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Measuring sex and gender

Measuring Sexual Orientation and Gender Identity on the American Community Survey

Note by the United States Census Bureau*

Abstract

This presentation will outline research underway at the United States Census Bureau to test sexual orientation and gender identity (SOGI) questions on the American Community Survey (ACS). Not having population-level data from a census is one of the major challenges in studying the characteristics of the LGBTQIA+ population. The ACS is the largest demographic survey conducted by the United States government, sampling 3.5 million housing units and group quarters each year, thus allowing for information for small populations. The current research will consist of both cognitive and field testing. Cognitive testing will include testing of questions in English and translation and testing of questions in Spanish. Field testing will include self-response using both paper and internet modes and examine question wording, response options and placement. One important area of research this testing will illuminate is the quality of proxy reporting of SOGI information in demographic surveys.

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I. Introduction

1. The American Community Survey (ACS) is the largest demographic survey administered by the United States government. Currently, the ACS does not collect data about sexual orientation or gender identity. Recently, the United States Census Bureau has been charged with researching the addition of these topics to the ACS. This is a unique and important challenge, and one which we undertake carefully and with great excitement.

II. Background

A. State of Sexual Orientation and Gender Identity (SOGI) Data Collection at the United States Census Bureau

2. The Census Bureau has made significant progress in recent years toward preparing to include content about sexual orientation and gender identity on our surveys. This includes engaging with LGBTQI+ stakeholders and our peers at national statistical offices in other countries. We have recently conducted knowledge sharing sessions with Statistics Canada, which included a question about gender identity on the 2021 Canadian Census. We hope to conduct similar sessions in the future with other countries who have or who are researching the possibility of including SOGI and intersex questions on their censuses or large national surveys.
3. The Census Bureau conducts quarterly meetings with SOGI advocacy and expert groups to share our progress on collecting SOGI data and to get feedback about our plans. These meetings help to ensure we are staying up-to-date on current trends and gaining buy-in from these communities about our research.
4. Staff from the Census Bureau participate in the Federal Committee on Statistical Methodology SOGI Working Group. This is an interagency group consisting of SOGI experts and interested parties from across the United States federal government. The group facilitates sharing expertise, conducting research, and discussing emerging issues related to collecting and publishing SOGI data.
5. Same-sex relationship categories have been added to the American Community Survey, the Current Population Survey, and the Survey of Income and Program Participation and were collected on the 2020 United States Census.
6. In July 2021, SOGI questions were added to the Household Pulse Survey, a survey that was created to measure the impact of the COVID-19 pandemic on different populations. This has provided valuable data for SOGI populations and also yielded important lessons learned on the implementation of this content.

B. About the American Community Survey

7. Prior to the 2010 United States Census, the United States used a two-prong approach for data collection. While most households received a short questionnaire featuring only questions about the basic demographics of each person living there and home ownership information (the “short form”), a subset of the population—around 1 in 6—received a much longer questionnaire (“the long form”). The Census long form asked more detailed questions each person, including questions about marital status, educational attainment, nativity, migration, disabilities, occupational status, and income. It also asked more detailed questions about the housing unit, such as when it was built, how many rooms it has, and the cost of utilities. This information was used to inform legislators and communities about the needs and characteristics of different communities and provided valuable

planning data for state and local governments, residents, and businesses, especially in rural areas that do not otherwise have access to such data through other means.

8. Over time, federal, state, and local governments, as well as many in the private sector, determined it would be beneficial to have updated long-form data on a more frequent basis than every 10 years. While many ideas were considered, following the 1990 Census, the Census Bureau began to develop a new approach for collecting the more detailed long-form data. The new design consisted of continuous monthly panels that would allow for data to be reported annually for larger geographic areas, and aggregated over longer periods to provide data for smaller geographic areas or sparser population groups.
9. In 2005, following the 2000 Census and after more than a decade of testing, this new effort became the American Community Survey. The ACS replaced the Census long form; the 2010 Census was the first Census in many years not to feature a long-form questionnaire. The ACS asked many of the same questions as the Census long-form, but provided data down to the county level every year for many topics, and also produced 3- and 5-year data products with increasingly more geographic and population detail. The 3-year data products have since been discontinued, but 1-year and 5-year data products are still produced annually.
10. Today, the ACS is the largest demographic survey administered by the federal government. It has an annual sample of approximately 3.5 million households, divided into 12 monthly panels. The survey is conducted via internet questionnaire, paper questionnaire, and in-person interviews. There are special enumeration operations for group quarters, remote Alaska, and tribal lands.
11. Data from the ACS are used to distribute more than \$675 billion in federal funds annually. State and local governments, communities, and businesses also use ACS data to plan and distribute funds. For many small communities, the ACS is the only detailed socioeconomic data source available. The ACS is considered an extension of the U.S. Decennial Census and remains a part of the Decennial program of operations.

C. The American Community Survey Change Process

12. There is also a very deliberate process for adding or changing content to the survey. The process begins with a request from a federal agency proposing new or changed content. Included in the request are the need for the data, the specific geographies for which the data are needed, other sources available for the data, and how frequently new data are needed.
13. Participation in the ACS is required by law, and as such, any content on the survey must have a statutory or regulatory justification. The data must also be unavailable from any other data source at the required levels of geographic and accuracy. The data must also be expected to change over time, necessitating the annual collection of the data.
14. Once a request for new or changed content is received, the Census Bureau, along with the Office of Management and Budget (OMB), will evaluate the request. If the request is deemed to meet the required criteria, it will move on the testing phase.
15. In the testing phase, all new or changed content goes through a lengthy process of qualitative and quantitative testing. Content will be cognitively tested in both English and Spanish. A large field test will be conducted for substantive changes to evaluate question performance and the effect on other questions and distributions.
16. Once testing results are available, they are reviewed by both the Census Bureau and the requesting federal agency. If the results are determined to be the best approach, public comment for the change will be solicited. A final decision taking into account all the available information is made by the

Census Bureau in consultation with OMB and the Interagency Council on Statistical Policy's Subcommittee on the ACS. If approved, the Census Bureau will begin the process to implement the change. For large changes or new content, this can be a lengthy process.

III. Testing of Sexual Orientation and Gender Identity Content on the American Community Survey

A. Request to Add SOGI Content to the ACS

17. At the end of 2022, the Census Bureau received a request from the Department of Justice (DOJ) to add SOGI content to the ACS. The request included citations of several statutes to justify the collection, including a need for data to properly enforce discrimination laws. In June 2020, the United States Supreme Court ruled in *Bostock vs Clayton County* that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because of sexual orientation or gender identity. This decision has been more broadly interpreted to also extend discrimination protections in other environments in which discrimination on the basis of sex is protected, including fair housing and education.
18. The Census Bureau and the Department of Commerce, of which the Census Bureau is a part, reviewed the request and determined that it met the strict requirements for adding content to the ACS. The Census Bureau then reached out to DOJ to determine their specific data and geographical needs. DOJ is still determining their exact needs.
19. Information required from DOJ include:
 1. Level of reporting for sexual orientation (i.e., what specific categories need to be included on data products for sexual minorities);
 2. Level of reporting for gender identity (i.e., what specific categories need to be included on data products for gender minorities);
 3. Level of geographic detail needed for data products;
 4. Level of accuracy needed for estimates;
 5. Specific concepts to be measured (e.g., gender identity versus gender expression, intersex status); and
 6. To what degree gender can replace sex information.

B. Early SOGI Testing Plans

20. While we await detailed requirements from DOJ, the Census Bureau has begun the process of planning testing to the extent possible. Cognitive testing will help inform a subsequent field test, including refining question wording, question placement, and translation issues, along with other methodological concerns.

1. Cognitive Testing

1. Cognitive testing is scheduled to begin sometime in 2023. Testing will be conducted in both English and Spanish.
2. Goals of cognitive testing may include:

- i. Evaluation of Spanish translations, especially for terms that do not easily translate into Spanish (e.g., “straight”);
- ii. Evaluation of the ability for one respondent to answer these questions for other members of their household (i.e., proxy reporting);
- iii. Mode differences between asking these questions via self-response modes versus personal interview; and
- iv. Comprehension of non-gendered relationship categories (e.g., “Child” versus “Son or daughter”), and in particular, categories that are not commonly used (e.g., “Child-in-law” or “Parent-in-law”) or are higher register (e.g., “Sibling” instead of “Brother or sister”).

2. Field Testing

3. Following the completion of cognitive testing, focus will shift to implementing a field test of the new content in 2024. Field testing would likely include two treatments to allow testing different versions of each question. A control treatment may also be needed to evaluate the effect of the new questions on the sex question. Sample sizes for each treatment will likely need to be quite large (greater than 100,000) and possibly include some degree of oversampling or stratification (e.g., urban and rural) to guarantee better inclusion of the test populations.
4. Test modes will include self-response and possibly personal interviews, depending on the allocation of test funding in fiscal year 2024. Most surveys that include SOGI content in the United States are conducted via personal interview, in which a trained interviewer asks questions to a respondent in person or over the phone. Most responses on the ACS come via self-response and via proxy interview, wherein one respondent answers questions about everyone in the household. Evaluation of these two types of collection will be a key test priority.
5. A reinterview of respondents, possibly subsampled, is also planned to help evaluate response quality. Reinterview may involve interviewing each member of a household individually instead of using a proxy technique to assess the impact of proxy interviewing on survey estimates and distributions.
6. Goals of field testing may include:
 - i. Evaluation of self-response modes versus personal interview modes;
 - ii. Evaluation of proxy interviews via reinterviews of respondents;
 - iii. Evaluation of write-in responses for “I use a different term” responses;
 - iv. Evaluation of different question designs;
 - v. Evaluation of the impact of including a gender question on the sex distribution;
 - vi. Evaluation of the item missing data rates;
 - vii. Evaluation of survey break off rates.

3. Areas of Concern for SOGI Content

7. There are several areas of concern when it comes to creating a test of SOGI content on a survey like the ACS. Chief among them is the ability of the survey to capture sex information in a manner that is consistent with how it is collected without the addition of a gender identity question. Because the ACS uses 2020 Census sex data to control survey weights, any change in distribution for the sex question relative to the 2020 Census would create problems with weighting the survey properly. Ideally, the ACS and census questions for basic demographic questions that serve as survey controls would be identical. However, because the next census does not occur until 2030 in the United States, this means until that point, we need to limit the amount of change to the sex question to the extent possible.
8. Another concern for administering SOGI questions involves the ability of proxy respondents to properly respond for the other members of their households. Due to the sensitivity of SOGI content, respondents may not always be aware of how other household members identify when it comes to sexual orientation and gender identity. Indeed, it may be unsafe for some individuals to share this kind of information with others in their households. It is incumbent upon us to prioritize the confidentiality and safety of our respondents at all times.
9. The fast evolution of terminology and concepts for SOGI minority populations can be problematic for a survey like the ACS, in which implementation of tested content can take up to three years, and up to seven years from the commencement of test design. There is a risk that by the time the content is implemented, it may no longer be able to effectively measure the populations for which we need to produce estimates. In the past, we have experienced similar challenges for content about computer usage and internet access.
10. If data about the intersex population is required, this will require extensive testing and will likely take much longer than other content to test and provide estimates. There is very little existing literature about measuring intersex populations in the United States. We know that other nations are working on this same issue, and we hope to work together to share knowledge and expertise on this topic as research progresses around the world.
11. It is unclear for purposes of discrimination if we should be measuring gender identity or gender expression, and if we need data on gender expression, to what extent this would be possible. We are unaware of any large demographic surveys that collect data about gender expression or have investigated collecting them.
12. Similarly, we are also unsure if we should be collecting data on sexual orientation or sexual behaviour/expression. Again, we are unaware of any large demographic surveys that collect data about sexual behaviour/expression or have investigated collecting them.

C. Conclusion

13. While we are excited to begin the process to collect these important data about SOGI populations and to better represent the diversity of the American people in our foremost demographic survey, we are also focused on making sure we collect the data as accurately as possible and in a way that maintains the integrity of the ACS as a descriptor of the people and communities of the United States. We are encouraged by the successes of our peer nations who have successfully measured these populations in their national surveys and censuses, and we hope to collaborate and build upon the wealth of research that exists in the international community and within the United States. We hope to have results to share in the near future as we embark upon this important work.