

April 25, 2022

The Honorable José Serrano  
Chair  
Subcommittee on Commerce, Justice, Science,  
and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Robert Aderholt  
Ranking Member  
Subcommittee on Commerce, Justice, Science,  
and Related Agencies  
Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Jeanne Shaheen  
Chair  
Subcommittee on Commerce, Justice, Science,  
and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Jerry Moran  
Ranking Member  
Subcommittee on Commerce, Justice, Science,  
and Related Agencies  
Committee on Appropriations  
United States Senate  
Washington, DC 20510

Re: Expanding data collection on LGBTQI+ communities through FY23 Commerce, Justice, Science, and Related Agencies (CJS) Appropriations

Dear Chair Shaheen, Ranking Member Moran, Chair Serrano, and Ranking Member Aderholt:

As a group of 43 organizations committed to advancing equality and opportunity for lesbian, gay, bisexual, transgender, queer, and intersex and other sexual and gender diverse (LGBTQI+) people in the United States, we are writing to respectfully urge you to include adequate funding to expand and enhance data collection on LGBTQI+ communities in the Fiscal Year 2023 (FY23) Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Bill. Specifically, we strongly support the inclusion of \$10 million to fund the Census Bureau adding sexual orientation and gender identity (SOGI) questions to the American Community Survey (ACS) included in President Biden's FY23 budget for the Department of Commerce.<sup>1</sup>

This investment is crucial to conduct cognitive interviews to ensure SOGI measures are understood by respondents and produce accurate results, as well as to evaluate SOGI questions performance in a field test. We respectfully request the CJS Appropriations Bill include that \$10 million appropriation for the Census Bureau to add SOGI measures to the ACS and include an additional \$2 million to continue to develop, test, and improve questions to account for people with intersex traits on general population surveys.

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<sup>1</sup> U.S. Department of Commerce, "The Budget for Fiscal Year 2023," available at [https://www.whitehouse.gov/wp-content/uploads/2022/03/com\\_fy2023.pdf](https://www.whitehouse.gov/wp-content/uploads/2022/03/com_fy2023.pdf) (last accessed March 2022)

As detailed below, doing so will offer valuable insight into the demographics, housing security, and broader socioeconomic status of LGBTQI+ Americans and is critical to capturing a more comprehensive, accurate, and data-driven understanding of disparities faced by LGBTQI+ communities and developing evidence-based policy interventions.

## **LGBTQI+ Data Collection and the American Community Survey**

Conducted by the U.S. Census Bureau, the American Community Survey (ACS) is an ongoing population-based survey that collects critical information about the social, economic, housing, and demographic characteristics of approximately 3.5 million households each year across the country.<sup>2</sup> ACS data are processed and disseminated by the U.S. Census Bureau and used by government agencies to inform data-driven decision-making, including how to annually allocate over \$675 billion in federal and state funding of programs and services across the country.<sup>3</sup> Notably, in addition to using ACS data to evaluate and assess government programs and services, federal agencies use these data to monitor and enforce employment nondiscrimination laws.<sup>4</sup> The ACS also serves as a particularly important measure of geographic-specific information; given that there is currently a patchwork of legal protections for LGBTQ individuals that differs greatly between states and localities, understanding how experiences vary across locations is of paramount importance.

Currently, the ACS does not include questions about sexual orientation or gender identity and only allows for respondents to separately identify same-sex spouses and unmarried partners in a household,<sup>5</sup> which is a limited proxy measure for sexual orientation and results in a nonrepresentative sample of the LGBTQI+ population.<sup>6</sup> For example, according to 2022 Gallup data, just 10% of LGBT adults in the U.S. are married to a same-sex spouse, while 6% live with a same-sex domestic partner,<sup>7</sup> meaning that roughly 1 in 6 LGBT adults (those in cohabitating same-sex couples) can be identified from non-experimental U.S. Census Bureau data.<sup>8</sup> Demonstrating an interest in and commitment to

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<sup>2</sup> U.S. Census Bureau, “Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; American Community Survey Methods Panel Tests” *Federal Register* 86 (25) (2021): 8756-8759, available at <https://www.govinfo.gov/content/pkg/FR-2021-02-09/pdf/2021-02606.pdf> and U.S. Census Bureau, “About the American Community Survey,” available at <https://www.census.gov/programs-surveys/acs/about.html> (last accessed January 2022).

<sup>3</sup> U.S. Census Bureau, “American Community Survey Information Guide,” available at [https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS\\_Information\\_Guide.pdf](https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS_Information_Guide.pdf) (last accessed January 2022).

<sup>4</sup> Ibid.

<sup>5</sup> U.S. Census Bureau, “American Community Survey Information Guide,” available at [https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS\\_Information\\_Guide.pdf](https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS_Information_Guide.pdf) (last accessed March 2021).

<sup>6</sup> National Academies of Sciences, Engineering, and Medicine, “Understanding the Wellbeing of LGBTQI+ Populations” (Washington: 2020), available at <https://www.nap.edu/read/25877/chapter/1>

<sup>7</sup> Jeffrey M. Jones, “LGBT Americans Married to Same-Sex Spouse Steady at 10%,” Gallup, February 10, 2022, available at <https://news.gallup.com/poll/389555/lgbt-americans-married-same-sex-spouse-steady.aspx>.

<sup>8</sup> Calculations by Center for American Progress based on the most recent Gallup statistics of LGBTQI+ individuals and households, released in February 2022 (<https://news.gallup.com/poll/389555/lgbt-americans-married-same-sex-spouse-steady.aspx>). 10% of LGBTQI+ Individuals are married to a same-sex spouse, and an additional 6% live with a same-sex

expanding data collection on LGBT communities, the Census Bureau recently updated its experimental data collection effort on the COVID-19 pandemic to include questions about SOGI on the Household Pulse Survey.<sup>9</sup> While this is a historic step and marks the first time a Census Bureau sponsored survey has asked these questions, it is crucial that the Census Bureau expand these efforts by adding SOGI measures to the ACS.

**As recommended by the National Academies of Sciences, Engineering, and Medicine, federally funded U.S. general population surveys must routinely collect, analyze, and report demographic data on LGBTQI+ people by adopting measures of sexual orientation, gender identity, and variations in sex characteristics including intersex traits.<sup>10</sup> Collecting data on LGBTQI+ communities through the ACS is a top priority.**

ACS data shape major policy decisions and allocations of critical resources related to health care, housing, employment, education, and other public benefits, thereby affecting the everyday lives of LGBTQI+ people, and making the need to add SOGI and intersex measures all the more urgent. Doing so is critical to obtain a more comprehensive understanding of the discrimination and resulting disparities in housing, employment, economic security, and public benefits use that LGBTQI+ people experience, and to ensure that policymaking equitably supports the economic wellbeing and recovery of LGBTQI+ communities.

Adding SOGI questions to the ACS would also be a meaningful step for the Census Bureau to fulfill the directives set out by the Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation (EO 13988)<sup>11</sup> and Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (EO 13985).<sup>12</sup> On day one of his presidency, President Biden signed EO 13988, which directs all federal agencies that enforce federal laws prohibiting sex discrimination to also prohibit discrimination based on SOGI and to take actions necessary to fully implement this policy.<sup>13</sup> On that same day, President Biden also signed EO 13985, which directs federal agencies to promote equity, civil rights, racial

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partner, making them identifiable by current Census Bureau data. Roughly 83% of individuals, those who do not fall in either of the above categories, would not be identifiable.

<sup>9</sup> U.S. Census Bureau, “Household Pulse Survey Updates Sex Question, Now Asks About Sexual Orientation and Gender Identity,” available at <https://www.census.gov/library/stories/2021/08/household-pulse-survey-updates-sex-question-now-asks-sexual-orientation-and-gender-identity.html> (last accessed January 2022)

<sup>10</sup> National Academies of Sciences, Engineering, and Medicine, “Measuring Sex, Gender Identity, and Sexual Orientation” (Washington: 2022), available at <https://www.nap.edu/catalog/26424/measuring-sex-gender-identity-and-sexual-orientation>.

<sup>11</sup> Executive Office of the President, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” *Federal Register* 86 (14) (2021): 7023–7025, available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01761.pdf>

<sup>12</sup> Executive Office of the President, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” *Federal Register* 86 (14) (2021): 7009–7013, available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>

<sup>13</sup> Executive Office of the President, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” *Federal Register* 86 (14) (2021): 7023–7025, available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01761.pdf>

justice, and equal access to opportunities and benefits for LGBTQ communities and other underserved communities through various actions including but not limited to expanding data collection efforts.<sup>14</sup> We believe that one way for the current administration to realize the aims of both of these essential executive orders is to add demographic questions on SOGI to the ACS and to continue to develop, test, and improve questions to account for people with intersex traits on general population surveys.

## Conclusion

As noted, ACS data shape major policy decisions and allocations of critical resources related to health care, housing, employment, education, and other public benefits. Collecting data that reflect the experiences and needs of LGBTQI+ people is essential to ensure advocates, researchers, policymakers, and service providers have comprehensive and accurate information on LGBTQI+ communities to advance evidence-based policies that address longstanding socioeconomic disparities. For these reasons, we respectfully urge you to include \$12 million in funding to add SOGI measures to the ACS and continue to develop, test, and improve questions to account for people with intersex traits on general population surveys in the FY23 CJS Appropriations Bill.

Please do not hesitate to contact Caroline Medina, [cmedina@americanprogress.org](mailto:cmedina@americanprogress.org), if you need any additional information. Thank you for your time, and we look forward to continuing this discussion with you.

Signed in partnership,

Center for American Progress  
Callen-Lorde Community Health Center  
Campus Pride  
Center for LGBTQ Economic Advancement & Research (CLEAR)  
CenterLink: The Community of LGBT Centers  
Common Cause  
Equality California  
Family Equality  
Fenway Health  
Food Research & Action Center  
FORGE, Inc.

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<sup>14</sup> Executive Office of the President, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” *Federal Register* 86 (14) (2021): 7009-7013, available at <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01753.pdf>

Fair Count  
GLMA: Health Professionals Advancing LGBTQ Equality  
GLSEN  
Hispanic Federation  
Howard Brown Health  
Human Rights Campaign  
interACT: Advocates for Intersex Youth  
Japanese American Citizens League  
LGBT Tech  
LGBTQ Victory Institute  
Los Angeles LGBT Center  
MAZON: A Jewish Response to Hunger  
Mazzoni Center  
Minority Veterans of America  
Movement Advancement Project  
NASTAD  
National Center for Transgender Equality  
National Community Reinvestment Coalition (NCRC)  
National Education Association  
National Health Law Program  
National LGBT Cancer Network  
National Women's Law Center  
Oregon Housing and Community Services  
Pulmonary Hypertension Association  
SAGE  
The New York Academy of Medicine  
The Trevor Project  
The Williams Institute, UCLA School of Law  
Transgender Legal Defense & Education Fund (TLDEF)  
Transhealth Northampton  
Union for Reform Judaism  
Whitman-Walker Institute

CC: The Honorable Rosa DeLauro  
Chair, Committee on Appropriations  
United States House of Representatives

The Honorable Kay Granger  
Ranking Member, Committee on Appropriations  
United States House of Representatives

The Honorable Patrick Leahy  
Chair, Committee on Appropriations  
United States Senate

The Honorable Richard Shelby  
Ranking Member, Committee on Appropriations  
United States Senate