

November 15, 2022

Jennifer Reichert
Decennial Census Management Division
U.S. Census Bureau
Department of Commerce
Submitted via *email* to DCMD.2030.Research@census.gov

RE: Soliciting Input or Suggestions on 2030 Census Preliminary Research (RIN 2022-17647)

To Whom It May Concern,

We are grateful for the opportunity to provide comments to the U.S. Census Bureau (the “Bureau”) on its above-captioned request for comment on its preliminary research in anticipation of the 2030 decennial census (the “2030 Census”). *See* 87 Fed. Reg. 50,599 (August 17, 2022).

The undersigned are scholars affiliated with the Williams Institute at the UCLA School of Law. The Williams Institute is dedicated to conducting rigorous and independent research on sexual orientation and gender identity (“SOGI”), including on the demographics of lesbian, gay, bisexual, and transgender (“LGBT”) people. The Williams Institute collects and analyzes original data, as well as analyzes governmental and private data, and has long worked with federal agencies to improve SOGI data collection among the U.S. population. Our efforts include producing widely cited best practices for the collection of SOGI information on population-based surveys.¹

We write in response to the Bureau’s request for feedback on “development and implementation strategies that improve the way people participate in the 2030 Census.”² In particular, we write to highlight existing research noting that the decennial census undercounts LGBT populations, and to recommend that the Bureau engage in additional research on how it might successfully implement SOGI measures and encourage self-responses from all respondents for the 2030 Census.

A. Reaching and Motivating Everyone

In its request for comments on “recommendations that help us reach everyone,” the Bureau names key populations—specifically certain communities of color and “young children”—that its analyses of data from the 2020 decennial census (the “2020 Census”) found are being undercounted.³ Below, we highlight the Bureau’s existing practices allowing for data

¹ *See, e.g.*, GENDER IDENTITY IN U.S. SURVEILLANCE (GENIUSS) GROUP, WILLIAMS INST., BEST PRACTICES FOR ASKING QUESTIONS TO IDENTIFY TRANSGENDER AND OTHER GENDER MINORITY RESPONDENTS ON POPULATION-BASED SURVEYS (2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Survey-Measures-Trans-GenIUSS-Sep-2014.pdf>; SEXUAL MINORITY ASSESSMENT RESEARCH TEAM (SMART), WILLIAMS INST., BEST PRACTICES FOR ASKING QUESTIONS ABOUT SEXUAL ORIENTATION ON SURVEYS (2009), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Best-Practices-SO-Surveys-Nov-2009.pdf>.

² 87 Fed. Reg. at 50,599.

³ *Id.* at 50,600.

to be collected from LGBT respondents through the decennial census, and provide a review of the longstanding body of research on means for measuring SOGI through surveys and other collections of data.

1. The Bureau's Historical Practices Undercount LGBT People

Like many other federal data collections, the decennial census routinely collects information about respondents' race, ethnicity, sex, educational attainment, and geography, in turn allowing for statistical analyses (and adjustments) of undercounts for individuals in such contexts by race, sex, and other characteristics.⁴ However, the census has not previously included direct measures of SOGI and, consequently, has provided little data with which to examine the demographic, geographic, and other characteristics of the LGBT population in the U.S. LGBT-identified people comprise approximately 4.5% of the U.S. adult population.⁵ We estimate that approximately 11 million adults in the U.S. identify as LGBT, including approximately 1.3 million adults who are transgender.⁶ In the U.S., younger populations are more likely to identify as LGBT.⁷

The 2020 Census collected demographic data about same-sex married and cohabiting couples.⁸ We estimate that roughly 20% of LGBT respondents, or about 2 million LGBT adults who cohabitate in same-sex coupled households,⁹ have been previously identified and reported on through the decennial census and other surveys conducted by the Census Bureau (e.g., the American Community Survey, Current Population Survey, and American Housing Survey). However, this would mean that about 80% of the LGBT population in the U.S.—an estimated 11 million LGBT people not living in same-sex couple households—¹⁰ have been historically undercounted by the decennial census.

These past undercounts of LGBT populations may also limit the Bureau in its efforts to address recently observed undercounts within communities of color for the 2030 Census. Similar to the country as a whole, the population of LGBT adults in the U.S. is demographically diverse. For example, drawing from Gallup Daily Tracking data collected between 2015 and

⁴ See *Census Bureau Releases Estimates of Undercount and Overcount in the 2020 Census*, CENSUS.GOV (Mar. 10, 2022), <https://www.census.gov/newsroom/press-releases/2022/2020-census-estimates-of-undercount-and-overcount.html>.

⁵ KERITH J. CONRON & SHOSHANA K. GOLDBERG, WILLIAMS INST., ADULT LGBT POPULATION IN THE UNITED STATES 1 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Adult-US-Pop-Jul-2020.pdf>.

⁶ JODY L. HERMAN, ANDREW R. FLORES & KATHRYN K. O'NEILL, WILLIAMS INST., HOW MANY ADULTS AND YOUTH IDENTIFY AS TRANSGENDER IN THE UNITED STATES? 4 (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>.

⁷ See, e.g., KERITH J. CONRON, WILLIAMS INST., LGBT YOUTH POPULATION IN THE UNITED STATES 2 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf> (estimating that at least 9.5% of the U.S. youth population (ages 13–17), or nearly 2 million youth, identifies as LGBT); *id.* (estimating that among youth ages 13–17 in the U.S., 1.4% (about 300,000 youth) identify as transgender).

⁸ See U.S. CENSUS BUREAU, 2020 INFORMATIONAL QUESTIONNAIRE (2020), <https://www2.census.gov/programs-surveys/decennial/2020/technical-documentation/questionnaires-and-instructions/questionnaires/2020-informational-questionnaire.pdf>.

⁹ Williams Institute Scholars, Comment Letter on Proposed Basic Demographic Items for the Current Population Survey (Mar. 22, 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Comment-CPS-Mar-2021.pdf>.

¹⁰ *Id.*

2017, we've previously estimated that 21% of LGBT adults identify as Latino/a or Hispanic, 12% as Black, and 5% as more than one race.¹¹ And, in a recent study, we documented evidence consistent with other population-based samples that Latinx people, American Indian or Alaska Native people, and biracial/multiracial groups appear more likely than White people to identify as transgender.¹²

Many of our studies highlight differences between LGBT people of color and White LGBT people on several areas of health and socioeconomic well-being.¹³ Likewise, we have found evidence of LGBT people of color faring worse than their non-LGBT counterparts across many areas of economic and social vulnerability, including employment, income, and food insecurity.¹⁴ As discussed below, such outcomes have historically had implications on the Bureau's ability to reach respondents across a range of communities. These findings therefore suggest that the Bureau will need to be able to research the interplay between the demographic characteristics it already collects (i.e., race and ethnicity) and SOGI to ensure the full inclusion of LGBT people of color through the decennial census process.

2. Existing Research on SOGI Measurement

As the Bureau considers what research might be necessary to allow for its implementation of direct SOGI measures on the 2030 Census, we note that there are a wealth of existing resources reviewing what was known about SOGI measurement at the time they were published, with research and practice progressing in this field in the time since. For example, an ad hoc panel by the National Academies of Sciences, Engineering, and Medicine was recently convened to focus on SOGI-related methodological issues (the "NASEM Panel").¹⁵ This past March, the NASEM Panel released its consensus study report offering guidance and best practices for collecting data on SOGI, as well as on variations in sex characteristics, in population-based surveys, as well as clinical and administrative settings.¹⁶ That report also provides guiding principles for SOGI data collection, specifically inclusiveness, precision, respecting autonomy, collecting only necessary data, and a dedication to confidentiality.¹⁷ Notably, the measures recommended by the NASEM Panel are consistent with those utilized by

¹¹ *LGBT Demographic Data Interactive*, WILLIAMS INST. (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#demographic>.

¹² HERMAN, FLORES & O'NEILL, *supra* note 7, at 6.

¹³ See generally BIANCA D.M. WILSON, LAUREN BOUTON & CHRISTY MALLORY, WILLIAMS INST., RACIAL DIFFERENCES AMONG LGBT ADULTS IN THE US (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Race-Comparison-Jan-2022.pdf>.

¹⁴ See, e.g., SOON KYU CHOI, BIANCA D.M WILSON & CHRISTY MALLORY, WILLIAMS INST., BLACK LGBT ADULTS IN THE U.S.: LGBT WELL-BEING AT THE INTERSECTION OF RACE 16 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Black-SES-Jan-2021.pdf>.

¹⁵ *Measuring Sex, Gender Identity, and Sexual Orientation for the National Institutes of Health*, NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., <https://www.nationalacademies.org/our-work/measuring-sex-gender-identity-and-sexual-orientation-for-the-national-institutes-of-health> (last visited Oct. 24, 2022).

¹⁶ NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., MEASURING SEX, GENDER IDENTITY, AND SEXUAL ORIENTATION (2022), <https://nap.nationalacademies.org/catalog/26424/measuring-sex-gender-identity-and-sexual-orientation>.

¹⁷ *Id.* at S-4.

the Bureau beginning with phase 3.2 of its Household Pulse Survey measuring the impact of the COVID-19 pandemic.¹⁸

Research on federal implementations of SOGI measures suggests that respondents are unlikely to consider SOGI information to be particularly sensitive, and would therefore provide such information if asked.¹⁹ Similarly, studies suggest that sexual minority people are not a population that is difficult to survey.²⁰ Questions measuring sexual orientation have been included on federal surveys for over two decades, including in large-scale, population-based surveys administered by the Census Bureau and other agencies.²¹ Questions used to identify transgender respondents have been included on state and investigator-led surveys for some time, with more common use of both sexual orientation and gender identity questions, including in federal surveys, over the last decade.²² The federal government has long engaged in its own review of best practices for SOGI measurement, including through its Federal Interagency Working Group on Improving Measurement of Sexual Orientation and Gender Identity in Federal Surveys organized through the Federal Committee on Statistical Methodology.²³ The federal government has also supported others' research on this topic, including by funding the research of the NASEM Panel.²⁴

When made available through the implementation of SOGI measures like those recommended by the NASEM Panel, other sources of data have provided information about the broad contours of the experiences of LGBT people in the U.S., often suggesting a host of negative outcomes related to social, economic, physical, and psychological well-being when LGBT people are observed at the population level, including when compared to their non-LGBT peers. In turn, these data have allowed researchers to dispel many myths on (and resulting stigma against) LGBT populations based on alleged differences, including on their purported wealth,²⁵ and living and social habits.²⁶ Often, the use of data to show similarity, or more

¹⁸ See Thom File & Jason-Harold Lee, *Phase 3.2 of Census Bureau Survey Questions Now Include SOGI, Child Tax Credit, COVID Vaccination of Children*, CENSUS.GOV (Aug. 05, 2021), <https://www.census.gov/library/stories/2021/08/household-pulse-survey-updates-sex-question-now-asks-sexual-orientation-and-gender-identity.html>.

¹⁹ NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 16, at 55, 67.

²⁰ *Id.* at 52–55.

²¹ *Id.* at 19, 32.

²² *Id.*

²³ See generally *Measuring Sexual Orientation and Gender Identity Research Group*, FED. COMM. STAT. METHODOLOGY (2018), <https://nces.ed.gov/FCSM/SOGI.asp>; FEDERAL INTERAGENCY WORKING GROUP ON IMPROVING MEASUREMENT OF SEXUAL ORIENTATION AND GENDER IDENTITY IN FEDERAL SURVEYS, CURRENT MEASURES OF SEXUAL ORIENTATION AND GENDER IDENTITY IN FEDERAL SURVEYS (2016), https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/3/817/files/2017/01/WorkingGroupPaper1_CurrentMeasures_08-16-1xnai8d.pdf.

²⁴ NAT'L ACADEMIES OF SCIENCES, ENGINEERING, & MED., *supra* note 15.

²⁵ See, e.g., M.V. LEE BADGETT, SOON KYU CHOI & BIANCA D.M. WILSON, WILLIAMS INST., LGBT POVERTY IN THE UNITED STATES: A STUDY OF DIFFERENCES BETWEEN SEXUAL ORIENTATION AND GENDER IDENTITY GROUPS 14–15 (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf> (finding that poverty rates were higher for LGBT people when compared to non-LGBT people across every age group, with observed differences being statistically significant among people aged 18 to 44 years old).

²⁶ See, e.g., CHRISTY MALLORY & BRAD SEARS, WILLIAMS INST., THE ECONOMIC IMPACT OF MARRIAGE EQUALITY FIVE YEARS AFTER *OBERGEFELL V. HODGES* (2020), <https://williamsinstitute.law.ucla.edu/wp->

similarity than previously believed, has been critical to disproving these myths and establishing policy priorities. While census data are often used by governments for similar important purposes, including determining the distribution of funding and other assistance,²⁷ decisionmakers have been largely unable to rely on those data to estimate the potential impact of their efforts on LGBT populations given the lack of direct SOGI measures on the decennial census thus far. Likewise, the Bureau will likely be unable to meaningfully include LGBT populations in its ongoing research using census data, such as its project to merge those data with Medicaid enrollment data to study “social determinants of health and generate new estimates of prevalence of chronic conditions by demographic and socio-economic characteristics [among Medicaid beneficiaries].”²⁸

As scholars with experience in measurement development and testing, we would recommend that the Bureau consider this longstanding field of research as it engages in its own research on possibly implementing—and assessing the performance of—SOGI measures within the 2030 Census. Likewise, we note our concern with potential harm to respondents due to breach of confidentiality and request that the Bureau ensure that all data are collected and reported using all appropriate privacy standards. All entities responsible for census data collection ought to ensure the confidentiality of respondents’ information.

D. How we contact respondents

In its request for comments, the Bureau also seeks information on “contact strategies [that] will focus on encouraging respondents to complete the census on their own.”²⁹ As discussed above, LGBT populations have been successfully responding to surveys and other collections of data for decades,³⁰ suggesting there should be no inherent challenges in contacting respondents and successfully encouraging them to complete the decennial census on their own simply because such individuals might identify as LGBT.

Instead, the Bureau has previously found that factors like housing status have significant implications for whether a population might be difficult to reach and obtain a response from for a national census, identifying among other hard-to-count populations those individuals living in “[c]omplex households” that have unrelated members, young children with “[c]omplex family relationships,” “[s]hort-term renters,” those in “[i]nformal settlements,” those being detained in

[content/uploads/Economic-Impact-SS-Marriage-May-2020.pdf](https://www.census.gov/content/uploads/Economic-Impact-SS-Marriage-May-2020.pdf) (finding that an estimated 293,000 same-sex couples have married since the U.S. Supreme Court’s decision in *Obergefell v. Hodges*).

²⁷ *Our Censuses: Decennial Census*, CENSUS.GOV (Aug. 04, 2022), <https://www.census.gov/programs-surveys/censuses.html>.

²⁸ *Insights: Social Determinants of Health and Medicaid Claims Data*, CENSUS.GOV (Oct. 04, 2022), <https://www.census.gov/programs-surveys/ehealth/information/evaluating-medical-claims.html>. The Williams Institute has previously estimated that nearly 1.2 million LGBT adults aged 18–64 in the U.S. have Medicaid as their primary source of health insurance. KERITH J. CONRON & SHOSHANA K. GOLDBERG, WILLIAMS INST., *LGBT ADULTS WITH MEDICAID INSURANCE* (2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Medicaid-Coverage-US-Jan-2018.pdf>.

²⁹ 87 Fed. Reg. at 50,600.

³⁰ See *supra* notes 19–22 and accompanying text.

institutions, and those experiencing homelessness.³¹ As the LGBT population in the U.S. reflects the diversity of the country's general population,³² LGBT people are represented among some of these hard-to-count groups, which our studies have documented as reviewed below. Strategies for reaching hard-to-count individuals generally should also assist in reaching hard-to-count LGBT people. We suggest that the Bureau engage in research on how it might build on existing best practices to ensure its efforts to successfully contact these hard-to-reach groups are inclusive of LGBT people and all other individuals.

1. Research on LGBT Adults and Housing Status

The Williams Institute has conducted two large LGBTQ-specific³³ population-based national surveys through the NIH-funded Generations (HD078526) and TransPop (HD090468) studies on sexual and gender minority people, respectively.³⁴ Data on socioeconomic status and housing collected across both studies indicate that LGBTQ people belong to many of those hard-to-count groups identified by the Bureau, and that disparities exist when comparing LGBT people to the U.S. general population in those contexts. For example, we found evidence of housing instability among LGBTQ people using these data, with 15.2% of all LGBTQ respondents reporting moving residences three or more times in a two-year period.³⁵ Additionally, we found that 16.9% of non-transgender sexual minority adults reported experiencing homelessness in their lifetimes, compared to 6.2% of the general population.³⁶

Other studies have similarly found indicators that LGBT populations are disproportionately represented among those hard-to-count groups. For example, data from the largest community survey of transgender adults in the U.S. to date show that approximately 30% of transgender adults report experiencing homelessness in their lifetimes.³⁷ An analysis of data collected through the 2019 National Survey on Drug Use and Health found that gay, lesbian, and bisexual people were 2.25 times as likely to have been arrested in the past twelve months than

³¹ U.S. CENSUS BUREAU, COUNTING THE HARD TO COUNT IN A CENSUS (2019), <https://www.census.gov/content/dam/Census/library/working-papers/2019/demo/Hard-to-Count-Populations-Brief.pdf>.

³² See *supra* notes 11–12 and accompanying text.

³³ Consistent with the literature on sexual and gender minority people, “LGBTQ”—with the Q representing questioning or queer—is often used to capture individuals, generally youth, who identify their SOGI using such terms, including those whose identities are less developed or more fluid. Certainly, adults question their SOGI and can identify as queer. See, e.g., *6% of Non-Transgender Sexual Minority Adults in the US Identify as Queer*, WILLIAMS INST. (Jan. 22, 2020), <https://williamsinstitute.law.ucla.edu/press/sexual-minority-queer-press-release>. However, few studies relevant to this comment include measures to allow for the identification and analysis of LGBT adults who specifically identify as queer or questioning; hence, we generally use “LGBT” when discussing sexual and gender minority adults unless supported by the underlying study.

³⁴ ILAN H. MEYER, BIANCA D.M. WILSON & KATHRYN O’NEILL, WILLIAMS INST., LGBT PEOPLE IN THE US: SELECT FINDINGS FROM THE GENERATIONS AND TRANSPop STUDIES 1 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Generations-TransPop-Toplines-Jun-2021.pdf>.

³⁵ *Id.* at 11.

³⁶ BIANCA D.M. WILSON, SOON KYU CHOI, GARY W. HARPER, MARGUERITA LIGHTFOOT, STEPHEN RUSSELL & ILAN H. MEYER, WILLIAMS INST., HOMELESSNESS AMONG LGBT ADULTS IN THE US 5 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.

³⁷ KATHRYN O’NEILL, BIANCA D.M. WILSON & JODY L. HERMAN, WILLIAMS INST., HOMELESS SHELTER ACCESS AMONG TRANSGENDER ADULTS: FINDINGS FROM THE 2015 U.S. TRANSGENDER SURVEY 2 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Homeless-Shelter-Nov-2011.pdf>.

heterosexual people.³⁸ Likewise, Williams Institute scholars found in a study on system involvement that among those who are incarcerated, the percentage of women who are LBQ is 10 times higher than the proportion of LBQ women in the general population.³⁹

Institute scholars have also previously produced estimates on rates of homeownership among the LGBT community, with our findings suggesting that LGBT people are more likely to be renters than non-LGBT people. Using nationally representative data on household composition and homeownership collected through the American Community Survey collected between 2015 and 2017, we found that “63.8% of same-sex couples reported owning their home (with an additional 0.5% under contract), compared with 75.1% of different-sex couples. Among those who owned their homes, same-sex couples were more likely than different-sex couples to be carrying a mortgage (77% vs. 68.2%, respectively).”⁴⁰ According to our separate analysis of representative data from 35 states, nearly half (49.8%) of LGBT adults own their homes, compared to 70.1% of non-LGBT adults.⁴¹

Finally, using data from the nationally representative Access to Higher Education Survey, we recently found that three in five (58.3%) LGBTQ people ages 18–40 attended a four-year college at some point in their lives, with LGBTQ people being four times more likely than non-LGBTQ people to pick a college away from home to seek a more welcoming climate (21.5% vs. 4.8%, respectively).⁴²

2. Research on Inclusion of LGBT People

The Bureau is likely to encounter many of the same barriers in attempting to reach LGBT respondents as it would those who are not LGBT, and should conduct research on how it might employ strategies used for all respondents in tandem with those targeted toward LGBT people as informed by studies on the experiences of LGBT populations in particular settings. For example, historically the Bureau has relied on community partners like homelessness continuums of care (“CoCs”) in ensuring certain hard-to-count populations can be reached for the decennial census.⁴³ However, homeless LGBT people have in the past reported being asked to leave

³⁸ Alexi Jones, *Visualizing the Unequal Treatment of LGBTQ People in the Criminal Justice System*, PRISON POL’Y INITIATIVE (Mar. 2, 2021), <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>.

³⁹ BIANCA D.M. WILSON & LAUREN J.A. BOUTON, WILLIAMS INST., SYSTEM INVOLVEMENT AMONG LBQ GIRLS AND WOMEN 5 (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LBQ-System-Involvement-Apr-2022.pdf>.

⁴⁰ ADAM P. ROMERO, SHOSHANA K. GOLDBERG & LUIS A. VASQUEZ, WILLIAMS INST., LGBT PEOPLE AND HOUSING AFFORDABILITY, DISCRIMINATION, AND HOMELESSNESS 12 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>.

⁴¹ KERITH CONRON, WILLIAMS INST., FINANCIAL SERVICES AND THE LGBTQ+ COMMUNITY: A REVIEW OF DISCRIMINATION IN LENDING AND HOUSING. TESTIMONY BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS 2 (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Testimony-US-House-Financial-Services-Oct-2019.pdf>.

⁴² KATHRYN K. O’NEILL, KERITH J. CONRON, ABBIE E. GOLDBERG & RUBEEN GUARDADO, WILLIAMS INST., EXPERIENCES OF LGBTQ PEOPLE IN FOUR-YEAR COLLEGES AND GRADUATE PROGRAMS 11, (2022), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-College-Grad-School-May-2022.pdf>.

⁴³ U.S. CENSUS BUREAU, HOW THE 2020 CENSUS COUNTS PEOPLE EXPERIENCING HOMELESSNESS (2020), <https://www.census.gov/content/dam/Census/library/factsheets/2020/dec/census-counts-homeless.pdf>.

shelters after revealing their SOGI,⁴⁴ which may in turn be contributing to observed patterns of unsheltered homelessness among LGBT populations in the U.S.⁴⁵ and therefore to challenges in using CoCs to reach those individuals specifically. Likewise, our data on higher education suggest LGBT people are more likely than non-LGBT people to live in a Group Quarters setting while in school where, as seen through the 2020 Census, challenges can arise that might lead to their complete exclusion from the counting process.⁴⁶

The Bureau’s research on how to effectively contact and empower individuals to respond to the census themselves should occur across all settings, and in particular those where the Bureau frequently turns to partners like CoCs and/or some form of proxy reporting, such as the use of landlords and neighbors or other designee, to obtain a measure of response or otherwise leave individuals uncounted.⁴⁷ As part of its work for the 2030 Census, the Bureau might consider organizing a convening of experts on sampling to review the current state of research and consider promising means for reaching hard-to-count populations moving forward. We write to suggest that such a convening occur, and that it include experts on LGBT people and a consideration of the decades of existing research on those populations and past successful efforts to ensure their meaningful participation in government data collections.

Thank you for your consideration. Please direct any correspondence, including questions, to vasquezl@law.ucla.edu.

Respectfully submitted,

Luis A. Vasquez, J.D.
Staff Attorney
The Williams Institute
UCLA School of Law

⁴⁴ See generally ROMERO, GOLDBERG & VASQUEZ, *supra* note 40, at 18.

⁴⁵ See generally MEGHAN HENRY ET AL., U.S. DEP’T OF HOUSING & URBAN DEVELOPMENT, THE 2021 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS – PART 1: POINT-IN-TIME ESTIMATES OF HOMELESSNESS, FEBRUARY 2022 (2022), <https://www.huduser.gov/portal/sites/default/files/pdf/2021-AHAR-Part-1.pdf>; MEGHAN HENRY ET AL., U.S. DEP’T OF HOUSING & URBAN DEVELOPMENT, THE 2020 ANNUAL HOMELESS ASSESSMENT REPORT (AHAR) TO CONGRESS – PART 1: POINT-IN-TIME ESTIMATES OF HOMELESSNESS, JANUARY 2021 (2021), <https://www.huduser.gov/portal/sites/default/files/pdf/2020-AHAR-Part-1.pdf>.

⁴⁶ U.S. Gov’t Accountability Off., GAO-21-478, *2020 Census: Innovations Helped with Implementation, but Bureau Can Do More to Realize Future Benefits* 18 (2021), <https://www.gao.gov/assets/gao-21-478.pdf> (noting that due to incomplete cases within Group Quarters (“GQ”) settings, “for the first time in a census, [the Bureau] would impute, or statistically derive, some GQs that remain[ed] unresolved with a zero population count, introducing another source of uncertainty in the quality of data for these GQs.”); see also U.S. Gov’t Accountability Off., GAO-22-104357, *2020 Census: Lessons Learned from Planning and Implementing the 2020 Census Offer Insights to Support 2030 Preparations* 7 (2022), <https://www.gao.gov/assets/gao-22-104357.pdf> (noting challenges with the Bureau’s new eResponse option for enumeration within GQs, with “facility administrators ha[ving] trouble completing the eResponse templates accurately, such as in cases where facility administrators had difficulty submitting data to cover multiple facilities.”).

⁴⁷ U.S. Gov’t Accountability Off., GAO-21-365, *Decennial Census: Bureau Should Assess Significant Data Collection Challenges as It Undertakes Planning for 2030* 8–9 (2021), <https://www.gao.gov/assets/gao-21-365.pdf>.

Christy Mallory, J.D.
Legal Director and Daniel H. Renberg Senior Scholar of Law
The Williams Institute
UCLA School of Law

Kerith J. Conron, ScD, MPH
Blachford-Cooper Distinguished Scholar and Research Director
The Williams Institute
UCLA School of Law

Todd Brower, LL.M., J.D.
Judicial Education Director
The Williams Institute
UCLA School of Law
Professor of Law
Western State College of Law

Cary Franklin, D.Phil., J.D.
McDonald/Wright Chair of Law and Faculty Director
The Williams Institute
The Center on Reproductive Health, Law, and Policy
UCLA School of Law

Ilan H. Meyer, Ph.D.
Williams Distinguished Senior Scholar of Public Policy
The Williams Institute
UCLA School of Law

Elana Redfield, J.D.
Federal Policy Director
The Williams Institute
UCLA School of Law

Jody L. Herman, Ph.D.
Reid Rasmussen Senior Scholar of Public Policy
The Williams Institute
UCLA School of Law

Kathryn K. O'Neill, M.P.P.
Peter J. Cooper Public Policy Fellow
The Williams Institute
UCLA School of Law