



ASIAN AMERICANS
**ADVANCING
JUSTICE**
AAJC

VIA EMAIL

April 27, 2018

Sheleen Dumas
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Office of Management and Budget
Email: OIRA_Submission@omb.eop.gov

Re: Department of Commerce Submission for OMB Review; Comment Request
(Document Citations: 83 FR 13226)

Asian Americans Advancing Justice | AAJC (Advancing Justice | AAJC) is a national non-profit, non-partisan organization founded in 1991. Advancing Justice | AAJC considers the census, including the American Community Survey (ACS), to be the backbone to its mission to advance the civil and human rights of Asian Americans, and build and promote a fair and equitable society for all. Advancing Justice | AAJC has maintained a permanent census program that monitors census policy, educates policy makers, and conducts community outreach and education to encourage participation in the surveys conducted by the Census Bureau. We appreciate the opportunity to respond to the submissions for OMB Review on the proposed 2019 ACS questionnaire, including changes to content.

Advancing Justice | AAJC considers a fair and accurate census and comprehensive ACS among the most significant civil rights issues facing the country today. Our wide-ranging efforts to promote civic engagement, forge strong and safe communities, and create an inclusive society are guided significantly by objective, inclusive data on America's diverse communities and populations. We appreciate the importance of fact-based analyses for identifying disparate access and outcomes and devising effective solutions. To that end, we offer the following comments specifically about the proposed questions on race and Hispanic origin for the 2019 ACS questionnaire, and the need for OMB to finalize its revisions to the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity ("Standards").

Organizational Information

Advancing Justice | AAJC is a national non-profit, non-partisan organization founded in 1991. Advancing Justice | AAJC's mission is to advance the civil and human rights of Asian Americans, and 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 nonprofit organizations in Los Angeles and San Francisco, CA, Chicago, IL, Atlanta, GA, and Washington, D.C. who joined to promote a fair and equitable society for all by working for civil and human rights and empowering Asian Americans and Pacific Islanders and other underserved communities. Additionally, over 160 organizations are involved in Advancing Justice – AAJC's community partners network, serving communities in 32 states and the District of Columbia.

Race and Hispanic Origin

We believe that the Census Bureau's recent submission to Congress, which includes a two-question panel for asking about race and Hispanic origin, is a missed opportunity to modernize the way in which our country gathers information about race and ethnicity.

According to the submission made to Congress, the Census Bureau plans to utilize these two questions¹ on the 2020 form to ask about race and ethnicity:

Is this person of Hispanic, Latino, or Spanish origin?

☐ No, not of Hispanic, Latino, or Spanish origin

☐ Yes, Mexican, Mexican Am., Chicano

☐ Yes, Puerto Rican

☐ Yes, Cuban

☐ Yes, another Hispanic, Latino, or Spanish origin – *Print, for example, Salvadoran, Dominican, Colombian, Guatemalan, Spaniard, Ecuadorian, etc.*

¹U.S. CENSUS BUREAU, QUESTIONS PLANNED FOR THE 2020 CENSUS AND AMERICAN COMMUNITY SURVEY, 9, 11 (2018), <https://www2.census.gov/library/publications/decennial/2020/operations/planned-questions-2020-acr.pdf>.

What is this person's race?
 Mark ☒ one or more boxes **AND** print origins.

☐ White – Print, for example, German, Irish, English, Italian, Lebanese, Egyptian, etc.

☐ Black or African Am. – Print, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc.

☐ American Indian or Alaska Native – Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, etc.

<input type="checkbox"/> Chinese	<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Native Hawaiian
<input type="checkbox"/> Filipino	<input type="checkbox"/> Korean	<input type="checkbox"/> Samoan
<input type="checkbox"/> Asian Indian	<input type="checkbox"/> Japanese	<input type="checkbox"/> Chamorro
<input type="checkbox"/> Other Asian – Print, for example, Pakistani, Cambodian, Hmong, etc.		<input type="checkbox"/> Other Pacific Islander – Print, for example, Tongan, Fijian, Marshallese, etc.

☐ Some other race – Print race or origin.

This is in contrast to the version tested in the 2015 National Content Test (and the one that was recommended for further testing with the plan to implement for the 2020 Census)², which was the combined question with detailed checkboxes format, that included a Middle Eastern or North African (MENA) category and the ability for everyone to select multiple boxes, including for the Hispanic options (which was not available on previous census forms):

² U.S. CENSUS BUREAU, 2015 NATIONAL CONTENT TEST RACE AND ETHNICITY ANALYSIS REPORT, Table H31, 299 (2017) [hereinafter 2015 NCT REPORT], <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf>.

8. Which categories describe Person 1?

Mark all boxes that apply **AND** print details in the spaces below.
Note, you may report more than one group.

☐ **WHITE** – Provide details below.

- | | | |
|----------------------------------|---------------------------------|----------------------------------|
| <input type="checkbox"/> German | <input type="checkbox"/> Irish | <input type="checkbox"/> English |
| <input type="checkbox"/> Italian | <input type="checkbox"/> Polish | <input type="checkbox"/> French |

Print, for example, Scottish, Norwegian, Dutch, etc. ➤

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☐ **HISPANIC, LATINO, OR SPANISH** – Provide details below.

- | | | |
|--|--|------------------------------------|
| <input type="checkbox"/> Mexican
or Mexican
American | <input type="checkbox"/> Puerto
Rican | <input type="checkbox"/> Cuban |
| <input type="checkbox"/> Salvadoran | <input type="checkbox"/> Dominican | <input type="checkbox"/> Colombian |

Print, for example, Guatemalan, Spaniard, Ecuadorian, etc. ➤

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☐ **BLACK OR AFRICAN AM.** – Provide details below.

- | | | |
|--|------------------------------------|----------------------------------|
| <input type="checkbox"/> African
American | <input type="checkbox"/> Jamaican | <input type="checkbox"/> Haitian |
| <input type="checkbox"/> Nigerian | <input type="checkbox"/> Ethiopian | <input type="checkbox"/> Somali |

Print, for example, Ghanaian, South African, Barbadian, etc. ➤

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☐ **ASIAN** – Provide details below.

- | | | |
|-------------------------------------|-----------------------------------|---------------------------------------|
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Filipino | <input type="checkbox"/> Asian Indian |
| <input type="checkbox"/> Vietnamese | <input type="checkbox"/> Korean | <input type="checkbox"/> Japanese |

Print, for example, Pakistani, Cambodian, Hmong, etc. ➤

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☐ **AMERICAN INDIAN OR ALASKA NATIVE** – Provide details below.

- | | | |
|---|---|--|
| <input type="checkbox"/> American
Indian | <input type="checkbox"/> Alaska
Native | <input type="checkbox"/> Central or South
American Indian |
|---|---|--|

Print, for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec,
Native Village of Barrow Inupiat, Nome Eskimo Community, etc. ➤

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☐ **MIDDLE EASTERN OR NORTH AFRICAN** – Provide details below.

- | | | |
|-----------------------------------|-----------------------------------|-----------------------------------|
| <input type="checkbox"/> Lebanese | <input type="checkbox"/> Iranian | <input type="checkbox"/> Egyptian |
| <input type="checkbox"/> Syrian | <input type="checkbox"/> Moroccan | <input type="checkbox"/> Algerian |

Print, for example, Israeli, Iraqi, Tunisian, etc. ➤

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☐ **NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER** – Provide details below.

- | | | |
|---|---------------------------------|--------------------------------------|
| <input type="checkbox"/> Native
Hawaiian | <input type="checkbox"/> Samoan | <input type="checkbox"/> Chamorro |
| <input type="checkbox"/> Tongan | <input type="checkbox"/> Fijian | <input type="checkbox"/> Marshallese |

Print, for example, Palauan, Tahitian, Chuukese, etc. ➤

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☐ **SOME OTHER RACE, ETHNICITY, OR ORIGIN** – Print below. ➤

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General Recommendations about collecting data on Asian Americans and Native Hawaiians and Other Pacific Islanders (NHPIs)

In thinking about how information is collected, the most important factors for Asian American and NHPI communities are maintaining or improving the detailed reporting for all groups achieved previously and ensuring the accuracy of the data collected. In particular, we support the format that provides the best detailed reporting on Asian American and NHPI groups. Maintaining or improving upon the quality of these data is essential to informed public policy for our communities.

We previously recommended that for either format (separate vs. combined), there should be:

- A maximum number of checkboxes included, with the number used during the 2010 Census serving as a minimum;
- A maximum number of examples, with the number used during the 2010 Census serving as a minimum; and
- NHPI response options should be clearly identified as separate from Asian American response options.

We noted that these recommendations were supported by the results from the 2015 National Content Test (2015 NCT), which showed that the combined question with detailed checkboxes performed better than the combined question with write-ins for all modes of responses for the decennial census.³ We believe that utilization of checkboxes and examples is critical regardless of the format of the question(s).

We continue to recommend that these recommendations apply to all platforms through which these questions could be asked (i.e. online or paper). We are concerned with potential biases that may be introduced if checkboxes for detailed subgroups are only offered on an online version of the question(s). Even in recent years, as access to technology has increased dramatically, there are still barriers to access for the elderly and low-income people.⁴ Although internet surveys are increasingly popular, response rates tend to be lower using this method than traditional survey methods, potentially biasing results.⁵ Extrapolating from past research, we can anticipate that those who are elderly,

³ 2015 NCT REPORT at 299 (Table H31).

⁴ Gonzales, Amy L. "Health benefits and barriers to cell phone use in low-income urban US neighborhoods: Indications of technology maintenance." *Mobile Media & Communication* 2.3 (2014): 233-248; Collins, Sarah A., et al. "Digital divide and information needs for improving family support among the poor and underserved." *Health informatics journal* (2014): 1460458214536065; Choi, Namkee G., and Diana M. DiNitto. "The digital divide among low-income homebound older adults: Internet use patterns, eHealth literacy, and attitudes toward computer/Internet use." *Journal of medical Internet research* 15.5 (2013).

⁵ Fan, Weimiao, and Zheng Yan. "Factors affecting response rates of the web survey: A systematic review." *Computers in Human Behavior* 26.2 (2010): 132-139. Shih, Tse-Hua and Xitao Fan. "Comparing response rates in email and paper surveys: A meta-analysis." *Educational Research Review* 4.1 (2009): 26-40.

low-income, and less English-language proficient will be the least likely to access the internet-based survey. These are the very populations that will be more likely to access a paper version of the questions and thus must have equal access to detailed checkboxes as those responding online.

Missed Opportunity: NHPIs

The race question submitted to Congress that will be used for the 2020 Census does a disservice to NHPIs. The recommended combined question panel allowed for more detailed checkboxes (Tongan, Fijian, and Marshallese) and more examples (Palauan, Tahitian, and Chuukese), which were used for the other NHPI option. These checkboxes and examples are lost with the submitted question. Another lost opportunity was having the NHPI response options clearly identified as separate from Asian American response options – the recommended combined question had two options and detailed checkboxes (for American Indians and Alaskan Natives, as well as MENA) between Asian and NHPI. The submitted question once again has them side by side without any labeling above the detailed checkboxes. This is a missed opportunity to provide more options and better clarity for NHPIs.

Missed Opportunity: Failure to Create New Classification of Middle Eastern or North African (MENA) Race/Ethnicity

We have been supportive of efforts by advocates in the MENA community to have distinct reporting categories for the community. Current OMB guidelines that classify persons from the MENA region as white by race are not accurate or useful, and are increasingly confusing survey respondents as well as government and other agencies tasked with collecting information on and providing services to these populations. The 2015 NCT results show that when a distinct MENA category was present, there was a significant decrease in responses for all other response categories, including a significant decrease in “Some Other Race” responses.⁶ This is not surprising as we saw that record numbers of persons of Arab, Iranian, Chaldean, Turkish, and other Middle Eastern and North African origins chose to use the “Some Other Race” box to write-in an ethnic origin.⁷ Testing has shown time and time again that many members of this community do not see themselves in a “White” racial classification. The MENA category is practical and necessary, and it will provide the community and the government the ability to measure the community’s access to resources, disparate treatment and/or community needs in law enforcement, hospitals, schools, employment, and so forth.

⁶ 2015 NCT Report at 59.

⁷ Comments, Asian Americans Advancing Justice – AAJC, Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 81 FR 67398 (Oct. 31, 2016), <http://advancingjustice-aaajc.org/sites/default/files/2016-11/Advancing%20Justice%20AAJC%20-%20OMB%20Standards%20re%20Race%20and%20Ethnicity%20Oct%202016.pdf>.

Unfortunately, with OMB's failure to finalize revisions to its Standards, the Census Bureau decided to forgo including a MENA response option for the 2020 Census, despite the fact that there were panels tested that included two questions with a MENA response option. It appears that the Census Bureau failed to consult the impacted community first and foremost for the appropriate approach to take for the MENA option in light of OMB's failure to revise its Standards. The Census Bureau missed an opportunity to modernize its race and ethnicity questions, with ongoing harm occurring to the MENA communities. Without the MENA response category, federal agencies will continue to fail to identify the unique issues facing this population and thus continue to fail to address their needs. This all comes at a time when many immigrants from the MENA region are less likely to want to cooperate with the federal government. Portions of these populations remain hard to reach because their relationship with government agencies is often characterized by fear. Immigrants from this region often lack a positive experience with government agencies in their native countries and have adopted a tendency to distrust and avoid government interaction whenever possible. These are all reasons to take immediate steps to improve our tools to identify needs and serve these communities.

Missed Opportunity: Allowing for more accurate Hispanic origin responses

As noted by NALEO, the Census Bureau's failure to adopt a combined race and ethnicity question that includes detailed national origin/subgroup checkboxes, and allows respondents to provide multiple national origin identifications under every major racial or ethnic category is a missed opportunity. The reality is that the Census Bureau's own research has shown that a significant portion of Latinos do not identify with the specific racial categories set forth in a separate race question. In 2010, of the 19.1 million people who identified as "Some other race," 97% were Latino. Using a combined question to ask about race and ethnicity resulted in a dramatic decline in "Some other race" responses. Latino respondents were more likely to convey their Latino ethnicity, and less likely to self-identify as White, when given a survey with a single combined race and ethnicity question. Thus, the decision to not use a combined question is a missed opportunity.

This is compounded by yet another missed opportunity with respect to how respondents can answer the standalone Hispanic origin question. The separate-questions format used in the 2010 decennial Census did not allow for the reporting of multiple national Hispanic origins, which has been shown to result in the loss of detailed Hispanic origin information. As noted in NALEO's comments, in response to a differently-formatted ethnicity question on the 2000 decennial Census, the Bureau observed that more than 260,000 respondents attempted to report multiple Hispanic origin responses. Thus, to the extent that the Census Bureau is moving forward with a two-question format asking about race and ethnicity, it should utilize the instructions from its 2018 End-to-End Test, allowing for the marking of multiple Hispanic origin responses.

Missed Opportunity: Failure to Revise Standards

OMB's failure to update the standards, particularly with respect to requiring the collection of detailed race and ethnicity data, is a failure to address the rapid diversity and change in our country or to properly reflect our ever-increasing diversity. It also means that we will not have the proper data to inform our civil rights enforcement, our planning, or any of the work conducted by the undersigned organizations to serve our vulnerable communities.

The collection of detailed data is particularly critical for Asian Americans and NHPIs, who are among our nation's fastest growing and most diverse racial groups. Often viewed as homogenous, these communities include more than 50 detailed race 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.⁸ Similarly, about 49% of Marshallese live below the poverty line, while only 5% of Fijians are poor.⁹ Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.¹⁰ Similarly, about 18% of NHPI adults have a bachelor's degree, compared to about only 3% of Marshallese.¹¹ Another example is pay equity. While AANHPI women are paid an average of 86 cents for every dollar a white man is paid, disaggregated data demonstrates that, for example, Native Hawaiian women are paid only 66 cents for every dollar a white man is paid; for Vietnamese, Laotian, and Samoan American women, 61 cents; for Burmese American women, 53 cents; and for Bhutanese American women, only 38 cents.¹² Finally, a Department of Labor report issued just this month on The Economic Status of Asian Americans and Pacific Islanders shows the necessity of disaggregated data in understanding AANHPI populations.¹³ Without accurate data by detailed race group, some of the most disadvantaged in our communities are rendered invisible to policymakers, leaving their critical needs unmet. Furthermore, data users need detailed NHPI race data because each NHPI community strives to improve the health, education, and welfare of its people; has different political relationships, language, cultural practices, and identities; and has a different path for achieving equity.

⁸ *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"]

⁹ *A Community of Contrasts: Native Hawaiians and Pacific Islanders in the United States, 2014*, Asian Americans Advancing Justice & Empowering Pacific Islander Communities 18 (2014), available at http://empoweredpi.org/wp-content/uploads/2014/06/A_Community_of_Contrasts_NHPI_US_2014-1.pdf. [hereinafter "NHPI Report"]

¹⁰ Asian American Report at 31.

¹¹ NHPI Report at 11.

¹² Miriam Yeung, American Association of University Women, Overcoming the "Model Minority" Myth: AAPI Women Are Not Paid Equally (Mar. 15, 2016), <http://www.aauw.org/2016/03/15/aapi-equal-pay-day/>.

¹³ U.S. DEPT. OF LABOR & THE ECONOMIC STATUS OF ASIAN AMERICANS AND PACIFIC ISLANDERS (2016), https://www.dol.gov/_sec/media/reports/AsianLaborForce/2016AsianLaborForce.pdf.

Detailed data is also critical to our ability to break down the stereotype of the “model minority,” which has been used to erase the history of exclusion and discrimination against Asian Americans and NHPs. This stereotype is also used to obscure our concerns—failing to recognize critical differences and priorities between Asian American and NHP subgroups—and therefore to excuse the lack of government resources and philanthropic investments in our communities. Finally, the lack of disaggregated data and the “model minority” myth create a wedge between AANHPIs and other communities of color by pitting the so-called “model minority” against communities that are “not models.” To combat the “model minority” stereotype and to provide sufficient information for policymakers to address the priorities and concerns of the AANHPI community, the data collected and reported for AANHPIs must be disaggregated by ethnicity as much and as often as possible. Only then 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.

We made the following recommendations to OMB in our previous comments to the proposed revision of the Standards:

- OMB must require collection of detailed race and ethnicity data by Federal agencies. We believed that without this requirement, Federal agencies were not likely to adopt collection of detailed race and ethnicity data. They have long had the option to do so, but we have not seen significant movement toward detailed reporting when it is not mandatory.
- We supported the recommendations to remove the terms “Negro” and “Far East” from the current standards. These are terms no longer in common use and are offensive to some in the communities. There is no benefit to retaining these words in the current standards.
- We supported the recommendation for OMB to provide guidance to Federal agencies that race/ethnicity coding procedures be documented and made publicly available. This would provide greater transparency and promote further consistency in Federal data collections, and would provide for greater input from the public to help improve such coding.
- We supported the recommendation for further clarification that the classifications in the standards are not intended to be genetically based, nor based on skin color, but rather as a social construct that can help inform public policy decisions.
- We further recommended that OMB should continue to utilize this language in its standards: “The term ‘nonwhite’ is not acceptable for use in the presentation of Federal Government data. It shall not be used in any publication or in the text of any report.”¹⁴

¹⁴ U.S. OFFICE OF MANAGEMENT AND BUDGET, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity (Oct. 30, 1997), https://obamawhitehouse.archives.gov/omb/fedreg_1997standards/.

- In recognition of the ever-increasing diversity of the U.S., we believe that OMB needs to revise how data is presented on diverse communities as well as aligning terminology to recognize the breadth of racial and ethnic communities comprising the American public today and strive to reflect the importance of all communities. To that end, we recommended that OMB end the use of an “All Other Races” category in the standards.
 - While the practice may have made the presentation of data easier for agencies, whereby they simply needed to present the “White” data and the “principal minority race” data (which to this point has been data on the African American community) and then presented the rest as “All Other Races” data, the practice did not serve the public at large, particularly those that comprised “All Other Races.”
 - For example, combined, Asian Americans and NHPs are the “majority” populations in the state of Hawaii. Communities of color are the majority populations in the state of California. Demographics have significantly changed over the past twenty years. Asian Americans are the fastest growing race group in the United States, with 43% growth between the 2000 and 2010 Censuses. The NHP population also grew rapidly between 2000 and 2010, at 35%, more than three times faster than the U.S. population as a whole. These communities are often lumped into “All Other Races,” thereby making these fast-growing communities invisible. The practice moving forward should be to have agencies report on the data for, at a minimum, all racial and ethnic categories, with the addition of data on detailed groups as available.
- We further urge OMB to include requirements for departments and agencies to justify any exclusion of data for the minimum categories. Agencies should specifically state whether any data in the minimum categories is not reported because the data was not collected, because the data was not analyzed, or because the data was analyzed but found to be not statistically significant. For example, if a survey’s sample size made it impossible to report out data on all the minimum categories, the agency should explicitly state that in reports and presentations.

We urge OMB to move on finalizing its revisions to the Standards, as well as issue the final report by the Interagency Working Group. It is beyond time for OMB to update its Standards to align it with the way society currently views race and ethnicity.

Conclusion

We appreciate the opportunity to provide comments on the proposed 2019 ACS questionnaire, specifically about the ways in which the form will ask about race and ethnicity and the missed opportunities that arise from the decision not to use the

recommended combined question. We further reiterate our recommendation that OMB update its Standards and release the final report from the Interagency Working Group. Please feel free to contact me at tminnis@advancingjustice-aajc.org or (202) 815-4412 if you have any further questions.

Sincerely,



Terry Ao Minnis
Director of Census & Voting Programs
Asian Americans Advancing Justice | AAJC