

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

November 19, 2020

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

Dear Dr. Dillingham:

The Committee is seeking the urgent production of documents relating to multiple press reports today that career officials at the Census Bureau have determined that they are unable to produce an accurate 2020 Census count prior to January 26, 2021, and possibly well into February 2021. For example, the New York Times reported:

[O]n Wednesday, according to three bureau officials, the Census Bureau told the Commerce Department that a growing number of snags in the massive data-processing operation that generates population totals had delayed the completion of population calculations at least until Jan. 26, and perhaps to mid-February.<sup>1</sup>

In a statement posted on your website, you confirmed that “anomalies have been discovered” during data processing.<sup>2</sup>

Unfortunately, the Committee was not informed about these anomalies before they became public. To the contrary, the Census Bureau cancelled several weekly staff briefings on the status of the 2020 Census over the past month. In addition, when Committee staff requested a briefing earlier today about these new developments, they were refused.

The Committee must have reliable and accurate information in order to fulfill our responsibilities under the Constitution to conduct oversight of the 2020 Census. To date, however, we have been forced to obtain information from whistleblowers who have produced internal documents that have been withheld for no valid reason.

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<sup>1</sup> *Census Bureau Says It Can't Meet Trump's Deadline for Population Count*, New York Times (Nov. 19, 2020) (online at [www.nytimes.com/2020/11/19/us/2020-census-data.html?0p19G=2103](http://www.nytimes.com/2020/11/19/us/2020-census-data.html?0p19G=2103)).

<sup>2</sup> *Census Bureau, Press Release: Statement from Census Bureau Director Steve Dillingham* (Nov. 19, 2020) (online at [www.census.gov/newsroom/press-releases/2020/statement-post-collection-processing.html](http://www.census.gov/newsroom/press-releases/2020/statement-post-collection-processing.html)).

For example, on September 2, 2020, the Committee released an internal Census Bureau document warning that the Administration’s plan to rush data processing created a high risk of an inaccurate census. This document, from an August 3, 2020, presentation to Commerce Secretary Wilbur Ross, highlighted the risks of the Administration’s “[h]ighly compressed schedule” and warned that data products “will be negatively impacted under this revised plan.” The document also warned that “eliminated activities” will “reduce accuracy,” that the schedule “creates risk for serious errors not being discovered in the data,” and that such errors “may not be fixed—due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.”<sup>3</sup> This document echoed previous statements from both you and Secretary Ross that “[i]n order to ensure the completeness and accuracy of the 2020 Census,” additional time would be needed to produce census apportionment counts.<sup>4</sup>

The Census Bureau did not produce this document to the Committee or convey any of its critical warnings. Instead, the Committee obtained it from another source. Today’s press reports indicate that the Census Bureau’s warnings in August were correct and that that an accurate count—which the Constitution requires—cannot be produced for several more months.

For these reasons, please produce the following documents as soon as possible, but no later than November 24, 2020:

1. All documents, including memoranda and slide presentations, prepared or used in connection with briefings for you, Secretary Ross, or other Trump Administration officials regarding data processing anomalies, data accuracy, or potential delays, including in particular any briefings on November 18 or 19, 2020;
2. All documents regarding any data processing anomalies, errors, problems, or concerns identified by Census Bureau employees during the processing of 2020 Census data;
3. All documents regarding the accuracy of 2020 Census data processed by the Census Bureau; and
4. All documents regarding the schedule for data processing for the 2020 Census, the impact of a compressed schedule on data processing or data accuracy, or the need for additional time for data processing.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under

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<sup>3</sup> Committee on Oversight and Reform, *Press Release: Oversight Committee Releases New Internal Census Bureau Document Warning of Risk of “Serious Errors”* (Sept. 2, 2020) (online at <https://oversight.house.gov/news/press-releases/oversight-committee-releases-new-internal-census-bureau-document-warning-of-risk>).

<sup>4</sup> Census Bureau, *Press Release: U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19* (Apr. 13, 2020) (online at [www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html](http://www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html)).

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House Rule X. In addition, the Committee has jurisdiction over “Population and demography generally, including the Census.”<sup>5</sup>

Sincerely,

A handwritten signature in blue ink that reads "Carolyn B. Maloney". The signature is written in a cursive style and is positioned above a horizontal line.

Carolyn B. Maloney  
Carolyn B. Maloney  
Chairwoman

Enclosure

cc: The Honorable James R. Comer, Ranking Member

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<sup>5</sup> House rule X, clause 1(n)(8).

## Responding to Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committees.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committees' preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
  - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - b. Document numbers in the load file should match document Bates numbers and TIF file names.
  - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - d. All electronic documents produced to the Committees should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.

7. Documents produced to the Committees should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committees' letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee on Oversight and Reform, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building. When documents are produced to the Committee on Financial Services, production sets shall be delivered to the Majority Staff in Room 2129 of the Rayburn House Office Building and the Minority Staff in Room 4340 of the O'Neill House Office Building. When documents are produced to the Permanent Select Committee on Intelligence, production sets shall be delivered to Majority and Minority Staff in Room HVC-304 of the Capital Visitor Center.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a

part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.