Census Bureau
March 15 9:45-10:25 a.m.	Public Notices, Transparency, Participation	Federal Register Notices	Mary Lenaiyasa, Paperwork Reduction Act, PCO, Census Bureau
March 15 10:30-11:10 a.m.	Transparency, Whistleblower Protection	Prohibited Personnel Practices and Whistleblower Protection	Kimberly Merrell, Employee Relations Branch, HRD, Census Bureau & Aaron Lloyd, Investigation and Prosecution Division, Office of Special Counsel
March 15 11:15 a.m.-12 p.m.	Transparency, Participation	2020 Census Update	Erika Becker-Medina, Decennial Communications Coordination Office, ADDC, Census Bureau

# Response Outreach Area Mapper (ROAM)

**Suzanne McArdle**, Cartographic Products and  
Services Branch, Geography Division,  
Census Bureau

# ***Federal Register Notices***

## ***Promoting Government Transparency and Public Participation***

**Mary Reuling Lenaiyasa**

***Program Manager, Paperwork Reduction Act Program  
Policy Coordination Office, U.S. Census Bureau***

Thursday, March 15, 2018

9:45-10:25am - Training Room 5

# What is the *Federal Register*?

- The *Federal Register* is a legal newspaper that is published every business day by the National Archives and Records Administration (NARA).
- In the most basic terms, a *Federal Register* notice (FRN) is a public announcement.

The *Federal Register* contains:

- ✓ Federal Agency Regulations
- ✓ Proposed Rules and Public Notices
- ✓ Executive Orders
- ✓ Proclamations



# What is the Purpose of a *Federal Register* Notice?



## Publishing a document in the *Federal Register*:

- Provides the public with official notice of a document's existence.
- Specifies the legal authority of the agency to issue it.
- Gives the document evidentiary status in a court of law.

# Key Legal Authorities

**Federal Register Act** (FRA) (44 U.S.C. chapter 15) and the

**Administrative Procedure Act** (APA) (5 U.S.C. subchapter II; U.S.C. 553):

- Form the framework of the *Federal Register* system.
- Ensure the right of the public to participate in the rulemaking process by commenting on proposed rules.

**Federal Advisory Committee Act** (5 U.S.C. Appendix 2):

- Requires the publication of notices announcing Advisory Committee meetings.
- Requires that we provide 15 days advance notice of a meeting.



## Key Legal Authorities (continued)

**Executive Order 12866 “Regulatory Planning and Review”** (58 FR 51735) and **Executive Order 13563, “Improving Regulation and Regulatory Review”** issued on January 18, 2011 (76 FR 3821):

- Establish the procedures for the Unified Agenda of Federal Regulatory and Deregulatory Actions.
- The Department of Commerce (DOC) Office of General Counsel (OGC) issues the Unified Agenda twice a year, as required by law. It contains all of DOC's planned rulemaking actions that will be published in the next 12 months and reports on those completed in the last 6 months.

# Key Legal Authorities (continued)

## **Congressional Review Act** (CRA) (5 U.S.C. Section 802(a))

- The CRA allows Congress to review rules issued by Federal agencies before the rules take effect.
- The CRA allows a measure of congressional authority over agency rulemaking. In addition to allowing Congress to review rules issued by federal agencies before the rules take effect, the CRA also gives Congress the authority to disapprove rules by enacting a joint resolution of disapproval within 2-3 months, resulting in the rules having no force or effect. The President must sign the resolution.
- The Census Bureau transmits a CRA form and copies of rules to both Houses of Congress and the U.S. Government Accountability Office (GAO) General Counsel.

# Key Legal Authorities (continued)

Other public laws that require Federal Register notices, include the following:

- **Freedom of Information Act** (5 U.S.C. 552)
- **Privacy Act** (5 U.S.C. 552a)
- **Regulatory Flexibility Act** (5 U.S.C. 601 et seq.)
- **Paperwork Reduction Act** (44 U.S.C. 3501 et seq.)



# Public Inspection Requirement

- The Office of Federal Register is required to make all *Federal Register* notices available for public inspection at least one day before publication in the *Federal Register*.
  - The Public Inspection web page offers a preview of documents scheduled to appear in the next day's *Federal Register* issue. [www.federalregister.gov/public-inspection/current](http://www.federalregister.gov/public-inspection/current)
  - The Public Inspection page may also include documents scheduled for later issues, at the request of the issuing agency. This gives the public access to important or complex documents before they publish in the *Federal Register*.



# The Code of Federal Regulations:



Code of Federal Regulations

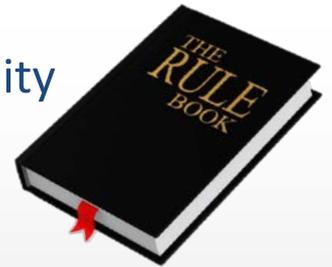
## The Code of Federal Regulations (CFR):

- The CFR contains the rules of each Federal agency.
- Census Bureau rules are covered under Title 15 (Commerce and Foreign Trade), CFR, Parts 30-100.
- The majority of the Census Bureau rules are related to Foreign Trade Regulations.

# Federal Register Notices: Rules

Federal agencies are required (per the *Administrative Procedure Act*, 5 U.S.C. 553) to publish notices of all proposed rules, final rules, and changes to rules in the *Federal Register*.

- A proposed rule published in the *Federal Register* notifies the public of a pending regulation.
- Federal agencies are required to give the public an opportunity to participate in the rulemaking process.
- Any person or organization may submit comments.
- The *Federal Register* gives detailed instructions on how, when, and where a viewpoint may be expressed and the person to contact for further information.



# Federal Register Notices: Rules (continued)

While agencies must assess and respond to substantive comments received through the rulemaking process, the assessment is not simply how many for and how many against. Agencies review any new issues raised and respond to substantive comments often grouped by concern. Responses most often appear in the final rule.

The Census Bureau publishes two *Federal Register* notices for rules.

- 1) A proposed rule notice is published in the *Federal Register* announcing the intent to implement a rule and requests public comments.
- 2) A final rule notice, which addresses significant issues raised in public comments and discusses changes made in response to those comments, is published with an effective date. Final rules update and keep the CFR current.

***Rules are not binding until they are published with an effective date.***

# Federal Register Notices: Content (General Notices)

- The Census Bureau uses the general notices category to provide information of significant interest to the public.
- General notices have few rules, are open-ended, and are often issued to solicit public comment.
- General notices use the same preamble format as rules, but they do not contain the same regulatory text, impose requirements with legal effect, or affect a rulemaking proceeding.

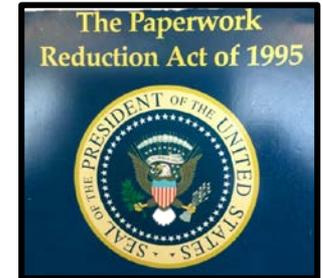
# Federal Register Notices: Content (General Notices) (continued)

- Examples of general notices issued by the Census Bureau include advisory committee notices and program announcements such as the “Notice of Proposed Program: Block Groups for the 2020 Census – Proposed Criteria” notice.
- Often there is no legal requirement to publish general notices, unless cited in specific laws.



# Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

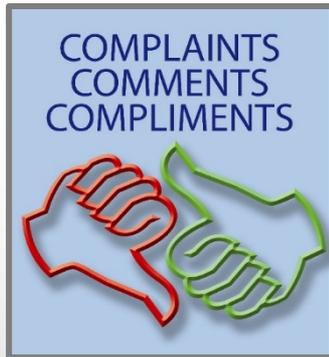
- The Paperwork Reduction Act (PRA) of 1995 gives the Office of Management and Budget (OMB) authority over the collection of certain information by Federal agencies.
- It is intended, “among other things, to ‘ensure the greatest possible public benefit from and to maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government’ and ‘improve the quality and use of Federal information to strengthen decision-making, accountability, and openness in Government and society.’”\*



*\*See Information Collection under the Paperwork Reduction Act (April 7, 2010), a Memorandum for the Heads of Executive Departments and Agencies, and Independent Regulatory Agencies from Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, quoting 44 U.S.C. § 3501.*

# Paperwork Reduction Act (continued)

- The PRA applies to all information collections that the Census Bureau sponsors or conducts with 10 or more members of the public.
- The PRA requires the publication of a 60-day (presubmission) *Federal Register* notice requesting comments from the public regarding the following topics:



- ✓ the need for the information being collected
- ✓ its practical utility
- ✓ the accuracy of the Agency's burden estimate, and
- ✓ ways to minimize burden, including through “the use of automated collection techniques or other forms of information technology.” See 44 U.S.C. 35079(c)(2)(A)(iv).

# Paperwork Reduction Act (continued)

- During the 60-day PRA public comment period, written comments may be submitted to the Departmental Paperwork Clearance Officer (Department of Commerce, Office of the Chief Information Officer), sent via email to [PRAComments@doc.gov](mailto:PRAComments@doc.gov), submitted online via the [www.Regulations.gov](http://www.Regulations.gov) / [www.FederalRegister.gov](http://www.FederalRegister.gov) web sites, or mailed directly to the Census Bureau.
- The program areas developing the survey, review the public comments and they may end up altering their survey design based on the comments.
- Public comments are included and addressed within the information collection request (or OMB package) that is submitted to OMB for approval.
- The full OMB packages are available to the public on the [www.RegInfo.gov](http://www.RegInfo.gov) site.

# Paperwork Reduction Act (continued)

- At the end of the 60-day public comment period, the Census Bureau must publish a second notice, the 30-day FRN, which notifies the public that the collection will be submitted to OMB for review.
- The 30-day FRN provides information regarding any changes to the proposed information collection since the publication of the 60-day FRN.
- The public has 30 days to submit comments on the final proposed information collection request. These comments are submitted directly to OMB.
- OMB reviews the public comments and takes them into consideration when reviewing and making a final determination regarding the Census Bureau's information collection requests.



# Federal Register Modernization Act

In a unanimous vote of 386-0 in 2014, the House of Representatives passed the **Federal Register Modernization Act**, an act amending the Federal Register Act of 1935.



The act includes measures to:

- Better utilize technology
- Ease the administrative burden placed on agencies seeking to publish documents
- Continue the Federal Register's dedication to using print and digital platforms to better serve and inform the public

# How do I Access the *Federal Register*?

The Office of the Federal Register (OFR) provides access to the Federal Register on their website: [www.federalregister.gov](http://www.federalregister.gov)

## Subscription Options:

- 1) Receive the Table of Contents of each day's issue in an email or RSS notification
- 2) Subscribe to the documents in any of the News Sections
- 3) Subscribe to a particular agency's documents from their Agency page or to a particular subject from the Topics (CFR Indexing Terms) pages

In many instances, you have the option of limiting notifications to “significant” documents as defined under E.O. 12866.

You may also get notifications of public inspection filings: by agency, by saved search terms, or by the complete set of documents on file each day.

# New Options for Submitting Public Comments

- Many of the published notices have a “**Submit a Formal Comment**” button that allows users to submit a comment to the Regulations.gov web site without leaving the FederalRegister.gov web site.
- Previously, the ‘**Submit a Formal Comment**’ button on a document directed the user to the Regulations.gov site to complete their comment. Now, the button loads the comment form from Regulations.gov and presents it in the context of the document.
- The Regulations.gov sidebar also features a link that takes users directly to the official comment pages.



# Federal Register: Submitting Public Comments

- FederalRegister.gov now provides not only the ability to comment directly from FederalRegister.gov, but also the ability to be notified when your comment is publically available and to receive notifications when future documents mention the document you commented on, helping you stay informed throughout the process.
- Once a comment is submitted, Census staff review each comment for personally identifying information (such as social security numbers) and for any inappropriate language. Agencies may choose to not make such comments publically viewable or may choose to redact information.
- If you create a comment via FederalRegister.gov and choose to be notified when your comment is publicly available, you will receive an email notification.

# Federal Register Digitization Project

- In 1995, the OFR and GPO began publishing the daily issues of the *Federal Register* online.
- Digitized volumes of the *Federal Register* from 1990-1994 have been published on [www.govinfo.gov](http://www.govinfo.gov) by the Government Publishing Office (GPO). This bulk upload was the first to be made available to the public.
- Previously, a member of the public would either have to purchase a subscription through private legal publishers or find a printed daily issue at a local Federal Depository Library or the OFR's office in Washington, DC.
- The Office of the Federal Register (OFR) and GPO are in the process of digitizing the historical issues of the *Federal Register* from 1936 to 1994. The effort will move from the latest issues to the earliest ones, a decade at a time.

# Additional Information Sources:

Official *Federal Register* web site: [www.federalregister.gov](http://www.federalregister.gov)

*Federal Register* notices filed for public inspection:

[www.federalregister.gov/public-inspection](http://www.federalregister.gov/public-inspection)

The *Federal Register* “Document Drafting & Research” site:

[www.federalregister.gov/reader-aids/understanding-the-federal-register/drafting-research](http://www.federalregister.gov/reader-aids/understanding-the-federal-register/drafting-research)

The CFR can be found in many places, but the best source is the “e-CFR” site:

[www.ecfr.gov/cgi-bin/ECFR?page=browse](http://www.ecfr.gov/cgi-bin/ECFR?page=browse)

The Federal Government’s official site for regulations: [www.regulations.gov](http://www.regulations.gov)

# Questions?

## Contact Information:

Mary Reuling Lenaiyasa

Program Manager, Paperwork Reduction Act Program

Policy Coordination Office

U.S. Census Bureau

301-763-1015

[mary.reuling.lenaiyasa@census.gov](mailto:mary.reuling.lenaiyasa@census.gov)



# PROHIBITED PERSONNEL PRACTICES (PPPs)

## WHISTLEBLOWER PROTECTION



**RIGHTS AND REMEDIES  
OF FEDERAL EMPLOYEES  
UNDER 5 U.S.C., CHAPTERS 12 & 23**

**FEDERAL EMPLOYEES BASIC TRAINING,  
MARCH 15, 2018**

**U.S. OFFICE OF SPECIAL COUNSEL**

*Aaron Lloyd, Attorney, Investigation and  
Prosecution Division, Washington, DC*

# Key Concepts



- *MERIT SYSTEM PRINCIPLES*  
THE FRAMEWORK AND FOUNDATION FOR MAKING ALL PERSONNEL DECISIONS IN THE CIVIL SERVICE-DESIGNED TO ENSURE FAIR AND OPEN RECRUITMENT AND COMPETITION AND MERIT BASED EMPLOYMENT DECISIONS-NON-ENFORCABLE
- *PROHIBITED PERSONNEL PRACTICES*  
ADMONITIONS AGAINST SPECIFIC PRACTICES THAT CONFLICT WITH MERIT SYSTEMS PRINCIPLES

# Office Of Special Counsel (OSC)

5 U.S.C. §§ 1211-19; 5 C.F.R. PART 1800



## Authorized to:

- ❑ Investigate Prohibited Personnel Practices (PPPs)
- ❑ Seek corrective action for employees
- ❑ Seek disciplinary action against officials
- ❑ Provide safe channel for whistleblower disclosures
- ❑ Advise & enforce Hatch Act provisions on political activity by federal, state, and local government employees
- ❑ Protect reemployment rights of military veterans and reservists under USERRA

# Whistleblower Disclosures

5 U.S.C. § 1213



## Disclosing government wrongdoing – OSC oversight process

- Federal employees (EEs) may disclose government wrongdoing (violation of law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, and a substantial and specific danger to public health or safety) to OSC. While OSC does not have the authority to investigate these allegations the oversight process provides EEs a channel to elevate such disclosures.
- If OSC makes a positive **substantial likelihood** determination regarding the disclosure, then OSC transmits the allegation to the head of the involved agency for investigation.
- At the conclusion of the process, the agency report, the EE's comments, and the Special Counsel's conclusions are provided to the President and the agency's oversight committees.

# Prohibited Personnel Practices: Overview



## 14 Prohibited Personnel Practices-4 Categories

### 1. Discrimination

- Based on race, color, sex, etc., but note, marital status and political affiliation 5 U.S.C. § 2302(b)(1)
- Based on conduct that does not adversely affect performance 5 U.S.C. § 2302(b)(10)
- Political Activity 5 U.S.C. § 2302(b)(3)

### 2. Hiring practices

- Considering improper (political) job references 5 U.S.C. § 2302(b)(2)
- Obstructing the right to compete 5 U.S.C. § 2302(b)(4)
- Influencing withdrawal from competition 5 U.S.C. § 2302(b)(5)
- Unauthorized preferences and advantages 5 U.S.C. § 2302(b)(6)
- Nepotism 5 U.S.C. § 2302(b)(7)
- Knowingly violating veterans' preference 5 U.S.C. § 2302(b)(11)

### 3. Retaliation

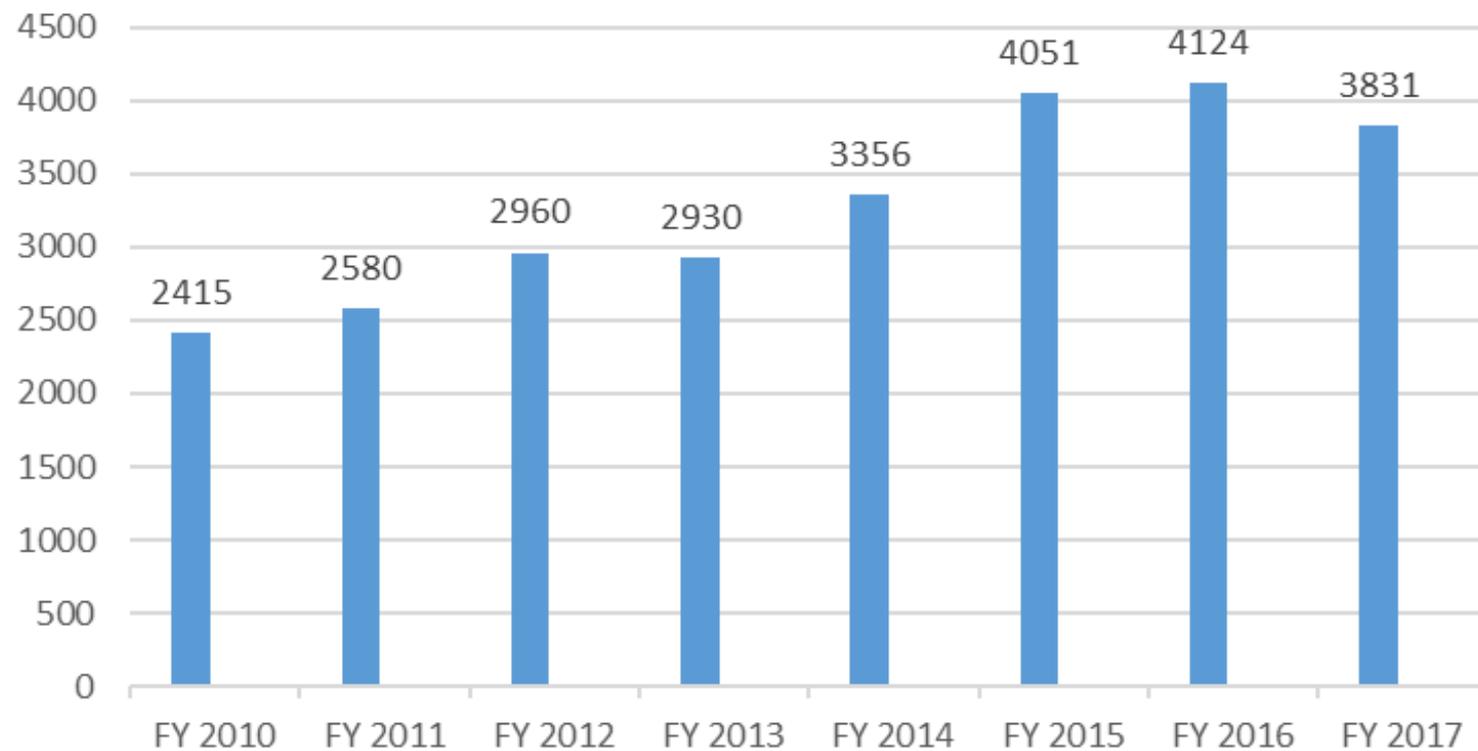
- For Protected Disclosures 5 U.S.C. § 2302(b)(8)
- For Protected Activity 5 U.S.C. § 2302(b)(9)

### 4. Catch-all and Non-Disclosure Agreements (NDA)

- 5 U.S.C. § 2302 (b)(12)
- 5 U.S.C. § 2302 (b)(13)
- 5 U.S.C. § 2302 (b)(14)



## All Prohibited Personnel Cases Received



Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 &  
NDAA (OSC Reauthorization Act) for FY 2018  
P.L. 115-73 (10/26/2017); P.L. 115-91 (12/12/2017)



New statutory requirement highlights:

- PPP- 5 U.S.C. § 2302(b)(14) – improper access of medical records in furtherance of any PPP;
- Required disciplinary penalties for violations of 5 U.S.C. § 2302(b)(8), (b)(9), & (b)(14) – first violation results in proposed 3-day suspension;
- Education and training requirements – please email [certification@osc.gov](mailto:certification@osc.gov) or call 202 804-7163 for more information;
- Inclusion of whistleblower criteria in supervisors' performance appraisals;
- OSC's access to agency records includes records protected by common law privileges.

# WPA/WPEA—Remedies



- Meritorious Case—remedies for the employee:
  - Damages- primarily, placing employee back into position had retaliation not occurred
  - Compensatory damages [Applies to post-WPEA claims arising after 12/27/12 except for some Hostile Work Environment claims]
    - any other reasonable and foreseeable consequential damages, (attorneys' fees, interest, reasonable expert witness fees, and costs)

# Discrimination



5 U.S.C. § 2302(b)(1) and (10) bar discrimination based on:

- race, color, nationality, religion, sex (including pregnancy and gender identity), handicapping condition, age, marital status, or political affiliation
- “conduct which does not adversely affect the performance of the employee or applicant, or the performance of others,” including sexual orientation and gender identity

# Hiring Offenses



5 U.S.C. §§ 2302(b)(2), (4-7), and (11) prohibit:

- Considering improper (political) job references
- Obstructing the right to compete
- Influencing withdrawal from competition
- Nepotism
- Unauthorized preferences and advantages.\* To prove, there must be:
  - The grant of an illegal advantage
  - An intentional and purposeful manipulation of the system
- Knowingly violating veterans' preference

# Catchall PPP – Merit System Principles & Intent



5 U.S.C. § 2302(b)(12) prohibits:

- Taking or failing to take a personnel action in violation of a law, rule, or regulation that implements or directly concerns a *merit system principle*.
- Intent is **not required** for some violations.

# Nondisclosure Agreements—New Whistleblower Protection Enhancement Act (WPEA) PPP



## 5 U.S.C. § 2302(b)(13) requires:

- a statement clarifying that agency restrictions on disclosures are superseded by statutory whistleblower rights in any **nondisclosure agreements, policies, or forms**
- Implementing or enforcing a nondisclosure agreement that fails to provide this required notification of whistleblower rights is prohibited
- Existing nondisclosure agreements become enforceable when notice of superseding statutory rights is posted

# New Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017



5 U.S.C. § 2302(b)(14) prohibits:

- accessing the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in the other 13 prohibited personnel practices



# Retaliation



5 U.S.C. § 2302(b)(8) and (9) prohibit taking, failing to take, or threatening to take or fail to take any personnel action for:

- Protected whistleblower disclosures
- Protected activity

# Proving Retaliation

5 U.S.C. §§ 1214(b)(4)(a)-(b), 1221(e)



## All 4 elements must be met:

- A *reasonable belief* that the employee has made a protected disclosure of information under 2302(b)(8) or protected activity under 2302(b)(9)
- Personnel action taken, not taken, or threatened (broader than *adverse action*)
- Actual or constructive **knowledge** of protected disclosure or protected activity
- Protected disclosure or protected activity was **contributing factor** in personnel action--**knowledge and timing alone can be sufficient**
  - 5 U.S.C. § 2302(b)(9)(A)(ii) (exercise of appeal, complaint, or grievance right other than complaints remedying protected whistleblowing still requires a **significant factor test**)

# Proving Retaliation – Protected Disclosures

5 U.S.C. §§ 2302(b)(8), 1213-ELEMENT No. 1



## Includes:

- Violation of any law, rule, or regulation
- Gross mismanagement: substantial risk of significant impact on mission
- Gross waste of funds: more than debatable expenditure
- Abuse of authority
- Substantial & specific danger to public health or safety
- Censorship related to scientific research or analysis (scientific integrity)

# Proving Retaliation – Protected Activity

5 U.S.C. §§ 2302(b)(9), 1213-ELEMENT No. 1



## Protected Activity

- Exercise of appeal, complaint, or grievance rights
- Testimony or other assistance to person exercising such rights
- Cooperation with or disclosures to Special Counsel or Inspector General
- Refusal to obey an order that would require violation of law, rule, or regulation

# Is the Disclosure Protected?



## Disclosure:

A therapist is given a government credit card and is told to only make purchases related to servicing her patients. Agency rules, however, only prohibit using the credit card for personal or unapproved purposes. Her supervisor later asks her to purchase groceries for a community fair run by the agency, but not designed to help her patients. The therapist blows the whistle, indicating her belief that she is not allowed to make the purchases.

## Protected?

## Not Protected?

# Proving Retaliation – Protected Disclosures

5 U.S.C. §§ 2302(b)(8), 1213-ELEMENT No. 1



Generally protected when made to any person

Need not be accurate to be protected,  
employee must only reasonably believe that it  
is true — test is both objective and subjective

Whistleblower's personal motivation does not  
negate reasonable belief

No requirement to go through chain of  
command

Still protected if employer mistakenly believes  
he or she is a whistleblower

# Proving Retaliation – Disclosures Not Covered

5 U.S.C. §§ 2302(b)(8), 1213



Any disclosure which would normally be protected under the statute is not protected (unless made to OSC or IG), where the disclosure is:

- Prohibited by law, or
- Required by Executive Order to be kept secret for national security or foreign affairs

# Retaliation – Elements 2, 3 & 4



2. Personnel Action

3. Knowledge/Constructive Knowledge

4. Contributing Factor

Any factor which alone or in connection with others tends to affect in any way the outcome of the personnel action at issue; per se knowledge/timing test

# Agency Defense - Clear and Convincing Evidence



Agency must show **by clear and convincing evidence** that it would have taken same action absent protected whistleblower disclosure and/or protected activity

Factors:

- **Strength of evidence in support of personnel action**
- **Existence & strength of motive to retaliate**
- **Treatment of similar employees who did not engage in protected whistleblowing or activity**

# OSC's Management Advice



- Be measured in your speech and actions
- Keep the concept of the *merit system* on your radar screen
- Foster an open work environment in which employees are not reluctant to disclose wrongdoing
- Set the right tone at the top
- Be consistent in managing employees
- Seek expert advice when you are unsure



# OSC phone / email contacts



Complaints Examining Unit:

(202) 804-7000  
(800) 872-9855  
info@osc.gov

Disclosure Unit:

(202) 804-7000  
(800) 872-9855  
info@osc.gov

Hatch Act Unit:

(202) 804-7002  
(800) 85-hatch  
hatchact@osc.gov

Website:

osc.gov [**complaint forms/e-file**]

Speaker Requests &  
Certification Program:

(202) 804-7163  
certification@osc.gov

2020 Census  
National Sunshine Week 2018

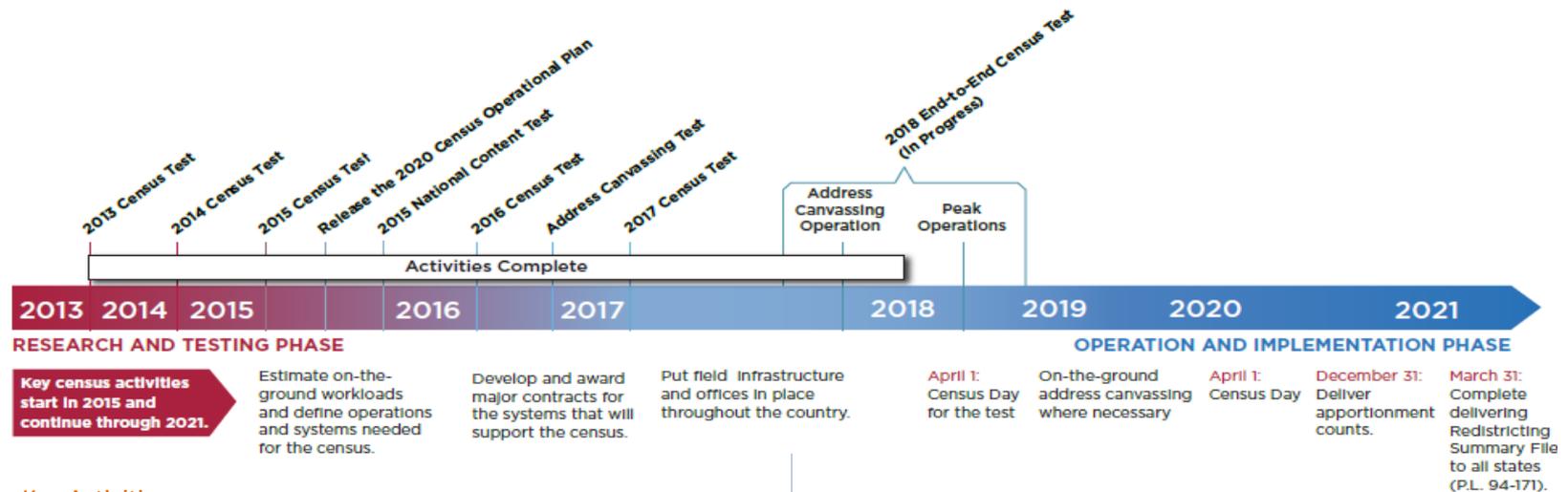
March 15, 2018

Erika Becker-Medina, Chief  
Decennial Communications Coordination Office



# 2020 Census

## Where Are We Now



### Key Activities:

- **Making Key Decisions:** Continuously make timely decisions based on research and evidence
- **Awarding Key Contracts:** Continue to award key contracts for the 2020 Census
- **Planning and Execution of the 2018 End-to-End Census Test:** Focuses on the overall integration of systems and operational procedures for 24 of the 35 operations of the 2020 Census
- **Area Census Office Delineation:**
  - Identified number of and initial locations for early offices and initiated leasing and logistics processes
  - GSA initiated action on 40 early ACOs on July 13, 2017

- **2020 Census Life Cycle Cost Estimate:**
  - Completed in December 2017
  - Delivered to Congress in January 2018
  - Revised Life Cycle Cost Estimate: \$15.6 Billion
- **Self-Response Portion of 2018 End-to-End Census Test Begins March 16, 2018; including:**
  - Internet Self-Response
  - Mailed Materials Delivered
  - Census Questionnaire Assistance
- **Delivery of Questions to Congress:** Title 13 requires Census Bureau to deliver questions to Congress by March 31, 2018
- **Operational Readiness:**
  - Field Infrastructure planning underway for: Space, Decennial Logistics Management, Training, Recruiting, and Onboarding
  - Systems testing underway

# 2020 Census

## 2018 End-to-End Census Test: Overview

### Address Canvassing

- Exercise final listing/mapping capabilities in the field
- Conduct in-field listing quality control

Providence County, RI



Pierce County, WA



Bluefield-Beckley-Oak Hill, WV



Providence County, RI



### Peak Operations

- Validate that the operations in scope for the 2018 End-to-End Census Test are ready to go into production for the 2020 Census
- Test and validate major operational threads, procedures, systems, and infrastructure (IT and non-IT) together to ensure proper integration and conformance with functional and nonfunctional requirements
- Produce a prototype of geographic and data products

# 2020 Census

A Complete and Accurate Count of the Population and Housing



# 2020 Census

## Establish Where to Count



### Identify all addresses where people could live

- Conduct a 100-percent review and update of the nation's address list
- Use tablets and laptops to verify addresses in the field, building on the use of handheld devices for address listing in the last census
- Minimize in-field work with in-office updating
- Use aerial and street-view imagery to review addresses from the office and updating most Master Address File/Topologically Integrated Geographic Encoding and Referencing system (MAF/TIGER) data remotely, substantially cutting in-person workload
- Leverage workload models and technology to efficiently manage and route on-the-ground staff assignments for Address Canvassing
- Use multiple data sources to identify areas with address changes
- Get local government input, e.g., through Local Update of Census Addresses (LUCA)

# 2020 Census

## Local Update of Census Addresses



February 2018

### LUCA Participation

- ❖ Completed registrations (11,537 total):
  - 137 AIAs
  - 45 States
  - Washington, D.C. and the Commonwealth of Puerto Rico
  - 1,866 Counties
  - 7,291 Cities
  - 2,196 Townships
- ❖ 98.1% of the population and 98.1% of the housing covered by at least one LUCA participant
- ❖ 98.8% of the population and 98.7% of the housing covered in tracts with the lowest response scores in the hardest to count areas

### Review Materials Produced, Assembled and Mailed

- ❖ 11,537 review materials packages to be produced, assembled and shipped
  - Shipping for stateside materials will be completed by April 2, 2018
  - Puerto Rico materials will ship on June 1, 2018 to allow them more time to recover and prepare

Top Registered LUCA Governments by 2015 Population and Housing Estimates:

Name	Population	Number of Addresses
California	37,253,956	13,845,790
New York	19,378,102	8,171,725
Florida	18,801,310	9,094,999
Illinois	12,830,632	5,303,675
Pennsylvania	12,703,379	5,585,611
Ohio	11,536,504	5,140,902
Los Angeles County, California	10,170,292	3,476,718
Michigan	9,883,640	4,539,838
Georgia	9,687,653	4,133,065
North Carolina	9,535,483	4,417,210

March 2018

Begin processing LUCA submissions

August 2018

Begin shipping feedback materials to participants with the results of In-Office Address Canvassing

# 2020 Census

## Motivate People to Respond



### Conduct a nationwide communications and partnership campaign

- Build on the success of using paid advertising and audience segmentation in recent decades
- Communicate about the 2020 Census based on advanced modeling techniques to increase awareness and self-response
- Add digital advertising to target and tailor messages to various audiences

# 2020 Census

## Integrated Partnership and Communications



The Integrated Partnership and Communications operation communicates the importance of participating in the 2020 Census to the entire population of the 50 states, the District of Columbia, Puerto Rico and the Island Areas to:

- Engage and motivate people to self-respond, preferably via the internet
- Raise and keep awareness high throughout the entire 2020 Census to encourage response



# 2020 Census

## Integrated Partnership and Communications: 2020 National Partnership Mission



Use strategic national partnerships to increase public trust, awareness, and support of the Census Bureau's mission to accurately measure the nation's population and economy



# 2020 Census

## Integrated Partnership and Communications: Research and Communications Integration



### STEP 1



**Predictive Models**

### STEP 5



**Design Advertising**

### STEP 2



**Conduct the Census  
Barriers, Attitudes, and  
Motivators Survey (CBAMS)  
2020**

### STEP 6



**Deliver Advertising**

### STEP 3



**Segmentation**

### STEP 7



**Optimize Resources**

### STEP 4



**Media Planning**

### STEP 8



**Rapid Response**

# 2020 Census

## Self-Response



### **Make it easy for people to respond anytime, anywhere**

- Encourage people to use the new online response option
- Provide options for responding via the telephone and paper questionnaires
- New adaptive design techniques enable more flexible and seamless self-response options than for previous censuses

# 2020 Census

## Non-English Support Changes: Data Collection Instruments and Materials



Instrument/Material	2020 Non-English Support	2010 Non-English Support
<p><b>Internet Self-Response</b></p>	<p>12 Non-English Languages</p> <ul style="list-style-type: none"> <li>Spanish, Chinese (Simplified), Vietnamese, Korean, Russian, Arabic, Tagalog, Polish, French, Haitian Creole, Portuguese, Japanese</li> </ul> <p>Language Selection Criteria: 60,000 or more housing units</p>	<p>Not in Scope</p> <p><i>Fulfillment and Be Counted Questionnaires in 5 non-English languages, available via phone request or pickup: Spanish, Chinese (Simplified), Korean, Vietnamese, Russian</i></p> <p><i>Language Selection Criteria: 100,000 or more housing units</i></p>
<p><b>Census Questionnaire Assistance</b></p>	<p>12 Non-English Languages</p> <ul style="list-style-type: none"> <li>Spanish, Chinese (Mandarin and Cantonese), Vietnamese, Korean, Russian, Arabic, Tagalog, Polish, French, Haitian Creole, Portuguese, Japanese</li> </ul> <p>Telecommunication Device for the Deaf also available</p> <p>Language Selection Criteria: 60,000 or more housing units</p>	<p>5 Non-English Languages</p> <ul style="list-style-type: none"> <li>Spanish, Chinese (Mandarin and Cantonese), Korean, Vietnamese, Russian</li> </ul> <p>Telecommunication Device for the Deaf also available</p> <p>Language Selection Criteria: 100,000 or more housing units</p>

# 2020 Census

## Non-English Support Changes: Data Collection Instruments and Materials (cont'd)



Instrument/Material	2020 Non-English Support	2010 Non-English Support
Enumerator Instrument	Spanish (hand-held)	Not in scope
Language Glossary	59 Non-English Languages	Not in scope
Language Identification Card	59 Non-English Languages	50 Non-English Languages
Language Guides (Video and Print)	59 Non-English Languages  Includes American Sign Language, braille and large print	59 Non-English Languages  Includes American Sign Language, braille and large print
Bilingual Paper Questionnaire	Spanish	Spanish
Bilingual Mailing	Spanish	Spanish
Field Enumeration Materials	Spanish	Spanish

# 2020 Census

## Language Program:

### Language List of All Non-English Languages



Spanish	Italian	Khmer	Tamil	Croatian
Chinese	Farsi	Nepali	Navajo	Bulgarian
Vietnamese	German	Urdu	Hungarian	Twí
Korean	Armenian	Romanian	Hebrew	Lithuanian
Russian	Hindi	Telugu	Malayalam	Yoruba
Arabic	Ukrainian	Burmese	Swahili	Czech
Tagalog	Bengali	Punjabi	Yiddish	Igbo
Polish	Greek	Lao	Indonesian	Marathi
French	Amharic	Hmong	Serbian	Sinhala
Haitian Creole	Somali	Albanian	Tigrinya	Slovak
Portuguese	Thai	Turkish	Ilocano	American Sign Language
Japanese	Gujarati	Bosnian	Dutch	

# 2020 Census

## Nonresponse Followup



### Collect data from all households, including group and unique living arrangements

- Leverage automation to efficiently manage and route on-the-ground field staff, as well as manage case assignment and the number of contact attempts
- Field workers will use handheld devices for collecting the data
- Operations such as recruiting, training, and payroll will be automated – reducing the time and staff required for these activities
- Use of administrative records (i.e., data from other government agencies) to enable us to identify millions of vacant or nonexistent housing units.

# 2020 Census

## Data Capture



### Process less paper

- First census to capture a large percentage of responses electronically online, rather than through data entry or “optical character recognition.”
- With new online response option, most responses will be digital from the beginning.
- Digitize paper responses in-house, not outsource.

# 2020 Census Cybersecurity

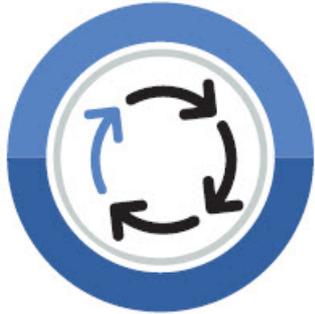


## Protect the confidentiality, integrity, and availability of the 2020 Census data, processes, and systems

- Implement enhanced security architecture and technology based on the Department of Homeland Security (DHS) Continuous Diagnostic and Mitigation program
- Secure internal Census Bureau systems.
- Secure field data collection on mobile devices on mobile network (tablets and smartphones).
- Secure self-response mode for paper with physical and technical security at processing sites and systems.
- Secure self-response modes for public-facing internet data collection (using Cloud-based security and performance) and Census Questionnaire Assistance.

# 2020 Census

## Response Processing



### Applying rigorous quality assurance methods to ensure complete and accurate census counts

- The 2020 Census will use secure Cloud technology for the first time to rapidly scale up infrastructure to handle peak response periods.
- Innovations in data processing and interfaces with other headquarters systems include on-premises and Census Data Lake (Cloud resources) as short-form responses are edited and prepared for tabulation.

# 2020 Census

## Tabulate Data and Release Census Results



### Process and provide Census data

- Deliver apportionment counts to the President by December 31, 2020
- Release counts for redistricting by March 31, 2021 to the states
- Make it easier for the public to get information; provide flexible tools, allowing the public to view 2020 Census data any way they want.
- Improvements will include visualizations, easier search functionality, and improved access to data tables and data sets.
- Releasing results on a new, user-oriented Web platform featuring easier search, visualizations, and navigation to enhance dissemination and increase access to data through [data.census.gov](https://data.census.gov).

# 2020 Census

## Key Milestones

Milestone	Date	
Begin 2020 Census Program	November 18, 2011	✓
Deliver 2020 Census Operational Plan	September 30, 2015	✓
Federal Register Notice of Proposed Residence Criteria and Residence Situations for the 2020 Census	June 30, 2016	✓
Conduct the Second Round of Tribal Consultations	September – November 2016	✓
Begin Local Update of Census Addresses (LUCA) Program	January 2017	✓
Deliver 2020 Census Topics to Congress	March 28, 2017	✓
Conduct the Block Boundary Suggestion Program	December 2015 – May 2017	✓
Deliver 2020 Census Questions to Congress	By March 31, 2018	
2020 Census Day	April 1, 2020	
Deliver Apportionment Counts to the President	By December 31, 2020	
Complete Delivery of Redistricting Counts to the States	By March 31, 2021	
Complete 2020 Census Program	September 29, 2023	

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More information on the 2020 Census Memorandum Series:  
<http://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/memo-series.html>



[twitter.com/uscensusbureau](https://twitter.com/uscensusbureau)



More information on the 2020 Census:  
<http://www.census.gov/2020Census>



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More information on the American Community Survey:  
<http://www.census.gov/programs-surveys/acs/>



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