

May 03, 2021

Attn: OMB Desk Officer for ACL
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Bldg., Rm. 10235
725 17th St. NW,
Washington, DC 20503
Submitted via *reginfo.gov*

**RE: Agency Information Collection Activities; Submission for OMB Review;
Public Comment Request; National Survey of Older Americans Act
Participants (OMB # 0985-0023)**

To Whom It May Concern,

We are grateful for the opportunity to provide comments to the Administration for Community Living (the “Administration”) regarding its proposed changes to the National Survey of Older Americans Act Participants information collection (the “National Survey”).¹ *See* 86 Fed. Reg. 17,153 (Apr. 01, 2021).

The undersigned are scholars affiliated with the Williams Institute, an academic research center dedicated to conducting rigorous and independent research on sexual orientation and gender identity (“SOGI”), including on disparities and discrimination facing lesbian, gay, bisexual, and transgender (“LGBT”) people. The Williams Institute has long worked with federal agencies to improve data collection on the U.S. population, including producing widely-cited best practices for the collection of SOGI information on population-based surveys.²

We write to commend the Administration for its decision to retain a question asking about respondents’ sexual orientation within the National Survey.³ In justifying its inclusion of this question, the Administration noted that LGBT people are “more likely to suffer disparities in health and access to human service organizations.”⁴ Williams Institute research has shown that LGBT older adults face unique challenges within the context of aging compared to their cisgender, heterosexual peers, including reporting worse mental and physical health outcomes; barriers to receiving formal and informal health care and social support; and experiences of

¹ ADMINISTRATION FOR COMMUNITY LIVING, APPLICATION FOR DATA COLLECTION: SUPPORTING STATEMENT FOR 15TH NATIONAL SURVEY OF OLDER AMERICANS ACT PARTICIPANTS (Apr. 01, 2021), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202103-0985-004 [hereinafter “ACL Application”].

² *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>.

³ ACL Application, *supra* note 1, at 1-15.

⁴ *Id.*

discrimination based on SOGI.⁵ As such, questions measuring SOGI among respondents to the National Survey are likely to be of increased relevance to the Administration as it works “to identify areas that may need attention at the national level.”⁶

However, the National Survey currently does not collect information about respondents’ gender identity.⁷ Approximately 217,000 transgender adults in the U.S. are age 65 or older.⁸ Research suggests that the health disparities observed when comparing LGBT older adults to their non-LGBT counterparts are particularly pronounced for those who are transgender; these include higher rates of internalized stigma and suicidal ideation among transgender people even when compared to their cisgender LGB peers.⁹ Transgender older adults also often encounter unique challenges related to health care access beyond those reported by cisgender LGB older adults.¹⁰ And, transgender people frequently report experiences with economic insecurity that likely increase their risk of poorer health outcomes. For example, a 2019 Williams Institute study found that poverty rates among transgender people were higher than those reported by cisgender heterosexual men in every age group, and were significantly higher than those reported by cisgender heterosexual women for the 35–44 (42.5% v. 21.6%) and 55–64 (25.1% v. 12.5%) age groups.¹¹ Similarly, Williams Institute research has noted high rates of food insecurity among all LGBT people,¹² including evidence of particular vulnerabilities for LGBT older adults.¹³ Our research suggests that even among LGBT people, transgender people are disproportionately likely to experience certain forms of economic insecurity: data collected between 2016 and 2019 show that 8% of transgender people experienced homelessness within the prior year, compared to 3% of cisgender LGB people and 1% of non-LGBT people.¹⁴

Finally, data collected prior to the pandemic suggest that transgender older adults are likely disproportionately vulnerable to the effects of the “ongoing health crisis older adults are

⁵ SOON KYU CHOI & ILAN H. MEYER, WILLIAMS INST., LGBT AGING: A REVIEW OF RESEARCH FINDINGS, NEEDS, AND POLICY IMPLICATIONS 0–1 (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Aging-Aug-2016.pdf>.

⁶ ACL Application, *supra* note 1, at 1-5.

⁷ *Id.* at 1-11.

⁸ ANDREW R. FLORES ET AL., WILLIAMS INST., HOW MANY ADULTS IDENTIFY AS TRANSGENDER IN THE UNITED STATES? 5 (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Adults-US-Aug-2016.pdf>.

⁹ CHOI & MEYER, *supra* note 5, at 3.

¹⁰ *Id.*

¹¹ M.V. LEE BADGETT ET AL., 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>.

¹² BIANCA D.M. WILSON & KERITH J. CONRON, WILLIAMS INST., NATIONAL ESTIMATES OF FOOD INSECURITY: LGBT PEOPLE AND COVID-19 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-COVID19-Apr-2020.pdf>; TAYLOR N.T. BROWN ET AL., WILLIAMS INST., FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY (2016), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-SNAP-July-2016.pdf>.

¹³ *See, e.g.*, BIANCA D.M. WILSON ET AL., WILLIAMS INST., “WE’RE STILL HUNGRY” LIVED EXPERIENCES WITH FOOD INSECURITY AND FOOD PROGRAMS AMONG LGBTQ PEOPLE 18 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQ-Food-Bank-Jun-2020.pdf> (noting the majority of discussions on the use of food banks to manage food insecurity were among respondents age 50 and older).

¹⁴ BIANCA D.M. WILSON ET AL., WILLIAMS INST., HOMELESSNESS AMONG LGBT ADULTS IN THE US 1 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.

experiencing as a result of COVID-19.”¹⁵ A recent Williams Institute report estimated that 137,600 transgender people lack health insurance; 450,000 transgender people had not gone to a doctor in the past year because they could not afford it; and 319,800 transgender adults had one or more medical conditions putting them at increased risk of serious illness related to COVID-19, including asthma, diabetes, heart disease, and HIV.¹⁶ A separate report highlighting health vulnerabilities among LGBT older adults in California found that a significant number of LGBT people in the state are age 65 and older—an estimated 162,000 LGB and 9,000 transgender people, many of whom also suffer from asthma, heart disease, and diabetes.¹⁷

In order to better understand the health disparities experienced by this population, we encourage the Administration’s continued consideration of questions “related to measuring sex as a non-binary construct, gender identity, and sexual orientation[.]”¹⁸ And, in particular, we express our support for the addition of questions to the National Survey that would measure whether a respondent identifies as transgender.

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

Respectfully Submitted,

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¹⁵ ACL Application, *supra* note 1, at 1-1.

¹⁶ JODY L. HERMAN & KATHRYN O’NEILL, WILLIAMS INST., VULNERABILITIES TO COVID-19 AMONG TRANSGENDER ADULTS IN THE U.S. 1–2 (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-COVID19-Apr-2020.pdf>.

¹⁷ 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>.

¹⁸ ACL Application, *supra* note 1, at 1-11.

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