



January 6, 2025

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Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley

Sheleen Dumas
Departmental PRA Clearance Officer
Office of the Under Secretary for Economic Affairs
U.S. Department of Commerce
Washington, DC 20230

Submitted via email to acso.pra@census.gov

Dear Ms. Dumas:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States, our Census Task Force co-chairs, Asian Americans Advancing Justice | AAJC and NALEO Educational Fund, and the undersigned organizations, we appreciate this opportunity to provide comments in response to the Census Bureau's request for an extension of the Census Bureau's American Community Survey (ACS) and Puerto Rico Community Survey (PRCS)¹, published in the Federal Register on November 5, 2024 ("notice") (Docket Number USBC-2024-0029).

The Leadership Conference is the nation's oldest, largest, and most diverse civil and human rights coalition and provides a powerful unified voice for the many constituencies we represent. Our coalition views an accurate and fair census — and the collection of useful, objective data about our nation's people, housing, economy, and communities generally — to be among the most important civil rights issues of our day. The Leadership Conference's longstanding role as a Census Information Center has allowed us to lift up within our broad civil rights coalition the fundamental importance of comprehensive, high-quality data about our population, communities, and economy. We also have a long history of first-hand experience working in support of the decennial census and the ongoing ACS.

Based on the extensive use of ACS data by our coalition members, allies, state networks, community based partners, and policymakers we engage, and for the reasons set forth below, we urge the Office of Management and Budget (OMB) to approve the request in a timely manner, to ensure the continued availability of irreplaceable data that are vital to the informed functioning of virtually every economic sector and social institution in the United States.

¹ Going forward, all references to the ACS include the PRCS. It is critical for the Census Bureau to collect and produce reliable data for the Commonwealth of Puerto Rico, especially given the movement of U.S citizens between the Commonwealth and the U.S. mainland and the federal government's responsibilities vis-à-vis the Commonwealth.

ACS Data Collection Is Grounded in U.S. History, Legislation, and the Ongoing Need for Detailed, Timely Data on the Nation's Population

Since the nation's early censuses, the decennial census has included the collection of information beyond a simple population count to guide the work of lawmakers trying to meet the needs of their constituents. Representative (and later President) James Madison successfully sponsored legislation to use the census as a vehicle for gathering social and economic data pertinent to the well-being of communities and the population, which could guide members of Congress in their work.

Over the decades, the census asked a range of questions beyond the basic population count that changed and evolved every ten years as the nation's needs and priorities shifted. In 1940, with the development of reliable statistical sampling methods, the Census Bureau added census questions related to housing and households to a form sent only to a sample of households; most U.S. households received a much shorter form (later colloquially called the census short form).

The use of a short form and longer, sample form seemed to serve lawmakers well through several censuses. But, as the U.S. population continued to grow and diversify — racially and ethnically, geographically, economically, linguistically, and culturally — the availability of vital data to guide policy decisions and the allocation of federal resources only once a decade became less useful. Communities were changing too quickly in the years between each census, and important characteristics data gathered on the long (i.e. sample) form often became stale not long after the Census Bureau published the information, with no comparable updated data available until the next decennial census.

The 1990 Census marked a turning point for members of Congress, who have constitutional responsibility for the decennial census. In hard-to-enumerate areas, evaluations revealed that the response rate for the short form, sent to a roughly 17 percent sample of homes, was 8 percent higher than the comparable rate for the so-called long form.² Echoing guidance from the General Accounting Office (now called the Government Accountability Office, or GAO),³ lawmakers urged the Census Bureau to explore alternative ways to meet the nation's data needs while streamlining the decennial census itself.

The policy discussions during the 1990s led the Bureau to shift collection of all but the most basic household and housing (i.e. homeowner and renter status) data to a continuous measurement sample that could produce small-area, annually updated estimates for demographic, housing, economic, and social characteristics of communities necessary to implement, monitor and enforce federal laws. Although the Census Bureau was not able to eliminate the long form in time for the 2000 Census, it conducted extensive testing before and during that enumeration, and — with Congress' blessing and sufficient funding⁴ — fielded the first nationwide ACS sample questionnaire in 2005. Since then, the Census Bureau has administered the ACS as an ongoing part of the constitutionally-mandated decennial census to provide the essential data that were previously collected via the long form. The ACS also serves as a

² <https://www.gao.gov/assets/t-ggd-90-55.pdf> (pg. 15)

³ *Ibid.*

⁴ Congress did not appropriate enough funding to include Group Quarters in the first year of the ACS.

critical testbed for the Census Bureau to evaluate new questions before adding them to the decennial census.

ACS Data Are Needed to Implement Federal Laws and Programs

As part of efforts to streamline the census and contain costs, the Census Bureau and OMB determined that both the decennial enumeration and ongoing ACS would only collect data *mandated* by federal statute; *required* to implement or enforce a federal statute; or *necessary* to ensure compliance with a federal court order (such as anti-discrimination rulings). The ACS and PRCS must continue because all of the questions in these surveys generate data necessary to carry out federal laws and implement federal programs, as Congress has codified in numerous statutes over many years.

ACS Data Are Used Extensively By Governments, Businesses, and Nonprofits

Beyond the federal statutory or judicial bases for every question on the ACS, state, local and tribal governments, business and industry, philanthropy, and nonprofit organizations (including community-based service providers) rely extensively on ACS data for everyday decisions.

Government officials use the data to project and meet the need for schools, better transit, traffic mitigation, veterans' services, job training, health clinics, and services for senior citizens and people with disabilities. Nonprofits often help provide similar services and rely on ACS data to design and locate their programs, as well as to demonstrate the value of their work to the public and donors. Business and industries decide the sites of services, stores, and factories, and what goods and services to offer, based on labor force and skills availability, cost of living, prospective customers, income and education levels, and other variables that define communities. Conversely, states and localities use the same data to *attract* new businesses to their area, spurring economic growth and improving the livability of communities. Philanthropy, which often partners with communities and states, uses ACS data to guide funding decisions in the short and long terms and to measure the success of those investments.

In short, ACS data, directly or indirectly, in whole or in part, guide most decisions affecting the U.S. economy and social institutions. We must ensure the continuation of this source of high quality, reliable, and consistent data for every neighborhood and community in the nation, including rural and remote areas, to ensure that all segments of society can function in an informed and efficient manner.

Maintaining Mandatory Response To the ACS Is Critical To Ensure High-Quality Data For All Communities

Like the decennial census of which it is a part, response to the ACS is required by law. Congress has historically set penalties of some sort for failure to cooperate with census takers, and for nonresponse generally when the opportunity to self-respond by mail and later, by internet, was offered starting in 1970.

For example, in the first census in 1790, every person over age 16 was required to cooperate “on pain of forfeiting twenty dollars.”⁵

The rationale for mandatory response is clear. People are far more likely to participate in the census and ACS when the law requires their response. A 2003 test of voluntary response in the ACS (conducted at the request of Congress) showed that mail response rates would plummet significantly (by at least 20 percent) and costs would rise substantially (at the time, by \$90–\$100 million a year). Data reliability also dropped, making it unlikely that the Census Bureau could produce usable ACS data for 40 percent of U.S. counties or for small cities, towns, neighborhoods, and American Indian reservations if survey response were voluntary.

In fact, Canada tried to pursue a voluntary response strategy for its census long form (now called the National Household Survey, or NHS) in 2011. The overall response rate plunged from 94 percent to 69 percent, leaving 25 percent of all “places” (governmental units) — primarily small communities and rural areas — with no data at all. By the next quinquennial (every five years) NHS in 2016, after prominent business groups called for a reversal of policy after losing vital economic data, the Canadian prime minister restored the mandatory response requirement.

Fortunately, the Census Bureau applies a carrot instead of a stick approach to urging residents to complete the census and ACS, emphasizing the benefits to one’s community and the well-being of one’s family instead of penalties for nonresponse that Congress has codified in the Census Act - penalties that are rarely, if ever, enforced. The Census Bureau should continue to research the most effective ways to communicate the importance and security of responding to the ACS to the general public, and ensure that its field and call center representatives are trained to engage selected households with uplifting messages that resonate across diverse communities.

Finally, the burden on households is not great enough to warrant the elimination of this source of vital data about our nation. The ACS sample, while the largest of all U.S. surveys, will include a specific U.S. address only once every five years; accordingly, most American households will never receive the survey. Moreover, because response to the ACS is mandatory by law,⁶ OMB must ensure that respondent burden is minimized to the extent possible, in accordance with the Paperwork Reduction Act.⁷

Conclusion

In summary, the ACS produces data about the demographic, housing, financial, and social characteristics of our nation’s communities that are irreplaceable in their timeliness, consistency, comparability across time and geography, and breadth. Given the legal rationale for every question asked on the ACS, as well as the long history of similar data collection throughout our nation’s history, it is imperative that the

⁵ https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires.1790_Census.html#list-tab-1168974309

⁶ 13 U.S.C. §221.

⁷ https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_general_handbook_2020.pdf

OMB expeditiously approve an extension of the ACS and PRCS programs. The Census Bureau must also continue to research and implement improvements to the ACS and PRCS to collect the most accurate, inclusive data possible on historically overlooked and under-estimated population groups, such as people with disabilities and LGBTQ+ individuals.

Thank you for considering our views. Please direct any questions about these comments to Meeta Anand, senior director of the census and data equity program, The Leadership Conference, at anand@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
The Leadership Conference Education Fund
Asian Americans Advancing Justice | AAJC
NALEO Educational Fund

Abrazar, Inc.
Actionable Intelligence for Social Policy
Advancement Project
AEQUA Strategies LLC
American Association of University Women
American Association on Health & Disability
Arab American Institute (AAI)
Arkansas Impact Philanthropy
Asian & Pacific Islander American Health Forum
Asian American Resource Workshop
Asian Americans Advancing Justice Southern California (AJSOCAL)
Asian and Pacific Islander American Vote (APIAVote)
Asian Community Development Corporation
Asian Health Services
Asian Law Caucus
Asian Pacific Islanders Civic Action Network
ASIAN, Inc. 美亞輔鄰社
Association of Population Centers
Association of Public Data Users
Bazon Center for Mental Health Law
Beyond Our Status Congolese Alliance, Inc.
Black Lives Matter OKC
Boston Chinatown Neighborhood Center
California Pan-Ethnic Health Network
California State Demographer
Cape Fear Collective
Catholics for Choice

Census Quality Reinforcement (CQR) Task Force
Center for Asian Americans in Action
Center for Business & Economic Research at LSUS
Center for LGBTQ Economic Advancement & Research (CLEAR)
CenterLink: The Community of LGBTQ Centers
Central Valley Community Foundation
Chinese for Affirmative Action
Citizens' Committee for Children of New York
Citizenship News
City of Boston Office of Language and Communications Access
Coalition for a Healthier Frederick County
Coalition for Asian American Children and Families (CACF)
Coalition on Human Needs
CommunicationFIRST
Congressional Hispanic Caucus Institute (CHCI)
COOLJC Region 8 SJEREC
Council for Minnesotans of African Heritage
County of Santa Clara
CTData Collaborative
Data Quality Campaign
Demographic Analytics Advisors
DePaul University
Disability Health Equity Research Network (DHERN)
Disability Rights Education and Defense Fund (DREDF)
EdTrust
Employee Rights Center
Equality California
Esri
Fair Count
Family Equality
Fix Democracy First
Georgia Redistricting Alliance
GLSEN
Government Information Watch
Hillcrest Advisory
Hispanic Federation
HueManity Global Faith Initiative
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center (ImmDef)
Indivisible Rochester MN
Institute for Health & Disability Policy Studies, University of Kansas
Institute for Higher Education Policy (IHEP)
Inter-university Consortium for Political and Social Research (ICPSR)

Japanese American Citizens League
Just Neighbors
Justice for Migrant Women
JustLeadershipUSA
Knowledge Alliance
Korean American Coalition - Los Angeles
Lakeshore Foundation
Latino Coalition for a Healthy California
League of Women Voters of the United States
LGBTQ+ Victory Fund
LGBTQ+ Victory Institute
MACS - Minnesotans for the ACS and 2030 Census
MALDEF (Mexican American Legal Defense and Educational Fund)
Maryland Center on Economic Policy
Massachusetts Immigrant and Refugee Advocacy Coalition
Matthew Shepard Foundation
Missouri Asian American Youth Foundation
Movement Advancement Project
MS Communities United for Prosperity (MCUP)
N.Y. Elections, Census, & Redistricting Institute (at New York Law School)
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Asian American Pacific Islander Mental Health Association (NAAPIMHA)
National Asian Pacific American Bar Association
National Asian Pacific American Women's Forum
National Community Reinvestment Coalition
National Disability Rights Network (NDRN)
National Education Association
National Employment Law Project
National Health Law program
National Legal Aid & Defender Association
National LGBTQ Task Force Action Fund
National Low Income Housing Coalition
National Network for Arab American Communities (NNAAC)
National PTA
National Women's Law Center
Native American Rights Fund
NBJC
NC Counts Coalition
NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
New Jersey Alliance for Immigrant Justice
New York Immigration Coalition Action

Oasis Legal Services
OneAmerica
Pennsylvania Partnerships for Children
PERIL: The Polarization & Extremism Research and Innovation Lab
Population Association of America
Portland State University
Prism
Rebecca Schueller Training & Consulting
Restaurant Opportunities Centers United
Rising Voices
SAGE (Advocacy and Services for LGBTQ+ Elders)
Services, Immigrant Rights and Education Network (SIREN)
Sikh American Legal Defense and Education Fund (SALDEF)
Silver State Equality
SocialExplorer, Inc.
Southeast Asia Resource Action Center (SEARAC)
Southeast Asian Coalition of Central MA
Storied Analytics
The Children's Agenda
The NHPI Data Policy Lab at UCLA
The Research and Training Center on Disability in Rural Communities (RTC:Rural)
The Sowing Room
The Trevor Project
The United Methodist Church General Board of Church and Society
Tulsa Area United Way
Twin Cities Research Group
United Way of Rhode Island
University of Iowa
USDA/NASS
VOICES for Alabama's Children
Werner-Kohnstamm Family Giving Fund
Whitman-Walker Institute
Women Employed