January 31, 2024

The Honorable Robert Santos
Director
U.S. Census Bureau
4600 Silver Hill Road
Suitland, MD 20746

Re: Improving the Census Bureau Consultation Process, including on Proposed Changes to ACS Disability Questions

Dear Director Santos,

We write to express our concern about the Census Bureau's approach to stakeholder engagement on important census and American Community Survey (ACS) matters. While our letter is prompted by the process for proposing revisions to the ACS disability questions, we view this communication gap as potentially symptomatic of a wider misunderstanding of stakeholder expectations with respect to consultation during the decision-making process on operational, content, and data product issues.

As you know, the Census Equity Initiative (CEI) is a collaborative of hundreds of census funders that support a fair and accurate census and the production of high-quality demographic and socio-economic data through the related ACS. CEI is steered by a committee of some of the nation's most prominent national and regional foundations: Annie E. Casey Foundation, Carnegie Corporation of New York, Ford Foundation, Heartland Fund, Joyce Foundation, The JPB Foundation, Mary Reynolds Babcock Foundation, Open Society Foundations, Robert Wood Johnson Foundation, Rockefeller Brothers Fund, Unbound Philanthropy, Wallace H. Coulter Foundation, and W.K. Kellogg Foundation. (Note: These comments are being submitted on behalf of CEI and not on behalf of any of the individual members noted here).

The Funders' Committee for Civic Participation (FCCP), an active part of the philanthropic collaborative, is a network of grantmakers who share an underlying conviction that all people deserve a voice in our democratic process. FCCP works to dismantle unjust systems and structures, and shift power to communities that have long fought for inclusion. FCCP's commitment to racial justice and to achieving a democracy where all communities are counted, resourced, and represented necessitates our deep engagement on the American Community Survey (ACS) and census. Through outreach, education, and mobilization, FCCP convenes a Census initiative, known as the Funders' Committee Census Initiative (FCCI). FCCI directly engages philanthropy, with a particular focus on state and local funders and philanthropy-serving organizations, to leverage their resources and power in support of a fair and accurate decennial Census count.

We share the dismay expressed in public comments by many U.S. disability community advocates, organizations, and researchers about the implications of replacing the current ACS disability questions with the Washington Group Short Set (WG-SS) measures. When a proposed Census Bureau action will have a sweeping impact on individuals, families, employers, healthcare providers, community service providers, and other institutions, as the proposed changes to the

disability questions will have, it is essential for the Bureau to have meaningful consultation with the affected populations well before an action is final, even before giving notice in the *Federal Register*.

In the case of the proposed ACS disability questions, we support the call from disability rights advocates, asking the Census Bureau to pause the revisions laid out in the October 20, 2023 *Federal Register* Notice, in order to engage with the disability community and data users (including, in this case, other federal agencies) through a much broader and more inclusive process. We support the recommendation from the Robert Wood Johnson Foundation encouraging the Census Bureau to adopt an inclusive and fully representative definition of disability so that ACS data accurately track the full diversity of people's lived experiences with disability in the U.S. Given that the Census Bureau's disability data are used to guide the allocation of government resources, as well as the development of local, state, and federal policies, and enforcement of anti-discrimination laws, we are concerned that the proposed changes could make it more difficult for people with disabilities to get the support and resources they need and deserve, through the availability of appropriate data that can illuminate equity issues.

The controversy over the proposed disability questions and lack of meaningful consultation follows protests by the Hmong and Southeast Asian communities over the Census Bureau's mis-categorization of Hmong into the East Asian rather than Southeast Asian regional category in its data products. These charged debates undermine public trust in the Census Bureau and its ability to deliver fair, accurate, and usable data, particularly for communities with historical and deeply rooted lack of trust in the federal government's commitment to serving their populations. It is rarely possible to achieve complete agreement on complex policy changes, which is why the *process* is often just as important as the *outcome*. For the Bureau to achieve its mission "*to serve as the leading source of quality data about the nation's people and economy*," the Bureau should examine its procedures to ensure more effective advance consultation with all relevant data users and stakeholders. This is critical to build trust and avoid loss of confidence in the Bureau's work.

We applaud the Bureau's creation of the Office of Strategic Alliances (OSA) to maintain and strengthen its partnerships with philanthropy and the national organizations and networks they support around the census. These networks are integral to connecting with trusted messengers who can best reach and persuade households to participate in the census and the ACS. We have previously suggested the Bureau increase OSA's capacity to maintain relationships with state-based organizations, as well. We also applaud the Bureau's decision to build a team of Native American specialists to engage with Tribal communities throughout the decade, given the federal government's fiduciary responsibilities, government-to-government relationships, and substantial undercount of American Indians living on reservations and tribal lands and Alaska Natives. Investments such as these ensure the Bureau can more effectively and efficiently gain the participation it needs to increase self-response, which is the most accurate source of information, in the census and other surveys. These partnerships can also be valuable in avoiding missteps that can undermine trust in the Bureau and the federal government more broadly.

The Bureau's approach to revising the ACS disability questions stands in stark contrast to the outreach and consultation on proposed changes to the Office of Management and Budget (OMB) race and ethnicity data standards and research for new questions on sexual orientation and gender identity on the ACS. In both cases, there was significant and early consultation with the impacted communities who are best positioned to understand the stakes and implications of such momentous changes.

We urge the Bureau to consider developing standardized procedures that leverage the Bureau's national partner relationships. With sufficient capacity, OSA can help identify and facilitate consultations with relevant partners early in the process, who can identify issues to consider and provide input on policy and operational decisions that clearly affect their constituencies. The Bureau can benefit greatly from the expertise of partners who use the Bureau's data and have a good understanding of data weaknesses, including gaps in information collection, as well as from advocates who represent the populations being measured. These organizations also work with communities that are often miscounted and are a trusted voice to encourage people to complete the Bureau's surveys.

It is common practice in government to consult impacted populations prior to proposing a new policy or data collection instrument in the *Federal Register.* Such early engagement results in more thoughtful proposals from government agencies and avoids unnecessary confusion and misunderstandings. Additionally, in some cases, the impacted populations do not have the capacity to monitor *Federal Register* Notices that are often framed in technical language. Thus, they may even miss agency actions that have an impact on their lives, as apparently occurred in both the disability question and Hmong categorization cases.

While changes to ACS questions frequently begin with a request from a federal agency, the scope of the proposed change to the disability questions called for additional input beyond the perspective of an agency that may have an overly narrow lens. Relying on past limited outreach creates the risk of insufficient recommendations and feedback from the marginalized communities most likely to be affected, as in the case of the Hmong categorization decision and the proposed revisions to the ACS disability questions and standards for determining who has a disability. This is why, in addition to urging the Bureau to seek feedback from affected populations, we also encourage agencies making requests to the Bureau to do the same prior to making requests to the Bureau.

Disability intersects with the entire population of the U.S. and has considerable implications for program funding, services, and anti-discrimination enforcement. Persons with disabilities deserve the same time and attention as other demographic groups with respect to decisions affecting the measurement of their community.

We thank you for your consideration of our views on this important topic.

Sincerely,

Gary D. Bass
GDB Consulting & Executive Director
Emeritus, Bauman Foundation
Chair, Census Equity Initiative

LaShanda A. Jackson
Executive Director, Funders' Committee for
Civic Participation

Cc: Dr. Brian C. Moyer
Director, The National Center for Health Statistics