



# Testimony of

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### CHIEF EXECUTIVE OFFICER

Mr. Arturo Vargas

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to the

## Committee of Oversight and Reform U.S. House of Representatives

## “Reaching Hard-To-Count Communities in the 2020 Census”

January 9, 2020  
Washington, D.C.



Chairwoman Maloney, Ranking Member Jordan, and Members of the Committee: thank you for the opportunity to submit testimony for this hearing titled, “Reaching Hard-to-Count Communities in the 2020 Census” which seeks to examine preparations for the 2020 Census and how they will impact hard-to-count communities.

NALEO Educational Fund is the nation’s leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation’s more than 6,700 Latino elected and appointed officials and include Republicans, Democrats and Independents.

NALEO Educational Fund is a national leader in Census outreach, community education and policy development. Since the 1990 Census, our organization has conducted outreach campaigns to promote the full and accurate count of the Latino community. Together with media and community-based organizational partners, we have launched ¡HAGASE CONTAR! (“Make Yourself Count!”) and ¡HAZME CONTAR! (“Make Me Count”) campaigns to drive response to the 2020 Census through dissemination of community education materials, promotion of 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. NALEO Educational Fund also has decades of experience working closely with its Latino elected official constituency, other government officials and partner organizations to promote public policies to achieve the most accurate count possible of the nation’s population. NALEO Educational Fund served on the U.S. Census Bureau’s national advisory committees from 2000 through 2019, and is the co-chair of the Leadership Conference on Civil and Human Rights’ Census Task Force and the National Hispanic Leadership Agenda’s Census Task Force.

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The 2020 Census cannot be successful without a complete count of the Latino community. Latinos are the second largest population group in the nation, comprising 18 percent of our nation's residents, and 26 percent of children under the age of five. The Census Bureau estimates that in the 2010 Census, there was a net undercount of 1.5 percent of the entire Latino population, and research suggests this included nearly 400,000 children under the age of five. Undercounting Latinos in the 2020 Census would severely diminish the accuracy and value of statistical data critical to sustaining our nation's democracy and economic programs.

NALEO Educational Fund is encouraged by the committee's decision to hold this oversight hearing to examine preparations for Census 2020, including efforts to reach the hard-to-count communities. Our organization is acutely concerned that Congressional neglect throughout the decade, poor stewardship by responsible federal agencies, and a challenging policy and social environment threaten the accuracy of the Census Bureau's 2020 count of Latinos and other historically undercounted communities. These views are informed by our past history of engagement on this issue as well as by our continual efforts to learn directly from Latinos how they perceive the work of the Census Bureau. Enclosed with this testimony is a copy of the report by the National Latino Commission on Census 2020 outlining the state of Census 2020 for Latinos and other communities along with findings and recommendations for how our federal government can act now to save the upcoming decennial count and ensure that the Latino community is fully counted. NALEO Educational Fund established the Commission which held five hearings across the nation in 2018 and 2019, gathering testimony from more than 50 well-informed experts, who represented a broad group of ethnically diverse stakeholders – both Latino and non-Latino – including community and civic leaders, policymakers, academics, and representatives of business and philanthropic organizations. The Commission's findings can be best summed up in this statement it made:

“Barring swift intervention, data from the 2020 Census will be inaccurate and incomplete, causing national damage. For the next decade it will make political representation less democratic, misdirect the flow of federal funding, and force businesses, policymakers, scientists, and much of the country to rely on erroneous population data”.

In today’s testimony, we highlight several of our concerns with the Census Bureau’s efforts to prepare for the 2020 Census and how this affects the efforts to reach hard-to-count communities, particularly Latinos. It is our hope that the Congress, the Administration and the Census Bureau consider how to address these challenges now to ensure we obtain a fair and accurate count of all of our nation’s residents in the decennial enumeration.

#### Decennial Census Preparations Were Shortchanged and the Bureau is Struggling to Stay on Track

The Census Bureau proposed a number of significant changes to its approaches and operations in response to Congress’s mandate that it conduct the 2020 Census for no more than the per-household cost of the 2010 Census. The Bureau estimated that adhering to identical operational plans for the two decennial censuses would cost approximately \$5 billion more in 2020 than 2010. To stay within this estimate, it began preparing to conduct the Census primarily online, rather than on paper forms. The Bureau proposed to automate hiring and task assignment functions, and to use databases of administrative records, satellite imagery, and other resources to update its address list and to replace in-person visits to non-responding households. Thus, its plans called for a smaller temporary workforce and fewer field offices. The Bureau also developed a comprehensive plan to evaluate the foregoing changes through several tests and assessments.

Although the Bureau did complete some of the testing it envisioned between FY2012 and FY2018, because the Congress repeatedly underfunded its budget requests, the Bureau was unable to fully

implement its assessments and preparations. For example, the Bureau cancelled survey tests planned for some of the most challenging places to enumerate, including Puerto Rico and reservations in North and South Dakota and Washington. The cancellation of the test in Puerto Rico resulted in a missed opportunity to assess the Bureau's ability to reach a Spanish-language dominant population, with large rural areas. Also, in past decades, the Bureau had conducted full tests of the planned census or "Dress Rehearsals" at several sites, to gain information from diverse regions and populations on how the operation would work as designed. For 2018 it had initially planned to conduct the full test in three sites: Pierce County, Washington; the Bluefield-Beckley-Oak Hill area in West Virginia; and Providence County, Rhode Island. However, because of insufficient funding by Congress, in 2017, the Bureau decided to significantly reduce the scope of its 2018 testing. It conducted only address canvassing operations at all three sites, and in Providence County itself the Bureau significantly reduced the scope of or eliminated components that it had tested for previous decennial enumerations.

The sole test conducted by the Bureau, however, confirmed to us that it was not prepared to accurately count Latinos and other hard-to-reach communities. NALEO Educational Fund commissioned an independent assessment of the Census Bureau's End-to-End (E-T-E) Test, in Providence County, Rhode Island. The results, as expected, raised serious concerns about the Bureau's ability to reach Latinos and immigrant communities. Given Congress' lack of adequate funding for planning and testing for Census 2020, this came as no surprise to those of us who have been preparing for our nation's decennial count for the past few years. Our assessment found that inclusion of a citizenship question would make people afraid to participate in the census. Respondents indicated a preference to respond on paper forms and through in-person enumeration over internet response. Our analysis also showed that nearly 36 percent of Latinos who participated in the E-T-E test were enumerated in person, meaning through Non-response Follow-up or NRFU. This last point is critical given that the Government Accountability Office (GAO)

report (GAO-19-140), an evaluation of the 2018 Providence County dress rehearsal, raised serious concerns that the Bureau had inadequate in-person NRFU procedures in the E-T-E test, the manner by which a large percentage of Latinos participated in the test. A copy of the study, “The Last Chance to Get It Right: Implications of the 2018 Test of the Census for Latinos and the General Public” is included with this testimony.

In addition, development of critical IT infrastructure for collection and analysis of electronic survey responses fell behind schedule and cost more than anticipated, while research left open questions about the reliability of information the Bureau expected to incorporate into its data from records maintained by other government agencies. GAO’s consistent and persistent highlighting of the Bureau’s delays in testing critical components of the IT system, including in its most recent report on the status of early operations, GAO-20-111R, raises the question of whether the Bureau is fully prepared to execute this first primarily on-line national headcount.

In the end, Congress finally provided the Bureau with appropriations for Fiscal Year 2020 at a level that exceeded the inadequate funding amounts requested by the Trump Administration. However, funding shortfalls throughout the decade have caused the Bureau to delay implementation of several components crucial to the success of Census 2020, including its advertising and community outreach operations, and the opening of field offices. This has served to raise the risk of a failed 2020 Census because of the lack of timely effort to address the low levels of trust, low awareness and low likelihood of participation among communities most likely to be undercounted.

For instance, the Bureau remains behind schedule in hiring and onboarding partnership staff. According to the GAO’s October 2019 report evaluating the status of early operations, the Bureau had not met its goal to hire partnership staff nearly two months after its initial deadline. It was

also behind schedule in opening Local Area Census Offices. Mid-decade underfunding delayed critical research into the public's perception of the decennial census and subsequent development of creative content (which informs what messages to design) to persuade the public to engage. As a result, the complementary research on the best messages and messengers for the Latino community that organizations like ours do to support Census outreach has started much later than would have been ideal. The lack of funding, we believe, was at the heart of the Bureau's decision to cancel the Early Education component of the communications campaign. Timely funding for this effort would have helped the Bureau deploy messages earlier than planned about the upcoming census targeted to those living in hard-to-count communities.

The ultimate consequence of the interruption of the Census Bureau's research, planning and implementation agenda is that it will not conduct the decennial Census it planned for in FY 2012. Moreover, even with additional resources, it will struggle to move forward expeditiously with the effective approaches needed to reach, engage and accurately count our nation's population in Census 2020.

#### Accurate Census Data for the Latino Community at Risk due to the Lack of Timely Action

A change the Census Bureau intended to make to the 2020 Census, which NALEO Educational Fund supported, was to update how it collected data on race and Hispanic origin by combining those questions on the form. For Census data to present an accurate portrait of our Latino population, they must reflect the on-going evolution of Americans' racial and ethnic identity. Unfortunately, the Bureau's timely efforts to improve the accuracy of data collected on the nation's population, and on its racial, ethnic and national origin groups were thwarted by lack of action on the part of the Office of Management and Budget (OMB). This change advocated by the Bureau would not have incurred a cost, or risk, for taxpayers. A copy of our policy brief "The Hispanic



Origin and Race Question in Census 2020: Making the Best of Missed Opportunities and a Flawed Approach” provides an extensive examination into this topic and is attached to this testimony for your review.

For more than a decade, the Bureau undertook extensive research to improve the reporting of Hispanic origin and race in the American Community Survey and the decennial Census. The Bureau had learned through an unprecedentedly large experiment in the 2010 decennial Census that a significant percentage of Latinos struggled to answer separate questions about race and were not necessarily satisfied with the response options offered to them. Many respondents did not embrace or express an identity other than that stemming from their Latino and specific national origin heritage – in other words, Latino was equivalent to these individuals’ “race.”

While the Census Bureau conducted these tests and analyzed results, the OMB convened an Interagency Working Group (Interagency) comprised of representatives from cabinet departments and agencies engaged in the collection or use of Federal race and ethnicity data, to review relevant research and make recommendations to OMB around potential revisions to the 1997 Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (Standards). This Interagency issued two Federal Register notices seeking comment in 2016 and 2017 and an interim report in 2017 concerning its inquiry and preliminary conclusions. The second Federal Register notice stated the Interagency intention to announce a final decision about change to the Standards by mid-2017. However, OMB did not release any additional publications or other final decisions during calendar year 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 in Providence County, Rhode Island.



Ultimately, the Interagency did not release a final report and the determinations review process begun in 2014 appears to have become dormant or terminated without any formal statement or explanation. The first public indication that the OMB would not revise the 1997 Standards came when the Bureau announced that it would not be using the combined question approach for the 2018 End-to-End Test, and instead would use the separate question approach to maintain consistency with the 1997 Standards – this essentially signaled that the Bureau would not be able to use the approach it had initially planned for. Ultimately, on March 29, 2018, the Bureau submitted to Congress the questions to be used in Census 2020. The Hispanic origin and race questions had relatively modest changes from 2010, and the questions were consistent with the two separate question approach mandated by the 1997 Standards, which remained in force. Because of OMB's failure to act, for Census 2020, the Bureau must use a format which its own extensive research indicates elicits incomplete and inaccurate data about residents' racial and ethnic identification.

OMB's failure to revise the 1997 Standards and the Bureau's subsequent retention of the two separate question approach represent a missed opportunity to significantly improve the collection of data on Hispanic origin and race. This is particularly salient because the Bureau will also retain the two separate question approach for the 2020 American Community Survey, the "rolling survey" of our nation's population which provides updated data on a wide range of demographic and housing characteristics. It is extremely troubling that the two separate question approach will be retained after the Bureau's extensive research indicated that that a combined Hispanic origin and race question that requests detailed information from respondents, including the opportunity for respondents to indicate multiple Hispanic national origin and sub-group identifications, elicits the most complete and accurate data possible about respondents' identity.

## The Policy and Social Climate for Census 2020 Creates Additional Challenges for a Fair and Accurate Census

The risk of a failed Census created by underfunding of the Census Bureau, its unfulfilled plan for full pre-decennial testing, and the Bureau's challenges in keeping preparation and operations on track, is exacerbated by the difficult circumstances in which the 2020 enumeration will be conducted. First, the Bureau faces the challenge of rising distrust in government. Second, the Bureau must restore the faith of hard-to-count communities in the privacy and confidentiality of information provided to the Bureau that has disintegrated after the Administration's last-minute failed attempt to add an untested and discriminatory question on citizenship to the Census 2020 questionnaire.

### *Residents' Trust in Government Is Declining*

In its planning and preparations for the next decennial Census, the Census Bureau itself has noted that one of the foremost challenges it faces is escalating distrust in government: according to its 2017 Operational Plan 3.0, Bureau staff anticipate that individuals' growing concerns about security, privacy, confidentiality, and the ways in which government uses information collected from residents will, "make [ ] it more difficult to collect important demographic survey information." In a national survey commissioned by Article 1, examining perceptions of the 2020 Census, findings showed that nearly 50 percent of respondents thought the government would disregard Census data and "will do whatever it wants." (Article 1 is a non-profit organization formed to share independent, non-partisan research and findings with key stakeholders and partner organizations to strengthen national Census messaging efforts and to ensure every person in the country is counted). The share of English-speaking and Spanish-speaking Latinos who expressed this perspective of mistrust was slightly higher than the share of the overall population – 52% and 51%, respectively.

Residents' concerns about the competency of government institutions to manage sensitive information and operations have grown in response to high-profile incidents that have exposed cybersecurity weaknesses, such as foreign hacking and theft of personnel records on millions of federal employees. The extent to which respondents trust that electronic data held by the Census Bureau are secure is likely to have a growing effect on self-response rates. In a survey conducted by Anzalone Liszt Grove Research in December 2016, 36 percent of all adults expressed general skepticism that their personal information was secure online, and 39 percent were not confident that the information they provided to the Census Bureau over the internet would be safeguarded. Asian Americans and Spanish-dominant Latinos were the respondents least likely to trust in the broad security of the online environment. Attitudes about internet security showed their influence when subjects were asked whether they would respond to the 2020 Census online: 83 percent of individuals who believed internet submissions to the Bureau would be secure said they would respond online, compared to just 49 percent of those who were not confident that their internet communications with the Bureau were secure.

The forgoing findings are consistent with those of the research our organization conducted with Latino Decisions. From October to December 2019, NALEO Educational Fund helped conduct its own survey to examine attitudes and perceptions about the 2020 Census. We collected feedback through a survey of 1,223 Latinos with an oversample of Latino non-citizens. We also conducted 12 focus groups. From our preliminary analysis of our findings, we learned that Latinos were uncomfortable with sharing their personal information over the internet and favored the paper form mail-in option for response (39 percent) over the online option (33 percent). Although there was some variance by age with younger respondents – under 40 years of age – choosing the online option first (42 percent) and mail second, overall the mail option ranked higher as a preferred response method for Latinos.

In addition to their mistrust regarding the safety of information provided on-line, Latinos and immigrants are increasingly reluctant to have contact with the federal government because President Donald Trump's Administration has accelerated federal immigration and other law enforcement activity; and stoked anti-immigrant and anti-Latino sentiment with provocative rhetoric. When it came to the question of participating in the Census in this highly charged environment, our research revealed that 83 percent of undocumented Latinos and 73 percent of U.S. citizen Latinos "worr[ied] the Administration w[ould] use Census information against immigrants or Latinos." The Administration has stated its intention to increase removal of undocumented immigrants from the country, and has intensified its prosecutorial activities. As a result, there are growing concerns that the Administration will use information provided during the Census 2020 enumeration to harm Latinos and their families regardless of status. This situation is further exacerbated by the President's own general expressions of personal animus toward immigrants, Latinos, African Americans and other communities of color.

### *The Proposed Addition of the Citizenship Question Has a Lingering Negative Effect*

In a political and policy environment where Latinos and immigrants already had concerns about the safety of information provided to the government, the Secretary of Commerce's decision to attempt to add the citizenship question to Census 2020 dramatically increased community mistrust and apprehension. Before the announcement of the decision, the Bureau's own research indicated that adding the question would significantly depress response rates, leading to incomplete and inaccurate data. For example, the Bureau had already observed relatively high rates of non-response or false response to questions about citizenship in its sample surveys. In 2017 and 2018, as they monitored trends, Census Bureau enumerators and experts began sounding new alarms about public perception of Census surveys and their most sensitive inquiries. A September 2017 memorandum from 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. Additionally, in a memo dated January 19, 2018, the Bureau’s own Chief Scientist, John Abowd, clearly noted that the Bureau’s own analyses support the conclusion that the question would have a negative impact on household’s self-response.

The high level of community mistrust was even apparent in the Bureau’s 2018 End-to-End test in Providence County, Rhode Island. While the questionnaire used in that test did not include the question, the Commerce Department announced its decision to add it to Census 2020 shortly before the test started, and residents and community leaders predicted that that widespread popular discussion of the 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.

Our evaluation of the End-to-End test confirmed the sentiment among respondents that the presence of a citizenship question would cause Latino and immigrant households to be less likely to participate in the 2020 Census.

In the year since the test was conducted, more evidence has emerged which demonstrates the negative impact a citizenship question would have on participation, particularly among Latinos and immigrant communities. For example, research by the Bureau’s Center for Economic Studies led to an increase in its best estimate of the number of additional households likely not to respond to a citizenship-question Census to just over two million, from an earlier estimate of 630,000. It also raised the projected additional number of people needing enumeration through costly non-

response follow up operations to about 6.5 million. As recently as December 2019, the Bureau released the results of its Summer 2019 Census test where it evaluated whether the inclusion of a citizenship question would affect response rates in order to make adjustments to its NRFU operations. Initially, the Bureau reported there was “no statistically significant difference in overall response rates” by type of questionnaire. Unsurprisingly, further analysis of their findings showed what we had expected – for Latino and immigrant households there was a “statistically significant lower response rate for the test questionnaire with the citizenship question” compared to the questionnaire without the question. Even though it released this research on the last day of 2019, the Bureau could not hide the fact that Latinos and immigrants have expressed a heightened sensitivity to a Census form with a citizenship question.

Preliminary findings from NALEO Educational Fund’s survey showed more directly that 14% of non-citizen respondents are not likely to participate in Census 2020. Remarkably, this is a view still held by respondents even after the U.S. Supreme Court issued its decision barring the inclusion of the citizenship question on the Census form. Our findings confirm the very real fear many immigrant families have when deciding if they will participate in the 2020 Census, citizenship question or no.

While the citizenship question will not appear on the 2020 Census questionnaire, there is much work ahead of us. This protracted and contentious effort to undermine the progress of the Latino community and suppress the count of Latinos has left an indelible mark on Census 2020. The damage has already been done, and it will be no small feat for this Administration to make amends with the public and heal the catastrophic wounds that have been inflicted on our democracy in recent months. It is critical that the Bureau makes restoring faith in the confidentiality of information provided in Census 2020 a top priority in its outreach and partnership efforts. In addition, the Administration must also strictly comply with the

confidentiality protections in Title 13 of the U.S. Code regarding the compilation and use of Census data – and it must not engage in any activity that would appear to undermine those safeguards.

NALEO Educational Fund is doing its part to educate the Latino community about the upcoming national count. Still, it is the Census Bureau that must proactively and affirmatively educate the general public about what is and what is not asked on the census form. According to the Article 1 national survey, the Census Bureau is favorably perceived by a large segment of the population – nearly 75 percent so it is imperative that it utilize its reputation, partnership and other outreach staff and resources to proactively advise the public that there is no citizenship question on the 2020 Census form. However, it is our understanding that the Bureau has barred its staff in the field from even discussing the question; this must change. The Bureau cannot ignore the fear created by the attempt to add a citizenship question to the 2020 Census and must provide Latinos, and the general public with assurances about the confidentiality of their data.

Some nonprofit and community-based organizations like ours have the capacity to help to fill the gaps of information about the Census. However, private institutions have exponentially less funding and fewer human resources to dedicate to supporting a fair and accurate census than the Bureau. Outside institutions' community outreach is limited by the imperative of avoiding confusing respondents about who is an authorized agent of the Census Bureau. Moreover, non-governmental actors cannot convincingly vouch for the trustworthiness of federal agencies that represent an Administration whose actions have frequently undermined public confidence in its fairness and commitment to non-discrimination. Therefore, the effort to disseminate accurate information and messages to the public must be borne primarily by the Bureau to repair the damage caused by this Administration to the 2020 Census.

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To ensure accurate information is disseminated widely and consistently with the public, the Bureau must deploy all of its outreach and media resources immediately to effectively engage with Latinos and hard-to-count communities. The Bureau must start by hiring more culturally competent partnership staff to work in hard-to-count communities and training them properly on all Census procedures and timelines. We are concerned that the Bureau has not optimized its onboarding and training programs, or strategically deployed staff in the field. We have encountered partnership specialists who have ranged from fully experienced and knowledgeable about all things Census-related to those with little knowledge of the basics of how the count will be conducted, and we have witnessed on multiple occasions partnership staff provide incorrect information to the public. For instance, in California the Bureau deployed non-Spanish speaking partnership staff being to work in Latino communities; in Texas, some small counties are being flooded with specialists while, hard-to-count areas cannot secure a sufficient number of outreach staff. In Illinois, we received a report about a partnership specialist telling community groups active in a predominately Spanish-speaking community that they could not do Census presentations in Spanish. With this level of inconsistency occurring in the field, the Bureau must redouble its training efforts to ensure its front-line employees –these authorized agents of the Census Bureau – are up to the job. They must able to provide accurate and consistent information to the public, and the community partners who are also trusted messengers for hard-to-count populations. Only by doing so, will the Bureau be able to deliver on the task of regaining enough of the public’s trust to secure broad participation in the decennial count.

A robust media campaign with messages designed to resonate with hard-to-count communities is also essential at this stage. The Bureau missed an opportunity to reach this audience when it cancelled the Early Education component of the communications campaign. The failed attempt to add a citizenship question generated significant confusion and fear about the census, and major changes to enumeration methodology may also surprise and repel respondents as Americans have

more and more interactions with the Census employees and materials in the coming months. Given the breadth and pace of these changes, it would have been beneficial to have had the extra time to disseminate messages to the public about how this census is going to be different than what they have experienced in the past, and what they may have come to expect from media reports.

On this front I believe there may be reason for optimism that the media campaign can deliver the right messages to reach the targeted audiences and hard-to-count communities. Our organization recently had the opportunity to attend briefing by the Census Bureau and its contractor producing Spanish-language content for the Integrated Communications Campaign (ICC), to review some of the media products designed for Latinos audiences. Through that conversation we were able to confirm that the contractor understands the challenge it has to address the overall perceptions held by Latinos about the census in general. Now that the Bureau has its full Fiscal Year 2020 appropriation at its disposal, it is time to invest in disseminating the most accurate, impactful and effective messaging possible.

Lastly, the Bureau needs to act quickly and stand up the “Mobile Questionnaire Assistance Centers” (M-QAC) it proposed and for the implementation which it received an additional \$90 million from Congress. The M-QACs were proposed by the Bureau in lieu of “Questionnaire Assistance Centers” (QAC) that would have been located in historically undercounted communities to provide community members with assistance in responding to the Census questionnaire. Although M-QACs were designed to provide the Bureau more nimbleness in reaching people in hard-to-count community locations at different times of the day, they cannot be considered a substitute for traditional QACs which could operate at community sites which are open at consistent hours and in consistent locations. The M-QACs should be seen as part of the front-line Census effort that will help to build trust with the public and provide assistance to support self-

response at community centers, churches, libraries, clinics and schools in hard-to-count areas, otherwise known as the traditional QACs.

Clearly, the Bureau has determined M-QACs will be an effective instrument to employ to help reach those communities at risk of being undercounted. However, with triple the funding provided in 2010 to support QACs at over 38,000 sites across the country, the Bureau must hire well more than the 4,700 staff it proposed for this initiative. The additional funds should go to also support traditional QACs that are known to and frequented by members of the community and ensure that any community site which offers questionnaire assistance have an atmosphere which reassures respondents that the information they provide the Bureau will be kept private. Utilizing only mobile QACs will not achieve the sense of trust that respondents' information will remain private and confidential.

#### *Executive Order 13880 Exacerbates Our Concerns*

We are closely examining the President's Executive Order 13880, issued on July 11, 2019, titled "Collecting Information about Citizenship Status in Connection with the Decennial Census" to better understand exactly how the President will be directing every federal department and agency to provide citizenship data to the Commerce Department. We are determining whether this course of action would deviate from existing practices in a way that would negatively impact the Latino community. We are also examining the implications of the Executive Order and other Administration statements for the potential detrimental use of decennial Census data on citizenship for redistricting purposes. Finally, we are preparing to oppose any effort to violate the clear Constitutional mandate that every resident of the nation is counted for Congressional apportionment purposes, and specifically, to counter efforts to exclude undocumented immigrants from the Census count used for this purpose.

## Adverse Impact of Intention to Limit Hiring Options

In the years immediately preceding decennial censuses, the Census Bureau must recruit and train an army of hundreds of thousands of temporary employees. This is always a difficult task, but unfortunately, in advance of Census 2020, the Bureau and Department of Commerce face heightened challenges to hiring the most qualified individuals for those positions. Although it is subject to law that generally prohibits the hiring of work-authorized non-citizens for federal jobs, in Census 2010, the Bureau availed itself of exceptions which permit, with the Office of Personnel Management's approval, the hiring of such workers under certain circumstances for positions requiring certain linguistic skills. For the 2010 Census, the Bureau temporarily employed approximately 3,300 work-authorized non-citizens.

In light of the scope and the magnitude of tasks involved in the decennial enumeration, the Census Bureau needs as much flexibility as possible to fill its significant hiring needs. The scale of its temporary workforce needs is daunting, and the skills its enumerators must possess are in high demand. For example, between the beginning of January 2010 and peak operations in May 2010 alone, the temporary Census workforce increased from a size of just over 22,000 to nearly 586,000. In 2020, the Census questionnaire and live assistance by telephone will be available in 12 languages in addition to English, and the Bureau must identify employees with appropriate linguistic skills to staff these efforts.

In addition, the 2020 Census will enumerate the largest and most culturally diverse population the United States has known. The percentage of U.S. residents who are foreign-born has steadily increased since 1970 and is nearing a historic high according to the Pew Research Center and Migration Policy Institute. These factors make it more important than ever before that the Census Bureau's temporary workforce consist of people who can communicate effectively with and win the

trust of a broad cross-section of households. At the same time, an extremely low unemployment rate will likely add to the difficulty of recruiting a large number of highly-skilled temporary employees: in January 2009, unemployment was at 7.8 percent; in January 2019, it stood at 3.7 percent.

Exercising its ability to hire work-authorized non-citizens in a robust manner would certainly ease the difficulty of the task ahead of the Census Bureau, and the Bureau itself found in its post-2010 Census assessment that it should continue “to ensure that hiring flexibilities are used strategically to fill key census positions with employees with critical skills and increase the applicant pool in hard-to-recruit areas.”

In spite of the Bureau’s recommendations, the Administration announced in 2018 that it would not hire non-citizens to work on the 2020 Census. A Census Bureau employee who spoke with the Washington Post about the decision commented that, “to go further out of our way to restrict who we can hire...doesn’t make any sense.”

Since the Administration’s announcement, we understand that the Bureau has indicated that it intends to hire work-authorized non-citizens for Census 2020 field and outreach positions. While we are satisfied that the agency has clarified this point on its website and ensured that partners and stakeholders are aware of its intentions going forward, we are concerned that potential employees may be confused by mixed messages and may yet fail to seek Census jobs in sufficient numbers, unless the Bureau undertakes additional targeted efforts to recruit people with advanced linguistic skills and cultural awareness.

## Conclusion

We know that this Committee and the Bureau understand that an undercount of Latinos, who account for nearly one of every five persons in the United States, would mean a failed Census for the country, and the work to mobilize the nation's second largest population group to respond to Census 2020 is more important than ever. Standing alongside our nation's Latino leadership and partners, NALEO Educational Fund will work together to educate our community about the census's importance and make sure that every Latino and person is counted in the 2020 Census.

However, we cannot do it alone. Our community needs a strong and unequivocal commitment from the Administration to put in place a plan that will aim to restore the reputation and credibility of the U.S. Census Bureau with Latinos, immigrants and the American public. It will require a significant investment from this Administration and millions in taxpayer dollars to overcome the lingering and chilling effects of the citizenship question effort if we want a successful Census 2020.

We have our work cut out for us with regards to securing a fair and accurate count of Latinos and all who reside in this country, but a citizenship question-free Census form will at least give us a fighting chance to tackle the monumental task of counting every person living in the United States. The Constitution requires this: a complete count of all of our nation's residents to ensure the strength of our representative democracy.

Thus, we look forward to working with Congress, the Administration and the Bureau to accomplish this critical goal. To assist you in this effort, we have included with this testimony more expansive views on the issues discussed, including in our comments submitted to the Department of Commerce in 2018 in response to the Census Bureau's collection of data for the 2020 Census (Federal Register Notice published at 83 FR 26643 on August 7, 2018.)

Thank you for your consideration of our views, and for your attention to the important matter of the success of the 2020 Census.

Attachments:

1. “The Community Speaks: A Report of the National Latino Commission on Census 2020”, NALEO Educational Fund.
2. “The Last Chance to Get It Right: Implications of the 2018 Test of Census for Latinos and the General Public”, Dr. Kevin Escudero, Brown University; Ms. Marisol Becerra, Ohio State University; Ms. Gabriela Domenzain, Somos Humanos.
3. Policy Brief, “The Hispanic Origin and Race Questions in Census 2020: Making the Best of Missed Opportunities and a Flawed Approach”, NALEO Educational Fund

The logo for NALEO Educational Fund is a large, light gray watermark in the background. It features a stylized 'N' and 'A' that form a large circle. Below this graphic, the word 'NALEO' is written in a large, bold, serif font, and 'Educational Fund' is written below it in a smaller, sans-serif font.

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