

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 can 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 bureau's 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, were 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 am 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 disrupt--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 tracts. And--and anyone in the country can go to our website and they can see how their jurisdiction, their tract, 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 an 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 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 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 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:**

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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.)

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REP. JAMIE RASKIN (D-MD.)

REP. HARLEY ROUDA (D-CALIF.)

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REP. KWEISI MFUME (D-MD.)

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REP. JOHN SARBANES (D-MD.)

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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

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**From:** Christine Burton (CENSUS/POP FED) [christine.burton@census.gov]  
**Sent:** 7/30/2020 6:18:06 PM  
**To:** Christine Flanagan Borman (CENSUS/POP FED) [christine.flanagan.borman@census.gov]  
**CC:** Jason Devine (CENSUS/POP FED) [Jason.E.Devine@census.gov]  
**Subject:** Re: DCMD Request for Additional Information - Tracker Funding  
**Attachments:** TRC Detailed Guide FEUC thru HDF Review Dec 9, 2010\_v2.docx

Hi Christine,

DCMD approved the funds for the tracker enhancements. I'm waiting for guidance from Karen and Jason on the next steps in communicating the charging to DSD. I'll let you know if any other updates arise.

Also, the 2010 Traditional Count Review manual I mentioned at yesterday's 2pm is attached. I thought it was on the POP\_Scan/Count Review drive but I actually located it in *M:\Adc-cp\Phpb\Count Review\Count Review 2010* with a few other 2010 materials.

---

**Christine Burton**, Special Assistant  
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**From:** Christine Flanagan Borman (CENSUS/POP FED) <christine.flanagan.borman@census.gov>  
**Sent:** Wednesday, July 22, 2020 8:53 AM  
**To:** Christine Burton (CENSUS/GTMD FED) <christine.burton@census.gov>  
**Cc:** Jason Devine (CENSUS/POP FED) <Jason.E.Devine@census.gov>  
**Subject:** Re: DCMD Request for Additional Information - Tracker Funding

Hi Christine,

Thanks for calling in this morning. Your original statement is great. I've made minor updates below:

(b) (5)



**Christine Flanagan Borman**, 2020 Decennial Census Count Review  
Count Review Office, Population Division  
U.S. Census Bureau  
O: 301.763.4315  
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)  
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---

**From:** Christine Burton (CENSUS/GTMD FED) <[christine.burton@census.gov](mailto:christine.burton@census.gov)>  
**Sent:** Wednesday, July 22, 2020 8:22 AM  
**To:** Christine Flanagan Borman (CENSUS/POP FED) <[christine.flanagan.borman@census.gov](mailto:christine.flanagan.borman@census.gov)>  
**Cc:** Jason Devine (CENSUS/POP FED) <[Jason.E.Devine@census.gov](mailto:Jason.E.Devine@census.gov)>  
**Subject:** Re: DCMD Request for Additional Information - Tracker Funding

Good morning Christine,

The user story we discussed yesterday about the funding request from DSD is below.

**Details:**

- Count Review Issue Tracker POC wants to be able to add the Record identifiers field to the home grid display. Currently, the home grid display does not have an option to decrypt records. This option should be added
- Count Review Issue Tracker POC requested that when a report is exported to Excel and CSV, encrypted data appear in the exported report as unencrypted.

Plan of implementation for Report Export

- Add menu item for any column which is an encrypted field
- This item will toggle between encrypt and decrypt
- Doing this give the user full control over the decryption process and also means we do not have to change the export functionality for the grid in any way.

---

**Testing**

- Clicking on the context menu for an encryption column **which is currently encrypted** shows a menu item labeled "Decrypt Column Values"
- Clicking on the context menu for an encryption column **which is currently decrypted** shows a menu item labeled "Encrypt Column Values"
- Clicking on the column menu item to decrypt converts all column data to plain text. (**NOTE:** This only applies to the current view as the decryption is called for the currently filtered and sorted items.)
- Clicking on the column menu item to encrypt causes columns to display "click to decrypt."
- Clicking on column decryption **while one or more cells is already decrypted** does not cause any errors in console and results in all columns showing plain text
- The opposite of the last test works as expected as well: with all columns decrypted, encrypt one or more cells, then encrypt the entire column
- When a column is decrypted, exporting to CSV shows plain text
- When a column is decrypted, exporting to Excel shows plain text
- Clicking on a encryption column in home grid decrypts the field.

---

**Christine Burton**, Special Assistant  
Census Programs ADC Area  
Population Division  
U.S. Census Bureau  
301-763-4857























































































































































---

**From:** Lauren Medina (CENSUS/POP FED) [lauren.medina@census.gov]  
**Sent:** 7/31/2020 3:04:51 PM  
**To:** Matthew Spence (CENSUS/POP FED) [Matthew.Spence@census.gov]  
**CC:** Christine Flanagan Borman (CENSUS/POP FED) [christine.flanagan.borman@census.gov]; Colleen Hughes Keating (CENSUS/POP FED) [colleen.hughes.keating@census.gov]; Erin M Hutcheson (CENSUS/POP FED) [erin.m.hutcheson@census.gov]  
**Subject:** Re: DRF and CUF Specs  
**Attachments:** 2020 DRF Spec v1.4.docx; 2020 Decennial Census Count Imputation Specification 1.61 [DSSD 07062020].docx; 2020 PCUF\_Spec\_V1.3.1.docx

Hi Matt,

Here ya go!

DRF location -- M:\Adc-cp\Dpcb\2020 Census\Specifications\2020 DRF

CUF location -- M:\Adc-cp\Dpcb\2020 Census\Specifications\2020 PCUF-Count Imputation

---

**Lauren Medina**, Statistician (Demography)  
Decennial Programs Branch  
Population Division, U.S. Census Bureau  
Phone: 301-763-5062

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---

**From:** Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov>  
**Sent:** Friday, July 31, 2020 10:48 AM  
**To:** Lauren Medina (CENSUS/POP FED) <lauren.medina@census.gov>; Erin M Hutcheson (CENSUS/POP FED) <erin.m.hutcheson@census.gov>  
**Cc:** Christine Flanagan Borman (CENSUS/POP FED) <christine.flanagan.borman@census.gov>; Matthew Spence (CENSUS/POP FED) <Matthew.Spence@census.gov>  
**Subject:** DRF and CUF Specs

Please send DRF and CUF specs to Matt Spence. Also send him the M-drive location

---

**Colleen Keating**, Chief of Decennial Programs Branch  
Population Division  
U.S. Census Bureau  
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---

**From:** Michael B Hawes (CENSUS/CED FED) (b) (6)  
(b) (6)  
**Sent:** 7/31/2020 6:04:34 PM  
**To:** Robert Sienkiewicz (CENSUS/CED FED) [robert.sienkiewicz@census.gov]  
**Subject:** Groshen paper  
**Attachments:** Goroff-Groshen for HSDR v1\_Census comments.docx

Rob,

Here are the combined comments on the document, including mine, Jane's, and Mike C.'s.

---

**Michael B. Hawes**  
**Senior Advisor for Data Access and Privacy**  
Research and Methodology  
U.S. Census Bureau  
301.763.1960 (office)  
(b) (6) mobile)  
michael.b.hawes@census.gov



















































---

**From:** Christopher M Denno (CENSUS/ADDC FED) [christopher.m.denno@census.gov]  
**Sent:** 8/2/2020 6:20:20 PM  
**To:** Albert E Fontenot (CENSUS/ADDC FED) [Albert.E.Fontenot@census.gov]  
**Subject:** Re: Slides  
**Attachments:** Operational and Processing Options to meet September 30 Final NOTES.pptx; Operational and Processing Options to meet September 30 Final NOTES.pdf

Do you want to take a quick look, and then I'll send to the group?

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
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---

**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 2:17 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Subject:** Re: Slides

PM 2nd and Com last.

Al

Albert E. Fontenot Jr.  
Associate Director, Decennial Census Programs  
United States Department of Commerce  
Bureau of the Census  
Office (b) (6)  
Office 301-763-4668  
Cell (b) (6)

Sent from my iPhone

On Aug 2, 2020, at 2:16 PM, Christopher M Denno (CENSUS/ADDC FED)  
<christopher.m.denno@census.gov> wrote:

Ok, here we go. Also, where in the deck do you think the Comm and PM slide should go?

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
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**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 2:15 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Subject:** Re: Slides

Let's eliminate the first methodology

Al

Albert E. Fontenot Jr.  
Associate Director, Decennial Census Programs  
United States Department of Commerce  
Bureau of the Census  
Office (b) (6)  
Office 301-763-4668  
Cell (b) (6)

Sent from my iPhone

On Aug 2, 2020, at 2:13 PM, Christopher M Denno (CENSUS/ADDC FED)  
<christopher.m.denno@census.gov> wrote:

How is this? I dropped the first "feasibility". Now we have methodology and method, but I think it works. Alternatively, we could just drop "a methodology", and it could read:

A team has been established and is tasked with deriving a process utilizing sound statistical methods and meeting tests of operational feasibility, to achieve....

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
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**From:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Sent:** Sunday, August 2, 2020 2:05 PM  
**To:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Subject:** Re: Slides

I think that works

**Deborah Stempowski, PMP**

Assistant Director for Decennial Programs, Operations and Schedule Management

U.S. Census Bureau

Office 301.763.1417

Cell (b) (6)

deborah.m.stempowski@census.gov

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---

**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>

**Sent:** Sunday, August 2, 2020 1:55 PM

**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>

**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>

**Subject:** Re: Slides

Is there an expression we can use in the place of "in terms of". I was thinking of "a process utilizing sound statistical Methods and Meeting tests of operational feasibility..."

Al

Albert E. Fontenot Jr.

Associate Director, Decennial Census Programs

United States Department of Commerce

Bureau of the Census

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Cell (b) (6)

Sent from my iPhone

On Aug 2, 2020, at 1:51 PM, Christopher M Denno (CENSUS/ADDC FED)  
<christopher.m.denno@census.gov> wrote:

Agreed. How about just striking the first one:

A team has been established and is tasked with deriving a ~~feasible~~  
methodology, in terms of statistical methods and operational  
feasibility, to achieve....

**Christopher Denno**, Special Assistant

Decennial Census Programs

U.S. Census Bureau

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---

**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 1:49 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Subject:** Re: Slides

Except for using feasible & feasibility in the same sentence- I think it works.

Al

Albert E. Fontenot Jr.  
Associate Director, Decennial Census Programs  
United States Department of Commerce  
Bureau of the Census  
Office (b) (6)  
Office 301-763-4668  
Cell (b) (6)

Sent from my iPhone

On Aug 2, 2020, at 1:47 PM, Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov> wrote:

Al,

How does this look for the PM slide?

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
Room (b) (6) | Office: 301.763.4092 | Mobile: (b) (6)  
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---

**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 1:30 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Subject:** Fwd: Slides

Chris

See Enrique and my interchange & take a shot at a 3 /4 point slide.

Al

Albert E. Fontenot Jr.

Associate Director, Decennial Census Programs  
United States Department of Commerce  
Bureau of the Census  
Office (b) (6)  
Office 301-763-4668  
Cell (b) (6)

Sent from my iPhone

Begin forwarded message:

**From:** "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>  
**Date:** August 2, 2020 at 1:26:08 PM EDT  
**To:** "Albert E Fontenot (CENSUS/ADDC FED)" <Albert.E.Fontenot@census.gov>  
**Subject:** Re: Slides

Sweet spot is in the middle. Deb or Denno can cut down. I think the important points are that (1) we will expand the work we have already done based on EO 13880, (2) we will use all admin recs to the extent they are available and (3) we are incorporating it into the schedule to meet legal mandates.

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

---

**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 1:21 PM  
**To:** Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>; Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>; Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>  
**Subject:** Re: Slides

My slide is probably too little but yours is too much (this is for one slide not a full presentation.)

Al

Albert E. Fontenot Jr.  
Associate Director, Decennial Census Programs  
United States Department of Commerce  
Bureau of the Census  
Office (b) (6)  
Office 301-763-4668  
Cell (b) (6)

Sent from my iPhone

On Aug 2, 2020, at 1:14 PM, Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov> wrote:

Here is some language for the PM Slide. Too much info but you can

The Census Bureau will build upon its work supporting Executive Order 13880, "Collecting Information about Citizenship Status in Connection with the Decennial Census". In their support of this Executive Order, the Census Bureau is using administrative records from multiple agencies to produce estimates of citizenship or non-citizen status for each respondent to the 2020 Census.

To support the Secretary's instructions regarding the Presidential Memorandum, the Census Bureau is expanding the EO work using selected Department of Homeland Security administrative records in combination with selected records from other agencies and data from the 2020 Census. Using those records in combination with other data already obtained regarding citizenship status, the Census Bureau will further refine the non-citizen category into legal, illegal or unknown. The planned output of this project will be state-level tallies.

The administrative data include: Enforcement and Removal Operations (ICE), Deferred Action for Childhood Arrival (CIS), Arrival and Departure Information Systems (CBP), Legal Permanent Resident denials (CIS), Incident Management Analysis Reporting System (Department of Interior), and Law Enforcement Management Information System (Department of Interior).

The Census Bureau is now incorporating this work into the schedule to meet the current legal mandates.

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

---

**From:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>

**Sent:** Sunday, August 2, 2020 1:02 PM

**To:** Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>; Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>

**Cc:** Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>

**Subject:** Re: Slides

Denno has something from Ali on the communications, who is the right person for the PM slide? If we are only acknowledging that work is under way and is not yet merged in with the post collection replan, I think that is straight forward. We could also add that a team was formed last week and they have met?

**Deborah Stempowski, PMP**

Assistant Director for Decennial Programs, Operations and Schedule Management

U.S. Census Bureau

Office 301.763.1417

Cell (b) (6)

deborah.m.stempowski@census.gov

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**From:** Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>

**Sent:** Sunday, August 2, 2020 12:59 PM

**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>

**Cc:** Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>

**Subject:** Re: Slides

Do we need a call to discuss?

**Michael T. Thieme**

Assistant Director Decennial Census Programs, Systems and Contracts,

U.S. Census Bureau

(301) 763-9062 (Office)

(b) (6) (Mobile)

On Aug 2, 2020, at 12:22 PM, Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov> wrote:

I've updated slide three (the "to" Ron mentioned as well as one other minor change). If people can get me the words on the two items Ron mentioned below, I can create the two slides and drop them into the full deck.

**Christopher Denno**, Special Assistant

Decennial Census Programs

U.S. Census Bureau

Room (b) (6) Office: 301.763.4092 | Mobile (b) (6)

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**From:** Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>

**Sent:** Sunday, August 2, 2020 11:58 AM

**To:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Deborah Stempowski (CENSUS/ADDC FED)

<Deborah.M.Stempowski@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>

**Cc:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>

**Subject:** Slides

We met with KDK and Walsh. We need two additional slides. One would say work on the PM and incorporating that work into the schedule continues. The other would speak to announcing the replanned operational schedule. There was talk of doing that as early as tomorrow afternoon. Note that the Director and folks from DOC will be briefing the WH on this tomorrow.

Walsh said there were some typos on p3. Only one I say was missing "to" in the last bullet.

The Director was wondering what the impact of going from 6 to 2 rather than 6 to 1 visits for self reported vacants on p7.

He would also like a call that I will set up. Can we have revisions by 3?

---

**Ron S Jarmin, PhD.,** Deputy Director

U.S. Census Bureau

o: 301-763-1858 | m: (b) (6)

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<Replan PM Slide.pptx>

<Replan PM Slide.pdf>

<replan pm slide.pdf>

<Replan PM Slide.pptx>

<replan pm slide.pdf>

