

April 30, 2024

Kyra Linse  
Survey Director  
Current Population Surveys  
U.S. Census Bureau  
[dsd.cps@census.gov](mailto:dsd.cps@census.gov)

**Re: Request for Comment on the Current Population Survey Basic Demographic Items, Docket Number USBC-2024-0003**

Dear Ms. Linse:

This letter is submitted on behalf of 49 organizations committed to advancing equality and opportunity for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) people in the United States. Rigorous research on the experiences of underserved communities and evidence-based policymaking to address disparities is integral to our vision of achieving economic security for all. It is for this reason we are grateful for the opportunity to provide feedback on the Census Bureau's request for comments on the Current Population Survey (CPS) and its Basic Demographic Items (89 FR 15119<sup>1</sup>).

Specifically, we write to request that the Census Bureau add measures of sexual orientation and gender identity (SOGI) to the Basic Demographic Items collected on the CPS. We also urge the Census Bureau to continue to evaluate and research how to collect data about intersex populations. We believe that doing so is critical to fulfill responsibilities under Executive Order 14075 on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, and Intersex Individuals (EO 14075) and meaningfully implement the Learning Agenda put forth in the Federal Evidence Agenda on LGBTQI+ Equity.

**I. Recent Developments to Improve SOGI Data Collection and Advance LGBTQI+ Equity**

Research shows that, compared to the general population, LGBTQ people face significant barriers to achieve economic security, including discrimination in employment and housing, workforce exclusion, and lack of access to well-paying jobs with sufficient, inclusive benefits.<sup>2</sup> Such disparities are often heightened for particular subgroups—such as transgender populations—and for people with multiple marginalized identities, such as LGBTQI+ people of color and LGBTQI+ people with disabilities.<sup>3</sup>

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<sup>1</sup> *Federal Register*, 89 (42) (2024): 15119-15120, available at <https://www.govinfo.gov/content/pkg/FR-2024-03-01/pdf/2024-04381.pdf>

<sup>2</sup> Caroline Medina, Lindsay Mahowald, Rose Khattar, and Aurelia Glass, "Fact Sheet: LGBT Workers in the Labor Market," (Center for American Progress: 2022), available at <https://www.americanprogress.org/article/fact-sheet-lgbt-workers-in-the-labor-market/>; Brad Sears, Christy Mallory, Andrew R. Flores, and Kerith J. Conron, "LGBT People's Experiences of Workplace Discrimination and Harassment," The Williams Institute, September 2021, available at <https://williamsinstitute.law.ucla.edu/publications/lgbt-workplace-discrimination/>

<sup>3</sup> Caroline Medina, Lindsay Mahowald, Thee Santos, and Mia Ives-Ruble, "The United States Must Advance Economic Security for Disabled LGBTQI+ Workers," (Center for American Progress: 2021) available at <https://www.americanprogress.org/article/united-states-must-advance-economic-security-disabled-lgbtqi-workers/>; Christopher S. Carpenter, Samuel T. Eppink, and Gilbert Gonzales, "Transgender Status, Gender

However, lack of routine, standardized collection of sexual orientation and gender identity (SOGI) data on key federal surveys—including the CPS—results in knowledge gaps that must be remedied.

We appreciate that the Census Bureau and the Department of Labor (DOL) have demonstrated a commitment to advancing the rights of LGBTQI+ communities and adopting a data-driven approach to policymaking. For example, the Census Bureau took the historic step of adding SOGI questions to the Household Pulse Survey and is now in the process of conducting a test to add SOGI measures to the American Community Survey, which will be critical to advance equity and strengthen enforcement of civil rights laws that protect LGBTQI+ people from discrimination.<sup>4</sup> Additionally, the DOL has published guidance on offering benefits to same-sex spouses of employees, ensuring safe, healthy workplaces for transgender workers and equality for transgender participants in DOL programs, and worked to implement Executive Order 13988 by protecting people from discrimination based on sexual orientation and gender identity.<sup>5</sup>

We urge the Census Bureau and DOL to build on their track record of adopting policies to improve the well-being of LGBTQI+ communities by adding SOGI measures to the CPS, which is critical to help achieve the goals of EO 14075 and the Federal Evidence Agenda on LGBTQI+ Equity. In June 2022, President Biden signed EO14075 which requires the creation of an evidence agenda to coordinate a cross-government effort to “advance the responsible and effective collection and use of data on sexual orientation, gender identity, and sex characteristics.”<sup>6</sup> In January 2023, the Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics Subcommittee on Equitable Data of the National Science and Technology Council published the “Federal Evidence Agenda on LGBTQI+ Equity” (“Evidence Agenda”).<sup>7</sup> This first-of-its-kind Evidence Agenda provides an overview of LGBTQI+ data needs, presents a Learning Agenda for federal agencies to use to advance LGBTQI+ equity, and offers guidelines for collecting SOGI data in administrative contexts.

For example, enhancing data collection on LGBTQI+ communities through the CPS could help the Census Bureau and DOL answer questions included in the Learning Agenda, such as, “What are earnings, incomes, unemployment rates, and labor force participation rates for LGBTQI+ people? How do related outcomes differ across sexual orientation and gender identities and for LGBTQI+

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Identity, and Socioeconomic Outcomes in the United States,” *Industrial and Labor Relations Review* 73 (3) (2020): 573–599, available at <https://doi.org/10.1177/0019793920902776>; Williams Institute, “Race and Well-Being Among LGBT Adults,” available at <https://williamsinstitute.law.ucla.edu/visualization/lgbt-races/>

<sup>4</sup> U.S. Census Bureau, “Sexual Orientation and Gender Identity in the Household Pulse Survey,” available at <https://www.census.gov/library/visualizations/interactive/sexual-orientation-and-gender-identity.html> (last accessed April 2024); U.S. Census Bureau, “The Context and Evolution of Data Collection for Same-Sex Married Couple Households,” available at <https://www.census.gov/library/visualizations/2020/demo/the-context-and-evolution-of-data-collection-for-same-sex-married-couple-households.html> (last accessed April 2024); *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>5</sup> U.S. Department of Labor, “Blog: Pride at Work,” June 1, 2021, available at <https://blog.dol.gov/2021/06/01/prideat-work>

<sup>6</sup> The White House, “Executive Order on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals,” June 15, 2022, available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/06/15/executive-order-on-advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals/>

<sup>7</sup> Subcommittee on Sexual Orientation, Gender Identity, and Variations in Sex Characteristics (SOGI) Data Subcommittee on Equitable Data, “Federal Evidence Agenda on LGBTQI+ Equity,” January 2023, available at <https://www.whitehouse.gov/wp-content/uploads/2023/01/Federal-Evidence-Agenda-on-LGBTQI-Equity.pdf>

people who also identify as people of color? How do they differ across different occupation categories such as science, technology, engineering, and mathematics occupations?”<sup>8</sup> For that reason, we also urge DOL to include efforts to improve SOGI data collection on the CPS as a component of its Data Action Plan required under EO14075.

## II. The Importance of Improving Data Collection on LGBTQI+ Communities through the Current Population Survey

The Census Bureau and DOL can further their efforts to advance LGBTQI+ equity, fulfill their responsibilities under EO14075, and realize the goals of the Evidence Agenda by adding SOGI measures to the CPS. Jointly sponsored by the U.S. Census Bureau and the U.S. Bureau of Labor Statistics, the CPS is the primary source of labor force statistics for the population of the United States.<sup>9</sup> The CPS provides crucial information about employment and unemployment; emerging trends in employment status, wages, and earnings; and variables impacting labor force participation.<sup>10</sup> Every month DOL’s Bureau of Labor statistics uses these data to publish *Employment Situation* reports examining how the labor market is progressing across different industries and for different populations.

The CPS currently collects demographic information about sex, race, ethnicity, and other items.<sup>11</sup> It does not, however, include questions about SOGI and allows only for the identification of same-sex couples. The latter is a valuable but flawed proxy measure for capturing information on sexual orientation<sup>12</sup> that is estimated to only account for approximately 1 in 6 LGBTQI+ people.<sup>13</sup> Adopting SOGI measures on the CPS will illuminate what earnings, incomes, unemployment rates, poverty and labor force participation rates are for LGBTQI+ households and individuals and how those outcomes differ based on race and ethnicity, age, disability status, and geographic region. Doing so is essential to examine the monthly labor market experiences of LGBTQI+ communities, support LGBTQI-inclusive research agendas, and better implement policies and programs that promote equity and address systemic barriers to economic security that LGBTQI+ communities face.

Indeed, according to studies conducted by Census Bureau and Bureau of Labor Statistics adding SOGI measures to the CPS is feasible. That research found that people clearly understand SOGI questions, did not find them difficult to answer or especially sensitive, and were willing to answer the questions

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<sup>8</sup> Ibid. at pg. 25

<sup>9</sup> U.S. Census Bureau, “Current Population Survey,” available at <https://www.census.gov/programs-surveys/cps.html> (last accessed April, 2024)

<sup>10</sup> U.S. Census Bureau, “About the Current Population Survey,” available at <https://www.census.gov/programs-surveys/cps/about.html> (last accessed April 2024)

<sup>11</sup> U.S. Census Bureau, “Basic CPS Items Booklet Demographic Items,” available at <https://www2.census.gov/programs-surveys/cps/techdocs/questionnaires/Demographics.pdf>; U.S. Bureau of Labor Statistics, “Labor Force Statistics from the Current Population Survey Demographics,” available at <https://www.bls.gov/cps/demographics.htm>.

<sup>12</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>13</sup> Caroline Medina and Lindsay Mahowald, “Collecting Data About LGBTQI+ And Other Sexual and Gender Diverse Communities” (Center for American Progress; 2022), available at <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>

for themselves and others.<sup>14</sup> We encourage the Census Bureau and DOL to build on that important research to add SOGI measures to the CPS and to incorporate any lessons learned based on the inclusion of SOGI measures on the Household Pulse Survey and ongoing cognitive testing for the American Community Survey. We urge the Census Bureau and DOL to ensure that these measures are adopted in accordance with best practices for data security and stewardship that responsibly safeguard the privacy and confidentiality of all respondents, including LGBTQI+ respondents.

Additionally, we urge the Census Bureau to work with DOL to invest in testing and fielding measures of variations in sex characteristics that allow intersex populations to self-identify on data instruments such as the CPS that collect demographic information. Evidence demonstrates that people with intersex traits experience stigma and discrimination that results in disparities in economic security compared to the general population.<sup>15</sup> We encourage the Census Bureau to coordinate with other agencies on an ongoing basis to identify and leverage opportunities and best practices to advance the collection of intersex-inclusive data and qualitative and quantitative research.

### **III. Conclusion**

Our organizations are dedicated to supporting Census Bureau and DOL enhancing responsible data collection on LGBTQI+ populations in order to further the goals of EO 14075 and the Evidence Agenda on LGBTQI+ Equity. Doing so is critical to better identify and address disparities that LGBTQI+ populations face and assess how the federal government is progressing in its mission to meaningfully improve the economic security and well-being of LGBTQI+ households and individuals.

Thank you for your consideration of these recommendations. If you need any additional information, please do not hesitate to contact Caroline Medina, Director of Policy for Whitman-Walker Institute ([cmedina@whitman-walker.org](mailto:cmedina@whitman-walker.org)) or Naomi Goldberg, Executive Director of Movement Advancement Project ([Naomi@mapresearch.org](mailto:Naomi@mapresearch.org)).

Respectfully,

Whitman-Walker Institute  
Movement Advancement Project  
A Better Balance  
Advocates for Youth  
AltaMed Health Services

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<sup>14</sup> Ellis, R., Virgile, M., Holzberg, J., Nelson, D., Edgar, J., Phipps, P., & Kaplan, R. (2017). "Assessing the Feasibility of Asking about Sexual Orientation and Gender Identity in the Current Population Survey: Results from Cognitive Interviews." Technical Report, Center for Survey Measurement, U.S. Census Bureau; Office of Survey Methods Research, Bureau of Labor Statistics. <https://www.census.gov/content/dam/Census/library/working-papers/2018/adrm/rsm2018-06.pdf>; Holzberg, J., Ellis, R., Virgile, M., Nelson, D., Edgar, J., Phipps, P., & Kaplan, R. (2017). Assessing the feasibility of asking about gender identity in the current population survey: results from focus groups with members of the transgender population. <https://www.bls.gov/osmr/research-papers/2017/pdf/st170200.pdf>

<sup>15</sup> Caroline Medina and Lindsay Mahowald, "Key Issues Facing People With Intersex Traits," (Center for American Progress; 2021), available at <https://www.americanprogress.org/article/key-issues-facing-people-intersex-traits/>

American Atheists  
American Cancer Society Cancer Action Network  
American Civil Liberties Union  
California LGBTQ Health and Human Services Network  
Center for Law and Social Policy (CLASP)  
CenterLink: The Community of LGBTQ Centers  
Equality California  
Equality Illinois  
Food Research & Action Center  
FORGE, Inc.  
Funders' Committee for Civic Participation (FCCP)  
GLMA: Health Professionals Advancing LGBTQ+ Equality  
GLSEN  
Just Detention International  
MAZON: A Jewish Response to Hunger  
Mazzoni Center  
MomsRising  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Community Action Partnership  
National Employment Law Project  
National LGBTQ Task Force  
National LGBTQI+ Cancer Network  
National Partnership for Women & Families  
National Women's Law Center  
Oasis Legal Services  
Out & Equal  
OutNebraska  
Parable of the Sower Intentional Community Cooperative  
PFLAG National  
Project on Government Oversight  
SAGE (Advocacy and Services for LGBTQ+ Elders)  
Silver State Equality-Nevada  
The Center for HIV Law and Policy (CHLP)  
The Fenway Institute  
The Leadership Conference on Civil and Human Rights  
The Lesbian, Gay, Bisexual & Transgender Community Center  
The Restaurant Opportunities Centers United (ROC United)  
The Trevor Project  
TransFamily Support Services  
Transgender Legal Defense & Education Fund (TLDEF)

Transhealth

TransYouth Liberation

Union for Reform Judaism