

## FAX COVER SHEET

TO	Erin Good
COMPANY	Bureau of Labor Statistics
FAXNUMBER	12026915111
FROM	Frank Bewkes
DATE	2017-08-18 21:39:09 GMT
RE	Comment on Current Population Survey

## COVER MESSAGE

Dear Ms. Good,

Please find enclosed a comment from the Center for American Progress on the Current Population Survey. Thank you for your consideration.

Sincerely,

Frank J. Bewkes, Esq.,

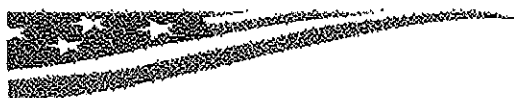
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## Center for American Progress



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Friday, August 18, 2017

Erin Good  
BLS Clearance Officer  
Division of Management Systems  
Bureau of Labor Statistics, Room 4080  
2 Massachusetts Avenue NE.  
Washington, DC 20212  
Fax: 202-691-5111

### Comment on Document No. 2017-12603 Current Population Survey

Dear Ms. Good,

The Center for American Progress (CAP) is writing to urge the Bureau of Labor Statistics (BLS) to permanently include questions on sexual orientation and gender identity (SOGI) in the Current Population Survey (CPS) in order to assess the economic health of the LGBT community in the United States. We applaud BLS' pretesting of SOGI questions via cognitive interviews and focus groups, and we hope that such questions will become permanent features of the CPS' demographic data collection component. The CPS provides critical data on a number of factors such as employment status, type, and location, income, and household structure, among many others. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which, and with what success, the various demographic components of the American population are participating in the workforce economy.<sup>1</sup> As BLS notes, "Through such breakdowns, one can focus on the employment situation of specific population groups as well as on general trends in employment and unemployment."<sup>2</sup> Such tracking is needed for the LGBT community and would likely result in minimal additional burden. Adding SOGI data to the CPS would also ensure these individuals would be included in the nation's official poverty, income, and health insurance statistics, thus highlighting key disparities and informing the work of researchers and policymakers.

CAP is a nonprofit think tank dedicated to evidence-based public policy that serves the needs of all communities. As a leading expert on data collection and the disparities facing LGBT communities, CAP is well-suited to address the need for increased LGBT data collection from both public education and research standpoints. Developing high-quality data that more fully explore and facilitate understanding of the socioeconomic circumstances of being LGBT in the United States today is essential if federal, state, local, and nongovernmental entities are to adequately and efficiently serve LGBT individuals and their families. The absence of questions on SOGI in federal data collection instruments keeps invisible the experiences of the LGBT community and leaves the federal government blind to its unique needs. Without questions to identify LGBT people on the CPS, we cannot use gold standard statistics to evaluate the economic health of this disadvantaged community.

<sup>1</sup> Proposed Collection; Comment Request, 82 Fed. Reg. 27873 (June 19, 2017), available at <https://www.federalregister.gov/documents/2017/06/19/2017-12603/proposed-collection-comment-request>.

<sup>2</sup> Proposed Collection; Comment Request, 82 Fed. Reg. 27873 (June 19, 2017), available at <https://www.federalregister.gov/documents/2017/06/19/2017-12603/proposed-collection-comment-request>.

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## Collecting SOGI data through the CPS is necessary to craft informed, evidence-based policies that support the economic health of the LGBT community

While economic data on the LGBT community are limited, which further makes the case for the CPS to collect this information, the data that do exist strongly suggest that the LGBT workforce is struggling. Employment discrimination remains a serious issue for the LGBT community. Over half of LGBT Americans live in states without comprehensive nondiscrimination protections covering SOGI.<sup>3</sup> As many as 43% of LGB workers and as many as 90% of transgender workers have experienced discrimination or harassment at work.<sup>4</sup> In addition, existing data suggest high rates of poverty<sup>5</sup> and other economic disparities in the LGBT population, underscoring the importance of better understanding the employment experiences and socioeconomic profile of this population. A Williams Institute analysis found that the unemployment rate of LGBT African Americans was three percentage points higher than that of non-LGBT African Americans.<sup>6</sup> The situation appears even more stark for the transgender community. The unemployment rate for respondents to the 2015 U.S. Transgender Survey was three times (15%) the overall U.S. unemployment rate (5%) at the time of the survey.<sup>7</sup> There are many issues that CPS SOGI data could help illuminate related to these existing findings, such as whether the presence of LGBT-inclusive nondiscrimination laws is associated with higher employment rates or predicts other economic factors, or the extent of the income gap between transgender and cisgender Americans.

## Collecting SOGI data through the CPS will cause minimal burden

The burden on respondents to the CPS will be minimal. A study of Behavioral Risk Factor Surveillance System responses found that refusal rates for sexual orientation questions are actually much lower than refusal rates for questions on income.<sup>8</sup> Another recent study at community health centers supports these results, finding that a majority of people agreed that collecting SOGI data is important and will respond to such questions.<sup>9</sup> The Census Bureau's website states that the labor force portion of the CPS interview lasts an average of 6 minutes, and the demographic portion is significantly shorter.<sup>10</sup> Additional questions to identify LGBT people will likely not add significant time nor disrupt the process of collecting demographic information.

There would also be minimal burden on BLS. Several federal surveys already collect data on SOGI,<sup>11</sup> demonstrating the feasibility of gathering this information. There are also administrative datasets that

<sup>3</sup> Movement Advancement Project, "Non-Discrimination Laws," available at [http://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non_discrimination_laws) (last accessed August 15, 2017).

<sup>4</sup> Badgett, L. *et al.* (February 19, 2013). An Executive Order to Prevent Discrimination Against LGBT Workers. Center for American Progress. Retrieved from <https://www.americanprogress.org/issues/lgbt/reports/2013/02/19/53931/an-executive-order-to-prevent-discrimination-against-lgbt-workers/>.

<sup>5</sup> Badgett, L. *et al.* (June 2013). New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community. The Williams Institute. Retrieved from <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

<sup>6</sup> Ben Penn. "LGBT Minorities Face High Unemployment, Job Discrimination, Low Wages, Study Finds." Bloomberg BNA, November 18, 2013, available at <https://www.bna.com/lgbt-minorities-face-high-unemployment-job-discrimination-low-wages-study-finds/>.

<sup>7</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016).

The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality.

<sup>8</sup> VanKlin, N. *et al.* (December 2010). Adding Sexual Orientation to Statewide Public Health Surveillance: New Mexico's Experience. American Journal of Public Health, 100(12): 2392-2396. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2978164/>.

<sup>9</sup> Cahill S, Singal R, Grasso C, King D, Mayer K. *et al.* (2014) Do Ask, Do Tell: High Levels of Acceptability by Patients of Routine Collection of Sexual Orientation and Gender Identity Data in Four Diverse American Community Health Centers. PLoS ONE 9(9): e107104. doi:10.1371/journal.pone.0107104.

<sup>10</sup> The U.S. Census Bureau. Current Population Survey (CPS). Retrieved from <https://www.census.gov/programs-surveys/cps/technical-documentation/questionnaires.html> (last accessed August 18, 2017).

<sup>11</sup> Baker, K. and Duto, L. E., "Filling in the Map: The Need for LGBT Data Collection," September 16, 2015. Washington, DC: Center for American Progress. Available at <https://www.americanprogress.org/issues/lgbt/news/2015/09/16/21128/filling-in-the-map-the-need-for-lgbt-data-collection/>.

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collect this information, such as the Homeless Management Information System.<sup>12</sup> Best practices exist for asking SOGI questions,<sup>13</sup> and two reports "Best Practices for Asking Questions about Sexual Orientation on Surveys"<sup>14</sup> and "Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys"<sup>15</sup> reflect expert consensus. Most federal surveys including, for example, the CPS, ask questions about many other aspects of identity, such as race. SOGI data should be routinely collected as well. Gathering data on how these various identities interact provides important information about whether and how programs are appropriately serving Americans who have experienced multiple and different forms of stigma.<sup>16</sup> According to the 2016 Corporate Equality Index (CEI) from the Human Rights Campaign Foundation, 45% of CEI participants provide the option for employees to voluntarily report their SOGI in the workplace,<sup>17</sup> suggesting that this is a growing trend in the private sector which can be matched by additional efforts within the federal government. BLS has already invested in and taken the first steps toward including SOGI questions and testing the reliability of these questions in the CPS' methodological context. Those efforts should be continued, and we encourage BLS to permanently adopt an effective means of identifying how the estimated 10 million LGBT Americans<sup>18</sup> interact with our workforce economy.

Existing data on the socioeconomic characteristics of the LGBT population are incomplete, but the picture they paint is compelling: even as LGBT individuals become more visible in mainstream society, this vulnerable population continues to experience significant levels of poverty, economic marginalization, and employment discrimination. Nationally representative employment data on the LGBT population gathered via large-scale surveys such as the CPS are essential to gain a better understanding of these issues and to craft effective economic and labor force policies for our nation.

Sincerely,

Center for American Progress

<sup>12</sup> See, e.g., U.S. Department of Housing and Urban Development, "HMIS Data Standards Data Dictionary," April 2017, available at <https://www.hudexchange.info/resources/documents/HMIS-Data-Dictionary.pdf>.

<sup>13</sup> Baker, K., Dugso, L. E., and Ridings, A., "How to Collect Data About LGBT Communities," Center for American Progress, March 15, 2016, available at <https://www.americanprogress.org/issues/lgbt/reports/2016/03/15/133223/how-to-collect-data-about-lgbt-communities/>.

<sup>14</sup> Sexual Minority Assessment Research Team, "Best Practices for Asking Questions about Sexual Orientation on Surveys," November 2009, available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/SMART-FINAL-Nov-2009.pdf>.

<sup>15</sup> Gender Identity in U.S. Surveillance, "Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys," September 2014, available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/genius-report-sep-2014.pdf>.

<sup>16</sup> Baker, K., Dugso, L. E., and Ridings, A., "How to Collect Data About LGBT Communities," Center for American Progress, March 15, 2016, available at <https://www.americanprogress.org/issues/lgbt/reports/2016/03/15/133223/how-to-collect-data-about-lgbt-communities/>.

<sup>17</sup> Human Rights Campaign Foundation (2015) Corporate Equality Index 2016: Rating American Workplaces on Lesbian, Gay, Bisexual and Transgender Equality. Available at: <http://hrf-assets.s3.amazonaws.com/files/assets/resources/CEI-2016-FullReport.pdf>.

<sup>18</sup> Gates, G. J., "In U.S. More Adults Identifying as LGBT," Gallup, January 11, 2017, available at <http://www.gallup.com/poll/201731/lebi-identification-rises.aspx>.