

July 6, 2021

Shalanda Young
Acting Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Submitted via <https://www.regulations.gov/>

Dear Acting Director Young,

On behalf of the National Women’s Law Center (the “Center”), I am writing to respond to the Office of Management and Budget’s Request for Information, FR Doc # 2021-09109, regarding Executive Order 13985, *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (EO 13985). This letter speaks to Area 1 on equity assessments and strategies and Area 5 on stakeholder and community engagement.

The Center fights for gender and racial justice—in the courts, in public policy, and in society—working across the issues that are central to the lives of women and girls. The Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm everyone—especially those who face multiple forms of discrimination. In addition, the Center places special emphasis on women with low incomes and their families.

We are heartened by the Biden-Harris administration’s executive order on equity and applaud its efforts to utilize the power of the executive branch to advance equity. A critical first step in developing, enacting, and enforcing policies to advance equity is to understand the diverse array of people’s experiences. Such understanding begins with accurately counting, collecting, and reporting data about the many diverse populations across the United States. Such information can inform policymakers about disparities and discrimination that may exist among communities in the country and help to develop equitable solutions that would enable all to truly thrive.

Over the past year and a half, women and girls of color, and women and girls more generally, have been struggling. Though the overall unemployment rate has dropped in recent months, more than one in 12 Black women (8.5%) and nearly one in 12 Latinas ages 20 and over (7.9%) were unemployed in June 2021.¹ Since the onset of the pandemic, millions of women and families have lost employment income,

¹ CLAIRE EWING-NELSON & JASMINE TUCKER, NAT’L WOMEN’S LAW CTR., 97% OF WOMEN WHO RETURNED TO THE LABOR FORCE IN JUNE ARE UNEMPLOYED AND LOOKING FOR WORK 1 (Jul. 2021), <https://nwlc.org/resources/97-of-women-who-returned-to-the-labor-force-in-june-are-unemployed-and-looking-for-work/>.

face food insufficiency, and are behind on their rent or mortgage payments.² Women were more likely to have gone without needed health care during the pandemic as compared to men, and Latinas, Native American women and Black women still lag far behind in health insurance coverage,³ which means they may have gone without much-needed care during a global health crisis. Reproductive health care has been pushed out of reach for too many, especially people of color, with the pandemic—and anti-abortion politicians’ crusade to ban abortion—only exacerbating existing barriers to care. Black girls continued to face discriminatory discipline and pushout⁴ during an already challenging virtual school year, replicating the discipline disparities of in-person learning. Where some Black girls were able to return to school, they were met with school police violence⁵ that not only caused physical harm, but also exacerbated the trauma and anxieties of going back to school during a global pandemic. And students continued to experience sexual harassment⁶ without adequate supports and responses from their schools.

Although the American Rescue Plan Act of 2021 (ARPA) is delivering desperately needed support to millions of women and families who have been impacted by COVID-19 and its related recession and will help start the process of building an equitable recovery, short-term relief is not enough. Ensuring an equitable recovery will also require addressing both the long-term impacts of the COVID-19 recession and the deep underlying flaws in our economy and our nation’s existing systems and structures, which made the pandemic disproportionately devastating for women, and especially women of color.

Yet even before the pandemic, women and girls have been at greater risk of economic insecurity and denial of education access and opportunity throughout their lives, especially women of color and women who are low-income, homeless, LGBTQ, older, immigrants, or have a disability. COVID-19 exacerbated deep, longstanding structural flaws in our economy and systems that contribute to women’s economic insecurity, including persistent and pervasive racial and gender wage gaps across the economy, women’s overrepresentation in poorly paid jobs, lack of caregiving supports, and disproportionate lack of access to health insurance and health care that meets their needs. Despite living at the intersection of these issues, pregnant and parenting students have been further isolated by the pandemic as they strive to continue their education at home without institutional supports. COVID-19 also exposed that, time and again, girls of color and their needs for support are left out of local and

² NAT’L WOMEN’S LAW CTR., NWLC ANALYSIS OF U.S. CENSUS BUREAU COVID-19 HOUSEHOLD PULSE SURVEYS, <https://nwlc.org/resources/nwlc-analysis-of-u-s-census-bureau-covid-19-household-pulse-surveys/> (last visited Jul. 6, 2021).

³ NAT’L WOMEN’S LAW CTR., HEALTH INSURANCE COVERAGE BY STATE (Mar. 3, 2021), <https://nwlc.org/resources/health-insurance-coverage-by-state/>.

⁴ JODI S. COHEN, A TEENAGER DIDN’T DO HER ONLINE SCHOOLWORK. SO A JUDGE SENT HER TO JUVENILE DETENTION, PROPUBLICA (Jul. 14, 2020), <https://www.propublica.org/article/a-teenager-didnt-do-her-online-schoolwork-so-a-judge-sent-her-to-juvenile-detention>.

⁵ ADAM POULISSE, SCHOOL RESOURCE OFFICER WHO USED TASER ON EUTIS HIGH SCHOOL STUDENT NOT FACING DISCIPLINE, STUDENT ARRESTED, WFTV9ABC (Jan. 28, 2021), <https://www.wftv.com/news/local/lake-county/school-resource-officer-who-used-taser-eutis-high-school-student-not-facing-discipline-student-arrested/3D2JJI64Q5FRHOE5S4DACWUZ2M/>.

⁶ SHIWALI PATEL AND AMY LEIPZIGER, SCHOOLS ADJUSTING TO REMOTE LEARNING ARE LEAVING SURVIVORS OF SEXUAL VIOLENCE BEHIND, THE HILL (Feb. 3, 2021), <https://thehill.com/changing-america/opinion/537218-schools-adjusting-to-remote-learning-are-leaving-survivors-of-sexual>.

national conversations about school safety. Without further action, these structural flaws will continue to undermine women's economic security, safety, and well-being even after the COVID-19 recession—and the pandemic itself—is over.

It is not sufficient to go back to the way things were before the pandemic, when systems and structures were not working for so many. The systemic barriers in place were already forcing too many women, girls, those with low incomes, LGTBQ individuals, immigrants, and/or those with disabilities to the brink of economic insecurity and constraining their access to health care. Instead, the Biden-Harris administration should embrace the goal of ensuring an equitable recovery from the pandemic where all people, particularly those who face multiple forms of discrimination, can truly thrive and not just get by.

Any path to an equitable recovery from the pandemic and towards dismantling the many longstanding systemic barriers starts with accurate data, research, and analysis. The Biden-Harris administration should strive to collect data in a consistent manner on the basis of race/ethnicity, sex, sexual orientation, gender identity, disability status, caregiver or parental status (including by child's age), pregnancy status, and other key measures in order to allow policymakers and the public an accurate understanding of disparate experiences and barriers to well-being across communities and to shape policies to forward equitable solutions. This includes:

- **Race/Ethnicity Data:** The federal government's failure to collect race/ethnicity data with a high level of precision and consistency has resulted in government data falling short in providing a full picture of the experiences of distinct communities and in the data erasure of some communities altogether. For example, the Census requires respondents of Middle Eastern or North African descent to self-identify their race from categories that may not reflect their identities. The label Hispanic or Latino does not distinguish the differences among Mexican, Puerto Rican, Cuban, and many other groups of people. The label Asian American does not distinguish the differences among Chinese, Laotian, Cambodian, Indian, Nepalese, Vietnamese, and many other groups. The federal government often does not even collect information for smaller-size communities such as Native Hawaiians, Alaskan Natives, American Indian, and Pacific Islanders. In order to capture more accurate data for all communities in the United States, the federal government should strive to add new and more nuanced racial and ethnic categories throughout its efforts to collect data from individuals to allow them to self-identify with more precision. It should also oversample respondents from smaller-sized populations, including the AAPI, Latino, and Indigenous communities, so that a more accurate understanding of such groups is possible, and disaggregate the data collected.
- **LGBTQI Communities:** Compared with the general population, LGBTQ communities face disproportionate economic hardships, higher rates of poverty and unemployment, income gaps, and greater vulnerability to homelessness and food insecurity. Institutional and systemic discrimination in employment, the labor market, and housing create barriers that narrow critical pathways to economic advancement and negatively contribute to the economic security and financial wellbeing of LGBTQ individuals and their households. For LGBTQI people living at the intersection of multiple marginalized identities, such as LGBTQI people of color, these disparities and challenges are even greater. The Biden-Harris administration should expand and enhance efforts to collection demographic information on sexual orientation, gender identity, and intersex status in order to inform equitable public policy strategies. Collecting SOGI and intersex status data will bring visibility to the experiences of LGBTQI people and support intersectional

analysis of LGBTQI communities of color, persons with disabilities, rural communities and other populations.

- **Violence:** Gender-based violence should constitute a key area of data collection. Sexual and domestic violence is costly. According to the National Institutes of Health, the cost of sexual assault is \$122,461 per victim, including physical and mental health costs, lost productivity, criminal justice activities, and other costs. Gender-based violence not only destroys the lives of survivors, but it costs America trillions. Ongoing data collection should be comprehensive and encompass the many forms of gender-based violence, including the collection of disaggregated data to measure the prevalence of sexual assault and harassment and domestic violence and child witness to domestic violence. Such data should also capture the experiences of women in the military. This would assist policy makers, funders and advocates in a more robust understanding of this epidemic, the societal toll, including economic and health impact, and assist in the allocation of resources and interventions. This effort should include collaboration with: National Institutes of Health (NIH) and Centers for Disease Control and Prevention (CDC) at the Department of Health and Human Services (HHS); National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) at the U.S. Department of Justice (DOJ); the Office of Policy Development and Research (PD&R) at the U.S. Department of Housing and Urban Development (HUD); and the Department of Defense.
- **Age:** While data may exist related to age, it is often not disaggregated and cross tabulated with race/ethnicity, sex, sexual orientation, gender identity and disability across the life span from birth to death. This leaves critical data gaps in identifying vulnerable youth and elders most in need of support, making invisible the challenges they face. Data that shows the impact of a lifetime's worth of disparities is particularly important for older women, even more so for older women of color, as millions of Baby Boomers continue to retire every year., Without more nuanced data, it is impossible to pinpoint communities that experience disparities and disproportionate levels of adversity, and prevents decisionmakers, service providers and those who advocate for these communities to customize supports and services that meet their unique needs and potential.

In order to improve participation in data collection and accuracy in the data, the federal government must build trust among the people from whom data is collected. In collecting data, the federal government must ensure that participants understand what the data will be used for and outline the ways in which they will protect the data to prevent misuse or to otherwise harm communities in need. Researchers must also take care to ensure that the questions used to collect data are racially and culturally sensitive. The federal government must also ensure that it preserves the privacy and anonymity of survey respondents. In addition, where possible, the federal government should enable data to be cross-tabulated by multiple demographic characteristics (for example, by race/ethnicity and sex) in order to provide accurate information about specific groups of people (for example, women of color).

The following lays out in more detail the Law Center's specific recommendations on how to collect, analyze, and disseminate data in a few areas key to measuring the disparities and discriminations experienced by women and girls.

Cross-Cutting Data Sources

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- ***U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement.*** The U.S. Census Bureau’s Current Population Survey, Annual Social and Economic Supplement, serves as the primary annual source for key demographic, wage, poverty, and health insurance data. And while disaggregated data is available in this data source, the Census Bureau should improve upon its data collection by: 1) fielding the data from respondents earlier in the year, such as in January or February, in order to disseminate results sooner, allowing researchers and policymakers to assess changes closer to real time; 2) sampling a larger number of people, especially Black women, Indigenous women, AAPI women, and immigrant women in order to allow for more adequate sample sizes and thus more confident reporting for groups such as these, especially if the data is further disaggregated by parental status, marital status, age, or other variables; 3) collecting sexual orientation and gender identity data, in order to better assess the intersectional impact on this group, and making this data available disaggregated by race/ethnicity and sex; 4) collecting caregiver or parental status (including by child’s age), and pregnancy status, and making this data available disaggregated by race/ethnicity and sex; 5) reinstating the original CPS Table Creator in order to allow researchers to easily and quickly determine poverty rates, wage gaps, health insurance, and more information for groups by race/ethnicity, gender, state, immigrant, and disability status as well as sexual orientation as specified in recommendation 3 above; and 6) providing data in the Supplemental Poverty Measure report on those who are lifted out of poverty by specific programs by race/ethnicity, sex, sexual orientation, gender identity, and age.
- ***U.S. Census Bureau, American Community Survey.*** The Census Bureau’s American Community Survey is a robust annual dataset that allows for disaggregated data on poverty, income, health insurance coverage, and more at the state level. The Census Bureau should improve this survey by 1) making the data available sooner in order to allow researchers and policymakers the ability to assess key demographic shifts closer to real time; 2) sampling a larger number of people, especially Black women, Native American women, AAPI women, and immigrant women, especially in smaller states, so that researchers and policymakers can confidently report information for groups such as these, especially if the data is further disaggregated by parental status, marital status, age, or other variables; 3) collecting sexual orientation and gender identity data, as well as caregiver or parental status (including by child’s age), and pregnancy status, and making such data available disaggregated by race/ethnicity and sex, and testing how to collect data on intersex people; 4) continuing to provide public access to ACS microdata and halt plans to replace ACS microdata with “fully synthetic” data, which would compromise researchers’ and lawmakers’ ability to study small population groups on a variety of demographic and economic indicators; and 5) adding questions that ask respondents to indicate whether they are the policyholder for their insurance coverage, or whether their coverage is provided through a spouse or other family member. Similar questions are currently included in the Current Population Survey (CPS) Annual Social and Economic Supplement and give data users valuable detail on insurance coverage across employment status, occupation, and demographic indicators. Adding these questions to the ACS would allow for corresponding analyses to be performed at a more granular level (including among smaller demographic groups and in smaller states).

- U.S. Census Bureau Household Pulse Survey.** The Census Bureau’s Household Pulse Survey is an important dataset that measures the impact of COVID-19 on households in terms of lost income, food scarcity, housing insecurity, mental health, the COVID-19 vaccine, child care, and more. Although this dataset already allows for disaggregated data by race and sex, the Census Bureau can improve this dataset by: 1) asking respondents whether children under 18 present in the household are their own children, in order to determine parental hardship, and detailing the number of children present who are under five years old, five to 12 years old, and 13 to 17 years old; 2) defining “household” clearly for respondents;⁷ 3) collecting sexual orientation and gender identity data, including an option for nonbinary people (possibly also the ability to disaggregate with race/ethnicity and sex); 4) publishing microdata files weekly instead of bi-weekly; and 5) improving the health insurance coverage question by first asking, “Are you currently covered by any health insurance or health coverage plans?” with yes or no as the only response options, which would make it easier to identify coverage gaps, while subsequent questions could then ask what type of coverage respondents have. Further recommendations on this ongoing survey are provided in the request for comments due July 23, 2021.
- The Office of Management and Budget:** Nearly twenty-five years ago, the Office of Management and Budget (OMB) developed standardized questions on race and ethnicity required for reporting by federal agencies and recipients of federal funds. OMB advises collecting race and ethnicity data using two questions, with ethnicity being collected first. Currently, racial data collection categories are Black/African American, White, American Indian/Alaska Native, Asian, Native Hawaiian/Other Pacific Islander and ethnic data collection categories are Hispanic/Latino or not Hispanic/Latino. As discussed above and in relation to other datasets, the OMB should collect data using additional and more nuanced race and ethnicity categories. The current categories ignore entire populations and create “broad categories that do not allow distinct groups to be seen.”⁸ As discussed above and in relation to other datasets, we would encourage the OMB to disaggregate the five broad categories in which data is currently collected into additional and more nuanced race and ethnicity categories.

Child Care

Equitable access to stable, high-quality child care is essential to children’s healthy development, parents’ ability to work or obtain education or participate in other critical activities, and the economy’s ability to thrive. Yet, many parents struggle to afford child care costs. At the same time, child care workers—who are predominantly women and disproportionately women of color—are paid poverty-level wages. The median wage for child care workers is just \$12.24 per hour,⁹ and Black and Latina child care workers typically make even less than their white peers.¹⁰ Significant new public investments in child care—to

⁷ One potential definition that the Pulse survey could use would be that used by the Current Population Survey. See U.S. CENSUS BUREAU, SUBJECT DEFINITIONS: HOUSEHOLD, <https://www.census.gov/programs-surveys/cps/technical-documentation/subject-definitions.html#household> (last visited Jul. 6, 2021).

⁸ ROBERT WOOD JOHNSON FOUND., ADVOCATING FOR DATA DISAGGREGATION BY RACE AND ETHNICITY 1 (2020), <https://www.apiahf.org/wp-content/uploads/2021/05/FINAL-REL-DataDisaggregationMessage-Guide-December-2020.pdf>.

⁹ U.S. BUREAU OF LABOR STATISTICS, OCCUPATIONAL EMPLOYMENT AND WAGES, MAY 2020: CHILDCARE WORKERS (2021), <https://www.bls.gov/oes/current/oes399011.htm>.

¹⁰ CLAIRE EWING-NELSON AND JULIE VOGTMAN, NAT’L WOMEN’S LAW CTR., ONE IN EIGHT CHILD CARE JOBS HAVE BEEN LOST SINCE THE START OF THE PANDEMIC, AND WOMEN ARE PAYING THE PRICE 1 (2021), <https://nwlc.org/wp->

expand assistance to families to help them afford child care and to boost child care workers' compensation—would address this dilemma in a way that relieves the burdens on both families and child care workers. More timely, disaggregated data would make it possible to assess gaps in the current child care assistance program, to identify any inequities in families' and child care providers' opportunities to participate in the program and the extent of support they receive, and to address those gaps and inequities.

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- ***U.S. Department of Health and Human Services, Office of Child Care, Child Care and Development Fund statistics.*** Child Care and Development Fund (CCDF) statistics provide crucial information about the children and families receiving child care assistance through CCDF and the child care providers receiving CCDF funds to serve these children and families. However, while data on the race and ethnicity of the children are collected, this information is not collected on providers, which limits the ability to assess the degree to which funds are distributed equitably. In addition, there is a time lag in the publication of the compiled data—for example, FY 2019 data were only just published in May 2021. The Office of Child Care could improve this dataset and its usefulness by: 1) collecting data on the race/ethnicity, and sex of child care providers receiving CCDF subsidy and/or quality funds broken down by type of provider; 2) disaggregating this data; and 3) publishing the compiled data in a more timely basis.

Educational Equity & Access

Independent research shows that Black and Indigenous girls face some of the largest barriers to educational opportunities due to racism and sexism that are embedded in school discipline policies and practices, codes of conduct, and dress codes.¹¹ In the 2017-2018 school year, Black girls were four times more likely to receive out-of-school suspensions, four times more likely to be expelled, and nearly four times more likely to be arrested at school compared to white girls.¹² And in other recent school years, Black girls made up 20% of girls enrolled in preschools but accounted for 53% of out-of-school suspensions for girls.¹³ When this disaggregated data is not easily accessible or accurate on the Department of Education's Civil Rights Data Collection (CRDC) website, stakeholders are less able to identify that Black girls are overrepresented in all aspects of school discipline and, therefore, less able to take corrective action that improves learning environments for Black girls and all historically marginalized students. Additionally, pregnant and parenting students, who are more often women and girls of color, are routinely pushed out of educational programs and denied access to supports, such as transportation and child care, that are necessary to allow them to complete their education. Without frequent and widespread data collection that disaggregates based on pregnancy and parenting status, it

content/uploads/2020/08/ChildCareFS2021-6.9-v2.pdf; LEA J.E. AUSTIN, BETHANY EDWARDS, RAÚL CHÁVEZ & MARCY WHITEBOOK, CTR. FOR THE STUDY OF CHILD CARE EMP., RACIAL WAGE GAPS IN EARLY EDUCATION EMPLOYMENT 1 (2019), <https://cscce.berkeley.edu/wp-content/uploads/2020/02/RacialWageGaps-Early-Education-Brief.pdf>.

¹¹ See KAYLA PATRICK, ADAKU ONYEKA-CRAWFORD & NANCY DUCHESNEAU, NAT'L WOMEN'S LAW CTR. & THE EDUC. TRUST, "...AND THEY CARED": HOW TO CREATE BETTER, SAFER LEARNING ENVIRONMENTS FOR GIRLS OF COLOR 1, 2 (2020), https://nwlc.org/wp-content/uploads/2020/08/FINAL_NWLC_EDTrust_Guide.pdf [hereinafter "...AND THEY CARED"].

¹² REBECCA EPSTEIN ET AL., GEO. LAW CTR. ON POVERTY & INEQUALITY, DATA SNAPSHOT: 2017-2018 NATIONAL DATA ON SCHOOL DISCIPLINE BY RACE AND GENDER 1 (2020), <https://genderjusticeandopportunity.georgetown.edu/wp-content/uploads/2020/12/National-Data-on-School-Discipline-by-Race-and-Gender.pdf>.

¹³ "...AND THEY CARED", *supra* note 11, at 2.

is incredibly difficult to identify this population’s unique challenges and which interventions best promote enrollment and school completion for pregnant and parenting students.

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- **U.S. Department of Education, Civil Rights Data Collection.** The CRDC is a crucial tool that schools, districts, local and federal policymakers, and other stakeholders use to identify the experience of certain groups of students (such as Black girls) and make recommendations on how schools can provide safety and equal access to a quality education to all students. However, the CRDC does not currently collect data on pregnant and parenting students, who often face unlawful discrimination under Title IX—creating significant barriers to high school completion.¹⁴ Moreover, enhanced data collection under the CRDC could further shed light on discrimination in the availability of athletic opportunities, outcomes in school investigations of sexual offenses, and the composition of single-sex classes. The Department of Education should improve the CRDC by: 1) increasing the frequency of this data collection from bi-annual to annual; 2) collecting, disaggregating, and cross-tabulating data by sex, race/ethnicity, native language, socioeconomic status, English learner status, disability status, disability type, sexual orientation, gender identity, and pregnancy or parenting status; 3) extending such data collection, disaggregation, and cross-tabulation to preschools, as data in recent years has shown disproportionalities in rates of discipline doled out to preschool students of color, especially Black girls; 4) taking stronger measures to ensure full and accurate compliance with the data collection; 5) collecting non-personally identifiable data on pregnant and parenting students and what policies and educational resources are in place to provide them equitable access to education; 6) collecting information on athletic expenditures by gender as well as cross-tabulating data on interscholastic sports participation by race/ethnicity and gender; 7) updating CRDC definitions for sexual offenses to correspond with the Clery Act and collecting comprehensive data on the outcomes of investigations of on- and off-campus student-on-student sexual offense allegations; and 8) collecting data on the race/ethnicity of students in single-sex classes as well as the requiring LEAs to report the absolute number of single-sex and co-educational classes by subjects and grade-level where applicable.
- **U.S. Department of Education, Integrated Postsecondary Educational Data System (IPEDS).** Currently, IPEDS releases annual aggregate data reported by every institution that received federal financial aid. However, IPEDS does not collect data on the parental status of students even though more than one in five college students are parenting and more than two-thirds of those parenting are women.¹⁵ Black women are more likely to be student-parents than their white peers.¹⁶ Independent data shows parenting students are less likely to complete their

¹⁴ Nearly one-third of female dropouts and one-fifth of male dropouts surveyed reported that becoming a parent was a major factor in their decisions to drop out of high school. Only about 50% of teen mothers get their high school diploma by the age of 22, compared with 89% of women who did not have children in their teen years; one-third of teenage mothers never get a G.E.D. or diploma. KATE PERPER, KRISTEN PETERSON & JENNIFER MANLOVE, CHILD TRENDS, DIPLOMA ATTAINMENT AMONG TEEN MOTHERS 1 (2010), https://www.childtrends.org/wp-content/uploads/2010/01/child_trends-2010_01_22_FS_diplomaattainment.pdf.

¹⁵ LINDSEY REICHLIN CRUSE ET AL., INST. FOR WOMEN’S POL’Y RES., PARENTS IN COLLEGE BY THE NUMBERS 1 (2019), <https://iwpr.org/iwpr-issues/student-parent-success-initiative/parents-in-college-by-the-numbers/>.

¹⁶ *Id.*

degrees than non-parenting college students.¹⁷ This is not due to personal failing but rather a lack of institutionalized support. In fact, parenting students often earn higher GPAs than their classmates without children.¹⁸ Regularly collected data on parental status in postsecondary institutions allows us to understand which supports aid in parenting students' completion rates. The Department of Education should improve upon IPEDS by regularly collecting and releasing IPEDS data on parental status to allow institutions to measure progress in serving student parents.

- **U.S. Department of Justice, Bureau of Justice Statistics, New Data Collection on Student Resource Officer (SRO) Misconduct.** The Bureau of Justice Statistics (BJS) has the authority to collect and analyze statistical information related to the operations of the criminal justice systems at the Federal, State, and tribal levels.¹⁹ BJS is also authorized to make grants or enter agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals to carry out such data collections and analyses.²⁰ Plus, BJS has the authority to work with and request information from other Federal agencies to collect data.²¹ However, BJS does not currently collect data on school police misconduct. Media reports, however, have documented numerous instances of school police misconduct including harassment and physical abuse of Black girls.²² For example, a SRO arrested an 11-year-old Black girl in New Mexico in 2019 for taking too much milk in the cafeteria and “being disruptive.”²³ A 6-year-old Black girl in Orlando was arrested by school police in 2019 for throwing a tantrum.²⁴ However, the public remains unaware of the scale of this apparently ongoing, systemic problem without one uniform collection of this data that is publicly available and accessible—leaving Black girls without adequate relief from this misconduct and proper support in schools. The Department of Justice BJS should create a new data collection on the prevalence of reported misconduct by SROs or other school law enforcement officers. This data must include

¹⁷ RENEE RYBERG, RACHEL ROSENBERG & JESSICA WARREN, CHILD TRENDS, HIGHER EDUCATION CAN SUPPORT PARENTING STUDENTS AND THEIR CHILDREN WITH ACCESSIBLE, EQUITABLE SERVICES (Jan. 11, 2021), <https://www.childtrends.org/publications/higher-education-support-parenting-students-and-their-children-with-accessible-equitable-services>.

¹⁸ *Id.*

¹⁹ Justice System Improvement Act of 1979, 34 U.S.C. § 10131 et seq. (2018).

²⁰ *Id.* at § 10132(c)(1).

²¹ *See id.* at § 10132(d).

²² *See, e.g.*, ADAM POULISSE, SCHOOL RESOURCE OFFICER WHO USED TASER ON EUSTIS HIGH SCHOOL STUDENT NOT FACING DISCIPLINE, STUDENT ARRESTED, WFTV9ABC (Jan. 28, 2021), <https://www.wftv.com/news/local/lake-county/school-resource-officer-who-used-taser-eustis-high-school-student-not-facing-discipline-student-arrested/3D2JJI64Q5FRHOE5S4DACWUZ2M/>; JODI S. COHEN, A TEENAGER DIDN'T DO HER ONLINE SCHOOLWORK. SO A JUDGE SENT HER TO JUVENILE DETENTION, PROPUBLICA (Jul. 14, 2020), <https://www.propublica.org/article/a-teenager-didnt-do-her-online-schoolwork-so-a-judge-sent-her-to-juvenile-detention>; KATIE SHEPHERD, 'SHE WAS JUST MOUTHING OFF': 13-YEAR-OLD WHO POINTED A FINGER GUN AT FOUR CLASSMATES FACES FELONY CHARGE, WASH. POST (Oct. 11, 2019), <https://www.washingtonpost.com/nation/2019/10/11/year-old-finger-gun-felony-charges-kansas/>; TOM JONES, VIDEO SHOWS SCHOOL OFFICER SLAM GIRL INTO WALL WHILE BREAKING UP FIGHT, WSB-TV2 (Aug. 20, 2019), <https://www.wsbtv.com/news/local/newton-county/video-shows-school-officer-slam-girl-into-wall-while-breaking-up-fight/977763035/>.

²³ P.R. LOCKHART, POLICE OFFICER RESIGNS AFTER VIDEO SHOWS HIM USING EXCESSIVE FORCE ON AN 11-YEAR-OLD GIRL, VOX (Oct. 24, 2019), <https://www.vox.com/identities/2019/10/24/20929397/police-officer-excessive-force-school-11-year-old-girl-new-mexico>.

²⁴ LUKE DARBY, FLORIDA POLICE OFFICER ARRESTED AND HANDCUFFED A 6-YEAR-OLD BLACK GIRL FOR A TANTRUM IN CLASS, GQ (Sept. 23, 2019), <https://www.gq.com/story/six-year-old-black-girl-arrested-for-a-tantrum>.

information relating to the victim of the misconduct, disaggregated and cross-tabulated by sex, race/ethnicity, native language, socioeconomic status, English learner status, disability status, disability type, sexual orientation, gender identity, and pregnancy or parental status. This data would not include personally identifiable information. BJS should work with the Department of Education's National Center for Education Statistics (NCES) to develop and execute this new data collection as it does with other school-related surveys and data collections. An alternative to a completely new data collection could be that BJS works with NCES to add a survey on school police misconduct as a data source for the annual Indicators of School Crime and Safety report.

- **U.S. Department of Education, Perkins Data Explorer.** The Carl D. Perkins Career and Technical Education Program is the federal government's investment in CTE programs, which prepare students for a wide range of careers that require varying levels of education, including industry-recognized credentials, postsecondary certificates, and two- and four-year degrees. Interest in CTE has grown as the cost of four-year colleges has risen, and as postsecondary training and industry-recognized credentials have become more important in high-growth industries needed to expand the U.S. economy. As the current workforce ages, many well-paid occupations in which women make up a minority of workers—such as IT, transportation and logistics, advanced manufacturing, and construction—are projected to have a growing number of job openings for new generations of skilled workers. Through CTE, women can gain the knowledge and skills required to enter these higher-paying, “nontraditional” occupations (defined by law as those in which less than 25% of the workforce is of their gender). The Perkins Data Explorer, which houses data on CTE enrollment and performance metrics, must be updated to be more user-friendly²⁵ and include state-level data after the 2018-19 school year.²⁶ Additionally, the Department should collect and report data not only disaggregated by race/ethnicity, gender and Perkins special population categories, but also cross-tabulated by race/ethnicity, gender, English learner status, and disability to give a clearer picture to all stakeholders of the barriers that persist in CTE programs for students who fall into multiple categories, such as girls and women of color.

Income Security

²⁵ While the Perkins IV Data Explorer allows users to search for information from 2007 to 2019, the user must download this data either to an excel spreadsheet or PDF to be able to view this information legibly. See, e.g., U.S. DEP'T OF EDUC., OFFICE OF CAREER, TECHNICAL, AND ADULT EDUC., PERKINS WEB PORTAL, CTE PARTICIPANT ENROLLMENT, <https://perkins.ed.gov/pims/DataExplorer/CTEParticipant> (last visited July 6, 2021).

²⁶ Although national data is available using the Perkins V Data Explorer, queries for state-level data return no results. See, e.g., U.S. DEP'T OF EDUC., OFFICE OF CAREER, TECHNICAL, AND ADULT EDUC., PERKINS STATE PLANS AND DATA EXPLORER, BUILD A CUSTOM REPORT, https://cte.ed.gov/dataexplorer/enrollment_report (last visited July 6, 2021).

Women—especially Black women, Native American women, and Latinas, women with disabilities, immigrant women²⁷—and LGBTQ individuals²⁸ have long been disproportionately likely to experience poverty and hardship. These experiences are often the result of gender, racial, and other forms of discrimination across education, housing, health care, employment, tax, and other economic systems and structures. Unfortunately, government data sources do not always provide the ability to disaggregate economic data and often fails to collect data for certain populations (e.g., LGBTQ people), making it difficult or impossible to provide adequate quantitative data for populations facing multiple forms of discrimination and hardship. Some data is also released long after the agency collected the data, making it hard to analyze the impacts of particular policies and recommend timely interventions to mitigate/eliminate hardships. Disaggregated data is critically important to ensure that policymakers can identify the impacts of economic policies on women facing multiple forms of discrimination, and tailor policy responses to address disparate impacts.

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- **Internal Revenue Service, Administrative Tax Data.** The Internal Revenue Service (IRS) currently provides data on tax expenditures by taxpayers' income levels and filing status. The lack of demographic information about the taxpayers who benefit from particular tax expenditures prevents researchers and policymakers from understanding more fully how tax benefits are distributed among different populations and communities. In order to assess how tax policy impacts racial and gender equity, the IRS should: 1) in consultation with the Census Bureau and the Social Security Administration, collect and report data on taxpayers' receipt of tax expenditures by race/ethnicity, sex, sexual orientation, gender identity, and disability status; and 2) collect this information in compliance with existing statutory protections of taxpayer privacy, including ensuring that information about individual taxpayers is not shared between agencies.
- **Social Security Administration, Income of the Population 55 and Older.** The Social Security Administration (SSA) previously published the *Income of the Population 55 and Older* report, which presented "detailed statistical information on the major sources and amounts of income for people aged 55 or older." The report highlighted the major sources of total income, including Social Security benefits, for individuals by age, sex, marital status, race, and Hispanic origin. SSA stopped publishing this report in 2016 (with the last set of tabulations based on 2014 data). This data was critical to demonstrating the importance of Social Security to women's economic security, including women of color. SSA should resume publishing *Income of the Population 55 and Older*, providing the most recent data first and gradually providing data for previous years. And because the source of this data was the U.S. Census Bureau, Current Population Survey, data should be made available by sexual orientation and gender identity, as mentioned above.

²⁷ AMANDA FINS, NAT'L WOMEN'S LAW CTR., NATIONAL SNAPSHOT: POVERTY AMONG WOMEN & FAMILIES, 2020 1 (2020), <https://nwlc.org/wp-content/uploads/2020/12/PovertySnapshot2020.pdf>; M.V. LEE BADGETT, SOON KYU CHOI & BIANCA D.M. WILSON, THE WILLIAMS INST., LGBT POVERTY IN THE UNITED STATES: A STUDY OF DIFFERENCES BETWEEN SEXUAL ORIENTATION AND GENDER IDENTITY GROUPS 1 (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf>.

²⁸ SPENCER WATSON, OLIVER McNEIL & BRUCE BROISMAN, CTR. FOR LGBTQ ECON. ADVANCEMENT & RESEARCH, THE ECONOMIC WELL-BEING OF LGBT ADULTS IN THE U.S. IN 2019 1 (2021), <https://lgbtq-economics.org/wp-content/uploads/2021/06/The-Economic-Well-Being-of-LGBT-Adults-in-2019.pdf>.

- ***The Federal Reserve’s quadrennial Survey of Consumer Finances (SCF)***. The SCF asks questions about assets, including small business and home ownership, that are relevant to the calculation of racial and gender wealth gaps. However, the SCF does not collect information by individual members of the household and does not report comprehensive demographic data. The SCF is the only data set that provides measures of wealth, and it is critical to have disaggregated data in order to identify and address the pervasiveness of racial and gender wealth disparities. The Federal Reserve should improve the SCF by: 1) broadening existing data collection efforts such as conducting oversamples for smaller populations (e.g., Asian American or Pacific Islander, Native American/Eskimo/Aleut) on a regular basis to generate reliable estimates; 2) reporting data that can be broken down and correlated on race/ethnicity, sex, sexual orientation, and gender identity (this includes reporting data on racial categories beyond Black, White, Other and Hispanic); and 3) collecting and reporting data on the wealth owned by individuals within the household.

Labor Force Measures

The elevated risk of poverty and hardship that women—especially Black women, Indigenous women, and Latinas, women with disabilities, and immigrant women face is due in significant part to their overrepresentation in jobs that have long been undervalued and underpaid,²⁹ and to persistent racial and gender wage gaps that occur across almost all occupations and across income levels.³⁰ And the workplace conditions common in the low-paid jobs where women are overrepresented—such as last-minute scheduling practices, involuntary part-time work, and lack of paid leave and other benefits—also contribute to these gaps by making it extremely challenging to achieve economic stability, especially for those with unpaid caregiving responsibilities.³¹ But government data sources do not always provide comprehensive information about workplace conditions—and as noted above, they do not consistently provide the ability to disaggregate economic data and often fail to collect data for certain populations (e.g., LGBTQ people), making it harder to accurately assess job quality and understand what populations facing multiple forms of discrimination experience on the job. Disaggregated data is critically important to ensure that policymakers can identify the impacts of labor and employment policies (or the lack thereof) on women across identities, and tailor policy responses to address disparate impacts.

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- ***U.S. Department of Labor, Employment Situation Summary, Current Employment Survey***. The Current Employment Survey is one half of the release that comes out when the monthly

²⁹ See, e.g., JASMINE TUCKER & JULIE VOGTMAN, NAT’L WOMEN’S LAW CTR., WHEN HARD WORK IS NOT ENOUGH: WOMEN IN LOW-PAID JOBS 1 (2020), https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_pp04-FINAL-4.2.pdf; M.V. LEE BADGETT & ALYSSA SCHNEEBAUM, THE WILLIAMS INST., THE IMPACT OF A \$15 MINIMUM WAGE ON POVERTY AMONG SAME-SEX COUPLES 1 (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Min-Wage-SS-Couples-Sep-2016.pdf>.

³⁰ NAT’L WOMEN’S LAW CTR., THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO 1 (2020), <https://nwlc.org/wp-content/uploads/2019/09/Wage-Gap-Who-how.pdf>.

³¹ See, e.g., JULIE VOGTMAN & KAREN SCHULMAN, NAT’L WOMEN’S LAW CTR., SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS’ AND CHILDREN’S SUCCESS 1 (2016), <https://nwlc.org/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>.

Employment Situation Summary is released and provides information about the number of jobs added or lost to the economy in a given month as well as changes by sector. The current survey also provides job changes for women but does not provide any data by race/ethnicity. The Department of Labor should improve the Current Employment Survey by: 1) collecting information from employers on the sex and race/ethnicity, including more detailed race/ethnicity categories that would permit analysis of Asian American and Indigenous communities, of those who have been added or subtracted to payrolls by sector; and 2) cross-tabulating such data on a monthly basis.

- **U.S. Department of Labor, State Employment and Unemployment Summary.** The State Employment and Unemployment Survey provides us with critical state-level data on the number of jobs added or lost by the economy in a given month as well as changes by sector. But the current survey does not provide any data by sex or race/ethnicity. The Department of Labor should improve the State and Unemployment Summary by collecting and reporting cross-tabulated data on employment and unemployment levels by state, sex, race/ethnicity, sexual orientation, gender identity, and disability status.
- **U.S. Department of Labor, Employment and Training Administration, Characteristics of Unemployment Insurance Claimants.** The Characteristics of Unemployment Insurance Claimants provides key information on who is claiming jobless benefits both at the national and state levels. However, the data is currently only available by race or by sex at the national and state level. The Department of Labor should improve this dataset by also collecting and reporting cross-tabulated data on claimants by race/ethnicity, sexual orientation, gender identity, and disability status at the national and state levels.
- **U.S. Equal Employment Opportunity Commission, Employer Information Report (EEO-1) Component 2.** Currently, companies confidentially and annually provide the EEOC with data about the sex and race/ethnicity of employees, by job category, via the Employer Information Report form (EEO-1), Component 1. In 2016 the EEOC also required companies with 100 or more employees to report confidentially to the agency employee pay by job category, gender, race, and ethnicity as part of their annual EEO-1 report, known as Component 2. In 2017 the Trump administration halted this initiative. Following litigation, the EEOC was ordered to collect compensation information from employers for 2017 and 2018, and did so, but the data has as yet neither been analyzed nor made available in an aggregated form to the public. In 2019, the EEOC revised the EEO-1 form to eliminate future Component 2 reporting. The EEOC should reinstate the Component 2 reporting requirement. This is the only source of employer-level compensation data, and analysis of the data can help identify wage gap and occupational segregation issues not only within a company, but also broad patterns across regions and industries, and is critical for enforcement. Publicly available aggregated data can provide important benchmarks for jobseekers and employees, shareholders, and companies. The EEOC also should analyze
- **U.S. Census Bureau Survey of Income and Program Participation (SIPP).** This multi-year panel tracks key information on households over multiple years. But the survey does not collect a variety of important demographic information that would permit an analysis of those at the intersection of different identities. It is critical that the data are disaggregated and can be cross-tabulated by demographic characteristics to the maximum extent possible, including, for example, sex, gender identity, sexual orientation, race/ethnicity, disability, caregiver or parental

status (including by child's age), whether and how component 1 and component 2 of the EEO-1 might capture other important data including sexual orientation, gender identity, immigration, and/or disability status, and examine how to further disaggregate race/ethnicity data, including for AANHPI communities, individuals of Hispanic descent, and Middle Eastern and North African descent and pregnancy status. It should also conduct further analyses along the lines of the "Maternity Leave and Employment Patterns of First-Time Mothers: 1961-2008" publication so that researchers may better understand the impact of pregnancy and parenting on women's labor force attachment over time.

- **U.S. Census Bureau and U.S. Department of Labor, Bureau of Labor Statistics, Current Population Survey.** The monthly Current Population Survey (CPS) is one half of the release that comes out when the monthly Employment Situation Summary is released and provides key measures of the economy, such as labor force participation, unemployment rates, and more. It is also a vitally important source of labor force statistics, and periodic supplements further enhance CPS data on work and earnings. But more comprehensive and disaggregated data collection would expand the utility of the CPS in important ways.
 - **Union Membership.** While unions are beneficial for all workers, women particularly benefit from membership. Through collective bargaining, union members have been able to obtain higher and more equal wages, access to affordable benefits, the right not to be fired without cause, and critical health and safety measures. Union membership data are collected by the Census Bureau for the Bureau of Labor Statistics as part of the CPS. Data are currently broken out by sex, race/ethnicity, industry and occupation, state, and age. However, the Department should also collect information by gender identity and sexual orientation and provide data that can be cross-tabulated across demographics. For example, it would be helpful to analyze unionization rates of women of a particular race/ethnicity within a particular industry.
- **Work Hours and Schedules.** Even before the pandemic, millions of people—disproportionately women and people of color—working in essential but low-paying jobs often had little notice of their work schedules, experienced last-minute shift cancellations that deprived them of vital income, and were given part-time hours when they needed full time work to support their families. But the monthly CPS currently provides little insight into the prevalence and incidence of unstable and unpredictable work hours, and its measure of involuntary unemployment is flawed. The Census Bureau and the Bureau of Labor Statistics should improve the CPS by 1) adding survey questions on variability, advance notice, and input into respondent work schedules; 2) updating measures of involuntary part-time work/underemployment, which the CPS currently significantly underestimates (including by deeming all part-time work for child care reasons or other family obligations to be "voluntary" even if, for example, a parent would prefer to work more hours but cannot access child care);³² and 3) adopting recommendations of the National Academies of Sciences, Engineering, and Medicine that recognize instability and unpredictability in work hours as a key feature of the job insecurity that the Contingent Worker

³² LONNIE GOLDEN & JAESEUNG KIM, CTR. FOR LAW AND SOC. POL'Y, THE INVOLUNTARY PART-TIME WORK AND UNDEREMPLOYMENT PROBLEM IN THE U.S. 1 (2020), https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf.

Supplement to the CPS aims to capture.³³ In addition, to ensure that we understand who is experiencing problematic work hours—and gain insight into why—it is critical that the data are disaggregated and can be cross-tabulated by demographic characteristics to the maximum extent possible, including, for example, sex, gender identity, sexual orientation, race/ethnicity, disability, caregiver or parental status (including by child’s age), and pregnancy status. Sample sizes should be increased as needed to ensure sufficient representation.

Reproductive Rights and Health

As made clear by the COVID-19 pandemic, harms do not fall evenly across demographic groups. Black women, Native American women, Latinas, women with disabilities, immigrant women and LGBTQ individuals not only experience increased poverty and hardship, as described above,³⁴ but also experience worse health outcomes. Many individuals and families go without or delay critical essential care because of increased poverty and hardship and the prioritization of other basic needs. Additionally, interpersonal and institutional racism, sexism, homophobia, and other forms of discrimination harm individual and community health. In order to combat this harm, we must understand the unique challenges of every community. Unfortunately, as described in a recently published policy brief, data inconsistency across federal programs and states "render populations invisible, mask unique needs, and hide strengths and assets."³⁵ Incomplete and inconsistent data means that decisions are being made that impact people’s lives and well-being without complete information. Disaggregated data is critically important to ensure policy solutions are both reflective of and responsive to health needs of women facing multiple forms of discrimination.

The Law Center urges the Biden-Harris administration to pursue the following measures to improve its data collection and reporting:

- ***U.S. Department of Health and Human Services Data (HHS)***: HHS should compile the following data from each health-related program of each applicant for and recipient of health-related assistance under such program: race/ethnicity, sex, primary language, sexual orientation, disability status, gender identity, age, and socioeconomic status. HHS should at a minimum: 1) use section 3101 of the Public Health Service Act standards for data collection on sex, race/ethnicity, primary language, sexual orientation, gender identity, age, socioeconomic status, and disability status; 2) provide funding for information system upgrades in order to fully implement enhanced data collection, analysis, and reporting among race and ethnic groups; 3) require standardization and utilization of baseline race and ethnicity categories across all public health data systems and ensure adequate funding to allow for such standardization; and 4) establish a centralized electronic repository of Government data on factors related to the health and well-being of the population of the United States.
- ***Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System (BRFSS)***: The BRFSS is the largest continuously conducted health survey system in the world, reaching over 400,000 adult respondents annually. It provides invaluable data for researchers and policymakers on health conditions, access to and use of preventive health services, and

³³ THE NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE, MEASURING ALTERNATIVE WORK ARRANGEMENTS FOR RESEARCH AND POLICY (2020), <https://www.nap.edu/read/25822/>.

³⁴ FINS, *supra* note 27; LEE BADGETT, KYU CHOI & WILSON, *supra* note 27.

³⁵ ROBERT WOOD JOHNSON FOUND., *supra* note 8.

other health issues. This data currently allows researchers to examine data by race/ethnicity or gender, but not both. Currently, the BRFSS's Sexual Orientation and Gender Identity (SOGI) question module is optional, and forty states include these questions in their administration of the survey.³⁶ Data from states that do administer the SOGI module has yielded important insight into health disparities affecting LGBT people, and data from the SOGI module has been included in over 125 peer-reviewed publications.³⁷ The CDC should improve the BRFSS by: 1) mandating that all states include the SOGI module in order to ensure that researchers and policymakers can comprehensively study health disparities at the national level; and 2) collecting and reporting cross-tabulated data on respondents by sex, race/ethnicity, sexual orientation, gender identity, disability status, disability type, and socioeconomic status at the national and state levels.

In addition to the above requests for improved data collection, disaggregation, and dissemination, the Biden-Harris administration should also consider improving its engagement of key stakeholders. Agencies do not often design program policies, application forms, and other experiences responsive to the needs of directly affected people and with the input of directly affected people throughout the design process. Agencies can tackle this in part by having a Chief Experience Officer (CXO)³⁸ and a staff size responsive to the size and scope of the agency to improve customer experience for applicants, current beneficiaries, employees, and other customer groups. Many customers interact with multiple agencies, and some agencies may have best practices that would be helpful to share with other agencies. A federal CXO³⁹ could help coordinate CX improvements across agencies and lead a Cross-Agency Priority Goal on Improving Customer Experiences with Federal Services.⁴⁰ Additionally, agencies should build their human-centered design competencies and incorporate more participatory design in their design processes, such as conducting usability testing on prototype and existing forms and websites with different customer segments (e.g., different age, income, sex, race/ethnicity, disability status, and language demographics). Agencies should have flexibilities with the Paperwork Reduction Act to incentivize the use of participatory design so policies, forms, websites, and other experiences are designed in ways responsive to the needs of the end-user.

Conclusion

The Law Center appreciate the Biden-Harris administration's commitment to equity and its efforts to utilize the power of the executive branch to advance equity. We would welcome the opportunity to discuss any of these issues with you and look forward to working with you to advance equity for all.

³⁶ NAT'L LGBT CANCER NETWORK, ADVANCING SEXUAL ORIENTATION/GENDER IDENTITY (SOGI) MEASURES IN THE BEHAVIORAL RISK FACTOR SURVEILLANCE SYSTEM (BRFSS) 1, 1 (2021), <https://cancer-network.org/wp-content/uploads/2021/04/BRFSS-Justification-Sheet-April-2021-version-2-3.pdf>.

³⁷ KERITH CONRON, THE WILLIAMS INST., A STATEMENT ON THE NEED FOR SOGI DATA COLLECTION IN THE BRFSS 1, 1 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Comment-SOGI-BRFSS-Apr-2021.pdf>.

³⁸ MARTHA DORRIS, HOW A CHIEF CUSTOMER EXPERIENCE OFFICER COULD TRANSFORM GOVERNMENT, GOV. EXEC. (Jan. 19, 2018), <https://www.govexec.com/management/2018/01/how-chief-customer-experience-officer-could-transform-government/145190/>.

³⁹ FRANK KONKEL, REPORT CALLS ON BIDEN ADMINISTRATION TO CREATE FEDERAL CHIEF CUSTOMER OFFICER, NEXTGOV (Dec. 9, 2020), <https://www.nextgov.com/policy/2020/12/report-calls-biden-administration-create-federal-chief-customer-officer/170623/>.

⁴⁰ GEN. SERVS. ADMIN. & THE OFFICE OF MANAGEMENT AND BUDGET: FED. CUSTOMER EXPERIENCE BLOG, REFLECTION ON FEDERAL CUSTOMER EXPERIENCE EFFORTS IN FY20 (Jan. 8, 2021), <https://www.performance.gov/cx/blog/reflection-on-federal-customer-experience-efforts-in-2020/>.

If you have any questions about the content of this comment, please reach out to Anna Chu at achu@nwlc.org and Jasmine Tucker at jtucker@nwlc.org.

Sincerely,

A handwritten signature in cursive script that reads "Fatima Goss Graves".

Fatima Goss Graves
President and CEO