

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

COMMITTEE ON OVERSIGHT AND REFORM

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September 2, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
1236 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
2468 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Charles E. Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

Dear Speaker Pelosi, Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer:

Five months ago, the Trump Administration asked Congress to pass urgent legislation to extend several key Census deadlines as a result of the coronavirus crisis. The House of Representatives passed the extensions in May, and several Senators introduced a stand-alone bill in June. However, the Senate has failed to act on any of these bills, and the Trump Administration has suddenly reversed its position—forcing the Census Bureau to drastically curtail operations and severely jeopardizing the 2020 Census.

The Committee on Oversight and Reform has now obtained an internal Census Bureau document warning that forcing the Census Bureau to complete its count under the current deadlines could severely degrade its accuracy and completeness. This document states that the dramatically truncated timeline could force the Census Bureau to limit or entirely remove key steps developed over the past decade to ensure the integrity of the Census.

Specifically, the document highlights the risks of the “[h]ighly compressed schedule” and warns that data products “will be negatively impacted under this revised plan.” It cautions 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.” Although the document says, “we are determining full impacts,” it warns starkly that canceling reviews by state officials will lead to “virtually certain vocal objections.”

Committee staff also held briefings last week with three top Census Bureau officials who all agreed that providing more time would reduce the risk of an inaccurate or incomplete count.

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 2

The first official stated, “More time is always a good thing.” The second official stated, “Anytime you have more time it reduces risk, and that would have reduced our risk.” When the third official was asked whether he agreed with the first two officials that “ideally more time would be better both for data collection and data processing,” he replied, “Absolutely.”

Although the officials were hopeful about their ability to mitigate the risks of this truncated schedule, they made clear that they were forced to dramatically compress their operations because Congress has not extended the statutory deadlines.

Finally, the Committee received a new report issued just last week by the nonpartisan Government Accountability Office (GAO) also warning about risks with the compressed timing of the Census, including serious concerns regarding the “accuracy of data collected,” the “completeness of data collected,” and “data quality.”

In light of this new internal document and the additional information we have obtained, it is more urgent than ever that the Senate act. Congress has a solemn responsibility under the Constitution to help ensure an accurate and complete count, and there is bipartisan support in the Senate for extending these deadlines.

An undercount in any state—as a result of the coronavirus crisis or other factors—reduces the amount of federal funding each state is entitled to receive under a host of federal programs, including Medicaid, the National School Lunch Program, the Supplemental Nutrition Assistance Program (SNAP), Head Start, foster care assistance, and the State Children’s Health Insurance Program (CHIP). It also could diminish that state’s representation in Congress. This is true regardless of whether that state is represented by Democrats or Republicans.

## **Background**

On April 13, 2020, Commerce Secretary Wilbur Ross and Census Bureau Director Steven Dillingham issued a statement warning that Congress needed to pass urgent legislation to ensure the accuracy of the Census in the wake of the coronavirus crisis. They wrote:

In light of the COVID-19 outbreak, the U.S. Census Bureau is adjusting 2020 Census Operations in order to ... Ensure a complete and accurate count of all communities. ... In order to ensure the completeness and accuracy of the 2020 Census, the Census Bureau is seeking statutory relief from Congress of 120 additional calendar days to deliver final apportionment counts.<sup>1</sup>

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<sup>1</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)).

That same day, Secretary Ross asked Congress to extend two specific statutory Census deadlines: the date to deliver apportionment data to the President, from December 31, 2020, to April 30, 2021; and the date to deliver redistricting data to the states, from March 30, 2021, to July 31, 2021. He also informed Congress that the Administration was extending its own internal deadline for field operations from July 21, 2020, to October 31, 2020.

At the time, top Census Bureau officials explained that extending the statutory deadlines was critical in light of the challenges caused by the coronavirus crisis:

- On May 26, 2020, Tim Olson, the Associate Director for Field Operations, said publicly: “You know, we have passed the point where we could even meet the current legislative requirement of December 31. We can’t do that anymore. We’ve passed that for quite a while now.”<sup>2</sup>
- On July 8, 2020, Al Fontenot, the Associate Director for Decennial Census Programs, stated of the December 31, 2020, statutory deadlines: “We really don’t want to speculate on any legislative matters, but we brief Congress regularly and every Member’s office and every Committee staffer with whom we speak shares the goal of a complete and accurate 2020 Census count, and understands our need for that—that date in time. We are past the window of being able to get those counts by those dates at this point.”<sup>3</sup>

In response to the Administration’s request, the House of Representatives passed extension provisions in H.R. 6800, the Heroes Act, on May 15, 2020. On May 27, 2020, I introduced H.R. 7034, the Fair and Accurate Census Act, as a standalone bill that extends and clarifies the statutory deadlines for the delivery of apportionment and redistricting data. On June 23, 2020, Senators Kamala Harris and Brian Schatz introduced S. 4048, the Fair and Accurate Census Act, S. 4048.

However, in late July, the Trump Administration abruptly reversed course. Instead of supporting legislation to extend the deadlines, it cut back operations to meet the existing statutory dates. On August 3, 2020, Director Dillingham announced that the Census Bureau would cut short field operations by a full month and data processing operations by 60 days.<sup>4</sup>

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<sup>2</sup> *The 2020 Census Could Be the Least Accurate Ever—And It’s Ending a Month Early*, National Public Radio (Aug. 14, 2020) (online at [www.npr.org/transcripts/901833534](http://www.npr.org/transcripts/901833534)).

<sup>3</sup> Census Bureau, *Operational Press Briefing—2020 Census Update* (July 8, 2020) (online at [www.census.gov/content/dam/Census/newsroom/press-kits/2020/news-briefing-program-transcript-july8.pdf](http://www.census.gov/content/dam/Census/newsroom/press-kits/2020/news-briefing-program-transcript-july8.pdf)).

<sup>4</sup> Census Bureau, *Press Release: Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count* (Aug. 3, 2020) (online at [www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html](http://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html)).

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 4

On August 14, 2020, Secretary Ross wrote an op-ed titled, “The Census Bureau is Not Shortchanging the Count.” Despite his previous warnings about the challenges caused by the coronavirus crisis—and his previous pleas for Congress to pass urgent legislation to extend the statutory deadlines—he claimed:

The U.S. Census Bureau is well on its way to delivering a complete and accurate 2020 Census. I am proud to oversee this essential activity which is clearly outlined in the United States Constitution. Critics claim incorrectly that the Census Bureau is shortchanging the count. This is not an accurate depiction of the current state of the 2020 Census, which is on its way to delivering a successful count in every community across the nation. ... Under this plan, the Census Bureau will meet or exceed the standard for data collection set in previous decennial censuses.<sup>5</sup>

### **Internal Census Bureau Document Obtained by Committee**

The Committee has now obtained an internal Census Bureau analysis from August warning that forcing the Census Bureau to complete the 2020 Census without extending the statutory deadlines could significantly degrade its accuracy and completeness. Census Bureau leaders did not produce this document to the Committee, but the Committee obtained it from another source.<sup>6</sup>

This internal document appears to be a presentation for Secretary Ross on August 3, 2020—the same date the Administration announced that it was cutting short follow-up operations. It presents a plan to significantly curtail ongoing processes to comply with the Administration’s reversal on extending the statutory deadlines. The document describes its objective as follows: “We have developed this plan in response to your request to provide an apportionment count by the statutory deadline of December 31, 2020.”

In order to meet this goal, the document proposes a severely truncated data processing schedule of only 92 days. In comparison, the past three Decennial Censuses had much longer time periods to process data and deliver apportionment counts—and they were not being conducted during a global pandemic. The 1990 Census used 140 days, the 2000 Census used 185 days, and the 2010 Census used 147 days.

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<sup>5</sup> Wilbur Ross, *Commerce Secretary Ross: The Census Bureau is Not Shortchanging the Count*, Fox Business (Aug. 14, 2020) (online at [www.foxbusiness.com/politics/commerce-secretary-ross-census-bureau-shortchanging-count](http://www.foxbusiness.com/politics/commerce-secretary-ross-census-bureau-shortchanging-count)).

<sup>6</sup> Census Bureau, *Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment* (Aug 3, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Census%20Slide%20Deck%20Aug%203%202020.pdf>).

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 5

The document warns that this drastically reduced timeline will force the Census Bureau to curtail or entirely remove key steps developed over the past decade to ensure the completeness and accuracy of the Census, including careful review by the Census Bureau’s career statisticians and demographers to ensure that the data is accurate and complete. The document also warns that these shortcuts could result in objections from states across the country. The document has several key assumptions:

- “Highly compressed schedule for 2020 Census data processing and review of data products.”
- “Delivery of redistricting data products will be negatively impacted under this revised plan and we are determining full impacts.”
- “All of these activities represent abbreviated processes or eliminated activities that will reduce accuracy.”

The document warns:

- “A compressed review period creates risk for serious errors not being discovered in the data—thereby significantly decreasing data quality.”
- “Additionally, serious errors discovered in the data may not be fixed—due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.”
- Eliminating updates to the Master Address File after September 4, 2020, “increases risk of inaccuracy.”
- Compressing the time to create and verify apportionment data and transmit it to the Department of Commerce “creates risk for errors being present in the data.”
- Cancelling state demographers’ reviews of the data product will lead to “virtually certain vocal objections” from states.

The document also identifies the need to slash key field operations for contacting households and verifying the accuracy of Census data. For example, the document proposes:

- Eliminating random re-interviews to verify the accuracy of administrative data and to “depend on analytic sampling,” which could result in “potential reduction in quality of enumerator work.”

- Using “pop count only”—a last-resort counting method when individuals are counted without attributable demographic data—“earlier in the operation.”
- Using “IRS-only (no corroborating sources)” to count 3.8 million households despite the fact that IRS data for Census purposes is at least a year old because of the extended tax deadlines for 2019 as a result of the coronavirus crisis.
- Reducing “contact attempts” for “self-reported vacants from 6 to 1”; for “Self-Response Quality Assurance” to ensure that online responses are accurate “from 6 to 3”; and for re-interviews to check the quality of data.

As mentioned above, this document was not produced by Census Bureau leaders to the Committee. However, the Census Bureau released a similar document to the public on August 17, 2020, that appears to have omitted all of the warnings quoted above.<sup>7</sup>

### **Briefings with Census Bureau Officials**

In addition to obtaining the internal Census Bureau document, the Committee held briefings on August 27 and 28 with three Census Bureau officials—Deputy Director Ron Jarmin, Associate Director for Decennial Programs Al Fontenot, and Associate Director for Field Operations Tim Olson.

The three officials expressed optimism regarding their ability to comply with the current schedule. However, all three officials agreed that providing the Census Bureau with more time would reduce the risk of an inaccurate or incomplete count, including by building in a buffer to address unscheduled challenges. They made clear that they were forced to dramatically truncate their plans because the statutory deadlines have not yet been extended, and they explained measures they have taken to try to mitigate the risks of this approach.

### ***Extending Deadlines Will Reduce Risks***

Below are excerpts from the briefings with the three Census Bureau officials. Unfortunately, Commerce Department officials intervened multiple times to prevent these officials from fully answering questions about the risks posed by the current schedule. Department officials blocked Deputy Director Jarmin from discussing specific operations the Census Bureau is being forced to run “concurrently rather than sequentially,” and they blocked Mr. Fontenot from discussing the risks of cutting the data processing timeline by 60 days.

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<sup>7</sup> Census Bureau, *Review of 2020 Operational Plan Schedule* (Aug. 17, 2020) (online at [www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-operational-plan-schedule-review.pdf](http://www.census.gov/content/dam/Census/newsroom/press-kits/2020/2020-operational-plan-schedule-review.pdf)).

**Mr. Olson**

A: You know, whether the schedule were October 31st or September 30th—and I'm being very transparent here—the staffing issue and the public issue are things we have to deal with regardless of the schedule deadline. It puts a little more stress with the September 30th. It means we've got to be successful in what we are doing to make sure we get to September 30th with the full count.

...

Q: Can you explain why the Bureau believed it would be helpful to have more time, in light of the coronavirus pandemic, to complete the Nonresponse Follow-Up Operations?

A: Well, in that prior request, that was built on using the traditional existing schedule built over a decade, and in that schedule, as you know, nonresponse, I think it was scheduled for roughly 11 weeks or so. I think of it broadly as a three-month data collection process for nonresponse follow-up. And given the pandemic and the shutdown of society, you know, we've put forward, basically restarting, in earnest, the field operations, and therefore the subsequent post-data collection process, you know, by approximately three months. Actually I think it was—yeah, it was three months, roughly a 90-day delay that would result in the search for that legislative relief. That was using our normal schedule that we have developed, and we have etched into our brain cells, and we live by every day.

...

Q: If there's more time to negotiate with Indian tribes to try to come up with protocols for how the Indian tribes could be counted, especially the ones that are suffering with coronavirus, would more time make the counts, in your view, a less stressed, more accurate count in the field?

A: I mean, you can argue if I had ten years I could get it pretty accurate, but then we would have lost some people due to death and so forth. The baseline would have changed substantially. But let me answer you as clearly as I can. More time is always a good thing. You know, going fast is challenging, for any of us, in anything we do.

...

A: I didn't mention it but this morning we are a little more than 9 points ahead of where we thought we would be in the nonresponse follow-up completion, a little more than 9 points, 9 whole percentage points. ... We are in our 18th day of the operation, and we're basically 48 percent done. We have 34 days, 34 physical days remaining in the operation to get it done. And so barring any catastrophes that I think none of us want to have happen—nobody in their right mind wants to have catastrophes happen—you know, we can get done.

...

Q: And, you know, all the states that you mentioned, I've seen Democratic officials and Republican officials taking to media and to the airwaves and really stressing that they're concerned about an undercount. I know this is kind of obvious, but is it right that they're concerned about the undercount, because an undercount could affect these states' ability to receive the federal funding that they need for the next ten years?

A: Yeah. I don't want to be critical of our friends that are in these states, because they're our friends. I can be blunt. It's too early to cry undercount. It's too early. ... I think the concerns everybody has is they want an accurate count. They absolutely want an accurate count. We want an accurate count at the Census Bureau. Whether it's 9/30 or 10/31, you know, we all want an accurate count. At this point, at this juncture, at this day, until Congress gives a—if Congress were to give a legislative relief, that's a different conversation. They haven't done that. So I have a mandate to get an accurate count by September 30th, and we're going to do everything under the sun to get there.

...

Q: But at which point—at what point will you know whether there is a risk of a serious undercount in states like Alabama and Texas and Louisiana and the Carolinas? Like, when will you know?

A: Well, I think, you know, we publicly put it on our website. We started last week, showing not only the self-response but also the portion of the total addresses that we've counted through the nonresponse process, and then, therefore, the total percentage of all housing units, addresses, at the state level. Every day we refresh that. So right now, anybody in the world, yourself and other people, can monitor that on a daily basis, and I sense you are, which is cool. ... So, I think, when should people be concerned, you know? In my world, you know, if I've got a state that's in the 80 percent complete, and let's say it's the, you know, the middle of September, I'm sweating bullets. You know, at that point if I'm at 85 or 90, I'm fine. Probably 80 percent, that's a lot to overcome. Now you can bet that we'll be moving people around. We might be changing management teams. You know, we'll do all the things that we normally do when we're behind in an area.

...

Obviously, having a little more time is a great thing. You know, if we have areas that are messed up, it gives us a little wiggle room to un-mess them up. That's not a very elegant way to put it, but that's what I'm trying to say.

**Mr. Fontenot**

Q: And if you would have gotten the schedule extension, is it your belief that the operational—the operational schedule that would have allowed—would have

allowed for a more accurate Census?

A: Anytime you have more time it reduces risk, and that would have reduced our risk.

Q: Right. So having more time on the back end to process the data and having more time to do the field operations would help you reduce the risk of errors in the data that you deliver. Is that accurate?

A: That is accurate.

...  
Q: However, during the time where you were creating a plan for the Secretary to meet the statutory deadline of December 31st, did that plan include any scale back or elimination of quality control mechanisms?

A: I would say it included modification of quality control procedures.

Q: Did that include any curtailment, scaling back, or elimination of any quality control mechanisms?

A: We scaled back random re-interview.

...  
Q: Were there other operations besides the interviewing that were curtailed or eliminated under the revised plan? It's yes or no.

A: Data collecting operations? Is that the question?

Q: Whichever systems were curtailed or were eliminated under the operational plan.

A: There were some post-enumeration review activities that were modified.

...  
Q: Were there any others?

A: We had a second review of recorders, a Census review with state demographers that we canceled the second review. We had done a first review ... that was very thorough, gave us very effective responses from the state demographers. We canceled COR2, which is what we called it, because we ran out of time.

...  
Q: How have the risks to a complete and accurate Census been increased by not having a statutory time waiver passed by Congress?

A: Not having a statutory time waiver required us to do—compress the activities into

a shorter time period.

Q: And has every risk that's been introduced been mitigated?

A: We believe so, yes.

...

The primary risk that was introduced was the time risk. We have less time to complete the operation. By having less time, if unplanned events occur, such as the hurricane, they increase—we have an increased risk of how we handle that within the time frame. See, there are other risks we pretty much mitigated with plans to make sure we get people on the ground, make sure those people are able to get good productivity and they're able to enumerate, that we have looked at all the processes and on a clean white sheet of paper the back end processes and said what do we need to do to accurately check this information and move through the process when we redesigned it. We hate to redesign something this close into the Census. This should have been redesigned in 2015.

...

Q: And, Mr. Fontenot, have any Census Bureau officials expressed concerns about the Bureau's ability to compile and deliver accurate data by December 31st?

A: At the beginning of the process, everyone expressed concerns about that. As we got into how we were going to do it and start to work the process and development, people became confident in our ability to accurately deliver the data as they reviewed the processes. When they didn't have a process except the prior process, everyone started, including me, saying, well, that's going to be impossible, which I've quoted publicly saying we're past the deadline for making those changes. With the systems and plan that was developed for the 2020 Census initially, that—it was a true statement. As we revised our internal plans, put in new checks, mitigated risks, we now are at the state where people have really assessed it and have a sense of confidence that we can deliver an accurate count.

...

Q. Okay. So you are—so you're confident that this will be done by September 30th?

A: Yes.

Q: Okay. And then—and also so do you believe that the remaining—that the data will then be recorded at the end of the year on schedule?

A: Yes, I do.

**Deputy Director Jarmin**

Q: What was the—what was the presentation or what were the materials that were brought to that—to that meeting at 8:00 a.m. on Monday [August 3, 2020]?

A: I think it summarized changes in field procedures. Well, not so much procedures but, you know, things that we would do to try to make sure that we had enough boots on the ground to get it done in the time that we had. You know, the folks that were responsible for back end processing crashed the schedule as much as they could and they came up with the date of September 30th that they would need us to get out of the field so that processing could begin. So it was, essentially, that kind of information that we—that we put together. It was—it was a test of what is a feasible critical path to get us to be able to meet the statutory deadline for the apportionment counts in the time that we have.

...

Q: Are there risks that have been introduced with changing some of the systems to run concurrently instead of sequentially?

A: To my understanding, the risks are generally from the compressed time, not from changes in any processes. We're essentially running the same things that we were planning to do. We're just doing them faster. I think the main risk that we're concerned about in data processing is if there are data issues that arise that we did not anticipate. Obviously, we don't have as much calendar time to address those issues and resolve them. And, you know, in every past Census I think some issue like that arose. Whether it takes too much time, you know, to meet the deadline or not, we don't know the answer to that question. We've done a lot of things to try to minimize the probability that we'll have those sorts of issues. But speaking from experience, those sorts of issues always do seem to arise.

...

Q: And so where we sit today, the—September 30th is the deadline to finalize collecting the data. Is that correct?

A: That's correct. That is to allow us the two and a half months that we need to process the data on the back end.

Q: Okay. And so do you think that that is a sufficient time to process the data?

A: You know, I think the analysis that our team has done and looked at how they can move things around and condense a few things I would say yes. I mean, that is—you know, that is their assessment and they are good professional people. You know, I, obviously, don't have, you know, firsthand detailed knowledge of all of the steps of processing the Decennial Census.

- Q: Sure. And when you say that—when you say that, do you mean that that is—that time frame, that deadline, it’s based on analytics?
- A: Yeah. It’s based on an assessment of the team knowing the steps that need to be done and how they can do them, and they’ve put it all—you know, we have a very elaborate, you know, master schedule of everything here that we use to guide our planning and our execution. And so I think that they have looked at things and come up with a way that we can meet the current statutory deadline.
- ...
- Where we think that we have some risk is, you know, you got both the pandemic and the potential for other natural disasters that might, you know, complicate our ability to put those resources on the ground in the time remaining, and if those sorts of risks are realized I think we would—then we would be concerned. But I think if none of those are realized between now and September 30th, I think we’re confident that we’ll get every state up to completion.
- ...
- Q: Yesterday, both Mr. Fontenot and Mr. Olson touched on this but I’m going to quote Mr. Olson because it’s slightly more fun. He said more time would be better during the process. Do you agree with both of them that ideally more time would be better both for data collection and data processing?
- A: Absolutely.
- ...
- Q: And so GAO released a report yesterday that sort of talked about some of these delays and the risks that are involved and they said that the shortening of these time lines and also for data processing makes it—there’s less time available for a variety of things and increases the risk. Can you talk about the risks that increase with less time?
- A: So yeah, I think—I didn’t read the whole report but I saw that it came out, and they sort of echoed not only their concern but our concern as well that, you know, one of the biggest risks to the Census is a late design change and, you know, we’re talking about late design change here. And, you know, I think the risks that they—that they are probably referring to are the same ones that I’ve been mentioning here. They’re the risks that something could preclude us from getting out of the field on time, and I will say if we don’t get out of the field on time, I don’t think there’s much more we can do to crash the processing schedule. If we don’t get out of the field on time, we’re probably not going to make the deadline. So that’s really the biggest risk.

During his briefing with Committee staff, Deputy Director Jarmin also explained how he and Director Dillingham were tasked to develop this expedited schedule, which appears to be

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 13

reflected in the new document obtained by the Committee. He stated that on July 29, 2020—the same day that the Oversight Committee held its hearing with Director Dillingham—Deputy Commerce Secretary Karen Dunn Kelley instructed them during a telephone conversation that Secretary Ross wanted them to create a new plan to deliver the apportionment count without any statutory extension. She asked for this plan in time for a meeting with Secretary Ross on August 3, 2020, the date of the document obtained by the Committee.

### ***Specific States at Risk of Undercount***

During their briefings with Committee staff, Census Bureau officials discussed the status of several states of concern, including Alabama, Arizona, Georgia, Texas, Mississippi, Florida, Montana, New Mexico, North Carolina, South Carolina, and Louisiana. As of August 31, 2020, many states remain well below the national response rate, and Census Bureau officials warned that states and tribal areas facing severe coronavirus outbreaks and the worst projected hurricane season in history could face additional challenges.

#### **Mr. Olson**

Q: Can you explain, you know, why you think we're seeing those low numbers in Georgia?

A: Well, let me expand it beyond Georgia—so North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana to some extent, and Texas. That whole swath of states, if you think about it as the Southeast going into, I guess, South Central. Add in Arizona. You know, proportionally, if you considered 70, 75 percent overall completion kind of the norm, they're below that. The factors for that, you know, the self-response, it is what it is. You know, we've got a starting point of self-response. They're still coming in. They're coming in every day. It just means we have more work to do in the non-response, the door-knocking phase. Those areas, obviously they're the same areas that are in the hurricane zone. And so I previously talked about, you know, what keeps me up at night. The hurricane forecast is certainly part of that, because we are dependent on completing by 9/30. You know, we're dependent on our ability to count all of those households 100 percent, and there's certainly risk in those areas.

...

Q: Can we talk a little bit about states that have enormous Tribal populations, because I know some Indian country is imposing pretty strict COVID restrictions, and that's causing, according to public reports, issues with enumerators getting on these reservations to enumerate. So I think that's in states like Montana, Oklahoma, maybe some parts of Utah, Arizona of course, New Mexico. Can you talk a little bit about the difficulties you're seeing of those reservations not being counted?

A: Well, it's not—from my world it's not an acceptable outcome that we don't count them, period. What we are doing—because you're absolutely right. In Indian Country, particularly Montana, Arizona, New Mexico, those are the three primary states where we have challenges, where specific Tribal governments, on their lands, on their reservations, have shut down to the public to come into their sovereign nation, to prevent, you know, a horrible outcome of coronavirus.

...

Q: What worries you the most about the 2020 Census? As you sit here today, what are you most concerned about?

A: Yeah. I mean, we've referenced it in and out of this conversation. The obvious is just doing the math on my side. As long as I can have the number, the hour effort goes in and the productivity standards that go in to collect the data, as long as I can achieve that, you know, we're good. We're good. But I talked about the risks. There are unknowns. The worst hurricane season forecast on record, you know, that we got briefed by National Weather Service I think six or eight weeks ago or so—those are unknowns. You know, is Hurricane Laura going to come up and down the Gulf Coast or the Atlantic Coast? Those are things out of my control, you know. ... That's my worry that—you know, that's the risk we face. That's the risk all of us face. Can we get to done if that kind of thing occurs, and it occurs more than once? And it doesn't matter how many bodies I send in, or how much money we try to spend, we may not get there by 9/30, just because of conditions out of everybody's control. That's what keeps me up at night.

### **Mr. Fontenot**

Q: I've been reading articles from states like Montana and Utah that have enormous tribal populations that are also suffering from coronavirus outbreaks and, you know, there have been reports from these states, I think including Utah and Arizona and Montana, that state that enumerators aren't being allowed onto reservations because of the coronavirus in those states. Can you explain a little bit about the risks created by the—

A: Yeah, the challenges are bigger in Arizona and Nevada and some of those states than Montana and Utah because the biggest population that has been a challenge with COVID is the Navajo Nation. The Navajo Nation spans four states. But the primary part of the population is in Arizona and New Mexico, and we have had significant difficulties getting onto the reservation because of COVID quarantines put on by tribal government. Our partnership staff has been working very closely with them. We've been looking to hire members of those tribes to work within the reservations that may not have to go through the stand down quarantines to go in to help us get the count. I mean, that's—that is an issue when we do not have a

virus—the tribal negotiations, but it’s a much more serious issue in 2020 with the coronavirus impact on the tribal nation areas being disproportionately high.

...

Q: I know that the news this morning discussed the landing of Hurricane Laura in the Gulf of Mexico and that some of those states that are being hit are ones where the Bureau is planning or had planned to continue operations with people on the ground during NRFU, and I just wanted to ask a few questions about how the Bureau is going to be adapting its operations to address some of those states. ...

A: We see 34,000 unfinished cases that are being impacted in the state of Louisiana. The entire workload, we feel, will have some impact in the state of Louisiana, and a portion of west—of eastern Texas along the Louisiana border is being impacted. We’ve closed temporarily eight of our area Census offices in Texas and four in Louisiana at this point in time.

**Dr. Jarmin**

Q: What are you most worried about in general related to the success of the 2020 Census?

A: Well, I would say it’s getting out of the field by September 30th, and so, you know, we had a big scare yesterday and we’re still not out of—you know, not only is it not advisable to do a Census during a pandemic, it’s not advisable to do a Census during hurricane season. And so we still have—you know, the rest of the data collection is still going to be during hurricane season and that could really be something that throws a wrench in the works for us. And so, you know, some sort of exogenous event like that or, you know, a big spike in COVID cases that makes people leery about participating either as—either as enumerators or as householders.

**GAO Also Warns of Risks from Compressed Schedule**

On August 27, 2020, Congress’ investigative arm, the nonpartisan GAO, issued its own new report warning about the risks of an inaccurate Census with the current statutory deadlines. The report, titled “Recent Decision to Compress Census Timeframes Poses Additional Risks to an Accurate Count,” stated:

Delays to census data collection operations as a result of COVID-19, the resulting compressed time frames, and public health concerns may affect the quality of the data collected as part of the 2020 census in several ways.<sup>8</sup>

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<sup>8</sup> Government Accountability Office, *Recent Decision to Compress Census Timeframes Poses Additional*

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 16

Specifically, GAO expressed concerns about the “accuracy of data collected,” the “completeness of data collected,” and “data quality.” GAO warned that computer system and operational testing for data processing was 3.5 months “behind schedule” and that “there will be less time available to complete the remaining system integration testing and operational testing needed before the response processing operation begins.”<sup>9</sup>

GAO also warned:

The Bureau’s August announcement that it intends to deliver the apportionment counts to the President by December 31, 2020, increases the risks associated with conducting the data processing operation ... The decision to deliver apportionment data by December 31 despite delays to certain data collection operations means the Bureau will have less time to conduct its post data collection activities, which improve the completeness and accuracy of census data. These activities were designed to take 153 days, but will have to be completed in 92 days.<sup>10</sup>

### **Conclusion**

For the past five months, experts at the Census Bureau have been requesting additional time to conduct and complete operations that have been delayed by the coronavirus crisis. As Mr. Olson explained to Committee staff last week:

I was made aware that there was concurrence and support for those extended time periods within Commerce, and certainly OMB. And we know, from the record, that the House of Representatives ... had actually passed legislation or a bill that would include that extension, and we were, I guess through the grapevine, I was told that there was support in the Senate for that. So we were moving ahead with, as I said, the hope, the hope that this extension would materialize.

To Mr. Olson’s point, Republican Senator Steve Daines sent a letter to Senator McConnell and Senator Schumer on August 4, 2020, in support of these extensions, writing:

Given the rural nature of Montana, and the additional challenges brought about by the ongoing COVID-19 pandemic, reverting the deadline back to September 30, 2020 will leave tens of thousands of Montanans uncounted and underrepresented at the federal level. Nearly half of the households in the state have yet to be counted.<sup>11</sup>

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*Risks to an Accurate Count* (GAO-20-671R) (Aug. 27, 2020) (online at [www.gao.gov/products/GAO-20-671R](http://www.gao.gov/products/GAO-20-671R)).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Letter from Senator Steve Daines to Senate Majority Leader Mitch McConnell and Senate Minority Leader Charles E. Schumer (Aug. 4, 2020) (online at <https://assets.documentcloud.org/documents/7016669/Aug-4->

The Honorable Nancy Pelosi  
The Honorable Kevin McCarthy  
The Honorable Mitch McConnell  
The Honorable Charles E. Schumer  
Page 17

Similarly, a week later, on August 11, 2020, a bipartisan group of 48 senators—including Senator Lisa Murkowski and Senator Dan Sullivan—sent a letter asking all four of you to pass these statutory extensions. They wrote:

[W]e strongly urge you to extend the statutory deadlines for the delivery of apportionment data and redistricting files following the 2020 Census. ... Extending the deadlines for the delivery of these files in the next COVID-19 relief package will ensure that the Census Bureau has adequate time to complete a full, fair, and accurate 2020 Census. It will also ensure that both the Congress and the states receive accurate data for apportionment and redistricting.<sup>12</sup>

The new information obtained by the Oversight Committee makes clear that Congress must act now to fulfill our responsibility under the Constitution to help ensure an accurate and complete count for the 2020 Census. If we do not, our constituents—both Democrats and Republicans—could be directly harmed.

For all of these reasons, the Committee asks the Senate to immediately consider and pass legislation to extend the statutory deadlines for the 2020 Census. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,

  
\_\_\_\_\_  
Carolyn B. Maloney  
Chairwoman

cc: The Honorable James R. Comer, Ranking Member

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2020-Letter-From-Sen-Steve-Daines-to.pdf).

<sup>12</sup> Letter from 48 Senators to House and Senate Leadership (Aug. 11, 2020) (online at [www.schatz.senate.gov/imo/media/doc/FINAL%20Letter%20re.%20census%20deadline%20extensions%20in%20COVID-19%20pacakge,%208-11-20%20\(1\).pdf](http://www.schatz.senate.gov/imo/media/doc/FINAL%20Letter%20re.%20census%20deadline%20extensions%20in%20COVID-19%20pacakge,%208-11-20%20(1).pdf)).