

April 12, 2023

Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17<sup>th</sup> St. NW  
Washington, DC 20503

**Response to 88 FR 5375 Notice and Request for Comments on Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards**

Dear Office of Management and Budget:

Thank you for the opportunity to submit feedback on the Initial Proposals for Updating OMB's Race and Ethnicity Statistical Standards. The Native Hawaiian and Pacific Islander (NHPI) Data Policy Lab, housed at the UCLA Center for Health Policy Research (Center), submits the following comments in response to the questions in 88 FR 5375. These comments are informed by the experience of NHPI Data Policy Lab staff engaging with NHPI communities specifically on race and ethnic data issues for the past fifteen years.

The NHPI Data Policy Lab is based in Los Angeles, CA, and was initially established in 2020 to provide NHPI community-based organizations (CBOs) with a centralized resource for tracking and analyzing the impact of COVID-19 on NHPI communities in the U.S. The NHPI Data Policy Lab continues to serve Native Hawaiians and Pacific Islanders (NHPIs) in the United States by meeting our communities' data needs, advocating for equitable data policies, and strengthening our communities' data skills. Our projects have included the development of the first Native Hawaiian and Pacific Islander Data Policy Platform and community-accessible dashboards focused on NHPI social determinants of health data.

The specific language and principles expressed in President Biden's Executive Order "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government" (E.O. 13985 of Jan 20, 2021) and "Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government" (E.O. 14091 of Feb 16, 2023) strongly supports the collection and reporting of disaggregated data for detailed NHPI groups.

E.O. 13985 ordered that it be the policy of the Administration that the Federal Government "should pursue a comprehensive approach to advancing equity for all." It then defines equity<sup>i</sup> in a manner that explicitly includes reference to "Pacific Islanders" among underserved communities whose individual members have been denied consistent and systematic fair, just, and impartial treatment. This reference to "Pacific Islanders" places agencies on notice that Pacific Islanders are a marginalized community that must be tracked as a distinct group for purposes of equity. E.O. 14091 goes further and details specific measures by which agencies are expected to advance racial equity and support for underserved communities. These measures include prioritization and incorporation of "strategies to advance equity-including by... implementing equitable data practices." "Equitable data" is defined in E.O. 14091 as "data that allow for rigorous assessment of the extent to which Government programs and policies yield consistently fair, just, and impartial treatment of all individuals." Race and ethnicity data must be disaggregated by detailed NHPI race and ethnicity in order for this language to carry sufficient meaning to accomplish its stated goal. The Census Bureau has utilized over 40 separate codes representing distinct detailed NHPI groups.<sup>ii</sup> Each of these groups have unique languages, cultures, and traditions and also represent a broad array of political relationships with the U.S. Ensuring equitable access and treatment requires the ability to assess whether these various NHPI communities are able to access eligible federal programs and the treatment they receive. The varying political relationships between Pacific Islands and the U.S. means that the NHPI label encompasses those who are birthright citizens, U.S. nationals,

Compact of Free Association migrants, and foreign nationals. As such, the NHPI label loses its efficacy as a descriptive label when assessing the ability to access programs that are dependent on a particular immigration status.

The importance of disaggregating to the detailed NHPI group level is further evidenced by data collected during the COVID-19 pandemic and the role it played in allocating COVID-19 relief resources to heavily impacted NHPI communities. A report published by UCLA Center for Health Policy Research in May 2021<sup>iii</sup>, revealed that the COVID-19 death rate for NHPIs as a whole, in California, was 123 per 100,000. However, when disaggregated, the COVID-19 death rate for Samoans was 182 per 100,000, compared to 27 for Fijians and 40 for Native Hawaiians. According to the 2020 American Community Survey 5-Year Public Use Microdata Sample, only an estimated 1% of Marshallese in California have earned a bachelor's degree or higher, compared to 23% for Native Hawaiians. Disaggregated detailed NHPI race and ethnicity data must be collected and reported across agencies in order to properly assess the challenges individual NHPI communities face as well as design, implement, and evaluate programs meant to address those challenges.

The NHPI Data Policy Lab's responses to the specific questions in 88 FR 5375 are italicized below.

1. Collect race and ethnicity information using one combined question.

1a. Please provide links or references to relevant studies that examine or test any impacts of collecting race and ethnicity information using separate questions compared to a combined question.

*N/A*

1b. To what extent would a combined race and ethnicity question that allows for the selection of one or more categories impact people's ability to self-report all aspects of their identity?

*We support combining the race and ethnicity question.*

*The separate question format encourages the practice of "top-coding" by Hispanic/Latino, which has the potential to undercount Native Hawaiians and Pacific Islanders while also introducing new possibilities for errors adversely affecting Native Hawaiian and Pacific Islander (NHPI) counts that would not otherwise exist.*

*Approximately 16% of NHPIs alone or in combination in the U.S. are Hispanic/Latino, according to the 2020 Decennial Census.<sup>iv</sup> Top coding by Hispanic/Latino would significantly decrease the count of NHPIs and have proportionally large impacts given the relatively small NHPI population size.*

*The increased potential for errors is also demonstrated by the Centers for Disease Control and Prevention's Provisional COVID-19 Deaths by County, and Race and Hispanic Origin data.<sup>v</sup> As of Feb. 10, 2023, the CDC's provisional data set coded all Native Hawaiian and Pacific Islander COVID-19 cases in Los Angeles County and San Diego County as Hispanic/Latino. When top coded using Hispanic/Latino, this would result in 0 NHPI COVID-19 case counts for the two counties with the largest populations of NHPIs in California.*

*The Census Bureau's 2015 National Content Test (NCT), also indicated no significant differences in the level of detailed reporting between the separate questions format and the combined question formats for NHPI alone or in combination groups.<sup>vi</sup> Given the potential for undercounts when Federal agencies utilize the separate question format and the lack of evidence that the*

*combined question would harm NHPI response rates and accuracy, we support the combined race and ethnicity question format.*

*With regard to the potential impact the combined question format may have on the Afro-Latino community, we refer OMB to the comment submitted by the UCLA Center for Health Policy Research for further information and data.*

1c. If a combined race and ethnicity question is implemented, what suggestions do you have for addressing challenges for data collection, processing, analysis, and reporting of data?

*N/A*

1d. What other challenges should we be aware of that respondents or agencies might face in converting their surveys and forms to a one question format from the current two-question format?

*N/A*

2. Add “Middle Eastern or North African” (MENA) as a new minimum category.

2a. Given the particular context of answering questionnaires in the U.S. (e.g., decennial census, Federal surveys, public benefit forms), is the term “Middle Eastern or North African (MENA)” likely to continue to be understood and accepted by those in this community? Further, would the term be consistently understood and acceptable among those with different experiences, i.e. those born in the U.S., those who immigrated but have lived for an extensive period of time in the U.S., and those who have more recently immigrated to the U.S.?

*We support the creation of additional minimum categories that allow individuals to fully express and communicate all relevant aspects of their racial and ethnic identity. We defer to the consensus of MENA category advocates regarding this particular question.*

2b. Do these proposed nationality and ethnic group examples adequately represent the MENA category? If not, what characteristics or group examples would make the definition more representative?

*We defer to the consensus of MENA category advocates regarding this question.*

2c. Would this proposed definition allow the generation of statistics necessary to track the experience and wellbeing of the MENA population?

*We defer to the consensus of MENA category advocates regarding this question.*

3. Require the collection of detailed race and ethnicity categories by default.

3a. Is the example design seen in *Figure 2* inclusive such that all individuals are represented?

*The example design in Figure 2 represents a significant improvement for Native Hawaiian and Pacific Islander (NHPI) groups. The six detailed NHPI categories with checkboxes represent an estimated 84% of the NHPI alone population according to the U.S. Census Bureau.<sup>vii</sup> By comparison, the three detailed NHPI race groups with check boxes in the 2020 Decennial Census (Native Hawaiian alone, Samoan alone, and Chamorro alone) represented 65% of the NHPI alone population.<sup>viii</sup>*

However, the top six detailed NHPI groups in Figure 2 represent a shrinking share of the overall NHPI population. In 2010, those six detailed NHPI groups represented 97% of the total NHPI alone population.<sup>ix</sup> Detailed NHPI groups that have a smaller population than the six represented in Figure 2 have been increasing in population and may be expected to do so due to climate migration and rising costs of living in the Pacific.<sup>x</sup> These population shifts may precipitate the need to ensure accurate collection of detailed NHPI group populations beyond the minimum proposed in Figure 2.

3b. The example design seen in Figure 2 collects additional detail primarily by country of origin. What other potential types of detail would create useful data or help respondents to identify themselves?

*We recommend ensuring that the OMB definition of Native Hawaiian and Other Pacific Islander continues to refer to persons having origins in the **original peoples** [emphasis added] of Hawaii, Guam, Samoa, or other Pacific Islanders and not country of origin. Emphasizing “original peoples” in the OMB definition will help ensure that respondents do not mistakenly self-identify as NHPI simply by virtue of having been born in the Pacific Islands.*

3c. Some Federal information collections are able to use open-ended write-in fields to collect detailed racial and ethnic responses, while some collections must use a residual closed-ended category (e.g., “Another Asian Group”). What are the impacts of using a closed-ended category without collecting further detail through open-ended written responses?

*The use of a residual closed-ended category for Native Hawaiians and Pacific Islanders (NHPIs) would be harmful for NHPI groups that would be represented by that category. Policy makers, government agencies, and community organizations rely on statistics for detailed NHPI groups in order to design, implement, and evaluate culturally and linguistically tailored programs and interventions. Residual closed-ended categories mask that information.*

*Residual closed-ended categories also remove the ability to pool detailed race data over time periods and join detailed race data across data sets. This is a relatively more significant issue for NHPIs who are less likely to overcome privacy thresholds or have stable statistics reported due to the relatively small NHPI population. This increases the importance of utilizing methods such as pooling and joining data sets in order for detailed NHPI groups to have access to their data.*

*Residual closed-ended categories also make it more difficult to identify instances of misclassification. For example, single-race Filipinos may mistakenly select an “Other Pacific Islander” option. According to the 2021 American Community Survey 1-Year Estimates, Table S0201 there are approximately 3 million Filipinos (alone) and 612,000 NHPIs (alone) in the U.S. A relatively small share of the Filipino (alone) population misclassifying themselves as NHPI could result in significantly unreliable NHPI statistics. Having the write-in box enables more accurate tabulations.*

*Poorly implemented surveys and misinformation may also lead to biased responses that disproportionately and inaccurately select a residual closed-ended category. Foreign born NHPI groups that are fearful of their data being misused may select a residual closed-ended category in order to mask their racial or ethnic identity even if a more accurate selection is available. Surveys that are conducted by poorly trained staff or that are not translated into NHPI languages may also result in respondents selecting residual closed-ended categories.*

*We recommend removing residual closed-ended categories and implementing open-ended write-in fields in addition to the proposed minimum categories due to the above concerns.*

3d. What should agencies consider when weighing the benefits and burdens of collecting or providing more granular data than the minimum categories?

*Agencies should consider the equity principles described in the Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (E.O. 14091 of Feb 16, 2023). E.O. 14091 makes clear that federal agencies under the Executive Branch should advance "equity for all, including communities that have long been underserved." The benefits of making detailed race and ethnic data available for groups that have been historically underserved by current data collection and reporting practices should be heavily weighted when agencies consider benefits and burdens of collecting more granular data than the minimum categories.*

*EO 14091's equity principles are also reflected in the recommendations provided in "A Vision for Equitable Data: Recommendations from the Equitable Data Working Group."<sup>xi</sup> The recommendations include increasing the sample sizes in order to generate estimates for smaller populations and developing multi-year datasets. Failure to apply equity principles while focusing primarily on financial costs would prevent populations smaller than the proposed minimum categories from receiving the same benefits afforded to groups represented by the proposed minimum categories.*

3e. Is it appropriate for agencies to collect detailed data even though those data may not be published or may require combining multiple years of data due to small sample sizes?

*We believe it is appropriate for agencies to collect detailed data knowing that it may not be published without combining multiple years of data due to small sample sizes. It is necessary to protect the privacy of respondents which may be compromised by small sample sizes. Pooling data across multiple years enables detailed data to maintain utility for community organizations that rely on detailed data to design, implement, and evaluate programs and interventions when the data may not otherwise be available.*

3f. What guidance should be included in SPD 15 or elsewhere to help agencies identify different collection and tabulation options for more disaggregated data than the minimum categories? Should the standards establish a preferred approach to collecting additional detail within the minimum categories, or encourage agencies to collect additional information while granting flexibility as to the kind of information and level of detail?

*We recommend SPD 15 issue guidance that includes institutionalizing community advisory boards and appointing community leaders and subject matter experts with relevant knowledge, expertise, and experience working with and utilizing demographic data.*

*With regard to guidance for collecting and tabulating more disaggregated data than the minimum categories, we recommend OMB strongly encourage agencies to maximize the detailed check boxes allowed by the survey format, whether it is digital or paper. Guidance language should explicitly state that federal agencies and those receiving federal funds are subject to SPD 15 and that compliance will be audited and results of the audit be made public.*

*Agencies should be instructed not to utilize a "multiracial" data collection category and strongly discouraged from reporting a "multiracial" category. Agencies should be instructed to utilize the*

*“alone or in combination” category instead. This is particularly important for NHPI communities which have a larger share of multiracial individuals than any other current minimum SPD 15 category. For example, according to the 2021 American Community Survey 1-year Estimates, Table S0201, there are an estimated 185,391 Native Hawaiians alone and 680,353 Native Hawaiians alone or in combination.*

*Guidance should also advise agencies that they should consider utilizing intermediate roll-up categories that may allow reporting of combined detailed NHPI groups that do not individually overcome privacy thresholds or statistical stability standards. For example, individuals born in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau that have entered the U.S. at various points in time, as well as their children and grandchildren, have been defined as “Compact migrants” by the U.S. Census Bureau.<sup>xii</sup> This category is useful because it includes beneficiaries of Compacts of Free Association (COFA) agreements between those nations and the U.S. Citizens of COFA nations may travel to and work in the U.S. without requiring a visa. A category for COFA respondents would assist organizations and agencies that address the needs of COFA migrants in order to allocate resources accordingly. The GAO has also reported that the COFA population in the U.S. grew 68% between 2009 and 2018.<sup>xiii</sup>*

*We support the recommendations provided by the Data Equity Center at the UCLA Center for Health Policy Research with regard to tabulation of individuals who report more than one race. As stated in their comment, we recommend the distribution of race and ethnicity be tabulated in the following ways:*

- 1. “Using separate, overlapping racial and ethnic categories that count all individuals who report as each racial and ethnic group, either alone or in combination with another race and ethnicity, and when possible, divide each racial and ethnic category into two groups: “alone” or “in combination with another race and ethnicity”;*
- 2. If overlapping categories are not possible, priority should be given to ensuring that data from small racial and ethnic groups that are likely to have high proportions of respondents reporting more than one race—such as NHPI, AIAN, or MENA—can be reported for a combined “alone or in combination with another race and ethnicity” with other racial and ethnic groups reported as residual categories.*

*While computationally more complex, the use of overlapping categories will more accurately represent respondent reports and not artificially dilute the power of smaller racial and ethnic groups through tabulation decisions.”*

3g. Is the current “default” structure of the recommendation appropriate? Should SPD-15 pursue a more voluntary approach to the collection of disaggregated data, as opposed to having a default of collecting such data unless certain conditions are met?

*The structure recommended in Figure 2 is appropriate. We strongly oppose a more voluntary approach. Federal agencies have yet to comprehensively implement the minimum categories in the 1997 revision of SPD 15, despite having 26 years to implement the categories and language establishing that the categories are the minimum.<sup>xiv</sup> Language in the current initial proposal that allows an agency to determine for itself whether the potential benefit of the detailed would not justify the additional burden to the agency and the public risks creating a patchwork data collection and reporting landscape where data from various agencies may not be combined or bridged. This would severely limit the utility of data sets since it would prevent analysis across a variety of issue areas and be more likely to detrimentally impact smaller populations represented by small sample sizes that would benefit from combined data sets. If OMB were to allow federal*

*agencies the ability to avoid utilizing the proposed minimum categories, we recommend that stringent requirements be put in place that require review of such decisions by community advisory boards, publication of the determination and supporting analysis, that the agency seek public comments, and require the agency to respond to the comments.*

3h. What techniques are recommended for collecting or providing detailed race and ethnicity data for categories with smaller population sizes within the U.S.?

*We recommend oversampling to ensure that historically underreported detailed NHPI groups are represented in data reporting. In lieu of oversampling, pooling data across multiple time periods should be utilized.*

*We also strongly encourage special surveys conducted by agencies, such as the Native Hawaiian and Pacific Islander National Health Interview Survey conducted by the National Center for Health Statistics<sup>xv</sup>, with guidance to improve response rates, analysis, and dissemination. Agencies should be advised that partnerships with NHPI community-based organizations can result in improved survey questions, cultural and linguistic training for field staff conducting surveys, and wider dissemination with greater impact.*

*Data imputation techniques that rely on data sets purchased from third parties should be regularly audited.<sup>xvi</sup> Administrative data sets utilized to impute data should be limited to data sources that allow for the collection of the proposed minimum categories. Additional techniques for improving response and accuracy rates for smaller NHPI populations should be discussed in partnership with NHPI non-governmental organizations that have experience directly serving NHPI communities.*

4. Update Terminology in SPD 15.

*We recommend removing the “Other” in the term “Native Hawaiian and Other Pacific Islander” and revising the term “Chamorro” to “CHamorro.”*

*The utilization of “Other” has derogative connotations for non-Native Hawaiian Pacific Islanders. The term can be mistakenly interpreted as characterizing non-Native Hawaiian Pacific Islanders as a community that is either uninterested or incapable of being meaningfully included within broader communities.*

*The CHamorro alphabet uses a single letter for the “ch” sound. Since CHamorro is a proper noun referring to the indigenous population of the Mariana Islands who also reside in Guam, it is proper to capitalize the first letter, “CH.”*

4a. What term (such as “transnational”) should be used to describe people who identify with groups that cross national borders ( e.g., “Bantu,” “Hmong,” or “Roma”)?

*N/A*

1. If a combined race and ethnicity question is implemented, what term should be used for respondents who select more than one category? For example, is the preferred term “multiracial,” “multiethnic,” or something else?

*We strongly oppose the use of an omnibus “multiracial” reporting category. There are an estimated 612,448 Native Hawaiians and Other Pacific Islanders alone and 1,541,118 Native Hawaiians and Other Pacific Islanders (NHPIs) alone or in combination in the*

*U.S. as of 2021.<sup>xvii</sup> The use of a multiracial Native category would result in 60.26% of Native Hawaiians and Other Pacific Islanders having their population masked by the “multiracial” category. NHPI-serving community based organizations, which provide vital culturally and linguistically competent services and resources to vulnerable community members, must describe and quantify NHPI population characteristics when applying for funding from federal and private sources. Limiting their access to NHPI alone groups also limits their ability to advocate effectively for resources that must address the needs of the NHPI alone or in combination population as well.*

2. Please refer to Section D, Previously Tested Definitions of Minimum Categories. Are these draft definitions:

- i. Comprehensive in coverage of all racial and ethnic identities within the U.S.?
- ii. Using equivalent criteria?
- iii. Reflective of meaningful distinctions?
- iv. Easy to understand?
- v. Respectful of how people refer to themselves?

Please suggest any alternative language that you feel would improve the definitions.

*N/A*

4b. As seen in *Figure 2*, based on the Working Group's initial proposal, the question stem asks “What is your race or ethnicity?” Do you prefer a different question stem such as: “What is your race and/or ethnicity?”, “What is your race/ethnicity?”, “How do you identify?”, etc.? If so, please explain.

*We support the question stem, “What is your race and/or ethnicity?” or, in the alternative, “How do you identify?”*

5. Guidance is necessary to implement SPD 15 revisions on Federal information collections.

5a. For data providers who collect race and ethnicity data that is then sent to a Federal agency, are there additional guidance needs that have not been addressed in the initial proposals?

*Guidance should include language advising data providers that data collection tools are expected to utilize more categories than the proposed race and ethnicity data categories in Figure 2 and that the minimum categories should only be utilized when there is compelling justification to utilize only the minimum categories. This emphasis is necessary due to the mistaken impression data providers have that the current minimum categories reflect the preferred or maximum allowed categories. This misunderstanding was documented in the Interim Report to the Office of Management and Budget Review of Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.<sup>xviii</sup>*

*Guidance should specify that utilization of the proposed minimum categories, or fewer categories, will require agencies to study beforehand the impact that reducing categories would have on excluded groups, publish the results of the study, provide notice to the public of the reduced categories the agency intends to use for the data collection instrument and the justification for the selection of those categories, solicit public comment, and be required to respond to the comments prior to implementing the reduced categories.*

5b. With the proposals to use a combined race and ethnicity question and to add MENA as a minimum category, what specific bridging concerns do Federal data users have? Please submit any research on bridging techniques that may be helpful to the Working Group. Bridging refers to



making data collected using one set of categories (e.g., two questions without MENA), consistent with data collected using a different set of categories (e.g., one question with MENA).

N/A

5c. What guidance on bridging should be provided for agencies to implement potential revisions to SPD 15?

N/A

5d. How should race and ethnicity be collected when some method other than respondent self-identification is necessary (e.g., by proxy or observation)?

*We strongly recommend that identification by proxy or observation only be utilized as a last resort. The high percentage of multiracial Native Hawaiians and Pacific Islanders (NHPIs) increase the likelihood of misidentification by third parties, such as hospital staff, that provide such data. If self-identification is not possible then we recommend soliciting immediate family members starting with parents or guardians, or utilizing the individual's birth certificate or other administrative records.*

5e. What guidance should be provided for the collection and reporting of race and ethnicity data in situations where self-identification is unavailable?

*The methods suggested in 5d should be memorialized as guidance for agencies. If methods outside of the suggestions provided are utilized, agencies should document and publish their justification and analysis for implementing those methods.*

## 6. Comments On Any Additional Topics and Future Research.

6a. SPD 15 does not dictate the order in which the minimum categories should be displayed on Federal information collections. Agencies generally order alphabetically or by population size; however, both approaches have received criticism. What order, alphabetical or by population size, do you prefer and why? Or what alternative approach would you recommend?

*We recommend ordering the minimum categories by alphabetical order. This approach is preferred because it provides a more equitable alternative than ordering by population size. Groups with large population sizes have historically been favored by researchers due to readily available data. For example, numerous National Vital Statistics Reports selectively analyze only the three largest race and Hispanic origin groups.<sup>xix,xx,xxi</sup> As a result, groups with smaller populations facing significant health disparities and other challenges with national implications remain unexamined. An alphabetical order avoids the visual appearance of favoring larger populations.*

6b. The current minimum categories are termed:

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White

Do you have suggestions for different terms for any of these categories?

*As previously suggested in response to Question 4, we recommend removing the term "Other" in "Native Hawaiian or Other Pacific Islander" due to the negative connotations associated with "Other." The term "Other" has been associated with the unwillingness or inability to be meaningfully included in broader communities.*

6c. How can Federal surveys or forms collect data related to descent from enslaved peoples originally from the African continent? For example, when collecting and coding responses, what term best describes this population group (e.g., is the preferred term “American Descendants of Slavery,” “American Freedmen,” or something else)? How should this group be defined? Should it be collected as a detailed group within the “Black or African American” minimum category, or through a separate question or other approach?

*N/A*

6d. The proposals in this FRN represent the Working Group's initial suggestions for revisions to SPD 15 to improve the accuracy and usefulness of Federal race and ethnicity data. The Working Group and OMB welcome comments and suggestions on any other ways that SPD 15 could be revised to produce more accurate and useful race and ethnicity data.

*We recommend guidance that advises agencies to fully utilize the ability for online formats to offer more detailed race categories, in addition to those proposed as the new minimum categories, than would otherwise be feasible in paper formats. Guidance should also recommend a list of considerations for agencies when deciding which detailed race and ethnicity categories to include. For example, certain geographic places have already been identified as having high population concentrations of Compact of Free Association (COFA) migrants.<sup>xxiii</sup> Data collection tools in those geographic regions would be better served by ensuring that detailed race groups representing COFA migrants have their own check boxes in data collection tools and have their data reported as well.*

*We also recommend guidance that agencies provide preferential access for groups identified in Executive Order 14091, Section 10(a). Preferential access should include the elimination or significant reduction of transaction costs and time to access restricted data sets for researchers who are members of those identified groups and organizations that primarily serve those groups. This would further the Administration’s goal of advancing equity, particularly for historically marginalized communities, by promoting the use of data that is often inaccessible to the very communities that have already been identified as being denied fair, just, and impartial treatment.*

If you have any questions or would like to discuss this further, please contact Richard Chang at [rchang@ucla.edu](mailto:rchang@ucla.edu). Thank you.

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<sup>i</sup> “Sec. 2. Definitions. For purposes of this order: (a) The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans, and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” 86 FR 7009. (link: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>).

<sup>ii</sup> U.S. Census Bureau, 2020 Census National Redistricting Data Summary File, 2020 Census of Population and Housing, Technical Documentation Issued February 2021. (link: <https://www2.census.gov/programs->

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surveys/decennial/2020/technical-documentation/complete-tech-docs/summary-file/2020Census\_PL94\_171Redistricting\_NationalTechDoc.pdf)

<sup>iii</sup> Ninez A. Ponce, Riti Shimkhada, and 'Alisi Tulua, UCLA Center for Health Policy Research, Health Policy Fact Sheet, "Disaggregating California's COVID-19 Data for Native Hawaiians and Pacific Islanders and Asians," May 2021.

<sup>iv</sup> (Sum of NHOPI Alone or in Combination in the U.S., (U.S. Census Bureau, 2020 Decennial Census, Table P2) - sum of Non-Hispanic NHOPI Alone or in Combination in the U.S. (U.S. Census Bureau, 2020 Decennial Census, Table P1)) / sum of NHPI Alone or in Combination in the U.S. (1,586,463 - 1,336,035)/1,586,463 = 0.157.

<sup>v</sup> Centers for Disease Control and Prevention, COVID-19 Case Surveillance Public Use Data with Geography. (link: <https://data.cdc.gov/Case-Surveillance/COVID-19-Case-Surveillance-Public-Use-Data-with-Ge/n8mc-b4w4>)

<sup>vi</sup> U.S. Census Bureau, 2015 National Content Test Race and Ethnicity Analysis Report, February 28, 2017. (link: <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-race-ethnicity-analysis.pdf>).

<sup>vii</sup> U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, Table B01003.

<sup>viii</sup> Id.

<sup>ix</sup> U.S. Census Bureau, 2010 Decennial Census, PCT1.

<sup>x</sup> Richard Calvin Chang (2016) Uniting to Move Forward: Native Hawaiian and Pacific Islanders in 2040. AAPI Nexus: Policy, Practice and Community: 2016, Vol. 14, No. 2, pp. 1-18. [https://doi.org/10.36650/nexus14.2\\_1-18\\_Chang](https://doi.org/10.36650/nexus14.2_1-18_Chang).

<sup>xi</sup> Pursuant to Executive Order 13985 (January 20, 2021) on "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government: A Vision for Equitable Data, Recommendations from the Equitable Data Working Group. <https://www.whitehouse.gov/wp-content/uploads/2022/04/eo13985-vision-for-equitable-data.pdf>.

<sup>xii</sup> U.S. Census Bureau, Final Report: 2018 Estimates of Compact of Free Association (COFA) Migrants, April 26, 2019. (link: <https://www.doi.gov/sites/doi.gov/files/uploads/2018-cofa-report.pdf>).

<sup>xiii</sup> U.S. Government Accountability Office, Report to the Chairman of the Committee on Energy and Natural Resources, U.S. Senate, Compacts of Free Association: Populations in U.S. Areas Have Grown, with Varying Reported Effects, June 2020. (link: <https://www.doi.gov/sites/doi.gov/files/uploads/2018-cofa-report.pdf>).

<sup>xiv</sup> Morey, Brittany N., Richard Calvin Chang, Karla Blessing Thomas, 'Alisi Tulua, Corina Penaia, Vananh D. Tran, Nicholas Pierson, John C. Greer, Malani Bydalek, and Ninez Ponce. "No equity without data equity: data reporting gaps for Native Hawaiians and Pacific Islanders as structural racism." *Journal of health politics, policy and law* 47, no. 2 (2022): 159-200.

<sup>xv</sup> Centers for Disease Control and Prevention, National Center for Health Statistics, Native Hawaiian and Pacific Islander National Health Interview Survey. (link: <https://www.cdc.gov/nchs/nhis/nhpi.html>).

<sup>xvi</sup> The Urban Institute, Ethics and Empathy in Using Imputation to Disaggregate Data for Racial Equity: Recommendations and Standards Guide, July 2021. (link: [https://www.urban.org/sites/default/files/publication/104512/ethics-and-empathy-in-using-imputation-to-disaggregate-data-for-racial-equity\\_1.pdf](https://www.urban.org/sites/default/files/publication/104512/ethics-and-empathy-in-using-imputation-to-disaggregate-data-for-racial-equity_1.pdf))

<sup>xvii</sup> U.S. Census Bureau, 2021 American Community Survey 1-year Estimates, Table S0201.

<sup>xviii</sup> Federal Interagency Working Group for Research on Race and Ethnicity, Interim Report to the Office of Management and Budget: Review of Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. OMB-2017-0003-0055.

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<sup>xxi</sup> U.S. Department of Health and Human Services, National Vital Statistics Reports, Prepregnancy Body Mass Index and Infant Outcomes by Race and Hispanic Origin: United States, 2020, December 28, 2021.

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