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March 18, 2024

Dr. Karin A. Orvis  
Chief Statistician  
Office of Management and Budget  
1800 G Street, NW, 9th Floor  
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The Honorable Richard L. Revesz  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
1800 G Street, NW, 9th Floor  
Washington, DC 20503

**Re: Need for Disaggregated Data Collection in Revised OMB Race and Ethnicity  
Statistical Standards (62 FR 58723)**

Dear Dr. Orvis and Administrator Revesz:

On behalf of The Leadership Conference on Civil and Human Rights, its Census Task Force, and certain members of Steering Committee of Census Counts, we write to express our continued support for the Office of Management and Budget's (OMB) process to revise Statistical Policy Directive No. 15 (Directive 15) and to elevate the need for these revisions to include a requirement for federal agencies to collect disaggregated race and ethnicity data by default.

The Leadership Conference is the nation's oldest, largest, and most diverse civil and human rights coalition and provides a powerful unified voice for the many constituencies we represent. The Leadership Conference's Census Task Force views an accurate and fair census — and the collection of useful, objective data about our nation's people, housing, economy, and communities generally — to be among the most important civil rights issues of our day. Census Counts, an initiative of The Leadership Conference Education Fund, brings together national-level stakeholder organizations across a wide spectrum of advocacy representing people of color, immigrants, LGBTQ individuals, people with disabilities, infants and children, low-income populations, people of different faiths, members of labor unions, young people, and more. Through education, training, organizing, and outreach, Census Counts works to ensure that persistently undercounted communities are enumerated accurately and fully in the census.

The task of advancing equity is impossible without complete, accurate, and disaggregated data. We deeply appreciate the work of OMB, the Census Bureau, and the Federal

Interagency Technical Working Group on Race and Ethnicity Standards to advance revisions, including requiring agencies to collect disaggregated race and ethnicity data, which will lead to improved data for our communities.

Below, we outline why revisions to Directive 15 must include a mandatory requirement for all federal agencies to collect, report, and maintain disaggregated data. We also share our recommendations for guidance to agencies to support successful implementation of this requirement and to ensure that the detailed checkboxes and examples used to collect these data reflect the full diversity of communities.

**I. Revised Directive 15 standards must require federal agencies to collect detailed race and ethnicity data by default, using checkboxes and/or write-in spaces, and to disaggregate these data to the fullest extent possible.**

Broad racial and ethnic categories — and in the case of American Indians and Alaska Natives, their political status — do not allow for a full, true understanding of our populations and can disguise underlying trends that would illuminate needed policy remedies across sectors. For example:

- In the health field, aggregate data suggest that cervical cancer rates are lower for Asian Americans than non-Hispanic White Americans. But disaggregated data reveal that the rates are much higher in Vietnamese and Cambodian women and lower in Chinese and Asian Indian women.<sup>1</sup> Similarly, disaggregated data show that African Americans, African immigrants, and Afro-Caribbeans differ significantly with respect to social determinants of hypertension and diabetes.<sup>2</sup> Census Bureau research also indicates significant differences among Latino national origins and sub-groups around “material hardship.”<sup>3</sup>
- In education, disaggregated data are critical to ensuring equal opportunity and fair treatment for all students. While aggregate race and ethnicity data can perpetuate a “model minority” stereotype for Asian American students, disaggregated data show that in reality, many Southeast Asian American students face significant barriers to high-quality education and meaningful educational support.<sup>4</sup> Likewise, disaggregated data on Black diaspora populations show important differences in educational attainment,<sup>5</sup> socio-economic status, and access to social support.<sup>6</sup> Detailed data can help to address these gaps by informing targeted investments to

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<sup>1</sup> Vo, Jacqueline B. and Shing, Jaimie Z. “[Importance of Disaggregated Asian American Data.](#)” *National Cancer Institute, Division of Cancer Epidemiology & Genetics*. May 9, 2022.

<sup>2</sup> Commodore-Mensah, Y., Matthie, N., Wells, J. et al. “[African Americans, African Immigrants, and Afro-Caribbeans Differ in Social Determinants of Hypertension and Diabetes: Evidence from the National Health Interview Survey | Journal of Racial and Ethnic Health Disparities](#)” *J. Racial and Ethnic Health Disparities*. Vol 5, 995–1002. 2018.

<sup>3</sup> Scherer, Zachary and Mayol-García, Yerís. “[Hardships and Wealth Disparities Across Hispanic Groups.](#)” *United States Census Bureau*. September 28, 2022.

<sup>4</sup> “[The Need for Improved Federal Civil Rights Data Collection.](#)” *Civilrights.org*. April 2022.

<sup>5</sup> Tamir, Christine and Anderson, Monica. “[One-in-Ten Black People Living in the U.S. Are Immigrants.](#)” *Pew Research Center*. January 20, 2022

<sup>6</sup> Hernandez, Donald J. “[Changing Demography and Circumstances for Young Black Children in African and Caribbean Immigrant Families.](#)” *Migration Policy Institute*. April 2012.

improve student outcomes, such as the creation of dual-language programs and development of targeted resources and programming for families.<sup>7</sup>

- Detailed race and ethnicity data are also indispensable to protecting voting rights, as they can expose disparities that affect underserved communities, including in statutorily protected language access and ballot accessibility.

The examples above illustrate why federal data standards must require agencies to collect and report detailed data for race, ethnicity, and the political status of American Indians and Alaska Natives in order to advance equity. In fact, many federal agencies recognize that disaggregated data are critical to the successful implementation of their Equity Action Plans, created in response to the Biden administration’s Executive Order 13985.<sup>8</sup> OMB has issued guidance<sup>9</sup> encouraging agencies to disaggregate race and ethnicity data to the greatest extent possible under the current standards, and the White House’s Equitable Data Working Group recommends that disaggregated data should be the “norm.”<sup>10</sup> Unfortunately, despite this guidance and the fact that disaggregation has been possible since at least 1997, many federal agencies currently do not collect detailed race and ethnicity data. We are concerned that unless revised Directive 15 standards mandate data disaggregation whenever possible, many agencies will not collect, report, and maintain detailed race and ethnicity data.

We therefore urge OMB to adopt revisions to Directive 15 that *mandate*, rather than simply encourage, the collection and disaggregation of detailed race and ethnicity data for every minimum category. Revised standards should require agencies to seek an exemption from OMB and demonstrate robust evidence for any cases in which they are unable to disaggregate race and ethnicity data, or where confidentiality risks would outweigh the benefits of collecting and reporting such data.

## **II. Revised Directive 15 standards must include guidance for agencies on best practices for the collection and reporting of disaggregated data, particularly in determining optimal detailed checkboxes and write-in examples.**

To support agencies in successfully implementing a new requirement for disaggregating data, OMB must provide clear guidance on using detailed checkboxes and write-in spaces to collect, report, and maintain data for subgroups in each minimum category. OMB and the Census Bureau should consult with stakeholders to determine whether revised minimum categories should include requirements to use specific subgroups (and if so, which subgroups) for checkboxes and/or write-in examples, recognizing that needs may vary for different groups. Some race or ethnicity groups may support a requirement for specific checkboxes in the standards, while others may not yet have final recommendations as to the optimal checkboxes and examples for their communities.

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<sup>7</sup> National Forum on Education Statistics. “[Forum Guide to Collecting and Using Disaggregated Data on Racial/Ethnic Subgroups](#).” (NFES 2017-017). *U.S. Department of Education*. Washington, DC: National Center for Education Statistics. 2016.

<sup>8</sup> “[Data for Equity: A Review of Federal Agency Equity Action Plans](#).” *Civilrights.org*. April 2023.

<sup>9</sup> “[Flexibilities and Best Practices Under SPD 15](#).” *Whitehouse.gov*. July 2022.

<sup>10</sup> “[Recommendations from the Equitable Data Working Group](#).” *Whitehouse.gov*. April 22, 2022.

For example, Asian American and Native Hawaiian or Pacific Islander groups may already have specific recommendations for checkboxes and examples, given previous advocacy calling for disaggregated data for these groups. Since, under the revisions, agencies would be collecting detailed data for Middle Eastern/North African (MENA) and Hispanic groups for the first time, and in light of the geographic and racial diversity of these groups, additional consultation with stakeholders will be critical to developing recommendations. At a minimum, OMB should issue guidance to agencies on the *level* of specificity required for checkboxes and/or write-in spaces in revised standards. OMB and the Census Bureau should also work closely with stakeholders to develop further recommendations on detailed data collection and improve transparency around agency data collection and reporting practices. Providing guidance to ensure consistency in coding of these responses will be especially important.

Data confidentiality is also a critical concern in collecting and reporting disaggregated data. While many communities have long called for data that more accurately reflect their identities and needs, communities of color are often subject to hyper-surveillance and targeting on the basis of race and ethnicity. As a result, many have serious concerns about how federal agencies will use their data and protect its confidentiality. OMB must provide guidance to agencies on best practices for protecting confidentiality in collecting, reporting, and maintaining disaggregated data, while at the same time ensuring the usability of the published data. OMB should work with the Census Bureau and other agencies with expertise on data confidentiality, as well as community stakeholders, to develop such guidance.

### **III. Detailed checkboxes and write-in examples must reflect communities' full diversity and help to signal to respondents which categories may best reflect their identities.**

If OMB does issue specific guidance on checkboxes and write-in examples that agencies should use, these should not simply correspond to the largest subgroups in terms of population size. Rather, checkboxes and examples should reflect the diversity of subgroups that make up each minimum category to help signal to respondents which minimum categories may most accurately reflect their identities. OMB must continue to consult with stakeholders to determine which checkboxes and examples can best achieve this aim.

We also understand that should OMB adopt a combined question format including a MENA category, federal agencies will not assign a race in cases where a respondent only selects an ethnicity. These changes would make it especially critical to clearly signal to Latino and MENA respondents that they may select more than one category, for example, *both* Black and Hispanic, or *both* MENA and Black. The Census Bureau and OMB should continue consulting with Afro-Latino and MENA stakeholders to understand how the use of specific checkboxes or examples can help to maximize the accuracy of the overall count and the race data for these groups in particular. Revised standards should also provide for a process to allow OMB and the Census Bureau, in consultation with stakeholders, to regularly review and update guidance for agencies on using specific checkboxes and examples to collect disaggregated data. This should be a separate and more frequent process than revisions to Directive 15, ensuring that federal data collection practices keep pace with the growing diversity of the nation's population.



Again, we want to express our deep gratitude to OMB, the Census Bureau, and the Federal Interagency Technical Working Group for undertaking this important work to improve race and ethnicity data for all of our communities. We believe that requiring the collection, reporting, and maintenance of disaggregated race and ethnicity data by default is critical to the Biden administration's commitment to advance racial equity, and we hope the recommendations outlined in this letter will help to support the implementation of this requirement. We remain committed to engaging with OMB and the Census Bureau throughout the revision and implementation process, and we appreciate your consideration of our views. If you have any questions, please contact Meeta Anand, senior director of the census and data equity program at The Leadership Conference on Civil and Human Rights, at 202-466-1887 or [anand@civilrights.org](mailto:anand@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
The Leadership Conference Education Fund, Census Counts Steering Committee  
Arab American Institute (AAI), Census Counts Steering Committee  
Asian Americans Advancing Justice – AAJC, Census Counts Steering Committee  
Fair Count, The Leadership Conference's Census Task Force  
Mexican American Legal Defense and Educational Fund (MALDEF), Census Counts Steering Committee  
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, Census Counts Steering Committee  
National Congress of American Indians (NCAI), Census Counts Steering Committee  
National Urban League (NUL), Census Counts Steering Committee