



January 6, 2025

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Asian Americans Advancing Justice |  
AAJC

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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](mailto: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)<sup>1</sup>, 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.

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<sup>1</sup> 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.<sup>2</sup> Echoing guidance from the General Accounting Office (now called the Government Accountability Office, or GAO),<sup>3</sup> 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 funding<sup>4</sup> — 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

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

<sup>3</sup> *Ibid.*

<sup>4</sup> 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.”<sup>5</sup>

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,<sup>6</sup> OMB must ensure that respondent burden is minimized to the extent possible, in accordance with the Paperwork Reduction Act.<sup>7</sup>

## **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

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<sup>5</sup> [https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires.1790\\_Census.html#list-tab-1168974309](https://www.census.gov/programs-surveys/decennial-census/technical-documentation/questionnaires.1790_Census.html#list-tab-1168974309)

<sup>6</sup> 13 U.S.C. §221.

<sup>7</sup> [https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs\\_general\\_handbook\\_2020.pdf](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](mailto: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 LSU  
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