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PROVIDING THE CENSUS BUREAU WITH THE TIME TO PRODUCE A COMPLETE AND ACCURATE CENSUS

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND REFORM HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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PROVIDING THE CENSUS BUREAU WITH THE TIME TO PRODUCE A COMPLETE AND ACCURATE CENSUS

Thursday, September 10, 2020

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

The committee met, pursuant to notice, at 11 a.m., in room 2154, Rayburn House Office Building, Hon. Carolyn Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Clay, Lynch, Connolly, Raskin, Rouda, Mfume, Wasserman Schultz, Sarbanes, Welch, Speier, Kelly, DeSaulnier, Plaskett, Gomez, Tlaib, Porter, Comer, Jordan, Gosar, Foxx, Massie, Hice, Grothman, Palmer, Norman, Roy, Miller, Steube, and Keller.

Chairwoman MALONEY. Welcome, everybody, to today's hybrid hearing.

Pursuant to House rules, some members will appear in person and others will appear remotely via WebEx. Since some members are appearing in person, let me first remind everyone that pursuant to the latest guidance from the House attending physician, all individuals attending this hearing in person must wear a face mask unless they are talking. Members who are not wearing a face mask will not be recognized.

Let me also make a few reminders for those members appearing in person. You will only see members and witnesses appearing remotely on the monitor in front of you when they are speaking in what is known as WebEx as an active speaker view.

A timer is visible in the room directly in front of you. For members appearing remotely, I know you are all familiar with WebEx by now but let me remind everyone of a few points.

For members appearing remotely, I know you are familiar and here are the points.

First, you will be able to see each person speaking during the hearing whether they are in person or remote as long as you have your WebEx set to active speaker view.

If you have any questions about this, please contact committee staff immediately.

Second, we have a timer that should be visible on your screen when you are in the active speaker with thumbnail view. Members who wish to pin the timer to their screens should contact committee staff for assistance.

Third, the House rules require that we see you. So, please have your cameras turned on at all times.

Fourth, members appearing remotely who are not recognized should remain muted the minimize background noise and feedback.

Fifth, I will recognize members verbally. But members retain the right to seek recognition verbally. In regular order members will be recognized in seniority order for questions.

Last, if you want to be recognized outside of regular order, you may identify that in several ways. You may use the chat function to send a request. You may send an email to the majority staff or you may unmute your mic to seek recognition.

Obviously, we do not want people talking over each other. So, my preference is that members use the chat function or email to facilitate formal verbal recognition.

Committee staff will ensure that I am made aware of the request and I will recognize you. We will begin the hearing in just a moment when they tell me they are ready to begin the live stream.

[Pause.]

Chairwoman MALONEY. Do I need someone to tell me?

Pardon me? Are we ready?

[Pause.]

Chairwoman MALONEY. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time. I now recognize myself for an opening statement.

Good morning, and thank all of you for joining me today, especially our witnesses. This past April, the Trump administration asked Congress to pass urgent legislation to extend several key statutory deadlines for the 2020 Census for about four months.

This request was based on unprecedented delays caused by the coronavirus crisis. The president personally advocated for these extensions.

He said, and I quote, "I think 120 days isn't nearly enough," end quote.

The House responded quickly by passing these extensions on May 15 as part of the HEROES Act. I also introduced stand-alone legislation on May 27, the Fair and Accurate Census Act, and the Senate introduced a companion bill.

However, on July 28, the Trump administration seemed to reverse course. The Commerce Department told the Census Bureau it needed to deliver data to the president by the end of the year, and the Senate has failed to act to pass the time delay.

As a result, Census Bureau workers were forced to rewrite carefully considered plans over the course of a weekend. They had to cut field operations by a month and they had to slash their data processing operations from five months to three.

Last week, I released an internal document—this document, showing that Census Bureau officials warned the Commerce Department about how these cuts would significantly damage the 2020 Census.

They cautioned that, quote—and I am quoting from this report—"eliminated activities will reduce accuracy," end quote.

They highlighted that the compressed schedule, quote, "creates risk for serious errors not being discovered in the data," and they

warned that these errors, quote, "may not be fixed because of the lack of time," end quote.

There is strong bipartisan support for extending these deadlines in the wake of the coronavirus crisis. So, why has the Trump administration seemingly gone back on this request?

Why did they ask? They asked for the extension and then why did they reverse themselves and drop it? And why can't we give the Census Bureau professionals the time that they need for an accurate and complete count of everyone?

We do not have the full story. But the White House Chief of Staff Mark Meadows stated that the reason for this change, and I quote—his quote is, "The Democrats just want to control the apportionment and we are not going to let them do that," end quote.

His statement seems to forget that it was the Trump administration that asked for this change in the first place, that asked for these extensions, not Democrats.

It also seems to suggest that Donald Trump will not be president next year so the administration wants to control apportionment this year while he is still in office.

But there is a much bigger problem with this statement. An undercount will directly harm states and, therefore, people across this country, including states with large populations who vote Republican.

An undercount will reduce the amount of funding these states are entitled to receive for health care, education, and transportation.

Each year we distribute over $1.5 trillion dollars—Federal trillion-dollar payments to states based on Census numbers, and if the numbers are not correct, then the payments to the communities are not correct or fair.

This is not a theoretical risk. Today, I am releasing several staff reports showing the negative impact on states with particularly hard-to-count populations: Alabama, Arizona, Florida, Georgia, Kentucky, Montana, North Carolina, South Carolina, Texas, and Utah. These states and others could be directly harmed by the president's insistence on rushing an inaccurate count by December.

That is why a number of Republican senators have come out in support of extending the deadlines. Let me quote from a letter that Senator Steve Danes from Montana sent to Mitch McConnell and Chuck Schumer urging them to pass legislation to extend the deadlines.

He wrote, and I quote, "Given the rural nature of Montana and the additional challenges brought about by the ongoing COVID–19 pandemic, reverting the deadline back to September 30, 2020, will leave tens of thousands of Montanans uncounted and underrepresented at the Federal level. Nearly half of the households in the state have yet to be counted. It is critical that a full and accurate Census is completed and every Montanan is counted," end quote.

This should not be a partisan issue.

This is a Republican senator from Montana. He supports the extensions because people from his state will lose Federal funding to which they are entitled. On Saturday, this past Saturday, a Federal judge issued an order temporarily halting efforts to end the Census early. This is good news, but we should not wait for the

courts to determine the fate of the Census. Last month, four former Census directors, one of whom is John Thompson who is here with us today warned that we cannot have an accurate Census using the current schedule. The coronavirus crisis has made that impossible. If you support full funding for your state, if you support providing your constituents with healthcare, well-funded schools, hospitals, even road and bridge repair, then you should support these extensions. They will ensure your states are fully counted.

Staff. The sound has locked out. It is now back. Sorry.

Chairwoman MALONEY. Shall I go back?

Staff. You should go back.

Chairwoman MALONEY. To where?

Staff. To Montana.

She is going back.

Chairwoman MALONEY. I regret that the sound was dropped so I am now going back. We had a technical problem.

OK. This is—OK.

Let me quote—this is not a partisan issue. Let me quote from a letter that Senator Steven Danes from Montana sent to Mitch McConnell and Chuck Schumer, urging them to pass legislation to extend the deadlines.

He wrote, and I quote, "Given the rural nature of Montana and the additional challenges brought about by the ongoing COVID–19 pandemic, reverting the deadline back to September 30, 2020, will leave tens of thousands of Montanans uncounted and underrepresented at the Federal level. Nearly half of the households in the state have yet to be counted. It is critical that a full and accurate Census is completed and every Montanan is counted," end quote.

This should not be a partisan issue. This is a Republican senator from Montana. He supports the extensions because people from his state will lose Federal funding to which they are entitled. Over $1.5 trillion is distributed every year based on Census numbers and formulas to our cities and our states and to our people.

On Saturday, a Federal judge issued an order temporarily halting efforts to end the Census early. This is good news, but we should not wait for the courts to determine the fate of the Census.

Last month in this room, four former Census directors—one of whom, John Thompson, is here with us today—they warned that we cannot have an accurate Census using the current schedule.

The coronavirus crisis has made that impossible. If you support full and fair funding for your state, if you support providing your constituents with health care, well-funded schools, hospitals, even roads and bridges, then you should support these extensions. They will ensure that your state is fully counted.

The Senate should do what the Trump administration originally requested and what the career professionals at the Census Bureau need. Pass legislation to extend these deadlines and ensure a full, fair, and accurate Census for our country.

Thank you for your indulgence. I will give the ranking member extra time should he require it and want it.

I know want to recognize Mr. Comer, the ranking member, for his opening statement.

Mr. COMER. Thank you, Chairwoman Maloney. I appreciate you calling this hearing today on the 2020 Census, even though we got started 22 minutes late.

Let me begin by saying unequivocally the 2020 Census is counting every resident in the United States, regardless of citizenship status. Any assertions to the contrary are scare tactics which have the consequence of reducing participation in the Census.

The Census is everywhere now. I want to encourage all people to complete their Census form. Census enumerators are knocking on doors around the country to count nonresponding households.

I encourage everyone to engage with enumerators that come to your door. If you are concerned about an enumerator coming to your door, you can complete your 2020 Census online now at *my2020census.gov*.

Unfortunately, the Democrats are not interested in bipartisanship on the 2020 Census. Instead, Democrats have, once again, launched a partisan investigation into the 2020 Census. Surprise, surprise.

Today's hearing is supposedly about the accuracy of the 2020 Census. However, no witnesses from the Census Bureau have been invited to discuss current operations.

Why aren't we hearing directly from the Census Bureau about the Census? Well, it is because the Democrats don't like what career Census Bureau officials have to say.

In transcribed briefings before the committee, three Census Bureau officials stated that as of now the 2020 Census can be accurately and fully completed by September 30 of this year. These facts contradict the Democrats' narrative about the 2020 Census so they are just going to ignore them.

The truth is that technological improvements have made it possible to gather information more efficiently than ever before.

Here are the facts about the 2020 Census according to career Census Bureau officials. As of September 8, 2020, nationwide 88.8 percent of all households have been counted in the 2020 Census. nationwide, 66 percent of the nonresponse followup

[inaudible] has been completed. Forty-five states have counted 90 percent or more of all households. All states have counted more than 75 percent of all households.

Enumerators in the field are working at a more productive pace than expected. Two hundred thirty-two thousand enumerators are working across the country with another 69,000 enumerators in training to begin work. These are the real facts about the Census that all Americans should know.

The Democrats know these facts but are choosing to ignore them. In July, President Trump took a very important step to ensure the sanctity of our Nation's elections and equal representation under our Constitution.

The president directed the Secretary of Commerce to report an apportionment count for the House of Representatives which excludes nonlegal residents in the United States, including illegal immigrants. All Americans should care about who is being included in the apportionment count.

Including illegal immigrants in the count for representation in Congress only dilutes the representation for all Americans who

vote in elections and makes a mockery of our basic principle of one person one vote.

The president's action restores the concept of representational government envisioned by the Constitution. In a country so closely divided as the United States, illegal immigrants and noncitizens have a material effect on representation.

Representation should matter to everyone with the simple question of fairness. Predictably, the Democrats' left-wing allies have already filed lawsuits against the president.

I have no doubt that the information gathered in the Democrats' partisan investigation will be leaked to their left-wing friends suing the administration. Forget the fact that testimony provided to the committee totally refutes the Democrat narrative.

Like the sound and fury surrounding the citizenship question, the legal questions about the president's actions are likely to wind up at the Supreme Court. The hearing today is a continuation of the coordinated pressure campaign against Chief Justice Roberts and the other Supreme Court justices.

The Democrat majority, their left wing allies, and activist judges are all working together to undermine the 2020 Census count.

I urge us all to focus on the task ahead: the timely and accurate completion of the 2020 Census count by September 30, 2020.

Thank you, and I yield back.

Chairwoman MALONEY. Thank you.

I now recognize my good friend, Mr. Raskin, who is the chairman of the Subcommittee on Civil Rights and Civil Liberties, for an opening statement.

Mr. RASKIN. Thank you so much, Madam Chair, for holding this hearing and for being such a great champion for the Census.

I just want to take a second to remind my friend that the Trump administration lost its battle to paste a citizenship question last minute onto the Census in the Supreme Court. So, the Supreme Court has already rejected their efforts to post graffiti all over the Census.

Look, it is difficult enough in a normal year to conduct a Census of all the American people. It is infinitely harder in the middle of a pandemic, and the intricate plans and military like schedule that were a decade in the making have been completely upended by this out of control coronavirus crisis and the lethal incompetence and indifference of the Trump administration, thereby creating an unprecedented challenge for the Bureau.

Despite the Herculean effort of an army of enumerators, there is still a shocking amount left to do to meet the constitutional mandate.

As of yesterday, at least 15 percent of households in 10 different states had not been counted. Those include Florida, North Carolina, New Mexico, South Carolina, Louisiana, Arizona, Mississippi, Montana, and Georgia.

At the bottom of that list is Alabama, where the Bureau still has not enumerated 20 percent of the households. That doesn't seem like much, perhaps, but if 15 to 20 percent of people in all those states are uncounted, more than 12 million Americans will be missed.

The threat of an inaccurate count is no more of a blue state problem than COVID–19 is a blue state problem. Of those 10 states that are at the bottom of the barrel in enumeration, seven have Republicans representing them on this very committee.

Sixty-five percent of the House seats in those 10 states are held by Republicans and more than half of those states have all-Republican delegations in the Senate. This is a problem not for blue states or for red states, but for the people of the United States.

The Census is important for two main things: money and power. If you don't care about money or power, well, don't worry about the Census. But if you do, you better pay attention.

I have got the honor of serving on the Select Subcommittee on the Coronavirus Crisis. Many people don't realize how crucial the Census is to our COVID–19 response and the ability of government to meet the needs of the people.

The CARES Act, which established the $150 billion coronavirus relief fund, required that the money be distributed to states based on Census population data. Countless studies tracking the prevalence of the disease in the country have relied on Census track data and our fine-grained understanding of the disproportionate impact on communities of color across America is also based on Census data.

The Census is used to determine where to build hospitals. It will help businesses trying to revitalize our economy, determine where to set up shop, and it will help cities and counties determine where to run bus routes and build roads that will help carry workers and consumers to their businesses.

The Census cannot become a hostage once again to a political fight perpetrated by this administration and their allies in Congress. It is foundational to the American constitutional system and to representative democracy.

It will only grow in importance as we use the data to fight the pandemic and rebuild our devastated economy. This is not the time to rush things in the interest of some partisan advantage.

It is time to get it right. The pandemic has not only made the count itself harder; it has made post-enumeration data integrity even more compelling and essential. In a normal year, the Bureau counts everyone as close to April 1 as possible.

But this year, the count has been stretched out over many months, six or seven months. That is six or seven months where people have scattered and moved around the country. College students have abandoned their dorms to go home.

Laid off workers have consolidated households or moved in with families. Medical professionals shuffled around the Nation to hot spots. Essential workers quarantine themselves away from vulnerable family members.

Loved ones who would have been counted on April, sadly, succumbed to the disease before their household was enumerated.

And I need not remind my colleagues we have lost more than 190,000 Americans to this nightmare. The chances seem higher than ever before that a lot of people are going to be missed while others may be double counted.

This calls for a more comprehensive, robust, and elongated post-enumeration data review process. But instead, the Bureau has cut

its data processing schedule by 40 percent, from 150 days to around 90 days.

The Bureau knows this is not enough time. We all know it is not enough time. The Bureau has been asking for an extension since April when it first concluded that it couldn't meet the current statutory redistricting and apportionment deadlines while still delivering the highest quality counts.

The House has already agreed to this commonsense plan. But the HEROES Act, which granted the extension that the administration itself requested still is not law because of the inaction of the Senate.

This has left the Bureau scrambling and caused the agency to abandon its carefully crafted data processing schedule for a seat-of-the pants plan cobbled together in a couple of days.

This is not how an efficient modern government operates. This is what happens in failed states, not functioning democracies. Every Census expert, including the Bureau itself, agrees that a rushed Census is untenable and unsustainable and inconsistent with the Constitution.

I call upon my GOP colleagues to give the Bureau the time it says it needs to do the Census right in 2020. I don't believe anyone here wants their constituents to go uncounted.

Nobody wants their constituents to be missed. So, let us make sure that doesn't happen. Let us pass this indispensible and common sense extension and make sure that we have a comprehensive, full, and accurate Census in 2020.

We will have to live with the results of it for a decade, and if 2020 has taught us anything by now it is that people's lives, our economy, and our democracy depend on getting things right the first time.

So, let us not hide the truth. Let us not bury the truth. Let us recognize it and let us act accordingly.

With that, I yield back to you, Madam Chair, and thank you for the time.

Chairwoman MALONEY. Thank you so much for all your hard work and statement today.

Now I would like to introduce our witnesses. We are grateful for their attendance today and for their expertise.

Our first witness today is John H. Thompson, who served as the Census director from 2013 to 2017.

Then we will go to Christopher Mihm, who is the managing director of the Strategic Issues Team at the Government Accountability Office.

Then we will hear from Stephen Roe Lewis, who serves as the Governor of the Gila Indian Community—River Indian Community.

Next, we will go to Stacey Carless, who is executive director of the North Carolina Counts Coalition.

Finally, we will hear from Hans von Spakovsky, who is a senior legal fellow at the Heritage Foundation.

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?

[Witnesses are sworn.]

Chairwoman MALONEY. 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. Thompson, you are now recognized for your testimony.

You want to turn on your mic? We can't hear you.

[Laughter.]

STATEMENT OF JOHN H. THOMPSON, FORMER DIRECTOR, CENSUS BUREAU (2013-2017)

Mr. THOMPSON. Sorry.

Good morning, Chairwoman Maloney, Ranking Member Comer, and members of the committee.

Thank you for this opportunity to testify before your committee regarding providing the Census Bureau with time to produce a complete and accurate Census.

I am extremely concerned that the actions that have been taken to truncate 2020 Census data collection activities by September 30, 2020, will adversely affect the quality and accuracy of the 2020 Census.

I have submitted a detailed written testimony describing my concerns. In the following oral testimony I will present an overview of these concerns.

The Census Bureau will not conduct an effective followup of those households that do not self-respond. Over 50 million households did not self-respond to the 2020 Census. The operation to enumerate these households is what the Census Bureau refers to as nonresponse followup, or NRFU.

Given the magnitude of the nonresponding households, conducting a comprehensive NRFU is necessary to achieve a fair and accurate enumeration for all populations and areas.

The Census Bureau took actions with respect to the COVID–19 pandemic to revise the plans for data collection. In particular, NRFU was scheduled to start by August 11, 2020, and conclude by October 30, 2020.

On August 3, 2020, the Census Bureau announced that the deadlines would not be extended and that the NRFU would be completed by September 30, 2020.

The Census Bureau will have to take steps to complete NRFU more rapidly than it planned, given that it has already lost over a third of the schedule that the career staff had developed under the original plan.

These adjustments, or steps, may include, one, not making sufficient enumeration attempts in hard-to-count communities. Hard-to-count communities have a significantly lower level of self-response and a correspondingly larger proportion of households that fall into NRFU in other communities.

Not making appropriate enumeration attempts with staff with the proper understanding and language skills in these areas will lead to a higher proportion of incomplete responses.

Two, the Census Bureau will have to rely on proxy enumerations to a much larger extent than in previous Censuses. Proxy enumera-

tions had twice the level of error as other enumerations in the 2010 Census. A larger proportion of proxy enumerations in the 2020 Census will significantly increase the levels of error.

Three, the Census Bureau will be forced to complete NRFU by relying on the use of administrative records to a greater extent than had been initially planned. Administrative records are not representative of immigrant and minority communities, so this will result in increased undercounts of these populations.

Four, limitations imposed by the truncated schedule will force the Census Bureau to accept a higher proportion of incomplete NRFU enumerations, resulting in the use of count and whole-person imputation to a much greater extent than in previous Censuses. This will increase the undercounts for the hard-to-count communities.

Five, finally, if the actions described in the document that the committee recently released are actually what is being implemented by the Census Bureau, it is clear that quality is being sacrificed in order to meet the September 30, 2020, deadline.

The schedule for post data collection processing has been severely truncated, raising concerns of undiscovered computer errors and a loss of data quality.

The initial Census Bureau schedule allowed five months for the post-data collection processing operations prior to the release of apportionment counts.

In the revised schedule the Census Bureau issued in its request for an extension of the deadlines there was six months allocated to the post data collection processing. Under the current schedule, there were only three months available for the post data collection processing.

The Census Bureau has released little information regarding how it plans to address the new limited timeframe for post data collection processing.

For example, there was no discussion of how it plans to remove duplicate enumerations. The Census Bureau has stated that the time allotted for subject matter expert review and software error remediation has been compressed by cutting 21 days from the schedule.

This is alarming because the well-developed plans for this phase of post data collection processing were based on extensive planning. The likelihood of a serious computer error that goes undetected is very high.

In conclusion, thank you for this opportunity and I look forward to answering any questions that you may have.

Chairwoman MALONEY. Thank you for your testimony and your service as a Census director that helped develop this plan that is now being compressed.

I would now like to call upon Mr. Mihm. You are now recognized. Turn your mic on.

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

Mr. MIHM. Thank you, Madam Chairwoman.

And Chairwoman Maloney, Ranking Member Comer, members of the committee, it is indeed a great honor to be here today to talk about the status of the 2020 Census.

I have the great privilege today of talking about the work that many of my colleagues at GAO have been doing over many months on behalf of the Congress and to present that work to you today.

Our bottom line today is that, like the rest of the country including, obviously, the Congress, the Census Bureau was forced to respond to the COVID–19 national emergency.

In regards to the 2020 Census, it undertook a series of changes that resulted in the COVID–19—resulted in delays, compressed timeframes, implementation of untested procedures, and continuing challenges which we believe could undermine the overall quality of the Census count and escalate costs.

My statement today is based on our August 27 report to this committee entitled "2020 Census: Recent Decision to Compress Time Frames Poses Additional Risks to an Accurate Count."

As you mentioned and as you know, on August 3, the Bureau announced that it would end data collection by September 30 and deliver apportionment counts by the statutory deadline of December 31. This September 30 cutoff date is one month earlier than the Bureau had planned due to the COVID–19 emergency.

The Bureau said it would shorten, first, planned field data collection and, second, data processing operations in order to meet the statutory deadlines.

My comments this morning will cover both of those—or issues in both of those areas.

First, in regards to field data collection, the good news, as Mr. Comer noted in his opening statement, is that as of September 8 the Bureau was about 70 percent complete in following up on households where it did not have a Census form. This is ahead of its goal to be at 62 percent at this point.

On the other hand, and not surprisingly—and, Madame Chairwoman, this was the point that you were making in your opening statement—the Census progress varies markedly among localities and, in fact, the Census is inherently a local enterprise and some hard-to-count areas are lagging significantly from the national average.

High rates of COVID–19 in some areas, weather events such as Hurricane Laura, wildfires, all affect the Bureau's ability to visit households to get a response. As of September 1, 49 of the 248 local Census offices had not met their followup goals.

The Bureau had planned to hire up to 435,000 enumerators to conduct followup. However, as of September 8, the Bureau had hired only about 355,000 Census takers.

Again, the Census is local and as of the end of August, 70 area Census offices were below 50 percent of their goal in the numbers of enumerators actively working, exacerbating the workload issue that I just discussed.

To help address staffing shortfalls, the Bureau is providing incentive awards to its staff based on productivity and hours worked. The Bureau also made operational adjustments to its followup efforts.

However, as you mentioned, Madam, as of September 5 the temporary restraining order was issued that enjoins the Census Bureau from accelerating its data collection and data processing or allowing any actions as a result of the shortened timelines to be implemented.

As a result, the Bureau's ability to continue with those adjustments is unclear at this time. We will continue to monitor and followup on these operations and will be reporting to the Congress.

Second, in regards to the streamlined response processing, the commitment to provide the apportionment counts by the end of December means, as Director Thompson was mentioning, that the Bureau has less time to conduct its post data collection activities which improve the completeness and accuracy of Census data.

During Census response processing, the Bureau checks for duplicate and inconsistent and incomplete responses and, where appropriate, uses administrative records to supplement the response data.

The Bureau expects to begin this response processing in mid-October instead of in January 2021, as previously planned, after Commerce requested the statutory change to the required deadline.

This means activities that were planned for 150 days will now need to be completed in 92 days. However, here too the Bureau's plans may change due to the September 5 temporary restraining order and, again, we will continue to monitor this.

Let me conclude on a point that Mr. Comer was making in his opening statement about the continued importance of public participation. There is still time to fill out the form. There is still time to cooperate with the Census taker when they come to our addresses. The national need is to have a full and accurate Census.

With this, Madam, this concludes my statement and I would be pleased to take any questions you or the committee may have.

Chairwoman MALONEY. Thank you very, very much for your testimony. You have testified many times before this committee on the Census and we appreciate it.

Next, we will hear from Governor Lewis.

Governor Lewis, you are now recognized, and he will be by remote.

Governor Lewis?

STATEMENT OF STEPHEN ROE LEWIS, GOVERNOR, GILA RIVER INDIAN COMMUNITY

Mr. LEWIS. Good morning, Chairwoman Maloney, Ranking Member Comer, Congressman Gosar, and members of the committee. I want to thank you for holding this important and timely hearing on producing an accurate Census.

My name is Stephen Roe Lewis and I am the Governor of the Gila River Indian Community. The community is located outside of Phoenix, Arizona, and our reservation covers approximately 372,000 acres. In total, the community has over 22,000 tribal members with approximately 14,000 residing on the reservation.

I want to state up front that the community supports this committee's efforts to legislatively extend Census field operations to October 31, 2020, and the statutory deadlines for reporting the ap-

portionment and redistricting data to April 30, 2021, and July 31, 2021, respectively.

An accurate Census is critical to Indian Country. It is not an exaggeration to say an accurate Census can be a matter of life or death in tribal communities because the program impacted by a Census count affects delivery of health care, public safety, our youth and elder programs, housing, violence against women grants, and other programs that sustain our tribal communities.

And we have a reason to be concerned that an accurate count will not occur if the Census Bureau ends field operations at the end of this month.

In March of this year during the initial stages of the coronavirus pandemic, the Census Bureau temporarily suspended operations because of health and safety issues.

In April, the Commerce secretary and the Census Bureau director announced a plan to extend field operations to October 30, 2020, and seek an additional 120 calendar days for apportionment and redistricting reporting.

However, in August, in an abrupt reversal, the Census Bureau condensed the deadline for field operations and self-response to September 30 and is no longer seeking an extension for reporting.

This is troubling to the Gila River Indian Community and the many other tribal leaders and tribal organizations that I have spoken to.

In the 2010 Decennial Census, Indian Country was the most under counted demographic at a rate more than double the next closest hard-to-count population, and that was during a regular Census cycle.

The current self-response rate on the Gila River Indian Community's reservation today is 10.1 percent. Let me say that again, 10.1 percent. That means that if the Census were to end today, I can only be certain that 2,200 of our over 22,000 tribal members would be counted.

That is compared to response rates for the state of Arizona of 62.1 percent and a national rate of 65.5 percent. And we are not alone.

If you look at the chart that accompanies my written testimony, you will see that of the 19 tribal responders in Arizona, 17 are below a 50 percent response rate and 14 are below a 33 percent response rate.

These self-response rates are staggeringly low, but not surprising. In many tribal communities like the Gila River Indian Community, in-person contact is the only method to make sure our households are counted, and that just wasn't possible this year.

At the risk of stating the obvious, we are in the midst of a global pandemic. Indian Country has the unfortunate distinction of being the most impacted population of COVID–19, according to the CDC.

Ironically, the reasons can be directly tied back to these programs that rely on Census data for funding allocations like housing, infrastructure, and elder care, to name a few.

The circumstances that created the interruption of Census field operations could not have been predicted or prevented. But what can be prevented is a rushed count.

Any attempt to deliberately cutoff Census operations during the pandemic with the full understanding that it will result in such a significant undercount for Indian Country is not only irresponsible, Madam Chair and members of the committee, it is a breach of the trust responsibility between the United States and tribal nations.

At the Gila River Indian Community, our reservation has been in shelter at home status for all but four weeks since March. My executive order to require a mask for anyone on the reservation was one of the first in the state.

I did that because as an elected leader it is my responsibility to put the health and safety of my people and all those on the reservation first.

But that doesn't mean the Gila River Indian Community or any other tribal nation in the United States gave up our right to be counted in the Census. The stakes are too high.

We have the right to adequate Federal representation in Congress and we have the right for our voices to be heard. The tribal members of the Gila River Indian Community count. The members of all Arizona tribal nations count. The members of all 574 tribal nations must be counted.

Anything other than the time and process required for a full and accurate Census count is a deliberate undermining of our tribal communities, and that is not only unacceptable, it is unconscionable.

Thank you for opportunity to speak today and I am happy to answer any questions from the committee.

Chairwoman MALONEY. Thank you so much for your testimony, Governor.

Now, Ms. Carless, you are now recognized.

Ms. Carless?

STATEMENT OF STACEY CARLESS, EXECUTIVE DIRECTOR, NC COUNTS COALITION

Ms. CARLESS. Chairwoman Maloney, Ranking Member Comer, and members of the committee, I am Stacey Carless, executive director of NC Counts Coalition. I want to thank you for the opportunity to appear before you today to testify about the upcoming 2020 Census deadline.

NC Counts Coalition is a nonprofit organization established to facilitate cross-sector collaboration to achieve a complete and accurate Census count for North Carolina.

We believe that accurate Census data is essential to the economic and general well being of every single North Carolinian. Our role as North Carolina's hub for 2020 Census outreach keeps us on the ground and connected to North Carolina communities, which positions us well to adjust the current deadline of the 2020 Census.

As COVID–19 continues to disrupt our lives, it is also disrupting the 2020 Census operation. About 3.8 million individuals are missing from North Carolina's count, putting North Carolina at risk of missing out on $7 billion in Federal funding every year and not gaining our expected fourteenth seat in the U.S. House of Representatives.

As of September 7, 61.4 percent of North Carolina households had self-responded to the Census. This is below the national aver-

age of 65.5 percent and below our state's 2010 self-response average of 64.8 percent. North Carolina has 100 counties. Only 18 of our 100 counties have surpassed their 2010 self-response rate.

Currently, Census tracts with low Census self-response rates have greater proportions of residents that identify as American Indian, Black, or Latino. These populations have also been hit hard by COVID–19 and felt the impact of hurricanes in the last couple of years.

Other factors associated with low response in North Carolina include low internet access, college and military communities, and Census tracts with a high percentage of young children under five.

North Carolina needs an extended timeline for self-response and a robust nonresponse followup field outreach. We are extremely concerned that North Carolina is on the verge of a failed 2020 Census.

Due to COVID–19, Census Bureau staff has been limited in the field support they have provided as part of self-response operations.

On July 14, the Census Bureau announced that it will begin its mobile questionnaire assistance program. Census Bureau staff categorize NC counties as green or red, according to the counties' COVID–19 infection rate. Red counties were considered high-risk counties where MQAs could not be conducted.

From July 30 through about August 12, Census Bureau staff were discouraged from working in red counties, which were more than half of North Carolina counties.

We are also concerned about the accuracy of the non-response followup enumeration due to allegations of inadequate training, reports of terminated employees, and witnessed accounts of enumerators not knocking on doors.

Last week, our organization dropped off information in low-responding Census tracts. While there, our staff observed an enumerator go door to door and place a Census form at the doorstep without even knocking on doors.

Due to time, I can only share with you one example of an instance that has raised red flags. We hear on a regular basis from current and past Census staff about concerns that they have about Census operations.

We are concerned about the quality of data being collected through the nonresponse followup operation. Under the current timeline, it will be nearly impossible for enumerators to knock on the doors of the estimated 1.5 million households that have yet to respond.

We are concerned about the state's current nonresponse followup rate of 20.7 percent. Is the Bureau focusing on adjustments that are easy to enumerate such as vacation homes in the mountains and at the beach where homes are likely vacant, allowing for an easier enumeration, versus deploying resources into low-performing Census tracts where Black and brown families actually reside?

I have provided you with data and testimony to illustrate our concerns. NC Counts Coalition and our partners remain steadfast in our commitment. We understand the impact that this enumeration will have on our communities for the next 10 years.

Our children need a complete and accurate Census to access education. Our seniors need a complete and accurate Census so they can retire and have access to health care.

Our military community needs a complete and accurate Census. As they fulfill their commitment to serve our country, it is our commitment to serve them.

Throughout the pandemic, partner organizations have strapped on their boots, put on their masks, and done their part to get out the count across North Carolina.

We need more time. The Constitution gives Congress responsibility for getting the Census right. If there is any hope of salvaging a complete and accurate 2020 Census, the deadline must be extended to at least October 31, 2020.

Thank you.

Chairwoman MALONEY. Thank you very much for your testimony.

I now recognize our final speaker.

Mr. Spakovsky, you are now recognized.

Mr. VON SPAKOVSKY. Can you hear me, Madam Chairman?

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

Mr. VON SPAKOVSKY. Very good. Thank you.

STATEMENT OF HANS A. VON SPAKOVSKY, (MINORITY WITNESS), SENIOR LEGAL FELLOW, HERITAGE FOUNDATION

Mr. VON SPAKOVSKY. I appreciate the invitation to be here today.

It is essential that the Census Bureau follow longstanding historical precedent and collect data on the number of citizens and noncitizens present in the U.S. using the extensive information on citizenship contained in executive branch agency records that the president has ordered supplied to the Census Bureau.

That data is important not only for apportionment and redistricting but also for the effective enforcement of the Voting Rights Act. It is within the constitutional and delegated statutory authority of the chief executive to direct the collection of citizenship data.

Collection of citizenship data is also vital to establish a consensus on national immigration policy. Without citizenship data, it is not possible to have an informed debate and discussion over what U.S. policy should be and how to successfully implement it.

The Census Bureau has been collecting citizen population data since the 1820 Census. It currently collects that data through the American Community Survey.

However, because the ACS is only sent out annually to about two percent of American households, it does not collect complete data on the country. The executive order ensures that the Census Bureau has access to all available records.

The limited citizenship data from the ACS is routinely used by the Department of Justice in enforcing Section 2 of the Voting Rights Act.

Section 2 is most often used for challenges to at-large districts and to the redistricting process ensuring that minority voters have the opportunity to elect representatives of their choice.

The remedy to a Section 2 violation is to draw a district in which minority voters, citizens, constitute a majority of the voters such that they can elect their candidates of choice. Citizen population

data is essential to drawing an effective voting district for minority voters.

The Justice Department's use of citizenship data can be seen in numerous complaints filed by the Justice Department to enforce Section 2 in both Republican and Democratic administrations. But it is hampered by the limited data available through the ACS.

Basing apportionment on total population that includes large numbers of illegal aliens is fundamentally unfair to American citizens and dilutes and diminishes the value of their votes.

On July 21, President Trump issued a memorandum directing that illegal aliens be excluded from the population used for apportionment. This is within his constitutional and statutory authority.

Since the first Census, we have not counted every single individual physically present in each state. As is the normal procedure, for example, and this is a quote from the current Census residency criteria, "Citizens of foreign countries visiting the United States such as on vacation or business trips are not counted."

In Franklin *v.* Massachusetts, the U.S. Supreme Court pointed out that the key phrase in the Constitution concerning the number of persons, quote, "in each state can," and this is a quote from the Supreme Court case, "mean more than mere physical presence and has been used broadly enough to include some element of allegiance or enduring tie to a place."

Illegal aliens, like tourists, clearly, have no element of political allegiance to a state or a Federal Government. They can't be called for jury duty. They can't be drafted for military service, if we had a mandatory draft, because they owe their political allegiance to their native country of which they are citizens.

Furthermore, illegal aliens have no enduring tie to any state since they are illegally present in the country. They can be picked up, detained at any time by Federal authorities, and removed from the U.S.

Thus, excluding individuals who have no allegiance or enduring tie to a state is well within the precedent set by the court in Franklin.

As the Supreme Court said in Reynolds v. Sims, its seminal case on representational government and the equal protection clause, quote, "Achieving a fair and effective representation of all citizens is conceitedly the basic aim of legislative apportionment."

Illegal aliens are not citizens and the fact that they may be temporarily or merely, as the Supreme Court said, living in a particular state does not make them inhabitants who must be counted for apportionment purposes.

Including noncitizens in apportionment and redistricting unfairly dilutes the votes of citizens and distorts the political representation of states. This violates fundamental principles of fairness and equity to which citizens are entitled as members of the body politic.

The senior career leadership currently in the Census Bureau has already testified before this committee that it has the ability, the time, and the resources to provide an accurate count of the population of the U.S. as it has in numerous prior Census counts.

That includes its duty and obligation to provide a complete count of the number of citizens and noncitizens present in the country.

Thank you, Madam Chairman.

Chairwoman MALONEY. Thank you very much for your testimony. The gentleman yields back, and now I will thank all of our participants today.

I now recognize myself for five minutes for questions. I want to address my questions to the two people here from states that could lose tens of millions of dollars in Federal funding as a result of a rushed undercount—Ms. Carless from North Carolina and Governor Lewis from Arizona—because this will not happen only in Democratic-leaning states. It will happen in states with Republican voters and representatives, too.

Now, both of your states are lagging behind on their Census counts for a variety of reasons including the coronavirus crisis.

Right now, the national average of response is 88.8 percent. But North Carolina is only at 82.9 percent and Arizona is even worse at 80.8 percent.

So, in other words, North Carolina is six percentage points behind the national average and Arizona is eight percentage point behind. So, let us discuss what this means for Federal funding for your state.

Ms. Carless, in the staff report we issued this morning, we estimated how much funding your state would lose with an undercount of just one percent, and based on that estimate, North Carolina could lose more than $99 million in Federal funding. That includes funding for health care, jobs training, education, transit and much more, and that is for just one year. Over 10 years, that would be nearly $1 billion.

Ms. Carless, this is Federal funding that the people of your state, the people of North Carolina, are entitled to under the law. But they will not get it if they are not counted.

Isn't that right? And what does that mean for your state, Ms. Carless?

Ms. CARLESS. Chairwoman Maloney, thank you for your question, and yes, that is correct. North Carolina is the ninth most populous state and the fourth fastest growing state in the country. Our state really needs every dollar we are entitled to support infrastructure, resources, and programs for our growing population.

Also, I think the current pandemic really magnifies the importance of government programs such as housing assistance and food and nutrition programs, which all relate back to the Census.

So, right now in North Carolina there are 1 million utility customers and renters at risk of utility disconnection and eviction as well as applications for food assistance programs that has increased by 15 percent, and unemployment is high. North Carolina is going to need every dollar we are entitled to as our state recovers from the financial hardships of this pandemic.

Chairwoman MALONEY. Thank you.

Now, Governor Lewis, according to our estimate, an under count of just one percent in Arizona could mean a reduction of Federal funds of over $60 million. Again, that is just for one year.

Over the next decade, which is what the Census numbers stand for, a complete 10 years, that would be over $600 million. And there is another factor. As you testified, Arizona has large tribal and rural areas and their counts are far below even the state average right now.

So, Governor Lewis, Federal funding helps not only the tribal communities, who desperately need it, but the entire state of Arizona. These are funds that the people of your state are due under these Federal programs but they won't get it if things continue like this and go on as is planned.

Isn't that right, Governor Lewis, and can you elaborate what will not getting a full and accurate count of everyone in Arizona mean to your state?

Mr. LEWIS. Thank you, Chairwoman Maloney, for bringing attention to the Arizona

[inaudible]. What that report shows that if the undercount is the same percentage as the 10/27 American Communities Survey, the populations most at risk for under funding of critical programs are also the most vulnerable populations: African Americans, Hispanics, young children, Asian Americans, and over 19,000 American Indians.

Each of those numbers represents an individual who won't be counted for purposes of education, health care, elder care, food security, housing, and other programs that utilize Census data.

There is an individual, a family, and a community behind each of those numbers, Madam Chair, that will be irreparably harmed by the undercount that would be anticipated. And, again, the undercount anticipated for the 2020 Census is much greater, given the pandemic and interruption of Census operations.

Now, in a real-world scenario, I don't have the specific dollar amount but I can provide an example that came about as a result of the allocation of the Tribal Relief Fund in the CARES Act.

The Treasury Department used, in a large part, the population numbers from the Indian Housing Block Grant program to distribute those funds.

The Gila River Indian Community had an undercount of approximately 8,000 tribal members. This resulted in tens of millions of dollars not being allocated to our tribal government to provide for our citizens during this pandemic.

But some tribal nations had a population count so skewed that they received little or no money to combat COVID–19 in their tribal communities from population allocation, and these are impacts that will be with us for decades, not just one year or one COVID relief package, Madam Chair, members of the committee.

Chairwoman MALONEY. Thank you very, very much, and I would like to ask one last question to each of you and let you both respond.

You both have Republican senators who represent your states. Senator McSally represents Arizona and Senator Tillis and Senator Burr represent North Carolina.

I want the two of you to please explain, take a moment and tell your senators whatever you want about the need to extend the Census deadlines and what it will mean for the people of your state if they fail to ask. All we are asking is to extend deadlines.

Governor Lewis, let us start with you. If Senator McSally was listening right now, what would you want to say to her about the need for an accurate and full Census count?

Mr. LEWIS. Madam Chair, I would tell my Republican delegation out of respect the same thing that I would tell all congressional members. The Census should not be a political or partisan issue.

The Census is too important to all tribal nations, states, and local governments who rely on funding to provide for the basic needs of our citizens. The low response rates that are currently being reported are just as detrimental to those states deemed red states or blue states. In fact, the recent rankings of state responses placed more red states in the bottom 20 than blue states.

We have to make sure there is an accurate count. It is in everyone's interest that the Census is accurate. Our tribal citizens are relying on it and, frankly, every Member of Congress should be relying on it because the Census determines representation and equal representation, and that is vital as Indian Country, as I represent my tribal community for its Federal tribal trust relationship, Madam Chair, and this goes right to the underpinnings and the foundation of our Constitution.

Chairwoman MALONEY. Thank you very much.

Ms. Carless, what would you say to senators from North Carolina, Senator Tillis and Senator Burr?

Ms. CARLESS. Senator Tillis and Senator Burr, I urge you to support a later deadline for a 2020 Census operation. Too much is at stake for North Carolina for us to risk a complete and accurate count. Forty-four billion dollars, a fourteenth congressional seat, and essential data to help guide allocation of resources and services for North Carolinians across our state.

Senator Tillis, you advocated for North Carolina soldiers and Marines to be counted in the Decennial Census as residents of the state, regardless of whether or not they were deployed abroad.

Unfortunately, the counties that are home to military families are under performing, leaving military families at risk of losing resources that would help support military personnel and their families.

Let us not work—let us not let the work we put into getting North Carolina communities go in vain. Let us do everything we can together to support a complete and accurate 2020 Census count for our state.

Chairwoman MALONEY. Thank you. I hope they are both listening.

I now yield to the ranking member for five—for, well, he has said and designated that Congressman Gosar is next. I now yield to Congressman Gosar and recognize him for questions.

[No response.]

Chairwoman MALONEY. Is there a technical problem?

There seems to be some technical problem.

Staff. Hice.

Chairwoman MALONEY. I now yield to Congressman Hice.

Congressman Hice, you are now recognized.

Mr. HICE. Thank you, Madam Chair.

Mr. Mihm, let me begin with you, if I can. I am sure you are aware of the recent stats that the Bureau has come out regarding the nonresponse followup operations.

Is that correct?

Mr. MIHM. Yes, sir.

Mr. HICE. OK. So, I feel like I am getting a little different type of information because in one regard we are, like, 70 percent ahead of the game but in other ways we are not. So just, bottom line, would you consider the Bureau ahead of projections or behind?

Mr. MIHM. Well, as I mentioned, sir, is that there is good news and that is that they are ahead on their nonresponse followup of where they had—where their goal would be at this point.

The challenge that they have, and we have seen this in every single Census, is getting that last few percentage points of the population and that is still something that they need to work on and that will be very difficult for them to do. But they are ahead of their schedule, according to their plan at this point.

Mr. HICE. OK. And I would imagine every Census has problems, great difficulties, getting the last handful to respond. I mean, nonresponders or nonrespondents. It doesn't matter which Census we are talking about. But, bottom line, we are ahead of projections. I think that is incredible news.

Now, in light of that, districts like mine, just for example, the 10th District of Georgia, largely rural, we are reporting less than 60 percent. So, we are ahead. The Bureau estimated that there would be 60 percent of the self-respondents.

And yet, in our district, we have—at least certain areas of our district that we don't even have 60 percent counted yet. So, we have technological advances. We are using iPads. We are using laptops.

We have got a lot of things going on. And yet, in some rural areas like mine we are still struggling to get the numbers.

So, my question is what is the problem? Is it technology? Is it the pandemic? What is the issue in some of these more rural districts?

Mr. MIHM. In some cases, sir, it is just almost a perfect storm. I mean, certainly, the pandemic has wreaked havoc on the Bureau's ability to, first, in terms of recruiting people.

They are also having problems with turnover. Their turnover estimates were about 10 percent would come in to training and then not actually then begin work. It is actually running, you know, over double that.

They are also having trouble, obviously, with people being willing to open the doors and talk, even though they practice PPE and are keeping a six-foot distance away from that.

The big challenge that the Census Bureau runs into is, again, getting that last kind of couple of two or three percent of the population.

For a 10-week operation of nonresponse followup, it is not uncommon for the last four weeks to be going after the two percent of the population.

That is an important point, you know, both because we want everyone counted but it is also because that is where we make sure that those hardest to count, hardest to enumerate, communities are actually included in the Census.

Mr. HICE. OK. So, the real—the real problem here, you are going to get—you feel comfortable we are going to get 97 percent. The real problem is going to be getting that last three percent or so, correct?

Mr. MIHM. That is typically been the challenge that the Bureau faces. I mean, obviously, it is even more compressed this time.

But if they end up with three percent without being, you know, fully enumerated, that would be by all historical standards and, certainly, the standards of the professionals at the Census Bureau not a successful count, not a complete and accurate count. So, that would be a major kind of defeat—institutional defeat for the Census Bureau.

Mr. HICE. OK. So, we have got, let us say, 20 days or so remaining for the field operations right now. What are the biggest challenges on this final stretch for our rural districts?

I mean, obviously, internet connectivity is, I would think, somewhat of a problem. But what are the biggest challenges that you are facing as we approach this deadline?

Mr. MIHM. I think the biggest challenges, sir, are, first, making sure that we have enough enumerators out there and that they are working enough hours, and that is part of what the incentive pay program the Census Bureau has put in place to address is to try and get the enumerators to work more hours.

That is probably one of the biggest things. The second thing is, obviously, having the public cooperate and participate with the Census Bureau.

The Census Bureau has continued its community outreach programs because they know in a lot of areas around the country having trusted local voices speak up for the Census and talk about the importance of the Census, as a couple of the witnesses here have done, is very important to convincing people to participate in the Census.

And then, hopefully, touch wood, that we don't have other coronavirus spikes, we don't have other weather-related events. That would, certainly, derail the Census Bureau if any of that happened.

Mr. HICE. But you feel like we are going to make it, and I will close with this. You feel like we are going to make the deadline. Is that correct?

Mr. MIHM. Well, it depends on—you know, and I am not trying to—you know, to parse words here, sir, you know, to be accurate. It is that the Census Bureau will complete a Census.

The question and the risk is what will be lost. Will we—will it be a less than historically acceptable count in terms of completeness and in terms of accuracy, and that is the big worry that I think everyone faces.

Mr. HICE. Sure it is. Thank you.

I yield.

Mr. MIHM. Thank you, sir.

Chairwoman MALONEY. Gentleman yields back.

Congresswoman Norton is now recognized.

Congresswoman Norton, you are now recognized.

Ms. NORTON. Thank you very much, Madam Chair, for this important hearing. It means dollars and cents to every district including my own, the District of Columbia.

I want to get a sense of what we are talking about here, Mr. Thompson, when we hear that the time has been cut from five months to three months exactly what the implications are.

Mr. Thompson, could you explain how the Census Bureau develops timelines for data collection and processing so we will understand what this reduction in months means?

Mr. THOMPSON. Certainly, Congresswoman. I am delighted to respond.

So, the Census Bureau began their testing program in 2013 and it conducted a number of tests, did a lot of research, understanding the time that was available to conduct the 2020 Census.

And based on that extensive planning and preparation, they developed a schedule, and that schedule allowed for five months of post data collection processing.

That is, basically, how it came about.

Ms. NORTON. So, this is not—this is certainly not arbitrary timeline. Let me further ask you, Mr. Thompson, in order to process this data on a shortened timeline, will the Bureau have to alter or eliminate some of the processes it has developed to ensure a complete and accurate Census?

For example, in a court suit filed, the Census Bureau said it plans to cut 21 days from the schedule by compressing the time allotted, and here I am quoting, "subject for subject matter expert review and software remediation."

I wonder if you would translate that for us. Does this change increase the risks of an inaccurate or incomplete data count? If so, why?

Mr. THOMPSON. Congresswoman, that is also a good point.

So, what that operation entails is for the Census Bureau subject matter experts to look at preliminary tabulations of Census data and compare them with well known benchmarks and understand what is causing differences, and then they have to go back and if they find differences and understand is this a computer problem or is this a problem with the Census counts or what.

So, it is very important that they carry out this operation because that is one of the ways in which they find that there are errors in their computer programming, and then they fix those errors. If they don't fix the errors, they could be with us for quite a while.

Ms. NORTON. Here is—here is another change mentioned and, again, I am asking for your translation.

The change described in this court suit is that the Census Bureau will eliminate redundant quality control steps. Why does this change increase risks of inaccurate or incomplete data, and if so, why?

Mr. THOMPSON. Certainly, Congresswoman.

So, the Census Bureau, on a lot of their operations, including the nonresponse followup interviewing and other interviews, they have quality checks that they build in to make sure that the enumerators are doing high-quality work.

So, if those quality checks are reduced, then that, of course, introduces the prospect that more enumerator fabrication might occur and not be detected, and put more error into the system.

Ms. NORTON. And the bottom line, sir, are you concerned that 92 days will not be enough time to ensure that the Census is as accurate and as complete as possible?

Mr. THOMPSON. Well, Congresswoman, as I have testified, I am very concerned about the effect of the truncated schedule on both data collection and post data collection processing on the accuracy and quality of the 2020 Census.

Ms. NORTON. Thank you, Madam Chair.

Chairwoman MALONEY. The gentlelady yields back.

Congressman Jordan, you are now recognized.

Mr. JORDAN. Thank you, Madam Chair.

Mr. von Spakovsky, so two weeks ago on August 28, Ron Jarmin, deputy director and chief operating officer of the United States Census Bureau said, "We will be able to produce a complete and accurate Census by the deadline."

August 27, 2020, again, two weeks ago, Tim Olson, associate director for field operations, said, "Yes, we are on track to get this done on time."

Same day, August 27, 2020, Al Fontenot, associate director for Decennial Census programs, said, "All the indications are that we are on track."

So, three professionals running the Census have each said they are on track. And yet, Chairwoman Maloney says we need an extension. Mr. Raskin says we need an extension, and their four witnesses today say we need an extension.

So, I just have a simple question. Who should we trust, the partisan Democrats on this committee and the four witnesses they have asked to come in and testify, or the people actually doing the job, the career professionals at the Census Bureau?

Who do you think we should trust?

Mr. VON SPAKOVSKY. Well, I think I would go with the professional career senior leadership at the Census Bureau. They are the ones who have planned, implemented, supervised, and directed the entire Census program and my experience—my experience both as a government employee and elsewhere is that their judgment is the one that ought to be trusted.

Mr. JORDAN. Probably should trust the people doing the job and actually in the field, working with the people in the field, versus the partisans on the committee and the people they have asked to come in and testify.

And oh, by the way, I should point out those three statements made just two weeks ago were part of the Democrats' investigation. So, this wasn't Republicans going out and soliciting this information.

This is Democrats bringing these individuals in under oath, and all three of these individuals said, we are on track to get the Census done on time. It seems to me that, you know, we got this hearing. We got four people coming in who are part of the Census who have—who aren't doing it, aren't out there day to day working with the people who are who say we need an extension.

Yet, we have the folks doing the job who said no extension is necessary; in fact, we are going to be—we are going to be done on time. And we are 86 percent—86 percent of the households have already been counted in the 2020 Census.

Now, a different subject, Mr. von Spakovsky, and you talked about this in your testimony. Is a citizen's vote diluted when illegal immigrants are counted in the apportionment number?

Mr. VON SPAKOVSKY. They most certainly are. By including them in the apportionment count, you are devaluing the vote of those particular citizens individually. Plus, you are cheating particular states out of congressional representation in the House when other states get more representatives because of individuals who, like tourists, aren't supposed to be counted during the Census for apportionment purposes.

Mr. JORDAN. Yes. It is common sense——

Mr. VON SPAKOVSKY. It is.

Mr. JORDAN [continuing]. And it also happens to be the Reynolds case, which you cited, I think, in your opening statement. Is that right?

Mr. VON SPAKOVSKY. That is right, and most importantly, the Franklin *v.* Massachusetts case, you know, gives the president some discretion in determining, with the Commerce Department and the Secretary of Commerce and the Census Bureau, who should be considered inhabitants of a state, and they made it clear that having allegiance and other ties to a state is an important consideration.

Mr. JORDAN. And that is exactly—that logic, that commonsense is exactly what is behind the president's July 21, 2020, apportionment memorandum where he says count everyone but provide the number of, quote, "citizens and legal residents" to the president and use that number for the apportionment of congressional seats. Is that right?

Mr. VON SPAKOVSKY. That is absolutely correct.

Mr. JORDAN. Yes. And everyone understands that is how it should work, anyone with commonsense. The court decisions understand that. The only people who are against that are Democrats. Isn't that amazing?

Democrats want illegals to be part of the count to determine the number of members each state has in the U.S. House of Representatives.

Now, to me, that is frightening that that is their argument, that is their logic—or lack of logic, I should say—that goes against commonsense, goes against the court ruling, goes against the memorandum, goes against what any person you go out and talk to on the street would say needs to happen when we are counting.

Count everyone, but for the purposes of apportionment, we need to know the number of legal residents and citizens in this country. Does that make sense to you, Mr. von Spakovsky?

Mr. VON SPAKOVSKY. Yes, I agree with that 100 percent.

Mr. JORDAN. Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back.

Congressman Clay, you are now recognized.

Mr. CLAY. Thank you so much, Madam Chair, for holding this important hearing.

Let me say to Director Thompson so good to see you again, and we had a great working relationship during the 2010 Census. And you and I know that the Census is a once in a decade government function enshrined in our Constitution and conducted since 1790.

I would hope this would not be the Census taken in our Nation's long history that will be followed by an asterisk as incomplete or not a full count because of selfish political reasons.

Director Thompson, and let us be very clear about one thing. The changes to the apportionment and redistricting deadlines was first requested by the Census Bureau and the Trump administration before the Trump administration's sudden reversal.

How do we prevent a serious undercount or an incomplete Census from occurring at this stage of this process?

Mr. THOMPSON. Thank you, Congressman.

At this point, the Census Bureau simply needs more time to do its data collection and to do its post data collection process.

So, for example, the Census Bureau had announced that as of September 11, which is tomorrow, they were going to go to what they call close out in the entire country for the nonresponse followup operation, and what close out means is they send out people to get a last resort, last attempt, basic bare information on households.

Like, maybe they will just get a count of people at the household or a partial count, or maybe they will only get that the household is occupied.

That is tomorrow, and you think there are some area Census offices that the Census Bureau is publishing data for that right now are under 50 percent complete with nonresponse followup.

I would think that would be pretty scary, to me. So, the Census Bureau needs more time to do the data collection and they certainly need more time to do the data processing.

Mr. CLAY. And that is why it is so important that we extend these delivery dates. Is that correct?

Mr. THOMPSON. Exactly.

Mr. CLAY. Let me go to Mr. Mihm.

Mr. Mihm, why was it important for the Bureau to delay Census operations after the outbreak of the coronavirus?

Mr. MIHM. Well, sir, like the rest of the country and, certainly, like the Congress, the Census Bureau just had to, in effect, just shut down for—you know, nationally and not just in local areas.

The spiking of the cases meant that it was very difficult to get people on board. This would be the Census takers that would be, you know, actually doing the work. It would be—they were quite certain that they would not be able to get participation from communities or people opening the doors.

They had to, obviously, stop all of their in-person partnership programs and there is only so much you can do over WebEx and Zoom, you know, especially with a partnership program.

So, the Census Bureau concluded that there was just no effective way at the peak of the COVID outbreak, at least at that point in time, that they could carry on operations.

They then went through a very disciplined process in June and a very thoughtful one of using criteria of which offices would reopen when, based on local health conditions and the availability of PPE for Census takers, and so now they are open nationally.

Mr. CLAY. Let me ask you, Mr. Mihm, on July 8, 2020, Al Fontenot, the associate director for Decennial Census programs, referring to the December 31, 2020, deadline, stated, and I quote, "We are past the window of being able to get those counts by those dates at this point," end of quote.

Mr. Mihm, do you agree with the Bureau's public statement that the Bureau is past the time where they can produce complete and accurate Census data by their current deadlines?

Mr. MIHM. Sir, I know Mr. Fontenot well. I talk to him often, as well as Mr. Jarmin that Congressman Jordan referenced, and I have the utmost respect for them.

I think it will be an enormous challenge for the Census Bureau to deliver counts that meet the increasing historical demands for accuracy and completeness.

Each Census has gotten better than the preceding one, in a general sense, and that has been a big achievement in an environment in which, you know, obviously, society continues to change.

Public willingness to participate has gone down. Yet, we are still doing better with each Census. I think the great worry that—now is whether or not this would be a Census that takes a step back if—due to the compressed timeframes due to COVID–19 and the other challenges that they are running into.

Mr. CLAY. I thank you for your responses and, Madam Chair, I yield back.

Chairwoman MALONEY. Thank you so much, Representative Clay, for your thoughtful questions. And in line with your questions, without objection, I would like to place into the record this internal document from Census professionals that I released along with the other Democratic members last week.

And in it, the professionals say they need more time and in it they say that this compressed schedule creates risks for serious errors and being—and would not be discovered from the data.

So, I ask this. Without objection, it is in the record.

Chairwoman MALONEY. I now recognize Congressman Grothman.

Mr. GROTHMAN. Thank you very much. Can you hear me?

Chairwoman MALONEY. Yes, we can. Thank you.

Mr. GROTHMAN. Very good. I got a couple of questions here for Mr. von Spakovsky, kind of a followup on what my colleague, Jim Jordan, had to say.

It is apparent that one of the reasons people want to extend this, and is this what you get from the hearing, is they want to find more people and, particularly, it seems, they want to find more illegal immigrants.

Do you—do you kind of get that sense here?

Mr. VON SPAKOVSKY. Well, I don't know about that. I mean, I do—I do—look, just like everybody else, I do want an accurate count.

But I think it is very important that aliens who are here illegally not be included in apportionment, that they not be included in redistricting and that we know the number of noncitizens in order to be able to effectively enforce Section 2 of the Voting Rights Act, which is a very important statute.

Mr. GROTHMAN. I think it is interesting in what we have seen so far here in this hearing. Apparently, people want to extend it feel that there are people out there who haven't been counted. I mean, I don't know how you can avoid being counted because it is so difficult.

But do you think one of the problems we have is we let this thing drag on as you would have people double counted as they move about the country?

Mr. VON SPAKOVSKY. Well, that has always been a problem with the Census, and I would bring up history here. Look, over the past few decades every single Census we have had there have been huge cries and criticism saying, oh, it is not going to be accurate. People are going to be undercounted. And in every single one of those that has proven not to be true.

Mr. GROTHMAN. OK. I am thinking of over counting college students, people who move, that sort of thing. Do you think that is in particular where you would find over counting?

Mr. VON SPAKOVSKY. Yes, particularly because, as you know, so many students have been—have left their colleges and gone home and many of them were still there on April 1 and now may not be there and may get double counted.

Mr. GROTHMAN. Is it possible that if you begin to look for people in October or September that you are also going to get people who were already counted in August, just people who, in general, have moved since that time?

Mr. VON SPAKOVSKY. Most certainly, given the very high mobility of the American populace.

Mr. GROTHMAN. Right. Do you think people who shouldn't be here at all are particularly mobile or there is a particular danger that they could be over counted? At least, I am under the impression a lot of times they do—seasonal work, they may want to obey the law and leave the country or whatever. Do you think that it is a particular problem with people who are here illegally?

Mr. VON SPAKOVSKY. Yes. I think that is a very big risk, in particular, because I think people tend to—aliens tend to move or leave when they see in the press and elsewhere that there are vigorous enforcement efforts going on by the Department of Homeland Security in their particular area.

Mr. GROTHMAN. So, in other words, if we are worried about double counting and we begin to allow the Census counting to go on, say, into October, do you think disproportionately we will be over counting illegal immigrants?

Mr. VON SPAKOVSKY. You know, I don't have enough——

Mr. GROTHMAN.

[Inaudible] over counting.

Mr. VON SPAKOVSKY.—to answer that question. But I think—I think that is a substantial risk.

Mr. GROTHMAN. OK. And could you explain again the effect of counting illegal immigrants, what effect this will have on individual states who may be even aggressively trying to recruit illegal immigrants, states that have a disproportionately high number, California being an obvious one?

Mr. VON SPAKOVSKY. Yes. What it means is that states that incentivize illegal aliens to come to their state, particularly by putting in sanctuary policies, are using those populations to get more congressional seats they are entitled to at the cost of other states in the country that lose congressional seats which they ought to have because they don't have those large numbers of illegal aliens in their state.

So, it distorts what should be the equitable political distribution of the U.S. House of Representatives.

Mr. GROTHMAN. OK. And you feel—I suppose that is true. Does it even create a perverse incentive for states to adopt, say, sanctuary policies and say we want to foil our immigration laws because we want more illegal people in our state? That is what it is encouraging?

Mr. VON SPAKOVSKY. Yes, I think that is exactly what it does.

Mr. GROTHMAN. Wow. That is really something.

Well, thank you. I will yield the remainder of my time if I have any.

Chairwoman MALONEY. Thank you. The gentleman yields back.

Congressman Lynch, you are now recognized.

Mr. LYNCH. Thank you, Madam Chair. I want to thank you for having this hearing and I appreciate the contribution of all witnesses.

May I gently suggest, you know, today's hearing questioning—you know, were into this hearing for an hour and 15 minutes before we got to questions. I know we had some technical difficulty, things like that. But if I could gently suggest that we might be able to streamline these a little bit. That might be helpful.

I know how hard our staff works, but that is a long time, because now I am going to be an hour late for my next hearing, and I know there are a number of members on the committee in that position.

So, just if we could kind of figure that out, especially where we are starting to get into the normal flow of business again it will be problematic.

To save me a little bit of time and everybody else, let me just associate myself with the articulate remarks of the gentleman from Maryland, Mr. Raskin, and his opening statement—his summation.

I agree wholeheartedly with the concerns that he has raised and I appreciate the energy and the intellect that he has put into those remarks.

I would like to just take a small piece of the problem and try to get at that in my question. So I, with Congresswoman Pressley, represent the Boston area. We both represent the city of Boston.

We have got a huge number of universities and colleges here in the Greater Boston area—Cambridge and all that—and my question is about, and maybe, Ms. Carless, you sound to be—you sound like you are the person that might be best able to answer this question.

But we have not been able to identify up to now students who are normally counted. So, these are not students on campus but the students who live—which is the great majority, live off campus.

We have not been able to get them in the count, and part of that is we are not getting the full cooperation because of the pandemic that we normally get from the universities and also the curtailment of going out and getting these nonresponse followups, these NRFUs, in the tally.

So, are there any thoughts that you have regarding how—what we might be better? And I am sure there are—look, there are a lot of college towns all across this country that are having the same problem.

And for that particular difficulty is there—do you have any recommendations about, you know, how we might best count that demographic?

Mr. Mihm from GAO, you know, we have also heard from the Inspector General of the GAO concerns that off-campus college students are being under counted. That is what we are finding in our area.

So, I would just ask the witnesses if they might be able to help us out on that. What is a better way to get those people in the tally?

Ms. CARLESS. Thank you for that question. I do think that one thing that could be done is a more concentrated effort on actually reaching out to colleges and universities and their administration to not only make sure that they are consistently sharing the message of the importance of the Census for off-campus students to make sure that they are being counted but also providing them with quick and easy tools because they have a lot of things going on.

And if you give them the message to disseminate so that they could tweet it out to their students or, you know, email, whatever way they communicate, I think that will make a world of difference. But that has not been done to date as far as I know.

Mr. LYNCH. Great.

Mr. Mihm, do you got anything you want to add?

Mr. MIHM. Yes, sir, just very briefly. There are actually two issues here, as you were alluding to. One is the enumeration of students that are living in on-campus housing. There is about 40,000 of those nationally.

The Bureau was able to reach out to universities and get what they feel is a—at least an OK count on that of about 82, 81 percent or so response for those.

The bigger challenge, as you were mentioning, is those that are living off campus but yet still attending the university and, obviously, the Census Bureau doesn't have access necessarily to all that information.

What they did do is they—the Census Bureau director, in the middle of June, sent out a letter to about 1,350 different universities saying, hey, can you help us with some of the count here.

They got some good responses, but they also said—had some uneven response. They had quite a number of the universities wrote back and said, we are not going to participate or cooperate, as it were, with helping you get a count of students that are living off campus.

So, to the extent that we could kind of urge those universities to participate. That would be very helpful. Also the issue, of course, as—you know, as has been discussed throughout the hearing is that it is one thing if Census Day takes place when students are residing on their campus.

It is, at least, an easier kind of intellectual point to say, hey, this is their usual residence. If they are home and have been home for several weeks and are still home, this is where—you know, where they would live outside the university, it gets tougher to—you know, you can see how there would be that—they would be missed in their university counts where, if that is where they would nor-

mally attend, that is their usual residence and where that they should, indeed, be counted.

Mr. LYNCH. OK. My time is exhausted. I do want to say that it is wonderful to see Mr. DeSaulnier on the call and you look great there, Mark.

And I yield back. Thank you.

Chairwoman MALONEY. The gentleman yields back. Thank you for your remarks.

We now recognize Representative Gosar. You are now recognized.

[No response.]

Chairwoman MALONEY. Congressman Gosar, you are now recognized.

[No response.]

Chairwoman MALONEY. I believe he is trying to unmute.

[Pause.]

Chairwoman MALONEY. Mr. Gosar, would you like help unmuting?

OK.

Mr. GOSAR. Sorry about that. How did that—did that hit? Can you hear me now?

Chairwoman MALONEY. Yes, we can hear you now.

Mr. GOSAR. Oh, thank you very much, Chairwoman.

Census data reported that as of yesterday 80.8 percent of Arizona is enumerated. This is well below the majority of states.

Yet, just a few days prior to this report, the Census Bureau stated that Arizona was just 76.2 percent enumerated. This appears to be a very productive spike in a short number of days.

Mr. Mihm, do you think the Census Bureau's decision to move enumerators from high-response areas to the Southwest and Southeast, which is where a large portion of the nonresponse followup is not completed, contribute to this increase in my state?

Mr. MIHM. Sir, I am not able to speak specifically to the—you know, that particular case. What I can say is that—as more as a general rule the Bureau, with each Census, has moved Census takers to areas where they have been particularly, you know, having problems either recruiting or had a particularly high nonresponse workload.

It is not something that they like to do because, obviously, it can be costly and it is also there can be some data quality concerns. But it is something that has been tried and true as an enumeration technique and has shown itself to be successful.

So, it very well could be a situation in your case as well.

Mr. GOSAR. So now, with that said, what role has technology played in the self-response rate, which is five percent higher than the Bureau's goal, in the 88.2 percent total enumerated rate?

Mr. MIHM. Yes, it has been a great advantage to the Census Bureau and, obviously, a credit to them for pulling it off.

First, in terms of the initial response, the internet option that many of us availed ourselves of worked and pretty much without a hitch, and it was convenient, and easy, and it was very, very helpful to the Bureau, reduces paper and all the rest. So, that was a big and important improvement.

Likewise, this time being able to use technology in the enumeration as part of nonresponse followup is proving itself to be quite

valuable. There is always, you know, a set of kind of technical glitches that take place. But, overall, that is proving to be very valuable as well.

So, I think one of the stories, notwithstanding some continuing concerns with the use of technology, but when this is over in terms of the fundamental bedrock enumeration is the use of technology is going to be a generally positive story.

Mr. GOSAR. So, it really would support broadband throughout the country?

Mr. MIHM. I will take your point, sir. That is not my brief. Sorry.

[Laughter.]

Mr. GOSAR. Sounds good.

Mr. Mihm, in August your strategic issues team released a report outlining concerns with the count. Given the large enumerated rates, operational changes made by the Bureau, halt in staff layouts, and the statements of confidence in accuracy meeting the September 30 deadline made by Mr. Fontenot, Olson, and Jarmin, all senior level nonpolitical Census officials, do you still stand by your team's report?

Mr. MIHM. Yes, sir. And as I mentioned, is that I know Mr. Fontenot. I know Mr. Jarmin well and I have deep respect with them and it is an important data point, their sense of confidence and their ability to produce the counts.

Our concern is the risks that are entailed in that, and does that mean that they will not present a count at the end? Of course not. I think they will.

What the challenge will be is the—is it going to be a better count than we have gotten in the past because each Census has generally gotten better on that, and will it meet kind of the standards and the needs of the country for an accurate and complete count.

That is the risk that is entailed in that, a risk that also means that they could very easily do it. But there—it is going to be an enormous challenge for the Bureau.

Mr. GOSAR. So, one followup in regards to counting Native American tribal members, which are very large in my state, like the Navajo Nation, which was locked down. Was it easier to get a hold of people when they were in lockdown or was it harder?

Mr. MIHM. On the whole, it is—you know, the issue with enumeration in tribal communities has been a historical challenge for the Census Bureau. Some of it is dealing just with recruitment problems and the initial response rates are—have tended to be quite low.

In fact, one of the areas that I know the Census Bureau is most concerned about is Window Rock in Navajo Nation that has both low response—that is, a high workload for the followup—as well as experiencing recruiting problems.

So, there is—there has traditionally been problems there. We heard the Governor talk earlier about just the enormous challenges of how COVID has just been devastating to many of the tribal communities. That, certainly, makes things even more difficult both for those communities, obviously, and for the Census Bureau.

Mr. GOSAR. Thank you very much, and I yield back.

[Pause.]

Mr. RASKIN.

[Presiding.] We are going to recognize the gentleman from Virginia, Mr. Connolly, for his five minutes.

Mr. CONNOLLY. Thank you very much, Mr. Chairman, and I thank you and Carolyn Maloney for your diligence on this subject.

And let me also welcome Mark DeSaulnier back. We are so glad to have you back. You have been in our prayers and we are glad to see you. You are looking great.

Let me begin, Mr. Chairman, by saying that I find Mr. Jordan and Mr. von Spakovsky references to human beings as illegal aliens as offensive.

I don't believe that kind of language ought to be part of our discourse in this committee. It demeans human beings and makes them things rather than the human persons they in fact are. Their status may be up in the air.

There may be lots of reasons why somebody is undocumented in the United States, and that has always been the case historically.

Mr. Mihm and Mr. Thompson, what does the Constitution say with respect to who gets counted in the Census?

Mr. Thompson—Director Thompson?

Mr. THOMPSON. Well, thank you, Congressman.

So, first, let me state that I am not a constitutional lawyer. However, the advice that I got when I was at the Census Bureau as a career person, then as director, from some very good attorneys was that the purpose of the Census was to count everyone residing in the United States regardless of immigration status.

Mr. CONNOLLY. Well, you don't need to be a constitutional lawyer to read the words. The words are "all persons." Is that not correct?

Mr. THOMPSON. Yes.

Mr. CONNOLLY. Yes. So, it doesn't say except for those who lack proper papers. Is that correct?

Mr. THOMPSON. Yes.

Mr. CONNOLLY. And has it been the practice of the Census Bureau to in fact comply with the words of the Constitution and count all persons to the best of your ability?

Mr. THOMPSON. Throughout my long experience with the Census Bureau, they always counted—did their best to count everyone in the United States.

Mr. CONNOLLY. And, you know, it is also interesting to hear Mr. von Spakovsky talk about diluting the votes of those who are legally in the United States, and I am glad to hear that coming from him and Mr. Jordan because I look forward to their joining us in opposing voter suppression that dilutes votes, and purging voting rolls and making it harder to vote and eliminating early voting or curtailing it, or changing precincts arbitrarily to make it hard for especially people in minority communities to vote. Those kinds of voter suppression issues are to be condemned and I am certainly looking forward to their support and that condemnation.

Mr. Mihm and Mr. Thompson, it has been the practice of the Census Bureau to try to get data early to states that undertake redistricting early, and two that come to mind are my home state of Virginia and the state of New Jersey because we have off-year elections next year.

So, we actually have legislative elections in 2021, and it has been the practice historically of the Census Bureau to try to get our data

early so that we can undertake redistricting appropriately in anticipation of those elections next year.

How might the actions being proposed now in terms of curtailing the Census or wrapping it up early—how might that affect the ability of the Census Bureau to get accurate data to those two states?

Mr. MIHM. Mr. Connolly, thank you. As a resident of Virginia, obviously, this is an issue—you know, a very important issue for me personally.

We have asked the Census Bureau that and we understand that they are due to come out with a plan within the next couple of days as to how they are going to be able to deliver the apportionment or the—rather, the redistricting data is that one of the tradeoffs that they are making in order to get the—due to the cutting of the amount of time that is available for processing to get the apportionment data is they are focusing only on apportionment or almost exclusively on apportionment data at this point.

There are other data, obviously, that is important for redistricting and, you know, and, obviously, needed at a much lower geographic level. That is something in which they said that they are going to be providing a plan within the next few days, I understand, on that.

That is something that we are going to be looking for and, obviously, we would keep you and your office and the committee informed on any observations we have on that plan.

Mr. CONNOLLY. I just think it is important, in my final three seconds, to underscore that there are some states that are more affected immediately than others, and Virginia and New Jersey are two of them. I think Kentucky may also be.

So, thank you so much for that observation, and I yield back, Mr. Chairman.

Mr. RASKIN. Thank you very much, Mr. Connolly.

We will now recognize Mr. Palmer for his five minutes of questions.

Mr. Palmer?

Mr. PALMER. Thank you, and I too welcome Mr. DeSaulnier back to the committee. I have been greatly concerned for him.

One of the things I want to point out is we have started talking about the unauthorized population. The unauthorized immigrant population, according to Pew, has stabilized over the last decade or so, and but there is—I think they also found a consistent amount of transiency.

That is, people coming in and out of the country, staying for a short amount of time and then returning to their countries of origin.

Pew reports that to be about 20 percent are less—are here less than five years and 40 percent are here less than 10 years, and that doesn't include noncitizens who are here legally short term such as college students and guest workers.

So, I have some questions here that I would like to ask to Governor Lewis. Actually, I will start with Ms. Carless. Should we allow noncitizens to run for office?

Ms. CARLESS. The Constitution would not allow noncitizens to run for office.

Mr. PALMER. I know what the law is. I ask you—and these are yes or no questions—should we allow noncitizens to run for office?

Ms. CARLESS. No. We should uphold the Constitution.

Mr. PALMER. OK. Should we allow noncitizens to make campaign contributions to political candidates?

Ms. CARLESS. No.

Mr. PALMER. Should we allow noncitizens to vote in our elections?

Ms. CARLESS. No.

Mr. PALMER. OK.

Governor Lewis, the same questions. Should we allow noncitizens to run for office?

Is he still with us?

Mr. LEWIS. I am. Thank you, Congressman.

And as a Native American leader, we know—we have a history of not being considered citizens, even though we were the first Americans.

Mr. PALMER. Well, sir, I am just asking you a straightforward yes or no question. Should noncitizens be allowed to vote? Should they be allowed——

Mr. LEWIS. I would defer——

Mr. PALMER [continuing]. To run for office or should they be allowed to make campaign contributions?

Mr. LEWIS. I would defer to the Constitution and what the Constitution says——

Mr. PALMER. Then your answer would be no. And thank you for that.

Mr. LEWIS [continuing]. Respectfully.

Mr. PALMER. I also have Native American heritage as well so I really appreciate you being here.

I would also ask that to Mr. Thomas. Should we allow—I think everybody is going to say no. Is that—is that fair to say, Mr. Thompson and Mr. Mihm?

Mr. THOMPSON. I think that is a good assumption, Congressman. I would uphold the Constitution.

Mr. PALMER. OK. Then let me ask this. If we don't allow them to run for office, if we don't allow them to make campaign contributions, and if we don't allow them to vote, why would we count them for apportionment purposes, particularly considering the transient nature of so many of them?

I mean, 20 percent who are here less than five years, that is over 2 million people and that is not counting the people who are here legally on a short-term basis. Like I said, it is college students and guest workers.

So, does it—does it make sense that we would count them for apportionment when so many of them won't even be here and be so—and that would be so disruptive of our system of apportionment that we literally would deny representation to citizens who are here legally.

Mr. von Spakovsky, could you respond to that?

Mr. VON SPAKOVSKY. Well, I agree with you. They should not be included in apportionment. If they can't vote, which I don't believe they should, if they can't make campaign contributions, and if they

can't run for office, there is no reason to include them in apportionment.

And I might point out that, in fact, in 2015 the congressional Research Service actually did a study saying if apportionment after the 2010 Census had been based on citizen population, if they had not included noncitizens, Louisiana, Missouri, Montana, North Carolina, Ohio, Oklahoma, and Virginia would all today have an additional seat in the U.S. House of Representatives. They have been cheated.

Mr. PALMER. Chairman Raskin, I want to—Chairman Raskin, I want to suspend my time to ask how much time I have left because the clock disappeared.

Mr. RASKIN. Counting 24 seconds, but we will be liberal with that as with all things, Mr. Palmer. The floor is yours.

Mr. PALMER. You are always very kind to me and I am grateful for that. Thank you, sir.

All right. The reason that we don't allow noncitizens to participate in our elections is because it could have a deleterious impact on our ability to govern ourselves as a representative republic.

That is the reason why we shouldn't count noncitizens for apportionment because it will have a very negative impact on our ability to continue this great experiment in representative government.

Again, I thank the chairman for extending my time. Your kindness is noted and appreciated, and I yield back.

Mr. RASKIN. Thank you very much, Mr. Palmer, for those very interesting questions.

I will now recognize myself for my five minutes of questions and, Director Thompson, I want to start with you. Some people seem to be a little cavalier, at least to my ears, about losing three percent of the population in a Census count.

How many people is three percent of the American population?

Mr. THOMPSON. Well, Congressman, right now there is about 340 million, 350 million people in the United States. So, three percent of that would be millions of people.

Mr. RASKIN. It would be around 10 million or perhaps over 10 million people, right?

Mr. THOMPSON. Exactly.

Mr. RASKIN. And if you look at our committee, I think 10 million people is more than 16 of the states that are represented in our committee.

I just went through—I saw Alabama would be less than that, Arizona, Kentucky, Louisiana, North Dakota, South Dakota, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, my home state of Maryland, the District of Columbia and on and on.

What do you—so three percent may not seem like a big deal although, of course, we know lots of elections are settled by three percent of the vote.

But what do you think about the proposition that a group of Americans the size of these states and, in some cases, combinations of them, 10 million is more than the combined populations of Tennessee, West Virginia, and North Dakota?

Well, what do you make of the proposition that that is no big deal and we should just go ahead and blow the whistle and stop

counting and run the risk that millions of people might not be counted?

Mr. THOMPSON. So, I think that would be really bad to miss that many people, especially at the national level, and I would say that it wouldn't be the same in every state. It would vary considerably. I would think the issues right now that would be at greatest risk are the issues where——

Mr. RASKIN. It could hit every state, right? It could hit all of our states.

Mr. THOMPSON [continuing]. It would affect every state, some more than others. In fact, in those states right now that have very low completion rates for nonresponse followup I think they are at—they are at great risk right now.

Mr. RASKIN. All right. Well, let me followup with this because I feel like we have been kind of speaking past each other today the way we sometimes do.

But most of the experts that we have heard from as well as this document that the chair referred to that was released by the Census Bureau from August 3 say that the Census Bureau needs more time to do an accurate count. And yet, our colleagues on the other side of the aisle come back and say that we shouldn't be counting undocumented aliens.

Isn't that, basically, changing the subject? Regardless of where you stand as a matter of constitutional law or statutory law on their argument that in future Censuses undocumented aliens shouldn't be counted, for the first time in American history, regardless of where you stand on that, isn't that an irrelevant distraction from what we are really here to talk about today, which is whether the Census Bureau needs more time to count millions of Americans who may be lost if we don't give them an extension?

Mr. THOMPSON. I think that is the interpretation you are making, Congressman.

Mr. RASKIN. Well, it is definitely the interpretation I am making, but I guess what I am saying is, is there anything logically connected between the two? I mean, you know, I can go to some of the other witnesses who might feel free to opine on that. I don't know.

Well, let me continue. Let us see. The Census Bureau document that was referenced by the Chairwoman Maloney was dated August 3 and Census officials warned Commerce Secretary Wilbur Ross that a push to deliver Census data before December 31 would cause data products to be, quote, "negatively impacted."

They said that the loss of activities eliminated under the new schedule would reduce accuracy. It would create risk for serious errors not being discovered in the data and so on.

Mr. Mihm, let me come to you. Does GAO's independent analysis also show that the compressed procedures under the new schedule in the midst of this pandemic would reduce accuracy and create a risk of serious errors not being discovered?

Mr. MIHM. Yes, sir, is that we are—we are concerned both from the pressure that is put to get out in the field—you know, the reduction by one month from the end of October to the end of September and the reduction of about from 150 days to about 90 days in order to do the processing.

Both of those—either one of them would be a very difficult lift. The two of them together could be an extraordinary one for the Census Bureau.

One other point, just very quickly, sir, is that you mentioned about the 10 million is that, obviously, the salient point there is that it is not evenly distributed or would not be evenly distributed across the country.

If it were, we could probably—we could probably live with it and Census geeks like, you know, Mr. Thompson and myself would worry about it. But the problem, of course, is that it is not evenly distributed. It is disproportionate in certain communities, in certain localities, geographic and demographic areas.

So, that is the big challenge with—in terms of the distribution of Federal funds, in terms of the appropriate distribution of political power and representation.

Mr. RASKIN. I got you, and we are not going to lose an entire state but we could have a state lose an entire congressional district and it could affect state legislative redistricting and, of course, the distribution of money.

Let me just ask you, Director Mihm, before I turn it over to Mr. Comer. Do you agree that the contested question about whether people should be counted even if they can't vote like undocumented people or children or prisoners and so on, that that question doesn't need to be resolved in order to deal with the analytically distinct question of whether the Census Bureau needs more time to count all Americans?

Mr. MIHM. The short answer to that is yes, sir, in the sense that, you know, that our, you know, obviously, is a support agency to the Congress. We don't have a position on the policy question about, you know, who should be included or included in——

Mr. RASKIN. It is a separate issue. Thank you very much, Mr. Mihm.

Mr. MIHM. That is a separate issue for us. What our concern is the operational implications.

Mr. RASKIN. I appreciate that. I am going to recognize Mr. Comer.

Chairwoman MALONEY. [Presiding.] The gentleman's time has expired. The gentleman's time has expired.

Mr. RASKIN. I recognize Mr. Comer for his five minutes of questions.

Staff. Mr. Rouda. Mr. Rouda.

Chairwoman MALONEY. OK. Congressman Rouda is now recognized.

Staff. Mr. Comer, we understand

[Inaudible]

Mr. ROUDA. Thank you, Madam Chairwoman.

Chairwoman MALONEY. Mr. Comer wanted to defer to Mr. Rouda, to another Democratic witness.

So, Mr. Rouda, you are now recognized.

Mr. ROUDA. Thank you, Madam Chairwoman. Can you confirm you can hear me?

Chairwoman MALONEY. We can hear you.

Mr. ROUDA. Great. Thank you very much.

As we know, the impacts of the Census are wide reaching. Census data affects congressional representation and the allocation of trillions of dollars in Federal funding. Earlier this year, we learned the damage that could be done to our communities by just a one percent under count.

In fact, in Orange County in my district, we learned that if there is a one percent under count of low-income students, schools could lose over a quarter million dollars in Federal funding, the equivalent of all the textbooks that nearly 1,000 students would need in an entire school year.

And a one percent under count of low-income workers in my district means a loss of approximately $160,000 in Federal funding for job training programs, apprenticeship programs, and career counseling.

Clearly, rushing to complete the Census and eliminating crucial data and quality control measures would have real consequences for students and workers across the country.

And it is not just the distribution of Federal funds that could be impacted by an incorrect or incomplete 2020 Census. The area that has the most devastating effects is on the American businesses and the U.S. business community has come out strongly in favor of extending the statutory deadline for completing this Census.

In an August letter, 87 business groups and companies wrote that population and demographic data from the Census is, quote, "vital to businesses across America to promote economic development, identify potential customers, and create jobs."

They went on to say that rushing the Census would, quote, "drastically undermine the quality of the data that we rely on so dearly and harm every state, every business, and every industry in the country relying upon resulting data."

Madam Chairwoman, I ask unanimous consent to have this letter into the record—entered into the record.

Chairwoman MALONEY. Without objection.

Mr. ROUDA. Thank you.

Mr. Thompson, this letter from members of the business community specifically mentions the American Community Survey and the Economic Census as two Census Bureau programs on which it, quote, "directly depends."

Is it accurate that the data from the Decennial Census is used for both of these programs?

Mr. THOMPSON. Well, the data for the Decennial Census is used somewhat for the Economic Census. But it is critical for the American Community Survey to be fully represented. If the Census data are carried forward each year in the form of population estimates and those data are used to make sure that the American Community Survey is very representative.

So, if the Census data were to have a 10 percent undercount in it, for example, that would be carried forward and that 10 percent underrepresentation would be reflected in the American Community Survey for 10 years.

Mr. ROUDA. So, what you are basically saying is if we don't get this right, businesses across the United States—big businesses, medium-sized businesses, small businesses—who are relying on the quality of this data being correct will be making business decisions

that could be wrong because the data is wrong, which could cost cities and states millions and millions of dollars in tax revenue.

In addition, it could put these companies at risk of making poor decisions. Is that correct?

Mr. THOMPSON. That is correct, Congressman.

Mr. ROUDA. And that is why Chambers of Commerce from across the country, including the California Chamber of Commerce, the Texas Chamber of Commerce, the West Virginia Chamber of Commerce, the Minnesota Chamber of Commerce, and Commerces all in between across our great country join this letter to express their concerns about a rushed and inaccurate Census.

Governor Lewis and Ms. Carless, would it be fair to say that a rushed Census stands to have a negative impact on businesses in your communities?

Governor Lewis, would you like to go first?

Mr. LEWIS. This is Governor Lewis.

Yes, definitely. For tribes and for the Gila River Indian Community, we are relying on businesses for 75 percent of our revenue, and that was especially critical as we are moving through the pandemic.

This would have a devastating effect on the nation-building economy that we are trying to maintain through this pandemic and, of course, the numbers are going to be for a decade and this would definitely have—it would have a devastating effect not only to the Gila River Indian Community but to tribes across Indian Country.

Mr. ROUDA. Thank you.

Ms. Carless?

Ms. CARLESS. Thank you.

I would co-sign with the other witness. It would have a devastating effect on North Carolina as well. Our business community definitely relies on accurate Census data in regards to where to place factories or as long as how to plan for growth and jobs in our community. So, it would have a devastating impact.

Mr. ROUDA. Well, thank you very much. This is just another manufactured crisis by this administration, and I yield back.

Chairwoman MALONEY. The gentleman yields back.

And also with Representative Comer's request I am going to another Democratic representative.

Debbie Wasserman Schultz, you are now recognized.

Please unmute yourself.

OK. She is working on it.

Ms. WASSERMAN SCHULTZ. Thank you, Madam Chair. I am sorry that wasn't the problem. I was just transitioning to the car. So, if you give me one second and I will

[inaudible].

OK. OK. Thank you so much.

In Florida, we have faced an uphill battle to counteract the Trump administration's effort to depress Census response rates in minority and immigrant communities.

In the most recent figures available, Florida ranks 43d among states in the percent of the population that has been enumerated.

The self-response rates in south Florida communities that I represent are behind where they were in 2010. We are at serious risk of an undercount that will have devastating consequences for rural,

Black, and immigrant communities, the very Floridians that are most in need of political representation and Federal dollars, especially in the aftermath of the COVID–19 pandemic.

Mr. Mihm, in its August report the GAO raised concerns about the risks created by the late design changes to the 2020 Census. In particular, the report states, and I quote, "We have previously reported that late design changes can introduce new risks: delays, the resulting compressed timeframes, implementation of untested procedures, and continuing challenges such as COVID–19 that escalate Census costs and undermine the overall quality of the count."

Mr. Mihm, in your view, was the decision in early August to cut a month out of field operations and two months out of data processing a, quote, "late design change?"

Mr. MIHM. Yes, ma'am.

Ms. WASSERMAN SCHULTZ. OK. And what are some of the risks that arise out of the Census Bureau making these scheduled cuts in August?

Mr. MIHM. I think there are actually two of them. One is that the—certainly, the schedule compression—the reduction in field work by one month and the reduction in over 60 days in terms of the processing at the back end to make sure that there are no errors or problems with the data that could be corrected before the apportionment counts go out.

So, those were the two major areas that we expressed concern.

Ms. WASSERMAN SCHULTZ. OK. By contrast, Mr. Mihm, I want to ask about why congressional action to extend the statutory deadlines is a different type of change. Do you consider giving the Census Bureau an extension to finish field operations and data processing the type of, quote, "late design change" that the GAO has warned about?

Mr. MIHM. I am sorry, ma'am. I regret I didn't hear the first part of your question.

Ms. WASSERMAN SCHULTZ. OK. What I said was, by contrast, I want to ask why congressional action to extend the statutory deadlines is a different type of change. Do you consider

[inaudible] design change.

[inaudible] as part of it?

Mr. MIHM. Well, certainly, you know, the Census Bureau has told us that, you know, that to the extent that they would get additional time or that—and that was certainly the plan that they had been operating on up until the end of July, the very first part of August, that they would have an additional four months, that would allow them to be in the field through the end of October as they had planned. It would allow them to begin or have the processing run into January as—again, as they had planned on that.

Ms. WASSERMAN SCHULTZ. Just to clarify what I mean, it sounds like your more detailed answer indicates no, it is not what they mean by a late design change. Is that right?

Mr. MIHM. Well, the late design changes that—the ones that cause concern are those that, you know, end up compressing the time or that introduce new and untested procedures.

Obviously, to the extent that they have some more time that would give them an opportunity to go through the data, to have ad-

ditional time in the field, and that had been the plan that the Census Bureau had been operating under for a number of months.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. Thompson, you

[inaudible] the design of the 2020 Census. Can you

[inaudible]

Mr. THOMPSON. I am sorry, Congressman. I didn't catch what you—Congresswoman, I didn't catch what you said.

Ms. WASSERMAN SCHULTZ. OK.

[Inaudible.]

Chairwoman MALONEY. We are having technical—we are having technical difficulties. Debbie, we can't even hear you. You are going in and out. So, I think the gentlewoman's time has expired.

Congresswoman Miller, you are now recognized.

Congresswoman Miller?

Mrs. MILLER. Unmuted now. Can you hear me?

Chairwoman MALONEY. We can hear you.

Mrs. MILLER. Good, because——

Chairwoman MALONEY. Yes, we can.

Mrs. MILLER [continuing]. I am having technical issues as well.

Chairwoman MALONEY. Yes, a lot.

Mrs. MILLER. Thank you, Chairwoman Maloney and Ranking Member Comer and all of you witnesses for being here today to discuss the Census.

As the Census is only a few months from being legally required to be completed, my district could have been a representation of how difficult it can be to get an accurate account. Four of my 18 counties in the district have 100 percent of the population living in hard-to-count neighborhoods. I have spent the last two years visiting each of these counties and I can tell you from firsthand experience how truly rural they are.

West Virginia is one of the states that is a success story for the Census Bureau and their nonresponse followup operation. After having one of the lowest self-responses rates in the country, West Virginia has had over 97 percent of all households enumerated, ranking second among all the states.

With 21 days left to finish the enumeration, the Census workers in my state are doing a fantastic job and I applaud the Census Bureau for diligently completing this important duty in a particularly difficult area to count.

However, instead of giving the Census Bureau the time needed to implement its strategies, this committee seems to have spent our hearings attacking our duly elected president and his constitutional and lawful actions to protect the Census, our elections, and accurately apportioning congressional seats, and it would directly affect me.

American citizens deserve fair and accurate representation in Congress and it is the duty of the Federal Government to ensure apportionment is completed correctly. Counting people living in the United States illegally in apportionment is an attack on our democratic institution and seeks to take away the voice of the American citizens.

I strongly support what President Trump has done in trying to protect the sanctity of our congressionally mandated apportionment

process, and I urge my colleagues to stop hindering the Census any further.

Mr. von Spakovsky, why should Americans be concerned about vote dilution?

Mr. VON SPAKOVSKY. Look, vote dilution is something that all Americans should be concerned about. Almost all of the cases filed under the Voting Rights Act, under Section 2 of the Voting Rights Act over the last three decades, particularly when it comes to redistricting, have been vote dilution cases.

We don't want the votes of individual Americans, no matter what their race or ethnic background, from being diluted and devalued and to have—to be less of a value than that of other voters.

But that is exactly what happens when you include noncitizens, when you include aliens not only in the apportionment process but also in the redistricting process, and this is particularly true also—you can see the importance of this in the lawsuits that have been filed, as I have said before, by both Republican and Democratic Justice Departments to enforce Section 2 of the Voting Rights Act.

When they are coming up with a remedy which often is a majority minority district, one which minority voters are actually a majority of the voters, they try to use citizen voting age population because otherwise they are not going to be able to put in an effective remedy and that is why it is extremely important that the population count, yes, be accurate but that we also have a count of the citizens and noncitizens in the country.

Mrs. MILLER. Well, how does the president's memorandum on apportionment mitigate the damage of vote dilution?

Mr. VON SPAKOVSKY. Well, you know, he has issued two memorandums, one directing the entire executive branch to forward all records that they have on citizenship status to the Census Bureau, and second, to not include—it is not that we are not going to count aliens who are in this country but they should not be included in the apportionment process.

And as I have said, that is within his statutory authority. It is within the precedent set by the Supreme Court.

And if I may just say very quickly in response to an earlier comment, the term "illegal alien" is the correct legal term. That is a term used in Federal immigration law and it is a term used in U.S. Supreme Court decisions.

Mrs. MILLER. What issues do you see arising because this administration was blocked from asking the constitutional citizenship question on this year's Census?

Mr. VON SPAKOVSKY. Well, look, the big issue is will the records produced by the executive branch produce enough information to give us an accurate count of the noncitizens in the country.

From everything I have seen, I think the answer to that is yes. It is amazing how much data and information the Federal Government has on the American population already on individual citizens and noncitizens, and I think the initial estimate was they would have information on citizenship status on at least 90 percent of the population and they have apparently been working to get that as close to 100 percent as possible.

Mrs. MILLER. OK. Thank you. I yield back my time.

Chairwoman MALONEY. The gentlelady yields back.

Congressman Sarbanes, you are now recognized.

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

Chairwoman MALONEY. Yes, we can.

Mr. SARBANES. I appreciate the hearing. Obviously, a number of us, as you can tell, are alarmed at this prospect of shortening the time for the nonresponse followup from the end of October to the end of September and also the transmission—the collection and transmission of the apportionment data where we and the Trump administration in its original posture felt that extending those deadlines to the end of April and the end of July, respectively, made a lot more sense.

So, here is the question. Help me understand this, Mr. Thompson, and I may go to Mr. Mihm as well. But what is the down side of keeping the collection or the response effort underway through the end of October and what is the down side or risks associated with the extension in terms of the apportionment data being collected and analyzed and transmitted at those later dates in 2021?

Because I haven't heard anybody point to a significant risk or downside or negative to allowing for the nonresponse followup to continue through the end of October or to allow the apportionment data to be transmitted at those later dates.

So, Mr. Thompson, do you see any significant negatives associated with that?

Mr. THOMPSON. Thank you, Congressman. No, I don't see any negatives. That, in fact, is the initial plan that the Census Bureau career staff had developed in the face of dealing with the COVID–19 pandemic. So, it would be implementing their plan.

Mr. SARBANES. And, Mr. Mihm, do you see any significant negatives with extending that—those deadlines?

Mr. MIHM. I agree—Congressman, I agree with Mr. Thompson that that had been the Bureau's plan to extend the dates, you know, those four months and had been behind the request for legislative relief on that.

The only, as it were, downside or at least something that we have urged the Bureau to make sure that they consider and do evaluations on is the notion of recall bias. Obviously, the farther you get away from Census Day the problems of memory and recollection about where people were—may have been residing and who else was in the household become an issue for them.

We just believe that that ought to be looked into. But nevertheless, as Mr. Thompson said, the Bureau's plan was to have that additional time in order to—and that was, on balance, the appropriate way to go that they had concluded.

Mr. SARBANES. Well, and the original timeline in terms of collecting the data, having the questionnaires responded to, was the end of October. So, it was, certainly, within the window of what was considered needed from an accuracy standpoint. The move has been——

Mr. MIHM. Yes, sir.

Mr. SARBANES [continuing]. The end of October to the end of September, correct?

Mr. MIHM. Yes, sir. Yes, sir.

Mr. SARBANES. Right. So, if you look at the ledger here, on the side of the ledger that says down sides and risks associated with carrying the followup effort through to the end of October and making sure that the apportionment data goes according to that more extended deadline, under that column in terms of risks and down sides to that approach there is nothing in that column.

In the other column in terms of risks and negatives and challenges posed by trying to move these deadlines up in a significant way, you have a whole litany of things that, Mr. Thompson, you had detailed and, Mr. Mihm, you have detailed some of those as well.

So, it is not even a close call here in terms of how we should be handling it and it is, clearly, a call that the administration recognized itself when it initially asked for that extension in terms of the apportionment data.

The other thing I want to point out is sometimes Censuses are conducted on the cusp of a Presidential election and sometimes they are not, and this is at the moment of a Presidential election.

And whenever you have that, the day after the election, regardless of whether in this case the incumbent stays in or there is a new president coming in, there is always a lot of changeover of personnel because people who have been there for four years decide to move on, et cetera.

It strikes me that this is the worst time to be taking time and flexibility away from the Census Bureau in view of that particular dynamic that you could possibly choose.

So, for all those reasons, we need to keep that deadline for the response followup. We need to have that extend through the end of October and we need the collection of the apportionment data and its transmission to be extended into 2021, which is what we are trying to do to make sure that the Census is conducted in a fair and accurate way.

With that, I yield back my time.

Chairwoman MALONEY. Thank you for your question.

Congressman Comer, you are now recognized.

Mr. COMER. Thank you, Madam Chair. My questions will be—I will refer to Mr. von Spakovsky.

First, I want to thank you for testifying today. You are an expert on constitutional and voting rights law. I also want to emphasize a point I made in my opening statement.

Career Census Bureau staff have told the committee in transcribed briefings that as of now the 2020 Census can be accurately completed by September 30. These career staff are moving heaven and earth to ensure an accurate Census.

I wish the hearing today supported the effort of the hardworking women and men at the Census Bureau. But that is not the purpose of this hearing.

The hearing today is a coordinated assault on the 2020 Census from the Democrats and their left-wing allies who are suing the administration.

This weekend a liberal judge in northern California issued a temporary injunction preventing the administration from executing a complete Census count by September 30.

Are you familiar with this injunction?

Mr. VON SPAKOVSKY. I am.

Mr. COMER. Do you believe, given the current circumstances, a nationwide injunction is merited?

Mr. VON SPAKOVSKY. I do not. In fact, I think the judge was going outside of her very limited jurisdiction and her particular district in California.

Mr. COMER. The current statute has strict deadlines for delivering an apportionment count to the president and redistricting files to the states.

To my knowledge, Congress has not enacted and the president has not signed any legislation changing these deadlines. What legal basis is there to challenge the current statute when Congress has not acted to change the statutory deadline?

Mr. VON SPAKOVSKY. Well, I don't think there is one. In fact, that is why I think this judge is acting in a way that is not justified by the facts or the law that she has in front of her.

Mr. COMER. If this judge issues a longer-term injunction, it will mean the Census Bureau and the judge himself will be violating the law. Is that correct?

Mr. VON SPAKOVSKY. That is right.

Mr. COMER. And you have seen a lot of legal interest in the 2020 Census, obviously, including a lawsuit against adding a citizenship question to the 2020 Census. This case was ultimately decided last year by the Supreme Court.

Why did the Supreme Court recently rule with regard to the constitutionality of the citizenship question being asked in the questionnaire?

Mr. VON SPAKOVSKY. Look, that decision was misinterpreted and, I think, misreported by a lot of media. It is very important to understand the Supreme Court said that it is both constitutional to have a citizenship question on the Census and that the executive branch has the statutory authority to ask a citizenship question.

The only thing that they decided at the end was that they had not gone through the correct procedures under the Administrative Procedure Act to explain why they were adding a citizenship question. I think that was in error.

But the point is, constitutionally and statutorily, you can have a citizenship question on the Census. In fact, we have had one on there starting in 1820.

Mr. COMER. Well, I think that is a very important point and that is counter to what several of my colleagues on the other side of aisle have been saying throughout these Census hearings. So, I appreciate you bringing that—bringing that out.

Do you believe the Supreme Court ruling on administrative process grounds is problematic?

Mr. VON SPAKOVSKY. I think it is very problematic. In fact, I agree with the dissent written by Clarence Thomas in which he said that once the majority determined it was both constitutional and statutorily legal, that should have been the end of the analysis and I think he is exactly right about that.

Mr. COMER. One last question. Is it fair to say this decision opens new avenues for legal challenges based on procedural grounds?

Mr. VON SPAKOVSKY. Yes, I think it does and I think it is a misinterpretation of the APA. And I might just quickly point out, look, the American Community Survey, which the Census Bureau sends out every year, it currently has a citizenship question on it.

Mr. COMER. Exactly, and I said my last question. I am just going to throw out one more because there have been so many different statements between the Republicans and Democrats on this congressional reapportionment issue, which the president supports and I personally support.

But, sir, is it a fair statement to say that if persons here illegally are counted toward congressional apportionment, then states that have promoted sanctuary cities would be rewarded with more congressional representation?

Mr. VON SPAKOVSKY. Yes, that is, clearly, the case.

Mr. COMER. Well, that is a big difference in ideology between the Republicans on this committee and the Democrats on this committee.

But, regardless, I appreciate your testimony here today and thank you again for being here.

With that, Madam Chair, I yield back the remainder of my time.

Chairwoman MALONEY. Thank you. The gentleman yields back.

Congresswoman Speier, you are now recognized.

Jackie Speier?

Ms. SPEIER. Jackie Speier, but thank you, Madam Chair.

[Laughter.]

Ms. SPEIER. You know, I think that old adage about not changing the spots on a leopard really applies here. What we have seen by President Trump from his January 26 recognition that the COVID–19 pandemic was serious and troublesome but refused to make that apparent to the American people, to his efforts to undermine the FDA, the CDC, and the intelligence community and to bend their decisionmaking to his interests has taken many persons who were in professional positions within our various departments, and either they become whistleblowers or they bend to the president's wishes.

So, the fact that on August 3 a memo to Secretary Ross is provided that says the accuracy and completion of the Census will be jeopardized if we speed up this process should give all of us pause.

But my colleagues on the Republican side feel compelled not to focus on what the issue of the day is but on apportionment and reapportionment.

The data processing has taken anywhere from 140 to 185 days. This administration now is going to reduce it to 92 days.

So, Mr. Mihm, in your analysis by the GAO, is cutting 60 days out of data processing schedule going to increase the risk of the inaccuracy and incompleteness of the Census?

Mr. MIHM. The short answer, ma'am, is yes. I mean, one of the things to keep in mind, and we had a bit of a discussion—Mr. Thompson talked about his earlier—was the importance of the subject matter review process within the Census Bureau and this is where experts that know the data within individual states after there has been a data run have the opportunity to step back and see if there is any anomaly due to sex ratios looked at. Is there a population change that can't be explained by other ways?

To just give an indication of this, there were 46 reruns that they had to do of state data out of 52 states and territories in 2010, and so this is not something that is just as an aside that has to take place with that.

They also use this opportunity to clean up the data. One of the things that they do is they look for where there are multiple responses from the same household. That is an important part of their data strategy or making sure that they get complete and accurate data.

In 2010, they had 14 million housing units, about 10 percent of the housing units, that had to be de-duplicated. So, these aren't just numbers along the margin that are taking place. These are very important steps that the Bureau goes through.

One final thing is that much of the data processing and the cleanup there at the end has to be sequential in nature. It is not something that they—some of it can be done at the same time, but a lot of it has to be done sequential that they can't move to a second step until they have done the first.

So, all of this puts—this time compression is—does increase the risk.

Ms. SPEIER. So, that being the case, what is the motivation, in your estimation?

Mr. MIHM. Ma'am, I really can't speak to the—you know, the motivation. I mean, we look at the operational decisions or implications of decisions that are being made, and motivations for how and why things get done is a little bit beyond my remit.

Ms. SPEIER. I understand that. But I am still trying to understand why we want the Census data that is relied on for the next 10 years to be incomplete or inaccurate, and how does that help us, any of us, Republicans or Democrats alike?

Is there a basis on which lawsuits will then be brought when it becomes apparent that it is incomplete and inaccurate?

Mr. MIHM. What I can certainly speak to is that, you know, one of the risks, you know, in this data processing at the end is that there is—we have been or as I have been discussing, there is issues that are—they are kind of the known unknowns in which they find something and they say, hey, let us—you know, this is an anomaly. We need to make sure that we can explain it, and they spend the time trying to do the root cause.

So, one sort of risk is will they have that time to do that. The second is are there—could there be things that would show up that they will not know in real time, that they will not have an opportunity to adjust on or, rather, make a determination and try and find out what the story is, that we won't find out until we do the—what is called the post-enumeration survey which is kind of the big check on the accuracy of the data. But that doesn't come out until 2022.

And so there are two kind of buckets of concerns that we have there with the constricted processing time.

Ms. SPEIER. So, lawsuits being filed subsequently could very well be in the offing. Is that correct?

Mr. MIHM. That is not something that I can speak to. I mean, I know in the past there have been challenges both politically and

through the courts to the accuracy and completeness of Census data.

Ms. SPEIER. All right.

Madam Chair, I can't tell how much time I have left. Has my time expired?

Chairwoman MALONEY. Yes, it has. Yes, it has.

Ms. SPEIER. OK. I yield back.

Chairwoman MALONEY. But you had a very important line of questioning.

The gentlelady yields back. Her time has expired.

Congressman Keller?

Congressman Keller, you are now recognized.

Ms. KELLY. Keller or Kelly?

Chairwoman MALONEY. We can hear you.

Mr. KELLER. Keller.

Ms. KELLY. Keller. Oh, sorry.

Mr. KELLER. Thank you, Madam Chair.

According to the Census Bureau, as of September 8, nearly 90 percent of housing units have been enumerated nationwide, including 91 percent in my home state of Pennsylvania. This leaves the rest of the month to collect the remaining data.

So, I have a question for Mr. Spakovsky. Can you explain what is meant by housing unit? What figures—what do the figures I just mentioned indicate about how much of the country has been counted?

Mr. VON SPAKOVSKY. By housing unit I am assuming they are referring to households, whether they are living in a single-family residence or whether they are living in an apartment or a condominium or something like that.

Mr. KELLER. OK. So, a housing unit—could one housing unit be a building that might have a hundred apartments in it?

Mr. VON SPAKOVSKY. Well, I assume so. But all of the figures I have seen on where the Census Bureau is saying how much they have completed they talk about households. So, in a—in one housing unit if it is an apartment there might be a hundred households.

Mr. KELLER. Mm-hmm. So, as far as housing units, do we know how much of the country has been counted as far as individuals? What percentage? Ninety percent—90 percent of housing units, but what does that refer to as far as the population do we think that has been counted?

Mr. VON SPAKOVSKY. All the figures I have seen refer to house—the number of households that have been—that have been counted.

Mr. KELLER. OK. Are there any communities that we may have missed?

Mr. VON SPAKOVSKY. Well, look, that is a problem that the Census faces in every single Census is getting to people who are in more remote areas of the country, particularly out West, and that is something that they elaborately plan for. So, it is not as if that is a new problem or a new phenomena. It is something that the Census Bureau takes into effects. The professionals there—the professionals who have done this for a long time, that is something they take into account when they are planning how they are going to carry out the Census.

Mr. KELLER. OK. Another thing. We have heard a lot about the president's actions on apportionment—apportionment in today's hearing and in past hearings. Does this change which people in this country will be counted in the 2020 Census?

Mr. VON SPAKOVSKY. No. There seems to be some confusion about that. It is not that the people——

Mr. KELLER. Does it change which people are going to be counted in the 2020 Census?

Mr. VON SPAKOVSKY. No. It is not. It is just that the population that is used for apportionment is not necessarily the same total population counted by the U.S. Census Bureau.

Mr. KELLER. OK. Since the Census Bureau is on track to complete its field operations on time and produce an accurate count, I would like to sort of switch gears and I want to talk to Mr. Mihm.

The area I represent in the Commonwealth of Pennsylvania would, by Census standards, be considered hard to count. I understand that technology has played a big part in the 2020 Census, even in rural communities like mine.

Can you speak to how enumerators are using technology in those places and if there have been any takeaways that might inform our data collection, going forward with 2020 and subsequent Census operations?

Mr. MIHM. Yes, sir. I think that there is good use of technology in two levels. One is it is part of the original or initial enumeration. That is, allowing the internet option this time around.

That has, certainly, been a—overall, a very positive story that tens of millions of Americans, certainly, myself included, you know, used that option in order to respond to the Census and that is both, certainly, much cheaper for the Census Bureau in terms of paper and processing and it also helps ensure more accurate data.

At the back end that you are talking about—I shouldn't say the back end—that is, more in the followup where they don't have a response from a household, the Census takers, the enumerators, are using technology and so they don't have the old paper registers that they had in the past.

This allows both them to collect the data and kind of get it into the system immediately. It also allows tracking or easier tracking of Census taker productivity, making sure that they are actually going to where they should be going, and that is something that the Census Bureau looks at.

There is an old term for falsification called curbstoning. This is something that is—it is how technology is making sure that that is minimized or, you know, in fact, pretty close to eliminated.

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

Mr. KELLER. OK. Thank you, and I yield—I yield back.

Chairwoman MALONEY. Congresswoman Kelly, you are now recognized.

Congresswoman Robin Kelly?

Ms. KELLY. Thank you, Madam Chair.

The wide-reaching impact of Census data cannot be overstated. But among the most important goals of the Census is to accurately determine the apportionment of seats in the House of Representatives, and it is very important to be clear about something here.

This is not about political gains or games. It is not about one party trying to come out on top. Apportionment is a critical process enshrined in the Constitution to ensure that every citizen of the United States receives a fair representation in Congress.

Last year, the Urban Institute released projections that about 4 million people could be undercounted in the 2020 Census and that it could lead to the worst undercount of Black and Latino populations in the United States since 1990.

Mr. Thompson, at the time the projections were released you were quoted in a 2019 NPR article saying that these horrific estimates, quote, "may be a little bit on the conservative side."

Given all that has happened since those projections were released in 2019, do you think that currently the Census Bureau faces an even higher risk of undercount in Black and Latino communities?

Mr. THOMPSON. Thank you, Congressman.

I am of the opinion that there is a great risk that people in all communities, including Black and Latino, will see undercounts that were larger than in previous Censuses.

Ms. KELLY. Why do you think communities of color are often undercounted in Census data?

Mr. THOMPSON. Well, for example, if you look at the current situation, you notice that in the low-responding self-responding areas of the United States Census tracks they are—the Black and Latino populations are more represented in those tracks.

That is, that they are overrepresented in those low-responding Census tracks. So, that means that the work to get a complete count for those communities is going to be harder than in other communities because there is a much larger nonresponse followup workload to carry out.

Ms. KELLY. And what are the consequences of being undercounted in terms of congressional representation?

Mr. THOMPSON. Well, I could go on forever about the importance of the Census.

Ms. KELLY. You can't go on forever.

[Laughter.]

Mr. THOMPSON. But it is just used for so many important components of our democracy, including representation, allocation of funds, planning for businesses, making surveys fully representative.

So, undercount means that you are underrepresented and you are not receiving your full share of all those benefits.

Ms. KELLY. Right. And I know in my area it is $1,400 per person who is undercounted every year for 10 years. In addition to the congressional representation, Census data is also used to determine local boundaries for things like city councils and school boards. Isn't that correct?

Mr. THOMPSON. Yes, Congresswoman. That is correct.

Ms. KELLY. So, for populations that are undercounted they not only stand to lose a congressional seat but also at the local level as well. Isn't that correct?

Mr. THOMPSON. That is correct, Congresswoman.

Ms. KELLY. So, Black and brown communities have a lot to lose if all of us are not counted. I just want to thank you, Mr. Thomp-

son. The stakes could not be higher. Our Founders knew how important it was for congressional representation to be fairly divided based on an accurate Census.

We should not risk depriving citizens of their representation guaranteed to them by the Constitution. We should give the Census Bureau the time it needs to conduct a complete and accurate Census.

And with that, I yield back.

Mr. GOMEZ.

[Presiding.] Thank you, Ms. Kelly.

I am filling in for Chair Maloney. I greatly appreciate everybody here.

I recognize myself for five minutes for my questions.

One of the things that we know is that this count is extremely crucial. Yet, four in 10 households have yet to be counted.

A move like this will likely lead to an undercount among historically hard-to-count populations and communities of color, immigrants, and those in urban areas. That means communities like the ones I represent are going to be undercounted. My congressional district so far is only at 50 percent self-response rate and enumeration rate combined.

But despite—so I am extremely concerned. The people in my district are also completely concerned. Despite four former Census Bureau directors warning us that an earlier deadline would, quote/unquote, "result in a serious and complete enumeration in many areas across the country," end quote. The Trump administration has dramatically accelerated the Census for political gains.

On August 27 and 28, this committee interviewed three top officials from the Census Bureau. The first official stated, I quote, "More time is always a good thing," end quote.

The second official stated, I quote, "Anytime you have more time it reduces risk and that will have reduced our risk." The third official said, I quote, "Absolutely," when he was asked whether he agreed with the first two officials.

So, my question is, Mr. Thompson, do you agree with these officials?

Mr. THOMPSON. Well, I know those officials pretty well and I agree with those statements.

Mr. GOMEZ. Why? Why is that?

Mr. THOMPSON. Well, right now, there simply isn't enough time, in my opinion, to complete a really good and accurate data collection and there is not enough time to process the data after the data collection ends and then do it in an accurate way.

So, I think that those raise very, very serious concerns and I detailed a lot of those in my testimony.

Mr. GOMEZ. In a sworn declaration filed with a Federal court on September 4, Mr. Fontenot, the associate director of the 2020 Census, stated that if a Federal court were to stop the Census Bureau from proceeding with its new rushed schedule, I quote, "We would evaluate all the changes we have made for the replanned schedule and determine which to reverse or modify. We would go through each and every aspect of the remaining operations and determine how best to use the remaining time to maximize the accuracy and completeness of the Census results. In other words, the Census Bu-

reau stands ready to uncrash its schedule. If Congress gives it the time it needs, it can decide how to do that."

Mr. Thompson, do you have confidence that the Census Bureau has the ability to make use of the statutory extension from Congress if passed?

Mr. THOMPSON. I certainly think the Census Bureau could make great use of it.

Mr. GOMEZ. And in the past three Censuses, none of which took place during a pandemic, the Bureau has needed five months to accurately and completely deliver apportionment and redistricting data. Is that correct?

Mr. THOMPSON. At least five months.

Mr. GOMEZ. At least five months. What is the preferred amount of time?

Mr. THOMPSON. Well, for this Census I think the preferred amount of time is the time that the Census Bureau developed when it was on the basis of its extensive planning and research, which in this case would be five months.

Mr. GOMEZ. Mr. Thompson, so why is it important for the Bureau to have adequate amount of time to process the data?

Mr. THOMPSON. Well, you don't—if you don't have adequate amount of time, the problem is you can make computer errors that are not detected, and they—immediately and they would probably carry through into the apportionment and the redistricting. So, there is just a high risk of computer errors.

Mr. GOMEZ. I greatly appreciate your answers. One of the things that we heard from my colleagues on the other side of the aisle is that they are almost convoluting two different arguments; one, that undocumented immigrants should not be counted, two, that we shouldn't extend the deadline to make sure that everybody is accurately counted.

If we are—if we extend the deadline to count everybody and then the Republicans and this president are trying to back out undocumented immigrants, I don't understand why they wouldn't extend the deadline unless they don't want U.S. citizens who are in minority communities or in urban areas not to be counted as well.

So, I have suspicions the motivations of this administration when they tried to add the citizenship question was rejected by the Supreme Court. It was—Judge Roberts just rejected it flatly as something that was contrived.

So, with that, I urge my colleagues to—on the other side of the aisle to support the extension of the deadlines for Census Bureau.

Thank you, and I yield—I yield my own time, and now I would like to recognize Ms. Tlaib for five minutes.

[No response.]

Mr. GOMEZ. I don't see her.

I would like to recognize Ms. Porter for five minutes.

[No response.]

Mr. GOMEZ. Ms. Porter?

Ms. PORTER. Yes. Hello. How are you? I apologize.

Mr. GOMEZ. Don't worry about it. Technical difficulties on all sides.

Ms. Porter, you are recognized for five minutes for your questioning.

Ms. PORTER. Thank you.

Mr. Mihm, you said in your August report that it would be especially difficult for the Census Bureau to get accurate counts of college students if Census operations were not extended to make up for time lost.

I was a professor at the University of California Irvine before being elected to Congress, and my district is home to a university with more than 35,000 students as well as a number of smaller colleges.

Mr. Mihm, when are college students normally counted?

Mr. MIHM. Ma'am, college students are normally counted at their university, either in their dorm or if they are living off campus, under Census rules their usual residence.

Ms. PORTER. Oh, I am sorry. What time of year? What time of year?

Mr. MIHM. I am sorry, ma'am? Oh, time of year?

Ms. PORTER. What time of year do we usually count them?

Mr. MIHM. It would be—it would be sent, you know, at or around Census Day.

Ms. PORTER. OK.

Mr. MIHM. So, it would be—this time it would have been in the spring.

Ms. PORTER. So, around April. Exactly.

Mr. MIHM. Yes.

Ms. PORTER. So, around April, and in a normal year seniors are graduating

[Inaudible] and in your report you noted that when campuses shut down many students went home and could not be contacted.

So, my question is, if we are missing a bunch of graduating seniors, that is as many—could be as much as a quarter of students in the school, like 5,000, 6,000, 7,000 students in many places. Is that correct? If we fail to count college seniors?

Mr. MIHM. Yes, ma'am, and the risk is actually on two sides and we won't actually know until later.

Ms. PORTER. And when is it going to come?

Mr. MIHM. I am sorry, ma'am?

[No response.]

Mr. MIHM. The risk is on two sides. We could—we could end up missing them or we could end up having them be double counted, both at the university and if they are back home, and the point is that we will not know that until much later.

Ms. PORTER. You said in your report that the Census Bureau has requested administrative data from around 1,400 colleges in larger towns and cities. When you published that report on August 27, only 51 percent of colleges have agreed to share that information. Where is that number now?

Mr. MIHM. I don't have an update on that, ma'am. But I will check and get that back to your office as soon as I can get the better number.

Ms. PORTER. Right. But as of a month—a couple weeks ago we were at half of our colleges being counted, which is not a good place to be.

I want to turn to Mr. Johnson now and ask if there is not an extension of the Census what does that mean for what the Census calls hard-to-count areas?

Mr. THOMPSON. Thank you, Congressman.

So, those are going to be the areas that would be affected the most by not allowing the Census Bureau the proper time that they requested initially to complete their work.

Those communities have lower response rates and, therefore, they have greater amount of work to do in nonresponse followup. That is where the biggest challenges are to gain a complete and accurate count.

So, those communities would be affected the most.

Ms. PORTER. And I think some people might be really surprised to learn about what are hard-to-count areas. We often think of them as rural areas, places without broadband access, places where there might be languages barriers.

I want to show people an example of—this is a picture of Big Sur, California. Mr. Johnson, is Big Sur hard to count?

Mr. THOMPSON. Excuse me. Is Big Sur hard to count?

Ms. PORTER. Yes.

Mr. THOMPSON. Well, there are certain rural areas in Big Sur that are very hard to get to. I happen to have actually been there for a while. So yes, there are portions of it that would be hard to count.

Ms. PORTER. So, the self-response rate in this beautiful area was 35 percent last Census and is down by more than 10 points so far this cycle.

This part of California is almost 100 percent Spanish speaking and broadband is really limited, and that is two big factors to enumeration. And one consequence of less funding, of course, is a lack of a count is less Federal funding for this amazing bridge that goes over Highway 1.

I also wanted to ask you about other hard to—does this look like a hard-to-count area to you? This is San Clemente, California, in the southern part of Orange County. Is this hard to count?

Mr. THOMPSON. Congresswoman, I would really have to look. There are areas in southern California that certainly show up on the Bureau's hard-to-count indicator. I would have to study that a little bit more to answer that.

Ms. PORTER. And in that particular part of San Clemente just north of there is 65 percent renters, 20 percent immigrants, and that helps explain why their response rate is below 60 percent. If they don't get counted the local school district loses education.

I want to show one more hard-to-count area. This is the University of California Irvine. Is this a hard-to-count area?

Mr. THOMPSON. I would think that any area right now with a large college student population is going to face some challenges in getting an accurate enumeration simply because of all the displacement of college students.

As one—and I shouldn't say simply. I should say that is one component of why it is going to be difficult.

Ms. PORTER. Would extra time help count these—would extra time help in these hard-to-count areas with giving us an accurate count?

Mr. THOMPSON. It certainly would.

Ms. PORTER. Thank you very much. With that, I yield back.

Mr. GOMEZ. Thank you, Member Porter.

Now I recognize Representative Plaskett for five minutes.

Ms. PLASKETT. Thank you very much, Mr. Chairman. I hope that I can be heard at this time. Am I available?

Thank you. So, I have heard a lot of discussion that has been going on about the Bureau's plan in operations related to rural areas and to Native American tribes.

James Tucker, vice chair of the U.S. Census National Advisory Committee, has said, quote, "We are probably looking at historic undercount. It is not going to be enough time."

Senior Census Bureau officials admitted that they are struggling to enumerate these areas. For example, Tim Olson, the associate director for field operations, stated, quote, "In Indian Country, particularly Montana, Arizona, New Mexico, those are the three primary states where we have challenges, where specific tribal governments on their lands, on their reservations, have shut down to the public to come into their sovereign nation to prevent, you know, a horrible outcome of coronavirus."

My first question is to you, Governor Lewis. You have given some excellent testimony to us. Tribal nations are considered hard to count even during a Census that does not—is not taking place during a pandemic.

Can you explain why that is?

Mr. LEWIS. Excuse me. Yes.

First of all, we still have an internet, I would say, broadband divide. There was discussion about technology and the internet option, and that just isn't the case, at least from the Gila River Indian Community where we are still trying to—you know, to distribute broadband infrastructure, and this was even brought to an even more critical point during this pandemic as well, and I know other tribes——

Ms. PLASKETT. Do you know, sir—excuse me, Governor, do you know how many families are without? What is the percentage of families without broadband or even spotty broadband in your area?

Mr. LEWIS. Well, we have about 2,200 households on the community and we have identified hundreds of households that just don't have access to broadband because of their location.

Ms. PLASKETT. Right.

Mr. LEWIS. You know, we are just south of Phoenix but we are in a very remote area in the Sonoran Desert. Beautiful Sonoran Desert, but nonetheless, we have—you know, so we have identified not only no connectivity but also just the infrastructure available for broadband.

So, that has really hampered our areas as well, and also, because this goes to the reality right now on Indian reservations has to do with street addresses versus P.O. boxes.

We have a number that are Post Office boxes that our community members have versus street addresses, and that also goes against and it has really been a barrier for those enumerators going because you have to have that geographic locator number.

Ms. PLASKETT. Yes.

Mr. LEWIS. And if you don't have a street address, then it is hard and that has also contributed in the past to the vast undercounting of Native Americans.

Even early on in this latest 2020 Census some of my community members—some of the enumerators have come and they have just put their—the information on their fences, you know, and they have blown away. Put them, you know, just, you know, on some of their—near their house, you know. So, you know, those are the realities, you know, and that is—and, you know, we lose a vast number of those to these logistical barriers, which is a reality.

Ms. PLASKETT. I know. Listen, I understand. In the Virgin Islands, we are just now still even giving street names to areas where people live. So, people have Post Office boxes.

There are streets that are not named, and unfortunate for those of us in the smaller territories, we are not even able to do the Census online.

There is no online drop box for any—for the Virgin Islands or Guam or American Samoa, an area that already has very few or has been—you know, the inequities that we have in Federal funding people are aware of is going to be even greater.

My time is about to run out and I wanted to ask Mr. Thompson why rural, hard-to-count—why are areas that are rural hard to count during a normal Census and what are the increased risks to undercount for rural communities under a truncated schedule.

And if you answer that question, I will yield back, Mr. Chairman.

Mr. THOMPSON. Thank you, Congresswoman.

So, rural areas have unique challenges. You really have to have a deep understanding of the rural area to properly count it. You need to understand what is a road, what is a driveway, what is just a logging trail, for example. You have to be accepted by the rural community.

You have to understand how to approach people in the right way. There are a whole lot of unique features that rural areas have that make many of them hard to count.

Ms. PLASKETT. Thank you.

Mr. THOMPSON. And to finish the answer. And it takes time. It just doesn't happen overnight. It takes a lot of hard work to get the work done because you have to travel over greater distances and the like.

Mr. GOMEZ. Thank you, Ms. Plaskett.

Now I recognize Ms. Tlaib for five minutes.

Ms. TLAIB. Thank you, Chairman, and thank you all so much for this. I know so many of my colleagues are politicizing this and making this about apportionments and representation in Congress.

But as someone that represents the third poorest congressional district in the country, it really is about the $1.5 trillion of Federal money that gets distributed and the fact that even during the pandemic, if anything, it exposed the fact that my district—my state saw 40 percent of the African American population impacted directly by COVID with death.

So, the number of people that have died from COVID that are my Black neighbors made up 40 percent, even though they make up the total population of the state as 15 percent.

You know, Medicaid's State children's CHIP program, a number of programs like WIC, are so critically important, again, to my district.

So, I really want to be honest with this. You know, I always prep for these and then I listen to many of my colleagues, and I am so taken aback by the fact that, you know, we are getting asked about—a lot about our undocumented immigrant neighbors.

We are getting asked about apportionment and how congressional districts are made up. But we never actually talk about the people that rely on this data and misinformation for their services.

When you think about mobile testing during COVID, they looked at the Census. Public health research, they look at the Census. Class sizes, they look at the Census.

So, Mr. Thompson—Director Thompson, I really want to be honest here. When they decide to shorten this, doesn't it impact majority communities of color?

Mr. THOMPSON. Those are some of the communities, Congresswoman, that are, certainly, affected. As the previous Congresswoman noted, rural areas can also be particularly challenging.

Ms. TLAIB. Absolutely.

Mr. THOMPSON. And that would be for both people of color and people that aren't of color. So yes, hard-to-count communities which contain people of color are, certainly, affected by a shortened timeframe.

Ms. TLAIB. Well, you know, what I hear from my colleagues I just don't think they want people that look like me counted.

So, Governor, you, as someone that—you know, some of the most vulnerable populations that you represent, right, many of the people you fight for, those are the people that are going to be left out.

I mean, what I am hearing from my colleagues is shortening the time, it is OK because brown and Black folks are not going to get counted. Big deal. Indigenous communities not going to get counted. Yes, they are our hardest hit. They need more time

[inaudible] pandemic.

OK. Do you feel that way? I mean, that is what I am hearing, again, from the rhetoric coming out of the other side of the aisle.

Mr. LEWIS. Congresswoman, definitely. I think it was discussed earlier what will be lost—what will be lost are numbers from our underserved communities.

And, you know, and just to go into some of the timeframe, I mean, I am aware that the Census Bureau will generally return to areas with the current anomalies in the count.

However, given the condensed timeframe between the end of September and the end of—and the end of December when reporting is due, the Bureau will only have three months to qualify control—to have—to qualify control—for quality control, rather, instead of the normal six-month period.

Common sense was talked about earlier. Common sense indicates that there isn't adequate time for a return to verify counts in undercounted areas, to perform quality control and to provide apportionment and redistricting reports in three months so within the compressed timeframe.

Ms. TLAIB. And, sir, you are not even thinking about—but you are not even thinking about congressional districts. You are think-

ing about resources. You are thinking about how will I make sure that my folks are not left out. Is that correct?

Mr. LEWIS. Definitely. I——

Ms. TLAIB. I mean, most of my neighbors, most of my residents in my district, Governor, they are not asking me about that. They are—you know what they are saying is, Rashida, we got to make sure we get counted because we know these are thousands of dollars that come to our city that gets, you know, again not—we don't get access to it when we don't get counted.

Mr. LEWIS. I am thinking about, Congresswoman, my Elders are worried about their services, you know, their nutrition services. I am thinking about my children, our children, you know, in our community going to these schools both on the reservation and off the reservation that will be affected as well from this undercount, and for 10 years. For—you know, for—will be living with this—with this drastic undercounting.

Ms. TLAIB. Yes. Ms. Stacey, just with you if you are still on, I—you know as you were being asked a lot of these question about constitutional law, you know, the first thing I kept thinking about is—I am sorry?

Ms. Stacey—Ms. Carless, is it?

Ms. CARLESS. Carless. Yes.

Ms. TLAIB. Yes, Ms. Carless. I am so sorry.

I wanted to ask, you know, much of the questions that were asked of you earlier in the hearing, you know, was very alarming. But I want to ask you one very directly.

Do you think people that look like you and I are going to—I mean, that it is intentional on the part of the—reducing the timeline that it is intentional to make sure that people that look like you and I are not counted?

Ms. CARLESS. I do think it is somewhat intentional. You know, research has shown that NRFU has been impactful in making sure that Black and brown people are counted as well as, you know, the great pivot that we have had to make an outreach that doesn't allow trusted messengers to build appropriate relationships with our community members to teach them about the Census to make sure that Black and brown people are counted.

So, any effort to reduce our time or ability to connect with community members, I think, is intentional.

Ms. TLAIB. Thank you so much. I yield.

Mr. GOMEZ. Thank you, Ms. Tlaib.

I want to first take a moment to thank our witnesses for testifying today.

Without objection, all members will 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 to.

This hearing is now adjourned.

[Whereupon, at 2:29 p.m., the committee was adjourned.]

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