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NOMINATIONS OF ROBERT L. SANTOS AND ED GONZALEZ

HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

NOMINATION OF ROBERT L. SANTOS TO BE DIRECTOR, U.S. CENSUS
BUREAU, U.S. DEPARTMENT OF COMMERCE, AND ED GONZALEZ TO BE
ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS
ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

JULY 15, 2021

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NOMINATIONS OF ROBERT L. SANTOS AND ED GONZALEZ

THURSDAY, JULY 15, 2021

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:15 a.m., via Webex and in room SD-342, Dirksen Senate Office Building, Hon. Gary Peters, Chairman of the Committee, presiding.

Present: Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Scott, and Hawley.

OPENING STATEMENT OF CHAIRMAN PETERS¹

Chairman PETERS. The Committee will come to order. Today we are considering two important nominations, Robert Santos to be Director of the United States Census Bureau (USCB) within the Department of Commerce, and Sheriff Ed Gonzalez, to be Assistant Secretary for Immigration and Customs Enforcement (ICE), commonly referred to as the Director for ICE within the Department of Homeland Security (DHS).

Welcome to both of you and to your family members joining us today, and congratulations on your nominations. Thank you for your willingness to take on these critical and incredibly important positions.

The Census Bureau is the leading source of quality data about our nation's people and economy. The decennial census and the Bureau's surveys are critical for helping communities, businesses, and people across our nation ensure that they have the resources and information that they need in order to thrive.

Mr. Santos, if confirmed, you will lead the Bureau as it completes the 2020 Census, plans for 2030, and administers the Bureau's critical demographic and economic surveys in a changing nation. I know that you understand the importance of the Census Bureau's mission and the challenges that it faces.

As an expert in statistical research and survey design who has worked extensively with the Bureau, you know that stakeholders rely on the Census Bureau to produce data that is both reliable and accurate. You also know that transparency and accountability are essential for building and maintain trust in the Bureau and its data.

¹The prepared statement of Senator Peters appear in the Appendix on page 37.

I am looking forward to hearing more about your background and your vision for the Census Bureau.

Sheriff Gonzales, if confirmed, you will lead an agency with a vast public safety mandate. In addition to immigration enforcement responsibilities, ICE contains the Department of Homeland Security principal investigate entity, Homeland Security Investigations (HSI), which is charged with investigating transnational criminal activity that threatens the safety of our communities all across the United States. ICE's law enforcement professionals combat narcotics, smuggling, terrorist networks, human trafficking, financial crimes, and other threats to public safety.

As you know from your extensive law enforcement background, this is a vital and extraordinarily difficult task. ICE and its workforce face no shortage of both internal and external challenges.

ICE has been without a Senate-confirmed director for 4½ years, and this absence of stable leadership has made it even more difficult for ICE to effectively carry out its mission. ICE urgently needs a qualified, committed leader who will tackle the agency's challenges head on.

If confirmed, you will be responsible for rebuilding trust with ICE workforce, Congress, State, and local partners, as well as other stakeholders. This means supporting and improving what is working, but also recognizing and correcting what is not working.

From our earlier conversation I know that you understand and are prepared for this very difficult work ahead, and I greatly appreciate your commitment to both accountability and transparency. I look forward to hearing more about your qualifications and plans to lead this critical agency.

We will normally now turn it over to Senator Portman, who is my Ranking Member, but as we discussed before this hearing we have a lot of things happening simultaneous. We are all double-booked. Senator Portman is very engaged, I know, in some of the budget negotiations. He will be joining us shortly. When he arrives he will be making a statement, or putting one into the record.

So now it is the practice of this Committee to swear in witnesses, so if you will please stand and raise our right hand.

Do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SANTOS. I do.

Mr. GONZALEZ. I do.

Chairman PETERS. Please be seated.

Our first nominee is Robert Santos, nominated to be the Director of U.S. Census Bureau within the Department of Commerce. Mr. Santos is currently the Vice President and Chief Methodologist at the Urban Institute. He is a nationally recognized expert in survey sampling and survey design, with over 40 years of experience in social science and policy research.

After receiving his Bachelor of Arts (BA) in mathematics from Trinity University in San Antonio, and a Masters of Art (MA) in statistics from the University of Michigan—Go Blue—Mr. Santos went on to hold several leadership roles, including Vice President of Statistics and Methodology at the University of Chicago's National Opinion Research Center; Director of Survey Operations at

the University of Michigan; Survey Research Center and Partner and Executive Vice President at a Texas market research firm.

Mr. Santos has also served as an expert advisor to the Centers for Disease Control and Prevention (CDC) and the Census Bureau. He currently serves as the elected President of the American Statistical Association (ASA), the leading professional organization for statisticians in the United States.

Welcome, Mr. Santos. You may proceed with your opening remarks.

TESTIMONY OF ROBERT L. SANTOS¹ TO BE DIRECTOR, U.S. CENSUS BUREAU, U.S. DEPARTMENT OF COMMERCE

Mr. SANTOS. Thank you, Mr. Chair. Can you hear me?

Chairman PETERS. Yes.

Mr. SANTOS. OK. Thank you very much. I would like to first introduce my wife, Adella, and my son, Emilio, who are here in support, and I just want to say thank you for this opportunity to give an opening statement. Thank you Committee Members, for those of you who are here, and I understand if you cannot be. I will begin.

It is an honor and I am humbled to appear before you today as the nominee for Director of the Census Bureau. I would like to thank the President and Secretary Raimondo for the trust they have placed in me with this nomination.

Born and raised in the barrios of my native San Antonio, I was fortunate to be in a Mexican-American family whose parents secured civil servant jobs at Kelly Air Force Base. I was privileged to be educated by the Irish nuns at Little Flower Elementary School, and I was taught to be a responsible adult by the Brothers at Holy Cross High School. The values instilled in me at these schools are foundational to my leadership.

I am a member of a Gold Star family. My brother, Rene, died in Vietnam in 1969, when I was a high school freshman. His death furnished the Section F deferment that I did not seek, and a pain that endures to this day. With the sacrifice to our country, I was free to attend San Antonio College, Trinity University, and then the University of Michigan to follow my dual passions of statistics and helping people. Those opportunities that I had allowed me to believe that I should “pay it forward,” and I try to do that every day of my life, and if confirmed, it will be time to serve my country.

I would not be here today without the enduring support of my family. At age 18, I married my wife, Adella, and we have now been married 48 years. She is my most important source of support, counsel, and love. Our two children, Emilio and Clarisa, always support me and are constant sources of comfort and pride. My two granddaughters, 9-year-old Rene and 3-year-old Layla, brighten my heart incessantly. My wife and I take great pride in having cared for them the last half of 2020, during the Coronavirus Disease 2019 (COVID-19) pandemic, while my daughter finished nursing school in Arkansas and her husband, Chris, was deployed overseas with the U.S. Air Force (USAF).

¹The prepared statement of Mr. Santos appears in the Appendix on page 42.

Now I am eager to serve as Census Bureau Director because I care deeply about this country and believe I can give back to a Nation that has given so much to me. I understand the importance of data quality and the Census Bureau's role in providing data that nurtures our democracy, informs our people, and promotes our great economy. You see, Census Bureau data help weave us together to form a more perfect union.

Although this is political appointment, I am not a politician. I am a scientist, executive-level manager, a researcher, and long-time supporter of the Census Bureau. In a 40-year career, I have held leadership positions in academic, nonprofit, and commercial research organizations. I have conducted research for most Federal agencies across many policy areas.

I have held membership in scientific advisory committees, from the Census Bureau, to CDC, to National Academies, and others. I am the current President of the American Statistical Association, the world's largest association of statisticians. I was recently President of the American Association for Public Opinion Research (AAPOR). I have had the distinct honor of receiving the highest lifetime achievement awards from both organizations. I believe this body of work and recognition positions me well to lead the Bureau, if confirmed.

The Census Bureau needs a Director who understands the critical role of providing quality data to our country. Society is in the midst of a technological renaissance, and the Census Bureau should leverage technological advances and innovate to create efficiency and effectiveness. If confirmed, I can set priorities and direction in this area.

The Bureau also needs more transparency and independence to build public trust as it continues planning of the 2030 decennial census, and completes delivering the 2020 census products. Career staff at Census Bureau need recognition for the exceptional scientists that they are. The Director must nurture a staff that has endured a tumultuous 2020. Finally, the Director should lines of communication with stakeholders and with Congress.

In closing, I am incredibly grateful and humbled by the support I have received from the scientific community, my colleagues, my friends, and my family. If confirmed, I pledge to serve with humility, honor, and integrity.

Thank you, and I look forward to your questions.

Chairman PETERS. Thank you, Mr. Santos.

Our next nominee is Sheriff Ed Gonzalez, nominated to be the Assistant Secretary for Immigration and Customs Enforcement at the Department of Homeland Security, more commonly referred to as the Director of ICE. Mr. Gonzalez currently serves as the Sheriff of Harris County, Texas. It is the largest sheriff's office in the State of Texas and the third-largest nationally.

He began his law enforcement career as a civilian employee in the Houston Police Department (HPD), where he later became a police officer and rose to the rank of sergeant. He served on the Elite Hostage Negotiation Team and was assigned to the Homicide Division as an investigator.

After serving 18 years with the Houston Police Department, Sheriff Gonzalez retired in 2009, to serve three terms on the Hous-

ton City Council. He was elected by his peers in 2010, to serve as vice mayor pro tem, helping to manage the workforce of the city of Houston.

As Sheriff of Harris County and as a City Council member, Gonzales has spearheaded innovative efforts to expand social services in order to reduce arrests, divert crime, and improve public safety.

Welcome, Sheriff Gonzalez. You may proceed with your opening remarks.

TESTIMONY OF ED GONZALES¹ TO BE ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. GONZALEZ. Chairman Peters, Ranking Member Portman, distinguished Members of the Committee, I am honored to appear before you to discuss my nomination to lead U.S. Immigration and Customs Enforcement. I want to thank President Biden for nominating me, Secretary Mayorkas for his confidence in me, and this Committee for considering my nomination.

I also want to express my love and gratitude to my parents, both hard-working children of immigrants. My father was a self-taught welder. He never finished school or learned how to read or write. He made up for it by outworking his competition, and he raised me to value education and hard work as the keys to achieving the American dream. My mother owned a modest beauty salon, where she showed me the power of community, service to others, personal responsibility, and strong relationships. My parents taught me to love our country not only for the land of opportunity that it is today, but also for what it aspires to be.

My wife, Dr. Melissa Gonzalez, is a lifelong educator and administrator in academia. Her love and support have been my foundation throughout my career, and together we have built a family that includes our smart, strong, and talented daughters.

America has shown the world that it is not only possible to survive, but thrive, as a nation that welcomes those seeking a new home and a better life through hard, honest work. We have proven that people from varied backgrounds cannot just co-exist, but rally around common values and a shared dream of always doing better.

With that said, the American dream relies upon the rule of law and a functioning legal immigration system. I have been proud throughout my career as a law enforcement professional to uphold our nation's laws. If confirmed as ICE Director, I will be responsible for 20,000 dedicated men and women who work every day to guard against threats to our national security, public safety, and safeguard the integrity of our borders. This includes ICE's critical investigative mission through HSI, as well as enforcement and removal operations carried out by ICE Enforcement and Removal Operations (ERO). Theirs is a difficult and often thankless job, but leading such a team would be the honor of a lifetime.

I chose a law enforcement career because I cared deeply about the neighborhoods I grew up in—their people, the businesses, schools, and houses of worship. When you have such a love for your

¹ The prepared statement of Sheriff Gonzales appears in the Appendix on page 114.

home, your community, and your country, you want to give back, and so I chose to protect and serve.

I first started out as a patrolman in the Houston Police Department, working my way up to the roles of homicide detective and hostage negotiator over nearly two decades. In each of these two roles, I have been privileged to keep our community safe from harm.

In 2009, I took my next step in public service. I ran for the Houston City Council and went on to serve three terms representing my neighborhood. I also served as Houston's mayor pro tem, a role that gave me the opportunity to help manage the operations of the country's fourth-largest city. I championed proposals to equip our peace officers with the tools, training, and resources they needed to keep the community safe, while working to improve social services to address the root causes of many police calls.

In 2016, the people of Harris County elected me to serve as their Sheriff. The Harris County Sheriff's Office is the largest in Texas and the third-largest nationwide, with over 5,000 employees protecting 4.5 million residents within a 1,700-square-mile area. In that role, I have been no stranger to serious challenges, leading our agency's hurricane rescue operations in 2017, and leading our office's efforts to manage the COVID-19 pandemic in our community, and in our jail system, since 2020.

As Sheriff, I have partnered with ICE, the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), U.S. Marshals Service, U.S. Attorney's Office, and other Federal agencies in order to investigate and prosecute crimes that spanned multiple jurisdictions and countries.

If confirmed as ICE Director, I look forward to building on these partnerships to make our communities safer, while working closely with communities to ensure ICE is able to carry out its mission. If confirmed, I look forward to working with this Committee, under the direction of Secretary Mayorkas, in pursuit of these missions, while upholding the highest principles of law enforcement public service. I pledge to keep communication open and to respect your oversight and guidance.

Thank you again for considering my nomination. I look forward to your questions.

Chairman PETERS. Thank you, Mr. Gonzalez.

Ranking Member Portman, you are recognized for your opening remarks.

OPENING STATEMENT OF SENATOR PORTMAN¹

Senator PORTMAN. Thank you, Mr. Chairman, and thank you to Mr. Santos and Sheriff Gonzalez for your willingness to serve and for your statements today.

The Census Bureau, Mr. Santos, as you know, provides a critically important service to the Nation, and you talked about that in your opening statement. Census data supports activities all around the country. Businesses and nonprofits use census data for planning. State and local governments use census data to make spending decisions. The Federal Government distributes more than a

¹ The prepared statement of Senator Portman appears in the Appendix on page 39.

trillion dollars a year based on census data. So we have got it get it right.

Then, of course, census data supports the redistricting process, which is an essential part of our Nation's democracy, and it is especially timely that the Census Bureau be more responsive with regard to this responsibility.

The current delay in providing census data for redistricting has negatively impacted a number of States in this country, and one of them is Ohio, that I represent. We are very concerned about that, because we are trying to move forward with the redistricting process but we need to have the data.

I have been assured by the Census Bureau that they have now agreed to provide redistricting data to Ohio by August 16th. We cannot let that date slip. The Census Bureau must meet that deadline.

Mr. Santos, I look forward to hearing your thoughts on this as well as your views on the many other challenges facing the Census Bureau.

Sheriff Gonzalez, you and I discussed yesterday the Director of ICE position is very important for a critical agency and deserves careful consideration by this Committee, which has oversight over the Department of Homeland Security.

It is particularly important today, because by any measure we have the worst crisis at our Southern Border that we have had in at least two decades. The numbers are overwhelming. In May, more than 180,000 migrants were encountered at our Southern Border. June looks to be even higher, from the preliminary data that we have been able to hear about.

The number of migrants apprehended at our border has risen every single month since President Biden took office, and we are told that more than 90 percent of those migrants are crossing unlawfully, and dangerously, often, between our Ports of Entry (POE).

Border Patrol agents also estimate, but generally do not report monthly, the number of migrants who evaded apprehension. I think they refer to those people as those who "got away." This is a conservative estimate that likely undercounts the true numbers.

But we are now seeing record numbers of those not apprehended at the Southern Border, those who "got away." In March and April of this year, the Border Patrol estimates 70,000 migrants evaded apprehension by its agents. We do not know who these people are.

I traveled to the Southern Border earlier this year. I was in El Paso, where I have been before, and I watched families who were enrolled in the Migrant Protection Protocol (MPP), as one example, the MPP program, and these were families who were in Mexico pending the adjudication of the asylum claim. Under the new administration, they were brought into the United States. I saw it. They were released into the country, and an ICE officer personally described to me what the parole process is like, that I witnessed in real time.

Instead of giving these individuals a court date and saying, "Your asylum claim is being adjudicated. You need to show up at court at this time, at this place," what they said was, "We are giving them a piece of paper." I saw the piece of paper. The piece of paper simply had ICE offices listed on the back. I said, "How do they

know which ICE office to go to?” And the answer was, “We do not know where they are going, and we are not suggesting where they go, or certainly telling them where they go. They can go wherever they want in the United States, and we are just giving them these offices so that when they end up where they end up they will hopefully have an ICE office near them, that they can go to.”

I was shocked, because I was told that people were given a court date and told to go to the court, but that is not what is happening.

You and I talked about this, but I just think our system is broken, and we have to fix it. Otherwise, it will continue be a pull factor.

I was just in Ecuador, which, by the way, sends more migrants to our border than Honduras now. I was in Guatemala, which, of course, is one of the three countries that has been traditionally sending the most women and children, unaccompanied kids, in particular—El Salvador, Guatemala, and Honduras. I heard the same thing, which is the leaders of this country do not want their young people going to the United States. They want them to stay there, and build the future of that country. They do not like the fact that we have a system in place that provides this pull, where if you get to the border and claim asylum, you are allowed, in the vast majority of cases—some say all, but let us say the vast majority of cases—to simply come into the country. If this is the protocol, where you say, “You do not even have to show up for a court date, because we are not even giving you one. We are not even telling you where to go,” I just do not understand how this system is going to work.

In 2019, we had a surge, and it was largely unaccompanied kids, as you recall, because you were on the border and I know you understand this issue very well. But I am told that ICE has returned virtually none of those unaccompanied kids, none of them. They are all still here.

It is no wonder that the coyotes can go and exploit that situation and charge these families the kind of money that we cannot even imagine, because, for them \$10,000 is not just their whole life savings, its the mortgage on their house. It is everything they have. Then, unfortunately, many of these young people and families are abused on the way to the border. It is a dangerous situation, even short of the desert crossing that is often dangerous in and of itself, as you well know. It is a system that is not serving anybody well right now.

I have very deep concerns about it, as you know.

Anyway, I later check in with ICE to ask them, by the way, where the migrants had gone who I had watched go through this process, who were told to check in with ICE. And ICE was unable to tell me exactly how many migrants had checked in with ICE to receive a court date. We have asked for this information repeatedly and we have been told it is simply not available. So we do not know.

As we all know, cooperation between our Federal, State, and local law enforcement is critically important to keep our nation safe. In 2017, Sheriff Gonzalez, you made a decision to end the department’s voluntary compliance program with ICE. This voluntary compliance and the cooperation, known as the 287(g) Program, has

helped remove a lot of dangerous criminals from our communities. You have also stated that you still allow ICE to work inside the county jail, but you have spoken out forcefully against Texas law that mandated cooperation with ICE.

I am concerned, as you know from our conversation, about whether it would be appropriate for you to lead an agency that you have been so critical. Even if the border crisis ended tomorrow, ICE is going to be dealing with the ramifications of this border crisis for many years to come. As you have noted to me, a lot of people are coming to this country on visa, and then overstaying their visas. It is not just about the border. It is about ICE's broader responsibilities.

As I have said many times, we are a nation of immigrants and we are proud of that, and we welcome immigrants to this country in a legal, proper manner, and we should. We are a generous country, and we should be. But we also have to have immigration laws that are clear, enforceable, and allow people to come here legally, properly, and in a humane way.

Our Committee looks forward to hearing from both of you, and thank you again for your willingness to serve.

Chairman PETERS. Thank you, Ranking Member Portman.

There are three questions the Committee asks of every nominee. I am going to ask each of you to respond briefly with just a yes or no. We will start with Mr. Santos and then Mr. Gonzalez.

First, is there anything you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. SANTOS. No.

Mr. GONZALEZ. No.

Chairman PETERS. Second, do you know of anything personal or otherwise that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. SANTOS. No.

Mr. GONZALEZ. No.

Chairman PETERS. Last, do you agree, without reservation, to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. SANTOS. Yes.

Mr. GONZALEZ. Yes.

Chairman PETERS. Great. Thank you.

Sheriff Gonzalez, if confirmed, you will lead a workforce that has suffered from low morale for several years now. More than 20,000 men and women serve throughout ICE, including many who face incredibly dangerous situations as they work each and every day to keep us all safe.

Could you briefly discuss your experience involved in improving the morale as to a law enforcement leader through your extensive career in that capacity, and how you plan to engage the ICE workforce, if confirmed?

Mr. GONZALEZ. Thank you, Mr. Chairman. I have experience in working with large workforces, first in my role as a City Council member and Mayor pro tem, where working alongside the mayor we oversaw a workforce of more than 20,000 municipal employees

in the city of Houston. Now, in my role as Harris County Sheriff, I work with 5,000 outstanding men and women that operate one of the largest jail systems in the country, as well as complex law enforcement operations, including a maritime unit, security in and around the port of Houston, as well as investigative functions as well.

I have always tried to approach any role, coming in and working closely with the workforce. I think it is important to make sure that we are working collaboratively. I am an inclusive leader. I believe in two-way communication. At times we have been able to engage with our workforce to try to make sure that we are making some decisions that are popular with them, that may improve their work conditions.

I care deeply for the team members that work with me. I commonly use that phrase, "team member." I would use that experience, if confirmed to be ICE director, to come in, listen, to try to understand the work, understand what is working and where we can make things better. I am a big believer in continuous improvement, and the morale of the ICE workforce is critical to making sure we successfully accomplish its mission.

Chairman PETERS. Thank you. Mr. Santos, the Census Bureau and its workforce have faced many challenges, as you are well aware, in recent years, but particularly in 2020, including planning and executing for significant adjustments to the decennial census operations in light of the COVID-19 pandemic, but also as a result of attempted political influence in the census operations.

If confirmed, how do you plan to engage with and support the Census Bureau's career workforce and ensure that its expertise that drives the Bureau's decisionmaking?

Mr. SANTOS. Thank you for that question, Senator. I highly value the career staff at the Census Bureau. They represent some of the best scientists in the country, some of the best operations people. I understand the tumult that they underwent through operationalizing the 2020 census and respond to that. Many of them ended up working 7 days a week, possibly 80 hour weekdays. It has been harrowing, and these staff deserve to be recognized for the job that they did and rewarded for it.

I believe that there are things that can be done to understand the depth of stress that they have undergone, through listening sessions, through other types of things, and then proceed to craft, with lessons learned from COVID, a better work environment for them.

There are morale issues. We know that. Morale is a symptom. It is not the root cause of a problem. I would like to work with the census career staff and the staff themselves to understand what are the root causes of job satisfaction and job dissatisfaction. What can we do? There is typically the standard, oh, we can give bonuses and raises and such, and that is very good and that can be leveraged.

But the benefit of those types of rewards really wears off quite quickly. It is more rewarding to provide individuals an opportunity to find an additional research path, or given COVID and the way that folks have learned how to actually work better at home, pro-

vide flexibility in terms of work at home, remote work, and things of that sort.

I would have work with senior census career staff to avail ourselves of a variety of personnel tools, work with human resources (HR) to develop some packages and some approaches that, one, understand the root cause of moral issues, and second, find ways to support folks for the long term, so that they grow in their careers, they are satisfied, and they benefit the country, as we want them to.

Chairman PETERS. Thank you. Sheriff Gonzalez, as you know, ICE's law enforcement mission is extremely broad. The one critical piece of that is dealing with human trafficking. In fact, ICE's Homeland Security Investigations, is responsible for overseeing a wide effort within DHS to combat human trafficking.

So my question to you is, can you tell us about your experience in this area and how you would approach HSI's work to combat human trafficking in this country?

Mr. GONZALEZ. Yes, Chairman. I do have vast experience in investigating human trafficking matters, human trafficking crimes. First, obviously, as a patrolman and later as an investigator, working many of these complex investigations over the years, I have direct experience of how these cases, or these criminal networks operate, having arrested many throughout the years.

In my role at City Council as Chair of the Public Safety and Homeland Security, I worked very closely with then-Mayor Annise Parker as we launched her first-ever office dealing with human trafficking, and we elected a wonderful leader, Minal Patel Davis, that is still in place today, to really help formulate a plan for the city of Houston that was very holistic, and really considered a lot of the interrelated factors. That has been a success, and that office remains today.

Now, as Harris County Sheriff, we are often seen as a hub for human trafficking, so we put in place a lot of importance on this, making sure that we are working with the non-governmental organization (NGO's), that we are working with other law enforcement partners, both local, State, and Federal as well, making sure that our enforcement action is not focused on the survivors but instead on those that seek to take advantage of others. And so we work very closely, also collaboratively as well. We work on task forces with both the local police department, which is HPD, as well as with our District Attorney's Office, with what is referred to as Project 180.

We work very closely in a number of different angles to be able to tackle this issue. We know it is very complex. These investigations take a long time. But we work very hard to try to dismantle this in our Houston area and region. We also work collaboratively, when we do have a major-scale event, for which Houston is known, to make sure that we are also raising awareness in our communities as well. We have also worked closely with hotel operators to make sure that we are educating and raising awareness of how many times individuals could be manipulated and what are some of the signs to see.

We have led a very successful effort, and also commend the men and women of ICE, HSI, that have had great success in this area

throughout the years, and I look forward to joining their efforts, learning what is being done, and how we can continue to advance their work, and use my experience to continue to see continuous improvement in the area of human trafficking, that is critically important, and we must put a stop to it.

Chairman PETERS. Thank you, Mr. Gonzalez. The chair recognizes Senator Johnson for your questions.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman. Mr. Gonzalez, it is July 15th and we do not even know what the June apprehension numbers are from DHS, from U.S. Customs and Border Protection (CBP). It is a little disappointing. I believe DHS is utilizing Title 42, protecting our country from COVID and returning people immediately. But I do not have those numbers either. I do not think we have them for April, May, or June. This Committee is, to a certain extent, operating in the dark in terms of what is exactly happening.

I think my first question for you—I asked this of Secretary Mayorkas; he has not honored his promise—but will you commit to this Committee to be transparent and get us this information on a timely basis?

Mr. GONZALEZ. Absolutely, Senator Johnson. You, in your role here, Congress and in your role here in this Committee, provides a very critical oversight. If confirmed, I will make sure that we are working in a timely manner, providing you with the necessary information. It is important for you to be able to—

Senator JOHNSON. OK. I will hold you to that commitment.

Now I think the next point is, I do not believe we have any idea where the people that are being processed and dispersed—and let's face it, when the Administration says they are fixing this problem, all they are doing is they are getting more efficient at processing and dispersing people to all points in America. I do not think that anybody knows where they are going. As Senator Portman was talking about, they get a list of ICE offices, because they do not know where they are going.

I think that is absurd. Do you agree with me, that we have no idea where these people are going?

Mr. GONZALEZ. Senator, it is concerning to not have that information.

Senator JOHNSON. Do you think States and cities ought to be told when an airplane-full, or a busload of people who have come to this country illegally and are being dispersed by DHS, do you think they ought to be told when they are getting a batch of these individuals?

Mr. GONZALEZ. I think coordination with local and State partners is very important. That is something I have experience with, and I think it is important to make sure we are communicating information with them, and sharing it.

Senator JOHNSON. But we are not sharing that with any State and local government, are we?

Mr. GONZALEZ. I am not in the role yet, but—

Senator JOHNSON. But when you were sheriff of Houston, did DHS tell you that, by the way, a busload is coming up from

McAllen and we are going to terminate it and drop these people off in Houston? Were you ever told that?

Mr. GONZALEZ. No, sir.

Senator JOHNSON. How much experience did you have in Houston with gang activity?

Mr. GONZALEZ. I have a great deal of experience. I have worked on gang murders before that had, obviously, a gang nexus as well currently we operate in a number of different avenues to combat gang crime in our community.

Senator JOHNSON. Which were the prominent gangs in Houston that you dealt with?

Mr. GONZALEZ. We have some of the local ones, like Tango Blast, it is the Bloods, the Crips, Southwest Cholos, MS-13. We have a variety, just like many other jurisdictions.

Senator JOHNSON. So under my chairmanship we held a hearing on MS-13, and it was chilling, to say the least, the brutality of that gang.

When we are apprehending 6,000 people a day, overwhelming CBP, that is opening up corridors for drugs, for gang members, for very unsavory individuals to, the "got-aways." There are 6,000 apprehended, 1,000 known "got-aways." We have no idea how many unknown "got-aways." This is way more than a crisis, and it is continuing, by the way.

What percent of the individuals do you believe are going to show up at an ICE office, having been dispersed with just the address of a few ICE—I mean, do you think a high percentage of the 6,000 people a day, if we hand them Title 42, they are going to be dispersed, do you think they will show up in an ICE office?

Mr. GONZALEZ. If confirmed, I would want to understand what criteria CBP is using, what information they are gathering. Ultimately, they make those decisions on a notice to appear (NTAs), in comparison to notice to report (NTRs). I would want to see what criteria and then what information is being utilized so we could work effectively, so that we can keep an eye on the security of our homeland.

Senator JOHNSON. But again, we do not even know where they are going. We do not know where they are going. We have not given them a notice to appear. We are just giving them some—let's face it. Very few, if any, are going to show up. So again, 6,000 people a day, no notice to appear, dispersed to all point in America, which we do not even know where they are going, and we are not providing any notice to State and local governments. That is what is happening.

Let us talk about the unaccompanied children. I just talked about gangs earlier. What we do not talk about very often is the fact that when we talk about unaccompanied children, I certainly think 2-and 3-year-olds, right? We see all the pictures. The press always shows the pictures, at least during the last administration. But the fact is 70 percent of those unaccompanied children are 15, 16, or 17 years old. They are not 2 and 3 years old. That is a very small percentage.

Another fact is that 70 percent of them are male. So having experience with gangs, would you not say a 15, 16, 17-year old immigrant male would certainly fit the profile of somebody who might

be in a gang, or be recruited by a gang, or be used by the drug traffickers to traffic their drugs. Right? I mean, do not you find that, in law enforcement, it is a minor that is trafficking the drugs, because they do not get put away for dozens and dozens of years because they are a minor? Is not that the reality of the situation, with this flood? We are letting in people that are potentially gang members. We are letting in people that are going to be trafficking drugs, or human trafficking. Is not that your experience as Houston's sheriff?

Mr. GONZALEZ. I am always mindful of not profiling and developing these stereotypes in my work, so I try to look at the facts.

Senator JOHNSON. That is no profiling.

Mr. GONZALEZ. But I am saying, at the end of the day, they are still teenagers. I know that they are coming into our country, they are processed through CBP, there are different screenings that are done, and at the end of the day they are still teens. I think that HSI is the preeminent law enforcement agency, when it comes to investigating how criminal networks are manipulating the immigration system to take advantage of these individuals. I think it is important that we use our resources to combat and dismantle those criminal networks.

Senator JOHNSON. Mr. Gonzalez, you are engaging in the same state of denial, denial of reality, that is happening under this Administration, the DHS, and Secretary Mayorkas. If you are denying the problem we have no chance of fixing it whatsoever. This is a crisis that is not being addressed. It is a tragedy for this Nation.

Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator Johnson. The chair recognizes Senator Hawley for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you very much, Mr. Chairman. Congratulations to both the nominees. Thank you for being here. Mr. Gonzalez, I would like to start with you, if I could, and I would like to start with a fundamental question that I have asked other nominees who appear before this committee.

Do you believe that unauthorized entry at our borders should remain a crime?

Mr. GONZALEZ. Yes, sir.

Senator HAWLEY. Here is another fundamental question. Putting aside any resource constraints, whatever they may be, do you think that if an alien enters the country illegally they should be subject to removal from the United States?

Mr. GONZALEZ. Yes.

Senator HAWLEY. Do you believe that individuals who current have an order of removal should, in fact, be removed from the United States?

Mr. GONZALEZ. Yes.

Senator HAWLEY. If an illegal alien enters the country and is then convicted of a crime, do you believe they ought to be subject to removal?

Mr. GONZALEZ. Yes.

Senator HAWLEY. What about illegal aliens who have been convicted of things, let us say, assault, homicide, kidnapping, sex of-

fenses, sexual assaults, weapons offenses? Do these illegal aliens, should they be removed from the United States?

Mr. GONZALEZ. In my opinion, yes.

Senator HAWLEY. Good. I am glad to hear all of that. I am asking you because according to internal ICE documents that were released as part of a litigation ongoing between the States of Montana, Arizona, and the United States, the Biden administration's new limitations on enforcement could result in the release of convicted felons who are already in ICE custody, including 3,300 aliens who have committed assault crimes, 4,000 who have committed drug crimes, and hundreds who have been convicted of sex crimes.

Let me just ask you, if you are confirmed to this position, do you plan to facilitate the release of these criminal illegal aliens from ICE custody?

Mr. GONZALEZ. Senator, in my view the current guidance that is being offered would make those a priority. I think those are public safety priorities, and so I would make sure that we are working in accordance with that guidance that does permit for the removal of those individuals as a public safety threat.

Senator HAWLEY. What the documents show, I mean, again, according to this lawsuit, documents obtained as part of the lawsuit, is that under the current guidance these aliens who are currently in ICE custody could well be released. What you are telling me here today—I am asking you if you will facilitate the release. I think you are saying no to me, but I just want to be sure about it. Are you saying no, that you will not facilitate the release of aliens who have committed assault crimes, drug crimes, sex crimes? Is that a no?

Mr. GONZALEZ. Can you repeat the question?

Senator HAWLEY. Yes. Will you facilitate the release of aliens who have committed sex crimes, assault crimes, other violent crimes?

Mr. GONZALEZ. If the premise of your question is that it is under some type of legal action that is taking place, I know that part of the guidance included that consideration that there is ongoing lawsuits and other things. I would work in accordance with the law with what I am allowed to do, and if there is a court order that orders me to remove them, otherwise, I would go with the guidance that we have, which allows me, if confirmed as ICE Director, to be able to remove them. I see them as a threat. If it is under my authority, I would move to remove them.

Senator HAWLEY. So would you make it a priority? Let me ask it this way.

Mr. GONZALEZ. Yes.

Senator HAWLEY. Would you make it a priority to remove aliens who have been convicted of these crimes?

Mr. GONZALEZ. Yes. To me those are serious crimes.

Senator HAWLEY. OK. Would you agree with me that criminal illegal aliens who have, by definition, committed these crimes that we have been talking about, if they are released back into our communities, at least some of them are likely to be recidivists and to commit other crimes. I am sure you have seen this in your own experience as sheriff. Would you agree with that premise?

Mr. GONZALEZ. Yes.

Senator HAWLEY. Therefore it is important to remove them and actually make sure that they are not released to the public. Do you agree with that?

Mr. GONZALEZ. Yes. Public safety is always my north star.

Senator HAWLEY. OK. With regard to the Administration's recent decision to effectively end deportation of those aliens who entered illegally prior to November 1, 2020, is not this just a free pass for those who have entered, who arrived here over 6 months ago? I mean, I do not understand this. Give me your view. This sounds like a free pass to me. Is this not just a free pass for anybody who came before November 2020?

Mr. GONZALEZ. The ones that came before, in my understanding of the guidance that has been offered, does not preclude anyone that is here unlawfully to not be still removed. I think that that is still there. I think it is just a matter of prioritizing key areas, and I think that it does not preclude anyone that is here unlawfully from being removed, in my opinion.

Senator HAWLEY. OK, good. I think you are telling me that you would attempt to enforce the law and remove those who came to this country illegally, in violation of our laws, before November 1, 2020. Is that correct?

Mr. GONZALEZ. Part of the role of ICE is to conduct enforcement operations. I think that those obviously have to be prioritized when we are considering limited operations and resources. We do that every day. There are a lot of crimes on the books, but it is a matter of tradeoffs. It is making sure that we are focusing on a strategic approach that goes after those individuals that do pose the greatest danger to the integrity of our border, public safety, and national security.

Senator HAWLEY. But here is my problem with the discussion about priorities. Since this Administration has come to office, the number of ICE arrests has plunged. It has plunged. The Trump administration I think arrested over 6,000 people—6,000 arrests per month, on average. In the final months of the last presidency there were 10,000 a month before the pandemic. This is according to the Washington Post, by the way, so these are public numbers.

In this Administration, ICE officers have made about 2,500 arrests during the Biden presidency. Now that is a dramatic drop in difference. It sounds to me like what is being prioritized is not the husbanding of resources. What is being prioritized is not arresting criminals, and not arresting people who are here illegally.

What I would like to get from you is a commitment that you will vigorously enforce our laws that are on the books and will make ICE's mission to do so a priority. Can you give me that commitment?

Mr. GONZALEZ. Yes, sir. I am familiar with the article. To me, the one data point, in my experience I would like to see more data to see what other factors may have played into that, to better understand the numbers. It is concerning. I would make sure, then again, that if we are being strategic and we are prioritizing properly, that we could go after those individuals that pose the greatest threat to our communities. I think that is reasonable and appropriate. But we would be aggressive in going after them.

Senator HAWLEY. Let me ask you this. Do you agree with ICE's current policy of requiring ICE officers to receive preapproval from senior leadership before they make a lawful arrest?

Mr. GONZALEZ. I think that under the priorities that are listed, they do not require any kind of approvals. I think it is laid out that they could still use their own discretion on those, and others. It does not preclude them from taking action, but they would have to work in concert with the regional directors, the field directors, to make sure that it falls in accordance with the priorities and that they have looked at other criteria.

Senator HAWLEY. With due respect, I mean, working in coordination with before you take action sounds like preapproval to me. Do deputies in the Harris County Sheriff's Office need preapproval from you before making lawful arrests?

Mr. GONZALEZ. No, sir.

Senator HAWLEY. This is my last question, Mr. Chairman. This is just to give you an example here. It is my understanding that these restrictions on ICE enforcement removal operations, particularly the preapproval requirement, is having a significant impact in the field. I have learned that in one instance ICE officers requested permission to place a detainer on a subject who has been deported four times previously, has convictions of evading arrest, escape, domestic violence, and multiple driving under the influence (DUIs). This detainer request was denied by ICE senior leadership.

This seems crazy to me. The whole procedure seems crazy to me. Does this seem like a reasonable way to proceed to you?

Mr. GONZALEZ. Senator, in my opinion, hearing that it does not seem reasonable. If confirmed, I would want to understand better about that case and to understand why the local field directors made the decision to perhaps not pursue enforcement action. I would like to better understand, and I understand your concern.

Senator HAWLEY. I appreciate that I am over my time. I will just say in conclusion, Mr. Chairman, that—I appreciate your answers, Sheriff. I think they do put you in a significant tension with this Administration's policies. I am personally fine with that. I hope that you will go and enforce the law vigorously. I do not know what the White House will think of your answers, but I am heartened by what I have heard so far. I will probably have some additional questions for you for the record.

Thank you for your indulgence, Mr. Chairman.

Mr. GONZALEZ. Thank you, Senator.

Chairman PETERS. Thank you, Senator Hawley. The chair recognizes Senator Carper for your questions.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks, Mr. Chairman. I want to thank Mr. Santos for his willingness to serve in the role of Director of the U.S. Census Bureau and for the willingness of Sheriff Gonzalez to serve as the head of ICE.

I ask a lot of yes-or-no questions, gentlemen. I will ask about three of them of Sheriff Gonzalez today to start this off. If you will just basically give me a yes or no answer I would appreciate that.

At the direction of Secretary Mayorkas, ICE is prioritizing, I think as you know, folks who pose a threat to our public safety for

enforcement. Do these priorities take away from ICE's ability to arrest anyone who enters the country unlawfully? Just yes or no.

Mr. GONZALEZ. No.

Senator CARPER. All right. Second question. Do you believe that local jurisdictions should cooperate with ICE when it comes to apprehending criminals who pose a threat to our public safety or national security? Yes or no.

Mr. GONZALEZ. Yes, sir.

Senator CARPER. Last, do you believe that ICE should be abolished?

Mr. GONZALEZ. No.

Senator CARPER. All right. You are three for three. Let me talk a little bit about root causes.

As my colleagues in this Committee know, I am a big root cause guy. I believe that until the United States—the crime corruption, lack of economy opportunity drives folks in Central America and the Northern Triangle and other places. Unless we address those drivers to make the journey north, we are going to continue to see migrants arriving legally or illegally, 10 years from now, 20 years from now, or 30 years from now.

Sheriff Gonzalez, I am pleased to hear that you are also a root cause guy, just like me, and like a number of my colleagues I am also pleased to hear that you are a collaborator by nature, because the importance of collaboration cannot be overstated when it comes to advancing the mission of ICE, the agency. And lacking a Senate-confirmed director for 4 years.

That being said, if confirmed, how will you work with your DHS and law enforcement counterparts in addressing root causes relevant to the mission and work of agents at ICE?

Mr. GONZALEZ. Thank you, Senator. I appreciate it. As you mentioned, I am a collaborator by nature. I have learned to expand coordination and collaboration in my roles, both on Houston City Council as mayor pro tem, working a diverse group of agencies, as well now as the Harris County Sheriff, both on the law enforcement side, where we are making sure that we are being strategic in our enforcement, that we are protecting our region from harm, as well as developing continuums of care when it comes to dealing with vulnerable populations that have been incarcerated, that are grappling with addiction, mental illness, and other things. I have been able to work very collaboratively with many to do that.

I would work closely with the ICE workforce that has that experience and those relationships. I would make sure that I am working with our sister agencies to make sure that we are fulfilling the mission of protecting our homeland and maintaining the integrity of our border. I would make sure that we continue to work with those relationships. I do it now, working with HSI, with the U.S. Marshal's Office, the U.S. Attorney's Office, with ICE, with many others. I believe in coordination. I think it is important to fulfilling the mission of ICE, and I would be very committed to continuing that.

Senator CARPER. Good. Thanks so much. Let me change gears and ask a question of Mr. Santos, who has been nominated to be Census Director.

Mr. Santos, I think it was in June 2021, the Government Accountability Office (GAO), published a report that found planned innovations implemented during the 2020 census helped the Census Bureau optimize operations and slow the trend of increasingly costly decennial counts.

At the same time, the report made three recommendations for improving the way the Census Bureau tracks and measures the benefits and cost-savings attributable to specific innovation areas.

Mr. Santos, can you please take a moment to share how you might work with GAO and their current Comptroller General, Gene Dodaro, to implement open recommendations and other lessons learned from the 2020 census, as the Bureau begins to work for the 2030 count? Go right ahead.

Mr. SANTOS. Thank you, Senator. I believe it is important to work with GAO. I believe they are an ally to the Census Bureau, in terms of informing them on cost efficiencies and other types of strategies that can be used in terms of creating a more effective and efficient census operation.

I also believe that GAO represents one of a number of stakeholders that can and should be consulted in order to get their ideas, their innovations that they offer, in order to consider for the upcoming 2030 census. I understand, and I would feel, if confirmed, that as director there is an obligation to carefully consider and respond to GAO suggestions on innovation and other types of activities like this.

I know that the Census Bureau has, as I have said before, an incredibly talented staff, career staff, and they have been working on innovations. I expect to, if confirmed, work with them to understand the direction that they are currently taking with regard to innovations, and the GAO response will be part of that.

Senator CARPER. OK. Great. Thanks very much for that response.

A question back for Sheriff Gonzalez. This is with respect to leadership. I like to say that leadership is the single most important ingredient in the success of almost any kind of organization on our planet. It is absolutely critical in the Federal Government. Sheriff Gonzalez, would you take a moment to share with us how your nearly two decades of experience in law enforcement has prepared you to take on the role of ICE Director after years of vacancies at that agency?

Mr. GONZALEZ. Thank you, Senator. I am very proud of my background. I have worked extremely hard. I am a very hard worker. I have a strong work ethic. My heart is in the right place. I am effective, proven leader that has been able to effectively lead and manage large workforces. I have been able to dismantle drug and crime networks. I have personally worked complex investigations where I have had to go and tell a mother that their son or daughter was killed as a result of gun violence. I have led and oversaw our law enforcement response in our country to an unprecedented event with regards to Hurricane Harvey.

I have been battle tested. I have been on the ground. I know how to lead at a high level and effectively lead a large workforce. I have also never forgotten the importance of those front-line team members who are out there doing the heavy lifting each day. I know

how to lead. I know how to be effective. I am a good listener. I am good collaborator. I am a good steward of taxpayers' resources. I have done it effectively leading a large budget of over \$570 million in my years as sheriff, and helping have a hand with the city's budget of nearly \$5 billion as well.

I am a proven and effective leader. I am battle tested. I know how to get done. I also understand when it comes to law enforcement that we could be firm on crime, we could be firm on enforcement, but we do not have to lose our compassion and humanity as well. I try to be a leader that approaches things from a thoughtful manner that looks for results.

Senator CARPER. Great comments. Thank you for those, and thanks again for your willingness to serve. Thank you.

Chairman PETERS. Thank you, Senator Carper. Ranking Member Portman, you are recognized for your questions.

Senator PORTMAN. Thank you, Mr. Chairman, and thanks for allowing me to defer so some of my colleagues could get their questions in.

Ohio, Mr. Santos, is working on redistricting, as you know. Incredibly important. I mean, there are people who are thinking of running for office but they do not know what the districts look like, because we cannot get the data from the Census Bureau. It has been a disaster in Ohio, and I am sure other States feel the same.

We have a commission now, and that commission has a deadline of maps being due for the legislative districts, on September 1st, and then congressional districts maps, plans are due on September 30th. With no other options I supposed Ohio Attorney General Yost's lawsuit against the Census Bureau to get the data, because without the data we cannot draw the lines. Again, people do not know what districts to run in. Constituents do not know what district they are going to be in.

The lawsuit ended up with the Bureau agreeing to provide this data by August 16th. Now remember, I said September 1st is the deadline, so August 16th is not much time to put together the plan, and that date cannot slip.

Can I ask you today, if you are confirmed, will you commit today to ensuring that that deadline is met, that we have no further delay in getting the Census Bureau data?

Mr. SANTOS. Thank you for that question, Senator. I very much sympathize with the concerns of the State of Ohio in advancing democracy with redistricting. I understand the urgency. I also understand the importance of having accurate information in order to make the critical decisions that drive our democracy.

I also understand the timeliness. Timeliness is an element of data quality that has only relatively recently been recognized as something that is crucial, and that we need to take into account when we are developing data products.

I am with you in terms of wanting to produce data by the dates that have been committed to. I have full confidence in the Census Bureau, the career staff, the excellent data processors—

Senator PORTMAN. Mr. Santos, let me cut to the chase if I could, with apologies for interrupting you. I agree with everything you said but I need a commitment. Will you commit to meeting the August 16th date? That is what I am asking. Yes or no?

Mr. SANTOS. I will commit to trying to meet it as much as possible. I do not have the information right now to know where the Census Bureau is——

Senator PORTMAN. It is a court-ordered deadline, and if we do not have it we cannot do the redistricting. I wish you would just commit today to adhering to this deadline. I mean, that is the least, I think, that you should be able to do, as a nominee for a bureau that has not provided the data needed for us to, as you say, be sure our democracy can move forward, by having redistricting on a timely basis.

Mr. SANTOS. I——

Senator PORTMAN. I am disappointed you cannot commit to it, but I will leave it there, unless you would like to commit to it.

Mr. SANTOS. What I will——

Senator PORTMAN. August 16th. That is all I am asking.

Mr. SANTOS. I am confident at the Census Bureau will produce it by August 16th.

Senator PORTMAN. But you will not make a commitment to getting it done.

Mr. SANTOS. I do not have the information to make a commitment, and it would be irresponsible——

Senator PORTMAN. I have just given you the information, which is it is court-ordered, and the agreement is to do it on that date.

Mr. SANTOS. That is absolutely correct and I totally understand that.

Senator PORTMAN. OK. Sheriff Gonzalez, as you know ICE has a longstanding principle to establish and maintain these partnerships with State and local law enforcement to bolster effectiveness in executing the ICE mission and our country's mission to ensure we are protected by ICE. One of these programs is called the 287(g) Program, which allows trained local law enforcement to partner with ICE, to cooperate in removing dangerous criminals from the United States.

As Harris County Sheriff, why did you terminate the 287(g) agreement with ICE in 2017?

Mr. GONZALEZ. Thank you, Ranking Member Portman. For me, I made a thoughtful decision. I considered a number of different factors. When I first began as County Sheriff I was inheriting a budget that was \$8 million in arrears, so I had to look at the monetary component of how my resources were being utilized. I think an effective leader needs to look at their resource allocation.

Too, that this was a voluntary program, so I was working in an amicable manner in coordination with the local ICE director, to making sure what the impacts of my decision would be. I had to consider, obviously, the local realities as well, and the importance of local law enforcement also working with a diverse immigrant community. I also wanted to make sure that we continue to remain focused on having the avenues necessary to arrest serious offenders in our community that impact our public safety.

ICE has always maintained a presence, to this date, inside our facility. We work in a coordinated manner when it comes to that. There have never been any issues. I have never declined a detainee.

Senator PORTMAN. This concerns me on 287(g) Program. Would you, if confirmed, want to terminate the 287(g) Program? You do not think it works well? You did not want it in your own county? Would you want to terminate that program?

Mr. GONZALEZ. For me it was a local decision.

Senator PORTMAN. My question is would you want to terminate the program.

Mr. GONZALEZ. That would not be my intent.

Senator PORTMAN. You have made comments saying that you would like to terminate—you are proud to have terminated the agreement with ICE. You wish the Harris County Sheriff's Office did not have to cooperate with ICE as mandated by Texas law—what you were talking about a minute ago. In response to a question about ICE officers being in Harris County Jail you said, "ICE were there when I arrived. I ended the 287(g) program that I committed to do. We can get away from that." Then you said, "I advocated against ICE before. I think it is unneeded and I think it is a bad law," with regard to the Texas law mandating cooperation with ICE. You said if ICE determined—if someone had previous history with it, then it is ICE's purview. "I wish it was not like that, but it is."

You and I have talked about this, but I am concerned about a potential leader of ICE having these views about ICE, and what the effect would be on the moral of the individuals. Do you stand by those statements today, or do you wish that ICE, the organization you are seeking to lead, would receive cooperation from local law enforcement?

Mr. GONZALEZ. Ranking Member Portman, thank you for the question. I do want to add a little bit of context in regards to those comments. That was with regards to a State law, and I believe in local control, and that was being mandated by the State legislature as a mandate on local law enforcement. I felt that as an elected leader in my county I best understand the reality on the ground, my area of responsibility, and the experience of working with local communities.

My perspective on that issue was based, or my comments were focused on the mandate, that it was being mandated by the State legislature on local law enforcement.

Senator PORTMAN. Sheriff, my time is expiring. I am going to leave you with one question. Please, if you would get back to me on the record. We do not have time, unfortunately, to get into this in detail. But the arrest records, I want to know what your view is on that. When the Executive Order (EO) was issued on Inauguration Day by President Biden saying no deportations for 100 days, no longer an emergency at the border, we saw a huge drop in ICE arrests. During the last administration, from October to January 2021, we had roughly 24,000—and I talked to you about this—and then the February to May numbers we have are about 10,000. It is about a 58 percent decrease with the same budget, in ICE arrests.

If you can comment on that. Are you concerned about that dramatic decrease in ICE arrests following the Executive Order, coupled with, the worst half-year we have had in 20 years in terms

of unlawful crossings at the border. I would appreciate a response in writing to that, if you do not mind.

Again, I appreciate your past service, and for both of you, thank you for your willingness to step forward.

Mr. GONZALEZ. Thank you, Ranking Member Portman.

Chairman PETERS. Thank you, Ranking Member Portman. Senator Hassan, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you so much, Chair Peters and Ranking Member Portman. Thank you both for this hearing. And to both of our nominees, thank you, and thank your families for your willingness to serve. This is a team effort and we appreciate you stepping forward very much.

I have two questions for you, Sheriff, and then one question for you, Mr. Santos.

To Sheriff Gonzalez, U.S. Immigration and Customs Enforcement manages three operational components, including Homeland Security Investigations. Homeland Security Investigations is a critical component of ICE, responsible for vetting immigrants as well as investigating transnational criminal and terrorist organizations (TCOs), cybercrimes, the online and international exploitation of children, human trafficking, and transnational drug crimes.

If confirmed, how will you ensure that the Homeland Security Investigations' important missions, including its work fighting the substance misuse crisis, continues to be a priority?

Mr. GONZALEZ. Thank you, Senator. All of those issues are critically important. If confirmed, I would work very closely with the personnel that is in place to understand that threat landscape and get updates on where we are at, and then trying to see how we could best lead a strategic and targeted response to all of these different challenges that you mentioned. HSI is the preeminent law enforcement agency when it comes to being able to understand how cartels are utilizing the different migration paths, for example, and taking advantage of others. So want to see how we could dismantle those networks. That would be critically important.

Then making sure that we are working with our partner agencies in an effective manner, to make sure that we are tackling all of these various issues, including the issues, as you mentioned, like fentanyl, which is a concern in Harris County for me.

Senator HASSAN. Yes. Thank you so much. The influx of fentanyl is a critical issue for the entire country, and we are seeing, as you know, a huge increase in overdose deaths, so I would look forward to working with you on that as well.

Sheriff, I am going to follow up with something we talked about the other day. New Hampshire is home to a group of Indonesian immigrants who have lived in the United States for many years. Many came here fleeing from religious persecution. Many of them do not have Green Cards, some because they were given bad legal advice years ago. They are important members of our community at this point, people who have worked jobs, paid taxes, raised their families in New Hampshire.

Under the Obama Administration, as long as these individuals checked in with ICE authorities regularly and did not commit any

crimes they were not a priority for detention or removal, and they were provided work permits. However, the previous administration attempted to deport many members of the community.

If confirmed, will you commit to looking into this issue and working with my office to protect this community?

Mr. GONZALEZ. If confirmed, I look forward to working with you, Senator, on that issue. I think it speaks, to some extent, about the importance of having a prioritized response—not every situation is the same—and that we need some guidance on this, and I think that that is where the prioritization and other factors that may be available. I would be more than happy to work with you on that.

Senator HASSAN. I appreciate that very much and I look forward to doing that.

Mr. Santos. Each Congress the Government Accountability Office issues its high-risk list, which identifies and helps resolve weaknesses in critical Federal programs that are at particular risk for mismanagement or waste of taxpayer dollars. One of the critical programs highlight on this year's high-risk list is the decennial census, which provides, as we have all talked about, critical data to determine congressional representation and to inform the Federal Government about how best to allocate its resources.

Despite the conclusion of the 2020 census just months ago, GAO already anticipates that the next decennial census will face management challenges such as meeting goals and deadlines, for testing new data collection technology, recruiting and dispatching thousands of census workers, and evaluating the accuracy of the collected data in a timely way.

If confirmed, sir, how will you work to mitigate these management challenges?

Mr. SANTOS. Thank you for that question, Senator. I will work with the Census Bureau staff who has been eagerly and earnestly planning the 2030 census. I understand but I have not been briefed on the plans of further incorporating technology, leveraging the lessons learned from the 2020, which was an extraordinary census in almost any sense of the word, because of the pandemic. The 2020 census was also the first fully digitized operation, there are a lot of quality indicators that can give clues about efficiencies that heretofore had not been available.

It is critical to take a look at those, to analyze those, and incorporate that, and I can, in my role as Director, if confirmed, prioritize those particular areas of research so that we can reveal the nuggets of insights that allow us to create more effective operations.

Senator HASSAN. Thank you for that, and what I would look forward to doing is staying in communication about the challenges that have been identified, what you believe you can glean from this research and new data, so that we can improve management, but also an ongoing conversation with Congress so that we are preparing to have as effective and efficient next census as is possible.

Mr. SANTOS. Thank you. I would very much like to do that. Thank you, Senator.

Senator HASSAN. Thank you very much. Mr. Chair, I yield the remainder of my time.

Chairman PETERS. Thank you, Senator Hassan. Senator Scott has agreed to temporarily postpone his questions so that Senator Rosen can ask her questions, who I know has another meeting to get to right away. Senator Rosen, you are recognized.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Senator Scott. I really appreciate that. I owe you one there. Thank you, Chairman Peters, Ranking Member Portman. I also want to thank Sheriff Gonzalez and Mr. Santos for being here today. I really enjoyed speaking with both of you earlier this week.

I know that Senator Peters brought this up but I want to build on this a little bit. Sheriff Gonzalez, of course I appreciated the chance to discuss how it has been increasingly challenging for ICE to recruit and retain qualified, responsible agents over the last few years. I know you agreed that it is important to maintain high standards for ICE personnel and screen recruits appropriately during the hiring process to reduce the chance of corruption and misconduct, of course, which have plagued the agency in the past.

In Nevada last year, we saw a worst-case scenario when reporting revealed that a CoreCivic employee at the company's Southern Nevada Detention Center was actively—actively—participating in a Neo-Nazi website, expressing interest in starting a white supremacist group as well. This is absolutely unacceptable, particularly for an agency that works disproportionately with the underrepresented minority and vulnerable undocumented communities.

So going forward, how will you ensure that ICE properly screens for individuals who embrace white supremacy or, frankly, other dangerous ideologies, and what are your plans to conduct a human capital needs assessment to identify those needed improvements in both recruiting and retention?

Mr. GONZALEZ. Thank you, Senator. I think, obviously, maintaining a workforce that has the highest integrity is always critical to making sure that we are maintaining public trust. This is something that I work with on a regular basis, leading a backgrounds and recruiting operation within the Harris County Sheriff's Office, as well as my previous work when we were trying to attract talent to the city of Houston in my role on city government.

This is something that we are always working. In fact, I met recently with my team to see how we could do better with our screening protocols, making sure that we are onboarding the right leaders into our agency. I know across the board nationally that many law enforcement agencies are also grappling with this, not only the initial onboarding but further check-ins throughout their career to make sure that things somehow are not getting, gone sideways in some way or no longer fit the mission of the agency when it comes to a team member's behavior.

This is something that I would commit to understanding more and working with you to work with you through those concerns, if confirmed to be the Director.

Senator ROSEN. I appreciate that, and I want to move on, too, to talk a little bit about ICE's contracting practices, because last year we all heard about a frankly shocking, in the criminal medical procedures performed on women without their consent at the Irwin

County Detention Center in Georgia, that LaSalle Corrections managed. I was relieved to hear earlier this year that the Irwin County Detention Center would be closing.

Of course, we have heard similar serious complaint about the health and safety of detainees at other facilities owned and operated by private companies. If confirmed, what policy changes are you considering, or would you consider, regarding ICE's contracting practices, particularly with respect to the health and safety practices for our detainees?

Mr. GONZALEZ. Thank you, Senator. If confirmed, the health and safety of our facilities is paramount, not only for those that are under our care but also for our workforce as well. I understand the critical nature of it. I operate one of the largest jail systems. It comes with many challenges. I am quite attuned to those challenges and working with a team to work through those challenges.

I also understand the complexity of working with a very detailed oversight body when it comes to the review and inspections of our jail facilities. I understand that under ICE they own and operate directly five facilities but there are other facilities where there are contracts in place. In total, ICE operates with, I believe, four different sets of standards, so it is very complex operating and overseeing a system that big.

I would want to understand what oversight and safeguards are in place to make sure that there are certain standards that are being met. We had experience, or I had experience in this early on in times when we have had to outsource temporarily into other facilities, private facilities. It is a practice that generally I am not in favor of. We are currently not outsourcing any inmates in our facility.

This is something that I would want to make sure, and that sometimes my concern with private facilities is understanding the oversight of that and making sure we are holding folks accountable to maintaining those high standards. This is an area of concern. I have heard stories of some of the inhumane treatment, and that would not be in alignment with the vision that I would have for ICE, if confirmed. I would commit to make sure that we are reviewing that very closely, Senator.

Senator ROSEN. Thank you. I want to quickly, in the minute I have left, to turn to Mr. Santos and talk a little bit about breaking down the language barriers. I mentioned before in this Committee I do applaud the Bureau for providing resources and materials in 59 non-English languages, but the census questionnaire itself was only available in 12 non-English languages. It excluded a large number of our South and Southeast Asian languages spoken by our Asian Americans Pacific Islanders (AAPI) communities, not just in Nevada but all across the country.

My office has also heard that seniors and other underrepresented populations had trouble completing the census questionnaire due to a lack of broadband access and technological literacy, which was really a particular problem because we did experience postal delays last year, and, of course, there were a lot of fears around that as well.

Mr. Santos, how are you going to address some of the broadband technological issues, the language issues? How do you intend to minimize those, if confirmed?

Mr. SANTOS. Thank you for that question, Senator. I believe that all voices need to be heard when it comes to a decennial census, as well as the massive survey programs and data collection programs, which are the other part of the Census Bureau that folks do not often recognize, because they are incredibly important to our economy and understanding our people.

In terms of getting to individuals of different language, it is important to tailor designs, to tailor approaches, to understand the situations that people are in. Often it is not enough to simply translate a form and pass it on. There are issues of cultural relevance. What is the reading level of the populations that we are going after?

Ultimately, it demands research so that we can take the various populations, in the wonderfully diverse United States that we live in, and tailor different approach to different individuals to maximize their chance of participation. That includes not only translations, it includes outreach, it includes talking to stakeholders and getting their buy-in. It includes a whole variety, a large toolkit, that need to work together in order to create the strategies and practices and protocols that I will achieve.

Senator ROSEN. Thank you. I see my time has expired. I just want to be mindful of Senator Scott, who was kind enough to yield to me. So we will take the rest of the questions and answers off the record. I appreciate that.

Thank you, Senator Scott. We will see you later.

Senator PADILLA [Presiding.] Thank you, Senator Rosen. Senator Scott.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thank you. First off, congratulations both of you for your nominations and your willingness to serve. My questions are for you, Sheriff.

Thank you for—I mean, law enforcement is very important, as we talked about yesterday. One thing we talked about yesterday, could you talk a little bit about the importance of enforcement law and complying with the law? We talked a little bit about something I have been surprised at, which I think you probably will be a little bit. At the Federal level—and I do not know if it happens at the county level, but people just decide what laws they are going to enforce and what laws they are not. Can you give me your thoughts on that?

Mr. GONZALEZ. Yes, sir. For me, I think it is important to respect the rule of law. It has been, obviously, my life's work, from all my adult service in law enforcement. It is something that to me is very fundamental. I know it is an important American ideal as well, just as our immigration system is as well, and I think it is one of America's great success stories, immigration.

I think that it is also a paradox sometimes, because we also need to make sure we are maintaining the rule of law.

Senator SCOTT. So you have probably talked a lot about the border today. When I think about the border I think about that little

14-year-old Nicaraguan boy that was left in the desert, and, he was asking for help. He was just left, I guess, to die. And you saw the two little Ecuadorian girls, 3 and 5 years old, they just dropped over the wall. You have kids and grandkids and your heart goes out to these people.

So in your position as running ICE, is there anything that you will be able to do to try to make sure those things do not happen, because it is disgusting for these little kids. I mean, your heart goes out to them.

Mr. GONZALEZ. Yes. Thank you, Senator. You are right. I think that it is important, in my opinion, to always lead in a humane and compassionate way. That is something that for me would be very important, that we look at the systems that ICE operates, whether it be enforcement or whatever interactions we may have, to operate again within the rule of law but also make sure that we are being respectful that there is an asylum system. To the extent where ICE can help deal with some of the backlogs as well I think would be very important. To the extent where I could help bring some of my perspective of working with local diverse communities, my Houston region is one of the most diverse in the country, making sure that we are implementing some semblance of looking at circumstances and being open to, like you said, the hardships that sometimes come with these situations as well.

Senator SCOTT. There are all these stories that ICE employees are not allowed to enforce the law. Do you believe that is true, and what do you think about that?

Mr. GONZALEZ. I do not believe it is true. I would want to understand, if confirmed, how they are interpreting guidance. I think there is a lot of latitude at the field office, which I think is smart. I think that many of those decisions should be under the area of responsibility of local officials that better understand the threat landscape in the community that have those partnerships. I would want to understand, again, in my reviewing of the guidance that has been offered, I think that there is ample latitude for us to be effective and get the job done. It does not preclude anyone from being, obviously, the focus of enforcement if it meets the priority areas.

Senator SCOTT. In all the different jobs you have had, have you ever had a situation where somebody you worked for told you not to enforce the law?

Mr. GONZALEZ. In my experience I have not.

Senator SCOTT. How would you handle that, if somebody said, "Look, we know what the law is. We really do not like that, so we want you, in this new job, not to enforce it." How would you handle that?

Mr. GONZALEZ. I understand that it is concerning. I know that in the past there have been priorities that have been given to ICE, in the past, in previous ICE administrations as well. My understanding is at the time they were not universally popular. I think it is important to understand, within the confines of our work, limited resources, making sure that we are being effective in our enforcement.

I would want to also understand the quality of arrests, make sure, though, that we are listening to the ICE workforce. It is my

understanding that is what Secretary Mayorkas is doing now, is engaging with the ICE workforce and other sister agencies to make sure that he is getting a full understanding of concerns and other things, and I hope that that informs his thoughts on this matter.

Senator SCOTT. So your background is law enforcement. How important is it for local law enforcement to work with ICE, and do you believe you are going to be able to create a relationship where law enforcement will want to work with ICE, going forward?

Mr. GONZALEZ. Absolutely. Yes, sir. I do see many possibilities. I think we could move forward in a positive direction. I have talked to many counterparts across the Nation. I think it is important to understand some of the successes and also where we could do better. If confirmed, I would want to see how we could be a better partner to fulfill the mission, and I believe in working in coordination. I do not think one agency can work alone. We have to depend on others. I think that is important that there always be a good coordination, especially with local law enforcement, for deconflicting purposes and other reasons as well, to maintain our public safety.

Senator SCOTT. So assuming you get confirmed and you are there for 2 years, what would you define as success?

Mr. GONZALEZ. For me, if confirmed, I would welcome the opportunity and consider it an opportunity of a lifetime to be able to work with the men and women of ICE. I would like to see where we have become a strategic agency, a preeminent law enforcement agency that works effectively, that is prioritized, because I think that it is a reality of managing.

I would want to make sure that we are looking at more expansive data sets. I have heard some data that is often given. But I would like to make sure that we are leading an effective agency that is an enforcement agency, that both respects the rule of law, that protects—my north star is always public safety. Did we keep our community safe when it comes to these issues? But too, did we create an agency that also engages with the community? Are we engaging with the community better?

I think that the work of ICE can be hard to understand, and it is important for us to be engaging with the community. Those would be successes for me.

Senator SCOTT. Thank you, Sheriff.

Mr. GONZALEZ. Thank you, Senator.

OPENING STATEMENT OF SENATOR PADILLA

Senator PADILLA. Thank you. It is my opportunity now to ask some questions before calling up on the next Senator. My first is for Sheriff Gonzalez. Good morning.

Mr. GONZALEZ. Good morning.

Senator PADILLA. Under the Trump administration there were reports of ICE agents falsely claiming to be police and concealing their true identities to persuade community members to open their doors and allow agents into their homes without judicial warrants. This was found to be a violation of the Fourth Amendment in a class action lawsuit brought last spring in California.

In addition, ICE has used unmarked vehicles to pull over people in areas heavily used by farm workers, for example, to increase the

number of community arrests, even though they are not authorized to stop people in this manner.

So Sheriff, as someone who has worked in local law enforcement, it is a great perspective to bring here. Do you believe ICE officers impersonating local police officers helps or harms public safety? As a follow-up question to that, what steps would you take, if confirmed, to ensure that ICE officers would not engage in such practices in the future?

Mr. GONZALEZ. Thank you, Senator. First I would want, if confirmed, I would come in to understand what the current protocols are. Obviously, I believe you said there was some maybe legal action that was taken on this matter, so obviously, we would want to make sure we are working in accordance with the law.

At the same time, I understand, from my experience, that sometimes we may have to take certain action, depending on the individuals that we are having to take action on, where it may merit a different, higher threshold in our response. But with that said, I think it always needs to be in the context of proportionality, to make sure that we are not unnecessarily scaring communities, with the presence, and that there are not other mitigating factors that we have to consider.

It is important that ICE does not work in a manner that in any way intentionally just seeks to terrorize communities or anything of the sort. I think it is important for us to be a professional agency, that can take care, if it is done effectively. I want to make sure that the men and women of ICE that have to carry out these actions are safe, that the community is safe, and that we could do it in a lawful, orderly way as much as possible.

Senator PADILLA. I appreciate that, particularly as a follow-up to some of Senator Scott's questioning about the ability of ICE agents to enforce to law. Of course, but that is pretty broad. Again, as you can appreciate, the important perspective of local law enforcement has their specific role to play. Federal law enforcement, that is there to enforce Federal laws, has a different role to play. In unique circumstances, there is some collaboration that may be justifiable or in order. But by and large, it is a very unique mission. When Federal agents are, intentionally or otherwise, misrepresenting themselves as local law enforcement, I think that does undermine more broader efforts by local law enforcement to build trust and rapport with community members and community leaders. So that is something that, if confirmed, I look forward to working with you to address.

My next questions are for Mr. Santos. Much of the attention on the Census Bureau's work is on the decennial census, especially this last year, given all the challenges to the 2020 decennial census. What is less known is that the Census Bureau also conducts a number of other surveys, in between the decennial census, including the American Community Survey (ACS). That relies on sampling and data modeling in the years between the decennial censuses.

The ACS does ask more detailed questions, more questions and more detailed questions, and new data is released every year on the changing demographics of the United States, including information about housing, income levels, marital status, educational

attainment levels, and so much more. This information, coupled with the decennial census, is especially important for local communities and government when crafting policy, making investments, allocating resources and services.

Mr. Santos, how can we ensure that the sampling is robust enough so that it accurately represents especially smaller population areas in the United States where there may be a higher need for investments in education, infrastructure, social safety programs, et cetera?

Mr. SANTOS. Thank you very much for that question. The American Community Survey is a national treasure, because it really does allow us to understand who we are as a nation in our rich diversity and our situation. What basically, I guess, not too many people know this, but the American Community Survey used to be part of the decennial census, but a subsample, so it was captured once a year. My moving it over to a continuous survey, not only do we get through sampling the rich information that we were accustomed to under the decennial census model but we get a much more contemporaneously, we can track over time.

As part of the statistical sample design of the American Community Survey, there are oversamples, there are deliberate overrepresentation of rural areas, of small town, et cetera, that are sprinkled throughout the decade, so that we can capture that information accurately and reflect it for the benefit of the public.

Senator PADILLA. Great. One other question. Over the past few years there has been significant debate about how the race and ethnicity question is phrased on the census. Many experts claim that those of Hispanic origin are not accurately being counted due to their mixed race status. The census currently asks if an individual is of Hispanic, Latino, or Spanish origin. It then asks for the individual's race, which can be confusing to many Hispanics, who are often from mixed race and ethnic backgrounds.

In 2015, the Census Bureau did its own test, using a combined race and ethnicity question. It found that more individuals identified as Hispanic. However, in order for this question to be put on the census, the Office of Management and Budget (OMB) would have to change their standard categories.

Mr. Santos, you have written about this topic and discussed the need for data collection methods to evolve and adapt to ensure that everyone is fairly represented. Can you briefly—I know our time is up, but can you briefly tell us how you will work with OMB to try to establish a combined race and ethnic question for the 2030 census?

Mr. SANTOS. Yes. I can fully commit to working with OMB on this, to the extent that it is possible to use a single race-ethnicity question. I would be in favor of that. The Census Director does not have the authority to include any specific questions. It has to abide by OMB. But I can use my own personal perspective, as a Latino, and use my research experience and my leadership position to work with OMB to make sure that the proper attention is given to that specific issue so that we can see whether or not we can incorporate it into the next decennial, or even the American Community Survey.

Senator PADILLA. Thank you. Senator Lankford.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you, Senator Padilla.

Mr. Santos, let me ask you a quick question. I have talked for several years to the census leadership and they have said every year how hard it is to be able to connect with every American once every 10 years. I have reminded them there is an agency in the Federal Government that connects with almost every American every single year, and it is the Internal Revenue Service (IRS). The IRS gathers information in April every single year. The Census Bureau gathers information about Americans in April every 10 years.

Can you help me understand why the two of them cannot work together once every 10 years, that on a tax form, that as you are submitting your tax information on that every-year time period, that the census information could not also be included, so when you turn in your taxes you also complete your census information?

Mr. SANTOS. Thank you so much for that question, Senator, and I congratulate you on your long-term continuing efforts to create efficiencies, or to find efficiencies like this that we could—

Senator LANKFORD. It is about an \$8 billion difference, the best we can determine.

Mr. SANTOS. Yes, absolutely, and I understand that. The good news is that the Census Bureau does cooperate with the IRS and even the U.S. Postal Service (USPS) on the conduct of the 2020 census, and has leveraged information and resources from both of those.

As far as your particular idea, I think it is worthy of consideration, and if confirmed, I can discuss with the Census Bureau—

Senator LANKFORD. Right. Let us sit and visit on that, as a follow-up on it. Obviously, I know we are getting information to be able to clarify some addresses and other information and to fill information in. I am talking about completing your form so that we are not having to chase as many people down at this point, and to be able to make it simpler for the American people that they do not have two separate sets of information they need to complete, both from the Federal Government, both in April. It just makes sense to be able to put those two together. So let us definitely follow up.

There are some legislative issues I am sure we will have to be able to clarify. Let us work on those together. If we do not plan for it now, we will have another \$8 billion inefficiency 10 years from now, that we can and should avoid on that. So thank you. I look forward to getting a chance to follow up on this.

Sheriff Gonzalez, good to be able to see you again. Thanks for getting a chance to come by the office so we can get a chance to be able to visit. I know you have had multiple questions on this in the past. We also understand you are not currently at ICE, and we understand that. There are some policies that are currently happening at ICE that you are not responsible for, but you are walking into a situation. So let me ask a couple of questions.

Have you visited with the National ICE Council, any of the leadership there, or will you commit to getting a chance to be able to sit and hear from them so you will get feedback from the field of what is occurring?

Mr. GONZALEZ. Senator, I have not met with them. If I would look forward to working with them.

Senator LANKFORD. Great. Obviously they can give you some face-to-face stories of what is actually happening in the field right now that I think would be very helpful.

I am going to give you a situation and then tell you where our frustration is coming from. This is a story that came out. A person was arrested for sexual battery against a child. ICE officers requested permission of management to make an arrest but management denied the officers' request, even though this was sexual battery against a child.

Second story. This was a person that had been deported two times previously. The person had a pending local charge for distribution of heroin, two counts of aggravated assault, endangerment of a child, endangerment of an elder adult, failure to stop at a command of police. The person appeared at a designated location with a quarter pound of heroin and attempted to sell to an undercover police officer, realized what was happening. He attempted to ram the police vehicle with his car and almost hit the undercover officer that he knew was an officer. That person had a woman and a baby in the back seat of their car during the heroin sale.

ICE declined to lodge the detainer on that individual. As I have mentioned to you before, the current policy is they cannot make an arrest without reaching out to regional leadership. This was one of those situations where they requested to regional leadership and were denied the ability to make those arrests, in both of those—sexual battery against a child, assault on a police officer, and distribution of heroin.

What do you think about those? I know you have not seen the full case on those, but those do not look hard and complicated to me why we should not put a detainer there or start the process.

Mr. GONZALEZ. Senator, for me those fact patterns are concerning. To me, I can identify several serious public safety concerns. If confirmed, I would want to have more information on those particular cases and then also understand, from the local field directors, regional directors, on why those decisions were made not to pursue enforcement action. It seems to me that on those fact patterns that it would have been appropriate. I have not seen anything in the guidance that would preclude that from happening, but again, I would want to understand more specifics about what happened and why.

Senator LANKFORD. Thank you for that. I would hope for that.

In the past, ICE, when they have gone to be able to make an arrest of an individual, they were aware. It was a criminal alien who met the criteria there. When they arrived, if they happened to be with three other people, two other people, one other person that was not legally present in the United States, those individuals were also detained as well. Should that be continued as a policy or should it only be, literally, if you encounter four people that are in this place that are not legally present, you only actually detain the one person and the others you just ignore?

Mr. GONZALEZ. Senator, for me, again, I think it is a matter of prioritization. I think that with any agency that has limited re-

sources, manpower, and other considerations, I think that it is appropriate to have priorities. I think we could always assess if those are effective. It does not preclude any of the others from still being potentially up for enforcement removal.

But again, I think that I would trust that our personnel on the field could make those judgment decisions, look at the totality of circumstances, and see if it is a good use of resources, because it is a matter of tradeoff. If we are pursuing multiple individuals in the scenario that you gave, then there are others that perhaps we are not focusing on. I think that we should be strategic and smart in our enforcement.

Senator LANKFORD. I understand. Last May, because we have not been able to get from ICE the statistics for June, we had 6,000 ICE agents in the field and they did 3,000 deportations, in a month. It is a record low for them. So clearly they are not overworked at this point. In fact, the ICE agents that we interact with are pretty frustrated, saying that they are the ones being handcuffed currently, not able to actually do law enforcement, or they are being told by regional leadership, “No, that does not meet the standard. You need to stand down.” Even though you know this person has multiple DUIs, sexual battery of a child, assault on a police officer, whatever it may be, they are requesting to be able to go and actually interdict, and they are being told no, they cannot do that.

So the challenge is, obviously that sends a signal to people that are here that are not legally present that ICE is really not going to enforce the law. As you mentioned earlier in your testimony, if someone is not legally present here, they are not legally present here. This has been part of the challenge, to be able to say who do we actually engage?

I am not asking to go pursue and to go door-to-door through neighborhoods. I am saying if an individual is found to not be legally present, they are a criminal alien that we are in pursuit of, and actually go interdict, they are also with another person that is clearly not legally present, do we ignore one and not pick up the other one, or then pick up the other one?

Mr. GONZALEZ. Yes. Again, Senator, I think that is important for us to be strategic and be thoughtful in our enforcement. I think it is important. I think at the end of the day just making arbitrary decisions like that, that everyone that is often referred to as collateral, poses a serious threat. I think we run the risk sometimes of perhaps taking someone that may be a business owner—and I am not saying that that precludes that they are hands off. But what I am saying, I think it is a matter of looking at the totality of circumstances.

I just believe that a prioritized approach is reasonable.

Senator LANKFORD. Sure. I understand a prioritized approach. I am not talking about, again, going and doing massive sweeps. I am trying to figure out where this is going. Because if, again, we know someone is not following the law and we ignore it, then we have a law that we are not applying at all, and obviously you know what that does. That leads to more criminal activity as you go, and trying to be able to figure out how to be able to interdict that in the future.

OK, we will continue to be able to do follow-up. Thank you, Sheriff.

Mr. GONZALEZ. Thank you, Senator.

Chairman PETERS [Presiding.] Thank you, Senator Lankford.

Mr. Santos, Mr. Gonzalez, again I would like to congratulate you on your nomination for these incredibly important positions, and also to thank you for your willingness to take on these roles. These are both challenging roles, and we expect the men and women who serve in this capacity to do work for the entire country, so we appreciate your willingness to do that.

For the record, both nominees have made financial disclosure¹ and provided responses to biographical and prehearing questions submitted by this committee.² Without objection, this information will be made part of the hearing record, with the exception of the financial data, which is on file and available for public inspection in the Committee offices.

The hearing record will remain open until 12 p.m. tomorrow, July 16th, for the submission of statements and questions for the record. With that this hearing is now adjourned.

[Whereupon, at 12:09 p.m., the hearing was adjourned.]

¹The information on Mr. Santos appear in the Appendix on page 44.

²The information on Mr. Gonzalez appear in the Appendix on page 116.

A P P E N D I X

**Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: Nominations of Robert L. Santos to be Director, U.S. Census Bureau,
U.S. Department of Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration
and Customs Enforcement, U.S. Department of Homeland Security
July 15, 2021**

Today, we are considering two important nominations, Robert Santos to be Director of the Census Bureau, within the Department of Commerce, and Sheriff Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement commonly referred to as the Director for ICE within the Department of Homeland Security.

Welcome to both of you and to your family members joining us today. Congratulations on your nominations, and thank you for your willingness to take on these critical positions.

The Census Bureau is the leading source of quality data about our nation's people and economy. The Decennial Census, and the Bureau's surveys, are critical for helping communities, businesses, and people across our nation ensure they have the resources and information they need to thrive.

Mr. Santos, if confirmed, you will lead the Bureau as it completes the 2020 Census, plans for 2030, and administers the Bureau's crucial demographic and economic surveys in a changing nation.

I know that you understand the importance of the Census Bureau's mission and the challenges it faces. As an expert in statistical research and survey design who has worked extensively with the Bureau, you know that stakeholders rely on the Census Bureau to produce data that is reliable and accurate.

You also know that transparency and accountability are essential for building and maintaining trust in the Bureau and its data.

I am looking forward to hearing more about your background and your vision for the Census Bureau.

Sheriff Gonzalez, if confirmed, you will lead an agency with a vast public safety mandate. In addition to immigration enforcement responsibilities, ICE contains DHS's principal investigative entity, Homeland Security Investigations, or "HSI", which is charged with investigating transnational criminal activity that threatens the safety of communities throughout the United States. ICE's law enforcement professionals combat narcotics smuggling, terrorist networks, human trafficking, financial crimes, and other threats to public safety.

As you know from your extensive law enforcement background, this is vital and extraordinarily difficult work. ICE and its workforce face no shortage of internal and external challenges.

ICE has been without a Senate-confirmed Director for four-and-a-half years, and this absence of stable leadership has made it even more difficult for ICE to effectively carry out its mission. ICE urgently needs a qualified, committed leader who will tackle the agency's challenges head-on.

If confirmed, you will be responsible for rebuilding trust, with ICE's workforce, Congress, state and local partners, and other stakeholders. This means supporting and improving on what is working, but also recognizing and correcting what is not working.

From our earlier conversation, I know that you understand and are prepared for the difficult work ahead, and I greatly appreciated your commitment to accountability and transparency.

I look forward to hearing more about your qualifications and plans to lead this critical agency.

Opening Statement – As Prepared
Ranking Member Rob Portman
Homeland Security and Governmental Affairs Committee
Nominations of:

Robert Santos to be Director, U.S. Census Bureau
Ed Gonzalez to be Director of Immigration and Customs Enforcement (ICE)
July 15, 2021

Thank you, Chairman Peters.

Welcome, Mr. Santos and Sheriff Gonzalez. Thank you for your willingness to serve in the federal government.

The Census Bureau provides a fundamental service to the nation. Census data supports activities throughout the country. Businesses and nonprofits use Census data for planning. State and local governments use Census data to make spending decisions. The federal government distributes more than a trillion dollars every year based on Census data. Most importantly, Census data supports the redistricting process, which is an essential part of our democracy's structure.

We often pay attention to a fundamental service like the Census Bureau when it stops working as well as it should. The delay in providing redistricting data has affected my state of Ohio and many other states. The Census Bureau has now agreed to provide redistricting data to Ohio by August 16.

I hope the Census Bureau meets that timeline. Mr. Santos, I look forward to hearing your thoughts on this as well as your views on the other challenges facing the Census Bureau.

Sheriff Gonzalez, the Director of ICE is a very important position for a critical agency and deserves this Committee's careful consideration.

We are in the middle of the worst immigration crisis in more than twenty years. In May, more than 180,000 migrants were encountered at our southern border.

The number of migrants apprehended at our border has risen every month since President Biden took office. More than 90 percent of them are crossing unlawfully and dangerously between our ports of entry.

Border Patrol agents also estimate, but generally do not report monthly, the number of migrants who evaded apprehension, also known as the “got aways.” This is a conservative estimate that likely undercounts the true numbers.

We are now seeing record numbers of “got aways” at the southern border. In March and April of this year, the Border Patrol estimates 70,000 migrants evaded apprehension by its agents.

I traveled to the southern border earlier this year. In El Paso, I watched families who were enrolled in the Migrant Protection Protocol, or MPP, be released into the United States.

Secretary Mayorkas and an ICE officer personally described the parole process to me as I witnessed it in real time.

The migrants came in and were handed a piece of paper that had phone numbers and emails of ICE Field Offices on the back.

They were told to “check in” with ICE whenever they reached their destination.

The ICE officer with Secretary Mayorkas explained that they hand out this paper “because we don’t know where they are going.”

This sheet of paper is also given to migrants crossing in the middle of the night by wading through the Rio Grande to be processed or in some cases rescued by Border Patrol agents.

Months later ICE is unable to tell Congress exactly how many migrants have “checked in” with ICE to receive a court date to hear their asylum claim. We have asked for this information repeatedly and have been told it is not available.

As we all know, cooperation between federal, state, and local law enforcement is critically important to keep our nation safe.

However, in 2017, Sheriff Gonzalez made the decision to end his department’s voluntary cooperation program with ICE. This voluntary cooperation, known as the 287G program, helps remove dangerous criminals from our communities.

Sheriff Gonzalez has stated that he still allows ICE to work inside his County's jail but spoke out forcefully against the Texas law that mandated this cooperation.

Sheriff Gonzalez, you are nominated to lead our primary interior enforcement agency for immigration law.

Even if the border crisis ended tomorrow, ICE will be dealing with the ramifications of this border crisis for years to come.

As I have said many times, we are a nation of immigrants but we are also a nation of laws. Our immigration laws are clear and they must be enforced.

Our committee needs to hear how you will do so as we consider your nomination.

Thank you.

Opening Statement of Robert L. Santos
Nominee for Director, United States Census Bureau
Before the Senate Homeland Security and Government Affairs Committee

July 15, 2021

Chairman Peters, Ranking Member Portman, and Members of the Committee: It's an honor and I am humbled to appear before you today as the nominee for Director of the United States Census Bureau. I would like to thank the President and Secretary Raimondo for the trust they have placed in me with this nomination.

Born and raised in the barrios of my native San Antonio, Texas, I was fortunate to be among the Mexican American families whose parents were able to secure civil servant jobs at Kelly Air Force Base. I was also privileged to be educated at Little Flower Elementary School by the Irish nuns and taught to be a responsible adult by the Brothers at Holy Cross High School. The values instilled in me at these schools have been foundational to my leadership.

I am also a member of a Gold Star family. My brother Rene died in Vietnam in 1969 when I was a high school freshman. His death furnished the Section F deferment that I did not seek, and a pain that endures to this day. With the sacrifice he made for our country, I was free to attend San Antonio College, Trinity University, and then the University of Michigan to follow my dual passions of statistics and helping people. The opportunities that unfolded drive me to 'pay it forward' each day of my life. And if confirmed, it will be time to serve my country.

I would not be here today without the enduring support of my family. At age 18, I married my wife Adella after a three-month courtship. We've been married 48 years and she has been my most important source of support, counsel, and love. Our two children – Emilio and Clarisa – have always supported me and are constant sources of comfort and pride. And my two granddaughters – nine-year-old Rene and three-year-old Layla – brighten my heart incessantly. In fact, one of my biggest accomplishments has been caring for them with my wife in Austin the last half of 2020 during the COVID pandemic while my daughter finished nursing school in Arkansas and her husband Chris was deployed in Saudi Arabia.

I am eager to serve as Census Bureau Director because I care deeply about this country and believe I can give back to a Nation that has given me so much. I understand the importance of data quality and the role of the Census Bureau in providing critical information to nurture our Democracy, to inform our people, and to promote our great economy. The Census Bureau provides the data that weaves us all together to form a more perfect union.

Although this is political appointment, I am not a politician. I am a scientist, executive level manager, policy researcher, and long-time friend and supporter of the Census Bureau and the entire federal statistical system. Over a forty-year career, I have held leadership positions in academic, nonprofit, and commercial research organizations. I've worked on research projects for most federal agencies across many policy areas. I've held membership in scientific advisory committees for the Census Bureau, the Centers for Disease Control and Prevention, the National Academies, and several others. I am the current President of the American Statistical Association, the largest association of statisticians in the world. And, I was recently President of

the American Association for Public Opinion Research. I've had the distinct honor of receiving the highest lifetime achievement awards from both organizations. I believe this body of work and experience positions me well to lead the Bureau, if I am confirmed as Director.

The Census Bureau needs a director who understands the critical role of providing quality data to allow our country to grow and prosper. Society is in the midst of a technological renaissance that increasingly relies on data to improve our quality of life. The Census Bureau should innovate and incorporate technological advances to create efficiencies and effectiveness. If confirmed, I can help by setting priorities and direction in these areas.

The Bureau also needs more transparency and independence to build public trust as it continues in earnest its planning of the 2030 decennial census, using lessons learned from its 2020 experience. Career staff at Census Bureau need to be recognized for the exceptional scientists that they are. The Director must have a role in nurturing and developing a staff that has endured a tumultuous 2020. And finally, the Director is in a key position to cultivate lines of communication with stakeholders and with Congress to solicit feedback for improvements and receive concerns.

In closing, I wish to thank the thousands in the scientific community, in my state and hometown, and my friends, family and colleagues for their support. If confirmed, I pledge to serve humbly, with honor and integrity.

Thank you, and I now look forward to your questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Director, Bureau of the Census, Dept. of Commerce	April 15, 2021

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Robert	Luis	Santos	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 500 L'Enfant Plaza, SW		
City: Austin	State: TX	Zip: 78739	City: Washington	State: DC	Zip: 20024

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	<u>Check if Maiden Name</u>	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Rob		Santos			1960 Est X	Present
					Est □	Est □

<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1954	San Antonio, TX

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married	Married	Separated	Annulled	Divorced	Widowed
☐	☒	☐	☐	☐	☐

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Adella	Suarez	Santos	Ms

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	Check if Maiden Name	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Della		Santos			1960 Est X	Present
					Est ☐	Est ☐

<i>Children's Names (if over 18)</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Emilio	Luis	Santos	
Clarisa	Santos	Hook	

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
Little Flower	Elementary- Middle school	Sept., 1961	May, 1968	none	
Holy Cross	High School	Sept. 1968	May 1972	HS Diploma	May 1972
San Antonio Community College	Community College	Sept. 1972	Dec. 1972	none	
Trinity University	Undergrad Liberal Arts University	January 1973	May 1976	BA, Math	May, 1976
Univ. of Michigan, Ann Arbor	Graduate School, Dept. of Statistics	Sept. 1976	May 1981 (est)	MA, Statistics	Dec 1977

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other)	Name of Your Employer/Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Non-gov employment	The Naylor Company (book publishing)	Proofreader	San Antonio, TX	Sept 1973	July 1976
Non-gov employment	Institute for Social Research, University of Michigan	Graduate Student Research Assistant	Ann Arbor, Michigan	Sept 1977 Est X	December 1981 Est X
Non-gov employment	Institute for Survey Research, Temple University	Sr Study Director & Sampling Statistician	Philadelphia, PA	April, 1982 Est ☐	July, 1989 Est ☐
Non-gov employment	SRC, Institute for Social Research, University of Michigan	Director of Survey Operations	Ann Arbor, Michigan	July, 1989 Est ☐	June, 1996 Est ☐
Non-gov employment	National Opinion Research Center, University of Chicago	Vice President, Statistics & Methodology	Chicago, IL	July, 1996 Est ☐	Jan. 1999 Est ☐
Non-gov employment	Urban Institute	Principal Research Assoc.	Washington, DC	Feb. 1999	March, 2001
Non-gov employment	NuStats, LLC	Partner & Exec. Vice President	Austin, TX	April 2001	June 2006
Non-gov employment	Urban Institute	Vice President & Chief Methodologist	Washington, DC	August 2006	present
Self-Employment, statistical consultancy	Sporadic, short term consultancies	Statistical consultant	Austin, TX	1981	present
Self-Employment, technical research consultancy	Feeding America, annual contracts	Member, Technical Advisory Group	Chicago, IL	Sept 2003	present

Self-Employment, independent contract work	Annual contract work with SXSW	Photocrew Chief	Austin, TX	Annually, Dec – March from 2012	To 2020
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(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
National Center for Health Statistics, CDC	Member, Board of Scientific Counselors	Sept 1977	Feb 2020

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

RESPONSE: In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Commerce's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of my ethics agreement. I understand that my ethics agreement has been provided to the Committee. I am not aware of any potential conflict other than those addressed by my ethics agreement.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

RESPONSE: In my role as President of the American Statistical Association, in the past two months I have worked with Sen. Schatz' staffer Trelaine Ito on the wording of potential legislation tentatively entitled the "Census Federal Advisory Committee on Transparency and Standards Act."

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Trinity University Undergraduate Scholarship, 1973-76

Opportunity Graduate Fellowship, University of Michigan, 1976

Ford Foundation Graduate Fellowship for Minority Students, 1977-79

Fellow of the American Statistical Association, 2004

Founder's Award, American Statistical Association, 2006

Elected member, International Statistical Institute, 2020

(forthcoming) AAPOR Award, American Association for Public Opinion Research, 2021

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
Society for Advancement of Chicanos/Hispanics and Native Americans in Science	2020 – present (life member)	Member
American Statistical Association	1977 - present	President 2021; President-elect 2020; Past President 2022; Vice-President, 2015-2017, Task Force on Sexual Harassment and Assault, 2017-2018; Social Statistics Section: Chair, 2013-2015; Media Training Task Force, Chair, 2015-2017; Accreditation Committee, 2010-2016; Council of Sections Representative, 2010-2011;
Washington Statistical Society	2000-present	Board of Directors: Representative at Large, 2009-2011

American Association for Public Opinion Research	1990-present	President-elect/president/past-president, 2012-15; Nominations Committee, 2018; Conference Program Chair, 2010-2011, Diversity Coordinating Committee, 2016-2020;

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

RESPONSE: No

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
None			

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

RESPONSE: None

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
None			

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

RESPONSE: None.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
See Attachment A – Publication List with hyperlinks	See Attachment C– Digitalized Docs not on internet	

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Risk Factors Affecting the Fairness and Accuracy of the 2020 Census (Recording of full hearing available here).	Testimony before the U.S. House Committee on Oversight and Reform	December 3, 2020
From Chicano to Latinx: My search for identity finds diversity. Keynote for Hispanic Heritage month (See Attachment A)	Bureau of Labor Statistics, Washington, DC.	October, 2019
PRESIDENTIAL ADDRESS: BORNE OF A RENAISSANCE—A METAMORPHOSIS FOR OUR FUTURE https://www.aapor.org/About-Us/History/Presidential-Addresses/2014-Presidential-Address.aspx	AAPOR 69 th Annual Conference, Anaheim, CA	May 17, 2014

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(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

RESPONSE: None

<u>Title</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)
RESPONSE: No
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?
RESPONSE: No
- Have you been charged, convicted, or sentenced of a crime in any court?
RESPONSE: No
- Have you been or are you currently on probation or parole?
RESPONSE: No
- Are you currently on trial or awaiting a trial on criminal charges?
RESPONSE: No
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?
RESPONSE: No

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

RESPONSE: Not Applicable

A) Date of offense:

- a. Is this an estimate (Yes/No):

- B) Description of the specific nature of the offense:
- C) Did the offense involve any of the following?
- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
 - 2) Firearms or explosives: **Yes / No**
 - 3) Alcohol or drugs: **Yes / No**
- D) Location where the offense occurred (city, county, state, zip code, country):
- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**
- 1) Name of the law enforcement agency that arrested/cited/summoned you:
 - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
 - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
 - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: **Yes / No**
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

RESPONSE: No.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

RESPONSE: No.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity. *N/A.*

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

RESPONSE: No.

<u>Name of Agency/Association/ Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

RESPONSE: No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

RESPONSE: No

14. Outside Positions

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



This 27 day of May, 2021

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

April 22, 2021

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Robert Santos, who has been nominated by President Biden for the position of Director, Bureau of the Census, Department of Commerce.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

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David J. Apol
General Counsel

Enclosures REDACTED



Mr. David Maggi
Designated Agency Ethics Official
U.S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Maggi:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director, Bureau of the Census, Department of Commerce. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my

Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of Federal, state and local governments.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – RESIGNATIONS

Upon confirmation, I will resign from my positions with the following entities:

- Urban Institute
- American Statistical Association
- Feeding America
- Mathematica
- JVS

I resigned from my position with Far Harbor, LLC in May 2020.

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to at 5 C.F.R. § 2635.502(d).

SECTION 3 – ANTICIPATED HONORARIUM

I have been offered an honorarium for delivering a speech at an event hosted by the American Association for Public Opinion Research on May 14, 2021. If I am confirmed and assume the duties of the position of Director on or before that date, I will decline the honorarium.

SECTION 4 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C.

§ 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Santos", with a stylized flourish at the end.

Robert Santos

April 8, 2021

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Robert Santos to be Director, United States Census Bureau,
United States Department of Commerce**

I. Nomination Process and Conflicts of Interest

1. Did the President or the Secretary of the Department of Commerce ("Department") give you specific reasons why you were nominated to be the next Director of the United States Census Bureau ("Bureau"), and if so, what were they?

Response:

I believe I was nominated to be Director of the United States Census Bureau because of a unique combination of research and business experience, my knowledge of and work with the Census Bureau, my dedication to service to the statistical community, my demonstrated leadership skills in executive management, my core values as a leader, and my national reputation for research excellence and advocacy for scientific integrity. I further believe there was a recognition that the next Director of the Census Bureau needed demonstrated strength in statistical and data science, leadership and operations. And I believe that I was found to be the best fit.

I have over forty years of experience in survey research and policy research. I have worked on research projects that span the breadth of policy relevance in US society, including health, education, employment, commerce, travel behavior, housing, hunger, justice policy, poverty, firefighter safety, environmental science, political opinions, and consumer sentiment, to name a few. Virtually all of these studies relied on some form of data from the Census Bureau.

I currently serve as the (elected) president of the largest professional statistical association in the world, namely the American Statistical Association (ASA). I have also served as president of the American Association for Public Opinion Research (AAPOR) and have served in numerous Board of Director capacities for these two organizations and others (e.g., Vice President, Secretary-Treasurer, Annual Conference Chair). I am the only person to have received the ASA Founders Award and the AAPOR Award for Exceptionally Distinguished Achievement. These represent the highest honors awarded by each organization for contributions to profession (i.e., statistics, survey research) and service to the professional community.

I have served in senior management and executive positions my entire professional career, starting as manager of the sampling section (ISR Temple University), then as Director of Survey Operations at the Survey Research Center of the University of Michigan as well as at the NORC, University of Chicago. I

also served as Vice President of Statistics and Methodology at NORC and was co-owner and Executive Vice-President of private social science research company in Austin, TX. I now served as Vice President at Urban Institute and Chief methodologist at Urban Institute. Throughout my career I have managed senior level staff, overseen large organizational budgets, planned capital improvements, led and participated in strategic planning – all with rigorous, scientific research organizations that conduct high quality statistical data collection, processing and analysis.

As a scientific expert I have served on numerous National Academies panels, helping Census Bureau and other federal agencies with improvements to statistical methodologies. Under the previous Administration that required HHS Secretary approval (2017-2020), I served on the Board of Scientific Counselors to the CDC's National Center for Health Statistics. I also served on and chaired the Census Advisory Committee for Professional Associations (2001-2006), and worked on research contracts for the Census Bureau in the 1990s. I have also conducted research studies for many other federal agencies, including but not limited to HHS, NIH, HUD, ED, NIST, EPA, DOT, DHS, DOJ, DOI, NSF, and SAMHSA. These appointments and experiences attest to my technical skills and recognition as a national expert.

Finally, I believe that I was nominated because of my inclusive, nurturing leadership style. My leadership style reflects my values of fairness, transparency, scientific integrity and objectivity, and compassion. I constantly draw from these to guide my decision making as a person, a statistician and policy researcher, a manager, and an executive. I listen before deciding, gathering and understanding diverse perspectives for informed decision making, and having fidelity to the organizational mission. I believe in management teams and seek consensus; but if that cannot be attained, I use consultative decision making. I believe that “the buck stops with the leader” and would bear full responsibility for untoward consequences of decisions or unproductive events that that befall my unit. I eschew taking credit for successes, preferring that the staff/team involved are recognized and rewarded for organizational successes. Finally, I am a helper by nature. I am always ready to make hard decisions, but I do so with compassion, honesty, transparency, and fairness. I like to challenge the staff with thinking big and getting them to flesh out an idea to make it their own.

I believe that I was nominated because I have cultivated a lifetime of rich experience in applied research, statistics, survey operations, senior/executive leadership, and service to community. I believe that the President and the Secretary of Commerce understood that a Director who could draw upon such a diverse combination of experiences would be of great benefit to the Census Bureau.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

Response:

No conditions were expressed or implied.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Director? If so, what are they, and to whom were the commitments made?

Response:

I have not made commitments to anyone regarding policies and principles.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

Response:

I am not aware of any and believe none exist. If there is even the perception of a potential conflict of interest I would feel obliged to recuse myself, but I know of none. I will rely on the Department of Commerce and the OGE to guide me on such matters.

5. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

Response:

Regarding my nomination, I have neither formally retained, contracted, nor consulted with any entity.

II. Background of the Nominee

6. Why do you want to serve as Census Bureau Director?

Response:

I wish to serve my country and give back to a nation and a people who have offered me so much throughout my lifetime. I care deeply about the Census Bureau as the largest of the federal statistical agencies and its mission to serve the public through the acquisition and dissemination of statistical data. I believe that our Democracy needs a robust, efficient Census Bureau. Our country, business community and the public rely on and benefit from the high quality data produced by the Bureau. I believe I am in a unique position to help the Census Bureau because of my four-decade career in statistics, research, management, entrepreneurship, and service to community.

7. What specific background, experience, and attributes qualify you to be Director?

Response:

I have a unique combination of leadership, management, and technical skills and experience that I believe would benefit the Census Bureau.

With regard to leadership, I currently hold the (elected) presidency of the American Statistical Association, the largest association of professional statisticians in the world, with deep ties (back to the 1800s) to the Census Bureau and the federal statistical system. I have also been recent president of the American Association for Public Opinion Research, a renown professional association of survey researchers, pollsters and social scientists. Both enjoy significant membership by Census Bureau staff. I have received lifetime achievement awards from both associations – their highest honors – for contributions to the field and service to the professional community. Being president and Board chair of both organizations demonstrates my leadership in overseeing large organizations and providing the strategic, visionary guidance to allow the associations to improve service to members and to society despite such challenges as COVID.

I have served in management and executive positions my entire professional career, starting as manager of the sampling section (ISR Temple University), then as Director of Survey Operations at the Survey Research Center of the University of Michigan as well as at the NORC, University of Chicago. I also served as Vice President of Statistics and Methodology at NORC and was co-owner and Executive Vice-President of private social science research company in Austin, TX. I now served as Vice President at Urban Institute and Chief methodologist at Urban Institute. Throughout my career I have managed senior staff, overseen large organizational budgets, planned capital improvements, led and participated in strategic planning and also led and participated in numerous research projects.

I have served on numerous National Academies panels to help Census Bureau and other federal agencies with improvements to statistical methodologies. Under the previous Administration requiring HHS Secretary approval (2017-2020), I served on the Board of Scientific Counselors to the CDC's National Center for Health Statistics. I also served on and chaired the Census Advisory Committee for Professional Associations (2001-2006), and worked on research contracts for the Census Bureau in the 1990s. I have also conducted research studies for numerous federal agencies.

The research I have conducted often relied on data derived from Census Bureau data products. More recently I have worked on projects exploring data quality issues in the 2020 Census. This includes my recent work as co-chair of the American Statistical Association Task Force on Data Quality Indicators. I am very familiar with decennial census operations. And by virtue of my active

membership on scientific advisory committees and panels, I am very familiar with Census Bureau programs as well as flagship surveys such as the Current Population Survey, the American Community Surveys, the Survey of Consumer Expenditures, the Recent College Graduates Survey, and many others.

8. Please briefly describe your experience or familiarity with the programs and operations of the U.S. Census Bureau.

Response:

I have a good starting point for learning the breadth and depth of the programs and operations of the US Census Bureau. Of the three censuses – population, economic, government – I am most familiar with the decennial population census. I have in-depth knowledge of the 2010 and 2020 census operations and data quality attributes. I am familiar with the economic census and have conducted a number of establishment surveys requiring the use of economic census data products. I have experienced the challenges of soliciting quality data from businesses and jurisdictions. I am very familiar with the collection of information and associated challenges in collecting data from states, counties and local jurisdictions and school districts through numerous research projects with the US Department of Transportation, Department of Education, EPA and the Bureau of Justice Statistics. Those involved interacting with metro councils of government (MCOGs), state governments, county jurisdictions, city governments, school districts and state education agencies, etc.

The Census Bureau is much more than its censuses. The Bureau maintains a robust, large (over 130) survey program, collecting data for other federal agencies such as BJS, CDC, BJS, ED, ERS, BLS, HUD, etc. I am familiar with many of these topical surveys and have used data from a number of them in my research. I am also very familiar with the demographic surveys that the Census Bureau conducts, such as the ACS and the newer Pulse survey. I am less familiar with the economic survey programs.

I am also familiar with the methods research division of the Census Bureau and have worked with a number of its staff in different capacities over the years. The Census Bureau uses a data-driven, evidence-based approach to innovation, mostly using its own research. I am familiar with both its mathematical research portfolio as well as its methodological research agenda to test new, innovative field protocols or supplemental information sources.

I also have general familiarity with the Census Bureau populations estimates program which includes two types: 1) the maturation of the most recent decennial census count to a given year between censuses; and 2) the development of classic demographic analysis.

Finally, I am somewhat familiar with their field operations division which includes the regional census offices that handle all the training and the hiring of enumerators and in-person survey interviewers for demographic surveys and censuses. I know of the Jeffersonville, Indiana processing facility that has scans and stores the census and survey forms returned by participants. And I am familiar with the Communication Division which is responsible for messaging to both encourage participation in data collection activities as well as handling the partnership programs and conducting media events to publicly release findings and other announcements related to Census bureau activities.

9. Please describe:
 a. Your leadership and management style.

Response:

My leadership style is reflective of my values of fairness, transparency, scientific integrity and objectivity, and compassion. I constantly rely on these values to guide my decision making. I believe in listening before deciding, gathering and understanding diverse perspectives for informed decision making, and having fidelity to the organizational mission. As a leader, my objective is not to “rule” but to guide an organization by empowering managers and staff, communicating vision and strategic direction, and setting a positive cultural tone through example. I seek consensus with my management team; if that is not attained, I then follow consultative decision making. I believe that “the buck stops with the leader.” Accordingly, I bear full responsibility for untoward consequences of decisions or unproductive events that that befall my unit. And I eschew taking credit for successes, preferring that the staff involved are recognized and rewarded for organizational successes.

I am fundamentally a helper by nature. I am always ready and willing to make hard decisions, especially in times of crisis. But I do so with compassion, honesty, transparency, and fairness. I like to challenge the staff with thinking big and getting them to flesh out an idea to make it their own.

Finally, I am a realist. No one person can possibly know everything about the Census Bureau and its operations. So a leader needs to ask the right questions. I believe that leadership must rely on a high functioning senior management team, and nurture and strengthen mutual respect and trust. It is critical to develop a shared commitment to the Bureau’s mission and values, especially as they relate to scientific integrity and objective data.

- b. Your experience managing personnel.

Response:

I have deep and diverse experience managing and mentoring various levels of staff with varied areas of expertise. I have mostly managed seasoned senior level, PhD professionals and managers acting as either unit directors, researchers or both. My management experience is diverse. I have directly supervised Executive Directors at two prominent professional associations as well as managing the associations' Boards of Directors at both the American Statistical Association and the American Association for Public Opinion Research. I have managed relatively large units of hundreds of FTEs in my role as Director of Survey Operations with the Survey Research Center, University of Michigan, and with NORC at the University of Chicago. At SRC I reorganized the entire survey operations enterprise with the assistance of a wonderfully talented management staff.

I also have decades of experience mentoring staff at all levels, from Senior Vice Presidents of organizations to Research Assistants, both internal to my own organization and from organizations around the country, including some from federal statistical agencies. This has been extremely rewarding.

- c. What is the largest number of people who have worked under your supervision?

Response:

I oversaw a unit of about 400-500 as Director of Survey Operations (SRC Univ. Michigan), of which about 12 were senior managers and directors who directly reported to me. The SOU departments included a project management department, a sampling department, a telephone survey facility, a dispersed national in-person field force, data entry and processing department and a computing center.

10. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

Response:

It is not unusual for me or anyone on an executive management team to disagree with their superiors on a decision or a work policy. In fact, I never framed such situations as win/lose propositions, where "success" was based on whether or not my position is adopted. I find that highly unproductive and inconsistent with my management/leadership philosophy. In fact, I believe a win/lose paradigm poses an unnecessary obstacle to better leadership and decision making.

I consider it obligatory to apprise the leadership team and the ultimate decision maker of my perspective. That is a natural part of everyone's due diligence to arrive at informed decisions. The real issue is how to best communicate opposing perspectives. Depending on how an opposing view is presented, it can be

perceived as offensive to the superiors or constructively critical. So my approach is to voice my concerns respectfully, and to value and acknowledge alternative viewpoints. At least for the last two decades, this approach has proven productive and rewarding for me, even if my preferred solutions were not always adopted. I believe that there is great value in offering decision makers alternative perspectives and that it is critical to hear a range of perspectives and solutions as a critical pathway to a good decision.

In decades past, I have voiced strong positions on the direction of the organization that ultimately were not adopted. One such instance involved the sale of my research company, where I was a minority owner. I advocated for and actually helped arrange an offer from a US based research firm to purchase the company. The majority owner found and preferred a foreign purchaser. The foreign firm offered a slightly higher sales price. My concern was mainly about the company staff. I felt strongly that the US firm would be a better fit for absorption into the larger company from the perspective of the staffs' career opportunities and the research areas covered by both companies. The foreign firm, on the other hand, was principally interested in a single line of work that represented a subset of our larger portfolio. Despite my best advocacy, my company was sold to the foreign firm. I had done what I could to respectfully offer a broader framework for the selling decision that better reflected both staff and owner needs, but it was not adopted. That's business. I understood and accepted that it was not my decision, and I worked diligently for a smooth transfer before leaving the company instead of remaining and potentially securing a higher-level monetary buyout.

There have been numerous times when my positions have been adopted despite being in opposition to the views of my superiors. They are difficult to recall because I never insist or argue that my solution is the only way to address the problem at hand. Instead, I prefer to offer a reframing of the problem and a roughly sketched solution that motivates a new, more productive line of discourse and a final solution. This allows the entire team to contribute and instills ownership of the solution by all, including my superiors. An example of this was in a National Academies research project on which I was empaneled to examine the problem of fraudulent Social Security representative payees. An initial approach touted by the panel called for a statistical prediction model based on existing administrative data of known violators. An approach was discussed to create a statistical prediction model that would use demographics and other attributes of representative payees to predict those who are most likely to be violators and therefore could be targeted for investigation. Knowing that such an approach might lead to racial profiling of representative payees, I offered my perspective that if a model is developed, it should be absent of race-ethnicity to avoid the possibility of such profiling. After some discussion by the entire group an alternative approach was developed. I did not offer the alternative approach that was finally adopted but that did not matter. It was more important to develop a productive solution as a team. To me, that defines 'success.'

11. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

Response:

I believe that it is a leader's responsibility to encourage alternative/dissenting views and encourage critical dialogue. That allows for robust, informed, intelligent decision making. I use this approach routinely in my board meetings and management meetings. In fact, it is critical for a leader to cultivate the practice of having their management team offering dissenting views respectfully and not be offended when their own ideas are not adopted. And whenever consensus is quickly reached by my management team, I always acknowledge it, but then ask for reasons why the solution may not be best – what are the risks, what are we missing? It concerns me when there is hasty, uniform consensus; it suggests that the team needs to slow and reconsider from other perspectives. It also suggests that I may need to seek feedback beyond the team to secure alternative perspectives.

One example early in my career concerns my role overseeing a unit of (statistical consulting) service providers to researchers. The researchers essentially formed my "board of directors" and suggested that I expand the group via hiring in order to increase capacity and service availability of staff. I was concerned about the notion of expanding without a more formal business model, so I consulted my peers in other research organizations. Sure enough, many had grappled with this same issue and provided feedback regarding the risks of hiring in a soft-money environment when there is no guaranteed funding of staff if funded project work fell short. That external dissenting feedback allowed me to build a business model that revealed the underlying risk assumptions about business growth needed to establish sustainability. With this additional perspective and information in hand, the decision was revisited and a more cautious, incremental approach was adopted.

12. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

Response:

I have not been in a position to make politically difficult choices. But I have made ethical choices related to scientific integrity that some might find difficult to make, but I certainly did not. These scenarios occurred a number of times over my career. Potential clients would approach me with lucrative contract opportunities involving the commission of large-scale sample surveys to exam an issue of importance to them. But after in-depth discussions to articulate the actual research questions they wanted answered, it was very clear that a survey was an inappropriate research vehicle to address their needs. Another research method such as qualitative research was actually the solution they needed. I never hesitated to advise them of this even when it resulted in the loss of new business.

My personal scientific integrity and my organization's reputation were always more important.

13. What would you consider your greatest success as a leader?

Response:

I am not one who dwells on individual successes. Besides contributing to many important research projects, I am particularly proud of helping people. Being in a leadership position, one of the greatest honors I have is to mentor staff at all levels of their career. A number of the junior staff I have mentored – not just from the organizations in which I was employed -- have later become highly accomplished academic scholars and renowned practitioners in the survey research community. Others have become senior researchers and/or executives in non-profit and commercial research firms. And still others have become successful entrepreneurs. It's not about whether they followed my advice. I helped to think creatively and critically, to view threats as undeveloped opportunities and to apply this way of thinking to whatever they do, be it a research project, entrepreneurial business development or developing leadership skills and managing staff. So I consider one of my greatest accomplishments to be that of helping people become better professionals, leaders, scientists and human beings. I believe this is one of the reasons I was recognized in May 2021 with the AAPOR Award for Exceptionally Distinguished Achievement.

14. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

Response:

As with success, I do not dwell on failures other than to learn from them. A leader's journey is more important than the individual instances of success or failure that occur along the path of professional growth and service to community. Like all leaders, I have encountered failures. I suppose one of my greatest failures as a leader came early in my career (over three decades ago) when I took the helm of a newly created Director position overseeing a large survey operation. I was eager to make some changes and charged ahead not realizing that my managers were not totally on board with the direction I wanted to take the unit. It was a direction that in retrospect threatened the status quo that the managers had come to covet. This ultimately caused delays and discord in my management team and delayed the timeline of the changes I felt were needed. Fortunately, during this period I received substantial career development training in leadership, staff management, strategic planning and facilitation. I was able to leverage that training to build trust in the management team, allowing them to revise and "own" the plans I had been so eager to implement. But it took a few years to overcome

this early failure and forge a productive path forward that resulted in a successful complete reorganization of a large operation, including a much needed culture change. But the biggest lesson I learned was that when entering a new organization in a leadership role, it is imperative to allow sufficient time to learn the culture of the organization, build the trust of your management team, and forge plans for improvement jointly as a team.

15. During your career, has your conduct ever been subject to an investigation or audit by an agency Inspector General, Office of Special Counsel, Department of Justice, agency Equal Employment Opportunity office or investigator, or any other federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome of the investigation(s) or audit(s).

Response:

This has never occurred.

III. Role of the Director

16. Please describe your view of the Census Bureau's core mission and the Director's role in achieving that mission.

Response:

The stated mission of the Census Bureau is to serve as the nation's leading provider of quality data about its people and economy. Given its current portfolio, the Bureau has been the leading provider of data about the US population and the economy for over a century. Data products have been recognized as being of very high quality, and the data collections are generally considered "gold standards" in the survey research and statistical communities.

Over the past few decades, a technological renaissance has led to vast changes in the generation and access of information. Along with it, society has evolved and now relies on data for everyday life, be it to navigate roadways, choose a health care provider, or find the highest rated elementary school for a child. The era of big data has emerged, as well as access to administrative and increasing amounts of commercial data. Not all these data are of the highest quality but there may be a time in the not-too-distant future when the Bureau no longer is the nation's leading provider of data on people and the economy because vast amounts of information are available commercially. However, it is likely that the Census Bureau will continue to be the leading provider of *high quality data*.

I believe the Director's role is to help the Bureau assess and possibly revise its core mission in light of our new technological society. The Director should play an enabling role, providing the career leadership direction and support to create a

new vision and explicitly state its core values (e.g., timeliness, high quality data, scientific integrity and objectivity, transparency, outreach to stakeholders).

As an organization which is constantly in the process of data collections and acquisitions, it is important to preserve production and dissemination schedules. But there has to be time for leadership to develop plans for innovation. The Census Bureau Director has an important role in seeing that innovation occurs.

Besides collecting data, a core function of the Bureau is the dissemination of data. The Director role includes data stewardship, including the effective dissemination strategy that provides stakeholders access to data.

The Director is one of the Bureau's key spokespersons. I believe the Director needs to meet with Congress, Commerce, Census Bureau federal clients (e.g., BLS, NCHS, ED, etc.) and other federal, state and local stakeholders. The Director should also be in communication with Census Bureau data users (e.g., in the academic, nonprofit and commercial arenas) to listen to their concerns and suggestions and apprise them on the status of planning.

17. If confirmed, what will be the immediate highest priority issues you expect to address? What longer-term goals would you like to achieve?

Response:

A high priority issue will be the planning of the 2030 decennial census. Here the issue is being able to develop 'lessons learned' from the 2020 experience to help plan the research agenda and additional 2030 Census innovations. Since planning for 2030 is well underway, it is critical for the process of harvesting the 'lessons learned' be accelerated so that the knowledge gain can be fruitfully incorporated into 2030 planning.

An equally high priority issue will be that of attending to Census Bureau career staff and stakeholders. Both need to understand that the Bureau continues to embrace scientific integrity, independence from political influence, transparency and data quality. Career staff should be recognized for contributions during the challenging pandemic period and be provided ample opportunities for career development. Stakeholders should be given the opportunity to have their concerns heard, understood and addressed. This may require enhanced communications plans and vehicles for gathering feedback and engaging in constructive dialogue and knowledge exchange.

In the longer term, I would like the Census Bureau to secure the funding that it needs across the decade to conduct a fair and accurate 2030 Decennial Census. The 2020 Census was subjected to unnecessary risk via underfunding in the first half of the decade which caused planned testing to be delayed, curtailed or

eliminated. Included in this goal would be funding to develop and test strategies to secure a higher participation among the harder to count populations as well as strategies for increasing public participation in all primary data collection programs, not just the decennial census. A necessary component of that would be a more effective communications/outreach plan to instill trust in the public.

Another longer term goal I would like for the Census Bureau is the movement towards automated data capture that can help the census bureau be more efficient and effective in its operations and collections. An important sub-issue will be working with and encouraging states and local jurisdictions to standardize their own data capture (e.g., age, race-ethnicity, sex, etc.) which would then provide information the Bureau needs to better plan and implement the 2030 decennial operation.

IV. Policy Questions

Management & Workforce

18. What do you believe are the most pressing internal and external challenges currently facing the Census Bureau? If confirmed, which challenges would you prioritize and what would you do to address each of those challenges?

Response:

I have not been briefed by the Census Bureau on challenges the career staff believe are most pressing. I think it is important to be more informed before selecting those priorities and elevating those most worthy of attention. In the absence of such information, my perceptions of what those priorities might be are as follows.

Internal challenges: It is my perception that the career staff – especially those working on the 2020 census – have been negatively impacted by the pandemic as well as by the challenges to the 2020 census and other Bureau programs. They deserve organizational attention that communicates recognition, value and appreciation for their contributions during this difficult time. Many staff have been working nonstop including weekends since the beginning of the pandemic. It is imperative to allow them time to recuperate even as deadlines for census products continue their approach. If it has not already occurred, reverting to a forty-hour work week would be beneficial. Given the new reality of our covid world, the Bureau should be sensitive to those who have demonstrated the ability to work effectively from home. The Bureau could create policies that allow staff to continue doing work from home if that is their wish. Staff who have given above and beyond the call of duty for the 2020 Census or in the programs deserve special recognition. Career development activities and opportunities should be enhanced.

An entirely different area of challenges lies in setting a course for innovation for not only the 2030 decennial census but for all census programs. New methods may be needed to develop standardized data from state and local governments as well as from the private sector.

External challenges: External challenges are varied. There is the challenge of underfunding the Bureau at a time when increased resources are needed to concurrently complete work on the 2020 decennial census while preparing for the 2030. There is a public trust challenge, as well. The hardest to count populations did not participate at the high rates, most likely due to a combination of distrust and differential impact of covid (e.g., health issues, housing issues, hunger, transportation issues, loss of income). Improving public trust in government is important. Another area of mistrust is with data users who perceive that the Census Bureau did not provide sufficient time and attention to addressing concerns surrounding the use of differential privacy methods for disclosure avoidance.

19. The Bureau has many parts of its organization that must work together to carry out its duties and ensure effective enterprise management for the decennial census, the American Community Survey, and the many demographic surveys the Bureau conducts. If confirmed, how would you work to ensure coordination across the Bureau's divisions to facilitate collaboration and achieve common goals?

Response:

I have not been briefed by the career staff leadership about ongoing policies and future plans to address this issue. It is important to understand the current state of affairs before committing to any specific action to address this important issue. With that in mind, I can make the following generic comments. The collection of career staff at the Bureau houses an enormous, valuable knowledge base. The ability for one unit to tap the knowledge of another unit can be enormously helpful. How might this occur in an effective fashion?

I had a similar challenge at Urban Institute. We developed a virtual network of statistical and methodological experts by creating and maintaining a data base that documented staff research expertise in all Centers. These individuals volunteered to be available to provide consulting in their specific area of expertise, if contacted. Under this policy, a small amount of consulting time was available for experts. This solution worked well. The point is that solutions can be developed to consolidate subject matter and technical expertise and make it available to staff.

In the context of the Census Bureau, if confirmed I will look into how the Bureau can leverage its mission and core values to motivate the development of an action plan. Such a plan could (1) identify the extent to which knowledge sharing across department would be beneficial; (2) if beneficial, create a working group to

explore optimal solutions and develop a road map for implementation; (3) Using the roadmap, conduct a pilot and assess efficacy involving objective measures of success; and (4) bring the new program to scale. This process could be accompanied by an internal communications plan that would keep staff apprised of ‘quick wins’ and build enthusiasm for this new asset. It could also incentivize units to use this resource rather than relying on some more cumbersome or expensive alternative.

20. If confirmed, what would you do to help ensure cost-effectiveness and efficiency of the Bureau’s operations?

Response:

Again, there may already be mechanisms in place for this about which I am unaware. Having said that, if confirmed I will look into developing realistic, measurable goals, expectations and targets that could be assigned to divisions. Progress reports could be used to indicate movement towards goals, with staff being held accountable for meeting the goals.

- a. Since 1970, when measured in constant dollars, decennial census costs have increased faster than inflation. How would you balance the imperative for accurate data with the goal of controlling costs for the decennial census and other programs?

Response:

I believe the key to accomplishing this lies with new and emerging technology. Private and state/local administrative data will become more available with time. Computer processing and data dissemination technologies are becoming less expensive and more powerful. Innovative ways to pool and standardize information can draw upon machine learning, artificial intelligence and new algorithms to be developed in the near future (e.g., differential privacy was not well known in 2010). It is important to allow the Census Bureau flexibility of funding to explore and capitalize on existing and new technologies and data sources. Methodologies like the adaptive design for NRFU field enumerator work assignments in the 2020 census can be further refined through research to realize higher efficiency and efficacy. Proof of the efficacy of relying on technology is seen in the fact that 2020 Census operations did not expend all the funds that were budgeted to it.

21. During the 2020 Census, Bureau employees faced distinct challenges, including planning and executing significant adjustments to decennial census operations in light of the COVID-19 pandemic. What is your strategy to improve employee morale and ensure a relationship of trust between the Director and employees?

Response:

The Census Bureau career staff are dedicated, highly talented and scientifically knowledgeable. They are devoted to the Bureau's mission and to upholding their US Constitution and statutory mandates. The challenges faced the Bureau in 2020 were unprecedented and imposed risk not only on the 2020 Decennial Census, but all Bureau data collections and operations. A number of staff pushed themselves beyond reason, working 7 days a week to achieve an unreasonable production schedule, given the historical circumstances of the pandemic and its impact on society. I agree that the career staff deserve to be recognized for their dedication, accomplishments and contributions in 2020 and thus far in 2021.

As a leader, I believe staff morale is a symptom rather than a core problem, much like fever indicates illness but is insufficient for diagnosis. As such, the symptom should be treated in the short term, but the root causes need to be understood and addressed or the symptoms will quickly return. A tandem approach could prove most effective. For the short term, employees who sacrificed most during the pandemic should be recognized and rewarded. Reward can come in many forms – compensatory time off, bonus, provision career development opportunities (e.g., conducting research in preferred areas that benefit the Census Bureau, presentations at conferences and support for publications in journals, trainings, leadership opportunities, promotion opportunities). More broadly, it is clear that the pandemic fundamentally changed society and peoples' comfort with and value for working from home. If confirmed, I would look into working with career staff leadership to develop policies that allow working at home to the extent that it fits staff needs, up to and including full time remote work. This assumes of course that the Bureau's work needs continue to be met and such policies are consistent with Department of Commerce guidelines.

The Director also needs to exert strong leadership in promoting internally and externally the values of transparency, scientific integrity, objectivity, and independence, as well as avoidance of political interference in all Census Bureau information collections, disseminations and public statements. This may be one of the most important roles of the Director upon taking office. I am fortunate to be uniquely qualified for this specific task because of the Census Bureau's familiarity with my career over four decades of active participation in leadership positions with the American Statistical Association, the American Association for Public Opinion Research, National Academy panel participation, Census Bureau advisory committee activity, and Census Bureau contract research work. I have worked with most of the former Census Bureau directors who served over the past half century. I personally know many Census Bureau research staff. I believe I am trusted and respected by the Census career staff and the staff of the federal statistical agencies. So I believe that my message of support and advocacy for scientific integrity, transparency, independence from political influence and strict adherence to the Bureau's Constitutional mandate and the rule of law will be welcomed and believed by the Bureau staff.

For the longer term, the Census Bureau should monitor the morale of the staff using objective methods to assess trends; I expect this is already in place. Secondly, I would look into establishing an outreach program that seeks career staff feedback through a variety of vehicles from listening sessions, to anonymous and ombudsperson venues and one-on-one conversations with the Director or its office staff. Problems need to be identified and addressed; suggestions for improvements need harvesting.

22. How would you ensure decisions regarding Census Bureau operations are driven by the Bureau's mission to serve as the nation's leading provider of quality data about the nation's people and economy, and not by political considerations?

Response:

It is the Director's responsibility to see that the direction and decisions of the Bureau are in alignment with the Bureau's mission and protected against political influence. I hold a strong commitment to both and if confirmed I will use the Bureau's mission and values to guide strategic planning as well as day-to-day operational decisions. I will challenge the career staff leadership team to uphold the Bureau's mission at each decision making point. This will demonstrate that all such decisions are consistent with the Bureau's mission and values and free of political interference.

- a. As a result of the COVID-19 pandemic, the Bureau delayed its field operations to promote the safety of its workforce and the public. In April 2020, the Census Bureau Director and Secretary of Commerce jointly announced a three-month delay of certain data collection operations, and corresponding plans to delay data delivery. In August 2020, the Commerce Department reversed course and directed the Bureau to accelerate its operational time frames. According to senior Bureau officials, they were not consulted on this Commerce Department decision. How would you work to ensure subject matter experts and career staff at the Census Bureau are involved in driving key operational decisions to ensure its accuracy and completeness?

Response:

The Census Bureau Director must be a strong leader and advocate for the Bureau. The Census Bureau Director must understand that their role is to set the course of the Bureau through an articulation of mission and values, and then show how those can motivate the establishment of priorities. The Director should also apprise the Commerce Department, Executive Branch and Congress of the Bureau's plans. If confirmed, I would work to ensure that lines of communication are not only open but that regular briefings are provided and that expectations regarding the absence of political influence are expressed and realized.

With regard to subject matter experts and career staff at the Bureau, I highly value and will listen to career staff recommendations and decisions. They typically know more about the matter than anyone else. I believe it is the Director's responsibility to ask questions and seek alternative perspective from census career

staff and outside experts. I do not believe that it is appropriate for the Director – as a political appointee – to make operational decisions. That could create a perception of political interference. Instead, I believe that operational decisions should be made by the career staff.

23. What workforce and strategic planning strategies do you feel are necessary to ensure the Bureau's workforce aligns with its current and evolving mission requirements? Are there key steps that you believe are useful in carrying out effective succession planning?

Response:

I fully expect that the Bureau has a robust strategic plan, especially with regard to emerging and future technology, increasing data availability, and the requisite skills that its workforce needs. I would want to review those plans prior to finalizing any planning process on my part. But I can provide tentative comments.

Two key elements should be addressed in the planning: the increasing availability of governmental administrative data and commercial data; and the emergence of new technologies and methods for processing and disseminating data. It is also important to consider how the increasing availability and quality of emerging data may shift the focus of the Bureau from one of primary data collector (soliciting responses from people, businesses, government jurisdictions) to one of acquiring, processing and disseminating products from existing data sources. That would represent a significant change in its mission.

Alignment of the Census workforce to evolving mission requirements will present exciting career development opportunities for current staff. If needed, this may be supplemented with new hires whose expertise is not currently available but needed to achieve more immediate progress.

This question is unclear about *whose* succession is being planned, so I will respond under the assumption succession refers to the census career staff – from primary data collection experts to a focus on data harvesting, processing, and dissemination. Loss of institutional knowledge is a threat to any organization when you have a loyal staff with lengthy tenures. There are several ways to address this. It would be important to offer existing staff the opportunity to learn the skills that would be in better alignment with the evolving mission. If it occurs, the switch from largely a primary data collection operation to a data steward operation will take over a decade. This should provide ample time for career staff to evolve their skills and knowledge to be more in alignment with the new mission. This will not only offer career growth to staff, but it will preserve the historical knowledge base of the Bureau.

At more senior levels, a leadership team approach could be used to ensure succession planning with nominal loss of institutional knowledge. Management

teams could be tasked with sharing their plans and decisions. By adopting this approach at each level of the organization, no single individual would possess an exclusive knowledge about a critical operation. I fully expect some form of this model is already in use by the Bureau.

At lower levels of staff, I would want to expand the program of detailing staff to other divisions for periods of six months to a year. This can be an efficient way to disseminate knowledge across divisions as well as create career growth opportunities. Finally, I do see value on occasionally hiring leading experts from the “outside” in order to jump start activity in emerging areas.

24. Please articulate steps you would take, if confirmed, to improve staff diversity at the Census Bureau, particularly in Senior Executive Service positions and senior level positions of GS-13 and above.

Response:

I embrace principles of diversity, equity and inclusion and believe their incorporation in any workforce leads to higher quality products, especially in science. SES positions are both rare and prized in the federal employment system because of the unique leadership opportunity they provide as well as their competitive salary and benefits structure. It is also worth mentioning that ST positions (senior scientist positions) are rare and prized at the Bureau as well. And GS13-15 positions are career leadership opportunities and critical mission positions that represent the core of the senior level Census bureau brain trust. Many such positions have been filled by staff with long tenures who have devoted their careers to serving the Bureau and have advanced up the “chain of command.” While this is admirable and should be celebrated, the current composition of the Bureau’s may not be fully representative of the rich diversity of our national work force. So it is worthwhile to consider the development of strategies to enhance all levels of the Bureau work force through diversity and inclusion policies.

If confirmed, I would conduct a review of staff composition to assess the extent to which at the Bureau enjoys representation from the breadth of demographic diversity that represents this country. I would task leadership in the office responsible for hiring (e.g., HR, EEOC) to develop a plan that expands outreach to new, diverse pools of qualified candidates with the requirement of identifying a diverse qualified candidate pool prior to the commencement of screening and interviewing candidates. Such a plan would likely have many components including outreach to HBCUs, HHCUs, minority professional associations and networks, etc. in addition to the usual outreach sources. (To some extent, these strategies may already be in place.) However, the reality is that because opportunities for high level positions are so rare, they may arise infrequently. Thus, a tandem strategy will be to develop plans to ensure that a diverse pool of

staff exist at all levels of the organization when hiring. That sets in motion the natural maturation of a diverse workforce into leadership positions.

The Director can communicate internally and externally the value that a diverse staff brings to an organization. And that can be embedded and promoted as a core value of the Bureau.

Finally, there are other strategies to demonstrate the value of contributions of a diverse work force that I would explore in planning. These include but are not limited to: paid internships, assignments to the Bureau from staff from other federal statistical agencies, and the use of inter-personnel agreements (IPAs). Finally, I would encourage Census Bureau outreach to schools, universities, mentoring and career development programs and other venues to promote the merits of careers at the Bureau using a diverse mix of Census staff.

Role of the Census Bureau

25. What steps would you take, if confirmed, to ensure the Bureau's various statistical programs are meeting the current and emerging needs of the nation's policy makers and other data users?

Response:

The Bureau may benefit from a stronger community engagement approach among its stakeholders. True community engagement allows stakeholders to help set the agenda for research and data collection areas, as well as to communicate unmet data needs. In my most recent participation in a formal role on a Census Bureau advisory committee (2001-2006), the Census Bureau set the agenda and asked specific questions regarding the input it sought from the committee. This may or may not be the way the committees operate today. But there would be advantage to listening to stakeholders about their needs and addressing those needs. For instance, the roll out of the disclosure avoidance solution for the 2020 Census data could have benefitted from more time to engage in dialogue and address more completely the concerns expressed by the data user community.

If confirmed, I would look into conducting an assessment of the efficacy of the Bureau's current approach with data users. This would motivate enhancements to the current strategy. The effort would involve the Census Bureau's scientific research staff who are responsible for conducting rigorous qualitative research or possibly a research contractor.

26. If confirmed, what steps would you take to ensure all censuses and surveys are conducted consistent with the best statistical science and validated data collection mechanisms?

Response:

The Census Bureau has on staff some of the best statistical and data collection talent in the world. I have full confidence that the scientific career staff at the Census Bureau are fully knowledgeable about how to best conduct censuses, surveys and other data collections. The Bureau should keep abreast of techniques used by international statistical agencies. And to the extent that cutting edge statistical and/or data science techniques are required, the Bureau can enlist outside scientific experts as consultants.

Another avenue that has proved useful is the commission of a National Academies panel to help identify and review new approaches, create research agendas and make recommendations for improvement to existing methodologies. This is advantageous because of its ability to tap the outside leading experts in the field.

27. The Director works with a variety of stakeholders including Congress, officials at all levels of government, nongovernmental agencies, and the statistical community, among others. Please discuss how the Bureau can identify and leverage the resources of these organizations and other stakeholders to accomplish shared goals.

Response:

Indeed, the pool of stakeholders is varied and should be leveraged as a key resource to the Director and the Census Bureau. The Director should conduct outreach to stakeholder communities to apprise them on activities and plans of mutual interest and to generate support and constructive feedback on plan and product enhancements. This can be done in a number of ways and tailored to the needs and availability of each stakeholder group. Outreach must be tailored to each group. It would be counterproductive to employ a single mechanism that is convenient to the Bureau.

It is critical for the Bureau to cultivate and seek support from Congress, state and local jurisdictions, the statistics community, academia, the commercial world, community organizations and philanthropy groups and others. For instance, it is important to establish an open dialogue with the National Governors Association, US Conference of Mayors, the National Council of State legislators, and other jurisdictional associations.

The Director can address and meet with stakeholders and stakeholder groups to discuss high level items of mutual interest, future plans, and solicit feedback. The Director could then follow up by delegating follow up actions to the appropriate Bureau staff. This will naturally lead to a continued dialogue and exchange of ideas with stakeholders. This continuous feedback loop is critical to creating and strengthening the Bureau's relationship with stakeholders and receiving honest, constructive feedback that can help the Bureau be more successful.

28. Many agencies are involved in the data collection and dissemination of federal statistics, including the Bureau of Economic Analysis and the Bureau of Labor Statistics. Further, the Chief Statistician of the United States is located within the Office of Management and Budget. How do you view the role of the Director of the Bureau in relation to these agencies?

Response:

BEA and BLS represent principal and highly valued Census Bureau clients as well as Commerce Department colleagues. It is imperative that BEA and BLS data and statistical needs are met so that the Commerce Department can realize its mission. This is also true of other federal clients served by the Census Bureau, included NCHS, ED, HUD, BJS, ERS, and others.

OMB and the Chief Statistician of the US represent key resources to the Bureau. The Bureau looks to OMB for direction and oversight on statistical practices including the use of standardized measures such as asking race and ethnicity, protocols for research pretesting and so on. As a key liaison to the Chief Statistician of the US and OMB, the Director works with the Chief Statistician and the other federal statistical agencies to coordinate the sharing of information and planning to standardize statistical data and make it available and useful to stakeholders, clients and the public. It is important that the Census Bureau Director develop and maintain a strong working relationship with the Chief Statistician of the United States.

29. Are you committed to protecting the Title 13 privacy and confidentiality provisions pertaining to the collection of Census data for any request for such data?

Response:

If confirmed, I would be fully committed to abiding by Title 13 of the US Code to protect the privacy and confidentiality of persons from whom data are collected.

Decennial Census

30. The Census Bureau is currently working to complete the 2020 Census, including data processing to produce redistricting data, followed by other data products. What do you believe are the most significant challenges related to remaining 2020 Census operations, and how would you approach those challenges, if confirmed?

Response:

2020 Census data have been collected and are now being processed to generate required data products. It appears that the path forward from a production perspective is clear and being implemented. I expect the challenges to completing work on the 2020 Census products are mostly external in nature, associated with litigation. If confirmed, I am prepared to do my part to see that the resources are available to

complete the 2020 dissemination schedule as quickly as possible with the highest possible data quality. I believe, quality must remain a higher priority over adherence to dissemination schedule.

A potentially significant internal challenge might be related to the findings of the Census quality assessments. The findings will come in two forms – the release of the post enumeration survey results, and the release of analytic findings from an analysis of Census quality indicators. Because the 2020 Census data collection is complete, findings from these two operations will serve to inform the strengths and limitations of the final census products. It is imperative that the public understand that no census is perfect and all are subject to limitations. It is also critical that the Census Bureau embrace the value of transparency and release its findings expeditiously. If confirmed, I will lead the effort to apprise stakeholders and the public of the 2020 Census quality profile. Depending on the findings, this may impact the fitness for use of some data products, e.g., use for federal funding allocations and for the development of population estimates.

As a final note, I will tap the Bureau's core values of transparency and scientific integrity and scientific objectivity to address all challenges that may emerge.

- a. How would you work to ensure data products for the 2020 Census provide the highest possible data quality?

Response:

The quality of the 2020 Census data will remain a priority. The Census Bureau data processing operation has in place quality assessments and diagnostics that will ensure the highest quality data. I will ensure that these are implemented without compromise and as designed. I will use senior management meetings to monitor progress and findings.

With regard to quality assurance, there are three ways to accomplish this and they are already being implemented. The first is a comparison of the actual 2020 Census counts to two independent estimates of the 2020 US population -- the vintage 2020 population estimates and the Demographic Analysis. The second is the conduct of the post enumeration survey to determine the extent and nature of decennial census counting errors -- erroneous inclusions and omissions. And the third is the analytic assessment of an unprecedented number of quality indicators collected as a result of digitizing the 2020 Census field operations. This analysis is being conducted by Census Bureau analysts, and also by independent researchers who have access to these quality metrics.

If confirmed, I will see that these efforts are fully supported. Once findings are reached, I will ensure that they are released expeditiously and transparently to stakeholders and the public. Prior to the public release, I will apprise Commerce and Congress of the findings and how they impact the utility of Census data.

- b. How would you work with stakeholders and governments that express concerns about the 2020 Census data quality, methodology, or timelines?

Response:

It is imperative that the Census Bureau develop and implement a post census outreach plan to stakeholders for the purpose of apprising stakeholders of production progress, data quality findings, and outlook in terms of future progress and implications to production schedule. I expect that such a plan is already in place and being implemented. If confirmed, one of my first activities will involve being briefed on this plan and other important areas of the Census Bureau portfolio.

As part of that outreach plan, it is also important for the Bureau to listen to and most importantly to understand from their perspectives any concerns about the 2020 Census – be they related to quality, methodology or release schedule. And those concerns deserve to be addressed in a timely fashion (and hopefully resolved). Communication is key at this juncture of the 2020 census production process.

If confirmed, I will devote a portion of my time to meet with governments and stakeholders to understand their concerns and needs. I will assign appropriate staff with have much more direct knowledge about the details of the operation help develop a productive response to the concerns expressed by stakeholders and governments. As discussed earlier, many of these discussions can be in the form of listening sessions with groups of similar stakeholders like the US Conference of Mayors or the Council of Governors.

- c. In particular, how would you work to address the concerns of states that are unable to meet their own restricting deadlines due to delays in receiving Census redistricting data?

Response:

I will rely on internal career staff at the Bureau and possibly in Commerce to advise me on what if any alternatives can be offered. I will be available to meet with representatives of states to listen to and understand their concerns. I will be honest and open regarding when states can expect redistricting data and the strengths and limitations of those data. Regardless, the concerns of these states will be received with respect and urgency. The Census Bureau should do its best to accommodate states needs within the context of what is possible and the data that are available.

31. By law, the Bureau must protect the confidentiality of respondent data. For the 2020 Census, the Bureau has worked to implement a Disclosure Avoidance System, a new method to protect census data against attempts by bad actors to extract, or re-identify,

personal information. The Bureau has sought input from data users to finalize the parameters of the system, calibrating the trade-off between data accuracy and adding sufficient statistical noise to protect respondent identities. If confirmed, how would you respond to remaining stakeholder concerns about this system, and work to ensure transparency to the public about its effects on census data products?

Response:

If confirmed, I would take these concerns seriously and engage the data user community – some of who I know personally – with honesty and candid dialogue. Again, it is critical to understand the concerns from the user perspective. This is consistent with a community engagement framework that I wish to embed more generally throughout the Bureau for defining and addressing problems that matter to the end users, themselves.

I expect that some of the concerns reflect misunderstandings of the methods or the final products to be released. Other concerns may represent genuine threats to data usefulness that the Census Bureau will need to address. It will be important to fully understand the concerns expressed by data users in order to effectively address them. I will be available to listen to these concerns and direct them to the appropriate career staff experts for resolution.

It is important to understand that the concerns being expressed may be partially a reflection of the process and timing of seeking feedback. That is why it will be very important to gather and respond to data user concerns quickly and fully. If confirmed, I will instill the importance of timeliness when working with stakeholders.

32. The Bureau is currently exploring options and the feasibility of expanding the scope of the Count Question Resolution program, which allows governmental units to request a review of their official 2020 Census results. Under your leadership, would the Bureau continue exploring options to expand the scope of acceptable inquiries?

Response:

Yes, I believe that it will be in the best interests of the Bureau to expand the scope of this program. Although it will likely require staff and time beyond what was initially planned, this program will demonstrate that the Census Bureau takes seriously the concerns of the government units. Moreover, it demonstrates the Bureau's commitment to increase its knowledge base. It will be just as helpful to find that the count of a jurisdiction needs to be revised as it is to conclude that the count was satisfactory as is. Both outcomes increase the knowledge base of the Census Bureau beyond the quality audits already being conducted. Plus, this program demonstrates that the Bureau is listening and responding to stakeholder concerns. Finally, when done as a joint effort, the program can create a sense of partnership with the Bureau and increase trust.

33. The Post-Enumeration Survey and 2020 Census Evaluations will provide crucial opportunities for assessing the successes and deficiencies of the 2020 Census, as the Bureau begins to prepare for the next decennial census. If confirmed, how will you ensure that the Bureau incorporates lessons learned from the 2020 Census in planning for the 2030 Census?

Response:

Despite its challenges, the 2020 Census represents yet another iteration of a decennial census that has been occurring for over two centuries. Planning for the 2030 Census is already underway. And like previous censuses, a thorough assessment of the operation -- including lessons learned -- was surely planned and is ongoing. However, some big changes occurred between the 2010 and 2020 censuses that merit further attention. This was the first census to rely principally on an online self-response option. Moreover, it was the first census with fully digitized field operations designed to optimize the efficacy of the field enumerators who used iPhones -- again for the first time -- to both manage their work and collect census enumeration interview. Unlike previous censuses, there are many more novel processes, systems and operations to evaluate. I fully expect this was taken into account when planning the assessment of the 2020 census.

If confirmed, I will seek an external review of the assessment plan to ensure that there are no missed opportunities to glean insights that can help in the development of the 2030 Census. Moreover, as plans and research agenda for the 2030 Census unfold, I will request that lessons learned be identified as motivating factors in the revision to the 2030 census operations plan. But I also think it is important to take a fresh look at the basic model underlying the US decennial censuses since their inception: an overwhelming reliance on self-response.

- a. Risks identified by the Government Accountability Office (GAO) in the 2020 Census include schedule uncertainty, late operational changes, hiring challenges, IT testing timelines, and communications and outreach challenges. Would you commit to examining these areas, as well as others raised by GAO, the Commerce Department Inspector General, and census stakeholders?

Response:

If confirmed, it would be my responsibility to ensure responses to any and all risks identified by GAO, the Commerce OIG and census stakeholders. Even if some risks are manifestations of the global pandemic and not likely to repeat in 2030, due diligence requires that all risks be documented, assessed and incorporated into the knowledge base to be used in planning of future censuses.

Census Bureau Surveys

34. The American Community Survey (ACS) is an ongoing survey that collects and provides information about our nation's population every year. What do you believe are the top challenges facing the ACS, and how would you approach those challenges?

Response:

The ACS is a national treasure and represents gold standard federal statistical survey research. I believe the top challenge facing the ACS is its survey response rate. Survey participation has plummeted for the household component of the ACS from 98 percent in ACS2010 to 86 percent in ACS2019 (prior to covid). While a response rate in the 80s is nonetheless admirable in this day and age, the downward trend is concerning from a data quality perspective. A chief component of nonparticipation is outright refusal which was roughly 5 percentage points (out of 14 total) in the ACS2019.

Approaching this challenge involves an understanding of what causes recalcitrance and how one can motivate behavioral change. Mistrust in government is likely to be a contributing factor, as is suspicion of scams and protection of privacy. The Census Bureau has a robust survey methodological research enterprise that examines issues of nonresponse in surveys; this line of research should be continued. Findings from such research should be used to motivate new approaches to avert refusals and convert those that do occur. Issues of burden should also be explored to identify new modes of collecting data that require less cognitive burden on the respondent. And new suggested methods will then need testing. In the broader view, the future of the ACS should be explored to include new methodologies of data capture and/or to pool existing data from other sources. There are no easy solutions to a classic survey sampling model for collecting data in contemporaneous society, especially if that model requires the use of telephone and in-person interviewers.

35. The Census Bureau also conducts critical demographic surveys, economic surveys, and surveys conducted in partnership with other government agencies. The Household Pulse Survey, for example, has been a crucial source of nationwide information about how people's lives have been impacted by the COVID-19 pandemic. What do you believe are the top challenges facing the Bureau's survey programs, and how would you approach those challenges, if confirmed?

Response:

The Census Bureau attends to a rich portfolio of surveys and data collections involving human populations and establishments (businesses). But collectively they share common challenges of collecting high quality data, reducing participant burden, identifying the appropriate breadth and depth of content to solicit, and conducting surveys in a timely and effective fashion. The pulse survey is a good example of a product that is not designed to be a gold standard survey. Instead, it provides useful albeit limited quality information that paints a general

portrait of how people nationally are impacted by COVID. And the data it provides are timely; timeliness is a key component to data quality that is not shared by the Census Bureau's flagship surveys. Note that it would be highly inadvisable to use the Pulse Survey as a basis of developing official employment estimates or levels of program participation, or the CPI. The Pulse Survey takes a polaroid snapshot rather than a super high resolution Hubble image. So it would be inappropriate to use a Pulse model as a replacement for the Census Bureau's scientifically rigorous survey programs. Nonetheless, as society increasingly relies on quick release of contemporaneous data, the utility of gold standard surveys that take months to a year to release can only reduce the perceived usefulness. Thus, more efficient models of data collection should be explored. This includes the reformulation of the research objectives that require a gold standard research product. Revised objectives could still provide valuable insights from research that tightens the scope and statistical precision requirements.

If confirmed, I would meet with representatives of client agencies to better understand their needs and to explore the extent to which innovative designs and methods could fulfill the client's data needs as well as produce more timely data. I would also explore the concept of fitness for use. Designs like the Pulse Survey may fulfill at least a part of the needs of a census client. The value of commercially available data could also be explored.

36. The rate of refusal to respond to the ACS has increased from 0.8 percent of housing units selected in 2009 to 4.7 percent in 2019. Non-response is also an increasing problem for surveys generally. If confirmed, how would you encourage participation in Census surveys and address the concerns of those who do not want to respond?

Response:

I addressed this in Q. 34 above and repeat my response here:

Approaching this challenge involves an understanding of what causes recalcitrance and how one can motivate behavioral change. Mistrust in government is likely to be a contributing factor, as is suspicion of scams and protection of privacy. The Census Bureau has a robust survey methodological research enterprise that examines issues of nonresponse in surveys; this line of research should be continued. Findings from such research should be used to motivate new approaches to avert refusals and convert those that do occur. Issues of burden should also be explored to identify new modes of collecting data that require less cognitive burden on the respondent. And new suggested methods will then need testing. In the broader view, the future of the ACS should be explored to include new methodologies of data capture and/or to pool existing data from other sources. There are no easy solutions to a classic survey sampling model for collecting data in contemporaneous society, especially if that model requires the use of telephone and in-person interviewers.

37. The Census Bureau is exploring the use of synthetic microdata in the ACS to protect respondent privacy. Some researchers have expressed concerns that this change could undermine their ability to conduct high-quality research, in particular their ability to uncover new data relationships that are not already understood. If confirmed, how would you address these concerns and approach the tradeoff between accurate data and recipient privacy?

Response:

I am familiar with differential privacy methodology and have followed the release of research findings, data user concerns, and Census Bureau responses. But I am not an expert in this field. So I would rely on the expertise of the career staff in this area to advise on ways to address concerns of stakeholders.

If confirmed, I would conduct outreach to data users to develop a better understanding of their concerns. I believe it is incumbent upon the Census Bureau to demonstrate the utility of ACS data subjected to the Bureau's Disclosure Avoidance protocols. The extent to which DAS affects associations between items should be explored. This knowledge can then be used to inform a decision on a synthetic ACS.

Funding

38. How would you work with Bureau staff, stakeholders, and Congress to ensure the Bureau obtains accurate and sufficient funding for each of its surveys and programs?

Response:

The Census Bureau benefits from the support of a wide range of stakeholders, scientific associations and Congress. This support is earned by the dedication and contributions of the Census Bureau career staff to high quality data products. The Director and senior Census career staff (as needed) can nurture and grow those relationships through outreach, dialogue, receiving feedback, and responding to concerns. If confirmed, I will see that a communications plan with these stakeholders is developed and implemented (if one does not already exist).

39. Due to insufficient funding, the Census Bureau had to cancel 2020 Census Tests including FY 2017 tests of special counting procedures for tribal lands and rural and remote areas in the Dakotas, Washington state and Puerto Rico, as well as the rural portion (West Virginia) of the end-to-end readiness test in FY 2018. What will you do to secure sufficient funding for the decennial census in each year of its operations, in order to ensure it is accurate and cost-effective?

Response:

I will work diligently with Congressional staff, stakeholders and supporters of the Census to provide all the information needed in creating a compelling justification for adequate funding of the Census Bureau. I and the senior career staff will be available to provide briefings on the risks associated with underfunding the Bureau and the benefits of sufficient funding. This will include the preparation of fact sheets, visualizations and other resource materials that will concisely communicate the risks of underfunding and the benefits of adequately funding the Census Bureau.

Information Technology and Cybersecurity

40. During the 2020 Census, the Bureau mobilized, tested, and integrated an unprecedented series of 52 information technology (IT) systems to collect and secure census data. This was the first decennial census during which residents could respond online, using the new internet self-response option, as well as by paper or phone. The Bureau conducted robust efforts to ensure IT systems were fully functional, integrated, and certified in accordance with federal IT security requirements. As the Bureau moves to integrate new IT systems into its censuses and surveys, how would you remain vigilant about mitigating risks and ensuring cost-effectiveness of IT systems, if confirmed?

Response:

If confirmed, I would assume that the starting point for the development and use of any Census Bureau IT system is that it is vulnerable and will be attacked. The assumption of risk and the development of avoidance strategies and diagnostic tools in anticipation of an attack is critical. This will require the development and retention of highly skilled cyber security career staff, supplemented with DHS and other federal staff and possibly external expert consultants or firms. IT systems should employ the most up-to-date protections available.

Although I am not a cyber-security expert I fully expect to have seasoned expert career staff who can advise on risks and options for bolstering security in order to reduce risks of a successful attack to an acceptable minimum. This has to be a top priority because a single breach could be extremely harmful to the privacy of millions and severely damage the reputation and trustworthiness of the Bureau.

41. During the 2020 Census, the Bureau worked with the Department of Homeland Security (DHS) to ensure robust cybersecurity and strengthen its response to potential cyber threats, conducting activities such as testing, threat assessments, and threat information sharing. GAO has testified that there were no cybersecurity incidents or breaches related to the 2020 Census. If confirmed, would you continue collaborating with DHS and other federal partners to protect the security of the Census Bureau's IT infrastructure?

Response:

Yes

42. 2020 Census IT systems included self-response mapping mechanisms and other tools to provide the public, as well as census employees and stakeholders, actionable data about ongoing census operations. In addition, the Bureau currently provides useful data analysis tools for the public to search census and survey data. If confirmed, would you pursue additional technology opportunities for the Bureau to increase public awareness, transparency, and usability of data?

Response:
Yes

Census Stakeholders and Advisory Committees

43. The Census Bureau has had a longstanding relationship with Census stakeholders in support of the decennial census and other programs. How do you propose to interact with census stakeholders and involve them in the work the Census Bureau conducts across its surveys and programs?

Response:
I have been one such stakeholder and have provided feedback to the Bureau over the years as a member of a Census scientific advisory committee and as the current President of the American Statistical Association. As such I respect, trust and highly value the support and suggestions offered by these groups I would welcome the opportunity to meet with and discuss concerns, areas of mutual interest and suggestions for the Census Bureau to consider. As mentioned earlier, I would develop and implement an outreach plan that includes regular opportunities to engage in dialogue. I would also be open to requests to meet on specific issues if the need arose. If a stakeholder provided input on a specific survey program or research area, I would connect them to the appropriate career staff so that they could communicate directly. And I would follow up to ensure that the connection was made and that the feedback was received and processed.

44. The Census Bureau serves stakeholders with diverse needs, from members of the public wanting basic data about their local community to researchers seeking large, complex datasets of demographic or economic information. If confirmed, how would you approach improving customer experience for the varied users of Census Bureau data?

Response:
I would tap the usability research field to develop testing that utilizes objective, measurable metrics to quantify the data user experience when interfacing with the system designed to provide the user with information. The testing necessarily would require a range of data users from the seasoned researcher to the

community based organization staff member conducting a community needs assessment.

45. Census Advisory Committees (i.e., the National Advisory Committee on Racial, Ethnic and Other Populations and the Census Scientific Advisory Committee) have provided advice and external perspectives to the Census Bureau on decennial and non-decennial programs for more than 40 years. How would you take into account the views of these Committees and work with them in support of Census Bureau objectives, if confirmed?

Response:

Having been a member of one of these committees in the early 2000s, I can speak from my direct experiences from having served for six years. These committees play an important role in providing the Census Bureau with alternative perspectives and creative ideas. Back in the 2000s, the Census Bureau controlled the agenda, seeking feedback and input on specific issues of its choosing. If confirmed, I would like to use a Community Engagement Methods model for generating agenda items. Under such a scenario, the members of the committees have an opportunity to request that certain areas of Census Bureau work be placed on the agenda. I believe that Bureau would benefit more through a partnership where both the Bureau and the committees developed the items that will appear on the agenda.

V. Accountability

Whistleblower Protections

46. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.
- a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and that their claims were thoroughly investigated?

Response:

I have never worked in government and therefore not had any experience handling whistleblowers. I also have not had experience in my career where someone came to me to or I was informed of a whistleblower type of event.

- b. If confirmed, what steps will you take to ensure whistleblower complaints are handled appropriately at the Census Bureau?

Response:

If confirmed, I will make it very clear to all staff that an individual who makes the sacrifice to become a whistleblower deserves respect because they have done what they believe is right despite personal risk to their career, and that

whistleblowers have legal protections from improper retaliation. Further, it is my understanding that whistleblower complaints are handled by the Office of the Inspector General and not by the Census Bureau. I will instruct all Bureau staff to give their full cooperation to the OIG.

- c. If confirmed, what steps will you take to ensure whistleblowers at the Bureau do not face retaliation, that whistleblower identifiers are protected, and that complaints of retaliation are handled appropriately?

Response:

If a whistleblower event occurs I will instruct Bureau staff of federal policy and laws that protect these individuals. Staff will be informed that it is their obligation to fully cooperate with the OIG. If the identity of the whistleblower is known, it must be kept confidential. If the whistleblower notifies me or any Bureau staff person that they believe they are the subject to retaliation, I will immediately notify the HR department and the OIG to seek guidance on how to proceed. If retaliation is determined to have occurred, I will see that the proper disciplinary action is immediately taken.

Cooperation with Inspectors General

47. What is your view of the role of the Department of Commerce Office of Inspector General (OIG)? Please describe what you think the relationship between the Census Director and the OIG should be. If confirmed, what steps would you take as Director to establish a working relationship with the Inspector General?

Response:

If confirmed, I see the OIG as a valuable, independent resource to the Bureau to investigate malfeasance, improprieties and other serious breaches of professional conduct. I see the role of the OIG as critical and necessary. I believe the OIG role is to protect the best interests of the government and its staff. That is, the OIG is an ally to the Bureau. I would quickly comply with most any request or directive made by the OIG. I also would seek to meet with the OIG soon after taking office and discuss how we might best work together.

48. If confirmed, do you commit to ensuring that all recommendations made by the Department of Commerce Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

Response:

Yes

49. If confirmed, do you commit without reservation to ensuring the Department of Commerce
OIG receives timely access to agency records and to interview agency employees?

Response:
Yes

50. If confirmed, what steps will you take to ensure all Census Bureau offices and employees
cooperate fully and promptly with OIG requests?

Response:
If I am apprised of an OIG request to Bureau staff, I will communicate to the staff person
my expectation of full cooperation and refer them to federal OPM policy on the matter. If
the OIG reports to me that the staff person is not cooperating, I will reiterate my
expectation of cooperation and encourage the person involved to cooperate. Continued
resistance to cooperate with the OIG by staff will be referred to HR for possible
disciplinary action.

Cooperation with GAO

51. If confirmed, do you commit without reservation to ensuring GAO receives timely,
comprehensive responses to requests to the Census Bureau, including for records, meetings,
and information?

Response:
Yes

52. If confirmed, do you commit to fully cooperate in a timely manner with any audits,
investigations, and other reviews and related requests for information from GAO?

Response:
Yes

53. If confirmed, what steps will you take to ensure all Census Bureau offices and employees
cooperate fully and promptly with GAO requests?

Response:
Upon becoming aware that GAO has made a request to my staff, I inform them of my
expectation that cooperation is expected consistent with the constitutional and statutory
obligations of the executive branch, and that the specific GAO request should be
accommodated to the fullest extent.

VI. Relations with Congress

54. Do you agree without reservation to comply with any request or summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Response:
I agree

55. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Response:
I agree

56. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Response:
I agree

57. If confirmed, how would you make certain that you respond in a timely manner to Member requests for information?

Response:
I will direct my Chief of Staff to see that a response is given high priority.

58. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

Response:
Yes, provided it does not violate the privacy stipulations under Title 13 of the US Code.

59. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Response:
Yes

VII. Assistance

60. Are these answers your own? Have you consulted with the Census Bureau, Department of Commerce, or any other interested parties? If so, please indicate which entities.

Response:

Yes, these answers are my own. I have consulted no one.

I, Robert L Santos, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



(Signature)

This 1st day of July, 2021

Nomination of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of Commerce

Thursday, July 15, 2021

Questions for the Record Submitted by Chairman Gary C. Peters

1. The Census Bureau and other statistical agencies consistently conduct research and work together on ways to collect higher-quality data for important public uses. As part of this work, the Office of Management and Budget (OMB) sets government-wide standards for maintaining, collecting, and presenting federal data on race and ethnicity. In 2015, the Census Bureau found that adding a “Middle Eastern or North African” (MENA) race and ethnicity category elicited higher quality data on that population. In September 2016, OMB announced “possible limited revisions” to its standards, including the addition of a MENA reporting category, but OMB did not further pursue this under the previous Administration. If confirmed, would you work with OMB to explore the addition of a MENA race and ethnicity category, and work to ensure the Census Bureau can collect high-quality data for people of Middle Eastern or North African heritage?

Response:

Yes, if confirmed, I would work with OMB and the Chief Statistician of the U.S. to explore the addition of a MENA race and ethnicity category. I would also work to ensure the Census Bureau can collect high-quality data for people of Middle Eastern or North African heritage through proper research and testing.

2. While the decennial census is a federal responsibility, the Census Bureau cannot conduct a successful enumeration without the support of thousands of partner organizations. The Bureau has faced challenges with its partnership program, including timely hiring of partnership specialists for the 2020 Census, and stakeholders have raised ideas to improve the program such as the creation of permanent partnership specialist positions. If confirmed, would you work with stakeholders and oversight bodies to strengthen the partnership program for the decennial census, and explore ideas to strengthen partnerships in all years?

Response:

This is a very important area for me and I believe I am uniquely qualified to help. If confirmed, I would conduct outreach to and work with stakeholders, participants in our partnership program and oversight bodies to strengthen the partnership program for the decennial census. I agree it is important to create a culture of *continuous* partnership, across all years, not just in the period preceding a decennial census. I also believe there is a considerable pool of potential partners that could be engaged across all sectors of society and across all cultures and peoples that make up our nation. A community engagement model could be effective, featuring a two-way interaction where partners, themselves, can identify the value of census data to their communities. For its part, the

Census Bureau could more effectively support communities/partners with more readily available statistical data. And I agree that this requires an investment in the evergreen partnership program at the Bureau.

Questions for the Record Submitted by Senator Kyrsten Sinema

1. **Historically, Native Americans – especially those living on tribal land – have suffered from undercounts during the census. The Government Accountability Office’s audit of the 2010 Census showed that Native Americans suffered a 4.88 percent undercount.¹ To prepare for 2020, two tests were scheduled to make sure there was not a repeat of 2010. Unfortunately, both tests were abandoned by the Census Bureau. If confirmed, what steps will you take to prioritize Census Bureau engagement with Tribal leadership in order to improve the accuracy of the 2030 count for Native Americans?**

Response:

I share your concern and I am passionate about addressing undercounts of Native Americans as well as other hard-to-count populations. I believe in a *fair* and accurate census. That means demographic groups that are historically undercounted – Native Americans among those who have been most severely undercounted – would be enumerated with more equitable levels of accuracy.

It is unfortunate that underfunding led to some 2020 Census tests being cancelled while others were scaled back.

If confirmed, I would consult with the Census Bureau career staff to review the objectives of end-to-end and other testing. I would emphasize the Bureau’s core values that drive the selection of sites for testing. If prior testing demonstrates that the ‘easy to count’ will again be easy to count, I believe more serious consideration should be given to test in sites that have higher concentrations of more diverse, harder-to-reach populations, with specific emphasis on including Native Americans in tribal lands. I believe that the Census Director can influence and improve the enumeration of populations that are hard to count by explicitly invoking the values of fairness/equity, transparency, independence, scientific integrity. I would establish priorities that clearly reflect those values, which in turn will be used in decision making on critical design issues such as where to conduct tests.

The census career scientists are superb at aligning designs to achieve research objectives. By prioritizing objectives that elevate the importance of improving hard-to-count populations, I am confident that we will see real improvement in the enumeration of Native Americans living in tribal lands and elsewhere. And if confirmed, I will seek to ensure that Congress is consistently informed about the operational tradeoffs involved in its budgetary decision-making with respect to the Census.

¹ U.S. Government Accounting Office, “Census 2020: Update on the Census Bureau’s Implementation of Partnership and Outreach Activities,” GAO-2020-496, May 2020.

2. **For the 2020 Census, the Census Bureau relied heavily on proxies to complete the count, asking neighbors and postal carriers about a household they could not reach. The use of a proxies is less reliable because neighbors may not know how many people live in a nearby house, especially if the household has members who are homebound or travel frequently. With the continuing population growth in Arizona, such methods can result in an undercount of the population. What steps can be taken by the Census Bureau to make sure that when these data points are utilized they are as accurate as possible?**

Response:

The quality profile of proxy responses is well documented from Census Bureau post enumeration research in 2010. Self-responses provide the best information, regardless of modality – mail-back, telephone, in-person, or in the case of 2020, online. Census Bureau research suggests that the next best information is “high quality” administrative records from federal sources such as the IRS. Proxy responses from neighbors and landlords have higher levels of inaccuracy than the other sources mentioned above.

The good news is that the national proxy rate for households of the 2020 Decennial Census was lower than that of 2010 (i.e., 4.5% vs. 5.0% among occupied housing units). In Arizona, the 2020 proxy rate for households was 5.5%, lower than the corresponding 2010 rate of 6.1%. Still, proxy information is of lower quality than self-responses and administrative records (specifically, the selected ones used by the Bureau for 2020).

If confirmed, one of my first agenda items is receiving a comprehensive briefing on what is known about the quality of the 2020 decennial census. Proxy-supplied information will be an important aspect of that briefing. We will know more about the accuracy of proxy reporting when the results of the post enumeration survey are released, beginning in December 2021 and continuing into 2022.

I will consult with the career staff scientists to understand the strengths and limitations of the methods used to validate proxy reports and if appropriate will make suggestions based on my own findings from a review of the quality indicators on proxies that are currently available. We will also explore lessons learned for application to 2030 decennial planning.

3. **The Federal Government conducts a large number of surveys of its own employees. Considering the Census Bureau already conducts surveys on behalf of other agencies, would it be more efficient for the Census Bureau to conduct, analyze, and release the data for internal surveys?**

Response:

As a policy researcher who designs research studies, I have often advised researchers that surveys – when done appropriately – can tell you “how much” but cannot tell you “why”. For example, employee surveys can be excellent tools for monitoring morale levels and levels of job satisfaction. In a sense, they are thermometers that gauge fever but are insufficient to yield a diagnosis. To effectively and efficiently address research questions that ask “why”, different methods are needed that are more aligned with qualitative research. For exploring Census Bureau career staff morale root causes, these include: allowing for anonymous submission of testimonials, conducting staff listening sessions, and the use of ombudspersons for those who wish to furnish feedback confidentially. When using such alternative approaches, outreach is critical to engender trust and participation so that all voices are heard. And it is not just about hearing complaints or concerns. It is equally important to gather feedback on policies that render positive impact on career staff development. I have often used these methods and found them to be highly insightful, effective and efficient. In combination with staff surveys, the use of these qualitative research methods can generate a solid knowledge base, identify root causes of problems, and then assist to develop staff policy to address them.

Questions for the Record Submitted by Ranking Member Rob Portman

1. The Census Bureau has expressed concerns about traditional methods of keeping Census data private:

Modern computers and today's data-rich world have rendered the Census Bureau's traditional confidentiality protection methods obsolete. Those legacy methods are no match for hackers aiming to piece together the identities of the people and businesses behind published data.²

In response, the Census Bureau is using techniques to protect privacy including differential privacy; however, researchers have expressed concerns that these privacy measures may make the data less accurate and potentially unusable for some research questions. You tweeted your own concerns on February 7, 2020:

Using differential [sic] privacy to release 2020 Census counts is another big challenge/risk... it's pitched as data vs privacy. Perhaps the solution is legislative? It is time to rethink the (antiquated) Title 13? Stipulations today may be obsolete tomorrow³

- a. Since you were nominated, have you examined this issue in more detail? If so, do you still feel the same way?

Response:

Thank you for an opportunity to weigh in on this very important issue. I am not an expert in differential privacy (DP) or privacy *per se*, but I have been in forums where data users learn about both and have discussed their implications. I have also reviewed the Census Bureau's statements on DP and disclosure avoidance.

First, privacy is critical to maintain in federal statistical data. A guarantee of privacy builds on and retains the trust of the American public. Without that trust, participation rates in data collections like the decennial census and the American Community Survey could be at risk of plunging. Privacy must be preserved in the federal statistical system.

² U.S. Census Bureau, "2020 Census Data Products: Disclosure Avoidance Modernization," <https://www.census.gov/programs-surveys/decennial-census/decade/2020/planning-management/process/disclosure-avoidance.html> (accessed July 15, 2021).

³ Rob Santos, Tweet, February 7, 2020, https://twitter.com/_Rob_Santos/status/1225922987280543745 (accessed July 15, 2021).

In the bigger picture, the Census Bureau has done an enormous amount of exceptional work – both theoretical and applied – since concluding that the vintage approach of suppression and swapping to achieve disclosure was untenable in today’s world of data analytics. As a statistician, I see DP as an elegant mathematical solution to the disclosure avoidance problem. The real challenge has been taking the theoretical approach and applying it in practice for such a huge endeavor as the 2020 Decennial Census. To that end, the Census Bureau has released to the data user stakeholder community a few prototype data products using 2010 decennial census and other census data. The objective of releasing such prototypes was to illustrate the value of DP for disclosure avoidance and generate feedback to improve the protocols.

At the time that the prototypes were released and the findings of the stakeholders were communicated, I shared the stakeholder concerns and tweeted as much. With each successive release of a prototype, the parameters guiding the introduction of noise (i.e., the epsilon budget) were adjusted and the accuracy at the lower levels of geography was improved. The Census Bureau has used the valuable feedback it has received from the stakeholder community to fine tune its final calibrations for disclosure avoidance protocols to achieve what I believe to be an appropriate balancing of privacy and accuracy.

If confirmed, I believe that I can help build trust in these vital data. I can be a unique voice of reason: that of a former stakeholder and a scientist of highest integrity who shared stakeholder concerns. In addition, I can help user communities understand the strengths and limitations of the redistricting files. It should be noted that the primary purpose of these files is for the development of legislative districts and I am confident that the data will be fit for this purpose. The Census Bureau also recognizes the many other important uses of these data by the broader stakeholder community.

b. Do you have any suggestions for legislative changes?

Response:

With regard to legislation, I believe some additional study is required before considering a revision of Title 13. Specifically, the Census Bureau, the federal statistical system, OMB and others should have a frank discussion of what privacy means in a 21st Century high-tech society. Personal information on most individuals in the U.S. is legally available from numerous internet sites for a price or even for free, not to mention the “dark” web internet.

I believe it might be helpful to consider developing a concept of *relative privacy*, where the context of broadly known available information on all individuals in the U.S. is incorporated into assessing the realistic risks of disclosure from federal statistical data, when much of the personal identifying information for which privacy is sought may be more readily available from nonfederal sources.

c. Do you believe the 2020 Census data will be accurate enough for redistricting to withstand legal scrutiny?

Response:

I am not currently employed by the Census Bureau and so do not have access to information necessary to answer this question. However, I have full confidence in the Census Bureau career staff.

2. Increasingly, people are choosing not to respond to surveys. The American Community Survey (ACS) is one example. The ACS provides important detailed information about American households on topics including education, housing, and employment. Businesses, community organizations, and governments rely on this data. In 10 years, the percentage of households refusing to respond to the survey has increased from less than 1 percent in 2009 to nearly 5 percent in 2019.⁴

a. Why do you think people choose not to respond to the ACS and other surveys?

Response:

Our great nation weaves together many peoples from different race-ethnicities, languages, cultures and economic statuses. Among those who do not participate, or omit portions of survey response, each has their own reason for being resistant, including misinformation about the surveys and how the data is compiled and used. There are likely as many answers to this question as there are different segments of our richly diverse and wonderful U.S. population. If I am confirmed, I look forward to helping to combat this problem with a variety of tools responsive to the variety of needs.

b. If confirmed, what actions would you take to improve the rates of response to the ACS and other Census Bureau surveys?

Response:

The Census Bureau has conducted some research to explore reasons for nonparticipation in the ACS and other data collections. I believe much more is needed. We need to understand the perspectives of different segments of the population. To the extent these sentiments evolve over time, efforts like the Pulse Survey can capture temporal trends. My understanding is that past research on participation in surveys has focused on specific subpopulations, such as immigrant households. If confirmed, I would explore with career staff the viability of a more robust approach to studying reluctance to participate in government surveys across population segments that span the breadth of the U.S. population. The findings could then be used to develop tailored approaches that could be tested and enhanced.

⁴ U.S. Census Bureau, "American Community Survey Response Rates," <https://www.census.gov/acs/www/methodology/sample-size-and-data-quality/response-rates/>, (accessed July 15, 2021).

3. Do you support adding a question regarding respondents' citizenship to the decennial census and the American Community Survey? Why or why not?

Response:

The ACS has a citizenship question and has asked it since its inception in 2005. Moreover, the ACS captures citizenship on a continual basis, with yearly reporting of aggregates, so that the information is essentially contemporaneous. I support this method of asking citizenship because it is timely and can be – with the five-year combined ACS – furnished down to the block group level with reasonable statistical precision (accuracy).

I believe the addition of a citizenship question to the decennial census would unnecessarily hamper the participation of some segments of the U.S. population, including Hispanics and immigrants, which would itself make the decennial census less accurate. To my understanding, this has been the consistent view of the career staff at the Census Bureau for decades. Having said that, I acknowledge that the Census Director is not a decision maker when it comes to which questions are asked in the decennial census or the ACS.

Regardless of my personal views, if confirmed I would support the process of adding any question to the decennial census by ensuring compliance with policies for such additions, including keeping Congress informed by assessing the likely impact of such a decision.

ADDENDUM TO MY RESPONSE REGARDING THE AUGUST 16 RELEASE OF THE REDISTRICTING FILES

I would like to take this opportunity to clarify my response to Ranking Member Portman's question about my willingness to commit to an August 16 submission of the Census Bureau redistricting data to Ohio.

I am aware of the May 25, 2021 litigation agreement in *State of Ohio v. Gina M. Raimondo et al* requiring that the Census Bureau provide redistricting files to Ohio by August 16. If I am confirmed prior to that date, I would of course commit to meet this court-ordered obligation. When you asked whether I would make a personal commitment, my response was grounded by the fact that I did not have direct knowledge about where the Census Bureau was with regard to the production. My scientific training would not allow me to make a commitment without being sufficiently informed. Furthermore, I was not as artful as I could have been in clearly communicating the context of my thinking. Given the Census Bureau official commitment to meet this deadline, I would naturally be in full support in keeping with that commitment, if confirmed prior to August 16th.

The *Ohio v. Raimondo* litigation agreement not only requires an August 16 release of files, it also requires Census Bureau regular reporting to the Court and plaintiffs on progress towards achieving the deadline. Thus, I would also commit to keeping the Homeland Security and Governmental Affairs Committee (as well as the House Oversight and Reform Committee) apprised of any circumstances that would possibly impede the Bureau from meeting its deadline.

Questions for the Record Submitted by Senator James Lankford

1. On IRS data integration with Census data:

- **As we look toward 2030, are there ways to combine Census work with IRS so two government programs are not replicating their efforts in connecting with every single American?**

Response:

The IRS and Census Bureau cooperated in the 2020 Census through the sharing of IRS income tax return data⁵. If confirmed, I would work to ensure effective lines of communication and cooperation with the IRS. I would want to consult with Census Bureau career staff to examine the collaborations that have already been considered so as not to duplicate efforts. I would be available to work with Senator Lankford and his staff as well with the Homeland Security and Governmental Affairs Committee to explore and discuss possibilities of creating efficiencies.

- **You mentioned several times in your pre-hearing questionnaire of the technological advances that could benefit the Census. My idea to integrate IRS data with Census data has been opposed by some in the past who cite technology issues. Do you believe technology exists that could help bridge this type of data collection between agencies?**

Response:

My immediate answer is that I do not know but want to find out. If confirmed, I will ask the career staff for a briefing on the technological barriers to integrating data and will be able to report back on this. As technology and data science advance, the barriers that seemed so formidable only a few years ago are being overcome. I do not know what the future holds but am optimistic that intense processing and data management tasks of today will be much easier in a few years.

- **If the Bureau is already using administrative records from IRS 1040 forms, is it reasonable to see how that effort can be expanded?**

Response:

Yes, it is reasonable to look into the issue, and I hope and expect that similar inquiries are happening at the Census Bureau with IRS data as well as with

⁵ U.S. Census Bureau, "Administrative Records and the 2020 Census" https://www.census.gov/newsroom/blogs/random-samplings/2021/04/administrative_recor.html (accessed July 15, 2021)

other high quality data bases (e.g., Social Security, Medicare). If confirmed, I will find out the degree to which collaborations and data are expanding and will be able to report back.

- **To what extent have you studied the use of administrative records or other types of data merging mechanisms?**

Response:

I have not conducted research in the use of administrative records or other types of data merging opportunities. I have reviewed a number of research papers by Census Bureau career staff on the utility of administrative records for decennial census processes. It was clear from that research that the quality of the data (e.g., race-ethnicity) is not as good for hard-to-count populations. But there should be reason for optimism, as data quality and access may well increase with time.

- **You participated in a 2017 study titled *Administrative Records in the 2020 US Census* that claimed increasing the use of administrative records could have negative cost implications. In what ways would using information that agencies already have present higher costs?**

Response:

The concerns centered around the issue that the quality of the data is good for historically “easy-to-count” people and poor for the hard to count. Moreover, the data collected by state and local governments such as voter registration lists, Department of Motor Vehicle registrations, real estate tax records, etc. are neither coordinated nor standardized. This means that each state and local jurisdiction represents its own “special case” whose data would need to undergo a thorough review to establish things like how up-to-date the data are, whether seemingly simple items like age, race, sex and so forth align with OMB standards (or could be made to do so), and even whether the process of capturing the data follows best practice to produce quality data (as opposed, for example, to data that are subject to significant data entry error of unknown proportions).

- **That same study suggested administrative records could also increase the undercount of minority groups. To what extent do you believe that using administrative records would contribute to an unfair count of our population?**

Response:

Census research on administrative records revealed that the race-ethnicity data for some administrative record sources were of poor quality – sometimes important data items were missing, sometimes they were present but unreliable, and sometimes they did not align with OMB standards on how the data should be captured and reported. The quality of some administrative records was especially problematic for hard-to-count populations. For instance, Hispanic status was sometimes entered from observation of a second party rather than by self-report. This continues to be a significant problem with birth records, for instance. The same occurs with race, including Native American status. Poor quality data that underreport, for example, race or ethnicity could result in an undercount of the population if those records were used to allocate personal characteristics.

- **Do you commit to working with me and my staff to find ways to eliminate the duplication of data gathering throughout the federal government? More so, do you believe that data collection done by the Census Bureau can be made more efficient and transparent without sacrificing the integrity of the data?**

Response:

If confirmed, I will be available to work with you and your staff as well as with the Homeland Security and Governmental Affairs Committee to explore the elimination of duplication of data gathering in the federal government to the extent that the duplication involves data collected by the Census Bureau, and to endeavor to make Census Bureau data collections more efficient and transparent without sacrificing the integrity of the data.

July 14, 2021

The Honorable Gary Peters
Chair, Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

The Honorable Robert Portman
Ranking Member, Committee on Homeland
Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chair Peters and Ranking Member Portman,

We, the undersigned organizations, write in strong support of the nomination of Robert Santos as director of the US Census Bureau and urge his prompt confirmation. As a long-time user of Census data and respected member of the Census stakeholder community, Santos is an outstanding nominee for director. He brings the expertise, stakeholder support, and leadership skills needed to lead the largest federal statistical agency. His expertise—which includes quantitative and qualitative research design, sampling, survey operations, and statistical analysis—matches well with the work of the census, especially in the bureau’s work to reach hard-to-count populations such as communities of color.

As an active member of the statistical and survey community for more than 40 years, Santos is well known, highly regarded, and deeply respected by the Census stakeholder community. He has held many leadership positions, including president of the ASA, the American Association for Public Opinion Research (AAPOR), and the Washington Statistical Society. He has also served on numerous National Academies panels and the National Center for Health Statistics Board of Scientific Counselors.

Santos’s leadership experience and skills will also benefit the bureau immediately upon his swearing-in if confirmed. He is currently vice president and chief methodologist at the Urban Institute and has also held executive-level positions at the University of Michigan Survey Research Center and the nonpartisan and objective research organization NORC at the University of Chicago.

We recommend the US Senate confirm Santos promptly so the bureau can benefit from his leadership as it concludes the 2020 Census, prepares for the 2030 Census, and performs its myriad other activities.

Thank you for your consideration.

National Organizations:

American Anthropological Association
American-Arab Anti-Discrimination Committee (ADC)
American Association for Public Opinion Research (AAPOR)
American Educational Research Association
American Mathematical Society
American Sociological Association
American Statistical Association
Arab American Institute (AAI)
Asian Americans Advancing Justice - AAJC

Asian and Pacific Islander American Vote
 Association of Academic Survey Research Organizations (AASRO)
 Association of Population Centers
 Association of Public Data Users (APDU)
 City University of New York (CUNY) Institute for Demographic Research
 Consortium of Social Science Associations
 Council of Professional Associations on Federal Statistics
 Decision Demographics, LLC
 Insights Association
 Justice Research and Statistics Association
 National Association for Business Economics
 National Association of Home Builders
 National Association of REALTORS®
 National League of Cities
 National LGBTQ Task Force Action Fund
 National Urban League
 Nielsen
 Population Association of America
 Research Support Services Inc.

State/regional/local/city organizations:

MACS - Minnesotans for the American Community Survey
 Midwest Association for Public Opinion Research
 Public Justice Center
 RLS Demographics, Inc.
 The University of Chicago Survey Lab
 Twin Cities Research Group

Written Statement of Ed Gonzalez

**Nominee for Assistant Secretary for Immigration and Customs Enforcement
U.S. Department of Homeland Security**

**Before the
U.S. Senate Committee on Homeland Security and Governmental Affairs**

July 15, 2021

Chairman Peters, Ranking Member Portman, distinguished Members of the Committee, I am honored to appear before you to discuss my nomination to lead U.S. Immigration and Customs Enforcement (ICE). I want to thank President Biden for nominating me, Secretary Mayorkas for his confidence in me, and this Committee for considering my nomination.

I also want to express my love and gratitude to my parents, both hard-working children of immigrants. My father was a self-taught welder. He never finished school or learned to read or write. He made up for it by outworking his competition, and he raised me to value education and hard work as the keys to achieving the American Dream. My mother owned a modest beauty shop, where she showed me the power of community, service to others, personal responsibility, and strong relationships. My parents taught me to love our country not only for the land of opportunity that it is today, but also for all that it aspires to be.

My wife, Dr. Melissa Gonzalez, is a lifelong educator. Her love and support have been my foundation throughout my career, and together we have built a family that includes our smart, strong, and talented daughters.

America has shown the world that it's not only possible to survive, but thrive, as a nation that welcomes those seeking a new home and a better life through hard, honest work. We have proven that people from varied backgrounds cannot just co-exist, but rally around common values and a shared dream of always doing better.

With that said, the American dream relies upon the rule of law and a functioning legal immigration system. I have been proud throughout my career as a law enforcement professional to uphold our nation's laws. If confirmed as ICE Director, I will be responsible for 20,000 dedicated men and women who work every day to guard against threats to our national security, public safety, and safeguard the integrity of our borders. This includes ICE's critical investigative mission through HSI, as well as enforcement and removal operations carried out by ICE ERO. There is a difficult and often thankless job—but leading such a team would be the honor of a lifetime.

I chose a law enforcement career because I cared deeply about the neighborhoods I grew up in: their people, businesses, schools and houses of worship. When you have such a love for your home, your community, and your country, you want to give back, and so I chose to protect and serve. I first started out as a patrolman in the Houston Police Department, working my way up to

the roles of homicide detective and hostage negotiator over nearly two decades. In each of these roles, I have been privileged to keep our community safe from harm.

In 2009, I took my next step in public service. I ran for the Houston City Council and went on to serve three terms representing my neighborhood. I also served as Houston's mayor pro tempore, a role that gave me the opportunity to help manage the operations of the country's fourth-largest city. I championed proposals to equip our peace officers with the tools, training, and resources they needed to keep the community safe, while working to improve social services to address the root causes of many police calls.

In 2016, the people of Harris County elected me as their Sheriff. The Harris County Sheriff's Office is the largest in Texas and the third largest nationwide, with over 5,000 employees protecting 4.5 million residents within a 1,700-square-mile area. In that role, I have been no stranger to serious challenges, leading our agency's Hurricane Harvey rescue operations in 2017 and leading our office's efforts to manage the COVID-19 pandemic in our community, and in our jail system, since 2020.

As Sheriff, I have partnered with ICE, the FBI, DEA, U.S. Marshals Service, U.S. Attorney's Office, and other federal agencies in order to investigate and prosecute crimes that spanned multiple jurisdictions and countries. If confirmed as ICE Director, I look forward to building on these partnerships to make our communities safer, while working closely with communities to ensure ICE is able to carry out its mission.

If confirmed, I look forward to working with this Committee, under the direction of Secretary Mayorkas, in pursuit of these missions, while upholding the highest principles of law enforcement public service. I pledge to keep communication open and to respect your oversight and guidance.

Thank you again for considering my nomination. I look forward to your questions.

REDACTED

HSGAC BIOGRAPHICAL QUESTIONS FOR EXECUTIVE NOMINEES

1. Basic Biographical Information

Please provide the following information.

<i>Position to Which You Have Been Nominated</i>	
<u>Name of Position</u>	<u>Date of Nomination</u>
Director, U.S. Immigration and Customs Enforcement	April 27, 2021

<i>Current Legal Name</i>			
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>
Edward	(none)	Gonzalez	

<i>Addresses</i>					
<u>Residential Address</u> (do not include street address)			<u>Office Address</u> (include street address)		
			Street: 1200 Baker Street		
City: Humble	State: Texas	Zip: 77396	City: Houston	State: Texas	Zip: 77002

<i>Other Names Used</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	Check if Maiden Name	<u>Name Used From</u> (Month/Year) (Check box if estimate)	<u>Name Used To</u> (Month/Year) (Check box if estimate)
Ed	(none)	Gonzalez			06/2008 Est X	Present Est □

					Est ☐	Est ☐
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<i>Birth Year and Place</i>	
Year of Birth (Do not include month and day.)	Place of Birth
1969	Houston, Texas

<i>Marital Status</i>					
Check All That Describe Your Current Situation:					
Never Married ☐	Married X	Separated ☐	Annulled ☐	Divorced ☐	Widowed ☐

<i>Spouse's Name (current spouse only)</i>			
<u>Spouse's First Name</u>	<u>Spouse's Middle Name</u>	<u>Spouse's Last Name</u>	<u>Spouse's Suffix</u>
Melissa	Najera	Gonzalez	

<i>Spouse's Other Names Used (current spouse only)</i>						
<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>	<u>Suffix</u>	Check if Maiden Name	<u>Name Used From</u> (Month/Year)	<u>Name Used To</u> (Month/Year) (Check box if estimate)

					(Check box if estimate)	
Melissa	(none)	Najera		X	Est □ 1967	Est □ 1991
Melissa	Najera	Castillo			Est □ 1991	Est X 2004

<i>Children's Names (if over 18)</i>			
First Name	Middle Name	Last Name	Suffix
Natalie	Nicole	Gonzalez	
Ashley	Annette	Castillo	
Amanda	Linda	Castillo	

2. Education

List all post-secondary schools attended.

<u>Name of School</u>	<u>Type of School</u> (vocational/technical/trade school, college/university/military college, correspondence/distance/extension/online school)	<u>Date Began School</u> (month/year) (check box if estimate)	<u>Date Ended School</u> (month/year) (check box if estimate) (check "present" box if still in school)	<u>Degree</u>	<u>Date Awarded</u>
South Texas College of Law	Law School	Est □ 8/2015	Est Present □ □ 6/2016	N/A	N/A
University of St. Thomas	University	Est □	Est Present X □	Master of Liberal	12/2007

		5/2006	12/2007	Arts (MLA)	
University of Houston- Downtown	University	Est 1/1988	Est Present □ □ 8/2000	B.S., Criminal Justice	8/2000
		Est □	Est Present □ □		

3. Employment

(A) List all of your employment activities, including unemployment and self-employment. If the employment activity was military duty, list separate employment activity periods to show each change of military duty station. Do not list employment before your 18th birthday unless to provide a minimum of two years of employment history.

Type of Employment (Active Military Duty Station, National Guard/Reserve, USPHS Commissioned Corps, Other Federal employment, State Government (Non-Federal Employment), Self-employment, Unemployment, Federal Contractor, Non-Government Employment (excluding self-employment), Other	Name of Your Employer/Assigned Duty Station	Most Recent Position Title/Rank	Location (City and State only)	Date Employment Began (month/year) (check box if estimate)	Date Employment Ended (month/year) (check box if estimate) (check "present" box if still employed)
Local Government (Non-Federal Employment)	Harris County Sheriff's Office	Sheriff	Houston, TX	Est □ 1/2017	Est □ Present
Non-Government Employment	DC Partners	Consultant	Houston, TX	Est □ 5/2016	Est □ 12/2016
Unemployment	N/A	N/A	N/A	Est □ 1/2016	Est □ 4/2016
Local Government (Non-Federal Employment)	City of Houston	Council Member / Mayor Pro Tem (2012 to 2015)	Houston, TX	Est □ 6/2009	Est □ 12/2015
Non-Government Employment	Houston Rodeo	Security (part-time)	Houston, TX	Est X 2/2007	Est X 3/2007
Non-Government Employment	Arthur Anderson	Security (part-time)	Houston, TX	Est X 3/2002	Est X 7/2002
Non-Government Employment	Bank One	Security (part-time)	Houston, TX	Est X 1995	Est X 1998
Local Government (Non-Federal Employment)	Houston Police Department	Sergeant	Houston, TX	Est □ 1/1990	Est □ 6/2009

(B) List any advisory, consultative, honorary or other part-time service or positions with federal, state, or local governments, not listed elsewhere.

<u>Name of Government Entity</u>	<u>Name of Position</u>	<u>Date Service Began</u> (month/year) (check box if estimate)	<u>Date Service Ended</u> (month/year) (check box if estimate) (check "present" box if still serving)
Commission Against Gun Violence (Houston Mayor Sylvester Turner)	Member	Est ☐ 5/2018	Est Present ☐ ☐ 2/2019
Harris County Criminal Justice Coordinating Council	Co-Chair	Est ☐ 1/2017	Est Present ☐ X Present

4. Potential Conflict of Interest

(A) Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will sign and transmit to the Department's Designated Agency Ethics Official, which will be provided to this Committee. I am not aware of any other potential conflict of interest.

(B) Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.

In my capacity as Sheriff of Harris County, I submitted testimony for the record to the Texas State Legislature in opposition to Senate Bill 4, a 2017 bill ultimately passed to require the use of state and local law enforcement resources to carry out federal immigration laws. I have submitted a copy of my letter to the committee. Additionally, I am a member of the Law Enforcement Immigration Task Force, which sometimes takes positions on legislation based on public safety concerns.

5. Honors and Awards

List all scholarships, fellowships, honorary degrees, civilian service citations, military medals, academic or professional honors, honorary society memberships and any other special recognition for outstanding service or achievement.

Houston Area Women's Center – Community Partner Award (2020)
 Spring Branch Community Health Center – Fallace Award (2020)
 Mothers Against Drunk Driving – Outstanding Agency Award (2020)
 Ohtli Award – Government of Mexico (2019)
 Eastside University Adult Education & Development – Champion for Literacy (2019)
 Leadership in Times of Rising Water (2018)
 Houston Automobile Dealers Association/Auto Show – 1st Responder Award (2018)
 Houston Northwest Chamber – For Efforts During Hurricane Harvey (2018)
 Santa Maria Hostel – Kay Austin Visionary Award (2017)
 Adult Protective Services – Outstanding Leadership Award (2017)
 Local LULAC Chapter – Man of the Year Award (2015)

6. Memberships

List all memberships that you have held in professional, social, business, fraternal, scholarly, civic, or charitable organizations in the last 10 years.

Unless relevant to your nomination, you do NOT need to include memberships in charitable organizations available to the public as a result of a tax deductible donation of \$1,000 or less, Parent-Teacher Associations or other organizations connected to schools attended by your children, athletic clubs or teams, automobile support organizations (such as AAA), discounts clubs (such as Groupon or Sam's Club), or affinity memberships/consumer clubs (such as frequent flyer memberships).

<u>Name of Organization</u>	<u>Dates of Your Membership</u> (You may approximate.)	<u>Position(s) Held</u>
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Council on Criminal Justice	2020 – Present	Advisory Board Member
Reform Alliance COVID Task Force Subcommittee	2020 – Present	Member
Alzheimer's Association - Gulf Coast	2018 – Present	Board Member
Law Enforcement Immigration Task Force	2017 – Present	Co-Chair
National Sheriffs' Association	2017 – Present	Member
Sheriffs' Association of Texas	2017 – Present	Member
International Association of Chiefs of Police	2017 – Present	Member
Police Executive Research Forum	2017 – Present	Member
Major County Sheriffs of America	2017 – Present	Member
Fight Crime: Invest in Kids	2017 – Present	Member
Houston Area Women's Center	2015 – Present	Board Member; Advisory Board Member
Smart Growth America's Local Leaders Council Advisory Board	2013 – 2015	Member
NALEO (National Association of Latino Elected Officials)	2009 – Present	Board Member
Houston Rodeo	2009 – Present	Lifetime and Ex-Officio Member

7. Political Activity

(A) Have you ever been a candidate for or been elected or appointed to a political office?

<u>Name of Office</u>	<u>Elected/Appointed/ Candidate Only</u>	<u>Year(s) Election Held or Appointment Made</u>	<u>Term of Service (if applicable)</u>
Harris County Sheriff	Elected	2016, 2020	2017 – Present
City of Houston – City Council	Elected	2009, 2011, 2013	2009 – 2015

(B) List any offices held in or services rendered to a political party or election committee during the last ten years that you have not listed elsewhere.

<u>Name of Party/Election Committee</u>	<u>Office/Services Rendered</u>	<u>Responsibilities</u>	<u>Dates of Service</u>
N/A			

(C) Itemize all individual political contributions of \$200 or more that you have made in the past five years to any individual, campaign organization, political party, political action committee, or similar entity. Please list each individual contribution and not the total amount contributed to the person or entity during the year.

<u>Name of Recipient</u>	<u>Amount</u>	<u>Year of Contribution</u>
Harris County Democratic Party	\$500	2021
Natalia "Nata" Cornelio for 351st District Court Judge	\$1,000	2020
Texas Coalition of Black Democrats	\$1,500	2020
Texas Organizing Project – PAC	\$1,000	2020
Houston LGBT Political Caucus – PAC	\$2,500	2020
Southwest Democrats	\$500	2020
Meyerland Area Democrats	\$500	2020
Meyerland Area Democrats	\$250	2020
Houston LGBT Political Caucus – PAC	\$750	2020
Texas Gulf Coast Area Labor Federation	\$1,000	2020
East End Alliance	\$500	2020
East Houston Democrats	\$500	2020
Texas State Representative Armando Walle	\$500	2020
Area 5 Democrats	\$250	2020
Houston City Council Member Carolyn Evans-Shabazz	\$1,000	2019
Harris County Department of Education, Trustee Richard Cantu	\$250	2019

Houston LGBT Political Caucus – PAC	\$1,500	2018
Harris County Democratic Party	\$500	2018
Meyerland Area Democrats	\$500	2019
Harris County Democratic Party	\$1,250	2019
Texas Organizing Project – PAC	\$1,000	2019
Harris County Tejano Democrats	\$1,000	2019
Justice of the Peace Joe Stephens	\$1,000	2019
Harris County Tejano Democrats	\$1,000	2018
Houston City Council Member Robert Gallegos	\$500	2018
Texas State Representative Gene Wu	\$1,000	2018
Meyerland Area Democrats	\$250	2018
Senate District 6 PAC	\$200	2016
Harris County Democratic Party	\$500	2016

8. Publications and Speeches

(A) List the titles, publishers and dates of books, articles, reports or other published materials that you have written, including articles published on the Internet. Please provide the Committee with copies of all listed publications. In lieu of hard copies, electronic copies can be provided via e-mail or other digital format.

<u>Title</u>	<u>Publisher</u>	<u>Date(s) of Publication</u>
Op-Ed: Keep Schools Funded Now to Prevent Crime https://www.houstonchronicle.com/opinion/outlook/article/Ed-Gonzalez-Texas-should-maintain-school-funding-15972701.php	Houston Chronicle	2/24/2021
Op-Ed: Congress, Do Not Burden Local Law Enforcement on Immigration. Co-Author Dallas County Sheriff Lupe Valdez https://www.thehill.com/blogs/congress-blog/homeland-security/333919-congress-do-not-burden-local-law-enforcement-on	The Hill	5/17/2017
Op-Ed: SB4 hurts law enforcement: Sheriffs Co-Author Dallas County Sheriff Lupe Valdez https://www.elpasotimes.com/story/opinion/columnists/2017/04/14/sb4-hurts-law-enforcement-sheriffs/100486852/	El Paso Times	4/14/2017

(B) List any formal speeches you have delivered during the last five years and provide the Committee with copies of those speeches relevant to the position for which you have been nominated. Include any testimony to Congress or any other legislative or administrative body. These items can be provided electronically via e-mail or other digital format.

In my role as Sheriff of Harris County, I am frequently asked to deliver informal remarks to community groups, civic organizations, non-profits, and government entities and at community events, on myriad social, criminal justice, and public safety issues. I generally do not prepare remarks or talking points ahead of time or speak from notes. Similarly, I have participated in many panels, roundtables, and other forums in my capacity as Sheriff. My remarks in such venues generally relate to the business, community, and public safety for the Harris County region.

<u>Title/Topic</u>	<u>Place/Audience</u>	<u>Date(s) of Speech</u>
Law Enforcement and Young Americans: Come Together in Conversation https://youtu.be/v86FvDX8WLM	National Millennial and Generation Z Community (NMC)	4/8/2021
Steering people away from the criminal justice system https://www.arnoldventures.org/stories/were-steering-people-away-from-the-criminal-justice-system-q-a-with-harris-county-sheriff-ed-gonzalez	Arnold Ventures Q&A, (Houston, TX)	1/10/2021
“Sheriff Ed Gonzalez on improving community relations” https://youtu.be/vnSUGsKrFLY	AtlanticLIVE Q&A	5/21/2018
Submitted testimony for the record relating to Senate Bill 4 (PDF copy provided to the Committee)	Texas State Legislature	3/2017

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(C) List all speeches and testimony you have delivered in the past ten years, except for those the text of which you are providing to the Committee.

Title	Place/Audience	Date(s) of Speech
The Stakes: Our Students, Our Community, Our Society ("Take Care Tuesday" Podcast) https://anchor.fm/safe-secure-schools/episodes/The-Stakes-Our-Students-Our-Community--Our-Society-eva56d	The Center for Safe Secure Schools	4/20/2021
"Tuesday Talks with Dreux Antoine and Harris County Sheriff Ed Gonzalez" (Web interview) https://www.youtube.com/channel/UC7op1hzATaeR2s5SEo8gMMQ	National Alliance on Mental Illness (NAMI) Greater Houston	10/28/2020
University Park Commencement Speech	Lone Star College	5/11/2018
Distinguished Lecture Series https://www.iaccgh.com/uncategorized/7715/	Indo American Chamber of Commerce Consul General of India	7/21/2017
Commencement Speech	University of Houston-Downtown	5/2015
"Mayor Pro Tem Ed Gonzalez on the promise of a 'redone' Houston" https://www.smartgrowthamerica.org/mayor-pro-tem-ed-gonzalez-on-the-promise-of-a-redone-houston/	Smart Growth America's Local Leaders Council	7/11/2013
Mayor Pro-Tem Ed Gonzalez on creating a vibrant Houston Mayor Pro-Tem Ed Gonzalez on creating a vibrant Houston - YouTube	Smart Growth America	6/11/2013
Commencement Speech	Lone Star College – North Harris	5/10/2013

9. Criminal History

Since (and including) your 18th birthday, has any of the following happened?

- Have you been issued a summons, citation, or ticket to appear in court in a criminal proceeding against you? (Exclude citations involving traffic infractions where the fine was less than \$300 and did not include alcohol or drugs.)
No.
- Have you been arrested by any police officer, sheriff, marshal or any other type of law enforcement official?
No.
- Have you been charged, convicted, or sentenced of a crime in any court?
No.
- Have you been or are you currently on probation or parole?
No.
- Are you currently on trial or awaiting a trial on criminal charges?
No.
- To your knowledge, have you ever been the subject or target of a federal, state or local criminal investigation?
No.

If the answer to any of the questions above is yes, please answer the questions below for each criminal event (citation, arrest, investigation, etc.). If the event was an investigation, where the question below asks for information about the offense, please offer information about the offense under investigation (if known).

N/A

A) Date of offense:

- a. Is this an estimate (Yes/No):

B) Description of the specific nature of the offense:

C) Did the offense involve any of the following?

- 1) Domestic violence or a crime of violence (such as battery or assault) against your child, dependent, cohabitant, spouse, former spouse, or someone with whom you share a child in common: **Yes / No**
- 2) Firearms or explosives: **Yes / No**
- 3) Alcohol or drugs: **Yes / No**

D) Location where the offense occurred (city, county, state, zip code, country):

- E) Were you arrested, summoned, cited or did you receive a ticket to appear as a result of this offense by any police officer, sheriff, marshal or any other type of law enforcement official: **Yes / No**
- 1) Name of the law enforcement agency that arrested/cited/summoned you:
 - 2) Location of the law enforcement agency (city, county, state, zip code, country):
- F) As a result of this offense were you charged, convicted, currently awaiting trial, and/or ordered to appear in court in a criminal proceeding against you: **Yes / No**
- 1) If yes, provide the name of the court and the location of the court (city, county, state, zip code, country):
 - 2) If yes, provide all the charges brought against you for this offense, and the outcome of each charged offense (such as found guilty, found not-guilty, charge dropped or "nolle pros," etc). If you were found guilty of or pleaded guilty to a lesser offense, list separately both the original charge and the lesser offense:
 - 3) If no, provide explanation:
- G) Were you sentenced as a result of this offense: **Yes / No**
- H) Provide a description of the sentence:
- I) Were you sentenced to imprisonment for a term exceeding one year: **Yes / No**
- J) Were you incarcerated as a result of that sentence for not less than one year: **Yes / No**
- K) If the conviction resulted in imprisonment, provide the dates that you actually were incarcerated:
- L) If conviction resulted in probation or parole, provide the dates of probation or parole:
- M) Are you currently on trial, awaiting a trial, or awaiting sentencing on criminal charges for this offense: **Yes / No**
- N) Provide explanation:

10. Civil Litigation and Administrative or Legislative Proceedings

(A) Since (and including) your 18th birthday, have you been a party to any public record civil court action or administrative or legislative proceeding of any kind that resulted in (1) a finding of wrongdoing against you, or (2) a settlement agreement for you, or some other person or entity, to make a payment to settle allegations against you, or for you to take, or refrain from taking, some action. Do NOT include small claims proceedings.

<u>Date Claim/Suit Was Filed or Legislative Proceedings Began</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>
N/A				

(B) In addition to those listed above, have you or any business of which you were an officer, director or owner ever been involved as a party of interest in any administrative agency proceeding or civil litigation? Please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

In my capacity as Harris County Sheriff, I am routinely named in lawsuits directed against the Sheriff's Office. These suits do not relate to my individual decisions or actions, but rather to actions ascribed to the Sheriff's Office where I am the most senior official.

<u>Date Claim/Suit Was Filed</u>	<u>Court Name</u>	<u>Name(s) of Principal Parties Involved in Action/Proceeding</u>	<u>Nature of Action/Proceeding</u>	<u>Results of Action/Proceeding</u>

2016	U.S. Southern District Court – District of Texas	Maranda Lynn O'Donnell v. Harris County	Class action suit that challenged the constitutionality of the Harris County cash bail system, filed prior to my tenure as Sheriff.	The judge ruled that Harris County as a governance entity was violating the equal protection rights and due process of indigent persons. The case resulted in a consent decree, under which Harris County and the Harris County Sheriff's Office agreed to change the way it processed bonds.

(C) For responses to the previous question, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

I requested to be listed as a defendant in my role as incoming Sheriff, agreed that the cash bail system was inappropriate, and testified in support of the plaintiffs' position in federal court.

11. Breach of Professional Ethics

(A) Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? Exclude cases and proceedings already listed.

No.

<u>Name of Agency/Association/ Committee/Group</u>	<u>Date Citation/Disciplinary Action/Complaint Issued/Initiated</u>	<u>Describe Citation/Disciplinary Action/Complaint</u>	<u>Results of Disciplinary Action/Complaint</u>
N/A			

(B) Have you ever been fired from a job, quit a job after being told you would be fired, left a job by mutual agreement following charges or allegations of misconduct, left a job by mutual agreement following notice of unsatisfactory performance, or received a written warning, been officially reprimanded, suspended, or disciplined for misconduct in the workplace, such as violation of a security policy?

No.

12. Tax Compliance

(This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

13. Lobbying

In the past ten years, have you registered as a lobbyist? If so, please indicate the state, federal, or local bodies with which you have registered (e.g., House, Senate, California Secretary of State).

No.

14. Outside Positions

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

For the preceding ten calendar years and the current calendar year, report any positions held, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. Exclude positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

<u>Name of Organization</u>	<u>Address of Organization</u>	<u>Type of Organization</u> (corporation, firm, partnership, other business enterprise, other non-profit organization, educational institution)	<u>Position Held</u>	<u>Position Held From</u> (month/year)	<u>Position Held To</u> (month/year)

15. Agreements or Arrangements

☒ See OGE Form 278. (If, for your nomination, you have completed an OGE Form 278 Executive Branch Personnel Public Financial Disclosure Report, you may check the box here to complete this section and then proceed to the next section.)

As of the date of filing your OGE Form 278, report your agreements or arrangements for:
(1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred

compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment.

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits.

<u>Status and Terms of Any Agreement or Arrangement</u>	<u>Parties</u>	<u>Date</u> (month/year)

16. Additional Financial Data

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

REDACTED

SIGNATURE AND DATE

I hereby state that I have read the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Ed Gonzalez

This 17th day of June, 2021

REDACTED

UNITED STATES OFFICE OF
GOVERNMENT ETHICS

May 27, 2021

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Ed Gonzalez, who has been nominated by President Biden for the position of Director, Immigration and Customs Enforcement, Department of Homeland Security.

We have reviewed the report and have obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID APOL

Digitally signed by DAVID
APOL
Date: 2021.05.27 15:11:23
+04'00'

David J. Apol
General Counsel

Enclosures REDACTED



May 14, 2021

Mr. Joseph B. Maher
Designated Agency Ethics Official
Department of Homeland Security
2707 Martin Luther King Jr Ave, SE
Washington, DC 20528

Dear Mr. Maher:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Director of United States Immigration and Customs Enforcement. It is my responsibility to understand and comply with commitments outlined in this agreement.

SECTION 1 – GENERAL COMMITMENTS

As required by the criminal conflicts of interest law at 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the particular matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me:

- Any spouse or minor child of mine;
- Any general partner of a partnership in which I am a limited or general partner;
- Any organization in which I serve as an officer, director, trustee, general partner, or employee; and
- Any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

In the event that an actual or potential conflict of interest arises during my appointment, I will consult with an agency ethics official and take the measures necessary to resolve the conflict, such as recusal from the particular matter or divestiture of an asset.

If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the regulatory exemption for diversified mutual funds and unit investment trusts at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

I will receive a live ethics briefing from a member of the ethics office after my confirmation but not later than 15 days after my appointment pursuant to the ethics program regulation at 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will submit my Certification of Ethics Agreement Compliance which documents my compliance with this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13989) and that I will be bound by it. Among other obligations, I will be required to recuse from particular matters involving specific parties involving my former employer or former clients for a period of two years after I am appointed, with the exception of federal, state and local government.

I will not modify this ethics agreement without your approval and the approval of the U.S. Office of Government Ethics pursuant to the ethics agreement requirements contained in the financial disclosure regulation at 5 C.F.R. § 2634.803(a)(4).

SECTION 2 – RESIGNATIONS

Upon confirmation, I will resign from the following positions:

- Harris County Sheriff's Office
- Alzheimer's Association – Gulf Coast Chapter
- National Association of Latino Elected and Appointed Officials

Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for a period of one year after my resignation from each of these entities, I will not participate personally and substantially in any particular matter involving specific parties in which I know that entity is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 3 – HOUSTON COMMUNITY COLLEGE SYSTEM

My spouse is a College President with Houston Community College System, in a position for which she receives a fixed salary. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for the Houston Community College System, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Houston Community College System is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

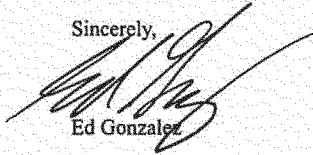
SECTION 4 – LONE STAR COLLEGE

My spouse has accepted employment as a College President with Lone Star College and will start in June 2021. Pursuant to the impartiality regulation at 5 C.F.R. § 2635.502, for as long as my spouse continues to work for Lone Star College, I will not participate personally and substantially in any particular matter involving specific parties in which I know the Houston Community College System is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

SECTION 5 – PUBLIC POSTING

I have been advised that this ethics agreement and the Certification of Ethics Agreement Compliance will be posted publicly, consistent with the public information law at 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Gonzalez', is written over a rectangular area of the document that has a light gray, wavy, textured background.

Ed Gonzalez

**U.S. Senate Committee on Homeland Security and Governmental Affairs
Pre-hearing Questionnaire
For the Nomination of Ed Gonzalez to be
Assistant Secretary, U.S. Department of Homeland Security
(Director for Immigration and Customs Enforcement)**

I. Nomination Process and Conflicts of Interest

1. Did the President or the Secretary of the Department of Homeland Security (DHS) give you specific reasons why you were nominated to be the Assistant Secretary for U.S. Immigration and Customs Enforcement (Director for ICE), and if so, what were they?

No.

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

No.

3. Have you made any commitments with respect to the policies and principles you will attempt to implement as Director? If so, what are they, and to whom were the commitments made?

I have not made any commitments with respect to the policies and principles I will attempt to implement as Director.

4. Are you aware of any business relationship, dealing, or financial transaction that could result in a possible conflict of interest for you or the appearance of a conflict of interest? If so, please explain what procedures you will use to recuse yourself or otherwise address the conflict. And if you will recuse yourself, explain how you will ensure your responsibilities are not affected by your recusal.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Homeland Security's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I will sign and transmit to the Department's Designated Agency Ethics Official, which will be provided to this Committee. I am not aware of any other potential conflict of interest.

5. Please provide the name of any individual, law firm, consulting firm, lobbying firm, public relations firm, or other entity you have formally retained, contracted, or consulted with regarding this nomination, including any amounts paid in fees or otherwise.

None.

II. Background of the Nominee

6. Why do you want to serve as Director for ICE?

I feel incredibly honored to be considered for the position. I see an opportunity to serve our country and a cause larger than myself. I continuously strive to make a bigger difference. I care deeply for our country and I see an opportunity to tackle massive challenges, including low morale and poor public opinion, decreased trust with local law enforcement partners, and the need to do more and better work with limited resources. I'm very passionate about public service, and am guided by a deep commitment to protecting our homeland and ensuring the safety of our communities and all who reside in them. I'm a problem solver and I have a proven track record for getting things done. I view challenging situations as opportunities. The current circumstances around immigration and national security provide incredible challenges, and I want to be in that arena, giving it all I have to make things better.

I want to serve at ICE in particular given my law enforcement background in the multicultural border community of Harris County. In the current challenges ICE faces, I see an opportunity to reimagine an agency in need of reform. I believe I have an ability to identify root causes and to address those issues in a holistic manner. I've spent my career in law enforcement and have seen firsthand that early intervention in public health and education can help people avoid entering the criminal justice system. As a councilman, I helped establish a diversion center to help better address the needs of those routinely arrested for public intoxication. The Houston Recovery Center remains in place today and serves as a nationwide model. To tackle increases in juvenile crime, I helped establish Cafe College-Houston to help engage our youth and dismantle the cradle-to-prison pipeline. From my personal observations, ICE could benefit from similar reforms and a more holistic approach to its work.

As a native Texan who is bilingual, and bicultural, I believe I have a needed perspective to serve as Director of ICE.

7. What specific background, experience, and attributes affirmatively qualify you to be Director for ICE?

I've been extremely fortunate to spend the past thirty years serving in a variety of key public service roles, including police officer, criminal investigator, hostage negotiator, city councilman, Mayor Pro-Tem of the City of Houston, and now Harris County Sheriff. I've managed to make a positive impact in each role. My extensive experience makes me particularly suited to be Director for ICE. I have broad law enforcement experience, coupled with executive leadership skills. I know how to lead.

In my current role as Harris County Sheriff, I oversee a large budget and possess a competent understanding of all areas of my agency.

I know what it's like to be a successful crimefighter, both on the front lines and now in an executive role. I've had a role in dismantling large criminal operations. As Sheriff, I've led my agency during unprecedented times: through Hurricane Harvey and other severe weather events, in response to a major industrial accident, and more.

Right now, policing organizations across the country are dealing with unprecedented challenges and needing to change and adapt to better serve our communities. I've been a leader in policing innovation to address these challenges, making it an organizational priority at my current agency. For example, in June, my agency earned a national award from the International Association of Chiefs of Police (IACP) for implementing a telehealth program that connects our deputies with in-hand access to behavioral health professionals via iPad when responding to crisis calls. Along with that program and others, I have consistently provided change leadership in moving my agency towards analysis-driven operations. I believe my commitment to innovation, creative problem-solving, and continuous improvement will be extremely relevant if I am confirmed to serve as Director of ICE.

8. Please describe:

a. Your leadership and management style.

I like to lead by example. I lead from the front by taking action, demonstrating what needs to be done, and keeping my team organized. I like to stay involved and inspire my team by showing that I'm working hands-on to help them, too. If confirmed, I will continue to prioritize servant leadership, and will be available and accessible to my agency.

b. Your experience managing personnel.

I have experience managing large workforces. I currently lead an agency with about 5,000 team members. In my previous role as Mayor Pro-Tem of the Houston City Council, I assisted the Mayor of Houston in leading a workforce of about 20,000. I take a hands-on approach to these workforces. For example, as Sheriff, I routinely respond to active scenes. It allows me to connect with team members and better understand operations. I'm an effective communicator with an open door policy with regard to leadership.

c. What is the largest number of people who have worked under your supervision?

Please see response to item (b).

d. What is the largest budget of an organization you have managed?

I currently oversee a yearly budget of \$571 million. In my previous role as Mayor Pro-Tem I helped oversee a yearly budget of approximately \$4.8 billion.

9. Please give examples of times in your career when you disagreed with your superiors and advocated your position. Describe circumstances in which you were successful and in which you were unsuccessful.

When I've had superiors, I've always been fortunate to work with leaders that were open to feedback. I made it a point to explain the situation of the disagreement, but always in a respectful way. I made it a point to have those discussions away from others. In my role as a leader, I respect my officers and employees and seek out their perspectives, and I make sure to always show them that respect, even when we may not share the same point of view. I believe this attitude promotes open conversation and helps to diffuse tension.

10. Do you seek out dissenting views and encourage constructive critical dialogue with subordinates? Please provide examples of times in your career when you have done so.

Yes. I encourage constructive dissent through rigorous dialogue and debate. It is important to have a culture where people are invited to disagree and raise ideas, even if there is disagreement. I can handle different points of view other than my own. As a leader, it's important to me to keep my ego in check. I avoid having a bubble around me. I'm not threatened by team members who have better answers than I do. No one leader has all the answers, nor should they be expected to. I also view this mindset as an opportunity for team members to grow. I support the development of my team members.

When I began my current position as Sheriff, I inherited a large agency that was in the middle of uncertainty and turmoil. I was not known to many and they were skeptical of my leadership. I began a series of "listening sessions" that afforded me the opportunity to engage directly with our workforce. I visited many parts of the agency and learned firsthand about day-to-day operations. I showed I cared, I was inquisitive, and showed a genuine interest in making things better. I heard concerns and suggestions and moved forward to create positive change reflective of the feedback received. If confirmed, I would follow this approach in order to work through problems, as well as to continually seek feedback from the workforce to better understand and address their needs and concerns.

11. Please list and describe examples of when you made politically difficult choices that you thought were in the best interest of the country.

As Harris County Sheriff, and when I served as city councilman, I often took politically difficult positions that I believed were in the best interests of the community. One example would be my opposition to the misdemeanor cash bail system in Harris County. In my opinion, a person should not be detained *only* because of their inability to pay, and I advocated that position even though it went against the views of many, including my predecessors within the Sheriff's office. Moreover, I encouraged the use of research and evidence-based practices to reimagine a more modern and humane, intention-based

system of corrections, which has required open and honest communication with the community.

Another example would be my advocacy for the compassionate release of *some* pre-trial jailed individuals during the early stages of the COVID-19 pandemic. As Harris County Sheriff, I am responsible for operating the 3rd-largest county jail in the country. Within the jail, I oversee a large medical clinic. A major outbreak could have serious impacts to the local hospital system, threatening public safety in the county as it would require the transfer of inmates into the local hospital system with limited capacity. I explained that jail health is also community health. Many of those incarcerated come to us with poor health and existing conditions. Placement in a crowded jail system could be a death sentence for some and place our workforce at greater risk. In these cases and others, I have always sought to do what I think is right, rather than what benefits me politically.

12. What would you consider your greatest success as a leader?

Throughout my career, I am most proud of always doing what is best for my community. As I noted above, I have worked as a community leader in Houston to implement transformational projects that improve public safety, build up the community, and reduce crime. We stood up the Houston Recovery Center, a diversion center that provides services routinely arrested for public intoxication, based on best practices and arrest data relating to mental health issues. I worked to stand up Café College Houston, which supports juveniles in accessing higher education and career options and disrupts the cradle-to-prison pipeline. We worked to integrate the mental health system with our jail system to improve outcomes not only for public safety but for our inmates. Each of these has been a complex problem which has required innovation, collaboration, and a willingness to “go against the grain” politically in order to try something that might deliver better results. If confirmed, I would be eager to bring my skill set to ICE to benefit the security and safety of our nation.

13. What do you consider your greatest failure as a leader? What lessons did you take away from that experience?

My greatest failure came in not anticipating problems ahead of an inspection of the Harris County jail system.

Every year, the jail system I oversee is subject to an independent, unannounced inspection. During one of my first inspections in the role of Sheriff, which I believed we were prepared for, we were instead found deficient in several areas and ruled to be in non-compliance.

This was a blow to me and our agency as a whole, and it highlighted how our practices were putting our jailed population at risk. In response to the findings, I ordered a review and learned that breakdowns occurred at many levels. For example, although I had worked with my immediate team to ensure that we were inspection-ready, I learned later that some members of my leadership team had relayed my guidance via general emails,

instead of engaging frontline personnel more directly. I found that members of our leadership team needed more professional development, and that there was a lack of accountability throughout the ranks, which ultimately reflected on me as a leader. We did not have metrics in place to keep us on track. As a team, we were focused on many things, but not necessarily focused on the right priorities.

I chose to view the entire matter as an opportunity to learn. Ultimately, the buck stops with me, and I had not successfully communicated to my team the quality that was expected. Moreover, I had trusted, but did not verify, that my expectations were carried out. Rather than making excuses in response to that incident, I took ownership, and took actionable steps to make things better. We now have a more rigorous system in place to avoid major breakdowns. I learned even more the need for effective two-way communication in a large, complex agency. For example, following the review, I began to include Commander's Intent in key communications. The added information outlines what a successful operation will look like and has been helpful in ensuring frontline workers understand our responsibilities under the law and to our jailed population. I learned from my shortcomings, and I'm a better leader now because of those setbacks.

14. During your career, has your conduct as a government employee ever been subject to an investigation or audit by an agency Inspector General, Office of Special Counsel, Department of Justice, agency Equal Employment Opportunity office or investigator, or any other federal, state, or local investigative entity? If so, please describe the nature of the allegations/conduct and the outcome of the investigation(s) or audit(s).

Yes, once. In 2009, when I won elected office on the Houston City Council, I was required to separate from my position with the Houston Police Department immediately in order to take my elected seat. The transition occurred quickly, and several years later, in 2014, I was contacted by a member of the Houston Police Department inquiring about a case file I had worked on during my time as investigator. I recalled the case, but I did not recall having any relevant documents in my possession.

Days later, I located a storage box in my office that contained the file in question, as well as several others. I immediately notified the Department and made arrangements to return the file.

The department conducted a review of the matter, in conjunction with a broader audit, and no disciplinary action was taken. While I retained the hard copy of the files, it should be noted that most of the information and actions taken during the course of the investigation were documented in the computer system and easily accessible to anyone reviewing the case. Moreover, when I separated from the department, the case investigation was still assigned to my partner that remained with the department.

III. Role of the Director for ICE

15. Please describe your view of the ICE's core mission and the Director's role in achieving that mission.

ICE's core mission is to protect against transnational crime by enforcing the nation's immigration and customs laws and preventing the illegal transit of goods, funds, and individuals through the U.S.

If confirmed, I will coordinate closely with ICE's sister agencies, as well as federal, state, and local authorities, to carry out ICE's investigative and enforcement missions. Similarly, just as ICE cannot operate without strong partnership from federal, state, and local government agencies, ICE's Director cannot lead ICE in fulfilling the agency's mission without buy-in from the workforce. The degree to which ICE is successful in achieving its mission rests first on the Director's commitment to ensuring that ICE's employees are motivated, prepared, and equipped for success. If confirmed, I will prioritize getting to know ICE's workforce of 20,000 men and women and the challenges they face, and ensuring they have the support they need to carry out their critical mission.

16. If confirmed, what will be the immediate highest priority issues that you expect to address? What longer-term goals would you like to achieve?

In my view, investigating and disrupting serious criminal activity should remain ICE's highest priority. If confirmed, I would prioritize ICE's work to investigate and combat cross-border criminal activity that threatens our communities and compromises our national security and public safety, including transnational criminal organizations such as cartels, gangs, and smuggling rings, and crimes such as child pornography and exploitation, cyber attacks, and human trafficking and forced labor.

In addition, as stated in a number of responses, if confirmed as Director one of my top priorities would be to get to know the workforce and the challenges it faces, and moving quickly to implement workable solutions.

17. What do you believe the relationship between the Director for ICE and other DHS components should be?

ICE's 20,000 plus employees are dedicated to the mission of protecting our homeland, but they do not stand alone. This mission is broadly shared throughout the federal government. In addition, ICE shares its operational responsibilities and core functions with other DHS Components, all of which play a key role in helping the Department achieve its homeland security mission.

If confirmed, my approach will be informed by my experience as Harris County Sheriff and Mayor Pro-Tem of the City of Houston, in which I worked closely with the large, diverse community and with other leaders and elected officials to solve problems.

Silos do not work in a field where even the smallest missed detail can result in catastrophic consequences, so in addition to open communication channels, I would strengthen operational ties to ensure that ICE and its sister agencies are efficiently utilizing public resources to target the gravest threats to the homeland. My relationship with other components of DHS, as well as with Congress and the public, would be transparent and collaborative.

IV. Policy Questions

Management & Workforce

18. If confirmed, what precautions will you adopt to ensure every person in ICE custody has access to a COVID-19 vaccine? What steps will you take to limit or preclude transfers between facilities and other practices that may increase the spread of COVID-19 in ICE facilities and the surrounding communities?

If confirmed, I will work with public health experts at the Centers for Disease Control and Prevention (CDC) and Department of Health and Human Services (HHS), Department of Homeland Security leadership, and other officials within the Administration to ensure ICE has the resources it needs to safeguard those in ICE custody against COVID-19.

As Harris County Sheriff, I manage one of the largest jail systems in the country. This is a responsibility I do not take lightly. In response to the COVID-19 pandemic, my team and I put in place a comprehensive plan that has proven to be successful. We have provided thousands of vaccines to persons in our custody. And as noted above, early on in the pandemic when it became clear detention facilities presented a high risk of community transmission, I worked proactively to advocate for the release of some persons in our custody who might otherwise contract the virus or contribute to its spread. While this was a politically difficult position, it was the right one to take based on guidance from health authorities at the time.

Though I am not privy to internal discussions relating to the challenges ICE faces from the pandemic, it is clear that the chance for community spread exists in congregate settings without a comprehensive testing and vaccine strategy. Officials have a responsibility to minimize transmission. Given these facts, as stated above, if confirmed I will work in accordance with recommendations made by health officials to ensure ICE policies relating to COVID appropriately safeguard against community spread among the detained population. I firmly believe this can be done without compromising the agency's vital national security and public safety mission.

19. Do you support pay increases for ICE Agents above the administration's proposals for across-the-board pay raises for all federal employees? Why?

As a leader of a law enforcement organization myself, I strongly believe that to retain the best and brightest, pay scales need to be competitive. It is becoming ever more challenging to recruit talent to policing professions. ICE agents and officers in particular work in a highly challenging environment. If confirmed, I would seek to understand the current pay situation and any gaps in ICE's ability to attract and retain a qualified workforce, and would advocate to ensure that the agency has every tool it needs to recruit and retain the talent it needs to carry out the mission.

20. Employee morale has long been a struggle for ICE. What specific actions will you take to improve morale within ICE's workforce?

Morale and culture are incredibly important to attracting, retaining and developing a qualified workforce, and to carrying out the mission. It is my understanding that ICE consistently ranks among the workplaces in the federal government with the lowest morale. This must change. If confirmed, I will make sure that the men and women of ICE feel appreciated for their service and dedication, and I will be a strong advocate for our workforce. I will spend time observing and interacting with the workforce in order to learn as much as possible regarding day-to-day operations, the challenges inherent to the work, and how the men and women of the agency approach their incredibly difficult roles. Ultimately, if confirmed as Director, I would not seek to change things that are working, but I also would not accept old systems that do not serve our workforce.

In my judgement, one of the first acts a new Director should take is to engage the workforce, understand its mood, its needs, and establish direct, clear communication to make sure that the workforce feels prepared and consulted. As noted above, I have found in my time in public office that a workforce that feels heard by leadership feels appreciated, and is better motivated and more willing to be adaptive, accountable, and deliver needed results.

21. What steps do you believe that ICE can take to ensure federal funds expended by the component are free from duplication and waste?

I believe in analysis-driven operations and in the use of key performance indicators (KPIs) to track performance and reduce unnecessary duplication and waste. Additionally, if confirmed, I intend to consult with the Government Accountability Office (GAO's) High Risk List, and work with my senior leadership to review and address open recommendations relating to fraud, waste, and unnecessary duplication.

22. If confirmed, do you commit to reviewing ICE programs that you believe could be ineffective, duplicative, wasteful, unnecessary, or have outlived their purpose, and report that information to Congress?

Yes.

23. If confirmed, do you commit to ensuring that the DHS Privacy Office and the Office of Civil Rights and Civil Liberties are appropriately consulted on the review of ICE products such as guidance, protocols, and implementation memoranda?

Yes.

Secure and Manage Our Borders

24. What do you believe are the primary causes of illegal migration from Central America, and how do you believe the United States can collaborate with those countries to address the ongoing illegal migration?

Understanding the root causes of migration to the U.S. is incredibly important. While I am not privy to the intelligence available to current ICE leadership, as a local law enforcement official, I believe the root causes include ongoing violence, corruption, gender inequality, extreme poverty, and economic instability. Other factors include the desire for family reunification and false narratives about the American immigration system perpetuated by smugglers. COVID-19 and weather-related events, including flooding, earthquakes, and drought in the Central Corridor, have exacerbated matters in recent years.

If confirmed as Director of ICE, I will not have a direct role in determining U.S. strategy in Central America, but will work closely with the leadership at DHS, my counterparts in CBP, the Department of State, and elsewhere in the Administration to support the strategy. In particular, the work of ICE-HSI in identifying and disrupting smuggling networks and transnational criminal organizations, and in collaborating with their foreign law enforcement counterparts in such initiatives, will play an important role.

25. To what extent do you believe that our domestic immigration policies are the major driver of migration from Central America as opposed to the conditions in that region?

While ICE is charged with implementation and enforcement, it ultimately remains the role of Congress to consider and pass reforms to our immigration system. If confirmed as ICE Director, I would look forward to providing technical assistance to Congress as they consider reforms and updates to our immigration laws.

26. Thousands of migrants have been recently released into the interior of the country, many without Notices to Appear (NTAs). They are instead told to contact their local ICE office upon reaching their destination. What is your view of ICE's duties under the law regarding migrants who do not follow this instruction?

If confirmed, I look forward to better understanding this challenge. Based on the information available to me as a private citizen and Sheriff, I believe that ICE must continue to collaborate with CBP in understanding data about migration patterns. In addition, a robust and effective process is needed when a migrant is encountered or released by CBP.

If confirmed, I would work with the CBP Commissioner to understand the criteria CBP uses for prosecutorial discretion in cases in which CBP decides not to issue an NTA. In addition, I would strive to work collaboratively with CBP to uphold a system of border management that is fair, orderly, and humane. Generally, I believe ICE should prioritize its limited resources to focus on national security and public safety threats.

27. If confirmed, how would you work to decrease the amount of currency and weapons leaving the United States borders and going to foreign countries?

In my experience as a sheriff, many factors contribute to bulk cash and weapons leaving the United States. That said, I believe there is more that could be done to reduce the risks posed by U.S.-sourced guns. If confirmed, I would first seek to understand the current scope of the problem, as well as the legal authorities available to ICE to address it.

28. What experience do you have in fostering international partnerships? How would you collaborate with foreign governments to strengthen the security of U.S. borders?

Working as Sheriff, I have had the opportunity to not only work in coordination with ICE's Homeland Security Investigations, but also other members of the task forces involved. The Harris County Sheriff's Office has played as a part of international teams which take down and dismantle criminal rings, whether these are human trafficking, child exploitation, narcotics, or others. Additionally, Harris County is home to over 90 foreign consulates or representative offices, which I regularly liaised with on matters related to their citizens residing in or traversing through Harris County. Our office routinely provided public safety information and training to those entities.

Prior to my role as Sheriff, I served for almost 6 years as the Mayor Pro-Tem of the City of Houston, serving as the Mayor's representative in meetings with high-level dignitaries. These meetings were often expressions of public courtesy and good will, but a number dealt with partnership topics, such as signing key agreements to promote vital economic sectors, attract investment, encourage tourism, and form long-term bonds via the sister city program. In partnership with the U.S. Departments of State and Commerce, I was among the first representatives of a major U.S. city to engage government authorities in Iraq to encourage two-way partnerships. As a result of these efforts, Houston added its newest Sister City, Basrah, Iraq.

One out of every four residents of Harris County was born outside the United States, and many more are the first generation born in the United States. While the hope is that these communities integrate quickly, some have needed additional attention and care. I have dedicated much of my time to getting to know these communities, especially those at highest risk, and connecting them with vital local resources. To be welcomed by these communities, I have needed to learn about their cultures, their history, their languages, and their current circumstances and needs. Though these are not international relations as classically defined, it involves many of the same skills, and I think has contributed greatly to my preparedness to engage global partners.

My personal philosophy is that silos don't work for anyone, so in addition to ICE directly engaging with global partners, I would seek to foster more bilateral and multilateral partnerships for U.S. state and local agencies. ICE does not have endless resources, and if I am confirmed, its staff will remain hyper focused on its core national security and public safety mission. I believe expanding existing partnerships where they enhance, rather than degrade, ICE's capabilities can be a key force multiplier, especially as it relates to cross-border human trafficking and counter-narcotics operations. If confirmed as Director, I would consult the workforce and those responsible for international partnerships, and ask how our international partnerships are working and where collaboration could be expanded or improved.

29. To what extent do you believe the federal government should decrease the United States' use of detention for asylum seekers and increase community-based alternatives in its place?

Immigration detention is an important aspect of immigration enforcement. It is critical that ICE be able to detain noncitizens pending their court proceedings who are a risk of flight or who pose a danger to the community. I am also supportive of evidence-based alternatives to detention where appropriate. These alternatives must respect individual dignity and the United States' responsibility to provide asylum protections to eligible individuals, while fulfilling ICE's national security, border security, and public safety mission. These alternatives must also be tailored to ensure compliance with court orders and the law. Given the high cost of detention, effective use of ATDs could potentially lead to significant savings that could be invested in our workforce or other key operational areas.

If confirmed, I would look to understand the effectiveness of ICE's current ATD program. I would look forward to working with leaders at ICE, alongside Congress, to understand how the agency currently tracks the effectiveness of each program, and if appropriate, to making needed changes to improve compliance and other outcomes while upholding the country's commitments under the law.

30. The DHS Advisory Committee on Family Residential Centers reported on September 30, 2016, that "detention is never in the best interest of children." Do you agree? Absent the Flores Settlement Agreement, is there an upper limit on the length of time a child should be held in ICE custody? What is it?

As a preliminary matter, it is my understanding that ICE's mission does not include detaining unaccompanied children, who are instead transferred to the care and custody of the Department of Health and Human Services Office of Refugee Resettlement (HHS ORR). ICE is, however, responsible for noncitizen children who are part of noncitizen family units. I agree that detention is generally not in the best interest of children, and that children should not be separated from their parents barring exceptional circumstances, such as when the parent poses a threat to the child's safety or well-being. As the Secretary and the President have said, the best place for a child is in a safe and

loving home. If confirmed, I would rely heavily on the expert opinions of public health and child welfare practitioners, as well as our nonprofit partners along the southwest border, to ensure that ICE does everything in its power to minimize any negative impacts on the child populations with which ICE interacts.

31. The bipartisan Homeland Security Advisory Council's Final Report on CBP Families and Children Care issued on November 14, 2019 after that year's surge stated that to prevent future surges of illegal migration, members of family units should be detained, not indefinitely, but long enough to process their asylum claims in an expeditious manner. Do you agree or disagree with this recommendation?

Detention of asylum seekers who do not pose a national security or public safety threat after initial processing at the border is neither necessary nor desirable. Additionally, detention is costly, and alternatives including community-based programs may offer similar compliance rates and improved outcomes. If confirmed, I would work with interagency partners to better understand options for fair and efficient processing of asylum claims, prioritizing hiring additional lawyers and expanding programs that have proven to be effective.

Family units present unique processing considerations, but I believe the United States is equipped to address these challenges, including by bolstering logistical and humanitarian support for processing asylum seekers.

32. In recent years, at least before the onset of the pandemic, the number of individuals entering the country legally but overstaying the terms of their admission has exceeded the number of individuals entering illegally at the southern border. What steps will you take to address visa overstays if you are confirmed?

Effective law enforcement depends on the prioritization of enforcement actions to address the most pressing threats. To effectively manage and secure our borders, it is important that federal law enforcement agencies have a handle on all matters that lead to individuals, goods, and money that enter the country illegally.

To understand the true scope of the issue, if confirmed, I would seek accurate data from a comprehensive reporting system. ICE should prioritize enforcement response for those who appear to pose a threat to national security, border security, or public safety. This area of oversight would likely require investment and stronger collaboration with federal, state, and local partners.

Enforce and Administer Our Immigration Laws

33. Secretary Mayorkas is conducting a review of the Department's immigration enforcement policies, including those relating to enforcement priorities, detention, prosecutorial discretion, and cooperation with state and local law enforcement. His current guidance is

that enforcement priorities include national security and public safety threats as well as recent border crossers.

- a. What is your view of the use of prosecutorial discretion generally?

I believe in prosecutorial discretion. Limited budget and resources require it, as systems plagued by extensive backlogs simply are not effective. However, prosecutorial discretion should not be used arbitrarily, but instead be based on clear and consistent criteria driven by research and available data. ICE should prioritize its limited law enforcement resources to address the most pressing threats.

- b. Do you believe that removing all undocumented immigrants with criminal convictions should be a priority for ICE, or should ICE focus its efforts on removing undocumented immigrants who have committed certain types of crimes? Why?

Not every conviction merits automatic removal. The agency should review the severity, frequency, and recency of an individual's criminal history, to assess whether that individual poses a national security, border security, or public safety threat.

- c. Do you agree with the Secretary that recent border crossers, including those who have not committed crimes, should be an enforcement priority?

I have not been privy to deliberations related to current guidance. That said, my North Star will always be the protection of our homeland. This includes ensuring the integrity of our borders. My first priority if confirmed as Director of ICE will be to ensure our personnel have the tools and support they need in order to address and combat criminal activity that threatens our national security, border security, or public safety.

34. How do you define gang affiliation? What proof should be required for an individual to endure immigration consequences for their affiliation with a gang?

I am unfamiliar with the current practice by which federal authorities determine gang affiliations and, if confirmed, I will seek to better understand this practice. In general, however, I believe criminal gang suppression at all levels of law enforcement is important for public safety purposes, whether the gangs are home grown or part of a transnational criminal network. In my experience in local law enforcement, multiple criteria must be met in order to determine and corroborate gang affiliation. However, nothing is more important than relying on a trained law enforcement professional's expertise, as informed by professional judgment and backed up by reliable intelligence.

35. The role of state and local law enforcement entities in the enforcement of immigration laws has received a significant amount of attention in recent years. In your opinion, what is the appropriate role of state and local law enforcement in enforcing immigration laws?

State, local, and tribal law enforcement agencies are critical partners in the homeland security enterprise. These agencies have varying public safety priorities. As a Sheriff, I appreciate these varying views, and I do not believe that these agencies should be *required* to play a role enforcing civil immigration law. Local law enforcement agencies often face limited budgets and many competing public safety needs and priorities. They must also build and retain the trust of the community in order to effectively fight crime. Taking on the additional role of enforcing federal immigration laws in the absence of any national security or public safety threat can reduce their effectiveness, and divert resources that are needed to ensure public safety.

If, however, a state, local, or tribal agency seeks to partner with ICE in addressing matters of national security or public safety, it is critical that ICE work with that agency to address that national security or public safety concern, consistent with law and policy. If I am confirmed, ICE will not compromise when it comes to our commitment to upholding public safety and national security.

36. Section 287(g) of the Immigration and Nationality Act gives ICE the authority to train and delegate immigration enforcement to state and local law enforcement officers in local jurisdictions. The 287(g) program is meant to supplement ICE's limited resources and improve the agency's ability to identify unauthorized criminal aliens. The program currently operates under two models, one of which, the Warrant Service Officer Model, allows local law enforcement agencies to hold detainees past their release date, potentially working around local laws or policies restricting cooperation with immigration enforcement.

- a. If confirmed, do you intend to expand the 287(g) program? If so, using which model?

If confirmed, I would work with the Secretary and the ICE workforce to evaluate the 287(g) program. However, as I have stated above, I believe ICE should continue to partner with state and local law enforcement organizations to combat criminal activity and improve public safety.

37. If confirmed, do you intend to try to collaborate with so-called "sanctuary jurisdictions" regarding foreign nationals in their custody? If so, how? Will you reach out to the relevant state and local authorities?

I will always try to collaborate with state and local partners. I'm skeptical of using the label "sanctuary", as I've learned it can easily be misrepresented. I'm respectful that each jurisdiction and local decision makers have determined priorities for their area, and believe in maintaining open lines of communication in order to better understand each other's concerns. With that said, if I am confirmed, ICE will not compromise on serious criminal matters, or on pursuing those individuals we deem to pose a serious national security or public safety threat.

38. In 2017, you withdrew Harris County from the 287(g) partnership program with ICE. Why did you remove Harris County from the 287(g) partnership program with ICE?

I withdrew Harris County from the 287(g) program after thoughtful consideration and review. Before I was elected Sheriff, it was common practice for the agency to transfer inmates in the Harris County jail system to other facilities due to capacity issues, at a very high cost. This contributed to a budget deficit at the agency, which I inherited. In ending Harris County's participation in the 287(g) program, I was able to recoup the dollars that had previously been spent on housing inmates elsewhere, and redirect them to other law enforcement priorities. In addition, ending participation in the program allowed me to redeploy the agency personnel assigned to the 287(g) program to other assignments which my community found more pressing.

With that said, after we stopped participating in the program, I continued to honor ICE detainers as Sheriff. There was no negative impact on public safety to ending our participation in the 287(g) program.

39. After you withdrew from the ICE partnership program, you stated that you are proud to partner with the federal immigration efforts but only when serious criminals are involved. In what ways did you facilitate this cooperation?

I have always maintained positive and productive relationships with all federal partners, including ICE. I understand that ICE personnel have an incredibly important mission to fulfill—one I will be responsible for carrying out if I am confirmed as the agency's Director.

While I made an informed decision to no longer participate in the voluntary 287(g) program, I still allowed ICE personnel to maintain an office in our jail facility, which they maintain to this date. In my capacity as Sheriff, I never interfered with ICE's ability to do its job and I have never blocked a detainer request, understanding that ICE personnel would be in the best position to understand complex immigration laws and ascertain if someone posed a threat to our local community. Both the federal government and state and local law enforcement agencies have a shared focus on protecting our community from serious criminals.

40. Where you do divide the line between a serious crime and a non-serious crime?

As a lifelong law enforcement officer, I support the rule of law. I take all crime seriously, but there is a wide spectrum when it comes to determining the seriousness of crimes, and particularly in assessing the threat an individual may pose to public safety. Numerous factors, including severity of the crime, prior criminal record, and how long ago the offense took place, must be assessed to determine whether a person is likely to re-offend or cause injury to others.

41. ICE Homeland Security Investigations (HSI) is responsible for enforcing a wide range of federal laws. What are your initial recommendations for prioritizing ICE HSI's investigative resources?

Part of my work as an investigator has included a focus on criminal gangs. I have personally investigated drug-related kidnappings, partnering with agencies in other border states. Earlier this year, working in concert with local HSI officials, we resolved a criminal case involving extortion by a criminal network based in Mexico. Through my agency's work with Internet Crimes Against Children, I've gained a deeper understanding of the various networks and criminal entities that commit online exploitation of children, and how best to combat them. As Sheriff, I've directed my agency to increase its focus on human trafficking matters, including by coordinating with various local, state, and federal partners. Each of these relates to HSI's critical investigative mission.

With that said, I am not currently familiar with HSI's prioritization of investigations. As a law enforcement officer, I believe that prioritization of investigations should be risk-based and guided by intelligence and metrics. If confirmed, I will immediately seek a briefing from HSI's leadership regarding how they prioritize investigations.

42. According to the 2014 QHSR, preventing terrorism is the primary homeland security mission. In furtherance of that mission, ICE HSI plays a key role on the Joint Terrorism Task Forces. If confirmed, how would you ensure that ICE HSI assigns the appropriate number of special agents to the Joint Terrorism Task Forces?

Joint Terrorism Task Forces (JTTF) play an important role in protecting our homeland; from international terrorism to threats of violence. JTTF is uniquely situated to be the initial response to some of these critical threat issues. The relaying of critical intelligence to the appropriate partners in a timely manner, is critical to ensuring an effective response.

As Sheriff, I recognize the importance of collaboration between local and federal law enforcement agencies, and I have members assigned to our regional JTTF. I would prioritize enhancing public safety and homeland security if confirmed as ICE Director, and would consult closely with agency leadership to determine the appropriate allocation of staff based on that goal.

43. If confirmed, how will you ensure that any domestic surveillance activities conducted by ICE have strong safeguards in place to protect privacy and civil liberties?

If confirmed, I will work closely with agency attorneys in ICE's Office of the Principal Legal Advisor (OPLA), as well as with DHS's Civil Rights and Civil Liberties office (CRCL). In addition, I will make myself available to advocates, community groups, and members of Congress, in order to educate myself on concerns surrounding civil rights and civil liberties and ensure that ICE is acting in accordance with the law, as well as upholding the dignity of those we interact with.

44. Regarding worksite enforcement operations, do you believe ICE should focus more resources on investigating and arresting unauthorized workers or holding noncompliant employers accountable? If confirmed, what will be the focus of worksite enforcement while you are Director?

ICE should prioritize its limited law enforcement resources to address the most pressing threats. In the context of worksite enforcement, it is important to protect workers from exploitative employers, who impose substandard working conditions on some of society's most vulnerable, including those who are undocumented. It is also important to ensure that U.S. employers do not hire workers who lack work authorization. If confirmed, I look forward to reviewing recommendations from the DHS Office of Inspector General, among others, on how best to implement an effective, and balanced worksite enforcement strategy.

45. In order to enroll in DACA, applicants provided sensitive personal information with the promise that it would not be used to enforce deportation actions against them. If confirmed, do you commit that ICE will not use this information to identify, arrest or remove DACA applicants?

Yes. When DACA recipients were asked to submit personal and private information as part of their application, they were assured that the information would not be used for immigration enforcement purposes except under specific and limited circumstances. We should keep that promise.

46. Do you personally support a path to citizenship for DACA recipients?

Absolutely. Dreamers came to this country through no fault of their own, and most know no other home. Most Americans, including in both political parties, agree that these young people deserve to live, work, and study in the United States without fear of deportation or enforcement action being taken against them. As a Texan and a community leader, I know firsthand the many ways in which Dreamers contribute to their communities and to the nation. I strongly support Congressional action to provide certainty with regard to their immigration status. However, if confirmed, neither I nor ICE would have a role in adjudicating DACA applications.

47. Do you believe that all undocumented immigrants should have taxpayer funded legal counsel in immigration proceedings? Should unaccompanied minors have taxpayer funded legal counsel, and, if so, should there be an age limit to which this guarantee would apply?

U.S. immigration and asylum laws are incredibly complex, and the stakes are high in legal proceedings. Undocumented immigrants who have legal counsel fare better at every stage of the court process, which indicates that our court system may be leaving children behind who lack representation but in fact qualify for asylum under our laws. Greater legal representation could improve the fidelity and operation of our immigration courts

by improving compliance rates. With that said, legal representation is costly, and it is ultimately up to Congress to determine the allocation of taxpayer funds. If confirmed, I would be happy to work with Congress, stakeholders, and partners within the Administration to provide input on any legislative proposals to provide legal counsel to undocumented immigrants.

48. Do you believe that entering the United States without authorization should be a criminal violation? Why or why not?

Entering the United States without the appropriate authorization is against the law and is an essential component of ensuring our nation's security.

V. Accountability

Whistleblower Protections

49. Protecting whistleblowers and their confidentiality is of the utmost importance to this Committee.

- a. Please describe any previous experience with handling whistleblower complaints. What steps did you take to ensure those individuals did not face retaliation and their claims were thoroughly investigated?

In my role as Harris County Sheriff, when any team member has come forward with a complaint, it's always taken seriously. We develop an investigation plan and seek fair resolution to all issues. My agency's Office of Internal Affairs provides an independent, protected resolution system for allegations of retaliation.

- b. If confirmed, what steps will you take to ensure whistleblower complaints are handled appropriately at ICE?

If confirmed as Director, I would provide leadership commitment to ensure ICE operates in accordance with the Whistleblower Protection Program.

- c. If confirmed, what steps will you take to ensure whistleblowers at ICE do not face retaliation, whistleblower identities are protected, and complaints of retaliation are handled appropriately?

Please see my response to (b).

Cooperation with Inspectors General

50. What is your view of the role of the DHS Office of Inspector General (OIG)? Please describe what you think the relationship between the ICE Director and the OIG should be. If confirmed, what steps would you take to establish a working relationship with the Inspector General?

DHS Office of Inspector General (OIG) represents an important mandate from Congress. The office fulfills an important oversight role. If confirmed, I would seek to establish a strong working relationship with the office, including by initially meeting with the Inspector General to ensure ICE's full cooperation with any ongoing investigation, audit, or review.

51. If confirmed, do you commit to ensuring that all recommendations made to ICE by the DHS Inspector General are reviewed, responded to, if necessary, and, unless the agency justifies its disagreements with the recommendations, implemented to the fullest extent possible within a reasonable time period?

Yes.

52. If confirmed, do you commit without reservation to ensuring the DHS OIG receives timely access to agency records and to interview agency employees?

Yes.

53. If confirmed, what steps will you take to ensure your office and employees cooperate fully and promptly with OIG requests?

If confirmed, I would provide leadership commitment, set clear expectations that our office must cooperate fully and promptly, and lead by example. In the county in which I currently serve, our governing body operates an independent hotline to report abuses in any county government office. When called upon, my team and I are very responsive and provide any needed information.

Cooperation with GAO

54. If confirmed, do you commit without reservation to ensuring GAO receives timely, comprehensive responses to requests to ICE, including for records, meetings, and information?

Yes.

55. If confirmed, do you commit to fully cooperate in a timely manner with any audits, investigations, and other reviews and related requests for information from GAO?

Yes.

56. If confirmed, what steps will you take to ensure your office and employees cooperate fully and promptly with GAO requests?

If confirmed, I commit to cooperating with all GAO requests and intend to lead by example and policy. I will make clear that I expect the same from all ICE offices and employees, and ensure the workforce has the support needed to cooperate.

VI. Relations with Congress

57. Do you agree without reservation to allow any Member of Congress or Congressional staff to access ICE facilities in order to conduct appropriate Congressional oversight?

Yes.
58. Do you agree without reservation to make any subordinate official or employee available to appear and testify before, or provide information to, any duly constituted committee of Congress if you are confirmed?

Yes.
59. Do you agree without reservation to comply fully, completely, and promptly to any request for documents, communications, or any other agency material or information from any duly constituted committee of the Congress if you are confirmed?

Yes.
60. If confirmed, how would you make certain that you respond in a timely manner to Member requests for information?

I've had the privilege of serving in an elected capacity and understand the importance of receiving timely information to conduct business and make appropriate decisions. If confirmed, I will lead by example to make clear from the Director level that all requests from members should be considered important and a response should be provided timely.
61. If confirmed, will you direct your staff to adopt a presumption of openness where practical, including identifying documents that can and should be proactively released to the public, without requiring a Freedom of Information Act request?

Yes.
62. If confirmed, will you keep this Committee apprised of new information if it materially impacts the accuracy of information your agency's officials have provided us?

Yes.

VII. Assistance

63. Are these answers your own? Have you consulted with DHS, ICE, or any other interested parties? If so, please indicate which entities.

Yes. The responses to all questions are my own. I relied on my own experiences, knowledge of the agency and law enforcement, and publicly available information, and sought and received comment from appropriate DHS and ICE staff, which I was free to incorporate or refuse.

I, Ed Gonzalez, hereby state that I have read the foregoing Pre-Hearing Questionnaire and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.

Ed Gonzalez
(Signature)

This 6th day of July, 2021

**Ranking Member Rob Portman
Post-Hearing Questions for the Record
Submitted to Ed Gonzalez**

**Nominations of Robert L. Santos to be Director,
U.S. Census Bureau, U.S. Department of Commerce, and
Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement,
U.S. Department of Homeland Security
Thursday, July 15, 2021**

1. Since President Biden's inauguration ICE arrest numbers have dropped considerably. From October 2020 to January 2021 ICE arrest numbers totaled 23,969 and from February 2021 to May 2021 ICE arrest numbers amounted to 10,012 – a 58 percent decrease between those two time periods. As the nominee to be ICE Director, what concerns do you have with the dramatic decrease in ICE arrests following the President's Executive Order coupled with the worst first half of the year for unlawful crossings at the border in twenty years?

If confirmed, my North Star will be ensuring that ICE is deploying its limited resources in the most effective way possible. I would seek briefings from ICE career professionals in order to understand the reasons for the change. With that said, in my time as a police executive, I have learned that a single data point or metric cannot capture the complexity of law enforcement activities. There may be good reasons for the number of arrests falling, including that the quality of the arrests are higher as ICE is pursuing targets that pose a greater threat to national security, border security, or public safety, and who may therefore be more difficult or dangerous to apprehend. On the other hand, if the drop in arrests is not yielding a positive outcome in terms of public safety and national and border security, I would seek to understand how we can improve.

2. The ICE interim guidance cited "limited resources" for ICE as a driver of limited enforcement actions. However, the ICE budget is flat and ICE has the same number of officers. What purpose is served by having a law enforcement agency with the same amount of resources and personnel drop its arrests by 50 percent?

If confirmed, I would seek to be briefed by career ICE professionals about the reasons for the current drop in the number of arrests being made. However, as a lifelong law enforcement official, I know that the quantity of arrests is just one metric by which we measure success. The quality of arrests, and ICE's impact on public safety, border security, and national security, are also important factors to take into account.

As discussed in my response to question #1, there may be good reasons why the number of ICE arrests have fallen, such as a focus on tougher arrests that yield greater benefit for the public good, but require greater ICE resources. If I am confirmed, I would commit to being as transparent and forthcoming as possible with Congress and the American public about how ICE is deploying its resources to ensure public safety, national security, and the integrity of our borders.

3. As sheriff of Harris County, how would you react if your officers were only arresting someone every 60 days on average at a time when crime is rising?

As Sheriff of Harris County, I have always sought to ensure that our entire Office is pulling together to keep our county safe. With that said, not everyone in my office makes arrests. In addition, as a lifelong law enforcement official, I know that proactive at-large arrests are typically accomplished by large teams—not just an individual officer. In Harris County at least, we often work in teams in particular when an arrest may pose greater than normal danger to public safety, or when the individual being apprehended is especially likely to try to evade arrest. I am mindful that a single statistic cannot capture the hard and complex work that law enforcement officers carry out every day. If confirmed as ICE Director, I would work to gain a full understanding of the arrest rates and trends among the workforce so that I can lead them effectively in carrying out their missions.

4. Is ICE required to detain criminal migrants, as described in section 236(c)(1) of the Immigration and Nationality Act into its custody when those migrants are released from state and local custody?

My understanding is that ICE has wide, though not unlimited, discretion when deciding whether to detain an individual who is subject to enforcement action. If confirmed, I would seek to be briefed by career ICE professionals before forming an opinion on whether ICE is required to detain individuals in any given set of circumstances. In general, if confirmed, I would comply with the law, and would be guided by the agency's commitment to improving public safety, national security, and the integrity of our borders.

5. If confirmed, will you commit that ICE will remove migrants under final administrative orders of removal as Congress has mandated in the Immigration and Nationality Act? If not, why not?

I believe that people with final orders of removal who have exhausted all legal remedies are subject to removal from the country. I would prioritize the allocation of ICE resources in all instances based on threats to national security, border security, and public safety.

6. Recent Interim Guidance for ICE Attorneys (issued on May 27, 2021) regarding immigration enforcement strongly encourages ICE Attorneys to consider the seriousness of criminal activity when reviewing a removal case for a noncitizen with criminal history to inform their execution of prosecutorial discretion. Do you think criminals unlawfully residing in the United States should be allowed to remain in this country indefinitely?

Like every law enforcement agency, ICE has limited enforcement resources as provided by Congress. I believe that prioritizing enforcement and removal actions against those in

the country who pose a threat to public safety, border security, or national security, is an appropriate approach to allocating those resources efficiently. As part of its prioritization, ICE's interim guidance lays out crimes that I believe pose a serious threat to public safety. If confirmed, I would want to work with the Secretary as he reviews and finalizes that guidance, and with Congress and this Committee to ensure that it is being carried out appropriately.

7. Do you believe it is safer or more dangerous for the community for ICE officers to apprehend criminal migrants in secure jail settings or out in the community at a home where an altercation could turn violent for innocent bystanders?

Generally, I agree that there are fewer risks to an arresting officer if the arrest occurs in a controlled environment. However, as a lifelong law enforcement official, I know that detention is not always practicable or appropriate, and at-large arrests are sometimes the only option. In such instances, it is important to work with local law enforcement officials wherever possible to minimize the risk to officers, subjects, and the public.

8. Do you believe that criminal migrants unlawfully present in the United States should be deported or shielded from deportation by local jurisdictions?

As a sheriff of a large and diverse county, my priority, and the priority of most local officials, is public safety and the security of the community. Local law enforcement agencies must develop and maintain strong trust and bonds with community members in order to ensure crimes that threaten public safety, including domestic violence, gang activity, and so on can be reported without fear. Fear among immigrant communities that interacting with local police could lead to ICE enforcement action can be a barrier to effectively maintaining these ties. I support local decision-making and discretion regarding cooperation with ICE on federal immigration matters. That said, if I am confirmed as ICE director, ICE will not compromise when it comes to threats to public safety or national security.

9. If an individual illegally enters the United States, should they be held accountable through deportation or should they be permitted to remain in the United States?

If an individual enters the United States illegally and is ordered removed, they are subject to enforcement action including removal from the United States under the law. However, U.S. law also requires that some individuals, including those with valid asylum claims, be provided protection under the law. If confirmed, I will uphold the law at all times.

10. In accordance with the ICE memo "Interim Guidance: Civil Immigration Enforcement and Removal Priorities" dated February 18, 2021, both ERO and HSI are required to provide weekly reports to ICE leadership identifying each enforcement action and removal accompanied with justification for each individual law enforcement activity.

Will you provide complete copies of these weekly enforcement reports as requested by the Chairman, myself, or any members of this committee?

My understanding is that these documents would contain pre-decisional information, but if confirmed, my intent would be to remain as transparent with Congress as possible regarding ICE's enforcement activities, including providing regular briefings or information in summary form.

11. Additionally, the interim guidance charges ICE agents to obtain preapproval for enforcement and removal actions that do not meet the specified three priorities: suspected terrorists and threats to national security, individuals with aggravated felony convictions, and migrants who crossed the border after Nov. 1, 2020.

Do you agree to provide documentation on enforcement and removal action preapprovals, including denied preapprovals as requested by the Chairman or myself?

My understanding is that these documents would contain pre-decisional information, but if confirmed, my intent would be to remain as transparent with Congress as possible regarding ICE's enforcement activities, including providing regular briefings or information in summary form.

**Senator Ron Johnson
Post-Hearing Questions for the Record
Submitted to Ed Gonzalez**

**Nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of
Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs
Enforcement, U.S. Department of Homeland Security
Thursday, July 15, 2021**

1. In January 2021, Acting Secretary Pekoske issued a memo issuing a 100-day pause for certain removals.¹

- a. Do you believe a suspension of ICE removals is lawful?

As a private citizen, I am not privy to legal analysis or advice that may have been considered in developing the memo. However, I understand a district court judge issued a nationwide injunction against the suspension on February 23 of this year. If confirmed, I would follow the law.

- b. Do you believe a suspension of ICE removals is constitutional?

As a private citizen, I am not privy to legal analysis or advice that may have been considered in developing the memo. It is my understanding that the district court ruling declined to opine on the constitutionality of the suspension.

- c. Do you believe a suspension of ICE removals is sound policy?

As a private citizen, I was not privy to the discussions that led to the development of this memo. The memo was enjoined on February 23, 2021, and my understanding is that the current ICE leadership has resumed removals, consistent with the district court's order.

2. In February 2021, Acting ICE Director Tae Johnson issued a memo limiting civil immigration enforcement action and removal based on certain priorities.²

- a. Do you believe limiting enforcement of immigration laws is lawful?

If confirmed as Director of ICE, I would follow the law. As I have noted in my previous responses, as a private citizen, I was not privy to the legal and policy analysis or advice that may have been considered in developing the guidance. With that said, ICE retains the ability to remove anyone who is subject to

¹ https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

² https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf

removal. However, ICE also has limited enforcement resources as provided by Congress. I believe that prioritizing enforcement and removal actions against those in the country who pose a threat to public safety, border security, or national security, is an appropriate approach to allocating those resources efficiently.

- b. Do you believe limiting enforcement of immigration laws is constitutional?

If confirmed, I would follow the law, including those laws enshrined in the United States Constitution. As I have noted in my previous responses, as a private citizen, I was not privy to the legal and policy analysis and advice that may have been considered in developing the guidance. With that said, ICE retains the ability to remove anyone who is subject to removal. However, ICE also has limited enforcement resources as provided by Congress. I believe that prioritizing enforcement and removal actions against those in the country who pose a threat to public safety or national security, or who have recently crossed our borders, is an appropriate approach to allocating those resources efficiently.

- c. Do you believe limiting enforcement of immigration laws is sound policy?

As a private citizen, I was not privy to the legal and policy analysis and advice that may have been considered in developing the guidance. With that said, ICE retains the ability to remove anyone who is subject to deportation. However, ICE also has limited enforcement resources as provided by Congress. I believe that prioritizing enforcement and removal actions against those in the country who pose a threat to public safety or national security, or who have recently crossed our borders, is an appropriate approach to allocating those resources efficiently. If confirmed, I would seek to be briefed on how the priorities are being carried out, and I would want to work with the Secretary as he reviews and finalizes that guidance, and with Congress and this Committee to ensure that it is being carried out appropriately.

3. In January 2021, President Biden issued Presidential Proclamation 10142, which paused border wall construction. On June 9, 2021, DHS issued a plan to continue the suspension of border wall construction and to redirect funds provided by Congress.³

- a. Do you believe these actions are lawful?

If confirmed as ICE Director, I would not have any role relating to wall construction. I would defer to attorneys within the Department and to any relevant court orders regarding that question.

- b. Do you believe these actions are constitutional?

³ https://www.dhs.gov/sites/default/files/publications/21_0611_dhs_security_border_wall_plan.pdf

If confirmed as ICE Director, I would not have any role relating to wall construction. I would defer to attorneys within the Department and to any relevant court orders regarding that question.

- c. Do you believe these actions are sound policy?

If confirmed as ICE Director, I would not have a role relating to wall construction. I would defer to personnel within CBP and the Department regarding that question.

Senator James Lankford
Post-Hearing Questions for the Record
Submitted to Ed Gonzalez

Nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement, U.S. Department of Homeland Security
Thursday, July 15, 2021

Border Crisis

- 1) As you are aware, the U.S. Department of Homeland Security (DHS) has encountered over 1 million migrants this fiscal year and is on track to reach a 20-year high by the end of this fiscal year in the number of migrants it will have encountered along the Southwest border. Do you believe that this situation rises to the level of a crisis? Why or not?

I believe that this situation is a challenge, and I agree that the numbers currently arriving at our borders are high. With that said, my experience as a border sheriff has been that surges in arrivals to the border occur regularly, including under the enforcement policies of the previous administration. I believe that in order to sustainably address surges of irregular migration to our borders in the long run, comprehensive immigration legislation must be passed that updates our legal immigration system.

In terms of addressing the current challenges, I understand that the Secretary and others in the federal government have surged resources from FEMA, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, and the Department of Health and Human Services to the border in order to manage the current challenges, prioritizing the health and safety of unaccompanied children arriving at our borders. If confirmed as ICE Director, my primary concern will be leading the agency's investigative and enforcement missions, including going after the transnational criminal organizations that profit from flows of migrants to our U.S. southern border. I will also work closely with counterparts in CBP, HHS, and other sister agencies in order to ensure we are bringing the right resources to bear to address the challenges at the border.

- 2) During your testimony, you discussed that U.S. Immigration and Customs Enforcement (ICE) must be involved in addressing the "root causes" of migration from the Northern Triangle. As you are aware, more migrants from Ecuador were encountered by U.S. Customs and Border Protection (CBP) at the Southwest border in May 2021 than migrants from El Salvador. Additionally, news reports have found that many migrants from countries like Romania are constituting an increasing portion of the migrant flow to

the Southwest border.

In light of these findings, do you believe a continued focus on addressing the root causes in the Northern Triangle is an effective strategy for the Biden Administration? If not, why not?

I do. As a private citizen, my understanding is that significant flows from Northern Triangle countries have occurred over a sustained period, and that because of the countries' proximity to the U.S., there are established routes that migrants take from these countries directly to our southern border. My personal belief is that we need to understand and address that trend, along with enacting comprehensive immigration reform.

With that said, your question and feedback about Ecuador speaks to the challenge of managing an international border. It's easy to focus on the obvious challenge, such as the flows from Northern Triangle, but we still must remain vigilant for the potential for other emerging trends such as flows from Ecuador or other regions. ICE needs to be a smart, nimble, flexible, effective and analysis-driven agency, in my opinion. An ever-changing threat landscape requires agencies to not have tunnel vision. ICE must look at all the flows and adjust policies accordingly.

If confirmed, I would seek to be briefed on any additional factors and causes that are leading to increased arrivals from other countries.

Enforcement Priorities

- 3) The interim priorities set by Acting Director Tae Johnson on February 18, 2021 prioritize enforcement actions against aggravated felons as defined by the INA. However, the limited scope of that definition means that many criminal aliens are not prioritized for enforcement actions.

ICE notified my staff that they have declined to arrest or lodge detainers on at least 6 sex offenders who did not meet the aggravated felony definition due to the limitations set forth in Acting Director Johnson's interim priorities. One of these sex offenders was convicted of sexual battery against a child.

In light of these 6 cases, do you believe that the February 18 interim guidance sufficiently ensures that ICE is removing criminal aliens? Why or why not?

ICE retains the ability to remove anyone who is subject to removal. With that said, the cases you have described would certainly seem to me to be textbook examples of serious threats to public safety. My understanding is that the February 18 guidance allows career law enforcement officials in the region the discretion to determine if an individual poses a national security, border security, or public safety threat. If confirmed, I would want to work with your office, and within ICE, to understand the cases you described, and to ensure that ICE is providing accurate guidance to field offices in order to carry out its critical public safety mission.

- 4) As you may be aware, CBP has begun releasing migrants encountered at the Southwest border and is asking them to report to ICE within 60 days of arriving at their destination. My staff was verbally informed by ICE that, as of last week, a little more than 35,000 migrants have now been issued Notices to Report to ICE. ICE has not provided my staff with updated numbers on how many migrants have reported to ICE; however, a recent article in the *Washington Times* reported that – at most – only 25 percent of migrants issued Notices to Report have reported to ICE. This process makes it very easy for migrants to abscond into the interior, avoid detection by ICE, and possibly threaten public safety. As you are likely aware, recent border crossers – including those who are issued Notices to Report but fail to report – are considered a priority for enforcement and removal under the February 18 interim guidance.

From your understanding of the current situation at the border and the Notice to Report process, do you believe that the Notice to Report is an effective tool for enforcing the law along the Southwest border? Why or why not?

If confirmed, I would not have a role in issuing Notices to Report; my understanding is that that responsibility lies with CBP. With that said, if confirmed, I would commit to understanding what criteria CBP uses in deciding whether to issue an Notice to Report as well as what resources, authorities, and tools I would have as ICE Director to ensure that people with Notices to Report comply with immigration laws.

If confirmed, will you commit to conducting enforcement actions against migrants who fail to report to ICE within 60-days after receiving a Notice to Report?

If confirmed, I will work to ensure that people with Notices to Report comply with their immigration obligations.

- 5) Can you share your understanding of the “recent border crossers” enforcement priority in Acting Director Johnson’s February 18 guidance?

According to the publicly available interim enforcement priorities memo, crossing the border without authorization after November 1, 2020 makes a person a presumed priority and is sufficient for ICE to take enforcement action without approval by a Regional Field Office Director.

Do you believe that an element of criminality must be present for ICE to conduct an enforcement action against a recent border crosser as defined by the February 18 guidance?

No.

If confirmed, will you commit to sharing with my staff your interpretation and guidance for officers to enforce the “recent border crossers” priority?

Yes.

If confirmed, will you provide regular updates to my staff about the number of recent border crossers ICE has conducted enforcement actions against?

Yes.

Title 42

- 6) As you are aware, CBP has begun exercising prosecutorial discretion to release certain migrants through the Notice to Report process. It is conceivable that CBP could use the Notice to Report process as a way to avoid exhausting CBP and ICE's detention space by quickly processing and releasing migrants that will cross the border following the rescission of Title 42. Do you believe such a scenario would be a legitimate use of prosecutorial discretion?

As a private citizen, I do not know what criteria CBP uses for issuing NTRs, so I cannot make a judgment on whether I believe this is a legitimate use of prosecutorial discretion. If confirmed, I commit to being briefed on CBP's guidelines for issuing NTRs. In general, I believe the use of prosecutorial discretion must follow clear policy guidance to be effective.

What limits, if any, do you see on ICE or DHS's ability to use prosecutorial discretion to manage a surge of migrants that overwhelms its facilities?

My North Stars are national security, border security, and public safety. Any use of prosecutorial discretion that threatens those things would, in my opinion, be a misuse of prosecutorial discretion. I also understand that there are certain people who must be detained by ICE under the law. Use of prosecutorial discretion in those cases would not be permissible.

In light of your response to the previous question, what steps will you take to ensure that ICE does not abuse prosecutorial discretion?

In general, I believe that the use of prosecutorial discretion must follow clear policy guidance to be effective.

Data Requests

- 7) Acting Director Tae Johnson promised me and my staff that ICE would transmit data that we had requested by a certain date. ICE took two additional weeks past the deadline provided by Acting Director Johnson to share the data with me. If confirmed, will you

commit to providing me and my staff with the information we request within a timely fashion?

Yes.

Life and Religious Liberty

- 8) A report from the Obama administration in 2010 reinforced the importance of faith-based partnerships. Among the recommendations put forward in the report was to draw *more* on the local expertise and relationships of faith-based organizations as a way of filling gaps in the provision of essential services. Faith-based organizations are excellent, effective, and efficient at meeting the needs of our most at-risk populations. The report also highlighted the need to ease overly-burdensome reporting and regulation requirements placed on social service agencies.

Do you agree that it is important to continue pursuing ways to engage and expand faith-based partnerships as a way of effectively addressing some of the most critical social service needs in our country?

Yes. As a local sheriff, and prior to that as a City Council member, I have found working with houses of worship in my community to be incredibly important, as these organizations act as a hub of daily life for many Houstonians. If confirmed, I would seek to ensure that ICE is an agency that is accessible and responsive to all community stakeholders, including community organizations such as churches, synagogues, and other religious organizations, consistent with the law.

- 9) The Supreme Court has, in multiple decisions, reiterated that religious organizations cannot be discriminated against in the distribution of a public benefit for which they otherwise qualify because of their religious beliefs or identity.

Will you commit to ensuring that no policy of your Department will disqualify a religious organization from receiving aid or participating in grant programs simply because of the organization's religious beliefs or because the organization receives statutory protections for religious freedom like those in Title VII and Title IX?

I commit to following all Supreme Court rulings related to religious organizations receiving a public benefit. With that said, as I noted above, during my time in public service, I have found working with houses of worship in my community to be incredibly important. If confirmed, I would seek to ensure that ICE is an agency that is accessible and responsive to all community stakeholders, including community organizations such as churches, synagogues, and other religious organizations, consistent with the law.

- 10) An important part of prompting and expanding faith-based partnerships is providing clarity on the legal obligations that will be expected of faith-based organizations when they partner with the government. Title VII of the Civil Rights Act of 1964 protects the ability of religious organizations to hire employees that support its religious beliefs and mission.

Do you agree that it is both logical and appropriate that religious organizations should be able to hire employees that support the religious mission and beliefs of the organization?

Yes.

Do you agree that it is inappropriate for the federal government to dictate to a house of worship or a religious organization what tenets of the faith should be observed?

Yes.

Will you commit to ensuring that any nondiscrimination policy implemented by your agency will reinforce the hiring protections that Congress has passed in Title VII for religious organizations?

If confirmed, I will ensure that ICE complies with the hiring protections in law and that includes Title VII.

- 11) Per ICE's National Detention Standards, ICE will only pay for an abortion if the life of the mother would be endangered by carrying a fetus to term, or in the case of rape or incest. In all other circumstances, the detainee bears the cost of terminating the pregnancy. In all instances, ICE arranges transportation to the medical appointment at no cost to the detainee and, if requested, to religious or social counseling.

Will you commit to keeping this policy in place and enforcing it to ensure that taxpayer dollars are not funding abortions, including abortions for individuals in detention?

If confirmed, one of my most important responsibilities will be to ensure appropriate care and humane conditions in order to ensure the safety and well-being of our detained population, including appropriate medical care. If confirmed, I would review the policy closely to understand the current status, and would commit to working closely and transparently with this Committee to understand its views on the issue.

- 12) Last week, ICE issued new policy for women known to be pregnant or nursing, which states that ICE should not detain, arrest, or take into custody for an administrative violation of the immigration laws individuals known to be pregnant, postpartum, or nursing, unless release is prohibited by law or exceptional circumstances exist.

ICE has said that in the “very limited circumstances in which detention is necessary and appropriate,” it will provide general health and well-being care, including regular custody and medical reevaluation, ensuring appropriate pre- and/or post-natal and other medical and mental health care.

Last year, the Office for Civil Rights and Civil Liberties (CRCL) at DHS began an investigation of DHS’ policies for pregnant detainees based on a complaint that was filed.

Can you walk me through your understanding of ICE’s detention standards for pregnant or nursing women?

As a private citizen, I have not yet closely reviewed ICE’s detention standards relating to pregnant, postpartum, and nursing people, although I understand that ICE has four sets of detention standards, which may have differing requirements relating to those populations. As a general rule, I agree that this population is particularly vulnerable, with heightened need for medical care. I also agree with the presumption of release for pregnant people who do not pose a public safety or national security threat. This is especially true during the ongoing COVID-19 pandemic, which has been shown to affect detained populations and pregnant women particularly severely.

What are examples of cases or instances where an individual who is pregnant, nursing or postpartum will be detained?

I believe that decision would have to be made on a case-by-case basis, but the circumstances would be very limited as stated in the guidance. If confirmed, the two paramount factors would be the health and safety of the mother, and ICE’s responsibility to ensure our national security against threats.

- 13) Since January 20, the Biden Administration has continued to reinterpret sex to include sexual orientation and gender identity in several areas of law. As you may know, this has had an impact on some sex-segregated spaces such as prisons, restrooms, shelters, etc. that are customarily designated for women only, but now must accept biological men based on gender identity.

What is ICE’s policy for protecting the safety and well-being of biological women in custody?

As a private citizen, I am not familiar with ICE’s current policies regarding housing of transgender individuals. If confirmed, I would seek to be briefed on the current policy. My goal would be to ensure that all individuals in ICE’s custody are safe, and that ICE detention policies maximize respect for detained individuals’ dignity and well-being.

Is ICE housing individuals in custody based on biological sex or gender identity?

As I noted above, I am not yet familiar with ICE's current policies and practices in this area. My understanding is that ICE does an individual assessment on detainees.

There have been conversations about mandating that individuals who identify as transgender are automatically placed on an alternative to detention or released into the interior, as is already the practice at certain ports of entry. Is that a policy you plan to implement within ICE more broadly?

If confirmed, my North Star will be ensuring public safety, national security, and the integrity of our borders, while ensuring the safety and well-being of those in ICE custody. I am not aware of any discussions relating to automatic release of any population based on gender identity, and if confirmed, I would be guided by the principles above in developing policies that uphold the dignity of all individuals ICE encounters in carrying out its mission.

If so, please explain the reasoning behind your decision. Please also explain the standard ICE will use to determine whether an individual is claiming a gender identity different from his or her biological sex solely for the purpose of release.

If confirmed, I would be guided by the principles above in developing policies that uphold the dignity of all individuals ICE encounters in carrying out its mission.

**Senator Josh Hawley
Post-Hearing Questions for the Record
Submitted to Ed Gonzalez**

**Nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of
Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs
Enforcement, U.S. Department of Homeland Security
Thursday, July 15, 2021**

1. Do you believe that President Biden's immigration policies have been effective? Why or why not?

My experience as a border sheriff has been that surges in arrivals to the border occur regularly, including under the harsh enforcement policies of the previous administration. I believe that in order to sustainably address surges of irregular migration to our borders in the long run, comprehensive immigration legislation must be passed that updates our legal immigration system.

If confirmed as ICE Director, my primary concern will be leading the agency's investigative and enforcement missions, including going after the transnational criminal organizations that profit off of flows of migrants to our U.S. southern border. In that role, I will measure the success of the agency in terms of our impact on public safety, national security, and ensuring the integrity of our borders.

2. In the first five months of 2021, Customs and Border Protection has recorded over 700,000 illegal crossing attempts resulting in enforcement encounters at our southwest border—and that doesn't even include June. Do you believe this level of illegal crossings is unacceptable?

I believe that this situation is a challenge, and I agree that the numbers currently arriving at our borders are high. With that said, my experience as a border sheriff has been that surges in arrivals to the border occur regularly, including under the enforcement policies of the previous administration. I believe that in order to address surges of irregular migration to our borders in the long run, comprehensive immigration legislation must be passed that updates our legal immigration system. Our country also needs both border security and effective immigration enforcement.

3. How would you describe the situation at the southwest border today?

I believe that this situation is a challenge, and I agree that the numbers currently arriving at our borders are high. With that said, my experience as a border sheriff has been that surges in arrivals to the border occur regularly, including under the enforcement policies

of the previous administration. I believe that in order to sustainably address surges of irregular migration to our borders in the long run, comprehensive immigration legislation must be passed that updates our legal immigration system. Our country also needs both border security and effective immigration enforcement.

In terms of addressing the current challenges, I understand that the Secretary and others in the federal government have surged resources from FEMA, U.S. Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, and the Department of Health and Human Services to the border in order to manage the current challenges, prioritizing the health and safety of unaccompanied children arriving at our borders. If confirmed as ICE Director, I will work closely with counterparts in CBP, USCIS, HHS, and other sister agencies in order to ensure we are bringing the right resources to bear to address the challenges we currently face.

4. If confirmed, do you plan to keep ICE's current interim enforcement and removal priorities—dated February 18, 2021—in place? What specific changes do you plan to make, if any?

I believe that prioritizing enforcement and removal actions against those in the country who pose a threat to public safety, national security, or border security, is an appropriate approach to allocating those resources efficiently. If confirmed, I would seek to be briefed on how the priorities are being carried out, and I would want to work with the Secretary as he reviews and finalizes that guidance, and with Congress and this Committee to ensure that it is being carried out appropriately.

5. If confirmed, which illegal aliens would you prioritize for removal from the United States?

I believe that prioritizing enforcement and removal actions against those in the country who pose the greatest threat to public safety, national security, or border security is a reasonable approach to allocating those resources efficiently. As part of its prioritization, ICE's interim guidance lays out crimes that I believe pose a serious threat to public safety. I agree with the prioritization of those criminal acts, and note that the memo does not affect ICE's authority to carry out enforcement actions against anyone in the country unlawfully. If confirmed, I would want to work with the Secretary as he reviews and finalizes the guidance, and with Congress and this Committee to ensure that it is being carried out appropriately.

6. In your view, approximately how many interior arrests per month should ICE ERO be conducting to ensure proper enforcement of and compliance with our immigration laws?

If confirmed, I would seek to ensure that ICE is deploying its limited resources in the most effective way possible, and I would seek briefings from ICE career professionals in order to understand the current number of arrests and any recent trends. With that said, as a lifelong law enforcement official, I know that the quantity of arrests is just one metric

by which we measure success. The quality of arrests, and ICE's impact on public safety and national security, are also important factors to take into account.

7. Are there any of our immigration laws you believe should *not* be enforced? If so, which ones and why not?

All immigration laws are subject to enforcement. Prosecutorial discretion is an important tool that allows law enforcement officials to prioritize enforcement actions using limited resources.

8. It's been reported that some illegal aliens who cross the southwest border and make claims of protection are receiving "notices to report" to ICE field offices within 60 days rather than official "notices to appear" in court. Are you concerned that issuing illegal aliens "notices to report" make it more likely that migrants will simply disappear into the interior of the country and not commence official proceedings?

If confirmed, I would not have a role in issuing Notices to Report; my understanding is that that responsibility lies with CBP. With that said, if confirmed, I would commit to understanding what criteria CBP uses in deciding whether to issue a Notice to Report as well as what resources, authorities, and tools I would have as ICE Director to ensure that people with Notices to Report comply with immigration laws.

9. Do you believe that ICE's two divisions—ERO and HSI—should remain a part of the same agency?

Yes.

10. If confirmed, will you commit to providing my office and the committee monthly data on administrative arrests and removal operations by ICE ERO in a timely fashion?

Yes.

**Senator Kyrsten Sinema
Post-Hearing Questions for the Record
Submitted to Ed Gonzalez**

**Nominations of Robert L. Santos to be Director, U.S. Census Bureau, U.S. Department of Commerce, and Ed Gonzalez to be Assistant Secretary for Immigration and Customs Enforcement, U.S. Department of Homeland Security
Thursday, July 15, 2021**

- 1) Coordination between Arizona ICE facilities and local communities has been a challenge in recent years. For instance, there have been issues with coordinating migrant releases with local non-governmental organizations to ensure migrants and our communities are safe, and there also have been issues regarding the release of COVID-positive individuals into communities without notice to local authorities. If confirmed, what steps do you want to take to help ICE build and retain trust with local communities?

As Harris County Sheriff, I have always relied heavily on interagency coordination and cooperation to keep my community safe. If confirmed as ICE Director, I will take the same approach in working with local communities, particularly as the agency seeks to rebuild trust with the public. These actions will include strengthening relationships with key stakeholders at the state, local, tribal, and territorial level, ensure we are engaging cooperatively and proactively with NGOs who carry out important work to support ICE's mission, and taking all appropriate steps to protect public health. If confirmed, I will continue my philosophy of "leadership by walking around," and hope to meet with as many local stakeholders as possible to reinforce the message that ICE is accessible to them.

- 2) Our nation continues to see large numbers of migrants coming to our border. One of the significant efforts happening right now to better manage the current crisis is ICE's Endeavors contract to provide additional processing capacity by renting out hotels in Arizona and Texas. This effort has been met with some resistance and concerns by local communities and stakeholders. Our nation must improve the way it manages this type of crisis at the border, but we have to do so in a way that ensures migrants are treated fairly and humanely, that supports ongoing efforts by state and local entities, and that the federal government is making wise investments.

How will you work to ensure appropriate oversight and compliance, particularly of contracted facilities as well as the special temporary contracts such as Endeavors, so that they comply with ICE standards for operations and make best use of U.S. taxpayer money? If you are confirmed, will you work with Congress on ways to improve ICE transportation resources to ensure that this no longer continues to be an issue?

As a private citizen, I am not knowledgeable regarding the Endeavors contract. My understanding is that ICE has authority to carry out no-bid contracts in times of surges, but I agree that taxpayer money must not be wasted when the agency does so, and

standards must be upheld. Additionally, we need work with local communities to ensure that ICE's activities are not unnecessarily disruptive, and with Congress to explore possible alternatives, including expanding transport. If confirmed, I would want to work with you and your office to dig into these issues and seek improvements.

- 3) What are your priorities with regard to ICE detention facilities, which have had a number of issues over the past few years – including very high numbers of COVID cases, problems with migrants obtaining timely and appropriate medical attention, as well as whistleblower complaints about unsafe and unethical practices?

If confirmed, my priority would be the health, safety, and well-being of the detained population. I am horrified by media reports alleging unnecessary forced medical procedures on detainees. If confirmed, I would seek to immediately get up to speed on these issues and what ICE is doing to address them. But these issues are sadly not isolated. If confirmed, I would seek to work with this committee, the Government Accountability Office, the DHS Inspector General, and stakeholder groups to understand the specific challenges and work to address them expeditiously.

- 4) Ensuring that ICE works in close coordination with U.S. Customs and Border Protection and the entire Department of Homeland Security organization as well as with state, local, and tribal partners in Arizona is an important part of the Director's portfolio and will make Arizona, as well as the nation, safer. How will your previous experience help you improve ICE's efficiency and interagency cooperation, and what steps do you want to take, if confirmed, to ensure that ICE is successfully working with other federal, state, local and tribal partners?

Interagency coordination is key to ICE's investigative mission. As Harris County Sheriff, I have worked murder cases, gang and drug cases that cross state and national borders in cooperation with FBI, DEA, and ICE-HSI. My team and I could not have made these arrests without cooperation with federal agencies. If confirmed as ICE Director, I will seek to build strong relationships within the interagency and with state and local authorities, and empower Field Office Directors and Special Agents in Charge to do the same at their level. In my opinion, law enforcement must be a team effort with communication, cooperation, and a shared commitment to mission at the forefront.



July 13, 2021

Dear Members of the Senate Homeland Security and Governmental Affairs Committee,

President Joe Biden has [nominated](#) Sheriff Ed Gonzalez of Harris County, TX to serve as the Director of U.S. Immigration and Customs Enforcement (ICE). A co-chair of the Law Enforcement Immigration Task Force (LEITF), Sheriff Gonzalez is a proven leader on issues at the intersection of law enforcement and immigration. As his peers and fellow LEITF members, we believe he will prioritize both public safety and the dignity of immigrants as the Director of ICE.

[Sheriff Gonzalez](#) was elected Sheriff of Harris County – Texas’ largest county and the United States’ third largest county by population – in November 2016. Prior to this, Sheriff Gonzalez served for 18 years in the Houston Police Department and six years on Houston’s City Council, chairing the Public Safety and Homeland Security Committee. We believe these diverse experiences will inform Sheriff Gonzalez’s leadership at ICE, and ensure that public safety, community trust, collaboration with local and state law enforcement, and humane treatment of immigrants are prioritized by ICE under the Biden administration.

As a law enforcement leader, Sheriff Gonzalez has supported smarter, targeted enforcement priorities that respect local law enforcement and uphold community trust. For example, he worked with other Texas sheriffs to raise concerns about state legislation ([SB.4](#)) that would require local law enforcement to divert scarce resources to carry out certain immigration enforcement activities that traditionally have been the responsibility of the federal government.

In addition to championing smarter enforcement priorities, Sheriff Gonzalez has been an outspoken advocate for compassionate treatment of immigrants as an LEITF member. He joined a group of Texas law enforcement leaders in [denouncing](#) President Trump’s family separation policy. He is also an advocate for Dreamers and has urged Congress to find bipartisan solutions to protect DACA recipients and provide pathways to citizenship. In a May 2018 [press statement](#), he stated:

Congress owes all Americans a bipartisan, permanent solution for Deferred Action for Childhood Arrivals (DACA). A solution for Dreamers is also a solution for American workers, businesses, law enforcement, churches, our military, and entire communities. Dreamers are our neighbors, our co-workers, our friends. It is past time for our Congress to rise above the political rhetoric and demonstrate true leadership on this urgent issue.

We believe Sheriff Gonzalez would lead ICE with acute knowledge of local law enforcement realities and compassion for vulnerable immigrants. Confirming Sheriff Gonzalez will ensure



that ICE prioritizes enforcement against those who pose public safety or national security threats, and that local law enforcement agencies can focus their limited resources on community safety.

We believe Sheriff Gonzalez's pragmatic and sensible leadership would be an asset to ICE. We support Sheriff Gonzalez's nomination and urge that he be confirmed promptly.

Sincerely,

Sheriff Margaret Mims, LEITF Co-Chair
Fresno County, CA

Chief Orlando Rolón, LEITF Co-Chair
Orlando, FL

Chief Art Acevedo, LEITF Co-Chair
Miami, FL

Executive Director Dwayne Crawford
National Organization of Black Law
Enforcement Executives (NOBLE)

Former National President Clarence Cox
National Organization of Black Law
Enforcement Executives (NOBLE)

Chief Ernest Finley
Montgomery, AL

Lieutenant Andy Norris, Retired
Tuscaloosa, AL

Chief Ramon Batista, Retired
Mesa, AZ

Chief Roy Bermudez
Nogales, AZ

Chief Jack Harris, Retired
Phoenix, AZ

Chief Mike Soelberg
Gilbert, AZ

Chief Steve Stahl, Retired
Maricopa, AZ

Chief Roberto Villasenor, Retired
Tucson AZ

Chief Bill Scott
San Francisco, CA

Chief David Valentin
Santa Ana, CA

Chief Robert Contee
Washington, DC

Interim Chief Sylvia Moir
Napa, CA

Sheriff John Mina
Orange County, FL

Chief Roy W. Minter Jr.
Savannah, GA

Chief Chris Cole
Storm Lake, IA

Sheriff Paul Fitzgerald
Story County, IA

Chief Wayne Jerman
Cedar Rapids, IA



Director of Public Safety Mark Prosser,
Retired
Storm Lake, IA

Sheriff Kevin Schneider
Polk County, IA

Chief Mike Tupper
Marshalltown, IA

Chief Craig Kingsbury
Twin Falls, ID

Sheriff John Idleburg
Lake County, IL

Chief Michael Diekhoff
Bloomington, IN

Chief Scott Ruszkowski
South Bend, IN

Chief Ron Teachman, Retired
South Bend, IN

Chief Gordon Ramsay
Wichita, KS

Chief Erika Shields
Louisville, KY

Sheriff Peter Koutoujian
Middlesex County, MA

Chief Brian Kyes
Chelsea, MA

Chief Marcus Jones
Montgomery County, MD

Chief J. Thomas Manger, Retired
Montgomery County, MD

Sheriff Jerry Clayton
Washtenaw County, MI

Chief Ron Haddad
Dearborn, MI

Chief Christopher C. Blue
Chapel Hill, NC

Sheriff Garry McFadden
Mecklenburg County, NC

Sheriff Eli Rivera
Cheshire County, NH

Chief Richard Biehl
Dayton, OH

Public Safety Commissioner Steven Pare
Providence, RI

Chief William Holbrook
Columbia, SC

Sheriff Leon Lott
Richland County, SC

Chief Fred Fletcher, Retired
Chattanooga, TN

Sheriff Marian Brown
Dallas County, TX

Chief Frank Dixon
Denton, TX

Sheriff J.E. "Eddie" Guerra
Hidalgo County, TX

Chief Andy Harvey
Pharr, TX



Sheriff Sally Hernandez
Travis County, TX

Chief Mike Markle
Corpus Christi, TX

Chief Neil Noakes
Fort Worth, TX

Chief Claudio Treviño, Jr.
Laredo, TX

Sheriff Lupe Valdez, Retired
Dallas County, TX

Chief Mike Brown
Salt Lake City, UT

Retired Chief/FBI National Executive
Institute Associates President Chris Burbank
Salt Lake City, UT

Captain Sean Casey
Alexandria, VA

Chief Peter Newsham
Prince William County, VA

Sheriff Mitzi Johanknecht
King County, WA

Sheriff David J. Mahoney, Retired
Dane County, WI



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Vancouver, B.C.
Winnipeg, Manitoba
York Region, Ontario

July 13, 2021

The Honorable Gary Peters
Chairman
Homeland Security and
Governmental Affairs Committee
United States Senate
Washington, DC 20510

The Honorable Rob Portman
Ranking Member
Homeland Security and
Governmental Affairs Committee
United States Senate
Washington, DC 20510

Dear Chairman Peters and Ranking Member Portman,

The Major Cities Chiefs Association (MCCA), a professional organization of police executives representing the largest cities in the United States and Canada, is proud to endorse President Biden's nomination of Sheriff Ed Gonzalez to serve as Director of U.S. Immigrations and Customs Enforcement.

Sheriff Gonzalez's many years of service in Harris County, Texas will provide an operational, local law enforcement perspective that will be an asset given ICE's mission. The MCCA also believes that he will draw on his experience as Sheriff to properly balance ICE's important role in protecting American communities while compassionately addressing the humanitarian challenges that can accompany the agency's mission set.

In conversations with MCCA leadership, Sheriff Gonzalez listened intently to our concerns. For example, he demonstrated his willingness to ensure that ICE ERO prioritizes actions targeting violent criminals. He also underscored his commitment to strengthening communication and engagement between ICE and local law enforcement and to include keeping local agencies informed of ICE operations in their jurisdictions.

The MCCA is confident that Sheriff Gonzalez will be an effective leader and valued partner. Therefore, on behalf of the MCCA's membership, I respectfully request the Committee act swiftly and support the nomination of Sheriff Ed Gonzalez.

Sincerely,

Chief Art Acevedo
Chief, Miami Police Department
President, Major Cities Chiefs Association



Major County Sheriffs of America

1727 King Street, Suite 316, Alexandria, Virginia 22314 | mcssheriffs.com

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Sheriff Peter J. Koutoujian
Middlesex Sheriff's Department
Medford, MA

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Seminole County Sheriff's Office
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Mecklenburg County
Sheriff's Office
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Executive Director
Kimberly J. Wagner

General Counsel
Steven H. Cook

July 13, 2021

The Honorable Gary Peters
Chairman
Committee on Homeland Security &
Governmental Affairs
United States Senate
Washington, D.C. 20510

The Honorable Rob Portman
Ranking Member
Committee on Homeland Security &
Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Peters and Ranking Member Portman:

On behalf of the Major County Sheriffs of America (MCSA), I write to express support for the nomination of Ed Gonzalez to serve as the Director of Immigration and Customs Enforcement (ICE). The MCSA is a professional law enforcement association of the 110 largest elected sheriffs' offices in the nation, representing over 125 million citizens.

Sheriff Gonzalez is highly qualified by his extensive career in law enforcement, including serving as Harris County Sheriff – the largest sheriff's office in Texas – since 2017, and 18 years with the Houston Police Department.

The MCSA Executive Board recently discussed with Sheriff Gonzalez the important partnership local law enforcement holds with ICE. As a Sheriff, he has a deep understanding of the importance of federal, state and local law enforcement collaboration, and especially the unique needs of sheriffs. He expressed a commitment to strengthening this relationship and improving information sharing between Federal, state, and local law enforcement to maintain public safety and combat threats to our homeland.

If confirmed, MCSA would look forward to working with Sheriff Gonzalez on policies to protect our communities.

Respectfully,

Sheriff Peter Koutoujian, President
Major County Sheriffs of America

cc: Majority Leader Chuck Schumer, Minority Leader Mitch McConnell, and
Senate Committee on Homeland Security and Governmental Affairs