OVERSIGHT OF THE 2000 CENSUS: STATUS OF NONRESPONSE FOLLOW-UP AND CLOSEOUT

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CENSUS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

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OVERSIGHT OF THE 2000 CENSUS: STATUS OF NONRESPONSE FOLLOW-UP AND CLOSEOUT

THURSDAY, JUNE 22, 2000

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE CENSUS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2247, Rayburn House Office Building, Hon. Dan Miller (chairman of the subcommittee) presiding.

Present: Representatives Miller, Maloney, Davis of Illinois, and Ford.

Staff present: Jane Cobb, staff director; Chip Walker, deputy staff director; Vaughn Kirk and Amy Althoff, professional staff members; Michael Miguel, senior data analyst; Andrew Kavaliunas, clerk; Michelle Ash, minority counsel; David McMillen and Mark Stephenson, minority professional staff members; and Earley Green, minority assistant clerk.

Mr. MILLER. Good morning. A quorum being present, the subcommittee will come to order.

Last night the subcommittee was notified that the Bureau had a 3-minute video regarding the census that they would like to air, and before we get started, I would like to go ahead and play the videotape for our viewing audience. If you will proceed.

[Videotape played.]

Mr. MILLER. Thank you. It was interesting to see that. It highlights the successful outreach that has taken place around the country. Now I will proceed with my opening statement.

The operations of the full enumeration census—as mandated by the Supreme Court—are coming to a close. Nonresponse followup, the most complex part of the full enumeration, is near the end.

The hard work of the enumerators has not gone unnoticed by this chairman or this Congress. They are to be commended for their hard work and civic duty in helping to count America.

Some, unfortunately, have paid the ultimate price. They have paid with their lives. It's the sad reality of such a large operation. Despite our political wrangling that goes on here from time to time, make no mistake that we regret any tragic loss of life to the Census family. I know I speak for all members of the subcommittee, and the Congress, when I say that our condolences go out to all of the friends, family and loved ones of those who have lost their lives in the civic service of our Nation.

Director Prewitt, you have called the full enumeration the "Good Census." I hope it is the good census. In fact, I hope it's the better

census; but I do have some concerns. My concerns are that it may prove to be the rushed census. On numerous occasions in the past couple of weeks, concerned Census Bureau employees, some at the managerial level, have contacted my office. They were all concerned with one point—quality.

They all expressed a feeling of tremendous pressure to finish ahead of schedule. There is nothing fundamentally wrong with finishing ahead of schedule as long as quality isn't being sacrificed. One local Census office manager, currently employed, said the pressure was too great from the regional office; that the regions were in such fierce competition with each other that it was putting unwarranted pressure on the local Census offices.

In your testimony you spoke of a June 15 internal deadline cutoff date for nonresponse followup. An internal date of June 15 gives me concern for the following reasons. In interviews conducted by the subcommittee in the Los Angeles Region, we found that the regional deadline was June 10. This is almost a month ahead of the public deadline of July 7 and a week ahead of the internal headquarters' deadline of June 15. It's easy to see how this rush to complete the work can spiral out of control as one region attempts to finish ahead of another. For the benefit of our viewing audience, let it be known the Census Bureau has divided the Nation into 12 regions.

Director Prewitt, you have assured us that your enumerators would take the time necessary to get a complete and accurate count even if it meant staying in the field beyond July 7. It doesn't seem to me this is happening.

Unless the undercount has been eliminated, why are people pulling out of the field before July 7? You are ahead of schedule and under budget, so why leave the field? We would expect to hear complaints of rushed enumeration in the closing days of the nonresponse followup, not weeks before your self-imposed public deadline.

In Florida, at the Hialeah Census Office, they finished a nonresponse workload of 82,000 households in 22 days. That is extraordinarily fast. However, it seemed that no red flags were raised at the regional level. To the contrary, the workers were rewarded by being sent to another office that had yet to complete its workload.

Whistle blowers at this other LCO wrote a letter to Congresswoman Carrie Meek which resulted in an investigation by the Inspector General. The IG investigation determined that there were improper enumerations going on by the Hialeah team. They also determined that the Hialeah office had all along been getting third-party interviews far too quickly and clearly violating Census Bureau procedures. The investigation also determined that the manager of the Hialeah office had instructed his enumerator to take shortcuts. The situation was so bad that there is consideration that the entire Hialeah workload may need to be redone. It is also my understanding that so far, no disciplinary action has been taken against this manager or his immediate supervisors. I hope I am wrong.

None of your quality control procedures caught this problem—not your area manager or the regional technician. How many Hialeahs

are there? I can tell you that the IG is concerned about quality and we are concerned about quality. How many Hialeahs are out there?

According to your records, 46 LCOs completed more than 15 percent of their workload in the 6th week of the nonresponse followup. Some of them claimed more than 20,000 visits in a single week. How many of those 46 LCOs cut corners to make the June deadline?

Last week the Commerce Secretary announced a half-hearted attempt to remove politics from the census, a regulation that would give full, unreviewable authority to the Director of the Census Bureau to decide whether to release the adjusted census numbers. The announcement would have made more sense coming on April Fool's Day than in June. The transferring of decisionmaking authority from the Commerce Secretary to the Census Bureau Director doesn't make the decision to release manipulated numbers any more palatable or less political.

Dr. Prewitt you are, after all, a political appointee. Political appointees are appointed to positions because they have beliefs that are fundamentally the same as the President's and could be expected to carry out the President's agenda. As you have said yourself, unlike, for example, the FBI Director, you serve at the pleasure of the President. Are we to believe that this President and the Commerce Secretary put forth a candidate that didn't support their positions on the use of adjusted numbers? Need I remind everyone that Secretary Daley is leaving the Commerce Department to help Al Gore's failing Presidential campaign? This decision was political from the very beginning.

This proposed regulation isn't about accuracy and nonpartisanship. It's about Presidential politics. It's all about trying to raise the stakes for Governor Bush. My colleague from New York called it "a Kodak moment." what amazed me about that quote was her candor in acknowledging that the next President would, in fact, be Governor Bush. These are desperate times for my Democratic colleagues, so it doesn't surprise me that they would attempt to stack the deck before Inauguration Day.

This proposed regulation is fundamentally flawed. In fact, I have here with me a legal opinion from the Congressional Research Service that states the following, "although the Secretary may delegate the tasks associated with the decision to the Director, Congress delegated the authority to him and he cannot purport to divest himself of the decisionmaking authority and responsibility."

What you're trying to do is usurp the authority of Congress—to violate the law, plain and simple. Of course this isn't the first time that this administration has attempted to violate the law regarding the census, and I suspect it won't be the last.

Is there nothing this administration won't do to get the illegal census it wants? And go through all this effort to have your final plan thrown out of the courts anyway? It really is quite amazing.

Furthermore, I outright reject the notion that the Census Bureau is capable of carrying out a self-audit. I know that the employees of the Bureau are sensitive to my comments. But this isn't a condemnation of their character; rather, a realization of human nature.

Look at this from a business model. I am sure many people in here own stock in a corporation, and when you look to analyze the financial health or the chances of success of a new business venture for that same corporation, where do you look? You look to an independent auditor or independent analyst. Well, the American people are the shareholders and the Census Bureau is your corporation. A self-audit is simply an unacceptable business practice. Director Prewitt, surrounding yourself with 13 or 30 Bureau professionals doesn't get us to an independent analysis. Many of these people have invested the past few years of their lives developing this plan. I don't have confidence that they will get to the brink of fruition of their arduous labor and objectively pull back if that's what's needed. No one should be put in that position. And no objective executive would accept such a self-audit.

Self-audits lead to failure. We need look no further than what is currently going on at Los Alamos. The Secretary of Energy rejected an independent security review. He said the Department was capable of correcting the failures; outsiders were not needed.

What transpired was a breach of security of such enormous proportions that we still do not know of all the ramifications. Self-audits lead to failure.

As you have testified, even the National Academy of Sciences and other statistical groups and universities will not have time to analyze the ACE, or the sampling plan, before it is released to the States. In your opening statement you talk about this being the most transparent census ever, and you talk about public scrutiny. What public scrutiny is there going to be of the adjusted numbers before they are released? I can tell you, there will be none. No independent review, no specific study, just a group of Census Bureau insiders advising you. This is not public scrutiny. It's a whitewash. Any State that accepts these numbers is playing roulette with their redistricting programs.

I also firmly believe there is reason to be concerned when the administration divests itself of the ultimate responsibility for the certification of these numbers. While I admire your willingness to take this decision on yourself, this is a Cabinet-level decision. Someone at the Cabinet level needs to be responsible for the mess that's going to be caused by releasing two sets of numbers. This administration, which is notorious for not taking responsibility for anything that's bad, must be held accountable in this case to the highest levels. Not only is the plan put forth by the Secretary a violation of Federal law, on its face, it doesn't stand up to reasonable scrutiny.

[The prepared statement of Hon. Dan Miller follows:]

SUBCOMMITTEE ON THE CENSUS

The Honorable Dan Miller, Chairman

H1-114 O'Neill House Office Building, Washington, D.C. 20515

Statement of Chairman Dan Miller
Oversight Hearing 2000 Census
June 22, 2000

Good Morning. The operations of the full enumeration census -- as mandated by the Supreme Court -- are coming to a close. Non-response follow-up, the most complex part of the full enumeration, is near the end.

The hard work of the enumerators has not gone unnoticed by this Chairman or this Congress. They are to be commended for their hard work and civic duty in helping to count America.

Some, unfortunately, have paid the ultimate price. They have paid with their lives. It's the sad reality of such a large operation. Despite our political wrangling that goes on here from time to time, make no mistake that we regret any tragic loss of life to the Census family. I know I speak for all the Members of the Subcommittee, and, in fact, the Congress, when I say that our condolences go out to all of the friends, family and loved ones of those who have lost their lives in the civic service of our nation.

Director Prewitt you have called the full enumeration the Good Census. I hope it is the Good Census. In fact, I hope it's the Better Census, but I do have some concerns. My concerns are that it may prove to be the Rushed Census. On numerous occasions in the past couple of weeks, concerned Census Bureau employees, some at the managerial level, have contacted my office. They were all concerned with one point – quality.

They all expressed a feeling of tremendous pressure to finish ahead of schedule. Now there is nothing fundamentally wrong with finishing ahead of schedule, but if quality is being sacrificed, there is. One Local Census Office Manager, still currently employed, said the pressure was too great from the Regional Office. That the Regions were in such fierce competition with each other that it was putting unwarranted pressure on the Local Census Offices.

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Not only is the plan put forth by the Secretary a violation of Federal law, on its face, it doesn't stand-up to reasonable scrutiny.

Mrs. MALONEY. Thank you, Mr. Chairman, and welcome again, Dr. Prewitt.

Mr. Chairman, I don't understand what will make you happy. I get the feeling if they were slow and not fulfilling the timetable, you would call it a, "failed census request" because they were not meeting the deadline. Now that they are meeting the deadline, you are calling it a rushed census.

I want to say that the census is about people, it is not about politics. It is about making sure that everyone in America is counted. I must respond to your political statements in your opening statement. I certainly do not believe that Governor Bush will be President, for a number of reasons which I will not go into, but since we are at a census hearing, I will go into a census reason, and that reason which I was referring to is that he will not come forward and say that he supports adjusting for the undercount, which we know missed 13 million people in 1990, and if we don't adjust for the undercount we will miss even more.

So for a whole host of reasons which I would love to tell you about, which would take several hours, I can tell you he is not going to be President, but one of them is that he will not count adequately minorities, blacks, Latinos, Asians, American Indians, and the poor in the rural areas and the urban areas, which the scientists have told us are undercounted—not the politicians, the scientists—and we have four independent reports that tell us that.

First, I want to thank you, Dr. Prewitt, for the tremendous job I believe you and your staff have done so far. Everything I have heard and read indicates that the 2000 Census is well on the way to being a great operational success. Despite the cautious stance you have taken, I believe that the 2000 Census may well be the best, fairest and most accurate census ever, a very fitting way to start the 21st century. It will be that way not just because of the operational successes we have seen to date, but ultimately because it incorporates modern scientific methods into the design.

The census is now in the final weeks of the nonresponse followup operation. It seems to me to be about 2 weeks ahead of schedule, but will certainly end on time. This success must be added to many others, but the two major ones in my opinion—achieving a 65 percent mail-back response rate, and this reversed 3 decades of a downward trend in response rate. Congratulations to you and the Department and all of the professionals in the field.

Also, recruiting and hiring all of the personnel you needed to do the massive job you have done, especially during this time of economic expansion when there is such low unemployment. I must tell you, I was truly amazed that you were able to hire so many people on a short time basis for this project.

Mr. Chairman, I am sure that the Director agrees that these successes would have been next to impossible without the full funding provided by Congress for the Census 2000 and I commend you again, Mr. Chairman, for your leadership role in achieving this. Thank you very, very much.

I also want to strongly commend Secretary Daley for last week's announcement that he is delegating to the Census Bureau Director the decision about whether or not to release corrected numbers next spring. I believe the Secretary has wisely decided to take the

politics out of this decision by leaving it up to the professionals at the Census Bureau, the professionals with the statistical and operational expertise to make what is ultimately a technical, scientific and operational decision, and to make it in an open and rigorous way in the full light of day.

I want to note Mr. Ryan's supportive comments and would hope that more members would speak out and be supportive of this action, as he has.

I was particularly happy to hear that not only former Director Richie under President Clinton, and Bryant under President Bush, supported this action, but also the former Directors under Nixon and Carter—Census Director Vincent Barabba who in fact had that authority under President Carter—all have joined in supporting this decision by Secretary Daley.

I only hope that the rule will go into effect and will be the process by which the Census makes its decisions next year.

Mr. Chairman, I also believe that the Census Bureau should be more insulated from political pressures than is currently the case. I believe from your opening statement that you feel the same way. The census should be about accuracy and the best data possible. It should be protected as far as possible from nonscientific influences.

To further that end, I am drafting legislation and hope to have it in before Congress before the end of the week which would require the Census Bureau Director to serve for a defined term, possibly 5 years. He or she would continue to be Presidentially appointed and confirmed by the Senate. In this way, the Director could be protected from any political influences by Congress or Presidential elections.

I would welcome the chairman's input and cosponsorship of this legislation. It should truly be bipartisan and it would achieve a goal that you mentioned, removing the Census Department completely from politics with a set term.

Frankly, Director Prewitt, if I could figure out a way to do this, I would make you Director for life. I think you have done an outstanding job. Thirty percent of your time is responding to requests from Congress. You are ahead of schedule. You have done a great job, but I don't think that your family would approve of that, but you have done a wonderful job and I thank you.

Although it seems like the decennial is on its way to an unmitigated success, I have real concerns regarding the funding for nondecennial activities contained in the Census Bureau funding in the House version of the Commerce-Justice-State Appropriations Act. The bill, as drafted, is $51 million below the administration's request for the census. These cuts could have a devastating effect on America's ability to produce basic economic and demographic information, information critical to Congress as it attempts to address the issues and policy choices of the 21st century.

Inadequate funding will hinder our Nation's ability to track our dynamic economy, measures of business economic activity such as the gross domestic product, the index of industrial production, the Consumer Price Index, and the Producer Price Index, measures of population economic well-being such as employment and unemployment, health insurance coverage, employment of the disabled, and child care.

I would ask unanimous consent that we put into the record a fact sheet prepared by the Census which outlines these problems and what would happen with this lack of funding.

[The information referred to follows:]

U.S. CENSUS BUREAU
FY2001 HOUSE MARK
IMPACT STATEMENT

INADEQUATE FUNDING WILL DEVASTATE THE NATION'S ECONOMIC AND DEMOGRAPHIC STATISTICAL INFRASTRUCTURE

The House mark is **$51 million below the Administration's request**. This includes reductions from $174 million to $140 million in the Salaries and Expenses account -- another year of flat funding. The Periodic Censuses and Programs account was reduced from $545 million to $528 million. The non-decennial periodic programs were cut $14 million; there was a nominal $3 million cut to the decennial census request.

CRITICAL ECONOMIC AND SOCIETAL MEASURES SEVERELY AFFECTED

The House funding level will have a devastating effect on the federal statistical infrastructure, including basic economic and demographic statistics:

- **INADEQUATE FUNDING WILL HINDER THE NATION'S ABILITY TO TRACK THE DYNAMIC ECONOMY**

  Measures of Business Economic Activity, such as:
  -Gross Domestic Product
  -Index of Industrial Production
  -Consumer Price Index
  -Producer Price Index

  Measures of Population Economic Well-Being, such as:
  -Employment and Unemployment
  -Health Insurance Coverage
  -Employment of the Disabled
  -Child Care

- **THE CENSUS BUREAU WILL NOT BE ABLE TO ENHANCE OTHER KEY INDICATORS**

  Enhanced Statistical Data Definition Impacted:
  -**Conversion of the Monthly Retail Trade Survey** -- the North American Industry Classification System (NAICS) — losses to monthly retail trade comparability measures AND losses to measurement of new Internet based industries
  -**Improving Measures of Service Industries** -- North American Product Classification System (NAPCS) — joint effort with Canada and Mexico to produce a comprehensive inventory of service industry products and their appropriate classifications

THE CENSUS BUREAU WILL NOT BE ABLE TO LAUNCH NEW INITIATIVES

New Measurement Initiatives Abandoned include:

-Measurement of E-business
-Improvement of Export Coverage
-Annual Survey of Minority Owned Businesses
-Continuous Measurement (American Community Survey)—testing in Puerto Rico and rural Alaska

WHO WILL FEEL THE IMPACT OF THIS FUNDING LEVEL?

Data users include:

--Federal Policy Analysis — Federal Reserve Board, Council of Economic Advisors, Congressional Budget Office, Congressional Research Service, Joint Economic Committee, Bureau of Labor Statistics, Bureau of Economic Analysis

--Business analysts and business enterprises

--Economic and social researchers

--All Federal agencies for whom the Census Bureau conducts surveys

--Trade associations and groups/businesses with interest in promoting international trade

--State and local government planners.

In addition, Census Bureau staff are negatively impacted by this funding level—funds for the Census Bureau's share to design a replacement building for the deteriorating and unsafe building in Suitland, MD were eliminated in the House mark.

MANY ONGOING PROGRAMS ARE IN JEOPARDY

With this inadequate funding level for FY 2001, the Census Bureau must take a look at eliminating or curtailing a number of current programs, including:

<u>Salaries & Expenses</u>

--Current Industrial Reports—65 surveys used to construct indices and assess impact of imports on domestic production
--County Business Patterns—detailed employment and payroll data of counties
--Quarterly Financial Reports—principal economic indicator
--State and local Government Employment Statistics program
--Annual Capital Expenditures Survey — the only valid measure of capital expenditures by American business
--North American Industry Classification System (described above)

--North American Product Classification system (described above)

Periodic Censuses & Programs

--All statistics currently produced by the Current Population Survey, the Consumer Expenditures Survey, the Survey of Income and Program Participation, and the National Health Interview Survey are based on samples drawn from the 1990 decennial census and expire in 2004. Unless new samples are selected using the Census 2000 data, the following key indicators will be adversely affected: the monthly unemployment rate, the Consumer Price Index, and the income and poverty measures.

--2002 Survey of Women Owned Businesses

--2002 Economic Censuses of Puerto Rico, Virgin Islands, Guam, and Northern Mariana Islands

--Business Expenditures Survey

--2002 Census of Mineral Industries

--Survey of Minority Owned and Women Owned Businesses

Mrs. MALONEY. I was particularly distressed to hear that funding to fix the working conditions at Suitland with a building that seems prone to floods, asbestos, bad water and pigeon problems, that desperately needs renovation, was not included in the budget request. As I am sure the chairman will agree, the $5 million request for the American community survey is a truly serious problem if we are going to look for alternatives to the long form that was so controversial a few weeks ago.

I ask, Mr. Chairman, that you join with me in expressing concern about this level of funding. I hope that these cuts can be rescinded before we get to a final bill and will urge my colleagues to do what they can to that end.

In conclusion, while I get the feeling we are going to hear today, in excoriating detail, some of the problems that have risen in the census, as well as we should, no one can dispute that even a few months ago the idea that we would be almost done with nonresponse followup ahead of schedule is a truly amazing result. And not only the career staff but the thousands of Americans who worked in the census and cooperated with the census, who answered their Nation's call, should be commended.

We have all heard the stories of hard work and dedication of the staff and even, regrettably, the stories of individual Americans who have in essence died in the line of duty, without whose efforts we could not be looking at such a good census.

I would like to close by paying tribute to Ms. Dorothy Stewart, a 71-year-old census taker who died under tragic circumstances on June 10. My deepest condolences go to her family and friends, and I am sure that every Member of Congress joins me in expressing our sadness. Thank you very much. Director Prewitt, I look forward to your comments.

[The prepared statement of Hon. Carolyn B. Maloney follows:]

14th District • New York

Congresswoman

Carolyn **Maloney**

Reports

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Rep. Carolyn B. Maloney
Opening Statement – Oversight Hearing on Census 2000

June 22, 2000

Thank you Mr. Chairman and welcome again Dr. Prewitt.

First, I want to thank you, Dr. Prewitt for the tremendous job I believe you and your staff have done so far. Everything I have heard and read indicates that the 2000 Census is well on the way to being a great operational success. Despite the cautious stance you have taken, I believe that the 2000 census may well be the best, fairest and most accurate census ever -- a fitting way to start the 21st century. It will be that way not just because of the operational successes we have seen to date, but ultimately because it incorporates modern scientific methods into its design.

The Census is now in the final weeks of the non-response follow-up operation. It seems to me to be about two weeks ahead of schedule, but will certainly end on time. This success must be added to many others, but to two major ones in my opinion -- achieving 65% mail-back response rate and recruiting and hiring all the personnel you needed to do the massive job you have, especially in this time of near full employment.

Mr. Chairman, I'm sure the Director agrees that those successes would have been next to impossible without the full funding provided by Congress for Census 2000, and I commend you again for your instrumental role in securing that funding.

I also want to strongly commend Secretary Daley for last week's announcement that he is delegating to the Census Bureau Director, the decision about whether or not to release corrected numbers next spring. I believe the Secretary has wisely decided to try take the politics out of this decision by leaving it up to the professionals at the Census Bureau. The professionals with the statistical and operational expertise to make what is ultimately a technical and operational decision. And to make it in an open and rigorous way, in the full light of day. I want to note Mr.

Ryan's supportive comments and would hope that more members would be supportive of this action.

I was particularly happy to hear that not only former Directors Richie under President Clinton and Bryant under President Bush supported this action but that former Nixon and Carter Census Director Vincent Barabba, who in fact had this authority under President Carter have joined in supporting this rule.

I only hope that the rule will go into effect and will be the process by which the Census makes its decision next year.

Mr. Chairman, I also believe that the Census Bureau should be more insulated from political pressures than is currently the case. The Census should be about accuracy, and the best data possible. It should be protected as far as possible from non-scientific influences. To further that end, I am drafting legislation which would require the Census Bureau Director to serve for a defined term, possibly five years. He or she would continue to be Presidentially appointed and confirmed by the Senate. In this way, the Director could be protected from the vicissitudes of Congressional and Presidential elections during the Decennial Census. I would welcome the Chairman's input and cosponsor ship on this legislation. It should be truly bipartisan.

Frankly Director Prewitt if I could figure out a way to make you Director for life I would although, I think that your wife would oppose it.

Although it seems like the decennial is on its way to an unmitigated success I have real concerns regarding the funding for non-decennial activities contained in the Census Bureau funding in the House version of the Commerce, Justice, State Appropriations Act which is due to come to the floor shortly. The Bill as drafted is $51 million below the administration's request for the Census. These cuts could have a devastating effect on America's ability to produce basic economic and demographic information – information critical to Congress as it attempts to address the issues and policy choices of the 21st century.

Inadequate funding will hinder our nation's ability to track our dynamic economy, measures of business economic activity, such as: the Gross Domestic Product, the Index of Industrial Production, the Consumer Price Index and Producer Price Index, measures of population economic well-being, such as: Employment and Unemployment, Health Insurance Coverage, Employment of the Disabled, Child Care.

I would ask unanimous consent that we put into the record of this hearing a fact sheet prepared by the Census which outlines the problems that this lack of funding, if it ends up in the final bill, will cause. I was particularly distressed to hear that funding, to fix the working conditions at Suitland, with a building that seems prone to floods, asbestos, bad water and pigeon problems that desperately needs renovation was not included in the budget request.

And as I am sure the chairman will agree the five million dollar unfulfilled request for the American community Survey is a truly serious problem if we are going to look for alternatives to the long form that was so controversial a few weeks ago.

I ask Mr. Chairman that you join with me in expressing concern about this level of funding. I hope that these cuts can be rescinded before we get to a final bill and will urge my colleagues to do what they can to that end.

In conclusion, while I get the feeling we are going to hear today, in excoriating detail some of the problems that have risen in the Census, as well we should, no one can dispute that even a few months ago the idea that we would be almost done with non response follow up, ahead of schedule is a truly amazing result and not only the career staff but the thousands of Americans who worked in the Census and cooperated with the Census who answered their nations call should be commended.

We have all heard the stories of hard work and dedication of the staff and even regrettably the stories of individual Americans who have in essence died in the line of duty, with out whose effort we could not be looking at such a "Good Census".

Thank you Mr. Chairman

Mr. MILLER. Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much, Mr. Chairman, let me first of all commend you for holding this hearing to examine the status of nonresponse followup and closeout procedures. I would also like to thank Dr. Prewitt for taking his time to come and share with us today regarding the progress of the 2000 census. It also provides me an opportunity to commend the Census Bureau's work thus far, including the leadership provided by the Secretary of Commerce who has gone to work directly for the next President of the United States.

It is good news for America that 98 percent of the nonresponse followup workload has indeed been completed. As the Census Bureau is entering the final phases of its work, I am interested to hear how the Bureau is handling the closeout procedures for nonresponse followup and other current operations.

In addition, I am also interested to hear challenges that are facing the Bureau in securing an accurate count of the population. As we all know, census data are crucial for America. Census data will be used to determine future funding for schools, hospitals, road construction and other programs that will affect local communities. In addition, this data will be used for congressional apportionment and to determine boundaries for State legislative and congressional districts.

Thus, accurate census data is crucial for an equal and prosperous America. I have been close to the process, especially in Chicago, and I am concerned about Chicago. It is my understanding that we had been trailing behind the national average of census responses initially. However, I am pleased to note that with cooperation of the local census centers, the mayor of Chicago, and elected officials and community leaders, there has been a tremendous improvement and great change.

However, even as that improvement has occurred, it has reinforced for me that it is impossible to get an accurate account without some numerical adjustment of the numbers. I have seen instances, Mr. Director, as you know, where every effort has been put forth in certain kinds of communities and certain kinds of neighborhoods, and yet after all is done, they are still individuals who either refused to complete the form or individuals who, no matter how many times you go looking for them, they cannot be found. These are the individuals who in many instances have the greatest need of the resources that would be allocated on the basis of the numbers.

And so this effort has heightened for me the reality that unless there is adjustment, there can be no absolute fairness. We need to have a complete count of Chicago and all of America.

There is still much work to be done, so I look forward to hearing the comments from Dr. Prewitt as we look at especially how we are making absolutely certain that those individuals who reside in areas of high poverty, areas with high immigrant populations, areas with large numbers of people who are homeless, helpless and hopeless, people who have become cynical and have been left out but need to be cut in, I will be particularly interested in the efforts that we are making to make sure that this population group is in fact counted.

Again, I thank you, Mr. Chairman, and thank you, Dr. Prewitt, for coming and look forward to your testimony.

Mr. MILLER. Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman, and certainly to Mrs. Maloney and my colleague Mr. Davis and others. Welcome again, Director, and I apologize I was not here for your last visit.

I am pleased to announce that we in Tennessee have been working hard across the State. Our regional office, Ms. Hardy and others, have cooperated with others across the State. I have worked with Democrats and Republicans. My colleague, Jimmy Duncan from the Knoxville area—he, I, and Mayor Victor Ash, both Republicans, worked closely together, along with members of their city council and school board and county commissioners.

I was in Nashville with my colleague, Bob Clement, the mayor of that great city, Bill Purcell, and we have done things in my district in Memphis. We believe we are making progress and hope that our numbers will maintain or continue to be above the national average.

We applaud the good work that you are doing. I mention that because the bipartisanship that pervades back in Tennessee, I would hope that it would pass off a little bit in Washington, and I would hope at some point that this committee would offer an apology to you, sir, for attacking your integrity and suggesting that perhaps there was—not casting aspersions, but suggesting that you had something to do with something that happened out in your San Diego office, which all of us have castigated and suggested that we disagree with, and would hope and have been assured that that matter has been taken care of.

I look forward to hearing your comments this morning. I recognize that is the most look-intensive effort of the census count. I am pleased to hear that we are ahead of schedule and I am interested to hear what we can do on both sides of the aisle to assist you. Thank you for cooperating with this committee so much and coming before this committee at any and all times that you have been asked. Again, I look forward to hearing your testimony today and I yield back the balance of my time.

Mr. MILLER. I don't think anybody was questioning the integrity of the Director of the Census Bureau with respect to the California problem. There was a problem in California, but certainly the Director, I don't think it was ever suggested, was directly involved or involved with the issue. But there is a genuine concern in the General Accounting Office which is investigating it.

Mr. FORD. I do know that passions were high that day and one could have construed from the news report and accounts that perhaps the Director—I read the Director's comments, and I wanted him to be assured that those of us on this side, and I think I speak for those on the other side as well, certainly did not mean for that to come across or for anyone to interpret it that way. Thank you, Mr. Chairman, for your comments.

Mr. MILLER. Director Prewitt, I think, will acknowledge that it was not a question of his integrity.

I believe you want Mr. Thompson and Mr. Raines to be sworn in also if needed.

[Witnesses sworn.]

Mr. MILLER. Let the record acknowledge that they have answered in the affirmative. Director Prewitt, you have an opening statement.

STATEMENT OF KENNETH PREWITT, DIRECTOR, BUREAU OF THE CENSUS

Mr. PREWITT. Yes, Mr. Chairman. I would like to preface with a comment about Congresswoman Maloney's suggestion that perhaps I could be appointed for life. My wife would agree to that if that would be a bipartisan resolution. So if you can get the chairman to agree to that, we will proceed.

I do also want to thank you for showing the video because it does help explain why I believe, at least at this stage, we have been emboldened to label this a "good census." A good census is not a perfect census. A good census does not mean that there are not loose ends, but nevertheless across the large system that has been the decennial census, we do feel quite confident about what has been accomplished.

Hiring was a challenge. We hired and retained sufficient staff to complete every field operation thus far. Paying staff on time was a challenge. We have had a total of 920,000 different individuals move through the census process in the last several months, and we have no major complaints about payroll, and that is a very complicated set of operations to make happen. Again we are using temporary employees to run a very complicated system for other temporary employees; 920,000 people moved through our system in the last several months, and we are pleased that we had no major payroll or administrative problems.

Obviously, completing every field operation on schedule was a challenge, but we have completed on or near schedule every one of our field operations. There was a risk of an unexpectedly low mail response rate, and we exceeded expectations.

There were concerns about how well the Census Bureau data capture systems would work. Again we exceeded expectations. There was a question about whether the Census Bureau's programs to provide questionnaire assistance and multiple response options would work, and they did.

As we entered the nonresponse followup operation 2 months ago, the Bureau faced its most serious operational challenges. Would we have enough staff and would they be highly productive? Would the public cooperate? The great success that the Census Bureau has had in its nonresponse followup operation is due to the dedication, enthusiasm and resourcefulness of the census workers and to the fact that the vast majority of Americans did step up and do their duty.

Mr. MILLER. I think we have a vote on the rule. We can complete your statement and then recess for a single vote.

Mr. PREWITT. While we are pleased with progress thus far, there remain several operations that will improve what is already a good census. I have said numerous times that any national statistic, including the census count, is an estimate of the truth. The challenge is to get that estimate as close to the truth as possible; that is, there is a true count of the resident population of the United States on April 1, 2000. Were we to conclude the census with the comple-

tion of nonresponse followup, we would provide an estimate of that true count. It is unlikely that that estimate would be absolutely accurate; that is, identical with the true count. We believe that we can move that estimate closer to the truth. We will continue with three other major operations.

The coverage edit followup does so by reconciling population count discrepancies. The coverage improvement followup operation enumerates housing units added to the address list too late to have been included in the initial nonresponse followup operation. We expect to be returning to nearly 10 percent of the housing units across the country. And the accuracy and coverage evaluation uses a dual system estimation in a procedure that measures the number of persons missed and the number erroneously included in any of the prior census operations.

Although we are now moving into other field operations in our local census offices that have completed nonresponse followup, we are committed to fully applying our procedures to account for every remaining address in the local census offices. Daily production levels begin to decrease toward the end of the nonresponse followup. Some enumerators complete their easiest cases first, finish the work closer to their homes first, or believe that the quicker they finish their assignment, the sooner they will be out of work. In order to bring the operation to closure within the scheduled 10 weeks, we look at areas within each local office that are lagging and we implement the final attempt procedure. When 95 percent of the workload is completed, final attempt begins and the crew leader consolidates the remaining work and gives it to the most productive and dependable enumerators.

In your letter of invitation you asked about serious problems. With one exception, an LCO in Florida, there are no serious problems we are aware of across our system. There obviously are a handful of cases where there are procedural deviations in nonresponse followup. We are reinterviewing in those instances. This happens when LCO management does not follow final attempt procedures as set forth. Our best estimate at this stage is not less than 50,000 nor more than 100,000 cases will require reinterviewing. That is one-fourth of 1 percent of the nonresponse followup workload, well within any reasonable tolerance levels of a complicated series of operations.

The only serious case is Hialeah, FL, along with two other areas that used enumerators from Hialeah. We are reinterviewing 20 percent of the nonresponse followup workload that was done by enumerators who, on instruction from the LCO manager, prematurely collected partial data on households.

You asked how many Hialeahs there are out there, and obviously we are looking at that and we can talk about that. I should say that the Hialeah case was directly connected to the Elian Gonzalez issue, and there are not a lot of Elian Gonzalezes out there, but we were in a community that was in a state of uproar when we went into the field. We caught it, and have corrected it and can talk in detail about it if you wish. Of course, we are also reevaluating the rest of the work done in Hialeah. We think that we have found all 100 percent of the cases that were treated in that abbreviated fashion.

I return to the earlier discussion about what is a good census. The third element of a good census involves openness, transparency and public scrutiny, which in turn can lead to public trust in the process. We believe this has been the most open and transparent census in history. Every detail has been and is being scrutinized, and we welcome that scrutiny.

Indeed, as you know, last week I provided at a press conference and we did make public a document entitled "Accuracy and Coverage Evaluation" that does set forth the rationale of the Census Bureau for a preliminary determination that corrected data can be produced in the timeframe and improve the census. At that same press conference, Commerce Department General Counsel Andrew Pincus described the proposed regulation to delegate authority.

Just in conclusion, Mr. Chairman, you made reference to the fact that I was a political appointee. That is true. The Director of the Census Bureau is a Presidential appointee. So, Mr. Chairman, is the head of the National Science Foundation and the NASA. I don't believe, and I doubt that you do, that there is, therefore, a Republican versus a Democratic way that NSF funds nanotechnology or particle physics, or NIH conducts its scientific war on cancer or AIDS, or NASA designs the exploration of Mars. I don't think that because someone is a Presidential appointee that makes their activities, therefore, partisan. And at the Census Bureau we do not think that there is a way to conduct a Republican versus a Democratic census. We think that there are simply ways to get the estimate closer to the truth, and that is what we believe we are about. Thank you.

Mr. MILLER. Thank you, Director Prewitt.

[The prepared statement of Mr. Prewitt follows:]

PREPARED STATEMENT OF

KENNETH PREWITT

DIRECTOR, U.S. BUREAU OF THE CENSUS

Before the Subcommittee on the Census

Committee on Government Reform

U.S. House of Representatives

June 22, 2000

Mr. Chairman, Mrs. Maloney, and Members of the Subcommittee:

Once again, I am pleased to be here to report on the status of Census 2000 activities. The Census Bureau has now completed well over 99 percent of the nonresponse followup workload nationally. We have completed nonresponse followup in 437 of the 520 local census offices and have completed 90 percent or more of the workload in all but two offices. I believe we will complete nonresponse followup everywhere in time to meet the schedule for subsequent operations.

The Good Census

At a press briefing 2 weeks ago, I called Census 2000 "the Good Census," and I believe that accurately describes what the Census Bureau has achieved. When you initiated this series of operational hearings back in early February, just a little over 4 months ago, we were cautiously optimistic because we knew that planning and early operations were on schedule. We had done everything up to that time that needed to be done. But the road ahead was full of obstacles and of potential problems that could put the census at risk. Here are some of them and the Census Bureau's successes in meeting them:

- Hiring was a challenge. But the Census Bureau was successful in recruiting over 2.6 million qualified applicants and was able to hire and retain sufficient staff to complete every field operation thus far.

- Paying staff on time was a challenge. But there have been no major problems with our payroll systems and during nonresponse followup the Census Bureau issued an average of nearly half a million paychecks each week.

- Completing early field operations on schedule was a challenge. But the Census Bureau completed on or near schedule the enumeration of remote areas of Alaska, update/leave, update/enumerate, list/enumerate, group quarters enumeration, and service based enumeration.

- There was a risk of an unexpectedly low mail response rate. On the contrary, the country slightly exceeded the mail response rate for the 1990 census, exceeded the target in our budget, and reversed a 30-year decline in this area. This is a serious achievement.

- There were concerns about how well the Census Bureau's data capture systems would work. The Census Bureau's data capture systems have performed better than expected. Our four data capture centers have received and scanned over 120 million questionnaires; and the accuracy rate for optical character recognition, used to capture handwritten responses, is over 99 percent.

- There was a question about whether the Census Bureau's programs to provide questionnaire assistance and multiple response options would work. They did. We provided assistance to about 6 million callers over the telephone, more than 546,000 people at walk-in questionnaire assistance centers, and received and processed more than a million foreign-language questionnaires. We received approximately 580,000 Be Counted forms and about 66,000 responses over the Internet.

As we entered the nonresponse followup operation about 2 months ago, the Census Bureau was faced with its most serious operational challenge yet and risks that could have affected data accuracy, data quality, and budget. Would we have enough staff and would they be highly productive? Would the public cooperate or would there be resistance? The great success the Census Bureau has had in the nonresponse followup operation is due to the dedication, enthusiasm, and resourcefulness of the census workers. They have taken their jobs seriously and worked heroically to help their communities have the best count possible, braving tough neighborhoods and, in a very few instances, tragic circumstances.

I believe the success of the nonresponse followup operation is also due to a residual effect from our extensive advertising campaign and the efforts of our more than 100,000 census partners. As a result, census workers experienced limited outright hostility or resistance, although there were isolated instances and some attempts to organize resistance. We continued to advertise right through the nonresponse followup operation and stepped up efforts in some localities that were

lagging. We also continued to receive tremendous support from concerned mayors and other local officials who took special steps to encourage cooperation with the enumerators.

The repertoire of tools for hard-to-enumerate areas made available to the local census offices also help in completing nonresponse followup so successfully. I testified on these tools at a hearing in May, so I will just summarize here. Using a variety of demographic and operational variables from the 1990 census, Census Bureau staff identified 1990 census tracts that were hard to enumerate, difficult to recruit in, or had some other special situation that would require the application of special enumeration tools. Because the data in our planning database were nearly 10 years old, experienced field staff made the final determination of which tracts would pose problems and, more importantly, what tools would be needed to overcome them. The tools available for use included establishing Be Counted and Questionnaire Assistance Center sites, providing bilingual enumerators and/or local cultural facilitators, using special enumeration procedures, such as update/enumerate, and having enumerators work in pairs or larger teams to conduct their work.

Here are some specific examples of applying special tools to hard-to-enumerate areas in the Denver and Philadelphia regions:

- The Las Vegas, Nevada, local census office identified a very hard-to-enumerate census tract--low 1990 response rate, low income, lots of subsidized rental housing, many shelters and soup kitchens, and over 80 percent of the households spoke Spanish as their primary language in 1990. The local census office formed an entirely Spanish-speaking crew of enumerators, paired them into teams, and moved them about from one area to another as necessary. They achieved outstanding results. They completed their task in record time, with no significant incidents, and with an extremely low rate of refusals or partial interviews.

- The Denver, Colorado, local census office worked very closely with the Denver Public Housing authority to gain access to and find sufficient local enumerators to conduct the count in public housing complexes. These special efforts included obtaining testing and training space at the complexes and special efforts to hire sufficient bilingual enumerators. As a result of these efforts, the enumeration of the public housing areas was substantially improved.

- The Great Falls, Montana, local census office used the hard-to-enumerate planning process to identify more than two dozen Hutterite colonies within the office area that would need special attention. Hutterite colonies are religious communal groups that are closed to most outside contact. Most have a "boss" who maintains contact with the outside. The Great Falls office acquired a directory of names and phone numbers for the Hutterite "bosses," contacted them, and worked with them to establish ground rules for how the enumeration could be conducted. The "bosses" were sworn in and acted as cultural facilitators, in most

cases accompanying the enumerators door to door on the colonies to complete the enumeration. Through advance planning and meticulous follow-through, the enumeration of the colonies was successful.

- The Las Cruces, New Mexico, local census office developed a Spanish-language *Fotonovela*, an 8-page comic book featuring real celebrities, to discuss the confidentiality of the data and the importance of answering the census. In partnership with the Catholic Church and the Las Colonias Development Council, staff distributed this promotion tool throughout the heavily Spanish-speaking *colonias* near the U.S./Mexico border and other areas. These areas had been identified through the hard-to-enumerate planning process.

- One of the District of Columbia offices worked with property managers, advisory neighborhood commissions, appropriate members of census complete count committees and other civic leaders, and "orange hat safety patrols" to build support in certain high crime areas for a blitz enumeration. The blitz technique, which involves having a large number of enumerators work in a specific area, increases enumerator safety, productivity, and visibility in the community. In this case, the blitz enumeration technique was an effective way to get better cooperation and complete the enumeration in less time than it normally would have taken.

- The Baltimore local census offices made extensive use of language and cultural facilitators to enhance the enumeration of certain areas. Language facilitators were used in areas that were designated as having high concentrations of Spanish- or Russian-speaking individuals. Cultural facilitators, who are individuals who are trusted in their communities, were used to reduce barriers that would have prevented enumerators from obtaining a successful interview.

Thanks to the efforts of our enumerators and partners and the early work the Census Bureau did to encourage support for the census and to identify special tools for hard-to-enumerate areas, nonresponse followup has been a great success.

The Census Bureau has already begun to document what worked well and suggestions for future improvements. We have debriefed recruiting staff and partnership specialists and will conduct additional debriefings over the next several weeks. This is standard procedure at the Census Bureau so that we can learn from our experiences and build in improvements for the next census.

Current Operations

While we are pleased with progress thus far, there remain several operations that will improve what is already a good census. I have said numerous times that any national statistic--including the census count--is an estimate of the truth. The challenge is to get that estimate as close to the

truth as is possible. That is, there is a "true" count of the resident population of the United States on April 1, 2000. Were we to conclude the census with the completion of nonresponse followup, we would provide an estimate of that true count. It is unlikely that that estimate would be absolutely accurate, that is, identical with the true count. We believe the estimate can be moved closer to the truth.

Census 2000 will improve the census estimate with three other operations. The coverage edit followup does so by reconciling population count discrepancies. The coverage improvement followup operation does so by enumerating housing units added to the address list too late to have been included in the initial nonresponse followup operation. And the Accuracy and Coverage Evaluation (A.C.E.) does so by dual system estimation in a procedure that measures the number of persons missed and the number erroneously included in any of the prior census operations.

Coverage Edit Followup.--The coverage edit followup operation, which began in early May and will be completed in late July, is an important coverage check being conducted by telephone from 13 calling centers around the country. The trained telephone agents are calling two types of households for which we have the telephone numbers. The first are those households for which responses were received by mail or Internet and there are what we call "population count discrepancies." A "population count discrepancy" occurs when there is a difference between the number of persons in the household that the respondent reported in Question 1 ("How many people were living or staying in this house, apartment, or mobile home on April 1, 2000?") and the number of persons for which data were reported. We are also using this process to follow up on households with more than six people. The census questionnaire only has room to report data for six people, so it is important that in this operation we collect data for the additional members of these large households, so their characteristics can be included in the census.

Coverage Improvement Followup Operation.--In 342 of the local census offices where we have completed nonresponse followup--this is the number that made a cutoff date of June 15--we are now beginning the coverage improvement followup operation. Selection and training for supervisors is going on on a flow basis now, and enumerators will be trained and in the field the first week of July. We are conducting this operation in waves. As additional offices complete nonresponse followup, they will enter the next wave, which will be in the field 2 weeks after the first wave. A third wave is planned, if necessary.

The coverage improvement followup operation can be thought of as a final, essential cleanup operation that rechecks some of the enumerators' earlier work and enumerates some housing units that were added to our address list too late to be included in earlier operations. For example, enumerators will recheck some housing units that were identified as vacant or that were deleted during nonresponse followup. Census Bureau experience from previous censuses indicates that some enumerators erroneously classify occupied housing units as vacant or delete them, so this is an important step to assure a full and accurate census. Enumerators will visit for the first time housing units that were added in our "new construction" program, which was a

partnership effort with local governments conducted in the spring of this year. And they will enumerate some housing units added during update/leave or the appeals process for the local update of census addresses, as well as households that submitted blank forms.

The coverage improvement field work is scheduled to last 3 weeks in each wave. Procedures and quality controls are very similar to those for the nonresponse followup operation, including the requirement that enumerators make up to six attempts to find someone at a housing unit that appears to be occupied.

Personal Visit Interviewing for the Accuracy and Coverage Evaluation.--As I mentioned at the May 19 hearing before this Subcommittee, to provide sufficient data to compare the A.C.E. to the initial census, the Census Bureau must conduct interviews to collect data from each of the housing units that were independently listed in the A.C.E. listing operation. We initiated the interviewing with a telephone phase in late April and completed about 90,000 interviews by telephone, or about 29 percent of the total workload of about 314,000 cases. We did not start personal visit interviewing during nonresponse followup to preserve independence between the A.C.E. and the initial census enumeration.

Personal visit interviewing is now beginning in those local census offices that have completed nonresponse followup. Personal interviews are conducted only with a household member during the first 3 weeks that the case is available for interviewing. If an interview with a household member is not obtained after 3 weeks, interviewers will attempt to interview another knowledgeable person. During the latter part of the operation, the best interviewers are used to convert as many noninterview cases as possible to completed interviews, either by talking to a household member or another knowledgeable person. This nonresponse conversion has been planned to improve the completeness of data for matching. We expect to complete personal visit interviewing in early September.

Nonresponse Followup "Closeout"

Although we are now moving into other field operations in local census offices that have completed nonresponse followup, we are committed to fully applying our procedures to account for every remaining address in the local census offices that have not yet finished. Those procedures, as I have testified previously, are extensive and include making up to six attempts to complete the enumeration of each housing unit. The procedures also include extensive quality assurance procedures and supervisory controls.

Daily production levels begin to decrease toward the end of nonresponse followup. Sometimes enumerators completed the easier cases first, finished the work closest to their homes first, or believed that the quicker they finished their assignment, the sooner they would be out of work. In order to bring the operation to closure within the scheduled 10 weeks, we look at areas within each local census office that are lagging behind. We also implement a procedure known as "final attempt." When the area covered by a crew leader has completed 95 percent of its workload,

"final attempt" begins and the crew leader consolidates the remaining work and gives it to the most productive and dependable enumerators. When an entire local census office reaches an average 95 percent rate of completion, the Regional Director instructs the office to begin "final attempt" within 2 days. During "final attempt" enumerators then make one final visit to each outstanding address that has already been visited at least two times and to some of the housing units for which only minimal data was earlier collected to complete as much of the questionnaire as possible. If an address has only been visited once, an enumerator will make up to two additional visits during "final attempt." The intent of "final attempt" is to resolve all outstanding cases within a few days, but nonresponse followup is not over until a questionnaire is completed and checked into the local census office for every unit.

You asked in your letter of invitation about any serious problems in any of our offices. I will be happy to answer any specific questions you may have about that.

Closing

I would like to return now to the earlier discussion about "the Good Census." A good census involves three elements. The examples of successes I mentioned earlier relate to two of these, namely operational robustness and a dedication to including everyone in the count. The third element of a good census involves openness, transparency, and public scrutiny, which in turn can lead to public trust in the process. This has been the most open and transparent census in history; every detail has been and is being scrutinized. We welcome that scrutiny because we believe it will dispel any notion that there is or could be any political manipulation of the final results.

At a press conference last week, in the spirit of openness, I made public a document entitled "Accuracy and Coverage Evaluation: Statement on the Feasibility of Using Statistical Methods to Improve the Accuracy of Census 2000." This statement was prepared after extensive discussions with the Census Bureau's senior staff and after review of all relevant documents. The document sets forth the rationale for the Census Bureau's preliminary determination that (1) statistically corrected census data can be produced within the time frame required by law and (2) statistically corrected data will be more accurate.

At the same press conference, Commerce Department General Counsel Andrew Pincus described the Secretary of Commerce's proposed regulations that would delegate to the Director of the Census Bureau the authority to make the final decision on whether to use statistical sampling to correct the census counts (published June 20, 2000 at 65 *Federal Register* 38370). This proposal will help make certain that the final decision is fully informed by the statistical experts at the Census Bureau. The final decision will follow a review of the A.C.E. A committee of distinguished senior career professionals will study the results of the A.C.E. and make its recommendation to the Director. This recommendation will be made public. After considering the recommendation, the Director will make the final decision.

Mr. Chairman, I will now answer any questions.

Mr. MILLER. We will take a quick recess and go vote and come right back.

[Recess.]

Mr. MILLER. We will proceed. Before I get started asking questions, let me respond to a couple of things.

Director Prewitt, you mentioned you are a political appointee, and there is nothing wrong with that. The head of the National Institutes of Health is a political appointee, and Mrs. Maloney and I are politicians.

The concern I have on the proposal which we will talk about more, is the need for independent outside review, and there is none that is going to be made or participating in this prior to the decision in February or March of next year. If you go to NIH, they have peer reviews and they don't do it all internal. This is strictly an internal decision process.

Let me also respond to Congressman Davis and Congresswoman Maloney, the need to count the undercounted. We all agree that we want to do the very best job that we can, but we are a Nation of laws, and ultimately we know that this is going to be decided by the Supreme Court whether we use adjusted numbers. The sooner we get that decision out of the way, the better off everybody concerned is.

I feel that the Supreme Court is going to say you cannot use adjusted numbers for redistricting purposes. The court is ultimately going to do that. To place your blind faith in adjusted numbers is unfortunate, because we have to do everything that we can to get the best count possible this first full enumeration. That is what I believe that the courts are going to say that we have to use for redistricting. That is the reason that I believe we put all of the extra resources into this.

Let's count the undercounted African Americans and the rural poor, let's put those resources into that area because, as I say, and I have said a million times, ultimately the Supreme Court is going to decide it, and I feel fairly confident that the court is going to rule for redistricting and apportioning you are going to have to use the same sets of numbers, you can't have two sets of numbers.

Who came up with the proposed regulation and did it originate at the Bureau, the Department of Commerce or elsewhere?

Mr. PREWITT. I honestly don't know. It was first mentioned to me, the possibility of it, in a meeting that included myself and Andy Pincus, and Bill Barron I think was there. I presume it must have first come from the Commerce Department. As you recall in my last hearing, Mr. Chairman, I did rather strongly urge in principle that the authority over census operations be left at the Census Bureau.

Just to continue with that, you talk about the level at which this decision should be made. The Census Bureau constantly releases data. We are going to release the apportionment numbers without outside review. We have to self-audit the numbers. There is no other place in the country where we can say, are these apportionment numbers the right numbers? It is our job. We do the best we can. I don't understand the point about the self-audit. What else could an agency do except do its work and report it in an open and transparent fashion?

Mr. MILLER. When you have a new approach that Justice sets the numbers, you seek outside advice. You sought the National Academy of Sciences' advice and you had a 2-day meeting in February. There are distinguished statisticians that are highly respected people that disagree with this method of adjustment. There is no outside group looking at this, only after the fact, will there be. It is all strictly internal at this stage, and in my opinion a biased decision has already been made. That is, it hasn't been allowed for public scrutiny. The transparency that we talk about does not exist because no outside group will have the data to evaluate it until after the fact, correct?

Mr. PREWITT. Is it your recommendation, then, that we don't release the apportionment counts until some outside agency reviews them?

Mr. MILLER. The Secretary of Commerce has to release that data. Do you go to an adjusted set of data which the courts have ruled is illegal for apportionment purposes? When they tried it in 1990 it was a failure. If Barbara Bryant had released them in February 1991, it would have been an embarrassment to this country. We would have automatically taken a congressional seat away from Pennsylvania and given it to another State. It took 2 years to figure out the problems of 1990.

It seems that any nonlawyer can read the proposal, and we will give you a copy of the CRS—and that is Congressional Research Service, which is a division of the Library of Congress. It is not a biased agency or a partisan organization. It is one that Members of Congress can ask for an unbiased opinion. But any nonlawyer can read this proposal and realize that a Cabinet member giving away his authority that is vested in him by Federal law is illegal.

Who is the lawyer that drafted this? And if you don't know, perhaps John Thompson can let me know who made this decision, because I feel it is illegal.

Mr. PREWITT. You are addressing questions to me that should be addressed to the Department of Commerce.

Mr. MILLER. Who is the lawyer?

Mr. PREWITT. I would presume that it is the Department of Commerce lawyer. We did not produce this document. I would urge you to talk to Andy Pincus. He is the counsel to the Department of Commerce.

Mr. MILLER. The clearest example of how ridiculous this proposal is, is that the legal authority cited as the basis for this proposal refers to the Secretary's ability to delegate certain decisions. I am sure that he delegates decisions all of the time, but he is ultimately responsible for the decisions of all of those under him. Delegating authority is one thing. Divesting authority is another. It is difficult to believe a serious lawyer came up with this. This proposal is simply illegal on its face. This move is also blatantly political. Secretary Daley announced this proposal and 24 hours later he leaves to run the Gore campaign. It is clearly an attempt to try and subvert the will of the majority of Congress and put presumptive President Bush in a box.

I hope the Bureau and the Commerce Department will come to their senses and withdraw this ridiculous proposal; otherwise it is sure to be defeated in the courts.

In your written testimony you state that the third element of a good census involves openness, transparency and public scrutiny, which can lead to public trust in the process. You talk about the importance of public scrutiny, but everything about this proposed regulation, particularly the notion of an internal review panel, goes against the notion of public scrutiny. If you are serious about public scrutiny, why don't you allow for an independent scientific analysis of the process before your decision to release adjusted numbers to the States for redistricting?

Mr. PREWITT. Mr. Chairman, we have statutory deadlines to meet and we will meet those with respect to the redistricting; and with respect to the apportionment number we will meet that deadline. The apportionment number is an adjusted number. There is a current apportionment number based upon nonresponse followup. We are now going to do a new operation called "CIFU." We will keep adjusting that number until we get to the day that——

Mr. MILLER. You are counting real people, not virtual people.

Mr. PREWITT. We don't count virtual people. We count real people.

Mr. MILLER. That is what you do when you adjust.

Mr. PREWITT. That is your language not ours.

Mr. MILLER. Statistical sampling, that is creating virtual people.

Mr. PREWITT. The apportionment number includes imputed census records, right?

Mr. MILLER. I beg your pardon?

Mr. PREWITT. The apportionment numbers includes imputed census records; that is, people that we have not talked to but we impute into the census records.

Mr. MILLER. But they are identifying an individual, a specific individual. When you do statistical adjustment, you are talking about a virtual person. To me there is a significant difference. You see, when you get a form in the mail and you fill out that form, those are real people. If you have to knock on the door and you talk to that person or using proxy data, you talk to a neighbor, yes, John Jones lived there on April 1, you are going to create a virtual person in sampling adjustment. You don't have a name to that person or identification. You are statistically going to create a person or eliminate a person. You are going to do both. That is the way that statistical adjustment works.

Mr. PREWITT. In the apportionment number, there will be a certain number of census records which are put there through an imputation process. Those are not people with names. They are not people who filled out a form. They are people who our statistical processes lead us to believe by putting that census record in there, we have given the country a more accurate number. That is an adjusted number. It is not the basic count we had after nonresponse followup, because we do lots of work between now and then. That, we believe, gets that estimate of the count closer to the truth.

Mr. MILLER. It is like a homeless person that you don't have a name for but you see a physical body.

Mr. PREWITT. I am talking about an imputed census file, not a homeless person without a name. It is certainly a process of trying to get the estimate of the count closer to the truth. We will do that.

That is not done with any external scientific agency. That is done by the Census Bureau because that is our job.

Mr. MILLER. It is different from statistical adjustment where you use the virtual people.

Mrs. Maloney.

Mrs. MALONEY. Mr. Chairman, I have only just seen the legal memo that you received from CRS, but even from a very brief reading, the CRS report that I read supports the proposed rule. On page 2 it says, "Congress explicitly delegated to the Secretary of Commerce the authority and responsibility for a decision concerning the use of sampling and the reporting of tabulations for redistricting to the States. The Secretary may delegate such authority to the Director of the Census Bureau."

The memo goes on to suggest some changes to the language of the proposed rule, and that of course is why we have a comment period, and I am sure that the Secretary of Commerce would welcome your comments and consider your opinions. I would like to put that on the record.

Director Prewitt, only because the chairman raised the issue, I would just like to ask you, what would happen if—which I don't believe is going to happen—G.W. Bush is elected President, and he then overturns the rule, since he has not come out in support of correcting for the undercount. What would the Census Bureau do if that scenario happened?

Mr. PREWITT. I believe the Census Bureau would release the numbers that we were instructed to release, if so instructed. My guess is—that is why this conversation about whether it is political or not political is hard to follow. We presume that this decision—at least the chairman presumes that this decision is going to be made by a Republican-appointed Secretary of Commerce and a Republican-appointed Census Bureau Director. It is going to take effect post change in administration.

All the Census Bureau will do in February and March, as it pours through its data based on everything that it has accumulated about the census, is say what are the best set of numbers for Federal funding and redistricting and other statistical purposes.

They will say to the Census Bureau Director, as I understand this delegation, "Mr. Director, Mrs. Director, we believe these are the best set of numbers that we can produce from the decennial census process." The Director may say "fine, I take your advice, that is what I am going to do;" or he or she can say "no, I don't take your advice, make a different decision." If he or she is then overruled by his or her boss, I don't know what the status will be, but the Census Bureau itself simply does what it can do to produce the best set of numbers that it can produce in the timeframe available to it to meet its statutory deadlines and say these are the numbers.

Mrs. MALONEY. Only because the chairman has raised it, I would like to go into what is a political appointee. A political appointee is a Presidential appointee. How many people work at the Census Bureau?

Mr. PREWITT. Well, as I say, right now it goes to half a million, but the permanent staff is more like 6,000 or 7,000.

Mrs. MALONEY. How many of those people out of those 6,000 or 7,000 are Presidential appointees?

Mr. PREWITT. There is one. And three are Schedule C appointees. I might say of those three, one does intergovernmental relations, one does public information, and one does legislative relationships. None of them have anything to do with any technical decisions made at the Census Bureau. I am the only person that connects to the technical end of the Census Bureau who is a political appointee.

Mrs. MALONEY. So everyone else is a career civil servant?

Mr. PREWITT. Yes, as a matter of fact.

Mrs. MALONEY. So it doesn't matter who is President, they will be working there because they are career professionals?

Mr. PREWITT. Well, the six people who are the senior people right behind me, for the most part manage the decennial have collectively been associated with the Census Bureau for many years. Their accumulated years at the Census Bureau total about 150 years. If you add the 12 regional directors, they have about 340 years of experience. So the people actually managing the decennial census collectively have nearly 500 years of census experience.

Mrs. MALONEY. And they are professionals?

Mr. PREWITT. Yes. Mr. Thompson, who has major authority, has been here for 25 years. He reports to someone else who has been here 32 years, who reports to somebody else who has been in the national statistical system, not the Census Bureau, for nearly 30 years.

Mrs. MALONEY. How were you appointed? Are you a friend of President Clinton's?

Mr. PREWITT. No, I did not know him.

Mrs. MALONEY. Did you work on his campaign?

Mr. PREWITT. No.

Mrs. MALONEY. Had you ever met him before you were appointed?

Mr. PREWITT. No, ma'am.

Mrs. MALONEY. Are you even a member of a political club?

Mr. PREWITT. No. I have never been a member of a political club. It is embarrassing to say these things. I have not been very active in politics. I have been an academic, and that is where I have spent my time.

Mrs. MALONEY. I consider politics and public service a very honorable career, especially when it is done wisely, honestly, and to help people. But your description doesn't sound like a politician, not even being a member—do you vote?

Mr. PREWITT. I try to vote. I am a good citizen; I will put it that way.

Mrs. MALONEY. How were you appointed if you don't know the President? How did you get your job, this, "political job"?

Mr. PREWITT. I was called by someone in the Department of Commerce and asked if I could recommend any names, and these were the criteria that they gave to me. They said, we want a short list of names for the directorship who are reputable academics, scientists, who are not political. That actually was the criteria.

Mrs. MALONEY. So they were looking for scientists and academics?

Mr. PREWITT. And I gave five names in the scientific community that I felt would be a first rate Director. They said, can we put your name on this list? I said no, I have never worked for the government and don't intend to work for the government. They said, would you think about it and call us back? I mentioned it to my wife and she thought I should do it. She said, it will keep me younger.

Mrs. MALONEY. It has given you more gray hair.

Who called you from the Census Department; and, second, what was your job when they called you? What were you doing?

Mr. PREWITT. Robert Shapiro made that call. He is and was Under Secretary. I was president of the Social Science Research Council based in New York City.

Mrs. MALONEY. So you were heading a scientific organization?

Mr. PREWITT. Yes.

Mrs. MALONEY. Had you ever met Secretary Daley?

Mr. PREWITT. No.

Mrs. MALONEY. Were you ever interviewed by Secretary Daley?

Mr. PREWITT. At one point in the process, after I met Mr. Shapiro and Mr. Mallet, I spent 20 minutes with Secretary Daley, approximately.

Mrs. MALONEY. Have you ever met with the President since you have been appointed?

Mr. PREWITT. I wouldn't call it a meeting, Congresswoman. Someone at the White House thought I should have a photo op, and we met in the hall for what I would say was 10 seconds. The President is—he is a busy man. I do not know for certain that he knew that he was talking to the Director of the Census Bureau.

Mrs. MALONEY. So you had a 10-seconds photo op, or a 10-minute photo op?

Mr. PREWITT. I think it was 10 seconds.

Mrs. MALONEY. So he is not visiting the Census Bureau or interacting in any way or whatever?

Mr. PREWITT. No.

Mrs. MALONEY. It sounds to me that you are a professional academic scientist who has been appointed to a position of tremendous importance in our government.

My time has expired, and I thank the Chairman.

Mr. MILLER. Mr. Davis.

Mr. DAVIS OF ILLINOIS. Thank you very much. Dr. Prewitt, I do believe that academicians can join political clubs. I think it is quite appropriate.

Mr. FORD. He is from Chicago, I might add.

Mr. DAVIS OF ILLINOIS. In Chicago everybody is political. You cannot live in Chicago and not be political.

Let me ask you, Dr. Prewitt, since much has been made about the whole business of the delegation of authority—and this question is probably outside your realm—but if there was no Secretary of Commerce, who then would make the decisions about the operation of the Department?

Mr. PREWITT. I think it would only be the Census Bureau Director.

Mr. DAVIS OF ILLINOIS. I guess my point is, the Secretary really didn't have to make his determination before leaving, and yet a de-

cision would have gotten made at some point anyway? That is kind of the way that I see that. And so it is difficult for me to suggest that that would have just simply been a political decision being made by the Secretary other than to provide as much assurance as one could provide that the technical decisions are in fact going to be made by technicians rather than politicians. But at any rate, you made a statement at one point relative to statistical corrected data, and suggested that that would be more accurate. What is statistical corrected data?

Mr. PREWITT. In a census, Mr. Davis, what we actually believe is that you can't know the truth. You can only get an estimate of the truth. So what a census is is nothing more complicated than a series of operations that constantly try to get that estimate closer to what the truth is. That is why I say we currently have an estimate. We have 33,000 more households to reach in nonresponse followup, 319 in Memphis, by the way. But we are basically finished. We could produce a number now. We think we can improve that number by doing these next big operations. As I say, we are going back out in the field to some 8 or 10 million households. We will keep trying to improve that number to get it closer to what we think the truth is.

One of those operations, only one out of a dozen or—well, counting three other small ones—is the accuracy and coverage evaluation. In that operation we do something which has been described as capture/recapture in wildlife studies. You take the census record and you go out and reexamine that household and then you match the records together. What that is, is in those households that have a set of demographic characteristics, inner-city, African Americans who rent their homes and who come from low response rate areas, we have a sample of those kinds of people in the country and we find out how many of them we missed. If our calculation is we missed 4 percent of them, then where they live across the country, we will add 4 percent to the census records, not virtual people, census records. This is a statistical operation. It's not a kind of identification-of-people operation. That is all the correction is.

It also turns out that we overcount. People send in more than one form and we identify that and we think that it is extremely important that when we do the corrected file, that those counts are appropriately reduced because we should not double-count the social groups in this country.

Mr. DAVIS OF ILLINOIS. Do you believe as I do that if we were to take our best enumerators, the best people that we have got, and have them count until the end of the year, that there still would be some people that we would have missed?

Mr. PREWITT. Regrettably, I have to agree with that. We have had enumerators met with guns and physically abused. We have had respondents who have sent us in $100, saying I understand that is the fine, and I will pay the fine and never answer this questionnaire. We have people here illegally who do not want to be counted.

If you read the marvelous series in the New York Times about the race relations in the United States, you get some idea of the complexity of the population out there. There are some population groups who we can't find or will not cooperate with the census. So

we are not—there is no process that could reach all 275 million, give or take, whatever the quality of our enumerators are.

Mr. DAVIS OF ILLINOIS. Even though those individuals will not cooperate, do you feel that it would be unfair to them to not have them included in the ultimate count?

Mr. PREWITT. Yes, sir; and wrong for the country. If we know that we are undercounting and overcounting—and we know that because we have been working on this for 50 years—then to produce a census that doesn't recognize that strikes us as failing our responsibilities to the country.

Mr. DAVIS OF ILLINOIS. Again, let me just commend you and the Bureau for I think the outstanding work that you've done in even the corrected action that has been taken in some instances that may have started rather sluggish, but it is not always a matter of how you start, it is far more important how you finish. I think that we are going to finish well. Thank you very much.

Mr. MILLER. Let me initially make a comment in response to Mrs. Maloney. The statement that Secretary Daley released says the determination of the Director of the Census shall not be subject to review, reconsideration, or reversal by the Secretary of Commerce.

The law doesn't give him permission to do that. I know that we are not lawyers here, I don't know if Mrs. Maloney is, but that is what the real question is. The ultimate responsibility has to be there. You need to put the responsibility right at the level where it belongs.

There is nothing wrong with being a political appointee. You have a distinguished record, just as Dr. Varmus, who headed NIH for so many years. It is never a question of whether you are political, but as political, you end up in—basically the President or whoever has that power, the Secretary of Commerce or his assistant, is going to select people for the job that is going to go along with their beliefs and positions. The concern is that there is nothing wrong, that is the way that the system works.

I don't think that you were contacted because you are a loyal Republican. I don't think that you give financial contributions to the Republican Party. Do you give political contributions, or have you?

Mr. PREWITT. Yes, I have.

Mr. MILLER. To the Republicans?

Mr. PREWITT. To the best candidate that I can find.

Mr. MILLER. Any Republicans?

Mr. PREWITT. Just to make sure that the record is correct, I have certainly not given any political contributions since I have had this job.

Mr. MILLER. But previously you have made contributions to the Democratic Party, and there is nothing wrong with that.

Mr. PREWITT. That's correct.

Mr. MILLER. You stated last week in a press conference that there is no bonus system for census employees, and you wanted to dispel the rumor that there was one. Is there no bonus system for census employees?

Mr. PREWITT. There is no bonus system connected to the—the reference that I was making was a bonus system for enumerators or crew leaders who completed their decennial work on time.

The Census Bureau has incentive and award programs across its system, and has had that for years and years. But the particular reference in the press that I saw had to do with a bonus system for completing work in, I think the Los Angeles region. We are not allowed by law, for example, to give any kind of program or payment to any temporary employees.

Mr. MILLER. You have seen this recommendation for recognition, and you have a Special Achievement Award, Special Act of Service Award, Cash in a Flash Award, On the Spot Award, Time Off Award. I think bonuses is what makes this system—we need to have incentives. I am not opposed to them, but the bottom line is that there are bonuses. You may want to call it another name, but they are bonuses for getting the job done right. Isn't that right?

Mr. PREWITT. We call them incentive programs.

Mr. MILLER. That is a bonus?

Mr. PREWITT. Surely.

Mr. MILLER. We are getting into this Bill Clinton issue, what is the definition of the word "is."

We are rewarding people, and again there is nothing wrong with that, but the concern we have is to make sure that we are making the proper balance between timeliness and quality. We don't want to lose any quality.

Let me go to the question of proxy data. Enumerators attempt six contacts and if they can't speak to someone in a household, they go to third-party source such as a neighbor or postal carrier. This is proxy.

During the 1998 dress rehearsals, the Census Bureau found very high amounts of proxy in the nonresponse universe: 20 percent in Sacramento, 16.4 percent in South Carolina; 16.5 percent in Menomonie. The Census Bureau concluded the high amount of proxies was a result of census workers not following procedures in the field. This directly affects the quality of the data. How can you or I be confident that the Census Bureau remedied the problem when you are not measuring proxy data at the local census office level?

Mr. PREWITT. We certainly will use proxy data in the decennial census.

Mr. MILLER. The question is the level of it. In the dress rehearsal, it was overused in some areas.

Mr. PREWITT. Proxy data are better than no data. They simply are. We do everything that we can to get a population count from every housing unit in the country. If we get that from a knowledgeable neighbor or building manager, we believe that is far superior to leaving that census file out of the census record. So we are not defensive about proxy data at all. We would prefer to get the response from the respondent. We would prefer that everyone mail their form back in. They don't. We would prefer when we knocked on the door, they answered the door and said "certainly."

Mr. MILLER. Proxy data is necessary and it is better than no data. The question is when you get to obtain it. Now that we have the time that we are ahead of schedule, we should be able to keep going back to count the people that Mr. Davis and others say we want counted. I am saying do everything that we can to get them counted because they are real people, because the idea of adjust-

ment, it is going to be thrown out probably and so let's not cut corners now.

Mr. PREWITT. Yes, sir. We have no trouble with that recommendation and we are not cutting corners, of course.

Mr. MILLER. But you are not measuring proxy data at the local census office—or what level or percentage are you?

Mr. PREWITT. Every questionnaire that we produce has a set of tags on it. We will report that measure to the country when we have all of the data.

Mr. MILLER. Wouldn't it be important to measure the success of the local census office?

Mr. PREWITT. We use a number of other indicators that we think are better.

Mr. MILLER. Mr. Ford is back. We will go to Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman. I was just trying to figure out where you were going with the line of questioning. Perhaps, the bonus piece, what point were you trying to make with that?

Mr. MILLER. My concern is that we are rushing out of the field too quickly and not getting the best-quality data. I think bonuses are fine. The question is quality. I say stay in the field and make sure that we get everybody counted in the hardest-to-count districts rather than jumping to proxy data. That is all I am saying. We have to make sure that we are not overusing proxy data.

Mr. FORD. My second question would be with regard to the politics of all of this. The concern with this authority being vested with the—with Director Prewitt—what is the concern? It is a concern, say, for instance, hypothetically, Mr. Bush is the next President and is there some concern that his Commerce Secretary won't have the authority to make this decision. That is what I am confused with. We have reached a very, very low point here if we can't take people at their word. The Director has made clear that his purpose as Director is not to advance some Democratic agenda but to try to get an accurate count. I am just curious what we are concerned about. Maybe I am missing it.

Mr. MILLER. There are two comments. First of all you can delegate authority, but to divest authority is illegal. Going beyond that, the question is not using independent outside advice. At Los Alamos we did——

Mr. FORD. This is not Los Alamos, and that is an explosive term right now. I agree with Senator Byrd and others who have criticized my friend Bill Richardson.

Mr. MILLER. If they want to bring in outside experts, the National Academy of Sciences, which is a respected institute, to look at the data and give advice, that is not allowed under this regulation. This regulation says only the people within the Bureau inside can make the decision. I think you should have outside experts give some advice. That is not provided in this regulation until after the fact it is allowed. That is my concern, is that the decision process is trying to be set in concrete now. I am not sure that this is the right decision process.

Mr. FORD. So it is more that you want to ensure that we get as many voices——

Mr. MILLER. They are setting a rule that only the people that design the plan will decide the answer. In corporations, you bring in

consultants or auditors. The National Institutes of Health uses peer review. They don't just have inside people making the decision. The proposed regulation is all inside people only, and nobody outside.

Mr. FORD. Is it a regulation that we can address and perhaps amend?

Mr. MILLER. Well, it is a regulation that they are going to impose at the Commerce Department. We will have a chance for comment. They are going over Congress's head.

Mr. FORD. I would rather get to the issue as opposed to talking about definitions of "is." This is not Los Alamos and this is not an impeachment inquiry here. What is your attitude toward the thoughts and the concerns that the Chairman has expressed? I do know that the National Academy of Sciences suggested that sampling would not be a good idea.

Mrs. MALONEY. They supported it.

Mr. PREWITT. Yes.

Mr. MILLER. They support the concept, but they have not reviewed the plan. They will review it after the fact.

Mr. FORD. I only raise that point to say that I understand that it may support your point at one time, and I wonder if they would come back and support something that the administration—since we all believe that politics plays such an excessive role in all of this. Notwithstanding that, what do you think about the thoughts that the chairman has said?

Mr. PREWITT. First, the census design has been subjected to a great deal of outside advice, scrutiny, and consultation with the statistical community for about 8 years. Four different committees of the National Academy of Science have been reviewing our work. This is not something that is being done by some group of insiders. This is being done with enormous consultation across the country.

There are some very good statisticians, largely at the University of California, Berkeley, who have different views. They incidentally, Mr. Miller, do believe in adjusting but they would use a raking method which is a different method from dual-system estimation. We believe that a raking method is less powerful and statistically robust than dual-system estimation; but they also understand that there is an undercount, and the way to fix it is to use a different adjustment method.

So we are arguing about two different kinds of adjustment methods.

[The information referred to follows:]

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19 September 2000

Chairman Dan Miller
Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
H1-114 O'Neill HOB
Washington, DC 20515

Dear Congressman Miller:

We write to clarify the record. Census Bureau Director Kenneth Prewitt testified before your committee on June 22, 2000. According to the transcript, pages 55-6, lines 1277-85, he said that

> There are some very good statisticians, largely at the University of California, who have different views. They incidentally, Mr. Miller, do believe in adjusting but they would use a raking method which is a different method from dual-system estimation. We believe that a raking method is less powerful and statistically robust than dual-system estimation; but they also understand that there is an undercount, and the way to fix it is to use a different adjustment method.

If Director Prewitt is referring to us, we thank him for the kind words, but regret that he has misunderstood our position. As we have explained many times, we are opposed to adjusting the census, because we think adjustment is liable to introduce more error than it removes.

If adjustment is deemed necessary, we do prefer raking to dual-system estimation. In our opinion, raking is more robust than dual-system estimation (DSE), in the sense that minor data errors or small changes to algorithms are likely to have smaller impacts for raking than for the DSE. The apparent power of the DSE is due largely to the optimistic theories that the Bureau has used for evaluating this method in the past, and we remain unpersuaded by those evaluations. Thus, we think that Director Prewitt is wrong on the technical issues.

For us and other observers, the chief lesson of 1980 and 1990 is this: the DSE is a fallible and rather fragile statistical method. Data collection is complex, as is the analysis, leaving much scope for human error. Many assumptions are needed to complete the process, and these assumptions have not been validated: at least in some cases, the assumptions are inconsistent with the data. Thus, error rates in the DSE may be large.

Error rates in the census are small: in 1990, for instance, the net national undercount was in the range from 1% to 2%, and the differential undercount was on the order of 5%. Unless the DSE is appreciably more accurate than the census, adjustment can make things worse, not better. Adjustment would have added 5.3 million people to the count; but 3 to 4 million of these people represent errors in the DSE, rather than census errors. If most of an adjustment reflects errors in the adjustment process rather than the thing being adjusted, arguments that the method improves accuracy cannot be taken at face value.

Yours sincerely,

David A. Freedman
Professor of Statistics

Philip B. Stark
Professor of Statistics

Kenneth W. Wachter
Professor of Demography
and Statistics

Mr. PREWITT. Specifically, Mr. Ford, to your comment, in 1980 the Director of the Census was Vince Barabba. He served under President Nixon and left when President Carter came in. The decennial census was not in good shape in 1980. He was a Republican, brought back by a Democratic administration, to run the decennial census. He made the decision with internal advice about whether to release the numbers or not. He decided against it because they were not robust enough.

When I was considering taking this job, I talked to Mr. Barabba, and I said, "What advice do you give me?" He said the most important advice is get every possible decision out of the Commerce Department and back to the Census Bureau where it belongs, and that is a Republican Census Director giving me advice.

I then talked to Barbara Bryant and said, "What advice do you have for me?" She said, get every decision that you can get back to the Census Bureau; these decisions are better made at the Census Bureau. The statistical community will very substantially support this decision because they believe the kind of people who should be making this decision are statisticians and technicians. That is what they believe. If you want to draw a sample of the statistical community and ask their judgment, they will all agree this is the right thing to do. If it turns out to be illegal, it won't happen.

This is not a Census Bureau decision, but it is certainly one that I strongly support. And it is apolitical. I don't know who is going to be the Census Director when this decision is made. I leave with this administration. It is not about me. It is about the proper way to organize what is a scientific effort. It is not a political effort. It is a scientific effort.

Mr. FORD. My concern, Mr. Chairman, I understand the need to have competition in terms of ideas to generate more ideas and more thoughts and more voices on this and more opinions, but what is to stop them from being influenced by politics? We treat it as if it is a dirty word in some ways, and then we suggest even outside that we don't want any of it, but we assume the worst in people.

Whether it is the National Academy of Sciences, are we going to check that the director or president of that organization, his or her history of political contributions and his or her deputy, and then look at—at some point—when does it stop? When do we just take people at their word? That Director Prewitt, as much we may differ on some issues, we are all interested in an accurate count.

There is no doubt that there are implications to an accurate count. In some areas it is suggested when you are able to count more minorities—and as an African American Member of Congress, there is a belief that African Americans vote Democratic more than Republican, and numbers will probably bear that out, but I don't know why that should stop us from wanting an accurate count, just as if we suggest that perhaps white men vote more Republican and Democrat. I am not urging white men in my State not to be counted so I can have more African Americans or women to be counted. I want all folks to be counted, as you do, too, Mr. Chairman.

When does it stop? I can appreciate the recommendations that we are going to make, and I would recommend that we perhaps invite Mr. Prewitt's two predecessors and get their thoughts as well.

I believe that they told you that, but for the sake of the committee and the record, perhaps we ought to provide your predecessors an opportunity to make those statements public.

I know that my time has run out, and I yield back.

Mr. MILLER. Mr. Souder. May I have 30 seconds of your time?

Mr. SOUDER. I am happy to yield.

Mr. MILLER. This Congress and the previous Congresses have given all of the financial resources needed to do the census. I don't think that anyone disputes that. $6 billion is involved here. We need to do everything that we can with all of the resources we have to get the very best count.

I am proud that I have worked hard through my position on the Appropriations Subcommittee to make sure that money was there, and this goes back to Speaker Gingrich and Hastert, who have provided the financial resources. We need to work together on that common goal.

I yield back the balance of my time.

Mr. SOUDER. I thank the chairman. I apologize for missing your statement, and I will try to read it in between here and—I have had kind of an erratic attendance at this subcommittee, but I was very involved earlier with Speaker Hastert, and I was involved in the earlier stages, and we have been through a lot of this.

I share the concern, both a legal-technical concern about the transfer of authority, and I don't mean to imply direct questions about the integrity of you as Director or whoever the new Director is, but I think—and the reason that I move over to this side, usually the Republicans are on that side, it was making Mr. Ford very uncomfortable. He is not used to turning to his left to find me, and he couldn't sort me out.

Mr. FORD. He wasn't used to being on my left either.

Mr. SOUDER. I think that everybody, regardless of their political background, tries to do the best they can once they are given the responsibility in government. But you still come in with biases, no matter who are you, whether it is me or you in a given position.

Part of my immediate reaction to a decision like this, and having been on this oversight committee since I came to Congress and having dealt with this in agency after agency and wanting to assume the best about every individual and every decision, but it is no accident that when you, in the language, move it to the Department and say this is a professional decision, that this Department position is still a Schedule C, it is a political position and it shouldn't be—while you are more knowledgeable about the issue than the Secretary of Commerce, you are still a political appointee.

And one concern beyond the legal concern is an impression given to the general public that somehow if the Director of the Census makes a statement as opposed to the Congress, that one is professional and one is political, when in fact we are all politicians here—you are a representative of a political appointee of a politically elected official, and you are in the political arm, with a staff underneath you that is a mix, but predominantly not politically appointed. At the same time, we all know, particularly those of us who have been involved in politics a long time, how we get layers of bureaucracy and staffing, and how you get promoted and good assignments internally, and people who share ideas are going to

have their most trusted advisers come with shared ideas. And we have a major philosophical divide as to the ultimate value in how much we can trust estimating.

I am sitting in a situation and I have been appalled at the unwillingness of people to confront directly the difficulty of what we are facing here, and that we all know it, and we ought to acknowledge it and try to address this gap.

It is a range of things, but it is not easy to count illegal immigrants, and it is not easy to count people who are homeless because they move around. They wouldn't be homeless if they were organized and were willing to be counted. Drug dealers do not want to be counted. People who are on the lam don't want to be counted. Some of my more paranoid right-wing friends don't want to be counted. There are parts of Montana, and I don't mean to isolate Montana, but that is the news media characterization, and we have parts of my district—I had somebody come up to me at a parade who was worried that the ATF was going to come after him, and he has two guns pointed and he is in a trailer; and I am thinking, boy, I hope some census worker doesn't knock on his door.

We have all kinds of people who don't want to be counted. We have to figure out how to count them to be fair to everybody. When you have variations in some cities between 25,000 in the homeless population and 125,000, that differential in Los Angeles alone wipes out four of my counties if we estimate at the high as opposed to the low. It is not a racial argument. It is are my people going to be cheated if somebody errs on the side of estimating high as opposed to estimating low.

I know that we have supposedly 125 crack houses in Fort Wayne that we have—a lot of those have been torn down. It doesn't mean that somebody is in them. They move from night to night. That becomes difficult to estimate. And what many of us want to say is that every exhaustive possibility ought to be done before any estimating is done. And that even in the bonus system, in a bonus system the encouragement should be for exhaustive approaches, not for speed. Assembly line by stressing speed cannot get as much qualitative level and then we can jump to the estimating faster. A possible check in a system like that is a penalty.

If the estimating in your area shows a bigger gap than somebody in a similar neighborhood, then maybe you should lose your bonuses that you got earlier by going too fast. Private business may give commissions and bonuses, but there are certain things that will suggest the inefficiency of census workers. That might discourage different activities, too.

I am just suggesting that ultimately we all know there is going to have to be some supplement and it is a question of how aggressive it is going to be and whether or not the tilt here—and where our concern is, is that by transferring this to your authority, it looks like an attempt of the administration to wash their hands and say we are going to not be political, and because we are a little ahead, we are going to kick this to statistics, a form of sophisticated guessing.

Assuming you have dual tracking and different things, it is going to be fairly accurate, not necessarily to the sub-track level, which

is important for local things, and maybe we have ways that we can make sure that everybody understands that.

Another thing, it is kind of ironic at this particular point in time, the Secretary of Commerce just went over to be the manager of a Presidential candidate. Isn't that convenient, because it makes it look like he removed—the time was not opportune. If you are on the other side of the spectrum, this looks like the Presidential candidate doesn't want to be associated in controversial and swing areas with the decision, and he tried to make it look like he was taking it out and away, that it didn't matter that Mr. Daley was leaving and kicking it down.

Yes, sometimes we are a little paranoid on our side, but some of that paranoia has been fairly justified, not always, but sometimes. And that is why many of us are upset with this, not necessarily that we are not going to go to statistical sampling and you are going to bring a little more trust to the statistics than some of us would necessarily have, and we want to make sure that everything else has been exhausted first because possibly political control of Congress is dependent on this; variations of whether my district gets grants that may depend on this, controls of city councils may depend on this.

This is a weighty political decision, and we need to make sure that both sides are represented fairly and accurate. I would appreciate any comments that you would have.

Mr. PREWITT. I would like to address the generic level of your comments.

Mr. Souder, I must say I would be very, very saddened if this delegation of authority issue became yet a part of—deepened the sort of concern among Members of Congress that this is a politically charged census.

I would much rather not have a delegation than have that. I have spent a lot of time—I came to Washington, quite honestly, not because I was politically active and so forth, I came to Washington because I had observed the fact that the Census Bureau had been characterized as perhaps being able to predesign a census with a known partisan outcome.

Actually that is a false charge. We would not know how to do that. If you think, it means 3 years ago we were making design decisions that would affect redistricting 5 years later, and redistricting where, and for what purpose, in which States. The intelligence that one would need to bring to bear on those technical decisions that you were making 3 years ago for an impact 5 years later, we don't have it. We are not experts in redistricting. We don't pay any attention to which Governor of which State has Republican or Democratic majorities. We simply don't. We wouldn't know how to go about doing that. I don't think anyone in this country is smart enough to actually anticipate the partisan impact back when those design decisions are made.

And so I felt very strongly that—and let me say just a word or two why I feel so strongly. I don't think that you can have a healthy democracy without a healthy number system. The American people cannot hold political leaders to account without social indicators. When we debate whether education is improving or not, when we debate whether the quality of health is improving or not,

and when we worry about whether inflation is being checked or not, we are using statistical indicators of those phenomenon.

And when political leaders are thrown out of office, it is often because the American voting public is saying we don't like the way things are going. And when they say that, they are looking at statistical data. Democracy requires a very sound national number system, and I think if the word gets out and it gets to be believed that the numbers could be politically tampered or manipulated, you begin to erode confidence in those numbers and that is a dangerous place to be for society. I feel very strongly about that.

I have tried to conduct myself with the Census Bureau staff in such a way that we could lessen that charge; and therefore if this particular thing, this delegation becomes evidence, if you would, that somehow this is one more attempt to be political, I wish it would go away. I feel so strongly about trying to take this out of politics that I don't want to do anything that leaves that impression.

This wasn't my decision. This was a Department of Commerce decision, and you would have to—but I just want you to believe that I think nothing is more dangerous than to believe that the national number system is subjected to political manipulation or uses.

Mr. MILLER. Let's complete the first round. We will go to Mr. Davis, and then Mrs. Maloney will continue the second round. We are glad to have Mr. Davis with us today.

Mr. DAVIS OF VIRGINIA. I had a bill in another committee being marked, and I apologize for being late. My recollection is that if we had used adjusted numbers after the 1990 census, we would have been working as a Nation on a foundation of numbers that contained huge errors, 45 percent errors. That is huge errors.

Mr. PREWITT. That is incorrect, sir.

Mr. DAVIS OF VIRGINIA. What would it have been?

Mr. PREWITT. This country for the last 7 years has been making all of its major economic decisions, such as its inflation rate——

Mr. DAVIS OF VIRGINIA. I am aware of that, but what error?

Mr. PREWITT [continuing]. On the corrected numbers. The Bureau of Labor Statistics believes if it had not been using these corrected numbers, it would have mis-estimated employment rates in this country by more than a million people. The corrected numbers are better than the uncorrected numbers.

Mr. MILLER. The Census Bureau does not use it for any intercennial estimates. They do not use the adjusted numbers. My understanding is for the BLS, they only use them for large population areas, and not for all States. I yield back.

Mr. DAVIS OF VIRGINIA. I appreciate the clarification. Our paranoia here when we see the head of the Commerce Department who was overseeing the census, and has now made this delegation right before moving over to run the national campaign, you can understand why we are——

Mr. FORD. Would the gentleman yield? You are the chairman of the National Republican Campaign Committee, so I would not dare suggest that your questioning is motivated at all by the fact that you are looking to maintain a majority. I have great respect for you, but to suggest that——

Mr. DAVIS OF VIRGINIA. Reclaiming my time, I have nothing to do with the count. I have zero to do with the count over there. I represent a district out in Fairfax County. Last time, under their adjusted figures, we would have lost our percent of the pie in Virginia. So I represent——

Mr. FORD. Mr. Daley said nothing——

Mr. DAVIS OF VIRGINIA. Reclaiming my time, I read today in Congress Daily that on Monday the Justice Department asked the Federal court to postpone its consideration of Virginia law, a Virginia plan that was passed by our State senate and house, and in fact passed our State house with a bipartisan vote, to use an actual head count for redrawing legislative districts next year. Were you or any employees of the Census Bureau consulted on the Justice Department's decisions?

Mr. PREWITT. Absolutely not. We don't pay any attention to those things, sir.

Mr. DAVIS OF VIRGINIA. Can you think why anyone would want to postpone a decision like that?

Mr. PREWITT. There are legal decisions going on all over the country. I don't pay any attention to those. My job is to produce the numbers. I can't begin to give you an explanation for those decisions.

Mr. DAVIS OF VIRGINIA. Can you understand why anyone would want to postpone a decision like that?

Mr. PREWITT. I am not even knowledgeable about the question that you are asking me.

Mr. DAVIS OF VIRGINIA. Let me explain it to you and maybe you can give me an answer. Virginia basically said that they are going to use the actual enumeration for purposes of drawing their legislative districts within the State. They passed a law that was signed by the Governor—duly elected officials sponsored this—taken to court to try to get an early clarification, because when it comes to drawing the lines, you would like to know what is acceptable and what may not be acceptable, and it sets a playing field. Now the Justice Department has intervened and said they want to postpone this. Can you think of any reason why anyone would want to postpone this?

Mr. PREWITT. No. I am not a lawyer. I don't follow these things at all.

What the Census Bureau's position has been is that we are going to produce the best numbers we can. Their use is up to the States. We don't dictate what States use what numbers. That is not our job. We are simply producing them.

Mr. DAVIS OF VIRGINIA. If a State wants to get a clarification of what is legal, you don't have a problem with that or see why it should be postponed?

Mr. PREWITT. As I say, you have told me more about this than I had any pre-knowledge about. It has nothing to do with the Census Bureau. It has to do with the Department of Justice.

Mr. DAVIS OF VIRGINIA. It all has to do with apportionment, which your numbers—with two different numbers, obviously you get two different apportionment resolutions.

Mr. PREWITT. You mean redistricting?

Mr. DAVIS OF VIRGINIA. It has been used in the court cases, I think it has been used interchangeably, but there is an argument that seems to think that there is a difference between apportionment and redistricting. You can understand why they want to get an early decision.

Mr. PREWITT. Certainly.

Mr. DAVIS OF VIRGINIA. Rather than drag this out and forcing it into next year, the earlier a State could find out what could be acceptable and maybe bullet-proof from a legal attack, that would be logical it seems to me.

Mr. PREWITT. I am not disputing that so much as I am uninformed about it.

Mr. SOUDER. Would the gentleman yield?

Mr. DAVIS OF VIRGINIA. I would be happy to.

Mr. SOUDER. You know you are in a politically sensitive position. We have had hearings for years in advance about the split between whether we have an accurate enumerated count versus an estimated count. You know, I assume, that some idea of the—why there is such a big battle over these figures. Years ago, legislatures—States don't do counts, so when the Supreme Court ruled that rural areas were overestimated versus urban areas, the only numbers that they have to go to are you. States don't do counts. The Constitution gives it to you. You have some concept of that history.

Mr. PREWITT. Of course.

Mr. SOUDER. Therefore, you would understand that even though they are not required to use these numbers, there are no other numbers. The courts, when they overrule them, would use your numbers. So when you say that you don't have an awareness of how that is done, I understand that you are not necessarily following it directly, but you have a general idea?

Mr. PREWITT. Yes, sir.

Mr. DAVIS OF VIRGINIA. Also, these are legal matters that are affected by decisions that you make. You put out two numbers, what do you expect legislatures to do? I want to clarify my question again. So no one, no one at the Census Bureau to your knowledge was consulted by the Justice Department on this?

Mr. PREWITT. No, sir, not to my knowledge; and I don't know who it would have been.

Mr. MILLER. Mr. Davis, would you yield?

Ultimately this is going to be decided by the Supreme Court. They are going to rule whether we use adjusted numbers for redistricting. You don't have an opinion?

Mr. PREWITT. I really don't know.

Mr. MILLER. You don't think any courts will rule on this decision?

Mr. PREWITT. I think courts will rule, yes.

Mr. MILLER. Wouldn't it be to everybody's advantage to have the courts rule sooner than later?

Mr. PREWITT. As I have said in testimony, Mr. Chairman, I was very pleased with the timeliness of the previous Supreme Court decision. That helped us in planning this census.

Mr. MILLER. So this question of using adjusted numbers for redistricting, the sooner that the courts rule, the better off the States will be?

Mr. PREWITT. The difference in the two decisions is that this decision has nothing to do with our operations. The previous Supreme Court decision had enormous consequences for our operation. That is why its timeliness was better, and a year earlier would have been even better. But this has no implications for what we are now doing.

Mr. MILLER. It has huge implications to States making redistricting decisions. My knowledge of what I read in Congress Daily, I am amazed that the Justice Department would not have put off that decision, and that is what they are doing. I am glad that you are not involved.

Mr. DAVIS OF VIRGINIA. I am glad that the Census Bureau isn't. I am appalled by the Justice Department's decision, but I think it has been very political in every other aspect of how it has conducted itself. And I think this case shows that once again, in an election year, it is not going to deviate from that practice.

Mr. MILLER. Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman. I think many of your colleagues raise some important points. I believe we should invite the Justice Department to come to the next hearing and explain their point of view. We should have them tell us and explain why they feel the way that they do. I think that is a legitimate point that has been raised, and I look forward to that hearing only because some of my friends and colleagues on the other side of the aisle seem to be disturbed, and they keep raising the point that Secretary Daley will be going over to join Vice President Gore's campaign.

I want to make a historical note in here that Mosbacher, the Secretary of Commerce under former President Bush, he overruled the Census Director, the professional, Dr. Barbara Bryant, who ruled that adjusted numbers with modern scientific methods were far more accurate and that those should be the numbers used. Mosbacher overruled her professional scientific decision, then resigned and went over and ran the Bush campaign in 1992.

One point that was raised—quite frankly, I didn't realize until you mentioned it, Dr. Prewitt, is that adjusted numbers are being used now by professional statistical organizations because they are more accurate.

I would like you to respond now, and in greater detail in writing, which ones are using adjusted numbers because they are more accurate. But before that, I want to make another point to one of my dear friends and colleagues who kept raising the point that many people don't want to be counted. The Constitution, and all of our directions are that we are supposed to count everyone, whether they want to be counted or not.

In my district in New York, the local census office is having a very difficult time because they can't get past the doormen, and my office is calling up all of the managers of all of these buildings and helping the Census Bureau get into buildings that they have been blocked from going into. But one of the biggest areas that is undercounted, and actually it is the reason that I first got involved in

the census, because one of the areas that I work very deeply in is child care, day-care, and many advocates were coming to me and talking about the great number of children who were missed and undercounted in 1990. I believe it was really the largest area of the undercount. That, as we know, affects all types of planning and funding formulas.

I would like you to comment on those two points.

Mr. PREWITT. With respect to the undercount of the children, the odd thing is these are census forms that come back in, so it is not as if we have not exhausted our procedures and gone to that household and gotten the census form. But we subsequently learn that children get left off of forms for all kinds of reasons. One of the major things that the corrected numbers do is to locate the percentage of kids that get left off forms and add that number back to the census. Nothing more complicated than that.

Mrs. MALONEY. I would like to add, in 1990, 70 percent of the people missed in the census were missed in households that were counted, and many of these were missed on forms, as you pointed out, that were returned by mail. And because of the tremendous amount of work that the Census Bureau has done, and the local governments, we do have a tremendous improvement in the address list, and it is likely that the percentage will be higher in 2000. And will spending more time in the field doing the nonresponse followup find these people?

Mr. PREWITT. Well, we designed our processes under scrutiny, of course, of this Congress and the GAO to be prudent with taxpayer dollars. We could continue to knock on doors forever. We don't think that would improve the count materially. That is six attempts. Indeed, we have cases where we have gone back 12 times. That is more than was expected to happen. We have very committed enumerators out there.

We do think that at a certain point you get data deterioration as you move away from April 1, and you get memory and mover problems. So it is our statistical judgment that the sooner we can get the data, the better. So it is not a rushed census, it is a higher-quality census if we get the data closer to April 1.

Continuing to knock on doors, we have been met at the door by people with guns, as Mr. Souder knows. We have had physical and verbal abuse. We don't send people back 12 times when somebody says, "You come back, next time it will get worse." We have to worry about the safety of the enumeration staff. Going back for a 12th time will spend a lot more money, and then you will have a different set of hearings saying, why did you waste all of that money going back and back?

Mrs. MALONEY. GAO produced a report that confirmed what you are saying, and I would like to put that report in the record.

I would like to know from the chairman if he would consider having—I know my time is up—the next hearing with the Justice Department and the Voting Rights Division on why they made this decision. I think that would be an appropriate hearing for the Members of Congress and the American public.

Mr. MILLER. We are having two hearings in July, one dealing with the American community survey issue, which gets to the long form. I think that would be of great interest.

We continue now on the second round, and Mr. Souder is next.

First, though, Mrs. Maloney was talking about the use of these adjusted—you use the word "corrected," which is a political term, and I think it should be "adjusted" data. When you use the aggregate, we average out errors basically. The problem is that at the block level we have error rates. And our argument and what the courts are looking at, block level data—and how many people are in a block? What is the average size of a block?

Mr. PREWITT. Thirty households.

Mr. MILLER. When you adjust a block and you have to add this virtual person or delete a real person is where you get the high error rate. And redistricting is done at the block level. You take away a block there or add a block here, and that is where you run into errors. The BLS, when you are talking about the population of the State of California, that is one thing. But we are talking about redistricting, which is block level data, and that has a high degree of inaccuracy.

Mr. Souder.

Mr. SOUDER. I would just like to note for the record, which I didn't bring up earlier, I want to note for the record that part of this—first off, whichever party isn't in power in the executive branch is certainly going to call you up, whether you spend too much money or less money. That is what oversight is, by the way.

Part of my frustration has been we are now griping about the end because—I represent Fort Wayne, IN, and we have had a continuing battle. We cannot get the maps. The local person was still complaining just a couple of months ago that they didn't have the newly annexed maps. We have battled this problem for roughly 2 years now. We also—and the Chicago director was very responsive, came down to meet with a lot of my urban pastors and leaders in the community who were very concerned about an undercount. And Fort Wayne at 220,000 people, roughly, will hopefully have a better count, because the only place that they advertised for census workers were out at two suburban libraries.

We have this influx—for one thing, I have learned through the Historic Society, that I have the largest Burmese population in the United States, and also we do immigration in our office, and because we have one of the dissident professors and two of the legislators, we have got this big influx. We have—I know that we are going to undercount the surge of Hispanic people in our area because we don't have any census people out checking them. They should have gone immediately to the Catholic Church where these people go, but instead were out in the suburbs. Now we are saying we are going to have to adjust the count. Well, yeah, if you don't have the right maps and don't have the right workers, we probably are going to have to do some adjustments in counts. But understand, that is what leads to some of our not completely unjustified paranoia that we are being a little set up, not necessarily on purpose, because you have a massive thing, and that is what makes some of us paranoid.

Now, nonresponsiveness, the long form and short form. The long form is so essential for information, but as somebody who got the long form—and also I want to praise one other part of your program. By going into the schools, my son, as I was mad about get-

ting the long form and complaining about the questions, my 12-year-old came over and said his teacher said he was supposed to watch us fill it out. So I had to compromise my anger as I was going through the long form. I can understand a lot of people who may not have had their son there at the moment, or who were even more upset about what they viewed as intrusiveness, and then it was blown into the media and that led to other kinds of problems.

But I have a letter that I would like unanimous consent to insert into the record. It is from Ms. Carol Hugo. It is to her, a portfolio director, from the regional director, and she is based in San Jose and it has to do with gated communities.

[The information referred to follows:]

UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Regional Census Center
700 5th Avenue, Suite 5100
Seattle, WA 98104-5018

June 14, 2000

Ms. Carol Hugho, Portfolio Director
Avalon Bay Communities
4340 Stevens Creek, Suite 275
San Jose, CA 95129-1148

Fax: 408-260-5363

Dear Ms. Carol Hugho:

This letter is being written to you in your capacity as Portfolio Director for the firm managing Avondale at Creekside Apartments and Villa Mariposa Apartments, both in Mountain View, California. My staff has informed me that they have been refused access to records concerning these Apartment Complexes so that they could complete information on the individuals who did not return a completed Census 2000 questionnaire. The Office Managers at both Complexes have informed our Enumerators that they received specific corporate orders not to cooperate with the Census Bureau.

Federal law requires that you allow Census Bureau Enumerators access to these Apartment Complexes. Refusing to cooperate with the Enumerators may result in the assessment of a $500 fine against you:

> "Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building, refuses or willfully neglects, when requested by any other officer or employee of the Department of Commerce..., to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom to any duly accredited representative of the Department..., so as to permit the collection of statistics with respect to any census...or survey...shall be fined not more than $500. 13 U.S.C. § 223

We anticipate that you will provide our Census Enumerators access to the Apartment Complexes and information to substantiate occupancy status as of April 1, 2000.

The completion of the Census questionnaire is needed to ensure an accurate Decennial Census. The Decennial Census will be the basis for distribution of billions of dollars in federal funds to states and communities, and will also be used to reapportion Congress. It is imperative for the success of this operation that Enumerators be permitted to visit with residents, both on the telephone and in person.

The residents of your community have a right to be counted. By refusing to provide the requested information, you deny your residents their right to be enumerated in this very important census. You should note that federal law in certain circumstances also imposes penalties on individuals who fail to respond to the census, 13 U.S.C. § 221.

Ms. Carol Hugho
June 14, 2000
Page 2

Both you and your residents can be assured that the Census Bureau will maintain their answers in the strictest confidence. Their answers will be seen only by authorized, sworn Census employees and will be used only for statistical purposes.

You will be contacted again shortly by Richard Lu, the Local Census Office Manager. Mr. Lu can be reached at the Sunnyvale Local Census Office at (408) 524-8072. If you wish to discuss this matter further, please call Michael P. Burns, Deputy Regional Director, at (888) 806-5878

Sincerely,

Moises M. Carrasco

Moises M. Carrasco
REGIONAL DIRECTOR M.

Mr. SOUDER. The line that is in question here—and the code is cited that says if you are the owner, proprietor, superintendent, or agent of any lodging facility and you basically refuse to furnish the names of occupants—but the—or give free ingress and egress therefrom. But the line that is in question is, "We anticipate that you will provide our census enumerators access to the apartment complexes and information to substantiate occupancy status as of April 1."

That led many of these types of communities to feel that that was an information request beyond access, because it potentially puts them into other information. And for those who, rightfully or wrongfully, are very concerned about government having all kinds of access to information, has opened up another can of worms and then led to information going around. Is this official policy that this can be requested; and if so, on what in the code?

Mr. PREWITT. I want to make certain that I give you a good answer on this, so I may want to write you afterwards. It certainly was not our intent to try to get Title 13, that is confidential data, in this manner. We have apartment complexes—I visited one the other day, for example—where we had not gotten a response from unit 101, 102, 103 and then 201, 202 and then 306. And I went with the enumerator and we went to that apartment complex. Well, 101, 102, and 103 were storage bins. They look like addresses, but they were storage bins. My guess is that is what this intends to identify: Are there any units which are not inhabitable units? But if it is more than that, I will get back to you. I prefer not to give you a complicated explanation. We protect the confidentiality every step of the way.

Mr. SOUDER. Even if that is the intent, I would suggest that this type of wording scares people and leads to a lot of problems and then leads to nonresponse and leads us back into estimating.

If I can ask unanimous consent to ask one additional question. I had a questionnaire come both to my house in Indiana and to my apartment in Virginia, and then had a person knock on the door, and I took the time then to call back to tell that person I can't be counted both places. But it led me to just wonder about another thing: Would I have been estimated and adjusted? How would you have known that I was a Congressman and had already been counted?

Mr. PREWITT. The housing unit of the apartment would have been coded, like seasonal housing. I presume you responded at your home. Lots of people have two or three houses. The form comes back, ticked off "seasonal housing."

Mr. SOUDER. How do you know it is seasonal?

Mr. PREWITT. That is a code that we use. You have two homes. One is your primary residence. You are counted there. Your second home will be taken off of the master address file. That is this huge operation that we are about to go into the field now to cross-check.

Mr. SOUDER. You cross-check actual names?

Mr. PREWITT. We actually go back to all of those housing units and try to determine what their unit status is. That is our job. Sometimes we ask building managers and they will say that is somebody who primarily lives somewhere else; that is a vacation

home, and that becomes ticked off that way. That is the operation that we are about to engage in.

Mr. FORD. What if he sent back both of them? How do you know which is primary and which is seasonal?

Mr. PREWITT. If they both came back in, he decided to break the law, we wouldn't find them. We can't match a response that comes in from Fort Wayne and a response that comes in from Virginia. That would be a fraudulent response.

Actually, the accuracy and coverage evaluation system would find instances of that case, and we would then estimate the total number of those cases. That is what creates the overcount, people sending in forms in from more than one house.

Mr. SOUDER. There is no way—let me just have a second. There is no way for anybody to identify that I am seasonal because I pay, regularly, monthly rent. My apartment is in an urban area in Arlington. I am wondering if after several visits—and they can't even find me. If I had not called back because I happened to one-time check my phone messages, because we are here late, I commute back and forth, and I know in this particular complex there are people who are lobbyists who will come in. Their company may have an apartment under their name, and I am wondering how those people—would they be estimated based on the number of people in the apartment? How would you pick up the fact that—the difference between me and somebody who wasn't responding?

Mr. PREWITT. What the accuracy and coverage evaluation is, it goes to 314,000 housing units across the country. We use an instrument which probes and probes and probes. We will go back to a sample of those kinds of units. That is a sample, and we will probe until we are certain what the characteristic of that household is. If the characteristic of that household is somebody who has a primary residence somewhere else, that is what the statistical adjustment handles. That is what the whole purpose is.

We think that it is a superior way than just leaving both of those records sitting there. As I go back to my opening statement: A census is a series of operations that tries to get what is necessarily an estimate, closer to the truth. If we stop the census today, we would have an estimate. We think by additional operations we can move that estimate closer. We do not think that we can get to perfection. We do not think that we can get to the identical number of people who live in this country on April 1, 2000. It is an impractical kind of goal. So we say how close can we get the estimate to that truth.

Mr. Souder, back on the political thing, if I can, sir, I have thought, read about, written about, feel very strongly about the way in which the decennial census has been caught up in a partisan battle. So I don't mean to suggest that I am not paying attention to that as an academic.

I have written an essay recently which tries to recommend ways to get out of that. It is counterintuitive. I don't think that you will get out of it to get the Census Bureau removed from politics. I think we can get the data collection removed from politics, but the application of the data will necessarily be political and legal.

What I am concerned about is the politics are now about how we collect data, not how we use data, and that is what is not good for a society. We have to be able to collect the data in as nonpartisan,

independent fashion as possible, and then use the data in the political-legal process. The Census Bureau is comfortable with that. We want to collect the data using the best statistics that we know how to collect.

Mr. SOUDER. What is extraordinary about the debate is you have a subcommittee chairman who is actually a statistician, a mathematician. I am a business person, undergraduate and graduate. I have taken many statistics and operations research courses, done marketing research, and we are enamored with statistics. Tom has studied statistics of every district in the country. The irony is you have arguably on our side more people who are fascinated with statistics than sometimes on the other side. Ultimately, this is really a political debate of how statistics are used. Figures lie, liars figure; it is the colloquialism. And that is what we have to watch doesn't happen.

Mr. MILLER. Mr. Ford.

Mr. FORD. The only way I think we can do what you've said is if we import Martians here, who have no political history and no history of making contributions to anyone.

Briefly, how does your overall workload compare to perhaps the last two or three censuses, your overall performance and operations?

Mr. PREWITT. Every major operation has been superior to those in 1980 and 1990. Does that mean perfection? No. But we are ahead of schedule.

Mr. FORD. I congratulate you, and we hope that you continue your good work.

I would make the point again about politics. I don't know how we avoid it. Mr. Davis, you are my friend; I would not cast aspersions on any of your questions or motivations. The fact that you are chairman of a committee whose primary purpose is to maintain the majority for your party in the Congress, I respect that.

I have a chairman on my side, Patrick Kennedy, and I know that you and he have a good personal relationship, although you disagree philosophically. I take you at your word when you say certain things. I could only hope that you would accord my side the same courtesy.

And to my friend, Mr. Souder, true, there may be folks on your side who have greater interest and experience in statistics, more so perhaps than our side; I don't know, perhaps you have studied this. But, I don't think that gives you any more right—I may say we have visited more schools than you guys, so we are better experts on education than you are. I wouldn't dare say that. But I would hope that the politics of this, we could divorce it, and perhaps it is impossible to do that and we should just say that.

I do find it interesting that the only people today talking about politics incessantly have been us. He hasn't mentioned it. Every question that we have raised with him, he has denied having any political biases or prejudices, and I understand that people bring that to any debate. But to suggest that he should have an answer to a decision made by the Department of Justice, I think is somewhat asinine.

I don't know why we would question him and almost badger him as to what his thoughts are, what he would have us do. No one ac-

cused the Conference Committee on Managed Care Reform of waiting for the Supreme Court to make a decision on whether you can sue HMOs. I would not dare do that. The court has spoken.

We would have as many political reasons on this side to say look, you are holding this up because you want the court to decide, and the majority of the court is Republican appointees. They are going to follow the Republican law and we will get a conference committee report that will favor Republicans. No one would dare suggest that.

I hope at some point that we can cease this, and perhaps it will take an election to do this, and the people will have an opportunity to speak.

We appreciate, Mr. Prewitt, the work that you and your staff have done here and across the country. I salute the regional director that covers the State of Tennessee, Sue Hardy, and others. You have done a great job in the face of withering attacks from us, oftentimes unjustified and sometimes justified, and I would hope that we can give you the support that you need to finish this job, and I will work closely with Mrs. Maloney. And I must say, she has been a stalwart and a warrior on our side ensuring funding has been there. I want to thank her and say, Mr. Prewitt, go back to work. We have called you before this committee too many doggone times. Get us an accurate count so we can put aside all of this talk about politics, apportioning and redistricting, and Mr. Kennedy and Mr. Davis can go at it and we can see what happens in November. With that, I yield back.

Mr. MILLER. Mr. Davis.

Mr. DAVIS OF VIRGINIA. I wanted to ask you on this final attempt, a lot of attention is being paid to the pace with which the Bureau is completing its nonresponse followup workload and I think you have reported the nonresponse followup is completed ahead of schedule in many cases, with no problems in staffing. Many offices report that they have come in under budget. I think that is great.

But I want to understand—the most difficult to count are in the last 5 percent of the nonresponse followup—yet counting this last 5 percent, the final attempt procedures where we are saying that we—all final attempts must be completed in a matter of 3 to 4 days. What is the thinking behind that?

Mr. PREWITT. What happens, Mr. Davis, when we get to a certain point, we just say roughly 95 percent of an area, every case gets the same treatment. That is, every case gets the full complement. And what the final attempt is is an organizational way to get all of the cases in the hands of your best enumerators. So we let a lot of the enumerators go at that stage. We are down to the last few hard cases, and we reassign the workload. And then we use a blitz strategy, because our experience over the years suggests if we blitz it and go after it, we will get more of those cases in.

After that we go into closeout procedures, and that is a different procedure after that. But every household gets all of those visits. At a certain point you do quit trying, because you have been there and been there and been there. I have had people tell me, I am not going to answer this questionnaire. We then go to other mechanisms to try to get the household count.

Mr. MILLER. I think we need to end to get to the vote. I think it is very important for this process that you have come forward monthly. It is not always the highlight of your day or week.

Mr. PREWITT. I do hope that this subcommittee has a hearing sometime this fall, whenever, that addresses the big question of how to get the decennial census out of the political environment. I think that is very, very important. And it has not to do with these immediate operations, it has to do with the larger health of the Nation's statistical system.

Mr. MILLER. I ask unanimous consent that all Members and witness's opening statements be included in the record. Without objection, so ordered.

I would like to enter several pieces of correspondence from Director Prewitt to me regarding census operations. Without objection, so ordered. As well as CRS legal analysis of the proposed regulations.

[The information referred to follows:]

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

JUN 12 2000

The Honorable Dan Miller
Chairman, Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for your letter of June 7, 2000, requesting copies of three manuals describing Nonresponse Follow-up close-out procedures. As requested, we are enclosing copies of the following manuals.

- NRFU Close-Out Procedures for Field Operations Supervisors (D-550A)
- NRFU Close-Out Procedures for Crew Leaders (D-550B)
- NRFU Close-Out Procedures for Enumerators (D-550C)

If you have additional questions, please have a member of your staff contact Ms. Robin Bachman, Chief of the Congressional Affairs Office, at (301) 457-2171.

Sincerely,

Kenneth Prewitt
Director

Enclosures

cc: The Honorable Carolyn Maloney

D-550(A) rev. 1
April 2000

FINAL ATTEMPT PROCEDURES FOR FOSs (NONRESPONSE FOLLOWUP)

United States Census 2000

U.S. Department of Commerce
Economics and Statistics Administration
US Census Bureau

Final Attempt FOS Procedures (Nonresponse Followup)

Introduction

These procedures contain FOS instructions for conducting the *Final Attempt* phase of NRFU. Final Attempt begins when a Crew Leader District's NRFU work is 95% complete. The progress of each Crew Leader District during NRFU is reflected on daily updates to the D-333B Progress Report.

Implementing *Final Attempt* procedures helps to achieve two important goals: (1) preventing the remaining NRFU work from dragging on which is both detrimental from a time standpoint and also very costly; and (2) allowing for the timely transition to other operations such as Coverage Improvement Followup and the Person Interviewing Phase of the Accuracy and Coverage Evaluation Program. Thus, your goal should be to complete the last 5% of the NRFU work in each Crew Leader District as quickly and efficiently as possible. This usually means 3 to 4 days.

Stated simply, during *Final Attempt,* enumerators will make **a final** attempt to complete a questionnaire from each address for which a questionnaire has not been completed. **Use the following chart to determine how many followup visits the enumerator must make to complete "Final Attempt" for a unit. Do not include telephone contact attempts in determining the number of visits.**

1) If a unit was visited 2 or 3 times before Final Attempt began, the enumerator uses Final Attempt procedures on his or her first visit to obtain as much information as possible.

   A unit status/pop count only questionnaire should not have been accepted by the crew leader unless at least 3 personal visit attempts had been made. After verifying that at least 3 previous visits have been made, the enumerator uses Final Attempt procedures on the first visit to obtain as much information as possible.

2) If the unit was visited just once before Final Attempt began, the enumerator must make 2 attempts to complete an interview with a member of the household.

   If the enumerator cannot obtain an interview on the first visit, he or she must make a callback on a different date and at a different time.

   If the enumerator cannot complete an interview with a household member on the second visit, he or she uses Final Attempt procedures to obtain as much information as possible.

3) The crew leader must assume that a unit has never been visited before if the questionnaire's *Record of Contact* contains no information about any previous visit. If the unit has not been visited previously, the enumerator must make at least 3 attempts to complete an interview with a member of the household.

   If the enumerator cannot complete an interview with a member of the household on the first or second visit, he or she must make an additional callback on a different day and at a different time.

   If, on the third visit, he or she cannot complete an interview with a member of the household, the enumerator uses Final Attempt procedures to obtain as much information as possible.

Enumerators will always attempt to obtain a complete interview, but will accept less information if that's all they can get. At a ***minimum***, enumerators must report the unit's status (occupied or vacant) and the population count (00 for a vacant or the actual count for an occupied unit) as of Census Day, April 1, 2000. In some situations, enumerators may report "pop unknown" in lieu of an actual population count for an occupied unit.

Both Crew Leaders and Enumerators will receive their own set of specific *Final Attempt* procedures. As an FOS, you must be thoroughly knowledgeable with what's expected of your crew leaders and their staff of enumerators during the Final Attempt phase of NRFU.

Final Attempt FOS Procedures (Nonresponse Followup)

Materials Needed

You will need the following materials:

- D-550(A)rev. 1 Final Attempt Procedures for FOSs
- D-550(B)rev.1 Final Attempt Procedures for Crew Leaders
- D-550(C)rev.1 Final Attempt Procedures for Enumerators
- D-342(C) Cases Not Checked In Report

Final Attempt Strategy

Since the goal of *Final Attempt* is to complete the remaining NRFU quickly and efficiently, **do not** put work back into the hands of enumerators who are known to be slow producers. Rather, you want to regroup and consolidate the work force (retain only the best workers) in each of the Crew Leader Districts which are ready to begin *Final Attempt*.

As soon as the D-333(B) Progress Report shows that a Crew Leader District has reached 95% completion, do the following:

- Obtain a copy of the D-342(C), Cases Not Checked In Report. This report identifies the ID numbers within each AA by CLD that have not been checked into OCS 2000.

- Give the Crew Leader a copy of the D-550(B)rev.1, Final Attempt Procedures for Crew Leaders and enough copies of the D-550(C)rev. 1, Final Attempt Procedures for Enumerators to hand out to the enumerators. **Do not** hand out any of the materials

until the CLD has completed 95% of its NRFU work.

- Discuss enumerator staffing with the Crew Leader. Identify which enumerators will be retained for *Final Attempt* and which will not. Keep in mind that *more* isn't necessarily better during *Final Attempt*. You want to retain enumerators who have a proven track record for being trustworthy and efficient.

Final Attempt FOS Procedures (Nonresponse Followup)

Final Attempt Strategy *(continued)*

Once begun, all *Final Attempt* work **must** be competed within a matter of 3 to 4 days.

- Have the Crew Leader schedule a **mandatory** meeting of all enumerators and Crew Leader Assistants. Enumerators should be told to bring *all* census materials to the meeting, including address binders and labeled questionnaires. This meeting should occur as soon as possible.

> **Note:** For NRFU enumerators who will not be retained during Final Attempt, have the Crew Leader collect all census-related materials from them. If there's a chance you might want to employ the person on subsequent operations such as CIFU or A.C.E., have the Crew Leader mention that there may be other job opportunities for them. Otherwise, have the Crew Leader tell them that due to CLD downsizing, there isn't enough work for a full crew of enumerators. Follow your usual administrative procedures for releasing any enumerators, as appropriate.

Determining Which Units to Visit

Make sure the Crew Leader understands how to compare the specific ID numbers for each AA listed on the D-342(C), Cases Not Checked In, with the ID numbers on the labeled questionnaires **and** in the address binders that he/she collects from the enumerators.

Final Attempt FOS Procedures (Nonresponse Followup)

Determining Which Units to Visit *(continued)*

The goal is to ensure that the Crew Leader has a labeled questionnaire for *each* ID number within *every* AA listed on the D-342(C) report. If, for any reason, a labeled questionnaire does not exist, the Crew Leader must prepare a blank questionnaire (D-1[E] or D-2[E], as appropriate) by completely filling in all information in the address label area.

> Note: If the Crew Leader has recently received some completed questionnaires, but has not forwarded them to the LCO for check in, the ID numbers for these cases will appear on the D-342(C). In this situation, however, the Crew Leader may cross off these ID numbers on the D-342(C) report.

Redistributing the Final Attempt Cases

Once the Crew Leader has verified which cases need to be completed during *Final Attempt*, he/she should make assignments of approximately the same size to the retained enumerators. Some enumerators may travel greater distances than usual to complete their *Final Attempt* assignment, but since you're retaining only the best and most reliable producers, this will not affect the timely completion of *Final Attempt*.

Each enumerator should receive the appropriate AA binder(s) and maps along with the labeled or hand-addressed questionnaires.

Final Attempt FOS Procedures (Nonresponse Followup)

Redistributing the Final Attempt Cases *(continued)*

In addition to redistributing the regular Final Attempt cases, Crew Leaders should also reassign unit status/pop count only cases that were completed earlier in NRFU, but which were being held by the Crew Leader until the start of the Final Attempt phase of NRFU. Specifically, if a given AA has more than one unit status/pop count case being held, the Crew Leader should reassign all the cases. If only one of these cases exists for an AA, the case should be forwarded to the LCO for check-in.

The Crew Leader should stress the following:

- Enumerators should make **only the required number of** visits to the NRFU unit.
- Enumerators should make every reasonable effort during this final visit to complete a questionnaire according to the following priority order:
  - Complete Interview
  - Partial Interview
  - Closeout Interview
- For unit status/pop count only cases previously

completed, but reassigned by the Crew Leader during *Final Attempt*, enumerators should make every reasonable effort to obtain a more complete interview.

Final Attempt FOS Procedures (Nonresponse Followup)

Redistributing the Final Attempt Cases *(continued)*

The D-550(B) Final Attempt Procedures for Crew Leaders describes the different levels of data obtained for the interviews noted above.

For occupied unit interviews, the enumerator should mark "1" in Item A for the unit status ("2" if a continuation form is used) and record the actual POP count in Item B.

However, if the enumerator is unable to obtain an actual or a reliable estimate of the Census Day POP count from a knowledgeable respondent, the enumerator should enter Code 99 (POP unknown) for the POP count. A good estimate from a knowledgeable neighbor is more useful than a Code 99 POP count. However, emphasize to the Crew Leaders that enumerators should not guess.

Partial Interviews

In addition to reporting a Unit Status and POP count on each questionnaire, Item G (PI) should be marked with an "X" if the level of data obtained meets the criteria of a partial interview. A partial interview is one which contains more information than just unit status and POP count, but less information than a Complete Interview.

Closeout Interview

In addition to reporting a Unit Status and POP count on each questionnaire, Item J (CO) should be marked with an "X" if the level of data obtained consists of **only** unit status and POP count. The Crew Leader should mark Item J even if the questionnaire contains information in Items S1-S5 and/or R1-R3.

Final Attempt FOS Procedures (Nonresponse Followup)

Monitoring the Progress of Final Attempt

Accept nothing less than 100% effort from your Crew Leaders and their respective staffs during *Final Attempt*. As a general rule, the last 5% of the NRFU work in a CLD should take about 3 days to complete. This is an intense period and your AMFO will undoubtedly keep the pressure on you to get the work done. In turn, you must communicate your expectation of getting the work done quickly and efficiently to your Crew Leaders.

- Meet daily with your Crew Leaders to pick up completed questionnaires and payrolls.
- Use daily updates of the D-342(C) Cases Not Checked In Report to verify with the Crew Leader which cases are still not completed.
- Return completed questionnaires to the LCO promptly so they can be checked into the OCS2000 system.
- Be proactive and stay involved!

When all NRFU work for a given Crew Leader District is complete, the D-342(C) will show ZERO (0) outstanding cases.

D-550(B) rev. 1
April 2000

FINAL ATTEMPT PROCEDURES FOR CREW LEADERS (NONRESPONSE FOLLOWUP)

United States Census 2000

U.S. Department of Commerce
Economics and Statistics Administration
US Census Bureau

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Introduction

These procedures contain instructions for conducting the *Final Attempt* phase of NRFU. *Final Attempt* begins when NRFU is 95% complete in your Crew Leader District. Your FOS will instruct you when to implement the *Final Attempt* procedures.

During the *Final Attempt* phase of NRFU, enumerators will make the final effort to complete a questionnaire at each address for which a questionnaire has not been completed.

Materials Needed

You will need the following materials:

- D-550 (B)rev. 1, Final Attempt Procedures for Crew Leaders
- D-550 (C)rev. 1, Final Attempt Procedures for Enumerators
- D-342C, NRFU Units Not Checked In report
- D-103, Address Binder(s) with corresponding tract, AA, and block map(s), as appropriate.

Schedule a Meeting of All Enumerators and Crew Leader Assistants

As soon as feasible after your FOS gives you the D-342C, *Cases Not Checked In* Report, schedule a meeting of all your enumerators and crew leader assistants. **This is a mandatory meeting and everyone should be present at the same time**. Make sure that you tell the enumerators to bring **ALL** address binders and labeled questionnaires assigned to them to the meeting.

Collect All NRFU Binders and Labeled Questionnaires

With the help of your Crew Leader assistants, collect all address binders and corresponding labeled questionnaires from each enumerator. Be sure to keep the labeled questionnaires inside of the corresponding address binders.

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Determine Which Units to Visit During Final Attempt

Your first step in preparing for the *Final Attempt* phase of NRFU is to compare the specific ID numbers for each AA listed on the D-342C, Cases Not Checked In, Report with the ID numbers on the labeled questionnaires ***and*** in the address binders that you've just collected.

Simply stated, your goal is to ensure that you have a labeled questionnaire for *each* ID number within *every* AA listed on the D-342C report. If, for any reason, a labeled questionnaire does not exist, prepare a blank questionnaire (D-1[E] or D-2[E], as appropriate) by completely filling in all information in the address label area. Be sure to enter the unit's complete address, geocode data (LCO, State, County, etc.), and unit ID number.

> **Note:** If you recently received completed questionnaires, but have not forwarded them to the LCO for check in, the ID numbers of these cases will appear on the D-342C report. In this situation, however, you may cross off these ID numbers on the D-342C report.

Reassigning Unit Status and POP Count Only Cases

As you prepare to reassign unresolved cases shown on the D-342C report, you will also review any Unit Status/POP Count only questionnaires which enumerators submitted to you earlier in the operation. If you are holding more than one Unit Status/POP Count only case per AA, reassign these questionnaires for one final attempt to obtain additional data. However, if you are holding just one Unit Status/POP Count only case for a given AA, cross the case of the D-342C and forward it to the LCO for check in.

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Final Attempt Objective

The basic concept of the *Final Attempt* phase is quite simple. You will instruct your enumerators to visit each address that you confirm is for an ID not checked into the LCO. Of course, we want a full and complete interview, but during *Final Attempt* you can accept a questionnaire with as little information as unit status and POP count. You can also accept questionnaires for occupied units with an unknown population count. However, we want to keep these types of cases to a minimum.

Number of Enumerator Visits Required

Use the following chart to determine how many followup visits the enumerator must make to complete "Final Attempt" for a unit. Do not include telephone contact attempts in determining the number of visits.

1) If a unit was visited 2 or 3 times before Final Attempt began, the enumerator uses Final Attempt procedures on his or her first visit to obtain as much information as possible.

   The crew leader or crew leader assistant should not have accepted a unit status/pop count only questionnaire unless at least 3 personal visit attempts had been made. After verifying that at least 3 previous visits have been made, the enumerator should use Final Attempt procedures on the first visit to obtain as much information as possible.

2) If the unit was visited just once before Final Attempt began, the enumerator must make 2 more attempts to complete an interview with a member of the household.

   If the enumerator cannot obtain an interview on the first visit, he or she must make a callback on a different date and at a different time.

If the enumerator cannot complete an interview with a household member on the second visit, he or she use Final Attempt procedures to obtain as much information as possible.

3) Assume that a unit has never been visited before if the questionnaire's *Record of Contact* contains no information about any previous visit. If the unit has not been visited previously, the enumerator must make at least 3 attempts to complete an interview with a member of the household.

If the enumerator cannot complete an interview with a member of the household on the first or second visit, he or she must make an additional callback on a different day and at a different time.

If, on the third visit, he or she cannot complete an interview with a member of the household, the enumerator uses Final Attempt procedures to obtain as much information as possible.

At the time of the **final visit** to the NRFU address, enumerators should make every reasonable effort to complete the questionnaires according to the following **priority** order:

- **Complete Interview**
- **Partial Interview**
- **Closeout Interview**

Consolidating Your Crew of Enumerators

Since *Final Attempt* procedures are intended to ensure the timely completion of NRFU so other work (such as Coverage Improvement Followup and the Accuracy and Coverage Evaluation (A.C.E.) program) can begin in these same areas, it doesn't make sense to reassign questionnaires to enumerators who are known to be slow producers.

Final Attempt gives you an opportunity to regroup and consolidate the size of your crew leader district and reassign the remaining work to those enumerators who have a proven track record for being efficient and trustworthy.

proven track record for being efficient and trustworthy.

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Consolidating Your Crew of Enumerators

The remaining work **must** be completed within 3 to 4 days so it's very important that you not waste valuable production time by giving work to enumerators who you know are not your best workers.

Discuss your plans for consolidating the size of your crew with your FOS ***before*** your mandatory meeting with your staff of enumerators. Come to agreement about which enumerators are to be retained and which will not be used during *Final Attempt*.

> **Note:** After you have collected all address binders and questionnaires from your staff, you can have your crew leader assistants begin the process of comparing the ID numbers on the D-342C report with the AAs and questionnaires collected.
>
> At this same time, you can briefly meet individually with each of the enumerators who will not work during the Final Attempt phase. Explain that the work is being consolidated and that their services are no longer needed. But, also tell them that there may be other job opportunities on subsequent census operations or on A.C.E. if they are interested in further census employment.

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Reassign Remaining Work to Enumerators

Once you have confirmed that you have a questionnaire prepared (either labeled or hand addressed) for each ID number on the D-342C report, reassign **all** of the work (address binders, maps, and questionnaires) to the remaining staff. **Be sure to make assignments of approximately the same size.** During *Final Attempt*, enumerators will likely be working in areas outside of their own neighborhoods.

As you give enumerators their assignment, do the following:

- Give them a copy of the D-550(C)rev. 1 Final Attempt Procedures for Enumerators and instruct the enumerators to read the procedures.
- Refer them to the D-550(C) section which specifies the number of followup visits necessary before using Final Attempt procedures.
- Enumerators are expected to obtain a complete interview if possible. Enumerators should always attempt to get as much information as possible.
- In the absence of a household member or other knowledgeable person, enumerators must decide (using their best judgement, if necessary) whether the unit is occupied or vacant.
- If enumerators are unable to obtain the actual or a reliable estimate of the POP count from a knowledgeable respondent, they should enter code **99** for the POP count. A good estimate from a knowledgeable neighbor is more useful than a code **99** POP count. Enumerators **SHOULD NOT GUESS**; they should use code **99** as appropriate.

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Reviewing the Interview Summary Section

Upon reviewing the questionnaires as they are returned by the enumerators, do the following:

- Mark Item J (CO) with an "X" for questionnaires containing **only** unit status (Item A) and POP count (Item B) data, even if the questionnaire has data in items S1-S5 and/or R1 - R3.
- Mark Item G (PI) is marked with an "X" for questionnaires that have more information that just unit status and POP count, but less information than defined below.

For a *short form occupied* unit -

- Name of each person
- At least 3 out of 5 population questions for each person
- Housing tenure (H1)

For a *short form vacant* unit -

- S3 (Whole household - usual home elsewhere) or S4 (regular vacant)
- Items A, B, and C in Interview Summary section

For a *long form occupied* unit -

- Name of each person
- At least 3 out of 5 population questions for each person
- Housing tenure (Question 34)
- Any 2 additional housing questions (Questions 35 - 58)
- Any 6 additional population questions (Questions 8 - 33) for each person

Final Attempt Crew Leader Procedures (Nonresponse Followup)

Reviewing the Interview Summary Section *(continued)*

For a *long form vacant* interview -

- S3 (Whole household - usual home elsewhere) or S4 regular vacant
- Items A, B, and C in Interview Summary section
- At least 2 of the double-underlined questions (34, 35, 37-40, 44a-b, and, if applicable, 46a-b or 55)

- Item B contains a POP count or Code 99, if appropriate for all occupied units.
- Vacant units have a status of "3" and a POP count of "00".

Meet Daily With Enumerators

Meet daily with each *Final Attempt* enumerator and review all incoming completed work. Line through the ID number of each completed case that you accept on the D-342C, Cases Not Checked In Report.

Give the completed questionnaires along with daily payrolls to your FOS **each** day. Collect address binders and maps when each AA is completed and forward them to the LCO.

Final Attempt is complete when all questionnaires from the CLD are checked into the LCO and the final D-342C report shows no unresolved cases for your CLD.

D-550(C) rev. 1
April 2000

FINAL ATTEMPT PROCEDURES FOR ENUMERATORS (NONRESPONSE FOLLOWUP)

United States Census 2000

U.S. Department of Commerce
Economics and Statistics Administration
US Census Bureau

Final Attempt Enumerator Procedures (NRFU)

Introduction

Final Attempt, as its name implies, is a final intense effort to obtain a completed questionnaire for each unresolved NRFU case. Your Crew Leader will give you the questionnaires you'll need to complete during *Final Attempt*.

In addition to receiving unresolved cases, your Crew Leader *may* also ask you to revisit some addresses that were completed earlier, but for which the questionnaire contains only unit status and POP count information. For these cases, you will make just **one** visit to the unit and attempt to obtain data beyond the existing unit's status and POP count information on the questionnaire.

> If you receive unit status/POP count only cases to follow up during *Final Attempt* and you are successful in obtaining additional information from either a household or nonhousehold respondent, erase any previously made entries in the Respondent Information section (R, R2, and R3) and replace it with information for the present respondent.

Your goal is to contact a household member at the followup address and to obtain a complete interview. However, if a household member is not available, conduct the interview with a knowledgeable nonhousehold respondent and obtain as much information as possible.

Final Attempt Enumerator Procedures (Nonresponse Followup)

Materials Needed

Carry the following materials with you:

- D-550 (C) rev. 1 Final Attempt Procedures for Enumerators
- Appropriate D-103 Address Binder(s)
- D-547 (U) or (M) NRFU Enumerator Manual
- Tract, AA, and block map(s) as needed

Conducting Interviews

Use this job aid as well as your usual NRFU materials to complete your questionnaires. The procedures for completing the questionnaire during *Final Attempt* are identical to your previous work on NRFU. You are still responsible for conducting interviews for Whole Household - Usual Home Elsewhere and In-Mover situations.

Visit each address for which your crew leader has provided a questionnaire. Check the *Record of Contact* on the questionnaire for any helpful information regarding the occupant's name, telephone number, and the most convenient time to call. Also count the number of personal visits recorded in the Record of Contact section.

Use the following chart to determine how many followup visits you must make to complete "Final Attempt" for a unit. Do not include telephone contact attempts in determining the number of visits.

1) If a unit was visited 2 or 3 times before Final Attempt began, use Final Attempt procedures on your first visit to obtain as much information as possible.

   A unit status/pop count only questionnaire should not have been accepted by the crew leader unless at least 3 personal visit attempts had been made. After verifying that at least 3 previous visits have been made, use Final Attempt procedures on your first visit to obtain as much information as possible.

2) If the unit was visited just once before Final Attempt began, you must make 2 attempts to complete an interview with a member of the household.

If you cannot obtain an interview on your first visit, you must make a callback on a different date and at a different time.

If you cannot complete an interview with a household member on your second visit, use Final Attempt procedures to obtain as much information as possible.

3) Assume that a unit has never been visited before if the questionnaire's *Record of Contact* contains no information about any previous visit. If the unit has not been visited previously, you must make at least 3 times to complete an interview with a member of the household.

If you cannot complete an interview with a member of the household on your first or second visit, you must make an additional callback on a different day and at a different time.

If, on your third visit, you cannot complete an interview with a member of the household, use Final Attempt procedures to obtain as much information as possible.

Your Objective

During your **FINAL VISIT** to the NRFU address, you **must** make every reasonable effort to complete the questionnaire. If the household has received at least 3 personal visits, attempt to obtain as much information as possible from a nonhousehold respondent. Your goal should always be a complete interview, but you can accept information on the following scale of completeness:

Final Attempt Enumerator Procedures (NRFU)

Your Objective *(continued)*

- **Complete Interview** - This interview obtains answers to all the appropriate **questions.**

- **Partial Interview** - This interview obtains less information than a Complete Interview, but more information than just unit status and POP count information. **Always do your best to obtain as much information as possible during your visit to the unit.**

- **Closeout Interview** - This interview is one in which you can **only** obtain the unit's Census Day status and POP count. You **must** obtain at least this level of information during the *Final Attempt* phase.

Filling the Interview Summary Section

To complete a *Final Attempt* questionnaire, you must enter at least the following information in the Interview Summary section.

For an occupied unit -

- Enter "1" in Item A for status.
- Enter actual POP count (or a reliable estimate from a knowledgeable respondent) in Item B.

> **Note:** If you are unable to obtain the actual POP count (or a reliable estimate) from a knowledgeable respondent, enter code **99** for the POP count in Item B. A good estimate from a knowledgeable neighbor is more useful than a code **99** POP count. However, DO NOT GUESS; use Code **99** as a last resort.

For a vacant housing unit

Enter "3" for status in Item A

- Enter "00" for POP count in Item B

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UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

JUN 0 6 2000

The Honorable Dan Miller
Chairman, Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for your letter of May 23, 2000, requesting detailed information regarding Accuracy and Coverage Evaluation (A.C.E.) enumerators. The information below is provided in response to your questions.

- **"How many total [enumerators] are needed?"**
  At peak, the U.S. Census Bureau expects to employ up to 8,800 field staff. Of this number, 88 percent will be enumerators and 12 percent will be field operations' supervisors and crew leaders.

- **"How many have been hired to date?"**
  We are hiring new staff daily. As of May 26, approximately 70 percent have been hired.

- **"Are they both career Bureau employees, as well as enumerators from the 2000 census? If so, what is the breakdown in total numbers?"**
  An estimated 3 percent, or about 250, will be Current Survey Interviewers (career Census Bureau employees).

- **"How are they recruited?"**
  The use of Current Survey Interviewers is negotiated with the regional offices. Many census staff are carried forward from earlier A.C.E. operations. The balance are selected from the census applicant pool—the same source that supplies other census operations.

- **"If enumerators from the 2000 Census are chosen to conduct the A.C.E., will there be any overlap with the neighborhoods they covered for the Census?**
  No. The A.C.E. automated control system provides information that precludes an A.C.E. enumerator from working on A.C.E. operations in an area where they worked during the Nonresponse Follow-up operation (NRFU).

- **"What are their assignment workloads per day or week?"**
  The average assignment will be between 50 and 60 addresses over a six-week period.

- **"Is there a specific test for A.C.E. survey takers?"**
  There is no unique test for A.C.E. field staff. They take the same test as other census applicants.

- **"How long will the survey takers be trained, what types of issues will be covered, and how does their training differ from that of NRFU census takers?"**
  A.C.E. training is five consecutive days, with a half-day, post-classroom refresher training after about a week of interviewing. Training issues include: Payroll/Administration, Survey Background, Introduction to the Laptop Computer and the Automated Questionnaire, Interviewing Skills and Techniques, Techniques for Gaining Respondent Cooperation, Safety, and local situations enumerators may encounter. Training is interactive, with strong emphasis on practice-interviewing and role-playing.

  Major differences between the A.C.E. training and NRFU training include: (1) the duration of training—A.C.E. training consists of five days of classroom instruction, whereas three days are allotted for NRFU training; (2) post-classroom training—A.C.E. field staff are given a half-day, post-classroom refresher training after about a week of interviewing to reinforce understanding of basic concepts and procedures; (3) training on how to ask the more in-depth questions about household composition that are included in the laptop instrument; and (4) more extensive training on the use of laptop computers to collect and transmit interviews. The training is needed because the A.C.E. data collection methodology (Computer-Assisted Person Interviewing, or CAPI) differs from the NRFU methodology (paper questionnaire).

- **"What is the schedule for A.C.E. training? When and where does A.C.E. training take place?"**
  A.C.E. training has already begun. Much of the field staff will have been trained by the June 19 start of Person Interview-Personal Visit. Training, sometimes on short notice, will continue into July, depending on the cessation of NRFU activities in specific Local Census Offices (LCOs). Training takes place in local sites—not in LCOs.

Please have a member of your staff contact Ms. Robin Bachman, Chief of the Congressional Affairs Office, at (301) 457-2171, to arrange a demonstration of the laptops for Subcommittee staff or call her if you have additional questions.

Sincerely,

Kenneth Prewitt

Kenneth Prewitt
Director

cc: The Honorable Carolyn B. Maloney

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

JUN 9 2000

The Honorable Dan Miller
Chairman, Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

Thank you for your letters of May 25, 2000, and May 30, 2000 requesting a data file listing the 11,382 block clusters selected for the Accuracy and Coverage Evaluation (A.C.E.) survey, the housing unit count for each cluster, and the percent of housing units with the clerical housing match code GI.

Mr. Chairman, the U.S. Census Bureau respects and values your commitment to the accuracy of Census 2000 data. We have worked hard to provide the information you require to discharge your oversight responsibilities. You are now requesting information that I, myself, cannot obtain; nor can Mr. William G. Barron, the Deputy Director and Chief Operating Officer, or Mr. John H. Thompson, the Associate Director for Decennial Census, because identification of the block clusters is available only on a strict need-to-know basis. This policy is in place to prevent even the small, inadvertent possibility of compromising the independence of the A.C.E. operations from the decennial operations. As you know, it is critical to the success of the A.C.E. that Census 2000 field operations be conducted independently of the A.C.E. Therefore, the identity of the A.C.E. block clusters and their characteristics are available only to those Census Bureau employees who require this information to fulfill their responsibilities in connection with the A.C.E. I am sure you will agree that preserving the confidentiality of these blocks is extremely important and central to the integrity of the A.C.E. operations. The National Academy of Sciences panels that have reviewed the Census Bureau's plans for Census 2000 over the decade, including the current panel chaired by Ms. Janet Norwood, have strongly and repeatedly stressed the importance of this independence.

The Census Bureau will quickly comply with your requests once the A.C.E. survey and other Census 2000 operations are complete. It is important that the information from the A.C.E. sample not be used to influence other Census 2000 operations until all operations are completed and the A.C.E. estimates are calculated.

The Census Bureau will work with your staff to establish procedures for providing sensitive information pertaining to the A.C.E. that you and your staff require to fulfill your oversight responsibilities. This includes observations of the A.C.E. offices, interviewing A.C.E. staff, observing A.C.E. enumerations (under carefully controlled conditions), and identifying the A.C.E. block clusters, subsequent to the point where releasing this information could not possibly jeopardize the A.C.E. operations.

Please have a member of your staff contact Ms. Robin Bachman, Chief of the Congressional Affairs Office, at (301) 457-2171 to further pursue opportunities for us to be of assistance.

Sincerely,

Kenneth Prewitt

Kenneth Prewitt
Director

cc: The Honorable Carolyn Maloney

Congressional Research Service • Library of Congress • Washington, D.C. 20540

Memorandum June 16, 2000

TO : House Census Subcommittee
Attention: Jane Cobb

FROM : Margaret Mikyung Lee MML
Legislative Attorney
American Law Division

SUBJECT : Legal analysis of proposed regulation regarding adjustment of the decennial census population tabulations reported to States and localities pursuant to 13 U.S.C. § 141(c)

This memorandum is in response to your request for an opinion about the legality of a regulation proposed by the Secretary of Commerce, William M. Daley, establishing the framework for the decision regarding the statistical adjustment of the decennial population tabulations reported to the States and localities for redistricting purposes pursuant to 13 U.S.C. § 141(c). This proposal is docket no. 00609172-0172-01, dated June 13, 2000 (apparently submitted but not yet formally reported in the Federal Register). The Administration has decided to consider releasing an adjusted set of population figures as the officially reported figures for use in redistricting by the States and localities. Due to the concerns and perception in some quarters that a decision to use statistical adjustment techniques may be motivated by political considerations and that an adjustment process itself may be subject to manipulation for political gain,[1] the Secretary of Commerce proposes a decision-making process which would delegate the ultimate decision to report adjusted figures to the Director of the Census Bureau, a professional and an expert in the statistical and demographic field, and would eliminate the Secretary's participation in the decision entirely, since he is the politically appointed cabinet officer who is not a statistical professional. In his letter of explanation accompanying the proposed regulation, the Secretary expresses the intention of insulating the final decision "from even the appearance of political tampering" and "to ensure public confidence in the final decision." You are concerned that the manner in which the Secretary proposes to delegate his responsibilities is impermissible legally.

Sections 4, 21, 141 and 195 of title 13, United States Code, establish the duties of the Secretary of Commerce and the Director of the Census Bureau generally and with regard to the tabulations reported to the States for redistricting and the use of sampling techniques in

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[1] D'Vera Cohn, *Clinton to Keep Political Appointees Out of Decision on Census*, Wash. Post, June 14, 2000, at A21.

adjusting the census for purposes other than apportionment. Section 4 provides that the "Secretary shall perform the functions and duties imposed upon him by this title, may issue such rules and regulations as he deems necessary to carry out such functions and duties, and may delegate the performance of such functions and duties and the authority to issue such rules and regulations to such officers and employees of the Department of Commerce as he may designate." Section 21 states that the "Director shall perform such duties as may be imposed upon him by law, regulations, or orders of the Secretary." Section 141 provides that the "Secretary shall . . . take a decennial census of population . . . in such form and content as he may determine, including the use of sampling procedures and special surveys. . . . tabulation of total population by States under subsection (a) of this section as required for the apportionment of Representatives in Congress among the several States shall be . . . reported by the Secretary to the President of the United States." Subsection 141(c) goes on to provide that "[t]abulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the decennial census date and reported to the Governor of the State involved and to the officers or public bodies having responsibility for legislative apportionment or districting of such State." Finally, section 195 provides that "[e]xcept for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling' in carrying out the provisions of this title." Congress explicitly delegated to the Secretary of Commerce the authority and responsibility for a decision concerning the use of sampling and the reporting of tabulations for redistricting to the States. The Secretary may delegate such authority to the Director of the Census Bureau, but statutorily he is still the executive official accountable to Congress for decisions made pursuant to such authority.

The proposed regulation would add a new part 101 to title 15 of the Code of Federal Regulations, consisting of two sections. Section 101.1 delegates authority for the final decision concerning adjustment to the Director of the Census Bureau, with the recommendation of the Executive Steering Committee for A.C.E. [Accuracy and Coverage Evaluation] Policy, whose recommendation is to be made public in a written report. Section 101.2 requires that, if adjusted data are reported to the States, unadjusted data shall be released at the same time in the manner described in section 209(j) of Public Law 105-119, 111 Stat. 2440; the section also requires that, if the Director decides to report unadjusted data to the States, despite an Executive Steering Committee recommendation to report adjusted data, the adjusted data shall be released at the same time in the manner described in section 209(j) of Public Law 105-119. Subsection 101.1(a)(1) provides that the "Director of the Census shall make the *final determination* regarding the methodology to be used in calculating the tabulations of population reported to States and localities pursuant to 13 U.S.C. § 141(c) [emphasis added]." Subsection 101.1(a)(4) further provides that the "determination of the Director of the Census shall not be subject to review, reconsideration, or reversal by the Secretary of Commerce."

Although the Secretary may delegate the tasks associated with the decision to the Director, Congress delegated the authority to him and he cannot purport to divest himself of the final decision-making authority and responsibility. Subdelegation of power is not unlawful where the subordinate officer or executive body does not have the final word and decision on the function delegated to the superior officer or executive body by Congress and

the superior officer or body retains the final decision and review.[2] The supplementary information in the notice for the proposed regulation states that similar approaches to the adjustment decision process were followed for the 1980 and 1990 censuses.[3] However, the final decision following the 1990 census lay with the Secretary of Commerce, although he had the advice of experts, and the Federal Register notice of that decision was issued by the Secretary of Commerce.[4]

The decision regarding the 1980 adjustment was issued by the Director of the Census Bureau. This notice, the Departmental Organization Order 32-21 dated August 4, 1975, and the memorandum of the Secretary of Commerce to the Director of the Census dated May 12, 1980, the latter of which is reprinted in the Federal Register notices[5] of the process and final decision following the 1980 census, are cited as precedent for delegating authority to the Director of the Census Bureau, but the 1980 memorandum, at least, does not expressly delegate away the authority to make the final decision. In the memorandum, then-Secretary Klutznick appears to have retained final authority for the decision, never delegating *by regulation* to the Director ***unreviewable, irrevocable*** decision-making authority in the same manner as Secretary Daley. In his memorandum to the Director, reprinted as an appendix to the Departmental notice, the Secretary does state that the "culmination of this process should be a decision by the Director of the Census Bureau on whether and how any statistical adjustment should be made to 1980 census data"; "I do expect . . . you will be prepared to announce a decision on adjusting the census data for other uses [other than apportionment of the House of Representatives]"; and "I . . . shall expect you to take direct personal charge of this process."[6] However, the memorandum does not purport to be a regulatory delegation to the Director of unreviewable authority.

The possible invalidity of the unreviewable delegation of authority in the proposed regulation can be remedied by amending the language so that the Secretary of Commerce still retains his statutory authority for the final decision, at the same time delegating to the Director of the Census Bureau the authority to make the actual decision. Proposed subsection 101.1(a)(4) could be amended to read: "the Director of the Census may establish statistical adjustment-specific policies, unless disapproved by the Secretary of Commerce."[7] This language effectively eliminates the Secretary from an affirmative decision to report adjusted figures, but allows him to retain final decision-making power through his veto authority.

You also asked if there was a mechanism other than the normal comment period and oversight for registering Subcommittee reservations, concerns or disapproval of the proposed

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[2] *See National Labor Relations Board v. Duval Jewelry Company of Miami*, 357 U.S. 1, 7-8 (1958); *Equal Employment Opportunity Commission v. Exchange Security Bank*, 529 F.2d 1214, 1218-19 (5th Cir. 1976).

[3] Proposed Regulation in Docket No. 000609172-0172-01, June 13, 2000.

[4] *Id.* and *see also* 56 Fed. Reg. 33582 (1991).

[5] 45 Fed. Reg. 83110 (1980); 45 Fed. Reg. 69366 (1980).

[6] 45 Fed. Reg. at 83117.

[7] There is a precedent for such language in § 3212(d) of Pub. L. 106-65, 113 Stat. 112 (1999), which established the authority of the Administrator for the National Nuclear Security Administration.

regulation. The subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121, 110 Stat. 857-874 (found at 5 U.S.C. §§ 801-808), established a mechanism by which Congress can review and disapprove virtually all federal agency rules. 5 U.S.C. § 804 defines "rule" essentially the same as 5 U.S.C. § 551, with certain limitations inapplicable to the proposed regulation, as "the whole or a part of an agency statement of general . . . applicability and future effect designed to implement, interpret; or prescribe law or policy." Generally, there are requirements to report a covered rule to Congress. Congress has 60 days to review and disapprove the rule. If the rule is reported within 60 session days of Senate adjournment or 60 legislative days of House adjournment, the period during which a joint resolution of disapproval may be considered and passed is extended to the next session of Congress. Although various problems with the mechanism have limited its utility, nevertheless, it has proved effective on a couple of occasions as a means of pressuring agencies to alter or suspend a rule.[8]

If we can be of further assistance, please contact us.

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[8] For a detailed discussion of the mechanism and its use, *see* CRS Report for Congress RL30116, *Congressional Review of Agency Rulemaking: A Brief Overview and Assessment after Three Years*, by Morton Rosenberg.

Mr. MILLER. If there are additional questions from our members, I ask unanimous consent that the record remain open for 2 weeks for members to submit questions for the record.

Thank you again, Director Prewitt.

[Whereupon, at 12:45 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

JUL 19 2000

The Honorable Dan Miller
Chairman, Subcommittee on the Census
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

I would like to take this opportunity to clarify my testimony regarding Census 2000 awards and bonuses before the Subcommittee on June 22, 2000. Like most federal agencies, the U.S. Census Bureau offers a variety of incentive awards to employees; however, there are no awards or award categories linked to time frames for closing out the Nonresponse Follow-up operation or other Census 2000 operations.

Like other permanent Census Bureau staff, Census Bureau Regional Directors and other Regional Census Center staff may be considered for several types of awards recognizing special achievements or significant accomplishments, as well. We have no awards or bonus program in place for field employees on time-limited appointments of less than one year. Enumerators, Crew Leaders, Field Operations Supervisors, and other office support staff fall into this category.

I appreciate your interest in the important work taking place on Census 2000, and I hope this information will address any of the concerns you may have had. Thank you for your continued support.

Sincerely,

Kenneth Prewitt

Kenneth Prewitt
Director

cc: The Honorable Carolyn B. Maloney