

**Congress of the United States**  
**Washington, DC 20515**

September 4, 2020

The Honorable Wilbur Ross  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Avenue N.W.  
Washington, DC 20230

The Honorable Steven Dillingham  
Director  
U.S. Census Bureau  
4600 Silver Hill Road  
Washington, DC 20233

Dear Secretary Ross and Director Dillingham:

We write to follow up on our recent discussions with White House Chief of Staff Mark Meadows and Treasury Secretary Steven Mnuchin, the Administration's lead negotiators on coronavirus relief legislation, regarding the 2020 Census.

As you know, on April 13, 2020, the Commerce Department and the Census Bureau issued a joint statement announcing that the Census Bureau was delaying in part and extending in part Census operations and would now complete its work on October 31, 2020, due to the coronavirus pandemic. It also stated that the Bureau needed a statutory extension of the deadline to deliver the apportionment data to the Secretary of Commerce and the President and that the statutory delays were necessary "to ensure the completeness and accuracy of the 2020 Census."<sup>1</sup>

During the course of our negotiations on the 4<sup>th</sup> Coronavirus bill, the Administration suddenly reversed course. On July 29, 2020, Director Dillingham refused to state in testimony before the House whether he continued to support the necessary deadline extension, claiming that he was "not party" to the negotiations between the Administration and Congress. The same day, the Bureau changed the end date of the Census on its website—from "October 31, 2020" to "as soon as possible, as it strives to comply with the law and statutory deadlines"—without notification or justification to Congress.<sup>2</sup>

On that same day, Director Dillingham and Census Bureau Deputy Director Ron Jarmin were told, on a phone call with Deputy Secretary of Commerce Karen Dunn Kelley, that Secretary Ross wanted them to create a new plan to deliver the apportionment count without any statutory extension. She requested this new schedule in time for a meeting with Secretary Ross on August 3<sup>rd</sup>.<sup>3</sup>

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<sup>1</sup> U.S. Department of Commerce Secretary Wilbur Ross and U.S. Census Bureau Director Steven Dillingham Statement on 2020 Census Operational Adjustments Due to COVID-19, Census Bureau (Apr. 13, 2020) (online at [www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html](http://www.census.gov/newsroom/press-releases/2020/statement-covid-19-2020.html)).

<sup>2</sup> *Census Cuts All Counting Efforts Short By A Month*, National Public Radio (Aug. 3, 2020) (online at [www.npr.org/2020/08/03/898548910/census-cut-short-a-month-rushes-to-finish-all-counting-efforts-by-sept-30](http://www.npr.org/2020/08/03/898548910/census-cut-short-a-month-rushes-to-finish-all-counting-efforts-by-sept-30)).

<sup>3</sup> Letter from Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, to Congressional Leadership (Sept. 2, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2020-09-02.CBM%20to%20%20House%20and%20Senate%20Leadership%20re%20Census.pdf>).

On August 3, 2020, the Census Bureau announced publicly that it was moving the end date of the Census field operations to September 30<sup>th</sup> in order to deliver apportionment data by December 31<sup>st</sup>.<sup>4</sup> We have since learned that an internal Census Bureau presentation dated the same day—and not provided to Congress by the Administration—outlined the risks of the “[h]ighly compressed schedule” and warned that data products “will be negatively impacted under this revised plan.” It cautioned that “eliminated activities” will “reduce accuracy;” that the schedule “creates risk for serious errors not being discovered in the data;” and that such errors “may not be fixed—due to lack of time to research and understand the root cause or to re-run and re-review one or multiple state files.”<sup>5</sup>

When we raised our concerns about these actions to Administration negotiators on August 3<sup>rd</sup> and cited the expert consensus that condensing the Census schedule would result in an inaccurate count, Mr. Meadows claimed that he could ensure a “99 percent accurate count” by September 30<sup>th</sup>. Mr. Meadows provided no evidence as to how this would be achieved, but simply asserted that the staff he consulted at the Census Bureau told him they could. When asked if he consulted Director Dillingham directly about plans to move back the dates for which field operations and data processing would end, Mr. Meadows said he had not. Later, after consulting with aides, Mr. Meadows reported to us that Director Dillingham would soon be issuing a statement in support of moving the end date of Census field operations to September 30<sup>th</sup> and delivering apportionment data by December 31<sup>st</sup>.

On August 5<sup>th</sup>, we provided the Administration negotiators a letter signed by four former Census directors, from Republican and Democratic administrations, stating that it is not possible to have a fair, accurate Census count using the White House-imposed schedule and that the date of the data delivery must be extended into 2021, as originally requested by experts within the Census Bureau, and as conveyed by both of you to Congress in April. When Secretary Mnuchin responded that he would review the letter, Mr. Meadows interjected and stated, “the Democrats just want to control the apportionment and we aren’t going to let them do that.”

It appears that Mr. Meadows may have made the previously unspoken intentions of President and his Administration clear: the White House was intervening to ensure President Trump would control the apportionment process while in office rather than ensuring an accurate count for the American people as required by the Constitution.

Congress and the American people deserve answers on the reasons for this Administration’s sudden reversal on delaying Census operations during a pandemic to ensure the completeness and accuracy of the 2020 Census. We request that you produce to Congress all documents and communications referring or relating to the following no later than September 17, 2020:

- Any discussions between the Commerce Department and Census Bureau since June 2020 regarding the schedule for completion of the 2020 Census, including all calendar invitations, meeting notes, written directives, or accounting of unwritten directives, as well as any justifications or analyses accompanying such discussions.

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<sup>4</sup> *Statement from U.S. Census Bureau Director Steven Dillingham: Delivering a Complete and Accurate 2020 Census Count*, Census Bureau (Apr. 13, 2020) (online at [www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html](https://www.census.gov/newsroom/press-releases/2020/delivering-complete-accurate-count.html)).

<sup>5</sup> *Operational and Processing Options to Meet Statutory Date of December 31, 2020 for Apportionment*, Census Bureau (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Census%20Slide%20Deck%20Aug%202020.pdf>).

- Any discussions regarding the schedule for completion of the 2020 Census between or among officials of the Census Bureau or the Commerce Department and other Administration officials, including the White House and the Office of Management and Budget.
- The Census Bureau's August 3, 2020 announcement that field operations will end on September 30<sup>th</sup> and data processing will end by December 31<sup>st</sup>, the decision-making that led to that announcement, any Census experts consulted in the decision-making process, and any internal analysis or modeling assessing changes to existing processes and risks to data accuracy resulting from changing the timeline to shorten field operations and data-processing operations.
- Any consultations with Census Bureau experts regarding the decision to abruptly change the 2020 Census schedule to deliver apportionment data by December 31<sup>st</sup>, including any risk assessments or analyses prepared by career staff about this decision.
- Risk assessments, analyses, and operational plan alternatives provided to agency leadership by career staff in order to complete the Census more rapidly and deliver apportionment data by December 31<sup>st</sup>, provided before and after the internal decision to revert to the December 31<sup>st</sup> date, including any analyses or warnings about decreased accuracy or increased risks in any part of the operations due to an accelerated schedule.

Please also find enclosed a summary of communications between the Census Bureau, Commerce Department, and Congress since April 2020. Thank you for your attention to this important matter.

Sincerely,



Nancy Pelosi  
Speaker  
U.S. House of Representatives



Charles E. Schumer  
Democratic Leader  
U.S. Senate

cc: The Honorable Carolyn B. Maloney  
The Honorable James Comer  
The Honorable Ron Johnson  
The Honorable Gary C. Peters

**Summary of communications between the Census Bureau,  
Commerce Department and Congress since April 2020**

- On April 13, 2020, Secretary Ross called Members of Congress including Chairwoman Maloney. On the call, Secretary Ross said the Census Bureau was delaying in part and extending in part Census operations and would now finish on October 31, 2020, due to the coronavirus pandemic. Secretary Ross also stated that the Bureau needed a statutory extension of the deadline to deliver the apportionment data to the Secretary of Commerce and the President.
- During a staff briefing on April 13, 2020, the Bureau stated they thought extending collecting data through October 2020 would provide adequate quality Census data for apportionment, redistricting, and other uses.
- On April 18, 2020, the Bureau provided staff with proposed legislative language for the delay in statutory deadlines. Our language in the HEROES Act builds on that language.
- On April 28, 2020, during a Member briefing, Director Dillingham explained these proposed delays and, referencing the statutory deadlines for the delivery of the apportionment count and redistricting data, said, “Those are the two dates that we need relief on.”
- On May 26, 2020, at a public Census roundtable, Tim Olson, Associate Director for Field Operations, stated: “We have passed the point where we could even meet the current legislative requirement of December 31. We can’t do that anymore. We’ve passed that for quite a while now.”<sup>6</sup>
- On July 8, 2020, at a press briefing, Al Fontenot, Associate Director for Decennial Census Programs, stated, “We are past the window of being able to get those counts by those dates at this point.”<sup>7</sup>
- On August 7, 2020, during a congressional staff briefing, Al Fontenot stated that career employees wanted the additional time previously requested to ensure an accurate and complete apportionment count. Mr. Fontenot also stated that, under the shortened timeframe, Census Bureau career employees are removing some key verification steps when compiling Census data for the apportionment data product. Mr. Fontenot stated that the shortened field operation timeline and the statutory deadlines will introduce increased risks of inaccuracy into Census data.
- During the August 7, 2020 congressional staff briefing, Al Fontenot stated that the Bureau would not need to use more imputation and administrative records to fill-in-the-blanks than they originally anticipated because of COVID-related operational delays. However, other reporting based on internal Census emails contradicts that claim.
- On August 27 and 28, 2020, Mr. Fontenot, Mr. Olson, and Deputy Director Ron Jarmin appeared for transcribed staff briefings with the House Oversight Committee. All three

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<sup>6</sup> *The 2020 Census Could Be the Least Accurate Ever—And It’s Ending a Month Early*, National Public Radio (Aug. 14, 2020) (online at [www.npr.org/transcripts/901833534](http://www.npr.org/transcripts/901833534)).

<sup>7</sup> *Operational Press Briefing—2020 Census Update*, Census Bureau (July 8, 2020) (online at [www.census.gov/content/dam/Census/newsroom/press-kits/2020/news-briefing-program-transcript-july8.pdf](http://www.census.gov/content/dam/Census/newsroom/press-kits/2020/news-briefing-program-transcript-july8.pdf)).

officials agreed that providing more time would reduce the risk of an inaccurate or incomplete count. Mr. Olson stated: “More time is always a good thing.” Mr. Fontenot stated, “Anytime you have more time it reduces risk, and that would have reduced our risk.” When Dr. Jarmin was asked whether he agreed with the first two officials that “ideally more time would be better both for data collection and data processing,” he replied, “Absolutely.” Although the officials expressed optimism about their ability to mitigate the risks of this truncated schedule, they made clear that they were forced to dramatically compress their operations because Congress has not extended the statutory deadlines.