FEDERAL INTERAGENCY TECHNICAL WORKING GROUP ON RACE AND ETHNICITY STANDARDS

Annex 5. Voting Results on Final Recommendations

Contents

1. Executive Summary

The purpose of Annex 5 is to provide a summary of the Federal Interagency Technical Working Group on Race and Ethnicity Standards' (Working Group) voting results on the final recommendations for revising the U.S. 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* (SPD 15). This annex supplements the discussion and findings in the Working Group's final recommendations report.[1]

The Working Group developed and voted on a set of nine recommendations for revising SPD 15 to improve the quality and usefulness of the race and ethnicity data collected and published or used for programmatic purposes by Federal agencies. Prior to voting, members of the Working Group were directed to engage with executive leadership within their agencies to develop a position on each recommendation. All members of the Working Group were provided an opportunity to vote on the nine recommendations.

The Working Group voting results showed nearly unanimous support for each of the nine recommendations. At the time of voting, Working Group members had the opportunity to share any agency concerns about the nine recommendations, which are summarized in this annex.

2. Introduction

In 2022, the Chief Statistician of the United States (CSOTUS), Dr. Karin Orvis, initiated the process to review and revise the U.S. 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* (SPD 15).[2] This included Dr. Orvis convening an Interagency Technical Working Group on Race and Ethnicity Standards (Working Group) comprised of Federal Government career staff who represent programs that collect or use race and ethnicity data. The agencies on the Interagency Council on Statistical Policy, i.e., the 13 Principal Statistical Agencies; and the 24 agencies enumerated by the Chief Financial Officers Act; as well as the U.S. Equal Employment Opportunity Commission—selected for its reliance on race and ethnicity data—were invited to nominate representatives to the Working Group.[3,4] Three agencies declined to participate; therefore, 35 agencies were represented on the Working Group.

The Working Group was tasked with evaluating the evidence available about race and ethnicity measurement since SPD 15 was last updated, identifying and filling any gaps in that research, considering stakeholder views, and then developing recommendations for revising SPD 15 to improve the quality (including the accuracy, objectivity, relevance, and completeness) of the Federal race and ethnicity data, and thus the utility of the data for the broad set of applications across the government. The Working Group voted on which recommendations for revising SPD 15 would be provided to OMB. All recommendations that received majority support were submitted to OMB.

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[1] U.S. Office of Management and Budget Interagency Technical Working Group on Race and Ethnicity Standards. (2024). Final Recommendations Report.

[2] Orvis, K. (2022, June 15). Reviewing and Revising the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity. *The White House*. Retrieved from: https://www.whitehouse.gov/omb/briefing-room/2022/06/15/reviewing-and-revising-standards-for-maintaining-collecting-and-presenting-federal-data-on-race-and-ethnicity/.

[3] National Center for Health Statistics. (2019, February). The Federal Statistical System. *Centers for Disease Control and Prevention.* Retrieved from: https://www.cdc.gov/nchs/data/factsheets/the-federal-statistical-system.htm.

[4] The CFO Council. (n.d.) CFO Council Members. *United States Chief Financial Officers Council.* Retrieved from: https://www.cfo.gov/members/.

3. Voting Results

All members of the Working Group were advised to have discussions with executive leadership, and other relevant leaders and technical experts, within their agencies and decide upon a position for each of the recommendations. The following options were available to Working Group members when casting votes:

- Yes, or no concerns
- Yes, with concerns
- No
- Abstain, unable to reach agency consensus

If an agency submitted a vote other than "Yes, or no concern," an explanation was required of their concerns, objection, or barriers to consensus.

Of the 35 agencies represented on the Working Group, 32 agencies voted on the recommendations. The Working Group voting results demonstrated overwhelming, nearly unanimous support for all of the proposed recommendations. No recommendation received more than one "no" vote and many received all "yes" votes. Below is a summary of the Working Group vote for each of the nine recommendations.

Recommendation 1: Collect race and ethnicity using a single combined race and ethnicity question, allowing multiple responses.

The majority of the Working Group voted in support of the recommendation to collect race and ethnicity using a single combined race and ethnicity question, allowing multiple responses.

Total "Yes" votes = 32
- Yes, no concerns = 24
- Yes, with concerns = 8

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- A few agencies expressed concern about the potential loss of data for the Hispanic or Latino population when a combined race and ethnicity question is used. Depending on how strongly an individual identifies with their origins, either race alone or Hispanic origin alone may be reported. OMB was urged to emphasize the importance of significant education and outreach on the use of instructions indicating the ability to select all that apply, to explain why the two questions were combined, and the expected effect on the resulting data.
- One agency noted it was currently engaged in research regarding the use of a combined race and ethnicity question. There was a call for guidance from OMB on how to incorporate findings from on-going research into the implementation effort for the revised SPD 15.

- Another agency was concerned that the current recommendation was designed primarily for survey data collections and did not take into consideration the challenges in collecting accurate race and ethnicity data from non-Federal data providers (e.g., businesses, school districts, or law enforcement entities).

- Guidance was requested by one agency on reporting race and ethnicity data collected using a combined question. It was noted that data collections from institutions will not be able to report all combinations of race and ethnicity and that the burden is not supportable.
- One agency was concerned that a combined race and ethnicity question would substantially increase the "Multiracial and Multiethnic" category and obscure the accurate identification of individuals belonging to Hispanic culture, irrespective of their racial background.

Recommendation 2: Add "Middle Eastern or North African" (MENA) as a minimum reporting category, separate and distinct from the "White" category.

The majority of the Working Group voted in support of the recommendation to add "Middle Eastern or North African" (MENA) as a minimum reporting category, separate and distinct from the "White" category.

Total "Yes" votes = 31
- Yes, no concerns = 26
- Yes, with concerns = 5

Total "No" votes = 1

Total Abstain = 0

The concerns shared are described below:

- One agency called for clear and well-defined terminology, including a rationale for the distinction of the "Middle Eastern or North African" minimum reporting category from the "White" minimum reporting category. It was noted that new resources are required to implement this change successfully.
- One agency noted that the addition of a "Middle Eastern or North African" minimum reporting category may have significant implications for its mandated data collections and law enforcement work.
- One agency was concerned that non-Federal data providers (e.g., schools, law enforcement agencies, businesses) would have to re-ask the race and ethnicity question in order to provide updated information that includes reporting of "Middle Eastern or North African."
- One agency requested guidance be provided to agencies so that they can conduct accurate trend analyses over time.
- The one agency that voted "no" was concerned about creating a new minimum reporting category that arbitrarily divides the African continent. This agency suggested revisiting proposals to create a new ethnicity minimum reporting category that is defined as "Arab-American and Middle Eastern."

Recommendation 3: Require the collection of more detail beyond the minimum race and ethnicity reporting categories by default, unless an agency 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.

The majority of the Working Group voted in support of the recommendation to require the collection of more detail beyond the minimum race and ethnicity reporting categories by default, unless an agency determines that the potential benefit would not justify the additional burden or the additional risk to privacy or confidentiality.

Total "Yes" votes = 31
- Yes, no concerns = 23
- Yes, with concerns = 8

Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- One agency was concerned that administrative agencies will need more guidance in terms of expectations for collecting detailed race and ethnicity data.
- One agency was concerned about smaller-scale data collections and the potential for respondents to either provide excessive or inaccurate information—or to feel pressured to do so when presented with an extensive list of detailed categories. This agency was also concerned that respondents may expect specific data reporting tailored to their selection, even if statistical limitations render this impractical. This agency called for a straightforward waiver process with clear eligibility criteria for agencies.
- Another agency expressed that the collection of open-ended detailed race and ethnicity information could impose a substantial cost burden on agencies and be highly inefficient to maintain and analyze.
- An agency was concerned about the specific detailed race and ethnicity examples being provided. It was stated that the detailed examples seemed to privilege some groups over others within a particular region, and to conflate geographic designations with racial and ethnic categories. This agency is also concerned about the administrative burden that disaggregated data collection will place on agencies, as well as the resources required to implement this change.
- One agency was concerned that the recommendation needed to be clarified by changing it to read: "Require collection of only the minimum categories but allow agencies to collect additional data in order to best meet their program and stakeholder needs."
- Another agency felt that the recommendation should strongly encourage or require agencies that collect only minimum race and ethnicity categories to provide respondents with information on examples that fall within each category. This agency also felt that the instructions and question design should make it clear that the examples are not an exhaustive list.
- The one agency that voted "no" was concerned that the collection of detailed race and ethnicity data would create unnecessary additional burden on respondents for their mandated data collections. This agency suggested that each agency have the discretion to decide if it will collect detailed race and ethnicity data.

Recommendation 4: Update terminology in SPD 15.

The majority of the Working Group voted in support of the recommendation to update SPD 15 terminology. Each component of Recommendation 4 that was voted on is summarized below.

a) Remove "majority" and "minority" terminology from SPD 15, except when statistically accurate and used for statistical descriptions or when legal requirements call for use of the terms.

Total "Yes" votes = 32
- Yes, no concerns = 28
- Yes, with concerns = 4

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- One agency stated that there remains value—and at times, a necessity—in establishing a two-level comparison between Non-Hispanic White and racial and ethnic individuals who do not identify as White. This agency requested that alternative terminology be provided.
- Another agency emphasized that SPD 15 should make it clear that the goal is to use terms that describe a group by their characteristics and not their lack of characteristics or membership.

b) Use "race and/or ethnicity" in the question stem.

Total "Yes" votes = 32
- Yes, no concerns = 29
- Yes, with concerns = 3

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below, which are the same concerns these agencies expressed regarding Recommendation 1:

- One agency was concerned that the current recommendation was designed primarily for survey data collections and did not take into consideration the challenges in collecting accurate race and ethnicity data from non-Federal data providers (e.g., businesses, school districts, or law enforcement entities).
- An agency expressed concern about the potential loss of data for the Hispanic or Latino population when a combined race and ethnicity question is used.

c) Use instructions that emphasize that reporting multiple categories is allowed (and encouraged), regardless of whether minimum or detailed reporting categories are collected. Explicit instructions that the respondent can select all that apply AND provide detailed reporting is helpful.

Total "Yes" votes = 32
- Yes, no concerns = 29
- Yes, with concerns = 3

Total "No" votes = 0

Total Abstain = 0

The concerns shared are described below:

- One agency was concerned that encouraging the reporting of multiple categories may lead to an artificial increase in the reporting of more than one race or ethnicity. This agency felt that instructions making it clear that multiple selections are allowed should be adequate.
- Another agency noted that reporting multiple race and ethnicity categories is not inherently concerning, provided that the data are consistently defined at the Federal level and clear guidance is issued.

d) Use "Multiracial and Multiethnic" in tabulations to represent people who identify with multiple minimum reporting categories.

Total "Yes" votes = 32
- Yes, no concerns = 23
- Yes, with concerns = 9

Total "No" votes = 0

Total Abstain = 0

The concerns shared are described below:

- A few agencies noted concerns that some respondents who select more than one minimum reporting category will be tabulated as "Multiracial and Multiethnic" but did not report multiple races nor multiple ethnicities (e.g., an individual who identified as "Black or African American" **and** "Hispanic or Latino.")
- A few agencies noted concerns that "Multiracial and Multiethnic" could become a dominant "catch all" category (with no way to decipher the composition of race and ethnicity categories captured) that erodes the usefulness of the self-reported information.
- One agency suggested that research be conducted to ensure that if respondents select multiple race/ethnicity categories there are methods to fully utilize all the information provided in ways that maintain as much integrity to the original response, but also allow the data to be presented in a manner that is clear and meaningful.
- One agency was concerned that data may be lost for those who identify as multi-ethnic within racial categories (e.g., a person identifies as "Black or African American," "Hispanic or Latino," and "non-Hispanic or Latino" reflecting multi-ethnic parents).
- One agency was concerned about data products, for which space is limited, and that clear guidance is needed on acceptable abbreviations of longer categories (e.g., "Multiracial/ethnic").
- One agency was concerned about defining the terms "Multiracial" and "Multiethnic."

e) Provide balance for definitions and use six example groups to illustrate the breadth and diversity of the category.

Total "Yes" votes = 32
- Yes, no concerns = 22
- Yes, with concerns = 10

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- A couple of agencies suggested that examples be used that cross minimum reporting categories such as "Spaniard" ("White" and "Hispanic or Latino") or "Afro-Cuban" ("Black or African American" and "Hispanic or Latino") to better illustrate how an individual can fall into multiple categories.
- A couple of agencies requested clarity in the definitions regarding individuals of Brazilian/Portuguese descent.
- One agency noted that if six example groups will be provided, it is essential to perform extensive cognitive pre-testing to ensure that these examples do not give the impression of privileging some groups over others.
- One agency mentioned the challenges associated with the cost, time, and resources required to develop interpretation resources, training materials, and updates to forms and interfaces, which have not been budgeted for and will impact operations.
- One agency suggested that the Asian category definition include a set of countries that present two from each of the regional areas (Central or East, Southeast or South).
- One agency was concerned about how the non-Hispanic or Latino population would be identified using the combined race and ethnicity question.
- One agency requested guidance on how paper-based surveys and telephone-based surveys will be able to ensure respondents are aware of the detailed race and ethnicity definitions. It was noted that there is not enough space on paper questionnaires for the detailed definitions and it's logistically challenging to provide the detailed definitions to survey participants on a telephone call.
- One agency requested guidance regarding how to determine which detailed race and ethnicity categories should be used in data collection (e.g., based on the largest populations in the United States, should transnational groups be included, etc.)
- One agency requested that "Caribbean" be added as a new minimum reporting category, distinct from and co-equal to all minimum reporting categories.

f) Remove the phrase "who maintains tribal affiliation or community attachment" in the American Indian or Alaska Native definition, making this minimum reporting category's definition consistent with all minimum reporting categories.

Total "Yes" votes = 31
- Yes, no concerns = 28
- Yes, with concerns = 3

Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- One agency expressed concern that the revised American Indian or Alaska Native category definition eliminates the text about maintaining a tribal affiliation, particularly because the United States is in a government-to-government relationship with Federally recognized Tribal Nations and their citizens. This agency noted that one proposal is to use categories such as "North American Indian or Alaska Native," "Canadian First Nations," and "Caribbean, South or Central American Indian" when collecting detailed information.
- One agency was concerned that the descriptions provided for race and ethnicity data do not sufficiently distinguish between ethnicity and national origin. This agency noted that national origin carries a distinct meaning from ethnicity, and without clear definitions that delineate ethnicity as a shared culture, respondents may tend to answer based on their national origin.
- The one agency that voted "no" felt that the name of the category should be changed to "Indigenous Peoples of the Americas," which was thought to be better suited to the breadth of people who are intended to be covered by the category.

g) Change "(including Central America)" to having "Central America" listed co-equally with North and South America in the American Indian and Alaska Native definition.

 Total "Yes" votes = 32
- Yes, no concerns = 29
- Yes, with concerns = 3
Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- One agency was concerned that there is a potential disconnect between the category name and the category definition. It was mentioned that this inclusive definition requires explicit guidance on disaggregation to ensure that those operating under Tribal agreements would be visible in the data. This agency noted that the extent to which indigenous populations from outside of the Continental United States understand that this category includes them is unclear.
- One agency was concerned that the descriptions provided for race and ethnicity data do not sufficiently distinguish between ethnicity and national origin. This agency noted that national origin carries a distinct meaning from ethnicity, and without clear definitions that delineate ethnicity as a shared culture, respondents may tend to answer based on their national origin.

h) Replace "Far East" with "Central or East Asia;" "Indian Subcontinent" with "South Asia" in the Asian definition.

Total "Yes" votes = 32
- Yes, no concerns = 31
- Yes, with concerns = 1

Total "No" votes = 0
Total Abstain = 0

While one agency voted "Yes, with concerns," no explanation of the concerns was provided.

i) Remove "Negro" from the Black or African American definition.

Total "Yes" votes = 32
- Yes, no concerns = 28
- Yes, with concerns = 4

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- One agency was concerned that this is one of only two categories referencing skin color in the title and the only one referencing skin color in the definition. This agency also noted that the phrase "Black racial groups of Africa" is not a term commonly used by Federal agencies, international agencies, or the public.
- One agency requested that "Caribbean" be added as a new minimum reporting category, separate and distinct from the existing "Black or African American" category.
- One agency was concerned about the removal of the term "Negro," and noted that some within the Black community have advocated to keep this term as a form of self-identification. This agency requested that it be communicated to the public that although "Negro" may be removed from the definition, respondents can still report this term in data collections that use write-in fields.

j) Correct "Cuban" being listed twice in the Hispanic or Latino definition.

Total "Yes" votes = 32
- Yes, no concerns = 31
- Yes, with concerns = 1

Total "No" votes = 0
Total Abstain = 0

While one agency voted "Yes, with concerns," no explanation of the concerns was provided.

k) Remove "regardless of race. The term 'Spanish origin' can be used in addition to 'Hispanic or Latino'" from the Hispanic or Latino definition.

Total "Yes" votes = 32
- Yes, no concerns = 28
- Yes, with concerns = 4

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:
- A couple of agencies were concerned that the Hispanic or Latino definition continues to reference "Spanish culture or origin." These agencies felt that this can cause confusion for respondents who are Latino but not of Spanish culture or origin (e.g., Brazilians).
- One agency stated that the original intent of the "Hispanic" category was to quantify people immigrating from the Americas, particularly former Spanish colonies. This agency felt that those from Spain should be categorized as White based on European descent rather than as Hispanic.

l) Add "Middle Eastern or North African" as a minimum reporting category, distinct from and co-equal to all minimum reporting categories.

Total "Yes" votes = 31
- Yes, no concerns = 27
- Yes, with concerns = 4

Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- One agency was concerned that this definition conflates race and ethnicity with geographic country of origin. This agency felt this could increase the potential for misclassification because some people may consider a national origin to be in Asia while others define it as being in the Middle East. Further, this agency noted that trans-national populations from this region may not see themselves in this category if all the examples are based on countries of origin. This agency was also concerned that respondents may be reluctant to report as "Middle Eastern or North African" given the sensitive nature of self-identifying ancestry from certain countries. This agency suggested that research be conducted with those with origins in countries or geographies on the borders between continents, as well as with Arab populations who do not identify as "Middle Eastern or North African."
- One agency noted that guidance will be needed for bridging data for the Middle Eastern and North African population with data collected using the 1997 SPD 15.
- One agency noted that new resources will be required to implement the addition of a new "Middle Eastern or North African" minimum reporting category.
- The one agency that voted "no" was concerned about creating a new minimum reporting category that arbitrarily divides the African continent. This agency suggested revisiting proposals to create a new ethnicity minimum reporting category that is defined as "Arab-American and Middle Eastern."

m) Remove "Other" from the "Native Hawaiian and Other Pacific Islander" category label.

Total "Yes" votes = 32
- Yes, no concerns = 30
- Yes, with concerns = 2

Total "No" votes = 0

Total Abstain = 0

While two agencies voted "Yes, with concerns," no explanation of the concerns was provided.

n) Remove reference to "the Middle East, or North Africa" from the White definition and create a new minimum category for "Middle Eastern or North African."

Total "Yes" votes = 32
- Yes, no concerns = 27
- Yes, with concerns = 5

Total "No" votes = 0

Total Abstain = 0

The concerns shared are described below:

- One agency expressed that asking White respondents about their ancestral origins may lead to an overrepresentation of specific European identities. This agency felt that some White Americans, influenced by genetic testing or other sources, may claim European heritage that does not align with their self-identity.
- One agency encouraged the development of a specific plan for testing new language that would eliminate the use of skin color as part of the category title. This agency suggested that the testing could include adding the term "European" to the category title.
- One agency was concerned about creating a new minimum reporting category that arbitrarily divides the African continent. This agency suggested revisiting proposals to create a new ethnicity minimum reporting category that is defined as "Arab-American and Middle Eastern."
- One agency noted that the addition of a "Middle Eastern or North African" minimum reporting category may have significant implications for its mandated data collections and law enforcement work.

Recommendation 5: Within 12 months, the head of each Federal agency that collects race and ethnicity data shall submit to OMB an Action Plan on Race and Ethnicity, which shall detail how the agency plans to reach compliance with the SPD 15 revision and shall identify anticipated challenges.

The majority of the Working Group voted in support of the recommendation to have Federal agency heads submit to OMB an Action Plan on Race and Ethnicity within twelve months of the publication of a revised SPD 15.

Total "Yes" votes = 32
- Yes, no concerns = 26
- Yes, with concerns = 6

Total "No" votes = 0

Total Abstain = 0

The concerns shared are described below:

- A few agencies raised concerns about the type of technical assistance (e.g., action plan template, trainings, webinars, information repositories, written guidance, etc.) that will be made available, as well as how soon a repository of guidance will be made available.
- One agency stated that if an action plan and implementation guidance are scheduled for a 4-year timeline, there is a corresponding expectation that full implementation will be achieved within that same 4-year period. This agency felt that this aims to ensure continuity and consistency in the approach to data collection and reporting across government agencies. This agency also noted that securing the necessary funding and resources for complying with a revised SPD 15 may require allocation outside of agencies' mission-critical budget.
- One agency requested clarity on how an action plan for the statistical agency should be coordinated with the action plan for the cabinet-level agency.

Recommendation 6: For Federal agency-conducted or -sponsored data collections that include racial/ethnic information, the provisions of SPD 15 are effective immediately for all new record keeping or reporting. All existing Federal agency-conducted or -sponsored data collection efforts shall be made consistent with the revised SPD 15 no later than four years after the FRN issuing the revised SPD 15 is published.

The majority of the Working Group voted in support of the recommendation for Federal agency-conducted or -sponsored data collection efforts to be made consistent with a revised SPD 15 no later than four years after a revised SPD 15 is published.

Total "Yes" votes = 31
- Yes, no concerns = 21
- Yes, with concerns = 10
Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- Several agencies were concerned that the implementation of a revised SPD 15 is dependent on unknown factors, including budget constraints, implementation timelines for non-Federal data providers and Federal data partners, and the availability of race and ethnicity data bridging factors. It was noted that agencies dependent on non-Federal data providers, which may rely upon decentralized systems and resources, do not have the necessary authority to guarantee the full and complete implementation within four years. These agencies stated that additional time and resources may be needed to ensure successful integration into existing systems and practices, as it can take ten or more years to revise data collection tools and systems. These agencies preferred that there be flexibility in adoption timelines.
- A couple of agencies were concerned that there will be specific aspects of the implementation that agencies will have to commit to completing without knowing whether funding will be available for making the updates.
- One agency was concerned about whether OMB has enough resources to ensure a streamlined and timely Paperwork Reduction Act approval process.

- The one agency that voted "no" was concerned that the proposed timeline is exceptionally ambitious, particularly given the absence of adequate funding to facilitate the substantial changes required. This agency felt that given its size and complexity, the need to update policy, update forms and surveys, and update IT systems and processes, a more realistic implementation timeline would range from 6-8 years.

Recommendation 7: When the collection of race and ethnicity is done through visual observation, the minimum reporting categories are required but the collection of detailed race and ethnicity is not required.

The majority of the Working Group voted in support of the recommendation that when the collection of race and ethnicity is done through visual observation, the minimum reporting categories are required but the collection of detailed race and ethnicity is not.

Total "Yes" votes = 31
- Yes, no concerns = 22
- Yes, with concerns = 9

Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- A few agencies were concerned that the importance of racial and ethnic self-identification is not emphasized in this recommendation, as well as that visual observation is not preferred and should only be used when absolutely necessary.
- One agency expressed that this recommendation should not be limited to "visual observation" but should instead be, "Observer Identification - When the collection of race and ethnicity is done through observer identification…"
- One agency noted that a revised SPD 15 and guidance should help clarify the various situations where detailed race and ethnicity information that is not self-reported might be recorded and trusted.
- One agency mentioned that current guidance and 29 CFR § 1614.601(b) require agencies to visually identify the race/ethnicity of employees who do not volunteer that information and 29 CFR § 1614.601(b) requires agencies to inform all employees (for whom proxy designations were made) of the race/ethnicity category that was chosen by the agency. This agency suggested adding, "Training should be provided to agency personnel to ensure they are aware of their obligation to inform employees for whom race/ethnicity designations were made by proxy of the race/ethnicity designation made by the agency, per 29 CFR § 1614.601(b)."
- One agency suggested a revision to the recommendation: "Visual Observation - When the collection of race and ethnicity is done through visual observation, the minimum reporting categories are required but detailed race and ethnicity data shall not be collected."
- One agency expressed that the minimum categories should not be used in visual observation.
- The one agency that voted "no" stated that they do not think race and ethnicity should be assigned through visual observation and that this should be revisited as too many people would be mis-assigned, creating bad data.

Recommendation 8: When data are not self-reported, agencies are encouraged to transparently describe how the data were collected or generated, and how nonresponse or other missing data were assigned or allocated.

The majority of the Working Group voted in support of the recommendation that when data are not self-reported, agencies are encouraged to transparently describe how the data were collected or generated, and how nonresponse or other missing data were assigned or allocated.

Total "Yes" votes = 32
- Yes, no concerns = 28
- Yes, with concerns = 4

Total "No" votes = 0
Total Abstain = 0

The concerns shared are described below:

- A few agencies were concerned that this recommendation would only encourage agencies to be transparent in describing their data collection and processing methods when race and ethnicity data are not self-reported. These agencies felt that transparency about data collection and processing methods should be required when race and ethnicity data are not self-reported.
- While two agencies voted "Yes, with concerns," no explanation of the concerns was provided.

Recommendation 9: With respect to tabulation, the seven minimum race and ethnicity reporting categories shall be treated co-equally. Additionally, the tabulation procedures used by Federal agencies shall result in the production of as much information on race and ethnicity as possible, including data on people reporting more than one race and/or ethnicity. However, Federal agencies shall not present data on detailed categories and specific Multiracial and Multiethnic populations if doing so would compromise data quality or respondent privacy.

The majority of the Working Group voted in support of the recommendation that with respect to tabulation, the seven minimum race and ethnicity reporting categories shall be treated co-equally and as much information on race and ethnicity shall be produced as possible.

Total "Yes" votes = 31
- Yes, no concerns = 23
- Yes, with concerns = 8

Total "No" votes = 1
Total Abstain = 0

The concerns shared are described below:

- A few agencies noted that clear guidance is needed to bridge race and ethnicity data collected using the current and revised SPD 15.
- One agency requested that guidance be issued stating that the tabulation of detailed information reported under one minimum category should not be used to classify an individual into a minimum reporting category that they did not select in responding to the question (e.g., if a

respondent only checks the "Black or African American" checkbox and then writes in "French" – they should not be tabulated as both "Black or African American" **and** "White").

- One agency noted that the recommendation should clarify that it is not required to report on each minimum category if it is not possible due to confidentiality or reliability reasons.
- One agency expressed that requiring "as much information on race and ethnicity as possible" is inherently linked to the requirement of collecting detailed information, which may not be feasible for all agencies.
- One agency expressed that this is a significant change from current practice where identification with Hispanic or Latino ethnicity was reported separately from racial identifications. This agency noted that it will take coordinated guidance and outreach beyond Federal agencies to help consumers of Federal data understand the impact of this change.
- One agency noted that implementing this recommendation will be contingent upon several factors, including funding, an agency's governance process, privacy considerations, and the PRA approval process.
- One agency noted that more guidance is needed on what is meant by co-equal treatment of the minimum reporting categories, how to categorize responses when multiple categories are selected, how to address implementation differences by survey mode, as well as a coordinated effort to inform and equip the scientific community, advocacy groups, and the public.
- The one agency that voted "no" was concerned about the coding of Hispanic or Latino in conjunction with race, especially when co-equal coding is mandated. This agency felt that coding individuals who select both race and Hispanic or Latino into a "Multiracial and Multiethnic" category, particularly in instances where data disaggregation is not feasible, can obscure the distinctive demographic importance of the Hispanic culture and lead to inflation in and diffusion of other racial categories. This agency advised that OMB consider prioritizing the coding of Hispanic or Latino over any other minimum reporting categories reported, when disaggregated data tabulations are not feasible.

4. Conclusion

The Working Group developed and voted on a set of nine recommendations for revising SPD 15 to improve the quality and usefulness of the race and ethnicity data collected and published or used for programmatic purposes by Federal agencies. The Working Group voting results showed nearly unanimous support for each of the nine recommendations, while noting a variety of concerns that OMB should take into consideration.