



August 12, 2024

The Honorable Robert Santos
Director
U.S. Census Bureau
4600 Silver Hill Road
Washington, DC 20233

Submitted via e-mail and through www.regulations.gov

Re: American Community Survey Timeline for Implementing Updated Race and Ethnicity Data Standards (89 FR 57124)

Dear Director Santos:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the undersigned organizations, we appreciate this opportunity to provide comments in response to *American Community Survey Timeline for Implementing Updated Race and Ethnicity Data Standards*, set forth in a Federal Register Notice (“notice”) on July 12, 2024. The Census Bureau is asking the public to comment on its proposal to implement the 2024 Statistical Policy Directive 15 (2024 SPD 15) standards for the collection, maintenance, and reporting of race and ethnicity data in the ACS in 2027.

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. Our coalition views an accurate and fair census — and the collection of useful, objective data about our nation’s people, housing, economy, and communities generally, including in the related American Community Survey — to be among the most important civil rights issues of our day.

To that end, The Leadership Conference has served as a Census Information Center for nearly two decades, a role that has allowed us to lift up within our broad civil rights coalition the fundamental importance of comprehensive, high-quality data about our population, communities, and economy. We also have a long history of first-hand experience working in support of previous censuses and in support of the Census Bureau’s American Community Survey (ACS). Our Census Task Force meets regularly to keep stakeholders informed about key Census Bureau programs, policy developments, operational challenges, and opportunities to engage in decision-making. For the 2020 Census, we undertook the Census Counts campaign, the nation’s most comprehensive, extensive, and inclusive stakeholder effort to promote participation in historically undercounted communities and to mobilize local advocates in support of the census by highlighting the civil rights and social justice

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implications and community benefits of an accurate count. Though the 2020 count is now over, Census Counts continues to engage and mobilize national, state, and local stakeholders throughout the decennial census cycle. We regularly convene a working group of a wide range of ACS stakeholders to discuss ACS improvements and engagement. Starting in 2023, we have also elevated the importance of high-quality ACS data for all communities by designating the month of August as “ACS Awareness Month.” Activities highlighting the need to invest in strengthening the ACS include educational webinars and discussions about effective messaging to encourage ACS response among sample households.

Weighing a Timeline for Implementing the 2024 SPD 15 in the ACS

The Census Bureau states in the notice that “Implementing the 2024 SPD 15 in the ACS as quickly as possible is essential.” While we fully support this goal, we would frame it differently. The Census Bureau should implement the new OMB race and ethnicity data standards as soon as feasible *after completing necessary research to ensure that the collection instrument and instructions, as well as plans for coding, tabulating, and reporting data, will generate the most inclusive and accurate responses possible, ideally by 2026.* If the Census Bureau does not plan additional research — especially along the lines we outline below — before incorporating a new combined race and ethnicity question in the ACS, then it should achieve the goal stated in the notice by implementing the 2024 SPD 15 in the 2026 ACS and then utilize those results to assess and address the below-listed topics. If fulfilling that objective could only be achieved by implementing the 2024 SPD 15 in the 2027 ACS, we would support that choice.

Addressing the Factors Leading to the Census Bureau’s Proposal to Implement the Updated Standards in the ACS in 2027

1. *The amount of additional time needed for ACS activities to ensure accurate implementation. The most challenging tasks include revising and testing procedures for processing data and developing updated data products.*

Our response: We share this concern. However, we believe the Census Bureau also must ensure optimal functioning of a combined race and ethnicity question and the new minimum Middle Eastern or North African (MENA) category, as well as clear and transparent protocols for coding, tabulating, and reporting data from respondents who select more than one race and/or ethnicity. The deliberative process should include regular consultation with stakeholders. Finally, the Census Bureau must develop and communicate useful bridging techniques to ensure that data users from all sectors (i.e., government, private, nonprofit, and research sectors, as well as the general public) can draw meaningful conclusions about demographic trends over time.

2. *Necessary scope and schedule changes for competing ongoing high-priority projects. The Census Bureau has a number of critical data modernization projects underway that are expected to use many of the same resources needed for implementation of the 2024 SPD 15 in the ACS.*

Our response: We understand that the Census Bureau continues to face budget and personnel constraints across a range of vital programs, and that it must set priorities both for current projects

and new initiatives and developments. However, revisions to OMB SPD 15 have been decades in the making. Measuring the nation’s racial and ethnic composition accurately and completely to ensure robust implementation, monitoring, and enforcement of our nation’s civil rights laws and to advance equality of opportunity and access in social and economic institutions should be a high priority for the Census Bureau. Given the complexity of deliberations that resulted in revised OMB standards, the Census Bureau must devote the resources necessary to make sure implementation of the new standards is done carefully and well.

3. *The need and timing for additional expert resources. Implementing the 2024 SPD 15 in the ACS requires the availability of dedicated resources with subject matter expertise.*

Our response: We agree that initial implementation of the 2024 SPD 15 in the Census Bureau’s signature household survey requires significant subject matter expertise, in no small part because the Census Bureau must define and then implement its plan to carry out an extensive research agenda set forth in the revised standards, Part D.

We are especially interested, in the short term, about ensuring the collection of inclusive data on Black diasporic individuals who identify with both a race and ethnicity. The Federal Interagency Technical Working Group on Race and Ethnicity Standards (“working group”) recommended prioritizing additional research on capturing accurate and inclusive responses in a combined question from Black populations, including those who also identify ethnically as Afro-Latino and Afro-MENA. Of particular importance is the need to “signal” that respondents can and should select all the categories that best describe and reflect their full identity, as the revised standards indicate. This could involve modified question instructions, as well as a more inclusive selection of checkboxes and examples for several minimum categories, including Black or African American, Hispanic, and MENA.

4. *When and how to obtain external stakeholder feedback on Census Bureau implementation plans. Transparent engagement with stakeholders is highly valued and will inform deliberations.*

Our response: Meaningful and timely stakeholder engagement and consultation is, of course, essential to ensuring successful implementation of the 2024 SPD 15 and public confidence in the resulting data. We note that 120 partner organizations signed The Leadership Conference comments on the proposed Statistical Policy Directive 15 revisions, representing an important — but by no means inclusive — slice of advocates, researchers, and subject matter experts who can serve as sounding boards and advisors as the Census Bureau pursues these next critical phases of implementing a modern statistical policy on race and ethnicity data collection. Equally important, the Census Bureau should consult at the outset (that is, when defining its research agenda) with stakeholders, including researchers, who have specific expertise in diverse communities. Partners in this effort should include advocates and experts who were not consulted directly when the Census Bureau designed and implemented the 2015 National Content Test, the results of which have significantly informed current developments in measuring race and ethnicity.

Overall, engagement at this stage of the process could include regular meetings between Census Bureau staff and The Leadership Conference Education Fund's Census Counts steering committee, as well as periodic cohosted webinars or briefings with the stakeholder community to ensure transparency and a collaborative environment. We should note that our partnership with the Office of Information and Regulatory Affairs and the working group throughout the deliberative process of updating Statistical Policy Directive 15 has been an important element of successful stakeholder collaboration thus far.

Research Needs

As the Census Bureau works to include the elements of 2024 SPD 15 in the ACS as soon as feasible, we want to highlight the issues we believe deserve significant attention before that happens.

1. **Ensuring that a combined question does not imply that there are no distinctions between race and ethnicity.** The use of a combined race and ethnicity question is a positive step forward in improving the collection of representative data on America's racial and ethnic composition. However, we remain concerned about a conflation of the concepts of race and ethnicity. The Census Bureau should devote resources now to additional research on ways to make clear to respondents that the categories offered reflect both races and ethnicities and that they can identify with as many of those categories as they wish — even though some respondents might only identify with an ethnicity (that is, Hispanic or MENA) or with only one of the distinct race categories.

The March 28, 2024 notice setting forth the 2024 SPD 15 highlights the need for further research on methods to ensure complete and accurate estimates of the Afro-Latino population. Further testing and research must focus on question design, terminology, and instructions, as well as optimal checkboxes and examples for both the Black or African American and Hispanic or Latino minimum categories that can signal to respondents how to report their combined identity fully. (We note, as an aside, that our comments last year in response to the proposed updated standards recommended including the term "Afro-Latino" as a checkbox and/or examples for both the Black and Hispanic minimum categories.)

Along similar lines, we believe additional research and testing is necessary to ensure that Afro-MENA respondents may (and should, as appropriate) identify with both the Black and Hispanic minimum categories through the use of checkboxes and/or examples that include an Afro-MENA population group. The Census Bureau has not previously tested subgroup identities that would signal to Black Arabs, for example, their inclusion in both the MENA and Black categories. To carry out thorough research on these points, the Census Bureau should hire, or in the short term closely consult with, researchers and subject matter experts who understand the ethnic diversity within the MENA population.

We also understand the concern of tribal nation leaders that American Indians may not view their identity through a lens of race or ethnicity, which might require additional research and testing of

modified question stem wording that resonates more clearly with members of sovereign nations. OMB also recommended, in the updated standards, research that would better align the title of the American Indian or Alaska Native (AIAN) category with its definition, although we understand this research has a longer time-horizon. We share your interest in learning more about how tribal communities and Indigenous populations understand the AIAN category definition, combined question framing, and response options — and whether the category title should be revised.

2. Ensuring clear, effective bridging protocols and techniques to allow all data users, sophisticated and lay alike, to fully understand demographic change and trends over time.

The Census Bureau is clearly considering scenarios for cross-walking data collected under the 1997 and 2024 SPD 15 standards, as evidenced by its preliminary plan to produce “experimental data products” before an official crosswalk program begins with release of the first 5-year ACS estimates based on a combination of data (i.e., 2023-2027). We would like to learn more about the Census Bureau’s plans for creating the crosswalk and for keeping stakeholders and the public, including the media, informed about the process and outcomes.

Of particular interest are the techniques for comparing data collected for Hispanics or Latinos under a separate question and now a combined question, as well as data on the MENA population collected under the White race category and now a distinct minimum category. We want to ensure that all data users, regardless of their level of technical sophistication, can interpret the cross-walked data appropriately.

3. Ensuring appropriate coding, tabulation, and reporting of all race and ethnicity responses, especially multi-racial and multi-ethnic responses, and combined race and ethnicity responses. The Census Bureau must begin consultations about data coding and tabulation with stakeholders and external experts promptly to inform its short-term research agenda on the coding scheme and tabulation protocols for responses to the combined, updated race and ethnicity question.

4. Ensuring question clarity and comparability across various languages and translations to ensure collection of consistent data for all racial and ethnic communities.

Conclusion

We emphasize that the need for further research, testing, and consultation to ensure the optimal combined race and ethnicity question for the ACS should not delay adoption of revised standards in a timely manner, ideally in 2026. With that in mind, we encourage the Census Bureau to conduct focused, high quality additional research and testing, as necessary, to resolve outstanding issues related to the most effective terminology, instructions, and formatting of a race and ethnicity question, as well as appropriate coding, tabulation, and publication of data products, in consultation with stakeholders. If the Census Bureau cannot accomplish those goals by 2026, then we support its proposal to delay implementation of the 2024 SPD 15 in the ACS until 2027. However, if the Census Bureau will not conduct additional research and meaningful consultation before implementing the new standards, it should articulate its



reasons for not doing so more fully, proceed to incorporate a combined question with a new MENA category into the 2026 ACS, and then utilize those results as part of ongoing research on these important topics.

We look forward to working with you and your staff in the coming months to ensure that the voices of the civil and human rights community continue to be heard in this important, ongoing national conversation. If you have any questions about these comments, please contact Meeta Anand, senior director of the census and data equity program at The Leadership Conference on Civil and Human Rights, at anand@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
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