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106TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | REPORT 106–96

2000 CENSUS LANGUAGE BARRIER REMOVAL ACT

APRIL 19, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BURTON of Indiana, from the Committee on Government Reform, submitted the following

REPORT

together with

Minority Views

[To accompany H.R. 929]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform, to whom was referred the bill (H.R. 929) to amend title 13, United States Code, to require that the questionnaire used in taking the 2000 decennial census be made available in certain languages besides English, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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I. Summary of Legislation

H.R. 929 amends title 13, of the United States Code, to require the short form questionnaire that will be used in taking the 2000 Decennial Census be made available in certain languages, including Braille, aside from English. This bill also gives the Secretary of Commerce the authority to choose which method the additional forms will be made available to the public to best enhance response rates.

II. Background Information and Need for Legislation

H.R. 929 was introduced by Mr. Miller to address concerns that the Census Bureau will print census forms in only five languages other than English (Chinese, Korean, Spanish, Tagalog, and Vietnamese) in the 2000 Decennial Census. This legislation requires the Secretary to print the short form questionnaire in 33 languages other than English, including Braille. The United States is home to immigrants from nearly 100 countries around the world, and providing the census questionnaires in a myriad of languages will better reflect the diversity of our country. This legislation also provides an added advantage in outreach to local ethnic communities who otherwise would not be inclined to fill out a census form in English. People would be more likely to correctly complete and return a census form in their native tongue if they feel comfortable and thoroughly understand the questions. Included in this outreach, there are an estimated 750,000 blind people across the country, of which over 20% read Braille. It is important that the Bureau issue an alternative version of the questionnaire in Braille to count these people.

According to the Bureau, the current plan to print the questionnaires in five languages will reach 99 percent of the population in the United States. Meanwhile, the Bureau will not attempt to reach the remaining one percent of the population (2.7 million people). The Bureau plans to address the remainder of the population that speaks foreign languages through Telephone Questionnaire Assistance Centers and foreign language assistance booklets. This is insufficient outreach to a sector of the population that tends to be undercounted due to the lack of adequate communication. The result of adding 33 additional languages would be an effective increase in outreach to boost the response rate, and serve as a cost-effective measure. An increased mail response rate from returned questionnaires would offset follow-up costs in the field.

To secure responses from the greatest number of households, this legislation gives the Secretary the discretion to decide how the forms should be made available to the public. An example of how the forms would be distributed throughout various communities may include a targeted mailing, or placing the forms at certain official Census Bureau locations ("Be Counted sites") in areas where it is known that the languages are predominately spoken.

The Congress is committed to achieving the most accurate census possible. This goal can be achieved through the highest level of outreach and communication possible, and it is necessary to employ the resources that reinforce these notions. Printing questionnaires in alternative languages to try and reach 100 percent of the popu-

lation is one step in securing the level of outreach the Bureau must maintain to ensure that each person is counted in the 2000 Decennial Census.

III. Legislative Hearings and Committee Actions

H.R. 929 was introduced on March 2, 1999 by the Honorable Dan Miller (R–FL). The bill was referred to the Committee on Government Reform on March 2, 1999, and it was referred to the Subcommittee on the Census March 10, 1999. The Subcommittee held a mark-up on March 11, 1999. No amendments were offered, and the measure was ordered favorably reported to the full Committee by a rollcall vote of 6–4.

RECORD VOTE

Date: March 11, 1999.

Summary: Passage of H.R. 929.

Vote by Members: Mr. Miller—Aye; Mr. Doolittle—Aye; Mr. Davis of Virginia—Aye; Mr. Souder—Aye; Mr. Ryan—Aye; Mr. Burton—Aye; Mrs. Maloney—Nay; Mr. Davis of Illinois—Nay; Mr. Ford—Nay; Mr. Waxman—Nay.

IV. Committee Hearings and Written Testimony

The Committee did not hold any specific legislative or oversight hearings on H.R. 929. However, during an oversight hearing entitled "Oversight of the 2000 Census: Examining the America Counts Today (ACT) Initiatives To Enhance Traditional Enumeration Methods," held on March 2, 1999, the issue addressed by this legislation was mentioned.

V. Explanation of the Bill as Reported: Section-by-Section Analysis

Section 1. Short Title. This Act may be cited as the "2000 Census Language Barrier Removal Act."

Section 2. This section adds a requirement to Subchapter I of chapter I of title 13, United States Code, insert § 17—relating to census questionnaires—(a) where the Secretary shall design a program to print the short form questionnaires used in taking the 2000 Census in alternative languages, other than English. Upon request, a household shall receive a questionnaire in the alternative language. Furthermore, the alternative language short form questionnaires will be made available to the public in the manner the Secretary deems most feasible to effectively increase response rates in targeted areas. (b) The alternative language questionnaires shall be printed in the following versions: Arabic, Armenian, Bengali, Cambodian, Chinese, Creole, Czech, Dutch, Farsi, French, German, Greek, Hindi, Hungarian, Italian, Japanese, Korean, Lao, Latvian, Lithuanian, Norwegian, Polish, Portuguese, Romanian, Russian, Samoan, Serbo-Croatian, Spanish, Tagalog, Thai, Ukrainian, Vietnamese, Yiddish, and such other languages as the Secretary considers appropriate, as well as English Braille.

VI. Compliance With Rule XIII

Pursuant to rule XIII, clause 3(c)(1) of the Rules of the House of Representatives, under the authority of rule X, clause 2(b)(1) and clause 3(e), the results and findings from committee oversight activities are incorporated in the bill and this report.

VII. Budget Analysis and Projections

The budget analysis and projections required by section 308(a) of the Congressional Budget Act of 1974 are contained in the estimate of the Congressional Budget Office.

VIII. Cost Estimate of the Congressional Budget Office

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 7, 1999.

Hon. Dan Burton,
Chairman, Committee on Government Reform,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 929, the 2000 Census Language Barrier Removal Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Hadley.

Sincerely,

Barry B. Anderson
(for Dan L. Crippen, Director).

Enclosure.

H.R. 929—2000 Census Language Barrier Removal Act

In conducting the decennial census in 2000, the Bureau of the Census will mail every household a questionnaire. The bureau plans to provide an alternative questionnaire in five languages other than English (Spanish, Chinese, Vietnamese, Tagalog, or Korean) to those households that request one in writing. H.R. 929 would require the bureau to provide requesting households an alternative questionnaire in one of 34 languages, including English Braille. The bill also would allow the bureau of make additional copies of questionnaires in alternative languages available to enhance response rates in the 2000 decennial census.

Based on information from the bureau, CBO estimates that implementing H.R. 929 would cost between $10 million and $20 million in 2000, assuming appropriation of the necessary amount. H.R. 929 would not affect direct spending of receipts; therefore, pay-as-you-go procedures would not apply. H.R. 929 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and would impose no costs on state, local, and tribal governments.

Based on information from the bureau, CBO estimates that the bureau would spend between $5 million and $10 million to provide questionnaires in additional languages. According to the bureau, 1 percent of households cannot speak English or one of the five languages currently included on the alternative questionnaires. Al-

though there would be relatively few questionnaires in additional languages, the cost per questionnaire would be significantly higher than the costs of questionnaires for the six languages currently included. The bureau would have to change their marketing materials to inform households of the alternative forms. Most languages other than Spanish and English must be transmitted to printers on film (rather than electonic filed), so the printing process would be more expensive. Printing questionnaires in Braille would require special computer generated zinc plates.

Collecting data from questionnaires in additional languages also would be more expensive. The bureau plans to spend about $600 million over the 1998–2000 period on automated data processing and telecommunications support. CBO expects the bureau would not construct automated systems to capture the data from the alternative forms, but instead, would translate and manually enter the information into a database. CBO estimates that the bureau would spend between $5 million and $10 million to process questionnaires in 34 additional languages.

In addition to the costs cited above, H.R. 929 could affect spending by the Bureau of the Census in two other ways, but CBO cannot estimate their efforts. First, the bureau would likely incur additional costs to process more duplicate questionnaires if forms in multiple languages are made available in community centers. Second, because H.R. 929 could increase the rate of response by mail, it could reduce the costs for having temporary employees telephoning or visiting households that did not respond to the questionnaire. The bureau estimates that a 1 percent increase in the response rate would save $25 million. Hence, it is possible that implementing H.R. 929 could increase the mail response rate enough to offset part of the estimated $10 million to $20 million in costs; but CBO has no basis for estimating the bill's likely effect on the response rate.

The CBO staff contact is Mark Hadley. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

IX. Specific Constitutional Authority for This Legislation

Clauses 1 and 18 of Article 1, Sec. 8, and Article 1, Sec. 2 of the Constitution grant Congress the power to enact this law.

X. Committee Recommendation

On March 17, 1999, a quorum being present, the Committee on Government Reform ordered the bill favorably reported.

RECORD VOTE

Date: March 17, 1999.

Amendment Number 1 to H.R. 929.

Summary: Page 2, strike line 5 and all that follows through page 3, line 3, and insert the following.

Offered by: Hon. Eleanor Holmes Norton.

Failed by recorded vote: 20 ayes; 24 nays.

Vote by Members: Mr. Burton—Nay; Mr. Gilman—Nay; Mrs. Morella—Nay; Mr. Shays—Nay; Ms. Ros-Lehtinen—Nay; Mr.

McHugh—Nay; Mr. Horn—Nay; Mr. Mica—Nay; Mr. Davis of Virginia—Nay; Mr. McIntosh—Nay; Mr. Souder—Nay; Mr. Scarborough—Nay; Mr. LaTourette—Nay; Mr. Sanford—Nay; Mr. Barr—Nay; Mr. Miller—Nay; Mr. Hutchinson—Nay; Mr. Terry—Nay; Mrs. Biggert—Nay; Mr. Walden—Nay; Mr. Ose—Nay; Mr. Ryan—Nay; Mr. Doolittle—Nay; Mrs. Chenoweth—Nay; Mr. Waxman—Aye; Mr. Lantos—Aye; Mr. Wise—Aye; Mr. Owens—Aye; Mr. Towns—Aye; Mr. Kanjorski—Aye; Mrs. Mink—Aye; Mr. Sanders—Aye; Mrs. Maloney—Aye; Ms. Norton—Aye; Mr. Fattah—Aye; Mr. Cummings—Aye; Mr. Kucinich—Aye; Mr. Blagojevich—Aye; Mr. Davis of Illinois—Aye; Mr. Tierney—Aye; Mr. Turner—Aye; Mr. Allen—Aye; Mr. Ford—Aye; Ms. Schakowsky—Aye.

Date: March 17, 1999.

Summary: Final Passage of H.R. 929.

Offered by: Hon. Dan Miller.

Approved by recorded vote: 23 ayes; 21 nays.

Vote by Members: Mr. Burton—Aye; Mr. Gilman—Aye; Mrs. Morella—Nay; Mr. Shays—Aye; Ms. Ros-Lehtinen—Aye; Mr. McHugh—Aye; Mr. Horn—Aye; Mr. Mica—Aye; Mr. Davis of Virginia—Aye; Mr. McIntosh—Aye; Mr. Souder—Aye; Mr. Scarborough—Aye; Mr. LaTourette—Aye; Mr. Sanford—Aye; Mr. Barr—Nay; Mr. Miller—Aye; Mr. Hutchinson—Aye; Mr. Terry—Aye; Mrs. Biggert—Aye; Mr. Walden—Aye; Mr. Ose—Aye; Mr. Ryan—Aye; Mr. Doolittle—Aye; Mrs. Chenoweth—Aye; Mr. Waxman—Nay; Mr. Lantos—Nay; Mr. Wise—Nay; Mr. Owens—Nay; Mr. Towns—Nay; Mr. Kanjorski—Nay; Mrs. Mink—Nay; Mr. Sanders—Nay; Mrs. Maloney—Nay; Ms. Norton—Nay; Mr. Fattah—Nay; Mr. Cummings—Nay; Mr. Kucinich—Nay; Mr. Blagojevich—Nay; Mr. Davis of Illinois—Nay; Mr. Tierney—Nay; Mr. Turner—Nay; Mr. Allen—Nay; Mr. Ford—Nay; Ms. Schakowsky—Nay.

XI. Congressional Accountability Act; Public Law 104–1; Section 102(B)(3)

H.R. 929 requires the Secretary of Commerce to print the short form questionnaires used in taking the 2000 Decennial Census in alternative languages, aside from English. The Act does not apply to the House of Representatives or to the Senate, thus H.R. 929 does not apply to Congress.

XII. Unfunded Mandates Reform Act; Public Law 104–4, Section 423

The Committee finds that the legislation does not impose any Federal mandates within the meaning of section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

XIII. Federal Advisory Committee Act (5 U.S.C. App.) Section 5(b)

The Committee finds that the legislation does not establish or authorize establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

XIV. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 13, UNITED STATES CODE

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CHAPTER 1—ADMINISTRATION

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1. Definitions.

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17. Requirement relating to census questionnaires.

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SUBCHAPTER I—GENERAL PROVISIONS

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§ 5. Questionnaires; number, form, and scope of inquiries

The Secretary shall prepare questionnaires, and shall determine the inquiries, and the number, form, and subdivisions thereof, for the statistics, surveys, and censuses provided for in this [title.] *title, subject to section 17.*

* * * * * * *

§ 17. Requirement relating to census questionnaires

(a) The Secretary shall design and carry out a program under which—

(1) the short form used in taking the 2000 decennial census shall, in addition to being printed in English, be prepared in each of the alternative versions described in subsection (b);

(2) upon request, a household shall, instead of receiving the printed English version of that short form, be sent the alternative version (described in subsection (b)) specified in its request; and

(3) those alternative versions shall otherwise be made available to the public in such manner as will, in the judgment of the Secretary, most effectively enhance response rates in the 2000 decennial census.

(b) The versions described in this subsection are Arabic, Armenian, Bengali, Cambodian, Chinese, Creole, Czech, Dutch, Farsi, French, German, Greek, Hindi, Hungarian, Italian, Japanese, Korean, Lao, Latvian, Lithuanian, Norwegian, Polish, Portuguese, Romanian, Russian, Samoan, Serbo-Croatian, Spanish, Tagalog, Thai, Ukrainian, Vietnamese, Yiddish, and such other languages as the Secretary considers appropriate, as well as braille (for at least English).

(c) For purposes of this Act—

(1) the term "decennial census" means a decennial census of population conducted under section 141(a); and

(2) the term "short form" refers to the short form of the questionnaire used in taking a decennial census.

* * * * * * *

MINORITY VIEWS

H.R. 929 is supposed to address the enumeration of non-English speaking households, when in reality it does little other than muddle a process that as currently planned by the Census Bureau is both thorough and concise. What this bill does accomplish is to require the Census Bureau to renegotiate existing printing contracts and establish a second system for distributing foreign language forms which will compete with existing programs for funding.

This bill micro-manages the census. It would require the Secretary to print the census short forms in Braille and 33 languages other than English. Foreign language forms would be required to be provided upon request.

Passage of this bill would present serious problems for the Census Bureau. Dr. Prewitt, director of the Census Bureau, wrote to the Secretary of Commerce on this bill stating:

> Were H.R. 929 to become law, the entire census questionnaire workflow for receipt, image capture, transcription, and key-from-paper would have to be modified. We would have to renegotiate our largest contracts—including nearly 20 printing contracts; the contracts for the Telephone Questionnaire Assistance program; Data Capture and Data Capture Service Centers.
>
> An extensive amount of planning and evaluation has gone into developing a system for mailing a pre-census letter to 120 million households and for announcing the availability of questionnaires in six languages including English, which account for 99 percent of all households in the U.S. The wording on this pre-census letter has been carefully designed to minimize confusion and maximize cooperation. If H.R. 929 became law, we would have to figure out how to announce the availability of forms in another 27 languages, which may be of concern to approximately one million households, without confusing the remaining 119 million households.[1]

The minority is concerned that all persons be counted, and is particularly concerned about those persons who do not speak or read English. That is why we oppose this bill. This bill does not further the enumeration of all people, but rather is less effective than the plan designed by the Census Bureau. Indeed, the Census Bureau considered and specifically rejected a plan very similar to the one encapsulated in the bill after a thorough business analysis.

The Census Bureau has developed a program to reach 99% of the households in America. That program is integrated into the basic mail-out/mail-back structure of the census. To reach the remaining

[1] Kenneth Prewitt, Director of the Census Bureau, Memorandum for the Secretary, 2 (March 16, 1999).

1% of the households, the Census Bureau has developed an integrated language program that involves 15,000 paid temporary staff positions in the Questionnaire Assistance Centers, drawn from a wide range of language communities, and will prepare 15 million assistance guides in several dozen languages. H.R. 929, if enacted, would divert funds away from this more effective plan.

The minority proposed an amendment to this bill at both the Subcommittee and full Committee markups. That amendment would have reiterated the congressional goal that the Census Bureau should make every effort to assure that all people are counted regardless of the language they speak. It would, however, leave the design and implementation strategy for that goal to the professionals at the Census Bureau. The amendment was rejected both times on a party-line vote.

Taking the census is a complicated task. The Census Bureau is charged with counting 120 million addresses and 275 million persons and matching them up on a single day—April 1, 2000. To accomplish that task the Census Bureau will go from a work force of 10,000 employees to over 500,000 employees and back to 10,000 in a six-month period. The Census Bureau must count people in the most dangerous parts of the United States and in gated communities where strangers are barred by armed guards. It must count the homeless and those in temporary housing. All of this is done under the scrutiny of every local official in the country.

The design to accomplish this task involves years of planning, and then that design must be translated into detailed activity schedules which lay out each procedure and how it intertwines with every other procedure. This bill is designed to throw a monkey wrench into the cogs of that machine. Congress should provide the Census Bureau with policy guidance, but it should not interfere with the professionals as they carry out this enormous task.

HENRY A. WAXMAN.
JAN SCHAKOWSKY.
TOM ALLEN.
BERNARD SANDERS.
EDOLPHUS TOWNS.
JIM TURNER.
ELIJAH E. CUMMINGS.
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