



VIA PORTAL

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Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
1800 G Street, NW  
Washington, DC 20503

**Re: Initial Proposals For Updating OMB's Race and Ethnicity Standards**  
(Document Citation: 88 FR 5375)

Asian Americans Advancing Justice (Advancing Justice) offers comments to the Federal Register Notice, Initial Proposals For Updating OMB's Race and Ethnicity Standards (88 FR 5375). We are grateful for the opportunity to provide feedback on revisions to OMB's 1997 Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (Revised Standards). Advancing Justice is a national affiliation of five independent nonprofit organizations dedicated to serving some of our nation's most rapidly growing racial minority communities. We actively work to ensure fair and accurate governmental data collection efforts, including the decennial census, because of the importance of data to Asian Americans, Native Hawaiians, and Pacific Islanders. The Advancing Justice affiliation is comprised of our nation's oldest Asian American legal advocacy center located in San Francisco (Advancing Justice – Asian Law Caucus), our nation's largest legal and civil rights organization for Asian Americans and NHPs located in Los Angeles (Advancing Justice – Southern California), the largest national Asian American policy advocacy organization located in Washington, D.C. (Advancing Justice – AAJC), the leading Midwest Asian American advocacy organization (Advancing Justice – Chicago), and the Atlanta-based Asian American advocacy organization that serves one of the largest and most rapidly growing Asian American communities in the South (Advancing Justice – Atlanta).

Advancing Justice has been working to eliminate the barriers that have historically resulted in the undercounting and underreporting of Asian Americans and NHPs in federal data collection and analysis efforts, particularly in the decennial census count. Advancing Justice has conducted comprehensive national, state, and local outreach as well as educational projects focused on Asian American and NHP communities for Census 2000, Census 2010, and Census 2020. Advancing Justice – AAJC recently published a report, *Quality of the Decennial Census for*

*Asian American and Native Hawaiian and Pacific Islander Communities*<sup>1</sup>, which highlighted how our communities remain hard to count and are likely to be missed in federal data collection efforts. Ensuring our communities “see” themselves in how race and ethnic data are collected is an important aspect of our advocacy and engagement on data collection and reporting. We consider a fair and accurate census and American Community Survey (ACS) among the most significant civil rights issues facing the country today. We appreciate the importance of fact-based analyses for identifying disparate access and outcomes and devising effective solutions.

We appreciate that the Working Group adopted governing principles to guide interagency consideration in updating the standards. Because of the data needs for Asian Americans and NHPs, we lift up the following principles as particularly pertinent for our communities to guide OMB’s revision to its standards and the development of our recommendations.

- **Principle of Self-Identification:** In order for data to properly reflect our nation’s population, it is essential that individuals have choices that allow them ample and clear opportunity to express their self-identity as accurately and completely as possible, including selecting one or more races and one or more ethnicities.
- **Principle of Disaggregated Data:** Broad racial and ethnic categories do not allow for a full understanding of our populations. Aggregated data disguises underlying trends that can illuminate needed policy remedies and show where progress is occurring. Federal agencies must be required to collect detailed race and ethnicity data.

We would also like to lift up the following principle as one that should be adopted by the Working Group, OMB, and federal agencies as a governing principle for this process and beyond:

- **Principle of Meaningful Engagement with Community Stakeholders:** Engaging community stakeholders ensures more accurate data collection by guaranteeing that the federal government asks questions about race and ethnicity in ways that translate to community members. It also incentivizes participation by involving stakeholders in the democratic process, allowing them to help to shape the very categories that they will use to define themselves. For this to yield the most benefits, agencies must ensure that that the engagement is one that is meaningful and not perfunctory. They can achieve this goal by reaching out to a diverse set of stakeholders, providing ample opportunity and time for discussion, and engaging stakeholders in meaningful and sustained dialogue.

With these principles in mind, we offer the following comments regarding the Initial Proposals for Updating OMB’s Race and Ethnicity Standards.

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<sup>1</sup> Asian Americans Advancing Justice – AAJC, *The Quality of the Decennial Census for Asian American and Native Hawaiian and Pacific Islander Communities: An Expanded Approach*, <https://www.advancingjustice-aajc.org/publication/quality-decennial-census-asian-american-and-native-hawaiian-and-pacific-islander>.

## 1. Collect Race and Ethnicity Information Using One Combined Question

We support the proposal to move from the two separate questions format to a single combined question as the required design for self-reported race and ethnicity information collections. Research shows that Asian Americans are not harmed by the use of a combined question. Based on findings from the 2010 AQE (Alternative Question Experiment), combining race and ethnicity into one question did not change the percentage of people who reported as Latinos, Blacks, Asian Americans, American Indians and Alaska Natives, or Native Hawaiians and Pacific Islanders.<sup>2</sup> The combined question also yielded higher item response rates compared with separate questions approaches, and increased reporting of detailed responses for most groups.<sup>3</sup> The combined question formats had significantly lower percentages of respondents reporting “Some Other Race” (SOR) or providing invalid responses, as well as significantly lowered percentages of missing response than the Separate Questions format.<sup>4</sup> Thus, the percentages of respondents reporting in OMB groups was higher.

The 2015 National Content Test (NCT) results built upon the 2010 AQE results, showing no changes to distributions for major groups; obtaining decreased reporting of SOR; achieving lower item nonresponse for the combined race/ethnicity question than for the separate race and ethnicity questions; and gaining higher overall consistency of race/ethnicity reporting for Latinos.<sup>5</sup> The Census Bureau reports “[o]ne of the most notable findings from the 2010 AQE research was that while SOR reporting for the separate questions approach was as high as seven percent, the combined question designs yielded a substantially reduced SOR population under half a percent. A similar result was also found in the 2015 NCT, wherein about 10 percent of people identified as SOR in the Separate Questions approach, compared with about 1 percent in the Combined Question with Detailed Checkboxes approach.”<sup>6</sup> The Census Bureau further found that there were no significant differences in the reporting of Asian Americans and NHPs when comparing the Separate Question format to the combined question formats.<sup>7</sup>

We recommend that the Revised Standards make clear that detailed checkboxes be used in lieu of a generic write-in option (although a write-in option as a catch-all *after* the provision of detailed checkboxes is warranted and recommended). For decades, research has shown that checkboxes elicit more detailed reporting than a generic write-in option. The 2010 AQE reaffirmed that regardless of the question format utilized, it had to offer Asian and NHPI detailed checkboxes. Failure to do so degrades the quality of detailed data for Asian Americans

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<sup>2</sup> U.S. Census Bureau, *2015 National Content Test Race and Ethnicity Analysis Report*, <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf> (“2015 NCT Final Report”).

<sup>3</sup> U.S. Census Bureau, *2010 Census Race and Hispanic Origin Alternative Questionnaire Experiment Final Report*, [https://www.census.gov/content/dam/Census/library/publications/2013/dec/2010\\_cpex\\_211.pdf](https://www.census.gov/content/dam/Census/library/publications/2013/dec/2010_cpex_211.pdf) (“2010 AQE Final Report”).

<sup>4</sup> 2010 AQE Final Report.

<sup>5</sup> 2015 NCT Final Report.

<sup>6</sup> *Id.*, 42.

<sup>7</sup> *Id.*

and NHPs.<sup>8</sup> This is borne out not only by the AQE testing from the 2010 Census, but also by the 2005 National Census Test where the detailed reporting decreased by almost 10% for Asian Americans and more than 40% for NHPs. The 2005 National Census Test numbers are particularly telling as to the effectiveness and impact of removing the checkboxes as there was no media campaign, no general decennial outreach campaign, and certainly no language assistance programs in place at the time.<sup>9</sup> Indeed, the Census Bureau report notes that “it is likely that the lack of specific origin checkboxes was responsible for [the X3 and X4 write-in panels] reduction in specific reporting [in the 2010 AQE].”<sup>10</sup>

According to the 2015 NCT, a combined question with detailed checkboxes yielded the same or higher levels of detailed reporting across all groups. Further, the 2015 NCT showed that the combined question with detailed checkboxes, as well as the use of detailed checkboxes generally, performed the best for Asian Americans and NHPs. This format achieved the highest level of detailed reporting regardless of the mode of the question (on both internet or paper surveys) with Asian Americans and NHPs providing higher rates of detailed reporting for the combined question with detailed checkboxes compared to the combined question version with write-in options (see Table). Even more dispositive is the fact that the separate questions with detailed checkboxes performed better for Asian Americans and NHPs for detailed reporting than the combined question with write-in options regardless of mode.

**Detailed Reporting by Question Type and Mode**

Race	Combined Question with Detailed Checkboxes	Combined Question with Write-In	Separate Questions (with detailed checkboxes for Asian and NHP Response Options)
<b><i>By Internet Mode</i></b>			
Asian American	99.0%	97.6%	98.0%
NHPI	89.9%	82.5%	85.4%
<b><i>By Paper Mode</i></b>			
Asian American	97.7%	87.0%	96.6%
NHPI	82.9%	77.9%	84.5%

Source: 2015 National Content Test (pp. 49-50)

Not only are detailed checkboxes best for Asian Americans and NHPs, “[f]or groups that have not traditionally been afforded write-in areas or detailed checkboxes (for example White and Black), we see a positive effect on reporting of detailed responses when those options are made available to respondents. These results demonstrate that the inclusion of detailed

<sup>8</sup> Id., 51.

<sup>9</sup> U.S. Census Bureau, *Final Demographic and Housing Content for the 2008 Census Dress Rehearsal and the 2010 Census*, 10-14 (on record with author).

<sup>10</sup> 2010 AQE Final Report, 51.

checkboxes is a positive feature of the race/ethnicity question format, as they provide the majority of respondents with a readily available option to report their racial/ethnic identity (or identities) and have that response easily recorded. Additionally, these results indicate that the majority of respondents provide details about their racial/ethnic heritage, and this will help address the strong demand for detailed disaggregated data that the Census Bureau has received in recent years."<sup>11</sup>

We support a combined question with detailed checkboxes to be used across all modes of data collection and our recommendation is that the combined question should include:

- A maximum number of checkboxes for each racial and ethnic category, with the number used in Figure 2 serving as a minimum;
- A maximum number of examples for each racial and ethnic category, with the number used in Figure 2 serving as a minimum;
- An “other” write-in option per racial and ethnic category; and
- NHPI response options should be clearly identified separate from Asian American response options.

## **2. Add “Middle Eastern or North African” (MENA) as a New Minimum Category**

We are supportive of efforts by advocates in the MENA community for, and the proposed inclusion of, a new ethnicity category for persons of Middle Eastern or North African (MENA) origin that is geographically based and separate from the white category for the community.<sup>12</sup> Current OMB guidelines that classify persons from the MENA region as white by race are not accurate or useful, and are increasingly confusing survey respondents as well as government and other agencies tasked with collecting information on and providing services to these populations. We urge OMB to include MENA as a minimum reporting category for all purposes for which federal agencies collect and publish race and ethnicity data.

The Census Bureau’s ample research supports the adoption of the MENA category. The 2015 NCT results show that when a distinct MENA category was present, there was a significant decrease in responses for all other response categories, including a significant decrease in SOR responses and in the white category. The Bureau’s 2015 NCT also showed that when the Census Bureau offered a distinct MENA category in a combined race and ethnicity question, a significant percentage of respondents (79 percent) identifying with MENA origins selected that category. Testing has shown time and time again that many members of this community do not see themselves in a “white” racial classification.<sup>13</sup>

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<sup>11</sup> 2015 NCT Final Report, 51.

<sup>12</sup> Arab American Institute, Letter to Census Bureau (July 24, 2013), <http://civilrightsdocs.info/pdf/general/Arab-Institute-Letter-to-Enrique.pdf>.

<sup>13</sup> 2015 NCT Final Report.

The MENA category is practical and necessary, and it will provide the community and the government the ability to measure disparate treatment and the community's access to resources. It will also gauge community needs in law enforcement, healthcare, schools, employment, and other sectors. In fact, it is essential to have an accurate portrait of communities that have been targets of racial or ethnic discrimination and hate crimes and that often do not have equal access to social and economic institutions and activities. Collecting data that clearly and fully identify Americans of MENA origin is a first step toward addressing issues of inequality. It will help government, civic, faith, and private sector leaders meet the needs of these communities and ensure equality of opportunity in all aspects of American society.

As OMB looks to find answers to the questions posed about the definition of MENA, how best to message inclusivity of the classification, and determining the classification as a race or ethnicity, it should consult the impacted community first and foremost for the appropriate approach to take. In particular, we urge OMB to work closely with community advocates and leaders to achieve a consensus on (1) the nationalities and transnational groups that should be included in the definition of a MENA category; (2) effective instructions to respondents to promote reporting in this category among all native and foreign born persons of MENA origin; and (3) clear explanations in educational and communications materials that MENA is an ethnicity and that respondents may select additional race and/or ethnicity categories with which they identify.

Furthermore, we support the Arab American Institute's recommendation to provide an inclusive, comprehensive geographical definition of the MENA category. The category should include persons with origins in the League of Arab States (Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen), Non-Arab MENA states (Iran, Israel, and Turkey), and transnational communities (Assyrians/Chaldeans, Kurds, Amazigh). Additionally, because the proposed nationality and ethnic group examples provided in the Working Group's initial proposal do not adequately represent the MENA category, we support the Arab American Institute's recommendation that the examples listed should follow the approach the Census Bureau typically adopts and reflect the largest groups that would ultimately be represented in the federal data. As such, guidelines should be issued for the collection of detailed MENA ethnicity data that treat the MENA region as one diverse geographical area. Moreover, sub-boxes should be assigned to the largest groups by population in the U.S. (e.g., Lebanese, Iranian, Egyptian), while also using examples that include a transnational group (e.g., Armenian, Assyrian/Chaldean), a Gulf population (e.g., Iraqi, Yemeni) and an Arabic-speaking country in Sub-Saharan Africa (e.g., Somalia, Sudan).

### **3. Require the Collection of Detailed Race and Ethnicity Categories by Default**

We support the initial proposal to require all federal departments and agencies to collect, analyze, use, report, and disseminate disaggregated data as a default. It is imperative for OMB to address the rapid diversity and change our country is facing by updating the standards to reflect our ever-increasing diversity. Not moving in this direction would mean that we would

not have proper data to inform our civil rights enforcement, our planning, or our work to serve our vulnerable communities. We know from history and past practices that agencies usually do not disaggregate data on their own accord, even when the standards allow for such disaggregation. OMB must move the ball forward by requiring data disaggregation as a default. Failure to take action now can compromise the statistical integrity of the federal government's data and can actively undermine the civil rights of our most vulnerable—and statistically invisible—community members.

Moving from a permissive system to a mandatory one with respect to data disaggregation is of significant importance to Asian Americans and NHPs. Collecting detailed data is particularly critical for Asian Americans and NHPs, who are among our nation's fastest growing and most diverse racial groups.<sup>14</sup> Often viewed as homogenous, these communities include more than 50 detailed subgroups that can differ dramatically across key social and economic indicators. Among Asian Americans, only 6% of Filipino Americans nationwide live below the poverty line, compared to 26% of Hmong Americans.<sup>15</sup> Among NHPs, about 49% of Marshallese Americans live below the poverty line, compared to only 5% of Fijian Americans.<sup>16</sup> Roughly 73% of Taiwanese Americans hold a bachelor's degree, yet only 12% of Laotian Americans do.<sup>17</sup> Similarly, while almost 18% of NHP adults overall have a bachelor's degree, only 3% of Marshallese Americans do.<sup>18</sup> Another example is pay equity. While Asian American and NHP women are paid an average of 86 cents for every dollar a white man is paid, disaggregated data demonstrate that, for example, Native Hawaiian women are paid only 66 cents for every dollar a white man is paid; for Vietnamese, Laotian, and Samoan American women, 61 cents; for Burmese American women, 53 cents; and for Bhutanese American women, only 38 cents.<sup>19</sup> Although Asian Americans have the lowest uninsured rate of any racial or ethnic group in the aggregate, 2015 data showed that the top 10 highest uninsured groups in the U.S. include five Asian Americans subgroups (Pakistanis at 20.9%, Koreans at 20.5%, Cambodians at 18.9%, Vietnamese at 18.5%, Bangladeshis at 18.2%) and two NHP subgroups (Micronesians at 18.3% and Samoans at 16.7%).<sup>20</sup>

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<sup>14</sup> Bill Chappell, *Census Finds A More Diverse America, As Whites Lag Growth*, NPR (June 22, 2017), <http://www.npr.org/sections/thetwo-way/2017/06/22/533926978/census-finds-a-more-diverse-america-as-whites-lag-growth>; Press Release U.S. Census Bureau, *2010 Census Shows Asians are Fastest-Growing Race Group* (March 21, 2012), [https://www.census.gov/newsroom/releases/archives/2010\\_census/cb12-cn22.html](https://www.census.gov/newsroom/releases/archives/2010_census/cb12-cn22.html).

<sup>15</sup> Asian Pacific American Legal Center & Asian American Justice Center, *A Community of Contrasts: Asian Americans in the United States: 2011*, 36 (2011), [http://www.advancingjustice.org/pdf/Community\\_of\\_Contrast.pdf](http://www.advancingjustice.org/pdf/Community_of_Contrast.pdf) [hereinafter "Asian American Report"].

<sup>16</sup> Asian Americans Advancing Justice & Empowering Pacific Islander Communities, *A Community of Contrasts: Native Hawaiians and Pacific Islanders in the United States, 2014*, 18 (2014), <https://archive.advancingjustice-la.org/what-we-do/policy-and-research/demographic-research/community-contrasts-native-hawaiians-and-pacific> [hereinafter "NHP Report"].

<sup>17</sup> Asian American Report, 31 (note data points are for the population of those 5 years or older).

<sup>18</sup> NHP Report, 11.

<sup>19</sup> Miriam Yeung, American Association of University Women, *Overcoming the "Model Minority" Myth: AAPI Women Are Not Paid Equally* (Mar. 15, 2016), on file with author.

<sup>20</sup> The Commonwealth Fund, *Gap Closed: The Affordable Care Act's Impact on Asian Americans' Health Coverage*, <https://www.commonwealthfund.org/publications/issue-briefs/2020/jul/gap-closed-aca-impact-asian-american-coverage>; National Council of Asian Pacific Islander Physicians, *The Impact of the Affordable Care Act on Asian*



The COVID-19 pandemic provides another example of the importance of having disaggregated data for our communities. The global pandemic revealed unaddressed systemic issues that exposed ongoing disparities for many communities, including Asian Americans and NHPs. Several data collection issues existed with respect to the pandemic and Asian Americans and NHPs. Some states simply failed to provide data on Asian Americans and NHPs, while others aggregated the two racial groups, thereby making invisible the larger risk that the NHP community often experienced (and continue to experience). For example, in California, 2020 data showed the death rate per 100,000 people was 84 for the entire state. A combined Asian American and NHP death rate of 75 people per 100,000 masked the much higher NHP death rate of 123. Looking at disaggregated data exposed greater risks for certain subgroups, including the Samoan and Tongan populations, which had even higher death rates than the NHP rate, at 182 and 124 respectively.<sup>21</sup> Similarly in Wisconsin, the Hmong population was disproportionately impacted by COVID with respect to the number of cases, hospitalizations, and deaths, particularly at the local level. This was true even when that was not the case for Asian Americans across the state.<sup>22</sup> The National Council on Asian Pacific Americans (NCAPA) provides further examples in their comments of why disaggregated data in health, education, housing, class, immigration, and language access are necessary.

Standardized processes and procedures should be developed to ensure that requirements for mandatory data disaggregation and reporting are followed. Past experience has taught us that many agencies have mistakenly misinterpreted the standards as stating these categories are the only permissible reporting categories. To avoid this problem in the future, OMB should implement its initial proposal to make data disaggregation the default. As part of the move to mandatory data disaggregation, OMB could implement a process by which an agency can receive an exemption from such requirement *after* demonstrating that the potential benefit of the detailed data would not justify the additional burden to the agency and the public or the additional risk to privacy or confidentiality. The burden should be on the agency to explain why the “additional burden” outweighs the important benefits to government programs, communities, researchers, and advocates collecting, analyzing, using, reporting, and disseminating detailed data.

Moreover, agencies themselves should not make the determination as to whether the potential benefit of the detailed data would not justify the additional burden to the agency. Instead, we propose an adjudication process where a third party makes the final decision about whether or not to grant the requested exemption. Above all, this process must allow for public input and transparency. Only after completing this process would agencies be allowed to “opt-out” and

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*Indian, Chinese, Filipino, Korean, Pakistani, & Vietnamese Americans*, [https://www.searac.org/wp-content/uploads/2018/04/2015\\_ACA\\_policy\\_brief\\_v13\\_final.pdf](https://www.searac.org/wp-content/uploads/2018/04/2015_ACA_policy_brief_v13_final.pdf).

<sup>21</sup> UCLA Center for Health Policy Research, *Disaggregating California’s COVID-19 Data for Native Hawaiians and Pacific Islanders and Asians* (May 2021), <https://healthpolicy.ucla.edu/publications/Documents/PDF/2021/COVID-19-Data-NHPI-Asians-factsheet-may2021.pdf>.

<sup>22</sup> Jess Langlois, WQOW, *Local Hmong community hit harder by COVID-19* (Feb. 3, 2021), [https://www.wqow.com/news/local-hmong-community-hit-harder-by-covid-19/article\\_c3602a34-61f0-5825-af1c-3583b18e10a7.html](https://www.wqow.com/news/local-hmong-community-hit-harder-by-covid-19/article_c3602a34-61f0-5825-af1c-3583b18e10a7.html).



use the proposed example for self-response data collections: combined question with minimum categories (Figure 3 in Federal Register Notice). Put another way, we believe the current “default” structure of the recommendation is appropriate and that the Revised Standards should not pursue a more voluntary approach to the collection of disaggregated data. We recommend that the Revised Standards outline explicit instructions about gathering the racial and ethnic categories proposed in Figure 2, and to instruct and encourage agencies to collect more than the bare minimum.

In particular, we believe that the Revised Standards should require the collection of detailed data on Chinese, Filipino, Asian Indian, Vietnamese, Korean, and Japanese checkbox options, with Pakistani, Cambodian, and Hmong listed as “for example” write-in groups. The Revised Standards should also require the collection of detailed data on Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese checkbox options, with Palauan, Tahitian, and Chuukese listed as “for example” write-in groups (see Figure 2 in Federal Register Notice). This approach performed the best in research conducted by the Census Bureau prior to the 2020 Census. This is critical for understanding which Asian American, Native Hawaiian, and Pacific Islander groups are being served by agencies and which are underserved.

Without accurate data by detailed subgroup, the diversity in the Asian American and NHPI communities means some of the most disadvantaged in our communities are rendered invisible to policy makers, leaving their critical needs unmet. Past research has demonstrated that decreasing both the number of separate checkboxes and lists of examples for Asian American and NHPI race groups are both ineffective and a threat to accuracy. Thus, the following practices should be avoided:

- Removing checkboxes used to capture detailed race groups. This also decreased the amount of detailed race reporting among Asian Americans. Indeed, these formats yielded the lowest detailed race reporting among Asian Americans of any format tested.
- Removing a subgroup or national origin from the list of examples for each broad race category. This reduced reporting for that group. Testing conducted as part of the 2005 National Census Test suggests that limiting or removing the list of examples has a negative impact on detailed reporting.

In addition to the recommendations above regarding checkboxes and examples, we recommend the following to ensure more accurate data on Asian American and NHPI communities:

- Oversampling Asian Americans and NHPs by ethnic group in future testing protocols, ensuring an adequate sample of both large and small groups across all panels;
- Providing adequate language assistance to ensure meaningful responses from limited-English proficient Asian Americans and NHPs and to ensure results are not biased by English-fluent respondents.

We further believe ongoing research into the best groups to use for checkboxes and examples is important to ensure that the most up-to-date information is being used to serve our communities. Moreover, we ask for further study into how to best frame the questions and to utilize the most effective language and instructions possible. Lastly, we recommend that appropriate examples and options are given when collecting and providing detailed race and ethnicity data for *all* categories.

While we recognize agencies may be prevented from immediately releasing all the data they collect when such data cannot be responsibly reported due to statistical reliability and/or confidentiality concerns, we believe that federal agencies should be required to collect detailed race and ethnicity data. Ensuring collection of that data, even if not reportable in the moment, allows for the option to aggregate the data across time for the same group. This can address statistical reliability and confidentiality concerns while still providing the granular data needed.

#### **4. Update Terminology in the OMB Race and Ethnicity Standards**

We strongly support the Working Group’s proposals to remove:

- “Negro” from the Black or African American definition
- “Far East” from the Asian definition, replacing with “East Asian”
- “Other” from “Native Hawaiian and Other Pacific Islander”

We support the recommendations to remove the terms “Negro” and “Far East” from the current standards. These are terms no longer in common use and are offensive to some in the communities. There is no benefit to retaining these words in the current standards. We further strongly recommend that OMB remove “Other” from the category “Native Hawaiian or Other Pacific Islander.” Major NHPI organizations and community leaders declared nearly a decade ago that the preferred term “Native Hawaiian and Pacific Islander” is “a cultural construct and reflects the preference of the NHPI community.”<sup>23</sup>

The presentation of race and ethnicity data should include data for all racial and ethnic categories. Furthermore, we support the discontinued use of the terms “majority” and “minority” as well as the use of “All Other Races” as a designation in the standards. As the diversity of the U.S. continues to increase, we believe that OMB needs to revise how data are presented on diverse communities as well as align terminology to recognize the breadth of racial and ethnic communities comprising the American public today. Demographics have significantly changed over the past twenty years. Asian Americans and NHPIs continue to consistently be among the fastest growing groups in the United States. These communities are often lumped into “All Other Races,” thereby making these fast-growing communities invisible. The practice moving forward should be to have agencies report on the data for all racial and

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<sup>23</sup> Asian & Pacific Islander American Health Forum, *Guidance on the Classification of Native Hawaiian and Pacific Islanders* (2008), <https://www.apiahf.org/wp-content/uploads/2008/01/Guidance-on-the-Classification-of-NHPIs.pdf>.

ethnic categories, along with data on detailed subgroups. Additionally, continued testing and research that includes meaningful public engagement is necessary to ensure terminology remains appropriate and relevant.

### *Multiethnic and Multiracial Responses*

Instructions for how to respond to federal surveys asking about race and ethnicity data must be exceptionally clear. We follow the Leadership Conference on Civil and Human Rights in supporting the proposal to update the current instructions that would be used for a combined question, to make it clear that respondents should “mark” or “select all categories that apply.” However, we urge further testing to ensure a question stem that most effectively and clearly conveys to respondents that race and ethnicity are distinct concepts and that the question is not intended to conflate the two, including testing a modified reference to “race **and/or** ethnicity” (emphasis added). Put another way, we need to make sure that people understand that multiple selections are permissible, that race and ethnicity are different, and that people can choose just an ethnicity as their response. At the same time, we continue to support the tabulation and reporting of all responses and not collapsing multiracial and multiethnic into a “multi” category. It is important for civil rights enforcement purposes to understand the different identities of multiracial and multiethnic individuals. Therefore, reporting only the number of multiracial and/or multiethnic persons could obfuscate evidence of discriminatory patterns.

### *Definition of “Asian”*

We support the tested definition for "Asian" – “The category ‘Asian’ includes all individuals who identify with one or more nationalities or ethnic groups originating in East Asia, Southeast Asia, or the Indian subcontinent. Examples of these groups include, but are not limited to, Chinese, Filipino, Asian Indian, Vietnamese, Korean, and Japanese. The category also includes groups such as Pakistani, Cambodian, Hmong, Thai, Bengali, Mien, etc.” This clarifies the existing definition under the 1997 Standards for “Asian” – “A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.” OMB should provide clear guidance that the definition of Asian (under either standard) is specifically for the broadest racial category and is not meant to define the subgroups within the broad racial category. That is, in particular with the 1997 Standards definition, the language of “having origins in any of the original peoples” does not define the subgroups found within the Asian racial category by restricting them to where their “original peoples” came from.

Such clarification is necessary because of the misapplication of this definition in the context of the Census Bureau and the Hmong community. The current Race and Ethnicity Codes in Appendix F of PL94-171 Redistricting Summary File Technical Documentation and the anticipated coding for the Detailed DHC-A include an incorrect regional classification for the Hmong American community. As flagged in the sign-on letter of 57 Hmong American, Southeast Asian American, and Asian American and NHPI organizations sent on March 2, 2023 to the Census Bureau, Hmong is incorrectly included in the East Asian regional group. As the letter

stated, “Hmong Americans’ origins are as refugees from Southeast Asia [and that] Southeast Asian American (SEAA) is not only a geographic identity, but also a political identity that comes from the shared experiences of people who came to this country as refugees from Cambodia, Laos, and Vietnam.” The letter further finds, “The U.S. Census Bureau’s own data describes this history. According to the American Community Survey, nearly all foreign-born Hmong Americans migrated from Southeast Asia, which the Bureau defines as including the following countries: Myanmar, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand, and Vietnam. The most recent American Community Survey estimates show that 95.6% of Hmong Americans reported Southeast Asia as their region of origin, while only 1.6% reported East Asia.” In addition to the community’s understanding of Hmong as Southeast Asian American, this is also well-established in academic literature.<sup>24</sup> The Census Bureau stated in a presentation that “[i]n accordance with the ‘original peoples’ concept in the 1997 OMB Standards, the decision was made to classify Hmong as a unique group within the East Asian regional group” despite recognition by Census Bureau subject matter experts that “the majority of the Hmong population in the U.S. immigrated from Laos as refugees after the Vietnam war.”<sup>25</sup> OMB’s definitions should only apply to the broad racial and ethnic categories and should not be misapplied to subgroups. This can be achieved by making clear that their definitions for the racial group are specific for the broader racial group and not for any subregional or subgroup definition.

## **5. Guidance on Implementing the Revised Standards on Federal Information Collections**

OMB must develop clear guidance on how data prior to the Revised Standards should be compared to data collected following the Revised Standards. OMB should revise its standards to ensure (a) comparability of data over time (bridging); (b) consistent tabulations of data, by federal agencies and federally funded programs, collected through a combined question with respect to both race and ethnicity; and (c) clear protocols and guidance for data users to follow in comparing decennial census race and ethnicity data with data collected earlier in time. It will be important that such guidances be provided in a timely fashion, as close to the issuance of the Revised Standards as possible. It will also be important that these guidances not be developed in a vacuum but through active engagement with interested stakeholders.

### *Combined Question with Detailed Checkboxes*

OMB should offer guidance that a combined question with detailed checkboxes must be made available across all modes of data collection. We are concerned with potential biases that may

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<sup>24</sup> For a selection, see, Wayne Carroll, “Economic Progress of Hmong Americans: The First Twenty-Five Years,” *Hmong Studies Journal* 23 (January 2021); --- and David Schaffer, “Employment and Wages of Hmong and Other Southeast Asian Refugees in the United States,” *Journal of Immigrant & Refugee Studies* 19, no. 4 (2021): 526–539; Bic Ngo and Stacey J. Lee, “Complicating the Image of Model Minority Success: A Review of Southeast Asian American Education,” *Review of Educational Research* 77, no. 4 (2007): 415–453; Arthur Sakamoto, John Iceland, and Thomas Siskar, “The Socioeconomic Attainments of Second-Generation Southeast Asian Americans in the 21st Century: Evidence from the American Community Survey, 2012–2016,” *Population Research and Policy Review* 41, no. 1 (2022): 59–88.

<sup>25</sup> U.S. Census Bureau, Classification of Hmong in the 2020 Census and American Community Survey Presentation (March 27, 2023), on file with author.

be introduced if checkboxes for detailed subgroups are only offered on an online version of the question(s)<sup>26</sup>. Even in recent years, as access to technology has increased dramatically, there are still barriers to access for the elderly and low-income people.<sup>27</sup> Extrapolating from past research, we can anticipate that those who are elderly, low-income, and less English-language proficient will be the least likely to access the internet-based survey. These are the very populations that will be more likely to access a paper version of the questions and thus must have equal access to detailed checkboxes as those responding online.

OMB should offer guidance that makes clear that consistency must be a primary goal in implementing the Revised Standards. As the Leadership Conference on Civil and Human Rights notes in its comments, "[w]e believe that federal agencies should use consistent methods of data collection to the fullest extent possible. In proposing a combined question for race and ethnicity data, the Working Group suggests 'flexibilities' for agencies that depend on aggregate data, observer-reported data, or data from non-federal providers. We are concerned that inconsistent practices could lead to data that are not comparable in quality or measurement, and we encourage strong direction and oversight from OMB that clearly favors one format over another when data are self-reported [...] Ensuring that the standards for maintaining, collecting, and presenting these data promote scientifically rigorous measurement of emerging demographic and social changes must be a paramount consideration as OMB finalizes revisions to the standards."

Furthermore, we recommend that OMB provide guidance that directs federal agencies to make clear to respondents that race and ethnicity are separate concepts and that both race and ethnicity options are being offered. Federal agencies will also need to make clear that respondents can identify with as many of those options as they wish. The Census Bureau's research and testing of question wording and terminology associated with maximum, accurate responses in a combined question can serve as guides for other agencies and organizations. Finally, we urge the ongoing testing of optimal wording and terminology for a combined race and ethnicity question, including testing the use of "select all 'race *and/or* ethnicities' that apply" (emphasis added) in the question stem.

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<sup>26</sup> Gonzales, Amy L. "Health benefits and barriers to cell phone use in low-income urban US neighborhoods: Indications of technology maintenance." *Mobile Media & Communication* 2.3 (2014): 233-248; Collins, Sarah A., et al. "Digital divide and information needs for improving family support among the poor and underserved." *Health Informatics Journal* (2014): 1460458214536065; Choi, Namkee G., and Diana M. DiNitto. "The digital divide among low-income homebound older adults: Internet use patterns, eHealth literacy, and attitudes toward computer/Internet use." *Journal of Medical Internet Research* 15.5 (2013).

<sup>27</sup> Id.

### *MENA Ethnicity Category*

It will be especially important for OMB to provide guidance on data bridging with the addition of a category for people of Middle Eastern and North African origin. Ensuring proper bridging of data collected under the Revised Standards with data previously collected under standards without a MENA category will result in data of higher quality, that is more reflective of how people self-identify. Ultimately this will be more helpful for agencies, as well as community-based organizations, to identify instances of discrimination, better address hate crimes, and prioritize health and social services programs.

## **6. Comments on Any Additional Topics and Future Research**

### *Ordering of categories*

We believe that the Revised Standards should not recommend ordering the categories in terms of population size and that other considerations be given more importance. The 2015 NCT notes “[i]n order to provide sufficient examples and also ensure groups that had checkboxes on the 2010 Census are represented in our new designs, we included six examples. This also fits nicely with the OMB definitions for each category, which generally reference three geographic areas to describe the population. Across all categories, the basic approach used to identify examples was to select the largest groups in the United States that represent the different geographic regions referenced in each of the OMB race and ethnicity group definitions.”<sup>28</sup> While we agree with the general approach of ensuring the different geographic regions are reflected in checkboxes and examples, we believe that is merely a starting point to the inquiry. It is not sufficient to simply choose the largest population sizes for the various geographies; the analysis should utilize other factors, including engagement with community leaders.

### *Ensuring Public Engagement*

We think that the Revised Standards should include language and content on public engagement, producing more accurate and useful race and ethnicity data. Incorporating information on different types of engagements with the public and the frequency of those engagements can help produce better data in the long run—especially given the nation’s everchanging demographics and the ways in which racial and ethnic categories are socially constructed and change over time. For example, OMB must engage with interested stakeholders throughout the process of collecting race and ethnicity data using a combined question. Active public engagement will not only ensure the accuracy of federal data, involving impacted community members early in the process gives them ownership over the content and outcome—building trust in the democratic process and potentially incentivizing increased participation. It is imperative that community organizations and leaders are engaged and consulted on these issues moving forward because mistakes and inaccuracies occur in the absence of community input.

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<sup>28</sup> 2015 NCT final report, 28.

We offer the following as best practices for community engagement:

- Engage interested stakeholders early and often. Bringing community members into the conversation early in the planning process can circumvent mistakes and inaccuracies—which undermines trust in the federal government and broader efforts to collect data on impacted communities.
- Engage with a diverse set of stakeholders, including with both community-specific partners as well as those representing a more pan-ethnic perspective.
- Be specific about what is being discussed, any requests being made of the community, and what specific information the agency is attempting to obtain. In instances of prior engagement, it is incumbent on the agency to highlight any major changes that have occurred or are being considered at the point of the most recent request, as well as lifting up any points of potential controversy for feedback. Providing specific requests and the requisite background information will only help groups provide the most useful feedback to the agency.

### *Urgency of Revisions to Standards*

Finally, we want to emphasize the importance of moving quickly. We need to make these changes now not only so that we have better data on Asian Americans and NHPs across the federal government, but also with an eye towards ensuring these changes make their way into the 2030 Census. For the 2030 Census, the window of opportunity to implement fundamental revisions is closing quickly. These Revised Standards must be finalized by OMB's summer 2024 deadline. This will allow the Bureau to field test updated race and ethnicity questions mid-decade to improve the formatting, terminology, instructions, and (most importantly) checkboxes and examples that “cue” respondents to select the category or categories describing their identity. This will allow the Bureau to incorporate the primary revisions into its field and content testing program (which should begin in 2025 and end no later than 2027), and continue consultation with stakeholders.

### **Conclusion**

We thank OMB for the opportunity to comment on the initial proposals to update OMB's Race and Ethnicity Statistical Standards. As indicated in our comments, these standards and need for revisions are critical for ensuring that federal departments and agencies understand the needs of diverse communities and are able to effectively meet their obligations. Now is the time for these long overdue revisions to be made. If you have any questions, please contact Terry Ao Minnis, Senior Director of Census and Voting Programs, Asian Americans Advancing Justice – AAJC, at [tminnis@advancingjustice-aaic.org](mailto:tminnis@advancingjustice-aaic.org) or 202 815-4412.

Sincerely,

Asian Americans Advancing Justice – AAJC

Asian Americans Advancing Justice – ALC

Asian Americans Advancing Justice – Atlanta

Asian Americans Advancing Justice – Chicago

Asian Americans Advancing Justice – Southern California