

# AMERICANS ABROAD, HOW CAN WE COUNT THEM?

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## HEARING

BEFORE THE  
SUBCOMMITTEE ON THE CENSUS  
OF THE  
COMMITTEE ON  
GOVERNMENT REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

JULY 26, 2001

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## CONTENTS

---

	Page
Hearing held on July 26, 2001 .....	1
Statement of:	
Betancourt, Edward A., Director, Office of Policy Review and inter-agency LIAISON, Overseas Citizens Services, Bureau of Consular Affairs, De- partment of State .....	13
Fina, Thomas, executive director, Democrats Abroad; L. Leigh Gribble, member at large, Executive Committee, Republicans Abroad; T.B. “Mac” McClelland, American Business Council of the Gulf Countries; and Eugene Marans, attorney, Representing the Association of Ameri- cans Resident Overseas [AARO], American Citizens Abroad [ACA], and Federation of American Women’s Clubs Overseas [FAWCO] .....	45
Gilman, Hon. Benjamin A., a Representative in Congress from the State of New York .....	25
Letters, statements, etc., submitted for the record by:	
Betancourt, Edward A., Director, Office of Policy Review and inter-agency LIAISON, Overseas Citizens Services, Bureau of Consular Affairs, De- partment of State, prepared statement of .....	17
Clay, Hon. Wm. Lacy, a Representative in Congress from the State of Missouri, prepared statement of .....	37
Fina, Thomas, executive director, Democrats Abroad, prepared statement of .....	48
Gilman, Hon. Benjamin A., a Representative in Congress from the State of New York, prepared statement of .....	27
Gribble, L. Leigh, member at large, Executive Committee, Republicans Abroad, prepared statement of .....	58
Maloney, Hon. Carolyn B., a Representative in Congress from the State of New York, prepared statement of .....	11
Marans, Eugene, attorney, Representing the Association of Americans Resident Overseas [AARO], American Citizens Abroad [ACA], and Fed- eration of American Women’s Clubs Overseas [FAWCO], prepared statement of .....	81
McClelland, T.B. “Mac”, American Business Council of the Gulf Coun- tries:	
Letter dated July 25, 2001 .....	64
Prepared statement of .....	68
Miller, Hon. Dan, a Representative in Congress from the State of Florida, prepared statement of .....	4



## AMERICANS ABROAD, HOW CAN WE COUNT THEM?

THURSDAY, JULY 26, 2001

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

The subcommittee met, pursuant to notice, at 1:30 p.m., in room 2247, Rayburn House Office Building, Hon. Dan Miller (chairman of the subcommittee) presiding.

Present: Representatives Miller, Clay, and Maloney.

Staff present: Chip Walker, staff director; Erin Yeatman and Andrew Kavaliunas, professional staff members; Daniel Wray, clerk; David McMillen, minority professional staff member; and Earley Green, minority assistant clerk.

Mr. MILLER. Good afternoon. We'll go ahead and begin. There is a vote going on on the floor and I know Mrs. Maloney and Mr. Clay and Mr. Gilman on are their way back over here from the vote. I went directly to the vote, and so we may shift things around depending on the arrival of individual Members. But let me go ahead and begin with my opening statement, and then we'll see who's here at that time.

Today we revisit the issue of counting Americans abroad. When we first held a hearing on this issue in 1999, the Census Bureau testified to the operational and timing difficulties that they felt would make it nearly impossible to include these Americans in the 2000 census.

Now, with the 2000 census behind us we have the time, but do we have the ability to do the job? The reasons behind the desire to count overseas Americans are clear, reasonable and justified. Many Americans abroad continue to pay taxes and vote here in the United States. Many are only overseas temporarily and will soon return. When they return of course they begin to use the resources in the States and communities where they will reside. Many overseas Americans recognize the civic importance of participating in the census and want to do their part.

Many of the groups who will give us testimony today represent well-defined groups of Americans abroad. However, any effort to count Americans abroad and include them in the apportionment count must be equal in its efforts for all groups of Americans, in all countries, or it will run the risk of being subject to painstaking litigation. There is just such litigation going on now between the States of North Carolina and Utah.

So the question Congress is faced with is a difficult one. Can we count Americans abroad legally, accurately and at what price? I have been an advocate of counting Americans abroad. Just last week I supported Mrs. Maloney's amendment to the Commerce-Justice-State appropriations bill to provide funding for research to be conducted by the Census Bureau in this area. And in accordance with language we placed in last year's appropriations bill, at the end of September of this year, the Census Bureau is due to submit a report to the Congress on how they can count Americans abroad. I expect that this report will be a thorough and detailed report and will provide us with something that we can all use as a blueprint.

While I'm an advocate, I'm also a realist. The more I hear about this endeavor, the more questions I have as to its feasibility. It is daunting enough to simply say that the Census Bureau must take a census of Americans that reside in every nation in the world, but it's much more than that. Before we undertake such an objective certain questions must be answered.

We must first decide who's actually a citizen. While citizenship is defined in law, how will the Census Bureau verify citizenship around the globe? Keep in mind that in the domestic census everyone is counted. Citizenship is not an issue.

And what about outright fraud? If non-citizens attempt to fraudulently send in census forms in an attempt to gain an advantage in immigration or some other issue, some other form of U.S. assistance, how can this possibly be verified?

Some say use administrative records. Well, administrative records assisted tremendously in counting—in fact, it was the sole source of counting overseas military government employees and their dependents. How reliable and accurate would administrative records be from other organizations? What of Americans overseas who are not listed on any official register? Is it fair to exclude them? Would it be legal to exclude them?

Another question is whether participation in overseas enumeration should be voluntary, as some have suggested. Can Congress support a voluntary census of overseas Americans while it supports a mandatory domestic census. Could such divergent approaches be supported legally?

Some have suggested that a data base maintained by the State Department would simplify things. We cannot and must not forget the all important privacy issues. It is our government's policy that Americans are not forced to register with the State Department when traveling abroad beyond obtaining a passport. Such a registration system would also put a tremendous burden on individuals.

At a recent subcommittee hearing Census Bureau Acting Director Bill Barron said an enumeration of overseas Americans would be a daunting task. That is clearly an understatement. Our Nation, however, has taken on and conquered many a daunting task in our day. Making the 2000 census more accurate than the 1990 census was just such a daunting task and one the Bureau accomplished to its credit.

This Congress must decide whether the task of including overseas Americans in future censuses is feasible and within reasonable fiscal constraints. The witnesses here today have been invited

because they have insight into the complexities of this issue and hopefully can provide us with their expert guidance.

I look forward to everyone's testimony, and I thank everyone for coming before the committee today. The question now is not whether we count them, it's just how do we accomplish the task. It is a difficult job and I think working together—this is not a partisan issue—that hopefully we will have some ideas today and can proceed when we get the report from the Bureau in September.

Mrs. Maloney.

[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**

**FOR IMMEDIATE RELEASE  
July 26, 2001**

**Contact: Chip Walker  
(202) 226-1973**

### STATEMENT OF THE CHAIRMAN JULY 26, 2001 HEARING ON COUNTING AMERICANS ABROAD

Today we revisit the issue of counting Americans abroad. When we first held a hearing on this issue in 1999, the Census Bureau testified to the operational and timing difficulties that they felt would make it nearly impossible to include these Americans in the 2000 census.

Now with the 2000 census behind us, we have the time. But, do we have the ability to do the job? The reasons behind the desire to count overseas Americans are clear, reasonable and justified. Many Americans abroad continue to pay taxes and vote here in the United States. Many are only overseas temporarily and will soon return. When they return, of course, they will begin to use the resources in the states and communities where they will reside. Many overseas Americans recognize the civic importance of participating in the census and want to do their part.

Many of the groups who will give us testimony today represent well-defined groups of Americans abroad. However, any effort to count Americans abroad and include them in an apportionment count must be equal in its effort for all groups of Americans, in all countries, or it will run the risk of being subject to painstaking litigation. There is just such litigation going on now between the states of North Carolina and Utah.

So the question Congress is faced with is a difficult one: Can we count Americans abroad fairly, accurately, and at what price?

I have been an advocate of counting Americans abroad. Just last week I supported Mrs. Maloney's amendment to the Commerce/Justice/State appropriations bill to provide funding for research to be conducted by the Census Bureau in this area. In accordance with language we put into last year's budget, at the end of September the Census Bureau is due to submit a report to the Congress on how they can count Americans abroad. I expect that this report will be thorough and detailed and will provide us with something that we can all use as a blueprint.

While I am an advocate, I am also a realist. The more I hear about this endeavor the more questions I have as to its feasibility. It is daunting enough to simply say the Census Bureau must take a census of Americans that reside in every other nation in the world. But, it's much more than that. Before we undertake such an objective, certain questions must be answered.

We must first decide who is an actual citizen. While citizenship is defined in law, how would the Census Bureau verify citizenship around the globe? Keep in mind that in the domestic census everyone is counted and citizenship is not an issue. Once citizenship is determined, we also need to agree on what the overseas enumeration should be used for. Apportionment? Redistricting? The allocation of funds?

And what of outright fraud? What if non-citizens attempt to fraudulently send in census forms in an attempt to gain an advantage in immigration or some other form of U.S. assistance? How can this possibly be verified?

Some say use administrative records. While administrative records assisted tremendously in counting the overseas military, government employees and their dependants, how reliable and accurate would administrative records be from other organizations? What of Americans overseas who are not listed on any official register? Is it fair to exclude them? Would it be legal to exclude them?

Another question is whether participation in an overseas enumeration should be voluntary, as some have suggested. Can Congress support a voluntary census of overseas Americans while it supports a mandatory domestic census? Could such divergent approaches be supported legally?

Some have also suggested that a database maintained by the State Department would simplify things. We cannot and must not forget the all important privacy issues. It is our government's policy that Americans are not forced to register with the State Department when traveling abroad beyond obtaining a passport. Such a registration system would also put a tremendous burden on individuals.

At a recent subcommittee hearing Census Bureau acting director Bill Barron said an enumeration of overseas Americans would be a daunting task. That is clearly an understatement. Our nation, however, has taken on and conquered many a daunting task in our day. Making the 2000 census more accurate than the 1990 census was just such a daunting task and one the Bureau accomplished to the surprise of many.

This Congress must decide whether the task of including overseas Americans in future censuses is feasible and within reasonable fiscal constraints. The witnesses here today have been invited because they have insight into the complexities of this issue and hopefully can provide us with their expert guidance.

I look forward to everyone's testimony and thank you all for coming before the Subcommittee on the Census this afternoon.

107TH CONGRESS  
1ST SESSION

# H. R. 1745

To provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) be included in future decennial censuses of population, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2001

Mr. GILMAN introduced the following bill: which was referred to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide that all American citizens living abroad shall (for purposes of the apportionment of Representatives in Congress among the several States and for other purposes) be included in future decennial censuses of population, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Full Equality for  
5 Americans Abroad Act”.

1 **SEC. 2. INCLUSION OF AMERICAN CITIZENS LIVING**  
2 **ABROAD IN FUTURE DECENNIAL CENSUSES.**

3 The Secretary of Commerce shall ensure that, in each  
4 decennial census of population taken after the date of the  
5 enactment of this Act under title 13, United States Code,  
6 all American citizens living abroad shall be included for  
7 purposes of the tabulations required for the apportionment  
8 of Representatives in Congress among the several States,  
9 and for other purposes.

10 **SEC. 3. REPORT ON RELATED ISSUES.**

11 (a) IN GENERAL.—There is hereby enacted into law  
12 the provision described in subsection (b) (relating to the  
13 report to be submitted by the Secretary of Commerce to  
14 the Congress by no later than September 30, 2001).

15 (b) DESCRIPTION.—The provision described in this  
16 subsection is the paragraph beginning on page 256 and  
17 ending on page 257 of the explanatory language on H.R.  
18 5548 (as introduced on October 25, 2000), as included  
19 in the joint explanatory statement of the committee of con-  
20 ference accompanying the conference report on H.R. 4942  
21 (House Report Numbered 106–1005, 106th Congress, 2d  
22 Session, October 26, 2000, 256–257), but deeming such  
23 paragraph not to include “and their dependents”.

○

Mrs. MALONEY. I just would like to begin by thanking the chairman for calling this important hearing to discuss how we can count Americans living abroad. We have disagreed on many issues regarding the census, but I believe we are ready to come together on this issue of counting Americans living abroad. I would also like to thank all the witnesses here today for taking the time to testify and help us better understand the issue. I am hopeful that we can work together to get a good count of Americans abroad as quickly as possible.

However, I'm disappointed that the Census Bureau was not asked to come and testify. I think all of the witnesses today are in agreement that something should and must be done to count Americans abroad, and we should not let another census go by without at least trying to get an accurate count. The problem is with the Census Bureau.

I understand the concerns and difficulties that the Census Bureau has in this challenge, but it seems that the Census Bureau would rather continue to list the challenges than come up with the possible solutions. I don't want to minimize the hurdles that are before us. I think that if we can resolve the issues on how the count of Americans overseas will be used then we can move quickly to ensure there is a count. Yet these hurdles can only be surmounted by hard work, not bellyaching on the part of the Bureau.

Last year the chairman put report language—and I congratulate the chairman for having put report language in the Census Bureau appropriations bill—asking the Census Bureau to report back on steps that could be taken toward counting Americans abroad. To the best of my knowledge, very little work has been done by Census. In fact, I look forward to asking the witnesses if any of the groups have today sat down with the Census Bureau to discuss these matters since the appropriations bill was enacted nearly a year ago.

As my colleagues know, I am very concerned that Americans abroad have not been counted. Two years ago I submitted legislation, H.R. 2444, in the 106th Congress, the Census of Americans Abroad Act. My bill was the first bill ever to direct the Census Bureau to start to plan and implement counting of Americans abroad and to allocate money for that purpose.

With Chairman Miller's support, I recently passed an amendment to the Commerce-Justice-State appropriations bill that I believe is the next concrete step to ensuring that we will at least, at the very least, try to count all of the Americans living abroad. In the bill, we allocated \$2.5 million to begin making the count. I hope that I will have the chairman's support to try to ensure that it survives, this important allocation, in the conference committee and in the final bill that goes to the President.

But what is before us now is the job of pressing the Census, now that it has the money specifically for this purpose, to move forward and finally present us with a concrete plan for counting Americans living abroad as soon as 2004, as called for in my original legislation, so that we don't have to wait another—to the next census in 2010. And believe me, if we don't start trying to do something in this particular census, we will be there in 2010 again throwing our

hands up in the air and wringing our hands saying why don't we have a plan to count Americans abroad.

The Census Bureau has avoided this issue again and again. We need to act now to make sure they do not shortchange Americans abroad once more. We have 9 years before the 2010 census. I ask for Chairman Miller's support for my bill, H.R. 680, to press the Census to start counting Americans residing outside the United States.

I hope that the chairman will set up a time in the near future, now that we have heard from the people excluded, so that we can hear from the Bureau on what needs to be done and what are their concrete plans to finally count the really patriotic citizens and Americans living abroad. They pay their taxes. They vote. They are very proud of being Americans. They're unofficial Ambassadors for our country. They do so much good work for our country. We can at least include them in what is a great civic ceremony, really the only real civic ceremony that includes every single American. That is the census. And it is the responsibility that is cited in the Constitution and we should allow our citizens to be counted.

It's important. Particularly as we move into a global economy, it becomes even more important as more and more Americans will be living abroad. I again congratulate the chairman, and I want to note that I am so glad that he supported this amendment and how much I've enjoyed working with him on this committee. I regret that he has made a choice to retire after 6 years in Congress, and I feel that——

Mr. MILLER. It's our 9th year.

Mrs. MALONEY. 9th year. Oh, he's going to retire after his 9th year. And that was some type of pledge that he made. But I think that's unfortunate, and we will lose a great leader, great advocate. But one reason that I'm very sad that he is resigning is that he will not be here in 2010 to have the papers thrown in his face by the Americans living abroad who will be saying that, you know, you promised us, you promised us. You said you'd get it done. It hasn't been done.

So he's retiring. So I'm afraid to let him out of here until we have this plan in place because he's worked on this project. He understands it. He cares about it. He can get the job done and we have to get it done before he leaves office because I don't know what will happen after he leaves with the Republican majority. No one has the expertise and the depth of knowledge and I would say the commitment that the chairman has.

So therefore, we are under a timeframe to get this done before the chairman leaves Congress. Thanks, Mr. Chairman.

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



Congresswoman

*Carolyn Maloney*

**Reports**

*14th District • New York*

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**Statement of Rep. Carolyn Maloney  
Census Subcommittee Hearing on  
Counting of Americans Aboard  
7/26/01**

I would first like to thank the Chairman for calling this hearing to discuss how we can count Americans living abroad. We have disagreed on many issues regarding the census, but I believe we are ready to come together on the issue of counting Americans living abroad. I would also like to thank all the witnesses here today for taking the time to testify and help us better understand the issue. I am hopeful that we can work together to get a good count of Americans abroad as quickly as possible.

However I am disappointed that the Census Bureau was not asked to come and testify. I think all of the witnesses today are in agreement that something should be done, that we should not let another census pass without at least trying to count Americans living abroad. The problem is with the Census Bureau.

I understand the concerns and difficulties that the Census Bureau has in this challenge, but it seems that the Census Bureau would rather continue to list the challenges than come up with possible solutions. I don't want to minimize the hurdles that are before us. I think that if we can resolve the issues on how the count of Americans overseas will be used, then we can move quickly to ensure that there is a count. Yet these hurdles can only be surmounted by hard work, not bellyaching on the part of the bureau.

Last year the Chairman put report language in the Census Bureau appropriations bill, asking the Census Bureau to report back on steps that could be taken toward counting Americans Abroad. To the best of my knowledge very little work has been done by Census. In fact, I look forward to asking the witnesses if any of the groups here today have sat down with the Census Bureau to discuss these matters since that Appropriations bill was enacted nearly a year ago.

As my colleagues know, I am very concerned that Americans abroad have not been counted. Two years ago, I submitted H.R. 2444, The Census of Americans Abroad Act, in the 106<sup>th</sup> congress. My bill was the first bill ever to direct the Census Bureau to start to plan and

implement counting of Americans abroad and to allocate money for that purpose.

With Chairman Miller's support, I recently passed an amendment to the Commerce, Justice, State appropriations bill for FY 2002 that I believe is the next concrete step to ensuring that we will at least try to get Americans abroad counted. The amendment appropriates 2.5 million dollars for the Census Bureau to start planning to count Americans abroad. I hope that I will have the Chairman's support to try to ensure it survives in the conference committee and remains in the final bill that goes to the President.

But what is before us is the job of pressing the census, now that it has money specifically for this purpose, to move forward and present us with a concrete plan for counting those Americans living abroad as soon as 2004, as called for in my legislation, so that we don't have to wait until the next census in 2010.

The Census Bureau has avoided this issue again and again. We need to act now to make sure they do not shortchange Americans abroad once more. We have nine years before the 2010 census. I ask for Chairman Miller's support for my bill, HR 680, to press the Census to start counting Americans residing outside the United States and I hope that the Chairman will set up a time in the near future, now that we have heard from the people excluded so that we can hear from the Bureau on what needs to be done.

Thank you Mr. Chairman.

Mr. MILLER. Thank you. I think we hope to have another hearing in October once the Census Bureau presents their report, which is due at the end of September. But today we want to hear from other groups. Lets start with the second panel initially—and then if Mr. Gilman or Mr. Clay come in and want to have an opening statement we'll have those. But if Mr. Betancourt would step forward. In this subcommittee of the Committee of Government Reform we do swear in our witnesses, so if you'd remain standing and raise your right hand.

[Witness sworn.]

Mr. MILLER. Thank you. Thank you very much and I appreciate your being here today, and I have read your statement, but I would like to have you proceed to give us a report.

Before you start, I have visited many Embassies around the world and when congressional Members visit an Embassy they don't usually ask for the consular office, but I have on a number of occasions. I don't know if you have ever known that or not, but I did so most recently actually in El Salvador, and I've learned a lot about the challenges they are faced with. I know that's where a lot of the people in Foreign Service start their careers, but it's really one of the toughest jobs to be there to make decisions that affect the lives of so many individuals in these countries around the world. So I admire the work the consular office does. It's where you find some of the unsung heroes are at the State Department. So I give you congratulations for the work that you do and the challenge that you have.

But, Mr. Betancourt, would you like to make a statement please?

**STATEMENT OF EDWARD A. BETANCOURT, DIRECTOR, OFFICE OF POLICY REVIEW AND INTER-AGENCY LIAISON, OVERSEAS CITIZENS SERVICES, BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE**

Mr. BETANCOURT. Yes. Thank you, Mr. Chairman and members of the committee. Thank you for this opportunity to testify on behalf of the Bureau of Consular Affairs of the Department of State regarding the census and the possibility of counting U.S. citizens overseas.

The Bureau of Consular Affairs is charged with exercising the Secretary of State's responsibility to provide consular protection and services to U.S. citizens abroad. There is no higher priority of the Department of State than the protection and welfare of Americans overseas. While for workload and crisis planning purposes we compile internally estimates of U.S. citizens within a country, we currently have no means or ability to count them. These estimates are prepared by our Embassies using as a base Embassy registration numbers, information from local immigration authorities, and informal surveys of employers and institutions in the American community such as the American Chamber of Commerce. We have, however, neither the expertise nor the resources at present to conduct an accurate count of U.S. citizens in a given country.

Americans travel, study, work and reside abroad in ever increasing numbers. While we and our colleagues and our U.S. Government agencies do have some statistical information on Americans overseas, we do not have comprehensive information on how many

Americans reside overseas at any given time. The Departments of Commerce and Transportation travel and tourism statistics reflect that Americans make more than 60 million trips abroad each year. According to the Department of Education, the number of U.S. students studying abroad each year has grown to 114,000. The Department issued over 7 million U.S. passports in fiscal year 2000.

The population of Americans abroad is very complex. Americans abroad include, for example, the more than 44,000 children who were born abroad to U.S. citizen parents for whom we issue Consular Reports of Birth Abroad. We also issue 6,000 Reports of Death of U.S. citizens abroad each year. More than 2,500 U.S. citizens are arrested abroad each year and serve sentences in foreign prisons. There are also some 400,000 recipients of U.S. Federal benefits such as Social Security and veterans benefits abroad, which include both citizens and non-citizens. Again, we have some statistical data, but it is not of the nature sought by the Census.

We recognize the many and important contributions of our overseas citizens and we appreciate their desire to be counted. It is our understanding that for census 2000 the Census Bureau did count U.S. military and their dependents assigned overseas as well as Federal civilian employees and their dependents at their home of record or other home State designations determined by using employing agency administrative records. The Census Bureau did not to our knowledge conduct an individual count of U.S. Government official personnel and their dependents abroad.

Although we have noted that we lack both the staff and resources to conduct a worldwide count, of particular concern is the fact that we lack within the Department of State any expertise in conducting or validating the census. We recognize fully that conducting a census is a highly developed exercise utilizing complex methodologies created by experienced statisticians who validate the soundness of their programs based on years of sampling. The difficulties inherent in conducting a census within our country increase exponentially when projected to a global scale. We at the Department of State are simply not equipped to undertake a full scale census overseas.

It should also be noted that there is no accurate source of information regarding the location of U.S. citizens abroad to which U.S. census questionnaires might be addressed. U.S. Embassy and consulate registration records are based on purely voluntary self-reporting by citizens and at any given time we estimate that there are more than 3 million U.S. citizens abroad, figures which include short-term visitors. Consular registration records cannot be considered complete or accurate, since U.S. citizens are not required by law to register with the U.S. Embassy or consulate when they travel or reside abroad.

U.S. passports are issued to adults for a 10-year period. Addresses for our mobile population change rapidly, as we find when we try to use a passport or registration address or telephone information to contact families in emergencies. Experience shows that most citizens do not register and even for those who do, the registration information does not remain valid for very long. On an annual basis we try to update our registration and crisis warden systems.

In addition, we find that many citizens leave the foreign country without notifying the U.S. Embassy or consulate.

We are now exploring new ways to make it easier for Americans to register with the U.S. Embassy or consulate, including Web-based systems which will enable our citizens to update their location information securely from any laptop, cyber cafe or hotel. Several U.S. Embassies have modest on-line registration capabilities at the present time. The data is received by e-mail and must then be keyed into our consular automated registration system. Our intention is to develop a worldwide system that will replicate the data securely and allow citizens to update their own information frequently. We anticipate that such a system would not be available for several years. It is our hope that once that kind of process is made simpler, more citizens will choose to register, but again it is not mandatory.

Moreover, we note a threshold issue in any discussion necessarily involves criteria for an enumeration. Counting U.S. citizens is itself an exercise which involves far more than merely counting. If citizenship must be verified, it would involve an independent and extremely labor intensive process to confirm that the person who declares him or herself a U.S. citizen is in fact entitled as a matter of U.S. citizenship law to assert that status.

This will not always be obvious. There are hundreds of thousands of persons in Canada and Mexico alone who are U.S. citizens but may lack documentation such as a U.S. passport to establish that fact, especially since U.S. citizens are not required to have a U.S. passport in order to travel to those countries. Moreover, there are thousands of persons around the globe who are in fact U.S. citizens, but have never chosen to make that fact of record by applying for documentation as a U.S. citizen. Yet a person's status as a U.S. citizen is determined by the laws enacted by Congress regardless of whether a person has come forward to confirm that status.

Additionally, there are a universe of persons of unknown size, who while clearly U.S. citizens at birth, lack current evidence that they remain U.S. citizens. In some instances this involves complex adjudications, retrieval of records pertaining to past generations, and other protracted procedures to determine if a person acquired, has retained or may have lost U.S. citizenship even before one gets to the question of how to count such persons. Yet the failure to determine or confirm a person's self-declaration of U.S. citizenship could undermine the validity of any count of U.S. citizens unless it is determined that verification of citizenship is not required.

We must again stress the Consular Affairs Bureau lacks the resources personnel and, most significantly, the means to conduct citizenship adjudication and verifications of hundreds of thousands or perhaps even millions of persons abroad.

There is also a question as to how the home State determination would be made. Would it be the self-declared last State where the citizen lived before going abroad? The State they claim for tax purposes? The State in which they vote or their State of birth?

A large number of U.S. citizens born abroad continue to reside abroad and may never have been to the United States. Would they claim a U.S. citizen parent's or grandparent's last State of residence as a home State? How would duplication of a count be avoid-

ed and what information could be used as an identifier? U.S. passport numbers or Social Security numbers would not suffice, since U.S. citizens residing in the Western hemisphere are not required to have U.S. passports and not all U.S. citizens abroad have Social Security numbers.

The Department of State is not in the position to provide extensive staff support regarding Census Bureau enumeration activities abroad. Consular sections at U.S. Embassies and consulates provide a variety of essential services to ensure the protection of the interests of the United States and its citizens on the most fundamental level. We assist Americans abroad in routine and emergency situations, facilitate the travel of immigrants and non-immigrants, and deter the travel of persons likely to remain illegally in the United States or engage in activities harmful to our country. Our consular offices must focus primary attention on these key consular services.

We would anticipate that it would be necessary for the Census Bureau to make arrangements to send or retain trained agents to act on their behalf in the overseas enumeration. We can of course coordinate with foreign governments to obtain country clearance, if possible, for Census Bureau activities abroad and publicize Census Bureau activities through our overseas consular emergency warden systems. We can issue public announcements about an overseas count which would be highlighted in the Bureau of Consular Affairs home page. Our home page has seen as many as 600,000 hits a day, or 13 million or more hits a month.

Another service we could provide to support Census Bureau enumeration activities abroad would be to include the subject in our consular outreach program to key stakeholders such as tourism, travel, education, and other organizations of U.S. citizens overseas. Similarly, we would be pleased to make available to the Census Bureau our contact information regarding stakeholder organizations, or a link to our Web page.

We appreciate that it is very important to U.S. citizens overseas who are called upon to exercise the responsibilities of citizenship, such as voting and paying taxes, to be counted. We are supportive of the concept, but believe the subject will require considered study by demographic experts at the Census Bureau to design and develop procedures, methods and plans to conduct such an operation. The State Department is willing to work with and advise the Census Bureau, as it does with other Federal agencies, on such a study.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to speak to the subcommittee today. I will be happy to answer any questions that you or the Members have.

[The prepared statement of Mr. Betancourt follows:]

STATEMENT OF  
EDWARD A. BETANCOURT  
DIRECTOR  
OFFICE OF POLICY REVIEW AND INTER-AGENCY LIAISON  
OVERSEAS CITIZENS SERVICES  
BUREAU OF CONSULAR AFFAIRS  
BEFORE THE  
SUBCOMMITTEE ON THE CENSUS  
COMMITTEE ON GOVERNMENTAL REFORM  
UNITED STATES HOUSE OF REPRESENTATIVES

July 26, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify on behalf of the Bureau of Consular Affairs of the Department of State regarding the Census and the possibility of counting U.S. citizens overseas.

The Bureau of Consular Affairs (CA) is charged with exercising the Secretary of State's responsibility to provide consular protection and services to United States citizens abroad. There is no higher priority of the Department of State than the protection and welfare of Americans overseas. While for workload and crisis planning purposes we compile internally estimates of U.S. citizens within a country, we currently have no means or ability to count them. These

estimates are prepared by our embassies using as a base embassy registration numbers, information from local immigration authorities, and informal surveys of employers and institutions in the American community such as the American Chamber of Commerce. We have neither the expertise nor the resources at the present to conduct an accurate count of U.S. citizens in a given country.

Americans travel, study, work and reside abroad in ever increasing numbers. While we and our colleagues in other U.S. Government agencies do have some statistical information on Americans overseas, we do not have comprehensive information on how many Americans reside overseas at any given time. The Departments of Commerce and Transportation travel and tourism statistics reflect that Americans make more than 60 million trips abroad each year. According to the Department of Education, the number of U.S. students studying abroad each year has grown to 114,000. The Department of State issued over 7 million U.S. passports in FY-2000. The population of Americans abroad is very complex. Americans abroad include, for example, the more than 44,000 children born abroad to U.S. citizen parents each year for whom we issue Consular Reports of Birth Abroad. We also issue more than 6,000 Reports of Death of U.S. Citizens Abroad each year. More than 2,500 U.S. citizens are arrested abroad each year and serve sentences in foreign prisons. There are also some 400,000 recipients of U.S. Federal benefits such as Social Security and Veterans benefits abroad, which includes both citizens and non-citizens. Again, while we have some statistical data, it is not of the nature sought in the Census.

We recognize the many and important contributions of our overseas citizens and we appreciate their desire to be counted. It is our understanding that for Census 2000 the Census Bureau did count U.S. military and their dependents assigned overseas as well as Federal civilian employees and their dependents at their home of record or other home state designations determined by using employing agency administrative records. The Census Bureau did not to our knowledge conduct an individual count of U.S. Government official personnel and their dependents abroad.

Although we have noted that we lack both the staff and the resources to conduct a world-wide count, of particular concern is the fact that we lack, within the Department of State, any expertise in conducting or validating a census. We recognize fully that conducting a census is a highly developed exercise utilizing complex methodologies created by experienced statisticians who validate the soundness of their programs based on years of sampling. The difficulties inherent in conducting a census within our own country increase exponentially when projected to a global scale. We at the Department of State are simply not equipped to undertake a full scale census overseas.

It should also be noted that there is no accurate source of information regarding the location of U.S. citizens abroad to which U.S. census questionnaires might be addressed. U.S. embassy and consulate registration records are based on purely voluntary self-reporting by citizens. At any given time, we estimate that there are more than 3 million U.S. citizens abroad, figures

which include short-term visitors. Consular registration records can not be considered complete or accurate since U.S. citizens are not required by law to register with the U.S. embassy or consulate when they travel or reside abroad. U.S. passports are issued to adults for a 10-year period. Addresses for our mobile population change rapidly, as we find when we try to use passport or registration address or telephone information to contact families in emergencies. Experience shows that most citizens do not register, and even for those who do, the registration information does not remain valid for very long. On an annual basis we try to update our registration and crisis warden systems. In addition, we find that many citizens leave the foreign country without notifying the U.S. embassy or consulate.

We are exploring new ways to make it easier for Americans to register with the U.S. embassy or consulate including web-based systems which will enable our citizens to update their location information securely from any laptop, cyber café, or hotel. Several U.S. embassies have modest on-line registration capability at the present time. The data is received by e-mail and must then be keyed into our consular automated registration system. Our intention is to develop a worldwide system that will replicate the data securely and allow citizens to update their own information frequently. We anticipate that such a system would not be available for several years. It is our hope that once the process is made simpler, more citizens will choose to register, but again it is not mandatory.

Moreover, we note that a threshold issue in any discussion necessarily involves establishing criteria for an enumeration. Counting U.S. citizens is itself an exercise, which involves far more than merely counting. If citizenship must be verified, it would involve an independent and extremely labor-intensive process to confirm that the person who declares him or herself a U.S. citizen is in fact entitled as a matter of U.S. citizenship law to assert that status. This will not always be obvious.

There are hundreds of thousands of persons in Canada and Mexico alone who are U.S. citizens but may lack documentation, such as a U.S. passport, to establish that fact especially since U.S. citizens are not required to have U.S. passports in order to travel to those countries. Moreover, there are thousands of persons around the globe who are in fact U.S. citizens, but have never chosen to make that fact of record by applying for documentation as U.S. citizens. Yet, a person's status as a U.S. citizen is determined by the laws enacted by Congress, regardless of whether a person has come forward to confirm that status.

Additionally, there is a universe of persons---of unknown size---who, while clearly U.S. citizens at birth or some other point in their lives, lack *current* evidence that they remain U.S. citizens. In some instances, this involves complex adjudications, retrieval of records pertaining to past generations, and other protracted procedures to determine if a person acquired, has retained, or may have lost U.S. citizenship *even before* one gets to the question of how to count such persons. Yet the failure to determine, or confirm, a person's self-

declaration of U.S. citizenship could undermine the validity of any count of U.S. citizens unless it is determined that verification of citizenship is not required. We must again stress the Consular Affairs Bureau lacks the resources, personnel, and most significantly, the means to conduct citizenship adjudication and verifications of hundreds of thousands, perhaps even millions, of persons abroad.

There is also a question as to how the home state determination would be made. Would it be the self-declared last state where the citizen lived before going abroad; the state they claim for tax purposes; the state in which they vote or their state of birth? A large number of U.S. citizens born abroad continue to reside abroad and may never have been to the United States. Would they claim a U.S. citizen parent or grandparent's last state of residence as a home state?

How would duplication of a count be avoided and what information could be used as an identifier. U.S. passport numbers or Social Security numbers would not suffice since U.S. citizens residing in the Western Hemisphere are not required to have U.S. passports, and not all U.S. citizens abroad have Social Security Numbers.

The Department of State is not in a position to provide extensive staff support regarding Census Bureau enumeration activities abroad. Consular sections at U.S. embassies and consulates provide a variety of essential services that ensure the protection of the interests of the United States and its citizens on the most fundamental level. We assist Americans abroad in routine and emergency situations, facilitate legitimate travel of immigrants and non-

immigrants, and deter the travel of persons likely to remain illegally in the United States or to engage in activities harmful to our country. Our consular officers must focus primary attention on these key consular services.

We would anticipate that it would be necessary for the Census Bureau to make arrangements to send or retain trained agents to act on their behalf in any overseas enumeration. We can, of course, coordinate with foreign governments to obtain country clearance, if possible, for Census Bureau activities abroad, and publicize Census Bureau activities abroad through our overseas consular emergency warden systems. We can also issue Public Announcements about an overseas count, which would be highlighted on the Bureau of Consular Affairs home page at [www.travel.state.gov](http://www.travel.state.gov). Our home page has seen as many as 600,000 hits a day, or 13 million or more hits a month. We are currently averaging about 300,000 hits a day. In the Year 2000, our home page received 96 million hits, and we anticipate our first "million-hit day" will not be too far in the future. Another service we could provide to support Census Bureau enumeration activities abroad would be to include the subject in our consular outreach program to key stakeholders such as tourism, travel, education, and other organizations of U.S. citizens overseas. Similarly, we would be pleased to make available to the Census Bureau our contact information regarding these stakeholder organizations, or a link to our webpage.

We appreciate that it is very important to U.S. citizens overseas who are called upon to exercise the responsibilities of citizenship such as voting and

paying taxes, to be counted. We are supportive of the concept, but believe the subject will require considerable study by demographic experts at the Census Bureau to design and develop procedures, methods and plans to conduct such an operation. The State Department is willing to work with and advise the Census Bureau as it does other Federal agencies on such a study.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to speak to the Subcommittee today. I will be happy to answer any questions that Members may have.

Mr. MILLER. Thank you. I appreciate your statement and we're going to have some questions. But I think what we want to do because we kind of got a little bit out of order, is first allow Mr. Clay to make an opening statement. Unless—do you have to rush off, Mr. Gilman?

Mr. CLAY. Mr. Gilman can go ahead.

Mr. MILLER. Why don't we let Mr. Gilman, if you don't mind—

Mr. CLAY. That's fine.

Mr. MILLER. Let Mr. Gilman make a statement because of the vote confusion. Thank you very much.

You have been obviously a leader on this issue in Congress for a number of years and you have been pushing it, and so we appreciate your continued interest in and advocacy of the issue. Mr. Gilman.

**STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. GILMAN. Thank you very much, Mr. Chairman and my colleagues, for this opportunity to come before you on this important issue, the enumeration of Americans living abroad and the bill I have introduced H.R. 1745, called the Full Equality for Americans Abroad Act.

As a long time member of our House International Relations Committee, and this Member served on a former Post Office and Civil Service Committee where we had a specific Census Committee, and now as a senior member of our Government Reform Committee, I've had the opportunity to work on this issue for many years. And I think American citizens living abroad need some sort of equality when we discuss the census of our Nation.

Over these years it's become clear to me that our Americans living abroad place an increasingly important role in our Nation's economy and our foreign policy and in our relations with other nations and with their citizens throughout the world.

Moreover, as we move into this new century and increased globalization, we must continue to recognize the important role played by the export of overseas goods and services to our Nation's economy. Not only are we reliant on those Americans abroad to carry out our Nation's exports for the creation of U.S.-based jobs, but we're reliant on those citizens to promote and advance U.S. interests around the world. They become virtually our informal diplomats.

Nevertheless, our U.S. Census Bureau currently does not count private sector Americans residing abroad, this despite the fact that U.S. Government employees working overseas are included in the U.S. census. So there really is a discriminatory practice with regard to our Americans living abroad. If we want to make certain that all Americans are counted, and that our Nation's decennial census is going to be the most accurate that we can obtain, we must change this inconsistent policy.

Accordingly, Mr. Chairman, my colleagues, I've introduced H.R. 1745, the Full Equality for Americans Abroad Act, legislation that will make certain that all Americans living overseas are going to be counted for purposes of apportionment in the decennial census

beginning in the year 2010. They tell me there are over 3 million Americans living in that situation.

The issue of counting all American citizens living abroad has the support of Members on both sides of the aisle. In fact, my good friend and colleague from New York, Congresswoman Carolyn Maloney, has introduced legislation expressing the sense of Congress supporting an interim count of American citizens living abroad by the U.S. Census Bureau in 2004, and I fully support that proposal. I just hope she will be a cosponsor of mine as I became a cosponsor of her measure.

Moreover, during consideration of the fiscal year 2001 Commerce, Justice, and State appropriations bill, report language was included in that measure directing the U.S. Census Bureau to prepare a report to Congress detailing the number of Americans living and working overseas as well as any methodological, logistical or other issues associated with the inclusion in future decennial censuses of Americans residing abroad.

So it's apparent that the enumeration of all Americans abroad is supported by a wide array of Members throughout the Congress as well as by those members on our subcommittee here.

Accordingly, I'm hopeful that with the leadership of Chairman Miller, and with our ranking member, Mr. Clay, whose father used to be very active in census matters in our former Postal Committee, will draft a piece of legislation to make certain that the enumeration of all Americans abroad for apportionment purposes in the 2010 census and all decennial censuses thereafter. Such legislation could, as proposed by Congresswoman Maloney, include an interim census, thus providing the Census Bureau with the opportunity to work out all of its bugs prior to that 2010 count.

So I look forward, Mr. Chairman, Mr. Clay and my colleagues, to working with both Chairman Miller and with all of your members on your committee on this proposal. Together I'm confident that we can produce a bill to count all American citizens living abroad beginning in the year 2010.

In closing, I'd like to reiterate the need for the U.S. Census Bureau to count all Americans, including private citizens, no matter where they live and work. Not only will such a policy provide an accurate census, but it will allow our Congress and private sector leaders to realize how best to support our U.S. companies and our citizenry, and more important, we'll have a fair estimate for redistricting purposes of all the people in each district.

U.S. citizens abroad vote and pay our taxes, yet they are discriminated against by our government solely because they're private citizens and not working for the government overseas. Mr. Chairman, my colleagues, I urge you to please work on changing this policy and include the private sector Americans residing overseas for the next census.

Thank you for the opportunity to appear before your committee.  
[The prepared statement of Hon. Benjamin A. Gilman follows:]

Rep. Ben Gilman  
"Enumeration of Americans Abroad "  
July 25, 2001

**I WANT TO THANK CHAIRMAN MILLER FOR  
THE INVITATION TO TESTIFY THIS AFTERNOON ON  
THE ENUMERATION OF AMERICANS ABROAD AND  
THE BILL I HAVE INTRODUCED, H.R. 1745, THE FULL  
EQUALITY FOR AMERICANS ABROAD ACT.**

**AS A LONG TIME MEMBER OF THE HOUSE  
INTERNATIONAL RELATIONS COMMITTEE,  
INCLUDING FULL COMMITTEE CHAIRMAN; AS A  
MEMBER WHO SERVED ON THE FORMER POST  
OFFICE AND CIVIL SERVICE COMMITTEE; AND  
NOW AS THE SENIOR MEMBER OF THE  
GOVERNMENT REFORM COMMITTEE , I HAVE HAD  
THE OPPORTUNITY TO DEAL WITH BOTH PRIVATE**

**AMERICAN CITIZENS LIVING ABROAD AND THE  
ISSUE OF PROVIDING AN ACCURATE U.S. CENSUS  
COUNT.**

**OVER THESE YEARS IT IS BECOME CLEAR TO  
ME THAT AMERICAN CITIZENS LIVING ABROAD  
PLAY AN INCREASINGLY IMPORTANT ROLE IN OUR  
NATION'S ECONOMY AND IN OUR RELATIONS WITH  
COUNTRIES AND THEIR CITIZENS THROUGHOUT  
THE WORLD.**

**MOREOVER, AS WE MOVE INTO THE 21<sup>ST</sup>  
CENTURY AND INCREASED GLOBALIZATION, WE  
MUST CONTINUE TO REALIZE THE IMPORTANT  
ROLE PLAYED BY THE EXPORT OF OVERSEAS  
GOODS AND SERVICES TO OUR NATION'S  
ECONOMY.**

**NOT ONLY ARE WE RELIANT ON AMERICAN'S ABROAD TO CARRY OUT OUR NATION'S EXPORTS FOR THE CREATION OF U.S.-BASED JOBS, BUT WE ARE RELIANT ON THESE U.S. CITIZENS TO BEST PROMOTE AND ADVANCE U.S. INTEREST AROUND THE WORLD.**

**NEVERTHELESS, THE U.S. CENSUS BUREAU CURRENTLY DOES NOT COUNT PRIVATE SECTOR AMERICANS RESIDING ABROAD. THIS IS DESPITE THE FACT THAT U.S. GOVERNMENT EMPLOYEES WORKING OVERSEAS ARE INCLUDED IN THE U.S. CENSUS. IF WE WANT TO ENSURE THAT ALL AMERICANS ARE COUNTED AND THAT OUR NATION'S DECENNIAL CENSUS IS THE MOST ACCURATE IT CAN BE , WE MUST CHANGE THIS INCONSISTENT POLICY.**

**ACCORDINGLY, I HAVE INTRODUCED H.R. 1745, THE FULL EQUALITY FOR AMERICANS ABROAD ACT, LEGISLATION THAT WILL ENSURE THAT ALL AMERICANS LIVING OVERSEAS WILL BE COUNTED FOR PURPOSES OF APPORTIONMENT IN THE DECENNIAL CENSUS, BEGINNING IN THE YEAR 2010.**

**THE ISSUE OF COUNTING ALL AMERICAN CITIZENS LIVING ABROAD HAS THE SUPPORT OF BOTH DEMOCRAT AND REPUBLICAN COLLEAGUES ALIKE. IN FACT, MY FRIEND AND COLLEAGUE FROM NEW YORK, REP. CAROLYN MALONEY, HAS INTRODUCED LEGISLATION EXPRESSING THE SENSE OF CONGRESS SUPPORTING AN INTERIM COUNT OF AMERICANS CITIZENS LIVING ABROAD BY THE U.S. CENSUS BUREAU IN 2004.**

**IN ADDITION, DURING CONSIDERATION OF THE FISCAL YEAR 2001 COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL, REPORT LANGUAGE WAS INCLUDED DIRECTING THE U.S. CENSUS BUREAU TO PREPARE A REPORT TO CONGRESS DETAILING THE NUMBER OF AMERICANS LIVING AND WORKING OVERSEAS AS WELL AS ANY METHODOLOGICAL, LOGISTICAL, OR OTHER ISSUES ASSOCIATED WITH THE INCLUSION OF FUTURE DECENNIAL CENSUSES OF AMERICANS RESIDING ABROAD.**

**IT IS APPARENT THAT THE ENUMERATION OF ALL AMERICANS ABROAD IS SUPPORTED BY A WIDE ARRAY OF MEMBERS IN THE CONGRESS, AS WELL AS BY THOSE MEMBERS ON THIS SUBCOMMITTEE.**

ACCORDINGLY, I AM HOPEFUL THAT WITH THE LEADERSHIP OF CHAIRMAN MILLER THE SUBCOMMITTEE WILL CONSTRUCT A PIECE OF LEGISLATION TO ENSURE THE ENUMERATION OF ALL AMERICANS ABROAD FOR APPORTIONMENT PURPOSES IN THE 2010 CENSUS AND ALL DECENNIAL CENSUSES THEREAFTER . SUCH LEGISLATION COULD, AS PROPOSED BY REP. MALONEY, INCLUDE AN INTERIM CENSUS, THUS PROVIDING THE CENSUS BUREAU WITH THE OPPORTUNITY TO WORK OUT ALL OF ITS "BUGS" PRIOR TO THE 2010 COUNT.

I LOOK FORWARD TO WORKING WITH BOTH CHAIRMAN MILLER AND RANKING MEMBER CLAY, AS WELL AS WITH REP. CAROLYN MALONEY ON SUCH A PROPOSAL. TOGETHER , I AM CONFIDENT

**THAT WE CAN PRODUCE A BILL TO COUNT ALL AMERICAN CITIZENS LIVING ABROAD, BEGINNING IN 2010.**

**IN CLOSING, I WOULD LIKE TO REITERATE THE NEED FOR THE U.S. CENSUS BUREAU TO COUNT ALL AMERICANS, INCLUDING PRIVATE CITIZENS LIVING AND WORKING ABROAD. NOT ONLY WILL SUCH A POLICY PROVIDE AN ACCURATE CENSUS, BUT IT WILL ALLOW CONGRESS AND PRIVATE SECTOR LEADERS TO REALIZE HOW BEST TO SUPPORT U.S. COMPANIES AND OUR CITIZENRY ABROAD.**

**U.S. CITIZENS ABROAD VOTE AND PAY TAXES IN THE UNITED STATES, YET ARE DISCRIMINATED AGAINST BY THE U.S. GOVERNMENT SOLELY BECAUSE THEY ARE PRIVATE CITIZENS.**

**LET'S CHANGE THIS POLICY AND INCLUDE  
PRIVATE SECTOR AMERICANS RESIDING  
OVERSEAS IN THE CENSUS.**

**THANK YOU.**

Mr. MILLER. Thank you, Mr. Gilman. We appreciate your continued advocacy for this issue and that we all agree on. The problem is not whether, it's a question of how, and that's what we're in the process of working on, and we hopefully will be able to move toward a test census within the next few years and then be prepared for 2010.

Mr. GILMAN. And, Mr. Chairman, I hope we can do it before you leave this committee, and we're going to regret your leaving, going on to other things. Thank you very much.

Mr. MILLER. Thank you. Thank you. Did anybody else have a comment or question?

Mrs. MALONEY. I would just like to applaud the Representative from the great State of New York and thank him for his work on this issue and his leadership really on this and so many other areas. He's done extremely outstanding work, and we all appreciate it.

Mr. GILMAN. I want to thank Congresswoman Maloney. We've worked together on this issue through the last session, and hopefully we'll now see it come to fruition.

Mrs. MALONEY. Absolutely.

Mr. GILMAN. Thank you very much.

Mr. MILLER. Thank you, Mr. Gilman.

Mr. Clay, would you like to make an opening statement? We're kind of a little bit out of order, but I've already done mine.

Mr. CLAY. Do you mind if I share your microphone? Thank you, Mr. Chairman. Let me also thank Mr. Gilman for his testimony. We appreciate that. Thank you.

I appreciate you having this hearing today, and I look forward to the other testimony. There seems to be a groundswell of opinion in Congress that this should happen. At the same time, the Census Bureau keeps telling us that this is a task that is almost impossible to carry out. I must admit, seeing the kinds of errors that occur in trying to count the people in this country, I'm not optimistic that we can do a good job on counting the Americans overseas.

I would like to raise three questions that I would hope that the panels would consider as they discuss the plans for counting Americans overseas. First, what is the purpose of this count? Is it for apportionment, redistricting, State and local boundaries?

Second, how do we define the universe of who should be counted? Should it be all citizens? Should it include the foreign spouses and dependents of citizens? Should it include anyone who has ever lived in the United States or only those who vote?

Third, what is the implication of adding this voluntary component to the Census? In the United States people are required by law to cooperate with the census. There is no way of demanding or enforcing cooperation overseas and, thus, participation is strictly voluntary.

The politics of who gets counted in the census is an interesting one. One of the shameful compromises of our Constitution was the agreement to count slaves as three-fifths of a person. Part person, part property. While this was rectified in the 14th amendment the politics of counting African-Americans did not end there. The 14th amendment not only abolished the three-fifths clause, it put in place section two, which says when the right to vote at any election

is denied to any male inhabitant or in any way abridged, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens. In other words, if a State denies former slaves the right to vote, their representation in Congress will be reduced.

The 1870 census was supposed to measure how many male citizens were disenfranchised. According to the census director, the numbers of disenfranchised males was bad and had not been collected properly. In 1880, the question of disenfranchised males was dropped from the census and the enforcement of section two of the 14th amendment became moot. It was not until the passage of the Voting Rights Act of 1965, almost a century later, that Congress addressed the problems of disenfranchisement in the South. As Margo Anderson points out, the men who drafted the 14th amendment wanted to remind Americans of their duty to equal suffrage and civil rights. She goes on to say in that duty the 1870 census failed. It did not maintain the statistics of suffrage restriction and civil rights, and later generations of Americans suffered the consequences of that failure.

The state of Americans overseas is not so severe as that faced by African-Americans between the ratification of the 14th amendment in 1868 and the passage of the Voting Rights Act in 1965. But they are a part of the politics of the census nonetheless. My colleague, Mr. Cannon, awoke to the problem of counting Americans overseas when Utah lost a seat in the House. In the last Congress, Representative Ryan from Wisconsin introduced legislation on where prisoners were counted, because it was clear that Wisconsin was in danger of losing a seat.

Former Census Director Kenneth Pruitt was fond of calling the census an American celebration. It is understandable that Americans living overseas would want to be a part of that celebration, particularly those who intend to return. But another part of the census is fairness. If in the process of including Americans overseas in this celebration we disrupt the fairness and equity of the census, we have done the job badly, just as the Census Bureau did in 1870, when they dropped the ball on suffrage.

I look forward to today's discussions, and I hope that we can keep our eyes on fundamental questions of the purpose of this count, who gets counted and how including this count in the census affects others.

Thank you Mr. Chairman. I appreciate that opportunity.

[The prepared statement of Hon. Wm. Lacy Clay follows:]

**STATEMENT OF THE HONORABLE  
WM. LACY CLAY  
before the  
Subcommittee on the Census**

**“Americans Abroad, How Can We Count Them?”**

**Thank you Mr. Chairman. I appreciate you having this hearing today, and I look forward to the testimony we are about to hear. There seems to be a ground swell of opinion in Congress that Americans overseas should be counted in the census. At the same time, the Census Bureau keeps telling us that this is a task that is almost impossible to carry out. I must admit, after observing the kinds of errors that occur in counting the people in this country, I am not optimistic that we can do a good job on counting Americans overseas.**

**I would like to raise three questions that I would hope that the panel would consider as they discuss the plans for counting Americans overseas. First, what is the purpose of this count? Is it for apportionment, redistricting, state and local boundaries?**

**Second, how do we define the universe of who should be counted? Should it be all citizens? Should it include the foreign spouses and dependents of citizens? Should it include anyone who has ever lived in the United States?**

Should it include only those who vote?

Third, what is the implication of adding this “voluntary” component to the census? In the United States, people are required by law to cooperate with the census. There is no way of demanding or enforcing cooperation overseas, and thus, participation is strictly voluntary.

The politics of who gets counted in the census is an interesting one. One of the shameful compromises of our Constitution was the agreement to count slaves as three-fifths of a person – part person, part property. While that was rectified in the Fourteenth Amendment, the politics of counting African Americans did not end there.

The Fourteenth Amendment not only abolished the three-fifths clause, it put in place Sec. 2 which says “when the right to vote at any election...is denied to any male inhabitant..or in any way abridged...the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens...” In other words, if a state denies former slaves the right to vote, their representation in Congress will be reduced.

The 1870 census was supposed to measure how many male citizens were disenfranchised. According to the census director, the numbers on disfranchised males were incorrect and had not been collected properly. In 1880, the question of disenfranchised males was dropped from the census, and

the enforcement of Sec. 2 of the Fourteenth Amendment became moot. It was not until the passage of the Voting Rights Act almost a century later that Congress addressed the problems of disfranchisement in the South. As Margo Anderson points out, the men who drafted the Fourteenth Amendment wanted to remind Americans of their duty to equal suffrage and civil rights. She goes on to say, "In that duty, the 1870 census failed. It did not maintain the statistics of suffrage restriction and civil rights, and later generations of Americans suffered the consequences of that failure."

The state of Americans overseas is not so severe as that faced by African Americans between the ratification of the Fourteenth Amendment in 1868 and the passage of the Voting Rights Act in 1965. But they are a part of the politics of the census nonetheless. My colleague, Mr. Cannon awakened to the problem of counting Americans overseas when Utah lost a seat in the House. In the last Congress, Rep. Ryan from Wisconsin introduced legislation on where prisoners were counted, because it was clear that Wisconsin was in danger of losing a seat.

Former Census Bureau Director Kenneth Prewitt was fond of calling the census an American celebration. It is understandable that Americans living overseas would want to be a part of that celebration – particularly those who intend to return. But another part of the census is fairness. If, in the process of including Americans overseas in this celebration, we disrupt the fairness and equity of the census,

**we have done the job badly, just as the Census Bureau did in 1870 when they dropped the ball on suffrage.**

**I look forward to today's discussion, and I hope that we can keep our eyes on fundamental questions of the purpose of this count, who gets counted, and how including this count in the census affects others.**

**Mr. Chairman, I ask unanimous consent to submit my statement to the record.**

Mr. MILLER. Thank you, Mr. Clay. Mr. Betancourt gave his statement. If you'd come forward, I think we have a few questions and then we'll continue and get back to the schedule here.

Let me start with some questions about who the U.S. citizens are in countries. And I guess it's quite different from country to country, from a Canada to an El Salvador to an Israel to an India, I guess.

Mr. BETANCOURT. There's an enormous diversity of persons who are long term, short term, sometimes a generation or two. Our citizenship laws are written in such a way that citizenship will not extend indefinitely. It will not extend, for example, beyond the stage of which a grandparent will have lived in the United States. So you—those laws preclude successive generations of absentee Americans. But that said, again, there's quite a mix and it varies from country to country. In places like Mexico, for example, we know that we estimate that we have somewhere between 800,000 and a million American citizens. There are other countries, very small countries, where we have a very good number in terms of the—there's a high percentage of people who register because the country—

Mr. MILLER. What countries would have the best percentage registered would you say?

Mr. BETANCOURT. Well, to generalize, it would be a country, for example, that might be experiencing instability. We find that the highest registration levels occur in countries where there is some threat or need of evacuation or some civil unrest. Very often these are smaller countries. The other end of the spectrum are countries in Western Europe. I've mentioned Canada and Mexico, where we have a very small percentage of Americans who register. And then there are a great number of countries which are in between.

Mr. MILLER. You have to have U.S. citizenship to have a passport, can you generalize, how many people with U.S. passports have no intent of ever coming to the United States? I mean a U.S. passport is one of the most valuable commodities probably abroad.

Mr. BETANCOURT. Yes.

Mr. MILLER. And maybe because that person was born in the United States, I mean how often does that happen and can you generalize at all about—

Mr. BETANCOURT. It's very difficult to generalize. The passport is valid for 10 years. There is no law that requires that a person who is born a citizen ever return to this country. They can—a person can remain a citizen and be abroad indefinitely and at least for a generation or two. They could either have been born abroad as U.S. citizens and never return to this country. But it is very difficult. As I mentioned in the testimony, they are too mobile a population to estimate how many people who get U.S. passports have no intention of coming here. Generally, the reverse is true. Most people who obtain passports have fairly immediate travel plans. We know that in many instances people who apply for passports take only one trip in their life. They live in the United States. We issue 7 million passports a year and that's the purpose of getting a passport. So there's not even a direct correlation between the number of passports and the number of citizens abroad because most people who have passports use them for travel.

Mr. MILLER. I remember being questioned in Central America about a child who was born in the United States and then the parents return to their own country. But that child is a U.S. citizen.

Mr. BETANCOURT. Under the 14th amendment, yes.

Mr. MILLER. Right. But would parents normally get a passport for that child? Because that costs money.

Mr. BETANCOURT. Well, it does and it is not a requirement that a person have a U.S. passport to travel in the Western hemisphere. It would be simply discretionary, although there are instances when our own government does not require the person to apply for a passport. But, for example, the country of destination in Central America may require the person enter on a U.S. passport. Such a child, though, would probably also be a citizen of, say, Costa Rica or Guatemala.

Mr. MILLER. Explain dual citizenship. How does that work?

Mr. BETANCOURT. Well, dual citizenship occurs in precisely the circumstance that you just named. That is where the child acquires one citizenship, for example, through the parents and the other citizenship by virtue of the place of birth. Or the child has parents, one of whom is a U.S. citizen, the other of whom is a citizen of another country. Again, that is a fairly common, I have to say increasingly common, circumstance that we see. Now, the U.S. law does not operate to automatically strip that person of U.S. citizenship. The laws of the other country may or may not do so. But in many instances we are aware of, and again with the increasing number of marriages between people from different nations, there are increasing numbers of dual nationals and that's simply a fact of life that we live with.

Mr. MILLER. If someone is a dual citizen, for example say with Israel, do they pay taxes in both countries?

Mr. BETANCOURT. The laws relating to taxation have to do with income and residency and factors which include, but go beyond, nationality. We have to occasionally acquaint ourselves with them. And I have found no simple formula which is applicable in terms of citizenship and many times there are filing requirements but there may not be taxes paid.

Mr. MILLER. You mentioned that the estimate in Mexico is 800,000 to a million U.S. citizens. How do you come up with that estimate?

Mr. BETANCOURT. Our Embassy in Mexico City, using both registration records, immigration records, information from a variety of sources, has come up with that estimate. It's—in fact, I checked on that number yesterday because I myself was a little bit skeptical about it, and because I was familiar with the number 800,000. I was told that the more recent estimate was that it was more likely closer to a million, but again that just shows you how wide ranging these numbers can be.

Mr. MILLER. Do you have any idea of the state of residence of, say, the people overseas?

Mr. BETANCOURT. Among the information that is solicited in the registration process, usually is a U.S. home address, if in fact there is one.

It is not a category that we routinely keep track of. We may look at the registration for the purpose of contacting somebody in terms

of an emergency. But we don't, because there is no purpose served by our, for example, compiling states of residence. They are U.S. citizens overseas and our services are available to them without regard to their home State of residence.

Mr. MILLER. Thank you. Mrs. Maloney.

Mrs. MALONEY. I want to thank the gentleman for his service. And I agree with the chairman that your participation is one of the most important in our whole foreign affairs. I think that we really need to know what are we going to use this for.

Now, if it were just to learn something, maybe there wouldn't be this great opposition to counting Americans abroad. But are we going to use it for apportionment, redistricting State and local boundaries? I guess that is not really a question to ask you, but I am just saying that sometimes people object to it because they don't know what the ramifications are going to mean in terms of reapportionment, which is highly political and highly powerful, and is really the root of government.

So we really don't know what the purpose of it is or what we are going to use it for, and I think that question needs to be addressed, probably before we go forward or maybe we just define that we are not going to do anything with it, we are just going to learn and just try to get an understanding of what the ramifications are going to be.

Second, my colleague, Mr. Clay, raised the point, who should the universe be? And I think that is a fair question to ask you as an American citizen, not in your own—you have a lot of great experience from this living abroad many years and the positions you have held.

But should it be all citizens? Should it include foreign spouses, dependents of citizens? Should it include anyone who has ever lived in the United States? Do you have a sense of—should it only be people who vote? Who do you think this universe should be?

See, I think that there are those fundamental questions that people see and don't go forward because the fundamental questions haven't been answered.

I wonder, who do you think the universe should be?

Mr. BETANCOURT. Well, that is a little bit beyond the scope of my testimony. To the extent—

Mrs. MALONEY. I am asking you as an American citizen. Common sense, who do you think it should be?

Mr. BETANCOURT. Well, that is difficult. I mean, I would—it was my presumption really that we were talking about U.S. citizens. We know that for many purposes in terms of our dealing with people, we are dealing with situations in which the U.S. citizen is a member of a family. The other family members may or may not be U.S. citizens. You have a circumstance which might be fairly common where one of the spouses is a U.S. citizen, all of the children are U.S. citizens, but the other spouse is not a U.S. citizen. That is a family unit.

But it really depends upon the purpose. Those questions come first. And I would think the purpose would define the universe.

Mrs. MALONEY. And in our census here, of course, here in the United States we count everybody, citizen and noncitizen. But, the importance of that is that we need to know demographically what

is happening in our own country. Possibly in a foreign country we don't need such a universe of information. So maybe defining it more pointedly might help us get to the solution faster.

Mr. BETANCOURT. And our estimates are just solely for the purpose of deciding how many people we need in a given country, because there is a correlation, although it is a rough correlation, between the number of citizens and the number of services that are going to be required.

The other reason is for in the event of there being an extreme emergency, whether there may be a need to evacuate people. So our estimates are based solely on those very needs.

Mrs. MALONEY. Then there is another point that the chairman raised, and Mr. Clay also raised it, that in our Nation we call it the great civic ceremony. It is not voluntary, it is really required by law. There are very few responsibilities that are defined for the American citizen, and one that is clearly defined in the Constitution is that we must be counted every 10 years, every American resident.

That is not in the Constitution for people who decide to live abroad. It is a voluntary component. Anything that is voluntary may possibly skew the numbers, and that is another aspect that raises concerns that we have many questions about.

In any event, I think that with the global economy, which is a reality, we are living and participating for the American economy in many cases in foreign countries, and I feel that has raised really the importance of counting Americans abroad even more.

In any event, I thank you for your service and your testimony. And if you have any other ideas that could help us with these questions, get back to us, and thank you for being here.

Mr. BETANCOURT. Thank you.

Mr. MILLER. Thank you, Mrs. Maloney. As we go through this process, I am sure that we will be relying on the State Department for input, as well as the Census Bureau.

Have you all been meeting with the Census Bureau at all?

Mr. BETANCOURT. Yes, we have. Earlier this summer we did have a visit from a number of Census Bureau personnel. They inquired about precisely the estimates that I referred to in my testimony, the estimates of Americans that are based upon considerations of workload and evacuation planning purposes.

They asked how we developed those estimates, what the factors are that are used in compiling them. It is my understanding that they received country by country reports of our current estimates.

So we have had several meetings with them at my office in the last 2, 3 months.

Mr. MILLER. Well, that is encouraging. Thank you very much. Thank you for being here today.

We'll take a very brief break while the four members of the next panel would step forward, and we'll get the name tags changed. If you all remain standing.

[Witnesses sworn.]

Mr. MILLER. Let the record show that, let's see, Mr. McClelland, Mr. Fina and Mr. Gribble said I do.

Mr. Fina is the executive director for the Democrats Abroad. Mr. Gribble is representing Republicans Abroad. Mr. McClelland is tes-

tifying today on behalf of American Business Council of Gulf Countries, and Mr. Marans is here on behalf of American Citizens Abroad, the Association of American Residents Overseas and the Federation of American Women's Clubs Overseas.

Let me thank you all for being here, and we'll have opening statements. We are going to try to stick with the 5-minute rule. There is a little timer here. We have your written statement. If you want to just not read it, that would be fine, however you all want to proceed.

And so we'll begin with Mr. Fina.

**STATEMENTS OF THOMAS FINA, EXECUTIVE DIRECTOR, DEMOCRATS ABROAD; L. LEIGH GRIBBLE, MEMBER AT LARGE, EXECUTIVE COMMITTEE, REPUBLICANS ABROAD; T.B. "MAC" McCLELLAND, AMERICAN BUSINESS COUNCIL OF THE GULF COUNTRIES; AND EUGENE MARANS, ATTORNEY, REPRESENTING THE ASSOCIATION OF AMERICANS RESIDENT OVERSEAS [AARO], AMERICAN CITIZENS ABROAD [ACA], AND FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS [FAWCO]**

Mr. FINA. Mr. Chairman. First of all, let me say that I am disappointed to learn that you are planning to step down from this position. We have been looking forward to your continuing, because this is a long-range job and you know so much more about it than any of the rest of us, and we are counting upon you to see it through. So we hope that—

Mr. MILLER. We are going to get a lot done in the next year and a half. Thank you.

Mr. FINA. Mr. Chairman, Mrs. Maloney, and members of the subcommittee. My name is Tom Fina, and I am the executive director of Democrats Abroad. I have been doing this now for 16 years. Before that I was a Foreign Service officer. I was Consul General and I served as general manager of an American corporation in Italy.

Democrats Abroad has about 30 chapters around the world. We have got about 10,000 adherents. We encourage Americans abroad to vote. We try to represent their interests here in the United States. We have been doing that now for about 40 years.

We thank you for the opportunity to testify before your committee. Let me begin by thanking you, the subcommittee, for its very important support of the House decision on July 18th to allocate \$2.5 million for planning to include overseas Americans in the census in 2010.

This is a milestone in the long process of getting this count, and it is an objective that my colleagues here and the organizations which we represent have all been fighting for for many years.

So we are grateful. We hope that you will now move to direct the Bureau of the Census to conduct a preliminary count in 2004, as provided in Congressman Maloney's bill H.R. 680. That would be a very important step.

Ideally, we should like to see an enumeration of Americans abroad to be sufficiently accurate that it would rise to the level required for apportionment. We know that no one knows at this particular point how reliable the census data will be, and that is why we would like very much to see a preliminary count done in 2004

to smoke out both the possibilities and the limitations of a count in 2010.

Only the professionals in the Bureau of the Census are in a position to imagine and to design a meaningful Census for Americans abroad that will be subjected to a minimum of litigation. They have the professional skills and the network of professional relations with foreign governments, statistical agencies to know how to approach this terra incognita.

We know that the design of a meaningful census will take time, resources and testing. For our part, we are ready to work with the other overseas citizen organizations and the Bureau of the Census to help wherever we can.

But it will only be after we have seen the results of the best efforts of the Bureau of Census that you and we will be able to judge the quality of the data gathered.

Even if it is not up to the standards required for apportionment, there are other benefits in this exercise that completely justify the expansion of our statistical x ray of our whole citizen body.

A census will respond to the patriotic desire of the American community around the world to be counted, to be measured, to be seen in its proper proportions as a dynamic part of our society. It will reveal the importance to our economy and to our society of our overseas citizens. And the conduct of the census will help to dispel the notion so prevalent among Americans abroad that our government doesn't care about their interests and values, their contribution to the well-being and the richness of our society.

An enumeration will help the Congress, the executive branch and the public to measure the adequacy of the resources provided to the Department of State, to the Department of Commerce, and to other Federal agencies for the provision of services to Americans abroad.

There has been a sharp decline in the post-war period in the number of consular posts abroad and therefore in the availability of government services to American citizens and to American business abroad.

It is in the national interest that these services continue to be adequate.

In the same way an accurate count showing geographical distribution and demographic composition will be of significant assistance to those Federal agencies responsible for planning emergency evacuations and assistance to American citizens in times of natural disaster and political turmoil. This is a major task and a service on which Americans count upon their government when things get tough.

One of the sorest points, Mr. Chairman, for overseas American citizens is the denial to them of Medicare benefits while outside of the United States. Although they pay their Medicare premiums with their taxes, overseas Americans must return home to enjoy the benefits of coverage. The demand for an extension of Medicare to qualified citizens abroad is a political problem that will not go away until this need is met.

We need to know the dimensions of the Medicare qualified universe abroad and an actual projection of its dimensions in the out-years.

Mr. MILLER. If you can try to bring it to a conclusion.

Mr. FINA. I think there are other benefits. But let me say the things that we think should be included in the census. We should like to know of course the numbers. We would like to know the age of those who are counted, whether they have an additional nationality, the nationality of their spouse, the nationality of their children, their occupation and profession, their income, both foreign and domestic, their country of residence abroad, their voting residence in the United States, the date of their last vote in the United States, the nature of their medical insurance and their Social Security coverage.

Mr. Chairman, that is a tall order, but we know that the Bureau of the Census is likely to be able to figure out a way to do it, and we believe that it is essential that be done.

Thank you for the opportunity to speak.

[The prepared statement of Mr. Fina follows:]



Statement  
to the  
Committee on Government Reform  
Subcommittee on the Census  
House of Representatives  
Washington, D.C.  
July 26, 2001  
by  
Thomas W. Fina  
Executive Director  
Democrats Abroad

Mr Chairman, Mr Clay, Members of the Subcommittee;

My name is Thomas Fina. I am the Executive Director of Democrats Abroad, the overseas arm of the Democratic Party. I have served in this capacity as a full-time volunteer for 16 years. I am also a retired United States Foreign Service Officer, a former Consul General and the former General Manager of an American corporation in Italy.

Democrats Abroad has 30 chapters around the world. With some 10,000 adherents, it has been active in encouraging the participation of overseas Americans in our democratic process and representing their interests at home for almost 40 years.

We are honored to be given this opportunity to make some further input to the deliberations of your Subcommittee. Our

chair, Joseph Smallhoover, who testified before this Subcommittee on our behalf in June 1999, regrets that he is unable to meet with you himself because of conflicting engagements in Europe. He has authorized me to represent Democrats Abroad in speaking with you today.

Let me begin by thanking the Subcommittee for its very important support for the House decision on July 18 to allocate \$2.5 million for the planning to include overseas Americans in the decennial census of 2010.

This is a milestone in the history of the American community abroad. It is the fulfillment of the first step on the road to the enumeration of Americans citizens overseas so long sought, not only by our organization, but by our Republican counterparts and the other important overseas organizations led by the Federation of American Women's Clubs Overseas (FAWCO), American Citizens Abroad (ACA) and Association of Americans Resident Overseas (AARO).

We thank you and congratulate you for a significant bipartisan decision. We hope that you will now move to direct the Bureau of the Census to conduct a preliminary count in 2004 as a part of its planning for 2010 as provided in Congresswoman Maloney's bill HR 680.

The design of a census must begin with a conception of its purpose.

Ideally, we should like to see an enumeration of Americans abroad of such a high level of accuracy that it would meet the requirements of the Congress for the purposes of apportionment.

We realize that this is a very high bar but that it must be high for this constitutional purpose.

We also realize that at this point no one knows how reliable a census will be. It is precisely for that reason that we are eager for a preliminary census in 2004 to smoke out both the possibilities and the limitations of a count in 2010. We believe that only the professionals in the Bureau of the Census are in a position to imagine and design a meaningful census of Americans abroad. Only they have the professional collection and analytical skills as well as the network of professional relations with foreign government statistical agencies to know how to approach this terra incognita. We know that the design of a meaningful census will take time, resources and testing.

We want to assure the Subcommittee and the Bureau of the Census that we are ready to work with other overseas civic organizations and the Bureau of the Census to provide input which can be of great help supporting its count of Americans abroad and to get the most accurate count possible.

It will only be after we have seen the results of the best efforts of the Bureau of the Census that you and we will be able to judge the quality of the data gathered. We hope that it will meet the level required for apportionment. But, even if it does

not, there are a number of benefits that completely justify this expansion of our statistical x-ray of our whole citizen body.

The conduct of a census will respond to the patriotic desire of the American community around the world to be counted, to be measured, to be seen in its proper proportions as a dynamic part of our society. It will reveal the importance to our economy and to our society of our overseas citizens. Conduct of the census will help to dispel the notion so prevalent among American voters abroad that our government doesn't care about their interests and undervalues their contribution to the well-being and richness of our society.

An enumeration will help the Congress, the Executive Branch and the public to measure the adequacy of the resources provided to the Department of State, the Department of Commerce and other federal agencies for the provision of services to Americans abroad. In these post-war years there has been a sharp decline in the number of consular posts abroad and, therefore, in the availability of government services to American citizens and businesses abroad. It is in the national interest that these services continue to be adequate. Knowing with greater precision than the estimates made for so many years by the Department of State will provide an authoritative foundation for trying to match legitimate need for consular support with necessary resources. As one who participated in submitting estimates from my own consular district, I can assure you that it is (or was) more intuitive than scientific.

In the same way, an accurate count showing geographical distribution and demographic composition will be of significant assistance to those federal agencies responsible for planning emergency evacuation and assistance to American citizens in times of natural disaster or political turmoil. This is a major task and a service on which Americans count upon their government when things get tough. We want to do it right.

One of the sorest points for overseas American civilians is the denial to them of Medicare benefits while outside the United States. Although they may pay their Medicare premiums with their taxes, overseas Americans must return home to enjoy its coverage. The demand for an extension of Medicare to qualified citizens abroad is a political problem that will not go away until this need is met.

It will be important for the Executive Branch, the Congress and our public to know the precise dimensions of the Medicare qualified universe abroad and to have an actuarial projection of its dimensions in the out years. Only with such exact information in hand will we, as a nation, be able to honor our commitment to all of our senior citizens for the medical care which they deserve and for which they are paying.

Those in government concerned with our immigration and naturalization policies will also benefit from an accurate measure of the American population abroad. It will be useful to know how many children with one or more American parents are eligible for citizenship.

While none of us is very enthusiastic about paying taxes, the collection of accurate census data will also be of value to our federal tax authorities. There is no doubt that the confidentiality of individual census information is strictly protected by statute. But the consolidated data by country should be a valuable resource for our tax authorities to help assure the fairness of tax collection and for the negotiation of tax treaties with host countries to protect citizens from double taxation.

These benefits for the agencies of the federal government will be matched by the benefits to the private sector. We all know the indispensable role in our market system of the whole range of sophisticated demographic statistics provided by the Bureau of the Census about residents of the United States. Our business and commercial community will reap comparable benefits from demographic data about our overseas citizens.

Finally, speaking as one directly concerned with the right of Americans abroad to vote, the creation of a census database will be of enormous value in assuring that our system of overseas voting is fair. When someday we at last have statistics from the several states about the numbers of their overseas voters and where they reside abroad and when we have federal census figures that tell us how many Americans live abroad and where, we will be able better to measure the extent of overseas voter participation. We will be better able to judge whether overseas voters are being given the access they expect and deserve to our federal election process. We will have a better idea of what needs to be done to fix the system where it may be

broken.

Mr Chairman, let me close with an enumeration of some of the elements that we would hope the Bureau of the Census could, at an appropriate stage of its enumeration and using appropriate methods, include in its gathering of information.

We should like, above all, to know the total number of Americans resident abroad. In addition, it would be very valuable to record their age; whether they have an additional nationality; the nationality of their spouse; the nationality of their children; their occupation and profession; their income both foreign and US earned as well as passive; their country, city and postal code of residence abroad; their voting residence in the US by postal code; the date of their last voting in the United States; the nature of their medical insurance coverage and their Social Security status.

The collection of some of these data will be seen as intrusive, just as it is here at home. The Bureau of the Census has collected such data using the long form in the most recent decennial census. Perhaps that approach would be applicable overseas as well.

Thank you again, Mr Chairman, Mr Clay and Members of the Subcommittee, for hearing our views about the of designing a census of Americans resident abroad. If I am able, I would be glad to respond to any questions that you might have.

Mr. MILLER. Thank you.

Mr. Gribble.

Mr. GRIBBLE. Yes. Good afternoon, distinguished chairman and committee members. My name is Leigh Gribble. I am a retired naval officer and the owner of a consulting firm that is incorporated and registered in the State of Florida.

My family and I have lived in Kuwait in connection with my military service and now my business for the past 9 years. However, we pay taxes and vote in Florida's Fourth Congressional District, which is where we hope to return to live full-time within the next few years.

Among the various civic activities that I am involved with overseas and within the United States, I am honored to serve as vice chairman of the American Business Council of the Gulf Countries, and as a member of the Executive Committee of Republicans Abroad.

Today I am testifying on behalf of Republicans Abroad, the international arm of the Republican Party, which has over 13,000 members in approximately 60 countries.

I am humbled today as I was on June 9, 1999, when I was privileged to appear before this august committee prior to the 2000 census to give voice to the concern of thousands of my fellow Republicans around the world.

I am also saddened today that my appearance here is warranted by the fact that there is still an ongoing debate in Washington as to whether American citizens overseas should be treated on an equal basis with their fellow citizens resident in the United States with regard to being included in the decennial census.

Rather than take up your valuable time reiterating the points that I made in my previous testimony, I would respectfully request, Mr. Chairman, that you accept my testimony from your June 9, 1999 hearing as attached to my written testimony today for inclusion in the record of this hearing.

Mr. MILLER. Without objection we'll include it.

Mr. GRIBBLE. Thank you. I would like to offer some additional thoughts on why it is imperative from the standpoints of accuracy and fairness to include overseas Americans in the census process.

The mission of the Census Bureau is to accurately enumerate our growing population through the decennial census process. However, this mission has never been completely fulfilled due to the simple fact that private Americans living overseas are not included in the census.

The population of Americans living and working abroad is estimated to be at least 6 million U.S. citizens, a population larger than that of 24 individual States in America. Imagine if 1 of those 24 States was excluded from the census.

The residents of that State would conclude that the government views them as invisible U.S. citizens. This is the status which American citizens in the private sector abroad currently find themselves in because they are not included in the census.

Americans living abroad are vital to the competitiveness of the United States on the global economic stage. Overseas Americans directly represent U.S. business and trade interests, market our

goods and services, and are truly Ambassadors of our culture and the American way of life.

Indeed, they are anything but invisible, because they are actively promoting our Nation's beliefs, values and trade. Their pro bono work in promoting U.S. products and services is of critical importance to the U.S. Department of Commerce's efforts to enhance overseas trade, and yet Commerce's own Census Bureau does not consider it critical to enumerate them. Private Americans overseas certainly matter to the U.S. economy and they should matter to the Census Bureau, too.

Over the past few years Republicans Abroad has conducted town hall style events in more than 47 nations. Many of these events included Members of Congress. During these forums, overseas Americans consistently expressed a strong desire to be counted in the decennial census.

They do so for several reasons. First, they believe it is the duty of the Census Bureau to be as accurate as possible in detailing the current population of the United States. It is impossible for the Census Bureau to conduct a truly accurate census while knowingly excluding a large population of Americans simply because they are overseas. By not counting Americans abroad, the Census Bureau cannot credibly state that the census is accurate.

Second, Americans overseas can and do vote. They must pay U.S. income taxes and they are inextricably linked to their home communities in America. By excluding them from the census the U.S. Government denies these American citizens equal protection under the law. They are not considered in apportionment for representation in Congress, nor in the allocation and distribution of Federal funds and benefits that are determined by population figures.

The U.S. Government collects overseas Americans' tax dollars willingly enough, but they are not willing to count these overseas citizens and provide them with the same funding and benefits that they provide to all other American citizens. This is just plain wrong, and certainly violates the Constitution's guarantee of equal protection for all Americans.

Third, the Census Bureau enumerates Federal employees working abroad in the census, but they discriminate against private Americans, those who do not work for the government by not counting them. All overseas Americans deserve to be included in the census regardless of their employment status or who their employer is. Again, why should private American citizens overseas be denied equal protection?

Fourth, the Census Bureau has routinely argued that counting overseas Americans would be too complex, too expensive, and nearly impossible to do. They claim that overseas Americans would be difficult to locate. However, when income taxes are due, the Internal Revenue Service seems to know the location of virtually every American abroad.

How come the IRS can find overseas Americans but the Census Bureau says they cannot? Americans abroad can be found. They are eager to participate in the decennial census and it is their right to be counted.

Republicans Abroad hopes that in the interests of fairness and accuracy, our elected officials in Congress and the administration

will on a bipartisan basis ensure that the Census Bureau enumerates our citizens overseas in the 2010 census and in every decennial census to come.

To that end we ask that you take whatever steps are necessary to accomplish this, including giving your full and careful consideration to supporting H. Res. 1745, the Full Equality for Americans Abroad Act, which has been offered by Representatives Ben Gilman and James Moran.

Thank you for allowing me to testify today.

[The prepared statement of Mr. Gribble follows:]

Testimony of L. Leigh Gribble  
before the  
U.S. House of Representatives Committee on Government Reform,  
Subcommittee on the Census  
July 26, 2001

Good morning distinguished Chairman and Committee members, my name is Leigh Gribble. I am a retired naval officer and the owner of a consulting firm that is incorporated and registered in the State of Florida. My family and I have lived in Kuwait, in connection with my military service, and now my business, for the past nine years. However, we pay taxes and vote in Florida's Fourth Congressional District, which is where we hope to return to live full time, within the next few years.

Among the various civic activities that I am involved in overseas and within the United States, I am honored to serve as the Vice Chairman of the American Business Council of the Gulf Countries and as a member of the Executive Committee of Republicans Abroad.

Today, I am testifying on behalf of Republicans Abroad, the international arm of the Republican Party. I am humbled today, as I was on June 9<sup>th</sup>, 1999, when I was privileged to appear before this august Committee prior to the 2000 Census, to give voice to the concerns of thousands of my fellow Republicans around the world. I am also saddened today, that my appearance here is warranted by the fact that there is still an ongoing debate in Washington, as to whether American citizens overseas should be treated on an equal basis with their fellow citizens resident in the United States with regard to being included in the decennial Census. Rather than take up your valuable time reiterating points that I made in my previous testimony, I would respectfully request, Mr. Chairman, that you accept my testimony from your June 9<sup>th</sup>, 1999 hearing, as attached to my written testimony today, for inclusion in the record of this hearing.

Respectfully assuming that you will accede to my request, I would like to offer some additional thoughts on why it is imperative from the standpoints of accuracy and fairness.

The mission of the Census Bureau is to accurately enumerate our growing population through the decennial Census process. However, this mission has never been completely fulfilled due to the simple fact that private Americans living overseas are not included within the Census. The population of Americans living and working abroad is estimated to be at least six million U.S. citizens – a population larger than that of twenty-four individual states in America.

Imagine if one of these twenty-four states was excluded from the Census. The residents of that state would conclude that the government views them as “invisible” U.S. citizens. This is the predicament which American citizens in the private sector abroad currently face because they are not included in the Census.

Americans living abroad are vital to the competitiveness of the United States on the global economic stage. Overseas Americans directly represent U.S. business and trade interests, market our goods and services, and are truly ambassadors of our culture and the American way of life. Indeed, they are anything but “invisible” because they are actively promoting our nation’s beliefs, values, and trade. Their pro bono work in promoting U.S. products and services is of critical importance to the U.S. Department of Commerce’s efforts to enhance overseas trade, and yet Commerce’s own Census Bureau does not consider it critical to enumerate them. Private Americans overseas certainly matter to the U.S. economy and they should matter to the Census Bureau too.

Over the past few years, Republicans Abroad has conducted town hall style events in more than forty-seven nations, and many of these events have included Members of Congress. During these forums, overseas Americans consistently express a strong desire to be counted in the decennial Census. They do so for several reasons.

First, it is the duty of the Census Bureau to be as accurate as possible in detailing the current population of the United States. It is impossible for the Census Bureau to conduct a truly accurate Census while knowingly excluding a large population of Americans simply because they are overseas. By not counting Americans abroad, the Census Bureau cannot credibly state that the Census is accurate.

Second, Americans overseas can and do vote, they must pay U.S. taxes, and they are inextricably linked to their home communities in America. By excluding them from the Census, the United States government denies these American citizens equal protection under the law. They are not considered in apportionment for representation in Congress, nor in the allocation and distribution of Federal funds and benefits that are determined by population figures. The U.S. government collects overseas Americans’ tax dollars willingly enough, but they are not willing to count these overseas citizens and provide them with the same funding and benefits that they provide to all other American citizens. That is just plain wrong and, certainly, violates the Constitution’s guarantee of equal protection for all Americans.

Third, the Census Bureau enumerates Federal employees working abroad in the Census, but they discriminate against private Americans, those who do not work for the government, by not counting them. All overseas Americans deserve to be included in the Census regardless of their employment status or who their employer is. Again, why should private American citizens overseas be denied equal protection?

Fourth, the Census Bureau has routinely argued that counting overseas Americans would be too complex, too expensive, and nearly impossible to do. They claim that overseas Americans would be difficult to locate. However, when taxes are due, the Internal Revenue Service seems to know the location of virtually every American abroad. How come the IRS can find overseas Americans, but the Census Bureau says they can not? Americans abroad can be found, they are eager to participate in the decennial Census, and it is their right to be counted.

Republicans Abroad hopes that in the interests of fairness, accuracy, and accountability, our elected officials in Congress and in the Administration will, on a bipartisan basis, ensure that the Census Bureau enumerates our overseas citizens in the 2010 Census and in every decennial Census to come. To that end, we ask that you take whatever steps are necessary to accomplish this, including, giving your full and careful consideration to supporting H.R. 1745, *The Full Equality for Americans Abroad Act*, offered by Representatives Ben Gilman and James Moran. Thank you.

This concludes my oral testimony.

I, and the organizations represented in this testimony, do not receive any financial support or benefit from the Federal Government through grant, aid or contract.

Attachment: Testimony of L. Leigh Gribble before the U.S. House of Representatives Committee on Government reform, Subcommittee on the Census, June 9, 1999

Testimony of L. Leigh Gribble  
before the U.S. House of Representatives Committee on Government reform,  
Subcommittee on the Census  
June 9, 1999

Good morning distinguished Chairman and Committee members, my name is Leigh Gribble. I am a retired naval officer and the owner of a consulting firm that is incorporated and registered in the State of Florida. My family and I have lived in Kuwait, in connection with my military service, and now my business, for the past seven years. However, we pay taxes and vote in Florida's Fourth Congressional District, which is where we hope to return to live full time, within the next few years.

As the Secretary of the American Business Council of the Gulf Countries and a member of the Executive Committee of Republicans Abroad, I am testifying today on behalf of the American Chambers of Commerce abroad and the international arm of the Republican Party. I am humbled today to give voice to the concerns of tens of thousands of American businesspeople and Republicans around the world. These concerns regard our enumeration, or the possible lack thereof, in the 2000 Census. We want to be counted in the Census. We want to be included alongside our fellow American citizens in this critical national event. We are worried, no, I dare say, we are certain, that unless you and your colleagues take action, the Bureau of the Census will exclude us from enumeration in the 2000 Census. In doing so, they will demean our citizenship and our contribution to America, and also, deny us our rightful allocation of federal revenue. We continue to contribute to the federal coffers, even as we live and work overseas, through our payment of personal and corporate U.S. income taxes. Yet, if we are not counted in the Census, our fair portion of those tax dollars will not be returned to our home state and local governments on our behalf. We ask, as citizens and taxpayers, that you do not allow us to be excluded from the rolls of the Census.

Some at the Census Bureau say that Americans overseas do not want to be counted. This is simply not true. The American citizens in the more than 160 country and regional chapters of the American Chambers and Republicans Abroad have stated clearly in words and deeds that they want to be counted. Their support for my appearance here today attests to that tremendous desire to be counted. Further, these Americans have offered to join in partnership with the Census Bureau to facilitate the enumeration of those citizens who are overseas at the time of the Census. We will assist in locating members of the American communities in our respective countries. We will assist in disseminating Census information and forms. We will assist in gathering completed Census forms and forwarding them to the U.S. We want to be counted and we are willing to assist the Census Bureau in any way to accomplish this.

Overseas, the American Chamber of Commerce is very often the hub of the American community. We have very strong ties, within our host countries, to all of the various American social and civic organizations, schools, and of course, U.S. companies. We can, and will, use those ties to get Census information out to, and completed forms back in from, great numbers of American citizens.

By the way, the Board of Directors of the U.S. Chamber of Commerce, the parent organization of most of our American Chambers overseas, is voting today on a resolution supporting the enumeration of overseas Americans in the 2000 Census. We expect that this resolution will be unanimously endorsed and adopted by the U.S. Chamber before this hearing concludes today.

Republicans Abroad has been a source of voter registration and absentee balloting information and assistance to overseas Americans for over 20 years. We can, and will, bring the organizational expertise that we have developed in decades of getting the overseas absentee vote out to bear in assisting the Census Bureau with the counting of U.S. citizens abroad. The Overseas Citizen Census Card that the Census 2000 Coalition has drafted, and their proposed system to distribute and collect them, draws heavily upon our experience in using the Federal Post Card Application for voter registration and ballot requests. Republicans Abroad stand ready, as I'm sure our counterparts in Democrats Abroad do as well, to partner with the Census Bureau to do whatever it takes to count American citizens overseas.

In summary, American businesspeople and Republicans overseas contribute mightily to the fabric of American society, even though we may be far from U.S. shores. We generate U.S. exports and American jobs, we pay U.S. taxes, we are ambassadors of American values and democracy, and we actively participate in the U.S. electoral process. We, Americans, resident abroad, should not be penalized for our overseas contribution to the U.S. Our citizenship should be valued, and we should be counted in the Census, and receive Census derived benefits to the greatest extent possible, in the same manner as our fellow Americans who live in the U.S. We will do our part to ensure that Americans overseas are counted in the 2000 Census. We ask that you do the same.

This concludes my oral testimony.

I, and the organizations represented in this testimony, do not receive any financial support or benefit from the Federal Government through grant, aid or contract.

Mr. MILLER. That was almost exactly 5 minutes. Thank you very much.

Mr. McClelland.

Mr. MCCLELLAND. Sir, I have come from Dubai. If I run over a little bit, please excuse me. Chairman Miller, Ranking Member Clay and members of the House Subcommittee on the Census, thank you for the opportunity to testify today.

I know that I speak for all Americans abroad when I tell you how grateful we are to make our case this afternoon before this subcommittee. My name is Mac McClelland. I am here today on behalf of the American Business Council of the Gulf Countries, a non-partisan nonprofit organization representing the nine American Chambers of Commerce, or AmChams in the Gulf.

In addition to my ABCBG role, I am here today in three other capacities, as President of the American Business Council of Dubai and the Northern Emirates, as a retired Marine Corps officer and, most importantly to me, as a husband and a father of three American children, all of whom are residing with me in the United Arab Emirates.

A decade ago as part of Desert Shield and Desert Storm, I participated in reconnaissance operations inside Kuwait before the air campaign started. I was able to evade the entire Iraqi military. However, I was not able to evade being counted in the decennial census. The Census Bureau found me along with more than 500,000 other American men and woman serving in the Gulf war.

By the time census 2000 rolled around, I had become invisible in the eyes of the Census Bureau, which refused to include me in its enumeration simply because I had retired. I vote and pay taxes in the United States. Yet I was one of the estimated 3 to 10 million private Americans living overseas who are not counted in the decennial census, despite the Census Bureau's claim that everyone counts. And I have a larger one, Everyone Counts. I did get this neat pencil, but I didn't get the census form to go with it.

So why are overseas Americans important to the United States and why do we deserve to be counted, Mrs. Maloney? Willard Workman, vice president at the U.S. Chamber of Commerce states that "in this era of growing globalization Americans working overseas play an essential role in strengthening the U.S. economy, creating U.S.-based jobs, and serving as the world's most effective promoters of U.S. goods and services."

With your permission, Mr. Chairman, I would like to enter the complete text of this letter for inclusion in today's hearing.

Mr. MILLER. Without objection, we will include it in the record. [The information referred to follows:]

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

WILLARD A. WORKMAN  
VICE PRESIDENT, INTERNATIONAL

1015 H STREET, N.W.  
WASHINGTON, D. C. 20062-2000  
202/463-5455  
FAX: 202/463-3114

July 25, 2001

The Honorable Dan Miller  
Chairman  
House Subcommittee on the Census  
114 O'Neill House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

I understand that the House Subcommittee on the Census is holding a hearing tomorrow on the prospects of including all Americans living abroad in the decennial census. I am pleased to learn of the Subcommittee's interest in this issue, and I wish to submit this letter in support of your efforts.

On two separate occasions since 1999, the U.S. Chamber of Commerce has called upon the U.S. Government to count overseas Americans. In the first instance, two years ago, the Chamber called on Congress and the Administration to enumerate U.S. citizens around the globe. In the second instance, as part of the Chamber's "International Economic and Trade Agenda for the New Administration," prepared last December, the Chamber included as one of its policy objectives to "Support U.S. Global Interests by Counting Americans Abroad."

In both cases, our message was clear: The results of these decennial censuses should be used for apportionment, redistricting, and distribution of Federal benefits. In the interest of promoting U.S. business around the world, it is high time for the U.S. Census Bureau to change the way it looks at Americans abroad, one of our nation's most valuable assets.

As you are aware, Mr. Chairman, Americans living and working overseas are an increasingly important segment of the U.S. population. This is a reflection of America's growing globalization and the essential role that the nation's exports of goods, services, and expertise now play in strengthening the U.S. economy and creating U.S.-based jobs. There are at least three million private sector Americans living overseas, and this number appears to be growing at an unprecedented rate.

The Honorable Dan Miller  
July 25, 2001  
Page Two

Nevertheless, the U.S. Census Bureau refuses to count private sector Americans residing abroad, despite the fact that U.S. Government employees working overseas *do* take part in the decennial census and *are* included for purposes of apportionment. The U.S. Chamber of Commerce believes that it is inconsistent and inappropriate Census Bureau policy must be changed to reflect the new realities of what it takes for U.S. companies to do business around the globe. Americans abroad are the world's most effective promoters of U.S. goods and services, and it is time to count the U.S. citizens in the census.

Thirty years ago, which by today's standards might be considered the "old days," it was very difficult to track down Americans abroad with any level of consistency. Today's world is a very different place, in part thanks to international media and the World Wide Web, which enable us to broadcast and receive messages almost anywhere around the globe in a matter of seconds. Practically speaking, assuming that the Internet will be available for the next decennial census in 2010, it should be as easy to reach an American in Beirut, Lebanon, for example, as it is to reach a resident of Lebanon, Pennsylvania. And for purposes of the U.S. economy, it is very likely that the American in Beirut will play a more decisive role in generating business and U.S.-based jobs than will his or her counterpart in Pennsylvania.

In short, Mr. Chairman, the U.S. Chamber of Commerce supports your efforts to enumerate all Americans living and working overseas. It is important to count every American, regardless of where he or she may reside, and the Census Bureau must do its part for U.S. interests and our nation's international competitiveness by reaching out to American communities around the globe.

Thank you in advance, Chairman Miller, for your consideration.

Sincerely,



Willard A. Workman

Mr. McCLELLAND. The AmChams represent much more than just business, however. We often serve as the backbone of the American communities worldwide. We build, invest in, and send our children to American schools abroad. We play a leading role in helping to get out the vote during national and State elections. We serve as a resource for families who have just moved overseas, kind of a "welcome wagon."

We are deeply involved in security measures taken to protect Americans abroad, and more often than not we serve as a vital linchpin on a wide variety of issues between U.S. diplomatic missions and our overseas communities.

My family's story as Americans abroad is not unusual. I retired honorably from the U.S. Marine Corp in 1996 and continued working and residing abroad. I am now a private consultant involved specifically in developing business for U.S. companies and promoting U.S. trade abroad.

My wife, Rhonda, is a member of the American Women's Association, Dubai, a philanthropic organization of 600 American women. Our children, Jonathan, Caroline and Emily either are or soon will be attending the American School of Dubai.

American institutions and the American way of life remain very important to me and my family. The same can be said for every overseas American I know. In encouraging such institutions as Junior Achievement, Little League, Veterans of Foreign Wars, the Scouting Movement, and even the U.S. Chess Federation, we are building people-to-people relationships between the United States and friendly nations all over the world.

Mr. Chairman, if I were the Census Bureau with a mandate from the U.S. Congress to count overseas Americans, I would concentrate my energies on reaching out through the U.S. Diplomatic Missions abroad, American Chambers of Commerce abroad, American citizens groups abroad, and they are all represented here, Republicans Abroad, Democrats Abroad, the American and International Schools, USO, the U.S. military installations abroad, global media in the English language, local overseas media in the English language, U.S.-based organizations with international affiliates, alumni associations at U.S. universities and colleges, major corporations that employ a large number of Americans overseas and U.S.-based food establishments in overseas markets like McDonald's and Burger King.

The Census Bureau worked with more than 25,000 partners here in the United States to get the word out and make Census 2000 a success. There is every reason to believe that if the Bureau forms partnerships with some of the groups that I have just mentioned the Census Bureau's same basic methodology will work for us Americans overseas.

Mr. Chairman, we want to thank you for your leadership and for requiring the Census Bureau to prepare a report this year on what it will take to count Americans abroad.

We would also like to thank Congresswoman Maloney and Congressman Cannon for their respective Census bills. However, the bill that goes to the heart of what our AmChams want is the Full Equality for Americans Abroad Act, H. Res. 1745, promoted on a bipartisan basis by Congressmen Gilman and Moran.

The Gilman-Moran bill is the only legislation introduced to date that requires the Department of Commerce to accomplish two things; that is, to include all Americans abroad in the decennial census and to ensure that the data collected by the Census Bureau are used meaningfully, for apportionment and other purposes.

Without these two elements, any overseas census count is hollow and meaningless, and quite frankly it would be a waste of my tax dollars. Over the years Americans abroad have had to earn the U.S. Government's recognition and respect one battle at a time. In each of our victories the U.S. Congress has played an instrumental role in helping overseas Americans to gain full equality with our fellow Americans living back home here in the United States.

And as Democrats Abroad and others have argued, the Census Bureau counts aliens, convicted felons, persons committed to mental institutions who do not have the right to vote. Shouldn't the Bureau count the millions of Americans abroad who do have that right to vote? And I am not suggesting that there are some overseas who should not be in mental institutions.

But these are just some of the examples of how Americans abroad overcame odds with the active support of Congress to do away with the wrong-headed policies that were long overdue for reform. With help from this subcommittee, we hope to chalk up another victory for common sense because Americans abroad count too.

A year ago, Mr. Chairman, you and Mrs. Maloney directed the Census Bureau to figure out how to count overseas Americans. We will find out very soon how the Bureau intends to do that, on how they have spent the last year.

We sincerely hope that they come up with more answers than they do questions. Last week on the House floor, Mrs. Maloney expressed concern that like Moses, we could be in the desert for 40 years if we do not receive a concrete plan from the Bureau.

We couldn't agree more. And, Mr. Chairman, you hit the nail on the head when you said, it is not fair that Americans abroad are left out of the decennial census just because it is a difficult job to count them. As one overseas American put it, by excluding me from the decennial census my government is telling me that my vote counts and my taxes count, but that I as a U.S. citizen do not.

There is broad bipartisan support for counting all Americans abroad. Let us work together in the weeks ahead to ensure that this count becomes one of the most important and most durable legacies of this subcommittee.

Thank you again for the opportunity, and I will answer any questions that you have.

[The prepared statement of Mr. McClelland follows:]



**STATEMENT OF T.B. "MAC" MCCLELLAND  
MEMBER OF THE BOARD OF DIRECTORS  
AMERICAN BUSINESS COUNCIL  
OF THE GULF COUNTRIES**

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**HEARING BEFORE THE  
SUBCOMMITTEE ON THE CENSUS  
HOUSE GOVERNMENT REFORM COMMITTEE  
ON  
ENUMERATING AMERICANS ABROAD**

**JULY 26, 2001**

**ABCGC C/O INTERCOM INTERNATIONAL CONSULTANTS  
1101 30<sup>TH</sup> STREET, N.W., SUITE 500, WASHINGTON, DC 20007**

Chairman Miller, Ranking Member Clay, and members of the House Subcommittee on the Census: Thank you for the opportunity to testify today. I know that I speak for all Americans abroad when I tell you how grateful we are to make our case this afternoon before this distinguished Subcommittee.

My name is Mac McClelland, and I am here today on behalf of the American Business Council of the Gulf Countries (ABCGC), the nine American chambers of commerce (AmChams) in the Gulf nations of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. The ABCGC was a founding member of the Census 2000 Coalition, established in 1999 with a view to raising U.S. policymakers' awareness of the need to count private Americans abroad in the decennial census. All of the major Americans abroad groups were part of that Coalition, including each of the organizations represented here today, as well as the ABCGC's "sister" AmCham organizations: the Association of American Chambers of Commerce in Latin America (AACCLA), the Asia-Pacific Council of American Chambers of Commerce (APCAC), and the European Council of American Chambers of Commerce (ECACC).

In addition to my ABCGC role, I am here today in three other capacities: as President of the American Business Council of Dubai and the Northern Emirates, as a retired Marine Corps officer and, most important of all, as a spouse and father of three American children living in the United Arab Emirates (UAE).

\* \* \*

A decade ago, Mr. Chairman, as part of Desert Shield/Desert Storm, I participated in operations inside Kuwait, evading the entire Iraqi army and air force. I was able to do that successfully, as evidenced by my appearance here today, but I was *not* able to evade the U.S. Census Bureau. In 1990, I was counted along with more than 500,000 American men and women serving in a war zone in the Saudi desert.

Regrettably, by the time Census 2000 rolled around, I had become "invisible" in the eyes of the Census Bureau, which refused to include me in its enumeration. Despite the fact that I vote and pay taxes in the United States, I was nothing more than a statistic in the eyes of the Census Bureau: one of the estimated 3 – 10 million private Americans living and working overseas, none of whom are counted in the decennial census.

In late 1999, Dr. Kenneth Prewitt, then Director of the Census Bureau, convinced me and millions of other Americans abroad that "Everyone Counts!" He assured us that "No one is left out – the census counts everyone. It matters greatly to this nation – it is the basis for equitable political representation, and for ensuring that every community receives its fair share of public funds and private investment."

Well, I guess Census 2000 wasn't a total washout for the McClelland family. We weren't counted, but we *did* receive this nifty Census 2000 pencil, which admonishes, "Generations are counting on this. Don't leave it blank." The pencil is a nice touch, but it adds insult to injury, as if to say, "Now if only you had a census form to go with that pencil, you'd have everything you need to be counted . . ."

\* \* \*

Mr. Chairman and members of the Subcommittee, in appearing before you today, I hope to provide you with an understanding of why it is important to Americans abroad to be included in the decennial census. To be sure, I will give you a sense of what the count means to the ABCGC and American chambers of commerce around the world. But even more important, perhaps, I hope to instill in this Subcommittee an appreciation of what it means to a typical, patriotic overseas American -- like myself -- to be part of this Civic Ceremony we call the decennial census.

An AmCham Perspective

Why is the census count important to America's business community? Willard Workman, Vice President (International) at the U.S. Chamber of Commerce, makes the point far more eloquently than I can. In a letter that he addresses to you, Chairman Miller, Mr. Workman notes:

On two separate occasions since 1999, the U.S. Chamber of Commerce has called upon the U.S. Government to count overseas Americans. In the first instance, two years ago, the Chamber unanimously approved a Statement calling on Congress and the Administration to enumerate U.S. citizens around the globe. In the second instance, as part of the Chamber's "International Economic and Trade Agenda for the New Administration," prepared last December, the Chamber included as one of its policy objectives to "Support U.S. Global Interests by Counting Americans Abroad."

In both cases, our message was clear: The results of these decennial censuses should be used for apportionment, redistricting, and distribution of Federal benefits. In the interest of promoting U.S. business around the world, it is high time for the U.S. Census Bureau to change the way it looks at Americans abroad, one of our nation's most valuable assets.

Mr. Workman continues:

As you are aware, Mr. Chairman, Americans living and working overseas are an increasingly important segment of the U.S. population. This is a reflection of America's growing globalization and the essential role that the nation's exports of goods, services, and expertise now play in strengthening the U.S. economy and creating U.S.-based jobs. There are at least three million private sector Americans living overseas, and this number appears to be growing at an unprecedented rate.

Nevertheless, the U.S. Census Bureau refuses to count private sector Americans residing abroad, despite the fact that U.S. Government employees working overseas *do* take part in the decennial census and *are* included for purposes of apportionment. The U.S. Chamber of Commerce believes that this inconsistent and inappropriate Census Bureau policy must be changed to reflect the new realities of what it takes for U.S. companies to do business around the globe.

Americans abroad are the world's most effective promoters of U.S. goods and services, and it is time to count these U.S. citizens in the census.

With your permission, Mr. Chairman, I would like to submit the complete text of this letter for inclusion in the record of today's hearing.

The U.S. Chamber and its AmChams form the "hub and spokes" of America's business presence around the world. In our experience, Americans abroad are the best salesmen and saleswomen for the United States because we *buy* American, *sell* American, *specify and source* American, and *create job opportunities for fellow Americans* overseas and "back home" in the United States.

But the AmChams represent much, much more than just business; we often serve as the backbone of the American communities worldwide. AmCham representatives invest in and send our children to American schools abroad. We play a leading role in helping to "get out the vote" during national and state elections. We serve as a resource and mooring for new families who have just moved overseas and are trying to get settled. We are deeply involved in security measures taken to protect Americans abroad. And, more often than not, we serve as a vital linchpin -- on a wide range of issues -- between U.S. Embassies and American communities overseas.

*All* Americans abroad, whatever our backgrounds, serve as "unofficial" ambassadors for the United States. Whether we are businesspersons, government officials, house spouses, educators, students, clerics, artists, representatives of charities and non-governmental organizations, union officials, active or retired military personnel, service providers, or media representatives, we help to promote America's democratic ideals, our nation's cultural values, and the American way of life.

In our own way, each of us is helping to fuel the economy in the United States. By securing employment overseas, we free up jobs for other Americans back home, thereby reducing unemployment. We also support the American economy by repatriating much of our overseas earnings back to the United States. Most important of all, from the AmChams' perspective, Americans working overseas serve as the front-line marketing and sales force for U.S. exports.

In our experience, Mr. Chairman, having Americans overseas is not just helpful, it is *essential*. For U.S. companies to continue expanding their market share worldwide, they must think and act globally. To stay competitive internationally, American managers need the kind of "hands on" experience that can only be gained by living and working abroad.

Nevertheless, it is often very difficult to persuade key employees to adjust their career paths and family situations by leaving the United States and their U.S.-based jobs. Thus, whenever possible, U.S. Government policies should *encourage* Americans to serve our country overseas and not *discourage* us from doing so. In this spirit, Americans abroad should be an integral part of the decennial census. The U.S. Census Bureau has no business ignoring us or treating us as "invisible."

### A Personal Perspective

My family's story, as Americans abroad, is not unusual. I retired honorably from the Marine Corps in 1996, when I began working and residing abroad -- first with two U.S. energy companies and now as a private consultant involved specifically in developing business for U.S. companies and promoting U.S. trade abroad. I have registered my family with the U.S. Consulate General in Dubai and the U.S. Embassy in Abu Dhabi, and I am part of the State Department's "warden" system, which means I have a responsibility to notify other American citizens in the UAE in the event of an emergency. I also sit on the Ambassador's roundtables for energy, banking & finance, and trade & industry.

My wife Rhonda is a member of the American Women's Association in Dubai, a philanthropic organization of some 600 American women strong. She has volunteered for the American Red Cross and also helps to organize the Host-a-Sailor program that places sailors and Marines from visiting U.S. Navy ships into fellow Americans' homes for meals and some "family" time.

My son Jonathan is entering the second grade at the American School of Dubai (ASD), having completed K-1 through first grade at ASD. My daughter Caroline just finished K-1 at ASD and will start K-2 in late August. Emily is just two years old but will go to ASD when she turns four.

Jonathan joins the pack of the Cub Scouts of America this year and plans on going into the Boy Scouts when he's old enough. Caroline is anxious to be a Brownie and a Girl Scout, but I suspect it's more to get the Girl Scout cookies than to earn merit badges.

It should be obvious that American institutions, and the American way of life, remain very important to me and my family. The same can be said for every overseas American I know. And in encouraging such institutions as Junior Achievement, Little League, Veterans of Foreign Wars, the scouting movement, and even the U.S. Chess Federation, we are building people-to-people relationships between the United States and friendly nations all over the world. (And for the record, none of these groups, to the best of our knowledge, has any problem keeping track of their members overseas, especially when it comes time to collect membership dues!)

### Reaching Out to Americans Abroad

Against this backdrop, Mr. Chairman, I find it very hard to believe the Census Bureau's claim that they can't find Americans abroad. Where in the world is the Bureau looking?!

If I were the Census Bureau and I had a mandate from the U.S. Congress to count overseas Americans, I would concentrate my energies on reaching out through:

- U.S. Embassies and Consulates
- American Chambers of Commerce (AmChams) abroad
- American citizens groups abroad (AARO, ACA, FAWCO, etc.)
- Political organizations overseas (Republicans Abroad, Democrats Abroad)
- American and international schools abroad

- USO and U.S. military installations abroad
- Global media in English (CNN, BBC, *International Herald Tribune*, *USA Today*, etc.)
- Local overseas media in English
- U.S.-based organizations with international affiliates (AARP, VFW, Rotary International, etc.)
- Alumni associations at U.S. universities and colleges
- Major corporations that employ large numbers of Americans overseas
- U.S.-based food establishments in overseas markets (McDonald's, KFC, Hard Rock Café, etc.)

The Census Bureau worked with more than 25,000 partners to “get the word out” and make Census 2000 a success. There is every reason to believe that if the Bureau forms partnerships with some of the groups that I’ve just mentioned, the Census Bureau’s same basic methodology will work equally well for Americans abroad.

\* \* \*

Mr. Chairman, we are grateful to those Members of Congress who have set aside whatever partisan differences they may have in an effort to ensure that Americans abroad are counted in 2010 and subsequent censuses. In particular, we want to thank you, Mr. Chairman, for asking the Census Bureau to prepare a report no later than September 30, 2001 on any methodological, logistical, and other issues associated with counting overseas Americans. Like you, I’m sure, we look forward to reviewing in September the Census Bureau’s “game plan” for counting Americans abroad nine years from now.

We also want to thank two other members of the Census Subcommittee, Congresswoman Carolyn Maloney (D-NY) and Congressman Chris Cannon (R-UT), for their growing interest in this issue. We appreciate Mrs. Maloney’s call for a “trial run” in 2004 so that the Census Bureau will have all the kinks worked out in time for the 2010 decennial census. We also appreciate Mr. Cannon’s call for the Census Bureau to provide a detailed, written plan for the counting of overseas Americans in future decennial censuses. Our AmChams regard both of these measures as steps in the right direction.

The bill that goes to the heart of what our AmChams want is the “Full Equality for Americans Abroad Act” (H.R. 1745), promoted by Congressmen Ben Gilman (R-NY) and James Moran (D-VA). This bipartisan bill currently has four Republican co-sponsors and three Democratic co-sponsors.

The Gilman / Moran bill ensures that for Census 2010 and subsequent censuses, “all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.” The Gilman / Moran bill is the only legislation introduced to date that requires the Department of Commerce to do two things: 1) Include *all* Americans abroad in the decennial census; and 2) Ensure that the data collected by the Census Bureau are used meaningfully (i.e.- for apportionment and other purposes). For our AmChams and most Americans overseas, I’m confident in saying that these two elements represent our “bottom line.” Without these two elements, an overseas census count is hollow and meaningless.

More on Full Equality for Americans Abroad

Over the years, Americans abroad have had to earn the U.S. Government's recognition and respect, one battle at a time. In each of our victories, the U.S. Congress has played an instrumental role in helping overseas Americans to gain full equality with our fellow Americans living "back home" in the United States. We see our skirmish with the Census Bureau as just the most recent example of discrimination against Americans abroad, and with the support of this Subcommittee, we are confident that we will overcome the obstacles that lay before us.

Allow me to give you some examples of our past battles and victories.

*The Right to Vote* -- Prior to 1975, private Americans abroad were not allowed to vote by absentee ballot in Federal, State, or local elections. Thanks to Congress, and with the passage of the Overseas Citizens Voting Rights Act of 1975, we won the right to vote. At the time, naysayers complained that the system would never work and that there would be widespread vote fraud. Today, private Americans overseas are registering and voting in record numbers, and the Federal Voting Assistance Program, which coordinates the absentee voting, tells us that there have been no instances of willful fraud committed by Americans abroad.

Our experience with the Federal Post Card Application (FPCA), which allows Americans abroad to vote by absentee ballot, is instructive. Through the U.S. Department of Defense, it has been used successfully for the past quarter century, and it should serve as a model for the U.S. Census Bureau. Congress decided 25 years ago that overseas Americans should be able to vote for Members of Congress and a U.S. President, and now we're counting on Congress to give us the opportunity to stand up and be counted in the decennial census. (After all, as Democrats Abroad and others have argued, the Census Bureau counts aliens, convicted felons, and persons committed to mental institutions who do not have the right to vote. Shouldn't the Bureau count the millions of Americans abroad, who do have the right to vote?)

*The Right to Work in U.S. Embassies and Consulates* -- A decade ago, only U.S. Foreign Service personnel and their spouses were allowed to work in U.S. Embassies and Consulates. Private Americans abroad were not permitted to compete for such positions, regardless of their qualifications (which often included multiple language skills and decades of experience in foreign cultures). Thanks to Congress in the early 1990s, these jobs were opened up to all Americans living overseas. The principle champion in Congress, Senator Jay Rockefeller (D-WV), noted at the time that that changing the law was "not so much about employment law or about the administration of the State Department as it is about protecting the rights of a group of American citizens who are currently being treated unfairly." Today, overseas Americans who hold these embassy and consulate jobs are referred to as "Rockys" in honor of Senator Rockefeller.

*U.S. Citizenship for American Children* -- A decade ago, more than 4,000 children born overseas each year to U.S. citizens were being denied American citizenship because their American parents (married to non-Americans) spent insufficient time in the United States. In order to naturalize their children, American citizens living abroad were required to pack their bags and move back to the United States to reside there permanently. Many overseas American families, in which one or both parents held

prestigious jobs, were forced to choose between their professions and the well-being of their children. Thanks to legislation championed by Congressmen Romano Mazzoli (D-KY) and Bill McCollum (R-FL), the State Department adopted new procedures which provided for expedited naturalization (thereby enabling non-American children born to or adopted by Americans abroad to be naturalized while their families continued to reside overseas).

*Promoting American Education* -- In the mid-1990s, following the end of the Cold War, the U.S. Government was shrinking America's military presence around the world. As a result, U.S. Department of Defense Dependents Schools (DoDDS) were being closed down, and books were being disposed of (in most cases, incinerated) in keeping with existing U.S. laws. The Senate and House Armed Services Committees, when they were alerted to this practice by Americans abroad, quickly took action on a bipartisan basis. As a result, the Defense Department was permitted to pass along books to American and international schools around the world, many of which were desperate for educational materials at a time when enrollments by private citizens were surging, particularly in Eastern Europe.

These are just a few examples, Mr. Chairman, of how Americans abroad overcame the odds -- with the active support of Congress -- to do away with wrong-headed policies that were long overdue for reform. With help from this Subcommittee, we hope to change an obsolete policy at the Census Bureau and to chalk up another victory for common sense. Our message, Mr. Chairman, is unequivocal:

**Americans Abroad Count, Too!**

The Past as Prologue

A year ago, on the floor of the House of Representatives, Chairman Miller and then Ranking Member Maloney pledged to include all Americans abroad in the decennial census. Mrs. Maloney, you said:

One of the failings of the 2000 census is a fundamental inequity in counting Americans overseas. In 1990 and again in the 2000 census, the Census Bureau has used administrative records to count Federal civilian and military employees abroad. That leaves many Americans overseas uncounted. There was not time before the Census [2000] to develop the methodologies necessary to count Americans overseas.

We must make sure that the same mistake does not happen in 2010. I am proposing that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas . . . Counting Americans overseas is adding one more Herculean task to the already difficult job of taking the census, but it must be done. We have included some of those living overseas. We can't turn our back on those left out who also wish to be counted.

For your part, Chairman Miller, you stated:

I am asking today that the Census Bureau begin work to come up with a plan for counting all Americans overseas in the 2010 Census. The Bureau must find a way to get this done. These are hard-working American citizens who vote and pay taxes . . . . It is not fair that they are left out of the decennial census just because it is a difficult job to count them.

It will be a challenge to count Americans living abroad, there is no doubt about that, but challenges are not new to the Census Bureau. It can be done, and it is important that the Bureau begin researching this now so that [Americans abroad] will be included in the 2010 Census. I will discuss it further with the Director, but I would like to see the Bureau put forth a proposal for counting overseas Americans as expeditiously as possible.

It is very clear to me that there is broad bipartisan support for including Americans abroad in the decennial census. With this in mind, let's work together in the weeks ahead to ensure that counting overseas Americans in 2010 becomes one of the most important and most durable legacies of this Subcommittee.

Cooperation on both sides of the aisle will help to change the perception of some Americans abroad that the U.S. Government discriminates against its private citizens around the globe. As one overseas American put it, "By excluding me from the decennial census, my government is telling me that my vote counts and my taxes count but that I, as a U.S. citizen, do not."

Mr. Chairman and members of the House Subcommittee on the Census: Thank you again for the opportunity to testify today. I look forward to answering any questions that you may have.

Mr. MILLER. Thank you very much. We have a vote going on, and I think rather than rushing you, Mr. Marans, let's go ahead and take a recess and then come back. I did read all of your statements. I especially enjoyed yours, Mr. Marans, because you had some very concrete suggestions. I appreciate that. So I think it would be easier to take a recess right now. There may be two votes, so it may be 20 minutes. So we'll be in recess.

[Recess.]

Mr. MILLER. The hearing will resume.

Mr. MARANS. I understand that you had requested the witnesses be sworn previously.

Mr. MILLER. If you would go ahead and stand and raise your right hands.

[Witness sworn.]

Mr. MILLER. As I said before, I did read your statement. I appreciated it. I would like to ask you to proceed with your opening statement, observing the 5-minute rule. Then we'll have time to question.

Mr. MARANS. Mr. Chairman, Mr. Clay, my name is Eugene Marans. I am a lawyer with the international law firm of Cleary, Gottlieb, Steen & Hamilton. Our firm has for 40 years served as pro bono counsel to a number of organizations in the overseas citizen community. I was heavily involved as pro bono counsel in the bipartisan effort that led to the passage of the Overseas Citizens Voting Rights Act of 1975. So I have a strong vested interest in what comes after that in this hearing today.

I am privileged to be able to appear today in support of the overseas private citizens census on behalf of three leading organizations of overseas American citizens, American Citizen Abroad [ACA], the Association of Americans Resident Overseas [AARO], and the Federation of American Women's Clubs Overseas [FAWCO].

And I ask the chairman's permission also to submit the brief separate statements of those organizations into the record.

Mr. MILLER. Without objection.

Mr. MARANS. Also, I would like to take this occasion to acknowledge my indebtedness to David Hamod of Intercom, who has played a significant role in focusing this subcommittee's attention on the census and working closely with Mr. McClelland's organization, the American Business Council of the Gulf Countries. He has been a tremendous help in making sure that we focus on the realities of this important issue.

ACA, AARO and FAWCO have asked me to stress three main points to you today. First, they want to be counted. And I won't have to go over all of the reasons why, because you have heard those from other people.

Second, they want to help in the count, and they are willing to devote whatever resources are necessary to do that.

Third, they applaud your efforts to start planning now.

AARO, ACA, FAWCO and other leading organizations of overseas private Americans applaud the subcommittee's desire to start early to develop a plan with the Census Bureau to count overseas private Americans in the 2010 census, including for purposes of apportionment, and we urge the Congress to direct the Census Bu-

reau to devise a preliminary plan by September 30, 2002 for the inclusion of overseas private citizens in the 2010 census and to appropriate sufficient funds for this purpose.

We thank Congresswoman Maloney for her proposed appropriation of \$2.5 million to start this process. It is a good step in the right direction.

We also support the concept of an interim census to get ready for 2010. But I would say at the start that these organizations believe that the requirement in the Gilman-Moran bill that the 2010 census count overseas private American citizens is a good provision, because with that provision we believe the Congress will be able to encourage the Census Bureau to come up with a plan for an overseas census that will meet the standard necessary to count overseas citizens for purposes of apportionment. If it turns out that it is a complete failure after an interim census, Congress can always back down.

But if we don't start now, we are concerned that just as you said, Mr. Chairman, we'll end up back here in about 2008, and it will be too late then to develop a plan that will really work for purposes of apportionment.

Now, the overseas organizations believe this comes down to really two issues for purposes of need. One is just a plain matter of civics. Twenty-five years ago the Congress assured overseas citizens the right to register and vote absentee in Federal elections in their State of last residence in the United States, even though that State may not be their current State for purposes other than voting in Federal elections.

Second, it is a matter of economics, as the other witnesses have indicated.

Now, how can the overseas organizations help? We know the Congress must rely on the Census Bureau to design the appropriate mechanism, but we also know how important it is for the Census Bureau to be able to have the support of Congress in this effort.

Indeed, the U.S. Supreme Court emphasized the importance of congressional support and direction in turning away a challenge to the 1990 census.

Now, we recognize that it is vital that any kind of overseas private Americans census achieve a high level of distributive accuracy. That is what the courts have said it has to have, a high level of distributive accuracy. We understand that technologies for counting overseas private Americans must be designed to avoid, to the extent reasonably possible, favoring overseas citizens from one country over another or from one State over another or one line of employment over another.

Now, what are some of our ideas? I will be very brief, because I see the red light is already on.

First, we think that the Census Bureau could consider designing a census reply form along the lines of our Uniform Draft Overseas Citizen Census Card that we provided to the staff and the subcommittee.

Second, we think that the Census Bureau could consider developing an integrated master control list of private American citizens believed to be living abroad.

Third, the Census Bureau could consider what should be the most appropriate techniques to get an OCCC to overseas private Americans. For example, would it be appropriate to send the OCCC by foreign equivalent of certified mail to specific individuals whose names and addresses are shown on a reasonably correct master list of private American citizens believed to be living abroad? This might help also in following up with nonrespondents and help assess uncounted ones.

Now, we talk about this being a voluntary census overseas. It does not have to be considered completely voluntary. If overseas citizens are properly identified and they get a form that says, this is a form that you need to fill out, I think there is a question, even under the present statute, whether they could be completely exempt from filling in that form and sending it in.

Now, that is just a quick take. I'll look at a couple of other issues. We have already heard from the State Department about some of the resources they could offer in this effort and their offer should be given further consideration.

But they had a good idea which was, in effect, to have the Census Bureau consider making a kind of preliminary profile through its own personnel of the composition of the private American community in each foreign country using the resources of the consular services to the extent useful, but, also taking into account the knowledge and experience of the local businesses and other private organizations.

Now, we recognize that there is a question of potential fraud. We have heard reference to that issue, and, as I mentioned, I was heavily involved in overseas voting rights for nearly a quarter of a century. Overseas American citizens have used the FPCA, the Federal Post Card Application form, to vote by absentee ballot. According to the U.S. Department of Defense, which administers the Federal voting program, there has never been a pattern of abuse or fraud by Americans living abroad during this period. Any allegation of fraud concerning overseas absentee ballots in the last Presidential election concerned the counting side, not the voting side.

Moreover, information submitted on an overseas citizens census card like that submitted on the FPCA would be subject to Federal false statement criminal penalties, which are contained already in the census legislation itself. It would not be such an easy thing for an overseas citizen to consider intentionally filling out a false card.

Now, another issue that comes up besides the question of fraud—is whether the inclusion of overseas private citizens would be inconsistent with the prevailing concept of usual residence for overseas Americans. The answer is no.

We have already crossed that bridge. The Census Bureau has already departed from the so-called traditional usual domestic residence standard in counting federally affiliated Americans abroad for purposes of apportionment. And indeed the U.S. Supreme Court in 1992 expressly validated inclusion of federally affiliated overseas Americans for purposes of apportionment in the 1990 census, noting that the term “usual residence” can mean more than physical presence for overseas private Americans. We believe that the congressionally mandated right to register and vote absentee in Federal elections is a significant part of that.

In closing, Mr. Chairman, Mr. Clay, we recognize that counting private Americans overseas will be a major challenge, but we also know that the U.S. Census Bureau is the preeminent population data collection agency in the world, and we have full confidence that the Census Bureau, with appropriate congressional direction, guidance and funding, can design and meet a reasonable standard for counting the citizens abroad and that standard and the results of that count will meet the standards of Congress and the Federal courts.

Thank you, Mr. Chairman, Mr. Clay, for the opportunity to appear before you today.

[The prepared statement of Mr. Marans follows:]

STATEMENT OF J. EUGENE MARANS ON BEHALF OF  
AMERICAN CITIZENS ABROAD,  
THE ASSOCIATION OF AMERICANS RESIDENT OVERSEAS, AND  
THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.  
BEFORE THE HOUSE GOVERNMENT REFORM COMMITTEE  
SUBCOMMITTEE ON THE CENSUS

July 26, 2001

Mr. Chairman, Ranking Member Clay, Honorable Members of the Subcommittee.

My name is Eugene Marans. I have practiced law for over 35 years with the international law firm of Cleary, Gottlieb, Steen & Hamilton, currently in its Washington office. Since the early 1970s, our firm has served as *pro bono* counsel to the overseas American citizens community. I was heavily involved as *pro bono* counsel in the bipartisan effort that led to the passage of the Overseas Citizens Voting Rights Act of 1975.

I am privileged to be able to appear today in support of the overseas private citizen census on behalf of three leading organizations of overseas American citizens -- American Citizens Abroad (ACA), The Association of Americans Resident Overseas (AARO), and The Federation of American Women's Clubs Overseas, Inc. (FAWCO). I ask the chairman's permission also to submit their brief separate statements for the record.

As you know, the overseas census issue is of great concern to Americans living abroad. ACA, AARO and FAWCO have asked me to stress three main points to you today:

1. **Count us in!** Private overseas Americans want to and should be counted in the 2010 census, including for purposes of apportionment, to give them parity with overseas U.S. government employees and their families.
2. **Count on us to help!** The overseas American community stands ready to devote substantial resources to partnering with the Congress and the Census Bureau to achieve this result.
3. **Start planning now!** AARO, ACA and FAWCO urge the Congress in this session to commit to inclusion of overseas private Americans in the 2010 census, including for purposes of apportionment. We further urge the Congress to direct the Census Bureau to devise a preliminary plan by September 30, 2002 for inclusion of overseas private citizens in the 2010 census and to appropriate sufficient funds for this purpose. We support the concept of an interim census to get ready for 2010.

### Counting the People of the United States

We have only fragmentary information on how many private American citizens live and work overseas. The State Department in 1998 estimated the number to be around 3.2 million, but other estimates, including those cited in the *Statistical Abstract of the United States*, put the number far higher—at double or triple the State Department’s estimate. However large the number, there is agreement that it continues to grow.

In an era of accelerating globalization, Americans living and working overseas have increased importance. As highly visible “ambassadors” of the United States—economically, politically, and culturally—U.S. citizens overseas play a key role in advancing America’s interests around the world. This is more true today than it was 50, 25, or even 10 years ago, and in our new millennium, Americans abroad are expected to have a far greater impact on the United States in the years ahead than at any other time in U.S. history.

The Census Bureau has stated that its mission is “to be the preeminent collector and provider of timely, relevant, and quality data about the **people and economy of the United States**.” (Emphasis added.) As the Census Bureau reported to Congress in its Plan for Census 2000, “Changes in American society dictate that the Census must change.” Globalization is changing the lives and business of American citizens. Overseas citizens believe that if the purpose of the census is to collect quality data about **all** American citizens in an era of globalization, the census must conform to this new reality.

United States citizens living abroad consider themselves to be an integral part of the American community. They vote, pay taxes, support American businesses, and promote American ideals and values. Exclusion of overseas private citizens from the decennial census runs directly contrary to the Census Bureau’s mission statement to count the “people and economy of the United States.”

At present, military and other U.S. Government personnel and their immediate families are included in the census count, but U.S. private citizens are not. The justifications for including all Americans living abroad in the 2010, and all subsequent, decennial censuses can be broken down into four main categories:

**Competitiveness**—In today’s global economy, Americans abroad play a vital role in promoting U.S. competitiveness overseas and in generating jobs in the United States. In order for America’s public and private sector leaders to give appropriate support to U.S. citizens and U.S. companies overseas, it is important to have accurate information on how many Americans live abroad and where they live.

**Equal Treatment**—United States Government employees and their immediate families overseas are now regularly enumerated in the decennial census. Private American citizens abroad should be counted for the same reasons. Our position is that all American citizens living abroad, as evidenced by a valid passport or other documents required for passing through U.S. immigration checkpoints, should be counted in the decennial census, and all who

provide a verifiable state of last residence in the United States should be included for apportionment purposes. Duration of stay abroad or intent to return should be irrelevant.

The present situation results in the anomalous situation that while a federal employee may be abroad for several years, even for a whole career except for brief assignments at home, and still be included in every decennial census, a private American who happens to be living abroad on census day will not be included. It is time for the Census Bureau, supported by the Congress and other federal government agencies, to devise a method for enumeration which treats all Americans living abroad fairly.

**Accuracy**—The Census Bureau advertised that the 2000 Census was to be “the most accurate census ever.” As the number of Americans living abroad rises, it is no longer possible to achieve accurate data about the “people and economy of the United States” when such a sizable constituency is systematically excluded.

**Fair Representation**—Through the census, the U.S. Government counts Americans every ten years, and there is no reasonable basis for excluding millions of American citizens just because they happen to be living overseas at the time. Like Americans who reside within the fifty United States and the District of Columbia, U.S. citizens abroad vote in the United States, pay U.S. taxes, and generally stay in touch with their home communities.

#### **Forging a Partnership**

The main organizations representing U.S. private citizens and U.S. companies overseas have offered to do work in partnership with the Census Bureau to “get the word out” about Census 2010 to private U.S. citizens residing overseas. These groups are dedicated to providing the Census Bureau with data and suggestions that will help in devising a plan for enumeration that achieves the distributive accuracy required by the federal courts and the Census Bureau’s own high standards.

There are a number of techniques that may be used to distribute census forms to overseas private American citizens in a controlled manner. One possible approach would be to work closely with the State Department and its consular services. With adequate Congressional direction and funding, the State Department could make significantly greater efforts to encourage overseas private citizens to maintain up-to-date registration information with their local embassy or consulate. Such an upgraded overseas citizen registration program would also have important national security benefits, including improvement in making embassy or consular contact with overseas private citizens in the event of a security emergency.

We recognize that the Census Bureau would be best equipped to devise enumeration techniques for overseas private citizens that would satisfy reasonable standards of distributive accuracy and other appropriate statistical requirements for the decennial census. One approach might be to mail to consular and other verifiable lists of overseas private citizens an Overseas Citizen Census Card (OCCC) along the lines of the attached draft prepared by ACA, AARO and FAWCO. The OCCC is modeled after the Federal Post Card Application (FPCA), which Americans overseas have used successfully for more than two decades to vote by absentee ballot.

Other verifiable lists could include those provided by ACA, AARO, FAWCO and other overseas citizens organizations. In addition, the Census Bureau could consider using verifiable lists provided by religious, business and educational organizations that have members or representatives abroad. The American Chambers of Commerce Abroad (AmChams) maintain up-to-date lists of their overseas members. The American Association of Retired Persons (AARP) maintains up-to-date lists of Americans who have retired overseas.

Inquiry could be made as to whether it would be legally and practically appropriate to arrange for mailings of OCCCs by the Internal Revenue Service and the Social Security Administration to U.S. private citizens overseas on behalf of the Census Bureau. Consideration could also be given to aggregating certain mailing lists (possibly including those of the Internal Revenue Service and the Social Security Administration, if legally and practically appropriate) as a master address file or control list for use in following up with non-respondents and in helping assess undercount.

We recognize that the use of various mailing lists to reach overseas private citizens with an OCCC would present significant challenges to the Census Bureau in verifying U.S. citizenship and in addressing potential duplications in responses and in reconciling with official records the passport numbers or other official evidence of U.S. citizenship on the OCCCs that would be returned. We believe, however, that with appropriate lead time and adequate Congressional funding, the Census Bureau would be able to develop reliable techniques to deal successfully with these challenges.

We recognize that the Census Bureau would have primary responsibility for preparing the detailed plan for inclusion of overseas citizens in the decennial census. We offer these suggestions only to convey the view of ACA, AARO and FAWCO that reasonable and consistent techniques can be developed for unbiased distribution of census forms like the OCCC and for unbiased follow-up with non-respondents.

#### **Addressing Census Bureau Concerns**

The Census Bureau's concerns, as they have been expressed on prior occasions, can be divided into five major categories: cost, extent of participation, data quality, allocation of the overseas private citizens by state, and operational issues. Each is explored below.

**Cost**—The bill for counting private Americans abroad will amount to a small fraction of the cost of a decennial census. For overseas private citizens, there will be no contract employees going door-to-door for enumeration, and much of the work can be done in partnership with existing nonprofit organizations that represent U.S. citizens and U.S. companies overseas. Volunteers from these organizations will work closely with U.S. embassies and consulates around the world, just as they do when they "get out the vote" overseas.

**Extent of Participation**—The expected participation by private Americans overseas in Census 2010 should be at least as great as their absentee voting in federal, state, and local elections. Based on U.S. Defense Department and State Department data, at least 750,000 private U.S. citizens overseas sought to register and vote absentee in federal, state and local elections in 1996 (the most recent election for which official Defense Department survey data is

available)—a significant increase from 1976 when President Ford signed the Overseas Citizens Voting Rights Act. And unlike in the 1970s, the Census Bureau and overseas organizations are now able to utilize global technology, like the Internet, to help educate Americans abroad on how to participate in the decennial census.

**Data Quality**—For nearly a quarter of a century, Americans abroad have used the FPCA to vote by absentee ballot. This form has been accepted by U.S. voting officers in all 50 states and the District of Columbia. According to the U.S. Department of Defense, which administers the program, there has never been a pattern of abuse or fraud by Americans abroad during this period. Any allegations of fraud concerning overseas absentee ballots in the November 2000 Presidential election, to our knowledge, have been limited to allegations concerning the *counting* side and not the *voting* side.

Moreover, the information submitted on the OCCC, like that submitted on the FPCA, will be subject to federal false statements criminal penalties (which are contained in the census legislation itself). Including a reminder of these criminal penalties on the OCCC should further inhibit submission of incorrect data.

**Allocation of Overseas Population by State**—Census 2010 should include all Americans residing overseas in the state-by-state population figures used to apportion seats in the U.S. House of Representatives. Respondents would list their last U.S. state residence on the OCCC, just as they currently do now in submitting their FPCAs.

The inclusion of overseas private citizens should not be regarded as inconsistent with the prevailing concept of usual residence for overseas Americans. The Census Bureau has already departed from the “usual domestic residence” standard in counting federally affiliated Americans abroad for purposes of apportionment. The U.S. Supreme Court in 1992 expressly validated inclusion of federally affiliated overseas Americans for purposes of apportionment in the 1990 Census, noting that the term “usual residence” can “mean more than mere physical presence, and has been used broadly enough to include some element of allegiance or enduring tie to a place.” For overseas private Americans, the Congressionally mandated right to register to vote absentee in federal elections is a significant part of that enduring tie.

**Operational Issues**—As suggested above, planning and implementing the inclusion of Americans abroad in Census 2010 in a way that meets Census Bureau and federal judicial standards is both possible and reasonable. Nonprofit groups of overseas Americans are willing to assist the Census Bureau in both planning and support of the decennial census.

\* \* \* \*

In closing, we would like to applaud the increasing number of policymakers – on a bipartisan basis – who have recognized that all categories of Americans abroad need to be included in the decennial census. The organizations of overseas Americans are prepared to work in partnership with the Congress and the Census Bureau to plan and implement an accurate count of all American citizens living abroad. If the Congress can direct the Census Bureau to join in this commitment, and can appropriate sufficient funds for this purpose, we believe it would be possible to obtain a reasonably comprehensive, unbiased and verifiable count of the entire

overseas American community. Updating the census in this way is long overdue and will represent an important step forward for American citizens and U.S. interests worldwide.

Thank you, Mr. Chairman, Ranking Member Clay, and the other distinguished members of the Subcommittee, for this opportunity to appear today.



UNOFFICIAL ACA, AARO AND FAWCO DRAFT FOR CENSUS SUBCOMMITTEE HEARING JULY 26, 2001

THIS IS YOUR OFFICIAL PRIVATE OVERSEAS CITIZEN 2010 CENSUS CARD

This form is for **non-federally affiliated** Americans living outside the United States and its territories and possessions on **Census Day -- April 1, 2010**

1. Please complete this form on **April 1, 2010**, or as soon afterward as you can, and return it promptly **by mail** to your nearest U.S. Embassy or Consular Office or directly to the Bureau of the Census, Washington, D.C. 20233.
  - This form is being distributed by mail to lists of non-federally affiliated Americans overseas to be counted in the 2010 Census. If you receive more than one copy, please do **NOT** submit any duplicates.
2. If you or anyone else reported on this form does not have a U.S. passport number, the name and number of some other document proving U.S. citizenship should be used instead. Documents that serve as proof of U.S. citizenship include a Certificate of Naturalization or a Consular Report of Birth Abroad, or a voter registration card or birth certificate of any state or other U.S. jurisdiction. If using a voter registration card or birth certificate, be sure to include the state or other U.S. jurisdiction that issued that document.
3. The state or other U.S. jurisdiction of last residence for questions 1 and 2 should be the state or other U.S. jurisdiction in which the person last maintained a legal residence before leaving the United States. If a person does not have such a previous residence in the United States, no state or other U.S. jurisdiction should be listed. Persons listed without a state or other U.S. jurisdiction of last residence in the United States will still be counted in the census, but they will not be allocated to a particular state for apportionment purposes.
4. Please include any of your children who are away attending school below college level.
5. This form should **NOT** be used to report either a member of the Armed Forces or an employee abroad on official orders for the U.S. government (or their dependents living with them abroad).
  - Armed Forces employees and citizens abroad on official orders (and their dependents living with them abroad) will be included in the census through reports made by their sponsor agencies.

**NOTICE --** Your answers are **CONFIDENTIAL** by law (Title 13, United States Code). The information you provide will be used only for statistical purposes and cannot, by the same law, be disclosed to any person outside the Census Bureau (including any federal, state, local or foreign tax authority) for any reason whatsoever. Refusal to answer the questions on this form to the best of your knowledge or providing willfully false statements may subject you to criminal penalties (Title 13, United States Code).

**ACA**  
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**STATEMENT OF  
AMERICAN CITIZENS ABROAD  
SUBMITTED TO THE HOUSE GOVERNMENT REFORM COMMITTEE  
SUBCOMMITTEE ON THE CENSUS  
JULY 26, 2001**

American Citizens Abroad ("ACA") is a nonprofit, nonpartisan association dedicated to serving and defending the interests of individual U.S. citizens living worldwide. Headquartered in Geneva, ACA's worldwide system includes members in over 90 countries and country representatives in over 40 countries on six continents. Over 9,000 readers, including individuals, groups, schools, U.S. embassies, and members of the press and consular posts receive the ACA News Report and use ACA's free online News Update. In addition, many of these groups further distribute the information to their own memberships and readerships. The ACA headquarters in Geneva provides information on citizenship, taxes and health insurance upon request.

ACA has always held the position that the official decennial census should include all U.S. citizens living abroad. We believe the 2010 census should request information concerning the state of last previous U.S. residence, since citizens residing abroad are eligible to participate in the election of the President, the two Senators and one Representative in their state of last U.S. residence as if they continued to live there. As such, they should be included in the apportionment calculation.

ACA is also in favor of a special census in 2004 for Americans living abroad which would give a preliminary estimate and "pave the way" for the next decennial census.

We believe that both censuses could be conducted with the help of the State Department through its various embassies and consulates as well as groups such as ACA that have direct contact with many citizens residing abroad.

We sincerely hope that the Subcommittee will be attentive to our point of view and that it will direct the Census Bureau to exert the necessary efforts to include all Americans in the 2010 and future censuses.

Respectfully submitted on July 26, 2001

Karl Jauch  
ACA Executive Director  
Geneva, Switzerland



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**STATEMENT OF  
THE ASSOCIATION OF AMERICANS RESIDENT OVERSEAS  
SUBMITTED TO THE HOUSE GOVERNMENT REFORM COMMITTEE  
SUBCOMMITTEE ON THE CENSUS  
JULY 26, 2001**

The Association of Americans Resident Overseas (AARO) is a nonprofit, nonpartisan, public service organization representing U. S. citizens living abroad and is a founding member of the World Federation of Americans Abroad. Its purpose is to secure, protect and improve basic American rights for U.S. citizens overseas and to represent this "forgotten constituency."

AARO is dedicated to providing a link among Americans overseas, informing them about issues of common concern, and giving them a voice that is heard in Washington. It is an advocate for U.S. citizens around the world with Congress, the White House, and federal agencies.

AARO members have access to quarterly news letters, voter registration rallies and assistance, membership parties and social events, group medical insurance, and seminars on tax and financial and estate planning. AARO was involved in promoting the passage of the Overseas Citizens Voting Rights Act of 1975, the passage of the Rockefeller bill in 1991 (making local hire positions in U.S. embassies available to overseas Americans), and the ratification of bilateral social security totalization agreements between the United States and foreign countries where many Americans reside.

In addition, AARO regularly keeps its members advised of proposals and pending legislation that affect the rights of U.S. citizens living overseas and offers guidance on who to contact and how to express opinions to legislators and other elected officials. In concert with such action, AARO has sent delegations to Washington to meet with officials and remind them of their constituents living overseas.

We recognize that the inclusion of overseas private citizens will be a bigger challenge than the count of federally-affiliated Americans abroad. We are confident, however, that the Census Bureau can do this job if Congress directs the Bureau to move forward and provides the Bureau with the necessary funds. We can assure you that AARO and other overseas

citizens organizations will make every effort to help the Census Bureau get the job done, just as we have worked side by side with the Department of Defense in building up the rolls of overseas voters under the Federal Voting Assistance Program.

We believe that an Overseas Citizen Census Card (OCCC) would serve as an effective vehicle for counting overseas private Americans in Census 2010. The use of the OCCC would be consistent with the Census Bureau's use of its own "Be Counted" card to identify U.S. residents who would not otherwise be enumerated.

We also support an interim census in 2004 to prepare all concerned for a successful count in 2010.

The Census Bureau has long recognized that its domestic count underestimates certain categories of U.S. and non- U.S. citizens in the United States who are difficult to track down, such as inner-city poor, inhabitants of rural areas and the homeless. The Census Bureau mounts strong efforts to count as many of these residents as it can, and the Bureau should be authorized to apply a similar level of commitment to the count of overseas private citizens.

Once the Census Bureau begins planning to count overseas private citizens in Census 2010, AARO and other overseas citizens organizations can bring the full force of their resources to the service of the Census Bureau to help make sure this project will be a success. We organize similar efforts with the Federal Voting Assistance Program every two years to get out the absentee vote in federal elections.

Respectfully submitted on July 26, 2001

Thomas Rose

President, AARO

Paris, France



THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.  
 Founded 1931

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**STATEMENT OF  
 THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.  
 SUBMITTED TO THE HOUSE GOVERNMENT REFORM COMMITTEE  
 SUBCOMMITTEE ON THE CENSUS  
 JULY 26, 2001**

The Federation of American Women's Clubs Overseas Inc. ("FAWCO") is a non-partisan network that today comprises 78 independent organizations in 35 countries around the globe, with a membership of over 17,000. Since its founding in 1931, it has served not only as a support network for American women residing abroad but also as a major force in promoting better conditions for all Americans overseas. It has, for example, been instrumental in obtaining the vote for overseas U.S. citizens and in making progressive changes in U.S. citizenship law. It organizes voter registration drives and trains voting assistance staff; it disseminates information on primary and secondary education abroad and on American university education; it was recognized by the United Nations as a Non-Governmental Organization in 1995 and granted special consultative status with the Economic and Social Council of the United Nations (ECOSOC) in 1997.

Since 1995, FAWCO has actively advocated the inclusion in the U.S. Census of private American citizens residing temporarily or permanently abroad, launching the slogan: "You can't stand up and be counted if no one knows you're there." We organized a post-card campaign with the slogan "Count Us In", and we organized our 2000 Conference in Washington D.C. around the theme: "Coming Home to Be Counted". Our members know from experience that they and their families are invaluable overseas "ambassadors" for America; we pay taxes, many of us work for American companies abroad, we buy American, and we contribute to giving the United States a good image in our host countries. And we are as American as when we lived in Kansas or Texas or New York: we vote in federal elections and, as this hearing clearly shows, we care deeply about participating in the American democratic process.

We are confident that the Census Bureau, with diligent effort and adequate Congressional support, will be able to achieve a count of overseas American private citizens in the decennial census that can properly be relied upon for purposes of apportionment. As an interim step, we have consistently supported the idea of a preliminary "special census" to help refine the procedures for the inclusion of overseas American private citizens in the 2010 census.



THE FEDERATION OF AMERICAN WOMEN'S CLUBS OVERSEAS, INC.  
Founded 1931

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We are willing to contribute our ideas, our experience abroad and our presence in many countries abroad to the successful inclusion of overseas private citizens in the 2010 census as well as in any special census. The addition of overseas private citizens to the 2010 census will represent a logical extension, in today's global world, of the successful inclusion of overseas U.S. government employees and their families in the last two decennial censuses. Counting overseas private Americans will also reflect the important civic responsibilities of the entire overseas American community, including their continuing liability for federal taxation and their increasing participation in federal elections in their last state of residence in the United States.

Respectfully submitted on July 26, 2001

Lucy Stensland Laederich

FAWCO U.S. Liaison

Paris, France

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Mr. MILLER. Thank you. Thank you for continuing to be an advocate for this purpose.

Let me start off with a couple of questions. As we were talking with the gentleman from the State Department, we discussed whether we count all U.S. citizens, what about a non-U.S. citizen, a spouse of a U.S. citizen living overseas? It gets down to this defining the universe. This is going to be the problem. Do we only count them if they plan to move back to the United States? What about the child that just happens to be born in the United States and moves back to their native country and hasn't been back to the United States for 30 years?

How do you define the universe, Mr. Gribble, first of all on the child that is born in America and, you know, to foreign parents, and it goes back to their home country with maybe no expectation of ever coming back to United States?

Mr. GRIBBLE. Mr. Betancourt failed to point out that children's passports have to be renewed every 5, not every 10 years. So at least every 5 years that foreign resident child with an American passport is going to have to go down to the U.S. Embassy and declare their citizenship again.

Mr. MILLER. With a passport. What if they have a birth certificate, if they are in—

Mr. GRIBBLE. If they would have—I guess the concept as far as an American passport being there, and they obviously have some intention of maintaining their affiliation with America, they are going to have to renew that affiliation on a 5-year basis while they are minor children.

As far as the foreign spouse goes, I am not totally conversant with what the census forms here in the United States require as far as how various members of the household are counted.

Mr. MILLER. See, we count illegals, but we don't count you.

Mr. GRIBBLE. Not only illegals in the United States, but you counted 450-some thousand in American Samoa and 108,000 in the U.S. Virgin Islands.

Mr. MILLER. They are U.S. citizens.

Mr. GRIBBLE. Well, but they don't pay Federal income tax, and I do.

Mr. MILLER. Right. Good point.

Mr. GRIBBLE. I guess we keep running on there, I know—how do the folks on this side of the panel fix these problems? What procedures do we come up to give the Census Bureau to make this all right and make sure it is 100 percent fair for everybody. It certainly is unfair that we are not counted now. But I don't want things to be fair for me and unfair for everybody else.

But my good friend Congresswoman Maloney has offered up some things that we have already brought before the committee in 1999. But I don't think the onus should be on us any more than the Department of Defense puts the onus on the standard American citizen to come up with a strategic integrated operating plan or national defense policy.

Mr. MILLER. Right.

Mr. GRIBBLE. Nobody calls Mr. Gribble from the DOD and says, how do you think we ought to do that? That is what we are going to the Census Bureau for.

Mr. MILLER. Does anyone else want to comment?

Mr. FINA. Mr. Chairman, it seems to me that a reasonable way of approaching the question of the universe is to say that it is anyone who is an American citizen.

We can't determine, and most citizens don't know, what their intentions are, whether they are going to return or not going to return, when they are going to return. But there is a body of legal opinion that will enable us to determine who is and who is not a citizen. And all of our discussions thus far in our advocacy of inclusion of Americans abroad has been based upon a request that we should count American citizens, whether big citizens, little citizens, old, young citizens, whether they have been there for a while or not for a while. We would think that would be the appropriate criterion.

Mr. MILLER. You brought up the legal issue. There are going to be some legal questions about apportionment purposes. Is it for apportionment purposes? I can see this in courts. You brought up the issue of distributive accuracy, and I can see where—in fact, Mr. Clay and I were just chatting on the way over to vote.

Florida, for example, has no State income tax, and a lot of people like to claim Florida as their State of residence for that purpose. Well, Florida may be a winner in this.

Texas shares a big border with Mexico, and the State Department thinks there are 800,000 to a million U.S. citizens in Mexico. Well, that would be a benefit to Texas.

In the same way you could say New York would have benefited because it is in close proximity to Canada. Then a State like Missouri may not have as much benefit. So one of the things you could find out is it is going to be not a partisan issue, but geographically, because you are going to have a winner and loser.

So there are potential legal problems, to make sure it is accurate and all countries are counted fairly and this and that. And being a lawyer—and that is another question. There are some of them that are easy to count, U.S. people that pay taxes, you know, registered voters, people that receive Federal payments, Social Security checks. Those are easy.

But then once you get beyond that, where do you go? You have 800,000 or a million in Mexico. How do you find them? If we are talking about over in the Gulf States, is it fairly well defined who is in the Gulf States, as far as, you know, in the American Emirates?

Mr. GRIBBLE. I would say that probably the American community in Kuwait, because we do live under threat conditions on a predominant basis, probably 95 percent of the American citizens over there are registered. It is a small enough community, 6,500 folks. If you wandered through the American food court that Mac talked about, you know who your friends and neighbors are. We certainly are recognized within the Gulf. Using State Department registration records would probably get about 90 percent accuracy.

Mr. MILLER. What do you do when you go to Mexico and you've got a million to count, or El Salvador where there's a very large number? To be fair about this, maybe we can get 99 percent count in Kuwait and that's great, but you only get 50 percent count in Mexico. That's where the potential legal challenge could come.

Mr. FINA. Mr. Chairman, one reason that I mentioned the importance of the relationship which the Bureau of the Census has with foreign statistical agencies is that some governments do conduct, do include the question of foreign citizenship in their census. Canada, for example, does have some sort of a count of people who claim to be or whom they have identified in some way as being American citizens. That is also the case, I gather, in the case of Ireland. I don't know how many other countries do the same.

I do know from my own experience, when I was trying to count American citizens in Italy for the purposes of the Department of State's data base, that it was largely a matter of looking out of the window and saying to a colleague: "You know, looks like there are a few more people here this year than last year. Don't you think so? Yeah. Well, maybe we'd better increase it by 5 percent." I would think most of the large industrial countries in Western Europe probably don't have a very good count. But there may be some that do and that's a place where the Bureau of the Census can at least go to make some judgment about who's there and how to verify their qualification for being counted.

Mr. GRIBBLE. A lot of those other countries do have restrictive immigration as to who they're allowing into their country and they keep very, very accurate tabs on who's there and where they live. And again, you know, if our Census Bureau and the State Department started talking to the immigration departments in some of these other countries, they might be able to glean that data from their records.

Mr. MILLER. I think that, you come from the easier countries to count. The countries in the Western hemisphere where you don't even need a passport to go are going to be the greatest challenge to count and probably where the greatest numbers are going to be. I remember, the Census Bureau has an international division that does consulting. One time I was in Ankara, Turkey and was meeting with them. And of course in Turkey they have a mandated census day and everyone is required to stay inside for the day. That would not work certainly in this country, let alone trying to say we are going to make them do it and count U.S. citizens over there. But there are some legal challenges. But it may be worth doing even if it doesn't meet the legal standard of apportionment.

Now, you know, we can try to shoot for that as a goal. But the question is, if you can only count 30 percent of the U.S. citizens in Mexico but you can get 100 percent in Kuwait and then I can see the political fighting, that Mr. Clay would say Missouri's hurt, Florida's helped, that's not fair. I mean it's not a race or anything else. It's just a geography thing that would be in there.

So, you know, I'm looking forward to hearing, seeing the Census Bureau's proposal come September, and I look forward to hearing it in October.

Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. The first question for Mr. Gribble, one of the main arguments you make is that persons who vote and pay taxes in the United States should be counted in the census. Would it be acceptable to count only those persons and their dependents in the census?

Mr. GRIBBLE. No, No. I just use that as an example of why should I pay taxes and vote in this country if the country doesn't count me? My Federal taxes come up here, my Federal income taxes that I pay come up here and never go back to the Fourth District because I don't count there. You know, I don't have to pay income tax in the State of Florida, but I pay corporate tax in the State of Florida.

Mr. CLAY. OK. Let's take that—

Mr. GRIBBLE. So I use that as a jumping off point.

Mr. CLAY. Sure. But let's take it a step further. If the enumeration is completely voluntary and if there's no documentation needed to prove State ties, could imaginary people be created?

Mr. GRIBBLE. To what reason? To what purpose?

Mr. CLAY. Well, we hear a lot about concerns about the manipulation of data, maybe to create more people to vote. You know.

Mr. GRIBBLE. I certainly understand that can be a concern. But again, you started your question off with saying if it's voluntary. Why would we want to make it voluntary? It's mandatory for everybody in the States. It's mandatory for overseas citizens to file U.S. income tax returns. Why would we make it voluntary for them to participate in the census?

Mr. CLAY. Let me ask you, obviously, you represent a group of individuals that are very interested in being counted. Do you think that you are a representative of the entire Americans overseas population? The Bureau has indicated that. Private citizens abroad are not willing to be enumerated. Is this true?

Mr. MILLER. It's time to let someone else share.

Mr. MCCLELLAND. I'll speak to that if I may.

Mr. CLAY. OK.

Mr. MCCLELLAND. If you don't mind. What do they base that on? Have they gone overseas? Have they talked to people? Have they done some type of poll?

Mr. CLAY. This is what the Bureau tells us. I mean, I'm going off of what they tell me.

Mr. MCCLELLAND. Sir, Mrs. Maloney called it Census's belly-aching. Census's bellyaching, sir, will stop if you enact legislation requiring them to count Americans abroad and give them the money to do so in a census that will provide appropriate and unbiased data for apportionment and other purposes. All the belly-aching will stop. And I can tell you that American citizens groups abroad, those represented at this table and others who aren't here, are better organized and have better communications tools today than they ever have in order to put the word out to collect Americans, if it's collect them at a central location, the American school, consulate or wherever, and to help in that effort.

We're here to help. We're not fighting this. We're fighting for it to help every State.

Mr. CLAY. Let me hear your opinion about who should be counted.

Mr. MCCLELLAND. American citizens.

Mr. CLAY. People having United States and second nation citizenship? Should they be included?

Mr. MCCLELLAND. If they are an American citizen, regardless of whether they have a second, third or fifth passport. If they're an

American citizen they should be counted. They would be here in the States.

Mr. CLAY. OK. All persons born in the United States? Even though some of these persons may have become citizens of the country in which they currently reside?

Mr. McCLELLAND. That's a personal opinion that I would have to express and not that of the American Business Council of the Gulf Countries. In talking about American citizens abroad, every American abroad should be counted.

Mr. CLAY. OK.

Mr. GRIBBLE. If they give up their citizenship, if they're not holding a dual citizenship but they give up their U.S. citizenship to take that of another country, they're no longer American citizens and they should not be counted.

Mr. CLAY. Let me ask Mr. Marans. Should the Americans overseas have to have documentation to prove ties to a certain address or State?

Mr. MARANS. Well, that's a good question, Mr. Clay. The OCCC we have here would require the overseas citizen to list a State, and the OCCC also says that refusal to answer questions on the form to the best of your knowledge or providing willfully false statements may subject you to criminal penalties. So the overseas citizen would have to know that if he or she puts a particular State on this form, that person has to be able to validate that residence.

Now, the question is, should the form contain something more? Should it, for example, contain an address, the so-called last residence address in the State immediately prior to departure of this citizen from the United States? That's a possibility. That's something that the Census Bureau could investigate, and then the question would be whether the Census Bureau should seek to validate that address through some other records for all of the replies, for some of the replies; how are they going to determine whether these replies are false or not? But the Census Bureau has that problem already today in trying to consider whether information that's provided on census forms is valid. It is a validation issue, just as overseas citizen listing of U.S. citizenship on their form is a validation question.

Mr. CLAY. Should the form also include what city and country overseas these people are living in?

Mr. MARANS. The present form would.

Mr. CLAY. It would? OK.

Mr. MARANS. It also has optional entries for e-mail address, telephone, fax. That's already in this form. But this, I should emphasize, is just a draft form. The idea is to stoke discussion in a constructive fashion between the Census Bureau and the stakeholder constituencies and this committee to move the process forward.

Mr. CLAY. Thank you.

Mr. Fina, should they have a last domicile in the United States? Should they have an address in the United States?

Mr. FINA. I would think it would be reasonable to ask people to provide a last domicile in the United States, even if they no longer live there, because in our present system of overseas voting we do require that people show where they last lived and presumably

those addresses are verified by local election officials. So I don't think it's unreasonable to ask that there be a previous domicile.

Now, what you do with the people who are born in the United States and were promptly taken back to a foreign country before they had a domicile here I think is a question you have to solve by some sort of an administrative regulation. Maybe you would say the last domicile of baby Smith was Presbyterian hospital or something like that.

Mr. CLAY. In your opinion, do most Americans overseas want to be enumerated?

Mr. FINA. I think there is very widespread support for the idea. I don't think that all Americans overseas want to be enumerated any more than I think that all Americans in the United States want to be enumerated. There are a certain number of people who absolutely oppose the idea for all sorts of good and bad reasons.

Mr. CLAY. Thank you. And thank you, Mr. Chairman.

Mr. MILLER. Let me follow this. Again, I've gone to some countries, and you run into people—I remember being in a country in South America actually earlier this year and a lady that was a translator was born in the United States—no, had come to the United States in the early 1970's and married a U.S. citizen. She became a U.S. citizen and she moved back to this country in the 1970's and it just came out that she has a U.S. passport. Now she has never been back to the United States and she has no intent of coming back to the United States. She's a citizen of that country as far as she's concerned, but she's got a U.S. passport. So I guess what you're saying is she should be counted.

Mr. GRIBBLE. Absolutely.

Mr. MCCLELLAND. She's still a U.S. citizen.

Mr. MILLER. Then she gets counted twice. She gets counted in that country.

Mr. MCCLELLAND. They don't do apportionment for the U.S. Congress in that country though, Congressman. She's an American citizen. She should be counted.

Mr. MILLER. But she has no intent to ever come back here.

Mr. GRIBBLE. We don't have classes of citizenship in this country. If you have a U.S. passport, you're an American citizen.

Mr. MILLER. What happens if you have a birth certificate from the United States. You don't get a passport and so you're a U.S. citizen just because you have a birth certificate.

Mr. GRIBBLE. If you have a U.S. birth certificate you're a U.S. citizen.

Mr. MILLER. And you haven't been in the United States for 40 years.

Mr. MCCLELLAND. Those are the immigration laws in the United States, Congressman.

Mr. MILLER. I'm just asking the questions how you feel.

Mr. MCCLELLAND. Yes, sir. We have cases just like that in Dubai, where, for instance, a Jamaican man is married to a Sri Lankan woman and they intentionally traveled to the United States for both of their children to be born here and then went back overseas. Now the children carry American passports. They have no clue what the United States is about, yet they're American citizens.

Mr. MILLER. All right. Using that as an illustration for apportionment purposes, which is the only thing that the Constitution requires in the first article that we address the Census for apportionment purposes. Why should those two children be assigned to whatever State the hospital was in where those children were born to affect apportionment which is, you know, distributing the representation? I mean I can see counting them and getting that information. I'm not opposed to collecting information, but getting an apportionment. I mean why should they affect how our States get apportioned? Was the hospital in St. Louis versus the hospital in Florida?

Mr. MCCLELLAND. OK. Let's bring it closer to my home. My mother's father, a German citizen, traveled through the United States, came through Ellis Island, gained his citizenship, went on to China; this was at the turn of the century. My mother was born in China to a naturalized American father, raised in China. Her mother was Japanese. OK? Now—

Mr. MILLER. I need a flow chart here.

Mr. MCCLELLAND. Do you want me to draw a diagram? She was born an American citizen because her father had an American passport. The Japanese went into China, destroyed the consulate and all the records. The only thing that she had that proved that she was an American citizen was a passport. She has no birth certificate, no record of anything other than an American passport, OK? So should she not have been counted? You know, were this the question in 1929, when my mother was born, of course she should have been counted. She's an American citizen. She ultimately came to the States. But I'm sure at 16 years old she wasn't thinking I'm going to the States next year so I can be included in the census.

So, yes, the answer to the question is if they're American citizens they should be counted.

Mr. MILLER. The question is—maybe not in this case, but say they're living in Ecuador and the children are born there and the mother has returned, and they don't have a passport. How do we find them to count them? I mean, you know, they may not even speak English. Which is, you can still get the form but we have no record of it, besides they have a birth certificate and we have no idea where they are. How do we locate them or how do we locate this lady translator? I'm saying she doesn't want to be counted, so we don't have any record. Well, she does have a passport.

Mr. MCCLELLAND. We won't get everybody obviously. But I think the statistics are correct when we hit 66 percent in the national census, the domestic census, the Census Bureau had a party celebrating the fact that they'd hit 66 percent. You know, when do you say it's a success and when do you say it's a failure? I think if we make an honest effort to count all Americans abroad by giving the Census Bureau the power and the money to do it and mandating that they count Americans abroad, with the definitions that we have, that an American citizen in the different, the passport and the birth certificate, the birth right, and I think that's what it comes down to is a birth right, then count them.

Mr. MARANS. Two quick points. One, I think we do have to keep in mind that we do have a difference between just counting overseas citizens and counting them for purposes of apportionment.

And the form that we gave out, the draft form, makes clear that persons may be listed without a State or other U.S. jurisdiction of last residence in the United States and may still be counted in the census. But they would not be allocated to a particular State for apportionment purposes.

So that's a foundation for one principle of how to deal with it. How you deal with the baby who was resident in Sibley Hospital for 3 days, it's a different question. That would have to be worked out in detail by the Census Bureau in consultation with the various stakeholders.

And that reminds me of one other thing. We know the Census Bureau is going to have a report coming up soon. In past years we've had some opportunity to meet with the Census Bureau. We think it could be very helpful maybe if this subcommittee or its staff could help facilitate some further meetings with some of the stakeholders.

Mr. MILLER. Well, have your organizations, or are you aware of, been asked to meet with the Bureau? I mean, I think they were trying to meet with the outside groups. You have been asked?

Mr. FINA. I haven't been asked, but I did speak with them prior to your hearing because I wanted to get a—

Mr. MILLER. My understanding is they're going to try to reach out to the groups, you know, before they come up with their report to get the input.

Mr. MARANS. We'll look forward to that.

Mr. HAMOD. We initiated a meeting that came on the heels of a congressional meeting.

Mr. MILLER. Just a second. I'm sorry. You need to identify yourself and be sworn in.

Mr. HAMOD. David Hamod on behalf of the American Business Council of the Gulf Countries. We did, at the urging of the subcommittee, initiate a meeting with the Census Bureau. It lasted for about a half an hour. It was not very substantive.

Mr. MILLER. How long ago was this?

Mr. HAMOD. That was about 2 weeks ago. The Census Bureau said they do not intend to consult with stakeholders before the issuance of the report; rather they plan to consult with the stakeholders next year.

Mr. MARANS. So maybe the point I should make is some of us stakeholders think maybe it's useful to be consulted as part of the preparation of this report.

Mr. MILLER. I was glad to hear that they have been meeting with the State Department anyway. But I thought my impressions were really mistaken. Mr. Clay, do you have any more questions?

Mr. CLAY. I'm fine.

Mr. MILLER. Do any of you all want a concluding comment before we adjourn?

Mr. GRIBBLE. Yes. I just repeat our position, sir, and that is that we hope that whatever enumeration is done by the Bureau of the Census and we hope that they will work on something by 2004. We would like it to meet the requirements, the constitutional requirements for apportionment. But that is not an essential qualification. What we want is a count of the best information that we can acquire, doing their very best, and we hope that it will be good

enough for apportionment. But if it can't reach that level, we still think it would be enormously valuable to us to have the data.

Mr. MILLER. One comment, Mr. Fina, you made. There's a lot of things you'd like to find out on a form, and there's a lot of privacy concerns in the census, and so it gets down to the question, and you raised the issue of what are we trying to accomplish. And when you start getting into income questions and all that, you're starting to get invasion of privacy and it affects response rates. But that's something we can proceed on. And I'm hoping we can do one, say, 2004 to see what—you know, we don't know what we have until we try it and we want to be prepared for 2010.

So let me thank you again for coming today, moving the process along, and looking forward to another hearing with the Bureau, and then we'll, you know, get further input and hopefully we'll be ready in a few years to do the test and then be prepared for 2010.

I ask unanimous consent all members and witnesses who have opening statements to be included in the record, and without objections, so ordered. Mr. Marans has asked to have a statement also. In case there are additional questions that Members may have for witnesses, I ask unanimous consent for the record to remain open for 2 weeks for Members to submit questions for the record and let witnesses submit written answers as soon as practicable. Without objection, so ordered.

The meeting is adjourned. Thank you.

[Whereupon, at 4 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

RESPONSES TO QUESTIONS

Subcommittee on the Census  
Committee on Government Reform  
August 8, 2001

Submitted on behalf of:  
American Citizens Abroad (ACA)  
The Association of Americans Resident Overseas (AARO)  
The Federation of American Women's Clubs Overseas, Inc. (FAWCO)<sup>1</sup>

**Q. The Constitution makes no mention of counting Americans abroad. Do you believe that Americans abroad are entitled to be counted for purposes of apportionment? If yes, where would this be supported in the Constitution?**

A. It is not constitutionally *mandated* that either private Americans or federal employees overseas be counted, but we believe that counting overseas private Americans would be upheld by the Supreme Court as constitutional, with appropriate Congressional findings and Census Bureau procedures. In 1992, the Supreme Court upheld against a constitutional and statutory challenge the practice of counting overseas federal employees and their families for purposes of apportionment. We believe that counting overseas private American citizens should also be upheld as constitutional because their federal right to register and vote absentee in federal elections in their last state of residence constitutes the "enduring tie" that the Supreme Court required in that opinion. The right to vote for overseas American citizens necessarily implies a right to be counted for the purposes of apportionment, the foundation of allocating representation.

**Q. Everyone seems to be in agreement that Americans overseas should be counted in future censuses. But for what purpose should they be counted? Do we count them for purposes of apportionment? Redistricting? Allocation of federal funds? The Chamber of Commerce has said all three.**

A. It is our position that private Americans overseas should be counted for the purpose of apportionment, to assure equal treatment with overseas federal employees and their families.

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<sup>1</sup> These organizations have offered responses to questions directed to Mr. Fina, Mr. Gribble and Mr. McClelland but do not purport to be answering on their behalf or on behalf of their organizations.

There is also some support among our membership to use the overseas count for redistricting and for the allocation of federal funds, but we recognize that this question is more complex and perhaps should be answered on a case-by-case basis. We understand that overseas federal employees and their families are not currently counted for redistricting purposes, so there is not the clear disparate treatment that exists in the area of apportionment. We can conceive of some situations in which federal funding might be based in part on information about citizens overseas, and we believe this question should be given further consideration depending on the specific circumstances.

**Q. One reason we have heard for the inclusion of overseas Americans is that many continue to pay taxes and vote in the United States. Should that be a criteria for enumeration? Are there any criteria that should be used to determine who should be included?**

A. All overseas American citizens are subject to federal taxation whether or not they may have any net tax liability in any particular year. Similarly, all qualified American citizens abroad have the right to register and vote absentee in federal elections in their state of last residence whether or not they exercise that right in any particular federal election.

The fact that an American overseas does not pay federal taxes in any particular tax year or does not vote in any particular federal election does not make him or her any less an American citizen.

If it is determined that it is overly burdensome to seek an enumeration of all overseas private U.S. citizens, the Census Bureau perhaps could identify and seek responses from particular additional segments of the overseas private population, just as they now count only the one segment of federal employees and their families. Consideration could be given to whether such additional segments could include those individuals identified as overseas U.S. citizens on Internal Revenue Service records and state and local voting records.

**Q. How should overseas Americans be allocated to the States for purposes of apportionment, redistricting, or the allocation of Federal funds? Place of birth? Home of record? Last known address? State of choice?**

A. Since Americans abroad are allocated for federal election voting purposes to the state of their last residence in the United States, even if that state may not be their current residence for other purposes, they should be allocated to the same state for purposes of apportionment.

**Q. Can Federal funds and representation justifiably be taken from one place, that has a certain actual population, and given to another place, that may have a greater population based on persons living abroad, but an actual smaller domestic population, and thus less of a need for it? Wouldn't the people that are actually there require the funds, services, and representation?**

A. The Congress, the Census Bureau and the Supreme Court have already addressed the question of representation in the context of counting overseas government employees and their families. As we have indicated, the question of using the overseas count for funding purposes is a complex one, and we believe that this question should be given further consideration depending on the specific circumstances.

*However, we emphatically reject the proposition that Americans overseas require any less representation than Americans at home.* That Congress saw fit to extend voting rights to overseas Americans and also to count overseas government employees and their families in the decennial census represents dramatic evidence that our government also rejects this proposition.

**Q. If overseas Americans are enumerated in future censuses, should their numbers be included as part of the official census number only? Or should there be a separate count and data file released of overseas Americans?**

A. Our answer is yes to both questions. There should be an overall census number that includes overseas private Americans as well as a breakdown that indicates how many private American citizens live abroad. A breakdown of overseas private Americans would provide Congress, the administration, and the private sector important information about the size and location of the private American community abroad.

**Q. While groups such as yours may be able and willing to aid in the success of a census count in many parts of the world, there are areas of the world where Americans are, that do not have the infrastructure or other organizations that can aid the counting of Americans there. How can we count Americans in the more remote parts of the world and do you feel the effort must be equal across the board?**

A. The challenge of counting overseas private Americans will vary from segment to segment and from country to country. It is our expectation that the Census Bureau will need to devise different strategies for each segment and each country. In some countries, for example, heavy reliance could be placed on American citizens groups or on administrative records held by the foreign government. In other countries, the Bureau will need to take a different approach. The fact that different approaches may be necessary does not itself mean that the count cannot be reasonably accurate and equitable.

**Q. With any census operation, there is a risk of duplication. Many overseas Americans have families here that may include them on their census forms. Additionally, many Americans are overseas as students and may already be included in the census by both their family and their home institution. Will this potential for duplication make the count - both overseas and national census- less accurate? How can we address this potential problem?**

A. Americans are a very mobile people, domestically as well as abroad, and the risk of duplication is real with any census. The Census Bureau has developed mechanisms for addressing this problem domestically and with the inclusion of overseas government employees and their families and will need to do so in the overseas private citizen count as well. Because the methods of counting will necessarily be different with private Americans abroad, the ways of avoiding duplication will also have to be different.

**Q. Should participation in the census be required by law for overseas Americans like it is for people here in the states?**

A. Yes. Americans overseas should have the same obligation to be counted in the census as Americans and others residing in the United States. At the hearing, several members expressed concern about the voluntary nature of an overseas count of private citizens. We do not believe that an overseas count of private citizens need be voluntary.

**Q. If it is not the same overseas as it is domestically could that lead to a legal challenge?**

A. An overseas count of private citizens may indeed generate a legal challenge (just as the count of overseas government employees and their families produced legal challenges). However, it is our expectation that the Census Bureau, with appropriate Congressional findings and support, can produce a count of overseas private citizens that will withstand a challenge in the courts. The fact that an overseas count, by necessity, will not be conducted in the same manner as the domestic count, or as the count of overseas government employees and their families, should not by itself make the overseas count legally vulnerable.

**Q. Mr. Betancourt mentioned the use of the State Department's Consular Affairs website. How else could word of the census be spread to overseas Americans?**

A. There are a variety of agencies, organizations, and societies that could help to disseminate information about the census. These potential resources range from government agencies like the Social Security Administration and the Internal Revenue Service (if legally and practically feasible), to American schools and clubs and non-governmental organizations of American citizens, as well as international media outlets relied upon by overseas Americans.

**Q. The proposed OCCC requests that respondents list children that are away from the residence, including those in the United States. Won't this lead to unnecessary duplication in census data?**

A. The Census Bureau faces the same problem domestically when children temporarily leave home to attend schools and colleges. We are confident that the Bureau could, through regulation or standard procedures, avoid duplication.

**Q. [To: Marans] As you know, distributive accuracy is one of the main legal conditions that must be met of an enumeration. Is it possible to achieve distributive accuracy across the board, for the many different Americans in different parts of the world?**

A. We believe that an acceptable level of distributive accuracy is possible, although we recognize that the degree of difficulty in counting overseas private Americans may vary from segment to segment and country to country. Achieving the requisite level of distributive accuracy will require substantial funding and a determined effort by the Census Bureau. With clear Congressional direction and adequate funding, we believe that the Census Bureau will be able to achieve adequate distributive accuracy in the count of overseas private citizens.

**Q. If the intent was to count all overseas Americans, but the practical outcome was that only certain Americans in certain parts of the world or certain Americans were enumerated, would such an outcome pass legal muster?**

A. This question is difficult to answer in the abstract. The Census Bureau would have to take into account a number of different factors in preparing the lists of overseas private citizens who would receive census enumeration forms, just as the Census Bureau does in using administrative records for counting overseas government employees and their families. If the Census Bureau uses distributively unbiased segment lists, it may still achieve an adequate level of distributive accuracy even taking into account the varying difficulties of counting overseas private citizens in certain countries.

**Q. [To: McClelland, Gribble]: We have seen this OCCC card that Mr. Marans included in his testimony. Mr. Fina introduced several more questions that he feels would be beneficial to include on an overseas questionnaire. For the rest of you, what are the appropriate questions that need to be asked of overseas Americans in a census enumeration? Should it not be completely consistent with the domestic census?**

A. In our view, the questions to be asked of private overseas Americans do not need to be identical to those asked in the domestic count. Specific questions for overseas Americans (subject to privacy considerations) might produce information on time spent abroad, reasons for being abroad, and the nature of contacts with their home community in the United States. The exact questions that should be included in the overseas questionnaire will have to be discussed among the Census Bureau, the State Department, organizations of overseas private Americans and other interested parties.

**Q. If it were determined that an overseas count could not be conducted for purposes of apportionment, would it be acceptable to have simply a count of overseas Americans every 10 years starting in 2005?**

A. As indicated above, we believe that with adequate Congressional direction and support, the Census Bureau can design a count of overseas private American citizens to make it usable for purposes of apportionment. We believe that the inclusion of overseas private Americans in either the decennial census or any mid-decade census will also provide other useful information on the overseas private American community.