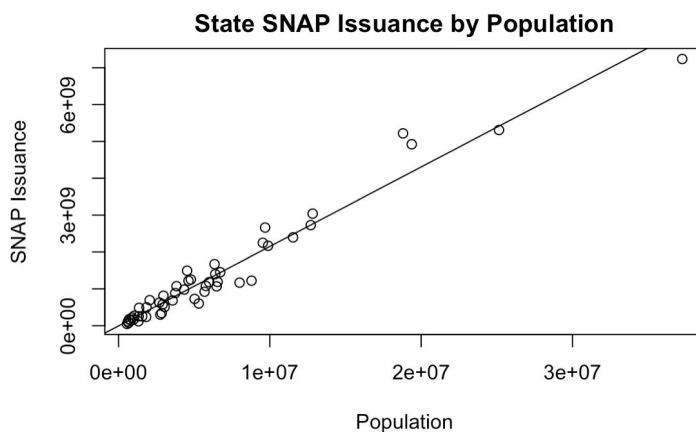
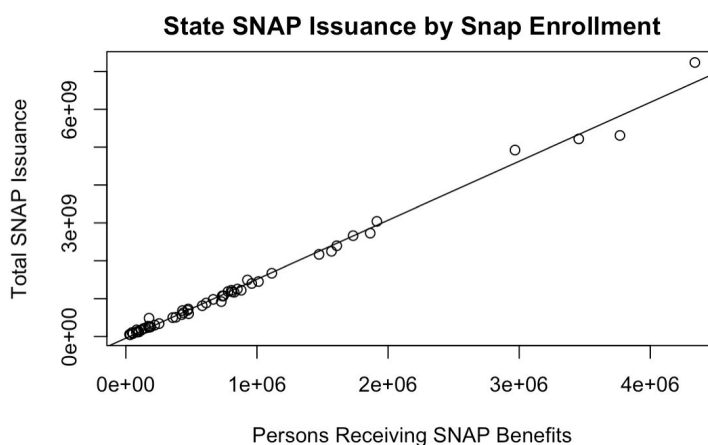


## Funding for programs mentioned as affected in lawsuit:

- Medicaid
  - Based on this [source](#), Medicaid funding is based on the Federal Medical Assistance Percentage (FMAP), along with state expenditure. The FMAP is determined on a state-by-state basis as outlined by Section 1905(b) of the Social Security Act. Symbolically, the FMAP formula is:  $FMAP_{state} = 1 - ((Per\ capita\ income_{state})^2 / (Per\ capita\ income_{U.S.})^2 * 0.45)$ , where per capita income is determined based on census population and income data. The lower a state's per capita income, the higher their FMAP.
- Medicare
  -
- SNAP
  - According to [this](#), funding is allocated with “households eligibility and benefit amounts are determined by local social service agencies.”
  - Can not find anything that explicitly says funding is based on population, but after regressing, we can see that the number of Snap users in a state is a very accurate proxy for funding
  - Cor: 0.996 R^2: 0.992  
Slope: 1557
  - Undercount of one person (receiving SNAP) results in approximate loss of \$1500 of funding



- Snap funding is also highly correlated with a states total population
- Cor: 0.9756
- R^2: 0.9518
- Slope: 215

- **As shown in the SNAPDemographics2013 spreadsheet if 5% of hispanics receiving snap benefits do not receive these benefits, either as funding is linear which we can show but cannot prove without the exact formula, or by being scared off by the citizenship question, there would be a national loss of \$182,791,800 of SNAP Funding**
  
- WIC
  - “Grants are allocated on the basis of formulas determined by the Department of Agriculture which allocate funds for food benefits, and nutrition services and administration costs”, [source](#)
  - <https://www.fns.usda.gov/wic/fr-102199>
  - <https://www.gpo.gov/fdsys/pkg/FR-1999-10-21/pdf/99-27431.pdf>
    - i. “Currently, eighty percent of funds available for allocation through the parity component are allocated in accordance with projected participation, adjusted by the economy of scale factor.”
    - ii. “This is done on the basis of administrative grant per participant (AGP) rates that are adjusted for the higher per participant costs associated with smaller participation levels (15,000 or fewer participants per month). Twenty percent of funds available for the parity grant component are allocated on the basis of differential salary levels and service to Priority I participants”
- Section 8 Housing voucher programs
  -
- Title I Schools (federal special education grants)
  - [Source](#)
  - “An Local Education Agency’s (LEA) allocation amount cannot be determined by a simple formula because it depends on: the LEA’s authorization amount, the total of authorized amounts for all LEAs, the amount of Title I funding appropriated that fiscal year, whether hold-harmless provisions apply, and whether provisions for Small State Minimum apply.”
- Head Start Program
  -
- School Breakfast Program
  - “Federal funds are made available for breakfast assistance in accordance with Section 4 of the Child Nutrition Act on a performance basis by: (1) multiplying the number of paid breakfasts served to eligible children during the fiscal year by a National Average Payment (NAP); (2) multiplying the number of breakfasts served free to eligible children by a NAP prescribed by the Secretary for free breakfasts; and, (3) multiplying the number of reduced price breakfasts served to eligible children by a NAP prescribed by the Secretary for reduced-priced breakfasts”

- “The statistical factors used in this formula are (1) the NAP's; (2) the number of paid breakfasts served; and (3) the number of breakfasts served free or at reduced price to eligible children. The NAP's are prescribed by the Secretary and adjusted each July 1, in accordance with the Food Away From Home component of the Consumer Price Index for All Urban Consumers” [Source](#).
- National School Lunch Program
  - “funding allocations are based on FY 2016 State Administrative Expense Allocations for the school meals programs.”
- Pell Grant programs
  -
- Highway funds
  - Some highway funds come from Highway Trust Fund
    - i. Based on taxes
    - ii. Statutory formula

## Helpful links:

Overview of hard to count populations

<https://census2020now.org/faces-blog/2018/3/9/hard-to-count-populations>

Overview of Immigrant Eligibility for Federal Programs:

<https://www.nilc.org/issues/economic-support/overview-immeligfedprograms/>

Uses of Population and Income Statistics in Federal Funds Distribution – With a Focus on Census Bureau Data:

<https://www.census.gov/prod/2009pubs/govsrr2009-1.pdf>

Report #2: Estimating Fiscal Costs of a Census Undercount to States:

<https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/GWIPP%20Reamer%20Fiscal%20mpacts%20of%20Census%20Undercount%20on%20FMAP-based%20Programs%2003-19-18.pdf>

## Eligibility for programs affected (in lawsuit):

- Medicaid
  - The following groups may be eligible: Qualified non-citizens who entered before 8/96 – Qualified Immigrants who reach end of 5 year waiting period (i.e LPRs/green card holders) – Qualified Immigrants exempt from 5-year waiting period (e.g., Refugees, Asylees, Cuban/Haitian entrants, Trafficking Victims, Veteran families)
  - <https://www.medicaid.gov/medicaid/outreach-and-enrollment/downloads/overview-of-eligibility-for-non-citizens-in-medicaid-and-chip.pdf>

- Medicare
  - Specifically, you will qualify for Medicare even if you are not a U.S. citizen if you qualify to receive or currently receive Social Security retirement benefits, Railroad Retirement Benefits (RRB), or Social Security Disability Insurance (SSDI). In any of these cases, you will qualify for premium-free Part A. You will owe a premium for Part B. ([source](#))
  - You can qualify for Social Security if you are a qualified alien ([list](#)).
- SNAP
  - A person must be a U.S. citizen or an eligible, lawfully-present non-citizen to qualify for SNAP benefits.
  - Non-citizens who are eligible based on their immigration status must also satisfy other SNAP eligibility requirements such as income and resource limits to receive SNAP benefits.
  - “Qualified aliens” or “legal immigrants”, listed here :
  - <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility>
- WIC
  - Income and resident requirement, must make under a certain amount of money, must live in the state in which they apply from
  - Be pregnant and/or have a child under age 5
  - Must be a eligible non-citizen/qualified alien
  - WIC serves lower-income pregnant, postpartum and breastfeeding women, infants and children under age 5 who have health or nutrition risks.
  - <https://www.fns.usda.gov/wic/wic-eligibility-requirements>
- Section 8 Housing voucher programs
  - “Only U.S. citizens or eligible noncitizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Payment (RAP), and Section 202/8 programs”
  - [https://www.hud.gov/sites/documents/DOC\\_35645.PDF](https://www.hud.gov/sites/documents/DOC_35645.PDF)
  - This can differ by state. Many states do not have immigration status requirements for housing assistance
- Title I Schools (federal special education grants)
  - Provides funding to schools who serve low income communities
  - No citizenship requirement because they do not serve individuals
  - <https://www2.ed.gov/programs/titleiparta/index.html?exp=0>
- Head Start Program
  - Children birth to age five
  - From families with incomes below the poverty guidelines are eligible
  - Children from homeless families, and families receiving public assistance such as TANF or SSI are also eligible.
  - Foster children are eligible regardless of their foster family’s income
  - <https://eclkc.ohs.acf.hhs.gov/eligibility-ersea/article/poverty-guidelines-determinin-g-eligibility-participation-head-start>

- “the relative number of children (age 0 to 4) living with families with incomes below the poverty line in each state compared with all states”
  - At least 90% of enrollees must be income eligible
  - Nothing to do with citizenship that I can find
  - <https://www.census.gov/prod/2009pubs/govsrr2009-1.pdf>
- School Breakfast Program
  - below 130 percent of the Federal poverty level are eligible for free meals
  - between 130 percent and 185 percent are eligible for reduced-price meals
  - <https://www.fns.usda.gov/sbp/fact-sheet>
- National School Lunch Program
  - below 130 percent of the Federal poverty level are eligible for free meals
  - between 130 percent and 185 percent are eligible for reduced-price meals
  - SNAP or homeless, migrant, runaway, or foster child
  - If in Head Start than eligible
  - <https://fns-prod.azureedge.net/sites/default/files/cn/NSLPFactSheet.pdf>
- Pell Grant programs
  - Citizens and eligible noncitizen such as Refugee, Asylum Granted, Cuban-Haitian Entrant, Conditional Entrant, Parolee”
  - <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>
- Highway funds
  - Some highway funds come from Highway Trust Fund
    - i. Based on taxes
    - ii. Statutory formula
    - iii. Gas and tax receipts???

#### Programs affected (not in lawsuit)

1. Crime Victim Assistance Program
  - a. allocated monies to states on the basis of total population with a base amount of \$500,000 for each state
2. State Energy Program of the U.S. Department of Energy
  - a. grants to state energy offices based on a formula that specifies that one-third of the allocation be based on an equal allocation among all states, one-third of the allocation be based on total population of the state and one-third of the allocation be based on energy consumption within the state
3. Child Welfare Services State Grants Program
  - a. Each state receives a base amount of \$70,000 for child welfare services. The Child Welfare Services State Grants appropriation is further allotted on a variable formula which takes into account two elements: 1) the population under age 21 in the state, and 2) the 3-year average per capita income of the state
4. Community Development Block Grants/Entitlement Grants Program (CDBG)

- a. This program serves large urban areas, and city population size is applied as criteria in establishing program eligibility. Principal cities in Metropolitan Areas and other cities in Metropolitan Areas with a population size over 50,000 were among those areas eligible for CDBG grants. Additionally, population size appears in one of the entitlement formulas, accounting for 25 percent of the entitlement amount

## Funding SNAP links:

Internal USDA memo on SNAP funding:

<https://snaped.fns.usda.gov/snap/Guidance/FY2016FinalStateSNAP-EdAllocations.pdf>

FY16 State Activity Report

<https://fns-prod.azureedge.net/sites/default/files/snap/FY16-State-Activity-Report.pdf>

## Texas Highway Funding Links:

Texas Highway Funding Legislative Primer

[http://www.lbb.state.tx.us/Documents/Publications/Primer/3143\\_HighwayFundingPrimer\\_2016.pdf](http://www.lbb.state.tx.us/Documents/Publications/Primer/3143_HighwayFundingPrimer_2016.pdf)

- "MAP-21 guaranteed that states received at least 95.0 percent of the federal motor fuel excise tax payments attributable to each state"
- Projects are approved federally and then the states are reimbursed, so a dollar amount is not necessarily pre-allocated

## Apportionment Calculator:

- We built an apportionment calculator to take in different sets of populations for the given states and determine the number of congressional seats each state would receive.

Possible loss of a congressional seat (Using 2018 Population Estimates) :

- If there is less than a 3% undercount of hispanics across the country, than California would lose a seat to Montana. If there is an almost 8% undercount of hispanics across the country, Texas would lose a seat to Rhode Island. This assumes an even undercount, when the undercount would probably be concentrated more in states closer to the border, which would mean less of an undercount would be necessary for states such as Texas, New Mexico and California to lose a seat.
  - A lost seat could easily result in a loss of a minority-majority district
- Additionally, a 1.87% undercount of total population in Texas would result in a loss of a representative, assuming other states counts remain the same
- Unlikely that Texas would be affected by 1.87% more than other states, but will look into it more

## Sections from each plaintiff's complaint that relates to affected programs:

### LA UNIÓN DEL PUEBLO ENTERO;

- “relies on the accuracy of decennial Census data for purposes of strategic planning and communication, resource allocation, service delivery, and advocacy”
- “ LUPE’s members receive and rely on funds from Medicaid, Medicare, Supplemental Nutrition Assistance Program (“SNAP”), Supplemental Nutrition for Women, Infants, and Children (“WIC”), and Section 8 Housing voucher programs. LUPE’s membership includes individuals whose children attend Title I schools and schools that receive federal special education grants. LUPE’s membership also includes individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs”

### TEXAS SENATE HISPANIC CAUCUS;

- “SHC members serve constituents who receive and rely on funds from the Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. Their constituents include individuals whose children attend Title I schools and schools that receive federal special education grants. SHC members also serve constituents with children who Case 8:18-cv-01570-GJH Document 1 Filed 05/31/18 Page 13 of 90 14 participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”
- “SHC members are working to alleviate their constituents’ fears that the Census Bureau will share the citizenship information it gathers with Immigration and Customs Enforcement (“ICE”).”

### TEXAS HOUSE OF REPRESENTATIVES MEXICAN AMERICAN LEGISLATIVE CAUCUS;

- MALC relies on the accuracy of decennial Census data for purposes of strategic planning and communication, resource allocation, and advocacy.



- “MALC members serve constituents who receive and rely on funds from the Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. Their constituents also include individuals whose children attend Title I schools and schools that receive federal special education grants. MALC members also serve constituents with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”

#### SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT;

- “SVREP serves individuals who receive and rely on funds from Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. SVREP serves individuals whose children attend Title I schools and schools that receive federal special education grants. SVREP serves individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”

#### CALIFORNIA LATINO LEGISLATIVE CAUCUS;

- “In response to the addition of a citizenship question to the 2020 Census, CLLC members and their staff are heavily involved in expanding the California budget for Census outreach and advocacy to ensure that there will be adequate funding for activities designed to ensure a complete count.”

#### COALITION FOR HUMANE IMMIGRANT RIGHTS;

- “In light of the addition of the citizenship question, CHIRLA will Case 8:18-cv-01570-GJH Document 1 Filed 05/31/18 Page 8 of 90 9 be forced to increase the number of staff and volunteers who canvass door-to-door, community outreach, community education, and policy efforts to encourage hard-to-count populations to respond to the 2020 decennial Census.”

#### DOLORES HUERTA FOUNDATION;

- “DHF relies on the accuracy of decennial Census data for purposes of strategic planning, communications, resource allocation, mapping of small rural communities, and advocacy”
- Some of the individuals that DHF serves receive and rely on funds from Medicaid, Medicare, SNAP, and WIC. DHF serves individuals with children who participate in the National School Lunch Program and the School Breakfast Program

#### MI FAMILIA VOTA EDUCATION FUND;

- Some of the individuals that MFV serves receive and rely on Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. MFV also serves individuals whose children attend Title I schools and schools that receive federal special education grants. MFV serves individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs

#### SOMOS UN PUEBLO UNIDO;

- “Somos’s membership includes individuals who receive and rely on funds from Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. Somos’s membership includes individuals whose children attend Title I schools and schools that receive federal special education grants. Somos members include individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”

GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS;

- “GALEO relies on the accuracy of decennial Census data for purposes of strategic planning and communication, resource allocation, and advocacy”
- “GALEO members regularly drive on public highways and roads in their communities.”

LABOR COUNCIL FOR LATIN AMERICAN ADVANCEMENT;

- “LCLAA relies on the accuracy of decennial Census data for purposes of strategic planning and communication, resource allocation, and advocacy”
- “LCLAA has members who use programs or services with funding distributed based on Census data. LCLAA’s membership includes individuals who receive and rely on funds from Medicaid and Medicare. LCLAA’s membership includes individuals whose children attend Title I schools and participate in the National School Lunch Program and Head Start programs.”

PROMISE ARIZONA;

- “rely on funds from Medicaid, Medicare, SNAP, WIC, and Section 8 Housing voucher programs. PAZ also has members and serves individuals with children that attend Title I schools and who participate in the National School Lunch Program, School Breakfast Program, Head Start and Pell Grant programs.”

EL PUEBLO, INC.;

- “El Pueblo serves individuals who receive and rely on funds from Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. El Pueblo serves individuals whose children attend Title I schools and schools that receive federal special education grants. El Pueblo also serves individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”

MARYLAND LEGISLATIVE LATINO CAUCUS;

- strategic planning and communication, resource allocation, and advocacy for their constituents
- Programs listed below
- Mitigate fears of citizen information being shared with ICE

ASIAN AMERICANS ADVANCING JUSTICE-CHICAGO;

- “Advancing Justice-Chicago programs include KINETIC, which engages high school English learners during their ESL classes, and I Speak Power, which assists immigrant and refugee adult English learners. Advancing Justice-Chicago relies on the accuracy of decennial Census data for strategic planning, communications, resource allocation, and advocacy.”

ASIA SERVICES IN ACTION, INC.;

- culturally and linguistically appropriate access to civic, health, and social services
- strategic planning and communication, resource allocation, and advocacy
- Breakfast Program, and Head Start programs.”
- “Some of the individuals that ASIA serves receive and rely on funds from Medicaid, Medicare, SNAP, and WIC. ASIA serves individuals with children who Case 8:18-cv-01570-GJH Document 1 Filed 05/31/18 Page 27 of 90 28 participate in the National School Lunch Program, School

MINKWON CENTER FOR COMMUNITY ACTION, INC.;

- MinKwon serves individuals who receive and rely on funds from Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. MinKwon serves individuals whose children attend Title I schools and schools that receive federal special education grants. MinKwon serves individuals with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs

CHELSEA COLLABORATIVE;

- The Chelsea Collaborative has members who receive and rely on funds from Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. The Chelsea Collaborative has whose children attend Title I schools and schools that receive federal special education grants. The Chelsea Collaborative has with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.

CHICANOS POR LA CAUSA;

- “CPLC serves individuals that use programs and services whose funding is based on Census data, including programs and services that CPLC provides. CPLC serves individuals that receive and rely on Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. CPLC also serves individuals whose children attend Title I schools and schools that receive federal special education grants. CPLC also serves individuals with children who participate in the National School Lunch Program, the School Breakfast Program and Head Start programs.”

LATINO COMMUNITY FUND OF WASHINGTON;

- strategic planning and communication, resource allocation, and advocacy

ARIZONA LATINO LEGISLATIVE CAUCUS;

- “AZLLC members serve constituents who use programs and services whose funding is based on Census data. AZLLC members serve constituents who receive and rely on funds from the Medicaid, Medicare, SNAP, WIC and Section 8 Housing voucher programs. Their constituents include individuals whose children attend Title I schools and schools that receive federal special education grants. AZLLC members also serve constituents with children who participate in the National School Lunch Program, School Breakfast Program, Head Start and the Pell Grant programs.”

GENE WU;

- Plaintiff Wu regularly drives on highways and roads in his community

JUANITA VALDEZ-COX;

- Plaintiff Valdez-Cox regularly drives on highways and roads in her community