STATE OF NEW YORK

6341--D

2025-2026 Regular Sessions

IN ASSEMBLY

March 4, 2025

Introduced by M. of A. LUCAS, JACKSON, BURROUGHS, MEEKS, DAIS, CHANDLER-WATERMAN, ANDERSON, SIMONE, BICHOTTE HERMELYN, RAGA, GLICK, SHIMSKY -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring the collection of certain demographic information by state agencies, boards, departments and commissions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature hereby finds and declares the following:

(a) Black Americans/African Americans, Afro-Caribbeans and Continental Africans are an incredibly diverse group. Despite this diversity, the United States Office of Management and Budget's Statistical Policy Directive No. 15, entitled Race and Ethnic Standards for Federal Statistics and Administrative Reporting, has combined all the various ethnicities that are a part of those demographics into one "Black/African American" category. This category was used in the 2020 United States Census. The United States Census Bureau currently reports data for all the different ethnicities under this category. Moreover, this simplification extends to other Afro-descendant populations, such as Afro-Latinos from Central and South America. These individuals can choose to identify as either "Black/African American" or "Hispanic" according to the direc-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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tive's definition. This approach has led to challenges in accurately representing the unique political and social needs within this broadly defined category. The majority of this group includes descendants of individuals who were enslaved and later emancipated in the U.S., while a smaller portion consists of people who have immigrated to the United States voluntarily and navigate its immigration laws.

(b) While "Black/African Americans" are often misrepresented as a homogeneous group, they are an extremely diverse group, with ethnicities from over 87 different countries. Although Black American/African American, Afro-Caribbean, Continental African communities and all other afro-population groups in this state share geographical commonalities, they also experience diverse social, educational, health, and economic differences that are unique to their respective communities.

(c) Existing state law requires state demographic data to be collected for the "Black/African American" ethnic/racial group. However, additional ethnic groups reported by the United States Census Bureau are not included that reflect changing demographics and intra-state migration patterns. Most state agencies are currently not in compliance with existing state law or have not made the collected data accessible. Data should be updated on a regular basis and made accessible to the public so that regional and local governments, elected officials, decision makers, and other stakeholders can use the information to strategically target programs for those most in need.

(d) Precedent has been set by the recent passing of chapter 745 of the laws of 2021, requiring the collection of certain demographic information by certain state agencies, boards and commissions within the Asian American Pacific Islander communities. Precedent was also set on the 2020 US census which disaggregated both Asian and Latino groups. The United States Census Bureau currently reports data for more than 20 different ethnicities within the "Asian" & "Native Hawaiians and Other Pacific Islanders" categories alone.

(e) Precedent has also been set when California officially implemented a policy, effective January 1, 2024, that requires state agencies to collect demographic data specifically for African American descendants of persons enslaved in the United States. This initiative is part of the states ongoing efforts to address reparations and acknowledge the unique experiences of these individuals. The policy, guided by California Government Code Section 8310.6, mandates that the State Controller's Office and the Department of Human Resources collect and report this data separately from other Black or African American groups, distinguishing between those who are descendants of U.S. slavery and those whose ancestry does not include U.S. enslavement.

(f) On January 26th, 2023, Dr. Karin Orvis, the Chief Statistician of The United States, made an important announcement. She released a statement titled "Initial Proposals for Revising the Federal Race and Ethnicity Standards." This marks a significant step by the Office of the Chief Statistician to update the Office of Management and Budget's (OMB) statistical standards for race and ethnicity data collection and reporting across Federal agencies, as outlined in Directive No. 15. Key points from Dr. Orvis's statement include:

(i) The publication of initial recommended revisions. These were proposed by an Interagency Technical Working Group.

(ii) A call for public input. Dr. Orvis emphasized the desire to hear directly from the American public. Feedback from non-governmental stakeholders and the general public is crucial. It will assist the Working Group in refining and finalizing its recommendations.

(iii) An invitation for everyone to share their thoughts. Dr. Orvis encourages individuals to provide personal insights and reactions to the proposals. This includes thoughts on how the changes may impact different communities.

"In the subsequent report from the OMB, titled 'Major Themes From Initial Public Listening Sessions' on page 6, it is stated, 'Data Disaggregation For The Black Or African American Population.' Presenters supported adding detailed categories within the Black or African American minimum reporting category to enable identification of descendants of enslaved Americans. Most presenters requested a new detailed category, such as 'American Freedmen' or 'American Descendant of Slavery.' Disaggregated data could then be used to allocate benefits for programs or initiatives."

The overwhelming feedback from the American people regarding the "Black/African American" category was that it was unable to accurately collect the data necessary to adequately serve the different and diverse ethnic groups that fall under that single category.

(g) March 28, 2024 - The Office of Management and Budget (OMB) officially published its updated standards for race and ethnicity, as outlined in Statistical Policy Directive No. 15, on March 28, 2024. Federal agencies are now required to begin implementing these changes, which include the disaggregation of the "Black or African American" category into more specific identities such as African American, Jamaican, Nigerian, Haitian, Ethiopian, and Somali, with an additional write-in option for identities like Trinidadian and Tobagonian, Ghanaian, Congolese, and others. African Americans, who were historically classified as Negro, Colored, or Mulatto, now have their own distinct category. This change reflects the diversity within the Black population and lays the groundwork for future advocacy around lineage-based identification for descendants of U.S. slavery. The final deadline for full implementation and compliance-including integration into the U.S. Census-is set for March 28, 2029.

(h) In the New York City report titled "How Communities of Interest Are Evolving in New York City Today: Communities of Interest 2023," submitted to the New York City Districting Commission during the tenure of the late Dr. John Flateau as Executive Director, data were analyzed by ethnic group, revealing stark differences in various measurable metrics for each group. Outcomes like those highlighted in the report, along with their solutions, will continue to be overlooked and unaddressed until New York State adopts a similar approach to data compilation.

(i) Given the diversity of languages and cultures, separating data for the multiple ethnic groups that fall under the Black/African American category and making the data publicly accessible are critical for enhancing our state's understanding of the needs and experiences of these different communities.

§ 2. Section 170-e of the executive law, as amended by chapter 123 of the laws of 2022, is amended to read as follows:

§ 170-e. Collection of demographic information. 1. **(a)** Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following Asian and Pacific Islander groups in New York state:

[~~(a)~~] **(i)** each major Asian group shall include Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Bangladeshi, Pakistani, and

all of the ten most populous Asian groups in the most recent five-year American community survey published by the United States Census Bureau; and

[~~(b)~~] (ii) each major Pacific Islander group shall include Native Hawaiian, Guamanian and Chamorro, and Samoan; or

[~~(c)~~] (iii) collection categories shall include a category for other Asian or Pacific Island group.

[~~2.~~] (b) Every state agency, board, department, or commission that directly collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following:

[~~(a)~~] (i) the primary language spoken at home; and

[~~(b)~~] (ii) the ethnic group or ancestry.

[~~3.~~] (c) Upon the release of a new five-year American community survey published by the United States Census Bureau, every state agency, board, department or commission shall update their data collection and reporting practices as required by this [~~section~~] subdivision and shall continue to collect and report on any demographic group no longer included in the ten most populous groups until the release of the following five-year American community survey, at which time state agencies, boards, departments or commissions may cease to collect and report on such demographic groups provided they remain outside the ten most populous groups.

[~~4.~~] (d) The data collected pursuant to the different collection categories and tabulations described in paragraph (a) of this subdivision [~~one of this section~~], to the degree that the data quality is sufficient, shall be included in every demographic report on ancestry or ethnic origins of residents of the state of New York by the state agency, board, department, or commission published or released on or after December first, two thousand twenty-three; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand twenty-four. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by posting the data on the internet web site of the agency, board, department, or commission on or before December first, two thousand twenty-three, and annually thereafter; provided, however, that for the department of labor, division of criminal justice services, office of mental health and office of temporary and disability assistance such requirements shall be effective July first, two thousand twenty-four. If the data quality is determined to be insufficient for publication, an explanation of the problem with the data quality shall be included in any report or publication made available to the public. This [~~subdivision~~] paragraph shall not be construed to prevent any other state agency from posting data collected pursuant to paragraph (a) of this subdivision [~~one of this section~~] on the agency's internet web site, in the manner prescribed by this [~~section~~] subdivision.

[~~5.~~] (e) The requirements of this [~~section~~] subdivision shall not apply to the department of labor, the division of criminal justice services, the office of mental health or the office of temporary and disability assistance until two years after this [~~section~~] subdivision shall have become a law.

2. (a) Every state agency, board, department, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate

collection categories and tabulations for the following afro groups in New York state:

(i) "Descendant of a person enslaved in the United States" means an individual historically classified as American Freedmen, Negro, Colored, Mulatto, Black, Black-American, and African-American with at least one ancestor who was enslaved or subject to chattel slavery in the United States, were emancipated via the 1863 Emancipation Proclamation and the Thirteenth Amendment of 1865 and given the status of Freedmen.

(ii) "Continental African" means an individual with ancestry and/or citizenship from the continent of Africa, including, but not limited to, one or more of the following countries: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Republic of the Congo, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, or Zimbabwe.

(iii) "Afro-Caribbean" means an individual with ancestry and citizenship from Caribbean countries, including, but not limited to one or more of the following countries: Belize, Puerto Rico, Cuba, Jamaica, Haiti, Trinidad and Tobago, Guyana, Barbados, Grenada, St. Croix, St. Kitts, the Bahamas, and the Dominican Republic, etc.

(iv) "Central and South American Afro-Latino" means an individual with ancestry and/or citizenship from Central and South American countries, including, but not limited to one or more of the following countries: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, French Guiana (departement of France), Guyana, Paraguay, Peru, Suriname, Uruguay, or Venezuela.

(v) "Other afro groups" means an individual who identifies as having African ancestry or ethnic origin but does not identify as one of the other afro groups defined in this paragraph.

(b) Every state agency, board, department, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of residents of the state of New York shall use separate collection categories and tabulations for the following:

(i) The primary language spoken at home; and

(ii) The ethnic group or ancestry.

(c) The data collected pursuant to the different collection categories and tabulations described in paragraph (a) of this subdivision shall be included in every demographic report on ancestry or ethnic origins of residents of the state of New York by the state agency, board, department, or commission published or released on or after July first, two thousand twenty-seven. The data shall be made available to the public in accordance with state and federal law, except for personal identifying information, which shall be deemed confidential, by posting the data on the internet web site of the agency, board, department, or commission on or before July first, two thousand twenty-seven and annually thereafter. This paragraph shall not be construed to prevent any other state agency from posting data collected pursuant to paragraph (a) of this subdivision on the agency's internet web site, in the manner prescribed by this subdivision.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.