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Sheleen Dumas
Department PRA Clearance Officer
Office of the Chief Information Officer
U.S. Department of Commerce

Submitted via *reginfo.gov*

RE: Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey (OMB No. 0607-1013)

Dear Sheleen Dumas,

The National Women's Law Center (the "Center") appreciates the opportunity to comment on the Federal Register Notice (FRN) regarding the next phase of proposed changes to the U.S. Census Bureau Household Pulse Survey (the "Pulse Survey").¹

The Center fights for gender justice—in the courts, in public policy, and in society—working across the issues that are central to the lives of women and girls. The Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm everyone—especially those who face multiple forms of discrimination. For 50 years, the Center has been on the leading edge of every major legal and policy victory for women.

The Center has continuously advocated to expand opportunities for women and girls, with particular emphasis on women with low incomes and those who face multiple and intersecting forms of discrimination. Census data has been, and continues to be, pivotal to the Center's advocacy. The Center relies on Census data to identify the needs of women and their families, to highlight the various policy implications of legislation, fight back against unfair practices and policies, illuminate the different ways women and girls experience life in the United States, and develop evidence-based solutions for health, education, workplace, and income security policy.

The Pulse Survey has been useful to the Center and other stakeholders, providing us with data about the impact of the COVID-19 pandemic and related economic fallout on different demographic groups in practically real time, rather than waiting until annual

¹ Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey, 87 Fed. Reg. 22,869 (Apr. 18, 2022), <https://www.federalregister.gov/documents/2022/04/18/2022-08262/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>.

poverty or other data is released. The Center has also periodically analyzed gender and race crosstabs of Pulse Survey results to track how the pandemic and recession have disproportionately impacted women of color and the households they live in.² This has helped the Center's advocacy on health and economic responses to COVID-19, including food and housing assistance, unemployment assistance, refundable tax credits, cash assistance, and other income supports, as well as health and education responses. Continuing the Pulse Survey will help the Center analyze any continuing disparities in the recovery.

The Center recommends the improvements below to increase the utility of the Pulse Survey.

Demographic Questions

The Center continues to applaud the Census Bureau's ground-breaking and essential move to add demographic questions that capture the sexual orientation and gender identity (SOGI) of survey respondents in the Phase 3.2 survey,³ as well as age ranges for children. Adding SOGI measures constitutes historic progress for the Census and has already provided numerous, invaluable, and previously unavailable data points on social and economic indicators for LGBT populations. The Center continues to recommend these further changes to strengthen the survey's demographic questions and reporting to improve its utility, including collection of more complete data on LGBTQI+ populations:

- **Develop an intersex demographic measure.** The Center urges the Census Bureau to conduct, fund, and coordinate with other agencies to advance development and testing of a standalone demographic measure to identify intersex people, as recommended by the National Academies of Sciences, Engineering, and Medicine.⁴
- **Develop expanded SOGI measures.** The Center urges the Census Bureau to conduct, fund, and coordinate with other agencies to advance development and testing of expanded SOGI measures to identify nonbinary and other sexual and diverse populations, as recommended by the National Academies.⁵ In addition,

² NAT'L WOMEN'S L. CTR., NWLC ANALYSIS OF U.S. CENSUS BUREAU COVID-19 HOUSEHOLD PULSE SURVEYS, <https://nwlc.org/resources/nwlc-analysis-of-u-s-census-bureau-covid-19-household-pulse-surveys/> (last visited May 4, 2022).

³ U.S. CENSUS BUREAU, PHASE 3.2 HOUSEHOLD PULSE SURVEY, https://www2.census.gov/programs-surveys/demo/technical-documentation/hhp/Phase_3.2_Household_Pulse_Survey_FINAL_ENGLISH.pdf (last visited Oct. 1, 2021).

⁴ CHARLOTTE J. PATTERSON, MARTIN-JOSÉ SEPÚLVEDA & JORDYN WHITE, EDs., NAT'L ACADS. OF SCIS., ENG'G, & MED., UNDERSTANDING THE WELL-BEING OF LGBTQI+ POPULATIONS (2020), <https://www.nap.edu/read/25877/chapter/1>; see also INTERACT: ADVOCATES FOR INTERSEX YOUTH, INTERSEX DATA COLLECTION: YOUR GUIDE TO QUESTION DESIGN (Aug. 24, 2020), <https://interactadvocates.org/intersex-data-collection/>; SUEGEE TAMAR-MATTIS, KRISTI E GAMAREL, ALENA KANTOR, ARLENE BARATZ, ANNE TAMAR-MATTIS & DON OPERARIO, IDENTIFYING AND COUNTING INDIVIDUALS WITH DIFFERENCES OF SEX DEVELOPMENT CONDITIONS IN POPULATION HEALTH RESEARCH, 5 LGBT HEALTH 320 (2018).

⁵ NAT'L ACADS. OF SCIS., ENG'G, & MED., *supra* note 4.

the Center urges the Census Bureau track research and testing for different versions of wording for SOGI data collection questions and different ways to report the data. For example, the Census Bureau should explore producing Data Tables with data on women as a single population, rather than the current Data Tables with separate categories of (i) cisgender women, (ii) transgender people (some, but not all of whom identify as women), and (iii) respondents assigned female at birth (which includes cisgender women, transgender men, and some nonbinary respondents).

- **Improve demographic collection about families with children.** The current Survey asks about the number of children living in a respondent's household. In times of economic downturn, and especially as millions of people continue to be behind on rent and face eviction, it may be necessary financially for households to share housing costs by becoming multigenerational or by living with roommates. Therefore, respondents in the survey may be living with children who are not their own and answering questions about those children. It would be helpful to know if the children are one's own versus just in the household. This would permit the Center and other researchers to analyze the pandemic's impact on mothers in particular, who have disproportionately left the labor force, instead of women with children in the household.

Employment Section

The proposed Phase 3.5 continues to include the child care questions in the employment section. Women have been disproportionately impacted by lack of access to child care. The Center still recommends that the Census Bureau improve the utility of EMP8 by changing the response options to make clear *which* adult in the household took the actions specified and therefore was most impacted. This would allow the Center and others to know which women survey respondents personally lost income because they could not access child care. At the same time, some response options can be consolidated, which would also improve sample sizes for analysis by the Center and others. Here is an example of survey response options that might prove more useful:

- You lost employment income (e.g., by taking unpaid leave, cutting your work hours, left a job, lost a job, or did not look for a job) in order to care for the children
- You used vacation, sick days, or other paid leave in order to care for the children
- You supervised one or more children while working
- Another adult in the household lost employment income in order to care for the children
- Another adult in the household used vacation, sick days, or other paid leave in order to care for the children
- Another adult in the household supervised one or more children while working

Furthermore, the Center urges the Census Bureau to provide consistent reporting of responses to these questions across both the Data Tables and Public Use Files (PUFs).

The PUF provides results for survey respondents who cannot access child care for children under age 12, whereas the Data Table provides results for survey respondents with children under age 5. Providing both sets of data in both the Data Table and PUF would provide users of both data sets the ability to compare results for the two data groups, as child care may be harder to access for young children.

COVID-19 has also posed challenges for caregiving of disabled adult dependents and caregiving for older family members. The availability of in-home caregivers, adult day programs, and other forms of care has shifted for many families. Consequently, the Center recommends the revised Survey include questions regarding care for disabled adult dependents or older family members.

Spending Section

The Phase 3.4 questionnaire changed the questions about advance Child Tax Credit (CTC) payments to receipt and usage of the CTC portion of their tax refund. The Center is disappointed that the Census Bureau did not implement the Center's recommendations for expanding the scope of the tax refund questions, as it is unlikely that many families will know what amount of their 2021 tax refund comes from the CTC, whereas it was easier to tell their CTC amount from the advanced payments. Consequently, it may be hard for families to pinpoint how they spent the CTC portion of their refund.

Despite the potential for inaccuracies in data for the CTC questions, the Center understands if the Census Bureau must maintain the CTC-only focused questions for consistency across the tax season. The Center does recommend editing SNP1 to reflect the upcoming option for individuals to use a non-filer portal to claim their CTC to something like this:

SPN1: Did you or someone in your household claim the "Child Tax Credit," that is the expanded credit as part of the Federal Government's 2021 American Rescue Plan? If you filed your 2021 Federal tax return, this credit would have been claimed on line 28 of your Form 1040. If you did not file a return, you could also have claimed the credit through the Non-Filer Sign Up Tool, available through [ChildTaxCredit.gov](https://www.irs.gov/childtaxcredit).

Health Section

The Center is concerned about the proposal to remove questions about "mental health services use and unmet needs."⁶ These are important questions to track the unmet needs of women of color, disabled women, and LGBT people needing mental health services. The Center also urges including a wider range of questions on children's mental health during the pandemic.

Housing

⁶ Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey, 87 Fed. Reg. at 22,870.

The Center applauds the Census Bureau for asking renters about the amount of their current monthly rent (HSEnew1) and if their monthly rent has changed during the last 12 months (HSEnew2). The HSEnew1 question, when combined with HSE6 (the number of months behind) might help stakeholders understand how much is still needed from emergency rental assistance that programs have not yet disbursed (and potentially the need for more funding beyond the \$46.5 billion that Congress passed through COVID relief laws). HSEnew2 would permit researchers to analyze any disparities in rent increases based on gender, race, or other demographics.

Education

The Center urges the Census Bureau to reinstate the questions on K-12 computer use and internet access, as there is utility for these questions during the continued pandemic. The proposed Phase 3.5 questionnaire includes questions (K12ED1-3) recognizing that some schools are providing virtual learning, even if on an ad-hoc basis. Understanding students' access (or lack thereof) to devices and internet connectivity is essential to closing the digital divide or "homework gap" among K-12 students. In 2018, one in four school-age children in the United States lacked either a computer or high-speed internet at home, and more than one in three Black and Latinx children and half of Indigenous children lacked one or the other (or both).⁷ Omicron has shown us that the pandemic is not yet over, and the possibility of new variants means that some level of virtual learning will likely continue for the foreseeable future.

Furthermore, as evictions increase,⁸ parents of children experiencing homelessness may need to enroll their children in online school because of constantly moving from temporary housing to temporary housing that is outside of their previous school district. Access to devices and internet is critical for these families experiencing homelessness. Given that K-12 access to devices and internet access continues to be inequitable, the Center urges the Census Bureau to reinstate these questions so stakeholders can track the results.

Additional Comments

In addition to the comments above about particular sections of the survey, the Center continues to urge these additional changes:

- **Increase the Census Bureau appropriations request to improve the Survey.** The Center recognizes that improvements require resources and supports increasing appropriations for this critical survey.

⁷ POPULATION REFERENCE BUREAU, CHILDREN, CORONAVIRUS, AND THE DIGITAL DIVIDE: NATIVE AMERICAN, BLACK, AND HISPANIC STUDENTS AT GREATER EDUCATIONAL RISK DURING PANDEMIC (Sept. 2, 2020), <https://www.prb.org/resources/children-coronavirus-and-the-digital-divide-native-american-black-and-hispanic-students-at-greater-educational-risk-during-pandemic>.

⁸ JENNIFER LUDDEN, EVICTION FILINGS ARE UP SHARPLY AS PANDEMIC RENTAL AID STARTS TO RUN OUT, NPR (May 4, 2022), <https://www.npr.org/2022/05/04/1095559147/eviction-filings-are-up-sharply-as-pandemic-rental-aid-starts-to-run-out>.

- **Increase sample sizes.** Larger sample sizes would improve the ability for the Center and others to analyze results for Asian, non-Hispanic women, LGBTQI+ people (including a better confidence level for a breakout for trans people), and other demographics that currently have inadequate sample sizes and/or high margins of error. If the Census Bureau intends to continue using the Survey through its current expiration date of October 31, 2023, which the Center supports given the continued pandemic and a recovery that will likely take several years, obtaining additional funding to increase the sample sizes would improve data analysis used for recovery efforts.
- **Survey people in the U.S. territories.** Puerto Rico has a population of over 3 million people,⁹ more than several states, but the COVID impact on these residents has not been measured in this Survey. The Center urges the Census Bureau to expand the Survey to capture at least Puerto Rico residents.
- **Continue publishing data tables and microdata files on the same day.** The Center uses the microdata files to analyze crosstabs by gender and race/ethnicity and gender and households with children vs. those without children. Recently, the files have been released the same day as the Survey's data tables rather than after them. The Center urges the continuation of this practice as well as publicizing a release schedule to ensure notice of when both the microdata files and the data tables will be published.

Thank you for the opportunity to submit these comments on this important information collection. If you have questions, please contact Jasmine Tucker at jtucker@nwlc.org and/or Sarah Hassmer at shassmer@nwlc.org.

Sincerely,



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⁹ U.S. CENSUS BUREAU, QUICK FACTS: PUERTO RICO, <https://www.census.gov/quickfacts/PR> (last visited Oct. 1, 2021).