

April 26, 2023

Honorable Richard L. Revesz
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
9th Floor
1800 G Street, NW
Washington, DC 20503

RE: 88 FR 5375 – OMB's 1997 Statistical Policy Directive No. 15 Revision

Dear Administrator Revesz,

We write in response to the Notice titled “Initial Proposals For Updating OMB's Race and Ethnicity Statistical Standards,” published in the *Federal Register* on January 27, 2023, requesting comments on proposals to improve the quality and usefulness of federal government data by updating the Office of Management and Budget (OMB) Statistical Policy Directive 15 (SPD 15). As discussed below, we urge OMB to adopt the primary proposals of the Federal Interagency Technical Working Group on Race and Ethnicity Standards (Working Group) to ensure that federal data collection efforts, including the census, fully, fairly, and accurately reflect the country’s diverse populations, particularly historically underrepresented communities.

I. About the Census Equity Initiative

The Census Equity Initiative (CEI) is a philanthropic collaborative of hundreds of funders that came together to spearhead a nationwide campaign to ensure a fair and accurate 2020 Census, particularly in historically undercounted communities, and continues its work looking toward the 2030 Census. 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, Heising-Simons Foundation, 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 as a whole and not on behalf of any of the individual members noted here.)

CEI includes leaders of nonpartisan philanthropic institutions from across the country, large and small, giving hundreds of millions of dollars each year to advance the common good and improve the quality of life in the United States. Across our varied institutions, we share a commitment to reliable and accurate data as a necessary foundation for a well-functioning government, robust civil society, and thriving business sector in the United States. We rely on accurate, detailed racial and ethnic data to help identify community needs, prioritize where and how to invest resources, and measure and evaluate our grantmaking’s effectiveness. Likewise, our grantees and partners rely on such data to serve communities—especially those historically underrepresented and underserved—through their work on various issues, including poverty,

health care, housing, criminal legal system reform, environment, racial equity, education, and infrastructure. We have different funding priorities, are ideologically diverse, and do not always agree with each other. But as set forth below, we agree with key recommendations from the Working Group for revising SPD 15.

II. Importance of Fair and Accurate Data on Race and Ethnicity

Accurate data on race and ethnicity are necessary to reveal and address disparate impacts of laws, programs, and policies and to ensure that public and private programs effectively meet the needs of diverse communities. For example, data on race and ethnicity are instrumental in evaluating employment and education programs, uncovering health disparities between groups, supporting environmental justice initiatives, and allocating resources to tribal communities.

In the context of Tribal Nations, race and ethnicity data are referenced in almost every legislation or agency rule impacting Tribal Nations and Native people. It is vital to acknowledge the distinct political status of American Indian/Alaska Native (AI/AN) identity and the treaty obligations between Tribal Nations and the United States. While the OMB AI/AN racial category is commonly used in federal data collections, it may not fully capture the complexity of AI/AN identity, which may also be defined by political and legal status rather than by race or ethnicity.

Data on race and ethnicity—or, to an extent, political status in the case of AI/AN—are essential to detecting disparate impacts and enforcing laws and policies that promote equal opportunities and justice, such as the Voting Rights Act of 1965, which uses race and ethnicity data to uncover evidence of racial discrimination in voting practices and policies. This information is also used to detect disparate impacts on certain groups in the programs and services offered under fair housing laws like the Fair Housing Act and the Home Mortgage Disclosure Act.¹ These data inform policymakers' efforts to fulfill treaty responsibilities, eliminate disparities, and promote equal opportunities. Additionally, foundations and philanthropic institutions that work with the government and communities rely on these data to improve the lives of all Americans.

III. Limitations of the Current Standards

A. Issues with the Two-Question Format

The current standards, last updated in 1997,² do not fully reflect the changing demographics of our society and the growth of multiracial and multiethnic communities.³ The current standards require separate questions on race and ethnicity whenever respondents self-report, which many people find confusing. Respondents are first asked a question about Hispanic origin, followed by a separate question on race. Those responding affirmatively to the Hispanic origin question may not see an answer choice on the race question that matches the way they identify and either skip the question or select "Some Other Race."

¹ Brumfield, Cara, Casey Goldvale, and Christopher Brown. "GCPI Brief: Race & Origin Questions in Context." Georgetown Center on Poverty and Inequality, June 2019. Available at: <https://www.georgetownpoverty.org/wp-content/uploads/2019/06/GCPI-ESOI-Race-and-Origin-Questions-in-Context-20190606.pdf>.

² U.S. Census Bureau, "Research to Improve Data on Race and Ethnicity." March 3, 2017. Available at: <https://www.census.gov/about/our-research/race-ethnicity.html>.

³ Ibid.

According to the Census Bureau's research, the two-question format produces less accurate demographic data.⁴ In fact, Some Other Race is now the second largest racial group in the country, according to the 2020 Census. However, Some Other Race was only intended as a "small, residual" category for those individuals who do not identify with any of the OMB's five minimum reporting categories for race and was not designed to be a sizable population group.⁵ This outcome highlights a discrepancy between how people identify themselves and how the information is collected. Consequently, the resulting data are less helpful for policymaking, enforcement of civil rights laws, and identifying and providing needed community services.

B. Invisibility of the MENA Population

Additionally, many of our grantees and partners have long raised concerns over the lack of detailed information on the growing Middle Eastern and North African (MENA) population in the United States, which has made it difficult to measure discrimination and disparities in services. Current standards define MENA populations as "White." This categorization has rendered people from the MENA region invisible in the data, hampering the ability to provide necessary services, conduct health research, and enforce civil rights protections.

IV. Challenges and Complexities of Updating the Standards

We recognize that changing the standards to obtain more accurate and inclusive data is a complex task with many challenges. OMB seeks comments on the Working Group's proposal to shift from the two-question format to a single combined question format on race and ethnicity that includes a distinct ethnic category for MENA, where respondents may check all boxes that apply. The Census Bureau's extensive research finds that "the optimal design" for improving race and ethnicity data is the combined question with multiple detailed checkboxes and a dedicated MENA category.⁶ Yet changing the design raises the prospect that the count for some races or ethnicities may change. For example, Afro-Latino advocates worry that some Afro-Latinos will only identify as Latino and not also select Black in a combined question.

This problem may already exist today under the current standards and could very well continue with the proposed new standards. We live in a country with a long history and current reality of racism and discrimination. Consequently, some people of mixed race and ethnicity may hesitate to self-identify as Black. When there is an undercount of Black people, it further disempowers and harms a community of people who already face the most significant barriers to equal treatment.

Fortunately, there is no evidence in the Bureau's research that the proposed change will exacerbate this problem. In fact, testing of the combined question design with a MENA category and multiple detailed checkboxes found an increase in the proportion of Hispanic respondents

⁴ Ibid.

⁵ U.S. Census Bureau, "2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment." February 28, 2013. Available at: <https://www.census.gov/programs-surveys/decennial-census/decade/2010/program-management/cpex/2010-cpex-211.html>.

⁶ Nicholas Jones and Roberto Ramirez, "Spotlight on U.S. Census Bureau Research to Inform Discussions for Improving Federal Race and Ethnicity Data Standards," U.S. Census Bureau, March 21, 2023. Presentation at a conference convened by the Leadership Conference on Civil and Human Rights.

that identified as Black when compared to a combined question format.⁷ As noted below, we urge OMB and the Census Bureau to work together with philanthropy and other stakeholders to develop focused messages and educational materials that encourage inclusive responses to a combined question.

The Census Bureau's research shows the combined question yields better data overall on Latino ethnicity, needed data on MENA households, a major decrease in Some Other Race reporting, a more accurate picture of the Non-Hispanic White population, and no negative impacts for other major race groups, such as Black or AI/AN.⁸ While the research shows promising results, we note that AI/AN experts have raised concerns about limitations in the research in its coverage of indigenous people—particularly in rural areas—and that further targeted research may be advisable to ensure that the implementation of the recommendations will accurately count these communities.

We understand that no set of standards will be perfect. Moving forward, we encourage OMB to consider updating the standards in a more timely manner, allowing government agencies to be responsive to society's evolving needs in race and ethnicity data collection. At the same time, the current standards need to be updated now because the resulting data are becoming less useful and less reflective of our society today, which undermines the quality of the data.

V. Proposed Changes and Recommendations

For these reasons:

- (1) ***The Combined Question.*** We support the Working Group's recommendation to adopt a combined question for collecting self-reported race and ethnicity information. This approach will lead to a more accurate, inclusive portrait of the nation's diverse and changing population. As demonstrated by Census Bureau research conducted during the 2010 Census, a combined question substantially reduced the selection of Some Other Race and improved item nonresponse rates compared to a separate question format.⁹ Additional substantial research by the Census Bureau in 2015 provides strong evidence that a combined question is the most effective approach, leading to more accurate reporting and similar or higher levels of detailed reporting for all major groups.¹⁰

However, we urge additional focused research and testing, as well as close consultation with community leaders, to determine the optimal national origins to use for checkboxes and examples for each major race and ethnicity group. Those decisions can help ensure that respondents "see themselves" in as many appropriate categories as possible. The checkboxes and examples proposed in Figure 2 in the Notice may not be optimal for achieving that important goal. For example, OMB should consult with stakeholders about whether to include Afro-Latino or specific Afro-Latino national origins (such as Dominican) as checkboxes or examples under the Black or African American race

⁷ U.S. Census Bureau, "2015 National Content Test: Race and Ethnicity Analysis Report," February 28, 2017, page 290, Table H13. Table H15 on page 291 shows this was especially true for paper data collections. Available at <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf>.

⁸ Op. Cit., Nicholas Jones and Roberto Ramirez.

⁹ U.S. Census Bureau, "2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment." February 28, 2015. Available at: <https://www.census.gov/programs-surveys/decennial-census/decade/2010/program-management/cpex/2010-cpex-211.html>.

¹⁰ Ibid.

category. The Census Bureau should test those possibilities for resonance with respondents.

- (2) ***Inclusion of MENA as an Ethnic Category.*** We support the Working Group's proposal to add MENA to SPD 15 as a new minimum reporting category distinct from all other reporting categories in a combined question format. Further, the MENA category should be an ethnic reporting category, as people from the MENA region can be of different races. The Census Bureau's research showed that using a distinct MENA category elicits higher-quality data and allows respondents to report their identities accurately.¹¹ The results indicate that a dedicated MENA category is optimal for gathering fair and accurate data on MENA populations.
- (3) ***Updated Question Instructions.*** We agree with the Working Group's determination that the instructions for the race and ethnicity questions need to be updated to ensure that respondents understand that they still have the option to select both a race and ethnicity category and can choose more than one of both categories. We are mindful that race and ethnicity are distinct concepts; it is important to maintain the collection and reporting of robust data on race and ethnicity to facilitate anti-discrimination initiatives and measure the effects of systemic racism. For a more inclusive and comprehensive understanding of racial and ethnic identities, we recommend using detailed checkboxes while also employing write-in lines to collect detailed responses. This approach will enable a better understanding of complex and diverse identities.

We recommend that new instructions be robustly researched and refined as part of the implementation process. OMB should also work with the Census Bureau and other federal agencies to educate the public about changes to the standards and why accurate race and ethnicity data are critical to effective government policies and community services.

- (4) ***Detailed Race and Ethnicity Categories.*** We support the Working Group's proposal to *require* agencies to go beyond the minimum major race and ethnicity categories to include the detailed categories by default in their data collection. It is crucial for communities to have comprehensive disaggregated data for all racial and ethnic subgroups to ensure the utility of the collected data for providing services and guiding informed public policies. Providing data only on broader race or ethnicity categories masks important differences within these population groups and hinders efforts to improve circumstances for all people living in this country.

The issue of detailed categories is an especially important issue for Tribal Nations due to the unique government-to-government relationships and the need to monitor programs as part of the United States' trust responsibilities. We suggest that OMB work with Tribal Governments and other Native American experts and stakeholders to ensure that the subcategories for AI/AN result in data that effectively capture the specific connections and responsibilities between the United States and federally recognized Tribal Nations and more accurately depict the complexity of indigenous populations in the United States.

¹¹ Ibid.

- (5) **Report and Use the Most Inclusive Data.** With respect to presenting and using data for policy and program administration purposes, OMB should instruct federal agencies and encourage other data users to report and use the most inclusive data for each racial, ethnic, and subgroup (i.e., detailed) category, unless data from the discrete categories is otherwise required. The integration of race and ethnicity questions necessitates a different approach to the current one and will have different implications for various uses, such as enforcing civil rights laws, evaluating disparate health needs, and developing surveys and weighting methodologies to ensure accurate and sufficient representation of diverse communities in all data collection activities. OMB should consult with philanthropic institutions, community leaders, data users, Tribal Nations, and civil rights groups as it develops its guidance on tabulating and presenting data for a range of purposes and applications.
- (6) **Bridging Protocols and Data Comparisons.** We urge OMB to promote meaningful “bridging” protocols between the 1997 standards and the revised standards to enable meaningful comparisons of data collected under different approaches. OMB, statistical agencies, and other relevant agencies should consult closely with data users—including philanthropic institutions, researchers, community leaders, Tribal Nations, and civil rights groups—in developing these measures.

VI. Importance of Collaboration and Stakeholder Engagement

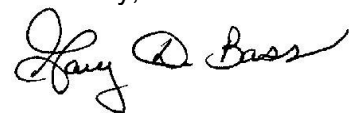
We encourage OMB to work with the Census Bureau, philanthropy, data users, other stakeholders, and Congress, as well as conduct meaningful consultation with Tribal Nations, to ensure that appropriate research is done during the implementation of these changes to maximize accurate data collection and address important concerns. This type of collaboration may be useful if OMB decides to review the standards periodically or at least more frequently than every 25 years.

VII. Conclusion

CEI remains committed to supporting the proposed changes and working alongside OMB and other stakeholders to ensure improved race and ethnicity data. We appreciate the Working Group’s efforts to engage philanthropic institutions, our grantees and partners, and other stakeholders as OMB proceeds to revise SPD 15. We commend OMB’s commitment to finalizing these revisions by the summer of 2024. These changes are needed now.

Thank you for your attention to our views.

Sincerely,



Gary D. Bass
Chair, Census Equity Initiative