



April 20, 2023

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Office on Trafficking in Persons  
Administration for Children and Families  
U.S. Department of Health and Human Services  
*Submitted via reginfo.gov*

**RE: Public Comment in Response to Submission for OMB Review; SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program Data (NEW COLLECTION)**

To Whom It May Concern,

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, we write in response to the above-captioned information collection proposed by the Office on Trafficking in Persons (OTIP) within the Administration for Children and Families (ACF) to collect data on its new SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program (the "SOAR Demonstration Grant Program").<sup>1</sup>

The Human Rights Campaign (HRC) is America's largest civil rights organization working to achieve lesbian, gay, bisexual, transgender, and queer (LGBTQ) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBTQ+ citizens and realize a nation that achieves fundamental fairness and equality for all. As an advocate for LGBTQ+ individuals, HRC believes that all people—including LGBTQ+ survivors of trafficking—deserve to be counted and have their lived experiences meaningfully considered as part of the federal government's data collection efforts. We therefore write in support of this proposal.

The SOAR Demonstration Grant Program was developed to implement the mandates of the Trafficking Victims Protection Act of 2000. Specifically, this program funds trainings and capacity building efforts to identify, treat, and respond to "patients or clients who have experienced severe forms of human trafficking" as defined under that law.<sup>2</sup> As noted in its materials for this collection, OTIP has proposed that all SOAR Demonstration Grant Program award recipients provide various program performance indicator data on a quarterly and annual

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<sup>1</sup> Submission for OMB Review; SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program Data (NEW COLLECTION), 88 Fed. Reg. 16,984 (Mar. 21, 2023).

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

basis, including the total number of clients “enrolled in services by providers within the recipient’s multidisciplinary network” by sexual orientation, and by gender identity.<sup>3</sup>

LGBTQ+ people are a growing population in the United States, living in every state and county and reflecting the breadth of diversity and lived experiences of the communities in which they live. Using data collected through the U.S. Census Bureau’s Household Pulse Survey, we recently estimated that at least 20 million adults in the U.S. identify as LGBTQ+.<sup>4</sup> Consistent with others’ research, we have also found evidence that younger people are more likely to identify as LGBTQ+.<sup>5</sup> LGBTQ+ people are a demographically diverse population, with the Williams Institute using Gallup Daily Tracking survey data from 2012–2017 to estimate that 58% of LGBT adults identify as female and that 42% identify among communities of color, including 1% of LGBT adults that identify as American Indian and Alaska Native.<sup>6</sup> The Williams Institute also recently reported on evidence that individuals belonging to certain communities of color appear more likely than their White counterparts to identify as transgender.<sup>7</sup> Data from the Behavioral Risk Factor Surveillance System indicate that LGBTQ+ adults, and transgender adults in particular, are significantly more likely than non-LGBTQ+ adults to self-report having at least one disability.<sup>8</sup> And, as ACF itself has previously described,<sup>9</sup> LGBTQ+ people and especially youth have long and continue to report disproportionate rates of violence,<sup>10</sup> discrimination,<sup>11</sup> homelessness,<sup>12</sup> and other experiences driven by stigma that leave them particularly vulnerable to experiencing various forms of human trafficking.

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<sup>3</sup> See proposed SOAR (Stop, Observe, Ask, Respond) to Health and Wellness Training (SOAR) Demonstration Grant Program Data Indicators instrument on file with OTIP.

<sup>4</sup> HUMAN RIGHTS CAMPAIGN FOUND., WE ARE HERE: UNDERSTANDING THE SIZE OF THE LGBTQ+ COMMUNITY (2021), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/We-Are-Here-120821.pdf>.

<sup>5</sup> SHOSHANA K. GOLDBERG ET AL., HUMAN RIGHTS CAMPAIGN & BOWLING GREEN STATE UNIV., EQUALITY ELECTORATE: THE PROJECTED GROWTH OF THE LGBTQ+ VOTING BLOC IN COMING YEARS (2022), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/LGBTQ-VEP-Oct-2022.pdf>. The Williams Institute has previously estimated that at least 2 million youth ages 13–17 identify as LGBT in the U.S., including approximately 300,000 youth who are transgender. JODY L. HERMAN ET AL., WILLIAMS INST., HOW MANY ADULTS AND YOUTH IDENTIFY AS TRANSGENDER IN THE UNITED STATES? (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>; KERITH J. CONRON, WILLIAMS INST., LGBT YOUTH POPULATION IN THE UNITED STATES (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf>.

<sup>6</sup> *LGBT Demographic Data Interactive*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

<sup>7</sup> HERMAN ET AL., *supra* note 5, at 6.

<sup>8</sup> Human Rights Campaign Found., *Understanding Disability in the LGBTQ+ Community*, HUMAN RIGHTS CAMPAIGN (Aug. 12, 2022), <https://www.hrc.org/resources/understanding-disabled-lgbtq-people>.

<sup>9</sup> Lonnie James Bean, *LGBTQ Youth at High Risk of Becoming Human Trafficking Victims*, ACF (June 26, 2013), <https://www.acf.hhs.gov/archive/blog/2013/06/lgbtq-youth-high-risk-becoming-human-trafficking-victims>.

<sup>10</sup> *See, e.g.*, HUMAN RIGHTS CAMPAIGN FOUND., AN EPIDEMIC OF VIOLENCE 2022 (2022), <https://reports.hrc.org/an-epidemic-of-violence-2022>.

<sup>11</sup> *See generally* NPR, ROBERT WOOD JOHNSON FOUND. & HARVARD T.H. CHAN SCH. OF PUB. HEALTH, DISCRIMINATION IN AMERICA: EXPERIENCES AND VIEWS OF LGBTQ AMERICANS (2017), <https://legacy.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.

<sup>12</sup> *See generally* ADAM P. ROMERO ET AL., WILLIAMS INST., LGBT PEOPLE AND HOUSING AFFORDABILITY, DISCRIMINATION, AND HOMELESSNESS (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>; *see also* TANYA DE SOUSA ET AL., HUD, THE 2022 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS – PART 1: POINT-IN-TIME ESTIMATES OF HOMELESSNESS – DECEMBER 2022 at 15 (2022), <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf> (noting that the number of people who experienced homelessness and identified as transgender increased between 2020 and 2022 among both those in shelters and those left unsheltered).

Federal agencies have long been researching and collecting information on LGBTQ+ people like what is being proposed be asked of clients of award recipients of the SOAR Demonstration Grant Program by OTIP.<sup>13</sup> For decades, government and other researchers have studied sexual orientation and gender identity (SOGI) and found that it is more than possible to measure these concepts and obtain quality data; and likewise that respondents largely do not find this information to be so sensitive that they would not provide it.<sup>14</sup> In a recent report on the collection of SOGI information in the survey context, the Office of Management and Budget (OMB) highlighted guiding principles that have emerged out of that work to support the ongoing collection of SOGI information, including that collected data should have utility, be in support of an agency's mission, and done with emphasis on protecting respondents' confidentiality.<sup>15</sup> The proposal here aligns with OMB's recommendations and these longstanding agency practices, and would serve to advance equity for LGBTQ+ people by ensuring necessary evidence can be collected to allow for assessment of award recipients' efforts to provide them with services.<sup>16</sup>

Additionally, we note that the proposed SOGI categories outlined by OTIP are consistent with recommendations issued by a panel formed by the National Academies of Sciences, Engineering, and Medicine on SOGI measurement in federal surveys and other instruments (the "NASEM Panel").<sup>17</sup> It is our opinion that the benefits of this proposed collection would therefore outweigh any potential burden on respondents and other relevant entities, given OTIP's implementation of well-tested response categories and in light of our knowledge on LGBTQ+ people and their experiences suggesting heightened vulnerability to human trafficking. While it is not the case that only certain populations can experience severe forms of human trafficking, data on whether and how individuals belonging to specific communities that have had such experiences are able to access SOAR Demonstration Grant Program services—including on the intersectional experiences of groups like LGBTQ+ people of color and others historically experiencing the brunt of marginalization and exclusion from government-funded programs—would be necessary to ensure this new program fulfills its purpose.

In implementing this program and data collection, OTIP should ensure that award recipients are provided adequate guidance and training on how to collect these data from clients, consistent with the NASEM Panel and OMB's recommendations. We would likewise also encourage OTIP and ACF to continue exploring improvements to their collection of SOGI data in the future, given existing recommendations on needed research on measures and response options that would allow even more individuals to be counted in collected data exactly as they identify.<sup>18</sup>

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<sup>13</sup> See generally NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., MEASURING SEX, GENDER IDENTITY, AND SEXUAL ORIENTATION (2022), <https://nap.nationalacademies.org/catalog/26424/measuring-sex-gender-identity-and-sexualorientation>.

<sup>14</sup> *Id.* at 52–55, 67.

<sup>15</sup> OMB, RECOMMENDATIONS ON THE BEST PRACTICES FOR THE COLLECTION OF SEXUAL ORIENTATION AND GENDER IDENTITY DATA ON FEDERAL STATISTICAL SURVEYS 3 (2023), <https://www.whitehouse.gov/wp-content/uploads/2023/01/SOGI-Best-Practices.pdf>.

<sup>16</sup> See NAT'L SCIENCE & TECHNOLOGY COUNCIL, FEDERAL EVIDENCE AGENDA ON LGBTQI+ EQUITY 3 (2023), <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>.

<sup>17</sup> NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 13.

<sup>18</sup> See, e.g., *id.* at 132–33, 145 (recommending assessment of nonbinary response options and other possible improvements to gender identity measures; recommending research on measures allowing identification of intersex people, who report experiencing violence and discrimination along similar lines as LGBTQ+ people).

Thank you for the opportunity to submit comments in favor of this critical step toward ensuring LGBTQ+ people are consistently and safely included in the government's data collection efforts.