

**FUNDERS' COMMITTEE
FOR CIVIC PARTICIPATION**
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October 3, 2022

NSTC Subcommittee on Equitable Data
Office of Science and Technology Policy
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20504

RE: Federal Evidence Agenda on LGBTQI+ Equity RFI

Dear Subcommittee Members:

We write in response to the August 24, 2022 *Federal Register* notice from the Office of Science and Technology Policy requesting information to help develop the Federal Evidence Agenda on LGBTQI+ Equity. Thank you for the opportunity to share why the government should collect data on sexual orientation, gender identity, and variations in sex characteristics (SOGI) and why such equity data are important to philanthropy.

The Census Equity Initiative (CEI) is a philanthropic collaborative of hundreds of funders that came together to spearhead a nationwide campaign to ensure a fair and accurate 2020 Census, particularly in historically undercounted communities, and continues its work looking towards the 2030 Census. The grantmakers that participate in CEI, large and small, come from across the country, giving hundreds of millions of dollars each year to advance the common good and improve the quality of life in the United States. These foundations have different funding priorities, are ideologically diverse, and do not always agree with each other. But we share a common interest in a fair and accurate census, eliminating the persistent, disproportionate undercount of certain population groups, and providing access to demographic data, particularly data that can address equity issues. CEI is steered by a committee of some of the nation's most prominent national and regional foundations: Annie E. Casey Foundation, Bauman Foundation, Carnegie Corporation of New York, Ford Foundation, Heising-Simons Foundation, Joyce Foundation, The JPB Foundation, Open Society Foundations, Robert Wood Johnson Foundation, Rockefeller Brothers Fund, Unbound Philanthropy, Wallace H. Coulter Foundation, and W.K. Kellogg Foundation. (Note: These comments are being submitted on behalf of the CEI as a whole and not on behalf of any of the individual members noted here).

The Funders' Committee for Civic Participation (FCCP), an active part of the philanthropic collaborative, is a network of grantmakers who share an underlying conviction that all people deserve a voice in our democratic process. We work to dismantle unjust systems and structures, and shift power to communities that have long fought for inclusion. FCCP's commitment to racial justice and to achieving a democracy where all communities are counted,

resourced, and represented necessitates our deep engagement on the American Community Survey and census. Through outreach, education, and mobilization, FCCP's Funders' Census Initiative (FCI) engages philanthropy, with a particular focus on state and local funders, to leverage their resources and power in support of a fair and accurate count.

The *Federal Register* notice seeks input on many questions related to the development of the Federal Evidence Agenda on LGBTQI+ Equity to make data-informed decisions that advance equity for the LGBTQI+ community. We are providing comments on the importance of collecting SOGI data through Census Bureau programs, including the American Community Survey and the decennial census.

Because the census is the foundation for a representative democracy, equitable allocation of government resources, and effective enforcement of civil rights laws, CEI and FCI prioritize initiatives that address the persistent differential undercounts in the decennial census of communities of color, low-income households, young children and other vulnerable communities such as the LGBTQI+ community. In addition, philanthropy is a direct stakeholder in the census and related American Community Survey because we, our partners and grantees use the data to identify issues and opportunities, develop and implement strategies, and evaluate the success of our programs, including those that serve LGBTQI+ households. As funders with different missions, these data also help us and our grantees address issues that impact the LGBTQI+ population and help to improve life in our communities related to poverty, health care, environmental justice, criminal justice reform, racial equity, education equity, and infrastructure improvement.

The decennial census count provides the baseline data for the annual population estimates and the American Community Survey, which in turn set the parameters for other government and private surveys on a wide range of important topics. These data are necessary to inform policy development, program implementation, enforcement of anti-discrimination laws, as well as products and services provided by the private sector. LGBTQI+ individuals and households face individual and institutional discrimination that affects their access to appropriate and equitable healthcare, education, and employment. LGBTQI+ youth face particular challenges related to poverty, substance abuse and interaction with the criminal legal system. Because the census and the American Community Survey guide the distribution of roughly \$1.5 trillion annually in federal assistance, SOGI data will help to better target funds addressing LGBTQI+ needs. Accurate data play a critical role in the ability of philanthropy to develop effective strategies to support efforts to address these issues and needs.

There is limited quality, large-scale SOGI data collection by the federal and state governments, which makes it challenging to fully understand the demographic characteristics and life experiences of the LGBTQI+ population. The lack of data also makes it difficult to craft policy solutions to address inequities. The federal government can help bridge this information vacuum by requiring the collection and publication of more high-quality data on sexual orientation, gender identity, variations in sex characteristics, race, ethnicity, disability, age, and other key demographic variables.

Recognizing the importance of gathering such data, an independent report commissioned by CEI on recommendations for improving the 2030 Census called for the Census Bureau to add questions regarding sexual orientation and gender identity to the American Community Survey

and Census 2030.¹ The report also called on the Census Bureau to research a potential expansion of response options to the sex question, which currently provides only two traditional options. This report was based on listening sessions and interviews with stakeholders and experts who worked on Census 2020 “get out the count” efforts, along with a review of state and local reports and recommendations made by Complete Count Committees and collaboratives promoting the 2020 census.

Other reports, such as one from the National Academies of Sciences, Engineering, and Medicine, emphasized the importance of collecting SOGI data. The National Academies report identified five principles for SOGI data, including the importance of collecting these data and that data used for analysis and dissemination “must be used, maintained, and shared only under rigorous privacy and confidentiality standards.”² It is crucial that all respondents to the decennial census and the American Community Survey feel confident that their personal data will be protected and not subject to misuse. During every phase of collection, tabulation, analysis, and dissemination, the rigorous privacy and confidentiality standards in place under Title 13, U.S.C., §8 and §9 must be upheld with regard to the SOGI data.

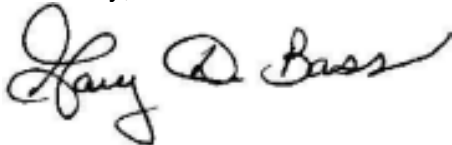
Collecting SOGI data will enable the federal and state governments, businesses, nonprofits, researchers, philanthropy and others to better understand the demographic characteristics and life experiences of the LGBTQI+ population, which can ultimately lead to more effective interventions to address inequities and discrimination across a range of services, including healthcare, housing, education, and democratic participation.

We are pleased to see that the Administration asked Congress for funding for the Census Bureau to conduct research into the most effective formulations of questions that could be added to the census, the American Community Survey and other government surveys to gather information on sexual orientation and gender identity. This seems like an important step to build on the questions in the Census Bureau’s Household Pulse Survey and add SOGI questions to other government surveys.

We applaud the exploration of these issues by the NSTC Subcommittee as it develops the Federal Evidence Agenda on LGBTQI+ Equity. We urge the Subcommittee to recommend that SOGI questions be added to in the 2030 Census and the American Community Survey.

We thank you for your consideration of our views on this important topic.

Sincerely,

A handwritten signature in black ink that reads "Gary D. Bass". The signature is written in a cursive, flowing style.

Gary D. Bass
Consultant & Executive Director Emeritus, Bauman Foundation
Chair, Census Equity Initiative

¹ Narasaki, K. and Lim, T. 2021. *Looking to Census 2030: Findings and Recommendations from Census 2020 Partners and Funders*. <https://funderscommittee.org/looking-to-census-2030/>.

² National Academies of Sciences, Engineering, and Medicine. 2022. *Measuring Sex, Gender Identity, and Sexual Orientation*, 2022, pg. 7, Washington, DC: The National Academies Press. <https://doi.org/10.17226/26424>.



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