

**FUNDERS' COMMITTEE
FOR CIVIC PARTICIPATION**
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FORUM
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November 20, 2023

Ms. Sheleen Dumas
Department PRA Clearance Officer
Office of the Under Secretary for Economic Affairs
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Submitted via email: acso.pra@census.gov

RE: Docket Number USBC–2023–0007 – American Community Survey 2024 Sexual Orientation and Gender Identity Testing

Dear Ms. Dumas,

We write in response to the Notice titled “American Community Survey Methods Panel: 2024 Sexual Orientation and Gender Identity Test,” published in the *Federal Register* on September 19, 2023 requesting comments on the Census Bureau’s proposed plan to conduct the 2024 American Community Survey (ACS) Sexual Orientation and Gender Identity (SOGI) Test, a test that advances the research about how SOGI questions would perform on the ACS. We applaud the Census Bureau for continuing to improve responsible government data collection on LGBTQI+ communities by testing questions to gather SOGI data on the ACS.

While we do not have the expertise to address specific terminology, methodologies, and other technical issues in the *Federal Register* Notice, we strongly support this test and the thoughtful, deliberative, and scientific process to include SOGI measures on the ACS. We also urge the Census Bureau to conduct additional testing of these measures beyond English and Spanish, to support development of accurate supplementary materials for the ACS. Finally, we encourage the Census Bureau to proceed with submitting the information collection request to the Office of Management and Budget and hope that OMB will expeditiously approve the request.

The collection of SOGI data through Census Bureau programs, including the ACS, is critical to the work of foundations and nonprofits. Improved ACS data on sexual orientation, gender identity, and variations in sex characteristics would allow us to better understand the experiences and needs of diverse LGBTQI+ communities including people of color, those with disabilities, and those living in rural areas; better direct funding to programs designed to serve these populations; and more accurately evaluate the impact of philanthropic funding.

About the Signatories

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 and a fairer and more accurate ACS. 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 and ACS, 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, Carnegie Corporation of New York, Ford Foundation, Heartland Foundation, Joyce Foundation, The JPB Foundation, Mary Reynolds Babcock 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. FCCP works 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 a deep engagement on the ACS and census. Through outreach, education, and mobilization, its **Funders' Committee Census Initiative (FCCI)** 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.

As a key part of the philanthropic collaborative and the largest and most diverse network in American philanthropy, **United Philanthropy Forum (Forum)** holds a unique position in the social sector to help increase philanthropy's impact in communities across the country. The Forum is a membership network of nearly 100 regional and national philanthropy-serving organizations, representing more than 7,000 funders who work to make philanthropy better. The Forum's work helps promote a strong philanthropic sector while advocating for vibrant, healthy communities by identifying practical solutions that catalyze a just and equitable society where all can participate and prosper.

Funders for LGBTQ Issues is a network of more than 90 foundations and funding institutions devoted to increasing the scale and impact of philanthropic resources aimed at enhancing the well-being of LGBTQ communities, promoting equity, and advancing racial, economic and gender justice. In addition to educating and convening grantmakers committed to LGBTQ issues, Funders for LGBTQ Issues has a long history of reporting on LGBTQ grantmaking by both U.S. foundations and international institutions to monitor the character of LGBTQ funding and identify trends, gaps, and opportunities.

Our Commitment to Reliable, Accurate, and Inclusive Data

Across the varied institutions represented by CEI, FCCP, the Forum, and Funders for LGBTQ Issues is a shared commitment to reliable and accurate data as a necessary foundation for a well-functioning government, a robust civil society, and thriving business sector in the United States—all centered in the fair allocation of political representation and public resources at the federal, state, and local levels. In addition, philanthropy is a direct stakeholder in the census, the ACS, and other surveys because philanthropy uses the data to identify community issues and opportunities, develop and implement strategies, and evaluate the success of programs and investments, including those that serve and uplift LGBTQI+ households. Similarly, grantees and

other partners rely on accurate data to serve and advocate for communities, especially those that have been undercounted historically at disproportionate rates, through their work on various issues related to the LGBTQI+ population, poverty, health care, criminal legal system reform, racial equity, education equity, climate change, and infrastructure improvement.

We Support the 2024 ACS SOGI Test

The *Federal Register* Notice seeks input on the Census Bureau's proposal to test SOGI question wording, response categories, and placement of SOGI questions on the ACS questionnaire. We support this test and the deliberative, research-driven process that could result in the inclusion of questions related to SOGI on the ACS. The inclusion of evidence-based SOGI measures would lead to a more accurate, inclusive portrait of the nation's diverse and changing population. Furthermore, since the ACS is a testbed for innovative surveys and data processing techniques that can be used across Bureau programs, testing the SOGI questions on the ACS will generate important research and evidence to support inclusion of these measures on a variety of surveys, including the decennial census should those efforts move forward.

Collecting SOGI data will enable 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, employment and democratic participation. The incorporation of SOGI measures on the ACS would also support the development, monitoring, and enforcement of civil rights laws that prohibit discrimination.

We Encourage Additional Research, Testing, & Community Engagement

Recognizing the importance of gathering quality data on LGBTQI+ populations, we urge additional focused research and testing, as well as close consultation with community leaders, to determine the optimal method to implement questions about SOGI. Given the diversity of LGBTQI+ communities in the United States as well as cultural- and community-specific nuances related to these concepts, we urge the Census Bureau to also test SOGI questions in languages other than English and Spanish, to ensure understanding and accuracy in Nonresponse Follow-up interviews with households that speak other languages, as well as in instruction guides. In order to effectively determine terminology and appropriate methods for gathering this potentially sensitive information from non-English/Spanish speaking households that do not self-respond, it is essential to ensure translations of new SOGI questions that are accurate, acceptable, and understandable. That would require, at a minimum, language expert review of draft translations, and possibly some qualitative cognitive testing.

Additionally, the proposed test will improve understanding of proxy reporting in households. We also encourage research into proxy reporting of SOGI information for residents of Group Quarters, especially given the disproportionate rates of LGBTQI+ people in U.S. prisons and jails, younger LGBTQI+ people in college and university dorms, elder LGBTQI+ adults vulnerable to discrimination in nursing homes, and the overrepresentation of LGBTQI+ youth and adults experiencing homelessness and housing instability.

We commend the Bureau for basing the measures it is testing on the research and recommendations of the 2022 National Academies of Science, Engineering, and Medicine (NASEM) report, as well as conducting a split panel test for potential improvements to those

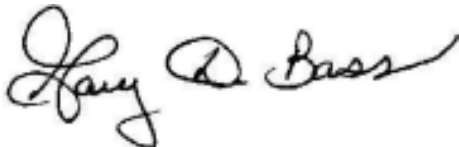
questions that are more inclusive, including adding a nonbinary option and allowing respondents to select more than one current gender option such as “transgender” and “female.” Pursuant to requests for data on people with intersex traits from federal agencies, we recommend that the Bureau use the NASEM report’s recommendations as a roadmap for engaging in additional research and testing to develop standalone measures for data collection on people with intersex traits, especially on household-based surveys.

Throughout this implementation process, the Census Bureau should continue to consult with advocates for the LGBTQI+ community, experts in measuring the characteristics of this community, experts from a broad array of communities with linguistic and cultural competency, and LGBTQI+ individuals with respect to technical issues as it plans, implements, and evaluates the results of the 2024 ACS SOGI Test and the additional research and testing ahead. Additionally, during every phase of SOGI data collection, it is imperative for the Bureau to uphold its strict confidentiality standards – in place under Title 13, U.S.C., §8 and §9 – to safeguard the privacy, security, and civil rights of LGBTQI+ individuals; this goal is especially vital since the ACS would be the first household survey that relies on proxy reporting to include SOGI questions.

In closing, we applaud the proposed 2024 ACS SOGI Test and support the Bureau’s plan to submit the information collection request to OMB. This is an important step to build on the invaluable data collected by the ACS. We urge the Bureau to ensure additional focused research and testing before implementation on the ACS and continued engagement with stakeholders throughout the testing process.

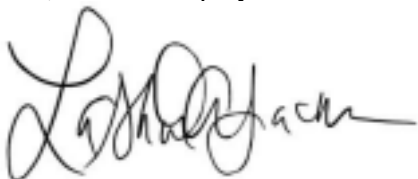
We thank you for considering our views on this important topic.

Sincerely,



Gary D. Bass

President, GDB Consulting & Executive Director Emeritus, Bauman Foundation
Chair, Census Equity Initiative

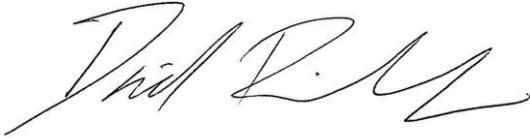


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