

April 24, 2024

Ms. Sheleen Dumas  
Department PRA Clearance Officer  
Office of the Chief Information Officer  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

Re: Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; The American Community Survey (ACS) and Puerto Rico Community Survey (PRCS) (OMB Control Number 0607–0810)

Dear Ms. Dumas,

Thank you for the opportunity to provide feedback regarding the authorization request of the Census Bureau to the Office of Management and Budget (OMB) for revisions to the American Community Survey (OMB Control Number 0607–0810; 89 FR 20630).<sup>1</sup>

The current *Federal Register* Notice (FRN) focuses on content changes to the 2025 American Community Survey (ACS) that were first initiated in 2018 when the Census Bureau solicited proposals for new or revised content from over 25 federal agencies. As explained in the FRN, such proposals underwent comprehensive review to ensure the requests meet statutory or regulatory needs and, once approved, the Census Bureau engaged in a thorough multi-year process of testing, review, and evaluation to make content changes to the ACS.

We greatly appreciate the established, deliberative process that must be completed in order for the Census Bureau to add or change content on the ACS.<sup>2</sup> Notably, the Census Bureau is currently in the midst of engaging in this same process to add sexual orientation and gender identity measures (SOGI) to the ACS.<sup>3</sup> This process was initiated because, in 2022, the U.S. Department of Justice (DOJ) submitted a letter to the Census Bureau formally requesting SOGI measures be added to the ACS and articulating the statutory and regulatory justifications for collecting data on LGBTQ+ populations.<sup>4</sup> For example, the DOJ stated that adding these measures to the ACS is necessary to better enforce nondiscrimination protections in employment, improve enforcement of the Violence

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<sup>1</sup> *Federal Register* 89 (58) (2024): 20630-20632, available at <https://www.federalregister.gov/documents/2024/03/25/2024-06256/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>

<sup>2</sup> U.S. Census Bureau, “How a Question Becomes Part of the American Community Survey”, available at <https://www.census.gov/content/dam/Census/library/visualizations/2017/comm/acs-questions.pdf> (last accessed April 2024)

<sup>3</sup> *Federal Register*, 88 (180) (2023): 64404-64407, available at <https://www.federalregister.gov/documents/2023/09/19/2023-20256/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>

<sup>4</sup> Lo Wang, H. & Rascoe, A. (2023, September 2024). An Annual Survey from the Census Bureau Aims for Better Data on LGBTQ+ Population, available at <https://www.wesa.fm/2023-09-24/an-annual-survey-from-the-census-bureau-aims-for-better-data-on-the-lgbtq-population>

Against Women Reauthorization Act, and better address anti-LGBTQI+ hate crimes.<sup>5</sup> After the DOJ's request was reviewed and approved, in September 2023, the Census Bureau published an FRN requesting that the OMB approve its plan to conduct the 2024 ACS SOGI Test.

In response to the 2023 FRN, our organizations spearheaded the submission of comments from approximately 275 organizations representing LGBTQI+, civil rights, gender justice, data science, and other stakeholder groups that provided feedback on the proposal and voiced strong support for the Census Bureau to proceed with its testing. In fact, based on analysis by Whitman-Walker Institute and Movement Advancement Project, more than 90% of the comments submitted to the 2023 FRN communicated support for the Census Bureau to move forward with this important research.

We wish to take this opportunity to clearly reiterate our continued interest in the Census Bureau conducting the 2024 ACS SOGI Test to inform a subsequent content update. Doing so is critical to produce rigorous, high-quality research that will support sound decision-making, which is required when considering changes to our nation's premier source of data about the U.S. population. We urge the Census Bureau and the OMB to move forward with the testing phase of this process expeditiously.

We thank you for your consideration of this comment. If there is any additional information we can provide, please do not hesitate to contact Caroline Medina, Director of Policy for Whitman-Walker Institute at [cmedina@whitman-walker.org](mailto:cmedina@whitman-walker.org).

Respectfully,

Whitman-Walker Institute

Movement Advancement Project

National Partnership for Women & Families

The Williams Institute

Human Rights Campaign

The Leadership Conference on Civil and Human Rights

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<sup>5</sup> Department of Justice, Letter to Census Bureau Requesting SOGI Questions on the American Community Survey (Dec 9, 2022), <https://www.documentcloud.org/documents/23891611-dec-9-2022-letter-from-doi-to-census-bureau-requesting-sexual-orientation-and-gender-identity-questions-on-the-american-community-survey>.