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John M. Sweet, Jr.
ACF/OPRE Certifying Officer
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; National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #0970-0519)

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) as a renewal with change of its National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package.¹

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 and their service providers—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.

NHTTAC delivers training and technical assistance programs intended to inform and deliver a public health response to trafficking, as a means of ensuring access to services for all survivors regardless of their age, gender identity, sexual orientation, race/ethnicity, nationality, or type of exploitation experienced. The proposed NHTTAC Evaluation Package serves to generate data from NHTTAC program participants—a broad group including OTIP grant recipients, survivors, professionals who interact with and provide services to survivors, organizations, and communities—through which OTIP can evaluate the performance of its programs and determine needs for future programming. As part of its proposal here, OTIP has amended its "Pre-Training Survey" and "Universal Post-Training and Technical Assistance Feedback Form" to ask

¹ Submission for OMB Review; National Human Trafficking Training and Technical Assistance Center (NHTTAC) Evaluation Package (OMB #0970-0519), 88 Fed. Reg. 17,851 (Mar. 24, 2023).

participants whether they believe experiences with bias or discrimination motivated by sexual orientation and gender identity (among other bases) could pose a significant challenge toward their ability to perform the goals they set as part of their training from NHTTAC.

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+.² Consistent with others' research, we have also found evidence that younger people are more likely to identify as LGBTQ+.³ 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.⁴ 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.⁵ 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.⁶

As ACF itself has previously described,⁷ LGBTQ+ people and especially youth have long and continue to report disproportionate rates of violence,⁸ homelessness,⁹ and other experiences driven by stigma that leave them particularly vulnerable to experiencing various forms of human trafficking. Importantly, while Americans from all walks of life encounter discrimination, LGBTQ+ people uniquely experience harassment and discrimination based on their sexual orientation and gender identity, which research demonstrates has often led to disparities in negative outcomes when compared to their non-LGBTQ+ counterparts across a wide variety of

² 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>.

³ 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>.

⁴ *LGBT Demographic Data Interactive*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

⁵ HERMAN ET AL., *supra* note 3, at 6.

⁶ 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>.

⁷ 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>.

⁸ See, e.g., HUMAN RIGHTS CAMPAIGN FOUND., AN EPIDEMIC OF VIOLENCE 2022 (2022), <https://reports.hrc.org/an-epidemic-of-violence-2022>.

⁹ See 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).

contexts.¹⁰ Whether considering those who are service providers, community members, or survivors themselves, these studies suggest it is likely that the LGBTQ+ people receiving training from NHTTAC will have encountered discrimination in their lives that could in turn impact their ability to implement what they will have learned in a given NHTTAC program.

It is our opinion that the benefits of this proposed collection would therefore outweigh any potential burden on respondents and other relevant entities, because of its inclusion of measures for this potential phenomenon that would empower OTIP to ameliorate same through NHTTAC's future programming. While it is not the case that only certain populations can experience severe forms of human trafficking or discrimination, data on whether and how individuals belonging to specific communities that have had such experiences are able to operationalize NHTTAC programs—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 NHTTAC fulfills its purpose. In implementing this collection, we would encourage that OTIP take steps so that staff and respondents are provided with adequate guidance and training on the collection of these data—a process which would likely for many individuals involve disclosure of some personal information—to ensure safety and prevent misuse of data, and ultimately encourage respondents to provide detailed information voluntarily and so likely generate more useful data for OTIP.

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.

¹⁰ See generally JOSEPH G. KOSCIW ET AL., GLSEN, THE 2021 NATIONAL SCHOOL CLIMATE SURVEY (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf> (experiences in K–12 schools); KATHRYN K. O'NEILL ET AL., WILLIAMS INST., EXPERIENCES OF LGBTQ PEOPLE IN FOUR-YEAR COLLEGES AND GRADUATE PROGRAMS (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-College-Grad-School-May-2022.pdf> (experiences in higher education); BRAD SEARS ET AL., WILLIAMS INST., LGBT PEOPLE'S EXPERIENCES OF WORKPLACE DISCRIMINATION AND HARASSMENT (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Workplace-Discrimination-Sep-2021.pdf> (experiences in employment); 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> (experiences in housing); *You Don't Want Second Best* "Anti-LGBT Discrimination in US Health Care," HUMAN RIGHTS WATCH (July 23, 2018), <https://www.hrw.org/report/2018/07/23/you-dont-want-second-best/anti-lgbt-discrimination-us-health-care> (experiences seeking health care); 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> (experiences in variety of contexts).