



December 17, 2018

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Mr. Arturo Vargas

† deceased

Jennifer Jessup
Departmental Paperwork Clearance Officer
Department of Commerce
Room 6616, 14th and Constitution Ave. NW
Washington, DC 20230

Dear Ms. Jessup:

On behalf of NALEO Educational Fund, I write to comment upon the Census Bureau's Federal Register Notice, published at 83 FR 52189, concerning proposed changes to the 2020 American Community Survey (ACS) form and instructions (Docket No. USBC-2018-0014).

NALEO Educational Fund and our members rely upon ACS data in our efforts to increase civic engagement and manage government resources responsibly. Accuracy of these data is critical, and we applaud the Bureau's continual pursuit of improvement. We are pleased that the Bureau proposes innovations to improve the quantity and quality of ACS responses. However, we are extremely dismayed by the failure of President Donald Trump's Administration to update the Office of Management and Budget's (OMB) 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, which has in turn prevented the Bureau from updating its race and Hispanic origin questions to a format its own research shows obtains more complete and accurate responses. We urge the Bureau to continue to convey to OMB its strong support for a revision of the 1997 Standards, and to make other changes to improve the quality of data it collects on race and Hispanic origin. In addition, we are concerned that planned enhancements to outreach, education, and enumeration methods will not go far enough in reversing downward-trending ACS response rates.

In addition, we recommend that:

- 1) The 2020 ACS mailed materials incorporate new messaging and multilingual items to increase their effectiveness.
- 2) The Bureau strive for personal contact between enumerators and ACS respondents who live in hard-to-count communities without mail delivery.

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¡HAGASE CONTAR! (“It’s time: Make Yourself Count!”) effort in 2010, which included partnerships with a broad network of local organizations; the dissemination of community education materials; a toll-free Census information hotline staffed by bilingual operators; technical assistance for community groups; and direct assistance to Latino residents with completing Census forms.

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The Bureau Must Modernize the ACS to Capture More Accurate Data about Young Children and Race and Ethnicity

ACS data must be as accurate as possible, since they are used in the public and private sector for decisions that affect virtually all aspects of the lives of our nation’s residents. They guide several aspects of the collection of decennial Census data, which in turn determine the apportionment of representation, and they drive civil rights enforcement, fair redistricting and other fundamental efforts that advance our prosperity and security. To achieve the best possible results, the Census Bureau must update questionnaires and materials regularly to adapt to continually evolving culture and infrastructure. We strongly support the Bureau’s ongoing analysis and implementation of improved language and data collection methods. Its efforts have revealed problems that significantly diminish the quality of data about Latinos in the United States, as well as potential solutions.

The Census Bureau should determine whether the updated language actually reduces the undercount of young children by race, Hispanic origin, national origin, or linguistic ability. The persistent undercount of the youngest children, especially Latino children aged zero to four, has long diminished the usefulness of Census data. In 2010, the Census Bureau missed young children at a higher rate than any other age group. Although just 16.3 percent of the population identified as Latino in 2010, more than 36 percent of uncounted young children were Latino. Research suggests that the reasons include the fact that Latino children are disproportionately likely to live in households that are hard to count. In addition, parents of the youngest Latino children appear more likely than counterparts to mistakenly believe that they should not list children on Census forms.

We are heartened by the planned update to 2020 ACS instructions for reporting babies’ ages, in anticipation that it will draw respondents’ attention to the matter and increase their likelihood of listing every child in the household regardless of age. To improve its count of young children, the Bureau must also enhance messaging and methods to raise response rates in hard to count communities, in ways that we discuss below. As it analyzes results of the 2020 ACS, we urge the Bureau to examine whether updated question formats and instructions correlate to an overall amelioration of the undercount of young children, and in

particular, to improvement in reporting by parents and guardians who are Latino, who were born outside the United States, and who are not fluent in English.

The Bureau should continue research around race and ethnicity questions, and advocate completion of OMB's review of the 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. We are extremely concerned about the negative consequences of the proposed replication on the 2020 ACS of the decennial Census's separate questions about race and Hispanic origin. The proposed questions omit modifications that research has proven would increase the quality and detail of data about Latinos. We urge the Bureau to work with the Office of Management and Budget (OMB) to conclude the Interagency Working Group (IWG) review of its Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity that commenced in 2014. When the Standards are modernized, the Bureau should combine race and Hispanic origin queries into one question; add the option to indicate Middle Eastern/North African identity; and invite Latino respondents to report either one or multiple Latino national origins.

The race and Hispanic origin questions the Bureau will include in the 2020 ACS produce extremely high rates of nonresponse and inconclusive response. The Census Bureau's experiences fielding surveys using a "two separate question" format enshrined in OMB's Standards, and the Bureau's extensive research on alternative formats, motivated OMB to assemble a Working Group to recommend updates to the document, which the agency last revised in 1997. The Bureau has recognized a growing mismatch between the answer options for the race question and the ways that Latinos express their racial and ethnic background. Latinos persistently account for majorities of respondents who do not self-identify in any defined racial category. In the 2010 Census more than 43% of Latinos chose "Some other race" or did not answer the race question at all. Of those who chose "Some other race" and wrote in the race with which they identified, an overwhelming majority answered "Mexican," "Hispanic," "Latin American," or "Puerto Rican," thus demonstrating that they identified only with an "ethnic" group and not with any OMB-recognized "race." The prevalence of Latino nonresponse to the race question presents a major challenge for the consistency of Census data with 1997 Standards, and therefore with data compiled by other federal agencies, because OMB's standard race categories do not include "Some other race." The problem is likely to get worse: the Bureau has projected that "Some other race" will likely become the second-most widely reported race in 2020.

OMB's review process also investigated methods of collecting more accurate data about national origins and sub-groups. The agency sought feedback about the 2010 Census's failure to request, accept, or report on Latino respondents' multiple national origins, which resulted in the loss of detailed information about Latino identities. For example, in response to a differently formatted Hispanic origin question on the 2000 decennial Census, more than 260,000 respondents attempted to report multiple Latino national origins. In 2000, Census participants under the age of 35 were most likely to report multiple Latino national origins, portending future increases in the percentages of Latinos who would so identify.

Adoption of a single, combined race and ethnicity question—including a MENA category and instruction to Latinos to report multiple national origin—would powerfully strengthen Census data. The Census Bureau's extensive testing has repeatedly achieved lower

nonresponse rates to a combined question than to separate race and Hispanic origin questions, regardless of the language or medium used. “Some other race” responses also declined dramatically when the Bureau substituted a combined question for separate race and Hispanic origin questions. Latino respondents were more likely to convey their Latino ethnicity on a survey with a single combined race and Hispanic origin question. Moreover, when checkboxes and optional write-in areas immediately followed broad race and Hispanic origin categories, a combined question was as effective as separate questions in prompting Latinos and other survey respondents to detail their national origins and ethnicities.

Use of a combined question format in test surveys has not lost any necessary data that would have been collected with separate questions. For example, the Census Bureau found no statistically significant differences in the rates at which respondents indicated Afro-Latino identity, whether they were responding to separate or combined questions. Similarly, the percentages of people who self-identified as both Latino and White in a combined question— about 15% of all Latinos—were consistent with the percentages of Latinos who affirmed their White identity in post-survey interviews.

The Bureau’s research also shows that people of Middle Eastern and North African descent use and feel better represented by a MENA response option. Across race and ethnicity categories, the racial and ethnic identities respondents described in post-survey interviews were more consistent with their answers to combined than to separate questions about race and ethnicity.

OMB mishandled and frustrated review of race and ethnicity data standards in 2017 and 2018. The IWG reviewed pertinent research and issued two Federal Register notices seeking comment in 2016 and 2017, as well as an Interim Report in 2017. In these publications, it indicated interest in recommending a single, combined question about race and ethnicity, and endorsement of the inclusion of a Middle Eastern/North African reporting option. In March 2017, the IWG said it would announce final decisions by mid-2017. However, OMB did not release any subsequent publications, explanations, or other final decisions during calendar years 2017 or 2018. Nor has OMB justified its silence publically. The review process begun in 2014 appears dormant or ended with no formal statement. Meanwhile, the Census Bureau has reverted to the planned use in 2020 of now-outdated separate questions on race and Hispanic origin. The final proposed questions ignore the Bureau’s and Census stakeholders’ recommendations that respondents have the option of indicating Middle Eastern/North African identity and of choosing multiple Latino national origins.

The Commerce Department exacerbated a bad situation by further restricting the Census Bureau’s effort to improve race and Hispanic origin data collection. In January 2018, the Census Bureau announced that the 2018 End-to-End decennial Census test would tell respondents who self-identified as Latino to choose one or more national origins or subgroups associated with Latino identity. Stakeholders understood that the Bureau would use the same Hispanic origin question format on the 2020 decennial and ACS questionnaires. But instead, the Census Bureau subsequently promulgated a version that omits any instruction about how many national origin choices Latino respondents can or

should make. The agency also said it would not publish any decennial Census data reflecting Latino respondents' multiple national origins. The Bureau explained to stakeholders that the Department of Commerce had vetoed instructions to mark more than one response over concern that that direction might produce responses not compliant with the 1997 Standards.

The Bureau erred by failing to timely inform the public of this change in the intervening months between finalization of the 2018 questionnaire and submission to Congress of the 2020 decennial and ACS questionnaires. Any such sudden shifts in the Bureau's and OMB's positions on race and ethnicity data collection risk confusing key stakeholders, and causing them to give survey respondents bad advice.

Federal agencies have not yet resolved the serious problems resulting from use of outdated race and Hispanic origin question formats. The Census Bureau cannot end its efforts to improve the rate and quality of responses to race and ethnicity questions. Large and growing mismatches remain between the terms Americans use to describe their identities and the choices offered on the ACS questionnaire, and the absence from the present Notice of proposed innovations that redress them will result in second-rate ACS data that could cause the failure of critical community development or civil rights enforcement projects. Moreover, the Bureau will have to spend its limited resources to reclassify a higher volume of "some other race" responses to the 2020 ACS than it would have had to contend with if OMB had heeded its advice and updated the 1997 Standards to allow for a combined race and Hispanic origin question.

Although the Census Bureau has already expended years and many millions of dollars validating improvements to race and Hispanic origin questions, it must continue this crucially important work in the coming years, particularly in light of other federal agencies' recalcitrance. We strongly urge the Bureau to plan more content tests that compare results obtained with varying race and ethnicity question formats, including a combined question with a MENA category and the option for respondents of any race or ethnicity to claim multiple national origins. Additionally, as the nation's premier statistical agency charged with the most monumental surveying project in the United States – the decennial Census – the Census Bureau is a preeminent authority in all aspects of public data collection. Its recommendations to modernize the Hispanic origin and race questions should be accorded great weight. The Bureau should continue to convey to OMB its strong support for a revision of the 1997 Standards that would permit it to adopt a combined race and ethnicity question with expanded answer choices.

The Bureau should add examples or instructions to help Latinos understand how to complete subgroup boxes below major racial categories. Finally, we urge the Bureau to add language to the 2020 ACS questionnaire or instructions to clarify that Latinos who select "White" or "Black or African American" as their race should write in national origins under those categories. Without more explicit instruction, Latino respondents may not provide the answers to these questions that the Census Bureau seeks. The Bureau has not previously offered the option to report national origins under White and African American checkboxes. In addition, the format of these new response options differs from the format of responses to the Hispanic origin question: "White" and "Black or African American"

choices are followed by lists of examples and an empty write-in box, while the Hispanic origin question provides several specific choices next to checkboxes, followed by an empty write-in box. Moreover, neither “White” nor “Black or African American” illustrative examples include any national origins or subgroups commonly associated with Latino identity, such as “Spanish” corresponding to “White,” or “Dominican” or “Cuban” corresponding to Black or African American. As a result, Latino respondents in particular may not notice or understand the request to provide more detail. The Bureau would likely improve racial subgroup reporting by Latino ACS respondents if, for example, it added pertinent examples of White and Black or African American national origins to question instructions, or incorporated pop-up instructions into its internet-based survey to tell respondents that they may identify with the same or multiple national origins under both race and ethnicity questions.

The Census Bureau Must Apply Lessons from Decennial Census Preparation to Outreach around the ACS

If they are to be valid and useable, Census data must build on robust participation across geographic and socioeconomic boundaries. In particular, the Census Bureau must ensure a full and accurate count of the Latino community. The nation’s 57 million Latinos are the country’s second largest population group, and more than one of every six of the nation’s residents is Latino. The Latino share of the nation’s population is projected to rise in the coming decades. However, contemporaneously rising non-response rates and suspicion of government threaten the Census Bureau’s success in counting this growing community and all Americans accurately. For example, between 1970 and 1990, the decennial Census mail response rate fell by more than 10 percentage points; the share of Americans who voluntarily returned a Census form declined to a new low of 63.5 percent in 2010. In addition, Latinos and members of other historically undercounted communities have skipped particular parts of questionnaires – such as the race question – in increasing numbers during these decades.

The Census Bureau will face significant challenges in 2020 because members of immigrant households and communities are more reluctant to interact with government since President Donald Trump’s Administration altered immigration enforcement priorities, and moved to accelerate deportations. Census Bureau representatives have already reported widespread and unprecedented fear among respondents to its surveys; they are reluctant to participate fully and provide accurate information. Additionally, the Secretary of Commerce’s decision to add an unwarranted and untested citizenship question to Census 2020 has exacerbated this fear¹, and five Bureau economists found evidence suggesting that a citizenship question in Census 2020 would lead to lower response rates, resulting in lower-quality data. NALEO Educational Fund’s assessment of the results of the 2018 Census Test in Providence, Rhode Island similarly found widespread consensus that adding a citizenship question to the decennial Census would make residents reluctant to participate in surveys in 2020. In this climate, there is a serious risk that the response rate to the 2020 ACS could be detrimentally affected.

¹ For additional background information, we attach as an Appendix to the present Comments NALEO Educational Fund’s comments on the proposed 2020 decennial Census form and operational plans.

Moreover, broad groups of U.S. residents have become increasingly wary of providing information to the government as awareness has spread of the theft of large amounts of personal data from federal databases. In light of these barriers to securing participation in Census data collection, the Bureau must strive to gain the public's confidence by employing new messages and communicating in-language with as many as possible of those residents not yet fully fluent in English. We applaud the Bureau for its initiative to increase voluntary ACS response in 2020, and recommend that it also enhance its messaging, materials, and enumeration methods to increase hard-to-count residents' participation.

The Bureau should feature messages about safety and confidentiality in ACS mailings, scripts, and other materials. In addition to emphasizing the distinction between the decennial Census and the ACS, and the obligation to answer both, in its materials, the Census Bureau should revise 2020 ACS-related messaging to incorporate lessons learned from the 2018 Census Barriers, Attitudes, and Motivators Survey (CBAMS) and related communications efforts. This most recent CBAMS revealed a significant drop between 2008 and 2018 – nearly 20 percentage points – in the number of respondents who said they would likely participate in the 2020 Census. Mistrust of the government and fear of the consequences of revealing personal information were, unsurprisingly, prominent reasons for this: 28 percent of 2018 CBAMS participants were “extremely” or “very” concerned that the Census Bureau would not keep their information confidential, while 59 percent said they did not trust the federal government.

Although CBAMS is conducted in preparation for the decennial Census, the challenges it revealed will apply to the task of fielding the ACS in 2020, and its conclusions are similarly useful. When it revises ACS mailings, scripts, and online guides, the Bureau should ensure that they reflect 2018 CBAMS-based recommendations. Preliminarily, those include making more information available about the scope, purpose, and process of enumeration to dispel fears about potential malevolent uses; and engaging trusted voices to promote survey participation. By the second half of calendar year 2019, communications consultants will have developed specific wording and content to address pre-existing suspicions and secure respondents' trust in the Bureau. These tools, too, should be incorporated into 2020 ACS materials.

The Bureau should leverage in-language capacity it has acquired in preparation for the decennial Census to reach more ACS respondents in the languages they understand. Government surveys have persistently undercounted residents who are not fully fluent in English. In part, this phenomenon may be based on fear and misunderstanding of U.S. government: for example, 22 percent of all 2018 CBAMS respondents said they feared that Census responses might be used against them compared to 39 percent of all respondents with low English proficiency. Communication barriers are also a significant contributing factor for many. For example, ACS mailings currently include materials in five languages other than English, but 2017 ACS 5-year data show that there are nearly 5,630,000 U.S. residents aged five or older who do not speak either English or one of these five languages at least very well.

The Census Bureau could and should do more to communicate effectively with ACS respondents who are not fluent in English, because such efforts would target and increase response rates among the hardest-to-count households. At absolute minimum, the Bureau should inform respondent households of the online availability of ACS pamphlets in five additional languages: Portuguese, Arabic, French, Creole, and Polish. For example, it could include a single piece of paper with the third mailing (which contains a paper ACS) that describes the ACS in a couple of sentences and directs people to the place online where they can view existing pamphlets; all of this information must be translated into each of the languages in which further information is electronically available. This could ensure that as many as hundreds of thousands of additional ACS households attain a clear understanding of what the ACS is and why they should respond.

Ideally, the Census Bureau will take advantage of the significant in-language capacity it has built in preparation for the 2020 Census to expand in-language support for ACS respondents. The Bureau should strongly consider equipping operators in its decennial Census call centers to answer questions and refer respondents to additional information about the ACS in-language. This effort would make live assistance available in seven additional languages in which the Bureau does not currently provide interactive answers about the ACS. The Bureau should also consider adding additional short in-language explanations of the ACS, its uses, and associated confidentiality protections to mailings to households that do not self-respond after first or second contact, as well as to its website and online versions of the survey. Calendar year 2019 is an ideal time to undertake these initiatives, because during the course of the year the Census Bureau will build toward its peak linguistic capacity.

The Bureau should conduct advance outreach and utilize update/enumerate rather than update/leave to survey ACS households without mailable addresses. To increase ACS response rates in 2020, the Census Bureau should reconsider its methodology for counting households that do not receive mail delivery. As with respect to its plans to strengthen messages that target ACS respondents, the Bureau should look to its experience during past decennial Censuses for lessons about the most effective means of enumerating isolated and underserved households. As one prominent example of residences that do not receive mail delivery, *colonias* in southwestern states – informally-constructed housing in areas that often lack infrastructure and services and are unincorporated – should inform the agency’s strategy. For example, a 2003 Bureau report on enumeration in *colonias* noted relatively high levels of irregular housing (making it potentially difficult for enumerators to determine which structures are used as homes), limited formal education (corresponding to elevated rates of illiteracy and lack of fluency in English), and high incidence of fear of the government.

These common characteristics of households without mail delivery spell the likely failure of ACS enumeration that employs update/leave-type procedures. Census Bureau employees instructed to leave ACS forms at selected homes without seeking any contact with their inhabitants may struggle to identify structures that serve as homes, and to determine where to leave materials to ensure that they will be seen and picked up by residents. If residents find ACS forms and instructions left for them, they may be unable to understand those materials. Moreover, even if respondent households do receive and are able to read ACS

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packets, they are more likely than counterparts in better-served neighborhoods to decline voluntary participation out of concern about the potential uses of the information requested.

We urge the Census Bureau to instead plan for operations resembling update/enumerate to count 2020 ACS households that do not receive mail delivery. Particularly in 2020 when capacity will be at its peak, enumerators should be preceded by advertising and other outreach that explains the benefits of Census participation and assures respondents that answering is safe. Enumerators may be members of isolated communities themselves, and their prior acquaintance with respondents may also help to earn trust. Generally, linguistically- and culturally-competent enumerators can overcome a range of barriers through in-person contact with ACS subjects: they can give thorough and nuanced answers to concerns, correctly identify households and guide respondents through questionnaires, and obtain responses from people whose inability to read English and other languages might otherwise cause them to ignore Census materials. We strongly believe that enumerators who seek contact on their first visits to ACS households without mail delivery will obtain higher response rates and more complete and accurate information than enumerators who leave behind materials without speaking with residents.

Conclusion

NALEO Educational Fund urges the Census Bureau to expand its efforts in 2020 and beyond to innovate through the vehicle of the ACS. Much progress can and must be made toward ending differential undercounts and increasing response rates to this critical survey. We look forward to supporting the Census Bureau in these efforts. Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Vargas', with a stylized flourish at the end.

Arturo Vargas
Chief Executive Officer

cc: Congressional Hispanic Conference
Congressional Hispanic Caucus

Appendix:
NALEO Educational Fund Comments on the 2020 decennial Census
Document No. 2018-12365; Fed. Reg. Docket No. USBC-2018-0005
August 7, 2018



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Jennifer Jessup
Departmental Paperwork Clearance Officer
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Room 6616, 14th and Constitution Ave. NW
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Dear Ms. Jessup:

On behalf of NALEO Educational Fund, thank you for the opportunity to submit the following comments in response to the Census Bureau's Federal Register Notice, published at 83 FR 26643, concerning collection of data through the 2020 Census (Document No. 2018-12365; Docket No. USBC-2018-0005). In summary, we strongly oppose the last-minute addition of an untested citizenship question to Census 2020 because the collection of that information on the decennial questionnaire is not necessary for the proper performance of the agency and has no practical utility. The addition of the question, and other proposed approaches by the Bureau, will also severely diminish the quality of information collected, and will impose significant unnecessary costs and burdens on the agency.

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the Leadership Conference on Civil and Human Rights' Census Task Force, and of the National Hispanic Leadership Agenda's Census Task Force.

Our comments address several areas of concern regarding the plans and operations of the upcoming 2020 Census:

- The unnecessary, untimely and costly addition of an untested citizenship question which would severely impair the quality of Census 2020 data;
- The decision not to adopt improvements to the questions on race and ethnicity initially supported by extensive Bureau research and recommended by Bureau staff;
- The planned use of administrative records;
- The adequacy of the questionnaire assistance program and use of electronic devices in non-response follow-up (NRFU) operations; and
- The approach to enumerating households and residents in Puerto Rico.

The Proposed Citizenship Question is Unnecessary and Unjustified

The Census Bureau's mission is to serve as the nation's leading provider of quality data about its people and economy. However, the addition of a citizenship question to Census 2020 is unnecessary for the Bureau to fulfill this mission and has no practical utility - it will in fact severely impair the Bureau's ability to provide quality data about our population and economy.

When the Secretary of Commerce announced in a memorandum dated March 26, 2018 that he was ordering the Census Bureau to add a citizenship question to the 2020 questionnaire, he claimed he was doing so at the request of the Department of Justice (DOJ) to enhance enforcement of the Voting Rights Act's (VRA) prohibition on discriminatory vote dilution. The DOJ request cited the need for more granular data for VRA enforcement.

The March memorandum by Secretary of Commerce Wilbur Ross explaining the decision to add the question does not scrutinize the purported need for the question, and the reasons cited by DOJ are specious and flawed. The data DOJ claims to need for VRA enforcement - a survey of citizenship reaching every household in the nation - was last produced in 1950, 15 years before the VRA's enactment. Although an actual count of the citizen voting-age population has never been available, VRA enforcement has nonetheless succeeded, and the federal government and private plaintiffs have blocked hundreds of discriminatory vote dilution schemes from taking effect.

Other Factors Which Raise Serious Questions About the Necessity of a Citizenship Question

Our concerns about the federal government's claim that the addition of the citizenship question is necessary for voting rights enforcement are exacerbated by the last-minute and haphazard nature of the decision-making process that led to its adoption. First, by statute, the Census Bureau must submit topics to be covered in a decennial Census to Congress by the date that is three years before Census Day, and questions to be asked by the date that is two years before Census Day. After these submissions are made, any changes that the Census Bureau or Department of Commerce propose must be shown to be necessary

because of urgent or changed circumstances. In March 2017, the Census Bureau submitted the topics for Census 2020 to Congress; these did not include U.S. citizenship.

Given the disruptive nature and the potential logistical and budgetary costs of making a major change to the Census questionnaire at the last possible moment, it was incumbent upon the Department of Commerce to fully investigate the rationale set forth by the Department of Justice in its request for the question. However, neither Secretary Ross's March 26, 2018 memo describing his decision-making process, nor any other subsequent statement by Commerce Department representatives, indicate the existence of any independent review of the legitimacy of the purported need for citizenship data for VRA enforcement.

Another factor which raises serious doubts about the federal government's justification for the necessity of adding the citizenship question is the DOJ's poor record of enforcing voting rights protections. The sincerity of DOJ's request and the accuracy of its assessment of the necessity of the data sought through the citizenship question merit serious scrutiny. For example, the same officials who presided over submission of the request to the Department of Commerce have sided in ongoing litigation with implementation of a Texas voter ID requirement that registered African American and Latino voters disproportionately could not meet, compared to white voters. A federal judge described this measure as, "the most restrictive voting law...seen since the era of Jim Crow."

Even worse - and particularly troubling - is the Department of Commerce's most recent disclosure - a memorandum signed by Secretary Ross dated June 21, 2018, which acknowledges that the DOJ's purported rationale for requesting a citizenship question was merely an excuse devised after the fact to justify an idea that originated within the Department of Commerce itself, to serve unstated purposes. E-mails released as part of the litigation against the Department confirm that the Secretary of Commerce was considering the citizenship question well before the DOJ initiated its request, and was instrumental in securing the request. These documents raise the possibility that political considerations unrelated to the necessity of obtaining quality data were a factor in the addition of the citizenship question, which is completely contradictory to the Census Bureau's crucial mission.

The Inclusion of the Citizenship Question Would Significantly Impair the Quality of Census 2020 Data

There are two primary reasons the NALEO Educational Fund believes the inclusion of the citizenship question will severely impair the quality of Census 2020 data. First, the Bureau has not tested the question in a survey distributed to all of the nation's households in the current political environment. Second, existing research which would illuminate the effect of adding the question suggests that it will significantly depress response rates, leading to incomplete and inaccurate data.

Lack of testing: Consistent with sound data and research protocols, the Bureau typically conducts extensive testing of questions it considers adding to any of its surveys, to gauge how respondents understand the question, which formats and wording elicit the most

accurate responses, and to ultimately assess response rates for the questions. This research often involves extensive and varied research approaches, such as surveys and focus groups. However, the citizenship question has not been included on a decennial questionnaire distributed to 100% of the nation's households since 1950. The version of the citizenship question asked in 1950 is significantly different than the version proposed for use in 2020, in addition, a fact that renders previous experience even less relevant to the present proposal. Even the 2018 End-to-End test, which is in progress in Providence County, is using a questionnaire which does not include a citizenship question. Moreover, the untimely nature of DOJ's December 2017 request prevents the Bureau from testing the impact the question is likely to have on data quality and completeness. While the citizenship question has appeared on the American Community Survey (ACS), the structure of that survey and its purposes are fundamentally different from the decennial questionnaire, and the testing around that question is inadequate to provide a well-informed analysis of including the question in Census 2020.

Existing research and information suggesting depressed response rates: Although necessary field testing has not been completed in advance of Census 2020, available relevant evidence strongly indicates that inclusion of a citizenship question on the 2020 Census will reduce participation and the quality of responses and resulting data. The Bureau has previously observed relatively high rates of non-response or false response to questions about citizenship in its sample surveys. In 2017 and 2018, as they have monitored trends, Census Bureau enumerators and experts began sounding new alarms about public perception of Census surveys and their most sensitive inquiries. This phenomenon occurred even before the DOJ formally requested addition of a citizenship question to the decennial form.

For example, a September 2017 memorandum written by the Bureau's Center for Survey Measurement stated, "researchers have noticed a recent increase in respondents spontaneously expressing concerns about confidentiality in...studies conducted in 2017," and recounted anecdotal incidents as extreme as one family moving out of its home, and another respondent leaving an enumerator alone in the respondent's residence, in response to attempts to collect sensitive information about citizenship and country of origin through Census surveys. Ultimately, in a memo dated January 19, 2018, the Bureau's Chief Scientist John Abowd clearly noted that the Bureau's own analyses support the conclusion that the question would have a negative impact on households' self-response.

In this connection, we would note that in his March memorandum, Secretary Ross indicated that there was no evidence suggesting that the inclusion of the citizenship question would depress response rates. This statement is disingenuous and fallacious in several respects. First, as noted above, there has not been sound testing of the citizenship question in a survey sent to 100% of the nation's households which would illuminate whether the question would depress response rates. In addition, the Bureau's own research and statements from its top scientist indicate that there would likely be a negative impact on response rates from the inclusion of the question. The Secretary's assertion that concerns of depressed response are overstated or unproven is directly contradicted by available evidence.

The experiences and perspectives of community members also support the research findings regarding the potentially detrimental effect of including a citizenship question on Census 2020. Since January 2017, community-based organizations and journalists have documented sharply increasing rates of avoidance of any contact with government entities on the part of people from immigrant communities and others who fear becoming targets of law enforcement actions. Police departments in cities with growing immigrant populations including Houston, Los Angeles, San Diego, and Denver reported significant declines in reports of domestic violence and sexual assaults received in 2017 as compared to prior years. Likewise, majorities of immigrant parents – both with legal status and undocumented, and regardless of their children’s citizenship – who were queried in a 2018 George Washington University study said they had counseled their children to avoid government authorities since President Donald Trump took office.

Although the questionnaire used in the Census Bureau’s 2018 End-to-End test in Providence County, Rhode Island did not include a citizenship question, residents and community leaders nonetheless noted that widespread popular discussion of the late addition would depress participation. “The confusion around the census and the fear around it...is going to dissuade people from filling it out,” Providence Mayor Jorge Elorza commented in April 2018.

Research conducted by non-profit community advocates after publication of Secretary Ross’s March 2018 memorandum has further confirmed that the citizenship question will provoke high levels of refusal to respond to the Census. A participant in a focus group convened by NALEO Educational Fund reflected the thoughts of many members of historically undercounted communities when he opined that the current administration is “using the census as part of a strategy. They want to know people’s status and their names. The government will make you fill out a form to tell them if you are not legal. They want to clear the U.S. of people without papers. That’s why they are asking about citizenship.”

The lack of sound testing of the citizenship question, together with research and information suggesting that its inclusion will depress response rates, create another significant challenge for Census 2020. Because the Bureau has not conducted any research at this late stage of preparations which shows how members of the public will react and respond to the question in 2020, it has not undertaken any work to tailor messaging and outreach to address respondents’ concerns and obtain the most accurate and complete responses possible.

For example, the Bureau’s Integrated Partnership and Communications Plans were formulated and published before the formal request for the citizenship question, and are premised upon the assumption that the 2020 Census questionnaire would ask about the same topics as were covered on the 2010 and previous decennial questionnaires. As a result, the Bureau fielded its crucial Census Barriers, Attitudes, and Motivators Survey, on the basis of which Census advertising is created and placed, without any mention of the question that will most affect residents’ inclination to participate in the Census.

To our knowledge, pertinent plans have not yet incorporated any early or geographically targeted efforts to conduct messaging and outreach to mitigate the clear, evident

heightened fear of responding to a citizenship question in Census 2020. Similarly, some naturalized citizens or residents of Puerto Rico or U.S. territories have expressed concerns about how the proposed citizenship question asks residents specifically about the manner in which they acquired U.S. citizenship. However, the Bureau has not assessed how these citizens will respond to the question in the current political climate, and what kind of efforts would best promote their participation in Census 2020.

Inclusion of a Citizenship Question Will Increase the Burden of the 2020 Census on the Census Bureau

By depressing voluntary response to the decennial Census, the addition of a citizenship question will not only diminish the quality and accuracy of resulting data, but also increase the cost of obtaining it. The Bureau is obligated to take costly NRFU measures to attempt to obtain firsthand information from households that do not self-respond. As of January 2018, the Bureau estimates that it will cost an additional \$55 million to enumerate each additional one percent of households that do not voluntarily answer the Census. However, this figure has been increasing since mid-decade as the Bureau updates its operational plans. This estimate also continues to be based upon optimistic, unproven assumptions about the Census Bureau's ability to reduce the number of in-person visits required to contact members of non-responding households, and to obtain data about non-responding households from government records instead of from in-person contacts.

In fact, the hardest-to-count households of immigrant and mixed-status families, historically underrepresented people of color, and lower-income individuals will also be those most likely to be reluctant to respond to a Census including a citizenship question. Thus, attempting to count them during NRFU will likely require significant personal contacts by enumerators. The added cost of doing this work may serve no purpose in the end: logic dictates that households afraid of voluntarily submitting citizenship and other sensitive Census information will experience similar, or even greater, fear of answering the door or phone when government officials reach out. Members of immigrant communities, in particular, have been strongly cautioned during the years immediately preceding the 2020 Census not to open their doors to any unknown person who does not hold a warrant authorizing access.

Inclusion of an Untested Citizenship Question Casts Doubt on All Aspects of the Census Bureau's 2020 Operational Plans

The detrimental effects of the inclusion of the citizenship question will pervade virtually all aspects of the Bureau's operational plans and may make some unworkable or obsolete. With less than two years remaining until Census Day 2020, we are extremely concerned that the Bureau will not have sufficient time or resources to make adjustments to preserve the integrity and usability of 2020 Census data.

As of this writing, the Census Bureau is still racing to finish development of new information technology systems and other functionalities without which it cannot begin to conduct the enumeration in 2020, while simultaneously contending with inadequate appropriations that accord it less of a year-to-year ramp up than it received at this point in any other recent

decennial Census cycle. In light of these ongoing challenges, it is inconceivable that the agency possesses the capacity it needs to make the rapid and comprehensive adaptations that this major policy change necessitates.

The Secretary of Commerce ordered adoption of a citizenship question without sound justification, without following normal procedures, and in the absence of full information about its likely consequences. As a result, the Administration has created a very significant risk to the success of the 2020 Census and is essentially undermining the Constitutional mandate that the Census obtain a complete count of every resident in the nation. We strongly urge you to heed the advice of scientific experts at the Census Bureau, experienced stakeholders, and municipal and state political leaders who see that the addition of an untested, unnecessary citizenship question will have a certain and devastating effect on the cost and accuracy of the 2020 Census.

Failure to Move Forward with Modernization of Hispanic Origin and Race Questions Will Impair the Quality of Data Collected in Census 2020

In addition to the threat posed by the inclusion of the citizenship question, the Administration's failure to move forward with revisions recommended by the Bureau to the questions on Hispanic origin and race will diminish the quality of data collected in Census 2020. For Census data to present an accurate portrait of our Latino population and of other historically underrepresented groups, they must reflect the on-going evolution of Americans' racial and ethnic identity. As our nation's population has grown increasingly diverse, the Census Bureau and other government agencies have periodically conducted evaluations to determine whether changes to the wording and format of surveys about Hispanic origin and race would improve the accuracy of responses.

In 2014, the Office of Management and Budget (OMB) initiated a new review process to consider changes to its 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (1997 Standards). The action was motivated in part by the Census Bureau's experiences fielding surveys using the "two separate question" format for collection of data on Hispanic origin and race preferred by the 1997 Standards. The Bureau recognized a growing mismatch between the potential responses it offered to its race question and the ways in which many Latinos expressed their racial and ethnic background. The Bureau consistently found that Latinos accounted for majorities of people who did not report themselves as belonging to any of the race categories by which the OMB Standards require survey respondents to be classified. In 2010, more than 43% of Latinos chose "Some other race" or did not answer the race question on the 2010 decennial Census. Because the OMB minimum race categories do not include "Some other race," the Bureau must assign an OMB race to all of these Latinos. The Bureau has found itself applying this imperfect procedure to impute the characteristics of growing numbers of residents; it predicts that in 2020, "Some other race" will become the second largest racial group reported.

The two-question format employed in the 2010 decennial Census also did not accommodate the reporting of multiple national origins by Latino respondents, resulting in the loss of detailed information about Latino identities. 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 Latino national origins, and that such reporting was most common among respondents under the age of 35, portending future increases in the percentages of Latinos identifying as being of more than one Latino national origin.

To obtain more complete and accurate data on Hispanic origin and race in the ACS and the decennial Census, the Census Bureau undertook more than a decade of extensive research, including the 2010 Alternative Questionnaire Experiment, the 2015 National Content Test, and the 2016 ACS test. The Census Bureau's extensive testing repeatedly demonstrated lower nonresponse rates to a combined question format than to separate race and Hispanic origin questions, regardless of the medium used to answer the questionnaire, or the language in which participants responded. "Some other race" responses also declined dramatically when a combined question was substituted for separate race and ethnicity questions. 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. In addition, use of a combined question format in test surveys did not result in the loss of any necessary data that would have been collected with separate questions.

In addition, the Bureau's testing found that providing Latinos with an opportunity to indicate multiple sub-group origins produced more detailed and complete data on the Latino community. Because of the consistency and quality of the findings of the Bureau's research on the combined question format that provided Latinos with an opportunity to indicate multiple origins, in May 2017, NALEO Educational Fund endorsed the Census Bureau's recommendation that future questionnaires use that format.

To adopt the recommended combined question format, there needed to be a revision of the OMB's 1997 Standards, and the OMB's Interagency Working Group launched this process. The Working Group issued two Federal Register notices seeking comment in 2016 and 2017, and an Interim Report in 2017, concerning its inquiry and preliminary conclusions. In these publications, it identified proposed modifications to race and ethnicity questions that deserved consideration, including the use of a single, combined question about race and ethnicity

In its second Federal Register notice, published on March 1, 2017 at 82 FR 12242, the Interagency Working Group stated its intention to announce final decisions about changes to the Standards by mid-2017. However, OMB did not release any additional publications or other final decisions during 2017, in spite of the fact that the Census Bureau sought final determinations before the end of 2017 so that any changes could be incorporated into materials to be used in its 2018 End-to-End test. As of this writing, the Working Group's final report and determinations have not been released to the public; the review process begun in 2014 appears to be dormant or to have terminated without any formal statement or explanation.

The apparent termination, without resolution, of the Interagency Working Group process effectively forced the Census Bureau to revert to the now-outdated two-question approach

for Hispanic origin and race questions used in the 2010 Census. In March 2018, the Bureau presented to Congress a format incorporating this approach for use in Census 2020 and the ACS. In addition, the Hispanic origin question submitted to Congress does not provide respondents with an opportunity to indicate multiple Latino sub-group identifications. Unlike many of the formats used in the Bureau's tests (including the 2018 End-to-End test), the format provided to Congress does not include instructions to "Mark one or more boxes" when responding to the part of the question on Latino sub-group identifications. The Bureau has also indicated that it will not present data in any public products that reflect information provided by respondents who choose to mark more than one Latino sub-group box.

Without any reason, OMB's inaction has prevented the Census Bureau from implementing a modernization of its questionnaire that multiple high-quality experiments unequivocally showed would minimize nonresponse and enhance accuracy and detail in federal data. Its unjustified refusal to act will cost the Bureau the notable time and effort it must expend to continuously update its methodology for assigning race categories to tens of millions of respondents who will give ambiguous answers, or no answer at all, to separate Hispanic origin and race questions on the 2020 Census. In addition, OMB's silence wastes the considerable resources expended between 2014 and 2017 on the Interagency Working Group's study and deliberations.

The continued use of outdated separate questions about Hispanic origin and race will provoke accelerating rates of inaccurate response that diminish the value of crucial data used to redress persistent racial and ethnic disparities, and acts of discrimination that target underrepresented populations. Moreover, failure to provide response options with which Latino and other respondents most strongly identify will skew data by coercing many of those respondents to choose unsatisfactory responses that do not accurately reflect their racial and ethnic identity. In addition, the Bureau will face the increasingly difficult and expensive challenge of imputing racial categories to respondents who mark themselves as some other race, to ensure compatibility with the 1997 OMB standards. As in the case of its adoption of a citizenship question, the Department of Commerce will fail in its most fundamental duty if it persists in fielding a 2020 Census questionnaire that it knows will not collect the best and most comprehensive data possible.

We are also concerned that Latinos who self-identify as "White" or "Black or African American" may not provide detailed national origin responses under those categories, in spite of the Bureau's proposed revision of those two race category responses to request additional detail. The option to report national origins under White and African American checkboxes has not previously been offered and may not be well understood, particularly in light of the fact that the planned format of these new response options differs from the format of responses to the Hispanic ethnicity question: "White" and "Black or African American" choices are followed by lists of examples and an empty write-in box, while the Hispanic origin question provides several specific choices next to checkboxes, followed by an empty write-in box. Moreover, neither the "White" nor "Black or African American" illustrative examples include any national origins or subgroups commonly associated with Latino identity, in particular those of Afro-Latino origins.

The Bureau's Plans for Utilizing Administrative Records Raise Significant Concerns about the Accuracy of Census 2020 Data

The Bureau has studied the use of administrative records in enumeration for many years, and is conducting crucial testing that provides insight into the completeness and accuracy of potential sources of information. We are nonetheless concerned that at this late stage in the 2020 Census cycle, the Bureau intends to use administrative records for certain purposes, even though it has not yet reached final determinations about when and how to employ them, and what steps to take to fill in gaps or identify and correct errors in any administrative data used.

Our review of relevant published research indicates to us that use of administrative records may impair the accuracy of Census 2020 data by reinforcing racial, ethnic, and other disparities in the data produced. It is critical that the Bureau explain in detail how it will determine that administrative data can be used soundly and how it will complement or correct any such data incorporated into Census 2020 results. Until this occurs, we do not believe that administrative records can be used as planned without diminishing the quality of Census statistics and exacerbating differential undercounts. We are particularly concerned about any plans to use the records to determine vacancy status of housing, or in lieu of NRFU contacts.

We commend the Bureau and Department of Commerce for committing to use administrative records in innovative ways only when multiple sources contain consistent information of high quality, and only where a dataset passes the Bureau's strict rules – the details of which apparently remain under consideration – for determining likely reliability and accuracy. The most important criterion against which any enumeration method or tool should be judged is its likelihood of improving the quality of Census data, and cost-saving measures cannot be implemented if they pose a risk of diminishing Census accuracy. Thus, we seek more detailed explanation than the Bureau provides in the present Notice of its standards for validating any particular potential use of administrative records in the 2020 enumeration process.

Since January 2018, the Bureau has continued to seek feedback from entities including its National Scientific Advisory Committee (NSAC) about its process for assessing the reliability and completeness of administrative records, and about where and how to assign characteristics missing in those records to households it intends to enumerate with administrative data. For example, during its March 2018 meeting, members of the NSAC raised concerns and made suggestions for improvement of the Bureau's models underlying planned use of administrative records in 2020, including that the Bureau conduct additional testing and devise protocols for managing risk. Members of the NSAC noted, among other troubling issues, that reliability of methods used to determine whether to enumerate with administrative records varied according to household composition, mobility, and income, and that assignment of race, ethnicity, and other data to households counted with administrative records might be more frequently inaccurate for low-income and underrepresented communities. The NSAC's exchanges with Bureau staff make clear that data scientists believe that insufficient data have been gathered, to date, to validate administrative records' use across the widely variant demographic groups and

socioeconomic communities in various locations in the country. These exchanges also indicate that critical questions are yet unresolved, with mere months remaining before irrevocable steps are taken in the implementation of the 2020 Census.

Pending the release of further information regarding the Bureau's final methodology for use of administrative records in the 2020 Census, we are concerned about the likelihood that administrative records data reflect racial, ethnic, socioeconomic, and other persistent disparities evident in Census results, and that their use will diminish data quality and exacerbate differential undercounts. Our alarm is based upon limitations on the contents of records the Bureau intends to use, and expert analyses of the quality of these sources, including results of the Bureau's 2015 and 2016 tests comparing administrative records determinations with the outcomes of traditional NRFU contacts.

Errors and omissions in administrative data: Some of the sources of information the Bureau intends to use have deficits and inaccuracies in their data. For example, to reach determinations about the most likely occupancy status of households that do not self-respond to initial Census mailings, the Bureau proposes to use Undeliverable as Addressed (UAA) notices from the Post Office, Internal Revenue Service (IRS) records, and enrollment registers for Medicare, Medicaid, and the Indian Health Service. However, the Bureau's own testing where it has attempted reliance on UAA notices to designate vacant and non-existent housing has found significant error rates, indicating that these notices are frequently erroneous or contain misleading information.

For example, at least 19.2% of addresses that administrative records showed as vacant in the 2015 Census Test were found to be occupied when enumerators made in-person visits, notwithstanding the fact that the Census Bureau received a UAA notice associated with most of these apparently vacant homes. Similarly, about 21% of all 2016 Census Test addresses that administrative records showed as vacant were confirmed occupied by in-person contact, even though every one of the locations in question was associated with at least one UAA notice. For majorities of the addresses that administrative records erroneously indicated were vacant or non-existent, two UAA notices had been returned in apparent error by the Post Office.

IRS and health insurance programs' records likewise suffer from omissions and errors. Millions of residents are not required to or otherwise do not file tax returns with the IRS, including individuals whose source of income is a tax-exempt program such as Supplemental Security Income or distributions from Roth IRAs, as well as some individuals who are not legally authorized to work in the United States and have not been assigned a Taxpayer Identification Number. Although in 2017, the Institute of Taxation and Economic Policy estimated that approximately half of undocumented workers in the United States file income tax returns, this leaves a minimum of several million individuals and their dependents likely excluded from IRS records.

An even larger segment of Americans is unrepresented in records concerning recipients of public health coverage. As of 2016, according to the Kaiser Family Foundation, just 35% of our nation's residents received coverage and care through Medicaid, Medicare, or another public insurance program. As all of these statistics and test results conclusively prove, even

compilations of the best data available to the Census Bureau contain errors and provide only partial, incomplete information about where Americans live. Unsound reliance upon these sources to determine occupancy status will produce potentially large inaccuracies in final Census data.

Moreover, many of the data sources identified for use in enumerating non-responding households routinely omit portions of the information the Bureau must collect about every resident of our nation. For example, although they are each expected to be used to enumerate some non-responding households in 2020, IRS records, Selective Service enrollment information, and Post Office records each contain no information about individuals' race and ethnicity. Social Security Administration and Medicare enrollment records may include information about individuals' race and ethnicity, but applicants' provision of that information is voluntary, and resulting records are not considered to contain reliably complete or accurate information about these characteristics.

Data upon which the Bureau proposes to rely for racial and ethnic identity, such as its own KIDLINK file and past Census and ACS responses, in turn contain no or potentially outdated information about where particular individuals reside. No single source of administrative data can provide all of the information the Census Bureau needs about a particular household or individual, and even where the Bureau successfully links and compiles information about the same household from various sources, it may not find answers to every inquiry on its decennial questionnaire from the sum of the information it holds.

Bureau testing and administrative record error rates: Given the large number of errors and omissions found in administrative data sources slated for use in Census 2020, the Bureau's tests of administrative records-aided enumeration have repeatedly produced significant error rates. The Bureau's 2016 Census Test in Los Angeles County, California and Harris County, Texas produced larger than expected rates of error in multiple respects. For example, at least 41.8% of homes designated as vacant residences based on the content of administrative records were discovered by field workers to actually be occupied, nonexistent, or not in use as residences; at least 6.5% of apparently occupied residences and 40.0% of apparent nonexistent and nonresidential addresses were similarly misclassified in administrative records. When occupied residences were enumerated using administrative records instead of personal contacts, administrative record-based determinations of the number of residents of the household agreed with in-person contact-based determinations in just 67.7% of cases. Number of residents in a household is the simplest and most fundamental data point collected through the decennial Census, and administrative records' errors in this domain portend even larger rates of error in reporting a wide range of other demographic characteristics.

Administrative records and inaccuracies about hard-to-count populations: The use of administrative records in the enumeration process is particularly troubling because it is likely to produce inaccurate data about minority, lower-income, and other historically undercounted populations. For example, Americans with the lowest incomes will account for large shares of those covered in records upon which the Bureau expects to rely, such as the recipients of assistance through Medicaid, TANF, SNAP, WIC and other public benefit programs. These individuals are more likely to move to a new residence in any year than

people with higher incomes. From 2016 to 2017, the Census Bureau found that 11% of people 15 and over with incomes of less than \$25,000 changed residences, compared to just 8.4% of those with incomes above \$100,000. Accordingly, the relatively higher rates of mobility of low-income individuals increase the risk that related administrative records data will contain erroneous, outdated information linking them to an incorrect residential location.

In addition, noncitizens and their minor dependents are less likely to be included in administrative records sources than adult U.S. citizens and their minor dependents. As previously noted, it is likely that millions of undocumented workers do not file tax returns and are not represented in IRS records; moreover, each year, millions of noncitizens are lawfully admitted to the country with temporary visas that do not permit employment. Some of these individuals are nonetheless temporary residents who should be counted – such as students and exchange program participants – but will also, in most cases, not file tax returns nor apply for Social Security numbers; they also are not obligated to register for Selective Service. Many noncitizen residents are prohibited, either temporarily or permanently, from receiving public benefits, and thus will never appear in records concerning those programs. In sum, there will be a significant number of noncitizens who will be residing in the United States on Census Day 2020 and will not be accurately represented in the administrative records databases the Bureau proposes to use. The use of administrative records to obtain data about these individuals creates serious risk of inaccuracies, which may be exacerbated by their reluctance to participate in a Census which includes a question about citizenship.

Lower-income residents and noncitizens have been persistently undercounted in past decennial Census cycles. Racial and ethnic minority populations that have also been historically undercounted account for disproportionate shares of lower-income families and of noncitizens. Because communities of color also include significant numbers of low-income residents and noncitizens, they are more likely to be omitted from or misrepresented by administrative records than non-Hispanic White, wealthier communities. This poses a serious threat to the Bureau's efforts to reduce differential undercounts.

The Bureau's dedication of resources and efforts to implementing the use of administrative records in enumeration may also divert resources from the urgent task of enumerating the hardest-to-count households and communities. Retrospective comparison of 2010 Census results to administrative records available at that time suggest that the administrative records available to the Bureau contain the most complete and consistent information about neighborhoods that are disproportionately Non-Hispanic White. If records are used to enumerate relatively less hard-to-count areas, the places that the Bureau recognizes as not adequately represented in administrative records deserve to have extra resources and strategic thinking dedicated to their enumeration.

To allay concerns about the consequences of the use of administrative records to replace in-person contacts, the Bureau must justify its plans with detailed operational specifications that make clear what associated margins of error the Bureau determines are acceptable. The Bureau must be able to identify those areas in which its administrative records-based determinations of housing status and composition match on-the-ground observations to a

much higher degree than achieved in blanket applications of this methodology to date. Until it does so, we are not confident that these techniques can be used soundly, and would oppose their implementation. In addition, the disclosure of plans to improve enumeration of places not sufficiently documented in administrative records through advertising, community partnerships, and other targeted outreach is a necessary component of Census 2020 preparations. We urge the Census Bureau to accelerate and prioritize the completion and publication for comment of these plans.

Questions Remain About the Questionnaire Assistance Program and NRFU

Our review of the plans detailed in the Federal Register notice left us with outstanding questions regarding key components of the Questionnaire Assistance Program and NRFU operations. We believe the quality of data obtained on historically undercounted populations will depend greatly on how effectively these operations are executed. We urge the Bureau and Department of Commerce to provide more information about how critical decisions will be made for these programs in its future Federal Register publications and other public disclosures.

Assessing the demand for in-language assistance: For several decades, NALEO Educational Fund has conducted outreach and provided assistance to individuals in need of more information about naturalization, voting and elections, and Census participation. From our efforts, we are extremely knowledgeable about the importance of providing in-language assistance to Spanish-dominant residents who are not yet fully fluent in English. Based on this experience and our contemporary observations, we project high demand for bilingual English- and Spanish-language information and assistance through the Bureau's Census Questionnaire Assistance telephone program. Census data indicate that among those age 5 and above, the number of Latino U.S. residents who reported not being able to speak English fluently increased by more than 160,000 from 2015 to 2016, to a total of more than 16 million. In addition, nationwide polling conducted by Anzalone Liszt Grove Research for the Leadership Conference on Civil and Human Rights in December 2016 found that about 19% of Spanish-dominant Latinos would prefer to answer the Census by phone instead of online or on paper, far outpacing the national average of 7%.

While we are pleased the Federal Register notice reaffirms the responsible agencies' commitment to a robust in-language telephone assistance program, we are concerned that, in the absence of an explanation of how the Bureau will set goals for staffing and technological capacity, the Bureau may underestimate the demand for this service. Were the Bureau to finalize staffing and infrastructure plans for Questionnaire Assistance hotlines without collecting and analyzing as much data as are available about the language preferences of various groups of residents, it could find itself unable to meet demand. As a result, its services would not be accessible to the residents who need them.

In addition, in-language assistance helps build community members' trust in the government's ability to serve them effectively. In the nation's current political and policy climate, the failure to meet the demand for in-language assistance could exacerbate residents' concerns about contacting government agencies and participating in Census 2020. Thus, we urge the Bureau to describe in future publications the information it will

consider and the process it will follow in staffing and securing adequate phone capacity for the Census Questionnaire Assistance Program.

Electronic collection of data during NRFU: Because we know that NRFU is the most expensive and most challenging aspect of conducting decennial Censuses, we applaud the Census Bureau for thinking critically and creatively about how to improve NRFU operations. We recognize that the agency has been researching and learning more about possible applications of advanced technology in in-field enumeration for at least a decade, since its initial planning to incorporate the use of handheld electronic devices into 2010 Census data collection.

We also understand that the Bureau may be able to achieve cost savings and better ensure against inadvertent loss of data by following the plan it has set forth in the present Federal Register notice to capture NRFU data exclusively in electronic format. However, we are concerned about the potential discrepancy between this plan and the findings that have emerged from the Bureau's test of in-field address canvassing procedures in geographically and residentially diverse settings. The connectivity issues that the Bureau has already encountered in carrying out limited activities in selected rural communities in West Virginia raise additional questions about whether electronic data capture will be fully functional where enumerators may lack cellular and data connections at the time of an interview.

Although comprehensive analysis of its 2018 End-to-End Census Test is not yet complete, Bureau documents, including Acting Director Jarmin's May 8, 2018 written testimony to the House's Oversight and Government Reform Committee, have made clear that the Test shows that enumerators will need to work in places where internet and cellular signals are not available or dependable. These enumerators will need to work around the challenges that lack of connectivity can create.

In addition, as the Bureau tested address canvassing with electronic devices in early 2018 in Fayette, Mercer, and Raleigh Counties in southern West Virginia, it discovered that devices lost connectivity in the field. It also learned that canvassers generally were able to successfully receive and complete their assignments by moving to connected locations at the start and conclusion of each workday.

Therefore, while it appears that devices will be equipped to store data for transmission as connectivity allows, key differences between in-field address canvassing and enumeration may create additional challenges for electronic data capture during NRFU - and we are not certain whether the Bureau has accounted for these potential challenges. For instance, address canvassers likely have far fewer interactions with residents than enumerators. Thus, canvassers' experiences are unlikely to reveal if during NRFU, residents will be more likely to be suspicious or uncooperative if they are aware enumerators are recording their personal information electronically.

In addition, the mechanics of address canvassing are less likely to be materially affected in real time than the enterprise of actual enumeration. For example, a field enumerator with connectivity could immediately discover that a family encountered at a non-responding address that knew its assigned Census ID number had already been enumerated at a prior

address. The enumerator could then clarify on the spot which address was the family's residence on Census Day. However, without connectivity during this visit, the enumerator might be required to re-visit the household to resolve the issue.

We urge the Bureau to consider whether additional alternate data capture and transmission methods may be effective in areas in which its electronic devices may not have a consistent connection to its networks and databases. The Bureau should examine whether data collection by paper or through satellite-based networks are effective alternatives for some areas of the country or households.

The Bureau's Approach for the Enumeration of Puerto Rico Jeopardizes the Accuracy of Census 2020 Data

We are extremely concerned that the approach to enumerating Puerto Rico, as set forth in the present Federal Register notice, will result in a severe net undercount that will compound the challenges already facing the island. There is likely no other place in the United States that will have undergone as dramatic a change between 2010 and 2020 with respect to its residential infrastructure and resident population as the island of Puerto Rico.

The widespread devastation of Hurricane Maria and the slow pace of repair and recovery significantly accelerated the long-term trend of migration from Puerto Rico to the mainland United States. Accurately enumerating a population facing these challenges is critical to ensuring that our nation effectively provides the assistance Puerto Ricans need. Thus, it is imperative that the Bureau immediately reconsider the methods it plans to use, and increases anticipated staffing levels to ensure an adequate in-person presence on the island that allows for direct contact with its residents.

The significant limitations of in-office address canvassing: We disagree with the Bureau's published plan to develop its Master Address File for places in its Update/Leave enumeration areas using exclusively in-office address canvassing procedures. Because that method relies on reference to dated administrative records and satellite images, its use is simply not appropriate for places like Puerto Rico, where a severe natural disaster has had an extreme effect on the island's residences and other infrastructure.

Between September 2017 and May 2018, the Federal Emergency Management Administration (FEMA) received nearly 1,119,000 applications for assistance from Puerto Rican homeowners, an indicator that hurricane-related damage may have affected half or more of the homes of the approximately 3.4 million residents who lived there before Hurricane Maria arrived. Moreover, the Bureau must also take into account the fact that according to government and building industry estimates, even before the Hurricane, as much as approximately half of Puerto Rico's housing was informally built without being permitted or inspected; therefore, official records are likely to continue to be a poor source of accurate data about where Puerto Ricans live. Any address list for Puerto Rico assembled from static data and satellite images is unlikely to reflect current residential trends and will become quickly outdated, and its use will prospectively imperil the accuracy of data collected on its basis.

The state of housing and the state of individuals' intentions to occupy it make the island a poor candidate for in-office address canvassing. For example, data based on the physical movement of cell phones between Puerto Rico and the mainland from October 2017 through February 2018 show that about 400,000 people left the island during that period. The data also indicate that returns have accelerated and outpaced departures since January 2018.

As Puerto Ricans negotiate major changes and challenges, their plans may change quickly. During the period of years it will take for Puerto Rico to recover from the devastation of Hurricane Maria, many Puerto Ricans are likely to choose to live in homes that are partially in disrepair and that may appear unoccupied to an in-office canvasser, while others will have temporarily or permanently abandoned such structures. Some island residents will have opted to stay in spaces not normally used as residences (the use of which as residences may not be indicated in any official records), and some of these families may still intend for their pre-Hurricane homes to be their primary residences whether or not those homes are habitable at present.

In short, so much is changing in ways that cannot be adequately recorded by in-office canvassers that we believe use of that methodology to build Puerto Rico's 2020 Census Master Address File would be potentially disastrous. If the Bureau is to obtain a competent count in Puerto Rico that reflects the best and most up-to-date information it can gather about where its residents live, that count must be based upon an in-field address canvassing operation that is conducted as close in time as possible to Census Day, and incorporates residents' direct feedback delivered to canvassers who have the opportunity to make first-hand observations on the island.

Update/Leave as an inefficient, ineffective approach for Puerto Rico: Similarly, we are concerned that the enumeration strategy the Bureau intends to use in Puerto Rico is an inappropriate choice in light of the island's infrastructure, and demographic characteristics. The present Federal Register notice designates the entire island of Puerto Rico for Update/Leave enumeration, requiring that enumerators visit and leave Census materials at each home from the Master Address File that appears to be occupied on Census Day.

However, if the Bureau were to conduct competent advance address canvassing on the island, incorporating more complete and accurate data sources than just the official records and satellite imagery to which remote in-office canvassers have access, then it could include many parts of Puerto Rico in TEA-1 and conduct normal operations aimed at securing self-response prompted by mailings. As of April 20, 2018, all Post Offices in Puerto Rico were open and had resumed normal operations. In addition, as of June 5, 2018, the government of Puerto Rico reported that electricity, cellular and telecommunications services had been restored to at least 95% of their pre-Hurricane capacity.

As a result, we believe the Bureau could more efficiently and effectively enumerate Puerto Rico in 2020 by conducting normal self-response operations in those parts of the island that are best-connected and in which infrastructure has been restored. This would allow the Bureau to reserve resources and personnel for the enumeration of the most difficult-to-reach parts of Puerto Rico.

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If the Bureau were to achieve some cost savings by conducting normal self-response operations in the easiest parts of Puerto Rico to count, it could wisely invest those savings in the difficult task of accurately counting residents of the island's least-recovered and most-remote areas. We urge the Bureau to recognize the imperative of personal contact with the hardest-to-count Puerto Ricans, and to designate selected areas for Update/Enumerate, instead of Update/Leave, enumeration.

In this connection, we note that the federal government's Hurricane response and assistance to Puerto Ricans have attracted significant and widespread criticism, not only from island residents and advocates but in at least one post-action analysis conducted by FEMA itself. The government's perceived poor performance has diminished some Puerto Ricans' faith and trust in federal agencies, and will negatively affect the Bureau's efforts to obtain personal information from Puerto Rican households in 2020.

To overcome the obstacles created by some island residents' unfortunate post-Hurricane Maria experiences with the federal government, the Census Bureau should assign enumerators who have the linguistic skills and cultural competency to effectively make personal contact with the hardest-to-count households. The Bureau should leverage those contacts to explain the Census process and secure robust participation. With a strong in-field presence in these areas, the Bureau can perfect its knowledge of the potentially dramatic effects of migration on the most-affected parts of Puerto Rico, and achieve an accurate count of the island, notwithstanding the many changes occurring there relatively close in time to Census Day.

Conclusion

The Census Bureau's and Department of Commerce's Constitutional and statutory duty is to produce complete, accurate data about our population, and in the case of decennial Census data, to enumerate every resident of our nation. In carrying out this duty, federal agencies have always strived to make scientifically-based decisions and to plan years in advance for an undertaking that grows more complex each decade. Uninformed and last-minute changes to Census instruments and methodology that run counter to data scientists' recommendations threaten the effectiveness of Census operational plans, and the accuracy of crucial decennial Census data. Our comments highlight a broad range of issues where science and evidence-based research indicate that the Bureau's approach to collecting information in Census 2020 is either unnecessary, will produce inaccurate data or will add significant costs to the decennial enumeration. In some cases, we urge the Bureau to continue its deliberations and provide greater disclosure to stakeholders.

The decennial Census is conducted once every ten years, and our nation will have to live with its results for the decade that follows. A flawed enumeration threatens the fundamental health of our democracy, and our nation's social and economic well-being. Ultimately, the Department of Commerce has an obligation to take all actions necessary to protect the integrity of the Census. History is watching - we urge the Bureau to adopt our recommendations, and make Census 2020 the sound enumeration our nation requires.

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Again, thank you for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arturo Vargas', with a long horizontal flourish extending to the right.

Arturo Vargas
Chief Executive Officer

cc: Congressional Hispanic Caucus
Congressional Hispanic Conference