



January 22, 2015

Ms. Jennifer Jessup
Departmental Paperwork Clearance Officer
U.S. Department of Commerce
Room 6616
14th and Constitution Avenue, NW
Washington, DC 20230

Re: Proposed Information Collection; Comment Request; 2015 National Content Test
(Document Citation: 79 FR 71377)

Dear Ms. Jessup:

The National Women's Law Center (the Center) is a non-profit, non-partisan organization that has been a leader in analysis and advocacy to promote policies that improve the lives of women and their families.

We appreciate the opportunity to respond to the proposed information collection published by the Census Bureau (the Bureau) on December 2, 2014 at 79 Fed. Reg. 71377, which discusses the 2015 National Content Test (NCT). The Center's comments will focus on two areas: data collection on lesbian, gay, bisexual, and transgender (LGBT) populations and the Bureau's review of race and ethnicity questions.

The Center is pleased to see the Bureau undertaking additional testing of new relationship categories and strongly encourages the inclusion of a relationship question that distinguishes between same-sex and opposite-sex relationships on the 2020 Census questionnaire. Given the paucity of data on individuals in same-sex individuals,¹ adding questions to distinguish between same-sex and opposite-sex relationships is a critical first step in increasing the available data on individuals in same-sex relationships.

Such an inclusion is particularly important given the lack of direct measurement of sexual orientation in Census surveys (despite several other large surveys adding such a measure).² Given this lack of data, in addition to including questions that distinguish between same-sex and opposite-sex relationships, the Center asks the Bureau to add direct measures of both sexual orientation and gender identity to the 2020 Census.³ Doing so would permit additional analyses of LGBT individuals who are not in a same-sex relationship. Lacking these measures, researchers using Census data are limited in their analytical possibilities or must turn to other datasets to answer key questions about these populations.

Expanding the available data on LGBT individuals is essential because these populations can face unique challenges that are often not fully explored due to a lack of information. For example, LGBT adults are more likely to be uninsured than non-LGBT adults.⁴ They are also disproportionately likely to be poor.⁵

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Transgender individuals face unique health and financial challenges.⁶ While distinguishing between individuals in same-sex and opposite-sex relationships will provide important additional information on some of these populations, the Center believes it does not sufficiently address data needs for these communities.

The Center also supports the Bureau's effort to review the race and ethnicity categories and in particular to gather additional data on individuals of Middle Eastern and North African (MENA) origin. As researchers have noted, the current structure of the race and ethnicity question can be confusing for individuals of MENA origin who may not consider themselves white.⁷ Additionally, the current classification of individuals of MENA origin as white makes it difficult to gather data on important aspects of this population, including educational attainment, health disparities, and civil rights violations.⁸ While not all of these subjects are included in the 2020 Census, including measures that better capture individuals of MENA origin on the 2020 Census sets an important standard for other research organizations and government agencies. Additionally, the Bureau's testing will be informative for any decision of Office of Management and Budget (OMB) makes regarding updating the Standards for Classification of Federal Data on Race and Ethnicity. As government agencies develop new approaches to measure race and ethnicity, the Center encourages them to pay special attention to how these approaches will impact the ability to assess trends in race and ethnicity over time, an invaluable aspect of Census data.⁹

The Center appreciates this opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Fatima Goss Graves".

Fatima Goss Graves
Vice President, Education and Employment

A handwritten signature in blue ink that reads "Katherine Gallagher Robbins".

Katherine Gallagher Robbins
Senior Policy Analyst, Family Economic Security

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¹ Gary J. Gates, The Williams Institute, “LGBT Demographics: Comparisons among population-based surveys” 2 (Oct. 2014) available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/lgbt-demogs-sep-2014.pdf>.

² *Id.*

³ On measurement of gender identity see National Center for Transgender Equality, *A Blueprint for Equality: A Federal Agenda for Transgender People* 17-18 (Mar. 2012) available at http://transequality.org/Resources/NCTE_Blueprint_for_Equality2012_FINAL.pdf and The Williams Institute, *Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys* (Sept. 2014) available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>.

⁴ Gary J. Gates, Gallup, “In U.S. LGBT More Likely Than Non-LGBT to Be Uninsured” (Aug. 2014) available at <http://www.gallup.com/poll/175445/lgbt-likely-non-lgbt-uninsured.aspx>.

⁵ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, The Williams Institute, “New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community” (June 2013) available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>.

⁶ The Williams Institute, *Best Practices*, *supra* note 3.

⁷ Arab American Institute, Letter to Dr. Enrique Lamas, Associate Director of Demographic Programs at the U.S. Census Bureau (July 2013) available at <http://civilrightsdocs.info/pdf/general/Arab-Institute-Letter-to-Enrique.pdf>.

⁸ *Id.*

⁹ The Leadership Conference Education Fund, Asian American Advancing Justice, and NALEO Education Fund, *Race and Ethnicity in the 2020 Census: Improving Data to Capture a Multiethnic America* (Nov. 2014) available at <http://civilrightsdocs.info/pdf/reports/Census-Report-2014-WEB.pdf>.

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