

September 19, 2022

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

**Re: Request for Comment on the Survey of Income and Program Participation  
(OMB Control # 0607-1000)**

Dear Ms. Dumas:

The Movement Advancement Project (MAP), and 17 other organizations dedicated to advancing equality and opportunity for all appreciate the opportunity to comment on the U.S. Department of Commerce's proposed request for clearance from the Office of Management and Budget for the collection of data concerning the Survey of Income and Program Participation (SIPP). Our comments focus on strengthening the survey to capture critical information on the lesbian, gay, bisexual, transgender, queer, intersex, and other sexual and gender minority (LGBTQI+) population.

The Census Bureau's Household Pulse Survey's new inclusion of sexual orientation and gender identity (SOGI) questions has already generated data being used by researchers and advocates to understand the experiences of LGBT people during the COVID-19 pandemic,<sup>1</sup> and it has great potential for informing the development of policies that can improve the lives of LGBTQI+ people across the country. The success of this survey also indicates the feasibility of administering these questions. We urge the Department of Commerce to build on this success and modify the proposed clearance request for the SIPP to add questions about sexual orientation, gender identity, and variations in sex characteristics (SOGI-SC).

The SIPP provides critical information about income and program participation, especially among low-income people and covers a wide range of programs that millions of people, including LGBTQI+ people utilize. Current data make clear that LGBTQI+ people are more likely to experience economic insecurity compared to the general population, a divergency which is especially acute for certain subgroups (especially transgender people) and for people with intersecting identities, including LGBTQI+ people of color. But the available data do not provide the kind of complete information available from a survey at the scale of the SIPP. As a result, a wide range of federal agencies that administer essential programs lack data better understand—and ultimately to respond to—these inequalities.

To begin to meet this need, the Department of Commerce should add SOGI-SC questions to the upcoming SIPP. The resulting high-quality data would enable federal agencies to better pursue their statutory missions, such as by improving understanding of the need for federal poverty and health insurance programs and resources that benefit LGBTQI+ individuals and by supporting nondiscrimination enforcement. Notably, because the SIPP is longitudinal, adding these questions would provide a unique, and perhaps the first, opportunity in federal surveys to

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<sup>1</sup> Bianca Wilson, et al., *LGBT Renters and Eviction Risk*, UCLA School of Law Williams Institute (2021), <https://williamsinstitute.law.ucla.edu/publications/lgbt-renters-and-eviction-risk/>.

examine the experiences of LGBTQI+ people over time. It would also support state, local, and private anti-poverty efforts and would provide a wealth of information for researchers and organizations such as ours.

The Department should also engage in research, development, and testing for measures that allow for the identification of intersex, nonbinary, and other sexual and diverse populations, as recommended by the National Academies of Sciences, Engineering, and Medicine.<sup>2</sup>

### **I. LGBTQI+ people's economic well-being is worse than the general population.**

While large scale, nationally representative data is lacking, the available data reveals that LGBTQI+ people's experience with the subjects the SIPP measures—especially program participation despite higher rates of poverty—are worse than the U.S. population as a whole. There is further divergence within LGBTQI+ communities. Transgender people tend to fare significantly worse in those measures than others, as are other subpopulations, such as LGBTQI+ people of color.

In particular, research reveals that LGBTQI+ people in the U.S. experience poverty at higher rates compared to cisgender heterosexual people.<sup>3</sup> Available data indicates that, nationwide, 22% of LGBT people live in poverty, compared to 16% of cisgender straight people.<sup>4</sup> This divergence remains true even after accounting for other factors that may influence poverty.<sup>5</sup> People experiencing poverty are at greater risk of food insecurity, among other negative consequences; and the overall percentage of LGBT people who report not having enough food to eat is more than twice the proportion found in the general population.<sup>6</sup> Overall, just before the COVID-19 pandemic, nearly 27% of LGBT people, an estimated 3,029,000 adults, experienced food insecurity, compared to about 11% of the general population.<sup>7</sup> While there is even less data available on intersex populations in the U.S., there is also evidence that like other sexual and gender minorities, intersex adults too face economic disparities.<sup>8</sup>

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<sup>2</sup> National Academies of Sciences, Engineering, and Medicine. 2020. *Understanding the Well-Being of LGBTQI+ Populations*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/25877>.

<sup>3</sup> Soon Kyu Choi et al., *State Profiles of LGBT Poverty in the United States*, UCLA School of Law Williams Institute 2 (Dec. 2019), <https://williamsinstitute.law.ucla.edu/publications/state-lgbt-poverty-us/>; M.V. Lee Badgett et al., *LGBT Poverty in the United States: A study of differences between sexual orientation and gender identity groups*, UCLA School of Law Williams Institute 2 (Oct. 2019), <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>; Christopher S. Carpenter et al., *Transgender Status, Gender Identity and Socioeconomic Outcomes in the United States*, 73 ILR Review 573, 573 (May 1, 2020), <https://doi.org/10.1177/0019793920902776>.

<sup>4</sup> M.V. Lee Badgett et al., *LGBT Poverty in the United States: A study of differences between sexual orientation and gender identity groups*, UCLA School of Law Williams Institute (Oct. 2019), <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>.

<sup>5</sup> *Id.*

<sup>6</sup> Bianca Wilson and Kerith Conron, *National Estimates of Food Insecurity: LGBT People and COVID-19*, UCLA School of Law Williams Institute (Apr. 2020), <https://williamsinstitute.law.ucla.edu/publications/food-insecurity-covid19/>.

<sup>7</sup> *Id.* (This data preceded the COVID-19 pandemic, which exacerbated food insecurity for many, including LGBTQI+ people.)

<sup>8</sup> Caroline Medina and Lindsay Mahowald, *Key Issues Facing People With Intersex Traits*, Center for American Progress (October 2021). <https://www.americanprogress.org/issues/lgbtq-rights/news/2021/10/26/506558/key-issues-facing-people-intersex-traits/>; Rosenwohl-Mack A, Tamar-Mattis S, Baratz AB, Dalke KB, Ittelson A, Zieselman K, et al. (2020) A national study on the physical and mental health of intersex adults in the U.S. PLoS ONE 15(10): e0240088.

The likelihood of experiencing poverty and/or food insecurity is especially acute for subgroups of LGBTQI+ people. Transgender people and cisgender bisexual women experience the highest rates of economic insecurity.<sup>9</sup> And, as the Administration has recognized, intersecting identities compound this inequality.<sup>10</sup> Research reveals that poverty is particularly high at the intersections of racial and LGBTQI+ identities.<sup>11</sup> So too, LGBT people in rural areas have higher poverty rates than both LGBT people in urban areas and straight cisgender people who live in either rural or urban areas.<sup>12</sup>

Relatedly, LGBTQI+ people are more likely to be unemployed than the general population.<sup>13</sup> The COVID-19 pandemic has made this disparity even worse.<sup>14</sup> And, again, available data reveals there are profound disparities within LGBTQI+ communities. Employment discrimination and the impact of social stigma contribute to very high rates of unemployment among transgender workers. Prior to the COVID-19 pandemic, the poverty rate for transgender workers was three times higher than the general population (15% compared to 5%); for transgender people of color, it was higher still (20%).<sup>15</sup>

The recent—and greatly appreciated—addition of SOGI demographic questions to the Census Bureau’s Household Pulse Survey created data that reinforces and builds upon prior evidence that LGBTQI+ people are disproportionately likely to live in poverty and experience economic pressure and/or food insecurity. As the Bureau reported in its results from late July and early August 2021, 37% of LGBT adults lived in a household that had difficulty paying for usual household expenses, compared to 26% of non-LGBT adults, and 13% of LGBT adults lived in a household where there was sometimes or often not enough to eat in the past seven days, compared to 7% of non-LGBT adults.<sup>16</sup> This early data also suggests that as much as 23% of

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<sup>9</sup> M.V. Lee Badgett et al., *LGBT Poverty in the United States: A study of differences between sexual orientation and gender identity groups*, UCLA School of Law Williams Institute (Oct. 2019), <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>.

<sup>10</sup> Exec. Order No. 13,988, 86 FR 7,023 (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/> (“Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals, and it often overlaps with other forms of prohibited discrimination, including discrimination on the basis of race or disability. For example, transgender Black Americans face unconscionably high levels of workplace discrimination, homelessness, and violence, including fatal violence.”).

<sup>11</sup> M.V. Lee Badgett et al., *LGBT Poverty in the United States: A study of differences between sexual orientation and gender identity groups*, UCLA School of Law Williams Institute 3 (Oct. 2019), <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>.

<sup>12</sup> *Id.*

<sup>13</sup> Sharita Gruberg, *Same-Sex Couples Experience Higher Unemployment Rates Throughout an Economic Recovery*, Ctr. for Am. Progress (May 5, 2020), <https://www.americanprogress.org/issues/lgbtq-rights/news/2020/05/05/484547/sex-couples-experience-higher-unemployment-rates-throughout-economic-recovery/>.

<sup>14</sup> *Id.*

<sup>15</sup> Sandy James et al., *The Report of the 2015 U.S. Transgender Survey*, National Center for Transgender Equality, 142 (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

<sup>16</sup> Thom File and Joey Marshall, *LGBT Community Hit Harder by Economic Impact of Pandemic*, U.S. Census Bureau (Aug. 11, 2021), <https://www.census.gov/library/stories/2021/08/lgbt-community-harder-hit-by-economic-impact-of-pandemic.html>.

LGBT people and 32% of transgender people lost employment in the month prior to the survey, compared to about 16% of non-LGBT people.<sup>17</sup>

LGBTQI+ people are also less likely to have health insurance, although the Affordable Care Act resulted in some improvement in enrollment rates.<sup>18</sup> Federally collected data (by the National Center for Health Statistics (NCHS)) reveals that health insurance enrollment rates vary by sexual orientation, with LGB people still less likely to be insured than heterosexual people.<sup>19</sup> While the NCHS survey data does not include gender identity questions (“an important limitation of this data set”),<sup>20</sup> other studies reveal transgender people are more likely to be uninsured than cisgender people.<sup>21</sup>

Significant barriers to eliminating these disparities exist. Discrimination and social stigma make it difficult to improve persistently high unemployment rates and reduce poverty. And despite their significant need, LGBTQI+ people often find it difficult to access social services and other government supports. LGBT older adults, for example, are “20% less likely [than their heterosexual peers] to access services such as housing assistance, meal programs, senior centers and food stamps.”<sup>22</sup> As the Administration has recognized, federal agencies must act to eliminate these “systemic barriers to opportunities and benefits for ... underserved groups,” including LGBTQI+ people.<sup>23</sup>

## **II. The available data on LGBTQI+ economic well-being is inadequate, limiting the ability to improve well-being.**

Data from large scale, nationally representative surveys of LGBTQI+ people is lacking. As the Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys cogently explained, “there remains a lack of data on the characteristics and well-being” of sexual and gender minority (SGM) populations and “[i]n order to understand the diverse needs of SGM populations, *more representative and better quality data need to be collected.*”<sup>24</sup> Few private organizations can collect data at the scale and quality of the

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<sup>17</sup> Kate Sosin, *LGBTQ+ Americans Greet the Biden-Harris Era with Hope, Hesitancy*, The 19<sup>th</sup> News (Jan. 21, 2021), <https://19thnews.org/2021/09/lgbtq-census-data-federal-collection-first-time/LGBT>.

<sup>18</sup> Arielle Bosworth et al., *Health Insurance Coverage and Access to Care for LGBTQ+ Individuals: Current Trends and Key Challenges*, Office of Health Policy, 1 (June 2021), <https://aspe.hhs.gov/sites/default/files/2021-07/lgbt-health-ib.pdf>.

<sup>19</sup> *Id.* at 5 (Explaining that “LGB+ individuals had higher rates of Medicaid or public insurance enrollment, lower rates of Medicare enrollment, and lower rates of dual eligibility compared to the non-LGB+ population, which likely reflect differences in income and age across the two groups.”).

<sup>20</sup> *Id.* at 2.

<sup>21</sup> Sandy James et al., *The Report of the 2015 U.S. Transgender Survey*, National Center for Transgender Equality, 94 (2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

<sup>22</sup> Sara J. Czaja et al., *Concerns about Aging and Caregiving Among Middle-Aged and Older Lesbian and Gay Adults*, 20 *Aging & Mental Health* 1107, 1107 (Nov. 2016), <https://doi.org/10.1080/13607863.2015.1072795>; see also LGBT Movement Advancement Project (MAP) et al., *Improving the Lives of LGBT Older Adults*, 5 (Mar. 2010), <https://www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-adults.pdf>.

<sup>23</sup> Exec. Order No. 13,950, 86 FR 57,849 (Oct. 19, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>24</sup> *Toward a Research Agenda for Measuring Sexual Orientation and Gender Identity in Federal Surveys: Findings, Recommendations, and Next Steps*, Fed. Interagency Working Grp. on Improving Measurement of Sexual

federal government. The Census Bureau’s surveys, including the SIPP, are the gold standard. For example, the most comprehensive, and hugely valuable, survey of the experience of transgender people, the National Center for Transgender Equity’s U.S. Transgender Survey, had almost 28,000 respondents.<sup>25</sup> Not a single one of these private surveys is longitudinal, nor do they examine economic wellbeing, family dynamics, and economic security in the detail that the SIPP does.

Until the Household Pulse Survey, the Bureau has not included SOGI questions in any of its surveys. The Bureau has collected data on same-sex couples for some time, and in so doing, contributed to breaking down stereotypes about those couples, where they live, and what their families look like.<sup>26</sup> But this data leaves out significant portions of the LGBTQI+ community, notably unmarried people, who are likely to have different economic indicators than married people.

The lack of comprehensive federal data on LGBTQI+ people’s economic well-being hinders efforts to improve that well-being. Developing and assessing targeted programs to reduce disparities, as has been done for racial and ethnic groups, is “substantially hindered by a lack of data about LGBT disparities.”<sup>27</sup> As the authors of the report discussing LGB+ health insurance enrollment discussed above explained earlier this year, “Data collection on LGBTQ+ individuals is less consistent in federal and state data sources than other demographic information... As a result, our understanding of healthcare issues faced by this population is more limited than for other groups, a factor which itself can contribute to disparities.”<sup>28</sup>

It is similarly difficult to assess the effectiveness of antidiscrimination laws and determine enforcement priorities, without baseline data.<sup>29</sup> To this end, more comprehensive data focused on economic well-being is especially important given the historic myth of gay affluence and power. While available research reveals it to be unfounded, the stereotype of LGBTQI+ people as politically powerful and wealthy continues. Perniciously, this myth has been used to slow or stop civil rights advancements.<sup>30</sup>

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Orientation and Gender Identity in Fed. Surv., 2 (Oct. 20, 2016), [https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/SOGI\\_Research\\_Agenda\\_Final\\_Report\\_20161020.pdf](https://s3.amazonaws.com/sitesusa/wp-content/uploads/sites/242/2014/04/SOGI_Research_Agenda_Final_Report_20161020.pdf) (emphasis added).

<sup>25</sup> *U.S. Transgender Survey*, National Center for Transgender Equality (last visited Oct. 28, 2021), <https://transequality.org/issues/us-trans-survey>.

<sup>26</sup> *The Evolution of Data Collection for Same-Sex Married Couple Households*, Census, <https://www.census.gov/content/dam/Census/library/visualizations/2019/demo/Same-sex-Married-Couple-Timeline.pdf>.

<sup>27</sup> Kyle C. Velte, *Straightwashing the Census*, 61 B.C. L. Rev. 69, 106 (2020), <https://lawdigitalcommons.bc.edu/bclr/vol61/iss1/3>.

<sup>28</sup> Bosworth et al., 2, <https://aspe.hhs.gov/sites/default/files/2021-07/lgbt-health-ib.pdf>.

<sup>29</sup> Kyle C. Velte, *Straightwashing the Census*, 61 B.C. L. Rev. 69, 110-11 (2020); *see also* Kellan Baker & Laura E. Durso, *Filling in the Map: The Need for LGBT Data Collection*, Ctr. for Am. Progress (Sept. 16, 2015), <https://www.americanprogress.org/issues/Agbt/news/2015/09/16/121128/filling-in-the-map-the-need-for-lgbt-data-collection/>.

<sup>30</sup> *Id.*

### **III. The SIPP’s collection of SOGI-SC data would facilitate numerous federal agencies’ work, especially as it relates to the Administration’s goal of promoting equity in the administration of federal programs.**

Data from a nationally representative, large-scale, longitudinal Census Bureau-administered survey providing data about LGBTQI+ peoples’ incomes, employment status, program participation status, and other measures of economic well-being will enable various federal agencies to effectuate their statutory obligations.

Many programs, including housing programs, food security, and income security programs could be better administered with more complete information about the demographic profile of eligible populations—including LGBTQI+ people. For example, if one of the many agencies listed above understands the percentage of the eligible population for a particular program that is LGBTQI+, it will be able to assess, and when necessary, improve, its ability to serve LGBTQI+ communities via this program. It may be able to determine whether its services are reaching LGBTQI+ recipients—including discrete or intersecting subgroups of that population or LGBTQI+ people outside of urban areas for example—at the same rate as the total population, and it will be able to better target outreach. As HHS previously explained, “[f]ully understanding the human service needs of LGBT populations. . . will require expanding the number of survey and administrative data sources that directly and accurately measure sexual orientation and gender identity.”<sup>31</sup> Adding the SOGI-SC data collection is accordingly essential to meet the Administration’s mandate to improve equity in the administration of federal programs through better collection and use of data.

The SIPP also collects data about parental leave when a child was born, Medicaid, Head Start, assets critical to wealth building, and an array of other topics that are simply not included in other surveys. Policy makers currently use this data to understand ways in which certain demographic groups are able or unable to access such programs and navigate systems. They generally cannot do so currently for LGBTQI+ people, despite their persistent health disparities, disproportionate lack of insurance, and historical exclusion and discrimination. Adding the SOGI data collection, and developing intersex measures, would be a major step to facilitate better understanding about economic, health, and social wellbeing of LGBTQI+ people.

### **IV. SIPP collection of SOGI data would also benefit private researchers and advocates.**

The addition of SOGI data to the SIPP, and the resulting inclusion of this demographic information in publications based on SIPP data would be of significant utility to private researchers and advocates. As noted previously, the SIPP is longitudinal, which would provide a unique opportunity to examine the experiences of LGBTQI+ people over time and to see the impact of various efforts including program nondiscrimination policies, outreach efforts, and legislation.

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<sup>31</sup> Andrew Burwick et al., *Human Services for Low-Income and At-Risk LGBT Populations: An Assessment of the Knowledge Base and Research Needs*, OPRE Report 19, [https://www.acf.hhs.gov/sites/default/files/documents/opre/lgbt\\_hsneeds\\_assessment\\_reportfinal12\\_15.pdf](https://www.acf.hhs.gov/sites/default/files/documents/opre/lgbt_hsneeds_assessment_reportfinal12_15.pdf).

## **V. SOGI Questions Have Been Effective on the Household Pulse Survey and Bureau Research Show They Can Work for the SIPP**

We encourage the Bureau to modify the current request for approval of the SIPP to include the addition of SOGI questions modeled on the Household Pulse Survey questions. In order to implement the change quickly, we recommend adopting the same questions used in the Household Pulse Survey, which have revealed themselves to be reasonably feasible and effective and the Bureau has indicated they will continue to be asked in the next phase of the Household Pulse Survey.

Additionally, the questions included on the Household Pulse Survey are nearly identical to the questions that were used in cognitive testing in 2017 by the Census Bureau, the Bureau of Labor Statistics, and an outside marking firm.<sup>32</sup> The results of that testing show that the questions are well understood and can be effectively used in the SIPP.

## **VI. The Bureau should engage in and promote research, development, and testing for expanded measures that allow for the identification of intersex, nonbinary, and other sexual and minority populations.**

Adding existing, tested SOGI measures is an essential and immediate step to understand and address the needs of LGBTQI+ people and their families—including by better informing federal programs, policies, and investments. While this step can and should be taken immediately, it is also critical that the Bureau, in coordination with NCHS, National Institutes of Health, and other agencies, work to develop expanded or additional measures to identify sexual and gender minority populations who cannot be identified with current SOGI measures.

A recent consensus study by the National Academies of Sciences, Engineering, and Medicine noted that “[p]opulation-based data on intersex populations are generally not available at all,” calling this “a significant gap in terms of identifying and understanding the well-being of intersex populations.”<sup>33</sup> The consensus study “emphasizes that there is an urgent need for robust scientific evidence that includes not just lesbian, gay, bisexual, and transgender people, but also intersex people, people with same-sex or same-gender attractions or behaviors, and people who identify as asexual, Two Spirit, queer, or other terms under the SGD umbrella.”<sup>34</sup>

The report therefore recommends that “Federal statistical agencies ... should fund and conduct methodological research to develop, improve, and expand measures that capture the full range of sexual and gender diversity in the population—including but not limited to intersex status and emerging sexual and gender identities.”<sup>35</sup> We look forward to working with the

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<sup>32</sup> Renee Ellis et al., *Assessing the Feasibility of Asking About Sexual Orientation and Gender Identity in the Current Population Survey: Results from Cognitive Interviews*, U.S. Census Bureau & Bureau of Labor Statistics (Sep. 29, 2017), <https://www.bls.gov/osmr/research-papers/2017/html/st170210.htm>.

<sup>33</sup> National Academies of Sciences, Engineering, and Medicine, *Understanding the Well-Being of LGBTQI+ Populations*, The National Academies Press (2020) at 54, 67.

<sup>34</sup> *Id.* at 398.

<sup>35</sup> *Id.* at 402.

Bureau and other statistical agencies to build on the addition of current SOGI measures for future survey years.

If you have any questions or would like to discuss the information in this comment, please contact Naomi Goldberg at MAP: [naomi@mapresearch.org](mailto:naomi@mapresearch.org)

Respectfully submitted,

American Atheists  
CA LGBTQ Health and Human Services Network  
Center for Law and Social Policy  
Center for LGBTQ Economic Advancement & Research (CLEAR)  
CenterLink: The Community of LGBT Centers  
COLAGE  
Equality California  
Equality Federation  
Family Equality  
Fenway Health  
FORGE, Inc.  
GLMA: Health Professionals Advancing LGBTQ+ Equality  
interACT  
Los Angeles LGBT Center  
MAZON: A Jewish Response to Hunger  
Movement Advancement Project  
National LGBTQ Task Force  
Planned Parenthood Federation of America  
Positive Women's Network-USA  
Silver State Equality  
The Trevor Project