

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<http://oversight.house.gov>

January 21, 2020

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

Dear Dr. Dillingham:

Thank you for agreeing to testify at the Committee's upcoming hearing on February 12, 2020, on preparations for the 2020 Decennial Census. In order to assist the Committee, I request that the Census Bureau produce several categories of documents and information set forth below.

In July 2019, you testified that you were "highly confident that we are on track to achieve a complete and accurate census."<sup>1</sup> However, at our Committee's most recent hearing on January 9, 2020, witnesses confirmed multiple independent reports that the Census Bureau is at risk of falling behind in critical aspects of preparations, which could impact the ability to reach hard-to-count communities and to conduct a complete, accurate, and fair count.

For example, the Census Bureau must hire nearly 500,000 temporary employees to implement the 2020 Census. Many of these employees are enumerators who go door-to-door across the country to try to collect responses. If recruiting continues to lag, the Bureau may face enumerator shortages that will severely impair its ability to perform non-response follow-up. During our recent hearing, Marc Morial, President and Chief Executive Officer of the National Urban League, testified that "it is time to ring the alarm bell on the enumerator program."<sup>2</sup>

Similarly, in November 2019, the independent Inspector General (IG) at the Department of Commerce raised serious concerns about hiring delays. The IG found that the Census Bureau's information technology systems used for hiring failed several tests and "present a risk to the successful completion of the 2020 Census program."<sup>3</sup>

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<sup>1</sup> Committee on Oversight and Reform, Subcommittee on Civil Rights and Civil Liberties, *Hearing on Beyond the Citizenship Question: Repairing the Damage and Preparing to Count "We the People" in 2020* (July 24, 2019) (online at <https://oversight.house.gov/legislation/hearings/beyond-the-citizenship-question-repairing-the-damage-and-preparing-to-count-we>).

<sup>2</sup> Committee on Oversight and Reform, *Hearing on Reaching Hard-to-Count Communities in the 2020 Census* (Jan. 9, 2020) (online at <https://oversight.house.gov/legislation/hearings/reaching-hard-to-count-communities-in-the-2020-census>).

<sup>3</sup> Department of Commerce, Office of Inspector General, *Critical 2020 Census Systems Failed to Meet*

In October 2019, the Government Accountability Office (GAO) issued a report with data showing that recruiting for census workers has fallen far below projections. GAO found that the Census Bureau missed key targets for hiring, as well as “its initial and revised target for hiring for partnership specialists.” Partnership specialists serve as trusted voices to help build relationships between local communities and the Census Bureau. GAO warned that the delay in hiring partnership specialists could “result in missed opportunities to build early relationships with organizations about the 2020 Census and promote the census, especially in hard-to-count areas such as those with lack of Internet access or language barriers.”<sup>4</sup>

GAO also reported that as of August 2019, the Census Bureau was at risk of missing key milestones in building the technological systems needed to conduct the first online census. GAO found that 15 different systems—approximately one-third of the total—were at risk of not meeting deadlines to ensure they are ready by April 2020. According to GAO, these systems “are necessary for, among other things, data collection for operations, business and support automation, customer support during self-response, and support field operations.”<sup>5</sup>

The Committee also has several other concerns. For example, the Census Bureau has not issued a detailed plan about where, when, and how it will deploy Mobile Questionnaire Assistance Centers (MQACs)—for which Congress appropriated \$90 million dollars in Fiscal Year 2020—to help people in hard-to-count communities self-respond to the 2020 Census.<sup>6</sup> The Committee also has concerns about the Census Bureau’s disaster contingency plan, which is particularly important given the potential for interruptions in access to the first online census.

For these reasons, the Committee requests that you produce the following documents and information by February 3, 2020:

1. With regard to partnership specialists and partners:
  - a. the number of partnership specialists hired by the Census Bureau and the number of partnership specialists currently at each stage of recruiting and onboarding;
  - b. the number of additional partnership specialists the Bureau plans to hire;
  - c. the training materials given to partnership specialists; and

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*Peak Recruiting Demands During Testing* (Nov. 2019) (online at [www.oig.doc.gov/Pages/Management-Alert-Critical-2020-Census-Systems-Failed-to-Meet-Peak-Recruiting-Demands-During-Testing.aspx](http://www.oig.doc.gov/Pages/Management-Alert-Critical-2020-Census-Systems-Failed-to-Meet-Peak-Recruiting-Demands-During-Testing.aspx)).

<sup>4</sup> Government Accountability Office, *2020 Census Status Update on Early Operations* (Oct. 2019) (online at [www.gao.gov/assets/710/702459.pdf](http://www.gao.gov/assets/710/702459.pdf)).

<sup>5</sup> *Id.*

<sup>6</sup> Census Bureau, *Integrated Partnerships and Communications Operation Overview* (Nov. 7, 2019) (online at [www2.census.gov/cac/nac/meetings/2019-11/olmedo-malagon-integrated-partnerships-communications-operation-overview.pdf?](http://www2.census.gov/cac/nac/meetings/2019-11/olmedo-malagon-integrated-partnerships-communications-operation-overview.pdf?)).

- d. a current list of all partners working with the Census Bureau organized by Congressional district;
2. With regard to enumerators:
  - a. the number of enumerators recruited to date, overall and by county;
  - b. the number of enumerators currently at each stage of recruiting and onboarding;
  - c. the number of additional enumerators the Census Bureau plans to recruit, overall and by county;
  - d. documents sufficient to show the extent to which the Census Bureau is meeting previously set recruiting goals;
  - e. documents sufficient to show any efforts the Census Bureau has taken to boost recruiting and the efficacy of those efforts; and
  - f. the number of enumerators the Census Bureau plans to hire overall and by county;
3. With regard to MQACs:
  - a. the Census Bureau's plan on where, how, and when to deploy MQACs;
  - b. the number of individuals recruited or hired to staff MQACs;
  - c. the Census Bureau's goals for recruiting and hiring for MQACs; and
  - d. the federal funds spent to date and plans to spend the \$90 million appropriated for MQACs in Fiscal Year 2020;
4. A detailed schedule of operational deployments and the current status of all of the Bureau's 52 information technology systems for the 2020 Census;
5. The current number of plans of action and milestones (POA&Ms) and the number of POA&Ms of each risk level; and
6. The Census Bureau's disaster contingency plan.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. In addition, the Committee has both oversight and legislative jurisdiction over

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the Census.<sup>7</sup> An attachment to this letter provides additional instructions for responding to this request.

If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,

  
Carolyn B. Maloney  
Chairwoman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

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<sup>7</sup> House rule X, clause 1(n), clause 4(c).

### **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.