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February 18, 2025

Shannon Wink,  
Program Analyst, Policy Coordination Office  
U.S. Census Bureau  
4600 Silver Hill Road  
Washington, DC 20233

Submitted via regulations.gov

Re: Federal Register Notice Docket Number USBC-2024-0022, "The Census Bureau's Proposed Race/Ethnicity Code List for the American Community Survey and the 2030 Census"

Dear Ms. Wink,

On behalf of The Leadership Conference on Civil and Human Rights, our Census Task Force co-chairs Asian Americans Advancing Justice | AAJC and NALEO Educational Fund, and the undersigned organizations, we appreciate this opportunity to provide comments in response to the Census Bureau's Proposed Race/Ethnicity Code List for the American Community Survey and the 2030 Census, published in the Federal Register on November 18, 2024 (Docket Number USBC-2024-0022).

The Leadership Conference is a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference Education Fund builds public will for state and federal policies that promote and protect the civil and human rights of all persons in the United States. Our coalition views an accurate and fair census, and the collection of useful, objective data about our nation's people, housing, economy, and communities, to be among the most important civil rights issues of our day.

The once-a-decade review and revision of the Race/Ethnicity Code List for the ongoing American Community Survey (ACS) is a critical component of preparations for the decennial census. This year's review is especially important in light of the 2024 updates to OMB Statistical Policy Directive 15 (SPD 15) governing how federal agencies should collect, tabulate, and publish race and ethnicity data. We appreciate the opportunity to contribute to this process and support the Census Bureau's efforts towards a thoughtful, deliberate, and community-informed approach.

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Below, we offer important considerations and several recommendations on coding and tabulation of race and ethnicity responses to support the successful implementation of SPD 15 in the ACS and 2030 Census.

## **Key Considerations**

### **1. Ongoing and Genuine Stakeholder Consultation**

The Census Bureau should conduct ongoing and genuine stakeholder consultation throughout its many activities. We cannot overstate the importance of meaningful, iterative dialogue with researchers and academic experts, community leaders, and survey respondents as part of the Census Bureau’s work to update the ACS and 2030 Census coding list to ensure that respondents’ intent is being captured in the bureau’s coding scheme. Consultation should extend beyond consideration of the input provided in public comments to include, for example, listening sessions on coding and tabulation procedures similar to those that the Federal Interagency Technical Working Group on Race and Ethnicity Standards conducted with stakeholders prior to issuing the revisions to SPD 15. Proactive stakeholder consultation is timely following additional analysis of response patterns and trends identified in the 2020 Census — such as the increase in the number of respondents coded as two or more races, discussed below — that require further consideration and attention.

### **2. Capturing Respondent Intent**

The ability for respondents to provide more detailed information about each of the minimum categories for race and ethnicity reporting is a step forward for accurate respondent self-identification. Equally important, however, are transparent and common-sense coding, editing, and tabulation procedures that accurately capture respondent intent in the final results. Correctly discerning intent is necessary to accurately capture the range of ways people view their race, ethnicity, nationality, ancestry, language, and national origin. According to the Census Bureau, the population reporting two or more races increased substantially between the 2010 and 2020 Censuses. Part of this increase was due, no doubt, to the growing diversity of the population of the United States. However, part of the growth in the “Two or more races” category was likely attributable to a revised question format that allowed respondents who selected the White and/or Black race categories to check off or write in one or more detailed origins, as well as to changes to the coding rules.

Examples from the 2020 Census can help highlight this challenge. Under the 2020 Census coding rules, the Census Bureau assigned a person who selected the Black or African American checkbox in the race question, and then wrote in “British” beneath the Black category, to both the Black and White race categories, thus adding them to the “Two or more races” category. Was this the respondent’s intent? It might have been, but perhaps the respondent was born and raised in England and later moved to the United States, thereby identifying as British, but only as Black — and not as White — racially.

A second example highlights troubling coding and tabulation outcomes for responses to separate race and Hispanic origin questions. A combined race and ethnicity question might not prevent such unintentional outcomes without careful development of coding and editing schemes for the ACS (starting in 2027) and

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2030 Census, made in consultation with diverse external stakeholders and experts, such as members of the agency’s advisory committees. In this example, different outcomes would have emerged in 2020 depending on how a respondent filled out the two questions. An individual who views themselves as Hispanic and Black might have identified as Hispanic or Latino in the Hispanic origin question and written in, for instance, “Dominican” as their specific Hispanic origin. Then, in the race question, they selected Black. The outcomes diverge depending on whether the respondent also wrote in “Dominican” under the Black race category. If the respondent did not write in a subgroup under that minimum category, the Census Bureau would have coded the respondent simply as Hispanic and Black. However, if the individual selected the Black race category and then wrote in “Dominican,” the Census Bureau would code them as Hispanic, Black, and Some Other Race. In other words, if the respondent provided fewer details, they were coded as Hispanic and Black, which is how they self-identified. Paradoxically, seeking to provide more detail by using the write-in space under the race category would have led the Census Bureau to tabulate this individual as Some Other Race, a category they did not select. While a combined race and ethnicity question might mitigate this unsupported outcome, we believe more logical and transparent coding, editing, and tabulation protocols going forward are the only ways to capture respondent intent most accurately.

Overall, the new opportunity for respondents of all races to write in a subgroup in the 2020 Census was a significant step towards ensuring more inclusive data collection and self-identification. However, the bureau’s editing and coding decisions may have undermined the intent of some respondents to self-identify fully by race and subgroup or national origin. This issue must be addressed through research and evaluation of coding and tabulation schemes in the rollout of the 2024 SPD 15 standards on the ACS and the 2030 Census.

### **3. Transparency and Guidance for Data Users**

The Census Bureau cannot accurately collect race and ethnicity data without transparent analysis of the coding and tabulation schemes under the 2024 SPD 15 standards. In addition to such analysis, the bureau must provide a clear explanation of how it will report race and ethnicity data under the new standards, as well as guidance on how to bridge these new data with previous data. Ongoing evaluation of coding and tabulation procedures is critical to understanding the implications of any proposed changes in the protocols from one census to the next. The 2020 Census would have been a useful real-time opportunity to evaluate the potential effects of question format changes between the 2010 and 2020 enumerations. We encourage the Census Bureau to conduct additional research on the implications of 2020 Census coding protocol changes and to use this research to inform coding and tabulation decisions going forward.

The bureau should also leverage ongoing opportunities to test coding and tabulation schemes before the 2030 Census, for example, by using data collected in the American Community Survey, Household Trends and Outlook Pulse Survey, or 2026 Census Test. Quantitative analysis should be complemented by qualitative methods such as re-interviews and focus groups, which could also help to inform respondent outreach and guidance materials for the 2030 Census. This research would allow the bureau to examine how changes in the collection of race and ethnicity data, as well as related coding and editing

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schemes for the 2030 Census, capture true demographic change rather than changes arising from new data collection, question formatting, and tabulation methods.

In addition to evaluating coding and tabulation procedures for the 2024 SPD15 standards, the bureau must educate stakeholders about how the new standards and coding schemes will affect comparisons with data collected under the previous standards. An obvious example: The bureau must explain to stakeholders that the new combined question, which includes MENA and Hispanic/Latino ethnicity categories in addition to the existing race categories, will not produce data for “two or more racial or ethnic categories” that are comparable to the “two or more races” data under the previous standards. The bureau must also provide accessible, clear information about how the revised standards have affected the tabulation and reporting of persons who are “two or more races or ethnicities” or how persons in each minimum category are reported as either “alone” or “alone or in combination.”

Additionally, the Census Bureau should research best practices for determining the intent of respondents who use the write-in boxes and how those determinations compare with the editing and coding procedures that the Census Bureau will use for the ACS and 2030 Census. Publishing results from cognitive interviews to measure the reliability of the coding process would help all stakeholders better understand how question design improvements and coding decisions bear on the bureau’s ability to capture respondent intent correctly.

We urge the Census Bureau to publish information about its approaches to coding written responses to the combined race and ethnicity question, including, to the extent they occur, cases in which the bureau uses write-in responses to re-code respondents into minimum race or ethnicity categories that they did not select. The bureau should also publish data on the number of respondents it re-codes based on write-in responses to help researchers study how the new question format is performing among different population subgroups. Without transparent processes to measure and report respondent intent, differing concepts of the constructs of race, ethnicity, national origin, language, and ancestry may result in the bureau systematically reclassifying respondents into categories with which they do not identify. In some cases, a coding rule that always categorizes respondents from a particular country as a specific race or ethnicity (such as the rule re-coding a respondent who selects Black and writes in “British” to the White category) will be too broad an approach to accurately capture respondent intent, particularly when countries have large diasporic populations. While the current solicitation of comments is a critical component of preparations to deploy revised race and ethnicity data collection standards, we urge the bureau to conduct additional expert consultations on these questions to review assumptions and further develop coding schemes that reduce errors and reflect respondent intent.

## **Conclusion**

In addition to the feedback collected through the Federal Register Notice, we strongly encourage the Census Bureau to engage with survey respondents through qualitative research to ensure that intent is accurately reflected in the bureau’s coding scheme. We call on the bureau to ensure transparency in decisions around its coding, editing, and tabulation protocols by publishing guidance on its approaches and the results of the quantitative and qualitative analysis we recommend here. Finally, we recommend

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that the bureau test ways to determine the intent of respondents who use the write-in boxes and how that intent compares with the editing and coding procedures that the Census Bureau will use for the ACS and 2030 Census. These steps will help to ensure that the data that the Census Bureau collects and publishes more accurately capture respondent intent and reduce the risk of misidentification.

Thank you for your consideration of our views on these important issues related to the collection and publication of race and ethnicity data. 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](mailto:anand@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
The Leadership Conference Education Fund  
Arab American Institute (AAI)  
Asian Americans Advancing Justice | AAJC  
Fair Count, Inc.  
MALDEF  
NALEO Education Fund  
National Urban League