

Date of Hearing: April 16, 2024

Counsel: Ilan Zur

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Kevin McCarty, Chair

AB 2763 (Essayli) – As Introduced February 15, 2024

**CORRECTED**

**SUMMARY:** Requires that a state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians shall use separate collection categories for the Middle Eastern and North African group; and that the California Department of Corrections and Rehabilitation offers and reports new categories of self-reported data about inmate race, ancestry, and ethnic origin. Specifically, **this bill:**

- 1) States that it shall be known, and may be cited as, the Middle Eastern and North African inclusion Act.
- 2) Requires a state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories for the Middle Eastern and North African group in the provided forms that offer respondents the option of selecting one or more ethnic or racial designations or languages and tabulations.
- 3) Requires a state agency, board, or commission to do all of the following with the data collected pursuant to 2):
  - a) Include the data in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after January 1, 2026.
  - b) Make the data available to the public in accordance with state and federal law, including by posting the data on the internet website of the state agency, board, or commission, except for personal identifying information, which shall be deemed confidential and shall not be disclosed.
- 4) Prohibits a state agency, board, or commission from making available to the public data that would permit the identification of individuals. The state agencies, boards, or commissions may, to prevent the identification of individuals, aggregate data categories at a state, county, city, census tract, or ZIP Code level to facilitate comparisons and identify disparities; and from making available to the public data that would result in statistical unreliability.
- 5) Requires, within 18 months after a decennial United States Census is released to the public, a state agency, board, or commission to update its data collection to reflect the additional Middle Eastern and North African groups as they are reported by the United States Census Bureau.
- 6) Defines “Middle Eastern and North African” to mean any of the following:

- a) A major Middle Eastern group, including, but not limited to, Afghan, Bahraini, Emirati, Iranian, Iraqi, Israeli, Jordanian, Kuwaiti, Lebanese, Omani, Palestinian, Qatari, Saudi Arabian, Syrian, Turkish, and Yemeni.
  - b) A major North African group, including, but not limited to, Algerian, Djiboutian, Egyptian, Libyan, Mauritanian, Moroccan, Sudanese, and Tunisian.
  - c) A major transnational Middle Eastern and North African group, including, but not limited to, Amazigh or Berber, Armenian, Assyrian, Chaldean, Circassian, Kurdish.
- 7) Requires the California Department of Corrections and Rehabilitation to collect voluntary self-identification information pertaining to race or ethnic origin of people admitted, in custody, and released and paroled, which shall include, but not be limited to, Afghan, Algerian, Amazigh or Berber, Armenian, Assyrian, Bahraini, Chaldean, Circassian, Djiboutian, Egyptian, Emirati, Iranian, Iraqi, Israeli, Jordanian, Kurdish, Kuwaiti, Lebanese, Libyan, Mauritanian, Moroccan, Omani, Other Middle Eastern Not Listed, Other North African Not Listed, Other Transnational Middle Eastern and North African Not Listed, Palestinian, Qatari, Saudi Arabian, Sudanese, Syrian, Tunisian, Turkish, Yemeni, in addition to voluntary self-identification information pertaining to race or ethnic origin that the department currently collects.
  - 8) Makes the following findings to justify the necessity for limitations placed by 4), above, upon the release of writings of public agencies: In order to protect the privacy of California residents, while also gathering and publicizing useful demographic data, it is necessary that personal identifying information remain confidential.

**EXISTING LAW:**

- 1) Empowers the Congress to carry out the census in "such manner as they shall by Law direct" and mandates that an apportionment of representatives among the states must be carried out every 10 years. (U.S. Constitution, Article I, Section 2.)
- 2) Describes the census as the "linchpin of the federal statistical system ... collecting data on the characteristics of individuals, households, and housing units throughout the country." (*Dept. of Commerce v. U.S. House of Representatives* (1999) 525 U.S. 316, 341.)
- 3) Requires, as of January 1, 2024, the California Department of Corrections (department) to collect voluntary self-identification information pertaining to race or ethnic origin of people admitted, in custody, and released and paroled, which shall include, but not be limited to, American Indian/Alaskan Native, Bangladeshi, Black, Cambodian, Chinese, Colombian, Cuban, Fijian, Filipino, Guamanian or Chamorro, Guatemalan, Native Hawaiian, Other Hispanic Not Listed, Hmong, Indian, Indonesian, Jamaican, Japanese, Korean, Laotian, Malaysian, Mexican, Nicaraguan, Other, Other Asian Not Listed, Other Pacific Islander Not Listed, Pakistani, Puerto Rican, Salvadorian, Samoan, Sri Lankan, Taiwanese, Thai, Tongan, Unknown, Vietnamese, and White. Based on that voluntary self-identification information, the department shall prepare and publish monthly demographic data pertaining to the race or ethnic origin of people admitted, in custody, and released and paroled, disaggregated by the same race and ethnicity categories used by the department for the purpose of voluntary self-identification information. (Penal Code Section 2068 (a).)

- 4) Requires, as of January 1, 2025, the data, in 3), except for personally identifying information, which shall be deemed confidential, to be publicly available on the department's internet website via the Offender Data Points dashboard. (*Id.*, at (b).)
- 5) Provides that if the population number of any race or ethnicity category is under 50, the department shall only reference, in the published data, those numbers as "fewer than 50" in order to protect personally identifying information. (*Id.*, at (c).)
- 6) Requires a state agency, board, or commission that directly or by contract collects demographic data as to the ancestry or ethnic origin of Californians to use separate collection categories and tabulations for the following:
  - a) Each major Asian group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, and Cambodian.
  - b) Each major Pacific Islander group, including, but not limited to, Hawaiian, Guamanian, and Samoan. (Government Code Section 8310.5 (a).)
- 7) Provides that the data collected pursuant to the different collection categories and tabulations described in 6) shall be included in every demographic report on ancestry or ethnic origins of Californians by the state agency, board, or commission published or released on or after July 1, 2012. 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. (*Id.*, at (b).)
- 8) Requires specified agencies, in addition to the duties imposed under 6) and 7), in the course of collecting demographic data directly or by contract as to the ancestry or ethnic origin of California residents, to collect and tabulate data for the following:
  - a) Additional major Asian groups, including, but not limited to, Bangladeshi, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, and Thai.
  - b) Additional major Native Hawaiian and other Pacific Islander groups, including, but not limited to, Fijian and Tongan. (Government Code Section 8310.7 (b).)
- 9) Requires the same state agencies subject to 8) to, within 18 months after a decennial United States Census is released to the public, update their data collection to reflect the additional Asian groups and additional Native Hawaiian and Pacific Islander groups as they are reported by the United States Census Bureau and prohibits them from reporting demographic data that would result in statistical unreliability. (*Id.*, at (d) – (e).)
- 10) Makes 8) and 9) applicable to the following state agencies:
  - a) The Department of Industrial Relations.
  - b) The Civil Rights Department.
  - c) To the extent funding is specifically appropriated for this purpose, the State Department of Public Health, on or after July 1, 2022, whenever collecting demographic data as to the ancestry or ethnic origin of persons for a report that includes rates for major diseases, leading causes of death per demographic, subcategories for leading causes of death in California overall, pregnancy rates, or housing numbers. (*Id.*, at (a).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "I'm proud to be authoring AB 2763, the Middle East or North African (MENA) Inclusion Act, which will provide demographic data representation to MENA identity groups. More than 700,000 individuals in California identify as Middle Eastern or North African but are typically classified as "White" for data

collection purposes. Current demographic data collection in California is entirely inadequate in capturing the unique experiences that MENA communities face, from health issues to socioeconomic outcomes.

As a Lebanese-American and the first Muslim elected to the California State Assembly, I authored House Resolution 30 in 2023, which called for a MENA category to be established as part of federal data collection standards. The MENA Inclusion Act is a continuation of my office's important work with the Arab American Civic Council to give MENA communities long overdue recognition in state data collection efforts. Recognizing the MENA community will allow public and private institutions, agencies, and commissions to have accurate and effective information to understand our unique California communities better."

- 2) **Need for this Bill:** This bill is consistent with a new policy of the Biden Administration, relating to the U.S. Census. When the next federal census is conducted in 2030, with the White House Office of Management and Budget (OMB) announcing new federal standards on collecting race and ethnicity data. For the first time, Americans who trace their ancestral roots to the Middle East and North Africa (MENA) will have their own category on the decennial survey. (Stepansky, Joseph. "'Transformative': US Census to Add Middle Eastern, North African Category." Al Jazeera, Al Jazeera, 28 Mar. 2024, available at [www.aljazeera.com/news/2024/3/28/transformative-us-census-to-add-middle-eastern-north-african-category](http://www.aljazeera.com/news/2024/3/28/transformative-us-census-to-add-middle-eastern-north-african-category).) In the U.S., official counts of populations by means of the U.S. Census have wide-ranging impacts, affecting how federal dollars are disbursed to meet the needs of certain communities, how congressional districts are drawn, and how certain federal anti-discrimination and racial equity laws are enforced. (*Ibid.*) U.S. residents with ethnic and racial ties to MENA had previously fallen into the "white" category, although they could still write in the country with which they ethnically identify. Observers say this has long resulted in a vast undercount of the community, which can make it near impossible to conduct meaningful research on health and social trends. (*Ibid.*)
- 3) **Argument in Support:** According to the Arab American Civic Council and other specified organizations, "Having a MENA standard in California would create appropriate and accurate measures to facilitate the development of interventions geared toward enhancing the well-being of the MENA population. Better data would lead to better services, fostering a healthier and more satisfied community. The MENA standard will ensure accurate data collection, which is paramount for developing interventions that could enhance the lives of MENA-identifying individuals. Accurate data on the MENA community will improve the efficacy of the products/services of organizations serving MENA community members.

California has always provided recognition and opportunity to communities long ignored by the federal government. It has taken initiatives to recognize and protect communities of color, religious communities, and LGBTQ+ communities. Unfortunately, the MENA population has regularly been rendered "invisible" or an "other" despite being contributors and impactful members of Californian society. MENA Californians have established beloved neighborhoods and community centers such as Little Armenia, Persian Square (Tehrangeles), and Little Arabia. They have also contributed an enormous amount in taxes. According to a 2015 New American Economy study, MENA immigrants in California paid more than \$1.5

billion in state and local taxes in 2015—or 1.6% of all state and local taxes. In Los Angeles alone, MENA immigrants contributed \$145.6 million in state and local taxes in 2015.<sup>1</sup>

With its diverse and large MENA population, California could set the tone and lead other states to collect, measure, and utilize data on the MENA populations. Armenians, Somalis, and Sudanese, currently not considered by the national standard, are a large and important population in California. Recognizing them alongside Iranians, Iraqis, Lebanese, and others sets the tone of California’s dedication to equal protection, opportunity, and civil dignity for all Americans.

For all the reasons above, the MENA Inclusion Act represents a pivotal step toward advancing equity, diversity, and inclusion in California. This legislation embodies the principles of social justice and equality by addressing historical injustices, rectifying data disparities, and fostering political representation. By cultivating trust, the government empowers MENA constituents to play an active role in their communities, leading to positive cascading effects. Higher levels of trust and equality advance civic engagement, underscoring the importance of inclusive policies to strengthen societal cohesion. The proposed MENA standard is a critical step toward dismantling the institutional barriers that impede the MENA community's access to these fundamental rights. Our government must provide indispensable safeguards and a measure of protection to MENA communities in California.”

4) **Argument in Opposition:** None

5) **Related Legislation:**

- a) HR 30 (Essayli), of the 2023-2024 Legislative Session, encouraged the federal Office of Management and Budget to include “Middle Eastern or North African” ancestry as a response option on all federal forms collecting demographic information. HR 30 was adopted.
- b) AB 943 (Kalra), of the 2023-2024 Legislative Session, required the California Department of Corrections and Rehabilitation (CDCR) to publish its monthly demographic data in a manner disaggregated by race and ethnicity, as specified.

6) **Prior Legislation:**

- c) AB 1726 (Bonta), Chapter 607, Statutes of 2016, required, among other things, the State Department of Public Health to collect data as specified.
- d) AB 176 (Bonta), of the 2015-2016 Legislative session, would have required state health and education agencies collect population data disaggregated as specified. AB 176 was vetoed by the Governor.
- e) AB 1088 (Eng) Chapter 689, Statutes of 2011, applied data disaggregation requirements to the Department of Industrial Relations and the Department of Fair Employment and

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<sup>1</sup> <<https://www.newamericaneconomy.org/wp-content/uploads/2018/07/MENA-Report.pdf>>

Housing.

- f) AB 1737 (Eng) of the 2009-2010 Legislation Session, would have applied data disaggregation requirements to the departments of Health Care Services, Public Health, Social Services, Employment Development, State Personnel Board, and other specified agencies. AB 1737 was held in Assembly Appropriations Committee.
- g) AB 295 (Lieu) of the 2007-2008 Legislative Session, would have required various state entities to report collected demographic data according to each major Asian-Pacific Islander groups and make that data available to the public to the extent that disclosure did not violate confidentiality. AB 295 was vetoed by the Governor.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Access California Services  
American Arab Anti-discrimination Committee  
Arab American Civic Council  
Arab Cultural and Community Center in San Francisco Bay Area  
Armenian-american Action Network  
Council on American-islamic Relations, California  
National Iranian American Council Action  
Somali Family Service of San Diego

**Opposition:** None

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