



April 27, 2017

Jennifer Park
Senior Advisor to the U.S. Chief Statistician
The White House Office of Management and Budget
Office of Information and Regulatory Affairs
9th Floor
1800 G Street, NW
Washington, DC 20503

Submitted via e-mail: Race-Ethnicity@omb.eop.gov

Re: Proposals from the Federal Interagency Working Group for Revision of the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (82 FR 12242)

Dear Ms. Park:

On behalf of Lambda Legal and the undersigned 24 other organizations serving lesbian, gay, bisexual and transgender (LGBT) people and people living with HIV, please accept the following comments in response to the request for public comment on the recommendations of the Interagency Working Group (the Working Group) for Revision of the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity (Standards). Because the communities that we serve are also part of every racial and ethnic group in this country, we appreciate the opportunity to provide our views.

The March 1, 2017, *Federal Register* notice (FRN) asked for public comment on 1) Questionnaire Format and Nonresponse, 2) Classification of Middle Eastern or North African Race/Ethnicity, 3) Additional Minimum Reporting Categories, and 4) Relevance of Terminology. Because our organizations strongly support evidence-based policy making, we believe that federal, state, and local data on race and ethnicity must accurately capture the evolution of demographics in the United States. Doing so will better serve the interests of policy makers and will result in better-informed decisions about how to distribute limited public resources. For this reason, we fully support the comments submitted by our colleagues at The Leadership Conference on Civil and Human Rights, which provide comprehensive and detailed feedback on the requested topics for public comment.

We write separately to reiterate the importance of federal data collection standards that recognize the intersection of race and ethnicity with sexual orientation and gender identity. As noted in the FRN, one of the primary goals of data collection is to help “enforce civil rights laws,” including efforts to “monitor equal access to housing, education, employment opportunities, etc. for population groups that historically had experienced discrimination and differential treatment because of their race or ethnicity.” All of the undersigned groups have a strong interest in ensuring that federal data paint an accurate picture of diverse communities, including the LGBT people within them. For all of us, high quality,

accurate data that capture the diversity of our community are essential to our advocacy efforts to ensure that LGBT people “count,” both in a literal sense and in terms of policy priorities.

Particularly when trying to address discrimination, data sets that do not include sexual orientation and gender identity information are inadequate and incomplete. For example, in 2009, Lambda Legal conducted a survey, with the help of over 100 partner organizations, as part of a national Health Care Fairness Campaign. The results of this survey revealed that, whereas all LGBT people and people living with HIV experienced high levels of discrimination, in nearly every category of discrimination covered by the survey, people of color were more likely than their white counterparts to experience discrimination or substandard care.¹ A 2016 survey conducted by the National Center for Transgender Equality replicates our finding in various other aspects of life, including housing, employment, education, and public accommodations.² Simply put, race and ethnicity significantly affect the likelihood that an LGBT person will experience discrimination.³

For this reason, Lambda Legal and the undersigned organizations urge OMB, the Census Bureau, and other Departments and agencies that participate in the Working Group and collect federal data to include sexual orientation and gender identity as part of their standards for collection. It is no longer a secret that LGBT people exist in the United States. LGBT people are recognized as needing protection by federal hate crimes laws, marriage equality is the law of the land, and the Defense of Marriage Act, which previously prevented federal recognition of same-sex married couples, was struck down as unconstitutional. It is without question that LGBT people, their families, and the dynamic issues impacting their lives should be included in federal data collection efforts, especially the 2020 Census. The reality is that our communities have been largely invisible to government and researchers for generations, exacerbating misunderstanding and discrimination. It is past time to close the knowledge gaps and improve policy accordingly; collection of comprehensive, accurate data is a necessary first step.

We appreciate the opportunity to comment on the recommendations for changes to the Standards, and hope to continue participating in ongoing discussions with the OMB. Should you have any questions or

¹ Lambda Legal, *When Health Care Isn't Caring: LGBT People of Color and People of Color Living with HIV*, available at https://www.lambdalegal.org/sites/default/files/publications/downloads/whcic-insert_lgbt-people-of-color.pdf

² National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey*, available at <http://www.ustranssurvey.org/report>

³ See also Movement Advancement Project, et al., *LGBT Families of Color: Facts at a Glance*, available at <http://www.lgbtmap.org/lgbt-families-of-color-facts-at-a-glance>



if you would like to include Lambda Legal in outreach efforts, please contact Sharon McGowan, Director of Strategy, at smcgowan@lambdalegal.org.

Sincerely,

Lambda Legal
American Unity Fund
BiNet USA
Center for Black Equity
Centerlink
Equality California
Equality Federation
Family Equality Council
GLAAD
GLBTQ Legal Advocates and Defenders (GLAD)
GLMA: Health Professionals Advancing LGBT Equality
GLSEN
Human Rights Campaign
Movement Advancement Project
National Black Justice Coalition
National Center for Lesbian Rights
National Center for Transgender Equality
National Gay & Lesbian Chamber of Commerce
Outserve-SLDN
PFLAG National
Pride at Work
SAGE (Services & Advocacy for GLBT Elders)
Transgender Law Center
True Colors Fund
World Professional Association for Transgender Health (WPATH)