

**ENSURING THE 2020 CENSUS COUNT
IS COMPLETE AND ACCURATE**

HEARING
BEFORE THE
**COMMITTEE ON
OVERSIGHT AND REFORM**
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C O N T E N T S

Hearing held on December 3, 2020	Page 1
WITNESSES	
J. Christopher Mihm, Managing Director, Strategic Issues, Government Accountability Office Oral Statement	5
Robert Santos, Vice President and Chief Methodologist, Urban Institute; and President-Elect, American Statistical Association Oral Statement	6
Joseph Salvo, Chief Demographer, Population Division, New York City Department of City Planning Oral Statement	8

* The prepared statements for the witnesses are available at: docs.house.gov.

INDEX OF DOCUMENTS

The document below is available at: docs.house.gov.

* Letter to Secretary Ross from the Department of Commerce; submitted by Chairwoman Carolyn Maloney.

ENSURING THE 2020 CENSUS COUNT IS COMPLETE AND ACCURATE

Thursday, December 3, 2020

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 10:12 a.m., via Webex, Hon. Carolyn B. Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Connolly, Krishnamoorthi, Raskin, Khanna, Sarbanes, Welch, Kelly, DeSaulnier, Lawrence, Plaskett, Gomez, Pressley, Tlaib, Comer, Jordan, Gosar, Massie, Hice, Grothman, Palmer, Cloud, Higgins, Miller, and Keller.

Chairwoman MALONEY. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

And I just want to note at the outset that the Democratic side, we have a caucus going on right now, and we're expecting two sets of votes for leadership and committee races. When those votes happen, we will recess very briefly to allow our members to vote, and then reconvene the hearing as soon as the votes are done.

At the moment, we expect the first caucus vote to be around 10:30 or 10:45, and the second vote to be around 11:45, or noon. I ask that the witnesses and members bear with us as we recess briefly for these two votes.

With that, I now recognize myself for an opening statement.

Good morning, and thank you all for being here today.

Today's hearing comes at a perilous time for the 2020 Census. Last month, there were troubling press reports indicating that career officials at the Census Bureau warned the Trump administration about significant problems that will delay the delivery of Census data to late January or early February.

After these reports became public, the director of the Census, Dr. Steven Dillingham, issued a public statement confirming that problems were found, but he provided few details. These developments were particularly troubling because they were not reported to our committee before we read about them in the press, or before the Census director made his public statement.

Our committee has direct jurisdiction over the Census, but nobody from the Trump administration informed us about any of these problems or delays.

For these reasons, the committee wrote a letter to the Census Bureau on November 19. We asked for documents that career officials prepared describing these data problems and the resulting

delays. We also requested documents that were prepared for the Department of Commerce, including Commerce Secretary, Wilbur Ross. But, in response to our request, they gave us nothing—absolutely nothing, not even a single page.

These documents were due a week ago, and the Census is in its most critical stage. Yet the Trump administration seems to believe that they owe Congress nothing—no documents whatsoever.

Last week, we held a bipartisan staff briefing with the Census director and his top aides. We asked them why they hadn't turned over any of the documents we were seeking. In response, they pointed to Secretary Ross' office at the Commerce Department. They explained that they collected documents and sent them to Secretary Ross' general counsel, but that they were, quote, "not cleared for release," end quote.

When my staff asked why not, they indicated that Secretary Ross' office is withholding these documents due to concerns about, quote, "ongoing litigation," end quote.

This is entirely unacceptable. The existence of separate litigation is not a valid reason to withhold documents from Congress.

In addition, the administration's claim that they are withholding these documents because of ongoing litigation raises serious questions about whether they are seeking to conceal information, not just from Congress, but from the judiciary.

Just this week, on Monday, the Supreme Court heard oral arguments in a case involving the President's order to exclude undocumented immigrants from the Census count. At the same time, the Trump administration was blocking these documents from coming out. Nevertheless, despite the Trump administration's obstruction, our committee has now been able to obtain three of these internal documents from another source.

These internal documents not only confirm that the Census Bureau will not take, until at least late January, to resolve these data problems and produce a complete and accurate count, but that these problems are more serious than first reported. These internal documents show that rather than getting better, these problems may be getting worse.

Written by career professionals, these documents describe 15...[inaudible] more than 1 million records in every state in our Nation. These problems could affect state population counts, impact representation in Congress, and reduce funding states are due under a host of Federal programs.

These internal documents describe an intensive, 11-step process to fix the errors. They also warn that taking shortcuts and trying to rush this process could aggravate the situation further, and lead to even more problems. As I said, the Trump administration tried to block our committee from seeing these documents. We had to get them from another source.

The administration has claimed publicly that they are addressing these problems by bringing in more resources, but we do not have the information we need to check these claims.

The Trump administration is preventing our committee from verifying the scope of these data problems, their impact on the accuracy of the Census, and the time career professionals need to fix them.

For these reasons, the committee sent a letter yesterday to Wilbur Ross, the Secretary of Commerce. We gave him until next Wednesday to produce a complete and unredacted set of the documents we requested last month.

I ask unanimous consent to place the record—this letter in the record, and that it be made part of the hearing record.

So ordered.

Chairwoman MALONEY. These documents should be made available to Congress; to the judiciary, if necessary; and to the American people, so that we all have confidence in the Census numbers going forward. But so far, the Trump administration has tried to keep this information secret from everyone.

As our letter explains, if Secretary Ross fails to comply with our request voluntarily, he will receive a friendly subpoena. The Constitution charges Congress with key responsibilities over the Census, and we need these documents to ensure that it is complete and accurate.

Our witnesses today are experts in the fields of data science, Census operations, and the use of Census data by cities and states to provide services and improve the lives of the American people. I look forward to hearing their expert opinions about the new documents we obtained, as well as the other significant challenges faced by the Census.

I now recognize Ranking Member Comer for his opening statement, and I yield back.

Mr. COMER. Chairman Maloney, I appreciate you calling this hearing today on the 2020 Census.

Let me begin by saying unequivocally the 2020 Census is counting every resident in the United States regardless of citizenship status. The Census Bureau has already counted 99.98 percent of households in the United States. The remaining two one-hundredths of a percent of unresolved addresses will be resolved by accepted and long-standing statistical methods. But the Democrats still seem uninterested in these facts, and, instead, are launching partisan attacks on the 2020 Census to undermine the public's confidence in the results.

Today's hearing supposedly is about the completeness and accuracy of the 2020 Census, but just, as for our last hearing, no Census Bureau witnesses have been invited to testify. So it's unclear to me what we expect to learn today.

During transcribed interviews earlier this year, Census Bureau career staff made clear the Bureau was committed to a complete and accurate Census. They are working to deliver on this commitment. The Bureau has made clear that the issues it has encountered in completing the current phase of the Census are few in number, relate to only 63 one-hundredths percent of the data for the Census, do not call into question the quality of the data, and are on par with issues arising in past Censuses. Bureau officials can confirmed they are working quickly and efficiently as possible with all available resources to finalize a complete and accurate Census.

While there likely will be a short delay in delivery of apportionment results, that isn't because of problems with the completeness

and accuracy of the Census data. It's because of a delay imposed earlier in the year resulting from activist litigation.

Just this week—just this week, the Supreme Court heard oral arguments in the challenge to President Trump's directive that the Secretary of Commerce report an apportionment count that excludes nonlegal residents in the United States, including illegal immigrants. That directive was a very important step to ensure the sanctity of our Nation's elections and equal representation under the Constitution.

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 urge us all to focus on the real task at hand: supporting the Census Bureau's extraordinary efforts to complete an accurate 2020 Census count, not undermining public confidence in its work product.

Given that we've already held hearings on the 2020 Census, and the Bureau is on track to complete an accurate count, our time would be better spent getting to the bottom of whether the integrity of the 2020 election was compromised. During the 2020 election, we witnessed blanket mail-in balloting in several states and a dramatic rise in absentee ballots and others, leading to errors and irregularities.

For example, I sent a letter to the Election Assistance Commission inspector general asking him to investigate why the California Secretary of State used \$35 million of taxpayer money to pay Joe Biden's main election campaign advisory firm to conduct voter contact. I'd like to know why taxpayer money was used in such a questionable manner. But unfortunately, the inspector general has yet to take any action.

Also, on November 18, Judiciary Committee Ranking Member Jim Jordan and I called upon Chairwoman Maloney and Judiciary Committee Chairman Nadler to hold hearings to investigate election irregularities. Why aren't we starting those hearings today instead of holding yet another hearing on the Democrats' partisan campaign against the 2020 Census.

Democrats have found ample time to hold countless hearings on partisan issues to undermine President Trump and further their left-wing agenda, but they won't hold a single hearing on election integrity and protecting the sanctity of the ballot box? These priorities speak for themselves.

And with that, I yield back.

Chairwoman MALONEY. Now I will introduce our witnesses.

Our first witness today is Christopher Mihm, who is the managing director of the Strategic Issues Team at the Government Accountability Office.

Then we will hear from Robert Santos, who serves as the vice president and chief methodologist for the Urban Institute and is also the president-elect of the American Statistical Association.

Next, we will go to Joseph Salvo, who is the chief demographer of the Population Division at the New York City Department of City Planning.

Finally, we will hear from Jeff Landry, who is the attorney general for the state of Louisiana.

The witnesses will be unmuted so we can swear them in.

Please raise your right hands.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

I'll let the record show that the witnesses answered in the affirmative.

Without objection, your written statements will be made part of the record.

With that, Mr. Mihm, you are now recognized for your testimony.

STATEMENT OF J. CHRISTOPHER MIHM, MANAGING DIRECTOR, STRATEGIC ISSUES TEAM, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. MIHM. Well, thank you, ma'am. And Chairwoman Maloney, Ranking Member Comer, members of the committee, I am very pleased to once again appear before you to discuss the progress of the 2020 Census. In being here, I have the very great pleasure of presenting the work of my dedicated GAO colleagues who have been supporting the Census, or supporting the Congress on Census issues for many years.

As this committee is well aware, the 2020 Census was undertaken under extraordinary circumstances. In response to COVID-19, and related executive branch decisions, the Bureau made a series of late design changes that affected the way the Bureau did its work, and the time that it took to do that work.

These changes also introduced risks into the quality of the Census that the Bureau—Census data, that the Bureau will provide for congressional apportionment and redistricting.

As Mr. Comer noted in his opening statement, the professionals at the Census Bureau are deeply committed to providing an accurate and complete Census count to—for apportionment, redistricting, and for other purposes.

My bottom line, therefore, today, is that it is important both for transparency and to ensure public confidence in the quality of the Census that the Bureau share key indicators of data completeness and accuracy in near real time as it releases apportionment and redistricting data.

Today, we are issuing the first in a series of our planned reports that will assess the operations of the 2020 Census and identified lessons learned as planning begins for 2030. And, unfortunately, it's not too early to already be thinking about planning for the 2030 Census.

That report, entitled, "2020 Census: Census Bureau Needs to Assess Data Quality Concerns Stemming From Recent Design Changes," recommends that the Commerce—Department of Commerce and the Bureau, evaluate the possible data quality implications and lessons learned, including the operational successes of the Bureau's response to COVID-19.

We are very pleased that the Department of Commerce has agreed with that recommendation, again, underscoring a commitment to complete and accurate Census. Recently, as the committee

is aware, the American Statistical Association and the Census Scientific Advisory Committee issued numerous recommendations, including that the Bureau document, what it knows about the quality of the population counts it provides to the President and to the Congress.

Consistent with our report, the recommendation that Commerce accepted and the work of these organizations, my written statement details some of the Census quality indicators that the Bureau should consider providing when it releases those apportionment accounts.

More specifically, the Bureau believes, based on long-standing practice, that the self-response from households provides the most accurate Census data. However, the Bureau necessarily at times uses alternative data collection methods when it is unable to obtain Census data directly from a household. These alternative methods include proxies and would-be neighbors, and other knowledgeable parties, the use of administrative records, and count imputations.

Looking at the rates at which the Bureau used each of these alternative methods would give insight into the overall quality and completeness of the Census. Nationwide rates provide a high-level indication of overall Census quality, and it's important that we take a look at those. However, in our view, and very importantly, the Bureau also needs to examine the rates at which it used each of these alternative methods at lower levels of geography, and by key demographic groups to provide an overall and more complete picture.

Chairwoman Maloney, Ranking Member Comer, members of the committee, this completes my statement. I'd obviously be pleased to respond to any questions that you may have.

Thank you so much.

Chairwoman MALONEY. Thank you.

We're going to take a brief recess, because we have a vote in our Democratic Caucus meeting right now, and I want to give all of our members the opportunity to vote.

The committee stands in recess for five minutes.

[Recess.]

Chairwoman MALONEY. The committee will come to order. Thank you.

Mr. Santos, you are now recognized. Mr. Santos?

STATEMENT OF ROBERT SANTOS, VICE PRESIDENT AND CHIEF METHODOLOGIST, URBAN INSTITUTE, PRESIDENT ELECT, AMERICAN STATISTICAL ASSOCIATION

Mr. SANTOS. Thank you, and good morning, Chairman—Chairwoman Maloney, Ranking Member Comer, and committee members. It is an honor to assist you today.

Please know that these remarks are my own and not to be attributed to the Urban Institute, its trustees, or its funders.

The story of Census accuracy is deeper and more complex than the latest chapter on anomalies. These and problems yet to be found reveal the consequences and risks. To help illustrate the challenges to 2020 Census accuracy, I start with research conducted by Diana Elliott, Steve Martin, and I last year, to explore 2020 Census outcomes. This was preCOVID. We chose three risk

scenarios, and used Census Bureau research to simulate 2020 counts.

The most optimistic scenario mimicked the performance of the 2010 Census, which came in within 1/100th of a percent of an independent total population estimate. When we overlaid that performance onto a 2020 population projection, we discovered a net undercount of the population of 0.3 percent.

Stated differently, had the pandemic never happened and the Census went as well as it did in 2010, an undercount would occur. People of color are historically undercounted, and our wonderful Nation had become more racially and ethnically diverse over the past 10 years.

While this 2010 Census was accurate for the total U.S. population, it came at the expense of fairness. In 2010, Whites were overcounted by 0.8 percent, conveniently making up for net undercounts for people of color. For instance, nonHispanic Blacks had a net undercount of 0.8 percent; Latinx, 1.5 percent.

It is unfair to overcount one sector while undercounting another to achieve overall accuracy. It reinforces inequities in political representation, Federal funding, and economic and public health opportunities for the next 10 years.

Why does this matter now? Consider the ongoing pandemic. We see high racial, ethnic disparities in rates of job loss, hunger, housing, instability, and health. Daily life for people of color often focuses on just meeting basic needs, not completing Census forms.

That brings us to the basic quality indicator, the self-response rate. Self-response occurs when you complete your own Census form. Research shows that lower self-response rates increase the risk of a net undercount.

Now, our national 2020 self-response rate was 67 percent, higher than that of 2010. But, in inner-city neighborhoods where Latinx, Blacks, and other hard-to-count folks reside, self-response rates were drastically lower, 50 to 60 percent or under, while in less-diverse suburban areas, they were ultra high, at the 70 to 80 percent or more levels.

These disparities varied more in 2020 than in 2010. So people of color are at higher risk of undercounts than in previous Censuses. Yet, this is just one of many risks that this 2020 Census endured.

Besides the overarching pandemic, others included the citizenship question fracas, massive population movements, scheduling disruptions, natural disasters, and, of course, a shortened data processing period. Each exposes, or each poses, their own threat to Census accuracy.

But collection is done, so what's next? Well, we need transparency. The Census Bureau should release data needed to assess the quality of the counts by adopting the recommendations of the American Statistical Association and the Census Bureau's own Scientific Advisory Committee.

In closing, I commend the Census Bureau career staff for their dedication, scientific integrity, and oath to uphold the Constitution. They're esteemed and should be allowed to do their jobs unfettered with all due diligence.

Thank you again, and I look forward to your questions.
Chairwoman MALONEY. Thank you.

Mr. Salvo, you are now recognized. Mr. Salvo?

STATEMENT OF JOSEPH SALVO, CHIEF DEMOGRAPHER, POPULATION DIVISION, NEW YORK CITY DEPARTMENT OF CITY PLANNING

Mr. SALVO. Good morning, Chair Maloney, and members of the committee. On behalf of the mayor and the nearly 8.5 million people in the city of New York, I thank you for having me here today.

As New York City's chief demographer, my message today is twofold: One, the schedule for the decennial Census must provide the Census Bureau professional staff with enough time to do their jobs well, and in accordance with the rigorous statistical standards we expect.

The Census Bureau, two, must be transparent by releasing key indicators and giving Americans confidence in the Census.

The Census has been presented with challenges in the past, but few have been as formidable as those posed by the 2020 Census. Among the challenges we have faced, the most pressing has been the toxic mix of fear among many immigrants and their families, combined with the devastating pandemic.

Thus, the challenge of overcoming this fear in many immigrant communities has been hampered by the very absence of physical, on-the-ground outreach that has been shown to encourage response, especially self-response.

In an effort to cope with these extraordinary circumstances, the Secretary of Commerce and the Census Bureau leadership wisely reset the schedule for the 2020 Census last April. This provided more time for the all-important nonresponse followup, or, as demographers refer to it, NRFU, when Census workers knock on doors in order to enumerate those who did not respond on their own.

Unfortunately, this revised schedule was upended this past summer, greatly abbreviating the time the Bureau had in the field for NRFU and the time to process the data on the back end.

Why should we be concerned?

First, the very definition of usual residence was likely upended for many because of movement due to the pandemic, many persons who were not enumerated at their usual residence as of April 1, 2020, but in other locations—some students and others, for example—in temporary locations with family members or friends, or in second homes. For those whose usual residence was in New York City on April 1, the Census Bureau needs time on the back end to adjust their residence, as defined by the Census Bureau.

Moreover, such confusion among respondents over where they were supposed to be enumerated in the middle of a pandemic is a virtual guarantee that large-scale duplication of responses will occur. Deduplication, using data on forms that sometimes lack important basic information, such as a person's name, is laborious with substantial time required for successful completion of the process.

Second, to increase response, the Bureau allowed respondents to write in their addresses without a Census ID. This is fine for those who have regular known addresses that can be easily linked to the Census Bureau's master address file, but not for those who have

irregular addresses, where apartment numbers do not formally exist.

The Department of City Planning worked for more than two years identifying these addresses, by assigning them apartment designators and getting them on the Bureau's address list. But, without a Census ID, the Bureau needs to conduct additional work in the field during NRFU to match these irregular addresses to their master address file.

With less time in the field as a result of the abbreviated schedule, it is very likely that many of these cases need to be resolved by the Bureau as part of back-end processing, which, as we all know, has now—has been truncated.

Third, there is a serious concern about how the Census Bureau, in the midst of a pandemic, achieved a 99-plus percent completion rate in parts of New York City where self-response over a period of five months was less than 50 percent, given this shortened NRFU timetable.

The answer is that, "completed," in quotes, or "resolved," again in quotes, does not necessarily mean—and I quote, "enumerated by a household member," close quote.

But what does it mean? It could mean that the enumerator determined the unit to not exist. It could mean that the unit was deemed to be vacant. The cases could have been resolved by contact with a proxy respondent, or by our administrative records, such as tax returns, Social Security records, or the final determination could be an outright refusal or no determination could be made for what was believed to be an occupied unit.

The Census Bureau needs the time to assess these cases, to evaluate the use of administrative records, or to assign a count to households known to exist using a procedure called statistical imputation.

Moreover, metrics need to be produced that reflect how this Census was actually completed. For example, what was the level of deduplication? How many persons needed to be reassigned to their April 1 residence?

To conclude: One, the schedule for the decennial Census must provide the Census Bureau professional staff with enough time to process, evaluate, and correct what we all suspect will be an increased volume of problems with this Census due to the pandemic.

And second, the Census Bureau must be transparent by releasing key indicators endorsed by the Census Quality Indicators Task Force of the American Statistical Association. Moreover, these metrics have to be provided for small geographic areas, sub-state geographic areas, Census tracts, the building blocks of New York City's neighborhoods.

This will not only provide data users with confidence in the quality of the data, but will allow the Bureau to maintain its credibility as the Nation's premier statistical agency.

I thank you, and I look forward to questions.

Chairwoman MALONEY. Thank you.

Mr. Landry, you are now recognized. Mr. Landry?

STATEMENT OF JEFF LANDRY, JEFF LANDRY (MINORITY WITNESS), ATTORNEY GENERAL OF LOUISIANA

Mr. LANDRY. Thank you, Chairwoman Maloney, Ranking Member Comer, and members of the Oversight and Reform Committee. It's a privilege to be with you here today.

Where we'd be productive today would be for every member of the committee to stipulate that they are in full support of legal immigration. It would be a great place to start.

If we can start from that premise that all of us support legal immigration, then we can proceed to deal with immigrants that, for whatever reason or circumstance, are in this country illegally. From there, we would move to what the definition of a citizen is, because to have a Nation, we must have citizens.

To be a citizen means to belong to a sovereign and be bestowed with all of the rights, privileges, and protection of that sovereign, like being eligible for the draft; serving in the military; standing on a jury; voting; contributing to Social Security and other safety net programs; having the allegiance to our country. As the attorney general and citizen of this country, I take special interest in this issue.

This committee is aware that the Constitution requires a count of persons living in the United States every 10 years for the purpose of representative reapportionment, and it places the responsibility with Congress to direct the count by law.

To that end, Congress, you all, gave the Secretary of Commerce broad discretion to determine the form and contents of each Census. It similarly charged executive with reporting those results of the apportionment determinations to Congress.

An example of the Secretary's broad discretion can be seen in apportionment of overseas servicemembers. Depending on several characteristics of their service, they are counted either at their usual place of residence, or at their military installation. Foreign nationals, tourists, and corporate entities are excluded from the count and apportionment, even though they are technically persons under the law.

These alterations come from policy directions of the Secretary, and they are consistent with the language of the Constitution and the goal of promoting equality. They ensure an accurate Census and a fair apportionment, as the law requires. This was President Trump's goal when issuing his memorandum to the Commerce Secretary.

The President's memorandum relies on the powers granted to the executive branch of government by you all, by Congress, and the Constitution. Its aims are simple: to restore equality in voting power by excluding illegal immigrants from the reapportionment base. This is not a difficult fix, certainly not as drastic as, say, adding another State to the Union.

The fate of three seats does not upend the balance of power. We should always seek to ensure the balance of power, and recognize that an illegal immigrant's presence should not give one state power over voters in another state.

By counting illegal immigrants in the reapportionment base, the Federal system incentivizes states to work against that system, and against each other. Sanctuary policies that entice illegal, entry

enshield wrongdoers from justice, undermine community safety, and the rule of law. But those states and cities implementing these policies also see increased power on the Federal stage, thus disenfranchising other states.

In this cycle alone, illegal immigrants are projected to grow in giant states like California, Texas, and New York, while states like Ohio, Alabama, and Minnesota, would each lose congressional representation. To reiterate, people unlawfully in this country are causing long-standing changes in our democracy by simply being counted.

As the Supreme Court has recognized, few interests are more vital to a state than the extent of its representation in the House. Allowing illegal immigration to distort congressional apportionment works an injustice to every state, not just to those bound to lose seats.

Illegal immigrants must be excluded from the reapportionment; otherwise, they disenfranchise other states by unfairly distorting the apportionment of House seats in favor of states with higher concentrations of illegal immigrants. When determining the appropriate balance of power amongst those that wield it, the Constitution demands that all votes be given equal weight. We cannot achieve that precise balance until we adopt policies laid out by the President.

I thank the committee for this time, and I'm happy to answer any questions.

Chairwoman MALONEY. Thank you.

We're having some connection issues and, with Mr. Landry's presentation, he was wrapping up his presentation, so I feel that I now recognize myself for five minutes.

I'd like to begin by asking about the new internal documents obtained by the committee. These documents describe at least 15 different problems the career professionals at the Census Bureau have identified in the data.

They also show that career staff have warned the Trump administration that complete and accurate data will not be ready until late January or early February. As I explained earlier, the Trump administration did not want us to see these documents, but we were able to obtain them nevertheless.

I understand that our witnesses have now had an opportunity to review these documents, so I'd like to start with a simple question, which I hope you can answer with a yes or no:

If the administration disregards these data problems and rushes to submit Census data before these problems are fixed, would you have a high level of confidence that the data is complete and accurate as required by the Constitution?

Mr. Salvo, yes or no? I can't hear him.

Mr. SALVO. No.

Chairwoman MALONEY. OK. Mr. Santos, yes or no?

Mr. SANTOS. No.

Chairwoman MALONEY. Mr. Mihm, yes or no?

Mr. MIHM. Not until they're fixed, no, ma'am.

Chairwoman MALONEY. OK. Mr. Santos, I'd like to ask about a specific problem described in Document 1, No. 1. In this document, career staff identified a data error that could result in skipping

records for people who are counted in group quarters, such as college dorms, nursing facilities, and military barracks. Career staff warned that this impacts more than 16,000 records, and if not corrected, quote, “may result in undercounted persons,” end quote.

Mr. Santos, why is it a problem to undercount people in group quarters? What is this about?

Mr. SANTOS. Well, group quarters are—represent individuals in situations like nursing homes, college dorms, homeless shelters, and the sort. It’s important to count them, because they are residents of the United States, and the Constitution requires the Census Bureau to count individuals who are residents.

And, with that, it’s not surprising that the Census Bureau has encountered a problem with group quarters since the group quarters enumeration was disrupted during the pandemic.

So I am not surprised at all that, roughly, perhaps half of the list of problems that have been revealed thus far are related to group quarters.

Undercounting results in underrepresentation. It results in fewer Federal fund allocation. It results in an inability to properly plan in urban and rural areas. So we simply can’t let that happen, and I encourage the—that the Census Bureau, as I said, be allowed enough time to sort all of this out, and to do the best job it can to come up with the most accurate counts that it can.

Chairwoman MALONEY. Thank you.

Mr. Salvo, also in Document 1, career officials identified another error affecting about 46,000 records from people who filled out paper questionnaires in nine states. The career staff wrote, and I quote, “if this error isn’t corrected, demographic data for persons will be missed and may impact the final compilation counts,” end quote.

So, Mr. Salvo, what could the impact be if final state population counts and demographic data are not accurate?

Mr. SALVO. My main point would be—

Chairwoman MALONEY. Mr. Salvo?

Mr. SALVO. Yes. The Census Bureau in, those documents, talked about how maybe the problems that they were discussing affected maybe seven-tenths of a percent of the population. The important point to make is that that is not evenly distributed over the geographic areas of the country, and that there are some areas that will be more greatly affected than others. Anything that compromises the content of the decennial Census will be felt more in some areas than in other areas, and it’s important to note that.

And, if I may, Chairwoman Maloney, comment on the group quarters? Can—would I—can I comment on that, please?

Chairwoman MALONEY. Yes.

Mr. SALVO. OK. The Census Bureau, because of the truncation of the schedule, they stopped an external review of the group quarters facilities that would be included in the Census. They truncated it greatly. That’s the first point.

And the second point is there are some jurisdictions in this country with large numbers of GQs, or group quarters, that define who they are. And it’s a distribution that affects some areas much more than others.

But, insofar as your question on content goes, we are very concerned that the truncation of the schedule, less time in the field to get those answers, has caused the Census Bureau to push their enumerators to a point where, frankly, we've compromised the data itself.

And that's what the metrics that the American Statistical Association has promoted. That's what it gets at. And that's not in the memo, OK? That's not in the memo. We need to go beyond the memo, the quality of the data that they have, quote, "corrected."

Chairwoman MALONEY. Thank you. Thank you.

Mr. Mihm, let me ask about the last page of Document No. 1, where it lists considerations and risks. In the final bullet, the career staff set forth a stark warning. They explained that they are working on a comprehensive patch with more than a dozen individual patches to address all these problems. But then they say this, and I quote, "if the sequencing of patch deployment isn't executed properly, it may result in other data anomalies," end quote.

Mr. Mihm, in other words, if they try to rush this, they could aggravate the process and result in even more problems. Is that right? Mr. Mihm?

Mr. MIHM. Yes, ma'am. There is two actual concerns that we have, and I think that are shared by the Census Bureau. One is the rushing, as you mentioned. These patches have to be put in place, they have to be tested, and then you have to see whether or not you have to do the comprehensive fix to see whether or not they all work together.

And we're still talking about the first stage of the data processing. There is other stages yet to come before the apportionment data comes out. The Bureau is certainly going to be looking at that. We know from history that there will—they can expect that there will be additional anomalies that will show up there. The expectation, of course, based on history, is that they will be fewer and less significant, but we're not certain of that.

And I—and if I would say, if there is something that is probably keeping the Bureau up at night as they process it, that is probably it. What is going to be the second round, if any, of anomalies, how big will they be, and will they be more than historically expected?

Chairwoman MALONEY. And could that lead to less accurate data and even more delays, correct? Mr. Mihm?

Mr. MIHM. It could certainly lead to more delays. And, you know, the important thing to—as a number of people have already pointed out, is that what we are dealing with, with relatively small numbers, in a country of, you know, 330, 340 million people, yet the small numbers are what turned the last congressional seat.

In 2000, for example, the last seat was determined on a population difference of less than 1,000 people. In 2010, it was less than 16,000 people.

Now, you know, I don't want to imply that all of these problems are that, you know, concentrated, that they're going to turn one seat. But, rather, it's—you know, small numbers are—do have a big impact at this point in the Census.

Chairwoman MALONEY. Thank you.

Clearly, the data errors in these internal documents are significant and widespread, affecting all 50 states. They must be fully ad-

dressed by career experts, and our committee must be given the documents we requested in order to verify that these errors have been fully addressed.

I thank all of the witnesses, and I'd now like to call on Mr. Massie. You are now recognized for questions. Mr. Massie?

Mr. MASSIE. Thank you, Madam Chairwoman.

I'd like to ask Attorney General Landry if he could go through again for us how the counting, or the Census counting of illegal immigrants, unfairly biases representation here in Congress for certain states. And if he could explain to us which—how that's going to affect apportionment coming up in the next cycle. I believe you're on mute.

Mr. LANDRY. Sorry. Thank you.

Sure. So, if you take states such as rural states with large—larger populations of, say, senior citizens, or states with large populations of African-Americans or poorer states, those states should be apportioned equally, right, and they are all citizens in the country and should be counted.

Those states, such as California, that embrace the sanctuary city policies and basically attracts illegal immigrants to those cities, are then unevenly weighted, and so those citizens in other states are, therefore, disenfranchised when we reapportion the seats in Congress.

And so, that's exactly what the President was recognizing. He wanted to make sure that all citizens were represented equally in the country in the U.S. House of Representatives.

Mr. MASSIE. So, if California gets an extra seat, or two extra seats, because we're counting illegal aliens in California, those—there are only 435 seats in Congress. That means that some state, or states, somewhere, are going to lose representation. Is that correct?

Mr. LANDRY. That's correct. So, right now, based upon what we're seeing, you would think that—what we're seeing is that Minnesota, Ohio, and Alabama, may be losing a congressional seat. So, therefore, African-Americans in Minnesota, Alabama, in Ohio, senior citizens in those particular states, are, therefore, going to be disenfranchised at the expense of illegal aliens in California.

Mr. MASSIE. And then, this sets up a perverse incentive for states to—if they want to get another representative in Congress, to incentivize illegal immigration into their states, doesn't it?

Mr. LANDRY. That's correct. It's going to create basically a competition between states to try to attract illegal immigrants in their states rather than, the way that Ronald Reagan always said, that people can vote with their feet, by basically going into states—citizens moving from one state to another based upon, say, economic means or opportunities.

It was interesting that we heard from one of the witnesses when he talked about the amount of resources that could be restricted to, say, minority communities or, again, to senior citizens. Again, counting illegals in that basically, again, take resources away from minority communities in other states, like Minnesota, Alabama, and Ohio.

Mr. MASSIE. Thank you, Attorney General. You know, I'm glad we had a chance to discuss this issue in this hearing, because a lot

of my constituents are incredulous when they find out that the Census actually counts illegal aliens who are in this country, and that apportionment is therefore—is then based on that. They don't even believe that that's actually happening, but it is happening.

So, I think it's—I think it's good that we had this hearing for that reason. But there are other hearings we should be having that we're not having, Madam Chairwoman. For instance, you know, this stimulus bill that we passed, the \$1,200 checks, we just found out a billion of those, \$1 billion worth of those—I'm sorry, over \$1 billion of these stimulus checks went to deceased individuals, and the check says "deceased" on it. I'd like to have a hearing on why are we sending \$1,200 checks to deceased people?

Also, it just came out in an NPR article that the IRS admits that they are sending \$1,200 stimulus checks overseas to non-Americans. Why are we sending—when we have Americans in need, why are we sending \$1,200 stimulus checks to non-Americans overseas?

I had a Norwegian who sent me a copy of his father's check. The man's lived in Oslo since the 1970's. He's a Norwegian citizen, not a dual citizen, received a \$1,200 check, does not file a U.S. tax return. Can we please have a hearing on the waste, fraud, and abuse—and I've just scratched the surface—that's gone on with this stimulus program?

Adding insult to injury, I know hundreds of my constituents, many of them in the military, who still haven't received the \$1,200 check. I think it's an insult to our soldiers serving overseas, that, you know, I know it's hard to get people to respond to the Census sometimes, but we know every member of the military. We tell when to get up, what to eat, when to go, yet we can't find them in order to send them a \$1,200 check, and we're sending them to rich Norwegians overseas. I think this is a problem, and it deserves a hearing.

And I yield back.

Chairwoman MALONEY. I thank the gentleman for his questions, and the GAO did, in fact, do a report on checks going to deceased persons and pointed out ways to stop that. There is legislation in the—before Congress right now that would stop that process from going forward. We will have a hearing on it and followup on it.

And I now recognize Ms. Norton. Congresswoman Norton?

Ms. NORTON. Thank you very much, Madam Chair. I thank you for this hearing. I think it's very important that we get beneath the surface, and this hearing is doing that.

Now, I have a particular question, because I was a professor of law at Georgetown Law School before I was elected to Congress, and I even continue to serve—that is, to teach one course at the law school, after coming to Congress.

So, I'm particularly interested in students, because I recognize that they present a major challenge. After all, they often have what amount to two addresses. They live at home, and they live off campus. Yet, they are supposed to be counted in their off-campus, or house—dorm housing. But, of course, COVID now complicates matters, and many of them have been forced to go back home.

Mr. Mihm, I'm concerned about counting these students, particularly since, even before the virus, the Department of Commerce In-

spector General found that the Census Bureau had been undercounting off-campus student households.

Now, that's—I guess that's before we got into the present complications. They said that the Bureau's efforts to collect data on off-campus students from college and university administrators—and here I'm quoting them—will not mitigate the risk of an inaccurate count because the Bureau has not—does not have a final plan in place to use off-campus student data.

Now, when you consider the complications of the virus, that really concerns me, Mr. Mihm.

Are you concerned that college students who live on off-campus will be undercounted, and what do you think we should be doing about it, especially given what the Census Bureau had to say about this matter, that this report was issued on August 27?

Mr. MIHM. Ma'am, your concern is very, very well-founded, and what's interesting is that, historically, college students living at school have been among the most overcounted population—that is, double-counted, that they are counted both at their university, usually where they should be, because it is their usual residence, and they find that their family will also count them back at home. You know, and so it's typically been in the other direction.

The Census Bureau did work very hard with universities to try and get an accurate count of the students in—both in their dorms. That was an easier kind of lift for the Census Bureau to work with the universities who would have been there. The much more difficult one, as you're pointing out, is for students that were living in off-campus housing.

In some cases, the universities had that information and shared it. In many cases, they didn't have the complete information of students living off campus. And, in some cases, they were reluctant to share that information with the Census Bureau.

The basic procedures that the Census Bureau would use in those circumstances are consistent with what you would use in—to enumerate any other unit, using proxy data, other administrative data when they could, and, in the end, if they have to, using imputations. But your question is very—the concern is very well founded, ma'am.

Ms. NORTON. Yes. Mr. Mihm, many students—according to information I have—what I heard them say, that many universities provided data to the Census Bureau about students in campus housing, but—and what I don't understand is they have not cooperated with requests to help count students who live off-campus. Why weren't they cooperating with these requests? They should have had that data.

Mr. MIHM. Yes. In cases where they did have that data and weren't willing to share it with the Census Bureau, ma'am, frankly, it's not clear why, or at least I don't have a good explanation so that I could, you know, inform you on that. You would think that they would be willing to do it. It would certainly be in the best interests of the university and the local community where that university resides to make sure that there is an accurate count in that community.

Ms. NORTON. I'm going to ask the chair to look into the matter of what the Congress can do to make sure that universities do, in

fact, cooperate in the future, because I don't see any reason for that. I don't see any reason for that.

Is my time expired?

Chairwoman MALONEY. Yes, it has, and thank you for raising it, and we will look into it and get back to you.

Ms. NORTON. Thank you.

Chairwoman MALONEY. I now recognize Mr. Gosar. You are now recognized for your questions.

You're still muted. You're still muted.

Mr. GOSAR. Can you hear me now?

Chairwoman MALONEY. Yes. Now we can hear you.

Mr. GOSAR. Thank you, Madam Chairman.

Well, I don't know how many times I can say it. It's ground hog today once again in the Oversight and Reform hearing today. How many times can we waste American taxpayer dollars to sit here for the Democrats' conspiracy theories? But here we go again.

When it comes to misrepresenting the data, the majority here has been all too happy to undermine the integrity of the Post Office, Postal Service—we'll keep that in mind—and the Census Bureau, to the American people to score cheap political points, only then to turn around and to critique their Republican colleagues for requesting hearings regarding integrity of the election because of reelection censorship and irregularities in the vote count. But apparently, even assuring integrity in the people's government has become a partisan issue.

But, since we are here, let's get to addressing these problems.

Mr. Mihm, thank you again for appearing before this committee and the several reports your team has issued on the Census. In September, when you were last here—appeared, I asked you about this unprecedented Census, and how technology and excellent field work by Census workers overcame the challenges posed by COVID and weather barriers.

In your team's December GAO report, is it true that you confirmed that the Census Bureau accounted for 99.98 percent of all households in America?

Mr. MIHM. Yes, sir. And, Mr. Gosar, it is a pleasure to see you again, sir. Yes, they—of their households, they've—overall, they've done very well—

Mr. GOSAR [continuing]. For the Bureau to tally the Census. Your report raises concerns of the amount of time it has to complete an accurate Census. I'm sure it would have helped if the Census were allowed to end its data collection phase on the September 30, like it was supposed to. But, instead, liberal lawsuits granted in liberal Federal courts, which halted the ending of the Census by 15 days.

There seems to be excuse after excuse to move the goalpost, whether it's COVID, lawsuits, or even weather, all in the concerted effort to have final counts to be done past inauguration in the hopes of having it out of the hands of the Trump administration.

Thank you, Mr. Mihm, again, for you and your team's work, and thank you for our Census workers and the technical support, which has allowed for an unprecedented response rate and tabulation, which means to ensure that the American people are counted accurately and in a timely fashion.

Attorney General Landry, in a democratic society, “one person equals one vote” is a fundamental notion. The inclusion of illegal aliens in the apportionment count dilutes this principle, however, because it grants states more seats in the body than they have legal voters. In the followup on this election, ensuring that each vote is counted and recorded properly, is something—is there something we must ensure, and that starts with granting all Americans an equal vote in the Congress?

I want to take issue of the vote dilution one step further. One strength we had in the Census is its accuracy, which I have previously mentioned. Yet, every day, hundreds of Americans leave states like New York, Illinois, California—[inaudible]

Mr. CONNOLLY. I can't hear anything.

Chairwoman MALONEY. Wait. We're having some connection issues. We're going to go to Representative Connolly for his questions, and back to Mr. Gosar if he needs more—to complete his question. Mr. Connolly—Representative Connolly, you are now recognized.

Mr. CONNOLLY. Thank you, Madam Chairwoman. Can you hear me?

Chairwoman MALONEY. Yes, we can.

Mr. CONNOLLY. Thank you. And first of all, let me begin by thanking you. You have been a stalwart on the on whole issue of the Census, and your leadership matters a great deal, and I salute you and thank you on behalf of my constituents for your advocacy of an accurate but careful Census. And thank you, Madam Chairwoman, for that.

Mr. Mihm, the internal documents obtained by the committee explain that the Bureau will, in fact, not finish fixing the 15 anomalies it has identified and verifying the final Census count until late January or even possibly early February. How important is it that the Bureau correct these data anomalies before moving on to the next step in data processing and completing the Census count?

Mr. MIHM. Mr. Connolly, the Bureau believes that it is absolutely vital that they be corrected before they go on. These 15 are what the Bureau has referred to as the critical anomalies, and critical isn't a function of size. It's those that are directly centered on the apportionment counts. And so they can be small. Some of them, of course, are quite large. They need to be fixed before you move on to the second stages, and so that's—and that's in the Bureau's view and, obviously, we would share that view with the Bureau.

Mr. CONNOLLY. Thank you.

According to the Bureau's internal documents again, the time needed to correct those anomalies, which you say is essential before proceeding, include the need for preparation, development, testing, and implementation of fixes. Would you agree that there is just no plausible way to rush or shortcut that collection process without further compromising the quality of the data itself?

Mr. MIHM. Well, certainly, sir, rushing or shortcutting would just be an enormously risky situation, and that's what we are focused on with the Bureau. We have asked them for quite a bit of documentation. We haven't received it yet. It's being reviewed by the Department of Commerce and general counsel over there.

So we want to see what is the critical path. What is actually, you know, their timeline that is going to get them to delivering the apportionment counts. We've heard, as many others have, they don't have a firm date. They are looking to get it in January at some point.

Mr. CONNOLLY. Yes. And I think it is important to remember that with respect to apportionment, I mean, you know, this is really life or death for many, many communities, whether a state loses a Representative or could have gained one but for the lack of accurate data does not, let alone the allocation of Federal resources.

So, I mean, the stakes are very high for communities all over the country that we get this right, that we take the time to make sure we get it right.

Mr. SANTOS, you are president elect of the American Statistical Association, an organization that seeks to promote and practice the profession of statistics, a really engaging process.

Do you believe outside experts should have the opportunity federally to review the Census data before apportionment count is finalized? And, if so, why?

Mr. SANTOS. Absolutely. I am actually a big believer in community-engaged research. Oftentimes folks and programmers running diagnostics to find errors don't realize that they have missed something that's crucial, and the only way that that can be uncovered is by becoming transparent and allowing researchers outside of the Census Bureau access to those data so they can see if basically it passes the laugh test in their local community.

I've heard instances where prisons ended up having a zero population because they were allocated by mistake to the counting next door. Those types of small changes may not affect a state count, but they certainly will affect Federal funding and planning, and so forth, within a state. And I'm very concerned about the within state population accuracy.

Mr. CONNOLLY. Final question, and maybe to you, Mr. Mihm, again, but there are states that have statewide elections next year. You know, many of us focus on, you know, the other 40-something states that have elections coming up in 2022. But, frankly, this Census data traditionally has been made available early to Virginia and New Jersey and Kentucky, I believe, but certainly New Jersey and Virginia because we have gubernatorial and statehouse elections next year, and so we have got to have the reapportionment data to be able to reapportion in time for our elections next November, less than 12 months away.

How might the documents we have uncovered with respect to the Census, internal Census deliberations, and the possible delay of that data until January or February, how might that affect states that have early elections and are desperately in need of early Census data in order to do their reapportionment before every other state?

Mr. Mihm.

Mr. MIHM. Well, Mr. Connolly, as a fellow Virginia resident, I am well aware of what you're referring to there. The biggest risk would probably be the knock-on effect for redistricting data. As you know, that comes a few months after the apportionment data, and if the

Census Bureau runs into challenges with—further challenges that delay substantively the apportionment data that then have a knock-on effect for re districting data they take that into the later spring, my understanding is, you know, from all that we have seen, that that could put some pressure on the states that do need to re-district for legislative races this fall.

Chairwoman MALONEY. The gentleman's time has expired.

And Mr. Gosar still is not ready to complete his questioning. All right, we are having difficulties connecting with him.

Mr. HICE, you are now recognized for questions.

Mr. HICE.

Mr. HICE. Can you hear me?

Chairwoman MALONEY. Yes, we can.

Mr. HICE. OK. Thank you very much, Madam Chair.

Just going back and looking at some stats from the past, in the 2000 Census, under Republican control, two years before the 2000 Census, there were 18 hearings. The 2010 Census, Democratic control of the House, two years prior before the 2010 Census were 11 hearings.

The years four and three prior to this Census, under Republican control, we had nine hearings regarding the Census. Now the two years prior to this one we have had only five hearings. And I must admit the biggest bulk of the five hearings that we have had over the last couple of years have been simply hearings to bash the President and the administration, not there were not some legitimate questions on the hearing—on the Census, there were; but, by and large, we were attacking the citizenship question and attacking Secretary Ross, and so on and so forth. But we have only had five hearings, and now today we don't even have representatives from the Census here with us again.

The Census is counting every person in the country as they are required to do, but the President is right by insisting that only those who are here legally be included in the process by which we as a Nation determine our governments.

And yet, here again, Democrats are intent on ensuring that they tie up this process in order to get a desired outcome, which, in essence, is to make sure that states with the largest number of illegal immigrants are actually rewarded with extra representation that they don't deserve.

So let me go—Mr. Landry, thank you for being here. I would like to ask you as I get started here, regarding the temporary restraining order and then the preliminary injunction from Judge Koh, that ignored the Secretary's obligation by law to meet the December 31 deadline to submit a final report to the President.

Do you agree with that?

Mr. LANDRY. Yes.

Mr. HICE. OK. So was that then, in essence, compelling the Secretary to ignore or perhaps even break the law?

Mr. LANDRY. Yes. Yes, it was.

Look, the whole topic here is that California was basically hoarding resources of the Census Bureau when those resources were needed in other states in order to complete the Census count on time.

Mr. HICE. Well, so let me ask you, just in your experience, for judges to order illegal action, is that a common practice by judges?

Mr. LANDRY. In the Federal courts, in the liberal courts, yes, it is, unfortunately; but it shouldn't be. The judges should be bound to apply the law and the facts.

Mr. HICE. So you described in two different amicus briefs how the residents of your state stand to have their right to equal representation diminished by these two really perverse legal efforts: One compelling the law to be broken; the other counting illegal aliens in the apportionment which actually rewards breaking the law.

Is that—

Mr. LANDRY. That's correct, yes. I got a little confused between the two cases. We filed amicus in an intervention in California in one case, and then the New York case that you may have been talking about earlier was where the

[inaudible] were trying to basically ensure that we did not count illegals for reapportionment, in order to reapportion the House districts.

Mr. HICE. Right. And both of those have had—stand to have a negative impact on your state.

I go back, and I just think of the Democrats in this community, I go back to April, and in this committee, with COVID as it was at that time—of course, April was a very insecure time. No one knew what was going on. But in this committee the Census stated in April that they were going to need a four-month delay. But I would also remind everyone that it was also in April that the Postal Service announced that they were going to be insolvent by September.

Of course, that did not happen. There was a lot of uncertainty going on in April, and as was brought up here a little while ago, the Census met with us in August of this year saying that they were going to be able to meet the December deadline.

So things that were predicted, that were feared just simply never happened.

Mr. Mihm, what was the enumeration rate at the end of the 2010 Census? Do you remember?

Mr. MIHM. The enumeration rate done—I'm sorry, sir. Do you mean the undercount from the 2010 Census or—

Mr. HICE. Yes, the enumeration rate. I mean, you said awhile ago that the one this year is 98.98. What was it in 2010? Do you remember?

Mr. MIHM. I'm sorry, yes. It's a little bit of an apples and oranges, but what this is is when the Census is all done, they do a major coverage measurement effort in order to assess the quality in the Census.

The 2010 Census continued a pattern of improvement over prior censuses and had a net overcount of about .01 percent. As was mentioned earlier by Mr. Santos, that was different, though, by demographic groups. You did have a net undercount of non-Hispanic Blacks and Hispanics and American Indians living on reservations. But the overall with a .01 percent overcount. Again, that—

Chairwoman MALONEY. The gentleman's time has expired, but the gentleman may answer the question.

Mr. HICE. He did answer the question, ma'am. I would just like to conclude by saying I would love to be able to ask some of these questions to Census, but, obviously, I can't because they were not even invited to be here today. Hopefully, we will be able to speak to them in person in the future.

And I yield back. Thank you.

Chairwoman MALONEY. Well, I do want to say that some of my colleagues have complained that officials from the Census Bureau or the Commerce Department are not here today. Well, let me just say that nothing is off the table going forward. We can invite them.

This hearing was called because the Trump administration refused repeatedly to share information that the Oversight Committee requested over and over with our committee. We had to learn about major problems not from the Census Bureau but from the press. And then, finally, we got more information from alternative sources that brought the information to us and felt that we should have it.

I must say that we have invited—we ask for information from Secretary Ross and from Director Dillingham, and they refused to give us the information. That is why we are now discussing the information that we got from an alternative source.

We can certainly have Mr. Dillingham and Mr. Ross back to another hearing next week. If you would like to request it, we will certainly grant that to you.

Mr. HICE. We have——

Chairwoman MALONEY. And the current status is—excuse me. The current status is that we wrote to Secretary Ross yesterday, and we gave him one week to complete—a complete amount of documents that are unredacted, a set of documents we requested last month, and if he does not, then he could very well face a subpoena.

And I will also consider whether we need to hold another hearing to hear directly from him and Secretary Ross. And if you request it, Mr. Hice, we will certainly do it. And I hope that he cooperates voluntarily.

Now, I have to announce that we have to take a very brief recess because we have a vote——

Mr. COMER. Madam Chairwoman——

Chairwoman MALONEY.—the caucus meeting right now, and I want to give all of our members the opportunity to vote.

The committee stands in recess for five minutes.

[Recess.]

Chairwoman MALONEY. The committee will now come to order.

The Chair now recognizes Congressman Raskin. You are now recognized, Congressman Raskin.

We can't hear you yet.

Mr. RASKIN. Can you hear me now, Madam Chair?

Chairwoman MALONEY. Yes, we can. Thank you. We can hear you.

Mr. RASKIN. Good. Thank you very much.

Mr. Santos, is there any statistical benefit in requiring the Bureau to deliver apportionment data by the end of the year despite having been forced to suspend field operations for three months? Shouldn't the Bureau actually have been given more time than usual to finish its work rather than less?

Mr. SANTOS. I concur with that statement. As far as risks of accuracy of counts are concerned, the shorter amount of time that the Bureau has to produce quality data, the higher the risk that something is going to go wrong.

Mr. SANTOS. OK. Do you agree with this decision to rush the count and data processing could affect the quality and the accuracy of the data assembled?

Mr. HICE. I cannot see Mr. Raskin.

Mr. MIHM. Yes, sir. Thank you.

From the data processing standpoint, it does have risk. The initial plan from the Census Bureau—this is all pre COVID—was to have 150 days of data processing. That then went down to about 90 days, and now it is down to 77 days.

And so, it does put more pressure on them to both be able to identify anomalies and then properly be able to address those anomalies that they do identify.

Mr. RASKIN. OK. Thank you.

Madam Chair, am I visible now? I was being told I wasn't on. Chairwoman MALONEY. You are now visible.

Mr. RASKIN. OK. Thank you.

So, Madam Chair, I heard some of our colleagues refer to wild conspiracy theories, but they never got around to the major one emanating from the President of the United States today who invites us to believe that somehow there is a conspiracy of dozens of Republican and Democratic election officials and Secretaries of state around the country, Federal and state judges around the country, all of whom have rejected his ridiculous and nonsensical attacks on the election.

So just as the President has been waging sabotage on the American electoral process, he has been waging sabotage and war on the Census, which is, of course, central to the success of the electoral process in America.

The administration tried to impose a citizenship question on the 2020 Census completely outside of lawful channels and in a way designed to distort and depress Census participation. It refused to back off this plan until the Supreme Court struck it down as arbitrary and unlawful.

Then when coronavirus hit and forced delays in the Census and Secretary Ross and Director Dillingham originally tried to do the right thing by seeking a 120-day extension to deliver the apportionment counts to the President, then politics took over again and the President reversed course.

And in September the administration abruptly forced the Bureau to shut down data collection a month early and insisted that it still produce the final results by December 31.

So, he we are just seeing a series of outrageous attempts to undermine and subvert the 2020 Census, just like the outrageous attempts to undermine and subvert the 2020 election by the President. And now, of course, they want to ignore the plain text of the Constitution and overturn centuries of governmental practice by not counting all of the persons in the United States as clearly directed by the Constitution.

And, Mr. Mihm, let me come to you on that. Is it not the case that there has been an unbroken practice of more than two centuries of counting every person as commanded by the Constitution?

Mr. MIHM. Mr. Raskin, that is my understanding. What I can speak of from experience is I've been working on Census issues since the 1990 Census. In 1990, 2000, 2010, I don't recall this as being a topic even of minor conversation in any of those.

Mr. RASKIN. The 14th Amendment says Representatives shall be apportioned in several states according to their respective numbers, counting the whole number of persons in each state. And there are a number of occasions in the Constitution where the word "citizens" is used very deliberately and other occasions when the word "persons" is used.

And the reason why we have this unbroken practice going back to the very first Congress is because it is very clear that the Constitution said that when we count, we count the whole number of persons.

And let me ask you, if you were to follow the President down this particular primrose path, do we even have a way of counting people in different citizenship and immigration categories? Is there a data base in the Federal Government that states with accuracy the citizenship status of every person who is in the country?

Mr. MIHM. Mr. Raskin, unfortunately, I am not able to be overly helpful on that. That is not something that we have looked a lot at. I know that the Census Bureau is looking at literally dozens of different Federal data bases. The overall—the individual and collective accuracy of those data bases is not something that I can speak to, sir.

Mr. RASKIN. OK. And all of that is to say we are not set up to do this because it is not what the Constitution calls for. This is yet one more effort by the administration to politicize and destabilize and disrupt the Census in violation of the Constitution, the laws that we passed in Congress to implement the Census in more than 200 years of unbroken precedent.

I yield back to you, Madam Chair.

Chairwoman MALONEY. Your time has expired.

We will now go back to Mr. Gosar, and we will set the clock at two minutes and 30 seconds.

Mr. Gosar, you are now recognized.

Mr. GOSAR. Thank you. And sorry for the inconvenience, Madam Chairwoman.

I would first like to address the previous gentleman, my colleague from Maryland, in regards to his comments in regards to the election. I want to remind this committee that it is none other than the gentleman from Maryland that had some disbelief in regards to the voting machines that were utilized in 2016 and the fraud that was in that election.

In fact, the gentleman actually introduced legislation to actually—to have Federal oversight over the machines. So let's be careful what we ask for. And I think I would be watching Arizona as of yesterday and today in regards to what the machines have done and that has been picked up on. So I think all of us want a fair election. One legal vote is cast for one legal individual.

Attorney General Landry, I want to get back to you. You know, you were talking about the migration of votes from blue states to red states like mine. Do we have the means to track these migratory patterns to ensure that Americans count in, say, California several months ago who have since moved to Arizona are currently apportioned to their current location, not their former residence? Do we have the means to do that?

Mr. LANDRY. I'm sure we have of the means to do that, yes. I would believe that the Federal Government would have the means to track that.

Mr. GOSAR. And shouldn't that be part of the anomalies or the final dictation? Because we are seeing—I mean, my understanding is it is being reported almost 800 people a day leaving the New York state for Florida and southern states. So it seems like that would be a very valid number to follow, would it not, Attorney General Landry?

Mr. LANDRY. It would be an interesting number, and I would guess that the U.S. Postal Service would be able to provide that information to the Census Bureau based upon the fact that those people that would migrate from, say, a state like California and New York, when they would go and seek residence, say, in a state like Florida or Georgia or North Carolina would be changing their address.

Mr. GOSAR. Something like what we have seen Democrats actually do in Georgia is say, come and register in Georgia for this next election? Is that something—

Mr. LANDRY. I'm sorry, the question broke up. Could you repeat it?

Chairwoman MALONEY. Can you repeat the question, Mr. Gosar? You broke up.

Mr. GOSAR. Can you hear me, Madam Chairwoman?

Chairwoman MALONEY. Now we can hear you, but we couldn't prior.

Mr. GOSAR. Mr. Landry, we have seen Georgia Democrats actually ask people to come and vote in Georgia—

Chairwoman MALONEY. We can't hear you now. We are having connection issues.

Mr. GOSAR. I will submit my questions for the record. I yield back.

Chairwoman MALONEY. OK. Mr. Grothman, you are now recognized. Mr. Grothman.

Mr. Grothman, would you please unmute?

Mr. GROTHMAN. Can you hear me now?

Chairwoman MALONEY. Yes, we can.

Mr. GROTHMAN. OK. Good. Couple of questions.

First of all, with regard to immigrants, as I understand it right now, are there immigrants in the United States, particularly from Mexico, who are voting in Mexican elections, as I understand that? So we can go with Mr. Landry, but otherwise someone else can answer it too.

Mr. LANDRY. Could you repeat the question, sir?

Mr. GROTHMAN. As I understand it, there were articles a few years ago that Mexican immigrants in the United States, and par-

ticularly illegal immigrants, but Mexican immigrants are voting or vote in Mexican elections. Is that true?

Mr. LANDRY. I don't know that to be an accurate fact. But you can presume that if someone entered the country illegally and is still a citizen of Mexico, then they could either return to Mexico and vote—

Mr. GROTHMAN. Do any of the other three people want to answer that question? I mean, I found out, you just Google it and it shows up. I was right in remembering that happens, that efforts are being made by Mexican politicians to get people in America to vote in the Mexican elections.

Any of the other three of you folks have a comment on that?

Mr. SANTOS. I would say it is safe to presume it is true if you have a question following that.

Mr. GROTHMAN. Well, it is true. I mean, you just Google it, and you will find out that it is true. And I guess I think that is a little unusual. Is it then—I wondered if that is true where they register in Mexico—I assume they must have a permanent residence—and, if so, are they being counted for Census purposes in Mexico as well?

Anybody know?

Shouldn't we know that? We have four experts here. Are people who are here illegally in this country, are they being counted? I mean, I would assume within America—well, I will ask another question then.

If I am an American citizen and I want to spend three months, taking a student, spend three months in Great Britain as a student for the fall semester, am I then counted for the U.S. Census or not counted for the U.S. Census if I am actually going to be there for a year or less than a year? What happens there?

Mr. MIHM. Sir, Chris Mihm here. All I can speak to is what the residency rules that the Census Bureau uses or the U.S. Census Bureau is and that they would—

Mr. GROTHMAN. Well, my question is—see, it is highly relevant because we don't count people in two places, OK. If I live in Fond du Lac, Wisconsin, and I am a student at the University of Wisconsin at Madison, it was earlier said that we have a problem here because a lot of people double count, right? Mom and dad think Missy is a Fond du Lac resident, but maybe Missy is filling out her own form at the dorms in Madison. And we don't want her double counted.

I think it is highly relevant as to whether people who are in this country are being counted twice, in this country and in other countries as well. Does anybody know that? You are all experts on Census.

Mr. SANTOS. I can say definitively, based on Census Bureau research, that 8.5 million people were duplicates in the 2010 Census, and I expect that to be much greater this time around.

Mr. GROTHMAN. What percentage?

Mr. SANTOS. It was 8.5 million people were duplicate records, erroneous records that were included in the counts of the Census in 2010. And they, plus some erroneous inclusions, ended up counterbalancing the 16 million people that were totally omitted, missed

from the 2010 Census. And that is the only reason that the Census in 2010 was hyper accurate.

Mr. GROTHMAN. OK. So you believe this time as well it might be counting 8 million, 10 million people twice, be they college students—

Mr. SANTOS. I think the duplication problem is going to be on steroids and it's going to be much greater.

Mr. GROTHMAN. OK. Well, that is reassuring.

Is any effort being made to make sure that if people are saying their residence in Mexico, let's say, or any other country, that they aren't also residents here? Does the Census Bureau do anything about that?

No? We don't care? Or all of a sudden we don't worry about accuracies? We are so accurate that we have 99.98 percent of the addresses, we are doing something with them, but we have got millions and millions of people who might be double counted in this. And when you give me these double counted numbers, is that just people that are double counted living in this country or does that mean double counted like you are counted in the United States and in another country?

Mr. SANTOS. It's a combination of things. It includes the college students counted in college town, as well as home. It includes divorced families, each parent of which wants to claim their own kids. And it includes a lot of folks that have second homes. So if you live in Minnesota and like to spend your winters in the Rio Grande Valley, you can end up showing up twice because you filled out the form in each location.

Mr. GROTHMAN. Well, that is reassuring. We found something new today.

Chairwoman MALONEY. The gentleman's time has expired. Thank you very much.

And we now recognize Mr. Sarbanes. Mr. Sarbanes, you are now recognized.

Mr. SARBANES. Thank you very much, Madam Chair. Can you hear me OK?

Chairwoman MALONEY. We can. Yes, we can.

Mr. SARBANES. Great.

Mr. Santos, I wanted to get your thoughts on a few things. You co-chaired the Task Force of Census Experts at the American Statistical Association, and you have said in your capacity as co-chair that because it is data, our foundation for our democracy, commerce, and everyday lives, the Nation deserves publicly available indicators to assess the credibility of the final counts.

And I appreciate your testimony here today reinforcing this notion of accountability, of transparency, the accuracy of the data, and the importance of bringing in outside experts who can give the public more confidence that the Census is being conducted in an accurate fashion.

Are you satisfied that the Census Bureau has provided all the data that you and other experts need to assess the quality of the Census count?

Mr. SANTOS. Frankly, that simply has not occurred. We want very much for there to be more transparency. We've outlined in our document, in our work force report, the indicators that we know

exist and could be easily generated and put out to the public and to researchers so that we could establish for ourselves independently the quality of the Census counts.

There's no question that there are going to be strengths and blemishes to the Census counts. There are in any Census. However, this time, because of COVID and all of the challenges that I reviewed, I and others reviewed, over the course of our opening statements, we think that there is a severe risk for there to be highly differential quality aspects to the counts across the country.

Mr. SARBANES. I want to ask you about two relatively specific components of the data. One is getting these measures, these quality measures, assessed at the Census tract level. I would like you to speak to why that is important.

And then the second has to do with the nonresponse followup classes, and I understand those numbers sometimes can be put inside of the overall percent completion rate at the state level, but it is important to break out the nonresponse followup and understand exactly what has happened with that.

So, if you could speak to those two particular issues, I would appreciate it.

Mr. SANTOS. Sir, it is, as actually Joe Salvo has indicated, incredibly important to get detailed quality indicators down to the Census tract level because we need to know whether some communities—Census tracts basically are neighborhood level types of indicators. We need to know the extent of which there are real problems, not just knowing the total number of people there, but knowing their makeup so that we can plan for things like schools and fire stations, and things of that sort.

Not to mention—or not only that, but in terms of political representation, if you have a collection of Census tracts that is undercounted whereas the other, say, suburban Census tracts are overcounted, you are going to set up the inequality that—and inequity that we have heard throughout this hearing thus far, where individuals end up getting less representation and Federal funding than they deserve while others get more than they deserve.

Mr. SARBANES. I appreciate that. And I want to emphasize what you just said because, fundamentally, the Census is about giving every person in this country the opportunity to stand up and to be counted, and if you don't have that kind of accuracy at the Census tract levels, you just indicated you can have a situation where some—the voice of some people in some neighborhoods, in some communities is being given more weight than the voices of other communities and other individuals in our country.

And so, you can perpetuate some of the unfairness and imbalance distribution of sort of political power and voice across the country that already exists in so many ways. The Census ought to be combating that unfairness, making sure that everybody's voice is given equal weight. So, I appreciate you emphasizing that.

And that is why it is so critical, Madam Chair, that the accuracy and transparency and integrity of this process be protected, and I appreciate the opportunity to have us address that today in the hearing.

And with that, I would yield back.

Chairwoman MALONEY. The gentleman yields back.

Mr. Palmer, you are now recognized for questions.

Mr. PALMER.

Mr. PALMER. Thank you, Madam Chairwoman.

This is a rapid response question. It is a yes or no, so if you would answer yes or no.

General Landry, should we allow noncitizens, regardless of their legal status, to run for office in the United States?

Mr. LANDRY. Could you repeat that again, Congressman?

Mr. PALMER. I said should we allow noncitizens, regardless of their legal status, to run for office in the United States?

Mr. LANDRY. Oh, no, sir.

Mr. PALMER. OK. Mr. Mihm, same question; yes or no.

Mr. MIHM. Sir, that's not something as a support agency to Congress that I can offer an informed view on.

Mr. PALMER. Sure, you can. It is the law. I assume you are familiar with the law. It is a yes or no.

Mr. MIHM. To the extent it is consistent with the law, I would agree; but beyond the policy concern, that is not something I can speak to.

Mr. PALMER. Well, I am not asking you a policy question. I am asking you a question as to whether or not noncitizens, regardless of legal status, should be allowed to run for office in the United States.

Mr. MIHM. OK——

Mr. PALMER. Mr. Salvo, yes or no?

Mr. SALVO. I would say, based on the law, that would guide my judgment.

Mr. PALMER. Well, it is a yes or no.

Mr. SALVO. If the law does not permit it, the law does not permit it.

Mr. PALMER. So your answer is no?

Mr. SALVO. My answer is, if that is the law of the land, that is indeed the law of the land. I would have to respect the law of the land.

Mr. PALMER. Well, I am going to take that as an unmitigated you don't want to answer.

Mr. Santos?

Mr. SANTOS. Actually I very much resonated with Mr. Salvo's response. If the laws—if that is the law, then we should follow it.

Mr. PALMER. Then we shouldn't allow them—should we allow them to make financial contributions or in kind contributions to candidates?

General Landry, yes or no?

Mr. LANDRY. No.

Mr. PALMER. Mr. Mihm?

Mr. MIHM. Well, sir, the law should be followed on this, whatever the law will be, and it is beyond my knowledge of the precise requirements here.

Mr. PALMER. The law says no.

Mr. Salvo?

Mr. SALVO. If the law says no, I would respect that.

Mr. PALMER. Mr. Santos?

Mr. SANTOS. Consistent with the law, I would say no.

Mr. PALMER. Thank you.

Should undocumented residents, regardless of their—well, should noncitizens, regardless of their legal status, be allowed to vote in our elections?

General Landry?

Mr. LANDRY. No.

Mr. PALMER. Mr. Mihm?

Mr. MIHM. Again, it is whatever, sir, whatever the legal requirements are, we would believe the legal requirements should be followed.

Mr. PALMER. I will take that as a no.

Mr. Salvo?

Mr. SALVO. I would conform with the rules of the law. If the law—whatever the law says, I would respect that.

Mr. PALMER. Mr. Santos?

Mr. SANTOS. What Mr. Salvo says, I would say no.

Mr. PALMER. Well, I am—given those answers, should votes cast in this last election by noncitizens, including people residing here illegally, be counted and allowed?

General Landry?

Mr. LANDRY. Is that a yes or no?

Mr. PALMER. Yes or no?

Mr. LANDRY. No, they shouldn't be counted.

Mr. PALMER. Mr. Mihm?

Mr. MIHM. Votes should be counted consistent with the law, sir.

Mr. PALMER. Mr. Salvo?

Mr. SALVO. Same. Votes should be counted consistent with the law?

Mr. PALMER. Mr. Santos?

Mr. SANTOS. No.

Mr. PALMER. OK. Here is my point. Obviously a couple of you would like to equivocate on this a bit, but we really—we should count everybody, but not everyone should be counted for apportionment purposes.

And one of the reasons that that is the case is the transient nature of a lot of the people who are residing here as noncitizens. About a third of the people who reside here will not be here for the next Census. So it makes no sense to count noncitizens for apportionment purposes particularly when about six states account for over half of it.

General Landry, are you concerned about the fact that there are states that have declared themselves sanctuary states, in violation of Federal law, to protect people who are residing in the country illegally?

Chairwoman MALONEY. The gentleman's time has expired, but the gentleman may answer the question.

General LANDRY.

Mr. LANDRY. Thank you, Madam Chairwoman.

Yes, I'm extremely concerned. I've been concerned about it now for five or six years and have expressed and documented well known statistics that show how unsafe these communities are and that it is a public safety crisis.

Mr. PALMER. Madam Chairman, I couldn't see the clock, and that seemed like a quick five minutes.

Chairwoman MALONEY. Your time has expired.

OK. Ms. Kelly—

Mr. PALMER. All right. I yield back.

Chairwoman MALONEY. Ms. Kelly, you are recognized for questions.

Ms. Kelly.

Ms. KELLY. Thank you, Madam Chair. I didn't know I was next, OK. Sorry.

I want to ask our witnesses about what goes into fixing the data problems that career Census Bureau staff identify in the documents obtained by the committee. Document No. 1 includes a slide on page four entitled "Comprehensive Patch Development Test and Computation Strategy." This slide lays out a detailed 11-step process that the Census Bureau will follow to try to correct these errors. It includes developing patches to fix the errors, testing those packages—

Ms. LAWRENCE. Hello, Madam Chair. Can you hear me?

Ms. KELLY [continuing]. And then verifying that they solved the problem.

Mr. Mihm, why is it important for the Census Bureau to go through each of these steps when fixing the 15 different data problems they discovered?

Mr. MIHM. Well, thank you, ma'am, for the question.

The importance of this is that each of these 15 critical anomalies, as they refer to them being critical, has its own set of root causes, its own set of problems, and they need to make sure, as your question implies, both that they get the individual fixes right, but then the comprehensive patch, make sure that it all works together, that it can all come together again and provide an accurate count.

Again, this is just the first step or one of the early steps, I should say in, the data processing. They have more to do but even after the comprehensive patch is put in place and successful.

Ms. KELLY. Thank you.

Let me turn to another slide in the same document. Slide seven is entitled "Considerations and Risks." The fourth bullet states, "If the sequencing of patch deployment isn't executed properly, it may result in other data anomalies."

Mr. Mihm, why is it critical that the Bureau properly sequences the steps to fix each of the data problems they discovered?

Mr. MIHM. Because the key point there is that subsequent data processing is dependent upon the earlier steps, and so there is a critical path. In some cases, they can do processing, you know, simultaneously, different types of things. They're now at the point that they cannot move forward or largely cannot move forward to a subsequent step until they have fixed everything, all preceding steps. And that's the concern that they have now.

Ms. KELLY. OK. The three documents the committee obtained lay out the Bureau's detailed step-by-step timeline to fix these data problems. If the Bureau was forced to shortcut that process in the middle, could that impact the accuracy of Census data, Mr. Mihm?

Mr. MIHM. The short answer to that, ma'am, is yes. And I think that the Census Bureau professionals would certainly share that view as well.

Ms. KELLY. Thank you.

Document one also warns on page seven that more data problems could still be discovered. It states—and I quote—if anomalies are identified, they will be checked, assessed, and additional time may be required for comprehensive relief.”

Mr. Mihm, given that at least two new data problems were discovered in the last two weeks, do you think it is possible that the Bureau will discover additional problems over the next month that will take more time to fix?

Mr. MIHM. I'd go beyond that, ma'am, and say it's not just possible, it's probable. And the Census Bureau actually expects that there will be some additional anomalies, but they're hopeful—and that's based on history in 2010 and earlier.

What they're hopeful is that these will be manageable and relatively small, in which case then they think they can maintain a schedule. Where they would get problematic for the Census Bureau is if there are many of them or, you know, depending on the significance of those anomalies.

Ms. KELLY. Thank you so much.

It sounds to me like this is a process that cannot be rushed. The Bureau can fix these data errors, but that process must be done deliberately and carefully.

With that, I yield back. Thank you, Madam Chair.

Chairwoman MALONEY. Thank you very much.

And, Mr. Higgins, you are now recognized for questions.

Mr. HIGGINS. Thank you, Madam Chair.

Thank you, Madam Chair. Thank you for holding this hearing. I appreciate the witnesses for appearing before us today, especially my dear friend and Attorney General from Louisiana, Jeff Landry.

My colleagues have stated again and again during this hearing and others that we need to get this right, we need to get it right, the Census. I would agree.

But the most significant identifier for getting it right for the American people is the question of, after this Census, what will happen with apportionment regarding congressional representation in our representative republic as that relates to illegal residents present here in American, counted for the Census but used for the purpose of apportionment.

May I say that Americans, by and large, that I speak to across my district and across the country, are shocked when they are advised that this Census could result and likely will result in the reapportionment of congressional representation at the expense of legal rural Americans, state by state—several states could be impacted—to the benefit of illegal residents in densities of populations in states that are identified as sanctuary states.

It's shocking to Americans to think that their Congress, their Congressman or their Congresswoman, could be districted out, that their state could actually lose a seat so that California could get another seat because of illegal residents being counted for the purpose of apportionment.

Attorney General Landry, you and I have had long conversations about the Constitution. Our Constitution begins with “We, the people, of the United States.” It does not begin with we, the people of the world, or we, the people of the United States, plus whoever happens to be here illegally.

For the purpose of apportionment, sir, can you explain how allowing illegal residents to be counted for congressional representation apportionment, how that would impact America?

As a former Congressman yourself, and you continue to serve honorably, the entire Nation, I thank you, Attorney General Landry, please give America an overview of just how potential this problem and the reality of this is and what will happen? Where will these seats go? There are only 435 congressional seats.

Tell America, Attorney General Landry, what will happen if illegal residents are counted for the purpose of apportionment in this Census.

Mr. LANDRY. Well, to start off with, thank you, Congressman, I appreciate it. To start off is to recognize what the goal is in reapportionment, and that is for everybody's vote to be counted the same, to have equal weight across the country in the House of Representatives.

And so when you have a state with larger populations of illegal immigrants like, say, California, who can't even vote in those congressional—or are not supposed to vote in those congressional districts, but then you count them in the Census, you amplify the citizens who can vote, the legal citizens, in that congressional district against, you disenfranchise them.

You disenfranchise citizens, say, in Louisiana, right, because you are amplifying the votes of those citizens against the votes of citizens, say, in Louisiana, and, therefore, you are diluting those citizens in Louisiana whose votes are not being granted equally, say, to those votes in California. And that's the problem.

We should only be counting American citizens in the country in terms of reapportionment, so that as we apportion congressional seats across the country, American citizens are granted equal weight across the country in representation in the House of Representatives.

Again, you disenfranchise, say, African Americans in Alabama, Minnesota, Ohio this year who this decade may lose representation in those particular states because we are including illegal immigrants, illegal aliens in the Census count for reapportionment.

Mr. HIGGINS. Thank you.

Chairwoman MALONEY. The gentleman's time has expired.

Mr. HIGGINS. Madam Chair, time has expired. I thank you very much and God bless you, ma'am, for holding this hearing.

Chairwoman MALONEY. Thank you.

Mrs. Lawrence, you are now recognized for questions.

Mrs. LAWRENCE. Thank you so much, Madam Chair.

As you know, I represent the city of Detroit. And, Mr. Joseph Salvo, in your testimony you recognize how important it is, first, that it is enough time to deal with the problems caused by this pandemic and, second, that the data is transparent, detailed, and high quality enough.

In spite of extraordinary efforts, Detroit final self-response was barely over 50 percent. I fear too many households were counted using less reliable methods. Example: Examining administrative records, interviewing neighborhoods and landlords, and so on.

Is my concern legitimate? And, if so, what could that mean for the accuracy of our final numbers?

Mr. SALVO. Your concern is very legitimate, Congresswoman. Like in New York, we have many neighborhoods where self-response was very low. And as I have indicated, the Census Bureau has taken steps to close the gap, and in many cases those steps may not have resulted in actual contact with a household member.

We need to know so that we can have confidence in the Census and what they've done. We need to know how much of that happened. We need to know how many housing units were declared to be vacant, how many might have been deleted from their list. We need to know how many proxy responses were used. All of these will give us a gauge so that, frankly, we can have confidence that the career professionals have done what they need to do.

Mrs. LAWRENCE. I also want to state that an undercount in Detroit likely will cost the city 1.3 million CDC grants to help prevent childhood lead poisoning, which is an issue in our city. The money could have helped the city test more kids for lead.

Knowing this and what might be the effects of the anomalies on historically undercounted groups, specifically young children, low-income families, Black and indigenous and other communities of color, I want to know what can—how can we provide a guess on what kind of anomalies might come up in the next stage of data processing?

Mr. SALVO. I want to go to something that Mr. Santos said earlier about duplication, about the idea that the Census Bureau needs to get a handle on how many people were living as of April 1 in the city of Detroit, for example, or the city of New York. There was considerable dislocation. A lot of it we believe is temporary, but it caused a lot of confusion.

People may have answered in two different locations. The Census Bureau needs time to sort this out. If they do not sort it out properly, the number of people that would be, for example, put back into Detroit as of April 1 because they may have left or put back into New York City as of April 1 will be smaller than it needs to be.

I want to mention something earlier that has not come up, which is on the Census form itself, they ask if you have another residence or if you live someplace else, you lived elsewhere. It takes time to get that information, to look at administrative records, to look at all of the sources. Maybe they don't have a name on the questionnaire.

The Bureau needs the time to figure it out. If they don't, we could get hurt, the city of Detroit, the city of New York, and the funds that go with that will also take a hit.

Mrs. LAWRENCE. Thank you so much.

Mr. SALVO. Thank you.

Chairwoman MALONEY. The gentlelady yields back?

Mrs. LAWRENCE. I yield back. Thank you.

Chairwoman MALONEY. The chair now recognizes Mr. Keller. You are now recognized, Mr. Keller.

Mr. KELLER. Thank you, Madam Chair, and thank you to all the witnesses for being here today.

The Census is an incredibly important topic, and this committee's work on the matter has been essential for the hard-to-count people, like the rural parts of Pennsylvania's 12th congressional

District. We need to ensure the Census Bureau has the resources and support it needs to successfully complete this work.

By all accounts, Director Dillingham and the Census Bureau are on track to deliver a complete and accurate count. Anomalies being brought up during this hearing affect less than 63 one-hundredths of a percent of the data being processed, and the director himself has said that these types of anomalies have occurred in past Censuses.

While I appreciate the chair holding this hearing today, the President's executive order on apportionment should not be controversial. Since we do not use data about the number of people visiting this country for the purpose of determining congressional districts, by that same logic, we should not use the number of illegal aliens either.

Mr. Landry, what kind of discretion does the executive branch have to promote equity when determining apportionment numbers?

Mr. LANDRY. Well, first and foremost, Congress has granted the executive department tremendous amount of discretion in order to conduct the Census count, and—and so they're—and, of course, they have to comply with the Constitution as well. And so, the Supreme Court has said so much in a case called *Franklin v. Massachusetts*.

So there is no question that excluding illegal aliens from apportionment promotes equality, because it prevents voter dilution. It's interesting that many of the witnesses today, especially Mr. Santos, has consistently reiterated—and I agree with him—that people of color are being disenfranchised, but I would submit that they're being disenfranchised because we're—we are including illegal aliens in the count for reapportionment.

Mr. KELLER. And you actually mentioned the Supreme Court decision. I believe that was *Franklin v. Massachusetts*. Could you elaborate on the importance of that decision with respect to the apportionment?

Mr. LANDRY. Yes. So, in the *Franklin* case, the Supreme Court considered whether to allow Federal employees serving overseas to be counted for the purpose of their home state's apportionment, and the Supreme Court said yes, that basically the Secretary had the discretion under which to determine whether or not they wanted to be counted or not.

And they specifically said that—the Court specifically said that the Secretary wielded a very broad authority to conduct the Census in a way that promotes equality, and so that grants the Secretary a broad amount of discretion.

Now, it's important to recognize that it's Congress—it's you all that gave the Secretary that wide discretion.

Mr. KELLER. Thank you. And I just want to followup on another thing. Article I, section 2 of the Constitution uses the term "whole persons" with respect to apportionment.

Can you clarify the difference between whole persons and all persons?

Mr. LANDRY. Yes. You know, they—look, if you take Justice Scalia's comments where he warned against what basically is wooden textualism when interpreting statutory text. The statute

should not really be interpreted strictly or loosely, but basically, it should be interpreted reasonably.

So let's say no one has ever interpreted the phrase "whole number of persons" to include every person in the country, because we don't count tourists. We don't count corporations, but yet, corporations are persons as well.

So, again, it just goes back to emphasizing the fact that Congress has granted the Secretary broad discretion in determining how to define that and who exactly to include and not include.

Mr. KELLER. Thank you. I appreciate that, and I yield back.

Chairwoman MALONEY. Gentleman yields back.

Mrs. Plaskett, you are now recognized. Congresswoman Plaskett?

Ms. PLASKETT. Thank you so much, Ms. Chairwoman. Thank you for holding this hearing.

As you may be aware, to any of the witnesses, the American Community Survey, in the small area of income and poverty estimate of the Census are not inclusive of the territories of the United States, even though these areas of the United States, nearly 4 million U.S. citizens, are included in the decennial Census. A parallel version of the American Community Survey exists for Puerto Rico, but not all of the other territories.

In all of the territories, including Puerto Rico, some of the highest poverty areas in this country, are not included in the small area income and poverty estimates of the Census. I have been on record in favor of including all of these territories in the Census surveys and data.

Are any or all of you familiar with those surveys, both the American Community Survey, or the small area income and poverty estimates, and would any of you be able to briefly describe what each of them does briefly for us?

Mr. SALVO. Yes. I work a lot with the American Community Survey. It is the basis for the description or picture—drawing a picture of the socioeconomic characteristics of the Nation. Information that used to be captured on what was called the U.S. Census long form, but the Census long form stopped in 2000, and we—in 2005, we had the first American Community Survey.

It is a very large sample of the Nation's population, and it is used as the basis for all kinds of work: school planning, I can tell you from my agency, my position, that we use it for everything. Again, education, income, how people travel, get to work, all kinds of information that is very, very useful for city planners, for example, or for rural planners, or for anyone who is interested in the characteristics of the population.

Ms. PLASKETT. Or for us as, legislators, to be able to utilize that information to show why our areas need funding or don't need funding. So thank you very much, Mr. Salvo.

One of the things I'm concerned with is, because the territories are not included and because we are some of the highest poverty levels in the country—that's not a—that's not an estimate, that is a fact. And the primary reason we've been told that we have not been included is the lack of the territories have been around insufficient funding, or lack of availability of funding.

In any of your opinion, what would be the benefit of including the territories—that's 4 million—for all of my colleagues, these are

American citizens, not just residents, citizens, fighting our wars, a part of the draft. What would be the benefit to us of being a part of the Census—of those other surveys that are done?

Mr. SALVO. You would have a picture of the social and economic characteristics of the areas you're talking about. My knowledge of the Puerto Rico Community Survey, in that case, it's actually very thorough. And, again, with a substantial sample, and provides you probably with the basis for the statements that you made earlier.

As far as the outlying areas are concerned, that is a matter of policy, and it is a matter of funding that has to be determined within the Congress, and an appropriation needs to be made for that purpose.

But there is no question that it would benefit from understanding the characteristics of the population. That actually is a benefit to the rest of the Nation.

Ms. PLASKETT. Thank you. May I just ask: The natural disasters, how has—how might that have affected Census taking and the Census count in, areas like the Virgin Islands and Puerto Rico, Northern Marianas, that have not, in any way, nearly recovered from natural disasters in the past three years?

Mr. SANTOS. I can—sorry. I—it crippled the ability of—to take the Census in those areas. There is no infrastructure. The people are still suffering to this day. And so, it's tough to motivate them to participate, even if you can send enumerators out there. So, there is going to be a lasting impact on the inability to properly account for the citizens of Puerto Rico because of the disasters and the impact on the ability to take the counts.

Chairwoman MALONEY. Your time has expired. I now recognize Mrs. Miller. You are now recognized for questions. Representative Miller. We can hear you.

Mrs. MILLER. OK. Good. I'm glad. Thank you, Chairwoman Maloney and Ranking Member Comer.

And I appreciate you all being here today as witnesses.

As the Census nears its conclusion in these coming weeks, I want to commend the work that has been done by the Census Bureau to complete this year's count, given the difficult circumstances that have been created by the virus and the pandemic.

West Virginia could have easily been one of the most difficult states in the Nation to complete this year's Census count. But, instead, it appears that it's going to be a resounding success, and I would like to thank the Census Bureau for their diligent efforts during this time.

I strongly support the President's action to protect the sanctity of our constitutionally mandated apportionment process, so that all American citizens are represented fairly and accurately. I get disappointed when I think about the fact that my colleagues across the aisle and the media cheerleaders spent the last four years covering conspiratorial actions and ideas, instead of really working on what we should be working on.

And the Supreme Court is hearing argument right now on the case that will decide the apportionment, and the Census Bureau will be delivering their completed product within the next weeks.

Attorney General Landry, how will states like West Virginia, who abide by Federal immigration laws, be negatively impacted by unfair apportionment policy?

Mr. LANDRY. Thank you. Yes. As I explained earlier, when you include illegal aliens in the Census count for the basis of reapportionment, states like West Virginia, who may have a high population, say, of senior citizens, those American citizens are then disenfranchised by states like California that incentivize illegal aliens to reside and protect them in their particular states, and so basically, those illegal aliens are drawn to California.

And then, when we count them for reapportionment, the congressional districts are then weighted toward California at the expense of states like West Virginia.

Mrs. MILLER. Exactly. Can you explain why Federal law does not prohibit the excluding of illegal aliens from congressional apportionment?

Mr. LANDRY. Well, the Federal law would allow us to. Congress has granted the Secretary great discretion in order to apply those types of facts. In fact, I explained earlier, on a case that the Supreme Court had issued in—under which the Supreme Court said that the Secretary was granted wide discretion as long as it passed the two-prong test, and that was—No. 1 of that is that it ensures equality.

And, of course, when you basically weight those who are in the country illegally, and you grant them greater weight against American citizens, that certainly would not pass the equality test, and would grant the Secretary the ability to exclude them in the reapportionment numbers.

Mrs. MILLER. Is there Supreme Court precedent that shows the Secretary of Commerce has broad discretion to determine the policy when it comes to the Census and the apportionment?

Mr. LANDRY. Yes. In the case of *Franklin v. Massachusetts*, the Supreme Court reinstated the fact that Congress has granted, or delegated that authority to the Secretary of Commerce, and that that authority was broad.

Mrs. MILLER. Could you explain how counting illegal aliens for purposes of the apportionment base actually creates incentives that encourage states to subvert enforcement of Federal immigration laws so that they can be awarded greater representation in the House of Representatives?

Mr. LANDRY. Yes. As I explained again earlier, what happens is, is that states that have large immigration—illegal alien populations will be granted greater power on the Federal stage. Greater resources will then basically go to those states at the expense of rural states that either have large senior populations, or large minority populations.

So, again, you take a state under which—say, Minnesota. African-Americans in Minnesota will be disenfranchised at the expense of California, which has a greater illegal alien population.

And so, again, it creates this system under which states are incentivized to go against the system, to basically encourage illegal immigration in those particular states rather than to abide by Federal law.

Mrs. MILLER. Thank you. I wanted to hear you say it again.

Chairwoman MALONEY. The gentlelady's time has expired.

Mrs. MILLER. I yield back.

Chairwoman MALONEY. Thank you. The gentlelady yields back. Congresswoman Pressley, you are now recognized.

Ms. PRESSLEY. Thank you, Chairwoman Maloney, for convening this hearing, and with the urgency that it truly deserves. We cannot risk endangering the livelihoods of millions of Americans by compromising the integrity of our Census.

The United States of America needs a complete and accurate count of all people. That is what the Constitution demands. That is what my colleagues and I are required in order to do our job effectively. As lawmakers, we rely on population data to inform our policymaking, and to ensure that our communities get the fair share of more than \$1.5 trillion in funding to support everything, from our transportation systems, to education and healthcare infrastructure, to small businesses, and to nonprofits.

For example, look at SNAP, our Nation's most impactful antihunger program. Census data informs how to allocate its budget of more than \$60 billion. Across the Commonwealth of Massachusetts, SNAP helps one in 10 residents. And, in my district, one of the most diverse and unequal, the Massachusetts 7th, nearly one in five households receive SNAP benefits.

Food pantry lines in east Boston and Chelsea have been growing even longer over the past few months, underscoring why SNAP funding is so important. SNAP puts food on the table for our elders, supports our working families. It ensures that our children don't go hungry.

The Census Bureau must take appropriate steps to process and tabulate the final Census count to ensure that social safety net programs, like SNAP, reach the people who need it the most. The ongoing pandemic has proven that these government programs are popular, and absolutely essential.

So, as we chart a path for COVID recovery, the Census count will serve as a critical data source to ensure the hardest-hit communities receive their equitable share.

Mr. Mihm, how important is the accuracy of the 2020 Census in ensuring a fair distribution of Federal funding?

Mr. MIHM. Well, ma'am, I think you laid it out just exactly right. It is that it's instrumental. Hundreds of billions of dollars—in fact, estimates have been over \$1 trillion that we've seen over the next decade will be driven—of Federal funds, will be driven, in whole or in part, by Census data.

And that's not just the counts, but it's also, in some cases—with some programs, demographic breakdowns, whether it be by age or gender, you know, depending on the type of the program.

So, we need to have a full and complete count, and we need to have that count be accurate in terms of the demographic characteristics if we're going to adequately and sufficiently allocate very scarce Federal resources.

Ms. PRESSLEY. And, Dr. Salvo, how much of your professional work occurs at the municipal level? Can you elaborate on that, and how issues like housing and employment are impacted by an inaccurate Census count?

Mr. SALVO. Yes. All of my work—virtually all of my work is done in the neighborhoods of the city, and I can give you a few illustrations, one that is very close to my heart.

Ms. PRESSLEY. Please.

Mr. SALVO. When a school has to decide to redraw a boundary around it, the Department of Education would come to us and ask us, how best do we draw this boundary?

So, we take data for Census tracts in small geographic areas, and we assemble it, and we look at the number of schoolchildren, OK? We supplement that, of course, with the American Community Survey data that was shown earlier to try to figure out how many of those children are in need, OK? How many of those children are below the poverty line?

And we create a picture for the Department of Education that allows them to figure out how to optimize the drawing of that district.

Now, if those children are not enumerated, and are not accounted for in the Census and the American Community Survey, which is based on the Census, does not show those children to be present, we make decisions in the absence of information, in essence, and it handicaps us.

So, I can give you a number of illustrations like this, but this is just one way that it really matters at a local geographic level what the Census Bureau has done. We need to understand it.

For example, how many of those children were—were missing or not missing? One of the reasons why I ask this is because, as was alluded to earlier, omissions and duplication are not generally in the same place. Neighborhoods do not generally have this offsetting influence where you could, in essence, end up with the correct number by virtue of errors in either direction, OK? Areas with large numbers of omissions tend not to be those areas with a large number of what we call erroneous enumerations.

So, all of this needs to be taken into account. We need to understand what the Census Bureau did, OK, in order to inform our strategies.

Thank you.

Ms. PRESSLEY. And, Dr. Santos, so it's fair to say that, you know, for those communities historically marginalized and under-resourced stand to be disproportionately impacted, those that have been historically hard to count, Black and Latino neighborhoods, immigrant communities. My district is 40 percent foreign-born residents, and 53 percent people of color. Almost 40 percent of our households are single-female headed. So, if we don't get this right, it sounds like what we will see is a tsunami of hurt across this issue.

Mr. SANTOS. Not only that. We will be—

Chairwoman MALONEY. The gentlelady's time has expired. And you may answer it briefly. We've been called for a vote.

Ms. PRESSLEY. Thank you.

Mr. SANTOS. Yes. It will continue for 10 years, and basically reinforce inequities that were preexisting for the—like I said, for the next 10 years. Thank you.

Chairwoman MALONEY. The gentlelady's time has expired. We've been called for a vote, but I now recognize Representative Comer.

Mr. COMER. Thank you.

Chairwoman MALONEY. We can hear you.

Mr. COMER. Thank you, Madam Chair.

Before I begin my question, let me say this: I do appreciate your and your members' sincere desire to ensure the integrity of the Census, and I appreciate your willingness to hold additional hearings on that.

I wish you all had the same sincere desire to ensure the integrity of the 2020 election, because a lot of Americans expect Congress to at least hold some hearings to see what went wrong, and ensure that, moving forward, we don't have any doubts about the integrity of our election.

That's the role that this committee can play. That's your decision. And I strongly encourage you, once again, to allow us to have a hearing as soon as possible on the integrity of the 2020 election.

Having said that, I want to thank Attorney General Jeff Landry for testifying today about a topic that's very important to his state and all of our states. I hope that his testimony in the committee today helps everyone have a better understanding of the President's action on apportionment, and excluding illegal aliens from the apportionment count.

Attorney General Landry, on Monday, the Supreme Court heard oral arguments in *New York v. Trump* case. You filed an amicus brief on behalf of your state and several others. Is that correct?

Mr. LANDRY. That is correct.

Mr. COMER. And can you explain why you decided to file an amicus brief in that case, why it's so important to Louisiana and other states involved?

Mr. LANDRY. Because what we want to ensure is that everyone—every American, or every—yes—every American citizen and every American citizen in the state of Louisiana and other rural states around the country, that their votes are not diluted.

And by, again, counting illegal aliens for the purpose of reapportionment disenfranchises minorities in Louisiana, it disenfranchises senior citizens in Louisiana, and it can restrict the amount of Federal resources to those communities who need them the most in those particular states, and that those resources will then gravitate and migrate to states that embrace sanctuary city policies defined in Federal law.

Mr. COMER. Each state's Member of Congress has their voice and their vote in Washington, and I know you agree with that. Giving a voice to individuals not lawfully present dilutes citizens' voices. Isn't that correct?

Mr. LANDRY. That is correct.

Mr. COMER. Why does including illegal immigrants in the apportionment base throw a wrench into the machinery of congressional apportionment as you describe it in your brief?

Mr. LANDRY. Because, again, what happens is, is that, if you count illegal aliens in the country, what you will find is that those populations have swelled in states that have embraced sanctuary city policies. States like New York and states like California, they will gain additional congressional representation at the expense of states like Minnesota, Alabama, and Ohio.

And so basically, you're, creating congressional districts that represent people who came into the country illegally, and do not enjoy the rights—the complete rights and privileges of American citizens, but yet, they will have representation in the House of Representatives.

Mr. COMER. So you agree that a voter's vote in one congressional district should be worth equally as much as any other person's vote in any other district?

Mr. LANDRY. That's correct. And what—

Mr. COMER. Go ahead.

Mr. LANDRY. And what's more absurd is that—so let's take, for instance—we all recognize—and it's not disputed by any of the members—that the Secretary of Commerce has excluded foreign tourists, people who are here in the United States on tourist visas, from being counted in the Census. Yet, if that person, under their theory, by counting them, then stays in the country past the point of their visa, they, for some reason, are now counted. Again, it leads to absurd consequences.

Mr. COMER. And wouldn't you agree that apportioning according to the whole number of persons in a state can reasonably be interpreted to exclude illegal aliens who are residing in a state unlawfully?

Mr. LANDRY. Absolutely. In the Supreme Court precedent, the Secretary has broad discretion to determine that.

Mr. COMER. And let me conclude my questioning by saying this: I think an overwhelming majority of Americans agree with everything you said, Mr. Attorney General. That's the position that the Republicans on this committee have taken, and hopefully, the Supreme Court and the Trump administration will be able to do the right thing on congressional reapportionment.

Thank you again for your testimony here today.

Mr. LANDRY. Thank you.

Chairwoman MALONEY. OK. Ms. Tlaib, you are now recognized for five minutes. Representative Tlaib.

Ms. TLAIB. Thank you, Chairwoman.

Thank you all so much for being here.

I want to make sure to share with all of the folks testifying today our letter—the letter that I sent, along with Congresswoman Lawrence on this committee, to Director of the Census Bureau, about some of the really great unbelievable concerns and allegations that we've seen come out in regards to the 2020 Census in Michigan.

In Detroit, the overall self-response rate was about 51 percent, which is lower than any other large city in the Nation, with some tracts as low as 4.4 percent.

Mr. Mihm, you know, one of the things I wanted to explain to folks, what does it mean when you say self-response? Does it mean personally getting the form and responding directly?

Mr. MIHM. So, this time, it's been a combination of that, ma'am. It's been that—the paper form, but it's also been a huge internet response option. This was an option that they had this time. And, in fact, almost 80 percent of the responses that they got of self-responses came through the internet.

Ms. TLAIB. So, in absence of self-response, the next strategy for the Census, am I correct, is to employ, you know, other processes,

protocols, and things like that, so that they can get a more accurate count. What are some of those other processes they have in place if self-response is low?

Mr. MIHM. Well, the first big step was then to hire several hundred thousand Census takers to go out and actually knock on the doors. If they were successful, and then meeting with a member of that family to—or the member of the residence, rather, to then enumerate it, they would then complete the case there.

If they were unsuccessful—and the rules, you know, are a little bit different—they would either use a proxy—that is, a knowledgeable person, a neighbor, you know, that could complete that for them. They also supplemented that with administrative records.

And then, at the end, if neither of those worked, there would be a very small category left over in which they'll use statistical imputation.

Ms. TLAI. For all the panelists, you should know, given the low self-response numbers in Detroit, the process needed to count by 100,000 nonresponding households, and so, that means organizing boots on the ground and doing that stage that Mr. Mihm talked about.

The Census Bureau, under-resourced, of course, as we all know, closed outreach offices, multiple kinds of outreach programs. In Detroit, multiple Census enumerators actually have come forward—to Director Mihm and everybody on the panel, they've alleged that the Bureau did not follow proper protocols or provide them with necessary supports to count every person.

I was there when one U.S. Census enumerator, Mr. Benson, had publicly said that he was a Census worker in Macomb County, which is a nearby county to my district in—which I represent Wayne County. The Census in Macomb County was being handled extremely well.

He said that additional work was needed in Detroit. He specifically said, "What I found was," quote, "when I reached out to people, I knew working the Detroit Census, they had not even started yet." He also said, "They are waiting on work and haven't received any cases."

Again, these are Census workers in Detroit, that was assigned to Detroit. One Detroit Census captain, Ms. Foster, also indicated shortcomings, she said, quote, "As far as proxies, it was unsafe and unorganized. Some days, I didn't even get cases until 5 p.m., where I would put in my time from 10 a.m. until 8 p.m."

Given that there are around 100,000 nonresponding Detroit households that needed to be contacted, there was no reason for the Census enumerators to not have work to do.

So, Mr. Salvo, why is nonresponse followup so important when there are low self-response rates?

Mr. SALVO. The self—self-response provides the best data. The research clearly shows this—Census Bureau's own research. Once enumerators go into the field, as was indicated just now, there are a whole number of options that can rule the day, so to speak. For example, use of administrative records to determine whether a unit is occupied or not, looking at Postal Service Records.

Ms. TLAI. Can I interrupt you?

Mr. SALVO. Yes.

Ms. TLAIB. I know what you mean, but, like—it is important for accuracy, and I think that's what you're trying to say, and these are the processes, but what if the processes weren't followed? I mean, I know of our mayor in the city of Detroit, myself and many others, are looking to see what the final number is. But, I mean, you know, this means a community like mine are going to get undercounted, because, obviously, they didn't deploy the same standards in Detroit that they did in the nearby Macomb County area that what—you know, again, is not, you know, a number of communities of color like it is in Wayne county.

Mr. SALVO. Low self-response does lead to a higher probability of undercount, no question. That is—has been established. And what we have to figure out, though, is whether—every Census has people who come forward. The metrics that were mentioned before that they're endorsed by the American Statistical Association, by Census Advisory Committee, will give us a look into that world. It's called paradata is what it's referred to, data about the process.

That information will give us a glimpse to what you're talking about. That is one of the reasons why we have to get it, because, if we're going to have confidence that Detroit was properly enumerated, we need to get our hands on that information, and that will tell us—

Ms. TLAIB. Thank you.

Mr. SALVO [continuing]. The story.

Ms. TLAIB. Also, Chairwoman, if I may—I know we have to go. I would love to work with you directly in making sure, again, the information is going to come out. It looks like Mr. Salvo is waiting for that information to come out. I really urge our committee to play a very, very key leadership role, because I do think what happened in Detroit was intentional on the part of this administration, and not doing it properly, and having enough folks on the ground to be able to get folks work—again, 51 percent nonresponse rate, and for them not to have enough work, or have enumerators sitting around for hours, Madam Chair, I just do think that we need to fully investigate that so it's not repeated again.

Chairwoman MALONEY. That's a good point. The gentlelady's time has expired.

Our last questioner is Vice Chair Jimmy Gomez. You're now recognized.

Mr. GOMEZ. Thank you, Madam Chair.

I really appreciate that we're having this hearing. The Census is something that we cared about since—since I got to Congress and something we've been working on, and a lot of my worst fears came true.

My district, it's the 34th congressional District in downtown Los Angeles, east side, lowest response rate of any congressional district in California, lowest one, and it's probably one of the lowest ones nationwide.

So, we have been concerned, and we've been asking for documents from the Census Bureau, or the Commerce Department time and time again. And, to get the documents and hear about the issue from the press is really disheartening.

So, I have some questions that I want to kind of get into regarding—from a GAO perspective.

So, Mr. Mihm, has the Census Bureau provided all the information to GAO that you requested about the data anomalies discovered by career staff at the Bureau?

Mr. MIHM. No, sir, they have not. It's the—and it's not so much the Census Bureau. Our understanding from senior Census officials is that it's under review by the general counsel at Department of Commerce and the Department of Justice as being bound up with the litigation.

Mr. GOMEZ. Has the Bureau provided details about the number, type, and complexity of the problems that they have identified?

Mr. MIHM. No, sir, they have not, for—again, for those same reasons.

Mr. GOMEZ. Is this the first time the Census Bureau or, you know, Department of Commerce has withheld information or declined to answer questions from GAO about the 2020 Census?

Mr. MIHM. There is always back and forth between GAO and the agencies about what's pre-decisional and all the rest. This has certainly been—what I can say is that it has gotten more problematic in recent months and, certainly since the middle of the summer, been very difficult to get information.

We have not been flat-out denied anything, but things are taking an extraordinary amount of time. For example, the re-plan that was announced in August, we're still waiting for detailed information on that.

Mr. GOMEZ. On the re-plan of which part? The—

Mr. MIHM. I'm sorry. The decennial, and, in particular, how the Census Bureau was going to be able to take what had originally been a 150-day planned processing, then went down to 90, and now, if they meet the statutory deadline, will be 77 days. And we just wanted to say, How are you going to be able to do that? And we're waiting for that information as well. Again, that's not the Bureau.

Mr. GOMEZ. So you're—

Mr. MIHM. That's with the Commerce.

Mr. GOMEZ. So you're awaiting for information on the plan that was supposed to—they were supposed to explain it ahead of time, right, before they did it, and they never provided—it's over, right? The count's done, and you still haven't received any of that information?

Mr. MIHM. Right.

Mr. GOMEZ. I find that—

Mr. MIHM. Sir, I'll give you one particular example that's important for us, is that, you know, the Census Bureau has state subject matter experts that review the Census data each decennial. Last time, they—on the basis of these reviews, every single state had to have their numbers rerun. And that doesn't mean that there were errors in every one, but they identified questions or things that they—that were of sufficient concern that they reran the numbers.

The time available for these internal Census state-level experts has been reduced this time around. We want to know what, if anything, has been cut out of that, or what are they doing to make sure that it will still be a quality review? Again, we're waiting on the Department of Commerce.

Mr. GOMEZ. I'm glad you brought it up, because some folks in my state have—California have mentioned that state review by the demographers, and they're really concerned about how that's going to impact. So, thank you for bringing that up.

And we know, in the past, GAO has provided recommendations to the Bureau to help the Bureau better address their workflow—workflow schedule, transparency, and prioritization. Over the past few years, how many recommendations has the GAO given to the Census Bureau?

Mr. MIHM. Yes, we've had over 120 recommendations just on the decennial Census, sir.

Mr. GOMEZ. OK.

Mr. MIHM. I'm happy that the great majority of those have been accepted by the Census Bureau, and we've been able then to make some substantive improvements as a result of that. And that's the point to the—you know, getting us access to the information. It's helpful to us. It's good from a transparency standpoint, but it also helps us identify targeted and specific improvement opportunities, which our experience has shown leads to an improved Census.

And so, this isn't just kind of geeky access kind of issue—

Mr. GOMEZ. Right.

Mr. MIHM [continuing]. Between, you know, or an Article I, Article II issue. This helps us actually help the Bureau improve the undertaking of the Census.

Mr. GOMEZ. And you mentioned they accepted—do you know how many—do you have a rough number they have accepted and implemented of your recommendations?

Mr. MIHM. Of those 120, over 90 of them have been accepted, and there is a number of them that are outstanding. That is—the report that we're issuing today that talks about the need for the transparency on the data that we've been discussing all throughout this hearing. That's one where the Commerce Department has accepted that recommendation, and so, we're hopeful that it will be implemented as well.

Mr. GOMEZ. Yes. Well, thank you so much. And I know GAO doesn't do—investigate just to cause problems or to play gotcha, it's to improve the process. So, I want to thank you.

I also applaud the chairwoman's efforts to obtain the critical documents from Department of Commerce. I would also like to ask if the committee could send a letter requesting information that GAO is seeking as well. There is no reason whatsoever that this committee should not know exactly what's going on within the Census Bureau's data processing operation, as well as the state demographers when it comes to their request for information and how that's impacting, how much information they've gotten, what has been cut out.

Madam Chair, we know that Secretary Ross was withholding the documents from us, and he basically admitted that they are concealing them from the judiciary. So now we are also hearing that it is withholding some documents from GAO. I think we need more transparency. I applaud, once again, the chairwoman's—

Chairwoman MALONEY. Thank you. The gentleman is out of time. The gentleman's time has expired, but, before we go to close,

I want to give Mr. Comer a chance to offer any closing thoughts. Mr. Comer, you are now recognized.

Mr. COMER. Well, thank you, Madam Chair.

Again, it's always our responsibility to hold hearings to ensure the integrity of the 2020 Census. It's unfortunate that we didn't have any witnesses from the Trump bureau, current staff, employees of the Census Bureau. I think that all the data that we've been given proves that everything is going according to plan.

And I applaud Director Dillingham. I think he's been transparent with both the Democrats and Republicans on the committee. I look forward to getting that Census data, and hopefully, we'll be able to do what a majority of Americans want. We'll have a true, accurate count of every single person in America, and we will have a count that is used for congressional reapportionment that excludes all undocumented immigrants.

That's what the American people want. That's what our position is as a minority on the Oversight Committee, and I hope that we will be able to achieve that.

With that, Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back.

The message from today's witnesses is loud and clear. The 2020 Census is in grave danger. Census experts testified today that data errors identified by career officials at the Census Bureau are serious and must be fixed. They warn that if the Trump administration cuts short the process to fix these problems, the Census count risks being inaccurate and incomplete.

We called this hearing because the Trump administration refused to share information with this committee about these critical data errors.

We had to learn about these major problems from reading the newspaper. When we asked for documents about these problems, the Commerce Department blocked them. Thankfully, we were able to rely on other sources to get at least some of these internal documents.

So just to recap, we went to Secretary Ross yesterday, and we gave him one week to produce a complete and unredacted set of documents we requested last month. If he does not, then he could very well face a subpoena.

As I said earlier, we hope he complies voluntarily, but I am open to calling Secretary Ross to testify under oath before this committee if he does not produce the documents that we requested.

In closing, I want to thank our panelists for their remarks, and I want to commend my colleagues for participating in this important hearing.

With that, without objection, our members have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response.

I ask our witnesses to please respond as promptly as you are able.

This hearing is adjourned, and we are off to a vote. Thank you. [Whereupon, at 1:05 p.m., the committee was adjourned.]