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**Public Comment re: OMB Control # 0607-0049  
Current Population Survey (CPS) Basic Demographics**

Founded in 2006, the Movement Advancement Project is an independent think tank that provides rigorous research, insight, and analysis that help speed equality for lesbian, gay, bisexual and transgender (LGBT) people. We are pleased to have the opportunity to comment on the Current Population Survey (CPS) Basic Demographics 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, one of the most effective tools we wield in our advocacy efforts is accurate data about the disparities faced by community members.

The Bureau has shown leadership by making changes to national surveys that reflect the changing face of American families, and we encourage the Bureau to continue its work to improve the measurement of American families. The Bureau has been making significant progress at improving data collection associated with same-sex cohabitating couples. We applaud the Bureau's recent decision to no longer recode same-sex spouses as unmarried partners in public data sources derived from the American Community Survey (ACS) and to include same-sex spouses among federal statistics that identify married couples. The Bureau's decision reflects public opinion in recognizing same-sex married couples as families and we urge the Bureau to continue this progress by immediately implementing an inclusive plan to include sexual orientation and gender identity in the CPS.

We are encouraged that the Bureau has developed sexual identity data collection measures, and we urge the Bureau to incorporate the sexual orientation measure currently used on the National Health Interview Survey into the CPS. We continue to urge the Bureau to develop and implement a plan to include a question on gender identity on the CPS. Finally, we continue to encourage the Bureau to develop a plan to include LGBT-associated questions in all federal data sources, including the CPS.

**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 readily 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, cohabitating 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. The Bureau Should Include Sexual Orientation Measures on the Current Population Survey (CPS) by Integrating the Tested Question Already in Use on the National Health Interview Survey (NHIS)**

When social scientists, policy makers, advocates, or service providers need information about demographic trends, they immediately turn to the Census Bureau, the most highly regarded collector of data on Americans' rapidly changing lives. Over time, census categories have evolved to reflect changes in U.S. society and laws that recognize same-sex marriages and relationships. In fact, the Bureau has committed itself to producing state-by-state counts of same-sex couples who identify themselves as spouses. Further, the Bureau has sponsored research to understand how gay and lesbian couples think about and report their relationships on official forms. This research revealed that most participants viewed the census through a legal prism, believing it to measure only state-sanctioned, legally recognized marriage.

The Bureau's own research makes clear that, in its current state, the census does not adequately measure the LGBT community. Gay and lesbian participants who had been divorced from a previous heterosexual marriage felt frustrated that their marital status would be defined by a long-ago relationship rather than by their current relationship. For example, a person who was divorced decades ago and is now in a long-term, committed relationship – such as a domestic partnership or civil union – has to denote themselves as “divorced” on the current version of the marital question on the CPS. Many gay and lesbian couples

felt none of the options on the census adequately reflected their current lives, and they felt discounted because no provided option appropriately applied to their situation. However, participants were pleased to see proposed revisions that attempted to accommodate their lived experience.

The social and legal landscape for LGBT persons has changed dramatically in recent years. Nineteen states, as well as Washington, D.C., have passed legislation recognizing marriages of same-sex persons, and an additional eleven states have issued rulings in favor of the freedom to marry. As a result, nearly 44% of the U.S. population now lives in a state with the freedom to marry for same-sex couples.<sup>1</sup> Legislative bodies, courts, and voters regularly make decisions that affect the day-to-day lives of the LGBT community, so accurately counting gay and lesbian couples is paramount. Ultimately, the Bureau must be responsive to social changes so our vital statistics accurately mirror and help support America's diverse population.

While the CPS question regarding relationship to reference person includes an "unmarried partners" option, the CPS 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 collection listening sessions as part of its efforts to comply with the new law. As 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. Including sexual orientation in the NHIS is critical to reducing misclassification and to collecting accurate national data on the LGBT population. HHS also plans to add a question about gender identity to the NHIS in the near future.

We strongly encourage the Bureau to take necessary steps to integrate the sexual orientation question currently being used on the NHIS into the CPS. A community of such magnitude cannot be ignored simply for the sake of efficiency. Because a thoroughly tested question already 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 CPS. We urge the Bureau to take this necessary step, and to immediately include sexual orientation in the Current Population Survey.

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<sup>1</sup> Freedom to Marry: States. <http://www.freedomtomarry.org/states/>

## **2. The Bureau Should Develop and Implement a Plan to include Gender Identity Questions on the Current Population Survey (CPS)**

We encourage the Bureau to immediately update its Current Population Survey (CPS) to include survey questions that capture respondents' gender identity. 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.

Transgender people are not only more likely to face discrimination, but also disproportionately likely to experience violence, to live in extreme poverty, to contract HIV, to go without preventive care, and to attempt suicide.<sup>2</sup> While the existing body of research has helped policymakers, researchers, service providers, and advocates begin to address these concerns, many aspects of the needs and experiences of transgender people remain unexplored. Collecting more high-quality data on the disparities transgender people experience and other social, economic, and health concerns of transgender communities is essential if federal, state, local, and nonprofit agencies are to adequately serve transgender people. Improved data are also necessary to allow researchers to better understand the backgrounds and needs of transgender people and to help transgender advocates and their allies develop effective strategies for improving the circumstances of transgender people's lives.<sup>3</sup>

While the Bureau has not done content field testing of the new version of the gender identity question, gender identity has been included on several other national censuses, including in the United Kingdom and Canada. Additionally, the Department of Health and Human Services (HHS) plans to add gender identity to the NHIS in the near future. Accordingly, we urge the Bureau to immediately update its Current Population Survey (CPS) to include questions that capture respondents' gender identity to ensure adequate representation and appropriate protection of the needs of this particularly vulnerable community.

## **3. The Bureau Should Develop a Plan to Include LGBT-Associated Questions in All Federal Data Sources**

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 the federal data sources.

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<sup>2</sup> Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (2011). National Gay and Lesbian Task Force. [http://www.thetaskforce.org/reports\\_and\\_research/ntds](http://www.thetaskforce.org/reports_and_research/ntds)

<sup>3</sup> Gender-Related Measures Overview (2013). The Williams Institute. <http://williamsinstitute.law.ucla.edu/wp-content/uploads/GenIUSS-Gender-related-Question-Overview.pdf>

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>4</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>5</sup>

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). These efforts indicate a positive trend, but, to date, neither survey includes a gender identity measure. We ask the Bureau to continue to show leadership in this area, and to 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 National Center for Veterans Analysis and Statistics (NCVAS), 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 introduce a revised "relationship to householder" question on appropriate surveys. We encourage the Bureau to build on that leadership through adoptions of the recommendations included in this comment. Including sexual orientation and gender identity questions in the Current Population Survey is crucial to adequately reflecting changes in society and to capturing accurate demographic data. If the Census Bureau has any questions about the content of this comment, please contact me at [ineke@lgbtmap.org](mailto:ineke@lgbtmap.org) or by phone at 303-883-5640.

Sincerely,



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<sup>4</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>5</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/>.