

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

April 30, 2021

The Honorable Gina Raimondo
Secretary
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Secretary Raimondo:

We write today with concerns about the apportionment count released by the Census Bureau, and whether the process which derived the count was fair, accurate, and independent from any White House interference. Given the extra time it took to complete the 2020 Census – including not meeting the statutory deadlines by months – we have questions about the methodology and the role the Biden White House may have played in releasing these numbers, especially as the results differ from evaluation estimates released mere months ago in ways that benefit blue states over red states.

After months of delays, apportionment results were finally released on April 26, 2021. The representational stakes are very high: Texas is poised to gain two seats, Colorado, Florida, Montana, North Carolina and Oregon poised to gain one, and seven states, including California, Illinois, Michigan, New York, Ohio, Pennsylvania, and West Virginia are each losing one seat in the U.S. House of Representatives.¹

When our staff contacted the Census Bureau on the morning of the release with questions about the apportionment count, they were referred by Census officials to the White House for questions. Yet the statute is clear: it is the Secretary of Commerce who reports the apportionment count to the President, not the other way around.² Referring our staff's questions to the White House about the results produced by the Census Bureau is entirely inappropriate, and raises questions about the level of White House involvement in the process.

The White House involvement is surprising, since Democrats including Chairwoman Maloney previously accused the Trump White House of “scheming about how to rig the process

¹ U.S. Census Bureau, Press Release, *2020 Census Apportionment Results Delivered to the President*, (Apr. 26, 2021), available at <https://www.census.gov/newsroom/press-releases/2021/2020-census-apportionment-results.html>.

² 13 USC § 141.

for political gain.”³ However, during transcribed interviews with senior Census officials in August 2020, none of the officials indicated that they had any contact with the Trump White House, and one official explicitly denied having any conversations with the White House.⁴ Yet now during the Biden Administration, the Census Bureau is referring questions to the White House about the release of Census numbers. This is concerning.

While Democrats falsely accused the Trump Administration of using the Census process for political gain, President Biden has done just that. Even as President Trump sought to ensure the accuracy of the 2020 Census apportionment results by excluding illegal aliens from the apportionment count,⁵ President Biden reversed course, deciding to dilute American citizens’ representational interests by rescinding this commonsense measure.⁶ Several liberal states with sanctuary policies may have lost more congressional seats if illegal immigrants had not been included in the apportionment base.

Furthermore, the apportionment population results released by the Census Bureau are strikingly different from the population evaluation estimates released just months ago on December 22, 2020. Remarkably, the differences benefit traditionally blue states – which gained population compared to the estimates – over red states which tended to lose population compared to the estimates. For example, New York was estimated to have a population of 19,336,776, but was attributed an apportionment population much greater than that of 20,215,751, a difference of nearly 900,000 individuals.⁷ Likewise, states such as New Jersey and Illinois experienced large population increases of hundreds of thousands of individuals compared to the December estimates, while states such as Arizona, Florida, and Texas experienced large decreases from the December estimates.⁸ This trend calls into question whether there was any political interference with the apportionment results released by the Census Bureau.

³ H. Comm. on Oversight & Gov’t Reform, Press Release, *Chairwoman Maloney Issues Statement on New Political Official to Oversee Data Operations for 2020 Census*, (Apr. 17, 2020), available at <https://oversight.house.gov/news/press-releases/chairwoman-maloney-issues-statement-on-new-political-official-to-oversee-data>.

⁴ See H. Comm. on Oversight & Gov’t Reform, Transcribed Interview of Timothy P. Olson, Associate Director of Field Operations, U.S. Census Bureau (Aug. 27, 2020); Transcribed Interview of Albert E. Fontenot, Jr., Associate Director for Decennial Census Programs, U.S. Census Bureau (Aug. 27, 2020); Transcribed Interview of Ron S. Jarmin, Deputy Director and Chief Operating Officer, U.S. Census Bureau at pg. 28 (Aug. 28, 2020).

⁵ Memorandum from President Donald J. Trump to Secretary of Commerce Wilbur Ross, *Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census* 85 Fed. Reg. 44,679 (July 21, 2019), available at <https://www.federalregister.gov/documents/2020/07/23/2020-16216/excluding-illegal-aliens-from-the-apportionment-base-following-the-2020-census>.

⁶ Exec. Order No. 13986, 86 Fed. Reg. 7015 (Jan. 20, 2021), available at <https://www.federalregister.gov/documents/2021/01/25/2021-01755/ensuring-a-lawful-and-accurate-enumeration-and-apportionment-pursuant-to-the-decennial-census>

⁷ Compare U.S. Census Bureau, *Annual Estimates of the Resident Population for the United States, Regions, States, and the District of Columbia: April 1, 2010 to July 1, 2020*, (Dec. 22, 2020) available at <https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates.html> with U.S. Census Bureau, *Apportionment Population and Number of Representatives by State: 2020 Census* (Apr. 26, 2021), available at <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table01.pdf>.

⁸ *Id.*

To conduct oversight over these important issues, please provide the committee with the following information no later than May 14, 2021:

1. All documents and communications from October 15, 2020 to the present indicating whether the apportionment count was independently audited, and if so, when and by whom.
2. All documents and communications from October 15, 2020 to the present referring to or containing any analysis of the error rate involved in the apportionment count and any factors that could be contributing to such an error rate.
3. All documents and communications from January 20, 2021 to the present indicating the most senior official who approved, authorized or denied the final apportionment numbers to be released or discussed with Congress prior to their public release by the Census Bureau.
4. All documents and communications from January 20, 2021 to the present between and among Census Bureau employees and anyone employed by the Executive Office of the President, including but not limited to the White House Office and the Office of Management and Budget, referring or relating to the apportionment numbers and the release of the apportionment numbers.
5. All documents and communications from January 20, 2021 to the present referring or relating to the decision to revoke the Presidential Memorandum entitled *Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census* and thereby include illegal aliens in the apportionment base, including any consideration for whether such a decision would advantage candidates belonging to a particular political party.
6. All documents and communications from January 20, 2021 to the present, sufficient to show what the apportionment results would have been if persons without a lawful immigration status had been excluded from the apportionment base.
7. All documents and communications containing any reference to or analysis of the differences between the December 22, 2020 evaluation estimates and the actual apportionment results of the Decennial Census, as well as an accounting of potential errors attributable to either the evaluation estimates or the apportionment results.

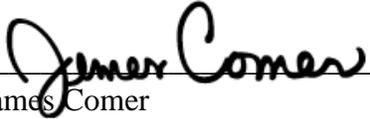
To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you for your cooperation with this inquiry.

Secretary Raimondo

April 30, 2021

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Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



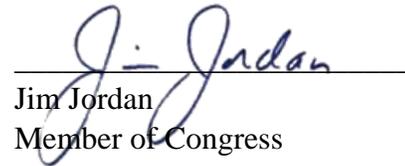
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



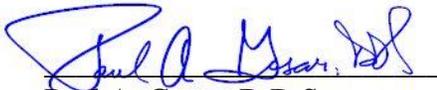
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



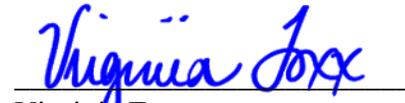
Ralph Norman
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Virginia Foxx
Member of Congress



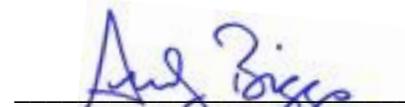
Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress



Fred Keller
Member of Congress

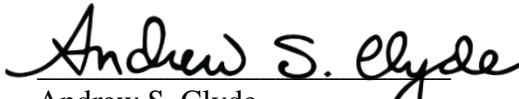


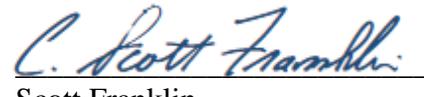
Andy Biggs
Member of Congress

Secretary Raimondo

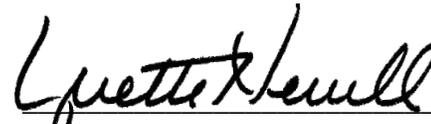
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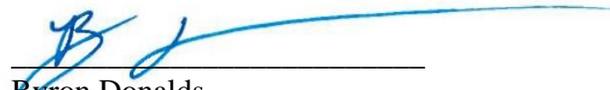
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Andrew S. Clyde
Member of Congress


Scott Franklin
Member of Congress


Jake LaTurner
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment