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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. 67,865 (Nov. 10, 2022), <https://www.federalregister.gov/documents/2022/11/10/2022-24575/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.** Throughout the Center's comments on the HPS, the Center has urged 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

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).

recommended by the National Academies.⁵ In addition, the Center has urged the Census Bureau to track research and testing for different versions of wording for SOGI data collection questions. The Center applauds the Census Bureau for adding the option in the sexual orientation D9 question to permit a user who selects “Something else” to write-in a descriptor, allowing those who use different terms to describe their sexual orientation identity in their own words. The addition of this free-text option better reflects NASEM recommendations and will provide valuable information that allows researchers to observe which identities are most frequently mentioned or which are growing in use over time. Assessment of these responses should therefore inform future efforts to improve question design, such as evaluating whether new categories should be added.⁶ For these same reasons, the Center also recommends adopting this free-text option for the gender identity question. Doing so may advance the survey instrument toward a place where it can more systematically collect data about queer people who do not use the sexual orientation or gender identity terms currently provided, including, for example, nonbinary people. Additionally, we encourage the Census Bureau to share with stakeholders information about trends in terminology related to sexual orientation identity and gender identity based on the use of free-text responses. The Center continues to urge the Census Bureau to explore 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 3.7 questionnaire includes a question about long COVID symptoms impacting day-to-day activities (PASC4). EMP4 also lists long-term effects of COVID as a response option for respondents who did not work. Given that long COVID

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

⁶ CAROLINE MEDINA & LINDSAY MAHOWALD, CTR. FOR AM. PROGRESS, COLLECTING DATA ABOUT LGBTQI+ AND OTHER SEXUAL AND GENDER-DIVERSE COMMUNITIES (May 24, 2022), <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>.

does diminish the productivity of some employees without needing to leave their jobs, the Center suggests the Census Bureau consider adding a question measuring the impact of long COVID symptoms on a respondent's ability to work more broadly. Response options could include the following:

- Feeling less productive
- Using more paid sick leave
- Using more unpaid sick leave
- Going on long-term medical leave
- Leaving your job
- Applying for disability benefits

Child Care Section

The Center appreciates the newer child care questions that can increase stakeholder understanding of who is using different types of child care services. With the deletion of the lack of access to child care questions in phases prior to Phase 3.6, the Center urges the Census Bureau to consider adding response options that would permit stakeholders to analyze impacts of the ever-changing availability of child care. The current EMP4 question about the main reason for not working for pay or profit does not capture the economic impacts of caregivers who have to take unpaid leave, reduce their hours, and other impacts that are not to the level of not working at all.

(Universe: Children in household)

CCARE1. In the last 7 days, did your household use any of the following individuals or arrangements to look after the children in the household.

Select all that apply.

- ☐ Family day care provider caring for 2 or more children outside of your home?
- ☐ Child care or day care center?
- ☐ Nursery or preschool?
- ☐ Before care, aftercare, or summer camp?
- ☐ Federally supported Head Start program?
- ☐ Non-relative such as a friend, neighbor, sitter, nanny, or au pair?
- ☐ Relative other than the parent, such as sibling, or grandparent?
- ☐ Child cared for themselves
- ☐ Parent cared for child while working or studying

- ☐ Needed, but could not find, child care
- ☐ Needed, but could not afford, child care
- ☐ Did not need child care because child at school during parent's work hours
- ☐ Did not need child care because parent did not have outside employment or education activity
- ☐ None of these

Spending Section

While the is disappointed Congress let the monthly CTC payments end, as well as the enhancements to the Earned Income Tax Credit and Child and Dependent Care Tax Credit, the Center urges the Census Bureau to consider adding a tax refund question to the questionnaire, ideally starting in February as the Treasury starts issuing refunds.

Here are examples of sample questions:

SPN1 On your 2022 Federal tax return, did you or someone in your household claim the "Child Tax Credit"? This credit would have been claimed on line 28 of your Form 1040.

Response options: Yes, No, Have not filed 2022 Federal taxes yet

SPN2: On your 2022 Federal tax return, did you or someone in your household claim the "Earned Income Tax Credit"? This credit would have been claimed on line 27a of your Form 1040.

Response options: Yes, No, Have not filed 2022 Federal taxes yet

Universe: If SPN1 or SPN2 = yes, then display

SPN1_refund In the last 4 weeks, did you receive a refund from your 2022 tax return?

Response options: Yes, No

Universe: If SPN1_refund=yes then display

SPN4 Thinking about your use of your federal refund, did you:

Response options: Mostly spend it, Mostly save it, Mostly use it to pay off debt

Universe: If SPN4 is "Mostly spend it" then display

SPN5 What did you and your household mostly spend your refund on? Select all that apply.

Response options: Use the same options as the CTC SPN3 question in Phase 3.4

Health Section

The previously added questions addressing children's mental health are incredibly important with the dramatically increasing poor mental health during the pandemic. The Center urges the Census Bureau to clarify how this data should be interpreted and how these questions may be used to examine the mental health of children.

Housing

The Center applauds the Census Bureau for continuing housing questions, which allows researchers to pool data from several surveys for deeper disaggregated analysis.⁷ The Center recommends the Census Bureau add a question about applying for homeowner assistance funds, similar to the emergency rental assistance question, and work with stakeholders to improve eviction data collection.

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.
- **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,⁸ 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

⁷ See, e.g., NAT'L WOMEN'S LAW CTR., THE PERSISTENT HOUSING AND FOOD CRISIS, EXACERBATED BY THE COVID-19 PANDEMIC, CONTINUES TO CREATE ECONOMIC INSECURITY AMONG WOMEN AND LGBT PEOPLE OF COLOR (Sept. 2022), <https://nwlc.org/resource/the-persistent-housing-and-food-crisis-exacerbated-by-the-covid-19-pandemic-continues-to-create-economic-insecurity-among-women-and-lgbt-people-of-color/>.

⁸ U.S. CENSUS BUREAU, QUICK FACTS: PUERTO RICO, <https://www.census.gov/quickfacts/PR> (last visited Oct. 1, 2021).

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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