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Hon. Edward R. Roybal †

†deceased

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April 27, 2023

Mr. Richard L. Revesz  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
9<sup>th</sup> Floor  
1800 G St. NW,  
Washington, DC 20503

Dear Mr. Revesz:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, we write to provide comments on the Federal Interagency Technical Working Group (ITWG) on Race and Ethnicity Standards' initial proposal for updating the Office of Management and Budget's (OMB) 1997 Statistical Policy Directive No. 15: Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. These comments are in response to the proposed information collection published by the OMB on January 27, 2023, at 88 FR 5375 (the "FRN"). We believe that the following comments and recommendations are critical to ensure that the federal government can collect and produce accurate data on the Latino community and on all our nation's population.

NALEO Educational Fund is the nation's leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation's more than 7,000 Latino elected and appointed officials, and include Republicans, Democrats, and Independents. NALEO Educational Fund is a national leader in Census outreach, community education and policy development. Since the 1990 Census, our organization has conducted outreach campaigns to promote the full and accurate count of the Latino community. Together with media and community-based organizational partners, we led the iHAGASE CONTAR! ("Make Yourself Count!") and iHAZME CONTAR! ("Make Me Count!") campaigns to drive response to the 2020 Census through dissemination of community education materials; promotion of a toll-free Census information hotline staffed by bilingual operators; technical assistance for community groups; and a robust social media and advertising campaign.

In addition, NALEO Educational Fund is a leading expert on Census policy development, with a long record of service on the Bureau's National Advisory Committees. The organization serves as co-chair of the Leadership Conference on Civil and Human Rights' Census Task Force, a Steering Committee member of the Census Counts Campaign, and the co-chair of the National Hispanic Leadership Agenda's Census Task Force. We also work closely with our Latino elected and appointed official constituency and our community partners on Census policy and outreach, and we are extremely familiar with both how they use Census data and the challenges they encountered in Census 2020 and other prior Census enumerations.

## I. Introduction

Accurate and complete data about race and ethnicity help make our democracy stronger and are essential to safeguard the nation's prosperity and well-being. Federal agencies, states, local governments, and community-based organizations currently rely on these data for a variety of critical purposes, such as fair redistricting, the enforcement of civil rights laws, combatting discrimination, and promoting greater racial and ethnic equality in key areas of our civic, social, and economic lives. Accurate data on race and ethnicity are also critical to inform a wide variety of sound public and private sector decisions on policy matters including education, health, housing, economic opportunities, and infrastructure.

For the federal government to compile the most accurate data possible about the U.S. population, it must obtain and disseminate accurate and complete data about the Latino community. Latinos are the nation's second largest population group; according to Census 2020 data, Latinos comprise nearly one of every five of our nation's residents (18.7 percent), and an even larger share (25.7 percent) of the under 18 population. Federal agencies like the Census Bureau and many state and local agencies must follow the OMB standards for data collection on race and ethnicity. Thus, for Census data to present an accurate portrait of our nation's population, the OMB standards must accurately reflect the way Latinos express their identity, including the full diversity of the Latino community. This is fundamental for respecting the individual dignity and personal experience of Latinos and all our country's residents, and for addressing racial disparities and inequalities in communities throughout our nation.

## II. Research and data analysis clearly demonstrate a growing mismatch between Latino self-identification and the minimum OMB ethnicity and race categories.

Over the nearly 25 years since the OMB standards were last revised there have been substantial societal, political, economic, and demographic shifts in the United States throughout this period, including an on-going evolution of how Latinos and all Americans see their racial and ethnic identity. However, the OMB standards for the collection of federal data on race and ethnicity have not kept pace with these changes, and ultimately they have ceased to align with how many residents of our nation report their identity. This phenomenon is a substantial barrier to obtaining an accurate picture of the Latino population in our country.

The most salient research on this mismatch has been conducted by the U.S. Census Bureau, which has documented how the 1997 OMB standards' "two separate question" approach for collecting data on Hispanic origin and race has led to incomplete and inaccurate Census data on the Latino community. The findings of two of the Bureau's most extensive research studies highlight the problems with this approach. In the 2010 Alternative Questionnaire Experiment (AQE), the Bureau mailed out Census 2010 questionnaires with different experimental designs for the Hispanic origin and race questions, and conducted interviews and focus groups. The Bureau's 2015 National Content Test (NCT), the largest field study conducted by the agency, also greatly illuminated the problems found in the AQE. The NCT was a comprehensive survey of 1.2 million households with an oversample of census tracts with Latinos to explore improvement to format and wording of Hispanic origin and race questions. The NCT compared a "two separate question" approach to several design options for a single question that combined racial and ethnic categories.

The major findings of these studies illuminated how the “two separate question” approach collected incomplete and inaccurate data about Latinos:

- Latinos struggled to answer a separate race question, and in some cases indicated that their race was “White,” because they did not see themselves in the other racial categories. Many Latinos believed they had fully expressed their identification when answering whether or not they are Latino.
- A significant number of Latinos did not embrace any identity other than Latino or a specific national origin or sub-group heritage.
- A large number of Latinos either indicated that they were of “Some Other Race,” or did not answer the race question at all. In many cases, Latinos wrote in an answer under “Some Other Race” that indicated their Latino identification.

Census 2010 and Census 2020 data on Latinos also demonstrate these problems. In both decennial Censuses, nearly half (44 percent) of Latinos indicated they were of “Some Other Race,” or skipped the race question entirely. In Census 2020, nearly all of those who were classified as “Some Other Race” alone (94 percent) were Latino. In Census 2020, “Some Other Race alone or in combination” became the country’s second-largest racial group after “White.”

Our own experiences during our decennial Census outreach campaigns confirm the challenges presented by the “two separate question” approach. Many Latino community members found the race question to be confusing, and asked our outreach workers or hotline staff how to answer it, because they did not identify with any of the categories presented. Many indicated that they intended to report that they were of “Some Other Race”, and then write in a detailed answer indicating that they identified as Latino, or with a Latino national origin or sub-group.

III. The “two separate question” approach creates significant challenges for the completeness and accuracy of data on the Latino community and our nation’s population.

The relatively high number of Latinos who do not identify with the specific OMB racial categories set forth in the Census race question presents several challenges which have contributed to creating an inaccurate picture of the Latino community and the nation’s population. First, by Congressional mandate, the Census race question includes the “Some Other Race” category, but the OMB’s minimum standards do not. Thus, to ensure consistency among other federal datasets (including the Bureau’s Population Estimates), the Bureau has developed a procedure to impute an OMB race to those checking “Some Other Race” in response to the Census question. The procedure relies on assessment of the demographic characteristics of these respondents and their family members and neighbors, as well as data from other sources, such as administrative records. As a result, the Census Bureau assigns “White” as the race to many Latinos who indicate “Some Other Race” or do not answer the race question at all. Thus, an increasing number of Latinos are unknowingly placed in a race category with which they do not identify.

Moreover, federal data collected using the current standards likely overstate the size and share of the White population. This phenomenon is due to both imputation and the fact that when using the “two separate question” format for collecting data on race and ethnicity, some Latinos feel that they must

indicate some response to the race question on the Census form, and in the absence of a racial category that fully fits how they see themselves, they select "White."

The current OMB standards' "two separate question" approach also presents significant challenges by not permitting the Census Bureau to accommodate the reporting of multiple national origins or sub-groups by Latinos. The inability to record and report multiple Hispanic national origins results in the loss of detailed information about the full diversity and nuances of Latino identities.

IV. The combined race and ethnicity question format is the best approach for collecting accurate and complete data about our nation's population.

Based on the extensive evidence from the Census Bureau's research, we urge the OMB to revise its data standards for a combined question approach to collect race and ethnicity data, as indicated in the FRN's initial proposal, because it would result in more complete and accurate data about Latinos and all our nation's population groups. The Bureau's research, including its testing of an optimal question design in the NCT, found the following:

- Far fewer Latinos did not respond to the combined question than those who did not respond to the separate race question in the "two separate question" approach.
- Far fewer Latinos chose "White" as their race, with a majority of Latinos identifying solely as Latino.
- Less than one percent of Latinos identified as "Some Other Race."
- The optimal combined question design increased the proportion of Hispanics who also identified as Black, and did not diminish the proportion who also identified as Native American.

Moreover, we urge the OMB to adopt the combined question approach set forth in its initial proposal which provides Latinos with the option to choose multiple national origin or sub-group identifications. This approach would enable the Bureau to report data on Latinos with such multiple identifications, thereby permitting the dissemination of more accurate and complete data which reflect the full diversity of the Latino community.

Finally, we fully support the addition of the new minimum ethnicity category for the "Middle Eastern or North African" (MENA) population in the OMB standards. There is a significant need for data specific to this population for civil rights enforcement, combatting hate crimes, and for obtaining more relevant and consistent information about the social and economic needs of MENA residents. The Bureau's research indicates that its optimal combined question design would well accommodate this addition.

We are aware that important and serious concerns about the combined question approach have been raised by Afro-Latino researchers, and civic and community leaders, several of whom do not support the approach. Our perspectives about the standards and our recommendations regarding their implementation which follow in these comments have been guided in part by the concerns raised by Afro-Latino researchers and leaders.

V. The OMB standards should require the collection of detailed race and ethnicity by default, with minimum detailed categories.

There is significant demographic diversity within the Latino community with respect to characteristics such as age, geography, national origin and sub-group, race and language use. For example, Census data include at least 21 different detailed Latino national origin or sub-groups. According to 2019 American Community Survey (ACS) data (one-year estimates), 61.6 percent of Latinos are of Mexican origin, 9.6 percent are of Puerto Rican origin, 3.9 percent are of Cuban origin, 3.8 percent are of Salvadoran origin, and 3.5 percent are of Dominican origin. Nearly one of every five Latinos (17.7 percent) identify with some other national origin group.

In view of the foregoing, the updated OMB standards should “require”—and not simply encourage—the collection of disaggregated data by default, unless agencies can demonstrate a compelling methodological, operational, or budgetary rationale for not doing so. We note the initial proposal includes a requirement for the collection of race and ethnicity at detailed category levels by default. However, under the proposal, an agency does not have to comply with this requirement if it “determines 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.”

Given the importance of collecting disaggregated data on the Latino community and other population groups, the OMB should adopt a set of clear criteria for allowing an agency to forego collecting more detailed data. The OMB should also implement a transparent process for allowing agencies to request and receive waivers from the detailed data mandates. The OMB should provide agencies with clear guidance on the documentation and other requirements needed to prove methodological, operational, or cost barriers to collecting disaggregated data. When determining whether to grant a waiver, any additional cost incurred by an agency should be weighed against the economic as well as social damage associated with the lack of these data. The OMB should also provide stakeholders with a meaningful opportunity to provide comments throughout the foregoing process, including during the development of the guidance provided to agencies. In addition, agency requests for a waiver must be fully discussed, understood, and considered by the OMB in consultation with the Census Bureau, data experts and other stakeholders.

To assist agencies in meeting the requirements for detailed data, and collecting more granular data when feasible, the OMB and Census Bureau should help create a consortium of public and private stakeholders, including data experts, state and local governments, and community and civic leaders, to facilitate an ongoing dialogue aimed at developing best practices and providing technical assistance for collecting and producing accurate disaggregated data. The OMB should consider continuing to convene the ITWG after the adoption of the final standards, so that the ITWG can play a key role in the foregoing effort, and help federal agencies work collaboratively in adopting best practices for collecting detailed data.

As noted above, the OMB’s initial proposal would require the collection of race and ethnicity data at detailed category levels. For the Latino minimum data category, the OMB should set forth required specific detailed categories, which would be key for establishing a consistent approach to collecting more detailed data. In determining these detailed categories, including the sub-groups for checkboxes and examples, the OMB should consider the size of particular populations, as well as the full range of geographic origins and other demographic characteristics of the Latino population. As part of this

process, it is essential that the OMB consult with diverse Latino stakeholders, so that the detailed categories provide data that can help illuminate salient similarities and differences between Latino sub-groups, including those relevant to addressing ethnic, racial, and sub-group disparities and inequalities within the Latino community.

VI. The format and wording of the combined question and all its components must ensure the collection of complete and accurate data which illuminate the full diversity of the Latino community.

Given the many critical ways in which data about the Latino community are used, the format and wording of the combined question, and all its components, must collect complete and accurate data about the full diversity of the Latino community. First, the OMB and the Bureau must make clear in the standards and in questionnaires that ethnicity and race are separate concepts. We agree that Latino is an ethnic identification and not a racial one, and the language used for these concepts should not create any confusion about this point. For example, the OMB and Bureau should consider carefully what is conveyed in the "stem question" of the combined question, to help ensure that respondents are not confused and feel they should only indicate their race or only indicate their ethnicity.

Similarly, it is crucial that respondents clearly understand that they should select all check boxes that apply in the combined question and can check more than one box, and that they should also fill in the spaces provided. We understand that the OMB and the Bureau are contemplating additional research on these issues, and we urge them to consult with diverse stakeholders in the Latino community when planning their research efforts. If survey research is conducted, it should include representative samples of respondents who represent the full ethnic, racial and geographic diversity of the Latino community. This includes oversampling smaller population groups within the Latino community to obtain a meaningful analysis from the research. Qualitative research on these issues, such as focus groups and interviews, should include members of these smaller population groups as well.

In addition, to ensure that the combined question does not result in the loss of data about Latinos who also identify with a racial group, it is essential that the OMB and the Bureau consult with Latino stakeholders from diverse racial communities when determining the check boxes and examples provided for each minimum ethnic or race category. Given the history of discrimination against Afro-Latinos, and its impact on a broad range of health, education, income and other inequitable disparities, the OMB and Bureau must ensure that the wording, check boxes and examples for the Black minimum category clearly convey that Afro-Latinos should indicate their Latino and Black identification when completing questionnaires. NALEO Educational Fund believes that the examples provided in the decennial questionnaire, as well as the checkboxes and examples set forth in the OMB's initial proposal, do not achieve this important goal. For more than a decade, we have urged the Bureau to consider changing the decennial questionnaire to clearly signal that Afro-Latinos should indicate that they identify racially as Black under the "two separate question" approach. This will become even more crucial if race and ethnicity categories are included together in a combined question.

As is the case with the research on the combined question stem and instructions, the OMB and the Bureau should consult with stakeholders from diverse Latino communities when planning and implementing the research, including those who have significant expertise on the Afro-Latino

community. Similarly, any survey research on the checkboxes and examples that should be used for the Black race category should oversample Afro-Latinos, and qualitative research should include participants from diverse Afro-Latino communities.

VII. The comparability of race and ethnicity across federal datasets (bridging) is an important goal for the OMB's revision of its standards.

NALEO Educational Fund believes that comparability of the race and ethnicity categories across federal datasets should be an important goal for the OMB's revision of its standards. Thus, the OMB should develop clear guidance and protocols for federal agencies to connect and compare data produced from the previous and the revised data collection formats. Such data comparability is critical for the enforcement and monitoring of civil rights, as well as for promoting greater racial and ethnic equality across all economic and social sectors of society, including housing, education, health care, and the job market.

If the OMB adopts the proposed combined question approach, there will be several fundamental issues regarding the comparability of these data with the data collected with the "two separate question" approach. The issues will arise in part from the addition of the MENA category; the likely significant reduction of the number of respondents reporting "Some Other Race"; and the prospect of a large number of Latinos and MENA respondents indicating their ethnicity as their sole identification without indicating a racial identification. In determining how to guide agencies and data users on bridging data, it is crucial that the OMB seek input from a broad set of diverse stakeholders to fully understand both the highly technical questions of data users who do complicated and in-depth analyses, as well as the more basic questions of those doing less complex research. Moreover, given the importance of in-depth race and ethnicity data analysis for redistricting and the enforcement of civil rights laws, it is critical that the OMB closely consult data users and practitioners working in these areas.

VIII. The protocols and guidance for tabulating and reporting data should ensure usefulness, inclusiveness and accessibility.

The adoption of a combined question would also have significant implications for the tabulation and reporting of government data. We urge the OMB and Bureau to develop protocols and guidance that ensure that stakeholders can easily get access to relevant data that are useful for illuminating the full diversity of the Latino community and important socio-economic disparities within different Latino sub-groups. For example, the Bureau has presented tabulation and reporting formats involving two approaches beyond a minimum approach. One is the "multiple responses" approach, which would set forth the number of respondents who indicate more than one race or ethnicity category, such as "Hispanic and Black," or "Hispanic and AIAN." The other is the maximum approach, which would report numbers for both Hispanic and Black respondents alone and in combination with every other race or ethnicity categories, including those who indicate more than two categories.

We believe that both these approaches show promise, and that the Bureau should consider reporting data using both the multiple responses approach and the maximum approach in a manner easily accessible to data users as soon as possible after the release of Census redistricting data. For example, the presentation of data in the multiple responses approach would enable data users to get access to the number of persons who identify as Afro-Latino and some of their demographic

characteristics much more quickly than is possible from the existing formats used for tabulating and reporting Census redistricting data on the Bureau's website. Moreover, while it was possible to see the population numbers for every possible combination of race categories on the Bureau's website for Census 2020 redistricting data, data users could not easily obtain numbers for a single race category alone or in combination with others without having to extract the data directly from the redistricting files, or extensive manipulation of the Excel sheet containing these data. The reporting of data under a combined question approach should enable data users to more accessibly obtain statistics on populations with multiple racial or ethnic identifications.

Additionally, the OMB and the Bureau should work with other agencies and diverse stakeholders to determine how to treat data from Latino and MENA respondents who do not indicate any racial identification in a combined question approach. As noted above, many of those respondents are likely to be those who identified as "Some Other Race" or who skipped the race question using the "two separate question" approach, and for whom the Bureau imputed racial identification for non-decennial Census data purposes. We understand that the OMB is consulting with the Department of Justice about this issue, and we urge the OMB to continue this discussion to ensure that if no imputation occurs, there will not be any loss in the civil rights or other government protections afforded to Latino and MENA residents. As is the case with data bridging issues, it is also crucial that the OMB and the Census Bureau consult with civil rights data users and practitioners about this issue.

IX. The OMB and the Bureau should conduct robust and comprehensive education for community members, government agencies and other stakeholders, whether or not the combined question approach is adopted.

Given the confusion that has arisen among community members, as well as some government agencies and stakeholders about the "two separate question" approach, and the data collected from it, the OMB and Bureau will need to conduct extensive education efforts whether or not the combined question is adopted. For government agencies and data users, this should include the differences between data collected about Latinos and the data collected about racial groups, the limitations of these data, and how imputation affects both types of data. Similarly, the OMB and the Bureau should conduct comprehensive education for all government agencies to ensure consistency in data collection and disaggregation practices, and to share best practices which emerge from collaborative discussions on these issues. They should also promote agency practices which help ensure nuanced analyses of disparities and outcomes for Latinos which take into account the full diversity of the Latino community. For community members, it is important that the Bureau continues to do outreach about how the questions on Hispanic origin and race differ.

If the OMB standards are revised to adopt the combined question approach, the revision will not result in the collection of more complete and accurate data unless respondents clearly understand questions in survey questionnaires and other data collection instruments, government agencies understand how to tabulate and report data under the standards, and other stakeholders, such as data users, fully understand the implications of the revisions. Given the Bureau's expertise in conducting the decennial Census and other surveys, as well as its extensive research on the combined question, it has a key leadership role to play in developing sound public outreach and education strategies should the combined question approach be adopted. Thus, the Bureau must work with a broad and diverse group of stakeholders to conduct robust outreach to ensure community members check all racial and



ethnic boxes in the combined question which apply, and understand what is being asked for in the detailed write-in boxes.

In carrying out the foregoing, the OMB and the Bureau should consult closely with diverse stakeholders in the Latino community, and should provide several opportunities for meaningful input throughout this process. As is the case with other research recommended in these comments, the Bureau should also ensure that any future research it conducts on the foregoing issues – for example, research on the best messages and messengers for Census outreach – should include representative samples of respondents who represent the full ethnic, racial, and geographic diversity of the Latino community. This includes oversampling smaller population groups within the Latino community to obtain a meaningful analysis from the research, and to include members of those groups in qualitative research such as focus groups and interviews.

### Conclusion

The NALEO Educational Fund greatly appreciates the commitment of the OMB and the ITWG to obtaining input on the initial proposal to revise the federal race and ethnicity data standards, with a view to significantly improving how our government collects data on the demographic characteristics of our nation's residents. We share the OMB's vision for the development of standards that allow for a more accurate portrayal of the full diversity of the Latino community and all our country's population. We look forward to continuing our work together to achieve this important goal.

Thank you for your attention to these comments, and please contact Rosalind Gold, Chief Public Policy Officer of the NALEO Educational Fund, at [rgold@naleo.org](mailto:rgold@naleo.org), if you have any questions.

Sincerely,



Arturo Vargas  
Chief Executive Officer

NALEO  
Educational Fund