

Brian Harris-Kojetin  
OMB Desk Officer

Cc: Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce

**Public Comment re: 2014 Census Test, Submitted Electronically**

The National Gay and Lesbian Task Force (Task Force) is the country's oldest national lesbian, gay, bisexual, and transgender (LGBT) civil rights organization. We are pleased to have the opportunity to comment on the 2014 Census Test because we believe that the development of effective data collection measures on sexual orientation and gender identity is essential to the progress of our movement. In fact, we find that one of the most effective tools we wield in our advocacy efforts is accurate data about the disparities faced by community members. We are excited to see that the Census Bureau (Bureau) is continuing to test its new "relationship to householder" question in the 2014 Census Test, and encourage the Bureau to involve stakeholders in field staff training to ensure the most effective testing of that question. Further, we continue to urge the Bureau to move forward with development of sexual orientation and gender identity data collection measures and to include those measures in future survey instruments.

**Without Accurate Data, It Is Harder to Respond to the Unmet Needs of the LGBT Population**

Much of our knowledge about the family, health, economic, educational, and social status of people in the United States comes from survey data. The incidence and qualitative experiences of poverty, illness, unemployment, or income across racial, ethnic, and gender lines are routinely measured through survey questions. Survey data are particularly important for assessing the need for public policies that address racial, ethnic, gender, age, or group disparities in important health and social outcomes, and data are necessary to evaluate the impact of those policies.

Regrettably, we have much less information about whether and how life experiences differ by sexual orientation and gender identity, creating a large scientific gap between what we know and what we need to know. In recent years, public policy debates have heightened the need for high quality scientific data on the sexual orientation and gender identity of adults, the aging population, and young people in the United States. In ongoing public discussions about lesbian, gay, bisexual, and transgender policy issues, the practical importance of good data that accurately describe the lives of LGBT people and their families has become increasingly obvious. Discussions of civil rights, program evaluation, public health, and the delivery of human services must rely on sound facts and analyses that come from survey research, but often those facts

are not available in the context of LGBT-related policy issues because so few surveys include measures of sexual orientation and gender identity that would allow for the identification of LGBT people.

Health, economic, and social surveys have always had to adapt to changing demands and changing times. For example, as family structures have changed, government and private surveys in the United States (including the decennial Census) have added questions and responses that allow the study of unmarried, cohabiting different-sex couples. Adding sexual orientation and gender identity measures is simply one more adaptation to the changing world that surveys are designed to study, in this case a world with an increasingly visible LGBT population.

Collecting more high-quality data on the disparities associated with LGBT status and other social, economic, and health concerns of LGBT communities is essential if federal, state, local, and nonprofit agencies are to adequately serve this population. The crucial first step in building this knowledge is adding sexual orientation and gender identity survey measures that can help characterize the needs of LGBT respondents to publically-funded population surveys.

## **Recommendations:**

### **1. Include LGBT Cultural Competency Training in Field Staff Training for the 2014 Census Test**

#### *Failure to Include Cultural Competency Training in Field Staff Training May Lead to Skewed Results from the 2014 Census Test*

The Task Force applauds the Bureau's efforts to test and implement a new "relationship to householder" question that will include response options for both opposite sex and same sex husband/wife/spouse and unmarried partners. Inclusion of this new question on the decennial Census and other survey instruments will lead to better data about the makeup of LGBT families, allowing advocates and service providers to direct their work to the most needed segments of our community. For example, data from the new question will allow researchers to better understand the race, ethnicity, and marital and housing status of same-sex partners. Armed with this new information, users like grant applicants will be able to better tailor funding requests to the needs of the LGBT community. The new question is also likely to generate more accurate data than previous versions of the "relationship to householder" question. As the Bureau is aware, testing of the prior question tended to undercount same-sex married partners, who were unsure whether the form sought an answer describing their relationship or their legal marital status.

The 2014 Census Test seeks to test both the content of the new question and potential contact strategies and field operation efficiencies. To serve the second goal, the Bureau has specifically chosen Census tracts where it expects to need a high number of follow-up contacts. Field staff will conduct in-person visits to non-respondents, attempting to achieve the highest possible number of responses.

Cultural competency training for field staff is a necessary prerequisite to collecting accurate data on the LGBT community. Left untrained, field staff may unwittingly alienate or offend respondents, potentially eliciting false replies from respondents who would otherwise honestly and willingly answer the relationship to householder question. Recent studies indicate that respondents rarely refuse to answer sexual orientation identity questions. In fact, one study found that refusal rates for sexual orientation identity questions (0.8% to 2.6%) were measurably lower than refusal rates for income questions (4.23% to 6.11%).<sup>i</sup> Still, if field staff are not adequately trained, they may prompt social desirability bias in the respondents they interview.

The Task Force encourages the Bureau to integrate LGBT cultural competency training into any existing training modules for field staff. In order to ensure that such training is effective, we recommend the Bureau include community stakeholders in the training development processes.

## **2. Use the Sexual Orientation Measure Currently Being Utilized on the National Health Interview Survey on Future Versions of the Census**

While the new “relationship to householder” question will provide improved data on same-sex couples, it tells us nothing about the sexual orientation of people who are single or do not live with a partner. Current estimates of the size of the LGBT population vary widely, from as little as 3% to as much as 20% of the U.S. population. While it’s difficult to know the accuracy of these estimates, even the most conservative estimate puts the number of LGBT people in the United States at around 10,000,000 individuals. If higher estimates are accurate, the LGBT population outnumbers people of Hispanic origin by a wide margin, and tops the number of Black, American Indian and Alaska Native, and Asian people put together. It is appalling that so little government data exists on such a large segment of the U.S. population.

Some federal agencies are attempting to rectify the lack of data collection on sexual orientation and gender identity. For example, the Department of Health and Human Services is beginning to collect information on the LGBT community as part of its implementation of the Affordable

Care Act (ACA). Section 4302 of the ACA requires data collection on health disparities. While sexual orientation and gender identity data collection is not explicitly required, the Section does require data collection on sex. The Department of Health and Human Services (HHS) has developed a data progression plan for collecting sexual orientation data and has conducted gender identity data collection listening sessions as part of its efforts to comply with the new law. As a part of this process, HHS and the Census Bureau added sexual orientation questions to the 2013 version of the National Health Interview Survey (NHIS), and HHS intends to continue meeting objectives laid out in the plan in upcoming survey administrations.

We strongly encourage the Bureau to take necessary steps to integrate the sexual orientation question currently being used on the NHIS into the decennial census. While we recognize the desire to keep the decennial census short and straightforward, we believe that a community of such magnitude can't be ignored simply for the sake of efficiency. Because a thoroughly tested question exists and is currently being used on other data collection instruments, we believe the next logical step is to move this question into larger surveys like the decennial census.

### **3. Develop a Plan to Include Gender Identity Questions on the Census and Other Data Collection Instruments**

The Institute of Medicine's 2011 report on LGBT health disparities included a clear call for LGBT inclusions across a wide range of federal data sets focused on health, socio-economic status, and demographics. To date, federal statistical agencies have not developed a coordinated strategy that would move data collection efforts toward full LGBT inclusion. We encourage the Bureau, as the government's lead statistical agency, to show leadership in developing a plan for LGBT inclusion across federal data sources.

Sexual orientation and gender identity are different aspects of an individual's identity. Transgender people, like anyone else, may be gay, straight, bisexual, or any other sexual orientation. The discriminatory treatment that some transgender people suffer may be based on others' perceptions and understandings of gender identity or sexual orientation. Therefore, data should be collected on both gender identity and sexual orientation in order to fully study the needs of the transgender community.

Fortunately, non-governmental organizations in the United States have already put a significant amount of effort into creating clear and effective data collection measures related to sexual orientation and gender identity. In contrast to measures used less successfully in the past, the measures created by these organizations carefully differentiate between sexual orientation and gender identity, yielding data that more accurately describe the disparities faced by the LGBT

community. For best practices for asking questions related to sexual orientation, see The Williams Institute's report, *Best Practices for Asking Questions about Sexual Orientation on Surveys*.<sup>ii</sup> For an overview of gender-related measures currently in use in the United States, see The GenIUSS Group's report, *Gender-related Measures Overview*.<sup>iii</sup> Relying in part on information from these reports, the CDC's Behavior Risk Factor Surveillance System Questionnaire, will offer states an optional module this year that asks separate sexual orientation and gender identity demographic questions.

The Bureau has shown strong leadership in this area in the past, particularly in its efforts with the Office of Management and Budget (OMB) to address the challenges associated with same-sex couple data collection efforts. Already, a sexual orientation measure has been added to the National Health Interview Survey (NHIS) and a similar measure is scheduled to be added to the National Crime and Victimization Survey (NCVS). These efforts indicate a positive trend, but, to date, neither of these surveys, nor the American Community Survey or the decennial Census, includes a gender identity measure.

We ask that the Bureau show leadership and develop an interagency process to achieve full inclusion of sexual orientation and gender identity measures within major federal surveys. These include the NHIS and the NCVS, along with the American Community Survey, the Current Population Survey, and the Survey for Income and Program Participation.

We appreciate the Census Bureau's strong leadership on LGBT issues, as well as its decision to include the revised "relationship to householder" question on the 2014 Census Test. We encourage the Bureau to build on that leadership by adopting the recommendations included in this comment. If you have any questions about the content of this comment, please contact Meghan Maury, Policy Counsel at the National Gay and Lesbian Task Force, at (202) 639-6322, or by email at [mmaury@thetaskforce.org](mailto:mmaury@thetaskforce.org).

Sincerely,

National Gay and Lesbian Task Force

---

<sup>i</sup> Jeremy Redford and Aimee Van Wagenen, *Measuring Sexual Orientation Identity and Gender Identity in a Self-Administered Survey: Results from Cognitive Research with Older Adults* (2012), available at <http://paa2012.princeton.edu/papers/122975>.

<sup>ii</sup> The Williams Institute (2009). *Best Practices for Asking Questions about Sexual Orientation on Surveys*. Los Angeles: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/SMARTFINAL-Nov-2009.pdf>.

<sup>iii</sup> The GenIUSS Group (2013). *Gender-related Measures Overview*. Los Angeles: The Williams Institute, available at <http://williamsinstitute.law.ucla.edu/research/census-lgbt-demographics-studies/geniuss-group-overview-feb-2013/>.