



April 27, 2018

Office of Management and Budget
ATTN: OMB Desk Officer for ACS
725 17th Street, NW
Washington, DC 20503
Submitted via email to OIRA_Submission@omb.eop.gov

RE: Human Rights Campaign Public Comment in Response to the Comment Request, Revisions to the American Community Survey

To Whom It May Concern:

On behalf of the Human Rights Campaign's more than three million members and supporters nationwide, I write in response to the request for public comment regarding proposed revisions to the U.S. 2020 Census published March 28, 2018. As the nation's largest organization working on behalf of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people, we urge the Office of Management and Budget to accept the relationship status update to the 2020 Census. Accurate and comprehensive LGBTQ data collection is essential to knowing more about the LGBTQ community and addressing the societal and health disparities they face. The proposed update to the 2020 Census relationship status questions should be accepted because they will provide a clearer picture of LGBTQ households, marriages, and relationships.

Accurate and Complete Data is Needed to Address LGBTQ Societal and Health Disparities.

Legal challenges to discrimination require accurate data in order to understand the magnitude of discrimination.

Courts consistently rely on LGBTQ data when interpreting laws that have immense impact on the lives of LGBTQ people. Decisions regarding marriage equality and parental rights have both considered LGBTQ data. In *Obergefell v. Hodges*, the United States Supreme Court relied on the growing visibility and number of out members of the LGBTQ community in determining that same-sex marriage is a Constitutional right. 135 S. Ct. 2584, 2615 (2015). Accurate and complete Census data on the LGBTQ households will help the government and the judiciary function in a way that recognizes LGBTQ individuals and their place in society.

An accurate count and geographic breakdown of the LGBTQ population is important for identifying and addressing national health disparities.

Health disparities are also calculated and addressed through data interpretation. Healthy People 2020 provides that, “Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.”¹ The Healthy People report provides science-based national objectives designed to improve the health of every American.² One of the five core missions detailed by the initiative is to identify critical research areas and data collection needs and opportunities.³ Healthy People 2020 specifically provides that recognizing the impact of social determinants on health – which include factors like sexual orientation and gender identity – is essential to improving the health and well-being of the nation.⁴ Without an accurate count of LGBTQ individuals and households, identifying and addressing health disparities continues to be a major challenge.

The Proposed Revisions Will Improve the Overall Accuracy of the 2020 Census.

The Relationship Status questions in the decennial census have been plagued with inaccuracies since they were last changed in the 1990 Census when the “unmarried partner” category was added. The Census Bureau at that time allowed same-sex unmarried partners, but edited the sex of one individual to reflect an opposite-sex relationship if a same-sex marriage was reported.⁵ In 2000, the Census Bureau again allowed unmarried partners to report that they were in a same-sex relationship, but edited reported same-sex marriages to “same-sex unmarried partners.”⁶ The 2010 Census was the first to show estimates of same-sex married couples in addendum reports, however, these reports mischaracterized the size of the LGBTQ community and LGBTQ households due to serious errors in data collection despite later revisions.⁷ As a result of

¹ Healthy People 2020, *Disparities*, <https://www.healthypeople.gov/2020/about/foundation-health-measures/Disparities> (last visited Mar. 26, 2017).

² Healthy People 2020, *About Healthy People*, <https://www.healthypeople.gov/2020/About-Healthy-People> (last visited Mar. 26, 2017).

³ *Id.*

⁴ *Disparities*, <https://www.healthypeople.gov/2020/about/foundation-health-measures/Disparities> (last visited Mar. 26, 2017).

⁵ Emily Seem and Julia Coombs, *2020 Research and Testing: 2015 National Content Test Relationship Question Experiment Analysis Report*, U.S. Census Bureau (Feb. 9, 2017) <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-relationship-question-experiment.pdf>.

⁶ *Id.*

⁷ Jamie M. Lewis, Nancy Bates, and Matthew Streeter, *Measuring Same-Sex Couples: The What and Who of Misreporting on Relationship and Sex*, U.S. Census Bureau (May 2015) <https://www.census.gov/content/dam/Census/library/working-papers/2015/demo/SEHSD-WP2015-12.pdf>.

miscoded genders and Census Bureau editing, same-sex relationship status has been misreported since the addition of the “unmarried partner” option.

Inaccuracies in gender responses by head-of-households can create serious miscalculations in the makeup of households. The proposed revisions clarify relationships and prevent errors. The updated relationship status question, along with the automatic consistency check, will increase the accuracy of responses and household data. Without comprehensive questions on LGBTQ status, this change will help the government and researchers better understand the LGBTQ community.

The “Opposite-Sex” and “Same-Sex” Marriage Distinction is A Temporary Fix to A Larger, More Immediate Problem.

The previous Relationship Status question was not working and rightfully needed to be changed.⁸ However, the exclusion of lesbian, gay, bisexual, transgender, and queer individuals from the 2020 Census is a larger, more immediate problem. Limited LGBTQ data collection leaves the government, researchers, and others in the dark as to the true nature and size of the LGBTQ community. Same-sex couple data does not capture the breadth of the LGBTQ community and leaves the most vulnerable uncounted. A comprehensive snapshot of the LGBTQ community can only be accomplished through inclusion in the decennial census and American Community Survey. Asking about LGBTQ status and instituting an automatic consistency check on a partner's gender would be less of a burden on the public, more readily understood, and provide more valuable information to the government than separating marriage into "opposite-sex" and "same-sex." All those within the LGBTQ community deserve to be counted and this change is a step in the right direction in accomplishing that goal.

⁸ Emily Seem and Julia Coombs, *2020 Research and Testing: 2015 National Content Test Relationship Question Experiment Analysis Report*, U.S. Census Bureau (Feb. 9, 2017) <https://www2.census.gov/programs-surveys/decennial/2020/program-management/final-analysis-reports/2015nct-relationship-question-experiment.pdf>.