



**Statement Of
Asian Americans Advancing Justice – AAJC**

**Hearing On
“2020 Census: Examining Cost Overruns,
Information Security, And Accuracy”**

**Senate Committee On Homeland Security
And Governmental Affairs**

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INTRODUCTION

The 1990 Census count disproportionately missed ethnic minorities, children, and immigrants. Asian Americans were among the disproportionately undercounted because of obstacles, including cultural and linguistic barriers. For Census 2000 and Census 2010, with the hard work of the Census Bureau on outreach initiatives in collaboration with the national community education outreach projects by many community based organizations, the Census Bureau was able to improve its count of the American population. However, there were still issues of undercount for many of the same communities. As we approach the 2020 Census, it is clear that the undercount is again an issue that must be addressed, with even more challenges facing the Census Bureau. There are clearly many areas of improvement needed to achieve an even more accurate count of our population. This testimony will identify some of the challenges that the Census Bureau faces in achieving an accurate count in the 2020 Census and provide some solutions for addressing these challenges and ultimately reducing the undercount in hard-to-count populations.

ORGANIZATIONAL BACKGROUND

Asian Americans Advancing Justice – AAJC (Advancing Justice – AAJC) is a national nonprofit, non-partisan organization founded in 1991. Our mission is to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Our wide-ranging efforts include promoting civic engagement, forging strong and safe communities, and creating an inclusive society.

Advancing Justice – AAJC is part of Asian Americans Advancing Justice (Advancing Justice), a national affiliation of five independent nonprofit organizations dedicated to serving

our nation's most rapidly growing racial minority community. The Advancing Justice affiliation is comprised of our nation's oldest Asian American legal advocacy center located in San Francisco (Advancing Justice – Asian Law Caucus), our nation's largest Asian American advocacy service organization located in Los Angeles (Advancing Justice – Los Angeles), the largest national Asian American policy advocacy organization located in Washington D.C. (Advancing Justice – AAJC), the leading Midwest Asian American advocacy organization (Advancing Justice – Chicago), and the Atlanta-based Asian American advocacy organization that serves one of the largest and most rapidly growing Asian American communities in the South (Advancing Justice – Atlanta). Additionally, over 150 local organizations are involved in Advancing Justice – AAJC's Community Partners Network, serving communities in 32 states and the District of Columbia.

Advancing Justice – AAJC considers the census, including the American Community Survey (ACS), to be the backbone of its mission. Advancing Justice – AAJC has maintained a permanent census program monitoring census policy, educating policy makers, and conducting community outreach and education to encourage participation in the surveys conducted by the Census Bureau. Together with our Affiliates and our Community Partners, AAJC has been extensively involved in working to eliminate the problems that have historically resulted in undercounting and underreporting of Asian Americans in federal data collection and analysis efforts, and in particular, the decennial census count. Advancing Justice – AAJC conducted an extremely successful national outreach and educational project focused on the Asian American, Native Hawaiian and Pacific Islander communities for Census 2000 and Census 2010.

Advancing Justice – AAJC has served as a member to numerous advisory committees to the Census Bureau since 2000, including the Decennial Census Advisory Committee, the 2010 Census Advisory Committee, and, currently, the National Advisory Committee on Racial, Ethnic and Other Populations. In its advisory role, AAJC is able to assist the Census Bureau in understanding what research and programs would help the Bureau to effectively address the cultural differences and intricacies in various hard-to-reach communities, particularly in Asian American communities, in order to get the most accurate count possible.

Additionally, Advancing Justice – AAJC currently co-chairs the Leadership Conference on Civil and Human Rights' (Leadership Conference) Census Task Force. The Leadership Conference is the nation's oldest, largest, and most diverse civil and human rights coalition, with more than 200 member organizations working to build an America as good as its ideals. In its leadership capacity on the Leadership Conference's Census Task Force, AAJC helps keep Leadership Conference's members informed of important census policy issues and facilitates conversation among the groups to build consensus recommendations for census policy and outreach issues.

IMPORTANCE OF CENSUS TO ASIAN AMERICANS

Census data are critical for a functioning society as it allows for the monitoring of the well-being of children, families, and the elderly; proper planning, such as determining where to locate schools and hospitals or whether a town has the clientele and workforce needed for a

large corporation to invest there; and the determination of where language support is needed (and in what languages). Other examples of how census data are used that impact the lives of Asian Americans include the use of age, Hispanic/Latino ethnicity, and race data to combat discrimination through enforcement of civil rights laws by the Department of Justice; support research on service delivery for children, minorities, and the elderly by the Department of Health and Human Services; conduct studies, evaluations, and assessments of children of different racial and ethnic backgrounds by the Department of Education; and to reapportion political representation and to redistrict at all levels. Census data are also used to distribute federal, state, and local funds. In fact, census data is used by federal agencies to allocate over \$600 billion in federal funds each year for important and vital services such as hospitals, job training centers, schools, senior centers, bridges, tunnels and other-public works projects, and emergency services.¹ This is why it is so important for the census count to be fair and accurate – without an accurate count of Asian Americans, these decisions will not address the needs of growing Asian American communities.

Census data are even more important for Asian Americans as the most comprehensive set of socio-economic data points on Asian American communities, particularly for subgroups. Often viewed as homogenous, these communities include more than several dozen detailed racial and ethnic groups that can differ dramatically across key social and economic indicators. For example, while only 6% of Filipino Americans nationwide live below the poverty line, approximately 26% of Hmong Americans are poor.² Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.³ With respect to pay equity, while Asian American and Pacific Islander women are paid an average of 86 cents for every dollar a white man is paid, disaggregated data demonstrates that, for example, Vietnamese and Laotian American women are paid 61 cents; Burmese American women 53 cents; and Bhutanese American women only 38 cents.⁴

Detailed data are also key to breaking down the invidious “model minority” stereotype used against Asian Americans to erase our history of exclusion and discrimination. By failing to acknowledge critical differences and priorities between Asian American subgroups, this stereotype is also used to excuse the lack of government resources and investments in our communities. Finally, the lack of disaggregated data and the “model minority” myth work to create a wedge between Asian Americans and other communities of color by pitting the so-called “model minority” against communities that are “not models.” Thus, census data are

¹ Andrew Reamer, George Washington University, *Counting for Dollars 2020: The Role of the Decennial Census in the Geographic Distribution of Federal Funds (2017)*, available at https://gwipp.gwu.edu/sites/gwipp.gwu.edu/files/downloads/Counting%20for%20Dollars%202020%2008-22-17_0.pdf.

² *A Community of Contrasts: Asian Americans in the United States: 2011*, Asian Pacific American Legal Center & Asian American Justice Center 36 (2011), available at http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf. [hereinafter “Asian American Report”]

³ *Id.* at 31.

⁴ Miriam Yeung, American Association of University Women, *Overcoming the “Model Minority” Myth: AAPI Women Are Not Paid Equally* (Mar. 15, 2016), available at <http://www.aauw.org/2016/03/15/aapi-equal-pay-day/>.

critical to combat the “model minority” stereotype and to provide sufficient information for policymakers to address the priorities and concerns of the Asian American community. Only with disaggregated data can we build the solid foundation necessary for public policy, ensure that the right programs are reaching the right communities, and dismantle the conscious and unconscious beliefs that there is a racial hierarchy in our nation.

Exacerbating the situation is the fact that data sets or surveys developed by private, academic and other governmental entities often underrepresent Asian Americans. One way in which Asian Americans are underrepresented is by being lumped into the “Other” categories, making it impossible to determine the impact on Asian Americans for that particular topic, whether it is health care, educational drop-out rates, or some other important issue. Asian Americans are also underrepresented where only aggregated data is provided for the entire Asian American community. Because of the community’s diversity across cultures and languages, aggregated data often mask problems and concerns for particular sub-ethnic groups. For example, Asian Americans as a whole are often portrayed as wealthy and well-educated, but disaggregated data for subgroups reveals a wide range of incomes, poverty rates, and levels of educational attainment — from those doing very well to those struggling on multiple fronts. As one of the few entities that collect and report data at the disaggregated level for Asian American sub-ethnic groups, an inaccurate census count of Asian Americans would mean that many of our communities, and their attendant needs, would be rendered invisible and neglected.

HISTORY OF UNDERCOUNT OF ASIAN AMERICANS

While a fair and accurate count is recognized as a critical goal of the census, it is important to note that historically certain communities have been missed, or “undercounted,” from census to census. Since the Census Bureau started to measure its ability to accurately count people in America in 1940, first through Demographic Analysis and more recently with a separate coverage measurement survey, people of color were missed by the census more often than non-Hispanic whites (the “differential undercount”). Duplicate responses lead to overcounts, while omissions, or missed persons, lead to undercounts.⁵ Subtracting overcounts from undercounts results in a net undercount or overcount for each census. From 1940 to 1980, the national net undercount, the net undercount for specific population subgroups and the differential undercount were reduced for each decennial census. The 1990 Census was the first census that was less accurate than the one previous since the Bureau began scientific measurements of coverage, with the highest differential undercounts ever recorded. In 2000, while the results from the final coverage measurement, the Accuracy and Coverage Evaluation (Revision II) (“A.C.E. Revision II”), showed a net national overcount of about one-half a percent,

⁵ There are two ways to miss a person, thereby attributing to the undercount. First, the Census Bureau could miss a whole housing unit because they do not have the address or they have an incorrect address. Thus, none of the people at the housing unit will be counted. The second way to miss people is for the Census Bureau to fail to capture other people who are within a responding household. These people can be missed for a variety of reasons, including fear of government and outsiders, limited knowledge of English, mobile people and households, and irregular household members such as households with two or more separate families residing there.

the Census Bureau lacked confidence in its measures of census accuracy in 2000 due in part to concerns about its methodology.⁶ An expert National Academy of Sciences panel concluded that while undercounts among traditionally hard-to-count communities such as communities of color were likely lower in the 2000 Census than in previous censuses, there continued to be a differential undercount of racial minorities.⁷ Similarly, the 2010 Census saw a net overcount of 0.01 percent, which was not statistically different from zero, as well as the continued differential undercount of communities of color.⁸

Asian Americans are among those who have historically experienced a differential undercount. The undercount of the Asian American and Pacific Islander community⁹ in the 1990 Census was 2.36%.¹⁰ The 2000 Census yielded a slight overcount nationally for Asian Americans and a 2.12% undercount for the Native Hawaiian and Pacific Islander (NHPI) community.¹¹ Of course, even a net national overcount/undercount of around zero masks a much larger counting problem, with some AAPI subgroups believing they are undercounted. For example, the Cambodian population in Long Beach, California believes they have been undercounted over the last several decades.¹² The 2000 U.S. Census counted about 17,000 Cambodians in Long Beach, while informal estimates from local groups indicate a population closer to 50,000.¹³ The 2010 Census had a relatively “accurate” count for AAPIs, with a net undercount rate of 0.08% for Asian Americans and 1.34% for NHPIs.¹⁴ While statistically insignificant, the 2010 Census, in fact, missed hundreds of thousands of Asian Americans – a problem that was offset, at the national level, by double counting or other mistaken enumerations.¹⁵ The proportion of Asian Americans who should have been counted but were not during the last census was higher

⁶ See Committee on National Statistics, National Research Council, National Academy of Sciences, *The 2000 Census: Counting Under Adversity* 240-241, 253 (2004), available at <https://www.nap.edu/catalog/10907/the-2000-census-counting-under-adversity> (The A.C.E. Revision II estimated 33.1 million mistakes of all types, including 17.2 million erroneous overcounts (which primarily includes duplications and people counted in the wrong place) and 15.9 million undercounts (e.g. people missed). The report says there were a minimum of 9.8 million duplications).

⁷ *Id.*

⁸ Press Release, U.S. Census Bureau, “Census Bureau Releases Estimates of Undercount and Overcount in the 2010 Census” (May 22, 2012), available at https://www.census.gov/newsroom/releases/archives/2010_census/cb12-95.html.

⁹ Prior to the 2000 Census, Asian Americans and Native Hawaiian and Pacific Islanders were reported together as one category as required by the Office of Management and Budget at that time. U.S. Census Bureau, *The Asian Population: 2010* (2012), available at <https://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf> (hereinafter “Asian 2010 Report”).

¹⁰ U.S. Census Bureau, *2010 Census Coverage Measurement Estimation Report: Summary of Estimates of Coverage for Persons in the United States* 15 (2012), available at https://www.census.gov/coverage_measurement/pdfs/g01.pdf (hereinafter “2010 CCM Report”).

¹¹ *Id.* The 2000 Census was the first census that separated Native Hawaiian and Pacific Islanders from Asian Americans, as required by the Office of Management and Budget’s 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicities. See Asian 2010 Report.

¹² Greg Mellen, Press-Telegram, “Long Beach Cambodians want to be counted” (Sept. 30, 2009, updated Sept. 1, 2017), available at <http://www.presstelegram.com/2009/09/30/long-beach-cambodians-want-to-be-counted/>.

¹³ *Id.*

¹⁴ 2010 CCM Report at 15.

¹⁵ *Id.* At 17.

than that of non-Hispanic Whites, with 5.3% of Asian Americans not counted as compared to 3.8% for non-Hispanic Whites.¹⁶

BARRIERS AND CHALLENGES TO A FAIR AND ACCURATE COUNT IN 2020

Cultural and Linguistic Barriers

The Asian American population in the United States is larger than it has ever been in our nation's history. There are currently 21.4 million Asian Americans in the U.S., increasing from 17.3 million in 2010 and 11.9 million in 2000.¹⁷ Asian Americans represented the fastest growing group in the 2010 Census, with a growth rate of 46 percent¹⁸ and continues to be the fastest growing during this decade.¹⁹ Of this rapidly growing segment of the population, about two-thirds are foreign-born,²⁰ and more than a third of the Asian American population, over 5.6 million people, is considered limited English proficient (LEP).²¹ The LEP rate of Asian Americans is almost 22 times more than that of non-Hispanic Whites (1.6%). Additionally, Asian American households are 25 times more likely to be limited English speaking households.²² This is important because it means all adults in the household are LEP, which makes participating in the census even more difficult. Together, these factors result in a significant portion of the population being both linguistically and culturally at a disadvantage when it comes to census participation.

Focus groups of Asian Americans conducted by the Census Bureau prior to the 2010 Census found many lacked awareness about the census and had not heard of the Census Bureau.²³ In fact, many focus group participants found the census confusing, invasive, and

¹⁶ 2010 CCM Report at 17.

¹⁷ In the six years following the 2010 Census, the country's Asian American population grew 21%; in contrast, the nation's total population grew less than 5% over the same period. Asian Americans Advancing Justice – Los Angeles, Press Release, Asian Americans Remain Fastest Growing Racial Group In Country, Growth Driven By New Immigrants (June 21, 2017), available at <https://advancingjustice-la.org/media-and-publications/press-releases/asian-americans-remain-fastest-growing-racial-group-country#.WbgZebKGNkg> (hereinafter "Fastest Growing Press Release"). See also, U.S. Census Bureau, *2010 Census Briefs: The Asian Population: 2010* (2012), available at <https://www.census.gov/content/dam/Census/library/publications/2012/dec/c2010br-11.pdf> (hereinafter "Asian Population Report").

¹⁸ See Asian Population Report.

¹⁹ See Fastest Growing Press Release.

²⁰ U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Table B05003d Sex By Age By Nativity and Citizenship Status (Asian Alone).

²¹ U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Table B16005d Nativity By Language Spoken At Home By Ability To Speak English For The Population 5 Years And Over (Asian Alone).

²² A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group. U.S. Census Bureau, 2011-2015 American Community Survey Selected Population Tables, Table B16002: Household Language by Household Limited English Speaking Status.

²³ U.S. Census Bureau, Ethnic and Racial Sub-Population Focus Group Research (2007), available at <http://www.phila.gov/phillycounts/pdfs/Ethnic%20and%20Racial%20Sub->

potentially threatening, with the misguided belief that the census was linked to immigration enforcement or the IRS. Additionally, there was a lack of understanding about the purpose of the census, how the data are used, and how it directly benefited them and their families. Despite living in the U.S. during the 2000 Census, very few had previously participated in the census. Language barriers, lack of interest, and misunderstanding about who could participate (believing only citizens could participate) were cited as reasons for not participating.²⁴

Technological Barriers

The Census Bureau’s heavy reliance on technology for the 2020 Census will compound this lack of awareness with the lack of access to a telephone or broadband internet at home, potentially leading to higher levels of being missed. Asian Americans were 1.5 times more likely to have no telephone service at home than non-Hispanic Whites (2.6%). And while Asian Americans overall have more broadband internet access than Whites, certain subgroups have less access, such as the Burmese and Cambodians. These communities with less access will need additional attention to ensure the move toward technology does not overlook them in the 2020 count.

Lack of Technology Access²⁵

Asian Subgroup	% of Households with no telephone service available	% of Households with no broadband internet at home
Asian	3.7%	10%
Asian Indian	3.4%	5.20%
Bangladeshi	4.5%	10.40%
Burmese	5.2%	21.80%
Cambodian	3.2%	20.10%
Chinese	4.2%	10.90%
Filipino	2.9%	9.00%
Hmong	2.6%	10.40%
Indonesian	4.2%	6.70%
Japanese	4.1%	15.40%
Korean	3.7%	12.30%
Laotian	2.7%	12.20%
Nepalese	7.5%	11.60%
Pakistani	2.6%	5.40%
Thai	5.2%	12.00%
Vietnamese	3.5%	12.40%

[Population%20Focus%20Group%20Research%20-%20Asian%20&%20Arab%20Americans.pdf](#) (“Asian Focus Groups Report”).

²⁴ A number of participants mistakenly confused the census questionnaire with other telephone or mail surveys conducted by private businesses or government agencies. *Id.*

²⁵ U.S. Census Bureau, 2016 American Community Survey 1-Year Estimates, Table S0201: Selected Population Profile in the United States.

Address Canvassing

Another operational area where the Census Bureau’s reliance on technology could negatively impact a fair and accurate count of Asian Americans is through the use of technology to replace on-the-ground, in-person address canvassing for 70-75% of the addresses in its database. In-office address canvassing, which relies on tools such as administrative records and satellite imagery, is less able to detect nontraditional, complex households than people in the field. The reality is that the traditional concept of a household – one that only includes a married couple with children under 18 – has been giving way to nontraditional, more complex households over the last several decades.²⁶ While three-fourths of all U.S. households in 1960 consisted of married couples with or without children, by 2000, just under 53 percent of all households in 2000 consisted of married couples with or without children.²⁷ The increase in nontraditional, complex households stems from “demographic trends such as: increases in immigration rates and the proportion of the population that is foreign born[...], and changing migration streams now coming predominantly from Asia and Latin America, rather than from Europe. Other factors include increases in cohabitation and blended families due to more divorces and remarriages; increases in the proportions of cohabitor households with children; and dramatic increases in grandparent-maintained households and nonrelative households.²⁸ In fact, multigenerational households – those that include two or more adult generations, or those that include grandparents and grandchildren – have been increasing, with a record 60.6 million people (or 19% of the U.S. population) living with multiple generations under one roof in 2014.²⁹

As previously noted, 67% percent of Asian Americans are immigrants,³⁰ and those that are foreign-born are more likely to live with multiple generations of family.³¹ In 2014, 28% of Asian Americans lived in multigenerational family households, among the highest of any group.³² Additionally, we’ve seen in recent years that young adults are the age group most likely to live in multigenerational households. In fact, for the first time in more than 130 years, young adults 18 to 34 are more likely to be living with parents than any other living arrangements in 2014.³³ Over 4.6 million Asian Americans are 18 to 34 years old, representing

²⁶ Laurie Schwede, U.S. Census Bureau, Complex Households and Relationships in the Decennial Census and in Ethnographic Studies of Six Race/Ethnic Groups (Aug. 27, 2003), available at <https://www.census.gov/pred/www/rpts/Complex%20Households%20Final%20Report.pdf>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ D’Vera Cohn and Jeffrey S. Passel, “A record 60.6 million Americans live in multigenerational households,” Pew Research Center (Aug. 11, 2016), available at <http://www.pewresearch.org/fact-tank/2016/08/11/a-record-60-6-million-americans-live-in-multigenerational-households/> (hereinafter “Pew Multigenerational Report”).

³⁰ U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Table B05003D Sex By Age By Nativity and Citizenship Status (Asian Alone).

³¹ Pew Multigenerational Report.

³² Pew Multigenerational Report.

³³ Pew Multigenerational Report.

just over one in four Asian Americans.³⁴ Asian Americans are often more likely to live in crowded conditions. For example, in NY in 2009, Asian Americans had larger households than average (3.12 people v. 2.67) and more likely to live in a household with more than one occupant (14% v. 8%).³⁵ Asian Americans can also find themselves living in crowded housing with many unrelated individuals in an effort find affordable housing.³⁶ All these households are complex and can be more difficult to properly count in a decennial census.

Because In-Field Address Canvassing will be particularly important for identifying and noting nontraditional, complex households, we believe that the accuracy of the list should be the top priority and that the Bureau must take a hard look at what the appropriate percentage of households should be for In-Field Address Canvassing regardless of the cost factor. As part of this analysis, the Census Bureau must determine the accuracy of those 70-75% of the nation's addresses that are deemed "stable" and resolved by In-Office Canvassing. Because of the invisible nature of complex households, such as multiple families living in one dwelling, we have concerns that these types of households would be missed during In-Office Canvassing. And to the extent that these types of households often represent those traditionally hardest-to-count, we want to make sure that the In-Office Canvassing is not exacerbating the likelihood of missing them.

Confidentiality and Privacy Concerns

As the Asian American focus groups highlighted, census participation hinges not only on understanding the purpose and benefits of the census but also in understanding and trusting the confidentiality of the information shared with the Census Bureau. Confidence in the confidentiality of survey responses is critical to the Census Bureau's ability to conduct a fair and accurate census. As the Census Bureau itself notes, "[m]any of the most valuable Federal statistics come from surveys that ask for highly sensitive information.... Strong and trusted confidentiality and exclusively statistical use pledges under Title 13, U.S.C. and similar statistical confidentiality pledges are effective and necessary in honoring the trust that business, individuals, and institutions, by their responses, place in statistical agencies."³⁷

Title 13 requires confidentiality of data collected by the federal government and originally prohibited the Secretary of Commerce or any other officer or employee of the Department of Commerce from: a) using data collected for any purpose other than the

³⁴ U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates, Table B01001D Sex By Age (Asian Alone).

³⁵ Asian American Federation, Profile of New York City's Asian Americans: 2005-2007, *available at* <http://www.aafny.org/cic/briefs/nycbrief2009.pdf>.

³⁶ See Michael Laris, "Raid Opens Door on a Crowded House," Washington Post (April 10, 2005), *available at* <http://www.washingtonpost.com/wp-dyn/articles/A40447-2005Apr9.html>; Kimberly Yam, "Asian-Americans Have Highest Poverty Rate In NYC, But Stereotypes Make The Issue Invisible," The Huffington Post (May 8, 2017), *available at* http://www.huffingtonpost.com/entry/asian-american-poverty-nyc_us_58ff7f40e4b0c46f0782a5b6.

³⁷ Department of Commerce, Census Bureau; Revision of the Confidentiality Pledge Under Title 13 United States Code, Section 9, 81 Fed. Reg. 94,321-22 (Dec. 23, 2016).

statistical purposes for which it is supplied; b) publicizing the data collected in any manner by which a particular establishment or individual can be identified; and c) permitting anyone other than the sworn officers and employees of the department/bureau/agency to examine the individual responses. It also requires the Census Bureau to disclose to individuals and businesses surveyed that the sole purpose to the data collected is for statistical use.

Additionally, in 2002, the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) expanded the confidentiality protection to all federal data collected for statistical purposes under a confidentiality pledge. CIPSEA places strict limitations on the disclosure of individually identifiable information, assures federal statistical survey respondents of the nature of the confidentiality, and requires informed consent from respondents before disclosure of their statistical information (and those who will have access to that information). Importantly, CIPSEA also provides penalties (up to 5 years in prison, up to \$250,000 in fines, or both) for employees or sworn agents of statistical agencies who knowingly and willfully disclose confidential information.

These legal protections have been in place for decades and have played an important role in encouraging people to participate in census surveys. Census Bureau testing has shown that assurances of confidentiality are effective at securing respondent participation in its surveys.³⁸ Testing for Census 2010 showed that anonymity was important to participants. In addition, participants responded well to assurances that their data would only be used for statistical purposes and responded negatively to the idea of two-way agency data sharing. As the Census Bureau acknowledges, “[t]hese acts protect such statistical information from administrative, law enforcement, taxation, regulatory, or any other non-statistical use and immunize the information submitted to statistical agencies from legal processes.”³⁹ Census Bureau staff has recommended against including information that evokes strong reactions, like “immigration agencies.”⁴⁰

However, any discussion about confidentiality and the census must be grounded in both the history of confidentiality of census data as well as today’s political climate and anti-immigrant rhetoric, especially for the Asian American community. Historically, it is important to remember the most notable case of disclosure of unpublished information to assist another Federal agency was the provision of tabulations of Japanese Americans, by county, county subdivision, and -- in some cases -- by census block -- to the Department of War to help enable the unjust mass incarceration of Japanese Americans during World War II.⁴¹ Furthermore, it was later disclosed that the Census Bureau provided specific identifying information on Japanese

³⁸ U.S. Census Bureau, Report of Cognitive Testing of Privacy and Confidentiality-Related Statements in Respondent Materials for the 2010 Decennial: Results from Cognitive Interview Pretesting with Volunteer Respondents (Mar. 28, 2008), available at <https://www.census.gov/srd/papers/pdf/rsm2008-04.pdf> (“Privacy Report”).

³⁹ Department of Commerce, Census Bureau; Revision of the Confidentiality Pledge Under Title 13 United States Code, Section 9, 81 Fed. Reg. 94321, 94322 (Dec. 23, 2016).

⁴⁰ See Privacy Report.

⁴¹ JR Minkel, *Confirmed: The U.S. Census Bureau Gave Up Names of Japanese-Americans in WW II*, Sci. Am. (Mar. 30, 2007), available at <https://www.scientificamerican.com/article/confirmed-the-us-census-b/>.

Americans to the Secret Service as well.⁴² Unfortunately, the legal protections in place at the time were not as strong as they are today, and the Census Bureau's actions did not violate the law. Nevertheless, the tragic outcome – the incarceration of Japanese Americans in internment camps – spurred Congress to strengthen the confidentiality protections in Title 13 to prohibit any disclosure of personally identifiable information for any purpose whatsoever.

We must also be mindful of today's political climate and the public's perception of the government and where its priorities lie because accuracy, a fundamental goal of a census, depends on broad participation by households and organizations. Immigrant⁴³ and Muslim⁴⁴ communities already have been shown to fear the census. As noted, assurances of confidentiality through the pledge has been a critical tool in allaying these fears and garnering responses.⁴⁵ The ability to assure these communities about the confidentiality of their response is even more critical today because of the increase in virulent anti-immigrant and anti-Muslim rhetoric. In fact, we have seen reports of immigrants shunning common activities out of fear of reprisal from the government. For example, journalists have noted stories of parents “keeping their children home from school [and] ... suspend[ing] after-school visits to the public library”⁴⁶ as well as immigrants avoiding attending church service.⁴⁷ This climate will exacerbate immigrants' fear of contact with government agencies, including the Census Bureau. Undocumented immigrants, legal permanent residents, and even U.S. citizens who live in households where family members have varying immigration status, will be discouraged from answering the Census.⁴⁸ The anti-immigrant climate today will harm confidence in the confidentiality of the Census and promote the belief among many residents that the Bureau will use the information they provide in a detrimental manner. This is a potentially significant barrier for many immigrant communities, including Latinos and Asian Americans.⁴⁹

⁴² William Seltzer & Margo Anderson, *Census Confidentiality Under the Second War Powers Act (1942-1947)* (2007) (paper prepared for presentation at the session on “Confidentiality, Privacy, and Ethical Issues in Demographic Data,” Population Association of America Annual Meeting, March 29-31, 2007, New York, NY), *available at* <http://www.uwm.edu/~margo/govstat/Seltzer-AndersonPAA2007paper3-12-2007.doc>.

⁴³ Illinois Wesleyan University, *Observing Census Enumeration of Non-English Speaking Households in the 2010 Census: Spanish Report* (Aug. 10, 2012), *available at* <https://www.census.gov/srd/papers/pdf/rsm2012-06.pdf>.

⁴⁴ The Washington Post, *Some Muslims, fearing backlash, worry about intent of census*, (Mar. 10, 2010), *available at* <http://www.washingtonpost.com/wp-dyn/content/article/2010/03/09/AR2010030901688.html?sid=ST2010031600020>.

⁴⁵ CNN, *Census chief works to calm deportation fears* (Feb. 2, 2010), *available at* <http://www.cnn.com/2010/US/02/02/census.poor.communities/>.

⁴⁶ CNN, *After ICE arrests, fear spreads among undocumented immigrants* (Feb. 12, 2017), *available at* <http://www.cnn.com/2017/02/11/politics/immigration-roundups-community-fear/>.

⁴⁷ The Associated Press, *Immigrants wait in fear over raids; Trump takes credit* (Feb. 12, 2017), *available at* <http://www.cbsnews.com/news/immigrants-wait-in-fear-over-raids-trump-takes-credit/>.

⁴⁸ U.S. Census Bureau, *Preparation for the 2010 Census Hispanic Community Focus Group Qualitative Research Report* (2007), *available at* <http://www.phila.gov/phillycounts/pdfs/Hispanic%20Community%20Focus%20Groups%20Qualitative%20Research%20Report.pdf> (“Latino Focus Groups Report”).

⁴⁹ See Asian Focus Groups Report, Latino Focus Groups Report.

As we found in the Census Bureau’s focus group, there is already a perception of two-way agency data sharing between the Census Bureau and other agencies, especially law enforcement entities. This is likely to generate additional fear in disadvantaged and marginalized communities, resulting in disparate racial and ethnic impacts and undermining the validity of the data. Lower response rates result in less accurate and timely statistics that can only be summarized at highly aggregated levels and preclude detailed information at the geographic and subpopulation levels. This would likely exacerbate the effects of previous decreases in response rates, leading to unsustainable increases in costs and higher risks of bias in published results. Small and minority populations would likely be underrepresented by official statistics, including Asian Americans, particularly at the disaggregated levels.

CENSUS BUREAU CAN TAKE PROACTIVE STEPS TO ADDRESS THESE BARRIERS AND CHALLENGES

Language Support Program

The Census Bureau has been researching and developing a language assistance program for the 2020 Census, looking to optimize non-English questionnaire designs and response options for LEP populations and to ensure cultural appropriateness and relevance in all materials.⁵⁰ The Census Bureau’s current plan would support the development of an Internet questionnaire in approximately 10 languages, Census Questionnaire Assistance interviews (that is, the telephone response option) in approximately 10 languages, and the development of video and paper Language Assistance Guides (LAGs) in approximately 60 languages, including a number of smaller language groups.⁵¹ Additionally, the 2020 Language Support Team and the Integrated Partnership and Communications team are already working together to ensure these languages are supported through the Integrated Partnership and Communications Plan. However, the Census Bureau must have adequate funding to finalize development of, and operationalize, its language program. Factoring in the development of appropriate materials for promotion and outreach – leaflets to distribute to individuals, posters and other promotional materials – and questionnaire aids in different languages, the Census Bureau needs to start the process as soon as possible and must have the appropriate funding to support such work.

To help ensure a successful language assistance program, we suggest the following considerations, which are not exhaustive but provide a good starting point. We believe that in order to reach hard-to-count groups who have high numbers of immigrants and persons with limited English proficiency, the internet interfaces must include as many languages as possible, with online forms potentially including more languages than the printed version. We also think it is important to prioritize language minority communities with a high incidence of LEP; that is,

⁵⁰ Language Working Group, National Advisory Committee on Racial, Ethnic, and Other Populations, U.S. Census Bureau, Language Working Group Report (2016), available at <https://www2.census.gov/cac/nac/reports/2016-11-language-wg-report.pdf>.

⁵¹ U.S. Census Bureau, Census Response to the NAC Recommendations from the Language Working Group (2017), available at <https://www2.census.gov/cac/nac/reports/2017-03-response-language-wg.pdf>.

the Census Bureau should consider not only the number of speakers, but also smaller language communities that can only respond in their own language. The Census Bureau should also incorporate trusted community-based organizations in reviewing all non-English materials, including, but not limited to, any glossaries, non-English mailing materials, and the Census Questionnaire, while allowing sufficient time and appropriate vehicles for organizations to provide input on cultural appropriateness and translation quality prior to finalizing translations and materials. Additionally, we believe the Census Bureau should develop educational and communications materials with simpler messages and plain-language translations. In 2010, community members found the Census-produced materials to be too dense and text-heavy, and in some cases, too complicated for those who may not be literate in their own native language.

Importance of the partnership program and the media to communicate with hard-to-count Asian American communities

The census partnership and outreach programs for both the 2000 Census and the 2010 Census were critical to achieving some of the most accurate counts for many of our hard-to-count communities. In addition to improving accuracy, partnerships with hard-to-count communities reduce non-response follow-up costs. This is achieved through government leaders, school leaders, faith-based leaders, and other community leaders directly communicating with their members about the importance of participating and how the community benefits. Respondents interacting with trusted leaders, rather than with a stranger representing the federal government, are more willing to participate. But to reap the benefits of a partnership program, advanced planning (and funding) is necessary to implement an effective partnership and outreach program. Time is needed for the Census Bureau to conduct the outreach to the organizations for the partnership program as well as to reach out to local governments and engage them in these efforts. Time is also needed for the CBOs, schools, churches, and other partner groups to gear up for their outreach campaign to their constituents and for them to raise the funds needed from local philanthropies and other sources for the outreach work. This time, the advanced planning is particularly important for minority communities to provide the outreach necessary for its constituents. The growing privacy concerns and distrust in the Census Bureau, the growing diversity, hostile climate to certain communities, and the general distrust of government make a strong and vibrant partnership and outreach program even more necessary and important for an accurate count in 2020.

In addition to the partnership program, the communications campaign played an important role in reaching hard-to-count communities in the 2000 and 2010 Censuses. Media is an important tool in communicating with hard-to-count Asian American communities. In particular, utilizing ethnic media⁵² is the most effective way to reach a substantial part of Asian

⁵² See New America Media, *National Study on the Penetration of Ethnic Media in America* (2009), available at http://media.namx.org/polls/2009/06/National_Study_of_the_Penetration_of_Ethnic_Media_June_5_2009_Presentation.pdf (media directed toward a specific ethnic group and often written or broadcast in a language native to the group (e.g., Chinese-language newspapers or Asian television stations)) (hereinafter “New American Media Study”).

American communities. A 2009 study on ethnic media penetration conducted by New American Media found that ethnic media reaches almost 3 in 4 Asian Americans, with 57 percent reached by ethnic television, 43 percent by ethnic newspapers, and 25 percent by ethnic radio.⁵³ Not surprisingly, there are differences across various ethnic groups with respect to reliance on ethnic media.⁵⁴

Online media is a particularly ripe opportunity for reaching Asian Americans. According to several studies, Asian Americans make up the largest online audience of any ethnic group in the country and are the heaviest and most experienced users. For example, Asian Americans in the age group of 25-54 spend on average 50% more time on the Internet than all other men in the same age group, and about 63% of Asian American Internet users are between the ages of 18 and 34.⁵⁵ Another study found that on average, Asian Americans spend a total of 19.1 hours online a week on a computer, smartphone, or tablet, which is 0.8 hours more than the total US population.⁵⁶ Additionally, Asian Americans have the highest adoption rate for new technologies.⁵⁷ In-language websites are also popular for the Asian American community. English accounts for just over a third of the total online population, with Chinese being the 2nd most popular language at 13.7%, Japanese the 4th most popular language at 8.4%, and Korean the 7th most popular language at 3.9%.⁵⁸ Social media can also be utilized to connect with Asian Americans. For example, 42% of Asian Americans communicate with friends in an Asian language half of the time or more on Facebook.⁵⁹

Despite these figures indicating online media's potential to reach many Asian Americans, it is equally important to note that many Asian Americans, particularly those in hard-to-count communities, are not internet proficient and lack access to computers. For

⁵³ *Id.* At 11, 19 (73 percent of Asian Americans are reached by ethnic media). A study of Asian American registered voters for the 2016 election showed that a third of registered voters relied on ethnic media for political information. The same study also showed that they were most likely to rely on the internet and social media as their news source, with two-thirds doing so. Karthick Ramakrishnan, Janelle Wong, Taeku Lee, and Jennifer Lee, *Asian American Voices In The 2016 Election Report On Registered Voters In The Fall 2016 National Asian American Survey* (2016), available at <http://naasurvey.com/wp-content/uploads/2016/10/NAAS2016-Oct5-report.pdf> (hereinafter "NAAS Report").

⁵⁴ The New American Media Study saw 59% of Chinese, 61% of Koreans, 83% of Vietnamese, 84% of Filipinos and 85% of Asian Indians relying on ethnic media. NAM Study. The NAAS Report also saw differences between groups: 52% of Vietnamese, 45% of Chinese and 43% of Korean relied on ethnic media as a news source for political information while only 11% of Asian Indians, 19% of Filipinos, and 8% of Japanese and do the same. See New American Media Study and NAAS Report.

⁵⁵ MediaMorphosis US, *Asia American Media Preferences*, available at <http://mediamorphosisinc.com/portfolios/asia-american/> (last visited Sept. 15, 2017) (hereinafter "Media Preferences Article").

⁵⁶ Facebook IQ, *Digital Diversity: A Closer Look at Asian Americans in the US* (Mar. 5, 2015), available at <https://www.facebook.com/iq/articles/digital-diversity-a-closer-look-at-asian-americans-in-the-us> ("Facebook Asian American Article").

⁵⁷ Nielsen, *How Asian-American Media Consumption Could Be a Glimpse into the Future* (May 24, 2017), available at <http://www.nielsen.com/us/en/insights/news/2017/how-asian-american-media-consumption-could-be-glimpse-into-future.html>.

⁵⁸ See Media Preferences Article.

⁵⁹ See Facebook Asian American Article.

example, for older Asian Americans, their internet consumption is lower than that of those in other groups.⁶⁰ Less than 10% of the Asian American online population are older than 55 years old.⁶¹

While these are channels by which Asian Americans can be reached, because Asian Americans vary generationally, spanning from recently arrived immigrants to those with roots in the community for more than one hundred years, any communications or marketing plan must be multi-faceted to address the needs of the various ethnic groups, various languages, and various generations. Each individual Asian American sub-ethnic group has intrinsic characteristics that require customization in messaging, treatment, and media vehicles based on particular nuances. In addition, there are multiple factors that pose additional challenges for reaching the especially hard-to-count Asian American communities. For example, while a majority of Asian Americans are concentrated in metropolitan areas, there are Asian-American segments located in remote rural and urban areas that are not known to be Asian-dominant. In addition, migrant communities often have cluster presence as opposed to a significant mass composition. Another factor is that there are limited media vehicles available for some Southeast Asian segments comprised mostly of migrants. This is partly because of high illiteracy levels amongst Hmong, Laotian, and Mien communities. In fact, a significant amount of migrant Asian American populations are categorized as oral or "preliterate" people (those who lack an alphabet and knowledge of basic literacy processes). For example, a majority of the Hmong community did not read and write as late as the 1950s, and many had never seen books or even held pencils. It has also been reported that in some provinces of Laos in the 1970s, the rate of Hmong who did not read or write was as high as 99 percent, while a 1986 study of Hmong refugee families in the U.S. indicated that 80 percent of those surveyed could not read or write Lao, and 70 percent could not read Hmong.⁶² Furthermore, urban and rural isolation insulates communities, and there can be little to no incentive to speak or learn English. This isolation is especially true with elderly and older-adults.

Proper Recruitment and Hiring Field staff

The Census Bureau plans to hire about half the number of temporary workers as it hired for the 2010 Census. With this decrease in staffing, it is even more critical that the Census Bureau recruit and hire people who are "indigenous" to the communities where they will be working because of the knowledge these workers bring – from local knowledge of language to local knowledge of neighborhood and culture. It will be important for the Census Bureau to promote its recruitment program through a multitude of avenues, such as job fairs, paid advertising, and partner organizations (including faith institutions), as well as utilizing more creative and unconventional methods to recruit and hire census workers for the 2020 Census,

⁶⁰ For example, only 8 percent of Asian Americans in the 45 to 54 age group are online, compared to 21 percent of white users in this age range and 15 percent of black users. See Media Preferences Article.

⁶¹ *Id.*

⁶² Center for Applied Linguistics, *The Hmong: An Introduction to Their History and Culture* (2004), available at <http://www.culturalorientation.net/content/download/1373/7978/version/1/file/The+Hmong%2C+Culture+Profile.pdf>.

including making better use of technology, removing financial disincentives to work for the Census Bureau, enhance the incentives, and increasing local advertising related to census job opportunities. Hiring protocol that prioritizes community experience and skills would significantly improve the staffing for the 2020 Census and the Census Bureau's ability to effectively engage hard-to-count communities.

ADDITIONAL ISSUES TO BE ADDRESSED

Sufficient and Timely Funding for Census 2020 Preparations and Implementation

The Census Bureau has been faced with inadequate funding over the entirety of its lifecycle (which runs from FY 2012 through FY 2021) with Congress failing every year so far to allocate the amount of money the Census Bureau requested, hampering its ability to properly prepare for the 2020 Census. 2020 Census peak operations will start in little more than two years. The Census Bureau must have a steady annual funding ramp-up between now and 2020 to maintain on-time, comprehensive planning and preparations for the next decennial census.

Unfortunately, the current Fiscal Year 2018 funding level not only makes it impossible to sustain thorough, timely preparations for the 2020 Census, it also threatens the Census Bureau's ability to preserve the collection of vital information about our population, communities, and economy through other surveys.⁶³ In fact, Congress' failure to pass FY 2017 appropriations bills on time, its underfunding in the final 2017 "omnibus" appropriations bill, and the prospect of insufficient funding in FY 2018 has forced the Census Bureau to eliminate, streamline, or delay vital planning activities, putting a fair and accurate 2020 Census in jeopardy. Significant program changes include: cancellation of two of three planned sites for the 2018 End-to-End Test, a dry-run of census operations that integrates all operations and IT systems for the first time⁶⁴; cancellation of the advertising campaign and Partnership Program for the 2018 End-to-End Census Test; delay in developing a full advertising campaign and Partnership Program⁶⁵; and reduced telephone follow-up (CATI) for unresponsive households in the monthly ACS sample, and possible elimination of CATI altogether starting in 2018.⁶⁶ These current and anticipated budget constraints are taking a toll on rigorous 2020 Census

⁶³ Another concern of the insufficient funding is the potential consequence of budget cuts for the ACS and other surveys, which face reductions in data quality, especially for smaller areas and smaller populations. Adequate funding for the Census Bureau affects not only rigorous preparations for the 2020 Census, but also the Bureau's ability to continue producing quality data from its other surveys.

⁶⁴ While pre-census address updating took place in all three original sites (in FY 2017), all other dress rehearsal operations were canceled in the Pierce County, WA, and the Bluefield-Beckley-Oak Hill area, WV, sites. Providence County, RI, will be the only full dress rehearsal site.

⁶⁵ These activities keep costs down by boosting self-response and increase accuracy by targeting messages to historically hard-to-count communities, thereby lowering the need to conduct non-response follow-up. Research into effective messaging is months behind schedule.

⁶⁶ More nonresponse follow-up will be done through door-to-door visits; however, the ACS collects information directly from only a sample of unresponsive households during the personal visit phase (CAPI). Because self-response rates for "hard-to-count" population groups are lower than average, data for those communities, as well as for smaller population groups such as persons with disabilities, could be of lower quality.

preparations and hobbling other important Census Bureau programs, such as the American Community Survey (ACS) and 2017 Economic Census (for which peak operations occur in FY 2018).

Congress must allocate enough resources to sustain a robust 2020 Census ramp-up, without undermining other core programs such as the ACS, by providing more funding for the Census Bureau than the administration requested. A higher funding level is needed to achieve a fair and accurate 2020 Census in all communities, while avoiding large cost increases in the final years of the decade, and to preserve the quality of other vital datasets. As Department of Commerce Secretary Ross recently noted in his testimony, the Census Bureau needs more funding, both over the lifecycle of the decennial census⁶⁷ as well as for Fiscal Year 2018. Acknowledging that the administration's original FY 2018 budget request for the Census Bureau was too low, Secretary Ross asked Congress for an additional \$187 million (the "adjusted" request) for FY 2018.

While we were heartened to hear Secretary Ross agree with our assessment that the Census Bureau is currently sorely underfunded, we believe that the Census Bureau needs even more than the \$187M requested by Secretary Ross. In fact, to put the 2020 Census back on track and preserve and strengthen other vital Census Bureau data, Congress should allocate at least \$1.935 billion for the U.S. Census Bureau in FY 2018, as proposed in a bill sponsored by Rep. Carolyn Maloney, D-NY (H.R. 4013) — \$438 million above the administration's original request and \$251 million above the administration's adjusted request. This larger increase would allow for the Census Bureau to: restore testing in rural and remote areas (which includes methods used on American Indian reservations and in Alaska Native villages); develop and pay for a plan to ensure an accurate census in communities devastated by recent hurricanes and wildfires; increase the number of Partnership Specialists engaged in outreach to states, localities, and community-based organizations; increase funding for communications, to put development of the advertising campaign back on track, address public fears about cybersecurity, and expand targeting to diverse hard-to-count communities in both rural and urban areas; and expand the Census Bureau's "footprint" in the field, by increasing the number of local ("Area") census offices and census takers for peak census operations (2019-2020). Finally, looking forward to Fiscal Year 2019, it is critical that the administration and Congress recognize the need for a significant ramp-up in funding to support the final push to conduct a successful census.

Need for qualified and nonpartisan senior management at the Census Bureau

There is currently a leadership vacuum at the Census Bureau with the resignation of previous Census Bureau Director John Thompson this past summer less than three years before the start of the nation's largest, most complex peacetime mobilization. The Census Director

⁶⁷ Secretary Ross reported that the "lifecycle" (10-year) cost estimate for the 2020 Census would increase by \$3.3 billion, from \$12.3 billion to \$15.6 billion, based on a review of key assumptions, such as projected self-response rates and enumerator pay rates.

must also oversee the conduct of the 2017 Economic Census, the source of all baseline data for our economic indicators and national income accounts, as well as efforts to strengthen and streamline the American Community Survey (ACS), which updates the census throughout the decade with key socio-economic characteristics of our communities. The continued failure to fill this vacancy could delay final design decisions and impair preparations for the 2020 Census. The Census Bureau needs strong leadership now, not only in helming the ship to final preparations, but also to advocate for the necessary resources to ensure a fair and accurate census.

The Director needs to be a highly qualified and widely respected professional – a candidate that meets the qualifications set forth in the Presidential Appointment Efficiency and Streamlining Act of 2011. That law, which established a five-year renewable term for the director, envisions a nonpartisan candidate with “demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.” Not only is it crucial that the Director is eminently qualified to lead the agency’s enumeration and data compilation efforts and is a skilled statistician with superior management expertise and experience, but her management team must also exemplify these qualifications, including being nonpartisan and experienced with statistical data and managing large organizations and projects. It is imperative that all members of Congress, state and local officials from both political parties, the Census Bureau’s professional staff, and — most importantly — the American people have full confidence in the objectivity, integrity, and capability of the next Census Director.

CONCLUSION

While the Census Bureau has taken important steps to improve the count in 2010, there are still many areas the Census Bureau needs to address in order to meet the challenges facing an accurate count in 2010 and ensure full participation by the American public. We ask that this statement be entered into the record and appreciate the opportunity to provide our concerns and recommendations on how our country can achieve a fair and accurate census in 2010.