



To: Jennifer Jessup, Departmental Paperwork Clearance Officer
Re: American Community Survey Methods Panel Test
Docket number: USBC-2017-0006
Date: January 16, 2018

The undersigned appreciate this opportunity to address the American Community Survey (ACS) Methods Panel Test plan. As advocates, litigators, and researchers, we understand the importance of fielding a successful ACS; the ACS has a direct impact on federal funding allocation, on democratic representation, on our ability to illustrate inequality, and on our understanding of the communities we serve. We strongly support the Census Bureau's continuous efforts to improve the ACS. To that end, we urge you to adopt the recommendations below concerning self-response messaging, burden evaluation, administrative records, group quarters, and content tests.

Self-Response Mail Messaging Tests

Our organizations are acutely concerned about the trend of reduced self-response rates to Census Bureau surveys, and we applaud the Bureau's intention to study messaging that may increase self-response. The public's confidence in the security and confidentiality of survey responses is a key factor in determining whether individuals self-respond.ⁱ 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 pledges are effective and necessary in honoring the trust that business, individuals, and institutions, by their responses, place in statistical agencies."ⁱⁱ

As the Bureau is aware, members of immigrant households and communities have become more reluctant to interact with governmental entities since President Donald Trump's Administration altered immigration enforcement priorities, and stated its intention to accelerate removal of undocumented immigrants from the United States.ⁱⁱⁱ Parents have been reported to be "keeping their children home from school [and] ... suspend[ing] after-school visits to the public library"^{iv}, and immigrants are avoiding attending church services.^v In addition, many U.S. residents have become increasingly wary of providing information to the government as awareness has spread of hacking incidents in which large amounts of personal data were stolen from federal databases.^{vi} Recent incidents like these may weigh on the minds of those aware of the most notable historical case of disclosure of unpublished information to assist another federal agency, the provision of tabulations of Japanese Americans to the Department of War to help enable the unjust internment of Japanese Americans in camps during World War II.^{vii} Furthermore, the Census Bureau provided specific identifying information on Japanese Americans to the Secret Service.^{viii}

In light of the impending challenge to securing adequate levels of self-response that fears about security and confidentiality pose, the Bureau must test messaging that aims to convince respondents that their personal information cannot be disclosed for any non-statistical purpose; oversample among the hardest-to-reach communities; and devote resources to communicating in-language with as much as possible of the resident population not yet fully fluent in English.

Confidentiality and Privacy Messaging Is of Paramount Importance

Although a complex set of considerations and circumstances may affect survey self-response rates, the factors that are ascendant in the minds of respondents and statisticians and are most changed from preceding decades are the Administration's approaches to immigration and law enforcement, and prevailing use of electronic record-keeping that is susceptible to cyberattack. In its September 20, 2017 memorandum on recent experiences with respondents for the Associate Directorate for Research and Methodology, the Bureau's Center for Survey Measurement reveals respondents' acute concerns, describing incidents as serious as one individual's flight from his own apartment, upon being asked about his citizenship, leaving an enumerator behind. Enumerators and Field Supervisors interviewed for the memo said that they faced new and unprecedented challenges with gaining respondents' trust, and that respondents' central concerns were that information requested might relate to immigration or other legal violations and that that information might be made available to parts of the Department of Homeland Security and other federal agencies with prosecutorial powers. The Center for Survey Measurement's memo strongly recommends further testing of messaging designed to allay fears that have already notably increased rates of non-response and provision of incorrect information, particularly among the hardest-to-count communities, and our organizations concur in this conclusion.

The extent to which respondents trust that electronic data held by the Census Bureau is secure is similarly likely to have a growing effect on self-response rates. In a survey conducted by Anzalone Liszt Grove Research in December 2016, 36% of all adults expressed general skepticism that their personal information was secure online, and 39% were not confident that the information they provided to the Census Bureau over the internet would be safeguarded. Spanish-dominant Latinos and Asian Americans were the least likely respondents to trust in the broad security of the online environment. Attitudes about internet security showed their influence when subjects were asked whether they would respond to the 2020 Census online: 83% of individuals who believed internet submissions to the Bureau would be secure said they would respond online, compared to just 49% of those who were not confident that their internet communications with the Bureau were secure.

In spite of threatening political and social developments over which it has no control, the Bureau can improve self-response rates by adapting its messaging to address respondent concerns most likely to have a negative effect on survey self-response rates in the coming years. Household survey respondents who have participated in tests of confidentiality messages have reacted positively to credible assurances that their personal information can never be revealed to non-Census personnel, nor used for any purpose other than the preparation of statistics. For example, research conducted around the Confidentiality Pledge in advance of the 2010 Census cited previous studies that concluded that assurances of absolute nondisclosure of personal information

were associated with lower nonresponse rates and better data quality; and that acknowledgement that another agency might access survey information resulted in lower response rates.^{ix}

Test subjects profiled in the Census Bureau's report on its pre-2010 research likewise responded positively to the following statements that conveyed that personally identifying responses to surveys would neither be revealed to any entity outside the Census Bureau, nor used for any purpose other than producing data: "Your answers are confidential. That means the Census Bureau cannot give out information that identifies you or your household. Your survey answers will only be used to produce statistics, and for no other purpose."^x By contrast, some research subjects exposed to language that described information sharing between federal agencies felt that this information sharing detracted from guarantees of confidentiality. Even those who did not feel personally intimidated by the concept felt that acknowledgement of cross-agency data sharing would inhibit survey participation by such residents as undocumented immigrants and persons whose living arrangements violated lease agreements or housing ordinances.^{xi}

Although communities across the country would suffer were the Bureau to fail to communicate effectively with its most reluctant respondents, the consequences of failure to secure the public's trust would fall disproportionately on the shoulders of the smallest demographic groups of residents. 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. Further reductions in survey response rates would 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, including Asian Americans, would likely be underrepresented by official statistics, particularly at the disaggregated levels. For the sake of the usefulness of future Census data, the Bureau must find better ways of convincing subjects that it is equipped to protect the data it holds from cyberattack, and most importantly, that that data will never be used for any purpose other than the compilation of non-personally identifying statistical knowledge.

Messaging Research Must Oversample Hard-to-Count Communities

The most important findings from message testing to improve self-response will be those regarding the hardest-to-count communities that have been and are prospectively the most likely not to self-respond. During the 2010 Census, respondents of color were universally less likely to voluntarily return Census forms by mail than white, non-Latino respondents. Overall, by September 7, 2010 just 55% of Native Hawaiian/Pacific Islander-led households, 65% of American Indian/Alaska Native-led households, 65.4% of African American-led households, 69.7% of Hispanic-headed households, and 71.0% of Asian-led households had mailed a survey back to the Census Bureau, compared to 79.3% of white households and 80.5% of non-Hispanic households. Other groups of residents that have been chronically undercounted include renters, lower-income households, and young children. To ensure that its testing produces reliable and detailed information about its ultimate target audience of undercounted non-self-responders, the Bureau must oversample in underrepresented communities.

The demographic groups that are smallest in aggregate numbers, such as Asian Americans, Native Americans, Middle Eastern/North African (MENA) individuals, and residents of two or more races, face particular challenges in the context of polling and surveys.^{xii} For example, while Asian Americans are the fastest growing racial group in the United States, the population still accounts for less than six percent of all residents. The margins of error associated with data about this and other small communities are wider than those assigned to data about other discrete groups of people, and thus, the data are often unreported. Oversampling is the best method for securing the necessary volume of information to produce detailed disaggregated data on respondents of greatest interest as the Bureau confronts the challenge of increased non-response and false response.

Our organizations urge the Bureau to devote its highest degree of attention and effort to including an oversampling of MENA and non-U.S. citizen respondents in message testing through the ACS. MENA individuals have not previously had the choice to identify as such on Census surveys, but the Census Bureau and the Office of Management and Budget (OMB) -led Interagency Working Group for Research on Race and Ethnicity both have recommended addition of the choice to possible answers to questions about race and ethnicity. In light of the possibility of addition of a new racial or ethnic category, and the Bureau's awareness that these respondents cite perceptions of hostility toward Muslim and Middle Eastern people as reasons for heightened fear of participating in Census surveys, their inclusion in the research proposed will produce new and timely information and help the Bureau address emerging challenges. In addition, we are concerned that the Bureau will face its greatest struggle in securing survey responses and interview participation from households that include people who are not U.S. citizens, regardless of household members' race and ethnicity, and that it will need to approach a disproportionately large number of such households to obtain a sufficient volume of responses from which to draw conclusions.

Self-Response Messaging Testing Must Be Conducted in as Many Languages as Possible

While oversampling hard-to-count respondents will help ameliorate the negative effects on data quality of the relatively smaller size of communities of color compared to the overall population, it will not safeguard against the challenge presented by the cultural and linguistic diversity of demographic groups most underrepresented in Census data. For example, despite being viewed as homogenous, Asian Americans trace their roots to more than 23 countries in East and Southeast Asia and the Indian subcontinent that differ dramatically across historical, cultural, linguistic and other characteristics^{xiii}, many of which are themselves home to many different cultures, dialects and unique characteristics. Likewise, the Census Bureau has identified 169 Native American languages spoken by U.S. residents. The aggregate number of survey subjects with whom the Bureau cannot communicate in English is potentially large: according to American Community Survey 2016 1-year data, out of just over 20,640,000 non-citizen U.S. resident adults, the vast majority – more than 18,330,000 – speak a language other than English at home, and more than half are not yet fully fluent in English. To obtain useful, robust information about messages that work and fail with as many members as possible of the communities that are chronically undercounted in Census surveys, it is imperative that messaging research be conducted in the maximum possible number and range of languages.

Linguistic accessibility is particularly important to the success of self-response-related message testing because of the confluence between rapidly-growing segments of the population, their elevated levels of limited English proficiency, and heightened likelihood of refusing engagement with government agents and becoming effectively invisible in critical data compilations. According to the 2010 census, for example, the Chinese population was the largest subgroup of Asian Americans, but the Bhutanese, Cambodian and Nepalese communities were the fastest growing Asian American subgroups.^{xiv} Bhutan is also the origin of the largest share of refugees admitted to the United States during the first quarter of Fiscal Year 2018^{xv}, portending the continuation of these trends. While just 19% of residents of Asian Indian heritage and 22% of Filipino Americans are not fully fluent in English, 48% of Nepalese Americans and 37% of Cambodian Americans have limited proficiency in English. In this and many other instances, operational capacity in numerous languages other than English will be a particularly important determinant of the Bureau's ability to obtain information from segments of the population that are increasingly prominent, yet at heightened risk of marginalization in government data due to isolation, newcomer status, and relative lack of familiarity and comfort with government functions such as Census surveying.

If Census surveying fails to reach smaller ethnic and linguistic groups who may experience the highest rates of limited English proficiency, then the Bureau risks reaching and acting upon generalizations based on inadequate research. We urge the Bureau to leverage the increased flexibility that surveying through the internet provides to electronically publish not only explanations but also survey instruments themselves in as many as possible of the languages spoken by residents who are not yet fully fluent in English. The Bureau should also supplement electronic in-language questionnaires and related materials with interviews, focus groups, or other research methodologies that offer the opportunity to survey speakers of less-common languages, particularly in areas where households are disproportionately likely to lack high-speed internet access.

Response Burden Field Test

The undersigned support the Bureau's efforts to better understand respondents' perception of the burden of completing the ACS. We recommend that the Bureau field questions that ask respondents how to improve their perception of the ACS, rather than questions that focus on how to reduce the time spent on completing the survey.

In 2016, the Bureau supported the National Academies of Sciences, Engineering, and Medicine in conducting a workshop to brainstorm ways to address the response burden in the American Community Survey. The two-day workshop posited a number of solutions, which were summarized in the resultant report, "Reducing Response Burden in the American Community Survey."^{xvi} Proposed solutions to the issue of response burden included using administrative records, improving sampling, tailoring group quarters data collection, and building respondent support for the ACS. The undersigned strongly believe that building respondent support for the ACS is the most effective way to reduce respondents' perception that survey participation imposes undue burden.

Use of administrative records, changing the sampling model, and changing the information collected from group quarters are all likely to degrade the quality of the data collected through the ACS. All of these methods are likely to exacerbate deficits in quantity and quality of data collected from historically undercounted populations, like people of color, people with limited English proficiency, low-income people, immigrants, people experiencing housing instability, LGBTQ people, and other marginalized communities.

As set forth in more detail in the following section of these comments, the use of administrative records to reduce ACS response burden would be a particularly problematic solution. Among other critical uses, advocates, researchers, attorneys, and decision-makers use demographic data gathered through the ACS to determine how to allocate resources, how to direct advocacy to best address disparities, and how to direct future research strategies. Administrative records are unlikely to adequately capture the rich demographic data that result from self- and proxy reports to ACS surveys. For example, recent testing by the Bureau found that administrative records frequently lack accurate information about the race or ethnicity of a respondent.

Using matrix sampling for a survey as complex as the ACS that is designed to enable exploration of individual variables is likely to degrade the value of the ACS to researchers and decision-makers. Matrix sampling would reduce our organizations' ability to compare variables from one year to another, and imputation would not be an adequate method of providing decision-makers with the rich data the ACS currently yields. Matrix sampling could be especially harmful to the quality of the data gathered through the ACS on small populations.

Tailoring group quarters-specific questionnaires in the ACS would negatively affect the quality of information collected on people who are historically difficult to count. The most common types of group quarters – student housing, correctional facilities, group homes, workers' dorms, and nursing facilities – are disproportionately likely to house young and mobile people, people of color, LGBTQ people, immigrants, low-income people, people experiencing homelessness and housing instability, and people in other marginalized groups. In spite of this, present methods and instruments used to survey group quarters produce high rates of complete data, and therefore neither Census staff and nor Scientific Advisory Council members in attendance at the National Academies' two-day convening recommended creating unique group quarters-specific questionnaires.

Building respondent support for the ACS would improve data quality and reduce the cost of non-response follow-up for the Bureau. The Bureau itself has recognized the importance of this work by pioneering materials intended to improve public perception of the ACS, including their "Why We Ask" supplements. Investing more resources in reworking the "Why We Ask" materials and undertaking additional efforts to improve public perception of the ACS is the most effective and efficient solution to reducing respondent burden. Therefore, the undersigned recommend that questions tested on the ACS Methods Panel Tests address respondent burden by seeking to enhance respondents' appreciation of and support for the conduct of the ACS.

Testing the Use of Administrative Data in Housing Units and Group Quarters

The undersigned appreciate the potential value of testing the use of administrative records in lieu of normal methods of surveying; however, we are concerned that enumeration that solely relies on administrative records may significantly reduce the quality and quantity of information included in Census data releases about the nation's hardest-to-reach populations. We urge the Bureau to employ a critical eye as it conducts this testing, and to decline to adopt widely any use of administrative records that tends to reduce the reliability of resulting data. The benefit of any cost savings in data collection would be far outweighed by the damage that inaccurate and unusable data could cause to the many sectors and government functions that rely upon ACS statistics.

Use of Third Party Data

As an overarching matter, our organizations are acutely concerned about the likely negative effects of the use in enumeration of private third party data. Research conducted for the Bureau has identified problems with third party data; for example, in the Center for Administrative Records Research and Applications' Working Paper #2016-06, Zachary Seeskin recommends against use of third party data from CoreLogic to replace direct surveying on property tax payments, noting that CoreLogic data for owner-occupied single-family homes varied significantly in its consistency with ACS data across various counties, and in its degree of availability depending upon homeowners' socioeconomic status and education level. Third party data such as the CoreLogic database on property taxes is not collected for statistical purposes, and thus does not consistently use the same criteria and concepts or capture the same types of information as Census surveys; in addition, third party data is not dependably comprehensive, nor is it collected with its subjects' explicit or tacit understanding and approval of its potential statistical use. For all these reasons, we believe third party data is likely to be a worse fit than administrative records, and therefore we encourage the Bureau to prioritize research on use of records held by other government entities.

Administrative Records Contain a Lower Quality and Quantity of Information about Hard-to-Count Communities

As the Bureau researches use of administrative records to replace questions or surveys, we strongly urge vigilance around and rigorous evaluation of which groups of addresses and individuals are disproportionately absent from databases compiled from administrative records, and which categories of information are disproportionately absent from, unreliable, or not recorded in administrative records in formats consistent with the Bureau's data collection. Given the strong and consistent indicators that members of undercounted communities are not included or accurately described in administrative records, it is imperative that any future determination to replace surveying with administrative records data include very detailed and comprehensive plans for identifying places and people for whom such records are not usable, and for employing alternate methods for obtaining information from those households.

In general, there are differences between the content of information gathered through traditional enumeration methods and of information in administrative records; for example, the Bureau's comparison of representative administrative records to results of the 2010 Census revealed that the

two sources agreed on one of the most basic elements of the decennial Census – number of residents living at a given address – just 62% of the time. Disparities between data sources are not equally prevalent as to all subjects of data collection. The National Advisory Committee for Racial, Ethnic, and Other Populations’ (NAC) Administrative Records, Internet, and Hard to Count Population Working Group’s final report summarized the Bureau’s research as finding that it is more difficult to match administrative records to survey subjects who are racial and ethnic minorities and of two or more races; not fluent in English; children; lacking a social security number; homeless; or possess lower income or education levels. Persons in these categories are generally undercounted in Census surveys based on self-response, interviews, proxy response and imputation; for example, the 2010 decennial Coverage Measurement operation determined that the 2010 Census undercounted African Americans by 2.06%, Latinos by 1.54%, and Native Americans living on reservations and land trusts by 4.88%, while overcounting white non-Hispanic residents by .83%. The Bureau has also acknowledged that studies, including recent work relying upon demographic analysis, have consistently shown that young children aged 0-4 are undercounted, finding that 4.6% of children in this category were not counted in the 2010 Census.

These hard-to-reach groups of residents are disproportionately likely to be residents of households that are never contacted by the Census Bureau due to their exclusion from its Master Address File, as well as residents of households that do not self-respond to surveys. Their absence from and incomplete records in administrative sources would exacerbate their likelihood of being omitted from Census data if the Bureau were to rely upon administrative records in lieu of direct enumeration. The data sources thus far identified for use by the Bureau are known for excluding disproportionately large shares of the hardest-to-count populations, and for containing a lower quality and quantity of information on topics such as committed same-sex relationships and detailed racial and ethnic identification. For example, the Bureau has identified Social Security records as a primary source of information about age, date of birth, gender, and parental relationships to children, but these records omit many undocumented immigrants, and potentially their U.S.-born children.^{xvii} Further, Social Security records can only be used in enumeration when they can be linked to updated address information contained another dataset, such as tax filing records or enrollment data from health, housing, and nutrition assistance programs. Many hard-to-reach individuals with Social Security numbers – homeless or formerly incarcerated Americans, for example – are less likely to be tax filers, and are ineligible for or unable to access assistance programs, and are therefore less likely to be visible for enumeration purposes in the Bureau’s administrative records database as it has thus far been constructed.

It is not just the disproportionate absence of information about hard-to-count individuals in administrative records that causes us concern, but also the likelihood that administrative records will contain less complete information than is garnered through traditional enumeration methods. Where this is the case, misplaced reliance upon administrative records data may distort statistical knowledge to the detriment of underrepresented communities. The Bureau’s preferred administrative sources for information about non-respondents’ race and ethnicity are, first, Social Security data, followed by state’s participation data from the Supplemental Nutrition Assistance Program, Women, Infants and Children, Temporary Assistance to Needy Families, and other similar programs. However, at present, the application form for a social security number makes

provision of one's race and ethnicity optional; therefore, Social Security databases almost certainly do not contain comprehensive information about race and ethnicity. Moreover, the OMB-led Interagency Working Group that studied possible revision of standard race and ethnicity data collection protocols and other expert bodies have pointed out that state and local entities do not universally conform to federal standards. Partners in data compilation such as state and local government agencies often group numerically smaller communities including Native Hawaiians, Pacific Islanders, Asian Americans, and Native Americans into single, nondescript categories labeled "other." These observations comport with the NAC's Administrative Records and Third Party Data Working Group's finding that administrative records that the Bureau has proposed to use for enumeration are most frequently unavailable or cannot be matched across databases for individuals who are American Indian and Alaska Natives, Native Hawaiians and Pacific Islanders, some other race, or two or more races. If an individual is represented in administrative records, but not accurately associated with detailed information about his or her racial and ethnic identity and other personal characteristics, his or her enumeration using only those administrative records is likely to lessen the accuracy of resulting statistics.

Because administrative records accessible to the Bureau do not cover communities of residents equally, and do not contain equally comprehensive and reliable information about each of the individuals they concern, it is imperative that the Bureau's testing of administrative records to replace survey questions identify communities and purposes for which records are most reliable, and instances in which their use implicates least risk of demographic distortion of results. ACS tests must determine, with precision, whether use of administrative data in lieu of traditional non-response follow-up operations is associated with patterns of difference in resulting data products based on race, ethnicity, national origin, and socioeconomic characteristics such as income. We strongly believe that administrative records must never be used in any particular instance or as part of any protocol where their incorporation as a replacement for data gathered through traditional enumeration methods would increase the margin of error or otherwise reduce the accuracy and reliability of resulting ACS data. In addition, in the event that the Bureau recommends implementing use of administrative records to replace enumeration, it must also plan to increase and otherwise enhance complementary outreach to communities who are underrepresented in the administrative records in question.

Finally, though we do not support additional use of Administrative Records, to the extent that the Bureau continues to explore this possibility, we urge the Bureau to include testing of additional sources of administrative records that may enhance the overall coverage of its compilation of records as well as the completeness of information it collects on individual survey subjects. Records that may be candidates for further testing in this context include, but are not limited to, databases of holders of drivers' licenses and state identification cards, particularly from states that issue non-REAL ID-compliant licenses and IDs regardless of holders' legal immigration status; tribal enrollment records; Homeless Management Information Systems and Runaway and Homeless Youth Management Information Systems data; state records pertaining to public school students enrolled in free and reduced-price meal programs; the IRS's complete records concerning individuals to whom Individual Taxpayer Identification Numbers have been issued (to include all such individuals regardless of whether and how often they have filed tax returns); records kept by state labor and workforce development agencies that provide and coordinate direct services to

unemployed individuals and jobseekers; and Electronic Immigration System (ELIS) and other records concerning non-citizen recipients of visas and legal permanent resident status maintained by US Citizenship and Immigration Services.

Administrative Records Likely Lack Detailed Information about Residents of Institutional Group Quarters

We are concerned about the likely consequences of the use of administrative records as an alternative to traditional enumeration of institutional group quarters, proposed for testing through the ACS, because of the unique characteristics and circumstances associated with that context. Members of hard-to-count communities are overrepresented among residents of institutional group quarters: for example, according to the federal Bureau of Prisons, as of November 2017, 38.0% of federal inmates were African American, compared to only 13.3% of the nation's total population as of July 2016; the same data compilations found 32.8% of inmates were Latino, compared to just 17.8% of all residents. Likewise, low-income individuals are likely to constitute disproportionate shares of nursing home residents: whereas Medicaid covers about 20% of all Americans, as of 2015, the program pays for the costs of care for approximately three-fourths of nursing home residents, according to the Kaiser Family Foundation. Administrative records pertaining to these hard-to-count residents of institutional group quarters are of particularly poor quality in at least some respects, and we therefore urge the Bureau to apply strong scrutiny to this proposed area of research, or in the alternative, to identify more promising potential uses of administrative records for testing.

Characteristics of statistics concerning people incarcerated in state and local facilities illustrate our organizations' concerns. In its 2017 Interim Report, the Interagency Working Group for Research on Race and Ethnicity noted that the Bureau of Justice Statistics presently collects some information about incarcerated populations from administrative records of state and local correctional and law enforcement agencies, which are in at least some cases compiled using administrators' observations rather than information self-reported by inmates. Third-party observations are a particularly poor and incomplete source of information about individuals' race and ethnicity, and are unlikely to accurately identify people who self-identify as being of two or more races; to distinguish between Asian Americans, Native Hawaiians, and Pacific Islanders; and to navigate complex and overlapping racial and ethnic identities such as the white, Latino and Native American heritage of many of those who trace their roots to the southwestern United States. Since administrative records about institutional group quarters residents are particularly likely to include observed rather than self-reported information, there is an elevated and troubling risk of increased inaccuracy flowing from any increased reliance on such records to produce data.

The Public May Disapprove of the Use in Enumeration of Administrative Records

In conjunction with its research on use of administrative records to replace traditional enumeration methods, the Bureau must evaluate public attitudes about such use and resulting effects on survey response. Greater public awareness that information submitted to an unrelated agency or government entity may also be used by the Census Bureau to produce data may give rise to concerns about lack of confidentiality and the possibility of collateral negative consequences

stemming from survey response. If this proved to be the case, regular use of administrative data in enumeration might defeat its own purpose by contributing to declines in the accuracy and reliability of that administrative data. The Bureau should survey respondents about their awareness of and feelings about the potential use of administrative records in enumeration, to include inquiries about whether willing participants in Census data collection may perceive their participation as unnecessary or duplicative if and when they become aware that information provided to other entities in other contexts may be shared with and used by the Bureau.

As the public becomes aware of agencies sharing administrative records with the Bureau, there may be unintended degradation of trust in the confidentiality of information collected by the Bureau. The Bureau should survey respondents about what impact the potential use of administrative records has on public trust in the Bureau's confidentiality standards.

Group Quarters Test

The undersigned support the Bureau's intention to test giving group quarters respondents the option of completing the ACS survey using an Internet-based instrument. We support the recommendations presented to the Bureau by the Census Scientific Advisory Committee's Working Group on Group Quarters in the American Community Survey.^{xviii} As the Working Group explained, 79% of non-institutional group quarters respondents are college students or military personnel, and are likely to have strong computer skills. Allowing these non-institutional group quarters residents to self-respond electronically should lower costs and improve data quality.

Content Tests

In its ongoing assessment of questions that should be added to or removed from the ACS, the Census Bureau consults with colleagues at federal agencies to determine their data needs. Several federal agencies have expressed a clear and urgent need to obtain data on sexual orientation and gender identity in order to effectively allocate resources and to implement and enforce provisions of the law. Although the Census Bureau chose not to include sexual orientation or gender identity questions in the current iteration of the ACS, it is clear from the response of agencies like the Department of Housing and Urban Development, the Department of Health and Human Services, and the Department of Justice that there is a significant need for this data for implementation and enforcement activities and for efficient allocation of resources.

The Bureau must begin testing sexual orientation and gender identity questions for inclusion on the ACS immediately. The Content Tests proposed as part of the Methods Panel Tests provide an ideal opportunity for the Bureau to begin this testing.

Language Support

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.^{xix} 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.^{xx} 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. Our organizations applaud these efforts but remained concerned that funding and vigilance will be necessary to ensure the timely development of appropriate materials for promotion and outreach – leaflets to distribute to individuals, posters and other promotional materials – and questionnaire aids in different languages. We encourage the Bureau to use ACS tests if and as possible to refine aspects of its plan for critical 2020 language assistance efforts.

To help ensure the success of language assistance programs, we suggest the following considerations. To reach hard-to-count groups with high numbers of immigrants and persons with limited English proficiency, internet interfaces must include as many languages as possible, with online platforms including more languages than printed versions. We also urge you to prioritize language minority communities with a high incidence of limited English proficiency; that is, the Census Bureau should consider not only the aggregate number of speakers of a language, but also the prevalence of limited English proficiency among all speakers of each language, with attention to smaller language communities that can only respond in their own language. The Census Bureau should also enlist 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, 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.

Conclusion

The undersigned appreciate this opportunity to comment on the American Community Methods Panel Tests proposal. For more information on any of the topics addressed in this comment, please contact any of the following:

- Meghan Maury, National LGBTQ Task Force, mmaury@thetaskforce.org
- Terry Ao Minnis, Asian Americans Advancing Justice| AAJC, tminnis@advancingjustice-aaajc.org
- Erin Hustings, National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, ehustings@naleo.org

Sincerely,

National LGBTQ Task Force

Asian Americans Advancing Justice|AAJC

National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund

ⁱ Amy Swallow, Robin Kaplan, and Jennifer Edgar, *Exploring Respondents' Perceptions of Data Confidentiality and Enhanced Cybersecurity*, April 12, 2017, Office of Survey Methods Research, Bureau of Labor Statistics, available at https://www.census.gov/fedcas/casic/fc2017/ppt/Swallow_FedCASIC_final.pdf (citing Thomas S. Mayer, *Privacy and Confidentiality Research and the U.S. Census Bureau – Recommendations Based on a Review of the Literature* (Survey Methodology #2002-01), Feb. 7, 2002, Statistical Research Division, U.S. Census Bureau, available at <https://www.census.gov/srd/papers/pdf/rsm2002-01.pdf>).

ⁱⁱ 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).

ⁱⁱⁱ E.g., Allison Sherry, *Denver Takes Steps To Shield Immigrants From ICE*, NPR MORNING EDITION, July 13, 2017, available at <http://www.npr.org/2017/07/13/536974762/denver-takes-steps-to-shield-immigrants-from-ice> (noting that in recognition of ICE's increased presence in local courthouses, women in Denver were declining to press charges concerning domestic violence incidents for fear of coming to the attention of federal immigration authorities).

^{iv} 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/>.

^v 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/>.

^{vi} E.g., Julie Hirschfeld Davis, *Hacking of Government Computers Exposed 21.5 Million People*, NY TIMES, July 9, 2015, available at [https://www.nytimes.com/2015/07/10/us/office-of-personnel-management-hackers-got-data-of-millions.html?_r=0](https://www.nytimes.com/2015/07/10/us/office-of-personnel-management-hackers-got-data-of-millions.html?_r=0;);

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^x *Id.* at 38.

^{xi} *Id.* at 45.

^{xii} George Gao, *The challenges of polling Asian Americans*, Pew Research Center, May 11, 2016, available at <http://www.pewresearch.org/fact-tank/2016/05/11/the-challenges-of-polling-asian-americans/>.

^{xiii} Elizabeth M. Hoeffel, Sonya Rastogi, Myoung Ouk Kim, and Hasan Shahid, *2010 Census Briefs: The Asian Population: 2010*, U.S. Census Bureau, March 2012, available at <https://www.census.gov/content/dam/Census/library/publications/2012/dec/c2010br-11.pdf>.

^{xiv} *Id.*

^{xv} Patrick Goodenough, *Refugee Admissions to U.S. Down 83% So Far in FY18*, CNSNEWS.COM, Dec. 4, 2017, available at <https://www.cnsnews.com/news/article/patrick-goodenough/3108-oct-1-refugee-admissions-drop-489-trump-withdraws-un-migration>.

^{xvi} National Academies of Sciences, Engineering, and Medicine. *Reducing Response Burden in the American Community Survey: Proceedings of a Workshop*. Washington, DC: The National Academies Press. (2016).

^{xvii} Recently, for example, some authorities in Texas refused, until forced by court order, to issue birth certificates to U.S.-born children whose parents lacked proof of legal status, an action that likely would have prevented those children from being issued Social Security numbers. See, e.g., Julia Preston, *Lawsuit Forces Texas to Make It Easier for Immigrants to Get Birth Certificates for Children*, NY TIMES, July 24, 2016, available at <https://www.nytimes.com/2016/07/25/us/lawsuit-texas-immigrants-birth-certificates.html>.

^{xviii} National Academies of Sciences, Engineering, and Medicine, *Reducing Response Burden in the American Community Survey: Proceedings of a Workshop* Ch. 6 (2016), available at <https://www.nap.edu/read/23639/chapter/7#83>.

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

^{xx} 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>.