

How the American Community Survey Impacts LGBTQI+ Communities

Pursuant to requests from federal agencies, the U.S. Census Bureau is currently exploring ways to improve data collection on LGBTQI+ communities by adding new sexual orientation and gender identity questions to the American Community Survey (ACS).¹ Enhancing data collection on sexual orientation, gender identity, and variations in sex characteristics (SOGISC) through the ACS is vitally important for advancing LGBTQI+ equity: ACS data are used to enforce civil rights laws, drive evidence-based policymaking, and design programs and services that impact the health and well-being of LGBTQI+ and other underserved communities every day. While not yet proposed by the Census Bureau, future tests could assess measures that help identify intersex people.

AMERICAN COMMUNITY SURVEY DATA IN ACTION

FUNDING OF CRITICAL SERVICES AND PROGRAMS

ENFORCING CIVIL RIGHTS LAWS

PROMOTING DEMOCRACY

ADVANCING EQUITY

EQUITABLE ACCESS TO HEALTH CARE

ADVANCING ECONOMIC SECURITY

ENSURING EQUAL ACCESS TO HOUSING

Background: the American Community Survey

The American Community Survey (ACS) is the premier source of information on the social, economic, housing, and demographic characteristics of communities across the country, and is protected by the strongest privacy and confidentiality laws in the country. Every year, the ACS collects a vast array of data from millions of households, and these data are used to shape evidence-based policy decisions, allocate trillions of dollars in public resources that impact the daily lives of everyone in the United States, and enforce civil rights laws to protect people from discrimination. Policymakers across government as well as community leaders and businesses rely on these data to make informed decisions based on the needs of the people they serve.²

- The ACS has the strongest confidentiality protections for data collection in federal law. Your responses are treated differently from other data you may provide to a government agency.
- It is against federal law for the Census Bureau or its employees to share your personal information with anyone, including Immigration and Customs Enforcement, police, or any other government agencies. They also cannot share your information with private companies (such as your employer), landlords, or any other private or nonprofit organization — in other words, *anyone* outside of the Census Bureau directly involved in statistical data collection and processing.
- The Census Bureau can only use your responses to create general information about the population, like how many people live in your city, and statistics about age, gender, race, and disability.

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The Importance of Improving LGBTQI+ Data Collection on the ACS

Currently, the ACS only asks questions to gather information about same-sex couples living in the same household. This results in significant gaps in knowledge about the needs and experiences of the LGBTQI+ community as a whole: 5 in 6 LGBTQI+ people—such as single LGB people, transgender people, and intersex people—are not accounted for in the data that the ACS produces.³

Expanding data collection efforts to count and report on the needs and experiences of LGBTQI+ communities means that LGBTQI+ people will be better served by government policies, programs, and investments to advance equity and ensure opportunity. It also means better enforcement of our nation's civil rights laws, including those that ensure nondiscrimination in employment, housing, voting rights, and more. Importantly, because the ACS collects data at a very large scale, adding SOGISC measures would allow researchers to analyze the diversity of experiences and needs of LGBTQI+ people living at the intersection of multiple marginalized identities, including LGBTQI+ people of color and LGBTQI+ people with disabilities.

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Ensure fair federal funding allocations for critical services and programs

ACS data are used to help guide the fair allocations of roughly \$2.8 trillion in federal funding annually for vital programs and services in states, localities, and tribal governments across the nation.⁴ Federal agencies rely on this data to calculate funding for these programs, evaluate programmatic need, determine eligibility, and make operational decisions to effectively manage those programs.⁵ For example, ACS data directly impact funding for programs such as Medicare, Medicaid, Supplemental Nutrition Assistance Program (SNAP or food stamps), WIC, Section 8 Housing Choice Voucher Program, and others that LGBTQI+ and other underserved communities are more likely to rely on than non-LGBTQI+ people.⁶ Undercounting LGBTQI+ people and other underserved communities disrupts and denies the equitable allocation of resources, hindering the ability of communities to access essential services and programs that improve their health, economic security, and more.

Enforce civil rights laws and protect people from discrimination

ACS data are used by federal agencies to identify structural inequities, ensure equal opportunity, and enforce critical civil rights laws. For example, ACS data are used to help federal agencies enforce civil rights laws to eliminate and remedy unlawful discrimination in **housing**,⁷ in **employment** by private employers, employment agencies,⁸ and labor organizations, in **education** programs and activities receiving federal financial assistance,⁹ in **financial lending**, **voting rights** and more.¹⁰

Research continues to demonstrate that LGBTQI+ communities face widespread discrimination across key areas of everyday life.¹¹ Due to the intersecting oppressive influences of racism, transphobia, and ableism, transgender and intersex people, LGBTQI+ people of color, and LGBTQI+ individuals with disabilities generally report experiencing discrimination at rates higher than those of other LGBTQI+ individuals and of non-LGBTQI+ individuals.¹² The Census Bureau is engaging in research and testing to evaluate whether sexual orientation and gender identity measures can be added to the ACS because federal agencies have requested data on LGBTQI+ communities in order to fill knowledge gaps and better enforce civil rights laws to ensure LGBTQI+ people are protected from illegal discrimination.¹³

Promote democracy

Every ten years, thousands of redistricting authorities draw new districts for school boards, city councils, state legislatures, and the U.S. Congress. While the rules about how districts are drawn and who gets to make those decisions vary, data from the ACS and the decennial census are frequently used for both population counts as well as to generate demographic data about who lives in which communities. Federal and state laws help guide the redistricting process, making sure that “communities of interest” are respected and not divided when possible.

Without accurate data about where LGBTQI+ communities live, LGBTQI+ neighborhoods and communities can be divided up, weakening their ability to elect candidates who champion our issues. When LGBTQI+ people are visible and counted in the ACS, we can advocate for redistricting authorities to build district maps that keep LGBTQI+ neighborhoods and communities together, so we can leverage our political power—and redistricting authorities can’t continue to use the government to perpetuate discrimination against our community.

Advance equity for diverse communities through research, policymaking, and advocacy

The ACS is the premier source of information about the social, economic, housing, and demographic characteristics of the U.S. population. Because of its large sample size, the ACS can produce accurate, consistent, and representative data about the diversity of communities across the country, including the needs and experiences of people of color and people with disabilities. For decades data equity organizations have pushed to ensure the ACS generates quality, inclusive, and accurate data¹⁴ that can be broken down by race, ethnicity, disability, SOGISC and more to help researchers better understand the lives of those living at the intersection of multiple marginalized identities. Doing so is essential not only to support intersectional research agendas, but to advance evidence-based policies that promote equity for underserved communities, and equip advocates with better information about the communities whose needs and rights they champion.

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Ensure equitable access to health care

Research shows that discrimination, stigma, violence, and other factors significantly affect the physical, mental, and behavioral health of LGBTQI+ adults, driving disparities in health outcomes, access to health care and health insurance.¹⁵ ACS data on health insurance, demographic characteristics, and economic wellbeing help inform healthcare programs, evidence-based policies, public health research, and federal funding that directly impacts all LGBTQI+ communities.¹⁶ Whether it is where MPox vaccines should be distributed, how to equitably direct funding for community health centers that specialize in LGBTQI+ health care, or how to evaluate the impact of restrictions on access to care for transgender people, lack of high-quality data from the ACS poses a barrier to policymakers, advocates, and healthcare providers seeking to reflect the needs of our communities in those decisions.

For example, the ACS collects important information about health insurance coverage that is used to:¹⁷

- Create state and federal statistics about the percentage and characteristics of insured and uninsured populations.¹⁸
- Measure, report, and evaluate health disparities and social determinants of poor health and plan interventions to improve health equity.
- Determine eligibility criteria and encourage people to enroll in health insurance programs by enrolling in the Health Insurance Marketplace, Medicaid, and the Children's Health Insurance Program.¹⁹
- Identify vulnerable populations and address barriers and gaps in services to help community-based organizations and healthcare providers keep pace with their community's changing demographics and offer better services to meet their needs.²⁰
- Plan interventions to address rapidly evolving public health crises, such as to combat the spread of the coronavirus.²¹

Support the labor workforce and bolster economic security

Due to employment discrimination and workforce exclusion, LGBTQI+ communities have historically faced increased risk of experiencing economic insecurities, such as higher rates of poverty, unemployment, and public benefits use.²² Lack of reliable data poses a barrier to policymakers, researchers, and advocates interested in improving the economic security and labor force experiences of LGBTQI+ people. When demographic data about the economic lives of LGBTQI+ people, including for LGBTQI+ people of color and transgender people, are available through the ACS, initiatives, investments, and infrastructure can better support our communities.

For example, the ACS collects important information related to income and public benefits use that are used to:²³

- Calculate poverty status and funding formulas that determine the distribution of job training, food assistance, housing assistance, legal services and other programs to improve the economic wellbeing of communities in need.²⁴
- Assess state food assistance needs, determine eligibility, calculate participation rates, and identify gaps in services and programs that help community-based organizations decide where to locate food banks, food kitchens, and other food stamps/SNAP programs to meet the needs of local communities.²⁵
- Help communities understand whether housing is affordable and enroll eligible households in programs designed to assist them, such as Community Development Block Grant and Housing Opportunities for Persons with AIDS and other programs.²⁶

The ACS also gathers data about employment, the labor force, and occupation that are used:²⁷

- To enforce civil rights and nondiscrimination protections in employment by federal agencies, private employers, employment agencies, and labor organizations.²⁸
- By state and local agencies to identify labor surplus areas, plan workforce development programs - such as jobs fairs and training programs - and promote business opportunities.²⁹
- To map unemployment and changes in employment patterns to evaluate the impact of policies and programs aimed at creating new jobs with good wages.³⁰
- To help determine the allocation of funding to states and territories for the Mental Health Services Block Grant and the Substance Abuse Prevention and Treatment Block Grant.³¹

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Ensure equal access to housing and support affordable housing programs

LGBTQI+ people continue to experience unlawful housing discrimination, elevated rates of homelessness and other barriers to achieving safe, stable, and affordable housing.³² Enhancing ACS data on LGBTQI+ communities would help federal agencies ensure equal access to housing and help other policymakers and community-based organizations design programs and services to better support the housing needs of LGBTQI+ communities.

For example, the ACS collects information related to housing costs, rates of homeownership and rentals, and physical characteristics of housing that are used to:³³

- Enforce laws, regulations, and policies designed to eliminate discrimination in private-market housing, government programs, and society at large, such as the 1968 Fair Housing Act.
- Analyze whether adequate and affordable housing is available to residents, evaluate housing program participation, and assess the impact of policies to promote access to such housing.
- Help communities enroll eligible households in housing assistance programs and apply to programs such as the Community Development Block Grant, Housing Opportunities for Persons with AIDS, and other programs.
- Fund and allocate low-income rental assistance programs in a fair and equitable manner.³⁴

1. Federal Register, 88 (180) (2023): 64404-64407, available at <https://www.federalregister.gov/documents/2023/09/19/2023-20256/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>
2. So far, the U.S. Department of Justice (DOJ) has broadly requested the Census Bureau collect data on LGBTQI+ populations, but has been less specific about requesting ACS measures to identify intersex people. Notably, DOJ and other agencies have repeatedly stated in policy guidance that their interpretation of the Bostock decision applies equally to discrimination against individuals based on their sex characteristics, including intersex traits.
3. Caroline Medina and Lindsay Mahowald, "Collecting Data About LGBTQI+ and Other Sexual and Gender-Diverse Communities" (Washington: Center for American Progress, 2022), available at <https://www.americanprogress.org/article/collecting-data-about-lgbtqi-and-other-sexual-and-gender-diverse-communities/>
4. See U.S. Census Bureau, "Uses of decennial census programs data in federal funds distribution: fiscal year 2021," available at <https://www.census.gov/content/dam/Census/newsroom/press-kits/2023/20230614-webinar-presentation-federal-funding.pdf> (last accessed October 2023). This estimate is based on the use of Decennial Census Programs data, including data produced by the decennial census, the American Community Survey, geographic programs supporting the decennial census and ACS, and related programs such as the annual population estimates.
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11. Caroline Medina and Lindsay Mahowald, "Discrimination and Barriers to Well-Being: The State of the LGBTQI+ Community in 2022" (Washington: Center for American Progress, 2023), available at <https://www.americanprogress.org/article/discrimination-and-barriers-to-well-being-the-state-of-the-lgbtqi-community-in-2022/>
12. Ibid.
13. Lo Wang, H. & Rascoe, A. (2023, September 2024). An Annual Survey from the Census Bureau Aims for Better Data on LGBTQ+ Population, available at <https://www.wesa.fm/2023-09-24/an-annual-survey-from-the-census-bureau-aims-for-better-data-on-the-lgbtq-population>
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