

July 23, 2021

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Department PRA Clearance Officer
Office of the Chief Information Officer
U.S. Department of Commerce
Submitted via *email*

RE: Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Household Pulse Survey (OMB Control No. 0607-1013)

To Whom It May Concern:

We are grateful for the opportunity to provide comments to the Department of Commerce (the “Department”) on its proposed revisions to the Household Pulse Survey. *See* 86 Fed. Reg. 33,214 (June 24, 2021).

The undersigned are scholars affiliated with the Williams Institute, a center at the UCLA School of Law dedicated to conducting rigorous and independent research on sexual orientation and gender identity (“SOGI”), including on disparities experienced by 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 data collection on the U.S. population. These efforts include producing widely-cited best practices for the collection of SOGI information on population-based surveys.¹

In February of this year, we wrote the Department to discuss the importance and feasibility of including SOGI measures on the Household Pulse Survey and other surveys it conducts that monitor the impacts of the COVID-19 pandemic.² More specifically, we noted there that research conducted prior to the pandemic indicates that LGBT people are particularly vulnerable to the health and economic impacts of the pandemic,³ and similarly noted that

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 *See* Williams Institute Scholars, Comment Letter on Proposed Revisions to the Household Pulse Survey (Feb. 26, 2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Comment-DOC-COVID-Mar-2021.pdf>.

³ *See, e.g.*, Kevin C. Heslin & Jeffrey E. Hall, *Sexual Orientation Disparities in Risk Factors for Adverse COVID-19-Related Outcomes, by Race/Ethnicity—Behavioral Risk Factor Surveillance System, United States, 2017-2019*, 70 MORBIDITY & MORTALITY WKLY. REP. 149 (2021), <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7005a1-H.pdf>; CHARLIE WHITTINGTON, KATALINA HADFIELD, & CARINA CALDERÓN, HUMAN RIGHTS CAMPAIGN FOUNDATION, THE LIVES & LIVELIHOODS OF MANY IN THE LGBTQ COMMUNITY ARE AT-RISK AMIDST THE COVID-19 CRISIS (2020), https://assets2.hrc.org/files/assets/resources/COVID19-IssueBrief-032020-FINAL.pdf?_ga=2.94294430.205881203.1588012193-590966580.1588012193.

available data from private sources indicate that the pandemic has indeed had such impacts on LGBT people.⁴

We estimate that there are nearly 13 million LGBT people ages 13 and older living in the United States,⁵ including approximately 11 million adults (4.5% of the U.S. adult population).⁶ However, as administered thus far, the Household Pulse Survey excludes SOGI measures from the demographic data it collects from respondents. Other federal data collections related to COVID-19 do the same. As a result, it has been impossible to track the impact of the pandemic on the millions of LGBT people in the United States using federal data, despite these sources otherwise serving as invaluable resources on the impacts of the pandemic on many Americans' employment, income loss, food and housing security, mental health and access to health care, and educational outcomes. And, in particular, despite the Household Pulse Survey existing specifically to provide "near real-time data" intended to "guid[e] the response and recovery from the pandemic."⁷

Through its most recent proposal, the Department has added SOGI measures onto the Household Pulse Survey questionnaire, specifically questions on sex assigned at birth, current gender identity, and sexual orientation.⁸ Therefore, here we write to commend the Department for its addition of these SOGI measures to the Household Pulse Survey, and to provide recently-published research in continued support of same.

I. Economic, Health, and Other Disparities Facing LGBT People Prior to the COVID-19 Pandemic

As indicated across our research, LGBT people—and particularly LGBT people of color—have consistently reported economic, health, and other disparities when compared to their cisgender, heterosexual peers, well before the COVID-19 pandemic.⁹ These disparities in turn have likely left many LGBT people vulnerable to the impacts of the pandemic.

⁴ See, e.g., HUMAN RIGHTS CAMPAIGN FOUNDATION & PSB RESEARCH, THE ECONOMIC IMPACT OF COVID-19 INTENSIFIES FOR TRANSGENDER AND LGBTQ COMMUNITIES OF COLOR (2021), <https://assets2.hrc.org/files/assets/resources/COVID19-EconImpact-Trans-POC-061520.pdf>; MOVEMENT ADVANCEMENT PROJECT, THE DISPROPORTIONATE IMPACTS OF COVID-19 ON LGBTQ HOUSEHOLDS IN THE US: RESULTS FROM A JULY/AUGUST 2020 NATIONAL POLL (2020), <https://www.lgbtmap.org/file/2020-covid-lgbtq-households-report.pdf>. Research conducted by the Williams Institute on this subject is discussed in full *infra* Part II.

⁵ KERITH J. CONRON & SHOSHANA K. GOLDBERG, WILLIAMS INST., LGBT PEOPLE IN THE US NOT PROTECTED BY STATE NON-DISCRIMINATION STATUTES 1 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-ND-Protections-Update-Apr-2020.pdf>.

⁶ 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>. More recent data collected by Gallup following our study indicate that this percentage has risen to 5.6% of the U.S. adult population. Jeffrey M. Jones, *LGBT Identification Rises to 5.6% in Latest U.S. Estimate*, GALLUP (Feb. 24, 2021), <https://news.gallup.com/poll/329708/lgbt-identification-rises-latest-estimate.aspx>.

⁷ OMB INFORMATION COLLECTION REQUEST, SUPPORTING STATEMENT A FOR HOUSEHOLD PULSE SURVEY DURING THE CORONAVIRUS PANDEMIC, OMB CONTROL NUMBER 0607-1013, U.S. DEP'T OF COMMERCE, U.S. CENSUS BUREAU, <https://omb.report/icr/202106-0607-003/doc/112480000>.

⁸ PART A, ATTACHMENT A - PHASE 3.2 HOUSEHOLD PULSE SURVEY QUESTIONNAIRE, U.S. DEP'T OF COMMERCE, U.S. CENSUS BUREAU, <https://omb.report/icr/202106-0607-003/doc/112489900>.

⁹ See e.g., ADAM P. ROMERO, SHOSHANA K. GOLDBERG, & LUIS A. VASQUEZ, WILLIAMS INST., LGBT PEOPLE AND HOUSING AFFORDABILITY, DISCRIMINATION, AND HOMELESSNESS (2020), <https://williamsinstitute.law.ucla.edu/wp->

The Williams Institute recently developed the first LGBTQ¹⁰ population-based national dataset for the United States, developed through our Generations and TransPop studies on sexual and gender minority people, respectively.¹¹ Using these data, we found that LGBTQ people prior to the pandemic were more likely to report unemployment when compared to the national average (8.1% of LGBTQ people vs. 4.1% of all people nationally at the end of 2017).¹² Similarly, LBQ cisgender women (48.3%) and transgender people (47.7%) were more likely than GBQ cisgender men (31.5%) to be living in a low-income household, with all three groups reporting rates higher than that of the general U.S. population (30.4%).¹³ Additionally, we found that 16.9% of non-transgender sexual minority adults report having experienced homelessness in their lifetimes, compared to 6.2% of the general population.¹⁴ LGBTQ people reported experiencing a number of stressful events in the year prior to the survey, including 29.4% who reported a “major financial crisis,” declaring bankruptcy, or being unable to pay bills on time more than once.¹⁵ Finally, 39% percent of transgender people, 32% of LBQ cisgender women, and 18% of GBQ cisgender men reported having symptoms consistent with serious mental illness, including depression, anxiety, and substance use disorders.¹⁶

Of course, these data offer only a limited view of the disparities faced by LGBT people relevant to their experiences during the pandemic. For example, in past studies, we’ve found that LGBT people consistently report high rates of food insecurity (26.7%), in particular among

[content/uploads/LGBT-Housing-Apr-2020.pdf](#) (summarizing existing research on LGBT people and their experiences with housing-related discrimination and insecurity, including homelessness); 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* (2019), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/National-LGBT-Poverty-Oct-2019.pdf> (estimating that LGBT people are more likely to report experiencing poverty than their cisgender, heterosexual counterparts, based on data from 35 states collected by the Centers for Disease Control and Prevention).

¹⁰ 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.

¹¹ ILAN H. MEYER, BIANCA D.M. WILSON, & KATHRYN O’NEILL, WILLIAMS INST., *LGBTQ 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>.

¹² *Id.* at 11.

¹³ *Id.* at 10–11.

¹⁴ BIANCA D.M. WILSON, SOON KYU CHOI, GARY W. HARPER, MARGUERITA LIGHTFOOT, STEPHEN RUSSELL, & ILAN H. MEYER, WILLIAMS INST., *HOMELESS AMONG LGBT ADULTS IN THE US 2* (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>. Similarly, data from the largest community survey of transgender adults in the United States to date indicate that approximate 30% of transgender adults have experienced homelessness in their lifetimes. 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>.

¹⁵ MEYER, WILSON, & O’NEILL, *supra* note 11, at 20.

¹⁶ *Id.* at 4.

women (30.7%) and Black (37.3%) and Latinx (31.8%) LGBT people.¹⁷ A 2020 Williams Institute report looking specifically at the transgender population found that 319,800 transgender adults in the U.S. have one or more medical conditions that put them at increased risk of serious illness related to COVID-19, including asthma (208,500), diabetes (81,100), heart disease (72,700), and HIV (74,800), and approximately 217,000 transgender adults in the U.S. are ages 65 or older.¹⁸ In addition, we found that 137,600 transgender people lack health insurance and that 450,000 had not gone to a doctor in the past year because they could not afford it.¹⁹ Finally, in a study on LGBT adults in California, we found that 361,000 were in fair or poor health overall before the pandemic began, and that many LGBT adults reported underlying health conditions that put them at increased risk of serious illness related to COVID-19, such as asthma (216,000), diabetes (114,000), and heart disease (81,000).²⁰ A significant number of LGBT people in California are ages 65 and older—an estimated 162,000 LGB and 9,000 transgender people—many of whom also suffer from asthma, heart disease, and diabetes.²¹

II. Studies on the Impact of the COVID-19 Pandemic on LGBT People

As previously reported to the Department, both state governments and private entities have begun to include SOGI measures in their surveys and other data collection activities related to COVID-19.²² However, these efforts continue to be limited in their scope—both in terms of the populations being surveyed, and the questions being asked of those populations—and in turn limit our collective ability to understand and respond to the full extent to which LGBT people are being impacted by the pandemic.

This year, the Williams Institute has published two reports based on data collected through an Ipsos-Axios survey of a nationally-representative sample of over 12,000 adults

¹⁷ BIANCA D.M. WILSON & KERITH J. CONRON, WILLIAMS INST., NATIONAL ESTIMATES OF FOOD INSECURITY: LGBT PEOPLE AND COVID-19 1–2 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-COVID19-Apr-2020.pdf>; see also BIANCA D.M. WILSON, M. V. LEE BADGETT, & ALEXANDRA-GRISSELL H. GOMEZ, WILLIAMS INST., “WE’RE STILL HUNGRY” – LIVED EXPERIENCES WITH FOOD INSECURITY AND FOOD PROGRAMS AMONG LGBT PEOPLE (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-Food-Bank-Jun-2020.pdf>.

¹⁸ JODY L. HERMAN & KATHRYN O’NEILL, WILLIAMS INST., VULNERABILITIES TO COVID-19 AMONG TRANSGENDER ADULTS IN THE U.S. 1 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-COVID19-Apr-2020.pdf>.

¹⁹ *Id.* at 2.

²⁰ KATHRYN O’NEILL, WILLIAMS INST., HEALTH VULNERABILITIES TO COVID-19 AMONG LGBT ADULTS IN CALIFORNIA 1 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-COVID-CA-Health-May-2020.pdf>.

²¹ ILAN H. MEYER & SOON KYU CHOI, WILLIAMS INST., VULNERABILITIES TO COVID-19 AMONG OLDER LGBT ADULTS IN CALIFORNIA 1–2 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Older-LGB-COVID-CA-Apr-2020.pdf>.

²² Though, notably, reporting suggests that these state governments may not be as properly equipped as the federal statistical system to implement SOGI measures and collect data during the pandemic in a manner that allows for its expeditious use. See, e.g., Brody Levesque, *LGBTQ Californians Still Missing from COVID-19 Data Collection Efforts*, L.A. BLADE (Mar. 9, 2021), <https://www.losangelesblade.com/2021/03/09/lgbtq-californians-still-missing-from-covid-19-data-collection-efforts>.

conducted between August and December 2020.²³ Our first report, looking at LGBT people in the U.S. generally, found that LGBT people of color have disproportionately experienced the health and economic impacts of COVID-19.²⁴ For example, among those who reported undergoing COVID-19 testing, an estimated 14.5% of LGBT people of color tested positive for COVID-19, compared to 7.3% of White non-LGBT people.²⁵ About one-third (32.1%) of LGBT people of color personally knew someone who died of COVID-19, compared to one-fifth of White LGBT and White non-LGBT people (21.3% and 19.8%, respectively).²⁶ In addition, LGBT respondents were more likely than non-LGBT respondents to have been laid off (12.4% vs. 7.8%) or furloughed from their jobs (14.1% vs. 9.7%), report problems affording basic household goods (23.5% vs. 16.8%), and report problems paying their rent or mortgage (19.9% vs. 11.7%).²⁷ These economic disparities were even greater when comparing LGBT people of color to White non-LGBT people: 28.7% of LGBT people of color reported having less ability to pay for household goods and 26.3% percent reported problems paying their rent or mortgage, compared to 14.2% and 8.8% of White non-LGBT people, respectively.²⁸

Our second study drawing from this dataset found that older LGBT people (ages 45 and older) are more likely to report experiencing the economic impacts of the pandemic than older non-LGBT people (ages 45 and older).²⁹ For example, older LGBT respondents were more likely than older non-LGBT respondents to have been recently laid off (10.7% vs. 5.9%) or furloughed from their jobs (13.3% vs. 9.2%), report problems affording basic household goods (20.6% vs. 14.4%), and report problems paying their rent or mortgage (14.9% vs. 8.3%).³⁰ And, consistent with our other studies, our analysis here found that race plays a role, as among those who were recently laid off, older LGBT people of color reported the highest rates (18.7%), followed by older non-LGBT people of color (7.3%), older White LGBT people, (6.3%) and finally older White non-LGBT people (4.3%).³¹ Similarly, older LGBT people of color were also significantly more likely than other groups to report that their ability to afford household goods (30.8%) and to pay their rent or mortgage (24.5%) got worse due to the pandemic—and in particular were twice as likely to report these problems as compared to older White LGBT people (15.3% and 10.0%, respectively).³²

Some private studies on the impact of COVID-19 have focused on very particular subpopulations in the U.S., including our Access to Higher Education Survey (“AHES”), which asked a nationally representative sample of adults ages 18 to 40 to report on their lifetime

²³ BRAD SEARS, KERITH J. CONRON, & ANDREW R. FLORES, WILLIAMS INST., THE IMPACT OF THE FALL 2020 COVID-19 SURGE ON LGBT PEOPLE IN THE US 1 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/COVID-LGBT-Fall-Surge-Feb-2021.pdf>.

²⁴ *Id.*

²⁵ *Id.* at 18.

²⁶ *Id.* at 20.

²⁷ *Id.* at 19.

²⁸ *Id.*

²⁹ CHRISTY MALLORY, BRAD SEARS, & ANDREW R. FLORES, WILLIAMS INST., COVID-19 AND LGBT ADULTS AGES 45 AND OLDER IN THE US 2 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/COVID-LGBT-45-May-2021.pdf>.

³⁰ *Id.* at 22.

³¹ *Id.* at 23.

³² *Id.*

experiences in schools in January and February of 2021.³³ We recently published an analysis of AHES data focused on the experiences of LGBTQ students enrolled in an institution of higher education during the pandemic, including findings that more LGBTQ students experienced a housing disruption due to the pandemic than their non-LGBTQ counterparts (30.9% v. 16.9%).³⁴ Specifically, more LGBTQ than non-LGBTQ students lost access to student housing (15.4% vs. 5.6%), moved into their own apartment (8.2% vs. 1.8%), or found shared off-campus housing (5.9% vs. 0%), with an estimated 3.0% of LGBTQ and 0.8% of non-LGBTQ students reporting having nowhere to live during the pandemic.³⁵ Consistent with our other studies, our analysis suggests that the intersection of race and SOGI can produce particular vulnerabilities among students, with over a quarter (27.7%) of LGBTQ students of color reporting that a family member had been seriously ill with COVID-19, followed by 23.1% of non-LGBTQ students of color, 17.4% of White LGBTQ students, and 10.0% of White non-LGBTQ students.³⁶ Similarly, AHES data suggests that gender minority people are experiencing disproportionate impacts from the pandemic, with transgender students being six times more likely to report having been seriously ill or hospitalized with COVID-19 than their cisgender peers (5.5% vs. 0.9%).³⁷

III. Conclusion

Federal and other efforts to address the ongoing impacts of the COVID-19 pandemic on particular marginalized or otherwise vulnerable populations are limited by the data currently being collected by the Department and other agencies, with the exclusion of SOGI measures from those collection activities likely meaning the exclusion of LGBT people from many targeted interventions. While existing private studies demonstrate that LGBT people have been disproportionately impacted by the COVID-19 pandemic across a variety of contexts and in a number of ways, the data sources on which they were based are often limited in sample size and scope—including from being conducted at only one point in time—and therefore cannot provide as comprehensive a look as compared to sources originating through the federal statistical system, including in particular the Household Pulse Survey.

We therefore commend the Department for its addition of SOGI measures to the Household Pulse Survey, and recommend that the Department continue to consider the addition of SOGI measures in its other collections related to COVID-19. The Department's specific proposal here is consistent with the recommendations of the Interagency Technical Working Group on Sexual Orientation and Gender Identity Items in the Household Pulse Survey,³⁸ which are themselves consistent with our recommendations on SOGI measures for self-administered surveys, including the use of a two-step question to measure gender identity alongside a

³³ KERITH J. CONRON, KATHRYN O'NEILL, & BRAD SEARS, WILLIAMS INST., COVID-19 AND STUDENTS IN HIGHER EDUCATION 2 (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-College-Student-COVID-May-2021.pdf>.

³⁴ *Id.* at 4.

³⁵ *Id.*

³⁶ *Id.* at 3.

³⁷ *Id.* at 2.

³⁸ INTERAGENCY TECHNICAL WORKING GROUP ON SEXUAL ORIENTATION AND GENDER IDENTITY ITEMS IN THE HOUSEHOLD PULSE SURVEY: REPORT AND RECOMMENDATIONS 3–4 (2021), <https://omb.report/icr/202106-0607-003/doc/112605500>.

confirmation question.³⁹ As such, we also write to echo the working group's call for the implementation of these measures without testing specific to the Household Pulse Survey given existing research on SOGI measure response rates.⁴⁰

Finally, we write to note our concern with potential harm to respondents of COVID-19 data collection activities due to breach of confidentiality. We urge the Department to ensure that the data are collected and reported using all appropriate privacy standards and to maintain confidentiality of respondents' medical and demographic information. Where confidentiality is breached, LGBT individuals ought to be protected from discrimination and in medical and other settings.

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

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³⁹ WILLIAMS INSTITUTE SCHOLARS, SEXUAL ORIENTATION AND GENDER IDENTITY (SOGI) ADULT MEASURES RECOMMENDATIONS FAQs 5–6 (2020), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/SOGI-Measures-FAQ-Mar-2020.pdf>.

⁴⁰ See INTERAGENCY TECHNICAL WORKING GROUP, *supra* note 38, at 5; see also *Measuring Sexual Orientation and Gender Identity Research Group*, FED. COMM. STAT. METHODOLOGY, <https://nces.ed.gov/FCSM/SOGI.asp> (last visited July 16, 2021) (compiling research reports on the implementation of SOGI measures in federal surveys).

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