

H.3115 Frequently Asked Questions

1. Some proponents of the bill said, “the opponents complained that the data collection in H.3361 was mandatory and for Asian Americans only, and now it is optional and for everyone, they are still complaining.” Are we being unreasonable? No.
 - a. Being mandatory and for Asian Americans only were two obvious concerns. Deep down, it was the fear of profiling, discussed extensively during the H.3361 hearing on 1/30/2018.
 - b. Putting a bandage on a deep wound is not a fix. The concerns about profiling and discrimination still exist even if it is optional and for everyone. See Q2 and Q3.

2. Why is it still a problem if the data collection is optional?
 - a. Anything on an official government form carries implicit authority. Many may fill in the information unwillingly for fear of mistreatment for their perceived lack of cooperation.
 - b. The stress is not optional. The question itself causes stress to people from stigmatized countries and makes them feel uncomfortable.
 - c. The potential of mis-use and misinterpretation is not optional. The bill intends to find disparities among ethnic groups for policy making, which affects everyone.
 - d. People from stigmatized countries may be more likely to opt out, causing skewed data.
 - e. The citizenship question for the census form, which people can choose not to fill, faced strong opposition and failed, even with the strict privacy protection under Title 13.

3. The bill has been expanded to all races--why are both sides still predominantly Asian?
 - a. It just says that this is still very much an Asian Data Disaggregation Bill¹.
 - b. Not all racial groups are affected equally by this bill. Asian Americans are often perceived as perpetual foreigners, more likely to be scapegoated for geo-political conflicts.
 - c. Americans of Middle Eastern and North African descent are also sensitive to profiling²; bill sponsors should add these countries and get feedback from these communities.

4. H.3115 has data protection, doesn't it?
 - a. H.3115 states that individual data is not available to the public but available to state government agencies, creating an opportunity for unequal treatment and discrimination by the very people who hold power.
 - b. As a contrast, the census data is used purely for counting heads, and no other entities, including FBI, IRS and CIA, have access to the individual data collected by the census.

5. Some people welcome it, for example, Chair Pacheco was delighted that Portuguese was added to the bill.
 - a. If your country of origin is friendly with the U.S., you are usually not concerned. It is a privilege that not everybody has.
 - b. If your country of origin has a strained relationship with the U.S., the possibility of being targeted is real, especially for minority groups without political power.

¹ The bill lists 24 subgroups for AAPIs that make up less than 7% of the population, and 21 subgroups for the remaining 93%. While it claims to be a partial list, this discrepancy seems to go against the “equitable representation” that the bill claims to seek. Also, this partial list includes entities not recognized by the Census Bureau.

² The proposal to have a checkbox for Middle Eastern and North African on the census form was rejected ([link](#)).

6. What about helping people with language/food needs?
 - a. The best way to address language needs is to collect data on language needs. Second generation or later usually speak English as their first language.
 - b. Chinese is not a language. Mandarin, Cantonese and Taishanese are commonly used.
 - c. For food, why not ask what they want? Also, many people have dietary restrictions, including religion-related dietary restrictions.

7. What about helping lower income families?
 - a. The best way to identify lower income families is to look at income; there is tremendous disparity within every ethnic group in terms of income.
 - b. The Census Bureau makes statistical data available as granular as the block level, which should be sufficient for research and policy making.
 - c. Even if individual data can help researchers and organizations get more funding, are their funding needs above people's constitutional rights?

8. What about medical needs?
 - a. Race/ethnicity is a social construct, not a biological or medical definition ([link](#)).
 - b. For a Vietnamese American who is ethnic Chinese, which box to check?
 - c. Interethnic and interracial marriages are common; what do you do with their offspring?
 - d. The information about which ethnic groups have higher percentages of certain diseases can be misused by insurance companies, and lead doctors to the wrong diagnosis.

9. Why are the opponents of the bill predominantly Chinese Americans?
 - a. The concerns among Chinese Americans are particularly strong due to the tension between the U.S. and China, and the perpetual foreigner bias.
 - b. Anti-Asian and anti-Chinese hate crimes in 2020 and 2021 tell us that it is very real.
 - c. We are not just fighting for ourselves. It could be the Muslim community after 9/11, Japanese Americans in the Vincent Chin era, and another group in the future. **We are fighting for everyone.**

10. But the bill is trying to help...
 - a. Good intentions are great but not enough. We will have to evaluate carefully how a bill will truly affect people's lives.
 - b. For example, Muslims and Jews may face discriminations and have unique needs. Imagine how they would feel if all government agencies asked an "optional" question about their religion for the sake of helping them?
 - c. The proverb says, "the road to hell is paved with good intentions."

This message is brought to you by the Asian Americans for Equal Rights and the Chinese Americans of Massachusetts.

