



Submitted via *regulations.gov*

December 19, 2023

Sheleen Dumas, Department PRA Clearance Officer
Office of the Under Secretary for Economic Affairs, Commerce Department
1401 Constitution Avenue NW
Washington, DC 20230

Re: Comment on Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request American Community Survey and Puerto Rico Community Survey; FR Doc. 2023–23249

The [American Association of People with Disabilities](#) (AAPD) is pleased to offer comments on the proposed revisions to the American Community Survey (ACS) and Puerto Rico Community Survey (PRCS), specifically the questions regarding disability. AAPD works to increase the political and economic power of people with disabilities. As a national disability-led and cross-disability rights organization, AAPD advocates for full civil rights for more than 61 million Americans with disabilities. We do this by promoting equal opportunity, economic power, independent living, and political participation.

Introduction

Alongside the many in the disability community, AAPD has long advocated for greater and more accurate disability data collections. We agree that improvements in revisions to the ACS disability questions need to be made since As they exist currently, the six questions are too limiting and overlook many people with various mental, psychiatric, or communication-related disabilities. The current ACS questions also do not incorporate people with dynamic disabilities that fluctuate or those who identify as having a chronic health conditions. Thus, it is critical that the Census Bureau revise the disability-specific questions in the ACS. However, the current proposed changes would worsen the accuracy of disability-related data and worsen outcomes for disabled people who rely on programs the ACS data informs. .

The ACS questions on disability are one of the few federal data points on disability and are vital for the disability community in local, state, and federal policymaking. As such, these questions and the resulting data must be as precise and accurate as possible. AAPD strongly recommends that the Census not adopt the Washington Group's

proposed disability questions and instead consult with the disability community and researchers studying disability in any further attempt to update the ACS questions.

State and Local Services

State and local governments use ACS data to understand their populations' basic demographic and economic characteristics in order to make informed decisions regarding planning, public health, and other essential services, and to allocate resources for programs that are vital to the disability community, such as Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and other benefit programs. Data from surveys like the ACS are used to measure poverty status and the needs of local communities for things like low-income housing and other infrastructure investments. .

The ACS is essential to improving disability equity as it evaluates the needs of communities and helps state and local governments decide how to navigate issues such as housing affordability and accessibility, education, healthcare, transportation, and more. This data has been used to determine how many rental units to build in neighborhoods¹, how to increase educational attainment levels of underserved communities², to identify populations at risk of becoming homeless, to analyze the levels of food insecurity, and to examine disparities in healthcare³. Affordable and accessible housing, transportation, safety-net programs such as Medicaid and SNAP, and other vital infrastructure on which disabled people rely are already deprioritized and underfunded, and the proposed Washington Group Short Set questions on disability will only lead to further undercounting of people with disabilities and more inadequate funding.

Emergency Management:

Along with the services listed above, ACS data also plays an important role in helping decision-makers in emergency management preparation. This data includes physical factors such as housing and infrastructure, the economic impact on businesses and income levels, and demographic information to determine the most affected and underserved communities (people with disabilities, seniors, lower-income families, etc.).

¹ Engage DOLA. (n.d.). *Resources: Affordable housing baseline estimate references*. . Retrieved December 19, 2023, from https://engagedola.org/prop-123/news_feed/resources-affordable-housing-baseline-estimate-references

² U.S. Census Bureau. (n.d.). *Understanding and Using American Community Survey Data: What Federal Agencies Need to Know*. Retrieved December 19, 2023, from https://www.census.gov/content/dam/Census/library/publications/2020/acs/acs_federal_handbook_2020_ch02.pdf

³ Kaiser Family Foundation. *Health Coverage by Race and Ethnicity, 2010-2021* (2023, April 12). Retrieved December 19, 2023, from <https://www.kff.org/racial-equity-and-health-policy/issue-brief/health-coverage-by-race-and-ethnicity/>

The data collection leads to the basis of evacuation planning, damage assessments, and recovery plans. State and local governments and disaster-related organizations need accurate data to ensure an optimal coordinated response, allocate resources, and prioritize assistance effectively. People with disabilities are disproportionately impacted by natural disasters - they are [two to four times more likely to die or be seriously injured](#) or they tend to be part of underserved communities where the economic impact would be detrimental. In order to better serve disabled people to make sure their lives are not completely ruined by emergencies and disasters, we need to start by making sure we have a clear picture of the communities, demographics, and resources at hand before a catastrophe strikes.

Voting

Finally, none of the initiatives or services the local, state, or federal governments have planned could be enacted if the right people are voted in. Collecting accurate data on the number of disabled voters and on the types of disabilities among eligible voters is crucial to ensuring our elections are accessible. As reports from the [Government Accountability Office](#) and the [U.S. Election Assistance Commission](#) have shown, disabled voters experience difficulty voting at higher rates than nondisabled peers of similar demographics. These barriers have consistently contributed to a significant turnout gap between disabled and nondisabled voters. Thanks to [data](#) collection efforts , we have also seen an increase in election accessibility, particularly in states that expanded mail-in voting options. This information is key in helping election officials, from the federal to county level, facilitate elections. Understanding the experiences and needs of voters with disabilities can help election officials improve accessible voting machines, ballot marking devices, polling place setups, and poll worker training, ultimately leading to better participation in elections.

As so much of election planning and facilitation is left to local officials, federally collected data, especially at the detailed level in the ACS, provides crucial support in making sure elections are equitable. For example, the ACS can [help local election officials determine what languages must be provided](#) per Section 203 of the Voting Rights Act. Leveraging the ACS data on disability can also help election officials plan for better accessibility at polling places, such as assistance for those who speak another language or those who need assistance marking their ballot. Understanding the population needs could also support officials in increasing the number of accessible voting machines at each polling site.

Beyond preparing for elections, the ACS is also essential in protecting voting rights and in drawing fair legislative districts. Section 2 of the Voting Rights Act prevents discrimination on the basis of race, ethnicity, or language minority status, but the population must meet a certain population size. The [only data available on these demographics at the local level needed is in the ACS](#).

In addition to the act of voting, accurate data on disability can also impact elections generally. As candidates running for office look to engage with voters in their community, accurate data on disability populations can also impact the accessibility of campaigns, how campaigns determine outreach, and what policies campaigns include in their messaging.

The issues listed above, and many more, are vital to people with disabilities, and many of the policy decisions made that directly impact disabled people's lives are based on ACS data. It is critical that an accurate representation of the disability community is portrayed in order to receive the resources and be a part of the decisions listed above.

Proposed Changes to the ACS

The current set of disability questions in the American Community Survey, along with their restrictive and binary yes or no answers, leads to the undercounting of Americans with disabilities. The proposed Washington Group Short Set presents similar questions but supplies a choice of answers on a gradable scale, such as "no difficulty," "some difficulty," "a lot of difficulty," or "cannot do at all." The WGSS questions, however, would exacerbate the undercounting of disabled people because the WGSS defines having a disability as responding to "a lot of difficulty" or "cannot do it all" to one or more questions. Many disabled people have "no difficulty" or "some difficulty" in performing the functions encompassed by the WGSS; however, that does not mean they do not have a disability.

Under the Americans with Disabilities Act (ADA), an individual with a disability is defined as "someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment." Rather than improving longstanding inadequacies in how the ACS measures disability, the Washington Group Short Set questions on disability further restrict this definition to experiencing "a lot of difficulty" or "cannot do at all" in the areas of vision, hearing, mobility, self-care, and communication, which excludes many people with disabilities. For instance, an individual on the autism spectrum may have no difficulty seeing, hearing, ambulating, bathing, or getting dressed but may require sensory accommodations at their place of employment, such as noise-canceling headphones or modified lighting.

AAPD urges the Census Bureau to not implement its proposal to replace the current ACS disability questions with the WGSS questions. The proposed WGSS do not encompass the varied ways that individuals experience disability, and will only serve to exacerbate the undercounting of disabled people in the American Community Survey.

Any changes to the ACS disability questions should only be made after the Census Bureau has consulted with disabled people, disability rights groups, and other stakeholders to help craft any revisions or additions to the ACS questions on disability. Ensuring that the ACS questions on disability lead to the collection of accurate data is

vitaly important. In addition, we support the development and inclusion of open-ended questions that allow survey respondents to describe in their own words their disability and how it affects their lives.

Furthermore, we urge the ACS to consider partnering with the Center for Medicare & Medicaid Services to link ACS question responses to Medicaid and Medicare claims in order to more accurately understand the healthcare and long-term services and supports utilization profiles of people with disabilities identified using the ACS disability questions.

Conclusion

In conclusion, the Census Bureau should reject proposed changes to the disability questions in the American Community Survey, and there should be active engagement and consultation with the disability community, as discussed above. Thank you for the opportunity to comment on the proposed changes from the Census Bureau. AAPD also supports the comments submitted by other disability rights groups, such as the Consortium of Constituents with Disabilities and the National Partnership for Women and Families. If you have questions about anything in the comments, please contact Rachita Singh at rsingh@aapd.com or Michael Lewis at mlewis@aapd.com.

Sincerely,



Rachita Singh
Michael Lewis
Policy Associate
AAPD



Vice President of Policy
AAPD