



June 20, 2014

Mr. Brian Harris-Kojetin
Desk Officer
Office of Management and Budget

Re: Current Population Survey (CPS) Basic Demographics, OMB Control # 0607-0049

Dear Mr. Harris-Kojetin,

Services and Advocacy for Gay, Lesbian, Bisexual, and Transgender Elders (“SAGE”) appreciates the opportunity to provide comments related to the Current Population Survey (“CPS”) and the Census Bureau’s (“Bureau”) data collection efforts. SAGE applauds the Bureau’s leadership in working to ensure that its surveys are reflective of the ever-changing American population. Further, we commend the Bureau for continuing its efforts to refine data collection practices by determining what additional characteristics should be included in the demographic information the Bureau collects. Given that this data is central to much of the Bureau’s activity, it is vital that the data be as accurate as possible. As such, SAGE recommends that the Bureau take steps to develop effective data collection practices related to sexual orientation and gender identity, specifically by including both of these important characteristics among the CPS demographic information the Bureau collects. SAGE also urges the Bureau to include sexual orientation and gender identity among the demographic information the Bureau collects in all of its surveys, including the Decennial Census (“Census”).

SAGE is the country's oldest and largest organization dedicated to improving the lives of lesbian, gay, bisexual, and transgender (“LGBT”) older adults. From arts and culture, to health and wellness, SAGE's innovative services and programs support thousands of LGBT older adults in communities across the country. SAGE's leading programs—such as SAGEWorks, our employment program for LGBT older people—are often expanded into various sites around the country. SAGE, along with our sister organization, the National Resource Center on LGBT Aging, provides multi-media resources that explain the myriad of issues facing LGBT older people. Moreover, SAGE works with local advocates around the country to develop their local and state policy agendas and make them a reality. In Washington, DC, our federal program ensures that policymakers in Congress and the administration support LGBT older adults in all the relevant policy areas.

I. BACKGROUND

As stated in your request for comment, the Bureau uses data from the CPS “in four principal ways: in association with other data, such as monthly labor force or periodic supplement publications; for internal analytic research; for evaluation of other surveys and survey results; and as a general purpose sample and survey.”¹ Thus, it

¹ Current Population Survey (CPS) Basic Demographics, OMB Control # 0607-0049, 79 Fed. Reg. 29165 (May 21, 2014).

is clear that much of what we know about the family, health, economic, educational, and social status of people in the United States comes from the Bureau's survey data, including the data received from the CPS. SAGE believes that this data is particularly important in assessing the need for public policies aimed at addressing disparities between different demographics, including the LGBT community.

Unfortunately for the LGBT community, the Bureau fails to include sexual orientation and gender identity—two important characteristics—in both its CPS and Census data collection efforts. In fact, recent improvements the Bureau has made to its data collection practices regarding sexual orientation merely underscore the need for more, accurate data about the LGBT community. For example, it was only in administering the 2010 Census that the Bureau decided it would no longer recode same-sex spouses as unmarried partners, but instead included these couples among federal statistics that identify married couples. The Bureau's decision reflects shifting public opinion towards treating all Americans, including the LGBT community, equal under the law.

Nevertheless, because the Bureau has only recently begun to address the gaps in its data on the LGBT community, SAGE notes that we are often provided with insufficient information to fully describe the extent of the problems faced by our constituency. In fact, it is important for the Bureau to understand that in addition to the challenges faced by the LGBT community generally, LGBT older adults face separate, unique issues that are not often captured by current data collection practices regarding older adults generally. For example, according to the most recent Census estimate, 16.1 percent of older adults in the United States are living in poverty; however this number fails to parse out what SAGE has seen is a disproportionate amount of poverty among LGBT older adults. According to a 2009 research report led by UCLA's Williams Institute, approximately 24% of lesbians and 15% of gay and bisexual men live in poverty, compared with only 19% and 13% of heterosexual women and men, respectively.² Thus, while one would suspect that this higher overall percentage of poverty for the LGBT community would also remain higher for LGBT older adults, supporting that suspicion with data is difficult given the inadequate data collection practices on sexual orientation and gender identity. Moreover, because the government relies upon this data “to make decisions about what community services to provide” and how “to distribute more than \$400 billion in federal funds,” it is clear that collecting more, accurate data on the issues faced by the LGBT community is a vital step to ensuring that the community is adequately served and protected.³

According to the Bureau, “the Nation's needs and interests became more complex. This meant that there had to be statistics to help people understand what was happening and have a basis for planning. The content...changed accordingly.”⁴ In light of these changing needs and interests, it is clear that adding sexual orientation and gender identity data collection measures to both the CPS and the Census is a necessary change that the Bureau must implement.

II. RECOMMENDATIONS

1. The Bureau Should Include Sexual Orientation Measures on the CPS by Integrating the Question Already in Use on the National Health Interview Survey

As mentioned above, the Bureau's data collection practices have evolved to meet the needs of a more complex and diverse society. In terms of the Bureau's efforts to collect information specifically related to sexual orientation, the Bureau took an important step in 2013 by beginning to include sexual orientation in the

² Albelda, Rany, et. al., The Williams Institute, *Poverty in the Lesbian, Gay, and Bisexual Community* (Mar. 2009), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>.

³ *About Us*, U.S. Census Bureau (June 18, 2014, 4:45 PM) <http://www.census.gov/aboutus/>.

⁴ U.S. Census Bureau *Factfinder for the Nation: History and Organization*, CFF-4 1, 1 (May 2000), <http://www.census.gov/history/pdf/cff4.pdf>.

administration of its National Health Interview Survey (“NHIS”). In so doing, Robert Bernstein, Public Information Officer at the Bureau, noted that “[t]here is an analytic need to have sexual orientation on the NHIS survey, as it is known to be correlated with health outcomes.”⁵ However, given that the CPS is primarily focused on the labor force, a similar argument could be made for including sexual orientation as a category in the Bureau’s administration of the survey, as there is a clear correlation between being LGBT and experiencing higher unemployment and poverty rates.

Moreover, not only does the CPS fail to collect LGBT-specific data, but it unfairly and inaccurately measures certain basic characteristics of members of the LGBT community. For example, an LGBT person who is divorced and now in a long-term, committed relationship—such as a domestic partnership or civil union—must mark “divorced” on the current version of the marital question on the CPS. Not only is this unfair to the numerous gay and lesbian couples who in turn feel discounted by their government, but such data collection processes actually lead to the collection of *inaccurate* information—and accuracy is one of the pillars upon which the Bureau prides itself.

Current estimates of the size of the LGBT community vary widely, from as little as 3% to as high as 20% of the U.S. population.⁶ While it is challenging to know the accuracy of these figures, even the most conservative estimate puts the number of LGBT people in the United States at around 10,000,000 individuals. However, if higher estimates are correct, the LGBT community is of similar size to other minority groups, many of which have already had their unique struggles highlighted as a result of being included within the Bureau’s data collection efforts. Thus, given the size of the LGBT community, SAGE hopes that the Bureau will implement better data collection efforts in administering the CPS and help shine light on the struggles that our constituents face.

In recent years, the social and legal landscape for the LGBT community has drastically shifted, with almost half of the U.S. population now living in a state with the marriage equality.⁷ Given that courts, legislative bodies, and voters regularly make decisions that impact the lives of the LGBT community, it is paramount that data about the LGBT community accurately depicts the challenges and inequities that we face. With a thoroughly tested question already in existence and currently included in the NHIS, we believe the next logical step is to incorporate this question into additional surveys. As such, SAGE urges the Bureau to be a leader on the issue and integrate the sexual orientation measures from the NHIS into the CPS as soon as practicably possible.

2. The Bureau Should Develop and Implement a Plan to Include Gender Identity Questions on the CPS

Separate and apart from our concerns about the lack of data collection efforts on sexual orientation, SAGE is equally concerned about a similar problem with regard to the lack of data collection efforts regarding gender identity. Not only are transgender people more likely to face discrimination, but they are also disproportionately likely to experience violence, extreme poverty, and an array of challenging health issues.⁸ Moreover, while sexual orientation has at least been included in the NHIS, the Bureau has yet to formally include a category for gender identity in any of its surveys. As you know, sexual orientation and gender identity are different aspects of an

⁵ Kavya Sukumar, *Does the LGBT Community Count? Not on the Census*, Medill Reports, Jan. 30, 2013, <http://news.medill.northwestern.edu/chicago/news.aspx?id=214775>.

⁶ Gates, Gary J., The Williams Institute, *How Many People Are Lesbian, Gay, Bisexual, and Transgender?* (Apr. 2011), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Gates-How-Many-People-LGBT-Apr-2011.pdf>.

⁷ *States*, FreedomToMarry.org, <http://www.freedomtomarry.org/states/> (last visited on June 20, 2014).

⁸ Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (2011). National Gay and Lesbian Task Force. http://www.thetaskforce.org/reports_and_research/ntds

individual's identity. Transgender people, like anyone else, may be gay, straight, bisexual, or any other sexual orientation, therefore data should be collected on both gender identity and sexual orientation in order to accurately represent the needs of the transgender community.

As mentioned above in connection with data on sexual orientation, collecting more, accurate data on the social, economic, and health disparities transgender people experience is key for the government to adequately meet the needs of the transgender community. Again, given that the CPS is primarily focused on the labor force, there is clearly an "analytical need" to include gender identity measurements in the CPS, as there is a correlation between being transgender and experiencing unemployment and extreme poverty.⁹ Additionally, SAGE highlights that the CPS, as presently constituted, places transgender people into narrow categories that may not accurately reflect who that person is. SAGE therefore believes that improved data collection processes are necessary to provide an accurate depiction of the unique challenges transgender people face.

SAGE understands that the Bureau may be hesitant to include a new measurement without doing testing first; however, gender identity questions are already included on several other national censuses, including those administered in the United Kingdom and Canada. Additionally, the Department of Health and Human Services soon plans to add gender identity to its data collection efforts. Accordingly, we urge the Bureau to immediately update the CPS to include questions that capture respondents' gender identity to ensure adequate representation and appropriate protection of this particularly vulnerable community.

3. The Bureau Should Develop a Plan to Include LGBT-Associated Questions in All Federal Data Sources

While non-governmental organizations in the United States have already put a significant amount of effort into creating clear and effective data collection measures related to sexual orientation and gender identity, SAGE believes the time has come for the Bureau to address the inadequacies associated with its data collection efforts on sexual orientation and gender identity. In fact, other federal agencies are currently attempting to rectify the lack of data collection on sexual orientation and gender identity. For example, the Department of Health and Human Services has begun collecting information on sexual orientation as part of its implementation of the Affordable Care Act, and soon plans to expand these efforts to include data collection on gender identity. As the major agency specifically tasked with data collection, we look forward to the Bureau taking a leadership role in this area. In making changes to its surveys before, the Bureau has justified the changes by highlighting the importance of refining data collection practices to ensure the most accurate results and the most reliable baseline for the assessment of future changes.¹⁰ We therefore urge the Bureau to further refine its data collection efforts and incorporate sexual orientation and gender identity measures within all federal surveys, including the Census.

⁹ "Additionally, most of the transgender participants polled lived in extreme poverty, and were four times more likely than the general population to have a household income of less than \$10,000 per year. And sadly, an astounding 41 percent of respondents reported attempted suicide compared to 1.6 percent of the general population, with rates rising for those who were victims of sexual assault (64 percent) or physical assault (61 percent), or those who lost a job due to bias (55 percent), or were harassed/bullied in school (51 percent)." Monica Gray, *Trans Is The New Fight: Laverne Cox and America's Real Life Transgender Drama*, The Huffington Post (June 18, 2014, 2:40 PM), http://www.huffingtonpost.com/monica-gray/trans-is-the-new-fight-la_b_5465690.html.

¹⁰ Press Release, United States Census Bureau, Statement by Census Bureau Director John H. Thompson on Improved Health Insurance Questions in the Current Population Survey (Apr. 15, 2014), http://www.census.gov/newsroom/releases/archives/directors_corner/cb14-67.html.

III. CONCLUSION

SAGE appreciates the opportunity to comment on the CPS and looks forward to working with you in the future. Please feel free to contact me with any questions you may have on our comments at atax@sageusa.org or (212) 741-2247.

On behalf of SAGE,

Aaron Tax
Director of Federal Government Relations