

1 fact that we're litigating here about a Replan and there's no
2 documentation that has been produced saying what that Replan is
3 I think is really quite remarkable and distinct from other
4 cases.

5 And, Your Honor, on timing, you know, our apologies on
6 that. We feel like we've been dealing with a little bit of a
7 moving target on this issue. We first raised the need for an
8 administrative record at the August 26th case management
9 conference and was told at that time that there was no record.
10 Wasn't sure what to do with that or entirely what that meant.
11 And when it -- it didn't become clear until the TRO hearing
12 that, in fact, there were certain documents. Whether they
13 were, you know, claiming privilege over it was also a little
14 bit unclear during that hearing.

15 So I think it's been a little more difficult to -- you
16 know, we've asked for it. I think we've been clear that we
17 would like it. But it has been a little bit of a moving target
18 in terms of what actually exists and what the Government's
19 position is with respect to the record.

20 **THE COURT:** So when are you going to file your motion?

21 **MS. SHERRY:** We can file it -- we can try to file it
22 first thing in the morning, if that is okay.

23 You know, we do want to -- our reply is due on Thursday,
24 and we would like --

25 **THE COURT:** I'll move that date. I'll move that date.

1 **MS. SHERRY:** Okay.

2 **THE COURT:** I just think it may be -- I mean, I think
3 that the DACA case -- do you have -- let me ask government
4 counsel.

5 Do you have anything other than the DACA case in
6 opposition to producing an administrative record? Because if I
7 disagree with you that there is final agency action or the
8 Replan constitutes final agency action, then obviously -- I
9 don't know where anyone has been able to -- and maybe you can
10 cite a case -- or someone has produced zero administrative
11 record and is refusing to produce anything other than a
12 litigation declaration.

13 Can you cite me a case? Because if you only can cite the
14 DACA case, then I disagree with you.

15 **MR. SVERDLOV:** We can cite a case, Your Honor.

16 **THE COURT:** Okay.

17 **MR. SVERDLOV:** The NAACP case in the Fourth Circuit
18 which rejected the APA claims and dismissed the APA claims,
19 there's no administrative record in that case.

20 And similarly, like that case -- I'm sorry -- this case --

21 **THE COURT:** This is what I'm willing to do. I'm going
22 to order both sides to file by 7:00 p.m. today a very short --
23 you can give me two pages on whether the administrative record
24 needs to be produced or not. 7:00 p.m. California time, that
25 would be 10:00 p.m. your time.

1 I'm assuming you all still need a decision by the hearing
2 date of September 17th; so it has to be resolved pretty
3 quickly.

4 Now, what happens if the Government then seeks a writ?
5 Then they will probably move to stay this litigation.

6 **MR. SVERDLOV:** Your Honor, may I be heard on that
7 point?

8 **THE COURT:** Yes.

9 **MR. SVERDLOV:** So I think it is not uncommon for
10 preliminary injunction motions to be resolved prior to the
11 production of the record.

12 And as I indicated at the start of this hearing, I think
13 if the Court determines that Mr. Fontenot's declaration is
14 inadequate as far as an explanation for the Replan and,
15 obviously, if it even gets to that issue after the five
16 threshold legal hurdles that we identified, then the
17 appropriate determination would be that the plaintiffs have
18 prevailed on their APA challenge and that the Court can
19 consider the other preliminary injunctions after.

20 So, put another way, if the Court determines that an
21 explanation is necessary and Mr. Fontenot's declaration is
22 inadequate, then I suppose the Government loses on that prong.
23 That doesn't speak to the need for an administrative record.

24 And I would like to make one point that I wanted to make
25 earlier, Your Honor.

1 **THE COURT:** I'm sorry. Can you clarify one thing?
2 You're saying that if you agree -- if I find there's final
3 agency action, then the plaintiffs automatically prevail? I'm
4 sorry. I think I may have misunderstood you. Go ahead,
5 please.

6 **MR. SVERDLOV:** Yes, Your Honor. Our position is that
7 if the Court rejects the five threshold arguments that we have
8 made, determines that there was final agency action and
9 determines that an explanation was required under the APA and
10 finds that Mr. Fontenot's declaration does not provide that
11 explanation, then the conclusion would have to be that
12 the Government loses on the likelihood of success on the merits
13 prong of the PI, not that a record is appropriate.

14 So our position would be that if the Court reaches --

15 **THE COURT:** Why is the Government so afraid to just --
16 you say you've relied on all these experts; you've done all
17 this internal investigation for the Replan. Why are you so
18 afraid to produce any of those documents? I don't understand.

19 **MR. SVERDLOV:** Your Honor, respectfully --

20 **THE COURT:** There are a lot of Supreme Court cases
21 that say a litigation-generated declaration is not sufficient,
22 that the contemporaneous justification for the agency action is
23 what is the critical keystone.

24 Anyway, so let's go ahead. And I want simultaneous
25 briefing on the administrative record. I think that would be

1 helpful to do. And let's do it by tonight. I mean, you all
2 are asking for expedited treatment. I am willing and my
3 chambers is willing to put in the time to get this done.

4 So can you file it today by 7:00 p.m., which is 10:00 p.m.
5 D.C. time?

6 **MR. SVERDLOV:** Your Honor, may I have until midnight
7 tonight?

8 **THE COURT:** No. You already came with your DACA case.
9 You've already cited NAACP. I'm only going to give you two
10 pages. I need to do a ruling, and I assume you may then seek
11 review of my ruling to order the production of the
12 administrative record. We're running out of time. You're
13 saying that the Bureau will not honor the Court's TRO as of
14 September 18th. So I don't have any choice. So file it by
15 7 p.m. Pacific Time today.

16 Now, I will try to issue a ruling as soon as I can. Then
17 the question is -- so this is my question. I'd like you to
18 address whether I have to decide threshold issues and exactly
19 which ones they are, if at all.

20 I know the plaintiffs want me to just distinguish DACA,
21 which I feel comfortable doing. DACA was different. They did
22 produce an administrative record. The Court's order was overly
23 broad. There was no deliberative process privilege. Here we
24 have zero administrative record. We just have a self-serving
25 declaration created in the context of litigation.

1 And maybe I would be willing to do that, but I think -- I
2 mean, let me hear from you. What do you think would be the
3 more cautious thing to do?

4 **MS. SHERRY:** I would be --

5 **THE COURT:** I think I could issue a ruling on the
6 merits. Obviously, it would not be quite as comprehensive, and
7 it would have to be something that is much more expedited. And
8 I'd prefer not to do that. I'd prefer to hear everything
9 before I have to do that. But let me hear.

10 I guess I could make a tentative ruling just for purposes
11 of getting the administrative record. What's your view on
12 that?

13 **MR. SVERDLOV:** Your Honor --

14 **MS. SHERRY:** Go ahead.

15 **MR. SVERDLOV:** Thank you, Your Honor. If I may be
16 heard.

17 So our view is, I think, as I've articulated. The
18 administrative record -- a resolution of the administrative
19 record issue is entirely unnecessary.

20 If the Court wants to make a ruling based on the absence
21 of an administrative record and then use that as something that
22 goes to the merits of the APA claim, then I think that would be
23 a more appropriate course than --

24 **THE COURT:** No, I am not going to do that. But,
25 thank you. Thank you for raising that.

1 Ms. Sherry, what's your view?

2 **MS. SHERRY:** Our view is that you don't have to decide
3 the threshold issues and that it would be better to let us have
4 a reply brief on those issues before you have to consider them
5 and decide them.

6 Now, you know, to be clear, we think we are right on those
7 issues. We think they're fairly easily disposed of, but
8 I think -- and we'll file this at 7:00 p.m. tonight.

9 Legally, I do not think you need to resolve those
10 threshold issues definitively or even preliminarily before
11 ordering them to file an administrative record.

12 **THE COURT:** All right. Okay. So let's say I do order
13 it. Then I would order it be produced by -- today is -- I
14 would order it to be produced by Thursday, and the reply brief
15 would then be due on Monday.

16 **MR. SVERDLOV:** Your Honor, may I be heard on one
17 additional point that I have been unable to articulate?

18 **THE COURT:** Go ahead, please.

19 **MR. SVERDLOV:** Thank you. I have a point related to
20 the administrative record, and I have a factual clarification
21 regarding NRFU that I would like to make.

22 On the administrative record, Your Honor, acceding to
23 plaintiffs' fiction that there is an administrative record in
24 this case would require the very same people who are running
25 the census to spend time trying to identify what documents

1 would potentially constitute an administrative record in this
2 kind of context where there isn't really a clear scope for it.

3 To the extent that plaintiffs believe that there should be
4 some sort of record and that one needs to be created, at the
5 very least, it seems that the documents at issue should not --
6 should not extend indefinitely in time. They should be limited
7 to the beginning of the Replan planning to when the Replan was
8 approved, which would be late July to August 3rd. That's my
9 administrative record point.

10 On the factual question, we discussed prior to --

11 **THE COURT:** I'm sorry. You said from late July or
12 mid-July?

13 **MR. SVERDLOV:** Mr. Fontenot's declaration indicates
14 that late July was when planning started; so that should be the
15 scope of the -- of any documents, late July until August 3rd.

16 The factual clarification I would like to make is about
17 the NRFU follow-up operations. We had discussed at some length
18 prior to -- prior to the recess the distinction between one
19 follow-up attempt and six follow-up attempts. And I want to
20 make clear that the one follow-up attempt was only -- under the
21 Replan was only for vacant or unoccupied units. Units that
22 were not vacant always had six follow-up attempts and will
23 continue to have six follow-up attempts.

24 What the Court can see in the filing that we submitted
25 this morning is that now the number of follow-up attempts to

1 housing units that the Census Bureau believes are vacant has
2 been reverted back to six follow-up attempts.

3 **THE COURT:** Anyway, let me ask. I wouldn't limit the
4 administrative record to late July because, clearly, there were
5 people in the Census Bureau, according to your own
6 justification, who were following Congress's response and
7 whether Congress would grant an extension of the statutory
8 deadline. So clearly, people are at least following that and
9 then making the call, according to your own theory and
10 justification.

11 What is the time period that the plaintiffs would want for
12 any administrative record? Well, you want the whole record and
13 not some arbitrary limit.

14 **MS. SHERRY:** We would want the whole record and not
15 some arbitrary limit. We do think the period of time sort of
16 both leading up to the COVID-19 Plan and the planning that went
17 into that and then the period of time between the four months
18 or so between the COVID-19 Plan and the Replan should
19 definitely be part of that record. But, yeah, we would want
20 the whole period.

21 **THE COURT:** So do you think the development of the
22 COVID-19 Plan started around mid-March, or at least the
23 thinking around it when sheltering-in-place orders were
24 starting to be imposed on March 17th?

25 **MS. SHERRY:** That's my understanding. I'm not sure

1 exactly when in March, you know, they decided it was time to
2 replan in light of what was going on with coronavirus in this
3 country, but I think somewhere around that timing would be the
4 starting point.

5 **THE COURT:** Do you need more than two pages? I said
6 two pages, but I'm not set. I would just like something as
7 instructive and helpful as possible. So --

8 **MS. SHERRY:** I think I'd like to make it short for
9 Your Honor, but why don't we say three pages just to give us a
10 little more running room in case there is more ground to cover.

11 **THE COURT:** That's fine.

12 Mr. Sverdlov, three pages? I assume there's just a couple
13 of cases that you would want me to look at.

14 Let me ask one other question that I continue to have. If
15 the decision to implement the Replan or to adopt the Replan was
16 made on August 3rd, why did the Bureau take the October 31st
17 date for the conclusion of field operations off its website on
18 July 31st? Why was that done before the decision was made?

19 **MR. SVERDLOV:** Your Honor, may I make two points
20 completely in response to the two questions that the Court has
21 asked?

22 The first point is that the website timing is explicitly
23 addressed in Mr. Fontenot's declaration. He indicates that
24 he -- on paragraph 81, he indicates the timing of the website
25 and that he gave the direction.

1 Number two, Your Honor, just to be clear, we are happy to
2 make a submission on the administrative record, brief this
3 legal question tonight, two, three pages; but it is going to be
4 not possible for the Government to produce an administrative
5 record in this kind of inchoate notion in two days. That is
6 simply impossible. So we'll obviously honor any order that
7 the Court issues, but I want to make clear on the record that
8 as a matter of practicality and as a matter of burden, if
9 nothing else, we object.

10 **THE COURT:** Okay. But you were sued in this case on
11 July 27. It's now September 7th. You're saying during all
12 that time, you never anticipated that in an APA case you would
13 never have to collect the administrative record?

14 **MR. SVERDLOV:** There is -- as we stated from the first
15 status conference, Your Honor, there is no administrative
16 record in this case because there is no APA action. There's no
17 action cognizable under the APA, and we can't make it otherwise
18 just because plaintiffs keep insisting that there is.

19 **THE COURT:** Right. But I may not agree with you.

20 **MR. SVERDLOV:** And the Court will absolutely issue the
21 order that it issues, and we will comply with the orders.

22 But as a practical matter, two days to determine what a
23 record is in the circumstances is not possible for
24 the Government, Your Honor.

25 **THE COURT:** Did you want to respond, Ms. Sherry?

1 **MS. SHERRY:** I was just going to point out, when we
2 had the case management conference on August 26th and
3 the Government said that there was no administrative record
4 and, you know, they didn't have an obligation to produce
5 anything, Your Honor very clearly told them if there's an
6 administrative record, it should be produced. So I don't think
7 there's been any sort of uncertainty in terms of both our
8 position and, honestly, what your court said both at that
9 hearing and at the TRO hearing in terms of the Government's
10 obligation to produce the record.

11 I understand their sort of technical argument that it's
12 not called an administrative record if there's no final agency
13 action. But I think it was pretty clear that everyone was
14 talking about what ultimately becomes the administrative
15 record, the decision-making documents that the agency has in
16 its possession.

17 **THE COURT:** All right. Well, you need to start
18 working on it right now, I mean, the codification that you
19 mentioned earlier, all the instructions. I just find it hard
20 to believe that there's no administrative record here. I do
21 not understand the Government's refusal to be transparent about
22 what they have decided to do.

23 Anyway, but please put it in your filings. I'll make a
24 decision quickly.

25 Let me ask. So one other just factual point I'm curious

1 about is, Associate Director Fontenot's declaration says that
2 all areas are eligible for closeout on September 11th at each
3 regional director's discretion.

4 What are the factors for the exercise of that discretion?
5 And did that discretion exist under the COVID-19 Plan, or is
6 that just part of the Replan, if you know?

7 **MR. SVERDLOV:** So, to be clear, Your Honor, that date
8 is no longer effective for all the reasons that we've indicated
9 in our Notice of Compliance with the TRO.

10 Now, as far as the factors that feed into the discretion,
11 I do not know what all those factors are.

12 **THE COURT:** Okay. Are those factors in the Replan?

13 **MR. SVERDLOV:** They are a component of the Replan in
14 that they are an element of the Replan. I do not know whether
15 they also preceded the Replan, whether they were part of the
16 Operational Plan prior to that.

17 **THE COURT:** Okay. So the Replan would spell those
18 factors out?

19 **MR. SVERDLOV:** Your Honor, I would not speculate. I
20 would say that the discretion that the field offices have is
21 likely exercised pursuant to certain parameters. I don't know
22 how those parameters are codified.

23 **THE COURT:** Okay. And do you know if that regional
24 director discretion existed in past censuses?

25 **MR. SVERDLOV:** I do not know that off the top of my

1 head, Your Honor. I suspect that it did.

2 **THE COURT:** Okay. Let me ask. What is the
3 plaintiffs' view on an evidentiary hearing? Mr. Sverdlov has
4 now offered up Associate Director Fontenot for an evidentiary
5 hearing.

6 **MS. SHERRY:** Our position would be it cannot replace
7 an administrative record. But if, once they file an
8 administrative record, Your Honor wants to have an evidentiary
9 hearing with Mr. Fontenot, we would be fine with and welcome
10 that; but it can't be a replacement of the evidentiary -- of
11 the administrative record, rather. That's just sort of a
12 continuation of the problem with defendants' position here and
13 reliance on extra-record evidence instead of an administrative
14 record for an APA claim.

15 **THE COURT:** Mm-hmm. So the Government is not willing
16 to stipulate to an extension of the Court's TRO? I mean, what
17 you're --

18 **MR. SVERDLOV:** Your Honor, we ask that the Court
19 simply enter the TRO as a preliminary injunction at this point.
20 I think that will serve everybody's interests best. I think it
21 is going to be --

22 **THE COURT:** I understand you will not stipulate; so we
23 have to keep that September 17th date. I was just wondering if
24 there was any flexibility.

25 So if we need an evidentiary hearing, be prepared to have

1 that happen on Tuesday of next week. All right?

2 So you're both going to file by 7:00 p.m. today three
3 pages as to whether administrative record should be ordered to
4 be produced. If I order its production, it will be -- it must
5 be produced by Thursday. The plaintiffs' reply will be due on
6 Monday, an evidentiary hearing would be on Tuesday, and then I
7 would allow oral argument on Thursday as planned.

8 Now, I guess I'm just wondering, perhaps, whether we
9 should just combine -- well, no. I may need to keep the oral
10 argument date because I don't think the Government would agree
11 to having a TRO --

12 Well, what's your thought -- let me hear from the
13 plaintiffs -- about if I just combined the evidentiary hearing
14 and the oral argument on Tuesday. Then the injunction I
15 granted was through the hearing, through September 17th. I
16 just would like some time to incorporate any oral argument into
17 the order. Because this is all happening so quickly,
18 obviously, I would love to spend more time on the order, but I
19 understand time is of the essence and both sides want an answer
20 quickly.

21 So what's your thinking about just advancing -- well, I
22 don't know. I guess that wouldn't give me that much more time.

23 Let's keep the oral argument on Thursday, and I'll just
24 have to do something as quickly as I can after that date.

25 Okay?

1 So that's the time frame. File tonight at 7:00. If I
2 order it produced, it's ordered to be produced by Thursday.
3 The plaintiffs' reply is then due Monday.

4 The evidentiary hearing -- how long do you think that
5 hearing will last? I'll just try to reserve the entire day for
6 it. So that will be Associate Director Fontenot.

7 And then we'll have oral argument as scheduled, and I'll
8 try to issue an order as quickly as I can. All right?

9 Okay. Thank you all very much.

10 Anything further we should discuss today? I appreciate
11 your patience. I'm sorry this was a long status conference.
12 Anything further for today?

13 **MS. SHERRY:** Nothing from plaintiff, Your Honor.
14 Thank you.

15 **MR. SVERDLOV:** Nothing for defendants, Your Honor.

16 **THE COURT:** All right. Thank you all very much.
17 Thank you very much for your patience with all my questions. I
18 appreciate it. I'm just trying to get information so I can
19 understand the facts here.

20 All right. Thank you all. Take care.

21 (Proceedings adjourned at 11:59 a.m.)

22 ---o0o---

1
2 CERTIFICATE OF REPORTER

3 I certify that the foregoing is a correct transcript
4 from the record of proceedings in the above-entitled matter.
5

6 DATE: Wednesday, September 9, 2020
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8 Ana M. Dub
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10 Ana M. Dub, CSR No. 7445, RDR, CRR, CCRR, CRG, CCG
11 Official Reporter, U.S. District Court
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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,
Plaintiffs,
v.
WILBUR L. ROSS, et al.,
Defendants.

Case No. 20-CV-05799-LHK

**ORDER GRANTING MOTION FOR
TEMPORARY RESTRAINING ORDER**

Re: Dkt. No. 66

Plaintiffs National Urban League; League of Women Voters; Black Alliance for Just Immigration; Harris County, Texas; King County, Washington; City of Los Angeles, California; City of Salinas, California; City of San Jose, California; Rodney Ellis; Adrian Garcia; National Association for the Advancement of Colored People; City of Chicago, Illinois; County of Los Angeles, California; Navajo Nation; and Gila River Indian Community (collectively, "Plaintiffs") sue Defendants Commerce Secretary Wilbur L. Ross, Jr.; the U.S. Department of Commerce; the Director of the U.S. Census Bureau Steven Dillingham, and the U.S. Census Bureau ("Bureau") (collectively, "Defendants") for violations of the Enumeration Clause and Administrative Procedure Act.

Before the Court is Plaintiffs' September 3, 2020 motion for a temporary restraining order

(“TRO motion”), enjoining Defendants from implementing Defendants’ August 3, 2020 Replan, which shortens census data collection and processing timelines from the eight months set forth in the Defendants’ April 13, 2020 COVID-19 Plan to four months. Plaintiffs claim that the Replan’s shortened timelines will unlawfully harm the accuracy of crucial census data. Plaintiffs request that the TRO remain in effect for twelve days, until the September 17, 2020 hearing on Plaintiffs’ motion for stay and preliminary injunction (“PI motion”).

Temporary restraining orders “serv[e] the[] underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer.” *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974); *accord, e.g., E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018) (“a TRO ‘should be restricted to . . . preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing and no longer’”) (ellipsis in original).

“‘[S]erious questions going to the merits’ and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction [or TRO], so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction [or TRO] is in the public interest.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011); *accord Short v. Brown*, 893 F.3d 671, 675 (9th Cir. 2018) (holding that these factors are “on a sliding scale”). Thus, “when the balance of hardships tips sharply in the plaintiff’s favor, the plaintiff need demonstrate only ‘serious questions going to the merits.’” *hiQ Labs, Inc. v. LinkedIn Corp.*, 938 F.3d 985, 992 (9th Cir. 2019) (quoting *All. for the Wild Rockies*, 632 F.3d at 1135). The issuance of a TRO is at the Court’s discretion. *See All. for the Wild Rockies*, 632 F.3d at 1131.

The Court has considered the TRO motion, opposition, and reply; the parties’ oral arguments at the September 4, 2020 TRO hearing; the PI motion and opposition; the relevant law; and the record in this case. Below the Court analyzes in turn (1) the presence of serious questions going to the merits; (2) irreparable harm; (3) the balance of hardships; and (4) the public interest. *All. for the Wild Rockies*, 632 F.3d at 1135.

1 The Court finds that Plaintiffs have presented serious questions going to the merits at least
2 as to Plaintiffs' claims under the Administrative Procedure Act ("APA"). The Court does not
3 prejudice these claims, but merely recognizes that the Plaintiffs have presented serious questions
4 going to the merits of these claims.

5 For example, there are serious questions as to whether the Replan is reviewable by this
6 Court. There is a serious question as to whether Plaintiffs have standing to challenge the Replan.
7 *See Dep't of Commerce v. New York*, 139 S. Ct. 2551, 2565–66 (2019) (holding that Plaintiffs had
8 standing because an undercount of "as little as 2%" of noncitizen households constituted an injury
9 in fact and was traceable to the Defendants' actions). Additionally, there is a serious question as to
10 whether the Replan constitutes final agency action. Although the United States Supreme Court
11 decided in *Franklin v. Massachusetts* that the Secretary of Commerce's transmission of a final
12 Census report to the President is not final agency action, there is a serious question as to whether
13 *Franklin* governs the facts in the instant case. 505 U.S. 788, 798 (1992) (explaining that the
14 transmission was not final agency action because it "carries no direct consequences for the
15 apportionment"). Finally, there is a serious question as to whether the Replan is committed to
16 agency discretion by law. *See Dep't of Commerce v. New York*, 139 S. Ct. at 2568 (noting that
17 "census-related decisionmaking" is traditionally reviewable under the Administrative Procedure
18 Act).

19 There are also serious questions as to whether the Replan was arbitrary and capricious in
20 violation of the APA. *See* 5 U.S.C. § 706(2)(A). The APA requires that Defendants consider the
21 "important aspect[s] of the problem" before them. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut.*
22 *Ins. Co.*, 463 U.S. 29, 43 (1983). Although Defendants justify the Replan based on the statutory
23 deadline, Plaintiffs suggest that Defendants have failed to consider their other statutory
24 obligations, including the statutory requirement that Defendants "conduct a census that is accurate
25 and that fairly accounts for the crucial representational rights that depend on the census and the
26 apportionment." *Dep't of Commerce v. New York*, 139 S. Ct. at 2569 (quoting *Franklin*, 505 U.S.
27 at 819–20 (Stevens, J., concurring in part and concurring in the judgment)). Thus, there are

serious questions going to the merits of the Plaintiffs' APA claims.

As to irreparable harm, Plaintiffs identify and support with affidavits four potential irreparable harms that Plaintiffs will suffer as a result of inaccurate census data. First, Plaintiffs state that an inaccurate apportionment will violate their constitutional rights to political representation. Mot. 29. Second, Plaintiffs risk losing important federal funding from undercounting. Mot. 30. Third, Plaintiffs will need to expend resources to mitigate the undercounting that will result from the Replan. Mot. 31. Lastly, local government Plaintiffs' costs will increase because those Plaintiffs rely on accurate granular census data to deploy services and allocate capital.

These harms are potentially irreparable in two ways. To start, at least part of the harms may be constitutional in nature, and "the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Moreover, to the extent the harm involves expending money or resources, "[i]f those expenditures cannot be recouped, the resulting loss may be irreparable." *Philip Morris USA Inc. v. Scott*, 561 U.S. 1301, 1304 (2010) (Scalia, J., in chambers). Because the decennial census is at issue here, an inaccurate count would not be remedied for another decade, which would affect the distribution of federal and state funding, the deployment of services, and the allocation of local resources for a decade. Similar harms have thus justified equitable relief in previous census litigation. *See, e.g., Dep't of Commerce v. U.S. House of Representatives*, 525 U.S. 316, 328–34 (1999) (affirming injunction against the planned use of statistical sampling in census and citing apportionment harms, among others); *New York v. United States Dep't of Commerce*, 351 F. Supp. 3d 502, 675 (S.D.N.Y.) (issuing injunction and finding irreparable "the loss of political representation and the degradation of information"), *aff'd in part, rev'd in part and remanded sub nom. Dep't of Commerce v. New York*, 139 S. Ct. 2551. Plaintiffs attached to their TRO motion an internal Bureau document indicating that the Replan's compressed deadlines increase the risk of inaccuracy in the census count. ECF No. 66-3. Plaintiffs aver that each day that the Census does not conduct its field operations to reach and

count hard to reach populations increases the inaccuracy of the census count and thus increases their irreparable harm.

By contrast, a temporary restraining order would merely require Defendants to do what Defendants had planned to do and were doing since April 13, 2020, when Defendants adopted the COVID-19 Plan, through August 3, 2020, when Defendants adopted the Replan. Moreover, the sole evidence Defendants submit in opposition to the TRO motion and the PI motion is the declaration of Albert E. Fontenot, Jr., Associate Director for Decennial Census Programs at the U.S. Census Bureau (hereafter, "Fontenot"). In his September 5, 2020 declaration, Fontenot declares that:

Lack of field staff would be a barrier to reverting to the COVID Schedule were the Court to rule later in September. The Census Bureau begins terminating staff as operations wind down, even prior to closeout. Based on progress to date, as is standard in prior censuses, we have already begun terminating some of our temporary field staff in areas that have completed their work. It is difficult to bring back field staff once we have terminated their employment. Were the Court to enjoin us tomorrow we would be able to keep more staff on board than were the Court to enjoin us on September 29, at which point we will have terminated many more employees.

Font. Decl. at ¶ 98. Thus, Fontenot's declaration underscores Plaintiffs' claims of irreparable harm because the Bureau is terminating field staff now and will have difficulty rehiring such staff. Moreover, Fontenot's declaration suggests that the burden of an injunction on Defendants is far less now than later in September.

Furthermore, Defendants' stated reason for the August 3, 2020 Replan is to get the Census count to the President by December 31, 2020 instead of April 30, 2021 as scheduled in the Bureau's COVID-19 Plan. Font. Decl. at ¶ 81. However, Defendants' sole declarant, Fontenot, acknowledged publicly less than two months ago that the Bureau is "past the window of being able to get accurate counts to the President by December 31, 2020." *U.S. Census Bureau, Operational Press Briefing – 2020 Census Update* at 21 (July 8, 2020), <https://www.census.gov/content/dam/Census/newsroom/press-kits/2020/news-briefing-programtranscript-july8.pdf>. Similarly, on May 27, 2020, Tim Olson, head of field operations for the 2020 Census, stated during a May 26, 2020 webinar organized by the National Congress of

American Indians that, “we have passed the point where we could even meet the current legislative requirement of December 31st. We can’t do that anymore.” Nat’l Conf. of Am. Indians, *2020 Census Webinar: American Indian/Alaska Native*, YouTube (May 26, 2020), <https://www.youtube.com/watch?v=F6IyJMtDDgY&feature=youtu.be&t=4689>. These statements support Plaintiffs’ claims of irreparable harm arising from an inaccurate census count. On balance, the Court finds that the balance of hardships tips sharply in favor of Plaintiffs.

As to the public interest, when the government is a party, the analysis of the balance of the hardships and the public interest merge. *See Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). As the United States Supreme Court recognized, Congress has codified the public’s interest in “a census that is accurate and that fairly accounts for the crucial representational rights that depend on the census and the apportionment.” *Dep’t of Commerce v. New York*, 139 S. Ct. at 2569 (quoting *Franklin*, 505 U.S. at 819–820 (Stevens, J., concurring in part and concurring in judgment)) (discussing the Census Act, 2 U.S.C. § 2a). Other courts have held that “the public interest . . . requires obedience to the Constitution and to the requirement that Congress be fairly apportioned, based on accurate census figures” and that “it is in the public interest that the federal government distribute its funds . . . on the basis of accurate census data.” *Carey v. Klutznick*, 637 F.2d 834, 839 (2d Cir. 1980) (per curiam). Thus, the balance of the hardships and public interest tip sharply in Plaintiffs’ favor.

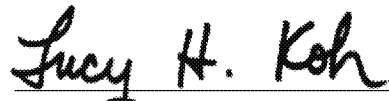
Accordingly, having considered the TRO motion, opposition, and reply; the parties’ oral arguments at the September 4, 2020 TRO hearing; the PI motion and opposition; the relevant law; and the record in this case, the Court GRANTS Plaintiffs’ motion for a temporary restraining order. The Court finds that no security is necessary. *See Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (“Rule 65(c) invests the district court ‘with discretion as to the amount of security required, *if any*.’” (quoting *Barahona–Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999))).

IT IS HEREBY ORDERED THAT, effective as of the date of this Order, Defendants Commerce Secretary Wilbur L. Ross, Jr.; the U.S. Department of Commerce; the Director of the U.S. Census Bureau Steven Dillingham, and the U.S. Census Bureau are enjoined from

1 implementing the August 3, 2020 Replan or allowing to be implemented any actions as a result of
2 the shortened timelines in the August 3, 2020 Replan, including but not limited to winding down
3 or altering any Census field operations, until the Court conducts its September 17, 2020 hearing on
4 Plaintiffs' PI motion.

5 **IT IS SO ORDERED.**

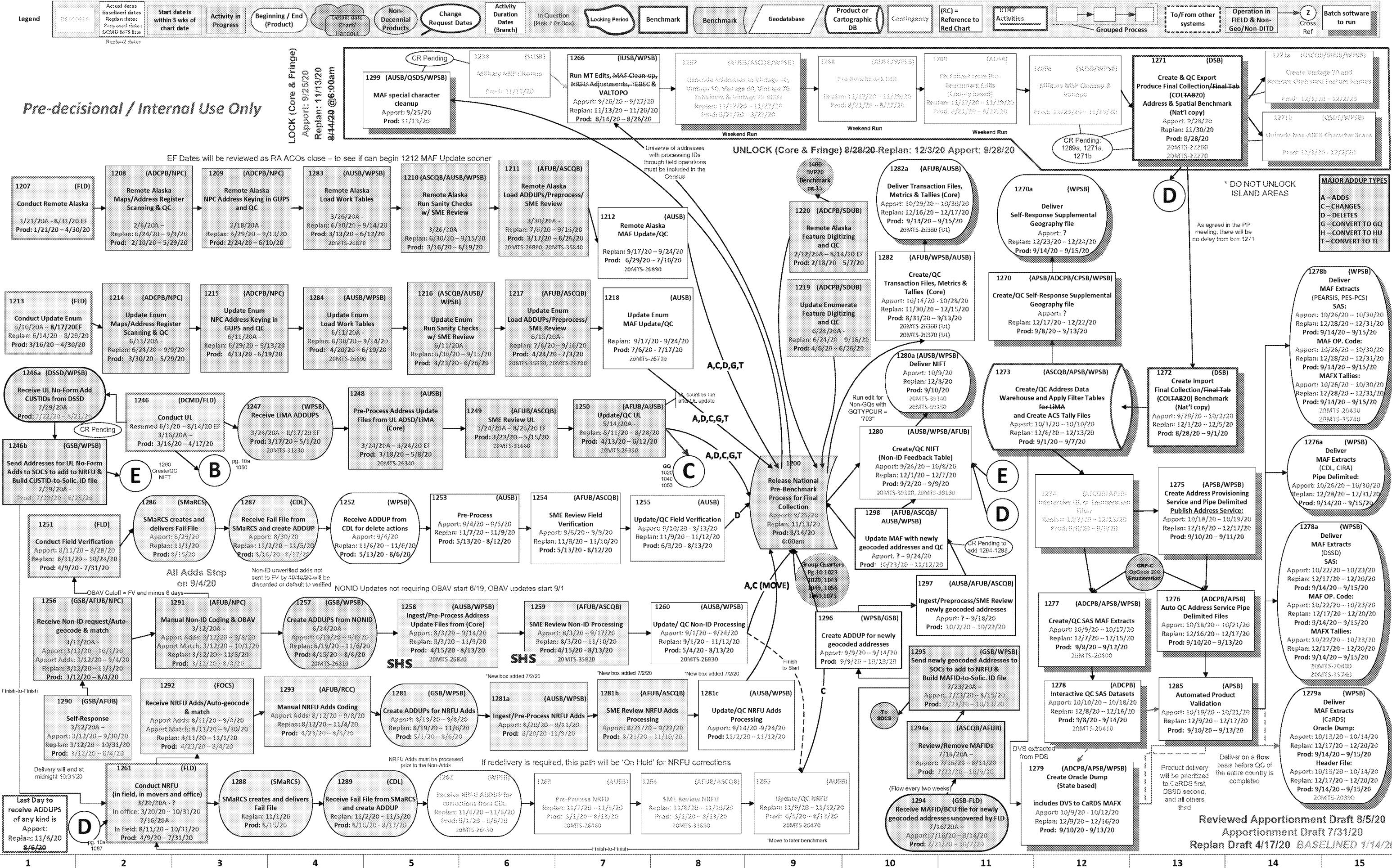
6
7 Dated: September 5, 2020

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9 LUCY H. KOH
United States District Judge

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United States District Court
Northern District of California

2020 Decennial Work Flow Chart – 2020 Final Collection - Apportionment Replan - Pre-decisional / Internal Use Only

Note: All benchmark activities include edits and delayed calculations; All red dates were agreed to in the 2020 Lock-up meetings.



Reduced NRFU Timeframe Planning Document

Bureau and Department of Commerce leadership have requested that the Bureau attempt to deliver the apportionment counts at the original schedule (December 2020). To that end, shortening the duration of NRFU is one component that can contribute to that goal. This document outlines initial ideas about how to reduce the NRFU time frame (currently scheduled to end on October 31) by at least four weeks (October 3).

Color Key

Green – Level of effort is low

Teal – Change recommended by the OD Team

Red – OD team/Leadership does not recommend change

Purple – Confirmed by leadership

Gray – Confirmed by leadership but lower priority

Meetings

07/30/20 11am-1pm | **Attendees:** Dominic Beamer, Kevin Zajac, Kristine Roinestad, Nhut Le-Ammons, RJ Marquette, Tom Mule, Chuck Fowler, Ryan Cecchi, Trong, Tammy Adams, Sarah Gibb, Mariam, Nhut

07/30/20 4:30pm-5:30pm | **Attendees:** Dominic Beamer, Karen Field, Kristine Roinestad, Letitia Jones, Mariam Elisashvili, Nhut Le-Ammons, Sarah Gibb, Tom Mule, Tammy Adams

Ideas for Reducing NRFU Workload / Attempts

a. (MANDATED) Reduce number of attempts on RI, SRQA cases to 3

- a. **Details:** See description
- b. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 3.
- c. **Potential Efficiency from Change:** RI and SRQA cases make up ~3M cases. Reducing the contact attempts for these cases will equate to increasing the productivity on them by 0.13 cases per hour.
- d. **Impact:**
 - i. NRFU RI: Will result in more RINI. Just under 5% of RI cases are completed after the 3rd attempt.
 - ii. SRQA: Will result in more non-interviews. Possible impacts on quality model.
 - iii. No impact on UTS reports. DCMD NRFU confirmed that they count the max attempts event code and do not tally contact attempts.
- iv. **Details:** V/D wo/UAA = 2.5M cases (2.1M Vacant / 0.4M Deletes).
- v. **Level of effort:**
 1. Will likely require FOCS code change to run a utility to update the attempts.
 2. CAES would also have to deliver a file to FOCS.
- vi. **Negative Impacts:**
 1. Cases that may have been found occupied with additional visits would be closed as vacant/delete. However, that impact is lower for option 2 than option 1.
- e. **Date/Geography Implemented:**

b. (MANDATED) Eliminating Random RI Sampling

- a. **Details:** Reduce random sampling for reinterview to only sample one of the first 3 eligible cases for every enumerator and no longer conduct a random sample for the enumerator.
- b. **Level of effort:** SMarCS sampling is setup to select one of the first three cases only.
- c. **Potential Efficiency from Change:** Removes ~800,000 cases from the total NRFU workload
- d. **Negative Impacts:**
 - i. More likely to let poor performing enumerators continue working cases.
- e. **Date/Geography Implemented:**

c. (MANDATED, but don't start yet) Population count only being sufficient earlier in the operation

- a. **Details:** Rather than a case having 6 attempts even if it has a population count, the case is closed once a pop count is received.
- b. **Level of Effort:** FOCS adds extra criteria to case completion logic to add pop-count (including the roster count, pop count asked at the beginning of the interview, and the question asked on the exit screen if the interview is ended early). This would be a part of nightly processing.
- c. **Potential Efficiency from Change:** Increases in efficiency are dependent on when this change is enacted.
- d. **Negative impacts:**
 - i. More cases are closed that may have been fully enumerated with additional attempts.
 - ii. Computer and Clerical matching in Reinterview may be impacted. *DSSD to review and report back.
- e. **Date/Geography Implemented:**

d. Remove self-reported vacants from the workload

- a. **(MANDATED) Option 1:** Remove self-reported vacant cases with an AdRec status of vacant or delete
 - i. **Details:** see above
 - ii. **Level of Effort:** Will require FOCS code change to run a utility to close all self-reported vacant cases.
 - iii. **Potential Efficiency from Change:** Remove 140,000 cases from the NRFU workload
 - iv. **Negative impacts:**
 - 1. Cases that may have been confirmed in the field as occupied will be closed as vacant (data quality).
 - v. **Date/Geography Implemented:**

b. Option 2: Remove self-reported vacant cases regardless of AdRec status

- i. **Details:** Potentially ~1M cases. *DCMD NRFU to check on how often self-reported vacant cases are confirmed vacant = ~47%.
- ii. **Level of Effort:** Will require FOCS code change to run a utility to close all self-reported vacant cases.
- iii. **Negative impacts:**
 - 1. Cases that may have been confirmed in the field as occupied will be closed as vacant (data quality).

c. **(MANDATED) Option 3:** Reduce contact attempt days to 1 for all self-reported vacant cases regardless of AdRec status.

- i. **Details:** See above
- ii. **Level of Effort:** Simple change in FOCS if nationally applied (does not require new code).
- iii. **Potential Efficiency from Change:** There are 1.9M self-reported vacant cases. Reducing the contact attempts for these will equate to increasing the productivity on these cases by 0.06 cases per hour.
- iv. **Negative impacts:**
 - 1. Cases that may have been completed in the field with additional attempts it will be closed after 1 attempt.
- v. **Date/Geography Implemented:**

e. **Use staff in ACOs that have completed to make phone attempts in areas that remain open.**

- a. **Details:** As soft launch ACOs and others with high efficiency complete NRFU, staff in those ACOs will be used to conduct phone interviews in other geographies. This would likely happen by moving their location in FOCS so they can receive a case assignment.
- b. **Level of Effort:** Low to none. Enumerators can already be moved between ACOs within a region using existing interface in FOCS (RCC user). If enumerators need to be moved between regions, FOCS admin users can do that as well.
- c. **Potential Efficiency from Change:** Allows the operation to Close cases in COVID areas
- d. **Negative Impacts:**

f. Additional AdRec Changes

#1 (MANDATED but pending approval) Using Additional corroboration sources for IRS-only cases

- a. **Details:** This would conduct additional processing to determine if families could be found on BlackKnight deed files. This would take advantage of ERD software being run on CAES to assess NonID MAFID assignments. This would increase the number of AdRec occupied cases (one visit).
- b. **Level of Effort:** The ERD software would have to be modified to include black knight data. The CAES software would be modified to use these results to then be able to set our corroboration flag. AR enumeration would have to be modified to allow these corroborations to be used.
- c. **Potential Efficiency from Change:** Combined with #2 below, up to 3.8 million cases get 1 attempt instead of 6+.
- d. **Negative Impacts:**

#2 (MANDATED but pending approval) Work with Census Legal Staff to determine if use of IRS-only cases for certain implementations like population count only enumeration can be approved

- a. **Details:** IRS indicated that their data could not be used solely for enumeration without making it combined t13/t26. This would have implications on sending results to T13 downstream systems. Census Legal might be able to determine an instance where it is possible. This would increase the number of AdRec occupied cases (one visit).
- b. **Level of Effort:** CAES would have to change code to push one-visit or closeout determinations for the allowable cases. AR enumeration would be modified to push the approved response.
- c. **Potential Efficiency from Change:** Combined with #1 above, up to 3.8 million cases get 1 attempt instead of 6+.
- d. **Negative Impacts:** Households with AR enumeration are usually expected to have person records so would have to confirm this does not have downstream impacts.

#4 (MANDATED) Assign additional vacant addresses

- a. **Details:** Our current modeling produces a group of No Determination cases that we do not think are occupied. They have high probabilities of both vacant and delete so we did not make a determination. For these cases, we can make them vacant. This would decrease no-determination cases and in turn add AdRec Vacant/Delete cases (1 attempt).
- b. **Level of Effort:** low for NRFU and AR enumeration.
- c. **Potential Efficiency from Change:** 1.9M cases get 1 attempt instead of 6+.
- d. **Negative Impacts:** We can be overstating the number of vacant addresses.
- e. **Date/Geography Implemented:**

#3 Implement One-Visit Occupied determinations for American Indian Reservations

- a. **Details:** Would implement a new model to determine one-visit occupied determinations for addresses on AIRs. This group was getting full contacts by default since they were undercounted in 2010. This would increase the number of AdRec occupied cases (one visit).
- b. **Level of Effort:** low for NRFU and AR enumeration.
- c. **Potential Efficiency from Change:** ~30,000 cases get 1 attempt instead of 6+.
- d. **Negative Impacts:** This would be doing lower field visits but with the other changes of reducing visits or starting proxy earlier this may be more acceptable now. If we do not want to do one-visit, we can always do closeout.

g. Monitor best time to contact probabilities and workload allocation. If issues exist, ignore best time to contact earlier in the contact strategy.

- a. **Details:** See above.
- b. **Level of Effort:** Parameters exist in MOJO to ignore best time to contact probabilities in geographies as low as CFM zone.
- c. **Negative Impacts:**

h. Reduce Analytic RI Sampling

- a. **Details:** Modify parameters for case and enumerator level tests to reduce the number of cases sampled.
- b. **Level of effort:** Low, these are parameters in SMarCS that can be modified without further development.
- c. **Potential Efficiency from Change:**

d. **Negative Impacts:**

- i. More likely to let poor performing enumerators continue working cases.

Note: Mailing 7 should include these cases (AdRec V/D w/o UAA). Also doing this mailing sooner would allow an additional option for these housing units to self-respond. This is a sort of contingency.

i. Expanding Phone Contact Nationally at the Start of the Operation

- a. **Details:** See above. This should be a lower priority because of the value added. The training for a combined field and phone strategy is more complex. Enumerators will likely choose to work phone cases over personal visits (path of least resistance).
- b. **Level of Effort:** Low, development for this is underway.
- c. **Negative Impacts:**
 - i. See details above.

Additional AdRec Changes

#5 Assign additional delete addresses based on non-UAA information like Address Canvassing, LUCA or other

- a. **Details:** CAES would push adrec delete for certain address canvassing or LUCA action codes that we determine we are comfortable being deletes. This would increase the number of AdRec delete cases (1 attempt).
- b. **Level of Effort:** CAES would modify code to use MAF values to then push our adrec delete codes.
- c. **Negative Impacts:** Any address that is really occupied could be undercounted.

#6 Corroboration for AR Occupied provided by Off Campus person records

- a. **Details:** There is a small number of AR occupied addresses that were not corroborated for multiple sources using current source. Off campus submissions now provided the multiple source requirement for the roster that we already had. This would increase the number of AdRec occupied cases (1 attempt).
- b. **Level of Effort:** CAES implementing matching of college files right now providing a multiple source. For AR modeling, CAES would modify existing code to set corroboration based on off campus information. Can use current roster so should flow easier in to AR enumeration
- c. **Negative Impacts:**

#7 AR Occupied using Off Campus Data

- a. **Details:** Using Off-campus submissions, we would identify additional addresses that could be made AR occupied. One example is where we did not have previous adrec data but off campus can indicate that there are 2 or more people at the address. Additional on-going work could determine other instances where we are comfortable using the roster for enumeration purposes. This would increase the number of AdRec occupied cases (1 attempt).
- b. **Level of Effort:** CAES implementing matching of college files right now providing a multiple source. For AR modeling, CAES would modify existing code to identify these instances. Since these roster people are not in our current processing, AR enumeration would have to be modified to include them.
- c. **Negative Impacts:**

j. (Not feasible) Preset lower contact attempts in certain areas (based on AdRec and other inputs)

- a. **Details:** This involves identifying blocks that would get more or less attempts based on some data (historical or real time).
- b. **Level of Effort:** Decisions would need to be made about which areas receive N number of visits. FOCS would have to make significant changes.
- c. **Negative Impacts:**

k. (Not feasible) Close cases based on data gathered during initial attempts

- a. **Details:** See above.
- b. **Level of Effort:** Decisions would need to be made about the criteria used to close cases. FOCS would have to utilize a utility to close these cases.
- c. **Negative Impacts:**

l. (Not feasible) Remove 2-day hold after first attempt

- a. **Details:** Currently, the 2-day hold is removed after the second attempt. This one is not efficient. FOCS already removes these holds if an area has enumerators available and not enough cases.
- b. **Level of Effort:**
- c. **Negative Impacts:**

m. Deletes identified because they are duplicates (from GEO) possibly close those cases

- a. **Details:** GEO, DSSD Frames staff and Adrec modeling have identified sets of duplicate addresses (~829,000 pairs) that are included on the enumeration list. This information could be used to determine if one of the pair can be deleted.
- b. **Level of Effort:** CAES would need to develop code to push the necessary file/information. This information may need to be combined with response status for the addresses to determine which one to close.
- c. **Negative Impacts:**

n. Non-ID field work

- a. **Details:** The 2020 Adrec Usage team has been researching assigning MAFIDs to addresses and assigning geocodes to MAFIDs. It could be seen if any of this work could identify Non-ID field verification cases that may not require field work.
- b. **Level of Effort:** CAES would need to provide information to necessary systems so these cases could be removed. It would then need to be determined how to get this information to the appropriate post-processing location.
- c. **Negative Impacts:**

o. Going to proxy after 1 visit instead of 3

- a. **Details:** See above
- b. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code).
- c. **Negative Impacts:**
 - i. More proxy data will be collected and will be of less quality than getting the data from a household respondent.

g. Reducing the criteria for phase

- a. **Details:** The OD team does not believe a change to the criteria of phases will have an effect.

h. (AI decided against this) CQA agents assist with outbound calls

- a. **Details:** The level of effort and risk involved with utilizing Pega systems to do this calling is quite large. Alternatively, cases could be paused in FOCS while CQA works them using their existing processes with significant modification. Given the results from prior outbound phoning efforts (see below) and the effort involved with utilizing CQA in this way, the OD team recommends that CQA is not used for phone attempts during NRFU.
 - i. 2018 E2E – Phone follow-up for NRFU RI had an 18.9% resolution rate.
 - ii. 2013 CT – 2.7 percent of CATI cases were completed using AdRec contact frame interviews.
- b. **Level of Effort:** Many modifications to the CQA process will be necessary. Two of the largest are: re-using the coverage improvement outbound framework and updating it to ingest address information. Agent call scripts would also need to be updated to collect verification of address.
- c. **Negative Impacts:**
 - i. CQA would likely need to halt coverage improvement outbound calling.
 - ii. Resolution rate over phone is less than in the field.

i. Reduce number of attempts on AdRec Vacant or Delete without a UAA

- a. Option 1: Treat like AdRec Vacant/Delete with UAA (1 attempt or more if leadership desires).
 - i. **Details:** see above
 - ii. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 1.
 - iii. **Negative Impact:**
 - 1. Cases that may have been found occupied with additional visits would be closed as vacant/delete.
- b. Option 2: Utilize updated AdRec for the cases where CAES is confident that the case is vacant or delete regardless of UAA status
 - i. **Details:** V/D wo/UAA = 2.5M cases (2.1M Vacant / 0.4M Deletes). *Tom to see how much of that could be modeled to get 1 attempt
 - ii. **Level of effort:**
 - 1. Will likely require FOCS code change to run a utility to update the attempts.
 - 2. CAES would also have to deliver a file to FOCS.
 - iii. **Negative Impacts:**
 - 1. Cases that may have been found occupied with additional visits would be closed as vacant/delete. However, that impact is lower for option 2 than option 1.
- c. **(Recommended) Option 3:** Same as option 1 but also Reduce contact attempts for AdRec Vacant/Delete cases with a UAA where an enumerator marked the housing unit as potentially occupied. Instead of 6 attempts, it would be reduced to something lower (possibly 1).
 - i. **Details:** See above

- ii. **Level of effort:** Simple change in FOCS if nationally applied (does not require new code). Max attempts for these cases would be set to 1.
- iii. **Negative Impacts:**
 - 1. Cases that may have been found occupied with additional visits would be closed as vacant/delete. This will have the largest impact between the three options.

Other Items

1. Progress Goals – Now that NRFU is a 7 week operation (49 days), the goals should be updated to reflect that. The initial curve should take into account that areas are not starting according to the plan. Training is being accelerated and training classes aren't as full. Folks are declining work due to COVID-19. Some training sites have cancelled the day-of training. *DCMD NRFU to work with DSSD to get goals to FLD by Monday, 08/03/20.
2. Self response 7th mailing : cut workload now and send to the lowest responding tracts until we run out of packages (get from Alexa how fast that would mean in-home)
3. Additional NRFU options:
 - a. Adding outbound phone options from enumerators
 - b. Review contact strategy:
 - i. go to POP Count only earlier
 - ii. go to proxy earlier
 - iii. reduce/eliminate random RI sample and only use analytical sample
 - c. Implement incentives for enumerator pay (Jamey's plan):
 - Enumerator Pay bonus for meeting minimum "work availability"
 - Purpose is to boost productivity
 - Propose \$100 for exceeding 25 hours/week
 - \$100 is approximately 25% greater than the average wage (19 hours x \$21/hour = \$399)
 - 25 hours per week is just over 30% more hours than the 19 planned hours
 - We would incorporate an assessment of productivity also
 - Expect 250,000 to qualify
 - \$25m/week
 - Increases capacity by 1.5m work hours, or 80,000 more "traditional" enumerators
 - Enumerator Pay bonus for working multiple weeks (could be issued multiple times)
 - Purpose is to promote retention – and boost productivity
 - Propose \$500 for completing 3 weeks of production
 - Would require meeting the \$100 guideline also
 - Expect 150,000 to qualify
 - \$75m total cost
 - CFS Pay bonus for working multiple weeks (could be issued multiple times)

- Purpose is to promote retention
 - Propose \$750 for completing 3 weeks of production (from established start date)
 - Would require “acceptable” alert resolution and minimum number of hours
 - Expect 15,000 CFSs to qualify
 - \$11.5m total cost per week
- d. Start any office that is scheduled for August 11 as soon as they have trained staff
 - e. Consider starting August 9 versus August 11?
 - f. Changes to case handling:
 - i. Close out AdRec V/D cases that also have one UAA
 - ii. Close out Self-Reported Vacants that are modeled as vacant or have a UAA
 - iii. Close out Self-Reported Vacants after one visit
4. Accelerate GQE, ETL, Count Review, and Late GQE
- a. Go to field for full GQE starting 7/31
 - b. Do Count Review early and get Late GQE done by the end of September
 - c. Crash resources on ETL to shorten the duration
5. Ensure FACO data for overseas count is ready (key input to apportionment)

From: Enrique Lamas (CENSUS/DEPDIR FED) [Enrique.Lamas@census.gov]
Sent: 8/10/2020 4:04:02 PM
To: Dillingham, Steven [steven.dillingham@census.gov]; Jarmin, Ron S [ron.s.jarmin@census.gov]; Cogley, Nathaniel (Federal) [NCogley@doc.gov]; Smith, Steven K [steven.k.smith@census.gov]
Subject: Fwd: ICE Answer Urgent Request: Record Count

See below.

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

Begin forwarded message:

From: "Steinmetz, Michele" <Michele.Steinmetz@hq.dhs.gov>
Date: August 10, 2020 at 4:00:47 PM EDT
To: "Michael A Berning (CENSUS/ERD FED)" <Michael.A.Berning@census.gov>
Cc: "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>
Subject: FW: ICE Answer Urgent Request: Record Count

Mike,

Please see Tadgh's email below. It is not an exact April 1, 2020 population but he explains what it is.

If this is not precise enough for the question posed to you, it seems like we will need a little more time to track it down.

Thank you,

Michele

From: Smith, Tadgh A <Tadgh.A.Smith@ice.dhs.gov>
Sent: Monday, August 10, 2020 3:03 PM
To: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>; Holz, Jordan <Jordan.Holz@ice.dhs.gov>; Rosenblum, Marc <marc.rosenblum@hq.dhs.gov>; DOREY, DAVID <david.dorey@hq.dhs.gov>
Cc: Arledge, Rhea <Rhea.Arledge@ice.dhs.gov>; Panthaky, Shiraz <Shiraz.Panthaky@ice.dhs.gov>; Wilson, Jeffrey A <Jeffrey.A.Wilson@ice.dhs.gov>; Shanahan, Katherine E (CTR) <Katherine.E.Shanahan@associates.ice.dhs.gov>; Vassilio, Donna M <Donna.M.Vassilio@ice.dhs.gov>; Sylvester, Anne <Anne.Sylvester@ice.dhs.gov>; Rizzo, Katheryn J <Katheryn.J.Rizzo@ice.dhs.gov>; Wood, Alexander <alexander.wood@hq.dhs.gov>
Subject: RE: Draft Revised ICE Package

Average Daily Population (ADP) in April was less than 32k. Right now it is closer to 22k. ADP is not the same as daily population, of course; for that we would need an exact date to look it up. I figure ADP is close enough considering how the question was phrased.

This time last year ADP was over 55k. That should give you an idea of what the pandemic has done.

-Tadgh

Tadgh Smith
DAD Law Enforcement Systems and Analysis Division
DHS/ICE/ERO
tadgh.a.smith@ice.dhs.gov
Mobile b(6)
Office: (202) 732-3917

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>
Sent: Monday, August 10, 2020 2:01 PM
To: Holz, Jordan <Jordan.Holz@ice.dhs.gov>; Rosenblum, Marc <Marc.Rosenblum@hq.dhs.gov>; DOREY, DAVID <DAVID.DOREY@hq.dhs.gov>
Cc: Arledge, Rhea <Rhea.Arledge@ice.dhs.gov>; Panthaky, Shiraz <Shiraz.Panthaky@ice.dhs.gov>; Smith, Tadgh A <Tadgh.A.Smith@ice.dhs.gov>; Wilson, Jeffrey A <Jeffrey.A.Wilson@ice.dhs.gov>; Shanahan, Katherine E (CTR) <Katherine.E.Shanahan@associates.ice.dhs.gov>; Vassilio, Donna M <Donna.M.Vassilio@ice.dhs.gov>; Sylvester, Anne <Anne.Sylvester@ice.dhs.gov>; Rizzo, Kathryn J <Kathryn.J.Rizzo@ice.dhs.gov>; Wood, Alexander <Alexander.Wood@hq.dhs.gov>
Subject: RE: Draft Revised ICE Package

Good afternoon Jordan,

I sent the documents you provided this morning over to Mike Berning at Census. He is the primary POC for me over there and he will send the information to the appropriate people at Census for review.

I only have one additional question from Census that they received this morning from Department of Commerce. Is it possible to provide them a rough estimate of individuals in ICE detention on April ?

Thank you,

Michele

From: Holz, Jordan <Jordan.Holz@ice.dhs.gov>
Sent: Monday, August 10, 2020 11:50 AM
To: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>; Rosenblum, Marc <marc.rosenblum@hq.dhs.gov>; DOREY, DAVID <david.dorey@hq.dhs.gov>
Cc: Arledge, Rhea <Rhea.Arledge@ice.dhs.gov>; Panthaky, Shiraz <Shiraz.Panthaky@ice.dhs.gov>; Smith, Tadgh A <Tadgh.A.Smith@ice.dhs.gov>; Wilson, Jeffrey A <Jeffrey.A.Wilson@ice.dhs.gov>; Shanahan, Katherine E (CTR) <Katherine.E.Shanahan@associates.ice.dhs.gov>; Vassilio, Donna M <Donna.M.Vassilio@ice.dhs.gov>; Sylvester, Anne <Anne.Sylvester@ice.dhs.gov>; Rizzo, Kathryn J <Kathryn.J.Rizzo@ice.dhs.gov>; Wood, Alexander <alexander.wood@hq.dhs.gov>
Subject: RE: Draft Revised ICE Package

Good morning Michele and Marc,

Attached please find the following:

- ICE edits to the MOA addendum (changing the name of the SEVP PIA)
- ICE edits to the DHS MOA Amendment document
- A PDF document explaining the limitations of using ICE ERO data for Census' stated purposes

ICE would like confirmation that all 3 documents have been shared with Census (including the names of those who received the files), particularly the PDF on data limitations. For your reference, the full text of this document is below. Feel free to let us know if you have questions or require anything further.

DATA LIMITATIONS

The Census Bureau has requested that additional data elements from ICE be included as a supplement to the data delivered in accordance with the December 2019 Memorandum of Agreement (Agreement No. 2064-FY20-NFE-0335). The additional data elements sought are Enforcement and Removal Operations (ERO) information and will be used by Census not only in accordance with the mandates of Executive Order 13880 but also for the purpose set forth in the July 21, 2020 *Presidential Memorandum on Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census*. The following data elements will be provided:

ICE National Docket (Detained and Non-Detained):

- Full name
 - Family name
 - Given name
- Date of Birth (DOB)
- Country Code
 - Country of Birth, if feasible
 - Country of citizenship
- Alien Registration Number (A-number)
- Sex (M or F)
- Address-related data fields (Line 1, Line 2, City, State, Zip code, if available)
 - Reported residential address
 - Current detention facility if currently detained and latest detention facility if non-detained
- Additional Case Related Data
 - Book-in/out date
 - Case open date (if different from book-in date)
 - Final order date
 - Final case status

Removals

- Full name
 - Family name
 - Given name
- Date of Birth (DOB)
- Country Code
 - Country of Birth, if feasible
 - Country of citizenship
- Alien Registration Number (A-number)
- Sex (M or F)

- Additional Case Related Data
 - Book-in/out date
 - Detainee removal from U.S. date
 - Final order date
 - Final case status

DATA LIMITATIONS

Before the above data is utilized for the contemplated purposes, the Census Bureau should be fully aware of the following limitations on the ERO data being provided pursuant to Addendum #3, as revised, as the data is utilized for the purposes set out in Executive Order 13880 and the July 21, 2020 Presidential Memorandum:

- **Snapshot Data:** The ICE National Docket information only represents a snapshot of the information as of the time the data is pulled. Consequently, the data is subject to continual changes that will not be captured and provided to Census, and which could most likely alter the accuracy of the data being utilized and relied upon by Census.
- **Limited Collection Purposes:** ERO case data are collected in the course of ERO's work (arrest, detention, removal of aliens) and intended to help ERO manage its caseload and report its activities. ERO case data are not collected with the intention of estimating populations, and as a result, they are an imperfect proxy for the unauthorized population in the United States.
- **Non-Representational:** The ERO data being provided does not represent the complete universe of unauthorized aliens in the United States. Specifically, the following limitations inherent in ERO data will reduce the accuracy of the Census estimates:
 - ERO data does not represent a random sample of unauthorized aliens and therefore the data provided may not resemble the whole population of this category of persons.
 - All of the above data points regarding aliens with 1367 protections (and other special protected classes of aliens whose information is prohibited by statute/regulation from disclosure) will not be provided to the Census Bureau. Consequently, these individuals will be excluded from the Census estimates.
 - ERO data is fluid and changes from time to time. As a result, the data will sometimes include individuals who are deemed illegal aliens at one point in time and then determined to be legal aliens or U.S. citizens, or who have received a benefit at a later point in time. Therefore, there is inherent risk that the data that the Census Bureau receives on, or before, August 31st may be completely different on September 30. Data fidelity varies across both the ERO datasets and over time. By virtue of the nature of ERO activities and cases, the records are expected to frequently change as the cases evolve.
 - Certain ICE specific terms (such as "illegal") may have a very different meaning for another federal agency. Without knowing exactly how Census will define "illegal" or the criteria that will be used to determine if someone is deemed "illegal," some aliens in removal proceedings may not qualify as "illegal." For example, Lawful Permanent Residents (LPRs) with serious criminal charges may have an open removal case but are not "illegal" under the definition utilized by ICE.
- **Unreliable Address Data:** The address data requested of ERO for the National Docket is a non-mandatory field. This means that ERO officers are not required to complete this field or provide this information. Moreover, when the field is completed, it may not be validated or verified. Consequently, it is considered unreliable for the following reasons:
 - The addresses may represent a mailing address, ICE facility, or other location that is not actually the alien's home.
 - Some cases are old, and the address at the time of the data pull will not represent current location. Address information is pulled as a snapshot in time, but, as previously stated, cases evolve over time.

- **Matching Errors:** Matching errors will reduce the accuracy of the Census estimates. Because ERO records lack social security numbers, Census will have to match records based on names and other biographical information, including the address field. Any matching algorithm may result in false negatives, where an individual is in both datasets but does not match; and false positives, where distinct individuals do match erroneously. Census may also encounter many-to-many matches, where multiple individuals in the Census data match to multiple individuals in ERO data.

Pursuant to the above limitations, ICE wants to make the Census Bureau aware as these may negatively impact the use of the data requested for Congressional apportionment. Data limitations, and the inability to match the data accurately in general will ultimately introduce error into the final estimates. While error is inevitable and tolerable in a statistical analysis, it may not be appropriate for purposes that require more definitive estimates such as those sought for Congressional apportionment.

Jordan Holz

Privacy Officer

Office of Information Governance and Privacy

U.S. Immigration and Customs Enforcement

Desk: 202-732-4373

Mobile: **b(6)**

From: Holz, Jordan

Sent: Friday, August 7, 2020 3:51 PM

To: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>; Rosenblum, Marc <Marc.Rosenblum@hq.dhs.gov>; DOREY, DAVID <DAVID.DOREY@hq.dhs.gov>; KOZANAS, DENA <DENA.KOZANAS@hq.dhs.gov>

Cc: Arledge, Rhea <Rhea.Arledge@ice.dhs.gov>; Panthaky, Shiraz <Shiraz.Panthaky@ice.dhs.gov>; Smith, Tadgh A <Tadgh.A.Smith@ice.dhs.gov>; Wilson, Jeffrey A <Jeffrey.A.Wilson@ice.dhs.gov>; Shanahan, Katherine E (CTR) <Katherine.E.Shanahan@associates.ice.dhs.gov>; Vassilio, Donna M <Donna.M.Vassilio@ice.dhs.gov>; Sylvester, Anne <Anne.Sylvester@ice.dhs.gov>; Rizzo, Kathryn J <Kathryn.J.Rizzo@ice.dhs.gov>; Wood, Alexander <Alexander.Wood@hq.dhs.gov>

Subject: RE: Draft Revised ICE Package

Hi Michele and Marc,

I wanted to give you a quick status update on our review. ICE intends to send its final minor edits to the documents by Monday so that the MOA can be routed for signature. As of now, we only have one technical edit on the MOA addendum (changing the name of the SEVIS PIA to SEVP PIA). There's also one edit on the DHS/MOA Amendment document. As soon as I get the necessary clearances, we will send those over.

Please let me know if you have any questions in the meantime, and I hope everyone has a nice weekend.

Jordan Holz

Privacy Officer

Office of Information Governance and Privacy

U.S. Immigration and Customs Enforcement

Desk: 202-732-4373

Mobile: **b(6)**

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>

Sent: Monday, August 3, 2020 2:25 PM

To: Holz, Jordan <Jordan.Holz@ice.dhs.gov>; Rosenblum, Marc <Marc.Rosenblum@hq.dhs.gov>; DOREY, DAVID

<DAVID.DOREY@hq.dhs.gov>; KOZANAS, DENA <DENA.KOZANAS@hq.dhs.gov>

Cc: Arledge, Rhea <Rhea.Arledge@ice.dhs.gov>; Panthaky, Shiraz <Shiraz.Panthaky@ice.dhs.gov>; Smith, Tadgh A <Tadgh.A.Smith@ice.dhs.gov>; Wilson, Jeffrey A <Jeffrey.A.Wilson@ice.dhs.gov>; Ouellette, Eric A <Eric.A.Ouellette@ice.dhs.gov>; Vassilio, Donna M <Donna.M.Vassilio@ice.dhs.gov>; Sylvester, Anne <Anne.Sylvester@ice.dhs.gov>; Rizzo, Kathryn J <Kathryn.J.Rizzo@ice.dhs.gov>; Wood, Alexander <Alexander.Wood@hq.dhs.gov>

Subject: FW: Draft Revised ICE Package

Dear All –

Please see the revised draft from Census to reflect the impact of the July 21, 2020 Presidential Memo. I know you were in the process of reviewing what Census sent back last week but these drafts seem to address your overarching question about the Presidential Memo.

Let me know if you have any questions.

Thank you,

Michele

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>

Sent: Monday, August 3, 2020 12:34 PM

To: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>

Cc: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>

Subject: Draft Revised ICE Package

Michele,

Attached please find an update ICE Request Memo package that incorporates the recommendations from Census Legal for the USCIS Package.

This package has not gone through the full review process yet but I am providing it to you in advance as we work through that review process here.

Mike

Mike Berning, Assistant Division Chief for Data Acquisition and Curation

Economic Reimbursable Surveys Division

U.S. Census Bureau

O: 301-763-2028 | M: b(6)

census.gov | @uscensusbureau

From: Fleming, John C. Jr. EOP/WHO [b(6)]@who.eop.gov]
Sent: 6/4/2020 4:08:56 PM
To: Cogley, Nathaniel (Federal) [NCogley@doc.gov]
Subject: FW: Census - proposed legislative language
Attachments: Census Legislative Text and Section-by-Section 04.18.20.pdf; ATT00001.htm

FYI

John C. Fleming, MD

Assistant to the President for Planning and Implementation in the office of the Chief of Staff
White House West Wing Rm [b(6)]
Office [b(6)]
Mobile [b(6)]
[b(6)]@who.eop.gov

From: Fleming, John C. Jr. EOP/WHO [b(6)]@who.eop.gov>
Sent: Monday, June 1, 2020 8:57 PM
To: Meadows, Mark R. EOP/WHO [b(6)]@who.eop.gov>
Subject: Fwd: Census - proposed legislative language

Mark,

See attached the proposed legislative language on the Census [b(5) - DP]

Thx,

John C. Fleming, MD

Assistant to the President for Planning and Implementation
Office of the Chief of Staff
White House West Wing Rm [b(6)]
Office [b(6)]
Mobile [b(6)]
[b(6)]@who.eop.gov

Begin forwarded message:

From: "Walsh, Michael (Federal)" <MWalsh@doc.gov>
Date: June 1, 2020 at 8:55:26 PM EDT
To: "Fleming, John C. Jr. EOP/WHO" [b(6)]@who.eop.gov>
Subject: Census - proposed legislative language

John,

Our proposed legislative language is attached. Please let me know if you have any questions.

Mike

From: Cogley, Nathaniel (Federal) [b(6)]
[b(6)]
Sent: 5/18/2020 11:31:59 AM
To: [b(6) - John McEntee]@who.eop.gov
Subject: RE: Document
Attachments: [b(5) - DP] in Executive Order 13880 6.docx

Dr. Mr. McEntee,

Greetings. I just realized that there is a slight mistake in the draft that was previously sent. Because the recipient was changed from Dr. Fleming to Mr. Meadows, the line [b(5) - DP]

[b(5) - DP] needs to be changed to [b(5) - DP]

[b(5) - DP] That line appears at the end of the second to last paragraph on the first page. Attached is a new version that makes that subtle, but important, change.

Sorry for the mistake. Thanks for your attention, assistance, and understanding.

Sincerely,
Nathaniel

Nathaniel Cogley, Ph.D.
Senior Advisor to the Office of the Deputy Secretary
U.S. Department of Commerce
Phone: [b(6)]
Email: ncogley@doc.gov

From: Cogley, Nathaniel (Federal)
Sent: Monday, May 18, 2020 10:25 AM
To: [b(6) - John McEntee]@who.eop.gov
Subject: Document

Dear Mr. McEntee,

Please find the document attached.

Sincerely,
Nathaniel

Nathaniel Cogley, Ph.D.
Senior Advisor to the Office of the Deputy Secretary
U.S. Department of Commerce
Phone: [b(6)]
Email: ncogley@doc.gov

Date: May 18th, 2020

To: The Honorable Mark Meadows, White House Chief of Staff

From: Nathaniel Cogley, Ph.D., Senior Advisor to the Office of the Deputy Secretary, Department of Commerce

b(5)- DP; b(6)

b(5) - DP

From: Cogley, Nathaniel (Federal); [redacted] b(6)
[redacted] b(6)
Sent: 5/18/2020 10:25:28 AM
To: [redacted] b(6) - John McEntee @who.eop.gov
Subject: Document
Attachments: [redacted] b(5) - DP in Executive Order 13880 5.docx

Dear Mr. McEntee,

Please find the document attached.

Sincerely,
Nathaniel

Nathaniel Cogley, Ph.D.
Senior Advisor to the Office of the Deputy Secretary
U.S. Department of Commerce
Phone: [redacted] b(6)
Email: ncogley@doc.gov

Date: May 18th, 2020

To: The Honorable Mark Meadows, White House Chief of Staff

From: Nathaniel Cogley, Ph.D., Senior Advisor to the Office of the Deputy Secretary, Department of Commerce

b(5)- DP; b(6)

b(5) - DP

[HOME](#)[PRIVACY](#)[OPEN GOVERNMENT](#)[FOIA](#)[PRIVACY ACT](#)[FACA](#)[DIRECTIVES](#)[ABOUT](#)[CONTACT US](#)

System of Records Notices

Effective Date: December 13, 2016

COMMERCE/CENSUS-8

SYSTEM NAME:

Statistical Administrative Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Bowie Computer Center, Bureau of the Census, 17101 Melford Blvd., Bowie, Maryland 20715; and at a FEDRAMP-approved cloud services facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system covers the population of the United States and territories. In order to approximate coverage of the population in support of its statistical programs, the Census Bureau will acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service. Comparable data may also be sought from state agencies and commercial sources and Web sites.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records are organized into three components:

- The first category contains records with personal identifiers (names and Social Security Numbers (SSNs)), with access restricted to a limited number of sworn Census Bureau staff. These records are only used for a brief period of time while the personal identifiers are replaced with unique non-identifying codes. In a controlled Information Technology (IT) environment, the identifying information (SSN) contained in source files is removed and replaced with unique non-identifying codes. The Census Bureau does not collect SSNs in Title 13 surveys or censuses. Title 13, Section 6, authorizes the Census Bureau to acquire information from other federal departments and agencies and for the acquisition of reports of other governmental or private sources. Data acquired by the Census Bureau to meet this directive may include direct identifiers such as name, address, date of birth, driver's license

number, and SSN. The direct identifiers are used to identify duplicate lists and link across multiple sources.

- The Census Bureau has developed software to standardize and validate incoming person records to assign a unique Census Bureau linkage identifier. This identifier, called the Protected Identification Key (PIK), is retained on files so that SSNs can be removed. This process occurs through the Person Identification Validation System (PVS). The PVS software processes direct identifiers from input files. Census Bureau staff use the person linkage keys to merge files when conducting approved research and operations activities. The software is also used to facilitate record linkage for Census Bureau research partners within the Federal Statistical System. Through legal agreements, linkage keys may be created by the Census Bureau for other Federal Statistical Agencies to produce statistics. The PVS system does not append additional identifying information, only a unique identifier to facilitate record linkage.
- The second category contains records that are maintained on unique data sets that are extracted or combined on an as-needed basis in approved projects. Records are extracted or combined as needed using the unique non-identifying codes, not by name or SSN, to prepare numerous statistical products. These records may contain information such as: Demographic information—date of birth, sex, race, ethnicity, household and family characteristics, education, marital status, tribal affiliation, and veteran's status, etc.; Geographical information—address and geographic codes, etc.; Mortality information—cause of death and hospitalization information; Health information—type of provider, services provided, cost of services, and quality indicators, etc.; Economic information—housing characteristics, income, occupation, employment and unemployment information, health insurance coverage, Federal and State program participation, assets, and wealth.
- The third category contains two types of records that use name data for specific research activities. The Census Bureau has policies and procedures to review and control name data from administrative records providers and third party sources. This category refers to name data used to plan contact operations for surveys and censuses and for research on names. The first type of records includes Respondent contact information—name (or username), address, telephone number (both landline and cell phone number), and email address or equivalent. The second type of records includes name data used to set Demographic Characteristics Flags—names are compared to lookup tables and used in models to assign sex and ethnicity. Records in this category are maintained on unique data sets that are extracted or combined on an as-needed basis using the unique non-identifying codes that replaced the SSNs, but with some name information retained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title [13 U.S.C. 6.](#)

PURPOSES:

This system of records supports the Census Bureau's core mission of producing economic and demographic statistics. To accomplish this mission the Census Bureau is directed to acquire information from public and private sources to ensure the efficient and economical conduct of its censuses and surveys by using that information instead of conducting direct inquiries. To provide the information on which the American public, businesses, policymakers, and analysts rely, the Statistical Administrative Records System efficiently re-uses data from external sources, thereby eliminating the need to collect information again. Therefore, the purpose of this system is to centralize and control the use of personally identifiable information by providing a secure repository that supports statistical operations. The system removes SSNs contained in source files and

replaces them with unique non-identifying codes called Protected Identification Keys (PIKs) prior to use by other Census Bureau operating units. Census Bureau staff use the PIK to merge files to conduct approved research projects. Through legal agreements documenting permitted uses of the external data, linked files may be created to produce statistics. By combining survey and census data with administrative record data from other agencies, and data procured from commercial sources, the Census Bureau will improve the quality and usefulness of its statistics and reduce the respondent burden associated with direct data collection efforts. The system will also be used to plan, evaluate, and enhance survey and census operations; improve questionnaire design and selected survey data products; and produce research and statistical products such as estimates of the demographic, social, and economic characteristics of the population.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

None. The Statistical Administrative Records System will be used only for statistical purposes. No disclosures which permit the identification of individual respondents, and no determinations affecting individual respondents will be made.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored in a secure computerized system and on magnetic media; output data will be electronic. Magnetic media will be stored in a secure area within a locked drawer or cabinet. Source data sets containing personal identifiers will be maintained in a secure restricted-access IT environment. Records may also be stored by or at a secure FEDRAMP-approved cloud service provider or facility.

RETRIEVABILITY:

Staff producing statistical products will have access only to data sets from which SSNs have been deleted and replaced by unique non-identifying codes internal to the Census Bureau. Only a limited number of sworn Census Bureau staff, who work within a secure restricted-access environment, will be permitted to retrieve records containing direct identifiers (such as name or SSN).

SAFEGUARDS:

The Census Bureau is committed to respecting respondent privacy and protecting confidentiality. Through the Data Stewardship Program, we have implemented management, operational, and technical controls and practices to ensure high-level data protection to respondents of our censuses and surveys.

- An unauthorized browsing policy protects respondent information from casual or inappropriate use by any person with access to Title 13 protected data.
- All Census Bureau employees, persons with special sworn status, as well as employees of FEDRAMP-approved cloud services who may have incidental access to Title 13 protected data, are subject to the restrictions, penalties, and prohibitions of 13 U.S.C. 9 and 214 as modified by Title 18 U.S.C. 3551, et. seq.; the Privacy Act of 1974 (5 U.S.C.

552a(b)(4); 18 U.S.C. 1905; 26 U.S.C. 7213, 7213A, and 7431; and 42 U.S.C. 1306.

- All Census Bureau employees and persons with special sworn status will be regularly advised of regulations issued pursuant to Title 13 governing the confidentiality of the data, and will be required to complete an annual Data Stewardship Awareness training and those who have access to Federal Tax Information data will be regularly advised of regulations issued pursuant to Title 26 governing the confidentiality of the data, and will be required to complete an annual Title 26 awareness program. The restricted-access IT environment has been established to limit the number of Census Bureau staff with direct access to the personal identifiers in this system to protect the confidentiality of the data and to prevent unauthorized use or access. These safeguards provide a level and scope of security that meet the level and scope of security established by OMB Circular No. A-130, Appendix III, Security of Federal Automated Information Resources.
- All Census Bureau and FEDRAMP-approved computer systems that maintain sensitive information are in compliance with the Federal Information Security Management Act, which includes auditing and controls over access to restricted data.
- The use of unsecured telecommunications to transmit individually identifiable information is prohibited.
- Paper copies that contain sensitive information are stored in secure facilities in a locked drawer or file cabinet behind a closed door.
- Each requested use of the data covered in this SORN will be reviewed by an in-house Project Review Board to ensure that data relating to the project will be used only for authorized purposes. All uses of the data are solely for statistical purposes, which by definition means that uses will not directly affect benefits or enforcement actions for any individual. Only when the Project Review Board has approved a project, will access to information from one or more of the source data sets occur. Data from external sources in approved projects will not be made publicly available.
- Any publications based on the Statistical Administrative Records System will be cleared for release under the direction of the Census Bureau's Disclosure Review Board, which will confirm that all the required disclosure protection procedures have been implemented. No information will be released that identifies any individual.

RETENTION AND DISPOSAL:

Records are to be retained in accordance with General Records Schedule GRS 4.3, and the Census Bureau's records control schedule DAA-0029-2014-0005, Records of the Center for Administrative Records Research and Applications, which are approved by the National Archives and Records Administration (NARA). Records are also retained in accordance with agreements developed with sponsoring agencies or source entities. Federal tax information administrative record data will be retained and disposed of in accordance with Publication 1075, Tax information Security Guidelines for Federal, State, and Local Agencies and Entities. The Census Bureau issues an Annual Safeguard Security Report that includes information on the retention and disposal of federal tax information. Pursuant to IRS regulation, Title 26 U.S.C. 6103(p) (4)(F)(ii), data cannot be transferred to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Research and Methodology, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233-8000.

NOTIFICATION PROCEDURE:

None.

RECORD ACCESS PROCEDURES:

None.

CONTESTING RECORD PROCEDURES:

None.

RECORD SOURCE CATEGORIES:

Individuals and addresses covered by selected administrative record systems and Census Bureau censuses and surveys including current demographic and economic surveys, quinquennial Economic Censuses, and decennial Censuses of Population and Housing. Additionally, the Census Bureau will also acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service, etc. Comparable data may also be sought from state agencies, commercial sources, and Web sites.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4), this system of records is exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Census Bureau solely as statistical records, as required under Title 13, and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR part 4 Subpart B published in this Federal Register.

FEDERAL REGISTER HISTORY:

<u>81 FR 76554</u>	November 13, 2016	Notice of Proposed Amendment to Privacy Act System of Records
<u>75 FR 78211</u>	December 15, 2010	Effective Date Notice
<u>75 FR 66061</u>	October 27, 2010	Notice of Proposed Amendment to Privacy Act System of Records

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Questions and Comments

Send Questions or Comments on the Commerce Office of Privacy and Open Government programs to PrivacyAct@doc.gov.

Office of Privacy and Open Government
Office of the Chief Financial Officer and Assistant Secretary for Administration
U.S. Department of Commerce

Page last updated: January 10, 2017->

Request for Records Disposition Authority

Records Schedule Number DAA-0029-2014-0005
Schedule Status Approved

Agency or Establishment Bureau of the Census
Record Group / Scheduling Group Records of the Bureau of the Census
Records Schedule applies to Major Subdivision
Major Subdivision Center for Administrative Records Research and Applications
Minor Subdivision Center for Economic Studies
Schedule Subject Records of the Center for Administrative Records Research and Applications.

The Census Bureau acquires and links federal, state, and local administrative records and commercial data from third party vendors to Census Bureau survey and geographic data. The Census Bureau uses this acquired data to improve planning, operations, and data products. Data may be used to: create a sampling base, improve Census Bureau survey coverage, provide a basis for improving survey program participation questions, and gain a greater understanding of data quality collected in Census Bureau surveys. Summary Files - Records that contain summarized or aggregated information created by combining data elements or individual observations from the derivative files described in part B are created by specific program areas and are included in the records schedules specific to the particular program and not under this schedule.

Internal agency concurrences will be provided No

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
3	0	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0029-2014-0005

Sequence Number	
1	Data Records Program Disposition Authority Number: DAA-0029-2014-0005-0001
2	Original Files Disposition Authority Number: DAA-0029-2014-0005-0002
3	Derivative files. Disposition Authority Number: DAA-0029-2014-0005-0003

Records Schedule Items

Sequence Number	
1	<p>Data Records Program</p> <p>Disposition Authority Number DAA-0029-2014-0005-0001</p> <p>The acquired data records program includes emails, specifications, computer programs, and memoranda.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p> <p>Retention Period Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Original Files</p> <p>Disposition Authority Number DAA-0029-2014-0005-0002</p> <p>Original files from outside sources.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p>

3

Retention Period Destroy when 2 years old or as contracts specify.

Additional Information

GAO Approval Not Required

Derivative files.

Disposition Authority Number DAA-0029-2014-0005-0003

Files linked to Census records with the identifying information from the original record stripped and the matched person record is assigned a unique and anonymous Census Bureau linkage key.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

Disposition Instruction

Retention Period Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.

Additional Information

GAO Approval Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
07/31/2014	Certify	Artina Venning	Section Chief	ACSD - Property and Records Management Branch
01/14/2015	Submit for Concurrence	Henry Wolfinger	Appraiser	National Archives and Records Administration - Records Management Services
01/20/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
01/20/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
01/21/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

To: DL Chief of Staff Office [b(6)]@WHO.eop.gov; Gilmartin, Kayleigh M.
EOP/WHO [b(6)]@who.eop.gov; Farah, Alyssa A. EOP/WHO [b(6)]@who.eop.gov; Cipollone, Pat A.
EOP/WHO [b(6)]@who.eop.gov; Philbin, Patrick F. EOP/WHO [b(6)]@who.eop.gov; Eisenberg, John A.
EOP/WHO [b(6)]@who.eop.gov; Salvi, Mary E. EOP/WHO [b(6)]@who.eop.gov; Liddell, Christopher P.
EOP/WHO [b(6)]@who.eop.gov; Kushner, Jared C. EOP/WHO [b(6)]@who.eop.gov; Hicks, Hope C.
EOP/WHO [b(6)]@who.eop.gov; [b(6)]@who.eop.gov; Rollins, Brooke L.
EOP/WHO [b(6)]@who.eop.gov; Kudlow, Larry A. EOP/WHO [b(6)]@who.eop.gov; Short, Marc T.
EOP/OVP [b(6)]@ovp.eop.gov; Vought, Russell T. EOP/OMB [b(6)]@omb.eop.gov; Levi, William
(OAG) [b(6)] Walsh, Michael (Federal)[MWalsh@doc.gov]
Cc: Staff Secretary [b(6)]@who.eop.gov
From: Staff Secretary [b(6)]@who.eop.gov
Sent: Mon 7/20/2020 7:56:30 PM (UTC-04:00)
Subject: RE: For Quick Review: Draft Factsheet on Apportionment PM (revised + additional edits)
Factsheet - Apportionment Memorandum V.3.docx

Attached is a revised version of the factsheet with additional edits from our last circulation.

Please review and send **critical edits** to Staff Sec **by 9:00am tomorrow, Tuesday, July 21.**

Thanks,
Staff Sec.

From: Staff Secretary <[b(6)]@who.eop.gov>
Sent: Monday, July 20, 2020 3:49 PM
To: DL Chief of Staff Office [b(6)]@WHO.eop.gov; Gilmartin, Kayleigh M. EOP/WHO
<[b(6)]@who.eop.gov>; Farah, Alyssa A. EOP/WHO <[b(6)]@who.eop.gov>; Cipollone, Pat A. EOP/WHO
[b(6)]@who.eop.gov; Philbin, Patrick F. EOP/WHO [b(6)]@who.eop.gov; Eisenberg, John A.
EOP/WHO <[b(6)]@who.eop.gov>; Salvi, Mary E. EOP/WHO [b(6)]@who.eop.gov; Liddell, Christopher P.
EOP/WHO <[b(6)]@who.eop.gov>; Kushner, Jared C. EOP/WHO [b(6)]@who.eop.gov; Hicks, Hope C. EOP/WHO
[b(6)]@who.eop.gov; [b(6)]@who.eop.gov; Rollins, Brooke L. EOP/WHO [b(6)]@who.eop.gov; Kudlow, Larry A.
EOP/WHO <[b(6)]@who.eop.gov>; Short, Marc T. EOP/OVP [b(6)]@ovp.eop.gov; Vought, Russell T.
EOP/OMB <[b(6)]@omb.eop.gov>; Levi, William (OAG) [b(6)] Walsh, Michael (Federal)
<MWalsh@doc.gov>
Cc: Staff Secretary [b(6)]@who.eop.gov
Subject: RE: For Quick Review: Draft Factsheet on Apportionment PM (revised)

Attached is a revised version of the factsheet that incorporates edits from our previous circulation.

Please review and send any **critical edits** to Staff Sec **by 6:00pm tonight.**

Thanks,
Staff Sec.

From: Staff Secretary <[b(6)]@who.eop.gov>
Sent: Monday, July 20, 2020 1:38 PM
To: DL Chief of Staff Office [b(6)]@WHO.eop.gov; Gilmartin, Kayleigh M. EOP/WHO
[b(6)]@who.eop.gov; Farah, Alyssa A. EOP/WHO [b(6)]@who.eop.gov; Cipollone, Pat A. EOP/WHO
[b(6)]@who.eop.gov; Philbin, Patrick F. EOP/WHO [b(6)]@who.eop.gov; Eisenberg, John A.
EOP/WHO [b(6)]@who.eop.gov; Salvi, Mary E. EOP/WHO [b(6)]@who.eop.gov; Liddell, Christopher P.
EOP/WHO [b(6)]@who.eop.gov; Kushner, Jared C. EOP/WHO [b(6)]@who.eop.gov; Hicks, Hope C. EOP/WHO
[b(6)]@who.eop.gov; [b(6)]@who.eop.gov; Rollins, Brooke L. EOP/WHO <[b(6)]@who.eop.gov>; Kudlow, Larry A.
EOP/WHO <[b(6)]@who.eop.gov>; Short, Marc T. EOP/OVP <[b(6)]@ovp.eop.gov>; Vought, Russell T.
EOP/OMB [b(6)]@omb.eop.gov; Levi, William (OAG) [b(6)] Walsh, Michael (Federal)
<MWalsh@doc.gov>
Cc: Staff Secretary [b(6)]@who.eop.gov
Subject: For Quick Review: Draft Factsheet on Apportionment PM

Attached for your **quick review** is a draft factsheet re: a Presidential Memorandum on apportionment.

Please review and send any feedback to Staff Sec **by 3:00pm today.** Reach out directly with questions.

Thanks,
Staff Sec.

To: Meadows, Mark R. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Gilmartin, Kayleigh M. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Farah, Alyssa A. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Philbin, Patrick F. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Eisenberg, John A. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Salvi, Mary E. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Liddell, Christopher P. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Kushner, Jared C. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Hicks, Hope C. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Rollins, Brooke L. EOP/WHO [b(6)] [redacted]@who.eop.gov]; Levi, William (OAG) [b(6)] [redacted]; Walsh, Michael (Federal)[MWalsh@doc.gov]
Cc: Staff Secretary [b(6)] [redacted]@who.eop.gov]
From: Staff Secretary [b(6)] [redacted]@who.eop.gov]
Sent: Mon 7/20/2020 6:55:38 PM (UTC-04:00)
Subject: For Review: Draft POTUS remarks re: apportionment
[Census Remarks \(001\).docx](#)

Attached for your review are draft POTUS remarks for the signing of a Presidential Memorandum re: apportionment.

Please review and send any feedback to Staff Sec **by 8:30pm tonight**. Reach out directly with questions.

Thanks,
Staff Sec.

To: DL Chief of Staff Office [b(6)] [b(6)]@WHO.eop.gov; Gilmartin, Kayleigh M.
EOP/WHO [b(6)]@who.eop.gov; Farah, Alyssa A. EOP/WHO [b(6)]@who.eop.gov; Cipollone, Pat A.
EOP/WHO [b(6)]@who.eop.gov; Philbin, Patrick F. EOP/WHO [b(6)]@who.eop.gov; Eisenberg, John A.
EOP/WHO [b(6)]@who.eop.gov; Salvi, Mary E. EOP/WHO [b(6)]@who.eop.gov; Liddell, Christopher P.
EOP/WHO [b(6)]@who.eop.gov; Kushner, Jared C. EOP/WHO [b(6)]@who.eop.gov; Hicks, Hope C.
EOP/WHO [b(6)]@who.eop.gov; [b(6)] - Ivanka Trump [b(6)]@who.eop.gov; Rollins, Brooke L.
EOP/WHO [b(6)]@who.eop.gov; Kudlow, Larry A. EOP/WHO [b(6)]@who.eop.gov; Short, Marc T.
EOP/OVP [b(6)]@ovp.eop.gov; Vought, Russell T. EOP/OMB [b(6)]@omb.eop.gov; Levi, William
(OAG) [b(6)] Walsh, Michael (Federal)[MWalsh@doc.gov]
Cc: Staff Secretary [b(6)]@who.eop.gov
From: Staff Secretary [b(6)]@who.eop.gov
Sent: Mon 7/20/2020 1:38:23 PM (UTC-04:00)
Subject: For Quick Review: Draft Factsheet on Apportionment PM
Factsheet - Apportionment Memorandum V.1.docx

Attached for your **quick review** is a draft factsheet re: a Presidential Memorandum on apportionment.

Please review and send any feedback to Staff Sec **by 3:00pm today**. Reach out directly with questions.

Thanks,
Staff Sec.

Sent: Wed 12/11/2019 10:47:43 AM (UTC-05:00)

Subject: FW: Census MOA Review Packet and Instructions
Review Response Form.xlsx

1 Census DHS MOA USCIS Addendum 12.2.2019 Clean.docx

2 CBP ICE Addenda 12.2.2019.docx

3 Census DHS MOA 11.21.2019 jdb mb LWM.docx

4 SORN CENSUS 08.pdf

5 Records of the Center for Administrative Records Research and Applications - daa-0029-2014-0005_sf115.pdf

[HOME](#)[PRIVACY](#)[OPEN GOVERNMENT](#)[FOIA](#)[PRIVACY ACT](#)[FACA](#)[DIRECTIVES](#)[ABOUT](#)[CONTACT US](#)

System of Records Notices

Effective Date: December 13, 2016

COMMERCE/CENSUS-8

SYSTEM NAME:

Statistical Administrative Records System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

Bowie Computer Center, Bureau of the Census, 17101 Melford Blvd., Bowie, Maryland 20715; and at a FEDRAMP-approved cloud services facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system covers the population of the United States and territories. In order to approximate coverage of the population in support of its statistical programs, the Census Bureau will acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service. Comparable data may also be sought from state agencies and commercial sources and Web sites.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system of records are organized into three components:

- The first category contains records with personal identifiers (names and Social Security Numbers (SSNs)), with access restricted to a limited number of sworn Census Bureau staff. These records are only used for a brief period of time while the personal identifiers are replaced with unique non-identifying codes. In a controlled Information Technology (IT) environment, the identifying information (SSN) contained in source files is removed and replaced with unique non-identifying codes. The Census Bureau does not collect SSNs in Title 13 surveys or censuses. Title 13, Section 6, authorizes the Census Bureau to acquire information from other federal departments and agencies and for the acquisition of reports of other governmental or private sources. Data acquired by the Census Bureau to meet this directive may include direct identifiers such as name, address, date of birth, driver's license

number, and SSN. The direct identifiers are used to identify duplicate lists and link across multiple sources.

- The Census Bureau has developed software to standardize and validate incoming person records to assign a unique Census Bureau linkage identifier. This identifier, called the Protected Identification Key (PIK), is retained on files so that SSNs can be removed. This process occurs through the Person Identification Validation System (PVS). The PVS software processes direct identifiers from input files. Census Bureau staff use the person linkage keys to merge files when conducting approved research and operations activities. The software is also used to facilitate record linkage for Census Bureau research partners within the Federal Statistical System. Through legal agreements, linkage keys may be created by the Census Bureau for other Federal Statistical Agencies to produce statistics. The PVS system does not append additional identifying information, only a unique identifier to facilitate record linkage.
- The second category contains records that are maintained on unique data sets that are extracted or combined on an as-needed basis in approved projects. Records are extracted or combined as needed using the unique non-identifying codes, not by name or SSN, to prepare numerous statistical products. These records may contain information such as: Demographic information—date of birth, sex, race, ethnicity, household and family characteristics, education, marital status, tribal affiliation, and veteran's status, etc.; Geographical information—address and geographic codes, etc.; Mortality information—cause of death and hospitalization information; Health information—type of provider, services provided, cost of services, and quality indicators, etc.; Economic information—housing characteristics, income, occupation, employment and unemployment information, health insurance coverage, Federal and State program participation, assets, and wealth.
- The third category contains two types of records that use name data for specific research activities. The Census Bureau has policies and procedures to review and control name data from administrative records providers and third party sources. This category refers to name data used to plan contact operations for surveys and censuses and for research on names. The first type of records includes Respondent contact information—name (or username), address, telephone number (both landline and cell phone number), and email address or equivalent. The second type of records includes name data used to set Demographic Characteristics Flags—names are compared to lookup tables and used in models to assign sex and ethnicity. Records in this category are maintained on unique data sets that are extracted or combined on an as-needed basis using the unique non-identifying codes that replaced the SSNs, but with some name information retained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title [13 U.S.C. 6.](#)

PURPOSES:

This system of records supports the Census Bureau's core mission of producing economic and demographic statistics. To accomplish this mission the Census Bureau is directed to acquire information from public and private sources to ensure the efficient and economical conduct of its censuses and surveys by using that information instead of conducting direct inquiries. To provide the information on which the American public, businesses, policymakers, and analysts rely, the Statistical Administrative Records System efficiently re-uses data from external sources, thereby eliminating the need to collect information again. Therefore, the purpose of this system is to centralize and control the use of personally identifiable information by providing a secure repository that supports statistical operations. The system removes SSNs contained in source files and

replaces them with unique non-identifying codes called Protected Identification Keys (PIKs) prior to use by other Census Bureau operating units. Census Bureau staff use the PIK to merge files to conduct approved research projects. Through legal agreements documenting permitted uses of the external data, linked files may be created to produce statistics. By combining survey and census data with administrative record data from other agencies, and data procured from commercial sources, the Census Bureau will improve the quality and usefulness of its statistics and reduce the respondent burden associated with direct data collection efforts. The system will also be used to plan, evaluate, and enhance survey and census operations; improve questionnaire design and selected survey data products; and produce research and statistical products such as estimates of the demographic, social, and economic characteristics of the population.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

None. The Statistical Administrative Records System will be used only for statistical purposes. No disclosures which permit the identification of individual respondents, and no determinations affecting individual respondents will be made.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored in a secure computerized system and on magnetic media; output data will be electronic. Magnetic media will be stored in a secure area within a locked drawer or cabinet. Source data sets containing personal identifiers will be maintained in a secure restricted-access IT environment. Records may also be stored by or at a secure FEDRAMP-approved cloud service provider or facility.

RETRIEVABILITY:

Staff producing statistical products will have access only to data sets from which SSNs have been deleted and replaced by unique non-identifying codes internal to the Census Bureau. Only a limited number of sworn Census Bureau staff, who work within a secure restricted-access environment, will be permitted to retrieve records containing direct identifiers (such as name or SSN).

SAFEGUARDS:

The Census Bureau is committed to respecting respondent privacy and protecting confidentiality. Through the Data Stewardship Program, we have implemented management, operational, and technical controls and practices to ensure high-level data protection to respondents of our censuses and surveys.

- An unauthorized browsing policy protects respondent information from casual or inappropriate use by any person with access to Title 13 protected data.
- All Census Bureau employees, persons with special sworn status, as well as employees of FEDRAMP-approved cloud services who may have incidental access to Title 13 protected data, are subject to the restrictions, penalties, and prohibitions of 13 U.S.C. 9 and 214 as modified by Title 18 U.S.C. 3551, et. seq.; the Privacy Act of 1974 (5 U.S.C.

552a(b)(4); 18 U.S.C. 1905; 26 U.S.C. 7213, 7213A, and 7431; and 42 U.S.C. 1306.

- All Census Bureau employees and persons with special sworn status will be regularly advised of regulations issued pursuant to Title 13 governing the confidentiality of the data, and will be required to complete an annual Data Stewardship Awareness training and those who have access to Federal Tax Information data will be regularly advised of regulations issued pursuant to Title 26 governing the confidentiality of the data, and will be required to complete an annual Title 26 awareness program. The restricted-access IT environment has been established to limit the number of Census Bureau staff with direct access to the personal identifiers in this system to protect the confidentiality of the data and to prevent unauthorized use or access. These safeguards provide a level and scope of security that meet the level and scope of security established by OMB Circular No. A-130, Appendix III, Security of Federal Automated Information Resources.
- All Census Bureau and FEDRAMP-approved computer systems that maintain sensitive information are in compliance with the Federal Information Security Management Act, which includes auditing and controls over access to restricted data.
- The use of unsecured telecommunications to transmit individually identifiable information is prohibited.
- Paper copies that contain sensitive information are stored in secure facilities in a locked drawer or file cabinet behind a closed door.
- Each requested use of the data covered in this SORN will be reviewed by an in-house Project Review Board to ensure that data relating to the project will be used only for authorized purposes. All uses of the data are solely for statistical purposes, which by definition means that uses will not directly affect benefits or enforcement actions for any individual. Only when the Project Review Board has approved a project, will access to information from one or more of the source data sets occur. Data from external sources in approved projects will not be made publicly available.
- Any publications based on the Statistical Administrative Records System will be cleared for release under the direction of the Census Bureau's Disclosure Review Board, which will confirm that all the required disclosure protection procedures have been implemented. No information will be released that identifies any individual.

RETENTION AND DISPOSAL:

Records are to be retained in accordance with General Records Schedule GRS 4.3, and the Census Bureau's records control schedule DAA-0029-2014-0005, Records of the Center for Administrative Records Research and Applications, which are approved by the National Archives and Records Administration (NARA). Records are also retained in accordance with agreements developed with sponsoring agencies or source entities. Federal tax information administrative record data will be retained and disposed of in accordance with Publication 1075, Tax information Security Guidelines for Federal, State, and Local Agencies and Entities. The Census Bureau issues an Annual Safeguard Security Report that includes information on the retention and disposal of federal tax information. Pursuant to IRS regulation, Title 26 U.S.C. 6103(p) (4)(F)(ii), data cannot be transferred to NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director for Research and Methodology, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233-8000.

NOTIFICATION PROCEDURE:

None.

RECORD ACCESS PROCEDURES:

None.

CONTESTING RECORD PROCEDURES:

None.

RECORD SOURCE CATEGORIES:

Individuals and addresses covered by selected administrative record systems and Census Bureau censuses and surveys including current demographic and economic surveys, quinquennial Economic Censuses, and decennial Censuses of Population and Housing. Additionally, the Census Bureau will also acquire administrative record files from agencies such as the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Housing and Urban Development, Labor, Treasury, Veterans Affairs, the Office of Personnel Management, the Social Security Administration, the Selective Service System, and the U.S. Postal Service, etc. Comparable data may also be sought from state agencies, commercial sources, and Web sites.

SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(4), this system of records is exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Census Bureau solely as statistical records, as required under Title 13, and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR part 4 Subpart B published in this Federal Register.

FEDERAL REGISTER HISTORY:

<u>81 FR 76554</u>	November 13, 2016	Notice of Proposed Amendment to Privacy Act System of Records
<u>75 FR 78211</u>	December 15, 2010	Effective Date Notice
<u>75 FR 66061</u>	October 27, 2010	Notice of Proposed Amendment to Privacy Act System of Records

[Return to top](#)

Questions and Comments

Send Questions or Comments on the Commerce Office of Privacy and Open Government programs to PrivacyAct@doc.gov.

Office of Privacy and Open Government
Office of the Chief Financial Officer and Assistant Secretary for Administration
U.S. Department of Commerce

Page last updated: January 10, 2017->

Request for Records Disposition Authority

Records Schedule Number DAA-0029-2014-0005
Schedule Status Approved

Agency or Establishment Bureau of the Census
Record Group / Scheduling Group Records of the Bureau of the Census
Records Schedule applies to Major Subdivision
Major Subdivision Center for Administrative Records Research and Applications
Minor Subdivision Center for Economic Studies
Schedule Subject Records of the Center for Administrative Records Research and Applications.

The Census Bureau acquires and links federal, state, and local administrative records and commercial data from third party vendors to Census Bureau survey and geographic data. The Census Bureau uses this acquired data to improve planning, operations, and data products. Data may be used to: create a sampling base, improve Census Bureau survey coverage, provide a basis for improving survey program participation questions, and gain a greater understanding of data quality collected in Census Bureau surveys. Summary Files - Records that contain summarized or aggregated information created by combining data elements or individual observations from the derivative files described in part B are created by specific program areas and are included in the records schedules specific to the particular program and not under this schedule.

Internal agency concurrences will be provided No

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
3	0	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0029-2014-0005

Sequence Number	
1	Data Records Program Disposition Authority Number: DAA-0029-2014-0005-0001
2	Original Files Disposition Authority Number: DAA-0029-2014-0005-0002
3	Derivative files. Disposition Authority Number: DAA-0029-2014-0005-0003

Records Schedule Items

Sequence Number	
1	<p>Data Records Program</p> <p>Disposition Authority Number DAA-0029-2014-0005-0001</p> <p>The acquired data records program includes emails, specifications, computer programs, and memoranda.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p> <p>Retention Period Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Original Files</p> <p>Disposition Authority Number DAA-0029-2014-0005-0002</p> <p>Original files from outside sources.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p>

3

Retention Period Destroy when 2 years old or as contracts specify.

Additional Information

GAO Approval Not Required

Derivative files.

Disposition Authority Number DAA-0029-2014-0005-0003

Files linked to Census records with the identifying information from the original record stripped and the matched person record is assigned a unique and anonymous Census Bureau linkage key.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

Disposition Instruction

Retention Period Destroy when 2 years old or when no longer required for programmatic purposes, whichever is longer.

Additional Information

GAO Approval Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
07/31/2014	Certify	Artina Venning	Section Chief	ACSD - Property and Records Management Branch
01/14/2015	Submit for Concurrence	Henry Wolfinger	Appraiser	National Archives and Records Administration - Records Management Services
01/20/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
01/20/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
01/21/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

To: Olson, Stephanie (Federal)[SOlson@doc.gov]
From: Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]
Sent: Thur 7/30/2020 3:53:00 PM (UTC-04:00)
Subject: Fw: ICE Addendum and Revisions (to OIS 07 29 2020) rec'd 07 30 2020
ICE Addendum and Revisions (to OIS 07 29 2020) rec'd 07 30 2020.docx

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

From: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Sent: Thursday, July 30, 2020 3:49 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Cc: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: Fw: ICE Addendum and Revisions (to OIS 07 29 2020) rec'd 07 30 2020

Enrique,

Per our earlier discussion, in looking at this draft ICE draft addendum to our current agreement, they have included the Enforcement and Removal data variables but are asking for confirmation that theses will be used for EO13880 only (extract of the subject comment is shown below). I will draft the DHS agreement modification memo to include the additional use as specified in the July 21, presidential memo but heads-up that this could be an issue for ICE.

---extract of the first comment in their addendum.

....the recent *Memorandum on Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census* dated July 21, 2020 indicates that the information provided by ICE may also be utilized for a purpose that was not previously set forth in EO 13880, that is to “exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.), to the extent feasible and consistent with the discretion delegated to the executive branch.” Would the Census Bureau please confirm that the data provided by ICE pursuant to the MOA (data already provided and data to be provided) will be used solely for the purposes outlined in EO 13880?

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

From: Steinmetz, Michele <Michele.Steinmetz@hq.dhs.gov>
Sent: Thursday, July 30, 2020 12:45 PM
To: Michael A Berning (CENSUS/ERD FED) <Michael.A.Berning@census.gov>
Cc: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>
Subject: ICE Addendum and Revisions (to OIS 07 29 2020) rec'd 07 30 2020

Good afternoon,

We got this from ICE this morning, Please review and let me know if you have any questions.

Thank you,

Michele

Periodic Performance Management Reports

2020 Census: Federal Administrative Records Supporting Executive Order 13880

Status:

● On Track

Data current as of:

August 5, 2019

Target Completion:

March 31, 2020

Notes:

- **IHS: Patient Registration** - Negotiations stalled - IHS refused to enter into agreement based on concerns regarding sharing data. June 2019 memo sent from Census Bureau Director to Deputy Secretary HHS requesting support.
- The Census Bureau has requested participation from the following agencies on an inter-agency work group: DHS, SSA, IRS, State Department, and HHS

Source: File	Under Negotiation	Agreement in Place/Approved for Use	Data Received
Completed Agreements			
HUD: FHA, PIC, TRACs, CHUMS, LIHTC	●	●	●
Renewal Agreements			
SSA: Numident	●	●	○
IRS: 1040 & 1099	●	●	○
CMS: Medicare	●	○	○
CMS: Medicaid/CHIP	●	○	○
New Agreements			
SSA: MBR	●	○	○
IHS: Patient Registration	●	○	○
State: Passport Services	●	○	○
DHS: USCIS	●	○	○
DHS: CBP	●	○	○
DHS: ICE	●	○	○
DOJ: US Marshals	●	○	○
DOI: Citizenship & Immigration Data Collection	●	○	○
Desired Agreements/Acquisition May Require Statutory Changes			
CDC: Births and Deaths			
HHS: National Database of New Hires			

Legend

Not Started

Completed

On Track

Management Focus

Requires Attention

Periodic Performance Management Reports
2020 Census: EO 13880 State Administrative Records Status for TANF

Status:

 *On Track*

Data current as of:

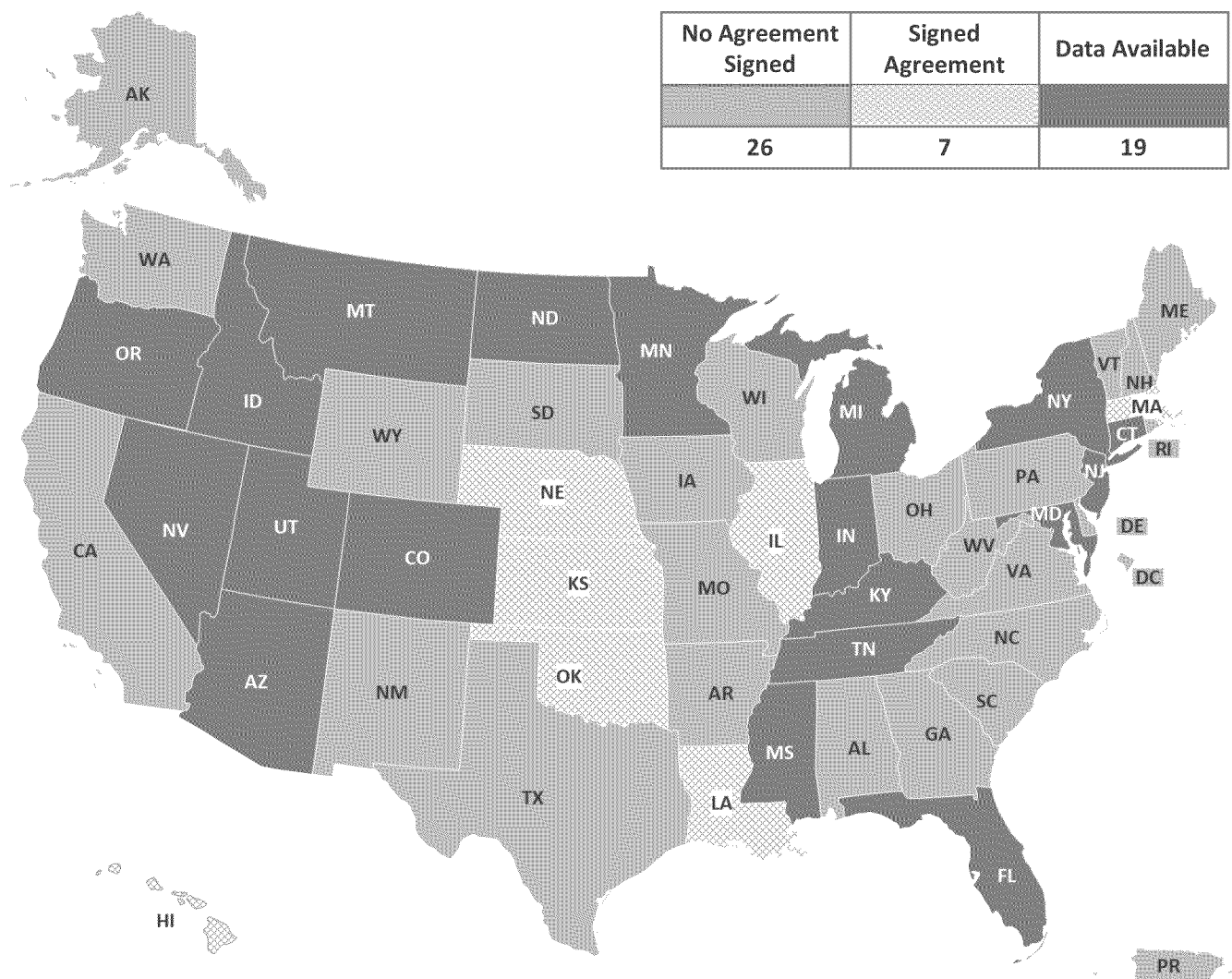
August 1, 2019

Target Completion:

March 31, 2020

Notes:

No Agreement Signed	Signed Agreement	Data Available
26	7	19



Periodic Performance Management Reports

2020 Census: EO 13880 State Administrative Records Status for WIC

Status:

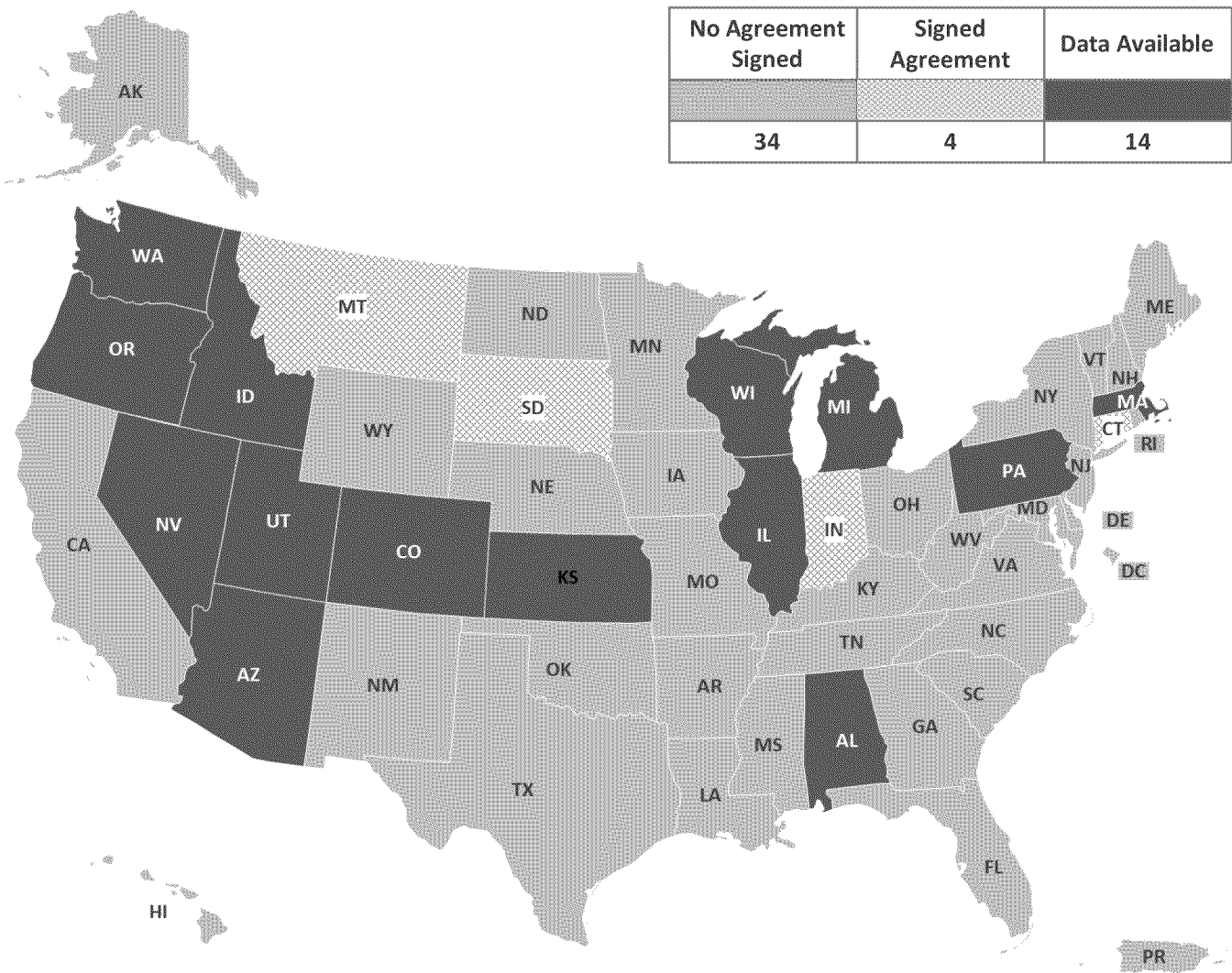
● On Track

Data current as of:
August 1, 2019

Target Completion:
March 31, 2020

Notes:

No Agreement Signed	Signed Agreement	Data Available
34	4	14



2020 Census: EO 13880 State Administrative Records Status for SNAP

Status:

● *On Track*

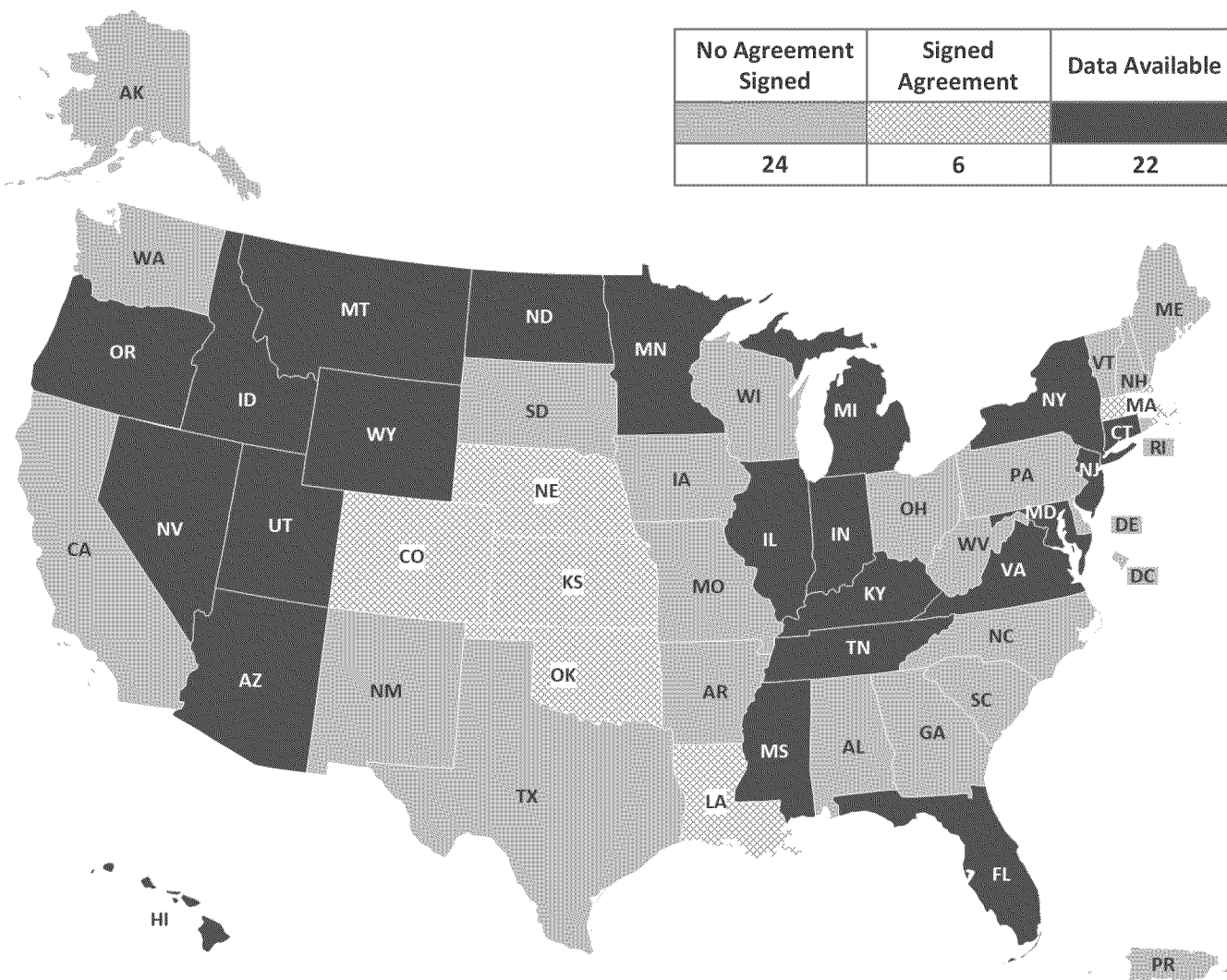
Data current as of:

August 1, 2019

Target Completion:

March 31, 2020

Notes:



Periodic Performance Management Reports

Acronyms for Administrative Records

Federal		State
CBP: Customs and Border Patrol	ICE: Immigration and Customs Enforcement	SNAP: Supplemental Nutrition Assistance Program
CDC: Center for Disease Control	IHS: Indian Health Service	TANF: Temporary Assistance for Needy Families
CHIP: Children's Health Insurance Program	IRS: Internal Revenue Service	WIC: Supplemental Nutrition Program for Women, Infants and Children
CHUMS: Computerized Homes Underwriting Management System	LIHTC: Low-Income Housing Tax Credits	
CMS: Centers for Medicare & Medicaid Services	MBR: Master Beneficiary Record	
DHS: Department of Homeland Security	NCOA: National Change of Address	
DMDC: Defense Manpower Data Center	PIC: Public and Indian Housing Information Center	
DOD: Department of Defense	SSA: Social Security Administration	
DOI: Department of Interior	SSS: Selective Service System	
DOJ: Department of Justice	TRACS: Tenant and Rental Assistance Certification System	
DSF: Delivery Sequence File	UAA: Undeliverable As Addressed	
FHA: Federal Housing Administration	USCIS: United States Citizenship and Immigration Services	
HUD: Housing and Urban Development	USPS: United States Postal Service	

Periodic Performance Management Reports

2020 Census: Federal Administrative Records Supporting Executive Order 13880

Status:

● On Track

Data current as of:

August 5, 2019

Target Completion:

March 31, 2020

Notes:

- **IHS: Patient Registration** - Negotiations stalled - IHS refused to enter into agreement based on concerns regarding sharing data. June 2019 memo sent from Census Bureau Director to Deputy Secretary HHS requesting support.
- The Census Bureau has requested participation from the following agencies on an inter-agency work group: DHS, SSA, IRS, State Department, and HHS

Source: File	Under Negotiation	Agreement in Place/Approved for Use	Data Received
Completed Agreements			
HUD: FHA, PIC, TRACs, CHUMS, LIHTC	●	●	●
Renewal Agreements			
SSA: Numident	●	●	○
IRS: 1040 & 1099	●	●	○
CMS: Medicare	●	○	○
CMS: Medicaid/CHIP	●	○	○
New Agreements			
SSA: MBR	●	○	○
IHS: Patient Registration	●	○	○
State: Passport Services	●	○	○
DHS: USCIS	●	○	○
DHS: CBP	●	○	○
DHS: ICE	●	○	○
DOJ: US Marshals	●	○	○
DOI: Citizenship & Immigration Data Collection	●	○	○
Desired Agreements/Acquisition May Require Statutory Changes			
CDC: Births and Deaths			
HHS: National Database of New Hires			

Legend

Not Started

Completed

On Track

Management Focus

Requires Attention

Periodic Performance Management Reports

2020 Census: EO 13880 State Administrative Records Status for TANF

Status:

● On Track

Data current as of:

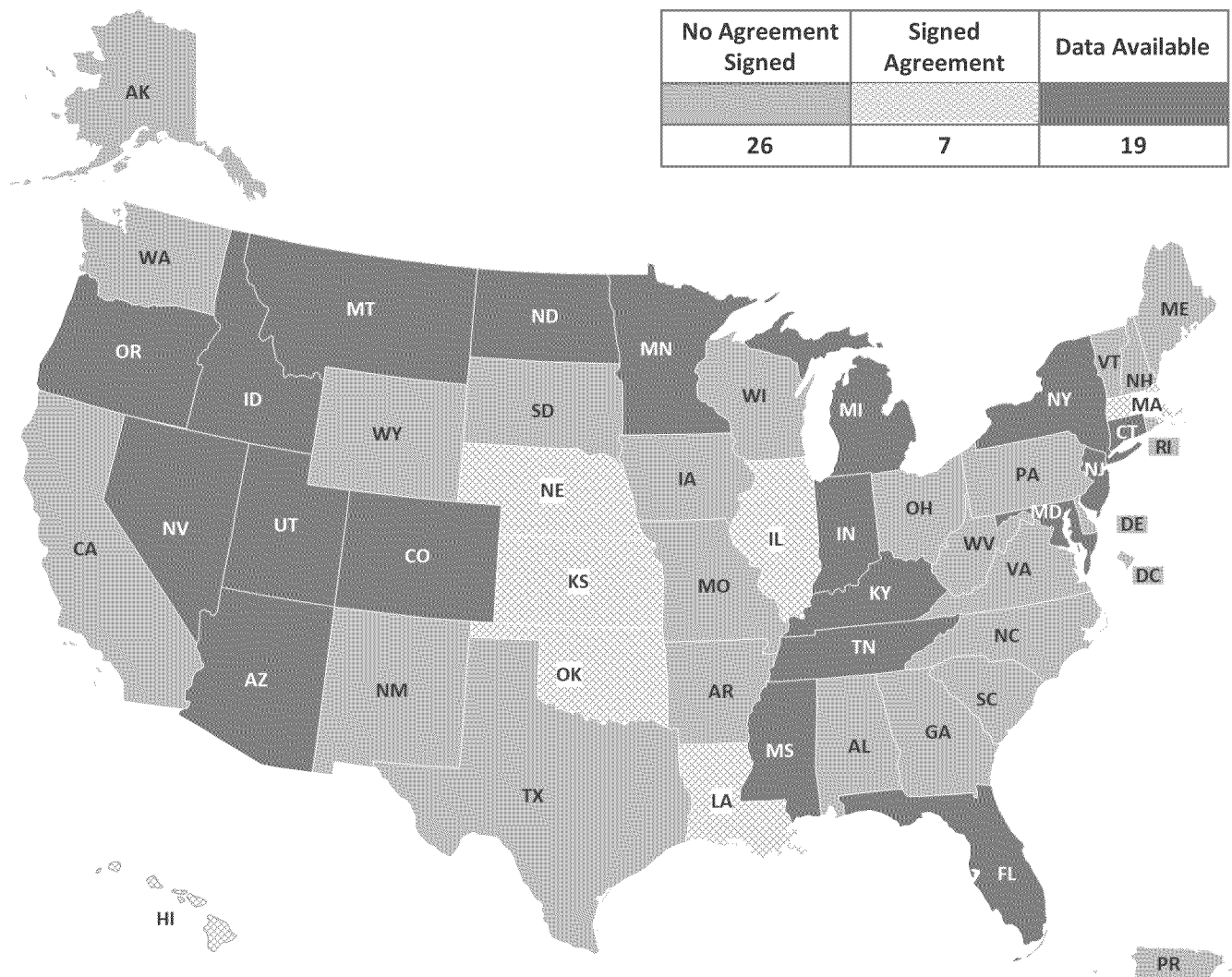
August 1, 2019

Target Completion:

March 31, 2020

Notes:

No Agreement Signed	Signed Agreement	Data Available
26	7	19



Periodic Performance Management Reports

2020 Census: EO 13880 State Administrative Records Status for WIC

Status:

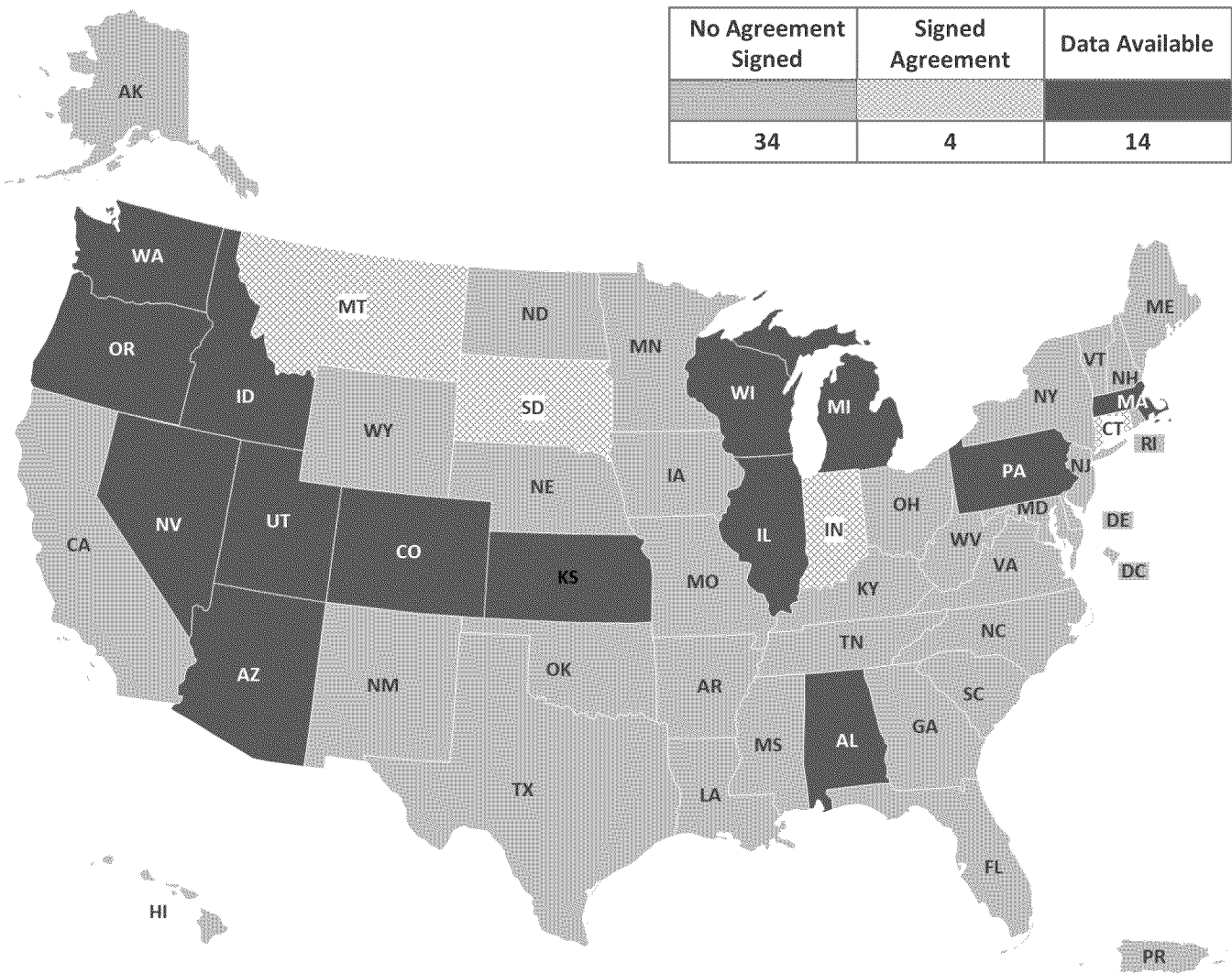
● On Track

Data current as of:
August 1, 2019

Target Completion:
March 31, 2020

Notes:

No Agreement Signed	Signed Agreement	Data Available
34	4	14



Periodic Performance Management Reports

2020 Census: EO 13880 State Administrative Records Status for SNAP

Status:

● On Track

Data current as of:

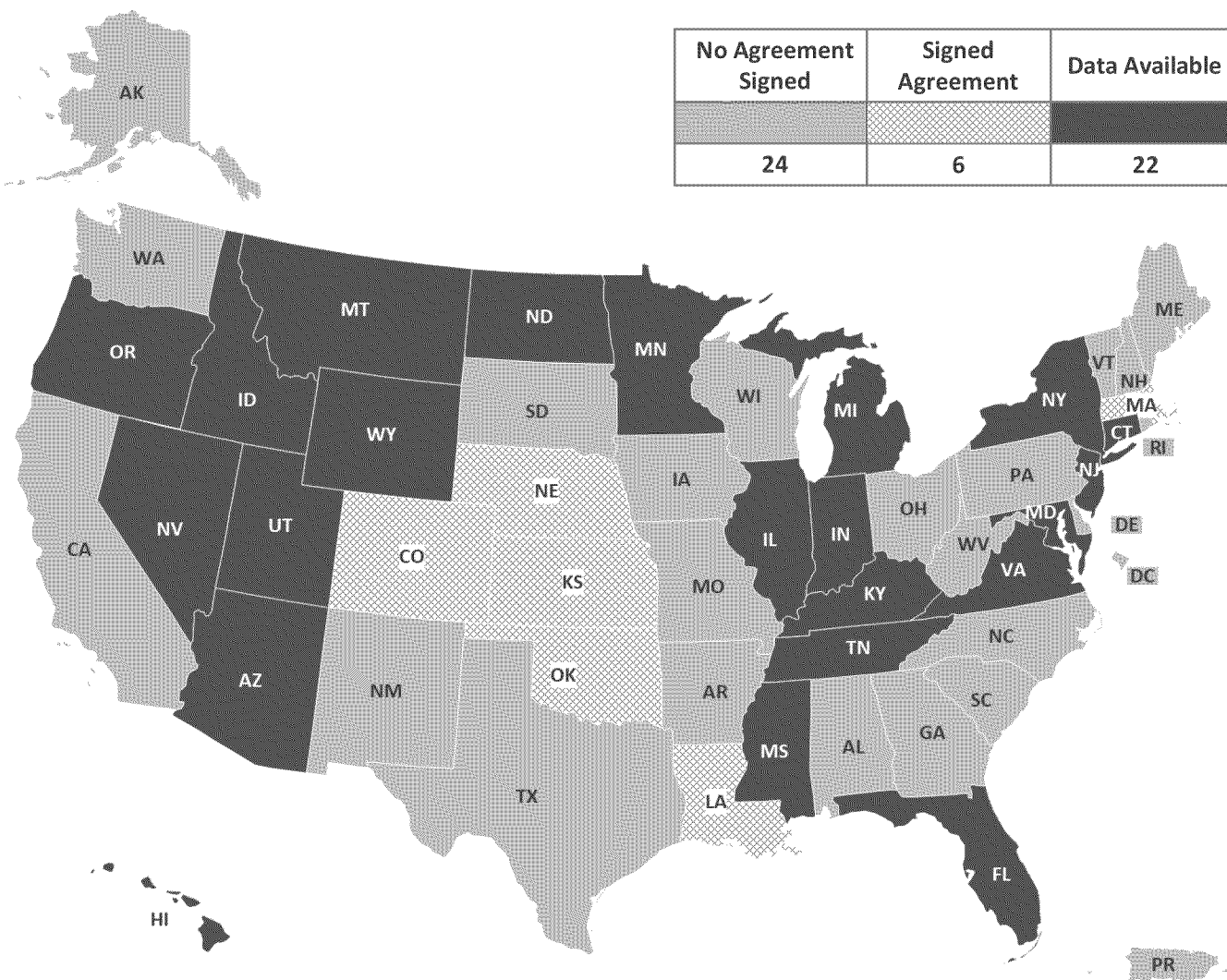
August 1, 2019

Target Completion:

March 31, 2020

Notes:

No Agreement Signed	Signed Agreement	Data Available
24	6	22



Periodic Performance Management Reports

Acronyms for Administrative Records

Federal		State
CBP: Customs and Border Patrol	ICE: Immigration and Customs Enforcement	SNAP: Supplemental Nutrition Assistance Program
CDC: Center for Disease Control	IHS: Indian Health Service	TANF: Temporary Assistance for Needy Families
CHIP: Children's Health Insurance Program	IRS: Internal Revenue Service	WIC: Supplemental Nutrition Program for Women, Infants and Children
CHUMS: Computerized Homes Underwriting Management System	LIHTC: Low-Income Housing Tax Credits	
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DMDC: Defense Manpower Data Center	PIC: Public and Indian Housing Information Center	
DOD: Department of Defense	SSA: Social Security Administration	
DOI: Department of Interior	SSS: Selective Service System	
DOJ: Department of Justice	TRACS: Tenant and Rental Assistance Certification System	
DSF: Delivery Sequence File	UAA: Undeliverable As Addressed	
FHA: Federal Housing Administration	USCIS: United States Citizenship and Immigration Services	
HUD: Housing and Urban Development	USPS: United States Postal Service	

To: Walsh, Michael (Federal)[MWalsh@doc.gov]
Cc: Burris, Meghan (Federal)[MBurris@doc.gov]
From: Wilbur Ross [REDACTED] b(6)
[REDACTED] b(6)
Sent: Thur 7/23/2020 10:56:39 AM (UTC-04:00)
Subject: Re: Email for Census Staff

b(5) - DP

WLR

Sent from my iPhone

On Jul 23, 2020, at 9:50 AM, Walsh, Michael (Federal) <MWalsh@doc.gov> wrote:

Revised version below:

DRAFT/PREDECISIONAL

b(5) - DP

To: Blair, Robert (Federal)[RBlair@doc.gov]; Risko, Daniel (Federal)[DRisko@doc.gov]; Olson, Stephanie (Federal)[SOlson@doc.gov]; Burris, Meghan (Federal)[MBurris@doc.gov]
From: MWalsh@doc.gov[MWalsh@doc.gov]
Sent: Mon 7/20/2020 7:00:08 PM (UTC-04:00)
Subject: Fwd: For Review: Draft POTUS remarks re: apportionment
Census Remarks (001).docx
ATT00001.htm

Draft remarks - one hour. Close hold

Sent from my iPhone

Begin forwarded message:

From: Staff Secretary [b(6)]@who.eop.gov>
Date: July 20, 2020 at 6:57:07 PM EDT
To: "Meadows, Mark R. EOP/WHO" [b(6)]@who.eop.gov>, "Gilmartin, Kayleigh M. EOP/WHO" [b(6)]@who.eop.gov>, "Farah, Alyssa A. EOP/WHO" [b(6)]@who.eop.gov>, "Philbin, Patrick F. EOP/WHO" [b(6)]@who.eop.gov>, "Eisenberg, John A. EOP/WHO" [b(6)]@who.eop.gov>, "Salvi, Mary E. EOP/WHO" [b(6)]@who.eop.gov>, "Liddell, Christopher P. EOP/WHO" [b(6)]@who.eop.gov>, "Kushner, Jared C. EOP/WHO" [b(6)]@who.eop.gov>, [b(6)]@who.eop.gov> [b(6)]@who.eop.gov> [b(6)]@who.eop.gov>, "Hicks, Hope C. EOP/WHO" [b(6)]@who.eop.gov>, "Rollins, Brooke L. EOP/WHO" [b(6)]@who.eop.gov>, "Levi, William (OAG)" [b(6)]@who.eop.gov> [b(6)]@who.eop.gov> "Walsh, Michael (Federal)" <MWalsh@doc.gov>
Cc: Staff Secretary [b(6)]@who.eop.gov>
Subject: For Review: Draft POTUS remarks re: apportionment

Attached for your review are draft POTUS remarks for the signing of a Presidential Memorandum re: apportionment.

Please review and send any feedback to Staff Sec **by 8:30pm tonight**. Reach out directly with questions.

Thanks,
Staff Sec.

Sent: Mon 7/20/2020 8:18:32 PM (UTC-04:00)
Subject: FW: For Quick Review: Draft Factsheet on Apportionment PM (revised + additional edits)

b(5) - DP/PCP

Sent: Mon 7/20/2020 7:47:21 PM (UTC-04:00)
Subject: RE: For Review: Draft POTUS remarks re: apportionment

b(5)- DP/PCP

Sent: Tue 7/21/2020 8:49:50 AM (UTC-04:00)

Subject: RE: For Quick Review: Draft Factsheet on Apportionment PM (revised + additional edits)

b(5) - DP/PCP

b(5) - DP/PCP

To: Victoria Velkoff (CENSUS/ADDP FED)[Victoria.A.Velkoff@census.gov]
From: Enrique Lamas (CENSUS/DEPDIR FED)[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2c2e07bf883b4488800e4ff3ae7188ab-Lamas, Enri]
Sent: Tue 8/4/2020 2:04:47 PM (UTC)
Subject: Fw: The Honorable Steven Dillingham, Director, U.S. Census Bureau
[2020-08-04.CBM to Dillingham re Transcribed Interviews.pdf](#)

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

From: Goss, Trinity <Trinity.Goss@mail.house.gov>
Sent: Tuesday, August 4, 2020 9:54 AM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; 'AKorzeniewski@doc.gov' <AKorzeniewski@doc.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@census.gov>; 'NCogley@doc.gov' <NCogley@doc.gov>; Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Cc: Kim, Janet <Janet.Kim@mail.house.gov>; Anderson, Tori <Tori.Anderson@mail.house.gov>; Whitcomb, Max <Max.Whitcomb@mail.house.gov>; LaNier, Elisa <Elisa.LaNier@mail.house.gov>; Jones, Taylor <Taylor.Jones@mail.house.gov>; MacPherson, Cameron <Cameron.MacPherson@mail.house.gov>; Bush, Anthony <Anthony.Bush@mail.house.gov>
Subject: The Honorable Steven Dillingham, Director, U.S. Census Bureau

Hello---

Please see the letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to The Honorable Steven Dillingham, Director, U.S. Census Bureau.

Please acknowledge receipt of letter.

Thank you,

Trinity Goss

Trinity M. E. Goss | Executive Team Coordinator
Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform
Trinity.Goss@mail.house.gov | (202) 225 5051

Status of Data Acquisition and Options for Estimating the Illegal Population Enumerated in the 2020 Census

August 10, 2020

Status of Data Acquisition to Support the Presidential Memorandum

- Presidential Memorandum work will build on data available and acquired over the past 8 months to support Executive Order 13880 to create Citizen Voting Age Population (CVAP) estimate of citizen/non-citizens.
 - Available CVAP data sources are from the Department of Homeland Security (DHS), the Department of Housing and Urban Development (HUD), Social Security Administration (SSA), State Department, Centers for Medicare and Medicaid Services (CMS), Bureau of Prisons, U.S. Marshals, Bureau of Justice Statistics, Internal Revenue Services (IRS), Department of Interior (DOI) and Indian Health Services (IHS).
- Data identified as required to determine legal status:
 - Available Data: DOI data provided to support the CVAP work.
 - Additional data to be acquired: Department of Homeland Security:
 - USCIS data to include declined applications for Lawful Permanent Resident, DACA and Student Immigrant Juveniles data
 - ICE data to include Enforcement and Removal Operations data.
 - Additional data from USCIS and ICE are targeted for an August 31, 2020 delivery to the Census Bureau.
- MOU Status: modifications are in draft to acquire/and or authorize existing data for the project:
 - Acquisition of new data: Applies to ICE and CIS to directly support determination of documented/undocumented. Draft MOU's to acquire the data and authorize the additional use were reviewed by both ICE and CIS prior to Census Bureau Legal review.
 - Both MOU's have cleared Census Legal and are now in the signature process.
 - Authority to use existing data to determine documentation status: Applies to DOI data already acquired for CVAP.
 - MOU is in Census Legal review.
 - Authority to add the new work as an authorized use to the CVAP citizen/non-citizen work: Applies to data acquired/available for CVAP to estimate non-citizenship but not directly inform of documented/undocumented.
 - MOUs in Census Legal review for DHS Customs and Border Protection, State Department, HUD, SSA, CMS, IRS, IHS, U.S. Marshalls, Bureau of Justice Statistics and Bureau of Prisons.

Options for Estimating the Illegal Population Enumerated in the 2020 Census

1. Tabulate the People Enumerated in the 2020 Census who were in ICE Detention Centers as of April 1, 2020

- a. Pros
 - i. This is an actual enumeration.
 - ii. Could meet the existing statutory, judicial and regulatory standards established for the resident population definition used in apportionment.
 - iii. Can complete this by December 31
 - iv. We can get a list of the centers from ICE and verify that we enumerated them in the Group Quarters operation
- b. Cons
 - i. Need to assume that either all prisoners living in the detention centers are here illegally or some proportion are here illegally (we can ask ICE for data on this)
 - ii. Some centers are part of county jails, we may not have enough information in what we collected to distinguish prisoners in the county jail from those in the detention center
 - iii. This is the lower end of the actual number of illegal people enumerated in the 2020 census

2. Match Administrative Records to the 2020 Census (Need 43 days from when the Census Unedited File (CUF) is complete for this option)^{1 2}

- a. Pros
 - i. Will be able to match various admin records to people enumerated in the 2020 Census
 - ii. Could meet the existing statutory, judicial and regulatory standards established for the resident population definition used in apportionment
 - iii. This option will match to a larger number of illegal immigrants than option 1 because we will also include the people identified in option 1.
- b. Cons
 - i. The number of illegal immigrants in both admin records and the 2020 census is likely to be low.

¹ Note that this method assume a match and a definitive determination of status from the records. If we were instructed to determine status for the unmatched population using, for example, a hot deck methodology or statistical modeling, this would add additional days.

² Note that we plan to use production level matching to the Person Identification Validation System (PVS). The PVS will link people with social security numbers or individually taxpayer identification numbers (ITINs) The Experimental PVS (EPVS), developed for the Citizen Voting Age Population data, is not ready for production use. This EPVS potentially links additional administrative records to the 2020 Census by using PII found on DHS and State Department records. This EPVS is suitable for use in an experimental product but has not received either the internal or external peer review associated with apportionment.

[DELIBERATIVE/PRE-DECISIONAL]

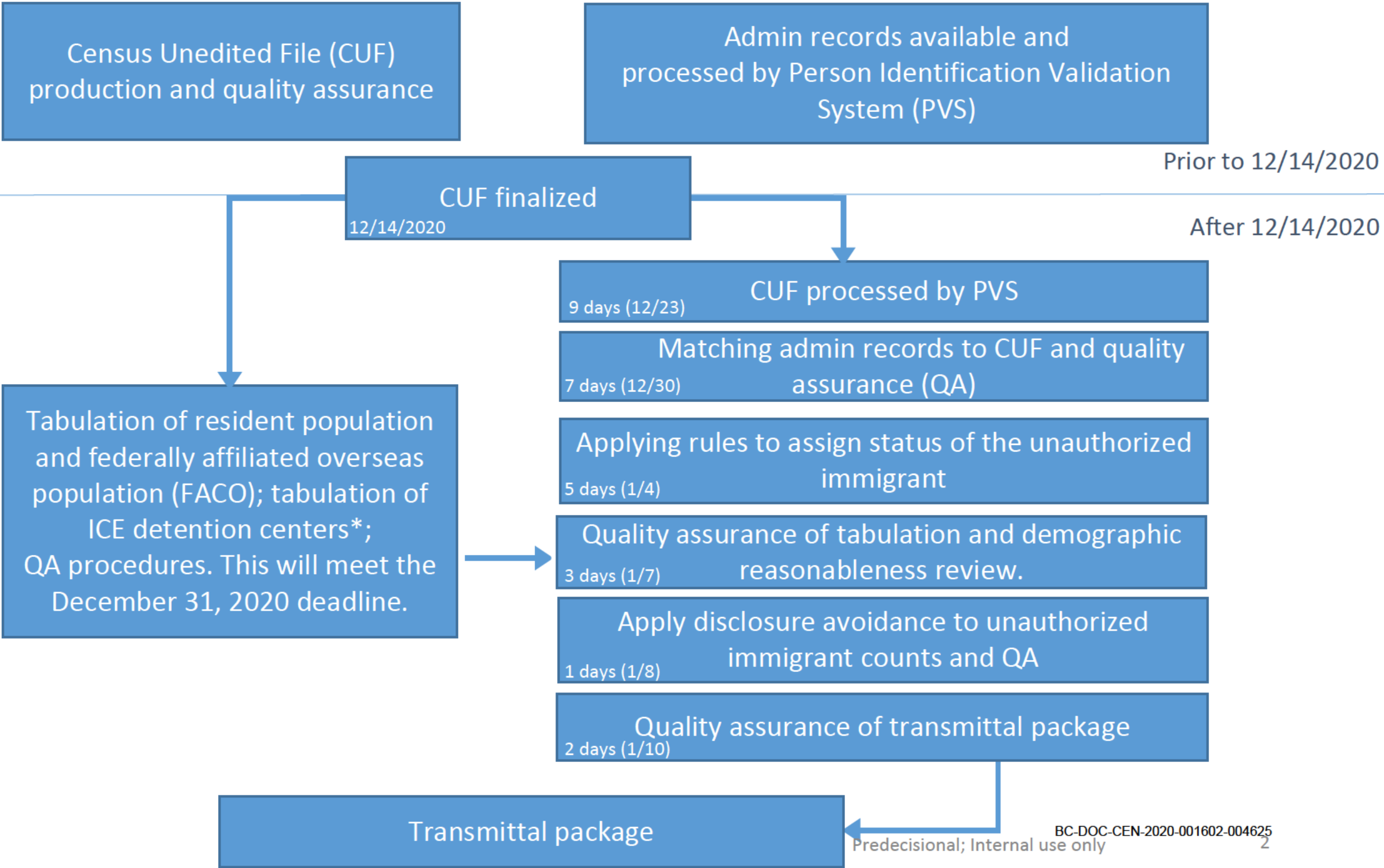
- ii. Based on the 2010 Census, we expect about 10 percent of decennial records to not match an admin record. Many of the unmatched are U.S. citizens or legal immigrants who did not provide enough personally identifiable information to match.
- 3. **Use an Aggregate Residual Method to Estimate the Number of Illegal Immigrants by State who were Enumerated in the 2020 Census** This method begins with an estimate of the foreign-born population from the American Community Survey (ACS).
 - a. Pros
 - i. Can finish this by December 31, 2020 (if we start now).
 - ii. We have access to many administrative data sets at the Census Bureau that other organizations who do this type of estimate do not (ACS, mortality data,...)
 - b. Cons
 - i. This method will be based on the ACS which is based on a sample.
 - ii. We would need to make several adjustments to the foreign-born population that are based on limited data. This includes estimating how many illegal immigrants we think we enumerated in the 2020 Census based on coverage measurement samples.
 - iii. These numbers have limited precision, thousands or tens of thousands at best, and have a range of uncertainty around them.

DRAFT

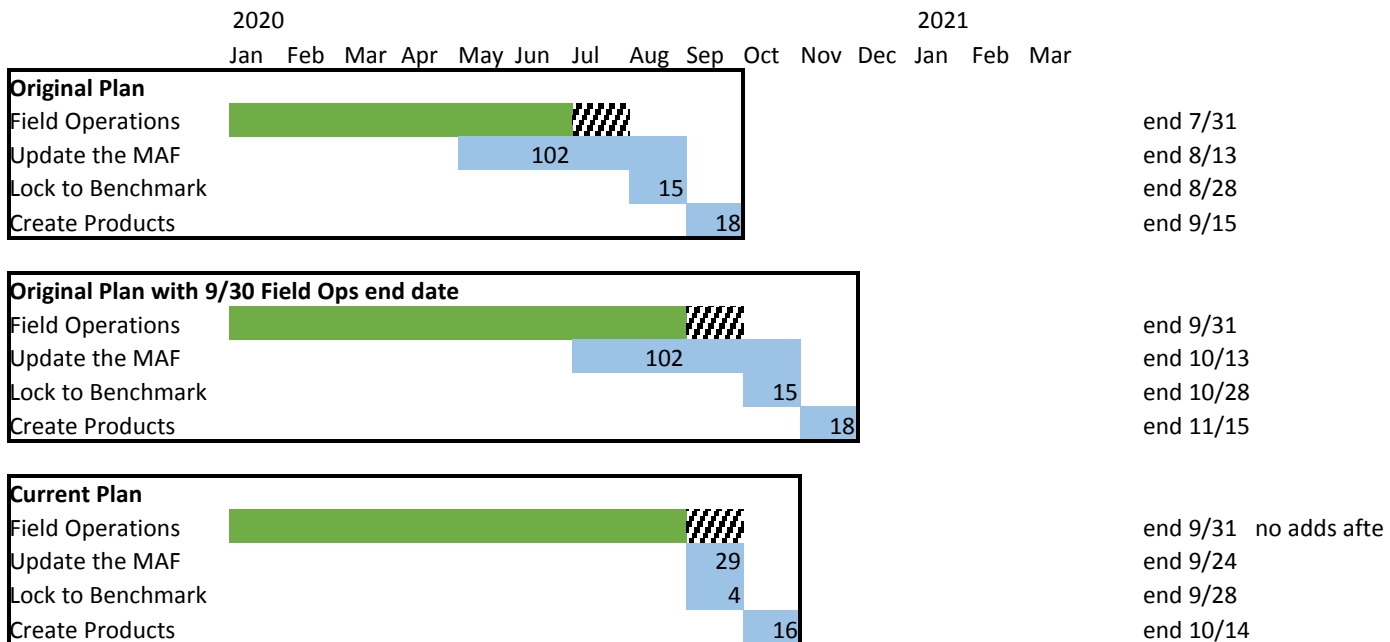
Procedures for Identifying and Tabulating Unauthorized Immigrants as Defined in the Presidential Memorandum

Briefing
August 24, 2020

**DRAFT
Procedural
Flow**



GEO Processing to meet 12/14/2020 CUF Delivery



Shading represents end of field operations

NYT story on deadlines

Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>

Tue 2020-07-28 8:36 AM

To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Michael John Sprung (CENSUS/DEPDIR FED) <michael.j.sprung@census.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@census.gov>

[New Census Worry: An Expedited Count Could Mean an Inaccurate One](#)

The New York Times – Michael Wines, July 28

Stalled by the pandemic, the count is supposed to resume soon. But census experts are rattled by signs of a push from the White House to finish it early.

As the 2020 census struggles to find its footing amid the coronavirus outbreak and public reluctance to give the government personal data, officials have a new worry: The Trump administration and Senate Republicans appear to be signaling that they want the census finished well ahead of schedule, pandemic or not.

With almost 40 percent of the nation's households still uncoun­ted, including the hardest-to-reach popula­tions that are disproportionately poor, people of color and young, the Trump administration took the Census Bureau by surprise last week. It asked the Senate Appropriations Committee to set aside \$448 million in the next coronavirus relief package for a "timely" completion of the census.

The request did not define what "timely" meant, and legislation released on Monday said only that the money would be used for nationwide census operations and data processing. But it comes as census workers and former officials say the White House and the Commerce Department, which oversees the Census Bureau, are asking how the bureau can compress its schedule to wrap up the count of households earlier than expected — perhaps by the end of September. The aim, they say, may be to speed up the delivery of key data for political reapportionment to the president by the end of December.

The administration has yet to announce a compressed schedule and may not find a way to do so. But the prospect already has alarmed an array of experts, who warned in recent days that an expedited census risks a deeply flawed count of the nation's population. The census is constitutionally required to count all residents of the country every 10 years.

"There's a lot of uncertainty, but one thing is absolutely sure: There will be egregious undercounts if the Census Bureau has to produce this data by December," said Robert Santos, the vice president of the Urban Institute and the incoming president of the American Statistical Association.

Some, including former Census Bureau directors, raised the prospect that the final totals could be so skewed that a future Congress might order the bureau to do further work on the 2020 population data, or even consider another census in five years, which federal law allows but which has never been conducted nationwide.

The numbers are enormously important. They are used to reapportion all 435 House seats and thousands of state and local districts, as well as divvy up trillions of dollars in federal grants and aid.

At issue is how fast, and how precisely, the Census Bureau will track down and count the 60 million households that have not filled out census forms.

Slightly more than six in 10 households have completed forms. The remainder are the very hardest to count. To reach them, the bureau has planned to deploy up to 500,000 census takers, each with an iPhone that can securely relay census data to the bureau's computers.

In 2010, census takers worked from May to August to count hard-to-find households. This spring, with the start of that count delayed by the pandemic, the bureau said it was pushing back the start of that work to August, ending on Oct. 31.

With White House approval, the bureau also [asked Congress for a four-month extension](#) — to April 2021 — of the Dec. 31 statutory deadline for delivering to the president the population totals required to reapportion the House of Representatives.

But that plan now appears to be in flux. Census Bureau workers have been asked whether that Oct. 31 deadline for collecting data can be moved to September, giving them six or seven weeks to finish a count that was supposed to take 10 weeks.

At the same time, the administration's commitment to extending the delivery of reapportionment statistics beyond the statutory Dec. 31 deadline also appears in doubt.

In Congress, the House has approved the four-month delay. The Senate has not. Asked on Saturday whether Senator Mitch McConnell, the majority leader, still supports extending the deadline, a spokesman for the senator said in an email: "Don't think I'm going to be able to help you out on this."

The White House declined to address questions about its census plans. Responding to a reporter's questions, the Census Bureau issued a statement on Monday that neither confirmed nor denied an effort to hasten the completion of the count and the delivery of reapportionment figures.

"The Census Bureau is working toward the plan to complete field data collection by October 31," it said. It then added that its staff would "continue to evaluate and plan for all contingencies, including the impact of delivering statutorily required data products at the current legislative deadlines" — a reference to the Dec. 31 date to produce reapportionment figures.

In fact, top Census Bureau officials already have said that meeting that deadline is impossible.

"We have passed the point where we could even meet the current legislative requirement of December 31. We can't do that anymore," the census official leading field operations for the count, Tim Olson, [told a Native American organization](#) during a webinar in May.

And in a webinar this month for groups with a stake in census results, the associate director of the census, Albert E. Fontenot Jr. said, "we are past the window of being able to get those counts" by year's end.

The new concerns come atop a growing record of political interference in census decisions by the Trump administration.

The Supreme Court last year, in a 5-4 vote, [rejected the administration's effort to add a citizenship question](#) to the census that experts said would surely depress the count of immigrants and minorities, documented and otherwise.

On White House orders, the Census Bureau last month [created two top-level positions](#) and filled them with political appointees from outside, a remarkable move in an agency renowned for its nonpartisan culture.

Some critics say [Mr. Trump's order last week to exclude undocumented immigrants](#) from state-by-state population totals used for reapportionment totals explains the administration's apparent desire to speed up census work.

The order, which is already being challenged in court, is widely viewed as unconstitutional by legal scholars. But for the order to have any chance of succeeding, they say, the census totals used for reapportionment must be delivered to Mr. Trump while he is still in office — as he almost certainly will be on Dec. 31, but may well not be in April 2021.

"I think it's entirely about that," Thomas A. Saenz, the president of the Mexican American Legal Defense and Educational Fund, said on Monday. "He wants to exclude undocumented immigrants because he believes it will shift representation away from blue states to red states. In the end, it's entirely about trying to stem Latino political power."

Others say Mr. Trump's order, regardless of whether it is upheld, could have an impact on representation by making noncitizens worry that their answers on a census survey could be used against them.

"They clearly have an agenda for not counting undocumented immigrants in the apportionment count," said Vanita Gupta, the president of the Leadership Conference on Civil and Human Rights, a coalition of more than 200 advocacy groups. "I think the administration knows their order isn't going to be constitutional. Maybe through fear of it, they're trying to get to the same place."

Experts said a rush to wrap up the census would force the bureau into shortcuts that would make population totals significantly less accurate. Months of post-census analysis and accuracy checks also would be at risk were population totals required by December.

"It won't be finished unless they can quickly ramp up something, like using administrative records" instead of census takers to count households, said Kenneth Prewitt, a Columbia University public affairs professor who led the Census Bureau during the 2000 census. "Otherwise, you end up with a census that's 10 percent uncounted, or 12 percent."

Mr. Prewitt and John Thompson, a career Census Bureau official who directed the agency from 2013 to 2017, said the bureau also could be forced to expand its use of a statistical method called imputation, in which an algorithm makes an educated guess about who lives in a household by looking at who lives nearby.

Past censuses have relied on imputation for a tiny fraction of households — about 1 percent, in most cases — that could not be otherwise counted. But "it could get a lot bigger, maybe 10 or 15 percent in some areas of the country, if they have to cut it short," Mr. Thompson said.

If past censuses are any indication, the Census Bureau will state clearly where it believes inaccuracies lie, and how large they might be. After the count, the bureau conducts a massive accuracy check, called a post-enumeration survey, in which experts revisit a sample of households to see whether reported data was correct.

But while the bureau will say how inaccurate its numbers are, it will not, in all likelihood, say whether it believes they can be relied on.

“What it means to fail to have a census has never been tested,” said Joshua Levi, an expert on the topic at Loyola Law School in Los Angeles. “How bad it has to be before it’s not a census anymore is something we have yet to decide.”

Should it come to that, he said, that judgment would probably be hashed out in Congress — and later in the courts.

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Re: Please extend census deadline

Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>

Sat 2020-08-01 10:52 AM

To: Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>

I am working on that now- something we can possibly send back to these emails and tweet and send to reporters today to set us up to announce. I will call you shortly per your other communication.

On Aug 1, 2020, at 7:48 AM, Steven Dillingham (CENSUS/DEPDIR FED)
<steven.dillingham@census.gov> wrote:

I assume we will have a short well crafted response that can be used for all such communications. Many thanks!

Sent from my iPhone

On Jul 31, 2020, at 5:03 PM, Ali Mohammad Ahmad (CENSUS/ADCOM FED)
<ali.m.ahmad@census.gov> wrote:

Thank you for forwarding. I am going to come up with a short response for us to consider pushing back with even before we have a final plan.

On Jul 31, 2020, at 4:55 PM, Steven Dillingham
(CENSUS/DEPDIR FED)
<steven.dillingham@census.gov> wrote:

evidence that the email campaign may be beginning

From: Joanna Kim (b) (6) >
Sent: Friday, July 31, 2020 3:56 PM
To: Steven Dillingham (CENSUS/DEPDIR FED)
<steven.dillingham@census.gov>
Subject: Please extend census deadline

Dear Director Dillingham,

Please support the request for extended census deadlines and additional funding for completing counting. I encourage you to work with Congress in acknowledging the importance of an accurate count and to not undermine these efforts with a quick or botched count.

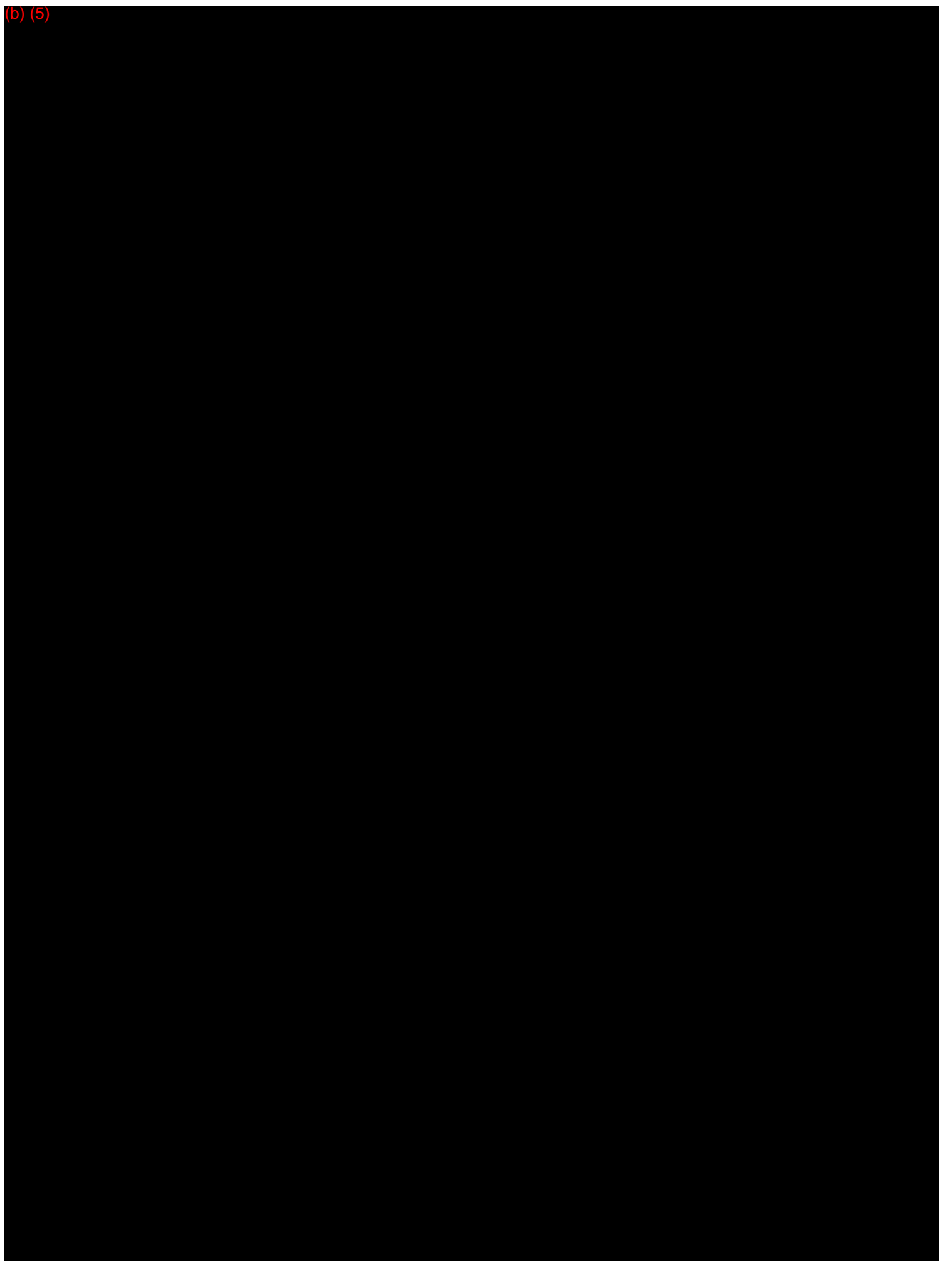
As you know full well, the Census has a widespread impact on every sector of American life, from political representation to business development to federal funding for schools to disaster relief. You know firsthand how important complete results are to every community in our nation.

While I can appreciate the extraordinary times we are living in, we cannot compromise on the need to conduct a full and accurate census. Particularly in the wake of a pandemic, it is more important than ever. Since as early as April, Census Bureau experts consistently expressed their concerns about being able to complete the counting without the extension.

Additionally, by cutting in-person interviews short on September 30, 2020, a month early, you are impacting every person living in the United States, and how we will live for the next 10 years.

I respectfully ask that you reflect on your power in the decisions at hand and your direct responsibility for the funding or lack of funding for much-needed programs and services.

Sincerely,
Joanna Kim



(b) (5)

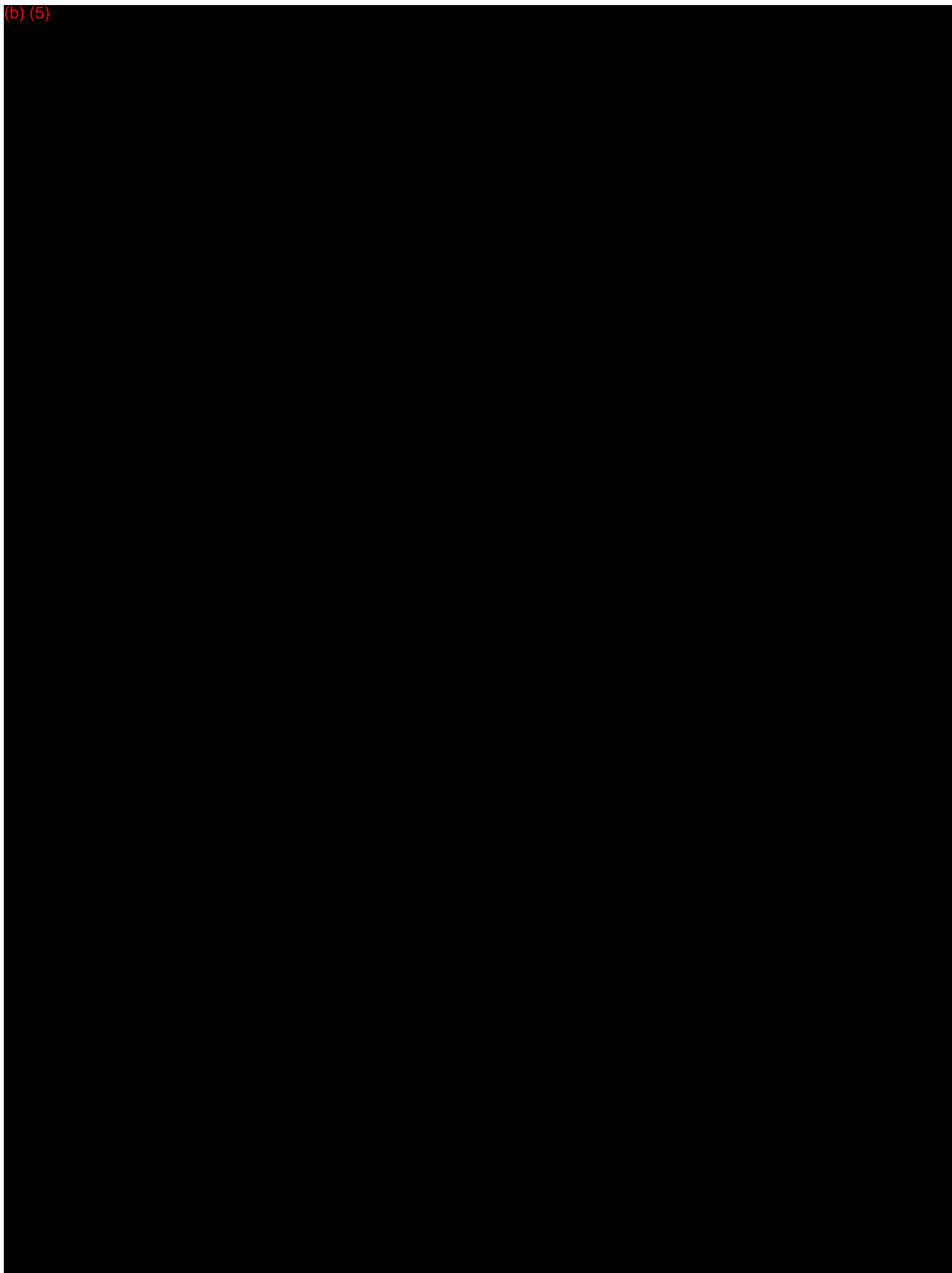


(b) (5)



(b) (5)





(b) (5)



To: Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]; Albert E Fontenot (CENSUS/ADDC FED)[Albert.E.Fontenot@census.gov]; Adam Michael Korzeniewski (CENSUS/DEPDIR FED)[adam.m.korzeniewski@census.gov]; Timothy P Olson (CENSUS/ADFO FED)[Timothy.P.Olson@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED)[Ron.S.Jarmin@census.gov]; John Maron Abowd (CENSUS/ADRM FED)[john.maron.abowd@census.gov]; Victoria Velkoff (CENSUS/ADDP FED)[Victoria.A.Velkoff@census.gov]; Nathaniel Cogley (CENSUS/DEPDIR FED)[nathaniel.cogley@census.gov]
Cc: Christopher J Stanley (CENSUS/OCIA FED)[christopher.j.stanley@census.gov]; Brebbia, Sean (Federal)[SBrebbia@doc.gov]
From: Ali Mohammad Ahmad (CENSUS/ADCOM FED)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9F924D2AEBA34BB78774A059DDE7550C-AHMAD, ALI]
Sent: Wed 8/12/2020 7:02:31 PM (UTC)
Subject: TI Update- Reply from Chair Maloney
[2020-08-12.CBM to Dillingham-Census re TIs.pdf](#)

The attached requests a reply by 8/14 before the Committee considers the compulsory process. We will provide a response strategy update to yesterday's call ASAP.

Ali Ahmad, Associate Director
Communications Directorate
U.S. Census Bureau
O: 301-763-8789 | M: (b) (6)
Ali.M.Ahmad@census.gov
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-6051
Minority (202) 225-6074
<http://oversight.house.gov>

August 4, 2020

The Honorable Steven Dillingham
Director
U.S. Census Bureau
4600 Silver Hill Rd
Suitland-Silver Hill, MD 20746

Dear Director Dillingham:

In light of alarming news about additional efforts to rush and politicize the 2020 Census, the Committee on Oversight and Reform requests the appearance of Census Bureau employees for transcribed interviews.

Last night, you issued a statement that the Census Bureau will be ending Non-Response Follow-Up (NRFU) and online responses on September 30, 2020—a full month earlier than previously announced.¹ You did not mention this change during your testimony last week before the Committee. This move will rush the enumeration process, result in inadequate follow-up, and undercount immigrant communities and communities of color who are historically undercounted. As Former Director John Thompson testified to the Committee:

The career people who are experts at taking the census requested a four month extension of the deadlines that's in their Title. They know what they are doing. They know what it's going to take to get the census done. Not extending those deadlines is going to put tremendous pressure on the Census Bureau. It's not clear what kind of quality counts they can produce if they don't get the extension. So it could be a really big problem.²

Senior career staff at the Census Bureau have publicly stated that meeting the statutory deadlines is impossible because of the delays that have already occurred. On July 8, 2020, Al Fontenot, Associate Director for Decennial Census Programs, stated of the December 31, 2020, statutory deadlines: “We are past the window of being able to get those counts by those dates at

¹ U.S. Census Bureau, *Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count* (Aug. 3, 2020) (online at www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html).

² *Oversight Committee Held Emergency Hearing on Trump Administration's Unconstitutional Politicization of 2020 Census* (July 29, 2020) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-held-emergency-hearing-on-trump-administration-s>).

this point.”³ On May 26, 2020, Tim Olson, Associate Director for Field Operations, said publicly: “We have passed the point where we could even meet the current legislative requirement of December 31. We can’t do that anymore.”⁴

Testimony on July 29, 2020, during the Committee’s emergency hearing underscored the Committee’s concerns about the administration of the 2020 Census. Four former Directors of the Census Bureau testified that the President’s memorandum issued on July 21, 2020, directing the Secretary of Commerce to exclude undocumented immigrants from the apportionment count, is unconstitutional.

In addition, your testimony at that hearing revealed new and troubling information about the White House’s inappropriate partisan influence over how the 2020 Census is conducted. For example, when you were asked whether you or anyone else at the Census Bureau contributed to the President’s July 21, 2020, legal memorandum or provided any input on it before it was released, you responded, “Madam Chairwoman, I certainly did not, and I’m not aware of others in the Census Bureau that did.”⁵ When you were asked when you first became aware of the President’s intention to exclude undocumented immigrants from the Apportionment count, you responded, “As I recall, someone from the press reported that a directive may be coming down.”⁶

For the foregoing reasons, the Committee requests that Census Bureau officials appear for virtual transcribed interviews on the following dates:

- * **August 10, 2020:** Enrique Lamas, Chief Advisor to the Deputy Director;
- * **August 11, 2020:** Timothy P. Olson, Associate Director for Field Operations;
- * **August 12, 2020:** Victoria Velkoff, Associate Director for Demographic Programs;
- * **August 14, 2020:** Albert Fontenot, Jr, Associate Director for Decennial Census Programs;
- * **August 17, 2020:** John Abowd, Chief Scientist and Associate Director for Research and Methodology;
- * **August 19, 2020:** Adam Korzeniewski, Assistant Deputy Director for Policy;
- * **August 20, 2020:** Nathaniel Cogley, Deputy Director for Policy; and
- * **August 21, 2020:** Ron S. Jarmin, Deputy Director and Chief Operating Officer.

³ *Republicans Signal They’re Willing To Cut The Census Counting Short*, National Public Radio (July 28, 2020) (online at www.npr.org/2020/07/28/895744449/republicans-signal-theyre-willing-to-cut-short-census-counting).

⁴ *‘We’re Running Out of Time’: Census Turns to Congress to Push Deadlines*, National Public Radio (May 27, 2020) (online at www.npr.org/sections/coronavirus-live-updates/2020/05/27/863290458/we-re-running-out-of-time-census-turns-to-congress-to-push-deadlines).

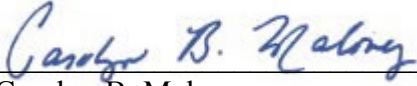
⁵ Committee on Oversight and Reform, *Counting Every Person: Safeguarding the 2020 Census Against the Trump Administration’s Unconstitutional Attacks* (July 29, 2020) (online at <https://oversight.house.gov/legislation/hearings/counting-every-person-safeguarding-the-2020-census-against-the-trump>).

⁶ *Id.*

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, the Committee has jurisdiction over “Population and demography generally, including the Census.”⁷

Please confirm whether the requested witnesses will appear voluntarily by August 7, 2020. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,


Carolyn B. Maloney
Chairwoman

cc: The Honorable James R. Comer, Ranking Member

⁷ House rule X, clause 1(n)(8).

To: Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]; Timothy P Olson (CENSUS/ADFO FED)[Timothy.P.Olson@census.gov]; Albert E Fontenot (CENSUS/ADDC FED)[Albert.E.Fontenot@census.gov]; John Maron Abowd (CENSUS/ADRM FED)[john.maron.abowd@census.gov]; 'AKorzeniewski@doc.gov'[AKorzeniewski@doc.gov]; Adam Michael Korzeniewski (CENSUS/DEPDIR FED)[adam.m.korzeniewski@census.gov]; 'NCogley@doc.gov'[NCogley@doc.gov]; Nathaniel Cogley (CENSUS/DEPDIR FED)[nathaniel.cogley@census.gov]; Christopher J Stanley (CENSUS/OCIA FED)[christopher.j.stanley@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED)[Ron.S.Jarmin@census.gov]; Christopher J Stanley (CENSUS/OCIA FED)[christopher.j.stanley@census.gov]
Cc: Kim, Janet[Janet.Kim@mail.house.gov]; Anderson, Tori[Tori.Anderson@mail.house.gov]; Whitcomb, Max[Max.Whitcomb@mail.house.gov]; LaNier, Elisa[Elisa.LaNier@mail.house.gov]; Jones, Taylor[Taylor.Jones@mail.house.gov]; MacPherson, Cameron[Cameron.MacPherson@mail.house.gov]; Bush, Anthony[Anthony.Bush@mail.house.gov]
From: Goss, Trinity[Trinity.Goss@mail.house.gov]
Sent: Tue 8/4/2020 1:54:26 PM (UTC)
Subject: The Honorable Steven Dillingham, Director, U.S. Census Bureau
[2020-08-04.CBM to Dillingham re Transcribed Interviews.pdf](#)

Hello---

Please see the letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to The Honorable Steven Dillingham, Director, U.S. Census Bureau.

Please acknowledge receipt of letter.

Thank you,

Trinity Goss

Trinity M. E. Goss | Executive Team Coordinator
Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform
Trinity.Goss@mail.house.gov | (202) 225-5051

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MINORITY (202) 225-6074
<https://oversight.house.gov>

August 12, 2020

The Honorable Dr. Steven Dillingham
Director
United States Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233

Dear Dr. Dillingham:

On August 4, 2020, the Committee requested the voluntary appearance of eight senior Census Bureau officials for transcribed interviews regarding the Trump Administration's recent efforts to rush the 2020 Census after previously requesting legislation to delay deadlines for operations and reporting due to the coronavirus pandemic.¹

On August 7, 2020, you responded by declining to make a single official available for a transcribed interview.² In that letter, and in subsequent conversations with staff, the Census Bureau has provided inadequate justifications for declining to make these individuals available to the Committee.

The 2020 Decennial Census is the largest and most complex in history. You have testified under oath that the Census Bureau has undertaken a decade of field-tested preparation to ensure an accurate and complete count,³ but that the coronavirus pandemic has added "unprecedented" operational difficulties to the Census Bureau's mission.⁴

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Dr. Steven Dillingham, Director, U.S. Census Bureau (Aug. 4, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-08-04.CBM%20to%20Dillingham%20re%20Transcribed%20Interviews.pdf>).

² Letter from Dr. Steven Dillingham, Director, U.S. Census Bureau, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Aug. 7, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Response%20to%20Chairwoman%20Maloney%20Aug%208%202020.pdf>).

³ Committee on Oversight and Reform, *Hearing with Census Bureau Director, Dr. Steven Dillingham* (Feb. 12, 2020) (online at www.govinfo.gov/content/pkg/CHRG-116hrg39929/pdf/CHRG-116hrg39929.pdf).

⁴ Committee on Oversight and Reform, *Hearing on Counting Every Person: Safeguarding the 2020 Census Against the Trump Administration's Unconstitutional Attacks* (July 29, 2020).

On April 13, 2020, you and Commerce Secretary Wilbur Ross warned that extensions to various statutory deadlines were necessary “to ensure the completeness and accuracy of the 2020 census.”⁵ That same day, Secretary Ross informed several Members of Congress, including me, that the Trump Administration was planning to push the deadline for field operations from July 21, 2020, to October 31, 2020. He also sought legislation to extend the statutory deadline to deliver apportionment data to the President from December 31, 2020, to April 30, 2021, and an extension in the statutory deadline to deliver redistricting data to the states from March 30, 2021, to July 31, 2021.

Subsequent statements by Census Bureau officials underscored the urgency of these legislative changes. On May 26, 2020, Tim Olson, Associate Director for Field Operations, said publicly: “We have passed the point where we could even meet the current legislative requirement of December 31. We can’t do that anymore.”⁶

The Committee has worked in good faith to accommodate the Trump Administration’s request. On April 18, 2020, the Census Bureau provided proposed legislative language for securing the statutory extensions. The Committee included extension provisions in the HEROES Act (H.R. 6800), which the House of Representatives passed on May 15, 2020.

In a stark reversal, on August 3, 2020, you announced that the Census Bureau will cut short follow-up operations by a full month, despite significant delays in starting follow-up operations because of the coronavirus pandemic. You also announced that, with respect to the reporting requirement, the Census Bureau would aim to meet “our statutory deadline of December 31, 2020, as required by law and directed by the Secretary of Commerce.”⁷ These reversals were announced after President Trump installed two additional political appointees at the Census Bureau—for a total of six political appointees, which is more than the Census Bureau has had in decades.⁸

At the same time, the Trump Administration has proposed significant changes to the Census Bureau’s methodology and field operations. On July 21, 2020, President Trump issued a memorandum ordering the Secretary of Commerce to provide information that would allow him to exclude undocumented immigrants from the apportionment count. At the Committee’s July

⁵ U.S. Census Bureau, *U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19* (Apr. 13, 2020) (online at www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html).

⁶ *Republicans Signal They’re Willing to Cut Census Counting Short*, National Public Radio (July 28, 2020) (online at www.npr.org/2020/07/28/895744449/republicans-signal-theyre-willing-to-cut-short-census-counting).

⁷ U.S. Census Bureau, *Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count* (Aug. 3, 2020) (online at www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html).

⁸ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Wilbur L. Ross, Jr., Secretary, Department of Commerce (July 13, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-07-13.CBM%20Gomez%20Raskin%20Connolly%20Clarke%20to%20Ross-DOC%20re%20Cogley%20and%20Korzeniewski.pdf>).

29, 2020, hearing, you testified that this directive came without any discussions or input from you—despite the fact that the memorandum seeks to change a highly sensitive and apolitical task that the Census Bureau has historically performed.⁹

The Committee is seeking interviews with Census Bureau staff to understand these current—and ongoing—efforts to change timelines and methodologies midstream, and what impact these changes will have on the accuracy, objectivity, and completeness of the Census. The Committee is also seeking to understand how and when these changes were proposed, as well as what role career Census Bureau officials played in these moves, in order to inform our legislative efforts on these matters.

This is an urgent matter that requires immediate compliance. The Trump Administration announced these unprecedented actions—which are projected to have a direct impact on the completeness and accuracy of the census count—just weeks before the end of the Census. Our investigation is critical to ensuring that the 2020 Census adheres to the constitutional requirement to enumerate every person.

For all of these reasons, I respectfully urge you to make these officials available to the Committee on a voluntary basis. Please confirm by close of business on August 14, 2020, whether you will cooperate with the Committee’s investigation or whether the Committee should secure these officials’ appearance through compulsory measures.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. In addition, the Committee has jurisdiction over “Population and demography generally, including the Census.”¹⁰

Sincerely,



Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James R. Comer, Ranking Member

⁹ Committee on Oversight and Reform, *Hearing on Counting Every Person: Safeguarding the 2020 Census Against the Trump Administration’s Unconstitutional Attacks* (July 29, 2020).

¹⁰ House rule X, clause 1(n)(8).

(b) (5)



To: Ron S Jarmin (CENSUS/DEPDIR FED)[Ron.S.Jarmin@census.gov]; Christa D Jones (CENSUS/DEPDIR FED)[Christa.D.Jones@census.gov]; Victoria Velkoff (CENSUS/ADDP FED)[Victoria.A.Velkoff@census.gov]
Cc: Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]
From: John Maron Abowd (CENSUS/ADRM FED)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB0EEE1CC6CA45CC948C0077899626C2-ABOWD, JOHN]
Sent: Tue 9/1/2020 8:49:07 PM (UTC)
Subject: Fw: Content process history for determining the content of the P.L. 94-171 Redistricting Data file [20190911 citizenship memos.docx](#)

What I said. Read bottom up.

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: [301-763-5880](tel:301-763-5880) M: simulring on cell
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)
Shape your future. START HERE 2020census.gov

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Tuesday, September 1, 2020 12:16 PM
To: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Subject: Re: Content process history for determining the content of the P.L. 94-171 Redistricting Data file

I went over my records. A team that I led gave the director a detailed briefing on September 11, 2019. That briefing presented him with the December 12, 2017 letter from the DoJ, the March 26, 2018 instruction from the Secretary, The full text of the PRA Information Collection Request for the 2020 Census, approved July 12, 2019, and Executive Order 13880. Each document was highlighted in yellow with the language pertaining to statistical requests/instructions regarding citizenship data. There was an accompanying summary (attached to this email). We explained to the Director that these were our instructions, and absent additional guidance from the Director or the Secretary, we would develop the CVAP product subject to these instructions.

Subsequent direction came from and continues to be issued by DSEP, which owns the 2020 CVAP special tabulation as a product. This is unusual, but is consistent with the Deputy Director's instruction to stay completely downstream from 2020 Census operations and data processing.

Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: [301-763-5880](tel:301-763-5880) M: simulring on cell
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)
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From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>
Sent: Tuesday, September 1, 2020 11:56 AM
To: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>
Cc: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Subject: Re: Content process history for determining the content of the P.L. 94-171 Redistricting Data file

Makes sense to me too. I would want John's assessment.

Enrique Lamas
Senior Advisor

BC-DOC-CEN-2020-001602-004654

On Sep 1, 2020, at 10:28 AM, Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov> wrote:

This makes sense to me, but Enrique, John, and Jim need to review the final para in particular.

Kathleen M. Styles
Chief, Decennial Communications and Stakeholder Relationships
U.S. Bureau of the Census
Room (b) (6)
(301) 763-0235 Office
(b) (6) Cell

From: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Sent: Monday, August 31, 2020 1:38 PM
To: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>
Subject: Fw: Content process history for determining the content of the P.L. 94-171 Redistricting Data file

Hello Kathleen, Jim, John, and Enrique -

I was asked by Nathaniel for a description of how we determine the content for the P.L data. I provided my answer which is at the bottom of this email string. I was asked a follow-up question and am trying to answer it but want to make sure that I am not misrepresenting the EO working group's or IEP group's activities. My planned response is just below in the indented text. Please let me know if you have any comments before I send this reply. Nathaniel's request was from last Wednesday so I am hoping to respond soon.
Thank you
James

Good morning Nathaniel -

The short answer is that the citizenship attribute was considered all through the development process for the P.L. 94-171 Redistricting file as soon as the Secretary instructed the Bureau to add the citizenship variable to the questionnaire. To provide some context I will explain below.

When the Secretary provided the instruction to add the citizenship question to the 2020 Census form in March 28, 2018, we then had to explore if states wanted to see that data as part of the P.L. 94-171 Redistricting Data Summary file.

Due to the amount of litigation surrounding the addition of the citizenship question to the 2020 Census, I had to request permission from DoC to discuss the possible inclusion of citizenship on the P.L. 94-171 Redistricting Data Summary File. I met with Mike Walsh (DoC), Christa Jones (BoC), Burton Reist (Boc) and Chris Stanley (BoC) at DoC on 5/18/2018 to get permission to discuss citizenship. I was given that permission but was asked to confine my discussions to operational issues. In the subsequent discussions with the states through conferences and with the program's liaisons, we

addressed questions like: If the question remains on the Census would you want to see the citizenship data on the P.L. 94-171 Redistricting Data Summary File?; If you want to see it, how would you want it to appear? ; If a citizenship table is added to the P.L. 94-171 Redistricting Data File, should it be in addition to or should it replace the VAP tables. The responses we received indicated that if citizenship was included, it was desired in the same timeframe as the P.L. data and that it should also be compatible with the PL data. If it was not included but created as a special tabulation then it should be additively consistent so that, for example, you never have more CVAP people in a block than VAP people. It was also clearly stated that the CVAP table should in no way replace the VAP table. The VAP tables were identified as being a critical longitudinal dataset for analyzing redistricting plans since those tables have existed for several decades now. However, within all of these discussions, no one indicated that the CVAP tables should be required to be added to the P.L. 94-171 Redistricting Data Summary File. (attachment: Draft_predecisional_Redistricting_Concerns_and_Considerations.docx)

As we worked through all of the issues and the creation of the prototype data, we were also under schedule constraints to complete our design so that other areas of the Bureau could begin their work generating the coding and systems necessary for producing and delivering the redistricting data. According to the baselined Integrated Master Schedule, our final design was supposed to be delivered to the Data Products and Dissemination Operation for distribution to POP, TAB, DRPS, DAS, and others by 6/7/2019. With our submission not coming until 7/10/2019 we were over a month late. However, we waited for the Supreme Court decision before submitting the final design to the Disclosure Review Board despite it making us over a month late in submitting this critical operational documentation.

The Executive Order and then subsequent Secretary's instructions came soon after the final design was approved and delivered to the other areas of the Bureau, albeit a month later than required by the schedule. With something with the weight of an EO and a directive from the Secretary, the Census executives established the groups they needed to understand and implement the requirements of these instructions. This is where you would want to talk to John Abowd and Jim Treat. If my memory serves me, a group to acquire the administrative records described in the memo, was established as well as an Internal Expert Panel (IEP) to develop a methodology for performing the actions requested. I believe that the IEP was already in existence working on the methodology to generate the CVAP should citizenship be asked on the decennial census and was re-tasked to develop the purely administrative data based CVAP. The IEP sketch of the methodology required the P.L. data to have already been created so we could ensure that the CVAP has additive consistency with the P.L. data. Based on that proposed methodology, the other group in which I participated worked on a schedule that allows the CVAP to be developed within the timeframe also required for the P.L. data. In those meetings we also worked to ensure the 2020 Census CVAP Special Tabulation would be compatible with the P.L. 94-171 Redistricting Data Summary File by requesting the use of CENRACE rather than IMPRACE so the "Some Other Race" Category is included, matching the P.L. categories. This would ensure, along with the production of the data at the block level, that it could be used for redistricting.

I hope that helps.

Regards

James

James Whitehorne, Chief

Redistricting & Voting Rights Data Office/ADDC/HQ

U.S. Census Bureau

O: 301-763-4039 | M: (b) (6)

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BC-DOC-CEN-2020-001602-004656

From: Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>
Sent: Wednesday, August 26, 2020 2:09 PM
To: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Cc: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; Benjamin A Overholt (CENSUS/DEPDIR FED) <benjamin.a.overholt@census.gov>
Subject: Re: Content process history for determining the content of the P.L. 94-171 Redistricting Data file

Hey James,

Thanks for all of your work compiling and explaining the process and dates that unfolded. Question:

Was there any consideration of a design change to include CVAP in the P.L. 94-171 Redistricting File following the release of Executive Order 13880 on July 11th, 2019?

Thanks in advance for any response.

Sincerely,
Nathaniel

Nathaniel Cogley, Ph.D.
Deputy Director for Policy
U.S. Census Bureau

From: James Whitehorne (CENSUS/ADDC FED) <James.Whitehorne@census.gov>
Sent: Wednesday, August 26, 2020 10:22 AM
To: Benjamin A Overholt (CENSUS/DEPDIR FED) <benjamin.a.overholt@census.gov>; Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>
Cc: Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>
Subject: Content process history for determining the content of the P.L. 94-171 Redistricting Data file

Good morning Nathaniel and Benjamin -

During our call the other day, I promised some background and decision points on the content for the P.L. 94-171 Redistricting Data Summary File. The process is both formal and informal and covers quite a bit of each decade. I am providing a description of the process with links or attachments of relevant documents.

The process of designing P.L. each decade starts as soon as the data from the previous decennial is published. Over the subsequent three years, the Redistricting Data Office conducts an evaluation of the previous program and develops a broad outline of what is planned for the next decade. This evaluation looks at feedback from the states, requests for changes from the states, changes to the legal landscape around redistricting, etc. Once that is collected and vetted, a plan for the next decennial is created and published after being reviewed and approved at all levels of executive leadership at the Census Bureau. This publication, published in December of 2014, is nicknamed "The View from the States" and for 2020 is officially titled "Designing P.L. 94-171 Redistricting Data for the Year 2020 Census". <https://www.census.gov/content/dam/Census/library/publications/2014/rdo/pl94-171.pdf> This evaluation and report has been done every decade since the program started, with the National Conference of State Legislatures publishing the 1980 report and the Census Bureau publishing all subsequent reports.

Using the results of this report and in preparation for producing a prototype dataset as requested by the states, we started with what has historically been a well received dataset as its base (Tables P1, P2, P3, P4)

plus the housing table that was added back in for the 2010 Census (Table H1). In addition, we worked to address the request for adding the group quarters table to the P.L. file. This was requested in the lead up to the 2010 Census but was determined to be requested too late to add to the file and was provided a few months after the P.L. 94-171 data's release. Our first attempt to add this file included the race and ethnicity categories typically associated with the redistricting data product. Upon presenting this plan to the Disclosure Review Board (DRB) in August of 2016, and then to the Decennial Statistical Executive Policy group (DSEP) in July of 2017, the proposal was modified to include only total population for the seven major group quarters types. (**attachments: DRB_Memo_AdditionOfGQtoPL94171File.docx | DSEP_AdditionOfGQ_to_PL_vFinal.docx**).

The next step in managing the content was to publish an FRN on November 8, 2017 explaining to the states and the public our proposed design. https://www2.census.gov/programs-surveys/decennial/rdo/about/2020-census-program/Phase3/notice_RDP_Phase3_ProposedContent_110817.pdf Although the original thought at the time of the publication of this FRN was that we would ask a single question for race and ethnicity, we also indicated that the file design would revert back to that produced from the 2010 Census if the proposal for using a single question for race and ethnicity was not approved.

Once the comment period had closed on the design of the prototype, we announced the final prototype design through another FRN on May 1, 2018. https://www2.census.gov/programs-surveys/decennial/rdo/about/2020-census-program/Phase3/notice_RDP_Phase3_FinalPrototype_05_01_2018.pdf This final design reverted back to the 2010 design since an approval from OMB was never received for going to a single race and ethnicity question. This announced final design was used to create the prototype P.L. 94-171 Redistricting data Summary file from the 2018 End to End Census Test in Providence RI .

The prototype dataset was delivered to all Governors, the Supreme Court Justice of Puerto Rico, the legislative leadership of both parties in all state legislatures (including the District of Columbia and Puerto Rico), the official Redistricting Data Program non-partisan liaisons, as well as to the general public. The geography was delivered in February of 2019 and the tabulations were provided in March of 2019. The prototype products serve as the example from which states can build their redistricting systems as requested in The View from the States. As part of the official delivery, feedback on the content of the file was requested.

- Tabulation products (https://www2.census.gov/programs-surveys/decennial/rdo/technical-documentation/2020Census/2018Prototype_PL94_171_TechDoc_v2.pdf?# ; https://www2.census.gov/programs-surveys/decennial/rdo/datasets/2018/2018Prototype_PL94_171_SummaryFile.zip?# ; https://www2.census.gov/programs-surveys/decennial/2020/program-management/data-product-planning/Prototype_Redistricting_File--PL_94-171/?#)
- Geography products (<https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.2018.html?#> ; <https://www.census.gov/programs-surveys/geography/geographies/reference-maps.2018.html?#> ; <https://www.census.gov/geographies/reference-files/time-series/geo/block-assignment-files.html?#> ; <https://www.census.gov/geographies/reference-files/time-series/geo/name-lookup-tables.html?#>)

With the successful delivery and acceptance of the Prototype P.L. 94-171 Redistricting Data by the official recipients and the public, the final design was presented to the Disclosure Review Board for approval on July 2nd, 2019. (**attachment: DRB Review Request Cover Sheet Form_PL94_171Data.docx**)

The final 2020 Census P.L. 94-171 Redistricting Data Summary File design was approved by the DRB at their July 10th meeting. (**attachments: 2019-07-10-DRB meeting agenda list.pdf; DRB Minutes 2019-07-**

10_Final.pdf) Please note that the agenda has a typo in that it says July 1 but it was actually the agenda for July 10 as noted in the file name.

Through each of these steps and across the decade, we engaged with states through exchanges of information at the official State Capitol Redistricting Data Program Kickoff meetings in 2015/2016/2017, at conferences, and through the officially assigned non-partisan liaisons. This interaction has been used to both inform states of census actions and decisions and to learn from the states on their professed needs in regards to redistricting.

I hope you find this information useful.

Best Regards

James

P.S. Thank you for providing the text around Section 209 and pre-identifying the pages. It definitely made it easier to find the part you were referring to. I am not a lawyer so I may miss some subtleties surrounding what they are indicating by this Section. It sounds like they are adding groups that can have standing under the circumstances described but only for congressional redistricting. It also sounds like they are granting them expedited consideration by the courts which is typical of any case involving congressional redistricting. Looking at the timeframe of this Section's passage, it is likely referring to the adjustment debates surrounding the 2000 Census. In my non-lawyerly opinion, the law does not appear to put anything we are doing under greater scrutiny than it would already be under. Unfortunately, redistricting tends to be part of what is often jokingly referred to when talking to practitioners of redistricting as "the lifetime employment act" for litigators.

James Whitehorne, Chief

Redistricting & Voting Rights Data Office/ADDC/HQ

U.S. Census Bureau

O 301 763 4039 | M (b) (6)

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To: John Maron Abowd (CENSUS/ADRM FED)[john.maron.abowd@census.gov]; Ron S Jarmin (CENSUS/DEPDIR FED)[Ron.S.Jarmin@census.gov]
Cc: Victoria Velkoff (CENSUS/ADDP FED)[Victoria.A.Velkoff@census.gov]; Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]; Albert E Fontenot (CENSUS/ADDC FED)[Albert.E.Fontenot@census.gov]; Ali Mohammad Ahmad (CENSUS/ADCOM FED)[ali.m.ahmad@census.gov]; Timothy P Olson (CENSUS/ADFO FED)[Timothy.P.Olson@census.gov]; Cogley, Nathaniel (Federal)[NCogley@doc.gov]; Adam Michael Korzeniewski (CENSUS/DEPDIR FED)[adam.m.korzeniewski@census.gov]
From: Christopher J Stanley (CENSUS/OCIA FED)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ADA39E1C50F84DBE8E2EB98E59096E2D-STANLEY, CH]
Sent: Fri 8/14/2020 8:03:49 PM (UTC)
Subject: update - draft of next reply to Chairwoman Maloney
(b) (5)

I talked with Sean a few minutes ago for the latest status. Attached is draft reply to the committee's latest letter. In summary, it reiterates the points in the last letter and offers an expanded briefing, which would be negotiated further on the timing and who would be needed.

This is still an internal draft version. As soon as we have the final signed version, I will be sure to share. It should be finalized soon and be sent before 5pm.

Thank you, and please let me know if you have any questions.

From: John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>
Sent: Tuesday, August 11, 2020 12:00 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Cc: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>
Subject: Re: Update on Transcribed Interviews- Please identify time speak to Sean Brebbia, OGC, today

I am talking to Sean at noon. Thanks,

John M. Abowd, PhD, Associate Director and Chief Scientist
Research and Methodology
U.S. Census Bureau
O: [301-763-5880](tel:301-763-5880) M: simulring on cell
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)
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From: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>
Sent: Tuesday, August 11, 2020 11:56 AM
To: Brebbia, Sean (Federal) <SBrebbia@doc.gov>
Cc: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>; Cannon, Michael (Federal) <MCannon@doc.gov>
Subject: Re: Update on Transcribed Interviews- Please identify time speak to Sean Brebbia, OGC, today

I guess I can join at 4 EDT as well.

On Aug 11, 2020, at 8:47 AM, Brebbia, Sean (Federal) <SBrebbia@doc.gov> wrote:
BC-DOC-CEN-2020-001602-004660

Hi everyone, I'm happy to talk broadly to the group about procedures, process, status, but I would also like meet with each person individually to so they have the opportunity to have an individual discussion with agency lawyers

From: Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>

Sent: Tuesday, August 11, 2020 11:41 AM

To: Lamas, Enrique <enrique.lamas@census.gov>; Fontenot, Albert E <albert.e.fontenot@census.gov>; Brebbia, Sean (Federal) <SBrebbia@doc.gov>

Cc: Jarmin, Ron S <ron.s.jarmin@census.gov>; Abowd, John M <john.maron.abowd@census.gov>; Ahmad, Ali M <ali.m.ahmad@census.gov>; Olson, Timothy P <timothy.p.olson@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Korzeniewski, Adam M <adam.m.korzeniewski@census.gov>; Stanley, Christopher J <christopher.j.stanley@census.gov>

Subject: Re: Update on Transcribed Interviews- Please identify time speak to Sean Brebbia, OGC, today

Ali

Does Sean want to talk to all of us together? If so I can also make 4.

Thanks

Tori

Victoria Velkoff, PhD

Associate Director for Demographic Programs

U S Census Bureau

o: 301-763-1372

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From: Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>

Sent: Tuesday, August 11, 2020 11:27 AM

To: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Brebbia, Sean (Federal) <sbrebbia@doc.gov>

Cc: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@bluewin.ch>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>

Subject: Re: Update on Transcribed Interviews- Please identify time speak to Sean Brebbia, OGC, today

4:00 works for me too.

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: Tuesday, August 11, 2020 10:57 AM

To: Brebbia, Sean (Federal) <sbrebbia@doc.gov>

BC-DOC-CEN-2020-001602-004661

Cc: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; John Maron Abowd (CENSUS/ADRM FED) <john.maron.abowd@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Victoria Velkoff (CENSUS/ADDP FED) <Victoria.A.Velkoff@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Cogley, Nathaniel (Federal) <NCogley@doc.gov>; Adam Michael Korzeniewski (CENSUS/DEPDIR FED) <adam.m.korzeniewski@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Subject: Re: Update on Transcribed Interviews- Please identify time speak to Sean Brebbia, OGC, today

Hello - Sean

Can I talk at 4:00pm?

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 11, 2020, at 10:43 AM, Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov> wrote:

Good Morning All-

Sean Brebbia (copied) with the Office of General Counsel would like to talk to each of your individually today about the recent request from the Oversight Committee to schedule transcribed interviews. Can you send him your preferred times? He will discuss the process, being represented by agency counsel, and the likely path forward.

Ali Ahmad, Associate Director
Communications Directorate
U.S. Census Bureau
O: 301-763-8789 | M: (b) (6)
Ali.M.Ahmad@census.gov
census.gov | [@uscensusbureau](https://twitter.com/uscensusbureau)

To: Christa D Jones (CENSUS/DEPDIR FED)[Christa.D.Jones@census.gov]; Enrique Lamas (CENSUS/DEPDIR FED)[Enrique.Lamas@census.gov]
From: Ron S Jarmin (CENSUS/DEPDIR FED)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=72786421D55B476C9D97B2A03A361FA1-JARMIN, RON]
Sent: Mon 8/3/2020 11:14:03 AM (UTC)
Subject: Fw: Monday Census Calls
[Operational and Processing Options to meet September 30 Final.pdf](#)

He missed Jamey, but added Treat. WTH?

Ron S Jarmin, PhD., Deputy Director

U.S. Census Bureau

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

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From: Risko, Daniel (Federal) <DRisko@doc.gov>
Sent: Sunday, August 2, 2020 10:08 PM
To: Kelley, Karen (Federal) <KKelley@doc.gov>; Olson, Stephanie (Federal) <SOlson@doc.gov>; Paranzino, Anthony (Federal) <AParanzino@doc.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Walsh, Michael (Federal) <MWalsh@doc.gov>; Steven K Smith (CENSUS/DEPDIR FED) <steven.k.smith@census.gov>; James B Treat (CENSUS/DEPDIR FED) <James.B.Treat@census.gov>; Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; Nathaniel Cogley (CENSUS/DEPDIR FED) <nathaniel.cogley@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Meredith, Ethan (Federal) <EMeredith@doc.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Michael T Thieme (CENSUS/ADDC FED) <Michael.T.Thieme@census.gov>
Cc: Goudarzi, Talat (Federal) <TGoudarzi@doc.gov>; Barranca, Steven (Federal) <SBarranca1@doc.gov>; Martin, Nicole (Federal) <NMartin1@doc.gov>
Subject: Monday Census Calls

Good evening,

Please see the attached slide deck for tomorrow's calls. We will use the following phone line:

Conference line: (b) (6)

Passcode: (b) (6)

Contact me directly if you have any issues with the slides or the conference line.

Best,

Dan Risko

Chief of Staff

Office of the Deputy Secretary

United States Department of Commerce

[202-482-6010](tel:202-482-6010) (o) | (b) (6) (c)

drisko@doc.gov

Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment

August 3, 2020

Bottom Line Up Front

Objective: We have developed this plan in response to your request to provide an apportionment count by the statutory deadline of December 31, 2020.

- **Maximizing** staff and production hours for field data collection operations to conclude field data collection by September 30, 2020.
- **Compressing** and streamline backend processing to deliver apportionment counts by December 31, 2020.
- **Achieving** an acceptable level of accuracy and completeness, with a goal of resolving at least 99% of Housing Units in every state.

Nonresponse Followup Operational Options

Early Start of Nonresponse Followup Operations

6 Cycle 1a Area Census Offices (ACOs) began operations on July 16

6 Cycle 1b ACOs began operations on July 23

35 Cycle 2 ACOs were scheduled to begin operations on July 30; however, we started operations earlier in some ACOs where staff was available:

- 17 ACOs – Started July 26 – 29
- 18 ACOs – Started July 30

39 Cycle 3 ACOs were scheduled to begin operations by August 3:

- 15 ACOs – Started last week, July 31
- 24 ACOs – Started today, August 3

All remaining ACOs were scheduled to begin August 11, but will begin operations by August 9:

- 53 ACOs – Will start August 3 – 7
- 109 ACOs (all remaining) – August 9
- These ACOs will have to deploy staff regardless of the COVID-19 risk in those areas to open on these dates.

Increased Replacement Training for Enumerators

Replacement Training Options	Potential Efficiency Gain / Applicable Costs to Implement
Inviting More People to Training	Over selection rates will address higher-than-expected no-show rates of 35%, bringing us closer to our target initial staffing levels.
Continual Replacement Training	Expect to conduct replacement training for at least 135K Enumerators due to attrition. Just over 11,000 training additional sessions: \$90m total training cost

Bonuses for Increased Work

Pay Bonus Options	Potential Efficiency Gain / Applicable Costs to Implement
Implement Enumerator Pay bonus to boost work hours from 19 to 25 per week: <ul style="list-style-type: none">Propose \$100 for exceeding 25 hours/week	Expect 250,000 to qualify: \$25m/week Increases capacity by 1.5 million work hours per week, or 80,000 more “19 hour” enumerators per week
Implement Enumerator Pay bonus for working multiple 25 hour weeks: <ul style="list-style-type: none">Propose \$500 for completing 3 weeks of productionCan be renewed	Expect 150,000 to qualify: \$75m total cost
Implement CFS Pay bonus for working multiple weeks: <ul style="list-style-type: none">Propose \$750 for completing 3 weeks of production (from established start date)Would require ‘acceptable’ minimum of 32 hours per weekCan be renewed	Expect 15,000 CFSs to qualify: \$11.5m total cost per week

Outreach Methods to Expand Reach to Underperforming Areas

Options	Potential Efficiency Gain / Applicable Costs to Implement
<p>Expand the use of NRFU Travel Teams:</p> <ul style="list-style-type: none">• Moving teams that have successfully completed their areas to areas requiring additional attention	<p>Using experienced staff minimizes the need to train new staff – particularly in areas where new staff are not available.</p>
<p>Implement outbound phone calling to conduct interviews:</p> <ul style="list-style-type: none">• Use telephone numbers from ERD Contact Frame• Used by enumerators in ACOs that are finishing up to help out in other ACOs	<p>Enables enumeration in high COVID-19 risk areas and provides additional data collection capability.</p>

Adjustments to NRFU Contact Strategy

NRFU Adjustment Options	Potential Efficiency Gain / Applicable Costs to Implement
Close out self-reported vacants that are also Administrative Record (AdRec) vacant	Reduce workload by 140k cases
Reduce contact attempts for self-reported vacants from 6 to 1, if HU is confirmed vacant	Increase enumerator productivity
Reduce contact attempts for Re-Interview (RI) and Self-Response Quality Assurance (SRQA) cases from 6 to 3	Reduce attempts from 6 to 3 for 1.9 million cases, increase enumerator productivity
Eliminate Random RI, and depend on analytic sampling	Reduce NRFU workload by 800k cases – potential reduction in quality of enumerator work
Make “pop count only” sufficient earlier in the operation	Still being researched, TBD

Implement Additional Administrative Record Options

Administrative Records Options	Potential Efficiency Gain / Applicable Costs to Implement
We are in consultation to revise our AdRec strategy to use IRS-only (no corroborating sources) for “pop count only” cases	Reduce attempts from 6 to 1 for estimated 3.8 million cases, contingent on IRS approval, increasing enumerator productivity
Close out cases with conflicting AdRec showing both vacant and delete	Reduce attempts from 6 to 1 for 1.9 million cases, increasing enumerator productivity

Overview of Backend Processing

Assumptions:

1. Highly compressed schedule for 2020 Census data processing and review of data products.
2. Post-processing must start by October 1, 2020.
3. Post-processing work activities are limited to those required to produce apportionment counts. Delivery of redistricting data products will be negatively impacted under this revised plan and we are determining full impacts.
4. All of these activities represent abbreviated processes or eliminated activities that will reduce accuracy.

Compressing Backend Processing

Adjusted Activity	Impact and Risks
Finalize Master Address File (MAF) updates from remaining field operations by 9/4/20 Address updates from continued field work after 9/4/20 will not be applied to the MAF	We do not anticipate that the resulting number of updates not included will be highly significant. However, increases risk of inaccuracy.
Eliminate the step that includes Decennial Statistical Studies Division (DSSD) review of the MAF extract	Risk of missing and therefore propagating errors, however the MAF is the most accurate ever.
Lock Geographic processing on 9/25/20 and deliver the final 2020 Census address universe by 10/14/20	Reduces a 35 day processing duration to 19 days.
Cancel Count Review Event 2, eliminating the need for late Group Quarters Enumeration (GQE) operations	State demographer review of GQ data will be cancelled. The Demographic and Decennial staffs will work together to develop the message and communicate it to the Federal State Cooperative for Population Estimates (FSCPE)/states. The risk is virtually certain vocal objections from the FSCPE State Demographers and the State Governors they serve.

Compressing Backend Processing - Continued

Adjusted Activity	Impact and Risks
Create a separate processing stream for the Enumeration of Transitory Locations (ETL) and Service Based Enumeration (SBE) operations that follows the Federally Affiliated Count Overseas (FACO) processing approach. This will enable adding ETL and SBE population counts state-by-state significantly later in the Census Unedited File (CUF) production process.	<p>This file needs to be delivered to POP by the time the CUF – the basis for the apportionment delivery – review is scheduled to be complete, by December 18. Additionally, ETL permits the reporting of a Usual Home Elsewhere (UHE), which will not be able to be processed with this new approach.</p> <p>The CUF will have to be re-run prior to the processing of the Census Edited File (CEF) in order to add in the SBE/ETL population for the Public Law 94-171 Redistricting file. The Apportionment Team will need to change its processing plans and conduct testing to ensure the proper integration of ETL/SBE state counts.</p>
Compress POP division and DSSD review and processing times	A compressed review period creates risk for serious errors not being discovered in the data – thereby significantly decreasing data quality. Additionally, serious errors discovered in the data may not be fixed – due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.
Compress time for creating/verifying apportionment data and preparation of transmittal package for DOC	A compressed review period creates risk for errors being present in the data.

Implementation of the Presidential Memo

A team has been established and is tasked with deriving a process utilizing sound statistical methods and meeting tests of operational feasibility, to achieve the goals of directives from Secretary Ross regarding implementation of the Presidential Memo. To achieve this, the Census will:

- Build upon the work we have already done based on Executive Order 13880, “Collecting Information about Citizenship Status in Connection with the Decennial Census”.
- Use all administrative records to the extent they are available. Using these records, in combination with other data already obtained regarding citizenship status, we will further refine the non-citizen category into legal, illegal, or unknown.
- Incorporating this work into the schedule to meet the current legal mandates.

Announcing the Replanned Operational Schedule

- **Announce:** Statement from Director Dillingham issued by Monday afternoon or as approval given with new schedule and re-plan outline.
- **Update Webpage:** We will update central schedule webpage with new dates. (current page reflects re-planning status)
- **Rollout:** We will follow a controlled rollout to give appropriate embargoed heads up to key Congressional offices, and then post and distribute the updated materials to Census Bureau staff, partners, intergovernmental stakeholders, and the media.

Questions?

To: James T Christy (CENSUS/LA FED)[James.T.Christy@census.gov]
From: Timothy.P.Olson@census.gov[Timothy.P.Olson@census.gov]
Sent: Mon 8/3/2020 10:02:58 AM (UTC)
Subject: Fwd: Monday Census Calls
[Operational and Processing Options to meet September 30 Final.pdf](#)
[ATT00001.htm](#)

Jamey, here you go. 7:30 with KDK and 8 with the Secretary.

Timothy P. Olson, Associate Director for Field Operations
U.S. Census Bureau
Washington DC
(b) (6) (mobile)
301-763-2072

Begin forwarded message:

From: "Risko, Daniel (Federal)" <DRisko@doc.gov>
Date: August 2, 2020 at 10:08:50 PM EDT
To: "Kelley, Karen (Federal)" <KKelley@doc.gov>, "Olson, Stephanie (Federal)" <SOlson@doc.gov>, "Paranzino, Anthony (Federal)" <AParanzino@doc.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>, "Walsh, Michael (Federal)" <MWalsh@doc.gov>, "Steven K Smith (CENSUS/DEPDIR FED)" <steven.k.smith@census.gov>, "James B Treat (CENSUS/DEPDIR FED)" <James.B.Treat@census.gov>, "Deborah Stempowski (CENSUS/ADDC FED)" <Deborah.M.Stempowski@census.gov>, "Albert E Fontenot (CENSUS/ADDC FED)" <Albert.E.Fontenot@census.gov>, "Timothy P Olson (CENSUS/ADFO FED)" <Timothy.P.Olson@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>, "Nathaniel Cogley (CENSUS/DEPDIR FED)" <nathaniel.cogley@census.gov>, "Steven Dillingham (CENSUS/DEPDIR FED)" <steven.dillingham@census.gov>, "Ron S Jarmin (CENSUS/DEPDIR FED)" <Ron.S.Jarmin@census.gov>, "Meredith, Ethan (Federal)" <EMeredith@doc.gov>, "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>, "Michael T Thieme (CENSUS/ADDC FED)" <Michael.T.Thieme@census.gov>
Cc: "Goudarzi, Talat (Federal)" <TGoudarzi@doc.gov>, "Barranca, Steven (Federal)" <SBarranca1@doc.gov>, "Martin, Nicole (Federal)" <NMartin1@doc.gov>
Subject: Monday Census Calls

Good evening,

Please see the attached slide deck for tomorrow's calls. We will use the following phone line:

Conference line: (b) (6)
Passcode: (b) (6)

Contact me directly if you have any issues with the slides or the conference line.

Best,

Dan Risko
Chief of Staff
Office of the Deputy Secretary
United States Department of Commerce
[202-482-6010](tel:202-482-6010) (o) | (b) (6) (c)
drisko@doc.gov

BC-DOC-CEN-2020-001602-004678

To: Timothy Olson[olson003@me.com]
From: Timothy.P.Olson@census.gov[Timothy.P.Olson@census.gov]
Sent: Mon 8/3/2020 10:03:21 AM (UTC)
Subject: Fwd: Monday Census Calls
[Operational and Processing Options to meet September 30 Final.pdf](#)
[ATT00001.htm](#)

Timothy P Olson, Associate Director for Field Operations
U.S. Census Bureau
Washington DC
(b) (6) (mobile)
301-763-2072

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Date: August 2, 2020 at 10:08:50 PM EDT
To: "Kelley, Karen (Federal)" <KKelley@doc.gov>, "Olson, Stephanie (Federal)" <SOlson@doc.gov>, "Paranzino, Anthony (Federal)" <AParanzino@doc.gov>, "Ali Mohammad Ahmad (CENSUS/ADCOM FED)" <ali.m.ahmad@census.gov>, "Walsh, Michael (Federal)" <MWalsh@doc.gov>, "Steven K Smith (CENSUS/DEPDIR FED)" <steven.k.smith@census.gov>, "James B Treat (CENSUS/DEPDIR FED)" <James.B.Treat@census.gov>, "Deborah Stempowski (CENSUS/ADDC FED)" <Deborah.M.Stempowski@census.gov>, "Albert E Fontenot (CENSUS/ADDC FED)" <Albert.E.Fontenot@census.gov>, "Timothy P Olson (CENSUS/ADFO FED)" <Timothy.P.Olson@census.gov>, "Enrique Lamas (CENSUS/DEPDIR FED)" <Enrique.Lamas@census.gov>, "Nathaniel Cogley (CENSUS/DEPDIR FED)" <nathaniel.cogley@census.gov>, "Steven Dillingham (CENSUS/DEPDIR FED)" <steven.dillingham@census.gov>, "Ron S Jarmin (CENSUS/DEPDIR FED)" <Ron.S.Jarmin@census.gov>, "Meredith, Ethan (Federal)" <EMeredith@doc.gov>, "Christa D Jones (CENSUS/DEPDIR FED)" <Christa.D.Jones@census.gov>, "Michael T Thieme (CENSUS/ADDC FED)" <Michael.T.Thieme@census.gov>
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Office of the Deputy Secretary
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drisko@doc.gov

BC-DOC-CEN-2020-001602-004680