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LESSONS LEARNED FROM THE 2004 OVERSEAS CENSUS TEST

HEARING

BEFORE THE

SUBCOMMITTEE ON TECHNOLOGY, INFORMATION POLICY, INTERGOVERNMENTAL RELATIONS AND THE CENSUS

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

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CONTENTS

Page

Hearing held on September 14, 2004 1

Statement of:

Gribble, Leigh, vice chair, American Business Council of the Gulf Countries, on behalf of Census 2010 Coalition; Lucy Stensland Laederich, U.S. liaison, Federation of American Women's Club Overseas, Inc.; and Clark H. Bensen, consultant and publisher, Polidata Co. 41

Kincannon, Charles Louis, Director, U.S. Census Bureau; and Patricia Dalton, U.S. Government Accountability Office 7

Letters, statements, etc., submitted for the record by:

Bensen, Clark H., consultant and publisher, Polidata Co., prepared statement of 59

Clay, Hon. Wm. Lacy, a Representative in Congress from the State of Missouri, prepared statement of 35

Dalton, Patricia, U.S. Government Accountability Office, prepared statement of 16

Gribble, Leigh, vice chair, American Business Council of the Gulf Countries, on behalf of Census 2010 Coalition, prepared statement of 46

Kincannon, Charles Louis, Director, U.S. Census Bureau, prepared statement of 10

Laederich, Lucy Stensland, U.S. liaison, Federation of American Women's Club Overseas, Inc., prepared statement of 53

Putnam, Hon. Adam H., a Representative in Congress from the State of Florida, prepared statement of 4

LESSONS LEARNED FROM THE 2004 OVERSEAS CENSUS TEST

TUESDAY, SEPTEMBER 14, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TECHNOLOGY, INFORMATION POLICY,
INTERGOVERNMENTAL RELATIONS AND THE CENSUS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2154, Rayburn House Office Building, Hon. Adam Putnam (chairman of the subcommittee) presiding.

Present: Representatives Putnam and Clay.

Also present: Representative Maloney.

Staff present: Bob Dix, staff director; John Hambel, senior counsel; Ursula Wojciechowski, professional staff member; Colleen Smith, fellow; Juliana French, clerk; David McMillen, minority professional staff member; and Jean Gosa, minority assistant clerk.

Mr. PUTNAM. Quorum being present, this hearing of the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census will come to order. Good afternoon, everyone, and welcome to the subcommittee's hearing entitled, "Lessons Learned from the 2004 Overseas Census Test." We are here today to examine the results of that test and to review the GAO's report entitled, "2010 Census: Counting Americans Overseas as Part of the Decennial Census Would Not Be Cost-Effective."

Having oversight of all census matters, this subcommittee recognizes the importance of the lessons learned in the preliminary findings from the ongoing evaluation by the Census Bureau regarding this test. We also recognize the importance of hearing the concerns from stakeholders with relevant perspectives on the test and its challenges.

The U.S. Constitution requires a count of its population every 10 years. The count determines the number of apportioned seats that a State gets in the House of Representatives and is used to update and revise voting districts, and the data is used to determine eligibility distribution of Federal grant dollars to State and local governments.

Since the first decennial census in 1790, the concept of usual residence has been used. Usual residence generally means that people are counted where they live most of the time and not necessarily the same as voting residence or legal residence.

Historically, the Census Bureau has focused its efforts on counting everyone in every household living in the United States regardless of age or citizenship status. They have developed processes,

such as the Nonresponse Followup, and tools, including the MAF/TIGER, over time that have continued to improve the accuracy of the decennial census. The Bureau has counted those Americans who are deployed or assigned overseas in serving this Nation in recent censuses for purposes of apportionment. They have included members of the military, Federal civilian employees and their dependents by using administrative records, but they have never included all American citizens residing abroad in a decennial census for purposes of apportionment or redistricting. The magnitude of known obstacles has been a determinant factor of the feasibility of such an effort.

Many private American citizens living abroad have long recognized the importance of participating in the census as part of their civic duty. Some pay taxes, vote, may have families back home, while others may be overseas for only a short period of time or, I might add, are overseas for a reason and don't want to be found. Although it is estimated that up to 4 million American citizens may reside abroad, the precise number is unknown. There are currently no administrative records, processes or any acceptable tested methodology for providing an independent measure for the coverage of this population. Estimations from the U.S. State Department's 1999 records and the U.S. Department of Defense's 2000 records suggest there are approximately 4.1 million, but there is no calculation as to how many households the Census Bureau would have to count.

Congress and the Census Bureau have been responsive to the stakeholder groups of American citizens living abroad overall. Congress has held hearings in the past to hear from stakeholders on this issue. Through its role on oversight and appropriations, Congress has worked with the Census Bureau to help facilitate and fund the 2004 overseas census test. This subcommittee enlisted the help of the Government Accountability Office in monitoring the work of the Census Bureau as it undertook this unprecedented effort to determine if it was feasible to include overseas Americans in the decennial census.

Census Bureau estimates it will have spent $7.8 million over 3 years for this test. It involved enumerating the unknown universe of American citizens living in France, Mexico and Kuwait from February to July 2004. The test was carried out on schedule and consistent with its research design. However, the response rate in this test was very poor. Just over 5,000 questionnaires were returned, most via the Internet. Because of this low response level, the cost for obtaining these questionnaires was extremely high. GAO estimates it cost approximately $1,500 per response.

In this hearing we will receive testimony as to the results of the tests and the challenges that exist in enumerating the overseas population. We have two distinguished panels of witnesses today. The first panel, we welcome the Director of the Census Bureau and the Director of Strategic Issues at the Government Accountability Office. I am eager to hear their expert insight into the 2004 overseas census test.

Our second panel is comprised of three census stakeholders. I would like to thank the first two for traveling so far to be with us today from Kuwait and France respectively. They represent Amer-

ican citizens living abroad who have worked to make the test happen. I look forward to hearing their viewpoint. Our final witness represents the data user community. As a redistricting analyst, he brings a valuable perspective into the discussion of the feasibility of the issue.

I eagerly look forward to the expert testimony these distinguished panel of leaders will provide today. At this time we would like to remind everyone that today's hearing can be viewed for those living abroad—can be viewed live via WebCast by going to reform.house.gov and clicking on the link under live committee broadcasts.

We will await the arrival of other committee members for their opening statements and move right into witnesses' testimony. Our first panel are experienced witnesses. You understand the light system. You will be recognized to summarize your written remarks in 5 minutes, and we will then proceed to questions and answers.

[The prepared statement of Hon. Adam H. Putnam follows:]

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SUBCOMMITTEE ON TECHNOLOGY, INFORMATION POLICY, INTERGOVERNMENTAL RELATIONS AND THE CENSUS
Congressman Adam Putnam, Chairman

OVERSIGHT HEARING
STATEMENT BY ADAM PUTNAM, CHAIRMAN

Hearing topic: *"Lessons Learned from the 2004 Overseas Census Test."*

Tuesday, September 14, 2004
2:00 p.m.
Room 2154, Rayburn House Office Building

OPENING STATEMENT

Good afternoon and welcome to the Subcommittee's hearing on the "Lessons Learned from the 2004 Overseas Census Test." We are here today to examine the results of the test and to review the GAO's report titled "2010 Census: Counting Americans Overseas as Part of the Decennial Census Would Not Be Cost Effective." Having oversight of all Census matters, this Subcommittee recognizes the importance of the lessons learned and the preliminary findings from the ongoing evaluation by the Census Bureau regarding this test. We also recognize the importance of hearing the concerns from stakeholders with relevant perspectives on the test and its challenges.

The United States Constitution requires a count of its population every 10 years. The count determines the number of apportioned seats that a state gets in the House of Representatives, is used to update and revise voting districts, and the data is used to determine eligibility for distribution of available federal grant dollars to state and local governments.

Since the first decennial census in 1790, the concept of "usual residence" has been used. Usual residence generally means that people are counted where they live most of the time, and not necessarily the same as voting residence or legal residence.

Historically, the Census Bureau has focused its efforts on counting ***everyone*** in every household living within the United States regardless of age or citizenship status. They have developed processes, such as the Non-Response Follow Up, and tools, including the MAF/TIGER, over time that have continued to improve the accuracy of the decennial Census. The Bureau has counted those Americans who are deployed or assigned overseas in serving this nation in recent censuses for purposes of apportionment. They have included members of the military, federal civilian employees, and their dependents by using administrative records, but they have never included all American citizens residing abroad in a decennial census for purposes of apportionment or redistricting. The magnitude of known obstacles has been a determinant factor in the feasibility of such an effort.

Many private American citizens living abroad have long recognized the importance of participating in the census as part of their civic duty. Some pay taxes, vote, may have families back home, while others may be overseas for only a short period of time. Although it is estimated that up to four million American citizens may reside abroad, the precise number is unknown. There are currently no administrative records processes or any acceptable tested methodology for providing an independent measure of the coverage of this population is available. Estimations from the U.S. State Department's 1999 records and the U.S. Department of Defense's 2000 records suggest there is approximately 4.1 million, but there is no calculation as to how many households the Census Bureau would have to count.

Congress and the Census Bureau have been responsive to the stakeholder groups of American citizens living abroad overall. Congress has held hearings in the past to hear from stakeholders on this issue. Through its roles in oversight and appropriations, Congress has worked with the Census Bureau to help facilitate and fund the 2004 Overseas Census Test. This Subcommittee enlisted the help of the Government Accountability Office in monitoring the work of the Census Bureau as it undertook this unprecedented effort to determine if it was feasible to include overseas Americans in a decennial census.

The Census Bureau estimates that it will have spent $7.8 million over three years for this test. It involved enumerating the unknown universe of American citizens living in France, Mexico and Kuwait from February to July 2004. The test was carried out on schedule and consistent with its research design; however, the response rate in this test was extremely poor. Just over 5,000 questionnaires were returned, most via the Internet. Because of this low response level, the cost for obtaining these questionnaires was extremely high. GAO estimates it costs approximately $1,500 dollars per each response.

In this hearing, we will receive testimony as to the results of the test and the challenges that exist in enumerating the overseas population. We have two distinguished panels of witnesses today. In the first panel we welcome the Director of the Census Bureau and the Director of Strategic Issues at the Government Accountability Office. I

am eager to hear their expert insight into the 2004 Overseas Census Test. Our second panel is comprised of three census stakeholders. I'd like to thank the first two for traveling so far to be with us today, from Kuwait and France, respectively. They represent American citizens living abroad who have worked to make the test happen. I look forward to hearing their viewpoint. Our final witness represents the data user community. As a redistricting data analyst, he adds a valuable perspective into the discussion of the feasibility of this issue. I eagerly look forward to the expert testimony these distinguished panels of leaders will provide today.

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Mr. PUTNAM. At this time, I would ask you to rise, please, for the administration of the oath.

[Witnesses sworn.]

Mr. PUTNAM. All the witnesses have responded in the affirmative, and we will begin with our Census Bureau Director. We are honored to have with us today the Director of the Census Bureau, Mr. Charles Louis Kincannon. Mr. Kincannon began his career as a statistician at the U.S. Census Bureau in 1963. He held positions of increasing responsibility in the economic, demographic and administrative areas of the Bureau. He left during the Ford administration to join the staff of the Office of Management and Budget where he worked on statistical and regulatory policy.

Throughout his time with the Federal Government, Mr. Kincannon received a number of awards recognizing his work, including the Presidential-Rank Award of Meritorious Service and the Department of Commerce Gold Medal.

In 1992, Mr. Kincannon was appointed as the first chief statistician in the Organization of Economic Cooperation and Development. He returned to the United States in 2000, was nominated by President Bush and confirmed by the Senate unanimously in March 2002 to direct the Census Bureau. That may have been the last unanimous vote the Senate cast.

We welcome you to the subcommittee and recognize you for your testimony.

STATEMENTS OF CHARLES LOUIS KINCANNON, DIRECTOR, U.S. CENSUS BUREAU; AND PATRICIA DALTON, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. KINCANNON. Thank you, Mr. Chairman. Good afternoon. And on behalf of the Census Bureau, I want to thank you and the subcommittee for giving us the opportunity to share our experience and perspectives from the 2004 overseas enumeration test. The Census Bureau's objectives for the 2004 overseas test were to learn whether we could locate Americans living in the three test countries, France, Kuwait and Mexico, and whether Americans would participate and return the forms via Internet or direct mail. These objectives may seem simple, but they are important. The success of the decennial census stateside depends on the Census Bureau's ability to obtain these objectives with high standards of measurable quality.

In conducting the decennial census, the Census Bureau faces the task of finding every person living in America every 10 years. This task is daunting, but inspires at the same time our best hopes, our best ideas and our best efforts. The civic ritual of the census is almost as old as our Nation itself, and its fundamental purpose is one of the few specific government responsibilities mentioned in the Constitution. This mandate gives life to the promise of fair representation, and it is an affirmation of the great promise made on behalf of this Nation to all generations speaking of "We the people."

It's easy to lose sight of the real goals of the census as difficulties and controversies arise. The stakes are quite high. And with each generation and each succeeding census, we find ourselves again asking the critical question, who counts in the census?

The 2004 overseas test was designed to determine the feasibility of conducting a census overseas. The Census Bureau conducted this test at a cost of approximately $7.8 million over 3 years. We chose to conduct this test in France, Kuwait and Mexico because these countries are in different parts of the world, and each has a significant population of U.S. citizens and residents.

The Census Bureau finished data collection on July 2, 2004. Since that point, we have been engaged in data processing and tabulation, including quality assurance tests preparatory to evaluation efforts. While we will not have formal results and evaluations until next spring, I'm here to share some of the early indications of the 2004 overseas test.

One of the most important criteria of the decennial census is the response rate. We cannot accurately calculate a response rate for this test because we do not have accurate estimates of the number of Americans living in the three test countries. However, we believe the response is low by any standard one might choose. From France we received approximately 3,100 questionnaires. From Kuwait we received approximately 300. And from Mexico we received approximately 2,000, 35 of which were in Spanish. The initial reaction to the anecdotal evidence supplied by stakeholder groups indicates that many Americans living abroad in those countries either did not know about the test or understand its purpose.

We had printed over 600,000 questionnaires to make sure we had enough for those tests, and this number was partly based on estimates from a number of sources. In France, for instance, we have estimates ranging from about 29,000 to over 112,000 Americans in residence. These results suggest that the Census Bureau cannot conduct a decennial census abroad as done stateside with any degree of measurable certainty.

There are several key distinctions between the decennial census as collected in America and counting Americans overseas. The first distinction is that the decennial census collected in the United States is mandatory, and the purpose can be clearly communicated. It is much easier to achieve participation stateside and persuade households to answer because we can communicate the benefits of the census data for every neighborhood and community.

The second distinction is the existence of the Master Address and mapping system. We talk about it at the Census Bureau as MAF/TIGER. It is literally the road map of the United States and every community in it. We have no such resource, maps or address lists, that explain how to reach every American living abroad. In short, we don't know where to look for every American living abroad by the method we use in the States.

Another related distinction is the lack of a field infrastructure to do nonresponse followup. In the United States we hired over 800,000 field workers to do the field work in the 2000 census. To complement this infrastructure, we had a massive campaign of public relations, and we would have difficulty in repeating these characteristics and strengths overseas.

We have reliable estimates of the U.S. population and its demographic composition. These enable us to evaluate the quality and coverage accuracy of the decennial census. We don't have these

data for other countries. These distinctions are very important to the success of the decennial census.

In closing, the Census Bureau has determined that taking a census overseas would present unique difficulties, difficulties that cannot be resolved by the methods and tools that the Census Bureau uses to conduct the census stateside. This indicates that without the capabilities to meet high standards of measurable quality, we would be unable to provide data likely to fulfill the purpose for which the decennial census is collected; that is, apportionment, redistricting and distribution of Federal funds. The preliminary results of the test indicate that we cannot meet the same standards of measurable quality as the data that we collect in the United States.

Mr. Chairman, I thank you for this opportunity and hope this information is informative. I have a full written statement that I request be included in the record if it so please you.

Mr. PUTNAM. It will be, and we appreciate it. And thank you very much.

[The prepared statement of Mr. Kincannon follows:]

PREPARED STATEMENT OF

CHARLES LOUIS KINCANNON
DIRECTOR
U.S. CENSUS BUREAU

"Counting Americans Overseas: Lessons Learned From the 2004 Overseas Enumeration Test"

Before the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census U.S. House of Representatives

14 September 2004

Good afternoon. On behalf of the U. S. Census Bureau, I want to thank Chairman Putnam and the Subcommittee for the opportunity to share our experience and perspectives from the 2004 Overseas Enumeration Test. This test exposed many challenges, suggesting many decennial conditions cannot be replicated abroad.

The Census Bureau's goal for the 2004 Overseas Enumeration Test was to assess the feasibility of conducting decennial census operations overseas. Operations were designed to test whether we could locate Americans living in the three test countries, France, Kuwait, and Mexico, and whether Americans would participate and return the forms via Internet or by mail. These objectives may seem simple; but they are important. The success of the decennial census *stateside* depends on the Census Bureau's ability to attain these objectives with high standards of measurable quality.

In conducting the decennial census, the Census Bureau faces the task of finding every person living in America every ten years. This task is daunting, but it inspires our best hopes, our best ideas, and our best efforts. We believe that this duty is an incredible privilege — an opportunity to serve our nation in a fundamental and meaningful way. The civic ritual of the decennial census is nearly as old as this nation, and its fundamental purpose is one of the few specific government responsibilities written in the Constitution. The instructions may be limited, but the fundamental purpose is clearly established: to produce "a count of the whole number of persons in each state."[1] This mandate gives life to the promise of fair representation, and it is an affirmation of the great promise made on behalf of this nation to all generations — "We the people." Finally, the census is also a symbol of respect for every person and community in America; it is the only activity in our civic life that must reach every street, every household, and every person living in America.

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[1] *Section 2, clause 3 as amended by the Fourteenth Amendment.*

It is easy to lose sight of the real goal of the census, as difficulties and controversies arise. The stakes are quite high. And with each generation and each succeeding census, we find ourselves again asking the same critical question, "Who counts?" Throughout our history, we have debated the inclusion of many population groups. Yet, with each census, we have proceeded with some assurance that the first census takers, Federal Marshals, had attempted to count every person living in America at that time, and that this should remain our guiding principle.

And while this is our guiding principle and our fundamental task, the Census Bureau has, at least for the last two decennials, included both military and federal civilian workers stationed abroad, as well as their dependents. We use administrative records from the Department of Defense and other agencies to get a count of Americans stationed abroad. Their numbers are included in the count for apportionment — the count that must be released by date of December 31 of the decennial year. However, their numbers are not included in the counts that are later released for redistricting and other purposes, such as the distribution of federal funds. The Census Bureau is confident about this method, and the Supreme Court has upheld the legality of this methodology on several occasions. While other attempts in the past were made to count the civilian population overseas, the Census Bureau has never included all American citizens residing overseas in the totals for either reapportionment or redistricting. In the lead up to Census 2000, however, both Congress and stakeholders expressed an interest in determining whether it would be possible to count all Americans living overseas.

The 2004 Overseas Enumeration Test was designed to determine the feasibility of conducting such an enumeration, as well as whether it was possible to get Americans to participate and to begin to estimate the potential cost of getting Americans to participate. The Census Bureau conducted this test at a cost of approximately $7.8 million over three years. We chose to conduct this test in France, Kuwait, and Mexico because these countries are in different parts of the world, and each has a significant population of U.S. citizens in residence. Moreover, these populations are generally demographically diverse, and they are living abroad for a variety of reasons.

The data collection phase of the test began in February, when the census questionnaires became available both online and at a number of locations in the three test countries. We relied on consulates to provide locations for questionnaires. We also relied upon third party stakeholders to provide locations, as well as to publicize the test to their members and the American community at-large. The various clubs and organizations serving Americans, churches, and private companies that participated in this test not only helped us in this capacity, but have also helped us throughout the process with their advice and insight.

The Census Bureau finished data collection on July 2, 2004. Since that point, we have been engaged in data processing and tabulation, including quality assurance checks, preparatory to evaluation efforts. While we will not have formal results and evaluations until early next year, I am here today to share some of the early indications from the 2004 Overseas Test. One of the most important criteria of the decennial census is response rate. We cannot accurately calculate a response rate because we do not have accurate estimates of the numbers of Americans living in the three test countries. However, we believe the response was low by any standard.

- From France, we received approximately 3100 questionnaires.
- From Kuwait, we received approximately 300 questionnaires.
- From Mexico, we received approximately 2000 questionnaires — 35 of those were in Spanish.
- The total response was approximately 5400 questionnaires

Initial reaction and anecdotal evidence supplied by stakeholder groups indicates that many Americans living abroad in these countries either did not know about the test or understand its purpose. Others chose not to respond, citing concerns about privacy and their taxes. We printed over 600,000 questionnaires for these tests, and this number was partly based on estimates from a number of sources. In France, for instance, we have estimates that range from 29,000 to about 112,000 Americans in residence. When I was living in Paris, I was counted in the French census, and I am part of that 29,000 number. The larger numbers are estimates from the State Department and stakeholder groups.

- In Kuwait, a country where we could expect fairly accurate estimates of Americans — the numbers range from 1200 to about 10,000.
- In Mexico, the estimates go as high as one million.

What are our conclusions about these response rates?

These results suggest the Census Bureau cannot conduct a decennial census abroad, as done stateside, with any degree of measurable certainty. While the decennial census seems like a straightforward task — a simple count of every person — it is a system of complex and precise operations that must culminate in the understanding and cooperation of every household. The great difficulties of the census are in the process of reaching every street, household, and person; and the nature of this process is important to consider because counting all Americans overseas is a different task than conducting the decennial census stateside. It is, we have learned, a far more multifarious task. There are several key distinctions between the decennial census collected in America and counting abroad.

The first distinction is that the decennial census collected in the United States is mandatory and the purposes can be clearly communicated. It is much easier to compel participation stateside and persuade households to answer because we can communicate the benefits of the census data for every neighborhood and community.

The second distinction is the existence of the Master Address File and the mapping system — *known in census-speak as MAF/TIGER*. MAF/TIGER is literally the road map of the entire United States and every community. It is the road map for a successful census. It tells us where people are living and not only furnishes us with a list of households to contact, but also provides a reasonable means of organizing our workload and the non-response follow-up operations. We have no such resource — no maps or address lists — to reach Americans living abroad. Nor do we know of any practical methods to conduct non-response follow up. In short, we do not know where to look for every American living abroad.

Another related distinction is the lack of a field infrastructure to conduct non-response follow-up. In the United States, we hired over 800,000 enumerators and field staff to conduct non-response follow-up for 42 million households in 2000. To complement this field infrastructure, the Census Bureau also implements a massive public relations campaign, based not only on paid advertising, but also on partnerships and direct outreach. We would have great difficulty mounting operations of this size and scope around the world in 180 countries.

Finally, we also have reliable overall estimates of the U.S. population and its demographic composition. These are independent estimates known as Demographic Analysis and are based on administrative records, such as records of births, deaths, and emigration. These estimates enable us to evaluate the overall coverage and accuracy of the decennial census.

These distinctions are very important to the success of the decennial census. They are tools we will lack if we are instructed to collect the census overseas. We cannot enforce, require, or compel participation in other countries. The lack of a MAF/TIGER not only means we do not know how to find people, but also means we have no effective way of calculating a response-rate or conducting any sort of non-response follow-up operation as conducted in the decennial census. Nor can we conduct an adequate coverage evaluation.

In closing, the Census Bureau has determined that taking a census overseas would present unique difficulties -- difficulties that cannot be resolved by the methodologies and tools the Census Bureau uses to conduct the decennial census stateside. The Census Bureau conducts the decennial census stateside with capabilities that enable the data to meet high standards of measurable quality. Such quality promotes the ability of the data to fulfill the purposes for which the decennial census is collected, including apportionment, redistricting, and the distribution of federal funds. The preliminary results of the 2004 Overseas Enumeration Test suggest that the data could not meet the same standards of measurable quality as the data the Census Bureau collects within the United States, which would call into question possible uses of the data.

Mr. Chairman, thank you for this opportunity and I hope that this information is informative and will help the Congress in reaching its determination. I would be happy to answer your questions and concerns.

Mr. PUTNAM. For our next witness, we are going to hear Ms. Dalton's testimony, and then we will go to Mr. Clay's opening statement. Our next witness is Ms. Patricia Dalton, who is Director For Strategic Issues at the Government Accountability Office. In this position she directs GAO's work related to the decennial census and the Census Bureau. She is responsible for GAO's work related to government management issues, particularly performance management and the Government Performance and Results Act, organizational structure and design, intergovernmental relations and tools of government.

Before joining the GAO in 2001, she was the Deputy Inspector General for the U.S. Department of Labor for 7 years. She received her appointment to the Senior Executive Service in 1993 from the U.S. Department of the Army, where she served as Director of Audit Policy, Planning and Resources of the Army Audit Agency. Ms. Dalton is a certified public accountant and holds an M.B.A. from U.Mass and a BA from the College of the Holy Cross. Welcome to the subcommittee.

Ms. DALTON. Thank you, Mr. Chairman and members of the subcommittee. At the subcommittee's request we have evaluated the overseas enumeration test, its design and execution and have published two reports on the subject, the latest of which is being released this afternoon by the subcommittee. Although the complete results of the test will not be available until next year when the Census Bureau expects to finalize its evaluations, two important findings have already emerged in GAO's work.

First, the 2004 overseas test was an extremely valuable exercise in that it revealed the numerous obstacles both in logistics and design to counting Americans abroad through the decennial census. The tools and resources the Bureau has available to enumerate this group, largely for reasons of practicality, cannot cost-effectively surmount these obstacles.

Second, to the extent that better data on overseas Americans might be useful for various policymaking and other nonapportionment purposes that do not need as much precision, such information does not need to be collected as part of the decennial census. It will be important for Congress, the Bureau and stakeholders to work together to explore the feasibility of counting overseas Americans using alternatives to the decennial census. The initial results of the overseas census test suggest that counting Americans abroad on a global basis would require enormous resources and still not yield data that are comparable in quality to the stateside count.

The response to the overseas census test was disappointing, and you can see that on the posterboard to your left. The 5,390 responses that the Bureau received in the three test countries was far below what the Bureau planned for when it printed out the questionnaires. While the Bureau ordered 520,000 paper forms for the three test sites, less than 2,000 forms were returned. Approximately 3,000 responses were received by the Internet.

Not surprisingly, as with any operation as complex as the overseas enumeration test, various unforeseen problems arose. While the Bureau was able to address them, it is doubtful that the Bureau would have the ability to do so in 2010 should there be a full overseas enumeration. The difficulties included grappling with

country-specific issues and overseeing the contractor responsible for raising public awareness of the census at the three test sites.

The Bureau's long-standing experience in counting the Nation's stateside population has shown that specific operations and procedures together form the building blocks of a successful census, and, again, this is illustrated in one of the posterboards to your left. The design of the overseas test, a voluntary survey that relies heavily on marketing to secure complete counts, lacks these basic building blocks largely because they are impractical to perform in other countries. The disappointing test results are not surprising. Refining this basic design or adding more resources would probably not produce substantial better outcomes. Key elements for success are absent.

In addition to the logistical hurdles, there are a series of policy and conceptual questions that need to be addressed as well. They include who should be counted, what determines residency in another country, how should overseas Americans be assigned to individual States, how should the population data be used.

Congress will need to decide whether or not to count overseas Americans and how the results should be used. These decisions in turn will drive the methodology for counting the population group. Possibilities include counting Americans via a separate survey; administrative records such as passports or voter registration forms; records maintained by other countries, such as published census records and work permits. However, far more extensive research would be needed to determine the feasibility of these or other potential approaches.

The report we released today suggests that Congress should continue to fund the evaluations of the 2004 test, but eliminate funding for any additional tests related to counting Americans abroad as part of the decennial census. However, this is not to say that overseas citizens should not be counted. Such information does not necessarily need to be collected as part of the decennial census and could be acquired through a separate survey or other means. Our report recommends that the Bureau, in consultation with the Congress, would research such options.

Successfully counting the Nation's population is a daunting task. As the countdown to the next census approaches the 5-year mark, the question of enumerating Americans overseas is just one of a number of issues that the Bureau needs to resolve. As you know, last year we identified the 2010 census as a major management challenge. On behalf of the subcommittee, we will continue to assess the Bureau's progress in planning and implementing the 2010 census and identifying opportunities to increase its cost-effectiveness.

This concludes my prepared statement. I would be happy to answer any questions.

Mr. PUTNAM. Thank you very much.

[The prepared statement of Ms. Dalton follows:]

United States Government Accountability Office

GAO

Testimony

Before the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, Committee on Government Reform, House of Representatives

For Release on Delivery
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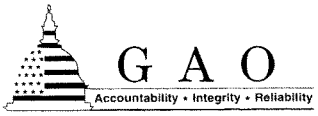
2010 CENSUS

Counting Americans Overseas as Part of the Census Would Not Be Feasible

Statement of Patricia A. Dalton
Director, Strategic Issues



GAO-04-1077T

September 14, 2004

GAO
Accountability · Integrity · Reliability

Highlights

Highlights of GAO-04-1077T, a report to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, Committee on Government Reform, House of Representatives

2010 CENSUS

Counting Americans Overseas as Part of the Census Would Not Be Feasible

Why GAO Did This Study

The U.S. Census Bureau (Bureau) has typically excluded from the census private citizens residing abroad, but included overseas members of the military, federal civilian employees, and their dependents (in the 1990 and 2000 Censuses, these individuals were included in the numbers used for apportioning Congress). The Bureau recently tested the practicality of counting all overseas Americans. GAO was asked to testify on the test's initial results. Our statement is based on our published reports, one of which is being released at today's hearing.

What GAO Recommends

In our latest report, we suggest that Congress may wish to consider eliminating funding for additional research related to counting Americans abroad as part of the decennial census. However, funding for the evaluation of the 2004 test should continue as planned to inform congressional decision making. Should Congress desire better data on overseas Americans for certain policy-making and other nonapportionment purposes, Congress may wish to consider funding research on the feasibility of counting this group using alternatives to the decennial census. To facilitate this decision making, we are recommending that the Bureau, in consultation with Congress, research options such as using a separate survey. The Bureau agreed with our conclusions and recommendations.

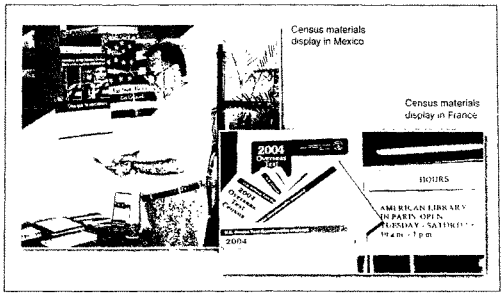
www.gao.gov/cgi-bin/getrpt?GAO-04-1077T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Patricia A. Dalton at (202) 512-6806 or daltonp@gao.gov.

What GAO Found

The test results suggest that counting all American citizens overseas as part of the census would require enormous resources, but still not yield data at the level of quality needed for purposes of congressional apportionment. Participation in the test was poor, with just 5,390 questionnaires returned from the three test sites.

Enumerating Americans in Mexico and France



Source: GAO.

Moreover, as the Bureau's experience during the 2000 Census shows, securing better participation in a global count might not be practical. The Bureau spent $374 million on a months-long publicity campaign that consisted of television and other advertising that helped produce a 72-percent return rate. Replicating the same level of effort on a worldwide basis would be difficult, and still would not produce a complete count. Further, the low participation levels in the test made the unit cost of each response relatively high at around $1,450.

The test results highlighted other obstacles to a cost-effective count including the resources needed to address country-specific problems and the difficulties associated with managing a complex operation from thousands of miles away. The approach used to count the overseas population in the 2004 test—a voluntary survey that largely relies on marketing to secure a complete count, lacks the basic building blocks of a successful census such as a complete and accurate address list and the ability to follow-up with nonrespondents. As the Bureau already faces the near-daunting task of securing a successful stateside count in 2010, having to simultaneously count Americans abroad would only add to the challenges it faces.

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the feasibility of counting Americans residing abroad. As you know, last year we named the 2010 Census a major management challenge and program risk because of the numerous operational and other questions facing a cost-effective head count, the price tag of which now exceeds $11 billion, according to U.S. Census Bureau (Bureau) estimates.

The issue of whether and how to count overseas Americans are two such questions. How they get resolved could have implications for the cost and quality of the 2010 Census, as well as for the various purposes for which the data are used, congressional apportionment among them.

Advocates of an overseas census believe that better demographic data on Americans abroad would be useful for a variety of policy-making and business purposes, and would make their unique interests more visible to Congress. The Constitution and federal statutes give the Bureau discretion over whether to count Americans abroad. With few exceptions, the Bureau has historically counted only "federally affiliated" individuals, a group consisting of members of the military, federal civilian employees, and their dependents.

Following the 2000 Census, in response to congressional direction and the concerns of various private organizations, the Bureau launched a test enumeration to assess the practicality of counting both private and federally affiliated U.S. citizens abroad. The key part of this effort, the data collection phase, took place between February and July 2004 in three countries: France, Kuwait, and Mexico. The cost of the test—from initial planning in 2003 through final evaluations in 2005—will be about $7.8 million, according to Bureau estimates.

At the Subcommittee's request, we have evaluated the test's design and execution, and have published two reports on the subject, the latest of which we are releasing this afternoon.[1] My remarks today summarize the results of our research. Our findings are based on our on-site observations

[1]GAO, *2010 Census: Overseas Enumeration Test Raises Need for Clear Policy Direction*, GAO-04-470 (Washington, D.C.: May 21, 2004); GAO, *2010 Census: Counting Americans Overseas as Part of the Decennial Census Would Not Be Cost-Effective*, GAO-04-898 (Washington, D.C.: August 19, 2004).

in Paris, France, and Guadalajara, Mexico; as well as our analysis of applicable planning, legal, and other documents, and interviews with Bureau officials and representatives of private organizations who helped the Bureau promote the census at the three test sites. We conducted our audit work from June 2003 through July 2004, in accordance with generally accepted government auditing standards.

Although the complete results of the test will not be available until next year when the Bureau expects to finalize its evaluations, two important findings have already emerged.

First, the 2004 overseas test was an extremely valuable exercise in that it revealed the numerous obstacles to counting Americans abroad via the decennial census. The tools and resources the Bureau has available to enumerate this group, largely for reasons of practicality, cannot cost-effectively surmount these obstacles, and it is unlikely that any refinements or additional resources would generate substantially better data, and certainly not at the level of quality needed for purposes of congressional apportionment. Consequently, Congress may wish to consider eliminating funding for any additional research and testing related to counting this group as part of the decennial headcount, including tests planned for 2006 and 2008 (although funding for completing the evaluation of the 2004 test should continue as planned).

Second, to the extent that better data on overseas Americans might be useful for various policy-making and other nonapportionment purposes that do not need as much precision, such information does not need to be collected as part of the decennial census. It will be important for Congress, the Bureau, and stakeholders to work together to explore the feasibility of counting overseas Americans using alternatives to the decennial census such as a separate survey and/or administrative records.

Background

Historically, the census has focused on counting people stateside, although various overseas population groups have been included in the census at different times. For example, as shown in table 1, over the last century, the Bureau has generally included federally affiliated individuals and their dependents, but except for the 1960 and 1970 Censuses, has excluded private citizens such as retirees, students, and business people. In addition, only the 1970, 1990, and 2000 Censuses used counts of federally affiliated personnel for purposes of apportioning Congress. As a result, although

estimates exceed four million people, the precise number of Americans residing abroad is unknown.

Table 1: Treatment of Certain Population Groups Living or Working Overseas in the Decennial Censuses, 1900-2000

Population group[a]	1900	1910	1920	1930	1940	1950	1960	1970	1980	1990	2000
U.S. military personnel stationed abroad or at sea and their dependents	X	X	X	X	X	X	X	✓	X	✓	✓
Federal civilian employees stationed abroad and their dependents	X	X				X	X	✓	X	✓	✓
Persons abroad working for the American Red Cross or in the consular service and their dependents			X	X	X						
Private U.S. citizens abroad for an extended period							X	X			

Source: U.S. Bureau of the Census, *Americans Overseas in the U.S. Censuses*, Technical Paper 62 (Washington, D.C.: November 1993).

[a]This table excludes the officers and crew of merchant marine vessels because available data were unclear as to whether these groups were included in the overseas enumerations or the stateside counts in the decennial censuses.

Key: ✓ = Included in the population count used for congressional apportionment. X = Counted in the census, but not included in the population totals used for apportionment.

The Constitution and federal statutes give the Bureau discretion over whether to count Americans overseas.[2] Thus, Congress would need to enact legislation if it wanted to require the Bureau to include overseas Americans in the 2010 Census. Nevertheless, in recent years, the Bureau's policy of excluding private citizens from the census has been questioned. For example, advocates of an overseas census claim that better data on this population group would be useful for a variety of policy-making and other purposes. Moreover, the overseas population could, in some instances, affect congressional apportionment.

More generally, the rights and obligations of overseas Americans under various federal programs vary from activity to activity. For example, U.S. citizens residing overseas are taxed on their worldwide income, can vote in federal elections, and can receive Social Security benefits, but they are

[2]U.S. Const. Art I, § 2, cl. 3; 13 U.S.C. § 141(a).

generally not entitled to Medicare benefits, or, if they reside outside of the United States for more than 30 days, Supplemental Security Income.

Cost-Effectiveness Would be Problematic

The initial results of the overseas census test suggest that counting Americans abroad on a global basis would require enormous resources and still not yield data that are comparable in quality to the stateside count. Indeed, participation in the test was low and relatively costly to obtain, and on-site supervision of field activities proved difficult. The test made clear that the current approach to counting Americans abroad—a voluntary survey that relies largely on marketing to get people to participate—by itself cannot secure a successful head count.

Securing an Acceptable Response Rate Would Be Challenging and Costly

To promote the overseas census test the Bureau relied on third parties—American organizations and businesses in the three countries—to communicate to their members and/or customers that an overseas enumeration of Americans was taking place and to make available to U.S. citizens either the paper questionnaire or Web site address where Americans could complete their forms via the Internet.

Still, the response to the overseas census test was disappointing. The 5,390 responses the Bureau received from the three test countries was far below what the Bureau planned for when it printed the questionnaires. While the Bureau ordered 520,000 paper forms for the three test sites, only 1,783 census forms were completed and returned. Of these, 35 were Spanish language forms that were made available in Mexico. The remaining 3,607 responses were completed via the Internet. Table 2 shows the number of census questionnaires that the Bureau printed for each country and the number of responses it actually received in both the paper format and via the Internet.

Table 2: Comparison of Responses Received for 2004 Overseas Census Test

Test sites	Number of forms printed for each test site	Number of responses by mode: Paper	Number of responses by mode: Internet	Total number of responses received
Mexico	430,000[a]	869[b]	1,130	1,999
France	75,000	886	2,219	3,105
Kuwait	15,000	28	258	286
Total	520,000	1,783	3,607	5,390

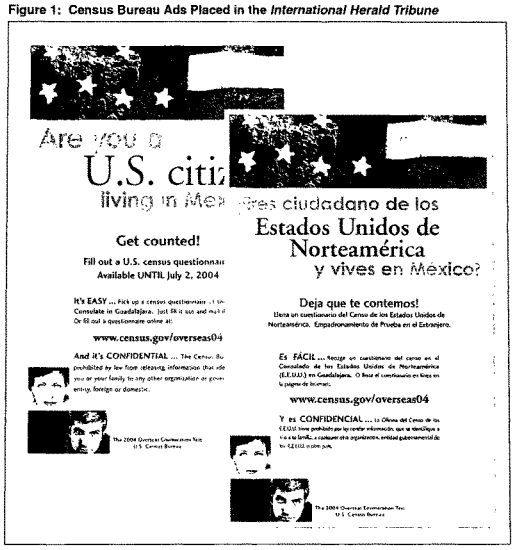
Source: U.S. Census Bureau.

[a]This includes 100,000 forms printed in Spanish.

[b]This includes 35 Spanish forms returned.

In May, to help boost the lagging participation, the Bureau initiated a paid advertising campaign that included print and Internet ads in France, and print and radio ads in Mexico. (See fig. 1 for examples of the ads used in the paid advertising campaign). According to a Bureau official, the ads had only a slight impact on response levels.

Figure 1: Census Bureau Ads Placed in the *International Herald Tribune*



Source: GAO.

Moreover, the Bureau's experience during the 2000 Census suggests that securing a higher return rate on an overseas census would be an enormous challenge and may not be feasible. The Bureau spent $374 million on a comprehensive marketing, communications, and partnership effort for the 2000 Census. The campaign began in the fall of 1999 and continued past Census Day (April 1, 2000). Specific elements included television, radio, and other mass media advertising; promotions and special events; and a census-in-schools program. Thus, over a period of several months, the American public was on the receiving end of a steady drumbeat of

advertising aimed at publicizing the census and motivating them to respond. This endeavor, in concert with an ambitious partnership effort with governmental, private, social service, and other organizations helped produce a return rate of 72 percent.[3]

Replicating this level of effort on a worldwide basis would be impractical, and still would not produce a complete count. Indeed, even after the Bureau's aggressive marketing effort in 2000, it still had to follow-up with about 42 million households that did not return their census forms.

Unit Costs Were High

Because the overseas test had such low participation levels, the unit cost of each response was high—roughly $1,450 for each returned questionnaire, based on the $7.8 million the Bureau spent preparing for, implementing, and evaluating the 2004 overseas test. Although the two surveys are not directly comparable because the 2000 Census costs covered operations not used in the overseas test, the unit cost of the 2000 Census—which was the most expensive in our nation's history–was about $56 per household.

Ensuring a Smooth Enumeration Could Stretch the Bureau's Resources

Not surprisingly, as with any operation as complex as the overseas enumeration test, various unforeseen problems arose. The difficulties included grappling with country-specific issues and overseeing the contractor responsible for raising public awareness of the census at the three test sites. While the Bureau was able to address them, it is doubtful that the Bureau would have the ability to do so in 2010 should there be a full overseas enumeration.

Country-specific Issues Created Implementation Problems

The Bureau encountered a variety of implementation problems at each of the test sites. Although such difficulties are to be expected given the magnitude of the Bureau's task, they underscore the fact that there would be no economy of scale in ramping up to a full enumeration of Americans abroad. In fact, just the opposite would be true. Because of the inevitability of country-specific problems, rather than conducting a single overseas count based on a standard set of rules and procedures (as is the case with the stateside census), the Bureau might end up administering

[3]For more information on the Bureau's Census 2000 outreach and promotion program, see GAO, *2000 Census: Review of Partnership Program Highlights Best Practices for Future Operations*, GAO-01-579 (Washington, D.C.: August 20, 2001).

what amounts to dozens of separate censuses—one for each of the countries it enumerates—each with its own set of procedures adapted to each country's unique requirements. The time and resources required to do this would likely be overwhelming and detract from the Bureau's stateside efforts.

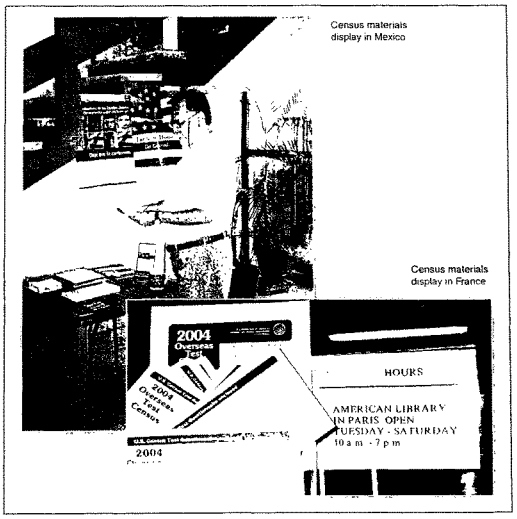
For example, addressing French privacy laws that restrict the collection of personal data such as race and ethnic information took a considerable amount of negotiation between the two countries, and was ultimately resolved after a formal agreement was developed. Likewise, in Kuwait, delivery of the census materials was delayed by several weeks because they were accidentally addressed to the wrong contractor.

On-site Supervision of Contractor Was Problematic

The Bureau hired a public relations firm to help market participation in the test. Its responsibilities included identifying private companies, religious institutions, service organizations, and other entities that have contact with Americans abroad and could thus help publicize the census test. Although the public relations firm appeared to go to great lengths to enlist the participation of these various entities—soliciting the support of hundreds of organizations in the three countries—the test revealed the difficulties of adequately overseeing a contractor operating in multiple sites overseas.

For example, the public relations firm's tracking system indicated that around 440 entities had agreed to perform one or more types of promotional activities. However, our on-site inspections of several of these organizations in Paris, France, and Guadalajara, Mexico, that had agreed to display the census materials and/or distribute the questionnaires, uncovered several glitches. Of the 36 organizations we visited that were supposed to be displaying promotional literature, we found the information was only available at 15. In those cases, as shown in Figure 2, the materials were generally displayed in prominent locations, typically on a table with posters on a nearby wall.

Figure 2: Census Materials Were Prominently Displayed in Various Locations in France and Mexico



Source: GAO.

However, at 21 sites we visited, we found various discrepancies between what the public relations firm indicated had occurred, and what actually took place. For example, while the firm's tracking system indicated that questionnaires would be available at a restaurant and an English-language bookstore in Guadalajara, none were present.

Likewise, in Paris, we went to several locations where the tracking system indicated that census information would be available. None was. In fact, at some of these sites, not only was there no information about the census,

but there was no indication that the organization we were looking for resided at the address we had from the database.

Overseas Census Design Does Not Have the Capacity to Overcome Enumeration Obstacles

The Bureau's longstanding experience in counting the nation's stateside population has shown that specific operations and procedures together form the building blocks of a successful census. The design of the overseas test—a voluntary survey that relies heavily on marketing to secure a complete count—lacks these building blocks largely because they are impractical to perform in other countries. Thus, the disappointing test results are not surprising. What's more, refining this basic design or adding more resources would probably not produce substantially better outcomes. The building blocks include the following:

- *Mandatory participation*: Under federal law, all persons residing in the United States regardless of citizenship status are required to respond to the stateside decennial census. By contrast, participation in the overseas test was optional. The Bureau has found that response rates to mandatory surveys are higher than the response rates to voluntary surveys. This in turn yields more complete data and helps hold down costs.

- *Early agreement on design*: Both Congress and the Bureau need to agree on the fundamental design of the overseas census to help ensure adequate planning, testing and funding levels. The design of the census is driven in large part by the purposes for which the data will be used. Currently, no decisions have been made on whether the overseas data will be used for purposes of congressional apportionment, redistricting, allocating federal funds, or other applications. Some applications, such as apportionment, would require precise population counts and a very rigorous design that parallels the stateside count. Other applications, however, could get by with less precision and thus, a less stringent approach.

- *A complete and accurate address list*: The cornerstone of a successful census is a quality address list. For the stateside census, the Bureau goes to great lengths to develop what is essentially an inventory of all known living quarters in the United States, including sending census workers to canvass every street in the nation to verify addresses. The Bureau uses this information to deliver questionnaires, follow up with nonrespondents, determine vacancies, and identify households the Bureau may have missed or counted more than once. Because it would

be impractical to develop an accurate address list for overseas Americans, these operations would be impossible and the quality of the data would suffer as a result.

- *Ability to detect invalid returns*: Ensuring the integrity of the census data requires the Bureau to have a mechanism to screen out invalid responses. Stateside, the Bureau does this by associating an identification number on the questionnaire to a specific address in the Bureau's address list, as well as by field verification. However, the Bureau's current approach to counting overseas Americans is unable to determine whether or not a respondent does in fact reside abroad. So long as a respondent provides certain pieces of information on the census questionnaire, it will be eligible for further processing. The Bureau is unable to confirm the point of origin for questionnaires completed on the Internet, and postmarks on a paper questionnaire only tell the location from which a form was mailed, not the place of residence of the respondent. The Bureau has acknowledged that ensuring such validity might be all but impossible for any reasonable level of effort and funding.

- *Ability to follow up with non-respondents*: Because participation in the decennial census is mandatory, the Bureau sends enumerators to those households that do not return their questionnaires. In cases where household members cannot be contacted or refuse to answer all or part of a census questionnaire, enumerators are to obtain data from neighbors, a building manager, or other nonhousehold member presumed to know about its residents. The Bureau also employs statistical techniques to impute data when it lacks complete information on a household. As noted above, because the Bureau lacks an address list of overseas Americans, it is unable to follow-up with nonrespondents or impute information on missing households, and thus, would never be able to obtain a complete count of overseas Americans.

- *Cost model for estimating needed resources*: The Bureau uses a cost model and other baseline data to help it estimate the resources it needs to conduct the stateside census. Key assumptions such as response levels and workload are developed based on the Bureau's experience in counting people decade after decade. However, the Bureau has only a handful of data points with which to gauge the resources necessary for an overseas census, and the tests it plans on conducting will only be of limited value in modeling the costs of conducting a worldwide

enumeration in 2010. The lack of baseline data could cause the Bureau to over- or underestimate the staffing, budget, and other requirements of an overseas count.

- *Targeted and aggressive marketing campaign*: The key to raising public awareness of the census is an intensive outreach and promotion campaign. As noted previously, the Bureau's marketing efforts for the 2000 Census were far-reaching, and consisted of more than 250 ads in 17 languages that were part of an effort to reach every household, including those in historically undercounted populations. Replicating this level of effort on a global scale would be both difficult and expensive, and the Bureau has no plans to do so.

- *Field infrastructure to execute census and deal with problems*: The Bureau had a vast network of 12 regional offices and 511 local census offices to implement various operations for the 2000 Census. This decentralized structure enabled the Bureau to carry out a number of activities to help ensure a more complete and accurate count, as well as deal with problems when they arose. Moreover, local census offices are an important source of intelligence on the various enumeration obstacles the Bureau faces on the ground. The absence of a field infrastructure for an overseas census means that the Bureau would have to rely heavily on contractors to conduct the enumeration, and manage the entire enterprise from its headquarters in Suitland, Maryland.

- *Ability to measure coverage and accuracy*: Since 1980, the Bureau has measured the quality of the decennial census using statistical methods to estimate the magnitude of any errors. The Bureau reports these estimates by specific ethnic, racial, and other groups. For methodological reasons, similar estimates cannot be generated for an overseas census. As a result, the quality of the overseas count, and thus whether the numbers should be used for specific purposes, could not be accurately determined.

Policy and Conceptual Questions Need Resolution

So far I've described the logistical hurdles to counting overseas citizens as part of the census. However, there are a series of policy and conceptual questions that need to be addressed as well. They include:

- *Who should be counted?* U.S. citizens only? Foreign-born spouses? Children born overseas? Dual citizens? American citizens who have no intention of ever returning to the United States? Naturalized citizens?

- *What determines residency in another country?* To determine who should be included in the stateside census, the Bureau applies its "usual residence rule," which it defines as the place where a person lives and sleeps most of the time. People who are temporarily absent from that place are still counted as residing there. One's usual residence is not necessarily the same as one's voting residence or legal residence.

  The Bureau has developed guidelines, which it prints on the stateside census form, to help people determine who should and should not be included. The Bureau has not yet developed similar guidance for American citizens overseas. Thus, what should determine residency in another country? Duration of stay? Legal status? Should students spending a semester abroad but who maintain a permanent residence stateside be counted overseas? What about people on business or personal trips who maintain stateside homes? Quality data will require residence rules that are transparent, clearly defined, and consistently applied.

- *How should overseas Americans be assigned to individual states?* For certain purposes, such as apportioning Congress, the Bureau would need to assign overseas Americans to a particular state. Should one's state be determined by the state claimed for income tax purposes? Where one is registered to vote? Last state of residence before going overseas? These and other options all have limitations that would need to be addressed.

- *How should the population data be used?* To apportion Congress? To redistrict Congress? To allocate federal funds? To provide a count of overseas Americans only for general informational purposes? The answers to these questions have significant implications for the level of precision needed for the data and, ultimately, the enumeration methodology.

Alternatives to an Overseas Census

Congress will need to decide whether or not to count overseas Americans, and how the results should be used. These decisions, in turn, will drive the methodology for counting this population group. As I've already mentioned, no decisions have been made on whether the overseas data will be used for purposes of congressional apportionment, redistricting, allocating federal funds, or other applications. Some uses, such as apportionment, would require precise population counts and a very rigorous design that parallels the stateside count. Other applications do

not need as much precision, and thus a less rigorous approach would suffice.

The basis for these determinations needs to be sound research on the cost, quality of data, and logistical feasibility of the various options. Possibilities include counting Americans via a separate survey, administrative records such as passport and voter registration forms; and/or records maintained by other countries such as published census records and work permits.

The Bureau's initial research has shown that each of these options has coverage, accuracy, and accessibility issues, and some might introduce systemic biases into the data. Far more extensive research would be needed to determine the feasibility of these or other potential approaches.

In summary, the 2004 overseas census test was an extremely valuable exercise in that it showed how counting Americans abroad as an integral part of the decennial census would not be cost-effective. Indeed, the tools and resources available to the Bureau cannot successfully overcome the inherent barriers to counting this population group, and produce data comparable to the stateside enumeration. Further, an overseas census would introduce new resource demands, risks, and uncertainties to a stateside endeavor that is already costly, complex, and controversial. Securing a successful count of Americans in Vienna, Virginia, is challenging enough; a complete count of Americans in Vienna, Austria, and in scores of other countries around the globe, would only add to the difficulties facing the Bureau as it looks toward the next national head count. Consequently, the report we released today suggests that Congress should continue to fund the evaluation of the 2004 test as planned, but eliminate funding for any additional tests related to counting Americans abroad as part of the decennial census.

However, this is not to say that overseas citizens should not be counted. Indeed, to the extent that Congress desires better data on the number and characteristics of Americans abroad for various policy-making and other nonapportionment purposes that do not need as much precision, such information does not necessarily need to be collected as part of the decennial census, and could, in fact, be acquired through a separate survey or other means.

To facilitate congressional decision-making on this issue, our report recommends that the Bureau, in consultation with Congress, research such

options as counting people via a separate survey; administrative records such as passport data; and/or data exchanges with other countries' statistical agencies subject to applicable confidentiality considerations. Once Congress knows the tradeoffs of these various alternatives, it would be better positioned to provide the Bureau with the direction it needs so that the Bureau could then develop and test an approach that meets congressional requirements at reasonable resource levels. The Bureau agreed with our conclusions and recommendations.

Successfully counting the nation's population is a near-daunting task. As the countdown to the next census approaches the 5-year mark, the question of enumerating Americans overseas is just one of a number of issues the Bureau needs to resolve. On behalf of the Subcommittee, we will continue to assess the Bureau's progress in planning and implementing the 2010 Census and identify opportunities to increase its cost-effectiveness.

Mr. Chairman, this concludes my prepared statement. I would be pleased to respond to any questions that you or other Members of the Subcommittee might have.

Contacts and Acknowledgments

For further information regarding this testimony, please contact Patricia A. Dalton on (202) 512-6806, or by e-mail at daltonp@gao.gov.

Individuals making contributions to this testimony included Jennifer Cook, Robert Goldenkoff, Ellen Grady, Andrea Levine, Lisa Pearson, and Timothy Wexler.

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Mr. PUTNAM. At this time I would like to recognize the distinguished gentleman from Missouri Mr. Clay for his opening statement.

Mr. CLAY. Thank you, Mr. Chairman, and especially for calling this hearing.

A great deal of energy has been expended on the issue of counting Americans overseas both by Congress and the Census Bureau, and I hope this hearing will move us toward a conclusion on this issue. It is clear from the reports that the GAO has prepared that they believe that Congress needs to provide direction on this issue. At the same time, GAO indicates that the Census Bureau has not given Congress much useful information for developing that guidance.

Before we get too far in this discussion of counting Americans overseas, I want to raise an issue that has come before me. Two groups, one representing Puerto Ricans and one representing American Indians, have raised concerns about the way in which a member of the Census Information Center Steering Committee was forced to resign from the committee after publicly disagreeing with a senior Census Bureau official. The gentleman dismissed from the committee is a well-respected researcher at the Joint Center For Political and Economic Studies. For those of you who are not familiar with the Joint Center, it is one of Washington's premier think tanks and was formed in the 1970's to provide policy analysis for African American Congressmen. Both groups have represented this action as demonstrating a lack of sensitivity on the part of Census Bureau officials toward people of color.

This has not been a good summer for the Census Bureau. Last month it was criticized of trying to bury the bad news about the increase in poverty by releasing the numbers in the dead of August when everyone was out of town. And it came out only because the Electronic Privacy Information Center filed a Freedom of Information request that the Census Bureau had produced tabulations that showed where Arab Americans live. Those tabulations were made from the 2000 census data on ancestry. Now we find out that a senior African American scholar has been summarily dismissed from a steering committee because he openly disagreed with the Census Bureau on the measurement of race. I'm not surprised that these groups believe that the Census Bureau is insensitive to their concerns.

Today we will hear testimony from GAO and the Census Bureau that suggest that we should end the count of Americans overseas. We will also hear from the advocates who are Americans overseas that the 2004 test was not a very good test, and that much more can be done. I hope both the GAO and the Census Bureau will address the issues raised by the second panel.

Mr. Chairman, that concludes my statement. If I could go to the questions.

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

**STATEMENT OF THE HONORABLE WM. LACY CLAY
AT THE HEARING ON
COUNTING AMERICANS OVERSEAS**

SEPTEMBER 14, 2004

Thank you Mr. Chairman for calling this hearing. A great deal of energy has been expended on the issue of counting Americans overseas both by the Congress and the Census Bureau. I hope this hearing will move us towards a conclusion on this issue. It is clear from the reports that the GAO has prepared that they believe that Congress needs to provide direction in this issue. At the same time, GAO indicates that the Census Bureau has not given Congress much useful information for developing that guidance.

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Mr. PUTNAM. You are on a roll and recognized for 5 minutes for your questions. Before you begin, I would like to recognize and note for the record our distinguished gentlelady from New York who is joining our subcommittee, Mrs. Maloney.

Mr. Clay, you are recognized.

Mr. CLAY. Thank you, and I thank the gentlelady from New York for being here.

Mr. Kincannon, maybe you want to address what I said. I know it is a personnel issue, but it certainly raises red flags for me, and we'll start there.

Mr. KINCANNON. Mr. Clay, I appreciate your consistent and long-running support for the activities of the Census Bureau, and I'll certainly answer in that context.

I'm not aware that someone was removed from the panel or fired from his job because he disagreed with someone at the Census Bureau. I don't think there's any evidence that the Census Bureau had any role in that. We have never in my memory objected to a body choosing someone to serve on an advisory committee where there are bodies represented. And as for people disagreeing, if we try to remove all the people on our advisory committees that disagreed with us in public, we would have a very empty room. Disagreement and dialog about disagreement is the nature of those advisory committees.

I wasn't at that particular meeting, but I'm quite confident, as much as I can be of facts in this world, that we made no effort to have someone removed on that basis. The only thing that makes me try to remove a member of an advisory committee is that they don't come to the meetings. If they don't come to the meetings, they are not adding anything to our knowledge.

Mr. CLAY. I appreciate your response, and perhaps we can get the two parties together and figure out what actually happened, and I thank you for that response.

Mr. Kincannon, I can understand the drive to include military personnel serving overseas in the census particularly at times like this when men and women are dying every day in service to their country. And it is more difficult to understand the drive to include civilian personnel serving overseas. The military overseas are not there by choice, particularly in war zones. Many of the civilian jobs overseas, however, are actually plums. Your job in Paris is one example where I doubt they have ever had to force someone to take that job. Has the Census Bureau ever considered counting only the military personnel overseas and State Department employees serving at our embassies overseas?

Mr. KINCANNON. I'm sure the Census Bureau would follow the direction of Congress on that particular matter.

Let me say even though I enjoyed very much being in Paris, and I never regarded it as a plum assignment, and my wife enjoyed it very much indeed because she was able to enjoy Paris and life there, but I'll tell you the fact of the matter is I would not have been included or was not included in the census because I wasn't an employee of the U.S. Government. I was counted in the French census.

My experience was that it was very difficult to recruit Americans to posts even though you enjoyed many privileges, with high-rank-

ing staff being accorded diplomatic status, the pay being considerably higher than Civil Service pay, even at the highest levels, even for political appointees. So yes, I would think it was very attractive.

It was difficult for Americans to come out of concern for language and out of concern for integration of their family, particularly for professional-level people who would fill jobs in an organization like the OECD. Often both members of the family, the husband as well as the wife, are employed outside the home in well-paying professional jobs, and when they move from the United States to France, they were not eligible automatically for employment. Unless you were a citizen of an EU member country, you're not automatically eligible to work there. Yet it is possible to find jobs, but it is a barrier. But if you teach school, that may be a particular problem. If you have children that are already partly along in school and not at the beginning of their school life, then they are going to face enormous barriers and have extensive dislocation in their life. I was not successful in recruiting a single professional-level staff member to join my staff from the United States in the 8 years that I tried to do so.

Mr. CLAY. I can probably recommend you a few staffers that I know around here that would love to take the position.

But what about counting the overseas employees, Federal employees, that work in the embassy and the military? Have you considered that?

Mr. KINCANNON. It would be feasible to do, and if that is the opinion that the Congress had, I'm sure that we could make that distinction, because that count is based on administrative records.

Mr. CLAY. All those employees at the military and embassy, I mean, there are pretty low numbers.

Mr. KINCANNON. Pretty low numbers, and I'm not sure all of the military responded in the census. That will be part of our evaluation.

Mr. CLAY. Thank you.

Mr. PUTNAM. We have a vote pending, and we are going to continue on with questions. The round of votes we have, it will take approximately an hour. I apologize to you in advance for that.

Both of you mentioned in your testimony that in the past there have been past efforts by the Census Bureau to count Americans abroad. What lessons were learned from those attempts that were applied to this test? Ms. Dalton or Mr. Kincannon.

Mr. KINCANNON. Mr. Chairman, I think the basic lesson from past experience in counting American servicemembers and civilian government employees stationed overseas is that if you have complete administrative records, it's not a difficult task to count people. We counted them. I'm sure those numbers are pretty close to accurate, and they do not have the characteristics data that would be associated with a conventional census, but I'm sure in total number they are fairly complete.

Mr. PUTNAM. You have heard GAO's recommendation which was it was the test was not successful. What then is the conclusion or the action on the part of the Census Bureau? Will all efforts to beyond evaluating these results end? Have we closed the book on enumerating Americans abroad?

Mr. KINCANNON. It would be difficult for me to argue strongly that this test was a success, but, in fact, we succeeded in learning quite a bit about difficulties, including the different cultural and legal situations in other countries. That also would make it difficult to do a worldwide effort. On the other hand, the fact that so few people responded was much below our expectation. If you look at the example of France, the lowest estimate that we have for the number of American citizens living in France is over 29,000, and that is an underestimate because that excludes any American who has dual citizenship, and there are quite a number that have dual citizenship. If you look at the 2,000responses in France, assume that the household size is the same as stateside and multiply by 2.4, you come up with under 5,000 or less than 1 in 6 of the smallest and known to be understated estimates of Americans in France. That is not anywhere close, and so it is not encouraging to proceed.

As to further activities, we at present do not have the prospect of appropriated funds to continue this work, so we don't have anything else planned.

Ms. DALTON. I would add that in 1960 and 1970, the Census Bureau did attempt to enumerate private citizens, that were overseas, and similarly they had serious difficulties in response to the response rate. So this is a continuing pattern.

Mr. PUTNAM. What other data bases exist, Ms. Dalton, that suggest to us that a more accurate number of citizens abroad in terms of the number of private IRS filings from overseas or absentee voters from overseas—what other information or data bases are out there that would give us some clue?

Ms. DALTON. There are a lot of data bases. However, the reliability of the information is really unknown. There is information that the State Department has in terms of passports, registration at embassies. We have voter records, though that is of questionable reliability; tax records to some extent, as you mentioned; Social Security files are also a possibility. But, none of these have really been seriously evaluated for their use or how they could be improved to use as part of the census or a count of some form.

Mr. PUTNAM. When you did your interviews at the test sites, did you get any hint of why the response rate was so low?

Ms. DALTON. Not specifically, other than that some people just did not want to be counted. When you look at what happened stateside in the 2000 census, the response rate was—I think after all of the followup that was done by the Census Bureau, it was only 72 percent. So I think we're seeing similar patterns overseas. Plus you have the issue of were people aware that the test was being conducted.

Mr. PUTNAM. And how many countries, because of State Department warnings and security issues, would it be virtually impossible for us to have people on the ground conducting these enumerations if we were to proceed with it?

Ms. DALTON. I don't know the number. I know at any given time the State Department has numerous countries under warnings of various types, but I don't have an accurate count of that.

Mr. PUTNAM. In France you had an unusually low response. There were privacy laws that were part of the challenge you faced in this test. I assume that there would be a number of other coun-

tries where we could expect those same problems. Is that what you found, Ms. Dalton?

Ms. DALTON. Yes, it is. In the three test sites, the Census Bureau encountered problems of various natures. You point out the issue of France and the privacy laws. In Mexico there were issues with the mail system. In Kuwait there were issues of trying to deliver the census forms to the appropriate parties, and the embassy had to take custody of the forms and then move them.

What I think you pointed out is that each country would in all likelihood be unique, so we wouldn't be running one census, but we would be running 100 censuses in dealing with those countries' specific issues.

Mr. PUTNAM. And just to refresh—let me go back to the basic language in the Constitution. Do we have any guidance from a constitutional scholar on what the language, actual enumeration of the population, what that means as it relates to overseas counting?

Mr. KINCANNON. I'm not aware that there is any determination that says there is a prohibition against counting Americans overseas, and the counting of servicemen and Federal civilian employees overseas has been reviewed and upheld by the Supreme Court. But I'm not going to give a legal opinion. That's not my preparation. That's my understanding.

Mr. PUTNAM. Knowing the Court's direction and the legal interpretation of what efforts you must make to make an actual enumeration stateside, would that same equal protection requirement exist overseas where, if we are going to make this effort to count overseas, if we were to pursue it, it would not be enough just to count the ones that are easy to count? We would have presumably to put the same types of efforts and resources on the ground overseas as stateside to be in compliance with the interpretation? I'm asking you. I don't know that.

Mr. KINCANNON. Mr. Chairman, I think it depends on the purpose for which were the data collected and the way they were used. If they were used for descriptive information, then you don't create rights for certain people that way, it seems to me. If it could be used for apportionment or redistricting or fund allocation, then you are beginning to create rights, and that might be a concern.

Mr. PUTNAM. My time has expired. We have 6 minutes remaining before the vote, so the committee will stand in recess, and we will be back. But please drink all the orange juice you can, and we will be back in approximately 1 hour.

The subcommittee will reconvene. I apologize for the delay with votes. I am informed we have another round of votes shortly. So I would ask the ranking member if he has any additional questions for the first panel. He has indicated he does not. We will defer to the written record.

We want to be sure and get to the second panel. So we will dismiss panel one and seat panel two. We will stand in recess momentarily until we can get panel two seated.

[Brief recess.]

Mr. PUTNAM. The subcommittee will reconvene. I would like to ask panel two to rise and raise your right hands for the administering of the oath.

[Witnesses sworn.]

Mr. PUTNAM. Note for the record that all witnesses responded in the affirmative.

We will move directly to testimony, beginning with Mr. Leigh Gribble. Mr. Gribble is the managing director at New Bridges Strategies in Kuwait. Prior to joining, he founded and managed Blackthorn Rhino, a firm dedicated to providing technical consulting liaison and management services to multinational companies pursuing business opportunities in the defense, industrial, financial and commercial sectors in the Middle East. He has resided in Kuwait since 1992, and has been working in Iraq over the past year. Welcome to the subcommittee, sir. You are recognized for 5 minutes.

STATEMENTS OF LEIGH GRIBBLE, VICE CHAIR, AMERICAN BUSINESS COUNCIL OF THE GULF COUNTRIES, ON BEHALF OF CENSUS 2010 COALITION; LUCY STENSLAND LAEDERICH, U.S. LIAISON, FEDERATION OF AMERICAN WOMEN'S CLUB OVERSEAS, INC.; AND CLARK H. BENSEN, CONSULTANT AND PUBLISHER, POLIDATA CO.

Mr. GRIBBLE. Thank you very much. Good afternoon, distinguished chairman and committee members. I may go over 5 minutes, but I would ask your indulgence, because I left my plum job in Baghdad and drove 8 hours last week and it took about 23 hours to fly over here. So if I go a couple of minutes over, I would beg your indulgence.

Mr. PUTNAM. Fair enough.

Mr. GRIBBLE. Again, as noted, I am a retired naval officer and the owner of a consulting firm that is incorporated in the State of Florida. I have lived in Kuwait in connection with my military service and my consulting business for over 12 years. However, I pay taxes and vote in Florida's 7th Congressional District, which is where my company is registered and where I hope to return to live full time within the next few years.

Among the various civic activities I am involved in overseas and within the United States, I serve as the vice chairman of the American Business Council of the Gulf Countries, and am on the executive committees of the American Business Council of Kuwait, and the American Chamber of Commerce of Iraq.

Additionally, I am honored to represent overseas American citizens for the Census 2010 Coalition on the Secretary of Commerce's Decennial Census Advisory Committee.

Today I am testifying on behalf of the Census 2010 Coalition, a coalition which represents diverse interests of such overseas American citizens groups as the 98 U.S. Chamber of Commerce-affiliated American chambers abroad; the Association of American Citizens Abroad; the Association of American Residents Overseas; Republicans Abroad; and the Federation of American Women's Clubs Overseas, FAWCO.

FAWCO is also represented here today by my dear friend and one of the very few reasons I can think of to visit France, Lucy Laederich. I am as humbled today as I was in June 1999 and July 2001, when I was privileged to appear before this august subcommittee to give voice to the concerns of thousands of my fellow private American citizens around the world.

Rather than take up your valuable time rereading points that I made in those two previous appearances, I would respectfully request, Mr. Chairman, that you accept my testimony from June 9, 1999, and the July 26, 2001 hearings, as attached to my written testimony today, for inclusion in the record of this hearing.

Lucy Laederich of FAWCO has allowed me to review her upcoming testimony and her presentation of lessons learned in the 2004 overseas census test. It is quite extensive and accurately reflects what I saw in Kuwait during the conduct of the test. So with your indulgence, I will not spend a lot of time discussing lessons learned today except to emphasize two important points:

First, we all know that extensive media outreach is crucial to conducting a successful census. We also know that media campaigns are extremely expensive in the United States. This is because there are literally thousands and thousands of print and broadcast media outlets for U.S. residents to choose from. In the United States, the Census Bureau has to spend large amounts of money to cover the broadest possible spectrum of media to reach the maximum number of individuals in cities, towns, and rural areas where people may have access to 5 newspapers, 20 radio stations and hundreds of TV channels to read or tune into.

Overseas American citizens do not have so much choices of what to read, listen to, or watch in the English language media. But, they generally have access and pay attention, regular attention, to five almost global outlets and media streams. These worldwide outlets and streams are the International Herald Tribune, the Voice of America, and the U.S.-based international news channels, CNN, Fox News and MSNBC.

Media buys in just these five outlets and streams should reach the vast majority of American citizens around the world, and would not break the Census Bureau's advertising budget. The Census Bureau did not advertise in those outlets or streams during the 2004 test census, except for a very limited ad buy in the International Herald Tribune in France and Mexico toward the end of the test period. Any overseas census is bound to see low response rates if it is not well advertised.

Second, mandatory participation in the U.S. census is required by statute for all U.S. residents. Obviously the force of law is used to compel participation in the census and thereby increase response rates. What would U.S. response rates be if the threat of a penalty for nonparticipation was not a factor to be considered by potential respondents? I daresay it would drop off steeply.

There was obviously no such penalty provision hanging over the American citizens in the three test countries. Many here in Washington scoff at the idea of making participation in an overseas census mandatory. They say it would be an unenforceable requirement, yet the IRS requires overseas American citizens to file U.S. income tax returns and pay required taxes, again under penalty of law. Human nature being what it is, even the slight possibility of running afoul of the Federal Government would be a prime motivator for many overseas American citizens to complete census forms and would raise response rates. Any overseas census should require mandatory participation, just as the U.S. census does.

I would like to now offer some thoughts on why the utmost effort should be made to bring the census process into the 21st century and why it is mortally imperative that Congress act to include overseas American citizens in the census.

When I started drafting this testimony, I was in the middle of a month of travel that included business meetings and events in Kuwait, Bahrain, Kurdistan, and Northern Iraq and Baghdad. On the first of September, the U.S. Ambassador to Iraq, John Negraponte, and I had the privilege of addressing the inaugural reception to the American Chamber of Commerce in Iraq in Baghdad. It was a diverse gathering of more than 80 American business people, ranging from individual lawyers and consultants to representatives of major contractors involved in reconstruction and consumer products companies. Our remarks that evening were punctuated by the sounds of nearby mortar fire, but the noisy explosions did not drown out the conversations or dampen the spirit of the American business community in Iraq as it gathered to celebrate the founding of the newest U.S. Chamber of Commerce overseas, and the fact that we were entering and building yet another market for American goods and services in the global economy.

I certainly never imagined when I was growing up that I would find myself in such a place in Baghdad at such a historic time, nor do I suppose the founders of our country ever imagined that American voters would be living overseas in significant numbers when the Census Act of 1790 was passed and laid down the foundation for one of the principal, if not primary purposes of conducting the census, the determination of the voting population of each State.

In fact, it was not even until the mid-1970's that American citizens resident overseas were even allowed to vote by absentee methods. If the census is to be successfully conducted and true to its primary mission of determining the voting population of each State, then it must take into account the 21st century realities of an America that has a global economy and a substantial population resident overseas, whose votes are recorded in every State of the Union.

The census should no longer be conducting their Rules of Usual Residence that were devised and appropriate in the 1700's. The Rules of Usual Residence must be updated to reflect the existence of a global American population that votes while far away from home.

Equal protection is not just a good idea, it is the law and it is constitutionally mandated by the 14th amendment. Equal protection under the law means that all American citizens and residents enjoy the same rights and privileges. Simply, the government is not allowed to offer rights and privileges to some citizens and residents and deny these same rights and privileges to others, yet by not including private American citizens resident overseas, the Federal Government does just that. The Census Bureau does count overseas federally affiliated Americans and U.S. military personnel in the census, but they do not count me and equal protection is denied. Even though I pay Federal income tax, those portions of the Federal budget that are allocated to Florida and my home place of Ormond Beach based on census population data do not include money that should rightfully be expended there on my behalf, be-

cause do I not exist, according to the census, and equal protection is denied.

The strength of my vote is diminished because the census does not count me, and so the current system fails to include and apportion me in and to the voting population of the State of Florida and its 7th Congressional District, and again equal protection is denied.

Many argue that if American citizens resident overseas are counted in the census and the resulting data is used for the purposes of apportionment and redistricting, that biases will be introduced that may cause perturbations in the current apportionment and redistricting processes and unfair advantages to some States or districts. But with judicious modification of the Rules of Usual Residence and acceptable statistical remedies, this should be avoidable. Equal protection under the law must be enforced for all American citizens, including those residing overseas, by counting them in the census.

Now, to the question of cost effectiveness of counting American citizens resident overseas in the census, is it necessary and cost-effective to break down the population of the individual States into 14 separate racial and ethnic categories and then tabulate and analyze reams of data about these categories? Certainly it is not under the original Census Act of 1790. But Congress has been sage enough over the years to mandate the modifications to the census process to reflect the changes and requirementsin and of a constantly evolving American population. Now that the American population includes an uncounted but significant number of citizens resident overseas, the census process needs modification again to properly reflect this.

The GAO concludes in their review of the 2004 overseas census test that it would not be cost effective to count Americans resident overseas in the census. As best I can tell from the report, this conclusion is based in very large measure upon an overseas census test response rate that is perceived as low. This response rate appears to be solely based on comparing the number of forms printed before the test for the Census Bureau and the actual number of responses received—520,000 versus about 3,700. If they printed 6,000 forms, would 3,700 look like a good number? I may be mistaken, but I believe that the number of forms printed reflected the Census Bureau's best estimate of how many printed forms might be needed to conduct the test, and was certainly not intended to be used as a measurable response.

Comparing a pretest number of required forms to the actual responses received by printed form Internet input hardly seems to be statistically significant or cost effective itself. We all understand that there are huge obstacles to be overcome in order to count American citizens resident overseas in the census and then to put that resulting data to fair and meaningful use. But Congress should not allow the debate over whether to do so to continue to focus on the logistical and the statistical; rather, the focus should be on deciding whether it is moral and right to continue to deny equal protection under the law to American citizens resident overseas.

I have to believe that the answer to that question is no. I also believe that Congress can come up with the necessary statutory

changes, funding, and mandates to the Census Bureau to rectify this injustice, and I urge you to do so.

Mr. PUTNAM. Thank you very much, Mr. Gribble.

[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 Technology, Information Policy, Intergovernmental Relations
and the Census
September 14, 2004

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 in the State of Florida. I have lived in Kuwait, in connection with my military service and my consulting business, for over twelve years. However, I pay taxes and vote in Florida's 7th Congressional District, which is where my company is registered, and where I 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 serve as the Vice Chairman of the American Business Council of the Gulf Countries and on the Executive Committees of the American Business Council-Kuwait and the American Chamber of Commerce of Iraq. Additionally, I am honored to represent overseas American citizens for the Census 2010 Coalition on the Secretary of Commerce's Decennial Census Advisory Committee.

Today, I am testifying on behalf of the Census 2010 Coalition, a coalition which represents the interests of such diverse overseas American citizen groups as the 98 U.S. Chamber of Commerce affiliated American Chambers Abroad, the Association of American Citizens Abroad, the Association of Americans Resident Overseas, Republicans Abroad, and the Federation of American Women's Clubs Overseas or FAWCO. FAWCO is also represented here today by my dear friend, and one of the very few reasons that I can think of to visit France, Lucy Laederich. I am as humbled today, as I was in June of 1999 and July of 2001, when I was privileged to appear before this august Subcommittee, to give voice to the concerns of thousands of my fellow private American citizens around the world. Rather than take up your valuable time reiterating points that I made in my two previous appearances, I would respectfully request, Mr. Chairman, that you accept my testimony from the June 9, 1999 and July 26, 2001 hearings, as attached to my written testimony today, for inclusion in the record of this hearing.

Lucy Laederich of FAWCO has allowed me to review her upcoming testimony. Her presentation of lessons learned in the 2004 Overseas Census test is quite extensive and accurately reflects what I saw in Kuwait during the conduct of the test, so with your indulgence I will not spend a lot of time discussing lessons learned today except to emphasize two important points.

First, we all know that extensive, effective media outreach is crucial to conducting a successful Census. We also know that media campaigns are extremely expensive in the United States. This is because there are literally thousands and thousands of print and

broadcast media outlets for US residents to choose from. In the US the Census Bureau has to spend large amounts of money to cover the broadest possible spectrum of media to reach the maximum number of individuals in cities, towns, and rural areas where people may have access to five newspapers, twenty radio stations, and hundreds of TV channels to read or tune in to. Overseas American citizens do not have so many choices of what to read, listen to, or watch in English language media, but they do generally have access and pay regular attention to five, almost global outlets and media streams. These world-wide outlets and streams are the International Herald Tribune, the Voice of America, and US based international news channels CNN International, Fox News, and MSNBC. Media buys in just these five outlets and streams should reach the vast majority of American citizens around the world and not break the Census Bureau's advertising budget. The Census Bureau did not advertise in these outlets or streams during the 2004 test census, except for a very limited ad buy in the International Herald Tribune in France and Mexico towards the end of the test period. Any Overseas Census is bound to see low response rates if it is not well advertised.

Second, mandatory participation in the US Census is required by statute for all US residents. Obviously, the force of law is used to compel participation in the US Census and, thereby, increases response rates. What would US response rates be if the threat of a penalty for non-participation was not a factor to be considered by potential respondents? I daresay they would drop off steeply. There was obviously no such penalty provision hanging over American citizens in the three test site countries. Many here in Washington scoff at the idea of making participation in any overseas census mandatory. They say it would be an unenforceable requirement, yet the IRS requires overseas American citizens to file US income tax returns and pay required taxes under penalty of law. Human nature being what it is, even the slight possibility of running afoul of the Federal government would be a prime motivator for many overseas American citizens to complete Census forms and raise response rates. Any Overseas Census should require mandatory participation, just as the US Census does.

I would now like to offer some thoughts on why the utmost effort should be made to bring the Census process into the 21st Century, and why it is morally imperative that the Congress act to include overseas American citizens in the Census.

When I started drafting this testimony, I was in the middle of a month of travel that included business meetings and events in Kuwait, Bahrain, Kurdistan in northern Iraq, and Baghdad. On the 1st of September, the United States Ambassador to Iraq, John Negroponte and I had the privilege of addressing the inaugural reception of the American Chamber of Commerce of Iraq in Baghdad. It was diverse gathering with more than eighty American business people ranging from individual lawyers and consultants to representatives of the major contractors involved in the reconstruction of Iraq and consumer products companies. Our remarks that evening were punctuated by the sounds of nearby mortar fire, but the noise of the explosions did not drown out the conversations, or dampen the spirit, of the American business community in Iraq, as it gathered to celebrate the founding of the newest U.S. Chamber of Commerce overseas affiliate and

the fact that we are entering and building yet another market for American goods and services in the global economy.

I certainly never imagined when I was growing up that I would find myself in such place at such as Baghdad at such a historic time. Nor do I suppose that the founders of our country ever imagined that American voters would be living overseas in significant numbers, when the Census Act of 1790 was passed and laid the down the foundation for one of the principal, if not primary, purposes of conducting the Census, the determination of the voting population of each State. In fact it was not until the mid-1970's, that American citizens resident overseas were even allowed to vote by absentee methods. If the Census is to be successfully conducted and true to its primary mission of determining the voting population of each State, then it must take into account the 21st Century realities of an America that has a global economy and a substantial population resident overseas, whose votes are recorded in every State in the Union. The Census should no longer be conducted under Rules of Usual Residence that were devised and appropriate in the 1700's. The Rules of Usual Residence must be updated to reflect the existence of a global American population that votes while far from home.

Equal protection is not just a good idea; it is the law and it is constitutionally mandated by the 14th Amendment. Equal protection under the law means that all American citizens and residents enjoy the same rights and privileges. Simply, the government is not allowed to offer rights and privileges to some citizens or residents and deny these same rights and privileges to others, yet by not including private American citizens resident overseas in the Census, the Federal government does just that. The Census Bureau does count overseas Federally-affiliated Americans and US military personnel in the Census, but they do not count me and equal protection is denied. Even though I pay Federal Income Tax, those portions of the Federal Budget that are allocated to Florida and my home place of Ormond Beach based on Census population data do not include money that should rightfully be expended there on my behalf, because I do not exist according to the Census and equal protection is denied. The strength of my vote is diminished because the Census does not count me and so the current system fails to include and apportion me in and to the voting population of the State of Florida and its 7th Congressional District and equal protection is denied. Many argue that if American citizens resident overseas are counted in the Census and the resulting data is used for purposes of apportionment and redistricting that biases will be introduced that may cause perturbations to current apportionment and redistricting processes and unfair advantages for some States or districts, but with judicious modification of the Rules of Usual Residence and acceptable statistical remedies this should be avoidable. Equal protection under the law must be enforced for all American citizens, including those residing overseas, by counting them in the Census.

Now as to the question of the cost-effectiveness of counting American citizens resident overseas in the Census, is it necessary and cost-effective to break the population of the individual States down into fourteen separate racial and ethnic categories and then tabulate and analyze reams of data about these categories? Certainly it is not under the original Census Act of 1790, but Congress has been sage enough over the years to

mandate the modification of the Census process to reflect the changes and requirements in, and of, a constantly evolving American population. Now that the American population includes an uncounted, but significant number of citizens resident overseas, the Census process needs modification again to properly reflect this. The GAO concludes in their review of the 2004 Overseas Census Test that it would not be cost-effective to count Americans resident overseas in the Census. As best as I can tell from their report, this conclusion is based in very large measure upon an Overseas Census Test response rate that is perceived as low. This response rate appears to be based solely on comparing the number of forms printed before the test for the Census Bureau and the actual number of responses received. I may be mistaken, but I understood that the number of forms printed reflected only the Census Bureau's best estimate of how many printed forms might be needed to conduct the test and certainly was not intended to be used a measure of response. Comparing a pre-test estimate of the required number of forms to the actual responses received by printed form and Internet input hardly seems to be statistically significant or cost-effective itself.

We all understand that there are huge obstacles to be overcome in order to count American citizens resident overseas in the Census and then to put the resulting data to fair and meaningful use, but Congress should not allow the debate over whether to do so to continue to focus on the logistical and the statistical. Rather, the focus should be on deciding whether it is moral and right to continue to deny equal protection under the law to American citizens resident overseas. I have to believe that the answer to that question is no. I also believe that Congress can come up with the necessary statutory changes, funding, and mandates to the Census Bureau to rectify this injustice. I urge you to do so.

This concludes my prepared 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, July 26, 2004.

Mr. PUTNAM. I will let all of you know that we are expecting votes again at 4 or somewhere thereabouts. So I would ask all of you—and I appreciate the distances that you have traveled—but I would ask you to summarize your written remarks, knowing that your full text will be in the record.

Our next witness is Ms. Lucy Stensland Laederich. She is the U.S. liaison for the Federation of American Women's Clubs Overseas, a nonpartisan network which comprises 72 independent organizations in 33 countries around the world. FAWCO has been actively involved in advocating the inclusion in the U.S. census of private American citizens residing temporarily or permanently abroad. Its members, especially, Ms. Laederich, are considered invaluable overseas Ambassadors for America.

Welcome to the subcommittee. You are recognized for 5 minutes.

Ms. LAEDERICH. Thank you very much, Mr. Chairman. I am extremely honored to have been invited to testify here and to address you, even though I am equally daunted to be speaking for a population that is equal in size to the 25th State in the Union.

Thank you for saying some things about me. I don't need to say those, but I can add to what you said, that I was privileged to have a front-row seat to the 2004 census test from my home in Paris, where I did not choose to live—but we can go into that at another time if you want.

You have asked me to testify about the lessons learned in the 2004 test, but I want to explain why those lessons and the recommendations of this committee are so important to those I represent.

My remarks here and in the written record have been approved by FAWCO—which you have mentioned, but it is also the oldest and largest organization representing private-sector Americans abroad—as well as the Association of Americans Resident Overseas based in Paris, and American Citizens Abroad based in Geneva.

Alongside the American Business Council of the Gulf Countries, we have all devoted a great deal of energy to this cause over the past decade. Using only the figures that were available to us, which were State Department estimates, we produced a map that I believe you have in front of you there, which I think very dramatically shows the size and scope of the population we are talking about.

We want to congratulate the Census Bureau for taking on a huge challenge. Under two directors, that both Leigh and I have had the pleasure of knowing, it has moved this cause forward in good faith and to the best of its ability with the resources available to it.

As we heard earlier from you, Mr. Chairman, the Constitution mandates a count of every person physically present in the United States, legal citizen or not. We know that counting U.S. citizens abroad is not constitutionally mandated, but in today's global world—and Leigh has said—it is as logical as a count of people physically present on American soil called for in the 18th century. It is the only thing that can provide a picture of the real American population in the 21st century, present and active throughout the world.

Our organizations don't all agree on the purposes for which statistics should be used, but there is one on which we all do agree;

that is apportionment. We are not so naive as to believe that this will be easy. But we are American enough to believe that it is important. Until the statistics used to apportion seats include the corresponding overseas population, State representation will be skewed, and the House of Representatives will not be representative of the real global American population.

We regret the fact that the total number of respondents was far below what we hoped, but we remember that the Census Bureau did not set out in the 2004 experiment to test for response rate or coverage. The aim was to test the questionnaire itself and the way in which Americans were reached and encouraged to respond.

My written testimony goes into more detail on both of those aspects. But I would like to mention just a couple of things with regard to each. For the questionnaire, we know that the objective was to make the overseas questionnaire as similar to the domestic short form as possible, but we still recommend changes to make it more appropriate for the overseas population.

We feel it should be one, mandatory for U.S. citizens, two, clearly and obviously protected under Title 13 of the U.S. Code. In other words, when I say "obviously," that should be obvious to the respondents. It was not. And three, clearly a civic action. The Bureau chose a very good slogan: "easy, Important, Confidential." "important" and "confidential" need to be made abundantly clear to the respondents.

As regard to outreach, my written testimony goes considerably more into detail there, but we would recommend adopting the equivalent of the U.S. system with regional and local offices around the world staffed by one person from the Census Bureau and one local American familiar with the country and its American population; other forms of outreach, like the domestic census-in-schools program; paid advertising in a wide range of media, not concentrated in one American newspaper; congressional funding for U.S. Embassies and consulates abroad, by far the best equipped today to help coordinate and contribute to an effort like this; and some funding for upline planning involving those familiar with the population in question, both organizations like ours and consular officials.

We should remember that in 1781 no one knew yet how to count persons physically present in the new United States either. Despite procedures refined over time, the domestic population still is not fully counted. We do not at all want to distract from the domestic effort. On the contrary, we want to see them complemented by statistics that would show the global reality of the modern America.

We all realize that if we knew how to count overseas Americans, the overseas census test would not be needed. But unknown territory and the unknown universe that you mentioned yourself, Mr. Chairman, earlier, unknown territory must not deter us any more than it deters the child who falls the first time he or she tries to walk. One day that child will walk right into university.

Other countries like France count their citizens abroad, and the United States can do it too. The time has come as we enter the 21st century for a real sea change in mentalities about America's place in the world; an understanding that the overseas American

population is a vital and integral part of the global American community.

Thank you very much, Mr. Chairman.

Mr. PUTNAM. Thank you very much.

[The prepared statement of Ms. Laederich follows:]

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

Statement to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, House Government Reform Committee

I am extremely honored to have been invited to address this hearing, and equally daunted by the challenge of speaking, with Leigh Gribble, for a global population equal in size, according to some estimates, to the 25th state in the Union.

In addition to FAWCO (Federation of American Women's Clubs Overseas, Inc.), this statement has been reviewed and approved by Paris-based AARO (Association of Americans Resident Overseas) and Geneva-based ACA(American Citizens Abroad) with whom FAWCO has worked since they were respectively founded in 1973 and 1978, as it has with ABCGC since the early 1990s.

The inclusion of private overseas citizens in the U.S. Decennial Census has been a priority for us all for close to a decade. Many people wonder why. Leigh Gribble can speak far more eloquently than I for the overseas business community. I would like therefore to speak for the students - I was one when I arrived in France in 1970; the families, like my own, often bicultural, bilingual and dual-national; the self-employed like myself, and those working for non-U.S. businesses; those living, for whatever reason, permanently abroad; the retired, a population I will soon join. FAWCO, with over 17,000 members in 33 countries around the world, has many members from each of these communities.

We want first to congratulate the Census Bureau for taking on a huge challenge. Under two Directors, it has moved this cause forward in good faith and to the best of its ability with the resources available to it, and it has worked with our organizations as few American agencies have ever done.

We are here to discuss the "lessons learned from the 2004 test census", conducted in three countries including France, where I live. I do not want to digress from those "lessons" but must explain why they, and the recommendations of this committee to Congress, are so important to the communities I represent here.

The Constitution mandates a count of every person physically present in the United States. Today this includes people of all nationalities, the homeless and even illegal immigrants and convicted criminals. It provides a picture of the entire population living in America. We know that what we are asking is not similarly Constitutionally mandated and that it is unprecedented, but it is, in today's global world, as logical as the count of people physically present on American soil on April 1, called for in the 18th century. It will provide a picture of what is truly America's entire population in the 21st century, present and active throughout the world.

Our organizations do not all agree on the purposes for which our statistics should be used. There is one on which we do all agree, however, and that is apportionment. We are not so naïve as to believe that this will be easy but we are American enough to believe that it is important. As long as the statistics that determine numbers in the U.S. Congress do not include the corresponding overseas population, state representation will be skewed and the House of Representatives will not be representative of the real - global - American population.

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We in Paris were delighted when the Census Bureau announced that France, with 4 of FAWCO's member organizations, would be one of the test countries. We are less delighted to see that the total number of respondents in France is far below what we might have hoped.

We must remember, however, that the Census Bureau did not set out, in this '04 experiment, to test for response rate or coverage. The aim of this enumeration was to test the Census questionnaire itself, and the means by which Americans in the three countries were reached and encouraged to respond. I would like to comment in turn on both of those aspects. Many of these points are at least touched on in the written statement submitted by AARO, as well.

Questionnaire

Realizing that the attempt was to make the overseas questionnaire as similar to the domestic short form as possible, we would still recommend changes to make it more appropriate for the overseas population:

- The overseas census should be mandatory for U.S. citizens, like the domestic census.
- Clarify "last US address at which the respondent resided" as being "voting state". The UOCAVA assigns us to our last state of residence (which may be the last state where we resided or the state in which we have now established residence because we own property there, for example). This would also assign those who have never lived in the US to the state in which their parents are eligible to vote and where they - the children - should therefore vote (where this is allowed by the state).
- Eliminate data not relevant to the overseas population (leaving room for other data which could be). It might be decided that distinguishing between Filipino, Samoan and Korean, for example, is less relevant for overseas Americans than other data.
- Ask for only the last 4 digits of the Social Security number, as on the Federal Post Card Application for voter registration. Many people are afraid of identity theft.
- Make it abundantly clear that responses are protected under Title 13 of the U.S. Code. Confidentiality and non-sharing of information with other government agencies are a prime concern not only domestically but also abroad. This concern was only fueled by recent accounts of sharing of information on Arab Americans.
- While the Census Bureau was not in a position this year to give reasons for participating because Congress has not ruled on use of the statistics, the form should still stress the civic aspect of the response. The Bureau chose the good slogan: "Easy. Important. Confidential." for the test. Just as the "confidential" nature of the data must be stressed, so the "importance" of participating should be made clear.

Outreach

We feel that outreach efforts were hampered, not by the quality of the firm chosen but by over-reliance on its resources. Many parallel resources are needed, not the least of which is well-targeted paid advertising.

- Overseas Americans will more readily fill out census questionnaires in response to requests from other Americans, not local staff unevenly expert in the English language and very unfamiliar with the overseas American population.

We suggest the equivalent of the US system, with regional and local offices around the world, staffed by one person from the Census Bureau and one local American familiar with the country and its American population. Paid partnership positions would be advisable, as volunteers cannot necessarily give the time needed.

- Our organizations could have helped efforts better but were unable to coordinate with the public relations firm hired. We were informed that the PR firm was itself being evaluated, and that we could not work with them, with the result that we were all working somewhat "blind".
- The domestic census-in-schools program is just one example of another kind of outreach that would have been effective abroad. American and international schools and universities could have used this test in many creative ways to teach practical lessons about American government, the Constitution, etc.
- Paid advertising in a wide range of media would be even more cost-effective abroad than in the United States, but should not have been concentrated in one American newspaper and its online version.
- Congressional funding is needed for U.S. embassies and consulates abroad, by far the best equipped today to help coordinate an effort like this and contribute/cross-check citizenship data but unable in 2004 to do more than make forms available, due to a lack of funding. Resources are also needed for briefing and perhaps training of foreign service officers, and for real State Department involvement in the count. Unless the State Department can feel implicated in the success of the exercise, it will have little chance of succeeding.
- Some funding could have been far better spent with more upline planning involving those familiar with the populations in question. There were far too many of the expensive though very attractive posters for a community of people that do not all shop in the same stores, attend the same schools and churches, go to the same town hall. In addition, the high cost of two sets of focus groups (100 euros per participant) was extremely offensive to many.

It is clear that the cost-per-respondent was high. We must remember, however, that this was an unprecedented test whose cost will drop as knowledge is acquired. Moreover, overseas Americans are at least as Internet-prone as their domestic counterparts, and the high proportion of online responses this year will only grow. If, in addition, good (and funded) use is made of increasingly widespread embassy and consulate communication with the overseas population, costs can be further reduced.

There is absolutely no doubt that counting overseas Americans poses an awesome challenge but we might remember that in 1781, no one knew yet how to count persons physically present in the new United States, either. Procedures developed over time continue to be refined and even so, the entire domestic population is not yet counted. We do not at all want to detract from the domestic efforts; on the contrary, we want to see them complemented by statistics that show the global reality of the modern America. Procedures can and, I believe, will be developed over time for this, too. First, we must clearly state that participation in the Census is mandatory for American citizens, as it is in the United States. Second, we must find ways to develop the baseline population without which the count would not be possible domestically either. This will take time but, as always, there are many organizations like ours just waiting to contribute our knowledge of the overseas community to help make it possible.

The one aspect of the domestic census which seems impossible overseas is follow-up, indeed, but with increased Internet use and more widespread online registration of overseas citizens, here, too, solutions will be found if we don't give up.

We all realize that if we knew how to count overseas Americans, it would not be necessary to conduct an overseas census test. Instead, it is unknown territory. But this unknown territory must not deter us any more than it deters the child who falls the first few times he or she tries to walk. One day the child walks right into university. Other countries, like France, count their overseas citizens. We can do it, too. The time has come, as we enter the 21st century, for a real sea change in mentalities about America's place in the world, and that involves recognizing that the overseas American population is an integral and vital part of the modern American community.

Respectfully submitted on September 14, 2004

Lucy Stensland Laederich

FAWCO U.S. Liaison

Mr. PUTNAM. Our next witness is Mr. Clark Bensen. Mr. Bensen is a consultant and the publisher of Polidata Demographic and Political Guide, which produces reference tools for demographic and political research. An attorney by training and a data analyst by practice, Mr. Bensen has been analyzing data related to the art of politics for over 25 years. He has been involved in redistricting and census issues throughout the past three redistricting cycles, and has developed political and census data sets for every State in the Union.

In addition, on several projects he has been responsible for the establishment of a nationwide data base of demographic and political information. His participation has included service at every level of politics, moving to Washington following the 1980 elections.

Welcome to the subcommittee. And you are recognized for 5 minutes, sir.

Mr. BENSEN. Thank you, Mr. Chairman. Much of what I had in here, of course, will be summarized for two reasons. One is the time; and two is that much of what actually I wrote here as problems with the test has actually been covered by the GAO report. So let me just highlight a few things here that have come up and I believe are issues that need to be addressed.

Again, I basically am a redistricting consultant. And what I do is I assist people around the country who actually draw the lines in which you Members get the wonderful chance to run for office. And one of the paramount concerns that redistricting people have is that the data that they are provided by the Bureau is in fact the most accurate, the best data available that can be gathered. And this means that it is gathered from an exhausting and objective physical counting of the American public.

Now, redistricting people are also one of the very few data users in the country that actually use the census block level data. And I might add that if in fact anything is done with the count of overseas Americans, I believe the first important distinction is, it should not be used for redistricting, if in fact it is used for apportionment. And I say that advisably, because I believe the data at the census block level would be very suspect with the overseas Americans added in, largely because we really don't know what physical address many of them have and whether you can verify them, validate them, whatever. I just think even considering it for redistricting is beyond the pale.

Now, apportionment at the State level has its own problems, one of which is—and I believe, Mr. Chairman, you brought this up before about what the Constitution says, and are there limitations. I believe the major limitation is actually the language of counting people in each State, which goes back to the physical residence rule.

It is fairly clear to say that members of the military and Federal employees and their dependents have an enduring tie to the United States. Most of them are over there temporarily and involuntarily. They will return. There is what we call a logical nexus for them. It is much more difficult to say what the nexus is for many overseas Americans, although obviously my patriots here have a very strong logical nexus to the United States. But I believe that is a constitutional problem from the standpoint of who gets counted in

the overseas count. And I shouldn't even say count, because it would obviously be, as the GAO person said, hundreds of counts. Each country would have its own separate problem. However, I don't think that means you have to just say you can't do it. I think it is an open constitutional question. But I think the touchstone is again to have an annual enumeration and to have the logical nexus.

Let me summarize another area of problem, which is basically again going to how good a job can we make to count these people? And this goes to what Mr. Gribble was saying, too, about the bias. The bias here is, basically, could be two levels. One is from the nation-by-nation count, and two is by the State-by-State count. I use as an example in my written report about the counting in Mexico versus counting in Canada. It may be easier to count in Canada the overseas Americans—well, probably more people from Canada come from the northern States. It may be difficult to count in Mexico, and many Americans in Mexico may come from the southern States. So there is a bias as to which States you go to, which are the easier to count, and then, likewise, in the results as they come back. And this bias again goes back to the constitutional problem with the census itself, which is the actual numeration. We all know that, in fact, there have been millions of Americans that have not been counted over time, but the point is the Bureau is supposed to count as many people as it can, house by house, without any possibility of manipulation.

Bias is not necessarily intentional manipulation, but it could be. That is part of the problem and one of the concerns with counting the overseas. I think from the standpoint of including them in the census, I just don't know see that is going to be a real probability, certainly not by 2010, possibly by 2020, I wouldn't rule it out for that.

But I think one of the biggest problems here from the standpoint of 2010 is the Bureau does a very good count at counting people. That is their mission, that is why they go there to work every day; they want to count people, they want to find people, they have an address list, they have a concept of how many people there are. They can claim success and give a coverage rate and assess the efforts they have done.

That is not going to be possible with this. And in that sense, we are really setting the Bureau up for a failure. And as one who actually uses the data from the Bureau very clearly, I mean, this to me is a problem.

So that is one of the problems I see with this. And I believe the GAO report goes over the feasibility problems and stuff. I think the only logical thing to do is to work on an overseas survey over time so we can all assess the degree to which overseas Americans exist nation by nation, and then possibly for the 2020 census we consider how to implement that. Thank you.

Mr. PUTNAM. Thank you very much.

[The prepared statement of Mr. Bensen follows:]

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COMMENTS

THE CONSTITUTION, THE CENSUS, & OVERSEAS AMERICANS
Prepared for the U.S. House Committee on Government Reform
September 14, 2004
CLARK BENSEN[1]
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The current discussion about how many overseas Americans exist, and whether they should be included in the decennial census has me concerned. I believe I understand the concerns of the proponents of the overseas count and consider it a laudable goal to have these persons counted in the same manner as stateside residents. However, I see inherent problems with any attempt to include the overseas population in the decennial census counts that are the basis for the apportionment process and the peaceful transition of political power in our American experiment with democracy.

One of my roles as a consultant is to assist stakeholders around the country in determining where the boundaries for new political districts should be placed. Of paramount concern to everyone involved in the apportionment process is the accuracy of the data collected and disseminated by the U.S. Bureau of the Census. Given the numerous problems with the counting of overseas Americans, it seems unlikely that any attempt to count them will increase the accuracy of the decennial census counts.

The main areas of concern, from my perspective[2], are summarized as follows.
1. Who should be included in the count?
2. How good a job can be made to count them?
3. What will be the cost?

Who should be included? The threshold question here seems to be whether it is permissible to count any overseas residents for the constitutional purposes for which the decennial census was established, i.e., apportionment of representatives (and direct taxes) in the U.S. House. While the overseas military and federal employees (and their dependents) have been added for the past few census counts, there appears to be no requirement to include them. Clearly, one of the first objections in any lawsuit to result from the inclusion of the overseas in the apportionment count

[1] *Clark H. Bensen, B.A., J.D., consulting data analyst and attorney doing business as POLIDATA ® Polidata Data Analysis and a publisher of data volumes operating as POLIDATA ® Demographic and Political Guides. POLIDATA is a demographic and political research firm located outside Washington, D.C.*

[2] While I am a consultant to stakeholders around the nation, these views are my own and do not necessarily reflect those of any of my clients.

will be the legality of including any, regardless of the methodology used. While the Secretary of Commerce does appear to have wide discretion as to *how* to count these persons, I believe the issue of the Department's ability to include them in the first place is still an open constitutional question.

Additionally, there is a qualitative distinction between overseas Americans sent there by the federal government (military and federal employees) and others who have traveled abroad on their own. This brings up the overall question of the "usual residence" rule that appears to be the touchstone for inclusion in the decennial census. The question in this area becomes complicated for overseas persons with respect to the "element of allegiance" or "enduring tie to a place" that comprises the logical nexus for them to be considered as a resident of any state. Representatives, after all, are apportioned among the several States[3]. The military and federal employees are clearly in service to their government, absent from their states by duty, and likely to return to their states at some point in time. Their nexus is clear. The same can not be said for many persons who left the American shores on their own.

How good a job can be made to count them? Inherent with this concern is the methodology used and the estimate of the universe of overseas persons to assess the rate of coverage.

As to the methodology, I think an appropriate analogy here is a presidential election. Campaign operatives for U.S. Presidential campaigns recognize that while there is an overarching national aspect to their quest for the White House, it is the Electoral College that matters. Therefore, they do not run one campaign but 51 campaigns, one for each state and the District of Columbia. They recognize that each state has special circumstances that require a separate campaign plan. So it is with the counting of overseas Americans. Each country will evince special circumstances and require a separate effort. This separate effort may result in coverage that is better, or worse, than the coverage in other countries. A bias could be introduced by these problems to the nation-by-nation count.

Similarly, a bias could be introduced by these problems in the state-by-state count. For example, if it were easier to count "overseas" Americans in Canada, this might overweight the counts in the northern border states. On the other hand, if it were harder to count in Mexico, this might underweight the count in the southern border states.

This raises the bigger issue of relativity. Proponents may feel that the count of overseas Americans will increase the delegation in the U.S. House for their home state. However, apportionment is a zero-sum game. Counting the overseas is likely to raise every state by some amount. For a state to gain an extra seat, it would need to gain substantially more persons than other states, in relative terms.

Utah, the loser in the most recent round, will clearly get a fourth seat in 2010 regardless of the overseas count[4]. As to other states, due to the large size of the ideal congressional district of approximately 650,000, the marginal increase in additional persons would be substantial. It is difficult to speculate as to the actual impact of adding some 4,000,000 overseas persons to the count for the apportionment of seats as there are several imponderables. However, given the

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[3] U.S. Const. Article 1, section 2 & the 14th Amendment, section 2.
[4] See the most recent Polidata projections for 2010 at the following link: http://www.polidata.org/census/est003dl.htm.

relative nature of the apportionment formula, it is unlikely that the addition of overseas Americans will shift more than 1, or possibly 2, seats, if any.

Another concern about the counting is what stateside address will be used? Will this be verifiable? What if there is no longer a housing unit there? What if that address contains persons from the stateside actual enumeration? Are these persons related to the overseas persons? Was the person already counted in the stateside count? Is there a double count in this census block?

What will be the cost? This concern does not deal with just the monetary cost but the overall cost to the Department of Commerce and specifically, the cost to the Bureau of the Census.

The Census Bureau currently does a good job at counting residents for the purposes of apportionment. This is their mission. This is the constitutional purpose for the "actual Enumeration". To accomplish this mission, the Bureau takes great pains to assure that a successful census is taken with an accurate count[5], not the least of which is a national address list. The Bureau also has an extensive follow-up program for non-response to account for a mail response rate of approximately 67-75% of the known universe.

These two integral elements would be missing from the overseas count. There can be no master address list and there can be no determination as to what the universe of persons to be counted is. Therefore, assessing the coverage of the count would be problematic. Without an assessment, it would be difficult to determine if those persons added increased or decreased the accuracy of the overall count for apportionment purposes. Without even the ability to assess coverage, it would be impossible to claim a successful count.

Any plan that proposes to include an overseas count of Americans for the purposes of apportionment in 2010 seems to be untenable. It is not likely to be of sufficient quality to increase the accuracy of the count. Moreover, it is likely to distract the Bureau from the main mission before it and set the Bureau up for a failure. The Bureau can not, given these limitations, produce an overseas count for the 2010 decennial census that could withstand any scrutiny, let alone a court challenge. Given the multiple difficulties, the resources required to overcome them and still produce a realistic count are just too enormous. Spending more may produce a higher count but it may not improve the accuracy of the apportionment count. It is more likely to only result in a selective Enumeration and not an "actual Enumeration".

What to do? I believe the only realistic goal that the Department of Commerce can take in this area is to undertake a Survey of Nonresident Americans. This survey should not be in conjunction with the 2010 census but a separate operation, with separate funding, so that everyone can assess the degree to which Americans live beyond our borders, where they are, and what their logical nexus to the U.S. is. Even if these persons were never added to the count for the purposes of apportionment[6], the results of the survey would be enlightening to all concerned, including members of the U.S. House.

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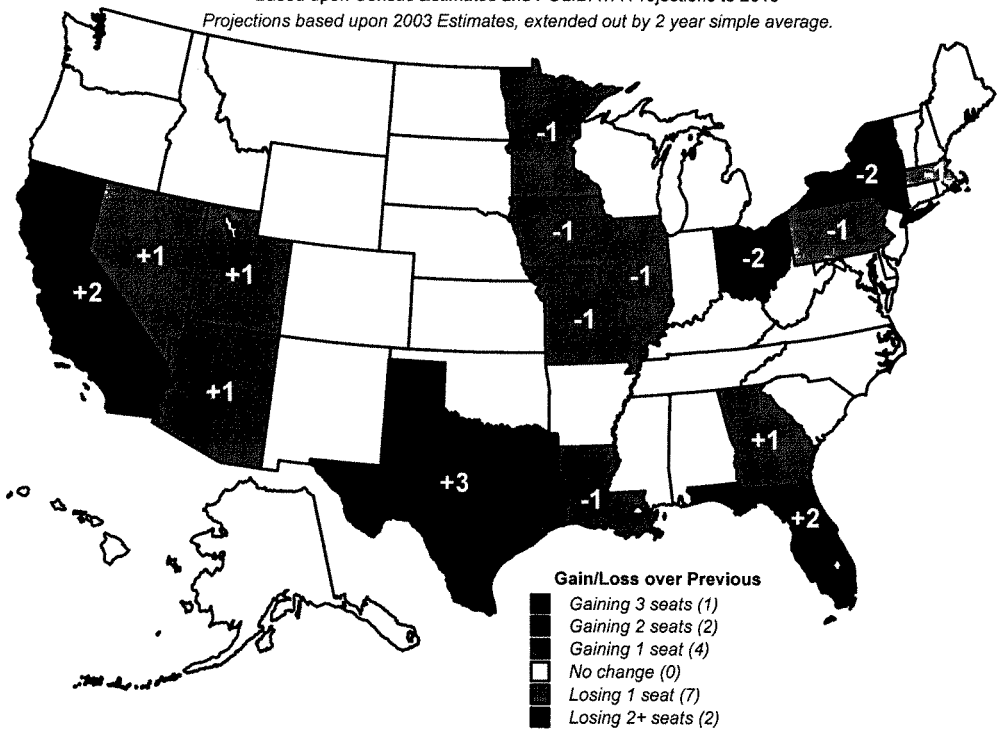
[5] Accuracy here refers to both the numerical accuracy of the overall numbers and the distributive accuracy as to where these persons reside. The degree of coverage can be viewed as a component of accuracy.

[6] In fact, this was the holding of *U.S. House of Representatives v. Department of Commerce* and *Glavin v. Clinton*, 525 U.S. 316 (1999), i.e., that sampling is not valid for the purposes of apportionment.

States Gaining/Losing Seats based upon 2010 Projections

Based upon Census Estimates and POLIDATA Projections to 2010

Projections based upon 2003 Estimates, extended out by 2 year simple average.



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Mr. PUTNAM. Ms. Laederich, do I read your testimony correctly that you have been in France since 1970?

Ms. LAEDERICH. Yes. That is right.

Mr. PUTNAM. So if we were to have an actual enumeration, what State would you want to be apportioned to?

Ms. LAEDERICH. I vote in the State of Connecticut. That is my last State of residence. And under the UOCAVA, which covers our voting from overseas, I vote there. So I would assume that it would be there.

Mr. PUTNAM. Is that something of a model that we would adopt, that people would get to select what State they wanted to be identified with? I mean, what if they choose not to vote, or haven't voted in years?

Ms. LAEDERICH. I would think, with all due respect, that would be up to Congress to decide, but that there is a model right now, which is the law that governs our voting. So that might be the first thing to take into consideration. And once Congress had made that decision, I would assume that individuals would not be able to decide whether they liked it or not.

Mr. PUTNAM. Who would be determined to be eligible for the count? Would it be everyone who is eligible to be an American citizen? In other words, if a British family, on vacation in Disney World, and gave birth to a baby, and then went back home, and that baby—technically has some citizenship rights—but would we have an obligation to seek out that person, even if they had no interest in exercising their American citizenship?

Mr. Bensen, you are the attorney. Would you like to take a crack at that?

Mr. BENSEN. Well, that goes back to what I was saying before about the logical nexus aspect of any overseas American. I think one of the aspects, an advantage of actually doing a survey over time, would be to assess the degree to which every person that does respond does have a logical nexus. I would say in that case, the person probably does not have any logical nexus to the United States, and then that ties into the whole voting aspect too.

There are people who can vote overseas, but voting does not necessarily mean they should be counted for the census. And, likewise, there are other people in the census that should probably be allowed to vote, too. It is a good starting place. But I think the key there really is what is the logical nexus. What is the tie that binds that person, as a citizen, to the United States?

I read a while ago, a couple of months ago, I guess, some of the campaigns were down in Mexico trying to register voters, and there was an example of a woman who had not lived in the United States for 65 years, but they were going to register her to vote. That is another problem, too, because that ties into the State laws and how they allow people to vote.

I believe 10 States do not now have some sort of overseas vote, for people to vote in Federal elections, even if they have never lived here. And that is part of the problem. Many overseas residents, overseas Americans, have never lived in the States, any State. And that is a problem from a redistricting standpoint again, too. Where do we put this person?

Mr. PUTNAM. For our two visitors from afar, I am looking at these numbers. There is an estimated million Americans living in Mexico; France, over 100,000. Do you attribute this abysmally low response rate solely to lack of advertising? What factors led to this response rate problem?

Ms. LAEDERICH. Well, in my written testimony I do mention some other things. I am afraid that we don't have time for all of that. And Leigh would certainly have other answers.

I do believe that—I am sorry to say that a certain amount of responsibility must fall on the outreach organization that was responsible for reaching out, not that they were incompetent, by any stroke of the imagination, but that decisions were made that could have been made better.

I think to a great degree one of the big mistakes—how can I say this nicely? One of the problems was that people familiar with the populations in question were not involved enough. Now, the Census Bureau did involve all of our organizations tremendously, but perhaps not sufficiently.

Mr. PUTNAM. Mr. Gribble, would you like to add anything to that?

Mr. GRIBBLE. I would have to agree with Lucy, that I don't think that the outreach by the contractor was as good as it could have been. Again, in Kuwait we had no advertising. We had a couple of posters that were put up in areas where Americans congregated. And I am sure that caused some responses. At the end of the day, how many folks in America, if they didn't think that somebody was going to come knocking on the door, would have answered their response—or made their response? It is hard to say.

But, again you know, as we understood it, this test wasn't to measure the response rates. And the numbers on that chart are kind of a scientific wild guess as well. We simply don't know.

When Clark talks about the biases that may be coming in, assuming that folks in Canada are from the northern States, until we start to do this and get into an iterative process of refining the data and how the census is done, we are never going to know. We assume. We are assuming a lot of things. But until we start doing it, we are not going to really get a handle on it. Again, we have said it before, nobody expects a perfect census the first time around. The census in 1790 was not perfect.

Mr. PUTNAM. I suspect Mr. Clay and Mrs. Maloney—even I would concede that the census in 2000 was imperfect as well. I said it before, I believe you said it, Mr. Gribble—that you want to be counted for apportionment purposes. That is the primary reason. Why do you want to be counted?

Mr. GRIBBLE. I want to be counted for everything. I want equal protection. I pay tax dollars. My tax dollars come to Washington, and those tax dollars are allocated out of the Federal budget based on population data and do not reflect me back in Ormond Beach.

Now, a lot of my friends overseas are not coming back to the States. In the Gulf region, where there are about 55,000 of us, the vast majority are coming back and coming back soon. Why should I come back to Ormond Beach, having sent all of my tax dollars up here, and not have as good a school system as I could possibly have? It is not fair. It is not right.

Mr. PUTNAM. Ms. Laederich, in your testimony you said that the groups disagree on the why. Please elaborate.

Ms. LAEDERICH. No. Excuse me. I didn't say that we disagreed on why. I said that we don't all agree. There is a difference. I think that there is a difference, because there are some of us who feel now, now we want this, and are working toward that. There are others who feel we must try for everything right away.

We don't all agree about the hows and the wherefores. We agree about the whys. I think a little bit like Congress, you don't necessarily know the answers to things you study. We are here today to study. And I think that we would agree that what we would like to see is a continuing studying process so that 1 day we can have all of those wonderful things.

All I wanted to say was that apportionment seems to me to be the absolute bottom line that almost has a constitutional basis, because, again, we vote and should be counted here for that reason.

Mr. PUTNAM. My time has expired. Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. Let me start with Mr. Bensen, please.

Mr. Bensen, in his testimony, Mr. Gribble says that counting some Americans overseas and not making an effort to count all Americans overseas violates the concept of equal protection. Do you agree with that assessment?

Mr. BENSEN. Well, first off, I think from a legal perspective, when attorneys think of equal protection, they think of State action and not Federal action, but that is kind of a nicety.

I think there is a problem with the concept of, in essence, a selective enumeration instead of an actual enumeration. And that is part of the problem; that if we just count the easy ones, it is not going to be fair to the ones where it could be harder to count. I mean, why should someone who lives in a country that has a harder situation to count not be counted? Why should the Bureau not try as much as it can to count that person, versus a country where it is very easy to count them?

Mr. CLAY. I couldn't agree more with you. We undercount African American males every 10 years with our Census Bureau. And they still haven't gotten it right over a 100-year period. So I don't know how they would ever get it right for overseas Americans.

Let me ask the other two panelists. Even if the Census Bureau were to cut the costs of enumerating Americans overseas in half, and they counted the 6 to 10 million people some estimate to be the population, the cost would be enormous, between $4 and $7 billion. The cost would rival what was spent to count the 284 million people in the 2000 census.

If you were in our shoes, how would you explain to the American public the justification for doubling the cost of the census? Either one can take a stab.

Mr. GRIBBLE. I don't know where those numbers come from, and I certainly wouldn't try to dispute them. But, again, I do not worry about logistics and statistics. I am worried about you doing what is right, what is morally right.

Mr. CLAY. You don't worry about the tax dollars we have to spend?

Mr. GRIBBLE. My tax dollars come here and don't go home. I don't have as much of a strong tie to my tax dollars right now as I would like to have.

Mr. CLAY. OK, Mr. Gribble. How about you?

Ms. LAEDERICH. I say in my written testimony that it seems to me very, very clear that costs would go dramatically down as we moved forward. It is obvious that at the beginning of this test it is going to cost a lot of money. As more and more people respond on line, costs could be cut. As we make better and better use of the State Department's registration of American citizens abroad, costs will go down.

The present cost per respondent is not a fair picture of what it would be as we move forward.

Mr. CLAY. OK. Thank you for that response.

Let me go back to Mr. Bensen. You indicate that you questioned the constitutionality of including Americans overseas in the census. The Census Bureau director seems to believe that the Courts have given him the authority to continue including them. Can you clarify this disagreement for us?

Mr. BENSEN. Yes. In fact, that was one of the few things that I did disagree with in the GAO report where basically they said that the Census Bureau has broad discretion to count these people.

Rephrasing that to say the Census Bureau does have wide discretion to count them, once it is clear that they can count them, is very correct. The Secretary of Commerce and the Bureau have wide discretion once they are doing something that is constitutionally sound.

I don't think the question of constitutionality really refers so much to the military overseas, as long as they are actually counted in something that is close to annual enumeration, because, as I said, they have a very clear nexus, they are in each State from the standpoint of the principal residences rules.

The problem really goes back to the other overseas Americans where the question is really, what is their nexus, and can you in fact include them? I think from my personal perspective, I think it is clear you can include some of them. It is really just a question of where you draw the line, which goes back to the residency rules.

Mr. CLAY. It also makes it very difficult to determine, like the chairman brought up, the fact that the one woman had not been in this country for 65 years. Where you would you determine their residency to be here?

Mr. BENSEN. Well, I think that is pretty much the crux of the problem. It is difficult enough to get the forms. Once you get the forms, then you have to figure out where they are supposed to go. Then you have to figure out what their actual connection is. Those are all things that the Bureau is not geared up to do, doesn't have the tools for it.

And going back to your previous question about the cost, it is really a substantial problem from my perspective, because as we all know, counting the census stateside is an enormous problem. Anything that distracts the Bureau from doing that I think is just going to be a problem. And this from a practitioner standpoint, if we were in fact to add 4 million people, let's just use that a number, we added them to the apportionment formula now State by

State, the odds are not very great it is going to change more than a couple of seats in the whole thing.

So the point is, if you want to say to your constituents that, yes, we did spend these billions of dollars and it did in fact shift one, two, or three seats from Iowa to Florida, or something like that, OK, but the net effect is not likely to be very huge, because in fact it takes so many extra people to shift over a seat.

Mr. CLAY. Thank you for that response. Thank you, Mr. Chairman.

Mr. PUTNAM. Thank you. Since we have no one else on our side, I recognize Mrs. Maloney for 5 minutes.

Mrs. MALONEY. Thank you very much, Mr. Chairman. And first I would like to request permission to place my opening statement in the record. And I regret I was not able to get back—I had a conflict—to question Ms. Dalton and Mr. Kincannon, and I would like to place and have the committee send them my questions and have them respond in writing, if you could; because I think this is a very important issue, particularly as we are in a global economy, and over and over again we are dispatching Americans abroad.

I think it is absolutely fundamental that our men and women in the military who are protecting us abroad have the right to vote, have the right to be counted, and have all of the protections. The same for our Federal employees. And I would say it is the same for American business that is now involved the global economy.

They tell us over and over that you can't go backward. We are in a global economy. We must be part of that global economy. You visit the State Department and they talk about economic strategies to make sure that our businesses are able to compete and win in the world economy, and that we have to work toward counting our Americans citizens. That is part of our Constitution. It is one of the first directives that they give in the Constitution, is that we will have a census every 10 years. And what I don't understand is this throwing our hands up in the air and saying we don't know how to do it and we are going to give up. And we still have another 6 more years that we can work on this.

So I disagree very much with the GAO report. I accept it. But I feel that is not the American way. We go forward and try to figure it out. Do we have all of the answers? No, we don't. And we have to be fair and we have to be balanced. And it has to be accurate and not have any room for any type of manipulation.

But it is not fair to the American citizens, some of whom are our best Ambassadors for our country as they live in other countries. And I feel that we should make every effort to count them. And I feel that we should go forward.

And my question is really to the two representatives of the American Business Council and the Federation of American Women's Clubs: Why can't we go forward with the 2006 test? Have we gotten our census in our own country completely right? No. We work every year to make it better. And the professionals dedicate their time to making it better.

We should begin to count Americans abroad. And I am getting tired of this. We had one director who was committed to it, then we had the second director who was committed to it. Everybody says they want to do it. Everybody says it is the fair thing to do.

And then they say, We can't do it. And I just don't understand that. I don't see why we cannot go forward with the 2006 test.

So I would like to ask Ms. Lucy Stensland Laederich, and then Mr. Leigh Gribble, why we can't go forward with the 2006 test and your comments on it.

Ms. LAEDERICH. Mrs. Maloney, I think that we both think we can if Congress will make it possible. We certainly hope we can. That is why we came here from Kuwait and from France. And as I think you know, we have been working on it for a long time. We certainly hope that it will be possible to go with the 2006 test.

Mr. GRIBBLE. I really don't have anything to add to that. I couldn't agree with you more.

Mrs. MALONEY. Mr. Bensen, why can't we go on with the 2006 test?

Mr. BENSEN. I think I covered a lot of that initially in my responses, which is I just don't think it's an attainable goal within the concept of the 2010 census, given the requirements. I'm not against doing continued research. And I can tell you that the 2006 test and the 2004 size and scope—obviously, other things would be considered, but I don't think it's possible to do that in time for the 2010 census, given the inherent problems with running census counts or summaries for 100 plus nations.

Mrs. MALONEY. If we don't start going forward, we won't be there for the 2010 and we won't be there for the 2020. I would suggest—and I have been a strong advocate for the funding for the census. I'm down on the floor fighting to make sure they get their funding, because I believe the research that they conduct is an incredibly important to conduct policy. We can't make policy if we don't know how many poor we have, how many well we have, how well educated are people.

It is the blueprint of our Nation. As we move into a global economy, we are in it whether we like it or not. We have to make an effort to understand where our citizens are, how many businesses are abroad, employing how many Americans. And they are citizens, they are paying taxes, and they have every right to be counted as any other American.

I would suggest we have to go forward. Possibly what we find is we cannot use it in the 2010 census. But the fact remains that we are not going to be ready for the 2020 census if we don't go forward, make mistakes and try to tackle this difficult task. I feel it is not responsible if we do not fund and go forward. Maybe we find the problems, but how do you correct the problems if you don't go forward and find them? So I strongly feel that we should go forward with the test and see where it is.

Maybe it is that we cannot decide the fundamental question that you are concerned about in reapportionment, but maybe we can address some of the concerns about where do we find out citizens, what are they doing, how are they involved in other countries. It just finding who they are and how many they are. This is just a guess that it is 4 million. I bet it is a lot more than that. But we have to have a sense of who they are.

We are in a global economy. The trend is going to be more and more and more Americans are going to be living abroad.

I want to share with Mr. Putnam—I know we have to go vote—but every time I lift up a business directory of businesses in the district that I represent, they are all in the global economy, every single one of them. All of them have stations abroad and are growing abroad, and I think that the only responsible thing is to do the impossible task. I mean, this is America. We put people on the moon. We can't count people abroad. I can't understand that. I feel there is the lack of the political will to do this, and we cannot run away from this responsibility—and we are going to miss a vote.

Mr. PUTNAM. I apologize. We have less than 6 minutes.

Mrs. MALONEY. Send it to my office.

Mr. PUTNAM. I want to thank you particularly for traveling the distance that you have come and the passion that you bring to this. Your testimony sheds light on a very important issue that we are obviously continuing to try to resolve, and we appreciate your willingness to be with us. We collectively believe in a solid 2010 census and recognize the challenge of counting citizens around the world. Today, we have heard the obstacles but want to continue the dialog to address this issue.

In the event there may be additional questions, the record will remain open for 2 weeks for submitted questions and answers.

Thank you all very much. This subcommittee is adjourned.

[Whereupon, at 4:25 p.m., the subcommittee was adjourned.]

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