

form, and it will save millions of dollars. We can get it accurately and efficiently, particularly the students that are living off campus.

The House passed a bill with a provision in it, and I'll bring that to your attention. But that's--that's--we're making progress. I--I seem--I seem to recall that maybe 60 percent of the colleges, but I--I--I will check the record on that. And we want all the colleges and we will.

And the concern is that perhaps that we wouldn't protect the information. We protect the data better than anyone in the country that I'm aware of. We understand colleges do a lot, but I think we protect it as well, if not better. And we have federal law on our side, and we have all the safeguards for that information. We want it, and we'd like to get it efficiently. We appreciate your interest and other members of Congress.

LYNCH:

Well, Dr. Dillingham, if I could just ask you, you know, we can't solve everything on--on this call.

DILLINGHAM:

Sure.

LYNCH:

But if I could get the commitment that my colleagues from the Boston--from the Massachusetts delegation that are interested in this and we've got a ton of--time of colleges and universities. Myself and Ms. Pressley and--and Secretary, (INAUDIBLE), if we could talk with you and your office--

DILLINGHAM:

Absolutely.

LYNCH:

--just to get an assessment on that, because time is short, as you know.

DILLINGHAM:

Absolutely.

LYNCH:

So that as possible?

DILLINGHAM:

You'll get get some assessment this week.

LYNCH:

Okay.

DILLINGHAM:

Yes, congressman.

LYNCH:  
All right.

DILLINGHAM:  
Thank you.

LYNCH:  
All right. Thank you so much.

And I--I'll yield back the balance of my time. Thank you, Madam Chair.

MALONEY:  
Thank you very much.

And I now recognize Congresswoman Porter.

PORTER:  
Thank you very much.

Mr. Dillingham, is the Census Bureau using state administrative records to conduct the 2020 census operations?

DILLINGHAM:  
We do use administrative data for some of our purposes of--of trying to discover whether there's duplication in the management of the census. I can't tell you exactly which data sets.

PORTER:  
Super.

Is the Census Bureau using these records, or going to be using these records to determine the citizenship status of individuals?

DILLINGHAM:  
We do have administrative records that will be used for us to looking at the numbers of--of citizens and non-citizens. That is correct.

PORTER:  
Okay.

Under the Privacy Act, there should be a System of Records Notice. It's called an SORN, explaining what these administrative records will be used for. Have you published an SORN, a System of Record Notice?

DILLINGHAM:

It is my understanding we have--we have complied with all the regulatory needs, but I will double check. We can get back to you on specifics.

PORTER:

Okay.

So you don't--do you know if that SORN explains what the records will be used for as required by the Office of Management and Budget?

DILLINGHAM:

Are you talking about our administrative records?

PORTER:

Yes.

DILLINGHAM:

Are we--are we sharing that information with the Office of Management Budget?

PORTER:

Yes.

DILLINGHAM:

We--we actually have to have their permission to do that.

PORTER:

Great.

Does that--that statement that you gave to the Office of Management and Budget and that System of Records Notice, does it say anything? Does it disclose to the American public that you'll be using administrative records to determine if someone is a citizen?

DILLINGHAM:

Well, we--the--the executive order is quite transparent and--and points that out, and it's actually the agencies, too, that will be providing us data. So--

PORTER:

But respectfully, sir--respectively, sir, the--the--you have an obligation to comply with the Privacy Act and to file that System of Records Notice and to require the statement of purpose with the Office of Management and Budget. And so I am asking you, do those statements, which you are responsible for, advise the American public, as required in Congress, as required in OMB, as required, that the administrative records will be used to determine citizenship steps?

DILLINGHAM:

Congresswoman, I will double check on that, but I--it would certainly be my understanding.

PORTER:

Okay.

I actually have it in front of me. Madam Chairwoman, I ask to enter the System of Record Notice and the OMB Purpose Statement into the record.

MALONEY:

Without objection.

PORTER:

So, Mr. Dillingham, is no. These disclosures don't make any mention that you will be using administrative records for citizenship. And since you are going to be using these records for federal administrative records to help determine citizenship, you should have submitted a request to the Office of Management and Budget. You should have submitted supporting statements explaining exactly how those federal records would be used.

The notices are very clear. They say--indicate how, by whom, and for what purpose the information is to be used. The president's executive order doesn't wave or relieve you of the requirement to be transparent. Will you commit to filing a new System of Record Notice that clearly advises that the administrative records will be used to determine citizenship status?

DILLINGHAM:

I'm not sure I understood that last part of your question. Would I be--what I be assured that I do what?

PORTER:

Will you please commit to following the law--

DILLINGHAM:

We--we will follow--

PORTER:

--With regard the Privacy Act and filing a new System of Record Notice and a new Statement of Purpose to the OMB. If in fact, I am correct that your existing statement makes no--no mention of using the administrative records for the purpose of determining citizenship, when that, in fact, is you have--testify is your intent.

DILLINGHAM:

Congresswoman, I will certainly ask our legal counsel to look in the Statement of Records Notice to see if we're in compliance.

PORTER:

Thank you very much.

My last question for you is, will you count every person regardless of citizenship because that is what is required by the Constitution?

DILLINGHAM:

As I have said here today, we're going to count everyone living in this nation.

PORTER:

Okay.

So the Constitution says that representatives shall be apportioned among the several states according to their respective numbers, which shall be determined by adding the whole number of free persons. In the Constitution, what do you think person means in that context?

DILLINGHAM:

Congresswoman, that was a topic of the first panel here. And as I said in--in my opening remarks, discussing the policies and history and particularly the legal analysis, it isn't one of the--it wouldn't be prudent for me at this time.

The--as the director of the Census Bureau, we have to get the work done, and I'm not going to engage. And quite frankly, I'm not prepared to engage in--in the legal analysis or the policy debate. We are a statistical agency producing statistical products, and if they're legal, we--we will produce them. And it will be the best available data that we have.

PORTER:

Well, Mr. Dillingham, I--I appreciate that. But you can't wax on about your faithful execution of your constitutional duty and then dodge questions about the Constitution in the same hearing. But I do appreciate your following up on the Systems of Record Notice and the Privacy Act. And I'll--I'll follow-up with you directly about that.

I yield back.

DILLINGHAM:

Thank you so much.

MALONEY:

I thank the gentlelady for her questions.

And before I recognize Representative Ranking Member Comer, for his closing remarks, I--I want to seek clarity on one thing if I could, Mr. Director.

DILLINGHAM:

Sure.

MALONEY:

I asked you earlier if you would send this committee the results of the Bureau's analysis under the president's memo, and--and you responded that the Bureau would be transparent.

DILLINGHAM:

That's correct.

**MALONEY:**

So can I take that as a yes that you will share the results of the Bureau's analysis?

**DILLINGHAM:**

It is the policy and practice of the Bureau to share with the world any final decisions we make on that. But in the discussions of it and that--I cannot pledge that. I can say that as--as we--as the decisions are made, they will be transparent, and for everyone, particularly the users of the data.

**MALONEY:**

Okay.

I now recognize the Ranking Member Comer for his closing remarks.

**COMER:**

Thank you, Chairman Maloney. I appreciate, again, you calling this hearing today on the 2020 Census.

I want to reiterate what I said at the beginning of this hearing this morning by saying that everyone should complete their census form and engage with census enumerators if they come to your door. It's very important that every single American is counted.

I support the president's action last week to exclude illegal immigrants from the apportionment count, as do a majority of Americans. Including illegal immigrants in the count for representation in Congress only dilutes the representation of all Americans who vote in elections and makes a mockery of our basic principle of one person, one vote.

I just want to make some points to correct the record about some things that we have heard today. Democrats have made some very misleading or incorrect statements that I would like to take this opportunity to correct.

First, we have heard from Democrats that the president's memorandum means that illegal immigrants are not counted for purposes of the 2020 census. This is not correct. Illegal immigrants are still counted for purposes of the 2020 census. The presidential memorandum does not direct the Census Bureau not to count illegal immigrants, it only affects the subsequent use of census data to conduct the apportionment of congressional seats and electoral college votes among the states.

Illegal immigrants, while counted for the census will be excluded from the apportionment base. Second, we have heard from Democrats that the President's memorandum will divert funding or actual federal funding flowing to states as a result of the 2020 census. This is also incorrect.

The president's memorandum does not direct or diverged in the federal funding or exclude illegal immigrants from being considered in future funding decisions. Complete census 2020 data once tabulated will be available for Congress, federal agency, state legislatures and municipalities to use when making funding decisions.

We have also heard from Democrats that the Supreme Court ruled that asking whether someone is a citizen is unconstitutional. That is not correct. In fact, the Supreme Court actually held that asking whether someone is a U.S. citizen on the census is lawful.

The justices said that quote in light of the early understanding of and long practice under the enumeration clause, we conclude that it permits Congress and, by extension, the Secretary of Commerce to inquire about

citizenship on the census questionnaire. Although the administration had failed to comply with some procedural requirements in reinstating the question which had appeared on previous census forms, the question itself was not ruled to be unconstitutional.

We have also heard that the president's memorandum is unconstitutional. Not so says the constitutional law expert Dr. Eastman who testified here this morning. We heard from him that the proper understanding of the Constitution is that we should only apportion seats based on the citizenry and not for inhabitants, especially those who are here illegally.

They are here illegally. Counting those unlawfully present creates perverse incentives, dilutes representation of voters in states with fewer illegal immigrants, and undermines the principle of one person one vote. Representation should matter to everyone. It is a simple question of fairness. I yield back.

**MALONEY:**

I want to thank the Ranking Member and all of the participants today, all of our panelist and especially you director. I think you for your service in the military and for your public service and for voluntarily coming here today to be with us. I--I want to close by saying that it is an undisputed fact that the coronavirus has changed everything in our country. It has changed everything the way we do things and I would say that the coronavirus has changed the census because of the tremendous challenges, the concern for your enumerators health, the enumeration was put off from your testimony today you say the enumeration for the hard to count will begin August 10 and when you put this off you also or rather Secretary Ross ask us to put off the date for collecting the information and also for sending the apportionment to the states from October 20, 22 to the end of April 2021.

And our Congress, our members of our Democratic Caucus we passed a bill in the coronavirus and we included the day change that you requested so it is against this backdrop of all of these challenges that you are confronting with the hard to count, with the coronavirus and I would call it a disruptive and historic disease that has really overburdened the Census Bureau and created more challenges not just with the Census Bureau but to all of government and it is against this backdrop that President Trump issued.

What I considered an illegal memorandum last week and the purpose that we call this hearing, this emergency hearing is in response to that memorandum and this memo would dramatically change the manner in which the census count is reported. I agree with my colleague that you have testified, and I applaud you that everyone will be counted.

We will all work hard to get undocumented every one counted in the census but on Monday I want to point out that the Bureau posted on its website that the Census Bureau is working toward the plan to complete field data collection by October 31, 2020, yet I noticed today that this notice has been removed from your website yet it hasn't been replaced with a new data or with any date on when the field data collection is supposed to happen.

Now I believe we should do what the census professionals say they need, that they need this postponement to get the field data by October 31 and to report it later in April 2021, but it has been reported in the press that the administration is trying to rush the apportionment count and trying to push it back to December 30 (INAUDIBLE) for President Trump would leave the White House if he possibly we don't know what the outcome of the election is but he would be leaving the house before the election results if he loses the election.

So I am can learn that the administration is seeking to rush the process and sacrifice the accuracy of these senses for political gain, that the presidents intent is to have all of this done before he leaves office so that he can do what I believe is an illegal action, so I hope that you all live up to the standards of professionalism, stand by the request of Secretary Ross.

I did check with the professionals in New York who were working on the census, and they are working with the numbers that Secretary Ross requested that the data is completed by October 2020 and that is translated to

the states by April 2021, and I also want to say that without objection all members will have five legislative days with which to submit additional written questions for the witnesses to the chair which will be forwarded to the witnesses for their response and I ask our witnesses to please respond as promptly as they are able, and I now say that this hearing is adjourned.

### **List of Panel Members and Witnesses**

#### **PANEL MEMBERS:**

REP. CAROLYN B. MALONEY (D-N.Y.), CHAIRWOMAN

DEL. ELEANOR HOLMES NORTON (D-D.C.)

REP. WILLIAM LACY CLAY (D-MO.)

REP. STEPHEN F. LYNCH (D-MASS.)

REP. JIM COOPER (D-TENN.)

REP. GERALD E. CONNOLLY (D-VA.)

REP. RAJA KRISHNAMOORTHY (D-ILL.)

REP. JAMIE RASKIN (D-MD.)

REP. HARLEY ROUDA (D-CALIF.)

REP. RO KHANNA (D-CALIF.)

REP. KWEISI MFUME (D-MD.)

REP. DEBBIE WASSERMAN SCHULTZ (D-FLA.)

REP. JOHN SARBANES (D-MD.)

REP. PETER WELCH (D-VT.)

REP. JACKIE SPEIER (D-CALIF.)

REP. ROBIN KELLY (D-ILL.)

REP. MARK DESAULNIER (D-CALIF.)

REP. BRENDA LAWRENCE (D-MICH.)

DEL. STACEY PLASKETT (D-V.I.)

REP. JIMMY GOMEZ (D-CALIF.)

REP. ALEXANDRIA OCASIO-CORTEZ (D-N.Y.)

REP. AYANNA S. PRESSLEY (D-MASS.)

REP. RASHIDA TLAIB (D-MICH.)

REP. KATIE PORTER (D-CALIF.)



REP. JAMES R. COMER (R-KY.), RANKING MEMBER

REP. JIM JORDAN (R-OHIO)

REP. PAUL GOSAR (R-ARIZ.)

REP. VIRGINIA FOXX (R-N.C.)

REP. THOMAS MASSIE (R-KY.)

REP. JODY B. HICE (R-GA.)

REP. GLENN GROTHMAN (R-WIS.)

REP. GARY PALMER (R-ALA.)

REP. MICHAEL CLOUD (R-TEXAS)

REP. BOB GIBBS (R-OHIO)

REP. CLAY HIGGINS (R-LA.)

REP. RALPH NORMAN (R-S.C.)

REP. CHIP ROY (R-TEXAS)

REP. CAROL MILLER (R-W.VA.)

REP. MARK E. GREEN (R-TENN.)

REP. KELLY ARMSTRONG (R-N.D.)

REP. GREG STEUBE (R-FLA.)

REP. FRED KELLER (R-PA.)

**WITNESSES:**

FORMER CENSUS BUREAU DIRECTOR VINCENT BARABBA

CENSUS BUREAU DIRECTOR STEVEN DILLINGHAM

CLAREMONT INSTITUTE SENIOR FELLOW JOHN EASTMAN

FORMER CENSUS BUREAU DIRECTOR KENNETH PREWITT

FORMER CENSUS BUREAU DIRECTOR JOHN THOMPSON

FORMER CENSUS BUREAU DIRECTOR ROBERT M. GROVES

Source: **CQ Transcripts**

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

Hi Christine,

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

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

---

**Christine Burton**, Special Assistant  
Census Programs ADC Area  
Population Division  
U.S. Census Bureau  
301-763-4857  
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)  
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**From:** Christine Flanagan Borman (CENSUS/POP FED) <christine.flanagan.borman@census.gov>  
**Sent:** Wednesday, July 22, 2020 8:53 AM  
**To:** Christine Burton (CENSUS/GTMD FED) <christine.burton@census.gov>  
**Cc:** Jason Devine (CENSUS/POP FED) <Jason.E.Devine@census.gov>  
**Subject:** Re: DCMD Request for Additional Information - Tracker Funding

Hi Christine,

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

(b) (5)



**Christine Flanagan Borman**, 2020 Decennial Census Count Review  
Count Review Office, Population Division  
U.S. Census Bureau  
O: 301.763.4315  
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)  
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**From:** Christine Burton (CENSUS/GTMD FED) <[christine.burton@census.gov](mailto:christine.burton@census.gov)>  
**Sent:** Wednesday, July 22, 2020 8:22 AM  
**To:** Christine Flanagan Borman (CENSUS/POP FED) <[christine.flanagan.borman@census.gov](mailto:christine.flanagan.borman@census.gov)>  
**Cc:** Jason Devine (CENSUS/POP FED) <[Jason.E.Devine@census.gov](mailto:Jason.E.Devine@census.gov)>  
**Subject:** Re: DCMD Request for Additional Information - Tracker Funding

Good morning Christine,

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

**Details:**

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

Plan of implementation for Report Export

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

---

**Testing**

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

---

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























































































































































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

Hi Matt,

Here ya go!

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

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

---

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

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

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

---

**Colleen Keating**, Chief of Decennial Programs Branch  
Population Division  
U.S. Census Bureau  
O: 301-763-9483 | M: (b) (6)  
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)  
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**From:** Michael B Hawes (CENSUS/CED FED) (b) (6)  
(b) (6)  
**Sent:** 7/31/2020 6:04:34 PM  
**To:** Robert Sienkiewicz (CENSUS/CED FED) [robert.sienkiewicz@census.gov]  
**Subject:** Groshen paper  
**Attachments:** Goroff-Groshen for HSDR v1\_Census comments.docx

Rob,

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

---

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



















































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

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

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
Room (b) (6) Office: 301.763.4092 | Mobile: (b) (6)  
[census.gov](https://www.census.gov) | [@censusbureau](https://twitter.com/censusbureau)  
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**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 2:17 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Subject:** Re: Slides

PM 2nd and Com last.

Al

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

Sent from my iPhone

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

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

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
Room (b) (6) Office: 301.763.4092 | Mobile: (b) (6)  
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**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 2:15 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Subject:** Re: Slides

Let's eliminate the first methodology

Al

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

Sent from my iPhone

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

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

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

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
Room (b) (6) | Office: 301.763.4092 | Mobile: (b) (6)  
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**From:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Sent:** Sunday, August 2, 2020 2:05 PM  
**To:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Subject:** Re: Slides

I think that works



**Deborah Stempowski, PMP**

Assistant Director for Decennial Programs, Operations and Schedule Management

U.S. Census Bureau

Office 301.763.1417

Cell (b) (6)

deborah.m.stempowski@census.gov

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

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

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

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

**Subject:** Re: Slides

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

Al

Albert E. Fontenot Jr.

Associate Director, Decennial Census Programs

United States Department of Commerce

Bureau of the Census

Office (b) (6)

Office 301-763-4668

Cell (b) (6)

Sent from my iPhone

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

Agreed. How about just striking the first one:

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

**Christopher Denno**, Special Assistant

Decennial Census Programs

U.S. Census Bureau

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

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

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

Al

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

Sent from my iPhone

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

Al,

How does this look for the PM slide?

**Christopher Denno**, Special Assistant  
Decennial Census Programs  
U.S. Census Bureau  
Room (b) (6) | Office: 301.763.4092 | Mobile: (b) (6)  
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**From:** Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>  
**Sent:** Sunday, August 2, 2020 1:30 PM  
**To:** Christopher M Denno (CENSUS/ADDC FED) <christopher.m.denno@census.gov>  
**Cc:** Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>  
**Subject:** Fwd: Slides

Chris

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

Al

Albert E. Fontenot Jr.

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

Sent from my iPhone

Begin forwarded message:

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

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

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

---

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

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

Al

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

Sent from my iPhone

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

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

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

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

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

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

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

---

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

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

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

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

**Subject:** Re: Slides

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

**Deborah Stempowski, PMP**

Assistant Director for Decennial Programs, Operations and Schedule Management

U.S. Census Bureau

Office 301.763.1417

Cell (b) (6)

deborah.m.stempowski@census.gov

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

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

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

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

**Subject:** Re: Slides

Do we need a call to discuss?

**Michael T. Thieme**

Assistant Director Decennial Census Programs, Systems and Contracts,

U.S. Census Bureau

(301) 763-9062 (Office)

(b) (6) (Mobile)

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

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

**Christopher Denno**, Special Assistant

Decennial Census Programs

U.S. Census Bureau

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

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---

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

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

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

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

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

**Subject:** Slides

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

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

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

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

---

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

U.S. Census Bureau

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

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<Replan PM Slide.pptx>

<Replan PM Slide.pdf>

<replan pm slide.pdf>

<Replan PM Slide.pptx>

<replan pm slide.pdf>

































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**From:** Emily Moore (CENSUS/ADEP FED) [Emily.Moore@census.gov]  
**Sent:** 8/3/2020 4:37:35 PM  
**To:** Roberto Ramirez (CENSUS/POP FED) [Roberto.R.Ramirez@census.gov]  
**Subject:** Re: A lot has happened in the last two weeks...

(b) (5)

**Emily Moore**, QDM/COMET Business Team  
Innovation & Technology Office/ADEP/Headquarters  
U.S. Census Bureau  
O: 301-763-9594 | M: (b) (6)  
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On Aug 3, 2020, at 12:07 PM, Roberto Ramirez (CENSUS/POP FED) <[Roberto.R.Ramirez@census.gov](mailto:Roberto.R.Ramirez@census.gov)> wrote:

FYI

**Roberto Ramirez**  
Assistant Division Chief, Special Population Statistics  
Population Division  
U.S. Census Bureau  
O: 301.763.6044  
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)  
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---

**From:** Karen Battle (CENSUS/POP FED) <[karen.battle@census.gov](mailto:karen.battle@census.gov)>  
**Sent:** Monday, August 3, 2020 11:48 AM  
**To:** POP All Staff <(b) (6)>  
**Subject:** A lot has happened in the last two weeks...

Hello Everyone -

A lot has happened in the last two weeks.

(b) (5)

(b) (5)



Thanks!

**Karen Battle**  
Division Chief  
Population Division  
U.S. Census Bureau

[karen.battle@census.gov](mailto:karen.battle@census.gov)  
Office 301.763.2071

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Office of the Press Secretary  
FOR IMMEDIATE RELEASE  
July 21, 2020

July 21, 2020

MEMORANDUM FOR THE SECRETARY OF COMMERCE

SUBJECT: Excluding Illegal Aliens From the Apportionment  
Base Following the 2020 Census

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. In order to apportion Representatives among the States, the Constitution requires the enumeration of the population of the United States every 10 years and grants the Congress the power and discretion to direct the manner in which this decennial census is conducted (U.S. Const. art. I, sec. 2, cl. 3). The Congress has charged the Secretary of Commerce (the Secretary) with directing the conduct of the decennial census in such form and content as the Secretary may determine (13 U.S.C. 141(a)). By the direction of the Congress, the Secretary then transmits to the President the report of his tabulation of total population for the apportionment of Representatives in the Congress (13 U.S.C. 141(b)). The President, by law, makes the final determination regarding the "whole number of persons in each State," which determines the number of Representatives to be apportioned to each State, and transmits these determinations and accompanying census data to the Congress (2 U.S.C. 2a(a)). The Congress has provided that it is "the President's personal transmittal of the report to Congress" that "settles the apportionment" of Representatives among the States, and the President's discretion to settle the apportionment is more than "ceremonial or ministerial" and is essential "to the integrity of the process" (*Franklin v. Massachusetts*, 505 U.S. 788, 799, and 800 (1992)).

The Constitution does not specifically define which persons must be included in the apportionment base. Although the Constitution requires the "persons in each State, excluding Indians not taxed," to be enumerated in the census, that requirement has never been understood to include in the apportionment base every individual physically present within a State's boundaries at the time of the census. Instead, the term "persons in each State" has been interpreted to mean that only the "inhabitants" of each State should be included. Determining which persons should be considered "inhabitants" for the purpose of apportionment requires the exercise of judgment. For example, aliens who are only temporarily in the United States, such as for business or tourism, and certain foreign diplomatic personnel are "persons" who have been excluded from the apportionment base in past censuses. Conversely, the Constitution also has never been understood to exclude every person who is not physically "in" a State at the time of the census. For example, overseas Federal personnel have, at various times, been included in and excluded from the populations of the States in which they maintained their homes of record. The discretion delegated to the executive branch to determine who qualifies as an "inhabitant" includes authority to exclude from the apportionment base aliens who are not in a lawful immigration status.

Citizenship Status in Connection With the Decennial Census), I instructed executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country. As the Attorney General and I explained at the time that order was signed, data on illegal aliens could be relevant for the purpose of conducting the apportionment, and we intended to examine that issue.

Sec. 2. Policy. For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States 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 maximum extent feasible and consistent with the discretion delegated to the executive branch. Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of Government. Affording congressional representation, and therefore formal political influence, to States on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles. Many of these aliens entered the country illegally in the first place. Increasing congressional representation based on the presence of aliens who are not in a lawful immigration status would also create perverse incentives encouraging violations of Federal law. States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress should not be rewarded with greater representation in the House of Representatives. Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State's entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.

I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law.

Sec. 3. Excluding Illegal Aliens from the Apportionment Base. In preparing his report to the President under section 141(b) of title 13, United States Code, the Secretary shall take all appropriate action, consistent with the Constitution and other applicable law, to provide information permitting



the President, to the extent practicable, to exercise the President's discretion to carry out the policy set forth in section 2 of this memorandum. The Secretary shall also include in that report information tabulated according to the methodology set forth in *Final 2020 Census Residence Criteria and Residence Situations*, 83 Fed. Reg. 5525 (Feb. 8, 2018).

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

###

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**From:** Karen Battle (CENSUS/POP FED) [karen.battle@census.gov]  
**Sent:** 8/3/2020 4:43:29 PM  
**To:** Redouane Betrouni (CENSUS/POP FED) [Redouane.Betrouni@census.gov]  
**Subject:** Re: A lot has happened in the last two weeks...

Thank you Redouane for your message. A team has been formed to address the presidential memo - and whatever approach/method is used will be made transparent to the public.

**Karen Battle**  
Division Chief  
Population Division  
U.S. Census Bureau

karen.battle@census.gov  
Office 301.763.2071

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---

**From:** Redouane Betrouni (CENSUS/POP FED) <Redouane.Betrouni@census.gov>  
**Sent:** Monday, August 3, 2020 12:07 PM  
**To:** Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>  
**Subject:** Re: A lot has happened in the last two weeks...

Hi Karen,

I just wanted to share this with you:

Speaking of impact and risks:

It is surprising to me to learn that some how, some where some system is able to and using the census for checking/finding out/discovering undocumented immigrants.

I know it is possible and not technically difficult to do by doing some record linkage analysis comparing for example Census 2020 and SSA file+IRS1014+IRS1099+Medicar File+ other files such as Selective service as an example.

(b) (5)



Best Regards,

Redouane Betrouni

POP-Health Studies Branch 301-763-2489  
redouane.betrouni@census.gov  
<https://www.census.gov/data.html>

---

**From:** Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>

**Sent:** Monday, August 3, 2020 11:48 AM

**To:** POP All Staff <pop.all.staff@census.gov>

**Subject:** A lot has happened in the last two weeks...

Hello Everyone -

A lot has happened in the last two weeks.

(b) (5)



Thanks!

**Karen Battle**

Division Chief

Population Division

U.S. Census Bureau

karen.battle@census.gov

Office 301.763.2071

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Office of the Press Secretary

FOR IMMEDIATE RELEASE

July 21, 2020

July 21, 2020

MEMORANDUM FOR THE SECRETARY OF COMMERCE

SUBJECT:           Excluding Illegal Aliens From the Apportionment  
                    Base Following the 2020 Census

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. In order to apportion Representatives among the States, the Constitution requires the enumeration of the population of the United States every 10 years and grants the Congress the power and discretion to direct the manner in which this decennial census is conducted (U.S. Const. art. I, sec. 2, cl. 3). The Congress has charged the Secretary of Commerce (the Secretary) with directing the conduct of the decennial census in such form and content as the Secretary may determine (13 U.S.C. 141(a)). By the direction of the Congress, the Secretary then transmits to the President the report of his tabulation of total population for the apportionment of Representatives in the Congress (13 U.S.C. 141(b)). The President, by law, makes the final determination regarding the "whole number of persons in each State," which determines the number of Representatives to be apportioned to each State, and transmits these determinations and accompanying census data to the Congress (2 U.S.C. 2a(a)). The Congress has provided that it is "the President's personal transmittal of the report to Congress" that "settles the apportionment" of Representatives among the States, and the President's discretion to settle the apportionment is more than "ceremonial or ministerial" and is essential "to the integrity of the process" (*Franklin v. Massachusetts*, 505 U.S. 788, 799, and 800 (1992)).

The Constitution does not specifically define which persons must be included in the apportionment base. Although the Constitution requires the "persons in each State, excluding Indians not taxed," to be enumerated in the

census, that requirement has never been understood to include in the apportionment base every individual physically present within a State's boundaries at the time of the census. Instead, the term "persons in each State" has been interpreted to mean that only the "inhabitants" of each State should be included. Determining which persons should be considered "inhabitants" for the purpose of apportionment requires the exercise of judgment. For example, aliens who are only temporarily in the United States, such as for business or tourism, and certain foreign diplomatic personnel are "persons" who have been excluded from the apportionment base in past censuses. Conversely, the Constitution also has never been understood to exclude every person who is not physically "in" a State at the time of the census. For example, overseas Federal personnel have, at various times, been included in and excluded from the populations of the States in which they maintained their homes of record. The discretion delegated to the executive branch to determine who qualifies as an "inhabitant" includes authority to exclude from the apportionment base aliens who are not in a lawful immigration status.

In Executive Order 13880 of July 11, 2019 (Collecting Information About Citizenship Status in Connection With the Decennial Census), I instructed executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country. As the Attorney General and I explained at the time that order was signed, data on illegal aliens could be relevant for the purpose of conducting the apportionment, and we intended to examine that issue.

Sec. 2. Policy. For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States 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 maximum extent feasible and consistent with the discretion delegated to the executive branch. Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of Government. Affording congressional representation, and therefore formal political influence, to States on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles. Many of these aliens entered the country illegally in the first place. Increasing congressional representation based on the presence of aliens who are not in a lawful immigration status would

also create perverse incentives encouraging violations of Federal law. States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress should not be rewarded with greater representation in the House of Representatives. Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State's entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.

I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law.

Sec. 3. Excluding Illegal Aliens from the Apportionment Base. In preparing his report to the President under section 141(b) of title 13, United States Code, the Secretary shall take all appropriate action, consistent with the Constitution and other applicable law, to provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy set forth in section 2 of this memorandum. The Secretary shall also include in that report information tabulated according to the methodology set forth in *Final 2020 Census Residence Criteria and Residence Situations*, 83 Fed. Reg. 5525 (Feb. 8, 2018).

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

###

---

**From:** Karen Battle (CENSUS/POP FED) [karen.battle@census.gov]  
**Sent:** 8/3/2020 5:20:21 PM  
**To:** Aaron Matthew Dixon (CENSUS/POP FED) [aaron.matthew.dixon@census.gov]  
**Subject:** Re: A lot has happened in the last two weeks...

Thank you Aaron for sending this message. (b) (5)

(b) (5)

**Karen Battle**  
Division Chief  
Population Division  
U.S. Census Bureau

karen.battle@census.gov  
Office 301.763.2071

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---

**From:** Aaron Matthew Dixon (CENSUS/POP FED) <aaron.matthew.dixon@census.gov>  
**Sent:** Monday, August 3, 2020 1:07 PM  
**To:** Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>  
**Subject:** Re: A lot has happened in the last two weeks...

Karen,

According to the memo, "the Constitution requires the enumeration of the population of the United States every 10 years," with *enumeration* being the key word. (b) (5)

(b) (5)

Thank,  
Aaron

---

**Aaron Dixon**, Survey Statistician  
Population Division  
U.S. Census Bureau  
301-763-7762  
[census.gov](https://www.census.gov) | [@uscensusbureau](#)  
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**From:** Karen Battle (CENSUS/POP FED) <karen.battle@census.gov>  
**Sent:** Monday, August 3, 2020 11:48 AM  
**To:** POP All Staff <pop.all.staff@census.gov>  
**Subject:** A lot has happened in the last two weeks...

Hello Everyone -

A lot has happened in the last two weeks.

(b) (5)



Thanks!

**Karen Battle**  
Division Chief  
Population Division  
U.S. Census Bureau

karen.battle@census.gov  
Office 301.763.2071

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Office of the Press Secretary  
FOR IMMEDIATE RELEASE  
July 21, 2020

July 21, 2020

MEMORANDUM FOR THE SECRETARY OF COMMERCE

SUBJECT:           Excluding Illegal Aliens From the Apportionment  
                    Base Following the 2020 Census

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. In order to apportion Representatives among the States, the Constitution requires the enumeration of the population of the United States every 10 years and grants the Congress the power and discretion to direct the manner in which this decennial census is conducted (U.S. Const. art. I, sec. 2, cl. 3). The Congress has charged the Secretary of Commerce (the Secretary) with directing the conduct of the decennial census in such form and content as the Secretary may determine (13 U.S.C. 141(a)). By the direction of the Congress, the Secretary then transmits to the President the report of his tabulation of total population for the apportionment of Representatives in the Congress (13 U.S.C. 141(b)). The President, by law, makes the final determination regarding the "whole number of persons in each State," which determines the number of Representatives to be apportioned to each State, and transmits these determinations and accompanying census data to the Congress (2 U.S.C. 2a(a)). The Congress has provided that it is "the President's personal transmittal of the report to Congress" that "settles the apportionment" of Representatives among the States, and the President's discretion to settle the apportionment is more than "ceremonial or ministerial" and is essential "to the integrity of the process" (*Franklin v. Massachusetts*, 505 U.S. 788, 799, and 800 (1992)).

The Constitution does not specifically define which persons must be included in the apportionment base. Although the Constitution requires the "persons in each State, excluding Indians not taxed," to be enumerated in the census, that requirement has never been understood to include in the apportionment base every individual physically present within a State's boundaries at the time of the census. Instead, the term "persons in each

State" has been interpreted to mean that only the "inhabitants" of each State should be included. Determining which persons should be considered "inhabitants" for the purpose of apportionment requires the exercise of judgment. For example, aliens who are only temporarily in the United States, such as for business or tourism, and certain foreign diplomatic personnel are "persons" who have been excluded from the apportionment base in past censuses. Conversely, the Constitution also has never been understood to exclude every person who is not physically "in" a State at the time of the census. For example, overseas Federal personnel have, at various times, been included in and excluded from the populations of the States in which they maintained their homes of record. The discretion delegated to the executive branch to determine who qualifies as an "inhabitant" includes authority to exclude from the apportionment base aliens who are not in a lawful immigration status.

In Executive Order 13880 of July 11, 2019 (Collecting Information About Citizenship Status in Connection With the Decennial Census), I instructed executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country. As the Attorney General and I explained at the time that order was signed, data on illegal aliens could be relevant for the purpose of conducting the apportionment, and we intended to examine that issue.

Sec. 2. Policy. For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States 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 maximum extent feasible and consistent with the discretion delegated to the executive branch. Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of Government. Affording congressional representation, and therefore formal political influence, to States on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles. Many of these aliens entered the country illegally in the first place. Increasing congressional representation based on the presence of aliens who are not in a lawful immigration status would also create perverse incentives encouraging violations of Federal law. States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress

should not be rewarded with greater representation in the House of Representatives. Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State's entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.

I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law.

Sec. 3. Excluding Illegal Aliens from the Apportionment Base. In preparing his report to the President under section 141(b) of title 13, United States Code, the Secretary shall take all appropriate action, consistent with the Constitution and other applicable law, to provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy set forth in section 2 of this memorandum. The Secretary shall also include in that report information tabulated according to the methodology set forth in *Final 2020 Census Residence Criteria and Residence Situations*, 83 Fed. Reg. 5525 (Feb. 8, 2018).

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

BC-DOC-CEN-2020-001602-001931

###

## Coverage of Director Dillingham's Statement

This report documents coverage of Director Dillingham's statement on the Census Bureau's new operational plan designed to deliver data collection and apportionment counts by the statutory deadline of December 31, 2020. As of 9 am, there have been an estimated 14 articles on this subject.

### National News

[ [HYPERLINK "https://www.npr.org/2020/08/03/898548910/census-cut-short-a-month-rushes-to-finish-all-counting-efforts-by-sept-30"](https://www.npr.org/2020/08/03/898548910/census-cut-short-a-month-rushes-to-finish-all-counting-efforts-by-sept-30) \h ]

NPR – Hansi Lo Wang, August 3

The U.S. Census Bureau is ending all counting efforts for the 2020 census on Sept. 30, a month sooner than previously announced, the bureau's director confirmed Monday in [ [HYPERLINK "https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html"](https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html) ]. That includes critical door-knocking efforts and [ [HYPERLINK "https://my2020census.gov/"](https://my2020census.gov/) ], [ [HYPERLINK "https://2020census.gov/en/ways-to-respond/responding-by-phone.html"](https://2020census.gov/en/ways-to-respond/responding-by-phone.html) ] and by mail.

The latest updates to the bureau's plans are part of efforts to "accelerate the completion of data collection and apportionment counts by our statutory deadline of December 31, 2020, as required by law and directed by the Secretary of Commerce" who oversees the bureau, Director Steven Dillingham said in the [ [HYPERLINK "https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html"](https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html) ].

These last-minute changes to the constitutionally mandated count of every person living in the U.S. threaten the accuracy of population numbers used to determine the distribution of political representation and federal funding for the next decade.

With roughly [ [HYPERLINK "https://twitter.com/hansilowang/status/1290354793639301127"](https://twitter.com/hansilowang/status/1290354793639301127) ], and already delayed by the coronavirus pandemic, the bureau now has less than two months left to try to reach people of color, immigrants, renters, rural residents and other members of historically undercounted groups who are not likely to fill out a census form on their own.

The bureau's announcement comes after [ [HYPERLINK "https://www.npr.org/2020/07/30/896656747/when-does-census-counting-end-bureau-sends-alarming-mixed-signals"](https://www.npr.org/2020/07/30/896656747/when-does-census-counting-end-bureau-sends-alarming-mixed-signals) ] that the agency had decided to cut short [ [HYPERLINK "https://www.npr.org/2020/07/16/891894280/early-census-door-knocking-to-expand-to-hawaii-puerto-rico-and-other-areas"](https://www.npr.org/2020/07/16/891894280/early-census-door-knocking-to-expand-to-hawaii-puerto-rico-and-other-areas) ] for the 2020 census. Those in-person interviews with unresponsive households started last month in [ [HYPERLINK "https://public.tableau.com/profile/us.census.bureau"](https://public.tableau.com/profile/us.census.bureau) ] \[ [! /vizhome/StatusofCurrentOperations/ACOMap](https://vizhome/StatusofCurrentOperations/ACOMap) ] and are set to expand nationwide on Aug. 11.

For days, the bureau has been sending mixed signals about its plans by [ [HYPERLINK "https://twitter.com/hansilowang/status/1289942574661165061"](https://twitter.com/hansilowang/status/1289942574661165061) ] references to Oct. 31 — the previously announced end date for all counting efforts — from its website.

Before the pandemic hit, counting for the 2020 census was originally supposed to be finished by the end of July. But in April, with [ [HYPERLINK "https://www.youtube.com/watch?v=XBmxj2mKjM&feature=youtu.be&t=2834"](https://www.youtube.com/watch?v=XBmxj2mKjM&feature=youtu.be&t=2834) ], the bureau announced that it needed to extend its timeline, including pushing back the end of counting to Oct. 31.

But during a hearing last week before the House Oversight and Reform Committee, Dillingham signaled a shift in plans by [ [HYPERLINK "https://www.youtube.com/watch?v=SKXS8e1Ew7c&feature=youtu.be&t=13909"](https://www.youtube.com/watch?v=SKXS8e1Ew7c&feature=youtu.be&t=13909) ] that "the Census Bureau and others really want us to proceed as rapidly as possible."

The bureau also asked Congress to push back by four months the legal deadline of Dec. 31 for reporting the latest state population counts to the president. Delaying that deadline would allow the bureau to keep counting through Oct. 31 to "ensure the completeness and accuracy of the 2020 Census," Dillingham and Commerce Secretary Wilbur Ross said in [ [HYPERLINK "https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html?linkId=100000011751624"](https://2020census.gov/en/news-events/press-releases/statement-covid-19-2020.html?linkId=100000011751624) ].

Democrats in Congress and many census advocates have become increasingly concerned that the White House is pressuring the bureau to stop counting soon in order to benefit Republicans when House seats are reapportioned and voting districts are redrawn.

As early as May, [ [HYPERLINK "https://www.documentcloud.org/documents/7007573-July-8-2020-Census-Bureau-Transcript-of-2020.html"](https://www.documentcloud.org/documents/7007573-July-8-2020-Census-Bureau-Transcript-of-2020.html) ] \ [ [document/p21/a573697"](https://www.documentcloud.org/documents/7007573-July-8-2020-Census-Bureau-Transcript-of-2020.html#p21/a573697) \h ] said the bureau had already "[ [HYPERLINK "https://www.youtube.com/watch?v=F6lyJMtDDgY&feature=youtu.be&t=4689"](https://www.youtube.com/watch?v=F6lyJMtDDgY&feature=youtu.be&t=4689) \h ]" of meeting the current census deadlines.

As [ [HYPERLINK "https://www.npr.org/2020/08/03/898381129/still-a-long-ways-to-go-for-a-new-coronavirus-relief-package"](https://www.npr.org/2020/08/03/898381129/still-a-long-ways-to-go-for-a-new-coronavirus-relief-package) ] continue, there is a window for lawmakers to include a provision that would give the bureau more time.

So far, however, only Democrats have introduced legislation that would extend deadlines, and [ [HYPERLINK "https://www.npr.org/2020/07/28/895744449/republicans-signal-theyre-willing-to-cut-short-census-counting"](https://www.npr.org/2020/07/28/895744449/republicans-signal-theyre-willing-to-cut-short-census-counting) ].

[ [HYPERLINK "https://www.washingtonpost.com/local/census-bureau-says-counting-will-end-a-month-earlier-than-planned/2020/08/03/16990c5e-d5fb-11ea-930e-d88518c57dcc\\_story.html"](https://www.washingtonpost.com/local/census-bureau-says-counting-will-end-a-month-earlier-than-planned/2020/08/03/16990c5e-d5fb-11ea-930e-d88518c57dcc_story.html) \h ]

The Washington Post – Frederick Kunkle, August 3

The Census Bureau announced late Monday that door-knocking and other field activities for the 2020 Census will cease a month earlier than planned.

The agency had given indications last week that field activities would cease Sept. 30 instead of Oct. 31, to submit the population count to the president by Dec. 31.

The deadline for field activities, including online and telephone reporting, had been adjusted earlier this year in anticipation that the decennial tally would be extended because of complications arising from the coronavirus pandemic.

Plans to shut down the count earlier drew fierce criticism from Democrats and civil rights groups, which have pushed back against a broader effort by the Trump administration to change how the population is counted and how the data is used. New York's census director denounced Monday's announcement by the bureau that field activities would be terminated Sept. 30.

"This is nothing but a disgusting power grab from an Administration hell-bent on preserving its fleeting political power at all costs," New York state's census director, Julie Menin, said in a statement. "From day one, it has been abundantly clear that Donald Trump is going to try everything possible to stop New Yorkers from filling out the census, and now, amid a global pandemic that's severely impacted outreach, they are straight-up trying to steal it."

Last month, President Trump issued a memorandum saying undocumented immigrants should not be factored into congressional apportionment, which legal experts say would be unconstitutional. Civil rights groups and congressional Democrats have also said an earlier deadline would lead to an inaccurate census that undercounts harder-to-tally populations, including minorities, immigrants and low-income people.

The Census Bureau's director, Steven Dillingham, issued a statement about 9 p.m. Monday announcing the earlier cessation of field activities, including the self-response option. He also said that monetary incentives would be offered to census takers to encourage them to work at maximum efficiency, and that additional staff would be hired and trained to accelerate data collection and processing apportionment counts ahead of Dec. 31, the statutory deadline.

"Of course, we recognize that events can still occur that no one can control, such as additional complications from severe weather or other natural disasters," Dillingham said.

By law, a count of the U.S. population must be delivered to the president by Dec. 31 of the census year. But field activities for the constitutionally mandated count were disrupted this year by the coronavirus pandemic. Under a plan designed to extend data collection, the bureau resumed field activities on June 1 and moved the deadline for data collection from July 31 to Oct. 31.

[ [HYPERLINK "https://www.nytimes.com/2020/08/04/us/elections/primary-election-michigan-arizona-kansas.html"](https://www.nytimes.com/2020/08/04/us/elections/primary-election-michigan-arizona-kansas.html) \ | "link-4696b81d" \ h ]

The New York Times – Staff Writer, August 4

Abruptly reversing its stated schedule, the Census Bureau confirmed late Monday that it would end its count of the nation's 330 million residents by Sept. 30, a month earlier than it had stated only this spring.

The four-week acceleration sounds small, but census experts have said it would wreak havoc with efforts to reach the very hardest-to-count households — immigrants, minorities, young people and others — that have long been flagged as most likely to be missed in this year's tally.

Critics of the sped-up schedule pounced on the announcement, casting it as an unvarnished attempt by the administration to twist the nation's population count to exclude groups that, by and large, tended to support Democrats.



"This is a whole systemic attack on the census for political gain," Julie Menin, the census director for New York City, said in an interview. "There's an intentional attempt here to basically steal the census — to politicize this census to gain Republican seats across the country."

The bureau has offered no explanation for the change posted on its website. But outside experts said the explanation was clearly rooted in politics — in particular, in a demand by Mr. Trump last month to exclude undocumented immigrants from the population totals that are used every 10 years to reallocate House seats among the states.

Slammed by the pandemic, the Census Bureau had said earlier that it wanted to delay its final delivery of population totals to April 2021, rather than the statutory deadline of December 31. The speedup announced late Monday reverses that request and assures that the totals will be delivered to the White House by year's end — before any new president or Congress might take office.

That gives the White House its best opportunity to act on Mr. Trump's effort to remove undocumented immigrants from the reapportionment totals.

The announcement on Monday by the Census Bureau speeds up the last counts of some 60 million households that have failed to respond to requests to turn in census forms. The pandemic-delayed schedule called for that count to be completed by October 31. The plan announced on Monday, which had been reported last week, will move that deadline up by one month, to September 30.

[ [HYPERLINK "https://www.cnn.com/2020/08/03/politics/2020-census-field-collection-end-early/index.html"](https://www.cnn.com/2020/08/03/politics/2020-census-field-collection-end-early/index.html) \h ]

CNN — Paul LeBlanc and Gregory Wallace, August 3

The Census Bureau announced Monday evening that field data collection will end a full month earlier than originally planned.

It's a sign that the Trump administration has abandoned its plan to extend the window for counting the nation's population, which it earlier said needed to be longer because of the coronavirus pandemic. To be counted, households must complete the survey by September 30, rather than October 31, as the Census Bureau had announced when it adjusted plans due to the virus. The bureau will also end its labor-intensive efforts to knock on the doors of households that have not filled out the survey online, by paper form, or by phone.

The shift is part of an effort to "accelerate the completion of data collection and apportionment counts" by the end of the year deadline, Census Bureau Director Steven Dillingham said in a statement.

"The Census Bureau's new plan reflects our continued commitment to conduct a complete count, provide accurate apportionment data, and protect the health and safety of the public and our workforce," he said.

But the truncated timeline is likely to fuel fresh scrutiny about the accuracy of the bureau's US population count that has already been disrupted by the ongoing coronavirus pandemic.

The pandemic hit just as the massive once-a-decade effort to count the US population was getting underway and scrambled the agency's plans. It suspended field operations for a time, although field work has resumed in some areas and is set to be underway nationwide by later this month.

The census, which happens every 10 years, determines how many representatives each state gets in Congress, and how billions of dollars in federal funding is spent. Schools, roads, and other important things in your community will gain -- or lose -- funding over the next 10 years depending on this official population tally.

And while this year's census has relied more heavily on collecting responses by phone, mail or online, the operation will still need a robust field operation in the coming weeks to reach minority communities as well as of students on college campuses, seniors in assisted living facilities and people experiencing homelessness.

Not only are these groups at high risk for infection, they're also among those most in need of in-person outreach. With many senior facilities on lockdown and college students living at home, an accurate count may become increasingly difficult under a tighter deadline.

Still, Dillingham maintained Monday evening that the bureau is "committed to a complete and accurate 2020 Census."

"Building on our successful and innovative internet response option, the dedicated women and men of the Census Bureau, including our temporary workforce deploying in communities across the country in upcoming weeks, will work diligently to achieve an accurate count," he said.

Last week, Dillingham declined to say whether the bureau needed additional time to complete the 2020 census while testifying before the House Oversight Committee.

The Trump administration this spring requested Congress extend the completion deadlines by four months, but several House Democrats said they are concerned the administration has since backed away from that request.

The conversation about extending the timeframe "wasn't at my level," Dillingham testified. He said his focus is moving "as rapidly as possible and to get a complete and accurate count as soon as possible." But the possibility of less time to count the population concerned advocates for minority groups that have historically been under-counted in the census.

"This new deadline allows Trump to cheat hard-to-count communities of color out of the resources needed for everything from health care and education to housing and transportation for the next 10 years," said Asian Americans Advancing Justice, one of the groups that successfully sued over the administration's plan to ask a citizenship question to the census.

The Lawyers' Committee for Civil Rights Under Law said it condemned the plan to shorten collection "in no uncertain terms" because it could lead to "missing millions in Black and immigrant communities."

[ [HYPERLINK "https://www.usatoday.com/story/news/health/2020/08/04/covid-updates-hawaii-travel-quarantine-florida-cases-census-end-early/5578158002/" \h](https://www.usatoday.com/story/news/health/2020/08/04/covid-updates-hawaii-travel-quarantine-florida-cases-census-end-early/5578158002/) ]

USA Today – Jessica Flores and John Bacon, August 4

#### Census Bureau to end all counting operations a month early

The Census Bureau plans to end all counting operations by Sept. 30, a month earlier than planned, the bureau's director announced Monday. The bureau delayed its original date to complete the census from July 31 to Oct. 31 because of the coronavirus pandemic. The announcement comes after President Donald Trump signed a memorandum on July 21 asking the bureau to not count undocumented immigrants to decide how many members of Congress are apportioned to each state.

[ [HYPERLINK "https://www.latimes.com/politics/story/2020-08-03/census-will-rush-to-complete-its-count-by-sept-30-a-month-earlier-than-planned" \h](https://www.latimes.com/politics/story/2020-08-03/census-will-rush-to-complete-its-count-by-sept-30-a-month-earlier-than-planned) ]

Los Angeles Times – Sarah Wire, August 3

The Census Bureau is ending efforts to count the country's population on Sept. 30, a month sooner than planned, the bureau's director announced Monday.

Only 63% of the nation's estimated 121 million households have responded to the 2020 Census by mail or phone or online. The last-minute change to the timeline raise concerns about the accuracy of the count, which is used to determine representation in Congress and state legislatures.

The statistical information collected every 10 years is also the bedrock for federal and local policy decisions such as how much federal money states and cities receive, where to build water and sewer systems, where to locate fire departments, even such minutiae as how many first-grade teachers a school district should hire. Businesses and nonprofit groups use it to determine where to expand or contract.

Door-knocking by census takers will end Sept. 30, as will the option to respond by other methods. In order to obtain as many responses as possible by that date, the bureau will be hiring additional census takers and provide incentives for those who work the maximum hours possible.

The agency needs time to process and verify the count by Dec. 31, the deadline set under federal law, said Steven Dillingham, the Census Bureau director.

"We will improve the speed of our count without sacrificing completeness," he said in the statement. "Under this plan, the Census Bureau intends to meet a similar level of household responses as collected in prior censuses, including outreach to hard-to-count communities."

In April, Commerce Secretary Wilbur Ross, who oversees the bureau, asked Congress to allow four extra months to finish the count and present the results to the president.

The COVID-19 outbreak has delayed much of its outreach, including the scheduled knocking on millions of doors to gather information about people who have not already responded and entreaties into traditionally difficult-to-count populations, including college students, the homeless and people living in rural areas.

Door knocking that was supposed to begin in April and end in July has just recently begun in a handful of communities and will expand nationwide Aug. 11.

In 2010, when online response was not an option, about 75% of households responded to the Census by mail or phone.

The Democrat-led House passed legislation to allow the agency additional time, but the Republican-led Senate has not followed, and the administration appears to have withdrawn its request. Congress could delay the deadline in the current coronavirus economic aid package being considered, but it is unclear if that is being considered.

In a congressional hearing last week, four former Census directors raised concerns that without extra time to follow up in person with households that don't respond and to visit traditionally hard-to-contact communities, many people won't be counted, lowering the federal and state funds tied to their regions' populations and lessening their political representation.

"The chances of having a census accurate enough to use is unclear — very, very much unclear," said Kenneth Prewitt, who was director from 1998 to 2001.

The agency had sent mixed signals for several days about whether it would continue to push for the additional time and when door knocking would end.

### **Beltway/Other Online News**

[ [HYPERLINK "https://www.politico.com/news/2020/08/03/census-bureau-data-trump-391146?nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=00000168-e6fa-d9b6-abfd-eefa0df40000&nlid=630318" \h](https://www.politico.com/news/2020/08/03/census-bureau-data-trump-391146?nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=00000168-e6fa-d9b6-abfd-eefa0df40000&nlid=630318) ]

Politico — Steven Shepard, August 4

[ [HYPERLINK "https://www.politico.com/playbook" \h](https://www.politico.com/playbook) ]

The Census Bureau said late on Monday that it would finish collecting data for the decennial count next month and work to deliver population tallies to President Donald Trump that meet his constitutionally questionable order to exclude undocumented immigrants for the purpose of congressional apportionment.

The agency, which is part of the Commerce Department, had said this spring that it would require more time to complete its data collection because of the coronavirus pandemic. But amid a renewed push by Trump to remove those in the country without documentation from the count, Census Bureau Director Steven Dillingham now says the data will be sent to the president by the end of the year — and not next spring, when Joe Biden could be in the Oval Office.

In a statement on Monday, Dillingham — who declined to tell Congress last week whether an extension was still necessary — announced measures meant "to accelerate the completion of data collection and apportionment counts by our statutory deadline of December 31, 2020, as required by law and directed by the Secretary of Commerce."

In order to meet that deadline, Dillingham said, "field data collection" will conclude by Sept. 30. Professional staff at the bureau has said that finishing the count by the end of next month is not possible after a pandemic-prompted delay in operations earlier this year.

Dillingham also said the bureau "continues its work on meeting the requirements" of two Trump orders: a July 2019 executive order that asked administrative agencies to collect data on undocumented immigrants in order to provide counts that states could use to draw state legislative maps that did not include those people; and a presidential memorandum from last month instructing the Census Bureau

to calculate apportionment counts — the number of congressional seats each state will have in the next decade — without undocumented immigrants included.

“A team of experts are examining methodologies and options to be employed for this purpose,” Dillingham said.

Excluding these immigrants would likely benefit Republicans in future elections for Congress and the presidency. According to the University of Virginia Center for Politics, a count that did not include undocumented immigrants would mean California would lose two House seats, not the one seat the state is projected to lose in the next decade. Fast-growing Texas, increasingly a competitive state, would gain two seats instead of three. New Jersey would lose a seat.

Alabama and Ohio, meanwhile, would each gain a seat under a count that excluded undocumented immigrants — though they are not currently projected to gain seats under a conventional count.

Democrats and other groups have already moved to challenge Trump’s recent order, arguing that the Constitution does not allow the census to count some people in the country for the purposes of House apportionment and not others based on immigration status. The 14th Amendment says the House seats should be divided among the states “according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.”

In his memorandum last month, Trump wrote that the Constitution “has never been understood to include in the apportionment base every individual physically present within a State’s boundaries at the time of the census. Instead, the term ‘persons in each State’ has been interpreted to mean that only the ‘inhabitants’ of each State should be included. Determining which persons should be considered ‘inhabitants’ for the purpose of apportionment requires the exercise of judgment.”

Eric Holder, a former attorney general under President Barack Obama who leads the National Democratic Redistricting Committee and its affiliated nonprofit, said last month that Trump’s order “clearly” violated the Constitution.

“This latest scheme is nothing more than a partisan attempt at manipulating the census to benefit the president’s allies, but it plainly violates the U.S. Constitution and federal laws, and cannot stand,” said Holder, whose nonprofit group is supporting a lawsuit seeking to halt the administration’s move.

Trump has made numerous efforts to exclude undocumented immigrants from the count for the purposes of political representation. After the Supreme Court smacked down a move to add a citizenship question to the census last year, Trump’s 2019 order asked other government agencies to provide data on citizenship that could be used to create a count of noncitizens.

At the time, administration officials said citizenship data could be used by the states to draw state legislative districts of equal population of citizens instead of all people — which would likely shift power from more densely populated cities to rural areas.

Like many aspects of public- and private-sector organizations, the coronavirus outbreak has roiled the Census Bureau’s operations. In April, the bureau asked Congress to delay the requirement to submit apportionment data until the end of April 2021. But since then — as Trump’s poll numbers have faltered — the administration has pushed to meet its original deadlines.

At a hearing last week before the Democratic-controlled House Oversight and Government Reform Committee, Dillingham repeatedly declined to say whether the bureau stood by its original request for an extension.

The House has already approved a provision extending the deadline. But the Republican coronavirus relief proposal in the Senate, on which the chamber has not acted, did not include an extension.

According to Dillingham's statement, "nearly 63 percent of all households" have completed the census thus far.

"We will improve the speed of our count without sacrificing completeness," Dillingham said, adding that the bureau would "provide awards" to employees "in recognition of those who maximize hours worked."

[ [HYPERLINK "https://thehill.com/homenews/administration/510386-census-bureau-confirms-plans-to-end-data-collection-early"](https://thehill.com/homenews/administration/510386-census-bureau-confirms-plans-to-end-data-collection-early) \h ]

The Hill – John Bowden, August 3

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In a statement, the Census Bureau said that it would accelerate efforts to collect data in person and through self-reporting efforts, both of which it said would now end on Sept. 30. Census officials said in the announcement that the administration planned to collect a similar amount of data as has been collected in previous censuses.

"We will end field data collection by September 30, 2020," reads the announcement. "Self-response options will also close on that date to permit the commencement of data processing. Under this plan, the Census Bureau intends to meet a similar level of household responses as collected in prior censuses, including outreach to hard-to-count communities."

The plan marks a two-month extension of the self-reporting period, which was initially intended to end on July 31. Some communities with low levels of internet access complete online census forms at far lower rates than more affluent communities, necessitating in-person data collection efforts as well. Those efforts have been made more difficult by the ongoing coronavirus pandemic.

"We will improve the speed of our count without sacrificing completeness," the agency continued. "As part of our revised plan, we will conduct additional training sessions and provide awards to enumerators in recognition of those who maximize hours worked. We will also keep phone and tablet computer devices for enumeration in use for the maximum time possible."

Some employees of the bureau were skeptical that the plan would allow the agency to collect enough information in interviews with NPR, pointing to the possibility of some communities being